

## **ORDINANCE No.**

Amend contract with TriMet for \$6,571,781 to provide for enhanced upkeep and security of the Portland Transit Mall and the original Light Rail Transit Loop segment of 1<sup>st</sup> Avenue, Morrison and Yamhill Streets (Ordinance; amend Contract No. 30000826)

The City of Portland ordains:

Section 1. The Council finds:

1. TriMet and the City were partners in constructing the Portland Mall Segment of the South Corridor Light Rail Project, which brings service to the Portland Transit Mall in downtown Portland along SW/NW 5<sup>th</sup> and 6<sup>th</sup> Avenues.
2. The Transit Mall became fully operational in September 2009.
3. In August 2009, by Ordinance No. 183013, TriMet and City entered into an Agreement for Enhanced Transit Mall Upkeep Fiscal Years 2009-2014 for the Portland Transit Mall and the Light Rail Transit Loop segment.
4. The Agreement established a strategy for shared, on-going enhanced upkeep, cleaning and security to assure the long-term economic, physical and social viability of the Transit Mall.
5. The Agreement identifies scope, costs and responsibility for the additional service needed to maintain a vibrant and safe Transit Mall.
6. The original Agreement provides that it may be extended for subsequent five-year terms by mutual written agreement of the parties, under substantially similar terms and conditions.
7. In 2014, by Ordinance No. 186763, the Agreement was extended for five years through 2019.
8. The purpose of this Ordinance is to extend the Agreement for an additional five years through 2024.
9. Funding for the City's contribution towards enhanced maintenance, cleaning and security services are included in the City's proposed budget for FY 19/20.
10. The Bureau's level of confidence in the cost estimates for this Agreement is high based on the last five-year's actual costs.

NOW, THEREFORE, the Council directs:

- a. That the Director of the Portland Bureau of Transportation is hereby authorized to execute an amendment to Contract No. 30000826 with TriMet to extend the Agreement for an additional five-year term to provide for enhanced upkeep and security of the Portland Transit Mall and the LRT Loop segment, in a form similar to the Agreement attached as Exhibit A.
- b. The Mayor and the City Auditor are hereby authorized to pay from the FY 19/20 budget, accounts 8TR000000018, 9TR000001455.

Passed by the Council,

Commissioner Chloe Eudaly  
Prepared by Kathryn Levine; CB  
Date Prepared: May 10, 2019

**MARY HULL CABALLERO**  
Auditor of the City of Portland  
By

Deputy

**EXHIBIT A**  
**INTERGOVERNMENTAL AGREEMENT**  
**BETWEEN TRIMET AND CITY OF PORTLAND**  
**FOR ENHANCED TRANSIT MALL UPKEEP**  
**FOURTH AMENDMENT**

**TriMet Contract No. GH100324LE; City of Portland Contract No. 30000826**

THIS Fourth Amendment to the Enhanced Transit Mall Upkeep Agreement (“Agreement”) is entered into as of the effective date identified below the signatures to this Agreement and is between the Tri-County Metropolitan Transportation District of Oregon ("TriMet") and the City of Portland (“City”) (TriMet and City collectively are hereinafter referred to as “the Parties”). This Fourth Amendment is written to make the following changes to the Agreement. All provisions of the Agreement shall remain in effect unless modified or superseded by this Fourth Amendment.

**AGREEMENT**

1. As provided under Article V, Section 6 of the Agreement, the Parties hereby agree to extend the Agreement for a third five-year term, corresponding to fiscal years 2019-2020 through 2023-2024. The termination date of the Agreement is revised to September 30, 2024.
2. Prior versions of the Exhibits to the Agreement, corresponding to fiscal years 2014-2015 through 2018-2019, are hereby supplemented with revised versions, as listed below, corresponding to fiscal years 2019-2020 through 2023-2024, which are attached to this Fourth Amendment:
3. The Parties have been accumulating funds in a Major Maintenance account in anticipation of the need to repave the Transit Mall. In 2009, the Parties estimated that the repaving would need to occur in approximately 15 years, or 2024. With this Fourth Amendment, the Parties agree to formally convene in 2022 to begin testing the pavement on the Transit Mall and commencing design development for a capital project to repave the Transit Mall.

Exhibit Name	Date of Prior Version corresponding to FYs 14-15 through 18-19	Date of Supplemental Version corresponding to FYs 19-20 through 23-24
A. Enhanced Services, Costs and Service Levels	4/17/14	4/19/19
B. Enhanced Services Performed by the City of Portland	4/17/14	4/19/19
C. Major Maintenance Account Contributions	4/17/14	4/19/19
D. Contributions of the Parties	4/17/14	4/19/19

4. References to TriMet's Executive Director of Operations in Article IV of the Agreement are revised to TriMet's Executive Director of Engineering and Construction.

5. TriMet's Project Manager referenced in Article V, Section 5 of the Agreement is revised to:

Karen Powell  
TriMet – FM  
1800 SW 1<sup>st</sup> Avenue  
Portland, Oregon 97201  
Phone: (503) 962-2460  
Email: [powellka@trimet.org](mailto:powellka@trimet.org)

Brett Rogers  
TriMet - OPD  
4012 SE 17th Avenue  
Portland, Oregon 97202  
Phone: (503) 962-4860  
Email: [rogersb@trimet.org](mailto:rogersb@trimet.org)

6. City's Project Manager referenced in Article V, Section 5 of the Agreement is revised to:

Kathryn Levine  
PBOT Division Manager  
1120 SW 5<sup>th</sup> Ave, Suite 800  
Portland, Oregon 97204  
Phone: 503-823-7085  
Email: [kathryn.levine@portlandoregon.gov](mailto:kathryn.levine@portlandoregon.gov)

Christine Leon  
PBOT Group Manager  
1120 SW 5<sup>th</sup> Ave, Suite 800  
Portland, Oregon 97204  
Phone: 503-823-7441  
Email: [christine.leon@portlandoregon.gov](mailto:christine.leon@portlandoregon.gov)

**City of Portland**

**Tri-County Metropolitan Transportation District of Oregon**

\_\_\_\_\_  
Chris Warner, Interim Director  
Portland Bureau of Transportation

\_\_\_\_\_  
Steve Witter, Executive Director  
TriMet Engineering & Construction

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**Approved as to Form:**

**Approved as to Form:**

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
TriMet Deputy General Counsel

**TRIMET and CITY of PORTLAND  
EXHIBIT A FOR FY19-20 THROUGH FY23-24  
ENHANCED SERVICES, COSTS, AND SERVICE LEVELS**

4/19/2019

SERVICE	FY 2018-19 BUDGET BASIS	FY 2019-20 BUDGET	FY 2020-21 BUDGET	FY 2021-22 BUDGET	FY 2022-23 BUDGET	FY 2023-24 BUDGET	SERVICE LEVELS	Percent Increase Year Over Year					
								Year 1	Year 2	Year 3	Year 4	Year 5	
<b>TRANSIT MALL:</b>													
<b>CLEANING TOTAL MALL</b>	\$820,439	\$854,651	\$905,930	\$957,206	\$1,008,512	\$1,038,768	Daily litter; graffiti, debris removal; cleaning street furnishings, nightly pressure washing sidewalks (each approx. 1 time per mo.), weekly shelter pressure wash, day porter.	4.17%	6.00%	5.66%	5.36%	3.00%	
<b>SECURITY PROGRAM</b>	\$382,936	\$398,904	\$422,839	\$446,771	\$470,718	\$484,840	Daily patrol, incident response.	4.17%	6.00%	5.66%	5.36%	3.00%	
<b>STREET TREES &amp; GRATES</b>	\$54,100	\$55,182	\$56,286	\$57,411	\$58,560	\$59,731	Prune trees - three year cycle. Adjust or remove grates as required. Emergency weather response.	2.00%	2.00%	2.00%	2.00%	2.00%	
<b>PUBLIC SPACE MANAGEMENT</b>	\$84,820	\$86,516	\$88,247	\$90,012	\$91,812	\$93,648	Ten "First Mondays on the Mall" events plus holiday programming with DMI.	2.00%	2.00%	2.00%	2.00%	2.00%	
<b>PUBLIC ART</b>	\$525	\$536	\$546	\$557	\$568	\$580	Base sealing and removal of leach stains as required.	2.00%	2.00%	2.00%	2.00%	2.00%	
<b>OTHER MAINTENANCE</b>													
POLE MAINTENANCE	\$13,640	\$13,913	\$14,191	\$14,475	\$14,764	\$15,060	Annual paint touch up of all types of poles as required.	2.00%	2.00%	2.00%	2.00%	2.00%	
DRAINAGE	\$4,440	\$4,529	\$4,619	\$4,712	\$4,806	\$4,902	Inlet and trench drain cleaning - three year cycle; 1/3 mall completed each year.	2.00%	2.00%	2.00%	2.00%	2.00%	
BENCH MAINTENANCE	\$5,200	\$5,304	\$5,410	\$5,518	\$5,629	\$5,741	Cleaning, graffiti removal, and touch-up or repaint as required annually.	2.00%	2.00%	2.00%	2.00%	2.00%	
WASTE RECEPTACLES	\$8,600	\$8,772	\$8,947	\$9,126	\$9,309	\$9,495	Daily cleaning of exterior. Periodic internal pressure washing as required.	2.00%	2.00%	2.00%	2.00%	2.00%	
SIDEWALK CROW MITIGATION	\$22,000	\$22,440	\$22,889	\$23,347	\$23,814	\$24,290	Rental of equipment during crow season or participation in abatement program.	2.00%	2.00%	2.00%	2.00%	2.00%	
LANDSCAPE MAINTENANCE	\$17,200	\$16,593	\$16,925	\$17,263	\$17,609	\$17,961	Carwash fountain area, tree wells, stormwater basins as may be required, South Mall per PSU contract, other as approved by board.	-3.53%	2.00%	2.00%	2.00%	2.00%	
<b>GENERAL OPERATIONS</b>	\$154,045	\$157,126	\$160,268	\$163,474	\$166,743	\$170,078	Conduct business operations.	2.00%	2.00%	2.00%	2.00%	2.00%	
<b>CAPITAL REPL. FUND</b>	\$10,800	\$11,016	\$11,236	\$11,461	\$11,690	\$11,924	Repair/replace amenities as required.	2.00%	2.00%	2.00%	2.00%	2.00%	
<b>SUBTOTAL</b>	<b>\$1,578,745</b>	<b>\$1,635,482</b>	<b>\$1,718,334</b>	<b>\$1,801,334</b>	<b>\$1,884,534</b>	<b>\$1,937,017</b>		3.59%	5.07%	4.83%	4.62%	2.78%	
CONTINGENCY	\$10,100	\$10,302	\$10,508	\$10,718	\$10,933	\$11,151		2.00%	2.00%	2.00%	2.00%	2.00%	
<b>TRANSIT MALL SUBTOTAL</b>	<b>\$1,588,845</b>	<b>\$1,645,784</b>	<b>\$1,728,842</b>	<b>\$1,812,052</b>	<b>\$1,895,467</b>	<b>\$1,948,168</b>		3.58%	5.05%	4.81%	4.60%	2.78%	
<b>MORRISON/YAMHILL/1ST AVE:</b>													
<b>CLEANING TOTAL LOOP</b>	\$207,511	\$216,164	\$229,134	\$242,103	\$255,080	\$262,732	Daily litter; graffiti, debris removal; cleaning street furnishings, nightly pressure washing sidewalks (each approx. 1 time per mo.), weekly shelter pressure wash.	4.17%	6.00%	5.66%	5.36%	3.00%	
<b>SECURITY</b>	\$183,903	\$191,572	\$203,066	\$214,560	\$226,060	\$232,842	Daily patrol, incident response.	4.17%	6.00%	5.66%	5.36%	3.00%	
<b>SUBTOTAL</b>	<b>\$391,414</b>	<b>\$407,736</b>	<b>\$432,200</b>	<b>\$456,663</b>	<b>\$481,140</b>	<b>\$495,574</b>		4.17%	6.00%	5.66%	5.36%	3.00%	
CONTINGENCY	\$5,010	\$5,110	\$5,212	\$5,317	\$5,423	\$5,531		2.00%	2.00%	2.00%	2.00%	2.00%	
<b>MORR/YAM/1ST AVE SUBTOTAL</b>	<b>\$396,424</b>	<b>\$412,846</b>	<b>\$437,413</b>	<b>\$461,979</b>	<b>\$486,563</b>	<b>\$501,105</b>		4.14%	5.95%	5.62%	5.32%	2.99%	
<b>FISCAL YEAR</b>													
<b>TOTAL REQUIREMENTS</b>	<b>\$1,985,269</b>	<b>\$2,058,630</b>	<b>\$2,166,255</b>	<b>\$2,274,031</b>	<b>\$2,382,029</b>	<b>\$2,449,274</b>		3.70%	5.23%	4.98%	4.75%	2.82%	
<b>Third Party Cash Contributions</b>													
<b>Total City/TriMet Cash Contributions</b>	<b>\$270,994</b>	<b>\$241,139</b>	<b>\$248,374</b>	<b>\$255,825</b>	<b>\$263,500</b>	<b>\$271,405</b>		3.00%	3.00%	3.00%	3.00%	3.00%	
Retained Funds from FY17-18	\$36,878												
Clean & Safe, Inc. Cash Contributions	\$70,456	\$72,570	\$74,747	\$76,989	\$79,299	\$81,678		3.00%	3.00%	3.00%	3.00%	3.00%	
PSU Cash Contributions	\$163,660	\$168,570	\$173,627	\$178,836	\$184,201	\$189,727		3.00%	3.00%	3.00%	3.00%	3.00%	

**EXHIBIT B FOR FY19-20 THROUGH FY23-24**  
**ENHANCED SERVICES PERFORMED BY THE CITY OF PORTLAND**  
4/19/2019

SERVICE	BASIS 18-19	ESTIMATED COST 19-20	ESTIMATED COST 20-21	ESTIMATED COST 21-22	ESTIMATED COST 22-23	ESTIMATED COST 23-24	SERVICE LEVEL DESCRIPTION
<b>TRANSIT MALL</b>							
Hose Flushing *	\$380,332	\$387,939	\$395,697	\$403,611	\$411,683	\$419,917	Two nights per week (Thursday & Sunday)
Street Flushing and Sweeping *	\$125,777	\$128,293	\$130,859	\$133,476	\$136,145	\$138,868	Five nights per week
Patching	\$12,925	\$13,183	\$13,447	\$13,716	\$13,990	\$14,270	As required within 7 calendar days notice
New Traffic Signals	\$29,081	\$29,662	\$30,256	\$30,861	\$31,478	\$32,108	New City Costs due to expanded inventory
New Street Lights	\$19,956	\$20,355	\$20,762	\$21,177	\$21,601	\$22,033	New City Costs due to expanded inventory
Street Light Power	\$11,981	\$12,221	\$12,465	\$12,715	\$12,969	\$13,228	New City Costs due to expanded inventory
Planter Pots	\$169,403	\$172,791	\$176,247	\$179,772	\$183,367	\$187,034	Two seasonal plantings, watering & plant maintenance/replacement.
Service Trash Receptacles	\$0	\$0	\$0	\$0	\$0	\$0	Provide for emptying trash receptacles 6 nights/week through garbage hauler contracts
<b>MORR/YAM/1ST AVE.</b>							
Hose Flushing	\$237,706	\$242,460	\$247,309	\$252,256	\$257,301	\$262,447	Two nights per week. (Thursday & Sunday)
Street Flusing and Sweeping	\$58,640	\$59,813	\$61,009	\$62,229	\$63,474	\$64,743	Five nights/week
Service Trash Receptacles	\$0	\$0	\$0	\$0	\$0	\$0	Provide for emptying trash receptacles 6 nights/week through garbage hauler contracts
<b>TOTAL CITY SERVICES</b>	<b>\$1,045,800</b>	<b>\$1,066,716</b>	<b>\$1,088,050</b>	<b>\$1,109,811</b>	<b>\$1,132,008</b>	<b>\$1,154,648</b>	

\* These service levels are subject to the availability of funds as annually appropriated by the City Council and may vary from year to year.



**EXHIBIT D FOR FY19-20 THROUGH FY23-24  
CONTRIBUTIONS OF THE PARTIES  
4/19/2019**

**SUMMARY OF ENHANCED SERVICE REQUIREMENTS**

<b>REQUIREMENTS</b>	<b>18 - 19 BASIS</b>	<b>19 - 20</b>	<b>20 - 21</b>	<b>21 - 22</b>	<b>22 -23</b>	<b>23 -24</b>	<b>TOTALS FYs20-24</b>
ENHANCED SERVICES BY TRIMET - EXHIBIT A	\$1,985,269	\$2,058,630	\$2,166,255	\$2,274,031	\$2,382,029	\$2,449,274	\$11,330,219
ENHANCED SERVICES BY PBOT - EXHIBIT B	\$1,045,800	\$1,066,716	\$1,088,050	\$1,109,811	\$1,132,008	\$1,154,648	\$5,551,233
TRUST ACCOUNT CONTRIBUTIONS BY PBOT - EXHIBIT C	\$549,852	\$549,852	\$549,852	\$549,852	\$549,852	\$549,852	\$2,749,258
TRUST ACCOUNT CONTRIBUTIONS BY TRIMET - EXHIBIT C	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$136,590
<b>TOTAL ENHANCED SERVICE REQUIREMENTS</b>	<b>\$3,608,239</b>	<b>\$3,702,516</b>	<b>\$3,831,475</b>	<b>\$3,961,012</b>	<b>\$4,091,206</b>	<b>\$4,181,091</b>	<b>\$19,767,300</b>
LESS THIRD PARTY CASH CONTRIBUTIONS	(\$270,994)	(\$241,139)	(\$248,374)	(\$255,825)	(\$263,500)	(\$271,405)	(\$1,280,242)
<b>NET REQUIREMENTS TO BE FUNDED BY CITY AND TRIMET</b>	<b>\$3,337,245</b>	<b>\$3,461,376</b>	<b>\$3,583,101</b>	<b>\$3,705,187</b>	<b>\$3,827,707</b>	<b>\$3,909,686</b>	<b>\$18,487,058</b>

**PAYMENT DUE TRIMET FROM CITY UNDER THIS AGREEMENT**

PBOT - GTR	\$708,355	\$729,606	\$751,494	\$774,039	\$797,260	\$821,178	\$3,873,575
PBOT- Existing Meter Revenue	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$2,000,000
PARKS GF	\$135,000	\$135,000	\$135,000	\$135,000	\$135,000	\$135,000	\$675,000
PBOT Meter Rate Increase	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$5,000,000
Inflation on Operating Funds	\$107,256	\$109,723	\$112,246	\$114,828	\$117,469	\$120,171	\$574,436
<b>TOTAL CITY RESOURCES</b>	<b>\$2,350,611</b>	<b>\$2,374,328</b>	<b>\$2,398,740</b>	<b>\$2,423,866</b>	<b>\$2,449,729</b>	<b>\$2,476,348</b>	<b>\$12,123,011</b>
LESS COSTS BORNE BY CITY - EXHIBITS B AND C	(\$1,595,652)	(\$1,616,568)	(\$1,637,902)	(\$1,659,663)	(\$1,681,859)	(\$1,704,499)	(\$8,300,491)
<b>CASH PAYMENTS DUE TRIMET FROM CITY UNDER THIS AGREEMENT</b>	<b>\$754,959</b>	<b>\$757,761</b>	<b>\$760,838</b>	<b>\$764,204</b>	<b>\$767,869</b>	<b>\$771,849</b>	<b>\$3,822,521</b>
<b>NET TRIMET CONTRIBUTION REQUIRED TO FUND THIS AGREEMENT</b>	<b>\$986,634</b>	<b>\$1,087,048</b>	<b>\$1,184,361</b>	<b>\$1,281,321</b>	<b>\$1,377,978</b>	<b>\$1,433,338</b>	<b>\$6,364,046</b>

**SUMMARY OF TRIMET CONTRIBUTIONS**

Funding for PMMI Agreement	\$852,060	\$950,008	\$1,044,797	\$1,139,175	\$1,233,191	\$1,285,849	\$5,653,020
Funding of Trust Account	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$136,590
Inflation on PMMI Operating Funds	\$107,256	\$109,723	\$112,246	\$114,828	\$117,469	\$120,171	\$574,436
<b>TOTAL TRIMET CONTRIBUTION</b>	<b>\$986,634</b>	<b>\$1,087,048</b>	<b>\$1,184,361</b>	<b>\$1,281,321</b>	<b>\$1,377,978</b>	<b>\$1,433,338</b>	<b>\$6,364,046</b>

**SUMMARY OF CONTRIBUTIONS BY THIRD PARTIES**

Retained Funds from FY17-18	\$36,878						\$0
Clean & Safe, Inc. Cash Contributions	\$70,456	\$72,570	\$74,747	\$76,989	\$79,299	\$81,678	\$385,282
PSU Cash Contributions	\$163,660	\$168,570	\$173,627	\$178,836	\$184,201	\$189,727	\$894,960
<b>TOTAL NON-BUDGETED CONTRIBUTIONS</b>	<b>\$270,994</b>	<b>\$241,139</b>	<b>\$248,374</b>	<b>\$255,825</b>	<b>\$263,500</b>	<b>\$271,405</b>	<b>\$1,280,242</b>



### IMPACT STATEMENT

**Legislation title:** Amend contract with TriMet for \$6,571,781 to provide for enhanced upkeep and security of the Portland Transit Mall and the original Light Rail Transit Loop segment of 1st Avenue, Morrison and Yamhill Streets (Ordinance; amend Contract No. 30000826)

**Contact name:** Kathryn Levine, Division Manager

**Contact phone:** 503-823-7085

**Presenter name:** Kathryn Levine, Division Manager

**Purpose of proposed legislation and background information:**

- The purpose of this Ordinance is to extend the Agreement for an additional five years through 2024. The purpose of the Agreement is to assure the long-term economic, physical and social viability of the Transit Mall.

**Financial and budgetary impacts:**

- Funding for the City’s contribution towards enhanced maintenance, cleaning and security services are included in the City’s proposed budget for FY 19/20.

**Community impacts and community involvement:**

- Not continuing the enhanced maintenance and security along the Transit Mall would negatively impact transit users, businesses, employees and visitors to the central city.

### Budgetary Impact Worksheet

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 5-13-19