

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ENTERING INTO) RESOLUTION NO. 87-776
AN INTERGOVERNMENTAL AGREEMENT TO)
COMMENCE OPERATIONS OF TRANSIT) Introduced by
SERVICE ON THE JEFFERSON STREET) Councilor Jim Gardner
LINE)

WHEREAS, The Metropolitan Service District entered into an Intergovernmental Agreement with the City of Portland, City of Lake Oswego, Multnomah County and Clackamas County on December 22, 1986, to provide \$6,500 toward purchase of an option and lease of the Jefferson Street rail line; and

WHEREAS, The aforementioned agreement calls for the governmental bodies to enter into an operations agreement to provide trolley service on the line as soon as possible after acquiring the lease and option; and

WHEREAS, The option and lease agreement with the Southern Pacific Railroad was entered into in January 1987; and

WHEREAS, The City of Portland has negotiated an agreement with the Oregon Electric Railway Historical Society to operate trolley service on the Jefferson Street rail line between July 1 and December 31, 1987; and

WHEREAS, In Resolution No. 86-715 the Council of the Metropolitan Service District approved the expenditure of \$10,000 for purposes associated with entering into the prior option agreement and this operations agreement; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes the Executive Officer to enter into an Intergovernmental

Agreement which provides for operation of trolley service on the Jefferson Street rail line between July 1 and December 31, 1987, in principle as defined in Exhibit A attached.

ADOPTED by the Council of the Metropolitan Service District
this 25th day of June, 1987.


Richard Waker, Presiding Officer

g1
7461C/506-2
06/29/87

INTERGOVERNMENTAL AGREEMENT
TO OPTION AND LEASE THE JEFFERSON STREET RAIL LINE
AMENDMENT NO. 1

THIS AMENDMENT NO. 1 to the Intergovernmental Agreement to Option and Lease the Jefferson Street Rail Line is entered into by and among the CITY OF PORTLAND, OREGON (Portland), the METROPOLITAN SERVICE DISTRICT (Metro), the CITY OF LAKE OSWEGO, OREGON (Oswego), MULTNOMAH COUNTY, OREGON (Multnomah), CLACKAMAS COUNTY, OREGON (Clackamas), and THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT (Tri-Met). All such parties shall hereinafter be known as the "governmental bodies".

I. RECITALS

A. In December of 1986 the governmental bodies entered into an Intergovernmental Agreement to Option and Lease the Jefferson Street Rail Line extending from Portland to Lake Oswego.

B. Pursuant to that Intergovernmental Agreement, on January 27, 1987 Portland entered into an option to purchase the Jefferson Street Rail Line from Southern Pacific Transportation Company and a one-year lease of the line with an option to extend the lease for an additional six-month period.

C. A Local and Regional Government Advisory Committee (Advisory Committee), made up of one representative from each governmental body which entered into the Intergovernmental

Agreement, was formed to provide guidance concerning the purchase and use of the Jefferson Street Rail Line.

D. Total costs for acquiring the option and lease were estimated to be \$130,000. The participant governmental bodies contributed \$130,000 to an option fund held by the City Treasurer of Portland. The governmental bodies succeeded in reducing the estimated expenditures, so that approximately \$32,500 remains uncommitted in the option fund.

E. Additional funds are now needed to prepare the Jefferson Street Rail Line for passenger operations.

F. Metro's Council committed an additional \$3,500 to the project, which was to be delivered to the City prior to the commencement of interim operations on the line.

G. Tri-Met desires to enter into the Intergovernmental Agreement on the same terms as the other governmental bodies, to support the Jefferson Street Rail Line Project, and to contribute financially to the project.

H. Each of the other governmental bodies is willing to contribute an additional twenty percent of their previous contributions to facilitate the preparation of the line for passenger operations.

I. Tri-Met is a municipal corporation of the State of Oregon established under Chapter 267 of Oregon Revised Statutes.

NOW, THEREFORE, IT IS AGREED THAT the Intergovernmental Agreement to Option and Lease the Jefferson Street Rail Line is amended by addition of the following terms:

II. AMENDMENTS

12. By July 1, 1987 Metro shall deliver to the City Treasurer of Portland and the City Treasurer shall accept a check in the amount of \$3,500 to be added to the option fund.

13. By July 1, 1987 Tri-Met shall deliver to the City Treasurer of Portland and the City Treasurer shall accept a check in the amount of \$67,600 to be added to the option fund.

14. Tri-Met, by affixing its signature hereto, shall be a party to the Intergovernmental Agreement and shall have all rights and responsibilities accorded a party thereto. Tri-Met shall be a member of the Advisory Committee and shall be given one vote on all policy recommendations regarding the purchase and use of the right-of-way.

15. By July 1, 1987, or as soon as reasonably possible thereafter, each of the following governmental bodies other than Portland shall deliver to the City Treasurer of Portland and the City Treasurer shall accept a check in the amounts indicated below to be added to the option fund. Portland shall appropriate its share indicated below to the option fund. The additional contributions are as follows:

City of Portland	\$ 13,520
Lake Oswego	5,460
Multnomah County	2,860
Clackamas County	2,860

16. The governmental bodies hereby authorize Portland, in its capacity as representative of the governmental bodies, to

expend amounts held in the option fund for any and all costs which are in its judgment necessary to repair the Jefferson Street Rail Line and ready it for commencement of operations, including but not limited to title litigation costs, attorney fees, project management costs, repair costs, and capital improvement costs.

17. Portland shall advance up to \$25,000 out of its Bureau of Maintenance's 1986-87 budget for clearing grade crossings of the line which have been paved over. The governmental bodies agree that Portland shall be reimbursed for these expenses out of any amounts collected as damages from court judgments, settlements, or in response to demands made against property owners or others who have paved over these crossings, or to the extent such amounts are insufficient, out of funds raised from private parties from fund raising efforts. Portland understands that the other governmental bodies shall have no liability, obligation or responsibility to reimburse Portland for these expenditures out of their governmental funds or budgets and that Portland may not be reimbursed for all or a portion of these expenditures if insufficient funds are available.

18. Portland is authorized to take all other actions it deems necessary or desirable with respect to preparing the Jefferson Street Rail Line for interim rail transit operations.

19. Each governmental body hereby waives all license and permit fees, or alternatively hereby agrees to pay such fees on behalf of the City of Portland, which would otherwise be required

for the restoration and repair of the line and for preparation of the line for commencement of operations.

20. In all other respects the Intergovernmental Agreement for the Option and Lease of the Jefferson Street Rail Line, entered into by and among the governmental bodies in December of 1986, is hereby ratified and affirmed.

Dated this ____ day of June, 1987.

CITY OF PORTLAND, OREGON

APPROVED AS TO
FORM:

By _____
Commissioner of Public Works

By _____
City Attorney

By _____
City Auditor

CITY OF LAKE OSWEGO, OREGON

APPROVED AS TO
FORM:

By _____

By _____
City Attorney

By _____

MULTNOMAH COUNTY, OREGON
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO
FORM:

By _____
County Executive

By _____
County Counsel

CLACKAMAS COUNTY, OREGON

APPROVED AS TO
FORM:

By _____

By _____
County Counsel

METROPOLITAN SERVICE DISTRICT

APPROVED AS TO
FORM:

By _____
Chief Executive Officer

By _____
Attorney for
Metropolitan
Service District

TRI-COUNTY METROPOLITAN TRANSPORTATION
DISTRICT

APPROVED AS TO
FORM:

By _____

By _____
Attorney for
Tri-County
Metropolitan
Transportation
District

STAFF REPORT

Agenda Item No. 7.3

Meeting Date June 25, 1987

CONSIDERATION OF RESOLUTION NO. 87-776 FOR THE
PURPOSE OF ENTERING INTO AN INTERGOVERNMENTAL
AGREEMENT TO COMMENCE OPERATIONS OF TRANSIT
SERVICE ON THE JEFFERSON STREET RAIL LINE

Date: May 7, 1987

Presented by: Councilor Jim Gardner

FACTUAL BACKGROUND AND ANALYSIS

On December 18, 1986, the Metro Council adopted Resolution No. 86-715 authorizing the Executive Officer to enter into an Intergovernmental Agreement with the City of Portland, the City of Lake Oswego, and Multnomah and Clackamas Counties. The purpose of the agreement was to purchase a one-year option to acquire the right-of-way for the Jefferson Street rail line from Portland to Lake Oswego. The option was purchased by the governmental bodies in January 1987.

Resolution No. 86-715 also authorized the expenditure of \$10,000 to fulfill Metro's share of the total cash required to purchase the option and commence trolley operations this summer. \$6,500 was obligated in the first Intergovernmental Agreement for the option purchase, which was entered into on December 22, 1986. The attached Intergovernmental Agreement obligates the remaining \$3,500 for expenses related to repairing the rail line and for all other expenses to open the rail line for trolley service this summer. In addition, the resolution authorizes Portland to expend the remaining amount of funds (approximately \$32,000) available from the original pool of funds contributed by the five governments for costs necessary to begin trolley service this summer. These costs include repair and maintenance costs, as well as litigation costs and attorney fees.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution
No. 87-776 .

AC/gl
7461C/506-2
05/08/87



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 87-2-248 AD

BUDGET CODE NO. 10 20 00 7500 00000

FUND: Gen Fund DEPARTMENT: Admin

(IF MORE THAN ONE) - - - -

SOURCE CODE (IF REVENUE) - - - -

INSTRUCTIONS

1. OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
2. COMPLETE SUMMARY FORM.
3. IF CONTRACT IS —
 - A. SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - B. UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - C. OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - D. OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
4. PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Amendment 1 of Intergovernmental Agreement to Option & Lease the Jefferson St. Rail Line

2. TYPE OF EXPENSE

<input type="checkbox"/> PERSONAL SERVICES	<input type="checkbox"/> LABOR AND MATERIALS	<input type="checkbox"/> PROCUREMENT
<input type="checkbox"/> PASS THROUGH AGREEMENT	<input checked="" type="checkbox"/> INTER-GOVERNMENTAL AGREEMENT	<input type="checkbox"/> CONSTRUCTION
		<input type="checkbox"/> OTHER

OR

TYPE OF REVENUE GRANT CONTRACT OTHER

3. TYPE OF ACTION CHANGE IN COST CHANGE IN WORK SCOPE

CHANGE IN TIMING NEW CONTRACT

4. PARTIES Metro, Portland, Tri-Met, Mult. Co., Clack. Co., Lake Oswego

5. EFFECTIVE DATE July 1, 1987 TERMINATION DATE 12-31-87

(THIS IS A CHANGE FROM 2-26-87)

6. EXTENT OF TOTAL COMMITMENT:

ORIGINAL/NEW	\$ <u>6,500</u>
PREV. AMEND	<u> </u>
THIS AMEND	<u>3,500</u>
TOTAL	\$ <u>10,000</u>

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 1987-8 \$ 10,000

B. BUDGET LINE ITEM NAME Contractual AMOUNT APPROPRIATED FOR CONTRACT \$

C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF , 19 \$

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY <u>NA</u>	\$ <u> </u>	<input type="checkbox"/> MBE
SUBMITTED BY <u> </u>	\$ <u> </u>	<input type="checkbox"/> MBE
SUBMITTED BY <u> </u>	\$ <u> </u>	<input type="checkbox"/> MBE

9. NUMBER AND LOCATION OF ORIGINALS

10. A. APPROVED BY STATE/FEDERAL AGENCIES? YES NO NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT YES NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? YES NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? YES NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? YES NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
 YES NO
- B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
 YES DATE _____ INITIAL _____
16. COMMENTS:

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

[Signature]
 DEPARTMENT HEAD

Donald R Coe, Jr 6/12/87
 FISCAL REVIEW

[Signature] 6/12/87
 BUDGET REVIEW

CONTRACT REVIEW BOARD
 (IF REQUIRED) DATE _____

1. _____
COUNCILOR
2. _____
COUNCILOR
3. _____
COUNCILOR

COUNCIL REVIEW
 (IF REQUIRED)

DATE _____

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM _____

B. CONTRACTS OVER \$10,000 _____

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES *[Signature] 6/12*
of comments

1. Priority E-4 should be changed to read: "[Provide an opportunity for citizens to participate in decision-making processes] Structure decision-making to allow opportunity for citizen participation at significant points in the process."
2. Priority G-2 should be changed to read: "Develop a long-range, financial strategy that would address the timing and feasibility of a tax base for general fund support of Metro as well as the Zoo and libraries. An additional area[s] that could be addressed [are] is transit [and libraries]."
3. Priority G-4 should be changed to read: "Develop a Regional Economic Development [Plan] Strategy by 1988."
4. Priority G-6 should be changed to read: "Develop an Interstate Cooperation [Plan] Program by 1991."
5. Priority G-4 should be deleted.
6. Priority G-5 should be renumbered as Priority G-4.
7. Priority G-6 should be renumbered as Priority G-5.

At the end of the discussion, Councilor Kirkpatrick said she was a strong advocate of the priorities setting process and hoped the Executive and Council could start the process earlier for fiscal year 1988-89.

Motion: Councilor Cooper moved, seconded by Councilor Gardner, to adopt Resolution No. 87-771 as amended.

Vote: A vote on the motion resulted in all ten Councilor present voting aye. Councilors Collier and Ragsdale were absent.

The motion carried and the Resolution was adopted as amended.

7.3 Consideration of Resolution No. 87-776, for the Purpose of Entering into an Intergovernmental Agreement to Commence Operations of Transit Service on the Jefferson Street Rail Line

Councilor Gardner reviewed the staff report and pointed out the Council was being requested to approve the Intergovernmental Agreement in principle up to the amount of \$10,000. The Council would be granting staff the discretion of amending contract language relating to insurance and liability matters. He explained that Mr. Botteri,

Metro's Counsel, would review all contract language before the agreement was signed.

Motion: Councilor Gardner moved, seconded by Councilor Kirkpatrick, to adopt Resolution No. 87-776 with the understanding staff could amend the contract language regarding insurance and liability matters.

A discussion followed on the nature of the language being proposed to be added to the agreement. Mr. Botteri said that because this was a third party agreement, the language would be designed to protect Metro from liability arising out of accidents caused by the railroad.

Motion to Amend: Councilor Kirkpatrick moved, seconded by Councilor Gardner, to amend the "Be it Resolved" paragraph to read (language proposed to be deleted is in brackets and language proposed to be added is underlined): "That the Council of the Metropolitan Service District authorizes the Executive Officer to enter into [the attached] an Intergovernmental Agreement which provides for operation of trolley service on the Jefferson Street rail line between July 1 and December 31, 1987, in principle as defined in Exhibit "A" attached.

Vote on Motion to Amend: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Ragsdale was absent. The motion carried.

Vote on the Main Motion, as Amended: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Ragsdale was absent.

The main motion carried and Resolution No. 87-776 was adopted as amended.

7.4 Consideration of Resolution No. 87-775, for the Purpose of Authorizing an Exemption to the Public Contracting Procedure Set Out in Metro Code Section 2.04.010 et seq. for the Extension of the Clackamas Transfer & Recycling Center (CTRC) Operations Contract; and

Consideration of an Amendment to the Contract with Wastech, Inc., for Operating the CTRC

Presiding Officer Waker announced that the Council was being requested to take two separate actions: 1) adoption of Resolution No. 87-775 to exempt the CTRC operations contract extension from