

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 6668

**AUTHORIZING AN AMENDMENT TO AN INTERGOVERNMENTAL
AGREEMENT WITH THE BUREAU OF PARKS AND RECREATION
FOR DIRECTOR PARK AND ASSOCIATED STREETSAPES
IN THE AMOUNT OF \$1,500,000, FOR A TOTAL AUTHORIZED
AMOUNT OF \$4,170,000**

WHEREAS, the Portland Development Commission ("PDC") is undertaking the South Park Blocks Urban Renewal Project pursuant to an urban renewal plan adopted July 24, 1985, by the Portland City Council, by Ordinance No. 157635, as subsequently amended (the "Plan");

WHEREAS, the Plan provides for and supports improvements to promote downtown as the economic and cultural center of the metropolitan area and to support activities which provide new residential and employment opportunities;

WHEREAS, Portland Parks & Recreation ("PP&R") is the City of Portland's designated bureau for parks and recreation management and is responsible for designing and constructing a public park ("Director Park") at South Park Block 5 ("SPB5");

WHEREAS, PDC and PP&R entered into an Intergovernmental Agreement in November 2007 whereby PDC provided \$2,670,000 to PP&R for the purpose of designing and constructing Director Park and designing the Park Avenue Vision Streetscapes;

WHEREAS, this action will enable the enhanced Park Avenue Vision Streetscapes to be constructed adjacent to Director Park in the SW Park and SW 9th Avenue rights-of-way between SW Taylor and SW Yamhill Avenues, resulting in a unique plaza from building face to building face and a doubling of the perceived size of the park;

WHEREAS, this action is consistent with and implements the Park Avenue Urban Design Vision, which was accepted by the Portland City Council (Resolution 36258) in September 2004 and adopted by the PDC Board of Commissioners ("Board") in December 2004 (Resolution 6203); and

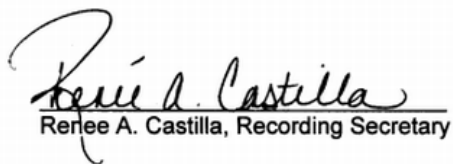
WHEREAS, this expenditure is included in the South Park Blocks Urban Renewal Area adopted FY 2008-09 budget for the development of a park and related streetscapes at SPB5.

NOW, T HEREFOR E, B E I T R E S O L V E D that the Board authorizes the Executive Director to amend an Intergovernmental Agreement ("IGA") with Portland Parks & Recreation for fiscal years 2007-08 and 2008-09 substantially in the form affixed hereto as Exhibit A specifying PDC to provide an additional \$1,500,000, for a total amount of \$4,170,000, to PP&R for the design and construction of Director Park and associated streetscapes;

BE IT FURTHER RESOLVED that the Executive Director may approve changes to the affixed IGA prior to and subsequent to execution, if such changes, in the opinion of the Executive Director and General Counsel, do not materially change PDC's obligations or risks; and

BE I T FURTHER RE SOLVED that that this resolution shall become effective immediately upon its adoption.

Adopted by the Portland Development Commission on January 29, 2009.



Renee A. Castilla
Renee A. Castilla, Recording Secretary

IGA Number: 507005

AMENDMENT No. 1

to
Intergovernmental Agreement
Between
Portland Development Commission
And
Portland Parks & Recreation
For the
South Park Block 5 and
Park Avenue Streetscape Design Project

THIS AMENDMENT No. 1 (“Amendment”) to the Intergovernmental Agreement Between Portland Development Commission and Portland Parks & Recreation for the South Park Block 5 and Park Avenue Streetscape Design Project (“IGA”) is made this _____ day of _____, 2009, by and between the parties to the IGA. All terms and conditions of the IGA not amended below remain unchanged. Capitalized terms not defined herein shall have the meaning set forth in the IGA.

RECITALS

The IGA needs to be amended to include \$1.5 million in PDC funding for the design and construction of enhanced streetscapes adjacent to South Park Block 5 (“SPB5”) as part of the Project. The enhanced streetscapes will be installed within the rights-of-way of SW Park and 9th Avenues between SW Taylor and Yamhill Streets. The Contract Signatories have the authority to execute this Amendment pursuant to Section VI.A

AGREEMENTS

The parties hereby agree to amend the IGA as follows:

I. SCOPE OF WORK

A. Background

The following paragraphs modify this section by addition:

The Portland City Council approved the name Simon and Helen Director Park (“Director Park”) on June 25, 2008 to be the official name for the park at SPB5. Jordan Schnitzer, a major funding partner of the park, proposed the name in honor of his maternal grandparents.

PP&R and the design team made several presentations of the park and related enhanced streetscape design to the Citizen Steering Committee (“CSC”) and Design Commission in 2007. Both the CSC and Design Commission expressed a preference for designing and constructing the enhanced Park Avenue Vision streetscapes immediately adjacent to Director Park, including SW Park and 9th Avenues between SW Taylor and Yamhill Streets, concurrent with the park construction as the first step towards implementing the larger enhanced streetscape vision. The purpose of this design approach is for the park to read as a unified space from building-face to building-face between SW Park and 9th Avenues, and to function as a unified space during certain festival events when the SW Park and 9th Avenues may be closed to vehicular traffic on those occasions.

In response to this public input, PP&R and PDC further investigated the design and funding options for incorporating the enhanced streetscapes into the park design through 2007 and 2008, including the preparation of 60 percent construction documents and associated cost estimates for the enhanced streetscapes. On the basis of this design, related cost estimates, and public input, PDC and PP&R, in coordination with the Portland Office of Transportation (“PDOT”) and the Portland Bureau of Environmental Services (“BES”), decided to move forward with this IGA amendment, including an additional \$1,500,000 in PDC funding to construct the enhanced streetscapes concurrent with the park construction.

The total estimated costs for Director Park and enhanced streetscapes are as follows:

Director Park	\$7,287,200
<u>Enhanced Streetscapes</u>	<u>\$2,167,300</u>
Total	\$9,454,500

Funding for Director Park and enhanced streetscapes comes from the following sources:

PDC (FY06-07 Work Order)	\$ 356,737
PDC (IGA 507005 including Amendment #1)	\$4,170,000
Jordan Schnitzer/Portland Parks Foundation	\$1,972,000
Marilyn Moyer Family Trust	\$1,000,000
Portland Parks & Recreation	\$1,000,000
City of Portland General Funds	\$ 700,000
<u>TMT Development (in lieu street payment)</u>	<u>\$ 140,000</u>
Total	\$9,338,737

Total park and streetscape costs exceed currently identified funding sources by \$115,763. PP&R will fund any costs that exceed currently identified funding sources.

Construction of Director Park began in mid 2008 and is currently underway. Prior to the addition of the enhanced streetscapes to the project, construction of the park was anticipated to be completed by May 2009. Completion of the entire project, including both the park and enhanced streetscapes, is now estimated for July 2009.

The last paragraph of Section I.A is hereby deleted.

B. Schedule of Work and Budget

The table in this section is hereby deleted and replaced in its entirety with the following table:

Plan			+Budget FY 2007-08				
Work Item	Description	Timeline Completion*	Personal Services	Materials & Services	Outside Contracts	Total PDC Budget	Other Funding Sources
A	Phase 3: South Park Block 5 Design Development	November 2007	\$23,000	\$13,000	\$196,000	\$232,000	\$0
B	Phase 4: South Park Block 5 Construction Documents	December 2007	\$49,000	\$76,000	\$271,000	\$396,000	\$0
C	Phase 5: South Park Block 5 Construction and Construction Administration	June 2008	\$37,000	\$2,130,636	\$144,000	\$522,636	\$1,789,000
	SPB5 TOTALS		\$109,000	\$2,219,636	\$611,000	\$1,150,636	\$1,789,000
D.1	Temporary Paving Workshop	August 2007	\$0	\$0	\$2,350	\$2,350	\$0
D.2	South Park Block 5 Streetscape Design	November 2007	\$0	\$0	\$40,000	\$40,000	\$0
D.3	South Park Block 5 Streetscape Engineering	March 2008	\$0	\$0	\$47,400	\$47,400	\$0
	PAV ENHANCED STREETScape TOTALS		\$0	\$0	\$89,750	\$89,750	\$0

	<u>FY 2007 – 2008 TOTALS</u>		\$109,000	\$2,219,636	\$700,750	\$1,240,386	\$1,789,000
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Plan			Proposed Budget FY 2008-09				
Work Item	Description	Timeline Completion*	Personal Services	Materials & Services	Outside Contracts	Total PDC Budget	Other Funding Sources
C	Phase 5: South Park Block 5 Construction and Construction Administration	July 2009	\$19,000	\$3,840,064	\$16,000	\$1,219,364	\$2,655,700
D	Phase 5: Enhanced Streetscapes Construction and Construction Administration	July 2009	\$0	\$1,867,300	\$210,250	\$1,710,250	\$367,300
	<u>FY 2008-2009 TOTALS</u>		\$19,000	\$5,707,364	\$226,250	\$2,929,614	\$3,023,300
	<u>FY 2007-09 IGA GRAND TOTAL</u>		\$128,000	\$7,927,000	\$927,000	\$4,170,000	\$4,812,000

III. FUNDING / COMPENSATION / ALLOWABLE COSTS

The following paragraphs are deleted in the original and replaced with the following:

- A. The Commission shall pay the Bureau a sum not to exceed **Four Million One Hundred and Seventy Thousand DOLLARS (\$4,170,000)** for accomplishment of the Schedule of Work, subject to budget authorization by the Commission.
- B. PDC funding for this project shall be from the South Park Blocks Urban Renewal Area, funds 346-10-12210.

The first sentence of the following paragraph is deleted and replaced in its entirety with the following and the remainder of the paragraph remains unchanged:

- C. The full amount of funds for fiscal years 2007-08 and 2008-09 is authorized in the current fiscal year’s budget.

Except as herein modified, all of the terms, conditions and requirements of IGA Number 507005 shall remain in full force and effect as heretofore.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives as of the date first above written.

PDC:

BUREAU:

THE CITY OF PORTLAND, a municipal corporation of the State of Oregon, acting by and through the PORTLAND DEVELOPMENT COMMISSION

By: _____
Bruce A. Warner, Executive Director

By: _____
Zari Santner, Director, Portland Parks & Recreation Bureau

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
PDC Legal Counsel

By: _____
City Attorney

PDC

PORTLAND DEVELOPMENT COMMISSION

Resolution Number 6668

Title:

AUTHORIZING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE BUREAU OF PARKS AND RECREATION FOR DIRECTOR PARK AND ASSOCIATED STREETSCAPES IN THE AMOUNT OF \$1,500,000, FOR A TOTAL AUTHORIZED AMOUNT OF \$4,170,000

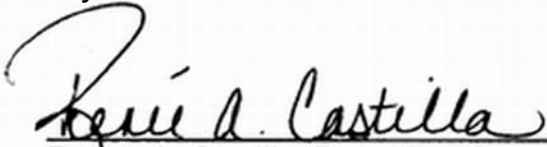
Adopted by the Portland Development Commission on January 29, 2009.

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Charles Wilhoite, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Scott Andrews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Bertha Ferrán	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Regular Agenda		

Certification

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Portland Development Commission and duly recorded in the official minutes of the meeting.


Renee A. Castilla, Recording Secretary

Date: February 20, 2009