

Ordinance No. 184232

Approve agreements with Peregrine Sports, LLC and Providence Health & Services – Oregon for the use and occupancy of a sports medical clinic at PGE Park (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. On February 3, 2010, the City Council passed Ordinance No. 183516 (as amended) which authorized the execution of a series of agreements between the City and Peregrine Sports, LLC (“Peregrine”) for the renovation and operation of PGE Park (the “Stadium”) for use as a Major League Soccer venue.
2. The Redevelopment Agreement dated March 10, 2010 was one of the agreements approved by Ordinance No. 183516 and, among other things, it authorized the design and construction of office and conference space in the Stadium for use as a sports medical clinic and related uses (the “Clinic Facility”) as part of the conversion of the Stadium into a soccer-specific venue. Section 12.10 of the Redevelopment Agreement requires City Council approval of agreements related to the use and occupancy of the Clinic Facility.
3. Ordinance No. 183516 (as amended) also approved the Stadium Operating Agreement dated March 10, 2010. Section 4.13 of the Operating Agreement contemplates that Providence Health System – Oregon, dba Providence Health and Services, an Oregon non-profit corporation (“Providence”), will occupy the Clinic Facility and requires that, as a condition to Providence’s right to occupy the Clinic Facility, it treat patients covered under the Oregon Health Plan, Medicare and/or Medicaid.
4. The PGE Park Sublicense Agreement (the “Sublicense Agreement”) between Peregrine and Providence is attached to this Ordinance and identified as Exhibit A. The Sublicense Agreement defines the terms and conditions for Providence’s use and occupancy of the Clinic Facility.
5. The Fee Recognition, Subordination, Consent, and Nondisturbance Agreement (the “NDA”) among the City, Peregrine and Providence is also attached to this Ordinance and identified as Exhibit B. This agreement provides the City’s consent to the Sublicense Agreement and defines the terms and conditions for Providence’s continued occupancy of the Clinic Facility should the Operating Agreement between the City and Peregrine be terminated at some point in the future. Section 3 of the NDA requires Providence to treat patients covered under the Oregon Health Plan, Medicare and/or Medicaid during the entire term of the Sublicense Agreement.
6. The City’s Chief Administrative Officer should be granted authority to provide administrative oversight of these agreements.

NOW, THEREFORE, the Council directs:

- a. The City Council hereby approves the Sublicense Agreement between Peregrine and Providence in substantially the form attached hereto as Exhibit A.
- b. The City Council hereby approves the NDA among the City, Peregrine and Providence, and the Mayor is hereby authorized to execute the NDA in substantially the form attached hereto as Exhibit B.
- c. The Chief Administrative Officer is granted authority to act on behalf of the City and to amend the Sublicense Agreement, the NDA, or both, provided the amendments do not substantially alter the financial provisions of these agreements.

Passed by the Council:

NOV 10 2010

Mayor Sam Adams

Prepared by: David Logsdon

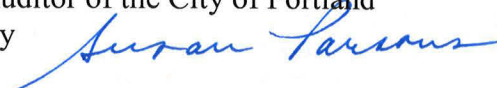
Date Prepared: October 20, 2010

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LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

1440 1473 - 1140
Agenda No.
ORDINANCE NO. 184232
Title

& Services

with
Approve agreements between the City, Peregrine Sports, LLC and Providence Health System – Oregon for the use and occupancy of a sports medical clinic at PGE Park (Ordinance)

INTRODUCED BY Commissioner/Auditor: Mayor Sam Adams	CLERK USE: DATE FILED OCT 29 2010
COMMISSIONER APPROVAL Mayor—Finance and Administration <i>Adams</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>Griffin-Valade</i> Deputy
BUREAU APPROVAL Bureau: Office of Management and Finance Bureau Head: Ken Rust <i>KR</i>	ACTION TAKEN: NOV 03 2010 PASSED TO SECOND READING NOV 10 2010 9:30 A.M.
Prepared by: David Logsdon <i>DL</i> Date Prepared: October 20, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date November 3, 2010	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 10 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	