

ORDINANCE No. 184540

Accept Waterfront Park improvements from the Portland Development Commission and assign maintenance responsibilities for the Bill Naito Legacy Fountain and Teachers Fountain to the Water Bureau. (Ordinance; amend Ordinance No. 161007)

The City of Portland ordains:

Section 1. The Council finds:

1. On May 21, 2003, City Council passed Ordinance # 36140 which allowed the City to accept the Waterfront Park Master Plan as the City's guide to the future development and management of the park.
2. On December 13, 2006, PDC adopted the Ankeny/Burnside Development Framework, a planning document that was undertaken to determine the appropriate implementation strategy to stimulate catalytic development within the Skidmore/Old Town National Historic Landmark District.
3. On June 23, 2008, Intergovernmental Agreement #30000420 between Portland Parks & Recreation and the Portland Development Commission defined the cooperative effort to design, construct and fund certain improvements to Waterfront Park. The agreement includes the transfer of the work product including improvements at the completion of the project, to the Bureau of Parks and Recreation and/or other Bureaus.
4. The extent of the improvements to be transferred are defined as: Improvements to Waterfront Park based on Construction Drawing dated 6/12/08 and BDS General Building Permit No 08-113505 CO generally consisting of hardscape, landscape, lighting, and utilities; podium shade structure; riverwall infill; seatwalls; open plaza; upper and lower water features and mechanical equipment; stone pavers on the stairs to the shade structure, the granite stairs to the overlook adjacent to the seawall and on the stadium stairs at the lower water feature; concrete unit pavers under the shade structure; expansion joint gutters and upgrade of lighting on the underside of the Burnside Bridge in Waterfront Park; and seawall viewing platform with a curved cantilevered deck, all in the vicinity of the Burnside Bridge adjacent to the BES Ankeny Pump Station.
5. On May 14, 2008, Ordinance #181828 authorized the annual transfer of \$160,000 of O&M funding for Waterfront Park Operation and Maintenance to cover the maintenance costs of these improvements in the Waterfront Park and the existing Ankeny Plaza, exceeding the annual \$40,000 revenue from the Portland Saturday Market license agreement.
6. The project has been accepted by Parks, received a Certificate of Completion and all outstanding issues have been resolved.

7. An Ordinance is now required to transfer these assets from Portland Development Commission to the City.
8. On July 1, 1988, Ordinance No 161007 provided for the transfer of assets for specific decorative fountains from the General Fund to the Water Operating Fund. This ordinance also directed the Administrators of PP&R and the Water Bureau to reach agreement regarding maintenance of the fountains and parks they are located in.
9. On May 7, 2004, Interagency Agreement #2-04 between Portland Parks & Recreation and the Portland Water Bureau further clarified the boundaries of responsibilities for maintenance purposes.
10. The June 2008 Interagency Memorandum of Understanding regarding Waterfront Park Bill Naito Legacy Fountain states the fountain will be turned over to Portland Water Bureau once all issues have been resolved between Portland Parks & Recreation and Portland Development Commission.
11. The December 18, 2007 Interagency Memorandum of Understanding addressed the review of design and construction of the Teachers Fountain in anticipation of the Water Bureau having maintenance responsibilities.
12. Portland Bureau of Parks and Recreation and Water Bureau have amended the Interagency Agreement, dated May 7, 2004, to include the Bill Naito Legacy Fountain in Waterfront Park and the Teachers Fountain at Director Park. These amendments, Exhibits A and B, define the maintenance responsibilities.
13. An ordinance is now required to transfer the assets. This allows the Portland Water Bureau to assume maintenance and repair responsibilities of those fountains and amends Ordinance 161007 by adding Bill Naito Legacy Fountain and Teachers Fountain to the list of fountains transferred to the Water Bureau.

NOW, THEREFORE, the Council directs:

- a) Acceptance of the Waterfront Park improvements from Portland Development Commission.
- b) The Water Bureau assumes responsibility for maintenance of the Bill Naito Legacy Fountain and Teachers Fountain as listed in Exhibit A and B.
- c) The Bureau of Parks and Recreation assumes responsibility for maintenance and repair of all other improvements as listed in Exhibit A and B.
- d) Portland Parks & Recreation will transfer the assets of the Bill Naito Legacy Fountain and Teachers Fountain to the Portland Water Bureau at no cost, as detailed in Exhibit A and B.

e) The Council acknowledges the need to fund the O&M costs at the time the improvements to Waterfront Park are complete and authorizes the transfer of additional O&M funding to Parks for Waterfront Park and Ankeny Plaza, currently estimated at \$173,120 (orig. \$160,000 + \$13,120 additional per O&M review of fountain responsibilities).

f) Exhibits A& B will be attached to Ordinance 161007 as an amendment to the original ordinance.

Passed by the Council: **APR 27 2011**

Commissioner Fish
Commissioner Leonard
Prepared by: Lisa Tyler:sd
March 21, 2011

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By 
Deputy

Agenda No.
ORDINANCE NO. 184540
Title

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INTRODUCED BY Commissioner/Auditor: Commissioners Fish and Leonard	CLERK USE: DATE FILED <u>APR 15 2011</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: <u>[Signature]</u>
Position 3/Affairs - Saltzman	Deputy
Position 4/Safety - Leonard	ACTION TAKEN:
BUREAU APPROVAL	APR 20 2011 PASSED TO SECOND READING APR 27 2011 9:30 A.M.
Bureau: PP&R and Water Bureau Head: Zari Santner, Parks Director and David Shaff, Water Administrator	
Prepared by: Lisa Tyler Date Prepared: March 21, 2011	
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 April 20, 2011	
✓ City Attorney Approval <u>D.H.</u>	

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

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	_____	_____
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	