

ORDINANCE No. 189719

*Authorize the Director of Portland Parks and Recreation to execute the Second Amendment to the grant agreement between Portland Parks & Recreation and the Portland Parks Foundation for the Barbara Walker Crossing Project (Ordinance; amend Contract No. 32001732)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2016, Council authorized the Bureau of Transportation (“PBOT”) to transfer \$500,000 to the Portland Parks Foundation (“PPF”) for construction of the Footbridge Over Burnside, also known as (“aka”) the “Wildwood Trail Pedestrian Bridge”, aka the “Barbara Walker Crossing,” collectively the “Bridge Project,” upon evidence that the Parks Foundation has raised the remaining funds estimated at \$2,000,000. (Ordinance 188111).
2. In 2017, Council authorized the Bureau of Parks and Recreation (PP&R) to enter into the Grant Agreement (the “Agreement”) with the PPF for the construction of the “Wildwood Trail Pedestrian Bridge”. (Ordinance 188668).
3. In 2018 Council authorized PBOT to accept a grant from Metro to provide \$200,000 for construction of the Wildwood Trail Pedestrian Bridge. (Ordinance 188962).
4. Also, in 2018, Council authorized PP&R to execute the First Amendment to the Grant Agreement, to authorize PBOT to transfer \$1,050,000 to PPF for construction of the Wildwood Trail Pedestrian Bridge. The First Amendment allowed the transfer of all grant funds, a total of \$1,050,000, from PBOT to PPF for the Bridge Project. The transferred funds included additional SDC funds and Metro grant funds. (Ordinance 189277).
5. The Project has been referred to by several titles or names in various document since the beginning of the Project, and those titles include: the Footbridge Over Burnside; the Wildwood Trail Pedestrian Bridge; and, the Barbara Walker Crossing. All of the foregoing refer to the same bridge and project, but different titles or names have been used in various documents over the years.
6. The parties now wish to amend the Agreement by this Second Amendment to include provisions regarding the following: new funding to support maintenance for the Project, specifically two grants from PPF to the City- the first in the amount of \$50,000 and the second in an amount up to \$50,000; the transfer of ownership and liability for the Bridge; the official naming of the Bridge as the “Barbara Walker Crossing”; the description of responsibilities for operations and maintenance of the Bridge and landscaping consistent with the Non-Park Use Permit (NPUP 2018-52), Public Works Permit (PBOT Job No TB0065), and Land Use Decision LU 18-144362 EN, (recorded with Multnomah County as 2019-009089); and, the extension of the term of the Agreement.

7. This Ordinance will authorize an initial transfer of \$50,000 from PPF to the City to use for maintenance of the Bridge. A second transfer of an amount up to \$50,000 to be used for maintenance of the Bridge will occur after the 2-year warranty period. The specific amount of the second transfer is unknown because the additional \$50,000 will be held in a trust account as Holdback Funds to be used during the 2-year warranty period to pay for costs incurred by PPF in the performance of warranty work. The remaining amount at the end of the 2-year warranty period will be the amount transferred to the City.

8. This ordinance will authorize the Director of PP&R to execute the Second Amendment to the Grant Agreement between PP&R and the PPF.

NOW, THEREFORE, The Council Directs:

- a. The Director of the Portland Parks & Recreation is authorized to execute the Second Amendment to the Grant Agreement Between PP&R and the Portland Parks Foundation in the form substantially similar to the attached Exhibit A which will provide the following: new funding to support maintenance for the Project, specifically a \$50,000 grant from PPF to the City; the transfer of ownership and liability for the Barbara Walker Crossing from PPF to the City of Portland; the naming of the Barbara Walker Crossing ; the description of responsibilities for operations and maintenance of landscaping and plantings consistent with the Non-Park Use Permit (NPUP 2018-52), Public Works Permit (PBOT Job No TB0065), and Land Use Decision LU 18-144362 EN, (recorded with Multnomah County as 2019-009089)(collectively attached as Exhibit B): and, the extension of the term of the Agreement which will now remain in effect through December 30, 2021. The Second Amendment will also authorize a second transfer up to \$50,000 from the Portland Parks Foundation, which will occur after the 2-year warranty period. This second transfer will reflect an amount up to \$50,000, less any expenditures incurred by the Portland Parks Foundation in the performance of warranty work.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the funding for the ongoing operations of the Portland Parks Foundation therefore, this Ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: SEP 25 2019

Commissioner Nick Fish

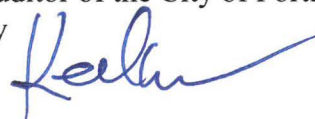
Prepared by: F. Dennis James & Robin Johnson Craig

Date Prepared: September 16, 2019

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO. 189719
 Title

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INTRODUCED BY Commissioner/Auditor: Fish	CLERK USE: DATE FILED <u>SEP 17 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish <i>[Signature]</i> Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Parks Bureau Head: Adena Long <i>[Signature]</i> Prepared by: Frank Dennis James Date Prepared: 9.9.19 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter Council Meeting Date September 25, 2019	ACTION TAKEN:

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 minutes (for presentation, testimony and discussion)	<table border="1"> <tr> <th>FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz</td> <td><i>[Signature]</i></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish</td> <td><i>[Signature]</i></td> </tr> <tr> <td>3. Hardesty</td> <td>3. Hardesty</td> <td><i>[Signature]</i></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly</td> <td><i>[Signature]</i></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler</td> <td><i>[Signature]</i></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	1. Fritz	<i>[Signature]</i>	2. Fish	2. Fish	<i>[Signature]</i>	3. Hardesty	3. Hardesty	<i>[Signature]</i>	4. Eudaly	4. Eudaly	<i>[Signature]</i>	Wheeler	Wheeler	<i>[Signature]</i>
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