



# 191038

Emergency Ordinance

## **\*Authorize contract with ELS Architecture and Urban Design, Inc. to provide site selection, programming, schematic design and land use permitting services for the North Portland Aquatic Center not to exceed \$2,304,630**

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. Portland Parks & Recreation (PP&R) promotes health, livability, and economic vitality through the effective management of the city's award-winning parks and recreation system.
2. The development of the North Portland Aquatic Center in the North Portland peninsula offers an excellent opportunity for PP&R to meet its full-service community center goal of providing equitable access to indoor aquatic programming to all Portland residents, and for implementing the *Parks 2020 Vision* goal to provide a wide variety of high-quality recreation services and opportunities for all residents.
3. The development of the North Portland Aquatic Center will provide approximately 22,000 additional households with access to indoor aquatics programming.
4. Professional, technical and/or expert (PTE) services of a firm that could provide site selection, programming, schematic design and land use permitting services is critical to the aquatic center development project. The PTE services need were advertised and solicited under the City's Request For Proposal No. 00001867, and three (3) responsive proposals were received. The selection committee reviewed and scored these proposals in accordance with PCC 5.68 and selected ELS Architecture and Urban Design, Inc. as the responsive and qualified proposer.
5. The City desires to enter into a PTE contract with ELS Architecture and Urban Design, Inc. with a not-to-exceed contract amount of \$2,304,630.35.

### Introduced by

[Commissioner Carmen Rubio](#)

### Bureau

[Parks & Recreation](#)

### Contact

Robin Johnson Craig  
Capital Project Manager

✉ [Robin.JohnsonCraig@portlandorego.gov](mailto:Robin.JohnsonCraig@portlandorego.gov)

📞 [503-823-4182](tel:503-823-4182)

### Requested Agenda Type

Regular

### Date and Time Information

<b>Requested Council Date</b>
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October 19, 2022
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<b>Time Requested</b>
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20 minutes
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6. Work performed shall include the Certification Office for Business Inclusion and Diversity (COBID) for Disadvantaged, Minority, Women, Emerging Small Business or Service-Disabled Veteran-Owned Business Enterprises (D/M/W/ESB/SDVBE) (subcontracted) firms. The aspirational participation goal for D/M/W/ESB/SDVBE utilization is 28.6% and the contractor (and its subcontractors) shall commit to making good faith efforts towards achieving the goal.
7. Sufficient funds are available in the Parks Capital Improvement Program Fund, No. P10553 and this project should be added to the PP&R's Capital Improvement Plan (CIP) Project list previously approved under Ordinance 187770 by Council on May 25, 2016.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to negotiate and enter into a PTE contract with ELS Architecture and Urban Design, Inc. for services in a form substantially similar to the standard City contract upon approval as to form by the City Attorney.
- B. The Mayor and the Auditor are hereby authorized to draw and deliver checks payable to ELS Architecture and Urban Design, Inc. chargeable to Parks Capital Improvement Program Fund when demand is presented and approved by the proper authorities.
- C. Ordinance No. 187770 approved by Council on May 25, 2016 is amended to add the North Portland Aquatic Center project to the Portland Parks & Recreation SDC CIP list as identified in Exhibit A.

Section 2. The Council declares that an emergency exists to avoid further delay in the execution of this agreement as it will adversely affect the City's ability to meet the project implementation schedule expected by the community; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

## Documents and Exhibits

 [Exhibit A](#) (139.23 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed as amended by Council  
October 19, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

### Purpose of Proposed Legislation and Background Information

Authorize the Chief Procurement Officer to execute a contract for the North Portland Aquatic Center to ELS Architecture and Urban Design. The cost based on proposals received and subsequent negotiations with the successful Proposer is \$2,304,630.35. This Ordinance will cover the site selection, programming, schematic design and land use permitting services for an indoor aquatic center in North Portland that balances the needs of the North Portland community with those of the greater region offering valued indoor aquatic amenities. This legislation does not change existing City policy.

In addition, this Ordinance will authorize the amendment of Ordinance No. 187770 approved by Council on May 25, 2016, to add the North Portland Aquatic Center project to the Portland Parks & Recreation SDC CIP list.

### Financial and Budgetary Impacts

Based on proposals received, Parks anticipates the contract cost to be \$2,304,630.35.

Funds are available in Park's Owner Cost Center P10553. Costs will be incurred during FY 2022 to FY 2024. Currently the project has \$16.7 million committed System Development Charge funding and \$15 million funding from the State Lottery Bond program. While the scope of the project is still flexible and subject to the outcome of the work of the consultant, it is understood that additional funding will be necessary to complete the ultimate scope. At this time, we estimate a \$50 million project, which would leave an approximate \$18.3 million remaining funding gap.

No positions will be created, eliminated or re-classified as a result of this legislation. The estimated ongoing costs for this project (including operations and maintenance, programming, and capital major maintenance) will be developed in conjunction with the design and programming plan. Based on similar facilities and best practices, it is expected that ongoing costs will be several million dollars. Those ongoing costs will begin to be incurred in FY 2028-29. This is beyond the window of the current 5-year Parks Local Option Levy (Parks Levy). It is expected that those costs will be borne by a successor resource to the Parks Levy as part of PP&R's Sustainable Future effort.

### Community Impacts and Community Involvement

There will be significant positive impacts of this City Council action. The development of an indoor aquatic center in the North Portland peninsula offers an excellent opportunity for Portland Parks and Recreation to meet its goal of providing equitable access to indoor aquatics amenities to all Portland residents. Based on the 2014-2018 American Community Survey (ACS)[1], the new indoor aquatic facility development will serve approximately 22,000 additional households or roughly 70,000 people: 24% people of color and 14% living below the poverty line, who currently do not have access to any indoor aquatic facilities. An aquatic center will be critical to the health and wellbeing of North Portlanders while keeping people connected to their community.

Through a robust engagement process designed with a racial equity lens we will ensure the new aquatic center is a public facility where all members of the community, regardless of backgrounds, abilities, and lifestyles, feel a strong sense of belonging and ownership.

This new aquatic center will serve all North Portland residents with a culturally specific approach to reach underserved communities who have historically been excluded from public pools or felt unwelcome in these public spaces.

With this proposal to establish the North Portland Aquatics Center, PP&R hopes to provide access and opportunities for young children and communities from diverse backgrounds to learn basic water survival skills and explore additional opportunities offered through an established aquatics community center. Access to these life skills is a racial equity issue. Black children in the United States drown at a rate three times higher than white children. Many factors contribute to this unacceptable public health outcome, including the accessibility of swim lessons.

The aquatic center will also provide a community anchor, and jobs through construction and later, recreation and programming— for adults and youth. It could meet wider exercise and recreation needs, provide space for affordable childcare, and host classes and camps.

Further, the facility could also serve as an emergency resiliency hub for situations ranging from earthquakes to extreme weather as identified by Citywide Resiliency Planning Urban Sustainability Directors Network (USDN).

The design process following this City Council action will include an extensive public outreach process. It will include a Public Advisory Committee, and at least five community gathering events in addition to a number of smaller focus group outreach events and stakeholder interviews.

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[1] American Community Survey 2014-2018 5-Year Estimates.  
<https://www.census.gov/newsroom/press-kits/2019/acs-5-year.html>

## **100% Renewable Goal**

The project will incorporate renewable energy approaches in the design. This action will increase the City's renewable energy use.

## **Budget Office Financial Impact Analysis**

This emergency ordinance authorizes the PP&R and the Chief Procurement Officer to execute a PTE contract for the North Portland Aquatics Center. Total anticipated costs of the contract are \$2.3M and the bureau has sufficient resource in its FY 2022-23 budget appropriation for these costs. Total project costs are estimated to be \$50M (Parks has committed \$16.7M in SDC and \$15M in State Lottery Board Program revenue) and the bureau as identified a current \$18.3 funding gap between existing resource and needed resource based project cost estimates. The bureau has examined four potential sources for addressing this funding gap:

1. A voter-approved ballot measure for capital funding;
2. New requests for City General Fund Discretionary allocations;
3. A campaign for private donations;
4. Internal re-allocations of the existing PP&R revenues, including GF discretionary or external revenues.

Current annual operations and maintenance costs for the future facility are not currently known but are expected to total in the millions. The funding source for ongoing operations and maintenance costs are not currently known but the bureau is incorporating these cost projections into their pursuit of a successor resource to the Parks 2020 5-year Local Option Levy.

## **Agenda Items**

### **872 Regular Agenda in October 19, 2022 Council Agenda**

Passed As Amended

Motion to amend Finding 6 to update the aspirational participation goal for Disadvantaged, Minority, Women, Emerging Small Business or Service-Disabled Veteran-Owned Business Enterprises utilization to 28.6%: Moved by Rubio and seconded by Wheeler. (Y-5)

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea