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191417

Ordinance

## Amend contract with Otak, Inc. for professional engineering services for the Springwater Wetlands Enhancement Project E07383 not to exceed \$205,928 (amend Contract 30007059)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) identified the need to improve water quality, enhance habitat, reduce flooding on private property in a historically underserved community, and support community amenities in the Lents and Powellhurst-Gilbert neighborhoods. The Springwater Wetlands Restoration Project was identified as a high priority project in the City of Portland 2021 Hazard Mitigation Action Plan, the 2018 Lents Collaborative Declaration of Cooperation, and the June 2001 Johnson Creek Restoration Plan.
2. The Chief Procurement Officer authorized Contract No. 30007059 with Otak, Inc. (Consultant), effective from 1 October 2019 to 30 September 2022, for professional technical services for the Springwater Wetlands Enhancement Project, BES Project No. E07383, in the amount of \$999,314.
3. The Chief Procurement Officer authorized Amendment 1 of Contract No. 30007059 with Consultant, effective on 1 February 2022, extending the period of performance until 30 September 2025 and increasing the scope of the contract to include an expanded sensitivity analysis for flood benefit, probing to the cultural resources assessment, and a habitat assessment to support the Conditional Letter of Map Revision for \$27,000. The revised contract amount was \$1,026,314.
4. The Chief Procurement Officer authorized Amendment 2 of Contract No. 30007059 with Consultant, effective on 1 December 2022, extending the period of performance until 30 September 2026 and increasing the scope of the contract to revise the design and permits to include a newly acquired property to the project, reducing flooding

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

Contact

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

August 16, 2023

to private property, maximizing restoration area, adding a historic educational area to comply with Section 106 mitigation requirements, and integrating new contaminated material data into the design for \$210,734 and amending the contract amount to \$1,237,048.

5. A third amendment to Contract No. 30007059 is required to authorize additional PTE design scope to address the additional scope and effort identified during the Design Phase of the Project. Amendment 3 proposes to increase the contract by an amount not to exceed \$205,928. The amended contract amount will be \$1,442,976, which is a 44% increase of the original contract amount, with an overall 24.78% D/M/W/ESB firm participation. The level of confidence for the PTE contract is high. Funds are available in the Sewer System Operating Fund, WBS Element E07383 in the Bureau of Environmental Services' FY2024-2025 Budget.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to execute on behalf of the City an amendment to Contract No. 30007059 with Otak, Inc. in a form substantially in accordance with the attached Exhibit A, by an amount not to exceed \$205,928.
- B. The Mayor and City Auditor are hereby authorized to pay for the contract from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authorities.

## Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2023/e07383-ord-design-exhibit-a-1-of-2.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2023/e07383-ord-design-exhibit-a-1-of-2.pdf) 1.18 MB

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 by Council  
August 16, 2023

Auditor of the City of Portland  
Simone Rede

## Impact Statement

### Purpose of Proposed Legislation and Background Information

The purpose of this ordinance is to approve a design amendment for a wetland and floodplain restoration project that will reduce flooding on private property in a historically underserved community, enhance habitat, improve water quality and support community amenities. The project approach is a result of a collaborative effort between BES, Portland Parks and Recreation (PP&R), Portland Bureau of Transportation (PBOT) and regulatory agencies to benefit natural habitat as well as the surrounding community.

The Springwater Wetlands are a complex of off-channel wetlands north of Foster Road and east of Interstate 205 located on approximately 70 acres of City-owned property. This unique, natural area is located in the East Lents and Powellhurst-Gilbert neighborhoods and one of the last remaining natural wetlands north of SE Foster Road within the City.

### Reduce Flooding

The Johnson Creek floodplain impacts approximately 700 structures in this area during large, 100-year, storm events. SE Foster Road can be impassable during flooding. Although the Foster Floodplain Natural area effectively reduces flooding on Foster during moderate flood events, larger events still overflow SE Foster Road into the Springwater Wetlands. This project helps reduce flood extents north of SE Foster Road by containing stormwater on City property.

In February 2022, Portland Office of Emergency Management (PBEM) shared an opportunity to apply for \$5.6M in Federal Emergency Management Agency (FEMA) grant funds for this project. BES submitted a pre-application to the Office of Emergency Management (OEM) and received approval to pursue grant funds. BES submitted the full application to OEM in June 2022, then the federal match for grant funds increased from \$5.6 to \$7.1M. This grant reimburses pre-construction costs and must be awarded before construction begins. Pursuing this grant, along with other design changes shifted the construction schedule from 2023 to 2024. Grant award is anticipated before construction. City Council authorized the application and acceptance of funds under Ordinance #190841 in May 2022.

The proposed legislation supports the Johnson Creek Restoration Plan (JCRP), approved by Portland City Council in 2001. The JCRP calls for managing floods by allowing floodwaters to move freely within a restored floodplain, while at the same time improving salmon habitat and water quality. The plan calls for expanding the existing Springwater Wetlands to manage additional floodwaters.

The Springwater Wetlands project and remapping the floodplain is also identified as an early action for the Lents Stabilization and Job Creation

Collaborative, an initiative formed to assess conditions and identify actions to address the needs of the Lents and Powellhurst-Gilbert neighborhoods in Portland, related to flooding. Commissioner Fish committed to this project at City Council in 2018 as part of the Oregon Solutions Declaration of Cooperation.

The Lents 5-year Action Plan cites an opportunity for several City bureaus and local, state, regional and federal stakeholders to work together to mitigate flood impacts per the Oregon Solutions Declaration of Cooperation. The Springwater Wetlands project can contribute an integral first step to the larger vision.

### **Support Community Amenities**

The Springwater Wetlands and Floodplain Restoration also includes two trails for different uses. A maintenance path will facilitate access for BES revegetation crews to establish wetland and upland areas. Additionally, in collaboration with PBOT, a bike-pedestrian trail is planned the middle the project that connects Springwater Corridor Trail to SE 115<sup>th</sup> and SE 117<sup>th</sup> Avenues. This intent of this trail is to improve opportunities for the community to lead healthy, active lives; reduce carbon emissions; and improve access to natural areas and city centers. Per the 2035 Comprehensive Plan, Transportation System Plan, Portland Bicycle Plan, Safe Routes to School and PedPDX, this is a long-planned connection to fill a network gap serving East Portland given existing public right-of-way through the Springwater Wetland complex. A viewing area will be constructed near the SE 117th entrance to the Central Trail. This area will be constructed using Works Progress Administration (WPA) stones procured from the Cedar Crossing Restoration Project (E07158) as part of a mitigation agreement for that project. The area will be used for public education purposes and will include informational signage to describe wetlands and the history of the WPA work along Johnson Creek.

### **Enhance Habitat**

The project also enhances habitat by removing non-native fill and invasive plants; expanding wetland areas; planting native vegetation; installing wood piles, snags, and amphibian logs; restoring upland areas and widening riparian zones. The culvert under the Central Wetland path will be countersunk with an attractive, stable bed for wildlife to pass through. This effort supports birds, including waterfowl, raptors, songbirds, and migratory birds; mammals; and amphibians, including native frogs and salamanders. Red-legged frogs and yellow breasted chats are species of concern within the project area.

## Financial and Budgetary Impacts

- This legislation authorizes a contract amendment and allows payment for project with an estimated cost of \$205,928. Funds are available in the Sewer System Operating Fund, with the Bureau of Environmental Services' FY2023-2024 Capital Improvement Plan.
- BES may be awarded a \$7.1 million grant for the project from the Federal Emergency Agency (FEMA) Hazard Mitigation Grant Program.
- The level on confidence for the construction cost estimate is high.
- This project will neither generate nor reduce current or future revenue.
- No new City positions will be created.

## Community Impacts and Community Involvement

The project is in the Lents and Powellhurst-Gilbert neighborhoods. As reported by the 2020 US Census, the Lents neighborhood about 15% and the Powellhurst-Gilbert neighborhood have about 20% of the population speaking a language other than English at home. Additionally, comparing the poverty rate of the 94 neighborhoods in Portland, Powellhurst-Gilbert and Lents are ranked 87<sup>th</sup> and 77<sup>th</sup> respectively. The City of Portland has ongoing and planned outreach with the community. Some community project elements include:

- As part of the project, BES will update the National Flood Insurance Rate Maps for the Johnson Creek floodplain in this area.
- In 2002, Commissioner Salzman stated that fill from the Mid-County Sewer project, currently stockpiled near 111th and Harold, must be removed and is a community priority. This project will fulfill that commitment.
- During the Lents Collaborative process, community members asked to improve neighborhood conditions like increasing sidewalks and/or trails for pedestrians and cyclists and improving access to natural areas. This project will fulfill that need.
- Lents Stabilization and Job Creation Collaborative Oregon Solutions Project Declaration of Cooperation: Oregon Solutions engaged City of Portland bureaus, neighborhood groups, Metro, state and federal agencies, academic institutions, and community-based nonprofits to identify actions that would lessen the impacts of flooding and flood insurance costs on the physically, economically, and socially vulnerable neighborhoods of Lents and Powellhurst Gilbert.
- Newsletter to floodplain property owners, including the owners of the properties impacted by the Springwater Wetlands and Floodplain Restoration Project: The newsletter includes information about flood safety, floodplain development regulations, BES' efforts to address flood impacts from Johnson Creek.
- Neighborhood outreach: Lents Neighborhood Association, Lents Livability Association Meeting, Powellhurst Gilbert Neighborhood

Association and Johnson Creek Watershed Council presentations; Native American Community Advisory Council site tours (Fall 2019/Winter 2020). Large community events were delayed due to public health and safety concerns associated with the COVID-19 pandemic.

- Community-based organization partnerships: For over 20 years the City of Portland has actively partnered with organizations like Johnson Creek Watershed Council and Zenger Farms to promote environmental stewardship and education for students and adults about the ecological values of Johnson Creek and its wetlands. Zenger Farms is a working urban farm that models, promotes and educates about sustainable food systems, environmental stewardship, community development and access to good food for all. Many students who participate in these programs come from David Douglas School District, where 63 native languages are spoken and 24% of students are English-language learners. The experiential and science-based programs teach kids of all backgrounds about food, farming, wetland conservation, and environmental stewardship. The Springwater Project will build upon and further enhance nearby natural area access, education, outreach, and stewardship activities.
- Foster Lents Integration Partnership, a multi-agency effort led by the Portland Development Commission (now Prosper Portland) with community engagement developed an action plan to support a healthier, more prosperous future for the Foster Corridor. This area is part of the Lents Urban Renewal District and includes substantially decreasing flood risks in the Lents and Powellhurst Gilbert neighborhoods.

## 100% Renewable Goal

This action may not directly impact the City's total energy use. However, wetlands provide critical ecosystem services that mitigate and adapt to climate change. The Springwater Wetlands and Floodplain Restoration Project provides natural protection and climate adaptation benefits to the surrounding Portland neighborhoods by holding more stormwater on City property during flood events, recharging groundwater to protect against drought, storing carbon, expanding riparian forest areas, and enhancing wetland habitat for stressed native plant and animal species.

## Budget Office Financial Impact Analysis

The contract with Otak requires amendment to authorize further professional and technical expertise to address additional scope work identified in the design phase of the project. The bureau has \$2.48 million set aside in the current year for associated project costs, including this amendment. The bureau may be awarded a \$7.1 million grant for the project from the Federal Emergency Agency Hazard Mitigation Grant Program, which would cover the cost of the project but, as mentioned above, has planned to cover the expenses of the project.

## Agenda Items

654 Regular Agenda in [August 2, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/8/2)  
(<https://www.portland.gov/council/agenda/2023/8/2>)

Passed to second reading

Passed to second reading August 16, 2023 at 9:30 a.m.

683 Regular Agenda in [August 16, 2023 Council Agenda](https://www.portland.gov/council/agenda/2023/8/16)  
(<https://www.portland.gov/council/agenda/2023/8/16>)

Passed

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea