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# 191418

Ordinance

## Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder and provide payment for construction of the Springwater Wetlands Restoration Project E07383 for an estimated cost of \$6,028,000

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) protects the environment and public health. As part of its mission, the Springwater Wetlands Restoration Project was identified as a high priority project in the City of Portland 2021 Mitigation Action Plan, the 2018 Lents Collaborative Declaration of Cooperation, and the June 2001 Johnson Creek Restoration Plan. The project will improve water quality, enhance habitat, reduce flooding on private property in a historically underserved and socially vulnerable community, and support community amenities in the Lents and Powellhurst-Gilbert neighborhoods.
2. BES prepared plans and specifications for the Springwater Wetlands Restoration Project. BES requires the furnishing of materials and labor for this project.
3. The estimated cost is \$6,028,000. The confidence level is moderate. Funds are available in the Sewer System Operating Fund, FY 24-25 Budget, Bureau of Environmental Services, WBS Element E07383.

NOW, THEREFORE, the Council directs:

- A. The Chief Procurement Officer is authorized to conduct a competitive solicitation process for the lowest responsive and responsible bidder in accordance with Chapter 5.34 of the Portland City Code.
- B. Upon the Council's acceptance of the Chief Procurement Officer's report recommending the lowest responsive and responsible bidder, the Chief Procurement Officer is authorized to negotiate and execute

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Environmental Services](#)

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date  
August 16, 2023

a contract, provided the contract has been approved as to form by the City Attorney's office.

C. 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 authority.

## Documents and Exhibits

### [Supplemental Information](#)

(<https://www.portland.gov/sites/default/files/council-documents/2023/e07383-estimate-checklist-for-optimal-confidence-2-of-2.doc>) 67 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 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 solicitation to bid a 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

SE Foster Road can be impassable during flooding. Although the Foster Floodplain Natural area effectively reduces flooding on Foster Road during moderate flood events, larger events still overflow SE Foster Road into the Springwater Wetlands. This project helps reduce flood extents of large storms, about 25-year events, north of SE Foster by containing stormwater on City property.

In addition, the effective Johnson Creek Federal Emergency Management Agency (FEMA) floodplain that regulates federal insurance rates impacts approximately 700 structures in this area for major, 100-year, storm events. Although implementation of this project has nearly no impact on the flood extents associated with such a large event, improved data and modelling technology substantively refine the current effective floodplain. Changes from this improved information will likely remove around a net 150 structures from the FEMA floodplain, but some residences may also be mapped in. Updated flood extents provide meaningful guidance on actual flood risks.

In 2022, BES worked with Portland Office of Emergency Management (PBEM) to apply for 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 for \$5.6M. This grant will reimburse both pre-construction and construction costs and must be awarded before construction begins. City Council authorized the application and acceptance of funds under ordinance #190841 in May 2022. Since then, the federal match for grant funds increased from \$5.6M to \$7.1M, which will be brought to Council separately. Grant award is anticipated before construction in 2024.

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 in the middle the project that connects Springwater Corridor Trail to SE 115<sup>th</sup> and SE 117<sup>th</sup>

Avenues. The 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 Wetland path. 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 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 and allows payment for project with an estimated cost of \$6,028,000. Funds are available in the Sewer System Operating Fund, with the Bureau of Environmental Services' FY2022-2026 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 moderate.
- 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 has about 15% and the Powellhurst-Gilbert neighborhood has about 20% of their populations which speak 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.
- Regular Community Rating System newsletters 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.

Since 2018, Environmental Services has conducted community outreach and public information activities regarding the goals of the project, investigative activities during the design phase such as soil sampling and utility location, demolition and site preparation work, and information on what to expect during construction. Outreach has included:

- Develop and maintain the project webpage.
- Project updates mailed to more than 800 property owners, renters, businesses, and public and private agencies.
- Email updates to the project email list (currently with 540 subscribers)
- 
- Next door updates posted to Lents and Powellhurst-Gilbert neighborhoods totaling 7000 recipients.
- Public presentations to Lents and Powellhurst-Gilbert Neighborhood Associations.
- Focused outreach to nearby property owners to coordinate demolition work and site preparation on adjacent properties.
- Situational email, mail, and phone correspondence to answer community questions, take input, and address concerns.

BES project information is available in multiple languages online. Fliers communicating what to expect during construction have been translated into 11 different languages. Future outreach will include work to identify underserved or low English proficiency stakeholders (LEP) impacted by construction and develop and implement an equity work plan that may include translating notification materials with site specific messages and use of translators, Community Engagement Liaisons, or other community organizations.

### **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 bureau's five-year Capital Improvement Plan anticipates the cost of the project to be \$6,028,000 with moderate confidence from the Sewer System Operating Fund. The bureau has \$2.48 million set aside in the current year for the project. 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

655 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.

684 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