

**DATE:** May 28, 2008

**TO:** Board of Commissioners

**FROM:** Bruce A. Warner, Executive Director

**SUBJECT:** Report No. 08-70

Waterfront Park, Ankeny Plaza, and Street Improvements Project – Bid Alternates / Additional Expenditures, and Approval of Amendment to

Intergovernmental Agreement

### **EXECUTIVE SUMMARY**

#### **BOARD ACTION REQUESTED**

Adopt Resolution No. 6593

## **ACTION SUMMARY**

This action will authorize the Executive Director to:

- 1. Enter into a revised Intergovernmental Agreement (IGA) with Portland Bureau of Parks & Recreation (PP&R) for the design and construction of improvements to Waterfront Park, including Portland Saturday Market's new home, and improvements to enhance public safety under the Burnside Bridge, including a new active retail space at the MAX Station platform, and lighting, painting and public safety improvements to the parking area between the MAX Station and Naito Parkway (Project), and payment to PP&R in an amount not to exceed One million, nine hundred, seventy-eight thousand seven hundred DOLLARS (\$1,978,700) for services performed as described in the IGA; and
- 2. Enter into necessary contracts for Project hard construction costs in a total amount not to exceed Eight million, Seven hundred forty five, Nine hundred seventy four AND NO/100 Dollars (\$8,745,974), and for Project soft construction costs in a total amount not to exceed Three million, Four hundred twenty one, Four hundred and fourteen AND NO/100 Dollars (\$3,421,414) on the Project, reflecting a total increase in the Project cost of \$3,696,456 (\$2,214,059 for additional base bid costs, \$1,282,397 for prioritized bid alternates, and \$200,000 for Portland Saturday Market Interim Site Transition Costs) over the amount anticipated at the time the Board originally approved the Project.

This project is under an extremely compressed schedule in order to complete improvements to Waterfront Park by March 2009, which allows us to accommodate Portland Saturday Market (PSM) for the start of the 2009 market season. Completion of the project by March 2009 must occur in order to follow through on the commitments made by PDC to adjacent property owners and PSM vendors.

The PDC Board approved the *Ankeny / Burnside Development Framework* (Framework) on December 13, 2006 (Resolution 6420), which recommended these public realm

improvements as key to the revitalization to Ankeny / Burnside in the Downtown Waterfront Urban Renewal Area (DTWF URA). The Board also previously approved a prior version of the IGA (which has not been executed) and authorized the Executive Director to enter into public improvement and other necessary contracts for construction of the base portion of the Project (which have not been executed). The Resolution before you today will supersede and replace those prior authorizations with the authorizations set forth therein.

#### **PUBLIC BENEFIT**

The public benefits of the Project include a new home for continued success of the Portland Saturday Market (PSM), support for private development in the Ankeny/Burnside area and continued implementation of the Portland Parks & Recreation's Waterfront Master Plan. In addition, the improvements to the Burnside Bridge MAX Station will help activate, revitalize and improve the public safety for the new adjacent developments as well as anticipated and currently underway private development in this district. Expenditure of tax increment funds (TIF) for the improvements to support PSM is a direct recommendation from the Framework, and a direct result of the Saturday Market Permanent Home Study, completed by Parametrix in 2006.

This project will support M/W/ESB construction participation by implementing PDC's M/W/ESB policy.

## This action will support the following PDC goals:

- □ Develop healthy neighborhoods
- ☐ Provide access to quality housing
- Support a vibrant Central City (urban core)
- □ Contribute to a strong regional economy

## PUBLIC PARTICIPATION AND FEEDBACK

Public participation for the Project has involved a Project Advisory Committee comprised of PDC Staff, Portland Parks & Recreation Staff and constituents, local property owners, University of Oregon representatives, Mercy Corps representatives, and adjacent park users that provided input throughout the schematic design process from February to August 2007. The design team has had access to stakeholder input from the kickoff of the Project, and has had opportunities to engage with the Project Advisory Committee throughout the process. The bid alternate items which have been identified through the design process all have strong support from the various stakeholder groups. The final Project Advisory Committee meeting on May 7, 2008, helped to determine which of the bid alternates are the highest priority items to be built with existing and potential funding. Several of the bid alternates have already been removed from the priorities list prior to this formal request of the Board for additional funding.

#### CONCURRENCE WITH ADOPTED PLANS AND POLICIES

The Project is consistent with the following plans and policies:

Downtown Waterfront Urban Renewal Plan

- The Central City Plan (1988) guides planning in Portland's downtown and close-in neighborhoods, including the area around Ankeny Plaza.
- The Old Town/China Town Visions Plan (1997) and Development Plan (1999) and the Visions/Development Plan Update are the neighborhood stakeholders' vision of development desired in the district.
- The Downtown Waterfront Development Opportunities Study, adopted by the PDC Board in November 2003, highlights the development potential for Portland's downtown waterfront blocks.
- The Waterfront Park Master Plan (2003), developed by PP&R, provides direction for the park's renovation, and addresses related land use and environmental issues.
- The Ankeny/Burnside Development Framework adopted by the PDC Board in December 2006 (Resolution 6420), was a joint PDC and Bureau of Planning project to create an urban design framework and development strategy for the Skidmore / Old Town Historic District.
- PDC's Construction Wage Policy
- PDC's M/W/ESB Policy

### FINANCIAL IMPACT

Authorization of the bid alternates listed below, along with additional expenditures will allow PDC to complete nearly all improvements originally designed for this Project. The revised, adopted and forecasted FY 2006-07, 2007-08 and 2008-09 Downtown Waterfront Budgets reflect \$8,500,000 total expenditure for Ankeny / Burnside public improvements. Project funding for Waterfront Park and Max/Retail improvements consist of Base Bid Sources and Costs and Future Bid Alternate Sources and Costs. This action covers the revised base project expenditures and the prioritized bid alternates described below.

Subsequent to receiving bids, the low bid resulted in a shortfall to the base project budget of \$2,214,059. This is the result of the low bids on the MAX retail and Waterfront Park components coming in above the estimates. In order to allow the Project to move forward, this budget shortfall must be covered. Failure to cover the shortfall will preclude the project team from awarding the contract for construction on June 2, 2008 and will compromise the project from being complete in time for Portland Saturday Market's 2009 season. Additional expenditures which are strongly supported by stakeholders and neighborhood groups have been prioritized in Attachment B and outlined below. There are several bid alternates that have been removed from the priorities list in an effort to reduce final cost of the project

## **ADDITIONAL SOURCES**

Additional DTWF TIF

\$3,696,456\*

\* Increase in TIF expenditure requested under this action

## RECOMMENDED BID ALTERNATES AND ADDITIONAL EXPENDITURES

## **Priority**

	Total	\$3,766,980
6.	Paving & Stair Enhancements	\$1,032,900 (Add'l TIF)
5.	MAX Stair Modifications and Burnside Bridge	\$ 27,357 (Add'l TIF)
4.	Ankeny Plaza Restroom Gap	\$ 23,564 (Add'l TIF)
3.	PSM interim costs	\$ 200,000 (Add'l TIF)
2.	Water feature + In-ground lights	\$ 269,100 (Add'l TIF)
1.	Base Project Gap	\$2,214,059 (Add'l TIF)

Additional DTWF TIF \$3,696,456

Total Gap (\$ 70,524)\*

\*Gap Funded by Portland Parks and Recreation

## **BID ALTERNATES NOT PROPOSED FOR APPROVAL**

## **Priority**

<ul><li>8. MAX Station Art Wall</li><li>9. Lights under Bridge in Waterfront Park</li><li>5</li></ul>	97,505
8. MAX Station Art Wall \$ 1	94,600
•	47,300
7. Ankeny Plaza Fire Station Base Retail Building \$ 3	12,057
7 Ankany Diago Circ Station Boso Datail Building C	43,548

The Old Town/Chinatown Neighborhood Association and Visions Committee have expressed their shared desire to complete all the Ankeny / Burnside public realm improvements, however funds are limited. These groups along with other key stakeholders, including University of Oregon, Mercy Corps, and the Bill Naito Company, have proposed using \$3,696,456 in TIF that were previously allocated in the Adopted 2007-08 DTWF Budget to Ankeny Burnside private development assistance for the Salvation Army site and future parking facilities for this district. PDC staff has no clear indication of Salvation Army's future plans and parking implementation will be addressed at a later phase as demand increases. A recently completed parking study for the district recommends a longer term solution of potentially adding floors to the Naito-Davis garage or utilizing Block 25, along with a potential future facility south of Burnside on 1st or 2nd Avenues.

#### Fire Station Restroom:

Restrooms will not be provided in Waterfront Park; therefore the restrooms will be located in the Fire Station #1 museum adjacent to Ankeny Plaza. As part of the Project budget, PDC Staff is allocating a sum of \$286,645 for the hard costs for this facility which was originally allocated to implementation of restrooms in Waterfront Park. The Ankeny Plaza restroom as indicated above is double the size of the previously designed restroom to accommodate for the needs of both park users, and up to one million market visitors per year. Part of the funding to construct the restroom is from a Federal Save America's

Treasures grant in order to utilize some of the PDC owned Ladd Cast Iron collection on the façade. PDC matching funds from the DTWF Cast Iron Implementation budget line item are proposed for the matching portion required to utilize the federal grant. This use of cast iron is in line with the Skidmore Old Town Historic Design Guidelines update recommendations, and has support from the Boscoe-Milligan Foundation.

### **RISK ASSESSMENT**

To maximize efficiency and best meet the constrained schedule, in the fall of 2007 PP&R agreed to be the lead agency in design and obtaining permits, and PDC agreed to be the lead agency for procurement and construction. With PP&R staff very busy with other large park projects, this management structure should provide the optimal delivery mechanism in order to meet the constrained schedule.

## **WORK LOAD IMPACT**

PDC intends to retain a consultant to assist with construction project management and these funds are incorporated into the Project budget. Workload for PDC procurement and project manager are within existing resources, although we have made shifts among staff teams within the Development Department to accommodate this workload.

### **ALTERNATIVE ACTIONS**

The Board could elect to not authorize the expenditure of further TIF, which would result in the inability of PDC to award the contract for the base project. This would have significant affect on the ability to meet the aggressive schedule to move Portland Saturday Market into Waterfront Park by March 2009. The Board could also elect not to fund any of the bid alternates and additional expenditures. Each of these additional expenditures has a direct affect on the success of this project, and the confidence of the stakeholders and adjacent property owners.

### CONCURRENCE

To accomplish the design and construction of improvements in Waterfront Park will require extraordinary cooperation between many of Portland's bureaus. To help accomplish this, the Bureau Directors Planning & Development Group has agreed to support and actively participate in decision making when necessary to expedite the process of implementing the project

This project has been a key topic amongst the inter-departmental URA team meetings, and where practicable there has been input from other operating departments within PDC.

## **BACKGROUND**

The improvements being brought forward and outlined in this Report are directly supportive of the revitalization of Ankeny / Burnside as recommended by the Ankeny Burnside Development Framework. The relocation of Portland Saturday Market became a vital component of the

revitalization of Ankeny / Burnside due to significant development pressure for parking lots which they utilize for their market operations. Finding a long term home for PSM resulted in a preferred layout in Waterfront Park and Ankeny Plaza, thereby requiring a site specific design to accommodate the market's needs while providing a public space which is flexible for a range of different users when PSM is not operating. This Project is the culmination of a partnership between PDC and PP&R to come up with a workable solution.

PP&R, PDC, the Portland Saturday Market (PSM), the Ankeny / Burnside Development Framework Stakeholder Advisory Group and the Waterfront Park, Ankeny Plaza and Streetscapes Project Advisory Committee (PAC), have developed a concept which will accommodate PSM in Waterfront Park and Ankeny Plaza, as well as contributing to the ongoing momentum to revitalize the Ankeny / Burnside area including a portion of the north end of Waterfront Park. PSM needs to be operational during the construction of their new home in Waterfront Park (Park) and Ankeny Plaza (Plaza). Thus, a sufficient interim site has been arranged through much cooperation of neighborhood partners and City bureaus, including University of Oregon, Venerable Properties, Mercy Corps, the Portland Office of Transportation (PDOT), PP&R, Portland Fire & Rescue, Water Bureau, Bureau of Environmental Services and the many events that take place in Waterfront Park and on Naito Parkway. The interim site for PSM is to be the area under the Burnside Bridge on the West side of Naito, the Southbound 2 lanes of Naito from Couch to Ash, and Ankeny Plaza. A commitment letter which outlines this interim site has been signed by all applicable parties, and Bureau partners. It is understood that this interim site is to be utilized only through the 2008 market season, with the future improvements that are necessary for PSM to operate in Waterfront Park to be completed by March 2009.

### **ATTACHMENTS:**

- A. DTWF URA Financial Summary
- B. Project Summary and Map
- C. Bid Alternates and Additional Expenditures Spreadsheet

**CC:** L. Bowers, Interim Development Department Director

- K. Brake, Senior Project Coordinator
- D. Elott, Interim General Counsel
- J. Jackley, Executive Operations Manager

# **URA FINANCIAL SUMMARY**

# Financial Summary

# Fund Summary - Five-Year Budget Projections

	Revised FY 2007-08	FY 2008-09 Proposed	FY 2009-10 Forecast	FY 2010-11 Forecast	FY 2011-12 Forecast	FY 2012-13 Forecast
Downtown Waterfront URA Resources		-				
Beginning Fund Balance	5.651,973	16.801.120	5,797,073	0	0	0
Budgeted Transfers	1,947,303	1,643,986	0	0	0	0
Interest - City Invest Pool	600,000	279,607	100.000	0	0	0
Loans - Interest Earned	340,095	350,000	350,000	0	0	0
Loans - Principal Collection	1,503,000	350,000	350,000	0	0	0
Real Property Sales	5,775,000	5,625,000	1,425,000	0	0	0
Tax Increment - L-T Debt	45,630,000	0	2,156,092	470,656	477,246	473,925
Tax Increment - S-T Debt	7,409,982	0	0	0	0	0
Total Fund Resources	68,857,353	25,049,713	10,178,165	470,656	477,246	473,925
Requirements						
Project Expenditures (does not include Per	sonal Services	or Indirect Cost)				
Development	2011111 001111002					
10025 - DTWF OT/CT Streetscape	25.000	0	0	0	0	(
10213 - DTWF A/B Property Redev	9.900.000	0	4.000.000	0	0	
10214 - DTWF Fire St Land/Cnst	35,000	0	0	0	0	
10215 - DTWF A/B Public Imprvt	2,239,738	9,450,000	0	0	0	(
10216 - DTWF Multnomah County	9.200.000	0	0	0	0	(
10219 - DTWF Retail Loan Program	500,000	0	0	0	0	
10220 - DTWF A/B Historic Pres	120,000	410.000	0	0	0	
10221 - DTWF Transit Mall Redev	250,000	410,000	0	0	0	
11234 - DTWF Burnside/Couch	800,000	0	0	0	0	
11237 - DTWF Union Station Momt	440,000	0	0	0	0	
11244 - One Waterfront Place	5,000	0	0	0	0	
	-	_	0	0	0	
11601 - DTWF Comm Outreach	5,000	0	_	0	-	
13080 - DTWF Historic Pres DOS	50,000	0	0	-	0	
13084 - DTWF U&R Redev	300,000	0	0	0	0	
13130 - DTWF Union Station Environ	50,000	0	0	0	0	
13152 - CDBG Home Rehab C/W -test	30,000	0	0	0	0	
14205 - DTWF White Stag Seismic	228,090	0	0	0	0	
14206 - DTWF Seismic Loans	2,117,000	0	0	0	0	
16306 - South OT/CT Redevelopment	450,000	0	10,000,000	0	0	
16309 - DTWF RiverPlace Environ	0	1,400,000	0	0	0	
16310 - DTWF Signage & Lighting	60,000	0	0	0	0	
Development Total	26,804,828	11,260,000	14,000,000	0	0	
Economic Development			_	_	_	
11022 - DTWF Business Retention	100,000	0	0	0	0	
12202 - DTWF Storefront Grants	545,679	0	0	0	0	
70011 - DTWF Business Finance	4,106,323	0	0	0	0	
Economic Development Total	4,752,002	0	0	0	0	
Housing						
32108 - DTWF Affordable Preservation	0	0	0	0	0	
32116 - DTWF Blanchet House	1,000,000	0	0	0	0	
34503 - MFH - Hotel Alder	7,914	0	0	0	0	
34504 - DTWF Rich/Estate	530,088	0	0	0	0	
37916 - DTWF Hsg Policy/Planning	5,000	5,000	0	0	0	
80032 - DTWF Musolf Manor	4,000,000	300,000	0	0	0	
80033 - DTWF Westshore	309,500	0	0	0	0	
80034 - DTWF Community Facilities	610,000	0	0	0	0	
80035 - DTWF Aff Homeownership	0	4,000,000	0	0	0	
80036 - DTWF Yards At Union Square	3,700,000	0	0	0	0	
80037 - Grove Apartments	5,200,000	0	0	0	0	

# **URA FINANCIAL SUMMARY**

## **Financial Summary**

# Fund Summary - Five-Year Budget Projections

	Revised FY 2007-08	FY 2008-09 Proposed	FY 2009-10 Forecast	FY 2010-11 Forecast	FY 2011-12 Forecast	FY 2012-13 Forecast
Downtown Waterfront URA						
80038 - Downtown Access Center	500,000	0	0	0	0	0
80039 - 333 Oak	1,650,000	690,000	0	0	0	0
80040 - DTWF Affordable Homeownership	500,000	0	0	0	0	0
80041 - 3rd & Oak Parking Oblig	0	51,840	51,840	30,240	0	0
Housing Total	18,012,500	5,046,840	51,840	30,240	0	0
Central Services						
59155 - DTWF Debt Management	50,000	50,000	0	0	0	0
Central Services Total	50,000	50,000	0	0	0	0
Executive						
60000 - DTWF Westside/Central City	202,209	100,000	0	0	0	0
Executive Total	202,209	100,000	0	0	0	0
Total Project Expenditures	49,821,539	16,456,840	14,051,840	30,240	0	0
Personal Services	31,791	0	0	0	0	0
Indirect Cost	6,219,879	2,795,800	700,000	0	0	0
Total Fund Expenditures	56,073,209	19,252,640	14,751,840	30,240	0	0
Contingency	0	5,797,073	0	0	0	0
Ending Fund Balance	12,784,144	0	-4,573,675	440,416	477,246	473,925
Total Requirements	68,857,353	25,049,713	10,178,165	470,656	477,246	473,925

### PROJECT SUMMARY

**Project Name**: Ankeny / Burnside Public Realm Improvements

**Description**: Construction of Waterfront Park for Portland Saturday Market's new

home, and public safety improvements to Burnside Bridge MAX Station

and the underside of the Burnside Bridge.

**Location**: Ankeny / Burnside

**URA**: Downtown Waterfront

**Current Phase**: Implementation

**Next Milestone**: Notice to Proceed on Construction June, 1, 2008

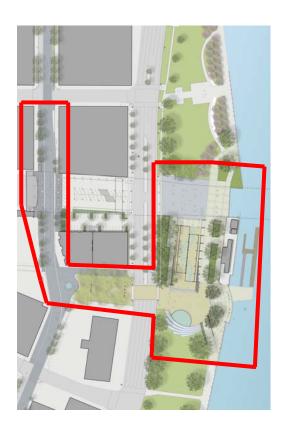
**Completion Target**: Final construction stage March 1, 2009

**Outcome**: Revitalization of the Ankeny / Burnside area pursuant to

recommendations which were proposed through the Ankeny / Burnside

Development Framework planning process.

## Site/Project Map:



## **BID ALTERNATES DECISION PACKAGES**

Priority	Component	Estimated	Bid (+10% Conting.)	Gap	Committed	Net Gap	Additional TIF	Other	Other Source
1	Base Project w/ soft	\$8,849,302	\$10,884,991	-\$2,214,059	\$8,213,355	\$2,214,059	\$2,214,059	\$457,577	Trimet / PPR / RACC
2	Water Feature	\$1,579,698	\$969,100	NA - Below Estimate	\$500,000	NA	\$269,100	\$700,000	Portland Parks Foundation
3	PSM Interim Costs	\$200,000	\$200,000	NA	\$0	\$200,000	\$200,000		
4	Restroom	\$700,209	\$700,209	\$23,564	\$286,645	\$0	\$23,564	\$390,000	Federal Grant / Cast iron TIF
5	MAX Station Stairs	\$46,414	\$27,357	NA - Below Estimate	\$0	NA	\$27,357		
6	Paving & Stairs	\$643,929	\$1,032,900	\$388,971	\$0	NA	\$962,376	\$70,524	Portland Parks & Recreation
7	Art Wall	\$112,057	\$112,057	NA - Below Estimate	\$0	\$112,057	Unfunded		
8	WFP - Bridge Lights	\$47,300	\$47,300	NA - Below Estimate	\$0	\$47,300	Unfunded		
9	Cantilevered Deck	\$94,600	\$94,600	NA - Below Estimate	\$0	\$94,600	Unfunded		
10	Ankeny Plaza	\$1,300,000		NA - Not bid	\$0	\$1,300,000	Unfunded		
11	District Lighting	\$1,100,000		NA - Not bid	\$0	\$1,100,000	Unfunded		