

ORDINANCE No. 188373

*Extend agreement with the Oregon State Marine Board by three years to restrict night time use of Duckworth Dock except on certain days (Ordinance; amend Contract No. 50925)

The City of Portland ordains:

Section 1. The Council finds:

1. The Kevin J. Duckworth Memorial Dock, formerly known as the Eastbank Steel Bridge Transient Boat Tie-up, is located in the Willamette River, south (upstream) of the Steel Bridge and attached to the Eastbank Esplanade and is hereinafter referred to as "the Duckworth Dock
2. The Duckworth Dock was built as part of the Oregon Convention Center/Lloyd District development program to serve both recreational and commercial boats visiting the area. The Duckworth Dock was funded, in part, through a grant received from the Oregon State Marine Board (OSMB) in 1997. The grant established terms and conditions for managing the dock for a twenty (20)-year period. Council authorized that grant through Ordinance No. 171468, passed August 13, 1997.
3. For several years, the dock was frequently used as an extended overnight moorage by several derelict, often-unregistered boats, that, in the view of OSMB and others, created a stigma that discouraged other boaters from using the dock.
4. PBOT worked with the Multnomah County Sheriff's Office (MCSO) River Patrol, the Harbor Master, the Mayor's Office, the City Attorney's Office, the Parks Bureau and the OSMB to develop ways of managing the Duckworth Dock.
5. The original agreement was amended August 22, 2014 to approve a one-year pilot program of nighttime closure, except during summer weekends, and providing a one-year extension of the agreement.
6. The overnight closure has been successful. The dock has been available to registered boaters and there have been no complaints about unauthorized residential moorage.
7. As the one-year pilot program was about to expire, the City entered into negotiations with OSMB for the purpose of continuing the overnight closure. In the interests of settling this issue and others, City and OSMB staff agreed to recommend approval of Amendment No. 2, substantially in the form of Exhibit A, attached and incorporated hereto. It provides for a three (3)-year extension, continued overnight closure and a hold-harmless provision about other prior

issues. The OSMB has already approved the amendment. The new termination date for the amended agreement will be August 27, 2021.

NOW, THEREFORE, the Council directs:

- a. That the Mayor is authorized to execute Amendment No. 2 to the Cooperative Agreement with the Oregon State Marine Board for construction of Eastbank Steel Bridge-Transient Boat tie-up. The amendment shall be substantially in the form of that shown in Exhibit A to this Ordinance

Section 2. The Council declares that an emergency exists because the previous pilot program has expired creating a conflict between City Code and the existing agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAY 24 2017

Commissioner Dan Saltzman
Prepared by: Richard E. Gray: SP
Date Prepared:

Mary Hull Caballero
Auditor of the City of Portland

By



Deputy

*Extend agreement with the Oregon State Marine Board by *3* years to restrict night time use of Duckworth Dock except on certain days (Ordinance; amend ~~Ordinance No. 471468~~ Contract *50925*)

Mayor TED Wheeler
 INTRODUCED BY
 Commissioner/Auditor:
COMMISSIONER DAN SALTZMAN

COMMISSIONER APPROVAL
MAYOR
 Mayor—Finance and Administration - Wheeler *KAD*

Position 1/Utilities - Fritz
 Position 2/Works - Fish
 Position 3/Affairs - Saltzman
 Position 4/Safety - Eudaly

BUREAU APPROVAL
 Bureau: **Transportation**
 Business Services
 Group Manager: *JDT* Jeramy Patton
 Assistant Director: *CA* Chris Warner
 Prepared by: *JDT* Richard Gray
 Date Prepared: *4-17-17* April 17, 2017
 Supervisor: Edward VanBuren

Impact Statement
 Completed Amends Budget

Portland Policy Document
 If "Yes" requires City Policy paragraph stated in document.
 Yes No

City Auditor Office Approval:
 required for Code Ordinances

City Attorney Approval:
 required for contract, code, easement, franchise, comp plan, charter *GF*

Council Meeting Date
 May 17, 2017

CLERK USE: DATE FILED MAY 09 2017

Mary Hull Caballero
 Auditor of the City of Portland

By: *[Signature]*
 Deputy

ACTION TAKEN:

AGENDA

TIME CERTAIN
 Start time: _____
 Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT *pull*

REGULAR
 Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	