

ORDINANCE No. 188450

*Grant a revocable permit, valid from July 1, 2017 to June 30, 2022, to Metro to close SW Main Street between SW Broadway and SW Park Ave East to accommodate specified temporary uses and activities within the right of way and waive fees (Ordinance)

The City of Portland ordains:

Section 1. The Council Finds:

1. The City owns three performing arts venues - Keller Auditorium, Arlene Schnitzer Concert Hall, and Antoinette Hatfield Hall, which houses the Newmark, Winningstad, and Brunish Theaters. These venues are currently operated as the Portland'5 Centers for the Arts (Portland'5) and were previously called the Portland Center for the Performing Arts (PCPA).
2. Through an intergovernmental agreement between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, and the City of Portland, these venues are operated under the governing authority of the Metropolitan Exposition and Recreation Commission (MERC).
3. MERC is an appointed Commission of Metro and is granted its authority from the Metro Council through Title VI of the Metro Code.
4. Arlene Schnitzer Concert Hall and Antoinette Hatfield Hall are located on SW Main Street between SW Broadway and SW Park Ave East on the north and south sides of the street respectively.
5. As part of the original development and renovation of these venues, special paving was used for the street and sidewalk on SW Main and special landscape features were included to allow the street to be used as an event space associated with the adjacent performance venues. The Main Street right of way functions as an integral part of the Portland'5 complex and as such is frequently closed to accommodate events, event-related activities, or to increase the safety of patrons attending events in any of the four theaters located there.
6. Through revocable permits issued to Portland'5 (then PCPA) and approved in Ordinances 160107 (September 10, 1987) and 161062 (July 21, 1988), SW Main Street was further improved with two gate towers, lighting and traffic control signs at the intersection with SW Broadway, and with removable bollards and chains along the curb between SW Broadway and SW Park.
7. Through Ordinances 160051 (August 20, 1987), 160107 (September 10, 1987), 160259 (November 12, 1987), 161966 (May 31, 1989) and 183839 (June 2, 2010), the City Council has granted revocable permits to Portland'5 (then PCPA) allowing closure of SW Main St for a variety of special uses and activities within the right of

way on SW Main Street between SW Broadway and SW Park Avenue East.

8. Because of the complexity of applying these multiple revocable permits and because operational needs have changed over time, the Portland Bureau of Transportation (PBOT) has determined that updating the conditions of the permits and consolidating them into a single permit under Section 17.24.017 of the City Code and City Administrative Rule TRN-10.07, along with a single revocable right of way encroachment permit is appropriate and beneficial for PBOT, Portland's, and the public interest.
9. Portland's is a public entity whose mission is to enhance the livability and economic vitality of the metropolitan region through sound stewardship, expert management, and creative development of the region's performing arts public assembly venues, and to foster an entrepreneurial environment in which diverse arts, events and audiences may flourish.
10. Portland's implements the public benefit aspects of its mission through a broad range of efforts and business based decisions such as sponsoring local non-profit arts organizations, hosting culturally significant events, underwriting local resident companies like the Oregon Symphony, Portland Opera, Oregon Ballet Theatre, and Portland Youth Philharmonic with discounted rental rates, and by curating Portland's Presents events which feature diverse racial and cultural perspectives. In addition, Portland's venues host an array of children's programming such as the Oregon Children's Theatre, Oregon Symphony "Link Up" concerts, White Bird Children's concerts, and Portland's Presents Educational programming, to nurture in to the future an appreciation of art and culture in the community.
11. The ability to close SW Main Street to through traffic is beneficial to Portland's and supports their mission because it increases public safety and creates a place for special events including, but not limited to Music on Main, Noontime Showcase, and Summer Arts on Main where the community is invited to celebrate music and culture. The ability to close the street also allows Portland's to further develop their business model to allow event promoters and resident companies to host events and improve the experience for their patrons.
12. Exhibit A describes the rules, regulations, and restrictions that shall apply to any temporary closures of SW Main Street under this permit. Additional requirements, described in Exhibits B through E, shall apply to specific circumstances under which temporary closure of the street will occur. The operational procedures and processes associated with street closures are described in Exhibit F and the area covered by this revocable permit is shown on Exhibit G.
13. As described in Exhibit B, Portland's requests permission, upon receiving approval from the City's Traffic Engineer, to close SW Main Street between SW Broadway and SW Park Avenue East on an as-needed basis to increase public safety in emergency situations, such as snow and ice storms.

14. As described in Exhibit C, Portland's requests permission to close SW Main Street between SW Broadway and SW Park Avenue East to increase public safety immediately before, during and after events in the adjacent theater buildings.
15. As described in Exhibit D, Portland's requests permission to close and use SW Main Street between SW Broadway and SW Park Avenue East to increase public safety during the Portland Farmer's Market held seasonally at Shemanski Park.
16. As described in Exhibit E, Portland's requests permission to close SW Main Street and use the right of way between SW Broadway and SW Park Avenue East from time to time to support their mission and program for events they or their clients may organize.
17. As described in Exhibit F, specific provisions, notifications, and responsibilities apply to the maintenance and operation of the automatic gates, signs, and bollards located within the right of way on SW Main Street between SW Broadway and SW Park Avenue East.
18. Portland's, as part of Metro, is a self-insured entity and meets the minimum requirements for liability of a public body as set forth in ORS 30.260 through 30.300 which names the City, its officers, agents and employees as an additional insured.
19. The terms, requirements, limitations, and procedures for closure of SW Main Street and/or use of the right of way are described in Exhibits A through F to this Ordinance.
20. By endeavoring to schedule maintenance work requiring street closures to coincide with other planned closures, the permittee will reduce the overall time the street is closed to traffic.
21. The City Traffic Engineer, Portland Fire & Rescue Chief of Special Operations, and Portland Police Bureau have reviewed the Exhibits regulating the closure of the street and use of the right of way and have no objection.
22. Authorizing the City Traffic Engineer to amend the notification and operating procedures in Exhibit F without having to amend the revocable permit authorized by this Ordinance, provides for flexibility as circumstances change during the term of the permit.
23. Granting this permit, subject to the rules, regulations, and limitations described in Exhibits A through G to this Ordinance, is beneficial to the public interest.

NOW THEREFORE, the Council directs:

- a) The Mayor and Auditor are authorized to grant a revocable permit to Metro, 111

SW Broadway, Portland, OR 97205, to close SW Main Street and use the right-of-way as necessary to support the operations of the organization subject to the rules, restrictions and limitations outlined in Exhibits A through G to this Ordinance. This revocable permit shall be valid from July 1, 2017 to June 30, 2022.

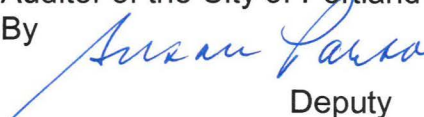
- b) Any and all fees associated with granting this revocable permit under Section 17.24.020 of the City Code are waived.
- c) The Portland Bureau of Transportation will work with Portland's and the Office of Management and Finance to issue an appropriate permit allowing the presence and ongoing maintenance and operation of the non-standard elements in the SW Main Street right of way, namely two gate towers, lighting and traffic control signs at the intersection with SW Broadway, and the removable bollards and chains along the curb between SW Broadway and SW Park.
- d) The revocable permits previously granted to the Portland's and its predecessors related to closures of SW Main Street under Ordinances 160051, 160259, 161966, and 183839 are hereby revoked.
- e) This permit is personal to the permittee and may not be transferred, assigned or otherwise conveyed, and will require insurance with limits of coverage that will meet the maximum requirements for liability of a public body as set forth in ORS 30.260 through 30.3.

Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor a document accepting the terms and conditions hereof which has been approved by the City Attorney. This Ordinance shall be automatically revoked without further consideration by the Council if the acceptance is not on file with the City Auditor within 30 calendar days of the passage of this Ordinance.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship for Portland's as the status of the revocable permit will create uncertainty about their ability to accommodate planned 2017 summer events in SW Main Street; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: JUN 14 2017

Mayor Ted Wheeler
Prepared by: Karl Lisle
Date Prepared: May 30, 2017

Mary Hull Caballero
Auditor of the City of Portland
By 
Deputy

662

Agenda No.
ORDINANCE NO.
Title

188450

v140

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INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler	CLERK USE: DATE FILED <u>JUN 06 2017</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler <i>kk</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: OMF Bureau Head: Tom Rinehart <i>TR</i>	
Prepared by: Karl Lisle Date Prepared: May 30, 2017 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: required for Code Ordinances City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>KAM</i> Council Meeting Date June 14, 2017	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:15</u> Total amount of time needed: <u>20 min.</u> (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)	<table border="1"> <tr> <th>FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>✓</td> <td></td> </tr> <tr> <td>2. Fish</td> <td>✓</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>✓</td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td>✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Saltzman	✓		4. Eudaly	✓		Wheeler	✓	
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