

## ORDINANCE No. 188834

\* Authorize an agreement between Portland Parks & Recreation and Portland Rose Society for the Portland Rose Society to fund, project manage, design, permit, and construct the Washington Park International Rose Test Garden Gold Medal Award Garden Pathway Improvements (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland Parks & Recreation ("PP&R") promotes health, livability, and economic vitality through the effective management of the city's award-winning parks and recreation system.
2. The Rose Garden in Washington Park receives an estimated 500,000-600,000 visitors per year.
3. One of the Rose Garden's feature gardens, the Gold Medal Award Garden, has a high degree of visitation, as it features the winning roses from the past 50+ years that PRS has been honoring such roses.
4. The interior of the Gold Medal Award Garden has unpaved lawn pathways around the garden's perimeter.
5. Due to its high number of visitors, the GMAG's pathways take an abundance of foot traffic. As a result, the GMAG lawn areas are worn down to dirt by mid-summer each year, which at times makes them muddy, uneven, and even less accessible. The lawn pathways require significant staff time to try to keep them safe for public passage and to restore the lawn the following season.
6. The Garden, like the neighboring Shakespeare and Royal Rosarian Gardens, is frequently booked for receptions, parties and weddings. However, the GMAG is less useable by the public for events due to its lawn pathways that turn into dirt and mud during various seasons of the year.
7. The City is dedicated to improving the City's park system with increased access, safety, and visitor experience for people of all abilities.
8. Portland Rose Society (PRS) is a domestic Oregon non-profit corporation founded in 1889 as the first Rose society in the United States. PRS has been a financial and physical supporting organization of the Washington Park International Test Rose Garden for decades.
9. PRS has been instrumental in many aspects of the Gold Medal Award Garden. In 1962, they financed and donated design and planting of the GMAG. In 1992, they financed the construction of the Pavilion which is the only covered place to view the garden in rainy weather. In 2009, they further enhanced the stability of the

GMAG with the retaining brick seat wall. Further developments included the finishing of the feature fountain that was completed in 2013.

10. PRS has received a generous donation of \$92,000 to use, at their discretion, toward improving the GMAG "Project", including paving the pathways that are currently lawn and dirt to improve the accessibility and experience for the garden's visitors. The intent is to preserve the garden's layout and design framework. If funding allows, PRS may also add handrails at the pavilion steps, correct the non-conforming concrete ramp south of the pavilion, correct two locations of non-conforming surface level changes, renovate brick rose bed edging beyond what is required to accommodate the new paths, and refurbish or replace the pavilion seat wall.
11. PRS has committed to all responsibility to fund, project manage, design, permit and construct the Project pursuant to the Agreement substantially similar in form to the Agreement attached hereto as Exhibit A (the "Agreement") and its associated Exhibits A-C.
12. The Agreement will be executed in a form substantially similar to the Agreement attached as Exhibit A, and will be further negotiated by and between PRS and PP&R upon approval of this Ordinance and subject to approval as to form by the City Attorney.
13. The City will have approval rights over the Project, including but not limited to aesthetics, maintenance and durability, safety and cost effectiveness used to implement the Project. The Project must meet all applicable federal, state and local code requirements.

NOW THEREFORE, the Council Directs:

- a. The Director of the Parks & Recreation Bureau is authorized to enter into an Agreement with Portland Rose Society in a form substantially similar to the Agreement attached as Exhibit A (the "Agreement") and its associated Exhibits A-C, subject to approval as to form by the City Attorney's Office.
- b. The Director of the Parks & Recreation Bureau is authorized to enter into any subsequent modifications to the Agreement, and it is subject to approval as to form by the City Attorney's Office.

Section 2. The Council declares that an emergency exists in order to avoid further delay in the execution of this Agreement. Therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: FEB 28 2018

Commissioner Amanda Fritz  
Prepared by: Sandra Burtzos  
Date Prepared: 01/30/2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By

Deputy

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 (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Fritz</b>	CLERK USE: DATE FILED <u>FEB 20 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz <i>Tom Carl</i> 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
<b>BUREAU APPROVAL</b> Bureau: PP&R Bureau Head: Mike Abbate <i>Mike Abbate</i> Prepared by: Sandra Burtzos Date Prepared: 01/30/2018 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"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <b>City Attorney Approval:</b> <i>J. Prosper</i> required for contract, code, easement, franchise, comp plan, charter Council Meeting Date <b>02/28/2018</b>	<b>ACTION TAKEN:</b>

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: Total amount of time needed: (for presentation, testimony and discussion) <b>CONSENT</b> <input checked="" type="checkbox"/> <b>REGULAR</b> <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>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td>3. Saltzman <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler <input checked="" type="checkbox"/></td> <td></td> </tr> </table>	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 checked="" type="checkbox"/>		Wheeler	Wheeler <input checked="" type="checkbox"/>	
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