

ORDINANCE No. 183755

Authorize Intergovernmental Agreement with TriMet for transfer of artwork on Portland Transit Mall (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland's original Transit Mall ("the Transit Mall") opened in 1977 and included a ground breaking and nationally recognized public art program, administered by the Metropolitan Arts Commission (the predecessor to the Regional Arts and Culture Council). At that time, works to be placed in or on the Transit Mall were selected by TriMet on behalf of the City with oversight from the Portland Mall Arts Steering Committee. At the conclusion of the construction of the Transit Mall, the works were transferred by TriMet to the City of Portland's ownership and became part of the City's public art collection.
2. The Regional Arts and Culture Council ("RACC"), an Oregon non-profit corporation, administers the City of Portland's Public Art Program pursuant to Portland City Code Chapter 5.74 and the November 18, 2005 Agreement for Services between RACC and the City of Portland.
3. Beginning in 2003, TriMet and the City became partners in planning and constructing the Portland Mall Segment of the South Corridor Light Rail Project, which brings light rail service to the Transit Mall in downtown Portland, and in renovating the Transit Mall ("the Project").
4. As part of the Project, the artwork from the original Transit Mall was restored and re-sited and new works of art were commissioned and installed in or on the renovated Transit Mall. The Portland Mall Art Advisory Committee oversaw the selection and siting of the artwork. The Committee included representatives from TriMet, RACC (acting on behalf of the City of Portland), the Public Art Advisory Committee, artists and community members. In addition Arts Resource Staff participated in all committee meetings, and included representatives from the Portland Bureau of Transportation ("PBOT"), the Portland Planning Bureau and the Portland Development Commission. PBOT staff participated in and approved the selection of all locations for the placement of art work.
5. It was also contemplated that TriMet would commission and install a serial art/light Identifier feature at NW Davis Street ("Davis Street Identifier Project"), but that project has not yet been initiated. The parties now desire to transfer the responsibility and funding for that project from TriMet to the City's public art agent, RACC, to complete on behalf of the City.
6. From the inception of the Project, it has been the parties' intention that the City would take title to the new Mall Sculptures, which sit in City right of way and which were commissioned with the intention that they would become part of the City's public art collection. TriMet, which received the funds budgeted for public art in connection with the Project, has agreed to provide \$80,000.00 to the City's public art agent, RACC, for the establishment of a Mall Sculpture Maintenance Fund.

7. It is anticipated that, barring unforeseen circumstances, the fund so established should reasonably be expected to suffice for the maintenance of this artwork for its expected life. Following the transfer of the artwork to its collection, the City (through its public art agent, RACC) will thereafter be responsible for the maintenance of the artwork.
8. The parties also agree that the City through RACC will oversee the contracting for and construction of the Davis Street Identifier Project, to which the City will also hold title. The Parties also agree that TriMet shall transfer funds to the City and its agents to construct the Davis Street Identifier.
9. RACC will act as the City's agent to construct the Davis Street Identifier and to maintain the Mall Sculpture transferred to the City.
10. The parties have negotiated an intergovernmental agreement to accomplish these goals.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the City Auditor are hereby authorized and directed to execute the Intergovernmental Agreement between the City and TriMet for Transfer of Artwork on Portland Transit Mall, substantially in the form attached hereto as Exhibit A.

Passed by the Council: MAY 12 2010

Mayor Sam Adams

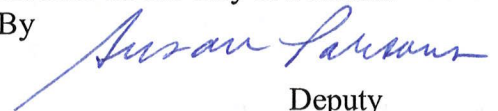
Prepared by: Tracy Pool Reeve

Date Prepared: April 6, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

~~611~~ 650
Agenda No.
ORDINANCE NO. 183755
Title

✓ Authorize Intergovernmental Agreement with TriMet for Transfer of Artwork on Portland Transit Mall.
(Ordinance)

INTRODUCED BY Mayor Sam Adams	CLERK USE: DATE FILED <u>APR 30 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities – Fritz	By: Deputy
Position 2/Works – Fish	ACTION TAKEN:
Position 3/Affairs - Saltzman	MAY 05 2010 PASSED TO SECOND READING MAY 12 2010 9:30 A.M.
Position 4/Safety – Leonard	
BUREAU APPROVAL Bureau: Mayor's Office Bureau Head: Sam Adams	
Prepared by: Tracy Pool Reeve Date Prepared: April 6, 2010	
Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required X	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No X	
Council Meeting Date May 5, 2010	
City Attorney Approval 	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: Total amount of time needed: (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	_____	
4. Leonard	4. Leonard	_____	
Adams	Adams	✓	