

Special City Council Meeting
July, 2016 - 7:00PM

1. Agenda Only 7PM

Documents:

[2016-07-06 7PM AGENDA ONLY.PDF](#)

2. Agenda And Packet 7PM

Documents:

[2016-07-06 7PM AGENDA AND PACKET.PDF](#)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
SPECIAL CITY COUNCIL MEETING
JULY 6, 2016

The Portland City Council will hold a Special City Council Meeting at 7:00 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

7:00 PUBLIC COMMENT PERIOD FOR BOTH THE 5:00 P.M. AND 7:00 P.M. MEETINGS.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 13-16/17 (Tab 18)	Amendment to Portland City Code, Chapter 28 Traffic Schedule - Sponsored by Jon P. Jennings, City Manager.
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Currently, the City's Ordinance requires City Council review and action for relatively small parking space changes (as little as one space in many situations), projects already having Planning Board site plan approval, and certain street improvement projects.

The proposed Chapter 28 changes will allow the City Traffic Engineer in the Department of Public Works (DPW) to adjust up to two parking spaces per street block face per year with City Manager approval. In addition, projects with parking changes associated with a Planning Board approval would be sufficient for a traffic schedule amendment. Lastly, a wider range of streetscape projects that are undertaken by DPW could make needed parking adjustments without a separate Council approval process.

This item must be read on two separate days. It was given a first reading at the 5:00 p.m. Special City Council meeting. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 14-16/17 (Tab 19)

Order Accepting from June Lacombe the Gift of Wendy Klemperer's Sculpture, Porcupines, and Adding This Work to the City's Public Art Collection – Sponsored by the Portland Public Art Committee, Lin Lisberger, Chair.

This order accepts the gift from June S. LaCombe of two porcupine sculptures by artist Wendy Klemperer and adds the artwork to the artworks of the Portland Public Art Collection as part of Glimpse.

On June 15, 2016, the Portland Public Art Committee voted unanimously to accept the gift and add it to Portland Public Art Collection.

Five affirmative votes are required for passage after public comment.

Order 15-16/17 (Tab 20)

Order Amending the 2015 Annual Report and 2016 Budget Plan of the Portland Public Art Committee – Sponsored by Lin Lisberger, Chair of the Portland Public Art Committee.

The Lincoln Park Fountain is part of the Public Art Collection, and maintenance and conservation responsibilities lie with the Portland Public Art Committee (PPAC). Friends of Lincoln Park approached the PPAC with a request to begin conservation work on the Lincoln Park Fountain this summer.

The 2015 Annual Plan includes Lincoln Park Fountain Conservation in its 2016 Work Plan and Budget; however, the PPAC had only previously approved the expenditure of \$5,000 for the purchase of salvage parts.

In evaluating the Friends of Lincoln Park request, the PPAC voted to proceed with the conservation work as outlined in the Taggart Objects Conservation Assessment report (Attachment 2, included in the agenda backup) and to fund Phases 1 and 2 of that work (Attachment 3, included in the agenda backup).

The Committee would therefore like to update its budget plan to include an additional \$21,000 for Lincoln Park Fountain Conservation Phases 1 and 2.

On June 15, 2016, the Portland Public Art Committee voted to recommend to proceed with conservation of the Lincoln Fountain and to fund Phase 1 and 2 of the conservation work with \$21,000 in FY17.

Five affirmative votes are required for passage after public comment.

**Order 16-16/17
(Tab 21)**

Order Appropriating Additional HOME Program Funds in the Amount of \$4,502.00 – Sponsored by Jon P. Jennings, City Manager.

In March, the City Council approved a HOME Program Budget (Resolve 6-15/16) based on a HOME allocation amount provided by the U.S. Department of Housing and Urban Development (HUD) in February, 2016. At that time, Council approved a HOME Program Grant of \$828,140 and HOME Program Income of \$205,000.

On June 7, the City was notified by HUD of a change in the HOME Program formula allocation which resulted in an increased allocation for the Cumberland County HOME Consortium of \$4,502. The City of Portland is the lead entity in the Consortium. The Council is being asked to approve a revised HOME Program Grant of \$832,642. HOME Program Income will remain at \$205,000. A proposed HOME Program Budget for the City is shown in the table below:

Budget Activity	Approved Allocation 03/2016)	Revised Allocation 06/2016)	Increase
Administration	\$102,814	\$103,264	\$450
Housing Rehabilitation	\$150,000	\$150,000	\$ -0-
Tenant Based Rental Assistance	\$130,000	\$130,000	\$ -0-
Affordable Housing Development	\$254,030	\$255,954	\$1,924
CHDO Set Aside	\$70,806	\$71,191	\$385

\$322,233 of the \$832,642 allocation and \$5,000 in HOME Program Income is reserved for County projects, an increase of \$1,743.

Allocation of County HOME funds is done by the County's Municipal Oversight Committee and does not require Portland City Council approval.

Five affirmative votes are required for passage after public comment.

**Order 17-16/17
(Tab 22)**

Order Referring the Building Energy Use Benchmarking Ordinance to the Energy and Sustainability Committee – Sponsored by Councilor Jon Hinck.

This order refers the draft Building Energy Benchmarking Ordinance to the Energy and Sustainability Committee for review and to provide its final recommendation on the issue to the City Council.

Five affirmative votes are required for passage after public comment.

**Order 18-16/17
(Tab 23)**

Order Authorizing an Extension of the Reporting Deadline of the Pesticide and Fertilizer Task Force - Sponsored by Councilor Nicholas M. Mavodones, Jr.

The City Council created the Pesticide and Fertilizer Task Force (Order 263-15/16) which is comprised of individuals with knowledge and expertise regarding the use and environmental impacts of pesticides and fertilizers.

This body was charged with reporting to the Energy and Sustainability Committee by July 11, 2016, with a final report to the committee on July 20, 2016, unless the City Council grants an extension. During the task force meeting on June 14, the task force members created their work plan and established a meeting schedule that will require an extension. Councilor Mavodones, as Task Force Chair, requests that the initial report to the Energy and Sustainability Committee be presented by September 16, 2016, with a report to the committee on September 20, 2016.

Five affirmative votes are required for passage after public comment.

**Order 19-16/17
(Tab 24)**

Order Endorsing 2019 Collector Paving Projects for Federal and State Funds Through Portland Area Comprehensive Transportation System - Sponsored by Jon P. Jennings, City Manager.

PACTS (Portland Area Comprehensive Transportation System) is developing its list of candidate projects for the 2019 Collector Paving Program. Two potential candidates were very recently identified for Portland: Allen Avenue between Washington Avenue and Summit Street, and Washington Avenue between Greenwood Lane and Riverside Street. These two collector road segments can only be included in the PACTS Collector Paving List for 2019 if the City Council endorses their inclusion before July 21, 2016.

Projects under the PACTS Collector Paving Program are typically financed with 75% federal and state funds and 25% local funds. The estimated cost of the Allen Avenue (Washington to Summit) paving project is \$425,000; the corresponding local (25%) share would be \$106,250. The estimated cost of the Washington Avenue (Greenwood to Riverside) paving project is \$464,000; the corresponding local (25%) share would be \$116,000.

In addition to the local project shares described above, the City is also responsible for 100 percent of the cost of modifications or improvements to City-owned utilities in the paving project areas, and modifications to achieve ADA-compliance, if needed.

This could include installing sewer manhole frame riser rings, resetting existing sewer manhole frames, or other sewer system improvements deemed necessary by the City Water Resources Division. Common practice has been to identify and include this work within the MaineDOT administered contracts; Water Resources also has the choice of making any necessary repairs or upgrades on their own prior to the paving taking place. These City utility costs have not yet been identified or estimated.

Five affirmative votes are required for passage after public comment.

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JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

*Order 13-16/17
Tab 18 7-6-16*

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 28 TRAFFIC AND MOTOR VEHICLES, SECTION 28-24
Re: Allowing Minor Traffic Schedule Changes by Traffic Engineer**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Chapter 28, Section 15-24, is hereby amended to read:*

Sec. 28-24. Regulatory powers.

In addition to any other authority granted under this Code,
the city traffic engineer shall have authority to:

- (a) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his or her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he or she may deem necessary;

...

(g)

- (1) Establish parking regulations and publish them in the traffic schedule, except the following actions require amendment of the traffic schedule by order of the city council:

- i. Change of parking to "no parking any time" or "no parking any time" to parking;

- ii. Change from time limit or metered parking to unregulated parking, or from unregulated or unmetered parking to time limit or metered parking; or-

- iii. Any change to Traffic circulation, such as changing a one-way street to a two-way street or a two-way street to a one-way street;

iv. City Council approval of amendments to the traffic schedule for the actions in i. and ii. above shall not be required for:

a. Amendments to the traffic schedule to change up to two (2) parking spaces per block face within a twelve (12) month period with review and approval by the traffic engineer and the city manager;

b) Amendments to the traffic schedule to implement pedestrian crossing or streetscape improvements (such as the installation of islands, curb extensions, striping, stop signs, transit stops etc.) after review and approval by the Public Works Director or his or her designee; and

c) Amendments to the traffic schedule to change an on-street parking layout after review and approval by the Planning Board.

~~(2) Notwithstanding the foregoing, council approval shall not be required for parking changes reviewed, approved and implemented by the public works department which result from the implementation of pedestrian crossing improvements or traffic calming measures (such as the installation of islands, bumpouts, striping, stop signs, etc).~~

~~(3) In addition to the parking changes in subparagraph (1) above, any change in traffic circulation, for example, from a one-way to a two-way street or the reverse, shall require amendment of the traffic schedule by order of the city council.~~

(24) Whenever any time limit parking is imposed, and wherever a one-way street is established, the city traffic engineer shall erect appropriate signs or meters, as applicable, giving notice thereof, and no such regulations shall be effective until and unless such signs or meters are erected.

- (h) Declare any street or part thereof, a "play street" and to place appropriate signs or devices in the roadway indicating and helping to protect the same;
- (i) Determine the location of passenger zones and freight loading zones and place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this subsection are applicable;
- (j) Establish bus stops and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such manner as he or she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop or other stand shall be designated by appropriate signs;
- (k) Erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his or her opinion, interfere with traffic or create a hazardous situation;

BE IT FURTHER ORDERED, that notwithstanding 1 M.R.S. Section 302, the above amendments shall be applicable to all projects that have completed Level I, II, or III Site Plan review or received Administrative Authorization approval, pursuant to the applicable Chapter 14, Division V, but have not yet received a Certificate of Occupancy on or before July 6, 2016.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

DATE: June 20, 2016

SUBJECT: On Street Parking - Endorse Amendments to City's Code of Ordinances – Chapter 28 Traffic Schedule Process

SPONSOR: Jon Jennings

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading July 6, 2016 Final Action August 1, 2016

Can action be taken at a later date: ____ Yes X No (If no why not?) See VII
"Recommendation" below.

PRESENTATION: No formal presentation expected

I. ONE SENTENCE SUMMARY

Changes proposed to Chapter 28 in the City's Ordinance to streamline traffic schedule change approvals for minor on-street parking changes, projects with site plan approvals from the Planning Board, and streetscape projects.

II. AGENDA DESCRIPTION

Currently, the City's Ordinance requires City Council review and action for relatively small parking space changes (as little as one space in many situations), projects already having Planning Board site plan approval, and certain street improvement projects. The proposed Chapter 28 changes will allow DPW to adjust up to two parking spaces per street block face per year with City Manager approval. In addition, projects with parking changes associated with a Planning Board approval would be sufficient for a traffic schedule amendment. Lastly, a wider range of streetscape projects that are undertaken by DPW could make needed parking adjustments without a separate Council approval process.

III. BACKGROUND

The origin of these requested changes was largely due to the fact that many parking changes were subjected to differing public processes. In addition, staff time for prep and meeting attendance has been significant as a result.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The outcome for these changes is the intent for more flexible and faster outcomes, and fewer small or redundant items needing to be taken up by the City Council.

V. FINANCIAL IMPACT

If anything, these changes will reduce costs in terms of administration and staff time, as well as for project applicants and design consultants.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

Parking Division, Public Works, and Corp. Counsel have all reviewed and concur with the proposed changes. Planning & Urban Development recommends these changes as well because, in the case of Site Plan Approvals requiring minor amendments to the parking schedule, there has already been a public process of review and approval.

In the case of site plan approvals, these changes will avoid the potential of the Council not providing needed changes to a development project already holding site plan approval through a prior public process.

VII. RECOMMENDATION

DPW recommends that this change take place as soon as possible to avoid requiring ongoing developments to have to come to Council with needed parking changes prior to their Certificate of Occupancy.

VIII. LIST ATTACHMENTS

- 1.) Proposed Chapter 28 Amendments
- 2.) Council Order

Prepared by: Jeremiah Bartlett

Date: June 20, 2016

*Order 14-16/17
Tab 19 7-6-16*

ETHAN K. STRIMLING (MAYOR)
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**ORDER ACCEPTING FROM JUNE LACOMBE THE GIFT OF
WENDY KLEMPERER'S SCULPTURE, PORCUPINES,
AND ADDING THIS WORK TO THE CITY'S PUBLIC ART COLLECTION**

ORDERED, that the City hereby gratefully accepts from June LaCombe the gift of Porcupines, a sculpture of two porcupines on a stone, made by Wendy Klemperer, and adds them to the Portland Public Art Collection as part of Glimpse, a collection of sculptures by Wendy Klemperer; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager to execute any related documents necessary or convenient to carry out the intent of this order.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Caitlin Cameron, Urban Designer, Planning and Urban Development

DATE: June 17, 2016

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: **Order Accepting** the gift of *Porcupines* from June LaCombe and **Adding** the artwork into the Portland Public Art Collection as part of *Glimpse*.

SPONSOR: Lin Lisberger, Chair, Portland Public Art Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A Final Action July 6, 2016

Can action be taken at a later date: X Yes No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

Brief presentation by Lin Lisberger, Chair of the Portland Public Art Committee and Planning Staff (if necessary).

I. SUMMARY OF ISSUE (Agenda Description)

Order accepting the gift from June LaCombe of two porcupine sculptures by artist Wendy Klemperer and adding the artworks to the Portland Public Art Collection as part of *Glimpse*. Sponsored by Lin Lisberger, Chair of the Portland Public Art Committee.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

The Portland Public Art Ordinance requires the Portland Public Art Committee to seek Council approval for any artwork gifts and to add artwork to the City's Public Art Collection.

III. INTENDED RESULT

The intended result is to add the new artworks into the collection to replace the stolen porcupine sculpture from the artwork *Glimpse* located at the Jetport.

IV. COUNCIL GOAL ADDRESSED

The Public Art Committee efforts seek to improve and enhance the quality of life of all Portland residents and visitors.

V. FINANCIAL IMPACT

The gift and addition to the collection do not incur any immediate expenses. Adding the artworks to the Portland Public Art Collection does financially obligate the Portland Public Art Committee to maintain and conserve the artwork with its funds.

VI. STAFF ANALYSIS

On June 15, 2016, the Portland Public Art Committee unanimously recommended to accept the gifts from June LaCombe and to add them to the Public Art Collection. The replacement art is much appreciated.

VII. RECOMMENDATION

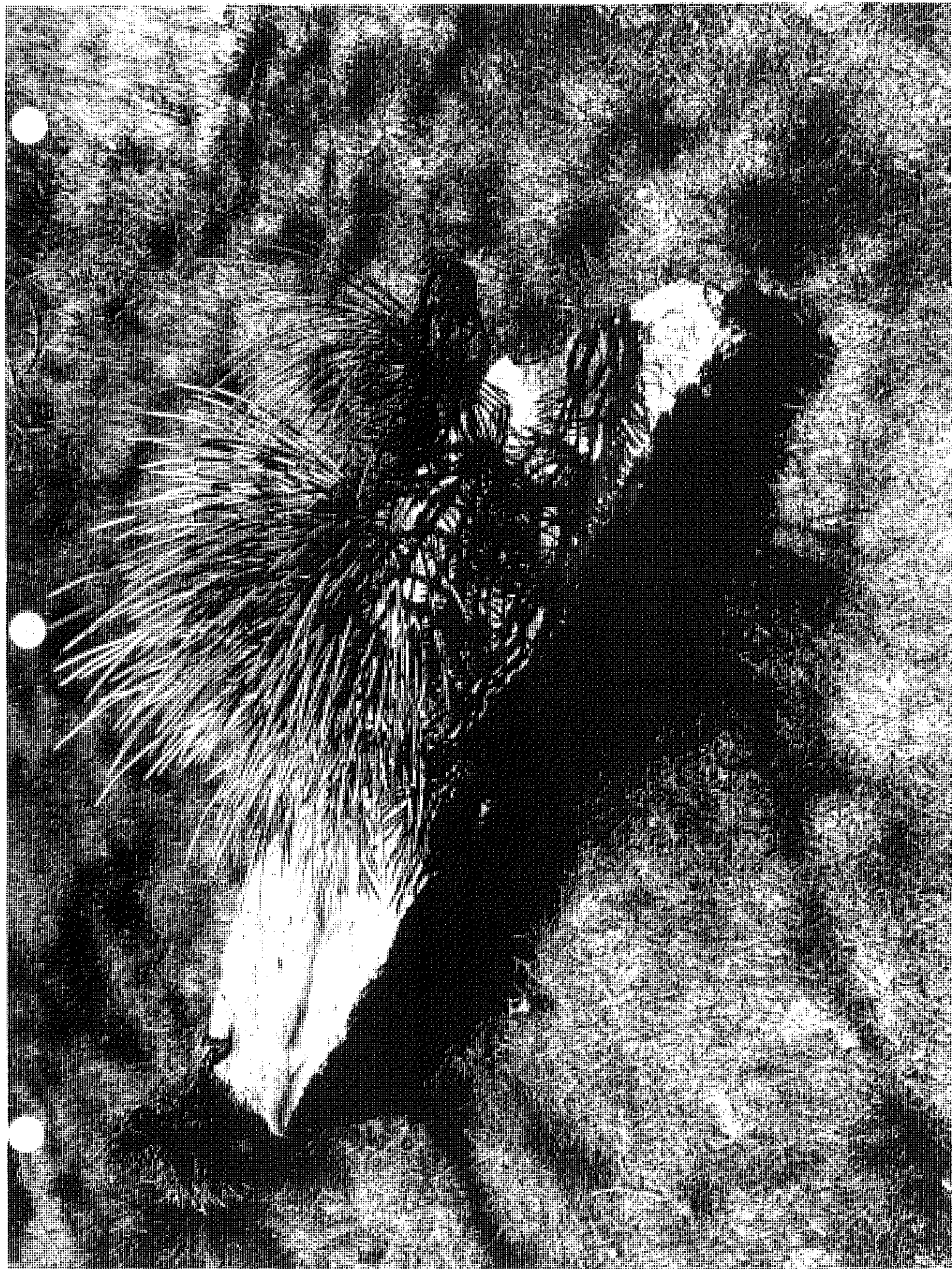
Staff recommends that the City Council accept the recommendations of the Portland Public Art Committee to proceed with accepting and adding the porcupine sculptures to the artwork *Glimpse* at the Jetport in replacement of the stolen sculpture.

VIII. LIST ATTACHMENTS

1. Photograph of gifts from June LaCombe

Prepared by: Caitlin Cameron, Urban Designer

Date: June 17, 2016



*Order 15-16/17
Tab 20 7-6-17*

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**ORDER AMENDING THE 2015 ANNUAL REPORT AND 2016 BUDGET PLAN
OF THE PORTLAND PUBLIC ART COMMITTEE**

ORDERED, that the Amendment of the 2015 Annual Report and 2016 Budget Plan of the Portland Public Art Committee, attached hereto as Attachment A, is hereby accepted and approved.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Caitlin Cameron, Urban Designer, Planning and Urban Development

DATE: June 17, 2016

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: **Order Amending** the Portland Public Art Committee 2015 Annual Report and 2016 Budget Plan

SPONSOR: Lin Lisberger, Chair, Portland Public Art Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A Final Action June 6, 2016

Can action be taken at a later date: X Yes No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

Brief presentation by Lin Lisberger, Chair of the Portland Public Art Committee and Planning Staff (if necessary).

I. SUMMARY OF ISSUE (Agenda Description)

Order amending the 2015 Annual Report and 2016 Budget Plan of the Portland Public Art Committee. Sponsored by Lin Lisberger, Chair of the Portland Public Art Committee.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

The Lincoln Park Fountain is part of the Public Art Collection and maintenance and conservation responsibilities lie with the Portland Public Art Committee (PPAC). Friends of Lincoln Park approached the PPAC with a request to begin conservation work on the Lincoln Park Fountain this summer. The 2015 Annual Plan includes Lincoln Park Fountain Conservation in its 2016 Work Plan and Budget, however, the PPAC had only previously approved the expenditure of \$5,000 for the purchase of salvage parts. In evaluating the Friends of Lincoln Park request, the PPAC voted to proceed with the conservation work as outlined in the Taggart Objects Conservation Assessment report (Attachment 2) and to fund Phases 1 and 2 of that work (Attachment 3). The Committee would therefore like to update its budget plan to include an additional \$21,000 for Lincoln Park Fountain Conservation Phases 1 and 2.

III. INTENDED RESULT

Present the requested amendment to the 2016 Budget Plan. The intended result is to fund Phases 1 and 2 of conservation work on the fountain to begin this summer. The project, estimated to cost \$31,000 in total, will be bid as an RFP.

IV. COUNCIL GOAL ADDRESSED

The Public Art Committee efforts seek to improve and enhance the quality of life of all Portland residents and visitors.

V. FINANCIAL IMPACT

The 2016 budget plan uses funds already within the PPAC budget, which are generated through the ½ % for Public Art in the CIP. The \$5,000 allocated towards this project have been used to buy salvage parts for the conservation. The additional \$21,000 would fund Phases 1 and 2 and come from the FY17 .5% CIP allocation to public art. The remaining \$10,000 to finish the conservation work will be in a future year budget proposal to coincide with the sidewalk and basin repairs.

VI. STAFF ANALYSIS

On June 15, 2016, the Portland Public Art Committee voted to recommend to proceed with conservation of the Lincoln Park Fountain and to fund Phase 1 and 2 of that conservation work with \$21,000 in FY17. The 2016 Budget Plan focuses on conservation and maintenance of the collection to continue to improve the quality of the built environment for residents and employees and further improve the public image of the city for visitors.

VII. RECOMMENDATION

Staff recommends that the City Council accept the amendment to the 2015 Annual Report and 2016 Budget Plan to add \$21,000 towards the Lincoln Park Fountain Conservation.

VIII. LIST ATTACHMENTS

1. PPAC 2015 Annual Report and 2016 Budget Plan with amendment on page 10
2. Conservation scope of work for Lincoln Park Fountain by Jonathan Taggart
3. Lincoln Park Fountain Phasing Plan

Prepared by: Caitlin Cameron, Urban Designer
Date: June 17, 2016

2015 Annual Public Art Committee Report 2016 Budget Plan

OUTLINE OF REPORT

I. Overview

II. Administrative Updates

Committee Members

Administrative Policies – Five Year Goals

Gifts and Gifts Subcommittee

Seeking Donations

Promoting Public Awareness and Engagement

Communication Subcommittee

Signage Installation

III. Conservation & Maintenance

Conservation & Maintenance

- Assessment Report (attached)
- *Art Underfoot* - restoration of missing bricks
- *Common Ground Gazebo* relocation

IV. Accomplishments in 2015

Community Art Work Program

- *Portland Brick*

Collection Updates

- Gift from Anne Waldron of Bernard Langlais' *Puffin*
- *Portland Brick*
- Deaccession of *East Bayside Community Mural*

Congress Square Public Art Commission

Temporary Public Art

- First Approved Temporary Art Application
- Additional Installations
- Revised Guidelines – Communication to Council

V. Goals for 2016

VI. 2015 Expenditures Report & 2016 Proposed Budget

I. OVERVIEW

In April 2000, the City Council established the Portland Public Art Program to preserve, restore, and enhance the City's public art collection. The Portland Public Art Committee (PPAC) is tasked to commission art that engages the surrounding environment to facilitate a sense of place by expressing the spirit, values, and visions of Portland through public art.

The public art collection currently contains fifty-eight permanent pieces installed throughout Portland and one long-term loan. The collection contains works of both historical significance dating from the nineteenth century; and contemporary pieces reflecting Portland's diversity and spirit. The PPAC administers the Portland Public Art Program. The Committee has also overseen the development of projects that can be categorized as Environmental Art Works and Temporary Art Works. The Committee's responsibilities are outlined in Article XI of the City Code (Public Art Program). The Committee utilizes the Guidelines for the Public Art Ordinance (Volume 1, Number 1 – adopted 2008) for direction in administering their responsibilities.

The Portland Public Art Committee is responsible for the following:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for the use of allocated CIP funding; program administration; conservation of the collection; and initiation of new projects;
- Provide recommendations to the City Council regarding proposed gifts to the collection; Seek donations to fulfill Committee responsibilities in the case that CIP funding is insufficient;
- Recommend appropriate locations for the installation of public art;
- Promote public awareness and engagement between the public and the collection.

II. ADMINISTRATIVE UPDATES

COMMITTEE MEMBERS

The Committee as of January 2016 is as follows:

Lin Lisberger, Chair, Artist and Professor of Art at USM

Julia Kirby, Vice Chair, Development Director at St. Lawrence Arts

James Cradock, Information Technology consultant at Yellahoose LLC

Jenna Crowder, Artist and Admissions assistant at MECA

Christopher Devlin, attorney at Bernstein Shur

Penny Harris, Creative Portland representative

Alison Hildreth, Artist

Pandora LaCasse, Artist and Portland's seasonal lighting sculptor;

Anthony Muench, Landscape Architect

Corey Templeton, photographer and UNUM employee, City Manager's appointee

City Council representative TBD

Management & Administration

Caitlin Cameron, Urban Designer

ADMINISTRATION AND POLICY

Five Year Goals

In October 2012 the Committee held a workshop and agreed upon the following objectives for the coming five years:

- To commission and execute a signature piece of the Public Art Collection and to grow available funding until a commission has been made. The Committee intends to reserve a portion of the CIP allocation over the next couple fiscal years in order to afford a large commission that will be highly valued by the greater Portland community;
- To increase the prevalence of public art in regions of outer Portland. This may be in the form of Community Art Projects, or temporary art event coordination. This objective aims to support current City projects aimed at increasing the use of pedestrian and bicycle as modes of transportation;
- To initiate a formal process for the installation of temporary public art (maximum one year) on public sites. (See Temporary Public Art Guidelines subcommittee and Updated Temporary Art Guidelines);
- To activate public education, interest, and enjoyment of public art by providing public art walks or public art guides in Portland; and to publicize and archive the collection. (See Portland Public Art Committee Website);
- To increase donation solicitation for projects supported by the PPAC, particularly for projects that enhance community engagement and identity. For many communities, semi-permanent art may be more desirable than permanent pieces and therefore such initiatives would require non-CIP funding;
- To promote the acquisition of derelict land that can be used for the public/communities;
- To have greater influence on site selection for gifts and commissioned works. This specific vision was prompted by a handful of endearing pieces that become either underutilized or inappropriate for the location in which they are placed. (See Sites sub-committee);
- To provide a forum for public input.

Ultimately, these visions aim to contribute to Portland's identity as a cultural destination. The Committee recognizes that the prevalence and quality of Public Art will greatly contribute to Portland's overall image and increase both national and international recognition.

Gifts and Gifts Subcommittee

Many of the pieces in the collection are gifts or have been subsidized by donations – this year, Anne Waldron gave the City a 1976 Bernard Langlais sculpture *Puffin* to be added to the City's Public Art Collection.

Seeking Donations

As stated above, soliciting donations must be an increased focus of the Committee because of the nature of the CIP allocations. Anything funded using the CIP budget must have a projected life-span of at least 20 years. Since the Public Art Program applies to all forms of public art, the committee must actively seek donations for any semi-permanent, rotating, or temporary installments, and for large-scale significant pieces. In 2016 a major fundraising campaign will begin for Congress Square Redesign and Public Art Commission. This will be supplemented by grant applications such as the National Endowment for the Arts Our Town grant and ArtWorks in addition to ArtPlace.

PROMOTING PUBLIC AWARENESS AND ENGAGEMENT

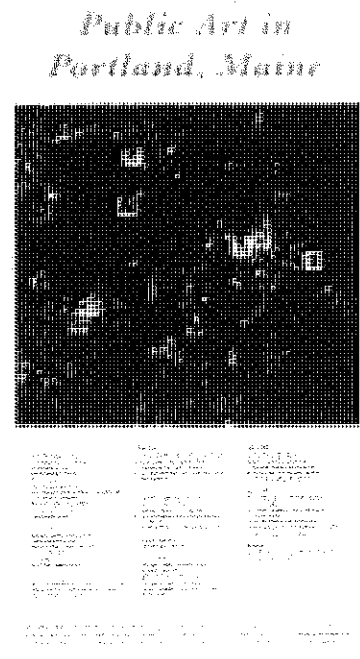
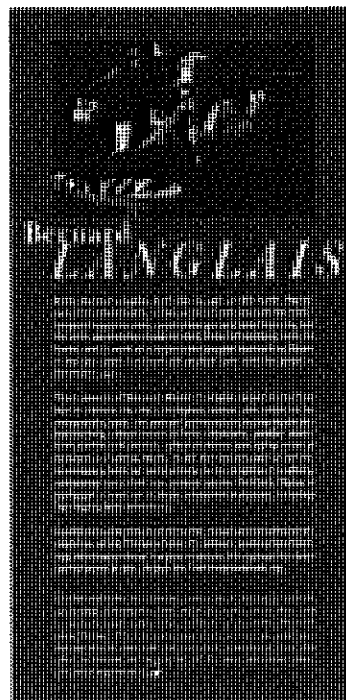
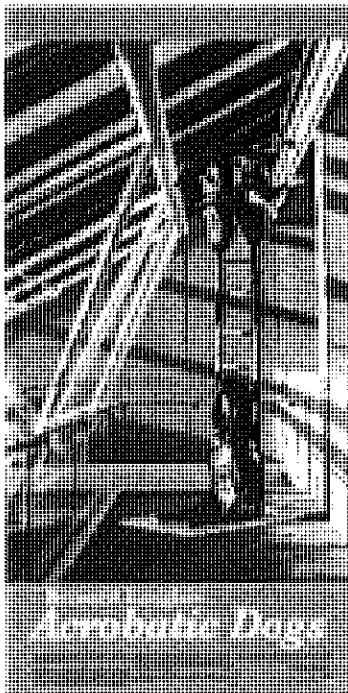
The PPAC continues to update and make improvements to the collection website: publicartportland.org

Communication Subcommittee

The *Art in Our Front Yard* series was expanded in 2015. All talks in 2015 were filmed to post on the Public Art website. 2015 speakers included some of the artists who made pieces at the Jetport, and local "celebrities" including Monica Wood and Herb Adams. Additional talks and filming are planned for 2016 to increase the public outreach and education about the collection.

Signage Installations

Six large posters about the Langlais collection were installed inside the Jetport in August 2015 near the Langlais *Playing Bears* in the corridor between baggage claim and the new terminal. Jonathan Taggart is contracted to finish installing public art signage for new public artworks. Additional services in 2015 include the installation of bronze plaques for new artwork.



III. CONSERVATION & MAINTENANCE

It is essential to the longevity and safety of the works in the collection to engage a conservator for conservation and repair of our public art collection. The collection requires on-going assessment and maintenance. Jonathan Taggart, of Taggart Object Conservation has been contracted on an annual basis to provide ongoing conservation work on the collection. In 2015, conservation and maintenance work included the following:

ASSESSMENT (ATTACHED)

Jonathan Taggart was contracted to conduct an assessment of the collection. This assessment is attached for reference. The committee will use the assessment to prioritize future conservation and maintenance work. A new 5-year contract will be released to bid in 2016 for a conservator to assist with those needs.

ART UNDERFOOT REPAIR

After the winter, the PPAC noticed four bronze bricks missing from the *Art Underfoot* installation. The artist provided the committee with the original molds. The PPAC will replace the missing bricks with duplicate casts. Molds have also been made of the originals for future preservation and restoration.

COMMON GROUND GAZEBO

The PPAC did extensive research on a new placement for the Common Ground Gazebo in Payson Park, and with the approval of the Friends of Payson Park decided to move it from its current site near the Seaside Nursing Home across the field to just outside the entrance to the Payson Park playground. City Council approved this move in September. Because the gazebo also needs roof repair the move has been delayed until Spring 2016.

IV. ACCOMPLISHMENTS IN 2015

COMMUNITY ART WORKS PROGRAM

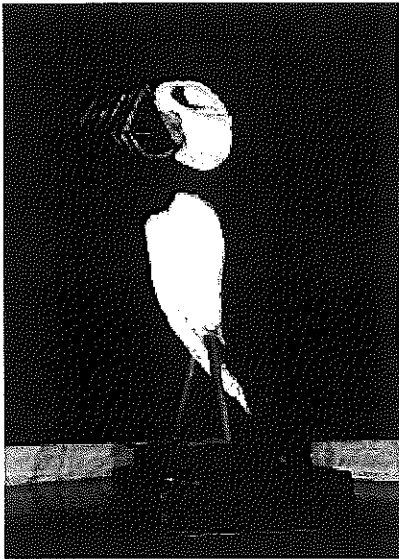
The Portland Public Art Committee reviews projects that are commissioned in the following categories: Community Art Works, Expressive Art Works, Art Works of Remembrance, and Functional Art Works. The Community Art Works program encourages collaborations between artists and community members to create public art in the neighborhoods of Portland. Community Art Works express the memory, values, traditions, customs, or aspirations of community members, address significant neighborhood sites, and/or respond to the character and history of particular places.

Portland Brick

In 2014/2015 the Committee worked with The Portland Brick Project to develop a community art project that has begun in the India Street neighborhood. Portland Brick consists of Ayumi Horie, a ceramic artist, and Elise Pepple, an independent producer of place-based audio documentary. There will be a total of thirty (30) installations once the project is completed. The Committee voted to fund this community art project with \$5,000 and the City Council accepted the project in December 2014. The project began installation in the fall of 2015 and will be complete in Spring 2016.

COLLECTION UPDATES

Gift from Anne Waldron, *Puffin* by Bernard Langlais



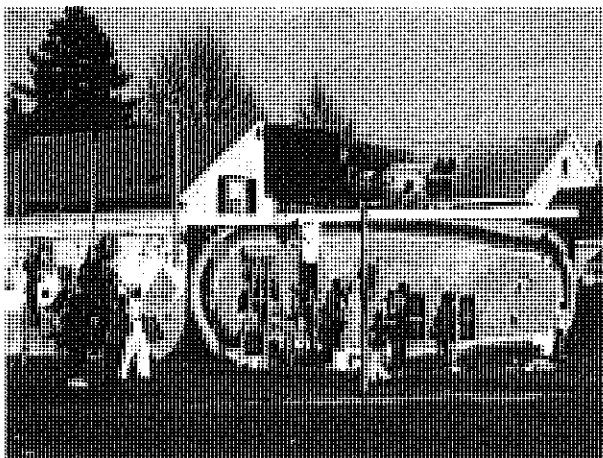
Puffin is currently on the second floor of City Hall and is waiting to be sited in the Casco Bay Lines Ferry terminal. City Council accepted this gift in 2015 from Anne Waldron. The work was made by Bernard Langlais in 1976.

Portland Brick by Ayumi Horie and Elise Pepple



Portland Brick will have thirty (30) installations around the India Street neighborhood once the project is completed. The Committee voted to fund this community art project with \$5,000 and the City Council accepted the project in December 2014. The project began installation in the fall of 2015 and will be complete in Spring 2016.

Deaccession of the *East Bayside Community Mural*



The *East Bayside Community Mural* was deaccessioned by the Council in 2015. The artist, Andrew Schoultz, gave permission for the mural to be removed. The mural was power washed and painted over in the Fall 2015 to allow future temporary installations until the building is sold.

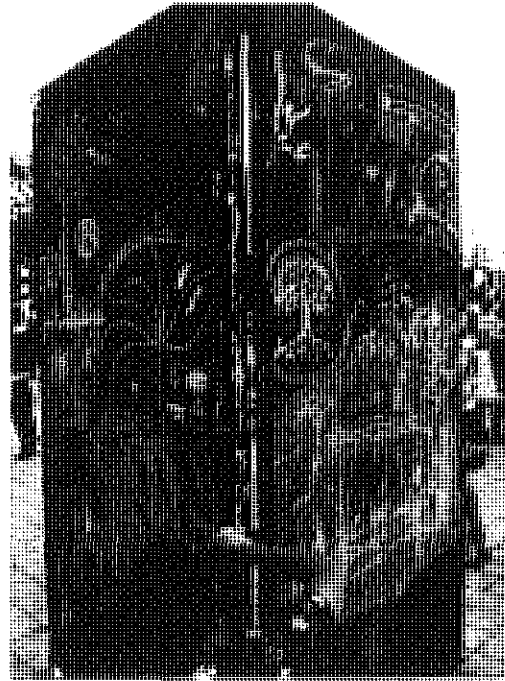
CONGRESS SQUARE ART SELECTION PANEL

The Congress Square Art Selection committee, which includes members of PPAC and the public, released a Request for Qualifications in December to begin the process to select a significant piece of public art for Congress Square. The committee consists of Pandora Lacasse, Alison Hildreth, and Tony Muench (PPAC members), Jessica May (Portland Museum of Art), Jessica Tomlinson (MECA), Scott Simon (architect), Anne Buckwalter (neighborhood member and Space Gallery), Bruce Wennerstrom (Westin Hotel).

The Committee reserved CIP funds over the last 3 years to be used for a large commission within the coming five years. This will be associated with the developments at Congress Square, which has figured prominently in our considerations going forward. We will be entering into a contract with an artist in 2016 to develop the design of the public artwork. A fundraising effort will begin in 2016 for the Square and Public Art project implementation.

CONGRESS SQUARE DATA COLLECTION FOR PUBLIC ART PLACEMENT INFORMATION

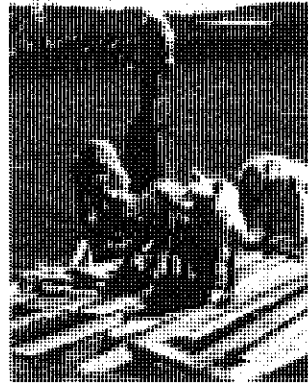
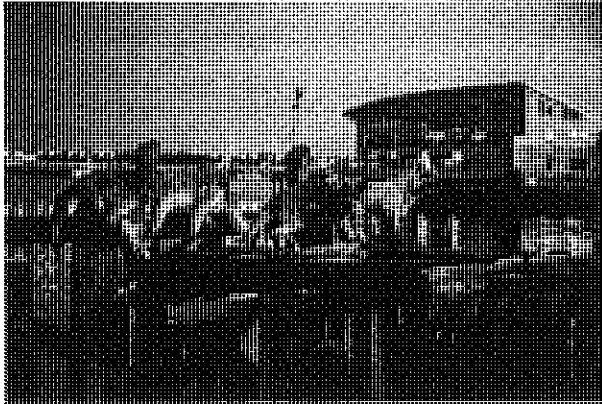
The Public Art Committee placed several blackboard walls and colored chalk in Congress Square during the August 7th First Friday Art Walk to add to the data collected about space and travel and view corridors. This information has been added to the data that will be used for the commission of public art for the Square.



TEMPORARY PUBLIC ART

First Temporary Art Project under the New Guidelines

Local artist Andy Rosen installed the first temporary artwork, *UNPACK Project*, on the waterfront near Ocean Gateway Terminal in the fall 2015. His work was partially funded by a Kindling Fund grant.

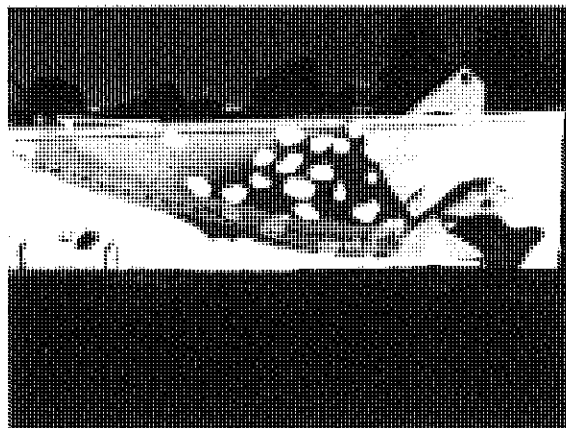


Additional Temporary Art Projects in 2015

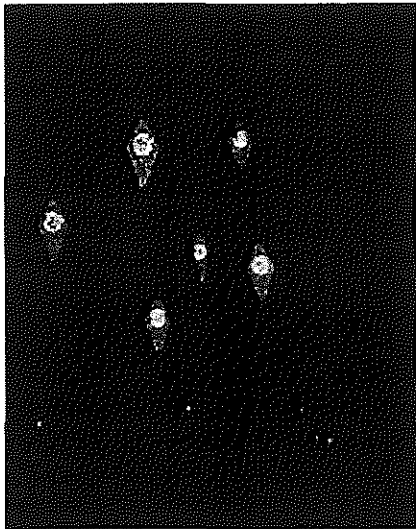
Acorn by Anne Alexander in Deering Oaks Park (summer 2015)



Mural by Andrea Sulzer on 88 Anderson Street (fall 2015 through 2016)



Noyes Street Fire Memorial by Pandora LaCasse in Longfellow Park (fall/winter 2015)



Temporary Art Guidelines Revisions – Communication to Council

The Committee recommends revisions to the Temporary Art Guidelines regarding public process to allow for public comment on proposed temporary art installations. These revisions are provided as a communication to Council.

V. GOALS FOR 2016

COMMUNICATIONS AND EDUCATION

- Art in Our Front Yard lectures + filming continues
- Signage installation completed
- Art Walking Tours updated

CONSERVATION & MAINTENANCE

- 2-year Conservation Contract awarded
- *Common Ground Gazebo* relocation and restoration
- Lincoln Park Fountain Conservation

COLLECTION

- Congress Square Public Art Commission
- Congress Square Fundraising – ArtPlace and Art Works grants
- *Puffin* final installation
- *Portland Brick* installation completed
- Sites Subcommittee identification of future sites – on-going

TEMPORARY ART

- TEMPO temporary art installation in Lincoln Park
- Sandy Macleod sculptures removed

VI. 2015 EXPENDITURES REPORT & 2016 PROPOSED BUDGET

The City allocates .5% of the annual Capital Improvement Project (CIP) budget for the conservation and acquisition of permanent public art. This 2016 Budget Plan does not include the .5% from the FY17 CIP which is unknown at this time.

2015 – Remaining Expenditures from approved 2015 budget plan:

- A. Budgeted
 - a. Conservation and Maintenance
 - \$2,650.00 Sign installation (2015 Taggart contract)
 - \$3,000 – Collection Assessment (2015 Taggart contract)
- B. Encumbered/Expended
 - a. Installation of Bernard Langlais Sculptures (remaining work: *Puffin* repair and installation)
 - \$27400.04 encumbered
 - b. Community Art Project, Portland Brick
 - \$1,000.00 remaining in contract
 - c. New Commission for Congress Square
 - \$225,000.00 total
 - \$3,000.00 encumbered – RFQ stipend
 - \$125,000.00 encumbered – Artist fee

Total Programmed Expenditures from previously approved budget:

\$259,050.40

2016 – Proposed Budget

Starting available balance for 2016:

\$66,625.01

- A. Conservation and Maintenance
 - \$34,000.00 total
 - \$5,000.00 – *Lincoln Park Fountain* conservation (see attached plan)
 - \$3,000.00 – *Common Ground Gazebo* relocation and repair (w/ DPW)
 - \$1,000 – *Art Underfoot* repairs
 - \$25,000 – 2-year Conservation contract (estimate)
- B. One community art project, unidentified
 - \$5,000.00
- C. Website maintenance
 - \$500
- D. Contingency and reserve fund
 - \$10,000.00

Total Programmed for 2016:

\$49,500.00

Remaining Balance:

\$17,125.01

Proposed FY17 Expenditure

- A. Conservation and Maintenance
 - \$21,000 – *Lincoln Park Fountain* conservation Phases 1 and 2 (see attached plan)

**TREATMENT PROPOSAL 2016
LINCOLN PARK FOUNTAIN
PORTLAND, MAINE**

**CAST IRON CONSERVATION
AND RESTORATION**



JONATHAN TAGGART
Taggart Objects Conservation
644 Five Islands Road, Georgetown, ME 04548-3309
207-522-9435, jtaggart@zwi.net

I. PROJECT DESCRIPTION

A. CLIENT INFORMATION

OWNER City of Portland Maine

AGENT Caitlin Cameron, LEED AP, Associate AIA
Urban Designer | Planning & Urban Development Department

|

ADDRESS City of Portland, Maine; 389 Congress Street, 4th Floor, Portland, ME 04101

PHONE (207) 874-8901

EMAIL ccameron@portlandmaine.gov

B. OBJECT INFORMATION

OBJECT Lincoln Park Fountain, (LPF)

ARTIST Hauts-fourneaux et fonderies du Val D'Osne

DATE OF
MANUFACTURE Installed in 1871

LOCATION In the center of Lincoln Park between Commercial, Pearl and Federal
streets and Franklin Arterial.

MATERIALS Cast Iron and copper piping

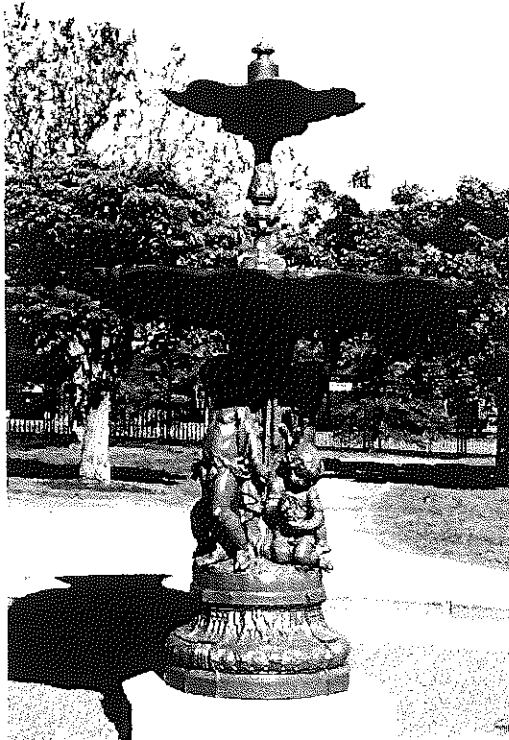
C. CLIENT'S EXPECTATIONS

The City, in collaboration with a public/private partnership is in the process of purchasing historic replacements parts for the missing upper sections of the LPF. These parts are from a similar fountain, cast by the same foundry, and at the same point in time as the LPF. Conservation and restoration of the existing cast iron fountain and historic replacement parts are the emphasis of this proposal. It does NOT include evaluation, design, acquisition and fabrication of the water system, nor replacement of the existing vaults, pumping systems, concrete basin and granite surround. These other elements are under consideration as part of the parks redevelopment plan.

ASSESSMENT PHOTOGRAPH:



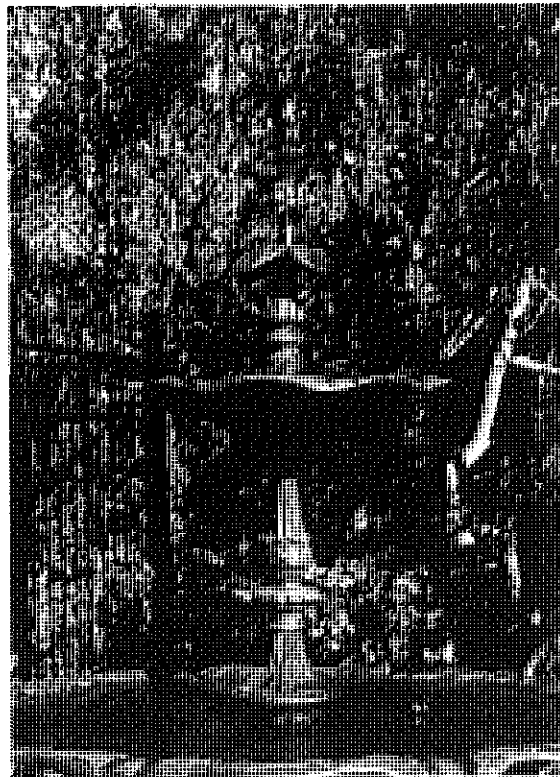
Historic appearance



After Conservation in 2005



2014, chalked paint surface



Replacement historic parts

II. CONDITION REPORT

A. MATERIALS USED IN 2005 TREATMENT

The exterior surfaces of cast iron was cleaned down to bright metal in September of 2005 and “Tenenc (Factory Accelerated) Hi-Build Epoxoline II Series N69F 34GRA was [applied]. This is a two part industrial advanced generation epoxy product for steel and concrete with excellent resistance to abrasion and is suitable for immersion, as well as chemical contact. After consultation with the city’s Public Art Committee, the color Deep Space, a dark blue grey was chosen. A primer and a finish coat of this material were applied.” (from final treatment report 4/18/2006.)

B. FABRICATION TECHNIQUES

The central decorative elements of the Lincoln Park Fountain (LPF), and the replacement parts are decorative cast iron. Some of the plumbing is copper tubing. The interior plumbing is presumed to be iron pipe.

C. STRUCTURAL CONDITION

The upper sections of the fountain are missing. The remaining cast iron sections of the fountain appear to be in sound condition. Its interior plumbing has been partially maintained in the past, but is in unknown condition at this time. The replacement parts also seem to be in sound structural condition.

D. SURFACE CONDITION

The paint surface of the LPF has chalked and greyed with age. There is a brown deposit on much of the paint surface that is common to many fountains. It is most likely some type of an organic compound such as tannins, or biological growth. In spots where the paint has failed, there may be some iron staining and corrosion. The replacement parts have intact coatings on much of its surface, and exposed iron surface in others. The exposed iron surfaces appear to remain in sound condition.

III. PROPOSED TREATMENT

This proposal covers the conservation and restoration of the cast iron central tiered fountain elements of the LPF. It includes the maintenance and stabilization of: the remain Portland fountain elements, and the historic replacement parts, which are in the process of being purchase with the city through a public private partnership. Once these pieces have been conserved, a measured drawing will be created to be used in designing the plumbing and additional internal structural support.

There are many unresolved planning issues with this fountain that under consideration as part of the parks redevelopment plan. They include the installation of a new vault under the fountain, changes in the pumping systems, repair or replacement of the basin and surrounding granite. These considerations are beyond the scope of this treatment proposal.

A. TREATMENT SUMMERY

The cast iron elements of the LPF, and the replacement parts, will be disassembled into their component parts and transported off site for treatment. Intact exterior paint coatings on the LPF will be examined for stability and prepared for repainting. The interiors of the fountain, and all the replacement parts will be cleaned of corrosion and old protective coatings, down to bright metal. All bright surfaces will be cold galvanized in preparation for painting. All surfaces will then be painted with an industrial performance coating that should give a long service life. A measured drawing will be created to be used by others to design a new plumbing system, internal supports if needed, and the water feature display (these design and fabrication considerations are not part of this proposal.) The fountain will be brought back on-site and reassembled.

B. RECOMMENDED TREATMENT

1. Scheduling

It may be necessary to coordinate the timing of this treatment with the redevelopment of the entire park. The treatment schedule will be coordinated with others as required. A reasonable approach would be to remove the fountain in the fall and install it after the treatment was completed, during the next spring. It would be preferable to coordinate this with other work on the fountain base and vault to eliminate the need to remove the fountain a second time within a few years. It would be practical to resolve these other needs during the first part of 2016 so that the work could begin in the Fall of 2016.

2. Scaffolding, Crane, Transport and Storage

Scaffolding and a crane will be needed to both disassemble and reassemble this fountain. A larger scaffold will be needed for reassembly because of the additions of the replacement parts. It may be possible to work with the city crews and equipment for lifting and transport of the fountain parts, however, this proposal is based on these services being supplied by contractors. The pieces will then be transported to Georgetown ME for treatment, and returned when the rest of the fountain is ready for reinstallation. There will be no storage charge during the proposed Fall/Winter work schedule. If additional time is needed for other work on the park or fountain basin, there will be a storage charge.

3. Surface cleaning

All surface preparation will follow the paint manufacturers recommendations to insure a long service life for the paint coatings. The exterior surfaces of the existing fountain that have been painted with Tnemec paint will be cleaned and prepared for painting, will not be removed if possible. They are stable and were properly prepared and painted. They should act as a good substrate for new paint coatings. The interior of the existing fountain and the replacement parts will be chemically stripped of old paint coatings. If necessary to produce a white metal surface without corrosion, a low pressure glass bead air abrasive cleaning will be used.

4. Aesthetic integration

Any old casting flaws or existing damages will be repaired with structural epoxy putty, or by fabrication and welding with appropriate iron material. Very little of this is anticipated. There is one known missing rosette on the replacement parts, which will be recast in cast iron using one of the existing rosettes as a pattern. It will be marked as a replacement part, then drilled, threaded and installed like the existing rosettes.

5. Protective coatings

Paint color will be chosen to approximate the existing paint color and submitted to the City for approval.

Immediately after air abrasive cleaning, all interior surfaces and the exterior surfaces of the replacement parts will be primed to prevent flash rusting. They will be priming using grey PPG Amercoat 68HS zinc rich epoxy primer (this is a three part primer that is sometimes called cold galvanization) or similar depending on the paint manufacturer recommendations. Following priming, they will be painted with PPG Amercoat PSX 700 gloss siloxane engineered coating. These are paints that the manufacturers believes will last for ten years if properly applied. The Center for Corrosion Science and Engineering National Research Laboratories believes they may last 30 years.

6. Assembly

All fasteners in the fountain will be stainless steel. The fountain will be reinstalled to coordinate with other work possibly being done in the park and in coordination with the Cities annual fountain schedule if possible. This work will ideally be done in coordination with the installation of new plumbing and structural support, and after all work is completed on the vault and basin.

7. Final appearance

The final appearance of this fountain will be will be that of an aged but cared-for historic fountain. It will have been restored to the configuration of its original installation. The surface will be gloss in appearance.

8. Measured Drawing, Plumbing Design and Fabrication

Once these pieces have been conserved and treated, a measured drawing will be produced to be used by others to create the plumbing and structural support designs. The plumbing design, structural design and fabrication are beyond the scope of this proposal. It is recommended that the plumbing be stainless steel and that it provide additional structural support to the fountain. It is not practically possible to know exactly what pipe sizes will fit into the new sections of the fountain until we have the pieces in-hand and the treatment complete. Ideally, the engineer, plumbing and water feature designers will be identified and working on the project prior to the removal of the fountain so that the work can be coordinated.

IV. MAINTENANCE PROGRAM

A maintenance program is essential to the long-term preservation. Without maintenance, treated outdoor cultural objects can return in a few years to the pre-treatment state. A maintenance program will be provide along with the final report. It is anticipated that there will be little need for maintenance of the paint coatings for years, beyond regular inspection.

V. COMPANY POLICIES

A. STANDARDS

All work will conform to the code of ethics and standards of practice of The International Institute for Conservation of Historic & Artistic Works (I.I.C.) and The American Institute for Conservation of Historic and Artistic Works (A.I.C.).

B. DOCUMENTATION

In keeping with both the international and national standards of practice, both written and photographic documentation will be undertaken. Before, during and after photographs will be taken. A treatment report and maintenance recommendations will be written, to be included with the attached condition report in a final report. This final documentation will be submitted to the client within a reasonable amount of time after the treatment is completed.

C. QUALIFICATIONS OF WORKERS

1. Conservator , Jonathan Taggart

Jonathan Taggart has a Master of Science degree in Art Conservation. He will be the primary person involved in the treatment. All standards, materials, techniques and workmanship will be as directed by him. He will be present or available at all times when work is in progress. He has more than 30 years experience as an objects conservator, with artistic and architectural monuments and fountains.

2. Technicians

Other conservators or technicians may be employed as independent contractors to assist the conservator in set-up of equipment, handling of material, daytime site security and as needed in preparation, break-down and in the process of the treatment. The technicians will be skilled in the use of tools and will have conservation experience.

D. BUSINESS POLICIES

It is the policy of Taggart Objects Conservation to work cooperatively with the client to preserve our cultural patrimony. This proposal includes an estimate of the cost to complete the proposed work described above. The estimated costs of this proposal are based on estimated time charged at the rate of \$125 per hour and estimated costs of materials and expenses. Additional costs of changes approved by the client, made after the contract, will be charged at the rate of \$125 per hour and actual expenses.

E. CONTRACT CONDITIONS

1. The Owner/Authorized Agent agrees that he/she is the owner or the authorized agent of the owner of the work(s) of art.
2. All conservation work will be performed consistent with the Code of Ethics and Guidelines for Practice set forth by the American Institute for Conservation of Historic & Artistic Works.
3. A service charge of 1.5% or \$50 per month, whichever is greater, will be made on charges not paid within 30 days after notice of completion of services performed in the signed agreement.
4. The Owner / Authorized Agent agrees that Taggart Objects Conservation may use photographs, drawings and written documents made in the performance of the proposed services for educational purposes.

VI. COST ESTIMATES

LABOR

Report and documentation and administration	\$3,000	
Deinstallation of fountain and transport, 4 days	\$4,000	
Disassembly of replacement parts, 2 day	\$2,000	
Striping and surface prep, 10 days	\$10,000	
Casting missing pieces	\$2,000	
Paint application, 4 days	\$4,000	
Installation, 3 days	\$3,000	
<u>Setup and logistics</u>	<u>\$2,000</u>	
LABOR SUB TOTAL	\$30,000	\$30,000

MATERIALS, EQUIPMENT AND SERVICES

Materials: paints, strippers, abrasives, incidentals	\$1,700	
Photo-documentation	\$300	
Scaffolding, 2 rentals	\$1,000	
Crane and trucking, (Cote Crane)	\$4,500	
Equipment: compressor, pressure washer, abrasive equip.	\$500	
<u>Insurance</u>	<u>\$150</u>	
MATERIALS AND EQUIP. SUB TOTAL	\$8,150	\$8,150

TRAVEL AND RELATED EXPENSES

Milage, G.town to PWM, round trip, 100 miles		
6 days = 600 miles @ \$0.54 / mi.	\$324	
<u>Travel time @ 1/2 rate, 12 hrs</u>	<u>\$750</u>	
TRAVEL SUB TOTAL	\$1,074	\$1,074

ESTIMATED TREATMENT COST \$39,224
to

If the city can use their equipment for the crane and trucking
There would be a \$4,500 reduction in cost.

\$34,724

VII. AUTHORIZATION TO PERFORM TREATMENT

It is understood that a treatment may be halted or modified should new problems arise. After consultation with the Owner or Authorized Agent, a new estimate may be given if the problems are more complex and the treatment more time-consuming than originally estimated.

In accordance with these listed contract conditions, the above proposal is accepted and the Conservator is authorized to carry out the proposed treatment. Please sign 2 copies, retain one for your records and return the other signed copy to Taggart Objects Conservation.

Submitted by _____ Date _____
Jonathan Taggart

Approved by _____ Date _____
This cost estimate is valid until the end of the year 2017.

Lincoln Park Fountain Conservation – Phasing Plan

Phase 1: Analysis, disassembly and preparation of the replacement pieces for treatment.

The purchased replacement pieces will be transported for treatment. It will be disassembled into its component parts and each piece evaluated for repair or replacement. Patterns for the missing pieces will be created so that can be cast and prepared with the rest of the pieces. Information will be gathered for the water feature designers so that they can specify pump size and flow rates to facilitate the desired fountain display with the available pipe sizes. This information will be used to design the internal stainless steel armature which will also supply water to the fountain. In addition the assembly and disassembly of this new installation will be considered to facilitate ease of maintenance and repair in the future.

Phase 2: Removal of old paint coatings, priming, painting and fabrication of missing pieces.

The existing base section of the fountain will be removed and transport for treatment. It will then be further disassembled to insure that the interior as well as the exterior of the pieces are treated. The missing pieces will be recast. All of the pieces, old, new, and refabricated will be primed and painted following the recommended procedures. Pieces will be reassembled as appropriate in preparation for installation. The internal armature pieces will be installed and the assembly tested.

Phase 3: Assembly, installation, and testing.

All of the pieces of the fountain will be returned to Portland and the fountain installed with the new armature in place. The water feature will be tested with others to insure proper function.

Crane work and transportation will be provided by the City as previously discussed. The design, purchase, and assembly of the stainless steel internal armature is by others.

*Order 16-16/14
Tab 21 7-6-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING ADDITIONAL HOME PROGRAM FUNDS
IN THE AMOUNT OF \$4,502.00**

ORDERED, that the amount of \$4,502.00 in HOME Program funds, in addition to the appropriation approved on March 28, 2016 by Resolve 6-15/16 for the 2016-2020 HUD 5 Year Consolidated Plan and Fiscal Year 2017 Annual Action Plan, is hereby accepted and appropriated for administrative expenses, affordable housing development and the Community Housing Development Organization set-aside.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Planning and Urban Development Department/HCD Division

DATE: June 14, 2016

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Order Appropriating additional HOME Program Allocation funds in the amount of \$4,502.00

SPONSOR: City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading July 6th

Final Action July 18th

Can action be taken at a later date: X Yes No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY OF ISSUE (Agenda Description)

In March, the City Council approved a HOME Program Budget (Resolve 6-15/16) based on a HOME allocation amount provided by the U.S. Department of Housing and Urban Development (HUD) in February, 2016. At that time, Council approved a HOME Program Grant of \$828,140 and HOME Program Income of \$205,000.

On June 7, the City was notified by HUD of a change in the HOME Program formula allocation which resulted in an increase allocation for the Cumberland County HOME Consortium of \$4,502. The City of Portland is the lead entity in the Consortium. The Council is being asked to approve a revised HOME Program Grant of \$832,642. HOME Program Income will remain at \$205,000. A proposed HOME Program Budget for the City is shown in the table below:

Budget Activity	Approved Allocation 03/2016)	Revised Allocation 06/2016)	Increase
Administration	\$102,814	\$103,264	\$450
Housing Rehabilitation	\$150,000	\$150,000	\$ -0-
Tenant Based Rental Assistance	\$130,000	\$130,000	\$ -0-
Affordable Housing Development	\$254,030	\$255,954	\$1,924
CHDO Set Aside	\$70,806	\$71,191	\$385

\$322,233 of the \$832,642 allocation and \$5,000 in HOME Program Income is reserved for County projects, an increase of \$1,743. Allocation of County HOME funds is done by the County's Municipal Oversight Committee and does not require Portland City Council approval.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Appropriation of funding requires City Council approval.

III. INTENDED RESULT

Approval of a revised HOME Program Budget

IV. COUNCIL GOAL ADDRESSED

2014: Promote Housing Availability – Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors. 2016: Plan for five new “Housing First” projects.

V. FINANCIAL IMPACT

The revised 2016-2017 HUD HOME funds of \$832,642 plus \$205,000 in program income, includes funding reserved for the City of Portland in the amount of \$710,409. This amount includes \$103,264 for Administration, \$150,000 for Housing Rehabilitation, \$130,000 for Tenant-Based Rental Assistance, \$255,954 for Affordable Housing Development and \$71,191 for the required Community Housing Development Organization (CHDO) set-aside mandated by HUD.

\$322,233 of the \$832,642 allocation is reserved for County projects, an increase of \$1,743.

VI. STAFF ANALYSIS

The revised budget proposal was developed after a historical review of HOME funding allocations, previous year’s budget allocations, program expenditures and program income (loan repayments) received. While the administration and CHDO set-aside amounts are capped by regulatory requirements, Council can decide to allocate the additional \$1,924 funding to any of the other activities such as Housing Rehabilitation, Tenant Based Rental Assistance or Affordable Housing Development.

Staff is recommending the funding be allocated to Affordable Housing Development.

VII. RECOMMENDATION

Staff is requesting Council approval of the allocation of \$4,502 in additional HOME Program funding.

VIII. LIST ATTACHMENTS

Revised HOME Program Budget

Prepared by: Mary Davis

Date: June 13, 2016

2016-2017 HOUSING PROGRAM BUDGET HUD Final Allocation February 16, 2016/HOME Allocation Revised by HUD 04.20.16 & 06.07.16

Total HUD HOME Entitlement Allocation 832,642
 Portland Portion 427,145
 County Portion 322,233

Recommended by HC 02/24/16
 Approved by Council 03/28/16

REVENUES- Housing Programs

	HOME	CDBG	HDF**	LEAD Safe Housing**	Housing Trust Fund***	TOTAL BUDGET
2016-17 HOME Consortium Admin (10% of allocation)	83,264					83,264
2016-17 HOME Consortium Programming	427,145					427,145
2015-16 HOME Program Income	200,000					200,000
Re-Allocated HOME Funds (funding from previous years)						0
2016-17 CDBG Administration						0
2016-17 CDBG Programming						0
2016-2017 Housing Trust Fund					468,551	468,551
2015-16 HDF Program Income			353,458			353,458
2015-16 Lead Safe Housing Program Income				269,774		269,774
REVENUE TOTALS (Portland)	710,409	0	353,458	269,774	468,551	1,802,192

EXPENDITURES SUMMARY- Housing Programs

	HOME	CDBG	HDF**	LEAD Safe Housing**	Housing Trust Fund***	TOTAL BUDGET
Administration						132,544
HOME Admin Allocation (2016-17)	83,264					
HDF/CDBG Housing Staff (2016-17)			49,280			
Programming						1,669,648
HOME Consortium (2016-17)	427,145					
HOME Program Income (2015-16)	200,000					
Re-Allocated HOME Funds						
CDBG Programming (2016-17)						
Housing Trust Fund (2016-17)					468,551	
HDF Program Income (2015-16)			304,178			
LEAD SAFE HOUSING Program Income (2015-16)				269,774		
EXPENDITURES SUMMARY TOTALS (Portland)	710,409	0	353,458	269,774	468,551	1,802,192

2016-17 HOUSING Budget by Activity (Portland)

	HOME	CDBG	HDF**	LEAD Safe Housing**	Housing Trust Fund***	TOTAL BUDGET
Administration (10% allocation + 10% PI) PL1701/QS1701	103,264		49,280			152,544
Housing Rehabilitation (30 Units @ \$15,000/unit) QM1700/QB1700	150,000		304,178			454,178
Homeownership Assistance QJ1700	0					0
Tenant-Based Rental Assistance QT1701	130,000					130,000
Affordable Housing Development QK1700/IN1114	255,954				468,551	724,505
CHDO QL1700	71,191					71,191
Lead Safe Housing PLL036	0			269,774		269,774
	710,409	0	353,458	269,774	468,551	1,802,192

** Balance of Previously Budgeted Amounts + New Revenue

*** Balance of Previously Budgeted Amount

2016-17 HOME Consortium COUNTY - approved by MOC on March 24, 2016 HUD allocation revised 04.20.16 and 06.07.16

County HOME Program budget provided for reference only;

Allocation of County funds is done by the County's Municipal Oversight Committee

REVENUES- Housing Programs

	HOME Consortium
2016-17 HOME Consortium Non-Portland Programming	322,233
2015-16 HOME County Program Income	5,000
	327,233

2016-17 HOUSING Budget by Activity

	HOME County
Housing Rehabilitation (15 projects @ \$15,000/project) QP1700	225,000
Home Ownership QQ1700	
Affordable Housing Development	48,528
CHDO QR1700	53,705
	327,233

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CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
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NICHOLAS M. MAVODONES, JR (A/L)

*Order 17-16/17
Tab 22 7-6-16*

ORDER REFERRING
THE BUILDING ENERGY USE BENCHMARKING ORDINANCE
TO THE ENERGY AND SUSTAINABILITY COMMITTEE

ORDERED, that the City Council hereby refers the Building Energy Use Benchmarking Ordinance as attached hereto to the Energy and Sustainability Committee; and

BE IT FURTHER ORDERED, that the Energy and Sustainability Committee review the Building Energy Use Benchmarking Ordinance and provide its final recommendation on this issue to the City Council.

City of Portland

A [DRAFT] ORDINANCE

Building Energy Use Disclosure Ordinance

DEFINITIONS (1) "Benchmarking information" shall mean information generated by the Benchmarking Tool, as herein defined including descriptive information about the physical property and its operational characteristics.

The information shall include, but need not be limited to: (a) Property address; (b) Primary use type; (c) Gross floor area (d) Site Energy Use Intensity (EUI) as defined in this section; (e) Weather normalized source EUI; (f) Annual greenhouse gas emissions; (g) The energy performance score that compares the energy use of the building to that of similar buildings, where available; and (h) Compliance or noncompliance with this Ordinance.

(2) "Benchmarking Tool" shall mean the Internet-based tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

(3) "Covered Property" shall mean a parcel, as described in public records or as determined by the Department, containing any of the following: (a) One or more non-residential building(s) where such building(s) singly or together contain more than 20,000, less than 50,00 square feet ("Non-Residential Covered Property"); and (b) One or more residential building(s) that singly or together contain 50 or more residential Dwelling Units whether they are rental Dwelling Units or Dwelling Units owned as condominiums, cooperatives or otherwise ("Residential Covered Property").

(4) "Department" means the City of Portland Planning & Urban Development.

(5) "Dwelling Unit" shall mean a single residential unit consisting of one or more habitable rooms, occupied or arranged to be occupied as a residential unit separate from all other residential units within a building, and used primarily for residential purposes and not primarily for professional or commercial purposes.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, heating oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

(7) "Energy Performance Score" shall mean the numeric rating generated by the ENERGY STAR Portfolio Manager tool or equivalent tool adopted by the department that compares the energy usage of the building to that of similar buildings.

(8) "ENERGY STAR" shall mean the U.S. Environmental Protection Agency program related to improving energy efficiency in buildings and products.

(9) "ENERGY STAR Portfolio Manager" shall mean the tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

(10) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(11) "Gross Square Feet" shall mean the gross floor area of the property.

(12) "Municipal Property" shall mean a property with one or more buildings that is 10,000 gross square feet or more that is owned by the City of Portland.

(13) "Owner" shall mean: (a) An individual or entity having title to a Covered Property; (b) An agent authorized to act on behalf of the owner of a Covered Property; (c) The net lessee in the case of a property subject to a net lease with a term of at least forty-nine years, inclusive of all renewal options; (d) The board of managers or trustees in the case of a condominium; and/or (e) The board of directors or trustees in the case of a cooperative apartment corporation.

(14) "Qualified Benchmarker" is an entity that meets the Department's qualifications for inputting Benchmarking Information into the Benchmarking Tool.

(15) "Residential Property" shall mean a property containing one or more Dwelling Units.

(16) "Site Energy" shall mean the amount of heat and electricity consumed by a Covered Property or Municipal Property as reflected in utility bills or other documentation of actual energy use.

(17) "Source Energy" shall mean all the energy used in delivering energy to a Covered Property, including power generation and transmission and distribution losses, to perform a specific function, such as but not limited to space conditioning, lighting, or water heating.

(18) "Tenant" shall mean a person or entity leasing, occupying or holding possession of a Covered Property or Municipal Property.

(19) "Utility" shall mean an entity that distributes and sells Energy for Covered Properties or Municipal Properties.

Purpose To encourage efficient use of energy and to reduce the emission of greenhouse gases, this Ordinance requires owners of Covered Properties and Municipal Properties to annually measure and disclose energy usage to the Department. Furthermore, this Ordinance will authorize the Department to collect energy usage data to enable more effective energy and climate protection planning by the City and others and to provide information to the real estate marketplace to enable its members to make decisions that foster better energy performance.

APPLICABILITY (1) This Ordinance is applicable to the following: (a) All Municipal Properties as defined in Section _____ of this Ordinance; and (b) All Covered Properties as defined in Section _____ of this Ordinance.

BENCHMARKING REQUIRED FOR MUNICIPAL PROPERTIES No later than December 31, 2016, and no later than May 1 every year thereafter, the total Energy consumed by each Municipal Property, along with all other descriptive information required by the Benchmarking Tool, shall be entered into the Benchmarking Tool for the previous calendar year.

BENCHMARKING REQUIRED FOR COVERED PROPERTIES (1) Owners shall annually input the total Energy consumed by each Covered Property, along with all other descriptive information required by the

Benchmarking Tool, into the Benchmarking Tool for the previous calendar year. The Owner shall input this information according to the following schedule: (a) A Residential Covered Property by December 1, 2017 and by every May 1 thereafter; (b) A Non-residential Covered Property by May 1, 2018 and by every May 1 thereafter; and (c) A new Covered Property that has not accumulated 12 months of energy use data by the first applicable date following occupancy for inputting Energy use into the Benchmarking Tool shall comply with this Ordinance in the following year.

NOTIFICATION OF COVERED PROPERTIES Between September 1 and December 1 of each year, the City shall notify Owners of Covered Properties of their obligation to input Energy use into the Benchmarking Tool. By January 15 of each year, the City shall post the list of the addresses of Covered Properties on a public website.

QUALIFICATIONS OF BENCHMARKERS The Department may establish certification and/or licensing requirements for the users of Benchmarking Tools.

DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION (1) Owners shall annually provide Benchmarking information to the Department, in such form as established by the Department, by the date provided by the schedule in Section _____. (2) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year: a) no later than May 31, 2017 and by September 1 of each year thereafter for Municipal Properties; and b) no later than September 1, 2018 and by September 1 of each year thereafter for Covered Properties. Benchmarking Information received by the Department for the first year a Covered Property is required to input the total Energy consumed and other descriptive information as required by the Benchmarking Tool into the Benchmarking Tool pursuant to Section _____ will be not be published except to disclose whether or not the Covered Property is in compliance with this Ordinance. (3) The Department shall make available to the public and update at least annually, the following information: (a) Summary statistics on energy consumption for Municipal Properties and Covered Properties derived from aggregation of Benchmarking information for both; (b) Summary statistics on overall compliance with this Ordinance including an assessment of accuracy; (c) For each Municipal Property and Covered Property: (i) The status of compliance with the requirements of this Ordinance; (ii) Annual summary statistics for the Municipal Property or Covered Property, including EUI, annual greenhouse gas emissions, and an energy performance score where available; and (iii) A comparison of Benchmarking Information across calendar years for any years such Municipal Property or Covered Property has input the total Energy consumed and other descriptive information for such Properties as required by the Benchmarking Tool into the Benchmarking Tool.

PROVISION OF BENCHMARKING INFORMATION BY TENANTS TO THE OWNER (1) Each Tenant located in a Covered Property shall, within 30 days of a request by the Owner and in a form to be determined by the Department, provide all information that cannot otherwise be acquired by the Owner and that is needed to comply with the requirements of this Ordinance. Failure to provide information to an Owner may result in penalties as provided under Section _____. (2) Where the Owner is unable to input the total energy consumed by the Covered Property as well as all other descriptive information for such Covered Property as required by the Benchmarking Tool into the Benchmarking Tool due to the failure of any or all Tenants to report the information required by Section _____, the Owner shall input alternate values as established by the Department prior to the implementation of this Ordinance, into the Benchmarking Tool.

ASSESSING RESULTS By December 31, 2020, the Department shall review the effect of this Ordinance on improving energy performance for Covered Buildings. If energy performance for Covered Buildings has not improved significantly, the Department shall make recommendations to the City Manager as to whether amendments to this Ordinance or other measures are necessary to improve building energy performance for Covered Buildings.

MAINTENANCE OF RECORDS (1) Owners shall maintain records as the Department determines is necessary for carrying out the purposes of this Ordinance, including but not limited to energy bills and other documents received from Tenants and/or Utilities. Such records shall be preserved by Owners for a period of three (3) years. At the request of the Department, such records shall be made available for inspection and audit by the Department. (2) At the time any occupied Covered Building is transferred, the buyer and seller shall arrange for the seller to provide to the buyer all information necessary for the buyer to report Benchmarking information for the entire year in a timely manner. It shall be a violation of this Ordinance for any seller to fail to so provide any such information.

VIOLATIONS It shall be unlawful for any entity or person to fail to comply with the requirements of this Ordinance or misrepresent any material fact in a document required to be prepared or disclosed by this Ordinance.

ENFORCEMENT AND ADMINISTRATION (1) The City Manager or his or her designee shall be the Chief Enforcement Officer of this Ordinance. (2) City Staff may promulgate regulations relative to the administration of the requirements of this Ordinance as necessary. (3) If any person or entity violates any provision of this Ordinance, the following enforcement measures may be taken: (a) For the first violation, a written warning may be issued; and (b) For any subsequent violation, the Department may issue a fine of up to \$150.00 per day pursuant to the provisions of Chapter 1.24 herein.

SEVERABILITY If any provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

EFFECTIVE DATE The provisions of this Ordinance shall be effective immediately upon passage.

*Order 18-16/17
Tab 23 9-6-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING AN EXTENSION OF THE REPORTING DEADLINE OF THE
PESTICIDE AND FERTILIZER TASK FORCE**

ORDERED, that the deadline provided in Order 263-15/16 establishing the Pesticide and Fertilizer Task Force shall be extended and the Task Force shall report back to the City Council's Energy and Sustainability Committee by September 16, 2016 and formally present to the Committee at its September 20, 2016 meeting a draft Pesticide and Fertilizer Ordinance and any other related recommendations; however, the Task Force may request an extension by the City Council of both dates, which request, if reasonable, shall not be denied.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Troy Moon, Sustainability Coordinator

DATE: 6/22/2016

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Order ...

SPONSOR: Councilor Nicholas Mavodones, Chair, Pesticide and Fertilizer Task Force

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action X

Can action be taken at a later date: Yes X No (If no why not?)

The Pesticide and Fertilizer Task Force must report to the Energy and Sustainability Committee by July 11, 2016 with a final report to the committee on July 20, 2016 unless the City Council grants an extension. The task force chair, Councilor Mavodones, wishes to request an extension.

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY OF ISSUE (Agenda Description)

The City Council created the Pesticide and Fertilizer Task Force (Order 263-15/16) which is comprised of individuals with knowledge and expertise regarding the use and environmental impacts of pesticides and fertilizers. This body was charged with reporting to the Energy and Sustainability Committee by July 11, 2016 with a final report to the committee on July 20, 2016 unless the City Council grants an extension. During the task force meeting on June 14, the task force members their work plan and established a meeting schedule that will require an extension. Councilor Mavodones, as Task Force Chair, requests that the initial report to the Energy and Sustainability Committee be presented by September 16, 2016 with a report to the committee on September 20, 2016.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

The order establishing the Pesticide and Fertilizer Task Force allows the Pesticide and Fertilizer Task Force to request an extension of their report dates which shall not be reasonably denied.

III. INTENDED RESULT

Adopting the order will permit the Pesticide and Fertilizer Task Force to continue their work in order to draft substantive recommendations regarding the use of pesticides and fertilizers in the City of Portland.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

1. STAFF ANALYSIS

The Pesticide and Fertilizer Task Force has a great deal of work to do in order to fully address environmental and financial issues related to the use of pesticides and fertilizers. To be effective, they need to have adequate time to study relevant documents and discuss them.

VII. RECOMMENDATION

We recommend approval of the extension.

VIII. LIST ATTACHMENTS

Prepared by: Troy Moon

Date: 6/22/2016

*Order 19-16/17
Tab 24 7-6-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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JUSTIN COSTA (4)

**CITY OF PORTLAND
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DAVID H. BRENERMAN (5)
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JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ENDORSING 2019 COLLECTOR PAVING PROJECTS FOR
FEDERAL AND STATE FUNDS THROUGH PORTLAND AREA
COMPREHENSIVE TRANSPORTATION SYSTEM**

ORDERED, that the two proposed paving projects to be funded by Federal, State and Local funds through the Portland Area Comprehensive Transportation System (PACTS), below, are hereby endorsed:

Allen Avenue from Washington Avenue to Summit Street, and

Washington Avenue from 8 Greenwood Street to Riverside Street.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: Jon Jennings, Ethan K. Strimling, Anita LaChance, Sonia Bean,
Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Michael Farmer, Sr. Project Engineer
Engineering Division
Portland Department of Public Works

DATE: June 28, 2016

SUBJECT: Request to endorse PACTS 2019 Collector Paving candidates

SPONSOR: Jon Jennings, City Manager.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action:** July 6, 2016

Can action be taken at a later date: No (If no why not?) PACTS requires this action before July 21, 2016.

PRESENTATION: (List the presenter(s), type and length of presentation) N/A

I. ONE SENTENCE SUMMARY

City Council endorsement is required by PACTS to include a segment of Allen Avenue and a segment of Washington Avenue in the PACTS list of candidates for the 2019 Collector Paving Program.

II. AGENDA DESCRIPTION

PACTS (Portland Area Comprehensive Transportation System) is developing its list of candidate projects for the 2019 Collector Paving Program. Two potential candidates were very recently identified for Portland: Allen Avenue between Washington Avenue and Summit Street, and Washington Avenue between Greenwood Lane and Riverside Street. These two collector road segments can only be considered for the PACTS Collector Paving List for 2019 if the City Council endorses their inclusion before July 21, 2016.

III. BACKGROUND

(See Agenda Description, above.)

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The intended results are to improve the street pavement condition on Allen Avenue and Washington Avenue through the PACTS Collector Paving Program. This program allows the City to leverage local funds with 75% Federal and State funds.

V. FINANCIAL IMPACT

Projects under the PACTS Collector Paving Program are typically financed with 75% federal and State funds and 25% local funds. The estimated cost of the Allen Avenue (Washington to Summit) paving project is \$425,000; the corresponding local (25%) share would be \$106,250. The estimated cost of the Washington Avenue (Greenwood to Riverside) paving project is \$464,000; the corresponding local (25%) share would be \$116,000.

In addition to the local project shares described above, the City is also responsible for 100 percent of the cost of modifications or improvements to City-owned utilities in the paving project areas, and modifications to achieve ADA-compliance, if needed. Common practice has been to identify and include this work within the MaineDOT administered contracts; Water Resources also has the choice of making any necessary repairs or upgrades to our utility system prior to the paving taking place. These City utility & ADA compliance costs have not yet been identified or estimated.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

The PACTS Collector Paving Program provides a means of stretching local funds by matching each local dollar with three dollars of federal and State money. This Program provides us with maximum benefit at a minimum cost, and provides significant improvements to our vital Transportation system. This endorsement step is the first among several yet to occur; later in the year PACTS will decide upon the final list and if projects in Portland are included we will be asked to verify our intent to finance the Local Share estimated amounts. There will be three stages of signing official documentation of intent; a Project ID Form (intent only), a three-party agreement (financial commitments begin), and a two-party agreement (firm financial commitment). These stages occur over the course of +/- 2 years; past practice indicates the final agreement(s) would be required in late 2018.

An additional note - these Paving projects commonly result in 'opportunistic' add-ons at 100% City cost. In this case it can be predicted that the section of Washington Avenue may trigger expectations of significant Traffic Calming, sidewalk, or other streetscape investments.

VII. RECOMMENDATION

DPW staff recommends that the City Council endorse including a segment of Allen Avenue and a segment of Washington Avenue as described above, to be considered for the 2019 PACTS Collector Paving Program.

VIII. LIST ATTACHMENTS

1.) June 16, 2016 PACTS Technical Committee Excerpt

Prepared by: Michael Farmer

Date: 6/24/2016

Bean/agendarequestmemo/rev 11/2015

New MaineDOT Context – PACTS should produce proposals to address unsafe locations

MaineDOT has suggested that we program funds from our Holding WIN in July for the development of proposals to address safety concerns at locations throughout our region. More than 40% of the state's High Crash Locations are in our region. We would develop a short list of HCL locations with input from our members, and hire a consulting engineer to develop the improvement plans.

PACTS staff is proposing to do this. See below the \$80,000 line item at the bottom of the Proposed Uses of the Holding WIN funds. \$80,000 could generate concept plans for 15 to 20 locations. This estimated amount of funding most likely will change as PDR cost estimates are revised. **We will need to include this proposal in our recommendations for funding PDR's related to Agenda Item #7, although it is not shown as one of the original projects submitted.**

MaineDOT staff already develops solutions for High Crash Locations are in our region (such as the roundabout to be built in Falmouth next year) but does not have enough staff to develop solutions for so many locations. Construction funding for addressing the safety issues would come from our MPO Allocation or from other federal safety programs.

New MaineDOT Context – PACTS should produce more projects than we budget for

MaineDOT also recently suggested that we program \$500,000 from our Holding WIN in July to create a pool of funding for the development of PDR's for projects that we solicit this fall and select during the spring of 2017. This is a great idea for these reasons:

1. We could start the development of PDR's for multiple projects during the summer of 2017 – roughly 8 to 12 months sooner than otherwise.
2. This would jump start the development of designs for projects proposed by our members that are consistent with the goals of *Destination 2040*. We might be able to program construction funding in the summer of 2018 (not build in 2018...just program the construction money).

PACTS staff is proposing to do this – but with our “2019” funds. See below the \$500,000 line item near the bottom of the Working Draft proposals page. We would specify the locations for these PDR funds a year from now. MaineDOT is OK with this.

MaineDOT staff offered the two ideas above recognizing that we would find ourselves with more needs for construction funding a year or two from now than we can afford to pay for from our MPO Allocation. MaineDOT is encouraging us to do this with the understanding that we would seek additional funding from them and that they would seriously entertain our proposals. This is consistent with MaineDOT's recent presentation to our Policy Committee about not increasing our MPO Allocation but looking for us to present well scoped and budgeted proposals (PDRs) for funding beyond our MPO Allocation.

Agenda Item 5: Capital Year 2019 Collector Paving

The funding for our 2019 collector set-a-side is usually \$3,890,000 per year. We have been requested by DOT to “front load” simple projects like collectors for 2019. The reasons are explained elsewhere in the packet and will be discussed further at our meeting. Given that, we have an “extra” \$1,860,000 to program for a total of \$5,750,000 for collector pavement preservation.

Below is a recently expanded list of candidates for use of the \$5,750,000 in collector paving. It is the basic list we reviewed in May with some minor revisions such as removing a segment of Gilman Road to be replaced with a segment of Princess Point Road and the addition of a segment of Ocean Park Road in OOB to fill the gap between Ocean Park Road in Saco and Saco Ave in OOB.

With the additional funding noted above the list has been revised to include the two Portland projects noted below. These are the projects which need our recommendation for funding today.

Town	Street Segment Name	Begin Landmark	End Landmark	Segment Length (Miles)	Priority Corridor #	SHM & OVERLAY	MILL & OVERLAY	2014 Field PCR	AVERAGE AADT	TRANSIT ROUTE?	2014 OPENION OF CONSTRUCTION COST	PACTS Funding Amount	PCR Points	AADT Points	Transit Points	Total Points
Old Orchard Beach	SACO AV 1	Union Ave	Temple Ave	1.00	3		Y	2.95	13,190	Yes	\$813,120.00	\$894,432	14	17.5	5	36.5
Falmouth	MIDDLE RD 2	Lunt Rd	PACTS Boundary (Appx. Presumpscot River)	0.82	5	Y		2.97	4,000		\$397,457.00	\$437,203	14	7.5	5	26.5
Cape Elizabeth	SCOTT DYER RD 2	Brentwood	Ocean House Road	0.55	4	Y		2.90	2,167		\$206,998.00	\$227,698	21	5	0	26
Westbrook	CUMBERLAND ST 1	Harnols Ave	Cottage Place	0.24	3		Y	3.60	14,051	Yes	\$211,493.00	\$232,642	0	20	5	25
Freeport	LOWER MAIN ST	Route 1	Summer St	0.95	3	Y		3.50	13,290		\$685,286.00	\$753,815	0	17.5	5	22.5
Yarmouth	PRINCES POINT RD	Route 88	Gilman Rd	0.24	5	Y		3.87	2,920		\$173,030.00	\$190,333		5	0	5
Yarmouth	GILMAN RD 2	Princes Point Rd	Cousins Island Rd	1.76	5	Y		3.00	2,483		\$883,188.00	\$971,507	14	5	0	19
Saco	OCEAN PARK RD	Main St	Old Orchard TL	0.94	5	Y		3.30	8,134	Yes	\$589,628.00	\$648,591	0	12.5	5	17.5
Biddeford	SOUTH ST 2	Southview Dr	Mt. Pleasant St	0.37	5		Y	3.16	6,514		\$270,770.00	\$297,847	7	10	0	17
Old Orchard Beach	OCEAN PARK RD	Saco Town Line	Temple Street	0.28	3	Y		3.80	16,786		\$175,780	\$193,358		20		20
Portland	ALLEN AVE 1	Washington	Summit	0.77	3	Y		3.59	10,486	???	\$386,395.00	\$425,000	0	15		
Portland	WASHINGTON AVE 8	Greenwood	Riverside St	0.61	4		Y	3.21	5,000	Yes	\$421,603.00	\$463,763	0	7.5	5	12.5

	\$ 5,736,188.60
2019 Set Aside Amount	\$ 3,892,000.00
"Front Load" Collectors	\$ 1,858,000.00
Total Available	\$ 5,750,000.00
Un-allocated balance	\$ 13,811.40

Agenda Item 6: PACTS MPI Selection Process

We received the following projects for funding consideration for the 2017 MPI program:

2017 PACTS MPI Projects (available funding \$640,201)			
Municipality	Project	Request	Total Project
Biddeford	Lincoln, Main & Adams	\$84,300	\$229,600
Falmouth	Gray Road (Rte. 100/26)	\$200,000	\$11,000,000
Freeport	South Freeport Road	\$200,000	\$460,000
Portland	Allen Avenue	\$137,500	\$275,000
Scarborough	Gorham Road (Rte. 114)	\$200,000	\$3,100,000
	Total	\$821,800	

We are proposing to fund all the municipal applications for our PACTS Municipal Partnership Initiative funding by using our 2017 state funding (\$640,201) plus some of the State funds currently available in our Holding WIN. Those funds are comprised of the balance of our 2016 allocation, \$124,108 and \$57,491 from our \$100,000 reserve that MaineDOT would like us to keep in the Holding WIN. They have agreed to allow some of that reserve to be used to fully fund the projects above based on very few current PACTS projects have state funds in them and therefore the funds are of limited use and our acknowledgement that we will "back fund" the deficit when state funds become available in the future.