



City of Sebastopol

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Mayor
 Patrick Slayter,
 Mayor
City Council
 Sarah Gurney, Vice
 Mayor
 John Eder
 Una Glass
 Robert Jacob
 City Manager/City
 Attorney
 Larry McLaughlin
 City Clerk
 Mary Gourley

Agenda Report Reviewed by: City Manager/City Attorney <i>Am</i>
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Meeting Date: Meeting of November 3, 2015
To: Mayor and City Council
From: Kenyon Webster, Planning Director
Subject: Public Art In-Lieu Fee Fund Expenditure Plan
Funding: Currently Budgeted: ___ Yes x No ___ N/A
 Net General Fund Cost:
 If Cost to Other Fund(s),
Recommendation: Approve Plan and Direct Implementation in FY 2016-17

Introduction: This report recommends that the Council consider a recommended 'Expenditure Plan' from the City's Public Arts Committee, for use of art in-lieu fee monies.

Background: The City has a 'percent for art' program that allows applicants to either provide on-site art, or pay an in-lieu fee. Sebastopol has had (and will have) very few projects subject to the requirement, however one project (the Barlow) chose the in-lieu option and is making payments that will total over \$92,000. At this time, the balance in this fund is approximately \$57,500. Monthly payments are being made, and full payment will occur by September 2017. There are several other pending projects that may contribute to the fund.

The fund is intended for general City use for public art projects and is not tied to the projects that may have paid the in-lieu fees; artworks generated by a public art program funded by the fee can be located anywhere in the City.

As a prelude to developing an expenditure plan, the Public Arts Committee formulated, and the City Council adopted an Art in Public Places Policy Resolution (attached) to provide broad guidance. This policy statement indicates that expenditures should make permanent, durable artworks a priority.

Program. There are numerous expenditure plan aspects that need policy direction. These include but may not be limited to:

- Types of artwork. For initial expenditures, what types of art should be solicited? What types of work would have the most community benefit or impact? Is there any kind of theme that should be highlighted? Should the program fund works that may not be as long-lasting as others (for example, murals, or a sculpture using materials that will degrade over time)? Should smaller works such as paintings be eligible? Should the program include or focus on creation of an 'art bank' of works that could be rotated at public sites? Staff suggests that given limited funding, the Committee consider how the program might be focused on key locations, or highest-impact types of public art that would highlight the creative character of Sebastopol.
- Location. Is there a particular location that should be the focus of the initial solicitation? Should installations be limited to City property, or include other public property such as public schools or County property? Should the focus be on outdoor placement, or also include interior placements, such as in public meeting rooms? Should eligible locations include publically-viewable private property? The City's control may be reduced if placements on private property are allowed, however effective funding/number of works may be increased, as discussed below.
- Leveraging funding. Particularly if the program encourages public-private partnerships, there can be opportunity for leveraging available funding, as well as for shifting part of the administrative burden. For example, a program could be developed where the City would match a private owner contribution

wishing to install a mural or sculpture on their property, where the owner would do much of the work with an artist rather than the City managing that aspect. This approach would likely result in stretching the program dollars and placement of more artworks.

- Selection process. While there should be a public review and selection process, it should not be so intensive as to take considerable administrative resources, or discourage artists.
- Care of artworks. Should a portion of funding be reserved for future care of artworks?

Public Arts Committee: The Public Arts Committee discussed expenditure plan issues over several meetings, and formulated the attached plan. Key aspects include:

- An initial focus on durable public art on public property.
- A call for proposals that identifies funding sufficient to generate interest by qualified artists with experience in public projects so as to obtain a high-quality artwork. The dollar amount recommended is intended to attract professional artists with demonstrated ability to deliver works meeting public agency requirements including budget, and perform in the context of a public process.
- Qualified artists be limited to California residents.
- The plan lists a number of public sites; the Committee suggests the City be open to artist location proposals to encourage creativity.
- A Request for Qualifications process to select several artists who would then submit artwork proposals.
- The Public Arts Committee be charged with conducting the RFQ process and the initial review of proposed artworks, with the City Council having ultimate authority over artwork selection.
- That there be an open public process at every stage of the selection process.

The Committee also noted the potential for additional art in-lieu fee fund contributions. If sufficient funds are available at the time the process commences, the Committee suggested consideration of seeking proposals for two artworks.

Recommendation: Staff recommends the Council approve the expenditure plan, and that the Council direct staff to include appropriate funding in the FY 2016-17 budget. In the interim, the Public Arts Committee will work on the Request for Qualifications.

Attachments:

Proposed Expenditure Plan
Art in Public Places Resolution

-Draft-

*City of Sebastopol
Public Arts Committee*

Expenditure Plan For Use of Public Art In-Lieu Fee Revenue

November 3, 2015

Introduction

Art can make a statement about who and what a city is, how it views itself, and how it is viewed by others. Over the long term, the Art in Public Places Program, together with the vibrant, creative character of the Sebastopol community, can provide for the integration of artworks throughout the City in public places and in private development, enriching the social environment, and expressing Sebastopol's special character.

The Program is intended to:

- Promote a wide range of artistic mediums
- Improve connections and relationships in the community
- Enhance the pedestrian environment
- Help create attractive public places
- Celebrate local history
- Foster cultural understanding.

This Program occurs in the context of the City as a public agency, and the Public Arts Committee a volunteer public board, which requires an open and inclusive public process.

The goal of the Art in Public Places Program is to foster artworks that serve the people of the community and visitors by bringing art into daily life.

One of the funding mechanisms for the Program is the City's Art In-Lieu Fee requirement. Under this requirement, applicable projects are required to either provide on-site art approved by the City, or pay a fee in-lieu of that requirement equal to one percent of the permit valuation for the project. With relatively few development projects, there is a limited amount of revenue available at this time.

The primary purpose of this Expenditure Plan is to describe current plans for use of the in-lieu fee revenue to help create public art for Sebastopol. The Public Arts Committee and City Council may periodically update or amend this Expenditure Plan.

Art in Public Places Resolution

City Council Resolution 6038 sets forth the City's Art in Public Places policies, and provides guidance for this Expenditure Plan. The resolution should be referred to for basic policy and procedure guidance regarding public art projects and expenditures.

Expenditure Plan

The following represents the initial general parameters for expending Art In-Lieu Fee revenue. Specific requirements for each phase of the program will be set forth in more detail in the Request for Qualifications, selection process, contract, and other documents.

1. Initial budget. The initial proposed program budget is \$53,000, of which \$45,000 is allocated for an artwork, \$3,000 is allocated for honorariums for artists selected to submit proposals, and \$5,000 is allocated to a long-term maintenance and

administration fund. If there is at least \$100,000 in the fund at the time of the selection process, budgeting for two artworks should be considered.

2. Number of artworks. The target for the initial expenditure is placement of one artwork.
3. Type of artwork. The initial objective is an artwork that is durable and 'permanent' in nature, and that requires minimal maintenance.
4. Locations. The objective is placement of a context-appropriate work on City-owned property. There are a number of potential locations on City-owned property, as listed below. Prospective artists should review locations in considering whether to participate in the program and in developing art concepts. Each location may have particular issues or constraints.

Potential sites include:

- Lawn/landscaped areas of the Public Works Department property
 - On City property adjacent to the grounds of the Sebastopol Center for the Arts
 - Lawn/landscaped areas of the Sebastopol Community and Cultural Center
 - Library grounds including parking lot area
 - Public landscaped area on west side of Petaluma Avenue, just south of Hopmonk driveway
 - Bodega strip on Bodega Avenue between Ragle Avenue South and Valley View Drive
 - On City-owned property near the Laguna bridge on Highway 12
 - Libby Park
 - Town Plaza
 - Entry areas to the Laguna Preserve
 - Other City-owned sites as appropriate
5. Qualifications. To ensure quality and performance, participation will be limited to California artists, preferably with demonstrated experience in completing public art projects.
 6. Selection process. The selection process will include the following basic components:
 - The review process shall include adequate time for public review and Committee evaluation. Committee decisions shall be made at public meetings.
 - Prospective artists will submit a statement of interest in response to a City Request for Qualifications (RFQ). Responses shall include a resume, examples of prior work, and a description of how the artist would approach the project.
 - The Public Arts Committee will review RFQ submittals, and following a public meeting, select a limited number of artists to submit specific artwork proposals. Selected artists will receive an honorarium if they choose to submit a proposal.
 - Proposals will be made available for public review and comment, after which artists will make a presentation to the Public Arts Committee at a public meeting. The Committee will make a selection recommendation to the City Council.

- The City Council will consider the Committee's recommendations in a public meeting and make a final selection decision.
- The artist will work with the City to implement the project.

Resolution No .6038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
ADOPTING ART IN PUBLIC PLACES PROGRAM GUIDELINES

Whereas, Sebastopol has a public art requirement for specified development projects, has established a Public Arts Committee to review art proposals, including work generated by the public art requirement, as well as to make recommendations for use of in-lieu fee payments from the requirement, and having a review role for proposals for donated artwork; and

The Public Arts Committee has determined it would be beneficial to establish guidelines for art in public places, as well as proposal review procedures and policies and has formulated proposed Art in Public Places Program Guidelines; and

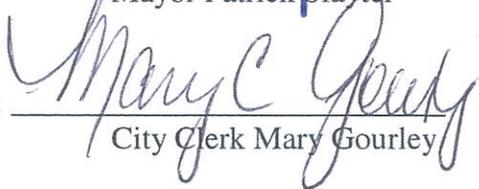
The Council has received recommendations from the Public Arts Committee setting forth such Guidelines, and has conducted an agendized, public review of the Committee's recommendations.

Now, therefore, the City Council does hereby adopt the Art in Public Places Program guidelines, as shown on Exhibit A.

Adopted by Council on the 21st day of April, 2015.

Ayes: Councilmembers Eder, Glass, Vice Mayor Gurney and Mayor Slayter
Noes: None
Absent: Councilmember Jacob
Abstain: None

Approved: 
Mayor Patrick Slayter

Attest: 
City Clerk Mary Gourley

Attachment: Exhibit A, Art in Public Places Program Guidelines

ART IN PUBLIC PLACES PROGRAM GUIDELINES

PROGRAM OVERVIEW

Art can make a statement about who and what a city is, how it views itself, and how it is viewed by others. Over the long term, the Art in Public Places Program, together with the vibrant, creative character of the Sebastopol community, can provide for the integration of artworks throughout the City in public places and in private development, to enrich the social environment, and express Sebastopol's special character.

The Program is intended to promote a wide range of artistic mediums, to improve connections and relationships in the community, to enhance the pedestrian environment, to help create attractive public places, to celebrate local history, and to foster cultural understanding. This occurs in the context of the City as a public agency, and the Public Arts Committee a volunteer public board, which requires an open and inclusive public process.

The goal of the Art in Public Places Program (the "Program") is to foster artworks that serve the people of the community and visitors by bringing art into daily life.

The Program is intended to address the following major elements: A) artworks required of developers by the Public Art Ordinance, located on development sites; B) artworks funded by in-lieu fees paid by developers, located on sites selected by the City; C) artworks donated to the City, located on sites selected or approved by the City; and D) preparation of an expenditure plan for in-lieu fee or other revenues.

At this time, due to limited funding, the general intent of the Program is to fund permanent, durable artworks, rather than artistic activities or events.

The City of Sebastopol has prepared these guidelines to provide the public with information and requirements pertaining to the placement of art in accordance with the Program. Other relevant policy documents include but are not limited to the Public Art Ordinance in Chapter 17.360 of the Municipal Code, and Resolution 6012 which addresses placement of monuments and artworks on City property.

GUIDELINES REGARDING ARTWORKS REQUIRED OF DEVELOPERS BY THE PUBLIC ART ORDINANCE

PUBLIC ART ORDINANCE REQUIREMENTS

Through its Public Art Ordinance set forth in Municipal Code Chapter 17.360, the City requires that development projects contribute a percentage of the overall project construction budget (excluding land costs) to enhancing the visual appeal of the project and the city. An Art In-Lieu Fee Fund has been established as a depository for public art in-lieu fees paid by private Applicants who elect not to participate in the program with placement of art in their projects. The in-lieu funds are intended to remain in the Art Fund for the use of artwork in the City. City generated funds may be combined with other donations, grants or other funding.

Program Requirements

Unless otherwise approved, no permanent Certificate of Occupancy shall be issued for any structure subject to the program unless the Art in Public Places requirements have been satisfied. Except as may be specifically approved by the City, artwork located on private property shall remain the property of the owner. Ownership of the work will transfer to any successive owner of the property. Once the artwork has been accepted by the City and installed, it cannot be removed or substantially altered without specific written approval of the Public Arts Committee, and the artist, consistent with applicable California law. Please refer to the Public Arts Ordinance for detailed requirements.

Applicant Options

Two options are available to the private Applicant to meet the Program's requirements: provision of artworks on the development site; and payment of an in-lieu fee.

Artwork On Site

Applicants may elect to site a permanent public artwork as part of the development project. If this option is selected, the Applicant must plan ahead for an appropriate location in the project, and submit the proposal early in the development process, in order to not cause a delay in obtaining a Certificate of Occupancy.

Using this option, the Applicant may:

- Utilize a competitive selection approach;
- Select the artist directly;
- Hire a professional consultant to select artists to commission site-specific, architecturally integrated artworks;
- Purchase artworks for permanent placement.

Proposed artworks must be designed by a professional artist with a demonstrated portfolio of successful, high-quality artworks. Experience with public art projects is desirable. Proposals

must include a detailed resume for the artist, including photographs or drawings of their artworks for review.

Proposals must also provide plans, material samples, fabrication, installation, or other relevant information about the artwork, with sufficient detail so that reviewers can understand the artistic intent and the practical construction aspects of the proposal.

Proposed materials and fabrication should be of excellent quality, durable, and not create safety hazards or accessibility issues.

Proposals must also include a project budget demonstrating cost compliance with the Ordinance and detailing cost categories, including future maintenance.

Artworks may be:

- Singular; discrete objects;
- Typically, building features designed by architects, landscape architects, or engineers as part of the architecture will not qualify as 'artworks' for purposes of this Program. Artist-designed amenities (streetscapes, paving treatments, lighting standards and treatments, benches, wayfinders, architecturally integrated water features, artist designed landscape treatments or other artist-designed amenities or aesthetic treatments) may be considered.
- Artworks must be located in publicly viewed locations.

The Artwork On Site approach allows the Applicant to:

- Maximize and return the outlay of art in-lieu fees by bringing a signature artwork to the development as an identifying and creative feature;
- Keep the artwork on site.

Artworks may not be: direct or indirect advertising or promotion for a business, a product or a development; or mass-produced art.

Fees In-lieu of Artwork

The applicant, at their discretion, may elect to pay a fee to the Art in Public Places Fund instead of placing artwork on site. Once that election has been made, funds will be subsequently used by the City of Sebastopol for art projects selected at the City's sole discretion. Applicants are advised that there is no requirement or expectation that the in-lieu fee be used for artworks on the development site. Generally the City's intent is to use such funds for permanent artworks on appropriate public and private property sites.

SITE CRITERIA FOR APPLICANTS SUBJECT TO PUBLIC ART ORDINANCE

Eligible Locations

Generally, subject to the City's approval, artwork may be placed in any of the following locations within the development project:

- On buildings and adjoining plazas, parks, sidewalks, streets, traffic islands, public buildings, entrances to the development and similar public areas.
- On exterior spaces visible from public areas.
- On surface treatments of buildings, retaining walls, bridges, and bridge railings. The definition of "location" can also be expanded by an artist's ability to extend the possibilities for public art, and would then be determined on a case-by-case basis.

Eligible Art Components

The Art in Public Places Program encourages broad and imaginative interpretations of media. The possible media and materials, which might be used for permanent or temporary installation, decorative or functional purpose, include, but are not limited to:

- Sculpture: Free standing, wall supported or suspended; kinetic, light, electronic, etc., in any durable material or combination of materials.
- Painted, printed, and mosaic murals.
- Fiber works, (must be encased and durable), neon, glass, mosaics, and photographs.

BUDGETARY GUIDELINES FOR APPLICANTS SUBJECT TO PUBLIC ART ORDINANCE

Eligible Costs

All artworks created by artists are considered eligible expenses for the Program, including the structures which enable the display of artwork. Expenses must be reasonable and will be reviewed by City staff and the Public Arts Committee.

The Artist's budget for the artwork project may include:

- Professional fees for the artist(s).
- Labor of assistants, materials, and contracted services required for the production and installation of the artwork.
- Any required permit fees.
- Business and legal costs directly related to the artwork placement.
- Communication and other indirect costs (insurance, utilities).
- Travel expenses of the artist for site visitation and research.
- Transportation of the work of art to the site.

- Preparation of site to receive artwork.
- Installation of the completed work of art.
- Lighting.
- A plaque identifying the artwork and artist.
- Maintenance by the artist.
- Documentation (color photographs, drawings, specifications, and artist information) of the artwork.

Ineligible Elements and Costs

- Directional elements such as supergraphics, signage, or color-coding except where these elements are integral parts of the original work of art.
- “Art objects” which are mass-produced of standard design such as playground equipment, fountains, or statuary objects.
- Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
- Decorative, ornamental, or functional elements that are designed by the building architect as opposed to an artist-commissioned for this purpose.
- Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the work of art by the artist.

OTHER GUIDELINES FOR PROJECTS SUBJECT TO THE PUBLIC ART ORDINANCE

The following guidelines shall be considered for the placement of artwork:

- Whether the art component will be concentrated in one area or distributed throughout the public spaces for which the artwork is intended.
- Whether the proposed project or artwork program is a collaborative effort with other Applicants or property owners. If so, specify the participants, responsibilities, and proposed arts budget allocation to non-arts components, if applicable.
- How will the art component function within the whole development and the greater site context? Will the artwork fill a space? Provide a landmark? Serve a function such as a gateway or setting?
- Who are the primary and secondary audiences for the artwork (pedestrians, building users, tourists, or automobile traffic)?

- How has the anticipated audience influenced the choice of artwork?
- Relation to wider City, State, and other communities.
- How will the artwork conform to safety and other functional requirements. Who will assist on these requirements?
- The plans for fabrication and installation of the artwork.
- The needs and plans for ongoing maintenance, and/or future modifications.

PRIVATE OWNERSHIP AND MAINTENANCE REQUIREMENTS FOR PROJECTS SUBJECT TO PUBLIC ART ORDINANCE

Maintenance

All privately sited artworks shall remain the property of the owner for the life of the Certificate of Occupancy. Title and ownership of the artwork shall transfer in whole or in part to any successor in interest of the structure. The owner of the artwork shall provide all maintenance necessary to preserve the work in good condition. In addition, the owner of artwork shall maintain in full force and effect fire and extended insurance coverage, including but not limited to vandalism coverage, in a minimum amount of the purchase price of said artwork. Failure to maintain the artwork will make the owner subject to possible liens against the real property, should the City be required to maintain the artwork.

Removal or Alteration of the Work

Public art installed onto or integrated into a private construction project shall not be removed or altered without the approval of the City. The City acknowledges that there may be circumstances where removal may be appropriate, in which case the owner shall apply to the City, and replacement or an in-lieu fee may be determined to be appropriate to be required. If the art is removed or altered without prior approval from the City, the Certificate of Occupancy may be revoked or other enforcement actions may be taken. In addition, if artwork is removed by the property owner without the approval of the City, the City may require the owner to contribute funds equal to the original public art fees, or replace the work with another of equal value, as approved by the City.

DONATIONS OF ARTWORKS TO THE CITY

From time to time, persons may wish to donate artworks to the City. This concept is appreciated, however the City must consider whether particular donations fit with the City's goals, whether a suitable site is available, whether the artwork creates unanticipated expenses, including long-term maintenance, and whether the donation is generally appropriate. Thus, some donations may be declined.

Proposed donations are subject to review by the Public Arts Committee, by the Planning Commission if proposed for a public park, and by the City Council. Applicable review criteria are set forth in these guidelines, in Resolution 6012 addressing monuments and artworks on City land, and by provisions of the Public Art Ordinance.

GUIDELINES APPLICABLE TO BOTH PRIVATE AND PUBLIC ART PROJECTS

SITE SELECTION CRITERIA

General criteria for the selection of an art site include:

- Artworks for public and private projects must be located in an area which is viewable by the public.
- The artwork should be appropriate to the site.
- The location of the artwork should be planned to complement the work and allow for unrestrained viewing, preferably from a variety of vantage points.
- Potential obstruction of growing trees, shrubbery, or future construction should be taken into account.
- The artwork shall be a permanent, fixed asset to the property.
- Each artwork shall be identified by a plaque stating the artist's name, artwork title, and date the artwork was dedicated. The plaque will be placed in an appropriate location near the artwork that can be easily viewed by pedestrians.

Public Placement

Artwork sites for public projects are selected for their aesthetic possibilities as recommended by the Public Arts Committee, the Planning Commission if required, and/or by the City Council.

Sites may include urban gateways, monument signs, vistas, parks, public spaces and plazas or other exterior, publicly accessible places.

Particular attention will be given to providing artwork at major intersections, corridors and entrances to the City.

Private Placement

On-Site: The artwork shall be displayed in one or more of the following locations on the site of the development:

- Architecturally integrated into the structure or hardscape.
- Placed as a discrete object in any exterior location open and available to the public, in a safe manner which complements the artwork and site.

ARTWORK SELECTION

Selection Criteria for Artists

General criteria for the Public Arts Committee for City projects, or Applicant to consider in selecting artists should include:

- The aesthetic and technical quality and originality of the artist's previous work as evidenced by photographs, drawings, and other supporting materials;
- The artist's previous experience with public art projects of a similar scale and scope, or other relevant experience;
- The artist's demonstrated ability to execute and complete a project in a timely and professional manner;
- The appropriateness of the artist's proposal to the particular project and its probability of successful completion;

Selection Criteria for Artwork

- General criteria for the Public Arts Committee or Applicant to consider in selecting artwork for public or private projects should include:
- Quality: artwork demonstrates originality, artistic excellence, and quality;
- Style: artworks of all schools, styles, and tastes should be considered;
- Response to Site: artworks and art places should be appropriate in scale, material, form, content, and value for the immediate, general, social, and physical environments with which they are to relate;
- Durability: consideration should be given to structural and surface integrity, permanence, and protection against theft, vandalism, weathering, and excessive maintenance and repair costs;
- Elements of Design: consider that public art, in addition to meeting aesthetic requirements, may also serve to establish focal points, terminate areas, modify, enhance, or define specific spaces or establish identity;
- Liability: artworks and art places should be examined for unsafe conditions or factors that may bear on liability;
- Diversity: strive for diversity of style, scale, media, artists, community values, forms of expression, and equitable distribution of artworks throughout the City.

Selection Methods

Artworks for public and private projects may be selected in a variety of methods. The Public Arts Committee will make a recommendation to the City Council as to the appropriate method for a given public art project.

For public projects, generally, given the modest scale of the public art program in Sebastopol and the City's limited resources, procedures should aim at minimizing administrative and procedural aspect to the extent reasonably feasible. This may include such methods as a public-private partnership program, such as a matching grant program to fund prominent artworks on private property.

Selection methods may include but are not limited to:

- Request for Qualifications process
- Request for Proposals process
- Use of a Pre-Qualified list of artists
- Possible requirements for local or regional residence;
- Open Competition: The project is advertised locally, regionally, nationally or internationally. Interested artists may submit materials for review, which include slides, letter of interest, resume and supplementary materials such as reviews, articles, books or brochures.
- Limited Invitational: A selected number of artists are invited to submit materials for review. Finalists may be selected to submit detailed models for the project for which they will be paid a fee.
- Invitation: One artist is invited to submit materials for review, and may be commissioned to create a detailed proposal.
- Direct purchase: An existing work is purchased for a specific project.
- Selection of the artwork for City sponsored projects may be subject to the artist(s) providing materials and performance bonds, as well as completing a contract approved by the City Attorney.

REVIEW ROLES

Public Arts Committee

The Public Arts Committee serves in an advisory capacity providing recommendations for art placement and selection to the City Council.

The Committee:

- Serves as the selection panel for all City initiated public art projects;
- Serves as the first review body for all privately initiated public art projects resulting from requirements of the Public Art Ordinance;
- Reviews artwork donation proposals for City property;
- Formulates recommendations for programs or projects for use of in-lieu fee funds generated by development projects for review and approval by the City Council.
- May serve as a selection recommendation committee for public art projects, or make recommendations for structuring independent review committees.
- Considers, reviews, and make recommendations concerning any need for removal, repair, relocation or other changes to existing public artworks;
- Provides technical and aesthetic recommendations for all public art projects for City Council;
- Recommendations regarding administrative aspects, such as content of Request for Proposals and like documents, contracts, insurance requirements, application forms, etc.
- Reviews any public art inventory information prepared by City staff or others

Design Review Board

The Design Review Board reviews recommendations from the Public Arts Committee as regards artworks proposed by applicants for placement in private development projects which are subject to the Public Arts Ordinance.

Planning Commission

The Planning Commission is required to review permanent projects in public parks, including artworks.

City Council

The City Council sets overall City policy and has final authority as regards placement of temporary or permanent artworks on City property. As applicable, the Public Arts Committee

and the Planning Commission make recommendations to the City Council as regards such placements.

PRIVATE PROJECT PROCESS FOR PROJECTS SUBJECT TO THE PUBLIC ART ORDINANCE

The Applicant has latitude in selecting an artist and in managing the review, fabrication, and installation process. Typically, steps may include:

- Pre-Design consultation;
- Proposed artist, artwork site/artwork selected;
- Art In Public Places application submitted;
- City review/approvals of artwork site and artwork (Public Arts Committee and Design Review Board);
- Artwork commissioned and fabricated;
- Artwork installed;
- City notified of completion, inspection, maintenance plan, and acceptance of installation as complying with approvals.

PUBLIC ART PROJECT EXPENDITURES

The Public Arts Committee, in a public process that may include public outreach, shall periodically formulate and annually review an expenditure plan recommendation to the City Council for use of the In-Lieu Fee fund, as well as use of any other funding dedicated to this purpose if directed by the City Council. Such plan shall be updated as required, taking into consideration the amount of available funds, and program accomplishments.

The objective of the expenditure plan shall be to utilize available and projected revenues to achieve installation and continued upkeep of publically funded artworks in a cost-effective manner, generally within a four-year or less time period from receipt of revenues.

Such recommendations may include:

- Formulation of general goals, themes or other objectives for the expenditure plan.
- Identification of expenditure categories and recommended budgeting, including maintenance of public artworks.
- Consideration of ways to leverage available funds and reduce administrative burden, such as a matching grant program.
- Identification of potential issues or concerns that have or may arise.
- Location recommendations, which may include private sites or public sites. In the case of multiple sites, recommendations may set implementation priorities. Generally, prior to location recommendations, the Committee or its staff, or Applicant (if applicable) shall perform outreach to any affected organizations, businesses, property owners or residents on the site or in the immediate area that may be affected by the installation.
- Recommendations regarding type and other characteristics of desired artwork.
- Recommendations regarding artist qualification criteria.
- Recommendations regarding selection process.
- Recommendations regarding review of selected artist submittals.
- Public process, outreach, and related recommendations appropriate for the project or program.