



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

CITY COUNCIL AGENDA
Tuesday, April 21, 2009 7:30 PM

ADDENDUM
to Regular Meeting

MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL
CONFERENCE CENTER, 1000 SPRING STREET

CONSENT

11A [Appropriation of Public Art Funds](#)

Ann Robb, Director of Library & Recreation Services

For the City Council to consider an allocation from the Art in Public Places Fund to purchase visual art display panels for public art exhibits.

OPTIONS:

- a. Adopt Resolution No. 09-XXX to approve expenditure from Fund 320 – Art in Public Places in the amount of \$4;000 for purchase of visual display panes.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

*** *End of Addendum* ***

TO: James L. App, City Manager
FROM: Ann Robb, Director of Library & Recreation Services
SUBJECT: Appropriation of Public Art Funds
DATE: April 21, 2009

NEEDS: For the City Council to consider an allocation from the Art in Public Places Fund to purchase visual art display panels for public art exhibits.

- FACTS:**
1. In March of 2005, the City Council established a “Visual Art in Public Places Program” to stimulate investment in public art displays. Funds for the program are generated through a 1% appropriation of each public capital project’s budget.
 2. The Parks and Recreation Advisory Committee (PRAC) acts as the Council advisory committee relative to expenditure of the City’s Public Art Fund.
 3. There is an approximate balance of \$4500 in Fund 320 (Art in Public Places Fund).
 4. At their regular meeting of April 14, 2009, the PRAC unanimously recommended that the City Council disperse \$4,000 of the Art in Public Places Fund to allow the purchase of art display panels to exhibit art in public places.
 5. In their action, the PRAC made the finding that the expenditure is consistent with the spirit and intent of the Visual Art in Public Places Program, recognizing that gallery quality accessories are a necessary element in displaying the visual arts to the community.
 6. The City will own the display panels and can/will use them to enhance existing art exhibits (such as Brush Strokes and Galaxy Exhibits at the public Library) as well as to bring expanded art programs to the community.
 7. The first opportunity for the use of the new panels will be during the Paso Robles Festival of the Arts, Follow the River Paint the Dream event on Saturday, May 23rd which the City is co-hosting with Studios on the Park.

**ANALYSIS
AND**

CONCLUSION: The Parks and Recreation Advisory Committee supports the purchase of visual art display panels with Art in Public Places Funds, based on their finding that such a purchase will benefit the promotion and support of the public arts within the community of Paso Robles. The Committee recommends a \$4,000 allocation from the Art in Public Places Fund to make such a purchase.

POLICY

REFERENCE: Municipal Code Chapter 3.21 – Visual Art in Public Places Program.

FISCAL

IMPACT: \$4,000 to be appropriated from the Fund 320 - Art in Public Places will have no impact on the General Fund.

- OPTIONS:**
- a. Adopt attached resolution to approve expenditure from Fund 320 – Art in Public Places in the amount of \$4,000 for purchase of visual art display panels.
 - b. Amend, modify, or reject the above option.

Attachments: Resolution 09-XXX approving expenditure
Ordinance No. 897 N.S. – Visual Arts in Public Places Program

RESOLUTION NO. 09-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES TO
ALLOCATE FUNDS FROM THE ART IN PUBLIC PLACES FUND 320 TO PURCHASE
VISUAL ART DISPLAY PANELS FOR PUBLIC ART EXHIBITS

WHEREAS, in March of 2005, the City Council established a “Visual Art in Public Places Program” to stimulate investment in public art displays; and

WHEREAS, funds for the Art in Public Places Fund are generated through a 1% appropriation of each public capital project’s budget; and

WHEREAS, the Parks and Recreation Advisory Committee (PRAC) acts as the Council advisory committee relative to expenditure of the City’s Public Art Fund; and

WHEREAS, there is currently an approximate balance of \$4500 in Fund 320 (Art Fund); and

WHEREAS, at their regular meeting of April 14, 2009, the PRAC unanimously recommended that the City Council disperse \$4,000 of the Art in Public Places Fund to allow the purchase of art display panels to exhibit art in public places; and

WHEREAS, the PRAC made the finding that the expenditure is consistent with the spirit and intent of the Visual Art in Public Places Program, recognizing that gallery quality accessories are a necessary element in displaying the visual arts to the community; and

WHEREAS, the City will own the display panels and can/will use them to enhance existing art exhibits (such as Brush Strokes and Galaxy Exhibits at the public Library) as well as to bring expanded art programs to the community.

THEREFORE BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles, to authorize the expenditure of \$4,000 from Fund 320 – Art in Public Places to allow the purchase of visual art display plans for public art exhibits.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 21st day of April 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk

ORDINANCE NO. 897 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ADOPTING CHAPTER 3.21 REGARDING
A VISUAL ARTS IN PUBLIC PLACES PROGRAM

WHEREAS, the City wishes to maintain and preserve the character of the City and create the best possible environment for the residents; and

WHEREAS, the City recognizes the substantial economic benefits to be gained through aesthetic enhancement of its public spaces; and

WHEREAS, the arts can humanize, provide social involvement, educate and create community well being; and

WHEREAS, the City desires to further enhance the aesthetic environment of the City by incorporating works of art into public areas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.21, Title 3 of the City of El Paso de Robles Municipal Code is hereby adopted to read as follows:

3.21.010 Intent and Purpose.

This chapter shall be known as the "Visual Art in Public Places Program of the City of El Paso de Robles." The public health, morals, safety and welfare, as well as the popularity and prosperity of the community, are dependent upon and enhanced by visually pleasing and high quality public art. Therefore, the city council declares that in the interest of the public health, morals safety, and welfare, it is the policy of the city to acquire and install public art works as provided in this chapter.

3.21.020 Definitions.

The following words and expressions when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them as follows:

- (a) "Visual Art in Public Places" or "Public Art" means any visual work of art displayed in a publicly visible location in a city-owned area.
- (b) "Works of Art" include, but are not limited to, ornamental landscaping, sculpture, monument, mural, fresco, bas-relief, mobiles, photography, drawing, handcrafts, painting, fountain, landscape composition, banners, mosaic, ceramic, weaving, carving and stained glass. "Works of art" are the creative result of individual or group effort, and are either unique or of limited-issue nature, and are normally not mass-produced or intended primarily for a commercial market. "Works of art" do not normally include landscaping, paving, architectural ornamentation, or signs.
- (c) "Construction Project" means any project listed in the City's Capital Improvement Program, and paid for in whole or in part by the City for public benefit. Construction Projects include but are not limited to building construction, building addition, building remodel, parks, plazas, creek improvements, flood protection projects, bridges, streets, sidewalks, bikeways, trails, other public transportation improvements, parking facilities, and similar public facilities as determined by the Community Development Director.
- (d) "Construction Cost" means the cost in dollars to construct a Capital Construction Project, as approved by the City Council or the City Administrative Officer. "Construction Cost" shall not include land acquisition, design, or maintenance costs.
- (d) "Committee" means the City of El Paso de Robles Parks and Recreation Advisory Committee.

3.21.030 Requests and Authorization for Appropriations.

- (a) All city department heads shall include in all estimates of necessary expenditures and all requests for authorization or appropriations for Construction Projects, an amount for works of art equal to at least one percent of the total cost of any such Construction Project as estimated in the Capital Improvement Program for the year in which such estimate or request is made. If the source of funding or other appropriate law with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project cost in making the aforesaid calculation.
- (b) The City Council may make appropriations for works of art to be selected and implemented by the Committee in connection with Construction Projects as provided in this chapter.

- c) For small Construction Projects, or Construction Projects in which the City Council or City Administrative Officer determines that it is not feasible or desirable to include Works of Art due to site limitations or the project's location or design, the City Council may appropriate one percent (1%) of their Construction Cost to the "Public Arts Fund" established in section 3.21.050 for Works of Art to be selected and implemented by the commission as provided in sections 3.21.070 and 3.21.080.

3.21.40 Exempt projects.

The following types of projects are exempt from this chapter:

- a. Utility projects, such as public water or sewer system improvements, pumps, and wells;
- b. Underground projects, such as storage tanks and storm drains and similar items;

3.21.050 Public Art Fund.

There is established a special fund designated "Public Art Fund" into which funds appropriated pursuant to this chapter shall be deposited. The Public Art Fund shall be maintained by the Director of Administrative Services and shall be used solely for the acquisition, commission, design, installation, improvement, maintenance, and insurance of Public Art.

3.21.060 Guidelines for Acquisition and Installation of Public Art.

Guidelines for the approval and maintenance of Works of Art shall include, but are not limited to, the following criteria:

- a. The Works of Art shall be clearly visible and easily accessible to the public.
- b. The composition of the Works of Art shall be of permanent-type materials in order to be durable against vandalism, theft, and weather, and in order to require a low level of maintenance.
- c. The Works of Art shall be related in terms of scale, material, form, and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment.
- d. The Works of Art shall be compatible with the unified design character or historical character of the site;
- e. The Works of Art shall be designed and constructed by persons experienced in the production of such art work and recognized by critics and by his or her peers as one who produces Works of Art.
- f. The Works of Art shall be maintained in a neat and orderly manner acceptable to the City.

The following items are not to be considered Works of Art for the purposes of this chapter:

- a. Art objects which are mass produced from a standard design.
- b. Reproductions of original art works.
- c. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the Works of Art.
- d. Services or utilities necessary to operate or maintain the Works of Art.

3.21.070 Committee [Commission] Authority

To carry out its responsibilities hereunder, the Committee shall:

- a. At least annually, make recommendations to the city council on the expenditure of funds in the "Municipal Arts Fund."
- b. Determine a method or methods of recommending the selection and commissioning of artists with respect to the design, execution and placement of Works of Art for which appropriations have been made, and pursuant to such method or methods, recommend to the city council selection of artists by contract for such purposes.
- c. Recommend to the City Council the specific location and/or amounts to be expended on Works of Art.
- d. Require that any proposed Work of Art requiring extraordinary operation or maintenance expenses be brought to the city council's attention.
- e. Recommend the placement of Works of Art consistent with the provisions of section 3.21.080.

- f. Prior to payment for Works of Art, review such works to report on the conformity of the finished work with the approved plans or other documents describing the Work of Art to be carried out.

3.21.080 Placement of Works of Art

Works of art selected and implemented pursuant to the provisions of this article and any amendment thereto may be placed in, on or about any municipal construction project or other municipally owned, leased, or rented property. They may be attached or detached within or about such property, and may be either temporary or permanent. Placement of works of art shall be authorized by the city council after a report of the Committee

3.21.090 Program Evaluation.

The City Clerk shall schedule the Public Art program for City Council review within one year of the date this chapter goes into effect. At such review, the Council may modify or suspend the program.

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published, and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on March 1, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of March 2005 by the following roll call vote:

AYES: Heggarty, Nemeth, and Strong
NOES: Picanco and Mecham
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk