



## Legislation Details (With Text)

**File #:** 20-1481  
**Type:** Administrative Items **Status:** Withdrawn  
**File created:** 3/4/2020 **In control:** City Council/Public Financing Authority  
**On agenda:** 3/16/2020 **Final action:** 3/16/2020  
**Title:** Consider establishment of an ad hoc Art in Public Places Committee, while also directing staff to pursue development of a public art funding source to create a City directed Art in Public Places program; and, appoint two City Council liaisons  
**Attachments:** 1. Att#1 Public Art Master Plan DRAFT, 2. Sup Com 3-13-20 - PPT, 3. Sup Com 3-13-20 - Emails, 4. Sup Com 3-16-20 Emails

Date	Ver.	Action By	Action	Result
3/16/2020	1	City Council/Public Financing Authority	withdrawn	

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Oliver Chi, City Manager

**PREPARED BY:** Chris Slama, Director of Community Services

### Subject:

**Consider establishment of an ad hoc Art in Public Places Committee, while also directing staff to pursue development of a public art funding source to create a City directed Art in Public Places program; and, appoint two City Council liaisons**

### Statement of Issue:

During the past two years, the City has been engaged in developing a Public Art Master Plan. Based on the draft plan, and if the City Council would like to proceed with creating a City directed Art in Public Places program, it will be necessary for the City Council to authorize development of a sustainable funding source for the initiative, likely through the creation of a new development impact fee. In addition, given that the City has accrued around \$317,000 in the Public Art in Parks Fund 236, it is recommended that two City Council members be identified to liaison with staff to create an ad hoc Art in Public Places Committee. The ad hoc Art in Public Places Committee would then be tasked with working with staff to develop policies and procedures for the use of Public Art in Parks funds.

### Financial Impact:

There is currently approximately \$317,000 in the Public Art in Parks Fund 236. While there is no recommendation for appropriation at this time, if the Recommended Actions as listed below are approved, a future request for appropriation of all or part of this amount would be forthcoming following the efforts of the Art in Public Places Committee recommendations.

**Recommended Action:**

A) Appoint two City Council liaisons to work with staff to establish an ad hoc Art in Public Places Committee in order to develop policies and procedures for the use of currently available Public Art in Parks funds; and,

B) Direct staff to develop an Art in Public Places Ordinance in support of a Public Art Master Plan, establishing an in lieu fee option for certain development projects which would fund future public art projects.

**Alternative Action(s):**

Do not approve the recommended actions and direct staff accordingly.

**Analysis:**

In April of 2018, City Council approved to direct the City Manager to:

1. Prepare a proposal for the creation of a comprehensive public art program. The program should acknowledge the Community Development Department's existing program and expand it to consider other public art opportunities.
2. Research best practices for funding options for a comprehensive public art program and present options for consideration.
3. Review and make recommendations regarding the composition and mission of existing Boards and Commissions, including the Allied Arts Board, and their potential role in the future with respect to a new comprehensive art program or related to our current program process.

Consequently, a Public Art Task Force was established, comprised of members of the former Allied Arts Board, various City department staff, and representatives from Visit Huntington Beach. On August 6, 2018, the Task Force presented a Public Art Master Plan Proposal which included five goals:

1. Create a Public Art Master Plan to include art installations in private and public spaces.
2. Reflect the community's identity and values, brand personality, and unique sense of place in the plan, periodic calls for projects, as well as maintenance of current and future works in the City collection.
3. Lead the planning process with best practices for public place-making, a cultural tourism development emphasis, and community quality of life enhancement focus.
4. Integrate the plan with existing City public and private sector planning, infrastructure and initiatives as feasible.

5. Establish a funding source that will allow for periodic calls for projects, as well as maintenance of current and future works in the City collection.

At that time, staff recommended the engagement of an outside consultant to assist with finalizing the Public Art Master Plan, incorporating these goals and including community engagement. A phased approach was also suggested, with early emphasis on policies and procedures needed to address immediate needs such as a process to utilize restricted funding specifically for art in City parks.

A Request for Proposals was conducted, securing the services of an outside consultant, RRM. Staff and RRM have worked closely to conduct a public engagement process, which included focus group interviews that involved participants from the Public Art Task Force, various arts related organizations in our Community, educators in the arts from our local high schools and Golden West College, the business and development community and other community leaders. Additionally, a citywide survey was conducted garnering 555 responses that provided a great deal of data related to how our community views our current public art and future programs. RRM also performed in-depth research regarding best practices throughout various cities, both statewide and nationally, and combined that information with our current Community Development Public Art Program to develop an initial Public Art Master Plan draft (Attachment). In order to finalize the plan and move forward, staff is now seeking City Council approval in two key areas:

1. Development of an Ad Hoc Art in Public Places Committee: Staff is recommending the City Council appointment of two Council liaisons who will work with staff to create a working Ad Hoc Committee that would consider community input already gathered to develop policies, procedures, and potential locations to conduct a call for artist/projects within City parks. There is currently approximately \$317,000 in the Public Art in Places Fund, which is restricted to public art projects in City parks. The committee would provide guidance regarding size, scope, type, and potential number of projects based on available funds and public input already provided through the Master Plan development. If approved, the goal would be to appropriate funds for project(s) to be commissioned and constructed in FY 2020/21. Following completion of this goal, any future need for this committee would be based on whether or not a sustainable funding source is approved by City Council.
2. Public Art Funding Source: In order to create a City directed Art in Public Places program, a sustainable funding source will need to be established. Without a funding mechanism, the City would lack the resources needed to facilitate periodic calls for art projects in public spaces and places. Based on research conducted by RRM, as well as the work conducted by the Public Art Task Force, along with discussions at the staff level, the recommended prescribed approach to fund a formal Art in Public Places Program involves the following items:
  - a. Art in Public Places Ordinance: Most cities who have a public art program adopt an ordinance that requires development projects to install permanent outdoor, publicly accessible art at the project site, or contribute Public Art Allocation funds in lieu of

installing artwork on site. Research on best practices shows a variety of exemptions, incentives, and project minimums/caps that could be incorporated into such an ordinance should the City Council chose to proceed in this manner. Further, the ordinance could be structured in a way that motivates developers to pay the in lieu fee versus install art at the project site which would help build this funding source.

- b. If the Council were to consider adopting an Art in Public Places Ordinance and create an in-lieu fee as part of the program, it would be important to consider the cumulative fee load to be assessed on new development. As part of the Ordinance creation, staff will explore the concept of creating a structure whereby the institution of the in-lieu fee would be a net-neutral cost for development interests by reducing the Park Development Impact Fee in an amount corresponding to the Art in Public Places in-lieu fee.

If City Council directs staff move forward with establishing a sustainable funding source for the Art in Public Places program, as outlined above, staff would initiate an extensive process that includes the following project components:

- Seek further input on technical details related to the in-lieu fee from the development community
- Conduct an in-depth analysis of past development history to project future fee amounts
- Undertake a new comprehensive Nexus study to validate the art in-lieu fee options
- Assess how the new art in-lieu fee impacts our current Community Development policies, procedures, and codes related to public art based on each option.

**Environmental Status:**

Neither the creation of an ad hoc committee nor receiving direction to start drafting an Art in Public Places ordinance is a project as defined by Section 15378 of the CEQA Guidelines and therefore neither action is subject to CEQA.

**Strategic Plan Goal:**

Non-Applicable - Administrative Item

**Attachment(s):**

1. Public Art Master Plan Draft