City of Brisbane
City Council
Agenda Report

To: Mayor and City Council

From: Stuart Schillinger, Administrative Services Director

Subject: Implementation Guidelines for the Public Art Ordinance

Date: July 20, 2017

Purpose:

To improve the quality of life within the community by stimulating creativity, imagination, and an unique human quality to the community environment and enrich public spaces through works of art.

Recommendation:

Approve the attached implementation guidelines for the Public Art Ordinance with any changes approved by City Council.

Background:

In 2014 the City Council adopted an Ordinance which required development to either have an art component or to pay money into an in-lieu of fund for public art to be placed in an alternative location. The City Council directed the Parks and Recreation Commission to develop implementation guidelines for this ordinance. On April 2, 2015 the City Council approved a Parks and Recreation Commission recommendation to put into place an ad hoc committee made up of two City Council Members and 3 Parks and Recreation Commissioners to review any proposals concerning Public Art installations until the Public Art Implementation Guidelines were approved by City Council.

The public art subcommittee of the Parks and Recreation Commission has met numerous times over the past three years related to this topic. The subcommittee reviewed a wide variety of implementation guidelines from other cities throughout the United States. After reviewing these guidelines the subcommittee developed a set of guidelines specific for Brisbane. The guidelines were reviewed at a subcommittee where members of the public commented on the Guidelines and made suggested changes. The full Parks and Recreation Commission reviewed and made changes to the Guidelines at their December 14, 2016 meeting which is presented tonight.

Discussion:

The guidelines similar to others throughout the State and the Country are broken up into several topic areas; Goals, Definitions, General Procedure for Privately Installed Public Art and for City Installed Public Art, and Use of Funds.

The Goals of the program are to create community involvement, have a diverse public art collection, create a sense of place, and ensure artist participation in development. The subcommittee thought it was extremely important that public art is reflective of the community and not some "cookie-cutter" pieces of art that could be located anywhere. The subcommittee also wanted to make sure that art within the City was reflective of the experiences of our community and its members. It wanted to make sure the art reflected the historical and cultural essence of the community.

The Definition section defines words and ideas which may be ambiguous to everyday usage but have specific connotations within the proposed guidelines.

The area which the subcommittee spent the most time was ensuring the General Procedure made sense for Brisbane. The subcommittee determined the process for having privately installed public art (done by a private land owner on their property) should be different from City installed public art (either in conjunction with a City project or from in-lieu of fees). The first step in the process for either public or privately installed public art is the creation of a Public Art Advisory Committee. The Committee will be made up of the Parks and Recreation Commission Public Art Subcommittee, two members of the City Council (currently the Parks and Recreation liaisons, and two members from the community at large one of whom will be professionally engage in the art community and the other an owner or of an employee of business located within Brisbane.

For privately installed art, the owner of the property would work with the Public Art Advisory Committee to come up with an acceptable design and placement for the art work, the Committee will hold a public meeting to discuss the proposed art work and make a recommendation to the Parks and Recreation Commission. The Commission would review the proposal and make recommendation to the City Council concerning the piece art. The City Council would have final approval for the art work.

For a City installed art work the process would be slightly different. The Public Art Advisory Committee would recommend the amount, location, and type of work to the City Council. The Council would approve the available funds and solicit community members to be on an Art Selection Committee. The Art Selection Committee would have up to 9 (nine) members. The members should be from a variety of backgrounds including, at least one but no more than two art professionals (who do not need to be residents of Brisbane), one community member, one business owner or their representative, 2-3 members of the Parks and Recreation Commission, and two City Council members. The Art Selection committee would solicit artists through a public process and then make a recommendation of an artist to the City Council. After the artist is selected the artist would work with the Art Selection Committee on a Conceptual and Final Design. The Final Design would be submitted to the Parks and Recreation Commission for a recommendation to the City Council. The City Council has final approval of the design and location.

Use of Funds within the Public Art Fund. Sixty-five percent (65%) of the funds collected would be for the acquisition of public art. Fifteen percent (15%) of the funds collected will be for the maintenance and curatorial services related to public art. The remaining twenty percent (20%) will be for community education projects and administration of the public art program.

Fiscal Impact:

There would be no impact on the City's General Fund from adoption of the implementation guidelines since all funds will be paid for by either public or private developers.

Measure of Success

The City creates a public art inventory which captures the imagination of residents and visitors while reflecting the values of our community.

Attachments:

Proposed Public Art Implementation Guidelines.

Stuart Schillinger
Administrative Services Director/Deputy City Manager

Clay Holstine
City Manager

Public Arts Implementation Guidelines

City of Brisbane

Purpose:

The City of Brisbane adopted a Public Arts Ordinance in 2014 in order to increase citizens' appreciation of art, to improve quality of life, and to enhance Brisbane's identity as a unique community within the greater Bay Area. Additionally, public art should stimulate creativity, imagination, and add a unique human quality to the community environment and enrich public spaces. A city rich in art becomes an outdoor cultural museum accessible to everyone.

Public art can and should be an integral part of the design and the planning process of development.

Goals:

1. Community Involvement – A community develops a specific identity and character over time. Residents are uniquely qualified to provide insight into the types of public artwork that are best suited for the community. Those who reside in the community are encouraged to participate in the selection process of public art pieces by participating at public meetings.
2. Diversity of Art – The collection should be diverse in its representation of artists and artistic styles and be reflective of the ethnic and cultural diversity of the community.
3. Creation of Sense of Place – Art is important to our common experience because it brings focus, importance, and cohesion to public spaces. Public art develops images and provides experiences that reflect the historical and cultural essence of a community. Public art transforms public spaces by giving them a context and relevance and making them places of community interest and pride. Public art has the potential to improve the appearance of an entire business block; to heighten the ethnic, historical or cultural aspects of the community and to attract foot traffic to an area that formerly had little or none.
4. Artist Participation – By encouraging collaboration between artist, architects, and engineers we can provide an aesthetic dimension that expands possibilities for creating public spaces for the community.

Definitions:

- **Artist:** An individual or team of individual artists whose body of work and professional activities demonstrate serious ongoing commitment to the fine arts. Members of architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by these Guidelines shall not be considered artists for the purpose of meeting the requirement to provide public art.
- **Arts professional:** An individual who works in the fine arts field (such as arts consultant, fine arts curators, fine arts collectors, art critics, or art educators).

- **Artwork or work of art:** All forms of original creations of visual arts, including but not limited to: 1) sculpture in any material or combination of materials; 2) painting- all media including portable and permanently affixed works, such as murals and frescoes; 3) graphic arts- print making and drawing; 4) mosaics; 5) photography; 6) crafts in clay, fiber and textiles, wood, metal, plastics and other materials; 7) calligraphy; 8) stained glass; and 9) mixed media – any combination of forms or media, including collage.
- **Artwork cost:** Artwork cost is the total amount budgeted by the City for a public artwork project.
- **Building valuation**: The total dollar amount of all construction permits for the same development project using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO) building valuation.
- **Conceptual design plan:** The initial phase of the approval of public artwork that includes review of the artist's or artist team's qualifications, conceptual artwork design, and artwork location.
- **Design:** Artwork detailing project design, including scale drawings within site context, sealed by an engineer, if required.
- **Fabrication:** A detailed description of the methods of fabrication as well as any uncommon or unusual details regarding the approach to creating an artwork piece.
- **Final design plan:** The final phase of the approval of public artwork that involves consideration of a highly defined proposal that conforms to the concept previously considered and approved by the Committee.
- **In-lieu contribution:** In place of an approved artwork on the site, a developer may elect to pay to the City an amount equal to the program allocation set forth in the Public Arts Ordinance. In-lieu fees shall be submitted to the City and deposited into the Public Art Fund before issuance of a building permit for the development project except when a different time period is approved by the Community Development Director and Parks and Recreation Director.
- **Installation:** A detailed description of the installation procedure if the artwork will not be fabricated directly on the selected site. Installation would include the construction of any required footings or foundation.
- **Public art:** Any permanent display of a work of visual art that was specifically designed to be located on a site where it would be easily accessible to the public, either on private or public property within the City of Brisbane.
- **Public art advisory committee:** A committee made of 2 Parks and Recreation Commissioners as designated by the Parks and Recreation Commission, 2 Council Members (the Council's Parks and Recreation Commission Liaisons), and 3 Brisbane Community members, appointed by City Council. The Community members shall serve two year terms and one of whom will be professionally engaged in the art community, one of whom will be an employee or owner of a business located in Brisbane, and the other member may be either a resident of Brisbane or an owner or employee of a business located in Brisbane. Members of the Public Art Advisory Committee will be ineligible to propose public art projects while they serve on the Committee and for 1 year after they leave the Committee.

- **Public art fund:** An interest-bearing account that is managed by the City Manager, or designee, into which public art funds, including donated funds, in-lieu funds and/or public art grant funds are deposited.
- **Public art selection committee:** Used for publicly installed art works. The Public Art Selection Committee will have no more than 9 members in considering any particular publicly installed art works. The Public Art Selection Committee will be the members of the Public Art Advisory Committee, as supplemented, by at one or two additional members who either work or live within 1/4 mile of the proposed site of the public art. The Public Art Advisory Committee will determine who those members for any particular public art shall be. The Public Art Selection Committee may also consult with and/or recommend the City contract with, an art professional to assist the Committee with the selection process. If more

- **Public place:** An interior or exterior area on public or private property that is easily accessible by and highly visible to the general public.

General Procedure:

Public artwork is limited to permanent visual works of art, as opposed to performing, written, or temporary art. Visual art includes but is not limited to, murals, sculptures, artist-designed landscape features, streetscape features, earthworks, environmental installations, and water and digital displays.

Any money donated to or collected through the Building Permit process will be deposited in the Public Art Fund. The City Manager, or designee, shall administer the funds and establish accounting records according to Generally Accepted Accounting Principles (GASB). The City Manager or designee will authorize all disbursements from the Public Art Fund. The account shall not be added to the City's General Fund.

The process for selecting the public piece to be installed will depend on whether or not the artwork is commissioned by the City of Brisbane or by a private person or entity.

All privately installed Public Art will be reviewed by a Public Art Advisory Committee. The Public Art Advisory Committee is responsible for reviewing and making decisions on conceptual design plans submitted by a developer of a project subject to the public art requirement.

Additionally, on an annual basis the Public Art Advisory Committee will meet to review the balance of funds in the Public Art Fund to determine if they should propose any projects be initiated and commissioned by the City.

The Public Art Advisory Committee shall ensure all public art projects meet the program criteria and guidelines for selection of an artist or artist team, artwork, and artwork location established in this procedure before submittal of the Final Design Plan to the Parks and Recreation Commission.

The following procedure will be used to review and approve public art projects:

Privately Installed Public Art

1. The project contact will meet with the designated staff from the City prior to submitting concept design plans.
2. The developer must contract the services of an artist for any public art project. The developer will provide the work vitae of the art consultant or artist.
3. Proposals must include preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed work.
4. An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs. If the value of a proposed artwork (by past records of comparable work sold, etc.) cannot be verified, City staff may choose to have the artist's proposal and or/other completed works appraised by a qualified art appraiser selected by the City. The developer will pay up front for any art appraisal service fees. This expense will be deducted from the total artwork allocation cost.
5. Preliminary plans must contain such detailed information as may be required by the Public Art Advisory Committee to adequately evaluate the location of the artwork in relation to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary.
6. A preliminary budget must show the proposed public art project is consistent with the public art ordinance requirements.
7. Within 30 days of receiving a complete application the Advisory Committee will hold an open meeting to discuss the proposed project. The meeting will be noticed to all properties within 1,000 feet of the property and posted as required by law. With the agreement of the developer the meeting may take place more than 30 days from receiving the complete application.

   The proposed artwork project will be reviewed using the following criteria as applied to the supporting documentation and past projects: Artistic quality (vision, originality, and craftsmanship);Context (architectural, historical, geographical, and socio-cultural context of the site);quality and permanency of materials; maintenance; safety; diversity of artists; representation in the existing collection of publically-accessible artworks; and diversity of artworks(media, scale, style, intention) in the existing collection of publicly accessible artworks.

8. The Public Art Advisory Committee will make a recommendation on the proposed artwork to the full Parks and Recreation Commission. Following the approval by the Public Art Advisory Committee the artist will refine the objectives and the conceptualized plan if needed.
9. The Parks and Recreation Commission will publicly review the proposed artwork project at its next meeting.
10. The Parks and Recreation Commission will make a recommendation to the City Council on the proposed artwork project.

11. The City Council will have the final approval for any public artwork project. If the Council does not approve the proposed project it can either refer the item back to the Advisory Committee, or Parks and Recreation Commission for reconsideration.
12. All cost of maintaining a privately installed Public Art work will be the expense of the private entity unless the City accepts the Public Art piece as a donation.

Public Installed Public Art

1. The Public Art Advisory Committee will recommend to the Parks and Recreation Commission the amount of money from the Public Art Fund to be used on any publicly installed public art pieces and the breakout between Administrative and Maintenance costs of the project. The Public Art Advisory Committee will also recommend a type of artwork and location. The Parks and Recreation Commission will make the final recommendation to the City Council.
2. The Council will approve available funds for the art work and solicit members to be part of an Art Selection Committee.
3. The Art Selection Committee will recommend a method of choosing the artist including whether it will be an RFQ, RFP, or Invitational competition. If part of the process will be an Invitational Competition the Art Selection Committee will recommend a budget for this part of the process.
4. The selection committee shall select an artist, or group of artists, through a public process using one of the following methods:
    a. Request for qualifications (RFQ)
    b. Request for proposals (RFP)
    c. Invitational competition.
5. The City Council shall make a decision on the Art Selection Committee's recommendations on the artist or artist group.
6. The Art Selection Committee and the appropriate City staff, as needed for the particular project, shall meet regularly with the selected artist, or group of artists, in developing the Conceptual Design Plan that meets the artwork and location criteria.
7. Once the Conceptual Plan has been approved by the Art Selection Committee, the artist or artist's team shall refine the project objectives and the Conceptual Design Plan according to the direction of the Art Selection Committee. The artist or artist team shall submit to the Parks and Recreation Commission a Final Design Plan (including final narrative, budget, and anticipated maintenance plan and installation schedule) and a two-or three dimensional models with sample materials and dimensions. The budget must detail art consultant fees, artist fees, and fabrication, transportation, installation, and maintenance expenses. The budget exclusive of the maintenance expenses shall be equal to the total amount to be expended on the proposed artwork.
8. After the Final Design has been submitted to the Commission, the artist, or artist team, shall make a presentation of the final design to the Commission for review and approval. Representatives from other City departments and any stakeholder groups will be invited to attend the Commission meeting and participate in the review. The Parks and Recreation Commission will make its recommendation to the City Council on the Final Design.
9. The Final Design will be approved by the City Council.

Use of Funds

All funds appropriated for public art will be deposited in the Public Art Fund. The City Council shall authorize projects for funding as prescribed in the public art implementation guidelines. In circumstances where it is not feasible to incorporate artistic features into a particular project, such money will be pooled and used for art in other projects. Disbursements shall be made in connection with projects approved by City Council. Nothing herein prohibits the City from soliciting or receiving grants, donations, bequests or gifts from private or public sources.

For individual pieces of art the Art Advisory Committee will recommend, to the City Council, what percentage of the funds will be set aside for the Public Art, Maintenance, and Administration and Education based on the guidelines below.

1. Public Art Funds

   No less than sixty-five percent (65%) of the money fees collected shall be directed for Public Art Acquisition and may be spent for the following purposes:

   a) Artists' services and fees.
   b) Acquisition of art.
   c) Artist selection processes, including jury selection costs and model or design fees.

   No more than fifteen percent (15%) of the money collected may be directed for Maintenance and curatorial services

   a) Identifying plaques
   b) Repair, maintenance, surveys, curatorial services, and other conservation work necessary to keep all artworks in the City collection in standard condition

   No more than twenty percent (20%) of the fee may be directed for Public Art Administration and maybe spent for the following purposes:

   a) Project administration.
   b) Community education programs, publicity, dedications, and other purposes as recommended by Parks and Recreation Commission and approved by the City Council.