



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: David N. Carmany, City Manager

FROM: Richard Gill, Parks & Recreation Director

DATE: February 21, 2012

SUBJECT: Use of Public Art Trust Funds for Two City of Manhattan Beach Public Art Projects: the City Centennial and the New Manhattan Beach Library; Direction to the Cultural Arts Commission Regarding the Centennial Art Piece; and Direction to the City Staff Regarding the Public Art Master Plan.

RECOMMENDATION:

Staff recommends that the City Council approve the use of the Public Art Trust fund for the new Manhattan Beach Library (\$150,000) and discuss and provide direction to the Cultural Arts Commission for the Centennial art piece and staff regarding the Public Art Master Plan (Attachment A).

FISCAL IMPLICATION:

The current balance in the Public Art Trust fund is \$370,799. The uncommitted balance in the Public Art Trust fund is \$303,645. There is a committed balance for the temporary sculpture garden of \$67,154. Attached is a report on the history of the Public Art Trust fund (Attachment B).

The Public Art Trust fund was established in 2002 as an implementation of the City's 1% for the arts ordinance—Ordinance No. 2040. This fund reserves a fee for art in public places on every residential development of four or more units, and every commercial and industrial building project with a building valuation exceeding \$500,000, and when remodeling such buildings with a valuation exceeding \$250,000. Fees paid into the Public Art Trust fund which are not committed to a specific project within five (5) years from the receipt by the City shall be returned to the then current owner of the development.

BACKGROUND:

During the January 3, 2012 City Council meeting, a recommendation from the Cultural Arts Commission was presented to the City Council. The recommendation from the Commission requested permission to begin the process of developing a significant public art piece for the City's Centennial. The Commission recommended that City Council designate \$200,000 for the Centennial art piece.

During the City Council's discussion of the Cultural Arts Commission's recommendation, staff made the City Council aware of the public art that is being discussed for the new Manhattan Beach library, and the request from the County for the City to consider contributing to the library art project for the new Manhattan Beach library with Public Art Trust fund.

City Council discussed both public art projects; the recommendation from the Cultural Arts Commission, and the balance in the City's Public Art Trust fund.

City Council approved the use of "up to \$400,000" from the Public Art Trust fund to be used for the City's Centennial art project and public art for the new Manhattan Beach library. The City Council appointed Mayor Pro Tem Powell and Councilmember Lesser to serve on the Public Art Ad Hoc Subcommittee and asked them to return to Council with the details of the process for allocation of the funds to each art project and the process for selecting the art.

DISCUSSION:

Mayor Pro Tem Powell and Councilmember Lesser met with the Cultural Arts Commissioners and members of the public during the Cultural Arts Commission meeting on January 10, 2012. Councilmember Lesser outlined six discussion points for the Commission: 1) Vision for the Centennial art project; 2) Budget for the two art projects; 3) Timelines for the Centennial and new library art projects; 4) Selection criteria; 5) Logistics of integration of the City's Public Art funds to the County's Civic Art Program; and 6) Process.

Vision for the Centennial Art Project

After discussion between the Commissioners, Mayor Pro Tem Powell and Councilmember Lesser, it was decided that the Commission needed to develop a tangible vision statement that was more definitive of the Centennial art project. Until January 10, 2012, the Commission had not decided if the Centennial art project was site specific or if they would purchase an existing piece of art. The Commission had not decided on a theme, vision or medium for the art piece.

During the Cultural Arts Commission meeting of January 17, 2012, the Commission developed the following vision statement for the Centennial art piece. "The Manhattan Beach Cultural Arts Commission's goal is to commission a significant piece of public art to acknowledge Manhattan Beach's first 100 years."

Budget

The Commission and Mayor Pro Tem Powell and Councilmember Lesser recommended that only up to \$300,000 total be spent for both the Centennial and Library art projects. Even though the full Council said they could spend up to \$400,000, the Commission stated that future revenues (beyond the current \$303,000) were needed for conservation and restoration of existing public artworks and therefore only \$300,000 total should be allocated for the art projects. The Commission reiterated their earlier recommendation to spend up to \$200,000 for a Centennial art project which would only leave \$100,000 for the library art project. Mayor Pro Tem Powell and Councilmember Lesser stated the importance of supplementing the new library art project with more than \$100,000. It was not determined at this meeting how much to budget for each project.

During the January 17, 2012 Cultural Arts Commission meeting, the Commission recommended that \$200,000 be spent on the Centennial art piece and \$67,000 be given to the County library art project.

Trying to determine a budget for art projects and predicting its outcome based on that budget can be difficult. The Commission's original request for \$200,000 was based on their researching existing public art in southern California as well as throughout the United States. They reviewed and discussed what the costs were for the pieces they researched.

For the library art project, the initial direction from the County was that the \$130,000 they are dedicating towards the project for art is only enough for a single piece and there are several opportunities for art throughout the building. In discussing the budget with the County Arts Commission staff, they expressed that an additional contribution of funds from the City would:

- Attract higher quality and experienced public artists who will create a stunning product as well as engage the community from a place of greater experience;
- Provide for more artworks in different areas of the building;
- Provide the opportunity for the City to develop its own piece;
- Ensure that the artwork(s) is made of the highest quality materials, perhaps aligning with the building's goal of LEED certification. Higher quality materials equals longevity and lower maintenance costs;
- Give flexibility and room for innovation;
- Artworks will have a stronger impact on the community;
- The artwork will attract different and new audiences to the library; and
- Heighten its chance of receiving national and regional recognition (i.e. Lawndale Library, PAN YIR and Library Journal, top new national libraries).

Attachments C, D, E and F are pictures of recent County art projects and their associated costs.

As was previously mentioned, there are several opportunities where art can be placed in the new library. The architects for the new library met with Mayor Pro Tem Powell and Councilmember Lesser and staff and discussed the areas in need of artistic elements which were:

- 1) on a large wall near the Highland entrance which is near the entrance to the elevator. This wall area can be seen from most vantage points inside and outside the library;
- 2) in the skylight area that can reflect down the stairway;
- 3) in the community room;
- 4) in the back plaza; and
- 5) outside walls of the stairway.

Mayor Pro Tem Powell and Councilmember Lesser were adamant that whatever amount is applied from the City's Public Art Trust fund toward art for use in the new library, the City-funded art piece(s) must be:

- 1) Separate from any art pieces funded by the County even if the pieces are created by the same artist;
- 2) Subject to an independent, City-monitored budget;
- 3) Developed through a selection process which includes public input; and
- 4) The City and County would enter into a MOU that would define ownership, maintenance, liability, and other issues.

Ms. Letitia Ivins, the Project Manager from the Los Angeles County Arts Commission for this project, stated during the February 14, 2012 Library Arts Selection Committee meeting that the above stated points were acceptable to the County. She stated that public involvement (community meetings) could occur prior to the selection of the artist and development of the Request for Qualifications (RFQ): one to two community meetings after the artist is hired (one would be a Cultural Arts Commission meeting) and one meeting after the conceptual design is developed. However, to start the process the County needs to know the full amount of funds that will be dedicated to the arts project.

Regarding the issue of using the City's Public Art Trust for a County project, the Manhattan Beach City Attorney has advised that funds may be used for works of art placed in public places or incorporated into public buildings. Based on the discussion the City had with the County during the Arts Selection Committee meeting, the City Attorney has indicated that the City's Public Art Trust fund monies can be provided to the County pursuant to a memorandum of understanding ("MOU") which would include specific conditions on when the County may draw against the fund as well as provisions regarding its use. The MOU can include provisions regarding ownership of the artwork. The MOU is a document which the County typically utilizes with other communities who have provided the County with monies for the purchase of art. The City Attorney has also suggested a second agreement between the city and the County that provides the parameters for the display of the art on the library site. This would ensure that the artwork is made available to and displayed for the public to enjoy.

Timeline

Commissioners and councilmembers discussed two timelines for the art projects--one for the Centennial and one for the library. For the library, it was noted that if the art piece is built into the architecture of the building the architects and County public works need to know specifics of the art piece within five months. If the art piece is a stand-alone piece, it will need to be completed within 18 months. Whether it is a stand-alone or a built in piece, the County needs to know the budget (including the City's Public Art Funds) as soon as possible. The County cannot develop a RFQ for the project until the amount of funds for the project is determined. Council representatives told the County Arts Commission Committee that they would be recommending \$150,000 but that needs to be approved by the full City Council during their February 21, 2012 meeting. For the Centennial art piece, the Cultural Arts Commission stated they could develop a process that targets specific artists (depending on the medium chosen for the artwork), develop conceptual designs, develop maquettes, gain City Council approval, and break ground by the Centennial celebration in December 2012.

Selection Criteria

As was mentioned previously, the Commission is recommending to implement an invitational process for artists whose works they have researched for the Centennial art piece. They would target three to four artists who would develop conceptual designs by July and have maquettes developed for City Council by September. The goal is to break ground by December. Mayor Pro Tem Powell and Councilmember Lesser believe an open call (RFQ) process should be the process for the Centennial art piece, similar to the process the County is using for the library art selection process.

The County has agreed to an open call RFQ process for artists in the western United States. The County/City art selection committee will review applications/proposals/qualifications and select one artist for the library art project.

Centennial Art Piece

Mayor Pro Tem Powell and Councilmember Lesser believe the Cultural Arts Commission needs to further define the type of art piece it is recommending to celebrate the City's Centennial. Now that the Commission has developed a vision statement for the art element, it is suggested that they develop a theme, medium and process, and commission an artwork that is representative of the City's first 100 years and site specific, not purchase an existing piece of art. The Commission has suggested that they would prefer to target 3-4 artists they have researched and pay them to do conceptual drawings. As previously mentioned, Mayor Pro Tem Powell and Councilmember Lesser believe that an "open call to all artists," RFQ similar to the County's process should be used.

Last, the Cultural Arts Commission developed a committee of former cultural arts commissioners and local art experts to help them find art works for the City's annual sculpture garden and strand bench program. The Commission has continued to use these former commissioners as a resource for the development of the City's Centennial art piece. This is against the policy of commissions setting up their own committees without direction and support from City Council as is described in the Boards and Commissions Handbook. Commissions in the past have set up "ad hoc" committees after City Council has given them a project such as mitigating issues at Sand Dune Park or developing a commemorative wall at Marine Park.

With regard to the ad hoc committee mentioned above, the City Attorney reviewed its composition and informed City Staff that only members of the Cultural Arts commission can be members to an ad hoc committee and that pursuant to the City's municipal code only the City Council can appoint members to other commissions, committee and boards. The City Attorney has advised Staff that an ad hoc committee must meet the following guidelines:

- 1) assign only two commissioners to lead the ad hoc committee;
- 2) have a specific project for the ad hoc committee members; and
- 3) be of limited duration.

Such ad hoc committees are purely advisory; they generally serve only a limited or single purpose, are not perpetual, and are dissolved when their specific task is completed. Staff has advised the Commission that the committee that was set up be dissolved and that the Commission should

request permission from the City Council to develop an ad hoc committee for the Centennial art project under the guidelines provided to them from the City Attorney.

Last, the City Attorney also reviewed the City's Public Art Master Plan. This is a document that was drafted and adopted approximately ten years ago by the City Council. The City Attorney has advised that the master plan should be revised so that the City's Public Art ordinance, the Boards and Commission Handbook and the municipal code be consistent with each other as well as consistent with the direction the City Council provides with regard to the artwork for the new Manhattan Beach Public Library and the Centennial piece. While the Master Plan contains guidelines for the implementation of the City's Public Art Trust fund, it certainly did not contemplate the unique opportunities before the City regarding the selection of artwork for a new and significant public building such as the City's Public Library nor did it foresee the selection of artwork to celebrate the City's 100th anniversary.

For example, the City's municipal code provides that monies from the Public Art Trust fund be used for works of art placed in public places or incorporated into public buildings. However, the Master Plan narrowly defines public places. The municipal code provides that only the City Council can form and select members to committees, but the Master Plan provides for the creation of an "ad hoc art in public places committee" whose members are to be selected by the Cultural Arts Commission. Depending on the discussion and direction from the City Council, staff will bring back revisions to the Master Plan for review and ultimately approval by the City Council.

CONCLUSION:

Mayor Pro Tem Powell and Councilmember Lesser are recommending to the City Council that up to \$150,000 of Public Art Trust funds be given to the County for the development of artistic elements for the new Manhattan Beach library under the stipulations mentioned in this report and agreed to by the county (i.e. public meetings, the City's and County's funds for art be accounted for and held separately and not comingled, etc.) and ask the Cultural Arts Commission to develop a more specific theme, medium, and process for the Centennial art piece.

ATTACHMENTS:

- A. Public Art Master Plan
- B. Public Art Trust Fund
- C. County Art Project by Kent Twitchell
- D. Most Prestigious National Public Art Award County Art Project
- E. County Art Project – Murals
- F. County Art Project by Cliff Garten