



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: May 16, 2017

DEPARTMENT: CITY ATTORNEY'S OFFICE

FROM: Christopher A. Callihan, City Attorney

TITLE: PUBLIC ART PROGRAM

RECOMMENDED MOTION:

A motion to adopt an Ordinance establishing a Public Art Program (codified at Article 1 of Chapter 5 of the Salinas Municipal Code.

A motion to approve a Resolution implementing policies and procedures for the Public Art Program.

RECOMMENDATION:

It is recommended that the City Council adopt an Ordinance adding Article 1 to Chapter 5 of the Salinas Municipal Code to establish a Public Art Program.

It is further recommended that the City Council approve a Resolution implementing Policies and Procedures related to the Public Art Program.

EXECUTIVE SUMMARY:

As a part of its most-recent strategic planning and goal setting, the City Council established support for public art as one of its Priority Initiatives/Objectives for 2015-2016. Specifically, the City Council established the goal of making Salinas “a place where people want to live, where diversity is valued and all citizens enjoy a high quality of life.” The proposed Ordinance and supporting policies and procedures establish a public art program to move the City toward accomplishing this initiative and goal. The proposed Ordinance contemplates support for both visual art and performing art.

BACKGROUND:

On December 6, 2016, the City Council first considered a proposed Ordinance establishing a Public Art Program. During its discussion on the proposed Ordinance, the City Council suggested revisions to the proposed Ordinance. The Ordinance and Resolution proposed with this Report incorporate those suggested revisions.

The Proposed Ordinance.

In summary, the proposed Ordinance creates a Municipal Art Fund which shall be credited with funds received pursuant to the Ordinance which funds may be used exclusively for public art and the maintenance and the repair of public art. The Municipal Art Fund will be funded exclusively from contributions made by public construction projects: The proposed Ordinance imposes upon the City the requirement to contribute an amount not to exceed one-half percent (0.5%) of the total project cost of each eligible capital improvement program project to a Municipal Art Fund. The total contribution from any single project is limited to a maximum amount of fifty thousand dollars and the total amount which may be collected from capital improvement program projects annually is one hundred thousand dollars. Private development projects are not required to contribute to the Public Art Program.

Funds maintained in the Municipal Art Fund may be used only for the selection, acquisition, and the display of public art, to maintain and to refurbish public art, to obtain professional consultants to assist the city and the Public Art Commission in selecting artists and public art, to preserve selected works of public art, and to defray such other capital expenses which are, or may become, a part of the public art program. Funds in the Municipal Art Fund may also be appropriated for the improvement of City facilities that are owned or leased by the City and which are used to support the arts.

A Public Art Commission is formed through the adoption of the proposed Ordinance. The primary duty of the Public Art Commission is to identify and to actively encourage the development and the sustainability of the arts in Salinas. The Public Art Commission is advisory to the City Council: Decisions on artistic matters will be made by the Public Art Commission with recommendations made to the City Council, subject to the oversight and the review of the City Council which shall have the final determination over such matters. The Public Art Commission will be comprised of seven individuals who are Practicing Art Professionals appointed by the Mayor and each Councilmember. Appointees need not be residents of the City and if residents may be selected at large from among the City's residents. One of the Public Art Commission's primary activities will be the preparation of a Public Arts Plan which describes the funding sources, budgets, and descriptions of proposed and ongoing public art projects and establishes budgets and descriptions for new public art projects. The Public Arts Plan will be submitted to the City Council annually, no later than April 1.

The proposed Ordinance imposes a list of standards by which the Public Art Commission will evaluate public art and public art projects (Section 5-01.05). In addition to the inherent quality of the art and the artist's ability, preference is given to art which originates in Salinas and to artists which reside in Salinas. Art and artists which originate in and which reside in Monterey County and the Tri-County area are given subsequent preference.

The Salinas Valley Chamber of Commerce previously submitted a letter conditionally supporting the establishment of a public art program. The proposed Ordinance is not inconsistent with the Chamber's conditional support. (A copy of the Chamber's letter is attached to this Report for reference.)

The Proposed Policies and Procedures Manual.

To guide implementation of the Public Art Program, a Policies and Procedures Manual has been developed and is proposed for the City Council's consideration. The Policies and Procedures Manual establishes the process for accession and the deaccession of public art into and out of the City's Municipal Art Collection. The Policies and Procedures also provide additional definition to the funding of public art and public art projects and to the strategies for the selection of public art and artists. The Policies and Procedures are intended to be flexible and subject to adjustment from time-to-time as the public art program develops and evolves. The City Council's previously adopted Visual Art Display Guidelines (Resolution No. 20297, approved November 27, 2012) remain in effect and are incorporated into the Policies and Procedures by reference. A copy of Resolution No. 20297 is attached to this Report for reference.

CEQA CONSIDERATION:

Exempt. The City of Salinas has determined that the proposed action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that with the adoption of this Ordinance there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3)]

STRATEGIC PLAN INITIATIVE:

The City Council has established the goal of making Salinas "a place where people want to live, where diversity is valued and all citizens enjoy a high quality of life." The proposed Ordinance and supporting policies and procedures establish a public art program to move the City toward accomplishing this initiative and goal.

FISCAL AND SUSTAINABILITY IMPACT:

There would be an immediate fiscal impact if the proposed Ordinance is adopted: one-half a percent of the total project cost of eligible construction-related capital improvement program projects would be allocated to the Municipal Art Fund, up to a maximum amount of fifty thousand dollars per project and one hundred thousand dollars per year, on an aggregate basis.

ATTACHMENTS:

Proposed Ordinance
Proposed Resolution
Policies and Procedures Manual
Resolution No. 20297, with attachment
Letter from Salinas Valley Chamber of Commerce