RESOLUTION NO. 12-2019

A RESOLUTION BY CITY COUNCIL OF THE CITY OF PACIFICA AMENDING THE BEAUTIFICATION TASK FORCE 2012 BEAUTIFICATION PLAN; APPROVING THE "KEEP PACIFICA BEAUTIFUL THROUGH PUBLIC ART PROGRAM" POLICY AND IMPLEMENTATION GUIDELINES; AND RESCINDING RESOLUTION NOS. 09-2013 and 12-2015

WHEREAS, during the November 13, 2012 City Council meeting of the City of Pacifica, the Council voted in favor of the creation of the Beautification Advisory Committee("BAC") and directed staff to bring forward a resolution implementing that decision; and

WHEREAS, the BAC exists in an advisory capacity to the Director of Public Works, City Manager, and City Council to implement and sustain the Beautification Task Force 2012 Beautification Plan ("Beautification Plan"); and

WHEREAS, the BAC will work with various City departments and Caltrans to ensure continued compliance with existing ordinances, policies and practices; and

WHEREAS, the BAC is comprised of a Council Liaison, the Director of Public Works or designee (Ex Officio, non-voting) and seven (7) community members appointed by City Council; and

WHEREAS, the BAC shall comprise of seven (7) community members, of which two will be a chair and a vice-chair, elected by the committee to serve two year terms; and

WHEREAS, the Beautification Plan currently does not identify public art as a BAC task; and

WHEREAS, BAC would like to add the implementation of murals and public art on public property, such as City-owned buildings, to its goals and objectives. Since the BAC is responsible for the implementation of the "Keep Pacifica Beautiful" Policy, the BAC would also implement the "Keep Pacifica Beautiful Through Public Art" Policy through the Implementation Guidelines, which would cause the BAC to, among other things, review and approve proposed public art projects; and

WHEREAS, the Beautification Plan would be amended to include the BAC's new duty: "Developing policies and guidelines for the implementation of art projects on public property consistent with the 'Keep Pacifica Beautiful Through Public Art Program'."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacifica does hereby amend the 2012 Beautification Plan, Task Force Work Plan to expand the duties of the Beautification Task Force as reflected on page 6 of the Work Plan to include the following: "Developing policies and guidelines for the implementation of art projects on public property consistent with the 'Keep Pacifica Beautiful Through Public Art Program'" and to reflect that the Beautification Advisory Committee is comprised of seven members.

BE IT FURTHER RESOLVED that the City Council hereby approves the 'Keep Pacifica Beautiful Through Public Art Program' Policy and Implementation Guidelines for art projects on public property.

BE IT FURTHER RESOLVED that Resolution Nos. 09-2013 and 12-2015 are hereby rescinded in their entirety.

* * * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 13th day of May 2019, by the following vote:

AYES, Councilmembers: Martin, O'Neill, Beckmeyer, Bier.
NOES, Councilmembers: Vaterlaus.
ABSENT, Councilmembers: None.
ABSTAIN, Councilmembers: None.

CITY OF PACIFICA

By: _____
Sue Vaterlaus, Mayor

APPROVED AS TO FORM

By: _____
Michelle Kenyon, City Attorney

ATTEST

By: _____
Sarah Coffey, City Clerk

CITY OF PACIFICA

'KEEP PACIFICA BEAUTIFUL THROUGH PUBLIC ART PROGRAM' POLICY

Purpose:

Public art contributes to the overall vitality of a community. Public art, including murals, enhances the community landscape and environment, creates a sense of place and community pride, attracts tourists, enhances the visitor experience, and contributes to the overall economic development and business environment of the community. Public art stimulates creativity, imagination, and adds a unique human quality to the community environment and enriches public spaces.

Murals and public art create a valuable community experience that engages community groups, citizens, business owners, property owners and artists in creative ways that contribute to the color, beauty, history and culture of the community. A city rich in public art creates an outdoor cultural museum accessible to everyone.

Program Concept:

The '***Keep Pacifica Beautiful Through Public Art Program'*** concept encompasses all sectors of the community in a coordinated and focused effort to improve the overall environment and beautification of the public spaces in the community including City properties, right-of-ways and facilities. City regulations regarding public art focus on art installed on City property, or on art that is directly funded by the City.

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, environmental or cultural aspects of the community; and to attract foot traffic to an area that formerly had little or none.

The City's ***'Keep Pacifica Beautiful Through Public Art Program'*** focuses on soliciting for and implementing durable art projects at City-owned locations. The ***'Keep Pacifica Beautiful Through Public Art Program'*** does not include art installations or mural sites on privately owned properties.

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. By encouraging collaboration between artists, architects, and engineers, the City can provide an aesthetic dimension that expands possibilities for creating public spaces for the community.

Program Implementation:

The Beautification Advisory Committee is charged with the responsibility for the implementation of the ***'Keep Pacifica Beautiful Through Public Art Program'*** in Pacifica in accordance with approved program guidelines.

The Beautification Advisory Committee shall be responsible for administering the ***'Keep Pacifica Beautiful Through Public Art Program'*** and ensuring the following:

- Preparing and releasing solicitations for art installations at City-determined locations
- Ensuring that city departments and committees are included in the program implementation as determined appropriate and neighborhoods and the community in general are engaged in the process to ensure the community is involved in the decision making process
- Promoting the ***'Keep Pacifica Beautiful Through Public Art Program'*** throughout the community
- Reaching out to community groups, individuals and businesses to sponsor murals or public art installations
- Maintaining a registry of interested and qualified artists
- Developing guidance for artists and sponsors regarding applicable policies, solicitation requirements, and administrative procedures applicable to implementation of art projects
- Reviewing and approving mural/public art project proposals to ensure projects comply with location, size, weight, material, and safety criteria
- Reviewing installation of approved mural and public art projects
- Developing and continually reviewing the administrative procedures and processes for the implementation of projects, including the roles and responsibilities of sponsoring entities
- Developing policies and guidelines for the implementation of art projects on public property consistent with the ***'Keep Pacifica Beautiful Through Public Art Program'***

City of Pacifica

'KEEP PACIFICA BEAUTIFUL THROUGH PUBLIC ART PROGRAM' IMPLEMENTATION GUIDELINES

The following guidelines are established to guide the Beautification Advisory Committee in the implementation of the 'KEEP PACIFICA BEAUTIFUL THROUGH PUBLIC ART PROGRAM' policy adopted by the City Council of the City of Pacifica. The Implementation Guidelines may be approved by Council but as the program is implemented the City Manager may need to make changes to these Guidelines to make it more efficient. As such, the provisions provide that any future changes to the Guidelines may be made by the City Manager, so long as those changes conform to the intent of the Policy.

Definition of Public Art:

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

The Beautification Advisory Committee shall ensure all public art projects meet the program criteria and guidelines for the selection of an artist or artist team, artwork, and artwork location are consistent with the policy and implementation guidelines and neighborhood and community input has been considered before approval of the final public art or mural project is adopted.

General Keep Pacifica Beautiful (KPB) Project Criteria:

The concept of public art is broad and all-encompassing. Therefore, the guidelines for the development of public art installations are as follows:

- Elevates the viewer's awareness by stimulating curiosity, inspiration, reflection, opinion or feeling
- Engages and creates interactive energy and vitality
- All artistic styles, abstract or representational, are encouraged
- Installations shall be complementary to the selected location
- Installations shall be appropriate for the selected public place
- Art shall be the original work of the artist, or have permission of the original artist
- Finished dimensions and weight are appropriate to site
- Design and materials must mitigate any potential hazard to the public
- Materials must be enduring; vandal and weather resistant – for all media
- Permanent installations are created in durable media (that can be viewed from all sides – for sculptures)

- Sculptures not to exceed 10,000 pounds and the foundation/stand shall be designed to prevent overtopping.

General KPB Project Site Criteria:

The following criteria have been created to evaluate the selection of potential sites for murals and public art installations. The evaluation criteria include:

- Visibility of the site from walking and/or driving perspectives
- Status of the building or site
- Ease of painting and/or working on surface or mounting mural
- Safety conditions for the installation and maintenance of the mural
- Location in community
- Impact of weather and natural elements
- Current view, visual impact, focal points
- Compliance with or considerations of city ordinances or regulations
- Leverage of site in creating an overall, big picture impression
- Neighborhood support for the site and mural
- Significance and meaning to the community
- Tourist attractiveness – enhancement of and accessibility to visitor serving areas
- Historical value and status of building or site
- Potential of site to create, improve or appreciate community space
- Appropriate proportion for location
- Artist evaluation of the site

Role of the BAC:

The BAC is responsible for administering the KPB program including:

- Preparing or approving solicitations for art installations at City-determined locations.
- Promoting the 'Keep Pacifica Beautiful Through Public Art Program' throughout the community
- Reaching out to community groups, individuals and businesses to sponsor murals or public art installations
- Maintaining a registry of interested and qualified artists
- Developing guidance for artists and sponsors regarding applicable policies, solicitation requirements, and administrative procedures applicable to implementation of art projects. Ensuring that neighborhoods, interested community organizations, businesses and the general public are aware of proposed mural and public art installations and are afforded opportunities for input and comment on the proposed projects.

- Reviewing and approving public art project proposals to ensure projects comply with all applicable city and KPB program ordinances, guidelines and requirements
- Developing and continually reviewing the administrative procedures and processes for the implementation of public art/mural projects including the roles and responsibilities of sponsoring entities.

Guidelines for the Application of KPB Public Art Projects:

The following application guidelines are established for mural or public art projects. Applicants are encouraged to attend a BAC meeting to discuss initial proposals for a mural or public art project before submitting a project application. The following elements are proposed to be incorporated in the application process:

- Brief description of the project concept, objectives, relevance to the community and highlights or unique features
- A conceptual drawing of correct proportions, including color palette, of proposed art or color photo of existing work to be installed in project
- Photos of project installation site
- Resume and images of the artist's work
- Description of how the project will be completed including the timeline, use of volunteers, etc.
- Description of how project will be installed including materials to be used and installation process
- Price quote for the cost of project including artist's fees, labor, materials, installation costs as appropriate along with sources of project funding
- Description of the process for notifying the surrounding community and obtaining its input
- Acceptance of compliance with all policies and procedures established for the 'Keep Pacifica Beautiful Through Public Art Program' and applicable city requirements

The project application will be reviewed by BAC to ensure that all application requirements have been met, the proposed project meets the established installation guidelines and the applicant understands the responsibilities of sponsorship before the project is considered for approval. The BAC may require additional information or revisions from the applicant, ask for additional community input, or for a peer review of the project from selected artists before taking final action on the application.

Artist Involvement and Selection Process:

The BAC recognizes that the involvement of public art artists are critical to the success of not only individual projects but are a critical factor in the success and implementation of the overall public art process. The following processes may be used to invite artists to participate in '*Keep Pacifica Beautiful Through Public Art Program*' projects:

- Invite artists to apply for inclusion in a public art/mural artist registry. The prequalified artist pool would be available to project sponsors to draw from as projects are approved. Types of projects (murals, other public art) to be determined in advance of the application period.
- Establish a 'Call for Entry' process for specific projects to provide opportunities for artist involvement.
- Encourage personal recommendations by a sponsoring entity of an artist who meets the qualifications determined by the BAC.
- Artists can be asked to participate in a peer review process to provide input on selected public art proposed projects.

Criteria for Artist Qualifications:

The following describes the criteria used by the BAC for artists interested in participating in the '*Keep Pacifica Beautiful Through Public Art Program*':

- Open to artists residing in San Mateo, San Francisco, Santa Clara, Santa Cruz, Alameda, Contra Costa, Marin, Napa, and Sonoma Counties.
- Design that reflect the history, diversity, character, or culture of Pacifica are encouraged.
- Established, mid-career and emerging artists who have completed other mural/ public art projects.
- An Artist's Statement of Interest, noting relevant past-experience, conceptual approach for design and materials, and other information to highlight the artist's work and career.
- Artist Resume and portfolio of 3 – 7 examples of previous work will be required.
- Waiver of proprietary rights for artwork to be placed on City property, including a signed waiver of rights pursuant to the Visual Artists Rights Act (VARA) (17 U.S.C. §§106A and 113(d)) and California Art Preservation Act (CAPA) (Civil Code §§ 987 and 999) and other documents deemed necessary by the City of Pacifica.

The BAC recognizes the value and importance that artists play in the development and implementation of a public art program. The BAC encourages project sponsors to include artist remuneration in the KBP project budget.

Public Notification and Approval for Public Art Applications:

The Beautification Advisory Commission shall hold a public meeting on each public art application and shall give notice of such meeting by mailing notice not less than ten (10) days prior to the date of the meeting to the owners of the property within a radius of five hundred (500) feet of the exterior boundaries of the property which is the subject of the application.

If the public art application is approved, the artist shall submit all necessary documents and commence work 30 days after a 10-day appeal period. The BAC shall send a letter to the artist stating what day work shall commence.

Appeals of Public Art Application

The decision of the Beautification Advisory Committee may be appealed to the City Council by filing a notice of appeal, with the City Clerk within seven (7) days of the date of the decision of the Beautification Advisory Committee. Appeals shall be heard and determined according to the procedures set forth in Chapter 4 of Title 1 of the Pacifica Municipal Code. The Council may approve, disapprove, or modify the decision of the Beautification Advisory Committee.

Decision "Call Up" Procedure

The City Council may "call up" a decision of the BAC. Any decision by the BAC may be called up for Council review according to the procedures set forth in Chapter 1 of Title 2 of the Pacifica Municipal Code. The Council may approve, disapprove, or modify the decision of the Beautification Advisory Committee.