



**AGENDA REPORT**  
BEACHES, PARKS & RECREATION COMMISSION  
Meeting Date: September 12, 2017

Agenda Item 4.A.  
**Approvals:**  
Dept. Head ES  
Manager [Signature]  
Admin. Assistant [Signature]

**Department:** Beaches, Parks & Recreation  
**Prepared By:** Samantha Thomas, Recreation Manager

**Subject:** *PUBLIC ART ON CITY-OWNED PROPERTY.*

**Fiscal Impact:** Unknown at this time.

**Summary:** Staff recommends that the Beaches, Parks and Recreation Commission recommend the City Council approve the Art on City-Owned Property procedure.

**Background:** At its August 8, 2017 regular meeting, the Beaches, Parks and Recreation Commission reviewed a staff report requesting comment on a possible process for murals on public facilities. After discussion, the Commission voted to table the topic for further staff review with the possibility of establishing a subcommittee, if needed.

In addition to these comments, Commissioners discussed the San Clemente Sports Wall of Fame process. The artwork is located at the San Clemente Aquatics Center and was funded by the Friends of San Clemente Beaches, Parks and Recreation Foundation. Created in 2013, this tile mural was approved through the Planning Commission with final approval by the City Council.

**Discussion:** Based on staff research on the current process of public art through the City's Planning Division and with consideration of the standard practices of other California municipalities, it is staff recommendation to proceed with an Art on City-Owned Property procedure that will define expectations of requesting individuals or organizations (Attachment 1). This formal procedure will be managed through the Recreation Division and will include (5) levels of review and approval. It will include review from all City departments and approval bodies that may be affected by the establishment of the public art, with final approval and action provided by the City Council.

Additionally, staff is recommending that the sites listed on Attachment 2 be considered priority locations through the initiation of this new procedure. Additional sites will be reviewed as they are presented by an individual through the proposed approval process.

**Recommended Action:** STAFF RECOMMENDS THAT THE BEACHES, PARKS AND RECREATION COMMISSION recommend the City Council approve the Art on City-Owned Property procedure.

- Attachments:**
1. Art on City-Owned Property Procedure
  2. Art on City-Owned Property Proposed Sites of Importance

**Notification:** None.



**City of San Clemente**  
**Beaches, Parks and Recreation Department**  
 100 N. Calle Seville, San Clemente, California 92672  
 Phone: (949) 361-8264 | Fax: (949) 361-8280

## **ART ON CITY-OWNED PROPERTY PROCEDURE & APPLICATION**

An important source of public art is that which is privately funded, but located in a public place. Usually, such works are commissioned by an individual, a group of individuals, a non-profit organization or a business or corporation. All interested parties must proceed through the following process.

### **SUBMITTAL OF PROPOSAL**

All proposals for privately funded public art placed on City property must be submitted by using the Art on City-Owned Property Application. The form must be accompanied by drawings, models, photographs or any other graphic depiction that will help to clearly define the artwork. All proposals must be for original works of art and refrain from the use of any copyrighted or trademarked images. Applications should be submitted to the Recreation Division with attention the Recreation Manager.

### **EVALUATION & APPROVAL OF PROPOSAL**

#### **Evaluation Process**

Once the proposal is received by the Recreation Manager, it will be reviewed within 4-6 weeks. The Manager will evaluate the project based on the guidelines below and may make suggestions for improvements before proceeding forward through the remainder of the process.

#### **Evaluation Guidelines**

Project concepts will be evaluated based on, but not limited, the following criteria:

- Understanding of the work that may be required by the City (ie. possible preparation of site)
- Evaluation of artistic excellence related to the art theme and concept
- Appropriateness of scale, form, material, content and design relative to the site
- Relationship to the social, cultural and/or historical identity of the site
- Appropriateness of proposed materials in regards to structural and surface integrity, public safety, potential weathering, and its protection against vandalism
- Ease of long-term maintenance
- Any relevant experience in working on comparable projects
- Projects proposed for areas of high historical sensitivity, such as the Ole Hanson Beach Club and surrounding area, should be given the closest possible scrutiny to determine if the project would be an enhancement to the area

#### **Approval Process**

Once a privately funded project is recommended for placement on City-owned property, it will be reviewed by the City departments and advisory bodies listed below. The Recreation Manager acts as the project manager for all projects and is responsible for guiding the requesting agent/agency through the following approval stages. Projects which do not garner the majority support of an approval body will not proceed.

1. The Recreation Manager receives and reviews the proposed project to assure that it complies with the preliminary guidelines listed above.
2. The Public Works Director or his/her designee reviews the proposal to assure:
  - a. that the artwork's placement will not create undue difficulties for maintenance of the

## **INSURANCE REQUIREMENTS (Pending Addt'l Risk Manager Review)**

The City's Risk Manager will be consulted to determine the appropriate type and level of insurance that must be carried by an artist during the time the artwork is being fabricated and installed. As a service to the artist, the City currently offers an insurance policy that can be purchased through the City. Cost of the insurance varies depending on the value and scope of the artwork. The artist should be directed to the Risk Manager for a cost estimate and to complete appropriate paperwork.

Once artwork is formally accepted, the City assumes responsibility and liability for the art and insurance will not be required.

## **AGREEMENT/CONTRACT PREPARATION**

Upon conceptual approval of the project by the City Council, the artist and/or requesting organization and the City will sign a contract establishing the terms of the proposed installation of public art in the designated public place. This contract will define responsibilities of both parties and will include insurance requirements, terms of installation, and other terms as may be deemed necessary through legal review. This contract can vary based on each individual project that is proposed and approved.

## **MAINTENANCE AND REPAIRS**

Like all City facilities, public art requires maintenance and occasional repairs. The City's guidelines encourage artwork requiring "little or no maintenance", however artwork will vary in the amount of maintenance required, resistance to vandalism, and ease of repair. Maintenance shall be comprised of the following:

- **Maintenance Record Form**

It is essential that the artist and the City be clear about maintenance expectations from project initiation. Prior to final acceptance of the artwork, the Recreation Manager ensures that the artist has completed a Public Art Maintenance Record Form. The original copy of the form is kept by the Recreation Manager and a copy is forwarded to the Public Works Department.

- **Maintenance Responsibility**

The Public Works Department is responsible for maintaining City facilities, and this includes all City-owned public art. A list that identifies which Public Works Department division is responsible for the maintenance of a particular piece of public art is available from the City's Public Art Manager.

- **Types of Maintenance.** The City is responsible for:

- **Routine Maintenance.** Such maintenance may include trash and graffiti removal, cleaning, waxing, and/or minor landscaping. Frequency will vary by type of artwork, but bi-weekly or monthly checks by maintenance staff during the normal course of their rounds would be typical.
- **Cyclical Maintenance.** Cyclical maintenance is done at regular, but much less frequent intervals. It involves more extensive treatment such as inspection and surface applications of protective coatings (e.g. repainting). Because this work could significantly affect the appearance and longevity of the artwork, it may require special knowledge or skills. Before proceeding with the work, staff should either:
  - Consult the artwork's Maintenance Record Form for specific procedures, or
  - Consult the artist or other art professional on use of cleaning compounds, paints, solvents, and surface coatings.

- **Repair and Restoration.** This involves the treatment of damaged or deteriorated artworks to return them to as close to their original appearance as possible. Extreme care must be used to maintain the artistic integrity of the artwork. The repairs must preserve the artist's intent in both design and materials. In many cases, such repairs require the involvement of the original artist, or if that is not possible, an art conservator trained in art restoration. Again, the artwork's Maintenance Record Form, prepared by the artist prior to final City acceptance of the artwork, gives some guidance on this issue. In many cases restoration to original condition is not practical or achievable. The City will take the best possible care to maintain the artistic integrity of artwork.

## **CITY'S RIGHT OF OWNERSHIP**

Upon completion of artwork, the City assumes complete ownership of artwork installed in or around City owned properties. The City may adhere to the following standards:

- **Relocation, Alteration or Removal**

Over time City-owned artworks may need to be relocated, altered, or removed from public display. Reasons for such changes could be as follows:

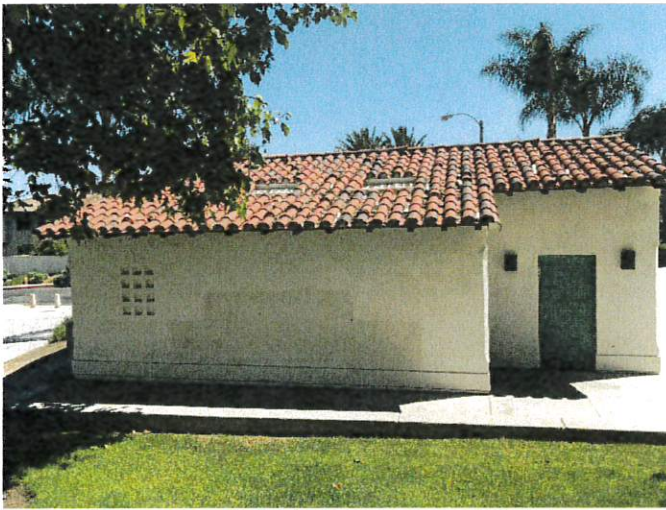
- significant changes occur in the design or function of the site or facility where the artwork is located;
- to avoid damage to the artwork, e.g. during construction activities or as a result of vandalism, war or civil unrest, natural disasters, and environmental pollution;
- to allow repairs or restoration that could not be effectively done in place;
- supporting structure is no longer in fair condition, is deemed unsafe, and/or will require repairs beyond normal wear and tear; or
- to improve public health, safety or welfare.

As necessary as removal or relocation may seem, it should be undertaken only after careful consideration. Artworks are usually created for a specific location, and changes may not be consistent with either the City's or the artist's original intent. To ensure that all parties' needs and rights are considered, City Manager approval must be secured for the relocation, alteration, or removal of permanent, city-owned artworks.

Contract language on relocation, alteration or removal ensures that:

- The artist's contract clearly acknowledges the City's rights to relocate, alter or remove the artwork, with or without special conditions requiring written notice to the artist, prior artist permission, arbitration in the event of a dispute, or other provisions;
  - The City has the permanent addresses and phone numbers of the artist and/or organization of at least one responsible party who can be contacted regarding relocation, alteration or removal. It is the responsibility of the artist to keep this information current.
- **Approximate Lifespan**
- The lifespan of artwork can vary based on original application and unforeseen maintenance challenges. It is estimated that the approximate lifespan for coastal zone locations is 10 years and the approximate lifespan for inland location is 15 years.

***Please retain this packet of information for your records throughout the art planning process.***



Talega Park



San Luis Rey Park



Rancho San Clemente Park



Bonito Canyon Park – Baseball Field Wall



Bonito Canyon Park – Playground Wall



North Beach restroom/concession building