

# Recreation, Cultural and Community Services Advisory Commission Agenda

#### **SPECIAL MEETING**

Thursday, April 13, 2023 - 6:00 PM

Novato City Hall Council Chambers, 901 Sherman Ave

Chair Erin Lacey

Vice Chair Nancy Weber

Members

Dennis Bentley, Suzanne Crow, Ericka Erickson, Emily Larsen, Mavi Pilloton, Betsy Ricketts, Beverly Winsor

Staff Liaison
Katie Gauntlett

The Recreation, Cultural and Community Services Advisory Commission welcomes you to attend its meetings which are regularly scheduled the second Thursday of odd months. Your interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (415) 899-8986. Notification at least 48 hours prior to the meeting will enable the City to make reasonable accommodation to help ensure accessibility to this meeting. The Recreation, Cultural and Community Services Advisory Commission may discuss and/or take action on any or all of the items listed on the agenda irrespective of how the agenda items are described.

#### **Public Participation/Comment Instructions**

Members of the Public may participate and provide public comments to teleconference meetings as follows:

Written public comments may be submitted by email to <a href="precional-comments">precion note</a>. Written public comments received more than 3 hours before the start of the meeting will be distributed to the Commission. Written public comment received after the three-hour cut-off, including during and after the meeting, will be collected and placed in the public record. Written public comments will not be read during the meeting.

#### A. CALL TO ORDER AND ROLL CALL

#### B. APPROVAL OF FINAL AGENDA

#### C. PUBLIC COMMENT

There is a three-minute time limit to speak although the Chair may shorten the time based on the number of speakers or other factors. A speaker may not yield his or her time to another speaker.

For issues raised during Public Comment that are not on the published agenda, except as otherwise provided under the Ralph M. Brown Act, no action can legally be taken. The Board, Committee, Commission may direct that the item be referred to the Staff Liaison for action or may schedule the item on a subsequent agenda.

#### D. CONSENTITEM

All matters listed on the Consent Calendar are considered to be routine and will be enacted by a single vote of the Commission. There will be no separate discussion unless specific items are removed from the Consent Calendar for separate discussion and action. Any Commissioner may remove an item from the Consent Calendar and place it under General Business for discussion.

- D.1. Approve the Meeting Minutes from March 9, 2023 Meeting
- E. UNFINISHED AND OTHER BUSINESS

#### F. GENERAL BUSINESS

These items include significant and administrative actions of special interest and will usually include a presentation and discussion by the Recreation, Cultural and Community Services Commission. They will be enacted upon by a separate vote.

F.1. Receive a presentation from Christina Stroeh with Rotary Club of Novato on proposed mural artwork for Pianos on Grant Program; Consider approving design and providing a recommendation to the Novato City Council to approve a mural design and program concept for the Pianos on Grant Program

Attachment 1: Staff Report

Attachment 2: Proposed Mural Artwork for Pianos on Grant

F.2. Receive a presentation from Emily Rich, owner of Village Child on Grant Avenue, on two proposed mural designs; Consider approving the designs and providing a recommendation to the Novato City Council to approve the mural design and to allocate \$8,845 from the Art In Public Places Fund to support the installation of two murals outside of the Village Child storefront located at 867 Grant Avenue as a public art installation

Attachment 1: Staff Report

**Attachment 2: Proposed Smaller Horizontal Mural Design** 

Attachment 3 – Proposed Large Vertical Mural Design Attachment 4 – Building Owner Letter of Support

F.3. Receive a presentation on upcoming playground improvements and provide a recommendation and approval on playground equipment for Olive Tot Lot

**Attachment 1: Staff Report** 

**Attachment 2: Proposed Playground Equipment Options** 

#### G. COMMITTEE AND LIAISON REPORTS

This section is used for Commissioners and the Staff Liaison to orally report on topics that can be considered for discussion at a future meeting.

- G.1. Staff Updates
- G.2. Commissioner Reports

#### H. ADJOURNMENT

Materials that are submitted to members of Commission after the distribution of the agenda packet will be made available to the public at the time it is provided to the Commission.

#### **AFFIDAVIT OF POSTING**

I, Drew Bendickson, certify that on the Thursday before the Recreation, Cultural and Community Services Advisory Commission meeting of April 13, 2023 the agenda was posted on the City Community Service Board at 922 Machin and on the City's website at <a href="mailto:novato.org">novato.org</a> in Novato, California.

/ Drew Bendickson /

Drew Bendickson, Senior Management Analyst



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## Recreation, Cultural and Community Services Advisory Commission

#### **MEETING**

#### **Minutes**

Thursday, March 9, 2023 - 6:00 PM

#### A. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Lacey at 6:00 PM.

**Commissioners Present:** Dennis Bentley, Ericka Larsen, Suzanne Crow, Chair Erin Lacey, Mavi Pilloton, Beverly Winsor

Commissioners Absent: Betsy Ricketts, Vice Chair Nancy Weber, Ericka Erickson

**Staff Present:** Director of Parks, Recreation, and Community Services Katie Gauntlett; Senior Management Analyst Drew Bendickson; Senior Civil Engineer Elisa Sarlatte

#### B. APPROVAL OF FINAL AGENDA

**Commission Action**: Upon motion by Commissioner Crow and seconded by Commissioner Bentley, the Commission voted 6-0-0-3 to approve the final agenda.

Ayes: Bentley, Larsen, Crow, Lacey, Pilloton, Winsor

Noes: None

. . . .

Abstain: None

Absent: Ricketts, Weber, Erickson

**Motion Carried** 

#### C. PUBLIC COMMENT

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1. Pam Le Donne

#### D. **CONSENT ITEMS**

#### D.1. APPROVAL OF THE CONSENT CALENDAR

Upon motion by Commissioner Crow and seconded by Commissioner Bentley, the Consent Calendar was approved.

#### **APPROVAL OF THE MEETING MINUTES FROM JANUARY 12, 2023**

**Commission Action:** Upon motion by Commissioner Crow and seconded by Commissioner Bentley, the Commission voted 6-0-0-3 to approve the January 12, 2023, meeting minutes.

Ayes: Bentley, Larsen, Crow, Lacey, Pilloton, Winsor

Noes: None

Abstain: None

Absent: Ricketts, Weber, Erickson

**Motion Carried** 

#### E. **UNFINISHED AND OTHER BUSINESS**

None.

#### F. **GENERAL BUSINESS**

#### F.1. Receive an update on the Pioneer Park Playground Improvement Project and provide recommendations on improvements to the large play structure

Director Gauntlett opened with an update on the cost estimates for both large and small play structures.

Director Gauntlett provided a summary of the history of the project and its new features with emphasis on accessibility and inclusivity. The initial groundbreaking occurred September 19, 2022, but halted due to fire damage and a fallen tree. Following the damage, additions were made to the scope of the improvements which would render the structures more accessible for children with adaptive needs.

Director Gauntlett announced that a request for reallocation of funds covering the cost of the expanded play structures and rubberized surfaces will be presented at the next City Council meeting.

Staff are hopeful that the park will be open for summer 2023.

GameTime representative Leo Seavey and Senior Civil Engineer Elisa Sarlatte expounded upon the proposed structures and enclosure materials. Consideration for future fencing to separate the two play areas as well as maintenance within the fenced area was discussed. Two additional benches from the Rotary Club of Novato will be donated.

#### **Public Comment**

#### Alia Barksdale

## F.2. Receive an update on the Parks Master Plan from Parks, Recreation, and Community Services Director Katie Gauntlett

Director Gauntlett reviewed the history of the current Parks Master Plan project including the single proposal submitted by consultant Barry Dunn and the expected timeline, which began in February and has a target of final approval in November.

Phase 1 involves project management and includes a staff kickoff meeting, initial request, and data review. Phase 2 includes inventory and assessment during which time the consultant will assess facilities and maintenance and will compare trends against other regional parks, playgrounds, fields, and recreation facilities. Phases 3 and 4 include community engagement and public outreach. A public forum will be held on March 30<sup>th</sup>, and a survey will be released in April. Phase 5 will include a visioning workshop and synthesis of the community engagement surveys and consultant analysis. Phase 6 will explore funding options and financial partnerships. Phase 7 will include the drafting of final findings and adoption.

## F.3. Consider expansion and addition of two RCCS Commissioners to Parks Master Plan Ad-Hoc Committee

**Commission Action:** Upon motion by Commissioner Bentley and seconded by Commissioner Pilloton, the Commission voted 6-0-0-2 to appoint Commissioner Larsen and Commissioner Windsor to the Parks Master Plan Ad-Hoc Committee

**Ayes**: Bentley, Larsen, Crow, Lacey, Pilloton, Winsor

Noes: None

Abstain: None

Phone No. (415) 899-8900 Fax No. (415) 899-8213 Absent: Ricketts, Weber, Erickson

**Motion Passed** 

### F.4. Review the Hamilton Community Pool Use Policy

**Commission Action:** Upon motion by Commissioner Bentley and seconded by Commissioner Larsen, the Commission voted 6-0-0-2 to approve the Hamilton Community Pool Use Policy.

Ayes: Bentley, Larsen, Crow, Lacey, Pilloton, Winsor

Noes: None
Abstain: None

Absent: Ricketts, Weber, Erickson

**Motion Carried** 

#### G. COMMITTEE AND LIAISON REPORTS

#### G.1. Staff Updates

Director Gauntlett announced the upcoming Digital Activity Guide and its corresponding brochure as well as the registration for the summer session, which begins March 21st.

Director Gauntlett highlighted upcoming special events including the Spring Trash to Treasures Flea Market at Margaret Todd Senior Center, the Spring Magic Show, and the Second Annual Novato Special Needs Safety Event with Lucas Film and Novato Police Department. Director Gauntlett advised the Commission of the 13 lifeguards successfully hired so far with more upcoming lifeguarding classes in March and April. Seasonal hirings for camps and facilities attendants are now open.

Director Gauntlett updated the Commission on the new kiosk postings to dissuade vandalism in parks. Additional motion-sensing lights and security cameras are being considered for the Pioneer Parks Tennis Courts.

Director Gauntlett shared agenda items for the upcoming Special Meeting on April 13<sup>th</sup>, at which time presentations will be received by the Commission for two mural projects; one will be for Pianos on Grant and one for Village Child, and both are expected to begin in May. Summer programming will be discussed at the next regular meeting along with the administrative review of the new balloon policy draft.

Phone No. (415) 899-8900 Fax No. (415) 899-8213

#### **Public comment:**

None.

#### G.2. Commissioner Reports

Commissioner Bentley shared information regarding the upcoming North Bay Science Discovery Day at Sonoma County Fairgrounds.

Commissioners discussed the issue of dumping in open spaces, particularly near Scottsdale Pond.

#### H. ADJOURNMENT

The meeting was adjourned at 7:45 PM.

The next RCCS meeting is on April 13, 2023.

I HEREBY CERTIFY that the foregoing minutes were duly adopted at the RCCS Commission meeting of \_\_\_\_\_\_.

/\_<u>Drew Bendickson</u>/

Drew Bendickson, Senior Management Analyst



#### STAFF REPORT

MEETING

DATE: April 13, 2023

TO: Recreation, Cultural, & Community Services Commission

FROM: Drew Bendickson, Senior Management Analyst Parks, Recreation & Community

Services

SUBJECT: CONSIDER APPROVING ROTARY CLUB OF NOVATO'S PROPOSED

MURAL ARTWORK FOR PIANOS ON GRANT PROGRAM AND

PROVIDING A RECOMMENDATION TO CITY COUNCIL

#### **REQUEST**

Consider approving artwork for the Painted Piano's on Grant program and providing a recommendation to Novato City Council regarding the project.

#### **DISCUSSION**

The Art in Public Places Program (Administrative Policy 5.13) was established with the intention of enhancing the visual environment and public spaces in Novato through the inclusion of art. The "Pianos on Grant" program proposed by the Rotary Club of Novato qualifies as an initiative under this program. The RCCS Commission is charged with advising the City Council, through City Staff, to provide recommendations on various aspects of art in public places. These recommendations are then presented to the City Council for consideration and final approval.

#### Per the Art in Public Places program:

It shall be the responsibility of the Novato Recreation, Cultural, and Community Services Advisory Commission ("RCCS Commission") to identify suitable locations for art-in-public-places. In addition, it will be responsible for taking the lead role in recommending (1) what type of art is best suited for the locations the RCCS Commission identifies and (2) a process whereby art for such locations can be obtained, commissioned, and installed. In addition, the RCCS Commission will make recommendations to City Council for budget allocations from the Public Arts Fund to support art projects. The City Council shall make all final decisions with respect to the location of art in public places, the nature of the art, the artist, the budget, and the acceptance and quality of the art.

The Rotary Club of Novato presented a temporary public art installation program "Piano's on Grant" for Downtown Novato, consisting of one painted upright piano and bench to the Recreation, Cultural, and Community Services Commission (RCCS) at their January 12, 2023 meeting. The interactive art piece will be placed in front of the Marin Music Center and will be accessible for public use during regular business hours for a period of 3 months, June through August, before ultimately being removed for the fall/winter months. The commission voted in favor of the program and directed the Rotary Club of Novato to return with mural artwork proposals to be approved by the RCCS commission and recommended to City Council, per the Art In Public Places program. After careful consideration, the Rotary Club of Novato has selected three designs from a local student artist, Tiffany Loza, to be considered for the painted piano. Renderings of all three designs can be seen in Attachment 1.

The first concept is inspired by the ambiguity of the future and features a distant hillside that hides what is on the other side. The design incorporates a reference photo of the Novato landscape and the California poppy to represent the community and hopefulness. Inclusivity is incorporated by featuring people from different ethnicities each holding a poppy.

The second concept has two variations and is based on the geography of Marin County and aims to create a sense of belonging and community by featuring familiar places with inviting colors. The same design with a slight variation includes a map of the world for inclusivity and features footsteps to symbolize hope in uncertain times. The footsteps do not have a definite end and linger off the piece to represent personal hope for the future.

The third concept features large block lettering that includes profile portraits of individuals from different backgrounds within each letter. The block lettering spells out "Novato Proud" a campaign of the City's that recognizes and celebrates the many wonderful community members in our city. A second variation of the third design includes mirrors on each side to reflect all who interact with the piece. The design also includes a bright light symbolizing hope and inspiration for the future and individual goals.

The Rotary Club of Novato is proud to support the local arts community and believes that any of these concepts for the "Piano's on Grant" program will be a unique and engaging addition to public spaces in the City.

Pending RCCS recommendation and approval of a mural staff will work to bring this item to City Council at their next meeting for consideration.

#### **PUBLIC OUTREACH**

On April 10, 2023, this item and RCCS meeting agenda were promoted on the City and Novato PRCS's social media platforms encouraging community participation.

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of City Administrative Offices located at 922 Machin Avenue, posting on the City's website at <a href="novato.org/councilagendas">novato.org/councilagendas</a> and sending an email notification to all e-notification subscribers.

#### **FISCAL IMPACT**

In support and partnership of this program, the City will waive the required encroachment permit fee for this installation.

#### RECOMMENDATION

Staff recommends that the Commission vote and approve one of the presented mural artwork proposals and provide a recommendation to Novato City Council to approve the program and selected mural.

#### **ALTERNATIVES**

- 1. Make changes and provide direction to staff.
- 2. Do not approve and provide alternative direction to staff.

- 1. Proposed Mural Artwork for Pianos on Grant
- 2. Art in Public Places, Admin Policy 5.13

Concept 1

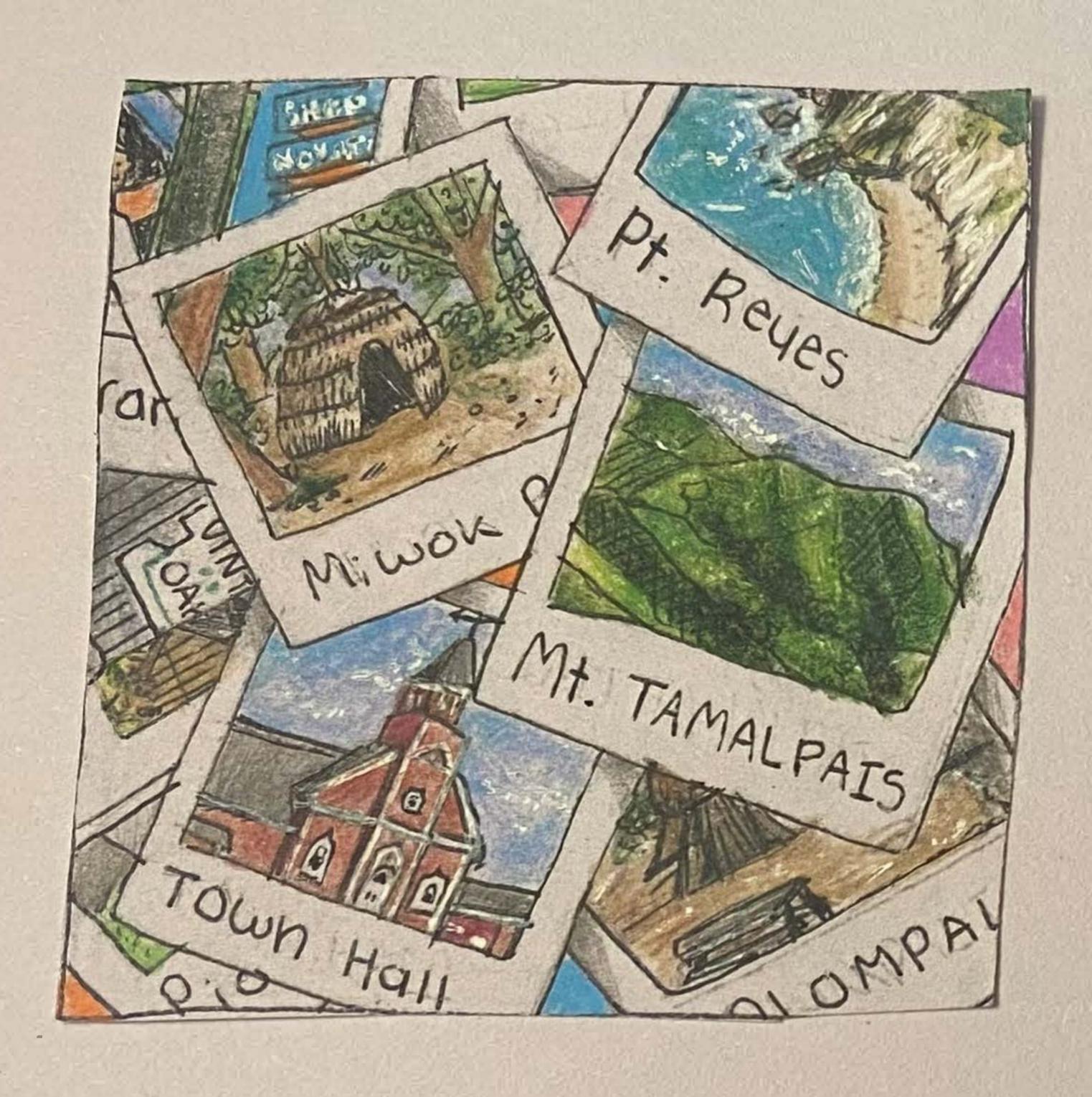
FYONT

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# Concept 2





# Concept 2.1







# **Concept 3**





Concept 3.1



#### **ADMINISTRATIVE POLICY 5.13**

Issued September 2000 Revised September 2021

Jurisdiction: Staff

#### ART IN PUBLIC PLACES PROGRAM (PURCHASED OR DONATED ART)

#### I. POLICY

- A. It has been widely acknowledged that the inclusion of visual arts in the public eye adds dimension, depth, and character to a community, inspires young minds, reinforces a local identity to which citizens can relate and take pride in, and generally adds to the beauty and quality of life.
- B. It has been determined that the City of Novato is interested in taking an active role in the promotion of arts and culture. The City further recognizes the substantial economic benefits to be gained through aesthetic enhancement of its public spaces and consequent retail activity throughout the City. A policy is hereby established to direct the inclusion of works of art in public spaces throughout the City and/or the design services of artists in certain City capital improvement projects.

#### II. BACKGROUND AND PURPOSE

The City Council established an Art-In-Public-Places Program and Policy. The primary objectives of the Art-In-Public-Places Program are to:

- A. Develop for the City of Novato a collection of the highest quality artwork which reflects its culturally diverse community and its ever-changing needs;
- B. Enliven, enrich, and enhance the quality of Novato's visual environment and public spaces;
- C. Integrate the work and creative thinking of artists into the planning, design, and development of the City of Novato by promoting and facilitating collaborations between artists, architects, landscape architects, engineers, and other designers in all public construction or urban design projects, and by encouraging such collaborations in the private sector;
- D. Provide opportunities for artists which advance their art forms and which broaden the role of the artist in the community;

- E. Provide employment opportunities for artists through the commissioning of artwork;
- F. Provide opportunities for citizens and visitors to participate in, experience, and understand the processes involved in the creation of public art.

#### III. <u>DEFINITIONS</u>

For the purpose of this policy, unless it is plainly evident from the context that a different meaning is intended, the following terms are defined as follows:

- A. "ART-IN-PUBLIC-PLACES" means any visual work of art displayed for two weeks or more in an open City-owned area, on land which the City enjoys easement or leasehold interests, on the exterior of any City-owned facility, public areas, lobbies, or public assembly areas, or on any non-City property if the work is installed and/or fabricated and financed, either wholly or in part, with City funds or grants procured by the City.
- B. "ARTWORK" or "WORKS OF ART" or "ART" means any work of a visual character, including, but is not limited to, a drawing, painting, murals, sculpture, mosaic or photograph, a work of calligraphy, work of graphic art (including an etching, lithograph, offset print, silkscreen, or a work of graphic art of like nature), crafts (including crafts in clay, textile, fiber, wood, metal, plastic and like materials), weaving, carving, stained glass, or mixed media (including a collage, assemblage or other combination of the foregoing art media). Artwork will not normally include general landscaping, paving, architectural ornamentation, or signage. Artworks may be portable as well as fixed.
  - 1. The following are not considered to be art within the meaning of this policy:
    - a. Directional elements such as super graphics, signage, or other color coding, except where these elements are integral parts of the artwork.
    - b. Art objects which are mass produced from a standard design such as playground equipment, fountains, flags, or banners.
    - c. Reproductions, by mechanical or other means, of original art.
    - d. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating artwork.
    - e. Landscape architecture and landscape gardening, except where these elements are designed by the artists and are an integral part of the artwork by the artist.

f. Services or utilities necessary to operate or maintain the artwork over time.

#### IV. PROCEDURE

#### A. <u>APPLICABILITY</u>

This policy shall be applicable to every public building, park and other property owned by the City of Novato or in which the City has an interest and every building and park constructed by the City of Novato and other public projects designated by the City Council. It shall also be applicable to privately financed and owned buildings at the option of the owner.

It shall be the responsibility of the Novato Recreation, Cultural, and Community Services Advisory Commission ("RCCS Commission") to identify suitable locations for art-in-public-places. In addition, it will be responsible for taking the lead role in recommending (1) what type of art is best suited for the locations the RCCS Commission identifies and (2) a process whereby art for such locations can be obtained, commissioned, and installed. In addition, the RCCS Commission will make recommendations to City Council for budget allocations from the Public Arts Fund to support art projects.

The City Council shall make all final decisions with respect to the location of art in public places, the nature of the art, the artist, the budget, and the acceptance and quality of the art.

#### B. RESPONSIBILITIES OF THE RCCS COMMISSION

The responsibilities of the RCCS Commission shall include, but not be limited to, the following:

- 1. Identify exceptional public sites within the City of Novato and recommend a schedule for the acquisition and/or commission of art for the sites. The RCCS Commission shall consider the constraints on the site and shall attempt to ensure that the artwork selected is appropriate for the site's overall design.
- 2. Recommend the appropriate method of selection of a work of art for a specific site from one of the following:
  - a. Limited competition a small number of artists are paid to develop proposals.
  - b. Invitation one artist is paid to develop a proposal.
  - c. Direct purchase a completed work of art is purchased.

- d. Direct selection slides and letters of interest are solicited; a small number of artists are interviewed.
- e. Open competition site and program are advertised; proposals are accepted from and without payment to all interested artists.
- 3. Advise the City Council regarding private gifts of art which shall be considered under the same criteria as funded projects and accepted or rejected accordingly.
- 4. The RCCS Commission shall advise the City Council, through City Staff on all aspects of art in public places. Staff will present the RCCS Commission's recommendations to the City Council for consideration. The RCCS Commission shall have no authority to commission artwork, commit the City to installing art in public places on a particular site, contract with artists, encumber funds, incur debt, or accept the quality of or approve any art. The RCCS Commission shall be advisory only to the City Council.
- 5. The RCCS Commission shall work directly with City staff on identifying appropriate projects/sites for the installation and/or display of art in public places. The RCCS Commission shall consider and make recommendations on items such as:
  - Designation of a proposed site;
  - Media of the artwork to be used;
  - Selection process to be used;
  - An estimated schedule for the selection, fabrication and installation of the artwork:
  - A proposed agreement between the artist and the City;
  - A recommendation as to whether or not the art should be a permanent or temporary installation;
  - Consider and recommend financial contributions for proposed projects from the Art in Public Places Fund collected from in-lieu fees.
- 6. RCCS Commission shall submit to the Council its recommended art and artist. At a minimum, artists in final selection shall present maquettes and itemized cost breakdowns of the art project for review. The RCCS Commission will recommend to the City Council all final selections for the Council's decision. All recommendations made by the RCCS Commission to the City Council must be approved by a two-thirds vote of the members of the RCCS Commission. All City Council decisions will be final.
- 7. After an artist has been selected and a proposal approved, City Staff will monitor the contract performance and coordinate the fabrication and installation of the artwork with the artist, and, if applicable, any architects and

contractors involved in the development of the public facility or public land upon which the art is to be installed or fabricated.

8. When appropriate, the RCCS Commission shall also recommend a suitable public education program in connection with the artwork.

#### C. CRITERIA FOR SELECTION OF ART

In performing its duties in selecting suitable sites for art in public places and recommending artists to perform such artwork, the RCCS Commission shall consider the following criteria.

- 1. The conceptual compatibility of the design of the artwork with the environment of the site, project, features and structures of the land and/or area or building on which or in which the art is proposed to be located.
- 2. The appropriateness of the design of the artwork to the function of the site on which it is to be located.
- 3. The compatibility of the design and location within a unified design character or historical character of the building or property on which the art is to be located and/or installed.
- 4. The creation of a desirable environment for the general community by the design and location of the artwork.
- 5. The preservation and integration of natural features with the building or other project in which the artwork is to be incorporated.
- 6. The appropriateness of materials, textures, colors and design.
- 7. The representation of a broad variety of taste within the community that will be representative of the eclectic tastes of the community.
- 8. The artistic excellence of the proposed artwork.
- 9. The social and historic relevance of the art viewed in the context of its location and purpose.
- 10. The long-term durability of the art against vandalism, weather, and theft.
- 11. The maintenance considerations.

#### D. PUBLIC ART IN PRIVATE PLACES

1. As the City of Novato continues to grow with the increase of private development, serious attention should be placed in respect to the

representation of art within this private sector. Aesthetic improvements or works of art which will further enhance this development will greatly contribute to the quality of life in the City, as well as the growth of greater cultural awareness in our community. The Design Review Commission (DRC) is responsible for review and recommendations for private developers with respect to these matters.

- 2. Public art in private places is optional to developers with private development projects in the City of Novato; provided, however, that any art which a private developer proposes to erect, install or place on his/her private property in lieu of paying to the City any or all of a City impact fee imposed for the purpose of paying for art-in-public-places shall be subject to the approval of the City Council under and pursuant to the procedures set forth in this policy.
- 3. Developers interested in involving art in public places will be given copies of this policy for reference by the City when applying for a development proposal. Private developers may choose to make a cash contribution towards civic-minded City-planned art in public places projects.
- 4. The City encourages private property owners who install, erect, or place art on their private property to do so in a way which allows the public to view such art. And in exchange for granting to the public and/or the City easement or other rights to assure such public viewing, the City shall cooperate, to the extent the City deems reasonable, with the private property owner in those lawful steps which the property owner is entitled to take in order to obtain available tax benefits and incentives for granting such rights.

#### E. DONATIONS AND BEQUESTS

- 1. The City of Novato will consider unsolicited offers of artwork to the City that are (1) donations that are gifts, or (2) bequests. A donor who wishes to make such an offer must send a letter to the City Manager containing the following information:
  - a. The type of donation being made.
  - b. Documentation of the artwork being offered for donation, including pictures, slides, size, medium, title, year of creation and a resume of the artist, if possible.
  - c. Maintenance requirements of the artwork.
  - d. A document showing that the artwork is free of encumbrances and that the donor has full and unconditional title to the artwork.

- e. A release letter by the donor, should the City decide to release the artwork in the future.
- f. A statement that the donor is conveying the artwork to the City and that the owner indemnifies the City for any claims of any kind challenging the donor's ownership to said work of art or that the work of art is copied from or infringes upon rights of another work of art. Given that City is an institution of long-standing duration, it discourages donations of artwork that are conditional.
- 2. The City of Novato will acknowledge receipt of the donated artwork without valuation for tax purposes. The donor must find other means of establishing the value of the artwork.
- 3. The City Manager shall refer all such offers to the RCCS Commission for its review and recommendation. After considering the RCCS Commission's recommendation presented by City Staff, the City Council will decide on accepting all offers of donated artworks and will notify donors of its decision within 90 days of the City Council receiving the recommendation from the RCCS Commission.

#### F. OWNERSHIP

All art accepted by the City or installed by the City shall be acquired in the name of the City of Novato and title shall vest in the City of Novato.

Adam McGill City Manager



#### STAFF REPORT

MEETING

DATE: April 13, 2023

TO: Recreation, Cultural and Community Services Advisory Commission

FROM: Katie Gauntlett, Director Parks, Recreation & Community Services

SUBJECT: CONSIDER APPROVING TWO PROPOSED MURAL DESIGNS AND

PROVIDING A RECOMMENDATION TO THE NOVATO CITY COUNCIL TO APPROVE THE DESIGNS AND TO ALLOCATE \$8,845 FROM THE ART IN PUBLIC PLACES FUND TO SUPPORT THE INSTALLATION OF TWO MURALS OUTSIDE OF THE VILLAGE CHILD STOREFRONT, LOCATED AT 867 GRANT

**AVENUE. AS A PUBLIC ART INSTALLATION** 

#### **REQUEST**

Consider approving two proposed mural designs and providing a recommendation to the Novato City Council to approve the designs and to allocate \$8,845 from the Art In Public Places Fund to support the installation of two murals outside of the Village Child storefront located at 867 Grant Avenue as a public art installation.

#### **DISCUSSION**

The City's Art In Public Places Program and Policy, Administrative Policy 5.13, (Attachment 1) outlines the ways in which the City can provide public art as a way to enliven, enrich and enhance the quality of Novato's visual environment and public spaces.

Under the policy, it is established that it is the responsibility of the Recreation, Cultural, and Community Services Advisory Commission ("RCCS Commission") to advise the City Council on all public art recommendations. This includes recommendations for public art locations, design, installation, as well as recommendations for budget allocations from the Public Arts Fund to support art projects within the city. The City Council holds the authority to make all final decisions with respect to the location of art in public places, the nature of the art, the artist, the budget, and the acceptance and quality of the art.

While the policy is primarily focused on applicability of public art at City owned properties, it is also applicable to privately financed and owned buildings at the option of the owner, as denoted in the policy. The business owner located at 867 Grant Avenue, Village Child, approached the City with an interest to install two murals outside of their store front. Staff reviewed the request and deemed this proposal to fall under the category of "public art" as the mural design is not considered promotion of their building or business. The business owner has also received approval from the building owner in support of this mural installation (Attachment 4).

Below is a project scope provided by the business owner outlining the proposed murals:

#### "Fall In Love With Novato" - Immersive Mural Project

Location: 12x12 outdoor courtyard space at 867 Grant Avenue

<u>Description & Purpose</u>: This immersive mural will consist of two complimentary art pieces both featuring prominent landscapes in Novato. The 12'x4' brick wall on the east end of the courtyard will feature Stafford Lake dotted with local wildflowers (Attachment 2). The larger 10'x30' wall on the west end of the courtyard will feature Mt. Burdell against a vibrant sunset themed sky (Attachment 3). The words "Fall in Love With Novato" will be prominently featured across the

skyline and will be surrounded by small rainbow hearts to signify inclusivity. Our goal with this project is to create an immersive art experience that encourages residents and visitors to take self-portraits. The featured verbiage also provides an opportunity for viral social media campaigning and hashtag utilization to further promote our downtown and community.

<u>Artists</u>: The project will be completed by a combination of several local artists. The smaller brick wall portion will be completed by two local high school students as a part of their Senior Project. The larger wall and lettering will be completed by professional artist and designer Erich Malvre of Danville. Both pieces will be undersigned by local fine artist Jenny Partrite to ensure continuity between the elements.

<u>Timeline</u>: The murals are projected to be completed within 3-weeks of approval from City Council, putting completion in Mid-May.

#### Cost Breakdown:

- Initial painting of background color on large wall: \$845 (completed by licensed paint contractor Rojas Painting)
- Brick wall portion completed as part of Senior Project: \$500 for paint and supplies
- Large wall mural and lettering: \$7,500

**Total Cost: \$8,845** 

Pending RCCS approval, this item would be included on City Council's next agenda for consideration. If approved, the business owner would be permitted to begin the installation.

#### **PUBLIC OUTREACH**

On April 10, 2023, this item and RCCS meeting agenda were promoted on the City and Novato PRCS's social media platforms encouraging community participation.

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of the Police Department, posting on the City's website at <a href="novato.org/councilagendas">novato.org/councilagendas</a> and sending an email notification to all e-notification subscribers.

#### **FISCAL IMPACT**

Current Public Art Fund balance for Fiscal Year 2022/2023 is \$49,800 and is anticipated to increase in FY 23/24 as new developments are approved and Art-In-Lieu fees are collected. Allocation of \$8,845 from the Public Art Fund to support this project will reduce the fund balance to \$40,955.

#### RECOMMENDATION

Approve the proposed design and allocate \$8,845 from the Public Art Fund to support implementation.

#### **ALTERNATIVES**

- 1. Make changes and provide direction to staff.
- 2. Do not approve and provide alternative direction to staff.

- 1. Attachment 1 Art In Public Places, Admin Policy 5.13
- 2. Attachment 2 Proposed Smaller Horizontal Mural Design
- 3. Attachment 3 Proposed Large Vertical Mural Design
- 4. Attachment 4 Building Owner Letter of Support

#### **ADMINISTRATIVE POLICY 5.13**

Issued September 2000 Revised September 2021

Jurisdiction: Staff

#### ART IN PUBLIC PLACES PROGRAM (PURCHASED OR DONATED ART)

#### I. POLICY

- A. It has been widely acknowledged that the inclusion of visual arts in the public eye adds dimension, depth, and character to a community, inspires young minds, reinforces a local identity to which citizens can relate and take pride in, and generally adds to the beauty and quality of life.
- B. It has been determined that the City of Novato is interested in taking an active role in the promotion of arts and culture. The City further recognizes the substantial economic benefits to be gained through aesthetic enhancement of its public spaces and consequent retail activity throughout the City. A policy is hereby established to direct the inclusion of works of art in public spaces throughout the City and/or the design services of artists in certain City capital improvement projects.

#### II. BACKGROUND AND PURPOSE

The City Council established an Art-In-Public-Places Program and Policy. The primary objectives of the Art-In-Public-Places Program are to:

- A. Develop for the City of Novato a collection of the highest quality artwork which reflects its culturally diverse community and its ever-changing needs;
- B. Enliven, enrich, and enhance the quality of Novato's visual environment and public spaces;
- C. Integrate the work and creative thinking of artists into the planning, design, and development of the City of Novato by promoting and facilitating collaborations between artists, architects, landscape architects, engineers, and other designers in all public construction or urban design projects, and by encouraging such collaborations in the private sector;
- D. Provide opportunities for artists which advance their art forms and which broaden the role of the artist in the community;

- E. Provide employment opportunities for artists through the commissioning of artwork;
- F. Provide opportunities for citizens and visitors to participate in, experience, and understand the processes involved in the creation of public art.

#### III. <u>DEFINITIONS</u>

For the purpose of this policy, unless it is plainly evident from the context that a different meaning is intended, the following terms are defined as follows:

- A. "ART-IN-PUBLIC-PLACES" means any visual work of art displayed for two weeks or more in an open City-owned area, on land which the City enjoys easement or leasehold interests, on the exterior of any City-owned facility, public areas, lobbies, or public assembly areas, or on any non-City property if the work is installed and/or fabricated and financed, either wholly or in part, with City funds or grants procured by the City.
- B. "ARTWORK" or "WORKS OF ART" or "ART" means any work of a visual character, including, but is not limited to, a drawing, painting, murals, sculpture, mosaic or photograph, a work of calligraphy, work of graphic art (including an etching, lithograph, offset print, silkscreen, or a work of graphic art of like nature), crafts (including crafts in clay, textile, fiber, wood, metal, plastic and like materials), weaving, carving, stained glass, or mixed media (including a collage, assemblage or other combination of the foregoing art media). Artwork will not normally include general landscaping, paving, architectural ornamentation, or signage. Artworks may be portable as well as fixed.
  - 1. The following are not considered to be art within the meaning of this policy:
    - a. Directional elements such as super graphics, signage, or other color coding, except where these elements are integral parts of the artwork.
    - b. Art objects which are mass produced from a standard design such as playground equipment, fountains, flags, or banners.
    - c. Reproductions, by mechanical or other means, of original art.
    - d. Decorative, ornamental, or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating artwork.
    - e. Landscape architecture and landscape gardening, except where these elements are designed by the artists and are an integral part of the artwork by the artist.

f. Services or utilities necessary to operate or maintain the artwork over time.

#### IV. PROCEDURE

#### A. <u>APPLICABILITY</u>

This policy shall be applicable to every public building, park and other property owned by the City of Novato or in which the City has an interest and every building and park constructed by the City of Novato and other public projects designated by the City Council. It shall also be applicable to privately financed and owned buildings at the option of the owner.

It shall be the responsibility of the Novato Recreation, Cultural, and Community Services Advisory Commission ("RCCS Commission") to identify suitable locations for art-in-public-places. In addition, it will be responsible for taking the lead role in recommending (1) what type of art is best suited for the locations the RCCS Commission identifies and (2) a process whereby art for such locations can be obtained, commissioned, and installed. In addition, the RCCS Commission will make recommendations to City Council for budget allocations from the Public Arts Fund to support art projects.

The City Council shall make all final decisions with respect to the location of art in public places, the nature of the art, the artist, the budget, and the acceptance and quality of the art.

#### B. RESPONSIBILITIES OF THE RCCS COMMISSION

The responsibilities of the RCCS Commission shall include, but not be limited to, the following:

- 1. Identify exceptional public sites within the City of Novato and recommend a schedule for the acquisition and/or commission of art for the sites. The RCCS Commission shall consider the constraints on the site and shall attempt to ensure that the artwork selected is appropriate for the site's overall design.
- 2. Recommend the appropriate method of selection of a work of art for a specific site from one of the following:
  - a. Limited competition a small number of artists are paid to develop proposals.
  - b. Invitation one artist is paid to develop a proposal.
  - c. Direct purchase a completed work of art is purchased.

- d. Direct selection slides and letters of interest are solicited; a small number of artists are interviewed.
- e. Open competition site and program are advertised; proposals are accepted from and without payment to all interested artists.
- 3. Advise the City Council regarding private gifts of art which shall be considered under the same criteria as funded projects and accepted or rejected accordingly.
- 4. The RCCS Commission shall advise the City Council, through City Staff on all aspects of art in public places. Staff will present the RCCS Commission's recommendations to the City Council for consideration. The RCCS Commission shall have no authority to commission artwork, commit the City to installing art in public places on a particular site, contract with artists, encumber funds, incur debt, or accept the quality of or approve any art. The RCCS Commission shall be advisory only to the City Council.
- 5. The RCCS Commission shall work directly with City staff on identifying appropriate projects/sites for the installation and/or display of art in public places. The RCCS Commission shall consider and make recommendations on items such as:
  - Designation of a proposed site;
  - Media of the artwork to be used;
  - Selection process to be used;
  - An estimated schedule for the selection, fabrication and installation of the artwork:
  - A proposed agreement between the artist and the City;
  - A recommendation as to whether or not the art should be a permanent or temporary installation;
  - Consider and recommend financial contributions for proposed projects from the Art in Public Places Fund collected from in-lieu fees.
- 6. RCCS Commission shall submit to the Council its recommended art and artist. At a minimum, artists in final selection shall present maquettes and itemized cost breakdowns of the art project for review. The RCCS Commission will recommend to the City Council all final selections for the Council's decision. All recommendations made by the RCCS Commission to the City Council must be approved by a two-thirds vote of the members of the RCCS Commission. All City Council decisions will be final.
- 7. After an artist has been selected and a proposal approved, City Staff will monitor the contract performance and coordinate the fabrication and installation of the artwork with the artist, and, if applicable, any architects and

contractors involved in the development of the public facility or public land upon which the art is to be installed or fabricated.

8. When appropriate, the RCCS Commission shall also recommend a suitable public education program in connection with the artwork.

#### C. CRITERIA FOR SELECTION OF ART

In performing its duties in selecting suitable sites for art in public places and recommending artists to perform such artwork, the RCCS Commission shall consider the following criteria.

- 1. The conceptual compatibility of the design of the artwork with the environment of the site, project, features and structures of the land and/or area or building on which or in which the art is proposed to be located.
- 2. The appropriateness of the design of the artwork to the function of the site on which it is to be located.
- 3. The compatibility of the design and location within a unified design character or historical character of the building or property on which the art is to be located and/or installed.
- 4. The creation of a desirable environment for the general community by the design and location of the artwork.
- 5. The preservation and integration of natural features with the building or other project in which the artwork is to be incorporated.
- 6. The appropriateness of materials, textures, colors and design.
- 7. The representation of a broad variety of taste within the community that will be representative of the eclectic tastes of the community.
- 8. The artistic excellence of the proposed artwork.
- 9. The social and historic relevance of the art viewed in the context of its location and purpose.
- 10. The long-term durability of the art against vandalism, weather, and theft.
- 11. The maintenance considerations.

#### D. PUBLIC ART IN PRIVATE PLACES

1. As the City of Novato continues to grow with the increase of private development, serious attention should be placed in respect to the

representation of art within this private sector. Aesthetic improvements or works of art which will further enhance this development will greatly contribute to the quality of life in the City, as well as the growth of greater cultural awareness in our community. The Design Review Commission (DRC) is responsible for review and recommendations for private developers with respect to these matters.

- 2. Public art in private places is optional to developers with private development projects in the City of Novato; provided, however, that any art which a private developer proposes to erect, install or place on his/her private property in lieu of paying to the City any or all of a City impact fee imposed for the purpose of paying for art-in-public-places shall be subject to the approval of the City Council under and pursuant to the procedures set forth in this policy.
- 3. Developers interested in involving art in public places will be given copies of this policy for reference by the City when applying for a development proposal. Private developers may choose to make a cash contribution towards civic-minded City-planned art in public places projects.
- 4. The City encourages private property owners who install, erect, or place art on their private property to do so in a way which allows the public to view such art. And in exchange for granting to the public and/or the City easement or other rights to assure such public viewing, the City shall cooperate, to the extent the City deems reasonable, with the private property owner in those lawful steps which the property owner is entitled to take in order to obtain available tax benefits and incentives for granting such rights.

#### E. DONATIONS AND BEQUESTS

- 1. The City of Novato will consider unsolicited offers of artwork to the City that are (1) donations that are gifts, or (2) bequests. A donor who wishes to make such an offer must send a letter to the City Manager containing the following information:
  - a. The type of donation being made.
  - b. Documentation of the artwork being offered for donation, including pictures, slides, size, medium, title, year of creation and a resume of the artist, if possible.
  - c. Maintenance requirements of the artwork.
  - d. A document showing that the artwork is free of encumbrances and that the donor has full and unconditional title to the artwork.

- e. A release letter by the donor, should the City decide to release the artwork in the future.
- f. A statement that the donor is conveying the artwork to the City and that the owner indemnifies the City for any claims of any kind challenging the donor's ownership to said work of art or that the work of art is copied from or infringes upon rights of another work of art. Given that City is an institution of long-standing duration, it discourages donations of artwork that are conditional.
- 2. The City of Novato will acknowledge receipt of the donated artwork without valuation for tax purposes. The donor must find other means of establishing the value of the artwork.
- 3. The City Manager shall refer all such offers to the RCCS Commission for its review and recommendation. After considering the RCCS Commission's recommendation presented by City Staff, the City Council will decide on accepting all offers of donated artworks and will notify donors of its decision within 90 days of the City Council receiving the recommendation from the RCCS Commission.

#### F. OWNERSHIP

All art accepted by the City or installed by the City shall be acquired in the name of the City of Novato and title shall vest in the City of Novato.

Adam McGill City Manager

Proposed Small Horizontal Mural Design





March 28, 2023

To Whom It May Concern,

I am the owner of both buildings located at 869 and 867 Grant Avenue in Novato. I fully support the mural project that Emily Rich is coordinating.

Sincerely,

Roger Goodwin



#### **STAFF REPORT**

**MEETING** 

DATE: April 13, 2023

TO: Recreation, Cultural and Community Services Advisory Commission

FROM: Katie Gauntlett, Parks, Recreation & Community Services Director

SUBJECT: RECEIVE AN UPDATE ON UPCOMING PLAYGROUND IMPROVEMENTS AND

PROVIDE A RECOMMENDATION AND APPROVAL ON REPLACEMENT

PLAYGROUND EQUIPMENT FOR OLIVE TOT LOT

#### **REQUEST**

Receive an update on upcoming playground improvements and provide a recommendation and approval of replacement playground equipment for Olive Tot Lot.

#### **DISCUSSION**

#### **Project Background**

A 2019 Playground Assessment Report identified non-standard play equipment and recommended several safety and accessibility improvements at a number of the city parks. As part of the Fiscal Year 2021–22 CIP budget, the Citywide Play Structure Upgrades Project (CIP 22-006) was created to address some of these findings, along with other needs identified by Public Works Maintenance Staff to assist with a reduction in ongoing maintenance costs, safety, and accessibility. Given these findings and the allocated budget, the following projects were identified:

- Pour-In-Place (PIP) surfacing at selected sites will provide the opportunity to reduce maintenance costs and increase community access by removing wood chips. Installing PIP has been requested by the public, specifically the adaptive needs community, through community meetings hosted for the Pioneer Park Project, and addresses assessment report findings. Selected sites for PIP installation include:
  - Olive Tot Lot; Play Areas
  - o Bahia Oak Park; Play Areas
  - S. Hamilton Park; Swing Bank
  - Miwok Park; Swing Bank
- Removal and replacement of existing toddler play structures at Olive Lot.
- Replacement of existing water fountains (Olive Tot Lot and S. Hamilton Park) with new, accessible drinking fountains that include a hand washing basin and bottle filler.
- Removal of existing porta potties (S. Hamilton Park) and installation of new accessible units at a more ideal location in the park.

Parks, Recreation & Community Services (PRCS) and Public Works staff worked collaboratively and strategically to select the facilities to be included in this project. Identified goals include addressing the assessment findings, reduce ongoing maintenance expenditures, increase accessibility, and support potential future renovation of existing sites without impacting prior completed projects. For example, in keeping this strategic approach in mind, South Hamilton Park's swing bank was selected as a viable space to install PIP surfacing. The remaining playground equipment at this facility will eventually need replacement as it nears the end of it's useful life. Due to this known future replacement need, staff do not recommend installing PIP surfacing to the other play areas at this park at this time, as replacement of the structures would

require removal of newly installed surfacing.

#### Olive Tot Lot

This facility is one of Novato's smallest city parks, but provides a unique play experience for toddlers and their caregivers. Designed for children ages 2-5, Olive Tot Lot currently features two small play areas, surrounded with wood chips, and includes a small play structure with a slide, playhouse, and paved pathway with an automotive theme for participants to ride balance bikes, and trikes around the playground footprint. The site also includes a paver patio beneath a pergola and single picnic table. There are no restrooms at this park, however a drinking fountain is accessible for visitors.

As part of the CIP 22-006 scope, staff are recommending replacement of the existing play structures, installation of PIP surfacing in both play areas, a new water fountain, and replacement of the paver patio to improve accessibility. Given the project budget and existing park footprint, options for replacement play structures are limited due to the necessary safety fall zones established with play equipment.

Staff have identified several replacement pieces for this site that are within the project budget and meet the fall zone safety requirements and are seeking commission and community input. Options for play structure replacement consideration are as follows:

Option 1: PlaySimple' Simply Play Structure, Toll Booth, Gas Station (Attachment 1)

Option 2: PlaySimple' Simply Play Structure, Bernie Bus (Attachment 2)

Option 3: Bernie Bus, Toll Booth, Gas Station (Attachment 3)

All proposed structure options provide a unique play experience for children ages 2-5 and remain consistent with the parks existing automotive theme. The addition of PIP surfacing will enhance accessibility and the park's already enclosed footprint with perimeter fencing is an added safety measure for young children as well as those with adaptive needs.

#### **Project Schedule**

Staff are seeking the commissions input and selection of replacement play equipment for Olive Tot Lot. Following RCCS's recommendation, staff will be taking this item to City Council on April 25, 2023 requesting adoption of a resolution approving the plans and specifications of the project, and authorizing a bid advertisement. Pending Council's approval, staff will immediately place the order for the new structures. Delivery to the project site is expected 12-15 weeks after it is ordered. Demolition of the existing structures and preparation for the new installation can be completed during the 12–15-week delivery time. Staff is hopeful that all selected locations of the Citywide Play Structure Upgrades project will be completed and opened during the Summer of 2023.

#### **PUBLIC OUTREACH**

On April 10, 2023, this item and RCCS meeting agenda were promoted on the City and Novato PRCS's social media platforms encouraging community participation.

This item was noticed per standard City of Novato City Council agenda noticing procedures including posting the agenda 72 hours in advance on the community bulletin board in front of City Administrative Offices located at 922 Machin Avenue, posting on the City's website at <a href="novato.org/councilagendas">novato.org/councilagendas</a> and sending an email notification to all e-notification subscribers.

#### FISCAL IMPACT

The approved budget for CIP 22-006 is \$250,000. The budgeted project includes replacement, removal or other modifications to older play structures, equipment, and components (restrooms, water fountains etc.), and resurfacing the areas with Pour-In-Place (PIP) surfacing.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to CEQA Guidelines Section 15301(d) *Existing Facilities*, it has been determined that this project is categorically exempt from the California Environmental Quality Act. The proposed improvements fall within the "negligible or no expansion of use" requirement of the exemption, and satisfy the requirements of subsection (d) "Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety."

#### STRATEGIC PLAN ALIGNMENT

This item supports the City of Novato Strategic Plan Goals:

**Strategic Plan Goal 1: Living Well Together**, "Support facilities and design programs and services that create a healthy, caring, and interconnected community that is safe and secure."

**Strategic Plan Goal 2: Great Places,** "Create inviting natural and built places and spaces for contemplation, play, arts, and connection while celebrating our diverse community."

#### RECOMMENDATION

Provide a recommendation and approval of replacement playground equipment for Olive Tot Lot.

#### **ALTERNATIVES**

Take no action at this time; direct staff as to action requested.

- 1. Attachment 1 Option 1: PlaySimple' Simply Play Structure, Toll Booth, Gas Station
- 2. Attachment 2 Option 2: PlaySimple' Simply Play Structure, Bernie Bus
- 3. Attachment 3 Option 3: Bernie Bus, Toll Booth, Gas Station

Option 1: Toll Booth, Gas Station, PlaySimple' Simply Play Structure



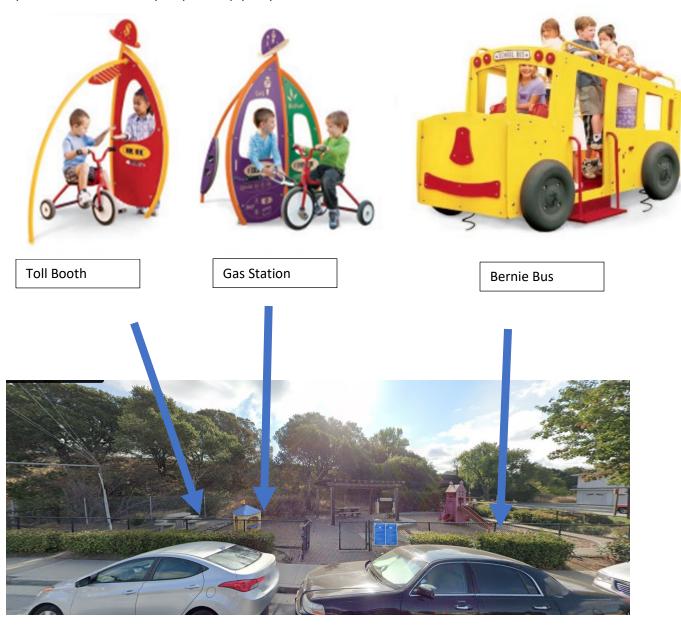
Existing Olive Tot Lot Playground featured in picture above

Option 2: Bernie Bus, PlaySimple' Simply Play Structure



Existing Olive Tot Lot Playground featured in picture above

Option 3: Bernie Bus, PlaySimple' Simply Play Structure



Existing Olive Tot Lot Playground featured in picture above