

RESOLUTION NO. 18-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUSTIN,
CALIFORNIA, APPROVING THE PUBLIC ART POLICY

WHEREAS, to enhance the quality of life in the community, the City of Tustin intends to commission public art projects; review, accept, or reject public art gifted to the City, and;

WHEREAS, the Parks and Recreation Services Department has presented a Preferred Public Art Policy that provides processes and procedures to allow the City of Tustin to commission art projects and review and evaluate gifted artwork for the purposes of accepting or rejecting the art piece, and;

WHEREAS, the City Council will appoint a five (5) member Public Arts Committee to administer the Public Art Policy, and;

WHEREAS, the City may establish a Public Art Fund for the purposes of commissioning public art projects for the benefit of the entire community, and;

WHEREAS, the Community Services Commission will review the Public Arts Committee initial public art recommendations and forward to the City Council for final decision, and;

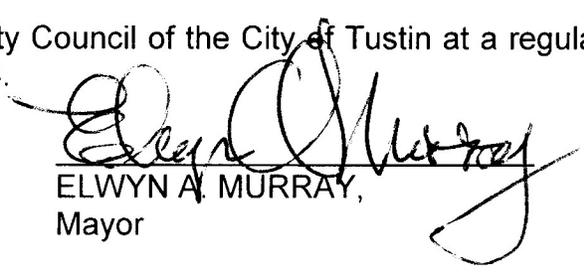
WHEREAS, for the purposes of the policy, artwork is considered paintings, sculptures, mosaics, works, or designs in any media created for the purpose of expression and public display, and;

WHEREAS, the Public Art Policy also describes procedures regarding installation, maintenance, and removal of public artwork, and;

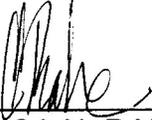
WHEREAS, once artwork is accepted and installed by the City of Tustin, it becomes the City's property.

NOW, THEREFORE, BE IT RESOLVED that the preferred Public Art Policy presented by the Parks and Recreation Services Department is hereby approved as the policy for commissioning public art projects and reviewing, accepting, or rejecting, maintaining, installing, and removing, public art proposed to be gifted to the City of Tustin.

PASSED AND ADOPTED by the City Council of the City of Tustin at a regular meeting held on the 20th day of March 2018.


ELWYN A. MURRAY,
Mayor

ATTEST



ERICA N. RABE,
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF TUSTIN)

CERTIFICATION FOR RESOLUTION NO. 18-17

Erica N. Rabe, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, does hereby certify that the whole number of the members of the City Council is five; that the above and foregoing Resolution No. 18-17 was duly and regularly passed and adopted at a regular meeting of the City Council held on the 20th day of March 2018 by the following vote:

COUNCILMEMBER AYES: Murray, Gomez, Puckett, Bernstein, Clark
COUNCILMEMBER NOES: _____
COUNCILMEMBER ABSTAINED: _____
COUNCILMEMBER ABSENT: _____



ERICA N. RABE,
City Clerk



City of Tustin

Preferred Public Art Policy

Preferred Public Art Policy
Parks and Recreation Department
714-573-3326

City of Tustin, Parks and Recreation Department
300 Centennial Way
Tustin, CA 92780
714-573-3326
www.tustinca.org

City of Tustin
Preferred Public Art Policy

1. General

Purpose:

Public art can contribute to the cultural and economic vitality of the Tustin community and enhance the quality of life in our City. The purpose of this policy is to provide a process through which the City of Tustin can commission public art projects, and accept or deny gifted artwork. It is the policy of the City of Tustin, as a form of government speech, to commission, accept, deny, display, maintain, and remove public art on City-owned or managed property consistent with the procedures outlined below.

Scope:

This policy provides procedures for City responsibilities beginning with the funding, commission, submission, evaluation, acceptance, or denial of public art, installation, and maintenance, and if necessary, the removal of public art.

Definition:

The definition of public art in relation to this policy is created or existing artwork that will be commissioned by the City, or be given free and clear of any liens to the City to be displayed for the enjoyment of the citizens. Artwork can be considered physical paintings, sculptures, mosaics, works, or designs in any media created for the purpose of expression.

The Public Art Policy will be reviewed by the City Council after one year.

2. Public Art Fund (PAF)

The City Council will annually transfer/or at its discretion, \$15,000 from an appropriate fund to a designated line item for the commission of public art to be displayed on public property in the City of Tustin.

Only expenses directly related to the design, fabrication, and installation of artwork are permitted to be paid from the public art allocation. **Allowable expenses from the Public Art Fund:**

- Artist fees
- Materials
- Fabrication of the artwork
- Transportation of artwork
- Base, mounting, or pedestal for the artwork (if applicable)
- Engineering for the artwork
- Installation of the artwork
- Identification plaque for the art
- Lighting instruments specifically lighting the artwork (if applicable)
- Motors or subterranean/other equipment directly necessary for installation of the art
- Art consultant fees (if applicable) not to exceed a maximum of 20 percent of project budget.
- Any fees paid to public art experts (e.g. art conservators, qualified appraisers, etc.) required by the Committee or City Council (if applicable)

Expenses Not Allowed from the Public Art Fund:

- Expenses to locate the artist (e.g. airfare for artist interviews, etc.)
- Architect, landscape architect, or other professional fees
- Public Art site preparation (e.g. grading, demolition, or removal of other items/structures, running electrical to the public art site, etc.)
- Landscaping around the artwork
- Items around the artwork not conceptualized, designed, and fabricated by a qualified artist, including but not limited to: prefabricated water features, ornamental, or decorative items in the area around the public art, hardscaping and seating
- Utility fees associated with activating electronic or water generated artwork
- Publicity, public relations, photographs, educational materials, business letterhead, or logos bearing the artist's image
- Dedication ceremonies, including artwork unveilings or grand opening

Verification of Expenses:

Public art expenses must not exceed the existing funds available in the Public Art Fund. The Public Art Committee in coordination with staff, will submit financial records in a form acceptable to the City that document allowable artwork expenses paid from the Public Art Fund. All expenditures from the Public Art Fund must follow the City Purchasing Procedures and Policies.

Funds not expended in the fiscal year can carry-over to be expended in future years. A balance in the Public Art Fund can be combined with future allocations to fund larger public art projects as needed or desired.

3. Public Art Committee (PAC):

The Public Art Committee (PAC) is the formal body responsible for implementing the Public Art Program. Responsibilities include attending all public art planning and review meetings, exercising judgment that is fair and consistent with policy guidelines, advising the Community Services Commission and the City Council on all public art related issues, and upholding the reputation and integrity of the Public Art Program and the City of Tustin. The Committee will plan and commission public art and evaluate all artwork, including artwork proposed to be gifted to the City of Tustin. The Committee will also seek grant funding and donors for each project and build partnerships and collaborations with non-profit organizations. The Committee is encouraged to solicit funding from developers and corporations to assist with funding public art projects. The Committee will make recommendations to the Community Services Commission and the City Council regarding commissioned or gifted public art.

The Public Art Committee meets once a month/or as needed basis.

The Committee consists of:

- Five (5) City Council appointed representatives who may have a background in art and who are Tustin residents

General Eligibility Criteria:

- Tustin resident
- Collaborative team player
- Commitment to the betterment of the community

- Service oriented to people and sensitive to their needs
- Understand the relationship with the City Council and the committee's role as an extension of the Council
- Education, experience, and/or commitment to the visual arts, including artwork and other related public art
- Local artists will be considered

Length of Term:

Each member is appointed for a term of four (4) years with a maximum of two concurrent terms.

Pursuant to section 1573 of the Tustin City Code, the term for each member is four years commencing on the date of appointment for each office. So that the terms of all members do not all expire on the same year, the initial appointments of the Committee Members will be as follows: three members will be appointed to serve four year terms and two members will serve an initial two-year term. Thereafter, all members would be appointed to serve staggered four year terms.

Stipends:

Public Art Committee Members will receive a stipend of \$100 per regular planning/evaluation meeting. The Committee will meet on a project oriented basis with no more than 12 regular meetings per calendar year.

The Director of Parks and Recreation Services, or staff designee, will be responsible for the operation of the Public Art Program and coordination with the Public Art Committee.

4. Artist Selection for Commissioned Artwork:

Selected artists must meet the qualification requirements described below. Artists' past public art commissions, including the contract amount paid to the artist, will be verified by the City as part of the artist approval process. For the selection process, Artists must submit a Letter of Interest, Artist Resume, History of Public Art Commissions, photos of completed Public Art projects, and three professional references.

Artist Qualifications:

An artist must be recognized by critics and peers as a professional practitioner of visual arts. To assess the qualifications of an artist the Committee will consider the following:

- Artist's body of work
- Educational background
- Formal training
- Past and current large scale (5 feet or larger) outdoor public art commissions
- Sales of work
- Exhibit records
- Publications
- Artwork design

Artists must also have experience in the following areas:

- Successful collaborations with cities or other organizations
- Meeting deadlines
- Negotiating and contracting their work responsibly

- Conceptualizing, designing, fabricating, and installing large-scale outdoor art work similar in scope to the proposed public art
- The ability to demonstrate long-term outdoor durability of selected materials

Artists shall have the experience and expertise to create site-specific public art after consideration of contextual issues related to the project site including:

- Architectural style
- Future use and users of the project site
- The community at large
- The proposed artwork in terms of its placement

Artists will be invited and evaluated through an inclusive and accountable selection process. Hallmarks of the artist selection process will be to clearly communicate the goals of the project, seek the highest quality and integrity in the artwork; and select an artist(s) who will best respond to the distinctive characteristics of the site.

Art Consultant:

To assist with the Public Art Program, the Public Art Committee has the option of hiring a qualified, experience public art consultant to facilitate artist selection, manage the Public Art process, manage artwork installation, assist with fundraising and grants, and ensure all requirements have been satisfied. Art consultant fees are not to exceed 20 percent of the Public Art Fund allocation.

5. Site Selection:

When determining a potential site for public artwork, the following shall be considered:

- a. The relationship and compatibility of the artwork and site are considered in terms of physical dimensions, social dynamics, local character, and surround context of the existing or planned site.
- b. Theme and relevance to the community and the site
- c. Visibility of the site by the general public
- d. Public safety
- e. Improvements made to the design of an area
- f. Vehicular and pedestrian traffic patterns
- g. Accessibility
- h. Site design including landscaping, drainage, security, maintenance, grading, and lighting
- i. Relationship of proposes artwork to existing artwork
- j. Environmental impact(s)
- k. Impact on adjacent property owners
- l. Impact on operation functions (i.e., police, fire, parks and recreation, public works)
- m. Potential for vandalism

Gifted or Donated Artwork:

The Public Art Committee will evaluate all artwork proposed to be gifted to the City of Tustin. The Committee will make future recommendations to the City Council for final acceptance or rejection.

All gifted artwork requires adherence to the following evaluation and selection procedures.

A.) Application and Letter of Interest:

The donor of the proposed artwork shall complete a Gift Proposal Application and provide a Letter of Interest to the Director of Parks and Recreation Services or his/her designee. Information required during this initial phase will be:

- a.) Description of Artwork/Media
- b.) Specifications and Dimensions
- c.) Materials and Finishes
- d.) Colors
- e.) Electrical or Plumbing Requirements
- f.) Construction and Installation Method
- g.) Depiction of Artwork (Drawing/Picture)
- h.) Budget
- i.) Location/Site Plan
- j.) Timeline

Donors may solicit letters of support from the community expressing support for the gifted artwork and associated project.

B.) Presentation to the Public Art Committee:

If applicable, the donor will be scheduled to present a proposal of the gifted artwork to the Public Art Committee as an agenda item at a regular meeting of the Committee.

The donor is expected to present the actual artwork, a model of the artwork, or scale drawings of the proposed piece. If it is not possible to bring the actual artwork for review, a photograph of the artwork may be used.

The Public Art Committee will review the proposal, consider the presentation, and make a recommendation at a subsequent meeting. If the proposal and presentation does not provide the Committee sufficient information to make a recommendation, the Committee may postpone the recommendation until further information is provided.

The following criteria shall be used by the Public Art Committee to review and evaluate the acceptability of the proposed artwork:

- Aesthetics – It shall be deemed to be an artwork of lasting aesthetic value.
- Quality – There is inherent quality in the artwork itself.
- Style – An artwork shall be compatible in scale, materials, form, and content with its surroundings.
- Permanence – Due consideration shall be given to structural/surface soundness, resistance to theft, vandalism, weathering, and excessive maintenance repair costs.
- Public Liability – Each artwork shall be examined and approved for safety conditions and factors which may relate to public liability.
- Feasibility – Each artwork shall be reviewed for realistic completion and installation.
- Duplication – To assure the artwork is original and will not be duplicated, the artist shall warrant the artwork as unique and an edition of one, unless stated to the contrary.

The following criteria and factors will be considered for proposed placement of the artwork in addition to site selection criteria: (Also, see #5 Site Selection)

- Visibility
- Lighting
- Public Safety
- Impact to facility and programs
- Traffic (interior, exterior, foot, and auto)
- Location (relationship to facility, architecture, and natural setting)
- Future development plans of facility and area
- Impact on community and neighborhood
- Installation and maintenance

C.) Review and Recommendation of the City Council:

The Community Services Commission will review the Public Arts Committee initial recommendation and forward to the City Council for consideration of the gifted artwork and final site location. A final decision shall be made by the City Council to accept, delay, or reject the gifted artwork.

D.) Installation and Maintenance:

If the artwork is accepted by the City Council and installed on City property, it becomes the responsibility and property of the City of Tustin.

Installation of the artwork is the responsibility of the participating artwork sponsor/organization unless otherwise determined. A plan of installation and timeline must be submitted to the Director of Parks and Recreation Services or his/her designee prior to permission being granted for installation. Installation may be supervised by City employees or their designees. All damage to the City facility during installation is the responsibility of the artwork donor and/or artist.

Artwork shall be installed and sited on City owned or managed property in a manner that ensures public access, including ADA access. Artwork will be installed to the satisfaction of the City of Tustin and its officials.

City insurance requirements must be met prior to installation of artwork.

Routine maintenance of the artwork after installation will be the responsibility of the City of Tustin.

E.) Removal of Artwork (if necessary):

The following may be grounds for the City to remove the artwork from City owned or managed property. The City reserves the right to remove the public art at its own discretion.

- Theft – A piece of the artwork was stolen from its location and cannot be retrieved.
- Damage Beyond Reasonable Repair – The public art has been damaged beyond repair, damaged to the extent that it no longer represents the artist's intent, or damaged to the extent that the expense for restoration and repair are found to equal or exceed current market value of the public art. This determination will be made by the Director of Parks and Recreation Services or his/her designee with input provided by the artist, if possible.
- Site Alteration – For site-integrated or site specific works of art, the site for which the public art was specifically created, is structurally or otherwise altered and can no longer accommodate the public art, is made publicly inaccessible as a result of new construction, demolition, or

security enhancement, or has its surrounding environment altered in a way that significantly and adversely impacts the public art.

- Safety – There is a documented history of incidents that show the public art is a threat to public safety.
- Excessive Maintenance – The public art requires excessive maintenance. This determination will be made by the Director of Parks and Recreation Services or his/her designee with input provided by the artist, if possible.
- Comparable Quality – The public art is inferior quality as related to the quality of other nearby works or the quality of the artwork has eroded over a period of time.

A notice will be issued to the artist and artwork sponsor/donor regarding the reason and proposed date of the public art removal.

Removal Options:

- Directly returned back from the City of Tustin to the artist or art donor.
- Sale through a public auction or direct bidding by individuals. Any revenue generated from such a sale will be directed back to the Public Art Fund for the future commission of public art projects.
- Destruction of artwork and recycling of materials comprised of the public art.

F.) Interpretation/Policy:

This policy supersedes all previous policies or Memos of Understandings covering the same topic. This policy may be reviewed and amended by the City. Questions concerning the interpretation of application of this policy should be directed to the office of the Director of Parks and Recreation Services Department.



Appendix A

City of Tustin Public Art Program

ARTIST'S HISTORY OF PUBLIC ART COMMISSIONS

Please list works similar to the proposed public art in order from most recent to older commissions.

Artist Name _____ Project _____

Title	Medium	Dimensions	Purchaser, Phone Number, and Email	Location	Date of Commission	Commission Amount
Proposed work for Tustin:					To be determined	

Tustin Public Art Program
COMMITTEE CHECKLIST

Date: _____

Project Name: _____ Project Location: _____

Artist: _____ Artwork Title: _____

Committee Members: _____

Criteria	Meets Criteria	Does not Meet Criteria	Comments
I. Art Consultant Qualifications			
Experience with public art projects of similar scope			
II. Artist Qualifications			
Education/training in artwork			
Exhibit records & collections			
Commissions/experience with large scale permanent outdoor artwork of similar scope/materials			
Verification of past commission amounts			
Copy of contract			
III. Artwork Site			
Clearly visible to motorists & pedestrians from a public street			
No more than 50 feet from public street			
No signage, utility boxes, landscaping, or other items limiting public view			

Criteria	Meets Criteria	Does not Meet Criteria	Comments
IV. Artwork Concept/Design			
Conceptualized and designed by approved artist			
Original and does not infringe upon any copyright (editions limited to 5)			
Artwork is site specific or site appropriate			
Scale: 5' or larger (excluding base)			
Considered place in the PAP Collection			
<p>Proposal demonstrates how work will engage public interest (e.g. provokes discussion, intrigues, entertains, etc.)</p> <p>Is community input/survey requested?</p>			
<p>Artistic Content (for discussion only):</p> <ul style="list-style-type: none"> • Expressive properties (mood, feeling, message, symbolism) • Formal properties (balance, emphasis, color, repetition/rhythm, unity, form/shape, texture) 			
V. Artwork Materials/Maintenance			
Comprehensive maintenance plan			
List/samples of materials, finishes, manufacturer information, fabricator information, fabrication plans			
<p>Permanent, weather, and rust resistant media, armature, and base; foundry materials breakdown by percentage</p> <p>Is art conservator or public art expert input requested?</p>			
Resistant to vandalism and graffiti			

Criteria	Meets Criteria	Does not Meet Criteria	Comments
Landscape will not pose future visibility or conservation problems			
Irrigation plan indicates water spray is directed away from artwork			
Maintenance plan demonstrates the work is low maintenance Is art conservator or public art expert input requested?			
Maintenance fund established			
VI. Installation			
Base well integrated to landscape			
Lighting plan and lighting instruments			
Identification plaque location indicated			
Installation plans approved by Licensed Professional Engineer (if applicable)			
Poses no liability or safety problems			

Committee requests for input, conditions of approval, etc.:

**City of Tustin
Gift Proposal Application - Public Art**

Proposal Details

Working Title	
Artist(s) Name	
Year Completed	
Dimensions (HxWxD)	
Preferred Project Installation (approximate)	
Physical description of the proposed piece (significance, Is this piece one of a kind?	
Is the piece completed?	
Proposed Location Address	
What is your rationale for this site (historical reason, etc.)	
Why do you wish to donate this piece to the City of Tustin?	

Applicant Details

Contact First & Last Name	
Organization Name (if	
Type of Organization (if	
Phone Number	
Email Address	
Postal Address	
Website Address (if relevant)	

Technical Specification

Describe how the artwork is constructed / made. Support with attachments as listed at the end application.

How is the artwork to be properly installed? Support with attachments as listed at the end of application.

Does this piece require plumbing, electrical, or other utility hookups?

If so, describe and support with attachments as listed at the end of this application.

What is the expected lifetime and staying power of the material(s) used in creating the artwork?

What maintenance will this piece require and how often?

Please identify any specific maintenance procedures and / or equipment and associated costs.

What precautions have been taken to guard against vandalism?

What steps have been taken to insure that the piece will not be a safety hazard?

Budget

Value of Artwork	\$	_____
Permits	\$	_____
Structural Engineering	\$	_____
Site Preparation	\$	_____
Insurance for Moving / Siting the Piece	\$	_____
Electrical / Plumbing / Utility Hookup	\$	_____
Delivery of Artwork to Site	\$	_____
Artwork Installation	\$	_____
Signage	\$	_____
Recognition	\$	_____
Other	\$	_____
Total Expenses	\$	_____

When was the piece last appraised? By whom?

What is the value of the piece as currently

What is your timeline? Identify the different stages, steps, and date goals to prepare the piece donation.

Restrictions

Are there any covenants, requirements, or restrictions that come with the piece?

What expectations do you have for the City of Tustin in accepting this piece?

Community Involvement

Do you have support from the community in creating this piece?

Do you have the support of the surrounding community for the proposed site?

Please identify who in the community has been contacted, how the community was contacted, what their response was.

Please attach any letters of support.

APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION

- An artistic resume and / or bio of the artist(s) who created the proposed artwork
- Three to five clean and clear images of the proposed artwork
- Scale drawing and / or model(s) of the proposed artwork (if applicable)
- If you have a site in mind, please include a photograph and description of the site(s) include a scaled drawing or digital rendering that illustrates the proposed piece sited this location
- A copy of a formal appraisal of the proposed piece or an estimate of value
- Technical specification that indicates the construction and installation details for the

If applicable, drawings should be reviewed and approved by a structural engineer.

RETURN APPLICATION AND SUPPORTING DOCUMENTATION TO:
City of Tustin
C/o Director of Parks and Recreation Services
300 Centennial Way
Tustin, CA 92780