



## MEMORANDUM

**TO:** City Council

**FROM:** Brian Pedrotti, Community Development Director

**BY:** Patrick Holub, Associate Planner

**SUBJECT:** Consider a Resolution Accepting a Donation of Time and Materials for the Painting of Utility Boxes Citywide and Waiving Encroachment Permit Fees; Staff Project 22-002; Location – Citywide; Applicant – Shirley Horacek, Arroyo Grande Public Art

**DATE:** October 11, 2022

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### **SUMMARY OF ACTION:**

Receive public comment and consider a Resolution accepting a donation of time and materials and waiving encroachment permit fees of \$720 for the utility box public art project proposed by Arroyo Grande Public Art.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

Staff time will be necessary in order to attend future meetings of the Arroyo Grande Public Art Committee. Staff time may be necessary on a case-by-case basis for traffic control or other safety measures during painting, as well as to process a “Small” encroachment permit for each utility box painting. It is recommended that the City Council waive encroachment permit fees of \$180 for each of the four utility box locations for a total of \$720, as proposed in the attached Resolution. All time and materials for the preparation and painting of the utility boxes will be donated by the applicant valued at approximately \$5,000. Ongoing maintenance costs are planned for the project from City funds.

### **RECOMMENDATION:**

Receive public comment and adopt a Resolution accepting the donation of time and materials and waiving encroachment permit fees in the amount of \$720.

### **BACKGROUND:**

In 2002, the City Council approved staff recommendations for an Art in Public Places Program and Process. The recommendations were prepared with the assistance of the San Luis Obispo County Arts Council and an Art Donation Program was approved by the City Council in 2006. In 2011, the Public Art Guidelines were amended regarding the Art in Public Places Program and limited the process only to public art projects on private

**Item 9.a.**

## **City Council**

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**October 11, 2022**

**Page 2**

property. During this update, public art on private property was defined as art that is displayed in an open area that is freely available to the general public or public accessibility is provided based upon the characteristics of the artwork or its placement on the site. Projects on public property would be considered by the City Council, with the recommendation of the former Parks and Recreation Commission if on park property.

In January 2013, Arroyo Grande Public Art (AGPA) was established as a program within Arroyo Grande In Bloom (AGIB), a non-profit volunteer organization. In October 2021, the Arroyo Grande Public Art Guidelines (Guidelines) were again amended to limit the purview of the Guidelines to public art proposals on non-residentially zoned property. Public art on privately owned residential property was removed from the Guidelines to avoid any confusion regarding their application. In addition, clerical changes were made to account for changes to the City's advisory bodies and those that provide consultation to the Council on public art projects. Updates to the Guidelines also included changing the consulting body that makes recommendations to the City Council from the San Luis Obispo County Arts Council (SLOCAC) to Arroyo Grande Public Art (AGPA). Lastly, the Guidelines established a seven (7) member Public Art Panel for the purpose of approving proposed art projects. The currently adopted Guidelines have been included as Attachment 2.

Four (4) public art pieces have been approved to date. The first public art piece approved was the mural at 303 E. Branch Street on May 2, 2014, and second was the Japanese Lantern sculpture located at the Peoples Self Help Housing apartments at 150 South Courtland Street. The third approved public art piece is located at 126 South Mason Street and 127 Short Street. That installation consists of two Chumash art pieces. The most recently approved public art piece was the repainting of the Strother Park basketball court, located at 1150 Huasna Road.

#### **ANALYSIS OF ISSUES:**

Earlier this year, staff was contacted by Arroyo Grande Public Art regarding the possibility of painting utility boxes within the City. Staff attended various meetings with the organization and the City Attorney's office helped draft a number of documents including the request for proposals (RFP) calling for local artists, releases to clarify ownership of the artwork, liability releases and agreements to be executed between the City and artists.

#### Review Process Under Public Art Guidelines

In accordance with the City's Public Art Guidelines, the projects shall be considered by the City Council, with community input as part of a public hearing, and ultimately approved by the Arroyo Grande Public Art Panel. The panel selection for this project includes the following to date:

- Two representatives from the property owner: Bill Robeson and Sheridan Bohlken

**Item 9.a.**

## **City Council**

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**October 11, 2022**

**Page 3**

- Two representatives from AGPA: Shirley Horacek and Kathryn Phelan
- One representative from the Architectural Review Committee: Jon Couch
- One representative from the Chamber of Commerce: Kassi Dee
- One representative from the South County Historical Society: Vivian Krug

The intent of establishing this review process is to ensure that public art projects are sensitive to community concerns, while also avoiding government censorship of art. The Guidelines are applicable to public art projects proposed to be located on non-residentially zoned public property or by a private owner in the adjacent public right of way. The Guidelines and criteria also apply to public art projects on City property. All donations for Public Art are required to be considered and approved by the City Council.

The following criteria are used in the selection of public art:

1. Relationship to the social, cultural and historical identity of the area. If the public art is proposed to be located in the Village Core Downtown or Village Mixed Use Districts, the art piece shall be representative or evocative of the turn of the century historical period;
2. Evaluation of artistic excellence;
3. Appropriateness of scale, form, material, content and design relative to the immediate and general neighborhood;
4. Relationship to the social, cultural and historical identity of the area;
5. Appropriateness of proposed materials as regards to structural and surface integrity, protection against vandalism, public safety and weathering;
6. Ease of maintenance;
7. Appropriateness of proposed method of installation of artwork and safety and structural factors involved in installation;
8. Artist's experience in working on comparable projects.

After completion of the public hearing and acceptance of the donation by Council, the project will then be forwarded for review and approval by the Public Art Panel to make the required findings above.

Arroyo Grande Public Art

**Item 9.a.**

## **City Council**

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**October 11, 2022**

**Page 4**

On July 1, 2022, Arroyo Grande Public Art published an RFP requesting applications from local artists for designs to be painted on utility boxes within the City. The RFP closed on August 5, 2022, and the proposed designs were reviewed by the group at their meeting on August 8, 2022. After reviewing the proposals, a total of four (4) designs were selected for presentation to the City. The group also made recommendations as to the preferred location of the artwork. The following designs and preferred locations were provided by the group and are included as Attachment 3:

1. Southeast corner of Brisco Road and El Camino Real – Koi by Jann Griffiths
2. Southeast corner of Branch St and Mason St – Rooster by Laurie Hamblin
3. Southeast corner of Oak Park Boulevard and James Way – Whale by Renn Herrera
4. Northeast corner of Oak Park Boulevard and East Grand Avenue\* – Basketball by Oscar Pearson

\*After reviewing the locations proposed by Arroyo Grande Public Art, staff has determined that the location proposed by the applicant for the basketball design may be located within Grover Beach right of way. Staff is recommending that this design be moved to the utility box located just to the south of the intersection at South Courtland and East Grand Avenue near CVS Pharmacy.

#### **ALTERNATIVES:**

1. Conduct the public hearing to receive public comment, and adopt the attached Resolution accepting the donation of approximately \$5,000 in time and materials from the applicant;
2. Do not adopt the attached Resolution, provide specific findings, and direct staff to return with an appropriate resolution to not accept the donation; or
3. Provide direction to staff.

#### **ADVANTAGES:**

Approving the donation for the proposed public art installations will facilitate the enhancement of the appearance of existing utility boxes for the benefit of the community.

#### **DISADVANTAGES:**

No disadvantages have been identified.

#### **ENVIRONMENTAL REVIEW:**

In compliance with the California Environmental Quality Act (CEQA), the Community Development Department has determined that this project is categorically exempt based upon section 15301(e) of the CEQA Guidelines regarding existing facilities. This exemption is applied to additions to existing structures provided that the addition will not

**Item 9.a.**

**City Council**

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**October 11, 2022**

**Page 5**

result in an increase of square footage. The proposed project is for painting an existing structure and will not result in an increase in square footage.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

**Attachments:**

1. Proposed Resolution
2. Public Art Guidelines
3. Proposed Designs