



CITY OF DUBLIN  
HERITAGE & CULTURAL ARTS COMMISSION  
SPECIAL MEETING AGENDA

THURSDAY, JANUARY 19, 2017 at 7:00 PM  
DUBLIN CIVIC CENTER, 100 CIVIC PLAZA

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ORAL COMMUNICATIONS**

3.1 **Public Comments**

At this time, the public is permitted to address the Heritage and Cultural Arts Commission on non-agendized items. The Commission must, however, comply with all State Laws in regard to items not appearing on the posted agenda. The Commission may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the Office of the Parks and Community Services Department related to the proper procedure to place an item on a future Heritage and Cultural Arts Commission agenda. The exceptions under which the Heritage and Cultural Arts Commission MAY discuss and/or take action on items not appearing on the agenda are contained in GC 54954.2(b)(1)(2)(3).

3.2 **Welcome New Commissioners/Review Commission Responsibilities**

Staff will welcome new Commissioners and briefly review responsibilities specific to the Heritage and Cultural Arts Commission.

4. **MINUTES OF THE REGULAR MEETING**

4.1 **Minutes of the December 8, 2016 Regular Meeting**

The Commission will consider approval of the minutes of the December 8, 2016 Regular Meeting.

**STAFF RECOMMENDATION:**

Approve the minutes of the December 8, 2016 Regular Meeting.

5. **WRITTEN COMMUNICATIONS** – None.

6. **PUBLIC HEARING** – None.

7. **UNFINISHED BUSINESS**

7.1 **Cultural Arts Needs Assessment – Sixth Recommendation**

The Commission will receive a report on the Commission's request to include a sixth recommendation based on Cultural Arts Needs Assessment results and guidance on developing a workable recommendation.

**STAFF RECOMMENDATION:**

Determine wording for a sixth recommendation in response to the Cultural Arts Needs Assessment.

8. **NEW BUSINESS**

8.1 **Election of Officers**

The Commission shall annually elect a Chairperson and Vice Chairperson per the Bylaws and Rules of Procedure for the Heritage and Cultural Arts Commission.

**STAFF RECOMMENDATION:**

Conduct elections for Chairperson and Vice Chairperson.

8.2 **Fall Quarterly Report**

The Commission will receive a report on Cultural Arts class attendance and Special Events attendance from September through December 2016.

**STAFF RECOMMENDATION:**

Receive the Report.

*This AGENDA is posted in accordance with Government Code Section 54954.2(a)*

*If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the Office of Parks and Community Services (925) 556-4500 at least 72 hours in advance of the meeting. A complete packet of information containing Staff Reports and attachments related to each item is available for public review at least 72 hours prior to a Heritage & Cultural Arts Commission Meeting or, in the event that it is delivered to the Commission less than 72 hours prior to a Heritage & Cultural Arts Commission Meeting, as soon as it is so delivered. The packet is available in the Parks & Community Services Department at Civic Center.*

**8.3 Public Art Process Overview**

The Commission will receive a report on the Commission’s responsibilities regarding public art projects.

**STAFF RECOMMENDATION:**

Receive the Report.

**9. OTHER BUSINESS**

**9.1 Brief Informational–Only Reports**

Brief INFORMATIONAL-ONLY reports from Commissioners and/or Staff, including Reports by Commission related to Meetings Attended at City Expense (AB 1234).

**9.2 Discussion of Future Agenda Items**

Staff will offer a preview of agenda items expected in the next two months. The Commission may suggest topics it would like to see added to future agendas with consensus of the majority of the Commission.

**10. ADJOURNMENT**



**STAFF REPORT**  
**HERITAGE AND CULTURAL ARTS COMMISSION**

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**DATE:** January 19, 2017

**TO:** Honorable Chair and Commissioners

**FROM:** Tegan McLane, Cultural Arts & Heritage Manager

**SUBJECT:** Minutes of the December 8, 2016 Regular Meeting

**EXECUTIVE SUMMARY:**

The Heritage & Cultural Arts Commission will consider approval of the minutes of the December 8, 2016 Regular Meeting of the Heritage and Cultural Arts Commission.

**FINANCIAL IMPACT:**

None.

**RECOMMENDATION:**

Approve the minutes of the December 8, 2016 Regular Meeting of the Heritage and Cultural Arts Commission.

**DESCRIPTION:**

The Heritage and Cultural Arts Commission will consider approval of the minutes of the December 8, 2016 Regular Meeting of the Heritage and Cultural Arts Commission.

**NOTICING REQUIREMENTS/PUBLIC OUTREACH:**

None.

**ATTACHMENTS:**

1. Draft Minutes of the December 8, 2016 Regular Meeting of the Heritage and Cultural Arts Commission.



# HERITAGE AND CULTURAL ARTS COMMISSION

## REGULAR MEETING

### *Draft Minutes*

CITY OF DUBLIN

December 8, 2016

The December 8, 2016, Regular Meeting of the Heritage and Cultural Arts Commission was called to order at 7:00 PM at the Dublin Civic Center, Dublin, California, by Vice Chair Szollos.

Commissioners (Cm.) Present: Minniear, Tutino, Szollos, Deets, Iharosi  
Commissioners Absent: Blackburn, He

#### **PLEDGE OF ALLEGIANCE**

Vice Chair Szollos led the Pledge of Allegiance.

Cm. Szollos asked for another Commissioner to lead meeting. Cm. Tutino volunteered to lead meeting.

On a motion by Cm. Minniear, seconded by Cm. Tutino, and by a vote of 5-0-0 with Cm. Blackburn and Cm. He absent, the Commission took the following action:

#### *ACTION:*

Approved to have Cm. Tutino chair the meeting for December 8, 2016.

#### **ORAL COMMUNICATIONS**

3.1 None

#### **APPROVAL OF MINUTES**

##### **4.1 Minutes of November 10, 2016 Regular Meeting**

On a motion by Cm. Minniear, seconded by Cm. Szollos, and by a vote of 5-0-0 with Cm. Blackburn and Cm. He absent, the Commission took the following action:

#### *ACTION:*

Approved minutes of the November 10, 2016 Regular Meeting, as presented.

**WRITTEN COMMUNICATIONS** – None.

**PUBLIC HEARING** – None.

**UNFINISHED BUSINESS** - None.

**NEW BUSINESS**

**8.1 Utility Box Art Selection**

Ms. Tegan McLane, Cultural Arts and Heritage Manager, presented the specifics of the item as outline in the Staff Report.

Cm. Tutino asked whether an artist who specified a preferred utility box to paint would be willing to paint a different box that the Commission has chosen instead. Ms. McLane said that Staff would contact the artist to verify acceptance of the assignment.

Cm. Szollos pointed out that there are more than enough designs to paint all six boxes. Ms. McLane agreed and noted that would be possible if the Commission relaxes the rule that six different artists be selected. She suggested the Commission choose which designs they would like on which boxes. Cm. Minniear asked to clarify the number of boxes and number of design submissions. Ms. McLane said there are six boxes and nine designs were submitted.

Cm. Deets questioned whether Kimberly Overton planned on using the poem on the box as part of the art work. Ms. McLane explained that she did not think the artist was planning using the poem, and included it simply to explain her inspiration for the piece.

Commissioners asked whether certain colors or patterns would be better at deterring graffiti. Ms. McLane explained that designs with large solid color blocks are more likely to be tagged than art that is patterned. Also all of the boxes will be treated with a graffiti resistant coating.

Commissioners discussed the various designs and the merits of the different box locations, before settling on which design to place on which box.

As there were several designs the Commission liked but did not choose for a box, they asked whether designs could be saved and considered for future utility boxes, should this program be continued. Ms. McLane said yes, Staff could encourage those artists to re-submit those designs should the City continue the program.

Cm. Minniear made a motion to relax the previous restrictions and allow all submitted artists to be considered for all available boxes in the following manner.

- |                     |   |        |  |
|---------------------|---|--------|--|
| Box A (Davona)      | - | Artist | Kimberly Overton – “Reaching for a Shamrock”     |
| Box B (Brighton)    | - | Artist | Susanne Gayle - “Electric Shamrocks”             |
| Box C (Tamarack)    | - | Artist | Suzanne Gayle - “Shamrock Community” (cat & dog) |
| Box D (Amador)      | - | Artist | Kalani Ware – “Graphic with Shamrock”            |
| Box E (Lewis)       | - | Artist | John Osgood - “Blue Bird”                        |
| Box F (Dublin Blvd) | - | Artist | Lisa Long – “Design 1” (historical scene)        |

On a motion by Cm. Minniear, seconded by Cm. Iharosi, and by a vote of 5-0-0, with Cm. Blackburn and Cm. He absent, the Commission took the following action:

*ACTION:*

Recommended City Council approval of the above listed professional artists for the Utility Box Art Selection.

## **8.2 2017 Heritage and Cultural Arts Commission Meeting Dates**

Ms. Tegan McLane, Cultural Arts and Heritage Manager, presented the specifics of the item as outlined in the Staff Report.

Cm. Tutino asked if Commissioners could comment again on the Cultural Arts Needs Assessment, which was heard at the November 10, 2016, meeting. Specifically she wanted to discuss an email the Commissioners received from Staff regarding the wording of a sixth recommendation. Ms. McLane said the City Clerk had advised because the topic is not an agenda item it cannot be discussed at this meeting.

However, Ms. McLane and Director of Parks and Community Services James Rodems were aware some Commissioners strongly disagreed with the wording Staff had proposed. Since there is concern that the sixth recommendation wording does not reflect what this Commission had intended and it was not possible for Commission to vote on it tonight, Staff has changed the Staff Report to City Council to indicate that the first five recommendations were approved by this Commission and that there was an intention for a sixth recommendation, but wording had not been determined. Staff is going to recommend that City Council give Staff the direction to return to Heritage and Cultural Arts Commission in January to finalize wording for a sixth amendment.

### *ACTION:*

The Commission received the Report.

## **OTHER BUSINESS**

### **9.1 Brief Information Only Reports from Heritage & Cultural Arts Commissioners and/or Staff**

Cm. Iharosi commented about creating an account for the City's new online registration program. She feels it will be very difficult for most people to meet the required deadlines for early registration; she thinks there will be problems for many months.

Cm. Tutino met with the Visual and Performing Arts Committee for Dublin Unified School District and said that Dr. Sarah Breed, Director of Educational Services, is willing to working this Commission to increase communication. Cm. Tutino stated that she will miss being a part of this Commission and that it has been very special. She also said she visited the Wallis Ranch development and had a chance to see the art benches, gates and screens in the open-air school house. She asked how former Commissioners can find out when art pieces will be dedicated. Ms. McLane said that she would make sure they were invited to those events.

Cm. Szollos commented that she really would love to have a downtown in the City of Dublin. She and friends attended a holiday concert at the Bankhead Theater in Livermore, dined at a downtown restaurant and went to Livermore's tree lighting, all within walking distance of each other.

Cm. Minniear commented on planning meetings between the City and the school district to put together a series of events to celebrate the 150<sup>th</sup> year anniversary Dublin Unified School District/Murray School District. Anniversary events will culminate with an event at Heritage Park and Museums, May 20, 2017. There will be activities for students at all grade levels to participate. He commented that there is disconnect between some of the aspects of cultural arts in City. There were many meetings with the Parks and Community Services Commission about where to put the Children's Museum, but there were no meetings here with Heritage and Cultural Arts Commission. He would like to see this Commission included in those discussions. Cm. Minniear also announced he is in talks with a publisher to write a book about the history of Dublin, for publication some time in 2018.

Cm. Deets said he has really enjoyed working with everyone on the Commission. He especially appreciated the Cultural Arts Needs Assessment study that was done. He noted that survey feedback from the public – such as the expressed interest in more professional art in Dublin - should be seen as an opportunity to discover what the community really means by professional art.

Ms. McLane provided program, project, and event updates.

**9.2 Discussion of Future Agenda Items**

Ms. McLane provided an overview of upcoming agenda items for the Commission.

**9.3 Recognition of Commission Accomplishments, Outgoing Commissioners**

Ms. McLane provided an overview of the Commission’s 2016 accomplishments.

Ms. McLane also presented accomplishments of outgoing Commissioners during their terms of service and thanked them for their service.

Cm. Iharosi said it was a pleasure and an honor to serve on the Commission.

Commissioners thanks Ms. McLane and Staff for their work.

Cm. Szollos left at 8:49 pm

Cm. Minniear wanted to add that he has enjoyed being on the Commission. He also has some concerns about the transition with the new Commission starting and the new City Council, with everything that has happened with regards to art with in the City. He has seen a lot happen in the eight years of being on the Commission, but there is still a lot of art work needed to get people to appreciate the art here in the City. Cm. Minniear thanked fellow commissioners.

Cm. Tutino said she had hoped to have a bigger impact on the visual arts and development more of a grassroots organization. She enjoyed being the liaison for the DUSD. Cm. Minniear reminded her that she was instrumental in developing a third grade curriculum for Heritage Park and Museums. She also participated on the art selection committee for the Avalon Bay development, near the West Dublin Bart Station.

Cm. Deets expressed the need to continue to grow our cultural arts to serve our multi-cultural citizens here in Dublin.

**ADJOURNMENT**

Being no further business, the meeting adjourned at 8:59 PM.

Minutes prepared by Kristen Finn, Recording Secretary.

ATTEST: \_\_\_\_\_  
Tegan McLane  
Cultural Arts and Heritage Manager

\_\_\_\_\_  
Chairperson



## STAFF REPORT

### HERITAGE AND CULTURAL ARTS COMMISSION

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**DATE:** January 19, 2017

**TO:** Honorable Chair and Commission Members

**FROM:** Tegan McLane, Cultural Arts & Heritage Manager

**SUBJECT:** Cultural Arts Needs Assessment – Sixth Recommendation

#### **EXECUTIVE SUMMARY:**

City Council reviewed Cultural Arts Needs Assessment Recommendations at its December 20 meeting and directed Staff to return to the Heritage and Cultural Arts Commission to finalize wording of a sixth recommendation, suggested by the Commission.

#### **RECOMMENDATION:**

Recommend wording of the sixth Cultural Arts Needs Assessment recommendation for City Council approval.

#### **FINANCIAL IMPACT:**

None.

#### **DESCRIPTION:**

The Heritage and Cultural Arts Commission reviewed results and recommendations from the Cultural Arts Needs Assessment at its November 10, 2016 meeting and forwarded the following recommendations to the City Council, which were approved on December 20, 2016:

1. Proceed with plans to convert the lower level of the Police Services wing at City Hall to a Cultural Arts Center.
2. Increase multi-cultural programming (classes, events and City-produced performances), especially through partnerships with culturally specific arts and community groups.
3. Maximize use of the new Emerald Glen Amphitheater through City-produced performances and rentals.
4. Work with Dublin Unified School District on ways to increase arts-related programming at school sites, including public performances at the Dublin High School Center for Performing Arts and afterschool arts-related programming to serve Dublin Unified students.
5. Update the Cultural Arts Master Plan and Public Art Master Plan.

Additionally, Heritage and Cultural Arts Commission requested that a sixth recommendation be added, regarding engaging the community-at-large, and specifically arts organizations, in planning and promoting arts activities in Dublin.

There was considerable discussion over the wording of a sixth recommendation at the November 10 meeting with several versions offered. Parks and Community Services Department Director James Rodems noted the importance of making any sixth recommendation explicitly clear. He noted that communication goals and methods will be engrained in the Master Plans.

The Heritage and Cultural Arts Commission voted unanimously (6-0-0, with Commission Szollos absent) to recommend City Council adopt the recommendations presented in the Staff Report, with the addition of a sixth recommendation to strengthen and formalize community engagement in the cultural arts community.

Via email, Staff proposed the following wording for the sixth recommendation.

*“Engage the public in arts planning and encourage development of a Dublin cultural arts community through regular communication via established City channels (website, Activity Guide, newsflashes, etc.) and frequent opportunities to give input via established City methods (City meetings, Open Town Hall surveys, etc.).”*

Commissioner Steve Minniear proposed the following language to Staff via email:

*“The City Cultural Arts manager and a subcommittee of the Heritage and Cultural Arts Commission will engage in specific proactive activities to reach out, coordinate and promote the Dublin arts community (including the public and private schools and community college district) through quarterly public arts meetings, exhibits, events, conferences as wells as through existing established City channels (website, Activity Guide, newsflashes, press releases, etc.).”*

Based on the proposals submitted to the Commission from Cm. Minniear and Staff, Staff proposes the following revised wording:

*“Engage the public in arts planning and work with non-profit arts organizations, individuals and businesses to identify opportunities to leverage resources in delivering quality arts programming.”*

Staff recommends the Heritage and Cultural Arts Commission make a sixth recommendation that accurately reflects the sentiment they wish to include, while providing clear and achievable goals.

#### **NOTICING REQUIREMENTS/PUBLIC OUTREACH:**

None.

#### **ATTACHMENTS:**

None.



## STAFF REPORT HERITAGE & CULTURAL ARTS COMMISSION

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**DATE:** January 19, 2017

**TO:** Honorable Chair and Commissioners

**FROM:** Tegan McLane, Cultural Arts & Heritage Manager

**SUBJECT:** Election of Officers

### EXECUTIVE SUMMARY:

The Commission shall annually elect a Chairperson and Vice Chairperson in January of each year per the Bylaws and Rules of Procedure for the Heritage and Cultural Arts Commission.

### FINANCIAL IMPACT:

None.

### RECOMMENDATION:

Conduct elections for Chairperson and Vice Chairperson.

### DESCRIPTION:

The Bylaws and Rules of Procedure of the Heritage and Cultural Arts Commission state:

### ARTICLE V OFFICERS

**Section 1.** Election and Term of Office. The Chairperson and Vice Chairperson are elected by the majority of the Commission for a 1-year term and hold office until their successors are elected, or until their terms as members of the Commission expire. The officers are elected at the first meeting of the Commission in January of each year. Elections, whether regular or to fill vacancies shall be held only if a simple majority of the Commission members are present. The Commission shall, unless no Commissioners meet the criteria, elect Commissioners to the positions that have not previously served in

the position and that have not declined the appointment, with the intent that no one should serve in the position for two consecutive years.

The secretary to the Commission will be the City Manager or his/her designee.

**Section 2.** Vacancies. In case of any vacancy in the Office of Chairperson or Vice Chairperson, the vacancy shall be filled by an election held at the first regular meeting after the occurrence of such vacancy. The person so elected shall serve the balance of the term.

**Section 3.** Duties of Officers. The Chairman performs the following duties.

- (a) Presides at all meetings of the Commission.
- (b) Appoints committee and chairpersons of committees as necessary.
- (c) Signs correspondence on behalf of the Commission.
- (d) Represents the Commission before the City Council.
- (e) Performs other duties necessary or customary to the office.

In the event of the absence of the Chairperson or his/her inability to act, the Vice-Chairperson presides in place of the Chairperson. In the event of the absence of or the inability to act of both the Chairperson and the Vice-Chairperson, the remaining members shall elect one of their members to act as temporary Chairperson.

#### **NOTICING REQUIREMENTS/PUBLIC OUTREACH:**

None.

#### **ATTACHMENTS:**

None.



## STAFF REPORT

### HERITAGE AND CULTURAL ARTS COMMISSION

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**DATE:** January 19, 2017

**TO:** Honorable Chair and Commission Members

**FROM:** Tegan McLane, Cultural Arts & Heritage Manager

**SUBJECT:** Fall Quarterly Report

#### **EXECUTIVE SUMMARY:**

The Commission will receive a report on Cultural Arts class attendance and Special Events attendance from September through December 2016.

#### **RECOMMENDATION:**

Receive the Report.

#### **FINANCIAL IMPACT:**

None.

#### **DESCRIPTION:**

The Parks and Community Services Department develops and implements quality programs that strengthen community image, provides recreational experiences, encourages healthy lifestyles and preserves the City's heritage. This is accomplished by providing innovative recreational and social programs. The following is a summary of the Cultural Arts programs and events offered by the Heritage and Cultural Arts Division during the summer 2016 quarter. (Heritage programs are covered in an annual report, usually presented in September.)

#### **Cultural Arts Classes**

Cultural Arts Classes provide a unique social setting for meeting new people or sharing cultural arts experiences with friends and family members. The variety of classes offered provides opportunities for community members of all ages to attempt new experiences or refine current artistic and performance skills. Classes are taught by contracted specialty instructors and are typically offered from four to eight weeks in duration.

A total of 367 participants registered for Cultural Classes during fall 2016. The most-attended adult classes this fall included Adult Tap and Irish Dance. The most-attended youth classes included EverPro Kids art, Kindermusik, Pee Wee Art and Playtime, Hip Hop Dance, and Irish Dance with 51 participants. Two new

classes were introduced this fall including Theater Factory and Little Picassos. Both programs are returning this spring. Fall/Winter classes continue through mid-February.

<b>Attendance Type</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
Resident	308	362	236	165	255
Non-Resident	59	41	39	21	72
<b>Total Registration</b>	<b>367</b>	<b>403</b>	<b>275</b>	<b>186</b>	<b>327</b>
Courses Held	62	58	34	28	36
<i>Avg. Registration/Class</i>	6	7	8	6.6	9.08
Courses Offered	95	90	65	55	52
<i>Cancellation Rate</i>	35%	36%	48%	49%	31%

**Special Events**

**Splatter**

The fifth annual Splatter festival took place on Saturday, September 17 at Emerald Glen Park and featured live music, arts and crafts vendors, roaming entertainment, carnival rides, beer and wine, food trucks and a culinary demonstration stage. New additions to the event included an open-air Tasting Garden which was open to all attendees and replaced the previous year’s Tasting Pavilion, which required a ticket for entry. The City also partnered with the Dublin Rotary Club to handle the wine and beverage operations. An evening dance party to live popular music provided the event finale. An estimated 10,000 attendees enjoyed the festivities.

**Heritage Music Jam**

This ongoing program continued to attract on average 23 participants per month.

**Harvest Fair**

More than 550 visitors enjoyed traditional fall fun at the Dublin Heritage Park and Museums Harvest Fair on Saturday, October 15. Highlights included Hands-on History activities, such as tractor-drawn wagon rides, calf roping, gold panning, and apple peeling; bluegrass music by The Dim Lights; and a display of numerous handmade quilts in the Sunday School Barn, courtesy of the Amador Valley Quilters. The Kolb Truck was on display in the early part of the afternoon, and returned to its garage before the rain. The Heritage Museum opened a new exhibit on “Highway 21: Connecting Dublin’s Farms with the World,” depicting a road-side diner/gas station. The exhibit runs through January 2017.

**Ghosts of Dublin**

Despite the cold and drizzly weather, Dublin Heritage Park and Museums’ second annual Ghosts of Dublin event was again a sell-out, with 140 participants taking the pre-Halloween flashlight cemetery tour to learn more about Dublin pioneers. Representatives from Bay Area Ghost Hunters shared information on ghost hunting equipment, techniques and findings from an investigation of Dublin Heritage Park and Museums property, and Staff shared Dublin-related ghost stories contributed by community members.

**Holiday Tree Lighting**

The City of Dublin kicked-off the 2016 holiday season with the 33<sup>rd</sup> Annual Holiday Tree Lighting on Thursday, December 1 at the Dublin Civic Center. Vice Mayor Abe Gupta served as the Master of Ceremonies for the event which featured the Wells Middle School Jazz Band and the Dublin High School Choir and concluded with the arrival of Santa Claus to Dublin. A crowd of approximately 400 enjoyed the festivities as well as refreshments including fresh-baked chocolate chip cookies provided by BJ’s Restaurant and Brewhouse and beverages provided by Starbucks. Boulevard and KKIQ also sponsored the event. The tree which is located on the lawn next to the Civic Center Plaza was decorated with nearly 4,000 energy efficient LED lights.

**Holiday Teas**

Heritage Park and Museums kicked off its holiday season with the annual Holiday Teas on December 3 and 4. The Children's Holiday Tea hosted 24 children and family members. Attendees were treated to holiday music and a visit from Saint Nick. The Country Holiday Teas hosted 88 attendees, including a large group from the Dublin Women's Club. Teen volunteers from Dublin High School's AVID club assisted Staff with set-up and clean up, and helped served tea. Heritage Park volunteers sold several holiday gift items created by our craft committee. The Dublin High School Culinary Academy prepared the delicious menu, including chocolate-dipped strawberries, tea sandwiches, caprese skewers and scones.

**Breakfast with Santa**

The Annual Breakfast with Santa, in coordination with the Dublin High School Music Boosters, took place on Saturday, December 10 at the Shannon Community Center. Three seatings were offered and registration consisted of 159 participants at 8:30 AM.; 182 participants and 9:45 AM and 101 participants at 11:00 AM for a total of 442 attendees. Hot pancakes were prepared by the Dublin Lions Club and served with sausage, fresh fruit, juice and coffee by the high school volunteers. Attendees enjoyed live music performed by the Dublin High School Band and Choir and midway through each seating, Santa Claus appeared to greet the attendees. After each breakfast, Santa was available for family photos.

**NOTICING REQUIREMENTS/PUBLIC OUTREACH:**

None.

**ATTACHMENTS:**

None.



## STAFF REPORT

### HERITAGE AND CULTURAL ARTS COMMISSION

---

**DATE:** January 19, 2017

**TO:** Honorable Chair and Commission Members

**FROM:** Tegan McLane, Cultural Arts & Heritage Manager

**SUBJECT:** Public Art Process Overview

#### **EXECUTIVE SUMMARY:**

The Commission will receive an over view of the Public Art Program and Heritage and Cultural Arts Commission's responsibilities, as they pertain to public art.

#### **RECOMMENDATION:**

Receive the Report.

#### **FINANCIAL IMPACT:**

None.

#### **DESCRIPTION:**

The City of Dublin's Public Art Policy is dictated by the Public Art Ordinance (Attachment 1) and the Public Art Master Plan (Attachment 2).

##### Public Art Ordinance

Dublin's Public Art Ordinance, adopted in 2006, recognizes that public art is a valuable part of the community -- not only from an aesthetic standpoint, but also as a mechanism for inspiring civic pride; strengthening a sense of place; bolstering property values; promoting cultural diversity; and improving quality of life.

The ordinance requires developers whose property meets certain requirements to contribute to public art in the community, either by installing art on their own property for the public's enjoyment or paying an in-lieu fee to the Public Art Fund, which is pooled and used by the City to install and maintain art in parks and other civic spaces.

Developers in Dublin must provide art or in-lieu fees equivalent to 0.5 percent (a half percent) of their total construction value. Certain types of developments are exempt from public art requirements.

Those who choose to install art follow a defined process for selecting artwork with input from the public. Developer artwork is reviewed by the Heritage and Cultural Arts Commission to ensure it meets the City's Public Art Master Plan requirements and is approved by City Council. City Staff inspects the artwork after installation to ensure the developer has met its public art obligation.

The City of Dublin-owned public art collection currently consists of 30 pieces, located mostly in public parks and buildings throughout the City done in a variety of media and valued at an estimated \$3.2 million. This does not include the public art projects installed by developers under Dublin's Public Art Ordinance. In addition to the collection, as a result of its in-lieu option for developers, the Public Art Fund's balance currently stands at \$3.4 million, with \$1.7 million in public art capital improvement projects planned.

Dublin's Public Art Ordinance is very similar to ordinances in other cities throughout the state of California.

### Public Art Master Plan

Dublin's Public Art Master Plan, also adopted in 2006, outlines goals of the public art program; details the existing collection and opportunities that existed at the time for new public art in City capital improvement projects and impending private developments.

The Master Plan identifies the roles and responsibilities of the City Council, Heritage and Cultural Arts Commission and City Staff. It specifies how the artists will be selected, what types of artwork are eligible and how gifts and loans are to be accepted.

The Master Plan also outlines how the Public Art Ordinance requirements will be implemented, what types of art are allowable and what expenses are eligible to count toward the required half-percent.

It affirms that the City will cooperate with nonprofit organizations interested in installing artwork; that the City will be respectful of artists' rights; balance artistic freedom with community input; guard against conflicts of interest and non-discrimination.

Dublin's Public Art Master Plan is similar to many other cities' art plans and was based on best practices at the time it was written.

### Heritage and Cultural Arts Commission's Role in the Art Selection Process

The Heritage and Cultural Arts Commission plays a key role in the art selection process, both for publicly funded projects and private developer projects. In each case, the Heritage and Cultural Arts Commission reviews the choice of artist and design, and then makes a recommendation to City Council on whether to accept the choice or not.

Recommendations are based upon whether the selection meets criteria outlined in the Public Art Ordinance and Public Art Master Plan. Briefly, these criteria are:

- The art is created by qualified artists.
- The art is original, not mass produced artwork.
- The art is appropriate in scale to its surroundings – large enough, appropriate color contrast, etc.
- The art is durable – resists weather, vandalism, can be repaired.

- The art poses no undue safety hazards.
- The art is consistent with community values – not obscene or offensive.
- The art enhances public spaces.
- The art helps establish for pedestrians and create a gathering spots
- The art is situated to provide maximum public exposure.
- The art strengthens the unique character of the place – relates to the purpose, history and natural environment.
- The art enhances Dublin’s identity.

Should the Commission or an individual Commissioner recommend against a design, they must explain which of the above criteria they believe are not met and why not.

While Commissioners are welcome and encouraged to express personal opinions, it is not the Commission’s job to determine if the artwork is ‘good’ or appealing. Commissioners may not vote against an art piece simply because they do not like it.

**NOTICING REQUIREMENTS/PUBLIC OUTREACH:**

None.

**ATTACHMENTS:**

1. Public Art Ordinance
2. Public Art Master Plan

**ORDINANCE NO. 14 - 06**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF DUBLIN**

\*\*\*\*\*

**ADDING CHAPTER 8.58 AND AMENDING CHAPTER 8.104.070 OF THE DUBLIN  
MUNICIPAL CODE (ZONING ORDINANCE) RELATING TO THE  
PUBLIC ART PROGRAM**

**The City Council of the City of Dublin does hereby ordain as follows:**

Section 1.     *Findings.*

- A.     State law provides that cities have the responsibility to use the powers vested in them to regulate the aesthetic conditions of the community.
- B.     The City Council finds that artwork should be included in development projects to inspire civic pride amongst its residents, strengthen the City’s regional identity by enhancing public spaces, giving character to neighborhoods and business districts, and providing numerous opportunities for people to experience visual art.
- C.     The City Council finds the visual and aesthetic quality of development projects significantly affects the property value and economic condition of the City.
- D.     The City Council finds that public art can be used to strengthen the unique character of individual neighborhoods, business districts and transit corridors by relating the artwork to the site’s purpose, history and natural environment.
- E.     The City Council finds that the incorporation of public art into City and private development promotes the public interest and general welfare, and improves the quality of life for persons living, working and visiting the City.
- F.     The City Council finds that exposure to a diverse selection of artwork increases the understanding, enjoyment and experience of cultural diversity amongst persons living, working and visiting the City.
- G.     The City Council finds that implementation of the Public Art Master Plan requires the City to impose the public art contribution as a zoning obligation.
- H.     Accordingly, the City Council finds that the adoption of a public art ordinance is necessary to increase the City’s aesthetic environment through public art; to provide funding to support public art projects throughout the City; and to establish public art contribution requirements and procedures.

Section 2.     *Addition of Chapter 8.58.* Chapter 8.58 is hereby added to the Dublin Zoning Ordinance to read as follows:

## CHAPTER 8.58 PUBLIC ART PROGRAM CONTRIBUTION

**8.58.010 Intent.** The purpose of this Chapter is to:

- A. Promote the public interest and general welfare through the acquisition and installation of public art works.
- B. Establish requirements and procedures for developer contributions to public art.
- C. Provide funding to support the acquisition and installation of public art.
- D. Implement the goals of the Public Art Master Plan, as adopted by the City Council.

**8.58.020 Definitions.** For the purposes of this Chapter, unless otherwise apparent from the context, the following definitions shall apply:

- A. "Art" or "public art" or "public art project" means an original creation of art that is designed by a professional visual artist or artists. Art includes, but is not limited to, sculpture, murals or portable paintings, earthworks, fiber-works, mosaics, photographs, prints, any combination of forms of media, furnishings or fixtures, and temporary artworks or installations.
- B. "Building valuation" means the value of the building or other construction project based on the Building Official's estimate of the development project valuation, as set forth in Section 7.28.430.E of the Dublin Municipal Code.

**8.58.030 Development Projects Subject to Public Art Contribution.** The requirements of this Chapter shall apply to the following:

- A. All new non-residential development;
- B. All new residential development projects in excess of 20 residential units;
- C. Nothing contained in this Chapter shall prevent the City Council from imposing requirements for inclusion of public art in particular projects not subject to the requirements of this Chapter, pursuant to conditions imposed upon a particular discretionary approval, where it is determined that facts particular to the proposed development warrant such imposition.

**8.58.040 Development Projects Not Subject to Public Art Contribution.** The requirements of this Chapter shall not apply to the following:

- A. Residential development projects consisting of 20 units or less;
- B. Tenant improvement projects;
- C. Building additions;
- D. Remodeling, repair or reconstruction of an existing structure;

- E. 100% low-income housing projects;
- F. Day Care Centers;
- G. Nonprofit agencies and institutions that exclusively provide social services only to the general public, upon approval of the City Council;
- H. Condominium conversion projects.

**8.58.050 Public Art Contribution Requirements.** The developer of any development project subject to this Chapter shall provide an on-site public art project as provided in subsection A of this Section or, alternatively, and, at the option of the developer, make a monetary contribution to the City in-lieu thereof as provided in subsections B, C or D of this Section.

- A. *On-Site Public Art Requirement.* The developer shall acquire and install a public art project on or in the vicinity of the development site, in accordance with Section 8.58.070. The value of the public art project shall equal or exceed five-tenths percent (0.5%) of the development project's building valuation (exclusive of land). Any such public art project shall be subject to the approval of the City Council, after receiving a recommendation of the Heritage and Cultural Arts Commission.
- B. *Monetary Contribution In-Lieu of Public Art; Non-Residential Buildings More Than 50,000 Square Feet.* In lieu of acquiring and installing a public art project pursuant to Section 8.58.050.A, the developer of a non-residential development project of more than 50,000 square feet may make a monetary contribution to the City equal to five-tenths percent (0.5%) of the development project's building valuation (exclusive of land), in accordance with Section 8.58.070. Any developer choosing the public art in-lieu contribution shall reserve a site and provide a public art easement and an access easement for the site within the development project, if the City deems such site necessary.
- C. *Monetary Contribution In-Lieu of Public Art; Non-Residential Buildings Less Than 50,000 Square Feet.* In lieu of acquiring and installing a public art project pursuant to Section 8.58.050.A, the developer of a non-residential development project of less than 50,000 square feet may make a monetary contribution to the City equal to forty-five one-hundredths percent (0.45%) of the development project's building valuation (exclusive of land), in accordance with Section 8.58.070. Any developer choosing the public art in-lieu contribution shall reserve a site and provide a public art easement and an access easement for the site within the development project, if the City deems such site necessary.
- D. *Monetary Contribution In-Lieu of Public Art; Residential Projects with More Than 20 Units.* In lieu of acquiring and installing a public art project pursuant to Section 8.58.050.A, the developer of a residential development project of more than 20 units may make a monetary contribution to the City equal to five-tenths percent (0.5%) of the development project's building valuation (exclusive of land), in accordance with Section 8.58.070. Any developer choosing the public art in-lieu contribution shall reserve a site and provide a public art easement and an access easement for the site within the development project, if the City deems such site necessary.

**8.58.060 Accounting of Funds Collected.**

- A. *Purpose of the Funds Collected.* The funds collected pursuant to Section 8.58.050 shall be used for the acquisition, installation, improvements, including site preparation, lighting and landscaping, of public art in order to further the intent of this Chapter, and to administer the Public Art Master Plan.
- B. *Use of the Funds Collected.* The City Manager shall include in the Budget and/or the Five Year Capital Improvement Program the proposed use of funds collected pursuant to Section 8.58.050. The Heritage and Cultural Arts Commission shall make recommendations to the City Council regarding the proposed use of the funds collected pursuant to Section 8.58.050. The City Council shall have the sole authority to appropriate for expenditure the use of such funds.
- C. *Records and Accounting.* The City Manager or his or her designee shall establish accounting records sufficient to identify and control the funds collected pursuant to Section 8.58.050.
- D. *Project Administrative Costs.* No more than 25 percent of the funds collected pursuant to Section 8.58.050 for each public art project shall be used to pay administrative costs, including the processing of the public art applications, reviewing and approving public art sites and art works, monitoring, compliance, and any other administrative task.
- E. *Program Administrative Costs.* Of the administrative costs set forth in Section 8.58.060.D., up to 2 percent may be used to pay program administrative costs, including costs associated with collecting in-lieu fees, recordkeeping, reporting, and general administration of the public art program.

**8.58.070 General Procedures for Implementing Public Art Program**

- A. *Site Development Review.* The decision maker on any site development review approving a development project subject to this Chapter shall find that the project as proposed complies with the provisions of this Chapter.
- B. *Public Art Program Submittal.* In conjunction with site development review of any project subject to this Chapter, the applicant shall submit a Public Art Compliance Report to the Community Development Director. The Public Art Compliance Report shall specify:
  - 1. Whether the applicant has elected to satisfy its public art contribution obligation through a public art contribution or through the payment of a fee in lieu thereof; and
  - 2. If the applicant elects to install public art on site pursuant to subsection 8.58.050.A:
    - a. the total building valuation of the project, provided by the Building Official, and the calculation of the value of the applicant's required public art project; and
    - b. the location of the public art project site.
  - 3. If the applicant elects to contribute funds in-lieu of public art pursuant to subsection 8.58.050.B, 8.58.050.C., or 8.58.050.D: the location of the site reserved for public art.

- C. *Timing of Public Art In-Lieu Contribution.* If the applicant elects to make the public art in-lieu contribution pursuant to subsection 8.58.050.B., 8.58.050.C., or 8.58.050.D, the total building valuation of the project, provided by the Building Official, and the calculation of the value of applicant's required in-lieu contribution shall be determined at building permit issuance. Developer shall make the public art in-lieu contribution payment prior to issuance of the first building permit in the project.
- D. *Additional Requirements for On-Site Public Art.* Prior to occupancy of the first structure in the project, the developer shall (a) secure completion of the public art project, in a manner deemed satisfactory by the City Manager; and (b) execute an agreement between the City and the developer, prior to occupancy of the first structure in the project, which sets forth the ownership, maintenance responsibilities, and insurance coverage for the public art project.

**8.58.080 Guidelines for Implementation.** The City Council, by resolution, shall adopt administrative guidelines for implementation of this Chapter.

**8.58.090. Appeals.** Decisions of the City Manager under this Chapter may be appealed as provided in Chapter 8.136.

Section 3: *Amendment of Section 8.104.070.* Section 8.104.070 of the Dublin Zoning Ordinance related to Site Development Review is hereby amended to add the following finding:

“K. Approval of this application complies with Chapter 8.58 relating to the Public Art Program Contribution.”

Section 4: *Compliance with California Environmental Quality Act (“CEQA”).* The City Council declares that this Ordinance is exempt from CEQA based on the following findings: This ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. This Ordinance does not, in itself, allow the construction of any building or structure. This Ordinance, therefore, has no potential for resulting in physical change in the environment, directly or ultimately.

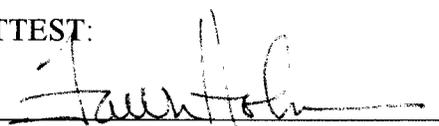
Section 5: *Effective Date.* This Ordinance shall take effect and be enforced thirty (30) days following its adoption.

Section 6: *Posting.* The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

**PASSED, APPROVED AND ADOPTED** this 5th day of September, 2006, by the following vote:

AYES: Councilmembers Hildenbrand, McCormick, Oravetz and Zika, and Mayor Lockhart  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

  
 Mayor

ATTEST:  
  
 City Clerk

## BACKGROUND

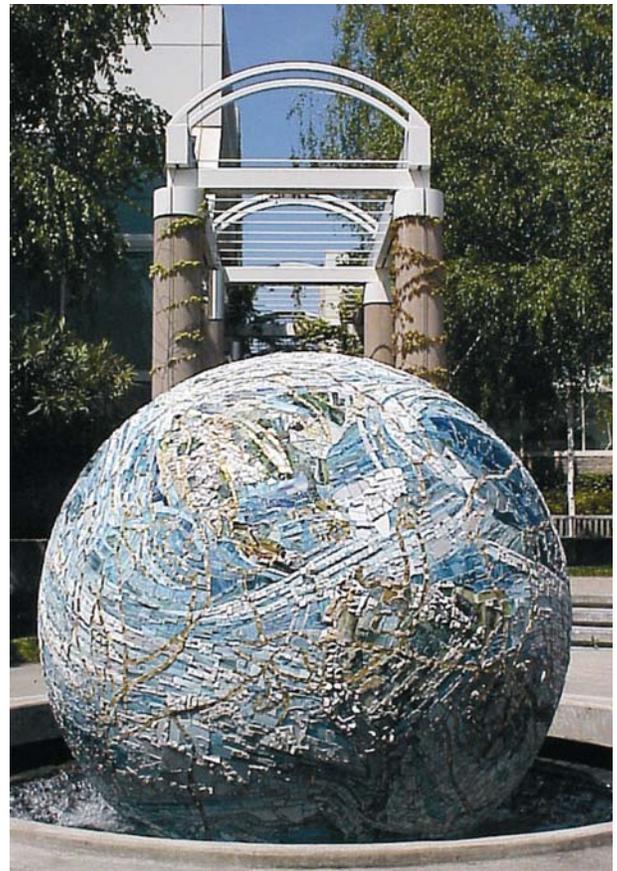
The City of Dublin has seen remarkable change over the last decade. Since the late 1990s, the City has grown dramatically with new housing, retail and office development, and public improvements. Additional housing and retail is currently under construction.

Dublin's public art program has grown along with City development. Begun as a partnership with the nonprofit Dublin Fine Arts Foundation in the late 1980s, the City boasts a collection of 19 City owned works, two works on long-term loan, and four privately owned works displayed in public places throughout Dublin.

In 1997, the City of Dublin adopted its first Public Art Policy. The Policy encouraged development projects to include artwork in buildings and public spaces, and set out criteria for artwork selection and guidelines for implementation. The Policy identifies the Dublin Fine Arts Foundation to act in an advisory capacity to the City and developers on public art projects.

Since the adoption of the Public Art Policy, many fine artworks have been created for the City of Dublin. However, many of the conditions on which the 1997 Policy was based have changed. In 1999, the Heritage and Cultural Arts Commission was established to act in an advisory capacity to City Council on matters pertaining to art, including public art. City Departments were reorganized in 2000, to include arts and culture within the Department of Parks and Community Services. In 2002 a full-time Heritage and Cultural Arts Supervisor position was created, with the management of public art as a major responsibility.

In 2001, the Dublin Heritage and Cultural Arts Commission completed its first long-range plan that called for the development of a Public Art Master Plan to identify opportunities for public art and to also revise the Public Art Policy to identify alternate funding sources and approval processes for public art. It was in this context of program growth and change that Wright & Associates was hired to develop a Public Art Master Plan in July 2003. A Public Art Master Plan Task Force was created to provide feedback and guidance during the development of the plan.



*"GAIA" by Ned Smyth (1990)*

## **PUBLIC ART MASTER PLAN**

This Public Art Master Plan describes the principle methods used to develop public art in the City of Dublin including:

### **City Projects:**

Projects developed and funded by the City of Dublin. These projects are planned by City Staff in conjunction with the development of the annual Capital Improvement Program based on available funding.

### **City Projects in Partnership with Community Organizations:**

Projects developed in partnership with nonprofit and community organizations such as the Dublin Fine Arts Foundation (DFAF) which may be funded, in part, by the City of Dublin.

### **Private Development:**

Projects on private property funded and constructed by private developers.

The Plan outlines opportunities, guidelines and policies for the City's Public Art Program as well as implementation strategies.

### **Public Art Opportunities**

The Plan summarizes potential opportunities for the placement of public art both on public and private property. Opportunities were developed based on a review of the existing City infrastructure, proposed City specific plans, private development projects and proposed City capital projects.

### **Public Art Guidelines**

The guidelines establish administrative procedures for implementing the proposed Public Art Program including City Council, Heritage and Cultural Arts Commission and

Staff responsibilities, procedures for site and artist selection, eligible artworks, collection review, and funding options.

### **Program Policies**

These policies will give the City Council, Heritage and Cultural Arts Commission, Staff and the public guidance on issues that often arise in the administration of a public art program. They reflect the best practices in the field, adjusted to fit the unique circumstance of the City of Dublin.

### **Program Implementation**

Strategies for implementation of the Public Art Program as well as potential funding mechanisms for both City and private development projects are summarized in this section.



*"The Rising Blue" by Yoshio Taylor (2003)*

## **PUBLIC ART PROGRAM - OVERVIEW**

### **Public Art Vision**

The City of Dublin celebrates humanity and promotes a healthy civic society through the administration of its Public Art Program. The Public Art Program and its collection inspire residents and attract visitors with high quality artworks, both freestanding and incorporated in Dublin's public spaces.

The Public Art Program will create a unique sense of place and a strong identity for the City as a whole. This vision will be furthered through the creation and promotion of a citywide collection of art works specifically placed within the community, which enhance urban planning goals and portray the dreams and visions of the community.

### **Public Art Program Purpose**

The purpose of Dublin's Public Art Program is to inspire civic pride among its residents and strengthen the City's regional identity by enhancing public spaces, giving character to neighborhoods and business districts, and providing numerous opportunities for people to experience visual art.

### **Public Art Program Goals**

- 1) Establish and enhance pedestrian friendly public spaces such as parks, plazas, pathways, public restrooms, parking lots and other places where people travel or gather.
- 2) Strengthen the unique character of individual neighborhoods, business districts and transit corridors with artwork that relates to the site's purpose, history and natural environment.

- 3) Provide numerous opportunities for Dublin's citizens to gain a deeper understanding and appreciation for visual art.
- 4) Enhance the City's identity and regional image by actively promoting Dublin's unique public art collection.
- 5) Encourage the creation of artworks that are integrated into the City's built environment, including signage, gateways, sidewalks, bus stops, bollards, parking structures, crosswalks and other public amenities.
- 6) Involve artists in the planning of public spaces such as parks, and transit corridors.
- 7) In existing neighborhoods and parks, ensure community support for the artworks through public participation in artist selection and artwork development.
- 8) In new developments, support the design themes, goals and objectives of City planners and private developers by working closely with these parties in the development of public art.
- 9) In rehabilitation of existing developments, further the design themes and goals of the area by working with residents and business owners as well as City planners and private developers in public art planning and development.



*"Aaron and Dillon" by Katherine Keefer (2002)*

## **PUBLIC ART PROGRAM - OPPORTUNITIES**

The City of Dublin has extensive plans to build new neighborhoods and rehabilitate others. As the plans are implemented, there will be many opportunities to involve artists in the early design of urban development projects. Artists will be encouraged to work with the City's Heritage and Cultural Arts Commission and Staff, Community Development Department, private developers, neighborhood residents and business owners to enhance constituents' goals and design themes for each neighborhood.

This opportunities section summarizes existing public art projects both public and private and identifies potential projects for the placement of public art in the City of Dublin.

### **Existing Public Art – City Projects**

Beginning in 1990, the City has actively pursued the development of public art. Identifying public art opportunities at local parks and City facilities, Dublin's collection now includes 21 artworks for public display. A listing of the public artwork and locations follows.

#### **Dublin Civic Center**

“GAIA” by Ned Smyth (1990)

“Gail” by Katherine Keefer (1994)

“Aaron and Dillon” by Katherine Keefer (2002)

“20<sup>th</sup> Anniversary Quilt” by Linda Schmidt (2002)

“Sisyphus” by Roger Berry (1989, on loan since 1992)

“Steel Water Color #99” by Fletcher Benton (1989, on loan since 1996)

#### **Dublin Library**

“Know Way” by Robert Ellison (2003)

“Seasons” by Peter Mollica (2003)

“Cutouts” by Mark Evans and Charlie Brown (2003)

#### **Dublin Senior Center**

“Wisdom Through the Ages” by Rowland Cheney (2005)

#### **Art in the Parks**

*Commissioned by the Dublin Fine Arts Foundation*

Shannon Park: “Sirius” by Peter Voukos (1990)

Stagecoach Park: “Mosaic Tile Seating Area/Wagon Wheel” by Twyla Arthur (1996)

Alamo Creek Park: “Black Pool” by Alan Counihan (1997)

Mape Memorial Park: “Archway” by Donna Billick and Troy Corliss (1999)

Kolb Park: “Dust in the Universe” by John King (2000)

Ted Fairfield Park: “Birdwatch” by Johanna Poethig (2002)

Dolan Park: “Dreams of Longing After Nothing” by Bryan Tedrick (2004)

Emerald Glen Park: “Divided Sea” by Ned Kahn, (2004)

#### **Underpass Murals**

*I-680 at Dublin Boulevard and I-680 at Amador Valley Boulevard*

“Historic Crossroads” by Daniel Galvez, John Pugh, and John Wehrle (2003)

#### **Bus Shelter Art**

*Dublin Boulevard, north at Village Parkway  
Dublin Boulevard north and south at Golden Gate Drive.*

By Dan Dykes (2003)

### **Existing Public Art – Private Development**

In 1997 the City of Dublin adopted its first Public Art Policy. The Policy encouraged development projects to include artwork in buildings and public spaces. To date four private development projects have included artwork. A listing of the artwork and locations follows.

Dublin Boulevard Safeway: “Dublin Time” by Dan Dykes (2004)

Expo Design Center: “Indesign” by Ray Lamb (2001)

Archstone Apartments: “Ironhorse Trail” by Vickie Jo Sowell (2002)

Waterford Shopping Center: “The Rising Blue” by Yoshio Taylor (2003)

### **Existing Public Art - School Projects**

In 1994, the Dublin Unified School District and the Dublin Fine Arts Foundation formed a partnership to create permanent art projects in each of Dublin's schools involving a collaboration between professional artists and the students, using Measure "B" monies. The goal of the project was to create works that would enhance the environment of each school and create a sense of ownership for the students as well as providing much needed arts education. A listing of the artwork and locations follows.

Murray Elementary School: “A Cultural Voyage” a courtyard mural created by six classes from 1st through 5th grade under the supervision of artists Sofie Siegmann and Kenneth Huerta (1995).

Wells Middle School: “Tell me and I will forget. Show me and I may not remember. Involve me and I will understand” and “Equations” a tile wall pattern created by

students in collaboration with artist Johanna Poethig (1997).

Nielsen Elementary School: “We Make the World” an entry-way mural created by 200 students in collaboration with artists Gary Carlos and Jennifer Trammel (1998).

Dublin Elementary School: “Soaring to New Heights” a mural created by students from kindergarten through 6<sup>th</sup> grade in collaboration with artist Argunnur Yr Gylfadottir (1999).

### **Public Art Opportunities – City Projects**

#### **Capital Improvement Projects**

A Capital Improvement project means any permanent public improvement project paid for wholly by monies appropriated by the City to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a sidewalk, a parking facility, a utility, or any portion thereof, within the City limits or under the jurisdiction of the City.

In large capital projects it is recommended that artworks be located on site, using a general budget guideline of 1% - 2% of the total capital project budget. Potential capital projects include:

- Shannon Community Center Reconstruction
- Emerald Glen Park Recreation and Aquatic Center
- Emerald Glen Park Community Center
- Community Theater/Cultural Arts Center

#### **Parks**

Public art should be included in neighborhood and community parks. Potential artwork locations should be identified as part of the park design. Installation of art shall occur at such time that occupancy of the surrounding

development reaches a minimum of 25%. Neighborhood Selection Committees should be convened to assist with artwork selection. Coordination with the Dublin Fine Arts Foundation on the award winning “Art in the Parks” project should be continued, as deemed appropriate. Potential park projects include:

- Bray Commons
- Dublin Ranch Neighborhood Parks
- Dublin Historic Park
- Fallon Sports Park
- Fallon Village Neighborhood and Community Parks
- Schaefer Ranch Parks
- Transit Center Park

### **Public Art Venue**

A Public Art Venue is a location where several pieces of public art are on display in a consolidated area. The size of the site can typically vary from 1/3 acre to 10 acres in a park location, or in the case of a streetscape, one to several blocks long. Usually, a large number of different types of art sculptures are on display for the public’s view, in some cases, surrounded by a garden like setting. Some Venues are thematic in nature whereas others can be educational. Public Art Venues can range in cost from \$350,000 up to \$5 million or more, depending on the amount of art pieces and possible land costs. Potential locations for a Public Art Venue include:

- Camp Parks
- Dublin Historic Park
- Emerald Glen Park

### **Public Art Opportunities – Private Development**

As the City embarks on development of area specific projects, opportunities for public art thrive. Public art can be included in a single development project or part of a larger planned

development. Artworks should be located in an area which is accessible to the public and allow for unrestrained viewing from a variety of vantage points. Sites may include urban gateways, vistas, public spaces and plazas, or other interior or exterior, publicly accessible places.

As a condition of approval, public art will be included in the following private development projects:

- Gateway Medical Center
- General Motors
- Ikea
- Metropolitan Dublin Station
- San Ramon Village
- Sorrento
- Tralee
- Ulferts

Other potential private development projects may include, but are not limited to:

- Camp Parks
- Dublin Land Company
- Dublin Place Shopping Center
- Dublin Transit Center
- Emerald Place
- Fallon Villages
- Wallis Ranch
- West Dublin BART

### **Site Selection Process**

Sites will be selected based on the Public Art Master Plan and goals of the public art program:

- 1) Establish and enhance pedestrian friendly public spaces where people travel or gather.

- 2) Sites that are accessible to the public a minimum of eight hours a business day may be considered suitable locations for public art.
- 3) Site spaces may be interior or exterior.
- 4) Locations can include surface treatments of buildings, retaining walls and bridges. The definition of "location" can also be expanded by an artist's ability to extend the possibilities for public art, and would then be determined on a case-by-case basis.
- 5) Strengthen the unique character of individual neighborhoods, business districts and transit corridors with artwork that relates to the site's purpose, history and natural environment.
- 6) Provide numerous opportunities for Dublin's citizens to be exposed to and gain a greater appreciation for visual art.
- 7) Enhance the City's identity and regional image by actively promoting Dublin's unique public art collection.

In addition, sites should have maximum public exposure.

For site selection to be maximized, the artist will work with developers, city planners, residents and business owners so that the theme and development goals of the project are enhanced. This will allow the artist and community to decide if a work is best incorporated into the building or other infrastructure, or created as a freestanding artwork. This process underscores the importance of involving the artist at the same time as the project architect.

## **PUBLIC ART PROGRAM – GUIDELINES FOR CITY PROJECTS**

The guidelines outlined below establish procedures for the implementation of the Public Art Program for City projects.

### **Responsibilities**

#### **The City Council shall:**

- Adopt policies and procedures under which the Public Art Program operates;
- Review and approve the annual workplan presented by Staff on behalf of the Heritage and Cultural Arts Commission that shall include identification of eligible capital improvement projects and recommended funding appropriations;
- Appropriate monies for individual capital improvement projects as part of the annual capital budgeting process;
- Approve all contracts with artists; and
- Approve all public works of art.

#### **The Heritage and Cultural Arts Commission shall:**

- Provide oversight of the Public Art Program;
- Review and recommend the annual public art workplan to City Council;
- Recommend guidelines, policies and procedures for the selection, implementation and conservation of public art in Dublin to the City Council;
- Receive and review the recommendations of the Artist Selection Panel and forward to the City Council;
- Review and approve Staff recommendations regarding the care and maintenance of the Public Art Collection;
- Support Staff in community outreach efforts;

- Review and recommend proposed gifts of public art to the City, as well as loans and long term exhibitions of public art on City-owned property;
- Review and recommend accessioning (acquisition) and de-accessioning (removal) of artworks from the Public Art Collection; and
- Periodically review and recommend changes to the Public Art Program guidelines, policies and procedures.

#### **City Staff shall:**

- Steer the overall work objectives of the Public Art Program, such as project administration, artist project management, short and long-term planning and community outreach;
- Lead the development of the annual public art workplan that shall include identification of eligible capital improvement projects and funding appropriations and submit to the Heritage and Cultural Arts Commission;
- Monitor the overall development of the Public Art Collection, including ensuring that the Collection policies are followed;
- Oversee the existing public art collection, survey the works quarterly, update the maintenance survey and communicate maintenance needs to appropriate staff and/or consultants;
- Advise the Heritage and Cultural Arts Commission and the artist selection panel;
- Act as liaison to the artist selection panels;
- Act as a liaison to the Dublin Fine Arts Foundation;
- Provide services to assist private developers in creating and implementing their public art plans;
- Present recommendations to the Dublin City Council on behalf of the Heritage and Cultural Arts Commission; and

- Ensure community outreach and citizen participation in the Public Art Program.

**Artist Selection Panels shall:**

- Be ad-hoc panels formed for a limited period of time and be appointed by the Mayor with the consent of the City Council with the responsibility of recommending artists for individual City projects or groups of projects;
- Be comprised of individuals representing the following interests: arts professionals, community leaders, business owners, residents, gallery owners and art educators, and
  - One or more panelists shall be a representative from the Heritage and Cultural Arts Commission
  - At least half the panel shall be Dublin residents
  - One or more panelists shall be professional artists, architects or landscape architects with experience in public art
- Have strong representation from partnering nonprofit organizations, when appropriate;
- Recommend to the Heritage and Cultural Arts Commission an artist or artists to be commissioned for projects;
- Review the credentials, prior work, proposals and other materials submitted by artists for particular projects;
- Look for the best fit between the artist and the requirements in the project prospectus and guidelines; and
- Be sensitive to the public nature of each project and the necessity for cultural diversity in the Public Art Program.

**City Departments shall:**

- Determine, in consultation with the Heritage and Cultural Arts Staff, which projects are eligible for public art inclusion, the amount of eligible project

costs available for public art and whether the project is appropriate for artist involvement;

- Provide the Heritage and Cultural Arts Staff with information on the capital improvement program, budgets and schedules;
- Designate a departmental representative to participate in the artist selection process if appropriate;
- Review the maintenance needs survey for artworks located at the site; and
- Inform the project architect of the artist involvement in the capital improvement project and the method of artist selection.

**Construction Project Managers shall:**

- Collaborate with the Heritage and Cultural Arts Staff on the development of public art projects;
- Coordinate with the Heritage and Cultural Arts Staff on all issues related to the Public Art Program and the overall project including safety, liability, timeline, code requirements and installation deadlines, etc.; and
- Provide Heritage and Cultural Arts Staff and artist with the appropriate documentation necessary for project compatibility and completion (i.e., architectural design drawings and specifications, as-built drawings, structural drawings, mechanical drawings, electrical drawings, materials to support public outreach efforts, etc.).



*“Cutouts” by Mark Evans and Charlie Brown (2003)*

## **Artist Selection Process**

Selecting the “right” artist – one whose experience, artistic style, commitment to collaboration, communication and facilitation skills matches the needs of the project – is critical to the success of any project. Specifically, the goals of the selection process are to:

- Implement the goals of the overall capital improvement program through an appropriate artist selection;
- Further the mission and goals of the Public Art Program;
- Select an artist or artists whose existing public artworks or past collaborative efforts have maintained a level of quality and integrity;
- Identify the optimal approach to public art that is suitable to the demands of the particular capital project;
- Select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves;
- Select an artist or artists who can work successfully as members of an overall project design team; and
- Ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community and the City department involved.

In consideration of selection of an artist for a City Public Art project, certain requirements of the artist will need to be met. These requirements include:

- Submit credentials, visuals, proposals and/or project materials as directed for consideration by artist selection panels;
- Conduct necessary research, including attending project orientation meetings and touring project sites, when possible;

- If selected, execute and complete the artwork, conceptual work or design work, or transfer an existing work, in a timely and professional manner;
- Work closely with Heritage and Cultural Arts Supervisor, the project manager, design architect and/or other design professionals associated with the project;
- Make presentations to City Council, the Heritage and Cultural Arts Commission and other reviewing bodies at project milestones as required by contract; and
- Make public presentations, conduct community education workshops, or do a residency at an appropriate time and forum in the community where the artwork will be placed, as required by contract.

## **Methods of Artist Selection**

The method of selection for individual projects shall be determined by City Staff in consultation with the Heritage and Cultural Arts Commission in accordance with the adopted Public Art Program guidelines and policies. Any of the following methods may be used, depending upon the requirements of a particular project.

**Open Competition:** An open competition is a call for artists for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials and/or proposals, subject to any limitations established by the Artist Selection Panel. Calls for entries for open competitions will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration.

**Limited or Invitational Competition:** A limited number of artists shall be invited by the artist selection panel to submit credentials and/or proposals for a specific project. Artists shall be invited, based on their past work and

demonstrated ability to successfully respond to the conditions posed by the particular project (i.e., water features, light works, paintings, sound works, landscape works, design team efforts, etc.), or based on other non-aesthetic Public Art Program goals (i.e., artists who reside in a particular neighborhood where a project is occurring, local artists or regional artists, etc.).

Pre-qualified Artists List: Heritage and Cultural Arts Staff will develop a pool of pre-qualified artists who can be selected for small, community-based projects with budgets under \$25,000, where a separate selection panel may not be warranted, if recommended by the Heritage and Cultural Arts Commission.

Mixed Process: A mixed process may include any combination of the above means.

### **Criteria for Selection of Artists or Artworks**

- Qualifications: Artists shall be selected based on their qualifications as demonstrated by past work and the appropriateness of their concepts to the particular project.
- Quality: Of highest priority are the design capabilities of the artist and the inherent quality of artwork.
- Media: All forms of visual arts shall be considered, subject to any requirements set forth by the project prospectus.
- Style: Artists whose artworks are representative of all schools, styles and tastes shall be considered.
- Appropriateness to Site: Artwork designs shall be appropriate in scale, material, form and content to their immediate social and physical environments.
- Appropriateness to Public Art Program Goals: Artworks should address, or artists should be willing to address within their process, a commitment to enhancing public

spaces and giving character to neighborhoods by supporting the larger urban design themes of the neighborhood or district.

- Permanence: Consideration shall be given to structural and surface integrity, permanence and protection of the proposed artwork against theft, vandalism, weathering, excessive maintenance and repair costs.
- Elements of Design: Consideration shall be given to the fact that public art is a genre that is created in a public context and that must be judged by standards that include factors in addition to the aesthetic. Public art may also serve to establish focal points; terminate areas; modify, enhance or define specific spaces; establish identity; or address specific issues of urban design.
- Community Values: While free artistic expression shall be encouraged, consideration must be given to the appropriateness of artworks in the context of local community and social values.
- Public Liability: Safety conditions or factors that may bear on public liability must be considered in selecting an artist or artwork.
- Diversity: The Public Art Program shall strive for diversity of style, scale, media and artists, including ethnicity and gender of artists selected.
- Communications: The ability of the artist to effectively communicate with a variety of groups, including other design professionals, public officials and community members, should be taken into consideration.



*"Dust in the Universe" by John King (2000)*

### **Eligible Artworks**

It is the policy of the City Council that all artworks commissioned or acquired under the public art program be designed by professional visual artists. Such artworks include, but are not limited to, the following:

- Sculpture: free standing, wall supported or suspended; kinetic, electronic; in any material or combination of materials.
- Murals or portable paintings: in any material or variety of materials, with or without collage or the addition of non-traditional materials.
- Earthworks, fiber-works, neon, glass mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images and video systems; hybrids of any media and new genres.
- Furnishings or fixtures, including but not limited to gates, railings, streetlights, signage, seating, etc., if created by artists as unique elements or limited editions.
- Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional artist.
- Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
- The incremental costs of infrastructure elements, such as sound-walls, utility structures, roadway elements or other items if designed by a professional artists or a design team that included an artist as a co-designer.

### **Ineligible Artworks**

- “Art objects” which are mass produced or of standard manufacture, such as playground equipment, fountains or

statuary elements, unless incorporated into an artwork by a project artist.

- Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking or other media arts.
- Works that are decorative, ornamental or functional landscape or architectural elements except when commissioned from an artist as an integral aspect of a structure or site.
- Those elements generally considered to be components of the landscape architectural design, vegetative materials, pool(s), paths, benches, receptacle, fixtures, planters, etc., except when designed by artists.

### **Collection Review and Conservation**

At least once in every five-year period, the Public Art Collection should be evaluated for the purposes of collection management and conservation in order to assess the collection’s condition. The City, with the advice of the Heritage and Cultural Arts Commission and approval of City Council, shall retain the right to de-accession any work of art in the Collection, regardless of the source of funding for the particular artwork.

#### **Objectives:**

- To establish a regular procedure for evaluating artworks in the Public Art Collection;
- To establish a regular procedure for repairing public artworks;
- To ensure regular maintenance of public artworks and that all maintenance is completed with the highest standards of professional conservation;
- To establish standards for the acquisition of artworks by the City of Dublin;
- To strive for an equitable distribution of artworks throughout the City.

- To ensure that de-accessioning is governed by careful procedures; and
- To insulate the de-accessioning process from fluctuations in taste.

Acquisition Review Standards:

- Acquisitions should be directed toward artworks of the highest quality;
- Acquisition of artworks into the Public Art Collection implies a commitment to the ongoing preservation, protection, maintenance and display of the artworks for the public benefit;
- Acquisition of artworks, whatever the source of funding, should imply permanency within the Public Art Collection, so long as physical integrity, identity and authenticity are retained, and so long as the physical sites for the artworks remain intact; and
- When possible, artworks should be acquired without restrictions as to future use and disposition.

De-accessioning Review Standards:

Any proposal for de-accessioning – the destruction or removal of an artwork in the collection – or relocation of an artwork shall be reviewed by the Heritage and Cultural Arts Commission according to the policy and procedures contained herein and shall be as deliberate as those practiced during the initial selection. This process should operate independently from short-term public pressures and fluctuations in artistic or community taste. During the review process, the work of art shall remain accessible to the public in its original location. The final decision with respect to de-accessioning of artworks shall rest with the City Council.

De-accessioning should be a seldom-employed action that operates with a strong presumption against removing works from the Collection. Artwork may be considered for review toward

de-accessioning from the Public Art Collection if one or more of the following conditions apply:

- The condition or security of the artwork cannot be reasonably guaranteed;
- The artwork requires excessive maintenance or has faults of design or workmanship and repair or remedy is impractical or unfeasible;
- The artwork has been damaged and repair is impractical or unfeasible;
- The artwork’s physical or structural condition poses a threat to public safety;
- No suitable site is available, or significant changes in the use, character or design of the site have occurred which affect the integrity of the work;
- Significant adverse public reaction has continued unabated over an extended period of time (at least five years or more);
- De-accessioning is requested by the artist; or
- The site and/or agency housing the work is undergoing privatization.

When an artwork in the collection is being considered for de-accessioning, the artist shall, when practical, be given the first right of refusal to purchase the work at its fair market value.

**Gifts or Loans of Artworks**

Artworks proposed for donation or long-term (one year or longer) loan to the City shall be carefully reviewed by the Heritage and Cultural Arts Commission in order to meet the following objectives prior to submitting to the City Council for approval:

- To provide uniform procedures for the review and acceptance of gifts or loans of artworks to the City;

- To vest in a single agency the responsibility of insuring the management and long-term care of the donated artworks;
- To facilitate planning for the placement of artworks on City-owned property;
- To maintain high artistic standards for artworks displayed in City facilities; and
- To provide for appropriate recognition for donors of artworks to the City.

Review Criteria for Gifts or Loans of Artworks:

*Aesthetic considerations:* To ensure artworks of the highest quality, proposed gifts or long-term loans of artworks should be accompanied by a detailed written proposal and concept drawings of the proposal and/or photographs of an existing artwork, documentation of the artist’s professional qualifications and, if needed, a current certified appraisal of the worth of the artwork. The following will be considered in the acceptance of a gift or loan of artworks:

- To preserve artworks which provide the public with a truer understanding and deeper appreciation of historic Dublin.
- To strengthen and enrich the public art collection of the City.
- To promote artwork that has an educational or communicative function.
- To choose artwork that is the best available example to accomplish an interpretive purpose.

*Financial considerations:* Based on the cost of installation, the proposal should identify sources of funding for the project, and the estimated cost of maintenance and repair over the term of the loan or expected life of the artwork. Legal title to the donated artwork must pass from the donor to the City without restriction or conditions. Restrictive gifts are detrimental to the artwork collection and

should be courteously declined. A legal instrument of conveyance of the work of art should be executed between the City and donor.

*Liability:* The proposal should discuss susceptibility of the artwork to damage and vandalism, any potential danger to the public and any special insurance requirements. The City will accept long-term loans only to fill a gap in the City’s public art collection. Artworks that are on indefinite loan shall have an expiration or renewal date defined.

*Environmental considerations:* The proposal should address appropriateness of the artwork to the site and the scale of the artwork in relation to its immediate context. The Heritage and Cultural Arts Commission will review and discuss the donation and direct Staff as to any questions to be asked of the donor or artist. A personal appearance by artist may be requested. The Commission will determine when all issues have been addressed and recommend to accept or reject the artwork. Proposed artwork donations shall be reviewed by the Heritage and Cultural Arts Commission and approved by the City Council.



*“Wisdom Through the Ages” by Rowland Cheney (1990)*

Donation proposals shall be accompanied by the following information:

- Slides, photos or a model of the proposed work;
- Biography of the artist;
- Proposed site and installation plans;
- Monetary value of the artwork and budget for installation;
- Maintenance requirements for the artwork; and
- Contact information for the donor.

Exceptions to the Review Process for Gifts or Loans of Artworks:

Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States – municipal, state or national – which may be accepted by the City Council on behalf of the City shall be reviewed as follows:

- Permanent placement of artworks of substantial scale, suitable and accessible for public display shall be determined jointly by the appropriate City Department and the Heritage and Cultural Arts Commission with the approval of the City Council;
- Appropriate recognition and publicity shall be the responsibility of the City Council; and
- If not provided by the donor, maintenance of the artwork shall be the responsibility of the department with jurisdiction over the site, in consultation with the Heritage and Cultural Arts staff.



*"Sisyphus" by Roger Berry (1989)*

## **PUBLIC ART PROGRAM – GUIDELINES FOR PRIVATE DEVELOPMENT**

The guidelines outlined below establish procedures for the implementation of the Public Art Program for Private Development projects.

### **Requirements**

#### **Commercial, Industrial, Office Development:**

The Public Art Program requires all new commercial, industrial, and office development projects over 50,000 square feet to allocate one-half of one percent (1/2%) of the Building Valuation (exclusive of land) per development project, to finance an art project according to the public art guidelines.

In lieu of providing on-site artwork, an applicant may choose to deposit the required allocation into a Public Art Fund. If an in-lieu fee option is chosen, the developer must reserve a space for possible public art to be installed by the City, if the City determines such a space is necessary.

Any new commercial, industrial, and office development project under 50,000 square feet will be required to allocate one-half of one percent (1/2%) of the Building Valuation (exclusive of land) per development project, to finance an art project **or** in lieu of providing a public art work on site, may contribute funds equal to 90% of the one-half of one percent (1/2%) to a Public Art Fund.

The building valuations shall be calculated by the City's Building Official.

An applicant may choose to allocate more than the 1/2% of Building Valuation to public art.

The Public Art obligation, if art is to be installed on-site, must be satisfied prior to the issuance of a Certificate of Occupancy. If the in lieu fee option is chosen, the obligation must be satisfied prior to the issuance of the first building permit.

#### **Residential Development:**

The Public Art Program requires all new residential developments including single-family (detached), single family (attached), and multi-family in excess of 20 residential units to allocate one-half of one percent (1/2%) of the Building Valuation per development project, to finance an art project according to the public art guidelines.

The building valuations shall be calculated by the City's Building Official.

In lieu of providing on site artwork, an applicant may choose to deposit the required allocation into a Public Art Fund. If an in-lieu fee option is chosen, the developer must reserve a space for possible public art to be installed by the City, if the City determines such a space is necessary.

An applicant may choose to allocate more than the 1/2% of Building Valuation to public art.

The Public Art obligation, if art is to be installed on-site, must be satisfied prior to the issuance of a Certificate of Occupancy. If the in lieu fee option is chosen, the obligation must be satisfied prior to the issuance of the first building permit.

#### **Exemptions**

The following categories of projects are exempt from the Public Art Program requirements:

- 1) Any current or future tenant improvement projects;
- 2) Any 100% low-income housing projects;
- 3) Child Care Centers;
- 4) Nonprofit agencies and institutions that exclusively provide social services only, to the general public.
- 5) Any current or future condominium conversions.

### **Verification of Expenses**

The Project Developer shall provide satisfactory evidence to the Parks & Community Services Department that the minimum allocation (1/2% of the Building Valuation for commercial, industrial, office and residential development) has been expended for art work or allocated to the Public Art Fund, prior to the issuance of the Certificate of Occupancy (for on-site work) or prior to the issuance of a building permit (for in lieu fee option) for the development project.

All financial arrangements shall be negotiated between the Project Developer and the artist(s) and shall be verified in a written agreement. Copies of the executed contracts between the applicant and the artists shall be submitted to the Parks & Community Services Department prior to the issuance of the Certificate of Occupancy.

### **Assistance with Artist Selection**

If an applicant elects to provide public art, the applicant is free to choose the artist(s) of its choice. The Parks & Community Services Department can assist the applicant, in selecting and locating qualified artists for their project and can provide a list of private art consultants that can assist the applicant with artist selection. In addition, technical support and artwork review and critique can be provided by the Parks & Community Services Department.

### **Eligible Costs**

The following costs shall be included in determining whether the public art allocation meets the minimum required allocation:

- Artists, professional design and production fee inclusive of labor, materials and services including art consultant or management fees provided that these fees do not exceed 15% of the minimum allocation;
- Travel of the artist for site visitation and research;
- Transportation of the work to the site;
- Installation of the completed work;
- Sales tax;
- Any required permit or certification fees;
- Identification plaques;
- Directional or other functional elements such as supergraphics, signing, color-coding, etc., provided they are designed by an artist and are, in the opinion of the City, an integral part of the work of art;
- Walls, bases, pools or other architectural components on or in which works of art are placed or affixed, provided they are an integral part of the work of art;
- Electrical, water or mechanical services for activation of the work, when they are an integral part of the work of art.

### **Non-Eligible Costs**

The following costs will not be accepted as satisfying the Public Art Program requirements:

- Preparation of the site EXCEPT as necessary to receive the work of art.
- Exhibitors and education aspects which are interpretive of and tangential to the actual work of art. This includes tours and docents, videotaping or filming of construction and installation of artwork.

### **Criteria for Selection of Artist and Artwork**

The criteria followed in the selection of an artist and eligible artwork should be consistent with the City's policies for public projects (see Criteria for Selection of Artists or Artworks, and Eligible Artworks, page 10 and 11).

### **Process Steps**

- 1) The Project Developer shall submit a completed Site Development Review (SDR) application to the Community Development Department, Planning Division. The applicant will be informed of the Public Art requirement and policies, and will be encouraged to meet with the Parks & Community Services Department to discuss the requirements.
- 2) Residential Development Applicants, who desire to provide public art within their projects, are required to present a plan to the City that conforms to the requirements of the Public Art Master Plan. The Applicant's plan shall be submitted at the time of an application for tentative map in which individual lots are created. If a tentative map is not required in the project, the plan for public art shall be submitted at the time of Site Development Review (SDR).
- 3) The Building Valuation will be verified and the minimum art allocation will be calculated by the Building Division upon receipt of the building permit application. The developer may be required to apply and obtain a separate building permit for the construction and installation of the art project.
- 4) Applicants choosing not to provide on site artwork will be required to pay in lieu fees of a minimum art allocation of 1/2% for commercial, industrial, office, and residential developments and 90% of 1/2% for commercial, industrial, and office

developments under 50,000 square feet to the Public Art Fund, to satisfy the development standard. In lieu fees must be paid prior to the issuance of a building permit.

- 5) Upon selection of an artist and artwork, the developer will be required to meet with the Heritage & Cultural Arts Commission for review of the artwork. Upon recommendation by the Heritage & Cultural Arts Commission, the developer will be required to receive final approval by the City Council.

### **Art Project Checklist**

Developer will be responsible for providing the following documents:

- Landscape and site plans and structural calculations;
- Sample or model (Maquette) of the art project, drawings and photos;
- Material samples and finishes (if appropriate);
- Artist resume (artist's record of group and solo exhibitions, art training, art education, private and public collections, critiques and articles);
- Building Valuation as determined by the City's Building Official;
- Artist/developer contract;
- Slides or photos of the artist's past work which demonstrates like work to proposal, accompanied by the price for which these works were sold;
- Maintenance provisions which provide specific technical requirements;
- Documentation which indicates that the property owner is responsible for maintaining the artwork at all times.

# **PUBLIC ART PROGRAM - POLICIES**

## **Nonprofit Partnerships**

The City recognizes the value of its partnerships with nonprofit agencies. It was because of the leadership of the nonprofit Dublin Fine Arts Foundation that public art was successfully established in the City of Dublin. Other nonprofit organizations have also contributed to public art in the City. The City encourages fostering partnerships with other community groups in the development of public art projects.

## **Policy**

In order to promote community involvement, the City will actively work to encourage nonprofit organizations in its Public Art Program to create public art on City owned property. Nonprofit organizations are welcome to approach the Dublin Heritage and Cultural Arts Commission or Staff at any time to discuss a public art project.

Nonprofit organizations must simply write the City Heritage and Cultural Arts Staff with a description of the proposed project. If the project falls within the vision and goals of the City public art program, it will go to the Heritage and Cultural Arts Commission and then City Council for approval. The project will then be guided by the same guidelines and criteria as other City public art projects, with the Heritage and Cultural Arts Staff working in partnership with the nonprofit organization's leadership. The nonprofit organization will have representation on the Public Art Advisory or Artist Selection Committee that advises the project.

In general, nonprofit organizations are expected to contribute the cost of the artwork and its installation. The artwork must be

installed on City property and will become the property of the City of Dublin once installed.

## **Artist Rights**

The City of Dublin is committed to attracting the highest quality artists to create works for its public art program. For that reason, it is important that artists retain reasonable control over the integrity of their artworks and receive equitable compensation for their creative endeavors.

## **Policy**

The City of Dublin seeks to assure the following rights to artists, which shall be embodied in artist contracts for the commissioning or purchase of works of art.

- Recognizing that successful public art is generally inseparable from the site for which it is created, City Departments shall not move or remove an artwork unless its site has been destroyed, the use of the space has changed, or compelling circumstances arise that require relocation of the work of art. Should it become necessary to move or remove an artwork, City Staff shall make reasonable efforts to consult with the artist before effecting any removal or relocation. However, the City reserves the right to move or remove the artwork without notification under emergency circumstances where an immediate threat to property or public safety is present.
- If an artwork is significantly altered, modified or destroyed, whether intentionally or unintentionally, the artist shall have the right to disclaim authorship of the artwork. Should an artist choose to exercise this disclaimer, the City shall remove any plaques, labels or other identifying materials that associate the work with the artist.

- The City shall make its best effort to ensure that all maintenance and repairs to works of art are accomplished in accordance with any maintenance and repair instructions the artist has provided to the City at the time of accession, and that all such maintenance and repairs adhere to the highest professional standards of artwork conservation. The City shall make reasonable efforts to notify the artist before undertaking repairs or restorations to the artwork during the lifetime of the artist. Where practical, the City shall seek to ensure that the artist be consulted and given an opportunity to accomplish the repairs or restorations at a reasonable fee. The City reserves the right to make emergency repairs without prior notification to the artist.
- The artist shall retain all copyrights associated with works of art accessioned under this program including those acquired for the City. The City agrees that it will not copy or reproduce the artwork in any way, or permit third parties to do so, without prior written permission of the artist. Notwithstanding this policy, the City reserves the right to make photographs or other two-dimensional representations of the artwork for public, noncommercial purposes, such as catalogues, brochures and guides.

### **Artistic Freedom of Expression**

The City recognizes that free expression is crucial to the making of works of art of enduring quality. At the same time, public art must be responsive to its immediate site in community settings, its relatively permanent nature and the sources of its funding.

#### Policy

It is the policy of the City to encourage free expression by artists participating in the Public

Art Program, consistent with due consideration of the values, aspirations, and goods of the City. Community representatives will be invited to serve on artist selection panels to ensure discussion of community sensibilities. Artists selected to participate in the program will be encouraged to engage the community directly in the process of developing their artistic concepts and designs.

### **Community Participation and Outreach**

The purpose of the Public Art Program is to serve the citizens of Dublin. By building a regular program of educational and promotional activities, a sense of community ownership can be instilled and cultivated. Such activities can generate broader community appreciation of public art and recognition of the role of public art in reflecting the community's culture.

#### Policy

The City shall make community participation a part of each public art project, as well as of the program as a whole. This may be accomplished through the use of Artist Selection Panels and/or the Heritage and Cultural Arts Commission and artist interaction with the community.

The Heritage and Cultural Arts Staff may develop a comprehensive approach to educational outreach concerning the Public Art Program. Elements of this ongoing educational policy shall include programs in public schools and special events, such as exhibitions, public art tours, artist-in-residence programs, education and/or school programs, publications, brochures, films and videos and public meetings. In addition, avenues such as print and broadcast media will be cultivated in order to give access to the Public Art Program to the widest possible audience.

## **Conflicts of Interest**

The City recognizes and encourages those with arts backgrounds and other related professionals to serve as members of the Heritage and Cultural Arts Commission, its subcommittees and selection panels. It further recognizes that artists and other related professionals may have a real or perceived conflict of interest when serving in such a capacity while competing for projects. In general, a conflict of interest may arise whenever a committee or panel member has a business, familial or personal relationship that would make it difficult to render an objective decision or create the perception that an objective decision would be difficult. A conflict may also arise whenever a committee or panel member possesses inside information or has a role in the decision-making process that could influence the outcome of a public art process or project. Therefore, the City has established policies to govern service on the Commission and its panels.

### Policy

#### *Members of the Heritage and Cultural Arts Commission*

- Must disclose any real or potential conflict of interest;
- Are not eligible for any competition, commission or project during his or her tenure on the Heritage and Cultural Arts Commission;
- Must withdraw from participating or voting on any competition, commission or project for which any family member or business associate has any financial interest or personal gain;
- Are ineligible for participation in any competition, commission or project of the Heritage and Cultural Arts Commission for a period of one year following the end of an individual's term on the Commission; and

- Are ineligible for any competition, commission or project on which he/she voted during service on the Heritage and Cultural Arts Commission, regardless of the length of time that has elapsed following Commission service.

#### *Members of Advisory Committees or Artist Selection Panels*

- Must disclose any real or potential conflict of interest;
- Must withdraw from participation, discussion and voting on any artist who is a family member, business associate or with whom the panel member has a gallery affiliation; and
- May not enter any competition, commission or project on which he or she is serving as a panelist or advisory committee member.

## **Non-discrimination**

The City recognizes that cultural and ethnic diversity is essential in programs sponsored by the City and seeks to be inclusive in all aspects of the Public Art Program.

### Policy

The City will not discriminate against any artist or other program participant based on race, gender, ethnicity, age, socio-economic class, religion, sexual orientation, skills and abilities, and politics among other qualities.



*"Iron Horse Trail" by Vicki Jo Sowell (2002)*

## **PUBLIC ART PROGRAM – IMPLEMENTATION**

The goals, guidelines and policies set forth in this Master Plan represent an ambitious plan. The plan, however, reflects the desire of the City of Dublin to develop and maintain a Public Art Program that will create a unique sense of place in each neighborhood and create a strong sense of identity for the City as a whole. The goal of this section is to identify implementation measures and funding mechanisms to facilitate the success of the Master Plan.

### **Implementation Measures**

Adoption of the Public Art Master Plan is the first step in the implementation of the Public Art Program. The Master Plan sets the framework for the City's Public Art Program through the identification of a vision, purpose and goals. Additionally the Master Plan identifies opportunities for placement of public art both on public and private property. Further the Master Plan establishes program guidelines related to the responsibilities of the City Council, Heritage and Cultural Arts Commission, Staff and the public in the stewardship of the Public Art Program. Guidelines also deal with the artist selection process, eligible artworks and the maintenance of the City's collection. Lastly the Public Art Master Plan recommends policies related to non-profit partnerships, artist rights and freedom of expression and community participation and outreach.

### **Funding Mechanisms**

At present, the City does not have an established funding mechanism for public art projects. For City projects, the City has elected to include public art in selected public buildings and has appropriated 1%-2% of the construction budget for the public art. For public art in private development, the City's current Public Art Policy *encourages* the inclusion of public art but it is not a mandatory requirement. For developers who choose to include public art, the amount spent on art is discretionary. The Public Art Master Plan recommends that designated funding sources be identified to fund the Public Art Program on an ongoing basis.

#### **Private Development:**

For private development, a percent-for-art program is recommended whereby all residential (single-family and multi-family) in excess of 20 residential units and non-residential (commercial, industrial and office) development projects are required to allocate one-half of one percent (1/2%) of the project costs to finance an art project according to the public art guidelines contained in the Master Plan. Commercial, industrial and office development projects under 50,000 square feet, as an option to providing public art on site, may contribute funds equal to 90% of the one-half of one percent to a Public Art Fund. Non-residential projects in excess of 50,000 square feet and residential projects can also choose to deposit the required allocation into a Public Art Fund in lieu of providing on site artwork but no discount is given.



*“Historic Crossroads” by Daniel Galvez, John Pugh,  
and John Wehrle (2004)*

**City Projects:**

In large City capital building projects it is recommended that artworks be located on site, using a general budget guideline of 1% - 2% of the total capital project budget. Potential projects include: Shannon Community Center Reconstruction; Emerald Glen Park Recreation and Aquatic Center; Emerald Glen Park Community Center; and Community Theater/Cultural Arts Center.

For park projects, it is recommended that public art be included in neighborhood and community parks. Potential artwork locations should be identified as part of the park design and installation of art shall occur at such time that occupancy of the surrounding development reaches 25%. Neighborhood Selection Committees should be convened to assist with artwork selection. Coordination with the Dublin Fine Arts Foundation on the award winning “Art in the Parks” project should be continued, as deemed appropriate.

The Public Art Master Plan recommends that consideration be given to establishing a Public Art Venue. A Public Art Venue is a location where several pieces of public art are on display in a consolidated area. The size of the site can typically vary from 1/3 acre to 10 acres in a natural setting, or in the case of a streetscape, one to several blocks long. Usually, a large number of different types of art sculptures are on display for the public’s view, in some cases, surrounded by a garden like setting.

**Public Art Fund:**

Finally it is recommended that a Public Art Fund be established for the purpose of collecting fees paid in lieu of committing the required allocation to an on-site art project. Such funds shall be used to acquire, place and maintain public art projects located at public buildings or on public grounds, or at the

private development site from which the funds were received, if the City so chooses, and to administer the Public Art Program.



*“Dreams of Longing After Nothing” by Bryan Tedrick (2004)*