

Public Arts Commission
CITY OF PALM SPRINGS, CALIFORNIA

APPROVED



MINUTES
Regular Meeting

Thursday, November 9, 2017
Palm Springs City Hall • 3200 E. Tahquitz Canyon Way
Large Conference Room

CALL TO ORDER: The meeting was called to order at 4:08 PM by Chair Sheffer

ROLL CALL:

	<u>Present This Meeting</u>	<u>Present to Date</u>	<u>FY 2017/2018 Excused Absences</u>	<u>FY 2017/2018 Unexcused Absences</u>
Melanie Brenner	x	3		
Mara Gladstone	x	3		
Tracy Merrigan	x	3 (Arrived 4:53 PM)		
Alfonso Murray	x	3		
Russell Pritchard	x	3		
Ann Sheffer, Chair	x	3		
Thomas Yanni, Vice Chair	x	3		

ALSO PRESENT: Jay Virata, Director, Community & Economic Development
Jennifer Henning, Arts and Special Projects Coordinator

ACCEPTANCE OF AGENDA:

MOTION: by Vice Chair Yanni, second by Commissioner Pritchard, to approve Public Arts Commission Regular Meeting Agenda for November 9, 2017; unanimously carried, 6/0

PUBLIC COMMENTS:

Janice Kleinschmidt – Former Public Arts Commission Chair/Commissioner; Palm Springs resident since 1989; recently met with Chair Sheffer; attended today's meeting to get caught up on what the commission is currently working on.

APPROVAL OF MINUTES RECOMMENDATION:

MOTION: by Commissioner Brenner, second by Commissioner Gladstone, to approve the Regular Meeting Minutes of October 12, 2017; unanimously carried 6/0

A. PRESENTATIONS

1. None

B. NEW BUSINESS

2. None

C. UNFINISHED BUSINESS

3. Discussion Regarding Proposed Changes to the Guidelines Set Forth by Palm Springs Municipal Code Chapter 5.81, Sections 93.20.00 & 93.20.03 of the Zoning Code Relating to Art Murals on Private Property
RECOMMENDATION: Review Art Murals Ordinance and make a recommendation to City Council for consideration

At the direction of City Council, the commission is discussing proposed changes including:

Penalty for not applying for a permit prior to putting up a mural and also reducing fees, as to not be so onerous.

The Draft Ordinance as discussed (with changes) is attached hereto and made a part of the meeting record; other changes as discussed are as follows:

See attached draft ordinance: changes recommended by subcommittee are in green; changes made by Planning Department are in red; one change in blue, made by Chair Sheffer.

Subcommittee reported on the attached document and also as follows:

Chapter 5.81 art murals: revisions to staff document:
11/02

5.81.010 purpose
(a) add item (v) visually activate dormant and/or vacant properties and construction sites

5.81.030 procedure
(c) wordage change, last line appropriateness of the proposed art, change to... artistic merit and execution of the proposed art.

(d) The arts commission shall submit the approved application to the city council for their consent calendar.

5.81.040 requirements
change minimum period to one year rather than two in paragraphs A and B

A. add sentence: Applications for short term "event specific" murals may also be applied for with time duration of no fewer than 3 months and no greater than 6 months. All fees, rules and regulations remain the same for short term murals.

E. delete all

additional thoughts: discussed in sub committee was the possibility of adding language specific to maintenance and fines and penalties for such... I think the existing language for maintenance is sufficient and feel that further language might deter applicants.

Commissioner Pritchard – would still like to consider giving three (3) mural grants per year; after the applicant has gone through the approval process (receiving final Council approval), the applicant would then return to the arts commission to apply for a grant for the permit fee.

Chair Sheffer – could we include a broad definition of murals? The definition(s) of murals is changing; it's not just paint on a wall all the time. Including temporary murals, it could be free standing (a panel). Lulu's mural was digitally printed. **Change made to section 5.81.010 (a) – [procedures for original art mural installations].**

MOTION: by Commissioner Pritchard, second by Vice Chair Yanni, that the draft mural ordinance go back to City Council with our changes for their approval; unanimously carried 6/0

Chair Sheffer – would like the subcommittee to figure out how to publicize this in some way; and work on a possible mural grant program.

4. Transgender Day of Remembrance (TDOR) Sculpture Project
Transgender Day of Remembrance Vigil, November 20, Event Update
RECOMMENDATION: Receive verbal report from Subcommittee

Jay Virata reported – the sculpture is currently with the welder; they have completed fastening the sculpture to the base. The sculpture will need to be moved from the welder's business location to the owner (TDOR) prior to the event; TDOR will also need to secure transportation of the sculpture to the event. The event will take place in the parking lot on the east side of City Hall, November 20th.

Chair Sheffer – requested a picture of the base and also a picture of the sculpture for posting on social media.

Ms. Henning – the event will take place from 4:00-8:00 PM; vigil will begin at 5:00 PM. There will be an unveiling ceremony, proclamations will be read; Mayor Moon and various dignitaries will be speaking. Ms. Clinton has not advised where the sculpture will be located after the event. The base is steel and was made to the specifications of the TDOR subcommittee with input from the PAC subcommittee. It can be moved, it is quite heavy, requires 2-3 people to move it.

Chair Sheffer – would like to see if it can be on display in the lobby at City Hall for at least a week; we have not come up with a place that it can stay for a long time.

5. Project and Event Review 2017-18
Confirm Public Arts project list and calendar for January-May 2018
RECOMMENDATION: Direct Staff as Appropriate

COMMISSIONER MERRIGAN ARRIVED AT 4:53 PM

Ms. Henning reported:

November 16, Art Talk with Bernard Leibov, Desert Art Center. Mr. Leibov is the Founder and Director of BoxoPROJECTS, a residency and programming initiative based in Joshua Tree; former Deputy Director of Judd Foundation in New York and Marfa, TX.

November 20th – Transgender Day of Remembrance (details previously discussed).

December 7 – VillageFest booth; public art collection walking tours and promotion of public arts programming.

December 16-17 – Boho Bazaar Holiday Art Mart; Desert Art Center; this event has had a great response; Commissioners Brenner and Gladstone will be jurying the entries. Approximately 33 entries have been received.

There was a brief discussion regarding a reception on the evening of December 15th; include members from other City commissions. Ms. Henning suggested that this be discussed further at the subcommittee level with members of Desert Art Center. There may be logistical issues as some artists may be setting up for the Bazaar on the evening of December 15.

Education & Partnerships Subcommittee submitted the following report:

Public Arts Commission
November 9, 2017

Report from Education & Partnerships Committee
Commissioners Murray, Gladstone, and Merrigan

Programs for the 3rd Free Thursday night at the Palm Springs Art Museum
Planned in conjunction with the Museum Education Department

January 18	Cross promote the Western Arts Council's live conservation and lecture on restoration of William Robinson Leigh's "Thunder Mountain"
February 15	Black History Month Program (TBD)
March 15	Kids Program (TBD)
April 19	15s**
May 17	Coachella Valley Art Scene (CVAS) lobby program Warhol style activity/button making assembly line

** In the spirit of Andy Warhol's famed quote, these compact programs are designed to give you your fifteen minutes. We'll activate the lobby space with experiences to change your frame of mind before visiting Warhol's prints, on the quarter hour.

3/22 @ 6:15 - Fifteen Minutes of Meditation
(ex: Michael Kass or Insight Community of the Desert)

4/19 @ 6:15 - Fifteen Minutes of Spoken Word
(ex: A.P. Jackson or Coachella Valley Repertory)

5/3 @ 6:15 - Fifteen Minutes of Chorus
(ex: Palm Springs Gay Men's Chorus or RMHS Singing Rattler Choirs)

The dates have been confirmed with the Education Department at the Palm Springs Art Museum. The Publicity/Outreach Subcommittee will meet to determine how to publicize the upcoming season.

Various media for publicity was briefly discussed; copy for the January-May 2018 event card will need to be finalized by the December 14th PAC meeting. Staff advised the commission of the events that have been finalized to date: January 14, Martin Luther King, Jr. "Excellence in Art"; January 20, Art Talk, Understanding Abstract Art; February 2, 19th Annual Juried Art Show (Opening Reception); February 10, Art for Kids Day (partner event with Desert Art Center); February 24, Art Talk, Andrea Graham, Textile and Modernism; March 20, 2nd Annual Cesar Chavez "Excellence in Art" Student Art Competition Awards; March 24, Art Talk, Looking at Alternative Art Forms; April 21, Art Talk, Earth Art Lecture.

The design of the event card was discussed.

6. Community Art Exhibitions 2017-18
Review Upcoming Exhibitions including 19th Annual Juried Art Show, Update
RECOMMENDATION: Receive Verbal Subcommittee Report

Marianne Falk, Managing Director at Desert X will be jurying the 19th Annual Juried Art Show; opening reception for the 2018 show will be February 2nd at 5:30 PM, Desert Art Center; awards presentation will begin at 6:00 PM.

7. Education and Community Outreach Programming

Review upcoming 2017-18 Outreach events including: Art for Kids Day, February 10, 2018, partner event with Desert Art Center, motion to approve sponsorship of \$500; Homeless Art Project, subcommittee report by Commissioner Murray

RECOMMENDATION: Receive Verbal Subcommittee Report

MOTION: by Vice Chair Yanni, second by Commissioner Brenner, that the Public Arts Commission support the February 10th Art for Kids Day event with support of \$500 in general support of the event; unanimously carried 7/0

Commissioner Murray – has met with Kathy Parker regarding the Homeless Art Project, she is pitching the idea to Desert Art Center and thinks, together, that this is something we can do. As a photographer, I set three goals for myself and we talked about using that grid: 1) to teach, 2) to have an exhibit, and 3) to have a book. I think we will be moving forward with that effort in the community.

Vice Chair Yanni – appreciates all the work; would like to suggest that we move this to fall 2018; have a nice exhibition in the fall which we usually don't have.

D. LEGISLATIVE

8. None

E. SUBCOMMITTEE REPORTS

9. None

COMMISSIONER COMMENTS/REPORTS/REQUESTS

Commissioner Brenner – would like to know if the exhibit *Portraits of a City* can be on display at the Richards Center for the Arts during the film festival; opportunity for a great exhibit to receive a lot of exposure.

Commissioner Pritchard – would like the status of the John Clement pieces, *Butch*, *Ithiel* and *Squeeze*; (Chair Sheffer advised that this still needs to be discussed in closed session).

Vice Chair Yanni – finds the new Subcommittee Report form very helpful.

Chair Sheffer – If a subcommittee meets, let Ms. Henning know; she can give a report in the middle of the month.

REPORTS OF DIRECTOR/STAFF: None

ADJOURNMENT: The Public Arts Commission adjourned at 5:35 PM to a Regular Meeting, Thursday, December 14, 2017, at 4:00 PM, Palm Springs City Hall, Large Conference Room, 3200 E. Tahquitz Canyon Way, Palm Springs, California. Adjournment unanimously approved by a Motion of the City of Palm Springs Public Arts Commission this 9th Day of November, 2017; unanimously carried.



Paula Jean Sweat
Economic Development Program Assistant

Chapter 5.81 ART MURALS ON PRIVATE PROPERTY

5.81.010 Purpose.

(a) This Chapter is intended to enact a process and procedures for ~~installation of~~ original art murals on private property and further the public interest by: (i) encouraging artistic expression; (ii) fostering a sense of pride; (iii) preventing vandalism at mural sites through the installation of murals that vandals are reluctant to disturb; ~~and~~ (iv) preserving existing murals that are a valued part of the history of the City; and (v) visually activate dormant and/or vacant properties and construction sites.

(b) The City may consider the installation of murals and, at the same time, wishes to prevent the proliferation of off-site commercial signs. Therefore, the City's mural regulations do not allow commercial advertising.

(c) Mural regulations also promote public safety and welfare by ensuring the following objectives are achieved:

1. The design, construction, installation, repair, and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.
2. Regulation will provide reasonable protection to the visual environment by controlling the size, height, spacing, and locations of such displays.
3. The public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated.
4. To impose permit requirements and regulations for murals.

5.81.020 Permit required.

(a) It is unlawful for any person, firm, or corporation to authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any mural within the City without first obtaining the necessary permits.

(b) An application for a mural shall be submitted to the Planning Department to be assessed by City staff for compliance with this Code. The application shall include a maintenance plan be submitted for review and approval.

(c) An application for a mural shall be submitted with the notification fees and Mural Application Permit Fee, as established by resolution of the City Council.

5.81.030 Procedure.

(d) (MOVED
5.81.020)

ARTS COMMISSION

(a) Prior to any action by the Planning Commission ~~City Council~~, the Applicant shall send notice of such application to all property owners within 500 feet of the location of the mural at least ~~30~~ 10 days prior to the Planning Commission ~~City Council~~ consideration of the mural. No mural shall be permitted until the applicant has certified that notification has been completed.

~~(b) The Planning Department shall submit the application to the Planning Commission for review as to the compatibility of the proposed mural in the location and on the specific structure the mural is proposed, and all other applicable requirements of the Zoning Code.~~

(e) ~~(b)~~ The Planning ~~Department~~ Commission shall refer the application to the Architectural Advisory Committee for comment, and may submit the application to the Historic Site Preservation Board as necessary for input and comment on murals that are proposed for Class 1 historic sites.

(e) ~~(c)~~ The Planning Department shall submit the application to the Public Arts Commission who shall provide input and comment review the proposal, solicit public comment, and recommend approval to the City Council based on the appropriateness of the proposed art. artistic merit and execution of the proposed art.

(e) ~~(d)~~ The ~~Planning Department~~ Public Arts Commission shall submit the approved application to the City Council for final approval their consent agenda.

5.81.040 Requirements.

(a) The owner of the property on which a mural is installed, shall execute and deliver to the Office of the City Clerk a covenant for recordation in a form approved by the City Attorney. The covenant shall provide that the mural will be installed and maintained at all times in full compliance with this Chapter. In addition, the covenant shall remain in force for as long as the mural exists.

(b) Upon a change of ownership of the property to which a Mural is installed, the new owner may, at the owner's election and without the need for permission from the City, terminate the covenant and remove the mural, subject to the provisions of this Chapter.

5.81.050 Regulations.

An approved mural shall comply with all of the provisions of this Section:

- A. The mural shall remain in place, without alteration, for a minimum period of ~~two~~ one year. An "alteration" includes any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time or that result from the maintenance or repair of the mural. Such minor

changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

Applications for short term "event specific" murals may also be applied for with time duration of no fewer than 3 months and no greater than 6 months. All fees, rules, and regulations remain the same for short term murals.

B. A mural may be removed within the first ~~two years~~ year of the date of registration under the following circumstances.

1. The property on which the mural is located is sold; or
2. The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
3. The property undergoes a change of use authorized by the Department of Building and Safety;
4. The owner of a mural may request permission from the City Manager to remove a mural prior to the expiration of the ~~two~~ one year period, which the City Manager may grant upon making a finding that the continued maintenance of the mural is not feasible and that the early removal of the mural is not a furtherance of off-site commercial advertising.

C. No part of a mural shall exceed the height of the structure to which it is tiled, painted, or affixed.

D. No part of a mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.

~~E. No mural may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).~~

F. No mural shall be placed on a lot that is improved with only one single-family residential structure and accessory structures.

G. No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.

H. Digitally printed image murals shall receive approval of both the Fire Department and Department of Building and Safety.

I. A mural shall not be created without the final authorization of the Palm Springs City Council.

5.81.060 Penalty.

Murals which are created and installed without prior authorization of the Public Arts Commission and the City Council are considered a "per se" public nuisance pursuant to Chapter 11.72 of this code, and are subject to administrative citation in an amount of up to \$5,000. Citations may be appealed to the administrative appeals board pursuant to Chapter 2.50 of this code.

Legend:

Underlined text is additive; ~~stricken text is removed.~~