

Draft
MINUTES OF THE PUBLIC ART COMMISSION
SPECIAL MEETING
Tuesday, March 10, 2020
CONFERENCE ROOM 360, CITY HALL
2263 SANTA CLARA AVENUE – 6:00 PM

1. CALL TO ORDER

Chairperson Gillitt called the meeting to order at 6:00pm

2. ROLL CALL

Present: Chairperson Adam Gillitt, Vice Chairperson Liz Rush, Commissioners Mark Farrell and Kirstin Van Cleef.

Absent: Commissioner Sherman Lewis (unexcused).

Lois Butler (PAC Secretary), Amanda Gehrke and Yael Schy present as staff to the Commission.

3. MINUTES

3-A. 2020-7793 Draft Meeting Minutes – December 16, 2019

A motion to approve minutes made by Commissioner Farrell and seconded by Vice Chairperson Rush. The motion carried 4-0.

4. PUBLIC COMMENTS

None.

5. REGULAR AGENDA ITEMS

5-A. 2020-7787 Recommendation to Consider Alternate Locations for the Dan Fontes Mural

- Staff Member Gehrke presented on alternate locations for the Dan Fontes Mural. Gehrke provided background on the Dan Fontes Mural project, and reported that the good-faith efforts to find an alternate location within the West Alameda Business District were unsuccessful. Gehrke stated that McKinley Park recreation center continues to be the artist's and city staff's recommended location, and informed the Commission that the process will require approval from PAC, Recreation and Park Department, and City Council.
- Gehrke welcomed comments from Commissioners and answered their questions.
- Speaker Dan Fontes presented the benefits of McKinley Park as having a north-facing wall and little to no graffiti.
- Commissioners discussed concerns about the low visibility of McKinley Park, a desire to keep the original mural theme while acknowledging that

the artist's creative process may be site-specific, and a desire to have community input through a variety of channels.

- Chairperson Gillitt made a motion to approve the relocation of the Dan Fontes Mural to McKinley Park, to have the artist bring three new proposed mural options to PAC for review and approval, to ensure the public is notified of the meeting, and to increase the grant award by \$1,500 for the mural redesign. Commissioner Van Cleef seconded. The vote was 2-2 and the motion did not pass. Commissioner Farrell made a motion to approve the relocation of the Dan Fontes Mural to McKinley Park, and increase the grant award by \$1,500 for the mural redesign. Seconded by none. The motion did not pass. Vice Chairperson Rush made a motion to table the vote until further research is done into an alternative location for the mural. Commissioner Farrell seconded the motion. Discussion was opened regarding length of the overall process, the value of high traffic versus less traffic locations, the challenges of privately owned locations versus City-owned locations, and the need to look for additional business and property owners with high-visibility properties open to having a mural on their property. Motion passed 4-0.

5-B. 2020-7788 Recommendation to Approve the Resolution and Conditions Approving the “Alameda Afore” Public Art Proposal

- Staff Member Gehrke introduced the “Alameda Afore” Public Art Proposal, the first of two public art pieces at the Alameda Point Site A development. Kristel Railsback, with srmErnst Development Partners, presented the “Alameda Afore” Public Art RFQ winner Rodrigo Nava’s proposed art, including materials, location and size. Gehrke reviewed the public art qualifying criteria for the Commission.
- Chairperson Gillitt welcomed questions and Gehrke and Railsback answered questions.
- Commissioners discussed the design, structure, materials, and location, highlighting the importance of finding a suitable place to view the art and the descriptive plaque.
- Commissioner Van Cleef made a motion to approve the resolution and conditions approving the “Alameda Afore” public art proposal. Seconded by Commissioner Farrell. Motion passed 4-0.

5-C. 2020-7789 Recommendation to Consider and Provide Feedback on Proposed Amendments to the Public Art Ordinance

- Staff Member Gehrke presented recommendations to consider and provide feedback on proposed amendments to the Public Art Ordinance. Gehrke provided a brief background of the ordinance, including revisions made in 2017, and the desire to increase the amount of money in the Public Art fund

expressed by the PAC in 2019. Gehrke presented the proposed changes, including: creating a tiered contribution system to incentivize developers to contribute to the art fund, allowing funds to be used for art maintenance costs, removing requirement that cultural art grants can only go to non-profit organizations, requiring developers to identify onsite versus in-lieu artwork prior to getting permits, clarifying that the maintenance agreement should be reflected in the conditions of approval, and specifying that City Council approval is only required on commissions over \$75,000.

- Staff Member Gehrke welcomed and answered questions.
- Commissioners discussed the proposed amendments, including:
 - Modifying the new construction art fund contribution rates to either:
 - a) decrease the in-lieu contribution percentage, b) increase the onsite contribution percentage, c) both decrease the in-lieu and increase the onsite contribution percentages to maximize the incentive to contribute to in-lieu, d) specify different rates for residential and commercial construction so the residential contribution is at a lower rate, and the commercial contribution can be set lower for in-lieu and higher for onsite contributions;
 - Removing requirement that cultural art grants can only go to non-profit organizations, while possibly designating a portion or amount for non-profit organizations;
 - Designating a portion of the fund to be used exclusively for art maintenance; and
 - Specifying that City Council approval is only required on commissions over \$75,000
- Speaker Tina Blaine shared the opinion that the City of Berkeley's tiered system's success is due to the greater differential between two contribution levels (0.8% versus 1.75%), and expressed a desire to protect non-profit organizations' access to cultural art funds when amending the ordinance. Speaker Jennifer Radakovich posed clarifying questions regarding the cultural arts portion of the fund.
- Staff Member Gehrke volunteered to research other city ordinances for both variations in new construction art fund contribution percentages and designating a portion of the fund exclusively for art maintenance, research PAC and staff involvement in onsite art approval at other cities, and bring her findings back to the Commission.
- Vice Chairperson Rush made a motion to remove the requirement that cultural arts grants can only go to non-profits for grants under \$2,000, to require developers to declare onsite artwork or in-lieu art fund contribution before receiving planning approval, to require that the maintenance agreement be reflected in the conditions of approval, to allow a portion of the fund to be used for maintenance of art, and to specify that only art

projects over \$75,000 need to be brought to City Council for approval. Seconded by Commissioner Van Cleef. Motion carried 4-0.

- Commissioners reviewed modification options previously discussed for art fund contribution rates. Chairperson Gillitt made a motion to table discussions of amending art fund contributions from developers. Seconded by Vice Chairperson Rush. Motion carried 4-0.

Commission recessed for break from 8:05-8:09pm.

5-D. 2020-7790 Request to Establish and Appoint Members to a Public Art Commission Subcommittee to Evaluate and Rank Submittals in Response to the Public Art Small Grants Pilot Program

- Staff Member Butler presented the request to establish and appoint members of a Public Art Commission Subcommittee to Evaluate and Rank Submittals in Response to the Public Art Small Grants Pilot Program, including an overview of the Public Art Small Grant Pilot Program.
- Commissioners discussed schedules and availability.
- Chairperson Gillitt made a motion to appoint Vice Chairperson Rush, Commissioner Van Cleef and Staff Member Gehrke as members of the Public Art Commission Subcommittee. Seconded by Commissioner Farrell. Motion carried 4-0.

5-E. 2020-7791 Eligibility Status of Upcoming Projects for the Public Art Requirement

- Staff Member Gehrke provided an update of upcoming projects for the Public Art Requirement.
- Staff Member Gehrke answered Commissioner questions.

6. STAFF COMMUNICATIONS

- Staff Member Butler introduced Staff Member Yael Schy who will be assisting with the Public Art Small Grants program.

7. WRITTEN COMMUNICATIONS

None.

8. COMMISSIONER COMMUNICATIONS

- Chairperson Gillitt requested an update on Fire Station Three Art project, requested general arts calendar update, and requested PAC to issue a position on Assembly Bill 5.
- Staff Member Butler advised adding the request that PAC issue a position on Assembly Bill 5 to the next meeting's agenda because the item had not

be agendaized. Butler clarified that there is no update on the general arts calendar.

- Commissioner Van Cleef will share meeting information on Public Art Networking Meetings with the PAC and staff members, to be included in Communications on next meeting's agenda.

9. ADJOURNMENT

Chairperson Gillitt adjourned the meeting at approximately 8:34pm.

Respectfully submitted,

Lois Butler
Economic Development Manager
Secretary
Public Art Commission