



Meeting Date: 07 / 28 / 09

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input checked="" type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Matthew G. Winegar *MGW* Agenda Item No. N-1
 Reviewed By: City Manager *JEP* City Attorney *AA* Finance *Jc* Other (Specify) _____

DATE: July 2, 2009

TO: City Council

FROM: Matthew G. Winegar, Development Services Director
Development Services Department *MGW*

SUBJECT: Adoption of the City of Oxnard Cultural Master Plan *MGW*

RECOMMENDATION

That City Council 1) adopt by resolution the Cultural Master Plan; 2) adopt a resolution amending the Art in Public Places resolution pertaining to the Public Art Fund; and 3) direct staff to return to Council a recommendation regarding creating or appointing a Cultural Arts Coordinator position.

DISCUSSION

For many years, the City has implemented a successful Art in Public Places program. Initially, the program required that large-scale residential, commercial, and industrial projects incorporate artwork which could be enjoyed by project visitors. Over two dozen such installations have been established. In 2006, the Art in Public Places program was modified to require all development to participate in fostering public art by paying an in-lieu fee. No longer are projects required to provide artwork. This change was made to focus the placement of artwork in truly public places, such as public property in the downtown area, and to address the issue of inequitable bearing of responsibility of the program by larger projects.

The modifications to the Art in Public Places resolution, adopted by City Council in 2006, which recommended the changes to the Art in Public Places policy, is the basis for the Cultural Master Plan. Mayor Pro Tem Andres Herrera formed a steering committee of area cultural leaders and artists to comprehensively evaluate the cultural needs of the Oxnard community and assist in creating the plan.

The Committee participated in the creation of a Cultural Master Plan which envisions a broad program that addresses all aspects of public art, including visual art, music, dance, and theater.

FINANCIAL IMPACT

The Cultural Master Plan recommends that the Art in Public Places resolution be modified to dedicate in-lieu fees to a public art fund. Revenues could be appropriated to any of the Cultural Master Plan activities and public art types. Recommendations for funding would be made by the Steering Committee. In addition, the Plan suggests that a Cultural Arts Coordinator position be created. This position's responsibilities would include seeking grants to augment the public art fund. Staff will return to Council with a recommendation as to how to implement this recommendation.

Attachment #1 - Cultural Master Plan
#2 - Resolution No. 13,103 – Art in Public Places
#3 - Resolution Adopting the Cultural Master Plan
#4 - Resolution Amending the Art in Public Places Resolution

Note: Attachment 1 has been provided to the City Council. Copies are available for review at the Help Desk at the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on July 31, 2009.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. 13,103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OXNARD REVISING THE ART IN PUBLIC PLACES
PROGRAM AND ADOPTING FEES.

WHEREAS, on October 17, 1989, the City Council adopted Resolution No. 9813, establishing an Art in Public Places Program ("the Program") and adopting guidelines for the Program; and

WHEREAS, on January 7, 2003, the City Council adopted Resolution No. 12,290, revising the Program and adopting fees; and

WHEREAS the Program currently requires applicants for development of commercial and industrial projects of over 100,000 square feet, and mixed-use projects of over 75,000 square feet ("applicants"), to participate in the Program; and

WHEREAS, the City Council has determined that more public art should be installed, especially in more prominent locations, such as in downtown Oxnard; and

WHEREAS, the City will not issue a building permit or a certificate of occupancy, as stated herein, for each project subject to the Program until the applicant has participated in the Program as required; and

WHEREAS, Government Code section 66001 requires that in establishing, increasing or imposing a fee as a condition of approval of a development project, the City Council make certain findings; and

WHEREAS, the project is among the classes of projects listed in Article 19 (commencing with Section 15300) of Division 6 of Title 14 of the California Code of Regulations as categorically exempt from the requirement for the preparation of environmental documents imposed by the California Environmental Quality Act.

NOW, THEREFORE, the City Council of the City of Oxnard finds as follows:

A. Works of art provide intellectual, emotional and cultural enrichment to viewers and, when placed in locations accessible to the public, enhance the appearance of the City.

B. The purpose of the Program is to install works of art in conjunction with new development, in locations accessible to the public, for the edification of viewers, the enhancement of the City's appearance, and the mitigation of certain effects of development projects as explained in Section C below.

C. There is a reasonable relationship between the need for such works of art and the type of development projects subject to the Program in that, like commercial and industrial

projects of 100,000 square feet or more and mixed use projects of 75,000 square feet or more, the cumulative effect of all new development projects creates the need for works of art in that, over time, such projects deprive the City and its residents of significant amounts of open space and natural vegetation, substituting buildings, parking facilities and their attendant noise and traffic, thereby contributing to the stress of urbanization, which can be mitigated in part by works of art.

D. Extending the Program to developers of all new development projects and allowing developers to pay a fee instead of installing artwork will result in the payment of more public art and public art in-lieu fees, allowing more public art to be placed in various locations in the City, rather than primarily in the industrial areas where most projects of 100,000 square feet or more are located.

E. Artwork required under this Program shall be installed in various areas of the City, with an emphasis on areas where many people will view the artwork. Works of art provide intellectual, emotional and cultural enrichment to viewers and, when placed in locations accessible to the public, enhance the appearance of the City.

F. The use to which the fee will be put is to finance public facilities, namely, works of art located in places accessible to the public, for the edification of viewers, the enhancement of the City's appearance, and the mitigation of certain effects of development projects, as specified in Section C above.

G. There is a reasonable relationship between the use to which the fee is put and development on which the fee is imposed in that artworks are purchased with the fee and provided to the public to mitigate the cumulative effects of all development projects.

H. There is a reasonable relationship between the amount of the fee and the cost of the artwork or portion thereof attributable to the development on which the fee is imposed in that one percent of the value of the project may pay for a complete work of art to mitigate the foregoing effects of the project or, in the case of a smaller projects, \$0.20 per square foot of building area will pay some portion of the cost of an art work that, when accumulated in the Art in Public Places Fund with fees from other projects, will eventually pay for a complete work of art. In general, small projects create fewer of the effects specified in Section C above than larger projects, but the cumulative effects of many small projects may be equal to or greater than the effects of a single larger project.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

1. All new development shall be required to participate in the Art in Public Places Program.

a. Public art shall be provided for projects governed by a specific plan or other equivalent master plan. Such public art shall be installed according to the conditions set forth in the Public Art Element of the respective specific plan or master plan. If the project is to be

constructed in phases, the conditions of approval shall specify when the artwork shall be installed.

b. All new development, with the exception of attached and detached additions to residential dwelling units, shall pay a public art fee of \$0.20 per square foot of roofed building area. Such fee shall be paid prior to issuance of a building permit.

2. Definitions

a. "New development" means a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type which requires a discretionary permit.

b. "Project governed by a specific plan" means a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type which requires a discretionary permit in a specific plan area, or other master-planned area in which a Public Art Element is an element of the specific plan or master plan.

3. The value of the artwork to be installed as part of a specific plan or master plan shall be specified by the Public Art Element of such plan.

4. Public art shall meet the following standards:

a. Artwork may be any work of visual art, including, but not limited to, a sculpture, monument, mural, fresco, wall hanging, or mosaic. Artwork may be fabricated from clay, metal, plastic, glass, or any combination of the foregoing art media. Other materials proven to be able to withstand the elements may be considered for approval by the Art in Public Places Committee ("Committee"). For purposes of complying with this resolution, artwork installed by a project developer may include environmental landscaping involving hardscape and plant materials, subject to approval by the Committee, but not performing or literary arts such as dance, voice, music or poetry unless expressed in the materials specified above.

b. Artwork shall be enduring, of a lasting nature and not mass-produced; shall be integral to its location; shall contribute to a sense of place and enhance the quality of life by contributing to the unique identity of the place.

c. An established artist shall create the artwork. "Established artist" means a professional artist who derives his or her income primarily from his or her work as an artist, and is accepted and recognized in the field of art locally, regionally, nationally or internationally, as evidenced by art journals, art books or art gallery reputation. The members of the architectural, engineering, design or landscaping firms retained for the design and construction of the major development project shall not be considered established artists for purposes of complying with this resolution.

5. Public art required by this resolution shall be located in a public place on the project site. "Public place" means any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the

general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

6. Public art required by this resolution shall become a permanent part of the project. If ownership of the property or building changes, the seller shall transfer ownership of the artwork as an integral part of the sale. Relocation or changes to the artwork will require approval of the Committee.

7. Public art fees shall be deposited into the Art in Public Places Fund. The Art in Public Places Fund may also receive other monetary contributions from private sources. Disbursements from the Art in Public Places Fund are subject to approval by the City Council.

8. The public art fee shall be used to acquire, purchase, install and maintain artwork on public property and to reimburse the City's costs to administer the Program. Such artwork shall become the property of the City and the City shall be responsible for maintenance of such artwork. Staff and the Committee are hereby directed to prepare a Public Art Plan ("the Plan") for review and adoption by the City Council. The Plan shall identify potential locations for artwork; identify criteria for selecting artwork; establish a budget for, establish guidelines for, and assign responsibility for artwork conservation and restoration; and establish a budget for staff resources required to administer the Program. Artwork may be any work of visual art, including, but not limited to, a sculpture, monument, mural, fresco, wall hanging, or mosaic. Artwork may be fabricated from clay, metal, plastic, glass, or any combination of the foregoing art media. Other materials proven to be able to withstand the elements may be considered for approval by the Committee. Artwork purchased with public art fees may also include environmental landscaping involving hardscape and plant materials, and performing or literary arts such as dance, voice, music or poetry. The Plan shall identify downtown Oxnard as a priority area for installation of artwork

9. The Committee is hereby established, and directed to review, approve, disapprove, or subject to modification, or disapprove all artwork required by the Program.

10. The Committee is authorized to oversee, develop and administer

a. General guidelines and specific criteria to determine the type of artwork that may be provided by applicants or purchased by the Program; the placement and display of artwork in places accessible to the public; maintenance of artwork; and such other matters concerning the artwork as the Committee may deem advisable.

b. Applications and procedures for applicants providing artwork and for artists to apply to create artwork for the Program.

c. Photographs of artwork installed by applicants and purchased by the Program, together with information about the artists and the locations of the artworks.

d. Agreements between and among the City, artists and applicants, including provisions for artwork maintenance.

e. The Art in Public Places Fund, which shall be administered in accordance with Government Code section 66006 and subdivision (d) of Government Code section 66001.

11. For the purposes of carrying out the provisions of this resolution, the Committee may hold meetings within the City in such time or place as deemed necessary to conduct its affairs. Meetings of the Committee shall be subject to the Brown Act (Government Code sections 54950 *et seq.*)

12. The Committee shall consist of the following members:

a. The Planning and Environmental Services Manager ("Manager") or a professional planner designated by the Manager;

b. The Community Development Director or a downtown project manager designated by the Director;

c. An architect, landscape architect or urban planner from the private sector, appointed by the City Council;

d. A practicing artist, arts professional, or representative of a community-based art organization, appointed by the City Council, and

e. A representative of the Oxnard Downtown Management District, or other recognized downtown business or development organization, appointed by the City Council.

f. The terms of the members appointed by the City Council shall be two years, or until replaced by the appointing body.

13. On receipt of an application for any discretionary permit for which public artwork is required, City staff shall provide the applicant with a copy of this resolution, a checklist of application requirements, and an artwork application. The following shall be the procedure for approving artwork, unless the applicant chooses to pay the in-lieu fee:

a. Applicant selects location for public art on-site and designates the location on all site plans submitted for review.

b. Manager includes artwork condition in the document evidencing the approving authority's consideration.

c. Approving authority considers project for approval.

d. Following approval of the major project by the approving authority, applicant submits the following information to the Manager for Committee consideration:

(1) Completed application form provided by the Manager and required processing fees, as adopted by the City Council;

(2) Preliminary sketches, photographs, a model or other documentation of sufficient descriptive and visual clarity to indicate the nature of the proposed art work;

(3) Qualifications of the artist, including a resume, copies of articles from art journals, or other documents providing evidence of the artist's qualifications;

(4) Preliminary sketches, photographs, a model or other documentation of sufficient descriptive and visual clarity to indicate the nature of the proposed artwork;

(5) Qualifications of the artist, including a resume, copies of articles from art journals, or other documents providing evidence of the artist's qualifications;

(6) An appraisal by an independent, qualified fine art appraiser or other evidence satisfactory to the Committee of the value of the proposed art, including but not limited to invoices, purchase orders or agreements, and auction records, as well as other artwork costs allowable by this resolution;

(7) The site plan and elevations as approved by the approving authority for the major project;

(8) Sketches, photographs, or other documentation sufficient to show the relationship of the proposed artwork to the proposed structure or structure(s);

(9) An estimate of the construction valuation of the proposed major project, as defined herein; and

(10) Such other information as may be required by the Committee in considering the application under the standards included herein.

e. Upon receiving a complete application, the Committee shall schedule a meeting to consider the application. Fourteen days prior to the scheduled meeting, notice shall be provided to the applicant indicating the time and place of the meeting at which the application will be considered.

f. The Committee shall approve the application if the proposed artwork satisfies all of the following standards:

(1) The artwork has the minimum value required by this resolution. Such value shall be established by an appraisal by an independent, qualified fine art appraiser or other evidence satisfactory to the Committee, including but not limited to invoices, purchase orders or agreements, and auction records, as well as other artwork costs allowable by this resolution. Utility and maintenance costs incurred to operate and maintain the artwork over time shall not be considered in determining the value of the proposed artwork

(2) An established artist, as defined in this resolution, has created the artwork.

(3) The artwork has intrinsic quality and enduring value beyond any decorative characteristics.

(4) The artwork is compatible with and enhances the aesthetic quality of the development and its site. The relationship of the artwork to the site in terms of physical size, shape and colors shall be considered as well as the social and cultural interaction of the artwork with the space it ornaments.

g. The Committee may conditionally approve proposed artwork subject to conditions that the Committee deems reasonably necessary for such artwork to satisfy the standards set forth above. Upon written request of the property owner, the Committee may later

reconsider a decision denying approval of artwork if changes are made either to the subject development or the proposed artwork that present new facts upon which the Committee may reconsider its earlier denial.

14. The City shall not issue a certificate of occupancy for a project required to provide artwork until such time as all of the following have been verified by the Manager:

a. The required artwork is completed and installed or the equivalent guarantee, such as but not limited to, a bond, letter of credit, or cash deposit has been accepted by the Manager.

b. A document has been recorded setting forth the responsibility of the property owner and all transferees, successors, and assigns concerning maintenance of the artwork on the project site for the project's lifetime. A copy of the document recorded with the County of Ventura shall be acceptable evidence.

c. Evidence of insurance coverage is provided to the Manager in the amount of the purchase price to insure the artwork against any loss or damage, including vandalism. This insurance coverage shall be maintained in full force and effect at all times.

15. An applicant may appeal a final decision of the Committee as follows:

a. Within ten calendar days of a final decision by the Committee, the affected applicant may file an appeal to the City Council. The filing of an appeal shall suspend the Committee's decision until the City Council decides the appeal or the appeal is withdrawn.

b. The appeal shall be filed in writing with the City Clerk, accompanied by a fee of \$500, and shall state in detail the reasons that the applicant disagrees with the Committee's decision.

c. The City Clerk shall set the appeal for hearing by the City Council within thirty calendar days of the filing of the appeal.

d. The City Council shall hold a hearing on the appeal and shall issue a written decision thereon, affirming, reversing or modifying, in whole or in part the decision of the Committee.

e. The decision of the City Council shall be final and not subject to rehearing or further administrative appeal. The applicant may seek judicial review of the decision of the City Council in accordance with Code of Civil Procedure section 1094.6.

16. Resolution No. 12,290 shall apply to land use approval applications and building permit applications that have been deemed complete as of the effective date of this resolution.

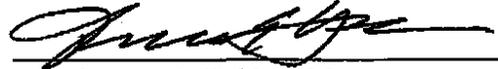
17. This resolution shall become effective sixty days following the date of adoption and shall apply to land use approval applications and building permit applications that have not been received by the City or have not been deemed complete as of the effective date of this resolution.

PASSED AND ADOPTED this 13th day of June, 2006, by the following vote:

AYES: Councilmembers Zaragoza, Flynn, Herrera, Holden and Maulhardt.

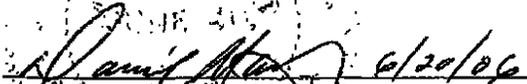
NOES: None.

ABSENT: None.



Dr. Thomas E. Holden, Mayor

ATTEST:



Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Gary L. Gillig, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
ADOPTING THE CULTURAL MASTER PLAN FOR THE CITY OF
OXNARD.

WHEREAS, the City Council finds that cultural arts and programs significantly add to the quality of life in the City of Oxnard; and

WHEREAS, the Cultural Master Plan was developed with the assistance of representatives for numerous Oxnard cultural arts groups; and

WHEREAS, the adoption of a Cultural Master Plan will provide direction for the implementation of cultural arts programs in the City and methods of assisting in funding those programs.

NOW, THEREFORE, the City Council of the City of Oxnard hereby adopt the Cultural Master Plan for the City of Oxnard.

APPROVED AND ADOPTED this 14th day of July, 2009, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

ATTACHMENT 3
PAGE 1 OF 1

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
AMENDING RESOLUTION NO. 13,103, PERTAINING TO THE ART IN
PUBLIC PLACES PROGRAM.

WHEREAS, the City Council has previously adopted Resolution No. 13,103 revising the
City of Oxnard Art in Public Places Program; and

WHEREAS, Resolution No. 13,103 requires that all new development participate in the
Art in Public Places Program through the payment of in-lieu fees.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve that
paragraphs 7 and 8 of Resolution No. 13,103 are amended as follows:

7. Public Art Fees shall be deposited in the Public Art Fund. The Public Art Fund may
also receive other monetary contributions from private sources. Disbursements from the Public
Art Fund are subject to approval by the City Council.

8. The Public Art fee may be used to acquire, purchase, install and maintain artwork on
public property and to reimburse the City's costs to administer the Program. Such artwork shall
become the property of the City and the City shall be responsible for maintenance of such
artwork. Artwork may be any work of visual art, including, but not limited to, a sculpture,
monument, mural, fresco, wall hanging, or mosaic. Artwork may be fabricated from clay, metal,
plastic, glass, or any combination of the foregoing art media. Other materials proven to be able
to withstand the elements may be considered for approval by the Committee. Public Art Fund
fees may also be allocated to visual, performing, or literary arts such as dance, voice, music, or
poetry.

APPROVED AND ADOPTED this 14th day of July, 2009, by the following vote:

AYES:

NOES:

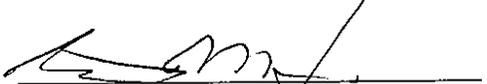
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney