

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY

February 15, 2011

STUDY SESSION – 6:00 P.M.

City Council Closed Session

First Tuesday of each month – 6:00 p.m.

City Council Study Sessions

Third Tuesday of each month – 6:00 p.m.

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member

Richard A. Stewart, Mayor

Marcelo Co, Council Member
William H. Batey II, Council Member

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO
VALLEY**

**STUDY SESSION - 6:00 PM
FEBRUARY 15, 2011**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council Member, staff member or other person.

SPECIAL ORDER OF BUSINESS

1. DISCUSSION TO CONSIDER REACTIVATING THE CITY COUNCIL LEGISLATIVE SUBCOMMITTEE, PLANNING SUBCOMMITTEE, AND PUBLIC WORKS SUBCOMMITTEE (MOLINA/CO/ 10 MINS.) ❖
2. PUBLIC ART EXHIBIT POLICY (CITY MANAGER'S OFFICE/ 5 MINS.)
3. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(Times shown are only estimates for staff presentation. Items may be deferred by Council if time does not permit full review.)

❖ Oral Presentation only – No written material provided

***Materials related to an item on this Agenda submitted to the City**

Council/Community Services District/Community Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

- **PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

- 1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

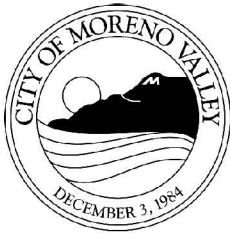
Number of Cases: 2

- 2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT



APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>RH</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: February 15, 2011

TITLE: Public Art Exhibit Policy

RECOMMENDED ACTION

Staff recommends that the City Council review the Public Art Exhibit Policy (Attachment A) and direct staff to present the policy at the March 22, 2011 regular City Council Meeting for formal adoption.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Staff from the City Manager's Office presented the Public Art Exhibit Policy to the City's Arts Commission on January 27, 2011. The Arts Commission agreed with the policy with the exception of some elements of the Selection Criteria section of the policy. These exceptions are addressed in the "Discussion" section of this staff report.

BACKGROUND

At one time public art exhibits had been displayed in the City Council Chamber foyer by The Arts Group of Moreno Valley. These exhibits were discontinued pending the development of a policy for this purpose.

The Arts Commission drafted a Public Art Exhibit Policy, which was reviewed and revised by the City Managers and City Attorney's Offices. At the August 17, 2010 City Council Study Session, the City Council discussed various options regarding the policy and provided direction to staff that the policy should create a limited public forum for the City Council Chamber foyer and require all works of art on exhibit in the foyer be on formal loan to the City. Other direction was provided which has been incorporated into the proposed policy.

DISCUSSION

The City Council Chamber foyer is open to the public only for ingress and egress to and from the Council Chambers for meetings, training, and other City business conducted therein. As such, the foyer to the Council Chamber is not a public forum for either expressive or political activities. The City can choose to open public property for limited purposes. In this case, the City can open part of the City Council foyer as a limited public forum for the limited purpose of displaying artwork of local significance pursuant to defined guidelines set forth in an adopted policy.

The Arts Commission developed a Public Art Exhibit Policy which was reviewed and amended by the City Manager's Office, in conjunction with the City Attorney and Risk Manager. The salient points in this policy are:

- 1) Only works of art submitted by artists who currently reside in Moreno Valley, who work in Moreno Valley, or who were born in Moreno Valley will be considered for display. **The Arts Commission requested that this be amended to include works by artists who were born, worked, or resided in Moreno Valley who are now deceased.**
- 2) The City's Arts Commission will review all applications and select the works of art to be displayed as long as the works of art comply with the selection criteria listed in the policy.
- 3) Works of art must be the original and not a reproduced print or copy of another artist's work.
- 4) Works of art must depict one of the following items:
 - a. Landscape in Moreno Valley
 - b. Buildings in Moreno Valley
 - c. Events of local significance to Moreno Valley
 - d. Historical events related to Moreno Valley
 - e. Cultural heritage as related to Moreno Valley

The Arts Commission requested that the above criteria not be limited to Moreno Valley.

- 5) Works of art will not be exhibited if they exhibit any of the following conditions:
 - a. The work of art is very large and difficult to display due to its size and weight
 - b. Contains materials which are inherently dangerous or unstable
 - c. Made out of materials which may decay if not kept and displayed in the optimum environmental conditions as these conditions can not be guaranteed in a City facility
 - d. Depicts nudity
 - e. Depicts violence. **The Arts Commission requested that this be removed as it is too restrictive.**
 - f. Contains any wording, with the exception of the artist name, date created, and caption. **The Arts Commission requested that this be modified to "depicts profanity."**
 - g. Depicts the desecration of any religious symbols

- h. Depicts any illegal activities as defined by the California Penal Code or California Health and Safety Code

All artwork will be on formal loan to the city for a specified period time. Typically, there will be up to four exhibits per year in the City Council Chamber foyer as shown below:

- 1) January 1 – March 31
- 2) April 1 – June 30
- 3) July 1 – September 30
- 4) October 1 – December 31

Each applicant will be given a copy of the Public Art Exhibit Policy when they acquire an application from the Parks & Community Services Department. As part of the application process, each applicant does sign an acknowledgement that they have received and reviewed the policy. This program will be administered by the Parks & Community Services Department.

ALTERNATIVES

- 1) Direct staff to present the Public Art Exhibit Policy at the March 22, 2011 regular City Council Meeting for formal adoption. *Staff recommends this alternative.*
- 2) Do not direct staff to present the Public Art Exhibit Policy at the March 22, 2011 regular City Council Meeting for formal adoption and provide direction to staff for modifying the Public Art Exhibit Policy. *Staff does not recommend this alternative.*

SUMMARY

The Arts Commission developed a Public Art Exhibit Policy which was received and amended by the City Manager's Office, in conjunction with the City Attorney and Risk Manager. This policy requires that all works of art be on formal loan to the City for display in the City Council Chamber foyer, which would be designated as a limited public forum. The policy also specifies that the City's Arts Commission, utilizing the selection criteria outlined in the policy, would determine which works of art would be exhibited in the foyer of the City Council Chambers.

ATTACHMENTS

Attachment A: Public Art Exhibit Policy

Prepared By:
Cynthia Owens
Acting Assistant to the City Manager

Department Head Approval:
Michelle Dawson
Acting Assistant City Manager

Concurred By:
Robert Hansen
City Attorney

Concurred By:
Michael McCarty
Parks and Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Public Art Exhibit Policy

PURPOSE: To establish submittal procedures and selection criteria for the exhibit of community art in limited public forum area of the City Council Chamber Foyer in order to benefit the City and its residents. This policy shall apply to community art that is donated, leased or loaned to the City for display. The artist shall agree to loan the work of art to the City for a period of time, subject to the terms and conditions set forth in this policy.

DEFINITIONS:

For the purposes of this policy, the following items shall have these definitions:

“Artist” is a person who possesses skill, training and/or experience in his or her artistic discipline and is active in and committed to his or her art practice.

“Art” is the use of skill and imagination in the creation of aesthetic objects, environments, or experiences that can be shared with others.

“Commercial entity” is a for profit business/corporation that manufactures, distributes, markets, or sells works of art, whether they are original works of art or reproductions. Individual artist who sell their works or art for personal profit are not considered commercial entities.

“Community art” refers to the pieces of art that have been created by local residents in Moreno Valley.

“Public Art” is an original work of art this is located in a City-owned facility that is publicly accessible and is created with the intention of reflection and/or engaging the community. Public art will be located in a designated limited public forum and can take a variety of forms and medium.

POLICY:

I. Introduction

The City of Moreno Valley, on occasion, may wish to display works of art in the City Council Chamber Foyer to enhance the aesthetics of the facility. As such, this policy shall provide guidelines for the submittal, selection, display, and removal of community art for this area. The City’s Arts Commission is appointed by the City Council and shall be the approving body for all artwork to be displayed in the City Council Chamber Foyer utilizing this policy for proper procedures, and guidance, in selecting appropriate works of art for display.

II. Designation

The City Council Chamber Foyer is hereby designated as a limited public forum for the specific purpose of the display of art as set forth in this policy.

III. Length of Exhibits

The City shall allow up to four exhibits per year in the City Council Chamber Foyer as shown below:

1. January 1-March 31
2. April 1-June 30
3. July 1-September 30

Approved by: City Council
00/00/00

Public Art Exhibit Policy

4. October 1-December 31

Themes may be set by the City’s Arts Commission and will be announced one year in advance of the exhibit date.

IV. Submittal Process

A. Artists must obtain an application from the Parks and Community Services Department and submit no fewer than five and no more than twelve images of their artwork 90 days prior to the exhibit date. Artists must provide one copy of each image, whether it is a photograph or digital file, per work of art submitted for consideration. On the back of each photograph, or with each digital file, the title of the work, dimensions , medium, and the name, address, telephone number of the artist must be included.

B. After an initial review, the Arts Commission may request that the artist submit, or make accessible, the actual work of art at no cost to the City. The Arts Commission will determine the specific pieces of art to be exhibited in accordance with Section V of this policy.

C. The Arts Commission may select individual works of art to show along with the works of several other artists or they may elect to display the artwork of only one artist during an exhibit period.

V. Selection Criteria

A. Only works of art submitted by artists who currently reside in Moreno Valley, who work in Moreno Valley, or who were born in Moreno Valley will be considered for display. Works of art submitted by a commercial entity will not be considered.

B. The City’s Arts Commission shall review all applications and works of art that comply with the submittal process established by this policy.

C. The City’s Arts Commission shall review all artwork to ensure it meets the criteria listed in this policy. Any work of art not meeting the criteria listed below in Section F will not be considered for exhibition.

D. All works of art on temporary display in the City Council Chamber Foyer shall be original works of art, not a reproduced print or copy of another artist’s work. The work of art must comply with the conditions listed in this policy.

E. All works of art must be either gallery wrapped canvas or suitably framed with hanging apparatus (screw eyes and wire only). All frames and mounting arrangements must be securely constructed. Work that is fragile or whose framing or display arrangement is of questionable durability may be rejected. Any visual or written material that might accompany the display must meet the display criteria listed below.

F. All works of art must meet the following display criteria in order to be considered for exhibit in the City Council Chamber Foyer:

- a. The work of art must depict one of the following items:
 - (1) Landscape in Moreno Valley.
 - (2) Buildings in Moreno Valley.
 - (3) Events of local significance to Moreno Valley.
 - (4) Historical events related to Moreno Valley.

Approved by: City Council
00/00/00

Public Art Exhibit Policy

(5) Cultural heritage as related to Moreno Valley.

b. Works of art will not be exhibited if any of the following conditions are met:

- (1) The work of art is very large and difficult to display due to its size and weight.
- (2) Contains materials which are inherently dangerous or unstable.
- (3) Made out of materials which may decay if not kept and displayed in the optimum environmental conditions as these conditions can not be guaranteed in a City facility.
- (4) Depicts nudity.
- (5) Depicts violence.
- (6) Contains any wording, with the exception of the artist name, date created, and caption.
- (7) Depicts the desecration of any religious symbols.
- (8) Depicts any illegal activities as defined by the California Penal Code or California Health and Safety Code.

G. Once a work of art has met the above display criteria the Arts Commission will evaluate each work of art to determine which works of art will be exhibited. As the City has a limited area available for each exhibition there is a possibility that there will not be enough space to accommodate all artistic submissions, as such, the Arts Commission will carefully assess each work of art for the following items:

- (1) Quality –the inherent quality of the artwork(s) being submitted for the exhibit
- (2) Media –Due to the space restrictions of the exhibit area only media that can be hung on the Council Chamber Foyer walls will be considered. Artwork can not extend excessively out from the wall and intrude into the walkway.
- (3) Style – Artworks of all schools, styles, and tastes will be considered for exhibit should they meet the criteria listed in above Section D.
- (4) Nature – Works of art should be appropriate in scale, material, form, and content for the immediate, general, social, and physical environments in which they will be displayed.
- (5) Diversity – The Public Art Exhibit Policy shall strive for diversity of style, scale, media, and artists, including ethnicity and gender.

H. If there is more artwork submitted than allowed for by the space constraints of the designated area for the exhibit, the Arts Commission will decide which pieces of art will be exhibited based on the criteria listed above. All other works of art will be returned to the artists and may be resubmitted for consideration for future exhibition.

VI. Installation

The artist is generally responsible for the installation of all works of art that will be on loan to the City during an exhibition period. All contractual requirements with the artist will be overseen by the City’s Parks and Community Services Department, including any loan agreements. All works of art will be reviewed for their condition upon receipt by the City and any problems found with the artwork will be referred to the artist for resolution.

Within two weeks of being notified that a submission has been accepted for exhibition, the artist must contact the City’s Parks and Community Services Department to confirm the exhibition dates as well as any other deadlines. Artists are responsible for delivering their work of art to the City at least five business days before the opening of the exhibition.

Sales information shall not be posted or displayed with a work of art while it is on exhibit in a City facility.

Approved by: City Council
00/00/00

Public Art Exhibit Policy

VII. Removal of Artwork

Artists are required to pick up their works of art from the City within two business days of the conclusion of the exhibit. The City does not accept any responsibility for artwork not picked up within the designated time frame. Any piece of art that is not picked up by the deadline shall be treated as abandoned property subject to disposal without further notice under applicable laws.

VIII. Insurance

A. The City will not assume responsibility for damage or theft of any work of art that is on display in accordance with this policy except as set forth in Section D below.

B. The artist will acknowledge that a risk of damage, loss, vandalism, or theft is inherent in a public display.

C. If the artist has property or casualty insurance that covers the artwork, and if damage, loss, vandalism, or theft occurs to the artwork while it is on loan to the City, then the artist must seek payment from their insurance company, whose insurance coverage is primary to the City's self-insurance.

D. Regardless of whether the artist has property or casualty insurance, the City's liability to the artists for damage or vandalism to, or loss or theft of, the artist's work of art is limited to the following:

a. Damage, Loss or Vandalism. Although the City will exercise due care in handling and exhibiting the artist's artwork, the City will be liable to the artist for damage or vandalism to, or loss of, an artwork when the damage or loss is caused only by a negligent act of the City or its officers, agents, or employees. The artist (1) releases and holds harmless, (2) will not make a claim against or sue and (3) waives the right of recovery against the City and its officers, agents, or employees for damage or vandalism to, or loss of, one or more of the artist's artwork, arising out of a person's negligent or intentional act, or other act, however caused.

b. Theft. The City will be liable for theft of an artwork on loan only when it is stolen by an officer, agent, or employee of the City once convicted by the District Attorney's Office. The maximum liability the City will assume is \$500.00.

c. Liability Insurance. Before the artist delivers any artwork to the City, the artist must furnish satisfactory evidence of liability insurance by delivering to the City a "certificate of insurance" and "an additional insured endorsement" listing the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD). The artist's insurance company or its agent must sign these documents, which must state that the artist's insurance policy is primary to the City's self insurance and insurance policy, applies separately to each insured, and provides 30 days written notice to the City before the insurance company cancels, non-renews, or reduces the policy's coverage. With approval from the City's Risk Management Division, the Liability Insurance requirement can be waived if the artist signs the City's Public Art Exhibit Release of Liability form.

IX. Terms For Artwork Loans

A. A time period for the loan must be specified.

B. The artist must sign a loan agreement with the City.

Approved by: City Council
00/00/00

ATTACHMENT A

Public Art Exhibit Policy

- C. All loan agreements and liability insurance requirements must be received 30 days prior to the exhibition date.

X. Administration of the Public Art Policy

The Parks & Community Services Department, along with the City's Arts Commission, will administer the Public Art Exhibit Policy for the City of Moreno Valley.

Approved by: City Council
00/00/00

This page intentionally left blank.