



# City of Apache Junction

Development Services Department



**DATE:** May 22, 2019

**TO:** The Honorable Mayor and City Council

**THROUGH:** Bryant Powell, City Manager  
Larry Kirch, Development Services Director

**FROM:** Heather Patel, Program and Resource Manager

**SUBJECT:** Public Art Ordinances

## REQUEST

Staff respectfully requests the Mayor and City Council receive a presentation and discuss public art, the establishment of a public art commission, and associated ordinances.

## DISCUSSION

On October 15, 2018, the city council received a presentation from Dianne Cripe with Artspace 6 LLC Art Advisory Services. Mrs. Cripe is a public art consultant and her presentation included the definition of public art, public art goals in a community, what a program may look like, and the process of selecting a public artist.

Based upon the interest of the council, on December 3, 2018, staff shared with the city council information on the establishment of a public art commission. Staff presented information about public art; how the city may move forward with public art; what other communities are doing; establishing an authority e.g. public art commission, a council sub-committee, or a city manager appointed group; and the next steps.

On December 4, 2018 direction was given to staff to establish a Public Art Commission.

In order to create the commission, ordinances must be created to not only establish the commission, but establish funding mechanisms to implement a public art program. These zoning code changes will be presented to the Planning and Zoning Commission for approval before being presented to the City Council for approval. The following City Code changes are being presented:

1. Vol. I, Chapter 2, Mayor, Council, and Appointed Boards and Commissions: Ordinance creating a Public Art Commission. Discussion to include:
  - a. Commission as a recommending body versus a final authority
  - b. The make-up of the commission
  - c. Clarify purpose of the Public Art Commission (e.g. not art instruction, performance art, art programs in schools, etc.)
2. Vol. I, Chapter 4, Fees: Ordinance which established funding mechanisms including:

*Planning & Zoning – Building & Safety – Revenue Development*

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- a. Percent for Art in Private Development. Non-residential developers would have three options to contribute a percentage of their total construction costs to public art:
    - i. The developer may purchase public art for their project site, then own and maintain the art in perpetuity;
    - ii. The developer may allocate funding to the city to commission art for a location on the project site and the city would own and maintain the art in perpetuity with funding set aside for on-going maintenance; and
    - iii. The developer may allocate funding to the city to commission public art to be located within a public place. The city would own and maintain the art in perpetuity with funding set aside for on-going maintenance.
  - b. Percent for capital improvement projects. A percentage of all capital improvement projects will be incorporated within the project budget to commission public art to be located within a public place. The city would own and maintain the art in perpetuity with funding set aside for on-going maintenance.
3. Vol. II, Chapter 1: Zoning codes must be changed in order to allow for the implementation and requirement of a percent in private development fee. The recommended changes include:
- a. Administration of program
  - b. Calculation of fees (fees in lieu of), eligible costs, and budget
  - c. Applicability or definition of public art
  - d. Ownership of artwork and/or conveyance of art to the city
  - e. Procedure for commissioning public art
  - f. Standards and design principles for artwork
  - g. Site analysis (parking lots, open space)
  - h. Environmental concerns, and cultural resource (sensitivity) mitigation
  - i. Installation and maintenance
  - j. Lighting and landscaping
  - k. Inspections and maintenance

The proposed schedule for final public art implementation:

June 4, 2019	Staff will seek a direction to staff on components of the ordinances.
July 2019	Planning and Zoning Commission review and consideration.
August 2019	Council review and consideration.
September 2019	Commission member application process.
November 2019	Commission seated by council.
January 2020	Public art fees begin.

## **RECOMMENDATION**

Staff respectfully recommends the city council receive a presentation on public art, the establishment of a public art commission, and associated ordinances.