AGENDA

COMMUNITY REDEVELOPMENT BOARD
JANUARY 9, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

COMMUNITY REDEVELOPMENT BOARD

Chair - Tom Campenni
Vice Chair - Nikolaus Schroth
Board Member - Mark Brechbill
Board Member - Chris Lewis
Board Member - Frank McChrystal
Board Member - Bonnie Moser
Board Member - Andy Noble

ADMINISTRATIVE

CRA Executive Director - Pinal Gandhi-Savdas
Board Secretary - Susej T. Meleqi

Agenda items are available on our website at http://www.cityofstuart.us
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. ADVISORY BOARD MEMBER OATH
2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

3. APPROVAL OF 12/05/2023 CRB MINUTES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

4. PRESENTATION BY NANCY TURRELL, ARTS COUNCIL OF MARTIN COUNTY, REGARDING PUBLIC ART IN PRIVATE DEVELOPMENT

STAFF UPDATE

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board

Meeting Date: 1/9/2024 **Prepared by:** Susej Meleqi

Title of Item:
ADVISORY BOARD MEMBER OATH

Summary Explanation/Background Information on Agenda Request:
Advisory Board Members serving the City of Stuart will take an Oath before the City Clerk/City Attorney for public record.

Funding Source:
N/A

Recommended Action:
Board members take an Oath.

ATTACHMENTS:
1. Board Member Oath_CRB

CITY OF STUART

Oath of Office

I, ____________________, am qualified under the Constitution, Laws of Florida, and the Code of Ordinances for the City of Stuart, Florida to serve as a member of the COMMUNITY REDEVELOPMENT BOARD; and that I will well and faithfully perform the duties of an advisory board member on which I am about to enter, so help me God.

____

Name

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence ____ or online notarization ___, this 9th day of January 2024, _______________, who is personally known to me or who has produced Florida driver license as identification.

____

Deputy City Clerk

(Notary Seal)

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board

Meeting Date: 1/9/2024 **Prepared by:** Susej Meleqi

Title of Item:
ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

Summary Explanation/Background Information on Agenda Request:
Per the CRB By-Laws (attached) adopted by the Stuart City Commission in 2020, a Chair and Vice Chair shall be appointed according to Article 3, Election of Officers.

Funding Source:
N/A

Recommended Action:
Board elects a Chair and Vice Chair.

ATTACHMENTS:
1. 126-2020 CRB By-Laws

BY-LAWS
COMMUNITY REDEVELOPMENT BOARD
(CRB)

These By-Laws constitute the rules adopted by the City Commission and shall apply to the Community Redevelopment Board (hereinafter the "Board" or "CRB") for the regulation and management of its affairs.

ARTICLE 1
GENERAL

1.1 **Establishment and Name**. The Board is established as provided in Chapter VIII, Sec. 8.00.04 of the Land Development Code of the City of Stuart. The name shall be designated as the Stuart Community Redevelopment Board.

1.2 **Purpose and Objectives**. The Board shall be an advisory Board to the City Commission and to the City administration in performing the duties and responsibilities described in this code. This Board is responsible for reviewing applications for major development in within the Urban District, Historic Building development applications and Urban Code Exceptions.

ARTICLE 2
MEMBERSHIP

2.1 **Qualifications.** Members shall be over the age of 18 years of age. Members must also be current residents of the City of Stuart or be property owners of real estate within the geographic limits of the City.

2.2 **Number.** The Board shall consist of seven (7) members. Each City Commissioner shall appoint a single member to the Board. The City Manager shall appoint two (2) members to the Board, which shall be ratified by the City Commission.

2.3 **Term.** The Board members shall serve annual terms. The Commissioners shall ratify the membership of the Board at the annual reorganization meeting of the City Commission.

2.4 **Staff Liaison.** The Development Director shall serve as the senior staff person to the Board.

2.5 **Secretary.** The Development Director shall appoint a Secretary of the Board and as such shall prepare Board agendas, be the custodian of all books and records of the Board, keep the minutes and a recording of all votes of all Board meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the Board. In the absence of the Secretary at a meeting, the Development Director shall designate an employee to act as Secretary.

2.6 **City Attorney**. The City Attorney shall serve as the legal advisor to the Board and attend meetings when necessary.

ARTICLE 3
ELECTION OF OFFICERS

3.1 Nomination and election of officers shall occur at the annual organizational meeting of the Board. The organizational meeting shall occur at the first CRB meeting after the annual reorganizational meeting of the City Commission.

3.2 **Officers.** Regular officers of the Board shall be a Chair and a Vice-Chair who shall be appointed by the Board at its annual reorganizational meeting.

3.3 **Chair**. The Chair shall preside at all meetings of the Board and shall execute instruments in the name of the Board as may be required.

3.4 **Vice-Chair**. The Vice-Chair shall, in the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction, shall exercise the functions of the Chair.

3.5 **Vacancy**. Upon a vacancy in the office of Chair or Vice-Chair, the Board members shall select one of them to fill the position at the next regular meeting following the creation of the vacancy.

ARTICLE 4
DUTIES AND RESPONSIBILITIES

4.1 For the properties within the community development area, the CRB shall:

4.2 Hear, consider, and recommend applications for Urban Code conditional use as provided at section 3.01.06 and section 11.01.10 of this Code;

4.3 Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;

4.4 Review all proposed amendments to section 3.01.00, Urban Code, and the Community Redevelopment Plan and recommend approval, approval with conditions, or denial; Review and recommend programs, projects, plans and grant applications to implement the Community Redevelopment Plan;

4.5 Review and recommend programs, projects, plans and grant applications to implement the Community Redevelopment Plan;

4.6 Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities;

4.7 Review, hear and approve, approve with conditions, or deny applications for texture architectural materials and public art, as provided in section 3.01.06;

4.8 Review, hear and approve, approve with conditions, or deny applications for UPUD's within the Community Redevelopment Area;

4.9 The CRB shall consider all proposed amendments to the Urban Code and make a recommendation thereon to the City Commission. The Board may of its own volition propose to the City Commission that certain amendments be made to the Urban Code; and

4.10 The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the City Commission or the Community Redevelopment Agency.

ARTICLE 5
MEETINGS

5.1 **Regular Meetings**. Regular meetings shall be held on the first Tuesday of each month in the City Commission Chambers at the Stuart City Hall. No meeting will be convened in the event there is no matter to be considered by the Board.

5.2 **Special Meetings**. Special meetings may be held at the discretion of the Redevelopment Board as necessary. Special meetings may be called by the Chairperson; any two (2) members of the Board or by the Development Director by requesting the Development Director to arrange for and give notice of such special meeting.

5.3 **Notice.** The Secretary shall give notice of all meetings, both regular and special to all Board members at least twenty-four (24) hours in advance of the meeting, when possible. The Secretary shall determine if a quorum will be present.

5.4 **Attendance.** A member who misses three (3) consecutive meetings of the Board shall be deemed to have resigned and the vacancy shall be filled.

5.5 **Quorum.** A quorum of the Board shall be four (4) members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the Members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each Member.

5.6 **Adjourned and Continued Meetings**. Where a meeting having been set and noticed under the provisions of these By-Laws and during the course of said meeting is adjourned to a future time and place certain, there shall be no requirements for giving of notice of the time and place of continuation of said meeting other than the announcement thereof at said meeting.

5.7 **Rules of Order**. All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence.

5.8 **Ethics, Public Meetings and Public Records**. Board Members shall conduct themselves in accordance with the provisions of Chapter 112, Florida Statutes regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of Section 286.011, Florida Statutes (Government in the Sunshine). All Board records shall be maintained in accordance with Chapter 119, Florida Statutes (Public Records Law).

ARTICLE 6
VOTING

6.1 Voting shall be by voice vote and shall be recorded by individual "aye" or "nay".

6.2 Each member present must cast a vote on each question before the Board. Any member who has a personal interest in a matter may abstain from participating as a member of the Board in that matter. A member who abstains in any matter in which the member has a personal interest must file a Memorandum of Voting Conflict with the Secretary of the Board within fifteen (15) days after such vote.

6.3 No member of the Board shall represent a client before the Board in any matter that will be considered by the Board. This prohibition does not preclude Board members from representing clients before other City Boards or City Administrative Staff.

6.4 **Order of Business.** The Board shall follow the Order of Business as set forth in the agenda prepared by the Secretary for each meeting. The order of business may be suspended by a vote of the majority of the members present.

ARTICLE 7
AMENDMENTS

7.1 **Amendments**. The By-Laws of the Board may be amended at any regular or special City Commission meeting by three (3) affirmative votes.

7.2 The CRB Board shall make recommendations to the City Commission at any time that the By-Laws need amending.

<u>ARTICLE 8</u>
<u>MISCELLANEOUS</u>

8.1 Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the Board at a quasi-judicial hearing. The Board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the Board shall be promptly reduced to writing and signed by the chairperson and secretary.

8.1.1 The Secretary or Planner shall provide the Board with proof of publication of the case.

8.1.2 The City Planner shall present a brief report. Any correspondence in favor of or against the project shall be read into the record or summarized by the Planner during the presentation.

8.1.3 The applicant shall make such presentation or comments as deemed necessary.

8.1.4 Upon completion of all testimony, the Chairperson shall announce that no further evidence may be offered.

8.1.5 Discussion shall be conducted by the Board regarding the issue presented.

8.1.6 Final Action shall be taken by the Board after an appropriate motion and public hearing.

CITY OF STUART:

MICHAEL J. MEIER
MAYOR

MARY R. KINDEL
CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board

Meeting Date: 1/9/2024 **Prepared by:** Susej Meleqi

Title of Item:
APPROVAL OF 12/05/2023 CRB MINUTES

Summary Explanation/Background Information on Agenda Request:
APPROVAL OF 12/05/2023 CRB MINUTES

Funding Source:
N/A

Recommended Action:
Approve Minutes.

ATTACHMENTS:
1. 12052023 CRB Minutes

MINUTES
COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART
DECEMBER 5, 2023
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

COMMUNITY REDEVELOPMENT BOARD

Chair - Tom Campenni
Vice Chair - Nikolaus Schroth
Board Member - Mark Brechbill
Board Member - Chris Lewis
Board Member - Frank McChrystal
Board Member - Bonnie Moser
Board Member - VACANT

ADMINISTRATIVE

CRA Executive Director - Pinal Gandhi-Savdas
Board Secretary - Susej T. Meleqi

CALL TO ORDER

4:04 PM

ROLL CALL

PRESENT: Chair Campenni, Vice Chair Schroth, Board Member Brechbill, Board Member McChrystal, Board Member Moser
ABSENT: Board Member Lewis

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

4:04 PM MOTION: Approve.
MOVED BY: Mark Brechbill
SECONDED BY: Bonnie Moser
Motion approved unanimously.

APPROVAL OF MINUTES

1. APPROVAL OF 11/07/2023 CRB MINUTES

4:05 PM MOTION: Approve.
MOVED BY: Mark Brechbill
SECONDED BY: Frank McChrystal
Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Board Member McChrystal

- Apologized for not being present for the last meeting and stated he received negative voicemails about the decisions made in the last meeting on the restaurant and hotel.

ACTION ITEMS

2. SAILFISH COVE PUBLIC ART MINOR URBAN CONDITIONAL USE APPROVAL (RC):

RESOLUTION No. 03-2023 CRB; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART, FLORIDA, GRANTING A MINOR URBAN CODE CONDITIONAL USE APPROVAL FOR PUBLIC ARTWORK REQUIRED AS A CONDITION OF DEVELOPMENT FOR THE SAILFISH COVE UPUD LOCATED AT 41 SEMINOLE STREET IN THE CITY OF STUART, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL TO INSTALL AN PUBLIC ART IN FRONT OF THE BUILDING ON SEMINOLE STREET AND DECORATIVE FENCE ALONG THE PUBLIC PEDESTRIAN BOARDWALK ON THE EAST PROPERTY LINE FACING THE ST. LUCIE RIVER; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND OTHER PURPOSES.

Marcela Camblor, Camblor and Associates, presented the location, renderings/designs, interior Zen garden, stated all of the art was done by a local artist, meets the 1% of the cost of vertical component, requested the CRB to approve the art.

Board Member Brechbill asked why the railing is considered art.

Ms. Cambelor stated the arts council wrote a letter stating why they consider this art and stated that the fence is not your common buy.

Board Member McChrystal questioned what makes this art culturally diverse as stated in the application.

Board Members and applicant continued discussion on public art.

4:22 PM MOTION: Approve.
MOVED BY: Mark Brechbill
SECONDED BY: Bonnie Moser
Motion approved unanimously.

3. PRESENTATION OF STUART CRA HISTORY AND TAX INCREMENT FINANCING (TIF) REVENUE FOR REDEVELOPMENT ACTIVITIES WITHIN THE CRA.

Pinal Gandhi-Savdas, CRA Executive Director, presented what is CRA, how the CRA was formed, CRA boundaries, CRA plan goals and objectives, what is TIF (Tax Increment Financing), history of TIF, where the money has been invested, land purchases, infrastructure/capital improvements completed, programs, master plan and studies/reports, future of TIF with 5% increment, budget for FY 24 CRA, and future capital improvements priorities CIP 2025-2030.

4:40 PM

Board Member Brechbill questioned about a different fund prior to CRA.

Louis Boglioli (Joly), Finance Director, stated the CRA has always been its own fund and further explained how transfers work.

Board Member Brechbill stated he has a problem with the 330 SE Osceola parcel and would like to further discuss.

Chair Campenni stated that property is in an RFP and would suggest bringing it up as a separate item.

Ms. Gandhi-Savdas stated she would bring that item up at a future meeting.

Board Members continued discussion on TIF.

Mr. Boglioli further explained TIF.

4. AMENDMENT TO THE CRA PLAN TO UPDATE AND ADD NEW PROGRAMS AND PROJECTS (RC):

RESOLUTION No. 01-2024 CRA; A RESOLUTION OF THE BOARD OF COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, APPROVING AMENDMENTS TO THE CITY'S COMMUNITY REDEVELOPMENT PLAN TO UPDATE AND ADD NEW PROGRAMS AND PROJECTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5:00 PM

Ms. Gandhi-Savdas presented the redevelopment plan, reviewed the Capital Improvements Projects, new programs, stated she would like feedback and recommendations.

Board Members questioned some of the projects shown.

5:06 PM MOTION: Approve.
MOVED BY: Nikolaus Schroth
SECONDED BY: Bonnie Moser
VOTE: Motion passes 4/1.
YES: Tom Campenni, Nikolaus Schroth, Mark Brechbill, Bonnie Moser
NO: Frank McChrystal

STAFF UPDATE

ADJOURNMENT

5:07 PM

______________________________ ______________________________

Susej T. Meleqi, Board Secretary **, Chair**

Minutes to be approved at the CRB
Meeting this 9th day of January, 2023.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board

Meeting Date: 1/9/2024 **Prepared by:** Pinal Gandhi-Savdas

Title of Item:
PRESENTATION BY NANCY TURRELL, ARTS COUNCIL OF MARTIN COUNTY, REGARDING PUBLIC ART IN PRIVATE DEVELOPMENT

Summary Explanation/Background Information on Agenda Request:
The purpose of this item is to get direction from the board on new themes and opportunities for new public art appropriate in private development.

Nancy Turrell, Executive Director of the Arts Council of Martin County, will present public art projects and guidelines for public art in private development. The Board approved a Memorandum of Understanding between the City of Stuart and The Arts Council of Martin County to provide professional services for reviewing public art projects. The Arts Council reviews the art proposals based on the following criteria established in the Land Development Code.

1. The proposed art conforms to the definition of public art contained in this section;
2. The proposed art meets or exceeds the valuation requirement as provided herein;
3. The proposed art meets the location requirements;
4. The proposed art is visible from a public right-of-way and will enrich the open space;
5. The proposed art is of exceptional quality and enduring value;
6. The proposed art is an appropriate scale to the development site;
7. The proposed art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to public welfare;
8. The proposed artwork reflects cultural diversity;
9. The proposed art does not constitute a safety hazard;
10. The proposed art does not require extraordinary maintenance.

At the end of the presentation, staff is looking for direction from the board. Is the current criteria sufficient to provide direction to the applicants or should there be revisions to the existing criteria.

Funding Source:
N/A

Recommended Action:
Oppurtunity for the Board to discuss the public art program in the CRA.

ATTACHMENTS:
1. Land Development Code Sec._3.01.08.___Public_art.

Sec. 3.01.08. Public art.

A. *Intent.* The intent of this section is to further the commitment of the city to the aesthetic enrichment of the Urban Code District through the private acquisition of works of art so that citizens and visitors to the Urban Code District of the city will be afforded an opportunity to enjoy and appreciate works of art.

B. *Applicability.* The provisions of this section shall apply to all new development and substantial renovations in the Urban Code Districts, including the Creek District, with the exception of a duplex, single-family home and single-family home subdivisions.

(Ord. No. 2498-2023 , § 1(Exh. A), 2-13-23)

C. *Requirements for receiving building permit.* All new development and renovation development pursuant to chapter XII shall elect one of the options listed below prior to the issuance of a building permit:

   1. Provide work of art on the development site provided the work is an original and must be created individually by a professional artist or team of artists. Bronze sculptures in limited editions of not more than 50 in all sizes and materials by a single artist are allowed. The value of the work of art shall not be less than one percent of the vertical construction cost of the development. The nature of the work of art shall be proposed by the developer and shall be submitted to the city's community redevelopment board which shall review the proposal for conformity with the public art standards set forth below. An approved work of art shall be incorporated into the site plan, public lobby floor plan or the landscape plan for the development as part thereof.

   2. Contribute an amount equal to or greater than one percent of the vertical construction cost in lieu of providing a work of art, a developer may pay the sum of one percent of the vertical construction cost into the public art trust fund described below. Such payment shall be made prior to issuance of a building permit for any portion of the development.

   3. If the value of on-site work of art proposed on the development site is less than one percent of the vertical construction cost of the development, a developer may have an option to contribute the remaining balance of the public art fee to the public art trust fund as described below.

D. *Performance security required.*

   1. If a work of art has not been approved by the community redevelopment board at the time of application for a building permit, the permit applicant shall provide a performance security bond or other surety acceptable to the city, in the amount of one percent of the value of the vertical construction which shall be posted until the work of art is approved by the community redevelopment board. The cost estimate or bid for work of art shall be provided by the artist or representative and accepted by the city. The surety may be extended no more than 12 months from the original surety expiration date. This surety shall be cancelled, or returned when the work of art has been approved by the community redevelopment board.

   2. In the event an approved work of art has not been properly constructed and installed prior to the issuance of the first certificate of occupancy for any portion of the development, the permit applicant shall provide a performance security bond or other surety acceptable to the city, in the amount of one percent of the value of the vertical construction which shall be posted until the work of art is completed. The surety may be extended no more than 12 months from the original surety expiration date. This surety shall be cancelled, or returned when the work of art has been properly constructed and installed. The surety may be forfeited to the public art trust fund, and the developer and property owner cited with a code violation for failing to provide the required work of art.

E. *Application for work of art for development projects.* An application for a minor code conditional use shall be made to construct and install a work of art. The application shall include the artist's resume and portfolio establishing the artist's credentials and abilities, a detailed description of the work of art, its proposed location on the development site and the cost evaluation as set forth below. Drawings and renderings depicting the artist(s) portfolio, the proposed work of art in terms of size/scale, color, shape,

(Ord. No. 2498-2023 , § 1(Exh. A), 2-13-23)

F. *Standards for work of art.* The community redevelopment board shall be governed by the following criteria in the exercise of their discretion to approve, approve with conditions, or disapprove the proposed installation of public art. In specific cases, the board shall have the authority to exercise discretion and approve a proposal that proves to be an exceptional work of art yet does not meet all of the following criteria.

1. The proposed art conforms to the definition of public art contained in this section;
2. The proposed art meets or exceeds the valuation requirement as provided herein;
3. The proposed art meets the location requirements;
4. The proposed art is visible from a public right-of-way and will enrich the open space;
5. The proposed art is of exceptional quality and enduring value;
6. The proposed art is an appropriate scale to the development site;
7. The proposed art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
8. The proposed art work reflects cultural diversity;
9. The proposed art does not constitute a safety hazard:
10. The proposed art does not require extraordinary maintenance.

G. *Maintenance of work of art.* A work of art provided and located on public or private property pursuant to this section shall be and remain the sole property of the property owner. The property owner shall be responsible for maintenance and care of the public work of art. A constructed and installed work of art approved pursuant to this section shall be retained on site in its approved condition and location and shall not be removed, replaced or altered without prior approval of the community redevelopment board.

H. *Removal or replacement.* After a work of art has been approved by the community redevelopment board, such works of art shall be retained on site in its approved location and shall not be removed without prior approval of the community redevelopment board unless replaced with a reasonably equivalent replacement work of art, except when deemed to be unsafe by the building official, in which case it must be replaced within 12 months. This includes displacement damages by natural disasters, in which case the replacement timeframe shall be at the discretion of the development director.

I. *Additional public works of art.* Following the construction and installation of a required work of art approved pursuant to this section, additional works of art are encouraged and may be constructed and installed without the approval of the community redevelopment board.

J. *Public art trust fund created.*

1. There is hereby created a public art trust fund for the deposit of payments made in lieu of the construction and installation of a work of art as required in this section.
2. Funds in the public art trust fund shall be used solely for the selection, acquisition, transportation, installation, maintenance and promotion of works of art to be displayed in the city and all expenditures from the fund for such purposes shall be approved by the community redevelopment agency. The cost

of insurance for public art located on property owned by the city may be paid with funds in the public art fund.

3. All works of art purchased with funds in the public art trust fund shall be and remain the sole property of the city.

4. The public art fund shall be kept in an interest bearing account, separate from general revenues and all accrued interest shall be deposited in the public art fund.

K. *Process for commissioning artworks for public right-of-way or public places.*

1. *Artist identification.* The community redevelopment board will make a recommendation to the community redevelopment agency on the selection process that will be used for each particular project. The options for selecting artwork are:

   a. *Direct purchase.* An existing artwork is selected for a particular project.

   b. *Commission purchase (or invitation).* Artist is chosen to create a site-specific work of art.

   c. Limited or open competition:

      1) *Limited.* One or more artists are invited to submit proposals for selection.

      2) *Open.* Any artist may apply subject to criteria established by the community redevelopment board in the "call for artists."

         1. Request for qualification (RFQ) may be used when the commissioning body is interested in a larger pool or applicants for a project. Applicants are asked to submit qualifying material only (resume, images of past work, letter of interest, etc.) that a panel will use to determine suitability for the project. Based on the qualifying materials submitted, the pool of applicants is narrowed by a panelist to 3—5 artists to move forward in the competition. Finalist may be asked to submit a more detailed proposal, visit the site or make a presentation.

         2. Request for proposal (RFP) may be used to look for proposals for a specific project/site/theme. Artists are asked to submit qualification materials and a proposal for the project.

2. *Review of submittals.* The community redevelopment board shall review the submittals and make a recommendation to the community redevelopment agency. The final selection may be made by the community redevelopment agency or the community redevelopment agency with one or more additional participants (referred to as "panelist") as each project dictates. These may include a representative of the site/building/community where the artwork to be located, a local artist (not eligible for commission) or outside art/public art expert, other experts in the area of architecture, landscape architecture, engineering, urban planner, etc.

3. *Review process/criteria.* The community redevelopment board and community redevelopment agency or panelist may review the submitted visual material simultaneously with the written material. Artists are selected to move forward in the process based on set criteria, which may include but not limited to:

   a. Quality, creativity and strength of past work as indicated by visual materials submitted.

   b. Technical competence demonstrated by past work.

   c. Understanding of the project goals as indicated in the RFQ or RFP.

   d. Relevance of submitted materials to the project.

   e. Aptitude of planning and budgeting.

f. Experience working on public art projects and demonstrated ability to adapt to meet the project goals as indicated in the RFQ or RFP.

g. Commitment to participate with agency/community as part of the concept development.

h. Local artist or previous experience working on public art within the city limits.

4. *Interview.* In the event the community redevelopment agency or panelist cannot make a unanimous decision, finalists may be invited to make a presentation to help finalize the decision. The criteria to select the artist for the project may include but not limited to:

   a. Artistic excellence.

   b. Ability to relate the proposed artwork to the site.

   c. Experience with projects in similar scope and/or type.

   d. Knowledge of fabrication and installation of public art proposed.

   e. Ability to be an effective communicator, team player and work with diverse groups.

   f. Ability to be detail oriented, a problem solves, an efficient project manager with an understanding of schedules and budgets.

   g. Flexibility/openness of ideas.

   h. Presented budget in realistic and flexible.

5. *Contracts.* The contract shall outline the responsibilities, obligations with respect to products and services being provided by the artist, and the conditions desired by the community redevelopment agency or panelist to successfully realize the artwork.

L. *Cost estimates required.* Cost estimates for determining valuation of art, posting of security or payment in lieu shall be required from the artist and/or contractor and be presented to city development staff prior to the community redevelopment board hearing.

M. *Final compliance.* The property owner will be in compliance with this section after the installation of the public art in accordance with the approved plans, inspection by city development staff and the submittal of five photographs of the artwork on the site and a notarized statement of costs expended that meets or exceeds the requirements.

(Ord. No. 2046-05, § 1, 11-28-05; Ord. No. 2375-2018, § 1, 9-24-18)