

PUBLIC ARTS COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA

REGULAR MEETING AGENDA

Wednesday
October 19, 2022



5:30 PM

Russell Pritchard
Barrett Newkirk

Gary Armstrong
Matthew Lesniak

Shawnda Faveau

Pursuant to Assembly Bill 361, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location. To join meeting, please use the following link:

<https://us02web.zoom.us/j/82839653558?pwd=SkR2SUwyb0Ywc0R5WFd6SGJXWIV2UT09>

Meeting ID: 828 3965 3558
Passcode: 391075

Dial by your location: 669 900 6833 US (San Jose); 253 215 8782 US (Tacoma); 346 248 7799 US (Houston); 301 715 8592 US (Washington DC); 312 626 6799 US (Chicago); 929 436 2866 US (New York)

Public comment may also be submitted to jay.virata@palmspringsca.gov. Transmittal prior to the meeting is required. Any correspondence received during or after the meeting will be distributed to the Commission and retained for the official record.

A. CALL TO ORDER:

B. ROLL CALL:

C. ACCEPTANCE OF AGENDA:

D. PUBLIC COMMENTS: This time has been set aside for members of the public to address the Public Arts Commission on items of general interest within the subject matter jurisdiction of the Commission, and agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Commission. Additionally, members of the public may address the Commission on each item listed on the posted agenda at the time each item is heard. Although the Public Arts Commission values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Three (3) minutes are assigned for each speaker.

E. REMARKS FROM THE CHAIR:

F. PUBLIC HEARING

1. Consider Resolution No. 22-001 MUR “A RESOLUTION OF THE PUBLIC ARTS COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AFTER-THE-FACT ART MURAL APPLICATION FOR “SOFIA’S TRANSFORMATION” FROM VIA ONERA SOLEDAD LLC BY ARTIST PRESSA HALL LOCATED ON THE EAST (PARKING LOT FACING) ELEVATION OF THE PERIMETER WALL AT 1491 SOUTH VIA SOLEDAD (CASE 22-001 MUR)”

G. ITEMS FOR DISCUSSION/APPROVAL:

1. Discuss relocating "Intersecting Cubes", by artist Brian Biedul, located at North Palm Canyon near Tamarisk to the square pad on the east side of the Desert Art Center. (Pritchard)
2. Crossley Art Installation (Lesniak)
3. Proposal to purchase an art installation titled "Crawler" from artist Ryan Campbell, to be installed on the west end of Museum Way for \$65,000. (Pritchard)
4. Approve relocation of "WOW" by artist MIDABI (Michael Birnberg) from South Indian Canyon at Arenas to the art pad at 1101 North Palm Canyon in front of Ernest Coffee. (Pritchard)

H. PROJECT UPDATES:

1. Utility Box Project: update and brief with mapping (Faveau and Lesniak)
2. Francis Stevens Park: Social Issues Wall, (Armstrong)
3. Art mapping (Newkirk)
4. Tahquitz median art installations (Armstrong, Lesniak)
5. General commissioner reports or comments

I. REPORT FROM DIRECTOR/STAFF:

1. Webpage

ADJOURNMENT: The Public Arts Commission will adjourn to a Regular Meeting on November 16, 2022, at 5:30 p.m. via teleconference.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, (760) 323-8204, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way (760) 323-8204.

AFFIDAVIT OF POSTING

I, JAY VIRATA, Community & Economic Development Director for the City of Palm Springs, California, certify this Agenda was posted at or before 4:00 p.m. on October 13, 2022, as required by established policies and procedures.

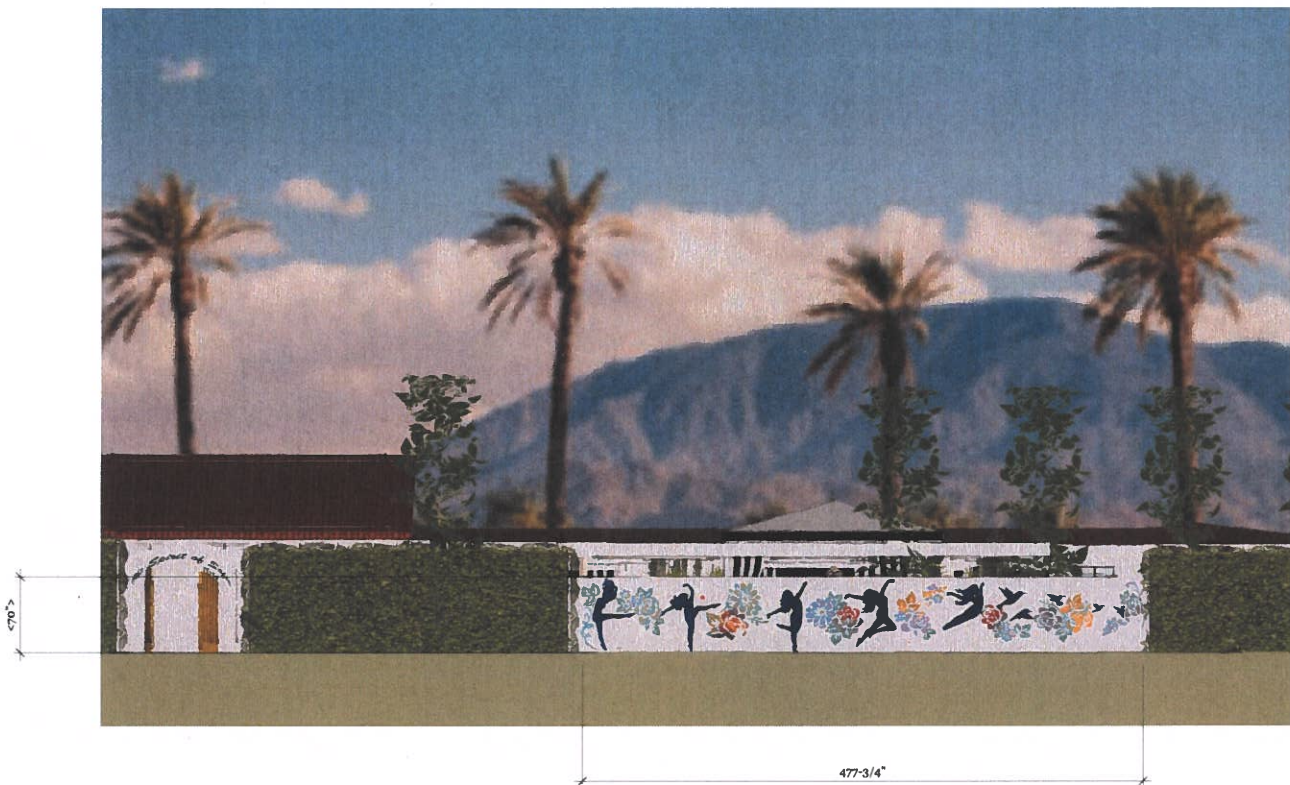
/s/ *Jay Virata*

Jay Virata, Director
Community & Economic Development

Spirit of Sofia Exterior Mural Information

Location: 1491 S Via Soledad, Palm Springs, California 92264

Concept Art and Rendering



5.) Entry Mural

The Spirit of Sofia

Notes

Entry- Dancing Woman Morphing into flower and humming bird

Description	Size	Sq Footage
Exterior Entry Mural- Custom Design- Silhouette's of woman (Sofia) morphing into flowers -humming bird(s)-	5.83'x 39.81'	232

Exterior Entry Mural

ARTIST Agrees to make custom design mural of woman (Sofia) as silhouettes in various colors morphing into a hummingbird with added flowers and embellishments to compliment the area and space. In addition, any elements of the exterior mural need to be considerate of locals in the design process. Artist agrees to provide any and all materials and equipment to execute the project within the original scope of theme.

Art work Rendering



Finished Mural



Maintenance Plan

To insure the "Spirit of Sofia" mural last as long as possible This mural was painted by Presa Hall an experienced professional commercial artist using professional grade acrylic based exterior paint. A high-quality exterior topcoat VandlGuard® Five Anti-Graffiti Coating has been applied May 2022. This topcoat sustains repeated graffiti removals for 5 years, UV resistant and will not yellow, Contains zero VOC, no carcinogens, no odor. This will secure the longevity of the mural for up to 5 years. Every 5 years another topcoat will need to be applied for lasting mural protection.

The maintenance plan will incorporate a scheduled monthly inspection, an outline of maintenance task for the mural including at least a yearly washing, and reapplication top coating as needed to be determined annually, Presa Hall will be consulted when repairs are needed also documentation of condition maintenance and repairs will be kept on site.

Please contact artist for any additional information needed.

Respectfully,
Presa Hall



Company: ART BY PRESA LLC
FINE ART
Miami, New York, Los Angeles

Cell: (917) 455-1977
Office: (917) 575-2448
www.ArtbyPresa.com



**CITY OF PALM SPRINGS
PLANNING DEPARTMENT APPLICATION
ART MURAL**

ART MURAL APPLICATION # _____

Definition: Mural – a painting or artwork temporarily or permanently affixed to a building wall, freestanding wall, or fence, on a commercial, industrial, or multi-family building, visible to a public right-of-way distinguished from signage in that it does not advertise a business, commercial endeavor, or product sold or offered on the site or offsite.

Applicant's Name: Ben Wolff for Via Onera Soledad LLC

Applicant's Address: 2106 Malvern Hill Dr, Austin, TX 78745

Phone #: 203-314-1450 **Email:** bwolff@oneracapital.com

Site Address: 1491 S Via Soledad, Palm Springs, CA 92264 **Site APN:** 508344009

Property Owner: Via Onera Soledad LLC **Phone #** 203-314-1450

Property Zone: _____ **Sec:** 23 **Twp:** 4 SOUTH **Range:** 4 EAST

Title of Mural: Sofia's Transformation

Description of Mural:

The mural depicts the silhouette of a person dancing and morphing into a hummingbird surrounded by spanish painterly flowers.

Procedure: An application for an Art Mural Permit shall be submitted to the Department of Planning Services in compliance with all requirements of Section 5.81 of the Municipal Code and Section 93.20.03 of the Palm Springs Zoning Code. This application shall be accompanied by the following:

1. A processing fee of \$950, plus Notification fee of \$476.00.
2. Detailed drawings with color samples or photograph of sufficient descriptive clarity to indicate the nature of the mural including background information about the artist.
3. Detailed site plan showing the location of the mural in relation to immediate vicinity.
4. Photos of proposed mural location showing properties immediately adjacent to site.
5. Justification Letter.
6. Notice labels for all property owners within 500 feet from mural site.
7. Covenant agreement by property owner to be recorded.
8. Maintenance plan guaranteeing the mural be maintained in a first class appearance to the satisfaction of the City, including protection of the mural against physical defacement, or alteration.

Applicant's Signature 	Property Owners Signature 	Date of Submittal 07/10/2022
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ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ Virginia
County of Chesterfield)

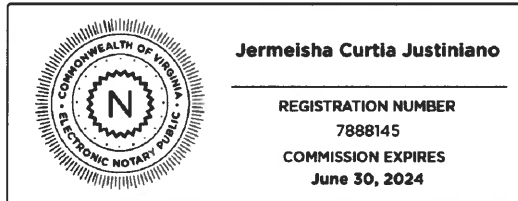
On 07/10/2022 before me, Jermeisha Curtia Justiniano
(insert name and title of the officer)

personally appeared Benjamin M Wolff,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



Notarized online using audio-video communication
(Seal)

NO FEE DOCUMENT
Government Code § 6103

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY OF PALM SPRINGS
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

[Space Above This Line For Recorder's Use Only]

COVENANT TO MAINTAIN ART MURAL ON PRIVATE PROPERTY

This Covenant to Maintain Art Mural on Private Property (this "Covenant") is made as of this 23 day of May, 2022 by Via Onera Soledad LLC [*insert names of all owners(s) on vesting deed for property*] ("Owner") for the benefit and in favor of the City of Palm Springs, a California charter city and municipal corporation (the "City").

Owner is the fee title owner of that certain real property generally located at [*insert address*] in the City of Palm Springs, County of Riverside, State of California, identified by Riverside County Assessor's Parcel Number(s) [*insert APNs*] and more particularly and legally described as follows:

[*Insert legal description*]

Owner has installed or will install an art mural at the above-described property (hereinafter, the "Property") in accordance with the requirements of Palm Springs Municipal Code Chapter 5.81, as may be amended from time to time, and the application approved by the Palm Springs City Council on [*insert date of approval (insert CC Resolution No.)*](the "Mural").

Owner hereby covenants and agrees that the Mural will be maintained at all times in full compliance with Palm Springs Municipal Code Chapter 5.81, as may be amended from time to time, and kept in a good, clean, and first class condition. Owner further covenants and agrees to perform any and all necessary repairs and maintenance of the Mural, at Owner's sole cost and expense, to the reasonable satisfaction of City, as determined by the City Manager. If the Mural is damaged and/or not maintained to the standards set forth in this Covenant, City shall provide Owner with a written notice directing Owner to repair the Mural. In addition to all other remedies provided by law, if Owner fails or refuses repair the Mural within 30 days of the written notice, City at its option may require Owner to (1) remove the Mural and restore the Property its prior condition, or (2) enter upon the Property and either perform all necessary repairs or remove the Mural, and charge Owner for the costs therefor. In the event Owner fails to reimburse City for the reasonable repair or removal costs, City may assess its costs against the Property and establish a lien to be collected in the same manner as nuisance abatement liens pursuant to Section 11.72.265 of the Palm Springs Municipal Code, as may be amended from time to time.

Owner recognizes that the artist(s) providing the Mural may possess certain rights under the federal Visual Artists' Rights Act of 1990 (VARA) (17 U.S.C. §§106A, 113) and/or the California Art Preservation Act (CAPA) (Cal. Civil Code §987.) (collectively, the "Artist's Rights"). Owner shall ensure that the artist(s) providing the Mural shall waive and disclaim, in writing provided to City, any Artist's Rights that are inconsistent with the City's rights to seek the remedies set forth in the prior paragraph, above.

This Covenant shall remain in full force and effect for as long as the Mural exists, shall run with the land, shall be binding on Owner's successors and assigns, and shall be enforceable by and shall inure to the benefit of the City.

In the event that any action or proceeding is instituted for the interpretation or enforcement of this Covenant, the prevailing party in such action or proceeding shall be entitled to recover from the other party, all costs and expenses related to such action or proceeding, Including, without limitation all attorneys' fees and expert witness fees, both at trial and on appeal.

Owner hereby agrees to indemnify, defend and hold harmless the City, its officers, agents and employees from and against any and all actions, suits, claims, damages, losses, costs, penalties, obligations, errors, omissions or liabilities (collectively "Claims or Liabilities") arising out of or in any way connected with any act, omission or negligence of Owner, its agents, employees or contractors, or from the existence of the Mural on the Property, or related to this Covenant, including, without limitation, bodily injury to or death of persons, injury or damage to property and attorneys' fees, but excluding such Claims or Liabilities resulting solely from the willful misconduct of the City, its officers, agents, representatives or employees who are directly responsible to the City.

Executed this 23^{10th} day of May^{July}, 2022.



"OWNER"
a : Via Onera Soledad LLC
By: Benjamin Wolff
Its: Partner

"CITY"

CITY OF PALM SPRINGS,
a municipal corporation

ATTEST:

By: _____
City Clerk

By: _____
City Manager

APPROVED AS TO FORM:

By: _____
City Attorney

By: _____

ACKNOWLEDGEMENT


State of ~~California~~ Virginia

County of Chesterfield) SS

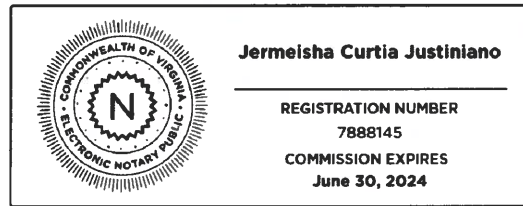
On 07/10/2022 before me, Jermeisha Curtia Justiniano, personally appeared Benjamin M Wolff, who proved to me on the basis of satisfactory evidence to be the person (s) whose names (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

Witness my hand and official seal.


(Signature)

(SEAL)



Notarized online using audio-video communication



Purchase Order For Missing Items

Date

7/11/2022

Invoice

#2

P.O. number

LDV/ SOS unit 1-19 missing upl

Terms

Shipping & payment terms

Vendor

George Belle Upholstery
George Belle Upholstery
Street address
City, State, Zip
760-323-4796
georgebell1944@gmail.com

Ship to

Kirah Hitchcock
Vander Design
58658 La Brisa Dr
Yucca Valley, CA, 92284
917-292-3718
kirah@vanderdesign.com

Quantity	Description
	Pillows
10	24"x24" grey solitaire pillows
4	20x20 grey solitaire pillows
4	24"x24" grey chevron pillows
	Bed runners
1	Queen runner black solitarie
4	king runner grey solitarie
1	Queen runner grey chevron
3	king runner grey chevron



CITY OF PALM SPRINGS PUBLIC INTEGRITY DISCLOSURE (INSTRUCTIONS FOR APPLICANTS)

Who Must File?

Applicants that are NOT a natural person or group of natural people that will be identified on the application, and seek a City approval determined by a vote of City officials. Examples include corporations, limited liability companies, trusts, etc. that seek a City Council approval, or an approval by one of the City's board or commissions.

Why Must I File?

The City of Palm Springs Public Integrity Ordinance advances transparency in municipal government and assists public officials in avoiding conflicts of interest. The City's Public Integrity Ordinance, codified in Chapter 2.60 of the municipal code, reflects the City's interest in ensuring that companies (and other legal entities that are not natural people) doing business in the community are transparent and make disclosure as to their ownership and management, and further that those companies disclose the identity of any person, with a beneficial ownership interest of five percent (5%) or more.

When Must I File?

You must file this form with the Office of the City Clerk, or designee, at the same time when you file your application for a City approval determined by a vote of City officials, whether elected or appointed.

What Must I Disclose?

- A. The names of all natural persons who are officers, directors, members, managers, trustees, and other fiduciaries serving trusts or other types of organizations (attorneys, accountants, etc.).

Note: (1) you must make these disclosures in relation to the applicant entity, and also in relation to any related entity that owns a part of, or makes a profit based upon the business of the applicant entity. Disclosures may include parent, subsidiary or affiliated entities of the applicant entity; (2) if any entity that is not a natural person serves as the applicant entity (e.g. as a member of the applicant LLC), then all officers, directors, members, managers, trustees, etc., of the second entity must be disclosed.

- B. The names of persons owning a beneficial interest of five percent (5%) or more in your entity, Owners/investors who have such an interest hold either investment power or voting power, i.e., they can (i) sell or transfer their interest, or (ii) vote their interest in management decisions.

NOTE: USE ADDITIONAL PAGES AS NECESSARY

What if I Have Questions?


If you have any questions about how to complete this form, please contact the Office of the City Clerk, (760) 323-8206, cityclerk@palmspringsca.gov.

CITY OF PALM SPRINGS – PUBLIC INTEGRITY DISCLOSURE
(INSTRUCTION FOR APPLICANTS)

(Revised 05/16/19)

7. Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity	
EXAMPLE <i>JANE DOE</i> <hr/> [name of owner/investor]	<i>50%, ABC COMPANY, Inc.</i> <hr/> [percentage of beneficial interest in entity and name of entity]
A. Blink Data Services LLC <hr/> [name of owner/investor]	100% owner of Via Onera Soledad LLC <hr/> [percentage of beneficial interest in entity and name of entity]
B. Benjamin Wolff <hr/> [name of owner/investor]	50% owner of Blink Data Services LLC <hr/> [percentage of beneficial interest in entity and name of entity]
C. Jonathan Cole <hr/> [name of owner/investor]	50% owner of Blink Data Services LLC <hr/> [percentage of beneficial interest in entity and name of entity]
D. <hr/> [name of owner/investor]	<hr/> [percentage of beneficial interest in entity and name of entity]
E. <hr/> [name of owner/investor]	<hr/> [percentage of beneficial interest in entity and name of entity]

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Disclosing Party, Printed Name, Title  Benjamin Wolff, CEO	Date 07/10/2022
---	------------------------

PENALTIES
Falsification of information or failure to report information required to be reported may subject you to administrative action by the City.

RESOLUTION NO. 22-001 MUR

A RESOLUTION OF THE PUBLIC ARTS COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AFTER-THE-FACT ART MURAL APPLICATION FOR "SOFIA'S TRANSFORMATION" FROM VIA ONERA SOLEDAD LLC BY ARTIST PRESSA HALL LOCATED ON THE EAST (PARKING LOT FACING) ELEVATION OF THE PERIMETER WALL AT 1491 SOUTH VIA SOLEDAD (CASE 22-001 MUR)

WHEREAS, the City Council created according to Chapter 2.24 of the Palm Springs Municipal Code (Section 2.24.010) the Public Arts Commission; and

WHEREAS, the City Council created according to Chapter 5.81 of the Palm Springs Municipal Code (Section 5.81.010) the process and procedures for the installation of original art murals on private property; and

WHEREAS, at the October 19, 2022, Public Arts Commission Meeting, it was determined that the "SPIRIT OF SOFIA" mural on the property located at 1491 SOUTH VIA SOLEDAD, meets the requirements set forth in Chapter 5.81 of the Palm Springs Municipal Code, Art Murals on Private Property; and

NOW, THEREFORE, be it resolved that the Public Arts Commission recommends:

THAT THE CITY COUNCIL APPROVE AN AFTER-THE-FACT ART MURAL APPLICATION FOR "SOFIA'S TRANSFORMATION" FROM VIA ONERA SOLEDAD LLC BY ARTIST PRESSA HALL LOCATED ON THE EAST (PARKING LOT FACING) ELEVATION OF THE PERIMETER WALL AT 1491 SOUTH VIA SOLEDAD

ADOPTED the 19TH day of October, 2022

ATTEST:

Jay Virata, Director
Community & Economic Development Department

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF PALM SPRINGS)

I, JAY VIRATA, hereby certify that Resolution No. 22-001 MUR is a full, true and correct copy, and was duly adopted at a meeting of the Public Arts Commission of the City of Palm Springs on October 19, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jay Virata, Director
Community & Economic Development Department

Brief: Ryan Campbell Installation: Crawler

Budget: \$65k

Crawler: A 12' high x 5' wide steel sculpture, which represents a night-crawler, but presents as a modern temple. Painted iridescent black, it fades from green to blue, to purple, to black, as one moves around the piece.

Why Ryan Campbell: Ryan is a rising star in the Coachella Valley, Southern California and nationally. He was born in LA, lives in Palm Desert and has a gallery and studio on Perez Road in Cathedral City.

Named as a "top 40 under 40" by Palm Springs Life in 2018, Ryan has a strong association with the Palm Springs Modern Art Museum. He was selected for a residency at the museum in 2020 and just recently on our free Thursday night, August 22, did an artist talk on the history of the "Black Book " sketch books and their importance to artists.

Ryan's works are in several important American Collections, including the MacMillan Collection.

Why this location: The east end of Museum Way at Museum Drive, will establish our Arts Commission as the curators for the art in the "Art Park" part of the downtown park. This site will bridge the space between the downtown park , with the coming soon art installation by Phillip K. Smith III and our future installations in the Art park.

Ryan's sculpture will be a fantastic piece of modern art to counter "Forever Marilyn"

Videos available on Youtube: Ryan Campbell artist



CITY COUNCIL STAFF REPORT

DATE: OCTOBER 17, 2022 CONSENT CALENDAR

SUBJECT: APPROVE FUNDING IN THE AMOUNT OF \$75,000 TO REFURBISH AND RELOCATE PUBLIC ART SCULPTURES BUTCH, ITHIEL, AND SQUEEZE BY ARTIST JOHN CLEMENT TO THE DEMUTH PARK ISLET

FROM: Teresa Gallavan, Interim City Manager

BY: Community & Economic Development Department

SUMMARY:

The Public Arts Commission recommends approval to utilize \$75,000 in Public Arts Funds to refurbish and relocate three public art sculptures, *Butch*, *Ithiel*, and *Squeeze* (Sculptures) by John Clement to the Demuth Park islet.

RECOMMENDATION:

1. Approve funding in the amount of \$75,000 of Public Art Funds to refurbish and relocate three public art sculptures *Butch*, *Ithiel*, and *Squeeze* by artist John Clement.
2. Approve placement of the three public art sculptures *Butch*, *Ithiel*, and *Squeeze* by artist John Clement to the Demuth Park Islet.
3. Authorize the Interim City Manager to execute all necessary documents to facilitate refurbishing and relocating three public art sculptures *Butch*, *Ithiel*, and *Squeeze* by artist John Clement to the Demuth Park Islet.

BACKGROUND:

On September 7, 2022, at a Special Public Arts Commission meeting, the Public Arts Commission voted unanimously to recommend using \$75,000 of Public Arts Funds to refurbish and relocate three public art sculptures *Butch*, *Ithiel*, and *Squeeze* by artist John Clement. The cost of \$75,000 is an estimate provided by Commissioners who estimate \$25,000 to remove, transport, install, and refurbish each sculpture. A request for proposals (RFP) will be issued to solicit relocation, installation, and refurbishment services. Refurbishment and relocation of these pieces was not included in the recently approved contract with Signature Sculpture for art cleaning and maintenance.

This proposal was also presented to the Parks and Recreation Commission at its September 26, 2022, meeting to discuss placement of the Artwork at the Demuth Park Islet. The Park and Recreation Commission approved placement of the Artwork at this location.

STAFF ANALYSIS:

The Sculptures have been a part of the Palm Springs landscape since 2007 when the City Council approved placing them at the following locations:

- *Butch*, the intersection of North Palm Canyon Drive and Via Lola.
- *Ithiel*, 777 East Tahquitz Canyon Way, Regal Cinemas property.
- *Squeeze*, 538 North Palm Canyon Drive, Palm Canyon Theatre (City owned property).

Sculpture images are provided in **Attachment 1**.

The Public Arts Commission has identified a potential new location for the Sculptures on the islet at Demuth Park – the median between the park roadway and parking lot, south of E. Mesquite Avenue as shown below.



As described in the attached statement from the Public Arts Commission (**Attachment 2**):

“The three pieces by John Clement are all heavily deteriorated and sadly in need of repair. There is rust appearing through the faded surface paint. As the original intent of the artist was to have these three pieces displayed together, the Arts Commission felt that since we were investing in the repair of this art, we should also deliver on the artist’s original vision and reunite the trio in a new location: Demuth Park.”

At this time the Public Arts Commission is requesting the City Council approve funding in the amount of \$75,000 in Public Art Funds to refurbish and relocate the Sculptures and approve placement of the Sculptures in Demuth Park.

The proposed site meets the site criteria under Section 3.37.080 (b) Art Site Acceptability which states:

“When selecting the location for art purchased through the public arts fund, preference shall be given to publicly accessible public places. This would include libraries, parks, office buildings, sidewalks, traffic islands, etc. Lobbies, plazas, adjacent open spaces, or exterior treatment of publicly owned buildings shall be potential sites, but the offices themselves of publicly owned buildings shall not be considered acceptable sites.”

Public Art Commissioners have also prepared a mockup (below) of what the Sculptures may look like at this location.



ENVIRONMENTAL ASSESSMENT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15304 "Minor Alterations to Land," Class 4 projects consist of "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes" and approval of this item is considered categorically exempt from CEQA.

ALIGNMENT WITH STRATEGIC PLANNING:

Section 2.24.050 of the Palm Springs Municipal Code requires the Public Arts Commission to, "Be responsible for a Palm Springs public arts program including policies and guidelines, oversight of development of art projects and maintenance of art collection."

FISCAL IMPACT:

Approval of this action will require expenditure of \$75,000 of Public Arts Funds. There are sufficient resources in the Public Arts Fund Contractual Services account (1502550 40105) to cover the proposed expenditure.

REVIEWED BY:

Department Director:	Jay Virata
Deputy City Manager:	Flinn Fagg
Acting City Manager:	Jeremy Hammond

ATTACHMENTS:

- 1) Sculpture Images
- 2) Public Arts Commission Statement

ATTACHMENT 1
SCULPTURE IMAGES



Butch (Red)
John Clement
Via Lola and Palm Canyon

Length 9 feet, 2 inches
Width 8 feet, 10 inches
Height 11 feet



Squeeze (Yellow)
John Clement
Palm Canyon Theatre

538 N. Palm Canyon Drive

Length 13 feet, 8 inches
Width 12 feet, 8 inches
Height 8 feet, 7 inches



Ithiel (Orange)

John Clement

Regal Cinemas

777 E. Tahquitz Canyon Way

Length 9 feet, 0 inches

Width 8 feet, 0 inches

Height 8 feet, 9 inches

ATTACHMENT 2
PUBLIC ARTS COMMISSION STATEMENT

Statement from the Palm Springs Public Arts Commission

As stated at the recent joint commission meeting, a long term strategic goal of the Public Arts Commission is to give our existing collection some love and attention.

Many, if not most of the pieces, are in need of immediate repair and refurbishing, however a fair amount of the pieces also need re-siting.

In certain locations, art is being damaged through elemental exposure, or situational side effects (irrigation overspray, traffic interaction, infrastructure clutter since original placement).

A secondary goal is to ensure that the pieces are positioned in a way for proper documentation. We live in the “Age of Instagram.” The more we can ensure that every piece of art is beautifully framed, the more inviting it will be for residents and visitors to engage with, and document the piece, to ultimately display on their social media footprint. Every person who posts then becomes an ambassador for the beauty of Palm Springs.

John Clement Sculpture Trio: Ethiel, Squeeze, Butch.

The three pieces by John Clement are all heavily deteriorated and sadly in need of repair. There is rust appearing through the faded surface paint. As the original intent of the artist was to have these three pieces displayed together, the Arts Commission felt that since we were investing in the repair of this art, we should also deliver on the artist’s original vision and reunite the trio in a new location: **Demuth Park.**

Before choosing Demuth Park, we visited every city park and ultimately decided on Demuth for several reasons:

- it had the wide open space to allow these pieces to visually “breathe” and not add to a cluttered feel due to a limited footprint.
- the primary colors and playful shapes seemed at home in a park which is defined by family activities.
- there is a lack of strong winds and blowing sand which would ‘sandblast’ the newly painted artwork.
- it will give a growing neighborhood a creative foundation and attention.

We choose this specific location within the park as the artwork will be immediately visible from Mesquite, and also visible from the upcoming CVLink. Its also important that this location has a defined footprint and the newly installed pieces won’t interfere with existing activities.

An added advantage is that with the mountains and palm trees behind it, it will photograph with a beautiful Palm Springs vista as its background.

Sunsets will be exquisite.

Lastly, a major benefit of highly visible public art is that it defines its location. A large, brightly colored dynamic piece of art will welcome everyone to Demuth Park.

Note: the locations where the pieces are currently are as follows

-Ethiel (orange) Regal Cinemas. Private property and we currently have no plans to replace the art.

-Squeeze (yellow) Art Center in Frances Stevens Park. There is a plan to renovate the landscaping here; we will work with the Parks Commission to choose a new piece of art as that project develops.

-Butch (red) Ernest Coffee, Palm Canyon/via Lola. We will replace that art with another creation, either from our existing collection or a new purchase.