

May 26, 2005

Councilmember Don Saylor  
City of Davis  
23 Russell Boulevard  
Davis, CA 95616

Dear Don,

On behalf of the Civic Art Commission, we would like to thank you for your participation and input at our meeting on May 25th regarding the Covell Village Development Agreement 'art' component. As a Commission, we are pleased that the City Council has made sure to include funds for public art in this development.

With the understanding that there are no firm numbers at this time, the Commission wants to make sure that there are sufficient funds for public art after the amphitheater is constructed, and that rental and maintenance costs of the amphitheater are included in the discussion since public money will be used for this component.

The Commission believes that community involvement and artist selection early on allows for art that is more integrated in the surroundings. To this end, we hope the language in the agreement can be modified to specify that guidelines will be adopted by the city prior to the implementation of the Covell Village art program. With general guidelines to follow, the developer would locate and select the private pieces, followed by city review. The fully public pieces should be selected through a public process that includes a community panel and open competition prior to city approval.

Attached please find language that is more in line with the goals of the Civic Art Commission to Exhibit E-9 of the Covell Village Development.

Again, we thank you for taking time out of your schedule to participate in our meeting. Please do not hesitate to contact us if you or the City Council need additional information or clarification.

Sincerely,

Joanna Stone  
Chair, Civic Art Commission

Jim Allen  
Co Vice-Chairs, Civic Art Commission

Olivia Lundberg

Attachments: Suggested revisions to CV Development Agreement Exhibit E9  
Draft minutes, Civic Arts Commission Special Meeting, May 25, 2005

cc: Davis City Council  
Bette Racki, City Clerk  
Esther Polito, Cultural Services Manager

## Covell Village Development Agreement

The following changes have been proposed by the Civic Arts Commission to Exhibit E-9: Public Art. Proposed insertions are shown in *italics*; deletions in ~~strikethrough~~.

### Exhibit E-9

#### Public Art

Covell Village will pay ½% of cost of public infrastructure and ½% of nonresidential private construction towards public art. *Insert: Churches and other eleemosynary institutions and non-profits are exempt from this public art fee.* For public infrastructure, the fee shall be paid upon recordation of final map. For non-residential private construction, the fee shall be paid upon issuance of building permit. The City shall keep public art fees from the Project in a segregated account. *Insert: Public art fees generated shall be used within the Project site.*

~~Public art fees shall be used for construction of an outside performance space. The outside performance space shall have a priority claim on the use of such fees. The maximum amount of the public art fees to be contributed towards the outside performance space shall be \$350,000. If Developer finances the construction of the amphitheatre, then the public art fees shall reimburse Developer for such costs, subject to the maximum contribution of \$340,000.~~

~~Art and the locations for the art will be suggested by Developer, reviewed by the Civic Arts Commission and approved by the City Council. Art and locations generally shall be determined for each phase at time of construction of improvements or, for nonresidential, at time of design approvals. Public art fees generated shall be used with the Project site.~~

*Insert:*

*In accordance with the procedures outlined below, public art fees shall be used for:*

- 1) Construction of performance space in Covell Village, and*
- 2) Planning, creating and installing visual art that will be placed within Covell Village.*

*Procedures:*

- 1) Performance Space: A maximum of \$350,000 or 50% of the total amount reasonably anticipated for public art fees, whichever is less, shall be set aside for the creation of a performance space. If Developer finances the construction of the performance space, then the public art fees shall reimburse Developer for such costs, subject to the maximum contribution described above. The performance space shall be equipped with basic lighting and sound equipment, a secure storage area, and include all electrical wiring and other infrastructure necessary for the operation and potential expansion of the performance space. The siting of the performance space will be re-evaluated by City and Developer as early as possible during the final schematic planning of the "Village Green" area to determine whether siting the performance space in closer proximity to the City Community Center would maximize the construction budget by utilizing the*

*Community Center to provide storage, rest rooms and other necessary functional components. The final design of the performance space shall be completed in consultation with City staff and submitted to the Civic Arts Commission and the City Council for review and approval of functionality and design features. If the performance space is not constructed within 7 years after the final Project approval date, the City shall reevaluate the feasibility of constructing the space. If construction of the performance space is no longer deemed feasible as a result of this review, the public art fees set aside for the space will be reallocated for visual art pieces within Covell Village.*

- 2) *Visual Art: The public art fees remaining after the set aside for the performance space is deducted will be used for two categories of Visual Art within Covell Village: “Covell Village Art in Public Places” and “Covell Village Art in Private Development.”*
- A. *Covell Village Art in Public Places: At least 50% of the public art fees available for visual art shall be set aside for art on public sites within Covell Village (i.e. parks, greenbelts, community center building) that are either owned by the City at the time of its development, or dedicated to the City by Developer after construction. Such art shall be categorized as Covell Village Art in Public Places (“CVAPP”). Sites for CVAPP shall be determined by the City in consultation with Developer during the schematic planning of the public amenities, with the goal of fully integrating future Art in Public Places pieces into the public places. The City will administer and implement the selection, installation and maintenance of all CVAPP pieces, following the City’s adopted “Art in Public Places” procedures and utilizing the Covell Village public art fees set aside for this purpose.*
- B. *Covell Village Art in Private Development: The remainder of the Covell Village public art fees may be used to reimburse Developer for planning, selecting and installing exterior visual art in private non-residential development. Such art shall be categorized as Covell Village Art in Private Development (“CVAIPD”). Criteria for the planning and selecting CVAIPD will be proposed by the Civic Arts Commission and approved by the City Council as soon as possible after final approval of the Project. The intent of the Criteria will be to provide direction for siting, selecting and installing CVAIPD while affording Developer the broadest discretion possible in selecting art rather than substituting the artistic preferences of the City. CVAIPD pieces will be proposed by Developer and reviewed and approved by the Civic Arts Commission at the time of design approvals for non-residential development projects.*

**Civic Arts Commission Minutes**  
**Community Chambers Conference Room**  
**May 25, 2005**

**Commissioners Present:** Joanna Stone (Chair), James Allen (Co-Vice Chair), Olivia Lundberg (Co-Vice Chair), Edelgard Brunelle, Suzanna Duffy-Tajeldin, Roy Engoron, Casey Hutchins (alternate)

**Commissioners Absent:** Stacey Vetter

**Staff Present:** Esther Polito, Cultural Services Manager, Torrey Cummings, Program Assistant

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Chair Stone called the meeting to order at 5:00 p.m.

**1. Approval of agenda**

**Action: Commissioner Engoron moved, and commissioner Allen seconded, to approve the agenda. Motion passed unanimously.**

**2. Public Communications: None**

**3. Covell Village Development Agreement** Commissioners reviewed “Public Art” proposal, Exhibit E-9 of draft CV Development Agreement. Bill Roe, one of the partners in the proposed Covell Village development attended the meeting and spoke with the commissioners about the plan.

Council Member Don Saylor was also present to discuss the public art proposal.

Regarding the planned amphitheater: Commissioners were supportive of the concept of more performance space. Commissioners identified the following areas of concern:

- Since the final budget numbers are not yet determined, it is difficult to say with certainty that \$350,000 for an amphitheater would be half of the total public art budget, as is anticipated.
- The city has had several outdoor venues in the past which were not used regularly and were eventually eliminated. Is there enough community interest to justify such an amenity? Commissioners were concerned that only one group (Acme) has been identified so far.
- To be successfully used for performing arts, amphitheater needs acoustical and lighting equipment, secure storage, access to restrooms, possibly dressing rooms.
- If public art funds pay for the construction of the amphitheater, then the city has an interest in booking and maintenance. If it is turned over to a private organization such as the Rotary Club, there may be a conflict.
- Funding for maintenance should be provided for in the city budget.

- An estimated six months of the year is not conducive to outdoor performances. Would an indoor, or partially indoor space, be more desirable?
- If the planned city recreation building were to be combined in some way with the amphitheater, it may save space and money, and meet the need for storage facilities and restrooms.
- Commissioners would like to see some kind of plan for the \$350,000 in case the amphitheater were to go over budget and was not deemed feasible.

Regarding the third point in exhibit E9, using the remaining funds for public art, the commissioners were concerned that the process for art selection was unclear. Some of the funds should be made available for public projects, such as those in parks and on other publicly owned lands. Public projects should have a public process. Art in the private development areas, such as commercial venues (hotels and retail stores) could be selected by developers, following general guidelines from the Commission on how to site and choose art pieces. Commissioners will revisions to the art location and selection bullet, directing guidelines to be adopted later using the funds.

Mr. Roe participated in the discussion, and indicated that the Commission's conceptual recommendations appeared feasible and appropriate. Council member Saylor also participated, and asked the Commission for provide their recommendations as soon as possible so they can be considered in a timely fashion.

**Action: Commissioner Hutchins moved, and Commissioner Brunelle seconded, to delegate final wording of commission recommendations to the Art in Private Development subcommittee (Commissioners Allen, Engoron and Lundberg). Motion passed unanimously.**

**4. Adjourn** The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Esther Polito  
Cultural Services Manager