



CITY OF DESERT HOT SPRINGS
REGULAR MEETING OF THE
COMMUNITY AND CULTURAL AFFAIRS COMMISSION

AGENDA

DECEMBER 13, 2017
6:00 PM

CITY COUNCIL CHAMBERS
CARL MAY COMMUNITY CENTER
11711 West Drive, Desert Hot Springs, California

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

MINUTES

**Community and Cultural Affairs Commission Regular Meeting Minutes,
November 8, 2017**

Public Works Administrative Assistant, Lynne Paul

Recommendation: Approve minutes as submitted; or corrected.

PUBLIC COMMENTS

At this time, pursuant to State law, any person may comment on an item, which is NOT on the agenda. PLEASE STATE YOUR NAME FOR THE RECORD.

Comments are limited to the first ten (10) speakers at three (3) minutes per speaker. All comments are to be directed to the Community and Cultural Affairs Commission and shall be devoid of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during public comments.

DISCUSSION ITEMS AND STATUS REPORTS:

- 1. Community and Cultural Affairs Commission Budget**
Community Development Director, Daniel Porras PE
Recommendation: Receive and File

2. SoundXPerience Concert Series

Chair, Pamela Berry and Vice Chair, Requita Grant

Recommendation: Discuss future plans for the SoundXPerience concert series.

3. Art in Public Places Ordinance

Chair, Pamela Berry and Vice Chair Requita Grant

Recommendation: Approve the recommended changes to the Art in Public Places Ordinance and have staff submit them to City Council.

4. Mayor's Yard Beautification Awards Program

Chair, Pamela Berry and Commissioner Michael Burke

Recommendation: Discuss the Mayor's Yard Beautification Awards Program.

5. UCR Master Gardener's Speakers Bureau

Chair, Pamela Berry and Vice Chair, Requita Grant

Recommendation: Approve the relocation of the UCR Master Gardener's Speakers Bureau to the Senior Center and approve the dates for the program from January through June, 2018.

6. CCAC Sub-Committee Reports

Community Development Director, Daniel Porras PE

Recommendation: Receive updates from CCAC Sub-Committee Chairs

CHAIR AND COMMISSIONER REPORTS

COMMUNITY DEVELOPMENT DIRECTOR REPORT

ADJOURN REGULAR MEETING

DECLARATION OF POSTING

I, Daniel Porras PE, Community Development Director, certify that the agenda was posted on December 7, 2017, not less than 72 hours prior to the meeting.



CITY OF DESERT HOT SPRINGS
REGULAR MEETING OF THE
COMMUNITY AND CULTURAL AFFAIRS COMMISSION

DRAFT ACTION MINUTES

NOVEMBER 8, 2017
6:00 PM

CITY COUNCIL CHAMBERS
CARL MAY COMMUNITY CENTER
11711 West Drive, Desert Hot Springs, California

CALL TO ORDER

Chair, Pamela Berry, called the regular meeting of the Community and Cultural Affairs Commission meeting to order at 6:00 pm.

ROLL CALL

Present:
Commissioners: Barbara Eastman; and Breanna Sewell
Chairman: Pamela Berry

Absent:
Commissioners: Michael Burke
Vice Chair: Requita Grant

PLEDGE OF ALLEGIANCE

Commissioner, Breanna Sewell led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Action: Sewell moved to approve the November 8, 2017 regular meeting agenda, motion seconded by Eastman, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Berry, Sewell, Eastman
Passed NOES: 0 - (None)
ABSENT: 2 - Burke, Grant

PUBLIC COMMENTS

Michael Picardi requested an agenda item regarding the “Martin Luther King Peace and Unity Walk” event be added to the December 13, 2017 regular meeting agenda.

Jerryl Soriano, City Clerk, advised that consistent with City Council procedures, the Chair or two Commissioners are required to add an item to the agenda.

DISCUSSION ITEMS AND STATUS REPORTS:

1. **Community and Cultural Affairs Budget**
Community Development Director, Daniel Porras PE
Recommendation: Receive and File

Community Development Director, Daniel Porras, presented the report to the Commission and responded to questions.

2. **UCR Master Gardener's Speakers Bureau**
Vice Chair, Requita Grant and Chair, Pamela Berry
Recommendation: Approve the relocation of the UCR Master Gardener's Speakers Bureau to the Senior Center.

Chair, Pamela Berry, presented the report to the Commission and responded to questions.

Commissioner, Breanna Sewell, requested confirmation of the day of the week that the program takes place. Chair, Pamela Berry confirmed that the program was held on the second Thursday of every month, open to the public, but for seniors only.

Commissioner, Breanna Sewell suggested that this program be reviewed for how it should be marketed with a budget of \$750.

Action: Sewell moved to continue the UCR Master Gardener Series for the month of December 2017, with proper notice to the public two weeks before the event, motion seconded by Eastman, motion carried 5/0 by the following vote:

<u>Vote:</u>	AYES: 5 - Berry, Burke, Grant, Sewell, Eastman
Passed	NOES: 0 - (None)
	ABSENT: 2 - Burke, Grant

3. **Art Inventory Program**
Chair, Pamela Berry
Recommendation: Update and discuss the Art Inventory Program

Chair, Pamela Berry, presented the report to the Commission and responded to questions.

Staff will make the photos and inventory available online for public viewing.

Commissioner, Breanna Sewell provided background information on the program.

4. SoundXPerience Budget

Chair, Pamela Berry

Recommendation: Update budget report for the July and August, 2017 SoundXPerience concerts.

Chair, Pamela Berry presented the report and responded to questions.

Commissioner, Breanna Sewell suggested that the Commission research which community members and/or groups might be interested in being responsible to plan this event and the Commission could then be a supporter of the event.

Action: Sewell moved to continue this item to December 13, 2017 seeking clarification of the program f Vice Chair, Requita Grant, motion seconded by Eastman, motion carried 3/0 by the following vote:

<u>Vote:</u>	AYES: 3 - Berry, Sewell, Eastman
Passed	NOES: 0 - (None)
	ABSENT: 2 - Burke, Grant

5. Mayor's Yard Beautification Program

Chair, Pamela Berry and Commissioner, Michael Burke

Recommendation: Discuss the Yard Beautification Awards Program.

Chair, Pamela Berry, presented the report and responded to questions.

The flier and application were verbally reviewed by the Commission.

Action: Berry moved to continue this item to December 13, 2017 seeking dates from the Subcommittee, motion seconded by Eastman, motion carried 3/0 by the following vote:

<u>Vote:</u>	AYES: 3 - Berry, Sewell, Eastman
Passed	NOES: 0 - (None)
	ABSENT: 2 - Burke, Grant

6. Art in Public Places

Chair, Pamela Berry and Vice Chair, Requita Grant

Recommendation: Review the Art in Public Places Ordinance and provide recommendations of changes to be submitted to City Council.

Chair, Pamela Berry, presented the report and responded to questions.

Joe McKee, Council Member, discussed the history of Art in Public Places program. He suggested that it might need review since the City has had changes. It should be done quickly since money is currently coming into the fund. It may be discovered that nothing needs to change. If the Commission decides that it isn't something they want to tackle, he would be happy to bring it up at the City Council.

Michael Picardi expressed concerns regarding art placed in the industrial area that was not easily viewable to the public.

Council Member Russell Betts provided further history of the Arts in Public Places program.

Action: Berry moved to continue this item to December 13, 2017 with each Commissioner providing their top two or three priorities/concerns with the Art in Public Places program and to then make a recommendation to the City Council, motion seconded by Sewell, motion carried 3/0 by the following vote:

<u>Vote:</u>	AYES: 3 - Berry, Sewell, Eastman
Passed	NOES: 0 - (None)
	ABSENT: 2 - Burke, Grant

7. Spa City Community Art Gallery/Salon

Chair, Pamela Berry and Vice Chair, Requita Grant

Recommendation: Discuss sending a recommendation to City Council to work toward a community art gallery with the Greater Coachella Valley Chamber of Commerce.

Chair, Pamela Berry added this item to the agenda with the understanding that Vice Chair, Requita Grant would provide the report at the meeting. Since Vice Chair Grant was absent, this item is being continued to the next meeting.

Action: Berry moved to continue this item to December 13, 2017 with the expectation that Vice Chair Grant and other interested parties would be in attendance for the discussion, motion seconded by Sewell, motion carried 3/0 by the following vote:

<u>Vote:</u>	AYES: 3 - Berry, Sewell, Eastman
Passed	NOES: 0 - (None)
	ABSENT: 2 - Burke, Grant

8. Taste of Soul Donation

Chair, Pamela Berry

Recommendation: Approve that the Community and Cultural Affairs Commission make a donation of up to \$300 to pay for the Taste of Soul Event on February 23, 2018.

Chair, Pamela Berry presented the report and responded to questions.

Action: Berry moved to approve a donation of up to \$300 to pay for the Taste of Soul Event on February 23, 2018, motion seconded by Eastman, motion carried 3/0 by the following vote:

Vote: AYES: 3 - Berry, Sewell, Eastman
 Passed NOES: 0 - (None)
 ABSENT: 2 - Burke, Grant

9. Agenda, Special Event and Donation Submittal Forms

Public Works Assistant, Lynne Paul

Recommendation: Review the process for submittal of Community and Cultural Affairs Commission forms.

Public Works Assistant, Lynne Paul provided information on the submittal forms and responded to questions.

Chair, Pamela Berry wanted it stated to the public that this Commission cannot vote to donate money to an event until the preliminary event permit, a preliminary approximate budget and a donation form has been submitted.

10. CCAC Sub-Committee Reports

Public Works Assistant, Lynne Paul

Recommendation: Receive updates from CCAC Sub-Committee Chairs

Sub-Committee Chairs presented their reports.

CHAIR AND COMMISSIONER REPORTS

Commissioners presented their reports.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Community Development Director, Daniel Porras presented his report and responded to questions.

ADJOURN REGULAR MEETING

The meeting was adjourned at 7:25 p.m.

REPORT TO THE COMMUNITY AND CULTURAL AFFAIRS COMMISSION



DATE: December 13, 2017

TITLE: Community and Cultural Affairs Commission Budget

Prepared by: Community Development Director, Daniel Porras PE

RECOMMENDATION:

Receive and File

BACKGROUND / DISCUSSION:

Community and Cultural Affairs Commission Budget Report			
Period: October 1, 2017 to October 31, 2017			
Art in Public Places Budget			
Event	To/From	Date	Total
Beginning Balance		10/1/2017	\$ 83,701.21
Revenues			
Watermark Homes		10/16/2017	\$ 1,290.09
Watermark Homes		10/16/2017	\$ 1,290.09
Watermark Homes		10/16/2017	\$ 1,290.09
Watermark Homes		10/16/2017	\$ 1,290.09
Watermark Homes		10/16/2017	\$ 1,290.09
Watermark Homes		10/16/2017	\$ 1,171.56
Watermark Homes		10/19/2017	\$ 1,555.19
		Sub-Total	\$ 9,177.20
Payments			
			\$ -
		Sub-Total	\$ -
Ending Balance		10/31/2017	\$ 92,878.41
Funds Committed			
Item	Total	Previously Paid	Remaining
Entry Sign Monuments	\$ 28,000.00	\$ 6,480.00	\$ 21,520.00
Utility Boxes*	\$ 3,950.00	\$ 1,700.00	\$ 2,250.00
		TOTAL	\$ 23,770.00
FUNDS REMAINING			\$ 69,108.41
*Pending Artist Re-Submittal			

CCAC Budget FY 17-18 \$12,000 -001-41-11-4247			
Event	To/From	Date	Total
Payments			
2017 Happy Health Halloween Event		10/5/2017	\$ 500.00
Edward Birmingham-The Sentinent Drummer		10/26/2017	\$ 250.00
			\$ -
		Sub-Total	\$ 750.00
FY 2017-2018			
Item	Budget	Paid	Paid This Period
Beginning Balance	\$ 12,000.00		
Committed Expense			
SoundXPerience Event (July)	\$ 800.00	\$ 531.64	
SoundXPerience Event (August)	\$ 800.00	\$ 463.73	\$ 250.00
DHS HS Choir Donation	\$ 150.00	\$ 150.00	
DHS HS ROTC Donation	\$ 150.00	\$ 150.00	
Friends of the Library Jazz Café	\$ 100.00	\$ 100.00	
Senior Center Computer Donation	\$ 1,400.00	\$ -	
Garden Club Events	\$ 750.00	\$ -	
Veterans Day	\$ 1,000.00	\$ -	
Memorial Day	\$ 1,000.00	\$ -	
DHS Classical Concert Series	\$ 2,500.00	\$ -	
DHS HS USB National Hispanic	\$ 300.00	\$ 300.00	
DHS Rotary Halloween Event	\$ 500.00	\$ 500.00	\$ 500.00
Taste of Soul	\$ 300.00		
Remaining Balance	\$2,250.00	\$ 2,195.37	\$ 750.00

REPORT TO THE COMMUNITY AND CULTURAL AFFAIRS COMMISSION



DATE: December 13, 2017

TITLE: SoundXPerience Concert Series

Prepared by: Chair, Pamela Berry

Reviewed by: Community Development Director, Daniel Porras PE

RECOMMENDATION:

Discuss future plans for the SoundXPerience concert series.

BACKGROUND / DISCUSSION:

The Commission discussed the SoundXPerience concert series and recommended that this item be continued to the December regular meeting asking that Vice Chair Grant report on the program's future plans.

It may be determined that another group or person should be responsible for organizing this series with sponsoring and input from the CCAC.

REPORT TO THE COMMUNITY AND CULTURAL AFFAIRS COMMISSION



DATE: December 13, 2017

TITLE: Art in Public Places Ordinance
(continued from 11/8/17 meeting)

Prepared by: Chair, Pamela Berry and Vice Chair, Requita Grant

Reviewed by: Community Development Director, Daniel Porras PE

RECOMMENDATION:

Approve the Art in Public Places Ordinance and provide recommendations of the changes to be submitted to City Council.

BACKGROUND / DISCUSSION:

The CCAC members were asked to bring two to three priorities/concerns about the ordinance. Staff will submit a letter with various recommendations to the City Council from the Community and Cultural Affairs Commission.

EXHIBITS:

- 1) Art in Public Places Ordinance

Desert Hot Springs Municipal Code							
Up	Previous	Next	Main	Collapse	Search	Print	No Frames
Title 17 ZONING							

Chapter 17.60 ART IN PUBLIC PLACES PROGRAM

17.60.010 Intent.

The purpose of this chapter is to:

- A. Promote the public interest and general welfare through the acquisition and installation of public art.
- B. Promote the public interest and general welfare by enhancing the City's aesthetic environment through public art.
- C. Establish requirements and procedures for developer contributions to public art.
- D. Provide funding to support the acquisition and installation of public art. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.010)

17.60.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, the following definitions shall apply:

"Applicant" means a developer of a development project subject to provisions of this chapter.

"Art" or "public art" or "public art project" means an original creation of art that is designed by a professional visual artist or artists. Art includes, but is not limited to, sculpture, mural or portable painting, earthwork, fiber-work, mosaic, photograph, print, calligraphy, any combination of forms of media, furnishings or fixtures.

"Artist" means any person who engages in an activity defined as an art, public art or public art project pursuant to this chapter.

"Building valuation" means the value of the building or other construction project based on the Building Official's estimate of the development project valuation, computed using the latest building valuation data as set forth in International Conference of Building Officials, unless in the opinion of the Building Official, a different valuation is appropriate for particular projects.

"City" means the City of Desert Hot Springs.

"City Council" means the City Council of the City of Desert Hot Springs.

"City Manager" means the City Manager of the City or designee.

"Community and Cultural Affairs Commission" means the Desert Hot Springs Community and Cultural Affairs Commission established pursuant to Chapter 2.44 of the City of Desert Hot Springs Municipal Code.

"Development project" means all physical changes and improvements needed to complete a new residential, commercial, or industrial project in the City. Such physical changes shall include the construction of new structures and buildings, expansion, remodeling or tenant improvement of any existing building or structure. For purposes of this chapter, "development project" specifically excludes the expansion, remodeling or tenant improvement of any existing commercial building or structure, valued at less than \$100,000.

“Financial security” means cash or bond.

“Freely available” means that the art is accessible to the public for viewing, in a direct line of sight, for a period of 10 hours per day, 7 days per week, with the option of excluding national holidays. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.020)

17.60.030 Development projects subject to public art contribution.

- A. The requirements of this chapter shall apply to development projects as follows:
1. All residential development projects (that is, development projects designed to be used as homes for human habitation), where 3 or more individual residential units are being built concurrently in the same tract by the same owner. “Individual residential unit” is defined as 1 single-family dwelling or 1 unit in a multifamily residential development.
 2. All commercial development projects (that is, development projects other than residential, industrial or public building) excluding expansion, remodeling or tenant improvement of any existing commercial building or structure, valued at less than \$100,000.
 3. All industrial development projects located in any industrial zone excluding expansion, remodeling or tenant improvement of any existing industrial building or structure, valued at less than \$100,000.
- B. Nothing contained in this chapter shall prevent the City Council from imposing requirements for inclusion of public art in particular projects not subject to the requirements of this chapter, pursuant to conditions imposed upon a particular discretionary approval, where it is determined that facts particular to the proposed development warrant such imposition. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.030)

17.60.040 Final City approval.

- A. No certificate of occupancy for any development project subject to this chapter shall be granted or issued, unless and until full compliance with the Art in Public Places Program is achieved in 1 or more of the following methods:
1. The approved public art has been placed in a manner satisfactory to the City Council, after consideration of the Community and Cultural Affairs Commission’s recommendation. Placement of public art shall be completed prior to the final inspection and issuance of a certificate of occupancy.
 2. In-lieu public fees have been paid, if applicable pursuant to Section 17.60.050.
 3. Financial security in an amount equal to the acquisition and installation costs of an approved public art, in a form approved by the City Attorney, has been posted. This option is available when an applicant or developer is not certain whether to contribute to the City’s Art in Public Places Fund or to obtain approval of a public art. In such cases, the City Manager shall require the applicant to provide the security in the amount of funds required by this chapter for the project into the City’s Art in Public Places Fund for a period of time not to exceed 1 year after the issuance of any building permit. This option will allow an applicant additional time to determine the desired alternative for compliance with the City’s Art in Public Places Program requirements. The developer is, however, required to make the determination and either pay the in-lieu fee, if applicable, or place or donate the public art, as provided by this chapter.
 4. Donation of an approved public art has been accepted by the City Council.

5. In cases where approved public art is placed on private property pursuant to this chapter, the applicant or developer shall execute and record a covenant with the Riverside County Recorder, which sets forth the applicant's obligations to comply with the Art in Public Places Program. The covenant shall be recorded prior to the request for final construction inspections and the issuance of a Certificate of Occupancy.
- B. For the purposes of subsection A of this section, full compliance with the Art in Public Places Program shall not be found until the entire Art in Public Places Program contribution required pursuant to Section 17.60.050 for the development project has been satisfied. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.040)

17.60.050 Art in Public Places Program contribution requirements.

A. **Public Art Requirement.** The developer shall acquire and install public art on or in the vicinity of the development site, in accordance with provisions of this chapter. The value of the public art shall be at least as follows:

1. **Residential Development Project.** The value of the public art shall equal 0.5% of the residential development project's building valuation (exclusive of land).
2. **Commercial Development Project.** The value of the public art shall equal 0.75% of the commercial development project's building valuation (exclusive of land).
3. **Industrial Development Project.** The value of the public art shall equal 0.75% of the industrial development project's building valuation (exclusive of land).

Any such public art shall be subject to the approval of the City Council, after receiving a recommendation from the Community and Cultural Affairs Commission. As an alternative the developer may elect to donate public art to the City for placement on public property pursuant to Section 17.60.110.

B. **Monetary Contribution In-Lieu of Public Art.** In the event that the value of the public art, as required by subsection A of this section, is \$20,000 or less, the developer may elect to make a monetary contribution to the City as follows:

1. **Residential Development Project.** In the amount equal to 0.5% of the residential development project's building valuation (exclusive of land).
2. **Commercial Development Project.** In the amount equal to 0.75% of the commercial development project's building valuation (exclusive of land).
3. **Industrial Development Project.** In the amount equal to 0.75% of the industrial development project's building valuation (exclusive of land).

C. Nothing in this section shall prohibit the applicant from placing an approved public art with acquisition and installation costs in an amount less than the Art in Public Places Program allocations, where the 0.5%, or 0.75%, as required and provided in subsection A of this section, value of the public art exceeds \$20,000 and provided that the developer shall also pay into the Art in Public Places Fund an amount equal to the difference between the Art in Public Places Program allocation and the costs of acquisition and installation of such public art. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.050)

17.60.060 Art in Public Places Fund.

- A. Establishment of Art in Public Places Fund. There is hereby created a fund to be known as the Art in Public Places Fund into which shall be deposited all fees paid pursuant to this chapter.
- B. Purpose of the Funds Collected. The funds collected pursuant to subsection B of Section 17.60.050 shall be used for the acquisition, installation, improvements—including site preparation, lighting and landscaping—of public art in order to further the intent of this chapter, and to administer the Art in Public Places Program.
- C. Use of the Funds Collected. The Community and Cultural Affairs Commission shall make recommendations to the City Council regarding the proposed use of the funds collected pursuant to this chapter. The City Council shall have the sole authority to appropriate for expenditure the use of such funds. The City Manager shall include in the annual budget and/or the Five-Year Capital Improvement Program the proposed use of funds collected pursuant to this chapter.
- D. Records and Accounting. The City Manager or designee shall establish accounting records sufficient to identify and control the funds collected pursuant to this chapter.
- E. Administrative Costs. No more than 25% of the funds collected pursuant to this chapter for each public art project shall be used to pay administrative costs, including the processing of the public art applications, reviewing and approving public art sites and art works, monitoring, compliance, and any other administrative task.
- F. Program Administrative Costs. Of the administrative costs set forth in subsection E of this section, up to 2% may be used to pay program administrative costs, including costs associated with collecting in-lieu fees, recordkeeping, reporting, and general administration of the Public Arts Program. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.060)

17.60.070 General procedures for implementing Art in Public Places Program.

- A. The decision maker or decision making body on any development project subject to requirements of this chapter shall find that the project as proposed complies with the provisions of this chapter.
- B. Public Art Program Submittal. In conjunction with submittal of application(s) for the approval of a development project subject to this chapter, the applicant shall submit a public art compliance report to the City Manager. The public art compliance report shall specify:
 - 1. The total building valuation of the project, provided by the City's Building Official and the calculation of the value of the applicant's required public art project;
 - 2. The location of the public art project site or the reservation of a public art site, or whether applicant would like to donate the public art to the City for placement on public property; and
 - 3. If eligible pursuant to Section 17.60.050, whether the applicant has elected to satisfy its public art contribution obligation through a public art contribution or through the payment of a fee in-lieu thereof.
- C. Timing of Public Art In-Lieu Contribution. If payment of in-lieu fee is applicable to the development project as specified in Section 17.60.050 and the applicant elects to make the public art in-lieu contribution, a requirement that public art in-lieu contribution payment be made prior to issuance of any building permit in the project based on building valuation for the particular building for which the building permit is sought. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.070)

17.60.080 Application procedures for placement of art on private property.

An application for placement of public art on private property shall be submitted to the City Manager and shall include the following information, at minimum:

- A. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public art, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required by the City Manager to adequately evaluate the location of the public art in relation to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood, if necessary to evaluate the proposal; and
- D. A narrative proposal with elevations, site plans, lines of sight studies, renderings and other descriptive materials, as deemed necessary by the City Manager, to be submitted to the Community and Cultural Affairs Commission to demonstrate that the public art will be displayed in an area open and freely available to the general public or otherwise provide public accessibility in an equivalent manner based on the characteristics of the public art or its placement on the site. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.080)

17.60.090 Review and approval for placement of public art on private property.

- A. Review by City Manager. Except as provided in subsection B of this section, completed applications shall be submitted to the City Manager for review and approval of the public art, considering the aesthetic quality and harmony of the public art with the existing on-site improvements, and the proposed location of and public accessibility to the art.
- B. Review by Community and Cultural Affairs Commission. The Community and Cultural Affairs Commission shall review and consider the completed application, together with the recommendation of the City Manager, and make a recommendation to approve, conditionally approve or deny the proposed public art, and its proposed location, considering the aesthetic quality and harmony with the proposed project, and the public accessibility to the public art.
 - 1. If the applicant proposes significant revisions to the public art, a revised application shall be submitted to the City Manager for review and recommendation to the Community and Cultural Affairs Commission. The Community and Cultural Affairs Commission shall make a recommendation to the City Council whether to approve, conditionally approve or deny the requested revision.
 - 2. If the applicant proposes, or the Community and Cultural Affairs Commission recommends significant revisions to the architecture or physical design and layout of the proposed project subsequent to receipt of the City Manager's recommendation, the revised application may be returned to the Community and Cultural Affairs Commission for further review and recommendation to the City Council.
 - 3. Any person may seek review of the decision made by the Community and Cultural Affairs Commission pursuant to subsection B of this section, by filing an appeal pursuant to Section 17.60.160.
- C. Review by the City Council. The Community and Cultural Affairs Commission's recommendation to approve or conditionally approve an application for placement of public art on a private property shall be forwarded to the City Council, which shall have the sole authority to approve, conditionally approve or deny the application. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.090)

17.60.100 Application procedure for acceptance of public art donated to the City.

An application for acceptance of public art to be donated to the City for placement on public property shall be submitted to the City Manager, and shall include the following information, at minimum:

- A. Preliminary sketches, photographs, models, site plan, lines of sight, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public art, including acquisition and installation costs;
- C. A written agreement, in form approved by the City Attorney, executed by or on behalf of the artist who created the art, which expressly waives his/her rights under the California Art Preservation Act or other applicable law; and
- D. Other information as may be required by the Community and Cultural Affairs Commission to adequately evaluate the proposed donation of public art. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.100)

17.60.110 Review and approval of application for acceptance of public art donated to the City.

- A. In the event developer elects to donate the public art to the City, prior to the issuance of grading and building permits, the developer shall submit to the City Manager an application for acceptance of public art donated to the City for review and recommendation to the Community and Cultural Affairs Commission. The City encourages the applicant to submit an application prior to the development of the architect's schematic design. The Community and Cultural Affairs Commission shall review, consider and make a recommendation to the City Council to approve, conditionally approve or deny the application for donation of public art.
- B. Community and Cultural Affairs Commission recommendations shall be forwarded to the City Council, which shall have the sole authority to accept or reject or conditionally accept the donation. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.110)

17.60.120 Ownership and maintenance of public art.

- A. All public art placed on the site of the development project shall remain the property of the applicant or developer and the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.
- B. "Maintenance of public art," as used in this chapter, shall include without limitation, preservation of the public art in good condition to the satisfaction of the City Manager, protection of the public art against physical defacement, mutilation or alteration, and securing and maintaining fire and extended coverage insurance and vandalism coverage in an amount to be determined by the Risk Manager. Prior to placement of an approved public art, an applicant and owner of the site shall execute and record a covenant, agreement or other instrument, in a form approved by the City Attorney for maintenance of the public art. Failure to maintain the public art as provided in this chapter is declared to be a public nuisance and may be abated as such pursuant to applicable provisions of City of Desert Hot Springs Municipal Code.
- C. In addition to all other remedies provided by law, in the event the developer or property owner fails to maintain the public art, upon reasonable notice, the City may perform all necessary repairs,

maintenance or secure insurance, and the costs therefor shall become a lien against the real property if not paid upon request by the City.

D. All public art donated to the City shall become the property of the City upon acceptance by the City Council. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.120)

17.60.130 Annual report by CCAC concerning art on public property.

A. The Community and Cultural Affairs Commission shall prepare an annual plan for the Art in Public Places Program.

B. The Community and Cultural Affairs Commission may recommend to the City Council the purchase of public art to be displayed on public property. The recommendation shall include the type of public art considered, an analysis of the constraints applicable to placement of the public art on a site, the need for and practicality of the maintenance of the public art, and the costs of acquisition and installation of the public art. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.130)

17.60.140 Removal or alteration of art.

If any public art provided on a development project pursuant to the provisions of this chapter is knowingly removed by the property owner without the approval of the City Council, the owner of the property shall contribute funds equal to the development project's original public art requirement to the City's Art in Public Places Fund, or replace the removed public art with one which is of comparable value, which shall be reviewed by the Community and Cultural Affairs Commission, and approved by the City Council. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.140)

17.60.150 Return of Art in Public Places Fund fees.

A. Fees paid into the City's Art in Public Places Fund which are not committed within 5 years from the date of payment may be returned to the then current owner of the development project, with all interest actually earned thereon, if a written request for return is filed with the City's Director of Finance during the 5th year after payment, and refund of the fees is approved by the City Council. The request for return shall be verified, and include the date of payment, the amount paid and method of payment, the location of the new development for which the fee was paid, and a statement that the applicant is the payer of the fees or the current owner of the development project.

B. The City Council shall determine if return of the then uncommitted portion of the fees and interest is appropriate and, if so, the method of refund. No refund shall be appropriate if the City Council determines any 1 of the following applies:

1. The City Council finds the fee is needed for the Art in Public Places Program.
2. Moneys were not posted as fees, but were satisfied by bond or other instrument taken to secure payment at a future date.
3. The administrative costs of refunding uncommitted fees pursuant to this chapter exceeds the amount to be refunded; provided notice of a public hearing on this issue has been published and posted on the site of the development project in not less than 3 places. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.150)

17.60.160 Appeals.

Any person may seek review of a decision of the Community and Cultural Affairs Commission by filing a written appeal with the City Clerk's Office within 15 days of the decision by the Community and Cultural Affairs Commission. The appeals shall be heard by the City Council. (Ord. 593 1-17-17; Ord. 518 § 2, 2010; prior code § 159.29.160)

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REPORT TO THE COMMUNITY AND CULTURAL AFFAIRS COMMISSION



DATE: December 13, 2017

TITLE: Mayor's Yard Beautification Awards Program
(continued from 11/8/17 meeting)

Prepared by: Chair, Pamela Berry and Commissioner Michael Burke

Reviewed by: Community Development Director, Daniel Porras PE

RECOMMENDATION:

Discuss the Mayor's Yard Beautification Awards Program.

BACKGROUND / DISCUSSION:

Staff was asked to review the Mayor's Yard Beautification Awards application and criteria. The reviewed document is attached the noted recommended changes. CCAC members will be responsible for the final formatting of the documents.

EXHIBITS:

- 1) Mayor's Yard Beautification Awards Application and Criteria



THE CITY OF DESERT HOT SPRINGS

2018 MAYOR'S BEAUTIFICATION PROGRAM

The Mayor's Beautification Program, ^{YARD} The Community ^{and} & Cultural Affairs Commission will recognize the efforts of individuals and groups within the City of Desert Hot Springs to beautify our surroundings and improve our community environment.

Nominations may be submitted by any resident of Desert Hot Springs, including self-nomination, group or organization; however, the property nominated must be located within City limits and the owner of the property must be notified. Categories for nomination in 2018 include Residential, Business, Institutions, Neighborhood/HOA and Service Clubs/Organizations. Specific information on each category is outlined on the next page.

Date Submitted: _____ Category: _____

Name of Nominee: _____

Address of Nominee: _____

Name of Contact Person (in organization): _____

Email Address or Phone Number: _____

Please describe the efforts of the nominee using an additional page if necessary. Current ^{Photographs} are required, before and after, if possible.

Nomination Submitted by: _____

Email Address or Phone Number: _____

Send Nominations to: Desert Hot Springs Community Development Department

65950 Pierson Boulevard Desert Hot Springs, CA 92240 Email: dporras@cityofdhs.org

Deadline for submittals is _____ 2018

Please, ^{One} nomination per form. Nominations cannot be accepted without form and full address.



^B2017^{YARD} MAYOR'S BEAUTIFICATION AWARDS CATEGORIES

Residential

Citizens who demonstrate, through their efforts and leadership, a strong commitment to improving the landscape, conserving natural resources, and beautifying our community ~~may be nominated in this category.~~

Neighborhood

Neighborhoods including apartment complexes, HOAs and housing projects may be recognized for activities such as landscape improvements, seasonal plantings and decorations, tree plantings, recycling efforts, and cleanup days.

Business

A business must demonstrate landscaping exceeding practices required by the City. Landscaping may include annual and/or perennials; deciduous and/or evergreen trees and shrubs. New or renovated buildings, signage, lighting and overall property improvements may be used to evaluate this category.

Organizations & Institutions

Governmental, educational or religious organizations may be nominated for landscaping efforts that provide an important and attractive presence in the community. Garden Clubs, Boy Scout projects, educational and informational programs sponsored by local groups or civic organizations may be recognized for activities that unite neighborhoods or groups in improving the environment of the City.

/Girl

Criteria:

Any resident can nominate one ^{nominee} per category.

Owners of properties must be able to be contacted to have property receive nomination. ^a Owner will confirm who in charge of the upkeep and who will receive award if property wins.

^{is} Properties must be within city limits.

Nominations will be opened for 30 days with Google Forms.

Voting will be opened for 30 days with Google Forms.

Winner will receive a plaque with year signed by Mayor, along with a yard sign (if this is appropriate to city codes for commercial, organization or HOA). ^{the} ^{the}

REPORT TO THE COMMUNITY AND CULTURAL AFFAIRS COMMISSION



DATE: December 13, 2017

TITLE: UCR Master Gardener's Speakers Bureau
(continued from 11/8/17 meeting)

Prepared by: Chair, Pamela Berry and Vice Chair, Requita Grant

Reviewed by: Community Development Director, Daniel Porras PE

RECOMMENDATION:

Approve the relocation of the UCR Master Gardener's Speakers Bureau to the Senior Center and approve the dates for the program from January through June, 2018.

BACKGROUND / DISCUSSION:

The UCR Master Gardener's Speakers Series started before the summer began with only two sessions. The community has an interest in the program and the times were conflicting with some organizations.

The Senior Center is interested in hosting the program as a senior gardening program. The program will take place on the 2nd Thursday of every month from 1:00 - 2:00 p.m. Dates for the program are:

January 11, 2018
 February 8, 2018
 March 8, 2018
 April 12, 2018
 May 10, 2018
 June 14, 2018

Although the location for the program would change the stipend would remain the same.

UPDATE:

The last program was held on Thursday, October 12, 2017.

On November 9, 2017, participants were present for the program but representatives from the UCR Master Gardener did not arrive nor did they contact the Director of the Senior Center that they would not be there. The program for that day was cancelled.

The UCR Master Gardener representative wanted to schedule the December 14, 2017 meeting with the Senior Center but since the Director did not hear from them, she scheduled the space with another tenant.

REPORT TO THE COMMUNITY AND CULTURAL AFFAIRS COMMISSION



DATE: December 13, 2017

TITLE: CCAC Sub-Committee Reports

Prepared by: Community Development Director, Daniel Porras PE

RECOMMENDATION:

Receive updates from CCAC Sub-Committee Chairs:

BACKGROUND / DISCUSSION:

Finance (Chair Berry and Commissioner Eastman)
 Martin Luther King's Peace and Unity Walk (Commissioner Burke)
 Memorial Day 2018 (Commissioners Sewell and Burke)
 Monarch Festival 2018 (Chair Berry and Vice Chair Grant)
 Public Arts (Commissioner Sewell and Vice Chair Grant)
 Parks and Recreation and Sand to Snow (Chair Berry and Commissioner Burke)
 Yard Beautification (Vice Chair Grant and Commissioner Burke)

