



Meeting Date: June 16, 2015

TOWN OF MORAGA

STAFF REPORT

To: Park and Recreation Commission
From: Jay Ingram, Parks and Recreation Director
Subject: June Agenda Items

New Business

Item VIII. A. Consider Concept of a Tool Lending Library in Moraga – (presentation/discussion)

This is a concept that Chair Carman has been working on for a time and is now ready to present the idea to the Park and Recreation Commission.

Action Requested

Receive presentation and begin discussions.

Item VIII. B. 2015 Park and Recreation Commission Goals – (discussion/action)

While no action was taken at the regular May Commission meeting, the following was discussed:

1. Commission desired strong language requiring developers to buy into the Park Mitigation Site concept for future development in the Moraga Center Specific Plan. *No further action required.*
2. This September, the Commission desires to discuss goals further, and be proactive in preparation for the 2016 Town Council Goals Workshop, often scheduled for late January. *No future action required at this time.*
3. Develop a Moraga Trails Map, initiate monthly community trail walks, and gather trail usage data. *Work started in subcommittee.*
4. Involvement with the Hacienda Conceptual Plan process. *Continue to stay engaged.*
5. Consider concept of a Tool Lending Library. *Up for discussion presently.*
6. Become more active in assisting Moraga residents better understand water restrictions.
7. Provide a quarterly activities report from parks and recreation activities.

Action Requested

Recommend approval of above listed goals

Item VIII. C. Consider Review of Public Art Donation Policy – (discussion/action)

In 2007 and early 2008 the Park and Recreation Commission reviewed, discussed and recommended approval of a Town of Moraga Public Art Donation Policy (separate attachment in your agenda packet). The Park and Recreation Commission recommended approval on May 20, 2008 and the Town Council approved the draft at their September 10, 2008 meeting. Since 2008 there has been one or two inquiries regarding public art donations. However, recently the Town Council asked to review the policy. Since the Park and Recreation Commission developed the initial policy, it's appropriate that this body reviews it again, providing feedback to the Town Council for a 2015 review and potential updates.

In summary the existing Public Art Donation Policy includes:

- Proper review to make sure donation is appropriate and complies with Town regulations
- Specifically identified locations for public art donations
- Make early contact with the Parks and Recreation Director for informal consultation (six month process, possibly longer)
- Future anticipated maintenance issues and costs will be addressed, case by case
- Parks and Recreation Director prepares a staff report for the Park and Recreation Commission, including the Directors recommendation
- Park and Recreation Commission makes a decision and it is final
- There is no other appeal process to any other Town authority
- Plaques placed on or near public art donation must be reviewed by the Parks and Recreation Director
- Policy applies to all Town-owned land and facilities located within the Town of Moraga, specifically, Moraga Commons and Rancho Laguna Park, The Hacienda, Town offices at 329 Rheem Blvd. and the Moraga Public Library.
- Policy does not include trails and specifically excludes Open Space Preserves
- Town is responsible for installation of art
- Art becomes Town property and Town is responsible for all the maintenance
- Repair parts must be readily available when needed
- Donor covers the full cost of the purchase, installation, and maintenance during the expected life cycle of the donated public art element(s)
- Town expects artist to contribute funds to be added to a permanent Town endowment pool for maintenance and upkeep of donated art
- At the time of donation, Town will assess a charge sufficient to cover anticipated on-going maintenance of donated public art elements during their life expectancy
- At the end of the life-cycle, donor may choose to extend the life-cycle term by paying for the current value of a new donation and its associated maintenance costs
- Town reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation or the Town had not been able to contact the original donor
- Installation will be done by Town

- Donated art may be subject to California Environmental Quality Act (CEQA) review. If that is found to be the case, the donor will pay the necessary fees, including staff time spent
- Town cannot guarantee the donated art will remain permanent
- Town reserves the right to remove and/or relocated donated art
- Criteria for art acceptance is listed in detail on pages six and seven of the policy
- Additional issues (items a-e) are presented on page seven when the Commission reviews the public art proposal

The 2015 Commission is asked to look at the current policy with a fresh set of eyes and consider potential suggested changes. The current policy puts all the burdens on the artist interested in donating, installing and maintaining the art. Town Council is scheduled to review Commission comments at their July 8 meeting, but given the detail involved in this policy, the Commission may desire to discuss this item over more than one meeting.

In addition to the existing policy and any modifications that may be suggested, the Park and Recreation Commission is asked to consider alternative funding options so some costs such as installation and maintenance are not solely on the donor. Included in this agenda packet are the City of Lafayette and San Jose Public Art Ordinances as well as an article on the City of Oakland Public Art movements. These public art articles should provide a background of how some bay area cities are addressing public art in public places. While there are likely many different approaches to funding public art, Moraga should take time to discuss the varied approaches that would work best in Moraga.

Potential options to consider include:

Development Impact Fee – Accomplished through a Town Ordinance process

A certain percentage of construction costs for commercial developments

A certain percentage of construction costs for residential developments

A certain percentage of construction costs for any improvements over 10,000 sq. ft.

An in lieu fee paid by developer

A flat fee paid at time of application

Recommendation

Provide direction and feedback on existing Public Art Donation Policy to staff to share with the Town Council on July 8, 2015.