



The City of Newport Public Arts Committee will hold a meeting on Thursday, February 18, 2016, beginning at 8:30 A.M., in Conference Room A, of the Newport City Hall, 169 SW Coast Highway, Newport, Oregon 97365. A copy of the meeting agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder 541.574.0613.

The City of Newport Public Arts Committee reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting.

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**CITY OF NEWPORT**  
**PUBLIC ARTS COMMITTEE MEETING**  
**AGENDA**  
**Thursday, February 18, 2016**  
**8:30 A.M.**

- I. Call to Order
- II. Approval of Minutes - January 21, 2016
- III. Discuss Details of Public Art Award for the Aquatic Center
  - A. School Program
    - 1. Dates
    - 2. Schools
    - 3. Other
  - B. Publicity
    - 1. Media Event(s)
    - 2. Reception

### 3. Presentation to City Council

- IV. Percent for the Arts Program - Discussion Regarding an Amendment to the Program to Allow for a Decrease in the Percentage Allocated for Public Art if a Public Safety Project is Over Budget
- V. Percent for the Arts Program - Discussion Regarding the Application of the Program to Renovation Projects of City-Owned Buildings
- VI. Bayfront Mural Project - Update and Discussion
  - A. Establish Date for Site Visit
- VII. Public Comment
- VIII. Committee Comment
- IX. Next Meeting Date - March 17, 2016 (St. Patrick's Day)
- X. Adjournment

January 21, 2016  
8:30 A.M.  
Newport, Oregon

The City of Newport Public Arts Committee met at the above date and time in Conference Room A of the Newport City Hall. In attendance were Bill Posner, Catherine Rickbone, Cynthia Jacobi, Judy Mayhew, Mary Peterson, and Tom Webb. Also in attendance were City Council Liaison Ralph Busby, City Recorder/Special Projects Director Peggy Hawker, and Artist CJ Rensch (via telephone at 8:52 A.M.).

### CALL TO ORDER

Rickbone called the January 21, 2016 meeting to order at 8:30 A.M.

### APPROVAL OF MINUTES - DECEMBER 16, 2015

MOTION was made by Jacobi, seconded by Mayhew, to approve the minutes of the December 16, 2015 meeting, as presented. The motion carried unanimously in a voice vote.

### DISCUSS DETAILS OF PUBLIC ART AWARD FOR THE AQUATIC CENTER

Rickbone reviewed the discussion from the previous meeting. Relevant excerpts from the minutes of that meeting follow:

#### "Kinetic Components"

Webb suggested keeping the kinetic elements very simple. It was suggested that an obvious seam, or stitching, on the ball would denote the sports that occur at the Recreation Center. Posner agreed with a ball, if it was defined, and the kite. He also suggested a happy person, in a bright color, as the kinetic piece. Rickbone noted that she would like to see various color renderings for the sculpture.

Artist CJ Rensch joined the meeting, via telephone, at this point. Rickbone stated that the Committee was interested in discussing the kinetic components of the sculpture. Rensch explained that the kinetic elements work on a point loaded system or through a top loaded bearing or needle bearings. He stated that a point on point stainless steel loaded system is basically maintenance free. Posner asked what would happen in a heavy wind. Rensch reported that there are a couple of options for slowing movement, but that the elements are fairly heavy and can accommodate higher wind factors. Posner asked whether staff could use a pin to stop movement in a high wind. Rensch noted that this can be done by installing a set screw that can adjust the kinetic movement, adding that the kinetic element will adjust itself to the least amount of force. Webb asked whether there are noise issues with the pieces moving, and Rensch reported that there are no issues so far.

Further discussion ensued regarding the kinetic elements. Webb stated that he was in favor of a kite, but also favored more definition to the ball to make it appear to be a

basketball, soccer ball, etc. Posner suggested a generic sports ball with engraved seams. Rench noted that he would prepare drawings of potential kinetic elements. Rickbone asked about the height of the ball, and Rench reported that it would be 12 - 14 feet high. Jacobi stated that she was comfortable with the kinetic elements being a kite and stylized ball representing a sports ball. A further discussion ensued regarding the movement of the "happy person" at the end of the sculpture. It was asked how much this kinetic piece would move, and Rench noted that it spins quite easily and would weigh approximately 45 - 50 pounds.

### Pedestals

Rickbone noted that pedestals were discussed as a method of placing the sculpture higher. Rench noted that, as discussed, there would be three 18-inch concrete pedestals that touch the ground. Webb asked whether the pedestals provide a foothold for climbing, and whether they would raise the overall height of the sculpture. Rench suggested that a "no climbing" plaque could be placed on one of the pedestals. Jacobi suggested that the pedestals be oval so that there are no sharp edges. Rench noted that the corners of the rectangular pedestals could be rounded. Posner and Jacobi agreed that the corners should be rounded.

### Color

Rickbone asked about color alternatives. Posner suggested that if the inner color complemented the outer color, it would provide greater depth. Rench stated that stainless disappears on gray days. He added that the Committee could look at one color for the exterior of the sculpture with different colors in the center cut-outs. Posner suggested that the people be one color, and the inside and the kinetic elements be another color, but the same color. Rench suggested obtaining Sherwin Williams samples, and added that he would send line drawings. Rickbone suggested that the figures be white with different colors on the inside. It was agreed that black, brown, taupe, sand, deep purple, and other colors would not work. Jacobi asked whether red is more prone to fading. She suggested using red, yellow, and blue for the inside of the people. Rickbone suggested adding green to the color palette. She also suggested that the mobile figure be the same color scheme as the upper kinetic elements. Rench asked whether there is a color theme to carry through inside and out. A discussion ensued regarding having the after school youth participants work with a line drawing of the sculpture. Rench offered to work with community youth on this project. Webb added that there are youth classes at the VAC. Rickbone asked Rench to provide color ideas from today's discussion.

Further discussion ensued regarding involving community youth in the project planning. It was suggested that January 21 and February 18 are possible dates for youth participation. Rickbone noted that testing dates need to be determined so there would not be a conflict. Jacobi asked what age group is recommended for participation. Rench suggested K-6 grade children, and added that the project could be distributed to home room teachers. He noted that he has wooden "happy humans" that the children could take home. Webb stated that the youth participation could be used as a photo opportunity for a press release, adding that it would generate momentum. Rench stated that if the

teachers had the information in advance, he could visit several classrooms in one day. Webb suggested adding a “meet the artist” luncheon. Webb and Rench agreed to make contacts in the schools, and Webb noted that it would be beneficial to have a sketch prior to contacting teachers.

Rickbone noted that the work with youth could be publicized in a press release. Webb suggested distributing copies of the rendering throughout the community; Rench would work in the classroom; press releases would be issued regarding this event; and an invitation to the community to a reception at City Hall.”

Rench joined the meeting at 8:52 A.M.

A discussion ensued regarding the pedestals. Webb suggested that they be wider to give people more of a sense that it is a seating area. Rench noted that it could be a great opportunity for a seating area, but would need to include appropriate signage. He added that the engineering design will dictate some of the parameters.

A discussion ensued regarding color and the outreach to local school children to participate in the possible color selection of the sculpture. It was noted that a line drawing would be prepared for the students. Webb agreed to talk with school officials about participating in the program.

Discussion ensued regarding the unveiling of the art and the opening of the building occur at once.

Rench explained the school outreach program in detail. He noted that K-6 students are the most amenable to the project. He stated that he would send wooden “happy people” for Webb to use when explaining the project to school officials. He noted that he would plan to spend one to three days in Newport working with the students and community. He suggested finding time in the morning that works for all classes.

A discussion ensued regarding the timeframe for the student project. Webb suggested that the outreach occur after spring break but not too close to the end of the school year. It was suggested that the outreach occur in April.

It was recommended that the participating schools be Sam Case and Yaquina View Elementary Schools. Rickbone suggested building publicity around this initiative with “meet the artist” opportunities and more.

Webb suggested adding text to the PDF line drawing to help participants understand the project. Mayhew suggested enlarging the line drawing for ease of use by the younger students. Rench suggested utilizing a large transparency rendering of the sculpture with the building in the background for each homeroom. Peterson suggested giving an option to participate to middle and high school students. Busby recommended having media outlets print the line drawing for community participation, or include a link to the drawing on the city’s website. Webb noted that the Committee will need to discuss a window for submission. Posner suggested judging only from student submissions. Mayhew noted

that the Committee shouldn't have to select one. Rench suggested a contest duration of two to three weeks. He reported that Terre Haute held a slide show of his other works around the United States. Peterson asked at what point in the contest/installation process the reception was held, and Rench noted that this occurred at installation due to travel. It was agreed that a "meet the artist" event, along with the classroom work, would be beneficial.

Rench requested that the Committee work on the text for the drawing. Rickbone noted that the Committee could develop the title and text. She asked Rench what he needed from the Committee, at this time, and he indicated that once the engineering package is complete, he might have other questions. He added that he expects the engineering to be finished within the next month.

#### **PERCENT FOR THE ARTS PROGRAM - DISCUSSION REGARDING AN AMENDMENT TO THE PROGRAM TO ALLOW FOR A DECREASE IN THE PERCENTAGE ALLOCATED FOR PUBLIC ART IF A PUBLIC SAFETY PROJECT IS OVER BUDGET**

Due to time constraints, it was agreed to discuss this item at the next meeting.

#### **PERCENT FOR THE ARTS PROGRAM - DISCUSSION REGARDING THE APPLICATION OF THE PROGRAM TO RENOVATION PROJECTS OF CITY-OWNED BUILDINGS**

Due to time constraints, it was agreed to discuss this item at the next meeting.

#### **BAYFRONT MURAL PROGRAM**

Posner noted that he is ready to go on the mural project for the last inspection. He added that the inventory forms are ready and include a photograph of each mural. Peterson asked whether the "welcome to the Bayfront" was included in the inventory.

A discussion ensued regarding the possibility of the Committee participating in a walking tour to view the Bayfront murals.

#### **ESTABLISH NEXT AGENDA**

It was agreed to continue discussion of the student project; the Percent for the Arts Program items; and the Bayfront mural program at the next meeting.

#### **ESTABLISH NEXT MEETING DATE**

The next meeting date will be Thursday, February 18, 2016, at 8:30 A.M.

#### **ADJOURNMENT**

Having no further business, the meeting adjourned at 9:45 A.M.

**CITY OF NEWPORT**

**RESOLUTION NO. 3589**

**A RESOLUTION ADOPTING A PUBLIC ARTS POLICY TO INCLUDE A PUBLIC ARTS COMMITTEE AND A PERCENT FOR ART PROGRAM**

WHEREAS, Resolution No. 3528 created a Public Arts Task Force to develop recommendations on issues of public arts programs and policies; and

WHEREAS, the Public Arts Task Force completed its work and reported to the Council its recommendations; and

WHEREAS, the Council wishes to implement recommendations of the Public Arts Task Force by establishing a City public arts policy as set forth in this Resolution.

Now, therefore, the City of Newport resolves as follows:

Section 1. The Council determines that the work of the Public Arts Task Force is complete and as a result there is no longer a need for the Task Force. The Public Arts Task Force is hereby disbanded and Resolution No. 3528 is repealed.

Section 2. The Public Arts Committee created by Newport Municipal Code (NMC) 2.05.060 shall be governed by the policies set out in this Section. The Council adopts the policies set out in this Section, which shall be known as the City of Newport Public Arts Policies.

A. Purpose of the Public Arts Committee. The Public Arts Committee is responsible for making recommendations to the City Council on public art and art object decisions as set out in these policies. The Public Arts Committee is directed to advance public understanding of visual arts, enhance the aesthetic quality of public places, and help stimulate the vitality and economy of the city. Public art within this policy is art located on public property or property controlled by the city and includes sculptures, architectural accents two-dimensional art, multimedia, temporary art, and other visual art.

B. Duties of the Public Arts Committee. The Public Arts Committee shall comply with committee operational requirements of NMC 2.05.003. In addition, it shall be the duty of the Public Arts Committee to encourage:

1. Public dialogue to increase public understanding and the enjoyment of visual art through appropriate public education forums and programs;
2. Human interaction in public places and areas of public ownership and accessibility, via the placement of works of art;
3. Collaborative efforts between artists, architects, engineers, and landscape artists;

4. Artists to reach creative solutions to the aesthetic problems they have been employed to solve; and
5. Stimulation of the vitality and economy of the city by creating works of art in public places.

The Public Arts Committee will be used by the City Council to recommend artists and artwork; recommend expenditure of funds on public artworks and art projects; recommend requests for proposal requirements when such a process is used to make public art selection decisions; and recommend sites for placement of public art.

C. Public Arts Selection Panel. When the City Council has reason to seek a recommendation on the selection and placement of public art for a particular project, the Public Arts Committee shall form a "Selection Panel" to make the recommendation to the City Council. The Selection Panel shall consist of:

1. Seven voting members:
  - a. Two members of the Public Arts Committee;
  - b. One recognized art professional, such as a museum curator, art historian, conservator, or gallery director;
  - c. One professional visual artist;
  - d. Two ad hoc Newport citizens at large; and
  - e. The Executive Director of the Oregon Coast Council for the Arts.
2. Two non-voting members:
  - a. Director of Parks & Recreation or designee; and
  - b. One City Council liaison.

Voting members of the Selection Panel shall not include anyone with a professional or personal relationship with the considered artist, or a business interest in selling the art.

D. Artist Selection Criteria. Artists may be chosen using some or all of the following criteria:

1. Meeting the requirements of a request for proposals or request for qualifications;
2. Vision and concept of the artwork;
3. Warrant that the artwork is unique and an edition of one or part of a limited edition;
4. Ability for a successful likelihood of completion as proposed by the artist;
5. Qualifications as demonstrated by past work (e.g., public art);
6. A willingness to fully participate in a collaborative process; and
7. Representation of a broad distribution of commissions among artists.

The following artists will not be considered: members of the Public Arts Committee; members of the Selection Panel; employees of the city; and art students.

Section processes and procedures shall not discriminate against any person on the basis of race, color, national origin, disability, or age.

E. Public Artwork Selection Criteria. The Public Arts Committee shall select artwork using the following criteria, as applicable:

1. Esthetics

- a. Contribute to the city's art collection as a whole;
- b. Provide diversity in style, scale, media, form or intent;
- c. May represent the local, regional, national or international communities;
- d. May enhance the city's identity; and
- e. Shall meet the context of the site (i.e., architectural, historical, geographical and socio-cultural).

2. Craftsmanship

- a. High construction quality with structural and surface soundness;
- b. Resistant to theft, vandalism, weathering and excessive maintenance or repair costs; and
- c. Of no hazard to public health.

3. Other considerations

- a. Artwork that is intentionally temporary;
- b. Compliance with budget and timeline constraints;
- c. Compliance with zoning, construction and design guidelines; and
- d. Additional criteria as determined by the Public Arts Committee for the particular project at issue.

F. Site Selection Criteria

1. Public art shall be placed where:

- a. The relationship and scale of the artwork is appropriate to the proposed site, surroundings, and collection as a whole;
- b. It is immediately visible to the public;
- c. Clearance is maintained from above- and below- ground utilities; and
- d. It allows for easy passage to both drivers and pedestrians.

2. Public art shall not:

- a. Obstruct the greater view, such as the ocean, windows, doors, or street signs or traffic;
- b. Interfere with utility access points, benches, crosswalk ramps, sight of the curb, or unduly disrupt curb use activities, loading zones ingresses and egresses for transit buses or opening of car doors;
- c. Be placed where it could cause distractions for drivers or pedestrians that might cause accidents or tripping (e.g., catching spike heels or causing water to pool); and
- d. Have moving parts or edges that could cause injury.

G. Accepting Public Art Donations

Recommendations on accepting public art donations will be made by the Public Arts Committee. When deemed necessary, a Selection Panel will be assembled to assist with the decision. Meetings should be held with the donor to discuss the commissioning process. Documentation of existing artwork (or the actual artwork) will be necessary in order to evaluate the concept and placement.

Conceptualized artworks not yet materialized will be presented with schematic renderings and/or three-dimensional models (maquettes) and will undergo the same process of evaluation and discussion. Newly commissioned artworks will be subject to the same process of evaluation and discussions in order to become public art. The artwork concept will be evaluated to make a recommendation to accept or reject further processing. If the concept is acceptable, the potential usability of the artwork will be evaluated utilizing applicable criteria in this public arts policy.

- H. Accepting Cash Donations. The city may accept monetary donations for the benefit of public art. The city will honor donor wishes in the expenditure of such donations.
- I. Art Education. One of the duties of the Public Arts Committee shall be the education of the public to the public art in the community with the purpose of raising the public's awareness of its environment by expanding the public's knowledge, understanding and appreciation of the arts. A means of public education should include the creation of art education programs covering topics such as the City's art collection and other art-related subjects and events.

Upon selection of a topic or event, a curriculum will be developed or education planed in concert with community requests to include: timelines, resources (people and funding), key requirements (goals and objectives) for successful implementation and outcome, and alignment with the mission and values of the Public Arts Committee.

The Public Arts Committee may participate directly by recommending partnerships between the city and community partners to accomplish the educational goals. These partnerships may result in but not be limited to:

1. Walking tours of public art;
2. Driving tours of historical or artistic significance;
3. Brochures regarding public art and historical sites;
4. Events with the Parks and Recreation Department and the library's youth programs;
5. Artist's talks; and
6. Art dedications, openings or ceremonies.

The Public Arts Committee may also recommend outsourcing an education program through community providers, and working with the community to generate funds, if funding is required. After completion of each educational program, the Public Arts Committee will ensure the utilization of a proper evaluation process to measure the success of the program in relationship to the goals and objectives.

J. De-accession Criteria for Public Art. The term “de-accession” denotes the formal process used to permanently remove an object from the collection. Public Arts Committee recommendations on de-accessioning will be based on the following criteria:

1. Has the work physically or organically deteriorated;
2. Is the work damaged or stolen beyond hope of recovery;
3. The work cannot be properly exhibited or stored by the city;
4. The work endangers public safety;
5. The work’s relationship to its site is no longer appropriate due to significant changes in the use, character or actual design of the site; and
6. The work will be replaced by a more significant work created by the same artist.

De-accession should only be considered after a careful and impartial evaluation to avoid the influence of fluctuations of taste, premature removal, or when exceptions may be made. When the particular artwork is deemed ready for removal, the city will comply with the Visual Artists Rights Act of 1990, 17 U.S.C. § 106A. The city shall also attempt to find a way for the work to be reused, and if not reusable, dispose of it appropriately or prepare it for resale.

If a work is considered for resale, the city shall consider the following:

1. Artwork should normally be sold through a bidding process;
2. Artwork should normally be appraised, and if the artwork is estimated to be worth more than \$10,000, more than one appraisal may be sought; and
3. The city will honor contract conditions with the artist, to the extent applicable.

Section 3. A Percent for Arts Program is created as set out in this Section.

A. Purpose and Creation of Percent for Arts Program. The City of Newport intends to promote the creation and inclusion of works of art in its public buildings and public spaces through the creation of a Percent for Arts Program. The Program is intended to provide cultural leadership to guide the evolution of a distinct and vibrant artistic character for civic public places and ensure a visual legacy. The Program will be a vital ingredient in the cultural fabric and streetscape of a creative city. The Program will become an integral component of the City’s cultural plan.

There is hereby established a Percent for Arts Program. In addition, there is hereby created a special Public Arts Fund to be used to account for the monies dedicated to the Percent for Arts Program. The Public Arts Committee will make recommendations to the City Council on matters related to the Percent for Arts Program.

The Percent for Arts Program is intended to:

1. Increase the livability and artistic richness of the city by making art a permanent part of our environment and a legacy for future generations;
2. Provide opportunities for the public to increase their awareness, appreciation, knowledge and education of public art;
3. Develop a sense of place, community pride and identity through the creation of new works;
4. Integrate art and artists into a variety of public settings;
5. Create art that inspires people and is an expression of the time;
6. Enhance the attractiveness of the city, and promote cultural tourism; and
7. Provide opportunities for artists.

Private developers shall be encouraged by the city to voluntarily participate in the Percent for Arts Program. This Program creates no requirement on private developers.

B. Covered Projects. The Percent for Arts Program requires one percent (1%) of eligible construction costs of capital improvement projects paid wholly or in part by the city to construct or remodel any public or city building, structure, park or any portion thereof to be allocated for public art.

C. Excluded Projects. The following categories of projects are exempt from the Percent for Arts Program:

1. Street construction and repair, inclusive of right-of-way improvements, such as curbs, sidewalks, alleys, bicycle paths, walking paths, and related traffic control facilities and landscaping.
2. Maintenance projects.
3. Real estate purchases.

The exemptions do not preclude the city from proposing and including funding for art in a project. City departments are encouraged to include art in exempt projects.

D. Calculation of Contribution. Eligible construction costs from which the percent for art is calculated shall be the city's contribution toward the price for the completion of the improvement project. The construction costs shall not include costs associated with design and engineering, administration, fees and permits, relocation of tenants, testing services, environmental remediation, contingencies, and indirect costs such as advertising and legal fees.

E. Use of Funds. Unless special circumstances dictate otherwise, no less than eighty percent (80%) of the one percent (1%) should be used for on-site artwork, with the remaining portion deposited in the Public Art Fund to fund additional art projects and provide maintenance for existing works. In cases where the eligible construction costs of a project is less than \$100,000, and with input from the Public Arts Committee, a particular piece of on-site art is not required and one hundred percent (100%) of the one percent (1%) may be deposited in the Public Art Fund.

**Section 4.** This Resolution shall take effect immediately on passage.

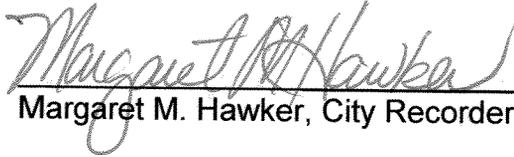
Adopted by the City Council on May 7, 2012.



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Mark McConnell, Mayor

ATTEST:



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Margaret M. Hawker, City Recorder