

ORDINANCE NO. 5301

Ordinance of the Council of the City of Palo Alto Amending the Municipal Code to add Section 2.26.070 (Public Art for Municipal Projects) to Chapter 2.26 (Visual Art in Public Places)

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. Public art fosters economic development, enhances community vitality and enriches the quality of life through the City.

B. Since 2005 Palo Alto has had a policy requiring City capital improvement projects to devote 1 percent of the project's construction budget to public art, and in 2013 extended this requirement to private developments.

C. The City wishes to confirm and strengthen its municipal public art program to enhance the funds available for public art and to increase flexibility to provide art experiences that are timely and relevant throughout the community.

SECTION 2. The Palo Alto Municipal Code is amended to add Section 2.26.070 "Public Art for Municipal Projects" to Chapter 2.26 (Visual Art in Public Places):

2.26.70 Public Art for Municipal Projects

(a) It shall be City policy to set aside one percent (1%) of its annual Capital Improvement Program (CIP) budget, as defined in the section, for the purpose of providing for public art. Except as provided in this section, all CIP projects shall be subject to this policy, including but not limited to buildings, shelters, parking garages and lots, restrooms, small structures, parks, medians, landscaping, plazas, gateways, bridges, walls, tunnels, and street and road construction. Salaries and benefits of public employees supporting CIP projects shall not be included in the CIP budget subject to this ordinance.

The following CIP projects are excluded from this policy:

- (1) ADA Compliance Projects (not including projects where ADA compliance is a portion of a larger project).
- (2) Road, path and sidewalk repairs, including: traffic signals and upgrades, curb and gutter repairs, sign reflectivity, road and parking signage, resurfacing of roads or other existing hardscape areas.
- (3) Emergency repair projects.
- (4) Cyclical replacement and repair of trails, outdoor furnishings, or fencing.

- (5) Studies.
- (6) Roof replacement.
- (7) Mechanical, security, A/V equipment, HVAC, and IT installations, upgrades and repairs.
- (8) Art in Public Places CIP.
- (9) Utilities projects, except where the project includes construction or reconstruction of a building.
- (10) Vehicle repair and replacement.
- (11) Seismic upgrades and waterproofing.
- (12) Projects where the majority of the cost is allocated to elements located underground.
- (13) Projects where prohibited by federal or state law, including projects or portions of projects funded by grants from non-City sources that prohibit expenditure of funds for art.

(b) Nothing in this Section is intended to prohibit the City Council from adopting an ordinance or resolution establishing a public art contribution for any project otherwise excluded from this policy or setting the public art contribution for any project at greater than one percent of the CIP budget.

(c) Funds shall be deposited into the Public Art Fund. The City Manager or designee, in consultation with the Public Art Commission, as appropriate, shall determine public or publically-accessible sites for art funded by the one percent for art policy. Funds may be expended on public art at any appropriate site within the City. Funds from two or more CIP projects may be pooled to fund a single work of art. Funds may be used for permanent or temporary public art. The City Manager shall establish procedures to administer this policy, including procedures for selecting sites, artists and art works.

(d) The City Manager may adopt administrative regulations to implement this Section.

**SECTION 3. Severability.** If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 4.** The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

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SECTION 5. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED: January 12, 2015

PASSED: February 2, 2015

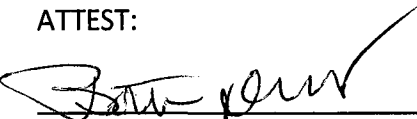
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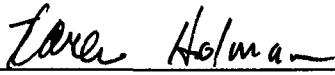
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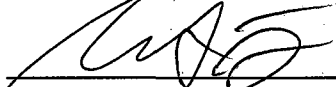
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ATTEST:

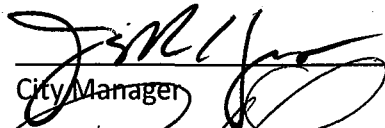
*Accuracy*  
  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor


APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

APPROVED:

  
\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
Director of Community Services

  
\_\_\_\_\_  
Director of Administrative Services