

RESOLUTION OF THE CITY OF PETALUMA CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BRIAN GOGGIN FOR COMMISSION OF THE REVISED PUBLIC ARTWORK PROPOSAL FINE BALANCE AT THE H STREET POCKET PARK

WHEREAS, on June 17, 2013, the City Council of the City of Petaluma adopted the Petaluma Public Art Master Plan (Resolution 2013-064 N.C.S.), created by the Petaluma Public Art Committee with consultant Chandra Cerrito/Art Advisors LLC; and

WHEREAS, the Petaluma Public Art Master Plan includes detailed recommendations for enhancing Petaluma's public art program, including the identification of sites for future public art projects on public property; and

WHEREAS, the Petaluma Public Art Master Plan identifies City parks including the H Street Pocket Park as a site, among others, for future public art on public property, and the City of Petaluma may implement a public art project on public property using the Public Art Fund as outlined in the Public Art Master Plan; and

WHEREAS, in 2017 the City entered into a Professional Services Agreement with artist Brian Goggin to commission a piece of public art in downtown Petaluma and for which he created the design concept of Fine Balance; and

WHEREAS, due to community opposition, appeal of the final approval of Fine Balance, and potential environmental impacts of the artwork based on the original Water Street location the project and increasing expenses associated with these issues, the City Council, considered the Public Art Committee's recommendation to allocate additional project budget at their meeting on September 13, 2021; and

WHEREAS, at the September 13, 2021 meeting the City Council remanded the project to the Public Art Committee with direction to work with the artist and City staff to identify one or more alternative locations for the approved artwork, that suitable alternative sites be within the City's site control and minimize environmental and safety impacts, and be presented to the City Council for consideration of a new contract with the artist, including a revised contract budget to include installation, lighting, and permitting costs; and

WHEREAS, the City Council also directed that the City should compensate the Artist for time spent collaborating on alternative sites and associated project revisions, but emphasized that such a short-term agreement did not obligate the City to approve the full contract for fabrication and installations of *Fine Balance*; and

WHEREAS, the City Council stipulated that should the Artist or Public Art Committee fail to identify appropriate alternative sites, the project should be canceled and no further consideration by the City Council would be necessary; and

WHEREAS, in 2021 the Public Art Committee explored potential alternatives sites for location of *Fine Balance*; and

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WHEREAS, in 2021 the City entered into a temporary consultation agreement with the Artist to complete work associated with exploring project sites and developing a revised project proposal for *Fine Balance*; and

WHEREAS, on December 8, 2021, the Public Art Committee selected two alternative sites for consideration, including Water Street North and G and H Street Pocket Parks; and

WHEREAS, at the March 24, 2022 Public Art Committee meeting, the Artist presented a project proposal for a revised project at the H Street Pocket Park, including a revised site plan, artwork site rendering, project timeline, project budget, and project narrative for a revised *Fine Balance*; and

WHEREAS, on March 24, 2022, the Public Art Committee voted unanimously to recommend the revised project to the City Council for approval to execute a Professional Services Agreement with the Artist to complete the proposed project within the terms of the revised proposal; and

WHEREAS, on April 20, 2022, the Recreation, Music, and Parks Commission considered the proposal at the H Street Pocket Park and provided feedback for consideration; and

WHEREAS, on May 16, 2022, the City Council held a duly noticed public hearing to consider the revised project as recommended by the Public Art Committee, at which time all interested parties had the opportunity to be heard; and

WHEREAS, on May 16, 2022 and prior to acting on this request, the City Council considered the staff report analyzing the Professional Services Agreement request and including the California Environmental Quality Act (“CEQA”) analysis and exemption as outlined in the May 16, 2022 staff report.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated herein as findings of the City Council by reference.
2. The project involves installation of public art, the *Fine Balance* exhibit, at the existing H Street Pocket Park property owned by the City at the terminus of H Street and the south bank of the Petaluma River. The proposed *Fine Balance* public art exhibit is eligible for one or more exemption as provided in Section 15300 of the California Environmental Quality Act (CEQA) Guidelines. The project qualifies for a Class 1 exemption, CEQA Guidelines Section 15301(a) – Existing Facilities, because the proposed project is limited to installation of the *Fine Balance* public art exhibit on an existing public facility, the H Street Pocket Park. The project is categorically exempt pursuant to CEQA Guidelines Section 15303 (d) – New Construction, because the *Fine Balance* exhibit consists of a limited number of new small structures (two pieces) in an urbanized area with a maximum sculpture height of 24 feet above existing grad. Additionally, the project is exempt pursuant to CEQA Guidelines Section 15311 – Accessory Structures, which includes placement of structures or facilities designed for public use on a

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publicly owned park (15311(c)). Each of the Categorical Exemption findings above provide for a separate and independent basis for CEQA compliance.

The project will not result in conflicts with Section 15300.2 of the CEQA Guidelines given that: (a) the public art pieces would be installed on an existing public pocket park that does not contain particularly sensitive habitat ; (b) the art installation would occur once and would be periodically maintained; (c) the installation of two pieces of public art at an existing public park would not have a significant effect on the environment due to unusual circumstances; (d) the project is not located in the vicinity of a State Designated Highway, and would not substantially change the scenic context as the *Fine Balance* exhibit would be sited in a location where existing industrial structures serve as a backdrop; (e) the site is not located on a state designated hazardous waste site; and (f) the project would not cause a substantial adverse change in the significance of a historical resource. None of the exceptions to the exemption apply, therefore, the project is exempt from further CEQA review.

3. Based on its review of the entire record herein, including the May 16, 2022 City Council staff report, all supporting, referenced, and incorporated documents and all comments received and foregoing findings, the City Council hereby authorizes the City Manager to execute the Professional Services Agreement with Brian Goggin for Public Art Services for the *Fine Balance* Public Art Project at the H Street Pocket Park site in an amount not to exceed \$102,774.81 for a two (2) year term, with a possible one year one time extension, upon provision of certificates of insurance and other required documentation acceptable to the City Attorney and City Risk Manager.