

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Steven Kueny, City Manager *SK*

PREPARED BY: Deborah S. Traffenstedt, Administrative Services Director *DST*

DATE: January 31, 2008 (CC Meeting of 2/6/08)

SUBJECT: Consider Reconsideration of City Council Action on Campus Plaza Public Art Conceptual Design, Agenda Item 9.E. on January 16, 2008, Regular Meeting

BACKGROUND

Councilmember Millhouse has requested an agenda item to allow the City Council to reconsider the prior vote for Item 9.E., Campus Plaza Public Art Conceptual Design, on the January 16, 2008, regular meeting agenda. The Council's action on January 16 for Item 9.E. was to refer the public art conceptual design back to the Moorpark Arts Commission to review different options. The motion carried by voice vote 4-1, Councilmember Mikos dissenting.

DISCUSSION

The City Council's Rules of Procedure (Resolution No. 2006-2476) includes the following language pertaining to reconsideration of a vote:

"7.12 Motion for Reconsideration:

Any Councilmember who voted with the majority may move a reconsideration of any vote at the same meeting or request an agenda item on the next regular meeting or request a special meeting called to be held prior to the next regular meeting to consider reconsideration of any vote. The agenda item shall appear on Presentation/Action/Discussion as a two-part item, e.g.,

Consider Reconsideration of _____.

Reconsideration of vote on _____.

After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the Council.”

Consistent with Section 7.12 of the Council’s Rules of Procedure, to reconsider the Council’s prior vote on the Campus Park Public Art Conceptual Design, the first motion must be made by a member of the Council who voted with the majority, and an affirmative majority vote is required on the motion. Suggested motions for reconsideration are as follows:

FIRST MOTION: Consider reconsideration of Campus Park Public Art Conceptual Design, Item 9.E. on the January 16, 2008, regular City Council meeting.

SECOND MOTION: Consider reconsideration of vote on January 16, 2008, for Item 9.E.

If affirmative majority votes are obtained on the above two motions, then the Council may take a subsequent action as deemed appropriate. The developer, M & M Development has submitted a revised conceptual design for Council consideration (see Attachment 2).

STAFF RECOMMENDATION

- 1) Consider reconsideration of Campus Park Public Art Conceptual Design, Item 9.E. on the January 16, 2008, regular City Council meeting;
- 2) Consider reconsideration of vote on January 16, 2008, for Item 9.E; and
- 3) Consider revised Campus Park Public Art Conceptual Design for Campus Plaza (CPD 2000-04).

Attachments:

1. Agenda Report for Item 9.E. on 1/16/08 Regular Meeting
2. Revised Campus Park Public Art Conceptual Design

ATTACHMENT 1

ITEM 9.E.
1-16-2008
ACTION: Referred back to Moorpark Arts Commission
M. Benson

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council
FROM: Mary K. Lindley, Parks, Recreation & Community Services Director
DATE: January 7, 2008 (Meeting of January 16, 2008)
SUBJECT: Consider the Campus Plaza Public Art Conceptual Design

DISCUSSION

As a condition of approval for Commercial Planned Development Permit, CPD 2000-04, Campus Plaza, the developer is required to prepare and install a public art project on-site, or with City approval, pay a fee in lieu. The approved art project must be completed, or fee paid, prior to the issuance of the first building occupancy. Under the City's policy, the Arts Commission is responsible for reviewing the proposed conceptual designs for public art work. The Commission's recommendation is forwarded to the City Council which has final approval.

The project falls under the City's previous public art program which required a public art project valued at \$0.10 a square foot of building area. The Campus Plaza building area is 61,561 square feet, which equals \$6,156.10. The City's current Art in Public Places program, adopted in 2005, requires that the value of the public art obligation be one percent (1%) of the total building valuation for the development, excluding land value and off-site improvement costs. Had this project been approved under the current program, the developer's obligation would be valued at \$57,948.67.

The developer proposes to install art work. The piece is a "story stone" and could be viewed as a modern interpretation of old hieroglyphics or etchings, with basalt columns at the back. The work is shown surrounded by groundcover and up-lighting (Attachment A).

On November 20, 2007, the Arts Commission met to review and discuss the developer's public art conceptual design. The Commission liked the concept and the proposed materials, but wanted to explore etchings to be included on the stone piece. On November 27, an Ad Hoc Committee of the Commission (Commissioners Peterllo

and Rohal) met with the developer and staff to discuss the selection of etchings with the goal of identifying themes that represent Moorpark. The etchings on the conceptual design being presented for City Council consideration represent the Art Commission's and staff's recommendation.

In accordance with the City Art in Public Places Program and the Moorpark Municipal Code Section 17.50.080 (Covenant for Maintenance), the applicant will be required to sign the City's maintenance covenant to provide for ongoing maintenance of the artwork. Additionally, Section 17.50.130 (Maintenance and ownership of Artwork) states the obligation to provide all maintenance necessary to preserve the artwork in good condition shall remain with the owner of the site. The Section goes on to state that maintenance of the artwork includes: preservation of the artwork in good working condition to the satisfaction of the City; protection of the artwork 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 City. Prior to the placement of the artwork, the applicant and owner of the site shall execute and record a covenant in a form approved by the City. If the owner fails to maintain the artwork, the City may declare it to be a public nuisance. Additionally, upon reasonable notice, the City may perform all necessary repairs and maintenance and the cost shall become a lien against the real property.

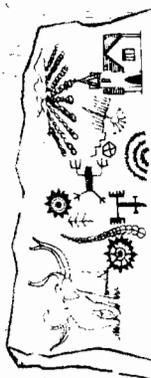
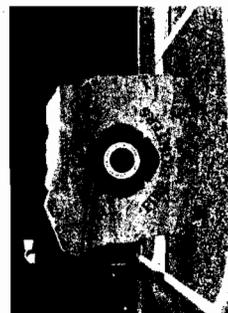
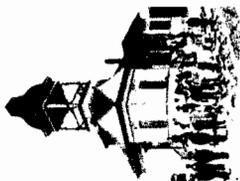
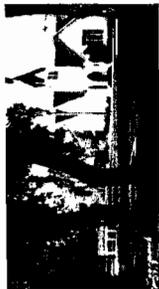
FISCAL IMPACT

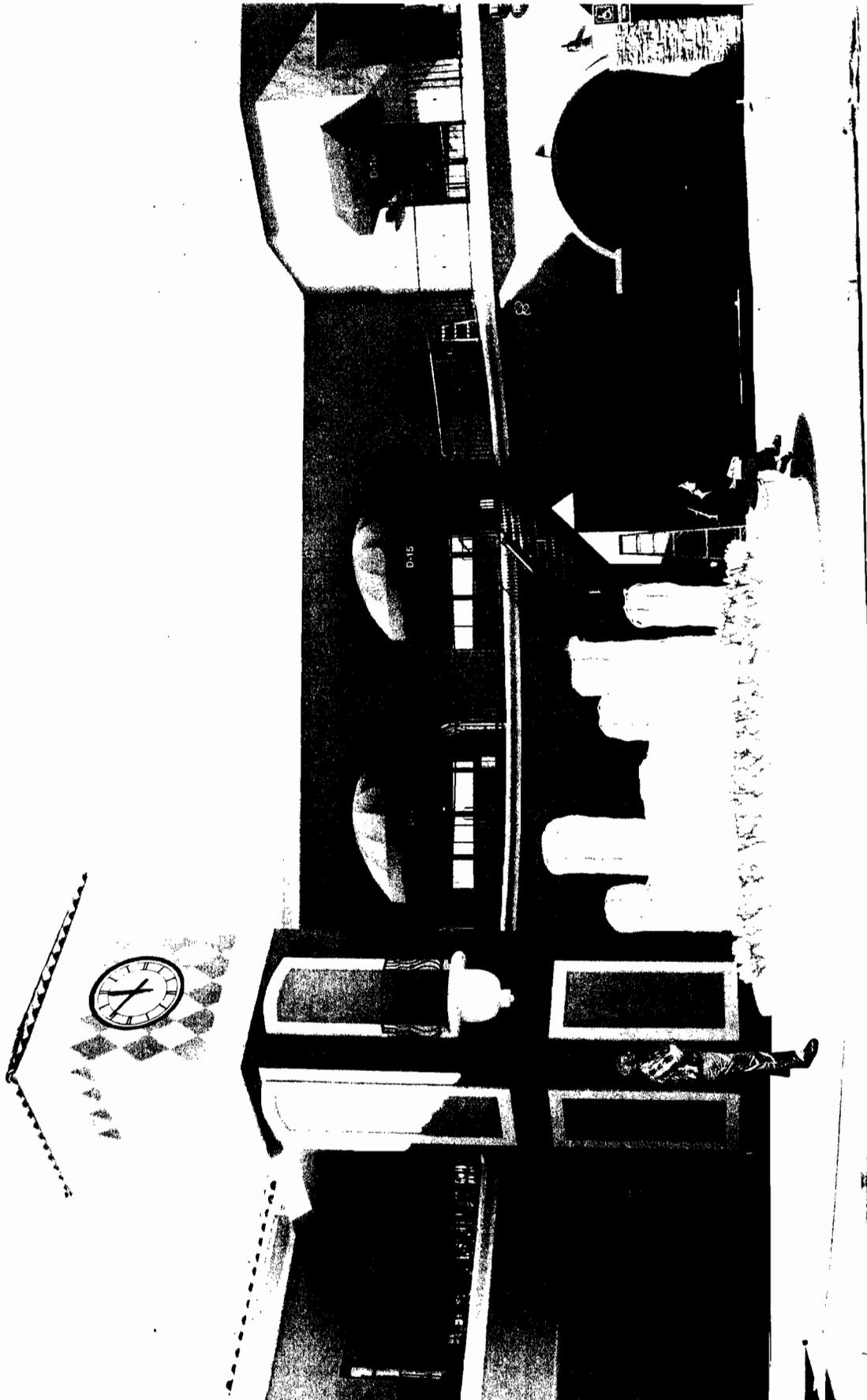
There is no fiscal impact.

STAFF RECOMMENDATION

Approve the proposed conceptual design for the Campus Plaza Public Art work.

Attachment: A – Conceptual Design





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