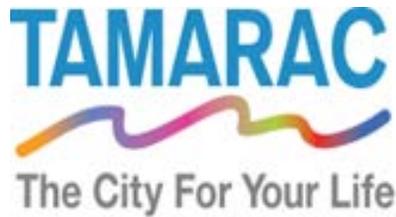


**Public Art Committee Meeting  
Virtual Meeting  
January 19, 2021, 4: 30 p.m.  
Meeting Agenda**

- I. Call to Order
- II. Approval of Minutes of December 15, 2020 meeting
- III. Fire Station Dalmatian Art
- IV. Community Foundation of Broward Grant
- V. Colony West update
- VI. Woodspring Suites update
- VII. Tamarac Village update
- VIII. Inspiration Way update
- IX. Public Art Ordinance Amendment
- X. Old Business
  - a. Tree Removal
  - b. Lighting
- XI. New Business
- XII. Next Meeting: February 16, 2020
- XIII. Adjourn



**Virtual Public Art Committee Meeting  
December 15, 2020, 4: 30 p.m.**

**Present Virtually:**

Tobey Archer (unable to connect virtually. She was present on the phone with Brian Z)  
Sandra Hill  
Sandra Ehrlich  
Helene Herman  
Brian Zambrano

**City Staff Present Virtually:**

Maxine Calloway: Director Community Development

Maxine Calloway called the meeting to order at 4:35PM. As chair Tobey Archer was unable to connect virtually. Maxine stated that the Public Art meeting was virtual, and might be viewed by the public. She wanted the members to be aware that any statements made were public knowledge.

Maxine introduced the new member to the PAC, Alexandra Hernandez. She was sworn in by Jennifer Johnson City Clerk.

Helen Herman questioned whether Alexandra was replacing her since Commissioner Fishman lost the election to Elvin Villalobos. The new Commissioner selected Alexandra to represent his district. It was discovered this was true, and Helen H. left the meeting. Beth R. questioned whether Helene could continue on as an alternate. Maxine stated there is no alternate as per the Public Art Ordinance, but meetings are open to the public.

Sandy H. stated that when a new Commissioner gets elected to replace the seated Commissioner and selects their own person to represent their district, the PAC member representing that district should be told before the next scheduled meeting. Maxine apologized for the oversight.

Sandy E. made a motion to approve the minutes of November 17, Sandy H. seconded it, and they were approved.

**COLONY WEST**

Images were shown of the three (3) artworks commissioned for Colony West Clubhouse. The update is as follows:

The Lasvit designed suspended artwork in the lobby installation has been delayed. It was scheduled for Monday, Dec. 14. However, the cables that attach to the ceiling were damaged in shipment and have to be fixed. The new installation date will be in January, 2021.

Jim Bowman's bar relief sculpture located on the hallway wall outside of the ballroom is scheduled for installation Friday, December 18th. All members are invited to view.

Michael Szabo's sculpture in front of the entrance portico is scheduled for a January installation. He installed a sculpture this month for the City of Pompano and also in the city of Port St. Lucie.

### **FIRE STATION # 36**

Celso Gonzalez won the commission for his Dalmatian dog ceramic sculpture in front of Fire Station # 36. Gadson & Ravitz will present the sculpture to the City Commission workshop on January 13<sup>th</sup>. The sculpture is a ceramic mosaic sculpture 16 feet high. The proposed location recommended is at the front entrance outside of the fence.

Sandy H. suggested the artist, Celso Gonzalez, make a few changes to the rendering of the Dalmatian dog. She recommended removing the "hump" on the dog's back and making the head a bit fuller. Sandy E. suggested the red collar have the Fire Station numbers 36, and in addition the dog could have a tag. Beth R. stated that in a Broward County Animal Shelter project she completed a few years ago, a requirement was that the dogs all have tags. These two suggestions were unanimously approved.

Tobey A. suggested the dog wear a hat plus have a fireman's shield. The PAC does not recommend this idea.

Beth R. will forward these ideas to the artist to redo his rendering before it is presented at the January Commissioner meeting.

### **WOODSPRING SUITES**

A surveyor was sent to the site to place flags for the sculpture location at the request of the GC, Travis Knowles. Travis is pouring the footer at this site. Ray King is on schedule for a January installation.

### **TAMARAC VILLAGE**

Cindy Fisher has completed the amphitheater wall mosaic mural. She has ordered tiles for the splashpad, and will begin the work on that floor when the tiles arrive.

#### **Civil Rights Monument Wall**

The Mayor expressed her opinion that the existing wall proposed that surrounds the splashpad for the Civil Rights Monument might not be a good location as it is so close to the splashpad.

The PAC approves of the existing location and senses the location will be fine. This location is in Commissioner Gelin's District 2.

Commissioner Bolton, District 1, MLK sculpture was discussed next. Brian Z had suggested at the November PAC meeting continuing the ideas from the Civil Rights wall in Tamarac Village and

place the mural on the sound wall on Commercial Blvd. However, G & R (George), met with Commissioner Bolton On Sunday Dec 15 to discuss locations for the sculpture in his district. He prefers the theme be African American history and culture. Tobey A. mentioned Harriet Tubman. Maxine proposed we place this on the next PAC agenda for the January 19<sup>th</sup> meeting.

Several members expressed a desire to see more sculptures on the East end of Tamarac. Beth R. itemized the sculptures that are located east such as the Paley sculpture on the Firehouse by the Turnpike entrance, and the Stollar sculpture, VIVO on Commercial just west of Rock Island. She further detailed that George had met Jack Strain and DOT at the corner of Commercial and 441 to get approval for a significant sculpture on this corner. The site was approved, but Commissioner Bolton declined the offer. He does not want a sculpture in that location, but rather more embedded into the neighborhoods in his district.

### **INSPIRATION WAY**

Beth R stated that 10 sculptors have accepted the invitation to Inspiration Way and contracts have been sent. Three sculptors dropped out from the original selection of 12. She has already replaced one and is working on two others.

She has tentatively placed the sculptures in their proposed locations in a PPT and sent to Ron Stein, the project manager for this exhibit. He has sent both the PPT, and Exhibit A which is a form that lists all details about each sculpture to Biaggi Engineering. They will be completing stamped engineered drawings to submit for permitting.

Delivery of the sculptures is tentatively scheduled for the week of January 25, 2021.

A ribbon cutting is suggested for March. Maxine stated that since a Covid vaccine has arrived, the ribbon cutting will be planned as in person with whatever guidelines are stated at this time.

### **OLD BUSINESS**

#### **Sunset Point Park:**

Beth R. reported that two companies had been shortlisted for this project. She is awaiting notification of the selection panel meeting. The City is awaiting the \$400,000 awarded for the Land Conservation Grant, while the city is shortlisted for an additional \$200,000 grant from another source. The City will hear of the finalists in January for this grant.

#### **The Community Foundation of Broward Grant**

Due to the enormous response to this grant, interviews for the shortlisted finalists have been delayed.

Tree removal and lighting for VIVO was discussed. All is in the process of happening.

Brian Z. requested whether an amendment could be made to the Public Art Ordinance that would include "non-tangible art". He expanded his ideas to include art lectures, theater, and

acting amongst others. Maxine will follow up on this request to amend the City Public Art Ordinance and will send a draft to the PAC to discuss at the January meeting.

**NEW BUSINESS**

No new business.

The next meeting is January 19, 2021

The meeting was adjourned at 5:35 PM

CITY OF TAMARAC, FLORIDA

ORDINANCE NO. 2019 - \_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA AMENDING CHAPTER 5 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY SPECIFICALLY AMENDING ARTICLE XI, ENTITLED "PUBLIC ART PROGRAM", SECTION 5-301 ENTITLED "DEFINITIONS" TO PROVIDE FOR A DEFINITION FOR CONSTRUCTION VALUE; PROVIDING CLARIFICATION FOR THE ASSESSMENT AND COLLECTION OF A ONE (1) PERCENT PUBLIC ART FEE FOR LAND DEVELOPMENT PROJECTS SUBJECT TO THE REQUIREMENTS OF THE CITY'S PUBLIC ART PROGRAM; AMENDING SECTION 5-302 ENTITLED "PUBLIC ART FEE", TO ESTABLISH ADDITIONAL PROVISIONS BY WHICH THE REQUIRED ONE (1) PERCENT PUBLIC ART FEE MAY BE PROVIDED FOR IN LIEU OF PAYMENT TO THE CITY'S PUBLIC ART FUND; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

---

**WHEREAS**, the City of Tamarac (the "City") seeks to amend its Public Art Program regulations in order to provide clarification for the assessment and collection of a public art fee equal to one (1) percent of the total construction value for land development projects subject to the requirements of the City's Public Art Program; and

**WHEREAS**, the City seeks to establish additional provisions by which the required one (1) percent public art fee may be provided for in lieu of payment to the city's public art fund; and

**WHEREAS**, the City recognizes that various opportunities for the provision of public art are presented through public and private partnerships; and

**WHEREAS**, the City desires to continue its promotion of cultural enrichment and aesthetic place making through the installation of public art; and

**WHEREAS**, after thorough evaluation, the City has determined that a need exists for greater flexibility in the administration and implementation of the City's Public Art Program; and

**WHEREAS**, the Director of Community Development recommends approval of this ordinance amendment; and

**WHEREAS**, the City Commission of the City of Tamarac has deemed the amendments to the City's Code of Ordinances as it specifically pertains to the City's Public Art Program to be in the best interests of the health, safety, and welfare of the citizens and residents of the City of Tamarac.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That Chapter 5, Article XI, entitled "Public Art Program", of the City of Tamarac Code of Ordinances is hereby amended to read as follows:

ARTICLE XI. - PUBLIC ART PROGRAM

Sec. 5-300. - Short title; intent.

- (a) This article shall be known and cited as the "public art program."
- (b) It is the intent and purpose of this article to further the commitment of the city to providing public art to beautify the appearance of the city, commemorate the city's history, and to enhance cultural opportunities throughout the city.

(Ord. No. 2004-15, § 2, 5-26-04)

Sec. 5-301. - Definitions.

- (a) *Definitions.* For the purposes of this section, the following words and phrases shall have the following meanings:

CODING: Words in ~~strike-through~~ type are deletions from existing law;  
Words in underlined type are additions.

*Alteration* means any change or modification in construction or occupancy.

*Art, artwork ~~or~~ works of art* means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of the visual and performing arts conceived in any medium, material, or combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate a person or an event, functional furnishings, such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements, performing arts such as dance, music, theatre, opera, mime, and other art forms in which a human performance is the principle product. The following shall not be considered artwork or works of art for purposes of this chapter:

- (1) Reproductions or unlimited copies of original artwork.
- (2) Art objects which are mass produced.
- (3) Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site.

*Artist or professional artist* means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

*Building* means any structure that encloses space and is used or built for the shelter or enclosure of persons, businesses, chattel or property.

Construction value means the total value of the construction or reconstruction of any structure or appurtenance thereto for which a building permit is required and subject to the assessment of building permit fees as provided for in [Section 5-24.5](#).

*Development* means any construction, redevelopment, alteration or repair of any private or public building within the limits of the city.

*Public art committee* means the entity appointed by the city commission to administer the public art program.

*Public art fund* means a separate, interest bearing account set up by the city to receive monies for the public art program.

*Public art master plan* means a plan that includes public art needs and priority assessment, recommendations on types of public art and potential locations in the city, and implementation strategies for acquisition and maintenance. The plan is developed with input from stakeholders, and adopted by the commission.

*Repair or maintenance* means the reconstruction or renewal of any part of an existing building for the purpose of maintenance.

(Ord. No. 2004-15, § 2, 5-26-04)

Sec. 5-302. - Public art fee.

~~(a) A public art fee will be assessed equal to one (1) percent of construction value of improvements to real property in the city as provided for in section 5-304.~~

~~(b) The public art fee shall be collected by the building and code compliance department at the time of permit issuance.~~

(a) Developers subject to the provisions of this chapter shall comply with public art program contribution requirements as follows:

(1) The developer shall remit unto the city, payment equal to one (1) percent of the construction value of improvements to real property as provided for in section 5-304; or

(2) The developer may provide artwork on the development site in lieu of payment of the required public art fee equal to or greater than a minimum of one (1) percent of the construction value of improvements to real property as provided for in section 5-304.

a. The developer shall provide documentation to the city that the art fee has been deposited into an escrow account for said purpose prior to the issuance of a building permit.

b. Prior to placement on the development site, the artwork must be approved by the public art committee and conform to adopted public art guidelines. The guidelines include a requirement that the artwork be accessible and readily visible to the public based on location of artwork and normal traffic of vehicles/pedestrians in the proposed location.

c. A minimum of seventy-five (75) percent of the total value of the art requirement shall be placed in areas that are clearly visible from the public sidewalk or public space.

d. The developer shall be given up to six (6) months after issuance of the building permit to obtain approval of the proposed artwork from the public art committee, unless the committee grants an extension for good cause as determined in their sole discretion. If no such approval is obtained within the time period, the city shall require transfer of aforementioned funds to the public art fund.

- e. The developer shall be given up to six (6) months after the issuance of a certificate of occupancy to install artwork, as approved by the public art committee in accordance with adopted public art program guidelines unless the committee grants an extension for good cause as determined in their sole discretion. If no installation occurs within the time period, said funds shall be transferred to the public art fund.

(Ord. No. 2004-15, § 2, 5-26-04)

Sec. 5-303. - Public art fund.

- (a) There is hereby created a public art fund administered by the public art committee which shall consist of all contributions received from art fees for development, redevelopment, renovation and repair, from public, residential and private development, cash grants and donations to the city for public art projects from governmental or private resources, and all other funds allocated by the city through the budgetary process for the provision of public art.
- (b) The public art fund shall be used solely for expenses associated with the selection, commissioning, acquisition, transportation, maintenance, promotion, administration, removal and insurance of the works of art or in relation thereto. Expenditures will be authorized by the city manager or designee.

(Ord. No. 2004-15, § 2, 5-26-04)

Sec. 5-304. - Projects subject to requirements of the public art program.

- (a) The requirements of this article shall apply to the following activities:
- (1) All nonresidential construction, alteration or repair for which a building permit is required.
  - (2) All new residential construction and/or redevelopment for which a building permit is required.
  - (3) All new public construction for which a building permit is required.
- (b) Exceptions. The requirements of this chapter shall not apply to the following activities:
- (1) Public works and utilities non-facility infrastructure projects.
  - (2) Remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity.
  - (3) Affordable housing construction, remodel, repair or reconstruction projects, as defined by federal, state or local programs.

(Ord. No. 2004-15, § 2, 5-26-04)

CODING: Words in ~~strike-through~~ type are deletions from existing law;  
Words in underlined type are additions.

Sec. 5-305. - Public art committee.

- (a) There is hereby established a committee to be known as the "public art committee."
- (1) *Public art committee mission.* The mission of the public art committee is to expand cultural opportunities for residents and visitors and to enhance the appearance of the city through the selection and integration of artwork in a public environment.
- (2) *Committee membership.*
- a. The public art committee consists of five (5) members, who live or conduct business in the city, with a strong commitment to the objectives of the public art program, who shall be appointed by the city commission. Membership of the public art committee may include:
    1. Two (2) individuals chosen from the following disciplines: landscape architecture, urban planning, engineering, or a related design discipline;
    2. One (1) professional artist;
    3. One (1) private citizen, knowledgeable in the field of public art, education, or community affairs; and
    4. One (1) private citizen from the development community.
  - b. The city manager designates a city staff member to act as the city's liaison with the board. The liaison will be responsible for budget development and monitoring.
  - c. The committee shall elect a chairperson and vice-chairperson each year.
- (3) *Membership terms.*
- a. The membership terms shall be staggered to run concurrently with the election of commissioners from odd numbered districts, and commissioners from even numbered districts, and the mayor, and shall expire upon the term expiration or the vacation of office of the nominating member of the city commission in accordance with section 2-59 of the City of Tamarac Code or until such time as new appointments are made.
  - b. The staff liaison member's term is not limited.
  - c. Reserved.
  - d. The appointment of members shall be in accordance with subsection 2-58(g) of the City of Tamarac Code of Ordinances.
  - e. Consecutive reappointments are permissible.
- (4) *Vacancies.* Vacancies shall be handled in accordance with section 2-59 of the City's Code of Ordinances.
- (5) *Meetings and attendance.*
- a. The public art committee shall meet at least once per quarter or on an as needed basis.

- b. Other meetings will be held as necessary to carry out the duties and responsibilities of the committee.
  - c. A committee member is required to attend a majority of meetings scheduled within each twelve-month time period of his or her appointed term. Failure of a committee member to regularly attend meetings could result in removal from the position at the discretion of the city commission.
  - d. Public art committee meetings will be open to the public and conducted pursuant to Robert's Rules of Order, Newly Revised, and all applicable state and local laws.
- (6) *Quorum.* A quorum shall be a majority of committee members, which is a minimum of three (3) members present.
- (7) *Voting.*
- a. In all matters coming before the committee, the affirmative vote of a majority of those present and voting is the action of the committee, provided a quorum is present.
  - b. In the event that any members have personal interests in matters of acquisition or commissioning of artwork before the committee that constitutes a conflict of interest, those members shall excuse themselves from voting.
- (8) *Conflict of interest.* If any member of the public art committee shall find that his private or personal interests are involved in the matter coming before the committee, he shall disqualify himself from all participation in that matter. No member of the public art committee shall have his or her work of art considered or approved by the public art committee during their term of service on the committee or for one (1) year thereafter.
- (9) *Expenses.* Members shall serve without compensation.
- (b) The public art committee shall have the following powers and duties:
- (1) Recommendations to the commission on revisions to the public art guidelines.
  - (2) Recommendations to the commission on revisions to the public art master plan, to be adopted by resolution by the city commission.
  - (3) Recommendations to the commission on art and artist selection.
  - (4) The public art committee is responsible for submitting an annual report to the city commission on or before May 1 of each year. The report will describe the committee's accomplishments over the past year, give the status of current projects, provide information on any future plans, and include an inventory of public art in the city.

(Ord. No. 2004-15, § 2, 5-26-04; Ord. No. 2010-17, § 4, 9-7-10; Ord. No. 2014-19, § 2, 12-10-14)

Sec. 5-306. - Artist and art selection criteria.

- (a) Artist will be selected in accordance with city procurement policy. The following criteria, at minimum, shall be considered by the public art committee in the selection of an artist:
- (1) Ability of the artist to complete the project within a specified schedule and budget;
  - (2) Exhibition and sales history of the artist, as well as works of art in public collections and previous public art purchases or commissions; and
  - (3) All other criteria set forth in the public art program guidelines, as amended from time to time.
- (b) The following criteria, at minimum, shall be considered by the public art committee in the selection of artwork:
- (1) Appropriateness of the artwork to the site and site environmental conditions;
  - (2) Maximum visual accessibility to pedestrian or vehicular traffic, as set forth in the public art program guidelines;
  - (3) Quality of the artwork;
  - (4) Maintenance requirements;
  - (5) Whether the artwork too closely resembles a business logo or sign and should, therefore, be rejected; and
  - (6) Any other criteria set forth in the public art program guidelines, as amended from time to time.

(Ord. No. 2004-15, § 2, 5-26-04)

Sec. 5-307. - Ownership of artwork.

Unless otherwise expressly agreed to in writing by the city, ownership of all art acquired through expending funds in the public art fund shall be vested in the city, which shall obtain title to each work of art.

Artist shall be required to enter into an agreement with the city which includes, but is not limited to, the waiver of artists rights as set out in the Visual Artists Rights Act, 17 U.S.C. §§ 106A and 113(d) ("VARA"), as amended, and any other rights arising under any international, federal, state or local law.

(Ord. No. 2004-15, § 2, 5-26-04)

Sec. 5-308. - Public art program guidelines.

The public art committee shall prepare, and from time to time revise, public art program guidelines and make the same available to the public, which shall provide guidance for program organization, organizational governance and staffing responsibilities; procedures for project planning; artist selection; art selection criteria; art placement criteria, donations; loans and memorials, collection management; and, administration of the public art fund.

(Ord. No. 2004-15, § 2, 5-26-04)

Secs. 5-309—5-399. - Reserved.

**SECTION 3. Codification.** It is the intention of the City Commission of the City of Tamarac that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Tamarac, Florida, and that the Sections of this ordinance may be renumbered, re lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**SECTION 4. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 5. Severability.** Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or applications of this Ordinance.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon adoption.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

PASSED, FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED, SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BY: \_\_\_\_\_  
MAYOR MICHELLE J GOMEZ

\_\_\_\_\_  
PATRICIA TUEFEL, CMC  
CITY CLERK

RECORD OF COMMISSION VOTE: 1<sup>ST</sup> Reading

MAYOR GOMEZ \_\_\_\_\_  
DIST 1: COMM. BOLTON \_\_\_\_\_  
DIST 2: COMM. GELIN \_\_\_\_\_  
DIST 3: COMM. FISHMAN \_\_\_\_\_  
DIST 4: VM. PLACKO \_\_\_\_\_

RECORD OF COMMISSION VOTE: 2<sup>ND</sup> Reading

MAYOR GOMEZ \_\_\_\_\_  
DIST 1: BOLTON \_\_\_\_\_  
DIST 2: COMM. GELIN \_\_\_\_\_  
DIST 3: COMM. FISHMAN \_\_\_\_\_  
DIST 4: VM. PLACKO \_\_\_\_\_

I HEREBY CERTIFY THAT I HAVE  
APPROVED THIS RESOLUTION  
AS TO FORM:

\_\_\_\_\_  
SAMUEL S. GOREN,  
CITY ATTORNEY