



# CITY *of* BRISBANE

## Special Public Art Advisory Committee Agenda

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**Monday, June 26<sup>th</sup>, 2023 at 4:30PM • Hybrid Meeting**  
**Brisbane City Hall, Large Conference Room, 50 Park Place, Brisbane, CA**

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The public may observe/participate in Public Art Advisory Committee meetings by using remote public comment options or attending in person. Committee members shall attend in person unless remote participation is permitted by law. The Committee may take action on any item listed in the agenda.

### **JOIN IN PERSON**

Location: 50 Park Place, Brisbane, CA 94005 - [Large Conference Room](#)

Masks are no longer required but are highly recommended in accordance with California Department of Health Guidelines. To maintain public health and safety, please do not attend in person if you are experiencing symptoms associated with COVID-19 or respiratory illness.

### **JOIN VIRTUALLY**

Join Zoom Webinar: [brisbaneca.org/pa-zoom](https://brisbaneca.org/pa-zoom) (please use the latest version: [zoom.us/download](https://zoom.us/download))

Webinar ID: 865 6065 0564

Call In Number: 1 (669) 900-9128

Note: Callers dial \*9 to “raise hand” and dial \*6 to mute/unmute.

The agenda materials may be viewed online at [www.brisbaneca.org](http://www.brisbaneca.org) at least 72 hours prior to a Meeting. Archived videos can be replayed on the City’s website, [brisbaneca.org/meetings](http://brisbaneca.org/meetings). Please be advised that if there are technological difficulties, the meeting will nevertheless continue.

### **TO ADDRESS THE COMMITTEE**

#### **IN PERSON PARTICIPATION**

To address the Committee on any item on or not on the posted agenda, please wait until Public Comments are being accepted.

#### **REMOTE PARTICIPATION**

Members of the public may observe/participate in the Committee meeting by logging into the Zoom Webinar. Aside from commenting while in the Zoom meeting, the following email line will be monitored during the meeting, and public comments received will be noted for the record during Public Comment or during an Item.

Email: [lpadilla@brisbaneca.org](mailto:lpadilla@brisbaneca.org)

#### **SPECIAL ASSISTANCE**

If you need special assistance to participate in this meeting, please contact Angel Ibarra at (415) 508-2109. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**COMMITTEE MEMBERS:**

Chair Greenlee, Vice-Chair Salmon, Mayor Davis, Councilmember Cunningham, Park & Recreation Commissioner Seawell, Committee Member Diane Glazman, Committee Member Danielle Kellstedt

**ROLL CALL**

- A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

**APPROVAL OF AGENDA****APPROVAL OF MINUTES**

- B. Approve Minutes from May 1<sup>st</sup>, 2023 Public Art Advisory Committee

**PRESENTATIONS AND DISCUSSION ITEMS**

- C. Review of AB 2449 (Ways Members of a Legislative Body May Participate in Meetings)
- D. Discuss Relocation of the Plug Preserve
- E. Update on the Public Art Master Plan RFP

**PUBLIC COMMENT****NEXT MEETING**

Monday, July 17<sup>th</sup>, 2023 at 4:30pm

**ADJOURNMENT**

B.

**File Attachments for Item:**

B. Approve Minutes from May 1st, 2023 Public Art Advisory Committee



# CITY *of* BRISBANE

## Public Art Advisory Committee Minutes

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Monday, May 1<sup>st</sup>, 2023 at 4:30PM • Hybrid Meeting

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### **CALL TO ORDER - 4:33 p.m.**

#### **ROLL CALL**

Committee Members Present: Chair Greenlee, Vice-chair Salmon, Mayor Davis, Councilmember Cunningham, Park & Recreation Commissioner Seawell, Committee Member Danielle Kellstedt, Committee Member Diane Glazman (teleconference due to COVID concerns)

Committee Members Absent: none

Staff Members Present: Park & Recreation Director Leek

#### **A. Consider any request of a City Councilmember to attend the meeting remotely under the "Emergency Circumstances" of AB 2449**

- a. Diane Glazman was quarantining at home under the Just Cause provision, and posted the agenda at 190 Santa Clara Street, Brisbane, CA.

Requested a review of AB 2449 again. City Clerk will be invited to the next meeting.

#### **APPROVAL OF AGENDA**

Approved by Salmon, seconded by Davis. 7 Ayes

#### **APPROVAL OF MINUTES**

#### **B. Approve Minutes from April 17<sup>th</sup>, 2023 Public Art Advisory Committee**

Approved by Cunningham, seconded by Salmon. 6 Ayes, 1 Abstain (Glazman)

#### **PRESENTATION AND DISCUSSION ITEMS**

#### **C. Receive a Presentation from Phase 3 Regarding their Proposed Private Art Installation**

The committee received a presentation from Phase 3, their architect and artist firm. The art piece would be placed in-between the center near their entrance on a pedestal. The art piece would be three spheres that would represent a CO2 molecule sculpture, a nod to challenges that the scientist community face. The artist has done singular spheres in the past. No cost estimates have been made yet.

The committee had questions and comments regarding the proposed art:

- Who is responsible for the maintenance? The landscaping around the sphere and the sphere itself will be maintained by Phase 3.
- The pieces cast interesting shadows with the sunlight; with the landscaping, is it possible to add lighting for the evening to capture shadows at night? That is a good suggestion and will consider playing with the shadows in the evening. The artist suggested putting the lighting on the inside of the spheres. With the greenery around it, will that conflict with the shadows? Perhaps lift the spheres higher. Also consider the shadows of the buildings and how they cast their shadows. Or perhaps only lighting on the inside because there may not be enough direct sunlight.
- Will there be signage about the piece and what it stands for? Yes, they would add some type of plaque.
- The supporting art pieces that were included in the packet will be laid out around the campus but has not yet been decided on location or what the bronze human figures would look like, but they would part of the package. The committee suggested that one would be near the Bay Trail and people could sit next to it or perhaps climb on it. They are also interested in multiple gender forms.

The next step is for Phase 3 to bring to the committee a completed packet.

Public comment was given by Michael Barnes: He does not feel that the CO2 is relevant to the bioscience community, perhaps a peptide bond or methane molecule. He is also concerned with emaciated figures and the connection that may occur between Freenome (cancer detection company) and the figures. What is the messaging or what do you want the art to do?

#### **D. Quarterly Public Art Fund Report**

Staff provided the report showing \$1.85 available. Committee asked for follow-up regarding the remaining amount committed for the Midtown Mural. Staff will follow up with the Finance department.

#### **E. Final RFP Review with Process Schedule Before Recommendation to Council**

Committee reviewed and recommended unanimously to bring forward to Council at their 5/18 meeting. 1st: Camille Salmon, 2nd: Tom Seawell (Approved 7-0).

#### **F. Art Implementation Guidelines Review**

Committee reviewed and discussed the guidelines. Committee discussed whether the ordinance could/should include a provision for performance-based (non-permanent) art. Committee directed staff to investigate what other cities do and to receive guidance from the City Attorney. Committee understands that any future proposed changes to the Guidelines/Ordinance requires Council approval.

Public comment was given by Kevin Fryer: Hotel taxes usually fund performance arts according to neighboring cities. And if you do change it, remember to change the ordinance. As we do have hotels, perhaps there is an avenue there.

Committee wishes to clarify through City Attorney whether non-permanent art events/displays can be facilitated within the existing guidelines. Staff will follow up.

**G. Revisit low-hanging fruit/small scale project List**

Committee discussed small scale projects including Sidewalk Chalk event, Film festival, revitalization of Firth Park art, Surprise Art, a “Push Pin” party as a “day in the life” of Brisbane, and a bench art project.

**PUBLIC COMMENT**

No additional public comment

Written correspondence from Michael Barnes was received and sent to Committee on 5/1/23.

**NEXT MEETING DATES**

TBD due to the next scheduled meeting on Monday, June 19<sup>th</sup> is a Holiday. Staff will send Doodle poll to determine Committee member availability.

**ADJOURNMENT**

6:03PM

**File Attachments for Item:**

C. Review of AB 2449 (Ways Members of a Legislative Body May Participate in Meetings

## Supplemental Information: AB 2449

### Ways Members of a Legislative Body (Council, Commissions, Committees) May Participate in Meetings after 2/28/23

#### Our current understanding of the guidelines based on AB 2449

	Notes for Members	Notes for Staff
Member Attending the meeting in Person	Meetings held in person at Brisbane City Hall 50 Park Place, Brisbane	If a meeting of a legislative body of a local agency lacks a quorum, it does not constitute a meeting under the Brown Act. Cal. Gov't Code § 54952.2.
Absent/No Show	Check attendance policy in City Council Handbook or Committees and Commission policy from Resolution No. 2013-12	Check attendance policy in City Council Handbook or Committees and Commission policy from Resolution No. 2013-12
Member attending the meeting virtually, i.e., remotely, under the Just Cause provisions	<p>Provisions for child care or caregiving of a child, parent, grandchild, grandparent, sibling, spouse or domestic partner; a contagious illness; a need related to physical or mental disability; or travel on business of the local agency</p> <p>The member must <u>notify</u> the legislative body at the earliest opportunity and provide a general description of one or more of the circumstances above</p> <p>Email notice is sufficient if sent to the - chair, city clerk and staff lead and the member provides a general description of one or more of the circumstances above.</p>	<p>There must be an in-person quorum but subcommittees may have one in person and one remote member (if more than 2 members in a subcommittee, the majority of the members must be in person)</p> <p>Receive Email Notice from member that provides a general description of one or more of the circumstances under “Notes for Members”</p> <p>All votes must be conducted by roll call</p>



	<p>Need not disclose any private personal or medical information</p> <p>Just cause provision is limited to two per year for each legislative body on which a member sits</p>	
Member attending the meeting virtually, i.e., remotely, using so called “Emergency” provisions	<p>No limit but there must be a true emergency such as a physical or family medical emergency that prevents a member from attending a meeting in person</p> <p>Email <u>request</u>- to the chair, city clerk and staff lead and provide a general description of the emergency (which need not be more than 20 words) and need not disclose any private personal or medical information</p> <p>Legislative body must consider the request at the earliest possible time (there will be a standing item on the consent calendar) and must approve the request if the member is to be allowed to participate remotely</p>	<p>There must be an in-person quorum but subcommittees may have one in person and one remote person (if more than 2 members in a subcommittee, the majority of the members must be in person)</p> <p>On the agenda have a standing item under Roll Call so that the legislative body has the opportunity to consider and then act on the request</p> <p>Receive Email <u>request</u> from member that provides a general description of the emergency</p> <p>All votes must be conducted by roll call</p>
Member attending the meeting by Teleconferencing ( <u>Only Audio (in Zoom only audio); no video</u> )	<p>The Brown Act allows a member to attend a meeting by teleconference if the member complies with the certain statutory requirements: The teleconference location is accessible to the public and the location is noted on the agenda, e.g., the address of a hotel where the member is staying or the member’s home address; The</p>	<p>There must be an in-person quorum but subcommittees may have one in person and one remote person</p> <p>Post location where the member will be on the agenda</p>

	location must be accessible by the public.  Contact the city clerk for all requirements	All votes must be conducted by roll call
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## FAQs

### 1. Are these the same procedures for attending Subcommittee meetings?

The requirements of the Brown Act apply to “legislative bodies” of **local governmental agencies**. The term “legislative body” is defined to include the governing body of a local agency (e.g., the city council) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, that is created by formal action of a legislative body (Section 54952). This includes standing subcommittee meetings but not ad hoc subcommittee meetings. Ad hoc subcommittees are temporary, that is, they have a defined purpose and a time frame to accomplish that purpose, and are not considered “legislative bodies”. As such, ad hoc committees may, but are not required to, comply with all provisions of the Brown Act.

### 2. What happens if there are technical difficulties during the Legislative Bodies’ meeting?

As long as interactive audio is maintained (i.e., even when the live stream and/or cable channel is down)— the meeting may continue and the legislative body may vote on an item.

If there is no longer interactive video/audio (e.g., Zoom is no longer working), the legislative body may not vote on an item, however, the members of the legislative body may (but are not required to) continue discussing the item and asking questions.

If interactive video/audio becomes active, the legislative body must allow more public comment on that item before taking action on the item.

### 3. What if the legislative body has a need to do a site visit at a location not at the Community Meeting Room?

When meetings are held at an outdoor location, the body must first meet at its regular meeting place and then proceed to the outdoor location. As a practical matter, a member or a member of the public could not attend that remotely. Accordingly, the agendas for those meetings should be clear that the meetings will not be conducted in a hybrid fashion.

**4. For teleconferencing, do I really need to post the agenda on the front door, or hotel room door, (or cooler at the beach) where I'm taking the conference call?**

The legislature has never been willing as a body to change this Brown Act Provision or to ask for a narrow interpretation by the FPPC or the courts. So, if members of the legislative body are not attending but are participating, they must follow the law and post the agenda.

**5. What level of detail is required to be shared when participating in a meeting under the medical exception of the AB 2449 provisions? Are we expected to share personal health information?**

When a commissioner cannot attend a meeting in person but has a valid medical reason that allows them to participate remotely, the person must provide a general explanation of their medical reason for not being able to attend in person. The explanation should be limited to 20 words and should not include any personal medical information protected under state law. For example, acceptable explanations, provided they are true when given would be: "I am ill and my doctor has advised me not to leave the house until I am better." Or, "I had a medical procedure and I am not able to travel at the moment." Explanations do not have to disclose your actual medical condition (cancer, flu, etc.) nor your specific treatment (radiation, surgery, etc.).

*D.*

**File Attachments for Item:**

D. Discuss Relocation of the Plug Preserve



## PUBLIC ART ADVISORY COMMITTEE MEMO

**Meeting Date:** June 26, 2023

**To:** Public Art Advisory Committee

**From:** Noreen Leek, Parks & Recreation Director

**Subject:** Plug Preserve Relocation

### Background

The City of Brisbane's painted hydrants started as a bicentennial project by the Federated Women's Club of Brisbane in 1976. Over the decades there have been several restoration efforts and in 2014, stewardship of the event and painted hydrants has been the responsibility of the Parks and Recreation department. Brisbane's painted hydrants accentuate its unique identity, and their artistic designs are as expressive and varied as the citizens who painted them.

### Discussion

The plug preserve, where retired hydrants delight passersby, has been located at the corner of Visitacion & Mariposa adjacent to Julie's Deli. In 1992, the plug preserve was dedicated to Jeanne Berman-Hosking and the Federated Women's Club of Brisbane for bringing joy to Brisbane residents. The land, however, does not belong to the city and the owners have graciously allowed its public use for several decades. The area is being reclaimed by the property owners at this time and, therefore, the hydrants have been removed and safely stored by the City's Public Works team.

The Public Art Advisory Committee is tasked with making a recommendation regarding the future of the plug preserve to ensure its historical significance and preservation. There are several alternate locations on City-owned land that may be explored including, but not limited to, the following: the Community Park, Firth Park, Quarry Park, the Community Garden, Dog Park, Crocker Trail, Skatepark along Old County Road or Park Lane, Mission Blue, etc.

### Fiscal Impact

Funds to support this effort are available within the Public Art Fund (Fund 275).

  
Noreen Leek, Parks & Recreation Director

D.

