



CITY OF FORT LAUDERDALE

DRAFT
CITY OF FORT LAUDERDALE
MEETING MINUTES
PUBLIC ART & PLACEMENT ADVISORY BOARD
8TH FLOOR CONFERENCE ROOM, CITY HALL
100 N. ANDREWS AVENUE
FORT LAUDERDALE, FL 33312
OCTOBER 31, 2022 – 1:00 P.M.

MEMBERS		PRESENT	ABSENT
Sarah Glass, Chair	A	4	2
Martha Steinkamp, Vice Chair	P	5	1
Phoenix Marks	P	6	0
Andrew Martineau (arr. 1:08)	P	5	0
Gregory Reed	P	1	1
Robyn Vegas	P	4	2

As of this date, there are 6 appointed members to the Board, which means 4 would constitute a quorum.

Staff Present

Leona Osamor, Grants Administrator/Staff Liaison
Joshua Carden, Cultural Affairs Officer
Daphnee Sainvil, Government Affairs and Economic Affairs Division Manager
Carla Blair, Recording Secretary, Prototype, Inc.

Communication to the City Commission

Motion made by Ms. Vegas, seconded by Mr. Reed, to accept the two artworks and request that the trust work with the Board on future pieces. In a voice vote, the **motion** passed unanimously.

Roll Call

Vice Chair Steinkamp called the meeting to order at 1:04 p.m. Roll was called and it was noted a quorum was present.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Approval of Minutes – 9/7/22

Motion made by Ms. Marks, seconded by Mr. Reed, to accept the minutes. In a voice vote, the **motion** passed unanimously.

1. Welcome

All present welcomed new member Gregory Reed.

The following Item was taken out of order on the Agenda.

3. Lifeguard Stand Discussion and Call to Artists

Mr. Carden announced that the Fort Lauderdale City Commission has allocated \$50,000 for the construction of four lifeguard stands along the beach. They have requested that the stand at San Sebastian Beach reflect an LGBTQ+ theme, while the remaining three stands will be left to the artists' interpretations. He requested feedback from the Board members regarding the previous process for the construction of the towers, including any improvements that could be made to the process.

Mr. Martineau arrived at 1:08 p.m.

Vice Chair Steinkamp asked how the call to artists would be handled for this project. Mr. Carden replied that there will be two separate calls to artists, with a division of funds equaling \$12,500 per lifeguard stand. An artist wishing to apply for all four projects could submit two applications.

Ms. Vegas recalled that the previous process awarded all four projects to the same artist, and asked if this would be a possibility with the new lifeguard stands as well. She advised she was in favor of having a single artist be awarded the job, as the result appeared to be a collection of similar pieces.

Mr. Carden explained that City Staff has issued the previous call to artists through the City's Procurement Department, while the current process is expected to use a platform such as Submittable or Café in order to encourage more responses. This will be the process used going forward for calls to artists. Mr. Carden further clarified that the Procurement Department may also choose to include the call to artists on their platform as well, although that platform is typically used by businesses rather than artists.

Mr. Carden noted that it may be possible to link the Submittable and Café platforms and integrate them with the City's website. He concluded that he would reach out to both entities for more information and hoped to have the draft call to artists available for review at the next Board meeting.

2. Tunnel Top Park Updates

Mr. Carden introduced Daphnee Sainvil, Fort Lauderdale's Director of Government Affairs and Economic Development. He explained that Cultural Affairs will become a part of this Office, which will become Government Affairs, Economic Development, and Cultural Affairs.

Mr. Carden reported that an attorney representing the estate of a donor has sent a letter of request and intent to the City, clarifying that the trust funding this project does not wish to donate \$5 million to Fort Lauderdale, but \$5 million worth of artwork. This means the trust would oversee the selection process and funds for the project, which would come before the Board for approval and recommendation to the City Commission.

Two contingencies related to the estate's request agreement include:

- The estate will select two pieces to begin the collection at Tunnel Top Park
- A portion of Tunnel Top Park would be named the Jim Winder Laird Arts Park, with a plaque stating that the artwork was donated by Mr. Laird's estate

Mr. Carden provided the Board members with photographs of a prospective piece of artwork by artist Marc Quinn, which would be purchased from Somerset Palace in London, England at a cost of \$650,000. Shipping would cost another \$28,000. The City would use additional funding from the trust for engineering, site work, and installation. The piece is approximately 8 ft. x 10 ft. in size.

Ms. Marks requested clarification of the Board's role with regard to the proposed installation. Mr. Carden reiterated that the City would not issue a call to artists in this case, although they may work in partnership with the Laird trust on site-specific submissions. The trust would oversee the expenditure of funds.

Mr. Carden continued that a second piece of artwork would be solicited from R&R Studio, which is based in Miami and has worked throughout South Florida. This would be a site-specific interactive submission spelling out "FTL" on a grassy portion of Tunnel Top Park. The FTL piece would cost \$350,000, which would include fabrication, shipping, and engineering, although it would not include foundation costs.

Mr. Reed requested clarification of the responsibility for maintenance of the proposed artwork. Mr. Carden replied that the escrow agreement would state that estate trust funds may be used to commission, purchase, install, and maintain the selected works. His recommended allocation is 10%, or \$500,000, for conservation work over the next 10 to 20 years.

Mr. Reed also requested information regarding potential decommissioning, including whether or not this should be planned for in the future. Mr. Carden advised that this is included in his draft Public Art Guidelines and Policies, which are currently under internal review. The ideal decommissioning process would include offering the work back to the artist, who would then de-install the piece. This would likely occur if the cost of maintaining the work outweighs its value or exceeds the original commissioning price.

Mr. Reed explained that his concern was for what might happen if the City fails to plan for these possibilities into the future. Mr. Carden advised that the Board's role would be to recommend acceptance of individual pieces of artwork, which would go before the

Commission for final approval. The agreement with the trust would also stipulate that the title of each piece of artwork be signed over to the City so it would be part of Fort Lauderdale's collection. He noted that decommissioning is not a common circumstance, and could occur, for example, if the work is irreparably damaged or poorly installed.

Vice Chair Steinkamp asked if there is a protocol that will be followed to ensure proper installation. Mr. Carden stated that he would oversee the majority of the installation work on-site and would assess the site to ensure there are no conservation issues before the pieces are accepted.

Vice Chair Steinkamp asked what role the City's Parks and Recreation Department would have with regard to the proposed Arts Park. Mr. Carden replied that they will have jurisdiction over the park, although the collection would fall under the Board's purview.

Mr. Carden further clarified that site work for the pieces will include lighting, appropriate drainage, foundation work, pilings, and other contributing factors. The FTL piece would be placed on turf, with its orientation to be determined through engineering. The estate has requested that this piece be placed in a specific location in the park.

Mr. Martineau requested additional information on the installation timeline for the proposed artwork. Mr. Carden replied that the R&R Studio piece may be installed within 18 months, while the Marc Quinn piece may be available within eight months. No firm timeline has been established thus far.

Mr. Reed commented that the orientation of the FTL piece should be addressed in advance with the trust to ensure that their expectations are reasonable. The Board discussed the piece's visibility from both land and water, with Mr. Reed emphasizing the importance of clarifying what the trust, the City, and the Board want before the installation proceeds. Mr. Carden pointed out that these concerns are likely to be alleviated when the artist makes a site visit.

Melinda Bowker, president of the Downtown Fort Lauderdale Civic Association, advised that this issue arose at a recent City Commission Conference Agenda meeting, at which feedback was sought from the Downtown area. The board of her Association has not yet taken an official position with regard to the artwork. She observed that one key factor is consideration of unobstructed views to the river.

Ms. Bowker also expressed concern with maintenance of the artwork, pointing out that other public art in the Downtown area has not been properly maintained. Mr. Carden reiterated that the City's escrow agreement with the estate would designate a portion of the funds for use in maintenance. The City would oversee the maintenance itself and submit invoices to the trust.

Mr. Carden noted that after the two initial pieces are installed, along with additional costs including insurance and contracting, the trust would likely have an estimated \$3 million remaining for other artwork.

Ms. Vegas commented that it would be her preference to see a full plan for the artwork in Tunnel Top Park presented at once rather than on a piece-by-piece basis. Ms. Marks also requested clarification of how many pieces of artwork would be placed in the park. Ms. Sainvil noted that not all the proposed artwork would be placed in Tunnel Top Park; some pieces may be placed elsewhere in the City, as there is limited space at this park.

Elizabeth Van Zandt, representing the Downtown Development Authority (DDA), asked if there is an option for a temporary or rotating installation over a number of years. Mr. Carden advised that because the estate's intention appears to focus on creating a lasting legacy, he could not speak to their willingness to provide anything other than a permanent installation.

Mr. Carden requested a formal recommendation from the Board to take the proposed artwork to the City Commission for approval.

Motion made by Mr. Reed to present to the Commission. [The **motion** died for lack of second.]

Mr. Carden advised that this meant the artwork would be presented to the City Commission without the Board's recommendation. He cautioned that without the trust's funding, there is no City budget for public art in Tunnel Top Park.

Mr. Martineau commented that the Laird estate's proposed project has been regularly discussed by the Board over the past two years. He felt the Board's hesitancy to recommend the proposed art was due to the relatively brief time frame in which it was presented for discussion and recommendation. He also expressed concern that the advisor representing the trust is a former Board member, and pointed out that having that individual dictate the process may be a questionable way to go forward.

Mr. Martineau concluded that proceeding in this manner prevents the Board from advising or curating public art and placement, which is part of their charge. While the donation is appreciated, he felt it would have been more appropriate for the estate to select an art advisor who was not previously involved with the Board.

Mr. Carden explained that he would prefer to position the discussion as an opportunity for the City to gain artwork for its collection. While the Board members may feel slighted by the turn the selection process has taken, he reiterated that there is zero funding in the City's public art account at this time. Acceptance of the proposed artwork would give the City an opportunity to accomplish "something rather than nothing."

Ms. Marks asserted that the Board's decision-making process had been thwarted for the past two years, as they had had no input into the design of the installation or its choices. Ms. Vegas added that the Board had felt they would have greater involvement in the process, including involvement in a call to artists, but had only found out today that their involvement would be more limited than expected. Ms. Marks added that it was important for the Board to "send a message" to the Commission.

Mr. Carden cautioned that this could result in a lesser chance of future donations toward public art in the City. Ms. Marks requested clarification of how they might position their response. She pointed out that the Board has not been given a choice in the selection of the proposed artwork.

Vice Chair Steinkamp advised that if the proposal moves forward to the City Commission without the Board's approval, it could have a dampening effect on future donors. Mr. Carden added that the donor's estate would also have the option of securing private land on which to place the artwork they have selected. The current proposal gives the City the opportunity to feature and maintain \$5 million in artwork that it does not have, with no funds for public art in the future at this time.

Mr. Carden also pointed out that the trust has placed this artwork on hold at auction, which gives them a limited time frame in which to purchase the piece at a discounted price. Declining the piece could also result in greater difficulty, should the City work with the same auction house for a private sale in the future.

Mr. Martineau suggested that the Board limit its votes to items which they may or may not approve and that the City may wish to proceed with these two pieces of artwork without Board involvement. He expressed concern that the Board seemed to have no role in the approval process for the Tunnel Top Park projects.

Ms. Marks added that the process could be more meaningful if the trust had recommended a variety of pieces in which they are interested, and the Board could take a more active role in the selection of artwork. She characterized the current process as "rubber-stamping" selections that have already been made.

Vice Chair Steinkamp advised that this was not how donations of the trust's nature typically work: once a donor has selected a curator to oversee the process, that individual's role must be respected. She also noted that the Board is being asked to approve Mr. Carden's presentation of the proposed artwork to the Commission rather than the artwork itself. Ms. Vegas and Ms. Marks did not agree with this assessment of the process.

Ms. Sainvil suggested that the Board keep in mind that this donation would open the door to other potential donations of artwork to the City. It also provides the Board with the opportunity to discuss and work toward a process with which they might feel more

comfortable in the future, such as inviting the curator or another representative of the trust to present future artistic selections to them for input.

Ms. Marks felt once the process has gone forward for these two pieces of donated art, it would be possible for any other large donor to use the same process with no public input. She felt this could mean there was no need for the Board. Mr. Martineau commented that the City should have a greater voice in approving the artwork it wished to feature in public space.

Mr. Reed pointed out that the two proposed pieces of artwork could become iconic for the City. He emphasized the importance of encouraging the public to visit the park and enjoy and interact with the art, which he felt should be the Board's focus in this case. He also noted that the selection process will not be the same for every piece of public artwork proposed for the City.

Mr. Reed continued that accepting the proposed pieces would provide the City with an opportunity to recognize the donation from the donor's estate, which could encourage other prospective donors to participate in similar programs. He felt the Board's charge is to encourage these individuals' participation in public art in the future.

Mr. Carden added that projects funded by money from public projects would be subject to the City's Public Art Ordinance, while the case before the Board today is different because it represents a trust donation. Mr. Reed advised that it may also be possible for the Board to say, when subsequent transactions are presented for approval, that they would like to follow a specific process for the acceptance of other pieces.

Ms. Marks expressed concern that the donor's estate did not want the Board to make a selection or they would have presented more pieces as an option. She reiterated that the process the Board is being asked to follow was not the one determined for them over the past two years, which would have involved a call to artists.

Mr. Reed pointed out that the City is currently not funded for the call to artists process. Mr. Carden again stated his concern that if the Board does not recommend the proposed donation to the Commission, it could send the message that they do not care about public art in Fort Lauderdale.

Mr. Reed emphasized that the acceptance of the proposed artwork would give the Board an opportunity to enrich the lives of the City's residents and begin a process for future acceptance of more public art. While they may not be in favor of the process in this case, he felt the proposed artwork was worthy and should be accepted in order to start a public art program.

Ms. Marks stated that while she agreed with this assessment on principle, she felt it would open the door to a more limited public process in the future. Mr. Carden noted that the public art guidelines he has drafted set forth a policy for donations, which states

that a donor would provide funding for site work, engineering, maintenance, lighting, and other considerations as well as providing the donation itself. He pointed out that the donor's estate is willing to take on these responsibilities with the first donation, which is not always the case.

Mr. Martineau again expressed concern that the acceptance of the proposed pieces meant if another donor came forward, they would be allowed to "do whatever they want." Ms. Marks stated that she felt the Board should bring recommendations before the Commission rather than providing their blessing for a piece brought forward by the donor's estate.

Mr. Carden cautioned that it would likely be at least five to eight years before any other artwork would be installed in Tunnel Top Park which meant a recommendation against the pieces would effectively be a decision not to feature artwork in Tunnel Top Park. Mr. Reed added that by recommending acceptance of the pieces, the Board would be demonstrating more power than they might think, as it would give them the ability to ask for more in the future.

Mr. Martineau did not feel it was realistic to expect more donors to come forward after they have seen the proposed artwork in place in an iconic location. He reiterated that his issue was with the process, and that he did not wish the acceptance of the proposed pieces to suggest that the Board was in favor of following the same process in the future. He also pointed out that the Board members serve on a volunteer basis, and that if their input was not necessary, there was no reason to continue to volunteer.

Mr. Reed **withdrew** his earlier **motion**, which had died for lack of second.

Motion made by Ms. Vegas, seconded by Mr. Reed, that we accept these two pieces, but request that in the future, this Board be involved in more of the curation process.

Ms. Marks asked what part of the public art guidelines and policies, which Mr. Carden had sent to the Board members for comment prior to today's meeting, would affect how they might vote on the **motion**. Mr. Carden replied that the donation policy he had written states that any donation that comes before the Board must include not only the donation of physical artwork, but funding for site work, engineering, installation, and maintenance as well. He reiterated that in this case, the Board is asked to make a recommendation that the City Commission accept the donation.

Ms. Marks characterized the guidelines and policies as asking the Board to rubber-stamp a selection. Mr. Carden clarified that the policies state the Board cannot pick and choose the pieces brought before them as donations.

Ms. Vegas **restated** her **motion** as follows: **motion** to accept the two artworks and request that the trust work with the Board on future pieces. Mr. Reed again **seconded** the **motion**. In a voice vote, the **motion** passed unanimously.

4. Public Art Ordinance Revisions

5. Public Art Guidelines and Policies

Mr. Carden explained that he would address the Public Art Ordinance revisions and the guidelines and policies at once. All of these proposed changes are being reviewed internally.

Vice Chair Steinkamp commented that she had not seen Ordinances previously revised by any entity other than the City Manager, and requested additional information on the process. Mr. Carden stated that because the Ordinance was specific to the field of arts, he had wished to have input from other artistic experts before it is submitted to the City Commission. The proposed revised Ordinance will go to the City Manager's and City Attorney's Offices before it goes before the Commission for ratification.

Mr. Carden continued that there have also been internal discussions of whether or not a public art percentage on private development within Fort Lauderdale can be established. He noted that while a law has been passed preventing municipalities from imposing additional impact fees on developers, the city of Miami has incorporated its public arts ordinance into its zoning laws, which means they may establish a design standard. He will continue to discuss this option over the next few weeks with the Assistant City Manager and the City Attorney's Office to determine its feasibility and legality.

Mr. Carden concluded that he would provide an update on these ongoing discussions at the next scheduled meeting, and that the Board may send a communication to the City Commission on this topic if they wish.

6. New Business / Board Comments

None.

7. Communications to the Commission

It was determined by consensus that the Board's support of Mr. Carden's presentation to the City Commission would be sent as a communication to the Commission.

Mr. Carden stated that he would send a list of prospective meeting dates to the Board members for their input.

8. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 3:01 p.m.

Public Art & Placement Advisory Board

October 31, 2022

Page 10

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]