

City of Coral Gables City Commission Meeting
Agenda Item H-4
March 25, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

City Manager, Cathy Swanson-Rivenbark

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Cultural and Economic Development Director, Cindy Birdsill

Public Speaker(s)

Mario Garcia-Serra, Representing the Developer

Hugh Johnson, Architectural Alliance, Landscape Architect

Agenda Item H-4 [11:03:24 a.m.]

A Resolution approving the concept for a work of public art, in conjunction with Columbus Center Phase II / 100 Alhambra Circle, in fulfillment of the Art in Public Places requirement for public art in private development.

Vice Mayor Kerdyk: H-4 is a resolution approving the concept for a work of public art, in conjunction with Columbus Center Phase II / 100 Alhambra Circle – Madam City Manager.

City Manager Swanson-Rivenbark: We are prepared to make a presentation; the information is in your packet. They are building their new office tower and modifying the plaza; the plaza artwork is included in the presentation. If you'd like, Cindy Birdsill, the Director of Economic and Cultural Development can make a presentation, we are prepared to do that.

Vice Mayor Kerdyk: Please. Yes. Ms. Birdsill.

Ms. Birdsill: Good morning Mayor, Commissioners. This is a project in the City's Art in Public Places Program. The developer is developing One Alhambra Circle; it's just behind the One Columbus Center Building. It will be a mixed use with a lot of residential in it and as part of that there are going to redo the plaza that's on Alhambra that has the fountain that's not really used right now, it's sort of a big concrete area that's very hot, so they are coming up with a plan to make it a much more usable friendly space. Their selected artist is Victor Arias; he has been qualified by the Art Advisory Panel. The Art Advisory Panel worked with the developer's team through several meetings to come up with the final proposal that's being presented. It has also been recommended to you by the Cultural Development Board and the Board of Architects for siting. I'll let Mario do the presentation for the developer.

Mr. Garcia-Serra: Good morning Mr. Mayor and Commissioners, Mario Garcia-Serra, 600 Brickell Avenue, representing Gables Residential and USA for the owners and developers of the Columbus Center. You'll remember the office building is located at One Alhambra Plaza and the apartment project, which we are proposing to build and you approved this past August is located at 100 Alhambra just next to the La Palma Hotel, 200 unit residential project. The project has to comply with Art in Public Places, so what we decided to do was to incorporate the money that we would invest in Art in Public Places into the plaza that exist on the southwest corner of the Columbus Center property. You see a picture of it there the middle...you pass by it many times, probably have rarely used it because there has always been a lack of shade, has never been a spot that really has been much of a gathering area. What we are hoping to do with this investment is change that completely. Provide the necessary shading, the necessary art, the necessary seating, so it becomes a gathering spot for office workers and for residents, in particular our residents that we expect to have in the apartment building project. I'm joined today by ____ Mann of Gables Residential, Hugh Johnson, our landscape architect and Victor Arias, our artist. I'll ask Hugh to just do a quick less than five minute presentation on what exactly is proposed so you can see what it is. The important thing about this, aside from the additional art that's being incorporated into the project, it also is further giving meaning to the namesake of the project, Christopher Columbus through the actual installations that are going to be there. Hugh.

Mr. Hugh Johnson: Hugh Johnson from Architectural Alliance, Landscape Architect. Let me preface the presentation very quickly. We worked very closely with City staff, very closely with the Arts Panel, with the Economic Advisory Committee and lastly with the Architect's Board. With every single Board we collaborated, made changes, we feel that the City and every single Board is very happy with the end result and as we are as well.

Vice Mayor Kerdyk: While you are doing that, let me just say that's the worst public space right now as it sits. There is nobody that will go in that public space whatsoever, it's a concrete jungle.

Mr. Johnson: Yes, it's very inappropriate, very little shade, the paving is cracking up, the water feature doesn't work, there is a large structure that's out of scale with the space. The only good thing about this space right now is the wall on the side of the space, which is bougainvillea structure, and we kept that and we kept that and we worked very closely with that. This is the space; this is where the water feature currently exists. What we are doing is completely scathing the whole space; we are keeping the back bougainvillea wall. The theme of the project is the "age of discovery, Columbus, bringing the overall to the new world," which is very germane to City of Coral Gables obviously. In the plaza, we have a large lawn that we are creating, we have structures, art, sculpture structures that march through the project this way. Those sculptures are in the shape of sailing ships and they are sailing from east to west like Columbus. We have a way pattern, which identifies the ocean throughout the project, we are even working with the Architect's Board, we took the way pattern from the plaza and took it back to the new development and the drop off in the new development, so that it will all tie together. Another thing that we accomplished in working with the Architect's Board was we opened up this view corridor through to that drop off in front of the project down into our project. In regards to the artistic pieces on the plaza, we have this way pattern that I just mentioned. We've created a fountain at the center here, sort of the elbow of the project. In that fountain is a seawall around the top of the globe that shows this image on the globe, within that image we have Columbus' route from the Old World back to the New World.

Mayor Cason: Question – are you going to use Columbus' view of the world at that time.

[Laughter]

Mr. Johnson: We are going to use the....one, and we were also asked if the top of the stone actually is accurate to the shape of the globe, and no it's not, because we drew it that way and you can imagine it looks a little odd, so that's the image. These are the sailing structures, which will be made from aluminum, it would be bronze colored. They are approximately 12 to 14 feet tall by about 12 feet wide. They sit on pedestals on either side of the lawn and march through the plaza. The artist is also creating a way bench – way benches that sit all around the plaza, the mosaic on the fountain and the paving patterns.

Commissioner Keon: Is there a spray coming out on the top of that fountain?

Mr. Johnson: Yes. There will be, I'm sorry I've got some perspectives that I'm going to show you. There will be a bubbler which comes up, which will have a rate of flow that will keep the globe wet all the time.

Commissioner Keon: The structures that you have there that were the waves or whatever, is that similar to the structures that are over on the campus for the New World Symphony on the Beach where the trees are kind of growing out of them, is it similar type thing.

Mr. Johnson: You can see in these perspectives that I'm putting up – yes, they are similar structures.

Commissioner Keon: OK.

Mr. Johnson: This is looking from the west to east back out to the water feature across the lawn and that gives you a very accurate scale of what the structures will look like and you can see that the sail shape of the structures is just towards the west. This particular one is looking north, I mean I'm sorry, looking west just to the other side of the fountain, that's what the fountain will feel like and then the lawn area going back to the west.

Commissioner Quesada: If I could just jump in for a second. I like it, it looks nice. What I think about is we have almost 11 million square feet of office space in Coral Gables, our downtown, we just saw our Annual Comprehensive Financial Statement that downtown is doing well and that helps the rest of the City. Just behind that we have Coral Gables Prep, which is not too far away, we have a residential pocket just north of that, obviously this is downtown Coral Gables. When we wrote it on the Neighborhood Renaissance Program back in April of 2011, we talked about downtown parks or buying additional properties, we are always looking for it. I like this. I think its creative, it's nice, but Vice Mayor you put it clearly, that plaza right now is horrible, no one uses it. I walked through it once because I parked on one side and I was just crossing over to the other side, I was trying to get to another building, and you melt when you are walking through because the reflection is so hot, so it's not attractive. You know I guess it was my fault, when I was reviewing this when we got the presentation, are those living trees that are coming in?- or that's just a sculpture?

Mr. Johnson: It's sculptural with bougainvillea growing off and the bougainvillea is in great shape.

Commissioner Quesada: You know I would like to see this being more feeling of a park. I know you guys have your Art in Public Places requirement, but you know I would love to see this all green and that back wall make it a living wall, its green all the way across, it almost feels like –

the nice thing about Coral Gables and what we are going for with the Miracle Mile Streetscape and Giralda is really bring our two worlds together of business downtown and the park and the green feeling; and this has some elements of it, I just think that it could be accomplished a little bit better, instead of the waves having more grass or whether its artificial turf or whether it's a kind of grass that we have in the park near Eighth Street that you can roll a wheelchair on. I would like to see more greener and I would like to see the trees that are coming in will create more shade. How nice would it be with all the offices around there that businesses during lunch time anyone can come down and sit under a tree and have lunch outside or on a nice day you have a business meeting outside, those are the benefits of being situated where we are and the weather we have down here, and I just think that that's not going to create that much shade moving forward and we have an opportunity here with this piece of property in the middle of our downtown community to really create that park atmosphere feeling that we know and love in the downtown, and I just don't think that this accomplishes that. Again, I like it. I just think that going back to the way the City views greenery and greenscapes and parks, I think we are losing a little bit of an opportunity here.

Mayor Cason: Can you add more some of those suggestions.

Mr. Garcia-Serra: We could increase the green area, we could potentially also increase the number of trees. The structures themselves, the bougainvillea tree sculptures were done at a size to try to provide as much shade as possible.

Commissioner Quesada: Here's another thing – even for the success of the project that's coming up behind you, you can have a lot of residents, it's an apartment project, so residential apartment project, you are going to have a lot of movement. Where is the nearest park?- where is the nearest place that those people are going to be throwing a Frisbee around or having a picnic, the closest place they have is Phillips Park which is maybe ten blocks north of that – that could be that location. You look at some the great cities throughout the U.S., you look at Millennium Park is a not exactly in line, but there are areas in Millennium Park that go into that downtown, I'm referring to Chicago; areas in San Francisco; areas in New York and Philadelphia, all throughout Europe that they have these pocket parks, Rittenhouse Square in Philadelphia is a perfect example, it's in a commercial sector, but it's just greenscape and it does so incredibly well with the business community having impromptu meetings, there is always nice weather, go out and have lunch, so it's that kind of combination that I would like to see come out of this. It has some elements, I just think it can be improved upon to get there, and I don't know if the rest of the Commission agrees.

Commissioner Lago: I have several points and one of them is exactly that. You have the...like what they use in the Miami Beach Symphony, which I find interesting and I just don't know how

that's going to hold up in the elements here in the City in reference to salt, in reference to just the elements itself. That's going to be a concern to me. I have a feeling that maybe in five years that won't look so good.

Commissioner Keon: Aren't they aluminum?

Commissioner Lago: But it still gets affected to a certain degree.

Commissioner Keon: But they are aluminum.

Mr. Johnson: They are aluminum....

Commissioner Keon: Actually, I think the ones on Miami Beach are very attractive.

Commissioner Lago: Let me give you....

Commissioner Keon: It's a similar shape. There's more this kind of a shape and they are – now over time since they were first put in, they do provide more shade. They are really interesting. When you look at it, it's very pretty, it's not so traditional, but it's very pretty. It also gives you the opportunity to use the bougainvillea that here in South Florida provides color year round. I think – driving around town right now this time of year, the type of bougainvillea that are in bloom are spectacular. I think we should plant those yellow trees all over, they are just spectacular – and so to be able to have that burst of color I think is also really pretty; and you've seen places where the bougainvillea is big and has really grown out, they do provide shade. I would take a look...I think they do.

Commissioner Quesada: My concern is I don't want this to be a passive park. I have bougainvillea in my house and...

Commissioner Keon: No, no, I don't either, but I think that launch should be activated absolutely.

Commissioner Quesada: I think we know from just living down here and dealing with parks in other neighborhoods, parks get activated when there is shade.

Commissioner Keon: Right. Right.

Commissioner Quesada: Yes – bougainvillea is going to give some shade directly underneath, but obviously if we can get some more elements and make it feel more like a park; and again, I

like some of the elements in here, I just think it can be improved upon. I hate that back wall. I hate it. I know you guys are hanging some plants on there in the initial design, but there are some living wall elements that I think we can do to make that green, to make it feel like it really is a park.

Mr. Johnson: This is accurate to the wall. Is this the wall you are referring to?

Commissioner Quesada: Yes, that's what I'm saying.

Mr. Johnson: It's accurate to the wall...

Commissioner Quesada: I would just like you guys to...vines all through that, or if you've ever been to that restaurant on Lincoln Road on the rooftop, Juvia or Uvia, they have a living wall when you go up there. Those kinds of elements that aren't expensive, but they create a different feeling.

Vice Mayor Kerdyk: Commissioner Lago you want to say something? Yes, go ahead.

Commissioner Lago: Do you mind coming up please. In reference to what Commissioner Keon said, artist objective, something that I may like, she may dislike, go on and on for days here. I'm not even going to discuss the art, that's not my focal point here. My focal point is you have a location in the City, which a development is forthcoming where at the end of the day there isn't a location here that the City is providing which will give you the adequate park space. So anything that this Commission states in reference to what makes that location better I think is in the best interest of your project, so that's the reason why these comments are being made. I'm a firm believer bougainvillea's, palm trees, are not going to give you the adequate shading that you are going to need in that park, that I would want to see in that park. I would like to see some sort of tree that gives you a little bit more coverage and as it grows out it provides the necessary coverage for people to really enjoy this park, because if you look at the overhead shot, to me, you see a lot of heartscape there, and that's where I'm moving my next statement. Cindy when you look at heartscape, when you look at a project, and they put forth an amount of money as per the total construction budget, it's about \$1.24 (million), correct?

Ms. Birdsill: It's one percent.

Commissioner Lago: One percent, excuse me, one percent. In this case what is the total amount?

City Manager Swanson-Rivenbark: \$432,000.

Ms. Birdsill: \$432.

Commissioner Lago: We both know that you can make a significant dent in regards to the purchasing or acquisition of art for \$400,000-plus. What I would like to see here is what is the cost of the sculpture versus the cost of the heartscape that you see which is predominantly throughout the park?

Ms. Birdsill: We did take a look at that in coming up with the numbers. I didn't put the backup in the package, but we do have that backup.

Commissioner Lago: I would like to see that. And I would also like to find out in reference to what is the spread? - are we considering the entire park an art piece? - or are we considering the fountain the art piece? - are we considering the aluminum planters an art piece? - what is the art piece? Again, we can go into subjective art, we can go into conceptual art, we can go into a lot of different things which may constitute the name being art, and I appreciate all of it, but I would like to see when you are having an improvement made to a piece of property that you own as a developer and you are telling me that you are adding paving patterns that's for the benefit for the developer, that's not to the benefit of the City, because at the end of the day you should make those improvements as part of your project. When you tell me you are going to have \$400,000 in art, I want to see \$400,000 in art, and I'll give you perfect examples of that. You've seen what we've done with Alice Acop that is a significant investment in the arts of this community for centuries. Again, this gentleman's art is beautiful, that's a beautiful piece of art, but we are going to spend \$400,000 and you are going to give somebody credit for \$400,000, don't make me start counting receipts, because that's what I'm kind of looking or trending because I get a little concerned when you start showing paving patterns and benches, I mean every park should have benches.

Vice Mayor Kerdyk: Did you want to say something?

Mr. Man: My name is Uri Man. I don't disagree with anything that's been said today. I'm with Gables Residential, we are the development company. As you know, we are probably the most active developer in Coral Gables; we are very excited about making investment...

Commissioner Lago: Why don't you do me a favor?

Mr. Mann: Yes.

Commissioner Lago: Let this pass so you can - let the ambulance pass so we can really get your statements on the record, your statements are important.

Mr. Man: No problem.

Commissioner Lago: Go ahead sir.

Mr. Man: So we are very excited about making this investment in the community. As you know, this is the entrance that serves as the focal point to our community if you built behind this plaza, which is 100 Alhambra, it's a 200 unit, 18-story building. I wanted to say, I don't disagree with anything that's been said here. I think there are great things that we can do to improve the plaza. I did want to point out a couple of things. One is that what you see here in the site plan where you can see a lot of hardscape, purposely the actual image that you see has the trees a little bit smaller than they are. The purpose of those bougainvillea trees is to create an abundance of shade on that plaza that was our first goal was to create a tremendous amount of shade. If we actually extended them to the radius that they actually exist on the plaza, you wouldn't see the landscaping and you wouldn't see what's underneath that. So for the purpose of that when we come back next time you'll be able to see we can actually extend them, so you can see more of where the shade actually goes, because that is a little misleading. When you look at the drawing you see a lot of paving, but in reality those bougainvillea trees should create a tremendous amount of shade on the plaza and that was the purpose of them, is we wanted to address art in public places with something beautiful that we can all be proud of, but also create shade, create a plaza that everyone can be excited about, that it's actually useful, it can be interactive, people can come here. We are going to have some furniture on the plaza that will be locked down in certain ways, it will make it activated, it will make it more fun, and people can actually feel like they can sit. We can certainly add more grass throughout the plaza and remove hardscape if that's the direction that we are – and it sounds like...

Vice Mayor Kerdyk: You know what I think we should do?– we should defer this so that we get it right, but maybe Madam City Manager, you can have Cindy work with each of the Commissioners and talk to them so that we can go ahead and get back one consensus, hopefully one consensus voice to the developer so he can get something so next time you come up here you have an easier way of it. Would that be OK?

Mr. Man: Yes – absolutely. And I wanted to just address something regarding the budget. The items that specifically Cynthia and I worked together on just identifying what is above and beyond. For example, like you are saying, pavers, just because we put pavers in the cost of a regular paver shouldn't count towards art. So it's only if there is any additional cost above and beyond what a paver would cost a standard paver that would count towards the paver. But the budget itself for the art requirement is about \$430,000-\$440,000, we are going to be spending, this plaza our initial conceptual budget is about \$900,000.

Commissioner Lago: Let's touch upon that, let's touch upon that. I don't want to drag this on too much; the Mayor has given us a good point. You mentioned a very key point and that is, this is the entrance to your multi-million dollar development, it's a focal point, you should spend the money on the entrance...

Mr. Man: Absolutely, we are doing that.

Commissioner Lago: It's in your best interest to spend the money because you want to bring the best tenants; you want to bring the best residents, you want your development to thrive, so I think it's in the best interest. Outside of money, the fact that you are spending \$900,000, I think it's a great idea because It's your investment, you own it, just like I want to spend the most amount of money on my finishes, because if I ever want to resell my house I want to have a product which is A-plus. Getting back to the point – you put forth here, your landscape architect puts forth a bunch of palm trees there, I don't know, are a lot of those palm trees existing?

Mr. Man: I think most of those are existing actually.

Commissioner Lago: OK. I don't know if anybody else can answer that.

Mr. Man: That doesn't count towards art in public places.

Commissioner Lago: We need to really be – but you are showing them on your drawing though – no, no, the ones in the front. The ones that are on Alhambra...

Unknown Speaker: [Inaudible – off mic]

Commissioner Lago: OK. Let's delineate that, let's delineate that showing that, that's existing and that, that's not part of the monies that are going to be spent here --- What I would like to see is and this goes back to Cindy and it goes back to what the Mayor said. I would like to sit down with staff and I would like to have staff explain to me, number one, when a developer brings forth a project how do we vet that project?- does that go to a Board?- which I know it does; does those individuals then either approve or disapprove or make comments?- and from there it moves before another Board, and then before it comes to the Commission its vetted by staff. I want to look into that, because when we are making \$450,000 worth of investments, I want to make sure that every penny counts and that we are really getting the best bang for our buck, because this is a code, you've got to spend one percent of that and it's got to go toward art and I want to make sure that it really is going toward art, because I see a lot of the features here – yes, they are interesting, do they have the aluminum features?- no they don't, I know what pavers cost, I know

what benches cost and I want to see really what it is, and if you are talking about removal of pavers and adding grass, you know, grass per square foot is a dollar and change, pavers could be up to \$15 a square foot. So I want to see where we are at and I want to really make sure that we, like Commissioner Kerdyk said, this is an area where, I hate to use the word blighted, but it has a horrible heat island effect if you stand in front of that project, and I want to make sure that we make it the best we can possibly make it.

City Manager Swanson-Rivenbark: I'm hearing the comments of the Commission, I'm going to ask to defer this item, we'll have staff meet with the individual Commissioners and when the item is ready we'll bring it back to the agenda.

Vice Mayor Kerdyk: Very good.

Commissioner Keon: Let me tell you, I really like your statements. I think they are very interesting; it's a very interesting design element.

Mayor Cason: I like it too, but I think you can green it up a little bit more...

Mr. Garcia-Serra: All the comments expressed today we are in agreement with. We want the space to be an active space, we want to have furniture in there, we want to be able to see people using it, we want it to be as cool as possible, which means shade and more grass, so we are fine with all that. The one point that I would bring up right now is that we are in the process of getting building permit issued and the normal course of events would be to have this approved conceptually before a building permit is issued. The one sort of indulgence I would ask is that if indeed as part of the process of elaborating this further, we get to a point where we are still elaborating and still reviewing it, and still getting comments, but we are ready for building permit, we could as we've done in other instances obtain building permit with a hold harmless agreement indicating that we will ultimately come to an agreement and get this...

Commissioner Lago: I'm going to go one step further, I'm sorry Vice Mayor, you came to me before when you had an issue with a similar art in public places project in front of Epicure. I helped you to the best of my ability and I gave you my word that we will resolve the issue, we resolved the issue. Have faith in the Commission.

Mr. Garcia-Serra: Oh no, there is no doubt about that.

Commissioner Lago: Have faith in the Commission. We are going to get this resolved, I promise you. I don't need any more legalities or – we are going to get this done. I just want to sit down with staff and I want to make sure that we provide the best for this community.

Mr. Garcia-Serra: Sure. I'm confident we'll get it done, but all the concern is that in two weeks we are ready for building permit.

Vice Mayor Kerdyk: Mr. City Attorney do you want to say anything?

City Attorney Leen: Yes, we have done that before. Normally what I would say...

Ms. Birdsill: Recall the...

City Attorney Leen: Normally what I would say is to give staff an opportunity to try to work it out...over a certain amount of time, I would go forward with the hold harmless because we do not want to compromise the...

Vice Mayor Kerdyk: We are going to take care of this; we'll be able to make sure it moves forward. You go ahead and work with staff and we'll take care of it from...

Commissioner Quesada: Clarify one point. I think what it really comes down to with the building permit as well as this vote for this aspect of it, if you can just take a step over to the side. On that map is really the pedestrian ingress and egress because on the north area of that map that's going to be, I guess a walking path into the project, right?

Unknown Speaker: Yes.

Commissioner Quesada: Really that's the closest interplay with the building permit otherwise it can be handled independently, could they not?

Vice Mayor Kerdyk: Yes.

Commissioner Keon: Do you need the approval of this in order to get a permit, a building permit?

Commissioner Lago: The pavers are...

City Manager Swanson-Rivenbark: Excuse me one second. Cindy, did you have a comment that you wanted to share?

Ms. Birdsill: I do. The Code has been revised fairly recently and it's very clear that you cannot pull a building permit until the Commission has approved the art concept. The project that

Commissioner Lago mentioned was a special exception because it was in process at the time, the Art in Public Places ordinance went effective, so it had a different set of circumstances.

City Manager Swanson-Rivenbark: Would you be willing then to waive that portion of the Code if it's the sentiment of the Commission to allow the building permit to move forward, recognizing it is contrary to the way the Code, Art in Public Places Code is stated today, would you waive that section, but I'm not suggesting a hold-harmless, I would recommend that the bond is posted for that \$432,000 so that as the design is finalized that money is in place.

City Attorney Leen: First of all, I don't view it as a violation of the Code. There are different types of obligations that exist here. The Commission and now the City Manager is asking this be deferred. They obviously would like a decision on it, you could vote it up or down as well. So if it's going to be a deferral generally we try to work these things out, give staff sufficient time to be able to come back. The issue comes up, the legal issue comes up if it gets stayed too long without a decision and at some point they have a right to a decision. So what I've done in the past and I've given opinions on this, these opinions are binding, we will try to work out an issue with them, a bond is good security, so if the Commission is fine with that we can do it that way.

Commissioner Keon: I'm comfortable with that. I mean I don't want to hold up their progress and let them go get their permits and do what they need to do and ensure that we have the money through a bond or whatever it is, to come back with a design that is acceptable to everyone, so I would make that motion.

Vice Mayor Kerdyk: OK. Is there a second?

Mayor Cason: I'll second it.

Vice Mayor Kerdyk: Second by Mayor Cason. Mr. City Clerk.

Commissioner Quesada: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

Commissioner Quesada: And Vice Mayor Kerdyk.

Mayor Cason: He voted yes.

Commissioner Keon: Everybody voted yes. In hearing what Commissioner Lago had to say, I don't want to see developers develop or design their projects to make them as appealing as possible that they would normally do in the course of normal business and then decide to off-load some of that cost as their art in public places. I really agree with you on that one. I think we just need to be cognizant, I don't know how you deal with it. I really don't know what the answer is to it, but my assumption is that you are investing in your project and your building, you are going to build a really pretty plaza and a really pretty entrance into it because its attractive, it's in the City and you justify your rents and there are also fewer rentals than there are buildings that you hold and our revenue stream to use, so it's not like a condo that you are going to build, sell and you are out of here. So I think – I don't want your credit for art in public places to go to what you would normally do anyway.

Mr. Garcia-Serra: Understood – And the City staff has been a good guardian of that up until now. There has been many projects, many prolonged discussions as to what should counter...

Commissioner Keon: Is there in the City, do we talk about benches and the design of benches so that they don't become opportunities for people to sleep.

City Manager Swanson-Rivenbark: We'll look into that. I know that in individual private selection it's been a consideration for staff, but I don't know if that is included in the developer conversation, but we'll research that.

Commissioner Keon: We should have that in the developer conversation also.

Commissioner Lago: Could I also just add one more thing, maybe this will be for the City Manager. This is a discussion that we had the other day in reference to who appoints the Arts Advisory Panel? I think everybody here knows who has an interest in art. I would love nothing more than to be able to potentially name some of the incredible individuals who are involved in our community from the head of the Bass Museum to major international collectors who live amongst us who could really give us a lot of guidance for free. So I don't know who is in charge of finalizing the individuals who are on the Art Advisory Panel, maybe we can continue to have them, which we are extremely happy for their service and we have some incredible individuals on the panel, but I also think maybe the Commission could appoint one person, appoint one person per Commission member if it interest you. Again, I leave it to the City Manager to discuss.

Commissioner Keon: I don't mind having them – sometimes the appointments to Boards you would always like to believe that you appoint somebody to a Board because they have all of the credentials and experience and everything to serve on that Board, but that doesn't always

happen, it doesn't always happen, and I think the art is – sometimes you would set up some guidelines, but I agree with you. I don't want to see – I like a little bit of edgy art. I like that design. I like things that are different. I like things that we bring in from other places, so to have someone that is a curator or those sorts of people on and available to that Art Advisory Board, I think would be great.

Vice Mayor Kerdyk: Madam City Manager why don't you look into that and get back to the Commission?

City Manager Swanson-Rivenbark: Absolutely.

Vice Mayor Kerdyk: Thank you very much.

Commissioner Keon: Is there a City liaison; is there a Commission liaison to that Board?

City Manager Swanson-Rivenbark: I don't know if there is a Commission liaison, but it appears the Cultural Board is appointed by you and it may be that the Cultural Board appoints the Arts Advisory Board.

Commissioner Keon: I think they do. Maybe there could be a Commission liaison to that, to the Arts Board.

City Manager Swanson-Rivenbark: And so Cindy did you want to answer that?

Ms. Birdsill: The procedure is that the Cultural Development Board puts forth some recommendations to this Commission, but this Commission has the ultimate say as to who the five members of the Arts Advisory Panel are.

Commissioner Keon: OK.

City Attorney Leen: Mayor Kerdyk – so I spoke with Mario and I think he is going to confirm this. He is going to do a bond for security. I still would like the hold-harmless because the reason for the hold-harmless is, if this doesn't happen we basically don't allow them to proceed at some point and the hold-harmless protects the City from being sued basically for the entire development, so we need the hold-harmless, it would just be part of it.

Mr. Garcia-Serra: There is a very good chance that it won't, but I think we are very close and we would be able to work.

Commissioner Keon: Do we have to amend that recommendation then or no?

City Attorney Leen: I have the authority to require the hold-harmless based on our past practice. I figured your motion was doing that...

Vice Mayor Kerdyk: Its consensus here...very good.

Mr. Garcia-Serra: Thank you very much.

Vice Mayor Kerdyk: Thank you.

[End: 11:39:30 a.m.]