



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET CITY COUNCIL

DEPARTMENT: Economic Development

CM/ DCM/ ACM: Bryan Langley

DATE: May 8, 2018

SUBJECT

Consider adoption of an ordinance of the City of Denton, Texas, providing for, authorizing, and approving the expenditure of Hotel Occupancy Tax funds for public art in the amount of \$45,000 awarded to artist Paula Collins (File 6607) which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code such purchases are exempt from the requirements of competitive bidding and 2014 Bond funds for public safety-related public art in the amount of \$9,300 awarded to Kirkpatrick Architecture Studio for its professional services (File 6796) for the purchase and installation of two brick sculptures depicting the history of the Denton Police Department to be displayed on the exterior of City Hall East; authorizing the City Manager to execute any agreements required under Files 6607 and 6796; and providing an effective date. The Public Art Committee recommends approval (4-3).

EXECUTIVE SUMMARY

Over the past year, the Public Art Committee has held discussions regarding a public art project on the exterior of the Denton Police Department facility. After a review of the committee's minutes, staff determined that no formal recommendation was made from the committee to the City Council regarding the project. As such, work on the project has been placed on hold so that the correct recommendation and approval process can be followed.

During this meeting, the City Council is being asked to consider adoption of an ordinance providing for, authorizing and approving the project, funding sources, and recipients. The following chart is a summary of the proposed funding sources for the project:

Program Year 2018 HOT funds*	\$ 45,000
2014 Bond Election Public Art for Public Safety funds	\$ 9,300
	\$ 54,300

**one-time allocation from the Hotel Occupancy Tax Committee specifically for this project*

BACKGROUND

April 6, 2017 – PAC meeting minutes state the Police Department approached staff regarding the commissioning of a two brick sculpture panels for the outside wall of the police station entrance. Paula Collins, the artist who previously sculpted the existing piece inside the police facility, is the artist the Police Department wished to commission. A photo of the existing piece was provided to the PAC as an

example. The meeting minutes additionally stated that the Police Department was considering options to fund the project, including applying for Hotel Occupancy Tax (HOT) funds; the use of funds remaining from the bond sold for art for Public Safety; requesting remaining funds from the 9-11 Memorial project, or to determine whether the PAC would use public art HOT funds for the project. PAC minutes do not reflect that a vote was taken on this request. However, the topic was not placed on subsequent agendas for further discussion.

May 18, 2017 – Denton Police staff provided Paula Collins' rough estimate of \$45,000 for the project to the PAC staff liaison. On August 22, 2017, the Hotel Occupancy Tax Committee recommended the Public Art Committee receive \$73,252 (reflective of the City's resolution 2006-014) plus a one-time allocation of \$45,000 specifically for the Denton Police Department's brick sculptures. This recommendation from the Hotel Occupancy Tax Committee was made to City Council during its session on the same day. Subsequently, on November 21, 2017, a contract was entered into between the City and Artist Paula Collins for \$45,500, reflecting a \$500 increase in actual project materials cost debited from the Police Department FY 2017-18 budget Miscellaneous line item.

December 2, 2017 – PAC meeting minutes state the Police Department approached staff requesting the use of Public Safety-Public Art funds from the 2014 Bond Election to pay for newly-identified engineering services that will be required to install the completed sculpture. At that time, the cost was estimated to be \$16,600. The PAC minutes do not reflect a committee vote was taken regarding this funding request. Subsequently, on March 2, 2018, Kirkpatrick Architecture Studio provided Police staff with a written proposal to perform basic architecture and engineering services work billed at an hourly rate, not to exceed a total cost of \$9,000. Kirkpatrick recently completed the Police Station lobby renovations including the areas where the two brick sculptures would be installed.

RECOMMENDATION

April 5, 2018 – Police Department staff presented a review of the project for the PAC's consideration. Pac members discussed opening the project for a formal bid process and to preclude the need to reassess future projects through their decision process. The PAC requested and received leadership staff assurance that future projects would adhere to the City's procurement structure policies and procedures now in place and the RFQ process would be utilized.

The PAC agreed that considering the coherent conceptual designs, historical research, and the time and work already invested by the artist, Paula Collins, that it would be prudent to move forward with the designs as presented along with didactics provided to identify panel figures and their historical significance. It was also agreed that only the funds that have been dedicated would be used – \$45,000 from HOT funds and the do-not-exceed amount of \$9,000 from 2014 CIP Public Art for Public Safety funds for architectural/engineering needs. The motion was approved by a vote of 4 to 3.

In its review of the Kirkpatrick Architecture Studios scope of work proposal, Materials Management noted an additional potential cost for printing presentations, Owner, meetings and regulatory review, not to exceed \$300 and reflected this addition in the ordinance under consideration (2014 Bond funds for public safety-related public art of \$9,300 to Kirkpatrick Architecture Studio).

To date, the City has expended \$5,000 for work completed to artist Paula Collins. Collins has recently completed, but not yet invoiced the City, for the second stage of contract work in the amount of \$5,000. Should another artist or project be selected, the contract signed November 21, 2017 between the City and Collins specifies the City would be required to provide the artist a thirty (30) days advance written notice and pay the artist for all goods delivered and services performed prior to the termination date, at which time the artist would be obligated to cease work. The City would be obligated to pay Collins for the second stage of contract work completed (\$5,000).

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific Public Art Committee agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Economic Development

Related Goal: 4.4 Provide and support outstanding leisure, cultural, and educational opportunities

EXHIBITS

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Artist Sole Source Letter

Exhibit 3 – Architect Sole Source Letter

Exhibit 4 – Artist Contract- File 6607

Exhibit 5 – Architecture & Engineering Contract-File 6796

Exhibit 6 – PAC April 5, 2018 Meeting Minutes

Exhibit 7 – PD Public Arts Ordinance

Exhibit 8 – Presentation

Respectfully submitted:

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