

**ORDINANCE NO. 1180**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE CHAPTER 4.46 REGARDING THE PUBLIC ARTS FEE, FUND AND PROGRAM**

**WHEREAS**, California Government Code Section 15813 recognizes that the City of Coachella has a responsibility to expand public experience with art; and

**WHEREAS**, the City adopted Coachella Municipal Code Chapter 4.46 Public Arts Fee, Fund and Program in 2012 to promote the general welfare through balancing the community's physical growth with revitalization and its cultural and artistic resources; and

**WHEREAS**, the City Council of the City of Coachella wishes to amend Coachella Municipal Code Chapter 4.46 to update and clarify public arts fund program provisions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The City Council hereby finds and determines that the recitals set forth above are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

**SECTION 2. Amendment to Coachella Municipal Code.** Coachella Municipal Code Section 4.46.040 *Public arts fund, subdivision (C)* of Chapter 4.46 *Public Arts Fee, Fund and Program* is hereby amended as follows:

“4.46.040 - Public arts fund.

...

C. Use of Fund. The funds shall be used solely for the acquisition, installation, improvement, maintenance and insurance of artwork to be displayed in the city and the administration of the public arts program. Public arts fund grants shall be awarded directly to artists, subject to the terms of this Chapter. Third party applicants are not eligible for public arts fund grants. Non-United States citizen artist applicants may apply for public arts fund grants. Each grant shall not exceed ten thousand dollars (\$10,000) per year, which may be used to fund one or more art installations by the same artist. Applicants requesting in excess of ten thousand dollars (\$10,000) per year may submit their proposal for review by both the commission and city council. To apply for a grant, applicants must submit invoices including a proposed artist fee and estimates for maintenance and other costs. Applicants are not eligible to receive reimbursements from the public arts fund for artwork installed in the City without prior approval by the commission. Artwork shall be appraised pursuant to standards developed by the City.

...”

**SECTION 3. Amendment to Coachella Municipal Code.** Coachella Municipal Code Section 4.46.090 *Criteria for artwork selection, subdivision (B)* of Chapter 4.46 *Public Arts Fee, Fund and Program* is hereby amended as follows:

“4.46.090 - Criteria for artwork selection.

...

B. The following methods may be used to select artwork:

(1) Direct Purchase. A completed work of art may be purchased for a specific project or location;

~~(2) Direct Commission. An artist may be chosen directly by an artist selection jury and paid to submit a proposal. Artists will be selected on the basis of their qualifications for a particular project and its probability of successful completion;~~

~~(3)~~(2) Limited Competition. A small number of artists may be invited and paid by the selection jury to submit proposals;

~~(4)~~(3) Open Competition. Any artist may apply subject to limitations established by the selection jury. No proposal fee is paid to artists; however, a small number of finalists may be selected to submit details, models or plans for which a fee is paid.

...”

**SECTION 4. Amendment to Coachella Municipal Code.** Coachella Municipal Code Section 4.46.110 *Application procedures for placement of artwork on private property* of Chapter 4.46 *Public Arts Fee, Fund and Program* is hereby amended as follows:

“4.46.110 - Application procedures for placement of artwork on private property.

Any artwork being placed on private property as part of the city's public arts program shall be a one-of-a-kind piece. The city encourages applicants to submit an application prior to the development of the architect's schematic design. Applications for artwork to be installed on privately owned residences will not be accepted. The requirements and procedures for the processing of a public arts program proposal application (an “arts application”) shall be as follows:

(1) Upon submission of a development project application for a project subject to the requirements of this chapter, the department of planning and zoning shall provide to the project applicant a copy of this chapter, an arts application form and the name and phone number of the city's arts administrator.

(2) The project applicant shall submit to the arts administrator, the completed arts application form describing the manner in which the project applicant intends to comply with this chapter.

(3) The arts application shall include:

(a) Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;

(b) An appraisal or other evidence of the value of the proposed artwork, including acquisition and installation costs;

(c) Preliminary plans containing such detailed information as may be required by the commission to adequately evaluate the location of the artwork in relation to the proposed development, and its compatibility with the proposed development (the artwork shall be an integral part of the landscaping and/or architecture of the building), including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods if necessary to evaluate the proposal;

(d) A narrative statement to demonstrate that the artwork will be displayed in an area open and freely available to the general public, or otherwise provide public accessibility in an equivalent manner based on the characteristics of the artwork or its placement on the site; and(e)Maintenance factors required to insure its permanence.

**SECTION 5. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

**SECTION 6. Certification and Publication.** The City Clerk of the City of Coachella shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

**SECTION 7. CEQA.** The City Council finds that adoption of this Ordinance is not a “project,” as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

**PASSED, APPROVED and ADOPTED** this 14<sup>th</sup> day of April 2021.

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Steven A. Hernandez  
Mayor

**ATTEST:**

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Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

I HEREBY CERTIFY that the foregoing Amendment to Ordinance No 1180 was duly and regularly introduced at a meeting of the City Council on the 14<sup>th</sup> day of April 2021, and that thereafter the said ordinance amendment was duly passed and adopted on the \_\_\_ day of \_\_\_\_\_ 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk