

INDIAN SHORES

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ARTS COUNCIL AD HOC COMMITTEE MEETING MINUTES - TUESDAY, FEBRUARY 27, 2018

The Arts Council Ad Hoc Committee convened at 10:01 a.m. Those present were: Councilor Bill Smith, Marcie Smith, Town Engineer Bob Brotherton, Betsy Schoepf, Maya Feliciano, Alice Lawrence, and Starlyn Fikkert by phone (exempt from voting).

Others present were: Regina Kardash, Town Attorney; Bonnie Dhonau, Town Administrator; Darlyn Stockfisch, Administrative Specialist; and Sara Mullins, Galleries on the Go.

1.0 Approval of Agenda

Motion by Maya Feliciano and seconded by Alice Lawrence to approve the February 27, 2018, agenda. **Motion carried 6-0.**

2.0 Public Comment on any Agenda Item

Sara Mullins stated that she was there to hear the design build discussion. There were no further public comments.

3.0 Motion by Maya Feliciano and seconded by Betsy Schoepf to approve the January 23, 2018, meeting minutes. **Motion carried 6-0.**

4.0 Consideration of Change to Call to Artists/Design Build Process

Town Attorney Regina Kardash reported that as she reviewed the proposed Project Management Construction contract, she had concerns that we were above the statutory minimum of \$325,000. Our project is estimated at \$350,000 which is over and above a Category 5 Bid Process. Therefore, we are required to follow the competitive bid process under the CCNA [Consultant's Competitive Negotiation Act (Statute 287.055)] and make sure that all the people

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petrucci
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Elaine N. Jackson, MMC
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

involved in the project (contractors, engineers, architects, artists, Pinellas County, etc.) also comply within the CCNA and those that regulate their respective industries as well.

She stated that that we have it currently set up where the approved Call to Artists Team chooses their engineers and architects, but we do not include any criteria that would certify them to perform work on our Town and on public property under this statute. This gives too much leverage to the artist to choose the professionals that we would hire to construct a monument at the Tiki Gardens (Pinellas County property under lease agreement).

Marcie Smith explained that when we choose the artist team, part of the criteria is that their engineer and architect would be certified under the corresponding requirements for their professional area. The Arts Council would still approve everyone they submit as their workers and that is part of the submittal documentation. She further stated that the Arts Council would choose the whole team not separate out the artist.

Regina Kardash continued that instead of choosing the artist first, we need to choose the Design Build Firm first. She also instructed that we have to make sure the structure is safe and properly designed and then wrap the other services around it. As a public entity, we need to ensure the structural integrity of the monument for public safety reasons.

Bonnie Dhonau injected that Pinellas County had already given their approval of the Call to Artists and submitted the Paul Cozzie, Pinellas County, email proof.

Marcie Smith referred to several other examples of local public art projects in the same dollar range and the simplicity of their Call to Artists compared to what is now being suggested. Marcie further expressed her frustration that of course we want to do this correctly, but we have already spent nearly three years on this project and are close to putting out the Call to Artists, but now are given a different set of criteria to meet.

Regina Kardash said she would need to see the contracts involved in the other public projects that were mentioned. She reiterated that the art is separate from the building. This monument structure we are trying to build is the same as a building.

Maya Feliciano asked whether using a "leased" property vs. owned property could give us a secondary roadblock in the process.

Regina Kardash confirmed that it could, but that she recommends we stay with the Tiki Gardens site.

Regina Kardash went over the need to do a design criteria package which Bob Brotherton is now putting together. She reiterated to keep the art separate from the building and as the artistic concepts are basically done, the artist will essentially be concerned with only fine tuning the details not necessarily the structure.

Bonnie Dhonau went over what Attorney David Jackson said at the April 25, 2017, meeting--that this project did not meet the design/build requirements although after adding the engineering portion that the CCNA threshold may then be triggered.

Bob Brotherton explained that if it is less than \$50,000, you can hire anyone you want. If you go into an actual construction project and it exceeds \$325,000, it then triggers the CCNA. The design build process is relatively new in Florida.

Bob Brotherton said the most important issue is who is in the lead position of the project. For example, the construction element may be 75% of the project, the artist might be 20% and the engineering may be 5%. The lead person is the design build licensed general contractor as they are the biggest dollar signing threshold. They will be the one to sign off on the permits and the plans. The Town does not issue permits to an artist.

Regina Kardash clarified that she did not include the artist as a subcontractor. She put them as a separate contracting party when she rewrote the contract that Bob sent her as an example.

Bob Brotherton confirmed he wrote the package putting the contractor as the lead and the others (artist, engineer, architect) as subcontractors.

Marcie Smith said it looks like the project has totally changed in scope and we may not get an artist to do the project for this amount of money. She never thought the artist would be a minimal part of this project.

Maya Feliciano suggested that we maybe take out the landscaping so we come in under the threshold?

Regina Kardash suggested that since we already have the Call to Artists preparation completed, to incorporate a design criteria package that would go out with it. She said we can talk about working with an artist team but she doesn't think we will get around a design build as it is today. She prefers a design build first as the structural integrity must be paramount and must be primary before the artistic aspect of it. She understands that the Committee is focused on the art and its importance; however, she does not condone that thinking.

The Committee continued a long discussion on other municipal art projects, the contractors and artists involved and how this project should move forward and stay within the State purchasing guidelines.

Bonnie Dhonau suggested that we consider hiring Ann Wykell to evaluate where we are and how to move forward on this project and still address Regina's concerns. Ann Wykell is a private consultant that does organizational development, planning and public art project administration and gave us some direction initially on how to approach this Monument Project as a Committee.

Motion by Marcie Smith and seconded by Alice Lawrence to hire Ann Wykell to meet with us and give us her recommendation. The motion was **amended by Marcie Smith** to add a cap of \$500 and **seconded by Betsy Shoepf**. The motion carried 4-2 (Bob Brotherton and Maya Feliciano opposed).

Motion by Marcie Smith and seconded by Alice Lawrence to table Agenda Item #4 Consideration of Change to Call to Artists/Design Build Process until after hearing Ann Wykell's recommendations.
Motion carried 6-0.

5.0 Consideration and Status of Draft Proposal for Project Management for Construction

Bob Brotherton talked about this draft proposal being similar to what we have seen before. The main issue was to figure out how much time was needed to do what the contract said the Project Manager needed to do. Some things would be done monthly and as things change during this process the tasks will need to be adjusted, etc. He further explained that he typically overestimates but keeps up with the actual hours he expends for invoicing.

Maya Feliciano asked if Bob could stay on the committee while on this contract.

Bob Brotherton said he would be responding to Bonnie Dhonau, the Town Administrator, on this contract.

Regina Kardash didn't think it would be an issue.

Marcie Smith said his estimated cost looked to be about 10% of the overall project cost which fell in line with these types of charges.

Bonnie Dhonau conveyed that it would still need to go to before Council for spending approval.

Motion by Maya Feliciano and seconded by Alice Lawrence to table Agenda Item #5 Consideration of Draft Proposal for Project Management for Construction until the selected artist team and design team would go to Council for approval. **Motion carried 6-0.**

6.0 Discussion on Reaching out to Specific Artists

Bill Smith suggested this be tabled until we meet with Ann Wykell.

Motion by Bob Brotherton and seconded by Betsy Schoepf to table Agenda Item #6 Discussion on Reaching out to Specific Artists till after meeting with Ann Wykell. **Motion carried 6-0.**

7.0 Discussion regarding Illegal Use of Town Logo

Bonnie Dhonau displayed a plaque that has the Town logo on it that a resident purchased at the St. Petersburg Saturday morning market. The plaque was created by Planks through etsy.com. This is illegal use of our logo and any use of the logo must be approved by the Arts Committee.

Regina Kardash reported that she will send them a cease and desist letter.

Bonnie Dhonau stated that it was probably not in the Town's best interest to get the money back that was made from the illegal use of the logo unless it continues.

8.0 Consideration of Arts Council Sponsorship of Tampa Taiko Asian Performing Arts Ensemble in February 2019

Bonnie Dhonau put forward for discussion that promoting artistic and cultural events might be some of the other projects that the Arts Council may want to be involved in after completing the monument. She saw this Tampa Taiko Asian Performing Arts Ensemble as a

cultural event to consider for 2019 celebrating the Chinese New Year if the Arts Council wanted to sponsor them.

Councilor Smith thought it might distract now from the monument project.

Betsy Schoepf suggested completing the monument project and then evolve to other responsibilities on public art and cultural matters.

Motion by **Marcie Smith** and **seconded** by **Alice Lawrence** to decline at this time to engage the Tampa Taiko Asian Performing Arts Ensemble. **Motion carried 6-0.**

9.0 Open Discussion

Councilor Smith asked if everyone saw that the Tiki Gardens site was cleared in preparation for the new monument project.

Bonnie Dhonau further explained that Councilor Hackerson wanted to clear it so that people could visualize a monument in that space. By using Ameriscape, the Gulf Boulevard Beautification Project landscape contractor to do this work, we saved about \$4,500.

Marcie Smith added that this now makes it obvious that we need to have landscaping between that park and the next building north of Tiki Gardens included in our design.

Sara Mullins gave some history about the Indian design that she and artist Steve Graff have been involved in for the past three years. She appreciates the Committee and their support of the arts. She asked that as the Committee move forward with the proposals for the monument project, to be mindful of artists' sensitivity and their connection to their work.

Sara Mullins further explained the VARA (Visual Artists Rights Act) and proposes that we look at that wording in the proposed contract and make sure the selected artist is protected. This would make an artist more comfortable in having their name associated with the art piece.

Also, there are administrative issues with retiring pieces of art. We need to contact the artist(s) involved, and if we cannot find the artist that created the work, then it's on them if we made every effort to contact them.


Bonnie Dhonau added that the Town bought the logo and there is a Brand Identity Guide associated with it that should be used.

10.0 Set Time and Date for Next Meeting

Councilor Smith stated that the next meeting would be contingent on Ann Wykell's schedule and agreement to help us.

Bonnie Dhonau suggested a tentative date of March 27, at 10;00 a.m. but would reach out to Ann Wykell first and then confirm with the Committee. **(The meeting has been set for Wednesday April 4, 2018, at 10:00 a.m.)**

The meeting adjourned at 12:16 p.m.


Darlyn A. Stockfisch
Administrative Specialist