



## Staff Reports

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**File #:** 2017-2019, **Version:** 1

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**To:** Honorable Mayor and Members of City Council

**From:** John Coates, Parks & Recreation Services Director

**Prepared By:** Tim Wood, Senior Civil Engineer and Katrina Gregory, Recreation Manager

**TITLE:**

Agreement for installation and maintenance of public artwork in the roundabout at Saratoga Drive and Peatman Drive

**RECOMMENDED ACTION:**

Authorize the City Manager to execute a license agreement with the Peter A. and Vernice H. Gasser Foundation to install and maintain public art in the roundabout at Saratoga Drive and Peatman Drive and determine that the actions authorized by this item are exempt from CEQA.

**DISCUSSION:**

In 2016, the City Council approved entitlements for the construction of the Vista Tulocay Apartments along Soscol Avenue in south Napa. Construction of the apartments, which are now called the Braydon Apartments, is currently in progress. During the original submittal to the City of Napa Planning Commission for the project, the site plan from the owner, BLT Enterprises, was approved and included a water tower in the Saratoga Drive and Peatman Drive roundabout (see location in Attachment 1).

Subsequently, BLT Enterprises sold the property to Fairfield Residential, who is the current owner and developer. With the sale of the property, the approved plans were part of the Conditions of Approval. The Gasser Foundation was responsible for ensuring that the Conditions of Approval are completed and has been finishing this work for the past four years.

At the time of the sale of the property to Fairfield Residential, the Tannery water tower on the west side of the Napa River was very visible from Saratoga Ave and the entrance of the Fairfield development. There was consensus that looking through one water tower to another across the river was redundant. The Gasser Foundation wanted the entrance to the Fairfield property as well as for the westbound traffic on Saratoga Drive to have its own uniqueness and sought an alternative to the proposed water tower.

The result of looking for an alternative was an art piece by Gordon Huether called "Silver Twist" (see images in Attachment 2). The Gasser Foundation Chairman, Joe Peatman, appreciated this art piece and felt the reflections from the silver finish and the light passing through various colored Lexan panels in the center of the sculpture was eye-catching and would help create the desired outcome for this location. There was an agreement between the Gasser Foundation and Fairfield Residential

regarding the artwork choice for this location.

The roundabout at Saratoga Drive and Peatman Drive is the City of Napa's right of way. Therefore, to allow the Gasser Foundation to install and maintain the artwork in the roundabout, City staff and the Gasser Foundation negotiated a license agreement. The following items were considered in the development of the license agreement with the Gasser Foundation:

- The artwork was initially reviewed by the Public Art Steering Committee on June 25, 2019 and voted (4-0-1) to approve the proposal and to recommend the project to City Council.
- The artwork is not a requirement for the adjacent development or a requirement of the Public Art Ordinance.
- The installation of the artwork in the roundabout is consistent with the Conditions of Approval for the project.
- Gasser Foundation will pay for the artwork, installation of artwork and site improvements to the roundabout (see Site Concept Plan in Attachment 3).
- Gasser Foundation will maintain the hardscapes, landscapes and maintenance of the roundabout and artwork.
- Gasser Foundation will remain as the owner of the artwork.
- The term of the agreement is 20 years but the City has the right to terminate the agreement earlier if necessary to protect the public health and safety or if the roundabout is needed for another public purpose.
- If the artwork is damaged beyond repair or if the maintenance costs become excessive, Gasser Foundation will remove the artwork from the site. They will be required to return the site to an acceptable condition agreed upon by both parties after the artwork is removed.
- For additional details of the License Agreement, see Attachment 4.

#### **FINANCIAL IMPACTS:**

As part of the agreement, the Gasser Foundation will be financially responsible for the purchase, installation and maintenance of the artwork as well as the hardscapes and landscapes within the roundabout area.

#### **CEQA:**

City staff recommends that the City Council determine that the Recommended Action is exempt from CEQA pursuant to CEQA Guidelines Section 15301, which exempts minor alterations to existing facilities, and Section 15303, which exempts the construction and location of new small structures.

#### **DOCUMENTS ATTACHED:**

ATCH 1 - Project Site Location  
ATCH 2 - Artwork (Sliver Twist) Images  
ATCH 3 - Site Concept Plan  
ATCH 4 - License Agreement with Gasser Foundation

#### **NOTIFICATION:**

None

