



Item No. 11 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: ROBERT OVADIA, PUBLIC WORKS DIRECTOR

DATE: NOVEMBER 20, 2019

**SUBJECT: CONSIDER ACCEPTANCE OF A DONATION OF A SCULPTURE;
CONSIDER USE OF THE EVANS CREATIVE ARTS FUND
TOWARD THE PURCHASE THE SCULPTURE OR OTHER
SPECIFIED USE; AND REVIEW AND CONFIRM THE STATUS OF
THE ATHERTON ARTS FOUNDATION AS A DESIGNATED
GROUP**

RECOMMENDATION

Consider acceptance of a donation of a sculpture from the Holbrook-Palmer Park Foundation; consider use of the Evans Creative Arts Fund toward the purchase of the sculpture or other specified use; and review and confirm the status of the Atherton Arts Foundation as a “Designated Community Group” as related to use of Town Facilities and associated Charges.

BACKGROUND

Atherton Arts Foundation

In 1976, a long time Atherton resident, Rita Corbett Evans, passed away and bequeathed her home to the Town of Atherton for the purpose of developing a “Creative Design Program.” The home was subsequently sold and the proceeds were used to create the Rita Corbett Evans Trust (Evans Creative Arts Fund) that was dedicated to carrying out the provisions of the Evans will. In 1996, the Town created the Atherton Arts Committee, whose activities were partially funded by the Fund to support the goals outlined in the will.

The Mission Statement for the Atherton Arts Committee was:

The Atherton Arts Committee will engage in distinctive programming, promote art awareness, facilitate communication, enhance life-long learning, and recognize cultural diversity within the community

The Goals and Objectives for the Atherton Arts Committee, established by Council Resolution 09-09, were as follows:

- Fulfill the requirements of the Rita Corbett-Evans estate
- Develop a unique arts program specific to the needs of Atherton and the surrounding community
- Provide a base and focal point for arts programs in Atherton
- Include a multi-disciplinary range of artistic endeavors including fine, performing, and literary arts as well as crafts
- Attract and welcome all members of the community

The activities of the Committee were funded through the Evans Creative Arts Fund. The Committee was disbanded in 2013 and its activities taken over by the Atherton Arts Foundation. Each subsequent year, the Arts Foundation would receive a fulfillment of their annual budget request to the Town from the Evans Creative Arts Fund. A budget request was not received for Fiscal Year 2019/20. There remains approximately \$7,300 left in the Fund.

The Atherton Arts Foundation (AAF) is a 501(C3) Public Benefit organization whose mission is to promote the appreciation and enjoyment of the arts through events, classes, performances and the acquisition of artworks for public spaces within our community. The Foundation was organized in 2009 to support the activities of the Atherton Arts Committee when it became clear that the Fund would soon be exhausted.

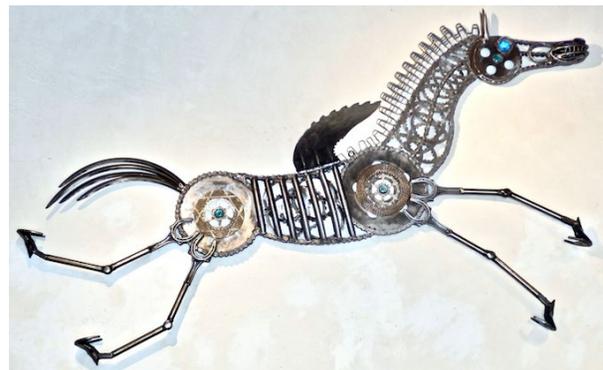
Sculpture Donation

In July 2019, the Town received a proposal regarding a sculpture donation from the Holbrook-Palmer Park Foundation (HPPF) for placement at Holbrook-Palmer Park. Staff presented the proposal to the Council at their July 17, 2019, meeting. At the time, three sculptures were under consideration as follows:



1 *Horse Fly (Pegasus)* – Richard Swenson, a scrap metal sculpture, 81” x 50” x 12”, which would be mounted on a fence or wall.

2 *He Ain't Heavy* – Walt Horton, 69” x 30” x 17”, which would be mounted on a base.



- 3 *Expanding Wholeness* John Ellis, 130” x 50” x 61”, which would be mounted on a base

At the time, the preference was towards the *He Ain't Heavy* sculpture.

At the July 17, 2019, meeting the Council indicated its willingness to accept the sculpture donation provided “...all costs associated with the acquisition and installation of the sculpture were covered by the donation...” The Council further directed that the donation first be sent through the Park and Recreation Committee for review and selection of an appropriate location for placement.

Evans Creative Trust

As noted above, proceeds from the sale of the Rita Corbett Evans home were used to create the Evans Creative Arts Fund. Proceeds from the Fund have been used to support the goals outlined in the Evans will, supporting creative arts in the Town. Initially funding was guided by recommendations of the Atherton Arts Committee and included both programs and art installations. The Atherton Arts Committee was disbanded, and the Atherton Arts Foundation created as a 501(C3) Public Benefit organization non-profit once it was evident that the trust would be depleted. The Evans Creative Trust fund, managed by the Council, has an approximate remaining balance of \$7,300.

ANALYSIS

Sculpture Donation

Based on feedback from the July Council Meeting, the Holbrook-Palmer Park Foundation (HPPF) revised its recommended art donation to the *Expanding Wholeness* sculpture by John Ellis. The estimated cost of the sculpture, including installation was approximately \$37,000, and the preferred location was in the entry lawn area. The HPPF believes that they may get a minor discount in the amount of \$2,000 on the purchase. The HPPF is requesting funds from the Evans Creative Arts Fund. Additional funds were recommended to come from the AAF and HPPF to pay for the acquisition and installation of the sculpture.

On September 28, 2019, the HPPF received a letter regarding its proposals for financial support from the AAF for the purchase and installation of a sculpture at Holbrook Palmer Park. The AAF declined to fund the installation at this time, indicating that the request could be revisited at a later date when the Foundation is in better financial health. The HPPF may delay their donation in light of the funding needs related to the sculpture acquisition and installation and until they know where sculpture might be placed.

At the present time, unless full financial commitment is provided from the AAF or HPPF, there are insufficient funds identified from these organizations to fully pay for the acquisition and



installation of the sculpture. If the Council were to accept consider acceptance of the sculpture, even with an allocation of the remainder of the Evans Creative Arts Fund, additional General Funds would need to be committed to the purchase.

Representatives from the HPPF and AAF are present this evening to provide any additional input requested by the Council.

As requested by the Council, the Holbrook-Palmer Park Committee considered the acceptance of the sculpture at its October 2, 2019, meeting and were supportive of accepting the *Expanding Wholeness John Ellis* donation at the Park. Concerns were raised at the meeting regarding the proposed location, within an irrigated grass area, particularly as the grass is irrigated primarily with well water, which may have the potential of impacting the finish of the sculpture. The Park and Recreation Committee held a special meeting on October 29, 2019, which included a park walk to look at potential locations for placement of the sculpture. At their regular meeting on November 6, the Park and Recreation Committee formally considered the potential placement locations; but deferred making a recommendation on a location to their December 6, 2019 meeting.

Atherton Arts Foundation

The Atherton Arts Foundation continues to utilize a portion of the Main House (Garden Room) as a creative space and for storage. The AAF provides occasional classes both in Atherton and in the surrounding community, hosts an annual art show for the benefit of its artists, and has funded art installations such as the Snail Sculpture at Holbrook Palmer Park and a mural Selby Lane School.

Similar to the HPPF, Friends (formerly Dames), Friends of the Library, and Atherton Now, the AAF is considered a “Designated Group” for the purposes of use of Town facilities. Fees are not charged to Designated Groups. However, the groups are obligated to pay any direct Town costs associated with any event or activity. All events that are hosted by Designated Groups must meet the insurance requirements for the Town. Designated Groups may use Town facilities, such as meeting rooms and storage space without fee but continue to be responsible for any direct costs incurred by the Town for their use. Designated Groups may also use storage and/or activity space on a regular basis. Use of such space is by approval only and may be revoked at any time. Town uses and needs take priority over any uses by Designated Groups.

In addition to use of Town Facilities as a Designated Group, the Town has supported the AAF with stipends from the Evans Creative Trust fund each year as part of a budget request.

Questions have been raised regarding how the proceeds from its classes and art shows are directed, particularly how much the funds are directed towards art programs within the Town and community support versus direct artist support. The AAF is considered small, with annual proceeds of less than \$50,000 and therefore limited filings are required.

The AAF has submitted a request for the remaining balance of the Evans Creative Arts Fund for improvements to the Garden Room of the Main House, including:

- A. Paint the ceiling
- B. Extend a counter and enclosure around the sink area
- C. Replace the existing floor

The AAF feels that these improvements will enhance the classroom area and the use of the room to include additional educational events such as lectures, club meetings and small art shows.

Evans Creative Trust

As indicated above, the Evans Creative Arts Fund has a balance of approximately \$7,300. The Town has received requests from both HPPF and the AAF for use of the funds.

The HPPF is requesting the balance to support the acquisition and installation. As the AAF is not seeking to support the sculpture at this time, it is unclear where the funding shortfall (inclusive of the Arts Fund balance) of approximately \$13,000 would be obtained.

It is recommended that the Council appropriate the entire balance of the Evans Creative Arts Fund at this time as the remaining balance of approximately \$7,300 is not a sufficient amount to allow for future allocations.

POLICY FOCUS

The Council should focus its discussion in three distinct areas as follows:

- 1) Should the Town accept the proposed donation of the Expanding Wholeness sculpture, if fully funded by other parties?
- 2) If the sculpture cannot be fully funded by other parties and requires the use of the Evans Creative Arts Fund, should the remaining funds in the Fund be allocated to close the gap?
- 3) If the sculpture is not accepted *or* the Council opts not to allocate the Evans Creative Arts Fund toward the sculpture, should the Council allocate the Fund toward improvements to the Garden Room in line with the request of the AAF?
- 4) Should the AAF continue to be considered a Designated Community Group?

FISCAL IMPACT

Reclassification of the AAF from a Designated Community Group would require that the Foundation pay for the use of Town facilities, commensurate with the Town's adopted Master Fee Schedule. The Garden Room, currently used by the AAF, is not a space normally rented and due to its location, layout and condition, it is not on the facility rental list. A new fee for its use would need to be established.

Allocation of the Evans Creative Arts Fund would zero out the account but would not affect the Town's General Fund.

As currently proposed, the donation of the Expanding Wellness sculpture is not fully funded by the donors, even with use of the Evans Creative Arts Fund. If the acceptance is contingent of fully funding the donation, including installation costs, there would be no impact to the Town’s General Fund.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item X has or has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- X Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)

ATTACHMENTS

1. HPPF - Proposal For Sharing In The Acquisition Of A Sculpture To Be Installed In Holbrook Palmer Park
2. Atherton Art Foundation – Proposal for Renovation of the ‘Garden Room’ Using Evans Trust Funds

PROPOSAL FOR RENNOVATION of the 'GARDEN ROOM' **USING EVANS TRUST FUNDS**

October 7, 2019

From: Board of the Atherton Arts Foundation (AAF)
Contact Person: Dorothy L. Hunter dlhunter@ix.netcom.com
152 James Ave., Atherton, CA
(650) 323-8580

PROJECT TITLE: Improvements for the Garden Room, basement of the Main House, currently used for meetings and classes of the Atherton Arts Foundation.

AMOUNT REQUESTED: \$7,300 from, #215, The Evans Creative Design (formerly fund 715), a 'Restricted' fund.

DESCRIPTION/HISTORY of PROJECT:

Rita Corbett Evans bequeathed her home in Atherton for the purpose of developing a 'Creative Design Program', focusing on providing a place for local artists to meet, create, and be educated in the Arts. This trust led to the development of the Atherton Arts Committee, and later the Atherton Arts Foundation.

The Board of the Atherton Arts Foundation desires to return to our 'roots' and the original stated purpose: "The specific and primary purpose of this corporation (AAF) is to engage in charitable and educational activities".

For many years, the AAF has hosted, along with the Town of Atherton (through their generous provision of the Jennings Pavilion) Art Shows for the community. The Board is focusing on Atherton Town based artists for these shows (no charge for the artist to show/sell art). This activity, as well as previous donations to *Art in Action* and painting of school murals (beautification) continues to fulfill the charitable focuses of the AAF.

During the past year and a half, the AAF has been focusing on education. We are developing a growing student and artist instructor base. These classes are available to the residents of the Town of Atherton and surrounding communities. The classes are held in the newly named, 'Evans Center for Creative Arts' (ECCA), located in the Garden Room, basement of the Main House.

The Board of the AAF would like to use the Evans Creative Design funds to

- A. Paint the ceiling**
- B. Extend a counter and enclosure around the sink area**
- C. Replace the existing floor**

We feel these improvements will enhance the classroom area and the use of the room to include additional educational events such as lectures, club meetings and small art shows.

Thank you very much for considering the Atherton Arts Foundation proposal for expanding art through charitable and educational events for years to come!

Dorothy Hunter, Chair of the Atherton Arts Foundation
Joan Sanders
Swati Advani
Jerry Barrack
Jan Prisco
Lindsay Waldern

**Proposal For Sharing In The Acquisition Of A Sculpture To Be Installed In
Holbrook Palmer Park**



John Ellis

"Expanding Wholeness" Steel 130" x 50" x 61"

Shidoni Gallery, Santa Fe NM

\$17,000

Funds needed

Asking price for sculpture	17,000	
Taxes, shipping, insurance	7,000	Estimate
Mounting and Installation	<u>15,000</u>	Required by town
	<u>37,000</u>	

Offsets (to be negotiated)

Estimated discount on price	-2,000
Reduction in reserve requirement by town	<u>-5,000</u>
Estimated total	<u>30,000</u>

Sources of Funds

Town of Atherton	0	
Friends of the Park	17,000	Accepted proposal
AAF	13,000	Proposed

PLEASE NOTE. A first proposal to the AAF, made 6/13, was based on acquisition of a sculpture entitled "He Ain't Heavy", total cost ~\$45,000. A subsequent meeting held Aug 20 was attended by Betty and Ted Ullman, Alicia Bakowski of the Friends of the Park, Marylou Timpson who is on both the Friends board and that of the Park & Rec Committee, and Frank Merrill who is on the Holbrook Palmer Park Foundation board and that of the Park & Rec Committee. Two members of the AAF were invited but did not attend. A consensus was reached that the John Ellis sculpture, total cost ~\$30,000, be donated to the park and would be located as shown on the accompanying map. After the source of funds has been determined this decision must be presented to and confirmed by the Park & Rec Committee before the City Council can accept the gift. We believe that the AAF charter obligates it to provide support for this gift. If the AAF agrees we recommend that donations from the AAF and the Friends be in rough proportion of the assets of each of these foundations as reflected in the previously proposed contributions of \$20,000 by the AAF \$25,000 by the Friends. That being said any contribution would be welcome.

Betty and Ted Ullman

