



## Legislation Details (With Text)

**File #:** Res 2020-53    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Tabled  
**File created:** 6/11/2020    **In control:** City Council  
**On agenda:** 8/3/2020    **Final action:**  
**Title:** RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REGIONAL TRANSPORTATION DISTRICT ("RTD") REGARDING ARTWORK FOR THE NORTH METRO RAIL LINE

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Exhibit A - First Amendment to Intergovernmental Agreement, 3. Exhibit B to Amendment - License Agreement, 4. Exhibit 1 to License Agreement - Site Plan, 5. Original IGA, 6. Presentation

Date	Ver.	Action By	Action	Result
8/3/2020	1	City Council	tabled	Pass
7/20/2020	1	City Council	continued	Pass

RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REGIONAL TRANSPORTATION DISTRICT ("RTD") REGARDING ARTWORK FOR THE NORTH METRO RAIL LINE

### Summary and Background Information:

#### Updated Information 08-03-2020:

This item was presented to the City Council on 07-20-2020. After discussion, Council directed staff to go back to RTD and attempt to implement a solution that would allow for the current IGA to continue, without modification, and for the art piece selected through the public process to be installed. Council believed that it was important to honor the public process and selection. Council provided flexibility to alter some of the material used on the art piece to try and reach consensus with RTD.

Staff met with RTD and began new negotiations, which developed a possible alternative. Staff will need additional time to continue to explore the possible solution, described below.

In an effort to have RTD be willing to own the art work and ongoing maintenance, as defined in the current IGA, RTD would be willing to explore changes to the materials proposed by the artist. RTD has agreed to supply the City and the artists with a list of materials that are not acceptable in the current art piece and provide a list of requirements for the art, related to their maintenance standards. The City, RTD, and the selected artists will then meet to discuss any proposed changes. Staff have communicated the need to have the art piece remain substantially the same from an appearance standpoint, to honor the public selection process.

Staff recommends the Council remove this item from the city council schedule and continue the matter indefinitely. Staff will reschedule the item when it is ready for Council's consideration.

### Summary and Background Information:

The City of Commerce City, the Commerce City Cultural Council, and RTD have been working to add a commissioned piece of public art for the soon-to-be completed North Metro Rail Line Station at E. 72<sup>nd</sup> Avenue in Commerce City. The first 13 miles of the N Line (referred to as the North Metro rail line during construction) will provide service from Union Station through Denver, Commerce City, and Thornton. RTD contributed \$40,000 towards public art for each of the stations along the line and worked with each of the cities to select artwork appropriate for the site. The city contributed an additional \$22,000 for a total project budget of \$62,000.

The City established a public art selection committee consisting of residents, Cultural Council representatives, a local business representative, RTD staff and City staff. The public art selection committee reviewed and juried 52 applications and selected three semifinalists. Three artists presented proposals and one artist was selected. The selected artist was approved by 5 of the 7 art committee members and the Commerce City Cultural Council. RTD did not approve the selected artwork due to concerns with ownership and ongoing maintenance costs.

Under the current IGA approved by City Council on March 2, and subsequently approved by RTD, RTD owns and maintains the station artwork. As a result of RTD's concerns, and in an effort to move forward with the recommended artwork approved by the public art selection committee and the Commerce City Cultural Council, RTD has requested changes to the IGA surrounding ownership, installation, and ongoing maintenance costs.

The revised IGA includes these changes:

- The City will own and maintain the art piece, as opposed to RTD. This will involve additional costs. Therefore, RTD is requiring the City to enter into a license agreement that will allow the City to enter RTD property to maintain the art piece.
- RTD requires the artist to agree to the insurance limits in the amount of \$5,000,000 pursuant to the license agreement. RTD has suggested they will work with the artist if the artist cannot meet the insurance requirements. The City agrees to cover the difference in insurance and take on the risk. It is unlikely any losses would exceed the limits.
- As the property owner, RTD retains the right to remove or relocate the Art Pieces for safety reasons, changed conditions, etc, as determined solely by RTD given that this is an active train station. RTD can provide reasonable notice of removal or relocation to the City, but they cannot permit the Art Pieces to remain on RTD property in perpetuity. *Note: This is standard language in all IGAs on the North Metro Rail Line where the jurisdiction owns and maintains the art pieces.*

The City Council can agree to amend the IGA and install the art piece selected by the public art committee and Cultural Council or the City Council can choose to not amend the IGA and return the issue to the public art committee. The public art committee can then: choose one of the other two semi-finalists, choose from one of the other 52 submissions or start over with a new call for artwork.

**Staff Responsible (Department Head):** Deputy City Manager Troy Smith

**Staff Member Presenting:** Deputy City Manager Troy Smith

**Financial Impact:** \$22,000

**Funding Source:** General Fund

**Staff Recommendation:** City Council can adopt the resolution in favor of the installation of the art piece selected through the public art process and agree to the terms of the revised IGA OR City Council can choose to not adopt the resolution and the associated IGA changes requested by RTD, which will result in the issue being sent back to the public art committee.

**Suggested Motion:** Move to approve or move to not approve the resolution.