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April 10, 2018

City of Cathedral City  
Mayor Stan Henry, and Members of the City Council  
68-700 Avenida Lalo Guerrero  
Cathedral City, CA 92234

Dear Mayor and Members of the City Council,

The Desert Valleys Builders Association noticed an item on this week's City Council Agenda for which we should have been advised, in advance, pursuant to our annual compliance with the Mitigation Fee Act "Request For Notification" under Government Code Section 66016. While this agenda item is not for the purpose of increasing the Art In Public Places Fee it does expand the allowance of this fund's use beyond the intent of the City's ordinance and that of the Mitigation Fee Act.

The Cathedral City Art in Public Places Ordinance was established pursuant to the Mitigation Fee Act with the City's stated intent, **11.45.010 Purpose and intent. The purpose and intent of this chapter is to promote the general welfare of the public through the acquisition and installation of public art works. (Ord. 538 § 3, 2001)** The following sections include the manner in which builders/developers must dedicate art or pay fees in-lieu of purchasing, installing and maintaining in perpetuity some form of "approved" art. The art, whether procured by the builder/developer or the City thus becomes a public facility, infrastructure, or a capital asset of the public.

The Art In Public Places Fund is to support tangible, lasting displays that each and every resident, business owner, employee, customer or visitor may observe, share, experience. Under such provision this may be considered a public service, much like a traffic signal, available to all. However, "art education" goes beyond the intent of the ordinance, and fails to qualify as an appropriate use for the mitigation of the imposition created by new construction and increased populations. It does not expand, proportionately, a level of service currently provided its residents and visitors. It cannot be regularly available, as art displayed in a public right of way is visible to all. Nor, may it be inventoried as a capital improvement and asset.

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The Desert Valleys Builders Association strenuously objects to both the existing Municipal Code Section 11.45.130 E. with its 10% percent allowance for use of this fund for “art education”, and this proposal to increase the annual allowance to 30% of the fund to be used for “art education”. This is both a violation, of the intent of the ordinance, and of the Mitigation Fee Act as this does not provide the access of a public facility as deemed principle in the nature of qualifying Mitigation Fee Funds.

The Desert Valleys Builders Association requests that this proposed amendment to the use of Art In Public Places Funds be withdrawn from consideration.

Respectfully,

  
Gretchen Gutierrez  
Chief Executive Officer