

8. **CONSIDER ACCEPTANCE OF A LOANED SCULPTURE ENTITLED
“CELEBRATION”; AND, IF APPROPRIATE, DIRECT THE CITY MANAGER AND
CITY ATTORNEY TO FINALIZE THE TERMS OF THE ACCEPTANCE**

Report: Recommendation: It is recommended that the Council consider acceptance of a loaned sculpture entitled “Celebration”; and, if appropriate, direct the City Manager and City Attorney to finalize the terms of the acceptance.

Description:



Item No. 8 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: JULY 17, 2024

SUBJECT: CONSIDER ACCEPTANCE OF A LOANED SCULPTURE ENTITLED “CELEBRATION”; AND, IF APPROPRIATE, DIRECT THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE THE TERMS OF THE ACCEPTANCE

RECOMMENDATION

It is recommended that the Council consider acceptance of a loaned sculpture entitled “Celebration”; and, if appropriate, direct the City Manager and City Attorney to finalize the terms of the acceptance.

BACKGROUND

The acceptance of art or sculpture donations rests with the City Council. Atherton resident, Valerie Gardner has asked that the Council consider acceptance of a loan of a sculpture created by her father and artist, [Norman Gardner](#). The details and terms of the loan are noted below and the narrative is provided by Valerie Gardner.

ANALYSIS

The sculpture under consideration is titled “Celebration.” It is a 7-foot tall, stainless steel representational depiction of figures celebrating in a circle, and is a one-of-a-kind piece created and completed in 2006 by the artist, Norman Gardner.

Over the course of his career, he completed about a half dozen landscape-scale sculptures, this is the last unique landscape sculpture he produced and the only one that was fabricated entirely of stainless steel.



Figure 1 - Photoshop Mock Up of Possible Location @ Town Center

The sculpture was originally commissioned for the entrance to a private day school in Palo Alto. The sculpture was completed, shipped and installed at the school, where it has been for the last 18 years.

The terms for its loan to the school by Gardner-Tiemann family required that it remain accessible for viewing by the public. The school is no longer able to comply with that requirement, so the sculpture has been reclaimed by the family and is available for a new site that meets their terms.

The artist, Norman Gardner, died in 2017. Although he lived most of the year in Boca Raton, Florida, he frequently summered in Atherton to be near his children and grandchildren. He and I spent a lot of time working together on numerous projects, including this sculpture project, which was something of a collaboration. We funded the costs of the sculpture fabrication but my father donated all of his time and artistic talent well after he had retired on the expectation that the sculpture would be viewable by the public. Which is why we are considering relocating the sculpture to Atherton’s new and gorgeous town center.

This sculpture remains in my personal collection and, after a considerable amount of reflection, I realize that it has tremendous sentimental value to me and my family. Accordingly, I am not prepared to donate it but I am happy to provide the following terms that I believe will meet both my father’s preferences and the needs of the Town.

Terms for Loan of Gardner Sculpture

1. We are willing loan out “Celebration” to the Town of Atherton under a long-term loan of ten years, automatically renewable for subsequent ten-year terms, unless cancelled by either party.
2. We will agree on an outdoor location that is in open public space, of which there are several viable options at the Town Center, where the sculpture can be installed on a pedestal in public view. Once agreed, the sculpture will not be moved without Gardner-Tiemann family approval.
3. The Town will underwrite the cost of constructing a suitable pedestal (in concrete, exact design and dimensions to be agreed to between the Town and me) and moving the sculpture to the Town Center and installing it on the pedestal. There are three bolt holes in the sculpture’s base which make securing the sculpture to the pedestal relatively easy to do. I will, of course, assist with the moving and installation process at no cost for my time, and provide guidance, having been involved with the initial installment of the sculpture together with the artist in 2006.
4. The town will be responsible for providing light maintenance (occasionally removing dust) and insurance against vandalism or theft of the item valued at \$250,000 (with proceeds to be provided to the owners). This sculpture requires little maintenance, as being made of stainless steel it will not rust, but it is irreplaceable.
5. We will also agree to the placement of a plaque with agreed on info about the artist and its status as being part of the Gardner-Tiemann family collection, on loan to the town. The Gardner-Tiemann family will underwrite the design, production and installation of the plaque on the pedestal base.

6. The Gardner family will have the right to reclaim the sculpture for any reason after the first 5 years of being sited at the Town, with a ninety-day written notice. Additionally, the Town will have the right to return the sculpture to the Gardner-Tiemann family after 5 years for any reason, with a ninety-day written notice. So long as both parties agree, the loan will automatically renew for additional 10-year terms, with an updated appraisal of the then value of the sculpture used for insurance renewal purposes.

7. The Town will have the right to purchase the sculpture at an agreed-to price. Should the Gardner-Tiemann family get a bona fide offer for the purchase of Celebration during the first ten-year term at a price that they are willing to accept, the Town will have a right of first refusal on the purchase of the sculpture at that price. If the Town does not wish to purchase the sculpture at the negotiated price received by the family, the family will be free to reclaim and/or sell the sculpture with a ninety-day notice following the end of the first five years.

8. The Town and the Gardner-Tiemann family will sign a more formal legal agreement memorializing these and other standard terms for the loan of artwork from a private collection for the purpose of public display and media announcements thereof.



FISCAL IMPACT

At this time, staff does not have an estimate of the cost of installation or the necessary insurance that will be required at the stated value. These costs are not anticipated to be excessive.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area B – Preserve Small Town Character and Quality of Life

POLICY FOCUS

The City Council has traditionally accepted the “donation” of various pieces of sculpture and taken full responsibility for them. Maintaining a sculpture of this magnitude as an on loan sculpture is a different policy discussion for Council’s consideration.

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 Protection District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item has not been before a Town Committee or Commission

ATTACHMENTS

None