

City of Sacramento

Legislation Text

File #: 2021-00195, **Version:** 2

Title:

Installation of Black Lives Matter Sign at McClatchy Park

File ID: 2021-00195

Location: District 5

Recommendation:

Pass a Motion approving the placement of a Black Lives Matter sign at McClatchy Park by accepting the sign as the City of Sacramento's government speech and authorizing issuance of a temporary license for its installation.

Contact: Mario Lara, Director, (916) 808-1041, Department of Youth, Parks, & Community Enrichment

Presenter: Mario Lara, Director, (916) 808-1041, Department of Youth, Parks, & Community Enrichment

Attachments:

- 1-Description/Analysis
- 2-Pictures of the BLM sign placed at Curtis Park
- 3-Email from Zach Trowbridge requesting placement of BLM sign at McClatchy Park
- 4-Drawings of proposed sign
- 5-Letter of support from Oak Park Neighborhood Association
- 6-Letter of support from Black Lives Matter Sacramento

Description/Analysis

Issue Detail: The phrase "Black Lives Matter" refers to an organization founded in 2013 whose mission is to eradicate white supremacy and build local power to intervene in violence inflicted on black communities (Source: <https://blacklivesmatter.com/about/>). It also refers to an overall movement seeking social justice for black communities. The Black Lives Matter movement <<https://www.theguardian.com/world/black-lives-matter-movement>> has been nominated for the 2021 Nobel Peace Prize for the way its call for systemic change has spread around the world.

As a result of police killings of black persons, this past year there have been many protests in cities throughout the nation. The statement Black Lives Matter was painted in streets within many cities. In Sacramento, a group of artists painted Black Lives Matter in the median along Capitol Mall.

During summer of 2020 Zach Trowbridge, a resident of the city who is skilled as a woodworker, donated a Black Lives Matter sign to a local group who erected it in Curtis Park, without the City's permission, as a means of expressing support for this movement. A picture of that sign is attached. Mr. Trowbridge cut out and painted the letters and wrote the names of unarmed black persons killed by police on the letters. The local group that erected the sign also erected a blank wood board to encourage the public to write their own message about persons who have died at the hands of the police. Some members of the public added other signs and placed candles and other items below the message board as shown in the picture. After the sign was vandalized and became unsafe, Mr. Trowbridge subsequently took down the sign, took possession of it again, and repaired or replaced and saved the Black Lives Matters letters.

Upon request by many members of the Black community, Mr. Trowbridge has requested permission to re-erect the Black Lives Matter sign at McClatchy Park as described in the e-mail attached. He engaged with the Oak Park Neighborhood Association as well as District 5 Council Member's office to solicit support for this request. Meanwhile staff consulted with Convention and Cultural Services (CCS) as well as the City Attorney's office to determine a proper course of action to vet this unique proposal. CCS has a procedure for allowing artists to place their artwork temporarily on City property. However, after consulting with Mr. Trowbridge and internal deliberations, CCS staff determined that the sign did not qualify as "artwork".

Given that the nature of the sign is to express an opinion, in order to allow the City to control what signs can be placed on public property, the City Council would need to approve the sign as the statement of the City, which is referred to as "government speech". The City has a limited right to post its opinion while limiting opening up City property as a public forum for others to post their opinion statements. While the City can allow the Black Lives Matter letters to be posted in the park, the sign cannot also include a message board because that board invites others to post their message or sign, thereby creating a public forum. The portion of the park where the sign and message board were placed would become a "free speech" area where anyone could erect their sign with their political message. Once a public forum is created, the City is limited in its ability to remove signs erected by others no matter how offensive the pictures or message may be and no matter if the unauthorized signs make a statement about a different subject matter. As a result of this potential controversy to erect a Black Lives Matter sign in McClatchy Park, staff believes that the best course of action was to bring this request to the PCEC for consideration and then to the City Council for final approval.

Mr. Trowbridge has been advised that the sign, if permitted, would need to be installed in a manner that meets all permit and engineering requirements as determined by the Community Development Department. Also, the sign, if permitted, would be for a temporary duration (not permanent as originally requested), and would need to be maintained in a safe condition at a mutually agreed upon location within the park. The sign would not be interactive or a place where messages or memorials can be added, as originally requested. YPCE maintenance will have the right to remove the sign if it is vandalized and the letters are not replaced, or it becomes a safety hazard due to damage to the supporting poles or lack of proper maintenance. These and other terms and conditions would be included in a license agreement.

If the Council supports erecting a sign stating Black Lives Matter at McClatchy Park but not Mr.

Trowbridge's sign and placement, there are also other options as to the type of sign and where it would be located. For example, the City could paint that statement on the basketball court (similar to the Kings logo at the Roosevelt Park court) or add that statement as metal letters to the gateway arch in the park. The City could also commission an artist to fabricate artwork similar to a sign as a memorial or an opinion statement.

Policy Considerations: City Code Section 12.72.060, Park use regulations, prohibits persons from erecting temporary structures without a permit. If Council approves this request for placement of a Black Lives Matter sign at McClatchy Park, a license agreement will be needed to establish the term of sign placement.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): Erection of small structures is exempt from environmental review under the CEQA Guidelines section 15301, existing facilities.

Sustainability: Not applicable.

Commission/Committee Action: The Parks and Community Enrichment Commission voted unanimously to support the Council's approval of the Black Lives Matter sign as the City's opinion statement and placing the sign in McClatchy Park for a temporary period based on its durability. The Commission also passed a motion requesting that the local Black Lives Matter organization be invited to participate in the presentation of this proposal to the City Council. Local Black Lives Matter representatives commented during the Commission meeting that they supported placing Zach Trowbridge's sign at McClatchy Park, but preferred that a local black artist be commissioned to fabricate a permanent Black Lives Matter sign.

Rationale for Recommendation: Parks and Community Enrichment Commission voted unanimously to support the Council's approval for this temporary sign placement.

Financial Considerations: None

Local Business Enterprise (LBE): Not applicable