

CAPITOLA

ART & CULTURAL COMMISSION

SPECIAL MEETING AGENDA

Tuesday, September 10, 2019

6:30 p.m.

Capitola City Council Chambers

Commission Members

Roy Johnson - Chair

Laura Alioto

Mary Beth Cahalen

Courtney Christiansen

Laurie Hill

Susan McPeak

Kelly Mozumder

Sam Storey

James Wallace

- 1. Call to Order-Roll Call**
- 2. Approval of Agenda-**
- 3. Oral Communications-**
- 4. Approval of Minutes- August 10, 2019**
- 5. General Business –**
 - a. Summer Events (Verbal)**
 - b. Plein Air (Verbal)**
 - c. Plein Air Chairperson Membership**
 - d. Battle of the Bands (Verbal)**
 - e. Esplanade and Park Trash Cans (Verbal)**
 - f. Depot Hill Stairs (Verbal)**
- 6. Commissioner Reports-**
- 7. Staff Report-**
- 8. Communications-**
- 9. Future Agenda Items –**
- 10. Adjournment**

Notice: The Art and Cultural Commission meets on the second Tuesday at 6:30 PM in the City Council Chambers located at 420 Capitola Avenue, Capitola.

Staff Representatives

Kelly Barreto &
Larry Laurent

Agenda and Agenda Packet Materials: The Art and Cultural Commission Agenda is available on the City's website: www.cityofcapitola.org/ on Friday prior to the Tuesday meeting. If you need additional information please contact the City Hall Department at (831) 475-7300.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk's office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Appeals: Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing and delivered to the City Clerk's Office within ten (10) working days from the time of the boards' decision. The notice of appeal shall set forth appellant's name, phone number, address to which notices may be sent to the appellant, and the grounds upon which the appeal is made.

CAPITOLA
ART & CULTURAL COMMISSION
DRAFT MEETING MINUTES

Tuesday, August 13, 2019 6:30 p.m.

Council Chambers

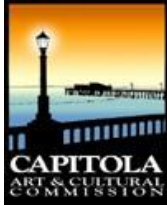
1. **Call to Order-Roll Call:** Present: Johnson, Storey, Alioto, Cahalen, Wallace, Hill, McPeak
Absent: Christiansen, Mozumder
2. **Approval of Agenda-** Commissioner Hill requested that item 5f be moved ahead of item 5f. Approved Unanimously
3. **Oral Communications-** Commissioner Hill commented that Begonia Festival project has volunteers.
4. **Approval of July 9, 2019 Minutes-** M/S McPeak/Cahalen Approved unanimously.
5. **General Business-**
 - a. **Summer Events (Verbal)** Staff reported on the concerts. Commissioner Cahalen reported that this was Extra Large's last year. The concerts have been well attended by all ages. Staff will share report from Sunday Event
 - b. **Plein Air Chairperson Membership** Staff reported on the item. Commissioner Hill felt that it was important to have a Commissioner running the Plein Air Event. Chair Johnson asked why it was important? Commissioner Hill felt that a Commissioner represents the commission. Commissioner McPeak felt that continuity was important. Chair Johnson asked why it couldn't be a paid position? Commissioner Wallace asked why there were term limits? Staff will bring back options for term limits and to add the Plein Air Chair to the commission.
 - c. **Railings (Verbal);** Staff reported on the requirements if art was added. At this time there were no volunteers to form a subcommittee at this time.
 - d. **Esplanade and Park Trash Cans (Verbal)** Commissioner McPeak report that she and Commissioners Christiansen and Storey met as the subcommittee and reported on the meetings. Staff will contact Big Belly about solar compactors. Commissioner Wallace had questions about the scope of the project. Commissioner McPeak stated that they want to make sure that the project met the City's needs. Commissioner Storey stated that they will work collaboratively with Public Works and include the BIA. Once they know the specs then the art can come into play. The beautification includes more than the cans. Commissioner Hill suggested a can corral could be moved depending on the season. Commissioner McPeak stated that the number of cans will be determined by the volume needed. Chair Johnson stated that based on his experience with the historic signs, the call to artists needs to be as simple as possible. Commissioner Storey asked about the BIA. Commissioner McPeak added that it would be nice to discuss the project with the BIA. Commissioner Hill asked if there was a Council plan for the cans. Commissioner Storey replied that the plan needs to come from the Commission. Commissioner Storey requested more information from Public Works and GreenWaste.
 - e. **Depot Hill Stairs (Verbal)** Commissioner Cahalen stated there are two non-commissioners on the subcommittee, Pam Greeninger and Dorrie Arthur. Also

asked about the hotel and the future of the stairs. Commissioner Storey answered that there was no current hotel project and it shouldn't stop progress on the stairs.

f. **Plein Air (Verbal) (Item Moved before 5b)** Commissioner Hill asked Commissioner McPeak to report on the jurying of the artists. Commissioner McPeak reported that she and Commissioners Christiansen and Hill as well as Joyce Murphy and two others participated. The experience will be helpful moving forward. Felt most of the decisions were clear. Commissioner Hill reported that that Gayle's, Palace, Lenz, and Best Western have committed as sponsored. Still looking for Quick Draw sponsor(s). Food Truck will provide lunches for artists on Sunday. Will be notifying artists. Advertising in papers and getting a lot of free publicity. Artists will judge the quick draw. Silent auction for sales. Commissioner Christiansen has taken on the housing for artists. School is reserved. Looking for volunteer to run the Sunday finances. Working on 2018 taxes and bank account. Still need to do a 2018 Art Donation.

g. **Battle of the Bands (Verbal)**- Commissioner Wallace reported that he met with the Expendables, Extra Large, and Wooster. Russ from Extra Large would like to MC. They are not sure of venue. Carrie with the Chamber said they have used Event Brite for tickets. Jon Dufour will do sound. Commissioner Storey stated the SUESD Trustees are on board and Michelle Kennedy coordinates the rental. Looking at March 21, 2020 for the event.

6. **Commissioner Reports** – None
7. **Staff Report**- None
8. **Communications**-
9. **Future Agenda Items** – Esplanade Art Shading.
10. **Adjournment** – 7:55 pm



ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF SEPTEMBER 10, 2019

FROM: STAFF
DATE: September 6, 2019
SUBJECT: Plein Air Chairperson Commissioner Position

Recommended Action: Give Direction

BACKGROUND

At the June 18, 2019 Commission Meeting, Commissioner Hill requested that an agenda item discussion a Commissioner position be created for the Plein Air Chairperson. Commissioner Hill felt that it is important to have the Plein Air Chairperson position represented on the Commission. Currently the Commission has nine members, with a quorum of five. Adding a member would also change the quorum to six.

The Commission discussed the item at the August 13th meeting and directed staff to look into the requirement for term limits and bring back modified by-laws and the required code changes.

In 2003 the City amended the City Municipal Code to create current version of the Art and Cultural Commission. The code was changed to better align with the City's Art Master Plan. In 2004, the City Council amended the bylaws of the Art and Cultural Commission which included the following language, "the members shall serve for a term of two (2) years and may be reappointed for successive two-year terms with a term limit set at a maximum of three (3), two-year terms."

Based on the information that I can find, it appears that term limits were added because of the approval of the public art program funded by development projects. Prior to this, the Art and Cultural Commission did not regularly recommend the use of significant public funds.

If the Commission wishes to make modifications to its makeup, staff will need bring the proposed changes to the City Municipal code to the City Council. The Commission could add the Plein Air Chairperson as a commission or possible replace one of the at-large positions. Although the Commission bylaws no longer include the number of members, there are references to the commissioner makeup that would need to be changed.

If the Commission wishes to changed term-limits it will need to approve changes to the bylaws and staff will bring proposed changes to the City Council. Term limits are not included in the Municipal Code.

FISCAL IMPACT

No fiscal impact

ATTACHMENT

Art and Cultural Section of Capitola Municipal Code redlined
Art and Cultural Commission Bylaws redlined

Report Prepared By: Larry Laurent
Assistant to the City Manager

BYLAWS

CAPITOLA ART & CULTURAL COMMISSION

City of Capitola, California

ARTICLE I. NAME AND AUTHORITY

Section 1. Name

The name of this organization shall be the CAPITOLA ART & CULTURAL COMMISSION of the City of Capitola, California, hereinafter referred to as the "Commission".

Section 2. Authority

The Commission is established pursuant to the authority of Chapter 2.56 of the City of Capitola Municipal Code.

ARTICLE II. POWERS AND DUTIES

The Capitola Art & Cultural Commission shall have the function and duties set forth in Municipal Code Section 2.56.050 and any amendments thereto. The Municipal Code Section currently provides for the following functions and duties:

- a. Advise the City Council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts, and for the acquisition by purchase, gift or otherwise, of works of art;
- b. Subject to City Council approval, initiate, sponsor or direct special programs which will enhance the artistic and cultural climate of the City;
- c. Establish close liaison with other commissions and civic organizations in order to foster public interest in the arts;
- d. Advise the City Council concerning the interpretation and implementation of the City's established art and cultural policies and practices, including the Art & Cultural Master Plan, as they relate to the Art & Cultural Commission's objectives;
- e. In February of each year, prepare for City Council review an assessment of the Art & Cultural Commission's goals, plans and objectives from the prior fiscal year and recommend for Council approval the Art & Cultural Commission's goals, plans and objectives for the next fiscal year.
- f. Perform such other functions and duties as may be directed by the City Council.

ARTICLE III. MEMBERSHIP AND TERM OF OFFICE

Section 1. Number and Qualifications

The Art & Cultural Commission shall consist of the number and type of members in accordance with Capitola Municipal Code Section 2.56.010.

Members do not need to be a resident of Capitola.

Section 2. Selection and Appointment of Members

Applications for Art & Cultural Commission members will be received by the City and forwarded to the Chairperson of the Art & Cultural Commission. Applicant(s) will attend a minimum of one Commission meeting, conference with the Chair and Commissioner(s) regarding the obligations and duties of being a commissioner prior to receiving approval for appointment. The Chair will forward the Commission's recommendation(s) for approval of applicant(s) to the City Clerk/Mayor.

The Council Member and Planning Commissioner appointees shall be selected by a majority vote of their respective boards. ~~The Artist or Arts Organization Representative, Arts Professional, and the "At-Large"~~ The remaining appointees shall be appointed to the Art & Cultural Commission by a majority vote of the City Council.

Section 3. Term of Office

Except as otherwise provided in Municipal Code Section, 2.56.030 the members shall serve for a term of two (2) years and may be reappointed for successive two-year terms. ~~with a term limit set at a maximum of three (3) consecutive terms, two-year terms. Termed-out members may reapply after a minimum of two years has passed since the most recent term.~~

Section 4. Removal of Members

As established in Administrative Police I-5, any member who is absent for three meetings, and who fails to provide an excuse that is determined by the Chair to be reasonable, may be removed by the City Council. All members of the Commission serve at the pleasure of the City Council and therefore may be removed from office, without cause, and at any time, by the affirmative vote of three City Council members.

Section 5. Other Members

The commission will also allow youth members as described in Capitola Administrative Policy I-38.

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ARTICLE IV. OFFICERS

Section 1. Selection of Officers

As soon as practicable, following the first day of January of each year, there shall be elected as officers for the Commission a Chairperson and a Vice Chairperson. An election shall be held at the next regular meeting to fill any office that becomes vacant during the calendar year.

Section 2. Chairperson

The Chairperson shall be elected by a majority vote of the members from among their membership. The Chairperson shall preside at all regular meetings and shall call all special meetings. The Chairperson shall use Roberts Rules of Order to conduct the meetings. He or she shall represent the Commission before the Council.

Section 3. Vice Chairperson

The Vice Chairperson shall be elected by a majority vote of the Commission members. He or she shall assume all duties of the Chairperson in the absence of the Chairperson.

Section 4. Staff Representative

The Staff Representative shall be hired by the City Manager. General duties include:

1. Preparing, assembling and mailing meeting packets;
2. Correspondence and communication;
3. Record keeping;
4. Staff reports;
5. Financial reports;
6. Meeting minutes;
7. Liaison to the public;
8. Other tasks as assigned.

ARTICLE V. COMMITTEES

Section 1. Establishment of the Committees

The Art & Cultural Commission may designate specific committees as follows: Public Art, Volunteers, Fundraising, Marketing and any other committee as necessary. Committees shall be composed of no more than (3) commissioners. The committees may include volunteer members as deemed necessary by the Art & Cultural Commission. The committees shall report to the Art & Cultural Commission on no less than a quarterly basis.

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Section 2. Membership of Committees

The Chairperson shall make all assignments and appoint the Chairperson of each committee with the consensus of the commission.

ARTICLE VI. MEETINGS

Section 1. Open Meetings

All regular and special meetings of the Commission are subject to the Brown Act and therefore are advertised and open meetings to which the public and the press shall be invited.

Section 2. Regular Meetings

Regular meetings of the Commission shall be held monthly on a day, time and location to be decided upon by the Commission on an annual basis. Any changes to regular meeting day, time and location will be provided to the Office of the City Clerk for calendaring purposes.

Section 3. Special Meetings

A special meeting may be called by the Chairperson of the Commission or by vote of the Commission. Notice of such special meeting shall be given as required by law; and the purpose of or the business to be transacted during such special meeting shall be stated in the notice.

Section 4. Quorum

A quorum shall consist of a majority of the members of the Commission in accordance with Capitola Municipal Code Section 2.56.010.

Section 5. Absence of Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by any member present. No meeting may be declared adjourned for lack of a quorum until a fifteen (15) minute period after the scheduled time of the meeting has elapsed.

Section 6. Conduct of Meeting

At the time and place established for any meeting, when a quorum is present, the Chairperson shall call the meeting to order. The normal order of business shall include at least the following:

Section 6. Conduct of Meeting (Continued)

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- a. Roll call
- b. Adoption of the Agenda
- c. Oral communications (open to the public items not on the agenda)
- d. Approval of minutes of previous meetings
- e. Discussion of old or unfinished business; review of recommendations and action on same
- f. New business
- g. Commissioner Reports
- h. Staff Reports
- i. Communications
- j. Future Agenda Items
- k. Adjournment

Section 7. Voting

All questions shall be resolved by a majority vote of the members present. The vote shall be taken by roll call vote, voice vote, or by the raising of hands; provided that, at the request of any member, the vote shall be taken by a roll call vote.

ARTICLE VII. AMENDMENTS

These Bylaws may be amended from time to time by a vote of the Commission and approval by the City Council.

ARTICLE VIII. ADOPTION AND EFFECT

Section 1. Adoption

Immediately upon a majority vote of the Commission and approval by the City Council these Bylaws shall be in full force and effect; any and all provisions of previously adopted Bylaws, policies, or procedures which may be totally or partially in conflict herewith are hereby repealed.

Section 2. Effect

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Capitola, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Commission may direct its activities.

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Revisions to Art & Cultural Commission Bylaws

- 01/22/04 Resolution No. 3326 Original Bylaws approved by City Council
- 05/26/05 Resolution No. 3463 Amended Article VI, Section 2, Regular Meetings
- 04/26/12 Resolution No. 3915 Amended Article III, Section 1, of the Bylaws
- 11/26/13 Resolution No. 3971 (Repealed) Amended Exhibit A of Resolution 3463, Article III, Section 1, of the Bylaws
- 11/24/15 Resolution No. 4035 Repealed Resolution No. 3971, Article III, Section 1, of the Bylaws
- 1/11/18 Resolution No. 4098 Amended Resolution No. 4035 Article III, Section 1, of the Bylaws, Add Section 5

DRAFT

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Chapter 2.56

ART AND CULTURAL COMMISSION

Sections:

2.56.010 Created.

2.56.020 Appointment.

2.56.030 Terms of office.

2.56.040 Officers, meetings, and procedures.

2.56.050 Duties.

2.56.060 Definitions.

2.56.010 Created.

The city shall continue to have an art and cultural commission. The art and cultural commission shall consist of nine members as follows:

- A. One city council member;
- B. One planning commissioner;
- C. One artist or arts organization representative member;
- D. One arts professional member;
- E. The Capitola Plein Air chairperson;
- F. Five at-large members. (Ord. [944](#) § 1, 2010; Ord. [851](#) § 1, 2003)

2.56.020 Appointment.

The council member and planning commissioner appointees shall be selected by a majority vote of their respective boards. The artist or arts organization representative, arts professional, the Capitola Plein Air Chairperson, and the at-large appointees shall be appointed to the art and cultural commission by a majority vote of the city council. (Ord. [851](#) § 1, 2003)

2.56.030 Terms of office.

The art and cultural commissioners shall serve two-year terms. ~~With the addition of two at-large member positions in 2010, one will expire on December 31, 2010, and one will expire on December 31, 2011, in order that there are two at-large member positions expiring in 2010, and three at-large member positions expiring in 2011.~~ (Ord. [944](#) § 1, 2010; Ord. [851](#) § 1, 2003)

2.56.040 Officers, meetings, and procedures.

A. Chairperson and Vice Chairperson. As soon as practicable, following the first day of January of each year, the

art and cultural commission shall select one of its members as chairperson and one of its members as vice-chairperson. The chairperson and vice chairperson shall serve a term of one year, or until a successor is elected.

B. Committees. The art and cultural commission shall designate specific committees as follows: public art, volunteers, fundraising, marketing, and any other committee as necessary. Committees shall be composed of no fewer than two and no more than three commissioners. The committees may also include nonvoting volunteer members as deemed necessary by the art and cultural commission. The committees shall report to the art and cultural commission on no less than a quarterly basis.

C. Artist Selection Panels. The art and cultural commission may establish an artist selection panel, as defined in the art and cultural master plan, to select works of art for recommendation to the city council.

D. Meetings. The art and cultural commission shall hold a regular meeting at least once each month.

E. Procedures. Procedures for the conduct of the business of the art and cultural commission, not specified in the ordinance establishing the art and cultural commission's authority, shall be set forth in bylaws, forms, applications, rules, and regulations adopted by the art and cultural commission for the conduct of its business subject to approval of the city council. All meetings of the art and cultural commission shall be open to the public and are subject to Title 5, Division 2, Part 1, Chapter 9 of the California Government Code or successor legislation. The decisions of the art and cultural commission shall be transmitted to the city manager and to such other body or bodies which have jurisdiction to review projects under consideration. If more than one board or commission has jurisdiction over a matter decided by the art and cultural commission, the first to consider it shall refer it to the others. (Ord. [851](#) § 1, 2003)

2.56.050 Duties.

The art and cultural commission shall have the following duties and responsibilities:

A. Advise the city council as to the allocation of public funds for the support and encouragement of existing and new programs in the arts, and for the acquisition by purchase, gift, or otherwise, of works of art;

B. Subject to city council approval, initiate, sponsor, or direct special programs which will enhance the cultural climate of the city;

C. Establish close liaison with other commissions and civic organizations in order to foster public interest in the arts;

D. Advise the city council concerning the interpretation and implementation of the city's established policies and practices, including the art and cultural master plan, as they relate to the art and cultural commission's objectives;

E. In February of each year, prepare for city council review an assessment of the art and cultural commission's goals, plans and objectives from the prior fiscal year and recommend for council approval the art and cultural commission's goals, plans, and objectives for the next fiscal year;

F. Perform such other functions and duties as may be directed by the city council. (Ord. [851](#) § 1, 2003)

2.56.060 Definitions.

“Work of art” means, for the purposes of this chapter, any work of visual art, including, but not limited to, drawing, painting, mural, fresco, sculpture, mosaic, decoration, inscription, stained glass, monument, calligraphy, photography, graphic art, crafts, mixed media, electronic art, media art, an artistic or aesthetic element of the project architecture or landscape architecture if created by an artist or artist team, or any other element recommended by the art and cultural commission. The term “work of art” may also include functional elements of capital improvement projects, such as benches, gates, lighting, and landscaping if such elements are designed by a professional artist. (Ord. [851](#) § 1, 2003)