

# ***CAPITOLA***

## ***ART & CULTURAL COMMISSION***

### **MEETING AGENDA**

**Tuesday, September 8, 2015**

**6:30 p.m.**

**City Council Chambers**

#### **Commission Members**

Michael Termini ~ Chair

Roy Johnson ~ Vice Chair

Nathan Cross

Joan Davisson

Stephanie Gelman

Laurie Hill

David Kraemer

Joyce Murphy

Linda Smith

Jenny Shelton

James Wallace

#### **Staff Representatives**

Kelly Barreto &  
Larry Laurent

- 1. Call to Order-Roll Call**
- 2. Approval of Agenda-**
- 3. Oral Communications-**
- 4. Approval of Minutes- August 11, 2015**
- 5. General Business-**
  - a. Public Art Proposal for Cinelux Theaters**
  - b. Commission Size**
  - c. Plein Air (Verbal)**
- 6. Commissioner Reports-**
- 7. Staff Report-**
- 8. Communications-**
- 9. Future Agenda Items-2015 Event Review, 2016 Planning, Updated Project List**
- 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.*

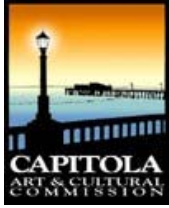
*Agenda and Agenda Packet Materials: The Art and Cultural Commission Agenda is available on the City's website: [www.cityofcapitola.org/](http://www.cityofcapitola.org/) on Friday prior to the Tuesday meeting. If you need additional information please contact the City Hall Department at (831) 475-7330.*

*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 11, 2015 6:30 p.m.**  
**City Council Chambers**

1. Call to Order-Roll Call: Present: Termini, Davisson, Shelton, Smith, Murphy, Johnson  
Absent: Cross, Hill, Kraemer, Gelman, Wallace
2. A required quorum of seven members were not present for the meeting.
3. Present Commissioner were notified of the resignation of Commissioner Hogan.
4. A general discussion of current Art and Cultural Commission events and future agenda items took place. No action was taken.
5. Adjournment to a Regular Schedule Meeting to be held on Tuesday, September 8, 2015 at 6:30 p.m. City Council Chambers.



Item #: 5.a

# ART & CULTURAL COMMISSION AGENDA REPORT

## MEETING OF September 8, 2015

FROM: STAFF

DATE: September 3, 2015

SUBJECT: Public Art Proposal for Cinelux Movie Theater Project

**RECOMMENDED ACTION:** Convene an Art Selection Panel

### **BACKGROUND**

In 2004, City of Capitola instituted a Public Art Program to enhance the cultural and aesthetic environment of the city, to encourage creativity, the appreciation of the arts and our cultural heritage. As a means to implement this, private developers of nonresidential projects with a total permit valuation of at least \$250,000 have two options,

1. The developer can set aside not less than 2% of the total valuation of the project for the acquisition of art for incorporation into the project or for placement in the general vicinity of the project.
2. The private developer may, in lieu of incorporating public art in their project, deposit an amount equal to 1% of the total building permit valuation with the city, to be used for public art elsewhere in the city.

### **DISCUSSION**

In March 2015, the Cinelux Theatres Capitola, located at 1475 41<sup>st</sup> Ave, Suite H, submitted plans to remodel the existing theater complex. The permit valuation of the project was determined by the Capitola Building Department to be \$2,226,975. Initially, developer paid the in lieu fee of \$22,269.75, which has been deposited into the public art fund account.

In September 2015, the Cinelux Theatres submitted an application to have Laurel Bushman create a whale themed mural on the 38<sup>th</sup> Ave wall of the theater. The Regional Artisans Association has submitted and estimated budget for the mural to be \$48,000. This estimated budget is greater than the minimum of 2% required (\$44,539.50) required by the Capitola Public Art Program.

Once it is determined that all the required information has been submitted by the applicant, the Capitola Art and Cultural shall convene an art selection panel to review the proposed public art using adopted public art evaluation criteria. The art selection panel will bring its recommendations to the full Art and Cultural Commission at a future meeting for a vote on the proposed public art. If the public art is approved by the Art and Cultural Commission, the recommended completed application shall be forwarded by the art and cultural commission to the city council, which shall have the sole authority to accept, reject or conditionally accept the project.

## **FISCAL IMPACT**

If the Public Art is approved, the City of Capitola will be required to refund the \$22,269.75 paid by the developer as a public art fund in-lieu fee.

## **ATTACHMENTS**

- Cinelux-Public-Art-Application
- Cinelux-Public-Art-Mural-Design
- Cinelux-narrative-Statement
- Cinelux-Artist's-Description
- Cinelux-Appraisal-Budget
- Location of the Cinelux Proposed Public Art Mural

**Report Prepared By:** Larry Laurent

# ART IN PUBLIC PLACES PROGRAM

Please complete this form and submit it to the Community Development Department (CDD) at the time of your application for planning approval.

1. What is building valuation as determined by the City of Capitola Building Department, of your proposed project? \$ 2,269,000 (If it is less then \$250,000, then sign and return to CDD).
2. You have the option to either contribute 1% of the Total Building Valuation to the Public Art Fund **OR** install artwork which is 2% of the Total Building Valuation.  1%  2%  
If you selected 1% please complete #1 – 4, sign below and return application to the CDD. **You will be required to pay the 1% fee based on building valuation prior to issuance of your building permit.**

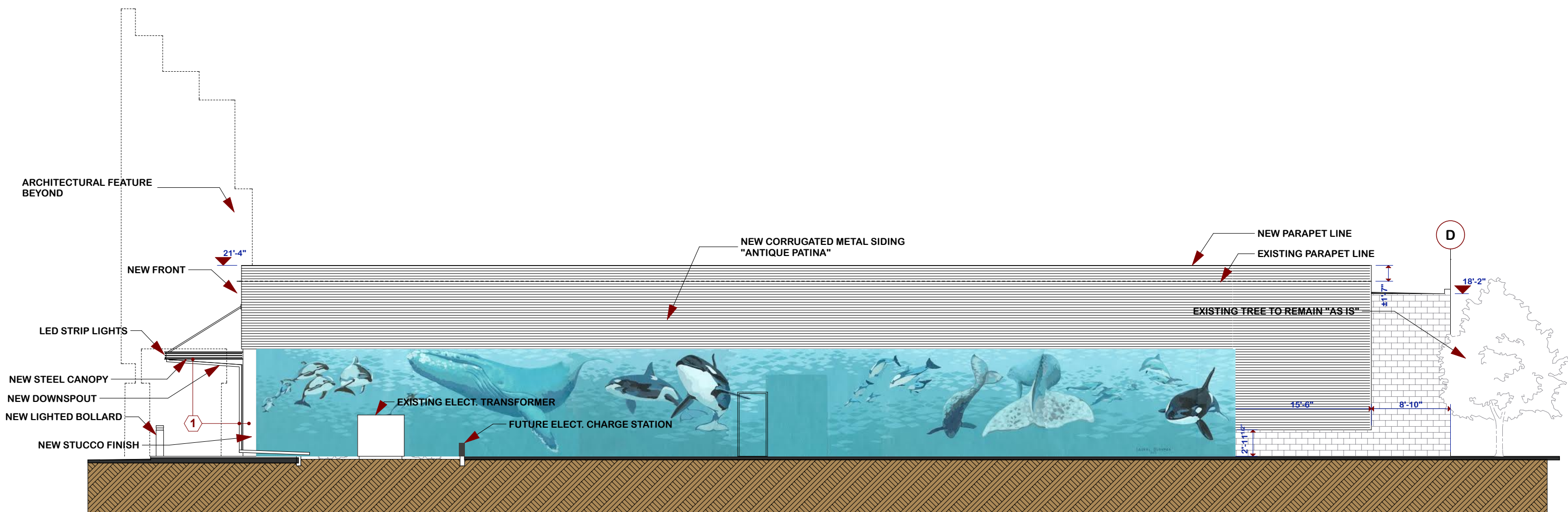
1. DEVELOPMENT PROJECT APPLICATION NUMBER: 14-023
2. ADDRESS OF PROJECT: 1475 41ST AVE, SUITE H.
3. DEVELOPER: OW FAMILY TRUSTS
4. ADDRESS & PHONE: 1601 41ST AVE., SUITE 202, CAPITOLA
5. TITLE OF ARTWORK: OCEAN BLUE
6. NAME OF ARTIST: LAUREL BUSHMAN
7. CONTACT INFORMATION FOR ARTIST: (831)325-5349, LAURELBUSHMANART@gmail.com
8. COMMISSION AMOUNT \$ 48,000
9. DESCRIPTION OF ARTWORK: (PLEASE REFER TO ATTACHED ARTIST'S DESCRIPTION)

Using a separate page, affix photo or rendering, evidence of value and description of installation location of the artwork if contributing 2%.

Signature: Paul Cury, CINELUX THEATRES Date: SEPT. 3, 2015

## STAFF USE ONLY

1. Community Dev. Dept: Date Received \_\_\_\_\_
2. Art & Cultural Commission: Agenda Date: \_\_\_\_\_
3. Artist Selection Panel:  Approved  Denied
4. Art & Cultural Commission:  Approved  Denied
5. City Council:  Approved  Denied
6. 1% Option: Funds Received Date: \_\_\_\_\_ (Finance)
7. 2% Option: Confirmation of Artwork Installation DATE: \_\_\_\_\_ (A & C Comm)
8. Certificate of Occupancy Issued: \_\_\_\_\_ (Building Dept)



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

**PUBLIC ART MURAL**  
CineLux Capitola Cafe and Lounge  
1475 41st Avenue, Capitola CA



# King's Plaza Shopping Center

1601 41<sup>st</sup> Avenue, Suite 202  
Capitola, CA 95010  
Phone: (831) 475-9042  
Fax: (831) 475-2186

August 20, 2015

Richard Grunow, Community Development Director  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

RE: Public Art Mural – CineLux Capitola Café and Lounge

Dear Mr. Grunow,

The Ow Family supports CineLux Capitola Café and Lounge's proposal for the ocean-themed public art mural. As proposed, the new mural will replace a faded existing mural and enliven the west elevation of the theater building. The mural will enhance the aesthetic environment of the area which is freely visible to the general public. My family and I look forward to seeing the new mural come to life.

Sincerely,



Karen Ow  
King's Plaza Shopping Center  
1601 41<sup>st</sup> Avenue, Suite 202  
Capitola, CA 95010  
(831)475-9042 office  
(831)475-2186 fax  
karenow1@hotmail.com

Laurel Bushman  
(831) 325- 5349  
laurelbushmanart@gmail.com

[www.laurelbushmanstudio.com](http://www.laurelbushmanstudio.com)

The mural features marine mammals that are familiar to the Monterey Bay. Orcas, porpoises and dolphins, a grey whale and her baby and a humpback whale are all present, painted roughly to scale. The orcas and dolphins especially are swimming out toward the viewer so the mural will have a dynamic feeling. The wall will be eye-catching from the road and it will be fun for people to interact with the whales up close.



# Regional Artisans Association

santa cruzartists.com • monterey bay artisans • art of santa cruz • mural-in-a-day • art in public places

August 20, 2015

City of Capitola  
420 Capitola Ave  
Capitola, CA 95060

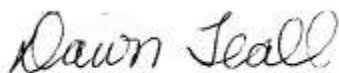
RE: CineLux Theatres Public Art Project

To Whom It May Concern:

The Regional Artisans Association has been retained by CineLux Theatres to design, coordinate, and paint a mural for CineLux's renovation project at King's Plaza Shopping Center in Capitola. We have been working with CineLux and the Ow Family, the property owners, based on feedback from locals, to pay tribute to the previous mural while updating the building and aesthetics. We believe that the mural, which is viewable to the public, will make Capitola, and especially 38<sup>th</sup> Avenue, even more beautiful. Our estimated budget for the project is \$48,000. This amount includes everything necessary from the concept to the completed mural (including design services, materials, labor, equipment rental, etc.). The value to the public of this project will be priceless!

Please let me know if you have any questions.

Sincerely,



Dawn Teall  
President  
Regional Artisans Association

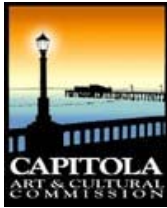
Location of the Cinelux Proposed Public Art Mural

View of Proposed Proposed Public Art Location from 38<sup>th</sup> Ave



Location of Proposed Public Art (Red Pin 1540-154 38<sup>th</sup> Ave.)





Item #: 5.b

# ART & CULTURAL COMMISSION AGENDA REPORT

## MEETING OF SEPTEMBER 8, 2015

FROM: STAFF  
DATE: September 3, 2015  
SUBJECT: Size of Commission

**RECOMMENDED ACTION:** Accept Report

### **BACKGROUND**

In 2013 the Art and Cultural Commission size from nine members to twelve members. Prior to the August 11, 2015, one of the Art and Cultural Commissioners resigned. It was requested that a discussion of the size of the Commission be discussed to determine if there was a consensus on the most effective number of commissioners.

### **FISCAL IMPACT**

There is no fiscal impact at this time.

### **ATTACHMENT**

Art & Cultural Com Bylaws Rev 11-26-13

**Report Prepared By:** Larry Laurent

# **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 ~~nine~~ twelve members as follows:

1. One (1) City Council Member
2. One (1) Planning Commissioner
3. One (1) Artist or Arts Organization Representative Member
4. One (1) Arts Professional Member
5. Eight (8) "At-Large" Members

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" 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), two year terms.

### **Section 4. Removal of Members**

Any member who is absent for three meetings, and who fails to provide an excuse that is determined by the Chair to be reasonable, shall 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.



## **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.

**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. *[Amended on 5/26/05 by Resolution No. 3463]*

**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.

**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)**

- 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.

*This is to certify that the above and foregoing Bylaws of the Art & Cultural Commission of the City of Capitola were approved by the City Council of the City of Capitola on the 26<sup>th</sup> day of November, 2013, by adoption of Resolution No. 3971.*

\_\_\_\_\_  
Susan Sneddon, City Clerk

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, Number of members
11/26/13	Resolution No. 3971	Amended Article III, Section 1, Number and Qualifications; Article VI, Section 4, Quorum, and Section 6, Conduct of Meeting