

CAPITOLA

ART & CULTURAL COMMISSION

MEETING AGENDA

Tuesday, October 13, 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

- 1. Call to Order-Roll Call**
- 2. Approval of Agenda-**
- 3. Oral Communications-**
- 4. Approval of Minutes- September 8, 2015**
- 5. General Business-**
 - a. Public Art Proposal for CineLux Theaters**
 - b. Bylaws**
 - c. Commission Size and Recruitment**
 - d. Climbing Sculpture (Verbal)**
 - e. Event Dates 2016**
 - f. Commission Staffing Update (Verbal)**
- 6. Commissioner Reports-**
- 7. Staff Report-**
- 8. Communications-**
- 9. Future Agenda Items-2015 Event Review, Sponsorship Committee, 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.

Staff Representatives

Kelly Barreto &
Larry Laurent

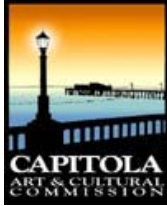
Agenda and Agenda Packet Materials: The Art and Cultural Commission Agenda is available on the City's website: www.cityofcapitola.org/ on Friday prior to the Tuesday meeting. If you need additional information please contact the City Hall Department at (831) 475-7330.

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, September 8, 2015 6:30 p.m.
City Council Chambers

1. **Call to Order-Roll Call:** Present: Johnson, Davisson, Hill, Cross, Kraemer, Murphy, Gelman
Absent: Termini, , Smith, Wallace, Shelton
2. **Approval of Agenda-** M/S Murphy/Gelman Approved
3. **Oral Communications-** Commissioner Hill thanked the Commission for help with the Begonia Festival
4. **Approval of Minutes-** M/S Murphy/Davisson of August 11, 2015 meeting.
5. General Business-
 - a. **Public Art Proposal for CineLux Theatre Project** The project applicant were represented by Paul Gunsky, CineLux Theatres, George Ow, building owner, Benjamin Ow, Building owner/Representative, Andrew Ow, Building owner/representative, Dawn Teal, President of the Regional Artists Association, Laurel Bushman, Artist. George Ow spoke about the quality of CineLux and the relationship between CineLux and the building owner. Dawn Teal and Laurel Bushman were introduced. Paul Gunsky stated that the 38th side of the project was covering the existing mural and guests were concerned Laurel Bushman created the design for the new mural, heard concerns from people about losing the existing mural. George Ow stated that the original mural was commissioned in 1973 and fixed in the 1990s. Dawn Teal spoke of the mural-in-a-day as a community project where people get to participate in the creation of the mural and that community input was the basis of the whale design.
Commissioner Kramer thanked the applicant and made a motion to convene art selection panel of Commissioners Cross, Johnson and Davisson
 - b. **Commission Size** – Commissioner Cross requested to continue discussion until next commission meeting and requested that the commission attendance policy be reviewed.
 - c. **Plein Air** – Commissioner Kraemer gave status update on event. Will bring postcards to next meeting. Commissioner Hill volunteered to help with the event
6. Commissioner Reports- None
7. Staff Report- None
8. Oral Communications- None
9. Future Agenda Item - Size of the Commission, Meeting Attendance Requirements.
10. Adjournment at 7:35 pm to a Regular Schedule Meeting to be held on October 13, 2015 at 6:30 p.m. City Council Chambers.



Item #: 5.a

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF October 13, 2015

FROM: STAFF
DATE: September 28, 2015
SUBJECT: Recommendation of Art Selection

RECOMMENDED ACTION: Accept Report and Deny Application for Public Art Project

BACKGROUND

In March 2015, the CineLux Theatres Capitola, located at 1475 41st 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 38th 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.

In accordance with the Public Art Program requirements, the Art and Cultural Commission nominated an Art Selection Panel during the September 8, 2015 commission meeting. The job of the art selection panel was to review the proposal and bring its recommendation back to the full Art and Cultural Commission for a full vote during the October meeting. Commissioners Johnson, Cross and Davisson were selected to review the project.

Based on the vote of the full Commission, there are three possible outcomes for the applicant. If the commission votes to recommend the completed application, the Art and Cultural commission will forward the application to the City Council which shall have the sole authority to accept, reject or conditionally accept the project. If the commission votes to deny the project, the applicant can re-submit a revised project at a future meeting or the applicant may withdraw its application.

DISCUSSION

The art selection panel received the completed application and reviewed the project for Public Art submitted by the developer. After reviewing the project, the art selection panel does not favor forwarding the completed application to the City Council for the following reasons;

1. The art selection panel does not support the use of public art funds for a project that uses multiple non-professionals to create the mural;
2. The art selection panel believes the mural does not have good visibility from the street. The lower part of the building, where the mural is to be painted, is blocked from view by trees and parked vehicles;
3. Based on previous murals contracted by the City, the valuation of this project seems much higher than would be expected for a work of the proposed size and scope.

The art selection panel does not recommend the submitted project be approved as public art on private nonresidential property.

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.

ATTACHMENT

1. CineLux project view photos
2. CineLux-Public-Art-Application
3. CineLux-public-art-mural-design
4. CineLux-Narrative-Statement
5. CineLux-Artist's-Description
6. CineLux-Appraisal-Budget

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.**

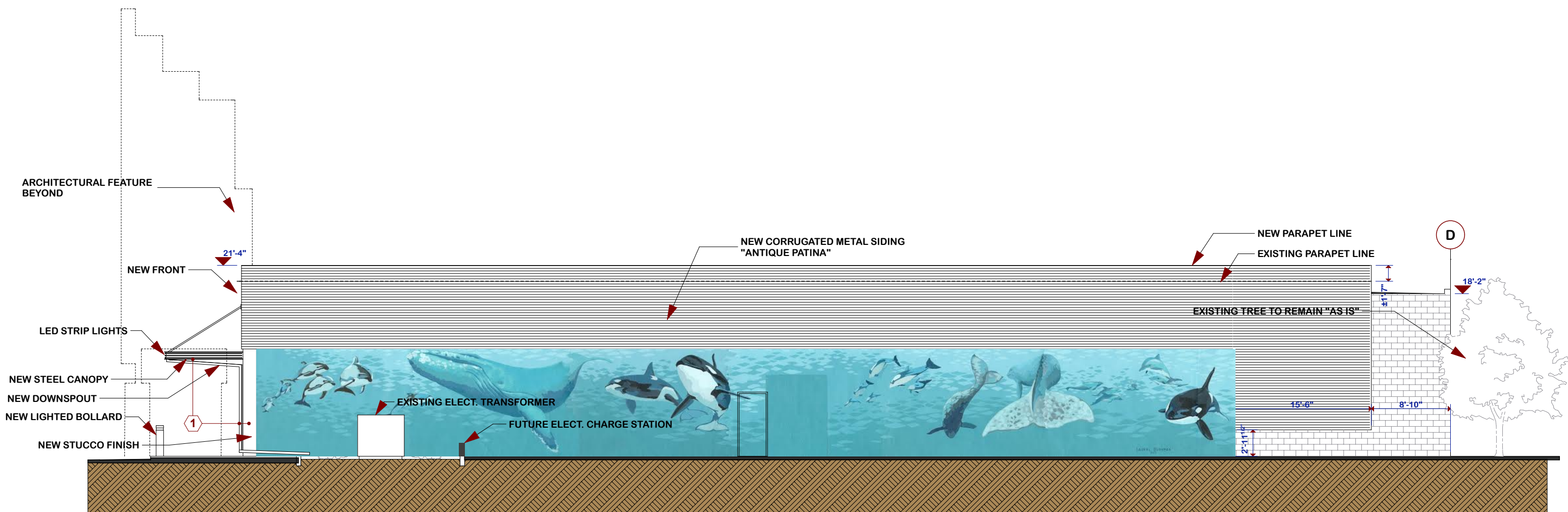
1. DEVELOPMENT PROJECT APPLICATION NUMBER: 14-023
2. ADDRESS OF PROJECT: 1475 41ST AVE, SUITE H.
3. DEVELOPER: OW FAMILY TRUSTS
4. ADDRESS & PHONE: 1601 41ST AVE., SUITE 202, CAPITOLA
5. TITLE OF ARTWORK: OCEAN BLUE
6. NAME OF ARTIST: LAUREL BUSHMAN
7. CONTACT INFORMATION FOR ARTIST: (831)325-5349, LAURELBUSHMANART@gmail.com
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 41st 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 41st 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

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

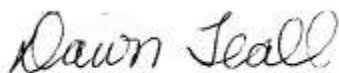
RE: CineLux Theatres Public Art Project

To Whom It May Concern:

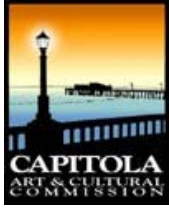
The Regional Artisans Association has been retained by CineLux Theatres to design, coordinate, and paint a mural for CineLux's renovation project at King's Plaza Shopping Center in Capitola. We have been working with CineLux and the Ow Family, the property owners, based on feedback from locals, to pay 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 38th 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



Item #: 5.c

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF SEPTEMBER 8, 2015

FROM: STAFF
DATE: October 8, 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.

Three current commissioners have expiring terms at the end of the year and the commission needs to determine if the City should fill the three vacancies or change the bylaws.

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

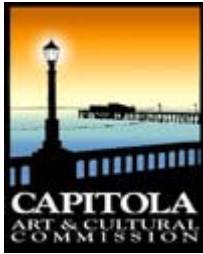
These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Capitola, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Commission may direct its activities.

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 26th 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



Item #: 5.e

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF OCTOBER 13, 2015

FROM: STAFF
DATE: October 6, 2015
SUBJECT: 2016 Events Approval

Recommended Action: Approve dates for 2016 events. Review Sponsorship packet. Select sponsorship committee members.

BACKGROUND

Art and Cultural Commission organize annual events, including Twilight Concerts, Movies at the Beach, Sunday Art and Music at the Beach, Opera at the Beach and Plein Air events. Approval of proposed dates is needed in order to prepare permits and offer information for 2016 publications.

2016 Event Proposed Dates:

Twilight Concert:

June 8, 15, 22, 29 & July 6, 13, 20, 27 & August 3, 10, 17, and 24

Movies at the Beach:

August 26, September 9 & September 16

Art & Music at the Beach:

June 12, 26 & July 3, 17 & August 7, 21

Opera at the Beach:

September 18

Plein Air:

November 5 & 6

Attachment:

2016 Summer Event Calendar

Report Prepared By: Kelly Barreto
Administrative Assistant to the Art and Cultural Commission

June 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4 Car Show
5 Car Show	6	7	8 1 st Twilight	9	10	11
12 Art/Music	13	14	15 2 nd Twilight	16	17	18
Fathers 19 Day	20	21	22 3 rd Twilight	23	24	25
26 Art/Music	27	28	29 4 th Twilight	30		

July 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3 Art/Music	4 4 th of July	5	6 5 th Twilight	7	8	9
10	11	12	13 6 th Twilight	14	15	16
17 Art/Music	18	19	20 7 th Twilight	21	22	23
24 Wharf/Wharf	25	26	27 8 th Twilight	28	29	30
31						

August 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
			9th Twilight			
7	8	9	10	11	12	13
Art/Music			10th Twilight			
14	15	16	17	18	19	20
			11th Twilight			
21	22	23	24	25	26	27
Art/Music			12th Twilight		Movie	
28	29	30	31			

September 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
						Begonia
4	5 Labor Day	6	7	8	9	10
Begonia	Begonia				Movie	Art/Wine
11	12	13	14	15	16	17
Art/Wine					Movie	
18	19	20	21	22	23	24
Opera at the Beach						
25	26	27	28	29	30	

October 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
Fire Works Show						
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31 Halloween					

November 2016

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5 Plein Air
6 Plein Air	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			