



## AGENDA

### SPECIAL MEETING OF THE ARTS AND CULTURE COMMISSION

Monday, December 6, 2021 at 7:00 p.m.

**Staff Liaison**

Alexandra Orologas | 510-215-4302  
[aorologas@ci.el-cerrito.ca.us](mailto:aorologas@ci.el-cerrito.ca.us)

**VIA TELECONFERENCE**

<https://us06web.zoom.us/j/83669280849?pwd=SWFIRGIWHRpby9EeVo4cWFrbmJPZz09>

**Webinar ID:** 836 6928 0849

**Webinar Password:** 120621

**Join by Phone:** (408) 638-0968

**Passcode:** 120621

Pursuant to Executive Orders N-25-20 and N-29-20, and in Response to the COVID-19 Pandemic, Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

Any person wishing to speak to the Arts and Culture Commission on any of these matters is invited to participate via teleconference as described above.

The City encourages submission of written comments in advance to the Arts and Culture Commission via email to [aorologas@ci.el-cerrito.ca.us](mailto:aorologas@ci.el-cerrito.ca.us) prior to the meeting or by contacting the staff liaison listed above.

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#### **7:00 p.m. CONVENE REGULAR MEETING**

1. **ROLL CALL** – Chair Allison Cooper; Vice-Chair Blake Washington; Members: George Gager, Courtney Helion, Bill Nichols, Alan Pavlosky, Ann Wiens
2. **COMMISSIONERS' REPORTS, COUNCIL LIAISON AND STAFF LIAISON REPORTS**
3. **ORAL COMMUNICATIONS FROM THE PUBLIC**  
*Remarks are typically limited to three minutes per person, and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first; remarks on agenda items will be heard at the time the item is discussed.*
4. **APPROVAL OF MINUTES**  
Consider approval of the minutes of the November 15, 2021 meeting.  
(Attachment)
5. **ESTABLISHMENT OF THE ARTS AND CULTURE COMMISSION**  
Receive a presentation from City Manager Karen Pinkos.
6. **LONG-TERM VISION/SUSTAINABILITY SUBCOMMITTEE**  
Receive a presentation and possible action on the Long-Term Vision/Sustainability Subcommittee Report from Subcommittee Members Gager, Nichols and Weins.

**7. AD-HOC SUBCOMMITTEE UPDATES**

- a. Workplan & Mini Grant Subcommittee (Cooper, Helion, Washington)
- b. Long-Term Vision/Sustainability Subcommittee (Gager, Nichols, Wiens)
- c. Community Outreach & Marketing Subcommittee (Gager, Washington, Wiens)
- d. Artist Engagement Subcommittee (Helion, Nichols, Pavlosky)

**8. UPCOMING ACC-SPONSORED EVENTS**

Discussion and possible action on possible upcoming ACC-sponsored events.

**9. ITEMS FOR NEXT MEETING**

**10. ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Staff Liaison, (510) 215-4302. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).

Any writings or documents provided to a majority of the members regarding any item on this agenda will be made available for public inspection at [www.el-cerrito.org/acc](http://www.el-cerrito.org/acc).



## **DRAFT MINUTES**

### REGULAR MEETING OF THE ARTS AND CULTURE COMMISSION

Monday, November 15, 2021 at 7:00 p.m.

#### **Staff Liaison**

Alexandra Orologas | 510-215-4302  
[aorologas@ci.el-cerrito.ca.us](mailto:aorologas@ci.el-cerrito.ca.us)

#### **VIA TELECONFERENCE**

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1. **ROLL CALL** – Chair Cooper called the meeting to order at 7:05 p.m. **Present:** Chair Cooper; Members: George Gager, Bill Nichols, Alan Pavlosky, Ann Wiens; **Absent:** Member Helion (excused), Vice-Chair Blake Washington (unexcused).
  
  2. **COMMISSIONERS' REPORTS, COUNCIL LIAISON AND STAFF LIAISON REPORTS**  
Councilmember Rudnick announced a non-official Christmas decoration competition hosted by a community member through the Instagram account, theLittleHill. She encouraged everyone to promote the event to other community members.  
Chair Cooper reported that she had a follow up with the California Sound Collective, and the organization is preparing to submit a proposal for a mini grant application.  
Member Nichols reported that he had sent the Long-Term Vision/Sustainability Subcommittee Report to every member of the Commission for future discussion. Staff Liaison Orologas announced the availability of COVID-19 vaccines for children aged five and older. Secondly, she stated that the City's new minimum wage for 2022 was \$16.37 per hour and was posted online. Lastly, she invited everyone to attend the virtual San Pablo Avenue Development & Complete Streets Open House scheduled on November 18 at 5 p.m.
  
  3. **ORAL COMMUNICATIONS FROM THE PUBLIC**  
None.
  
  4. **APPROVAL OF MINUTES**  
**Moved/Second:** Member Wiens/Member Nichols **Action:** Motion to approve October 25, 2021, meeting minutes. **Ayes:** Chair Cooper; Members Gager, Nichols, Pavlosky and Wiens **Noes:** None. Minutes approved.
  
  5. **MAYFAIR DEVELOPMENT ARTWORK PRESENTATION**  
Received an update from Planning Manager, Sean Moss and a presentation from Artists Andre Caradec and Andrei Hakhovich.
  
  6. **AD-HOC SUBCOMMITTEE UPDATES**
    - a. Workplan & Mini Grant Subcommittee (Cooper, Helion, Washington) Chair Cooper stated that the Workplan was approved during last meeting and that there was no update on the Mini Grant Rubric.

- b. Long-Term Vision/Sustainability Subcommittee (Gager, Nichols, Wiens) Member Nichols expressed his disagreement that the Long-Term Vision/Sustainability Subcommittee Report was not attached to the agenda nor placed on the agenda as a discussion item as he advised that the item was intended to be placed on the November agenda. In response, Chair Cooper explained that she did not include the item as a part of the agenda for discussion due to the fact the item was scheduled for discussion in December, the timeframe in which the report was provided, and that it contained recommendations on modifying the existing ordinance, which she explained, would be a City Council decision. Staff Liaison Orologas stated that the Commission would benefit from receiving a presentation from City Manager Karen Pinkos given that she was a former Staff Liaison and was involved with the then-City Council in establishing the Arts and Culture Commission.
- c. Community Outreach & Marketing Subcommittee (Gager, Washington, Wiens) No update.
- b. Artist Engagement Subcommittee (Helion, Nichols, Pavlosky) No update.
- c. Chalk Festival Subcommittee (Gager, Pavlosky, Wiens) No update.

**7. UPCOMING ACC-SPONSORED EVENTS**

To be discussed in the next meeting due to lack of time.

**8. ITEMS FOR NEXT MEETING**

Public comments:

Cordell Hindler – Expressed the difficulty in attending the meetings due to time conflict between different advisory bodies and suggested staggering the meeting time.

Long-Term Vision/Subcommittee presentation and discussion. Presentation from the City Manager, Karen Pinkos.

**9. ADJOURNMENT**

The meeting adjourned at 8:31 p.m.

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Allison Cooper, Chair

This is to certify that the foregoing is a true and correct copy of the minutes of the Arts and Culture Commission meeting of November 15, 2021, as approved by the Arts and Culture Commission.

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Alexandra Orologas, Staff Liaison

## **ART & CULTURE COMMISSION**

### **2.04.310 Art and Culture Commission**

A. There shall be an arts and culture commission consisting of seven members. These members shall demonstrate a commitment to the various arts disciplines, including but not limited to: fine arts, visual arts, performing arts, literary arts, art history and arts education.

B. The commission shall have the following powers and duties as stated below, and such others as assigned from time to time by the city council:

1. To act in an advisory capacity to the city council in all matters pertaining to arts in the community;

2. Make recommendations to the city council concerning the resources and needs of the community on the subject of the arts, opportunities for participation of artists and performers in city-sponsored activities, and ways to encourage community involvement in the arts;

3. Work cooperatively with city boards and commissions and other public and private organizations in creating and promoting art and cultural programs and activities within the city;

4. Coordinate and strengthen existing organizations in the arts and develop cooperation with regional organizations;

5. Make recommendations to the city council regarding the funding of community art projects, including the search for private and public grants, and regarding the disbursement of revenues consistent with the needs of the community;

6. Review and make recommendations to the city council upon all works of art to be acquired by the city, either by purchase, gift or otherwise and exterior works of art installed in the city on public property;

7. Recommend to the City Council the adoption of such ordinances or policies as it may deem necessary for the administration and preservation of the arts and cultural development of the city.(Ord. 2003-1 Div. 1, 2003.)

## Long-term Planning Recommendations from Ann Wiens, George Gager, and Bill Nichols

Prelude: Our role: What shall it be?

Historically, the ACC received a modest budget from the city (not the Public Art Fund) and dispersed modest sums for various activities. We now receive funding only from the “in-lieu” portion of the Public Art Fund.

One key question is shall the promotion and creation of what is envisioned in the Public Art Fund document as “enduring, original artworks of the highest quality”<sup>1</sup> become a major priority for the ACC?

These recommendations envision a greater role for the ACC in fostering public art. The first set, “A,” also envision modifying the existing legislation to formalize an increased role for the ACC and to incorporate that role into the Art in Public Places legislation, with some additional changes in how public art is defined.

Modifications to the existing legislation are presented in the Appendix. The wording is *suggestive only*. We have no power to change legislation; that process can be addressed separately.

The other recommendations are in two groups.

“A” represents recommendations that follow from the proposed legislative modifications.

“B” represents recommendations that follow from retaining the existing legislation or from proposing only modest changes.

A.

1. We recommend a series of changes to the founding documents for the ACC and to the Art in Public Places document as contained in the Appendix.

Because the ACC was created prior to the Public Art ordinance, our role has historically been to distribute funds provided by the city to support art and culture. That is no longer the case. Our funding derives from the “in lieu” option of the Art in Public Places legislation but our mission has not been adjusted to reflect this shift. Our jurisdiction over public art is currently limited to work acquired by the city, which excludes work done by a developer on-site to fulfill their obligation to the Public Art Fund.

Our recommendation is to assign primary responsibility for all public art funded projects to the ACC, be they carried out on-site or by means of the in-lieu fund. If the developer opts for an on-site art project, consultation and approval for the project would shift from the Planning Division to the ACC. The ACC would liaise with the Planning Division to ensure that this poses no impediment to the project’s forward progress.

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<sup>1</sup> *Art in Public Places legislation, El Cerrito, 13.50.040 A*

2. If these legislative changes are largely approved, they will increase the ACC's responsibility for public art and quite likely necessitate the ACC expand. We recommend increasing the membership to *nine* members given the scope and importance of large-scale public art projects. We recommend that the process for appointing new or continuing members to the ACC consider the candidate's familiarity with public art funding and projects.

3. We recommend that the ACC consider a standing sub-committee for public art projects (or possibly, if the work load is great, an in-lieu subcommittee and an on-site subcommittee.) The sub-committee(s) will be primarily responsible for overseeing public art projects and seeing them to completion. This will include liaison with Planning and other city agencies, a difficult task for the full 7- or 9-member Commission to carry out. A sub-committee of three members will alleviate the full commission, and the city's Planning Division, of much of the cumbersome but vital detail involved in the Public Art Fund initiative and will facilitate timely liaison with developers and relevant city government divisions.

4. We recommend that this sub-committee work closely with developers that chose the on-site option beginning at the initial moment of their application to the conclusion of the project and that it will oversee such elements as the chosen artistic medium (sculpture, e.g.), location or siting, call for artistic proposals and selection of the artist, and a timeline.

The subcommittee shall liaise with developers and artists to bring projects to completion and will report back to the full ACC monthly.

All project proposals will require approval by the full ACC. The in-lieu subcommittee and the on-site subcommittee, if it is a different subcommittee, and representatives from the developer for on-site proposals will meet with the full ACC during regularly scheduled meeting to present proposals for approval (see #5).

5. We recommend that for in-lieu projects the sub-committee, working in liaison with the relevant city agencies, present specific projects to the full Commission including locations, preferred artistic medium, a proposed Call for Artists, a potential budget, and a timeline for the development of the project.

6. We recommend that it be explicitly acknowledged that a key goal in ACC's management of the public art fund is to expedite the progression of all projects through the required steps to fulfill the stated goal of producing "enduring, original artworks of the highest quality" and to avoid causing any kind of impediment to the progression of developments from concept to completion.

7. We recommend that the annual ACC budget include a line item for "Public Art Projects" where monies not allocated for what are currently existing, annual expenses such as the Poet Laureate or various mini-grants, will be kept and ultimately dispersed for public art projects. It should not be considered as a "surplus" or "reserve" but money to be spent on specific public art projects in a timely manner. This line item shall be sub-divided to track each public art project supervised by the ACC.

B.

We recommend the following steps if the legislation is left largely intact.

1. Increased involvement with public art projects will increase the ACC's responsibilities and workload. We therefore recommend increasing the membership to *nine* members given the scope and importance of large-scale public art projects. We recommend that the process for appointing new or continuing members to the ACC consider the candidate's familiarity with public art funding and projects.

2. We recommend that the ACC establish a standing sub-committee for public art projects funded by the in-lieu contributions from developers. A sub-committee of three members will alleviate the full commission of much of the cumbersome but vital detail involved in the Public Art Fund initiative, as subcommittees for other initiatives do now, and will facilitate timely liaison with relevant city government divisions.

The sub-committee, working in liaison with the relevant city agencies, will recommend specific projects to the full Commission including locations, preferred artistic medium, a proposed Call for Artists, a potential budget, and a timeline for the development of the project. The full Commission will approve all projects at regularly scheduled meetings. The subcommittee shall endeavor to bring projects to completion as planned and will report back to the full ACC monthly.

3. We recommend that the annual ACC budget include a line item for "Public Art Projects" where monies not allocated for what are existing expenses will be kept and ultimately dispersed for public art projects. This line item shall be sub-divided to track each public art project supervised by the ACC.

#### Final Recommendation

1. Whether the ACC opts to modify the legislation or not, we recommend that at least \$60,000 be allocated to either a sculpture or to two murals, on sites to be determined. At existing typical rates of \$20-30/square foot, this would yield two murals of approximately 1000 to 1500 square feet or a single, larger-scale sculpture.

Possible locations for a sculpture include the triangular strip on the eastern side of the intersection of Potrero and San Pablo Avenue or the northwest corner of Cerrito Vista Park, opposite the Contra Costa Civic Theater. Possible locations for murals include the western side of the El Cerrito Public Library and the Greenway wall at Centennial Park.

2. We recommend an -in-lieu subcommittee be created to carry out these projects.

These projects can proceed as soon as possible. Along with the completion of the Utility Box project, they will provide a valuable trial run for the changes proposed here.



## APPENDIX

### Suggested Modifications to the ACC and the ART IN PUBLIC PLACES ORDINANCES

**NOTE:** Actual changes are beyond our scope; the modifications suggested here are *solely* for the purpose of initiating discussion and suggesting possibilities.

Note: The ACC was constituted before the Art in Public Places Ordinances was passed. Its duties were never formally modified to reflect the ACC's role in relation to that Ordinance although we now receive our funding from it.

These suggestions seek to fulfill the Art in Public Places call for "original, enduring artworks of the highest quality."

Benefits to the City include:

- ACC will have no need for a budget from the city apart from the Public Art Fund.
- More prominent, attractive public art will increase El Cerrito's distinctiveness as a destination.
- Many of the expenses of managing the Public Art can be charged to the Public Art Fund, saving on some city staff expenses that support ACC activities. (See 13.50.050 B below.)
- Distinctive art serves as an attractive feature to any site and will appeal to both the general public and future developers.
- The Art and Culture Commission, as a select group of residents with expertise in the arts, will be able to relieve other agencies, with other forms of expertise, of the burden of overseeing the Public Art's 1% fund, allowing them to devote their energy to other responsibilities.

### Founding Ordinance for the Arts and Culture Commission (ACC)

#### SUGGESTED MODIFICATIONS

[unaltered wording is omitted here]

Existing Wording	Proposed Wording
2.04.310. A. ...[ACC will be] "consisting of seven members"	... "consisting of <i>nine</i> members"
2.04.310. B. "The commission shall have the following powers and duties as stated below, and such others as assigned from time to time by the city council:	B. 1-5: no change

<p>6. Review and make recommendations to the city council upon all works of art to be <i>acquired</i> by the city, either by purchase, gift or otherwise and exterior works of art installed in the city on public property.</p>	<p>B.6. [ADD:]  Furthermore, the ACC will have primary responsibility to seeing Public Art Fund projects to completion. The Commission or its designated sub-committee shall meet with developers when they approach the city with a project eligible for the Public Art Fund (PAF). The ACC will encourage the best possible use of the PAF for a given project; and work with the developer on concept, design, siting, approval, and implementation of the art if on-site or carry out these activities independently for off-site art, funded by the “in-lieu” contributions to the Public Art Fund. All interactions between the ACC and the developer shall be conducted in liaison with the Planning Division. Sub-committee activity will include monthly reports to the full Commission. The formal proposal of a specific art work by a developer must receive the approval of the full Arts and Culture Commission.</p>
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**ART IN PUBLIC PLACES ordinance**  
**SUGGESTED MODIFICATIONS**  
[unaltered wording is omitted here]

Existing Wording	Suggested modification
<p>13.50.030.A. ... [expenditure on art shall be}...“subject to a maximum of one hundred fifty thousand dollars.”</p>	<p>Remove a maximum amount; 1% of costs will apply to all projects.</p>
<p>13.50.030. [Require] “Written proof to the community development department of a contractual agreement to commission or purchase and install the required public art on the subject development site and a written acknowledgement by the visual art professional and the owner or developer, in a form approved by the city, that the proposed public art complies with the following criteria:” [criteria remain the same]</p>	<p>[require] Written proof to the Art and Culture Commission of a contractual agreement to produce the required public art or a transfer of the appropriate “in-lieu” amount to the Public Art Fund. The developer and the assigned artist for on-site art will acknowledge in writing that the proposed art complies with the following criteria:”  [criteria remain the same]  “In-lieu” contributions will be administered by the ACC for the purpose of creating off-</p>

	<p>site public art and offsetting some of the ancillary expenses per 13.50.050 below.</p>
<p>13.50.030. J. "In the event that the city determines that the proposed public art project does not comply with subsection I2 of this section, the matter shall be referred to the arts and culture commission for review and a determination as to the project's compliance with subsection I2 of this section."          "The art and culture commission shall be the sole reviewing authority for public art projects; however, the determination of the arts and culture commission may be appealed to the city council."</p>	<p>[note: We cannot locate "subsection I2"]</p> <p>Delete this sentence; ACC will already have authority to assess compliance if modifications like these are implemented.</p> <p>This sentence remains the same.</p>
<p>13.50.030. M. "If, for any reason, the current owner shall choose to replace any public art installed pursuant to this chapter, the following requirements shall be met before the artwork is replaced:</p> <ol style="list-style-type: none"> <li>1. The cost of the replacement shall be equal to, or greater than, <b>the cost</b> of the art to be removed;"</li> </ol>	<p>This item remains the same [except #1 below:]</p> <ol style="list-style-type: none"> <li>1. "The cost of the replacement shall be equal to the cost of the art to be removed, or no less than 75% of the current appraised value of the removed work, whichever is greater."</li> </ol>
<p>13.50.040. A. #1-7 remain the same. Then the following paragraph:</p> <p>Sentence #1: "Public artworks may also be furnishings or fixtures, including, but not limited to, gates, walls, railings, street lights or seating, if created by a visual art professional as unique elements."          "The artworks can include water elements, walkways, and artistic or aesthetic elements of the overall architecture or landscape design if created by a visual art professional or a design team that includes a visual art professional."</p>	<p>Delete sentence #1.</p> <p>The second sentence remains the same, except add at the conclusion, "and if approved by the Arts and Culture Commission."</p>
<p>13.50.040. B and C          On-site Cultural Program.</p>	

<p>B.1. Performance arts: theatre, dance, music;</p> <p>2. Literary arts: poetry readings and story telling;</p> <p>3. Media areas: film and video, screenings and installations;</p> <p>4. Education: art lectures and presentations;</p> <p>5. Special events: festivals and celebrations;</p> <p>6. Artist-in-residence programs in the arts;</p> <p>7. Any other form of cultural program determined by the arts and culture commission, or city council on appeal, to satisfy the intent of this section.</p> <p>C. On-site art spaces or cultural facilities that include one or more of the following eligible components: gallery/exhibition spaces, resource libraries, visual arts slide registries, performance spaces, artist studio spaces and arts education facilities which are open and accessible to the public.</p>	<p>Delete B and C. [re: B. With possible exceptions noted below; most are unrealistic for on-site proposals]</p> <p>#5 Can be best realized with in-lieu funds rather than on-site, at a specific development.</p> <p>#6 Already carried out by ACC with in-lieu funds.</p> <p>[C. Also not practical as on-site proposals in most cases; exceptions could be allowed.]</p>
<p>13.50.050 Public Art Fund [ie: "in-lieu contributions"]</p> <p>B. All fees collected under this chapter shall be held in a special fund designated "Public Art Fund," and will be maintained, managed and reviewed by the city manager or his or her designee. The arts and culture commission shall, as part of the city's annual budget process, review the administrative costs of the art in public places program for the given fiscal year, including, but not limited to, staff support and related expenses; curatorial services; documentation; publicity, community education and any other services or programs in accordance with the intent of this chapter.</p>	<p>B. All fees collected under this chapter shall be held in a special fund designated "Public Art Fund," and will be maintained and reviewed by the city manager or his or her designee. The arts and culture commission shall manage and administer all expenditures from the fund in the course of fulfilling the goals of this Ordinance or of any other services or programs in accordance with the Commission's mandate.</p> <p>Administrative costs, as agreed to by the city, shall not be so great as to hinder the commissioning or implementation of public art.</p>