

Newport Beach City Arts Commission Regular Meeting Minutes
Thursday, April 14, 2016
Regular Meeting – 5:00 PM
Friends Meeting Room, Central Library
1000 Avocado Ave.
Newport Beach, CA 92660

I. CALL TO ORDER – 5:04 PM

II. ROLL CALL

Commissioners Present: Arlene Greer, Chair
Lynn Selich, Vice Chair
Caroline Logan, Secretary
Judy Chang
Rita Goldberg
Michael Kerr
Robert Smith

Staff Present: Tim Hetheron, Library Services Director
Francine Jacome, Administrative Support Technician

III. NOTICE TO THE PUBLIC

IV. PUBLIC COMMENTS

Mr. Mosher requested of the committee for Commissioner Michael Kerr to recuse himself from the grant decision making pertaining to Item number 5 of the agenda, Pacific Symphony Summer Concert, as he is Chair of the Pacific Symphony board.

In regards to Mr. Kerr's inquiry of whether or not he can comment at this moment, Chair Greer explained that commissioners will be able to weigh in on public's comments once the item in question is being discussed.

V. CONSENT CALENDAR

Motion made by Secretary Logan, seconded by Commissioner Smith, and carried (7-0-0-0) to approve the March 2, 2016 City Arts Commission Meeting minutes, as amended.

AYES: Goldberg, Kerr, Chang, Logan, Smith, Selich, Greer
NOES: None
ABSTENTIONS: None
ABSENT: None

Motion made by Secretary Logan, seconded by Commissioner Smith, and carried (7-0-0-0) to approve the March 10, 2016 City Arts Commission Meeting minutes, as amended.

AYES: Goldberg, Kerr, Chang, Logan, Smith, Selich, Greer
NOES: None
ABSTENTIONS: None
ABSENT: None

Consent Calendar Items

1. **Financial Report** - *Review of financial information*
2. **Cultural Arts Activities** - *Monthly review of cultural arts activities from the Library Administrative Office for upcoming Library and City arts events and services.*

Motion made by Secretary Logan, seconded by Commissioner Smith, and carried (7-0-0-0) to approve the March 10, 2016 City Arts Commission Meeting minutes, as amended.

AYES: Goldberg, Kerr, Chang, Logan, Smith, Selich, Greer
NOES: None
ABSTENTIONS: None
ABSENT: None

VI. CURRENT BUSINESS

Items for review and Possible Action

3. **Acceptance of Sphere 112** - *Staff recommends that the City Arts Commission approve a list of funding opportunities for submission to the Newport Beach Arts Foundation.*

PUBLIC COMMENTS:

Mr. Mosher stated that the artist made the changes required to the sculpture with the understanding that the City was going to purchase it from him. While Mr. Mosher believes the city should make the commitment to purchase the sculpture, he doesn't believe that it should remain in the Sculpture Garden. He stated that the original concept of the sculpture was to be evolving. Mr. Mosher concluded by stating that the sculpture is a nice piece of art and is weathering okay, but expressed concerns that in the years to come, parts of the structures will deteriorate in some way and thus no longer be appealing and popular.

Commissioner Kerr agrees with Mr. Mosher and continued by stating that the City should continue with the original idea of exchanging the sculptures, which in turn helps artists as well as keeping the sculpture garden looking fresh. He doesn't see the advantage of buying arts and believe that the government shouldn't get involved in buying art.

Ms. Miller stated that she doesn't understand the mechanism of purchasing artwork and suggests for the Commission to come up with an agreement that lists where the funds came from for the purchasing of the sculpture.

Commissioner Smith responded by stating that the City is not putting up funds to purchase the sculpture, it is being purchased from funds raised by the Newport Beach Arts Foundation. Mr. Smith explained that the piece is being purchased by the Newport Beach

Arts Foundation for \$15,000 as a gift to the City. He went on to state that 10 of the sculptures will be removed in the upcoming months and since *Sphere 112* was one of the first 10 installed and was particularly liked by the public, it should be one of the sculptures to remain.

Ms. Miller responded by asking if there was a proposal received and accepted by the Foundation to purchase the sculpture. Mr. Smith responded that the Foundation has an agreement with the artist and payment will be made if recommendations are made and accepted by the Council.

Ms. Kramer suggests for the Committee to conduct additional surveys for similar projects as this will provide feedback regarding what the public is thinking.

Ms. Smith, President of the Newport Beach Art Foundation, stated that the foundation has been purchasing and donating art to the City for the past eight years. Ms. Smith stated that upon the opening of the Art Sculpture Park, the public voted for *Sphere 112* to be purchased and stated that for future art projects, the Commission should relate whether or not they want a piece of art purchased.

Ms. Smith concluded by stating that the funds have been raised for the purchase of the sculpture and an agreement has been reached with the artist. The Art Foundation would like to move forward with the project and is waiting on the Commission's vote and the City Council's final decision.

In response to the question of the amount of people who voted for the Sphere, Commissioner Smith responded that a large amount of people voted for the Sphere.

Discussion ensued regarding the future of the Sculpture Garden and Vice Chair Selich stated that there needs to be an official policy in place with regards to the Sculpture Garden, i.e. art rotation, a factor that makes the Sculpture Garden unique, and which pieces of art should remain or be removed from the garden. She went on to state that if an art piece is to be removed from the garden it should be relocated to an area that is either served or underserved with permanent art.

Chair Greer commented that pursuant to I-9 and I-11, any art that is donated to the city, with respect to the particular donation that has a permanent location, the art can be moved anywhere, therefore, the particular art in question may be moved at a later date.

Commissioner Goldberg stated that the City Art Commissions have a long history of accepting art works throughout the City of Newport Beach and is happy that the city is now obtaining permanent art work, something the town has been short on. She went on to state that artists who submitted their work are looking to have their art work purchased and that purchasing artwork will benefit the City as it will provide opportunity to acquire, on loan, higher caliber art. This will make the Sculpture Garden less at risk should there ever be budgetary constraints preventing the Commission to add additional artwork.

Chair Greer stated that the Commission will address in the Master Plan a placement of the art plan going forward and thanks the Newport Beach Arts Foundation for their generous donation.

Motion made by Robert Smith, seconded by Chair Greer, and carried (7-0-0-0) to approve a list of funding opportunities for submission to the Newport Beach Arts Foundation.

AYES: Goldberg, Kerr, Chang, Logan, Smith, Selich, Greer
NOES: None
ABSTENTIONS: None
ABSENT: None

4. Fine Arts Exhibitions at the Newport Beach Public Library - *Under the direction of the Fine Arts Ad Hoc Subcommittee, staff recommends that the City Arts Commission approve exhibitions in the Central Library gallery space in the Central Library lobby.*

Chair Greer reported that the Fine Arts Committee met each month to review applications for the city's exhibitions. For the month of March, the committee is recommending the following artists: Ron Yoe, Scott Amling, Mark Leysen, Iriet Peshkess, and Richard N. Frost. Mr. Frost circulated a photograph of his aerial photography to the committee and the audience.

Motion made by Chair Greer, seconded by Commissioner Logan, and carried (7-0-0-0) to approve the Fine Arts recommendations to include the artist 2016 exhibition.

AYES: Goldberg, Kerr, Chang, Logan, Smith, Selich, Greer
NOES: None
ABSTENTIONS: None
ABSENT: None

5. Pacific Symphony Summer Concert - *Staff recommends that the City Arts Commission approve a proposal to stage a concert by the Pacific Symphony in the Civic Green on Sunday, August 14, 2016.*

Commissioner Kerr responded to the question of him excusing himself from the Pacific Symphony Summer Concert topic due to conflict of interest. Commissioner Kerr believes that he shouldn't have to excuse himself from this topic since he has no financial interest in this event. It was advised by Mr. Hetherton for Mr. Kerr to excuse himself from this topic until feedback from the City Council and City Attorney are received.

Commissioner Selich continued by stating that the Commission has been working with the Pacific Symphony to bring a world class orchestra concert to the City of Newport Beach. The budget for the concert is \$60,000, and funds will be raised via private funding, adhering to the stipulations by council that the funds be self-funding or efforts need to be made to raise the funds. The concert will not be part of the regular concert series, but a special addition to it. Ms. Selich believes that this is an opportunity for the Commission to reach out to a whole new level, and have a relationship with an organization of great stature such as the Pacific Symphony.

PUBLIC COMMENTS:

Mr. Mosher stated that he concurs with Mr. Hetherton's comment that if Commissioner Kerr has no financial interest, the FPPC will not require for Commissioner Kerr to excuse himself

from this conversation. He stated that he recalled in past years that the Pacific Symphony gave summer concerts and wondered if the City of Santa Ana actually paid \$60,000 to have them perform. Mr. Mosher is concerned that the Commission may be overpaying Pacific Symphony.

In respond to Mr. Mosher's comments regarding the proposal, Chair Greer stated that the proposal being circulated is one of two funded areas. There is the Balboa Theatre of Performing Arts, which supports the intention of those funds, therefore, not taxpayer's funds coming out of the budget.

Commissioner Goldberg stated that some of the comments made by Mr. Mosher were questions that she herself questioned. She went on to state that the Pacific Symphony is made up of union musicians, and fees for performances are regulated by the union. The amount being requested is the amount they charge each time they perform.

Mr. Mosher expressed concerns regarding the amount of money that will be used for a single event as the Commission spoke about possibly taking out a loan at previous meetings. He believes that it is a big leap of faith to think that that amount of money will be raised as there's been difficulty doing so in the past.

Mr. Magrutsche requested clarification as to how the Commission will generate an audience for the event due to the fact that audiences for other venues have been low. He also stated that he likes the fact that the Commission is trying this and wondered if the foundation is able to do the financing themselves or if they have that kind of a pull. Other concern raised was regarding whether or not the event is insured in the event that it rains, therefore money is not lost.

Ms. Miller commented as to whether the city attorney has looked into this project and whether there is an agreement in place.

Ms. Kramer stated that the Pacific Symphony annually allows people to come in and play with them. She also stated that many people don't understand what a symphony is all about and that it could be intimidating to some people. She believes it's a great idea to have the symphony concert in Newport Beach.

Discussion ensued regarding the public's concerns with Commissioner Logan responding to Ms. Miller's concerns by stating that the answers can be found in I-11 and to contact the Commission if she has further questions.

Commissioner Goldberg stated that she is delighted to have the Pacific Symphony perform. She also stated that all the concerts held have been cover bands with enough audience to merit allocating overflow parking. She believes the Pacific Symphony concert will bring an abundant amount of viewers.

Chair Greer concurred with Commissioner Goldberg and states that she likes the variety it brings to the musical programs that happen in the summer. She also mentioned that having Pacific Symphony perform, will allow those to attend that would not otherwise be able to afford to attend.

Commissioner Selich stated that her understanding is that the City Council will be amiable to matching the funds that are raised and there is approximately \$13,000 not being spent on the Shakespeare's performance this year that can be allocated to the Pacific Symphony fund raising project. Ms. Selich also pointed out that Pacific Symphony will also be marketing this concert, which will bring free marketing to Newport Beach.

Motion made by Commissioner Selich and seconded by Chair Greer, and carried (6-0-1-0) to approve the performance by the Pacific Symphony on August 14, 2016.

AYES: Goldberg, Chang, Logan, Smith, Selich, Greer
NOES: None
ABSTENTIONS: Commissioner Kerr
ABSENT: None

6. Arts Master Plan Update - *The Arts Commission has drafted a three-year funding and staffing plan to create a long-term self-sufficient arts program in the City. This plan, if approved by City Council, will provide the necessary funds to support existing programs and to expand programming with private funding. Staff recommends that the City Arts Commission approve this plan for consideration by City Council.*

Chair Greer stated per decisions made at the last meeting, members of the Commission met with the Mayor Selich, City Manager Dave Kiff and Assistant City Manager Carol Jacobs to discuss dilemmas involving the Arts Master Plan. Chair Greer stated that people at City Hall were very helpful in providing directions and feedback on how to move forward and requested of Mr. Hetherton to provide further updates regarding the plan.

Mr. Hetherton explained the proposal and what it entailed to the Commission and the audience. The plan includes guidelines of how and what the funds can be used for. Mr. Hetherton provided several options to the Commission such as sculpture exhibitions and the hiring of an executive director for a period of two years. He stated that the city has \$75,000 that can be used towards hiring the executive director for the initial two years. He further stated that there is also a proposal to use the Public Arts and Cultural Fund Finance to work on the Sculpture Garden- Phase III this year and Phase IV the following year. The proposal includes hiring a contractor to perform tasks specific to the arts center such as managing the sculpture exhibitions, developing a plan for the arts center, and so on instead of hiring a full time person with benefits.

PUBLIC COMMENTS:

Mr. Magrutsche states that there is a weakening factor to the Master Plan. He stated that there needs to be a commitment in place by the city and that commitment should state that art is important to the city and why they should invest in it. He also stated that there should be a vision and direction in place explaining why people should invest in the Arts Commission.

Chair Greer responded by stating that the Master Plan will go to Council along with the vision attached. The Master Plan is being drafted and will be distributed at the next meeting. Mr. Magrutsche requests to see the plan prior to it being viewed by the council.

Mr. O'Neil commented regarding the arts and cultural facilities fund, and how I-13 is now written. He recommends Council to amend the policy to be able to acquire permanent sculptures.

Ms. Miller suggested for the council to come up with a statement that states they are for the arts or they want a miscellaneous structure, an Ad-Hoc Structure. Ms. Miller stated that if the Commission is for the arts, the city needs to hire someone who will be accountable for the arts. Ms. Miller concluded by stating that she takes exception to the two percent and a professional economic analysis needs to be conducted regarding the City's budget and revenue.

Mr. Mosher agrees with Mr. O'Neil about the cost of I-13 and stated that I-13 could be argued that it is not appropriate to be used in the Sculpture Garden.

Mr. Mosher stated that I13 was presented without any review by the Arts Committee to the council members and was voted and approved without appropriate time to suggest any changes or modifications. Mr. Mosher added that he agrees with Leslie Miller's comment on not agreeing with the plan, where you can have an arts manager hired on a case by case basis to work on a project. There needs to be a permanent arts manager who has a continuing vision of what the city is trying to accomplish and will work with the Arts Commission on a continuous basis.

Pertaining to the Master Plan, Mr. Mosher stated that there are items listed on the plan that were never voted upon and recommends for the Commission to have a discretionary review over private elements.

Ms. Kramer stated that in regards to hiring an executive director, the individual hired for the position should have a strong understanding of the Commission's vision. Ms. Kramer further stated that the Vision should include Newport Beach's history.

Vice Chair Selich requested of Assistant Manager Carol Jacobs to address the audience regarding the meeting held at City Hall as she is in a position to better explain the recommendations made by City Hall.

Assistant City Manager Carol Jacobs stated that discussions held pertained to making the Commission and Arts, in general, more self-sufficient without having to rely on unknown funds. Ms. Jacobs explained that council members change every two years and what is loved today may not be the same in two years, therefore, one of the recommendation is to be more independent in how the funds are obtained. Ms. Jacobs addressed the two percent question by stating that the two percent out of the development funds are restricted for capital arts and is used for permanent art. She further stated that while pieces of arts are moved in and out of the park, the park itself is permanent therefore the two percent rule applies. In conclusion, Ms. Jacobs also stated that any funds allocated for a project, there is a five-year window to use the funds for that particular project, otherwise, it is returned to the developer.

Ms. Miller stated that the perception is that art is a luxury, but art is now looked at as a channel for economic development and can be used to promote the city.

Commissioner Greer stated that there will be a Master Plan and Vision plan presented at the next meeting. She further stated that the development manager for the arts foundation supports the Newport Beach funds as well as supports the Sculpture Garden's Phase III and the \$55,000 fund for 2016-2020 for the City General Fund.

Commissioner Kerr requested clarification of whether the development manager and the executive director of the foundations are different positions and will the plan clarify what is being proposed for the development manager. Mr. Kerr also wanted clarification as to whether the assistant manager fund being raised is not the same as the executive director for the foundation. Chair Greer concurred.

Commissioner Goldberg stated her concerns regarding the Newport Beach funds being allocated for staff purposes. She thought the money would go towards increasing the arts, thereby creating more tourism and drive more people to the City. She questioned as to whether the donor is agreeable with the funds being used for staff salary.

Vice Chair Selich answered that Visit Newport Beach does not care how the money is used as long as there is a plan describing the best use of the funds.

Secretary Logan stated that she knows everyone is worried that this is not the purpose of the mission and questions if it is compromised. However, directions were received by City Council and she feel that it is a good way to move forward.

Motion made by Chair Greer, seconded by Secretary Logan, and carried (7-0-0-0) to approve the plan as presented by staff.

AYES:	Goldberg, Chang, Logan, Smith, Selich, Greer, Kerr
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

Monthly Reports

7. Fine Arts Ad Hoc Subcommittee - *Chair Arlene Greer (Chair), Secretary Caroline Logan, Commissioner Judy Chang*

Chair Greer reported that Fine Arts has accepted an agreement pertaining to the exhibit at the Library. The artist who will be the juror for the 2016 Newport Beach Art Exhibition this year is Professor Joe Lewis. There are 10 artists and have 5 for the exhibitions. Chair Greer will provide additional information at next meeting.

8. Newport Beach Sculpture Garden Ad Hoc Subcommittee - *Chair Arlene Greer (Chair), Commissioner Robert Smith (co-Chair), Vice Chair Lynn Selich.*

Chair Greer reported that there will be a meeting held pursuant to the proposal discussed on the Master Plan Update. There will also be a meeting scheduled with the Sculpture Garden Ad Hoc Subcommittee regarding Sculpture Garden- Phase III.

9. Arts master Plan Steering Committee - *Chair Arlene Greer (Chair), Secretary Caroline Logan, Commissioner Goldberg.*

Chair Greer reported that the committee will be meeting next week to develop the final plan and will provide an update to the Committee.

10. Communications/Publicity/Marketing Ad Hoc Subcommittee - *Commissioner Rita Goldberg (Chair), Vice Chair Lynn Selich, Commissioner Judy Chang.*

Commissioner Goldberg will provide an update at the next meeting.

11. Civic Center Art Placement Ad Hoc Subcommittee - *Secretary Caroline Logan (Chair), Commissioner Rita Goldberg.*

Secretary Logan reported that she met with Mr. Hetherington who has been preparing an application form with additional information on the public art venue to specifically include the City Hall building and its spaces that were designed for public art.

12. Newport Beach Arts Foundation Liaison Ad Hoc Subcommittee- *Chair Arlene Greer (Chair), Vice Chair Lynn Selich, Commissioner Robert Smith.*

Commissioner Smith reported that the Art in the Park scheduled for October 15 has been confirmed and received checks from 34 artists and are dramatically ahead compare to last year. Mr. Smith stated that the committee is in the process of contracting sponsors for underwriting the event and other activities for the foundation.

The committee met with Brenda Shine of Orange Coast College Event Planning Art Department, which helps people earn certificates for the plan. Mr. Smith reported that the Newport Beach Arts Foundation has six of their members willing to be docents for the Newport-Mesa Unified School District sculpture tours. He further reported that Art Foundation President Carmen Smith will be meeting with a group named Newport Newcomers Group on May 6.

Lastly, Dr. Lila Crespino, previous president of the Art Foundation, is planning to hold a lecture call "How to Find Meaning in Art," in at the Newport Beach Public Library.

13. Performing Arts Ad Hoc Subcommittee - *Chair Arlene Greer (co-Chair), Commissioner Rita Goldberg (co-Chair), Vice Chair Lynn Selich.*

Chair Greer reported that the subcommittee has checked and are consulates for the following: July 31, August 21 for Performing Arts review, August 14 for Pacific Symphony Concert and September 11th, the Springsteen Experience. Ms. Greer stated that there will be several lively concert programs scheduled for Newport Beach. She also reported that there will be self-titled recruits at the Sculpture Garden. Additionally, there will be booths containing information on the Performing Arts Foundation.

14. Cultural Arts Collaborations Ad Hoc Subcommittee - *Vice Chair Lynn Selich (Chair), Commissioner Judy Chang, Commissioner Michael Kerr.*

Not discussed

VII. CITY ARTS COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Chair Greer suggested adding the Sculpture Garden proposal and the arts master plan.

VIII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Mr. Mosher suggested for the committee to allow the public to comment on discussion items. He believes it makes the meeting more productive and encourages the audience to come back and participate. Additionally, he is requesting for the city to perform a touch up on the sculptures. Lastly, Mr. Mosher stated that he enjoys seeing the aerial photos in the agenda as well as seeing Mr. Frost's book displayed at Newport Beach Center.

Chair Greer expressed her gratitude to the public for their comments and inputs and to Mr. Frost for displaying his books.

IX. ADJOURNMENT – 6:00 PM

Approved by:



A handwritten signature in cursive script, reading "Aileen Greer", is written over a horizontal line.