

**DRAFT**  
**Minutes of the Regular Public Art Commission Meeting**  
**Thursday, November 29, 2007**  
**Conference Room 360, City Hall**

CONVENE: 7:08 p.m.

1. ROLL CALL: Chair Huston, Vice-Chair Lee, and Commissioners Rosenberg Wolfe

STAFF PRESENT: Douglas Vu, Planner III; Tony Ebster, Recording Secretary

2. MINUTES: Commissioner Lee was not at the October meeting and didn't know what happened. Mr. Vu recommended accepting the August 2007 and September 2007 minutes since a lot of time had passed since those meetings.

Motion/Second to accept August 23, 2007 Minutes

Ayes: 3; Noes: 0; Wolfe Abstained

Motion/Second to accept September 27, 2007 Minutes

Continued to Meeting of January 9, 2008

3. ORAL COMMUNICATION:

4. REGULAR AGENDA:

4-A. Adoption of 2008 Meeting Calendar

Mr. Vu Clarified that the reason that the 2008 meeting schedule was set for the second Wednesday of each month was due to availability of Council Chambers and that the second Wednesday was the only day available to schedule regular monthly meetings.

Commissioner Lee brought up the fact that in the past the meeting schedule was based on when the commissioners were available.

Commissioner Rosenberg stated that it would have been better for staff to ask first before making the calendar.

Mr. Vu stated that staff created the schedule with the consideration of all the other activity happening in the department.

Commissioner Lee mentioned that Commissioner Wolfe is stepping down pending the appointment of new Commissioners.

Commissioner Huston proposed accepting January 9, 2008 and February 13, 2008 and revisiting the calendar.

The meetings of January 9, 2008 and February 13, 2008 were accepted and the calendar will be reevaluated pending the appointment of new commissioners.

#### 4-B. Cultural Arts Grants Program

Chair Lee opened the public comment session.

Mr. Jeff Cambra spoke about the Arts Grants Program and thanked the Commission for their hard work. He requested another charette. He felt that despite the fact that a consensus had not been reached, it was productive and it was good to hear opposing views. It gave a better view of the big picture.

Mr. Clint Imboden asked about the emergency/opportunity grants and if an individual who received a grant in the first year of the two-year cycle could apply for an emergency or opportunity grant in the second year of the cycle.

Commissioner Huston replied to Mr. Imboden's question by saying that they don't want to encourage the accident-prone. She is what remains of the subcommittee for the Cultural Arts Grants. She referred to the memo for Item 4-B. She talked with a City Council member and was told that funds had not been allocated. She mentioned contradictions in paperwork on the City side. She also mentioned that there is no labor. She wondered if the Grants program is part of their scope. She mentioned that they are an advisory committee and are not equipped to take on such a large task. She brought up that she was called into the Planning department and was told that they had to take on the task of the grants program. After doing some research, they found that it might be incompatible with the size and scope of their work. She wants to speak with City Council to see if it is their job to take on such a large task. There were internal difficulties. She brought up the subcommittee and that it was not to work with staff, but to create the draft grants program. There was no agreement to present the draft to staff prior to presenting it to their own commission. She doesn't like that it imposed a process on the commission that they didn't agree to. She expressed frustration that her draft was rejected and is unwilling to have her work held up prior to presentation to the commission.

Mr. Wolfe wanted to dig into the priorities of the annual plan but felt that they weren't given the legal authorization to move forward and feels that the City needs to clarify the issue. He feels like it is colonialism. Need to get priorities in line. He feels that there are a couple of items in the annual plan that the public needs to come out strong on. They need to focus on a few specific items and do it quickly. He doesn't want to lose out on the opportunity.

Ms. Huston feels that the conflict is a combination of loss of authority and an attitude from the department as a whole.

Ms. Lee pointed out that they are not an all purpose arts council.

Ms. Huston wants to go back to City Council to find what they want the commission to do. The commission does not know what their authority is. She also pointed out that the draft grants program is merely a collection of ideas and has never been discussed by the commission as a whole. She wants to put the Grants program on hold until the commission's role is clarified.

Ms. Rosenberg stated that part of the problem they are having is the interaction with staff and the commission. She wants the public to be a larger part of the process and doesn't want staff to make the final decisions. She wonders if the grants program is within the framework of the commission and feels that it should be under an arts council and not the advisory commission. Its taxing trying to figure out what they can and cannot do.

Ms. Huston feels that they need to get their feet out of the concrete.

4-C. Ms. Lee brought up the subcommittee and proposed putting it on hold.

Ms. Rosenberg pointed out that they never had an Ad Hoc committee, instead it was a subcommittee. There was no presence of an administrative body to work with; it was just she and Ms. Cervantes. She said that there had been a model of a subcommittee that did not include a staff member taking and forming the notes. The subcommittee had operated on its own.

Ms. Lee clarified that the subcommittee reported back to the committee as a whole.

Ms. Huston stated that she was faulted for her actions at the October meeting because she was supposed to assign an subcommittee. She had no intention of assigning a subcommittee to the issue of on-site public art until it was discussed in depth. She questioned the buying of public art. She was told that she must deal with two things. One was that there was \$45,000 in the art fund and that it must be spent. She brought up the item on the October agenda that said that they are compelled to spend it. She felt disrespected that she was faulted for not assigning a subcommittee despite the fact that there were only four members, two with one foot in and one foot out.

Mr. Wolfe brought up the budgetary issue and that the money doesn't have to be spent, it is in a trust fund. It is not lost if it is not spent.

Ms. Huston responded by saying that there is nothing in the ordinance that says that they must spend the money in a timely manner. They get to ask themselves "how would we let someone else spend the money"? How much should be spent, more will come.

Mr. Wolfe asked if there is money, what do they want to accomplish.

Ms. Huston responded by saying that the money is a big discussion and is not a subcommittee discussion.

Mr. Wolfe suggested a workshop to include the public to figure out objectives in terms of public art and what they want to do with the money.

Ms. Rosenberg clarified that it is different from the arts grant program.

Mr. Wolfe suggested readdressing the plan and asked if it can be rephrased and if they can organize a series of workshops to elicit public opinion about the objectives of public art expenditures.

Ms. Lee brought up the rolodex idea to send RFPs to artists. She feels its not too hard to set up.

Mr. Vu clarified why they fastracked the item. The public art plan called for a percentage to be spent on public art. It was suggested that the money be spent since the City Council was going to be supplementing the cultural arts grants program. That's why the item was placed higher on the priority list. It was the idea of the Commission, not staff.

Mr. Wolfe mentioned that in October they talked about the Stargell Avenue project and feels that there is a good opportunity there. He feels that it should move forward.

Ms. Huston pointed out what a tangle the two agendas are if they are place in the same fund. Only a small percentage of the administrative funds are allowed to be used as a base for the cultural arts fund. The problem she has with the process is that they have very little authority. They are not allowed to ask where things come from.

Ms. Rosenberg suggested that they go through the minutes appropriately and very carefully and making decisions in steps.

Mr. Wolfe brought up the early discussions as a committee and their talks about object art and how they relate to the entrances of the City. He is more interested in more temporary installation of art.

Ms. Lee expressed confusion regarding placement of art.

Mr. Wolfe talked about the object art at the entrances to the City. He was wondering how it would work on State Highways in the area being planned near Webster Street and Stargell Avenue. He said that Cal Trans is concerned about what is the peripheral of the driver and what they could run into going 45 miles per hour. He also expressed concern over whether or not the art will be visible or not driving at speed.

Ms. Rosenberg clarified the difference between an Ad Hoc Committee and a subcommittee. She disagrees that the terms are interchangeable.

Ms. Lee complained that information from committees go through staff and then are brought to the commission. Only after it has gone through staff can it go to the commission.

Ms. Rosenberg appreciates as a public body being able to have a public forum that isn't filtered through a non-public entity. They need to put a stop on the interference. She wants subcommittees that are not filtered by administrative bodies. She proposed a motion to differentiate the meanings of an Ad Hoc and a subcommittee; subcommittees are members that are able to go in pairs to investigate parts of the commission's mission and come report directly to the commission without having to report to the administrative body of planning. An Ad Hoc committee is developed by the chair of the commission with the understanding that the body would include administrative staff with support and guidance.

Ms. Lee suggested that the motion include language stating that they prefer to use subcommittees except when specifically deciding not to.

Ms. Huston commented on how it says a lot about the attitude and experience of the commission that they have to write it into the minutes that they don't want to have to ask permission for their subcommittees to bring them their information and she has been affected by it.

Ms. Rosenberg stated that it was important that the minutes be provided in an appropriate time and felt that it was inappropriate that the October minutes were not available.

Mr. Vu encouraged the approval of the August and September minutes.

#### 4-D. Approval of Special Meeting on December 20, 2007

Ms. Huston has an issue with how it is written and that commission adopted an irregular schedule. She said that because a meeting is not on an annual schedule it is not "special".

Ms. Rosenberg wanted the language changed.

Ms. Huston wanted to skip to commissioner communications and wanted to come back to the special meeting.

#### Skip to Commissioner Communications

Ms. Lee talked about the history behind the Commission and what their purpose is. She read from the ordinance to clarify what their job is as a commission. She also read from her letter.

Ms. Huston read from her letter.

Mr. Wolfe responded by saying that the letters are very specific and they point to specific problems.

Ms. Rosenberg expressed thanks and appreciation for the letters and the work put into them.

Mr. Wolfe asked if they could compose a letter as a group and send it to City Council.

Mr. Vu clarified that if the letter was composed and sent as a group, it would have to be agendized so the public could be involved. Otherwise, it would have to be done individually.

Ms. Rosenberg asked to agendize the item for the December 20, 2007 meeting. She wanted to clarify that if Ms. Woodbury came to the meeting, she should come and help them define their goals, not tell them what their goals are. Ms. Rosenberg wanted Ms. Woodbury be clear that it is a hotbed she would be walking into.

Mr. Vu responded by clarifying that the sentiment is that if there is confusion regarding protocol, Ms. Woodbury would clarify those procedures.

Ms. Lee expressed that she would feel more comfortable discussing the matter with City Council.

Ms. Huston concurred.

Mr. Wolfe asked if they could go to the City lawyer to see if the commission has the authority to act as the grant constructor.

Ms. Huston feels that they have never been given a clear representation of what they have been asked to do. She is unsure of whether or not requests are in their domain and is given the impression that they are not allowed to decline requests given to them. She feels that Ms.

Woodbury's understanding of the commission's role is different than what their legal power may be. She expressed exhaustion for having to argue over issues. She is exasperated by having no authority when it comes to staff and feels that she shouldn't have to defend it.

Ms. Lee said that they were eager to take on the new charge but feels that they are not the best group to do an arts council for the City of Alameda.

Ms. Huston wants to go to City Council first to clarify their authority.

Ms. Lee brought up the issue of being short two commissioners and feels that their job is more difficult without them.

Mr. Wolfe stated that the way the argument is constructed, it may be a legal issue and it would be good to put it before the lawyer. He reiterated that he is leaving the commission; therefore, his voice would not be as effective.

Ms. Huston feels that his voice has as much weight as the other commissioners.

Ms. Rosenberg concurred.

Ms. Huston wants to hear what he has to say.

Mr. Wolfe feels that they need to send copies of the letters to the attorney to evaluate some of the questions that the commission has regarding their roles and the demands put upon them.

Ms. Huston wants to talk to City Council then might want to meet with the commission before meeting with Ms. Woodbury. Her sense is that there is too much that planning recommends to the commission. She feels that the recommendations are being confused with the requirements. She thinks there is a lot of "hall monitoring" going on.

Mr. Wolfe asked if they wanted legal counsel at the meeting.

Ms. Lee feels that it might not be good to pay for an attorney if it is not appropriate.

Ms. Rosenberg doesn't want to schedule a meeting until they meet with City Council.

Mr. Wolfe said that unless there is an art proposal, the next meeting would be January.

Mr. Vu clarified that the commission doesn't want to meet on December 20 unless there is an art application.

Ms. Lee doesn't want to forgo the January meeting.

Ms. Huston suggested agendaizing funds and expenditures.

Mr. Vu asked about preparing a staff report and what should be talked about.

## 5. STAFF COMMUNICATIONS:

### 5-A. Bridgeside Public Art

Mr. Vu started by saying that this item was in response to Ms. Huston's request for more information on how the amphitheater was constructed.

Ms. Huston asked if there had been any performances there.

Mr. Vu brought out the list of three performances and one painting event from the developer that have occurred between March 2006 and March 2007.

Ms. Huston brought up that she had called some vendors asking about the performance space and no one knew about it.

Mr. Wolfe asked about the advertisement of the performances.

Ms. Rosenberg asked if the developer was supposed to bring a list of events to the commission so that the commission could see that there was a set level of performances.

Mr. Vu referred to the Resolution and condition two that stated that the developer would submit a schedule of performances for the first year to the satisfaction of the Planning & Building Director.

The commission questioned the submittal of the schedule to the Director. They thought that the developer would submit the schedule to the commission, and then they would forward it to the Director.

Ms. Huston clarified that this was an amended application and that it required 12 performances on the same day and time. She wanted to listen back to the tapes to see which amendments they actually agreed upon.

Ms. Rosenberg wanted it brought back to the commission so they could approve the programming.

Ms. Huston said that the amended programming requirement was designed to build the grass roots performances.

Ms. Lee stated that it was to be evaluated after the first year by the commission.

Ms. Huston requested staff listen to the tapes and write down the amendments to see if they have been fulfilled.

Ms. Rosenberg feels that the amphitheater is so poorly planned and the level of the turf is not good. She said that there is no feel of a performance space and questioned who approved it.

Mr. Wolfe said that one of the mistakes he made was not asking if it could be elevated slightly. He suggested that if the grades were elevated slightly, it would be a more usable space.

Ms. Huston feels that there are a number of issues. One of the issues is that she feels that it turned out to be what they feared, which is a landscaping plan that is barely amended. She wants to try to hold the developer to the agreed amendments in the Bridgeside project proposal.

Ms. Lee felt that they were shaky about approving performances fulfilling the art requirement in the first place.

Mr. Wolfe said that they may want to go back and be very strict about performance spaces because the 1% doesn't cover performance spaces very well. He wants more foresight instead of hindsight.

Ms. Rosenberg stated that the better performance area is outside Nob Hill foods; it's not behind the dog wash. She questions who approved the project.

Mr. Wolfe suggested that the item of looking back at the yearly program be agendized for January. He referenced the library and suggested more open dialog.

Ms. Huston asked Mr. Vu if there was anything that could be done about Bridgeside. She asked what they could recommend to press the space so it could actually be used as a performance space.

The commission asked if there was a person who was supposed in charge of the programming for the space.

Ms. Rosenberg stated that it is crucial that they come back to the commission and wanted to ask that they come to the commission to present a program for comments and revisions.

Ms. Huston feels that it is a very complicated issue and that enforcement is huge.

Mr. Wolfe asked about enforcement and if anyone had gone out to check what the grades are. He feels that if the grades are not accurate, they are not acceptable

Ms. Huston had a couple of assignments for staff, check the grades and check the amendments, and ask planning what are they allowed to do for enforcement.

Mr. Wolfe mentioned the temporary permits.

Mr. Vu said that they developer has received the temporary certificate of occupancy. He said that the commission has some leverage to make the developer compliant before they receive their certificate of occupancy. He also suggested that staff make the developer check the grades and come back to the commission.

Ms. Huston wants the to go all out and give them a report on letterhead and she wants a fact sheet before the developer comes back to the commission. What the commission needs to know is what the amended agreement was. She wants to send out a request for information.

Mr. Vu clarified the agenda items for January 9 meeting.

Ms. Huston wanted to talk about the possible expenditures.

Ms. Rosenberg asked about agendizing the cap.

Ms. Huston replied that her top priority was hearing back from City Council. She suggested a subcommittee to look at the cap.

6. ADJOURNMENT: Meeting adjourned at 8:53 pm



Respectfully submitted,

Jon Biggs, Secretary  
Public Art Commission