OFFICIAL MINUTES
CULTURAL ARTS COMMISSION CITIZEN ADVISORY COMMITTEE
City Council Conference Room
MONDAY, JULY 22, 2019

A. CALL TO ORDER: The Cultural Arts Commission Citizen Advisory Committee was called to order at 4:32 p.m. by Chairperson Chris Toovey.

B. ELECTION OF OFFICER: **Development Services Director Gutierrez requested to move this item after Item D, Roll Call.**

Development Services Director Gutierrez directed the Commissioners to make nominations for Chair and Vice-Chair.

Committee Member Quinones asked what the roles and duties are required for the Chair and Vice-Chair.

Development Services Director Gutierrez replied the job is to help facilitate and run the committee meetings and, in the event, that the Chair can't call meetings to order the Vice-Chair would assume that responsibility.

Committee Member Toovey asked for nominations.

Motion by Committee Member Swodeck, seconded by Committee Member Oliver, carried by a unanimous vote of those present (7-0-0-0), to appoint Chris Toovey as Chair of the Cultural Arts Commission Citizens Advisory Committee.

Motion by Committee Member Quinones, seconded by Committee Member Swodeck, carried by a unanimous vote of those present (7-0-0-0), to appoint Nancy Tessier as Vice-Chair of the Cultural Arts Commission Citizens Advisory Committee.

C. PLEAD OF ALLEGIANCE: Chairperson Chris Toovey led the flag salute.

D. ROLL CALL: Roll was taken by Development Services Director Anita Gutierrez.

COMMITTEE MEMBERS PRESENT: Chairperson Chris Toovey; Committee Members Joshua Swodeck, Andrew Quinones, Joy McAllister, Jovani Esparza, David M. Oliver and Nancy Tessier.

COMMITTEE MEMBERS NOT PRESENT: None

STAFF PRESENT: Development Director Anita Gutierrez, Assistant Planner Alina Barron, Senior Planner Ata Khan.

ITEM E:
PUBLIC COMMENT:

None

ITEM F:
APPROVAL OF MINUTES:

1. Approval of Draft Minutes for the Cultural Arts Commission Citizen Advisory Committee Meeting of June 24, 2019.

Motion by Committee Member Swodeck, seconded by Committee Member McAllister, carried by a unanimous vote of those present (7-0-0-0), to approve the Draft Minutes for the Cultural Arts Commission Citizen Advisory Committee Meeting of June 24, 2019.

ITEM G:
NEW BUSINESS

1. City Clerk Presentation on social media communication and Brown Act – Discussion

City Clerk Rosalia Butler presented.

- During the June 17, 2019 City Council meeting the City Council was presented with a copy of the proposed City Social Media Policy along with a staff report.
- The draft Social Media Policy establishes administrative guidelines for the use of social media sites by the City of Pomona to disseminate information regarding the City's mission, meeting activities, events and current issues to members of the general public. The policy is intended to mitigate risks associated with, as well as, govern use of all city social media accounts, which include but are not limited to Facebook, Twitter and Instagram, regardless of whether the social media sites are accessed from city computer, computers outside the city or mobile device.
- The Social Media Policy addresses a pervasive issue which has not been previously constrained by clear guidelines and many individuals including employees, elected and appointed officials, volunteers and agents will be impacted by it. It was presented to the City Council for review prior to finalization by the City Manager.
- The second City Council item presented was in respect to an allegation of a Brown Act violation made by some of the members on the Historic Preservation Commission. A copy of that staff report was presented to City Council at the June 17, 2019 City Council meeting.
- The staff report reads "California's open meeting law, known as The Brown Act, requires that all discussion of the business of city commissions be done in properly noticed public meetings." And social media presents a new challenge for City officials. While social media platforms offer opportunities to broaden their interaction with the public, it violates the Brown Act for a majority of members of a commission to discuss commission business outside of a commission meeting, including indirectly through social media.
- Pomona resident Jacqueline Elizalde presented to the City Council at the June 3, 2019 meeting a printout from the website Nextdoor.com of an exchange of facts and opinions among a forum of Historic Preservation Commissioners. This exchange is an example of a prohibited serial meeting. No action was taken by the Commissioners outside the meeting and their intent appears to have been an effort to spread to the word about the fate of the Pomona Stables and the City Council's June 4, 2019

related agenda item. The Interim City Attorney indicated that no action needed to be undone in order to cure the violation, but an admonition was warranted.

- Each Commissioner was given a copy of the Guidelines to Prevent Serial Meetings. A copy of these guidelines was also provided to all attendees of the May 2, 2019 Brown Act training hosted by the City Clerk's Office and presented by the City Attorney's Office.
- The City Clerk's Office requested that all Commissioners review the City Social Media Policy and Guidelines to Prevent Serial Meetings and then sign and return the acknowledgement pages for each.

Committee Member Swodeck asked if there was a timeframe that applies once an agenda item has been voted on and/or the item has left the Commission.

City Clerk Butler replied even if an item has been presented and voted on there should not be any type of dialogue.

Committee Member Swodeck confirmed they should not discuss something that was voted on something four years ago.

City Clerk Butler replied that is correct, because that item could come back in the future. She stated Commissioners can't be expressing their opinions on items. She shared the City Attorney has informed her that the goal of social media is to provide information, especially amongst City Council Members or Commissioners.

Committee Member Swodeck clarified that was the City of Pomona's goal for social media.

City Clerk Butler replied it is not just with the City of Pomona but in general for the Brown Act.

Committee Member Swodeck commented the goal of social media is social, which is engagement. He confirmed The City's goal for social media it not to be social and be engaged, but just for information.

City Clerk replied correct, because the Commissioners, City Council members, Department Heads and Staff want to abide by the Brown Act. She stated it's unfortunate that the Brown Act has not grown with social media, but that's coming from Sacramento and out of the City of Pomona's power.

Development Services Director Gutierrez clarified that means expressing opinions on anything within a Commission's subject matter jurisdiction. She stated just giving information is ok, but the line is crossed when opinions are given on matters of your subject matter jurisdiction, for example on mural permits or [illegible]

oted they are generic children so guidance on [illegible] stereotypical either way that it makes her uncomfortable. She n

Development Services Director Gutierrez replied that is correct.

City Clerk Butler replied it could easily become a serial meeting if other commissioners comment and it becomes a discussion between four or more commissioners.

Committee Member Swodeck asked if it is only a serial meeting if they quote agenda items.

Development Services Director Gutierrez replied it is about having a discussion on a topic in your subject matter jurisdiction.

Committee Member Oliver stated that if he makes a post and other commissioners comment that is not his fault.

Development Services Director Gutierrez replied it is not about it being the originator's fault or the last commenters fault, it's the Committee that will receive the violation. She noted if there are four or more commissioners then that would be a serial meeting.

Committee Member Oliver asked if it was a meeting if he takes a picture of a mural outside and puts it on his Instagram and other commissioners comment.

City Clerk Butler replied it could turn into a meeting and so he must tread lightly.

Committee Member Quinones confirmed it was serial meeting if four Commissioners "like" something with a thumb's up emoji.

Committee Member Swodeck replied technically that is a Brown Act violation.

City Clerk Butler replied they must be very careful and its common sense at the end of the day.

Committee Member Swodeck asked if they could put a picture with a disclaimer.

Development Services Director Gutierrez replied it is not about being responsible or assigning fault, if three people from this body comment it is a violation.

Committee Member Oliver clarified people liking his picture was a violation.

City Clerk Butler replied she doesn't think it would be an issue if someone "likes" something, it's when commissioners start to disclose opinions and meeting details.

Committee Member Quinones commented he can imagine posting the new murals on a Facebook page and the images being forwarded to other handles with a thumbs up or caption of "great example of Committee work." He stated he understands it is a Sacramento thing that needs to change with the times.

City Clerk Butler agreed and shared she hears about folks going to Sacramento to try and update the Brown Act, but it hasn't happened yet. She noted the Brown Act law was passed in the 1950's. She shared she is not on social media and does not police what happens, rather the issues are brought to her or presented at City Council meetings by the people of Pomona.

Committee Member Esparza replied that makes sense because if people know their position and see commissioners talking about something, they are going to report it. He noted that the person reading it may read an item different than the people who are writing it, so they must be careful.

Committee Member Swodeck asked if the City was working on a policy or guidelines that have examples to show what healthy social media activity looks like for elected officials. He stated he read through everything and there was a lot of do nots. He stated he doesn't want people fearful to engage the Cultural Art Advisory Committee because that's the opposite of what the Brown Act is for.

City Clerk Butler replied the only thing the City has right now is the Social Media Policy distributed tonight.

Committee Member Swodeck replied that policy tells commissioners what not to do and has a lot of grey areas.

City Clerk Butler replied this policy is what they have right now and reminded the Committee that they have gone from having nothing to something and she still has work to do. She shared the City Attorney's office asked her to provide this information to all the commissioners and committee members. She advised the committee members to steer clear from back and forth amongst themselves.

Committee Member Swodeck commented he is looking at what they have done in the past that has been beneficial for the community. He shared the gathering of artists, just over a year ago, was a social media campaign. He shared that all six Commissioners were engaging with the public, answering questions back and forth, on social media giving more information, however, technically it was a Brown Act violation because the discussion included comments about whether they liked the arts and what kind of art they might want to look because that was what the artists were looking for. He spoke about not having the capacity for the public to attend meetings and noted they don't video tape meetings. He commented that the Cultural Arts Commission doesn't have something that is adhering to the Brown Act and now the City is shutting down the one avenue that was working.

City Clerk Butler responded she has heard these concerns from other commissions, but at the end of the day as the City Clerk she is just trying to keep everyone out of trouble.

Committee Member Oliver replied they are trying to understand what that line of trouble is.

City Clerk Butler responded in this context all she can say is to be very mindful and use common sense.

Committee Member Swodeck replied common sense is different for every person, so using that rule is a grey area.

City Clerk Butler responded if a committee member notices a conversation or dialogue is starting to happen someone needs to shut it off.

Senior Planner Khan responded if that happens it would be something, the committee could agendize as a discussion item at the next meeting.

Committee Member Swodeck asked if the Commission could notify the public in every meeting that there will be discussion online and provide a period of 72 hours after the meeting on Facebook.

City Clerk Butler replied no.

Committee Member Oliver commented the City is basically saying that the public must wait a month to get the information.

Committee Member Swodeck stated the City has shut ins and all sorts of people who cannot make it to a meeting, as well as, more people who are engaged with the Arts Community than are available to come to meetings, so the Commission doesn't have a way to follow the Brown Act and make sure that information is disseminated.

City Clerk Butler replied she is trying to put some kinds of guidelines in place where there weren't any and this Committee is not the only one with these concerns.

Committee Member Swodeck shared there is a Bill in play right now and are whole groups trying to revise the Brown Act because the ACLU has gotten involved.

City Clerk Butler replied this is a California cities issue and agreed that the Brown Act is very antiquated.

Committee Member Swodeck commented the City of Pomona is choosing to pretend it works.

City Clerk Butler replied they are not pretending it works, its state law.

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that felt cool and exciting, but he noticed there was already a lot of distractions, suc
games and toys. He stated part of him that likes the subdued mural and seeing the M
tones in some of the colors.

Development Services Director Gutierrez stated a recommendation needs to be ma
proposals to produce a final design to come before the Cultural Arts Commission.

Committee Member McAllister commented she loves both. She stated the character
proposal are amazing and has her imagination going. She stated she loves the animal
and agrees with Committee Member Swodeck that it would have a calming effect. Sh
proposal has a larger scale images with exciting images and would be a little brighter
shared she is having a hard time deciding.

Committee Member Oliver commented in the dA mural one of the kids is reading o
coming to life in front of them. He stated when he looks at the both panels, he sees
He stated when one walks into a library they are walking into a world and that is wha
to him. He stated he like the other one and hears what his fellow Committee Membe
kids are not calm in the picture, so he is not sure it will calm kids down.

Committee Member Swodeck agreed that technically the dA mural is calmer as far as
but there is a lot more going on.

Committee Member Oliver replied he likes the discovery of the dA mural and can im
in his daughter when she looks up.

Committee Member Swodeck stated he likes the sense of ownership and likes that th
to kids he knows. He suggested using kids from the homework club of that use the lib
so that 10 years down the road when they are in college those kids could come back a

where to stop would be important for her. She shared as an illustrator she comes across that all the time and stated it would be an easy fix. She noted she likes the idea of two murals.

Athena Hahn shared when she was a kid, she loved reading and spent time at this library, so she is emotionally attached to this project. She stated she focused on the kind of imaginative opportunities that she thought went along with reading for kids. She shared she intentionally didn't want to fill in what their imagination might come up with, so instead she focused on modeling behaviors of community and giving them narrative opportunities and imagery that they could build their own story with. She shared her first experience with art was murals, so this is a special project and she feels honored to have gotten this far.

Chris Toovey asked her about the color palette.

Athena Hahn replied it looks a little more toned down than it really is because of the way the image came through. She shared she is known in her artwork for doing a lot of blaring whites, which makes everything more vivid. She noted her proposal states the books and the children's clothing are going to mirror the big round colorful table, because a lot of people are really attached to that. She replied that punching up the color is not a problem and spoke about the importance of exposing kids to variations of color to build their palettes. She noted color is also culturally relevant because people in different parts of the world have different ideas about where orange and red begin. She noted she works with people from a lot of different countries and likes including that wherever she can.

Committee Member Tessier asked if the words from The Hungry Caterpillar were on the background.

Athena Hahn replied she used that wording as a stand in. She shared she uses text without punctuation or spacing in most of her work because it mimics how words emerge from the page when one is learning to read. She shared she used The Hungry Caterpillar because it came out in 1969 but she also has a list of other children books she could do the same thing with, just running the different titles together. She stated she asked the library staff if they had a printout of the most checked out books per year and that wasn't available so she thought people could participate in the project by providing a list of children's book titles. She shared her concerns about painting that whole wall a single color and not getting it on the books. She stated she understands the idea of having a pointer towards the mural area and has several solutions in mind for that, such as one little kid, a book or a ball. She stated if the wall was text it would be more like wallpaper and if things were pinned on, it would mirror what's going on the bigger mural and whole wing would feel like being inside of a book.

Duane Smith responded when the interior of the library gets painted everything will be moved away from the wall for a day or two on a phased basis.

Athena Hahn asked if a color could be chosen for that wall at that time if everyone agreed.

Committee Member Swodeck replied they could ask them not to paint over the mural.

Committee Member McAllister asked Athena Hahn about the canvas.

Athena Hahn replied it's an uneven block wall and she has concerns about exposure to lead paint or other hazmat issues within that surface of the wall. She shared she went through several options and found a

company that can build very thick canvases that are one inch deep and sixteen feet long for each site. She noted the two books pictured at the end of the mural would be on two-foot wide canvas panels. She reported she received a bid from a local company with insurance to install the mural in half a day and deal with all the hazmat issues. She shared she would produce everything offsite. She stated she knows there are concerns canvas being more delicate but the only way that the mural could be hurt is if someone was very deliberate and that is always a possibility, so she doesn't see that as a weakness.

Committee Member Oliver asked about the panels where the books are.

Athena Hahn replied the panels sit an inch off the wall above the books taking up the entire space.

Committee Member Oliver asked how she plans to keep the pillar canvas from being damaged.

Athena Hahn replied she thought it would be good to do an old book so if anything happens it would just look like wear and tear on the book. She shared she may also apply canvas like wallpaper.

Committee Member Quinones asked if both mural costs were equal.

Assistant Planner Barron replied that the dA project has a proposed budget is $15,000 and Ms. Khan's mural has been proposed at $18,412.

Committee Member Quinones asked the Duane Smith if there could be another wall available.

Duane Smith replied he measured a wall this afternoon as a potential second place, however, it would require some thought that has not been given by staff or the Library Board and it would present its own logistics issues within that room.

Development Services Director Gutierrez responded that the two murals would be separate RFPs and that ties into the art priority list discussion scheduled for the Cultural Arts Commission.

Committee Member Tessier asked Gina Capaldi if the dA had a plan to address the uneven wall.

Gina Capaldi replied they will use a caulking solution to make it flat. She noted they are not taking anything off just adding.

Committee Member McAllister asked Gina Capaldi if they would be painting on site.

Gina Capaldi replied yes, absolutely.

Committee Member McAllister asked if she thought that would be a problem with timing and asked how long she thought it would take.

Gina Capaldi replied she hadn't really thought about that, but they have a team of artists she is supervising. She stated they would be working within the business hours.

Committee Member Swodeck responded that staff come into the library around 6:30 a.m. or 7:00 a.m. every morning to start cleaning and there is usually staff popping in and out until 1:00 p.m. when the library opens. He stated there would be a good piece of the first half of the day to paint and clean up without disrupting. He

shared he asked the library staff about the bookshelves and because they are bolted in, and they will not be pulling those bookshelves off until they do the full painting. He noted the books will have to be covered daily.

Gina Capaldi spoke about the possibility of the dA hosting children's writing programs for adults and children.

Committee Member Oliver commented his sentiments mirror what was said by Mr. Smith. He stated he really likes both pieces but thought the second piece was toned down and he would like it to pop more. He stated he like the first one quite a bit and agreed the children should be browner to reflect what is going on in Pomona. He shared the dA piece made him feel something and would get his vote.

Committee Member Swodeck shared when he takes his son to the library, he is high energy and all over the place, never sitting and reading at the library. He shared they get books and take them home to read and at the library he plays with the blocks, the puzzles, the wavy mirror and other toys. He stated the more docile mural could create a little bit of a calmness on that side and he is wondering if it would activate his son to want to sit down for a moment and read a book. He spoke about the Committee initially wanting something [illegible] work that may have to come before this body.

Committee Member Swodeck asked if he would have to refrain himself if he did a walking tour talking about the murals he helped approve or voted for.

Development Services Director Gutierrez replied she thinks he could point the mural out as examples of artwork in the City, but he wouldn't want to say, "this is the type of project I want to approve".

Committee Member Oliver asked if could post and say "we voted on this and I really like it"

Committee Member Swodeck asked if Committee Member Oliver saying he liked it becomes an opinion.

connection. He stated he really likes both, he loves the storytelling and the connection to children's illustration.

Chris Toovey reported he is on the Board for the dA Center for the Arts and feels there could be a conflict of interest.

Development Services Director Gutierrez replied if that is the case then Chris Toovey should not vote on this item and she recommended he pass the voting duties onto the Vice-Chair and step out of the room for the vote. She took a show of hands to get a consensus for a motion from the Committee. She reported five in favor of moving forward with Ms. Hahn's artwork and one in favor of the dA Center for the Arts mural.

Motion by Committee Member Swodeck, seconded by Committee Member Esparza, carried by a unanimous vote of those present (5-1-1-0), to move forward with Ms. Hahn's mural.

Roll Call Vote: Committee Member Swodeck – aye, Committee Member Quinones – aye, Committee Member Esparza – aye, Committee Member McAllister – aye, Committee Member Tessier – aye, Committee Member Toovey – recused, Committee Member Oliver – nay.

Development Services Director Gutierrez informed Ms. Hahn staff will provide directions about the next step and presenting a final plan before the Cultural Arts Commission.

3. Recommend approval of the selected Pomona Arts Colony Mural Proposal and to request the applicant to submit a Final Design Plan to the Planning Division for Cultural Arts Commission consideration – Discussion.

Alina Barron, Assistant Planner, provided a presentation on this item. (See Staff Report, Item G-3)

David Botello shared the image presented represents a starting point and is a personal piece of his own that includes elements that Magu used in his art, not what will be on the wall. He shared he has been working with Wayne Healy since 1976 and they were young kids together making their first mural together in the third grade using butcher paper and crayons.

Wayne Healy shared David Botello moved away and he didn't see him for twenty years and when they met again in 1975 they were both doing murals independently and decided to work together. He shared they are good friends of Magu and the family and have had a relationship with Pomona and the dA Gallery for the past 15 years.

David Botello shared he went into advertising as an illustrator and Wayne Healy became an aerospace engineer.

Committee Member Quinones made a motion to approve.

Committee Member Swodeck requested to discuss adding more money to the project.

Development Services Director Gutierrez asked if Committee Member Swodeck want to add more money than what the RFP was for.

Committee Member Swodeck replied the artists normally charge anywhere from $40,000-$60,000 but agreed to this price because they want to do this as a tribute.

Development Services Director Gutierrez replied that discussion would happen at the Cultural Arts Commission upon final approval, however, the Advisory Committee could make a recommendation.

Committee Member Swodeck requested his recommendation to increase the dollar amount be added to the motion to increase the dollar amount.

Committee Member Quinones requested Pomona be added on the map.

Wayne Healy spoke about materials they could use to make a flat smooth surface where there used to be a door and window and its cracked.

Development Services Director Gutierrez replied they can explore those options once there is a final design and it's been vetted at the Cultural Arts Commission.

Committee Member McAllister mentioned she investigated full wall scaffolding for that and he thinks it will run about $2,500 for the duration.

Committee Member Toovey recused himself from this item.

Motion by Committee Member Quinones, seconded by Committee Member Tessier, carried by a unanimous vote of those present (6-0-1-0), to approve the selected Pomona Arts Colony Mural Proposal as presented by staff and a recommendation to increase the budget up to $50,000.

Roll Call Vote: Committee Member Swodeck – aye, Committee Member Quinones – aye, Committee Member Esparza – aye, Committee Member McAllister – yes, Committee Member Tessier – aye, Committee Member Toovey – recused, Committee Member Oliver – aye.

Development Services Director Gutierrez stated staff will contact the artists about preparing the final design and for the Cultural Arts Commission. She noted staff are targeting the August 26, 2019 meeting and asked the artists if that would be enough time to prepare a final design, a response couldn't be heard, however, she stated staff would be in touch to pick a timeframe that works.

Chris Toovey returned to the meeting.

ITEM H:
STAFF COMMUNICATION:

Development Services Director Gutierrez reported it's been phenomenal to see the responses from the short list and the art is fantastic. She stated it is very exciting for the future projects.

ITEM I:
COMMITTEE COMMUNICATION:

Committee Member Esparza asked about opening the short list again because he knows a lot of artists that didn't know about it.

Development Services Director Gutierrez replied staff can explore that and recommended that happen at the first of the year to give the process a few months.

Committee Member Swodeck reminded everyone that the dA and AMOCA are two organizations that were vetted and so if the Committee Members have artists that are not on the short list, they could be bring them to one of those organizations.

Senior Planner Khan stated that was intentional. He noted Gina Capaldi wasn't on the shortlist herself, but she was able to come in through the dA because the City did vet the organization.

Development Services Director Gutierrez added those are professional art organizations that have a certain threshold for the artists they are bringing in and that was why they were prequalified.

ADJOURNMENT: Chair Chris Toovey adjourned the meeting at 6:01 p.m. to the regularly scheduled meeting of August 26, 2019 in the City Council Conference Room.

FOR AG

Anita D. Gutierrez, AICP
Development Services Director

Jessica Thorndike, Transcriber
The minutes of this meeting are filed in the Planning Division of City Hall, located 505 South Garey Avenue, Pomona, CA, 91766.