

OFFICIAL MINUTES  
CULTURAL ARTS COMMISSION  
City Council Conference Room  
TUESDAY, AUGUST 13, 2019

A: CALL TO ORDER:

The Cultural Arts Commission was called to order at 6:10 p.m. by Chairperson Joshua Swodeck.

B: PLEDGE OF ALLEGIANCE:

Chairperson Joshua Swodeck led the flag salute.

C: ROLL CALL:

Roll was taken by Development Services Director Anita Gutierrez.

COMMISSIONERS PRESENT:

Chair Joshua Swodeck; Vice-Chair Andrew Quinones; Commissioners Jessica Leon, Venita Reynolds, and Diana Batts.

COMMISSIONERS NOT PRESENT:

Commissioners Jovani Esparza and Denise Marquez.

STAFF PRESENT:

Development Services Director Anita Gutierrez, Assistant Planner Alina Barron, Senior Planner Ata Khan, Planning Manager Gustavo Gonzalez.

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ITEM D:

PUBLIC COMMENT:

**Fabian Pavon**, Parks and Recreation Commissioner, representing District 2, spoke about doing a mural at the Martin Luther King Jr. park. He reported there is an electrical box right in front of the park next to the sign that says Martin Luther King Jr. Memorial Park that would be a good place to put Martin Luther King Jr's face. He noted there is nothing that shows that park is dedicated to him other than the name. He asked how he would go about getting that mural.

Commissioner Quinones asked if he could talk a little on this.

Development Services Director Gutierrez replied he could, but it is not an agenda item.

Chair Swodeck requested to add this to a future agenda as a discussion item. He asked Mr. Pavon if this was discussed at the Parks and Rec Commission or a project that he is personally bringing.

Mr. Pavon replied the Parks and Rec Commission hasn't had it as a discussion item. He shared he had sent emails to the staff that oversee the parks but hadn't gotten much in return.

Chair Swodeck shared Mr. Pavon brought this idea to him earlier and so he asked him to come and speak. He stated he didn't have it as an agenda item because it was a smaller piece as opposed to a mural permit. He requested staff provide Mr. Pavon some direction.

Development Services Director Gutierrez replied she will follow up and inform the Parks and Rec staff. She stated its good timing for this discussion because staff and the Cultural Arts Commission need to figure out how to get some of these smaller projects done, when it's not a mural permit and it's not public arts funds, but still artwork they might want to see. She stated she will connect with Mr. Pavon before the next meeting.

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ITEM E:  
APPROVAL OF MINUTES:

None

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ITEM F:  
PUBLIC HEARING:

None

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ITEM G:  
OLD BUSINESS:

None

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ITEM H:  
NEW BUSINESS:

**1. Approve Request for Proposals, Millard Sheets Fountains – Pomona Mall - Discussion.**

Alina Barron, Assistant Planner, provided a presentation on this item (See Staff Report Item H-1)

- The Millard Sheets Fountains are in the Second Street Pomona Historic Mall between Park Avenue and Gibbs Street.
- The proposed budget is \$150,000 to \$175,000.
- The shortlist eligibility will be targeted to all non-profit organizations and artists with demonstrated skills in mosaic, sculpture or fabrication.
- The proposed release date is this Thursday, August 15, 2019 with a deadline of September 10, 2019.
- The Ad-Hoc Committee review date is proposed for September 11, 2019.
- The Cultural Arts Commission Citizens Advisory Committee recommended the budget be changed to a window of \$175,000 to \$230,000.
- All proposals will include a team of artists with a supervising prequalified artist from the artist shortlist with an outline of preliminary roles, including a professional contractor.
- The professional contractor shall have experience in historic restoration and provide a statement of qualifications.
- Each fountain has a list of mandatory elements to be addressed in the restoration proposal.

- Artists will create an itemized list and cost estimate for restoration of each fountain and the process by which the restoration will occur in line with all relevant historic guidelines.
- The artist will not be limited to the list of mandatory elements and may propose additional restoration work on the fountains but should not exceed the maximum budget.
- These mandatory elements are specific to things one can see visually, but there may be other items included from a construction standpoint.
- The artists and their selected contractor will be expected to conduct additional research as a part of their proposals.
- The submittal proposal requirements include the following:
  - A cover sheet to be filed by the prequalified artists.
  - A narrative as to why the artist is interested in the project, as well as, their planned approach and inspiration for restoring the artwork.
  - A list of artists and outline of their preliminary roles
  - The professional contractor's statement of qualifications.
  - A conceptual restoration plan with an itemized list, details of the restoration process and a cost estimate.
- The evaluation process will include the review of the artists based on the appropriateness for this project, with appropriateness being based on the artist's experience in restorative art, as well as, the statement of qualifications for the contractor, the narrative and the conceptual restoration plan.
- Pictures were displayed of the Millard Sheets Fountains artwork; The Sea Urchin by Albert Stewart, The Blossoming Trees and Horses by Millard Owen Sheets, The Pomona Roman Goddess of Fruit Trees by Jean and Arthur Ames and The Diving Porpoise by John Edward Svenson.
- A map was displayed of the four existing fountains and the local designation outline.
- The historic designation does not outline the entirety of the Pomona Mall.
- Historical images and pictures of the current condition were shown for each fountain along with each list of mandatory elements.
  - The Sea Urchin's list of mandatory elements includes the restoration of the original pillars and the bench that are in front of the fountain.
  - The Pomona Roman Goddess of Fruit Trees list of mandatory elements includes the pillars and a drinking fountain.
- The Millard Sheets Fountains are part of the Pomona Mall, which is a locally registered single historic landmark. As a historic landmark the proposal will go before the Historic Preservation Commission.
- All proposals will be analyzed by staff for consistency with the City of Pomona's 1999 Design Guidelines for Historic Properties and the Secretary of Interior (SOI) Standards for Restoration.
- Artists will be required to use historic references to verify original materials used in scenarios of replacement per the Secretary of Interior standards.
- News article clippings provided by the Pomona Public Library Archive regarding the fountains were displayed and will be included as attachment for the RFP.
- The articles indicate some of the original material that was used in the artwork.
- The general timeline for the restoration of the Millard Sheets Fountains is:

- Began as a discussion item with the Historic Preservation Commission last Wednesday, August 7, 2019
- The RFP is now before the Cultural Arts Commission for approval to release.
- Once the RFP closes the Ad-Hoc Committee composed of members of the Cultural Arts Commission Citizens Advisory Committee will meet with staff to select a finalist to be reviewed by the Cultural Arts Commission Citizens Advisory Committee.
- The final restoration plan will be presented to the Cultural Arts Commission and then go before the Historic Preservation Commission as a Major Certificate of Appropriateness for the alteration of a historic landmark.
- Lastly, the item will go to City Council as a consent item for the budget.
- The Cultural Arts Commission Citizens Advisory Committee recommended the budget to adjusted to a window of \$175,000 to \$230,000. Based on previous experience in construction the Advisory Committee felt there may be more underlying material costs that are not necessarily visible to the fountains, such as plumbing, as well as, their needed to money for the artist budgeted.
- The Cultural Arts Commission Citizens Advisory Committee requested to mandate solar lighting to be placed outside of the fountains. Lighting was also a discussed by the Historic Preservation Commission and they recommended lighting, if it was not a part of the historic landmark itself, which is the fountain.

Development Services Director Gutierrez shared the Historic Preservation Commission discussed the pillars and recommended that the Cultural Arts Commission consider the full restoration of some elements that are not currently part of the fountains, such as the pillars that were removed on the east side. She reported it was split discussion about whether to restore because the fountains are designated without the east side pillars. She shared the Historic Preservation Commission questioned whether something new constituted historic status, since they are not part of the historic designation. She noted this proposal will have to go to the Historic Preservation Commission as part of a Major Certificate of Appropriateness, since it is a designated single historic landmark. She reported the Cultural Arts Commission Citizens Advisory Committee discussed and decided not to include the east side pillars, because of the high cost. She stated the recommended budget is between \$175,000 and \$230,000 and pointed out the final proposal will have to go to City Council as a consent agenda item for final approval of that budget allocation because it is over \$30,000.

Assistant Planner Barron mentioned the review of this RFP will be different in that it will also include a review by staff for the consistency with the Secretary of Interior Standards for Restoration.

Development Services Director Gutierrez added staff will provide their analysis to the Ad-Hoc Committee for them to consider and to ensure that the proposal submitted complies with the Secretary of Interior Standards, because this is a historic landmark.

Commissioner Reynolds confirmed the Historic Preservation Commission wanted the pillars on the west side restored or that they wanted new ones built.

Development Services Director Gutierrez replied they wanted new ones built on the east side, for the fountains that don't have the pillars any longer. She shared there are a few issues in that, because that area

encompasses road right of way and pillars would potentially impact the road width and some parking stalls, as well as, incur additional costs.

Commissioner Reynolds requested to include or agendize the pillars and confirmed they are not in the funding of the fountains.

Development Services Director Gutierrez replied the current RFP include the restoration of the existing pillars; it does not include building new pillars.

Chair Swodeck added it also includes the water fountain that is on the one pillar.

Development Services Director Gutierrez reported the Advisory Committee has some questions about that that process would entail and Committee Member Oliver responded it is probably some power washing and some cleaning. She noted Assistant Planner Barron reported there are some materials that are not original, so it could include the restoration of those materials on the existing pillars and benches.

Senior Planner Khan added the local designation does not include the non-existing pillars, so it would be creating pillars retroactively.

Commissioner Reynolds commented she is pleased to see the budget raised to \$230,000, however she still feels it needs to a wider window. She commented she doesn't see all the work on the fountain and the plumbing being completed for under \$230,000. She requested they discuss adding another \$30,000 because this is a one-time deal and they are probably not going to have an opportunity to restore this again.

Development Services Director Gutierrez replied that is within the purview of the Cultural Arts Commission.

Chair Swodeck asked if there was any public comment on this.

Chris Toovey, Cultural Arts Commission Citizens Advisory Committee, requested to speak. He shared the Advisory Committee discussed a complete restoration and restoring of the original artwork, as opposed to a restoration that brings the sparkle back and makes them a synergistic artwork with a water feature that works because that is an integral part of the design of that art piece.

Commissioner Reynolds responded she sat in on the Cultural Arts Commission Citizens Advisory Committee and agreed about the expense when they were talking about going underneath the slab and travertine tile for the plumbing.

Chris Toovey replied the travertine can be refurbished and doesn't have to be replaced. He shared he has spoken with the last standing members of Millard Sheets studio and they said it is something that can be restored without a complete replacement.

Chair Swodeck shared when the Advisory Committee and staff used estimates from years back as a part of the reasoning for the price breakdown. He noted staff did an increase on those estimates for inflation and

then the Advisory Committee increased that number to include the possibility of some plumbing headaches, as well as, funds for the artists because that is a different concept of mastery than a construction team.

Assistant Planner Barron noted they were from 2016.

Commissioner Reynolds replied she still thinks \$230,000 is too low and she'd like to see the cap as at least \$250,000, however, she respects the Cultural Arts Commission Citizens Advisory Committee recommendation.

Commissioner Quinones replied he doesn't know where to start and how much something like this would cost. He stated he wishes they had more expert opinions from those that do this type of work.

Commissioner Reynolds replied that Assistant Planner Barron and staff have estimates from a professional that looked at the project.

Development Services Director Gutierrez shared the last estimates from 2016 placed the entire project at a little under \$150,000 and then with Committee Member David Oliver's suggestion, who has quite a bit of experience in that similar field, they arrived at the \$230,000.

Commissioner Quinones confirmed that if all the bids say this is not enough, the Commission would have to revisit and redo the RFP.

Commissioner Reynolds replied her understanding is that once the RFP has been posted you can't go back and change.

Development Services Director Gutierrez replied that is correct, so if they didn't get any bids that met the requirements or the budget then staff and the Commission would have to go back and re-adjust and re-release if appropriate. She noted it would just take additional time.

Commissioner Reynolds replied her stance is to increase the budget and get the RFP out there to get qualified artists. She stated she doesn't want to come back and find out they don't have bids because the budget is not high enough.

Development Services Director Gutierrez shared the Advisory Committee discussed the idea of a contingency, like they did on the library mural. She reported that RFP stated additional money could be allocated if substantiated, so the Cultural Arts Commission could add an additional dollar amount for unforeseen mechanical issues.

Chair Swodeck confirmed they would still have the \$175,000 to \$230,000 and then could add \$20,000-\$30,000 more if the artist showed reason.

Development Services Director Gutierrez responded yes, if it is advertised in the RFP so everyone has the same opportunity to explain.



Commissioner Reynolds replied she would be comfortable with a contingency. She asked if the artists would know about the contingency up front.

Development Services Director Gutierrez replied yes, it would be included in the RFP with language that reads something such as "X amount of dollars could be made available to account for additional mechanical issues, but must be substantiated through a detailed proposal".

Senior Planner Khan recommended listing it as a percentage rather than a fixed amount. He stated a contingency of 10% would provide \$17,500 to \$23,000 on top of the current proposed budget.

**Motion by Commissioner Reynolds, seconded by Chair Swodeck, carried by a unanimous vote of those present (5-0-0-2), to amend the RFP add a 10% contingency to the project budget of \$175,000 to \$230,000.**

Roll Call Vote: Chair Swodeck – yes, Commissioner Quinones – yes, Commissioner Leon – yes, Commissioner Reynolds – yes, Commissioner Batts – yes.

Absent: Commissioner Esparza and Commissioner Marquez.

**Motion by Chair Swodeck, seconded by Commissioner Leon, carried by a unanimous vote of those present (5-0-0-2), to approve the Request for Proposal for the Millard Sheets Fountains, Pomona Mall as amended with the contingency.**

Roll Call Vote: Chair Swodeck – yes, Commissioner Quinones – yes, Leon – yes, Commissioner Reynolds – yes, Batts – yes.

Absent – Commissioner Esparza and Commissioner Marquez.

## **2. Tony Cerda Mural Update – Discussion.**

Development Services Director Gutierrez provided a report on this item.

- At the last Cultural Arts Commission meeting there were questions about whether additional dollars could be added to the existing RFP and there was a revised proposal from the artist who was present at the meeting.
- She discussed with legal and the answer is no additional funds can be added. Once an RFP has been released you can't amend it, unless you reopen the entire RFP.
- This RFP is from 2016 and quite a bit dated.
- Planning staff discussed with Parks and Recreation Staff and were told there are roof issues and improvements needed to the overall structure and where the mural would be placed that have not been completed and they do not have a date for these to be completed.
- The draft budget for the original RFP was a maximum of \$12,000, as amended in 2017, with a \$500 allocated for artist design.

- She recommended closing this RFP, because they don't have a clear direction on theme and there hasn't been a commitment or buy in from the community on the new design. Also, she would hate for this artist to continue to redo work on a budget that limits what he can be paid.
- She suggested closing this RFP and paying the artist the \$500 in the RFP for the design work that he has done over the last three years and then regroup as a Commission.
- She suggested hosting community meetings, if necessary, to define the theme and then release a new RFP.
- She noted the current artist is on the short list and could apply again once there is definitive direction on the theme and there are answers about what is happening with that building.

Chair Swodeck asked if there is a way to put in writing that the City must respond, because they were given a two-year window in 2016 for the roof pillars and roof siding to be rehabbed and that hasn't been done. He stated he is uncomfortable hearing "one day we are going to" because they can't do any artwork.

Development Services Director Gutierrez replied that is an option, but the better answer is a more collaborative approach and to have staff work with the Public Works Department to understand when this project is going to be funded and get a realistic timeframe. She stated once they have a start date staff could still build that into the new RFP. She stated right now there hasn't been clear answers and the repairs are not budgeted anywhere.

Commissioner Quinones asked if the new RFP could be more specific and if they could put up new public artwork on pillars, rather than a mural on that restroom.

Development Services Director Gutierrez replied new RFP means they would not be constrained to doing something on that structure, it could be another piece of artwork in the park. She spoke about the new RFP providing targeted direction on the theme, like they did for the Arts Colony and Children's Mural. She stated she thinks that has worked very well.

Chair Swodeck asked if this would still be high on the priority list or if it would go to the bottom.

Development Services Director Gutierrez replied it could remain on the top of the priority list if that is what the Commission wishes. She stated there is more work to be done on this one and because of its history they would need probably need some community engagement at the staff level to get buy in, so it might take a little bit longer than some of the others they have recently done.

Commissioner Quinones suggested working with the Parks and Recreation Commission to host a community workshop.

Development Services Director Gutierrez replied that sounds great.

Commissioner Quinones asked if they would need a motion.

Development Services Director Gutierrez replied they do. She stated it is a discussion item and reiterated her recommendation is to end this RFP, pay the artist the \$500 design fee and direct staff to work towards a new RFP in the future.



Chair Swodeck requested to add a contingency to the motion that community discussions being two to three months out, so that the item doesn't go into next year.

Assistant Planner Barron responded they need to get a definitive timeline from Public Works because they wouldn't want staff to have a community meeting in two to three months and then Public Works tell them it will be another two years.

Development Services Director Gutierrez agreed and stated she would also like to get clarification and direction from the Cultural Arts Commission about what they are looking for before staff go out into the community. She stated they can put this on the September agenda and keep it as an agenda item so they can continue discussing and staff flush out the details.

Chair Swodeck commented at the end of the day the Tribes are not going to be getting along anytime soon. He stated he just wants to make sure that they are activating other neighborhoods, besides downtown, and whether it's a mural, totems, metal sculptures or bringing back the pyramids that used to be on the stage he just wants to activate that neighborhood again, more so than painting the bathroom.

Development Services Director Gutierrez replied it would be great to get those ideas out, as well as, discuss with Parks and Rec before going out in the community for input.

**Motion by Chair Swodeck, seconded by Commissioner Quinones, carried by a unanimous vote of those present (5-0-0-2), to close the RFP and pay the artist the \$500.**

Roll Call Vote: Chair Swodeck – yes, Commissioner Quinones – yes, Commissioner Leon – yes, Commissioner Reynolds – yes, Commissioner Batts – yes.

Absent – Commissioner Esparza and Commissioner Marquez.

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ITEM I:  
STAFF COMMUNICATION:

Development Services Director Gutierrez introduced Gustavo "Gus" Gonzalez as the new Planning Manager for the City of Pomona. She reported he came from the City of Anaheim and will be overseeing the Planning Division. She shared she is the Director of Development Services and she oversees the Planning Division and Building & Safety and so Gus will be managing the Planning Division.

Planning Manager Gonzalez responded he is excited to be here. He shared he loves the arts, is an amateur artist and comes from a family of artists. He stated Pomona is a good place to work and he is happy that the City has an arts program and puts money into the arts.

Development Services Director Gutierrez reported she will remain the Cultural Arts Commissioners main point of contact. She stated Planning Manager Gonzalez will be focusing on the Planning Commission and Historic Preservation. She announced she is expecting twin girls and will be out for several weeks in December/January, so Planning Manager Gonzalez will be covering during that time.

ITEM J:

COMMISSIONER COMMUNICATION:

Commissioner Reynolds shared the 25<sup>th</sup> Art Walk Anniversary was fabulous and beyond her expectations. She shared the throngs of people, the energy of the party and the wrestling showcased arts in the community and put Pomona on another trajectory. She gave kudos Assistant Planner Barron and other staff for working tirelessly on the fountains and stated she is thrilled.

Commissioner Quinones agreed about the 25<sup>th</sup> Anniversary and shared a funny story about the consequences of introducing his three year old to Lucha Libre wrestling. He noted he really appreciates staff because they couldn't do any of this without them supporting their efforts.

Commissioner Batts shared she wasn't at the Saturday Art Walk, because it was her 46<sup>th</sup> wedding anniversary, but she has had a booth in the 400 block since December. She shared it bothered her to see that the photographers only focused on block one and two and that was all that was shown on Facebook, because there are some great artisans in block four and five.

Chair Swodeck replied he will bring that up to Sally Eagan, the DPOA photographer. He agreed the 25<sup>th</sup> Anniversary event was phenomenal.

Commissioner Leon stated she was glad to see more activity where the Lucha Libre area was because it tends to die off right after the DPOA office. She asked if there was a possibility to continue that.

Chair Swodeck replied he attends most of the Joint Op and DPOA Marketing meetings as a member of the public and knows that the permits that have been pulled for Art Walks had always stopped there because there wasn't anything else. He shared that this was a pilot of doing a street closure with a band at the end. He reported Albert from Pomona Antique Mart was exited and spoke to the Mayor about what it would look like to try to activate that side.

Senior Planner Khan asked if the band stage was mid-block or at Gibbs.

Chair Swodeck replied it was almost in front of Persnickety Antiquity, past Metro Ale House & Grill. He reported Metro was open and people were going to dinner there and to Puego the new restaurant, so it activated economics on that side as well.

Commissioner Reynolds asked about the possibility of having Lucha Libre there more often.

Chair Swodeck responded the Fairplex sponsors the Lucha Libre part and he thinks they are going to have Luchadores on the grass area in the fields at the grandstand on the third weekend of the fair.

Commissioner Quinones replied he looks forward to doing a crosswalk project to build a bridge between the two Second Streets.

Commissioner Reynolds requested to add the P tiles at the Civic Center as a discussion item on the next agenda. She stated she wants to talk about getting them replaced.

Commissioner Quinones asked if that was Cultural Arts.

Development Services Director Gutierrez replied she has it noted and is worth a discussion.

Chair Swodeck reported he was a part of the Panel Discussion at the 25<sup>th</sup> Anniversary with a handful of other artists. He shared they had a lot of conversations about the art walk, arts within downtown and art throughout the City. He shared he heard the history of why the arts were activated in the City and found out it wasn't just for beautification, rather to create a community through aesthetics to bring people in together. He stated it was a unique perspective from what one may hear in other cities. He stated it was neat to hear that many of the artists are still around them are very successful with large museums. He commented that is why the Commission does what they do and why they continue to activate our past beautification and economics to be a voice for the people and to allow the City of Pomona to shine.

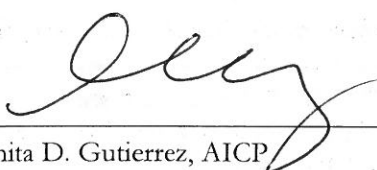
Senior Planner Khan asked if anybody filmed the panel discussion.

Chair Swodeck replied it was filmed by the School of Arts and Enterprise students and he will hopefully get a copy soon. He reported August 24, 2019 is the opening for the Fairplex Millard Sheets show featuring 10 L.A. artists. He shared he has been on the advisory board for Millard Sheets for years and this year they have partnered with LACMA (Los Angeles County Museum of Art), Self Help Graphics and a handful of others. He invited everyone to the free opening and encouraged them to RSVP.

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ADJOURNMENT:

Chair Swodeck adjourned the meeting at 7:03 p.m. to the Special Meeting of August 26, 2019 at 5:30 p.m. in the City Council Conference Room.

  
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.

