



**CITY OF MANHATTAN BEACH
CULTURAL ARTS COMMISSION**

July 8, 2014

**Manhattan Beach City Hall
Council Chambers
1400 Highland Avenue
Manhattan Beach, CA 90266
6:00 PM**

A G E N D A

- A. CALL TO ORDER**
- B. PLEDGE TO THE FLAG**
- C. ROLL CALL**
 - Chairperson Nancy Dunn
 - Vice Chairperson Loli Ramezani
 - Commissioner James Gill
 - Commissioner Russ Samuels
 - Commissioner Jaquelyne May
- D. APPROVAL OF MINUTES**
 - June 10, 2014
- E. CEREMONIAL**
 - None
- F. AUDIENCE PARTICIPATION (3-Minute Limit)**
 - The public may address the Commission regarding City business not on the agenda
- G. STAFF ITEMS**
- H. COMMISSION ITEMS**
- I. GENERAL BUSINESS**
 - 14/0708.1 - Decommissioning Policy for Public Sculpture
 - 13/1112.1 - Harold Roach Sculpture
- J. ADJOURNMENT**

CITY OF MANHATTAN BEACH
MINUTES OF THE CULTURAL ARTS COMMISSION

June 10, 2014

Manhattan Beach City Council Chambers
1400 Highland Avenue
Manhattan Beach, CA 90266

A. CALL TO ORDER

The meeting was called to order at 6:03 PM.

B. ROLL CALL

Present: Chairperson Dunn, Commissioners Gill, DeMaria*, Ramezani and Samuels
*Peter DeMaria ended his term as Commissioner and was succeeded by Commissioner Jacquelyne May during the course of the meeting.

Absent: none

Others Present: Cultural Arts Manager, Martin Betz; Recording Secretary, Linda Robb

C. APPROVAL OF MINUTES

May 13, 2014 – approved with clarification

Commissioner Samuels moved to approve the May 13, 2014 minutes with the clarification that it was Commissioner Samuels who made the statement on page 2 that he believed that the Commission could ask City Council to adopt the LA County decommissioning process.

Commissioner Gill seconded the motion.

Ayes: Commissioners Dunn, Ramezani, Gill, Samuels and DeMaria

Nays: none

Abstain: none

Absent: none

The motion passed.

D. CEREMONIAL

Certificate of Recognition-Peter DeMaria

The Commissioners each thanked Mr. DeMaria for his professionalism, participation, creativity commitment and impact.

Welcome to Commissioner May – Commissioner May gave a short introduction of herself and stated that she would like to see more local artists involved in public art.

Commissioner Dunn spoke about how she would like to run the meetings. She asked the Commissioners to be mindful of speaking over each other. When speaking about a topic,

comments will be given down the line starting from the right. She would like the meetings to be efficient and for the commission to not get caught up in minutiae.

E. AUDIENCE PARTICIPATION

Chairperson Dunn opened the floor to audience participation.

Kraig Kalinich, resident – Mr. Kalinich has previously inquired about the Strand Alcove Bench Program and wanted to come up with a design for the program. The idea is for the residents to contribute together for a bench in the area where they tend to congregate.

Chairperson Dunn closed the floor to audience participation.

F. STAFF ITEMS

Martin Betz – stated that the rebranding of the Creative Arts Center will have to fall in step with the department marketing plan. Currently, the rebranding is being managed by Mr. Betz, along with Deborah Hom and Kristin Yamauchi. Chairperson Dunn asked if the Commissioners were able to submit ideas and Mr. Betz stated that if the Commissioners felt very strongly about an idea, to please submit it. Commissioner Ramezani asked if the rebranding is part of the department marketing plan and Mr. Betz confirmed that it is. Commissioner Samuels asked if a professional consultant was working on the marketing plan and Mr. Betz confirmed.

Harold Roach Sculpture – Mr. Betz had an expert review the Harold Roach art piece for restoration costs. This expert was chosen because of her expertise in salt water environments. The main issues are the bolting down and the paint. One bolt is broken but would be repaired when the sculpture is removed for resurfacing. Since it is an aluminum surface, paint is not recommended. The estimate of \$6200 covers the removal of the current paint and rebolting. The sculpture would need to be waxed every six 6 months to maintain.

Commissioner Gill stated that another piece by Harold Roach around LA that were not painted, rusted horribly. Mr. Betz, stated that one of his pieces was made of steel and was designed to rust.

Commissioner Samuels stated that he would like to hear the history of the piece and of the artist. Commissioner May mentioned that she is familiar with the history and would share it with the Commission.

Decommissioning Process – Mr. Betz presented the City of Albuquerque decommissioning protocol for review by the Commissioners.

Commissioner May stated that she believed that in the State of California, if the artist has donated a piece for public art, the artist retains ownership. Mr. Betz stated that it depends on the contract that was signed. Typically the new contracts that are written give the City sole rights to the piece and copyright.

Commissioner Gill – clarified that when there is anything on the agenda, supporting materials would go out with the agenda

Mr. Betz asked if the Commission would like for him to put together a handbook for review and approval. Commissioner Gill advised to wait until the new CM is on board. Mr. Betz will review the current handbook and update.

Mosaic at comfort station by Paul Tzanetopoulos (artist who did the light poles at LAX). The comfort station is being rebuilt at the pier so the piece will be refurbished.

Commissioner Dunn asked that the Sculpture garden/bench template be put on the agenda and that a copy of the budget be provided at the meetings.

The Company that prepared the Existing items report is giving proposal.

G. COMMISSION ITEMS:

Commissioner Gill announced that MBMS is doing some Wave Art on campus.

Commissioner Ramezani attended the Yarn Bombing exhibition. She stated that some of the attendees were very happy that the Art Center was located in east Manhattan Beach. The Commission should stay aware that East Manhattan Beach needs to be represented as well. If a sculpture garden could be installed on the east side it would be most welcome. Mr. Betz will inquire if that is possible. Commissioner Samuels agrees and supports that idea

Commissioner Ramezani requested that the Commissioners be notified of the exhibits ahead of time so they know what is coming up. At the receptions, the City Council members are recognized but the Commissioners are not necessarily recognized. It would be helpful to be announced to facilitate communications with the artists and the public.

Mr. Betz announced that the format of the exhibitions will be changed. The Parks and Recreation Director, Mark Leyman and the Commission will be notified of all the events for the next two years.

Commissioners Dunn and May attended a 75th anniversary of Grandview Elementary. The Kindergarten through 5th grade students produced a video that can be seen on the PTA website.

H. GENERAL BUSINESS:

None

I. ADJOURNMENT

Chairperson Dunn made a motion to adjourn the meeting. Commissioner Ramezani seconded the motion. The motion passed. The meeting adjourned at 7:04 PM.

Ayes: Commissioners Dunn, Gill, Ramezani, May and Samuels

Nays: None

Abstain: None

Absent: None.

TO:

Members of the Cultural Arts Commission

FROM:

Martin Betz, Cultural Arts Manager

SUBJECT:

Decommissioning Policy for Public Sculpture

RECOMMENDATION:

Staff recommends that the Cultural Arts Commission discuss and provide a recommendation to adopt the proposed decommissioning/deassessment policy.

FISCAL IMPLICATIONS:

There are no fiscal implications.

BACKGROUND:

At the Joint City Council and Cultural Arts Commission meeting held on October 29, 2013, the City Council approved the ability of the Cultural Arts Commission to develop a general decommissioning policy.

DISCUSSION:

Staff researched and evaluated Decommissioning/deassessment policies. Staff developed a policy based on a template provided through the Americans for the Arts. The draft policy (Attachment 1) is based on a national standard and has been adopted by many agencies throughout the county.

City of Manhattan Beach

Decommission/ Deaccession Policy for Public Art

The term deaccession applies to the disposition or exchange of public artworks no longer appropriate for display and to the process by which a decision is made to transfer title of the artwork from one institution to another institution or individual or otherwise move or dispose of the artwork. The City of Manhattan Beach through its Agencies reserves the right to deaccession works of art in its public art collection in the best interest of the public and as a means of improving the overall quality of the City's public art collection.

All meetings in which artworks are recommended for deaccession from the City's public art collection are open to public attendance. Removing artwork from the City's public art collection by deaccession should be cautiously applied only after careful and impartial evaluation of the artwork to avoid the influence or fluctuations of taste and the premature removal of a work from the collection. The procedures within this Deaccession Policy have been assembled with the intent of providing a manual of best practices to be adhered to by the Agencies of the City of Manhattan Beach before, throughout and during the deaccession process.

Criteria for Deaccession of Artworks:

While the intent of the City's Public Art Program's acquisition of artwork is for a permanent or other reasonable lifespan for each artwork, circumstances and/or conditions may arise that make it prudent for the City, on behalf of the public interest, to remove an artwork from public display or to change its original location. In general, it shall be the policy of the City not to remove an artwork from display or relocate it prior to the artwork having been in place for at least five (5) years, unless public safety or other technical circumstances are involved.

After that time, one or more of the following conditions must apply in order for artworks to qualify for permanent removal or deaccession:

- The artwork presents a threat to public safety;
- The condition or security of the artwork cannot be guaranteed, or the Agency cannot properly care for or store the artwork;
- The artwork requires excessive or unreasonable maintenance;
- The artwork has serious or dangerous faults in design or workmanship;
- The condition of the artwork requires restoration in excess of its monetary value or is in such a deteriorated state that restoration would prove either unfeasible, impractical or would render the work essentially false;
- The site for the artwork has become inappropriate or is no longer accessible to the public, it is unsafe, or it is due to be demolished;
- Significant changes in the use, character, or actual design of the site require reevaluation of the relationship of the artwork to the site;
- The artwork is of poor quality or is judged to have little aesthetic and/or historical or cultural value;
- No suitable alternate site for the artwork is available;
- The artwork is a forgery;
- A written request from the artist has been received to remove the work from public display.

Notify Artist

An artist whose artwork is being considered for deaccession shall be notified in a timely manner of the situation or circumstances that has prompted that consideration. Some artwork problems may be resolved after consultation with the artist(s), thereby eliminating the need for convening an Artwork Evaluation Committee. If the issue

cannot be resolved, the artist shall be notified of the committee meeting(s) and shall be invited to speak on behalf of themselves and the artwork.

Organize Committee

Once an artwork problem has been identified and preliminary efforts at resolution have been unsuccessful, the agency's Cultural Arts Commission shall organize an Artwork Evaluation Committee.

The Artwork Evaluation Committee shall include the following members:

- 1) A person appointed by the Commission to head to represent the agency
- 2) A person who represents the agency section that occupies the building where the artwork is sited
- 3) A staff person from the agency's Facilities section, if possible the person who served as Project Director on the initial Art Selection Committee
- 4) Two persons knowledgeable and experienced in the fields of visual art, public art, art history, architecture, or design; one of those persons should have knowledge of artwork conservation
- 5) The agency's Cultural Arts Manager, who shall organize, notice and facilitate the committee meetings

More committee members may be added for technical expertise or to represent more stakeholders. Additional persons may attend the committee meetings and request to address the committee: persons from other governmental entities, interested members of the public, etc.

Prepare Report

The Cultural Arts Manager will prepare a complete report on the artwork for presentation to the committee. The artwork report will begin with a brief explanation describing the artwork, its history and the current problematic situation. The description of the artwork

and its history shall include:

- Title, artist, medium, dimensions and present location of the artwork;
- Acquisition method (direct purchase or commission) and purchase price;
- Provenance of the art work;
- Digital images, photographs or slides of the artwork;
- Detailed report on the current condition of the artwork;
- Appraised current value of the work by two independent consultants, if obtainable;
- Copy of title and other ownership documents for the artwork
- Any additional relevant information regarding the artwork, obtained from the artist, art galleries, curators, appraisers or other professionals

The report shall then fully describe, in a fair and even-handed manner, the situation which led to the necessity for convening an Artwork Evaluation Committee, identifying the applicable artwork condition(s) [see Deaccession Criteria above] that led to the formation of the committee and documenting all efforts at resolution. The report may be sent to the individual committee members for review in advance of the meeting.

Convene Committee

At the Artwork Evaluation Committee meeting, the Cultural Arts Manager shall introduce and identify all of the committee members and ask audience members to introduce themselves. The Administrator shall then restate the main points of report and request a thorough discussion of the issue. Each member shall present their views and participate in the discussion. Members of the audience may speak briefly to contribute suggestions or viewpoints. The committee may adjourn and reconvene at a later time to gather more information or to provide more time for discussion and decision.

Deaccession Methods

The Artwork Evaluation Committee may recommend any of the following courses of action as a result of considering the Cultural Arts Manager Report and after a full discussion of deaccession options. The committee shall not be limited to the listed methods of deaccession but may suggest alternatives appropriate to meet particular circumstances as they arise.

The preferred methods of deaccession are as follows:

- Relocation of the artwork to another site within the agency or to another agency (this method should be given the highest priority) ;
- Removal of the artwork from public display and subsequent storage;
- Sale or exchange of the artwork through the following means:
 1. Offer the artist the right of first refusal to buy back the artwork at a negotiated price appropriate to the artwork's current condition;
 2. Obtain a professional appraisal of the artwork's value and advertise for sale by auction; or
 3. Seek competitive bids for the purchase of the artwork.
- Donate the artwork to another government entity or non-profit, civic, charitable, or cultural organization that will properly install and display the artwork in an appropriate public space;
- Dispose of the artwork using surplus property procedures.

If the artwork is sold, all proceeds from the sale of public artworks shall be deposited into a fund to be used solely for the maintenance of the collection.

Visual Artists Rights Act of 1990 (VARA):

The Public Art Program Deaccession Policy takes into account the Federal regulations set forth in the Visual Artists Rights Act of 1990 and its amendments in any

decisions to deaccession artworks from the city's public art collection. The Visual Artists Rights Act, or VARA, states that "the significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic, or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner." For further information regarding VARA, see United States Code Annotated, Title 17. Copyrights, Chapter 1 – Subject Matter and Scope of Copyright, Current through P.L. 105-153, approved 12-17-97.

TO:

Members of the Cultural Arts Commission

FROM:

Martin Betz, Cultural Arts Manager

SUBJECT:

Harold Roach Sculpture, "Untitled" 1982

RECOMMENDATION:

Staff recommends that the Cultural Arts Commission discuss and provide a recommendation regarding the restoration or decommissioning of the Harold Roach Sculpture "Untitled" 1982 located in front of the library.

FISCAL IMPLICATIONS:

If the commission approves the restoration, a recommendation to allocate \$6,200.00 will need to be put before the City Council.

DISCUSSION:

An estimate to restore the Harold Roach sculpture "Untitled" 1982 developed by Rosa Lowinger and Associates (a conservator specializing in conservation of art works in salt water climates) is attached.

An email from the Roach family requesting that the sculpture be restored to a non-painted condition is also attached.

Commissioner May will present the history of the artwork and its relationship to the city.

ROSA LOWINGER & ASSOCIATES

CONSERVATION OF ART + ARCHITECTURE

5418 Packard Street • Los Angeles, CA 90019

4728 NE Miami Place • Miami, FL 33137

323.377.8425 • 305.573.7011

<http://www.rlaconservation.com>

PROPOSAL FOR CONSERVATION

UNTITLED – HAROLD ROACH

Prepared for: Martin Betz, Cultural Arts Manager
City of Manhattan Beach, CA

Prepared by: Rosa Lowinger, Senior Conservator
Christina Varvi, Associate Conservator
EIN: 26-1841204
rlowinger@rosalowinger.com
cvarvi@rosalowinger.com

Date of Proposal: June 4, 2014

Artist: Harold Roach

Title: *Untitled*

Date: 1982

Dimensions: ca. 6' H; pedestal 2' H

Materials: metal (not copper alloy; exact type to be identified in studio)

Object: Abstract geometric sculpture.

DESCRIPTION & SITING:

The sculpture is an abstract geometric piece consisting of pinwheel clover forms that are cut out of a large diamond shape. Their appearance resembles a paper cut out that has been swiveled. The piece is situated on a low pedestal measuring approximately 24 inches in height. The pedestal is concrete with a small plaque that appears to be bronze with a black painted background embedded into the front. The footprint of the sculpture consists of a circular base that is approximately 18 inches in diameter. The base is affixed to the concrete pedestal with four bolts with what appear to be three-quarter inch heads that may be ferrous metal or galvanized ferrous metal. The material of the sculpture is not clear. It was not magnetic. It may be stainless steel but it has an appearance that resembles aluminum. The particular aspect of the piece that gives such an impression is the matte color of the metal where it was exposed under the paint surface and also that the corrosion is white which is consistent with aluminum corrosion.

It is located within a curbed, landscaped area directly off an entrance road to the airport. There is access to pedestrians, vehicles and exhaust from automobiles and airplanes. The sculpture is surrounded tightly by plantings. Access is difficult.

CONDITION PRIOR TO TREATMENT:

Overall, the piece appears to be structurally sound. The sculpture was painted at some point in the past. At least two repainting campaigns are on record. According to the public art manager, this piece should not be painted and requests that the surface paint be stripped. The current campaign consists of a paint that is blackish gold in color on the triangle form and white on the cut out pinwheel forms. There is paint on approximately 50% of the surface.

One of the bolts that affixes the base to the concrete pedestal is one quarter of the way up from the base. There is a gap in the juncture between the circular base and the pedestal that is most apparent on the right side as you face the sculpture from the street. This gap looks to be about ½” wide at its widest place. There is debris and dirt trapped underneath it. The base of concrete looks like it may have once been painted gray or, alternatively, repairs in gray concrete were performed on it. Fungal growth, oxidation and discoloration, as well as pervasive white mineral deposits or corrosion products are ubiquitous. The front left upper corner of the concrete base has been abraded or chipped as you face the sculpture.

TREATMENT OBJECTIVE: To clean all surfaces, mitigate corrosion and remove paint.

TREATMENT PROPOSAL:

Note: Due to difficult access to the piece in its present location, RLA recommends this piece be worked on offsite.

1. Document treatment using high-resolution digital photography.
2. Rinse with tap water followed by washing with conservation grade detergent. Rinse with distilled water.
3. Remove all paint chemically.
4. Mechanically remove corrosion from exposed metal. If necessary, gently manipulate the surface with a mild abrasive pad to produce a uniform surface. Check with client to make sure that surface texture is approved.
5. Degrease metal with organic solvents.
6. Apply two coats of cold paste wax to protect the surface.
7. Prepare a report detailing the treatment performed and include recommendations for routine maintenance.

COST ESTIMATES:

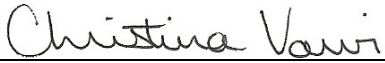
LABOR IS CALCULATED AT THE RATE OF \$125 PER HOUR FOR A CONSERVATOR AND \$85 PER HOUR FOR A TECHNICIAN.

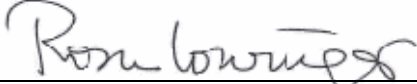
Labor:	\$ 5,800
Materials:	\$ 400
Transport to and from studio:	To be done by client

Total: **\$ 6,200.00**

Prepared by:

Edited & Approved by:


Christina Varvi, Associate Conservator


Rosa Lowinger, Principal & Senior Conservator

ROSA LOWINGER & ASSOCIATES
CONSERVATION OF ART + ARCHITECTURE

June 6, 2014

Linda M. Robb

From: FINKEL PATTY
Sent: Wednesday, July 02, 2014 8:43 AM
To: Martin Betz
Subject: Re: Harold Roach

Hi Martin,
I think it would be a great idea to remove the paint from my father's sculpture and put a clear sealer over the steel
Best regards,
Patty

Sent from my iPhone

On Jul 2, 2014, at 8:15 AM, Martin Betz <mbetz@citymb.info> wrote:

Thanks Patty!
Could you also send me an email stating that you agree with the paint less treatment of the piece?
I am going to push that
Thanks,
Martin

Martin Betz
Cultural Arts Manager
P: (310) 802-5406
E: mbetz@citymb.info



From: FINKEL PATTY [<mailto:>]
Sent: Wednesday, July 02, 2014 8:05 AM
To: Martin Betz
Subject: Fwd: Harold Roach

Hi Martin,
I found a bio on my father
Hope this helps
Best,Patty

Begin forwarded message:

From: FINKEL PATTY <[\[redacted\]](mailto:)>
Subject: Harold Roach
Date: July 2, 2014 7:59:27 AM PDT
To: Patty Finkel <[\[redacted\]](mailto:)>