



City Hall Room 280-A  
455 N. Rexford Drive  
Beverly Hills, CA 90210

## MINUTES

FINE ART COMMISSION  
Regular MEETING  
June 16, 2014  
4:00 PM

The meeting was called to order at 4:03 P.M.

### ROLL CALL

Commissioners Present: Hiller, Kaye, Chalom, Vice Chair Potter, Chair Pressman

Absent: none

Staff: N. Hunt-Coffey, B. Meyerowitz, P. Acuna, L. Foraker

### ORAL COMMUNICATIONS FROM THE AUDIENCE

#### 1. COMMISSION MINUTES

The Minutes of May 15, 2014 Regular Meeting were approved as amended

#### 2. REPORT BY FINE ART COMMISSION STAFF LIAISON (Nancy Hunt-Coffey, Brad Meyerowitz)

- **Information only**

A. The Fine Art Fund is reported at \$ 1,521,391.35. Staff thanked Commissioner Kaye for his diligence in identifying funds that were due to have been moved into the general Fine Art Fund by now. \$162,000 was moved into fund out of the deposit account for a project at 407 N. Maple; the developers selected and installed fine art which was not approved by the Commission, therefore did not satisfy the obligation. Similar circumstances are being examined for additional funds that might be overdue for transfer into the Fund. If all instances prove to be transferrable, the Fund will increase by approximately \$500,000.

B. 9900 and Hilton projects are in the pipeline. The developer's agreements negotiated in 2008 remain in effect.

The 9900 project will deposit \$250,000 into the Fine Art Fund, plus a significant gateway statement along Wilshire, and Santa Monica Blvds. Both aspects must each total a \$250,000 investment. They may include public art, landscaping, fountains.

The Hilton project will bring a \$500,000 payment to the Fine Art Fund, plus one gateway statement, to be located near the intersection

of Wilshire and Santa Monica Blvds That gateway will be \$1,000,000. Again that gateway can include public art and if it does, that art must be brought to the Commission for approval. Chair Pressman asked if there will be coordination between the gateway projects for both properties, since they are close to one another; hopefully there will be some coordination

- C. Lights to illuminate *Erratic* will be installed on June 25th starting at 8:00 am.
- D. The Zwirner Gallery, representing artist Carol Bove, the City's risk management manager, and City Attorney are working out the last issues, those of indemnification and a warranty of workmanship. The City is contracting with the artist, and the artist is contracting the fabricator to construct the piece. If the efforts of the fabricator reveals poor workmanship, at this point, we have no protection. The Gallery is asking for full indemnification from the City; they are concerned that the City will not handle, install, or maintain the work properly once we take full possession of it. The City is comfortable in taking full responsibility for our procedures, but is not comfortable in going forward without some protection from the Gallery, or the fabricator as to the workmanship. Do we contract with the Gallery and the manufacturer separately? We did not expect the issues to take this long. Vice Chair Potter recalled how important it ended up being that we had a warranty agreement with the fabricator of the Kusama.
- E. Mariana Boctor has been hired; she is the graphic designer for Bronze Age and she's agreed to the details of the contract. Unfortunately her father had a stroke and she returned to Canada to see to his care. Plans will resume upon her return.
- F. The City Attorney who was working on the Ordinance experienced a health emergency; she's recovering nicely but slowly. She came back to work and it was decided to wait until she is fully back on track rather than have someone else work on it. To bring another attorney on board would more than likely take more time.
- G. The General Manager of 2 Rodeo has hired an appraiser to do a forensic study of what the fountain would have cost to build at the time of the obligation, to put a dollar amount to what they would have paid for the fountain, in order to determine what they paid the artist for the 2 columns in 1989. Those columns were removed from the property by the owner in 2012, thereby necessitating the owners to either replace the 2 columns, purchase and install a new piece of art, or pay 2/3 of \$191,000 into the Fine Art Fund.  
The General Manager has requested a number of documents, which have revealed some interesting facts. The maximum cap at the time was \$61,000 and since their obligation was \$191,000 there must have been multiple projects triggering multiple obligations. There was also a restriction in place in 1989 that disallowed architectural details, such as fountains, to satisfy any part of the obligation and that is, in fact, part of what is claimed to satisfy the obligation on this property.

- **Other Items**

None

**CONTINUED AND NEW BUSINESS**

**3. RELOCATION OF CONVERSATION BY ALEX MCCRAE**

Chair Pressman, and Vice Chair Potter met with Staff and Susan Gersh, from the Recreation and Parks Commission to consider where else in Roxbury Park, near the Community Center facility, might be appropriate for the relocation of *Conversation* by Alex McCrae. It was decided to leave it in its present location for the moment until a more definitive location is identified; no one wants to move it just for the sake of moving it. Decomposed Granite will be installed around it, as well as creating a border of flowers to set it off.

**4. CONSIDERATION OF LOCATION OF CENTER OBELISK**

Since the vehicle entrance to the parking structure has been reconfigured, there is more space in the planter areas next to the Library and next to the Police Department than before. The Obelisk would look better on either side of the new driveway, than it will if installed in the planter area just to the west of the main entrance to the Library, as it would have more room. Both Commissioners Pressman and Potter recalled that one of the consistent requests of the City Council for approval was that the piece would be visible 360 degrees, which would be the case in either of these new possible locations. The Commissioners would like staff to research which side would be better from an underground services perspective. The piece is currently at Cooke's Crating, where Rosas' team will soon begin their reassessment as to the soundness of the mounting system before beginning the restoration.

**5. DISCUSSION TO DEFINE COMMISSION PROTOCOLS AND PROCEDURES**

1: Motions should be stated in clear language by the person making the motion, and repeated by the Chair.

2: How does the Commission want to bring forth agenda items. Protocol of City Council would allow, at the Commission level, for any Commissioner to be able to put something on the agenda.

Staff would like to formalize how items are brought for consideration; please send request to all staff members. This would guarantee that, if someone is out of town, at least any request would be seen by someone. Staff is ultimately responsible for the agenda, in consultation with the Chair.

Commissioner Chalom favored a hybrid situation whereby anyone can submit an agenda item to the staff, who in turns, confers with the Chair. All items to be included on the agenda would be submitted to staff by the Commissioner 2 Monday's before the meeting.

## COMMENTS FROM COMMISSIONERS

Commissioner wanted to know if there was a schedule by which the project to install decomposed granite around several piece of art had been determined. *Spiral of Life* will go first; the other 3 will follow. Parks crews are ready to begin.

The extra \$10,000 that was approved for maintenance is ready to be allocated for projects. The tracking system is making a switch to go from a calendar to a fiscal year; that will go through soon, at which time we can successfully track the funds.

Priority exercise will be August 21. Please submit choices in time to pre-qualify work with Risk Management. Commissioner Kaye wanted to know if, when a piece is brought for consideration, a potential location for the art should be brought, too.

2 properties are currently out of compliance with their Obligation, and therefore Code Enforcement has notified them of such; Staff will follow up with Code enforcement on a few other properties as well.

Commissioner Hiller wanted to request that "Developer owned FAO Art" be consistently used in the Ordinance and Obligation and whatever publicity we put out to distinguish it from other art installations that have been installed by building owners, but have nothing to do with the Fine Art Commission. Staff requested that rather than Developer Owned FAO Art it be referred to as Developer Chosen FAO Art to remove the subliminal suggestion to the developers that they own the art...they do not own the art. They choose it, and it remains attached to the property in perpetuity. The nomenclature must reinforce that. Developer owned art gives them the idea that they can remove, sell, and change the art, which is incorrect and could be a contributing factor to the root cause of trouble in this area in the past.

## ADJOURNMENT

There being no further business, with the consent of the Commission, Chair Pressman adjourned the meeting at 5:12 P.M.

PASSED, Approved and Adopted

**July 19, 2014**

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Sandra Pressman, Chair