

AGENDA

REGULAR MEETING – WEDNESDAY, SEPTEMBER 14, 2022
VIRTUAL MEETING WITH NO PHYSICAL MEETING LOCATION
6:00 P.M.

During this declared State of Emergency, this meeting will be conducted in accordance with California Government Code Section 54953(e), as authorized by resolution of the City Council. Please contact city.clerk@mountainview.gov to obtain a copy of the applicable resolution. All members of the Visual Arts Committee (VAC) will participate in the meeting by video conference, with no physical meeting location.

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to john.lang@mountainview.gov by 5:00 p.m. on the meeting date. Emails will be forwarded to the VAC and City staff. Please identify the Agenda Item number in the subject line of your email.
2. Provide oral public comments during the meeting.
 - Online: You may join the Zoom Webinar using this link: <https://mountainview.gov/meeting> and entering Webinar ID: 850 3037 7548. You may be asked to enter an email address and a name. Your email address will not be disclosed to the public.

When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified of their turn shortly before they are called on to speak. For instructions on using the “raise hand” feature in Zoom, visit https://mountainview.gov/raise_hand.

- By phone: Dial: 669-900-9128 and enter Webinar ID: 850 3037 7548. When the Chair announces the item on which you wish to speak, dial *9. Phone participants will be called on by the last two digits of their phone number. When the Chair calls your name to provide public comment, if you are participating via phone, please press *6 to unmute yourself.

When called to speak, please limit your comments to the time allotted (up to three minutes, at the discretion of the Chair).

1. **CALL TO ORDER**

2. **ROLL CALL**—Committee members Cliff Bryant, Susi Merhar, Regina Sakols, Tootoo Thomson, Don Whitebread, Vice Chair Toni Hsu, and Chair Jesse Cupp.

3. **MINUTES APPROVAL**

The minutes for the June 8, 2022 and August 24, 2022 meetings have been delivered to Committee members and copies posted on the City Hall bulletin board. If there are no corrections or additions, a motion is in order to approve these minutes.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC**

This portion of the meeting is reserved for persons wishing to address the Committee on any matter not on the agenda. Speakers are limited to three minutes. State law prohibits the Committee from acting on nonagenda items.

5. **UPCOMING AGENDA TOPICS**

This portion of the agenda is reserved for identification of agenda items for future meetings.

6. **UNFINISHED BUSINESS**

6.1 **CIP PUBLIC ART PROJECT UPDATES**

Staff will provide updates on Pyramid Park (CIP Project 17-34), Rengstorff Park Aquatics Center (CIP Project 18-38), Fayette Park (CIP Project 20-48), and Rengstorff Park Maintenance and Tennis Buildings (CIP Project 21-48).

6.2 **ADOPT FISCAL YEAR 2022-23 ANNUAL VAC WORK PLAN**

As required by the City Council, the Committee will prepare an annual work plan to submit to City Council for review and approval in fall 2022. Staff will present the Visual Arts Committee a work plan for consideration and adoption for Fiscal Year 2022-23.

7. **NEW BUSINESS**

7.1 **AB 361 RESOLUTION TO CONTINUE REMOTE PUBLIC MEETINGS DURING STATE OF EMERGENCY**

Adopt a Resolution of the Visual Arts Committee of the City of Mountain View Authorizing Virtual Meetings Pursuant to AB 361 and Making Required Findings, to be

read in title only, further reading waived (Attachment 1 to the Committee Memorandum).

8. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS

No action will be taken on any questions raised by the Committee at this time.

9. ADJOURNMENT

JL/1/CDD

819-09-14-22A

AGENDAS FOR BOARDS, COMMISSIONS, AND COMMITTEES

- The specific location of each meeting is noted on the notice and agenda for each meeting which is posted at least 72 hours in advance of the meeting. Special meetings may be called as necessary by the Committee Chair and noticed at least 24 hours in advance of the meeting.
- Questions and comments regarding the agenda may be directed to the Community Development Department at 650-903-6306.
- **SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990**
Anyone who is planning to attend a meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the Community Development Department at 650-903-6306 48 hours in advance of the meeting to arrange for assistance. Upon request by a person with a disability, agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format.
- The Board, Commission, or Committee may take action on any matter noticed herein in any manner deemed appropriate by the Board, Commission, or Committee. Their consideration of the matters noticed herein is not limited by the recommendations indicated herein.
- **SPECIAL NOTICE**—Any writings or documents provided to a majority of the Visual Arts Committee regarding any item on this agenda will be made available for public inspection in the Community Development Department, located at 500 Castro Street, during normal business hours and at the meeting location noted on the agenda during the meeting.

ADDRESSING THE BOARD, COMMISSION, OR COMMITTEE

- Interested persons are entitled to speak on any item on the agenda and should make their interest known to the Chair.
- Anyone wishing to address the Board, Commission, or Committee on a nonagenda item may do so during the “Oral Communications” part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.

MINUTES

REGULAR MEETING – WEDNESDAY, JUNE 8, 2022
VIRTUAL MEETING WITH NO PHYSICAL MEETING LOCATION
6:00 P.M.

1. CALL TO ORDER

Vice Chair Toni Hsu called the meeting to order at 6:02 p.m.

2. ROLL CALL

Present: Committee members Cliff Bryant, Susi Merhar, Regina Sakols, Vice Chair Toni Hsu, and Chair Jesse Cupp (joined at 6:14 pm).

Absent: Tootoo Thomson (Excused) and Don Whitebread (Excused).

Staff Present: John Lang, Economic Vitality Manager; and Tiffany Chew, Business Development Specialist.

3. MINUTES APPROVAL

The minutes of the April 27, 2022 and May 11, 2022 meetings were distributed prior to the meeting and approved as distributed.

Motion—M/S Cupp/Bryant—Carried 5-0-2; Thomson, Whitebread absent—Approve the April 27, 2022 and May 11, 2022 meeting minutes as presented.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Mary Hodder and Louise Katz, residents of Mountain View and members of Livable Mountain View, provided a brief presentation on the historical significance of artwork located on and at the Chase Bank on 769 West El Camino Real. A proposal for the redevelopment of the bank building exists, and the Livable Mountain View Steering Committee asked the Visual Arts Committee to consider:

- a. Endorse preservation of public art when the funding of public art is discussed;

- b. Creation of a formal mechanism for members of the public to receive notice of this meeting in public places such as the Library, City Hall, schools, and plazas; and
- c. Register their input particularly as the building and public artworks are threatened by demolition.

5. UPCOMING AGENDA TOPICS

Historical Preservation of buildings and artwork.

Public Comment: None.

6. UNFINISHED BUSINESS

6.1 CIP PUBLIC ART PROJECT UPDATES

Staff provided updates on the following projects.

- Pyramid Park, Project 17-34, is going to have a soft opening in June with a park dedication planned for July.
- Mora Park, Project 17-46, will have a Grand Opening event on June 22 at 10:00 a.m.
- Rengstorff Park Aquatics Center, Project 18-38, has started demolition. Existing artwork has been demounted and is being assessed. The VAC will be apprised on the viability to reuse the existing art.
- Fayette Park, Project 20-48, has the contract in processing and will start construction in late July.
- Rengstorff Maintenance and Tennis Buildings (21-48). The two selected artists have met with the Senior and Youth Advisory Committees to obtain input on mural concepts, and staff is working on executing contracts with both artists. At the May 10 City Council meeting, Council awarded a 2% art budget for the project.

Public Comment: None.

7. NEW BUSINESS

7.1 DEACCESSIONING POLICY OR GUIDELINE DISCUSSION

Staff introduced best practice research on deaccessioning criteria. Suggested criteria presented for consideration for inclusion into a policy or guideline included:

- Artwork's physical and structural condition poses a threat to public safety.
- Artwork requires excessive maintenance, has faulty design or workmanship, and repair or remedy is impractical or unfeasible.
- Artwork has been damaged and repair or remedy is in gross excess of aesthetic value, or restoration would prove either infeasible or misleading.
- Significant, adverse public reaction to the artwork has occurred for a period of time.
- The artwork is proved to be inauthentic or in violation of laws.
- The artwork has exceeded its expected lifespan at the time of creation.
- No suitable site is available for relocation or exhibition, or significant changes in the use, character, or design of the site have occurred which affects the integrity of the artwork.
- The artwork can no longer reside in its original location because the original location is altered due to construction, a change of site usage, or sale of the site.
- A written request from the artist has been received to remove the work from public display.

Staff asked for Committee feedback on the suggested criteria along with new ideas or suggestions. Committee feedback included the inclusion of storing artworks that have gone through deaccession, develop a second life program for artwork, historical context of art, and develop a vital records collection for public art.

Public Comment: Hala Alshahwany, a Mountain View resident, would like to see a policy on preserving historical artwork to include the private artwork in public realm in addition to public art in public realm.

7.2 FISCAL YEAR 2021-22 ACOMPLISHMENTS

Staff provided an overview of the current fiscal year accomplishments by Visual Arts Committee. Chair Cupp asked about the Center for the Performing Arts celebration. The item did not happen in the fall of 2021.

Public Comment: None.

7.3 REVIEW DRAFT FISCAL YEAR 2022-23 ANNUAL VAC WORK PLAN

Staff presented a draft work plan for the next fiscal year and sought feedback from the Committee on the proposed work plan. Chair Cupp asked about including staffing into the work plan. Staff recommended including the item in the Art Strategy, which could then be included as a future year consideration in a work plan. Chair Cupp recommended adding an updated Art Map to the work plan. Vice Chair Hsu asked about web statistics for the existing public art page. Last year, there were 1,062 page views and 870 unique views. A Committee member asked that the Public Art Strategy work plan item be separated by the development of the strategy versus implementation action items. Committee member Bryant asked about a pedestrian bridge over Shoreline Boulevard project. The project is delayed and, therefore, is not showing up as a CIP project in the next fiscal year.

Public Comment: Mary Hodder commented on the City's Public Art Map. Would like to see more private-sector art with more details. Also, would like to see a more mobile-friendly version. Hala Alshahwany asked about the location of the Public Art Map on the City website as she was unaware of the resource. Link to the Public Art Map: [Public Art—City of Mountain View, CA \(arcgis.com\)](https://arcgis.com)

7.4 OTHER PUBLIC ART STRATEGY CONSIDERATIONS

Staff reviewed for the Committee a handful of items that have come up in prior discussion related to the Public Art Strategy that warrant further investigation and review.

- Housing for all to support diverse housing mixture and makeup that is attractive to creatives/artists;
- Align land uses to permit/allow/encourage artist studios were appropriate;
- Incorporate artistic elements and mediums to Improve wayfinding in downtown and throughout Mountain View;

- Downtown Posting Boards;
- Artist/functional street furniture;
- Sidewalks/parking lots/alley walls;
- Refine and improve artist jurying process for public art; and
- Develop a Public Art Coordinator position.
- Public Art Fund Development:
 - Sources and uses
 - o Endowments;
 - o Donations; and
 - o Type of Art.
- Document/Inventory public art (City-maintained) and private public art that is publicly accessible.
- Review new initiatives/strategies to be for consistency with the new Council Policy K-5.
- Support and partner with artist organizations.
- Explore Arts Education.

Staff sought clarity and feedback from the Committee on any potential items that were not captured correctly or if items were missing. Committee member Merhar asked for the slides for further reflection and review. Committee member Bryant requested adding language on encouraging residents to create and share art. Staff will bring back select items that need further refinement by the Committee.

Public Comment: None.

8. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS

Staff anticipates that upcoming Committee meetings will be going back in-person most likely by September. Staff is awaiting direction from the City Clerk's Office on timing and process going forward; staff will advise Committee members of direction once known. Staff also reminded the Committee that they have now have access to a shared online document, which has information and links for public art-related news and programs for learning and education purposes only.

9. ADJOURNMENT

Meeting adjourned at 8:04 p.m.

These Minutes are hereby submitted for approval by John Lang, Recording Secretary.

Approved on _____.

JL/1/CDD
819-06-08-22mn

MINUTES

SPECIAL MEETING – WEDNESDAY, AUGUST 24, 2022
VIRTUAL MEETING WITH NO PHYSICAL MEETING LOCATION
6:00 P.M.

1. CALL TO ORDER

Chair Jesse Cupp called the meeting to order at 6:03 p.m.

2. ROLL CALL

Present: Committee members Cliff Bryant, Susi Merhar, Regina Sakols, Tootoo Thomson, Vice Chair Toni Hsu, and Chair Jesse Cupp.

Absent: Don Whitebread (Unexcused).

Staff Present: John Lang, Economic Vitality Manager.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

No public comment.

4. NEW BUSINESS

4.1 AB 361 RESOLUTION TO CONTINUE REMOTE PUBLIC MEETINGS DURING STATE OF EMERGENCY

Motion—M/S Cupp/Merhar—Carried 6-0-1; Whitebread absent—Adopt a Resolution of the Visual Arts Committee Authorizing Virtual Meeting of the Visual Arts Committee Pursuant to AB 361 and Making Required Findings, to be read in title only, further reading waived.

Public Comment: None.

5. **ADJOURNMENT**

Meeting adjourned at 6:08 p.m.

These Minutes are hereby submitted for approval by John Lang, Recording Secretary.

Approved on _____.

JL/1/CDD
819-08-24-22mn

VISUAL ARTS COMMITTEE WORK PLAN
Fiscal Year 2022-23

Title and Description	Key Milestones	Date (per milestone)	Current Status/Notes
Ongoing Work Items			
A. Recommend visual art for the Center for the Performing Arts (CPA) Visual Art exhibition. Promote the CPA visual arts exhibit to the community.	Review and select artists. Promote art exhibitions.	Review and selection of new artists—fall 2022.	New selection process for 2023 exhibits will take place in fall 2022.
B. Provide the City Council with recommendations on the selection of art and artists for qualifying capital improvement projects.	Continue to receive progress updates on Pyramid Park, Fayette Park, Rengstorff Park Aquatics Center, and Rengstorff Park Maintenance and Tennis Buildings. Coordinate grand opening and art unveiling for Fayette, Pyramid, and Rengstorff Parks. Recommend public art for Hope Street Park.	Pyramid—summer 2022. Fayette—winter 2022. Rengstorff—spring 2023. TBD TBD	

Title and Description	Key Milestones	Date (per milestone)	Current Status/Notes
	<p>Recommend public art for Villa Street Park.</p> <p>Recommend public art for the Public Safety Training Facility.</p>	<p>TBD</p> <p>TBD</p>	
<p>C. Continue to collaborate with private and nonprofit organizations on visual arts opportunities.</p>	<p>Discuss and provide recommendations on partnership opportunities.</p>	<p>Ongoing</p>	<p>Continue to build partnership with the Chamber of Commerce to enhance/arts organizations/activate downtown storefronts.</p>
<p>D. Increase outreach for Call for Artists opportunities.</p>	<p>Continue to expand list of local artist groups/organizations interested in visual arts opportunities.</p> <p>Update the City's artist registry tool.</p>	<p>Ongoing</p>	<p>Continue to market and expand list of artists available to participate in requests for art.</p>

Title and Description	Key Milestones	Date (per milestone)	Current Status/Notes
Fiscal Year 2022-23 Work Items			
1. Develop a Public Art Strategy.	Review and discuss the draft strategy. Provide input on the proposed strategy. Assist with community outreach efforts.	Winter 2022	Provide input into a range of strategic initiatives and policy issues dealing with fostering public art in Mountain View.
2. Implement the Mountain View Public Art Strategy.	Develop a work plan for implementation of the Public Art Strategy. Develop Phase 2 of the Sidewalk Studio pilot program, including locations. Review, select, and promote the artwork/program. Review Council Policy K-5 associated with capital improvement projects upon completion of Public Art Strategy to ensure alignment with strategy recommendations.	Spring 2023 Spring 2023 Spring 2023	Following the completion and adoption of the Public Art Strategy.

Title and Description	Key Milestones	Date (per milestone)	Current Status/Notes
	Review VAC responsibilities for consistency with Public Art Strategy to ensure alignment with recommendations.	Spring 2023	
3. Collaborate with the Downtown Committee and Chamber of Commerce (Downtown Advisory Board) on recovery initiatives.	<p>Identify opportunities to support the community recovery process through public art.</p> <p>Develop a Downtown Storefront Pilot Program.</p> <p>Explore Phantom Gallery opportunities for vacant downtown properties.</p>	<p>Ongoing</p> <p>Fall 2022</p> <p>Spring 2023</p>	Continue to build partnership with the Chamber of Commerce to enhance/activate downtown storefronts.
4. Identify different funding opportunities and options (grants, donations, sponsorships, and in-lieu funds) available to support art activations and installations.	Develop funding strategy(ies) to support the implementation of public art programs identified in the Public Art Strategy.	Spring 2023	

DATE: September 14, 2022

TO: Visual Arts Committee

FROM: John Lang, Economic Vitality Manager

SUBJECT: **AB 361 Resolution to Continue Remote Public Meetings During State of Emergency**

RECOMMENDATION

Adopt a Resolution of the Visual Arts Committee of the City of Mountain View Authorizing Virtual Meetings Pursuant to AB 361 and Making Required Findings, to be read in title only, further reading waived (Attachment 1 to the Committee Memorandum).

BACKGROUND

In March 2020, Governor Gavin Newsom issued an Executive Order authorizing exemptions to the Brown Act's teleconferencing rules to facilitate remote public meetings during the declared State of Emergency due to the COVID-19 pandemic. Since March 17, 2020, the City Council and the City's boards, commissions, and committees have conducted their meetings entirely remotely, as authorized by the Executive Order.

Assembly Bill (AB) 361, which became effective on September 16, 2021, allows remote public meetings to continue (under the Brown Act teleconferencing rules exemption) during a state of emergency if State or local officials have imposed or recommended measures to promote social distancing or the legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

Beginning September 28, 2021, the City Council has each month considered the existing circumstances of the COVID-19 pandemic and adopted a resolution pursuant to AB 361 making findings and determining that the City's public meetings may continue to be held remotely for 30 days following the adoption of the resolution. Due to the City Council's summer recess, these findings will need to be made by each legislative body that may be meeting after the City Council's June 28, 2022 AB 361 Resolution expires (July 28, 2022). AB 361 requires that the legislative body consider the circumstances of the emergency and make the required findings every 30 days in order to continue to meet remotely under the Brown Act teleconferencing rules exemption.

ANALYSIS

Despite the relatively high rate of vaccination in Santa Clara County, the risk of community spread of COVID-19 remains persistent. At the beginning of the year, fueled by the rapid spread of the Omicron variant, the rate of infection reached pandemic highs. The infection rate has since declined in most parts of the State, including Santa Clara County. However, the Governor's declared State of Emergency remains in effect, as do public health orders and recommendations to promote social distancing to mitigate the spread of COVID-19.

These public health measures include the County Public Health Officer's recommendation, issued in September 2021, that public bodies meet remotely to the extent possible, which remains in effect. The Public Health Officer based the recommendation on: "the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission." As recognized by the County Public Health Department, COVID-19 continues to pose imminent risks to the health and safety of meeting attendees.

Adoption of the proposed resolution would allow the Visual Arts Committee to continue to meet remotely, without adhering to the regular teleconference rules, for 30 days. If the Visual Arts Committee does not adopt the proposed resolution, it will no longer be exempt from the physical public access, quorum, and public comment opportunity rules applied to teleconference meetings.

JL/1/CDD
819-09-14-22M

Attachment: 1. Resolution

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2022

A RESOLUTION OF THE VISUAL ARTS COMMITTEE OF THE CITY OF MOUNTAIN VIEW
AUTHORIZING VIRTUAL MEETINGS PURSUANT TO AB 361 AND MAKING REQUIRED FINDINGS

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 (later extended by Executive Order N-08-21) suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, on September 16, 2021, the Governor signed into law Assembly Bill (AB) 361, an urgency measure effective upon adoption, that allows government bodies to meet virtually without conforming to the Brown Act teleconferencing rules during a declared state of emergency if: (1) State or local officials have imposed or recommended measures to promote social distancing; (2) the legislative body is meeting to determine whether, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; or (3) the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on September 21, 2021, the Santa Clara County Public Health Officer issued a recommendation, which is still in effect, that public bodies meet remotely to the extent possible "due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides as one means by which to reduce the risk of COVID-19 transmission"; and

WHEREAS, COVID-19 remains a continuing threat to public health; and

WHEREAS, although the rate of infection and hospitalizations has declined since the winter peaks, the declared State of Emergency and public health recommendations promoting social distancing to mitigate the spread of COVID-19 remain in effect; and

WHEREAS, the State of Emergency has caused and will continue to cause imminent risks to the health or safety of persons attending meetings of City legislative bodies, and there is a need to continue to use teleconferencing for public meetings without requiring that all teleconferencing locations be posted on the agenda and accessible to the public; and

WHEREAS, the City Council and the City's boards, commissions, and committees have conducted their meetings virtually since March 17, 2020, first as authorized by Executive Order and subsequently by AB 361; and

WHEREAS, the Visual Arts Committee has determined that it will hold virtual meetings, with all members, staff, and the public participating remotely without a common physical location; and

WHEREAS, as required by AB 361, the Visual Arts Committee has considered the circumstances of the emergency in making the findings and determinations set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Visual Arts Committee of the City of Mountain View that:

1. The Visual Arts Committee adopts the recitals set forth above as findings of fact.
2. The Visual Arts Committee hereby finds that a state of emergency continues to exist relating to COVID-19, and the County Public Health Officer has recommended that legislative bodies continue to meet remotely to promote social distancing as a means to reduce the risk of COVID-19 transmission.
3. The Visual Arts Committee shall only meet remotely in accordance with AB 361, with Brown Act teleconferencing rules suspended.
4. This Resolution shall be in effect for 30 days following its adoption.

JL/1/CDD
819-09-14-22vacr