



## OROVILLE ARTS COMMISSION

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**August 11, 2020  
REGULAR MEETING  
OPEN SESSION 1:00 PM  
AGENDA**

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### COVID-19 AND PUBLIC ACCESS AND PARTICIPATION

With the Governor's Declaration of Emergency for the State of California (Executive Order N-25-20), the Oroville City Council requests the help of the public in preventing the spread of the coronavirus and COVID-19. In light of the social distancing requirements limiting groups to 10 people or less the council chambers will remain closed to the public for the foreseeable future.

#### To View the Arts Commission Meeting:

1. Watch our live feed <https://www.youtube.com/channel/UCAoRW34swYl85UBfYqT7IbQ/>

#### To Participate in the Commission Meeting:

1. Email before the meeting by 11:00 AM your comments to [publiccomment@cityoforoville.org](mailto:publiccomment@cityoforoville.org)

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## CALL TO ORDER / ROLL CALL

Commissioners: David Tamori, Amanda Wentz, Heidi LaGrone, Linda Draper

## OPEN SESSION

- Pledge of Allegiance

## PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

This is the time to address the Commission about any item not listed on the agenda. If you wish to address the Commission on an item listed on the agenda, please follow the directions listed above.

## CONSENT CALENDAR

Consent calendar **items 1 - 2** are adopted in one action by the Commission. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

### 1. APPROVAL OF THE MINUTES

The Arts Commission may approve the Minutes of February 11, 2020.

### RECOMMENDATION

Approve the Minutes of February 11, 2020

## REGULAR BUSINESS

### **2. REQUEST TO EXTEND CONTRACTS – BIRDCAGE THEATRE AND OROVILLE DOWNTOWN BUSINESS ASSOCIATION**

The Arts Commission will consider amending the Birdcage Theatre and the Oroville Downtown Business Association contracts to extend the contract deadlines to December 30, 2020, due to the delays caused by the COVID-19 pandemic.

#### **RECOMMENDATION**

Recommend to the Council the approval of the request to amend the contract with the Birdcage Theatre and the Downtown Oroville Business Association to extend their contract deadlines to December 30, 2020.

### **3. STARBUCKS 2 PUBLIC ART REQUIREMENT AT 3004 OLIVE HIGHWAY**

The Commission will receive information related to the proposed art installation by Starbucks at 3004 Olive Highway to meet their 1% art requirement.

#### **RECOMMENDATION**

Review and comment.

## REPORTS / DISCUSSIONS / CORRESPONDENCE

4. Staff Reports
5. Commissioner Reports

## ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville Arts Commission will be held on October 13, 2020 at 4:00 p.m.

*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

*Recordings* - All meetings are recorded and broadcast live on [cityoforoville.org](http://cityoforoville.org) and YouTube.



Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**February 11, 2020  
MINUTES**

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This agenda was posted on February 7, 2020 at 10:03am. This meeting was recorded and may be viewed at [cityoforoville.org](http://cityoforoville.org)

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## **CALL TO ORDER / ROLL CALL**

Meeting called to order at 4:01pm by Chairperson Tamori.

**PRESENT:** Commissioners: David Tamori, Amanda Wentz, Heidi LaGrone, Linda Draper, Cheri Bunker

**ABSENT:** None

**STAFF:** Assistant City Clerk Jackie Glover, Assistant Community Development Director Dawn Nevers

## **OPEN SESSION**

1. Pledge of Allegiance – Led by Chairperson Tamori

## **PRESENTATIONS**

1. Introduction of Community Development Department Leadership – Assistant City Clerk Jackie Glover introduced new Assistant Community Development Director Dawn Nevers.

## **PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS**

Ted Hanson and Frank Wilson spoke on non-agenda items.

## **CONSENT CALENDAR**

Motion by Commissioner Bunker and second by Commissioner Draper to approve the consent calendar items 1 – 2. Motion passed.

**AYES:** Commissioners Wentz, LaGrone, Draper, Bunker, Tamori  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

### **1. APPROVAL OF MINUTES**

The Arts Commission approved the minutes of December 2, 2019.

### **2. REQUEST FOR A CONTRACT EXTENSION TO SEPTEMBER 30, 2020 FROM STAGE**

The Arts Commission approved a request from STAGE to extend their current contract from January 2020 to September 30, 2020 to allow them to complete the Staircase Mural at the Historic State Theatre.

## REGULAR BUSINESS

Commissioner Bunker left the room

### 4. YOUR VOICE FOR THE ARTS AWARD

The Arts Commission considered the three nomination applications received for the Your Voice for the Arts award and will recommend awardees to the council for final approval.

Motion by Commissioner Draper and second by Commissioner Wentz to recommend to council the Exchange club for the Community Organization "Your Voice for the Arts" award. Motion passed.

AYES: Commissioners Wentz, LaGrone, Draper, Tamori  
 NOES: None  
 ABSENT: Commissioner Bunker  
 ABSTAIN: None

Commissioner Bunker Returned.

Motion by Commissioner Draper and second by Commissioner Bunker to recommend to council Rex Burress for the Individual "Your Voice for the Arts" award. Motion passed.

AYES: Commissioners Wentz, LaGrone, Draper, Bunker, Tamori  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

### 5. REQUEST FOR ADDITIONAL FUNDS FROM THE OROVILLE BEAUTIFICATION AND DOWNTOWN OROVILLE PROJECT FUND

The Arts Commission considered a request from Ted Hanson and Frank Wilson asking for additional funds for the Gold Mine Mural project.

Motion by Commissioner LaGrone and second by Commissioner Bunker to recommend to council the approval of a request for additional funds from Ted Hanson and Frank Wilson for the Mine Shaft Mural. Motion passed.

AYES: Commissioners Wentz, LaGrone, Draper, Bunker, Tamori  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

### 6. NOFA SPECIAL MEETING

The Arts Commission selected February 25, 2020 at 4pm for a special meeting regarding a new NOFA.

## REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Commission Announcements and Reports
  - a. Tamori – Poetry Contest hosted by Butte County Office of Education – all three winners were from Oroville.
2. Future Agenda Items
  - a. The Commission selected Commissioner Draper and Bunker to meet with staff to discuss the Arts Commission Logo for NOFA Funded Projects. This item will be brought back to the Commission at a later date.



- 3. Administration Reports
  - a. Mine Shaft Mural Dedication – February 29<sup>th</sup> at 10am.
  - b. The commission received a balance update from Assistant City Clerk Jackie Glover
- 4. Correspondence -None

**ADJOURN THE MEETING**

Chairperson Tamori adjourned the meeting at 4:42pm.

APPROVED:

ATTESTED:

\_\_\_\_\_  
Chairperson David Tamori

\_\_\_\_\_  
Assistant City Clerk Jackie Glover



## CITY OF OROVILLE STAFF REPORT

**TO: OROVILLE ARTS COMMISSION**

**FROM: DAWN NEVERS, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR**

**RE: REQUEST TO EXTEND CONTRACTS – BIRDCAGE THEATRE AND OROVILLE DOWNTOWN BUSINESS ASSOCIATION**

**DATE: AUGUST 11, 2020**

### **SUMMARY**

The Arts Commission will consider amending the Birdcage Theatre and the Oroville Downtown Business Association contracts to extend the contract deadlines to December 30, 2020, due to the delays caused by the COVID-19 pandemic.

### **DISCUSSION**

The approved contract for the Birdcage Theatre Mural Project was originally scheduled to expire on January 30, 2020. The Birdcage Theatre has submitted a letter requesting that the contract be extended to May 20, 2020. The Arts Commission approved this extension on December 17, 2019.

The Oroville Downtown Business Association has also submitted a request to extend their current Light Pole Project contract agreement deadline from the end of July to the end of August.

Due to the current stage of closure and Butte County's watch list status, staff is recommending to extend the contract to December 30, 2020.

### **FISCAL IMPACT**

None

### **RECOMMENDATION**

Recommend to the Council the approval of the request to amend the contract with the Birdcage Theatre and the Downtown Oroville Business Association to extend their contract deadlines to December 30, 2020.

### **ATTACHMENTS**

Letter – Birdcage Theatre  
Letter – Oroville Downtown Business Association



1740 Bird Street  
Oroville, CA 95965  
530-282-5603  
[www.birdcagetheatre.org](http://www.birdcagetheatre.org)

Dear City of Oroville,

Due to Covid 19 all of our events have been suspended. Can we please get an extension on the remainder of our Arts grants?

Our mural is mostly completed we just need to complete the installation. Our SBF is mostly completed also but as it stands we had to postpone or cancel add productions due to Covid 19.

Please let me know if I can answer any questions or concerns.

Sincerely,

Jennifer Beers

President

Birdcage Theatre

323-821-9411 cell



1360 Myers St.  
Oroville, CA 95965

www.DowntownOroville.com

Socail Media  
@downtownoroville

**Dear City of Oroville Arts Commission,**

We are requesting an extension for our Light Pole Project ODBA agreement #3274-3 due to delays caused by COVID-19.

We originally planned to use Butte College to manufacture our banners, but school closures made it impossible. We then switched to banners.com for production, which added a considerable delay as our artist had to re-communicate the design work and image specifications. This, in turn, halted the production of the banner brackets as they needed the specifications before proceeding.

We are hoping to have the whole project complete by the end of July. To be safe, we'd like to request an extension through the end of August to provide a bit of wiggle room.3:45This is what I wrote for the letter to go with it.

We are currently awaiting the banner's brackets to finish production; everything else is ready to install.

With the recently sent invoice our current fund use is \$22,110.11 our remaining funds equals \$1008.37 allocated for banner brackets, which is what we need the exention for.

**Sincerely,**  
**Krysi Riggs, Downtown Oroville Treasurer**  
**& Downtown Oroville Board of Directors**

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**Board Members:**

President: Robin Zanon- Gallery Interiors, Vice President: Carissa Gaines- Red Fly, Treasurer: Krysi Riggs-The Axiom, Brain Wong- Tong Fong Low & Miner's Alley, Andy Smith- Sierra Gem Co., Karissa Nelson- Nelson's Footwear, Bernadette North- Kusel's Big Store, Debbie Moore- Historical Oroville Inn. Heather Johnson- Langlers Webworks, Ben North- Brushstrokes

**Advisors:**

Bud Tracy, Tracy Realty Co.



## CITY OF OROVILLE STAFF REPORT

**TO: OROVILLE ARTS COMMISSION**

**FROM: DAWN NEVERS, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR**

**RE: STARBUCKS 2 PUBLIC ART REQUIREMENT AT 3004 OLIVE HIGHWAY**

**DATE: AUGUST 11, 2020**

### SUMMARY

The Commission will receive information related to the proposed art installation by Starbucks at 3004 Olive Highway to meet their 1% art requirement.

### DISCUSSION

On August 20, 2013, the City Council approved Ordinance No. 1798, authorizing the City to establish an Art in Public Places / Oroville Beautification policy requiring all new non-residential development projects to install public art equal to one percent (1%) of the estimated construction cost or contribute an in lieu equivalent to the Art in Public Places / Oroville Beautification Fund.

The new Starbucks at 3004 Olive Highway is now under construction, and to meet their public art requirement the applicant has proposed a set of murals on stucco wall panels of the building that would celebrate the Mother Orange Tree. City code requires the art to be at least 1% of the project cost, or \$2,720.

Attached for the Arts Commission’s review is the design for the artwork. Three scales are shown -- On Page 4 the oranges are shown scaled down to about 25%, Page 5 has the scale at about 50%. Another option is to add a caption “badge” describing the meaning of the art.

### FISCAL IMPACT

None

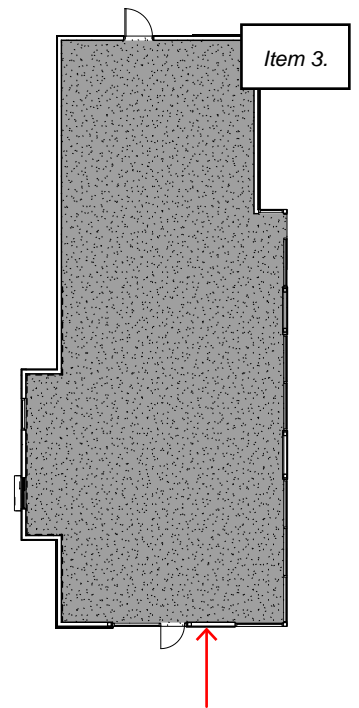
### RECOMMENDATION

Review and comment.

### ATTACHMENTS

Starbucks Public Art as Proposed  
Maintenance Agreement





Location: North Wall



Oroville's  
**Mother Orange Tree**

is the oldest living orange tree in California.

(see Wikipedia, etc for interesting info)

The concept is to depict the stages of growth of an orange tree;

- Blossoms
- Growth of the dark green fruit
- Ripe fruit and next year's blossoms

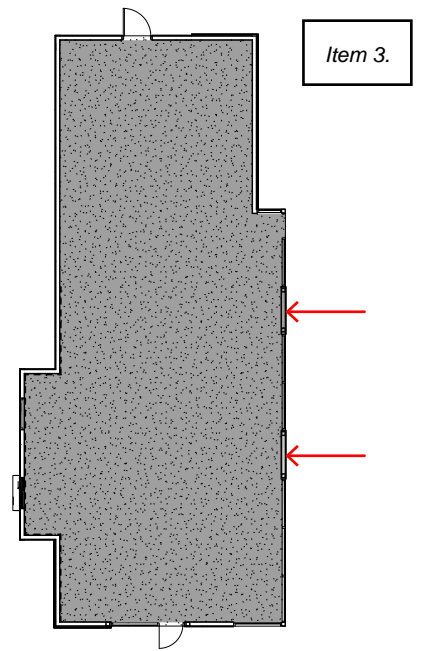
A graphic "badge" or sign might also be incorporated to contain an explanatory caption for each panel.

See page 3 of this pdf for a mockup of a panel with the proposed caption badge.

© John Ton 2020



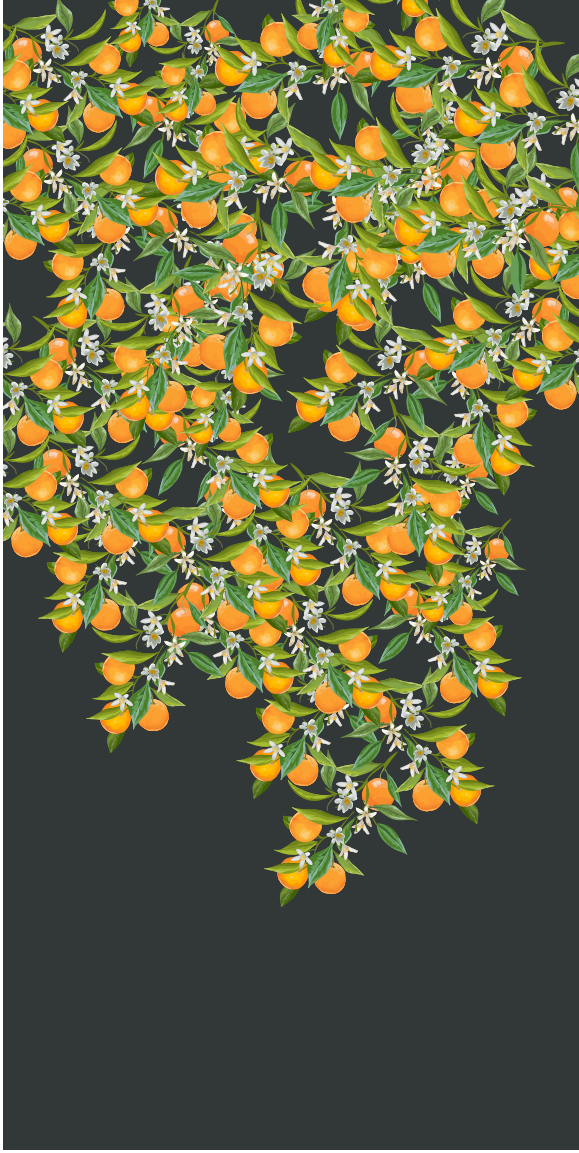
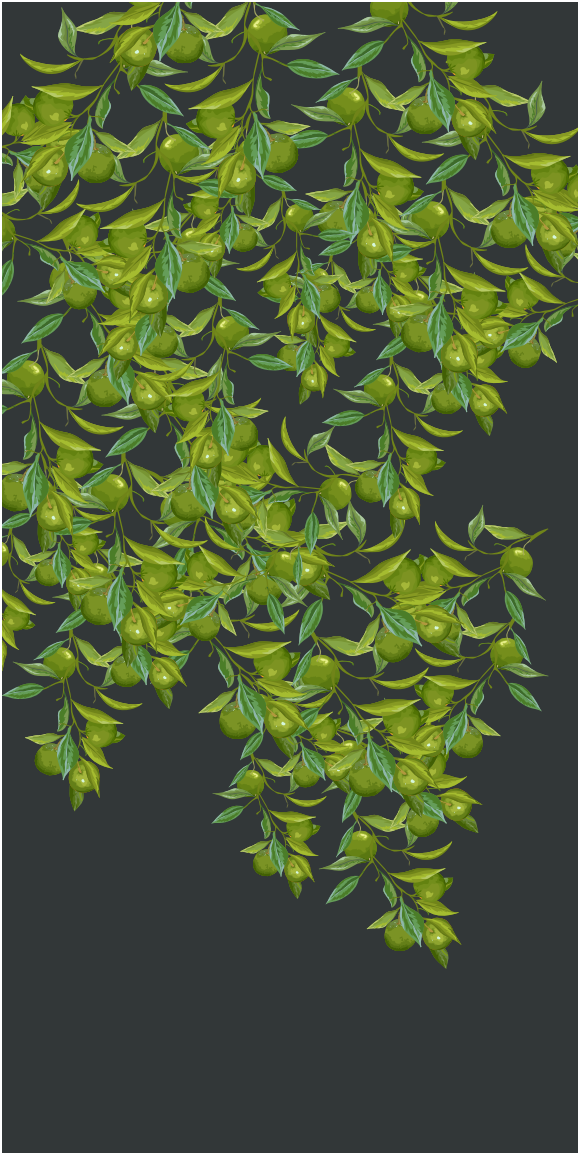
Location: West Walls







# Optional Caption "Badge"



At this scale the oranges would average about 4" diameter



At this scale the oranges would average about 8" diameter

“No Fee Required”  
(Govt. Code Sec 6103 & 27383)  
Recorded for the benefit of  
City of Oroville

Authorized Representation  
**AFTER RECORDING RETURN TO:**

**CITY OF OROVILLE  
CITY CLERK’S OFFICE  
1735 MONTGOMERY STREET  
OROVILLE, CA 95965-4897**

(SPACE ABOVE FOR RECORDER’S USE)

**APN:** 013-300-075

**Address:** 3004 Olive Highway

**CITY OF OROVILLE  
OROVILLE ARTS & DOWNTOWN BEAUTIFICATION  
INSTALLATION AND MAINTENANCE AGREEMENT**

**THIS AGREEMENT** is made this **1st** day of **September 2020**, between **[Property Owner’s Name]** hereinafter referred to as **PROPERTY OWNER**, and the **CITY OF OROVILLE**, a Municipal Corporation, hereinafter referred to as **CITY**, for property, located at **3004 Olive Highway**.

**RECITALS**

THIS AGREEMENT is based upon the following facts:

1. **PROPERTY OWNER** is the owner of real property located at **3004 Olive Highway** in the City of Oroville described in Exhibit “A” attached to this AGREEMENT and made a part of it by this reference.
2. Per CITY Code §17.08.135(G), for any works of art installed on private property, the **PROPERTY OWNER** shall be required to enter into a written AGREEMENT for the installation and maintenance of the artwork. The AGREEMENT shall be in a form approved by the CITY Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The AGREEMENT shall be binding upon the **PROPERTY OWNER** and any successors in interest.
3. On **August 11, 2020**, the City of Oroville Arts Commission reviewed the proposed artwork and forwarded a recommendation to the Oroville City Council for approval.
4. On **September 1, 2020**, the Oroville City Council reviewed and approved the proposed artwork.

**NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:**

1. PURPOSE. The purpose of this AGREEMENT is to assure that the **PROPERTY OWNER** completes the placement of the art in accordance with the approval of the City Council, as specified in Exhibit “B”, and thereafter continues to maintain and care for the

artwork.

2. PROPERTY SUBJECT TO AGREEMENT. The property subject to this AGREEMENT is described in Exhibit "A" attached to this AGREEMENT and incorporated in it by this reference: APN: **(013-300-075).**
3. DUTY TO INSTALL AND MAINTAIN ARTWORK. PROPERTY OWNER agrees to complete the installation of the CITY approved artwork. The PROPERTY OWNER shall diligently maintain and care for the artwork which they install under this AGREEMENT, using generally accepted methods of placement and care. PROPERTY OWNER shall maintain that standard of care necessary to prevent the artwork from deteriorating to the extent that its value as artwork is destroyed.
4. CITY MAY MAINTAIN ARTWORK. PROPERTY OWNER agrees that if they fail to meet the standard of maintenance necessary to keep the artwork in a properly maintained condition, CITY will give written notice of the deficiency to the PROPERTY OWNER, who shall have twenty (20) days to make the necessary correction and, if the correction is not made within twenty (20) days, CITY may elect to take the steps necessary to assure that the artwork is maintained and cared for. To do this, CITY shall serve a notice to the PROPERTY OWNER of its intent to enter the premises for this purpose. CITY shall either personally serve the notice to PROPERTY OWNER, or mail a copy of it by certified mail to the PROPERTY OWNER'S address, as shown in paragraph 7 below, at least fifteen (15) days in advance of the date CITY intends to enter the premises.
5. CITY'S COST OF MAINTAINING A LIEN. If the CITY incurs costs in restoring or maintaining the artwork after following the procedure set forth in Paragraph 4 above, CITY shall make demand upon PROPERTY OWNER for payment. If PROPERTY OWNER fails to pay the costs incurred by CITY within thirty (30) days of the date demand was made, CITY may impose a lien upon the real property described in Exhibit "A" by recording a notice that CITY has incurred expenses under the terms of this AGREEMENT with the County Recorder of Butte County. Such notice shall state the fact that CITY has incurred costs under the terms of this AGREEMENT and shall state the amount, together with the fact that it is unpaid and draws interest at the rate of 7% (percent) a year until paid.
6. ADDITIONAL REMEDIES. CITY may, as an alternative to the lien procedure, set forth in Paragraph 5 above, bring legal action to collect the sums due as the result of making expenditures for restoration and maintenance of artwork. PROPERTY OWNER agrees to pay CITY a reasonable sum of attorney fees and court costs, together with interest from the date which is thirty (30) days after CITY has given its notice under Paragraph 5 above.
7. NOTICES. Notice given by each party to this AGREEMENT shall be given to the other party at the addresses shown below:

CITY: City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965-4897

PROPERTY OWNER: [Name and Address]

8. ADDITIONAL REQUIREMENTS.

The PROPERTY OWNER hereby agrees to the following:

- a. Warrants that the artwork created and installed is a faithful rendition of the artwork as approved by the CITY.
- b. Shall ensure that any artwork approved by the CITY is provided with adequate scheduled routine maintenance necessary to maintain a neat and attractive appearance.
- c. To expeditiously maintain, replace, or repair any artwork that has become unsafe or unsightly, or within 20 days when notified in writing that maintenance, replacement, or repair is required.
- d. To allow random inspection of artwork by a CITY representative.
- e. To keep all artwork policed and free of litter and deleterious material.
- f. All work by or on behalf of PROPERTY OWNER will be done at no cost to the CITY.
- g. The artwork shall remain in substantial conformance as approved by the Oroville City Council. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to the review and approval of the Oroville Arts Commission. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to the review and approval by the Oroville City Council.
- h. Removal of artwork under this agreement shall be removed as specified under §17.08.135(l) of the Oroville Municipal Code.

9. MISCELLANEOUS TERMS AND PROVISIONS.

- a. If any provision of this AGREEMENT is adjudged invalid, the remaining provisions are not affected.
- b. Notice to PROPERTY OWNER will be considered to have been given to them when sent to their address stated above (Paragraph 7).
- c. This writing contains a full, final, and exclusive statement of the AGREEMENT between the parties.
- d. If there is more than one signer of this AGREEMENT as PROPERTY OWNER(S), their obligations are joint and several.
- e. The obligations upon the PROPERTY OWNER(S) signing this AGREEMENT terminate personally as to them when they convey their interest in the property



and files for record with the County Recorder a copy of assignment to this AGREEMENT. In this case, the new PROPERTY OWNER(S) takes title subject to the requirements of this AGREEMENT.

- f. If the installation of the work of art is delayed by adverse weather conditions, or any other cause beyond the PROPERTY OWNER’S reasonable control, then the installation date shall be extended for such reasonable time as agreed upon by all parties to this AGREEMENT.
- g. PROPERTY OWNER agrees to comply with all federal and state laws, and local ordinances that pertain to the creation and installation of the artwork.
- h. In the event of litigation relating to this AGREEMENT, the prevailing party shall be entitled to receive attorney’s fees from the losing party.

10. AGREEMENT ATTACHED TO THE LAND. This AGREEMENT pertains to and runs with the real property described in Exhibit “A”. This AGREEMENT binds the successors in interest of each of the parties to such real property.

CITY OF OROVILLE: BY: /s/ \_\_\_\_\_  
Bill LaGrone, City Administrator

DATE: \_\_\_\_\_

PROPERTY OWNER: BY: /s/ \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

PROPERTY OWNER: BY: /s/ \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

A Public Notary must acknowledge PROPERTY OWNERS' and CITY'S signatures. If PROPERTY OWNER is a corporation, partnership, or other business entity, the Notary must acknowledge the signature as well as the person's relationship to the business.

EXHIBIT "A"

A LEGAL DESCRIPTION OF SAID PROPERTY MUST ACCOMPANY THIS AGREEMENT AS EXHIBIT "A" PRIOR TO RECORDATION (PROVIDED BY PROPERTY OWNER)

EXHIBIT "B"

THIS AGREEMENT SHALL ACCOMPANY THE OROVILLE ARTS & BEAUTIFICATION APPLICATION THAT CONTAINS A DETAILED DESCRIPTION OF THE ARTWORK, INCLUDING DRAWINGS WITH DIMENSIONS, DESCRIPTION OF MATERIALS, AND CONSIDERATIONS FOR LONGEVITY, CONSERVATION AND MAINTENANCE AS APPROVED BY THE CITY COUNCIL MUST ACCOMPANY THIS AGREEMENT