

Folsom City Council Staff Report

MEETING DATE:	11/10/2020
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10552 – A Resolution Accepting the Proposed “Shell of Thrones” Sculpture and Approving the Location of the Art Piece at the Steve Miklos Aquatic Center
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council Approve Resolution No. 10552 – A Resolution Accepting the Proposed “Shell of Thrones” Sculpture and Approving the Location of the Art Piece at the Steve Miklos Aquatic Center.

BACKGROUND / ISSUE

The City was first contacted by artist, Geo Graening who attended the September 12, 2019 Arts and Cultural Commission meeting and spoke from the floor to ask about the City’s interest to accept a donation of his sculpture entitled, “Shell of Thrones.” Since then, City staff have remained in contact with Mr. Graening regarding this initial offer to donate this sculpture to the City.

Pursuant to the City’s Art Donation Policy, staff has reviewed the application and supporting documentation for the proposed donation and found that the application is complete (Attachments 3 - 5). This item was presented to the Arts and Cultural Commission at their September 10, 2020 meeting and received unanimous approval with a recommendation to bring it before the Parks and Recreation Commission. At the October 6, 2020 Parks and Recreation Commission meeting, the commission voted unanimously to approve the location of the art piece at the Steve Miklos Aquatic Center.

POLICY / RULE

The City of Folsom Art Donation Policy as approved by Resolution No. 8509 states that “all proposals for donations of art to the City shall be reviewed by the Folsom Arts and Cultural Commission for recommendation to the City Council.”

ANALYSIS

Mr. Graening, a local artist, spoke from business from the floor at the September 12, 2019 Arts and Cultural Commission meeting to present his proposal of wanting to donate the Shell of Thrones sculpture to the City of Folsom with the intent to place it at the Steve Miklos Aquatic Center. After that meeting, staff and the artist remained in contact and now that the City is proceeding with the renovation of the second phase of the Steve Miklos Aquatic Center, it is great timing for consideration of this proposal.

The Shell of Thrones sculpture is a large scallop shell made from marble aggregate, white sand, white Portland cement, steel rebar, and chopped fiberglass. It stands 7-feet tall, 8-feet wide and 4-feet deep. It is estimated to weigh 5,000 pounds. The artist would like to donate this sculpture to the City of Folsom to help beautify the aquatic center and give swimmers, visitors, and families a unique rest area with a photographic focal point.

Mr. Graening specializes in 3-dimensional sculptures and works out of his home studio in Folsom. He combines his training in biology and engineering to produce organic art forms that mimic natural growth forms and earth processes. The Shell of Thrones sculpture has an approximate value of \$20,000 and would require annual maintenance which would include pressure washing and possible buffing of the shell at an annual estimated cost of \$300. This would be paid for out of the existing budget from the Aquatic Division and Community Cultural Service Fund (Fund 219) which is available for public art maintenance.

With the addition of this public art piece, it brings the City-owned pieces to 31 works of art that are owned and maintained by the City. There are also privately owned art pieces that exist in the public realm that can be viewed when at the Palladio and other private businesses and developments that are owned and maintained by others.

With the approval from the City Council for acceptance of the proposed art sculpture, staff will prepare a donation agreement and work with Mr. Graening on its execution and implementation of the project.

FINANCIAL IMPACT

Project installation will be funded by the City of Folsom at an estimated cost of \$10,000 and will be added to the scope of work during the renovation project at the Steve Miklos Aquatics Center. There will be minimal annual maintenance expenses that will be necessary for general upkeep of the sculpture that will be paid for out of the Parks and Recreation Department budget and/or the Community Cultural Service Fund (Fund 219).

ATTACHMENTS

1. Resolution No. 10552 - A Resolution Accepting the Proposed "Shell of Thrones" Sculpture and Approving the Location of the Art Piece at the Steve Miklos Aquatic Center
2. Resolution No. 8509 – Art Donation Policy
3. Donation of Art Application
4. Site Map

5. Image of sculpture, "Shell of Thrones"

Submitted,

Lorraine Poggione, Parks & Recreation Director

ATTACHMENT 1

Resolution No. 10552

RESOLUTION NO. 10552

**RESOLUTION ACCEPTING THE PROPOSED “SHELL OF THRONES” SCULPTURE
AND APPROVING THE LOCATION OF THE ART PIECE AT THE STEVE MIKLOS
AQUATIC CENTER**

WHEREAS, the City Council adopted the Arts and Cultural Master Plan and Goal 7 of the plan is to encourage the development of public art; and

WHEREAS, Geo Graening would like to donate a sculpture to the City of Folsom; and

WHEREAS, the Shell of Thrones Sculpture would be placed at the Steve Miklos Aquatics Center at an estimated cost of \$10,000; and

WHEREAS, the Folsom Arts and Cultural Commission reviewed the application and voted unanimously to accept the art sculpture; and

WHEREAS, the Parks and Recreation Commission voted unanimously to accept the proposed placement of the art piece.

WHEREAS, sufficient funds are available in the Community Cultural Service Fund (Fund 219) for annual maintenance of the sculpture; and

WHEREAS, the donation agreement will be in a form acceptable to the City Attorney.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom approves the acceptance of the “Shell of Thrones” sculpture and placement of the art piece at the Steve Miklos Aquatic Center.

PASSED AND ADOPTED this 10th day of November 2020, by the following roll-call vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):
ABSTAIN: Council Member(s):

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Resolution No. 8509 – Art Donation Policy

RESOLUTION NO. 8509

**A RESOLUTION APPROVING AN ART DONATION POLICY FOR THE
CITY OF FOLSOM**

WHEREAS, the City Council recognizes that the expansion of arts and cultural activities will benefit the residents of Folsom; and

WHEREAS, the City Council approved Resolution No. 7856 in 2006 adopting the Arts and Cultural Master Plan Update; and

WHEREAS, the City Council and the Arts and Cultural Commission believe that art placed in public sites or in public buildings increases the aesthetic appeal and beauty of such public sites and buildings, and of the City in general; and

WHEREAS, a well defined Arts Donation Policy will benefit the City of Folsom.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom hereby approved the attached Art Donation Policy.

PASSED AND ADOPTED on this 23rd day of June 2009, by the following roll-call vote:

AYES: Council Member(s): Morin, Sheldon, Starsky, Miklos

NOES: Council Member(s): None

ABSENT: Council Member(s): Howell

ABSTAIN: Council Member(s): None



Stephen E. Miklos, MAYOR

ATTEST:



Christa Schmidt, CITY CLERK

DONATION OF ART TO CITY OF FOLSOM

(Approved by Resolution No. 8509)

1. **The Folsom City Council and the Folsom Arts and Cultural Commission (FACC)** have determined that the expansion of arts and cultural activities within the City will benefit the citizens and will further economic development of the City. The City believes that art placed in public sites or in public buildings increases the aesthetic appeal and beauty of such public sites and buildings, and of the City in general.
2. **Statement of Purpose:** The purpose of this policy is to set forth standardized policies and procedures for consideration and acceptance of donated artworks offered to the City by a donor.
3. **Statement of Policy:** It is the policy of the City to methodically evaluate proposed donations of artwork displaying high aesthetic and technical competence to add to its collection that meet the provisions of the policy.
4. **Review and Acceptance Procedure:** All proposals for donations of art to the City shall be reviewed by the FACC for recommendation to the City Council.
 - a. Any donor wishing to donate artwork to the City must submit an application to the Parks and Recreation Department in the form attached hereto. The application shall be accompanied by the following:
 - i. Photo, plans, model, or maquette of proposed donation
 - ii. Technical description of the work
 - iii. Any special care, maintenance, mounting, or display requirements
 - iv. Artists resume
 - v. Statement of value of the proposed donation
 - vi. A document showing that the artwork is free of encumbrance.
 - vii. A release of ownership
 - b. City staff shall review the application and supporting documentation for the proposed donation. Upon finding that the application is complete, City staff shall place the application on the FACC agenda for consideration.
 - c. The FACC shall review the application for donation and shall make a recommendation to the City Council for acceptance or rejection of the donation. In considering the acceptance or rejection of donated artwork, the FACC shall consider the following areas:
 - i. Style and nature of the artwork. The art should add significantly to the balanced inventory of the City's collection, representing a variety of style, design and media.
 - ii. Professional and technical competence with which the artwork was executed.
 - iii. Durability of artwork. The art should be of satisfactory physical condition, be sufficiently durable as to not be easily damaged or destroyed, should not require restoration or extensive long term conservation, and should be of a physical size and weight that it can be managed in storage, transport and public display without difficulty.
 - iv. Overall quality and excellence of the artwork. The art should be an original creation, and be of high quality and a high level of artistic excellence.

- v. Overall appropriateness of the artwork in the context of the City's existing collection and available display locations. The art should be consistent with and relevant to the civic interests and broad variety of tastes within the Folsom community.
- vi. Installation and ongoing maintenance costs. The artwork should not require extensive installation or maintenance costs unless these costs are being donated with the work. The composition of the artwork shall be of a permanent durable and (if an outdoor placement) weather resistant material that requires a low level of maintenance.
- vii. Projects that reflect the rich history of the Folsom community are encouraged.
- viii. The artwork will not portray themes that may be interpreted as derogatory as to race, religion, sexual orientation, natural origin, or physical or mental disability.
- ix. Public safety concerns, if any. The artwork's physical or structural condition may not pose a threat to public safety.

5. The Responsibility of The FACC:

- a. Advise the City Council of the artistic merit and value of paintings, sculpture, drawings and other art offered to the City as donations.
- b. Advise the City Council regarding appropriate public sites or buildings for display of such art, in conjunction with any City department which has responsibility for planning or maintaining the proposed location.
- c. The recommendation of the FACC shall be presented to the City Council at a regular meeting of the City Council. The City Council shall review the recommendation of the FACC and may, thereafter, accept or reject the donation.

6. Acceptance of Artwork: If the City Council votes to accept the donated artwork, the artist shall enter into a written donation agreement satisfactory to the City Attorney.

- a. Upon execution of the donation agreement by the artist, title, possession, and all rights to the artwork shall be assigned and transferred to the City of Folsom.
- b. Acceptance of a donated artwork shall not obligate the City under any circumstances to display the artwork in any facility or on any property. Art accepted into the City collection is done with the condition that the City reserves the right to display the artwork on either a permanent or temporary basis, and to store the work when not on display, all in the City's sole and complete discretion.
- c. No art donation will be accepted with the condition the art will be displayed in any manner, place, or perpetuity.
- d. Unless agreed to in writing, the City is not obligated to maintain accepted artwork in any specific manner.
- e. Art being considered for donation to the City Art in Public Places Program must conform to the tenets of the approved Art in Public Places Guidelines.

7. Valuations or Appraisals: The City does not provide valuations or appraisals of art being donated to the City. The value of a work should be presented by the donor to the City at the time of donation. It is the responsibility of the donor to furnish a valuation to the appropriate government tax agency.

8. **Rights:** The artist shall assign and transfer to City all rights to the artwork donated to the City, including but not limited to intellectual, copyright, and photographic property rights.
9. **Removing (Deaccessioning) Artwork:** Removal should be a seldom-employed action that operates with a strong presumption against removing works from the collection. Removal will be undertaken only in extreme circumstances, and primarily when the condition of the artwork makes conservation impossible for technical or financial reason.
 - a. Artwork may be removed from the City of Folsom's art collection following review by the staff or FACC if:
 - i. The artwork's physical or structural condition poses a threat to public safety.
 - ii. The artwork requires excessive maintenance, has faulty design or workmanship, and repair or remedy is impractical or unfeasible.
 - iii. The artwork has been damaged and repair or remedy is impractical or unfeasible.
 - iv. The condition or security of the artwork cannot be reasonably guaranteed.
 - v. Significant changes in the use, character or design of the site have occurred which affects the integrity of the artwork.
 - vi. Significant, adverse public reaction has continued unabated over an extended period of time.
10. **Waiver of Rights:** Artist(s) will waive against City, its City Council, boards, commissions, officers, agents and employees, and all of their respective successors in interest, any and all rights which Artist(s) may have or which are created under California Civil Code Sections 980, etc seq., the Federal Visual Rights Act, and all other similar laws, and agree that under no circumstances will title and rights to the Artwork revert to Artist(s), their heirs, legatees, assignees or personal representatives.
11. **Notification:** The City shall attempt to notify Artist(s), in writing at the address set forth herein, of its intent to sell, remove or destroy the Artwork at least 30 days prior to the intended date of sale or removal/destruction; however, such notice shall not be required if an emergency situation exists in which public safety is in jeopardy.
 - a. It shall be the responsibility of the donor to provide the Parks and Recreation Department with a current address for purposes of notification regarding the donation. For the purposes of notification, the City will attempt to send a certified letter to the donor, notifying the donor of changes related to the status of the donation (i.e. a need to remove, relocate, or comply with conditions set forth in this Policy).

ATTACHMENT 3

Donation of Art Application



FOLSOM
CITY OF
RENEGATIVE INSPIRATION

City of Folsom Donation of Art Application

(Please complete this application as fully as possible)

Submittal Date: August 19, 2020

Project Name or Art Title

Shell of Thrones

Date of Creation: Month: January Year: 2019

Proposed Location/Address

1200 Riley Street, Folsom, CA 95630

Steve Miklos Aquatics Center

Proposed Donor

Gary "Geo" Graening

Phone: (916) 452-5442 **Email:** geo@geo-art-studio.com

Address: ~~485 Faithome Lane~~ 520 Wallingford Lane

City: Folsom **Zip:** 95630

Reason for donation

To help beautify the park facilities and give swimmers a playful rest area and photographic focal point.

Artist Name: Gary "Geo" Graening, Sculptor

Address: 520 Wallingford Lane

City: Folsom **Zip:** 95630

Description of Artwork (Include finish, and color)

"Shell of Thrones" is a stylized bench/alcove made out of reinforced concrete that was cast inside a fiberglass mold.

Approximate Weight: 5,000lbs

Approximate Dimensions: 7' High x 8' Wide x 4' Deep

Maintenance, Mounting or Display Requirements


The sculpture should be mortarted to a reinforced concrete foundation (minimum of 48 inches of reinforced concrete).

Approximate Value: \$20,000.00

(The City of Folsom will acknowledge receipt of the donated artwork without valuation for tax purposes. The donor must find other means of establishing the value of the artwork)

Approximate Annual Maintenance Costs: \$ 100 to 300 (pressure wash)

I have read and agreed to the terms of the Arts in Public Places Donation Policy:

Signature  Date 8/20/2020

Printed Name Gary "Geo" Graening

Please attach

- Photo, plans, model or other representation of proposed artwork
- Artist biography
- Signage proposed for the artwork, including size, lettering and material
- A document showing that the artwork is free of encumbrance
- A release of ownership letter by the donor.
- A copy of the purchase and sale agreement or transfer document if artwork was previously purchased or acquired from the original artist

Artist Biography

G.O. "Geo" Graening

Education

1991 Bachelor of Arts in Creative Studies, University of California at Santa Barbara, College of Creative Studies

1994 Master of Science in Engineering, University of Arkansas at Fayetteville.

2000 Ph.D. in Biological Sciences, University of Arkansas at Fayetteville.

Showings

March 4-8, 1991, Senior Exhibition, College of Creative Studies Art Gallery, UC Santa Barbara

January 10-20, 2005, Phoenix Gallery, 1801 L Street #211, Sacramento (group show)

October 1- November 30, 2018, Big Stump Brewery, Sacramento

July-August 2019, California Fine Arts Exhibit, Cal Expo, Sacramento (juried show)

June-present, 2020, Bushnell Gardens, Granite Bay

Bio

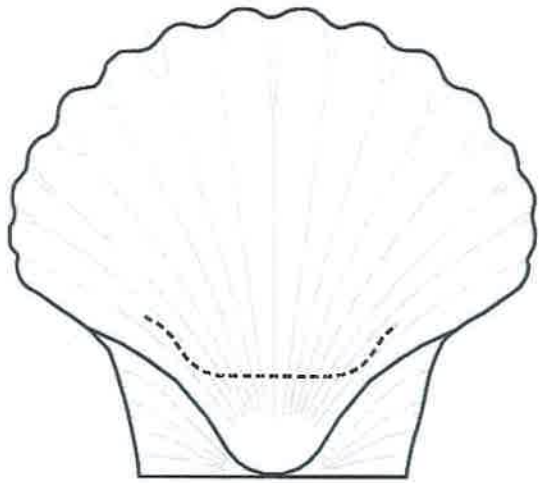
Geo Graening is a 3-dimensional artist who works out of his backyard studio in Folsom, California. He combines his training in biology and engineering to produce organic art forms that mimic natural growth forms and earth processes. Sources of inspiration are fractal patterns, seashells, Greco-Roman statuary, and the physical properties of raw materials.

Creative concepts are explored by drawing on graphite and paper, and then models are constructed in hand-formed clay or carved in rigid foam. Once a sculpted shape is finalized and sealed in resin, fiberglass molds are constructed around the model. Once the fiberglass molds are finished and bolted together, the hollow form is filled with a proprietary blend of ultra-white concrete. The casting is then polished with grinders.

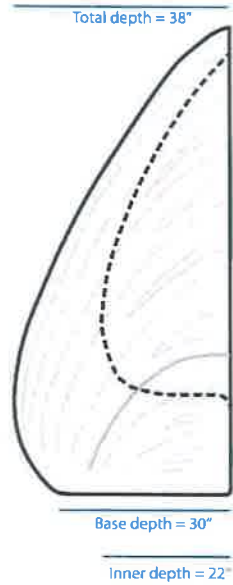


Geo's Art Studio

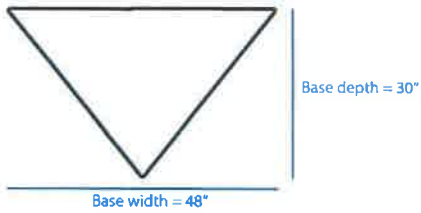
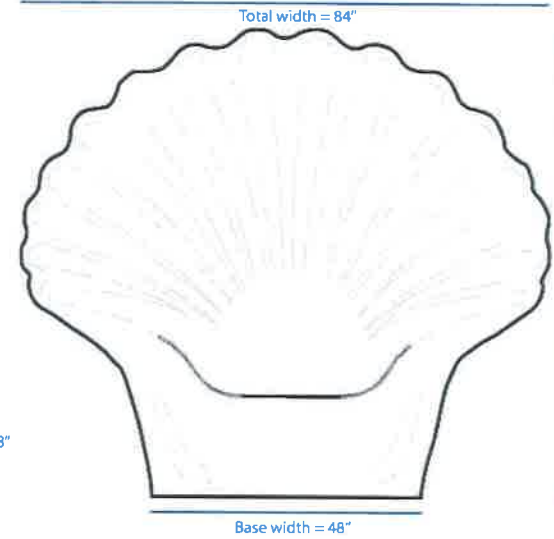
Profile View: Back



Profile View: Side

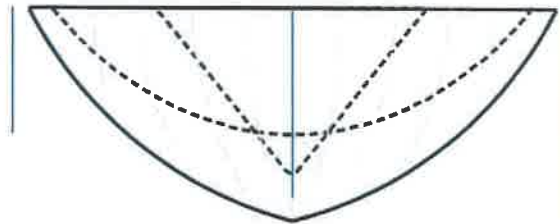


Profile View: Front



Plan View: Base only

Inner depth = 22"



Plan View: Entire

**Dr. Gary O. "Geo" Graening
Geo's Art Studio
(916) 452-5442
520 Wallingford Lane, Folsom
ggraening@gmail.com**



Release of Ownership for Art Donation: "Shell of Thrones"

I am the creator and owner of the cast concrete scallop sculpture entitled "Shell of Thrones."

I hereby release ownership of this sculpture to the City of Folsom.

I am donating this sculpture to the City of Folsom and I am not receiving any monetary compensation.

I waive rights and claims against City of Folsom, its City Council, boards, commissions, officers, agents and employees, and all of their respective successors in interest, any and all rights which donor may have or which are created under California Civil Code Sections 980, et seq., the Federal Visual Artists Rights Act, and all other similar laws, and agree that under no circumstances will title and rights to the artwork revert to donor(s), their heirs, legatees, assignees or personal representatives.

The estimated retail cost of the sculpture is \$20,000.



Gary O. "Geo" Graening

August 27, 2020
Date

ATTACHMENT 4

Site Map



Folsom Aquatic Center

Shell of Thrones
Location

ATTACHMENT 5

Image of Sculpture, "Shell of Thrones"

Shell of Thrones

Product Details

- Dimensions: 7 feet tall, 8 feet wide, 4 feet deep
- Weight: 1.5 tons.
- Construction method: concrete cast in fiberglass molds
- Materials: marble aggregate, white sand, white Portland cement, steel rebar, chopped fiberglass
- List Price: \$20,000.00





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