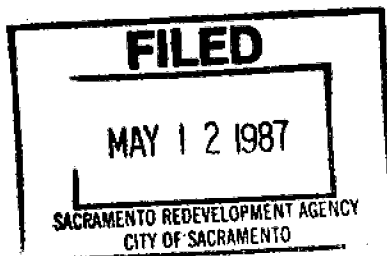
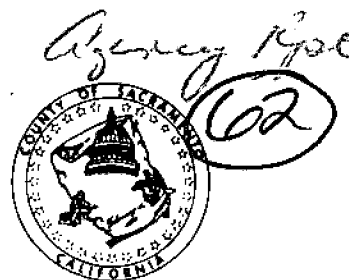
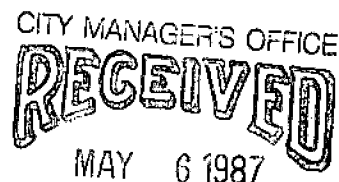




**SACRAMENTO
HOUSING AND REDEVELOPMENT
AGENCY**



May 4, 1987



Redevelopment Agency of the
City of Sacramento
Sacramento, California

Honorable Members in Session:

SUBJECT: Report Back on Reno Club Mural

SUMMARY

This report summarizes an arrangement reached between City and Agency staff, and local artists regarding mural artwork on the recently acquired Reno Club at 415 12th Street. Essentially, the arrangement provides that the 2% Art in Public Places Program funds generated by a new development on the Reno Club site would be used to commission replacement mural artwork of a size suited to the scale and magnitude of the new development. The arrangement also will have the lead artist for the new mural be the lead artist of the existing Reno Club mural, Mr. Armando Cid.

BACKGROUND

In March 1987, the Council requested a report back on the future of the existing mural on the Reno Club building. This artwork, "The Celebration of La Valentina", was painted on the south wall of the Reno Club and was funded as part of a City CETA program in the late 1970's. The building known as the Reno Club is slated for demolition as part of the Alkali Flat Redevelopment Project Area Implementation Strategy adopted July 17, 1984 by Resolution 84-045. (See location map labeled Attachment 4). The demolition is part of a larger project which the Agency and the Project Area Committee undertook in 1986 to remove blight and assist in the revitalization of 12th Street.

Staff and City officials subsequently met twice with artists who expressed interest in the Reno Club mural artwork and preservation of Chicano mural artwork in Sacramento. The meetings were held on April 2, and 16, 1987. A list of those in attendance at the subject meetings is attached as Attachment 5.

District 1
(1) 5/12/87

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the City of Sacramento
May 4, 1987
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As a result of the two subject meetings, both the Agency and City prepared legal opinions on Section 987 of the Civil Code of the State of California related to the destruction of publically financed artwork. Both legal opinions are attached to this report. (See Attachments 1 and 2). Essentially, both legal opinions concluded that Section 987 of the Civil Code does not prohibit the demolition of the Reno Club or the subject artwork.

Agency staff agreed that the 2% Art in Public Places Program funds generated by a new development on the Reno Club site could be used to commission a replacement artwork as part of the new subject development.

Agreement was also received on the recommendation that the lead artist of the existing mural artwork, Armando Cid, be designated the lead artist for the replacement artwork. The Sacramento Metropolitan Arts Commission (SMAC) was asked to seek confirmation from their board to formally assure that Mr. Cid would be the artist by sole invitation. The SMAC staff presented their recommendation for a sole artist invitation to the Art in Public Places Committee on April 29th. On that date the committee approved the recommendation and scheduled it for the full commission at its regular meeting on May 13, 1987.

Agency staff intends to proceed to draft a Request for Proposal (RFP) for a new development on the subject site which would incorporate appropriate language relative to the arrangement set forth in this report. However, in order to complete other projects in process, including the 520 9th Street rehabilitation project; the self-help housing program; the historic building infill program and potential development of the 11th/G Street property, the time for preparation and release of a Request for Proposal for the subject property along with the former Thunderbird Motel and Center City Motel properties would probably be early 1988.

Based on this arrangement, the Agency intends to proceed with the demolition of the Reno Club and subject mural and clear the site for future new development. Bids for the demolition work were received on April 21, 1987 and actual demolition is to begin approximately May 15, 1987. This new development would provide for a designated lead artist, specifically Armando Cid, to develop suitable artwork in conjunction with the size and magnitude of the proposed project.

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On April 6, 1987, the Agency received a copy of a letter written by Mr. Cid which confirmed the process being carried out and the recommendations being carried forward. This letter is labeled Attachment 3.

The SMAC staff agreed to inventory mural art work in the City and research policies and methods of preservation of such artwork.

FINANCIAL DATA

Funding for the replacement artwork as part of the new development will be provided by a private developer as part of the 2% Art in Public Places Program.

RECOMMENDATION

This report is for information only and no action is necessary.

Respectfully submitted

William H. Edgar

WILLIAM H. EDGAR
Executive Director

0038Q

TRANSMITTAL TO COUNCIL:

Walter J. Slupe

WALTER J. SLUPE
City Manager

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SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

ATTACHMENT 1

April 3, 1987

TO: Andy Plescia, Deputy Executive Director
FROM: Dwight L. Moore, General Counsel
SUBJECT: Reno Club Demolition

In accordance with your request, I have reviewed whether or not Civil Code Section 987 is applicable to the demolition of the building located at 415 -12th Street, Sacramento.

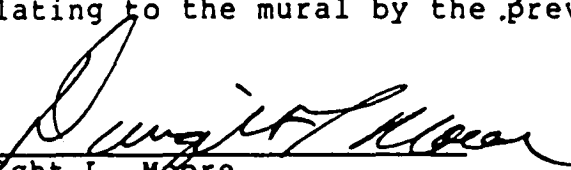
As I understand the facts, the Redevelopment Agency acquired the subject building on February 12, 1987 and is preparing to totally demolish building in the near future. Since there is a mural on an exterior wall of the building, the artist of the mural has requested that the mural be saved under Civil Code Section 987. That Section requires that no person, except the artist who owns his or her work of fine art, shall intentionally destroy or alter or mutilate a work of fine art. Under Civil Code Subsection 987(h), there is an important exception which reads:

"(h) Removal from building; waiver. (1) If a work of fine art cannot be removed from a building without substantial physical defacement, mutilation, alteration, or destruction of such work, the rights and duties created under this section, unless expressly reserved by an instrument in writing signed by the owner of such building and properly recorded, shall be deemed waived. Such instrument, if properly recorded, shall be binding on subsequent owners of such building."

I have been informed that the mural cannot be removed from the building without its total destruction. In addition, the title report on the property where the building is located does not show that a written instrument concerning the mural was ever recorded.

Andy Plescia
April 3, 1987
Page 2

In view of subsection 987(h), it is my opinion that Civil Code Section 987 does not prohibit the demolition of the subject building by the Agency, since there is no written instrument relating to the mural by the previous owners of the property.


Dwight L. Moore
General Counsel

DLM:dt

WPP25(L)



APR 13 1987
 APR 13 1987

OFFICE OF THE
 CITY ATTORNEY

CITY OF SACRAMENTO
 CALIFORNIA

812 TENTH STREET
 SACRAMENTO, CA
 95811-2694

JAMES P. JACKSON
 CITY ATTORNEY

April 13, 1987

916-449-5340

THEODORE H. KOBEY, JR.
 ASSISTANT CITY ATTORNEY

DEPUTY CITY
 ATTORNEYS:
 SAMUEL C. JACKSON
 WILLIAM P. CARNAZZO
 LAWRENCE M. LUNARDINI
 GARLAND E. BURRELL, JR.
 DIANE B. BALTER
 RICHARD F. ANTOINE
 TAMARA MILLIGAN-HARMON
 LINDA M. GONZALES

MEMORANDUM

TO: Wendy Ceccherelli
 Executive Director
 Metropolitan Arts Commission.

FROM: Diane B. Balter
 Deputy City Attorney

RE: Mural

You have asked whether Sections 987 and 989 of the Civil Code afford any protection to an original mural which is painted on the exterior wall of a building owned by the Redevelopment Agency and scheduled for demolition. I am told that the mural cannot be removed from the building without substantial physical defacement, mutilation, alteration or destruction.

Neither Section 987 or 989 protects such a work. Section 987(h)(1) provides:

If a work of fine art cannot be removed from a building without substantial physical defacement, mutilation, alteration, or destruction of such work, the rights and duties created under this section, unless expressly reserved by an instrument in writing signed by the owner of such building and properly recorded, shall be deemed waived. Such instrument, if properly recorded, shall be binding on subsequent owners of such building.

Section 989(e)(1) provides:

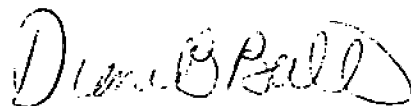
If a work of fine art cannot be removed from real property without substantial physical defacement, mutilation, alteration, or destruction of

6.2

Wendy Ceccherelli
Executive Director
April 13, 1987
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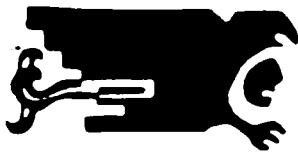
such work, no action to preserve the integrity of the work of fine art may be brought under this section. However, if an organization offers some evidence giving rise to a reasonable likelihood that a work of art can be removed from the real property without substantial physical defacement, mutilation, alteration, or destruction of the work, and is prepared to pay the cost of removal of the work, it may bring a legal action for a determination of this issue. In that action the organization shall be entitled to injunctive relief to preserve the integrity of the work of fine art, but shall also have the burden of proof. The action shall commence within 30 days after filing. No action may be brought under this paragraph if the organization's interest in preserving the work of art is in conflict with an instrument described in paragraph (1) of subdivision (h) of Section 987.

Because the subject work of art cannot be removed from the wall without injury, neither the artist nor any established arts organization has a statutory right to prevent the work's destruction.



DIANE B. BALTER
Deputy City Attorney

DBB:rmm



La Raza Bookstore y Galería Posada

April 6, 1987

Joe Serna, Jr.
Councilman, District 5
City of Sacramento
915 I Street, Room 205
Sacramento, CA 95814

Dear Joe:

I want to take this opportunity to thank you for your assistance in preserving the rights of neighborhood artists and the neighborhood mural projects that have historically been a part of the Alkali Flat downtown area. Chicano artists have been major contributors to Sacramento's Art in Public Places program.

As you are well aware, the Reno Cafe has been purchased by the Redevelopment Agency and is scheduled for demolition in the very near future. During meetings conducted with you in our office in the Alkali Flat neighborhood we stated our position that the Reno Cafe mural should be preserved. This mural was one of the very first murals of the CETA art program in the late 1970's. I was the supervising artist on the project sponsored by various neighborhood groups and the RCAF. During our various meetings you suggested that a solution should include meeting with the Redevelopment Agency staff and coming to agreement on the following points:

1. That we abandon our efforts to save the mural on the existing Reno Cafe building. While this decision was difficult for us to accept, we agree with your analysis that the mural would be difficult to preserve, given its current condition and the importance of this property to the Redevelopment Agency, and the City of Sacramento.

2. That we work with Agency staff and require that any new building on this site be conditioned to provide a replacement mural of like size by the original artists of the Reno mural.

(8)

Councilman Joe Serna, Jr.
April 6, 1987
Page 2

3. That Chicano artists and I be assured, in policy, that we will not be subject to bidding competition requirements, or art juries for the selection of either working artists or design criteria. That design criteria will be a matter of discussion and negotiation between ourselves and the eventual developers of any future new building on site.

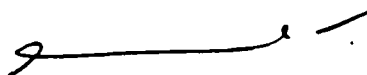
4. That the City of Sacramento conduct an inventory of all murals and other public art work in order to preserve their lasting artistic contributions to our community.

I am enclosing, for your information, State statute requirements that call for the preservation of public art work.

Once again, we want to thank you for your solutions to this potentially controversial issue in the neighborhood, and look forward to working with you, the City Council, and the Redevelopment Agency staff in the future.

Our meeting with Mr. Plescia on your advice was productive, and we wish to thank him and his staff for their support.

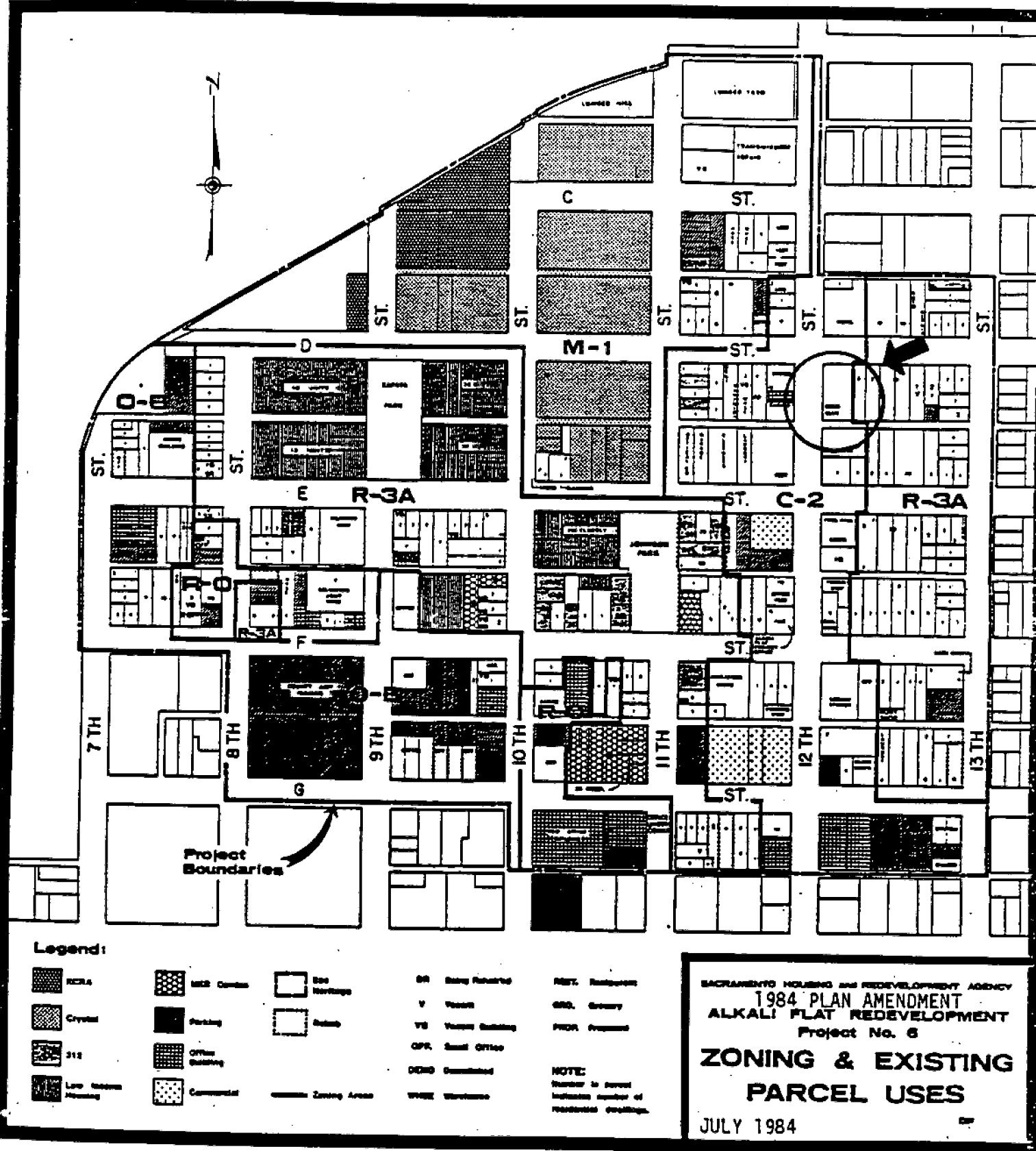
Respectfully,



Armando Cid

cc: Mayor Rudin
All Councilmembers
Walter J. Slipe, City Manager
Andy Plescia, SHRA
Tim Quintero, Alkali PAC

encl.



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ATTACHMENT 5

LIST OF MEETING ATTENDEES

Councilperson David Shore
Councilperson Joe Serna
Andy Plescia, SHRA Deputy Director
Cathie Shotsal, Administrative Aide (Shore)
Armando Cid, Artist
Jose' Montoya, Artist
Phillip Santos, Artist
Tim Quintero, PAC Director
Trish Davey, Chief Neighborhood Development
Wendy Ceccherelli, Arts Program Director
Kim Heckes, Arts Program Assistant
Betty Kosman, SHRA Planner

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