



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Meeting Agenda

### Arts and Culture Advisory Commission

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Thursday, July 16, 2020

4:00 PM

City Council Chamber, 2nd Floor, Merced Civic  
Center, 678 W. 18th Street, Merced, CA 95340

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#### NOTICE TO PUBLIC

##### WELCOME

At least 72 hours prior to each regular Board/Commission meeting, a complete agenda packet is available for review on the City's website at [www.cityofmerced.org](http://www.cityofmerced.org) or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relation to an open session item that are distributed to a majority of the Commission will be available for public inspection at the City Clerk's Office during regular business hours.

##### **PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE BOARD/COMMISSION CLERK**

Members of the audience who wish to address the Commission are requested to complete a speaker card available at the podium against the right-hand side of the Council Chamber. Please submit the completed card to the Board/Commission Clerk before the item is called, preferably before the meeting begins.

##### **INDIVIDUALS WITH DISABILITIES**

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

##### **A. CALL TO ORDER**

##### **B. PLEDGE OF ALLEGIANCE**

##### **C. ROLL CALL**

##### **D. PUBLIC COMMENT**

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 3 minutes. State law prohibits the Board/Commission from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

##### **E. CONSENT CALENDAR**

Adoption of the Consent Calendar may be made by one motion of the Board/Commission, provided that any Member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

- E.1. [20-367](#)      **SUBJECT:** Arts and Culture Advisory Commission Minutes of January 23, 2020

**REPORT IN BRIEF**

Arts and Culture Advisory Commission Minutes from the meeting of January 23, 2020.

**RECOMMENDATION**

**Arts and Culture Advisory Commission** - Adopt a motion approving and filing the Arts and Culture Advisory Commission minutes of January 23, 2020.

**F. REPORTS**

- F.1. [20-368](#)      **SUBJECT:** Request from NAACP, the Hispanic Chamber of Commerce, and WeCed to Place a Street Mural on a Selected City Street

**REPORT IN BRIEF**

Discuss the possibility of adding a Black Lives Mater Street Mural on a selected City Street.

**RECOMMENDATION**

Provide staff direction on next steps.

**G. BUSINESS**

- G.1. [20-373](#)      **SUBJECT:** Update on Establishing an Arts and Culture Policy and Discussion on Future Options

**REPORT IN BRIEF**

Update on creating and establishing an Arts and Culture Policy and discussion on future options.

**RECOMMENDATION**

Direct Staff on the next steps in establishing an Arts and Culture Policy.

- G.2. [20-366](#)      **SUBJECT:** Selection of a New Chair and Vice Chair

**REPORT IN BRIEF**

Yearly selection of Chair and Vice Chair.

**G.3.** [20-284](#)

**SUBJECT:** Request to Add Item to Future Agenda

**REPORT IN BRIEF**

Provides members of the Boards/Commissions to request that an item be placed on a future Boards/Commissions agenda for initial consideration by the Boards/Commissions.

**G.4.** [20-365](#)

**SUBJECT:** Commission Comments

**REPORT IN BRIEF**

Provides an opportunity for the Chair and/or Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the Commission and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

**H. ADJOURNMENT**



# CITY OF MERCED

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678 W. 18th Street  
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## ADMINISTRATIVE REPORT

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**File #:** 20-367

**Meeting Date:** 7/16/2020

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*Report Prepared by: Jennifer Levesque, Deputy City Clerk*

**SUBJECT:** Arts and Culture Advisory Commission Minutes of January 23, 2020

### **REPORT IN BRIEF**

Arts and Culture Advisory Commission Minutes from the meeting of January 23, 2020.

### **RECOMMENDATION**

**Arts and Culture Advisory Commission** - Adopt a motion approving and filing the Arts and Culture Advisory Commission minutes of January 23, 2020.

### **ATTACHMENTS**

1. Arts and Culture Advisory Commission minutes January 23, 2020



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
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## Minutes

### Arts and Culture Advisory Commission

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Thursday, January 23, 2020

4:00 PM

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#### A. CALL TO ORDER

Chair DENNIS called the Arts and Culture Advisory Commission Meeting to order at 4:04 PM.

#### B. PLEDGE OF ALLEGIANCE

#### C. ROLL CALL

Present Ex-Officio Members:

Kim GARNER  
Anthony MARTINEZ  
Patricia PRATT

**Clerk's Note:** Ex-Officio Member MARTINEZ arrived at 4:27 PM.

**Present:** 5 - Chairperson Colton Dennis, Dob Francise, Rob Hypes, Vice Chair Diana Odom Gunn and Maria Del Zaragoza

**Absent:** 2 - Monika Modest and Monika Saini

#### D. PUBLIC COMMENT

There was none.

#### E. CONSENT CALENDAR

E.1. **SUBJECT:** Arts and Culture Advisory Commission Minutes of November 21, 2019

##### REPORT IN BRIEF

Arts and Culture Advisory Commission Minutes from the meeting of November 21, 2019.

##### RECOMMENDATION

**Arts and Culture Advisory Commission** - Adopt a motion approving and filing the Arts and Culture Advisory Commission minutes of November 21, 2019.

**A motion was made by Chairperson Dennis, seconded by Member Francise, that**

**this agenda item be approved. The motion carried by the following vote:**

**Aye:** 5 - Dennis  
Member Francise  
Member Hypes  
Vice Chair Odom Gunn  
Member Del Zaragoza

**No:** 0

**Absent:** 2 - Member Modest  
Member Saini

## F. REPORTS

### F.1. **SUBJECT:** Update on the Community Calendar

#### **REPORT IN BRIEF**

Staff will give an update on the progress of the community calendar.

#### **RECOMMENDATION**

For Information-Only

Assistant City Manager Stephanie DIETZ gae a slide show presentation updating the Commission on the Community Calendar.

Commissioners and Ms. DIETZ discussed adding events to the community calendar and guidelines for adding events.

**Clerk's Note:** This item was information-only no formal action was taken.

### F.2. **SUBJECT:** Update on Establishing an Arts and Culture Policy

#### **REPORT IN BRIEF**

Update and discussion on creating and establishing an Arts and Culture Policy.

#### **RECOMMENDATION**

Direct Staff on the next steps in establishing an Arts and Culture Policy.

Chair DENNIS gave a brief update on the Arts Policy.

### F.3. **SUBJECT:** Update on Future Funding Discussion

#### **REPORT IN BRIEF**

Update on the discussed future funding for art projects in the City.

**RECOMMENDATION**

For Information-Only.

Assistant City Manager Stephanie DIETZ gave a brief presentation on future funding opportunities.

Ex-Officio Member PRATT spoke on her time as extra help for the County regarding art projects.

Joel AGUILAR, Livingston - spoke on a mural he will be working on in Merced and other art projects he's worked on in Livingston.

**F.4.**

**SUBJECT: Consideration of a Draft Annual Report**

**REPORT IN BRIEF**

Considers a draft annual report.

**RECOMMENDATION**

For Information-Only.

Assistant City Manager Stephanie DIETZ gave a slide show presentation on the Arts and Culture Advisory Commission Annual Report.

Ex-Officio Member GARNER discussed the Levitt AMP Grant.

**A motion was made by Member Francise, seconded by Vice Chair Odom Gunn, to approve the draft annual report and to nominate Chair Dennis to present the annual report to Council. The motion carried by the following vote:**

**Aye:** 5 - Dennis  
Member Francise  
Member Hypes  
Vice Chair Odom Gunn  
Member Del Zaragoza

**No:** 0

**Absent:** 2 - Member Modest  
Member Saini

**G. BUSINESS**

**G.1.**

**SUBJECT: Commission Comments**

**REPORT IN BRIEF**

Provides an opportunity for the Chair and/or Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the Commission and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action

by the legislative body under this section.

Ex-Officio Member PRATT asked about applications for the Arts and Culture Advisory Commission. She also spoke on upcoming trainings.

Chair DENNIS reported on attending the Merced Symphony. He also spoke on upcoming art events.

Member HYPES spoke on upcoming art events.

Ex-Officio Member GARNER spoke on upcoming art events.

**G.2.**

**SUBJECT:** Request to Add Item to Future Agenda

**REPORT IN BRIEF**

Provides members of the Boards and Commission the opportunity to request that an item be placed on a future Commission agenda for initial consideration by the Commission.

Chair DENNIS requested to add an item discussing Assembly Bill 5.

**H. ADJOURNMENT**

**Clerk's Note:** The Arts and Culture Advisory Commission adjourned at 4:56 PM.

**A motion was made by Member Francise, seconded by Chairperson Dennis, to adjourn the Regular Arts and Culture Advisory Commission Meeting. The motion carried by the following vote:**

**Aye:** 5 - Dennis  
Member Francise  
Member Hypes  
Vice Chair Odom Gunn  
Member Del Zaragoza

**No:** 0

**Absent:** 2 - Member Modest  
Member Saini



By:

Approved:

Jennifer Levesque  
Deputy City Clerk

Colton Dennis  
Chair



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## ADMINISTRATIVE REPORT

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**File #:** 20-368

**Meeting Date:** 7/16/2020

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**SUBJECT:** Request from NAACP, the Hispanic Chamber of Commerce, and WeCed to Place a Street Mural on a Selected City Street

### REPORT IN BRIEF

Discuss the possibility of adding a Black Lives Mater Street Mural on a selected City Street.

### RECOMMENDATION

Provide staff direction on next steps.



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## ADMINISTRATIVE REPORT

---

**File #:** 20-373

**Meeting Date:** 7/16/2020

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**SUBJECT:** Update on Establishing an Arts and Culture Policy and Discussion on Future Options

### **REPORT IN BRIEF**

Update on creating and establishing an Arts and Culture Policy and discussion on future options.

### **RECOMMENDATION**

Direct Staff on the next steps in establishing an Arts and Culture Policy.

City of Merced

Arts and Culture Advisory Commission

Address: 678 W. 18<sup>th</sup> Street, Merced, CA 95340

Phone:

Email:

## **Art in public places application (Public Art Application Form)?**

Applicant information

Name/Company/Address/City/State/Zip

Phone/Email/Website

Artist information (if different from applicant)

Name/Company/Address/City/State/Zip

Phone/Email/Website

Artwork title

Artwork site

Artwork material

Artwork dimension/weight

Estimated artwork completion date

I certify under penalty of perjury that all the application information is true and correct

Applicant's/artist's signature

Date/time received, received by, amount received (if applicable), receipt No

(There are two categories of public art applications (check available box))

## Cultural art projects/exhibits/event

Individual artists, arts organizations – Art exhibits and events at city facilities, both temporary loans and permanent gifts

(The artwork proposed is to be (check one):  donated to the city permanently

loaned to the city for a period of time (dates)

The application shall be submitted to the: City of Merced Arts and Culture Advisory Commission

Description of event and exhibit, attach additional pages and samples of art where appropriate

## Private development projects

Individual artists, private sponsors (businesses, corporations, individual donors), arts organizations

Donations - Public art designated for public/private property

Installations - installation of public/private art on private property

The application shall be submitted to the: City of Merced Arts and Culture Advisory commission

## Proposed artwork application checklist:

attach the following documents (the submittal requirements provide basic information, however, the Arts and Culture Advisory Commission may determine that additional information is required before further processing can take place and final approval can be granted). The final approval of the proposed public artwork will be issued by the Merced City Council

complete and signed Art in Public Places Application Form

project information: title/proposed installation site/description of artwork/scope, dimensions, approximate weight /estimated total budget

description of how the proposed public artwork fits with the development project, adjacent parcels and surrounding neighborhoods

written statement how the proposed artwork will be publicly accessible

written statement that the artwork is original wholly created by the artist(s) (participating community members), is appropriate for all ages, that no copyrights or trademarks have been violated, that nothing about the work has been plagiarized, stolen or copied, that the work will not invade or defame the rights of a person, living or dead

\_ appraisal/budget of artwork

\_ artist's resume (CV)

\_ Site plan of the development, which includes the following:

Proposed placement of the public art

Orientation of the public art

Distance between the public art and public streets

\_ sample, model, photograph, or drawings of the proposed public art

\_ sample materials or finishes of proposed public art (include the source or brand/manufacturer, life expectancy of materials, attach manufacturer's technical data sheets, if available)

\_ landscape plan (if applicable), which includes the following:

Location(s) of trees and shrubbery

Type(s) of trees and shrubbery

\_ Installation: proposed installation site, installation method, installation executed by

Manner in which the public art will be displayed and is visible from the public right-of-way or public property

If the work is site-specific, describe the particular relationship of the work to its site, including any significant physical aspects of the site, which, if altered would change the artist's intended meaning and/or appearance for the artwork

If an on-site cultural program, art space, or cultural facility, describe the manner in which the public will gain access to such programs, spaces, or facilities

\_ resume (CV) of artist(s) involved in proposal and creation of the artwork

\_ photographs of the proposed artist's past public artwork,

\_ written statement by the artist declaring the value of the public art

\_ Maintenance plan, which includes the following

Instructions for routine preservation/maintenance

Instructions for long-term preservation/maintenance

Who is responsible for the preservation/maintenance

What are the estimated cost for preservation/maintenance

(Describe the methods and techniques to maintain the artwork. Include a maintenance plan, estimated costs of maintenance, how the maintenance will be funded, and who will perform significant repairs if necessary)

\_ Describe the anticipated life span of the artwork in the proposed location

\_ Budget breakdown, which includes the following:

Artist fees for design concept, execution, installation and management/oversight of public art project.

Materials, fabrication, transportation, and installation of public art project

Art consultant fees and funding source, if applicable

\_ Specify that no rights will be retained by the artist(s) with respect to the artwork

Artist(s) initials \_\_\_\_\_

Or, specify rights that will be retained by the artist(s) with respect to artwork and future removal of the artwork from the designated public area proposed to display/install the artwork. City may also remove the artwork after notifying, consulting with the artist. City will return the donated artwork to the artist or may dispose of it if purchased by the City.

\_ Describe any proposed assistance sought from the city (permits, code related requirements, etc.?), other public agencies (public works) or donors in connection with the fabrication, development, display/installation, and maintenance of the artwork

\_ Before final approval of the artwork, provide notification and written documentation from affected businesses and residents within the artwork location (business name, address, phone, contact name, signature approval (yes/no), date signed, additional comments)

\_ Provide time line: start date, anticipated installation/completion date

Artist/donor contract acknowledgement (artist(s) and donor(s) are prepared to execute a contract or other document which, in the estimation of the city attorney and city manager, protects and serves as fiscal and other interest of the city in connection with the acquisition or donation of the artwork proposed for display/installation in a public area







City of Merced  
Arts and Culture Advisory Commission  
**Art in Public Places**

**Mission Statement**

It is the mission of the Arts and Culture Advisory Commission to advise the City Council on how to encourage and promote arts programs and events that engage community members and local businesses; acknowledge the role of arts and culture contributes to the quality of life, and the vitality, innovation, and inclusion of the community; and preserve the community's artistic works and cultural identities.

**Policy Purpose**

The purpose of this policy is to ensure uniform guidelines and procedures for the inclusion of publicly accessible art in the City of Merced. Additionally, this policy will also provide uniform guidelines and procedures for the maintenance, removal, relocation, or deaccession of city-owned public art.

**Definition of Public Art**

A work of public art includes, but is not limited to, original works of sculpture, photography, graphic art, waterworks, fiberworks, neon, glass, mosaics, paint, furniture, fixture, or any combination of visual media that are displayed in a public place for enjoyment of the community.

**Acquisition Methods**

The following methods may be used to select artworks:

- Donation—Artwork may be gifted to the City;
- Direct Purchase—Completed artwork may be bought;
- Direct Commission—Artist is selected to complete artwork for purchase;
- Limited Competition—Artists are invited to submit applications;
- Open Competition—All artists are welcome to submit applications;
- Loaned or Leased—Temporary artwork installations are acceptable.

**Project Application Reviews**

Applications for review of public art may be available for specific projects at any time. However, routine application reviews of unsolicited proposals will be conducted twice per year.

An Artwork Review Jury made up of five (5) qualified persons will be appointed by the Arts and Culture Advisory Commission to make recommendations for each application cycle. Jurors will serve one-year terms.

The Review Jury will make recommendations to the Arts and Culture Advisory Commission which will make the final selection(s) by majority vote. The selection(s) of the Commission will be recommendations brought to City Council for final approval of all new acquisitions.

### **Criteria for Review of Artwork**

The highest possible quality of the aesthetic experience is the primary criterion for selection of public art. The objective of public art is to improve the quality of life in the City of Merced with a varied collection of vital, engaging, and innovative works that reflect the cultural standards of the community.

The following guidelines for selection are not exhaustive. Both the Arts and Culture Advisory Commission and the Merced City Council have authority to use flexibility and judgement which may supersede these standards.

Specifications include but are not limited to the following:

- Quality of the artwork reflects the highest aesthetic standards.

- All visual art forms may be considered.

- Artworks of all schools, styles, and tastes may be considered.

- Artworks and art places should be appropriate in scale, material, form, and content for the immediate, general, social, and physical environment of the installation site.

- Artworks should have structural and surface soundness, including inherent resistance to theft, vandalism, weathering, excessive maintenance or repair costs, and safety considerations or factors that may bear on public liability.

- For temporary projects, the applicant is responsible for all phases of the design and execution of the work, as well as the installation, removal, and return of the site to its original condition, unless otherwise stipulated

- Site selection should consider the design of the artworks to establish focal points, terminate areas, modify, enhance, or define specific spaces, and to establish identity.

- The artwork selection process should strive for diversity of style, scale, media, in the collection, and diversity of artists represented in the collection. The Arts and Culture Advisory Commission does not discriminate on the grounds of an artist's gender, ethnicity, religion, disability, or age.

- Artworks that are potentially offensive to local cultural standards due to depictions of violence or sexual activity, political or religious messages,

promotions of unhealthy behavior, or creation of hostile environments for any community members, will not be reviewed.

Artworks that are commercial in nature will not be reviewed.

### **Installation Sites**

On private property, public art placed in outdoor areas should be accessible and used by the public a minimum of 18 hours per day. Interior spaces, including lobbies, courtyards, malls, etc., may be eligible if they are accessible to the public for a minimum of 12 hours per day.

On public property, artworks should be placed in publicly accessible places such as libraries, parks, office buildings, sidewalks, traffic islands, etc. Lobbies, plazas, adjacent open spaces or exterior treatment of publicly owned buildings shall be potential sites. However, the inner rooms of publicly owned buildings shall not be considered acceptable sites.

### **Ownership of Artworks**

All artworks acquired by the City of Merced shall become the property of the City. The City intends that all work shall remain accessible to public viewing for as long as the City owns the work and it is both practical and safe to do so.

The City shall not purposefully destroy, damage, alter, modify, or otherwise change a public artwork except in extreme emergency or similar exigent situations. Should any alteration occur, whether intentional or accidental, the Artist has the right to request that the work shall no longer be represented as the work of the artist.

The City shall be responsible for the proper cleaning, maintenance, and protection of the artwork after its installation, considering any written instructions for care submitted by the artist.

### **Deaccession, Removal or Relocation of Artworks**

The City retains the right to transfer work from one site to another, or to make a temporary loan to another agency or organization. The City retains the right to remove artworks at its discretion. The City Council shall not be bound by any agreement that restricts the City's ability to act in its own best interests.

The Arts and Culture Advisory Commission may recommend to the City Council the removal, relocation, or deaccession and disposal of artworks in its collection in accordance with the following policies:

- The artwork's physical or structural condition poses a threat to public safety;

The artwork requires excessive maintenance, or repair, or has faulty design or workmanship, and any remedy to these circumstances is impractical or unfeasible.

The artwork has been damaged and repair or remedy is impractical or unfeasible.

The condition or security of the artwork cannot be reasonably guaranteed.

Significant changes in the use, character, or design of the site have occurred which affect the integrity of the artwork.

Significant and adverse public reaction to the artwork has continued unabated over an extended period of time.

Removal is requested by the artist or donor.

Whenever deemed appropriate by the Arts and Culture Advisory Commission and approved by the City Council.

Based on criteria developed by the Arts and Culture Advisory Commission and City staff and approved by City Council, artworks may be released from future City ownership and offered for sale. Proceeds from sales of deaccessioned artwork shall be used to fund additional purchases or commissions.

In the event that the structural integrity or condition of an artwork is such that, in the opinion of the Director of Public Works or a legally designated representative, the artwork presents an eminent threat to public safety, the immediate removal of the artwork may be authorized without consent of the artist or the Arts and Culture Advisory Commission, and have the work placed in temporary storage. The artist and the Commission shall be notified within 30 days and options will be considered for its disposition.

### **Amendments to Policy**

This approved policy may be amended by majority vote of the Arts and Culture Advisory Commission and approval of the City Council.



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## ADMINISTRATIVE REPORT

---

**File #:** 20-366

**Meeting Date:** 7/16/2020

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**SUBJECT:** Selection of a New Chair and Vice Chair

### REPORT IN BRIEF

Yearly selection of Chair and Vice Chair.

### AUTHORITY

City of Merced Charter Section 704.

### DISCUSSION

As soon as practicable, following the first day of July of every year, each board and commission shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission.



# CITY OF MERCED

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## ADMINISTRATIVE REPORT

---

**File #:** 20-284

**Meeting Date:** 7/16/2020

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**SUBJECT:** Request to Add Item to Future Agenda

### REPORT IN BRIEF

Provides members of the Boards/Commissions to request that an item be placed on a future Boards/Commissions agenda for initial consideration by the Boards/Commissions.



# CITY OF MERCED

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## ADMINISTRATIVE REPORT

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**File #:** 20-365

**Meeting Date:** 7/16/2020

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**SUBJECT:** Commission Comments

### REPORT IN BRIEF

Provides an opportunity for the Chair and/or Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the Commission and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.