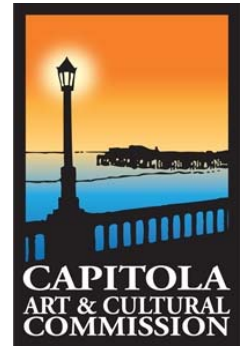


City of Capitola

Art & Cultural Commission

Tuesday May 9, 2023 – 6:30 PM

Council Chambers
420 Capitola Avenue, Capitola CA 95010



Chair: Roy Johnson

Vice Chair: Laurie Hill

Commissioners: Mary Beth Cahalen, Courtney Christiansen, Joe Clarke, Kelly Mozumder, Laura Orantes, James Wallace, Peter Wilk

Staff Representatives: Nikki Bryant LeBlond & Kelly Barreto

-
1. **Call to Order**
 2. **Additions and Deletions to the Agenda**
 3. **Public Oral Communication**
 4. **Approval of Minutes- Regular Meeting April 11, 2023, Retreat April 15, 2023 & Special Meeting April 15, 2023**
 5. **General Business**
 - a. **Budget Presentation**
 - b. **Ukrainian Art in the Park**
 - c. **Monterey Railing Project Artist Review**
 - d. **Begonia Commemorative Project Artist Review**
 - e. **Merchandise Sale at Twilight Concerts**
 - f. **Art at the Beach: Revisioning Committee**
 - g. **Village Decoration Policy: Banner Project**
 - h. **Tree Stump Art Project**
 - i. **Plein Air**
 - j. **Fete de La Musique: World Music Day**
 - k. **Wharf Enhancement Kickoff Event**
 - l. **Summer Concert**
 6. **Commissioner Reports**
 7. **Staff Reports**
 8. **Future Agenda Items**
 9. **Adjournment**

Agenda and agenda Packet Materials: The Art and Cultural Commission Agenda is available on the City's website: www.cityofcapitola.org on Friday prior to the Tuesday meeting. If you need additional information, please contact the City Hall Department at (831) 475-7300

American with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individual with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodation to participate in the meeting due to a disability, please contact the City Clerk's office at least 24-hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

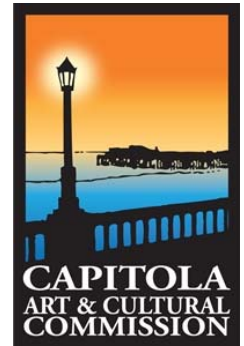
Appeals: Any person who believes that a final action of this advisory body has been taken in error may appeal that decision to the City Council. Appeals must be in writing and delivered to the City Clerk's Office within ten (10) working days from the time of the board's decision. The notice of appeal shall set forth appellant's name, phone number, address to which notices may be sent to the appellant, and the grounds upon which the appeal is made.

City of Capitola

Art & Cultural Commission: Draft Minutes

Tuesday, April 11, 2023 – 6:30 PM

Council Chambers
420 Capitola Avenue, Capitola CA 95010



Chair: Roy Johnson

Vice Chair: Laurie Hill

Commissioners: Mary Beth Cahalen, Courtney Christiansen, Joe Clarke, Kelly Mozumder, Laura Orantes, James Wallace, Peter Wilk,

Staff Representatives: Nikki Bryant LeBlond & Kelly Barreto

1. **Call to Order:**

The meeting was called to order at 6:30 PM. In attendance: Cahalen, Clarke, Hill, Mozumder, Wallace, Wilk, Johnson Absent: Orantes, Christiansen,

2. **Additions and Deletions to the Agenda**

Item 5.g removed from agenda and continued to next regular meeting.

3. **Public Oral Communication**

None

4. **Approval of Minutes- March 14, 2023**

Motion to approve the Minutes: Commissioner Wilk

Second: Commissioner Cahalen

Voting Yea: Commissioner Cahalen, Council Member Clarke, Vice Chair Hill, Commissioner Mozumder, Commissioner Wallace, Commissioner Wilk, Chair Johnson.

5. **General Business**

a. **Ukrainian Art in the Park**

Report given by Vice Chair Hill and introduced Natalia Aandewiel a member of the Capitola and Ukrainian community. Vice Chair Hill proposed the Commission sponsoring a Ukrainian Cultural Event for August 24, 2023.

Motion to approve the Art & Cultural Commission sponsor a Ukrainian Cultural Event and allocate \$2000 from the Art at the Beach budget line for expenses related to the event: Commissioner Cahalen

Second: Council Member Clarke

Voting Yea: Commissioner Cahalen, Council Member Clarke, Vice Chair Hill, Commissioner Mozumder, Commissioner Wallace, Commissioner Wilk, Chair Johnson.

b. **Merchandise Sale at Twilight Concerts**

Report given by Commissioner Cahalen. Chair Johnson shared t-shirt design ideas.

Commissioner Wallace commented on former shirt design and suggested adding Twilight Concerts in print. Vice Chair Hill recommended ordering short sleeve t-shirts.

Motion to approve the subcommittee to order t-shirts with current logo and modify by adding Twilight Concerts in substitution for Art & Cultural Commission: Vice Chair Hill

Second: Commissioner Wallace

Voting Yea: Commissioner Cahalen, Council Member Clarke, Vice Chair Hill, Commissioner Mozumder, Commissioner Wallace, Commissioner Wilk, Chair Johnson.

c. Art at the Beach: Revisioning Committee

Report given by Staff. Chair Johnson commented that recruitment was unsuccessful. , Commissioner Mozumder commented on the need to have complete staffing for this event. Commissioner Wallace commented on how grateful the commission has been to have Leslie Fellows for so many years.

Motion to approve postponement of the Art at the Beach events for the 2023 season and the commission engage in evaluation of the event and coordinator recruitment for 2024 season: Vice Chair Hill

Second: Commissioner Wallace

Voting Yea: Commissioner Cahalen, Commissioner Christiansen, Council Member Clarke, Vice Chair Hill, Commissioner Mozumder, Commissioner Wallace, Commissioner Wilk, Commissioner Orantes, Chair Johnson.

d. Village Decoration Policy: Banner Project

Report given by Chair Johnson. Chair Johnson and Vice Chair Hill propose the development of a new street light banner policy similar to the Admin Policy V-17 Banner Policy. The subcommittee will draft a proposed policy. Directed staff for a map of the light post location.

Motion to approve: No Action Taken

e. Tree Stump Art Project

Report given by Staff and Artist Anthony May presented the revised proposal. Staff directed to follow up regarding workshop and accommodation for installation. Staff directed to return with draft contract.

Motion to approve commission accept Anthony May's concept proposal and take recommendation to City Council: Commissioner Cahalen

Second: Commissioner Mozumder

Voting Yea: Commissioner Cahalen, Council Member Clarke, Vice Chair Hill, Commissioner Mozumder, Commissioner Wallace, Commissioner Wilk, Chair Johnson.

f. Plein Air

Report given by Staff. Vice Chair Hill commented on venue search for event.

Motion to approve: No Action Taken

g. Fete de la Musique: World Music Day

Item removed from agenda

h. Retreat Agenda

Report given by Staff. FY 23/24 planning for Retreat Agenda.

Motion to approve: No Action Taken

6. Commissioner Reports

None

7. Staff Reports

None

8. Future Agenda Items

Ukrainian Art in the Park, Begonia Commemorative Call to Artist, Monterey Railing Call to Artist, Tree Stump Art Project, Plein Air, Village Decoration Banner Project, Merchandise at Twilight Concerts, Wharf Enhancement Kickoff Event, Volunteer sign up for summer concerts

9. Adjournment

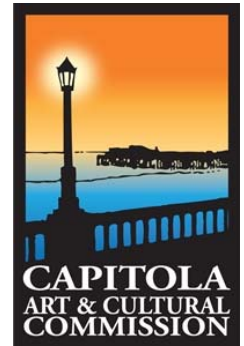
The meeting was adjourned at 8:19 PM to the next special Art & Cultural Commission meeting (Retreat) on April 15, 2023 at remote location 110 Washburn Ave, Capitola CA 95010.

City of Capitola

Art & Cultural Commission: Draft Minutes

Saturday, April 15, 2023 – 10:00 AM

Retreat Meeting
110 Washburn Avenue
Capitola CA 95005



Chair: Roy Johnson

Vice Chair: Laurie Hill

Commissioners: Mary Beth Cahalen, Courtney Christiansen, Joe Clarke, Kelly Mozumder, Laura Orantes, James Wallace, Peter Wilk,

Staff Representatives: Nikki Bryant LeBlond & Kelly Barreto

1. Call to Order:

The meeting was called to order at 11:00 AM. In attendance: Cahalen, Hill, Mozumder, Wallace, Orantes, Johnson Absent: Christiansen, Clarke, Wilk

2. Public Oral Communication

None

3. General Business

a. FY 23/24 Planning Session

The Commission engaged in brainstorming and goal setting for FY 23/24 Budget in Public Art and Art & Cultural Programs. Items discussed: Wharf Enhancement, World Music Day, Rispin, Artistic Light Post Street Banners, Year-Round Bands, Upcycled/Green Market, Drift Wood Art Contest, Art for All Event, Call to Artists for T-Shirt, Battle of the Bands, Theater on the Bandstand, Ukrainian Cultural Event, Esplanade Park, Noble Gulch Park, Public Art at Mall

4. Commissioner Reports

None

5. Staff Reports

None

6. Future Agenda Items

None

7. Adjournment

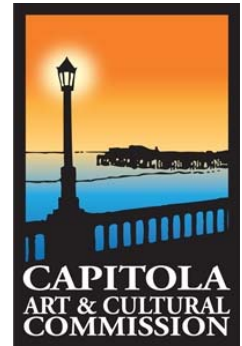
The meeting was adjourned at 12:30 PM to the Art & Cultural Commission Special Meeting on April 15, 2023.

City of Capitola

Art & Cultural Commission: Draft Minutes

Saturday, April 15, 2023 – 1:00 PM

Special Meeting
110 Washburn Avenue
Capitola CA 95005



Chair: Roy Johnson

Vice Chair: Laurie Hill

Commissioners: Mary Beth Cahalen, Courtney Christiansen, Joe Clarke, Kelly Mozumder, Laura Orantes, James Wallace, Peter Wilk,

Staff Representatives: Nikki Bryant LeBlond & Kelly Barreto

1. Call to Order:

The meeting was called to order at 12:30 PM. In attendance: Cahalen, Hill, Mozumder, Wallace, Orantes, Johnson Absent: Christiansen, Clarke, Wilk

2. Public Oral Communication

None

3. General Business

a. Art at the Beach: Revisioning Committee

Report given by Staff.

Motion to approve the production of the Art at the Beach Event for three (3) shows (June 25, July 30 and Aug 13, 2023), compensate Leslie Fellows \$1600 for preseason coordination of the events, compensate Jen Slinger \$60 per show and waive the booth fee in exchange for morning event supervision, Chair Johnson volunteering to work the afternoon shift for the event and engage in revisioning in the coming year: Vice Chair Hill

Second: Mary Beth

Voting Yea: Commissioner Cahalen, Vice Chair Hill, Commissioner Mozumder, Commissioner Wallace, Commissioner Wilk, Chair Johnson.

Abstention: Commissioner Orantes

4. Commissioner Reports

None

5. Staff Reports

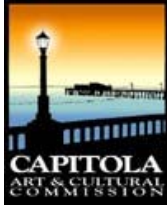
None

6. Future Agenda Items

None

7. Adjournment

The meeting was adjourned at 12:45 PM to the Regular Art & Cultural Commission regular meeting on , 2023.



Item #: 5.a

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: STAFF
DATE: May 2, 2023
SUBJECT: FY 23/24 Art & Cultural Budget

Recommended Action: Direct Staff to submit Art & Cultural FY 23/24 budget to City Council.

BACKGROUND

The Capitola Art & Cultural Commission operate within two different budgets. The first is a program budget that details income and expenditure for all events the commission produces throughout the year. The second is the Public Art Fund which the commission identifies and vets projects to occur with the budget year.

The Capitola Art and Cultural Commission holds an annual retreat to establish its upcoming year goals and plans in a longer format meeting. During the April retreat the commission identified several goals for both program and public art in the City.

DISSCUSSION

The Public Art Fund currently has a balance of \$171,667. The Public Art Fund increases as a result of public or private construction projects having a total construction cost of \$250,000 or more. Based on current projects planned in the City the anticipated income for the FY 23/24 budget is estimated at \$5,000. The Commission is currently reviewing 3 public art projects whose total budget expenditure of \$75,000.

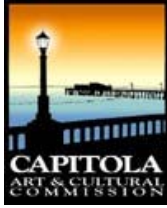
The Art & Cultural program budget is projected for income of \$54,000. This includes fees and sponsorship. Budget expenses are projected at \$64,464 of which \$18,464 is hourly staff cost of the Art & Cultural Administrative Assistant.

FISCAL IMPACT

The FY 23/24 budget is planned to draw \$9,964 from the General Fund.

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.b

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Commissioner Hill
DATE: May 4, 2023
SUBJECT: Ukrainian Art in the Park

Recommended Action: Receive Commissioner Hills Report

BACKGROUND

Commissioner Hill proposed adding a cultural event to the Art in the Park series produced by the Art & Cultural Commission. Commissioner Hill has identified champion Natalia Aandewiel who would be the primary partner for this event. The Commission approved the addition of this event for the 2023 summer calendar and allocated \$2000 for expenses related to the event.

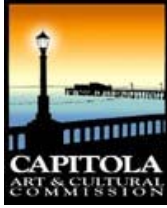
DISCUSSION

Commissioner Hill to provide update on event progress. Kelly Barreto is processing the Special Event Permit for August 26, 2023.

FISCAL IMPACT

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.c

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Staff
DATE: May 4, 2023
SUBJECT: Monterey Avenue Railing

Recommended Action: Review Art Submission and provide Staff Direction

BACKGROUND The Monterey Avenue Railing project was approved as a project by the Commission prior to March 2020. The project was delayed due to the onset of the COVID-19 pandemic. Original project budget was \$100,000 from the Public Art Fund however the Commission decided to reduce the budget to \$50,000 due to balance of the Public Art fund is \$171,000. Commercial building projects over \$250,000 generally contribute 1% of the project valuation to the public art fund. In 2021-2022 only one project had to contribute to the fund (\$5,000) and the City is still experiencing recovery from the pandemic in this regard.

Chair Johnson is the chair of the subcommittee with Commissioner Mozumder and Commissioner Cahalen.

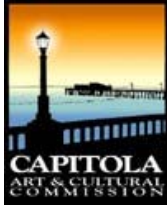
DISCUSSION

A Call to Artists, was released on March 3, 2023, for the project and the deadline for submission passed on May 1, 2023. The subcommittee has been provided with all the submission for review and presentation to the Commission.

FISCAL IMPACT The budget is \$50,000 from the Public Art Fund. The current balance of the Public Art fund is approximately \$171,667. The Commission currently have \$25,500 committed to projects in addition to this budget.

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.d

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Commissioner Hill
DATE: May 4, 2023
SUBJECT: Begonia Festival Commemorative Public Art Project

Recommended Action: Review Art submissions and provide Staff Direction

BACKGROUND

The Commission approved a subcommittee to work on a Public Art for the Begonia festival and choose the park next to Soquel Creek by Stockton Ave as the location. The Begonia Festival had offered to contribute funds to the project. Commissioner Hill is the Chair of the subcommittee. City Council was informed about the project at the October 13, 2022 Council meeting.

The Subcommittee consists of Chair Johnson, Vice Chair Hill & Commissioner Cahalen.

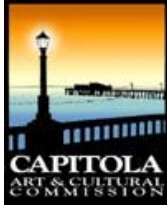
DISCUSSION

A Call to Artist was released on March 10, 2023 for the project and the deadline for submission passed on April 30, 2023. The subcommittee has been provided with all the submission for review and presentation to the Commission.

FISCAL IMPACT Project costs from the Public Art fund will be \$20,000 with a matching contribution from Beach Festival. The Public Art Fund currently has a balance of \$171,667 and the commission has \$55,500 committed to current projects.

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.e

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Commissioner Cahalen
DATE: May 4, 2023
SUBJECT: Merchandise Sales for Twilight Concerts

Recommended Action: Receive update from Commissioner Cahalen.

BACKGROUND

The summer events, Twilight Concerts, in past summer would sell Sweatshirts however this was interrupted due to the pandemic. The commission is interested in bringing this aspect back and has been in discussion about what logo to use.

At the April 2023 meeting the Commission decided to continue with the original logo and modify text by adding Twilight Concerts.

Subcommittee Commissioner Cahalen, Wallace and Mozumder.

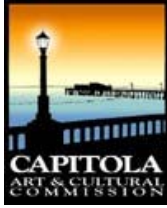
DISCUSSION

Commission discussion

FISCAL IMPACT

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.f

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Chair Johnson

DATE: May 4, 2023

SUBJECT: Art at the Beach Event: Coordinator Recruitment

Recommended Action: Receive report on Chair Johnson's recruitment effort.

BACKGROUND

The Art at the Beach was held on four (4) Sunday's this 2022 summer. There was no music for the second year in a row, however the artists were very pleased. Leslie Fellows have served as the Program Coordinator, an independent contractor, for the Art at the Beach event for the past 17 years. At the conclusion of this season Leslie announced her retirement from the position.

The April 15, 2023 Special meeting the Commission decided to continue to provide the event for the 2023 season. Leslie Fellows will be responsible for all pre-coordination of the event Jen Slinger and Chair Johnson will support day of activities with the clean-up of the event. The Commission will produce the event for three (3) dates this season as opposed to four (4) in the past.

DISCUSSION

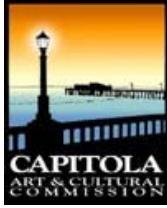
Chair Johnson to provide update.

FISCAL IMPACT

No impact if budget remains as planned.

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.g

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Chair Johnson
DATE: May 4, 2023
SUBJECT: Village Decoration Policy: Banner Project

RECOMMENDED ACTION: Receive report and provide direction.

BACKGROUND

In May of 2019, City Council implemented Administrative Policy V-16 Village Streetscape Decorations. The policy outlines a process for the review and authorization of decorations placed in the Village, which includes banners hung from streetlights. The policy identifies the review procedure to begin with the Public Works Department, who will then route City Manager or City Council for approval. The policy prohibits banners that would advertise any specific business or product. All new proposed banners must be approved by the City Council.

Subcommittee consists of Chair Johnson, Commissioner Hill and Commissioner Cahalen.

DISCUSSION

At the April 2023 meeting the commission requested a map that identifies all the Lamppost located in the Village.

FISCAL IMPACT

Unknown Fiscal Impact

ATTACHMENT

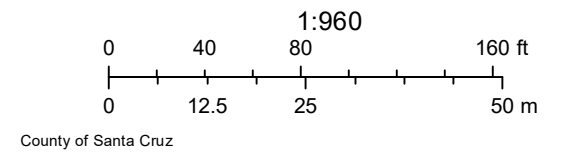
1. Lamppost Map

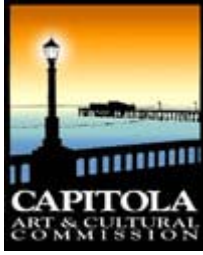
Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager

Lampost-banner



May 2, 2023





Item #: 5.h

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Staff

DATE: May 2, 2023

SUBJECT: Fallen Tree in Lower Beach and Village Lot Art Proposal

RECOMMENDED ACTION: Review contract and provide recommendation to City Council.

BACKGROUND: During the 2019-2020 winter storms, a very large cypress tree fell in the Lower Beach and Village Parking lot. Most of the tree was removed, however the stump remains in place.

The subcommittee reviewed all submissions and presented them to the Commission at the February 2023 meeting. The Commission moved to reach out to Anthony May for an installation proposal. At the April 2023 meeting the Commission moved to develop a contract for proposed art installation with Anthony May based on a revised proposal presentation.

Subcommittee consists of Commissioner Mozumder and Commissioner Cahalen

DISCUSSION

Anthony May provided a presentation to the Commission at the April 2023 meeting incorporating feedback from the March 2023 meeting. The Commission decided to develop a contract for the public art installation.

FISCAL IMPACT

The project budget is \$5,500 which is from the Public Art Fund.

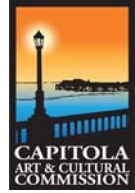
ATTACHMENTS

1. Public Art Installation Contract with Artist Anthony May

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



TREE STUMP ART AGREEMENT



This Agreement (“Agreement”) is entered into this ____ day of May 2023 by and between the City of Capitola, California, a municipal corporation (“City”), and Anthony May (“Artist”), collectively the “Parties”.

SCOPE OF SERVICES. The Artist agrees to design and install Artwork from an existing tree stump (“Artwork”) located at the lower Beach and Village parking lot on Monterey Avenue behind City Hall (“Parking Lot”), pursuant to the terms of this Agreement. The tree stump is the remains of a Cypress tree that fell due to heavy rain in 2019 and will remain in its current location from the slide. The Artwork shall be consistent with the design provided to the City of Capitola Art and Cultural Commission on April 11, 2023, and approved by the Capitola City Council on May 11, 2023.

The City will provide the Artist with access to a portion of the Parking Lot and access to a power outlet, located near the tree stump, from which to perform the installation. Anticipated installation timeline will be two (2) week unless an extension is mutually agreed upon by both parties. The City will also provide unmilled wood for use in the Artwork, and place the wood in the Parking Lot, to be used for installation.

The City will attempt to identify sponsored housing, at no cost to the City or Artist, for the Artist use during the two (2) week installation period to offset cost. If the City is unable to do so, the Artist agrees to arrange for their own housing.

2. TIME FOR PERFORMANCE. Artist agrees to complete and install the Artwork before December 31, 2023, unless mutually agreed upon by the Parties.

3. COMPENSATION. City shall pay Artist compensation in the amount of Five Thousand Five Hundred Dollars (\$5,500.00), follows:

- (a) Two Thousand, Seven Hundred and Fifty Dollars (\$2,750.00) upon execution of this Agreement.
- (b) Two Thousand, Seven Hundred and Fifty Dollars (\$2,750.00) upon completion of installation.

4. COPYRIGHT. Except as provided herein, the Artist retains all reproduction rights under the Copyright Act of 1976, 17 U.S.C., Sections 101, et.seq. The Artist hereby grants to the City and its assigns an irrevocable license to make photographs, drawings, or other two dimensional reproductions of the Artwork without prior consent of the Artist, including but not limited to reproductions used in advertising, brochures, media publicity, promotional and tourist publications, noncommercial reproductions, in the City’s portfolio of public art, and catalogues or other similar publications, provided that these rights are exercised in a reasonable manner.

Artist agrees to indemnify, defend, and hold harmless the City, and its respective officials, officers, employees, and agents from any and all claims, damages, suits, costs, expenses, liabilities, actions or proceedings of any kind resulting from any services under this Agreement that infringe upon any patent, trademark or copyright protected by law.

5. GUARANTEE. The Artist does hereby guarantee that the Artwork workmanship and fabrication shall be completed with Artist's best efforts, and the Artist shall provide the necessary materials and labor for and shall bear any expenses in connection with repair of any related defects of which the Artist is given written notice by the City within two years from the date of installation. The Artist will not be responsible for damage resulting from fire, vandalism, acts of God or normal wear and tear attributable to weather.

6. ORIGINAL WORK. The Artist warrants that the Artwork designed for City's purchase under this Agreement is a unique and original project of the Artist's creative efforts; and that it has not been nor will be accepted for sale or installed elsewhere.

7. INDEMNIFICATION. The Artist agrees to defend, indemnify, and hold harmless the City of Capitola, its officials, officers, employees, volunteers, and agents to the fullest extent permitted by law, from any and all claims, liability, demands, damages, losses, expenses, attorneys' fees or costs arising out of or in any way related to Artist's or Artist's employees', subcontractors', volunteers', officers' or agents' acts, errors, omissions or willful misconduct while performing the work hereunder or any failure to comply with any of their obligations pursuant to this Agreement, except for any liability arising from the sole negligence or willful misconduct by the City.

8. INSURANCE. The Artist shall always during the term of this Agreement maintain in force those insurance policies and bonds and will comply with all those requirements as stated herein.

9. COMPLIANCE WITH LAWS. The Artist shall comply with all applicable laws and ordinances of the United States, State of California and the City of Capitola.

10. SUBCONTRACTING & ASSIGNMENT. If any part of the Artwork is to be created using subcontractors or volunteers, the City must first approve the use of any such third party in writing. The City shall not unreasonably withhold the approval of any qualified subcontractor. The Artist shall not assign this Agreement without the prior written consent of the City.

If Artist, during performing work under this Agreement, requires the service of any third party, Artist agrees to have such volunteers or other third party execute a waiver.

11. CHANGES. All changes to this Agreement shall require a written agreement signed by all parties prior to any change.

12. TERMINATION. The City may, by written notice to the Artist, terminate this Agreement in whole or in part at any time, either for the City's convenience or because of the failure of the Artist to fulfill his contractual obligations. If termination is for the convenience of the City, the Artist shall be entitled to the full Five Thousand Five Hundred Dollars (\$5,500.00) less an amount equal to expenses anticipated to be incurred by the Artist at the time of execution of this Agreement but not yet incurred at the time of such termination.

If termination of the Agreement is due to failure of the Artist to fulfill the Artist's contract obligations, the Artist shall remit to the City a sum equal to all payments made by City pursuant to this Agreement prior to termination.

If the Artist terminates this Agreement due to death or an incapacity which prevents the Artist from completing the project, all materials purchased for the Artwork shall become the property of the City. The Artist or her representative shall provide the City with comprehensive models and plans which will enable the City to complete the Artwork. The Artist shall not be entitled to further compensation but shall not be required to refund to the City funds previously paid to the Artist.

13. REMOVAL OR DISASSEMBLAGE. The Artist understands and agrees that the Artwork will be owned by the City. As such, at any time in the future the City in its sole and absolute discretion, may move the Artwork to another location or disassemble it. Should the City so elect, the City assumes full responsibility for the moving and reserves the right to reinstall the Artwork at a different site, or to dispose of the Artwork as the City deems appropriate. Such a determination is the sole right of the City. However, the City will attempt to contact the Artist to obtain the Artist's views regarding relocation or disposition of the Artwork.

14. WAIVER OF ARTIST'S RIGHTS TO WORK OF ART. As a material part of the consideration provided by Artist under the terms of this Agreement, Artist waives any and all rights Artist may have with respect to the Artwork and any and all works of art produced under the terms of this Agreement pursuant to the federal Visual Artists Rights Act of 1990 (17 U.S.C. §§ 106A and 113(d)), the California Art Preservation Act (Cal. Civil Code § 987 *et seq.*), and any other local, state, federal or international laws that convey rights of the same nature as those conveyed under 17 U.S.C. section 106A, Cal. Civil Code section 987 *et seq.*, or any other type of moral right protecting the integrity of works of art. Artist expressly agrees that the work performed hereunder is "Work Made for Hire" under the provisions of 17 U.S.C. section 101. The provisions of this paragraph shall apply to modify Artist's rights of attribution and integrity as set out in the Visual Artists Rights Act, 17 U.S.C §§ 106A and 113(d) ("VARA"), the California Art Preservation Act, Cal. Civil Code §§ 987 and 989 ("CAPA"), and any rights arising under United States federal or state law or under the laws of another country that convey rights of the same nature as those conveyed under VARA and CAPA, as against the City of Capitola and its agents. The City has the absolute and exclusive right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the artwork that is the subject of this Agreement.

15. NOTICES. Notices, requests for payment and other communications are to be hand delivered or mailed to the respective parties as follows, or to such other address as any party may designate by written notice in accordance with this Section.

CITY

City of Capitola
Attn: Nikki Bryant LeBlond
4400 Jade St.
Capitola, CA 95010

ARTIST

Anthony Heinz May
8260 N Chautauqua Blvd
Portland, OR 97217

16. DISPUTES. This Agreement is governed by the laws of the State of California and all actions shall be brought in court in Santa Cruz County, California.

17. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties hereto, and they shall not be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein stated.

18. SEVERABILITY. In the event that any of the provisions or applications thereof of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions or applications thereof shall not be affected.

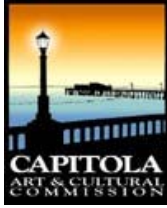
19. COUNTERPARTS. This Agreement may be executed on one or more copies and each counterpart will be considered an original and binding to the party executing it. A scanned, electronic, facsimile or other copy of a party's signature shall be treated the same as an original.

Dated: _____ CITY OF CAPITOLA, a municipal corporation

By: _____
Nikki Bryant LeBlond, Recreation Division Manager

Dated: _____ ARTIST

By: _____
Anthony Heinz May



Item #: 5.i

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Vice Chair Hill

DATE: May 4, 2023

SUBJECT: Plein Air

Recommended Action: Receive Staff Report

BACKGROUND

The Capitola Plein Air event is a seven-year-old event planned for October 30 to November 5, 2023.

Vice Chair Hill serves as the Plein Air subcommittee chair.

DISCUSSION

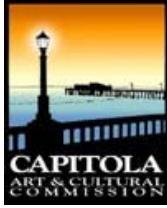
Receive updates from Vice Chair Hill.

FISCAL IMPACT

The Plein Air event will be tracked in the FY 2023/24 budget as other similar Art & Cultural Commission events.

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.j

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Commissioner Orantes
DATE: May 4, 2023
SUBJECT: Fete de la Musique: World Music Day

Recommended Action: Consider forming a subcommittee.

BACKGROUND

The Fete de la Musique, also known as World Music Day, is an annual music celebration that takes place on the 21st of June each year. This is also the longest day of the year. On World Music Day, citizens and residents are urged to play music outside in their neighborhoods or in public spaces and parks. Currently there are celebrations in 700 cities and 120 countries.

DISCUSSION

The commission discussed the event during the Retreat meeting held on April 15, 2023. Scope and subcommittee would need to be formed for future planning and identification of budget.

FISCAL IMPACT

This event is in proposal and would need to be incorporated in the Art & Cultural program budget.

ATTACHMENT

1. Make Music Tool Kit
2. Make Music Press Release Template

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager

JOIN THE WORLDWIDE CELEBRATION OF MUSIC!



MAKE MUSIC

JUNE 21

Table of Contents

- 1 What is Make Music Day?
- 2 How to Get Involved
- 3 Publicity Resources

@MakeMusicDay



MAKEMUSICDAY.ORG | #MAKEMUSICDAY

Presented by
NAMM[®]
Foundation

1 What is Make Music Day?

What is Make Music Day?

Make Music Day is an annual celebration that occurs each June 21, when people in more than 1,000 cities around the world make music together on the summer solstice.

In 1982, Jack Lang and the staff of France’s Ministry of Culture created a new kind of musical holiday they called Fête de la Musique, which means both “festival of music” and “make music!” They imagined a day where free, live music would be everywhere: street corners, parks, rooftops, gardens, storefronts, and mountaintops.

Today, Make Music Day has become an international phenomenon, with millions of musicians of all styles, all ages, and all skill levels reimagining their cities as stages, and using music to spread joy to their communities. And Make Music Day is spreading quickly in the United States.

Why join Make Music Day?

Make Music Day **brings joy, inspires creativity, and transforms communities**. It celebrates and promotes the natural music maker in all of us, regardless of ability. Make Music Day events turn sidewalks and streets into impromptu stages; let amateur musicians share their passion and gain confidence; and give established artists in all genres a chance to perform for new audiences. Special Make Music Day initiatives, like free instrument lessons and “Mass Appeal” events, invite everyone to join—even if they’ve never picked up an instrument before in their lives.

And for those whose life’s work is to create more music-makers, it’s the perfect opportunity to **spread the message of musical participation**. Over the years, Make Music Day has earned billions of media impressions.

By hosting Make Music Day events, music instrument retailers and manufacturers can capitalize on this opportunity to get everyone talking about the power of music, and the joy of making it yourself.

Who Participates in Make Music Day?

Currently, plans are underway by local organizers in 1,000 cities in 120 countries to hold official, citywide celebrations of music on Wednesday, June 21 with free, openly accessible concerts, music lessons, and participatory performances. Many others in smaller communities - including music stores - are planning their own events on June 21 and organizing music events for their neighborhood, for their block, or for their parking lot.

In 2023, nearly 100 cities nationwide will join the celebration. You can find links to participating cities and ways to get started at makemusicday.org.



Looking to do an online event for Make Music Day? Visit makemusicday.org for project ideas and updates



#MakeMusicDay

2 How to Get Involved

Does Your City Have a Local Music Day Chapter?

Visit makemusicday.org to find a list of official Make Music Day cities

If your answer is...

YES

CONNECT
LOCALLY

1. Introduce yourself to your local organizer.

They are there to help promote your event, coordinate it with others nearby, and secure permits (if required). Find their website and contact info at makemusicday.org.

Aside from hosting a Make Music Day event of your own, consider:

- Offering to serve on the local Make Music Day organizing committee and host meetings in your store.
- Providing materials or equipment for Make Music Day events.
- Reviewing options for your company logo to be visible as part of a Make Music Day event.

2. Decide where you want to have your event.

Most successful Make Music Day events happen outdoors, where they can be seen (and heard) by all who pass by. If you have a sidewalk in front of your store, or a parking lot, front porch or a nearby park, these can be great options.

3. Register your location on the local Make Music Day website.

Make Music Day cities use an online registration platform where you can easily sign up and provide the details of your event. Once you register, if a permit is required for what you want to do, the local organizer will secure it for you or tell you what to do next. If you want to use a large public space, check in with the organizer first to see what's available.

If your answer is...

NO

CONNECT
NATIONALLY

1. Introduce yourself to the national Make Music Day organization.

If your community does not have a local Make Music Day branch, you can still be included in relevant national promotions. Email Aaron Friedman at the Make Music Alliance (aaron@makemusicday.org) with a few sentences about what you're interested in doing for Make Music Day.

2. Decide where you want to have your event.

Most successful Make Music Day events happen outdoors, where they can be seen (and heard) by all who pass by. We suggest choosing a location on private property where permits are not a concern. You can also think about partnering with a local school, community center, library, park, or church and using their space.

3. Register your location on the national Make Music Day website.

Visit makemusicday.org/cities/other/ and fill in your event information. Don't worry if you don't have all the details confirmed yet – you can always make updates later.

2

How to Get Involved (Continued)

You are now ready to plan your event!

Ideas for Make Music Day Events:

- **Invite your customers or community groups to participate in a public, hands-on, music-making event at your business or at a local park.**
 - Host an outdoor drum circle.
 - Teach first-time musicians how to play the ukulele or harmonica, virtually or in person.
 - Host an outdoor guitar strum-along for customers and community members.
 - Invite musicians to meet up outside a local nursing home and play “window serenades” to those inside.
- **Host a day of outdoor concerts/showcases/open mics for the lesson-taking students in your community.**
 - If you’re in an area with a local Make Music Day organizer, reach out to them for help promoting your event to musicians and media all over the city.

• Case Studies: Videos from NAMM Members

Music retailers and suppliers around the country have found their own creative ways to make an impact with Make Music Day.

[Click here to hear their stories.](#)



For advice and more information on getting involved, contact Aaron Friedman at aaron@makemusicday.org.



3 Publicity Resources

Resources:

A variety of resources are available to help you plan your Make Music Day event.

makemusicday.org/media/event-toolkit/

Media Release Templates:

- Press Release: Announce your participation in Make Music Day.
- Media Advisory: Use close to your event to provide specific details.

Social Media Assets:

A variety of social media assets are available to use

makemusicday.org/media

Official hashtag: #MakeMusicDay

Make Music Day Social Media Accounts

Connect with Make Music Day on Social Media:

 Facebook: facebook.com/makemusicday

 Twitter: twitter.com/makemusicday

 Instagram: instagram.com/makemusicday

Websites:

Make Music Day:

makemusicday.org

Questions?

Contact:

Make Music Alliance – Aaron Friedman
aaron@makemusicday.org

NAMM Public Relations
publicrelations@namm.org





<Insert Name of Company> Celebrates Make Music Day with <Event>
<Town/community name> participates in global celebration
of making music on the longest day of the year

<CITY>, <State> (<Date>) — **<Name of Company>** joins the Make Music Day **<If there is a local Make Music City event in your area, mention it here as well>** celebration with a **<Insert brief event description>** on Wednesday, June 21, 2023. Make Music Day is a one-day event where free, live musical performances, opportunities to make music and other musical events take place around the world on the longest day of the year. Musical festivities in **<city/town>** are part of a global celebration of music making in over 1,000 cities inspired by France's *Fête de la Musique*.

<Name of Company> invites everyone from professional musicians to people who have never picked up an instrument to join in the global music celebration by attending **<event.>** **<Insert details about event, place, time it begins and ends, and what participants can expect to see/hear/do.>**

<Insert "QUOTE" from company spokesperson about Company's participation in Make Music Day and how making music positively affects community.>

Music has been shown to strengthen social connectivity, reduce stress, lower blood pressure, stimulate memory, and is integral to a well-rounded, enjoyable life. By participating in Make Music Day, **<Company>** and **<Town/Community>** encourage every form of music making.

National Association of Music Merchants (NAMM) members and partners from coast to coast, including **<Company>**, will join in their communities' celebrations of Make Music Day. June 21 is the perfect day to check out a local music store for some gear or to come together and play – whether it's for the first time or the thousandth.

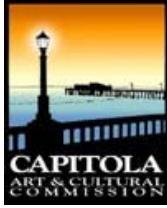
<Company contact information>

About <Company>

About Make Music Day:

Held annually on June 21, Make Music Day is part of the international *Fête de la Musique*, taking place in more than 1,000 cities across 120 countries. The daylong, musical free-for-all celebrates music in all its forms, encouraging people to band together and play in free public concerts. This year, over 100 U.S. cities are organizing Make Music Day celebrations, encompassing thousands of concerts nationwide. Make Music Day is presented by the NAMM Foundation, and coordinated by the Make Music Alliance. For more information, please visit www.makemusicday.org.

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Item #: 5.k

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Commissioner Hill

DATE: May 4, 2023

SUBJECT: Wharf Enhancement Kickoff Event

Recommended Action: Receive Commissioner Hills Report

BACKGROUND

Commissioner Hill added this item to the agenda during the April 2023 meeting.

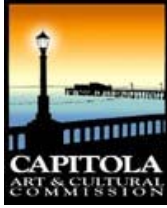
DISCUSSION

Consider Wharf Enhancement Kickoff Event.

FISCAL IMPACT

ATTACHMENT

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager



Item #: 5.I

ART & CULTURAL COMMISSION AGENDA REPORT

MEETING OF May 9, 2023

FROM: Staff
DATE: May 4, 2023
SUBJECT: Summer Concerts

Recommended Action: Receive report on the 2023 Summer Events

BACKGROUND

The summer events are schedule and staff if working on the sponsorship program for all the summer events.

Staff will send a signup sheet to the Commissioners for staffing of the Concerts.

FISCAL IMPACT

ATTACHMENT

1. Twilight Concerts working document.

Report Prepared By: Nikki Bryant LeBlond
Recreation Division Manager

2023 Twilight Concerts

Date	Band	Genre	Band website	Sponsorship
June 14	Jive Machine	Funk, Dance & Rock	www.jivemachine.com	Jessica Wallace Properties & Santa Cruz Lending Group
June 21	Dirty Cello	Blues & Rock	www.dirtycello.com	
June 28	Tsunami	Classic, Rock/R&B Dance	www.tsunami-rocks.com	Devcon Construction
July 5	Alex Lucero Band	Soul & Americana	www.alexlucero.com	Pending
July 12	Ribsys Nickels	California Rock/Reggae Surf	www.reverbnation.com/ribsysnickel	
July 19	The Joint Chiefs Band	R&B, Funk & Soul	www.thejointchiefsband.com	Lanai Financial Solutions
July 26	Pacific Roots	Reggae Rock	https://pacificrootsmusic.com/	Capitola Mall
August 2	Delta Wires	Rockin' Big Band Blues	www.deltawires.com	
August 9	Extra Large	Original Funky Fun	www.extra-large.net	Steve & Dianne Pereira
August 16	Billy Martini Show	Dance Hits of the 70's	www.billymartini70s.com	Capitola Beach Suites
August 23	Everyday People	Classic Latin Rock	www.everydaypeopletheband@yahoo.com	
August 30	Digbeats	Classic Rock	N/A	

Confirmed but not assigned sponsor: Green Waste Recovery