



## Arts Commission

### Agenda

Wednesday February 8, 2017

6:00p.m.

Council Chambers

809 Center Street, Santa Cruz, CA 95060

**Call to Order** – Edith Meyer -Chair

**Roll Call:** Present: Edith Meyer –Chair, Stacey Garcia—Vice-chair; Lorri Kershner; Suna Lock, Louise Leong, Mary Tartaro and Bennett Williamson.

Staff: Beth Tobey, Arts Program Manager

### Announcements.

Welcome new Commission member, Louise Leong

### Statements of Disqualifications.

*No action may be taken.*

**Oral Communications.** Audience comments not related to a General Business item.

A man identified by his first name, Warren, spoke briefly about his art and desire to teach art classes at the library. Beth indicated she would connect him with library staff.

### Approval of Minutes

1. Arts Commission Action Minute from January 11, 2017

### General Business

1. Cardboard boat event – presentation from community member Liz Kroft  
*Proposal to partner on a cardboard boat event at the Harbor – pending permits and other approvals. This same event was held in 2015 for the Harbor's 50<sup>th</sup> anniversary and was well attended. Water funds could be used for this project – provided an educational component regarding water was included.*
2. Dance Week Sponsorship (in order to waive City fees)  
Staff recommendation: *A motion to sponsor Dance Week by the Arts Commission and thereby exempt applicable city temporary event application fees.*
3. Wastewater walk presentation- presentation by Commissioner Bennett Williamson  
Staff recommendation: *A motion to partner with FICTILIS on a wastewater walk event - pending temporary event permit and timing feasibility.*

4. MAH mural matching grant request of \$30,000  
*Staff recommendation: Approve a mural matching grant of \$30,000 for MAH – to help offset costs and support the Abbott Square project*
5. Public Hearing: Open a hearing on the deaccessioning two public works of art in the City's collection. Guests intending to speak, please sign in with your name and address.
  1. Staff presentation from Beth Tobey, Arts Program Manager
  2. Commissioner Questions
  3. Public comment – 3 minute time limit
  4. Commission Discussion and Decision

*See attached Deaccessioning Report.*

**Subcommittee/Project Oral Reports – No action may be taken (\*Indicates committee lead)**

- Inventory/Deaccessioning - \*Lock, Meyer and Williamson
- % for Art subcommittee—Williamson and Garcia (ideas for use of % for art funds)
- Performing Arts program - \*Williamson and Garcia
- Murals –Kershner and Tartaro
- Rail Trail planning – \*Garcia, Lock and Williamson
- Marketing & Outreach - \*Lock and Meyer
- SCRAP – Mary
  - Commissioner Lock joined this subcommittee

**Information Items from staff – No action may be taken**

1. Beach Flats mural wrap up
2. SCRAP update
3. Rail Trail update

**Adjournment** – The Arts Commission will adjourn from its regular meeting of Nov, 2017 to **February 8, 2017** at 6:00 p.m.in City Council Chambers.

**ADDITIONAL INFORMATION** *The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email [CityClerk@cityofsantacruz.com](mailto:CityClerk@cityofsantacruz.com). The Cal-Relay system number: 1-800-735-2922. Visit the City's Web Site at [cityofsantacruz.com](http://cityofsantacruz.com) with links including City Advisory Body Meeting Agendas and Minutes, advisory body information and the Santa Cruz Municipal Code.*

**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, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. Appeals must be received by the City Clerk within ten (10) calendar days following the date of the action from which such appeal is being taken. An appeal must be accompanied by a fifty dollar (\$50) filing fee.*



**Arts Commission**  
**DRAFT ACTION MINUTES**  
 Wednesday January 11, 2017  
 6:00p.m.  
 Council Chambers  
 809 Center Street, Santa Cruz, CA 95060

**Call to Order** – Edith Meyer -Chair

**Roll Call:** Present: Edith Meyer –Chair, Stacey Garcia—Vice-chair; Lorri Kershner; Suna Lock, Mary Tartaro and Bennett Williamson. Absent: None

(Note: One position is vacant, pending council appointment later this month.)

Staff present: Beth Tobey, Arts Program Manager

**Announcements.**

Ms. Tobey made an announcement about water pipe break.

Commissioner Williamson made announcement about Global Game Jam at UCSC and the memorial show for Doug Ross at Artisan Gallery.

Chair Meyer made announcement – hosting a fundraising party for CWC and looking for donated heart art.

**Statements of Disqualifications.**

*No action may be taken.*

**Oral Communications.** Audience comments not related to a General Business item.

A man identified by his first name, Warren, spoke briefly about his art and desire to teach art classes at the library. Beth indicated she would connect him with library staff.

**Approval of Minutes**

1. Arts Commission Action Minutes from 11/09/16

Commissioner Lock made a motion to accept the minutes as written.

Commissioner Kershner seconded. Motion passed unanimously.

**General Business**

1. Harbor High School traffic box proposal

*Proposal to paint signal box at Soquel and La Fonda.*

Staff recommendation: Consider approval when/if a complete proposal is received.

A Harbor High student named Kaia attended and shared her idea for a traffic box. She would paint the box herself. She does not have the supplies and is asking permission to paint it and if the City would pay for the supplies. Beth indicated she would work with the student to develop a budget and then bring

the proposal back to the Commission. Lock commented that it might be nice to have a rotating display on that box. Ms. Tobey said she would look into the expense and feasibility of re-painting the box repeatedly.

2. VARA/CAPA overview

*Staff presented a brief overview of the Visual Artist Right's Act and the California Art Preservation Act so Commission has better understanding of legal process for removing public works of art.*

3. Schedule of meetings for 2017

Staff recommended the following schedule: Lorri made a motion to accept the schedule of meetings for 2017. Bennett seconded the motion. The motion passed unanimously.

Arts Commission Meeting Schedule – 2017

- January 11
- February 8
- March 8
- April – (Tentative – as needed)
- May 10
- June 7
- July – off
- August - off
- September 13
- October 11 (Tentative - as needed)
- November 8
- December - off

4. Ebb & Flow 2017 – update / presentation

*Michelle Williams provided an overview of the 2017 Ebb & Flow River Arts festival in the works, including information about a durable installation on the Tannery Campus.*

Staff recommendation: The Commission may desire to discuss using % for art funds from the water fund towards this project. Per a motion made and unanimously passed on 9/14/1: Commissioner Williamson made a motion that the Arts Commission contribute \$25,000 (the same amount as in 2015) with the option of considering further funding once there are more details about the event and artist proposals. Commissioner Tartaro seconded it. The motion passed unanimously.

The Commissioners asked several questions about the plans and the budget for this year. Chair Meyer noted that it may make sense to help fund the event every other year – if Arts Council can only get grants every other year. Ms. Williams noted that the State had recently changed their grant program so she anticipates it is possible to get funding for the next two years from the State.

Kershner made a motion that the Arts Commission contribute a total of \$40,000 for Ebb and Flow this year – an additional \$15,000 from the \$25,000 already committed. Lock seconded the motion. The motion passed unanimously.

**Subcommittee/Project Oral Reports** – *No action may be taken* (\*Indicates committee lead)

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- % for Art subcommittee—Williamson and Garcia (ideas for use of % for art funds)
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- Rail Trail planning – \*Garcia, Lock and Williamson
- Marketing & Outreach - \*Lock and Meyer
- SCRAP – Mary
  - Commissioner Lock joined this subcommittee

**Information Items from staff** – *No action may be taken*

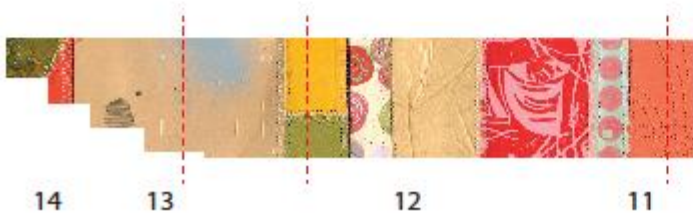
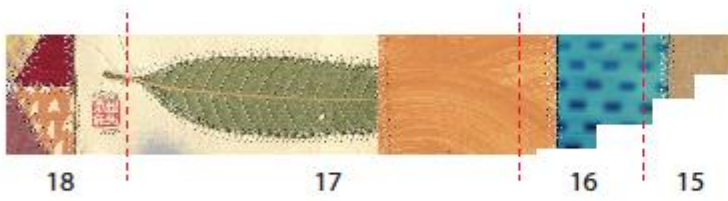
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2. SCRAP update
3. Rail Trail update

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santa cruz  
cityarts

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**AGENDA DATE:** February 8, 2017

**SUBJECT:** Consideration of deaccession for two public works of art – *Moonlight Dance* mural at Scope Park and *Guardian* sculpture located on West Cliff Drive between Chico St and Auburn St.

**SUBMITTED BY:** Beth Tobey, Arts Program Manager      Approved by: Bonnie Lipscomb, Economic Development Director

**RECOMMENDATION:** Staff recommends the deaccessioning of the mural at Scope Park titled *Moonlight Dance* and the sculpture located on West Cliff Dr. between Chico St and Auburn St., titled “Guardian I.”

**BACKGROUND:**

The City Arts Commission has adopted policies regarding the deaccessioning of public works of art. The term “deaccession” means to formally remove a work of art from the public art collection. For practical purposes, this means that the work of art is no longer included in promotional materials and resources are not put into maintenance of the work – unless a safety concern requires immediate removal or mitigation. The physical removal of a public work of art may come after it is deaccessioned at the discretion of the Commission. The physical removal of a work of art must comply with state and federal laws, including VARA and CAPA, which address the moral rights of artists.

The City of Santa Cruz Arts Commission has adopted a deaccessioning policy for public works of art. Murals are unique from other works of art as they are typically integrated on a wall or building – and may be on private property. The City has a deaccessioning policy specific to those murals which have been funded in part or whole by the City of Santa Cruz.

Per adopted policies, the Table 1 outlines conditions under which works of art may be considered for deaccessioning.



TABLE 1

Deaccessioning considerations for murals	Deaccessioning considerations for other works of art
<ol style="list-style-type: none"> <li>1. Age of mural: Mural has been in place for more than 10 years.</li> <li>2. The Santa Cruz Arts Commission has deemed the work of art to be of substandard quality and/or incompatible with its historical, social or cultural context.</li> <li>3. The work of art is duplicative of a substantial holding of work of that type or by a particular artist.</li> <li>4. The work of art has deteriorated, or is irreparably damaged to an extent where repair is either unreasonable or impractical.</li> <li>5. The work of art requires excessive or unreasonable maintenance on an on-going basis, exceeding the anticipated maintenance requirements.</li> <li>6. The work of art has consistently received adverse public reaction for a period of three (3) or more years.</li> <li>7. The City has received a written request for deaccessioning from the artist or one or more artists who co-authored a work of art, citing a specific reason for the request.</li> <li>8. Needed construction or remodeling of the building or surface on which the mural is placed.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Santa Cruz Arts Commission has deemed the work of art to be of substandard quality and/or incompatible with its historical, social or cultural context.</li> <li>2. The work of art requires excessive maintenance on an on-going basis, exceeding the anticipated maintenance requirements.</li> <li>3. The work of art has been documented by a licensed conservator or curator as fraudulent or not an authentic work.</li> <li>4. The work of art possesses substantial and irrevocable faults of workmanship which have been documented by a licensed conservator.</li> <li>5. The work of art has deteriorated beyond usefulness, or is irreparably damaged to an extent where repair is either unreasonable or impractical.</li> <li>6. The work of art has been assessed to represent a threat to public safety or is hazardous to other items in the collection or staff.</li> <li>7. A suitable and appropriate place for display of the work of art no longer exists.</li> <li>8. The work of art is not displayed, or has not been consistently displayed for a period of five or more years.</li> <li>9. The work of art does not exist due to theft, accident or natural disaster.</li> <li>10. The work of art can be used to finance the acquisition of a work of art of greater importance in the context of the City’s Collection, either through sale or trade, provided that this is permissible under the contractual agreement associated with the work of art. This must be accompanied by an independent expert determination of the relative value of both works of art within the context of the Collection.</li> <li>11. The work of art has consistently received adverse public reaction for a period of ten or more years.</li> <li>12. The City has received a written request for deaccessioning from the artist or one or more artists who co-authored a work of art, citing a specific reason for the request.</li> </ol>

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### **Moonlight Dance Mural**

**Work of Art:** *Moonlight Dance* located at SCOPE Park – corner of Mission St. and N. Pacific

**Artist:** Peter Bartczak

**Date installed:** 1993 / restored in 2006

**Staff recommendation:** A motion to deaccession the mural *Moonlight Dance*, pending consent of the Parks and Recreation Commission at their next regularly scheduled meeting.

#### **Background:**

This mural is considered per the following conditions: Number 1: “Age of mural: Mural has been in place for more than 10 years” and Number two: “The Santa Cruz Arts Commission has deemed the work of art to be of substandard quality and/or incompatible with its historical, social or cultural context.”

*Moonlight Dance* was installed by Peter Bartczak in 1993 and depicts a variety of people with varied shapes and abilities, dancing together in the moonlight. The mural is located at what is now called SCOPE Park. This park was informally called *Scribner Park* in honor of Tom Scribner after a statue of him was placed there. The park was reconfigured after a history of vandalism and illegal activities at the location and the Tom Scribner's statue at the site was moved further south on Pacific Avenue near Locust Street. SCOPE is an acronym for the “Santa Cruz Organization for Progress and Euthenics”- which means the study of methods for improving human well-being.

In 2006 the City Arts Commission did a call for proposals for a new mural at this location. After the call went out, the City was approached with an offer to purchase the property by an adjacent property owner. While the City was deliberating this, the Arts Commission chose to complete a restoration of *Moonlight Dance* – anticipating that the property would be sold and the mural would only be on display for a year or two longer. The mural was restored by local artists but the property did not end up sold and was formally designated a park.

Currently, the property is designated as a park and the draft *Parks Master Plan 2030* identifies the park including a new mural. The draft *Parks Master Plan 2030* has not been formally adopted by the Parks and Recreation Commission yet, though has been discussed in many meetings. If the Arts Commission votes to deaccession the mural at SCOPE Park, City Arts staff would still take the question of a new mural to the Parks Commission for their consent.

This wall at SCOPE Park is one of the most visible in the City and is a gateway to downtown, while also sitting below historic Mission Hill. Last spring, teacher Kathleen Crocetti directed Mission Hill middle school students in installing a large mosaic mural approximately 200 feet long just above SCOPE Park along the retaining wall. This mosaic depicts the original historic mission and includes the California State seal, swirling designs and monarch butterflies.

*Moonlight Dance* has received some vandalism over the years, though it has been relatively minor since the City trimmed and removed some bushes and trees onsite. At the time of this report, the mural has

been vandalized with what appear to be drawn-with-chalk hearts, which can be seen in the photo included.



*This image shows part of the mural, including the notice posted on site regarding the hearing. The sign was posted 14 days prior to the February 8, 2017 meeting.*

The City's Mural Policy identifies the typical lifespan of a mural as 10 years. Naturally, this depends on the wall preparation, paint used, and if a UV or graffiti coating is applied. Regardless, murals are not intended to last forever.

Staff reached out to the original artist, Mr. Bartczak, regarding the deaccessioning. Via email he stated "My attitude at this point is to let another artist have the opportunity to put their vision on that wall." Mr. Bartczak has also signed a VARA/CAPA waiver, which means that the City is not required to notify him if the mural is removed and the Arts Commission could move forward with a call for proposals sooner than later, if that is identified as a priority.

In addition to contacting the original artist, staff posted a large yellow notice on the property two weeks in advance of the hearing and ran hearing notices in the Santa Cruz Sentinel and Goodtimes 10 days in advance of the hearing.

Please see the additional information attached which includes a Memorandum from the City attorney; a letter from the Parks & Recreation Director; comments from the artist; comments from downtown residents and business representatives.

### **Guardian I Sculpture**

**Work of Art:** *Guardian* sculpture - on West Cliff Drive between Chico St. and Auburn St.

**Artist:** Alan Burrus

**Date installed:** 1986

**Materials:** Steel and acrylic

**Staff recommendation:** Deaccession the sculpture *Guardian*.

#### **Background:**

The primary reason for consideration is the deteriorated condition of the sculpture – per condition number 5: “The work of art has deteriorated beyond usefulness, or is irreparably damaged to an extent where repair is either unreasonable or impractical.”

In particular, the jagged hole is a safety concern (see photos). While *Guardian I* has been much loved since its installation in 1986, steel has a limited life span in a marine environment.



*Effects of the marine air and spray have pitted and rusted the piece.*



Someone vandalized the piece with white spray paint in 2015. While the City's graffiti contractor was able to get most of it off, some residue does remain, which you can see in the close up photos as follow. The following photos are current – taken on 1/19/2017.



*Currently, people are placing flowers and other mementos on the sculpture –creating a short of makeshift memorial.*



*One of two notifications placed on site regarding the Public Hearing. The yellow sign was stolen within a few days of placing. Staff replaced with smaller signs.*

Guardian is located on one of the western most cliffs above the ocean on West Cliff Drive. Both untreated carbon steel and weathering steel are susceptible to corrosion in a marine environment. (Weathering steels is also not recommended in overly wet environments as it needs distinct wet and dry periods to develop its patina.) Guarding the sculpture from ocean water spray would be the only measure towards protecting it and slowing the corrosion process. (Coating the sculpture will actually cause it to corrode more rapidly.)

In my professional opinion, and in consulting with other local sculptors, given the pitting and size of the hole and given that the acrylic is broken, repairing *Guardian I* would not be feasible. A “repair” would essentially be a replica. It cannot be patched effectively. Even if it could be retrofitted, the patina would be difficult to match.

In addition to contacting the original artist, staff posted a large yellow notice on the property two weeks in advance of the hearing and ran hearing notices in the Santa Cruz Sentinel and Good Times 10 days in advance of the hearing. The yellow notice was removed by someone within a few days of posting, and staff replaced it with two waterproof signs– both 12” by 18” in size. The Sentinel also ran a story on the hearing, and multiple comments were received – some even from folks living in other States (comments attached at the end of this report.)

Any new work of art placed on site may require permits, including a Coastal Commission permit. Staff would work with Planning Staff to determine necessary steps.

Staff believes there are primarily four options to consider as follows:

Option 1: Deaccession *Guardian I* and then do an open call for art proposals at this location.

Option 2:

a) Deaccession *Guardian I* and contract with the original artist to re-do the piece, provided the cost stays below a certain amount and within a specific timeline – to be specified by the Commission.

b) Deaccession *Guardian I* and contract with the original artist to re-do the piece in a more durable material, provided the cost stays below a certain amount and within a specific timeline – to be specified by the Commission.

Option 3: Decommission *Guardian I* and then remove the piece and do not commission a new work for the location.

Option 4: Do nothing at this time. Revisit the situation at a given time in the future and/or under certain conditions—to be specified by the Commission.

It is the staff recommendation to deaccession the sculpture and go with Option 1, opening the call to see what might else be proposed, noting that the original artist of *Guardian I* could submit a more detailed proposal to re-doing the work that would be considered along with other proposals received. Again noting that a Coastal Permit may be required.

If the Commission goes with Option 1, 2a or 2b, staff recommends a budget of \$15,000 be presented in an open call. This may require pulling some (not all) funds from another program, such as Graphic Traffic.

Staff would work with solicit neighbors to serve on an art selection panel and final proposals would be presented in a neighborhood meeting for feedback.

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#### **FISCAL IMPACT:**

There is no fiscal impact of deaccessioning works of art, per se, but physically removing a work typically requires funds and replacing works of art would have a fiscal impact.

There is no fiscal impact for deaccessioning *Moonlight Dance* beyond the staff time required to notify the artist in compliance with State and Federal laws which has already been completed via a signed waiver by the artist. If the Arts Commission decides to do a call for submissions and place another mural at this location, the budget for a new mural would be considered separately. The City's Mural Policy lays

out requirements for notification and public involvement, including a neighborhood/business district meeting for murals on city-owned property. Any new proposed mural would follow these procedures for getting feedback from surrounding property owners, businesses, and neighbors.

There is no fiscal impact of deaccessioning *Guardian* beyond the staff time required to notify the artist in compliance with State and Federal laws. If the artist does not want to reclaim the sculpture, the City will eventually remove the piece. The cost of removing and scrapping the *Guardian* sculpture is estimated less than \$500 per Toucan Crane (15 ton crane is \$160 hour, 2 hour minimum.) The City may be able to recoup some cost by selling the metal. Again, this is assuming the artist does not want to reclaim the work.

The budget for a new sculpture is to be considered separately. Any proposed work of public art to be placed at this location would be done so in consultation with the neighborhood. Also of note is that the original artist could submit a proposal for a new sculpture and/or replica in response to that call.

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**Attachments:**

1. Memorandum from City attorney, regarding deaccessioning of both Moonlight Dance and Guardian
2. Letter from the Parks & Recreation Director regarding deaccessioning of both Moonlight Dance and Guardian
3. Comments regarding Moonlight Dance mural
  - a. Comments from the artist, Peter Bartczak
  - b. Comment from a downtown resident
4. Comments regarding Guardian sculpture
  - a. Letter/proposal from the artist, Alan Burrus
  - b. Comments in opposition of deaccessioning
  - c. Comments in favor of deaccessioning





CITY ATTORNEY

PO BOX 481, SANTA CRUZ, CA 95061-0481 • 831 420-6200 • Fax: 831 576-2269 • www.cityofsantacruz.com

# M E M O R A N D U M

January 27, 2017

**TO:** Santa Cruz Arts Commission  
**FROM:** Stephanie Hall, Deputy City Attorney  
**RE:** Notice requirements for removal of art  
**CC:** Tony Condotti, City Attorney

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City Arts Program Manager, Beth Tobey, informed our office that the Santa Cruz Arts Commission is considering deaccessioning two works of art that are currently on City owned property: “Moonlight Dance” mural at Scope Park painted in 1993 on a retaining wall, and “Guardian” sculpture on West Cliff Drive made in the late 1970s. Our office has been asked to correspond with you regarding any legal concerns with the art removal process, in order to avoid similar issues that the City dealt with about a year ago with the Beach Flats Mural.

As long as the City gives proper notice in accordance with Visual Artists Rights Act (“VARA”) and California’s Art Preservation Act (“CAPA”), we do not anticipate any legal concerns.

Although not required by law, City staff relayed that it has contacted both artists of the two works of art to inform them about the Arts Commission hearing to discuss the potential art removal. This goes above the required notification procedures under VARA and CAPA given that no definite decision to remove the works of art has been made at this point.

If the Arts Commission ultimately votes to remove the works of art, City staff must either obtain a waiver from the artists, or must provide notice of the intended removal pursuant to CAPA. Either will satisfy the law.

An artist may waive his or her rights under CAPA and VARA as to the protection of their artwork by written instrument, signed by the artist, expressly providing so. (Cal. Civ. Code § 987(g)(3); 17 USC § 106A(e).) Beth Tobey informed our office that the artist of the “Moonlight Dance” mural provided such a waiver on January 26, 2017, in the form of a written and signed instrument expressly waiving any proprietary rights under CAPA and VARA for the artwork.

As for the “Guardian” sculpture, no waiver has been received from the artist. If the Arts Commission decides to remove the work of art, City staff must provide the artist with notice in compliance with the required procedures under CAPA. (See Cal. Civ. Code § 989(e).)

Under the assumption that the “Guardian” sculpture could be removed from the real property without substantial harm to the art, the City must diligently attempt to provide the artist with written notice of its intended action to remove the art. (Cal. Civ. Code § 987.) The City must also provide a 30 days’ notice of its intended action to remove the art in the form of a display advertisement in a newspaper of general circulation in the area where the art is located. (Cal. Civ. Code § 989(e)(2)(A)). If after 30 days the City does not receive a response, the City may remove the art. However, if the City does receive a response in the 30-day period from the artist or an organization where they agree to remove the art, then the payment and removal of the work of art must occur within 90 days of the first day of the original 30-day period. (Cal. Civ. Code § 989(e)(2)(A)).

If you have any questions, please feel free to call me to discuss. Please be advised to not discuss this among a quorum of commissioners to avoid a potential Brown Act violation.

Very truly yours,

Stephanie Hall  
Deputy City Attorney



P A R K S   A N D   R E C R E A T I O N

M E M O R A N D U M

DATE: February 1, 2017  
TO: Arts Commission  
FROM: Mauro Garcia, Director of Parks & Recreation   
SUBJECT: ARTWORK DEACCESSION

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City Arts Program Manager, Beth Tobey, has relayed to us that you are considering deaccessioning two works of art that are currently on property maintained by the Parks & Recreation Department: "Moonlight Dance" mural at Scope Park (2000 N. Pacific Avenue) and "Guardian" sculpture on West Cliff Drive (2226 W. Cliff Drive). Staff has also relayed to us that notices were posted at each site, a hearing notification was published in the Santa Cruz Sentinel and Good Times, and that staff has contacted both of the artists involved and informed them of the scheduled hearing on February 8, 2017 regarding this matter.

The Parks & Recreation Department has no concerns with the deaccessioning and eventual removal of both of these works of art. Both have required some maintenance. Regarding the aesthetic, cultural, social and historical value of each – we would defer to the Arts Commission's expert opinion. As a courtesy, we will inform the Parks & Recreation Commission of your decision.

We look forward to working with the City Arts Program Manager and the Arts Commission regarding future plans for each site in compliance with the City's public art policies and procedures.

cc: Beth Tobey, Arts Program Manager

**From:** [peter@clownbank.com](mailto:peter@clownbank.com)  
**To:** [Beth Tobey](mailto:Beth_Tobey)  
**Subject:** RE: Scope Park Mural - Moonlight Dance - Santa Cruz  
**Date:** Wednesday, December 07, 2016 10:13:06 PM

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Beth

I'll probably go to the meeting if it doesn't interfere with my work hours - I work full time at the Boardwalk as a Creative Painter. If I do go, I'll take my 3 minutes.

My attitude at this point is to let another artist have the opportunity to put their vision on that wall. The past has a way of erasing itself and my skipping figures have had a long run - about 21 years!

My job also prevents me from making a new proposal for that location.

Thank you for the heads up. Peter

----- Original Message -----

**From:**  
"Beth Tobey" <[btobey@cityofsantacruz.com](mailto:btobey@cityofsantacruz.com)>

**To:**  
"peter@clownbank.com" <[peter@clownbank.com](mailto:peter@clownbank.com)>

**Cc:**  
"Edith Meyer" <[edith@edithmeyer.com](mailto:edith@edithmeyer.com)>, "Stacey Garcia" <[stacey@santacruzmah.org](mailto:stacey@santacruzmah.org)>

**Sent:**  
Wed, 7 Dec 2016 22:34:19 +0000

**Subject:**  
RE: Scope Park Mural - Moonlight Dance - Santa Cruz

Peter, it's been almost 2 years since we last emailed. I hope you are well.

The Arts Commission voted at last month's meeting to formally consider deaccessioning your mural "Moonlight Dance" at the February, 2017 meeting. This will be a hearing format. Public comment is welcome. If you would like to address the Commission, you may do so. Testimony is typically limited to 3 minutes or less. You may also write a letter or send an email that I will relay to the Commission if you so wish.

Meeting details:  
Arts Commission Meeting  
Wednesday, February 8, 2017  
6:00pm  
City Hall Council Chambers  
809 Center Street  
Santa Cruz, CA 96062

If the Commission chooses to deaccession your mural, you'll receive a 90 day notice in compliance with VARA/CAPA, after which the mural may be removed or replaced. If/when we put out a call for proposals, you are welcome to propose something new. I would imagine that the call for proposals would pay homage to your mural and the spirit of cooperation and inclusion that it represents. We certainly would like to honor that spirit.

Please let me know if you have any questions.

Thanks,

**From:** [peter@clownbank.com](mailto:peter@clownbank.com)  
**To:** [Beth Tobey](#)  
**Subject:** RE: Scope Park Mural - Moonlight Dance - Santa Cruz  
**Date:** Monday, January 09, 2017 3:59:59 PM

---

Beth

Either way is fine with me. Give another artist a shot at one of the best mural locations in town. Peter

----- Original Message -----

**From:**  
"Beth Tobey" <[btobey@cityofsantacruz.com](mailto:btobey@cityofsantacruz.com)>

**To:**  
"peter@clownbank.com" <[peter@clownbank.com](mailto:peter@clownbank.com)>  
**Cc:**

**Sent:**  
Mon, 9 Jan 2017 22:58:54 +0000  
**Subject:**  
RE: Scope Park Mural - Moonlight Dance - Santa Cruz

Peter may I quote you publicly from the below email - or could you give me permission to say this: "Peter Bartczak, the artist of the 1993 mural titled "Moonlight Dance" has relayed his blessing for a new mural. To see more of his work please visit [www.clownbank.com](http://www.clownbank.com)"

Beth

---

**From:** [peter@clownbank.com](mailto:peter@clownbank.com) [<mailto:peter@clownbank.com>]  
**Sent:** Wednesday, December 07, 2016 10:13 PM  
**To:** Beth Tobey  
**Subject:** RE: Scope Park Mural - Moonlight Dance - Santa Cruz

Beth

I'll probably go to the meeting if it doesn't interfere with my work hours - I work full time at the Boardwalk as a Creative Painter. If I do go, I'll take my 3 minutes.  
My attitude at this point is to let another artist have the opportunity to put their vision on that wall. The past has a way of erasing itself and my skipping figures have had a long run - about 21 years!  
My job also prevents me from making a new proposal for that location.  
Thank you for the heads up. Peter

**From:** [Vnes of Santa Cruz](#)  
**To:** [Beth Tobey](#)  
**Subject:** Moonlight Dance Mural  
**Date:** Friday, February 03, 2017 8:14:36 PM

---

Hi Beth,  
I really wanted to weigh in on on this particular piece of art in Scope Park in Downtown, "Moonlight Dance".

This particular piece is very special to me for several important reasons.

I first came to Santa Cruz in 1993 to visit my best friends. As they showed me the town, that mural struck me. I saw this diverse array of ages, styles and differently-abled people holding hands in unity and I thought, "wow that is exactly the type of inclusive community I want to live in." It was definitely a deciding factor to me in deciding to "try living here".

Later in conversation with Foster Andersen, the founder of Shared Adventures here in Santa Cruz, I found out that he knew the artist and that he was the inspiration for the person in the wheelchair in the mural. I feel that is historic.

To me this is one of those real representations of the kind of community that we are and I think it's really worth preserving forever.

I recognize that it is good to rotate art and to keep it fresh but in this case I think this mural really represents the values of this community. I really hope it can be restored and preserved.

Thanks for hearing me,  
Vnes of Santa Cruz  
(Not Venus de Milo)

Vnes of Santa Cruz (((vee-ness)))  
[www.vnesofsc.com](http://www.vnesofsc.com)

## GUARDIAN

### Statement from the Original Artist, Alan Burrus

#### ON the EDGE and INTERSECTION of MYTHOLOGY

Thirty years ago I created *Guardian* for the City of Santa Cruz, CA; she was placed on an ocean promontory overlooking the Monterey Bay; shortly thereafter, I came to visit and was feeling the enormity of the great Pacific Ocean and the great mass of land called North America and I pondered the fine line between these two powerful forces,

... I realized that, like life, there is a fragile balance.

I walked closer to my *Guardian* and whispered  
 “ ... protect these people, ... protect this town, ...  
 protect this Bay”; as I turned to leave suddenly  
 there was a blazing flash of sunlight that filled  
 her visage and I knew at that moment that there  
 was a *Trust* that would not be broken.

And so she stands quietly, staunch, unwavering,  
 ... providing a safe place, a reassuring place,  
 ... a place of curiosity and inspiration, ... a place  
 open to imagination. She is iconic to a whole  
 generation of our Santa Cruz community and its  
 artistic heartbeat.



Today, after 30 years there are chinks in her armor and wounds in her skin from the rough and tumble of her family ... the sea salt, the pounding waves, the boisterous air and wind and eager, playful, teenagers, ... yet, ... head held high, *Guardian* stands steadfast, ... the *Trust* unbroken.

Some feel that her time is over.

• **Many feel that in these ambiguous times of upheaval that she is even more needed now and that we must stand in solidarity with her.**

Let her symbolism rise like a Phoenix with the birth of a twin ... a successor to continue her long standing role ... Guardian II ... protecting the community, ... the town, ... the Bay.... a continuation of the *Trust*.

**GUARDIAN I - GUARDIAN II****REPLICATION**Cost Breakdowns

## Materials:

Cor Ten A606-4 steel plate, delivered (Western States Corten.Com)	\$3,300
welding materials & equipment	\$ 600
Lexan MR10 Margard translucent Grey (Professional Plastics, San Jose, CA)	\$1,700
solvent adhesives, equipment, safety	\$ 300

## Fabrication Labor

Cutting	18 hr @\$80	\$1,440
Welding+ Grinding	22 hr @\$80	\$1,760

## Finishes w/ labor

Patina chemicals (ferrous oxide)	\$ 600*
Interior metal sealants	
Application equipment	

## Indirect Costs

Technical Consulting	\$ 600*
Equipment Rental + Transportation	\$ 800*
Studio Utilities (arc welders, grinders, ect.)	\$ 400*
Insurances (liability + Workmens Comp)	\$1,400*
Taxes	\$ 900*

## Artist Fees

\$0000**Estimated Cost****\$13,800**

\*Original Estimate \$12,600; Increases added \$1,200

**CONSERVATION APPROACH****GUARDIAN I****Estimated Cost****\$9,600**On-Site *Removal* of Guardian I w/ City of Santa CruzOn Site *Installation* of Guardian II w/ City of Santa Cruz**Above proposals**

In cooperation with full Engineering and Shop Facilities at EarthWorks, Rick Strauss; technical consultants Jake Roulstone, Delwyn Pezzoni, Clark Shultes



**From:** [Tim Ferguson](#)  
**To:** [Beth Tobey](#)  
**Subject:** Artwork on West Cliff  
**Date:** Sunday, February 05, 2017 11:51:40 AM

---

Dear City Council Member,  
I am sad to hear the commission is considering deaccessioning of "Guardian" on West Cliff. This piece of artwork has always been a part of the West Cliff walk experience, and I sincerely hope people reconsider taking it down. I love this piece of artwork and deeply hope it stays and is NOT removed.

Much Love, and Respect,  
Tim Ferguson  
831-713-7519  
Long time Santa Cruz resident

**From:** [robert mount](#)  
**To:** [Beth Tobey](#)  
**Subject:** Guardian Point  
**Date:** Monday, January 30, 2017 9:11:53 PM

---

This is a CLASSIC pic of Guardian Point.

I could send more dawn pics, sunset pics, mid day pics. It is...

The Iconic point along West Cliff,

Bob Mount

Begin forwarded message:

**From:** robert mount <[cruzship@cruzio.com](mailto:cruzship@cruzio.com)>  
**Subject:** Fwd: the walk...  
**Date:** January 30, 2017 at 6:08:33 PM PST

One of the dawn pics. Most have more color but this day was about to rain and rain hard.

Nice squall line in the distance.

West Cliff at Guardian Point about three blocks from our house and on my three mile walk.

Begin forwarded message:

**From:** Genevieve Mount  
**Subject:** Re: the walk...  
**Date:** January 12, 2017 at 8:02:49 AM PST  
**To:** robert mount <[cruzship@cruzio.com](mailto:cruzship@cruzio.com)>

wow nice clouds. will you send me that as an attachment?

On Thu, Jan 12, 2017 at 9:57 AM, robert mount <[cruzship@cruzio.com](mailto:cruzship@cruzio.com)> wrote:

beautiful morning



--

Genevieve G. Mount  
PhD Student, Jeremy Brown Lab and Chris Austin Lab  
Department of Biological Science and Museum of Natural Sciences  
Louisiana State University  
[Phyleaux website](#)

**From:** [Mark Admin](#)  
**To:** [Beth Tobey](#)  
**Subject:** Please save the Guardian sculpture  
**Date:** Monday, February 06, 2017 8:53:27 AM

---

Hi

I hope this finds you well. I read the recent article in the Santa Cruz Sentinel about the fate of the famous sculpture, Guardian I

(<http://www.santacruzsentinel.com/arts-and-entertainment/20170203/removal-of-santa-cruz-ocean-cliff-guardian-sculpture-considered>). I love this sculpture and I remember the day of its unveiling quite fondly. In my view, removing Guardian I from public viewing would be a travesty.

Santa Cruz is a special place and this piece reflects that – original, powerful, and creative. Guardian I is a perfect complement to its location and provides a unique and personal experience to all who visit it. I understand that some repairs are needed. Of your three options (do nothing, remove, or repair), I strongly urge you to commission the artist to do the repairs and unveil Guardian II. After 30 years of welcoming the ocean breeze, I believe Guardian deserves a little loving care for it to be enjoyed for decades to come.

Thanks you for considering my concerns for the fate of Guardian I.

Best,  
Mark

Mark A. Meleason, Ph.D.  
Environmental Consultant  
4742 Liberty Rd S Box 312  
Salem, OR 97302

**From:** [john@jmatusinc.com](mailto:john@jmatusinc.com)  
**To:** [Beth Tobey](mailto:Beth_Tobey)  
**Subject:** RE: Deaccessioning Guardian Sculpture  
**Date:** Tuesday, January 31, 2017 3:14:53 PM  
**Attachments:** [image002.png](#)

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Sorry about that Beth. Thanks for your prompt reply. The text should have read:

"I love this treasure. Unless the artist wants it deaccessioned I say leave it alone. In fact, I want the City to appropriate resources to keep it in good condition in perpetuity."

John

(831) 601-4257

----- Original Message -----

Subject: RE: Deaccessioning Guardian Sculpture  
From: Beth Tobey <[btobey@cityofsantacruz.com](mailto:btobey@cityofsantacruz.com)>  
Date: Mon, January 30, 2017 8:01 am  
To: John Matusik <[john@jmatusinc.com](mailto:john@jmatusinc.com)>

John,

All I got in this email was an attached photo. Did you have further comment?

Thanks,

**Beth Tobey**

Arts Program Manager  
City of Santa Cruz Economic Development Office  
(831) 420-5154 | [btobey@cityofsantacruz.com](mailto:btobey@cityofsantacruz.com)  
[www.SantaCruzCityArts.com](http://www.SantaCruzCityArts.com)

Post your event on CruzCal – Santa Cruz’s grassroots arts & culture calendar!

[www.CruzCal.org](http://www.CruzCal.org)



**From:** John Matusik [<mailto:john@jmatusinc.com>]

**Sent:** Saturday, January 28, 2017 2:29 PM

**To:** Beth Tobey

**Cc:** Andrews Alisan; Andrews Brackin L.; Turner Anna; Turner Paul; Lee Erin; Robertson Tom; Nitzberg Martha; [denisemurphy2@gmail.com](mailto:denisemurphy2@gmail.com); [lpcharm@vanguardrealtors.com](mailto:lpcharm@vanguardrealtors.com); Park Sylvia; Park Bill

**Subject:** Deaccessioning Guardian Sculpture

**From:** [Dan Harper](#)  
**To:** [Beth Tobey](#)  
**Subject:** Save Guardian!  
**Date:** Sunday, February 05, 2017 10:28:32 AM

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Dan Harper

**From:** [R\\_Burrus@msn.com](mailto:R_Burrus@msn.com)  
**To:** [Beth Tobey](#)  
**Subject:** Save Guardian  
**Date:** Saturday, February 04, 2017 5:12:04 PM

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This is one of the more photographed objects along West Cliff Dr. Why, because it is not another whale, dolphin, or sea lion. It is unique as it stands there as a pinnacle and allows people to interpret it any way they want, it makes them think, sometimes even scratch their head, maybe even create controversy, after all shouldn't art be something more than just an object to look at.  
Thanks to the community for supporting public art and SAVE GUARDIAN



**From:** [Sirleen](#)  
**To:** [Beth Tobey](#)  
**Subject:** SAVE GUARDIAN  
**Date:** Saturday, February 04, 2017 1:06:00 PM

---

Please save the iconic sculpture!!

Thank you,  
Sirleen & Norm Ghileri

**From:** [Clark Shipley](#)  
**To:** [Beth Tobey](#)  
**Subject:** Save The Guardian  
**Date:** Thursday, February 02, 2017 11:53:34 AM

---

Absolutely no reason to de-commission this piece of art. As a life long resident of Santa Cruz, I for one enjoy it and see no reason to make the change. There is enough constant change going on in our not so sleepy town. Leave well enough alone.

Thanks,

Clark Shipley  
408-887-4642

**From:** [Henry Searle](#)  
**To:** [Beth Tobey](#)  
**Subject:** Arts Commission meeting re statue on West Cliff Drive  
**Date:** Monday, February 06, 2017 11:12:04 AM

---

I may not be able to attend the meeting on Feb 8.

Please accept this email in lieu of personal appearance.

I concur that the statue should be removed. I believe the statue may not be repaired or replaced and in any case should not be. of the ocean and coastline in our city . Usage of the path and road have increased very substantially in recent years and indeed are the most visited natural scenic spots in Santa Cruz. The coastline is perfect as it is; it is not appropriate to interfere with the views from West Cliff. The structure interferes with the views. It is irrelevant that in the opinion of some people the structure is aesthetically pleasing. The coastline cannot does not need to be scenically altered and that is exactly what the structure does.

The excerpts from the Municipal Code below re clear that this structure is in violation of two sections. First, the structure is prohibited because it is not one of the principal permitted uses in the OceanFront Recreational District, nor is it similar to a permitted use and hence could vie approved by an Administrative Permit. The wording of the section is clear. See #24.10.1900 et seq. copied below.

Second, the structure and any replacement violates # 24.10.2300 (4) of the Shoreline Protection Overlay District. That section expressly prohibits any structure located between West Cliff Drive and the ocean when that structure interferes with the views of the ocean from West Cliff Drive.

The sculpture remains in violation of the law. Any repair or attempted replacement would constitute a new violation of the code sections. It is true that there have been some violations of the rules. I suspect these were inadvertent. But earlier violations of the law cannot justify new violations.

I have copied below the two code sections. The underlining of

# (4) is mine.

Finally, if there should be any plan to do anything with the site except to restore it to a state of nature, the intent should be publicized far more widely than to people within 300 feet. This is an area that affects everyone who uses West Cliff. The Coastal Commission may need to be or should be involved.

## Part 20: OF-R OCEAN FRONT (RECREATIONAL) DISTRICT

### 24.10.1900 PURPOSE.



The purpose and intent of the Ocean Front (Recreational) District is to ensure the protection of coastal resources and views; to provide public access and maintenance of public use; to assure that coastal development is consistent with the Coastal Land Use Plan and General Plan; and to promote the safe occupancy and the reasonable use of lands subject to continuous erosion, such as coastal cliffs and beaches. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. 94-33 § 48, 1994; Ord. 85-05 § 1 (part), 1985).

### 24.10.1910 PRINCIPAL PERMITTED USES.



1. Beach and surf access ways, public or private; public beach-recreation activities; but not including the use of any building or structure, other than stairways and handrails;
2. Outdoor classes, public or private; for scientific research, art, and other subjects;
3. Parking areas or lots, public or private; but not including the use of any building or structure;
4. Picnic grounds and barbecue facilities, public or private, including tables, benches, and fire pits; but not including any other structure or building;
5. Public fishing facilities;
6. Safety structures, including, but not limited to, warning signs, barricades, retaining walls, erosion control facilities, lifeguard towers built by, or under the direction of, or with special approval of the city.

(Ord. 85-05 § 1 (part), 1985).

### 24.10.1920 USE PERMIT REQUIREMENT.



1. The following uses are subject to approval of an administrative use permit and a design permit:
  - a. Beach, surfing and fishing equipment;
  - b. Fish market;
  - c. Identification signs, appurtenant to uses permitted on the premises;
  - d. Navigation aids and devices not involving the erection of a structure;
  - e. Walls or fences, not to exceed three and one-half feet in height.
2. The following uses are subject to approval of a special use permit:
  - a. Navigation aids and devices involving the erection of a structure;
  - b. Public restroom facilities;
  - c. Temporary structures.

(Ord. 85-05 § 1 (part), 1985).

#### **24.10.1930 USE DETERMINATION.**



Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter [24.08](#), Use Permits, of this title.

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#### **24.10.2400 PURPOSE.**



The purpose of the Shoreline Protection Overlay District is to preserve and protect the coastal and environmental resources in the city of Santa Cruz. It is furthermore intended that the Shoreline Protection Overlay District accomplish the following: minimize cut, fill, earthmoving, riprap placement, grading operations, and other such man-made intrusions in coastal areas; to control erosion; to protect development from geological or other coastal related hazards; to protect public views; to protect and enhance shoreline access for the public; to protect paleontological resources; to generally implement the policies of the Local Coastal Land Use Plan. This district lies

generally between the sea and the first public road paralleling the sea, or within three hundred (300) feet of the mean high tide line of the sea, whichever is the greater distance. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. 94-33 § 53, 1994; Ord. 85-05 § 1 (part), 1985).

#### **24.10.2410 GENERAL PROVISIONS.**



Any proposed exterior construction or remodeling resulting in increased building height, earthmoving, riprap or shoreline alteration, or land alteration activity, or other exterior coastal development activity shall be subject to a coastal permit. Coastal permit exemptions and categorical exclusions may be set forth in resolution by the city council which reflects only those developments identified by Coastal Act, Section 30610 and applicable Commission regulations; and which will go into effect after approval by the Coastal Commission.

(Ord. 85-05 § 1 (part), 1985).

#### **24.10.2420 HEARING BODY REVIEW.**



Prior to issuing a coastal permit in the Shoreline Protection Overlay District, the hearing body must find that the coastal development or other activity is consistent with the purposes of this part, the General Plan and the Local Coastal Land Use Plan. If the coastal development involves other permits, the appropriate hearing body shall consider all permits concurrently.

(Ord. 85-05 § 1 (part), 1985).

#### **24.10.2430 REVIEW CRITERIA.**



Before approving a coastal permit in the Shoreline Protection Overlay District, the hearing body must find that the proposed development will:

1. Protect trees and vegetation and sensitive wildlife habitat;
2. Be consistent with the following criteria for bluff or cliff development:
  - a. The development is sited and designed to assure stability and structural integrity of its expected economic life span and minimize alterations to natural land forms.
  - b. The development will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas.
  - c. The development minimizes alteration of cliffs, bluff tops, faces or bases, and will not interfere with sand movement.
  - d. The development which proposes use of retaining walls shall

be allowed only to stabilize slopes. Sea walls at the toe of sea cliffs to check marine erosion shall be allowed only where there is no less environmentally damaging alternative.

e. The development within one hundred feet of any cliff or bluff line shall follow the recommendations of an approved geologic report by a registered geologist. The area where such a report is required may be increased where the issue of slope stability requires a greater distance from any cliff or bluff line.

3. Provide maximum erosion protection, using accepted engineering practices and other methods and specifications set forth in this title;

4. Maintain public view corridors between the sea and the first public roadway parallel to the sea and maintain natural views of the coastline;

Both these sections were added in 1985.

Reed Searle  
114 Swift St  
Santa Cruz, Ca. 95060  
831-425-8721  
[hrsearle@sbcglobal.net](mailto:hrsearle@sbcglobal.net)

P.S. the notice of the hearing that was probably posted on or near the structure has blown off as of Sunday afternoon. I saw it lying on the ground.

**From:** [Derek Mellor](#)  
**To:** [Beth Tobey](#)  
**Subject:** Comments regarding the deaccessioning of "Guardian"  
**Date:** Wednesday, February 01, 2017 11:36:06 AM

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Hello Beth,

The following represents my personal views only:

Having lived on the West Side of Santa Cruz since 1989 I want to take pride in the area that I live in and would like to see positive steps taken to improve the appearance and usability of West Cliff Drive. From an appearance point of view I believe the "Guardian" sculpture is an eyesore and detracts from the beauty of West Cliff Drive. The sculpture is dated, rusting and sits on an ugly concrete base. It is a large structure and has been used, on occasion, as a gathering point for large unruly groups of people on the ocean side of the footpath. On those occasions the walk in that area can be unpleasant. I am very happy that the Santa Cruz Arts Commission is considering action regarding "Guardian". My hope is that the sculpture is removed and the natural beauty of the cliff edge at that point is restored.

Regards

Derek Mellor  
Feb 1st 2017



**From:** [Brian Garcia](#)  
**To:** [Beth Tobey](#)  
**Subject:** Please Remove Triangle Sculpture on West Cliff  
**Date:** Saturday, February 04, 2017 5:25:42 PM

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In my humble opinion the sculpture on west cliff takes away from the natural beauty of the area. Please do not replace the sculpture in any way. I fully support art and public art but not art that blocks view of the oceans, which is why we all live here.

Thank you for your consideration,

Brian Garcia  
259 Chico ave

**From:** [Monte McDermed](#)  
**To:** [Beth Tobey](#)  
**Subject:** Re: Guardian Sculpture  
**Date:** Monday, February 06, 2017 1:14:49 PM

---

Beth

Ideally not a replica, but similar and referencing the original in material and theme. Geometry with an exposed skeleton. There was a plexiglass interior element originally as I remember. That element could be a different metal that ages quicker than a cor-ten steel skin. Stainless Steel would last but I think would be inappropriate. Rusted Steel fits the location.

So a variation from the same artist would be my suggestion.

### Monte McDermed



*Fine Furniture*

O:(919)732-9176

F: (919)732-4721

437 Dimmocks Mill Rd.

Hillsborough, NC 27278

<http://www.stonelinedesigns.com>

[Monte@stonelinedesigns.com](mailto:Monte@stonelinedesigns.com)



On Feb 6, 2017, at 3:36 PM, Beth Tobey <[btobey@cityofsantacruz.com](mailto:btobey@cityofsantacruz.com)> wrote:

Thanks Monte. To be clear, you would like to see a replica created or a totally new piece that has a 30-year longevity in the marine environment?

Beth

---

**From:** Monte McDermed [<mailto:monte@stonelinedesigns.com>]

**Sent:** Monday, February 06, 2017 12:19 PM

**To:** Beth Tobey

**Subject:** Guardian Sculpture

Just a note to say I helped install the Guardian back in the late 80s and have enjoyed seeing it over the years. I appreciate that it has deteriorated as part of the statement. I would like to see a replacement with the same 30 year life span acknowledged and planned for from the beginning, so that deterioration adds to the aesthetic.

Regards

Monte McDermed