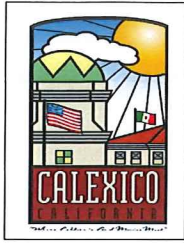


AGENDA
ITEM

18



AGENDA STAFF REPORT

DATE: February 15, 2023

TO: Mayor and City Council

APPROVED BY: Esperanza Colio Warren, City Manager *Esperanza Colio Warren*

REVIEWED BY: Sandra L. Fonseca, Interim Finance Director *Sandra L. Fonseca*

PREPARED BY: Norma Gerardo, Recreation Manager *Norma Gerardo*

SUBJECT: Approval of the Calexico Utility Box Art Project, Authorization for the City Manager to Execute Agreements and/or Any Documentation Pertaining to the Project; and Adoption of Corresponding Budget Amendment Resolution for Fund No. 223 - Art in Public Places

=====

Recommendation:

It is recommended that the City Council of the City of Calexico select one (1) of the options below:

Option No. 1: Providing Monetary Compensation.

1. Adopt Project's Forms and Guidelines
2. Approve Call for Artwork
3. Authorize the City Manager to Execute Agreements and/or Any Documentation Pertaining to the Project
4. Adopt Budget Amendment Resolution for Fund No. 223 – Art in Public Places in the amount of \$18,800.00.

Option No. 2: No Monetary Compensation.

1. Adopt Project's Forms and Guidelines
2. Approve Call for Artwork
3. Authorize the City Manager to Execute Agreements and/or Any Documentation Pertaining to the Project
4. Adopt Budget Amendment Resolution for Fund No. 223 – Art in Public Places in the amount of \$17,000.00.

Background:

The City of Calexico owns nine (9) utility boxes located at various intersections around the City that are often subjected to tagging, graffiti, and vandalism.

AGENDA ITEM 18

UTILITY BOXES – Project Sites		
	Intersection(s)	
1	Cole Boulevard	Rockwood Avenue
2	Cole Boulevard	Andrade Avenue
3	Cesar Chavez Boulevard	Grant Street
4	Cole Boulevard	Sunset Boulevard
5	Cole Boulevard	Portico Boulevard
6	Cole Boulevard	Rancho Frontera Avenue
7	Second Street	Cesar Chavez Boulevard
8	Second Street	Gran Plaza Way
9	Second Street	Gran Plaza Circle

On December 7, 2022, staff proposed a Utility Box Art Project designed to create a more vibrant and attractive cityscape by transforming common utility boxes into distinctive works of art. In said meeting, the City Council of the City of Calexico provided the following direction to staff:

- Open the program only to Calexico residents.
- Include all nine (9) City-owned utility boxes at once.
- Installation of artwork via vinyl wrapping vs hand painted.

Discussion and Analysis:

Recreation Staff is proposing to decorate City-owned utility boxes with art and/or photography wrapping. The overall installation will be completed by a vinyl wrap sign company complete with necessary preparations, including scraping, sanding and/or priming. The vinyl material used is designed to protect graphic surfaces from stains, abrasion, UV light and graffiti. City-owned utility boxes are the only ones available under this program.

Up to nine (9) artists/projects may be selected – one (1) per site location. The project’s artistic themes are Kindness, Encouragement, Hope, and/or Life; acknowledging the unique bond of our community as it comes together after difficult times. Prospective artists must reside in Calexico and be over the age of eighteen.

Artist selection process will consist of a review and preliminary selection by the Arts and Historical Commission and a final project approval by the City Council of the City of Calexico. Staff proposes the use of Art in Public Places funds to finance this project.

Tentative Project Schedule:

Call for Artwork	Friday, February 17, 2023
Deadline to Submit Proposals	Friday, March 17, 2023
Selection/Artist Notification	Thursday, May 4, 2023
Complete Installation	By Tuesday, October 31, 2023

The City Council of the City of Calexico may choose to provide a \$200.00 stipend to selected artists for their designs. Please note that if the Council decides to provide a stipend, artists will be required to possess a valid social security number to obtain a City Vendor Number.

It is recommended that the City Council of the City of Calexico select one (1) of the options below:

Option No. 1: Providing Monetary Compensation.

Adopt Project’s Forms and Guidelines; Approve Call for Artwork; Authorize the City Manager to Execute Agreements and/or Any Documentation Pertaining to the Project; and Adopt Budget Amendment Resolution for Fund No. 223 – Art in Public Places in the amount of \$18,800.00.

Option No. 2: No Monetary Compensation.

Adopt Project’s Forms and Guidelines; Approve Call for Artwork; Authorize the City Manager to Execute Agreements and/or Any Documentation Pertaining to the Project; and Adopt Budget Amendment Resolution for Fund No. 223 – Art in Public Places in the amount of \$17,000.00.

Fiscal Impact:

Art in Public Places: Utility Box Art

Option No. 1	
Fund No. 223-91-925-56000-000	\$18,800.00
TOTAL	\$18,800.00

Option No. 2	
Fund No. 223-91-925-56000-000	\$17,000.00
TOTAL	\$17,000.00

Coordinated With:

Finance Department.

Attachment(s):

1. Call for Artwork.
2. Option 1:
 - A. Utility Box Art Project Guidelines.
 - B. Project Application and Checklist.
 - C. Artists Agreement
 - D. Budget Amendment Resolution for Fund No. 223 – Art in Public Places in the amount of \$18,800.00.
3. Option 2:
 - A. Utility Box Art Project Guidelines.
 - B. Project Application and Checklist.
 - C. Artists Agreement.
 - D. Budget Amendment Resolution for Fund No. 223 – Art in Public Places in the amount of \$17,000.00.

ATTACHMENT #1

The of City of Calexico Presents



Call for Artworks

*** Utility Box Art Project**



Up to nine (9) individuals may be chosen to participate

For More Information
Please call the Calexico Recreation
Department (760) 768-2176 | (760) 357-5575

ATTACHMENT #2

ATTACHMENT A



Utility Box Art Project

City of Calexico Recreation Department
 707 Dool Avenue
 Calexico, CA 92231

Norma Gerardo
 760-768-2176
ngerardo@calexico.ca.gov

Mission: To create a more vibrant and attractive cityscape by providing a public art initiative designed to transform common utility boxes into distinctive works of art.

Procedures: The City is proposing to decorate City-owned utility boxes with art and/or photography wrapping. The overall installation will be completed by a vinyl wrap sign company, complete with necessary preparations, including scraping, sanding and/or priming. The vinyl material used is designed to protect graphic surfaces from stains, abrasion, UV light and graffiti. City-owned utility boxes are the only ones available under this program.

Sites: Artwork must cover all sides of the entire utility box. Approximate measurements 2'.7" x 2' x 5'.5"

UTILITY BOXES					
Intersection(s)					
1	Cole Boulevard	Rockwood Avenue	6	Cole Boulevard	Rancho Frontera Avenue
2	Cole Boulevard	Andrade Avenue	7	Second Street	Cesar Chavez Boulevard
3	Cesar Chavez Boulevard	Grant Street	8	Second Street	Gran Plaza Way
4	Cole Boulevard	Sunset Boulevard	9	Second Street	Gran Plaza Circle
5	Cole Boulevard	Portico Boulevard			

Artistic Themes: *Kindness, Encouragement, Hope, and/or Life; acknowledging the unique bond of our community as it comes together after difficult times.*

Guidelines: Up to nine (9) artists may be selected – one (1) per site location.

- The City is specifically requesting artwork that may consist of digital art and/or photography.
- Photos submitted shall be taken with a high-resolution camera. The camera shall have a minimum resolution of 20 megapixels. Submittals must show all sides and the top of the utility box.
- Drawings submitted can be of digital drawings or high-resolution scans of physical artwork. All images shall have a minimum resolution of 300 dots per inch (DPI) and be saved in jpeg file or png format.
- Resolution of submitted images shall have a minimum width of 3000 pixels. Because of the size of the boxes, photos will be enlarged quite a bit.
- Submitted photos shall be raw-image-format digital photos that have not been cropped, photo-shopped, or enhanced. Photos shall be taken vertically. Use of a tripod is recommended to avoid blurry photos.
- Artwork using a majority of dark colors will not be considered due to the potential of overheating the utility boxes.
- This program is open only to Calexico residents over the age of eighteen who possess a valid social security number. Only one submittal per person allowed.
- Any artist chosen to participate must sign the Artist Agreement and obtain a Vendor Number with the City.

Stipend: Selected artist will receive a stipend of \$200.00 in two equal installments of \$100.00; the first installment will be received prior to the execution of the project and the final one upon its full completion.

Artist Selection: The selection process will consist of a review and preliminary selection by the Arts and Historical Commission and a final project approval by the City Council of the City of Calexico. Artists will be notified by the City if and when their designs are selected. Art will be reviewed for Artistic Excellence and Originality, Execution of Artistic Theme, Effectiveness in Achieving Program Mission, and Appropriateness to Public Presentation.

Authorization and Copyright Restrictions: The City reserves the right to make layout edits to designs to ensure proper airflow through the boxes and to assign location of chosen artwork. The City must be able to fully access the box and the components inside the box at all times. Art submitted shall not be plagiarized, stolen, or copied from any other source. The intellectual property rights of the artwork produced under the City’s Utility Art Project will be shared between the artist and the City of Calexico. As such, the artist will waive his or her exclusive rights of reproduction of the artwork image, and the City will preserve any and all rights to archive, reproduce, sell, or give away copies and/or likenesses of the original image before, during and/or after installation.

Application: All requirements listed below must be met. Incomplete applications will be disqualified.

1. Application completed and turned in by 6:00 p.m. on Thursday, March 16, 2023.
2. Submission must include a rendering of the proposed art project on a 24x36” display cardboard sheet showing all sides and the top of the utility box.
3. USB with the images – artwork must meet specifications for content, quality, and format included in program guidelines

Completed application, along with the artwork rendering and USB, must be submitted at the Calexico Recreation Department:
Norma Gerardo
Recreation Manager
707 Dool Avenue
Calexico, CA 92231

Tentative Program Schedule:

Call for Artwork	Friday, February 17, 2023
Deadline to Submit Proposals	Friday, March 17, 2023
Selection/Artist Notification	Thursday, May 4, 2023
Complete Installation	By Tuesday, October 31, 2023

Disclaimer: The City of Calexico reserves the right to re-run the program should there be insufficient qualifying submissions and/or if there is a lack of good quality art proposals. The City reserves the right, at its sole discretion, to reject submissions with inappropriate content, including, but not limited to: profane language, sexual content, potentially libelous or defamatory comments regarding any person or organization, conduct that is or encourages illegal activity, content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, gender identification, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation, or information that may compromise the safety or security of the public or public systems or infrastructure. All submittals will be property of the City of Calexico.

ATTACHMENT B



Utility Box Art Project Application

Arts and Historical Commission
707 Dool Avenue
Calexico, CA 92231

(760) 768-2170
Norma Gerardo
ngerardo@calexico.ca.gov

APPLICANT CONTACT INFORMATION

Applicant First and Last Name

Address

Phone Number

Alternate Phone Number

Email Address

Art Design Title

I have read and agree to the Utility Box
Art Project, its Guidelines, Authorization,
Copyright Restrictions, and Program
Disclaimers

Signature

1. ARTIST STATEMENT

Please describe why you are interested in creating artwork for this project and your previous experience creating artwork, if any.

2. PROPOSED PROJECT

Please describe your proposed artwork design and how it relates to one of the related themes.

Utility Box Art Project Application – Application Checklist *(Required)*

Artist Name: _____ Date: _____

Artwork Title: _____

The following materials must be submitted for your mural application to be eligible.

Please follow this order of items in your submittal.

1. Completed Checklist
2. Utility Box Art Project Application
3. True-to-color design rendering of proposed mural on a 24 x 36" display cardboard sheet
4. Artwork in Flash Drive

Please Note:

Incomplete application packets or poor-quality graphics will not be eligible for review and consideration.

Guidelines:

- Up to nine (9) artists may be selected – one (1) per site location.
- The City is specifically requesting artwork that may consist of digital art and/or photography.
- Photos submitted shall be taken with a high-resolution camera. The camera shall have a minimum resolution of 20 megapixels. Submittals must show all sides and the top of the utility box.
- Drawings submitted can be of digital drawings or high-resolution scans of physical artwork. All images shall have a minimum resolution of 300 dots per inch (DPI) and be saved in jpeg file or png format.
- Resolution of submitted images shall have a minimum width of 3000 pixels. Because of the size of the boxes, photos will be enlarged quite a bit.
- Submitted photos shall be raw-image-format digital photos that have not been cropped, photo-shopped, or enhanced. Photos shall be taken vertically. Use of a tripod is recommended to avoid blurry photos.
- Artwork using a majority of dark colors will not be considered due to the potential of overheating the utility boxes.
- This program is open only to Calexico residents over the age of eighteen who possess a valid social security number. Only one submittal per person allowed.
- Any artist chosen to participate must sign the Artist Agreement and obtain a Vendor Number with the City.

Staff Use Only											
Date Application Received:	Received By:	Application Complete? Y/N	Calexico Resident? Y/N	AHC Project Review Date:	Selected Y/N	CC Ratification Date:	Artist Notification Date:	First Stipend Date:	Completion Date:	Second Stipend Date:	Artist Picture Date:

Staff Notes: _____

ATTACHMENT C

**City of Calexico
Utility Box Art Project
Artist Agreement**

THIS AGREEMENT is entered into on this ____ day of _____, 2023 by and between the City of Calexico (hereinafter referred to as "City") and _____ ("Artist") residing at _____.

WHEREAS, the City wishes to engage Artist to prepare the following artwork ("Artwork"):

Description: Utility Box Art Project.

Title, Date: _____

Approximate Dimensions of original Artwork: _____

Address/Location(s) ("Site"): _____

WHEREAS, Artist is willing to be so engaged upon the terms and conditions described in this Agreement.

ACCORDINGLY, the City and Artist agree to be legally bound by the following terms and conditions:

1. Term of Agreement. This Agreement is effective as of the Effective Date first set forth above and shall continue until such time as the Artwork is completed, which shall not exceed twelve (12) months from the Effective Date.
2. Designs. Artist will prepare and submit to City original sketches, photographs, graphic designs, and/or artistic designs (hereinafter "Artwork") for reproduction and placement on a City-owned utility box. The artistic themes of the Artwork are specified in the Utility Box Art Project Guidelines. Upon delivery, the City and Artist agree that the Artwork shall be the property of the City, and the City shall enjoy all rights associated with ownership of the Artwork.
3. Artist Representations. The Artist represents and warrants to the City the following:
 - a. The individual signing below has full legal power and authority to sign for and bind the Artist to all obligations under this Agreement. There is no consent needed from any third-party for the Artist to enter into this Agreement.
 - b. The Artist warrants that he or she will comply with all laws applicable to his or her activities pursuant to this Agreement during the term of this Agreement.
 - c. The Artist represents and warrants that the Designs will not contain a copyrighted or trademarked image or logo, brand or business name, website or

social media link, or address or phone number, unless written permission has been obtained from the appropriate person. The Design shall not be plagiarized without credit and shall not defame or invade the right of privacy of any person, alive or deceased.

4. Copyright. Artist grants to City, and to City's agents, authorized contractors and assigns, an unlimited, exclusive, and irrevocable license to all rights worldwide with respect to the Artwork and any and all intellectual property or other property of any nature produced, created, or suggested by the Artist. Artist agrees that the Artwork is a work for hire and shall be the sole and exclusive property of the City. As such, Artist hereby waives his or her exclusive rights of reproduction of the Artwork, and the City will preserve any and all rights to archive, reproduce, sell, or give away copies and/or likenesses of the Artwork both during production and after the Artwork has been installed.
5. Moral Rights. Due to the nature of the Artwork and the public interest of the City, Artist and Artist's agents, heirs, successors and assigns hereby waive any and all rights and claims they may have against the City, and its employees, and its agents, under the Visual Artists Rights Act of 1990, 17 U.S.C. §§ 106A and 113(d) ("VARA"), the California Art Preservation Act, Cal. Civ. Code, §§ 987, 989 ("CAPA"), and any other local, state, foreign or international law, as currently drafted or as may be hereafter amended, that conveys the same or similar rights ("Moral Rights Laws"), with respect to the Artwork, its display, removal from display, exhibition, installation, conservation, storage, study, alteration, and any other activities conducted by the City, its officers, employees, agents, contractors, licensees, successors or assigns. As the Artwork is incorporated into a utility box and cannot be removed from the utility box without physical defacement, mutilation, alternation, distortion, destruction, or other modification (collectively, "Modification") of the Artwork, artist waives any and all such claims under any Moral Rights Laws arising out of or against the City, and its agents, elected officials, officers and employees, for Modification of the Artwork. The City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the Artwork, in whole or in part, in City's sole discretion. The City has no obligation to pursue claims against third parties for modifications or damage to the Artwork done without the City's authorization. However, the City may pursue claims against third parties for modifications or damage or to restore the Artwork if the work has been modified without the City's authorization. In the event that the City pursues such a claim, it shall notify the Artist, and Artist shall cooperate with the City's efforts to prosecute such claims. If the City modifies the Artwork without the Artist's consent in a manner that is prejudicial to Artist's reputation, Artist retains the right to disclaim authorship of the Artwork in accordance with 17 U.S.C. § 106A (a)(2).
6. Review of Designs. Artist understands that Designs submitted by Artist will be reviewed by the Arts and Historical Commission selection panel ("selection panel") and by the City Council of the City of Calexico prior to any work commencing. Artist understands

that City or the selection panel will notify Artist whether they approve or disapprove of Artist's Artwork. The City or the selection panel will have sole discretion to approve, disapprove, or select any designs. Artist agrees to make himself or herself available to make artwork layout and other appropriate changes prior to Artwork production.

7. Compensation. Artist agrees he or she will receive a stipend of \$200.00 for the design of the artwork. A first installment of \$100.00 will be paid prior to the beginning of artwork installation and a second and final payment of \$100.00 upon full completion of the project. Artist understands that he or she will be required to obtain a Vendor Number with the City and that this process requires the Artist to possess a valid social security number.

8. Indemnity. Artist agrees to indemnify and hold the City and its commissions, including the Arts and Historical Commission, its appointed officials, elected officials, departments, boards, officers, agents, employees, representatives, contractors or subcontractors, or their employees harmless from all liabilities, third party claims, causes of action, judgments, damages, losses and expenses (including reason-able attorney's fees) arising out of any breach of my representations and promises and performance of obligations under this Agreement.

9. Disputes. Any dispute hereunder between the parties shall be submitted to non-binding mediation in accordance with the standards and procedures of the American Arbitration Association prior to the commencement of any legal or administrative proceeding against each other for any alleged violation of the Agreement.

IN WITNESS OF this Agreement, we have signed and delivered this Agreement on the date indicated above.

City of Calexico
Community Mural Project

By: _____

Authorized Signatory

Artist

ATTACHMENT D



BUDGET AMENDMENT RESOLUTION NO. _____
 BUDGET AMENDMENT RESOLUTION OF THE CITY COUNCIL
 OF THE CITY OF CALEXICO AUTHORIZING AN AMENDMENT
 TO THE FINAL BUDGET FOR FISCAL YEAR 2022-23

WHEREAS, the Final Budget for Fiscal Year 2022-23 was adopted by Resolution No. 2022-48 of the City Council on August 10, 2022; and

WHEREAS, the City Council has authorized the amendment of the Final Budget, in accordance with proper governmental accounting and financial reporting practices; and

NOW THEREFORE, the City Council of the City of Calexico hereby resolves and authorizes the following action(s)

AMENDMENTS TO ADOPTED BUDGET:

1) Record Revenue Estimates(s)

Fund No.	Department	Division		Account	Sub-Account	Amount
Total						0

2) Record Appropriation(s)

Fund No.	Department	Division/ Project	Project/ Account Name	Account	Sub-Account	Amount
223	90	963	Rockwood Promenade	56003	000	\$ (18,800.00)
223	91	925	Utility Box Art	56000	000	\$ 18,800.00
Total						\$ -

3) Record Transfer of Funds:

FROM:

Fund No.	Department	Division/ Project	Project/ Account Name	Account	Sub-Account	Amount
Total						\$ -

TO:

Fund No.	Department	Division/ Project	Project/ Account Name	Account	Sub-Account	Amount
Total						\$ -

5)Purpose of Budget Amendment:

To reclassify portion of approved CIP budget for the Art in Public Places Fund's Rockwood Promenade project to the Utility Box Art Project.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calexico at the regular meeting this 15th day of December, 2023.

Javier Moreno, Mayor

ATTEST:

GABRIELA T. GARCIA, City Clerk

APPROVED AS TO FORM:

CARLOS CAMPOS, City Attorney

STATE OF CALIFORNIA)
CITY OF CALEXICO) ss.
COUNTY OF IMPERIAL)

I, Gabriela T. Garcia, City Clerk of the City of Calexico, do hereby certify under the penalty of perjury, that the foregoing Resolution No. 2022-___, was duly adopted by the City Council at a meeting of said City Council held on the 15th day of February, 2023, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

GABRIELA T. GARCIA, City Clerk
City of Calexico

ATTACHMENT #3

ATTACHMENT A



Utility Box Art Project

City of Calexico Recreation Department
707 Dool Avenue
Calexico, CA 92231

Norma Gerardo
760-768-2176
ngerardo@calexico.ca.gov

Mission: To create a more vibrant and attractive cityscape by providing a public art initiative designed to transform common utility boxes into distinctive works of art.

Procedures: The City is proposing to decorate City-owned utility boxes with art and/or photography wrapping. The overall installation will be completed by a vinyl wrap sign company, complete with necessary preparations, including scraping, sanding and/or priming. The vinyl material used is designed to protect graphic surfaces from stains, abrasion, UV light and graffiti. City-owned utility boxes are the only ones available under this program.

Sites: Artwork must cover all sides of the entire utility box. Approximate measurements 2'.7" x 2' x 5'.5"

UTILITY BOXES					
Intersection(s)					
1	Cole Boulevard	Rockwood Avenue	6	Cole Boulevard	Rancho Frontera Avenue
2	Cole Boulevard	Andrade Avenue	7	Second Street	Cesar Chavez Boulevard
3	Cesar Chavez Boulevard	Grant Street	8	Second Street	Gran Plaza Way
4	Cole Boulevard	Sunset Boulevard	9	Second Street	Gran Plaza Circle
5	Cole Boulevard	Portico Boulevard			

Artistic Themes: *Kindness, Encouragement, Hope, and/or Life*; acknowledging the unique bond of our community as it comes together after difficult times.

Guidelines: Up to nine (9) artists may be selected – one (1) per site location.

- The City is specifically requesting artwork that may consist of digital art and/or photography.
- Photos submitted shall be taken with a high-resolution camera. The camera shall have a minimum resolution of 20 megapixels. Submittals must show all sides and the top of the utility box.
- Drawings submitted can be of digital drawings or high-resolution scans of physical artwork. All images shall have a minimum resolution of 300 dots per inch (DPI) and be saved in jpeg file or png format.
- Resolution of submitted images shall have a minimum width of 3000 pixels. Because of the size of the boxes, photos will be enlarged quite a bit.
- Submitted photos shall be raw-image-format digital photos that have not been cropped, photo-shopped, or enhanced. Photos shall be taken vertically. Use of a tripod is recommended to avoid blurry photos.
- Artwork using a majority of dark colors will not be considered due to the potential of overheating the utility boxes.
- This program is open only to Calexico residents over the age of eighteen. Only one submittal per person allowed.
- Any artist chosen to participate must sign the Artist Agreement.

- Artist has requested to participate in the City’s Utility Box Art Program and understands there is no monetary compensation for this project. The City will be responsible for the installment of the Artwork on the Site.

Artist Selection: The selection process will consist of a review and preliminary selection by the Arts and Historical Commission and a final project approval by the City Council of the City of Calexico. Artists will be notified by the City if and when their designs are selected. Art will be reviewed for Artistic Excellence and Originality, Execution of Artistic Theme, Effectiveness in Achieving Program Mission, and Appropriateness to Public Presentation.

Authorization and Copyright Restrictions: The City reserves the right to make layout edits to designs to ensure proper airflow through the boxes and to assign location of chosen artwork. The City must be able to fully access the box and the components inside the box at all times. Art submitted shall not be plagiarized, stolen, or copied from any other source. The intellectual property rights of the artwork produced under the City’s Utility Art Project will be shared between the artist and the City of Calexico. As such, the artist will waive his or her exclusive rights of reproduction of the artwork image, and the City will preserve any and all rights to archive, reproduce, sell, or give away copies and/or likenesses of the original image before, during and/or after installation.

Application: All requirements listed below must be met. Incomplete applications will be disqualified.

1. Application completed and turned in by 6:00 p.m. on Thursday, March 16, 2023.
2. Submission must include a rendering of the proposed art project on a 24x36” display cardboard sheet showing all sides and the top of the utility box.
3. USB with the images – artwork must meet specifications for content, quality, and format included in program guidelines

Completed application, along with the artwork rendering and USB, must be submitted at the Calexico Recreation Department:
 Norma Gerardo
 Recreation Manager
 707 Dool Avenue
 Calexico, CA 92231

Tentative Program Schedule:

Call for Artwork	Friday, February 17, 2023
Deadline to Submit Proposals	Friday, March 17, 2023
Selection/Artist Notification	Thursday, May 4, 2023
Complete Installation	By Tuesday, October 31, 2023

Disclaimer: The City of Calexico reserves the right to re-run the program should there be insufficient qualifying submissions and/or if there is a lack of good quality art proposals. The City reserves the right, at its sole discretion, to reject submissions with inappropriate content, including, but not limited to: profane language, sexual content, potentially libelous or defamatory comments regarding any person or organization, conduct that is or encourages illegal activity, content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, gender identification, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation, or information that may compromise the safety or security of the public or public systems or infrastructure. All submittals will be property of the City of Calexico.

ATTACHMENT B



Utility Box Art Project Application

Arts and Historical Commission
707 Dool Avenue
Calexico, CA 92231

(760) 768-2170
Norma Gerardo
ngerardo@calexico.ca.gov

APPLICANT CONTACT INFORMATION

Applicant First and Last Name

Address

Phone Number

Alternate Phone Number

Email Address

Art Design Title

I have read and agree to the Utility Box
Art Project, its Guidelines, Authorization,
Copyright Restrictions, and Program
Disclaimers

Signature

1. ARTIST STATEMENT

Please describe why you are interested in creating artwork for this project and your previous experience creating artwork, if any.

2. PROPOSED PROJECT

Please describe your proposed artwork design and how it relates to one of the related themes.

Utility Box Art Project Application – Application Checklist *(Required)*

Artist Name: _____ Date: _____

Artwork Title: _____

The following materials must be submitted for your mural application to be eligible.

Please follow this order of items in your submittal.

1. Completed Checklist
2. Utility Box Art Project Application
3. True-to-color design rendering of proposed mural on a 24 x 36" display cardboard sheet
4. Artwork in Flash Drive

Please Note:

Incomplete application packets or poor-quality graphics will not be eligible for review and consideration.

Guidelines:

- Up to nine (9) artists may be selected – one (1) per site location.
- The City is specifically requesting artwork that may consist of digital art and/or photography.
- Photos submitted shall be taken with a high-resolution camera. The camera shall have a minimum resolution of 20 megapixels. Submittals must show all sides and the top of the utility box.
- Drawings submitted can be of digital drawings or high-resolution scans of physical artwork. All images shall have a minimum resolution of 300 dots per inch (DPI) and be saved in jpeg file or png format.
- Resolution of submitted images shall have a minimum width of 3000 pixels. Because of the size of the boxes, photos will be enlarged quite a bit.
- Submitted photos shall be raw-image-format digital photos that have not been cropped, photo-shopped, or enhanced. Photos shall be taken vertically. Use of a tripod is recommended to avoid blurry photos.
- Artwork using a majority of dark colors will not be considered due to the potential of overheating the utility boxes.
- This program is open only to Calexico residents over the age of eighteen. Only one submittal per person allowed.
- Any artist chosen to participate must sign the Artist Agreement.
- Artist has requested to participate in the City's Utility Box Art Program and understands there is no monetary compensation for this project. The City will be responsible for the installment of the Artwork on the Site.

Staff Use Only

Date Application Received:	Received By:	Application Complete? Y/N	Calexico Resident? Y/N	AHC Project Review Date:	Selected Y/N	CC Ratification Date:	Artist Notification Date:	Completion Date:	Artist Picture Date:

Staff Notes: _____

ATTACHMENT C

City of Calexico
Utility Box Art Project
Artist Agreement

THIS AGREEMENT is entered into on this ____ day of _____, 2023 by and between the City of Calexico (hereinafter referred to as "City") and _____ ("Artist") residing at _____.

WHEREAS, the City wishes to engage Artist to prepare the following artwork ("Artwork"):

Description: Utility Box Art Project.

Title, Date: _____

Approximate Dimensions of original Artwork: _____

Address/Location(s) ("Site"): _____

WHEREAS, Artist is willing to be so engaged upon the terms and conditions described in this Agreement.

ACCORDINGLY, the City and Artist agree to be legally bound by the following terms and conditions:

1. Term of Agreement. This Agreement is effective as of the Effective Date first set forth above and shall continue until such time as the Artwork is completed, which shall not exceed twelve (12) months from the Effective Date.
2. Designs. Artist will prepare and submit to City original sketches, photographs, graphic designs, and/or artistic designs (hereinafter "Artwork") for reproduction and placement on a City-owned utility box. The artistic themes of the Artwork are specified in the Utility Box Art Project Guidelines. Upon delivery, the City and Artist agree that the Artwork shall be the property of the City, and the City shall enjoy all rights associated with ownership of the Artwork.
3. Artist Representations. The Artist represents and warrants to the City the following:
 - a. The individual signing below has full legal power and authority to sign for and bind the Artist to all obligations under this Agreement. There is no consent needed from any third-party for the Artist to enter into this Agreement.
 - b. The Artist warrants that he or she will comply with all laws applicable to his or her activities pursuant to this Agreement during the term of this Agreement.
 - c. The Artist represents and warrants that the Designs will not contain a copyrighted or trademarked image or logo, brand or business name, website or

social media link, or address or phone number, unless written permission has been obtained from the appropriate person. The Design shall not be plagiarized without credit and shall not defame or invade the right of privacy of any person, alive or deceased.

4. Copyright. Artist grants to City, and to City's agents, authorized contractors and assigns, an unlimited, exclusive, and irrevocable license to all rights worldwide with respect to the Artwork and any and all intellectual property or other property of any nature produced, created, or suggested by the Artist. Artist agrees that the Artwork is a work for hire and shall be the sole and exclusive property of the City. As such, Artist hereby waives his or her exclusive rights of reproduction of the Artwork, and the City will preserve any and all rights to archive, reproduce, sell, or give away copies and/or likenesses of the Artwork both during production and after the Artwork has been installed.
5. Moral Rights. Due to the nature of the Artwork and the public interest of the City, Artist and Artist's agents, heirs, successors and assigns hereby waive any and all rights and claims they may have against the City, and its employees, and its agents, under the Visual Artists Rights Act of 1990, 17 U.S.C. §§ 106A and 113(d) ("VARA"), the California Art Preservation Act, Cal. Civ. Code, §§ 987, 989 ("CAPA"), and any other local, state, foreign or international law, as currently drafted or as may be hereafter amended, that conveys the same or similar rights ("Moral Rights Laws"), with respect to the Artwork, its display, removal from display, exhibition, installation, conservation, storage, study, alteration, and any other activities conducted by the City, its officers, employees, agents, contractors, licensees, successors or assigns. As the Artwork is incorporated into a utility box and cannot be removed from the utility box without physical defacement, mutilation, alternation, distortion, destruction, or other modification (collectively, "Modification") of the Artwork, artist waives any and all such claims under any Moral Rights Laws arising out of or against the City, and its agents, elected officials, officers and employees, for Modification of the Artwork. The City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the Artwork, in whole or in part, in City's sole discretion. The City has no obligation to pursue claims against third parties for modifications or damage to the Artwork done without the City's authorization. However, the City may pursue claims against third parties for modifications or damage or to restore the Artwork if the work has been modified without the City's authorization. In the event that the City pursues such a claim, it shall notify the Artist, and Artist shall cooperate with the City's efforts to prosecute such claims. If the City modifies the Artwork without the Artist's consent in a manner that is prejudicial to Artist's reputation, Artist retains the right to disclaim authorship of the Artwork in accordance with 17 U.S.C. § 106A (a)(2).
6. Review of Designs. Artist understands that Designs submitted by Artist will be reviewed by the Arts and Historical Commission selection panel ("selection panel") and by the City Council of the City of Calxico prior to any work commencing. Artist understands

that City or the selection panel will notify Artist whether they approve or disapprove of Artist's Artwork. The City or the selection panel will have sole discretion to approve, disapprove, or select any designs. Artist agrees to make himself or herself available to make artwork layout and other appropriate changes prior to Artwork production.

7. Compensation. Artist has requested to participate in the City's Utility Box Art Program and understands there is no monetary compensation for this project. The City will be responsible for the installment of the Artwork on the Site.
8. Indemnity. Artist agrees to indemnify and hold the City and its commissions, including the Arts and Historical Commission, its appointed officials, elected officials, departments, boards, officers, agents, employees, representatives, contractors or subcontractors, or their employees harmless from all liabilities, third party claims, causes of action, judgments, damages, losses and expenses (including reason-able attorney's fees) arising out of any breach of my representations and promises and performance of obligations under this Agreement.
9. Disputes. Any dispute hereunder between the parties shall be submitted to non-binding mediation in accordance with the standards and procedures of the American Arbitration Association prior to the commencement of any legal or administrative proceeding against each other for any alleged violation of the Agreement.

IN WITNESS OF this Agreement, we have signed and delivered this Agreement on the date indicated above.

City of Calexico
Community Mural Project

By: _____

Authorized Signatory

Artist

ATTACHMENT D



BUDGET AMENDMENT RESOLUTION NO. _____
 BUDGET AMENDMENT RESOLUTION OF THE CITY COUNCIL
 OF THE CITY OF CALEXICO AUTHORIZING AN AMENDMENT
 TO THE FINAL BUDGET FOR FISCAL YEAR 2022-23

WHEREAS, the Final Budget for Fiscal Year 2022-23 was adopted by Resolution No. 2022-48 of the City Council on August 10, 2022; and

WHEREAS, the City Council has authorized the amendment of the Final Budget, in accordance with proper governmental accounting and financial reporting practices; and

NOW THEREFORE, the City Council of the City of Calexico hereby resolves and authorizes the following action(s)

AMENDMENTS TO ADOPTED BUDGET:

1) Record Revenue Estimates(s)

Fund No.	Department	Division		Account	Sub-Account	Amount
Total						0

2) Record Appropriation(s)

Fund No.	Department	Division/ Project	Project/ Account Name	Account	Sub-Account	Amount
223	90	963	Rockwood Promenade	56003	000	\$ (17,000.00)
223	91	925	Utility Box Art	56000	000	\$ 17,000.00
Total						\$ -

3) Record Transfer of Funds:

FROM:

Fund No.	Department	Division/ Project	Project/ Account Name	Account	Sub-Account	Amount
Total						\$ -

TO:

Fund No.	Department	Division/ Project	Project/ Account Name	Account	Sub-Account	Amount
Total						\$ -

5) Purpose of Budget Amendment:

To reclassify portion of approved CIP budget for the Art in Public Places Fund's Rockwood Promenade project to the Utility Box Art Project.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calexico at the regular meeting this 15th day of December, 2023.

Javier Moreno, Mayor

ATTEST:

GABRIELA T. GARCIA, City Clerk

APPROVED AS TO FORM:

CARLOS CAMPOS, City Attorney

STATE OF CALIFORNIA)
CITY OF CALEXICO) ss.
COUNTY OF IMPERIAL)

I, Gabriela T. Garcia, City Clerk of the City of Calexico, do hereby certify under the penalty of perjury, that the foregoing Resolution No. 2022-___, was duly adopted by the City Council at a meeting of said City Council held on the 15th day of February, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

GABRIELA T. GARCIA, City Clerk
City of Calexico