



THE CITY OF SAN DIEGO

ARTWORK DEACCESSION/DISPOSAL REPORT

ARTISTS:			
Name Jill Moon and Matthew Welsh		Alias (if appl.)	
Nationality American		Birth Date/Death Date (if appl.) 20 th /21 st century	
Address [REDACTED]			
Phone [REDACTED]		Fax n/a	Email n/a
Biography (attach bio/resume/statement, if available) Jill Moon received an undergraduate degree from the University of San Diego and has worked as a set designer for the La Jolla Playhouse and San Diego Repertory Theater. She has taught classes in set design at Cornell University in New York. Moon and her husband opened Twiggs Tea and Coffee Co. in University Heights in 1992 and later sold it to pursue other interests. Matthew Welsh is a painter and an architect based in La Jolla.			
ARTWORK: (attach photographic images)		Accession # 1995.5.2	
Title Ocean Dreams		Artwork type mural	
Description A mural, which is comprised of a multicolored, stylized group of geometric forms painted in a scattered pattern design across the walls surrounding the Newport Avenue parking lot by the pier in Ocean Beach. This mural is accompanied by a separate artwork by the same artists, a group of sculptures (Accession No. 1995.5.1).			
Period/Date (or scheduled completion date, if appl.) 1995		Dimensions (h x w x d in) & Weight (kg, if appl.) 12" to 120" h x 2759" w	
Framing Is the work framed? (describe)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Mount/Base (describe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Accompanying Accessories (describe)			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provenance/History Commissioned for the citizens of San Diego through the City of San Diego Commission for Arts and Culture's (Commission) 1990 Neighborhood Initiatives Public Art Program with support from the Ocean Beach Mainstreet Association. The Neighborhood Initiatives Public Art Program was initiated as a City-wide pilot program designed to involve communities and artists in the development and creation of site specific artwork. A number of communities participated in the program including Ocean Beach. The Commission received funds from the National Endowment for the Arts (NEA) and California Arts Council (CAC) to conduct the planning component of the project.			
METHOD OF ACQUISITION:			
Direct Purchase <input type="checkbox"/>	Commission <input checked="" type="checkbox"/>	Donation <input type="checkbox"/>	Other <input type="checkbox"/> (explain)
Original Cost/Purchase Price (in U.S. dollars) In 1992, the artists entered into an agreement with the City for the development of a public art			

proposal. The amount of this agreement was \$1,000 and was funded through the Commission's Public Art Fund (PAF), the NEA and the CAC. After the artists' art proposal was selected, the artists entered into an agreement with the City for the fabrication and installation of the artwork. The \$22,000 fabrication and installation portion of the project was funded through the PAF, the NEA, the CAC and Community Development Block Grant (CDBG) (\$7,000 PAF, NEA, CAC/\$15,000 CDBG). The estimated budget breakdown for the fabrication and installation included: \$5,000 for paint and execution of mural; and \$14,000 for the fabrication and painting of the associated sculptures (Accession No. 1995.5.1) plus \$3,000 contingency fund.

This agreement was later amended, to reflect a change in responsibility for the transportation and installation of the sculpture. The responsibility was assumed by Park and Recreation Department and \$3,000 originally to be paid to the artist team was transferred to the Park and Recreation Department. In the end, the total Ocean Beach public art project cost \$20,000, including design, paint and execution of the mural and fabrication and painting of the sculptures.

\$1,000.00 Design fee
+\$22,000.00 Fabrication and Installation
 \$23,000.00
~~-\$3,000.00 Transportation and Installation by Park and Recreation Dept.~~
 \$20,000.00 Total project budget

CONDITION:

Condition Report provided Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Describe current condition of artwork noting any existing breaks, tears, scratches, abrasions, paint losses, or other insecurities or defects in the object and attach condition report			
	Excellent <input type="checkbox"/>	Good <input type="checkbox"/>	Fair <input type="checkbox"/>	Poor <input checked="" type="checkbox"/>
<p>The tagging has been frequent and widespread and there is patchy, unmatching overpaint. The paint is also fading. The wall has some cracking due to rebar corrosion and there is a long horizontal crack at the top of the wall with the chain link fence. In addition, there are severe stains and aging cracks toward the lower portion of the work near the west side.</p> <p>The Commission conducted a conservation survey of the City's art collection that was completed in early 2008. Based on the criteria establish for the survey, the mural was identified as requiring major conservation treatment. The mural was also identified as an artwork that should be considered for deaccessioning and disposal.</p>				

ARTWORK SITE: (attach photographic images, if appl.)

Current artwork location and description of site
 Newport Avenue Parking Lot Wall, Ocean Beach, 92107

VALUATION (a formal appraisal must be attached for any artwork having a fair market value of \$10,000 or more)

Market Value \$	Value in U.S. Dollars
Date of appraisal (if appl.)	Name of Appraiser (if appl.)

How was this fair market value determined and by whom? (if not an appraiser)
 Commission staff has determined that a formal appraisal is an unnecessary expenditure and unwarranted given the current condition of the mural.

REASONS FOR DEACCESSIONING (check all that apply)

- Condition or security of the artwork cannot be guaranteed, or the Commission cannot properly care for or store the artwork;
- The artwork requires excessive or unreasonable maintenance, or has faults in design or workmanship;
- The condition of the artwork requires conservation and/or repair and restoration in gross excess of its fair market value, or has deteriorated and may be of insufficient merit to allocate the resources to ensure its conservation and/or repair and restoration;
- The artwork presents a threat to public safety, is made of hazardous materials, and/or is actively decomposing in a manner that directly and negatively affects the condition of other artworks and/or the site;
- The artwork is proved to be inauthentic or in violation of existing copyright laws;
- The artwork is not, or is only rarely, on display because it lacks a suitable site;
- No suitable site for the artwork is available, or significant changes in the use, character or design of the site have occurred which affect the integrity of the Artwork;
- Changes to the site have significantly minimized or eliminated the public's access to the artwork;
- The site where the work is located is undergoing privatization;
- Once installed, the artwork does not conform to the conditions under which the artwork was accepted;
- The artwork has received documented and unabated adverse reaction from a measurably large number of citizens and/or organizations based within the community where the artwork is located over at least five years;
- The Commission wishes to replace the artwork with another artwork by the same artist;
- The artwork is judged to have little or no aesthetic and/or historical or cultural value;
- The artwork can be sold to finance, or can be traded for, an artwork of greater importance;
- The artwork is duplicative in a large holding of artwork of that type or of that artist.

RECOMMENDED FOR DEACCESSION REVIEW BY:

Name Christine Jones	Title Public Art Project Coordinator
Relationship to artwork Collection management	Date 5/7/2008

Specific reason for recommending deaccession review

The mural is in poor condition with fading, age cracks, discoloration, etc. and is a target for graffiti and as a result requires excessive maintenance. Commission staff considered conservation of the mural as an alternative but has determined that the mural may be of insufficient merit to allocate the resources to ensure its conservation and ongoing maintenance. Additionally, Commission staff has received numerous complaints about the mural from the Ocean Beach community.

COMMENTS AND OPINIONS:

Briefly explain media or other evidence of public debate documenting extended adverse public reaction

According to Dana Springs, Public Art Program Manager for the Commission, Commission staff has occasionally received requests for removal of the mural since 2000. Documentation of these requests was lost in a conversion of computer files in 2005. Springs confirmed that Commission staff was reluctant to take action on altering the artwork due to the Visual Artists Rights Act of 1990. Representatives for the City Attorney advised Commission staff to delay alteration of the artwork until a deaccessioning policy had been adopted by City Council.

Executive Director of the Ocean Beach Mainstreet Association (OBMA) contacted the Commission in May 2007 about the mural and sculpture group. She commented that the members of her organization hear complaints frequently, especially about the mural. Commission staff explained that conservation is done on a prioritized emergency basis due to funding and noted the discussion. At this time, Commission staff informed Executive Director that if the OBMA could come up with the funds for conservation, Commission staff would administer the process.

Commission staff contacted Executive Director again in June 2008. Executive Director then addressed the condition of both the sculptures and the mural with the OBMA Board of Directors at a meeting on July 10, 2008. The Board's discussion centered primarily on the poor condition of the mural and was summarized in a letter to the Commission requesting that the mural be conserved or removed. It is important to note that Executive Director sat on the artist selection panel for the project in 1991.

President of the Ocean Beach Town Council also contacted Commission staff in May 2008 about the mural and commented "As a long time resident of the Ocean Beach area I am very disheartened by the condition of the murals on the block walls in the OB Pier parking lot. I was told that these murals were part of a public art project coordinated by your department. They have been defaced with graffiti and in the areas where someone has tried to clean up the defacements there are now grey areas. Given their current state they have become an eyesore and an embarrassment to our community." President of Ocean Beach Town Council also requested that the City conserve or remove the mural. He has continued to express his concern in subsequent emails to Commission staff.

Ocean Beach community member contacted Commission staff in August 2008 about the mural and sculptures and commented "I feel we should really keep the art in the parking lot at end of Newport Ave. It really helps to improve the environment. It creates a friendlier atmosphere that celebrates artists. OB is all about musicians, poets, and all kinds of artists. If we remove beautiful art like this then we will lose the people that make OB so great! We must encourage more art like this, not removal of it."

Ocean Beach Planning Board member contacted Commission staff in August 2008 about the sculptures and commented "I am writing in regards to the removal of the metal structure that is located on the end of Newport Ave. I think it would be a travesty to remove this from Ocean Beach. It adds character and serves as an interesting focal point of what would otherwise be an eyesore. It creates a type of screen that blocks the view of the parking lot. On numerous occasions I have seen both tourists and locals posing for pictures in front of the art. It is just one of the many things that give Ocean Beach the unique character that we have and are so proud of."

Ocean Beach community member contacted Commission staff in August 2008 about the mural and sculptures and commented "If the art is removed will there be something else put in place? I am all for changing the art. However, I am against leaving the area blank."

Comments from the Artist(s), donor(s) or any stakeholders groups

In phone conversations between Commission staff and the artists, Matthew Welsh commented, "Whatever the Commission wants to do [is fine with me]." And Jill Moon commented, "[The art] was never meant to be permanent. They (the mural and sculpture) have had a good life."

On the advice of representatives for the City Attorney and the extant conditions in the agreement between the artists and the City of San Diego, Commission staff sought written confirmation of the artist intentions towards the artworks. The artists were given 90 days to respond to this request, which

was mailed on July 8, 2008.

On July 26, 2008, Jill Moon signed a statement giving the City approval to remove the artwork.
On July 31, 2008, Matthew Welsh signed a statement giving the City approval to remove the artwork.

Comments from City department responsible for operating and maintaining the artwork's site

The mural, which is located on the walls surrounding the Newport Avenue parking lot near the Ocean Beach pier, is owned by the City of San Diego. The parking lot is maintained by the Park and Recreation Department. Park and Recreation Department staff has no comments regarding the mural. Maintenance of the City's artworks is currently conducted on an emergency basis by the Commission. It should also be noted that the Police Department's Western Division has small facility located in the parking lot. The community relations police officer for the area commented that he has not heard any direct complaints about the mural.

Were outside experts (conservators, engineers, architects, critics, safety experts, etc.) contacted? (explain)

Commission staff contacted a painting conservator who specializes in outdoor murals to get a rough estimate for conservation treatment. Based on photos only, the conservator's rough estimate for proper conservation intervention to remove graffiti, fix structural problems and appropriately inpaint the damages would be in excess of \$40,000 to \$50,000. The conservator said that he would not be interested in performing the work due to his belief that the mural would continue to be tagged and intervention would not be cost effective. Commission staff considered conservation of the mural as an alternative but has determined that the mural may be of insufficient merit to allocate the resources to ensure its conservation and ongoing maintenance.

Yes

No

RESTRICTIONS:

Records searched for restrictions

Artist/Project File

Artwork File

Donation File

Other (explain)

Contractual Agreement for Services with the Artists

Restrictions found? (explain)

Yes

No

Opinion from the office of the City Attorney regarding title and any restrictions that may apply to Artwork and/or an opinion from the City's Risk Management Department regarding public safety, insurance, etc.

A Deputy City Attorney reviewed the artists' contract. She confirmed that the City of San Diego owns the artwork. She concluded that there are no restrictions that apply to the artwork as long as Section 22 - Removal or Alteration is followed and the artists are given 90 days to respond to the City's letter of intent to deaccession and dispose.

LIST OF DOCUMENTS ATTACHED:

Photographic images

COMMISSION STAFF RECOMENDATIONS:

Suggested Methods of Disposal

Artist

Donation

Exchange

Sale at Public Auction

Destruction

Approve

Not Approve

Comments or suggestions

Commission staff recommends painting over the mural. The City can contract with an outside vendor to paint over the mural. The Commission has received two estimates for this service in the amount of \$1,115 and \$2,325. The cost for removal will be paid from the Public Art Fund. Future maintenance of the retaining wall will be the responsibility of the Park and Recreation Department.

FINAL ACTIONS ON DEACCESSION REVIEW REQUEST:		
Recommendations of the Public Art Committee		
Approve <input checked="" type="checkbox"/>	Not Approve <input type="checkbox"/>	Date August 7, 2008
Comments or suggestions The Public Art Committee, an advisory subcommittee of the Commission, made a motion to recommend to the Commission the deaccession and disposal of <i>Ocean Dreams</i> as recommended by Commission staff.		
Commission for Arts and Culture		
Approve <input type="checkbox"/>	Not Approve <input type="checkbox"/>	Date
Comments or suggestions		
Executive Director, Commission for Arts and Culture		
Approve <input type="checkbox"/>	Not Approve <input type="checkbox"/>	Date
Comments or suggestions		
FINAL DEACCESSION REVIEW OUTCOME:		
Method of Disposal		Date
Relocation review		Date



Ocean Dreams by Jill Moon and Matthew Welsh, detail of mural



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