

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 JUL -2 AM 10:11

Approved as to Form and Legality

Oakland City Attorneys Office

OAKLAND CITY COUNCIL

Resolution No. 82222 C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WOWHAUS FOR PUBLIC ART DESIGN, FABRICATION AND INSTALLATION SERVICES FOR THE OAKLAND WATERSHED ART MARKER PROJECT IN AN AMOUNT NOT TO EXCEED EIGHTY-SEVEN THOUSAND DOLLARS (\$87,000) IN MEASURE DD PUBLIC ART FUNDS

WHEREAS, Measure DD, the Oakland Trust for Clean Water and Safe Parks Fund, includes funding for the watershed systems including Lake Merritt, creeks and estuary; and

WHEREAS, professional artistic design services are needed to develop a public art component for the project; and

WHEREAS, an extensive outreach effort to solicit qualified artist candidates resulted in responses from fifty-nine eligible artists; and

WHEREAS, in February 1989, the City of Oakland adopted a Public Art Ordinance (No. 11086 C.M.S.) and an Oakland Redevelopment Agency Resolution (No. 89-8 C.M.S.) authorizing the allocation of 1.5% of City capital improvement project costs for the commissioning of public artwork; and

WHEREAS, it is the intent of the Public Art Ordinance and the Oakland Redevelopment Agency Resolution to provide a means for the City to commission artists to create artwork that enlivens, enhances, and enriches the visual environment of the City of Oakland; and

WHEREAS, on February 20, 2009 and March 20, 2009, an eight-member selection panel consisting of community members, artists, arts professionals, project representatives and City staff met to select an artist to create a public art project for the Oakland Watershed Art Marker Project, and unanimously recommended the artists of Wowhaus; and

WHEREAS, on April 6, 2009, the Public Art Advisory Committee voted to accept the recommendation of the selection panel and approve the commission of Wowhaus for the Oakland Watershed Art Marker Project; and

WHEREAS, the City of Oakland finds that this contract is professional in nature and will not result in a loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, funding for the permanent artwork project in the amount of \$20,000 is available within the Measure DD Series A Bond Fund [Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92242), Lake Merritt (C241621)] and \$22,000 is available within Measure DD Series A Bond Funds [Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92280), Creeks/Waterway (C244821)], the remaining \$45,000 will be allocated from Measure DD Series B Bond funds from Creeks and Waterways issued in late 2009; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and execute a professional services agreement with Wowhaus in an amount not to exceed eighty-seven thousand dollars (\$87,000) from Measure DD bond funding; and be it

FURTHER RESOLVED: That \$20,000 will be allocated from the Measure DD Series A Bond Fund [Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92242), Lake Merritt (C241621)] and \$22,000 is available within Measure DD Series A Bond Funds [Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92280), Creeks/Waterway (C244821)], the remaining \$45,000 will be allocated from measure DD Series B Bond funds from Creeks and Waterways issued in late 2009; and be it

FURTHER RESOLVED: In the event the issuance of the Measure DD Series B Bond Fund is delayed and not in time for the payment of the remainder of the contract, funding will be advanced from existing Measure DD Series A project funds that have not been spent or from the projects that are on hold, and will be recovered from Series B Bond when the funds do become available; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: The agreement will be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 21 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND
PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS

City Clerk and Clerk of the Council of
the City of Oakland, California