

FILED
OFFICE OF THE CITY CLERK
OAKLAND

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

AGENDA REPORT

2010 SEP 30 PM 5:15

To: Agency Administrator
Attn: Dan Lindheim
From: Community and Economic Development Agency
Date: October 12, 2010

Re: A Resolution authorizing a First Amendment to the Grant Agreement between the Oakland Redevelopment Agency and the Oakland Metropolitan Chamber of Commerce Foundation, which awarded the Chamber \$182,000 for the Installation of the First Phase (Maya and Ruby) of the Sculptural Monument titled Remember Them: Champions for Humanity, by Mario Chiodo in Henry J. Kaiser Memorial Park, to Extend the Completion Date for an Additional Year (from September 30, 2010 to September 30, 2011) and a Report on the Installation of the Monument, including New Contract Terms Proposed by the Oakland Metropolitan Chamber of Commerce Foundation that would change a Significant Contract Term related to the Completion Date of installing the First Phase of the Monument

SUMMARY

On April 23, 2010, the Oakland Redevelopment Agency (Agency) and the Oakland Metropolitan Chamber of Commerce Foundation (Chamber Foundation) entered into a grant agreement (the "Agreement") for an amount not to exceed \$182,000 to pay toward the cost of installing a four-piece sculptural bronze monument titled "*Remember Them: Champions for Humanity*", designed and created by Mario Chiodo, at Henry J. Kaiser Memorial Park (the "Park"). In return for providing the grant, the Agency's Agreement with the Chamber Foundation requires that the first component of the monument which depicts Maya Angelou and Ruby Bridges ("Maya and Ruby") be installed at the Park no later than September 30, 2010.

The Agency's grant to the Chamber Foundation provided sufficient gap funding to finish the bronzing of Maya and Ruby. At the same time, spurred by the completion of Maya and Ruby, other corporate donors contributed additional funds for the fabrication of two more sections of the monument.

The Chamber Foundation has requested that the deadline for placing Maya and Ruby in the Park be postponed by one year from September 30, 2010 to September 30, 2011. Chamber Foundation representatives believe that the recent increase in corporate donations for the

Item: _____
CED Committee
October 12, 2010

monument indicates that the Foundation will likely be able to secure full project funding and complete the fabrication of all four sections of the monument by next fall. As a result, they prefer a single installation of the monument in September 2011 to a phased installation beginning this fall.

Staff recommends approval of the proposed legislation to amend the Agreement between the Agency and the Chamber Foundation to extend the date for installation of Maya and Ruby, from September 30, 2010 to September 30, 2011.

FISCAL IMPACT

There is no fiscal impact associated with this status report or the possible adoption of the proposed resolution. The Agency has disbursed all but \$2,500 of the \$182,000 grant to the Chamber Foundation. The remaining funds will pay for site preparation costs. Pursuant to the terms of the Agreement, these remaining funds must be disbursed no later than December 8, 2011.

BACKGROUND

On September 19, 2006, pursuant to Resolution No. 80123 C.M.S., the City Council authorized the acceptance of the sculpture titled *Remember Them: Champions for Humanity* as a gift to the City of Oakland for permanent installation at Henry J. Kaiser Memorial Park. On April 9, 2010, the City of Oakland ("City") and the Chamber Foundation entered into an *Agreement for Acceptance and Maintenance of Phase One – Maya and Ruby* (the "Acceptance Agreement").

On April 23, 2010, pursuant to Resolution No. 2009-0101 C.M.S., the Agency and the Chamber Foundation entered into an Agreement for an amount not to exceed \$182,000 to pay toward the cost of installing "Remember Them". The Agency has disbursed all but \$2,500 of the \$182,000 grant to the Chamber Foundation, and the Maya and Ruby section is ready for installation.

KEY ISSUES AND IMPACTS

Chamber Foundation Request for an Amendment

Chamber Foundation representatives requested the grant from the Agency to finish Maya and Ruby because they believed that installation of the first component at the Park would promote the monument and significantly enhance their fund raising efforts which had been hampered as a result of the economic downturn of the last two years. This strategy proved to be successful as other sponsors made significant donations toward completion of the monument, resulting in sufficient funding to pay for the bronzing of two additional monument sections.

Pursuant to a major term of the Agreement, the Chamber Foundation has to complete installation of Maya and Ruby in the Park by September 30, 2010. The Chamber Foundation is now requesting that the installation of Maya and Ruby be delayed by one year from September 30,

Item: _____
CED Committee
October 12, 2010

2010 to September 30, 2011. The Chamber Foundation cites the following reasons for this request:

- The recent increase in corporate donations for the sculpture no longer necessitates a phased installation beginning with a single section of the monument, because fabrication and placement of Maya and Ruby in the Park was originally conceived as part of a new publicity campaign to promote the monument and raise the level of private contributions.
- Site preparation and foundation construction for at least three sections of the monument instead of only one reduce costs and neighborhood impacts.
- Installation of three or more sections of the monument facilitates event planning for a grand unveiling in September 2011

Special Issue

If the City Council accepts the new proposal from the Chamber Foundation to change the terms of the Agreement to revise the project delivery schedule, there is a risk that the complete monument (including the maintenance fund and education component) may still not be funded by next September. The Chamber Foundation has secured \$5.3 million of a total project budget of \$7.9 million, which is sufficient to complete and install three sections of the sculpture. In addition, the Chamber Foundation has received pledges for another million dollars, which brings total project funding to approximately 80 percent of total costs. If the proposed amendment to the Agreement is approved, the Chamber Foundation has stated that it is prepared to proceed with the installation of at least those three sections of the monument that are currently fully funded by September 30, 2011. Moreover, Chamber Foundation representatives are confident that the current fundraising momentum created by the bronzing of Maya and Ruby and the other two sections of the monument will lead to full funding for the fourth section by September of 2011. Lastly, the proposed amendment to the Agreement extending the installation date for Maya and Ruby from September 30, 2010 to September 30, 2011 would still satisfy the project completion date of June 30, 2013, as stipulated in the Acceptance Agreement.

PROJECT DESCRIPTION

The sculpture, *Remember Them: Champions for Humanity*, is an educational monument by Oakland sculptor Mario Chiodo. This bronze sculpture, in the artist's words, "depicts twenty-five culturally diverse role models who have made significant contributions towards global peace, freedom and human rights over the past 150 years." The Monument consists of four groups of cast-bronze figures on cast concrete plinths with a series of bronze plaques (displaying quotes from the humanitarians represented) laid flush with the sidewalk at the base of the sculptures. Honorees on the Monument will be sculpted in the following groupings:

Section 1: Ruby Bridges, Maya Angelou

Section 2: Franklin D. Roosevelt, Mother Teresa, Thich Nhat Hanh, Chief Joseph

Item: _____
CED Committee
October 12, 2010

Section 3: Oskar Schindler, Frederick Douglass, Rosa Parks, Ralph Abernathy, Martin Luther King, Coretta King, Gandhi, Helen Keller

Section 4: Nelson Mandela, Shirin Ebadi, Harvey Milk, Susan B. Anthony, Cesar Chavez, Elie Wiesel, Winston Churchill, Malcolm X, Rebel from Tiananmen Square, Rigoberta Menchu, Lincoln

The Monument will be placed in Henry J. Kaiser Memorial Park, a 25,000 square-foot public park, located at the intersection of 19th Street and Rashida Muhammad Street within the new Uptown Apartments community. When completed, it measures 52 feet long, 25 feet high, and will, according to the Chamber Foundation, be the largest bronze monument in the western United States.

A high school curriculum based on the 25 humanitarians has been developed with the Martin Luther King Institute at Stanford University to be used in conjunction with field trips to the monument, as well as the traveling exhibit.

SUSTAINABLE OPPORTUNITIES

Economic: The fabrication and installation of the Monument will generate jobs for Oakland residents from contractors and suppliers who work on these projects. Moreover, the monument itself will attract visitors to the Uptown Area and likely contribute to increases in business activities in the area.

Environmental: The location of the monument in proximity to major public transportation nodes will likely encourage visitors to use BART and AC Transit.

Social Equity: The Chamber Foundation will comply with the City's contracting programs, including the Small/Local Business Construction Program, the Small/Local Business Professional Services Program (L/SLBE) and the Local Employment Program for fabrication and installation of the monument. All of the workers performing construction work must be paid prevailing wage rates. The Chamber Foundation will also be subject to the Living Wage Ordinance.

DISABILITY AND SENIOR CITIZEN ACCESS

The Monument will be fully accessible and visible to viewers from many vantage points. It will be ADA compliant and will not create a tripping hazard for senior citizens. This educational monument will be accessible to the visually impaired, with the names and quotes in Braille and large imprint. All construction will meet the requirements of the Americans with Disabilities Act.

Item: _____
CED Committee
October 12, 2010

RECOMMENDATION AND RATIONALE

Staff recommends approval of the proposed legislation to amend a significant contract term of the Agreement between the Agency and the Chamber Foundation to extend the date for installation of Maya and Ruby, from September 30, 2010 to September 30, 2011.

The Chamber Foundation's original plan to proceed with a phased installation commencing with the placement of Maya and Ruby at the Park was part of a publicity campaign that emphasized visible progress of the work on the sculpture to promote the monument and improve fund raising efforts. This strategy proved to be successful insofar as even the start of bronzing Maya and Ruby resulted in major donations from corporate sponsors, which will enable the Chamber Foundation and Mario Chiodo to complete two more sections of the monument by next fall. The reasons cited by the Chamber Foundation for their request to amend the Agreement and postpone the installation of Maya and Ruby are acceptable because it will result in the placement of a more complete monument at the Park, and reduce costs and neighborhood impacts.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests approval of an amendment to the Agreement between the Agency and the Chamber Foundation to extend the date for installation of Maya and Ruby, from September 30, 2010 to September 30, 2011.

Respectfully submitted,

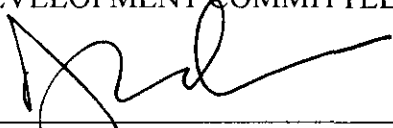


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: 
Gregory D. Hummer, Deputy Director
Economic Development and Redevelopment

Prepared by:
Jens Hillmer, Urban Economic Coordinator

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:



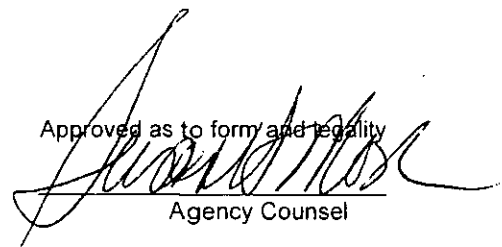
Office of the Agency Administrator

Item: _____
CED Committee
October 12, 2010

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 SEP 30 PM 5:16

Approved as to form and legality



Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

A RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE AGENCY AND THE OAKLAND METROPOLITAN CHAMBER OF COMMERCE FOUNDATION, WHICH AWARDED THE CHAMBER \$182,000 FOR THE INSTALLATION OF THE FIRST PHASE (MAYA AND RUBY) OF THE SCULPTURAL MONUMENT TITLED REMEMBER THEM: CHAMPIONS FOR HUMANITY, BY MARIO CHIDO IN HENRY J. KAISER MEMORIAL PARK, TO EXTEND THE COMPLETION DATE FOR AN ADDITIONAL YEAR (FROM SEPTEMBER 30, 2010 TO SEPTEMBER 30, 2011)

WHEREAS, on April 23, 2010, pursuant to Resolution No. 2009-0101 C.M.S., the Oakland Redevelopment Agency ("Agency") and the Oakland Metropolitan Chamber of Commerce Foundation entered ("Foundation") into a grant agreement (the "Agreement") for an amount not to exceed \$182,000 to pay toward the cost of installing "Remember Them", an educational monument by Oakland's sculptor Mario Chiodo, at Henry J. Kaiser Memorial Park (the "Park"); and

WHEREAS, pursuant to the terms and conditions of the Agreement, the first component of the monument which depicts Maya Angelou and Ruby Bridges ("Maya and Ruby") must be installed at the Park no later than September 30, 2010; and

WHEREAS, the Foundation has requested that the deadline for placing Maya and Ruby in the Park be postponed by one year, from September 30, 2010 to September 30, 2011, as corporate donations for the monument have increased, enabling the Foundation and Mario Chiodo to cast and bronze at least two more sections of the monument by next fall; and

WHEREAS, the Agency desires to have the Foundation install as many of the monument's sections at one time and minimize costs and neighborhood impacts; and

WHEREAS, the proposed amendment to the Agreement has been determined to be exempt from the California Environmental Quality Act (CEQA) Guidelines under, among other provisions, Section 15061(b)(3) (general rule), because there is no possibility of an adverse effect on the environment; now therefore be it

RESOLVED: That the Agency hereby authorizes a first amendment to the Agreement postponing the installation of Maya and Ruby in the Park by one year, from September 30, 2010 to September 30, 2011; and be it further

RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because the amendment is exempt from CEQA, without limitation, pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule); and be it further

RESOLVED: That any and all documents necessary to effectuate the intent of this resolution shall be reviewed and approved as to form by the Agency Counsel prior to execution by the Agency Administrator or his designee; and be it further

RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the Agency's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS

Secretary of the Redevelopment Agency
of the City of Oakland, California