

CITY OF OAKLAND

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 NOV 14 PM 4:04

# AGENDA REPORT

**TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR**

**FROM: Fred Blackwell**

**SUBJECT: 2012 Measure DD Series B Public Art,  
12<sup>th</sup> Street Improvements Contract  
Modification**

**DATE: November 5, 2012**

City Administrator  
Approval

Date

11/10/12

**COUNCIL DISTRICT: 2**

## RECOMMENDATION

Staff recommends that the City Council:

**Adopt A Resolution Authorizing the City Administrator to Amend the Professional Services Agreement With Artist John Colle Rogers For Public Art Design and Fabrication Services for the 12th Street Reconstruction Project To (1) Extend the Termination Date to December 31, 2013, and (2) Increase The Contract For A Total Amount Not To Exceed One Hundred Thirty Thousand Five Hundred Dollars (\$130,500) In Measure DD: Series B Bond Funds.**

## OUTCOME

Passage of this Resolution will allow the City Administrator to amend a Professional Services Agreement with artist John Colle Rogers to finalize designs, fabricate, and install a public art project to be integrated into the 12<sup>th</sup> Street Reconstruction Project. No new funding is required. Funding for this amendment will be derived from consolidation of two existing artist's contracts previously approved for this project. The public art project will enhance the capital improvement project and will contribute to the revitalization of the open space and pathways in the redeveloped project area adjacent to Lake Merritt.

## BACKGROUND/LEGISLATIVE HISTORY

The City of Oakland's Public Art Ordinance requires that City of Oakland capital improvement project budgets include a 1.5% allocation to commission or purchase public art for incorporation into the underlying capital project, including those funded by eligible grants and bond proceeds.

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In 2006, the Oakland-based artist team of Todd Blair and John Colle Rogers was selected through a competitive process to be awarded contracts to design, fabricate and install a collaborative public art project in conjunction with the Measure DD: 12<sup>th</sup> Street Reconstruction project. Each artist was recommended to receive a contract not to exceed \$72,500.00, for a total project budget of \$145,000.00. The original Council Agenda Report, dated March 14, 2006, is included as *Attachment A*. On March 21, 2006, City Council approved Resolution No. 79807, C.M.S., included as *Attachment B*.

A design concept for a series of light-based sculptures to be mounted along the pedestrian pathway walls flanking the channel under the 12<sup>th</sup> Street bridge was approved by the Oakland Public Art Advisory Committee (PAAC) in October, 2009, and presented to the Measure DD Coalition (a citizen oversight body) at its meeting on July 16, 2012. The electrical infrastructure for the light sculptures was incorporated into the overarching project designs, and supplied by the project general contractor, McGuire & Hester.

The artists, Todd Blair and John Colle Rogers, have each been compensated for their design services and work to-date. The construction project is now nearing completion and will allow the art project to be completed without delay in the first quarter of 2013. Due to the 12<sup>th</sup> Street Reconstruction schedule delays, the artists could not complete their work according to the original schedule. Therefore, the contract term must be extended to allow the project to be completed in a timely manner. Additionally, the artist team has requested, and staff recommends, that Mr. Rogers's contract be amended to increase the total contract amount to \$130,500 to consolidate the fabrication and installation budget previously split between the two artist's contracts. The funding increase will be provided from the balance of \$58,000 in Mr. Blair's contract. This will allow Mr. Rogers, as the prime contractor, to manage fabrication and installation subcontracts and expenses more efficiently for realization of the project.

### ANALYSIS

The City of Oakland Public Art Ordinance (No. 11086 C.M.S.) is the basis for the allocation of funds for public art as a component of Measure DD Bond capital projects. The 12<sup>th</sup> Street Improvements public art project will be integrated into the design and construction of the underlying capital project. Time is of the essence, as construction of this capital project is at 90% completion at the time of this report. The electrical infrastructure for the art project is complete, and fabrication of the artwork is scheduled to begin in early 2013 for installation prior to the community dedication in spring 2013.

### PUBLIC OUTREACH/INTEREST

This item does not require additional outreach.

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## COORDINATION

The City Attorney's Office and the Budget Office have been consulted in the preparation of this report and resolution. The recommendation contained herein has been forwarded from the City of Oakland Public Art Advisory Committee.

## COST SUMMARY/IMPLICATIONS

The original budget for the 12<sup>th</sup> Street Reconstruction Public Art Project is an amount not to exceed \$145,000. Funds for the project were previously reserved from the 1.5% public art allocation from Measure DD: Series B Bond funds. A total of \$29,000 has been expended to-date on design services, leaving a balance of \$116,000 remaining for final design, fabrication and installation. No new funding is required for this contract amendment.

Artwork maintenance needs will be minimal per the directives given to the project artist, with routine cleaning incorporated into regular maintenance of the park and open space. The cost of any extraordinary maintenance or conservation work to this artwork project will be borne by the Public Art Program's collection maintenance fund.

1. AMOUNT OF AGREEMENT/CONTRACT:  
TOTAL AMENDED PROFESSIONAL SERVICES \$130,500  
AGREEMENT AMOUNT: CONTRACTOR JOHN COLLE ROGERS

(Note: John Colle Rogers' original professional design services contract of \$72,500 was authorized by the City Council on March 21, 2006, through Resolution No. 79807, C.M.S.)

2. CURRENT AMOUNT TO BE ENCUMBERED:  
AMENDED AGREEMENT/CONTRACT AMOUNT FOR FABRICATION AND INSTALLATION \$116,000

SOURCE OF FUNDING: Measure DD: Series B Capital Improvement Bond Fund (5321), Engineering Design Organization (92270), Lake Merritt Art - B Project (C396210), Public Art Program (CE01).

FISCAL IMPACT: No new fiscal impact.

## **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

John Colle Rogers, Oakland-based public artist and metalworker, has received approximately \$14,500 from the City for services rendered through September, 2012 under this contract. Mr. Rogers has been a very responsible contractor. He performs all of his contractual obligations quickly and efficiently.

## **SUSTAINABLE OPPORTUNITIES**

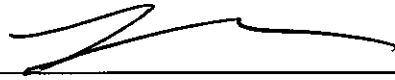
***Economic:*** The public artwork integrated into the new 12<sup>th</sup> Street Improvement Project will enhance and enrich the visual environment and public use of the reconfigured open space and new amenities at the new 12<sup>th</sup> Street bridge, along the Lake Merritt shoreline, and in the newly restored access to the adjacent Lake Merritt – Oakland Estuary Channel, thereby strengthening the economic value of the surrounding community. The contracted artist is Oakland-based, and he will endeavor to hire Oakland artisans and fabricators for any work he cannot personally execute on this project, to the extent that it is reasonably feasible.

***Environmental:*** The public art project described in this report will be permanently sited and will be attached to and/or structurally integrated with the capital project infrastructure. The artwork will have no adverse impact on the public street, green space, or the surrounding community. The artist will be required to fabricate all the elements out of materials suitable for heavy public use in exterior settings, without surfaces, edges or protrusions subject to vandalism.

***Social Equity:*** Public artwork will enhance the aesthetic aspects of the 12<sup>th</sup> Street Improvement Project, adding to the quality of life for the large numbers of residents, daytime office workers and visitors that will use the newly expanded and reconfigured green space and pathways by the shore of Lake Merritt and along the channel. The public art will be a permanent integrated element of the 12<sup>th</sup> Street Improvement Project. This site-specific artwork will serve as a focal point for community pride and neighborhood identity.

For questions regarding this report, please contact Steven Huss, Cultural Arts Manager,  
at 238-4949.

Respectfully submitted,



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FRED BLACKWELL  
Assistant City Administrator

Reviewed by: Samee Roberts  
Manager, Cultural Arts & Marketing

Prepared by:  
Steven Huss, Cultural Arts Manager  
Cultural Arts & Marketing

***Attachments:***

***A:*** Original Council Agenda Report dated March 14, 2006

***B:*** City Council Resolution No. 79807, C.M.S., dated March 21, 2006

OFFICE OF THE CITY CLERK  
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AGENDA REPORT

2006 FEB 23 PM 1:32

**TO:** Office of the City Administrator  
**ATTN:** Deborah Edgeriy  
**FROM:** Office of the City Administrator, Cultural Arts & Marketing Division  
**DATE:** March 14, 2006

**RE: RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO PROFESSIONAL SERVICES AGREEMENTS WITH TODD BLAIR AND JOHN COLLE ROGERS FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE 12<sup>TH</sup> STREET RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$72,500) EACH**

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**SUMMARY**

This is a resolution authorizing the City Administrator to negotiate and enter into professional services agreements with Todd Blair and John Colle Rogers, who compose the Oakland-based artist team selected to collaboratively create public art elements that will be integrated into the Lake Merritt 12<sup>th</sup> Street Reconstruction Project as part of Measure DD, the Oakland Trust for Clean Water and Safe Parks. The maximum contract amount is not to exceed \$72,500 each.

In response to a Request for Qualifications, the City received 19 applications for this public art project opportunity. On November 3, 2005, the top five short-listed finalists made detailed presentations on their qualifications, interest and proposed approach to a seven-member panel convened by the City. Based on these interviews and presentations, the team of Todd Blair and John Colle Rogers was selected as most qualified to complete this project. Blair and Rogers were ranked first unanimously by the panel.

**FISCAL IMPACT**

These two professional services agreements will not exceed \$72,500 each for development of artistic concepts and collaboration with the project design team, in addition to fabrication and installation of separate art elements as needed. Public art projects are funded from the City of Oakland's percent for art ordinance (Ordinance Number 11086 C.M.S.). The 12<sup>th</sup> Street Reconstruction Project funding was approved by the City Council in the Public Art Annual Plan for Fiscal Year 2004 as part of the Measure DD Bond program, public art project improvements. Funding is available for the total artwork project budget of \$145,000 within the Measure DD Capital Improvement Fund (5320) Streets & Structures Organization (92242) and the following three project codes: Public Art - Lake Merritt 12<sup>th</sup> Street (C241620); Public Art - Lake Merritt Retaining Wall (C242220); and Public Art - Lake Merritt Pedestrian/Bike Path (C242320).

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**BACKGROUND**

In August 2005 the Public Art Program (Cultural Arts & Marketing Division) released a Bay Area-wide Request for Qualifications (RFQ) seeking a qualified artist or team of artists to collaborate with the design team on the 12<sup>th</sup> Street Reconstruction Project. Potential opportunities for contributions by public artists included artistic treatments for metal rail work on new vehicular and pedestrian bridges, piers and viewpoints; artistic patterning for the retaining walls at the south end of Lake Merritt, the vehicular bridge supports, and the pedestrian undercrossing walls flanking the 12<sup>th</sup> Street area channel; and other areas to be identified by the artists in consultation and collaboration with the City and the project designers.

***Selection Process***

On October 12, 2005, the City received 19 applications from Bay Area artists. The applications were reviewed on October 21, 2005 by the project selection panel: Voting members Miles Karpilow, Gina Telcucci and QuoVadis Estell, all regional arts professionals; non-voting meeting chair Karen Zukor, also a member of the City's Public Art Advisory Committee; and additional non-voting advisors Joanna Fong, Sasaki Associates; Lyle Oehler, Public Works Agency; and James Vann, architect and member of the Measure DD Community Coalition.

Public Art staff prepared objective selection criteria for use by the panel in rating the qualifications of applicants in order to determine the short list of finalists. These criteria, found in the project RFQ, included:

- Professional and artistic qualifications and standards of excellence in innovation, creativity and originality as demonstrated in materials submitted;
- Appropriateness of applicant's medium and style;
- Previous experience as it relates to the project goals and setting, as well as scale and scope;
- Experience with metal and concrete materials and construction methods, or demonstrated ability to procure the appropriate resources/fabricators;
- Familiarity with public agencies, the public review process and/or previous collaboration with local government and environmental groups;
- Demonstrated ability to work collaboratively with architects, landscape designers and project managers during design and installation phases; and
- Demonstrated ability to undertake and successfully execute the work in accordance with the construction schedule, in a professional manner and within the project budget.

After a thorough review of all applications, the panel selected five finalists to be interviewed in a phase-two panel review. Finalists were required to attend an orientation meeting to become familiar with aspects of the project site and current reconstruction plans in order to prepare for the finalist interview.

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The selection panel met for second-phase review on Thursday, November 3, 2005, at City Hall to interview the finalists. Following interviews with and presentations by all the finalists, the panel unanimously recommended the team of Todd Blair and John Colle Rogers to receive the project commission. In December 2005, both the Public Advisory Committee and Oakland Cultural Affairs Commission approved the panel's recommendation of this skilled team of emerging artists for the project. Both artists live and work in Oakland. Mr. Blair is a versatile artist with experience in projects worldwide who also teaches at California College of the Arts, Oakland campus. Mr. Rogers, a public artist specializing in metalwork, is also a practicing blacksmith based in the 5<sup>th</sup> Avenue artists' colony. Their familiarity with and appreciation of the Lake Merritt environment and the 12<sup>th</sup> Street project site helped set them apart from the other finalists.

If Council approves the resolution, Public Art staff will make certain that Blair and Rogers are in compliance with City policies before the Professional Service Agreements are executed.

#### KEY ISSUES AND IMPACTS

This is a collaborative design team process. The artwork program developed by the artists will be integrated with the landscape architecture and engineering plans for the 12<sup>th</sup> Street sphere of reconstruction. In consultation with the landscape architecture consultants, Sasaki Associates (subcontractors of Rajappan & Meyer), and under the direction of the City's Public Art Coordinator, the artists will develop a comprehensive plan of public art projects, interventions and integrated designs. At the conclusion of the first phase of the artists' contracts, their overall public art proposal will be presented in a public meeting and subsequently to the Public Art Advisory Committee, Cultural Affairs Commission and City Council for review prior to any fabrication and installation of artwork.

#### PROJECT DESCRIPTION

The 12<sup>th</sup> Street Reconstruction Project is identified and funded within the Measure DD bond, Oakland Trnst for Clean Water & Safe Parks. The renovation design led by Sasaki Associates, Inc. involves the reconfiguration of the roadways and pathways at the south end of Lake Merritt. The existing twelve-lane expressway across the 12<sup>th</sup> Street dam will be converted into a tree-lined boulevard with signalized intersections. Adjacent streets, from the intersection of East 18<sup>th</sup> Street and Lakeshore Avenue around to Oak Street, will also be reconfigured. Access to the Henry J. Kaiser Convention Center, Oakland Museum of California and Laney College will be improved. Unsafe and unsightly pedestrian tunnels and pathways will be replaced with at-grade signalized crosswalks, pedestrian bridge and multi-use paths for strolling, biking and jogging. Direct pedestrian, bicycle, and boat access from Lake Merritt along the Lake Merritt Channel Park will be included, allowing eventual easy access to the Bay Trail and estuary waterfront.

Todd Blair and John Colle Rogers will develop an overall vision for the 12<sup>th</sup> Street Reconstruction Project area that builds consensus around a series of artistic "interventions" focusing on the ecology of the lake and channel, which will be integrated into current renovation

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plans. Their vision is conceived and created through a holistic approach that considers all sites involved, their history and their uses. Their proposed public art projects will help to develop significant linkages and transitions between the channel and the lake, as well as surrounding streets, neighborhoods and public facilities, creating additional continuity between the zones of development

Areas of artistic intervention inspired by the ecology of Lake Merritt's environmental landscape may include pattern designs for the Channel retaining wall and bridge abutment walls; specialty designed top rail and railing ends over the pedestrian bridge and other areas; art elements reflecting the indigenous wildlife of the area; and a collaborative 'gallery' space for display of permanent, durable outdoor sculpture. Specific designs will be developed in collaboration with Sasaki Associates, Public Works Agency and Public Art Program staff, as well as through presentations to the community, including the Measure DD Community Coalition, and the Oakland Public Art Advisory Committee. Certain proposed design elements integrated with project infrastructure will be included in the construction documents bid package, to the extent possible.

#### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The selected artists, Todd Blair and John Colle Rogers, are based in Oakland. Any hands-on fabrication of artwork will be performed principally by Mr. Blair and Mr. Rogers, though they may subcontract with additional Oakland-based artisans to fabricate and install artistic elements as needed.

**Environmental:** The artwork will be designed to be compatible with and integrated into the landscape architecture of the 12<sup>th</sup> Street renovations as well helping to bridge the gap between the diversity of a thriving environmental landscape and the confines of an urban ecology.

**Social Equity:** The public artwork described in this report will enhance the recreational and aesthetic aspects of the 12<sup>th</sup> Street area, adding to the quality of life for all residents of Oakland and particularly Lake Merritt visitors.

#### **DISABILITY AND SENIOR CITIZEN ACCESS**

The public art elements within the 12<sup>th</sup> Street area will be accessible and visible to viewers from many vantage points around Lake Merritt. The artwork will be ADA compliant and will not create a tripping hazard for senior citizen access.

#### **RECOMMENDATION AND RATIONALE**

Although all of the finalists demonstrated relevant experience and a thoughtful approach to the challenges of this project, the team of Todd Blair and John Colle Rogers was most highly rated by the selection panel, which considered the skills and experience they would bring to the project

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Deborah Edgerly

12<sup>th</sup> Street Reconstruction Project – Professional Services Agreements for Artists

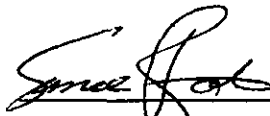
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as well as their aesthetic orientation and conceptual approach to it. Therefore, staff recommends that Council approve the resolution authorizing the City Administrator to negotiate and enter into Professional Services Agreements with Oakland-based artists Todd Blair and John Colle Rogers in an amount not to exceed \$72,500 each.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the Council approve the resolution.

Respectfully submitted,



**SAMEE LYNN ROBERTS, MANAGER**  
Cultural Arts & Marketing Division  
Office of the City Administrator

Report prepared by:  
Steven Huss, Acting Cultural Arts Programs Coordinator

**APPROVED AND FORWARDED TO THE  
LIFE ENRICHMENT COMMITTEE:**

  
**OFFICE OF THE CITY ADMINISTRATOR**

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Approved as to Form and Legality

*Spencer R. Jackson*  
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

79807

Resolution No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO PROFESSIONAL SERVICES AGREEMENTS WITH TODD BLAIR AND JOHN COLLE ROGERS FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE 12<sup>TH</sup> STREET RECONSTRUCTION PROJECT IN AN AMOUNT NOT TO EXCEED SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$72,500) EACH**

**WHEREAS**, Measure DD, the Oakland Trust for Clean Water and Safe Parks Fund, includes a number of projects along Lake Merritt and the Lake Merritt Channel designed to improve tidal flows and access between the Estuary and Lake Merritt; and

**WHEREAS**, one of these projects is the 12<sup>th</sup> Street Reconstruction project at the south end of Lake Merritt; and

**WHEREAS**, professional artistic design services are needed to develop public art components for the project, and an extensive outreach effort to request qualifications resulted in nineteen responses; and

**WHEREAS**, in February 1989, the City of Oakland adopted a Public Art Ordinance (no. 11086 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 to provide a means for the City to commission artists to create artwork, which enlivens, enhances, and enriches the visual environment of the City of Oakland; and

**WHEREAS**, on October 21, 2005 and November 3, 2005, a seven-member selection panel, consisting of regional artists, community members, and project representatives met to select an artist and to approve an artist or artist team to create public art elements for the 12<sup>th</sup> Street Reconstruction Project, and unanimously recommended the team of Todd Blair and John Colle Rogers; and

**WHEREAS**, on November 7, 2005 the Public Art Advisory Committee voted to accept the recommendation of the selection panel, and on November 21, 2005 the Cultural Affairs Commission voted to approve the commission of the artist team Todd Blair and John Colle Rogers for the 12<sup>th</sup> Street Reconstruction Project; and

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**WHEREAS**, the City of Oakland finds that these contracts are 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 is available for the total artwork project budget of \$145,000 within the Measure DD Capital Improvement Fund (5320) Streets & Structures Organization (92242) and the following three project codes: Public Art – Lake Merritt 12<sup>th</sup> Street (C241620); Public Art – Lake Merritt Retaining Wall (C242220); and Public Art – Lake Merritt Pedestrian/Bike Path (C242320); now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator to negotiate and execute professional services agreements with Todd Blair and John Colle Rogers in an amount not to exceed seventy-two thousand five hundred dollars (\$72,500.00) each from the Measure DD bond funding; 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**, that the agreement will be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

**MAR 21 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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

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*M. McCoolson*

**OAKLAND CITY COUNCIL**

OFFICE OF THE CITY CLERK  
OAKLAND

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

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Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH ARTIST JOHN COLLE ROGERS FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE 12<sup>TH</sup> STREET RECONSTRUCTION PROJECT TO (1) EXTEND THE TERMINATION DATE TO DECEMBER 31, 2013, AND (2) INCREASE THE CONTRACT FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND FIVE HUNDRED DOLLARS (\$130,500) IN MEASURE DD SERIES B BOND FUNDS**

**WHEREAS**, Measure DD, the Oakland Trust for Clean Water and Safe Parks Fund, includes funding for improvements to Lake Merritt, creeks, the Oakland Estuary, and adjacent parks; and

**WHEREAS**, professional artistic design services are needed to develop a public art component for the Measure DD: 12<sup>th</sup> Street Reconstruction capital improvement project; and

**WHEREAS**, in February 1989, the City of Oakland adopted a Public Art Ordinance (No. 11086 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 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 March 21, 2006, the City Council approved Resolution No. 79807, C.M.S. awarding professional services agreements to Todd Blair and John Colle Rogers for Public Art design and fabrication services for the 12<sup>th</sup> Street Reconstruction Project in an amount not to exceed \$72,500 per artist; and

**WHEREAS**, it has been determined that the existing agreements should be amended to consolidate the fabrication and installation scope for the 12<sup>th</sup> Street Reconstruction public art project into one contract with John Colle Rogers; 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 \$130,500 is available within the Measure DD: Series B Capital Improvement Bond Fund (5321), Engineering Design Organization (92270), Lake Merritt Art – Series B Project (C396210), Public Art Program (CE01); now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator to amend the professional services agreement with artist John Colle Rogers to (1) extend the termination date to December 31, 2013, and (2) increase the contract for a total amount not to exceed one hundred thirty thousand five hundred dollars (\$130,500) from Measure DD bond funding; 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 shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.-

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California