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Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 80051 C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH VALERIE OTANI AND FERNANDA D'AGOSTINO FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE 66<sup>th</sup> AVENUE GATEWAY PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000) PER ARTIST.**

**WHEREAS**, Measure DD, the Oakland Trust for Clean Water and Safe Parks Fund, includes a number of projects along the Oakland Estuary; and

**WHEREAS**, one of these projects is the 66<sup>th</sup> Avenue Gateway project at the west end of 66<sup>th</sup> Avenue/Zhone Way; and

**WHEREAS**, professional artists' services are needed to develop public art components for the project, and

**WHEREAS**, an extensive national outreach effort to solicit artist candidates resulted in 134 qualified 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 April 7 and April 21, 2006, a six-member selection panel, consisting of regional artists, community members, and project representatives met to select an artist or artist team to develop and to build integrated public art elements for the 66<sup>th</sup> Avenue Gateway Project, and recommended the team of Valerie Otani and Fernanda D'Agostino; and

**WHEREAS**, on May 1, 2006 the Public Art Advisory Committee voted to accept the recommendation of the selection panel, and on May 22, 2006 the Cultural Affairs Commission

voted to approve the commission of the artist team Valerie Otani and Fernanda D'Agostino for the 66<sup>th</sup> Avenue Gateway Project; and

**WHEREAS**, to the extent, if any, that it is reasonably feasible, the artist team shall have permanent artwork elements fabricated in Oakland by local artisans and professional fabricators; and

**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 \$200,000 within the Measure DD Capital Improvement Fund (5320), Capital Project Management Organization (92270), Miscellaneous Contractual Services Account (54919), Public Art - 66<sup>th</sup> Avenue Gateway Project (C244320); now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator to negotiate and execute professional services agreements with Valerie Otani and Fernanda D'Agostino in an amount not to exceed one hundred thousand dollars (\$100,000.00) 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.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 18 2006, 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