

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

  
City Attorney

2010 JUN 30 AM 10:59  
RESOLUTION No. 82924 C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SHAWN LOVELL FOR PUBLIC ART DESIGN, FABRICATION AND INSTALLATION SERVICES FOR THE GATES FOR THE GARDENS AT LAKE MERRITT PUBLIC ART PROJECT IN AN AMOUNT NOT TO EXCEED EIGHTY-SIX THOUSAND DOLLARS (\$86,000) IN MEASURE DD PUBLIC ART 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 project; and

**WHEREAS**, an extensive outreach effort to solicit qualified artist candidates resulted in responses from sixty-five 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 March 19, 2010 and April 8, 2010, a six -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 Gates for the Gardens at Lake Merritt, and unanimously recommended artist Shawn Lovell; and

**WHEREAS**, on May 24, 2010, the Cultural Affairs Commission voted to accept the recommendation of the selection panel and the Public Art Advisory Committee to approve the commission of Shawn Lovell for the Gates for the Gardens at Lake Merritt public art 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 \$86,000 is available within the Measure DD Series B Bond Fund [Measure DD Capital Improvement Fund (5321), Capital Project Management Organization (92270), Lake Merritt Art – B Project (C396210)]; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate and execute a professional services agreement with Shawn Lovell in an amount not to exceed eighty-six thousand dollars (\$86,000) 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 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 20 2010, 20    

**PASSED BY THE FOLLOWING VOTE:**

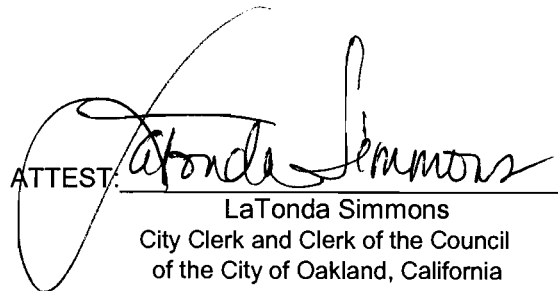
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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