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OFFICE OF THE CITY CLERK
OAKLAND

2015 MAR 13 AM 5:16

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Mark Sawicki

SUBJECT: Measure WW Public Art

DATE: March 9, 2015

City Administrator
Approval

Date

3/12/15

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Staff recommends that the City Council adopt:

A Resolution Authorizing The City Administrator To Apply For, Accept, And Reallocate Grant Funds In An Amount Not To Exceed Two Hundred Four Thousand Sixty-Seven Dollars (\$204,067) From The East Bay Regional Park District Local Grant Program Under The Measure WW Park Bond Extension For Public Art At Three Designated Oakland Parks And Open Space Renovation Project Sites At DeFremery Park, Morcom Rose Garden And Children's Fairyland.

OUTCOME

Adoption of the resolution will authorize the application, acceptance and reallocation of grant funds in the amount of \$204,067 for public art projects at DeFremery Park, Morcom Rose Garden and Children's Fairyland, three sites included in the City's portfolio of park capital improvements funded through the Measure WW Park Bond Extension. The reallocation amount represents 1.5% of the total budget of viable Oakland parks and open space projects funded through Measure WW. The three selected sites are recommended by the Public Art Program as the best locations for expenditure of the Measure WW 1.5% for art funds. East Bay Regional Park District requires the City to submit project applications for use of Measure WW funds during an annual open application period of February 1 through March 31.

BACKGROUND/LEGISLATIVE HISTORY

In November 2008, voters passed Measure WW, the Regional Open Space, Wildlife, Shoreline and Parks Bond to provide funding to protect open space and create additional regional parks and trails in Alameda and Contra Costa counties. As part of the Measure WW Bond, the East Bay Regional Park District (the "Park District") allocates 25% of the bond as Local Grant Program funds to cities and special park districts on a per capita basis.

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Measure WW Bond proceeds are held by the Park District and East Bay cities are required to apply to the Park District for use of the funds for improvement projects. Oakland City Council adopted Resolution No. 81777 C.M.S. authorizing the City Administrator to apply to the Park District for Measure WW funds and adopted Resolution No. 81586 C.M.S. authorizing the allocation of these funds to various Oakland parks and open space improvement projects.

The City of Oakland's Percent for Art Ordinance No. 11086 C.M.S. authorizes the allocation of 1.5% of capital improvement project costs for the commissioning of public artwork. Working with staff from other City departments and from the Oakland Public Works Bureau of Engineering & Construction, Public Art Program staff evaluates the appropriateness of implementing public art projects at the sites of capital improvements, then consults with the Public Art Advisory Committee (PAAC), a volunteer body appointed by the Mayor and approved by City Council, to prioritize and recommend sites for the development of new public art projects.

Public Works staff budgeted the 1.5% for art allocation within the approved Measure WW project list. However, since the public art allocation is a City requirement but not required per Park District policy, the City must submit a separate project application that includes a City Council resolution for use of the 1.5% for Art funds at chosen Measure WW sites. The Park District accepts proposals annually between February 1 and March 31 and renders their decision by June 1.

Public art funded by Measure WW must be permanent (lasting 25 years or more) as the funds derive from a percentage of the budgets of permanent capital improvement projects. Oakland Measure WW public art funds must be spent within the portfolio of approved Oakland parks and open space improvement projects and not at other locations owned by the City.

Working with staff from Oakland Public Works and Oakland Parks and Recreation, Public Art Program staff has developed a short list of eligible Measure WW project sites for public art integration. The sites recommended in this report were selected based on their citywide service areas, the range of activities and user groups served by the facility, and the anticipated volume of public use and traffic relative to other Measure WW sites with a more limited neighborhood focus. Additionally, per staff experience and program policy, the relatively limited funds available will have greater impact if focused at a few, rather than many, sites.

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ANALYSIS

Measure WW bond funds will expire in 2018. The expenditure and final reports for all projects are due to the Park District by December 2018. To provide sufficient time to complete the projects and fund expenditure, it is recommended that the public art project application be submitted during the current open period of February 1 through March 31, 2015.

Staff recommends focusing the limited Measure WW public art funds available on three key sites at which projects can be expeditiously completed by the funding end date. The recommended sites are DeFremery Park in West Oakland, Morcom Rose Garden in North Oakland, and Children's Fairyland located in Lakeside Park on the shore of Lake Merritt.

Administrative fees for staff to manage the projects will be reserved at a prescribed limit of 20% for "soft costs." Children's Fairyland has a remodeling plan for the main public entry that includes a public art component which is only partially funded. Staff recommends allocating \$7,500 for Fairyland as a contribution to the planned art project and splitting the remaining art project funds of \$155,754 evenly between DeFremery Park and Morcom Rose Garden.

Children's Fairyland in Lakeside Park is a City-owned property operated by a nonprofit organization. Opened in 1950, this well-known and well-loved storybook theme park for young children and their families was a key inspiration for Disneyland and served over 224,000 visitors in 2014. Fairyland management with project architect Ace Architects has developed a plan for a public artwork at the new, redesigned sidewalk entry entrance to Fairyland on Bellevue Avenue at Grand Avenue. Measure WW public art funds will be a contribution to the total budget of the art project.

The 9.5-acre DeFremery Park, located at 1651 Adeline Street in West Oakland, is Oakland's oldest park and one of its most utilized recreation spaces. It is home to a recreation center, a swimming pool, a skate park, tennis courts, basketball courts, a softball field, a children's playground, picnic areas and green space. After-school programs and summer youth camps are offered in the park and recreation center. The skate park, located in DeFremery since 2007, has become a destination for local skateboarding youth of all skill levels and backgrounds.

Morcom Rose Garden, aka Morcom Amphitheater of Roses, is a 7.5-acre public park located on Jean Street off Grand Avenue. It is known for its walking paths, stairways and water features, providing natural habitat for birds, in addition to its renowned rose collection. Constructed in 1932 as a project of the Works Progress Administration, the park achieved official landmark status in 1980. Morcom hosts Oakland's annual Mother of the Year celebration, the Martin Luther King Jr. Day of Service, Creek to Bay Day and Earth Day events. In addition, Morcom hosts scores of weddings throughout the year which serve thousands of guests. Morcom is maintained largely by volunteers under the guidance of Oakland Parks and Recreation (OPR). Measure WW improvements relating to irrigation, accessibility, lighting and wayfinding signage

have been completed. The scope of work for the artist selected to work at Morcom will include special outreach efforts to meaningfully engage youth from West Oakland and East Oakland in project development and implementation.

This is an opportunity to improve the quality of life for the Oakland public and visitors through the implementation of transformative and uplifting public art projects integrated into the heavily used park sites at Children's Fairyland, DeFremery Park and Morcom Rose Garden.

PUBLIC OUTREACH/INTEREST

Sites and scopes of work for new public art projects are reviewed at monthly PAAC meetings and through advisory groups of citizen stakeholders in the communities impacted. The PAAC discussed and supported the recommendations contained herein at its regular meetings on January 12, 2015 and March 2, 2015.

Staff has had initial discussions with OPR and the Office of Council President Gibson McElhaney on potential locations and approaches to public art in DeFremery Park. Staff is in the process of engaging with the active volunteer stakeholder group, Friends of the Morcom Rose Garden and has consulted with OPR on desirable locations and materials for a public art project at Morcom. Staff has also consulted with Children's Fairyland management on the development of a plan for use and expenditure of public art funds at the new public entrance to Fairyland from Bellevue Avenue.

COORDINATION

The Office of the City Attorney and the Controller's Bureau have been consulted in the preparation of this report and resolution. The PAAC has been consulted in the development of this plan and supported the allocation recommendations herein presented to Council. OPR and the Parks and Recreation Advisory Commission will be engaged in the determination of project siting within DeFremery Park and Morcom Rose Garden, review of artist concepts, and integration logistics. Community members served by DeFremery Park will be consulted on desirable public art for this park. Friends of the Morcom Rose Garden will advise on concept development, coordination and maintenance for the garden site. Please note that artwork design proposals for DeFremery Park and the Rose Garden may have to be submitted to the Landmarks Preservation Board for review depending on proposed locations.

Staff will return to the City Council with specific recommendations of artists and artwork proposals and locations at these sites once a competitive selection process has taken place.

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COST SUMMARY/IMPLICATIONS

Public Art funds in the amount of \$204,067 have been budgeted from the Oakland Measure WW improvement project list. Twenty percent of the total will be reserved for Public Art Program administrative costs, per Budget Office policy. The remaining 80% will be allocated for three public art projects: \$77,877 at DeFremery Park, \$77,877 at Morcom Rose Garden, and \$7,500 at Children's Fairyland. Grant funds for public art will be allocated to the Public Art Program, Cultural Arts & Marketing Division, Economic & Workforce Development Department, with individual project numbers to be determined.

1. AMOUNT OF RECOMMENDATION/COST OF PROGRAM:
Total Program Costs \$204,067

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS:
Total Agreements/Contracts Amount (80%) \$163,254
Total Administrative Allocation (20%) \$ 40,813

3. SOURCE OF FUNDING: Measure WW 1.5% for Art Funds

4. FISCAL IMPACT: There is no new fiscal impact. Measure WW multi-year public art funds in the total amount of \$204,067 are budgeted in the Measure WW Fund (2260), Public Art Org (85521), Measure WW EBRPD Public Art Program Project (C414010).

SUSTAINABLE OPPORTUNITIES

Economic: The Public Art Program provides economic opportunity directly and indirectly to Oakland-based artists, craftspersons, manufacturers and other arts-related professionals. Additionally, public art projects bolster the cultural and civic identity of Oakland, fortifying the City and neighborhoods as destinations, enhancing, enriching and enlivening the visual environment of the area. The DeFremery Park, Morcom Rose Garden, and Children's Fairyland projects will provide opportunities for several local artists or artist teams, as well as potential employment for multiple Oakland-based fabricators and other subcontractors.

Environmental: These artwork projects will be designed to be compatible with and integrated into the environment and landscape features of their surroundings. Commissioned artists are required to work closely with City staff to develop projects using low-maintenance materials that will not adversely impact the natural environment of the project site.

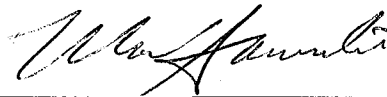
Social Equity: Public artwork adds to the quality of life for all residents and visitors. The proposed sites at DeFremery Park, Morcom Rose Garden, and Children's Fairyland serve residents from across Oakland and countless visitors to the city.

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A current list of the 23 active, pending and completed Oakland Measure WW capital projects, tracked by district, is attached (*Attachment A*), including a column listing completed, pending, and proposed Public Art projects at these locations.

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

Respectfully submitted,



Mark Sawicki, Director
Economic & Workforce Development Department

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

Attachment A: Measure WW Project List

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MEASURE WW REGIONAL OPEN SPACE, WILDLIFE, SHORELINE & PARKS BOND**OAKLAND PROJECT LIST SUMMARY****Update 3/9/2015**

District	City Capital Project	Public Art at Site?
1	CALDECOTT TRAIL	
1	GOLDEN GATE REC. CTR. (NEW)	Public Art project planned (with non-WW funds)
2	ASTRO PARK *	
2	LINCOLN SQUARE PARK - ACTIVITY DECK*	
3	25TH STREET MINI-PARK	Public Art completed in capital project
3	DeFremery Park - House Rehab *	PROPOSED PROJECT WITH MEASURE WW FUNDS
3	POPLAR FIELD, LEVELING THE PLAYING FIELDS, PHASE II	
3	RAIMONDI PARK, PHASE I	Public Art completed in capital project (with non-WW funds)
4	LAUREL PARK*	
5	CENTRAL RESERVOIR FIELD, LEVELING THE PLAYING FIELDS, PHASE II	
5	Curt Flood Field	
5	Josie De La Cruz Park*	Public Art completed in Carmen Flores Rec Ctr (with non-WW funds)
5	Manzanita Rec Ctr*	
5	PERALTA HACIENDA HISTORICAL PARK - De Anza Trail	
5	PERALTA HACIENDA HISTORICAL PARK - Phase 4 Historic Core*	Public Art completed at new facility (with non-WW funds)
5	William Wood Park*	
6	CONCORDIA PARK*	
6	OWEN JONES FIELD	
7	EAST OAKLAND SPORTS COMPLEX	Public Art completed in capital project (Measure DD funds)

MEASURE WW REGIONAL OPEN SPACE, WILDLIFE, SHORELINE & PARKS BOND

OAKLAND PROJECT LIST SUMMARY

Update 3/9/2015

District	City Capital Project	Public Art at Site?
2/Citywide	MORCOM ROSE GARDEN	<i>PROPOSED PROJECT WITH MEASURE WW FUNDS.</i>
3/Citywide	CHILDREN'S FAIRYLAND	<i>PROPOSED PROJECT WITH MEASURE WW FUNDS.</i>
4/Citywide	PAL CAMP	
6/Citywide	CITY STABLES	
Citywide	FEATHER RIVER CAMP	

23 Active City projects

1 Non-City managed projects (Chabot Space Center)

* Projects pending EBRPD approval and public art funds not yet allocated.

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OAKLAND CITY COUNCIL


Oakland City Attorney's Office

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND REALLOCATE GRANT FUNDS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FOUR THOUSAND SIXTY-SEVEN DOLLARS (\$204,067) FROM THE EAST BAY REGIONAL PARK DISTRICT LOCAL GRANT PROGRAM UNDER THE MEASURE WW PARK BOND EXTENSION FOR PUBLIC ART AT THREE DESIGNATED OAKLAND PARKS AND OPEN SPACE RENOVATION PROJECT SITES AT MORCOM ROSE GARDEN, DEFREMERY PARK, AND CHILDREN'S FAIRYLAND

WHEREAS, the people of the East Bay Regional Park District (the "Park District") have enacted the Measure WW Park Bond Extension that provides funds for the acquisition and development of neighborhood, community, regional parks and recreation lands and facilities; and

WHEREAS, the Measure WW Bond provides for a \$19.2 million Local Grant Program fund allocation to the City of Oakland; and

WHEREAS, Oakland City Council adopted Resolution No. 81777 which authorized the City Administrator to apply to the Park District for the \$19.2 million in Measure WW funds, and adopted Resolution No. 81586 which authorized the allocation of these funds to 16 Oakland parks and open space improvement projects; 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, public art funding in the amount of 1.5% of eligible project costs has been allocated from the budgets of the City of Oakland's Measure WW parks and open space approved capital improvement project list; and

WHEREAS, the City has previously entered into a master grant contract with the East Bay Regional Park District; and

WHEREAS, the Park District Board of Directors has the responsibility for the administration of the grant program, including approving all fund expenditures and setting up necessary procedures; and

WHEREAS, pursuant to the City's public Art Ordinance, City staff has budgeted the 1.5% for Art allocation within the approved Measure WW project list, and the Park District grant administration procedures require that the City submit a separate project application to the Park District that includes a City Council resolution for use of the 1.5% for Art funds at chosen Measure WW sites; and

WHEREAS, the Park District requires that the applicant has the necessary funds to complete the projects for which Measure WW Park Bond funds will be used; and

WHEREAS, funding in the amount of \$204,067 for permanent public artwork at DeFremery Park, Morcom Rose Garden and Children's Fairyland is available within the Measure WW Fund (2260), Public Art Organization (85521), Measure WW EBRPD Public Art Program Project (C414010); and

WHEREAS, the City has the necessary funds to complete these public art projects; now therefore be it

RESOLVED: That the City Administrator or his designee is authorized to apply for, accept, and reallocate grant funds in an amount not to exceed \$204,067 from the East Bay Regional Park District Local Grant Program under Measure WW Park Bond Extension to be used for three public art projects; and be it

FURTHER RESOLVED: That funding in the amount of \$204,067 for permanent public artwork at DeFremery Park, Morcom Rose Garden, and Children's Fairyland is available within the Measure WW Fund (2260), Public Art Organization (85521), Measure WW EBRPD Public Art Program Project (C414010); and be it

FURTHER RESOLVED: That the City Council approves the public art projects at DeFremery Park, Morcom Rose Garden, and Children's Fairyland and certifies that the City has or will have sufficient funds to operate and maintain the three public art projects at DeFremery Park, Morcom Rose Garden, and Children's Fairyland; and be it

FURTHER RESOLVED: That the City Council certifies that the City, through the City Administrator, has reviewed, understands and agrees to the General Provisions contained in the sample grant contract shown in the Local Grant Procedural Guide; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments and payment requests that may be necessary for the acceptance of the grant money from the East Bay Regional Park District; and be it

FURTHER RESOLVED: That the Office of the City Attorney will approve said grant agreement as to form and legality, and a copy will be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2015

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON McELHANEY

NOES -

ABSENT -

ABSTENTION -

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