

*M. Morales*

FILED **OAKLAND CITY COUNCIL**  
OFFICE OF THE CITY CLERK  
OAKLAND  
RESOLUTION No. 84116 C.M.S.  
2012 NOV 14 PM 4:02  
Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH ARTIST JOHN ROLOFF FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE LAKE MERRITT – OAKLAND ESTUARY CHANNEL PROJECT TO (1) EXTEND THE TERMINATION DATE TO DECEMBER 31, 2016, AND (2) INCREASE THE CONTRACT FOR A TOTAL AMOUNT NOT TO EXCEED THREE HUNDRED TWENTY-SIX THOUSAND NINE HUNDRED FORTY DOLLARS (\$326,940) 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: Lake Merritt – Oakland Estuary Channel 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 September 19, 2006, the City Council approved Resolution No. 80122, C.M.S. awarding professional services agreements to John Roloff and Lewis deSoto for Public Art design and fabrication services for the Lake Merritt – Oakland Estuary Channel Project in an amount not to exceed \$77,500 per artist; and

**WHEREAS**, subsequent to the artists' preliminary design concept presentation, in March 2007, the Public Art Advisory Committee voted to award the entire available project budget of \$357,000 to the artist team of John Roloff and Lewis deSoto for the Measure DD: Lake Merritt – Oakland Estuary Channel Project; and

**WHEREAS**, it has been determined that the existing agreements should be amended to consolidate the fabrication and installation scope for the Lake Merritt-Oakland Estuary Channel public art project into one contract with John Roloff; 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 \$326,940 is available within the Measure DD: Series B Capital Improvement Bond Fund (5321), Engineering Design Organization (92270), Lake Merritt Art – Series B Project (C396210), Undetermined Program (0000); Measure DD: Series B Capital Improvement Bond Fund (5321), Engineering Design Organization (92270), Estuary Art – Series B Project (C396310), Undetermined Program (0000); and Measure DD: Series B Capital Improvement Bond Fund (5321), Engineering Design Organization (92270), Lake Merritt Channel Art – Series B Project (C396410), Undetermined Program (0000); now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator to amend the professional services agreement with artist John Roloff to (1) extend the termination date to December 31, 2016, and (2) increase the contract for a total amount not to exceed three hundred twenty-six thousand nine hundred forty dollars (\$326,940) 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, DEC 4 2012

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID – 7

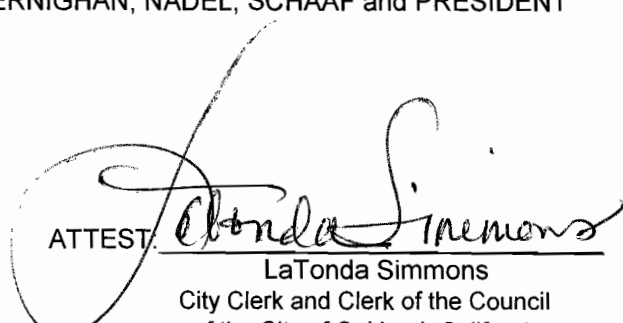
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brunner - 1

ATTEST



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