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OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND



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CITY HALL - 1 FRANK H. OGAWA PLAZA - OAKLAND - CALIFORNIA  
94612

To: Members of the Oakland City Council

From: Councilmember Kalb

Date: November 12, 2013

**Subject: A RESOLUTION FROM THE OAKLAND CITY COUNCIL SUPPORTING THE INSTALLATION OF A MURAL AT 54<sup>TH</sup> STREET AND SHATTUCK AVENUE ON CALTRANS STATE ROUTE 24 SUPPORT COLUMNS AND AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ANY ACTIONS NECESSARY TO PROVIDE MAINTENANCE OF THE ARTWORK**

## SUMMARY

In recognition of the need for increased public art and beautification in Oakland, I am putting forth the attached resolution authorizing the Oakland City Council's support of the installation of the "Shattuck Avenue Gateway" mural by artist Alan Leon and authorizing the City Administrator to take the actions necessary to provide maintenance of the project. A resolution of support by the City Council is required in order for Caltrans to approve the project on their property.

At its meeting of April 8<sup>th</sup>, 2013, the Public Art Advisory Committee (PAAC) accepted artist Alan Leon's final proposal to paint 14 Caltrans underpass columns at Shattuck Avenue near 54<sup>th</sup> Street in north Oakland. The PAAC's acceptance of the final proposal constituted a recommendation to City Council to pass a resolution approving the project and directing City staff to take the necessary steps to negotiate with Alan Leon to provide maintenance for the mural project.

## BACKGROUND

In 2012, Alan Leon completed "Temescal Flows," a painted mural on the underpass of State Route 24 at 52<sup>nd</sup> Street & Shattuck Avenue, a Caltrans property. The mural was sponsored by the Temescal-Telegraph Business Improvement District and was partially funded by a Public Art

Program "Open Proposals" commission as well as a Cultural Funding Program Individual Artist project grant.

Mr. Leon developed the "Shattuck Avenue Gateway" proposal in response to community requests for an artistic treatment to the 14 support columns on the west side of Shattuck Avenue near 54<sup>th</sup> Street, also a part of Caltrans' Highway 24 infrastructure. The intent of this project is to provide life-enhancing, colorful patterns to 'light up' the dark underpass, and to extend the aesthetic established on nearby 52<sup>nd</sup> Street with coordinated designs. A thematic focus on local trees emerged from the artist's dialogue with community.

Mr. Leon has a pending \$20,000 grant from the Open Circle Foundation in support of this project and he was able to raise the remaining cost of the project via Kickstarter. The project is currently fully funded and awaiting approval from both the City of Oakland and Caltrans.

In December, 2012, Mr. Leon held a community meeting at the Telegraph Avenue Branch Library, with 15 neighbors of the proposed site attending. The theme of trees was supported at this meeting. Following the January 7, 2013 PAAC meeting, at staff's request, Mr. Leon held a second community meeting on February 5, also at the branch library. Nine community participants attended and were very supportive of the project.

Mr. Leon has provided a more detailed proposal that includes color illustrations of specific design concepts for the 14 columns and a list of tree-related quotations to be integrated with the artwork treatments.

Prior to beginning the project, Alan Leon must gain permission from Caltrans to utilize the location. In order for Caltrans to give the final approval for the "Shattuck Ave. Gateway" mural project, a resolution of support from the Oakland City Council is required. In addition, City staff and Alan Leon will need to negotiate a plan for the maintenance of the project.

The final proposal was accepted by the PAAC in April 2013. I ask the Oakland City Council to approve the proposed project and authorize staff to take the necessary actions to ensure maintenance to the project.

#### ADDITIONAL ISSUES

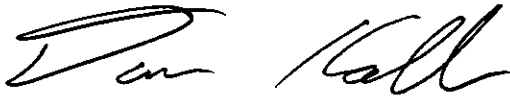
Public Art staff has identified the following additional issues to be resolved by the artist/sponsors.

- Prior to beginning work, the artist or a sponsor organization will be asked to provide proof of liability insurance, as well as any City and State permits that may be required to perform the work.
- The artist or a sponsoring organization will be required to enter into a written agreement with the City to assume responsibility for ongoing maintenance, cleaning, and restoration of the artwork, as well as provision for how and when the artwork will be removed or painted over at the end of its lifespan.

#### RECOMMENDATION

I recommend that City Council pass a resolution supporting the “Shattuck Avenue Gateway” project and authorizing staff to take the actions necessary to provide maintenance of the project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Kalb", written over a horizontal line.

Dan Kalb, Councilmember

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Oakland City Attorney's Office

13 OCT 31 PM 3:50 **OAKLAND CITY COUNCIL**

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

Introduced by Councilmember Kalb

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**A RESOLUTION FROM THE OAKLAND CITY COUNCIL SUPPORTING THE INSTALLATION OF A MURAL AT 54<sup>TH</sup> STREET AND SHATTUCK AVENUE ON CALTRANS STATE ROUTE 24 SUPPORT COLUMNS AND AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ANY ACTIONS NECESSARY TO PROVIDE MAINTENANCE OF THE ARTWORK**

**WHEREAS**, the City of Oakland supports community efforts to beautify neighborhoods through art; and

**WHEREAS**, in 2011, with local business district funding and City support, Oakland artist Alan Leon completed a well-received and artistically successful mural titled "Temescal Flows" on the California Department of Transportation (Caltrans) State Route 24 underpass along 52<sup>nd</sup> Street; and

**WHEREAS**, in response to community requests for an artistic treatment to the 14 oval support columns on the west side of Shattuck Avenue near 54<sup>th</sup> Street, also a part of Caltrans' State Route 24 infrastructure, Mr. Leon developed a proposed mural titled the "Shattuck Avenue Gateway", whose intent is to provide life-enhancing, colorful patterns to brighten the underpass and to extend the aesthetic he established on nearby 52<sup>nd</sup> Street with coordinated designs; and

**WHEREAS**, the proposed location of the mural is a street under the jurisdiction of the City of Oakland and is a heavily traveled pedestrian and vehicular corridor; and

**WHEREAS**, the artist/donor Mr. Leon presented the Shattuck Avenue Gateway mural proposal for public consideration and comment at the Temescal Branch Library on December 18, 2012 and on February 5, 2013, where the proposal was supported by the community; and

**WHEREAS**, the City of Oakland Public Art Advisory Committee at its meeting of April 8, 2013 reviewed the proposal and has recommended that City Council accept the proposal by Alan Leon for the Shattuck Avenue Gateway mural at 54<sup>th</sup> Street and Shattuck Avenue; and

**WHEREAS**, Mr. Leon has secured funding for the project through grants and donations from outside the City of Oakland; he proposes to paint the mural at no cost to the City; and he has agreed to maintain the mural after its completion; and

**WHEREAS**, as a condition to approving the installation of artwork on Caltrans facilities, Caltrans requires a resolution from the City Council that the City will assume responsibility for maintenance and upkeep of artwork on Caltrans facilities within the Oakland city limits; and

**WHEREAS**, it is the City's policy through its Public Art Program regulations that gifts of art and community-initiated artwork projects may be accepted only on the terms that the artwork sponsor or donor make provision for ongoing maintenance of the artwork, which entails entering into agreements with the artists establishing the artist/donor's agreement and responsibility to provide maintenance and upkeep; now, therefore, be it

**RESOLVED:** That the Oakland City Council supports the installation of a mural by artist/donor Alan Leon on 14 support columns of Highway 24 located at 54<sup>th</sup> Street and Shattuck Avenue in Oakland; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to undertake any actions necessary to provide maintenance of the artwork to installed Alan Leon on 14 support columns of Highway 24 located at 54<sup>th</sup> Street and Shattuck Avenue in for its expected lifespan of 25 years; and be it

**FURTHER RESOLVED:** That the Office of the City Attorney will review the agreement for form and legality, and a copy will be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,  
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST

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