

2009 JUN 11 PM 4: 11

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Cultural Arts & Marketing Division
DATE: June 23, 2009

RE: **Resolution Authorizing the City Administrator to Negotiate and Execute a Professional Services Agreement with Laurel True dba True Mosaics Studio Inc. for Public Art Design, Fabrication and Installation Services for the Fire Station 18 Project in an Amount Not to Exceed One Hundred Fifteen Thousand Dollars (\$115,000)**

SUMMARY

This is a resolution authorizing the City Administrator to negotiate and execute a professional services agreement with artist Laurel True dba True Mosaics Studio Inc. to create a public art project for the Fire Station 18 Project. The proposed artwork will enhance the exterior and interior meeting spaces for the Oakland Fire Department (OFD) staff and the surrounding community. The maximum contract amount is not to exceed \$115,000.

In response to a Request for Qualifications distributed to Bay Area artists, the City received fifty-three applications for this public art project opportunity. On March 21, 2008, five finalists were selected for interview. On April 28, 2008, the five top-rated finalists made detailed presentations on their qualifications, interest and approach to an eight-member panel convened by the City. Based on these interviews and presentations, artist Laurel True dba True Mosaics Studio Inc. was selected as most qualified to complete this project.

FISCAL IMPACT

This professional services agreement will not exceed \$115,000 for design, fabrication, and installation of the completed art project. Public art projects are funded through the City of Oakland's Percent for Art Ordinance (No. 11086 C.M.S.) and the Oakland Redevelopment Agency Resolution (No. 89-8 C.M.S.), which authorize the allocation of 1.5% of capital improvement project costs for the commissioning of public artwork. Funding for the Fire Station 18 public art project totaling \$115,000 is available through the Oakland Redevelopment Agency Projects Fund (7780), Capital Projects – Project Management Organization (92270), Fire Station No. 18 Project (C328310). The City Council adopted Resolution No. 80674, on June 21, 2007, in which the Oakland Redevelopment Agency allocated the funds for the Fire Station 18 Project: Central City East: Tax allocation bond series 2006A-TE Fund (9543), Central City East Redevelopment (88699), Fire Station 18 ORA project (T315830). Redevelopment funding may not be used for maintenance; therefore the project will be designed to require minimal maintenance.

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BACKGROUND

The original Fire Station 18, built in 1924, is being replaced on the existing site to meet OSHA requirements and accommodate modern emergency response equipment.

With the replacement of Station 18, the Oakland Fire Department strives to create a new community icon for this East Oakland neighborhood. The architectural design goals for the new station are to (1) create a new architectural community anchor and (2) provide an accessible and welcoming street presence for the surrounding residents and station visitors. In addition, the building will be designed and fabricated to meet the City of Oakland's Green Building Ordinance and LEED (Leadership in Energy and Environmental Design) Silver Certification building requirements. The public art created for this important new station will contribute to the identification of this model municipal facility as a community beacon, helping to draw together the disparate residential and commercial architectural styles, and utilize recycled building materials to contribute to the LEED certification requirements.

The preferred opportunities for public art are surface treatments to the exterior façades along 50th and Bancroft, including the public building entrance to be located on Bancroft. Extensions of surface treatments or installations into the community meeting room space adjacent to the building entrance are also planned.

Selection Process:

The Public Art Program released a Request for Qualifications (RFQ) within the Bay Area seeking a qualified artist to create site-specific work for the Fire Station 18 Replacement project located at Bancroft and 50th Avenue. Public Art staff prepared objective selection criteria for use by the selection panel in rating the qualifications of applicants.

Voting members of the selection panel were local arts professionals/community representatives Amana Johnson, Mark Brest van Kempen, and Lisa Ruhland; and Oakland Fire Department Representatives Nina Morris and Diane Schnapp. Chairing the meeting (a non-voting role) was Public Art Advisory Committee (PAAC) member Jennifer Easton. Non-voting advisors to the panel were project architect Manan Shah of Shan Kawasaki Architects and Public Art Program staffer Kristen Zaremba.

The selection panel met in a two-phase process. The first phase panel included selection of five finalists from the eligible application pool of 46. On April 14, 2008, finalists attended a site visit / orientation meeting with the project architect, OFD staff and other City staff to be introduced to all aspects of the project in preparation for the finalist interviews. On April 28, 2008, the selection panel met to interview the five finalists, and reached the above recommendation.

On May 5, 2008, the PAAC unanimously voted to accept the recommendation of the selection panel and approve the commission of artist Laurel True dba True Mosaics Studio Inc. for the Fire Station 18 Public Art Project and on May 19, 2008, the recommendation was presented to the Cultural Affairs Commission as an informational item only, due to a lack of a quorum.

Ms. True lives and works in Oakland. As an established, practicing artist with years of public art

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experience, she has created many socially and culturally sensitive, well-integrated public art projects in various locations throughout California and nationally.

If approved by City Council, the artist will continue to consult with the project architects, CEDA / Public Works and Oakland Redevelopment project managers, Oakland Fire Department staff, Public Art Program staff, local community representatives and other project stakeholders in the development of public artwork(s) for this project. City staff will make certain that Ms. True is in compliance with City policies before a Professional Service Agreement is executed.

KEY ISSUES AND IMPACTS

On May 5, 2008, the PAAC approved the panel's recommendation, with directions to the artist to proceed with design development. On March 2, 2009, the artist presented her design proposal to the PAAC for design review. The PAAC endorsed the design and the artist has been instructed to work with City staff, design team and community representatives on further refinements prior to fabrication. On March 19, 2009, the artist and City staff attended the monthly Melrose-High Hopes NCPC meeting at Horace Mann Elementary to present the artist's design concepts and received support for the project. In addition, the artist has conducted individual interviews with community representatives and OFD station 18 crew members, to share her design development process and collect design feedback. This project is scheduled to be completed in the spring of 2010, in conjunction with the completion of the new station.

Materials used for all artwork at the Fire Station will be durable, resistant to vandalism, and appropriate for heavy public use. Integrated designs will be developed to require minimal or no maintenance beyond routine cleaning, as redevelopment funds may not be used for maintenance.

PROJECT DESCRIPTION

For the Fire Station 18 Project, the artist's concept is to create permanent mosaic works for the exterior façade, community room and 2nd story courtyard, based on the metaphor of the tree of life, and inspired by her ongoing dialogue with community and OFD staff. Constructed of colorfully glazed, high-fire ceramic tile, glass and recycled concrete and brick, the sculptures will be designed to complement the building architecture and celebrate the Fire Station's role within the greater community. (See Schedule A: Scope of Services).

SUSTAINABLE OPPORTUNITIES

Economic: The public artwork integrated into this replacement fire station will enhance and enrich the visual environment and public use of the facility, thereby strengthening the economic value of the community. The artist, Laurel True dba True Mosaics Studio Inc., will endeavor to hire Oakland artisans and fabricators for any work she cannot personally execute on this project, to the extent that it is reasonably feasible.

Environmental: The artwork will have no adverse impact on the surrounding community. The mosaics will incorporate recycled building materials. Risk of vandalism to the work is very limited, as the artist will be required to fabricate all the elements out of materials suitable for exterior environments, without surfaces, edges or protrusions subject to vandalism.

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Social Equity: The public artwork designed for this building will enhance the aesthetic aspects of the new facility, adding to the quality of life for residents of and visitors to Oakland, particularly residents in the surrounding community and the OFD staff who work at the station. The artist's designs will reflect the architectural goals for the new building and bolster community pride in the City.

DISABILITY AND SENIOR CITIZEN ACCESS

The public art will be accessible and visible to viewers from many vantage points. The artwork will be ADA compliant, and will not create a tripping hazard for senior citizen access.

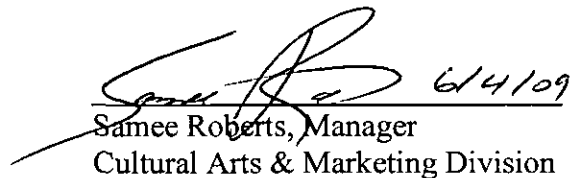
RECOMMENDATION

The Cultural Affairs Commission recommends that City Council authorize the City Administrator to negotiate and execute a professional services agreement with Laurel True dba True Mosaics Studio Inc. for public art design, fabrication and installation services for the Fire Station 18 Project, in an amount not to exceed \$115,000.

ACTION REQUESTED OF THE CITY COUNCIL

That Council approve the resolution authorizing the City Administrator to negotiate and execute a professional services agreement with Laurel True dba True Mosaics Studio Inc. for public art design, fabrication and installation services for the Fire Station 18, in an amount not to exceed \$115,000.

Respectfully submitted,


Samee Roberts, Manager
Cultural Arts & Marketing Division

Report prepared by: Steven Huss, Cultural Arts Programs Coordinator

APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE:


Office of the City Administrator

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Schedule A

SCOPE OF WORK/OUTLINE OF SERVICES TO BE PERFORMED

I. PROJECT DESCRIPTION, LOCATION OF ARTWORK & TASKS

Description:

Contractor shall finalize artwork design concepts for the Fire Station 18 Public Art Project. Contractor shall also fabricate and install unique public art elements as are approved by the Public Art Project Manager / Assistant Public Art Coordinator. Final artwork designs will be reviewed by City staff, the Public Art Advisory Committee, and other project stakeholders before approval is made in writing by the Public Art Project Manager / Assistant Public Art Coordinator.

Location:

The Artwork will be integrated into the new Fire Station 18, located at 50th Avenue and Bancroft Avenue, in East Oakland.

Task 1: Off-Site Elements –Contractor shall:

- Meet on an as-needed basis with the design team, community representatives and City staff to finalize integrative artwork designs and budget for the project.
- Develop scale drawings of proposed artwork and obtain engineering review, if required.
- Meet with community groups and project stakeholders as directed by Public Art Project Manager.
- Purchase materials for all proposed artwork components.
- Fabricate or cause to be fabricated all artwork elements not integrated in the general contractor's scope of work.
- Prepare all materials with protective and anti-graffiti coatings as needed.

Task 2: On-Site Elements –Contractor shall:

- Coordinate final artwork delivery and installation schedule with Public Art and Public Works Agency staff prior to transportation.
- Transport artwork elements to site.
- Prepare the site for installation.
- Oversee installation of all artwork elements.
- Inspect artworks for any damage occurring during transport and installation and repair or touch up as needed.
- Document all artworks as specified below.

Task 3: Supplemental Materials

To be delivered to Public Art Project Manager Prior to Final Payment:

- A manual for the City's public art collection management program which includes materials specifications and describes routine maintenance needs, recommendations for care of the artwork elements, and other considerations for upkeep of the project.
- A series of high-resolution digital photographic images of the completed public art project in situ, including a minimum of two different images per specific element and two views of the overall project.
- A brief (one to two pages) narrative description of the public art project, including the Contractor's themes and concepts and other information that will enhance public enjoyment and understanding of the project and the artist's work, and for possible incorporation into explanatory signage to be installed at the site.

II. SCHEDULE OF PERFORMANCE

Contractor shall perform work according to the following schedule. Contractor shall not commence Contractor's Services until this Agreement is fully executed and City issues a notice to commence work.

	<i>Date</i>
Final Design Development:	July 7 – August 3, 2009
Fabrication of Off-Site Elements:	August 10 - November 30, 2009
Completion of Installation:	March 30, 2009
Final Contract Completion:	June 30, 2010

The parties agree that the schedule of performance set forth above may, by mutual agreement, be modified in writing without the necessity of a formal amendment to this Agreement.

The schedule for payment will occur in accordance with the milestones set forth below. In the event that City accepts the Artwork, one or more payments set forth in **the Schedule of Payment** may occur following the completion date for the Artwork as set forth above or as may be modified in writing by the parties.

III. COMPENSATION

1. Fee. Contractor's fee for design, fabrication and installation of Artwork, including all expenses relating thereto, shall not exceed the sum of forty-five thousand dollars (**\$115,000**). This fee includes but is not limited to the following costs: Labor of assistants; materials, communication and other indirect costs; travel expenses of the Contractor for site visits and supervision of work; and fabrication, installation, and transportation costs.

2. Interim Payments. City agrees to pay Contractor in installments as set forth in the schedule below and in accordance with the terms of Section 23 of this Agreement.

3. Payment Schedule.

First payment, upon execution of this Agreement, for continuing design development and purchase of materials (30%):	\$ 34,500
2 nd payment, at midpoint of fabrication phase, upon evidence of purchase of materials and studio inspection by Public Art Program staff (30%):	\$34,500
3 rd payment, at completion of fabrication phase, following progress review and approval by Public Art Project Manager (30%):	\$34,500
4 th payment, upon City's issuance of the Notice of Acceptance, plus thirty (30) days (10%):	\$11,500

4. Reimbursables. City will not make any additional payment for Contractor's expenses.

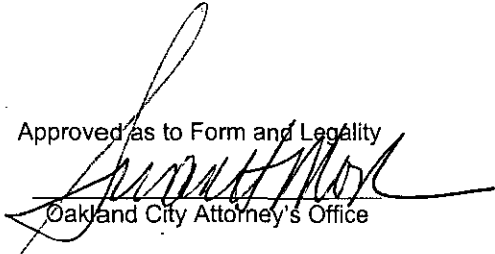
5. Notwithstanding the foregoing, Contractor expressly acknowledges that approval of work to permit an interim payment is solely for the benefit of Contractor. Unless and until the City issues a Notice of Acceptance for the Artwork, no interim approval shall constitute acceptance or approval of the Artwork by City nor shall it be construed as a waiver of City's right to require that the Artwork conform strictly to the Final Proposal and to the Plans.

6. Pursuant to California Revenue and Taxation Code Section 6365, the Artwork is exempt from sales taxes imposed under the California Revenue and Taxation Code.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LAUREL TRUE DBA TRUE MOSAICS STUDIO INC. FOR PUBLIC ART DESIGN, FABRICATION AND INSTALLATION SERVICES FOR THE FIRE STATION 18 PROJECT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000).

WHEREAS, the City of Oakland Fire Station No. 18 Replacement Project will include replacement and expansion of the existing building located at 1700 50th Avenue in East Oakland; 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 forty-six 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 21, 2008 and April 28, 2008, an eight-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 Fire Station 18 project, and unanimously recommended the artist Laurel True; and

WHEREAS, on May 5, 2008, the Public Art Advisory Committee voted to accept the recommendation of the selection panel and approve the commission of Laurel True dba True Mosaics Studio Inc. for the Fire Station 18 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 total artwork project budget of \$115,000 is available through Oakland Redevelopment Agency funds pursuant to Resolution No. 80674, adopted by City Council on June 21, 2007, which allocated Oakland Redevelopment Agency funds for this project: Central City East: Tax allocation bond series 2006A-TE Fund (9543), Central City East Redevelopment (88699), Fire Station 18 ORA project (T315830); now therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and execute a professional services agreement with Laurel True dba True Mosaics Studio Inc. in an amount not to exceed one hundred fifteen thousand dollars (\$115,000) from Oakland Redevelopment Agency funding; and be it

FURTHER RESOLVED: That \$115,000 will be allocated from the Oakland Redevelopment Agency Projects Fund (7780), Capital Projects – Project Management Organization (92270), Fire Station No. 18 Project (C328310); 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, _____, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California