

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

2006 NOV -1 PM 4:12

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 80277 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MARK BREST VAN KEMPEN FOR PUBLIC ART DESIGN, FABRICATION AND INSTALLATION SERVICES FOR THE ROCKRIDGE-TEMESCAL GREENBELT IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000).

WHEREAS, the City of Oakland Rockridge-Temescal Greenbelt Phase II project improved public access and replaced approximately 350 linear feet of landscaping along Temescal Creek in the Temescal District; 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 seventeen Oakland artists; 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 May 12, 2005 and July 22, 2005, an ten-member selection panel consisting of community members, artists, arts professionals and project representatives met to select and approve an artist or artist team to create public art elements for the Rockridge-Temescal Greenbelt, and unanimously recommended artist Mark Brest van Kempen and his proposal; and

WHEREAS, on August 8, 2005, the Public Art Advisory Committee voted to accept the recommendation of the selection panel, and on August 22, 2005, the Cultural Affairs Commission voted to approve the commission of artist Mark Brest van Kempen and his proposal for the Rockridge-Temescal Greenbelt 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, funds for the total artwork project budget of \$75,000 are available from the following: \$40,000 within the Measure DD Fund (5320), CP Environmental Services Organization (92280), Creek Restoration Project (C244810); \$8,700 within the Municipal Improvement Capital Fund (5500), Public Art Organization (62511), FROG Park-Public Art Project (B00910); \$6,300 within the Municipal Improvement Capital Fund (5505), Public Art Organization (62511), Public Art Project (A158630); and \$20,000 within the Capital Reserves Fund (5310), Public Art Organization (62511), ADA Accommodations Project (C274310) now, therefore, be it

RESOLVED, that the City Council hereby authorizes the City Administrator to negotiate and execute a professional services agreement with Mark Brest van Kempen in an amount not to exceed seventy-five thousand dollars (\$75,000) from Public Art Program funding, Measure DD funding, ADA funding and community contributions; 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.

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, DEC 5 2006, 2006

PASSED BY THE FOLLOWING VOTE:


AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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