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OFFICE OF THE CITY CLERK
OAKLAND
2009 NOV 19 PM 1:02

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**
AGENDA REPORT

To: Office of the Agency Administrator
Attn: Dan Lindheim
From: Community and Economic Development Agency
Date: December 1, 2009

Re: **Agency Resolution Authorizing A Grant Not To Exceed \$182,000, Subject To The Conditions Contained Herein, To Oakland Metropolitan Chamber of Commerce Foundation To Pay Toward The Cost Of Installing The Sculptural Monument Titled *Remember Them: Champions for Humanity* By Mario Chiodo In Fox Square Park, Located at 19th Street and Rashida Muhammad Street.**

SUMMARY

Staff of the Community and Economic Development Agency (CEDA) is recommending that the Redevelopment Agency (Agency) approve a resolution authorizing a grant not to exceed \$182,000 to the Oakland Metropolitan Chamber of Commerce Foundation (Chamber Foundation) to pay toward the cost of installing the sculptural monument titled "*Remember Them: Champions for Humanity*" by Mario Chiodo at Fox Square.

On September 19, 2006, the City Council authorized acceptance of the monument with the understanding that the City will not provide any financial assistance to the public art. Since then, the Chamber Foundation has been unable to obtain full funding for the construction and maintenance of the monument. In March 2009, the City Council directed staff to prepare legislation to provide an Agency grant not to exceed \$182,000 to the Chamber Foundation to pay towards the cost of fabricating and installing the monument.

Execution of a grant agreement between the Agency and the Chamber Foundation will be contingent on the execution of all legal agreements governing the City's acceptance of the monument.

FISCAL IMPACT

The Agency will contribute a grant in an amount not to exceed \$182,000 toward the cost of installing the monument. Originally, the grant to the Chamber Foundation was to be funded from remediation cost savings at the Uptown project site. The total savings in an amount of \$282,952 were recently returned to the Agency's Preservation Park Loan Repayment Fund (9562), Capital Improvement Project – Economic Development Organization (94800),

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Retail/Entertainment Catalyst Development FY01 Project (P132780). Since these funds are not subject to any of the federal income tax rules and limitations that apply to governmental taxable and tax-exempt bonds, the Agency prefers to reallocate all remaining cash of \$353,358 in Fund 9562, including the remediation savings, to a new, yet to be determined project that will fund the Agency's site acquisitions in the Valdez triangle area, which is part of the Broadway/Valdez District Specific Plan activity area.

The Agency will fund the grant to the Chamber Foundation from Central District Tax Allocation Bond Series 2005 Fund (9533), Capital Improvement Project – Economic Development Organization (94800), Uptown Garage-21st & Telegraph (P128670) to a project to be determined.

BACKGROUND

On September 19, 2006, pursuant to Resolution No. 80123 C.M.S., the City Council authorized the acceptance of the sculpture titled *Remember Them: Champion for Humanity* as a gift to the City of Oakland for permanent installation at Fox Square. The original park plan for Fox Square was redesigned to accommodate the monument. Fox Square was completed in October of 2008. The City authorized acceptance of the monument subject to the following general conditions:

- The project sponsor has to secure all funding to cover the costs, including fabrication, installation, and maintenance of the monument, prior to the start of monument construction at the park.
- The City does not provide any financial assistance. All costs for building and maintaining the monument will be borne by the project sponsor.
- Annual maintenance, repair and restoration of the monument will be funded from interest earnings on an endowment in the amount of \$250,000 set up for this sole purpose and to be held in perpetuity by the Chamber Foundation, with additional funds to be raised periodically if available capital is insufficient to cover annual maintenance expenses.

The City of Oakland Public Art Program and Cultural Affairs Commission's Artwork Gift Review Policy states that whenever the City accepts any gift of public artwork, it must execute legal agreements with the project sponsors to guarantee funding, installation and maintenance of the art piece prior to the start of construction. To date, per the project sponsor and the City Attorney's Office, no agreements have been drafted or received.

When the Agency reported a savings from remediation at the Uptown Project site in March 2009, members of the City Council expressed their desire to contribute to the monument and directed staff to prepare legislation to provide an Agency grant not to exceed \$182,000 to the Chamber Foundation to pay towards the cost of fabricating and installing a part of the monument.

KEY ISSUES AND IMPACTS

Since passage of Resolution No. 80123 C.M.S. in September 2006, the Chamber Foundation has diligently pursued fundraising for all aspects of the monument, but has not yet secured full funding for the complete fabrication and installation of the sculpture or for the maintenance endowment associated with the monument. The Foundation still needs to raise \$2.8 million for site preparation, monument fabrication and installation alone, while the maintenance endowment is almost completely unfunded. The Chamber Foundation also still seeks substantial funding for the educational curriculum components associated with the monument. The Chamber Foundation attributes the delays in achieving full project funding to the deepening economic downturn of the last two years which has forced philanthropic and corporate foundations to reduce grant support to the arts. The City should consider the following issues.

- The provision of Agency funding assistance for the monument does not comply with the City's and Cultural Affairs Commission's Artwork Gift Review Policy, which states that the City will only consider proposed gifts of public art with the understanding that no City funds will be required for fabrication, installation or maintenance of the work. Although the Agency, and not the City, will provide the grant, it is nevertheless a gift of public funds toward the completion of the monument.
- The delay in reaching full funding raises concerns regarding the achievement of a reasonable timeline for completion of the monument. Chamber Foundation representatives state that they can raise all remaining funding in 18 months. The fact that the Chamber Foundation has not been able to secure full project funding over the last three years in a continuously challenging economic environment raises doubt about their ability to complete this effort in the next 18 months. Accordingly, the Agency's commitment of funding the grant should be for up to two years.

Execution of a grant agreement between the Agency and the Chamber Foundation will be contingent on the execution of all legal agreements governing the City's acceptance of the monument.

PROJECT DESCRIPTION

The sculpture, *Remember Them: Champions for Humanity*, is an educational monument by Oakland's sculptor Mario Chiodo. This bronze sculpture, in the artist's words, "depicts twenty-five culturally diverse role models who have made significant contributions towards global peace, freedom and human rights over the past 150 years." The Monument consists of four groups of cast-bronze figures on cast concrete plinths placed on the Fox Square park plaza, with a series of bronze plaques (displaying quotes from the humanitarians represented) laid flush with the sidewalk at the base of the sculptures. Honorees on the Monument will be sculpted in the following groupings:

Section 1: Ruby Bridges, Maya Angelou

Section 2: Franklin D. Roosevelt, Mother Teresa, Thich Nhat Hanh, Chief Joseph

Section 3: Oskar Schindler, Frederick Douglass, Rosa Parks, Ralph Abernathy, Martin Luther King, Coretta King, Gandhi, Helen Keller

Section 4: Nelson Mandela, Shirin Ebadi, Harvey Milk, Susan B. Anthony, Cesar Chavez, Elie Wiesel, Winston Churchill, Malcolm X, Rebel from Tiananmen Square, Rigoberta Menchu, Lincoln

The Monument will be placed in Fox Square, a 25,000 square-foot public park, located at the intersection of 19th Street and Rashida Muhammad Street within the new Uptown Apartments community. When completed, it measures 52 feet long, 21 feet high, and will, according to the Chamber Foundation, be the largest bronze monument in the western United States.

SUSTAINABLE OPPORTUNITIES

Economic: The fabrication and installation of the monument will generate jobs for Oakland residents from contractors and suppliers who work on these projects. Moreover, the monument itself will attract visitors to the Uptown Area and likely contribute to increases in business activities in the area.

Environmental: The location of the monument in proximity to major public transportation nodes will likely encourage visitors to use BART and AC Transit.

Social Equity: The Chamber Foundation will comply with the City's contracting programs, including the Small/Local Business Construction Program, the Small/Local Business Professional Services Program (L/SLBE) and the Local Employment Program for fabrication and installation of the monument. All of the workers performing construction work must be paid prevailing wage rates. The developer will also be subject to the Living Wage Ordinance.

DISABILITY AND SENIOR CITIZEN ACCESS

The monument will be fully accessible and visible to viewers from many vantage points. It will be ADA compliant and will not create a tripping hazard for senior citizens. This educational monument will be accessible to the visually impaired, with the names and quotes in Braille and large imprint. All construction will meet the requirements of the Americans with Disabilities Act.

RECOMMENDATION AND RATIONALE

Staff recommends that the Agency authorize a grant not to exceed \$182,000 to pay toward the installation of the sculptural monument titled *Remember Them: Champions for Humanity* by

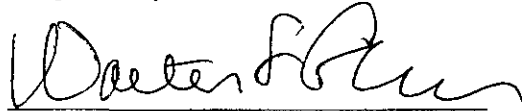
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Mario Chiodo to reduce the funding gap still to be filled by the Chamber Foundation's fundraising efforts. Execution of a grant agreement between the Agency and the Chamber Foundation will be contingent on the execution of all legal agreements governing the City's acceptance of the monument.


ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the Redevelopment Agency adopt the resolution authorizing a grant in an amount not to exceed \$182,000 towards the installation of the monument titled *Remember Them: Champions for Humanity* in Fox Square Park. Execution of a grant agreement between the Agency and the Chamber Foundation will be contingent on the execution of all legal agreements governing the City's acceptance of the monument.

Respectfully submitted,



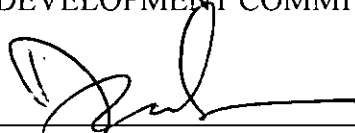
Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: 
Gregory D. Hunter, Deputy Director
Economic Development and Redevelopment

Reviewed by:
Patrick Lane, Redevelopment Area Manager

Prepared by:
Jens Hillmer, Urban Economic Coordinator
Esther Tam, Urban Economic Analyst II

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:

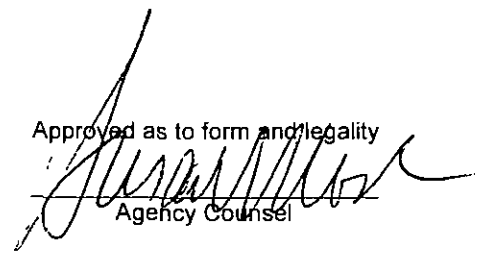


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Approved as to form and legality



Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

AGENCY RESOLUTION AUTHORIZING A GRANT NOT TO EXCEED \$182,000, SUBJECT TO THE CONDITIONS CONTAINED HEREIN, TO OAKLAND METROPOLITAN CHAMBER OF COMMERCE FOUNDATION TO PAY TOWARD THE COST OF INSTALLING THE SCULPTURAL MONUMENT TITLED *REMEMBER THEM: CHAMPIONS FOR HUMANITY* BY MARIO CHIDO IN FOX SQUARE PARK, LOCATED AT 19TH STREET AND RASHIDA MUHAMMAD STREET.

WHEREAS, on September 19, 2006, pursuant to Resolution No. 80123 C.M.S., the City of Oakland (City) accepted a privately funded gift of public art titled *Remember Them: Champions for Humanity* by Mario Chiodo (the "Monument") as a gift to the City for permanent installation in Fox Square Park, located at 19th Street and Rashida Muhammad Street; and

WHEREAS, according to the City of Oakland Public Art Program and Cultural Affairs Commission's Artwork Gift Review Policy, whenever the City accepts any gift of public artwork, it must execute legal agreements with the project sponsors to guarantee funding, installation, and maintenance of the monument prior to the acceptance of the gift and the start of construction; and

WHEREAS, the Oakland Metropolitan Chamber of Commerce Foundation (the "Chamber Foundation") has diligently pursued fundraising for all aspects of the Monument, but has not yet achieved full project funding for the complete fabrication and installation of the complete Monument, educational component, and the City-required maintenance fund; and

WHEREAS, the City Council desires to contribute to the installation of the monument and directed staff of the Redevelopment Agency (Agency) to prepare legislation to provide an Agency grant not to exceed \$182,000, which was to be funded from remediation savings at the Uptown project (Fund 9562) to the Chamber Foundation to pay towards the cost of fabricating and installing the monument; and

WHEREAS, the Agency would like to use all remediation savings from the Uptown project for the Agency's site acquisition efforts in the Valdez triangle, which is part of the Broadway/Valdez District Specific Retail Plan activity area; and

WHEREAS, and the Agency will allocate funding for the grant to the Chamber Foundation from the Central District Tax Allocation Bond Series 2005 Fund (9533), Capital

Improvement Project – Economic Development Organization (94800), Uptown Garage – 21st & Telegraph (P128670) to a project to be determined; and

WHEREAS, the addition of the sculptural monument at Fox Square Park has been determined to be exempt from the California Environmental Quality Act (CEQA) Guidelines under, among other provisions, Section 15061(b)(3) (general rule), because there is no possibility of an adverse effect on the environment; now therefore be it

RESOLVED: That the Agency hereby authorizes a grant not to exceed \$182,000 to the Chamber Foundation to pay toward the cost of installing the Monument; and be it further

RESOLVED: Execution of a grant agreement between the Agency and the Chamber Foundation is contingent on the execution of all legal agreements governing the City's acceptance of the monument.

RESOLVED: That the Agency's commitment of funding the grant shall be for a period of up to two years from date of Council authorization and that any extension of this period must be approved by Council; and be it further

RESOLVED: That \$182,000 in Agency funding will be allocated from the Central District Tax Allocation Bond Series 2005 Fund (9533), Capital Improvement Project – Economic Development Organization (94800), Uptown Garage – 21st & Telegraph (P128670) to a project to be determined; and be it further

RESOLVED: That all remediation savings in the Agency's Preservation Park Loan Repayment Fund (9562), Capital Improvement Project – Economic Development Organization (94800), Retail/Entertainment Catalyst Development FY01 Project (P132780), be reallocated to a new Project to be determined; and be it further

RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because the reconfiguration of the sculptural monument is exempt from CEQA, without limitation, pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule); and be it further

RESOLVED: That any and all documents necessary to effectuate the intent of this resolution shall be reviewed and approved as to form by the Agency Counsel prior to execution by the Agency Administrator or his designee; and be it further

RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the Agency's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
Secretary of the Redevelopment Agency of the
City of Oakland, California