

*M. Morrison*

**OAKLAND CITY COUNCIL**  
OFFICE OF THE CITY CLERK  
OAKLAND  
**RESOLUTION No. 84115 C.M.S.**  
2012 NOV 14 PM 4:04  
Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH ARTIST JOHN COLLE ROGERS FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR THE 12<sup>TH</sup> STREET RECONSTRUCTION PROJECT TO (1) EXTEND THE TERMINATION DATE TO DECEMBER 31, 2013, AND (2) INCREASE THE CONTRACT FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY THOUSAND FIVE HUNDRED DOLLARS (\$130,500) 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: 12<sup>th</sup> Street Reconstruction 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 March 21, 2006, the City Council approved Resolution No. 79807, C.M.S. awarding professional services agreements to Todd Blair and John Colle Rogers for Public Art design and fabrication services for the 12<sup>th</sup> Street Reconstruction Project in an amount not to exceed \$72,500 per artist; and

**WHEREAS**, it has been determined that the existing agreements should be amended to consolidate the fabrication and installation scope for the 12<sup>th</sup> Street Reconstruction public art project into one contract with John Colle Rogers; 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 \$130,500 is available within the Measure DD: Series B Capital Improvement Bond Fund (5321), Engineering Design Organization (92270), Lake Merritt Art – Series B Project (C396210), Public Art Program (CE01); now, therefore, be it

**RESOLVED**, that the City Council hereby authorizes the City Administrator to amend the professional services agreement with artist John Colle Rogers to (1) extend the termination date to December 31, 2013, and (2) increase the contract for a total amount not to exceed one hundred thirty thousand five hundred dollars (\$130,500) 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.

DEC 4 2012

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

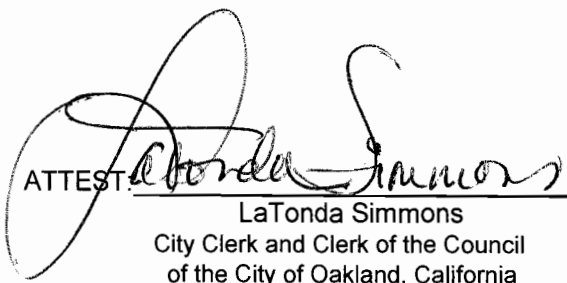
AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 7

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