

2006 JUN 15 PM 4:05

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Cultural Arts & Marketing Division
DATE: June 27, 2006

RE: **Resolution Authorizing the City Administrator to Negotiate and Execute a Professional Services Agreement with Joaquin A. Newman for Public Art Design and Fabrication Services for Carmen Flores Community Center in an Amount Not to Exceed Twenty Thousand Seven Hundred Dollars (\$20,700)**

SUMMARY

This is a resolution authorizing the City Administrator to negotiate and execute a professional services agreement with artist Joaquin A. Newman to create a public art project for the interior of the Carmen Flores Community Center. The proposed artwork will enhance the interior lobby of the facility while paying tribute to community activists Carmen Flores and Josie D. de la Cruz. The maximum contract amount is not to exceed \$20,700.

In response to a Request for Qualifications, the City received 10 applications for this public art project opportunity. On December 21, 2005, the two finalists presented proposals to and were interviewed by an eight-member panel convened by the City. Oakland-based artist Joaquin A. Newman was selected as most qualified to complete this project.

FISCAL IMPACT

This professional services agreement will not exceed \$20,700 for development of the artistic concept, fabrication, and installation of the completed art project. Public art projects are funded from the City of Oakland's percent for art ordinance (Ordinance Number 11086 C.M.S.). Carmen Flores Community Center Project funding was approved by the City Council in the Public Art Annual Plan for Fiscal Year 2004. Funding for the total artwork project budget of \$20,700 is available within the Municipal Improvement Capital Fund (5505), Public Art Organization (62511), Miscellaneous Services Account (53719), Public Art Project (A158630).

Item: _____
Life Enrichment Committee
June 27, 2006

BACKGROUND

Carmen Flores Community Center, dedicated October 10, 2004, is located at 1637 Fruitvale Avenue in Josie D. de la Cruz Park, formerly Sanborn Park. The community center and park are named for the late, revered Oakland residents and community activists Carmen Flores and Josie D. de la Cruz, who provided leadership to the Fruitvale community in matters of health, education and culture.

The Public Art Program released a Request for Qualifications seeking an Oakland artist or team of artists to design art elements for the central skylight atrium in the lobby of the community center. The goal of the project was to capture the history and spirit of the two women honored while enhancing the center's interior space for all users.

Voting members of the selection panel were Twinkie Flores Bradshaw, daughter of Carmen Flores; Tamara de la Cruz, granddaughter of Josie de la Cruz; Xochitl Guerrero, Oakland resident and muralist with extensive experience in Fruitvale; Joe Rodriguez, Arts Program Officer, San Jose Office of Cultural Affairs; and Rita Torres, member of the Carmen Flores Community Center Advisory Committee and formerly the Assistant Director of the Unity Council's Community and Family Asset Development Division. Chairing the meeting (a non-voting function) was Public Art Advisory Committee member Deborah Lozier. Non-voting advisors to the panel were Evelyn Orantes, Oakland resident and staff member in Oakland Museum of California's Education Department, and Jennifer Koney, Recreation General Supervisor, Oakland Parks and Recreation.

KEY ISSUES AND IMPACTS

Two proposals were delivered by the November 30, 2005 deadline and were displayed for public viewing and comment at Carmen Flores Community Center from December 2 through 16, 2005. Community and staff comments were considered by the selection panel at its meeting of December 21st, during which the two finalists were interviewed and their proposals reviewed. The panel recommended finalist Joaquin Alejandro Newman (Oakland) to create a public art work for the Carmen Flores Community Center.

On January 9, 2006, the Public Art Advisory Committee (PAAC) approved the panel's recommendation, with directions to the artist for design refinement. On May 1st, the artist made an updated presentation to the PAAC, which approved the design. The artist's contract and design concept were approved by the Cultural Affairs Commission on May 22, 2006 (see Schedule A: Scope of Services).

PROJECT DESCRIPTION

The art project will consist of four eleven-foot-wide murals on the recessed walls of the skylight atrium, complemented by a 90-foot painted pattern on the upper walls of the lobby above the

Item: _____
Life Enrichment Committee
June 27, 2006

entry and exit doors. The mural compositions will be linked thematically and stylistically. Each will depict one of the four ‘cardinal points’. The artist observes that “in the indigenous tradition, the beginning of ceremony starts with the honoring of the four winds, the cardinal points, and all our relations. The cardinal points represent more than just geographical directions: the north represents the elders, south is the direction of children, east is the direction of men and west is the direction of women.” Josie D. de la Cruz and Carmen Flores will be depicted in the north skylight panel; the South panel will honor the many children whose lives were touched by Carmen and Josie’s work; the West panel will honor women as healers; and the East panel will honor men, with a focus on Mesoamerican peoples. A ribbon motif that weaves together the four panels will reflect the influence of Asian culture and design.

SUSTAINABLE OPPORTUNITIES

Economic: Joaquin A. Newman is an Oakland native who will perform all work in his Oakland studio. Note also that public artwork integrated into this Fruitvale community center will enhance and enrich the visual environment and public use of the facility, thereby strengthening the economic value of the community.

Environmental: The artwork will have no adverse impact on the existing Community Center structure. Risk of vandalism to the work is very limited, as it will be housed inside a facility that is locked at night; also, 90% of the artwork will be out of reach of all community center users.

Social Equity: The public artwork described in this report will enhance the recreational and aesthetic aspects of Carmen Flores Community Center and grounds, adding to the quality of life for residents of and visitors to Oakland, particularly Fruitvale residents. The community-specific design will reflect the identity and character of the Fruitvale community and bolster community pride in the City facility.

DISABILITY AND SENIOR CITIZEN ACCESS

The public art murals in the interior of the community center will be accessible and visible to viewers from many vantage points. The artwork will be ADA compliant, and as it will be fully out of reach on the high walls of the skylight/lobby atrium, will not create a tripping hazard for senior citizen access.

RECOMMENDATION

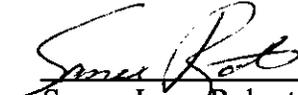
The Cultural Affairs Commission recommends that City Council authorize the City Administrator to negotiate and execute a professional services agreement with Joaquin A. Newman for public art design and fabrication services for the Carmen Flores Community Center, in an amount not to exceed twenty thousand seven hundred dollars (\$20,700).

Item: _____
Life Enrichment Committee
June 27, 2006

ACTION REQUESTED OF THE CITY COUNCIL

That Council approves the resolution authorizing the City Administrator to negotiate and execute a professional services agreement with Joaquin A. Newman for public art design and fabrication services for the Carmen Flores Community Center, in an amount not to exceed twenty thousand seven hundred dollars (\$20,700).

Respectfully submitted,



Samee Lynn Roberts, Manager
Cultural Arts & Marketing Division
Office of the City Administrator

Report prepared by: Steven Huss, Acting Cultural Arts Programs Coordinator

**APPROVED AND FORWARDED TO THE
LIFE ENRICHMENT COMMITTEE:**



OFFICE OF THE CITY ADMINISTRATOR

Item: _____
Life Enrichment Committee
June 27, 2006

Schedule A
SCOPE OF SERVICES

I. PROJECT DESCRIPTION, LOCATION OF ARTWORK & TASKS:

Description:

The project will consist of the Skylight Well Murals and the Lobby Mural Bands in the lobby of *Carmen Flores Community Center*, as described in the artist's *Final Proposal*. The Skylight Well Mural will be created on four (4) mural panels each measuring 10' wide x 7' high in the skylight well. The Lobby Mural Bands will be four (4) decorative mural bands, two measuring 21' wide x 25" high and two measuring 24' wide x 25" high, installed below the Skylight Well panels.

Location:

The Artwork will be located in the skylight well of the lobby interior at the *Carmen Flores Community Center*, located in Josie D. de la Cruz Park, at 1637 Fruitvale Avenue in Oakland.

Task 1: Off-Site Elements – Contractor shall:

- Complete all scale drawings and obtain engineering review, if required.
- Purchase materials for mural components including:
 - 10 oz. 100% cotton duck canvas, triple primed (both surfaces)
 - NovaColor Acrylic Mural Paint and Medium
 - Golden Acrylic Paint and Medium
 - Golden MSA Varnish w/ UVLA (Topcoat)
 - Roman Adhesives Brand ULTRA, PRO-880 Premixed clear vinyl adhesive
- Fabricate mural panels in studio located at 395 Palm Avenue, Oakland CA 94610.
- Prepare all edges, seal all canvases with isolation coat and treat with protective UV top coat specified.

Task 2: On-Site Elements – Contractor shall:

- Coordinate final installation schedule and delivery of scaffolding with Public Art staff and community center staff prior to transportation.
- Transport murals to site.
- Clean all wall surfaces and prepare for adhesion of canvas murals.
- Mount four skylight murals in skylight wells behind existing wall-mounted lights. Provide protection of lights during installation. Murals to be installed by professional installer with assistance of muralist.
- Mount four Lobby Mural Bands panels on wall surfaces below skylight.
- Inspect murals for any damage occurring during transport and installation and touch-up as needed.
- Document all murals as specified below.

Task 3: Supplemental Materials

To be Delivered to Public Art Coordinator 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 murals, 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 mural/wall and two views of the overall project.
- A brief (one to two pages) narrative description of the mural project, including the artist'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.

	Date
Mural Production & Painting Fabrication of Off-Site Elements:	August 1, 2006 – October 31, 2006
Completion of Installation:	November 6, 2006
Final Contract Completion:	December 31, 2006

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 fabrication and installation of Artwork, including all expenses relating thereto, shall not exceed the sum of twenty thousand seven hundred dollars (**\$20,700**). 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. <u>Budget:</u>	
Mural Fabrication: (234 hours @ \$40/hr)	\$9350.
Installation: (61.25 hours @ \$40/hr)	2,450.
Studio Rental/Overhead:	1,500.
Insurance (Renters, Liability, Addl. Auto)	800.
Materials:	2,775.
Equipment Rental (Scaffolding/3 days):	1,325.
Documentation (Signage & Photography)	500.
Contingency:	2,000.
Total:	\$20,700.

4. Payment Schedule.

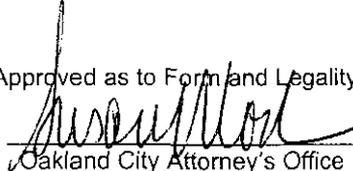
Upon execution of this Agreement:	\$ 9,315
Upon completion of 50% fabrication and studio visit by Project Manager:	\$ 4,657.50
Upon approved installation:	\$ 4,657.50
Upon City's issuance of the Notice of Acceptance, plus thirty (30) days:	\$ 2,070

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.

2006 JUN 15 PM 4: 05

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 JOAQUIN A. NEWMAN FOR PUBLIC ART DESIGN AND FABRICATION SERVICES FOR CARMEN FLORES COMMUNITY CENTER IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND SEVEN HUNDRED DOLLARS (\$20,700).

WHEREAS, the City of Oakland has constructed the Carmen Flores Community Center in Josie D. de la Cruz Park in the Fruitvale 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 ten responses from 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 September 28, 2005 and December 21, 2005, an eight-member selection panel consisting of community members, artists, arts professionals and project representatives met to select an artist and to approve an artist or artist team to create public art elements for the Carmen Flores Community Center, and unanimously recommended artist Joaquin A. Newman and his proposal; and

WHEREAS, on January 9, 2006, the Public Art Advisory Committee voted to accept the recommendation of the selection panel, and on May 1, 2006, the Public Art Advisory Committee approved the selected artist's revised design proposal, and on May 22, 2006, the Cultural Affairs Commission voted to approve the commission of artist Joaquin A. Newman for the Carmen Flores Community Center 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 \$20,700 is available within the Municipal Improvement Capital Fund (5505), Public Art Organization (62511), Miscellaneous Services Account (53719), Public Art Project (A158630); now, therefore, be it

RESOLVED, that the City Council hereby authorizes the City Administrator to negotiate and execute a professional services agreement with Joaquin A. Newman in an amount not to exceed twenty thousand seven hundred dollars (\$20,700) from Public Art Program 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.

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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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