

RESOLUTION NO. 17-

Resolution Of The City Council Of The City Of Emeryville Accepting *Trefoil*, A Sculpture By Paul Vexler Suspended From The Ceiling In The Lobby Of The Welcome Center At The Emeryville Center Of Community Life, As Complete

WHEREAS, Section 3-2.404 of the Emeryville Municipal Code establishes the Emeryville Public Art Fund to implement the Art in Public Places Program; and

WHEREAS, Article 4 of Chapter 2 of Title 3 of the Emeryville Municipal Code establishes the Contributions for the Art in Public Places Program (“Public Art Ordinance”); and

WHEREAS, the Emeryville Center of Community Life (ECCL) is subject to the Art in Public Places fee of 1.5% of construction valuation as it applies to public projects for that portion of the project funded by the City; and

WHEREAS, based on the City of Emeryville’s contribution of \$19.95 million to the ECCL project, ECCL is subject to a total Art in Public Places fee of \$299,000, of which \$99,500 is reserved for public art maintenance and \$199,500 is available for ECCL Public Art; and

WHEREAS, pursuant to Section 3.2.403 (b) of the Emeryville Municipal Code, a public art fee for a public project must be used at the development site; and

WHEREAS, on July 16, 2013, the City Council authorized the City Manager to include the Public Art Committee’s recommended terms for the use of the ECCL Art in Public Places Fee in the Joint Occupancy Agreement between the City and the Emery Unified School District; and

WHEREAS, on May 17, 2016 the City Council approved the selection of Paul Vexler as one of the three final artists for the ECCL Public Art Project; and

WHEREAS, on July 8, 2016 the City and Paul Vexler entered into the Agreement for Design, Fabrication, Transportation and Installation of Art Work for the Emeryville Center of Community Life Public Art Project (the “Contract”) for the sculpture entitled *Trefoil*; and

WHEREAS, on November 28, 2016 Paul Vexler completed the installation of *Trefoil*; now therefore be it

RESOLVED, that the City Council hereby makes the following findings in support of its acceptance of *Trefoil* as required by Section 6.4 of the Contract:

- (1) That all approvals required under Sections 5.1, 5.2, 5.3, and 5.4 of the Contract have been obtained by Paul Vexler;
- (2) That the installation of *Trefoil* conforms to the specifications for the Art Work approved by the City Council pursuant to Section 5.3 of the Contract;
- (3) That *Trefoil* was installed on a timely basis;
- (4) That *Trefoil* has been reviewed and accepted by the City's Project Manager and is recommended for approval by the City Council;
- (5) That *Trefoil* is in substantial compliance with all other terms and conditions contained in the Contract;
- (6) That Paul Vexler has provided the City with documentation and a final maintenance plan for *Trefoil* that addresses the following elements:
 - a. A written report for the City's files including complete information regarding the intent of *Trefoil* and the scale, materials, and processes used in the fabrication and installation of the artwork.
 - b. Final written specifications and recommendations for maintenance of *Trefoil*, including an estimate of annual maintenance costs.
 - c. One set of digital images for program and archival purposes, showing fabrication, installation, and completed phases of *Trefoil*.

and be it further

RESOLVED, that the City Council hereby accepts as complete Paul Vexler's *Trefoil* suspended over the lobby of the Welcome Center of ECCL as depicted in Exhibit A attached to this resolution, to be maintained through the City's Art in Public Places Program and insured by the City against damages.

ADOPTED by the City Council of the City of Emeryville at a special meeting held Tuesday, January 17, 2017 by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY