



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: June 7, 2022

TO: Christine Daniel, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Adopting The Public Art Committee's Recommendation To Approve The Design Proposal By Guillaume Ollivier For The Public Art Mural Project At the Hollis Façade Of 1456 63rd Street, Authorizing The City Manager To Execute An Artist Agreement With Guillaume Ollivier In An Amount Not To Exceed \$80,000 For Final Design And Installation Of The Artwork, And Authorizing The City Manager To Execute A License Agreement With Klinknerville Court LLC And Guillaume Ollivier For The Installation Of The Artwork**

RECOMMENDATION

Staff recommends that the City Council approve the above-entitled resolution adopting the Public Art Committee's (PAC) recommendation to approve the design proposal by Guillaume Ollivier for the Public Art Mural Project at 1456 63rd Street, and authorizing the City Manager to execute an Artist Agreement (Attachment 1) with Guillaume Ollivier in an amount not to exceed \$80,000 to include final design and installation of the artwork and enter into a License Agreement (Attachment 2) with the owners of 1456 63rd Street and Guillaume Ollivier for placement of the work on the owner's property as commissioned by the City.

BACKGROUND

On November 17, 2020, the City Council adopted Resolution No. 20-119 approving the Public Art Mural Program Guidelines ("Guidelines"). Concurrently, the PAC reviewed opportunity sites referenced by the Guidelines. Based on a recommendation from the PAC's Subcommittee for Mural Selection, the PAC recommended a location at 1451 Sherwin Avenue. Staff approached representatives of P&H Associates, the owners of the building at 1451 Sherwin Avenue, as well as tenants located in the building, and both the owner and tenants indicated interest in participating in the City's Mural Program.

Following the City Council's review and approval of the Guidelines, the PAC approved a Request for Proposals ("RFP") for a mural at 1451 Sherwin Avenue, which was then posted on the Call for Entry (CaFE) website, a platform that allows artists across the State to participate. Additional outreach was provided via flyers posted at local public gathering venues, the City's website, the 45th Street Artist Cooperative, and the California Art Council's website. The call, as articulated in the RFP, was limited to California-based artists or artist teams. Of the 24 qualifying proposals received by the March 19, 2021 deadline, one was deemed nonresponsive because it did not include a

California-based team member, and five were incomplete, resulting in 18 responsive proposals.

A Selection Committee, recommended by the PAC and appointed by the City Manager, reviewed the 18 responsive submittals to the RFP using CaFE. On March 29, 2021, the Selection Committee met to vote on the top three artists/artist teams to recommend to the PAC. These proposals were submitted for the PAC's consideration, and on May 13, 2021, the PAC voted unanimously to recommend approval of artist Nigel Sussman's proposal for the 1451 Sherwin Avenue Mural Project. At the same time, the PAC voted unanimously to consider the first runner up, Guillaume Ollivier, for installation at another location to be identified. On September 13, 2021, the City Council approved Mr. Sussman's proposal and authorized the execution of agreements for the installation of the mural at 1451 Sherwin Avenue, and the mural was installed in November 2021.

DISCUSSION

Project Review Goals and Criteria

Based on the RFP approved by the PAC, the following theme, goals, and criteria were applied to review the proposals:

The theme of the 1451 Sherwin Avenue Mural Project RFP is: *"Neighborhood by the Bay; A Place to Call Home"*.

The RFP required proposals to meet the goals and curatorial standards of the Guidelines, as follows:

Goals:

1. Enhance public awareness of and respect for the natural and built environment of the City, including its diverse uses and users.
2. Enhance public spaces and gateways to the City and improve the aesthetics of the City as seen from multiple roadway intersections and pedestrian/bicycle corridors.
3. Create inspirational works of art that can be enjoyed by everyone including children as well as adults, employees, residents and visitors alike.
4. Create a more defined and aesthetic physical link between the site location while considering the site's immediate natural environment, urban setting, and proposed improvements where applicable.
5. Ensure aesthetic quality and enhance the public experience of public spaces by inspiring whimsy, serenity, happiness, or introspection.
6. Encourage the creation of murals that consider context of setting and background while allowing for artistic expression, without becoming a collection of "historical" narratives of the City.

Curatorial Standards:

- a. *Aesthetics.* Murals shall be of high aesthetic quality, including consideration of content, craftsmanship, uniqueness and relevance to the mural's environment.

- b. *Thematic Responsiveness.* Murals shall respond to the theme selected for the proposed mural site, as applicable, and as set forth in the RFP. Abstract or representative concepts are preferred over interpretive or literal imagery.
- c. *Artist Experience.* Program-funded murals shall be the work of artists who demonstrate past works that relate to the goals of the Public Art Mural Program.
- d. *Durability.* Permanent murals shall be comprised of durable and safe materials that can withstand long-term exposure in an outdoor environment. Temporary murals shall be comprised of safe materials that will withstand the duration of the installation, as set forth in the RFP.
- e. *Concept Quality.* Murals shall exemplify artistic excellence, creativity and originality of concept.
- f. *Compliance with Goals.* Murals shall be responsive to the stated goals of the Public Art Mural Program, including the physical, geographical, and ecological relationship of the mural to the site including the minimization of maintenance requirements, resistance to vandalism and appropriateness for public use and access.
- g. *Technical Practicality.* Murals shall be feasible to install as proposed, in consideration of site characteristics.

Selection Criteria

Design proposals are to be based on the following criteria:

- a. *Aesthetics.* The aesthetic quality of the artist's past work, including content, craftsmanship, uniqueness and relevance to its environment.
- b. *Experience.* The degree to which the artist's past work relates to the goals and parameters of the Public Art Mural Program.
- c. *Ability.* The artist's demonstrated ability to translate art concepts into durable and safe materials that can withstand long-term exposure in an outdoor environment.
- d. *Project Sustainability.* Evidence that the artist's existing public artworks have maintained an appropriate level of quality and integrity over time.
- e. *Teamwork.* Artist's demonstrated ability to work successfully as a member of a project design team and ability to work within public review processes.
- f. *Concept Quality.* Artistic excellence, creativity and originality of the proposal concept.
- g. *Compliance with Goals.* The artist's response to the stated goals of the project, including the physical, geographical, and ecological relationship of the artwork/installation to the site.
- h. *Technical Practicality.* The technical feasibility of the proposed artwork/installation, including minimum maintenance requirements, resistance to vandalism and appropriateness for public use and access.
- i. *Budget (Completeness, not Lowest Bid).* An evaluation of the proposed budget, including:
 - 1) its feasibility for the nature and scope of the project, and
 - 2) an analysis of whether the artist has done appropriate research and obtained viable cost estimates from subcontractors and suppliers.
- j. *Experience.* Positive feedback from professional references.

Selection Process

After Mr. Sussman's work was installed in November of 2021, staff sought sites to be considered for the mural proposed by Mr. Ollivier. Solicitation of sites included a form for all business license holders mailed with the license renewal. While this process elicited some interest from area businesses, these sites tended to be smaller than the 1451 Sherwin Avenue site and the scale of the work proposed by Mr. Ollivier. Additional properties identified as potential sites for Mr. Ollivier's proposed mural were found to be blocked by future construction or uncertain tenancies. After reviewing six potential sites and conducting proactive outreach to owners and businesses of all potential identified sites on Hollis Street, an opportunity arose at 1456 63rd Street, which includes a large frontage on Hollis Street directly across from Fire Station #35. The PAC and artist endorsed this site as superior to all of the sites considered during the process.

On April 14, 2022, the PAC unanimously voted to recommend that the City Council approve an Artist Agreement with Guillaume Ollivier (Attachment 1) and enter into a License Agreement with both Mr. Ollivier and the owners of 1456 63rd Street (Attachment 2).

Artist's Description of Proposal

"What image conjures itself in your mind when you think of Emeryville? Those just arriving might be delighted to find it is both a pedestrian and bike friendly city. A close proximity to the bay provides breathtaking views of downtown San Francisco, continuing up to Marin county and beyond. The architecture here speaks industrialization and production, but if you listen closely you can hear the whispers of art and creativity emanating from the victorian homes and buzzing warehouses that pique your curiosity as to what magic lies inside.

It is through this lens of the present that we allow ourselves a nod to the past. On a stroll through the neighborhoods and the industrial parks .. it is impossible not to reflect on the history of the objects surrounding you. The copper oxidizing on doorknobs. Rust dripping from counterweights in the walls. Streetlight fixtures reminiscent of the railroad lamps of days past. A few steps later you find wildflowers, sea life and the songs of birds have interjected themselves into your psyche. Out on the water's edge you encounter restaurants that have stood the test of time .. and done so in style. This is the type of environment where goods are produced, resolve is tested and the denizens are creating the future with each passing day.

Throughout time this place has meant many things to many people. But most importantly, it has always been a place to call home.

Our history of the city of Emeryville began with the Ohlone tribe of Native Americans, which have called this place home since time immemorial. Soon followed the colonization of Spain, the introduction of Chinese railroad builders, a universal cohort seeking gold and riches, industrialists, Black Americans seeking new opportunities and any manner of people you can imagine in between. We arrive at this current moment in our history flush

with artists, creators and builders that keep the city relevant and producing. Heirlooms of those that came before us are visible at every turn.

The basis of our proposal is a mural which incorporates these elements of shared history, telling the story of the past and the future simultaneously. A tapestry that weaves together the many narratives, people and timelines of this great city. A celebration of the natural and built environment that surrounds us. The juxtaposition of oyster shells and poppies; of skyscrapers and industrial warehouses. They tell the physical story of the many uses and users of this neighborhood by the bay. Essentially becoming a pseudo-scavenger hunt for those that interact with their environment. You can think of our proposal as the new Deal, one we have forged for ourselves but with the same ethos of respect for art, culture and history in a design for future generations.”

License Agreement

As contemplated by the Guidelines, staff has negotiated a License Agreement (Attachment 2) between the City, the artist and the property owner. The License Agreement provides for the City, through its agreement with Mr. Ollivier, to install and maintain the proposed mural. The property owner agrees to allow the mural to remain in place for ten years. The Guidelines generally encourage murals to remain in place for a minimum of five years.

During the term of the License Agreement, the City is responsible for maintenance of the mural in the event of damage or vandalism. Mr. Ollivier’s proposal includes the application of an anti-graffiti coating to the mural to mitigate vandalism concerns. The City has a budget for public art maintenance which can be used to hire Mr. Ollivier to conduct any necessary minor repairs to the mural.

Schedule

The anticipated project schedule is as follows:

June 7, 2022.....	City Council Approval
July 2022.....	Contract and License Agreement Executed, Notice to Proceed Issued to Artist, Encroachment Permit issued
	Installation commencement
August 2022.....	Installation complete and Mural Celebration

FISCAL IMPACT

The proposed project includes a base budget of \$68,000 with a contingency of \$12,000 to address any potential changes needed in the field. The total contract amount is therefore \$80,000.

The Public Art Program has a budget of \$229,935 identified in the City’s Capital Improvement Program in Project PA-02 for the implementation of priority projects identified in the Public Art Master Plan, including the Mural Program (Fund 243, Account 94000).

STAFF COMMUNICATION WITH THE PUBLIC

As noted above, the PAC discussed the 1456 63rd Street Mural Project on several occasions, culminating in the PAC's recommendation of approval of Mr. Ollivier's work on April 9, 2022.

CONCLUSION

Staff recommends that the City Council adopt the attached resolution approving the 1456 63rd Street Public Art Mural Project, authorizing the execution of the Artist Agreement with Guillaume Ollivier for final design and installation of the mural, and authorizing execution of the License Agreement with Klinknerville Court LLC and Guillaume Ollivier for placement of the work on the owner's property as commissioned by the City.

PREPARED BY: Amber Evans, Community and Economic Development Coordinator II

REVIEWED BY: Chadrick Smalley, Economic Development and Housing Manager

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Christine Daniels, City Manager

ATTACHMENTS:

- Draft Resolution
- Attachment 1 - Artist Agreement with Guillaume Ollivier
- Attachment 2 - License Agreement with Guillaume Ollivier and Klinknerville Court LLC