



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 20, 2016

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: Shellmound District Public Art Plan And Revised Shellmound/Powell Street Bridge Public Art Installation

Resolution Of The City Council Of The City Of Emeryville Accepting The Revised Proposal From R&R Studios For The Shellmound/Powell Street Bridge Public Art Installation and Authorizing The City Manager To Enter Into A First Amendment To The Agreement With R&R Studios Revising The Scope Of Work And Schedule For The Shellmound/Powell Street Bridge Public Art Project

Resolution Of The City Council Of The City Of Emeryville Adopting The Shellmound District Public Art Plan

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolutions 1) Accepting the revised proposal from R&R Studios for the Shellmound/Powell Street Bridge Public Art Installation replacing *Electric Rainbow* with *Shellmound District Gateway*, and authorizing the City Manager to enter into a First Amendment to the Agreement with R&R Studios revising the Scope of Work to reflect the revised proposal and amend the project schedule and 2) Adopting the Shellmound District Public Art Plan.

BACKGROUND

Shellmound Street, located in the heart of Emeryville, is the central spine of a retail shopping district extending from 63rd Street at the north to the IKEA entry at the south. The project area incorporates the Public Market to the north and the Bay Street Mixed-Use Project to the south. The Powell Street overpass, a major east-west thoroughfare, bisects Shellmound Street and has been identified as a location for a public art installation since 2012.

On April 7, 2015, after an extensive competitive selection process, the City Council adopted a resolution approving a conceptual design proposal by Roberto Behar and Rosario Marquardt (R&R Studios) for the Shellmound/Powell Street Bridge Public Art Project and authorizing the execution of a contract with R&R Studios for final design,

fabrication, transportation and installation of the artwork as well as production of two documents to guide future public and private art installations in the vicinity of the proposed art installation.

R&R Studio's conceptual design proposal for the Shellmound/Powell Street Bridge Public Art Project included the suspension of primary colored powder coated aluminum tubing and 51 LED tube lights under the Powell Street underpass. The installation was titled *Electric Rainbow*. R&R Studios combined recommendations for the two documents guiding future art installations in private and public spaces in the vicinity of the art installation into a single document, the Shellmound District Public Art Plan ("District Plan"), with the central focus of the District Plan being the incremental development of the Powell Street underpass inclusive of *Electric Rainbow*.

Shellmound/Powell Street Bridge Public Art Project Status

From August to November 2015, R&R Studios further developed design documents for *Electric Rainbow*. Concerns relating to pigeon roosting and traffic control related to general maintenance led to extensive evaluation of various pigeon mitigation techniques by R&R Studios, local experts, and staff. By March 2016, the available mitigation methods were deemed infeasible by R&R Studios and staff, and on April 14, 2016 the Public Art Committee (PAC) recommended abandonment of the *Electric Rainbow* concept design for this installation.

On May 7, 2016 R&R Studios proposed the replacement of *Electric Rainbow* with a new design concept entitled *Shellmound District Gateway* (See Attachment 1).

District Plan Status

The PAC provided comment on the Draft District Plan on May 12, 2016. Subsequent to the PAC's review, staff directed R&R Studios to complete the final District Plan for City Council review and adoption. R&R Studios submitted the final District Plan on July 7, 2016 (See Attachment 2) and it was provided to the PAC. The District Plan was also shared with developers and owners of adjacent properties and they were informed of the City Council's upcoming review and potential adoption of the District Plan.

DISCUSSION

Revised Proposal for Shellmound/Powell Street Bridge Public Art Project

Shellmound District Gateway includes covering the six columns nearest to Shellmound Street in polychromatic glass tiles. Lights would illuminate the art project at night and develop a kinetic effect that brings life, movement and visual interest to the driver and pedestrian experience going under the bridge. The lighting at the columns is proposed to be multicolored and programmable, composed of linear color LED fixtures that will produce a wash of light on the columns and the adjacent bridge girders and sidewalk.

The lighting can be single-color or programmed to change color at specified intervals, but it will not have effects that may be distracting to drivers. For example, the color may change only from one day to the next. R&R Studios intends to work with a lighting consultant to determine final location and design of the lighting control system.

The *Shellmound District Gateway* proposal includes approximately ten total lighting fixtures (i.e. five on each side). These LED fixtures will consume less power than the previous, *Electric Rainbow* proposal. Per the City Engineer and the electrical engineer's comments during review of the previous proposal, the LED fixtures can be connected to existing power, conduit, and a photocell at the bridge. The contingency budget could be used to establish new conduit and connection if this is found infeasible for any reason.

A mockup to be developed during design development will provide the PAC with an opportunity to review the proposed colors of tiles and proposed lighting technology for specific recommendations on light programming.



Rendering of Revised Art Proposal Shellmound District Gateway

The *Shellmound District Gateway* proposal represents greatly reduced annual maintenance requirements and reduced impact to traffic and bus/shuttle operations during maintenance in comparison to the original *Electric Rainbow* proposal. In addition, the location of the art project at the bridge columns allows for project installation without interruption of vehicular traffic.

Schedule for *Shellmound District Gateway*:

Final Design Documents including a Mockup of tiling color distribution (2 months)	November 15, 2016
Encroachment Permit Issuance (approx. 2 months)	January 15, 2017
Fabrication of Artwork (4 months after notice to proceed and payment)	May15, 2017
Artwork Transportation (2 weeks)	June 1, 2017
Artwork Installation (4 weeks)	July 1, 2017
Artwork Completion (1 week)	July 5, 2017
City's Final Inspection and Approval of Artwork (1 week)	July 15, 2017

Contract Amendment

Because of the change from *Electric Rainbow* to *Shellmound District Gateway* for the public art installation at the Shellmound/Powell Street Bridge site, it is necessary to revise the agreement with R&R Studios to reflect a revised project schedule and payment increments. The attached First Amendment revises the completion date from December 31, 2016 to June 30, 2017, and amends the number and amount of interim payments. The total compensation under the Agreement remains \$285,000.

District Plan

The District Plan includes recommendations for art installations and programming on properties along Shellmound Street from 63rd Street to Bay Street, with recommendations for east-west connections to Christie Avenue Park and the Amtrak Station and newly developing Transit Center on Horton Street (EmeryStation West). In addition to recommending future phases of City investment in public art installations at the Shellmound/Powell Street Bridge site, the District Plan recommends private party investment in streetscape, park and building art. Additionally, the District Plan informs the City's Draft Public Art Master Plan, currently under development.

Adoption of the District Plan will communicate to developers, residents and other stakeholders the City's intent for future projects to be commissioned by the City, other art agencies or developers of adjacent private property. In addition to the City's investment in the Shellmound/Powell Street Bridge, the District Plan recommends City investment in the frontage of Site B, the vacant City-owned property immediately south of the bridge, as part of a citywide program to commission artwork for vacant construction sites.

Developers' participation in the District Plan's fulfillment will be voluntary. The developers of the Public Market properties will be commissioning a Project Plan for Public Art that they will review with the PAC on no less than three occasions in accordance with the terms of the Development Agreement for the Public Market. The Public Market Project Plan for Public Art, expected to be drafted by October 2017, will outline sites for public art, budget, typology and schedule, and may represent an opportunity for private, voluntary implementation of the District Plan.

FISCAL IMPACT

The City Council has appropriated \$285,000 from the Public Art Fund (Fund 243) to Public Art/Cultural Grants (Account 87350) in the Shellmound Public Art Project (Project 13243005) to cover the expenses associated with the Shellmound/Powell Street Bridge Public Art Project and the District Plan. R&R Studios has already been paid \$60,000 for work completed to-date. The revised contract utilizes the remainder of the budget to commission the new revised art work and pay for the District Plan. Even without the amendment, the City would be obligated to pay for the work done on the District Plan as Payment No. 5, required under Section 9.2 of the current Agreement with the artist. As noted above, in the proposed amendment, the number and amount of interim payments has been modified to reflect the modified scope of work, but the total compensation under the Agreement with R&R Studios remains the budgeted amount of \$285,000.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the attached resolutions, contract amendment, and this staff report.

ADVISORY BODY RECOMMENDATIONS

On January 8, 2015, the Public Art Committee (PAC) unanimously approved a motion recommending that the City Council authorize the City Manager to execute a contract with R&R Studios pending provision of samples and inclusion of a lighting study in the contract.

On February 12, 2015 the PAC reviewed project samples and unanimously approved a motion recommending that the executed contract with R&R Studios have stipulations that the Artists, among other things:

Reduce the space between the tubular screens to prevent birds from nesting or include netting or another detraction system above or within the screens to prevent access by birds.

On April 14, 2016 the PAC moved to recommend that the City Council direct R&R Studios to stop work on *Electric Rainbow* and continue the District Plan. The motion passed with one vote against.

On May 12, 2016 staff distributed R&R Studios' proposal to submit a mosaic treatment to be installed solely on the columns, to avoid the maintenance issues raised by *Electric Rainbow* and to stay within the original project budget. In response, the PAC unanimously passed a motion to:

Ask the artists to submit a new proposal with a small lighting component for consideration and possible integration into the revised Shellmound Public Art District Plan.

On June 9, 2016 staff presented the PAC with R&R Studios' proposal to replace *Electric Rainbow* with a new piece called *Shellmound District Gateway*, which included the application of multicolored glass mosaic tiles to the six columns adjacent to Shellmound Street under the Powell Street overpass, with the mosaic illuminated with programmable LED lighting of varying colors. The PAC unanimously passed a motion to:

Recommend the City Council commission the artist to finalize the design, fabricate and install the new art work as presented and direct Public Works to prepare the site with power washing prior to installation.

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:**



Carolyn Lehr
City Manager

Attachments:

1. Resolution Accepting the Revised Proposal for Shellmound/Powell Street Bridge Public Art Installation *Shellmound District Gateway* Proposal and Authorizing City Manager to Enter into a First Amendment to the Agreement with R&R Studios, for Design, Fabrication, Transportation and Installation of Art Work for the Shellmound/Powell Street Bridge Public Art Project
2. Resolution Adopting the Shellmound Public Art District Plan