

RESOLUTION NO. 16-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE ACCEPTING *WEAVINGS AND WATERWAYS*, A MURAL BY KELLY ORDING ON THE SOUTH AND WEST WALL OF THE TEEN 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 Kelly Ording as one of the three final artists for the ECCL Public Art Project; and

WHEREAS, on May 24, 2016 the City and Kelly Ording 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 mural entitled *Weavings and Waterways*; and

WHEREAS, on July 26, 2016 Kelly Ording completed *Weavings and Waterways*; now therefore be it

RESOLVED, that the City Council hereby makes the following findings in support of its acceptance of *Weavings and Waterways* 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 Kelly Ording;
- (2) That the installation of *Weavings and Waterways* conforms to the specifications for the Art Work approved by the City Council pursuant to Section 5.3 of the Contract;
- (3) That *Weavings and Waterways* was installed on a timely basis;
- (4) That *Weavings and Waterways* has been reviewed and accepted by the City's project manager and is recommended for approval by the City Council;
- (5) That *Weavings and Waterways* is in substantial compliance with all other terms and conditions contained in the Contract;
- (6) That Kelly Ording has provided the City with documentation and a final maintenance plan for *Weavings and Waterways* that addresses the following elements:
 - a. A written report for the City's files including complete information regarding the intent of *Weavings and Waterways* and the scale, materials, and processes used in the fabrication and installation of the artwork.
 - b. Final written specifications and recommendations for maintenance of *Weavings and Waterways*, 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 *Weavings and Waterways*.

and be it further

RESOLVED, that the City Council hereby accepts as complete Kelly Ording's *Weavings and Waterways* located on the south and west walls of the Teen 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 regular meeting held Tuesday, September 20, 2016 by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

ATTEST:

MAYOR

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael Quinn", is written over a horizontal line.

CITY CLERK

CITY ATTORNEY