

RESOLUTION NO. 16-

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

WHEREAS, pursuant to Article 4 of Chapter 2 of Title 3 of the Emeryville Municipal Code ("Public Art Ordinance"), the City has allocated funds for the design, execution, and installation of the Shellmound/Powell Street Bridge Public Art Project (the "Project"); and

WHEREAS, R&R Studios ("Artist") submitted a proposal dated November 20, 2014 to design, fabricate, transport, and install an original piece of art titled *Electric Rainbow* (the "Prior Art Work") at Shellmound/Powell Street Bridge ("Project Site"); and

WHEREAS, on February 24, 2015, the Emeryville City Council approved recommendation of the Public Art Committee (PAC) to select the Artist and authorized the City Manager to enter into an Agreement with the Artist to design, fabricate, transport, and install the Prior Art Work at the Project Site; and

WHEREAS, on April 29, 2015, the City entered into an Agreement with the Artist to design, fabricate, transport, and install the Prior Art Work at the Project Site and to prepare the Shellmound District Public Art Plan ("District Plan"); and

WHEREAS, on April 14, 2016 the PAC recommended that the Prior Art Work project be stopped due to infeasibility of regular maintenance, as required by the design of the Prior Art Work, and further the PAC recommended that the Artist continue to work toward completion of the District Plan; and

WHEREAS, on May 7, 2016 the Artist proposed the replacement of the Prior Art Work with a new proposal for titled *Shellmound Gateway* (the "Revised Art Work"); and

WHEREAS, on May 12, 2016 the PAC reviewed the draft District Plan and recommended that the Artist revise the draft District Plan; and

WHEREAS, on June 9, 2016 the Public Art Committee unanimously recommended that the City Council authorize the City Manager to enter into a revised contract to design, fabricate, transport, and install the Revised Art Work at the Project Site; and

WHEREAS, on July 7, 2016 the Artist submitted the final District Plan, which was shared with the PAC on July 14, 2016; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby accepts the proposal from the Artist for the Shellmound/Powell Street Bridge Public Art Project replacing *Electric Rainbow* with *Shellmound Gateway* as depicted in the form attached hereto as Exhibit A; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute the First Amendment to the Design, Fabrication, Transportation and Installation Agreement with R&R Studios in the form attached hereto as Exhibit B.

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:



CITY CLERK

CITY ATTORNEY