



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 13, 2021

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 Nigel Sussman For The Public Art Mural Project At 1451 Sherwin Avenue, Authorizing The City Manager To Execute An Artist Agreement With Nigel Sussman 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 P&H Associates And Nigel Sussman 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 Nigel Sussman for the Public Art Mural Project at 1451 Sherwin Avenue, and authorizing the City Manager to execute an Artist Agreement (Attachment 1) with Nigel Sussman 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 1451 Sherwin Avenue and Nigel Sussman 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 for installation of a mural (see Exhibit B of Attachment 1, proposed mural location). This site is located in the southern part of the City near where the South Bayfront Pedestrian/Bicycle Bridge is being installed over the railroad, Lennar is constructing a major new residential development project, and the existing 45th Street Artists' Co-op and light industrial uses converge. The site is visible from multiple intersections and from auto, bicycle, and pedestrian viewpoints, and therefore presents a unique opportunity to highlight this key location in the heart of Emeryville. 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"), 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.

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 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

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 at their regular meeting of April 8, 2021 and was continued to the May 13, 2021 meeting, pending resolution of the location of the mural.

On May 13, 2021, the PAC voted unanimously to recommend approval of artist Nigel Sussman's proposal (see Exhibit A of Attachment 1, mural proposal), which not only met the project goals, but also set the stage for an interactive treasure hunt for iconic images included in the mural. It was also noted that the selected artist is local to the Bay Area and therefore could easily maintain the artwork over its useful life. The PAC also voted unanimously to recommend that the City Council authorize entering into a license agreement with the property owner for the installation of Mr. Sussman's work.

Artist's Description of Proposal

Mr. Sussman included the following description of his proposal in his response to the RFP:

"Trying to capture the essence of a location in a piece of art is something I do with my site-specific work, and this piece is a perfect example. Combining the idea of a map with relevant local iconography in a bold and approachable graphic style represents the City of Emeryville's diversity and personality. The heroes of the painting are the local shorebirds, but other elements include the Emeryville Arts Center, City Hall, the Bay Bridge, Emeryville Marina, Bay Trail, Pixar Studios, The Emeryville Shellmound, local flora, the I-80 freeway, the local culinary scene, shopping, biking, shipping, railway, and more.

By utilizing the existing colors of the building, along with a simple, cheerful color palette, the painting will easily integrate with the site's existing architecture. I am proposing to paint over the architectural elements and organically blur the hard edges to balance extreme linear construction. In this spirit, I also have proposed incorporating and keeping the trellis instead of 'fighting' it. The interesting texture and layering effect will be best utilized as a place to install a painting on cut plywood sheets. A puzzle of CNC routed plywood sheets would be cut to spec (by my connection with a local set-building company in Oakland. This accounts for a large portion of the supplies/materials cost.), hand painted and sealed by me, and then installed with appropriate hardware into the existing trellis. The pieces would be light enough not to pose any structural stress. The interesting juxtaposition of the painted panel layered on metal and wall textures would accentuate the art placement.

As with all of my mural work, I have started with a rough sketch that captures my suggested layout, content, and color-scheme. Learned in my advertising and illustration background, I prefer to collaborate with the client, incorporating feedback and suggestions rather than just painting what I 'feel.' I would want to add, change, and refine the illustration based on your collective feedback before redrawing the final illustration with more detail, and then translating the approved image onto the wall by hand using commercial-grade house-paint and brushes. With the aid of a small scissor lift, I will paint the entire surface and install the pre-prepared wood panels on my own. Once completed, the entire mural will be painted with a coating of non-sacrificial anti-graffiti coating to make tagging removable with a gentle power-wash."

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. Sussman, to install and maintain the proposed mural. The property owner agrees to allow the mural to remain in place until at least November 30, 2025, resulting in a term of approximately four years. While the Guidelines generally encourage murals to remain in place for a minimum of five years, the November 30, 2025 date was proposed by the property owner as it corresponds to the term of certain building tenant leases. The PAC has reviewed and recommended proceeding with the proposed mural installation with the proposed license agreement term.

During the term of the License Agreement, the City is responsible for maintenance of the mural in the event of damage or vandalism. Mr. Sussman'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. Sussman to conduct any necessary minor repairs to the mural.

Schedule

The anticipated project schedule is as follows:

September 13, 2021.....	City Council Approval
October 2021.....	Contract and License Agreement Executed, Notice to Proceed Issued to Artist, Encroachment Permit issued
	Installation commencement
November 2021.....	Installation complete

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 \$229,760 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.

STAFF COMMUNICATION WITH THE PUBLIC

As noted above, the PAC and its Mural Subcommittee has discussed the 1451 Sherwin Avenue Mural Project on several occasions, culminating in the PAC's recommendation of approval of Mr. Sussman's work on May 13, 2021.

During the course of these meetings of the PAC, several residents of the 45th Street Artists Co-op noted concerns that a mural at the corner of Sherwin and Horton would be in direct line of site from their studios and their building's primary egress. Concerned residents

attended the PAC's meetings to discuss the mural and requested that it be moved to a different location on the same building. Relocation further west on the Sherwin Avenue frontage, and south along the Horton Street frontage were suggested. Relocation westward along Sherwin Avenue was determined to be less visible from the Horton Street Bicycle Boulevard, which was one of the reasons the corner of Sherwin Avenue and Horton Street had been initially prioritized. Relocation of the proposed mural southward along the Horton Street frontage does maintain visibility from Horton Street and added visibility from Park Avenue, but was deemed less preferable as this location might not be seen by those walking to the new Horton Landing Park or South Bayfront Bridge, which were additional reasons the PAC had prioritized the initial site. Further, the Selection Panel reiterated their recommendation, as the call had been site-specific. As noted above, the PAC has recommended proceeding with the project as originally proposed at the intersection of Sherwin Avenue and Horton Street.

CONCLUSION

Staff recommends that the City Council adopt the attached resolution approving the 1451 Sherwin Avenue Public Art Mural Project, authorizing the execution of the Artist Agreement with Nigel Sussman for installation of the mural, and authorizing execution of the License Agreement with P&H Associates and Nigel Sussman for installation of the mural.

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 Nigel Sussman
- Attachment 2 - License Agreement with Nigel Sussman and P&H Associates