

RESOLUTION NO. 21-____

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

WHEREAS, Article 4 of Chapter 2 of Title 3 of the Emeryville Municipal Code establishes the Contributions for the Art in Public Places Program; and

WHEREAS, Section 3-2.404 of the Emeryville Municipal Code establishes the Emeryville Public Art Fund to implement the Art in Public Places Program (AiPP); and

WHEREAS, the Public Art Master Plan, adopted by the City Council on December 6, 2016, identifies several conceptual programs and projects, including a Mural Program; and

WHEREAS, the Public Art Mural Program Guidelines, adopted by the City Council by Resolution No. 20-119 on November 17, 2020, identifies goals, selection criteria, and opportunity sites for murals located on private properties; and

WHEREAS, a goal of the Public Art Program is to locate public art in distinct neighborhoods throughout the City and thereby introduce the City's public art to a larger audience; and

WHEREAS, 18 qualifying responses were received by the deadline of March 19, 2021 in response to a Request for Proposals for a mural to be located at 1451 Sherwin Avenue; and

WHEREAS, a Selection Panel, recommended by the Public Art Committee ("PAC") and appointed by the City Manager, met on March 29, 2021 to review the proposals, and recommended the proposal submitted by Nigel Sussman for installation on the 1451 Sherwin Avenue elevation at the corner of Horton Street; and

WHEREAS, May 13, 2021 the PAC voted unanimously to recommend that the City Council approve the proposal by Nigel Sussman for a public art mural at 1451 Sherwin Avenue, authorize the execution of an Artist Agreement with Mr. Sussman for design and installation of the artwork, and authorize the execution of a License Agreement with the property owner and Mr. Sussman for the installation of the artwork; now therefore be it

RESOLVED, that the City Council of the City of Emeryville hereby approves the commission of a mural consistent with the proposal submitted by Nigel Sussman in response to the 1451 Sherwin Avenue Mural Request for Proposals; and be it further

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RESOLVED, that the City Council hereby authorizes the City Manager to execute an Artist Agreement with Nigel Sussman for the installation of a mural at 1451 Sherwin Avenue, in an amount not to exceed \$80,000; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute a License Agreement by and between the City of Emeryville, Nigel Sussman, and P&H Associates for the installation and maintenance of a mural at 1451 Sherwin Avenue; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to make minor amendments to the Artist Agreement and License Agreement as necessary to effectuate the completion of a mural at 1451 Sherwin Avenue, provided the amendments do not substantially increase the City's obligations thereunder.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Monday, September 13, 2021, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:

Andra Visveshwara

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INTERIM CITY ATTORNEY