

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 03/03/08	Item Number: <u>A-2</u>
AGENDA ITEM: (1) Discussion of the Maintenance of City Artwork Including Replacement of the Supporting Framework for Ed Carpenter's <i>Hanging Garden</i>, Restoration of Three Community Murals, and Renewal of Contracts for Continued Routine Maintenance of Certain City-Owned Sculptures and Seven Zoetropes, (2) Approval of a Professional Services Agreement with LA ProPoint for Services Related to Hanging Garden, (3) Approval of a Professional Services Agreement with Lori Escalera for Restorative Work Related to Community Murals, and (4) Approval of Amendments to Existing Professional Services Agreements with Sculpture Conservation Studio and Wick Alexander for Continued Maintenance of City-owned Sculptures and Zoetropes.	
Contact Person/Dept.: B. Christine Byers/ Community Development	Phone Number: (310) 253-5776
Fiscal Impact: Yes ☒ No ☐	General Fund: Yes ☐ No ☒
Public Hearing: ☐	Action Item: ☒ Attachments: ☒
Public Notification: Lori Escalera (Artist) (02/27/08); Jim Lamm & Bobbi Gold (BCR Board of Directors) (02/27/08); Sculpture Conservation Studio (02/27/08); Wick Alexander (02/27/08); LA ProPoint (02/27/08); Carlson & Co. (02/27/08); Ed Carpenter (02/27/08); Cultural Affairs Master Notification List (02/27/08); Master notification List (02/27/08).	
Department Approval: Sol Blumenfeld (02/07/08)	City Attorney Approval: Carol Schwab (by H. Baker) (02/27/08)
Fiscal Impact Review: Jeff Muir (by N. Kimball) (02/27/08)	City Manager Approval: Jerry B. Fulwood (02/28/08)

RECOMMENDATION:

Staff recommends the City Council (the "Council") approve the following:: (1) Professional services agreement with LA ProPoint for the repair/replacement of the supporting framework for Ed Carpenter's art work, *Hanging Garden*, including replacement of several damaged panes of art glass; (2) Professional services agreement with Lori Escalera for the restoration of three community murals (*Postcards*, *Rivers of the World*, and *Day to Night*); and, (3) Amendments to existing professional services agreements with Sculpture Conservation Studio and Wick Alexander for continued maintenance of several City-owned sculptures and seven zoetropes.

This Budget Amendment requires a 4/5ths vote.

BACKGROUND & DISCUSSION:

Supporting Framework for *Hanging Garden*

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In January 1993, the Redevelopment Agency ("Agency") entered into an agreement with Portland, Oregon based artist Ed Carpenter for the design and fabrication of an art work for City Hall comprised of a variety of hand-blown and special types of glass, to be joined into larger leaded glass panels. These would be installed by the artist into a supporting framework that was to be provided by the Agency. The original agreement with Mr. Carpenter was for \$100,000. In December 1994, the agreement was amended to allow for an additional cost incurred by substitutions of several types of glass from what was originally proposed. The amended outside amount paid to the artist was \$105,500 for design, fabrication and installation. The art work was conceived of as an element that would visually unify the north façade of City Hall. It was also intended to serve as a light filter/diffuser and wind screen.

The supporting framework (including steel tubes, steel sashes, and aluminum stops) was designed and fabricated through the project architect, CHCG Architects, Inc. and the project manager, Peck/Jones. Detailed fabrication specifications, actual construction methods, the name of the fabricator of the framework, and the cost are not currently available. However, based on file notes, drawings, information from individuals associated with the construction of City Hall, the artist, and site inspections, staff is able to ascertain the following:

- The main supporting framework is fabricated from steel tubing, the sashes are fabricated from steel, and the stops (which actually hold each leaded glass panel in place) are fabricated from aluminum. None of the steel components are made from stainless steel which is approximately 10 – 100 times more durable than the plain mild steel used in the existing framework.
- There is no indication that weep holes (to allow for drainage of excess accumulated moisture) were incorporated into the structure when it was built.
- The aluminum stops and steel sashes were not properly pre-treated to prevent corrosion.
- Pursuant to a letter of April 10, 1995 from artist Ed Carpenter to the City, rusting of the sashes was already apparent at that time; staff does not know what measures, if any, were taken upon receipt of this letter.

As can be best determined without disassembling the artwork and supporting structure, the current condition is as follows:

- Two panes of glass have been damaged due to impact (more may be damaged during de-installation but replacement glass is available).

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- Intermittent rust spots are visible on the main supporting framework which is fabricated from steel tubing. This is considered cosmetic at this stage and does not pose a structural threat to this section of the framework.
- The steel sashes all show signs of considerable rusting and the structural integrity of the metal appears to have been affected.
- The aluminum stops are structurally sound but the overlying paint layer has peeled off in many areas.

In December 2000, Cultural Affairs staff received a proposal from Carlson & Co. (for repair on the supporting framework only) that included as one option fabrication of new stops, rebuilding the structural integrity of portions of the framework, and repainting the same, for a cost of \$74,500 - \$87,000. At that time, Carlson & Co. advised that the City first conduct a detailed exploratory test treatment (to better determine the extent of damage and establish the scope of work to be performed) which was estimated to cost an additional \$12,500 - \$15,000. This brought the total outside cost estimate in 2000 to \$87,000 – \$102,000.

In 2007, Cultural Affairs staff, together with the City's Public Works Department staff, began identifying alternative vendors and soliciting proposals and bids. Due to the specialized nature and scope of this work, many vendors contacted were not able or interested in pursuing a bid. Vendors contacted are not limited to but include:

- Aero Welding & Manufacturer
- All-Star Glass
- Angel's Glass & Mirrors
- Regal Glass Co., Inc.
- Ruben's Glass Service, Inc.

Ruben's Glass Service, Inc. provided an estimate on August 27, 2007 for \$62,875.00 that included de-installation of all leaded glass panels, fabrication of new aluminum stops and steel sashes (provided through Torrance Steel Window Company), installation of new framework components and reinstallation of all leaded glass panels (with replacement glass inserted where necessary). This cost estimate did not include any necessary replacement art glass, contract painters for refinishing and painting of the main supporting steel framework, scaffolding, dumpster, disposal fees, and Public Works staff time (for assistance with proposal preparation and project oversight). The estimated costs for these additional components is estimated not to exceed \$25,000.

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Ruben's Glass Service, Inc.'s proposal, together with the original December 2000 proposal submitted by Carlson & Co., were brought before the Cultural Affairs Commission (CAC) at the September 11, 2007 meeting. (At that time, based on conversations with a representative from Carlson & Co. since 2000, staff felt that pursuing other vendors for this project was the best option and therefore did not ask for a revised proposal from Carlson & Co. but provided their original proposal to the CAC for comparison's sake.) Several questions and concerns were generated during the discussion relating to warranties on materials and labor, material specifications, whether shop drawings would be created and how they would be reviewed, references, and liability for damage to the stained glass during de-installation and reinstallation. Staff was directed to gather more information from Ruben's Glass relating to these areas of concern, contact Carlson & Co. about submitting a revised proposal and, if possible, seek additional bids from other qualified vendors.

In the ensuing months, staff spoke several times with a representative from Carlson & Co. who made a site visit and stated the firm was interested in submitting a revised bid on this job. In October 2007, staff received the attached e-mail from Carlson & Co. outlining a possible new approach from that which was proposed in 2000. In addition, staff continued to solicit recommendations for qualified vendors for this specialized project and contacted, among others, Atlas Ornamental Iron Works, Stuart Dean, and Decker Studios Fine Arts Foundry Services. Staff was also referred to LA ProPoint, Inc. by the Community Redevelopment Agency of the City of Los Angeles and met with representatives of that firm at the project site in November. LA ProPoint submitted the attached proposal -- dated November 28, 2007 -- that includes de-installation, fabrication of replacement stainless steel components (both sashes and stops), as well as repair and restoration of the art glass and lead mullions. The outside cost is \$184,924.75. (This amount excludes California State Sales Tax as the City's outside accountants have determined that this is personal property and therefore exempt pursuant to Regulation 1586 pertaining to works of art and museum pieces for public display.) The outside cost reflects a worst-case scenario assessment; once the art glass and framework have been disassembled, the overall condition of the art glass can be better assessed which may lead to a lower cost estimate for that line item.

Carlson & Co. submitted a revised proposal in December 2007 that included two phases. The first phase would be an exploratory phase with a cost estimate of \$20,500 - \$30,000. The cost of the second phase would be determined at a later date. The proposal focused solely on the framework and did not include repair and restoration of the art glass and lead mullions.

Ruben's Glass Service, Inc. determined that after considering the additional information requested by the CAC and a request for including necessary work on the

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art glass, the scope of the project was beyond their purview and that they were withdrawing their original proposal.

To date, no proposal has been received from Atlas Ornamental Ironworks. Stuart Dean and Decker studios have stated that the scope of work is beyond their purview and have declined to bid. No additional vendors that can provide a full-service proposal for both the framework and the art glass have been identified.

Hence, staff is recommending that the City enter into a contract with LA ProPoint, Inc. based on their proposal of November 28, 2007. Per recent conversation with the Director of Public Works and the City's Building Official, staff may recommend that drawings for the scaffolding be reviewed and approved by a structural engineer. Staff has also received a list of references for LA ProPoint and their sub-contractor and is following up with those.

The Cultural Affairs Commission considered this item at their January 8, 2008 meeting and recommended the City Council approve a contract with LA ProPoint for the repair/replacement of the supporting framework for Ed Carpenter's *Hanging Garden*. One member of the CAC asked whether or not the Redevelopment Agency could assume some or all of the cost associated with this work given that the framework was not part of the original art budget. Staff inquired as to whether or not this was possible and advised by Agency General Counsel that per AB 1290, this would not likely be an option.

Community Murals

Of the approximately 40 pieces of artwork owned by the City, there are three community murals completed by a team of artists, students and volunteers between 1997 and 2000. The three murals, *Postcards*, *Rivers of the World*, and *Day to Night*, are included in the City's Public Art Program and therefore their maintenance falls under the purview of the City.

Since 2002, the *Rivers of the World* and *Day to Night* murals have been subjected to repeated vandalism, including loss of and damage to the tiles of the *Rivers of World* mural and frequent tagging (2-4 times per year on average for each). Skateboarders are particularly fond of the *Rivers of the World* mural site because of the slope of the wall. Several years ago the City had installed skate board stops which were then removed by vandals within a few months. Both the *Rivers of the World* and *Day to Night* murals have been treated by the City multiple times to remove graffiti. Lori Escalera and other Ballona Creek Volunteers have donated their time to remove dirt and grime from the surface of the murals and to in-paint areas where tiles have been damaged or were missing. The graffiti on the *Postcards* mural cannot be removed

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without affecting the underlying painted images; the anti-graffiti coating is no longer viable.

As part of an effort to implement a regular maintenance program for all City-owned public art and to address larger one-time restoration/repair issues, the Public Art Coordinator requested a proposal from Ms. Escalera for comprehensive restoration of all three murals. Attached is a detailed proposal that includes condition descriptions, proposed scope of work and materials information. The outside cost for all work as proposed by Ms. Escalera is \$10,850, excluding additional staff and volunteer time.

Staff discussed this proposal and the maintenance issues surrounding the three murals with the CAC Public Art Sub-Committee on August 1, 2007. The sub-committee concurred with staff that in the future, other options for children/youth public art should be explored given the time and cost associated with maintaining permanent murals along the Ballona Creek bike path and in a public park. However, the sub-committee concurred with staff that specifically in the instance of the *Postcards* mural, the lifespan of the artwork had been shortened because the anti-graffiti coating should have been re-applied on a periodic basis. Staff and the sub-committee support Ms. Escalera's proposal as a one-time effort to extend the life of all three murals. Staff feels that in the future, tiles will continue to be damaged at the *Rivers of the World* mural site but hopefully not at the same rate as in the past with the opening of the City's new skateboard park. However, staff recommends that other than regular graffiti removal and replacement of anti-graffiti coatings, no further comprehensive repair be undertaken after completion of the restoration work as proposed here by Ms. Escalera. The CAC Public Art Sub-Committee concurred with this recommendation.

The CAC considered this item at its August 14, 2007 meeting and unanimously approved the recommendation that the City Council approve a contract with artist Lori Escalera for the restoration of three community murals with an amount not to exceed \$11,000. The CAC emphasized that this would be a one-time restoration effort.

Maintenance/Conservation of Other City-Owned Artwork

In the past year, the City has engaged Sculpture Conservation Studio for conservation treatment of *The Lion's Fountain*, *Filmstrip U.S.A.*, *Cougars I and II*, *Path of Life* and *A Moment in Time*. Based on past treatment and costs, it is anticipated that a \$20,000 contract would last two years for regular treatment of these five City-owned sculptures.

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Wick Alexander was the artist who designed and fabricated the seven zoetropes (*Moving Pictures*) in downtown. Last year the zoetropes were retrofitted with protective glass over the slits in the rotating drums, and with powder coated steel bands at their bases to better protect them from impact damage. Nevertheless, the zoetropes require cleaning and maintenance on an annual basis. Mr. Alexander can perform this annual maintenance at a cost of \$1,600 - \$3,000, depending on the degree of damage. A recent inspection of the zoetropes revealed some tile loss on one, graffiti on the drum of another, intermittent scratches to the powder coating finish on several and general accumulation of dirt and grime on all zoetropes. Staff is recommending a \$10,000 contract for Mr. Alexander to perform routine maintenance that will extend for several years.

At its August 14, 2007 meeting, the CAC unanimously recommended the City Council renew a contract with Sculpture Conservation Studio with a not-to-exceed amount of \$20,000 and a contract with artist Wick Alexander with a not-to-exceed amount of \$10,000 for the continued routine maintenance (cleaning, waxing, minor repairs) of certain City-owned sculptures and seven zoetropes.

With regard to other City-owned art work requiring more extensive maintenance/repair, estimates have been received from Charisma Design Studio, Inc. for Nobuho Nagasawa's *Truth or Fiction* in the amount of \$6,237 (for complete disassembly, cleaning and replacement of worn-out parts); from Williams Art Conservation, Inc. for *La Ballona* by May Sun for an amount of \$8,300 - \$10,000 that includes de-installation, refurbishing the existing paint surface on all fiberglass sculptures, and reinstallation; and a proposal from Sanders Studios for the de-installation, disassembly and complete overhaul of the film transport and internal mechanisms of Barbara McCarren's *Panoramic* with a cost of \$9,250. The outside cost of these proposals is \$25,487; all three contracts will be implemented administratively by staff as they each do not exceed the one-time \$10,000 limit.

Bidding/Quotation Process

Section 3.07.070 of the Culver City Municipal Code states (in pertinent part):

A. Except for the provisions of §§ 3.07.075 and 3.07.080, the City may award purchase orders and contracts in any amount for personal or professional services without complying with the provisions of this Subchapter; provided that, the purchase order or contract shall be based upon competitive quotations, whenever practical, as determined by the City Manager from not less than three (3) vendor contractors.

B. For purposes of this Section, personal services shall include:

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5. Repair or maintenance service for equipment, machinery or other City-owned personal property; and
6. Repair and maintenance service for City-owned or occupied real property and buildings;

Pursuant to this Section and the discussion in this report, the City may award the professional services agreements/amendments as recommended

FISCAL ANALYSIS:

There is currently approximately \$125,000 available from the Art Fund (Fund 413) for maintenance and conservation (CIP #'s P-634, P-823, and P-824). The total amount of the agreements proposed above equal approximately \$277,200 (including a 10% contingency), which would require an additional appropriation of \$152,200 from the Art Fund to cover costs associated with the seven contracts outlined above (including the three that will be entered into administratively).

The Art Fund's estimated appropriable fund balance, including projected 2008-09 revenues and approved 2008-09 appropriations, is \$318,000. The additional \$152,200 requested for maintenance conservation would reduce that balance to \$165,800. The Art Fund receives approximately \$100,000 in payments on an annual basis and earns an additional \$5,000 to \$10,000 in interest income.

This Budget Amendment requires a 4/5ths vote.

ATTACHMENTS:

1. Image of portion of framework for *Hanging Garden* showing areas of corrosion.
2. Proposal Dated November 28, 2007 from LA ProPoint, Inc. and relevant attachments.
3. Proposals dated December 5, 2007 and December 6, 2000 from Carlson & Co. with attachments, and; e-mail of October 5, 2007 from Steve Colton;
4. Estimate dated August 27, 2007 from Ruben's Glass Service, Inc. and letter dated December 21, 2007;
5. Excerpt of CAC Minutes of January 8, 2008.
6. Proposal from Lori Escalera, dated September 20, 2006, for Restoration of Three Community Murals; and,

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7. Excerpt of CAC Minutes of August 14, 2007.

MOTION:

That the City Council:

1. Appropriate \$152,200 from the Art Fund into P-634, Art Maintenance (41300634.619800), to cover additional deferred and routine maintenance costs for the remainder of FY 2007 – 08.

This Budget Amendment requires a 4/5ths vote.

2. Approve a professional services agreement with LA ProPoint for the repair/restoration of the supporting framework for Ed Carpenter's *Hanging Garden* in an amount not to exceed \$165,800;
3. Approve a professional services agreement with Lori Escalera, not to exceed \$11,000 for the restoration of three community murals;
4. Approve an amendment to the existing professional services agreement with Sculpture Conservation Studio in the amount of \$20,000 for continued maintenance/conservation of several City-owned sculptures;
5. Approve an amendment to the existing professional services agreement with a contract artist Wick Alexander in the amount of \$10,000 for continued maintenance of seven zoetropes;
6. Authorize the City Attorney to review/prepare necessary documents and authorize the City Manager to execute such documents on behalf of the City.