

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 06/09/08		Item Number: <u>A-4</u>	
AGENDA ITEM: FOUR-FIFTHS VOTE REQUIREMENT: Approval of (1) a Professional Services Agreement with LA ProPoint, Inc. for the Repair/Replacement of the Supporting Framework for Ed Carpenter's Art Work, <i>Hanging Garden</i> and (2) a Related Budget Amendment.			
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: LA ProPoint (06/04/08); Ed Carpenter (06/04/08); Master E-Mail Notification List) (06/04/08); Meetings and Agendas - Cultural Affairs (06/04/08)			
Department Approval: Sol Blumenfeld (04/17/08)		City Attorney Approval: Carol Schwab (by H. Baker) (05/20/08)	
Fiscal Impact Review: Jeff Muir (by N. Kimball) (05/21/08)		City Manager Approval: Jerry B. Fulwood (06/04/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council ("the Council") approve (1) a budget amendment and (2) a professional services agreement with LA ProPoint, Inc. for the repair/replacement of the supporting framework for Ed Carpenter's art work, <i>Hanging Garden</i>, including repair/restoration of the art glass. A Budget Amendment requires a 4/5ths vote. <u>BACKGROUND:</u> At the March 3, 2008 City Council meeting, staff presented information regarding the repair/replacement of the supporting framework for Ed Carpenter's <i>Hanging Garden</i>, together with a request for approval of professional services agreements for work on three community murals, five sculptures, and seven zoetropes. An appropriation amendment was necessary to cover the four professional services agreements requiring Council approval, plus the cost associated with three additional agreements that staff could enter into administratively (Charisma Design Studio, Inc. in the amount of \$6,237 for Nobuho Nagasawa's <i>Truth or Fiction</i>; Williams Art Conservation, Inc. in an amount of \$8,300 - \$10,000 for May Sun's <i>La Ballona</i>; and, Sanders Studios for Barbara McCarren's <i>Panoramic</i> in the amount of \$9,250). The total cost at that time for all seven contracts equaled \$277,200 and included a 10% contingency.			

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At the March 3, 2008 meeting, the Council approved the professional services agreements for the restoration of three community murals, for the maintenance of five sculptures (through Sculpture Conservation Studio), and for the maintenance of seven zoetropes (through Wick Alexander).

With regard to the repair/replacement of the supporting framework for Ed Carpenter's art work *Hanging Garden*, the Council directed staff to:

- Seek cost estimates for replacing the entire supporting framework in stainless steel (as opposed to replacing only the stops and sashes);
- Explore other metal alternatives in addition to plain mild steel and stainless steel; and,
- Explore alternative finishes.

The Council also asked about the status of an overall maintenance schedule/program for City-owned and privately owned public art and the costs associated therewith. As noted in the March 3, 2008 staff report, the *Hanging Garden* supporting framework had suffered extensive damage due to corrosion resulting from weather and the type of construction.

DISCUSSION:

Staff has investigated the potential options to correct the damaged structure for this art piece pursuant to the Council's direction of March 3rd. The options are summarized as follows:

A. COST ESTIMATES FOR REPLACING THE ENTIRE SUPPORTING FRAMEWORK

1. Replace all aluminum stops / steel sashes with type 304 stainless steel and restore steel horizontal members and vertical members. Total not-to-exceed cost is **\$195,304.33**. (Increase in cost from proposal dated November 28, 2007 reflects increase in steel prices.)
2. Replace all aluminum stops / steel sashes with type 304 stainless steel and replace 9 horizontal steel members currently showing what is believed to be cosmetic rusting with new plain mild steel and restore finish on all vertical members. Total not-to-exceed cost is **\$214,906.04**.
3. Replace entire framework with type 304 stainless steel. Total not-to-exceed cost is **\$309,657.58**

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(The costs outlined in items 1 – 3 above do not include a performance bond which is recommended.)

The total costs do not include a performance bond which would be an additional 2.5% of the project cost. Staff is recommending that a performance bond be included to ensure that all work is completed. Also, the \$61,331.25 included for the stained glass removal and restoration (Line 5 on the March 26, 2008 proposal) is considered the outside, worst-case scenario cost. Once the stained glass has been removed, staff and the contractor will inspect and may determine that re-puttying and reinforcing may not be necessary in all areas.

Staff recommends the scope of work originally outlined in the November 28, 2007 proposal and summarized above in Option 1, but is requesting a contingency in case the rusting on the horizontal members is not cosmetic and some or all of these require replacement. Therefore, staff is requesting an approval of a scope of work of \$195,304.33, plus \$5,400 for a performance bond and \$20,000 in contingency for a grand total of **\$220,704.33**.

Anticipated time frame for completion of the work is 3 to 4 months depending on the condition of the steel framework once the stained glass panels have been removed.

Note: The price of all steel is highly volatile. Between November 2007 and January 2008, the price of steel increased by approximately 10%. Staff was informed by LA ProPoint, Inc. on March 19, 2008 that the price of all steel had increased by 25% from January. This is reflected in the revised proposal dated March 26, 2008 from LA ProPoint, Inc.

Staff, including the Public Works Director/City Engineer, City Building Official, and also the President of LA ProPoint do not recommend removing the two-part vertical steel columns and replacing them. Although the best evidence available indicates that the rusting on the horizontal members is only cosmetic and can be removed, reserving the option to replace these members would be prudent should closer inspection after de-installation of the art glass indicate it to be necessary. (This alternative is included as Option 1 on the March 26, 2008 proposal and above as No. 2 on page 2 of this report.)

B. EXPLORE OTHER METAL ALTERNATIVES IN ADDITION TO PLAIN MILD STEEL AND STAINLESS STEEL;

With regard to considering other metals, stainless steel is the preferred alternative with a lifespan of approximately 135 years. Mild steel is the other viable option (as

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recommended for the horizontal steel members, provided the coating is resistant to corrosion, marring and chipping). Incorporating other metals such as aluminum into the framework increases the chances of galvanic corrosion. With regard to coatings, for on-site work LA ProPoint, Inc. is recommending an electrostatically applied paint finish that has a 20 year life-span as opposed to tenemantic paint which is highly toxic and produces fumes that are difficult to contain when being applied. For those portions of the framework that will be replaced, a urethane-coated polyester powder coating is being recommended which is highly resistant to marring and chipping.

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:
 - 1. Repair or maintenance service for equipment, machinery or other City-owned personal property; and
 - 2. 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 appropriated in the Art Fund (Fund 413) for maintenance and conservation (CIP#'s P-634, P-823, and P-824). The total amount of the six proposals outlined in the March 3, 2008 City Council staff report (excluding the LA ProPoint, Inc. proposal of November 28, 2007), together with the staff recommended amount for the repair/replacement of the supporting framework for Ed Carpenter's art work equals approximately \$315,920 (including a 10% contingency), which would require an additional appropriation of \$190,920 from the Art Fund to cover costs associated with the seven contracts outlined above (including the three that will be entered into administratively). A budget amendment

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of \$190,920 from the Art Fund appropriable fund balance is needed to cover the total cost of this contract. **A budget amendment requires a 4/5ths vote.**

The Art Fund's estimated appropriable fund balance, including projected 2008-09 revenues and proposed 2008-09 expenditures, is \$397,540. The additional \$190,920 requested for maintenance conservation would reduce that balance to \$207,200. 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.

ATTACHMENTS:

1. Image of portion of framework for *Hanging Garden* identifying component sections.
2. Proposal Dated March 26, 2008 from LA ProPoint, Inc. with staff's summary notes.
3. City Council Staff Report of March 3, 2008.

MOTION:

That the City Council:

1. Appropriate \$190,920 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; and,

A 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 \$220,704.33; and,
3. Authorize the City Attorney to review/prepare the necessary documents; and,
4. Authorize the City Manager to execute such documents on behalf of the City.