



**Draft for Arts Commission review
on March 20, 2013**

Council Date: April 23, 2013

SUBJECT: Review and Selection of the Seven Seas Park Public Art Project

REPORT IN BRIEF

In May 2002, City Council adopted the Art in Public Places (AIPP) program which requires 1% of construction costs on eligible public projects be spent on public art. In 2009, the Council adopted design and development guidelines for the Seven Seas Park (formerly Morse Avenue Park) in Sunnyvale. In accordance with the AIPP requirements, \$33,000 was allocated in the project budget for public art.

This report provides information on the public art proposals under consideration for the Seven Seas Park. The Arts Commission reviewed the proposals on March 20, 2013, and ranked the proposals in order of preferred choice. The Commission is recommending Council approve Alternative Number _____. In addition, the proposals were presented to the Parks and Recreation Commission on April 10, 2013 as an information only item.

Staff recommends Alternative Number 3: Approve design Proposal #3 – “Sunnyvale Reef” by artist Vickie Jo Sowell and direct staff to enter into an Artist’s Agreement; and Alternative Number 4: Approve Condition of Approval and authorize staff to work with artist to address identified concerns.

Council is being asked to review and select the final public art design for Seven Seas Park.

BACKGROUND

Council Policy 6.4.4 Art in Public Places (AIPP) was adopted in 2002. The policy requires certain aboveground municipal construction projects, such as parks within the City, with a construction valuation of \$1,000,000 or more, to integrate public art equal in value to 1% of the project valuation. Prior to 2013 and subsequent to the adoption of this policy, Plaza del Sol was the only municipal construction project that required incorporation of public art.

In 2009, Council adopted design and development guidelines for the Seven Seas Park in North Sunnyvale. The park is a 5.3-acre site along Morse Avenue between Weddell Drive and Toyama Drive (Attachment A – Street Map). The approved design includes natural and man-made elements associated with oceans and seas (Attachment B – Seven Seas Park Design Plan.) The park will

incorporate a sea-themed playground for ages 2-5, as well as a sea-themed playground for ages 6-12 that will feature play structures designed to look like a port, complete with docks, sea creatures and rock outcroppings. The park design also includes environmental sustainability elements, including drought tolerant plantings, solar power, recycled/reused construction materials and bike racks. Construction on the park is anticipated to begin in June 2013.

In accordance with the AIPP policy, the Seven Seas Park will be required to include a public art component, and \$33,000 has been allocated in the project budget for the art. The AIPP policy calls for a staff Project Review Committee to be established, with this Committee coordinating the public art component of an eligible municipal construction project, and the following steps are taken. The Committee identifies possible locations for the artwork and the type of artwork to be considered for the project with input from the Sunnyvale Arts Commission, pertinent city staff, interested citizens and project architects. Artistic proposals are solicited from qualified artists through a Request for Proposal (RFP) or Request for Qualifications (RFQ) process. The Project Review Committee reviews all art proposals and/or qualifications and establishes a short list of 2-5 artists and/or proposals. A draft RTC outlining the project and the short list of artists is forwarded to the Arts Commission for review and recommendation prior to going to City Council for action. Following Council approval of a specific art proposal, the Director of Library and Community Services, or the Director's designee(s), is responsible for coordinating the integration of the public artwork into the project.

The Project Review Committee for the Seven Seas Project consisted of four representatives from the Department of Library and Community Services (Superintendent of Community Services; Arts and Marketing Manager; Youth and Family Services Manager; and Visual Arts Coordinator). Additionally, the Department of Public Works had two representatives (Superintendent of Parks; and Design Project Manager.)

The Project Review Committee identified the parameters of the art component, including the type of artwork appropriate for the project and possible locations for the artwork. The possible artwork locations identified were the main walkway into the park from Morse Avenue, and the sidewalk area connecting this main walkway with the parking lot (Attachment C - Site Plan Showing Artwork Location Area). These locations were selected because they are the most prominent entrances into the park and would provide the most visibility for the artwork. The exact placement of the artwork will be determined after the artwork is selected and landscape and park element designs are finalized.

Following the selection of possible art locations, a RFP was distributed throughout the Northern California art community (Attachment D - Seven Seas' Public Art RFP). More than 50 artists showed interest in the public art project, and 10 eligible artists submitted letters of interest and proposed public

art concepts. The Project Review Committee reviewed the submitted proposals and - using criteria that included the artist's experience, appropriateness of the proposal to the park's theme, artistic value, functionality, durability, and connection to the park's environmental sustainability goals - selected a short list of three artists. These three artists were provided with feedback, paid a design stipend of \$500 each and asked to further develop their proposed ideas. The three short listed artists submitted final design proposals, which are presented in this report.

A maquette of Proposal #1, and a design board of Proposal #3 were available for viewing at the March 20, 2013 Arts Commission meeting and will be available for viewing at the April 23, 2013 City Council Meeting. At the option of the artist, there were no additional materials submitted for Proposal #2 beyond those included in this report.

EXISTING POLICY

General Plan, Policy CC-1.8 Provide and encourage the incorporation of art – both functional and decorative – in public and private development.

General Plan, Policy CC-1.4 Support measures which enhance the identity of special districts and residential neighborhoods to create more variety in the physical environment.

Council Policy 6.4.1, Goal E Create an aesthetically pleasing environment for Sunnyvale through use of functional and decorative art.

DISCUSSION

Proposal #1 was submitted by Fairfield artist Pamela Anderson (Attachment E – Anderson Resume). Ms. Anderson is an accomplished artist whose two-dimensional work has been included in many public and private collections.

Ms. Anderson has developed a playful design entitled “Under the Sunny Seas” (Attachments F and G – Schematic Drawings of Proposed Sun Sculptures). This sculpture consists of a 4” tall concrete base covered with small blue and green opaque, metallic and glass tiles representing water. Rising up from the base will be three sun sculptures, each reaching a different height (72”, 60” and 54”). The varying heights in the sculptures are reminiscent of a family standing together.

Each sun sculpture will be approximately 3’ foot in diameter and will consist of two recycled, clear, commercial-grade acrylic discs. Sandwiched between the two discs will be an internal casing, housing LED illumination modules. These three layers will be encased within a 6” metal retainer ring designed to keep water out. The backside of each acrylic disc will be lined with translucent digitally printed vinyl film depicting the artist's original artwork of whimsical marine creatures such as seahorses, starfish and clown fish. The artist has

included a cutout hole in the center of each disc where people of all heights can step up and place their faces in the center of the hole for photographic opportunities.

On either end of the three sun discs, at ground level, will be two additional jellyfish sculptures that stand approximately 48" high (Attachments G and H – Schematic Drawings of Proposed Jellyfish Sculptures). These sculptures will be constructed out of the same commercial grade acrylic as the three sun disc sculptures, but the acrylic will be molded into a dome shape. These domes will also be lined internally with translucent, digitally printed vinyl film depicting original artwork by the artist representing marine plant life.

Attached to the bottom outside edge of the jellyfish domes will be varying lengths of ¼" clear, rubber tubing. The tubing is intended to move in the wind, much like a jellyfish's tentacles move in the water. The artist envisions that the tentacles will attract children to look under the jellyfish, where they will find more digitally printed imagery of fish, as if the child was lying on the floor of the ocean looking towards the surface. The bottom and sides of the jellyfish will be naturally illuminated during the daytime through a clear circle at the top of the dome where imagery has been omitted.

Strengths and Weaknesses of Proposal 1

The ocean-themed imagery of the proposed piece is engaging and appropriate to the project. The durability of the materials identified for use in this sculpture is unknown, as the artist has not installed a piece using similar materials in an exterior setting. The tubing attached to the bottom of the jellyfish would need to be redesigned if this proposal is approved, as the tubing tentacles can be easily cut with scissors or a knife. There is a higher likelihood of additional costs to maintain the artwork if the acrylic becomes badly scratched or the digitally printed vinyl film fades from sun exposure. There is also a concern that the design may not be water tight, allowing moisture into the "Jellyfish" domes. If durability emerged as a problem, repairs or touch ups would be more frequent and costly, and may not be within budget. The sculpture also presents safety concerns since the "Sun" sculptures are designed to encourage viewers to insert their faces and hands/arms into the holes cut in the middle of each circular disc.

Proposal #2 was submitted by the artistic team of Arteclettica (Attachment I – Arteclettica Resume). This Truckee-based studio has completed several exterior, public and private art commissions.

Arteclettica is proposing a functional, multi-media sculptural bench entitled "Under the Umbrella" (Attachments J, K and L – Computer Renderings of "Under the Umbrella"). The circular bench will be 8'6" in diameter and will stand 3'6" in height. The bench is sectioned into seven individual seats with backrests, each decorated with a flowing ocean-themed mosaic. Also included

at six radial points along the perimeter of the bench would be six small attached tables, and at the remaining radial point a hook for leashing a pet and a built-in bowl at grade level which could be filled with water by the pet's owner.

Sprouting out of the center of the bench will be a 9'6" diameter umbrella that will stand 10' tall. Seven solar lights will be installed under the brim of the umbrella to provide lighting for the individual seats during evening hours. The umbrella will be decorated with a floral motif mosaic, made of glow-in-the-dark tiles for additional visibility of the artwork at night.

Materials for the artwork will consist of a metal armature reinforced with welded steel, wood and polyethylene. Layered concrete and fiberglass resin will be added to shape the bench and umbrella, and the overall artwork will be decorated with a variety of recycled, reclaimed and store-bought weather-resistant materials including, but not limited to, mosaic elements (natural stone, glow-in-the-dark glass tile, metal accents, ceramic tile, and reclaimed objects), colored and stained concrete, engraved elements and found objects.

Strengths and Weaknesses of Proposal 2

The imagery of the proposal is appropriate to the project. The umbrella design is unique, and the functionality of the seating area is an additional asset. The materials identified for use in this proposal have been tested and proven for durability in exterior settings, and staff has not identified any safety concerns.

Proposal #3 was submitted by sculptor Vickie Jo Sowell, based in Emeryville (Attachment M – Sowell Resume). Ms. Sowell is an accomplished artist with a strong background in large-scale, public art installations.

Her design consists of two sculptural, steel entry markers entitled "Sunnyvale Reef" (Attachment N – Artist's Rendering of "Sunnyvale Reef"). The markers will be metal cutouts and bars layered to give the markers depth and dimensionality. The cutouts will represent a variety of sea creatures such as starfish, angelfish, shells, seahorses and clams.

Each marker will stand approximately 9'6" tall, by 5' wide, by 18" thick and will be powder coated with a Hammertone Blue finish. Each marker will be three dimensional, allowing park visitors to view the sculptures from all sides. This report includes an example of a past work by Ms. Sowell to demonstrate the layering of metal cutouts the final artwork will have (Attachment O – Photograph of Previous Project).

Strengths and Weaknesses of Proposal 3

The proposal's imagery is bold and fanciful and is appropriate to the project. The artist's suggestion to place a sculpture on either side of the entrance walkway creates a "gateway" feature into the park. The ocean imagery and connection to the park's theme is easily identifiable from a distance. The

materials identified for use in the sculpture have been tested and proven for durability in exterior settings. There are no issues identified that would impact maintenance. From a design standpoint, the negative spaces in the sculpture's design could potentially create a climbing hazard for park visitors.

Conditions of Approval

Conditions of Approval are appropriate when specific concerns have been identified, to ensure that those known design, materials or safety issues are addressed. However, as a normal part of the public art process, staff continually works with the selected artist during the contract, fabrication and installation phases to address potential unanticipated safety and design issues as they develop. The necessary modifications generally do not affect the overall design concept approved by Council. Staff notifies Council when there are significant changes to the design or location of the artwork.

Artwork Maintenance

All three of the submitted proposals require routine maintenance that consists of a yearly rinsing to remove the accumulation of environmental dust and dirt. Funding for routine maintenance is included in the City's Permanent Collection Maintenance fund, and any non-routine repairs or touch-ups are included in the AIPP Maintenance fund.

FISCAL IMPACT

A total of \$33,000 has been set aside in the Seven Seas Park Development Project #808352 budget for the acquisition and maintenance of public art. These funds are part of the City's adopted Resource Allocation Plan for FY2012/2013. Of that amount, \$30,000 has been allocated for the acquisition and installation of the artwork, \$1,500 has been expended on design fee stipends, and the remaining \$1,500 will be reserved for coordination and on-going maintenance costs of the artwork. This amount is sufficient to acquire and install the art as proposed in this RTC. No additional funds are required.

PUBLIC CONTACT

Public contact was made through posting of the March 20, 2013, Arts Commission agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk. Public contact was made through posting of the April 10, 2013, Parks and Recreation Commission agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk. Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site. Copies of this report were provided to Pamela Anderson, Arteclletica and Vickie Jo Sowell.

ALTERNATIVES

Approve design Proposal #1 – “Under the Sunny Seas” by artist Pamela Anderson and direct staff to enter into an Artist’s Agreement.

Approve design Proposal #2 – “Under the Umbrella” by the artistic team Arteclettica and direct staff to enter into an Artist’s Agreement.

Approve design Proposal #3 – “Sunnyvale Reef” by artist Vickie Jo Sowell and direct staff to enter into an Artist’s Agreement.

Approve a Condition of Approval and authorize staff to work with the artist to address identified concerns.

Other action as determined by Council.

RECOMMENDATION

On March 20, 2013, the Sunnyvale Art Commission reviewed the public art proposals. The Commission voted on the proposals and ranked the proposals in the following order:

- 1st.
- 2nd.
- 3rd.

The Arts Commission is recommending Council approve Alternative Number _____. The Commission concluded that (insert commission comments).

Staff recommends Alternative Number 3: Approve design Proposal #3 – “Sunnyvale Reef” by artist Vickie Jo Sowell and direct staff to enter into an Artist’s Agreement; and Alternative Number 4: Approve a Condition of Approval and authorize staff to work with the artist to address identified concerns. While staff acknowledges that the rating of the aesthetic elements of the three proposals is subjective, staff believes there are objective reasons for staff’s recommendation. Staff concludes that Proposal #3 provides durable materials that will require minimal maintenance and withstand prolonged exposure to the elements. It contains bold, whimsical ocean-themed imagery appropriate to the project, and that is easily identifiable from a distance as ocean/sea related. The artist’s proposal to place a sculpture on either side of the entrance walkway will create a “gateway” feature into the park, a feature that is not part of the other proposals. However, staff is concerned the negative spaces in the sculpture’s design could potentially create a climbing hazard for park visitors. Staff believes it is possible through a condition of approval to further work with the artist to eliminate any potential safety hazards.

Staff ranked Proposal #2 as their second choice, responding to the uniqueness of the umbrella design and the functionality of the seating area. However, staff

also concluded the ocean and sea connection was not as easily identified from a distance as Proposal #3.

Staff does not recommend Proposal #1. The durability of the proposed materials is unproven and problematic. Staff believes the materials would not hold up in the long term, with issues potentially arising as early as the first year after installation, relating to the acrylic becoming badly scratched, the digitally printed vinyl films fading from sun exposure and the “Jellyfish” dome allowing in moisture. Additionally, the tentacles could be easily pulled off or cut with scissors.

Reviewed by:



Lisa G. Rosenblum, Director, Library and Community Services
Prepared by: Kristin Dance, Visual Arts Coordinator



Kent Steffens, Director of Public Works

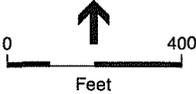
Approved by:



Gary M. Luebbbers
City Manager

Attachments

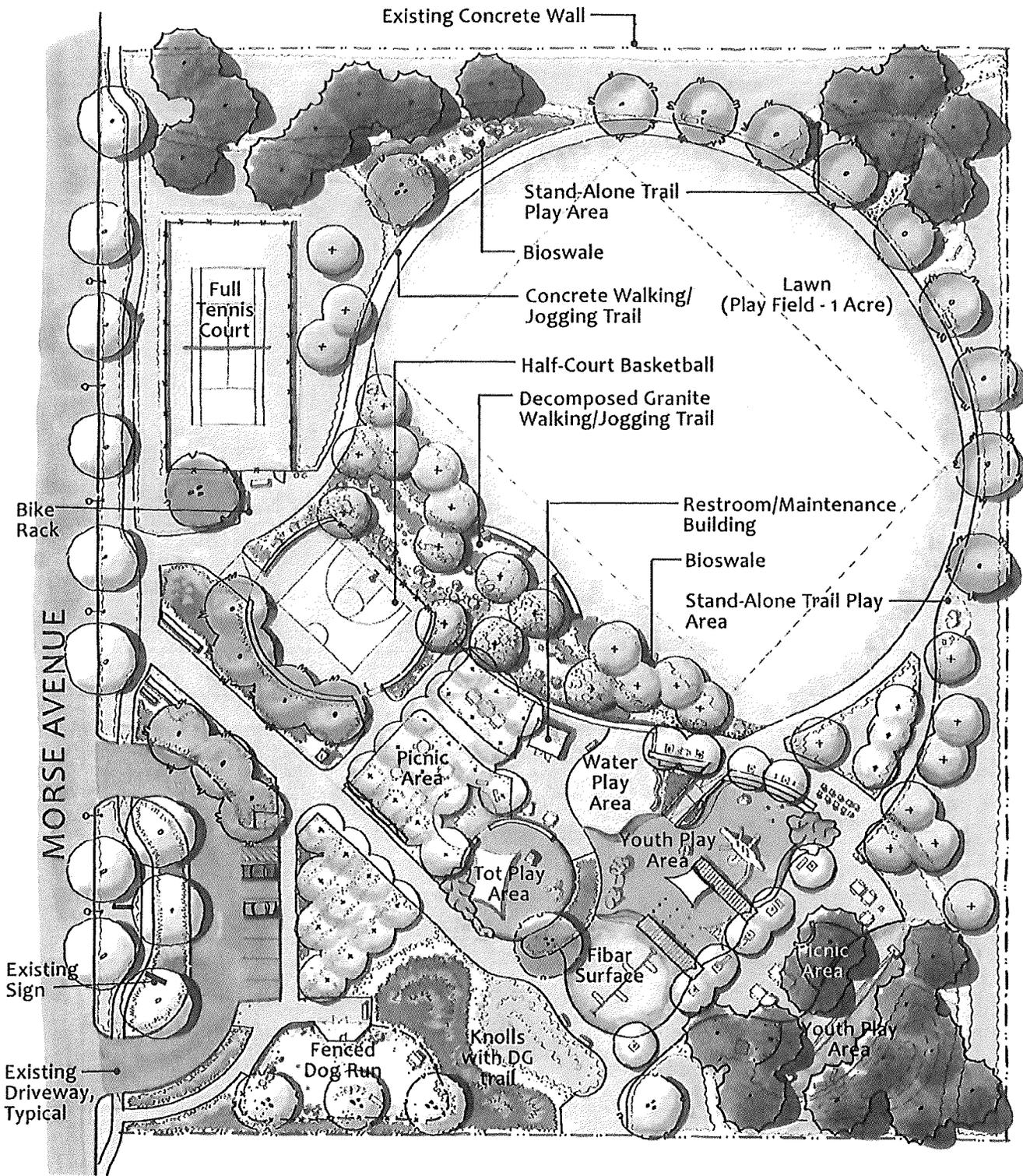
- A. Street Map
- B. Seven Seas Park Design Plan
- C. Site Plan Showing Artwork Location Areas
- D. Seven Seas' Public Art RFP
- E. Anderson Resume
- F. Schematic Drawings of Proposed “Sun” Sculptures
- G. Schematic Drawings of Proposed “Sun” and “Jellyfish” Sculptures
- H. Schematic Drawings of Proposed “Jellyfish” Sculptures
- I. Arteclettica Resume
- J. Computer Rendering of “Under the Umbrella”
- K. Computer Rendering of “Under the Umbrella” (daytime)
- L. Computer Rendering of “Under the Umbrella” (nighttime)
- M. Sowell Resume
- N. Artist Rendering of “Sunnyvale Reef”
- O. Photograph of Previous Sowell Project



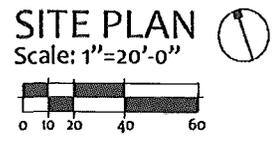
SOURCE: Erler & Kalinowski, Inc. and ESA, 2001

Morse Park Initial Study. 210070

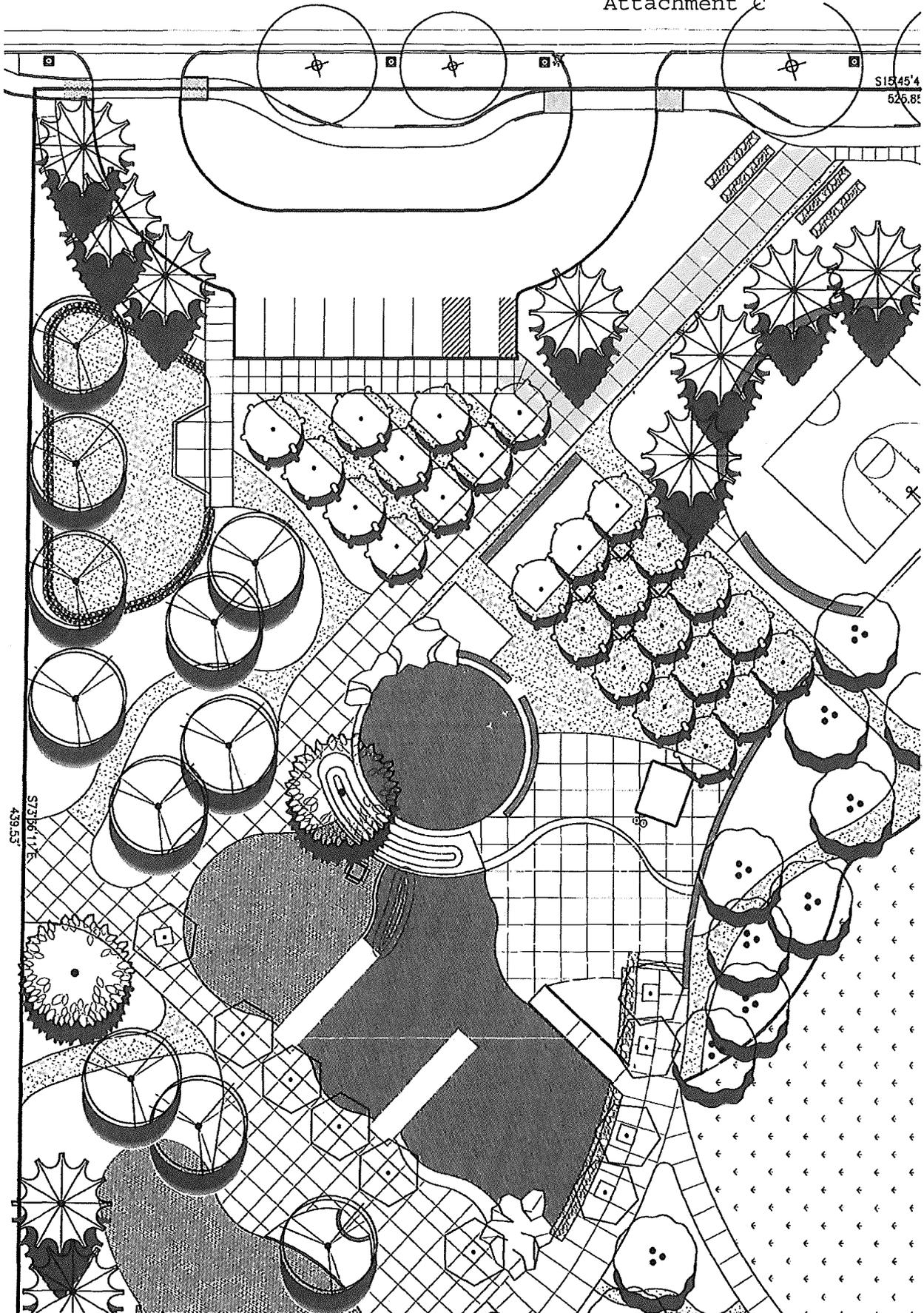
Figure 2
Project Site Vicinity



Design Development Plan



Seven Seas Park



Seven Seas Park



Public Art Opportunity

Request for Artist Proposals (RFP)

Seven Seas Park
Sunnyvale, CA

Budget: \$30,000

Deadline for Submissions: October 15, 2012

Call For Artists

The City of Sunnyvale, Department of Library and Community Services, is seeking a professional artist to create a public work of art for the new Seven Seas Park in North Sunnyvale.

Interested artists are asked to submit a letter of interest for the project, including a brief narrative (1-2 page maximum) describing the type of public art being proposed, and the location. Rough sketches or computer renderings illustrating the proposed artwork, and visuals of past public art commissions are also required. Following an initial review, two to three artists will be asked to further develop their initial art proposals and will receive a \$500.00 design stipend.

Sunnyvale Overview

The City of Sunnyvale is located in the Heart of Silicon Valley in Northern California. Twenty four square miles wide, Sunnyvale is the largest city in Santa Clara County and the fifth largest city in the San Francisco Bay Area. The City has a population of 141,099 and a daytime workforce of 118,500 people. Some of the nation's most successful business and industrial leaders are headquartered in Sunnyvale, including Yahoo!, AMD, Network Appliance, Nokia, National Semiconductor and Lockheed Martin.

Sunnyvale is also known for its innovative Public Safety Department concept and business-friendly environment, cultural arts programming, historical shopping district, full-service library, and award winning parks. Each park has been created with a particular theme in mind to stimulate creative interaction and play for park users, and to distinguish the various neighborhoods from each other. Current park themes include Prehistoric, Polynesian, Japanese Gardens, and Island Fantasy.



Budget: \$30,000

The project budget is all inclusive of project costs, including artist's fees and expenses, taxes, materials, permit fees, travel, insurance fees, pedestals, site preparation, fabrication, installation and lighting of the artwork.

Artist Responsibilities

The selected artist will be responsible for assisting city staff and architects in developing the specific parameters of the project, as well as implementing all aspects of the project. These specifics will include:

- Developing the final design of the artwork;
- Selection of appropriate artistic materials for the final design;
- Developing a final project timeline;
- Presenting the project to the City's Arts Commission and City Council for approvals;
- Obtaining all required permits for the project;
- Fabrication of the artwork;
- Delivery of the artwork to project location, and;
- Installation of the artwork;
- Lighting of the artwork;
- Providing detailed instructions for the preservation of the artwork, and;
- Abiding by all requirements of the artist's contract with the City.

Selection Process

A six to eight person selection panel will review submitted applications and proposals. Artistic excellence, originality, demonstrated ability to design and fabricate the proposed artwork, ability to interact with the public, and previous public art experience will be considered.

The selection panel will consist of representatives from the City's Department of Public Works, Department of Library and Community Services, Community Development Department and the project architects.

A short list of up to three artists will be created by the selection panel and each artist will be asked to further develop their design proposal. A design stipend of \$500 will be paid to each of the three short listed artists upon completion of a formal design proposal. Any travel costs associated with this visit will be the sole responsibility of the artist.

The final design proposals will be presented to the City's Arts Commission for review. The commission will be asked to rank the design proposals and the results of the rankings will be presented to the City Council for final selection of the design/artist.



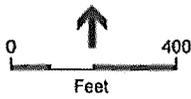
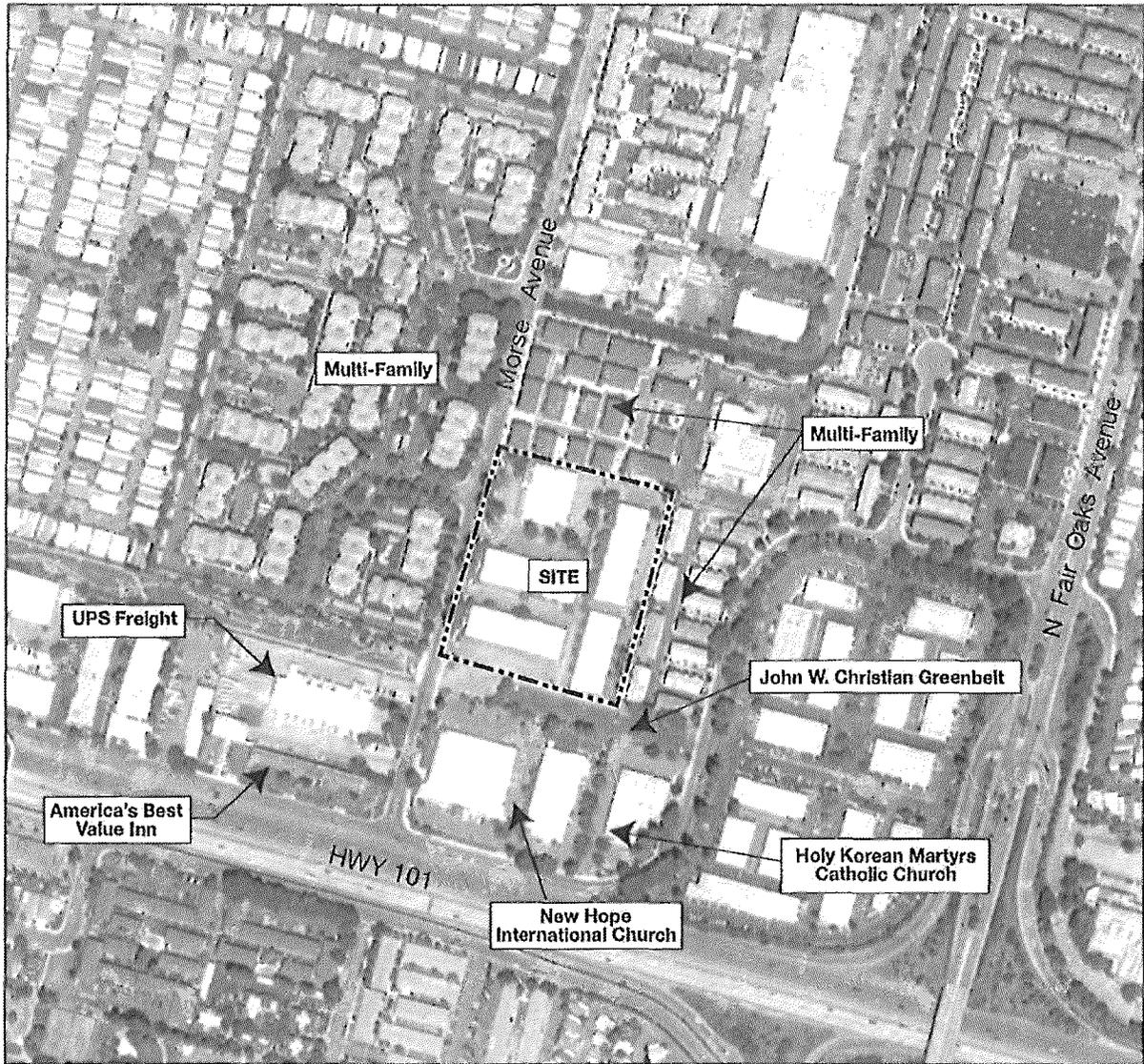
upon approval of the City's selection panel, Arts Commission and City Council. Any award will require that the artist carry a \$1 million liability insurance policy (Please refer to Attachment F).

Artwork commissioned for this project shall become the property of the City of Sunnyvale. The artwork will be maintained as part of the City's Permanent Art Collection. The City shall have no obligation to display the artwork for any particular time period.

For More Information

Please contact the City's Arts Coordinator, Kristin Dance, at (408) 730-7758 or kdance@ci.sunnyvale.ca.us for additional information or questions.

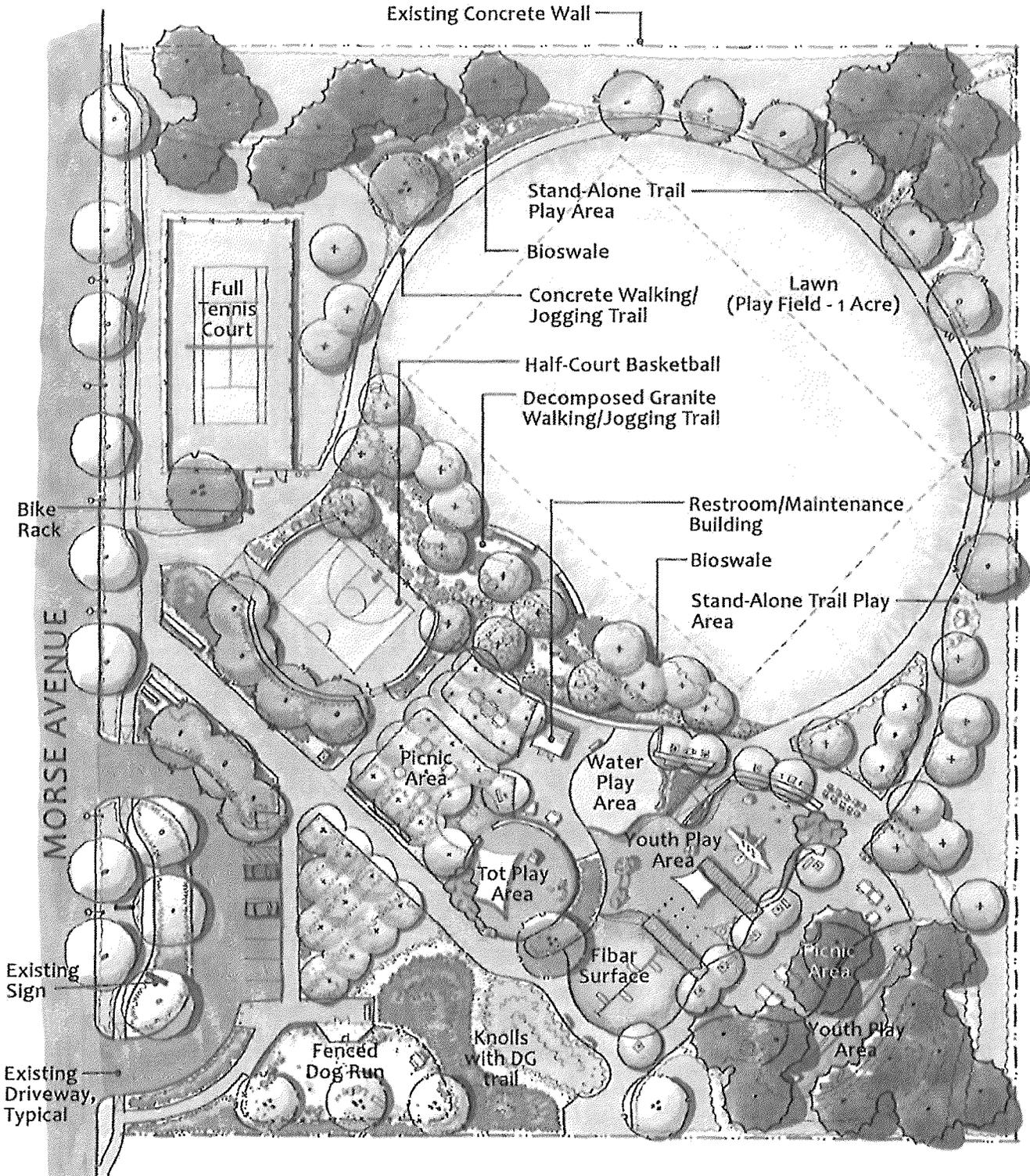




SOURCE: Erier & Kalinowski, Inc. and ESA, 2001

Morse Park Initial Study, 210070

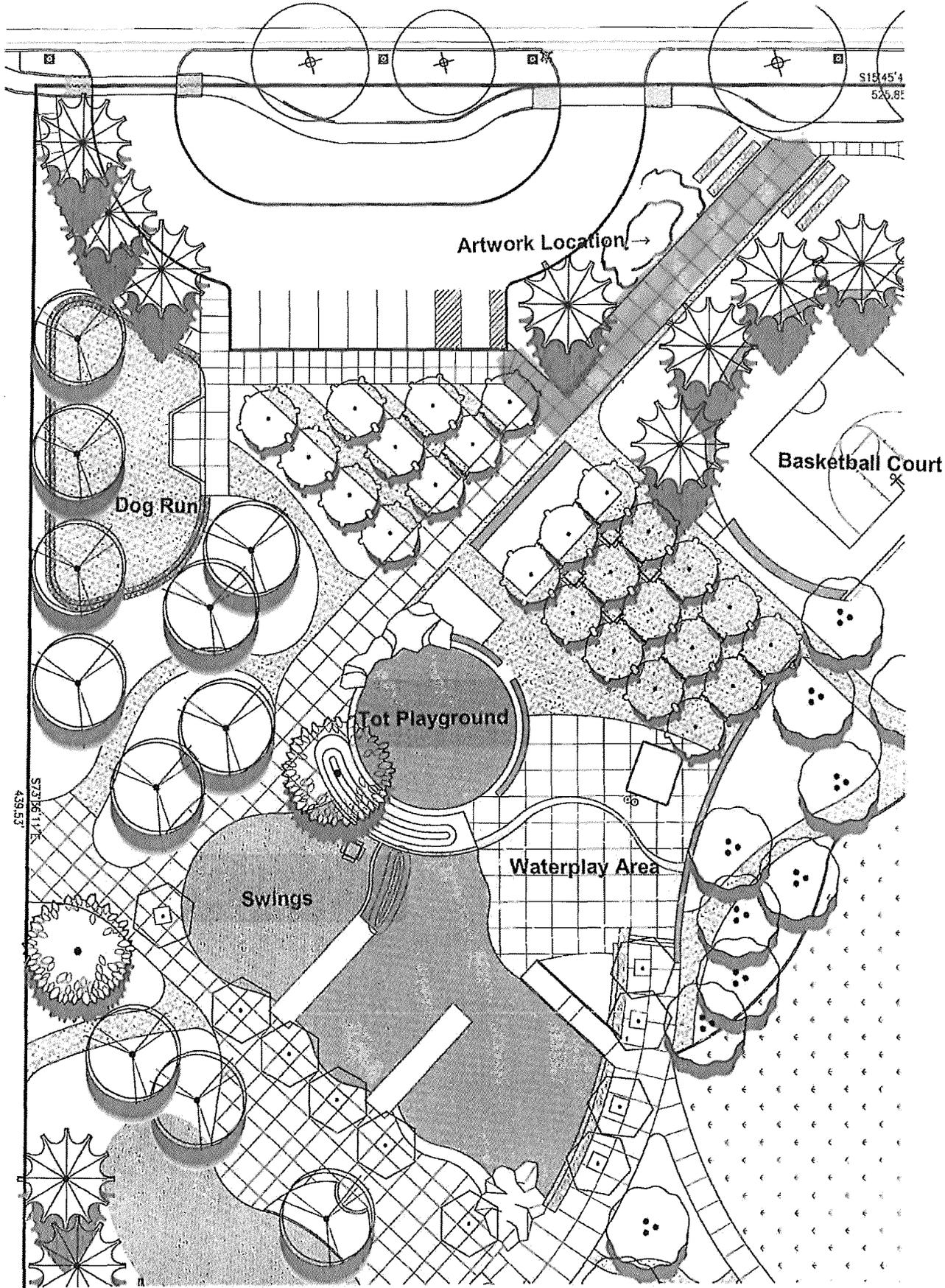
Figure 2
Project Site Vicinity



Design Development Plan

SITE PLAN
Scale: 1"=20'-0"
0 10 20 40 60

Seven Seas Park



Seven Seas Park





INSURANCE REQUIREMENTS FOR ARTISTS

Artist shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Artist, his agents, representatives, employees or subartists.

Minimum Scope and Limits of Insurance

Artist shall maintain limits no less than:

1. **Commercial General Liability:** \$1,000,000 per occurrence and aggregate for bodily injury, personal injury and property damage. ISO Occurrence Form CG 0001 or equivalent is required.
2. **Automobile Liability:** \$1,000,000 per accident for bodily injury and property damage. ISO Form CA 0001 or equivalent is required.
3. **Workers' Compensation and Employer's Liability:** \$1,000,000 per accident for bodily injury or disease. If the artist has no employees, this requirement shall be waived.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared and approved by the City of Sunnyvale. The artist shall guarantee payment of losses and related investigations, claim administration and defense expenses within the deductible or self-insured retention.

Other Insurance Provisions

The **general liability** policy shall contain, or be endorsed to contain, the following provisions:

1. The City of Sunnyvale, its officials, employees, agents and volunteers are to be covered as additional insureds from liability arising out of activities performed by or on behalf of the Artist; products and completed operations of the Artist; premises owned, occupied or used by the Artist; or automobiles owned, leased, hired or borrowed by the Artist. The Coverage shall contain no special limitations on the scope of protection afforded to the City of Sunnyvale, its officers, employees, agents or volunteers.
2. For any claims related to this project, the Artist's insurance shall be primary with respects to the City of Sunnyvale, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City of Sunnyvale, its officers, officials, employees, agents and volunteers shall be excess of the Artist's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not effect coverage provided to the City of Sunnyvale, its officers, officials, employees, agents or volunteers.
4. The Artist's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Sunnyvale.

Course of construction policies shall contain the following provisions:

1. The City of Sunnyvale shall be named as loss payee.
2. The insurer shall waive all rights of subrogation against the City of Sunnyvale.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City of Sunnyvale.

Verification of Coverage

Artist shall furnish the City of Sunnyvale with a certificate of insurance effecting the coverage required. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates are to be received and approved by the City of Sunnyvale before work commences.