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**SUBJECT:** Amendment No. 1 to the Agreement for Artist Services with Douwe Blumberg for the "Fields of Time" Public Art Spaces, CIP #337-37244

**DEPARTMENT:** Parks and Recreation

**STAFF:** Bruce Mulder, Director of Parks & Recreation  
Thien Nguyen, Recreation Manager  
Tammy Holman, Management Analyst

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### **TITLE/RECOMMENDATION**

Adopt a Resolution approving and authorizing the City Manager or designee to execute an amendment to the agreement with Douwe Blumberg for the "Fields of Time" ("FOT") Public Art Spaces Capital Improvement Program (CIP) Project #337-37244 ("Project" or "Public Art Spaces Project") to reduce the agreement amount by \$8,750, and amend the scope of services to have the City handle installation of the FOT.

### **FISCAL IMPACT**

The Public Art Spaces Project is included in the adopted 2023/24 – 2027/26 CIP with a total Project budget of \$786,383. The Project was created to fund the installation of three or more art monuments at select locations throughout the City. The FOT art installation is the first monument nearing completion.

For the FOT monument, the current agreement amount is \$175,000 for work to be performed by the artist Douwe Blumberg. Council authorized a 10% contingency of \$17,500, for an approved total not to exceed agreement amount of \$192,500. Due to a number of challenges, the cost of FOT art monument is expected to be higher than the current agreement amount.

Due to a number of California construction law requirements related to construction on public property, City staff is recommending that the City be responsible for the construction elements required for the installation of the FOT monument, and remove this scope of work from the artist's responsibility. Installation costs are estimated to be \$50,750. Further, approval of this item will amend the existing agreement with



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Douwe Blumberg to reduce compensation to the artist by \$8,750 to a total compensation of \$166,250.

For the project overall budget, including artist contract and city project expenses, staff is recommending that the City Council authorize use of existing Project funding for the FOT installation costs and also provide for a contingency amount of \$21,700 (10% of the artist compensation \$166,250 and estimated installation cost \$50,750 totaling \$217,000). Any contract(s) awarded for the installation will be brought to the City Council for approval at a future meeting. Including the contingency, the overall cost of the FOT art monument would be \$238,700, an increase of \$46,200 over the original agreement with Douwe Blumberg. To help with the calculations, see the attached spreadsheet reflecting the cost changes over time.

Funding for this Project is provided by the Capital Infrastructure, Public Art Acquisition and Public Art Administration Funds. The Public Art funds can only be used for public art projects. The fund balance in the Public Art Acquisition Fund is projected to be \$2,814,949 at June 30, 2024.

## **BACKGROUND**

The Public Art Spaces Project is an Economic Development initiative that was approved as part of the FY 2016/17 and 17/18 Strategic Plan and would construct interesting and very visible public art pieces or monuments at key entry points in the City of Brentwood. This initiative is intended to showcase the overall identity of Brentwood as anyone enters the City limits from high profile locations and these monuments (originally titled Citywide Gateway Monuments "4-Corners" Project) have the potential to become iconic representations of Brentwood, for many years to come.

Fields of Time is a monument created by artist Douwe Blumberg ("Douwe"). As currently designed (Attachment 2), the monument spans 180 feet long, and 10 feet high. FOT integrates a number of references to Brentwood's history with different agricultural eras represented in the artists custom metal designed silhouettes. This monument will be located on Brentwood Boulevard, at the Brentwood Police Station. Installation of the monument is planned for late 2024.

A timeline of events below summarizes the history of the FOT project, and steps taken to move this FOT project forward:

### **2017**

A Public Art Request for Qualifications (“RFQ”) went out for the Public Art Spaces Project with a deadline for submissions of August 31, 2017. Staff received a total of 178 submittals, of which only 79 provided were complete RFQ responses.

The Arts Commission (“Commission”) reviewed the 79 complete responses, and interviewed eight applicants on November 15, 2017. From these interviews, the Commission chose four artists to create design maquettes (a sculptor’s preliminary model or sketch).

### **2018**

Maquettes were presented to the Commission at the April 18, 2018 Commission meeting.

Per City Manager recommendation and City Council approval, an ad hoc committee (“Committee”) consisting of two City Council Members and two Arts Commissioners was formed in June 2018.

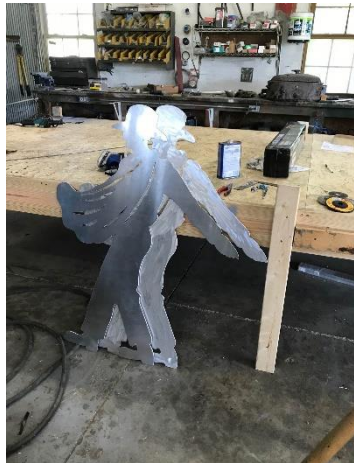
The Committee met to further review artists, designs and site locations. They continued dialogue with three artists – Douwe Blumberg, Seth Palmiter and Davis McCarty. The Committee focused on three locations – Balfour Bypass median, Sand Creek in front of Streets of Brentwood, and Brentwood Boulevard alongside the Police Department. Ultimately, the Committee paired Douwe’s design with the Brentwood Boulevard site; Seth Palmiter with the Balfour Road site; and Davis McCarty with the Sand Creek site (Davis McCarty later withdrew his project in September 2019).

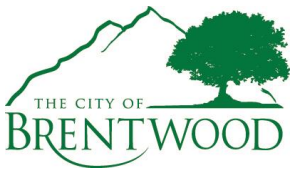
### **2019**

On August 13, 2019, Council approved an Artist Services Agreement with Douwe for the Public Art Spaces project on Brentwood Boulevard called “Fields of Time,” which represents Brentwood’s agricultural heritage.

### **2020**

Douwe provided the below pictures showing his progress on the fabrication of metal silhouettes for the monument.





Thereafter, the COVID Pandemic presented a number of challenges including shelter in place orders, supply chain issues, and labor shortages all impacted progress on this project. Following the unprecedented pandemic there were more challenges including inflation issues such as rises in costs of materials, supplies, transportation, and labor. Fortunately some materials and components of the monument were purchased and fabricated before the inflation impacts, but most costs associated with this project have risen. Attachment 4 shows how cost for the FOT monument have changed.

### **2023**

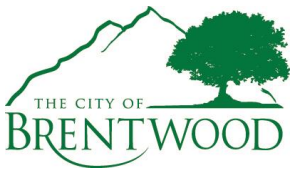
In an effort to get the project back on track, City staff reached out to Douwe to review the scope of services of his agreement. During those discussions it was determined that the original agreement would need to be amended in order to complete the project.

On June 21, 2023 the Commission reviewed an updated budget provided by Douwe, and discussed amending the agreement to increase the compensation because of an increase in material, labor, and project cost; and the Commission unanimously voted to recommend an amendment to the City Council.

As discussion with Douwe continued, and the specifics of installation of the monument were discovered, it was determined that in order to comply with California construction law requirements (including prevailing wages), the scope of the agreement had to be amended. This included having the City take on the obligations of installing the monument.

City staff worked with Douwe to review and approve the structural and site plans. They also worked with Douwe to amend the scope, so that the project could move forward. The amendment to the agreement is attached as Amendment 5, and highlights of the changes include:

- A decrease in the overall compensation to Douwe for the project
- The City's assumption of the public works aspects of the installation of the monument, following delivery of the monument's parts by Douwe
- An updated payment schedule, including key milestones for the project



- Revisions to the agreement term so that the project is completed no later than December 31, 2025, or when the project is finished (whichever is sooner)

The proposed amendments to the agreement will allow the artist to complete and deliver the monument, and for the City to take on the responsibilities and comply with the legal requirements, to have the monument installed. Any contract(s) for installation of the monument will be brought to the City Council for approval at a future meeting.

### **CITY COUNCIL STRATEGIC INITIATIVE**

Focus Area 5 Parks and Recreation Services: Goal 3 Enhance cultural and performing arts opportunities for Brentwood.

### **PREVIOUS ACTION**

Previous Action by the City Council is included on Attachment 1.

### **DATE OF NOTICE**

Not Applicable.

### **ENVIRONMENTAL DETERMINATION**

Not Applicable.

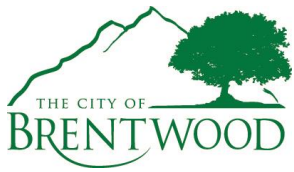
### **ALTERNATIVE OPTION(S)**

Alternative Options to the Staff Recommendation:

1. Do not approve staff's recommendation. If this action is taken, the original budget and current agreement with the artist would not be sufficient to complete the project. With the agreement being more than 4 years old and not having an expiration or set dates for continual progress, it would be difficult to move forward and/or complete this project.
2. Continue item with direction for staff to return with additional information.

### **ATTACHMENT(S)**

1. Attachment 1 Previous Action



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2. Attachment 2 Rendering and Scale: Fields of Time
3. Attachment 3 CIP Sheet: Project 337-37244
4. Attachment 4 Fields of Time Budget History
5. Attachment 5 Amendment 1
6. Attachment 6 Resolution