

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

TITLE/RECOMMENDATION

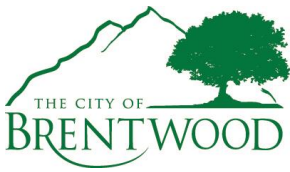
Staff is recommending the City Council 1) provide direction to City Staff on updating the "Fields of Time" ("FOT") monument figures; 2) adopt a resolution approving and authorizing the City Manager or designee to execute an amendment to the agreement with Douwe Blumberg for the FOT; and 3) amend the FY 2024/25 – 2028/29 Capital Improvement Program for the Public Art Spaces Capital Improvement Program (CIP) #337-37244 ("Project" or "Public Art Spaces Project").

FISCAL IMPACT

The Public Art Spaces Project is included in the adopted 2024/25 – 2028/29 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 ("Douwe"). 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 the 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 go out to bid 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 plus a 10% contingency. Further, if the recommendations included in this staff report are approved, an amendment of the existing agreement with Douwe Blumberg would be necessary to increase compensation to the artist by as much as \$12,655, to a not to exceed total compensation of \$187,655 plus a 10% contingency,



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to cover the additional expenses incurred for changes authorized by Council (this amount also reflects a deduction by Douwe of \$8,750 for having the City handle the public works aspects of the FOT, as well as cover the increase in material costs incurred due to COVID).

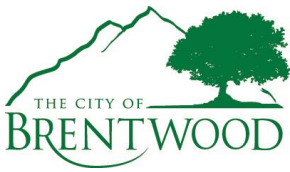
There is sufficient total budget in the Project to cover the overall costs of the FOT monument, including the artist agreement (and amendment), and installation expenses (artist compensation \$187,655 plus a 10% contingency, and estimated installation cost of \$50,750 plus a 10% contingency). Any contract(s) awarded for the FOT installation will be brought to the City Council for consideration of approval at a future meeting. Including contingencies, the overall cost of the FOT art monument would be \$262,246, an increase of \$70,246 over the original costs. Attachment 4 to the staff report, comprised of two documents labeled as Fields of Time Project and Budget History, summarizes the changes in FOT monument costs over time. As presented in Attachment 3, Amended CIP Sheet, staff is recommending the Project expenditure budget be amended for timing changes and to designate the Project a multi-year project, with no increase to the overall Project budget.

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. After completing the close of the City's financial statements, the fund balance in the Public Art Acquisition Fund is projected to be \$2,961,202 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. 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 Douwe's custom metal designed silhouettes. This monument will be located on Brentwood Boulevard, at the Brentwood Police Station.



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In 2019, City Council approved an agreement with Douwe for \$175,000, with the agreement including designing, fabricating, and installing the monument. A range of challenges and project delays occurred between 2020-2023 (Attachment 4 Fields of Time Project and Budget History), and City Staff and Douwe have been in communication since 2023, with both parties motivated to restart and complete this monument.

As discussion with Douwe continued, specifics of installation of the monument needed to comply with California construction law requirements (including prevailing wages), and 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. A draft of the amendment to the agreement is attached as Attachment 5, with highlights of the changes including:

- A change 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)

At the June 11, 2024 City Council meeting, Council directed City Staff to work with the artist on an updated proposal and scope of work to be brought back to the Council for approval, specifically in regards to the gender of figures included in the monument. Douwe was able to provide a number of renderings and options to update the monument. Costs for the renderings and options chosen will be included in the final amendment (Attachment 4). Below is a table showing the options and costs provided from Douwe (Attachment 2 references the hoops of the figures):

Artist renderings of proposed changes	Monument Era	Cost	Notes
	Modern	\$5,000	Changes to Head and Torso of original figure only

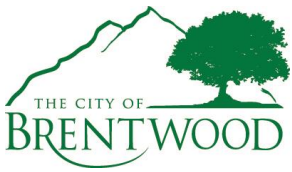
	Early	\$8,000	Remake the entire figure
	Middle	\$8,000	Remake the entire figure

The original budget for this monument (including contingency) was \$192,500 in 2019. If all changes to the monument are approved and accepted, the estimated budget for this monument will be \$262,246. The monument is one of the projects included in the Public Art Spaces Capital Improvement Program (CIP) #337-37244. Because of the delays to the project as noted above, staff is recommending amending the CIP #337-37244 to be a multi-year project to include changes in the budget and timeline of this project.

Due to the timing of when these renderings were received, City staff was able to present these items to the Arts Commission on July 17, 2024. Following discussion, the Arts Commission recommended to the City Council to remain with the original design approved in 2019 and fabricated completely in 2020 based on the desire to continue with the monument as originally recommended and approved by previous Arts Commissions and City Council, that the project location was chosen due to high vehicle traffic as an entry point into the City (as opposed to a monument that people walk up to) impacting details that can be seen (when driving by the monument), and the fiscal impact of making changes to the project that already experienced delays and rising costs.

However, if any changes were to be made by the City Council, the Arts Commission discussed and a made a motion to recommend to City Council that the figure from the "Middle Era" be changed to option "J". The Arts Commission noted that many of the other options presented would be difficult to be noticed or recognized unless a person went out of their way to park their car and walk up to the monument.

Tonight, City Staff recommends the City Council receive, discuss, and provide direction on:



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- 1) Artist renderings of proposed changes (and associated costs) to the FOT monument (to be included in Amendment #1 to Artist Agreement with Douwe Blumberg)
- 2) Adopting a resolution approving and authorizing the City Manager or designee to execute an amendment to the agreement with Douwe Blumberg for the FOT project
- 3) Amending the FY 2024/25 – 2028/29 Capital Improvement Program, Public Art Spaces Capital Improvement Program (CIP) #337-37244, to be a multi-year project and change project expenditure timing per Attachment 3.

Any construction 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.

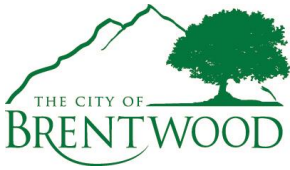
ENVIRONMENTAL DETERMINATION

Not applicable.

ALTERNATIVE OPTION(S)

Alternative Options to the Staff Recommendation:

1. Do not approve staff's recommendation in regards to the updated artist renderings, the resolution for the amendment to the artist agreement, and/or amendment to the CIP #337-37244 project. If this action is taken, the project would not proceed without a decision on the updated figure renderings, impacting the ability to amend the artist agreement. The original budget and current agreement with the artist would not be sufficient to complete the project. With the agreement not having an



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- expiration or specific milestones for continual progress, it would be difficult to advance and/or complete this project.
2. Consider and approve any of the "updated" figure rendering options provided by the artist. If this action is taken and a resolution is passed to amend the artist agreement and amend the CIP #337-37244 project, City Staff can move forward with the project with Douwe once the amendment to the artist agreement is executed.
 3. Continue item with direction for staff to return with additional information.

ATTACHMENT(S)

1. Attachment 1 Previous Action
2. Attachment 2 Renderings: Fields of Time Figures
3. Attachment 3 Amended CIP Sheet: Project 337-37244
4. Attachment 4 (two attachments) Fields of Time Project and Budget History
5. Attachment 5 Amendment 1 DRAFT
6. Attachment 6 Resolution