

Resolution No. 2018-182 N.C.S.  
of the City of Petaluma, California

**AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL  
SERVICES AGREEMENT WITH DAVID BEST FOR PUBLIC ART SERVICES  
FOR A PUBLIC ART COMMISSION ON THE LYNCH CREEK TRAIL AT  
LAKEVILLE ST. AND THE PETALUMA RIVER**

**WHEREAS**, on June 17, 2013, the City Council of the City of Petaluma adopted the Petaluma Public Art Master Plan (Resolution 2013-064 N.C.S.), created by the Petaluma Public Art Committee with consultant Chandra Cerrito/Art Advisors LLC; and

**WHEREAS**, the Petaluma Public Art Master Plan includes detailed recommendations for enhancing Petaluma's public art program, including the identification of sites for future public art projects on public property; and

**WHEREAS**, the Petaluma Public Art Master Plan identifies Pedestrian and Recreational Pathways, including the Lynch Creek Trail, as sites, for future public art on public property, and the City of Petaluma may implement a public art project on public property using the Public Art Fund as outlined in the Public Art Master Plan; and

**WHEREAS**, on February 9, 2017, the Water Street Public Art Selection Panel reviewed all complete Request for Qualifications submissions and invited six (6) finalists for subsequent interviews, and on April 12, 2017 and April 18, 2017, the Selection Panel interviewed those six (6) finalists and after continued deliberation recommended (2) artists, David Best of Petaluma and Brian Goggin of San Francisco, to the Petaluma Public Art Committee; and

**WHEREAS**, at a special meeting on May 31, 2017, the Petaluma Public Art Committee interviewed David Best and Brian Goggin, and ultimately selected Brian Goggin as the project finalist for recommendation to the City Council for consideration of contract award through a Professional Services Agreement; and

**WHEREAS**, also at their special meeting on May 31, 2017 the PPAC invited David Best to work with the committee to explore locations for a site-specific art commission; and

**WHEREAS**, on June 22, 2017 the PPAC selected David Best for a public art commission at a site to be determined and appointed a subcommittee to work with the artist to select an appropriate site; and

**WHEREAS**, on August 22, 2017 the subcommittee visited potential sites, including the Lynch Creek Trail site; and

**WHEREAS**, at their regular meeting of August 24, 2017 the PPAC authorized payment of a title report for the City owned site along the Lynch Creek Trail at Lakeville Street as the preferred site and to identify any easements or other restrictions on the property; and

**WHEREAS**, at their regular meeting on January 25, 2018 the PPAC approved a \$75,000 budget for the David Best public art commission; and

**WHEREAS**, the subcommittee has continued to meet with David Best to evaluate the site and clarify design, timeline, and budget for the public art commission; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:**

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. The Petaluma Public Art Committee recommended David Best (“the artist”) for contract award for a site specific public art commission based on his strong artistic merit, extensive experience creating artworks in public spaces, and demonstrated interest in and understanding of Petaluma as evidenced by his participation in the Water Street Public Art RFQ process and subsequent collaboration with the appointed subcommittee.
3. Based on its review of the entire record herein, including the December 17, 2018 City Council staff report, all supporting, referenced, and incorporated documents and all comments received and foregoing findings, the City Council hereby authorizes the City Manager to execute the Professional Services Agreement, attached hereto as **Exhibit A**, with David Best for Public Art Services for a public art commission in an amount not to exceed \$75,000.00 for a two phase scope of work and a two (2) year term terminating December 17, 2020, with a possible one year one time extension, upon provision of certificates of insurance and other required documentation acceptable to the City Attorney and City Risk Manager.

Under the power and authority conferred upon this Council by the Charter of said City.

**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 17<sup>th</sup> day of December 2018, by the following vote:

Approved as to  
form

City Attorney

**AYES:**

Albertson; Barrett; Mayor Glass; Vice Mayor Healy; Kearney; King; Miller

**NOES:**

None

**ABSENT:**

None

**ABSTAIN:**

None

**ATTEST:**

  
City Clerk

  
Mayor

## CITY OF PETALUMA SCOPE OF SERVICES

David Best  
2965 Sonoma Mountain Rd.  
Petaluma, CA 9454  
707-540-3122  
bestart@earthlink.net  
mlr707@earthlink.net

### PURPOSE

To create and install a site-specific public art piece on the city owned parcel at the Lynch Creek Trail and Lakeville Street/Petaluma River (see attached project site map on Parcel Report APN 007-071-007).

### BACKGROUND

The Petaluma Public Art Master Plan (PAMP), adopted by the City Council through Resolution 2013-064 N.C.S., includes detailed recommendations for enhancing Petaluma's public art program. According to the PAMP, the City of Petaluma's public art program is committed to enhancing the appearance and cultural richness of the City by incorporating works of art into public spaces and fostering art within public view or access in private developments. The public art program encourages the use of art to celebrate the City's rich history, its significant environmental assets, and the diversity of its community as well as to salute creativity, innovation, and artistic excellence. Among other things, the PAMP identifies sites for future public art projects on public property using monies from the public art fund.

On April 18, 2017, the Water Street Public Art Selection Panel recommended two artists for final selection by the Public Art Committee. The two finalists recommended to the PPAC were David Best of Petaluma and Brian Goggin of San Francisco. On May 31, 2017 the PPAC interviewed both artists and selected Brian Goggin for the Water Street Public Art project.

The PPAC expressed a shared admiration of David Best's artwork and his ability to engage local and aspiring artists as part of the design and development process. Although not ultimately selected for the Water Street Public Art commission, the PPAC invited David Best to explore commissioning a piece of art at an alternative site identified in the PAMP.

David Best is an internationally acclaimed artist well known for building large elaborate temples, modifying and decorating automobiles and buses, and creating intricate sculptures out of found materials. Best's art career started at the age of 6 years old taking classes at the San Francisco Art Institute where he later received a master's degrees in sculpture. His work is collected by preeminent museums and art collectors.

Best and the Temple Crew (fabricators and project contributors) have become revered for their work at Burning Man Festival held in Nevada's Black Rock Desert. Similar works have been replicated in communities from Nepal to Ireland with more in planning. Recent exhibits include Smithsonian (2018-2019), Paradise Ridge Winery (concurrent), San Francisco's Hayes Valley, and Sacramento Transit Station, a project recognized by Public Art Network Year in Review (2015), American's for the Arts. On November 20, 2018, Blomberg Philanthropies announced David Best as one of five internationally acclaimed artists who will work on a \$1,000,000 commission for public art focused on healing after gun violence in Coral Springs, Florida.

## **SCOPE OF SERVICES**

Under this contract, David Best will design, fabricate, and install a site-specific public art project for the City of Petaluma on the city owned parcel on the Lynch Creek Trail at Lakeville St. and the Petaluma River. The project is expected to conclude at the end of 2019. The contract with the artist will be broken into two distinct phases with separate approvals by the Council to ensure consideration after public outreach and preliminary design and before final design, fabrication, and installation.

## **PHASE 1**

### **TASK 1: RESEARCH & OUTREACH**

#### **Task 1A: Research Project Site.**

The Artist in concert with city staff and PPAC subcommittee members began research in summer 2017 for the site selection. A title report has been obtained to document the context and restrictions of the city owned parcel. Research will continue with city staff to determine useable space for the commissioned artwork based on river wall plans and location of potential electrical outlets. The artist's personal research process will also involve one-on-one meetings with members of the public and surrounding business owners.

#### **Task 1B: Develop 3 Draft Site-Specific Concept.**

Based on Mr. Best's research, he will develop three site-specific concepts for review at a public meeting.

#### **Task 1C: Community Outreach and Stakeholders.**

In addition to his personal research process involving one-on-one meetings with members of the public and surrounding business owners, the Artist will lead a two-day community meeting. The community meeting will involve inviting all interested community members to participate by sharing perspectives on the three draft art concepts. The Artist will ask attendees to share impressions of important aspects of the project site and site concerns. The Artist will work with PPAC and staff to advertise the public meetings and other outreach opportunities.

The community meeting will be held on location at Lynch Creek Trail at Lakeville Street. To maximize public input the meeting will be held over two days. The Artist will share his three preliminary concepts with community members, stakeholders, and PPAC and they will have an opportunity to engage the artist, share their concerns and /or preferences with the concepts. Attendees will be encouraged to write their impressions and concerns on comment cards to be collected and tabulated by staff. On both days, the Artist will be available on-site for a minimum of one and a half hours.

### **TASK 2: DEVELOP DRAFT SITE-SPECIFIC CONCEPT**

#### **Task 2A: Develop Draft Site-Specific Concept.**

Based on feedback received under Task 1, the Artist will develop a draft public art concept for review by the PPAC, City, and stakeholders as outlined below.

#### **Task 2B: Review Draft Concept with City Representatives.**

The Artist will meet with the City's Development Review Committee to receive feedback from relevant city departments about the revised design within the context of the site. Based on feedback from various departments, the Artist will revise the concept to conform to site-specific development limitations (e.g., materials, placement, and size) and ask any questions related to the site or project prior to developing the final draft public art concept.

**Task 2C: Revise Draft Concept.**

Revise draft site-specific concept as needed per PPAC/City/Stakeholder input.

**Task 2D: Community Outreach and Stakeholders.**

The artist will present the revised concept at a PPAC meeting for comments as well as receive any comments from members of the public participating in the meeting. A recommendation from the PPAC and the revised draft concept will be presented to the City Council for consideration and approval of Phase 2 of the contract.

**PHASE 2**

**TASK 3: DEVELOP FINAL SITE-SPECIFIC CONCEPT**

**Task 3A: Develop Final Site-Specific Concept.**

Finalize the site-specific concept as necessary based on input gathered at the Public Art Committee Meeting or otherwise. Final art concept shall be reviewed by the PPAC prior to commencing permitting, fabrication, and installation.

**Task 4: PERMITTING, FABRICATION, AND INSTALLATION**

**Task 4A: Construction Permitting.**

Provide to-scale construction documents accompanied by either a 3D rendering or model (if applicable) and obtain necessary permits to install the public art piece(s) (e.g., encroachment permit).

**Task 4B: First ½ of Fabrication.**

Fabricate public art piece within the agreed upon time frame to approximately 50% completion.

**Task 4C: Second ½ of Fabrication.**

Fabricate public art piece within the agreed upon time frame to 100% completion.

**Task 4D: Site Prep and Installation.**

Install the public art piece within the agreed up on time frame.

During all stages included in overall Task 4, Artist may utilize subcontractors, in accordance with the relevant terms of the Professional Services Agreement.

**Task 5: COMPLETION**

**Task 5A: Unveiling Ceremony.**

Attend a public ceremony to unveil the art piece upon installation.

**EXPECTED TIMEFRAME & BUDGET**

<b>DELIVERABLE</b>	<b>EXPECTED TIMEFRAME</b>	<b>COST</b>
<b>Phase 1 Contract</b>		
<b>1. RESEARCH &amp; OUTREACH</b>		
1A) Research Project Site	January 2019	\$5,000
1B) Develop 3 Draft Site-Specific Concept	February - March 2019	included
1C) Community Outreach and Stakeholders	March 2019	included
<b>2. DEVELOP DRAFT SITE-SPECIFIC CONCEPT</b>		
2A) Develop Final Site-Specific Concept	March - April 2019	\$5,000
2B) Review Draft Concept with City Representatives	April – May 2019	included
2C) Revise Draft Concept	April – May 2019	included
2D) Community Outreach and Stakeholders	April – May 2019	included
<b>Phase 2 Contract</b>		
<b>3. DEVELOP FINAL SITE-SPECIFIC CONCEPT</b>		
3A) Revise Final Concept	May – June 2019	\$5,000
<b>4. PERMITTING, FABRICATION, &amp; INSTALLATION</b>		
4A) Construction Permitting	June 2019	\$10,000
4B) First ½ of Fabrication	June – August 2019	\$20,000
4C) Second ½ of Fabrication	June - August 2019	\$20,000
4D) Site Prep and Installation	June - August 2019	\$10,000
<b>5. COMPLETION</b>		
5A) Unveiling Ceremony	August - October 2019	included
	<b>TOTAL</b>	<b>\$75,000<sup>1</sup></b>

1. The all-inclusive award amount is \$75,000 for the artwork. This budget includes artist fees, design fees, travel expenses, all materials and fabrication cost, lighting, insurance costs, site-preparation costs, traffic control costs, engineering expenses, shipping and transportation to site, installation, any applicable permit fees and taxes, any costs associated with the development of a site-specific concept, and any other expenses related to the design including fabrication and installation. The artwork and all rights to it shall be owned by the City of Petaluma.