



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 03/22/2022

REQUESTER: Elisabeth E. Muckala, Asst. City Atty.

PRESENTER: Elisabeth E. Muckala, Asst. City Atty.

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT OR POSTPONEMENT OF AMENDMENT NO. ONE TO CONTRACT K-1516-132: A SERVICES AGREEMENT BETWEEN THE CITY OF NORMAN, THE NORMAN MUNICIPAL AUTHORITY, AND THE NORMAN ARTS COUNCIL, ADDING THE JAMES GARNER EXTENSION PROJECT TO THE LIST OF PUBLIC ART PROJECTS AND ADDING THE NORMAN MUNICIPAL AUTHORITY AS A PARTY FOR THAT PROJECT.

BACKGROUND:

The City of Norman and the Norman Arts Council (NAC) have partnered in projects to install art in public places within the City of Norman. Through this partnership, the NAC purchases art pieces, and the City provides a location for the piece(s) within public spaces owned by the City of Norman.

With the adoption of Norman Forward, the City committed to expend an amount not to exceed 1% of the aggregate construction costs of major facilities and community parks improvements costs on public art at those facilities and parks. Because of the City's positive relationship with the NAC and the NAC's commitment to the sense of community fostered by public art, the NAC agreed to expand the partnership with the City of Norman to assist with the selection, location, and installation of public art purchased with Norman Forward sales tax revenue. The terms of this proposed partnership were discussed at the City Council Conference of February 9, 2016 and at the Norman Forward Citizen's Financial Oversight Committee meeting of March 28, 2016.

A Services Agreement was approved on April 12, 2016 by the City Council to establish the terms of this partnership. Under the terms of the Services Agreement, Contract K-1516-132, the NAC serves as the administrator for the selection, location, and installation of public art purchased with Norman Forward sales tax funds. The NAC works cooperatively with the City to recommend appropriate works of art for selected facilities and sites paid for with Norman Forward funds.

The NAC administers the selection of public art through four phases. The first phase, Project Development, includes research by the NAC into similar projects at applicable locations such as libraries, parks, sports facilities, aquatic centers, and public pools. During Project Development, the NAC assembles a Project Team comprised of NAC members; community members with pertinent expertise; Norman Forward Ad Hoc Committee member(s); and Norman Public Arts

Board member(s). The City may choose to appoint a Councilmember and/or City Staff person to the Project Team.

Once the Project Team is assembled, the Team will evaluate public art opportunities; develop a project budget; create a Selection Panel for selection of the art work; and establish a timeline for each project. The Selection Panel may be different for each work of art, but the Panel may be made up of the following members: community stakeholders; design professionals; City Manager designee; and member(s) of the Norman Forward AD Hoc Committee.

The second phase is the Selection Process, including the following: project announcement and advertising; Selection Panel review of submissions as a “blind jury”; development of a finalist short list; mandatory site visits for selected finalists; final proposal presentations; selection of artist; and contract negotiation and approval. Once an artist is chosen, the NAC, through the City Attorney’s Office, will negotiate a contract with the chosen artist. City Council will then consider the contract for approval, and the artist shall complete the work of art according to the terms of his or her contract.

The third phase will be the Execution and Installation Process. During this phase, NAC will coordinate with the City for permitting and plan approvals; with the artist for fabrication and installation; and with either the City or the artist regarding any issues which might arise.

The last phase will be Public Engagement and Education. During this phase, once the work of art is complete, the NAC will design and install appropriate markers for the work of art as well as taking archival-quality audio, video, and/or photographs. The NAC will also work to generate public awareness and appreciation for each work of art through press releases, social media, and other appropriate channels. The NAC will also collaborate with City Staff regarding care and maintenance of each work of art.

Per the original Services Agreement, the City of Norman will fund public art installed at or as a part of Norman Forward sales tax funded projects up to 1% of construction costs for: Central Library, East Library, Indoor Sports Complex Facility, Indoor Aquatic Center, Westwood Recreational Complex, Ruby Grant Park, Andrews Park, Saxon Park, Reaves Park, and Griffin Park. These costs (the “Norman Forward Public Arts Funds” or “NFPAF”), aggregated together, are estimated to be \$1.2 million. Completed NFPAF installations include “Prairie Wind” at the East Branch Library; “Splash” at Westwood Complex; and “Unbound” at the Norman Public Library, Central Branch.

Of the NFPAF, at least 90% shall be allocated to: art selection, artist fees, fabrication, installation, and maintenance. The remaining amount, up to 10% of the total NFPAF, shall be paid to NAC as an administrative fee. As projects come forward, the City will make the administrative fee available to NAC. The NAC will submit quarterly reports detailing the progress made including funds received and expended.

The Services Agreement was for an initial one-year term and renews automatically for subsequent one year terms so long as Norman Forward revenues remain for the purchase and installation of public art.

DISCUSSION:

City Staff has engaged in conversations regarding the addition of a public art component to the James Garner Extension Project over an extended period of time. After vetting the options for doing so, City Staff reached a determination that adding the James Garner Extension Project to the City's partnership with NAC was the most viable option. NAC has agreed to extend its services under the Agreement to the James Garner Extension Project.

The James Garner Avenue Project will create a new entry into downtown and will help alleviate traffic on both Flood Avenue and Porter Avenue. The project is part of the Norman Forward sales tax approved by voters in 2015. The approved project scope consisted of an extension of James Garner Avenue, providing continuous travel from Acres Street north to Flood Avenue. Phase 1 of the Project widened and improved the intersection of James Garner Avenue and Acres Street, to coincide with the completion of the Norman Public Library, Central Branch. Phase 2 of the James Garner Avenue project completes the extension of James Garner Avenue from the northern limits of Phase 1, across Robinson Street with a new boulevard and bridge, and connects to Flood Avenue north of Robinson Street with a new modern roundabout. In addition to these street improvements, Legacy Trail is extended and reconfigured to provide improved pedestrian and bicycle access.

The plans for the addition of this project to the NAC partnership were presented to City Council on February 8, 2022. The plan includes the incorporation of specific design elements and bridge aesthetics into the construction of the project, as well as a particular allocation of \$200,000 of the James Garner Project funds to a public art piece, to be administered by the NAC. This \$200,000 in project funds for the art piece has resulted from other anticipated project savings.

Amendment No. 1 modifies the Services Agreement with NAC, Contract K-1516-132, in two main ways: (a) the James Garner Extension Project has been added as a project subject to the overall terms of the agreement (as outlined above); and (b) the Norman Municipal Authority has been added as a party for the James Garner Extension Project due to the potential for expenditure of NMA Sales Tax Revenue Bond proceeds, securitized by the Norman Forward Sales Tax revenue, on the James Garner project. The contact information for the parties has been updated due to passage of time since original adoption in 2016. Otherwise, no term of the original Services Agreement is altered by this Amendment.

Funds in an estimated amount of \$200,000 for this amendment to Contract K-1516-132 are available in the James Garner Widening Project, Construction (Account Number 51594405-46101; Project NFP109).

RECOMMENDATION:

Based upon the above and foregoing discussion, it is the staff recommendation that Council approve Amendment No. 1 to Contract K-1516-132, in order that NAC may administer the implementation of public art associated with the James Garner Avenue Extension Project.