



# City of Palo Alto

## City Council Staff Report

(ID # 12286)

---

**Report Type: Consent Calendar**

**Meeting Date: 6/14/2021**

**Summary Title: Contract Amendment with Charles Sowers Studios. LLC for JMZ Artwork**

**Title: Approval of Amendment Number 1 to Contract Number C19173445 With Charles Sowers Studios, LLC to Extend the Term of the Contract Through December 31, 2021 for the Fabrication and Installation of Artwork at the Junior Museum and Zoo**

**From: City Manager**

**Lead Department: Community Services**

### **Recommendation**

Staff recommends that Council approve amendment number 1 (Attachment A) to contract C19173445 with Charles Sowers Studios, LLC to extend the term of the contract through December 31, 2021 for the completion of the artwork at the Junior Museum and Zoo.

### **Background**

The Public Art Program launched an open call to artists for the Junior Museum and Zoo (JMZ) site in December 2016. The selection panel of key stakeholders met in April 2017 and recommended Charles Sowers as the project artist. Sowers was approved by the Public Art Commission as the project artist on May 18, 2017 and entered into a \$10,000 design contract funded by the Art in Public Places Capital Improvement Project (AC-86017). He met with the design team, toured the JMZ facility, held a public information meeting at the JMZ, and explored various concepts for the site. The feedback from the design team was that the artist should primarily focus on the entry to the building or the approach from Middlefield Road to draw visitors to the site. On October 20, 2017, Sowers met with the design team and key stakeholders to discuss three potential concepts to develop for the Junior Museum and Zoo project. The team agreed that his "pendulum swings" concept was the most compelling and aligned with the JMZ's science programming as well as drawing curious visitors to the facility. The design team and stakeholders felt strongly that this concept met and exceeded the goals set for the public art element. The Public Art Commission reviewed the concept and unanimously approved the pendulum artwork on November 16, 2017. The artist then developed that concept further, coordinating logistics of integrating artwork with the building in

cooperation with the architect and project engineer. City Council approved contract C19173445 with Charles Sowers Studios, LLC on October 1, 2018 ([Staff Report 9573](#)).

### **Discussion**

Artist Charles Sowers is nearing completion of the artwork at the Junior Museum and Zoo. The pendulums and pendulum frame were installed in 2020. The bumpers, flags, and lockout system were all installed in early 2021. The project was scheduled for completion in 2020, but the timeline and access to materials and equipment was severely impacted due to COVID-19. The final elements of the artwork are being fabricated and the braking system will take time to fine tune and make adjustments. The artists must complete this work and deliver final maintenance information in order to receive his final payment of 20% of the contract amount. An extension of the date is necessary for him to finish the braking system and develop the required maintenance documents and receive his final payment.

### **Timeline**

The project is expected to be fully completed prior to the opening of the Junior Museum and Zoo in fall 2021 and the maintenance documentation should be submitted to the City by the end of 2021.

### **Resource Impact**

The recommendation in this report is not anticipated to impact resources, it simply reflects an extension of the current contract term, 12 months, in alignment with the revised timeline for a fall 2021 facility opening. The funds for the artwork were transferred from the Friends of the Junior Museum and Zoo in October 2018 to the Art in Public Places capital project, AC-86017. The remaining balance of contract C19173445 is programmed in the Fiscal Year (FY) 2022 Proposed Capital Budget, Art in Public Places capital project. There is no change to the contract dollar amount of \$157,500.

### **Policy Implications**

Applicable Comprehensive Plan policies include:

Policy L-8.5 Recognize public art and cultural facilities as a community benefit. Encourage the development of new and the enhancement of existing public and private art and cultural facilities throughout Palo Alto. Ensure that such projects are compatible with the character and identity of the surrounding neighborhood.

Policy C-1.16 Provide arts, science and recreational activities that foster healthy children, youth and teen development.

Policy C-4.5 Expand the space available in the community for art exhibits, classes and other cultural activities, studios and galleries and other activities made possible by technical innovation, while maintaining and enhancing natural areas.

Policy C-1.4 Promote City parks, open spaces, recreational facilities, libraries, classes and cultural activities for community members recognizing that these facilities and services build and strengthen community.

### **Stakeholder Engagement**

Key stakeholders have been involved in the selection process and development of the artwork. Public meetings were held both with the Public Art Commission and a separate public meeting at the Junior Museum and Zoo to gather feedback.

### **Environmental Review**

The City Council adopted a resolution approving a mitigated negative declaration and mitigation monitoring and reporting program in accordance with CEQA for the new JMZ project on December 4, 2017 ([staff report](#) and [action minutes](#)).

#### **Attachments:**

- Attachment A: Contract C19173445 with Charles Sowers Studios, LLC; Amendment #1

**AMENDMENT NO. 1 TO CONTRACT NO. C19173445  
BETWEEN THE CITY OF PALO ALTO AND  
CHARLES SOWERS STUDIOS, LLC**

This Amendment No. 1 (this "Amendment") to Contract No.C19173445 (the "Contract" as defined below) is entered into as of June 14, 2021, by and between the CITY OF PALO ALTO, a California chartered municipal corporation ("CITY"), and CHARLES SOWERS STUDIOS, LLC., a California corporation, located at 732 Montecillo Road, San Rafael, CA 94903 ("ARTIST"). CITY and [CONSULTANT or CONTRACTOR] are referred to collectively as the "Parties" in this Amendment.

**RECITALS**

A. The Contract (as defined below) was entered into by and between the Parties hereto for the provision of fabricating and installing original artwork at the Junior Museum and Zoo, as detailed therein.

B. The Parties now wish to amend the Contract in order to extend the term of the contract by one year, from December 30, 2020 to December 30, 2021. The COVID-19 pandemic temporarily delayed work on this project.

NOW, THEREFORE, in consideration of the covenants, terms, conditions, and provisions of this Amendment, the Parties agree:

**SECTION 1. Definitions.** The following definitions shall apply to this Amendment:

- a. **Contract.** The term "Contract" shall mean Contract No. C19173445 between CONSULTANT and CITY, dated May 14, 2018.
- b. **Other Terms.** Capitalized terms used and not defined in this Amendment shall have the meanings assigned to such terms in the Contract.

**SECTION 2. Section 2. "TERM"** of the Contract is hereby amended to read as follows: "The term of this Agreement shall be from the date of its full execution through December 30, 2021 unless terminated earlier pursuant to Section 23 of this Agreement."

**SECTION 3. Legal Effect.** Except as modified by this Amendment, all other provisions of the Contract, including any exhibits thereto, shall remain in full force and effect.

**SECTION 4. Incorporation of Recitals.** The recitals set forth above are terms of this Amendment and are fully incorporated herein by this reference.

*(SIGNATURE BLOCK FOLLOWS ON THE NEXT PAGE.)*

*Vers.: Aug. 5, 2019*

**SIGNATURES OF THE PARTIES**

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Amendment effective as of the date first above written.

**CITY OF PALO ALTO**

**CHARLES SOWERS STUDIOS, LLC.**

City Manager

**Officer 1**

APPROVED AS TO FORM:

DocuSigned by:  
By:   
Name: Charles Sowers  
Title: President

City Attorney or designee

**Attachments:** None