



## Legislation Details (With Text)

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**On agenda:** 5/25/2023      **Final action:** 5/25/2023

**Title:** Actions pertaining to the Caltrans Art Project at San Pablo Park at State Route 180 and Belmont Avenue (Council District 3):

1. \*\*\*RESOLUTION - Adopt the 42nd Amendment to the Annual Appropriations Resolution No. 2022-154, in the amount of \$648,600, to allow the San Pablo Park - Caltrans Art project to move forward with the execution of project-related agreements (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)
2. Approve the Transportation Art Agreement - Clean California Beautification Fund Contribution between the City of Fresno and California Department of Transportation (Caltrans), in the amount of \$675,000 for project management, contract administration and procurement of transportation art on behalf of Caltrans
3. Affirm the City Manager's determination that Fresno Arts Council is uniquely qualified
4. Approve the Agreement between City of Fresno and Fresno Arts Council, Inc. of Fresno CA, a uniquely qualified consultant, in the amount of \$642,600 for procurement of transportation art on behalf of the City of Fresno

**Sponsors:** Public Works Department, Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. 23-757 42nd Amendment to AAR No. 2022-154, 2. 23-757 Agreement 1 (Fresno - Caltrans), 3. 23-757 Agreement 2 (Fresno - FAC), 4. 23-757 Uniquely Qualified Memo, 5. 23-757 Vicinity Map

Date	Ver.	Action By	Action	Result
5/25/2023	1	City Council	APPROVED	Pass

## REPORT TO THE CITY COUNCIL

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Department of Public Utilities, Solid Waste Management Division

## SUBJECT

Actions pertaining to the Caltrans Art Project at San Pablo Park at State Route 180 and Belmont Avenue (Council District 3):

1. \*\*\*RESOLUTION - Adopt the 42nd Amendment to the Annual Appropriations Resolution No.

2022-154, in the amount of \$648,600, to allow the San Pablo Park - Caltrans Art project to move forward with the execution of project-related agreements (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

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3. Affirm the City Manager's determination that Fresno Arts Council is uniquely qualified

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## RECOMMENDATIONS

Staff recommends the City Council (1) Adopt the 42<sup>nd</sup> Amendment to the Annual Appropriations Resolution No. 2022-154 (AAR), (2) Affirm the City Manager's Finding that the Fresno Arts Council is Uniquely Qualified (3) Approve the Agreement between City of Fresno and Fresno Arts Council, Inc. of Fresno CA (Agreement 2) in the amount of \$642,600, and (4) Approve the Transportation Art Agreement - Clean California Beautification Fund Contribution (Agreement 1) between the City of Fresno (City) and California Department of Transportation (Caltrans), in the amount of \$675,000 and authorize the Public Works Director or designee to sign the final agreements that substantially conform to the Council-approved Agreement 1 and Agreement 2 (Agreements) and other related documents on behalf of the City.

## EXECUTIVE SUMMARY

As a coordinated component of the State-led, Caltrans Art Project at San Pablo Park at State Route 180 and Belmont Avenue, the City of Fresno Department of Public Works is proposing the installation of transportation art within Caltrans' right-of-way (ROW), on twenty (20) columns of the existing overpass at San Pablo Park. The City will enter into a contract with Caltrans for management, contract administration, and procurement of transportation art for the Caltrans Art Project at San Pablo Park, located at State Route 180 and Belmont Avenue, as part of the Clean California Local Grant Program (CCLGP). The City will subcontract with the Fresno Arts Council (FAC) for procurement of the transportation artwork on behalf of Caltrans.

The proposed action will facilitate continued coordination with Caltrans and FAC, to procure the transportation art within the necessary timelines of the Caltrans Project. Agreement 1 and Agreement 2, for \$675,000 and \$642,600 respectively, are fully funded through the State of California's CCLGP. The final Agreements will be reviewed and approved by the City Attorney's Office prior to execution.

## BACKGROUND

The CCLGP is part of the \$1.1 billion Clean California Initiative, a program created to assist Caltrans in beautifying underserved communities and addressing the continuous trash generation overwhelming California's public spaces by beautifying and cleaning up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces. The Clean California Beautification Fund (CCBF) provides the funding for the CCLGP as part of the Clean California Initiative.

Caltrans contacted the City in December 2022 and requested assistance in managing the proposed

Project. Caltrans proposed a pass-through funding transportation art project using a CCBF contribution and requested the City manage, administer the Project, and procure transportation art on behalf of Caltrans. City staff recommend Council approval of the attached agreements with Caltrans and FAC in order to facilitate the Project.

The Project will install transportation art within Caltrans' right-of-way (ROW), on twenty (20) columns of the existing overpass adjacent to San Pablo Park, located at State Route 180 and Belmont Avenue. The Project improvements would be consistent with the vision of the Downtown Neighborhoods Community Plan as previously adopted by the Council.

The City will manage, administer the Project, and procure transportation art on behalf of Caltrans. The City will subcontract with FAC for procurement of the transportation art.

The AAR will appropriate Project funding and allow the Project to progress to implementation, Agreement 1 will allow the City to receive CCLGP pass-through funding from Caltrans, and Agreement 2 will allow FAC to procure transportation art on behalf of the Caltrans.

Staff determined that FAC is uniquely qualified for the procurement of transportation art for the project. FAC is a 501(c)3 non-profit arts organization that provides financial support services and other programs to a variety of cultural art organizations, individual artists, and diverse communities throughout Fresno County. FAC is currently the City's consultant for a mixed media mosaic mural design titled "You Have Arrived" at the Fresno Yosemite International Airport.

FAC is knowledgeable of qualified artists at both the local and state level and has successfully prepared and facilitated the selection process for public art projects and installations in cooperation with the City of Fresno, the County of Fresno, and the State of California. FAC was chosen by the City Council in 2020 to administer the Fresno Arts and Culture Emergency Relief Grant Program at the beginning of the pandemic. The organization's relationship with the arts community and its experience with a variety of public art projects makes FAC uniquely qualified to perform the consulting work for the project, and the City Manager approved a Uniquely Qualified Memorandum, dated February 2, 2023.

The City and Caltrans are nearing the conclusion of negotiations for Agreement 1 and have informally agreed to the proposed fees. The final agreement will substantially conform to the Council-approved Agreement 1 and will be reviewed and approved by the City Attorney prior to execution.

The City and FAC are nearing the conclusion of negotiations to add traffic control services to Agreement 2, in addition to the procurement of transportation art. The City anticipates the need to increase FAC's fee to account for the additional traffic control services to be provided. The final agreement will substantially conform to the Council-approved Agreement 2 and will be reviewed and approved by the City Attorney's Office prior to execution.

Staff recommends the City Council adopt the AAR, approve Agreement 1 between the City of Fresno and Caltrans, in the amount of \$675,000, approve Agreement 2 Between City of Fresno and Fresno Arts Council, of Fresno CA, in the amount of \$642,600, and authorize the Public Works Director or designee to sign the final agreements that substantially conform to the Council-approved Agreements and other related documents on behalf of the City.

City Council's approval of the Agreements and authorization of the Public Works Director or designee

to sign final agreements that substantially conform to the Council-approved Agreements will allow the project to move forward without delay and meet the CCLGP funding deadline.

The City Attorney's Office has reviewed and approved the Agreements as to form.

## **ENVIRONMENTAL FINDINGS**

Based upon the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this item does not qualify as a "project".

## **LOCAL PREFERENCE**

Local preference was not implemented because this project uses state funding.

## **FISCAL IMPACT**

The Project is fully funded by a CCBF contribution, as part of the CCLGP. Approval of the AAR and Agreements and authorizing the Public Works Director or designee to sign final agreements that substantially conform to the Council-approved Agreements, will have no impact to the General Fund. The Agreements are unaccounted for in the Project budget and funding allocated to the Project. Approval of the AAR is needed to fund the encumbrance of the agreement funds in FY2023. The project is located within Council District 3.

Attachment(s):

42<sup>nd</sup> Amendment to AAR No. 2022-154

Agreement 1 (Fresno - Caltrans)

Agreement 2 (Fresno - FAC)

Uniquely Qualified Memo

Vicinity Map