



Executive Director's  
Report to the  
Board of Harbor Commissioners

**DATE: MARCH 28, 2013**

**FROM: ENGINEERING**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH MARK DION STUDIOS, INC. FOR PUBLIC ART WITHIN THE LA WATERFRONT DOWNTOWN HARBOR PROJECT**

**SUMMARY:**

The City of Los Angeles Harbor Department (Harbor Department) recommends the approval of the Agreement with Mark Dion Studios, Inc. (Artist), 601 West 17<sup>th</sup> Street, No. 67, New York, New York, to fabricate and install public art for the Downtown Harbor Project site. The Agreement is for a term of one year from the effective date in the amount of \$225,000 for an installation entitled "The Ship's Chandler's Shack."

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that in accordance with the City Charter Section 1022, work under the subject agreement can be performed more feasibly by an independent contractor rather than by City of Los Angeles (City) employees;
2. Approve the personal services agreement with Mark Dion Studios, Inc. for a term of one year for \$225,000;
3. Authorize the Executive Director to execute and the Board Secretary to attest said Agreement for and on behalf of the Board; and
4. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background and Context – In keeping with the Harbor Department's goal of promoting public art, a public art piece in the form of a "Ship's Chandler's Shack" from renowned artist Mark Dion is being installed as part of the Downtown Harbor Landside Improvements Project.

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The City has a requirement that 1% of the construction cost of all buildings be dedicated to public art and paid to City's Department of Cultural Affairs. In lieu of paying these fees, the Harbor Department elected to fund and include the Public Art into the LA Waterfront Projects. Public Art is an important part of the LA Waterfront Program as these Projects serve the community and the Art work stays within the LA Waterfront.

The Harbor Department and an Art Program Manager developed a Public Art Master Plan which details the process of acquiring public art for Waterfront Program Projects through an Art Selection Panel as presented to the Board in 2005. The Art Selection Panel, comprised of local art experts, is an independent committee that utilizes various methods in selecting the artists and art pieces that will complement the LA Waterfront Projects.

The initial selection process in 2005 was an outreach in the form of 'Call for Artists' in which several artists (such as Carl Chang and Harold Green) were selected and their art has been included in completed LA Waterfront projects. Based on the knowledge and experience from this earlier outreach, the 2008 art selection panel made up of Nathan Birnbaum, Jan Govaerts, Dennis Keely, Suzanne Matsumiya, Linda Day and Muriel Olguin; decided on the direct selection method in which direct solicitation and commissioning of a renowned artist is common practice in the art industry. The Art Selection Panel limited the evaluation to the following artists: Fran Siegel (San Pedro), Fritz Haeg, (Los Angeles) and Mark Dion (New York) for the Downtown Harbor Project. The reputation and recognition of Mark Dion in the international art world preceded him and was unanimously approved by the art selection committee.

Mark Dion met with the Harbor Department to develop an art concept that is consistent with the Downtown Harbor Landside Project. Upon researching historic photographs the artist developed the concept of a Ship's Chandler's Shack which will serve as a snap shot of a bygone era (Transmittal 2). The Harbor Department and Art Program Manager presented the concept to the Board and the City of Los Angeles' Department of Cultural Affairs. The Department of Cultural Affairs approved the art piece, "The Ship's Chandler's Shack", on April 21, 2011.

The total cost of the proposed art installations is \$225,000 which is approximately 1% of the construction cost of the Downtown Harbor Landside Improvements project in which the low bid was awarded on December 12, 2012 for \$22,647,330.

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**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of a professional services agreement with Mark Dion Studios, Inc. for fabrication and installation of a public art piece at the newly constructed Downtown Harbor on the San Pedro Waterfront. As an activity involving the addition of an accessory structure, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article III Class 3 (6) of the Los Angeles City CEQA Guidelines.

**ECONOMIC BENEFITS:**

This Board action will have no direct employment impact for the five-county region.

**FINANCIAL IMPACT:**

Approval of the proposed Agreement commits the Harbor Department to fund the art in public places project in the amount of \$225,000. Funds for this Agreement are available to be expended in the amount of \$101,250 in the current fiscal year in Capital Budget Account No. 54290, Center No. 1183, Program No. 624, Work Order No. 24977. Funds in the amount of \$123,750 to round out the total cost of the \$225,000 art project will be requested to be budgeted in the Harbor Department's capital budget as part of the annual budget adoption process for FY 13/14.

Subsequent to completion of the art project the Harbor Department will fully pay for all expenses associated with maintenance of the commissioned artwork. Maintenance expenses are estimated at \$1000 per year.

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**CITY ATTORNEY:**

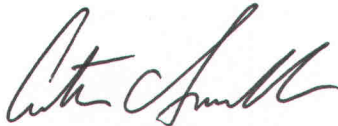
The Office of City Attorney has reviewed the agreement and approved it as to form and legality.

**TRANSMITTALS:**

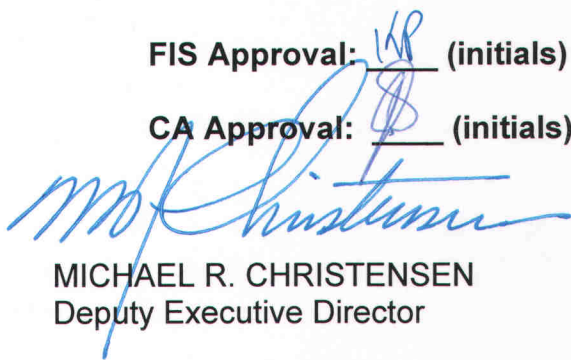
1. Agreement with Mark Dion Studios, Inc.
2. "The Chandler's Shack" Exhibit

FIS Approval:  (initials)

CA Approval:  (initials)

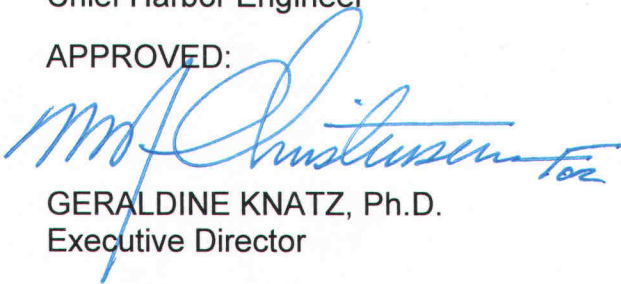


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APPROVED:



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