

ST. PETERSBURG CITY COUNCIL

Meeting of March 14, 2019

Report

TO: The Honorable Charles Gerdes, Chair, and Members of City Council

SUBJECT: (A) A resolution authorizing the Mayor or his designee to issue a notice to proceed with fabrication of the net sculpture in accordance with the Artist Agreement between the City of St Petersburg, Florida (“City”) and Janet Echelman, Inc. (“JEI”); approving a transfer in the amount of \$300,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889), resulting from donations from private persons and entities to fund the artwork, to the Arts in Public Places Fund (1901); approving a supplemental appropriation in the amount of \$300,000 from the increase in the unappropriated balance of the Arts in Public Places Fund (1901), resulting from the above transfer, to the Mayor’s Office Department, Office of Cultural Affairs (020-1777); authorizing payment to JEI in an amount not to exceed \$300,000 for commencement of fabrication; and providing an effective date; (B) A resolution accepting Addendum No. 7 in an amount not to exceed \$1,403,491 submitted by Skanska USA Building, Inc. to the guaranteed maximum price proposal dated April 3, 2018 for construction of the city infrastructure required to support, install and illuminate Janet Echelman Inc. (JEI) net sculpture; approving a transfer in the amount of \$1,000,000 from the unappropriated balance of the Downtown Redevelopment District Fund (1105) to the General Capital Improvement Fund (3001) to provide funding for the construction of the city’s infrastructure for the JEI net sculpture; approving a supplemental appropriation in the amount of \$1,000,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, to the Pier Approach Project (15377); approving a transfer in the amount of \$400,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889) resulting from donations from private persons and entities to fund the artwork (including infrastructure needed to support artwork) to the General Capital Improvement Fund (3001); approving a supplemental appropriation in the amount of \$400,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001) resulting from the above transfer to the Pier Approach Project (15377); and providing an effective date.

EXPLANATION: On August 2, 2018, City Council approved an Artist Agreement between the City and JEI for design development, fabrication, delivery, aesthetic direction for installation and warranty of a net sculpture (“Sculpture”) to be installed within an area centrally located on the Pier approach (not located in Spa Beach Park). On February 7, 2018 City Council approved the First Amendment to the Artist Agreement extending the deadlines for JEI to commence fabrication and delivery of the art and to authorize ordering of the net fabric in the amount of \$300,000. Resolution A includes the appropriation of the \$300,000 due on full commencement of fabrication. An appropriation for the remaining \$643,975 will occur at a later date.

The Artist Agreement includes the following phases and associated lump sum fees and costs:

On Signing of Agreement	\$ 75,000 (authorized)
On Submission of Design Development	\$ 75,000 (authorized)
On Approval of Final Design Development	\$ 75,000 (authorized)
On partial commencement of fabrication	\$ <u>300,000</u> (authorized)
Subtotal initial authorization	\$ 525,000

On full commencement of fabrication	\$ 300,000 (requested)
On completion of 50% fabrication	\$ 600,000
On completion of installation of Sculpture	\$ <u>43,975</u>
Subtotal final authorization	\$ 643,975
 Total Not to Exceed Fee	 \$1,468,975

The JEI Artist Agreement calls for the City to construct the infrastructure required to support and illuminate the net sculpture as well as the full installation of the net. Acceptance of Addendum No. 8 in an amount not to exceed \$1,403,491 to the Skanska GMP Proposal dated April 3, 2018 includes \$1,000,000 budgeted from the Pier District Enhancements and \$400,000 from funds raised from private donations. The \$1,000,000 are part of the \$10 million in Enhancements to the Municipal Pier Project that were approved by City Council and the Pinellas County Commission as an amendment to the IRP and the Interlocal Agreement in the Fall of 2017.

Addendum No. 8 for construction of the City Infrastructure to support, install and illuminate the JEI net sculpture will be incorporated into the Eighth Amendment to the Construction Manager at Risk Agreement with a GMP between City of St. Petersburg, Florida and Skanska dated January 10, 2017, as amended.

RECOMMENDATION: Administration recommends City Council approve the attached (A) resolution authorizing the Mayor or his designee to issue a notice to proceed with fabrication of the net sculpture in accordance with the Artist Agreement between the City of St Petersburg, Florida (“City”) and Janet Echelman, Inc. (“JEI”); approving a transfer in the amount of \$300,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889), resulting from donations from private persons and entities to fund the artwork, to the Arts in Public Places Fund (1901); approving a supplemental appropriation in the amount of \$300,000 from the increase in the unappropriated balance of the Arts in Public Places Fund (1901), resulting from the above transfer, to the Mayor’s Office Department, Office of Cultural Affairs (020-1777); authorizing payment to JEI in an amount not to exceed \$300,000 for commencement of fabrication; and providing an effective date; (B) A resolution accepting Addendum No. 7 in an amount not to exceed \$1,403,491 submitted by Skanska USA Building, Inc. to the guaranteed maximum price proposal dated April 3, 2018 for construction of the city infrastructure required to support, install and illuminate Janet Echelman Inc. (JEI) net sculpture; approving a transfer in the amount of \$1,000,000 from the unappropriated balance of the Downtown Redevelopment District Fund (1105) to the General Capital Improvement Fund (3001) to provide funding for the construction of the city’s infrastructure for the JEI net sculpture; approving a supplemental appropriation in the amount of \$1,000,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, to the Pier Approach Project (15377); approving a transfer in the amount of \$400,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889) resulting from donations from private persons and entities to fund the artwork (including infrastructure needed to support artwork) to the General Capital Improvement Fund (3001); approving a supplemental appropriation in the amount of \$400,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001) resulting from the above transfer to the Pier Approach Project (15377); and providing an effective date.

COST/FUNDING INFORMATION: Funding in the amount of \$1,000,000 will be available after a transfer in the amount of \$1,000,000 from the unappropriated balance of the Downtown Redevelopment District Fund (1105) to the General Capital Improvement Fund (3001) and a supplemental appropriation in the amount of \$1,000,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, to the Pier Approach Project (15377). Funding will be available after transfers from the unappropriated balance of the Pier Echelman Sculpture Donation Fund (1889), resulting from donations from private persons and entities to fund the artwork, in the amount of \$400,000 to the General Capital Improvement Fund (3001) and \$300,000 to the Arts in Public Places Fund (1901) and supplemental appropriations in the amount of \$400,000 from the increase in the unappropriated balance of the General Capital Improvement Fund (3001), resulting from the above transfer, to the Pier Approach Project (15377) and in the amount of \$300,000 from the increase in the unappropriated balance of the Arts in Public Places Fund (1901), resulting from the above transfer, to the Mayor's Office Department, Office of Cultural Affairs (020-1777).

ATTACHMENTS: Two Resolutions
Addendum No. 7

APPROVALS:

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Administrative



Budget

Resolution No. 2019-_____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ISSUE A NOTICE TO PROCEED WITH FABRICATION OF THE NET SCULPTURE IN ACCORDANCE WITH THE ARTIST AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG, FLORIDA ("CITY") AND JANET ECHELMAN, INC. ("JEI"); APPROVING A TRANSFER IN THE AMOUNT OF \$300,000 FROM THE UNAPPROPRIATED BALANCE OF THE PIER ECHELMAN SCULPTURE DONATION FUND (1889), RESULTING FROM DONATIONS FROM PRIVATE PERSONS AND ENTITIES TO FUND THE ARTWORK, TO THE ARTS IN PUBLIC PLACES FUND (1901); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$300,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE ARTS IN PUBLIC PLACES FUND (1901), RESULTING FROM THE ABOVE TRANSFER, TO THE MAYOR'S OFFICE DEPARTMENT, OFFICE OF CULTURAL AFFAIRS (020-1777); AUTHORIZING PAYMENT TO JEI IN AN AMOUNT NOT TO EXCEED \$300,000 FOR COMMENCEMENT OF FABRICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 2, 2018, City Council approved an artist agreement between the City and Janet Echelman, Inc. ("JEI") for design development, fabrication, delivery, aesthetic direction for installation, and warranty of a net sculpture ("Sculpture") to be installed on the St. Pete Pier™ in an amount not to exceed \$1,468,975; and

WHEREAS, pursuant to City Council actions, Administration has authorized payment in the amount of \$525,000 to JEI under the artist agreement for fees and costs for design development and net fabric materials; and

WHEREAS, in addition to the previous donations in the amount of \$275,000, the City has received donations in the amount of \$300,000 into the Pier Echelman Sculpture Donation Fund from private persons and entities; and

WHEREAS, funding for the \$300,000 payment to JEI for commencement of fabrication by the artist agreement will be available after (i) a transfer in the amount of \$300,000 from the unappropriated balance of the Pier Echelman Sculpture Donation Fund, resulting from donations received from private persons and entities, to the Arts in Public Places Fund; and (ii) a supplemental appropriation of \$300,000 from the increase in the unappropriated balance of the Arts in Public Places Fund, resulting from the above transfer, to the Mayor's Office Department, Office of Cultural Affairs; and

WHEREAS, Administration recommends approval of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the Mayor or his designee is authorized to issue a notice to proceed with fabrication of the net sculpture in accordance with the artist agreement between the City of St. Petersburg, Florida ("City") and Janet Echelman, Inc. ("JEI").

BE IT FURTHER RESOLVED that there is hereby approved the following transfer for FY 2019:

<u>Pier Echelman Sculpture Donation Fund (1889)</u>	
Arts in Public Places Fund (1901)	\$300,000

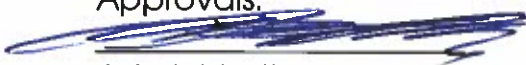
BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Arts in Public Places Fund (1901) resulting from the above transfer, the following supplemental appropriation for FY 2019:

<u>Arts in Public Places Fund (1901)</u>	
Mayor's Office Department, Office of Cultural Affairs Division (020-1777)	\$300,000

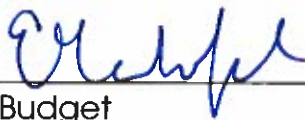
BE IT FURTHER RESOLVED that payment to JEI in an amount not to exceed \$300,000 for commencement of fabrication by the artist agreement is hereby authorized.

This Resolution shall become effective immediately upon its adoption.

Approvals:



Administration



Budget



City Attorney (Designee)

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