



## Item No. 16 Town of Atherton

### CITY COUNCIL STAFF REPORT – REGULAR AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: ROBERT OVADIA, PUBLIC WORKS DIRECTOR**

**DATE: FEBRUARY 19, 2020**

**SUBJECT: CONSIDER ACCEPTANCE OF A SCULPTURE DONATION;  
CONSIDER USE OF THE EVANS CREATIVE ARTS FUND TOWARD  
THE INSTALLATION OF THE SCULPTURE, TOWARDS  
IMPROVEMENT OF THE MAIN HOUSE GARDEN ROOM, OR  
OTHER SPECIFIED USE**

### RECOMMENDATION

Consider acceptance of a sculpture donation from the Holbrook-Palmer Park Foundation; consider use of the Evans Creative Arts Fund toward the purchase of the sculpture, towards improvement of the Main House Garden Room or other specified use.

### BACKGROUND

#### *Sculpture Donation*

In July 2019, the Town received a proposal regarding a sculpture donation from the Holbrook- Palmer Park Foundation (HPPF) for placement at Holbrook-Palmer Park. Staff presented the proposal to the Council at their July 17, 2019, meeting. At the time, three sculptures were under consideration. *Horse Fly (Pegasus)* – Richard Swenson, a scrap metal sculpture, 81” x 50” x 12”, which would be mounted on a fence or wall; *He Ain’t Heavy* – Walt Horton, 69” x 30” x 17”, which would be mounted on a base; and *Expanding Wholeness* - John Ellis, 130” x 50” x 61”, which would be mounted on a base.

The initial preference was towards the *He Ain’t Heavy* sculpture. At the July 17, 2019, meeting the Council indicated its willingness to accept the sculpture donation provided “...all costs associated with the acquisition and installation of the sculpture were covered by the donation...” The Council further directed that the donation



first be sent through the Park and Recreation Committee for review and selection of an appropriate location for placement.

Based on feedback from the July Council Meeting, the Holbrook-Palmer Park Foundation revised its recommended art donation to the *Expanding Wholeness* sculpture by John Ellis and requested funding in the amount of \$13,000 from the Atherton Arts Foundation (AAF) to support the acquisition and installation of the sculpture.

On September 28, 2019, the HPPF received a letter regarding its proposals for financial support from the AAF for the purchase and installation of a sculpture at Holbrook Palmer Park. The AAF declined to fund the installation, indicating that the request could be revisited at a later date when the Foundation is in better financial health.

As requested by the Council, the Holbrook-Palmer Park Committee considered the acceptance of the sculpture at its October 2, 2019, meeting and were supportive of accepting the *Expanding Wholeness* sculpture donation at the Park. Concerns were raised at the meeting regarding the initially proposed location, within an irrigated grass area, particularly as the grass is irrigated primarily with well water, which may have the potential of impacting the finish of the sculpture.

The Park and Recreation Committee held a special meeting on October 29, 2019, which included a park walk to look at potential locations for placement of the sculpture. At their regular meeting on November 6, 2019 the Park and Recreation Committee formally considered the potential placement locations; but deferred making a final recommendation on a location to their December 6, 2019 meeting. Due to the uncertainty of funding for the sculpture installation, reconsideration of the final location was not brought back to the Holbrook-Palmer Park Committee for consideration.

A revised proposal was presented to the Council at their November 20, 2019 meeting indicating that they did not have sufficient funds without a financial commitment provided from the AAF and a contribution from the Town from the Evans Creative Arts Fund. The Council advised that acceptance of the sculpture, would be contingent on full funding for the purchase and installation.

As there was a competing request for the Evans Creative Arts Fund from the AAF and there was no representative from the HPPF, the potential allocation of funds and acceptance of the sculpture proposal were deferred.

#### *Evans Creative Trust*

In 1976, long time Atherton resident, Rita Corbett Evans, passed away and bequeathed her home to the Town of Atherton for the purpose of developing a “Creative Design Program.” The home was subsequently sold, and the proceeds were used to create the Rita Corbett Evans Trust that was dedicated to carrying out the provisions of the Evans will. In 1996, the Town created the Atherton Arts Committee, funded by the trust to support the goals outlined in the will.

The AAF was organized in 2009 as a 501(C3) Public Benefit organization to support the activities of the Atherton Arts Committee when it became clear that the trust would be exhausted. The Committee was disbanded in 2013, with its activities taken over by the AAF.

As noted above, proceeds from the sale of the Rita Corbett Evans home were used to create the Evans Creative Arts Fund. Proceeds from the Fund have been used to support the goals outlined in the Evans will, supporting creative arts in the Town. The Evans Creative Trust fund, managed by the Council, has an approximate remaining balance of \$7,300.

At its November 20, 2019 meeting, the Council received a request from the AAF to fund improvements to the Main House Garden Room using available funds from the Evans Creative Trust fund. Though the Council did not allocate funds from the Evans Creative Trust Fund, staff was directed to coordinate with the AAF to review the requested improvements and return to the Council with additional information regarding the requested items and estimated costs.

## ANALYSIS

### Sculpture

The Holbrook-Palmer Park Foundation (HPPF) submitted a letter, dated February 12, 2020, requesting allocation of the remaining funds contained in the Evans Creative Arts Fund to help pay for the placement of the “*Mother and Child*” statue in the Park. They indicate that all costs above the amount of these funds for the purchase and installation of the “*Mother and Child*” statue in the park will be borne by the Foundation. As the statue reference in the letter is titled “*Mother and Child*” is different than the previous offer to donate the “*Expanding Wholeness*” sculpture, staff reached out to Mr. Masetti for clarification but did not receive a response in advance of preparation of this report.

Staff was also provided a revised cost estimate from the HPPF for the purchase and installation of the *Expanding Wholeness – by John Ellis* sculpture and was advised of the desire for installation at the Event Garden where two Oak trees were removed due to oversaturation of the soil. The revised cost estimate identified a negotiated cost from the seller of \$19,152 for the sculpture including taxes, shipping and insurance. HPPF estimates the cost of installation at approximately \$7,000. Staff cannot validate this cost estimate without fully understanding the placement location, and mounting requirements.

The HPPF is requesting that the Council allocate all the remaining Evans Creative Trust funds towards the purchase and installation of the sculpture.

### Atherton Arts Foundation

Following the November 20, 2019 Council Meeting, staff met with the Atherton Arts Foundation to discuss various requests for improvements to the Garden Room of the Main House Garden Room. Requested improvements to the Garden Room of the Main House included: removal of

miscellaneous items (paint, blocks, etc.); review of the front door locking mechanism; addressing wires and other items hanging from the ceiling; patching holes and replacing tiles in the ceiling; painting of the ceiling; boxing of the drain line under the sink and along the wall; replacement of the hot water heater; adding floor tile under the sink; deep clean the linoleum floor; and additional electrical receptacles (near the sink and for the refrigerator). Other items discussed but deferred included patching and painting of the walls behind the rear bookshelves and covering of the area under the sink.

Staff, with the assistance of MCE have been able to address several items on the above list including the front door, removal of the miscellaneous items; addressing the wires and other items hanging from the ceiling; boxing in of the drain line; and the installation of the requested electrical receptacles (via a subcontractor). Staff has also received quotes for other outstanding items, for which we would request funds from the Evans Creative Trust fund, including cleaning, patching and painting of the ceiling, replacement of the under-sink water heater, and cleaning the Garden Room floor. The cost estimates are as follows:

• Replacement of under-sink water heater (MCE) -	\$400 - \$500
• Cleaning, patching and painting of the ceiling (TCT) -	\$2,735
• Furniture removal for ceiling work (est.) (MCE) -	\$200
• Vacuum, steam/cleaning of the floor (TCT) -	\$520
• Scrub, seal and wax the floor (TBM) -	\$350
 Total	 \$3,685 - \$3955

### Evans Creative Trust

As indicated above, the Evans Creative Arts Fund has a balance of approximately \$7,300. The Town has received requests from both HPPF and the AAF for use of the funds. The fund balance is insufficient to address both requests.

It is recommended that the Council appropriate the entire balance of the Evans Creative Arts Fund at this time as the remaining balance of approximately \$7,300 is not a sufficient amount to allow for future allocations.

Representatives from the HPPF and AAF are present this evening to provide any additional input requested by the Council.

### POLICY FOCUS

The Council should focus its discussion in three distinct areas as follows:

- 1) Acceptance of the sculpture;
- 2) Funding of the sculpture/installation;
- 3) Improvements in the Art Garden Room and funding of such improvements.

### **FISCAL IMPACT**

Allocation of the Evans Creative Arts Fund would zero out the account but would not affect the Town's General Fund.

As currently proposed, the donation of the *Expanding Wholeness* sculpture is not fully funded by the donors. If the sculpture acceptance is contingent of on the sculpture and installation being fully funded by the donation, there would be no impact to the Town's General Fund.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials. The Town maintains an active and up to date Project Website at <http://ca-atherton.civicplus.com/index.aspx?NID=290>.

### **COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item  X  has or   has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- PMC & Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- X  Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)

### **ATTACHMENTS**

1. HPPF letter dated February 12, 2020 and revised cost estimate for the *Expanding Wholeness* sculpture
2. Atherton Art Foundation – Proposal for Renovation of the 'Garden Room' Using Evans Trust Funds
3. Tony's Clean Team Estimate for the patching/painting of the ceiling and steam cleaning of the floor
4. Transpacific Building Maintenance, Inc. Proposal for the scrub, seal and wax of the floor



151 Watkins Avenue Atherton, CA 94027



February 12, 2020

City Council  
Town of Atherton  
150 Watkins Avenue (Temporary Trailers)  
Atherton, CA 94027  
Attention: George Rodericks, City Manager

Re: Allocation of Evan's Creative Arts Funds

Ladies and Gentlemen:

On behalf of The Holbrook-Palmer Park Foundation (the "HPPF") and the Friends of Holbrook-Palmer Park (the "Friends" and collectively with the HPPF, the "Foundation"), I am writing to request that the Town Council allocate the remaining funds contained in the Evan's Creative Arts Fund to the Foundation for use in the statue project described below.

As you know the Foundation has contributed to many improvement projects for the Holbrook-Palmer Park, including, most recently, the Event Garden. The Foundation, primarily through the fundraising efforts of the Friends, would like to place a statue referred to as "Mother and Child" in the Park. The Foundation has provided additional details regarding the "Mother and Child" statue, including proposed placement and budget to the Town under separate cover.

We appreciate the Town Council's consideration of the Foundation's request to allocate the remaining funds contained in the Evan's Creative Arts Fund to help pay for the placement of the "Mother and Child" statue in the Park. All costs above the amount of these allocated funds for the purchase and installation of the "Mother and Child" statue will be borne by the Foundation. These additional funds from the Evan's Creative Arts Fund would be extremely helpful to the Foundation's efforts to continue to contribute to the beautification of the Park by expanding the artwork displayed there for the enjoyment of all Town residents.

City Council  
Town of Atherton  
February 12, 2020  
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If you have any questions or require additional information related to this request, please do not hesitate to contact Frank Merrill, President of the HPPF, at [fmmjrdvm@sbcglobal.net](mailto:fmmjrdvm@sbcglobal.net), or the undersigned at 650.233.4754 or [jim.masetti@pillsburylaw.com](mailto:jim.masetti@pillsburylaw.com).

Yours very truly,

A handwritten signature in black ink, appearing to read "James J. Masetti". The signature is fluid and cursive, with a large initial "J" and "M".

James J. Masetti  
Secretary

Enclosures

COST ESTIMATE



John Ellis  
 "Expanding Wholeness Steel 130" x 50" x 61"  
 Shidoni Gallery, Santa Fe, NM

FUNDS NEEDED	Original <u>Estimate</u>	1/31/2020 <u>Estimate</u>
Asking price for sculpture	17,000	16,000 Negotiated
Taxes, shipping, insurance	7,000	3,152 Commitment by seller
Mounting and Installation	<u>15,000</u>	<u>7,000*</u>
	<u>39,000</u>	<u>26,152</u>

<u>*Estimated installation cost</u>	
Removal from truck (~ 250 lb sculpture)	200
Removal of plastic wrap	100
Site preparation	3,000
Pouring of concrete slab	2,000
Securing sculpture onto slab	1,000
Placard if desired.	<u>500</u>
	6.800

**PROPOSAL FOR RENNOVATION of the 'GARDEN ROOM'**  
**USING EVANS TRUST FUNDS**

October 7, 2019

From: Board of the Atherton Arts Foundation (AAF)  
Contact Person: Dorothy L. Hunter [dlhunter@ix.netcom.com](mailto:dlhunter@ix.netcom.com)  
152 James Ave., Atherton, CA  
(650) 323-8580

**PROJECT TITLE:** Improvements for the Garden Room, basement of the Main House, currently used for meetings and classes of the Atherton Arts Foundation.

**AMOUNT REQUESTED:** \$7,300 from, #215, The Evans Creative Design (formerly fund 715), a 'Restricted' fund.

**DESCRIPTION/HISTORY of PROJECT:**

Rita Corbett Evans bequeathed her home in Atherton for the purpose of developing a 'Creative Design Program', focusing on providing a place for local artists to meet, create, and be educated in the Arts. This trust led to the development of the Atherton Arts Committee, and later the Atherton Arts Foundation.

The Board of the Atherton Arts Foundation desires to return to our 'roots' and the original stated purpose: "The specific and primary purpose of this corporation (AAF) is to engage in charitable and educational activities".

For many years, the AAF has hosted, along with the Town of Atherton (through their generous provision of the Jennings Pavilion) Art Shows for the community. The Board is focusing on Atherton Town based artists for these shows (no charge for the artist to show/sell art). This activity, as well as previous donations to *Art in Action* and painting of school murals (beautification) continues to fulfill the charitable focuses of the AAF.

During the past year and a half, the AAF has been focusing on education. We are developing a growing student and artist instructor base. These classes are available to the residents of the Town of Atherton and surrounding communities. The classes are held in the newly named, 'Evans Center for Creative Arts' (ECCA), located in the Garden Room, basement of the Main House.

**The Board of the AAF would like to use the Evans Creative Design funds to**

- A. Paint the ceiling**
- B. Extend a counter and enclosure around the sink area**
- C. Replace the existing floor**

**We feel these improvements will enhance the classroom area and the use of the room to include additional educational events such as lectures, club meetings and small art shows.**

Thank you very much for considering the Atherton Arts Foundation proposal for expanding art through charitable and educational events for years to come!

Dorothy Hunter, Chair of the Atherton Arts Foundation  
Joan Sanders  
Swati Advani  
Jerry Barrack  
Jan Prisco  
Lindsay Waldern

# ATTACHMENT 3 Estimate

DATE: January 27, 2020  
 Estimate #:  
 Customer ID: Town of Atherton



Tony's Clean Team  
 PO Box 51715  
 Palo Alto, CA 94303  
 Ph: 650-549-4828  
 tonyscleanteam@gmail.com

Quotation valid until: 30 days  
 Prepared by: Nick Amaya

**Bill To:**  
 Town of Atherton  
 91 Ashfield Road  
 Atherton, Ca. 94027  
 650-752-0555

**Comments or special instructions:**                      **ART ROOM WORK**

Description	AMOUNT
<b>TCT</b> proposes to furnish the labor, materials and equipment necessary to do the following services at the above address.	
<b><u>DESCRIPTION:</u></b>	
<b>1. CEILING WORK:</b> Temporary protection of floors/walls/prep area, removal/cleaning of glue, ceiling patching, prime and paint ceiling. Ceiling to have level 3 finish and will be painted (white) after that. Note: Client to remove all furniture or clear the room so that we can perform our work. Also, at the drop ceiling where there ceiling tiles, TCT will only replace/patch the missing tiles and then paint over the ceiling tiles.	\$2,735
<b>2. CLEANING OF FLOORS:</b> TCT will vacuum, steam/clean the floors and mop it <b>ONLY.</b>	\$520
A deposit of 50% of the payment is required to purchase materials and start the work. The balance of 50% payment is due upon completion of work or no later than 5 days of our invoice date.	
INCLUSION: All labor, materials and equipment are included. EXCLUSION: Moving all furniture, clearing the room, Permits.	
<b>TOTAL</b>	<b>\$3,255</b>

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Customer Approval                      Date

If you have any questions concerning this quotation, please give us a call or email us.  
**THANK YOU FOR YOUR BUSINESS!**

# Floor Cleaning Proposal For City of Atherton



Prepared by:

## **Transpacific Building Maintenance, Inc.**

1400 Coleman Ave, Suite D-16  
Santa Clara, CA, 95050

Tel: (408) 309-1845

Fax: (408) 654-9294

Email Address: [tbm@tbmfirst.net](mailto:tbm@tbmfirst.net)

Submitted On:  
January 17, 2020

**Transpacific Building Maintenance, Inc.**  
1400 Coleman Ave., Suite D-16, Santa Clara, CA., 95050

January 17, 2020

Robert Ovadia  
Director of Public Works  
91 Ashfield Rd.  
Atherton, CA., 94027

Dear Ramon:

Thank you for extending us the opportunity to submit floor cleaning services proposal, located at 91 Ashfield Road, Atherton, CA 94027 information is as follows:

Our address is: 1400 Coleman Ave, Suite D-16, Santa Clara, CA, 95050  
Our Tax I.D. Number is: 71-0882962  
Tel. #: (408) 309-1845 Fax #: (408) 654-9294  
Email Address: [tbm@tbmfirst.net](mailto:tbm@tbmfirst.net)

Name of person authorized to represent the proposal: Clint Scott, President Tel. # (408) 309-1845.  
Email Address: [tbm@tbmfirst.net](mailto:tbm@tbmfirst.net)

Alternate Contact Person: Martin Flores, Field Supervisor, (408) 623-1048  
Email Address: [contactcbm@comcast.net](mailto:contactcbm@comcast.net)

We offer a .0025% early payment discount on all on all payments paid net 20., otherwise our terms are net 30.

We will email you insurance certificates upon award.

Respectfully,

Clint Scott President  
Transpacific Building Maintenance Inc.

## Cleaning Specifications

This includes:

A. Multipurpose Room

- Strip and wax linoleum floor
- Wood floor

Pricing Page

**Cost Art Room**

2 persons x 3.5 hours \$ 260.00

Scrub, seal, & wax \$ 40.00

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Total cost: \$300.00 (350.00 if including moving furniture)

**Multipurpose Room**

2 persons x 3.5 hours a day = \$260.00

Scrub seal and finish \$100.00

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Total Cost \$360.00

Grand Total \$620.00

## References

- **Bill Zangara, Purchasing**  
Stanford Linear Accelerator Center  
2575 Sand Hill Rd.  
Menlo Park, CA 94025  
Tel: 650-926-4662  
We provide janitorial and window cleaning services to 60+ buildings
- **Brad Sorensen, Supervisor**  
Stanford University Medical Center  
700 Welch Rd. Vintage Room  
Palo Alto, CA 94304  
Tel: 650-387-4595  
We have been servicing Stanford Hospital for over 10 years and during this time, we serviced 43+ buildings
- **Mel Gonzales, Facilities Supervisor**  
Santa Clara Valley Transportation Authority (VTA)  
3990 Zanker Rd. Bldg #1  
San Jose, CA 95134  
Tel: 408-382-6091
- **Julian Sakti, Director of Operations**  
Forty-Niners Stadium Management Company (Levi's Stadium)  
4900 Marie P. DeBartolo Way  
Santa Clara, CA 95054  
Tel: 408-673-2102 | Cell: 650-642-4921  
We provide high-rise window cleaning and pressure washing services
- **Tony Leonardo, Facilities Manager**  
Santa Clara Valley Water District  
5750 Almaden Expwy  
San Jose, CA 95128  
Tel: 408-710-8931 or 408-630-2248  
We clean 12 locations for the water district