

CITY OF PALM DESERT

STAFF REPORT

MEETING DATE: June 12, 2025

PREPARED BY: Erica Powell, Management Analyst

SUBJECT: TERMINATE CONTRACT NO. C48070A WITH KYLE ABSOLOM AND
RELEASE A REQUEST FOR QUALIFICATIONS FOR THE SAN PABLO
PHASE 2 ROUNDABOUT SCULPTURE

RECOMMENDATION:

1. Approve termination of Contract No. C48070A with Kyle Absolom for the San Pablo Phase 2 Roundabout Sculpture, *Dueling Palms*.
2. Approve release of a Request for Qualifications (RFQ) for the San Pablo Phase 2 Roundabout Sculpture.

BACKGROUND/ANALYSIS:

In 2020, the City issued a call for proposals to install artwork at the Phase 1 roundabout at San Pablo Avenue and San Gorgonio Way. Nearly 200 submissions were received. On July 14, 2021, the Art in Public Places (AIPP) Commission, now the Cultural Arts Committee (CAC), narrowed the selection to two finalists. Artist Donald Gialanella was chosen for the Phase 1 installation, and his sculpture *Sunburst* was completed in 2023. Artist Kyle Absolom was selected to create *Dueling Palms* for the Phase 2 roundabout, located at the east entrance to College of the Desert, with installation planned for a later date.

On July 11, 2024, the City Council approved a \$169,500 contract with Kyle Absolom for the design, engineering, fabrication, and delivery of *Dueling Palms*. However, in early 2025, the artist informed City staff that he had significantly underestimated material costs and requested an additional \$95,572.50 to complete the project, raising the total cost to over \$265,000, excluding installation expenses.

At its regular meeting on March 12, 2025, the CAC recommended that the City Council approve the requested budget increase to allow the project to move forward. However, an internal review of the executed agreement identified several concerns:

- Budget Responsibility: The contract clearly states that the artist is responsible for any fluctuations in material costs. The current request represents a 56% increase over the already amended contract and is inconsistent with the cost control expectations set forth in the agreement.
- Project Oversight: Staff expressed concerns about the artist's ability to effectively manage the remaining phases of the project, particularly in terms of budget adherence, scope compliance, and schedule execution.

Following consultation with the City Attorney, staff confirmed the presence of budgetary risks, contractual limitations, and potential intellectual property issues. As a result, staff is recommending that the City Council terminate Contract No. C48070A with Kyle Absolom for the *Dueling Palms* project.

To maintain momentum of the project, following the anticipated termination of the contract, staff recommends the immediate issuance of a Request for Qualifications (RFQ) to seek new artist submissions.

Staff returned to the CAC with the revised recommendation at its regular meeting on May 12, 2025, and the CAC subsequently recommended that the City Council approve the release of a Request for Qualifications (RFQ) and provided input regarding criteria to be included for the sculpture. Staff is also working with the Public Works Department on technical specifications to ensure compliance with underground utility locations, depths, and other infrastructure considerations.

Upon City Council approval, the RFQ will be sent to the City's Artist Registry and promoted both locally and on national websites to include Callforentry.org, Americansforthearts.org, and CODAworx.com. Deadline for submittals is tentatively scheduled for Thursday, September 4, 2025, and once the proposals have been narrowed down by the CAC, a community engagement process will commence. The recommended sculpture is scheduled to come before the City Council for approval in the spring of 2026, with installation tentatively scheduled for fall 2027.

Legal Review:

This report has been reviewed by the City Attorney's Office.

FINANCIAL IMPACT:

Under the terms of the executed Contract No. C48070A, the artist received \$16,950 for the Final Design Phase. This amount is non-refundable in the event of project termination. If the contract is terminated, no additional funds will be disbursed.

The Public Art Fund has \$300,000 currently proposed for the San Pablo Phase 2 Roundabout Sculpture project (FY 2025/26 CIP). Staff anticipates allocating \$200,000 for the commissioning of the sculpture, with the remaining \$100,000 reserved for installation costs, including lighting, electrical work, traffic control, crane service, signage, and landscaping.

ATTACHMENTS:

1. Contract No. C48070A
2. Termination Letter
3. Draft RFQ San Pablo Phase 2 Roundabout Sculpture