

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: July 26, 2023

SUBJECT: REFERRAL TO THE FINANCE AND ECONOMIC RESILIENCY COMMITTEE - DISCUSS
ACQUISITION OF ARTWORK BY ARTIST KEVIN ARROW COMMEMORATING THE BEATLES
MANDALA.

BACKGROUND/HISTORY

Beatles Mandala (Amor=Love), located at Collins Avenue and 73rd Street by artist Kevin Arrow, was commissioned as a site-specific installation. Composed of a concrete base and glass ceramic tiles, the Work was completed by the artist in late 2014. As early as February 2015, the work began to show signs of water damage. To provide background, below is a synopsis detailing faults of design and workmanship at the onset of the project and measures taken to conserve the artwork.

- February 6, 2015 the artist received final payment for artwork. In doing so, the artist agreed to the contractual terms of the Professional Services Agreement, which held the artist responsible for the proper execution and installation of the Work in its entirety. Under the agreement, the artist shall be solely responsible for conducting any and all inspections of the Site for purposes of ascertaining the condition of same and for proper execution of the Work, and completion and installation of the Project. In addition, the artist shall be responsible for construction oversight during the fabrication and integration of all artist-designed components, whether fabricated by artist's subcontractors or included in construction documents to be fabricated and installed by others. **(Exhibit A)**

- February 23, 2015 the artwork began to show signs of faulty installation with pooling of water inside the mosaic on the southeast corner of the artwork. Artist was notified of condition and per Artist Agreement with the City, under ARTICLE 2, SCOPE OF SERVICES, Section 2.11(b)

ARTIST shall be solely responsible for conducting any and all inspections of the Site for purposes of ascertaining the condition of same and for proper execution of the Work, and completion and installation of the Project.

EXHIBIT A SCOPE OF SERVICES, CONSTRUCTION & INSTALLATION COORDINATION

The ARTIST shall be responsible for construction oversight during the fabrication and integration of all artist-designed components,

whether fabricated by ARTIST's subcontractors or included in construction documents to be fabricated

- December 2015 tiles began popping out of the substrate
- February 2016-October 2020 (approximate) Parks Department staff were trained by the tile installer to reinstall dislodged tiles. Parks Department staff provided hundreds of hours of in-kind maintenance over this four-year period. By the beginning of 2021, the substrate disintegrated to a point that tiles dislodged immediately after installation and in-kind resources were not able to keep up with the rapid deterioration. Over this period of time, approximately \$52,800 was spent in staff hours maintaining the work.
- February 2, 2021, the City contracted with Torres Construction to repair the tile. The scope of this project included sourcing specified tiles and materials, installation of tiles (with possible grout and site remediation) and sealing the final work to prevent future water intrusion. Overall, this process would restore this work of art aesthetically, without addressing underlying foundation issues. Missing tiles would be ordered and installed within the mosaic in accordance with the initial design and in collaboration with the artist.
- June 2, 2021, Torres Construction concluded the tiles were not able to be restored and refunded the deposit to the City. The contractor found several areas that were hollow under the fiber board, which means that water has disintegrated both the adhesive and fiber board. The contractor concluded that even an aesthetic repair to the tiles was not possible, as the area below the fiber board was too damaged. As well, other areas of the mosaic had tiles fall off just by touching them.
- October 19, 2021, the Art in Public Places Committee recommended removal of the mosaic due to damage that seems most likely to be the result of the concrete slab onto which it has been set, which was not canted to slough off water. Standing water has deteriorated the artwork.
- May 6, 2022 RLA Conservation prepared a comprehensive scope of work for the documentation, removal and catalogue crating of the mosaic. The estimate for this work is \$60,000-\$74,000. This amount does not include security fencing for duration of de-installation, re-surfacing of foundation after removal, grass replacement, etc., which would be an additional cost. Most notably, the cost of reinstallation of the mosaic has yet to be determined. **(Exhibit B)**
- In late 2022, the artist proposed an alternate solution that would involve filling in the lost tiles with colored grout. However, after further study by the artist, this would not provide the work with long-term stability moving forward without regular maintenance as loose tiles would continue to fall off and well-adhered tiles will eventually become loose.
- The artwork commission was \$70,000, cost of removal and reinstallation exceed the cost of the commission.
- On February 21, 2023, the Art in Public Places Committee made a motion to deaccession the *Beatles Mandala (Amor=Love)*, 2014 by Kevin Arrow located at Bandshell Park, Collins Avenue and 73rd Street. At the meeting, the Art in Public Places Guidelines, as adopted through Resolution 2004-25562, which provide criteria for an artwork to be deaccessioned, were discussed. This includes the following: situations where value to repair work exceeds the value of the work itself; the work possesses faults of design or workmanship; the work causes excessive or unreasonable maintenance; the work is damaged irreparably, or to an extent where repair is unreasonable or impracticable; or the work represents a physical threat to public safety.

- On March 27, 2023, Morrissey Fine Art provided an appraisal of the work, as set forth in the Appraisal Standards Board of the Appraisal Foundation (USPAP). The retail replacement value appraisal for insurance purposes is \$5,000. **(Exhibit C)**

ANALYSIS

On February 22, 2023, the Mayor and City Commission approved a referral to the Public Safety and Neighborhood Quality of Life Committee sponsored by Commissioner Kristen Rosen Gonzalez to discuss the restoration of the Beatles Mandala by artist Kevin Arrow. At the May 23, 2023 Public Safety and Neighborhood Quality of Life Committee meeting, staff was directed to work with the artist to propose a new work that would conceptually memorialize the Beatles Mandala.

On May June 2, 2023, staff met with artist Kevin Arrow to discuss the possibility of a new commission and agreed to the following:

- Proposed funding not to exceed \$70,000.
- Artist to prepare a brief statement regarding the proposed acquisition, based on the following:
 - Work(s) from existing body of work
 - OR
 - Work (large scale painting) to commemorate the *Beatles Mandala*
 - Work should be transportable and installed in an existing City facility
- AiPP staff to identify potential City owned facilities for proposed work
- Artist was informed and agrees a Resolution authorizing the deaccession of the *Beatles Mandala* will be presented to the City Commission
- Artist to be kept abreast of artwork removal timeline and authorized to retain remaining tiles at artists' own expense

On June 7, 2023, Kevin Arrow presented three proposals, noted as follows:

Option 1- A large scale (96" x 96") painting that will commemorate the original artwork

Option 2- A large scale digital lightbox collage that incorporates images of the Beatles artwork

Option 3- Acquisition of artworks from most recent body of work

On June 30, 2023, staff conducted a studio visit with artist Kevin Arrow. Given the vast and impressive body of work the artist has recently completed, Option 3 "acquisition of artworks from most recent body of work" is recommended. The artwork proposal will be presented to the City Commission for approval following review and recommendation of the Art in Public Places Committee.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

Funding in an amount up to \$70,000 needs to be identified for acquisition.

Applicable Area

North Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Prosperity - Market and promote Miami Beach as a world class arts, culture, and quality entertainment destination.

Legislative Tracking

Tourism and Culture

Sponsor

Commissioner Kristen Rosen Gonzalez

ATTACHMENTS:

Description

- ▢ [Exhibit A Kevin Arrow PSA](#)
- ▢ [Exhibit B RLA Removal and Cataloging Quote](#)
- ▢ [Exhibit C Artwork Appraisal 2023](#)
- ▢ [Referral February 22, 2023 NQLC](#)
- ▢ [Resolution](#)