



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Paul Krutko

**SUBJECT:** SEE BELOW

**DATE:** January 24, 2007

Approved

*Diana Sartre*

Date

1/27/07

**COUNCIL DISTRICT:** City-Wide

**SUBJECT: SECOND AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SAN JOSÉ AND MEL CHIN TO FABRICATE AND INSTALL AN ARTWORK**

## RECOMMENDATION

Approval of a second amendment to the agreement with artist Mel Chin to fabricate and install an additional artwork for the Dr. Martin Luther King Jr. Library, and increase the contract amount by \$75,000 from \$675,000 to an amount not to exceed \$750,000

## OUTCOME

Amending Mel Chin's agreement, will enable the artist to complete the *Recolecciones* public art collection for the Dr. Martin Luther King Jr. Library.

## BACKGROUND

In April 1999, Mel Chin was selected to lead a multi-disciplinary team to develop an artwork design proposal for the San Jose State University (SJSU)/City Dr. Martin Luther King, Jr. Joint Library. In May 1999, an agreement between the City of San José and Mel Chin in the amount of \$120,000 was executed to develop a design for public art for the Library Project. Over the next year, the artist team worked with the community to develop design proposals for the majority of the artwork collection.

In December 2000, a fabrication and installation agreement was executed with the artist in an amount not to exceed \$675,000; the artist set aside funds from this budget to consider design, fabrication, and installation of additional artworks once the Library opened. In July 2001, a First

Amendment to the fabrication and installation Agreement was executed to amend the method of payment and payment schedule to address the complexities of the artist's fabrication process. Over the next years, the artist fabricated and installed 32 artworks that compose the *Recolecciones* public art collection for the Library. On January 10, 2007, the Arts Commission approved amending Mel Chin's contract to add \$75,000 to fabricate and install an additional artwork entitled *Migration*.

### ANALYSIS

The artist's original design proposal, approved by the Arts Commission in 2000, included facilitation of a community competition to customize the design of three standard study tables to commemorate and explore Latino culture. During meetings held to review the table competition, the artist engaged in extensive discussions with the Chicano/Latino community. The artist conceived an additional artwork in response to these meetings. The artwork, entitled *Migration*, is an ambitious project that will have a presence on all floors of the Library. *Migration* is composed of 5,000 – 6,000 cast metal Monarch butterflies that 'migrate' throughout the building, alighting in areas where books by Latin American authors can be found. Monarch butterflies mounted on randomly-sited metal panels will ascend the southeast building stairwell. Butterflies will also be sited on ceiling panels above specific book stacks, marking the location of significant books (and book collections) of various disciplines. The butterflies will be located throughout the Library: sometimes groupings will be found in areas where Latino literary contributions are numerous, while a solitary Monarch butterfly might find an important yet obscure scholarly work. Based on its complexity and range, *Migration* requires additional funding for its fabrication and installation.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

**Criterion 1:** While this amendment to agreement is under the \$1 million threshold, this memorandum is posted on the City's website for the February 13, 2007 Council Agenda.

Public outreach on *Recolecciones* included an extensive and collaborative dialogue with community members and stakeholders. Through community forums, Mr. Chin facilitated discussions to bring perspective to a range of personal and civic issues; the forums served as a catalyst to inspire the artworks themselves. In an effort to include representatives with multiple viewpoints, a diverse range of race,

ages and socio-economic backgrounds, the meetings have included: Workshops with University and City reference librarians, Redevelopment Agency staff, base building architects and University representatives; community workshops at branch libraries, including Biblioteca Latinoamericana, Berryessa Branch, Alviso Branch, and East San José Carnegie Branch; a workshop for the general public at the San José McEnery Convention Center; a series of student design workshops at San José State University (SJSU) and distribution of over 2,000 questionnaires to the SJSU faculty to elicit input.

All project review has been conducted at publicly-noticed meetings open to the general public.

### **COORDINATION**

This item has been coordinated with the Redevelopment Agency, the Library Department, the City Attorney's Office and the City Manager's Budget Office.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with the Economic Development Strategy Initiative to position Downtown as a unique creative and cultural center of Silicon Valley, and to communicate a compelling consistent identify for San José.

### **COST SUMMARY/IMPLICATIONS**

#### **1. COST OF PROJECT**

Project Delivery/Administration Costs	\$	125,440
Artwork Construction (See Cost Breakdown Below)		750,000
Artwork Design		120,000
<b>Total Public Art Project Costs</b>	<b>\$</b>	<b>995,440</b>

Prior Year Expenditures	\$	846,049
Less Remaining Encumbrances		25,044
<b>REMAINING PROJECT COSTS</b>	<b>\$</b>	<b>99,347</b>

#### **2. COST ELEMENTS OF CONSTRUCTION CONTRACT**

Materials	\$	340,250
Labor		275,050
Storage and Shipping		34,700
Construction Management		100,000
<b>TOTAL CONSTRUCTION CONTRACT</b>	<b>\$</b>	<b>750,000</b>

#### **3. SOURCE OF FUNDING:**

450 – Services for Redevelopment Capital Projects Fund

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**4. FISCAL IMPACT:**

The *Recolecciones* public art projects at the Dr. Martin Luther King Jr. Library are expected to be completed by May 2007. The annual operating and maintenance costs of the artwork projects are estimated at \$1,500. The costs are factored into the 2006-2007 Operating Budget in the Library Department.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2006-2007 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
450	4736	Joint Library Public Art	\$99,347	\$75,000	V - 274	N/A

**CEQA**

PP05-184



PAUL KRUTKO

Director, Office of Economic Development

For questions please contact Barbara Goldstein, Public Art Director, 408.277.5144 ext 27