



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Paul Krutko

**SUBJECT:** SEE BELOW

**DATE:** April 25, 2007

Approved

Date

4/27/07

**COUNCIL DISTRICT:** City-Wide

**SUBJECT: AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SAN JOSE AND BROWN & KEENER BRESSI TO CREATE A PUBLIC ART MASTER PLAN**

## RECOMMENDATION

Approval of an amendment to the agreement between the City of San Jose and Brown & Keener Bressi to expand on the Public Art Master Plan by developing Public Art Focus Plans for Downtown and increase the contract amount by \$47,500, to a total amount not to exceed \$137,500.

## OUTCOME

By amending Brown & Keener Bressi's contract, the City of San Jose will obtain specific public art plans for Downtown that will be used to direct public art funds from both public and private sources to projects that will have the maximum impact on the image and identity design of this important area of San Jose.

## BACKGROUND

In January, 2006, the Office of Cultural Affairs (OCA) embarked on the development of a Public Art Master Plan. Stimulated by the 2005 Public Art Audit, by anticipated changes in San Jose's capital funding, and by the City's Economic Development Strategy, OCA developed a Scope of Work for a Public Art Master Plan Consultant, issued a Request for Qualifications, and hired the firm of Brown & Keener Bressi and their associates, the Via Partnership, public art planners, to develop the plan. The team has been assisted by a Steering Committee that includes representatives from the business and development community, community representatives from each Council District, arts and cultural leaders, San Jose Redevelopment Agency (SJRA), and City department representatives.

On December 13, 2006 and February 14, 2007, the Arts Commission approved the draft Public Art Master Plan created by Brown & Keener Bressi. The plan was reviewed and approved by City Council on March 13, 2007. The Master Plan called for the creation of specific Public Art Focus Plans to guide the development of public art projects in specific geographic areas – North San Jose and Downtown – and in specific purpose areas such as trails and transportation corridors and hubs.

## **ANALYSIS**

Since January 2006, the Master Planners have been studying San Jose's public art program, analyzing its successes and challenges over its 20 plus year history. They have examined how public art integrates with the City's urban development strategies, the possibilities for partnerships with transit agencies, alignment with the goals of City departments, and integration of public art into planned development. The planners have mapped current and completed projects and identified areas of growth; partnership opportunities with other public entities; and studied how the City's financial strategies for new development are changing. They have also analyzed public art processes, evaluating the community involvement process and studying its impact on projects.

The Master Plan sets out an ambitious, proactive vision that is rooted in the desire to locate art where it has the most impact on the image and the life of the city, to commission projects that reflect the city's risk-taking spirit, and to integrate art into the city's urban design and growth strategies. The Master Plan will include proposed recommendations that anticipate changes in San Jose's development patterns and its means for funding infrastructure. It prioritizes project types and proposes more extensive pooling of public art funds to enable the creation of significant, iconic artworks. The Plan proposes clarification of the existing Percent for Art Ordinance and revision of eligibility requirements. It recommends amendments to the framework for integrating public art in SJRA-assisted private developments, and creation of Public Art Focus Plans for areas of planned development such as North San Jose and Downtown, as well as functionally-specific focus plans for trails and transportation corridors and hubs.

The SJRA supports the concept of creating Public Art Focus Plans for Downtown and North San Jose and has included Brown & Keener Bressi/Via Partnership as subcontractors for the North San Jose Urban Design plan. SJRA has signed a Project Services Memorandum with OCA to amend Brown & Keener Bressi/Via Partnership's contract to develop a Downtown Focus Plan.

## **POLICY ALTERNATIVES**

*Alternative # 1: Develop Public Art Focus Plans for Downtown and North San Jose using existing OCA staff and a limited number of consultant-artists and designers.*

**Pros:** The plans will be developed with minimal additional cost

**Cons:** OCA Staff is already over-committed and will not be able to place full attention on this task quickly enough to develop the desired outcomes.

**Reason for not recommending:** Involving OCA staff in Public Art Focus Plans for Downtown and North San Jose will place unreasonable demands on existing resources and prevent staff from carrying out time-sensitive work on CIP-related public art projects and long-term planning for trails and transportation projects.

### **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)**

While this action is under the \$1 million threshold, this memorandum will be posted on the City's website for the May 15, 2007 Council Agenda.

The OCA has included public outreach as a key component throughout the development of the Public Art Master Plan. Numerous community meetings occurred during the development of the Master Plan, culminating in Council approval on March 13, 2007. Development of the Downtown Focus Plan will follow a similar method of outreach, including an internal advisory committee (key City/SJRA staff), external steering committee (Downtown stakeholders), and focus groups. The draft Downtown Focus Plan will be agendized at public meetings posted on the City's website.

### **COORDINATION**

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

### **FISCAL/POLICY ALIGNMENT**

The amendment to the Public Art Master Plan aligns with the following strategic initiatives in San Jose's Economic Development Strategy:

- Evolve and position Downtown as a unique creative and cultural center of Silicon Valley;

- Revise key land use and transportation policies to reflect the new realities of the San Jose economy;
- Communicate a compelling, consistent community identity for San Jose;
- Engage private sector leadership for San Jose’s economic strategy.

**COST SUMMARY/IMPLICATIONS**

**1. COST OF PROJECT**

Project Delivery/Administration Costs	\$ 10,000
Consulting Services	\$ 47,500
Total Project Costs	\$ 57,500
Prior Year Expenditures	\$ 90,000
Less Remaining Encumbrances	0
<b>REMAINING PROJECT COSTS</b>	<b>\$57,500</b>

**2. SOURCE OF FUNDING:**

450 – Services for Redevelopment Capital Projects Fund  
 001—General Fund

**3. FISCAL IMPACT:**

No Fiscal Impacts

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2006-2007 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
001	3480	Public Art in Private Development	\$272,482	\$22,500	N/A	02/13/07 Ord. No. 27973
450	TBD	Downtown Focus Plan	\$25,000	\$25,000	N/A	Council action proposed for 05/08/07 (PSM #4890*)
Total			<b>\$297,482</b>	<b>\$47,500</b>		

\*The appropriation of funds for the amendment to agreement with Brown & Keener Bressi is scheduled for City Council consideration on May 8, 2007. The approval of this memorandum is subject to City Council approval of the appropriation of funds.

HONORABLE MAYOR AND CITY COUNCIL

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CEQA

Not a Project.

A handwritten signature in black ink that reads "Paul Krutko". The signature is written in a cursive style with a long horizontal stroke at the end.

PAUL KRUTKO  
Chief Development Officer  
City Manager's Office

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