



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Paul Krutko
Jennifer Maguire

SUBJECT: SEE BELOW

DATE: July 30, 2007

Approved

Seamus Dubra

Date

8/3/07

COUNCIL DISTRICT: 3

SUBJECT: AGREEMENT BETWEEN THE VALLEY TRANSPORTATION AUTHORITY AND THE CITY OF SAN JOSE TO FUND CHANGING ARTWORKS IN THE DOWNTOWN TRANSIT CORRIDOR AND ADOPTION OF APPROPRIATION ORDINANCE AND FUNDING SOURCES RESOLUTION AMENDMENTS IN THE GENERAL FUND.

RECOMMENDATION

1. Approval of an agreement between Santa Clara Valley Transportation Authority, a Public Agency (VTA) and the City of San Jose ("City") to provide up to \$180,000 to fund changing artwork in the Downtown Transit Corridor to match the City's contribution with a total amount not to exceed \$360,000.
2. Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
 - a. Establish an appropriation to the Office of Economic Development for the Changing Art in the Transit Corridor appropriation in the amount of \$180,000.
 - b. Increase the estimate for Other Revenue by \$180,000.

OUTCOME

The inclusion of public art as an element of the Downtown Transit Corridor between First and Second Streets, San Carlos and St. James will help to enhance Downtown San Jose as a lively place to live, work and play.

BACKGROUND

The Office of Cultural Affairs (OCA), in partnership with the Redevelopment Agency (SJRA) and the Valley Transit Authority (VTA), is commissioning a series of changing artworks entitled *Who's on First, What's on Second* that will be installed along the transit corridor of First and Second Streets from San Carlos Street to St. James Square in Downtown San Jose. The projects will enliven the transit corridor starting in the fall 2007 and continue in an overlapping sequence through the 2008 ZeroOne Festival and into fall 2008. Consistent with the Public Art Master Plan of March 2007 that envisions Downtown as a focus area for public art and the 1stACT vision of a lively, creative, vibrant environment in Downtown the project, entitled *Who's on First, What's on Second*, is intended to animate the transit corridor area with visually engaging projects sited to create destination points for audiences.

The project has been in development with the VTA, SJRA and OCA since early 2006. In November, 2006, a review of artists and their proposals was conducted by a selection panel comprised of California-based curators and a group of local stakeholders including representatives from SJRA, VTA, San Jose Downtown Association, Team San Jose, 1stACT and the Bill Wilson Center. This panel proposed commissioning eight artists to develop projects. The Arts Commission approved the panel recommendation on February 14, 2007 and recommended that the City Manager negotiate and execute agreements with each of the eight artists to further develop their proposals.

ANALYSIS

Who's on First, What's on Second is intended to present works that involve Downtown residents, workers and visitors both as viewers and also as active participants in some of the artworks. Artists have proposed projects that address specific issues that affect Downtown San Jose. The following is a summary profile of the eight artists or artist teams and proposals selected for *Who's on First, What's on Second*:

Artist	Proposal
<u>JD Beltran</u>	"Video Mirrors" in various building windows features quotes and images of real buildings morphing through time.
<u>Jon Brumit</u>	"South Bay Talent Center," a storefront installation and performance showcasing the talents of ordinary community members.
<u>Chris Eckert</u>	Projected light haiku on Downtown wall written by professional and student poets.
<u>Bill Fontana</u>	Bell chorale played on Trinity Episcopal Church bells and broadcast on Second Street between St. John and Santa Clara.
<u>Jordan Geiger</u>	Inflatable sculpture with video projection connecting local club scene with clubs in other parts of the world.

<u>Helena Keefe</u>	Temporary renovation of the RFK Memorial in St. James Square, incorporating an audio walking tour and live performances.
<u>Hector Mendoza</u>	Cultural Citizen “tree” sculpture project, banners, bus and light rail placards and website highlighting the diversity of people Downtown.
<u>Chip Lord and Bruce Tomb</u>	Activated “zocalito” plaza space at Fountain Alley featuring film projections and artwork displays.

During design development, staff will work with the artists, community stakeholders, VTA, SJRA, the City Attorney’s Office, and the Department of Planning, Building and Code Enforcement to ensure that the projects meet stakeholder expectations and comply with City sign ordinance and other policies and regulations. Two of the projects, Light Haiku and the Zocalito project include projection elements that must be reviewed to insure compliance with the existing sign ordinance.

EVALUATION AND FOLLOW-UP

This project supports efforts by OED and SJRA to enliven Downtown through a program of “small wonders.” The outcome of this project will be reported to City Council in the semi-annual Public Art Work Plan information memoranda to Council.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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)**

OCA and the artists have involved downtown stakeholders during project development; and all of the projects include active public participation in their creation, presentation or performance. The projects will include marketing and educational elements designed to promote public engagement with the artists and artworks. In addition, the project has been presented and discussed from its inception through development in publicly-noticed meetings of the San Jose Arts Commission and its Public Art Committee.

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While this agreement is under the \$1 million threshold in Criterion 1, this memorandum is posted on the City's website for the August 21, 2007 Council Agenda.

The OCA will continue to include public outreach as a key component of its project development.

COORDINATION

This memo has been coordinated with the Redevelopment Agency and the City Attorney's 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 Jose.

COST SUMMARY/IMPLICATIONS

1. COST OF PROJECT:

Project Delivery	\$ 54,000
Artwork Design	\$ 42,000
Artwork Construction	<u>\$264,000</u>
Total Public Art Project Costs	\$360,000
Prior Year Expenditures	\$ 74,000
Less Remaining Encumbrances	<u>\$ 10,000</u>
REMAINING PROJECT COSTS	\$276,000

2. COST ELEMENTS OF CONSTRUCTION CONTRACT

Materials	\$ 74,000
Equipment Rental	70,000
Labor	108,000
Storage and Shipping	12,000
TOTAL CONSTRUCTION CONTRACTS	\$264,000

3. SOURCE OF FUNDING:

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

Upon approval by City Council of the recommendation of the agreement with VTA, VTA will transfer funds of \$180,000 to the City of San José to help fund the changing artwork in the Downtown Transit Corridor.

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FISCAL IMPACT: The Public Art Project on the Transit Corridor is a temporary project and its maintenance is included in the artists' fabrication budgets.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund artwork construction contracts and remaining project costs, including project delivery, design, and construction.

Fund #	Appn #	Appn. Name	Total Appn	2007-2008 Proposed Capital Budget Page	Last Budget Action (Date, Ord. No.)
Remaining Project Costs			\$276,000		
Current Funding Available					
450	4278	Twohy Building Public Art	\$38,000	N/A	N/A
450	4681	Paseo Plaza Public Art	\$60,600	N/A	N/A
Total Current Funding Available			\$98,600		
Additional Funding Recommended					
001	TBD	Changing Art in Transit Corridor	\$180,000	N/A	N/A
Total Funding for Remaining Project Costs			\$278,600		

CEQA

Resolution #72767



PAUL KRUTKO
Chief Development Officer



JENNIFER MAGUIRE
Acting Budget Director

For questions please contact Barbara Goldstein, Public Art Director, at 408-277-5144 ext. 27.

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I hereby certify that there will be available for appropriation in the General Fund in the Fiscal Year 2007-2008 moneys in excess of those heretofore appropriated therefrom, said excess being at least \$180,000.

A handwritten signature in black ink, appearing to read "Jennifer Maguire". The signature is written in a cursive, flowing style with large loops.

JENNIFER MAGUIRE

Acting Budget Director, Budget Office