COUNCIL AGENDA: 06/03/08
ITEM: 2.8

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Paul Krutko

SUBJECT: SEE BELOW

DATE: May 12, 2008

Approved

Date 5-13-08

COUNCIL DISTRICT: City-Wide

SUBJECT: ADOPTION OF A RESOLUTION TO ENTER INTO AN AGREEMENT WITH TOM OTTERNESS FOR THE DESIGN, FABRICATION AND INSTALLATION OF A PUBLIC ART PROJECT AT HAPPY HOLLOW PARK AND ZOO

RECOMMENDATION

Adoption of a Resolution authorizing the City Manager to negotiate and execute an agreement with Tom Otterness to design, fabricate and install public artwork for the Happy Hollow Park and Zoo in a total amount not-to-exceed $932,500.

OUTCOME

By authorizing the City Manager to execute a design, fabrication and installation agreement with Tom Otterness for the Happy Hollow Park and Zoo, the artist will be able to complete and install the artwork concept design approved by the Public Art Committee that was developed with critical engagement with Park and Zoo staff, community members, and local artists. This project will provide public art by an internationally recognized artist that will bring a high level of engagement to the thousands of Happy Hollow visitors annually, as well as those who travel to Happy Hollow specifically to see this important addition to the City's public art collection, and the artist's oeuvre.

BACKGROUND

In accordance with the Master Plan for Public Art 2000-2005, adopted by City Council on February 20, 2001, the Public Art Program strives to develop artworks that enhance the City and make it a lively, attractive place to live, work, and visit. One area of particular study during the planning process was artworks associated with capital improvement projects for parks and community center facilities.

The Safe Neighborhood Parks and Recreation Bond (Measure P) was approved by voters in November 2000 and provides $228 million for improvements at 69 neighborhood parks, 9 community centers, 7 regional parks, 6 trails, Happy Hollow Park and Zoo, and two sports complexes. Following the public art guidelines in place in 2000-2001, 2% of the bond projects budgets were allocated for public art.

Happy Hollow Park and Zoo, located within the Kelley Park complex at Senter and Story Roads, is implementing a major renovation that is in compliance with its master plan. As part of the Bond Program, a public art budget of $1,054,669 was established in association with the project. On June 18, 2002, City Council approved a *Workplan for Public Art for Measure O & P Bond Projects* that recommended pooling of certain public art project budgets to enable more significant art projects, including a major entry element at Happy Hollow Park and Zoo.

ANALYSIS

In November 2007, an request for qualifications (RFQ) was issued for the project: 92 artists replied to the call, and 90 were qualified for review by the Public Art Core Team (PACT). Per the Public Art Master Plan, the PACT is the group tasked with the responsibility of reviewing the applicants and recommending a project artist to the Public Art Committee of the Arts Commission. For this project, the 8-person PACT consisted of community members, client department representatives – specifically Happy Hollow Park and Zoo staff, and artists from the community, including two Arts Commissioners. The PACT met on January 11, 2008, and recommended three finalists to develop concepts for the Happy Hollow project: Tom Otterness, Dennis Oppenheim, and Donald Lipski.

On Friday, April 11, 2008, the PACT recommended the proposal by Tom Otterness for the Happy Hollow Park and Zoo. On April 15, 2008, the Public Art Committee, acting for the Arts Commission, approved the concept design for the project and recommended that the City Manager negotiate a design, fabrication and installation contract with Mr. Otterness.

Project Description

Entitled *Another World*, the concept is a menagerie of animals both real and imagined that will populate the new entry plaza of Happy Hollow Park and Zoo. The animals will be scaled for children and will be made from bronze. The artist describes the project:

> In making *Another World*, I have created just that in the form of a series of bronze sculptures that in turn create a series of stories. The animals are visiting Happy Hollow with you; some are dressed as police, some with high heels and others in bowler hats and business suits. It all begins, or ends, at the center, depending upon viewpoint of each visitor. ...As you journey you will find that my sculpture becomes totally integrated with the architecture of the plaza. I use elements of the plaza such as benches and trellis' to attach my bronze sculpture. In doing this, the installation blurs the boundaries of the viewer's perception of what is real and what is unreal; what is sculpture and what is plaza; what is park, and what is zoo.

The artist made significant consideration of the current entry plaza design, as well as usability of the plaza in the design of the concept. It allows for the required usage of the plaza while enhancing the visitor experience to create an artwork that will become iconic for Happy Hollow and the City of San José.

EVALUATION AND FOLLOW-UP

This project will increase the number of artworks in the City's collection. The condition of the artwork will be monitored through the Office of Cultural Affairs (OCA) annual collection evaluation process; and any required maintenance funding will be evaluated during the 2009-2010 operating budget process. In the semi-annual Public Art Program Report, the City Council will be advised when the artwork is completed and installed at Happy Hollow Park and Zoo.

POLICY ALTERNATIVES

Not applicable.

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)**

While this agreement is under the $1 million threshold in Criterion 1, this memorandum is posted on the City's website for the June 3, 2008 Council Agenda.

Public outreach for this action included national release of an RFQ seeking artists for the commission, and inclusion of representatives from the community on the selection panel. Following the contracting of Mr. Otterness, a public lecture by the artist will occur to introduce the community to this new aspect of the City's public art program, and the Happy Hollow Park and Zoo.

All project design review has been, and will continue to be conducted at publicly-noticed meetings open to the general public.

COORDINATION

This item has been coordinated with the Department of Parks, Recreation and Neighborhood Services, the Department of Public Works, 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	$157,000
Artwork Design	$134,500
Artwork Construction (see cost breakdown below)	$867,500
Total Public Art Project Costs	**1,159,000**
Prior Year Expenditures	$69,508
REMAINING PROJECT COSTS	**$1,089,492**

2. COST ELEMENTS OF CONSTRUCTION CONTRACT

Materials/Foundry	$426,000
Labor/Studio	$252,400
Shipping/installation	$47,000
Construction Management/overhead	$74,600
Contingency	$67,500
TOTAL CONSTRUCTION CONTRACT	**$867,500**

3. SOURCE OF FUNDING:

471 - Parks and Recreation Bond Projects Fund
391 – Construction and Conveyance Tax Fund: City-wide Parks Purposes

4. FISCAL IMPACT:

The public art projects at the Happy Hollow Park and Zoo are expected to be completed concurrently with the facility, currently scheduled for September, 2009. Annual maintenance of the artwork is estimated to be approximately $1,000-$2,000 annually. This additional cost will be addressed during the 2009-2010 Operating Budget process.

BUDGET REFERENCE

The table below identifies the funds and appropriations proposed to fund the agreement recommended as part of this memo and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn Name	RC #	Total Appn	Amt. For Agreement*	2007-2008 Adopted Capital Budget Page	Last Budget Action
Remaining Project Costs				**$1,089,492**			
Remaining Funding Available							
471	6883	Public Art – Park and Recreation Bonds.	146053	$1,021,492*	$864,500	V – 809	10/16/07 Ord. No. 28143
391		Funding from liquidation and re-encumbrance of prior year encumbrances (please see the table below for details)**		$68,000	$68,000		
Total Funding Available				**$1,089,492**	**$932,500**		

*Only $1,021,492 of the current appropriation in the amount of $2,393,000 in the Parks and Recreation Bond Projects Fund is available for this project.
**A portion of this agreement will be funded from the liquidation and re-encumbrance of the following prior year encumbrances:

Fund	Appn. #	Appn. Name	Amount
471	6883	Public Art – Park and Recreation Bonds	$28,000
391	5854	Japanese Friendship Garden – Koi Pond Public Art	$17,000
391	6022	Kelley Park Parking Lot Public Art	$15,000
391	6297	Historical Museum Art - Design	$8,000
TOTAL			**$68,000**

CEQA

Exempt, File No. PP05-184

PAUL KRUTKO
Chief Development Officer

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