



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Walesh

SUBJECT: SEE BELOW

DATE: November 21, 2011

Approved

Date

12/1/11

SUBJECT: ADOPTION OF A RESOLUTION TO ENTER INTO AN AGREEMENT WITH AN ARTIST FOR THE DESIGN, FABRICATION AND INSTALLATION OF A PUBLIC ART PROJECT AT MCENERY CONVENTION CENTER

RECOMMENDATION

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with Soo-in Yang for the design, fabrication and installation of a public artwork at the McEnery Convention Center in an amount not to exceed \$480,000.

OUTCOME

Approval of a Design, Fabrication and Installation Agreement with the artist for the McEnery Convention Center will enable the artist to complete and install an artwork that will enhance the building upon its grand opening in September 2013.

BACKGROUND

The goal of the San José Convention Center expansion is to create a signature building that represents the City's commitment to be a leader in convention and cultural facilities, providing a dynamic meeting destination that will showcase the City's innovative spirit. The base project includes a 125,000 square foot addition as well as renovation and upgrades of the existing 425,000 square foot facility to increase operating efficiency, replace outdated systems, and improve the overall ambiance providing for a first-class client experience.

With over half a million conventioners and community members moving through the facility annually, the McEnery Convention Center offers a key opportunity to reflect bold thinking and vision and reinforce San José's place as the Capital of Silicon Valley and the largest city in world's

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leading region for innovation. The facility is a gathering place for people from all over the world, many of whom are involved with high-technology and research-oriented business. In response to this opportunity, the artist will design, fabricate, and install a large-scale artwork representing core San José values such as sustainability, communication, and technological innovation.

The Office of Cultural Affairs participated actively in outreach efforts with Team San Jose to develop the scope of work for this public art project. Outreach included participating in stakeholder workshops during the first iteration of the project and the current design build project. Stakeholders included hotel representatives, arts organizations, San José Downtown Association and 1st ACT Silicon Valley. As a result of this outreach, and as testament to the importance of this opportunity, the City will encourage and work with the artist to seek a technology and engineering partner/s to support deployment of technology to turn the Convention Center 'inside-out,' creating a dialogue between culture, business, and community members. The nature of potential partnerships will be defined through the design development phases.

ANALYSIS

In keeping with the City's vision for the expanded McEnery Convention Center, the artist selection panel recommended Soo-in Yang for this commission. Yang is an artist and architect, and is co-founder and director of the Living Architecture Lab at Columbia University in New York City. He has completed large scale new media-based public art commissions in New York City; Seoul, Korea; Linz, Austria; and Hong Kong.

The artist selection panel included stakeholders Ben Roschke, Associate Director of Marketing, Team San Jose; Michael Lockwood, Project Designer, Hunt/Populous; and Michael Mulcahy, downtown hotel owner, and a board member for Team San Jose and San Jose Children's Musical Theater. The panel also included arts professionals Nik Hafermaas, lead artist for *eCLOUD* at Mineta San José International Airport (SJC) and Department Chair, Graphic Design at Art Center College of Design; Shona Kitchen, artist and educator who designed *Dreaming FIDS* at SJC; Santa Monica's *Glow Festival* curator Marc Pally; and Josette Melchor, Executive Director of Gray Area Foundation For the Arts in San Francisco.

On October 14, 2011, the artist selection panel met to review 100 submissions from national and international artists and recommended four artists to be interviewed. On November 10, 2011, the selection panel recommended that Soo-in Yang be commissioned for the artwork, and on November 14, 2011, the Public Art Committee of the Arts Commission reviewed and approved the artist selection panel's recommendation.

The selection criteria for this project were:

- Be perceived as *must see* and magical
- Be thought provoking and accessible to a variety of audiences
- Artistic caliber
- Sculptural integrity
- Create a sense of place
- Spirit of innovation
- Appropriate scale
- Day and night presence

The artist selection panel was impressed by Soo-in Yang's innovative approach in previous projects to integrating art into architecture and urban spaces. In the interview, Yang expressed a good understanding of the Convention Center's context and interest in pursuing an approach that will integrate a dynamic artwork into the building and extend the building's reach throughout downtown. The panel believed that, based on Yang's past artworks and collaborative skills, he would produce an iconic work for the Convention Center.

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 2013-2014 operating budget process. The Public Art Program will also be actively seeking additional sponsorship to help sustain the Public Art Program at the Convention Center. In the semi-annual Public Art Program Report, the Council will be advised when the artwork is completed and installed at the Convention Center.

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)**

This action does not meet any of the above criteria. This item will also be posted on the City of San José website for the December 13, 2011 City Council Agenda.

COORDINATION

This memorandum has been coordinated with the Department of Public Works, Team San Jose, the City Manager's Budget Office, and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

The Convention Center Public Art Program aligns with the following strategic goals from San José's Economic Development and Cultural Development strategies:

- Integrate high impact Public Art and Urban Design throughout the Community; and
- Continue to position Downtown as Silicon Valley's city center.

COST SUMMARY/IMPLICATIONS

1. COST OF PROJECT

Project Delivery/Administration Costs	\$ 170,000
Design	50,000
Cost Elements of Construction Contract	<u>430,000</u>
Total Public Art Project Costs	\$ 650,000
Prior Year Expenditures	\$56,955
REMAINING PROJECT COSTS	\$ 593,045

2. COST ELEMENTS OF CONSTRUCTION CONTRACT

Labor	\$ 50,000
Construction Management/overhead	20,000
Fabrication & Installation	300,000
Engineering	20,000
Travel	5,000
Shipping	5,000
Contingency	30,000
TOTAL CONSTRUCTION CONTRACT	\$ 430,000

3. SOURCE OF FUNDING:

691 - Convention Center Facilities District Project Fund

4. CONTRACT TERMS AND MILESTONES:

The contract will be negotiated as a fixed price according to pre-determined milestones. The term of the agreement will extend through September 2013, unless amended.

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BUDGET REFERENCE

The table below identifies the fund and appropriation that funds the contract referenced in this memo.

Fund #	Appn #	Appn. Name	Total Appn.	Amount for Contract	2011-12 Adopted* Budget Page	Last Budget Action (Date, Ord. No.)
Remaining Project Costs			\$593,000	\$480,000**		
Current Funding Available						
691	7288	Convention Center Expansion and Renovation – Public Art	\$573,000		Page V - 862	10/18/2011, 28979
Total Current Funding Available			\$573,000			
Total Funding for Remaining Project Costs						

* The 2011-2012 Adopted Capital Budget and the 2012-2016 Capital Improvement Program includes an additional \$20,000 for the Public Art project in 2012-2013.

**The contract includes \$50,000 for design and \$430,000 for construction.

CEQA

Resolution No. 72767 and Addenda thereto. File No. PP08-002

/s/
KIM WALESH
Director of Economic Development
Chief Strategist

For questions please contact Barbara Goldstein, Director of Public Art, at (408) 793-4337.