



CITY OF MOUNTAIN VIEW

VISUAL ARTS COMMITTEE

AGENDA

REGULAR MEETING – WEDNESDAY, FEBRUARY 9, 2022
VIDEO CONFERENCE WITH NO PHYSICAL MEETING LOCATION
6:00 P.M.

During this declared state of emergency, the meeting will be conducted in accordance with California Government Code § 54953(e) as authorized by resolution of the City Council. Please contact city.clerk@mountainview.gov to obtain a copy of the applicable resolution. All members of the Visual Arts Committee will participate in the meeting by video conference, with no physical meeting location.

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to sabina.mora@mountainview.gov by 5:00 p.m. on the meeting date. Emails will be forwarded to the Visual Arts Committee. Please identify the Agenda Item number in the subject line of your email. All emails received will be entered into the record for the meeting.
2. Provide oral public comments during the meeting:

Online: You may join the Zoom Webinar using this link: <https://mountainview.gov/meeting> and entering Webinar ID: 864 1404 5157. You may be asked to enter an email address and a name. Your email address will not be disclosed to the public.

When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified of their turn shortly before they are called on to speak.

By phone: Dial 669-900-9128 or 877-853 5257 (toll free) and enter the Webinar ID: 868 2254 4844. When the Chair announces the item on which you wish to speak, dial *9. Phone participants will be called on by the last two digits of their phone number.

When called to speak, please limit your comments to the time allotted (up to three minutes, at the discretion of the Chair).

1. **CALL TO ORDER**

2. **ROLL CALL** – Committee members Cliff Bryant, Jesse Cupp, Susi Merhar, Regina Sakols, Tootoo Thomson, Vice Chair Don Whitebread, and Chair Toni Hsu.

3. **MINUTES APPROVAL**

Minutes for the December 8, 2021 meeting have been delivered to Committee members and copies posted on the City Hall bulletin board. If there are no corrections or additions, a motion is in order to approve these minutes.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC**

This portion of the meeting is reserved for persons wishing to address the Committee on any matter not on the agenda. Speakers are limited to three minutes. State law prohibits the Committee from acting on nonagenda items.

5. **UPCOMING AGENDA TOPICS**

This portion of the agenda is reserved for identification of agenda items for future meetings.

6. **UNFINISHED BUSINESS**

6.1 **MORA PARK – CIP PROJECT 17-46**

Staff will provide an update on the project.

6.2 **PYRAMID PARK – CIP PROJECT 17-34**

Staff will provide an update on the project.

6.3 **RENGSTORFF PARK AQUATICS CENTER – CIP PROJECT 18-38**

Staff will provide an update on the project.

6.4 **FAYETTE PARK – CIP PROJECT 20-48**

Staff will provide an update on the project.

6.5 RENGSTORFF PARK STRUCTURES – CIP PROJECT 21-48

Staff will provide an update on the project.

7. NEW BUSINESS

7.1 PUBLIC ART STRATEGY REINTRODUCTION

Staff will reintroduce the Public Art Strategy, provide a recap of the process to date, and an overview the next steps in the development of the strategy.

7.2 ELECTION OF THE CHAIR AND VICE CHAIR

The Committee shall nominate and elect a new Chair and Vice Chair for 2022.

8. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS

No action will be taken on any questions raised by the Committee at this time.

9. ADJOURNMENT

SM/4/CDD
805-02-09-22A

AGENDAS FOR BOARDS, COMMISSIONS, AND COMMITTEES

- The specific location of each meeting is noted on the notice and agenda for each meeting which is posted at least 72 hours in advance of the meeting. Special meetings may be called as necessary by the Committee Chair and noticed at least 24 hours in advance of the meeting.
- Questions and comments regarding the agenda may be directed to the Community Development Department at 650-903-6535.
- **SPECIAL NOTICE – Reference: Americans with Disabilities Act, 1990**
Anyone who is planning to attend a meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the Community Development Department at 650-903-6306 48 hours in advance of the meeting to arrange for assistance. Upon request by a person with a disability, agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format.
- The Board, Commission, or Committee may take action on any matter noticed herein in any manner deemed appropriate by the Board, Commission, or Committee. Their consideration of the matters noticed herein is not limited by the recommendations indicated herein.
- **SPECIAL NOTICE –** Any writings or documents provided to a majority of the Visual Arts Committee regarding any item on this agenda will be made available for public inspection in the Community Development Department, located at 500 Castro Street, during normal business hours and at the meeting location noted on the agenda during the meeting.

ADDRESSING THE BOARD, COMMISSION, OR COMMITTEE

- Interested persons are entitled to speak on any item on the agenda and should make their interest known to the Chair.
- Anyone wishing to address the Board, Commission, or Committee on a nonagenda item may do so during the “Oral Communications” part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.



CITY OF MOUNTAIN VIEW

VISUAL ARTS COMMITTEE

MINUTES

REGULAR MEETING – WEDNESDAY, DECEMBER 8, 2021
VIDEO CONFERENCE WITH NO PHYSICAL MEETING LOCATION
6:00 P.M.

1. **CALL TO ORDER**

Chair Toni Hsu called the meeting to order at 6:04 p.m.

2. **ROLL CALL**

Present: Committee members Cliff Bryant, Jesse Cupp, Susi Merhar, Tootoo Thomson (arrived at 6:06 p.m.), Regina Sakols, Vice Chair Don Whitebread, and Chair Toni Hsu.

Absent: None.

Staff Present: John Lang, Economic Vitality Manager; Tiffany Chew, Business Development Specialist; and Rey Rodriguez, Senior Project Manager.

3. **MINUTES APPROVAL**

The minutes of the November 10, 2021 meeting were distributed prior to the meeting and approved as presented.

Motion – M/S Merhar/Sakols – Carried 6-0-1; Thomson absent – Approve the November 10, 2021 meeting minutes as presented.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC** – None.

5. UPCOMING AGENDA TOPICS

- Public Art Strategy
- Feedback from the Council Policy and Procedures Committee related to a Public Art Strategy
- Relaunching Utility Box public art project

6. UNFINISHED BUSINESS

6.1 MORA PARK – CIP PROJECT 17-46

Staff provided an update on the project. Project anticipated to be completed in late January 2022/early February 2022.

No action taken.

6.2 PYRAMID PARK – CIP PROJECT 17-34

Staff provided an update on the project.

No action taken.

6.3 RENGSTORFF AQUATICS CENTER – CIP PROJECT 18-38

Staff provided an update on the project.

Staff is working with the architect and project team on alternative options for the placement of the existing public art.

No action taken.

6.4 FAYETTE PARK – CIP PROJECT 20-48

Staff provided an update on the project.

No action taken.

6.5 CITY COUNCIL POLICY K-5 ON PUBLIC ART AND CIP PROJECTS

Staff provided an update on the Council Policy and Procedures Committee (CPPC) recommendations to Council Policy K-5. The CPPC recommendation included:

- a. Maintain the threshold to qualify for public art at \$1,000,000;
- b. A proposed cap of \$400,000 for public art projects with an adjustment to account for inflation using Consumer Price Index (CPI); and
- c. Increase of the percent for public art from 1% to 2% of the construction budget.

Next step is to bring Council Policy K-5 to the City Council in January 2022.

No action taken.

6.6 RENGSTORFF PARK STRUCTURES – CIP PROJECT 21-48

Staff clarified direction from the Committee on requirements that should be included in the Request for Qualifications for Artists, specifically noting that the selected artist will be required to work with representatives from both the Youth Advisory and Senior Advisory Committees to develop up to three 2-D mural concept designs.

No action taken.

7. NEW BUSINESS

7.1 VISUAL ARTS COMMITTEE SCHEDULE

Staff proposed the following schedule for the second Wednesday of the following months at 6:00 p.m.: February 9; March 9, April 13, May 11, September 14, October 12, November 9, and December 14. No meeting is proposed on January 12, July 13, and August 10.

Motion – M/S Sakols/Whitebread – Carried 7-0; – To approve the 2022 meeting schedule with the following modifications: the April 13, 2022 meeting moved to April 6, 2022 and add June 8, 2022 to the meeting schedule.

8. COMMITTEE/STAFF COMMENTS, QUESTIONS, COMMITTEE REPORTS

None.

9. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

SM/4/CDD

805-12-08-21mn



CITY OF MOUNTAIN VIEW

MEMORANDUM

Community Development Department/
Economic Development Division

DATE: February 9, 2022
TO: Visual Arts Committee
FROM: John Lang, Economic Vitality Manager
SUBJECT: **Public Art Strategy Work Plan for 2022**

PURPOSE

Seek feedback on the Public Art Strategy Development from the Visual Arts Committee.

BACKGROUND

Public Art In Mountain View

Public Art and Capital Improvement Program Projects (City Council Policy K-5)

In 1987, the City Council approved Council Policy K-5 to include public art for City capital improvement projects. The Council Policy provides direction on the types of City projects in which public art is included, the budget allocated to public art, and the process for approving the selection.

The current Council Policy K-5 calls for 1% of the construction budget of all major capital improvement projects (\$1 million or more) to be devoted to the selection and purchase of a significant appropriate piece of art which shall be incorporated as an integral piece of the design of the project. This artwork may consist of works integrated into the project; acquisitions; art commissioned for the building exterior, interior, or site; or other appropriate installations. The Visual Arts Committee (VAC) is responsible for advising the City Council on the selection of art for qualifying capital improvement projects.

Over the past five years, Council Policy K-5 facilitated public art at the Teen Center, Community Center, Rengstorff Park Aquatics Center, and Fayette, Mora, Pyramid, and Wyandotte Parks. Council will be considering modifications to Council Policy K-5 as recommended by the VAC and Council Policy and Procedures Committee (Attachment 1: Council Policy and Procedures Committee Item 5.1: Council Policy K-5 – Public Art and Capital Improvement Program Projects).

Public Art and Mountain View Land Use Policies

Public art was integrated into the 2030 General Plan, which serves as the guiding document for the City's physical development and preservation. It includes goals and policies that convey a long-term vision and guide local decision-making to achieve that vision. The plan identified a visual arts goal, POS-11: commitment to the visual arts that celebrate the diversity and aspirations of the City and are accessible to the entire community.

The General Plan also identified five change areas. These are: East Whisman, El Camino Real, Moffett Boulevard, North Bayshore, and San Antonio. The identification of these areas resulted in four new Precise Plans: East Whisman, El Camino Real, North Bayshore, and San Antonio. These plans require developers seeking additional development capacity to provide community benefits. Developers may provide public art as a community benefit to meet those requirements. The following is a summary of the four adopted plans:

- East Whisman: Public art is incorporated to support City public projects and public spaces in private development projects. In addition, the Plan will integrate findings and direction from the Public Art Strategy.
- El Camino Real: Public art will be integrated in public plazas as special street-facing open areas that act as gathering spaces for surrounding neighborhoods. These would be designated as unique and notable destinations with the potential to accommodate a range of activities. Amenities could include benches, art, water features, or other elements.
- North Bayshore: Public art is defined as a public benefit where nonresidential projects could earn extra floor area ratio (FAR) if they provide public benefits or contribute to a district improvement project.
- San Antonio: Public art is included as part of the design guidelines in which art can be added to enrich the pedestrian experience. The Precise Plan outlines how public

art could be incorporated into new development and what the art should be: locally sourced, interactive, interpretive, and functional.

Public Art Strategy Development

Benchmarking

Cities across the Bay Area support public art through a variety of strategies and policies to fund public art programming. Staff has looked at art programs, master plans, and policies across most jurisdictions within Santa Clara County. The benchmarking process has resulted in an understanding of how cities, in varying degrees, support art deployment in their respective communities. Staff focused attention on those cities that have a public art policy for private development, art donation and temporary art programs, art deaccessioning policy, and public art collection maintenance policy, as model cities for developing a Mountain View public art strategy. Staff has also had conversations with select jurisdictions on lessons learned from implementing such programs. A matrix of public art strategies and programs identified by staff is included as Attachment 2.

Initial Outreach

Staff, with the assistance from Barbara Goldstein and Associates, conducted an initial phase of public outreach at three community events (Monster Bash in October 2019, and two Sunday Farmers' Markets in November and December 2019) to provide information to the community on what public art is and what it could look like, and also to receive input on potential goals for public art. In addition, staff held two focus groups in February 2020, one for neighborhood groups and the other for artists.

Identified Goals

Clear goals provide the foundation for what public art programs and policies should be established and how the strategy should be implemented. As part of the initial evaluation and considerations for a Public Art Strategy in Mountain View, staff identified four potential high-level goals based upon staff's evaluation of neighboring cities and the initial phase of public outreach conducted in 2019 and 2020.

The four goals received unanimous support of the VAC at its March 11, 2020 meeting. The goals connect with the Public Art Goal articulated in the 2030 General Plan while

guiding implementation through an integrated set of policies/framework that the strategy will ultimately incorporate, and include the following:

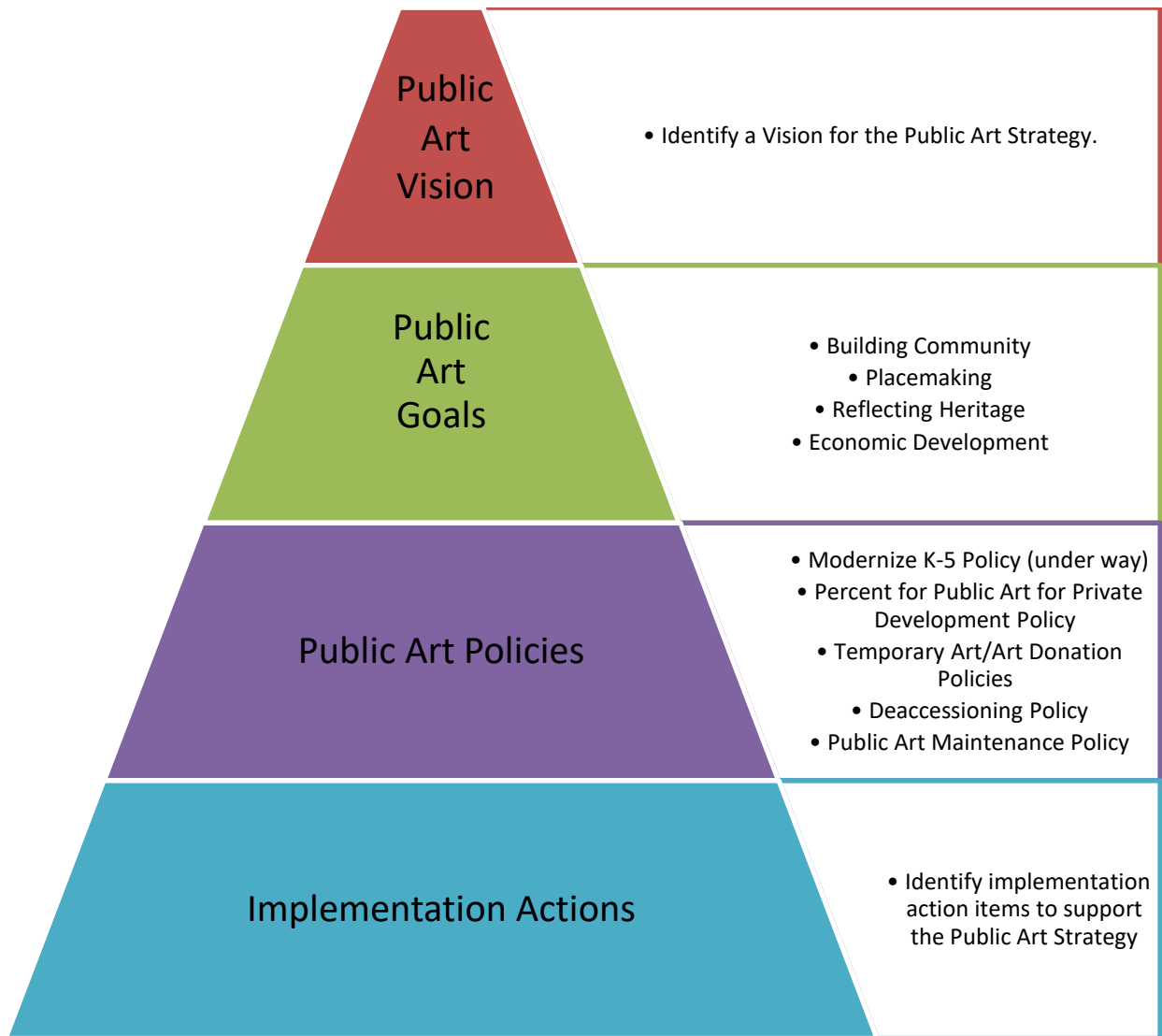
- **Building Community:** Public art can build and support a community by promoting a sense of ownership, pride, and understanding in the community. As cities evolve and populations grow and change, artwork can help bring people together by creating shared experiences or help communities through times of change or significant events. These can take the form of temporary or permanent artwork.
- **Placemaking:** The term “placemaking” has been used in various ways and could have different implications. However, at the broadest level, a core component of placemaking is the process and/or creation of places that are visually or physically accessible to the public (i.e., plazas, parks) that cause people to want to be there. Successful placemaking creates a public space which serves as a community focal point where people of all ages, abilities, and socioeconomic backgrounds can access and enjoy a location within a city.
- **Reflecting Cultural Heritage:** Community identity is often defined by the cultural heritage of the people who live there. Public art can refer to a city’s past, present, or even its future, and such art can celebrate and share cultural heritage, shared experiences, and history.
- **Supporting Economic Development:** Public art can promote economic development and support commercial districts through visually activating vacant storefronts, bringing unique artwork to commercial districts, and enhancing commercial property. Distinct districts can emerge or be strengthened, adding to the positive characteristics of the area.

ANALYSIS

The process for developing the Public Art Strategy originally identified in 2019 as a Work Plan item for the VAC has been delayed due to prolonged issues with the COVID-19 Pandemic.

Public Art Strategy Framework

In order to facilitate the development and eventual adoption of the Public Art Strategy for 2022, staff is proposing the following framework and work plan to complete the project:



Develop a Public Art Vision

Working with the Visual Arts Committee and the Mountain View community, develop a vision statement for Public Art. A vision statement should reflect the unique character of Mountain View and align with other guiding documents and policies for the City.

Develop Policies that Support the Goals and Vision of an Art Strategy

Based upon initial outreach to the community, staff has identified five initial policies to encourage and manage more public art that is widely accessible and available throughout Mountain View and aligns with the goals identified as a part of the Public Art Strategy development process.

The five policies include:

- Modernize Council Policy K-5: Discussed by the VAC and the Council Policy and Procedures Committee in fall 2021, and a revised policy will be considered by the City Council in February 2022.
- Develop a Percent for Public Art for Private Development Policy.
- Develop Temporary Art Policy and Art Donation Policy.
- Develop a Public Art Deaccessioning Policy.
- Develop a Public Art Collection Maintenance Policy.

Identify Implementation Actions

Working with the Visual Arts Committee and the community, the process will include seeking feedback and input on developing implementation actions associated with the five policies and four goals of the Public Art Strategy. An example of an implementation action could be the execution of a utility box public art program that aligns with the goals, vision, and policies identified in the Public Art Strategy.

NEXT STEPS

Use the VAC monthly meetings to gather further feedback and input on developing the Public Art Strategy.

- March/April VAC meetings on developing a Vision Statement for the Public Art Strategy.
- March/April VAC meetings to seek feedback and input on a temporary art and donation policy and a public art collection maintenance policy.

- April/May VAC meetings to seek feedback and input on a percent for public art in private development policy.
- Over the next three months (February through April), work with the VAC to develop a good inventory of public art imagery for use in the Public Art Strategy document and further refining online materials about Mountain View Public Art.
- Work with the City's Geographic Information System team to update and refine the Public Art Map with imagery and content.
- Work with the VAC and City staff to identify potential locations for additional public art installations.
- Engage the VAC in expanding outreach to the artist community and the larger Mountain View community for their feedback in developing the Public Art Strategy.

Feedback from the VAC meetings will help inform policy and implementation items associated with the development of a Public Art Strategy.

JL/SM/4/CDD
819-02-09-22M

- Attachments:
1. Council Policy and Procedures Committee Item 5.1: Council Policy K-5 – Public Art and Capital Improvement Program Projects
 2. Benchmarking other Bay Area Public Art Programs



CITY OF MOUNTAIN VIEW

MEMORANDUM

Public Works Department

DATE: November 30, 2021

TO: Council Policy and Procedures Committee

FROM: Rey S. Rodriguez, Senior Project Manager
Robert Gonzales, Principal Civil Engineer
Dawn S. Cameron, Public Works Director

VIA: Kimbra McCarthy, City Manager

SUBJECT: Council Policy K-5 – Public Art and CIP Projects

BACKGROUND

In 1987, the City Council approved Council Policy K-5 to include public art for major City capital improvement program (CIP) projects, defined as projects costing \$1 million or more, and set an art budget of 1% of the project cost. The Policy was revised by Council on May 21, 2013 to clarify that the project cost threshold and 1% calculation are based on the construction budget and to add the role of the Visual Arts Committee (VAC) to advise Council on art and artists for qualifying projects. The policy as revised in 2013 consists of the following single paragraph:

“One percent of the construction budget of all major capital improvement projects (\$1 million or more) shall be devoted to the selection and purchase of a significant appropriate piece of art which shall be incorporated as an integral piece of the design of the project. This artwork may consist of works integrated into the project; acquisitions; art commissioned for the building exterior, interior, or site; or other appropriate installations. The Visual Arts Committee is responsible for advising the City Council on the selection of art and artists for qualifying capital improvement projects.”

Originally, the Policy was primarily applied to City buildings. However, as the construction costs of new parks projects began to exceed \$1 million, the application of Policy K-5 expanded beyond buildings to include new parks. Recently, staff has incorporated public art budgets into other capital projects, such as the new U.S. 101/Shoreline Bicycle/Pedestrian Bridge currently in preliminary design.

In addition, Council recently began to approve public art at 2% of the construction budget for new parks projects due to the lower construction costs to ensure that there was an adequate amount of funding for art. Staff was also requested to bring to Council a potential policy revision to increase the public art budget from 1% to 2% for all projects.

Public Art Strategy

The Fiscal Year 2021-22 and Fiscal Year 2022-23 Strategic Roadmap Action Plan includes a Council priority project to continue to work with the VAC to encourage public art. City staff is working with the VAC on the Public Art Strategy that will build on Council Policy K-5 to allow more public art opportunities throughout the community. Various potential mechanisms are being considered as part of the Public Art Strategy, including partnerships, public art in private development, public art decommission policy, and additional public art programming and processes.

It was originally planned that revisions to Council Policy K-5 related to CIP projects would be included in Council's deliberations related to the Public Art Strategy. Development of the Strategy, however, was delayed due to the COVID-19 pandemic. The current schedule is to bring the proposed Strategy goals and framework to Council for discussion in early 2022.

There are several CIP projects that are potentially subject to Council Policy K-5 that will soon begin preliminary design. To provide staff with clear direction related to applying Council Policy K-5 to these and future CIP projects, staff is bringing forward recommended revisions related to CIP projects separately from the new Public Art Strategy.

ANALYSIS

There are five components to Council Policy K-5:

1. Types of projects for which the Policy is applicable;
2. The construction cost threshold level for applying the Policy to a CIP project;
3. Amount (percentage) of funding to dedicate to public art;
4. When to integrate the art in the project; and
5. Role of the Visual Arts Committee.

This report is focused on the first three components: applicable projects for public art, threshold level, and amount (percentage) to budget.

Applicable Projects

The current policy language about applicable projects is not specific and simply states “all major capital improvement projects.” As stated above, the Policy was originally applied to just building projects and has since been expanded to apply to new parks that exceed \$1 million in construction costs. In the 2013 Council report, it was noted that the Policy would not apply to routine maintenance and utility infrastructure projects, such as streets, sidewalks, sewer, and water lines, although this was not specified in the Policy itself.

To address the ambiguity of the project types in the current policy, **staff recommends that the Policy specify the following applicable capital projects: new parks, new buildings, major renovations of buildings, new bridges, new or renovated public plazas, new trails or trail extensions, and new bicycle/pedestrian over- or undercrossings.**

Consistent with the intentions in the 2013 Council report, maintenance, replacement, and repair projects for streets, sidewalks, sewer, and water lines would not be included. Other routine maintenance, replacement, and repair projects that can have high construction costs would also not be included, such as reroofing City buildings, replacing Heating, Ventilation, and Air Conditioning (HVAC) systems, and synthetic turf replacements in athletic fields. In addition, projects that add bicycle and pedestrian improvements within existing right-of-way would not be included, such as the El Camino Real and Stierlin Road bicycle and pedestrian improvements projects. These types of projects do not provide opportunities for public art as part of the project, and many have restricted funding sources.

Construction Cost Threshold Level

In 1987, Council Policy K-5 defined a major project as having a minimum construction cost of \$1 million and set a 1% public art budget (equal to a \$10,000 minimum art budget). When factoring for inflation, a \$1 million project in 1987 is equivalent to a \$2.4 million project today (or a \$24,000 minimum art budget).

During the last few years, as project costs increased and construction budgets for small parks exceeded \$1 million, the VAC reviewed and recommended public art to Council for placement in new parks. A 1% public art budget for most of these parks projects would have only been \$13,000 to \$18,000. As there was concern that this amount was too

small for a meaningful art budget, Council approved public art at 2% of the construction budget for these parks projects.

Although Council has recently approved art selections with 2% budgets, the art budget for a project with a construction cost of \$1 million remains small (\$20,000). The public art budget covers expenses for the artist and include materials, structural engineering (when necessary), permits, transportation, installation, and insurance premium costs to meet City requirements. It is very challenging to secure artwork suitable for an outdoor setting for only \$20,000.

Staff recommends increasing the project construction hard-cost threshold for determining applicable CIP projects to \$1.5 million to provide a minimum public art budget of \$30,000 at the 2% budget rate. A construction cost of \$1.5 million is more reflective of a “major” capital project in terms of staff time and project process. In addition, a minimum of \$30,000 for public art will better support artists to provide an art piece suitable for a public setting and to cover associated expenses. In the case where the art is indoors and part of a building, \$30,000 could be used to purchase multiple paintings and photographs or sculptures for display. Outdoor settings that require durable public art may require the full \$30,000 for a single piece of artwork.

Percentage of Construction Budget for Public Art

Since the Policy revisions were approved in 2013, public art has been included in the following building projects based on 1% of the construction budget: Fire Station No. 5, The View Teen Center, Library renovation, and the new Community Center. Prior to 2018, park projects did not qualify for public art because construction budgets were below \$1 million. In 2018, park construction costs rose to levels exceeding the threshold, and, ultimately, Council approved budgets and art for Wyandotte, Mora, and Pyramid Parks based on 2% of the construction costs due to the relatively low construction cost basis. Table 1 shows the 1% calculation used for these building projects and what a 2% budget would have been. It also provides the 2% used for park projects in recent years and what it would have meant if a 1% factor was used.

Table 1: Approved Capital Projects Public Art Budgets 2013-2021

<u>Project</u>	<u>Construction Budget</u>	<u>1% Public Art Budget</u>	<u>2% Public Art Budget</u>
Fire Station No. 5	\$6.7 million	<u>\$67,000</u>	\$134,000
Library Renovation	\$3 million	<u>\$30,000</u>	\$60,000
New Community Center	\$14 million	<u>\$140,000</u>	\$280,000
The View Teen Center	\$3 million	<u>\$30,000</u>	\$60,000
Wyandotte Park	\$1.8 million	\$18,000	<u>\$36,000</u>
Mora Park	\$1.0 million	\$10,000	<u>\$20,000</u>
Pyramid Park	\$3.0 million	\$30,000	<u>\$60,000</u>
Fayette Park	\$1.3 million	\$13,000	<u>\$26,000</u>

NOTE: **Bold underlined** numbers are the approved public art budgets.

Over the last several years, construction costs have increased at a much higher annual rate than inflation. This was occurring even before the supply chain issues created by the pandemic that have further increased construction costs. All the projects listed above would cost significantly more to construct today with proportionately higher art funding. It is unlikely that any future new park projects will cost less than the recommended threshold of \$1.5 million.

A 2% art budget can be included in most of the City’s CIP project costs without creating a significant funding issue. However, the City does have some very high-cost capital projects in the planning phases that will be challenging to fund and/or will be dependent on grants which will not cover public art. Examples of these projects include:

- Public Safety Building Project – Anticipated construction budget of around \$100 million.
- Transit Center (Castro) Grade Separation and Access Project – Estimated construction budget of \$87 million.

- Rengstorff Grade Separation Project – Estimated construction budget of nearly \$200 million.
- Stevens Creek Trail Extension to West Remington Drive and Mountain View High School – Anticipated construction budget of over \$35 million.

The City may be financing the costs of one or more of these projects and, for the grade separation projects, relying on grants for a large percentage of the construction costs. A 1% and 2% public art budget for projects at this scale would range from \$700,000 to \$4 million. Some of these higher-cost projects may be using funding sources with many competing demands, such as the CIP Reserve and Construction/Conveyance Tax Fund, and very high art budgets will affect funding for other projects reliant on these funding sources, such as building and street maintenance projects. Staff is, therefore, recommending an approach that sets a maximum budget for public art that will be adequate to provide for meaningful art installations balanced with avoiding increasing a project's funding challenges.

Staff recommends that the public art budget in Council Policy K-5 be revised to be 2% of the construction cost for all applicable CIP projects, up to a cap of \$400,000. Most of the City's applicable capital projects have construction costs of \$20 million or less, which would mean that most projects would receive the 2% art budget.

Table 2 lists a sample of upcoming CIP projects that would be subject to Council Policy K-5 as recommended in this memorandum. Also shown is what their public art budget would be based on current estimated construction costs and application of the recommendation of a 2% rate with a cap of \$400,000. All of these projects have either just completed preliminary design, are going to start design in the next year, or are planned to start design as part of the five-year CIP for Fiscal Year 2021-22 through Fiscal Year 2025-26. For the latter projects, the construction costs are order-of-magnitude estimates.

**Table 2: Sample of Future Capital Projects
 Art Budget Based on Recommended Policy Revisions**

<u>Project</u>	<u>Estimated Construction Cost</u>	<u>City Funded Art Budget</u>
New Public Safety Building	\$100 million	\$400,000
Shoreline Boathouse Kitchen Expansion	TBD (over \$3 million)	Over \$60,000
Fire Station No. 5 Classroom/Training Modular Building	\$2.4 million	\$48,000
Evelyn Avenue Mini-Park	\$1.57 million	\$31,400
Villa Street Mini-Park	\$1.5 million	\$30,000
Showers/California Park	\$3.5 million	\$70,000
Stevens Creek Trail Extension	\$35 million	\$400,000
U.S. 101/Shoreline Bike/Ped Bridge	\$20 million	\$400,000
Transit Center Grade Separation and Access (Measure B and other grants – \$82 million)	\$87 million	\$400,000
Rengstorff Avenue Grade Separation (Measure B and other grants – \$103 million)	\$197 million	\$400,000
Villa Bike/Ped Undercrossing of Caltrain/Central Expressway	\$20 million	\$400,000

As shown above, most of the projects are \$20 million or less. Combined, these projects would provide over \$2.6 million toward public art as part of City CIP projects. There are several other new parks projects and other applicable CIP projects that are in the queue to add to the CIP that will further increase the public art investment.

Public Art Policies in Neighboring Cities

Staff reviewed the public art policies of other cities in Santa Clara County. These cities include public art policies for public CIP and private development projects with varying requirements and thresholds.

The criteria used by cities to determine which public projects are subject to public art varies, including the total project cost, just the construction cost, land size, or visual impact of the project. Most cities calculate the art budget based on 1% of construction cost. Once funding is available, cities use the funds for the project generating the funds or create a public art fund with detailed procedures for its use. For example, the City of San Jose extracts 1% of the eligible portion of their Capital Improvement Program each fiscal year for a public art fund. The City of Palo Alto's public art policy is based on project criteria and not funding levels of the project and specifies:

“The City will budget one percent (1%) of its construction costs to include public art for City capital improvement projects that have a visual impact on the surrounding environment by altering a site through new construction or reconstruction, at the initial stages of design, thereby ensuring that art elements become an integral part of the overall design.”

In summary, while 1% of the construction budget was a fairly common calculation to determine the public art funding from public projects, each city had its own approach to defining applicable public projects and the use of the funds.

VAC Discussion

The VAC discussed staff's recommended revisions to Council Policy K-5 at their November 10, 2021 meeting. The VAC suggested that the list of applicable CIP projects include new trails and public plazas, which staff has added to the recommended Policy. The VAC supported increasing the percentage for public art dedication from 1% to 2% and did not raise concerns about the \$400,000 maximum budget for public art.

However, the VAC did not come to a consensus about increasing the project construction cost threshold from \$1 million to \$1.5 million. Some Committee members felt the threshold should remain at \$1 million because of a concern that an increase will reduce the number of eligible public art projects funded by CIP projects. Other Committee members supported a revised project threshold because the Public Art Strategy will bring additional opportunities.

RECOMMENDATION

Staff recommends that the Council Policy and Procedures Committee (CPPC) consider a recommendation to the City Council to approve the following revisions to Council Policy K-5:

- Specify the following applicable capital projects: new parks, new buildings, major renovations of buildings, new bridges, new or renovated public plazas, new trails or trail extensions, and new bicycle/pedestrian over- or undercrossings;
- Increase the project construction hard-cost threshold for determining applicable CIP projects to \$1.5 million; and
- Revise the public art budget to be 2% of construction cost for all applicable CIP projects, up to a cap of \$400,000.

These changes would provide for improved consistency in applying Council Policy K-5 to CIP projects and certainty for CIP project budgets. Approval of these revisions does not preclude the City Council from adding or increasing public art for specific projects as deemed appropriate.

Based on these recommended revisions, the revised policy would be as follows (redline version in Attachment 1):

“Capital improvement program (CIP) projects that include new parks, new buildings, major renovations of buildings, new bridges, new or renovated public plazas, new trails or trail extensions, or new bicycle/pedestrian over- or undercrossings with construction hard costs of \$1.5 million or greater shall allocate two percent (2%) of the construction budget, not to exceed \$400,000, for the selection, purchase, and installation of significant appropriate piece(s) of artwork. All artwork selected and purchased shall be incorporated as an integral part of the project design. This artwork may consist of associated works integrated into the project, acquisitions, art commissioned, or other appropriate installations. The Visual Arts Committee is responsible for advising the City Council on the selection of art and artists for eligible CIP projects.”

ALTERNATIVES

1. Modify the list of eligible CIP projects.
2. Do not increase the project construction hard cost threshold to \$1.5 million.
3. Maintain the 1% public art budget and set a minimum public art budget.
4. Do not establish a public art budget cap or modify the \$400,000 cap.

RSR-RG-DSC/TS/6/PWK
943-11-30-21M

Attachment: 1. Redlined Council Policy K-5—Public Art and CIP Projects

cc: PWD, APWD—Arango, APWD—Au, CSD, ACSD, EVM, EDS—Chew

CITY COUNCIL POLICY

SUBJECT: PUBLIC ART AND CIP PROJECTSNO.: K-5

POLICY:

~~One percent of the construction budget of all major capital improvement projects (\$1 million or more)~~ Capital improvement program (CIP) projects that include new parks, new buildings, major renovations of buildings, new bridges, new or renovated public plazas, new trails or trail extensions, or new bicycle/pedestrian over- or undercrossings with construction hard costs of \$1.5 million or greater ~~shall be devoted~~ allocate two percent (2%) of the construction budget, not to exceed \$400,000, for ~~to~~ the selection, and purchase, and installation of a significant appropriate piece(s) of artwork. ~~which~~ All artwork selected and purchased shall be incorporated as an integral ~~piece~~ part of the ~~project design of the project~~. This artwork may consist of associated works integrated into the project, ~~acquisitions, art commissioned for the building exterior, interior, or site,~~ or other appropriate installations. The Visual Arts Committee is responsible for advising the City Council on the selection of art and artists for ~~qualifying eligible capital improvement~~ CIP projects.

Revised: May 21, 2013, Resolution No. 17776

Effective Date: June 30, 1987

CNLPOL

K05-834CP-so

City	Muni Code	Policy	Program/Strategy	Committee/Commission
Campbell		https://www.ci.campbell.ca.us/DocumentCenter/View/5654/Council-Policy-on-Public-Art-?bidId=	https://www.ci.campbell.ca.us/1236/Explore-Public-Art	https://www.ci.campbell.ca.us/177/Civic-Improvement-Commission
Cupertino	https://codelibrary.amlegal.com/codes/cupertino/latest/cupertino_ca/0-0-0-95959		https://www.cupertino.org/residents/arts-and-culture/public-art-projects	https://www.cupertino.org/our-city/commissions/fine-arts-commission
Gilroy	https://www.codepublishing.com/search/?cmd=getdoc&DocId=295&Index=%2fvar%2frib%2fdtsearch%2fhtml%2fCA%2fGilroy&HitCount=4&hits=9a+9b+2b3+2b4+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CGilroy%5CGilroy_formSML.html	https://www.cityofgilroy.org/DocumentCenter/View/8577/PUBLIC-ART-POLICY-Revised--10-24-2018	https://www.cityofgilroy.org/DocumentCenter/View/80/Arts--Culture-Commission-Strategic-Plan-PDF	https://www.cityofgilroy.org/150/Arts-Culture-Commission
Los Altos	https://library.municode.com/ca/los_altos/codes/code_of_ordinances?nodeId=TIT3REFI_CH3.52PUARFU_3.52.020LOALPUARFU		https://www.losaltosca.gov/sites/default/files/fileattachments/public_arts_commission/page/36231/city_of_los_altos_public_art_guidelines-08202018.pdf	https://www.losaltosca.gov/publicartscommission
Los Gatos	https://library.municode.com/ca/los_gatos/codes/code_of_ordinances?nodeId=CO_CH25RETA_ARTVIIPUARFU_S25.70.020LOGAPUARFU	https://www.losgatosca.gov/DocumentCenter/View/1425/Public-Art-Resolution?bidId=	https://www.losgatosca.gov/1560/Public-Art	https://www.losgatosca.gov/276/Arts-and-Culture-Commission
Milpitas	https://library.municode.com/ca/milpitas/codes/code_of_ordinances?nodeId=TITVPUHESAWE_CH20PUARPO		https://www.ci.milpitas.ca.gov/milpitas/departments/recreation-services/milpitas-arts/	https://www.ci.milpitas.ca.gov/our-government/commission/arts/
Morgan Hill		https://www.morgan-hill.ca.gov/DocumentCenter/View/5184/Approved-LCAC-Policy-funding-of-Community-Cultur?bidId=	https://www.morgan-hill.ca.gov/980/Public-Art	https://www.morgan-hill.ca.gov/566/Library-Culture-Arts-Commission
Mountain View		http://laserfiche.mountainview.gov/WebLink/DocView.aspx?id=68926&dbid=0&repo=CityDocuments		https://www.mountainview.gov/council/bcc/visual.asp
Palo Alto	https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-61433	https://www.cityofpaloalto.org/Departments/Community-Services/Arts-Sciences/Public-Art-Program/Policies-and-Documents	https://www.cityofpaloalto.org/Departments/Community-Services/Arts-Sciences/Public-Art-Program	https://www.cityofpaloalto.org/Departments/Community-Services/Arts-Sciences/Public-Art-Program/Public-Art-Commission
San Jose	https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT2COCUVISE_CH22.08PUARPR_22.08.010PU	https://www.sanjoseca.gov/your-government/departments/office-of-cultural-affairs/public-art/policy-reports-resources	https://www.sanjoseca.gov/your-government/departments/office-of-cultural-affairs/public-art	https://www.sanjoseca.gov/your-government/departments/office-of-cultural-affairs/arts-commission-committees/public-art-committee
Santa Clara			https://www.santaclaraca.gov/our-city/government/boards-commissions/cultural-commission/utility-box-art	https://www.santaclaraca.gov/our-city/government/boards-commissions/cultural-commission
Saratoga		https://www.saratoga.ca.us/DocumentCenter/View/2552/Public-Art-Policy?bidId=	https://www.saratoga.ca.us/326/Public-Art-Committee	https://www.saratoga.ca.us/326/Public-Art-Committee
Sunnyvale	http://qcode.us/codes/sunnyvale/view.php?topic=19-4-19_52&frames=on		https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=27513	https://sunnyvale.ca.gov/government/boards.htm
Belmont	https://library.municode.com/ca/belmont/codes/code_of_ordinances?nodeId=CICO_CH17PL_ARTVPUARREPRDE		https://www.belmont.gov/departments/parks-and-recreation/parks-rec-projects/pubic-art-master-plan-2	
Burlingame			https://cms6.revize.com/revize/burlingamecity/document_center/Residents/Public%20Art/2-18%20Art%20in%20Public%20Places.pdf	
Menlo Park			https://www.menlopark.org/DocumentCenter/View/24180/J2-20200211-CC-Approval-of-a-Pilot-Public-Art-Program?bidId=	
Millbrae			https://www.ci.millbrae.ca.us/home/showpublisheddocument/5794/635829382978030000	
Redwood City	https://library.municode.com/ca/redwood_city/codes/code_of_ordinances?nodeId=CH45PUAR		https://www.redwoodcity.org/departments/parks-recreation-and-community-services/public-art/public-arts-master-vision	
San Mateo	https://sanmateo.ca.us.open.law/us/ca/cities/san-mateo/code/23.60.030		https://www.cityofsanmateo.org/3155/Art-in-Public-Places-Gallery	
San Francisco			https://sfbos.org/sites/default/files/FileCenter/Documents/54104-BLA%20Report%20on%20Public%20Art.102815.pdf	