



DATE: February 22, 2022

CATEGORY: Consent

DEPT.: Public Works

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

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Amending City Council Policy K-5, Public Art and CIP Projects, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

Council Policy K-5 establishes the requirements and parameters for funding and integrating public art in major City Capital Improvement Program (CIP) projects. The current policy 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, this policy was primarily applied to CIP projects for City buildings. However, as the construction costs of new parks projects began to exceed \$1 million, the application of Council 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 has begun to approve public art at 2% of the construction budget for new parks projects due to the relatively lower construction costs compared to major facility projects to ensure that there is an adequate amount of funding for art. Council

requested staff bring a policy revision to increase the public art budget from 1% to 2% for the CIP projects.

On November 10, 2021, staff presented recommended revisions to Council Policy K-5 to the Visual Arts Committee (VAC). These revisions included defining the types of CIP projects subject to the Policy and increasing the public art budget to 2% of construction costs with a cap of \$400,000. The VAC generally supported these recommendations and suggested additional types of CIP projects to include on the list. Staff also recommended raising the threshold for applicable projects from a construction cost of \$1 million to \$1.5 million. The VAC did not come to a consensus about raising the threshold for construction cost.

On November 30, 2021, staff's recommendations and the VAC input were presented to the Council Policy and Procedures Committee (CPPC). The CPPC is a standing Council committee that meets on an as-needed basis to discuss issues relating to City Council policies and/or procedures. A copy of the CPPC staff report is provided in Attachment 3.

ANALYSIS

After considering staff's recommendations as detailed in Attachment 3 and the input from the VAC, the CPPC made the following recommendations for revising Council Policy K-5:

- Define the list of qualifying CIP projects as recommended by staff and the VAC to include 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. The CPPC also recommended noting that other types of capital projects may include a public art element at Council's discretion.
- Maintain \$1 million as the construction cost threshold for qualifying projects.
- Increase the percentage of construction cost budget to allocate to public art from 1% to 2% with a cap of \$400,000. This \$400,000 cap shall be adjusted for inflation every five years. Staff recommends using the Construction Cost Index as the inflation measure.

Based on the CPPC’s direction, the recommended revised Council Policy K-5 is as follows:

“Capital Improvement Program (CIP) projects for new parks, new buildings, major renovations of buildings, new bridges, new or renovated public plazas, new trails or trail extensions, new bicycle/pedestrian over- or undercrossings, or other capital projects as directed by the City Council with construction hard costs of \$1.0 million or greater shall allocate two percent (2%) of the construction budget, not to exceed \$400,000 (Cost Limit), for the selection, purchase, and installation of significant appropriate piece(s) of artwork. The Cost Limit shall be adjusted every five (5) years based on the Construction Cost Index beginning January 1, 2027. All artwork selected and purchased shall be incorporated as an integral part of the project design. This artwork may consist of 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 qualifying CIP projects.”

A redlined version showing the amendments to the current Council Policy K-5 is provided in Attachment 2.

FISCAL IMPACT

Increasing the public art budget for qualifying CIP projects from 1% to 2% will add to the costs of these projects, with the cost increase ranging from \$10,000 for a \$1 million construction project to \$200,000 for a project costing \$20 million. This is not considered to be a major cost impact, and there should be sufficient funding available in the CIP for the public art budget increase.

ALTERNATIVES

1. Modify the list of eligible CIP projects.
2. Make other revisions to Council Policy K-5.
3. Provide other direction.

PUBLIC NOTICING – Agenda posting and notification to the VAC.

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DSC/EP/6/CAM
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Attachments: 1. Resolution
2. Existing Council Policy K-5 (Redline)
3. CPPC Staff Report November 30, 2021

cc: APWD – Arango, PCE – Gonzales