



JOINT REPORT

DATE: December 10, 2024

CATEGORY: Consent

DEPT.: Community Development

TITLE: **Public Art Approval for Shoreline Boathouse Expansion, Project 20-39**

RECOMMENDATION

1. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, approve the Stephen Galloway series of stylized, colorful depictions of species endemic to Shoreline at Mountain View on fabricated porcelain enamel on steel for Shoreline Boathouse Expansion, Project 20-39, for \$121,200.
2. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, direct staff to procure a Gus Hybrid Bench from Noblewins and approve Anne-Sophie Gaudet's proposal to paint a mural on the bench for \$4,000.
3. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$17,000 from Fire Station 5 Classroom/Training, Project 20-35, for Shoreline Boathouse Expansion, Project 20-39, to support the procurement of Gus Hybrid Bench from Noblewins.

BACKGROUND

On [August 25, 2020](#), the City Council authorized an agreement for architectural and engineering services for Shoreline Boathouse Expansion, Project 20-39. The Shoreline Sailing Lake (Sailing Lake) boating facility (Shoreline Boathouse) and café is leased to Silicon Shores, Inc., operator of the facilities (see Figure 1 for project site). The café, called Shoreline Lake American Bistro, is more than 25 years old and requires upgrades and expansion to the kitchen and serving areas to maintain its status as a thriving recreational amenity for Shoreline at Mountain View visitors. The expansion includes an expanded kitchen and servery, as well as a new gateway and trellis at the café, and new restrooms at the Shoreline Boathouse (see Figure 2).

The project is subject to Council Policy K-5 (Attachment 1), Public Art and CIP Projects, which stipulates that 2% of the construction budget is to be designated for public art. For Shoreline Boathouse Expansion, Project 20-39 (Shoreline Boathouse Expansion), the public art budget is \$121,200.



Figure 1: Project Site

ANALYSIS

Visual Arts Committee Review and Recommendations

At the [May 8, 2024](#) and [June 12, 2024](#) Visual Arts Committee (VAC) meetings, Economic Development Division, Public Works Department, and Community Services Department staff presented and discussed opportunities for public art as part of the Shoreline Boathouse Expansion.

On May 8, 2024, City staff identified six potential locations for placement of art at the Shoreline Boathouse and café. Staff also presented an opportunity to use unspent funds that are reserved from Fire Station 5 Classroom/Training, Project 20-35 (Fire Station 5 Classroom/Training), to increase the public art budget by \$108,000 (for a total public art budget of \$229,200). Because the unspent funds from Fire Station 5 Classroom/Training may be used to supplement the public art component of the Shoreline Boathouse Expansion or elsewhere within the North Bayshore Area (for public art), the VAC directed staff to research other potential locations for public art within the North Bayshore Area and bring additional information to the June 2024 VAC meeting for further discussion on options for increasing the Shoreline Boathouse budget.

At the VAC June 12, 2024 meeting, staff presented potential additional locations for art, including replacing up to four benches on the Sailing Lake walking path with new benches to be painted as well as opportunities for art at the Fitness Trailhead on North Shoreline Boulevard or the Crittenden Lane Trailhead at Stevens Creek Trail.

The VAC directed staff to issue a Call for Artists that includes art for three locations at the Shoreline Boathouse (Locations 1 through 3 shown in Figures 2 and 3), plus an additional opportunity for art on a bench at Shoreline at Mountain View adjacent to the Sailing Lake playground (Location 4 shown in Figure 4). Staff presented different options for increasing the Shoreline Boathouse budget for public art, and the VAC decided to reserve the \$108,000 from Fire Station 5 Classroom/Training for a future public art project in the North Bayshore Area.

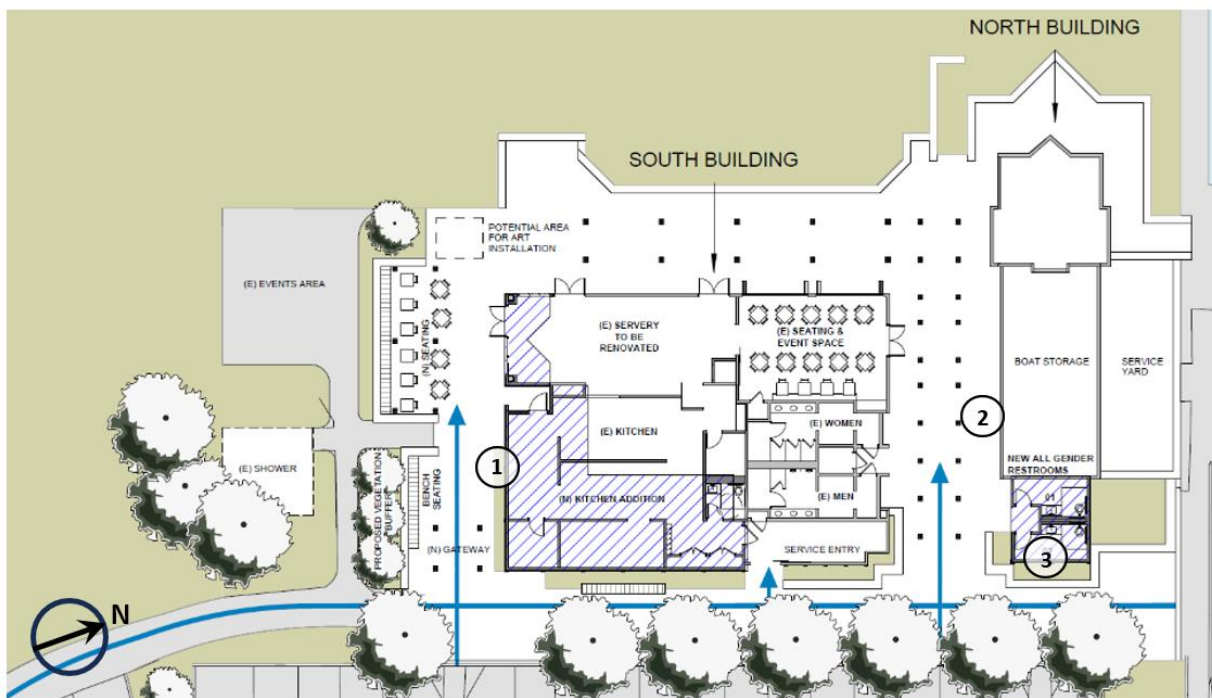


Figure 2: Schematic Plan for Shoreline Boathouse Expansion and Potential Art Locations



Figure 3: Rendering of Shoreline Boathouse Expansion

The four art locations that the VAC included in the Call for Artists (Locations 1 through 3 shown in Figures 2 and 3, and Location 4 shown in Figure 4):

1. **Wall adjacent to entry gateway:** 18'x7' (width by height) wall area, placed 2' up from the finished grade (landscape strip). The wall surface is wood siding. Maximum protrusion from the wall is 4", 500 pounds maximum weight. Window design on wall to be coordinated with the art installation.
2. **Wall facing breezeway:** 20'x4' (width by height) wall area, placed 2' up from the finished walkway. The wall space is under clerestory windows. The existing surface is wood siding. Maximum protrusion from the wall is 4", 500 pounds maximum weight.
3. **Wall facing parking lot:** 14'x7' (width by height) wall area, placed 2' up from the finished grade (landscape area). The wall surface is wood siding. Maximum protrusion from the wall is 12", 500 pounds maximum weight.
4. **Bench at Sailing Lake:** The additional art opportunity at Sailing Lake is to replace an existing bench, adjacent to the Sailing Lake playground, with a sustainably made bench made by the Noblewins company that is primed for artwork. This art opportunity is not included in the budget for art at the Shoreline Boathouse and requires additional funding.



Figure 4: Additional Art Bench Opportunity at Shoreline at Mountain View

The City of Mountain View posted a Call for Artists (Attachment 2) in the Call for Entry (CaFÉ) system on June 24, 2024. City staff distributed the call through the CaFÉ platform and emailed notifications to artists and individuals that have signed up for the “Artist’s Registry” newsletter through GovDelivery. Staff also asked VAC members as well as local arts organizations SVCcreates and Local Color San Jose to share broadly with their networks.

Twenty-three (23) proposals were received and, upon receipt, were reviewed by staff for completeness before opening the jurying process to the VAC. The VAC began their blind-jurying process on July 30, 2024. Artist submissions were evaluated using a one-to-seven-point basis with the following criteria:

- Originality of artist’s style (past work);
- Type of artwork proposed;
- Ability of the artwork to withstand outdoor conditions at Shoreline at Mountain View;
- Maintenance requirements;

- Consideration to the artist’s experience with public art commissions and working within the public process; and
- Consideration to the artist’s experience with art projects of a similar size and scope.

The VAC scored each proposal for the Shoreline Boathouse Expansion.

At their Regular Meeting on [September 11, 2024](#), the VAC reviewed the scoring and deliberated the results to determine which artist(s) to recommend to the City Council. Staff from the Public Works and Community Services Departments reviewed the artist proposals for potential engineering constraints and other issues. Comments from staff included:

- **Proposals with lighting components**—Based on the Shoreline Regional Park at Mountain View and the Shoreline Boathouse hours of operation, lighting elements in any art proposals would only be enjoyed occasionally by those attending the reserved events for a relatively brief period of time.
- **Weather resistance**—All pieces will need to incorporate an ultraviolet (UV)-resistant, antigraffiti surface treatment. Any final surface treatments need to be long-lasting and avoid color or material deterioration from heat, sand, and other outdoor elements.
- **Attachment to walls**—When attaching materials to the Boathouse walls, the artists will need to collaborate with Public Works staff and the design team to finalize the best means of attachment.
- **Bench availability**—After staff released the Call for Artists, they became aware that the gathering-style Gus Hybrid bench selected by the VAC was no longer available. Staff has been in communication with the company, Noblewins (formerly called Go Canvus), who confirmed that they will no longer be producing the gathering-style benches, including the Gus Hybrid Bench, and it would no longer be available for commercial sale. As of August 30, Noblewins may have enough materials to create one more gathering-style bench. Because the availability of the bench may change, staff advised that the VAC should prioritize public art at the Boathouse.

The VAC recommended the following art for the Shoreline Boathouse Expansion:

1. **Art at the Shoreline Boathouse:** Stephen Galloway’s proposal (Attachment 3, example shown in Figure 5) to create a series of stylized, colorful depictions of species endemic to Shoreline at Mountain View on fabricated porcelain enamel on steel for \$121,200 at all available locations at the Boathouse.

If Stephen Galloway is unavailable, the alternate recommendation is to approve Morgan Bricca's proposal (Attachment 4) to paint murals on all three Boathouse wall locations celebrating the local, diverse avian population at Shoreline at Mountain View for \$121,200.



Image 1: *Eastside, Monarch and Milkweed*

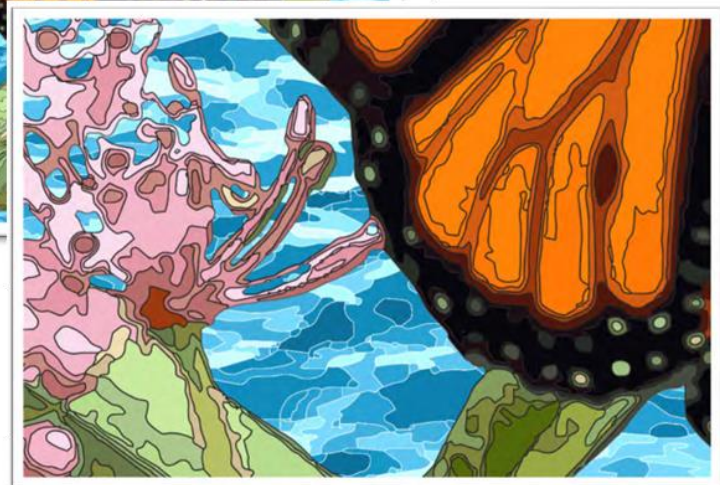


Image 2: *Details* →

Figure 5: Stephen Galloway's Proposal

- Bench:** Anne-Sophie Gaudet's proposal (Attachment 5, example shown in Figure 6) is to paint a mural on the replacement bench at Shoreline at Mountain View for \$4,000. If available, the Gus Hybrid bench will be purchased from Noblewins for \$11,209 (shown in Attachment 6, Purchase Proposal). There are not sufficient funds from the Shoreline Boathouse Expansion project to purchase and paint the bench and cover contingency costs related to the bench replacement. Thus, an additional appropriation of \$17,000 is required.

Location: **Bench**

Medium: **Latex Exterior Paint**

Budget: **\$4,000**

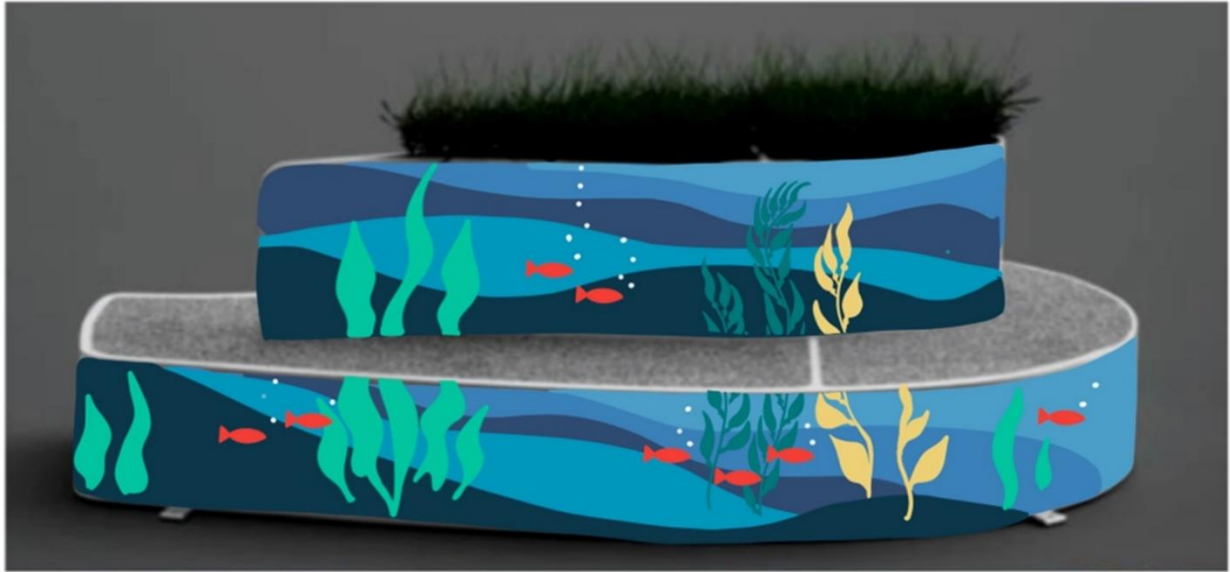


Figure 6: Anne-Sophie Gaudet's Proposal

Should the bench no longer be available or if the City Council does not approve additional funding, the VAC's recommendation is to proceed with only the art at the Boathouse at this time.

Contractors License Requirements

Staff was recently made aware of a novel interpretation of existing regulations by the Contractors State License Board (CSLB). In 2023, the CSLB issued a letter to a local public agency interpreting public art projects exceeding Five Hundred Dollars (\$500) in value to require a contract with a licensed contractor or use the local agency's own personnel to complete the public art project. Staff is evaluating options to help affected public art projects move forward, although, at this time, the CSLB's letter is impacting the ability of some projects to proceed. This disruption is affecting all local public agencies, and staff is collaborating with neighboring cities to develop a cohesive strategy. At this time, staff recommends the City Council continue with its selection of appropriate public art for the Shoreline Boathouse Expansion project because staff can continue to work on this issue concurrently with the Public Works contracting process.

FISCAL IMPACT

The public art budget of \$121,200 (2% of the total construction budget, per Council Policy K-5) for the Shoreline Boathouse Expansion is included within the total project budget.

The recommended artist contract with Stephen Galloway for art at the Boathouse is for a total of \$121,200. There are sufficient funds in the Shoreline Boathouse Expansion public art budget for the recommended artist contract with Stephen Galloway.

The VAC recommended an additional artist contract with Anne-Sophie Gaudet to paint a mural on a bench in the amount of \$4,000. This project would require an additional \$11,209 to purchase a Gus Hybrid Bench from Noblewins (subject to availability) and an additional contingency to relocate a memorial plaque located on the existing bench at the Sailing Lake, dispose of the existing bench, and install the new bench. Staff's estimated total cost for the additional artist contract and associated work totals \$17,000.

There are insufficient funds in the Shoreline Boathouse Expansion public art budget for an artist contract with Anne-Sophie Gaudet with the purchase of the bench and related contingency costs. Staff recommends using a portion (\$17,000) of the reserve funding from Fire Station 5 Classroom/Training, Project 20-35, which has an available funding amount of \$108,000, which may be used for public art within the North Bayshore Area.

The use of Fire Station 5 Classroom/Training reserve funds would increase the Shoreline Boathouse Expansion (Project 20-39) public art budget to \$138,200 and would reduce remaining reserved funds from Fire Station 5 Classroom/Training (Project 20-35) to \$91,000.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a "license, permit, or other entitlement for use" if the official has received a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant in the proceeding within the last 12 months. A city official is similarly prohibited from accepting, soliciting, or directing a campaign contribution exceeding \$250 from a party, participant, or agent of a party or participant to any proceeding involving a license, permit, or other entitlement for use for 12 months after a final decision is rendered in said proceeding.

Please refer to the "X" in the checklist below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

- Land development entitlements
- Other permit, license, or entitlement for use
- Contract or franchise

EXEMPT FROM THE LEVINE ACT

- Competitively bid contract
- Labor or personal employment contract
- General policy and legislative actions

For more information about the Levine Act, please see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html.

NEXT STEPS

If Council approves the recommendation, staff will execute an agreement with Stephen Galloway and Anne-Sophie Gaudet for Shoreline Boathouse Expansion project. Thereafter, the City's design consultant will incorporate the approved public art in the construction documents for coordination between the artist and construction contractor. The project will bid in 2025 and complete construction in 2026.

CONCLUSION

Shoreline Boathouse Expansion, Project 20-39, is subject to Council Policy K-5 (Attachment 1), Public Art and CIP Projects, which stipulates that 2% (\$121,200) of the construction budget is to be designated for public art. A Call for Artists was issued with opportunities for art at three locations at the Shoreline Boathouse (Locations 1 through 3 shown in Figures 2 and 3) plus an additional opportunity for art on a bench at Shoreline at Mountain View adjacent to the Sailing Lake playground (Location 4 shown in Figure 4). After reviewing art proposals, the VAC recommended Stephen Galloway's proposal to create a series of stylized, colorful depictions of species endemic to Shoreline at Mountain View on fabricated porcelain enamel on steel at all three locations on the boathouse for a total of \$121,200. In addition to the art at the Shoreline Boathouse, the VAC recommended Anne-Sophie Gaudet's proposal to paint a mural on a bench that will be purchased from Noblewins for an additional appropriation of \$17,000 to purchase the bench, pay the artist, and provide an additional contingency for removal and installation of the existing bench.

ALTERNATIVES

1. Approve the proposed art for the Boathouse and do not proceed with the bench/mural at this time.
2. Approve the proposed art for the Boathouse and direct that another funding source be used to purchase and paint a mural on the bench.
3. Do not approve the proposed art and either direct staff to work with the artist(s) to modify the art or to issue a new Call for Artists to obtain additional art options for the VAC to review and recommend.
4. Provide other direction.

PUBLIC NOTICING

The Council meeting agenda and Council report have been posted on the City’s website and announced on Channel 26 cable television. An email notification was sent to the Visual Arts Committee about this agenda item.

Prepared by:

Kirstin Hinds
Economic Development Strategist

Approved by:

Christian Murdock
Community Development Director

Reviewed by:

John Lang
Economic Vitality Manager

Audrey Seymour Ramberg
Assistant City Manager

KH/1/CAM
816-12-10-24CR
204352

- Attachments:
1. Council Policy K-5
 2. Call for Artists—Shoreline Boathouse Expansion
 3. Public Art Proposal by Stephen Galloway (Boathouse Wall Art)
 4. Public Art Proposal by Morgan Bricca (Alternate Selection)
 5. Public Art Proposal by Anne-Sophie Gaudet (Bench)
 6. Noblewins Bench Purchase Proposal