



# Memorandum

**TO:** PUBLIC ART COMMITTEE

**FROM:** Michael Ogilvie

**SUBJECT:** SEE BELOW

**DATE:** March 29, 2023

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Approved

Date:

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**SUBJECT: PUBLIC ART WORK PLAN FOR 2024-2028**

## **RECOMMENDATION**

Review and recommend that the Arts Commission take action to approve and recommend the Five-Year Public Art Work Plan as part of the City’s FY 2024-2028 Capital Improvement Program (CIP) budget.

## **BACKGROUND**

In January 2006, the Office of Cultural Affairs (OCA) embarked on the development of a new Public Art Master Plan. The Public Art Master Plan, *Public Art NEXT!*, was approved by City Council in March 2007. Since that time, OCA staff has worked closely with the City’s Budget Office to ensure that appropriations for public art are included in the annual CIP budget process, and that upcoming public art projects are represented in the Public Art Program Appendix to the CIP budget. With City Council’s adoption of *Cultural Connection, San José’s Cultural Plan for 2011 – 2020*, additional emphasis was placed on the value of public art through the plan recommendation “Integrate High Impact Urban Design and Public Art throughout the Community.”

## **ANALYSIS**

*Public Art NEXT!* established a vision that is rooted in the desire to locate art where it has the most impact on the image and the life of San José; commission projects that reflect San José’s innovative spirit and integrate art into the City’s urban design and growth strategies. The Master Plan included recommendations that anticipated changes in San José’s development patterns and its means for funding infrastructure. The Plan prioritized project types and proposed more extensive pooling of public art funds to enable the creation of significant, iconic artworks. The Plan provided clarification of the existing Percent for Art Ordinance and revision of eligibility requirements. While the percentage calculated from new City capital improvement projects was reduced from 2% to 1%, a broader base of CIP infrastructure projects had to include public art budgets. It also created a more inclusive public process that ensures the presence of all

stakeholders in conversations about the development of public art projects. The Public Art Work Plan considers all these goals in establishing a roster of projects.

The Public Art Program continues to refine its vision for future impact of the program in a financial environment in which the number of City capital improvement projects that contribute to the public art program is a small fraction of its heyday during the “Decade of Investment” (2002-2012). Many City departments are directing their available capital dollars to infrastructure repair and replacement, a type of expenditure that is excluded from the current percent-for-art ordinance. As San José strives to become a center for employment and livability, private development continues to increase — particularly in the downtown and North San José — and there is increasing interest in arts and culture as an integrated part of San José’s vitality.

### Funding Considerations

The amendment to Chapter 22.08 (Public Art Program) of Title 22 of the San José Municipal code to exempt the San José-Santa Clara Regional Wastewater Facility (RWF) from the one percent public art assessment on Capital Improvement Projects (CIP) was approved by City Council on June 6, 2017. The exemption created a \$2.8 million funding level decrease to the Public Art Program. This decrease represented a 40% cut to public art funding, half of the projected funding for public art projects in the 2017-2021 Adopted CIP. The final project using RWF percent for art funds, that was generated before the exemption, was completed in February, 2021 at the Co-Generation Power Plant.

In June 2010, City Council deferred the public art allocation for airport projects until passenger levels reach 12.2 million. In November 2017, passenger levels reached 12.2 million and percent funding resumed in fiscal year 2019 amounting to \$1.5 million dollars, with an additional \$600,000 for fiscal year 2020/2021. The approval of the General Obligation Bond, or Measure T, by voters in November 2018, has and will continue to generate CIP revenue for Public art over the course of the next five years. Other funding opportunities that have proven successful, and staff will continue to pursue are grants, internal and external partnerships, and private development. Currently these avenues of funding make up approximately \$1.2 million dollars of the budget reflected in the San José Public Art Workplan of Attachment A.

COVID-19 has represented a significant financial and social challenge for the City. The pandemic has drastically reduced visitor spending as well as the associated Transient Occupancy Tax (TOT) funds. The City’s budget for public art has been significantly impacted as well. Public art maintenance and conservation is primarily funded through TOT funds as CIP percent for art dollars cannot be used for maintenance per the ordinance. With the decrease in TOT revenue from the lack of visitors due to COVID-19, the maintenance budget was cut in half in May of 2021, going from \$100,000 to \$50,000. This has created a backlog of conservation needs that cannot be met until the TOT rebounds, and ultimately will have residual long-term effects on the condition of the collection.

The Public Art Program continues to seek non-City projects that impact San José and the greater County of Santa Clara. Recently the program completed the development of guidelines for the percent for art funding approved by the County of Santa Clara Board of Supervisors and is managing the Eastridge to BART Regional Connector Light Rail project for Santa Clara Valley

Transportation Authority (VTA). The City is currently in discussions regarding managing public art for the County of Santa Clara and VTA single bore tunnel to Diridon Station in downtown San José. The long-term vision for all these partnerships is that they will capitalize on City expertise to expand public art in the community, employ artists, and enrich San José life and culture.

The Public Art 2024-2028 Work Plan integrates City and OCA-specific initiatives in accordance with available funding. This includes on-going development and build out of Measure T projects, BeautifySJ initiatives, and designated Capital Improvement Projects that attribute to the percent for art funding via the ordinance. The Public Art Program will continue to work with artists, the community and City staff to create art that educates and engages the public as to the importance of graffiti, litter, and pollution abatement. In addition the *FOGwaste*, *Litter-ature* program, *One Day/One Action*, *Right the Blight*, *Alviso Storm Pump Station*, *River Oaks Pump Station*, *Municipal Water Building* and other environmental projects, help create a positive impact on our environment, and ultimately reduce long term costs for blight management.

The attached Public Art Work Plan outlines ongoing and planned City-funded projects that will begin and /or continue in the coming fiscal year and continue into this five-year Work Plan. The Work Plan also includes partnership and consulting projects as mentioned. The City funded CIP projects in this five-year plan will be integrated into the City's FY 2024-2028 CIP budget.

The Public Art Committee will review a draft of the funding sources, priorities, and projects for FY 2024-2028 at its meeting of April 4, 2023. Over the past year, the Committee has continued to discuss building strategic support for the Public Art Program and forging partnerships with civic organizations, private developers, and funders to promote priority projects contained in San José's Public Art Work Plan.

/s/  
MICHAEL OGILVIE  
Director of Public Art

Attachment A: Five-Year Public Art Work Plan Overview

**San Jose Public Art Workplan FY 2024 - 2028**  
**Attachment A: Project List**

**Ongoing City Projects**

CD	Project Name	Year Initiated	FY Est. Completion	Budget	City Funding Source	Grant & Earned Funding	Status for FY2024-2028
3	4th Street Parking Garage Art Display Windows	FY 20-21	FY 23-24	\$30,000	DOT Parking		Planning
3	Airport Art: Art Window	FY 23-24	FY 24-25	\$300,000	Airport percent for art dollars		Planning
3	Fourth and San Fernando Parking Garage Mural	FY 22-23	FY 24-25	\$30,000	DOT Parking percent for art funds		Planning
10	Almaden Winery Park Signature Sculpture	FY 19-20	FY 27-28	\$50,000	D10 PRNS (C & C Funds)		On hold
CW	BeautifySJ, District Budgeting, Council Budget Documents, Community requests, City Department/Stakeholder requests	FY 19-20	On-going	\$0	No funding identified.		Planning
2	Blossom Hill/Monterey Road Overpass	FY 19-20	None	\$0	Council request to be on workplan. No funding source available.		Scoping/Planning
CW	Citywide Murals ( up to 10 projects)	FY 22-23	FY 24-25	\$170,000	BD #18, 22-23, for ten murals Citywide		Scoping/Planning
CW	Community Center expansion projects (up to 10 projects forecasted)	FY 22-23	FY 26-27	\$130,000	Measure T, Parks and Community Facility funds		Planning
7	Emergency Operation and Fire Training Center (Phase II)	FY 19-20	FY 26-27	\$275,000	Measure T and General funded through proceeds from Google sale dedicated to new center.		Planning/Design/Fabrication
3	Environmental art projects	FY 16-17	On-going	\$448,000	Sanitary/Storm		On-going
2, 3, 4, 6, 7, 8	Fire Stations (six stations total)	FY 19-20	FY 25-26	\$713,000	Measure T Percent for art funds		Planning/Design/Fabrication/Installation

**San Jose Public Art Workplan FY 2024 - 2028**  
**Attachment A: Project List**

10	Guadalupe Oak Grove Park (Artist Designed Nature Signage)	FY 21-22	FY 24-25	\$10,000	D10 PRNS (C & C) funds		Planning
3	Illuminating Downtown Project: AHSC (Coleman Undercrossing@Bassett)	FY 17-18	FY 23-24	\$375,000	\$175K DoT/D3/PRNS	\$200K AHSC Grant	Design/Fabrication
3	Japantown Turnkey Park/Plaza	FY18-19	FY 23-24	\$0	<b>Not City funded</b>	\$275K Funding through Developer park in lieu fees	Fabrication/Installation
3	Market/San Pedro Parage Garage Façade Enhancements	FY 18-19	FY 25-26	\$306,000	DOT Parking Façade Enhancement Dollars		Design
CW	Mineta Airport new artworks (multiple projects)	FY 17-18	on-going	\$980,000	Airport		Planning/Design/Fabrication/Installation
3	Musical Swings Permanent Model	FY 18-19	none	\$0	Not funded	Not funded, grants being sought	Fundraising
4	Penitencia Creek Park	FY 19-20	FY 26-27	\$50,000	D4 PRNS (C & C funds)		Planning
5	Plata Arroyo (new restroom building mural)	FY 22-23	FY 23-24	\$40,000	D5 Percent for Art Park funds		Planning
7, 10	Right the Blight II (five largescale murals)	FY 21 - 22	FY 23-24	\$110,000	BD #68 - 2 murals in D7 BD #79 - 3 murals in D10		Planning
4	River Oaks Pump Station (previously Charcot Pump station)	FY 19-20	FY 25-26	\$185,000	Measure T Percent for art funds		Planning/Design
3	Sonic Runway (on-going new software programming)	FY 21-22	FY 27-28	\$150,000	Traffic Capital Fund		On-going
3	St. James Park Design Strategy (Phase II)	FY1 19-20	FY 23-24	\$45,000	D3 PRNS (C & C) Funds		Design

**San Jose Public Art Workplan FY 2024 - 2028**  
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7	Thank You America Sculpture	FY 19-20	FY 23-24	\$396,000	Council request to be on workplan. PRNS received County grant of \$137,000 and they are matching it with Parks funds. BD# 67 from 22-23 to fund remainder for statues and plinth.		Design/Fabrication
3	Washington Community Center Mural	FY 22-23	FY 23-24	\$80,000	BD #18, 22-23, for ten murals Citywide		Design/Fabrication
7	Water Utility Administration Building	FY 22-23	FY 25-26	\$280,000	Water Utility CIP		Planning

**\$4,168,000**

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**New City Projects for FY 2023-2024**

CD	Project Name	Year Initiated	FY Completion	Budget	City Funding Source	Grant & Earned Funding	Status
COUNTY	County Percent for Art Consultant Services	FY 23-24	On-going	\$800,000	Not City Funded		Negotiations
7	Alma Community Center Park	FY 23-24	F7 26-27	\$0	Funding not yet identified		Planning
3	Hanchett Park	FY 23-24	FY 26-27	\$20,000	D3 Parks percent for art funds		Planning
3	Spartan Keyes Area Park Development	FY 23-24	FY 26-27	\$100,000	D3 Parks percent for art funds		Planning
3,5	VTA BART Phase II	FY 22-23	FY 32-33	\$0	City working with VTA to identify funding sources		Planning

**\$920,000**

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**Ongoing Contract Projects**

CD	Project Name	Year Initiated	FY Completion	Budget	City Funding Source	Grant & Earned Funding	Status
VTA	Eastridge to BART Regional Connector (EBRC) Project D5/D8	FY 20-21	FY 24-25	\$300,000	Not City Funded	VTA Funded \$300,000	Planning/Design

**\$300,000**

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**Completing FY 22-23**

1	Fire Station 14 Mural Project
4	CDM Youth Environmental Awareness/Don Edwards
6	D6 Special Projects
7	Emergency Operations Center/Fire Training Facility (Phase I)
3	Fallon Statue Removal
3	Park Ave Ohlone Tribute Restoration
3	Pellier Park
3	End of Watch Police Memorial
5	Mayfair Memorial Mural
3	Mineta Airport Project XO