



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Welsh

**SUBJECT: END OF WATCH POLICE
MEMORIAL**

DATE: February 5, 2018

Approved

Date

2-16-18

RECOMMENDATION

- (a) Receive the report on the design for the End of Watch Police Memorial design; and
- (b) Continue to approve and accept donations from various individuals, businesses, and community groups to support the End of Watch Police Memorial project.

OUTCOME

Approval of these recommendations will support continuation of the project for the creation of a permanent End of Watch (EoW) memorial to San José's 13 fallen Police Officers (see Attachment 1), to be installed at the City's Police Administration Building (PAB) located at 201 West Mission Street.

Approval of the recommendations will also allow the City, in coordination with its partners, the San José Police Foundation (SJPF) and the San José Police Officers Association (SJPOA), to seek and continue to accept contributions of funding towards the project.

BACKGROUND

The project to create a City of San José memorial to first responders who have fallen in the line of duty originated in 2007 in response to a proposal made to the Rules Committee by several members of the City Council. As a result, in 2008, a visioning meeting was convened that included representatives of the San José Police Department (SJPD), San José Fire Department (SJFD) and community members. The outcome of that meeting was a set of recommendations for a memorial to fallen Police Officers. The memorial did not progress at that time since funding for the memorial was a key issue.

In response to the tragic death of San José Police Officer Michael Johnson on March 24th 2015, Mayor Liccardo, with Councilmembers Rocha and Peralez, presented recommendations to the

Rules Committee to revisit the creation of a permanent memorial to honor San José's fallen Police Officers. The Rules Committee approved those recommendations on August 5, 2015, which included a recommendation that project management for this effort would be provided by the Office of Cultural Affairs (OCA). The OCA would assist in facilitating the visioning, artist selection and contracting, community engagement, design development and approval, and overseeing fabrication and installation of the art piece. The approved recommendations also included the formation of a key stakeholder group, the Police Memorial Advisory Committee (PMAC), comprised of representatives of SJP, SJPOA, SJPF, community members and representatives of families of fallen Officers (see Attachment 2).

On August 9, 2016, Council approved recommendations related to implementation of the project. A key recommendation was for the EoW Memorial to be located at the City's PAB, located at 201 West Mission Street. That recommendation was based upon input from the PMAC and others. Compelling reasons for selection of this location included recognition of its importance to SJP, the opportunity to establish a ceremonial location and build traditions, ease of access for the public, the fact that the PAB is already the destination for public expressions of grief when an Officer falls in the line of duty, and the precedent for placement of Police memorials in other cities. During the August 9, 2016 meeting, Council also approved recommendations for the OCA to proceed with the design process for the creation of the memorial and for the City to continue to receive and accept contributions in support of the memorial. Fundraising would be the responsibility of community-based organizations, specifically the SJPOA and SJPF.

ANALYSIS

This memo provides an update on the selection of an artist to design the EoW Memorial, the memorial's design, and the status of funding for the memorial.

Artist Selection

Based upon the recommendation in the August 5, 2015 Rules Committee memo, the OCA used the City's public art process for selection of an artist for the design, fabrication and installation of the memorial. A statewide Call for Artists was administered by the OCA's Public Art Program. Artist Gordon Huether was selected by a nine-member panel out of the 86 artists who submitted for the project. The selection panel was comprised of members of the PMAC and San José artist Ken Matsumoto.

Mr. Huether, a renowned Napa-based artist, has created a number of noteworthy memorials nationwide and has a successful project in the City's public art collection at Fire Station 17. He was contracted to design, fabricate and install a Police memorial for the City of San José.

As part of the memorial design process, the artist's research included investigating the proposed site at the PAB, meeting with the PMAC community members, representatives of families of fallen Officers and other community members, and meeting with representatives of SJP. He also made a presentation to the SJPOA general membership. Input from these groups to the

artist included a preference for a memorial that was something other than a traditional bronze figurative statue and there was interest in a memorial that could provide a quiet, reflective space.

EoW Memorial Design

Mr. Huether was challenged to both design the memorial element and to also suggest ideas for the setting in which it should be placed. He was asked to design a memorial that would be appropriate to the PAB site and to suggest ideas for the site around the memorial.

The focal element of Mr. Huether's design for the memorial is in the form of a seven-pointed Police badge, with a black band angled across it. This symbol is a powerful expression used by San José Police Officers (and other law enforcement organizations across the country) to signify mourning the loss of an Officer in the line of duty.

The Police badge element, measuring approximately 8' wide by 8' high, will be made of dichroic glass. Dichroic glass has captivating, translucent properties causing it to change colors when viewed at different angles. It also captures and reflects light and colors, and casts richly-hued light patterns on surfaces. The dichroic glass badge will be encased in safety-laminated, protective, graffiti-resistant and shatter-resistant glass per structural engineering specifications. The dichroic glass unit will be encased in a stainless steel frame that will be etched with filigree patterns to further reference its character as a badge. The accenting black band will be made of metal. The badge element will be installed on a circular concrete plinth; the plinth height will be 1' to 3' high, depending on the final design options. Each fallen Officer will be recognized on an individual plaque installed around the base of the memorial. The design allows for additional plaques, which hopefully will never be needed. The seven attributes of Police service associated with the seven points on the badge will be etched or otherwise included in the surface of the memorial artwork base. The seven attributes include: Integrity, Diversity, Excellence, Respect, Innovation, Courage, and Service.

It was recognized by the project team and the PMAC that a budget of \$130,000 would limit what could be done. It was clear from input from a range of stakeholders about the goals for the memorial that there was interest in also understanding what could be accomplished with a larger budget. Mr. Huether was therefore asked to develop a core design for the memorial that could be done within the base budget, and then also show options of what could be done with additional funding. In response, the design Mr. Huether presented includes the proposed memorial design with options for enhancements. The core design would include a memorial badge artwork element installed on a simple circular plinth and no landscaping. Secondary enhancements could include:

- a. A three-tiered plinth;
- b. Expansion of the site;
- c. Landscaping, with irrigation and benches;
- d. Lighting; and
- e. Tinted concrete.

If sufficient funding is available, the memorial could include the 'core design', all of the 'secondary enhancements,' and an expanded concrete plaza in front of the three-tiered, circular

plinth, with an inset blue glass line running up the plaza to the plinth in symbolic reference to the 'thin blue line,' that represents the role of Police in separating the good from the bad while creating order from chaos. This would result in a 'fully enhanced' design of the memorial.

Memorial Site Considerations

The site for the memorial at the PAB was determined as a result of discussions with SJPD leadership and an assessment of viable sites at the PAB. The designated location is on a small plot in the front of the PAB lot by the public entrance, adjacent to the public parking lot, the pedestrian walkway and the iron fence that borders the public sidewalk. This site presently has several utility meters, an illuminated "Police Department" sign, and is covered by ivy and other foliage. In addition to being the public entrance to the PAB, the site is a main PAB entrance/exit route for SJPD personnel. In this location, the memorial will be viewed by many Officers as they report for and return from their shifts as well as by the public. SJPD officials have suggested that the site could be expanded by incorporating two adjacent parking spaces.

The preparation of the site is beyond OCA's scope of work on this project, and it is not part of the artist's scope of work. Site preparation will need to be undertaken by the City prior to the installation of the memorial. Site preparation will need to include:

- a. Removal of the existing signage and re-installation at another location on PAB grounds;
- b. Removal of existing foliage; and
- c. Soils testing, leveling, and soil compaction.

Funding Requirement for the EoW Memorial

In 2008, a baseline cost estimate of \$150,000-\$180,000, including project management costs, was established based on public projects of comparable scale and possible materials. In moving the project forward in 2015, the higher end of this cost estimate was used to allow for the increase in costs for time and materials since 2008. Project management costs for the project, calculated in the range of 25% - 28% of the project budget, were estimated to be up to \$50,000; the cost for the design, fabrication and installation was estimated at \$130,000.

There is strong interest from stakeholders that the fully enhanced design be constructed. The City's Senior Landscape Architect provided a conservative preliminary cost estimate for delivery of the fully enhanced design with a total estimated project cost of \$450,000 (including the memorial artwork and project management costs). If the fully enhanced design was selected it would result in a current estimated funding gap of approximately \$288,000.

The SJPOA and SJPF have expressed strong interest in working to raise the funds and resources for the completion of the project. There are several organizations that have already expressed interest in contributing to the project.

An approved design is the key to proceed with fundraising activities. The plan is for the SJPF and SJPOA to engage in fundraising activities for a period of four to six months. OCA will help facilitate this effort but will not be directly involved in fundraising activities. The fundraising

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activities may include outreach to membership, support and peer organizations, and to local business and similar entities. At the end of the defined fundraising period, the key parties will assess the success of the fundraising efforts. Options to proceed with the memorial will include: 1) if sufficient funds are raised, allowing for the construction of the fully enhanced design or, 2) working with the artist to modify the design enhancements to fall within the available funding.

EVALUATION AND FOLLOW-UP

Based upon any direction provided by Council, the key parties (SJPOA and SJPF with facilitation by OCA) will proceed with fundraising efforts for a period of up to six months.

Staff will report back to Council in August 2018 with the status of funding and the design options based upon available funds.

In September 2018, the fabrication of the memorial is expected to begin with installation and completion to occur in May 2019.

PUBLIC OUTREACH

From the beginning of the current Police Memorial project, key stakeholders were engaged in the project development through the PMAC. As previously noted, the PMAC was comprised of key representatives from the families of fallen Officers as well as of current Officers and community members, joined by representatives from the SJPF, SJPOA, and SJPD. The PMAC convened visioning meetings that helped shape important aspects of the project on October 29, 2015, February 17, 2016, March 10, 2016, and July 18, 2016. Two meetings were also convened at SJPOA for input from Police Officers and their families. These meetings were primarily attended by family members of fallen Police Officers, and by a representative of the Association of Retired San José Police Officers & Firefighters. Input from working Police Officers and SJPD sworn personnel was solicited during their briefing sessions.

As the project progressed, the PMAC was directly involved in the selection of the artist for the project, and later in the review of the artist's proposed design. During the design phase of the project, the artist participated in two focus groups which included a community-oriented meeting with the community and family members of the PMAC, joined by other community members. The second meeting included a presentation to the general membership of the SJPOA.

The City's Public Art Committee (PAC), a standing committee of the City of San Jose's Arts Commission, was directly involved in review and approval of the project design.

This memorandum will be posted on the City's website for the February 27, 2018 City Council meeting.

COORDINATION

This memorandum has been coordinated with SJPD, the City Attorney's Office, the Office of the City Clerk, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

The OCA reported on the selection of artist Gordon Huether to the PAC in a public meeting at City Hall on February 21, 2017. The artist and OCA presented the artist's proposed concept to the PAC for approval at a public meeting held at City Hall held on October 3, 2017 and then for approval of the final project design at a public meeting held on December 5, 2017.

COST SUMMARY/IMPLICATIONS

The budget for the memorial must cover the design, fabrication, installation, and project management costs. An initial cost estimate for the design, fabrication, installation and project management was set at \$180,000. The design, fabrication and installation was estimated at \$130,000. Project management costs are estimated at \$50,000.

Initial funding of \$93,000 for the project was provided by Mayor Liccardo contributing \$75,000 and contributions totaling an additional \$18,000 were received from members of City Council. These funds were placed in the City of San José End of Watch Police Memorial Fund.

Additionally, the following contributions totaling \$33,500 were received at or following the August, 9, 2016 Council meeting: Mayor Liccardo (\$10,000) and members of City Council (\$23,500). The SJPOA has contributed \$2,500, and the SJPF presented a letter to Council pledging \$33,000, to be provided to the City when the project is ready to move forward with an approved design. To date, the revenues received total \$129,000 and the funds pledged are \$33,000, totaling \$162,000.

There is a shortfall of \$18,000 between the \$162,000 current funding and the \$180,000 budget for the core design, however it was recognized that this funding gap would be closed by additional contributions from within the City and/or from project stakeholders including the SJPOA and SJPF.

As discussed earlier, strong preference has been expressed for building fully-enhanced version of the memorial design rather than the core design. The fully enhanced design is estimated to cost a total of \$450,000. There is a \$288,000 funding gap between the current \$162,000 funding and the \$450,000 estimated cost for the fully enhanced design.

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CEQA

Exempt, File No. PP16-006 Public art at public facilities.

/s/

KIM WALESH

Deputy City Manager

Director of Economic Development

For questions, please contact Kerry Adams Hapner, Director of Cultural Affairs, at (408) 793-4333.

Attachments:

1. San José Police Department's Fallen Officers
2. Police Memorial Advisory Committee list

ATTACHMENT 1

San Jose Police Department's Fallen Officers

13. **Officer Michael J. Katherman**
End of Watch: June 14, 2016
12. **Officer Michael J. Johnson**
End of Watch: March 24, 2015
11. **Officer Jeffrey M. Fontana**
End of Watch: October 28, 2001
10. **Officer Desmond Casey**
End of Watch: October 25, 1999
9. **Officer Gene Simpson**
End of Watch: January 20, 1989
8. **Officer Gordon Silva**
End of Watch: January 20, 1989
7. **Officer Robert Wirht**
End of Watch: September 8, 1988
6. **Officer Henry Bunch**
End of Watch: July 29, 1985
5. **Officer Robert White**
End of Watch: January 27, 1985
4. **Officer Richard Huerta**
End of Watch: August 6, 1970
3. **Officer John Covalesk**
End of Watch: November 15, 1950
2. **Officer John Buck**
End of Watch: April 5, 1933
1. **Sgt. Morris Van Dyck**
End of Watch: July 12, 1924

More information about these Fallen Officers is available on the San José Police Department's website at <http://www.sjpd.org/InsideSJPD/Fallen/>

ATTACHMENT 2

Police Memorial Advisory Committee

The members of the Police Memorial Advisory Committee (PMAC) are:

- Officer John Moutzouridis, SJPOA Board, SJPD
- Sergeant Joaquin Barreto, SJPOA Board, liaison to SJPF Board of Directors and SJPD Facilities
- Lieutenant Todd Trayer, liaison to SJPF Board and liaison to SJPD Chief
- David Lake, SJPF Board of Directors, Apple, Inc.
- Katherine Decker, mother of fallen Officer Michael Johnson (d. 3/24/2015)
- Tom Katherman, father of fallen Officer Michael Katherman (d. 6/14/2016)
- Tamara Alvarado, Community member, Executive Director of the School of Arts and Cultural at Mexican Heritage Plaza, and member of original 2008 Police Memorial Visioning Committee
- Patricia Borba McDonald, Community member, member of original 2008 Police Memorial Visioning Committee, and parent of a current SJPD Officer

Previous PMAC members included:

- Lt. Christopher Monahan, SJPD (ret.), SJPF
- Officer Howard Johnson, SJPD (ret.), California State Police Memorial Foundation Board of Directors
- Michele Lew, Executive Director (ret.), Asian Americans for Community Involvement
- Kim Becker, Director of San Jose Mineta International Airport (former) and SJPF Board of Directors (former)

Advisors to the project include:

- Ron Muriera, member, City of San José Arts Commission and current Chair of Public Art Committee
- Paul Pereira, Office of Mayor Liccardo
- Ken Matsumoto, artist, for artist selection process