



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Welsh

SUBJECT: SEE BELOW

DATE: August 26, 2019

Approved

Date

9-3-19

COUNCIL DISTRICT: 3

SUBJECT: AMENDMENT TO THE AGREEMENT WITH BRIAN BRUSH, AN INDIVIDUAL DOING BUSINESS AS BRUSH DESIGN, LLC TO DESIGN, FABRICATE AND INSTALL AN ILLUMINATED FAÇADE ENHANCEMENT AT THE MARKET/SAN PEDRO STREET PARKING GARAGE

RECOMMENDATION

Approve an amendment to the agreement with Brush Design, LLC to design, fabricate and install an illuminated façade enhancement at the Market/San Pedro Street Parking Garage, not to exceed \$1,970,000.

OUTCOME

Execute an amendment to the agreement with Brush Design, LLC to design, fabricate and install an illuminated facade enhancement at the Market/San Pedro Street Parking Garage, not to exceed \$1,970,000.

BACKGROUND

The City of San José Public Art Program (SJPA), in conjunction with the Department of Transportation, (DOT) released a Request for Qualifications (RFQ) on January 12, 2018 for an experienced artist or artist-led team to develop an artwork that enhances the exterior façade of the Market/San Pedro Street Parking Garage in downtown San José. The garage is a prominent facility in San Jose's downtown core and adjacent to the vibrant San Pedro Square commercial district, a popular destination for dining, retail and other activities day and night. The goal was for an enhancement that has a visual presence 24 hours a day and helps to enliven and activate he

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area. The RFQ closed on February 20, 2018 and 94 applications were received.

Working with DOT, a neighborhood review panel was organized to select an artist for the design, fabrication, and installation of the artwork. The review panel was comprised of six community members, and included three artists who live and work in downtown San José. The review panel's initial scoring shortlisted the 94 applicants to 14 artists for further review. The Artist Selection Panel met on April 19, 2018 to evaluate the shortlisted candidates and unanimously selected artist Brian Brush, who created the enhancement atop The Pierce in the downtown SoFA District. The Public Art Committee reviewed the selection at their June 5, 2018 meeting.

The original budget for the façade enhancement was \$600,000 and was designated specifically to enhance the exterior support beams of the west facing façade along San Pedro Street. The original contract was approved at the City Council meeting on August 7, 2018, Agenda Item 2.10.

Prior to the design work, DOT Parking staff detected cracks in the existing tile façade panels around and below the stairwell on the West side of the parking garage. Public Works was alerted and a consultant was hired to determine the severity of the cracking and if there was any structural damage. Their conclusion was that the cracking was not structural; however, because the panels had served their useful life, all tile panels would need to be demolished and removed from the building for safety reasons. The demolition would impact the artist's design and require the artist to scale the design to encompass the full facility, an expansion of scope that would require an estimated \$1.4 million in additional funding.

Approval of this action will allow the City to provide a new and improved aesthetic enhancement for the full exterior façade of the parking facility at an estimated cost in line with or less than a separate non-public art improvement project and will activate San Pedro Street, and stimulate the downtown core.

ANALYSIS

The existing tile panels cover all solid surfaces of the parking garage except for the surface facing south. By removing these panels, the garage will no longer have its primary aesthetic treatment, and a feasible replacement is required to keep a core resource for businesses and the community downtown in good aesthetic shape. There is a significant difference, conceptually and aesthetically, between the original contract with the artist to do a one-off "single" artwork on one side of the building and a much more extensive design encompassing the full building exterior.

Per the Department of Transportation and Public Works, and according to Phase II of the final testing report for the façade of the parking garage, replacement of the tiles (not including

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demolition) would cost an estimated \$2 million. It was agreed that instead of doing a tile replacement, enhancement of the locations of the garage where the tiles have been removed could be added to the Artist's scope of services, which would in turn provide a higher quality and unique aesthetic enhancement.

EVALUATION AND FOLLOW-UP

Staff will return to Council only if additional recommendations are necessary.

PUBLIC OUTREACH

This memorandum will be posted on the City's website as part of the September 10, 2019 Council Agenda.

COORDINATION

This memorandum has been coordinated with the Budget Office and the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

This project was reviewed as part of the Capital Improvement Projects (CIP) Art in Public Places 2019-2023 Work Plan and recommended to the Arts Commission for approval on May 21, 2018. The Arts Commission unanimously recommended that the City Council approve this project as part of the Public Art Work Plan at their meeting on May 21, 2018. City Council approved this project as part of the Capital Improvement Projects (CIP) Art in Public Places 2019-2023 Work Plan on June 18, 2019.

Additionally, the project and associated CIP projects and budgets were reviewed with the Downtown Parking Board during various meetings in FY 2018-19.

FISCAL/POLICY ALIGNMENT

High impact public art is a key component of the following City Council-adopted plans that engaged over a thousand of residents: *Envision San José 2040*, *Cultural Connection: San José's Cultural Plan*, and *Public Art Next!*. Furthermore, public art is a key principal of the City's Economic Strategy.

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COST SUMMARY/IMPLICATIONS

The recommended actions will amend and execute a contract not to exceed \$1,970,000 Brush Design, LLC to design, fabricate and install an illuminated facade enhancement at the Market/San Pedro Street Parking Garage. Funding of \$1,970,000 is to come from DOT Parking Garage Façade Enhancement dollars approved by Council as part of the 2019-2020 Annual Budget process.

BUDGET REFERENCE

The table below identifies the fund and appropriations proposed to fund the contract(s) recommended as part of this memo and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn. Name	Current Total Appn	Rec. Budget Action	2019-2020 Proposed Budget (Page)*	Last Budget Action (Date, Ord. No.)
559	409C	Garage Façade Improvements	\$2,428,000	\$1,970,000	V-641	6/18/19, 30286

* The 2019-2020 Proposed Capital Budget was adopted by the City Council on June 18, 2019.

CEQA

Categorically Exempt, File No. PP16-006, CEQA Guidelines Section 15301, Existing Facilities

/s/
KIM WALESH
Deputy City Manager
Director of Economic Development

For questions, please contact Michael Ogilvie, Public Art Director, at (408) 793-4338.