

**Administration's Response to Auditor's
Recommendation to Consider Eliminating
Public Art from Environmental & Water Utility
Capital Projects**

March 27, 2018

Item 3.3

RECOMMENDATION

Close out the City Auditor's recommendation that the Administration should consider recommending that the City Council amend the public art ordinance to eliminate the public art requirement for "certain ratepayer-funded capital projects, including those related to underground utilities or the wastewater treatment process."

In 2008, Council approved *Public Art Next!* Masterplan

- Involved the participation of 1,000 residents
- Reduced Public Art Ordinance from 2% to 1% of CIP, and broadened the pool of eligible projects to include EUS infrastructure (sewer and water utilities)
- Legality of approach confirmed

How Public Art Is Funded

- 1% of City Capital Improvement Projects, excluding maintenance projects and non-construction related activities
- Public Art CIP allocation included in “Art In Public Places” Appendix in annual Capital Budget
- Capital Programs: Airport, Library, Convention Center, Parking, Parks, Community Facilities, Public Safety, Traffic, EUS Infrastructure
- Supports 2 FTE’s

Objectives of EUS-Related Public Art

- Stimulate education about environmental challenges; create public appreciation of infrastructure
- Mitigate the impact of EUS infrastructure in public places;
- Demonstrate innovation in environmental management; promote San José as an environmental leader
- Highlight the City's natural assets

Administration Considerations

1. High public value of art associated with environmental/infrastructure education and stewardship
2. Extensive community and stakeholder input to 2008 Public Art Masterplan; integrity of existing Masterplan
3. City Attorney re-affirmed that public art ordinance is legal

Past Consideration of Auditor's Recommendation

- 2012 – Administration considered the recommendation but did not pursue due to stated reasons
- 2015 – Council included “Top 10” audit recommendations in Prioritization Process (Dec 2015). Council did not support this item to be added to list of Council Priorities.
- 2017 – Council amended public art ordinance to exempt Regional Wastewater Facility Projects, eliminated \$2.8 million of public art funding over 5 years (40% of public art budget), and ongoing.

Clarifications

1. Auditor: 2017-2018 through 2021-2022 CIP allocates \$2.2 million to public art from EUS capital funds
2. Administration: 2018-2019 through 2021-2022 CIP allocates \$443,000 to public art from EUS (accounts for projects underway)
3. CAO recently re-affirmed legality of public art ordinance; nexus requirement is being followed
4. General Fund resources are constrained

Examples of Current & Planned Projects



Watershed

Artist: Peter Richards, 2014

Water capture, retention, conservation and irrigation project at the Environmental Innovation Center 1608 Las Plumas Ave



FOGwaste

Artists: Claire Napawan and Brett Snyder
City-wide water pollution prevention initiative

Alviso Storm Pump Tile Mural

Project will beautify the wall protecting storm pump station along the Guadalupe River Trail.

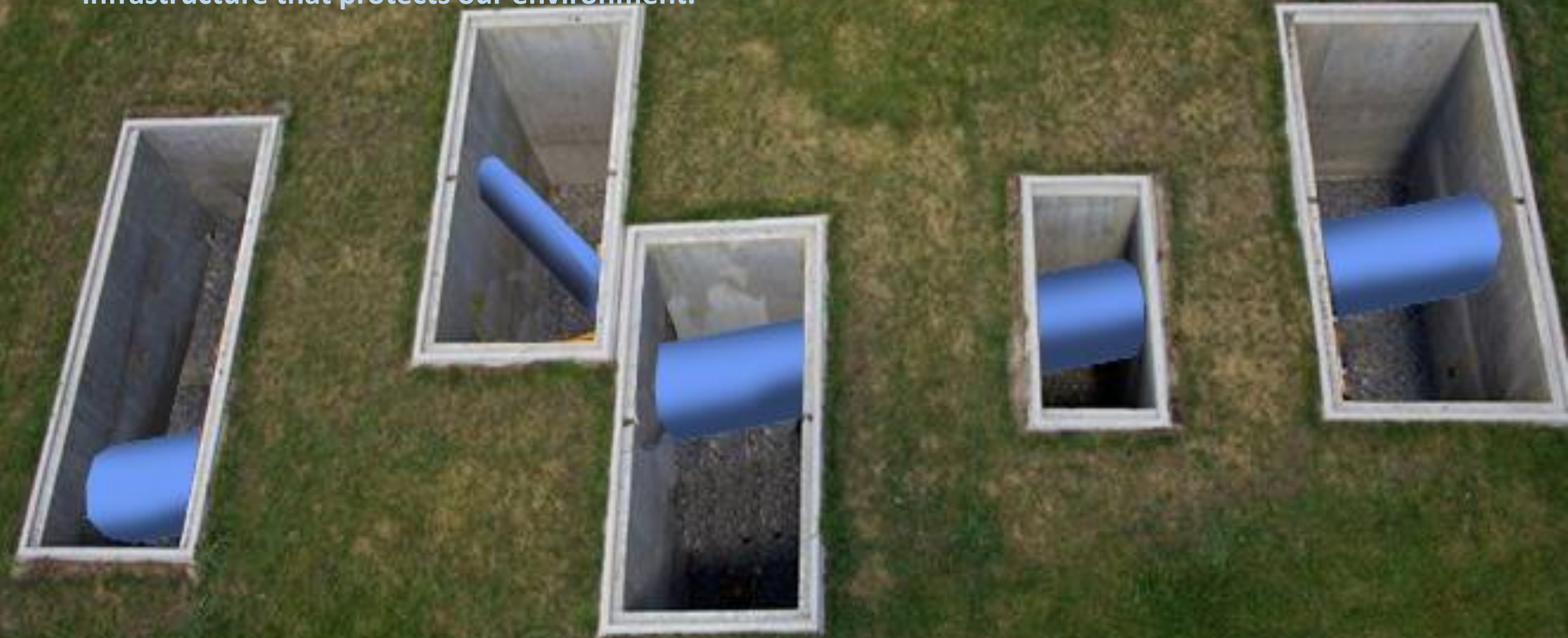


Artist: Sam Tubiolo

Discovery Museum Youth Environmental Awareness

Artist: Mark Brest Van Kempen

Exterior Environmental Garden will educate thousands of children annually about the invisible infrastructure that protects our environment.





Don Edwards Wildlife Refuge

Artist: Mark Brest Van Kempen

Project will visually highlight and educate visitors in a sculptural way the water restoration process.

ARTS COMMISSION RECOMMENDATION

“As an Arts Commission, to adopt the recommendation to officially ask City Council as a Commission to abide by the City Manager's Recommendation and to not disturb this fund and to also bring to their attention that we are still deeply concerned and anxious to hear about the restoration to 2%.”