


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> OED – Office of Cultural Affairs	<b>CEQA:</b> Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.	<b>Coordination:</b> CMO/CAO/Budget	<b>Dept. Approval:</b> /s/ Kim Walesh
<b>Council District(s):</b> 5			<b>CMO Approval:</b>  8-28-18

**SUBJECT: ACCEPT MAINTENANCE RESPONSIBILITY FOR A PUBLIC ART MURAL ON CALTRANS PROPERTY AT CAPITOL EXPRESSWAY AND INTERSTATE 680**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager or his designees to negotiate and execute a maintenance agreement with the California Department of Transportation (Caltrans), and accept maintenance responsibility for a public art mural to be created by the City on the columns under Caltrans Interstate 680 located at the intersection of Capitol Expressway.

**BASIS FOR RECOMMENDATION:**

The City, through its Public Art Program in the Office of Cultural Affairs, intends to create a mural on the columns under Interstate 680 located at Capitol Expressway. The total scope of the project includes artwork for three East San Jose underpass locations along Interstate 680 at Jackson Ave, Capitol Expressway, and King Road. The project, initiated with support from the District 5 Council Office, is intended to mitigate ongoing issues with tagging of the blank columns and to beautify infrastructure in the community.

The columns are under the jurisdiction of Caltrans. In order to proceed, Caltrans must issue a Conditional Use Permit which allows the City to create the painted mural onto the columns; the duration of the permit is 10 years at which time Caltrans and the City can mutually agree to extend the agreement for additional time.

As a condition of the permit the City must adopt a resolution formally accepting responsibility for maintenance of the mural and enter into a maintenance agreement with Caltrans. The mural's maintenance requirements will be minimal as it is intended as an exterior piece; it will be created using high-quality, exterior-rated paints and a high-quality anti-graffiti protective coating that will facilitate removal of any tagging that might occur. The Public Art Program maintains all public artworks created through the City Public Art Program. Maintaining the mural would be Standard Operating Procedure and in accordance with the Public Art Master Plan *Public Art Next!*.

Public Outreach: From December 2016 to April 2018, 21 public outreach meetings that engaged a wide cross section of the community in District 5 were held in conjunction with this project.

**COST AND FUNDING SOURCE:**

Funding for the design, fabrication, and installation of the three East San Jose mural locations, including Capitol Expressway and Interstate 680, was identified as a priority in the June Budget Message for 2016-2017 and is included in the Office of Cultural Affairs Operating Budget with funding allocated from the Transient Occupancy Tax. Total cost of the project, including all three mural locations, is \$135,000 including anti-graffiti coating. The approximate cost for public art at this intersection is \$45,000. Costs of ongoing maintenance will be funded as part of the Public Art Program's annual artwork collection maintenance budget which comes from the Office of Cultural Affairs Transient Occupancy Tax allotment. Total funding for all three mural locations included in this project is not to exceed \$135,000.

**FOR QUESTIONS CONTACT:** Michael Ogilvie, Public Art Director, (408) 793-4338