



CITY OF KIRKLAND
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Ellen Miller-Wolfe, Economic Development Manager
Philly Marsh, Special Projects Coordinator

Date: September 21, 2016

Subject: 1% for Art Policy Guidelines

RECOMMENDATION:

It is recommended that the City Council review and adopt the 1% for Art Policy Guidelines developed by staff representing the Cultural Arts Commission and other departments that routinely participate in the financing, implementation and curation of public art.

BACKGROUND DISCUSSION:

The City of Kirkland's Capital Improvement Program includes a "1% for Art Policy". However, the City of Kirkland currently does not have 1% for Art Policy Guidelines. Draft guidelines were created in 2008, but that document was never formally adopted. With the increasing number of capital projects being constructed in Kirkland, staff determined it was important to formally adopt guidelines to create clarity and predictability about the 1% for Art implementation for both capital project managers and public art implementation stakeholders. The 2008 draft guidelines were used as a starting point but needed to be updated to reflect current budget and CIP practices, as well as recognizing the constraints caused by grant programs and other outside funding sources.

The updated 1% for Art Policy Guidelines (Attachment A) were developed by a working group consisting of: Tracey Dunlap, Deputy City Manager; Kathy Brown, Public Works Director; Ellen Miller-Wolfe, Economic Development Manager; Michael Cogle, Deputy Parks Director; Dave Snider, Capital Projects Manager; Neil Kruse, Senior Financial Analyst; Jason Filan, Parks Operations Manager and Philly Marsh, Special Projects Coordinator.

The Policy Guidelines were created over an eight month period and seven working sessions. The working group referenced current and past policy documents, and brought "hands on" experience and lessons learned from working with past and current public art projects.

The existence of this adopted policy document will greatly help with the project management of the art component in Capital Improvement Projects by:

- Providing a clear process for project implementation from launch to fabrication and installation as well as direction for the maintenance of the public art pieces.
- Differentiating between small and large projects and delineating how they should be processed, including a process for pooling money for smaller projects resulting in economies of scale as regards to staff and artists resources.
- Providing a definition of projects eligible for 1% for Art status as outlined below.
 - Ineligible 1% for Art expenses: motorized transportation, utilities, land acquisition, fleet, information technology, and projects consisting of only planning dollars and those where all funding sources prohibit public art as an eligible expense.
 - If a portion of the budget's funding sources prohibits 1% for art acquisitions, only the eligible portion of the funding sources are subject to 1% for art allocation.
 - Net 1% for art eligibility (1% of CIP cost excluding ineligible expenses) must be \$5,000 or over.
 - The only exception is if the project does not have impact fees, the 1% for art is over \$1,000, and can be transferred to a similar project.
 - For projects that have impact fees, 1% of that project's impact fee share must be invested in that specific project and not pooled for another project.
 - If there are no impact fees, pooling of multiple eligible project phases 1% for art funds is allowable. Pooling of multiple projects under one category is considered on a case-by-case basis with Finance approval. *See section below
 - Project ineligibility shall not preclude a client department, in cooperation with the Cultural Arts Commission from proposing public art for the project in the CIP process as long as the funding sources allow for such an allocation.
 - Maintenance projects are not eligible for 1% for art funding unless determined on a case-by-case basis. (Renovation is also used in the title of maintenance projects on the CIP list. A better understanding in the annual meeting of internal project staff will determine whether it is a maintenance project or true renovation).

The document has been reviewed and recommended in its entirety by both CIP project engineers and the Cultural Arts Commission.

Staff is seeking feedback, comments, or edits to the 1% for Art Policy. If there are no proposed edits, staff is seeking final adoption by the Council.

RESOLUTION R-5213

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
ADOPTING ONE PERCENT FOR PUBLIC ART POLICY GUIDELINES.

1 WHEREAS, the primary mission of the Cultural Arts Commission
2 is to advise the City Council on public art loans and acquisitions, and to
3 review and recommend projects under the City's "one percent for the
4 arts" program in accordance with Resolution R-4995; and
5

6 WHEREAS, the City of Kirkland's Capital Improvement Program
7 has an administrative 1% for Art Policy, but no formal guidelines
8 defining the Policy; and
9

10 WHEREAS, the mission of the Commission and 1% for Public Art
11 Policy is best achieved when guided by adopted 1% for Public Art Policy
12 Guidelines; and
13

14 WHEREAS, there are no legislatively adopted 1% for Public Art
15 Policy Guidelines; and
16

17 WHEREAS, the Cultural Arts Commission recommends that the
18 City Council adopt 1% for Public Art Policy Guidelines.
19

20 NOW, THEREFORE, be it resolved by the City Council of the City
21 of Kirkland as follows:
22

23 Section 1. The 1% for Public Art Policy Guidelines attached as
24 Exhibit A are adopted as the 1% for Public Art Policy Guidelines relating
25 to the City's current and future 1% for art public art collection.
26

27 Passed by majority vote of the Kirkland City Council in open
28 meeting this ____ day of _____, 2016.
29

30 Signed in authentication thereof this ____ day of _____,
31 2016.

MAYOR

Attest:

City Clerk

City of Kirkland 1% for Art Policy Guidelines

Introduction

The City of Kirkland's Capital Improvement Program (CIP) has a 1% for Art policy in which eligible CIP projects will spend a minimum of one percent of the project budget on public art as part of the overall project. The Cultural Arts Commission shall review and recommend projects under the City's "one percent for the arts" program to City Council.

Eligibility

- The following are ineligible 1% for Art expenses: motorized transportation, utilities, land acquisition, fleet, information technology, and projects consisting of only planning dollars and those where all funding sources prohibit public art as an eligible expense.
- If a portion of the budget's funding sources prohibits 1% for art acquisitions, only the eligible portion of the funding sources are subject to 1% for art allocation.
- Net 1% for art eligibility (1% of CIP cost excluding ineligible expenses) must be \$5,000 or over.
- The only exception is if the project does not have impact fees, the 1% for art is over \$1,000, and can be transferred to a similar project.
- For projects that have impact fees, 1% of that project's impact fee share must be invested in that specific project and not pooled for another project.
- If there are no impact fees, pooling of multiple eligible project phases 1% for art funds is allowable. Pooling of multiple projects under one category is considered on a case-by-case basis with Finance approval. *See section below
- Project ineligibility shall not preclude a client department, in cooperation with the Cultural Arts Commission from proposing public art for the project in the CIP process as long as the funding sources allow for such an allocation.
- Maintenance projects are not eligible for 1% for art funding unless determined on a case-by-case basis. (Renovation is also used in the title of maintenance projects on the CIP list. A better understanding in the annual meeting of internal project staff will determine whether it is a maintenance project or true renovation)

Process

- If an eligible project pursues federal, state or other grant funding, the 1% for art component must be included in the grant application and anticipated scope of services for the design consultant Request for Qualification and be addressed during the design consultant selection process.
- The 1% for art should be put in the planned budget at the outset of the project. The percent for art will be based on 1% of the total amount of the eligible capital project budget as originally approved by the City Council or City Manager without adjustment for contract change orders, except in cases of a major change in project scope made before construction of the project begins.
- Annually, after the CIP Budget has been approved by City Council, the Finance Director, Public Works Director, CIP Manager, Parks Director, Facilities Manager, Deputy City Manager and Arts staff will review the CIP list for 1% for Public Art eligible project.

- An estimated start date and project manager for each project will be identified.
- Art staff will contact the project manager to learn more about the project, determine how to incorporate 1% for art and when to involve the Cultural Arts Commission.

Approval of Art

At the beginning of the project the Project Manager and Art Staff should determine and incorporate the schedule for art approval into the overall project timeline with the intent not to extend the overall project timeline. Below are the various groups that are involved in approving the recommendation of art to the City Council.

- Art Committee
 - Three members of the Cultural Arts Commission are paired with stakeholders of the project to form the Art Committee that leads the public art decision process, making recommendations to be approved in the following order.
- Project Specific Steering Team or CIP Steering Team
 - Project manager and Art staff determine schedule for presenting art updates to the project steering team or CIP steering team. Key checkpoints should include: opportunity development, artist finalists, and final art concept.
- Cultural Arts Commission
 - Updates on the project should be presented to the full Cultural Arts Commission at its regular meetings. The Cultural Arts Commission shall approve the Art Committee's recommendation of the artist and final concept.
- Park Board (If applicable)
 - For public art that is sited in a park, a recommendation from the Kirkland Park Board will also be requested.
- City Council
 - City Council has final approval of art concept
 - When possible the art approval from Council should be included in the project manager's report or award of bid.

Guidelines

Project Manager and Art Staff will work collaboratively to apply the following guidelines to the project.

- Design Projects
 - If design phase is over \$10,000 in 1% for Public Art funding, the project manager should work with art staff to include an art consultant sub-contractor in the consultant scope. This art consultant will identify opportunities and concepts for art in the project and develop an appropriate call to artists to use in the construction phase.
 - The art consultant is eligible to compete for the art RFP/RFQ.
 - If the final art concept is being developed through the design phase, then the Cultural Arts Commission and other recommending bodies should have the opportunity to provide input and make recommendation to Council in conjunction with the approval of design documents.

- Art should be a distinct task and deliverable in the scope of work and budget.
- If there is a public advisory process for project design, include a Cultural Arts Commission representative in the public advisory process.
- If design phase is under \$10,000 in 1% for Public Art funding without impact fees, funding may be pooled into the construction phase.

Construction Projects

- Project with 1% for Art Budget that is less than \$15,000:
 - Staff works with project lead and design team to come up with feasible options based on budget to present to the Cultural Arts Commission to discuss. Commission makes recommendation to City Council preferably through the award of bid presented by the project manager. An artist may develop and implement option depending on the type of art recommended.
 - If there are multiple similar projects in the same year that have 1% for art funding under \$15,000 and funding sources allow, the project manager may attempt to group under one artist contract and work with a sub-committee of the Cultural Arts Commission in recommending artist concepts subject to the approval process previously stated.
- Project with 1% for Art Budget that is \$15,000-\$50,000:
 - Project Lead and Design Team presents project to Cultural Arts Commission. If there is not an art consultant in the design phase, the Cultural Arts Commission brainstorms ideas which are packaged in an RFQ or sent to a preselected roster. Art is subject to the approval process previously stated.
 - It is advised to follow a process in which a select group of artists are provided honoraria to develop their concepts with accompanied renderings or models for selection and approval.
- Project with 1% for Art Budget that is \$50,000 or over:
 - It may be determined to hire a public art consultant to manage the project. This would come out of the 1% for public art budget and contract/invoicing would be managed by the project manager in coordination with Art Staff.
 - Select members of the Cultural Arts Commission work with a steering or advisory committee on the selection of a public art consultant, concept development, with continuing updates to the Cultural Arts Commission and Steering Committee. Finalization of concept would follow the approval process above.
 - It is advised to follow a process in which a select group of artists are provided honoraria to develop their concepts with accompanied renderings or models for selection and approval.
- Sidewalk CIP Project Treatments
 - A preferred design to incorporate in Sidewalk CIP Projects is being developed.
 - This design should be included in all CIP Sidewalk projects with a 1% for art component.
 - The incorporation of this art also is recommended for and should be considered in non 1% for art projects.

Pooling of 1% for Art Funds

- 1% of art funds may be pooled if the project over \$1,000 in 1% for art funding and does not have impact fees.
- Pooled transfers of funding must be approved by Finance.
- Currently, Sidewalk Projects and Cross Kirkland Corridor projects have been approved for pooling.
- To pool the funding, there would be a transfer of the 1% for art funding from the original project into a reserve account. When it is determined what project the funding will be used for, the funding would be then transferred to that project.

Maintenance

- The maintenance requirement should be included in the RFP and the estimated cost of maintenance should be determined and approved by the Steering Committee and City Council prior to final concept approval.
- The City of Kirkland art maintenance contract is managed by the Parks Operations Manager. This includes inventoried 1% external and internal art.
 - Existing internal art pieces will be inventoried and evaluated for maintenance requirements
 - Internal art pieces may just require routine cleaning services that can be accomplished through the building's janitorial contract.
 - A periodic schedule will be determined for re-evaluation of needed care.
- Annually, the cost of maintaining the City of Kirkland's inventoried 1% for public art collection will be determined considering any new pieces being added to the collection.
- The Parks Operations Manager and finance department will account for the cost of the art maintenance in the biennial budget request.