

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES AND  
INTERNATIONAL INTERGROUP RELATIONS

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October 20, 2016  
Start: 10:08 a.m.  
Recess: 11:19 a.m.

HELD AT: 250 Broadway - Committee Rm.  
16<sup>th</sup> Fl

B E F O R E: JAMES G. VAN BRAMER  
Chairperson

COUNCIL MEMBERS: Elizabeth S. Crowley  
Julissa Ferreras-Copeland  
Peter A. Koo  
Stephen T. Levin  
Andy L. King  
Costa G. Constantinides  
Laurie A. Cumbo  
Helen K. Rosenthal

## A P P E A R A N C E S (CONTINUED)

Kendal Henry, Director  
Percent for Art Program  
Department of Cultural Affairs

Savona Bailey-McClain  
Executive Director and Chief Curator  
West Harlem Art Fund

COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES AND  
INTERNATIONAL INTERGROUP RELATIONS

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[sound check, pause]

CHAIRPERSON VAN BRAMER: Great. Thank  
you. Good morning, everyone and welcome to this  
hearing of the Committee on Cultural Affairs,  
Libraries and International Intergroup Relations. My  
name is Council Member Jimmy Van Bramer. I'm the  
Chair of this committee joined to my right Council  
Member Laurie Cumbo. We're here to discuss several  
pieces of legislation regarding Percent for Art.  
We've passed some legislation previous to this, but  
now we have a package that we're very excited about  
and—and hopeful to pass. I want to thank Council  
Member Cumbo for all of her work on this issue. I  
also want to recognize Aminta Kilawan our Counsel and  
Chloe Rivera on our team as well, and we're going to  
take up four bills, and hopefully not very  
controversial, but important in terms of Percent for  
Art. 1290, which is a local law to amend the charter  
with relation to the Percent for Art Advisory Panel;  
1295 to amend the charter requiring the Department of  
Cultural Affairs to report on Percent for Art  
Projects. 1296 a local law to amend the New York  
City charter in relation to the Percent for Art  
Program, and its overall scope and 1297, a law to

1  
2 amend the charter in relation to outreach and  
3 education regarding public art opportunities. So we  
4 all big supporters of art, and public art and, of  
5 course, global-art and cultural capital in  
6 addition to the museums and galleries. Obviously the  
7 city is home to numerous examples of outstanding art  
8 and design on public property. Public art is an  
9 integral part of New York City's urban landscape. It  
10 encourages new ideas, conversation and changes of the  
11 perception of our city. The city supports and  
12 creates new opportunities for public art via the  
13 Percent for Art program, which offers city agencies  
14 the opportunity to acquire or commission works of art  
15 specifically for city-owned buildings, and I believe  
16 the speakers can talk a little bit more about the  
17 history of Percent for Art, but since its inception  
18 when the 300 projects have been completed with the  
19 accumulated-artwork commissions of over  
20 \$41 million, and according to the latest available  
21 data, there are more than 70 artist commissions  
22 currently in progress including one in my district at  
23 least. Percent for Art Project—  
24 Project stems showing how art integrated into a site  
25 can enhance civic architecture and a wide range of

1  
2 public space. These bills are all very exciting, and  
3 we're interested to--to see them move forward, and  
4 hopefully the Administration will offer support for  
5 these, but I guess we'll find that out in about a  
6 second. So, I want to offer Council Member Cumbo--  
7 would you like to say a few words now or would you  
8 like to do that later?

9                   COUNCIL MEMBER CUMBO: Good morning,  
10 Council Member Van Bramer. Thank you so much for the  
11 opportunity to give opening remarks. I will keep  
12 them brief. I just want to say that I am beyond  
13 excited and over the moon that we are bringing this  
14 legislation forward today for a hearing. I want to  
15 thank you, Council Member Van Bramer. This is very  
16 meaningful to me as an Arts Administrator turned  
17 elected official. This is really historical what  
18 we're doing today, and it's going to have a long-  
19 lasting impact on the City of New York as far as its  
20 vibrancy, as far as its cultural relevancy and it's  
21 going to continue to serve as a model across the  
22 United States and abroad. So thank you so much for  
23 conducting this hearing. I'm very excited about it,  
24 and I look forward to your testimony. Thank you.

1  
2                   CHAIRPERSON VAN BRAMER: Thank you very  
3 much, Council Member Cumbo. Now, before we hear from  
4 the Department of Cultural Affairs, I have to say on  
5 the record that we are disappointed that Commissioner  
6 Finkelpearl is not here, and I think other than his  
7 very understandable absence while he was on leave to  
8 take care of health matters. The Commissioner of the  
9 Department of Cultural Affairs testifies at these  
10 hearings, and we are all paid by the taxpayers of the  
11 City of New York. This is an opportunity for the  
12 Commissioner to speak to these pieces of legislation.  
13 I've been the Chair of this committee for seven years  
14 under two commissioners, and except for health  
15 related absences, the Commissioner him or herself  
16 testifies at these hearings. Now, I understand and  
17 respect Kendal's expertise, and oversight of this  
18 particular program, and I welcome his testimony.  
19 This is not directed at you, Mr. Henry, but I have to  
20 put on the record my extreme disappointment in  
21 Commissioner Finkelpearl's absence here today, and I  
22 know that was communicated to us a couple of days  
23 ago, but we—we make these hearings known well in  
24 advance and it's—it's with disappointment that we  
25 don't have the Commissioner himself here to testify.

1  
2 Obviously, I would expect that Kendal would also be  
3 testifying with the Commissioner on this particular  
4 topic, and certainly you're the resident expert in  
5 the department but, you know, I just have to say that  
6 for the record Commissioner Finkelparl I believe  
7 should be testifying at these hearings on behalf of  
8 the-the department and the administration. So with  
9 that, we do have testifying Kendal Henry, who's the  
10 Director of the Department of Cultural Affairs  
11 Percent for Art Program, and I welcome your  
12 testimony, Mr. Henry. Oh, first we have to swear you  
13 in.

14                   LEGAL COUNSEL: Mr. Henry, please raise  
15 your right hand. Do you affirm to tell the truth,  
16 the whole truth and nothing but the truth in your  
17 testimony before the committee, and to respond  
18 honestly to council member questions?

19                   KENDAL HENRY: I do.

20                   LEGAL COUNSEL: Thank you.

21                   KENDAL HENRY: [coughs] Thank you. Good  
22 morning Chair Van Bramer and members of the  
23 committee. I'm Kendal Henry, Director of the  
24 Department of Cultural Affairs Percent for Art  
25 Program. Thank you for the opportunity to testify

1  
2 today about our work and proposed legislation that  
3 would impact the program. Signed into law by Ed Koch  
4 in 1982, Percent for Art serves as a model to other  
5 public art programs throughout the region including  
6 MTA's Art and Design. Since the very first Percent  
7 for Art project was completed in East Harlem in 1985  
8 we have worked with communities in every borough and  
9 completed 330 projects to date with another 35  
10 commissioned currently in progress. This represents  
11 over 43 million in commissions over the last 30  
12 years, a significant investment in beautifying public  
13 space, and supporting working artists and other  
14 members of the creative industry such as fabricators  
15 and designers. Percent for Art projects are  
16 triggered by city--the eligible city funded  
17 constructions such as libraries, courthouses, plazas  
18 an even--even waste treatment facilities. The range  
19 of artists, medians and locations encompasses iconic  
20 sculptures like those of Frederick Douglas and  
21 Harriet Tubman in Harlem; community collaborations  
22 Ellen Harvey's Mathematical Star Mosaic in Bedford-  
23 Stuyvesant. Backdrops to the early life like Mike  
24 Falco's glass mural--[coughs] excuse me--in Staten  
25 Island Ferry Terminal, part of our sea's history like

1  
2 Matt Milton's 3,000 square foot X granite tableau  
3 adjacent to the Eunice Ferry in Queens, and tributes  
4 to community icons like the upcoming Robert Clement  
5 Commission in the Bronx. These programs' remarkable  
6 success would not be possible without direct  
7 sensitive engagement with the communities involved.  
8 Since I started as Director under Commissioner  
9 Finkelpearl in 2015, we have kicked off ever new  
10 commission before any advisory panel is selected,  
11 before artists submit any proposals with a public  
12 information session that explains exactly how Percent  
13 for Art process works, and how residents can be  
14 involved. Sometimes this occurs at community  
15 meetings, and sometimes we schedule standalone  
16 sessions in the—in the location where the commission  
17 will occur. The goal is to ensure transparency in  
18 the process that depends on public input to produce  
19 artwork reflective of our communities. This approach  
20 also builds supports and buy-in from the people who  
21 will live and work near it. Percent for Art panels  
22 select artists and artwork through a rigorous weekend  
23 (sic) process. The new panelists convene for each  
24 project and panels consist of voting on the PFA(sic)  
25 members. Panels compete and include the Commissioner

1  
2 of Cultural Affairs designee, Percent For Art staff  
3 member, a representative from the sponsoring city  
4 agency with site jurisdiction of the underlying  
5 capital project, a representative for the city agency  
6 responsible for the design of the underlying project,  
7 three or four arts professionals, critics, curators,  
8 artists, architects, historians, et cetera appointed  
9 by the Commissioner who live and/or work in the  
10 borough and when possible in the community that a  
11 project would be located. Local community  
12 stakeholders such as community board members, the  
13 council member or the borough president and members  
14 of the Public Design Commission. The makeup—the  
15 makeup of our panels reflecting unique needs and  
16 circumstances of each community are commissioned  
17 where our art will be located. Having the  
18 flexibility to engage panelists with strong  
19 neighborhood ties, artistic expertise and  
20 relationships is essential to the success of each—of  
21 each new commission. For example, I will describe  
22 the Percent for Art commissioning process for the  
23 Roberto Clemente Plaza in the Bronx. After several  
24 delays and artists dropping out, local stakeholders  
25 were frustrated. Building on our belief that the

1  
2 public is central to public art, we restarted the  
3 process with a new approach that better responds to  
4 the neighborhood's needs. We hosted workshops and  
5 got people excited about the project, and encouraged  
6 local artists to join the list of artists being  
7 considered. Once these proposals were submitted, we  
8 partnered with local institutions to exhibit the  
9 proposals through the area. They were put on display  
10 local hosp—in the local hospital and other public  
11 spaces, and we collected feedback from residents  
12 through comment cards. Visitors to the exhibits were  
13 also invited to the final panel, which we hosted in a  
14 furniture shore—store across the street from where  
15 the site of the art being installed. Follow the—  
16 following the spirited discussion, the panel selected  
17 one of the local artists, Ms. Calderon—Melissa  
18 Calderon. This marks our first ever percent for our  
19 commission, a proposal honoring baseball great  
20 Roberto Clemente has received conceptual approval  
21 from the Public Design Commission. Now, the artist  
22 is developing an education component that will roll  
23 out when the project is completed in the next several  
24 months. Thanks to the community buy-in this process  
25 generated, we have been able to make remarkable

1  
2 progress in the last several months on a project that  
3 has been delayed for years. The Percent for Art  
4 program creates a lasting imprint on our communities.  
5 That's why engaging residents throughout the process  
6 is absolutely essential to creating work reflective  
7 of the energy and diversity of New York City  
8 neighborhoods. Cultural Affairs has a deep  
9 commitment to the public engagement. In addition to  
10 encouraging public participation in the Percent for  
11 Art process, we have also in place the legislation  
12 sponsored by Chair Van Bramer and Council Member  
13 Cumbo and signed into law by Mayor de Blasio in June  
14 of 2015. [coughs] This is right around the time I  
15 started my current position. The law increases  
16 public notice of Percent for Art projects to  
17 community presentations and required us to post on  
18 our website advanced notice of these meetings.  
19 Indeed, community meetings are the first step in our  
20 process and just seeing them on our website in  
21 advance has increased visibility and awareness. For  
22 example, earlier this year we hosted a public  
23 information session at Arts Space PS 109 in East  
24 Harlem to select and artist for a new sculpture Adam  
25 Chu La Quente (sic), something the community has

1  
2 wanted for decades. Dozens of residents led by City  
3 Council Speaker Mark-Viverito waiting on what they  
4 wanted to see in this commission. The panel selected  
5 artist Manny Vega and the day of the filing (sic) to  
6 the great-to the great excitement of everyone  
7 involved. Support of the Percent for Art program is  
8 something that only-can only be generated through  
9 authentic interaction with the communities involved  
10 in these projects. We appreciate your support and  
11 increasing awareness of the program. Thank you. The  
12 legislation currently being proposed contains  
13 concepts that should be explore. However, we want to  
14 ensure that any changes to the Percent for Art  
15 program and process are appropriate, sustainable, and  
16 not duplicative or existing procedures and efforts.  
17 We also want to ensure any changes effective-  
18 effectively encouraging [coughs] artist and community  
19 participation. We are open to having more in-depth  
20 discussion with Council about specific concerns.

21 I would like to quickly summarize our  
22 thinking on the bills on today's agenda. Intro No.  
23 1296 in relation to the Percent for Art program,  
24 Cultural Affairs is supportive of modernizing the  
25 program. In doing so, must take into account all the

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2 relevant budget and programmatic concerns  
3 particularly in regards to the scale of the program.  
4 Our commissioner has been productive—has—has had many  
5 productive conversations with the Council about  
6 updating the relevant laws, and we look forward to  
7 continuing dialogue in how to best achieve this  
8 shared goal.

9 Intro No. 1290 in relation to the Percent  
10 for Art advisory Panel. The rules of the City of New  
11 York already contain robust guidelines for a  
12 convening Percent for Art panel to evaluate every  
13 project providing a substantial community—community  
14 stakeholder and expert input that is sensitive to the  
15 unique circumstances of each art commission. We  
16 believe this process works well, but are happy to  
17 discuss how best to find ways to include new voices  
18 in it.

19 Intro No. 1295 in relation to the  
20 reporting on Percent for Art projects. DCLA is  
21 committed both in—to the transparency of the Percent  
22 for Art program and ensuring New Yorkers have access  
23 to the breadth of information about the wonderful  
24 public art throughout the city. As written, we have  
25 concern that—concerns that the bill may address the

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impact that privacy of the artists who contribute to such—so much of the program, and we are also sensitive to the fact that artists may not wish to be identified and not identified with particular demographic categories. We are open to reporting about diversity in the aggregate, but have reservations about publishing individual artist demographic information. Art and culture are entwined—intertwined in the fabric of our city. Percent for Art is one concrete way that this relationship is expressed in our public realm. We appreciate the support of the City Council and look forward to working with you and making this program one of New York City—New Yorkers will see as their own. I'm happy to answer any questions that you may have.

CHAIRPERSON VAN BRAMER: Thank you, Kendal Henry. We've been joined by Council Member Peter Koo from Queens. Just to—I will say before we speak about the specific pieces of legislation. You didn't offer any testimony on Intro 1297. I believe even though it's listed at the top of your testimony as being one of the four bills that you address. I

1  
2 don't know if that's an oversight or if you haven't  
3 had an opportunity to review it and comment on it.

4 KENDAL HENRY: The one about outreach and  
5 education? Yeah, yeah, we didn't comment. (sic)

6 CHAIRPERSON VAN BRAMER: You don't  
7 specifically go into Intro 1297 at the end where you  
8 itemize all the pieces of legislation.

9 KENDAL HENRY: I—I just thought that we  
10 had mentioned throughout the—the body of the—of the--

11 CHAIRPERSON VAN BRAMER: [interposing] So  
12 you support Intro 1297?

13 KENDAL HENRY: I support the idea of it,  
14 yes.

15 CHAIRPERSON VAN BRAMER: You support the  
16 idea of it?

17 KENDAL HENRY: Uh-huh.

18 CHAIRPERSON VAN BRAMER: Okay.

19 KENDAL HENRY: I mean it's something we  
20 actually do on a—on a regular basis whenever we start  
21 a program—a project.

22 CHAIRPERSON VAN BRAMER: Granted. So,  
23 how is—what are your reservations about 1297?

24 KENDAL HENRY: I—I—if I remember  
25 correctly, it sort of highlights the idea of having

1  
2 a-sort of a singular public conversation in each  
3 borough every-every year, correct?

4 CHAIRPERSON VAN BRAMER: Is-is that a  
5 problem?

6 KENDAL HENRY: No.

7 CHAIRPERSON VAN BRAMER: Okay.

8 KENDAL HENRY: Well, what we actually do  
9 right now is for every project that we have, we have  
10 start. We-we do this-this information component that  
11 relate to the project. So we have done it in many  
12 other boroughs already, and we use this opportunity  
13 to invite artists and others in the borough to  
14 connect with it at this-a very specific project.  
15 [coughs]

16 CHAIRPERSON VAN BRAMER: Yeah, I-I  
17 believe there's also a-a-a multiple language  
18 provision in-in 1297. It's not something that-that  
19 the department supports?

20 KENDAL HENRY: Part of outreach is where  
21 we have-what we're being to have is a-we have our  
22 Percent for Art Registry, which is now being  
23 converted our Percent for Art Directory, where we  
24 have artists submit their work to be considered for  
25 public art projects. And, right now our registry is

1  
2 not online. It-it's sort of a-a submittal through the  
3 mail on a disk of artist work, and we are  
4 transferring that to an online version, and working  
5 with our IT Department, they'll be sure that we-we  
6 will have capabilities of doing multiple-multiple  
7 languages as part of that new-new phase.

8 CHAIRPERSON VAN BRAMER: So, ultimately  
9 the Administration supports 1297?

10 KENDAL HENRY: [pause] I'm sorry. I was  
11 just told that it was on the-on the list. It just  
12 dropped off in-in my original, and it wasn't an  
13 update, too.

14 CHAIRPERSON VAN BRAMER: Okay, right. We-  
15 we don't have it here.

16 KENDAL HENRY: No.

17 CHAIRPERSON VAN BRAMER: But [coughs]  
18 okay. So, the Administration then ultimately  
19 supports 1297 or you're saying it's-the-the goal is  
20 that 1297 and well I'll-I'll let you answer for the  
21 Administration.

22 KENDAL HENRY: We support the idea of  
23 reaching out to communities and reaching out to give  
24 an education about-to the public our programs.  
25 That's-that's something we-we do already, and we

1  
2 would love to talk to you some more in terms of how  
3 we could do that some more, but that's not--this is--  
4 this is something yes we do support.

5 CHAIRPERSON VAN BRAMER: Right, and the  
6 same with the others? Are there--are there any that  
7 the Administration is outright opposed to at this  
8 point?

9 KENDAL HENRY: Not outright opposed to,  
10 but I think most of it needs further dialogue in  
11 terms of how--what's realistic in terms of how--how we  
12 could make it happen.

13 CHAIRPERSON VAN BRAMER: Of course, we--in  
14 order to have dialogue we actually need to speak to  
15 the Commissioner of Cultural Affairs as--as well. So I  
16 look forward to those opportunities going forward.  
17 So why don't you talk a little bit about 1296 and--  
18 and--and--and expound on any concerns you might have  
19 about 1296?

20 KENDAL HENRY: [pause] Okay. [pause]  
21 The--our program is sort of looked on as one of the  
22 better examples of the programs that are in the  
23 United States and we want to--we want to modernize it,  
24 but as part of doing that, it's very important that  
25 we are very careful in terms of how we approach any

1  
2 new changes to the program, and dialogue is very  
3 important, and we know you—you wish our Commissioner  
4 was here, and—and he's not here because there's a  
5 conflict with another meeting, and—but we're open to—  
6 we are talking about how that—that could happen.

7 CHAIRPERSON VAN BRAMER: So, you know,  
8 obviously you're here representing the department the  
9 Commissioner, and in some ways the administration,  
10 and, you know, you want to, I think, [coughs] and  
11 Council Member Cumbo obviously will speak to this a  
12 little bit more, I think we really believe strongly  
13 that the program should be expanded. It should be  
14 increased. Is—is that your position as well?

15 KENDAL HENRY: We think it should be  
16 increased yes, but how? But again, it—it is open for  
17 conversation.

18 CHAIRPERSON VAN BRAMER: Well, we've  
19 proposed how [laughs] and—and—and how much, right? I  
20 mean the how and how much are certainly the—the—the  
21 questions here.

22 KENDAL HENRY: It is.

23 CHAIRPERSON VAN BRAMER: And—and we're  
24 here discussing a proposal by Council Member Cumbo  
25 and myself on just how to do that. So, and how we

1  
2 have proposed to do it, and by how much is-is not  
3 what you believe. Now is the moment to say it.

4 KENDAL HENRY: I think the how is great.  
5 The how much is-is open for discussion.

6 CHAIRPERSON VAN BRAMER: So you think it  
7 should be more?

8 KENDAL HENRY: It should be-it should  
9 relate to what's happening now in terms of bringing  
10 the-the program forward.

11 CHAIRPERSON VAN BRAMER: So walk me  
12 through whatever what that means, right.

13 KENDAL HENRY: [interposing] Uh-huh.

14 CHAIRPERSON VAN BRAMER: I mean is-is  
15 that-is that a-is that a-what does that mean, you  
16 know, as it relates to how the program moving  
17 forward?

18 KENDAL HENRY: Well, I-I kind of see like  
19 how-when-when I go into a-a community to work with  
20 the-the local folks, you know, I may very a specific  
21 idea of how things should work, but unless I start  
22 those conversations with the communities there, then  
23 that might change. There are many different factors  
24 that are involved in what the increase could be or  
25 should be or whether it should be an increase or not,

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2 and—and again that's not for me only to determine.

3 So, I—I would leave it at that's open for discussion.

4 CHAIRPERSON VAN BRAMER: Do you think  
5 artists would want to see the Percent for Art program  
6 expanded?

7 KENDAL HENRY: Yes, but it depends on  
8 how.

9 CHAIRPERSON VAN BRAMER: Right, I think—I  
10 think the cultural community would love to see this  
11 program expanded, and—and again, we have a proposal  
12 on—on how to do that, and by how much we would do  
13 that--

14 KENDAL HENRY: [interposing] Uh-huh.

15 CHAIRPERSON VAN BRAMER: --and—and I—I  
16 think we've—we've got a good and fair proposal on—on  
17 the table and—and it's worthy of being passed by the  
18 City Council. I want to recognize we've been joined  
19 by Councilwoman Helen Rosenthal from Manhattan on the  
20 Committee. And 1290, with respect to the Advisory  
21 Panel, some of these, you know, bills are about  
22 increased participation, increased transparency. It—  
23 do you on behalf of the Commissioner and the  
24 Administration what—what are any concerns about that?

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2           KENDAL HENRY: Well, we do a lot of the  
3 increased participation in just the way we do our  
4 panels right now, and I think what we're—we're more  
5 amenable to is creating processes that are flexible,  
6 that—that relate to the communities that we work in,  
7 and not stick to anything that's a one-size-fit-all  
8 model. And—and so that's—that's what we're most  
9 interested in.

10           CHAIRPERSON VAN BRAMER: So no specific  
11 objections to any of the pieces of legislation before  
12 you. You're simply open to more discussion about  
13 that?

14           KENDAL HENRY: Be—before we even forward  
15 I would like to open it up to more discussion. We  
16 would like to have more discussion about what it  
17 actually means to—to change what we already have,  
18 what's working for us, and—and—and—and, you know,  
19 don't get me wrong, it's—we sort of love the idea a  
20 City Council that supports what we do, but we just,  
21 you know, we're at a point now where we could make it  
22 better. But that—that means real dialogue in terms  
23 of understanding how it works, and understanding how  
24 what you want to do could be implemented in—in what-

1  
2 how we need to do things, or how would happen, or  
3 how-how-how to move forward.

4 CHAIRPERSON VAN BRAMER: Well, we are all  
5 about dialogue, Kendal--

6 KENDAL HENRY: [interposing] Thank you.

7 CHAIRPERSON VAN BRAMER: --and we just  
8 need to be able to have dialogue--

9 KENDAL HENRY: [interposing] I know.

10 CHAIRPERSON VAN BRAMER: --and with the  
11 Commissioner, which is something that we're having  
12 some difficulties with right now, quite frankly, and--  
13 and I'm hopeful that we can fix that soon so we can  
14 actually have the dialogues that you and I both want.  
15 And I want to say clearly I'm disappointed that  
16 Commissioner Finkelppearl is not here to represent the  
17 department and the Administration itself. You are an  
18 incredibly qualified person, and I greatly respect  
19 you and--and the work that you've done in your career,  
20 and certainly chairing and leading this incredibly  
21 important department. I want to say that for the  
22 record, and look forward to working with--with you and  
23 the Commissioner and the Administration as we go  
24 forward. So I think I'm going to turn it over to  
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1  
2 Council Member Cumbo at this point to ask more  
3 questions.

4 COUNCIL MEMBER CUMBO: [PAUSE] Thank you  
5 so much, Chair Van Bramer. Good morning. Wanted to  
6 talk about some general questions before I get into  
7 the substance of the--of each piece of legislation  
8 that being discussed today. The Percent for Art  
9 program began approximately 30 years ago, 33 years  
10 ago to be exact. Has there been any increase to that  
11 particular program over the course of the last 33  
12 years? I think it was revolutionary when Mayor Koch  
13 introduced it, but I wanted to know has there been  
14 over the last 33 years any major increases to the  
15 creation and capital budget of the Percent for Art  
16 program?

17 KENDAL HENRY: They have not.

18 COUNCIL MEMBER CUMBO: They have not, and  
19 so has there been discussion in terms of ways, as  
20 you've stated, that you want to improve the program,  
21 and with all due respect we have been discussing this  
22 particular issue for the last two years--

23 KENDAL HENRY: [interposing] Uh-huh.

24 COUNCIL MEMBER CUMBO: --back and forth,  
25 and so I was also hoping today that the

1  
2 Administration would come forward with greater  
3 information about what that increase should look like  
4 because I believe art materials, the cost of living,  
5 the ability to implement a work of art all of these  
6 things would have increased over the last 33 years,  
7 and I believe it unfair not to keep pace with the  
8 economy, and wanted to know—we've proposed an  
9 increase from—What is the original capital dollar  
10 amount now that is allocated for capital projects for  
11 the arts?

12 KENDAL HENRY: So, I—I think you're  
13 talking about the limit that we could spend a year.

14 COUNCIL MEMBER CUMBO: Correct.

15 KENDAL HENRY: It's \$1.4 million.

16 COUNCIL MEMBER CUMBO: It's \$1.4 million,  
17 and how much for each work of art?

18 KENDAL HENRY: We have a cap of \$400,000,  
19 up to \$400,000 per project.

20 COUNCIL MEMBER CUMBO: How often do you  
21 reach the cap every year?

22 KENDAL HENRY: We have about—not—not very  
23 often. We don't reach that very often. It sort of  
24 depends on the type of project. The larger projects,

25

1  
2 you know, over a certain amount would--would use that  
3 cap up. We rarely (sic) have that amount.

4 COUNCIL MEMBER CUMBO: How many projects  
5 per year are often I would say awarded the  
6 opportunity, although the process takes a number of  
7 years in terms of a project from inception--

8 KENDAL HENRY: [interposing] Uh-huh.

9 COUNCIL MEMBER CUMBO: --to completion,  
10 but what is the average amount of projects that are  
11 awarded every year?

12 KENDAL HENRY: An average amount per year  
13 is about between 12 and 15 projects a year.

14 COUNCIL MEMBER CUMBO: Twelve to 15  
15 projects a year?

16 KENDAL HENRY: Uh-huh.

17 COUNCIL MEMBER CUMBO: Now, with the cap  
18 being \$400,000, would you recognize or understand  
19 that the cost to create art has also increased?

20 KENDAL HENRY: Yes, and materials cost  
21 more now than in 1983 and '82, and--and so yeah, that--  
22 that is an issue.

23 COUNCIL MEMBER CUMBO: How much of the  
24 budget actually goes to the maintenance of the  
25 artwork once it has been installed? How does the--how

1  
2 does the department handle maintenance of the works  
3 that have been installed?

4 KENDAL HENRY: We don't and that's big  
5 issue, and that's actually something I would love to  
6 talk to you about in terms of how to deal with that?

7 COUNCIL MEMBER CUMBO: What have you been  
8 doing currently?

9 KENDAL HENRY: Some of the agencies that  
10 we work with have a maintenance plan they use to  
11 inspect it, and—and others don't. So what we have  
12 been doing is trying to figure out how to commission  
13 works that require very little maintenance, and that  
14 limits what we can do, or finding some partners that  
15 could maintain the work. When we do have a  
16 maintenance partner, or an agency that has a  
17 maintenance budget, we're able to do more dynamic  
18 artworks. We're able to use technology. We're able  
19 to sort of do things with light, and do things at a  
20 scale that we're not able to do because we don't have  
21 a maintenance budget. And so, if anything, a  
22 maintenance plan budget, something with a maintenance  
23 conversation needs to happen to make our program a  
24 little more dynamic. This is something that we are  
25

1  
2 falling back on other programs in the United States  
3 is our—our maintenance issues.

4 COUNCIL MEMBER CUMBO: The amount of  
5 money that is spend on capital art projects can you  
6 talk to us particularly for people that are watching  
7 today as well. How is it that—that funding is  
8 allocated? There's going to be a major construction  
9 project with city resources. How is it that one  
10 percent of that capital budget is allocated? How  
11 does that--? Because I don't want people to come  
12 away with think that an additional \$1 million is  
13 allocated? It's within the capital budget of an  
14 existing project. How does that—how does that  
15 process work?

16 KENDAL HENRY: Okay. So we work with our  
17 Design agencies whether it be the Economic  
18 Development Corporation or the Department of Design  
19 and Construction, and we identify projects that are  
20 appropriate for artwork, and these projects would be  
21 projects that have a—a public area that is visible to  
22 the public or public interaction on some level. It's  
23 not necessarily the public and to the building or to  
24 the space, but visually accessible publicly. And,  
25 they—when they calculate the construction cost of the

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project, we do one percent of the first \$20 million and half a percent thereafter as the one Percent for Art with a \$400,000 cap. Once we have that, we—we meet with the design agency and the architects and everyone involved to identify the best locations to commission an art project, and—and we go through the process I described--and if you would like me to describe it more, I could—to select an artist and go through a process of working with the community and engaging that way, and coming up with an artwork. Once the artist is selected, that one percent is split into a number of different categories. Twenty percent of that is the artist fee--

COUNCIL MEMBER CUMBO: [interposing] Uh-huh.

KENDAL HENRY: --and the rest is to produce the artwork. So a majority of that, 60% goes to making the work. So that goes to fabricators, designers and other--the other design fields that support that as well. So when people see an artwork that's \$100,000, it's not \$100,000 going to the artist. \$20,000 of that goes to the artist and the 80%--and the \$80,000 remaining goes to making the

1  
2 work. And we tend to hold onto maybe 10% of that for  
3 contingency because things happen.

4 COUNCIL MEMBER CUMBO: So \$100,000 would  
5 be the cost of creating the work, let's say.

6 KENDAL HENRY: Yes.

7 COUNCIL MEMBER CUMBO: The artist gets  
8 20%, \$20,000.

9 KENDAL HENRY: Uh-huh.

10 COUNCIL MEMBER CUMBO: How long is the  
11 entire process that the artist is involved on average  
12 from inception to beginning? I mean from inception  
13 to—to the end?

14 KENDAL HENRY: Yes. We come in when the  
15 project is in—is in design, and so that means however  
16 long it takes for that design to become an actual  
17 building or project. Our shortest project is about  
18 three years.

19 COUNCIL MEMBER CUMBO: So an artist would  
20 be expected on the short end, if awarded \$100,000  
21 commission, which I would imagine might be somewhere  
22 in the average, would be expected to work on this  
23 particular project for three years for approximately  
24 \$20,000.

25 KENDAL HENRY: That's correct.

1  
2 COUNCIL MEMBER CUMBO: Hmm, in my dream  
3 world, I would love to see the capital construction  
4 of every project in the City of New York to get one  
5 percent. That's my goal, right? We're not there yet,  
6 but what we have proposed, which is what I wanted to  
7 discuss today is that we would create a \$10 million  
8 threshold, and with that \$10 million threshold, we  
9 would raise the cap from \$400,000 to \$900,000. So  
10 some of the questions and wanted to know had you all  
11 thought about this because we did proposed this maybe  
12 about two years ago. What would be the staffing that  
13 would have to increase in order to do that? How many  
14 people would have—would be needed to implement? How  
15 many more projects could be created a year? Those  
16 were really the—the heart of what I wanted to get to  
17 today because I believe that the—the opportunity to  
18 provide more public art throughout the city really  
19 it—it equalizes art and culture in a way that it's  
20 accessible to everyone, and my goal would be for  
21 everyone walking to and from school to work and  
22 everywhere. We also understand that art has the  
23 ability to create safe spaces where people feel that  
24 areas that have art are safer, and you know that very  
25 much from your work at that MTA, Percent for Art

1  
2 program that some of the things that people said that  
3 they wanted to create a safer transit system was  
4 lighting, having it be cleaner and also the addition  
5 of art. I remember my dad liking public art  
6 textbooks.

7 KENDAL HENRY: There you go.

8 COUNCIL MEMBER CUMBO: So where are we  
9 with potentially the \$10 million request in terms of  
10 the legislation that's been put forward? That's the  
11 number that we've internally believe would keep up  
12 with the pace of inflation over the last 33 years,  
13 and—and let me say this, it really doesn't even keep  
14 up with the pace of inflation of what 33-year-old  
15 program should look like. So what is your—what have  
16 been your internal thoughts in terms of where we are  
17 with the increase that we've proposed?

18 KENDAL HENRY: Well, first of all, I  
19 don't disagree with anything that you're saying, and—  
20 and I think that what—to sort of have an increase of  
21 any kind in terms of the projects and—and the—and—  
22 and—and the amount that we can do would—would require  
23 a lot more than we are capable of doing right now.  
24 We have a Percent for Art is a staff of two, and one  
25 of whom is on maternity leave right now, and so it

1  
2 is—I think it's—it's sort of requires sort of more  
3 conversation as to how that needs to happen, and I  
4 know we've started that conversation, and they've  
5 been back and forth, but I think there is a—is a—is—  
6 we could reach some sort of place where it's amenable  
7 to what—what we can handle, what—what the city can  
8 handle and—and what you guys are hoping to  
9 accomplish.

10 COUNCIL MEMBER CUMBO: What do you think  
11 is the timeline on that because [coughs]  
12 unfortunately, we only get two terms in office, and  
13 we're coming to the close of the first one.

14 KENDAL HENRY: Well, I can tell you that  
15 we're ready to have—we're ready to have a  
16 conversation next week.

17 COUNCIL MEMBER CUMBO: Okay.

18 KENDAL HENRY: Let's talk.

19 COUNCIL MEMBER CUMBO: And the  
20 conversation next week would lend itself to what your  
21 thoughts are specifically on this piece of  
22 legislation.

23 KENDAL HENRY: And all of them.

24 COUNCIL MEMBER CUMBO: Okay. Council  
25 Member Van Bramer, I have more questions, but if you

1  
2 have additional questions, I—I look forward to  
3 hearing.

4                   CHAIRPERSON VAN BRAMER: [interposing] I  
5 just wanted to follow up on—on that point. So Kendal  
6 are you in a position to commit that Commission  
7 Finkelpearl and the Department of Cultural Affairs  
8 will meet with myself and Council Member Cumbo as  
9 early as next week to hammer out the details of it?

10                   KENDAL HENRY: I just threw next week out  
11 there, but I don't—I have his schedule, but I—I know  
12 he would like to have a conversation at some point to  
13 really iron this out.

14                   CHAIRPERSON VAN BRAMER: Okay. We'—we—  
15 we, as you can tell, very anxious to—to conclude this  
16 conversation. With this conversation, as you know,  
17 we've been having for quite some time, and—and I  
18 think the time is now to pass this legislation and—  
19 and, you know, I'm—I'm in favor passing the  
20 legislation as if, and—and—and we're ready to move  
21 forward, but--

22                   KENDAL HENRY: [interposing] Uh-huh.

23                   CHAIRPERSON VAN BRAMER: --in the past  
24 we've worked well together, and we hope to be able to  
25 continue to do that. But again, that requires us to

1  
2 have dialogue to meet and to get really where the  
3 Department of Cultural Affairs and this  
4 administration stands on the legislation. What I  
5 thought you said is that there's--there's maybe a  
6 middle ground, right, from--from sort of between what--  
7 what the city can do, what the department has the  
8 ability to do, and what we want, and--and maybe  
9 there's--there's something in between. I'm  
10 paraphrasing, but if that's the case, I'd like to  
11 know--I mean I think we just want to know what that  
12 spot is. If there's a sweet spot that you've  
13 identified.

14 KENDAL HENRY: I don't know what that  
15 spot is.

16 CHAIRPERSON VAN BRAMER: Alright, that's  
17 fair, but I think the department not--not yourself,  
18 Mr. Henry, but the department and the administration  
19 need to determine and come to a final decision about  
20 where their spot is if, in fact, there's a spot.

21 KENDAL HENRY: Uh-huh.

22 CHAIRPERSON VAN BRAMER: And then only  
23 then can we know what we're actually dealing with.  
24 So, apologies, Council Member Cumbo, but I wanted to  
25 clarify your point on that.

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2 COUNCIL MEMBER CUMBO: Right. Wanted to  
3 talk also about the article that came out in the New  
4 Yorker in terms of talking about women's role in  
5 public art in terms of its expression, street co-  
6 namings, statues, and you mention in your earlier  
7 part of your testimony you talked about the Harriet  
8 Tubman sculpture that's in Harlem. Has there—from  
9 this article or others, has there been discussions  
10 about how to equalize the public art process so that  
11 there are more women artists creating, there are more  
12 opportunities for women to be immortalized into  
13 herstory, if you will, in New York City. So that we  
14 can have a more equitable city, and that we can begin  
15 to right some of the wrongs. I ask that question  
16 because that was part of the inspiration in terms of  
17 expanding the Percent for Art program so that there  
18 would be opportunities to equalize the city of New  
19 York with more expressions of women's contributions  
20 to the city of New York.

21 KENDAL HENRY: Uh-huh, and—and this is—  
22 this is a—a conversation that's not New York centric,  
23 but it's a conversation that's everywhere. I mean  
24 there' not a lot of representation of women  
25 historically in—in art, and I—I—I believe that

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something needs to happen, but how. When we commission an artwork, when we have a project that's up for commission, it's—we—we look at it from communities' needs, and from a sight specific standpoint. So it's hard to say well, we're going to do a woman's related project here or—wherever. That's just hard to do, but generally, we—when we look at artists that we are commissioning, we—we try to make sure, we make a concerted effort to have diversity be a large part of—of the entire process and the entire panel. We have in all our projects that we're working right now, more than half are women--

COUNCIL MEMBER CUMBO: [interposing] Uh-huh.

KENDAL HENRY: --and--and so--so this is something that we're working all the time. How we--how we do that--the--the issue of having--not having women in artwork, represented in artwork is--is--is something that we would like to figure how to incorporate, but it's not an issue that is centric to the Percent for Art program necessarily. It's--it's a wider conversation.

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2 COUNCIL MEMBER CUMBO: I would like to  
3 see mandate of that be developed. I understand the  
4 process that you're saying in terms of creating a  
5 more diverse city in terms of selection, but for  
6 there to be a specific mandate in our lifetime to  
7 create equality throughout public art would be  
8 phenomenal, and it would be so meaningful  
9 particularly to children--

10 KENDAL HENRY: [interposing] Uh-huh.

11 COUNCIL MEMBER CUMBO: --to see equal  
12 voice in terms of what we hold up high and idolize  
13 all throughout the city.

14 KENDAL HENRY: And are you talking about  
15 representation in the art itself, or the artist?

16 COUNCIL MEMBER CUMBO: [interposing]  
17 Both.

18 KENDAL HENRY: Okay.

19 COUNCIL MEMBER CUMBO: Artists selected as  
20 well as statues such as Harriet Tubman or Sojourner  
21 Truth, and many others. I-I'm desperately trying to  
22 find and discover ways to create a Shirley Chisholm  
23 statute--

24 KENDAL HENRY: [interposing] Uh-huh.  
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COUNCIL MEMBER CUMBO: --in my district.  
Here imprint on the city of New York and the nation  
is unmatched and I want to find a vehicle to continue  
to create those types of statues and ways to  
immortalize the history and culture. Because New  
York City is a constantly ever-changing neighborhood.  
There's a, you know, this might have been one type of  
neighborhood one day, and then ten years later it's  
another, but that artwork solidifies the presence and  
the history of a changing neighborhood. Wanted to  
ask also in terms of this relates to all of the  
legislation. Do you work with specific art  
organizations, those smaller niche organizations in  
order to do your outreach for the Percent for Art  
program? And I ask that because as you know, I've  
run a not-for-profit museum, and don't really recall  
having our institution utilized as a-a place or a  
feeder, if you will, for artists to participate in  
the Percent for Art program. How do you work with  
local arts organizations in order to recruit artists  
for the registry?

KENDAL HENRY: Uh-huh. When we first-  
when we start any given project, the first thing we  
do is we go to our programs folks who sit right next

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to us and say here's a zip code, here the Council District, how--what could you give us a list of the organizations that--that you funded in that district, and we use that as point of partnership to (1) solicit possible panels from the partners that we have, and (2) get artist recommendations. Sometimes actually a--a venue to hold our panels. We try to have our panels in the community that we serve and a time that they could actually come. So a lot of our panels are in the evening when the community could actually show up. So we are very lucky to--we do do that as much as we can, and we--we go through our programs, folks who fund almost all of these smaller organizations as defined partners. So, we, yeah, that's something that's very important to us.

COUNCIL MEMBER CUMBO: Let me ask you another question. In terms of when we were talking about preservation and upkeep and maintenance--

KENDAL HENRY: [interposing] Uh-huh.

COUNCIL MEMBER CUMBO: --could capital dollars that are allocated to the Percent for Art program be utilized for maintenance and upkeep?

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2           KENDAL HENRY: No, the capital dollars  
3 that are part of the Percent for Art, not it cannot  
4 be used for that.

5           COUNCIL MEMBER CUMBO: Even if there  
6 would be capital improvements to a project. Let's  
7 say for example it's a mosaic, and some of the tiles  
8 have fallen off, capital dollars were put forward to  
9 put those mosaic tiles together but on the back end  
10 of preserving it to put those tiles, let's say, back,  
11 would not be permissible?

12           KENDAL HENRY: I think it has to be  
13 significantly destroyed to—to rebuild it with capital  
14 dollars.

15           COUNCIL MEMBER CUMBO: The other question  
16 that I wanted to ask, which I believe as the  
17 inspiration for the legislation that Council Member  
18 Van Bramer put forward. Sometimes—last year—  
19 sometimes capital projects or public artworks don't  
20 mesh well with the community. Have there been  
21 examples of those projects, and what was done to  
22 remedy them, and what safeguards? And you can never  
23 completely safeguard something, but what measures now  
24 a year later are you moving forward with that will  
25 make projects more harmonious with the community?

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2           KENDAL HENRY: Uh-huh. Putting in place  
3 different programs or interactions and transparencies  
4 to entire—to the entire process. Now, what we do is  
5 we have increased our interaction with the  
6 communities, and it starts one with that first time  
7 we have a project. When we get that initiation form,  
8 we—we send the information about the—it is required  
9 of us to send information to the community boards,  
10 and—and the borough president and--and City Council  
11 offices to alert them that this is a project that's  
12 happening. And what we do is we also go to a  
13 community board meeting or set up our own meeting,  
14 and introduce the idea of public art in general. And  
15 what that does is it gets—we hope to get people  
16 excited about what's happening out there with public  
17 art, and—and that enables us when they're excited and  
18 see what's possible. Because a lot of times people  
19 just think about mosaics and sculptures that they  
20 would want something like that in their community.  
21 So that—that—that enables us to sometimes be—do a  
22 little more than we usually could do in terms of the—  
23 the type of—of projects. Maybe could be a little  
24 more provocative because people want something a  
25 little more interesting than a typical project, and—

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2 and at that first meeting we—we start our  
3 conversations around what—what could the art do.  
4 What do you want the art to do, and solicit  
5 suggestions of artists and solicit suggestions of  
6 panelists, but also want to hear from the community  
7 if there are artists there from the community  
8 themselves. And many times, in some of the  
9 neighborhood and communities that we've approached,  
10 they feel that it's important that their artists are  
11 able to participate in the process. So we do special  
12 workshops specifically for those local artists. And  
13 again, introduce them to the idea of what they—how to  
14 translate their work into public artwork, and how to  
15 compete with more seasoned public artists. And after  
16 that, you know, again we keep panelists in—in the  
17 community. We—we go—we do a lot of different  
18 outreach using the—the departments that we have  
19 established through our program folks. So, we—we try  
20 to go above and beyond throughout the entire process.  
21 So by the time we're finished, the community feels  
22 like they own the piece--

23 COUNCIL MEMBER CUMBO: [interposing] Uh-  
24 huh.

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2           KENDAL HENRY: --and we always want to  
3 go--have ownership in whatever we do from the  
4 community standpoint.

5           COUNCIL MEMBER CUMBO: I just have two  
6 other questions. The next one is the economic value  
7 of the Percent for Art program. So has there ever  
8 been any sort of understanding of the economy of the  
9 Percent for Art program in terms of tourism, people  
10 coming to see some of the public artworks. I know for  
11 example Grand Army Plaza Library is very popular in  
12 terms of it attracts people in terms of not only the  
13 architecture, but I think more specifically the  
14 public artwork that has been crated there. Has there  
15 ever been an understanding or are some pieces so  
16 popular that tourists come to New York specifically  
17 with on their mind that they want to see this  
18 particular work of art? And we do--do we  
19 understanding what that \$1.4 million investment each  
20 year yields for the City of New York in terms of  
21 popularity, in terms of people wanting to come to our  
22 city? Because the fact of the matter is people want  
23 to come to New York City because they want to see  
24 something unique. They want to see something  
25 different, and I often believe that it's unfair that

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artists contribute so much to the vibrancy of the city of New York, and they get so little in return for the economic investment that is made on the back end what the city reaps as far as tourism, dollars coming into our neighborhoods, specifically for art. Restaurants benefit, hotels benefit, taxis, limousines, air lines. Everybody benefits from the art in the city of New York, but I feel that we don't pay our fair share in the investment of the artists who are creating this work that everyone is coming to see.

KENDAL HENRY: Uh-huh. We don't have any scientific data in terms of how we would quantify that necessarily, but from personal experience in—on specific projects in specific communities, I have seen the artwork really from attracting people to the community to really changing the way people see their communities, and to the way what happens, the art being a catalyst for change throughout that community. So it—it does happen.

COUNCIL MEMBER CUMBO: Can you cite maybe two examples of some of the more [coughing] popular public art projects through the Percent for Art

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program that you believe are also tourist  
attractions?

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KENDAL HENRY: Uh-huh. On a community  
level, I'm going to start there first, one of the  
projects that I showed, Ellen Harvey Mathematical  
Star. The project itself highlights these really  
distinct things that are important to the community.  
So, it might be a piece of architecture or a tree.  
There's a magnolia in-in Bed-Stuy that-that was  
really related to the community or some, you know,  
design throughout this space, but the artist worked  
closely with the community to identify these-these  
objects, and in-in abstract then they created this-  
the-the piece that I showed you on the-on the ground,  
the circular piece. And it's-it's almost like a-a  
secret of the community--

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COUNCIL MEMBER CUMBO: [interposing] Uh-  
huh.

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KENDAL HENRY: --that-that they share  
amongst themselves, and-and-and that really love it,  
and-and so-so that's-that's sort of one of the  
interns that they gave touristy artwork. I have to  
thank about that one.

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COUNCIL MEMBER CUMBO: Uh-huh.

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KENDAL HENRY: Yeah.

COUNCIL MEMBER CUMBO: Okay. Thank you.

KENDAL HENRY: Uh-huh.

CHAIRPERSON VAN BRAMER: Thank you very much, Council Member Cumbo. I want to recognize we've been joined by Council Member Costa Constantinides from Queens, and also on the committee. I think, Mr. Henry, we—we share your values in the sense that we believe in Percent for Art. We want it to be—well, I'll stop there in terms of the shared. I will speak for myself and Council Member Cumbo. We want this program to be expanded greatly, and believe that that could only mean very good things for the city of New York.

KENDAL HENRY: [interposing] Uh-huh.

CHAIRPERSON VAN BRAMER: Great things for artists, great things for communities, great things for communities particularly if we adopt all of these pieces of legislation, and we're doing it with great community participation. We're making sure that everyone is represented and at the table. There's equity in the distribution of—of projects. I know it's something that you work on and care a great deal about, and—and so I am extremely hopeful that we will

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2 be able to—to get there in the very near future. I  
3 do want to also say again just for the record we  
4 notified the Department of Cultural Affairs of the  
5 date and time of this hearing on September 29<sup>th</sup>,  
6 almost a month ago. And—and yet the Commissioner was  
7 unable to be here, and make the time. Again, that is  
8 extremely disappointing to me particularly because  
9 the Commissioner has such a--an expertise in this  
10 area as do you. So, it would have been great to have  
11 heard from both of you here, but I believe there may  
12 be the—the larger forces at hand. So we will say—  
13 first we'll recognize Councilwoman Elizabeth Crowley  
14 from Queens has joined us and Council Member Steve  
15 Levin from Brooklyn has also joined us. We will  
16 follow up. We will look forward to the dialogue in  
17 the meeting that you referenced. Certainly, we are  
18 very interested in moving very, very fast on this  
19 legislation because it is a very, very good thing for  
20 the city of New York. And I believe the Council and  
21 this committee has an obligation to—to move forward  
22 with this legislation, whether the administration  
23 agrees with it or not. If we can come to an  
24 agreement, great. If we can't, then the Council has  
25 to do what—what we believe is in the best interests

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2 of—of the city of New York, and moving these four  
3 bills and a few others are certainly, certainly good  
4 pieces of legislation. They are worthy of your  
5 support. We look forward to having that. So with  
6 that, unless anyone else has any questions, we will  
7 thank Kendal Henry for being here and his testimony  
8 and we have only one other person who would like to  
9 testify, and that is Savona Bailey-McClain I believe  
10 it from the West Harlem Art Fund. Thank you, Kendal.

11 KENDAL HENRY: Uh-huh.

12 CHAIRPERSON VAN BRAMER: Feel free to  
13 take the center stage.

14 SAVONA BAILEY-MCCLAIN: [off mic] Thank  
15 you, Chair. [pause] Okay. Good morning.

16 CHAIRPERSON VAN BRAMER: Good morning.

17 SAVONA BAILEY-MCCLAIN: My name Savona  
18 Bailey-McClain. I am the Executive Director and  
19 Chief Curator for the West Harlem Art Fund. The West  
20 Harlem Art Fund is an 18-year-old arts organization.  
21 Our primary practice is public art. I have been  
22 doing so from the beginning of the organization I  
23 founded it, and to just to give a brief history about  
24 how it started, I couldn't get anyone to come with me  
25 to a museum or gallery. And so I thought maybe

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2 perhaps if I tried to get out outdoors people would  
3 feel less intimidated by the arts, and then they  
4 could connect to it. They would see it everyday and  
5 would bond to it. My sisters would both testify that  
6 I used to drag them to museums when we were kids. It  
7 was not my mother. I'm the oldest and youngest—and  
8 the shortest, and so you saw me dragging two taller  
9 women with me to museums and galleries. So that's how  
10 I started in the West Harlem Art Fund. It has been  
11 quite a journey. If I know today what I didn't know  
12 then I probably would have handled things much  
13 differently. There's two primary types of art that  
14 goes in the public art world in New York City. It's  
15 temporary and then it's permanent, and funding is  
16 needed for both, and there is no funding for  
17 temporary public art. The agencies that deal with  
18 that, primarily is the Parks Department. Under Mayor  
19 Bloomberg, the Department of Transportation. The  
20 Department of Build and DCAS, excuse me. The  
21 Department of Buildings has tried to develop some  
22 sort of program with the scaffolding. The Department  
23 of Sanitation had an artist in residence for over 20  
24 years. Those are the primary agencies in the city  
25 has done a lot in the area of public art. And then

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2 you have MTA's program, which is really under a State  
3 authority. I like to really talk with you about  
4 public art, not just about the legislation. I  
5 believe it needs to be reviewed because the—the—the  
6 legislation is adding an extra layer onto the process  
7 that is extremely difficult, and I can really tell  
8 you this from experience because I've done quite a  
9 few projects, and they were not localized in Harlem,  
10 though I've done quite a few in Harlem. I've done  
11 Times Square. I've done Chelsea. I've done  
12 Williamsburg. I've done the Bronx. The only borough  
13 I haven't done is State Island, and I'm in talks with  
14 them right now. And so, I've gone all over the city.  
15 I've dealt with artists of all backgrounds, and it's  
16 gotten me in quite bit of trouble because some people  
17 thought that I should only deal with artists of  
18 color, but I chose not to. I chose to deal with  
19 artists, and I chose to focus on art, and I didn't  
20 choose to focus on ethnic art. Because when people  
21 look at me as a woman of color, they assume that  
22 would be the only thing that I would care about but  
23 it wasn't. I cared about art and so we were very  
24 sensitive throughout the entire process that every  
25 neighborhood we presented to think about the people

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2 who lived in those neighborhoods. What they liked,  
3 what they appreciated, what they valued. One of the  
4 things that I do, and I have a very tiny organization  
5 still to this day with mostly volunteers and interns.  
6 I would start walking a neighborhood, and I would  
7 walk it several times. And then I would interview  
8 the people in the shops and in the stores, and in the  
9 various businesses, and I would just ask them  
10 questions, and they would give me phenomenal stories.  
11 They would tell me about the history and the people  
12 that were there, and what they appreciated from what  
13 they did not appreciate. And so that was the first  
14 layer of developing a project. Then I would bring in  
15 the artists and let them do the same thing. They  
16 would talk with people and then they would share some  
17 ideas, and it's collaborative where it's curator and  
18 artist. And we were balanced together, different  
19 ideas about what might work, what might not work,  
20 what would be interesting, and then we would  
21 research, and we would do a lot of research. So,  
22 therefore, by the time we had a proposal, it took in  
23 a lot of those dynamics into consideration, and we  
24 have to go before community boards, and we have to  
25 sometimes go before other agencies. But by the time

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2 we got to that point, it was all put together very  
3 well, and so, therefore, most people would like it.  
4 Now, in dealing with your proposals about panels, I  
5 think it's a tough one because still to this day in  
6 New York City the general public is intimidated by  
7 art. The art world has not done a great job in  
8 making sure that people feel comfortable with the  
9 arts. In fact, in many ways they have made people  
10 feel, you know, stupid and intimidated when art is  
11 very subjective. It is in your eye on whether you  
12 like something or not, and you can almost find  
13 something that you may like in a piece of work. You  
14 should not have to be an expert, and so, therefore, I  
15 think what needs to be done is more education, but  
16 not in the area of doing notices in multiple  
17 languages. If you are a true artist, and for me, an  
18 artist is a person who cannot live or breathe without  
19 engaging in art. Not just saying it, but actually  
20 engaging in it. You're going to seek out work that  
21 is available, but a lot of artists are not able to  
22 engage because there are other problems that we're  
23 not dealing with. We don't have spaces for artists  
24 to work. There are not enough artist studios. There  
25 are very little places for fabrication or to do

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2 fabrication where they might need fire, or they might  
3 just need space, they might need materials that are  
4 hard to bring into certain types of buildings.  
5 That's one of the biggest problems that we have in  
6 New York City.

7 CHAIRPERSON VAN BRAMER: Ms. Bailey-  
8 McClain, could you being to wrap up your testimony,  
9 and then Council Members may have questions about  
10 your specific comments. Because you're making a lot  
11 of comments. We may have some questions. So if you  
12 could you could just briefly close up, and then we'll  
13 open it up to the-the Council Members to ask you  
14 questions.

15 SAVONA BAILEY-MCCLAIN: Okay, the other  
16 problems that we're having besides just space in the  
17 area is financing. A lot-particularly for temporary  
18 art there is no funding for temporary art, and you  
19 have to deal with engineering studies sometimes, the  
20 insurance industry, which is really tough on the art  
21 world when it comes to getting insurance. We have to  
22 deal with so many different dynamics. The other  
23 thing is getting public engagement because still to  
24 this day the public does not understand why money  
25 should be invested in the arts versus housing, school

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2 or healthcare. It's a part of making up who you are  
3 as a person, and we still have not done a great job  
4 there. So those are some of the other issues that we  
5 need to deal with besides adding more to the process  
6 that's not going to help better the artist  
7 experience. And before I end, I'd just like to say  
8 New York is not just an American city. It's an  
9 international city. So, therefore, we can't just  
10 localize our art. We need to be open to other groups  
11 of people wanting to participate in our arts students  
12 here. That will actually help our artists become  
13 better artists, because by seeing and engaging with  
14 other artists, that's how people will grow.

15 CHAIRPERSON VAN BRAMER: Thank you very  
16 much, Ms. Bailey-McClain. I know Council Member  
17 Cumbo has a question.

18 COUNCIL MEMBER CUMBO: Thank you. I  
19 couldn't agree with you more particularly on the last  
20 point: Looking at New York as international city  
21 with international artists and also talking about the  
22 fact that you feel like artists need to be more  
23 engaged. The community needs to be more engaged, and  
24 for myself as a Council Member, what we have found is  
25 when you put information into multiple languages, all

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2 of a sudden people will feel or see like oh, my  
3 goodness, this is for me. They have done something  
4 specific to say this is going to be an opportunity  
5 for me to be present. They are looking for me. In  
6 our NYCHA developments what I find we have people are  
7 of multiple diversities, and when we put the notices  
8 for the meetings in multiple languages, it's  
9 astonishing how many of those residents actually come  
10 out when they see that the notification was in their  
11 own language. And I've noticed that when we put the  
12 notification only in English, they don't come out.  
13 So, for us, we're looking at this legislation in  
14 terms of saying we want international artists. We  
15 want the Bangladeshi community, the Puerto Rican  
16 community, Dominican community, the Jamaica  
17 community. We want everybody to come together and  
18 have an opportunity to have their cultural infusion  
19 immortalized throughout New York City. So that is  
20 the reason why we talked about in this legislation  
21 having the information in multiple languages to do  
22 just what you spoke about, engagement, international.  
23 Bringing international perspectives to local  
24 communities, and that was really the—the thought  
25 behind it.

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2 SAVONA BAILEY-MCCLAIN: I do understand  
3 that's what you were thinking, but I want to give you  
4 some practical--

5 COUNCIL MEMBER CUMBO: [interposing]  
6 Please.

7 SAVONA BAILEY-MCCLAIN: --experience. I  
8 did that on more than one occasion. I did open  
9 calls, and made sure--in fact I have a--a Council  
10 Member begged me to please have an open call because  
11 that staffer believed that if that notification would  
12 come out that artists would come out and they would  
13 be able to step up to the project. It did not  
14 happen. Not in any of those occasions. Yes, people  
15 came, and I was more thorough than what most people  
16 would do in actually lifting what would be required  
17 in a proposal. 99.9% did not turn in a proposal  
18 because they don't know how to do a proposal. And I  
19 even had artists call me up just frustrated, angry  
20 because they couldn't do it, and they wanted me to  
21 bypass that process and just send whatever they  
22 wanted, and I said no. Because I was trying to teach  
23 them how to be competitive. I was teaching them how  
24 to be real professional artist, and they couldn't do

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2 it. So when I talk about education, this is not  
3 going to do it.

4 COUNCIL MEMBER CUMBO: Uh-huh.

5 SAVONA BAILEY-MCCLAIN: Artists out here  
6 who are local who have never had a chance to do  
7 anything because the truth of the matter is they're  
8 not ready, but they can be if they really understand  
9 what it takes to be a professional artist, having a  
10 bio, a resume. Having samples of their works,  
11 websites, social media pages that people can look at  
12 their overall practice not just that specific project  
13 and, therefore, they can be competitive. Having it  
14 in multiple languages is catering to those who are  
15 not there yet. But what would happen is to have  
16 workshops on showing artists how to be competitive.

17 COUNCIL MEMBER CUMBO: Thank you.

18 CHAIRPERSON VAN BRAMER: Thank you very  
19 much, Council Member Cumbo, and we appreciate your  
20 comments and your thoughts on all these pieces of  
21 legislation. I can assure that Council Member Cumbo  
22 and I want a lot of the same things, and I believe  
23 that we'll be able to get there both with this  
24 package of legislation and, of course, so many of the  
25 other things that we talk about and obviously to be

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2 fair, the Department of Cultural Affairs is doing  
3 some of those things that you talked about in terms  
4 of education and—and preparation, but having said  
5 that, I also strongly believe in the language  
6 component that Council Member Cumbo has proposed,  
7 and—and I'm the co-sponsor of. So wit that, thank  
8 you very much.

9 SAVONA BAILEY-MCCLAIN: [interposing] I  
10 just have one comment. Unless you bring in the  
11 Department of Parks, Transportation and DCAS to  
12 really talk about both permanent and temporary art,  
13 we're not really going to become the—the city that  
14 we're supposed to be. We're supposed to be number  
15 one in the world with art, and we're falling behind  
16 because we're not flexible enough. That's it. Thank  
17 you.

18 CHAIRPERSON VAN BRAMER: Thank you. I—I—  
19 I believe we are number one, and we have to continue  
20 to do even more to remain number one, and the issue  
21 of temporary works is something that we have actually  
22 already been in discussion with, and I know Council  
23 Member Cumbo and I feel very strongly about that as  
24 well. So thank you very, very much, and with that,  
25 this hearing is concluded. [gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 28, 2016