

APPROVED MINUTES
PUBLIC ARTS COMMITTEE
CITY OF MILPITAS

Minutes: Special Meeting of the Public Art Committee (PAC)
Date of Meeting: Monday, July 16, 2007
Place of Meeting: Milpitas Community Center, 457 E. Calaveras Blvd., Room 1

I. Call to Order Chairperson Foulk called the Meeting to Order at 6:04 p.m.

II. Pledge of Allegiance None.

III. Roll Call Committee Members Present: Butler (6:06pm), Cherry, Ettinger (6:04pm), Foulk, Hays, Lawson, McGuire (6:03pm), Rabe, and Voellger

Committee Members Absent: Asif , Moss, Tsuei

City Staff Present: Economic Development Manager, Diana Whitecar (6:08pm), Public Services Assistant, Tirzah Cedillo

City Council Liaison Absent: Council Member Giordano

IV. Seating of Alternates None.

V. Approval of Agenda **MOTION** to approve the agenda dated July 16, 2007.
M/S: Hays/Rabe Ayes: All

VI. Approval of Minutes **MOTION** to approve the amended minutes dated June 25, 2007 to reflect the correction under Section VII. Announcements/Correspondence, paragraph 3, to correctly spell the name of Ms. Charlene Lai to state Ms. Charlene Tsai.
M/S: Hays/Voellger Ayes: Butler, Ettinger, Foulk, Hays, Lawson, McGuire, Rabe, Voellger
Abstain: Cherry

VII. Public Forum None.

VIII. Announcements/Correspondence
Ms. Whitecar announced the City would like to purchase empty land space near the Great Mall and make it into a plaza. This would be an opportunity for the Public Art Committee to place public art. Committee members expressed interest in this site as a future art location.

Ms. Whitecar announced the resignation of Mr. Mark Rogge.

IX. New Business

1. Update Public Art Committee on the Council Library Subcommittee Meeting
Chairperson Foulk asked the Engineering Staff present; Public Works Director/City Engineer, Mr. Greg Armendariz, Project Manager, Mr. Steve Erickson, Engineer Construction Management Team Consultant to the City, Mr. Daryl Whitbeck if they were in attendance are to address agenda item #1 & #2 and Mr. Armendariz responded that they were.

Committee Member Rabe read minutes taken from the June 26th Council Library Subcommittee meeting, reporting that the members of the Public Art Committee (PAC) are behind schedule on their work for the Library. The Committee

Members McGuire, Rabe and Voellger attended the meeting and stated the public art for the new Library is the Public Art Committees top priority and the PAC will set aside other projects to focus on this project. Committee Member Rabe responded if there were extra costs because of delay with the art, the extra costs would come out of the Public Art Committee budget.

Note. Receipt. File.

2. Review Library Construction schedule as it relates to solicitation, fabrication and installation of art

Public Works Director/City Engineer, Mr. Greg Armendariz introduced Critical Solutions (CSI) construction manager Daryl Whitbeck as the person responsible for making sure the building gets built on-time and on-schedule. He also introduced the new Project Manager, Mr. Steve Erickson, replacing Mark Rogge. Ms. Whitecar handed out a one-page site plan to each committee member and summarized the Library Construction schedule: 1.) Library opening scheduled for November 2008, 2.) Installation of Art in conjunction with the opening of the Library. Mr. Armendariz clarified the two areas that the committee would like to explore for public art; 1.) The front plaza, 2.) The tower. The front plaza will be under construction in March 2008. The Engineering Team would like the Public Art Committee to complete the art selection decision-making process with City Council approval by December 2007.

Mr. Armendariz provided an enlarged view of the plaza area to explain further opportunities available in the front plaza. Committee Member McGuire asked how high is the plaza wall and Mr. Whitbeck responded about 18 inches. Mr. Armendariz stated people can sit on the retaining wall. Committee Member McGuire asked where is the foundation currently planned. Mr. Armendariz responded the foundation would be in front of the sit wall/retaining wall. Committee Member McGuire asked what size would the foundation be. Mr. Armendariz responded the size of the foundation is currently just a placeholder for the contractor to recognize there would be foundation here and the size would be finalized once we have an art piece. Committee Member McGuire asked if the flagpoles could be moved. Mr. Armendariz showed on the site plans where the flagpoles are on the plaza, stating you walk up to where the art is, the half circle and then the sit wall. Committee Member McGuire asked to move the flagpoles. Mr. Armendariz responded we do have an opportunity to move the flagpoles, and we could explore that further.

Chairperson Foulk stated the better place for the flagpoles would be in the old historical front leaving the plaza open for a significant piece of art. Ms. Whitecar stated that's the type of thing that as the committee identifies from what they want to see and it would then be taken to City Council subcommittee. She's suggested that the Public Art Committee approach the flagpole location from what would work best for the art.

Committee Member Voellger clarified that there is a subcommittee and then there is the Public Art Committee and acknowledged that it was the subcommittee that was concerned about the flagpoles being in back of the art. Committee Member Hays suggested that the flags would draw attention to the sculpture. Committee Member Rabe stated if you looking at the plaza, approaching the building and the artwork is there, the bench behind it is not a problem, but if you look further back there is a sign stating Milpitas Library and that the plaza seemed too busy. Chairperson Foulk agreed. He stated the flagpoles deserve to have there own place prominently in front of the historical

building. Committee Member Voellger stated if we're going to put out a RFQ (Request for Qualifications) or a RFP (Request for Proposal) we ought to provide that artist a blanket space to create something for this space. Ms. Whitecar stated the space size was designed for an art piece of 5 feet. Chairperson Foulk stated our budget pays for the piece of art itself unless we go over the construction budget by changing the foundation and any other elements and that would come out of our budget. Ms. Whitecar responded that's correct. Committee Member Rabe asked if the PAC decided to move the flagpoles would that come out of the Public Art funds. Ms. Whitecar responded no. She stated as long as we're timely on our decisions there shouldn't be any extra costs regarding the flagpoles.

Committee Member Hays stated the art piece should be in proportion with the Library building height because she thinks the art in front of City Hall is too small. Ms. Whitecar stated that's why the committee members went to the Council Library Subcommittee meeting on June 26th to understand that we do have the flexibility to do something higher to be more in proportion. Committee Member Hays stated if we pick an art piece taller than 5 feet we would have to pay for the additional foundation required. Ms. Whitecar responded that's correct.

Chairperson Foulk asked the Engineering Staff; Mr. Armendariz, Mr. Erickson and Mr. Whitbeck how is the discussion for them. He stated we're doing all the talking and you came to give your report, did you want input from us or did you want to go on. Mr. Armendariz responded he understands this is the first of several meetings we would have and that it was his desire for the PAC to understand that there is some design flexibility, maybe more than what you've discussed in the past. He offered to continue to attend these meetings as the PAC develops its plans.

In response to a question by Committee Member Voellger, Mr. Whitbeck stated the tower is 48 feet tall. Committee Member Voellger stated part of the reason why we're having this discussion because eventually we will have to write a RFP (Request for Proposal) or RFQ (Request for Qualifications) and we need to be able to explain to the artist what is available. Chairperson Foulk asked do we need to get an agreement with the City to move the location of the flagpoles before we do a RFP or RFQ. Committee Member Voellger responded as long as we have an agreement on flexibility up to a certain date. Mr. Armendariz stated he wouldn't suggest that because the artist may have other ideas. Committee Member Rabe stated it's very important to know about the landscaping. Chairperson Foulk added we have had questions about how many trees. Committee Member Rabe asked what kind of trees and if they'll drop leaves or provide shade because the artist would probably need to know. Ms. Whitecar stated there are three trees located in the 'blue' rectangle area on the site map. They also have flexibility. The trees are there for architectural design as opposed to a functional purpose. Again, to have that competing with the art she believes the coordination with the architect comes into play. Committee Member Voellger asked what are the horizontal lines on the site map. Mr. Armendariz responded it's a finish on the concrete. Ms. Whitecar stated she spoke with Mr. Armendariz earlier asking are we locked in with this flat surface, and she thinks we do have some flexibility, but we do need to meet with the architect. She's not sure if we'll need to retain the radials, but that is the type of thing that I think you need to get the parameters for. Chairperson Foulk stated he doesn't have any issues with the radials unless the artist has a problem because it wouldn't work with the artist's design. Committee Member Voellger stated so we need to have proposals in prior to the end of the year, City Council to review and approve by February 2008, to Engineering Staff by March 2008.

Mr. Armendariz stated in January, February and March 2008 is when we engineer the sizes of the foundation. Committee Member Hays stated we have to have it to City Council before the end of the year. Ms. Whitecar stated there is only one City Council meeting in December 2007. Committee Member Hays stated now we need to be at City Council in November 2007. After a lengthy discussion regarding details of the plaza, tower, budget and schedule, the discussion ended with the following motion:

MOTION to abolish the Public Art Committee's Library Subcommittee and move forward as an entire Public Art Committee group.

M/S: Voellger/Rabe Ayes: All

MOTION to treat the tower like an open space and move forward with the RFP/RFQ for what ideas that come in.

M/S: Cherry/Rabe Ayes: All

Ms. Whitecar included in the agenda packet sections G, H & I of the Public Art Committee Manual for review. The Manual states that models of the final art proposals selected will be on display in City Hall from November and December for citizen input will have the chance to speak to the art at a City Council meeting in January, with final selection by the City Council at its 2nd meeting in January.

Ms. Whitecar stated the art selection schedule is not consistent with construction. She needs direction on what processes are important to retain and to include. Committee Member Voellger stated this was information for a perfect world. Chairperson Foulk stated now we're tied to a construction schedule. Committee Member Voellger stated the street signage can be done anytime and the Milpitas Community Center would be done eventually too. Committee Member Rabe asked do we need to go by this Manual. Committee Member Cherry stated the procedure is 'ok,' but the construction line doesn't work. Committee Member Voellger stated he doesn't feel it's conflicting with what we've done so far.

MOTION to adhere to the procedures outlined in the Public Art Committee Manual however "budget-constrained" projects may not fall in the yearly acquisition planned timeline.

M/S: Cherry/Ettinger Ayes: All

3. Develop parameters for the artist based on the plaza site plan

This item was discussed in agenda item #2 extensively.

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Note. Receipt. File

4. Provide direction on Lynne Baer's revised contract

Ms. Whitecar stated staff previously distributed copies of the proposed contract with Lynne Baer. The PAC Library Art Subcommittee directed staff to revise the contract to reflect payments tied to specific actions, such as a one-third of the payment when the contract is approved, one-third when the art is selected and approved and one-third upon successful installation. While staff recommended that Ms. Baer be retained to assist with coordination of the interior art, the Subcommittee made no decision on how to proceed.

Ms. Whitecar provided copies of Ms. Baer's Scope of Work and Draft Schedule of Fees and Payment Schedule for review. Ms. Whitecar stated the 'yellow'

highlighted areas under the Scope of Work are added and changed items. She added Ms. Baer is to facilitate a huge recruitment, narrow down the artists, and bring that list to the Public Art Committee for screening. Committee Member Cherry stated she doesn't want to bypass the RFQ (Request for Qualifications) process. Committee Member Cherry stated she's not comfortable on having only three artists brought to the committee for review. She doesn't want to bypass the pool of artists and wants to do a RFQ and then a RFP (Request for Proposal).

MOTION to proceed with new contract with Lynne Baer with the suggested changes that include: under the Scope of Work to remove all language regarding a subcommittee, under Phase 2-Commissioning and Installation of Artwork to move Item #6-Work with PAC to develop public comment format and coordinate the display of artists work to Phase 1-Selection of Artist. Under the Schedule of Fees and Payment Schedule, Phase II-Commissioning and Installation of Artworks, change item A. to Receipt & Acceptance of Artwork by Artists, B. to Receipt & Acceptance of Artwork Proposals for Fabrication, C. to Final Installation of the Artwork, D. to Receipt of Maintenance for Project for a total project cost, including the tower art, of \$30,000.00. M/S:

Voellger/Rabe Ayes: All

Committee Member McGuire asked how many proposals would the committee receive. Ms. Whitecar responded she's requested 6-8 proposals. Committee Member Rabe asked to have Mr. Niels. Anderson from Arizona to be considered. Committee Member Ettinger asked would Ms. Baer be doing two different pools for the projects. Committee Member Cherry responded yes. Ms. Whitecar stated the quote was only on the plaza and she wanted to increase the monies for the tower. She proposed up to \$30,000.00 for both (6-8 artists for tower & plaza projects each). Committee Member McGuire requested 10-12 artists for each project instead of 6-8 artists and the Committee concurred

5. Discuss the pros and cons of initiating a Request for Proposal for Library Plaza artists rather than issuing a Request for Qualifications

Agenda item #5 discussed in agenda items #2 & 3.

Note. Receipt. File.

6. Consider a recommendation that the Public Art Committee hold monthly meetings and make a recommendation to the City Council

The Public Art Committee decided to postpone further discussion of this agenda item until the next meeting scheduled for July 23, 2007.

Note. Receipt. File.

7. Review the County Library JPA's Public Art Policy

Ms. Whitecar stated the representatives of the County Library were also in attendance at the Council Library Subcommittee meeting on June 26th. They advised that the County Library System also has a policy on art. Linda Arbaugh, the Milpitas Librarian sent several copies of the policy for review. While the policy refers to donate art, it is applicable to art placed as part of the local public art program.

Committee Member Rabe stated she's not clear on this policy. Committee Member Hays stated every city does this, but it's another step we would have to do. Committee Member Cherry stated we would have to update this step in our

Manual. Committee Member Voellger stated artists usually include in their paperwork if you don't want the artwork anymore to not throw it away.

Note. Receipt. File.

IX. Adjournment

MOTION to adjourn the meeting at 8:06 p.m., to the scheduled meeting on September 24th, 2007.

M/S: Hays/Lawson

Ayes: All

Respectfully Submitted,

Tirzah Cedillo
Public Services Assistant