



MEMORANDUM

Office of Economic Development

To: Mayor and City Council

Through Tom Williams, City Manager

From: Diana Whitecar, Economic Development Manager

Subject: **Public Art Program Reorganization**

Date: June 3, 2008

Background: At the City Budget Hearing on May 13th, Council Member Gomez requested information, with City Council concurrence, on the two arts groups and recommendations for combining them. Staff has reviewed the following recommendations with the Public Arts Committee and attached the minutes of the meeting to this report.

In July 2005 the 11-member Public Art Committee (PAC) was formed by combining the 7 member Arts Commission with 3 representatives of the Milpitas Alliance for the Arts (MAFTA) and a local Artist at large. At the same time the Council approved the Public Art Ordinance that defined the public art policies. The PAC prepared a Public Art Program Master Plan to guide the development and implementation of the Milpitas Public Art Policy. The Master Plan was approved by the City Council in February 2006 and identified specific sites for public art, including the new Library, City Hall and citywide directional signs. The PAC also developed a Committee Manual that was approved by the City Council in September of 2006.

The Manual established guidelines for artist selection, public review and comment. Most of these guidelines will be retained with the Public Art Reorganization recommendations. Changes proposed are geared to create a roadmap for stronger community involvement and re-focus the public art program to be integrated and coordinated into specific city master plans, such as the Parks Master Plan and the Streetscape Master Plan that identifies gateways for the City. An existing community arts organization, the Milpitas Alliance for the Arts (MAFTA) can be utilized to ensure community involvement in the public art selection process.

Public Art reorganization recommendations:

1. Continue the Arts Commission and its current annual work program that manages the MACG grants, the Phantom Gallery (and potentially other gallery opportunities in new public buildings) and Arts Day.
2. Disband the Public Arts Committee.
3. Approve changes in the Public Art policies, adopting ordinances and Public Art Manual to reflect these changes.
4. Refocus the Public Arts program to give art back to the community by strengthening the community involvement in the public art process by working with the Milpitas Alliance for the Arts to facilitate community outreach and involvement.

Reorganization Implementation:

When this proposal was discussed with the Public Arts Committee at their June meeting, one of the most prominent concerns was that a reorganized Public Art Program would be too staff driven. By utilizing MAFTA, local artists are in the lead and supported by a Senior Management project team. This team would vary somewhat, but generally consist of the City Engineer, Department Head for the project and representatives of Fire, Police, Planning, Finance and the City Attorney's office to assist in design review and contract negotiations. This process was envisioned in the adopting policies, but lost in current implementation. For example, selection of public art for the new Senior Center would be administered by the Parks and Recreation Director and City Engineer in conjunction with the Senior Advisory Commission. Artist selection would continue to be vetted in public, with the Senior Advisory Commissioners, MAFTA or staff presenting the art proposals to each City Commission and the general public as envisioned in the Public Arts Master Plan.

Impact on Public Art Ordinance and Master Plan

At the June 2008 meeting of the Public Art Committee, the PAC voted to amend the Public Art Master Plan to include the Pinewood Park "Art in Your Park" project. In light of these public art reorganization recommendations, staff proposes further revisions to the Public Art Ordinance and to the Master Plan. The Master Plan revisions incorporates recommendations previously recommended public art projects and includes the Committee's recommendation to relocate the "Cartwheel Kids" at City Hall to the grassy area of the historic public library, once the library is open to the public. Additionally, the Master Plan did not include project budgets when it was approved by the City Council, so the revisions include a proposed budget for each outstanding project.

Public Art Funding and Three Year Review

The public art program ordinance established the funding criteria for Public Art. It specifically notes that "Three years from the effective date of this ordinance, the City Council shall review a minimum eligibility threshold of \$1 million per CIP project for the funding of public artwork for the application of the 1.5% formula." Since inception of the public art program, \$788,838 has been accrued to the Public Art fund. To date \$203,000 has been encumbered or expended including:

- \$15,000 for the finalists for the Library Plaza and Tower
- \$30,000 for art advisory services
- \$20,000 for Group4 Architects to work with the artists
- \$19,000 for the uni-strut support system in the Library Tower
- \$100,000 for Cork Marcheschi for the library tower artwork
- \$19,000 for expenses incurred by Brian Goggin for the Terrapedia building permit

An estimated \$350,000 of new funds will be generated through the proposed FY 2008-09 Capital Improvement Program (CIP). Combined with the existing unencumbered public art funds, there will be nearly \$550,000 for additional public art projects. Staff recommends the following budgets for the public art projects identified or proposed in the Public Art Master Plan. The advisory bodies

noted would be responsible for the selection and public vetting process, but as is the case now, the final decision on all public art projects would be the City Council.

1. **Library Plaza Art: Budget \$127,500** including \$100,000 for the artwork; \$20,000 for engineering and foundation and \$7,500 for three finalists. Implementation: MAFTA working with the Library Advisory Commission.
2. **City Hall Art: Budget \$127,500** including \$100,000 for the artwork; \$20,000 for engineering and foundation and \$7,500 for three finalists. Implementation: MAFTA working with the City Council.
3. **Directional Signage: Budget \$250,000** inclusive of all costs. Implementation: MAFTA working with the Economic Development Commission.
4. **Pinewood Park “Art in the Park”: Budget \$20,750** including \$20,000 (\$10,000 of public art funds; \$10,000 from the Milpitas Alliance for the Arts) and \$750 for three finalists. Implementation will continue with city staff working with MAFTA.
5. **Relocation of Cartwheel Kids to the new Library: Budget \$25,000** including \$5,000 for the artist fee and \$20,000 for engineering, transportation and foundation. Implementation would be managed by City staff working with the artist.
6. **New Senior Center Art: Budget to be determined when final budget approved.** Implementation: MAFTA working with the Senior Advisory Commission.

If the projects included in the proposed Master Plan are approved by the Council, then nearly all the existing public art funds would be allocated. Future public art funds and projects would be identified as part of the annual Capital Improvement Program budget. Staff recommends retaining the \$1 million CIP eligibility threshold as to not negatively impact smaller capital improvement projects.

Recommendation: Approve the recommendations to reorganize the Public Art Program to continue the Arts Commission and its annual work program, to disband the Public Arts Committee and to direct staff to implement recommendations to amend the Public Art Program and Policy ordinances and Public Art Manual.

Funding Source	FY2005-06	FY2006-07	FY 2007-08	Totals	FY 2008-09
RDA Seed	\$125,000.00	\$125,000.00		\$250,000.00	\$125,000.00
TOT Seed			\$125,000.00	\$125,000.00	
				\$375,000.00	
Projects					
Miscellaneous Master Plan Improvement (Phase 1)	\$8,706.00		\$0.00	\$8,706.00	
N. Main St. Utility Improvements	\$56,453.00		\$3,325.00	\$59,778.00	
Abel Street Midtown Improvements	\$11,614.00		\$703.00	\$12,317.00	
Sports Cntr Lgr Gym Impr	\$270.00		\$646.00	\$916.00	
Midtown Prkng Garage Dsgn	\$14,163.00		\$145,827.00	\$159,990.00	
Library Design	\$44,830.00		\$95,279.00	\$140,109.00	
Bart Extension Coord & Pin	\$1,196.00		\$1,123.00	\$2,319.00	
Main St Midtown Impr	\$11,701.00		\$7,786.00	\$19,487.00	
Midtown Parking Garage West	\$4,243.00		\$0.00	\$4,243.00	
Senior Center	\$0.00		\$5,973.00	\$5,973.00	
				\$413,838.00	
				\$788,838.00	

UNAPPROVED MINUTES
PUBLIC ARTS COMMITTEE
CITY OF MILPITAS

Minutes: Meeting of the Public Art Committee (PAC)
Date of Meeting: Monday, June 16, 2008
Place of Meeting: Milpitas City Hall, Committee Meeting Room, 455 E. Calaveras Blvd.

I. Call to Order Vice Chair McGuire convened the Meeting at 6:37 p.m.

II. Pledge of Allegiance Vice Chair McGuire led the Committee in the Pledge of Allegiance.

III. Roll Call Committee Members Present: Chair Foulk, Vice Chair McGuire, Butler, Ettinger, Hays, Cherry, Navarro, Tsuei, Moss, Rabe, Voellger. Ms. Navarro excused herself at 7:25 p.m.

Committee Alternate Absent: Strauss

City Staff Present: Economic Development Manager, Diana Whitecar, Parks and Recreation Director Bonnie Greiner

IV. Seating of Alternates None.

V. Approval of Agenda **MOTION** to approve the agenda dated June 16, 2008.
M/S: Hays/Voellger Ayes: Unanimous

VI. Approval of Minutes No minutes were presented at this meeting.

VII. Public Forum Frank De Schmidt was in attendance.

VIII. Announcements/Correspondence

Ms. Whitecar indicated that the agenda for the meeting was inadvertently sent to the Economic Development Commission. Most committee members indicated that they did receive the email of the agenda.

Ms. Greiner announced the Summer Recreation programs including Music in the Park and the July 4th celebration.

IX. Old Business

1. Library Art

1. South Tower: Ms. Whitecar announced that a contract with Cork Marcheschi would be presented to the City Council for their action on June 17th and that it was likely that the art would be installed prior to the Library opening. In response to a question from Vice Chair McGuire, Ms. Whitecar indicated that Mr. Marcheschi understood the limitations accessing the tower and would not interfere with construction or library operations during the installation.

2. Plaza: Committee members discussed the City Council Subcommittee decision to not proceed with the Plaza art until the Library is open. Chair Foulk indicated that by waiting to proceed,

there may be additional funds for the art. Both he and Ms. Moss indicated an interest to start the recruitment process over for the plaza art.

No action was taken on this item.

2. Cookbook Update

Committee members recognized that the profit from the sale of the books was \$100. They concurred with staff that they would respond to a schedule to sell cookbooks at the Chamber of Commerce “Celebrate Milpitas” festival August 16th and 17th.

Note. Receipt. File.

3. Art in the Park

Committee members indicated they received copies of the Request for Qualifications. Staff advised the Committee of other organizations that received the RFQ and of the publication of the notice in The Milpitas Post and the TCV Milpitas. Committee members were encouraged to distribute the RFQ as well. The Committee agreed on Tuesday, July 29th at the Senior Center on Abel Street for the next Pinewood Park Neighborhood meeting. In response to a question from Ms. Cherry, staff indicated that mailed notices would be sent for the meeting. Ms. Cherry stated that she would get a list of those attending the first neighborhood meeting to staff.

Other than setting the date for the next neighborhood meeting, no other action was taken.

4. Reconfiguration of the Public Arts Committee and Public Arts Master Plan.

There was extensive discussion of the staff proposal to disband the Public Arts Committee per the attached DRAFT memo.

Ms. Moss asked who the project staff would be involved in selecting art. Together with Ms. Hays and Vice Chair McGuire, Ms. Moss expressed serious concern about not including artists or anyone with an art background making decisions on public art. Staff indicated that the staff referred to in the memo was staff assigned to the individual advisory commissions and those project staff assigned to the project implementation.

Ms. Moss questioned the availability of funds for repair, maintenance and transportation of relocating the Cartwheel Kids to the new library. Staff clarified that these costs were included in the \$20,000 estimate.

Ms. Rabe advocated community involvement in the public art selection process and that she supported the proposal from staff. In response to questions, Ms. Whitecar clarified the role of the Arts Commission, in the staff proposal, was to remain as in its current configuration with its existing work program.

Ms. Ettinger asked if the Public Arts Manual included outreach to the City Commissions as part of the public art policy. Staff indicated that public outreach, including City Commissions, was part of the public art policy manual approved by the City Council.

Ms. Hays indicated that her interest was to create as much public art throughout the City as possible and that this was a motivator for her to become part of the Arts Commission. She expressed interest in expanding the program to the private sector to create more art and that it would be a disservice to the City's economic development to not have public art. She asked how the BART Art would be addressed without a Public Arts Committee. Ms. Whitecar responded that the Committee had recommended and the City Council approved the two artists for the future BART Station. Ms. Cherry suggested that if future art or changes to the artists selected occurred, that it would be handled similarly to the way that the art selection for the VTA Stations were.

Ms. Rabe recalled that with the formation of the Public Arts Committee that there was no real direction in how the PAC was to proceed. She reiterated her interest that the public process for art will be enhanced working with the neighborhoods with neighbors and that the City currently has advisory groups to give advice on art. She suggested that members of other commissions, such as Sister Cities and the Senior Advisory Commission, have a great communication with their constituencies and this will ensure that the public will be involved in future public art processes.

Mr. Voellger agreed that the public part policy included public outreach, but wanted the staff to spell out the expectations of the Milpitas Alliance for the Arts (MAFTA) in any future public art policies or programs.

In response to a question from Ms. Moss, several Committee members offered insight into why the Public Arts Commission was formed. Ms. Rabe recalled that the PAC was the idea of Tom Wilson, the former City Manager, in response to how to manage the funds being assigned to public art as part of a Percent for Art program.

Mr. Tsuei commented that he was in Lafayette recently representing an artist interested in a public art project. He explained that Lafayette's Public Art group has five members presenting different stakeholder groups and that they will include someone representing the group proposing a specific project proposal. He further commented that the decisions made on the Phantom Art Gallery did not include the public as a larger group making these decisions could be more chaotic.

Mr. Foulk asked who would have oversight of the public art fund for the future. He wants to make sure that there is as much money as possible for public arts and that the Arts Commission should have some role in the decision making for the use of public art funds. He expressed strong concern – and other Committee members agreed – that if the public art funds were not spent, they the Council might find other ways to use the funds.

Ms. Rabe reminded the Committee that they only advised the City Council, that they Council always retained the final decision on public art.

Ms. Ettinger expressed concern that every Commission making decision on public art would be starting anew each time. Ms. Hays added concern that public art would fall through the cracks of other Commission's work programs, especially if there was not one body or person assigned to the tasks.

Ms. McGuire asked how involved other commissions would want to be in a public art selection process and stated that the Arts Commission should have a role. Ms. Whitecar clarified that staff recommended retaining the public art policies in place, so that each commission and staff assigned to the commission would be required to follow the public process.

Ms. Rabe indicated that the Art in the Parks projects did not necessarily have one person in charge and that they were successful projects.

Mr. Voellger reflected that two meetings with two groups on public art was a waste of staff time and not very productive. He questioned what would happen with the future art that had not been addressed in the staff recommendation. Ms. Hays indicated that she did not like having to attend two meetings a month as well.

Mr. Foulk suggested that funds for promoting and selecting art by other commission would have to come to the Arts Commission for approval. He stated that he does not want to give up the Arts Commission control of public art and that the Commission has a hand in public art recommendations to the City Council.

Mr. Tsuei supported the ideas that if a committed group of people for art are not actively part of the decision making process, then the art selected could be substandard.

Ms. Greiner summarized the comments from the PAC into the following points:

- Include and provide a Public Process to allow Special Interest groups to review and aid in projects
- The Promotion of Art is critical and should not be lost in a reorganization;
- Community Decisions-Out Reach programs similar to Art in your Park with the neighborhoods should be included in any public art project;
- Outreach as described above is to be included in the Public Art Policy
- Reorganization should clearly define and address future art projects at all levels, parks, buildings, facilities, general areas, etc....

- Money- who is responsible for the for tracking and handling public art funds;
- Solicit matching funds with private ventures
- There should be a Master Plan for Public Art not associated with commissions, facility, building, etc;
- Keep Arts Commission as originally started with the following new name “Public Art Commission” to include, promote, select and approval of public art.

Discussion concluded that staff would be going to the City Council in August with a recommendation that may include the discussion points.

7. Update on Moving the ‘Cartwheel Kids’ Sculpture

Ms. Moss expressed concern that she had not been asked to provide costs for maintenance and re-patina the artwork as part of the City staff proposal. She indicated that she would be happy to do so. Mr. Voellger indicated that he had voted against this previously as it seemed ludicrous to spend \$25,000 to move artwork that cost \$15,000 originally. Staff indicated that they were trying to create a budget so that the Committee’s recommendation to relocate the Cartwheel Kids to the Library could be included in the Public Arts Master Plan update. Ms McGuire and other committee members reminded staff that they supported the relocation to be handled by city staff, in-house, rather than the library contractor. Ms. Greiner stated that there would still be costs incurred if the relocation was handled by City staff. Committee members agreed, but indicated that they thought the cost would be less.

No Action was taken on this item.

Chair Foulk asked staff to please remind Committee members of the City Council meeting on Tuesday, August 5th.

X. Adjournment

MOTION to adjourn the meeting at 8:10 p.m.

Respectfully Submitted, Diana Whitecar, Economic Development Manager