Minutes: Meeting of the Public Art Committee (PAC)  
Date of Meeting: Monday, January 23, 2006  
Place of Meeting: Milpitas Community Center, 457 E. Calaveras Blvd.  

I. Call to Order  
Recreation Supervisor, Kathleen Yurchak called the meeting to Order at 7:00pm.

II. Phantom Art Gallery Opening  
The Commission hosted Sarah Diaz-Bastin’s Phantom Art Gallery Exhibit, Mystical Landscapes. Ms. Bastin thanked the Arts Commission and the City of Milpitas for the opportunity.

III. Flag Salute  
Recreation Supervisor, Kathleen Yurchak led the Committee in the Pledge of Allegiance.

IV. Roll Call  
Committee Members Present: Cherry (7:37pm), Ettinger, Foulk, Hays, McGuire, Moss, Ogle, Rabe, Voellger and Alternate Butler

Committee Members Absent: Hicks, Lawson and Alternate Aragon

City Staff Present: Recreation Services Supervisor, Kathleen Yurchak, Community Enrichment Coordinator, Renee Lorentzen, Public Services Clerk, Tirzah Cedillo, City Attorney, Richard Pio Roda

City Council Liaison Present: Council Member Giordano

V. Seating of Alternates  
Supervisor Yurchak sat Alternate Butler in Commissioner Hicks’ Absence.

VI. Approval of Agenda  
MOTION to approve the Agenda for January 23, 2006.
M/S: Foulk/McGuire  
Ayes: All

VII. Citizens Forum  
No members from the audience wished to speak.

VIII. Announcements/Correspondence  
Supervisor Yurchak asked the Committee to share their names and background in Public Art with the rest of the Committee. Supervisor Yurchak introduced herself, Program Coordinator Lorentzen and Public Services Clerk Cedillo, explaining that Public Services Clerk Cedillo would be taking over for Coordinator Lorentzen while on Maternity Leave.

Supervisor Yurchak referred the Committee to the Public Art Committee Handbook that was included in their packet. She asked for them to review the materials and note information on conducting a meeting, Roberts Rules of Order and terminology.

Supervisor Yurchak concluded her announcements by asking the Committee to promptly return the mailed Form 700 to the City Clerks office as soon as possible.
City Council Member Giordano presented Committee Member Moss with her Certificate of Appointment to the Public Art Committee.

IX. New Business

1. Election of Officers

Supervisor Yurchak opened up the floor for nominations for Chairperson.

Committee Member Rabe nominated Committee Member Foulk.
M/S: Rabe/Foulk  Ayes (4): Ettinger, Foulk, Moss, Rabe
Nays: (5): Butler, Hays, McGuire, Ogle, Voellger

Committee Member Voellger nominated Committee Member Ettinger.
M/S: Voellger/Ettinger  Ayes (2): Foulk Voellger
Nays (7): Butler, Ettinger, Hays, McGuire, Moss, Ogle, Rabe

Committee Member Ogle nominated Committee Member Rabe.
M/S: Ogle/Rabe  Ayes (3): Butler, Hays, Ogle
Nays (6): Ettinger, Foulk, Moss, Voellger, McGuire, Rabe

Chairperson Foulk assumed control of the meeting.

2. Brown Act and Open Government Presentation

City Attorney, Richard Pio Roda presented the Committee with a Power Point Presentation on the Brown Act and Open Government Policy. The following were major discussion points:

Committee Member Rabe asked for clarification on the Committee be described as and referred to as a “policy making” body. She stated that all Committee’s and Commission’s only make recommendation on policy, not create it.

City Attorney Pio Roda, answered that the Committee is a “Policy Body,” whereas the City Council is a “policy making body.” He explained that whether a group is making policy or advisory as to policy, they are both held equally accountable and must abide my the Brown Act and the City’s Open Government Policy.

Chairperson Foulk asked if an email to the entire Committee in regards to the date of a Special Meeting was in violation of the Brown Act. City Attorney Pio Roda answered that it was not in violation, as the Committee would not be discussing any items up for consideration on an Agenda.

Chairperson Foulk asked if there was any distinction between a Commission and a Committee. City Attorney Pio Roda answered that the terms are interchangeable.

Committee Member Cherry asked if the Arts Commission could discuss items pertaining to the Public Art at their meetings. Supervisor Yurchak answered that as the Staff Liaison, she controls items placed on the agenda. Staff will be very strict as to items listed on the Arts Commission and Public Art Committee so there is a clear distinction of responsibility between the two bodies. City
Attorney, Pio Roda added that the Arts Commission is not allowed to discuss item pertaining to Public Art.

3. **Review of Public Art Committee Bylaws**

The Public Art Committee reviewed the Bylaws. Committee Member Cherry asked the following changes be made:

- Item II.a. “…[S]hall be composed of eleven (11) citizens…” to read “comprised”
- Item II.a. “…[S]hould the Committee member end their term in good standing.” Should read “his/her term”

**MOTION** to recommend the Public Art Committee Bylaws receive final approval by Milpitas City Council.


4. **Review Ordinance No. 271 “City of Milpitas Public Art Policy”**

Supervisor Yurchak explained the Public Art Policy Ordinance is designed to help guide the Committee as to what they will be working on next.

Committee Member Voellger indicated that they Policy stated that the definition of Public Art is “original” works of art and then later in policy states the copies are allowed. Which is it? Supervisor Yurchak explained that when the Art Commission helped to draft the Ordinance, they did not want to be restricted to only original works of art and wanted to be able to consider reproductions or limited edition items.

Supervisor Yurchak explained that funding for the Public Art Committee is currently from the City Council in the amount of $125,000 and from Capitol Improvement Project (CIP) monies spent. Their current balance is $157,236.00. It is the responsibility of the City Manager to update the Committee on CIP monies that will be designated to the Public Art Committee and it is the City’s Finance Department who will track the account.

Supervisor Yurchak referred the Committee to the Bylaws in regards to the Public Art Master Plan. The Public Art Committee’s first step will be to create a Master Plan. She stated that the Committee Members will need to research other Cities and how they run their Public Art programs. She suggested the Committee form a subcommittee to work on the research of the Master Plan.

The following Committee Members volunteered to work on the Subcommittee: Moss, Ogle, Rabe, Voellger.

**MOTION** to accept the Master Plan Subcommittee.

*M/S: Hays/Ettinger  Ayes: All*
X. Staff Reports

City Council

City Council Liaison, Giordano announced the following:

At the January 3, 2006, Council meeting:
- Approved road map for services improvements
- Approved consultants for Library Project Garage

At the January 17, 2006, Council meeting:
- Reduced minimal space definition to meet State codes
- Reviewed DeVries house project, which should be completed in the next 2 years
- Expansion plan for VTA which could create a 1/25 cent tax increase
- Removed Public notice Requirement Budget

XI. Future Agenda Items

Master Plan Subcommittee Update - March

XII. Adjournment

There being no further business, the Chair adjourned the meeting at 8:54pm to their next regularly scheduled meeting on March 27, 2006.

MOTION to adjourn the meeting.
M/S: Hays/Voellger Ayes: All

Respectfully Submitted,

Renee Lorentzen
Recording Secretary