

UNAPPROVED MINUTES  
PUBLIC ART COMMITTEE  
CITY OF MILPITAS

**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



**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