



CITY OF MILPITAS

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11/05/2019
Agenda Item No. 10



ATTACHMENT RELATED TO AGENDA ITEM RECEIVED AFTER AGENDA PACKET DISTRIBUTION



MEMORANDUM

Recreation and Community Services Department



DATE: November 4, 2019
TO: Mayor and Councilmembers
THROUGH: Steve McHarris, Interim City Manager
FROM: Renee Lorentzen, Director of Recreation and Community Services
SUBJECT: **Public Art Process**

This Information memo discusses the City of Milpitas' Public Art Process, including ordinance requirements, funding allocation, and steps for public art approval. The timing and process for the Higuera Adobe Public Art project which will be presented to City Council for consideration at the November 5, 2019 meeting, is outlined in the process section of this memo.

The City of Milpitas adopted its first Public Art Ordinance on August 2, 2005. Originally, the ordinance required the City to dedicate 1.5% of eligible projects expenditures within the City's annual Capital Improvement Program to the acquisition and installation of Public Art. The categories of eligible projects were new building projects, large infrastructure projects, and projects limited to Community Improvements, selected parks and streets projects. Eligible projects were identified by the City Manager. Following the recession and dissolution of the Redevelopment Agency, the Ordinance was updated on June 3, 2014, to reflect changes to the name of the advisory body (Arts Commission).

On May 19, 2015, City Council approved Section 14 "Public Art Requirements for Private Development" in the Zoning Code, which was intended to promote the arts in the City of Milpitas by requiring the inclusion of a public artwork component in new private development projects in Milpitas. This required certain private developments to include publicly accessible works of art for placement on the development site or to contribute a Public Art Program In-Lieu Contribution as a condition of project approval.

Public Art Ordinance Requirements (summarized from the City of Milpitas Public Art Policy, Municipal Code Chapter 20)

Public Art located on, affixed or applied to City property:

- 1) Shall be of the highest quality and craftsmanship;
- 2) Shall be permanently sited and integral to the landscaping and/or architecture, considering historical, geographic and social/cultural context if the site;
- 3) Shall be of a scale proportional to the building or property it relates to or is sited upon;
- 4) May include sculpture, furnishings and fixtures;
- 5) May include murals, photography and original works of graphic art, water features, neon, glass, mosaic or any combination of media;
- 6) Shall be displayed in a manner that will enhance enjoyment by the general public; and
- 7) May include artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or design team that includes a professional artist.

Funding Allocation (from Ordinance No. 38.821)

The Public Art Fund shall be used exclusively to: 1) provide sites for works of art; 2) acquire and install works of art; 3) maintain works of art; or 4) fund other administrative costs associated with the Public Art Program. The Arts Commission shall recommend utilization of monies in the Public Arts Fund to the City Council.

The Public Art Fund currently has a balance of \$1,024,641. This includes substantial deposits of \$764,236 in the past 18 months from developers opting to pay the in-lieu fee.

Public Art Process (summarized from City of Milpitas Public Art Policy, Municipal Code Chapter 20 and Public Art Master Plan. *Note: Higuera Adobe Park Public Art Project steps are identified in bold and italics.*)

1) With input from the public and upon review, advice and recommendation of the Arts Commission, the City develops a Public Art Master Plan/Work Plan, including a survey of sites and areas suitable for public art and prioritizes locations.

Park Location TBD, November 16, 2015.

2) When a site is prioritized, Arts Commission recommends both the site and project budget to the City Council as part of the Work Plan and annual budgeting process.

City Council approved a public art project to be installed in memorium of Mr. Voellger, as part of the Public Art Master Plan 2016-2019, approved by City Council on August 16, 2016.

3) Depending on the method of artist selection being used, the Arts Commission issues either an Open Call for Artists, invitations to a shortlisted group or direct invitation to a single artist, providing site details, budget, timetable, and any community participation requirements, etc.

Open call was issued October 4, 2018.

4) After design proposals are received, the Arts Commission reviews proposals and invites public and, if applicable, stakeholder input on some or all of the designs and selects finalists to create 3D maquettes/models for community viewing.

November 26, 2018.

5) The public provides input online, in person in city facilities and special events, park neighborhood meeting.

Various dates in May & June 2019.

6) The Arts Commission reviews public and stakeholder input and makes a recommendation to the City Council.

Arts Commission reviewed art proposals and community input results on August 26, 2019 and recommended Circle in Time for City Council final approval.

7) When the artwork is to be sited in a park, the Parks and Cultural Resources Commission (PRCRC) also reviews and makes a recommendation.

PRCRC reviewed art proposals and community input results on September 9, 2019 and recommended Circle in Time for City Council final approval.

8) The City Council reviews the proposed artwork for consistent with the Public Art Ordinance and takes action.

City Council consideration scheduled for November 5, 2019.