



## CITY OF MILPITAS

Revision	Date
Original	10/05/2021

### CITY COUNCIL POLICY

<b>Policy No:</b> 4-2	<b>MURAL PROGRAM POLICY</b>	<b>Effective Date:</b> 10/5/2021
<b>Revision No:</b> N/A	<b>Policy Administrator:</b> Recreation and Community Services	<b>Next Review Due:</b> As Needed
<b>Related Policies and Procedures:</b> N/A	<b>Approved by:</b> City Council, 10/5/2021, C9 and 5-0 vote	<b>Date Approved:</b> 10/5/2021

#### 1. PURPOSE

- 1.1. The Mural Program seeks to promote mural activity reflective of the heritage, diversity, and aspirations of our community through engagement with muralists, property owners, community stakeholders and residents.

#### 2. POLICY

- 2.1. Support the creation of up to four murals annually through community engagement.
- 2.2. Encourage mural creation as part of broader place-making efforts throughout the City.
- 2.3. Mitigate blight, graffiti, or vandalism.
- 2.4. Maintain murals with a focus on City-sponsored murals.
- 2.5. Add up to four mural art installation annually to the City's Public Art inventory.
- 2.6. Only City-owned spaces, or City-controlled spaces through easements, can be funded and maintained with Public Art Funds.
- 2.7. Establish a list of artists regularly with a focused outreach to artists living or working in the City of Milpitas.
- 2.8. At least one of the annual up to four mural installations will be designated for local artists.
- 2.9. Artists are paid a stipend, as approved by the Arts Commission, for submitting proposals in response for mural design proposal.

#### 3. DEFINITION(S)

- 3.1. A mural is defined as the creation of public art funded by public or private funds on walls, utility boxes and other surfaces accessible to the public.
- 3.2. Public Art is defined in the municipal code as "works of art located on, affixed or applied to City property." ([Milpitas Municipal Code, Title V, Chapter 20, Section 310](#))
- 3.3. Monies in 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 Art Commission shall recommend utilization of monies in the Public Art Fund to the City Council. ([Milpitas Municipal Code, Title XI, Chapter 10, Section 14](#))
- 3.4. A local artist is defined with having the primary residence with the City of Milpitas.



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#### 4. PROCEDURE(S)

- 4.1. Any resident, business owner or artist may nominate any space, which is publicly accessible and within City limits, to the Director of Recreation and Community Services for mural beautification. Those nominating a space must include a photo and short statement on why they believe the location should be considered for a mural. They may include additional information about potential theme and suggestions for community involvement.
- 4.2. The City Council may direct staff to commission a mural for a certain theme and/or a certain location as part of this annual process or on an expedited timeline depending on staff capacity.
- 4.3. Other public agencies' properties nominated to participate in the Mural Program, if agreed to by the other public agency, such public agency must fund and maintain its own murals.
  - 4.3.1. Other public agencies are exempt from payment of the project coordination fee for installing murals in Milpitas.
- 4.4. Privately owned space nominated to participate in the Mural Program, if agreed to by the private property owner, private owners must fund and maintain their own murals.
  - 4.4.1. The owner will be required to cover the design stipends, mural cost, a mural program administrative fee to fully recover staff time and overhead for project coordination and any applicable permit fees.
    - 4.4.1.1 The mural program administrative fee funds staff time to provide oversight of the mural project, provide template agreements, and help the property owner achieve a successful mural.
    - 4.4.1.2 Alternatively, the property owner could agree to a long-term easement or lease agreement with the City including the recordation of such agreement on the property title with the Santa Clara County Recorder's Office in exchange for the City supporting the artwork installation with staff time and/or funding. With the use of public funds, public access to the mural on private property, even if the property changes hands in the future, is required.
- 4.5. The Arts Commission will be tasked to recommend to the City Council for approval a prioritization of spaces and themes nominated as part of the annual process using the following framework: (1) Multiple requests for same site/neighborhood support; (2) Nominator's statement(s); (3) Mitigation of blight, graffiti vandalism; (4) Potential for placemaking, positive impact on neighborhood; and (5) Community involvement in design, painting etc.
- 4.6. Every two to three years, or as needed, staff conducts a Request for Qualifications process to establish a pool of mural artists with a focused outreach to local artists.
  - 4.6.1. The Arts Commission will prequalify any artist whose portfolio adequately demonstrates that they have the ability to successfully complete a public art mural Milpitas.
  - 4.6.2. The Prequalified Artists list will be available for review by Mural Selection Committees and any private property owner wishing to commission a mural. The list will note artists approximate fee range and type of community involvement they are willing to incorporate in their work.



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- 4.6.3. To increase the pool of local artists, staff seeks to establish youth artist partnerships with the Milpitas Unified School District and local youth organizations.
- 4.7. After Council approval of up to four spaces and themes for the annual mural process, staff recruits for each site residents and stakeholders interested in volunteering to serve on a five-member Mural Selection Committee.
  - 4.7.1. Each Mural Selection Committee reviews Prequalified Artists and select a limited number to be invited to submit design proposals.
  - 4.7.2. For owned or other public Agency spaces, the Mural Selection Committee shall consist of one Arts Commissioner, two stakeholders (i.e., building tenants, neighboring businesses, other public agency representative or regular users), and two residents.
  - 4.7.3. For privately-owned spaces, the Mural Selection Committee shall consist of one Arts Commissioner, the building owner, one stakeholder (i.e., building tenants, neighboring businesses, other public agency representative or regular users), and two residents.
- 4.8. The Mural Selection Committee will consider the following factors in selection of mural designs:
  - 4.8.1. Design is consistent with the purpose and goals of the Mural Program.
  - 4.8.2. Design content is suitable for a general audience.
  - 4.8.3. Design adds to the character of the area and enhances place-making.
  - 4.8.4. Design does not clash with surrounding buildings.
  - 4.8.5. Design scale is appropriate for the location, primary viewer (pedestrian, vehicular).
  - 4.8.6. Design does not contain words or images that would constitute signage for a business. Any design that could be construed as business signage may require additional review by the Planning Department for payment of a fee prior to acceptance.