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INTRODUCTION

EXECUTIVE SUMMARY

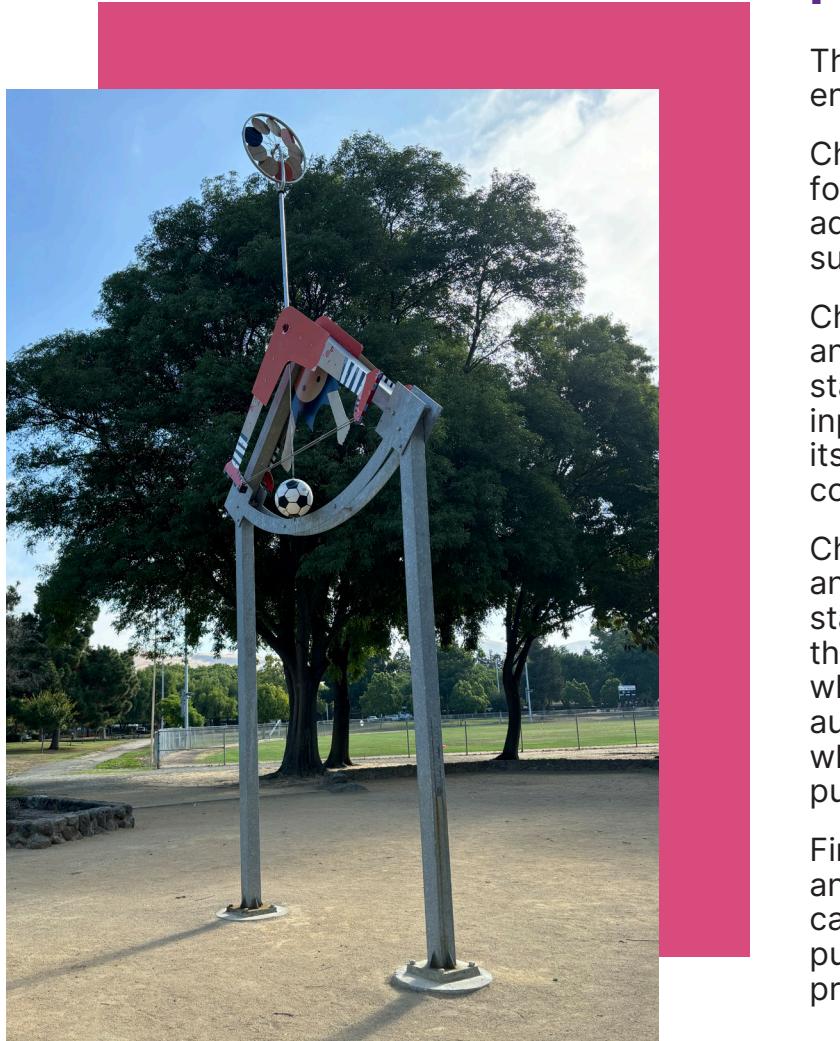
WHY EXPLORE A PUBLIC ART PLAN NOW?

01

Vickie Jo Sowell,
Legends of Milpitas



EXECUTIVE SUMMARY



Joe Bologna, Patricia Vader,
Kicker Kid

PLANNING PROCESS

The Milpitas Public Art Master Plan is informed by community engagement, stakeholder feedback, and national best practices.

Chapter 1 provides an overview of the Plan, and offers a vision for public art in Milpitas over the next decade. This chapter also addresses how the Plan connects with existing City initiatives to support growth, livability, and existing resources.

Chapter 2 outlines the City's current public art collection and program history through a present-day lens. This Plan's stakeholder report captures data, feedback, and community input about the current collection, as well as opportunities for its growth. Taking into account everything we heard from the community.

Chapter 3 offers a comprehensive suite of public art projects and placemaking ideas that align with this Plan's vision statement. In addition to specific project recommendations, this chapter also provides an overview of public art typologies, which are designed to introduce public art concepts to audiences (including developers or other prospective partners) who may be less familiar with the benefits and possibilities of public art.

Finally, Chapter 4 evaluates current administrative practices, and offers recommendations to maximize the facilitation and care of public art in Milpitas. General recommendations for the public art program and the role of public art in Milpitas are also presented in this chapter.

WHY EXPLORE A PUBLIC ART PLAN NOW?

Milpitas offers its over 80,000 residents a high quality of life through its community facilities, access to multiple public transit systems, diverse population, proximity to San Francisco, and picturesque location along the Diablo Range. As the City anticipates new development and growth, the Milpitas 2040 General Plan seeks to maximize livability while ensuring fiscal sustainability. Milpitas' population increased nearly 13% between 2012 and 2022, correlating with the rapid rise of the tech industry, yet many residents voiced that the City has retained a small-town feel, largely attributed to its close-knit neighborhoods, ample parks, and amenities.

Public art reveals a community's identity, in addition to creating a sense of place. Survey respondents and stakeholders repeatedly described Milpitas as a culturally-expansive, family-oriented City with a strong park system and proximity to Bay Area destinations. With a largely tech-driven workforce in the heart of Silicon Valley, Milpitas has attracted residents from across the world, resulting in a vibrant, highly diverse community, with a genuine small-town feel. This Public Art Master Plan aims to identify strategies for public art placement, typologies, and themes that enhance Milpitas' livability and quality of life, while supporting the City's goals for continued growth.

As it looks to the future, Milpitas is also in a distinct moment in its history. The City's population has become increasingly diverse with each generation, and will continue to embrace neighbors from around the world. Public art is not only a powerful mechanism for bridging the past and the future, but also it is an essential part of connecting residents with each other across language or cultural divides. Through its beloved parks, civic amenities, and other public spaces, Milpitas' public art will convey that all are welcome—and belong.



Jane Dinh,
Circle of Time

COMMUNITY IDENTITY + BACKGROUND

LEGACY + HISTORY OF THE PROGRAM
CURRENT COLLECTION, PLACEMENT, AND CONTEXT
ENGAGEMENT + OUTREACH SUMMARY
SURVEY GRAPHICS
STAKEHOLDER REPORT

02

Adrian Susnea-Litman,
Birds of Paradise



LEGACY + HISTORY OF THE PROGRAM

Milpitas has a long history with public art and reflects the community's long-standing desire for arts to be integrated into daily life.

Public art in Milpitas emerged from a community-led, grant-funded "Art in Your Park" project to enliven the City's neighborhood parks and represent the community. Project ideas and artwork selections were the result of resident input, and artworks reflected individual

neighborhoods. Two decades later, Milpitas' beloved public spaces feature 28 artworks ranging from sculpture to functional mosaic benches.

As the program has evolved, the City has implemented artworks around Milpitas and in its civic facilities. In 2014, the City's public art ordinance was adopted, which formalized the program, the Arts Commission, and the City's one-half of one percent for art policy.



"This mural commemorates and celebrates members of our community who had a significant contribution to the development of the City of Milpitas."
Adrian Susnea Litman, *Thriving Legacy*

CURRENT COLLECTION, PLACEMENT + CONTEXT

Milpitas' current collection comprises 28 objects in an impressive range of styles, including traditional bronzes, contemporary murals, and kinetic sculpture. The collection is primarily focused on the City's history, and three-dimensional sculpture is the most represented public art typology in the collection.

As part of the Public Art Master Plan, the City has commissioned its first collection assessment, performed and developed by ACT Art Conservation. This assessment provides detailed information about each object's overall condition, outlines any recommended maintenance treatments, and proposes strategies for long-term object care.



Scott Donahue,
Watching You

The current collection has provided a foundation for public art in Milpitas, and many stakeholders expressed gratitude for the neighborhood-centered approach to the growth of its collection. The program's future should consider the following goals:

1. Clarifying public art approaches, typologies, and strategies:

Among community members, there is a desire to clarify the differences between public art, decoration, and artistic amenities. While public art can manifest in a number of ways throughout any community, setting a consistent tone for the display of the collection can distinguish Milpitas' public art collection from other features of public spaces.

2. Widening its community representation:

Public Art in Milpitas should embrace the community's many cultures and backgrounds. Many stakeholders expressed a desire for the City's public art collection to expand its storytelling, representation, and engagement with its diverse community.

Thematically, the current collection addresses local histories, community art making, and celebrates Milpitas' parks and green spaces. The public art program's origins emphasize the collection's placement and context, and the community has embraced the presence of art in these public spaces for decades. Taking this background into account, a key recommendation of the plan is to strategically place future art in locations that will yield positive, frequent engagement with the public, while also identifying non-traditional opportunities for public art placement.



ENGAGEMENT + OUTREACH SUMMARY

Community Engagement for this Plan occurred between July 2024 and March 2025. During this time, the project team...

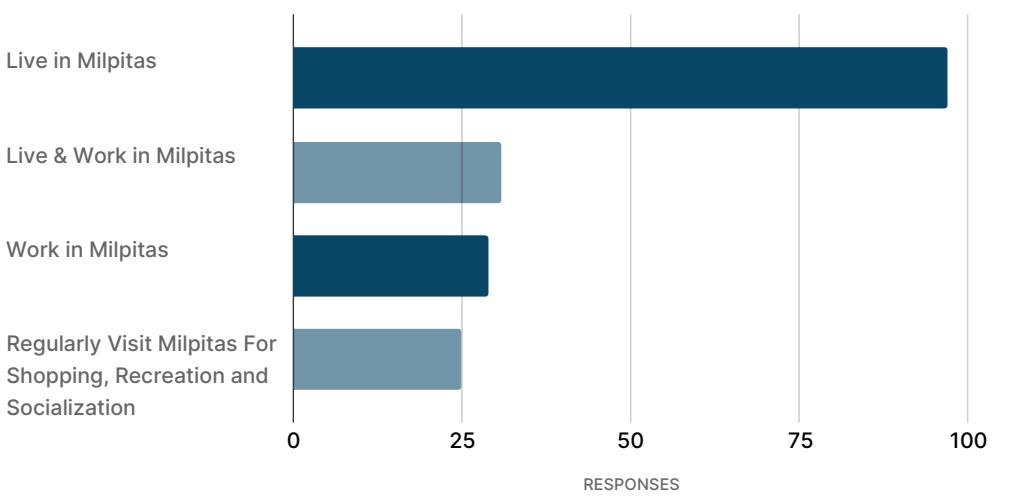
- **Created and distributed public art surveys in English, Spanish, Simplified Chinese, and Vietnamese**
- **Gathered more than 150 survey responses**
- **Facilitated 25 one-on-one stakeholder conversations**
- **Conducted on-site community engagement at the Milpitas Library, Barbara Lee Senior Center, Milpitas Sports Center, and Milpitas Teen Center**
- **Managed two interactive community art-making activities: the first occurred in September 2024 during the Lantern Festival and was facilitated by artist Edi Hsu, and the second coincided with the March 2025 Holi Festival and was led by Saranya Chandrasekaran.**

Individual conversations took place with City staff, regional arts leaders, current and former Arts Commission members, local business owners, and elected officials.

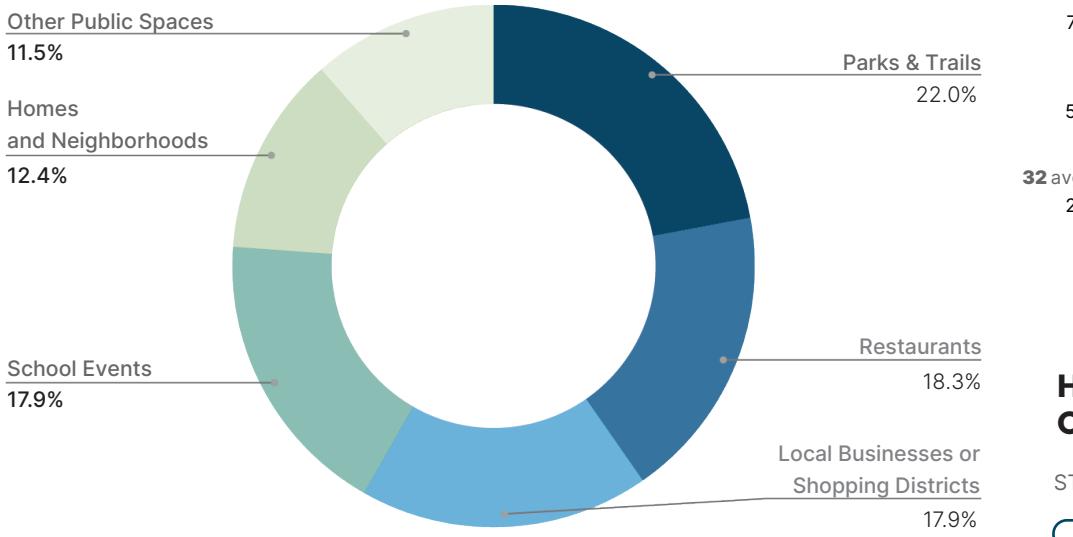


SURVEY GRAPHICS

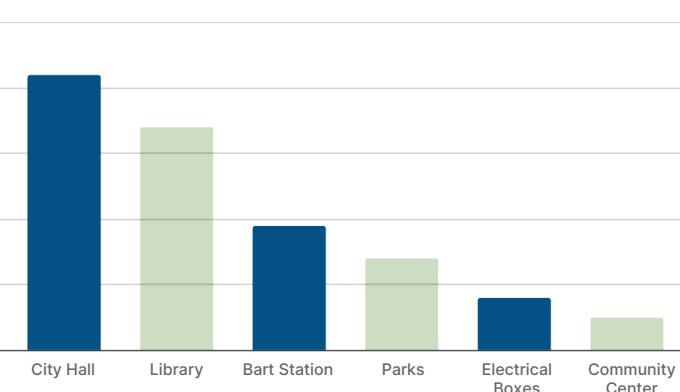
WHAT IS YOUR RELATIONSHIP TO MILPITAS?



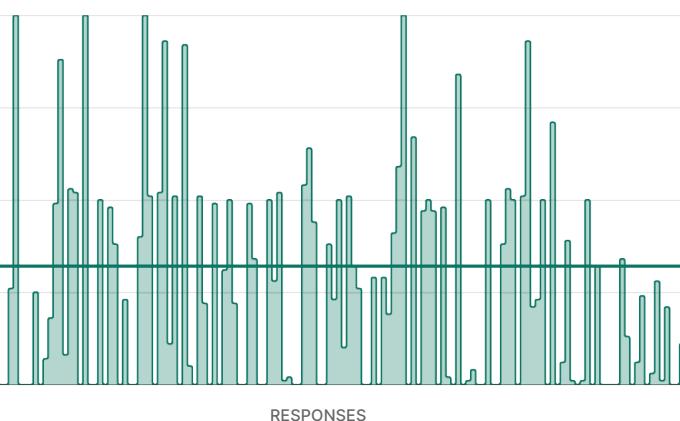
WHERE DO PEOPLE GATHER IN MILPITAS?



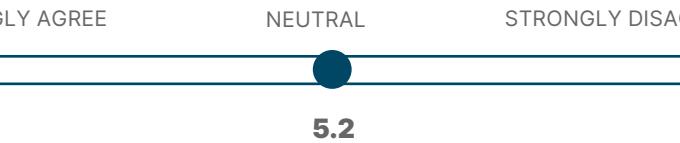
WHERE DO YOU RECALL SEEING PUBLIC ART IN THESE PLACES?



WERE THERE MORE PUBLIC ART IN MILPITAS, WOULD MILPITAS BE A BETTER PLACE TO LIVE?

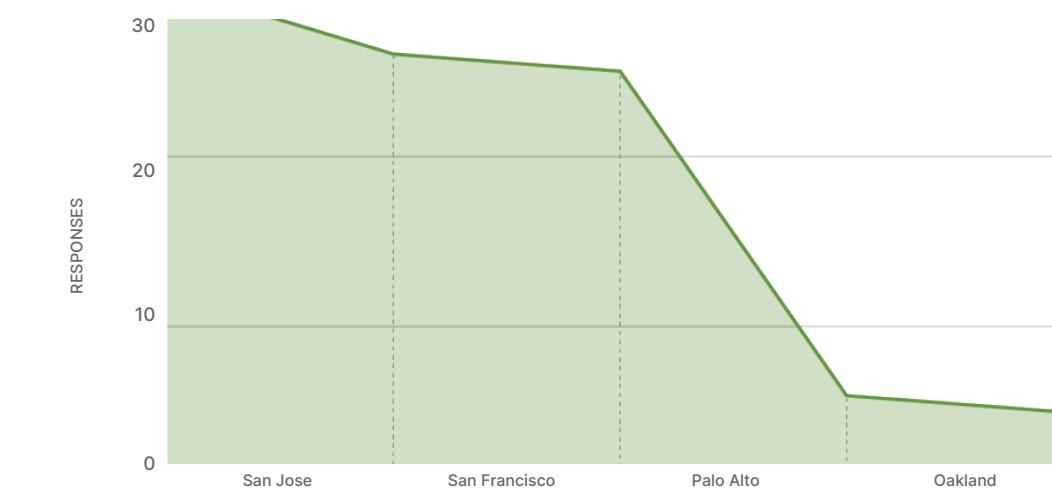


WOULD YOU RATE THE OVERALL QUALITY PUBLIC ART IN MILPITAS?

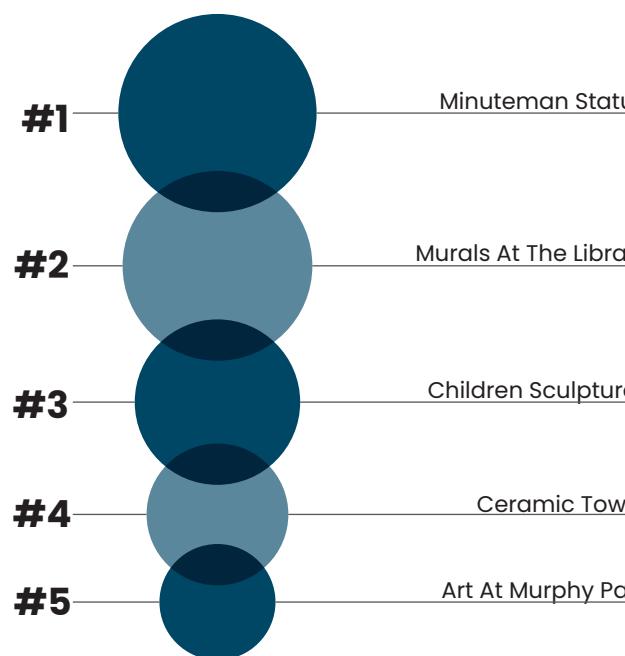


WHAT WORDS OR PHRASES WOULD YOU USE TO DESCRIBE MILPITAS?

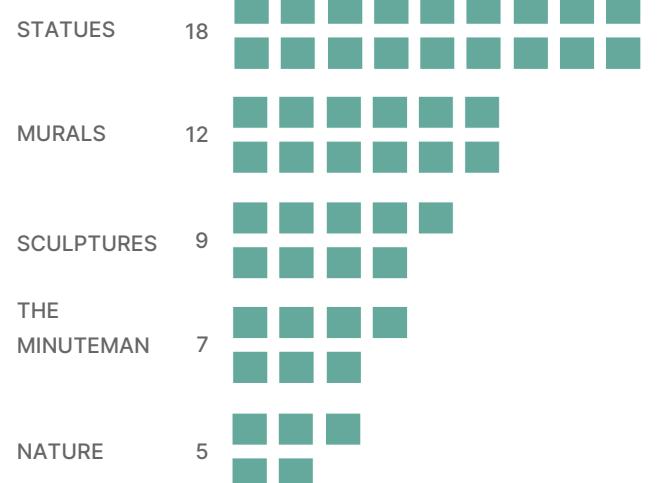
WHAT OTHER CITIES HAVE GOOD PUBLIC ART, IN YOUR OPINION?



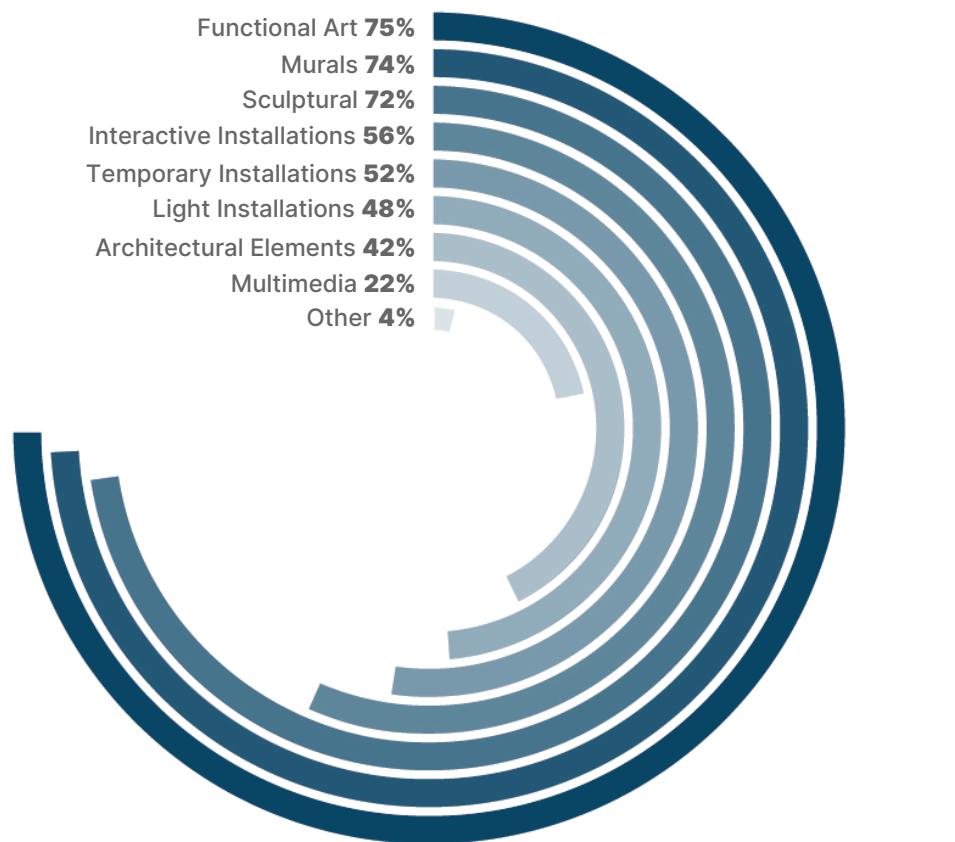
WHAT IS YOUR FAVORITE PUBLIC ART MILPITAS?



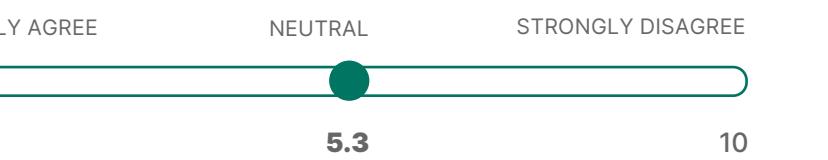
WHAT IMAGE COMES TO MIND WHEN YOU THINK ABOUT PUBLIC ART IN MILPITAS?



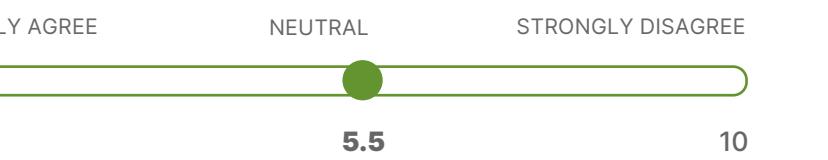
WHAT TYPES OF PUBLIC ART WOULD YOU LIKE TO SEE MORE OF IN MILPITAS?



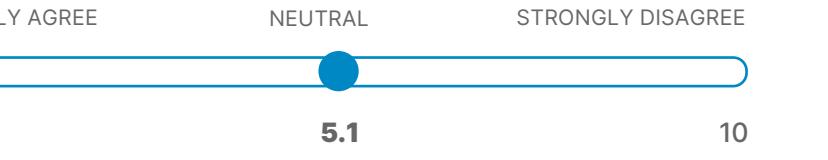
DO YOU FEEL LIKE EXISTING PUBLIC ART IN MILPITAS REFLECTS YOUR VALUES?



DO YOU FEEL LIKE EXISTING PUBLIC ART IN MILPITAS REFLECTS YOUR IDENTITIES?



DO YOU FEEL LIKE PUBLIC ART IN MILPITAS REFLECTS THE MILPITAS COMMUNITY?



PUBLIC ART IN MILPITAS SHOULD FEEL:

WELCOMING

COLORFUL

INSPIRING

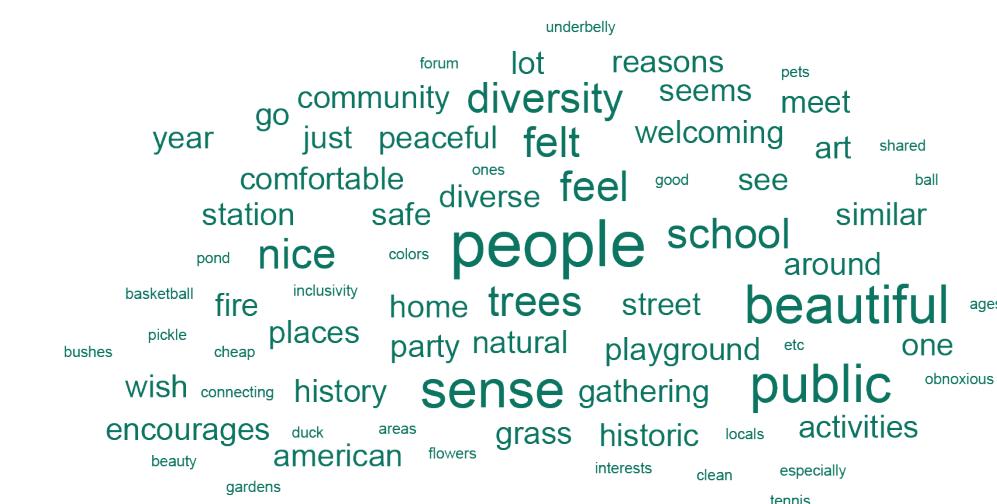
INCLUSIVE

VIBRANT

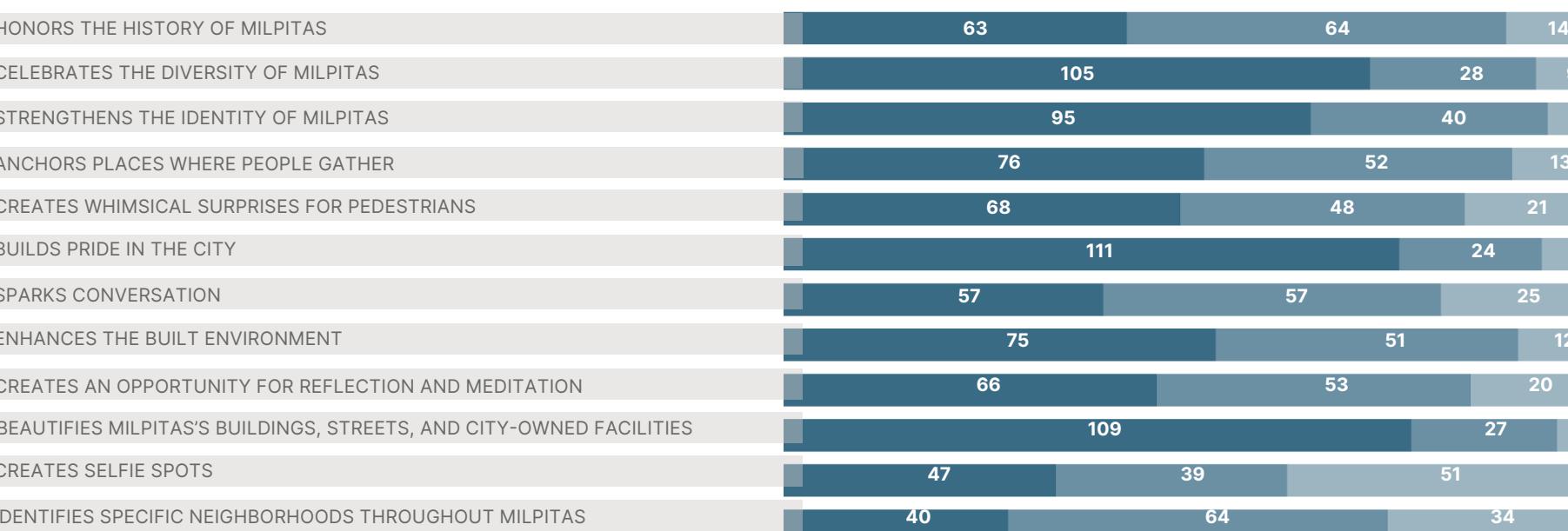
WHERE WOULD YOU LIKE TO SEE MORE PUBLIC ART IN MILPITAS?

- #1 **PARKS**
- #2 **MIDTOWN AREA**
- #3 **GATEWAYS**
- #4 **MILPITAS METRO AREA**
- #5 **GOVERNMENT BUILDINGS**
- #6 **MAJOR INTERSECTIONS**
- #7 **MIXED-USE DEVELOPMENTS**

WHAT ARE SOME CHARACTERISTICS OF A PLACE IN MILPITAS THAT MAKE YOU FEEL A SENSE OF BELONGING?



WHAT IMPACT SHOULD PUBLIC ART HAVE IN MILPITAS?



STAKEHOLDER REPORT

MILPITAS PUBLIC ART MASTER PLAN

The following questions were asked to each stakeholder:

1. What is your relationship with/ connection to public art in Milpitas?
2. Do you feel that the current public art landscape and/or collection is reflective of the identity of Milpitas? Why or why not?
3. What are the most successful examples of public art in Milpitas and why?
4. What are the least successful examples of public art in Milpitas and why?
5. What is your vision for public art in Milpitas and its impact?
6. Where would you like to see more public art in Milpitas?

Following is a summary of feedback heard during individual interviews. The information is divided into small sections to provide a snapshot of themes from the stakeholders.

WHAT IS THE CURRENT PERCEPTION OF PUBLIC ART IN MILPITAS?

- Public Art is misunderstood: Among community members, there are misconceptions about the differences between public art, decoration, and



MaryAnn. Baker, *Happy Hats Bench*

artistic amenities.

- Administrative hurdles: Processes for public art are complex and slow-moving, leading to fewer annual opportunities for project implementation.
- Unclear vision: Varying priorities and shifting program goals have made it difficult to unite the collection's identity.
- Not representative of Milpitas' diverse community: Public Art in Milpitas should embrace the community's many cultures and backgrounds, but according to survey results, half of the community does not feel that the collection fosters belonging

WHAT IS THE IDENTITY OF MILPITAS?

Survey respondents and stakeholders repeatedly described Milpitas as a culturally-expansive, family-oriented City with a strong park system and proximity to Bay Area destinations. With a largely tech-driven workforce in the heart of Silicon Valley, Milpitas has attracted residents from across the world, resulting in a vibrant, highly diverse community, with a genuine small-town feel.

WHAT TRAITS DOES MILPITAS WANT TO SEE IN FUTURE PUBLIC ART?

- Visually vibrant: Colorful, inspiring, fun
- Curious: Interactive, stimulating, thought-provoking, transformative

- Inclusive: Diverse, representative of the community, welcoming to all
- Meaningful: Historic, contemplative, tells a story
- Positive: Happy, joyful, uplifting, peaceful

VISION STATEMENT FOR THE MILPITAS PUBLIC ART MASTER PLAN

Milpitas will be a city where public art is a dynamic and inclusive force that fosters belonging among all, reflects Milpitas' diverse population, and deepens the quality of life for all residents.

STRATEGIC RECOMMENDATIONS

The following recommendations in the Public Art Master Plan will offer strategies to support the Vision:

- Community-centric, Inclusive, and Accessible: Public art should resonate with the diverse community, especially younger demographics. The collection should be more accessible, which can be addressed through bilingual interpretive materials, contextualizing QR codes, and a Public Art Field Guide. The process of creating public art should involve residents in decision-making, from concept to installation.
- Regional context: Among larger, regional cities (such as San Francisco and San Jose), Milpitas' public art and cultural resources are well-sized to meet needs of the community, which supports a continued desire to emphasize community pride through Milpitas' public art on a local scale.
- Sustainable funding mechanisms: While the existing Percent for Art ordinance provides substantial funding support for public art acquisition in Milpitas, stakeholders expressed a desire for clear forms of support for long-term collection care and maintenance. The City should consider increasing the half percent developer fee to one percent, or greater.
- Collaboration: A collaborative approach between City Departments (including Planning, Recreation & Community Services, and Economic Development) and the Community (developers, artists, neighborhood groups, etc.) is crucial for successful public art initiatives. The Public Art Program should also seek collaboration with businesses, schools, and cultural organizations to expand the reach of public art.
- Balancing Tradition and Innovation: Milpitas should strike a meaningful balance between traditional forms of expression and innovative mediums to engage a

wider audience and stay relevant in Silicon Valley. The City is poised to be an example of how public art can support creative wellness within a STEM-centric community.

PUBLIC ART VISION + GUIDING PRINCIPLES: AN EVERYONE-CENTERED APPROACH

**VISION FOR THE PUBLIC ART MASTER PLAN
PUBLIC ART GUIDING PRINCIPLES
PUBLIC ART TYPOLOGIES**

03

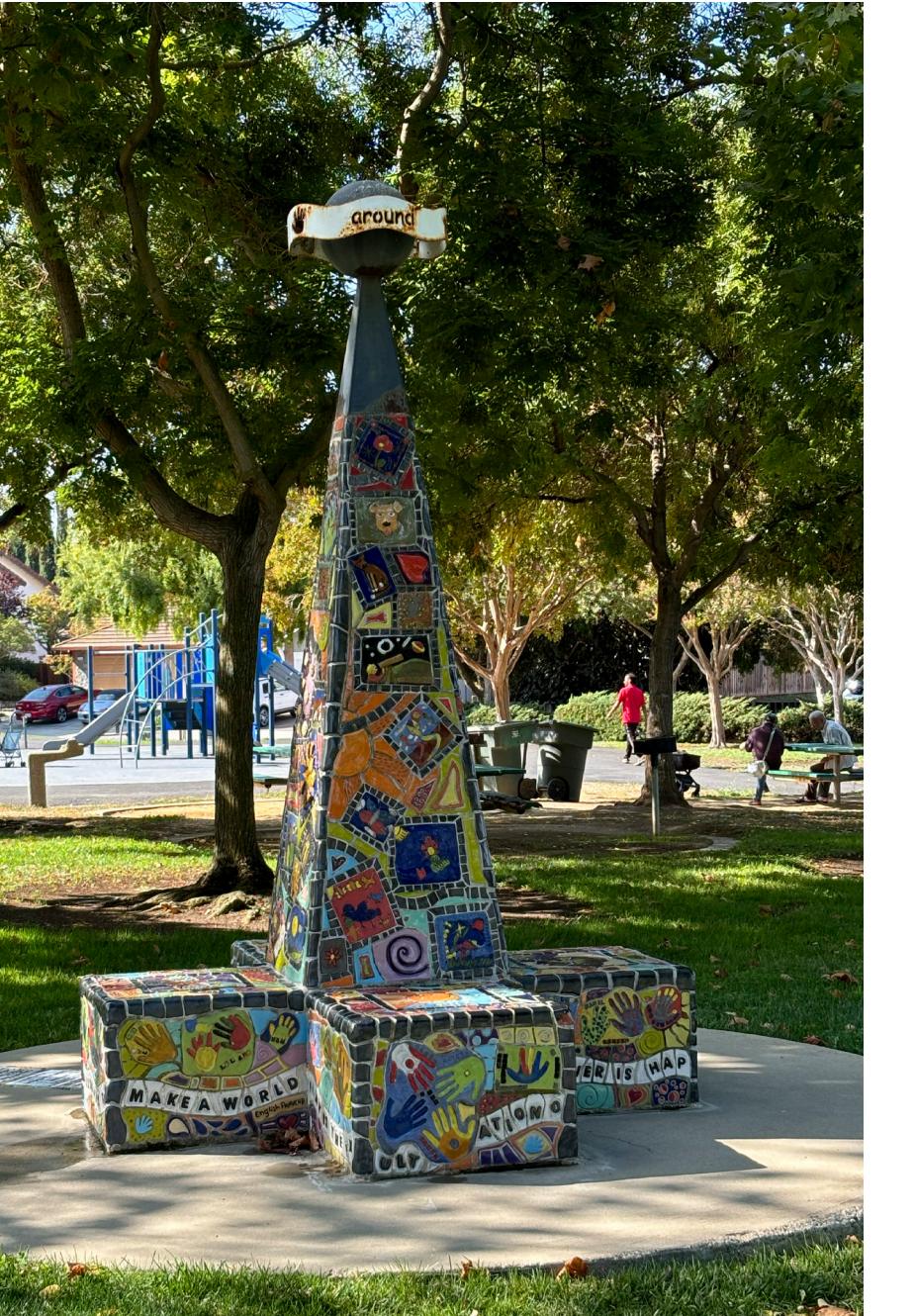
*Cork Marcheschi,
Fertile Ground*





Milpitas will be a city where public art is a dynamic and inclusive force that fosters belonging among all, reflects Milpitas' diverse population, and deepens the quality of life for all residents.

PUBLIC ART GUIDING PRINCIPLES



Shannon More-Jervis, Marcia Smith,
Hand in Hand Around the Park

Building on the vision for Public Art in Milpitas, a set of guiding principles for future public art projects and programs will ensure that community feedback from the Public Art Master Plan process is at the heart of decision-making. The following principles are synthesized from community and survey input, and illuminate the traits that the public would like to see in future public art:

Visually Vibrant

Colorful, inspiring, fun

Sparks Curiosity

Interactive, stimulating, thought-provoking, transformative

Inclusive

Diverse, representative of the community, welcoming to all

Meaningful

Historic, contemplative, tells a story

Positive

Happy, joyful, uplifting, peaceful

PUBLIC ART TYPOLOGIES

Public art projects can have a range of positive, impactful outcomes in public spaces and communities. This section outlines some different types of public art interventions, engaging opportunities for public involvement in art, and strategies to select public art sites.



Carla Moss,
Little Alviso Water Tower

PUBLIC ART MEDIA



Matthew Mazzotta, *Cloud House*, Springfield, Missouri (2016)

SCULPTURES

Sculptures are three-dimensional original artworks that can be made of any material that offers structural stability and durability. Sculptures are scaled to their surroundings and typically do not move from the location in which they are installed. Whether contemporary, whimsical, traditional or something more, sculptures are often the focal points of civic art. Sculptures may commemorate and celebrate our history, express civic pride, or be established as culturally-defining showpieces for the town.

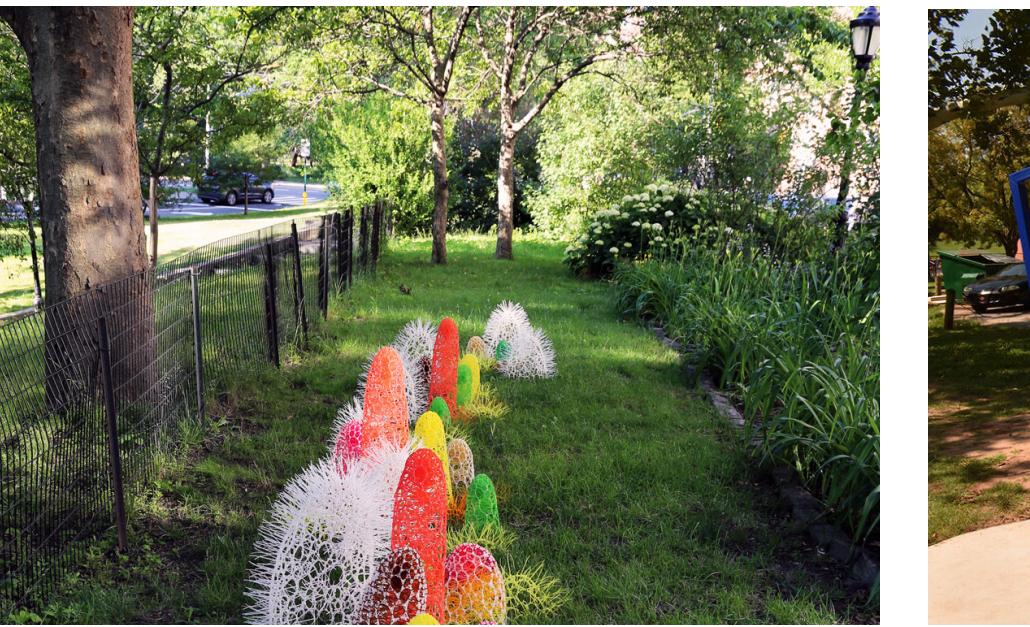
Sculptures can take on many shapes and sizes and often fit well when created in or alongside gateways, parks, gathering spaces, and community centers. Because communities can celebrate and enhance their civic identity, they are especially appropriate in parks and downtown settings.



Patrick Dougherty, *Summer Palace*, Morris Arboretum, Philadelphia, PA (2009)

ENVIRONMENTAL ART

Environmental art is any kind of outdoor public art that uses materials with a direct connection to nature, landscaping, or organic materials. Environmental art can be temporary or permanent, and its scale can vary. Its thematic context addresses environmentalism and sustainability.



Sui Park, *Summer Vibe* (2021)
Riverside Park, New York City

FIBER

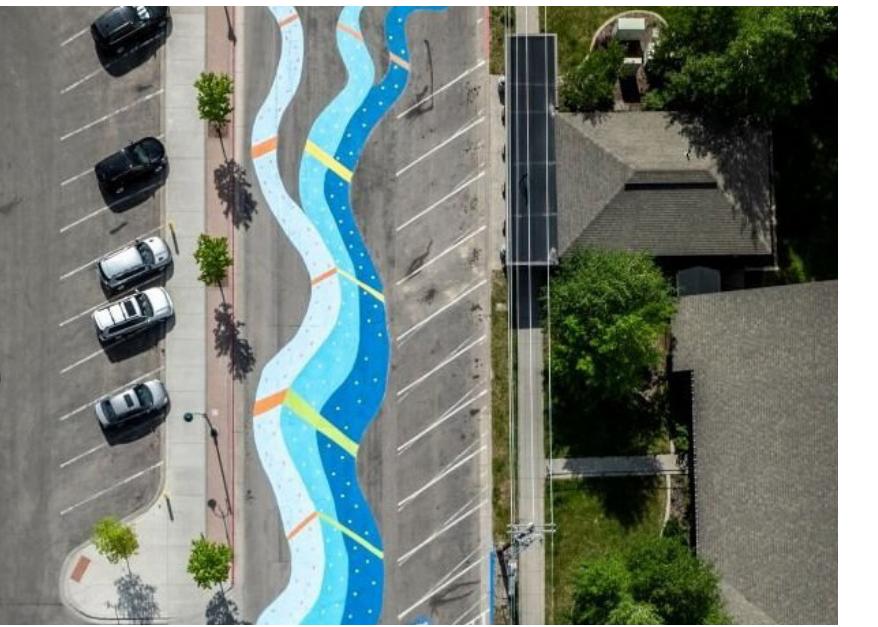
Fiber art is any kind of artwork that uses natural or synthetic fiber materials as the primary component of its overall composition. Fiber art can take the form of wall hangings, tree wraps, suspended sculptures, and beyond. Examples of fiber materials include fabric, yarn, polyurethane materials (like tarp), and mesh.



Beatriz Mayorca, *Evolve* (2019)
Oklahoma City, OK

FUNCTIONAL ART

Functional Art is ordinary infrastructure that has been reimaged and designed by an artist. Integrating unique designs into infrastructure may be an affordable and efficient way to create a major visual impact. Some possible options for functional art installations include bike racks, benches, play equipment, medians, subdivision walls, trash cans, transit stops, storm drains, manholes, monument signage, sidewalk treatments and more.



Maria Sengle, *Wild Tracks* (2024)
Jackson Hole, Wyoming

MURALS

Murals are large-scale, two-dimensional compositions that can be: 1) painted onto the surface 2) graphic reproductions printed onto vinyl that is adhered to a surface, or 3) painted onto a panel that is affixed to the building. Environmental conditions, artwork display duration, artist ability, timeline, and budget are all considerations for which mural application style is suitable for a project. While curating permanent works of art as part of the collection is important, ephemeral works such as murals allow for the exposure of many artists over a short period of time rather than a few artists over a long period of time.



Mina Cheon, *Diamond Sculpture*
(Series of 15) 2015

LIGHT INSTALLATIONS

Artists use lighting in creative and interesting ways in order to manipulate the built environment with limited physical impacts. Light installations may be used on existing buildings, in parks or substantial landscape features, or as part of a larger installation of sculpture. They may be especially useful and impactful when used in infrastructure projects.



Kerstin Brätsch, *Fossil Psychic Stone Mimicry (Palladiana, Mosaico_Bench I)*, 2024–2025

MOSAICS

Mosaics come in many shapes and sizes and include glass or ceramics. The relative flexibility of the application of mosaics responds well to many art contexts. Mosaics can be inlaid for flooring or wall elements, or they may be a component of a sculpture. Terrazzo floors can be considered as a kind of mosaic installation.



Allegory, *Flux Cocoon*
Lausanne

MULTIMEDIA

Multimedia installations may combine many other art types in ways that expand the imagination. Video, lighting, sculpture, murals, and more can be combined to make multimedia installations. Multimedia installations are especially useful for temporary or pop-up installations.



Meg White, *Muse of Discovery*
Lake Eola Park, Orlando, FL

SITE-SPECIFIC ART

Site-specific art is artwork that is aesthetically, conceptually, and/or thematically connected to the unique circumstances, culture, history, and environment of a particular site. Site-specific art can take many forms, and may be permanent or temporary. In this approach to art-making, artists extensively research the place, site, or area where the site-specific artwork will be placed. Site-specific art tells the story of a place through its surroundings, enriching the experience of the place itself.



City of Vacaville, CA 2024 Día de los Muertos celebration at Andrews Park & CreekWalk Plaza

PERFORMING ARTS

Dance, theater, and spoken word are common types of public performance. The scale and scope of these artforms may vary, as well as their performance spaces. Performing arts are not typically a permitted expenditure for public art funds.

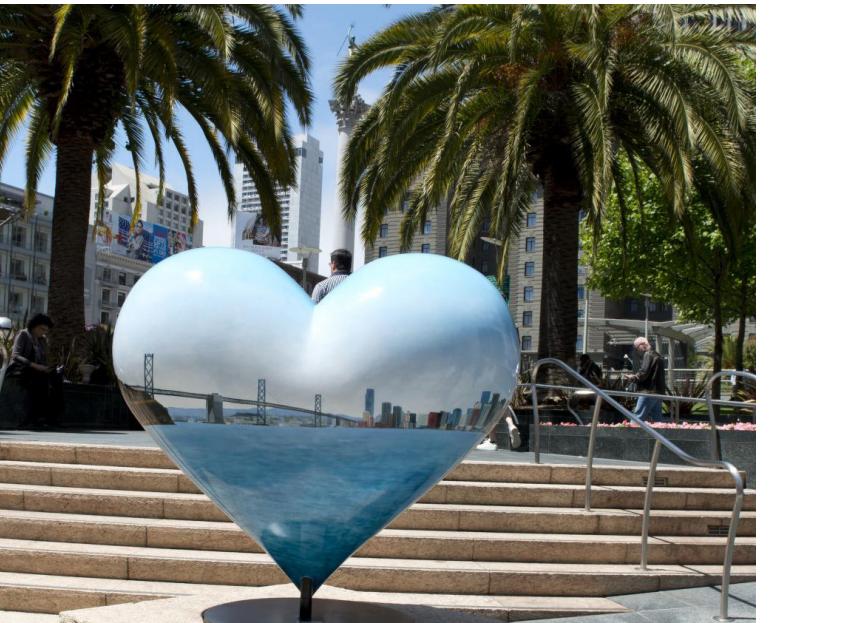


LUMA Festival 2023,
Binghamton, NY

TIME-BASED MEDIA

Time-based Media is art that is created using photography, video, film, and/or audio whose composition transpired over a period of time. Time-based media artwork has clearly-defined beginning and ending points. This kind of artwork may run on a loop and is suitable for environments whose conditions are not suitable for traditional artwork materials. Time-based media typically assumes the form of projection mapping onto buildings, or sound-based artworks.

PUBLIC ART PLACEMENT STRATEGIES



Hearts in San Francisco, Union Square,
San Francisco, California (2012). Image by Carol Highsmith.

ITERATIVE PUBLIC ART PROJECTS

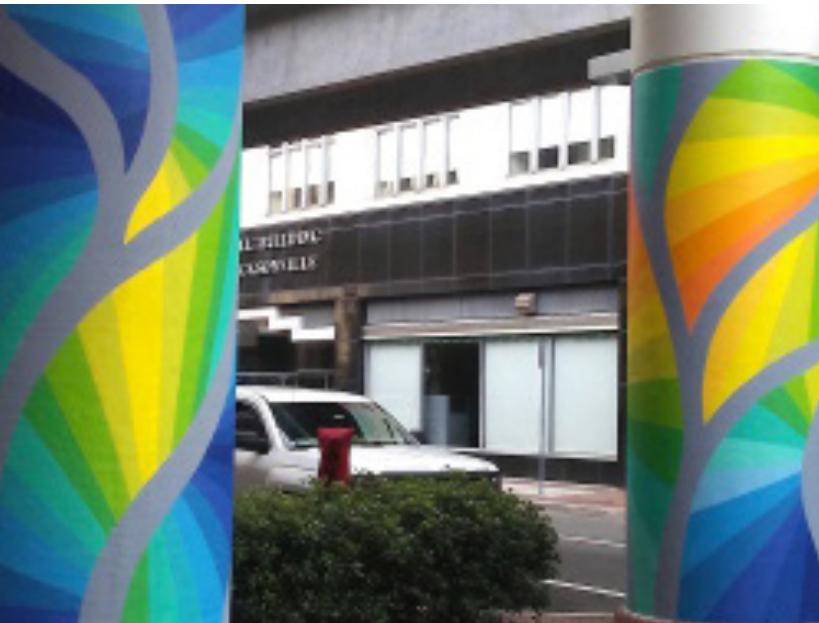
An iterative project is one that has many parts united by the same theme. For example, a park may commission an artist to create a series of sculptures placed in various locations around the park, united by the theme "Larger Than Life Flowers." Another example could be a recurring design motif or symbol placed in a range of sites around a town center, such as the famous San Francisco hearts, which take many iconic forms across the city. Iterative projects establish a "trail" for the community to follow across a predetermined area, making them a great option for retail areas, parks, or historic town centers.



William Crite, *Mosaic Tile Mural*,
Pasadena, CA (1995)

SINGLE-PRESENTATION PUBLIC ART PROJECTS

Single-presentation public art projects are those that do not repeat in multiple locations and their compositions are limited to one site. Examples of these kinds of projects include, a large-scale sculpture commissioned for a city hall lawn; a unique mural on the facade of a community center; or light installation that is engineered to complement the detailed architecture of a historic building. Single-presentation projects may be temporary, or long-term, and they are primarily characterized by their function as a landmark in public space.

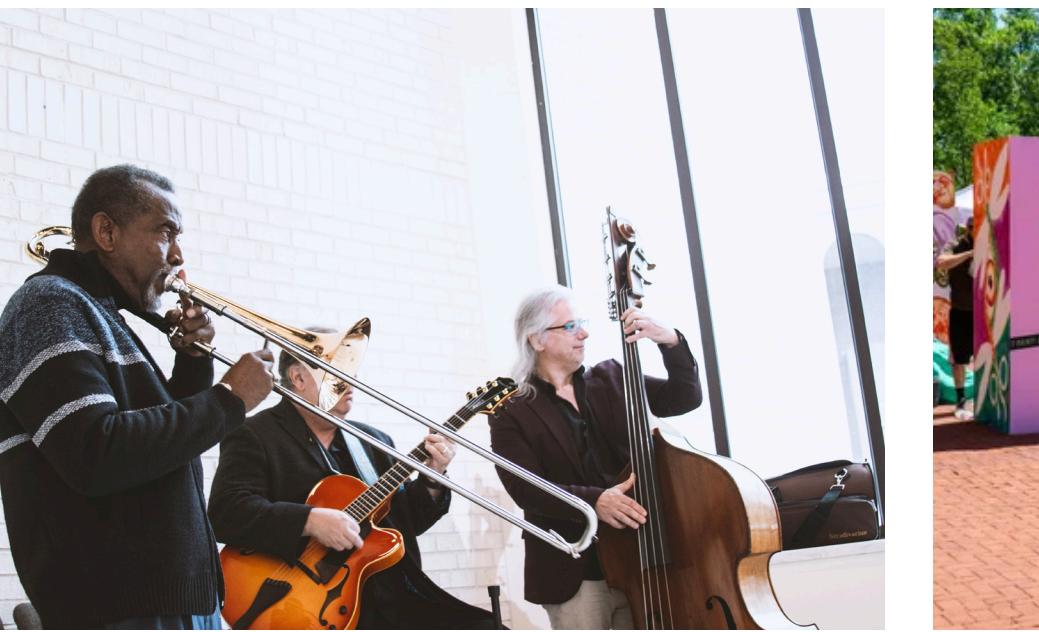


Cecilia Lueza, *A Timeless Journey*,
Jacksonville, Florida (2017)

ART TRAIL + TRANSIT

Taking inspiration from the format of Iterative Public Art Programs, art that is placed along trails or integrated into a Public Transit system can shape transportation routes and provide a captivating, continuous experience for travelers. The benefits of art integrated into the mass transit experience includes increased ridership, enhanced system identity, and vandalism deterrence, in addition to an overall stimulating and engaging rider experience.

ENGAGING PUBLIC ART OPPORTUNITIES



Teddy Adams Band,
Savannah, Georgia

PUBLIC PERFORMANCES

Dance, theater, spoken word, or another type of public performance is an ideal opportunity to be staged in public space or alongside public art. These displays have a particular relevance when staged at the unveiling of public artworks.



Open Air Studio,
Gahanna, Ohio

POP-UP + TEMPORARY ART

Pop-up and Temporary Art are public art opportunities that exist in a community between one day and two years. Though temporary art is not intended to live for a generation, it can have a lasting impact on a community by creating a sense of surprise and joy in unexpected places. Some ideal locations for temporary installations include construction sites, sidewalks, alleyways, parks, and temporarily empty spaces and storefronts. Photography, chalk art, and artworks made using natural materials are ideal mediums for temporary, rotating experiences.



Community art in Milpitas, CA.

COMMUNITY PARTICIPATORY ART

Participatory art involves the community or a public group in the process of art-making, as guided by an artist. Artwork that emerges from a participatory experience enhances and celebrates its process and participants over short or long periods of time. Collaborative art pieces engage people to generate feelings of community pride and ownership. Milpitas has done a number of community participatory art projects in conjunction with special events, and are often a highlight of these programs.



People in Milpitas most want to see Functional Art, Murals, and Sculptures.

MILPITAS-SPECIFIC LOCATIONS + THEMES FOR PUBLIC ART

04

LOCATIONS FOR PUBLIC ART PLACEMENT
THEMES FOR PUBLIC ART PROJECTS



STAIR MURAL + MOSAIC AT HIDDEN LAKE PARK

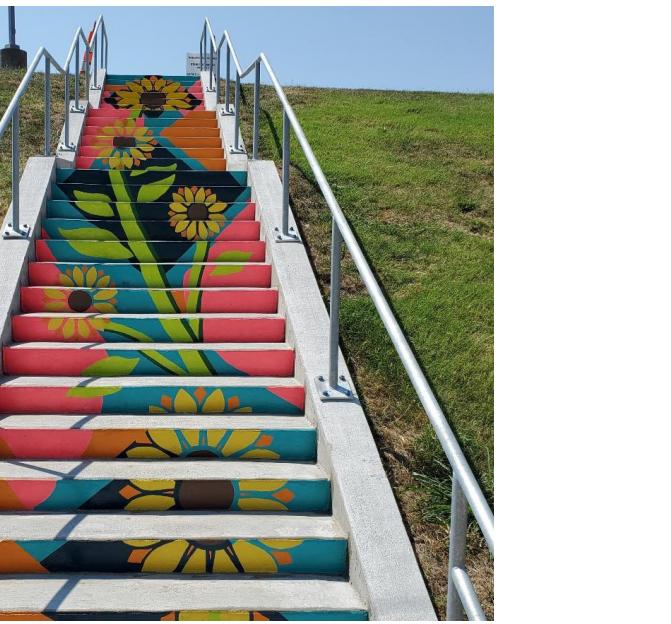
Hidden Lake Park is a true hidden gem in the center of Milpitas, but it does not yet have a prominent public art piece to anchor its sense of place.

This park provides pedestrian access to the Berryessa Creek Trail and multiple neighborhoods. Activating this site's highly visible staircases through a series of mosaic or mural treatments would emphasize Hidden Lake Park as a node for outdoor recreation and connectivity.

COST	\$25,000 - \$50,000 (Mural) \$100,000 (Mosaic)
SPECIAL CONSIDERATIONS	None
IMPLEMENTATION TIMELINE	12 months



Potential Project Placement



Ashley Corbello
Roeland Park, KS



Tori Shao
Issaquah, WA

HILLSIDE INTERVENTION

Milpitas' picturesque hills have shaped the City's footprint, culture, and history for centuries. Public art could celebrate the landscape's history through a combination of temporary and permanent interventions, and offer an experience that is unique to Milpitas.

Although parts of the hillside may not have public access, public art can enhance the natural wonder and beauty of this majestic landscape, inspiring a strong sense of city-wide pride and sense of place.

COST	\$25,000 - \$200,000+
SPECIAL CONSIDERATIONS	Partnerships with private, county, and/or state entities would need consideration. Both temporary and permanent activations should withstand the regional rainy and fire seasons (November-March). Local ecological and/or environmental partners may be a helpful resource to implement projects that are sustainable and compliant with local and state laws.
IMPLEMENTATION TIMELINE	12- 18 months



Christo and Jeanne Claude, *The Umbrellas*
1991 (Los Angeles County)



Kelsi Anderson, *Birds of Paradise*
2024 Santa Rosa, CA



Bruce Munro, *Sensō*
Pismo Beach, CA

PUBLIC ART AND PLACEMAKING AT KEY INTERSECTIONS

Survey respondents selected Midtown Milpitas (near Main Street and Calaveras) as the place where they would most like to see public art in Milpitas. Implementing strategic public art projects along Main Street—specifically at the intersections with Weller (north end of Milpitas Library) and Serra (in front of Central Plaza)—offers a creative approach to defining Milpitas' intended public gathering areas. These nodes bookend Milpitas' downtown area, but could be better defined by crosswalk murals, gateway projects, or iterative treatments in walkways or on lightpoles.

It will be key to integrate public art at these sites in flexible ways: not only should public art enliven Main Street, but also it should define these intersections as primary sites for gathering, activities, and events. Paver compositions or murals would designate these intersections as centerpieces of the community.

COST	\$25,000 - \$200,000+
SPECIAL CONSIDERATIONS	Partnerships with private, county, and/or state entities would need consideration, based on right-of-way jurisdiction. Both temporary and permanent interventions should be considered and aligned with seasonal activities.
IMPLEMENTATION TIMELINE	6-18 months



Potential Project Placement



Richard Nickel, VIBE District Crosswalk
Virginia Beach, VA



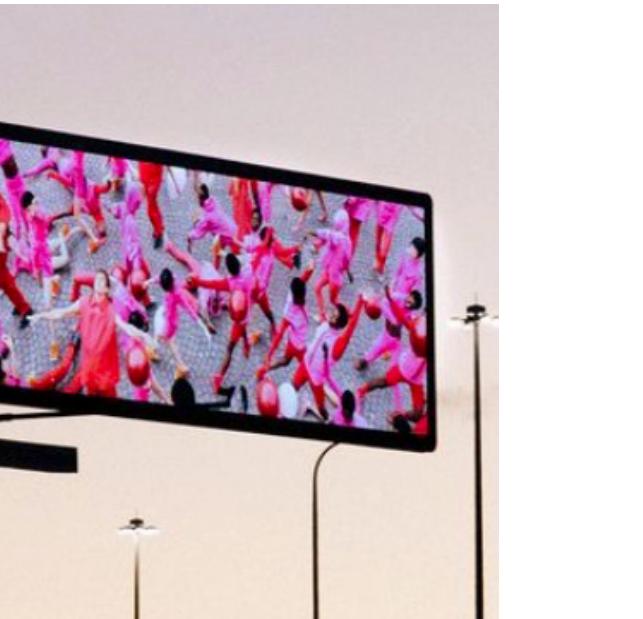
Cecilia Luza, *Summertime*, 2011
Clearwater, Florida

ROTATING 2-DIMENSIONAL ART ON DIGITAL BILLBOARDS

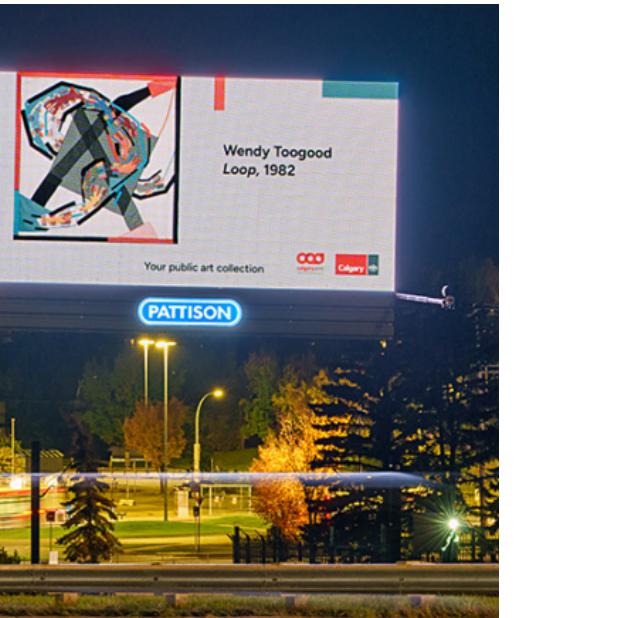
The City has previously been given access to two digital billboards on Interstates 237 and 880. These sites are ideal for two-dimensional digital art opportunities that could rotate on a regular basis, but would require that the City enter into easement agreements with the billboard owners.

The digital billboard in front of City Hall would be an ideal opportunity for community-created artwork, or projects by local and emerging artists. Implementation for these projects is similar to mural processes, but because artists' work would be digital, this opportunity could offer emerging public artists hands-on experience with municipal art practices.

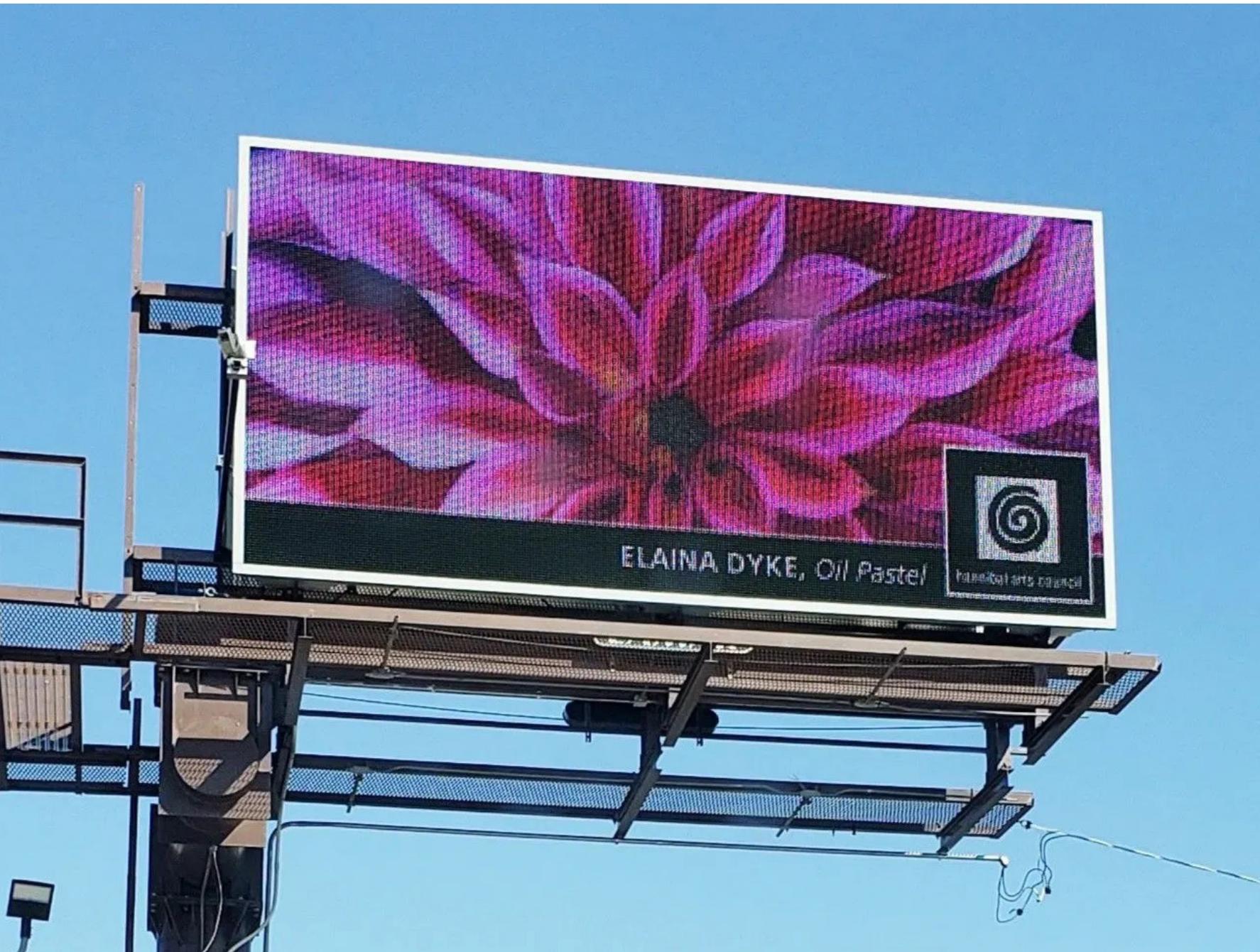
COST	\$5,000 – \$10,000 per project, before ongoing maintenance costs
SPECIAL CONSIDERATIONS	Partnerships with private, county, and/or state entities would need consideration, based on right-of-way jurisdiction. Both temporary and permanent interventions should be considered and aligned with seasonal activities.
IMPLEMENTATION TIMELINE	6 months



Pelle Cass, *Pink Dancers*, 2023
Override Billboard Project, Chicago, Illinois



Wendy Toogood, *Loop*, 1982
Calgary Art Collection



Elaine Dyke, *Petals*, 2021
Art in The Open, Hannibal Arts Council

MEDIAN PROJECTS ALONG JACKLIN, ABEL, AND N. MILPITAS BLVD.

Public art strategically located at primary entrance points into Midtown Milpitas and along major thoroughfares will welcome all into the city with unexpected whimsy, presence, and personality. Using infrastructure as a canvas, public art at these sites could be painted murals or structural enhancements designed by artists.

These interventions not only add character and visual interest to the area, but also provide opportunities for traffic calming and enhanced safety. Temporary and permanent interventions should be explored to maximize visual interest.

COST	\$25,000 - \$200,000+
POSSIBLE PARTNERS	County and State agencies
SPECIAL CONSIDERATIONS	Aim to site these works on City-controlled property and City-managed Rights-of Way. Aspirational projects along Calaveras/237 would require partnership with CalTrans.
IMPLEMENTATION TIMELINE	18-24 months



Papel Picado
Elizabeth Carrington



Potential Project Placement



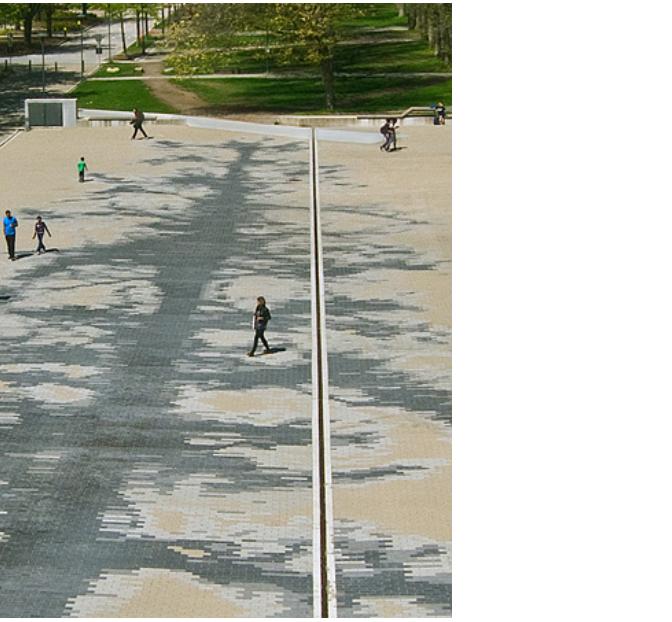
Melissa Martinez Take Flight, 2014
Tempe, Arizona

ENGRAVED OR INLAID PATHS

Milpitas' parks are already beautiful spaces for connection and recreation. Walking is both a popular pastime and transportation modality for residents of all ages. An ongoing series of engraved or inlaid walking paths provide opportunities to enhance and enrich pedestrian experiences, while also elevating the City's infrastructure and public spaces.

These artist-designed projects could celebrate the many journeys of Milpitas' diverse community and the City's multilingual population through a series of words, phrases, and languages. The Hatch-Hetchy Trail is an ideal opportunity for this intervention, given its gravel paths and high visitorship.

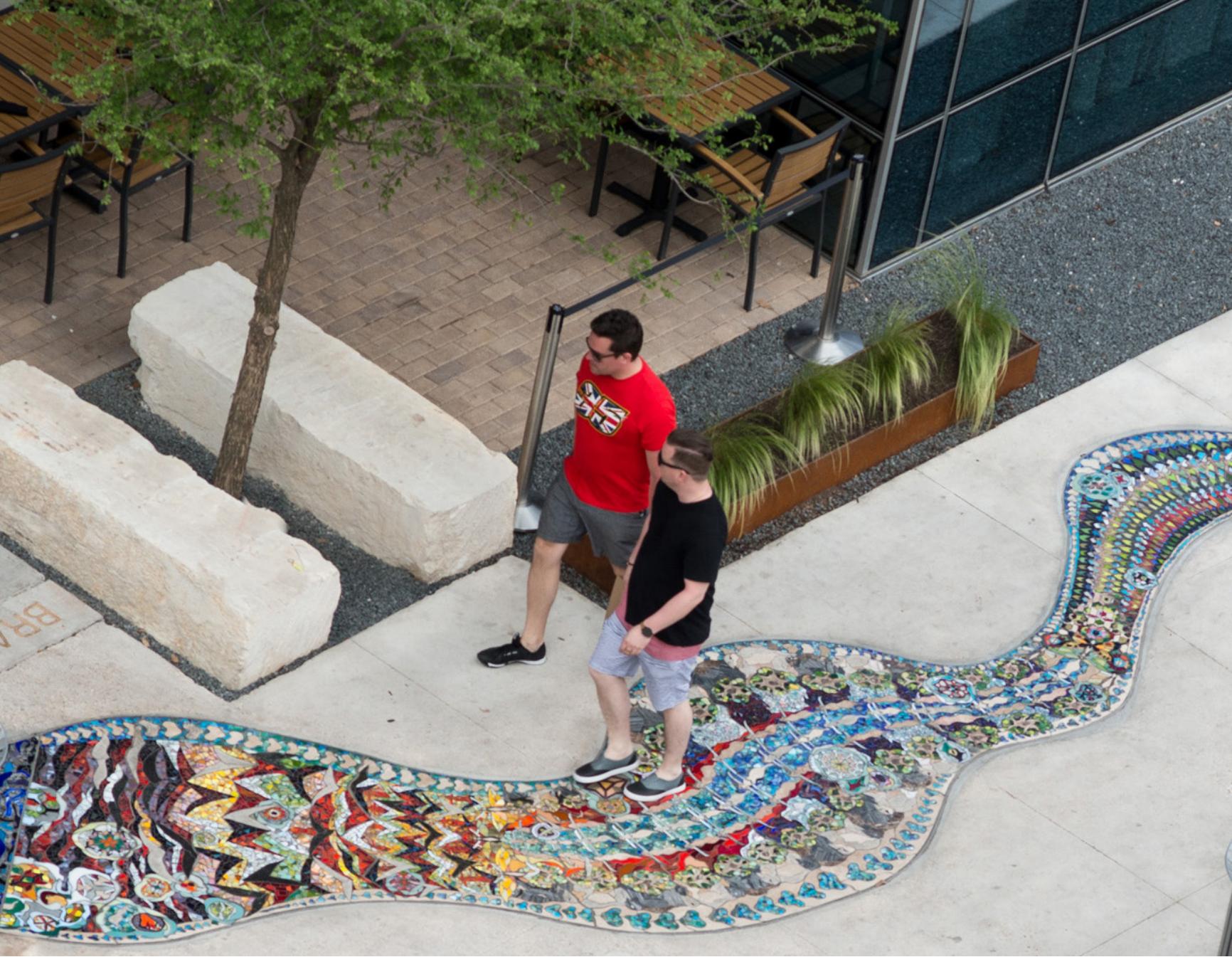
COST	\$25,000 - \$100,000+
SPECIAL CONSIDERATIONS	Neighborhood groups, cultural organizations
IMPLEMENTATION TIMELINE	12 - 18 months



Esther Shalev-Gerz, *The Shadow*, 2018
University of British Columbia, Vancouver, Canada



Potential Project Placement



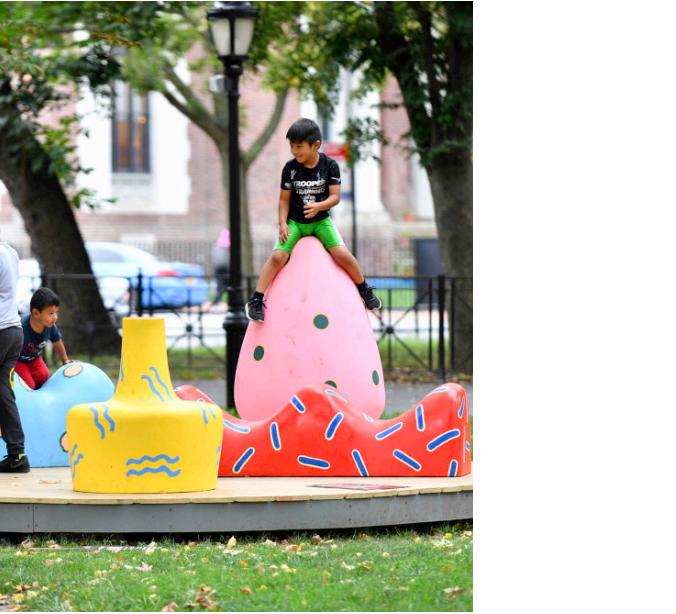
Ryah Christensen, *Reflections on the Brazos*, 2015
Austin, TX

HETCH-HETCHY TRAIL INTERVENTIONS

Despite being part of a larger trail system, Milpitas' Hetch-Hetchy Trail locations are integrated into the City's urban fabric. These could be ideal locations for pop-up experiences and temporary projects, which would not require permanent placement, structural engineering, or invasive installation. Similar pop-up experiences could occur in any of Milpitas' larger parks as well.

Additionally, the water tanks located in these parks are ideal opportunities for murals to enliven the trail experience.

ARTWORK	\$5,000 - \$25,000+
SPECIAL CONSIDERATIONS	An easement or MOU with the National Park Service will likely be required for all projects.
IMPLEMENTATION TIMELINE	12- 18 months



Chiaozza, Lawn Lumps Photo by Daniel Avila
NYC Parks



Fional Clarke



POTENTIAL LOCATIONS FOR HETCH-HETCHY TRAIL LOCATIONS

EXPANDED UTILITY BOX PROGRAM

Utility Box art remains one of the most high-impact, cost-effective approaches to public art and placemaking. There are 77 city-owned utility boxes that are prime opportunities for public art. Milpitas has implemented painted utility boxes in the past, but vinyl projects offer a greater range of project possibilities, as artists' work is digitally transformed into the vinyl wrap. This option also offers straightforward maintenance, and can be replaced every 3-5 years.

The structure of the Utility Box program could be expanded to the restroom facilities and service buildings at Milpitas' many parks.

COST	\$1,500 - \$5,000+
SPECIAL CONSIDERATIONS	None
IMPLEMENTATION TIMELINE	3-6 months



John Thurston, Hillcrest, CA



Unknown Utility Box



POTENTIAL LOCATIONS FOR UTILITY BOX PROGRAMMING

FUNCTIONAL ART AND SOCIAL SPACES

Milpitas' parks are a beloved community asset, in addition to serving as the catalyst for the City's public art program over two decades ago. Artist-designed social spaces feature unique, visionary elements that foster interaction and connection.

Additionally, functional features enhance the site through otherwise ordinary elements of public spaces. The City already features a number of artist-designed benches in its collection, which could continue to grow through newly-commissioned waste receptacles, bike racks, shade structures, and other standard fixtures.

Incorporating such features around Milpitas bolsters neighborhood engagement and enhances park spaces through whimsical, yet highly practical artist-design features.

ARTWORK	\$100,000 - \$2 million, depending on size and scope of project
SPECIAL CONSIDERATIONS	Placement in high-traffic settings, material maintenance, seasonality of installations
IMPLEMENTATION TIMELINE	3 months for readymade pieces to 18 months for commissioned projects



Randy Purcell,
Bee Cycle, 2016, Nashville, TN



Yang Chi Lee,
The Wings, 2012, Phoenix



Re-site, *Leesel Hive*, 2011, Charlotte, NC

MILPITAS SKATE PARK PUBLIC ART ENHANCEMENT

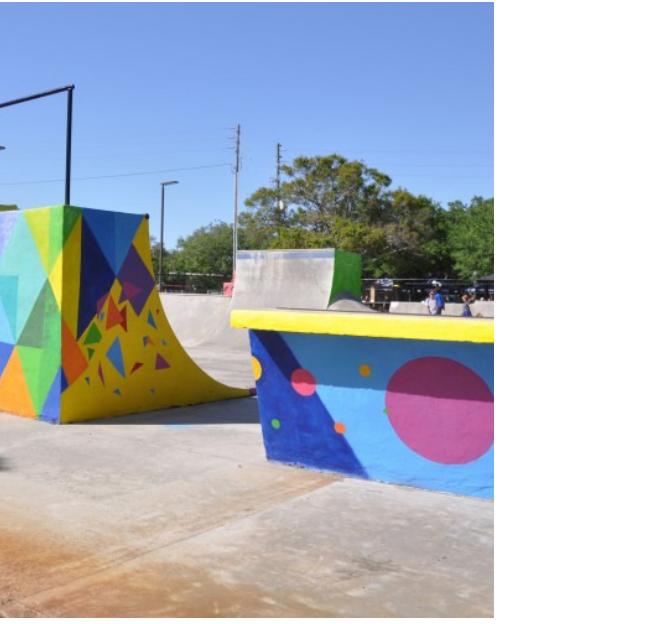
This 20,000 square foot canvas is an unparalleled opportunity to celebrate Milpitas' vibrancy in a recreational setting.

A series of murals at the Milpitas Skate Park could expand over time, centering around cultural celebration, feature bold and bright colors, and express the very best of Milpitas' diverse community.

ARTWORK	\$45-\$55 per square foot of artist-painted surface
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SPECIAL CONSIDERATIONS	Ensuring that appropriate materials are used for painting the surface to ensure public safety, wear and tear, and artwork maintenance.
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IMPLEMENTATION TIMELINE	6-10 months, but murals could develop over many years, rather than be installed at one time.
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Ian Tilmann Skatepark, Safety Harbor, FL,
Beth Warmath and Heather Richardson



Andrew Schoultz,
Wynwood, Miami



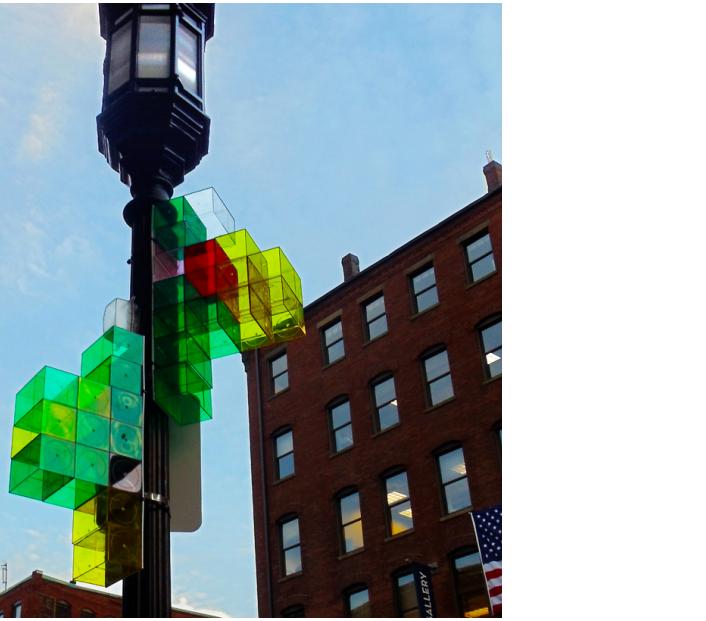
POTENTIAL SKATE PARK PROJECT PLACEMENT

UTILITY POLE ACTIVATIONS

Utility poles around feature spaces for standard banners, which are currently utilized for local event advertising and other marketing purposes. Light poles along Calavares Blvd., in particular, feature spaces for banners, but are currently vacant.

These spaces could also be used for public art in an approach similar to that for utility cabinets and bus stations. If advertising space is a priority for the utility poles, then the program could explore smaller-scaled sculpture installations on the poles, creating a surprising public art trail above walkways and roads.

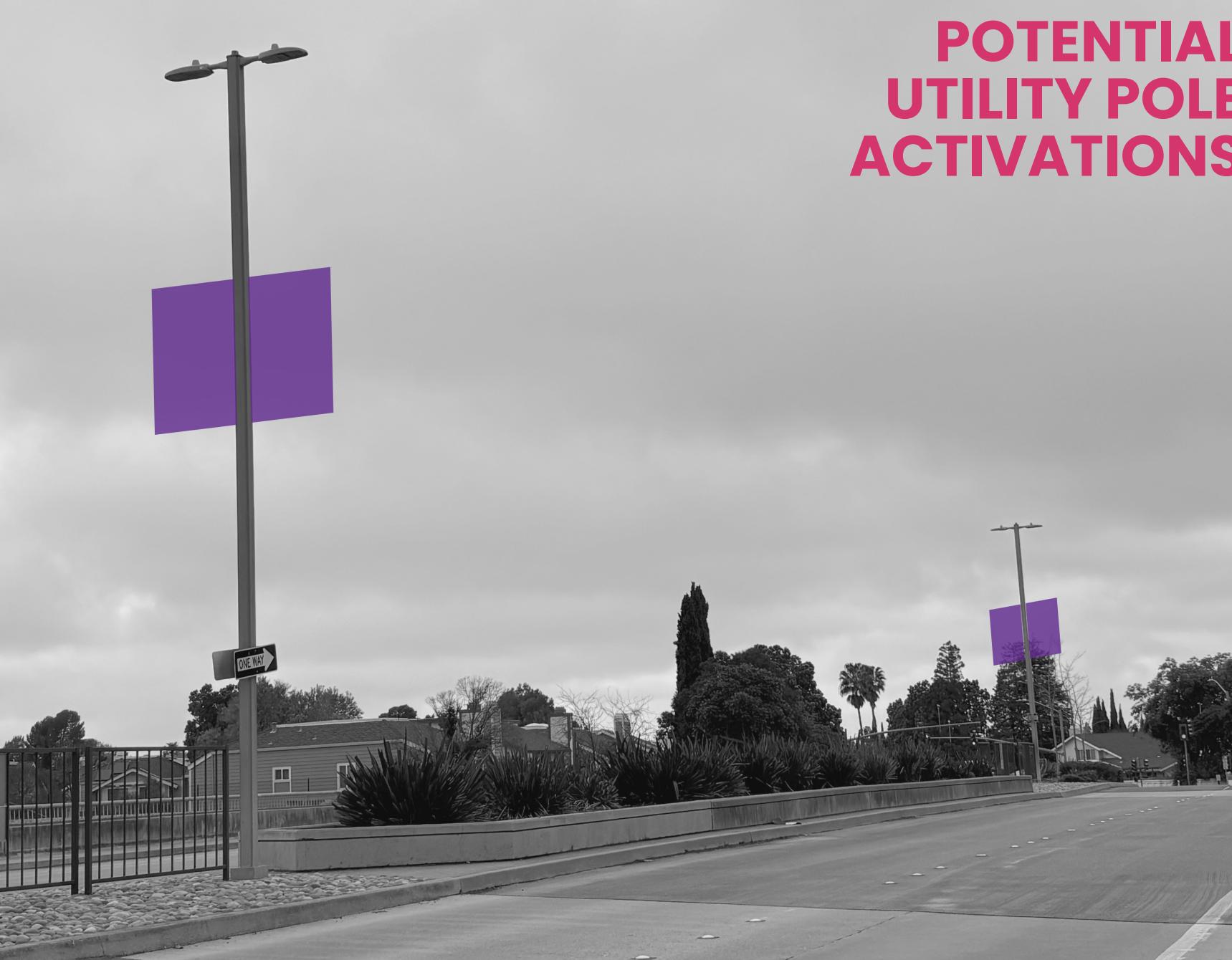
LOCATIONS	Any city-owned utility or light poles; any poles on state-owned roads may require CalTrans approval.
IMPLEMENTATION COSTS	Banner: \$1,000 artist honorarium + \$1,000 printing and installation fees Sculpture: up to \$20,000 for a multi-site sculpture installation
SPECIAL CONSIDERATIONS	Projects should rotate every 8-10 months
IMPLEMENTATION TIMELINE	The overall project will require 3-4 months for selection and planning, but installation should require no more than a few days to a week. This is another prime opportunity for working with community organizations, emerging artists, and local youth artists.



Claudia Ravaschiere and Michael Moss' Street Cathedral Boston



Ai, Summer Connections, 2022. Photography by Tori Lambermont, Mississauga



POTENTIAL UTILITY POLE ACTIVATIONS

THEMES FOR PUBLIC ART PROJECTS

The community observed that future public art in Milpitas should strengthen the City's identity, celebrate the diversity of Milpitas, and beautify the City's buildings, streets, and city-owned facilities.

While honoring the City's history was not identified as a top priority for public art, proposed themes for future projects take inspiration from Milpitas' history, which can be recontextualized through different lenses to reveal the City's unique identity and align with the vision for the Public Art Plan.



L-Sculpt-Runners-202

ALWAYS IN MOTION

From its early days along the Transcontinental and Western Pacific Railroad, to its present-day VTA and BART services, Milpitas is always in motion. In the 1950s, Ford's Milpitas plant was known for manufacturing the iconic Mustang, Falcon, and Maverick. Even the modern-day sport of hang gliding has roots in Milpitas: the first successful foot-launch of a hang glider happened over Santa Clara County's Ed R. Levin County Park.

Today, Milpitas is within Silicon Valley and the Bay Area's mass transit system, and the City's stations feature works of public art that celebrate Milpitas' diversity and natural beauty. The idea that Milpitas is always in motion could be articulated through a number of public art typologies, including a kinetic project (not unlike the always popular Kicker Kid at Cardoza Park), or a series of functional artworks. Such projects should take a nuanced approach to Milpitas' history with progress, transportation, and motion, and offer neutral imagery and an abstract perspective that serves as a playful, unexpected conversation starter.



Shadows of Meaning
Urban Rock Design, Dreiser

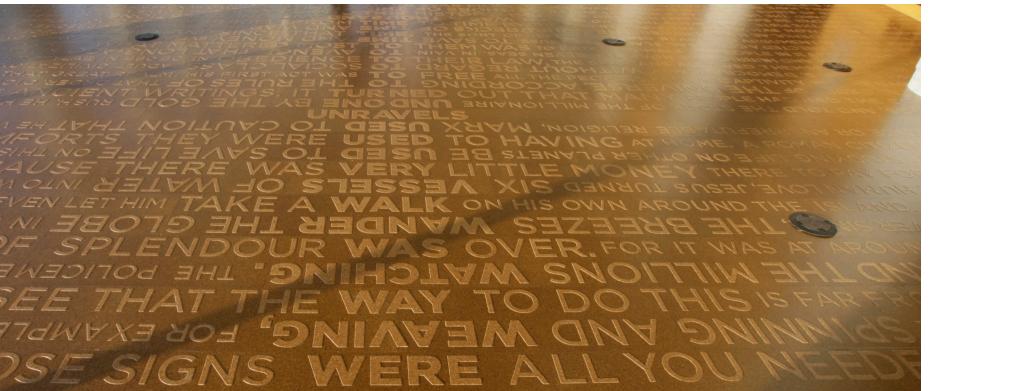
A COMMON LANGUAGE

Diverse communities and cultures have shaped Milpitas for centuries, and it continues to be a place where all are welcome. Public art should inspire inclusivity, belonging, and representation, yet half of survey respondents indicated that the current public art collection does not achieve these goals.

Future public art should embrace themes of cross-cultural connection and shared values, but could also highlight the distinct contributions of ethnic and cultural groups to the community. As mentioned above, an artist-designed engraved or inlaid walking path spanning a walkable distance could feature welcoming words in multiple languages. A community-centered project could include temporary photography displays in Milpitas' parks featuring original artwork by neighborhood residents, showcasing traditions, places, and customs of the many backgrounds that comprise Milpitas' rich cultural fabric. The City could also support annual light projections on City-owned buildings, featuring time-based artworks that represent stories, sensations, and experiences of Milpitas' many communities.



Urban Rock Design, Vortex



Verse,
Ann Hamilton



Mili Romano with Studio Ciorra and Sabrina Torelli, Light Path



I have a story to tell you...
Pepón Osorio's

THE GATHERING HOUSE

The Gathering House is a proposed large-scale, permanent public art project for placement in one of Milpitas' main parks or public spaces. This structure functions as a place for connection, sharing, safety, and shelter, and it is open structure invites all into its space. Inspired by the legacy of housing integration in the Sunnyhills neighborhood, this project emphasizes shared experiences with neighbors and coming together across our shared needs and values. The potential for community impact through this project is high, as it responds to the community's need for public art that fosters belonging, celebrates diversity, and honors Milpitas' history through a nuanced, recontextualization of Sunnyhills' revolutionary place in American history.



CloudHouse



CloudHouse,
Matthew Mazzotta



Erik and Israel Nordin, *The Seed*, (2017)
Sterling Heights, MI.

LAND OF SUNSHINE, FRUIT, AND FLOWERS

Milpitas is known for its fertile landscape and diverse plants and crops, but the City's workforce and professional industries have expanded over time. Today, references to its agricultural history are present everywhere, including in its public art. Going beyond realistic representations of this legacy, Milpitas could embrace its identity as the land of sunshine, fruit, and flowers through whimsical, unexpected projects, such as larger-than-life acorn sculptures, fig leaf-inspired roadway enhancements, and a vibrant, graphic mural at Main and Serra displaying a cornucopia of Milpitas' historic crops.

Other projects could take a more nuanced approach, including a subtle, artist-designed light installation responding to seasonal daylight cycles, or a series of mosaics that converge themes of development, childhood, and community. Growth is at the heart of Milpitas's identity and will continue to foster its future.



Matthew Mazzotta, *Wrapped in Sunbeams*, 2021,
LA, California



RE-site Chromatic Harvest Arvada Ridge Commuter
Rail Station, Arvada CO 2017



We Are Fairtrade, Isaac Tapia and Rodrigo Avarez,
Lawrence, KS

STRATEGIC RECOMMENDATIONS

PROGRAM + ADMINISTRATIVE RECOMMENDATIONS
SUMMARY OF STRATEGIC RECOMMENDATIONS

05

Adrian Susnea-Litman,
Garden Fantasy



1. POLICY UPDATES

1.1. Expand the Public Art Program's current policy to include a Collection Management policy, which includes processes for loaned art, donations, maintenance, and deaccession. The proposed policy can be found on p. -.

1.2. Expand the Public Art Program's current policy to include an Acquisition policy, which outlines processes for purchasing existing artwork and commission artwork for addition to the collection. The proposed policy can be found on p. _.

1.3. Formalize the duties and responsibilities of a Public Art Administrator, who may be a part-time staff or consultant position.

2. AUDIT CURRENT COLLECTION AND EXPLORE APPROPRIATE MAINTENANCE TREATMENTS

2.1. Consult updated Public Art Policy document for updated deaccession and maintenance processes.

2.2. Determine which pieces, if any, should be candidates for deaccession by reviewing the Collection Assessment report.

2.3. Explore annual cost of an on-call Conservation Firm for conservation consultation, treatment services, preventative conservation

support, and creating an emergency plan for the collection.

2.4. Develop a five-year maintenance plan for the collection, based on the Collection Assessment report.

3. EXPAND PUBLIC ART FUNDING

3.1. Milpitas should increase its public art assessment fees for private development from one-half (.5) percent to at least one and a half (1.5%), if not greater to be in line with surrounding communities and their commitment to public art in private development.

3.2. Milpitas should specify that the private development in-lieu fee is an amount equal to the assessed 1.5%

3.3. Specify definition of projects that are eligible (public and private)

4. COLLABORATE WITH PUBLIC AND PRIVATE ENTITIES

4.1. Strengthen partnerships with VTA, BART, and CalTrans around public art opportunities on their properties and infrastructure. Discuss partnerships for possible public art projects on transit infrastructure, including the Montague elevated tracks, and the Calaveras Blvd. medians.

4.4.1. Consider hosting a workshop for Milpitas' Arts Commission and

members of the above transportation agencies' art boards and decision-making groups.

4.2. Deepen collaboration with the City's Economic Development and Planning departments to encourage private developers to install public artworks on their properties when appropriate, and create literature to support these efforts.

4.3. Work with local businesses to explore mural easements through the City's existing mural program to create opportunities for pedestrian friendly-enhancements to transit stations and crosswalks, which would support public safety and traffic calming goals.

4.3.1. Consider proposing a matching grant that the City administers to property owners who indicate interest in placing murals on their property within this designated area.

4.3.2. Collaborate with local businesses on private installations, and provide courtesy reviews of installation proposals.

5. INCREASE ACCESSIBILITY TO THE PUBLIC ART COLLECTION.

5.1. Consistent artwork signage, possibly in multiple languages, is needed across the City's collection

in order to establish the collection's identity and presence around town. Signage should include the following content: Title of work, artist name, medium, year installed, artist statement (if applicable). Interactive QR codes or other contextual strategy could be implemented at each artwork to provide additional information about each work in the collection.

5.2. A published Public Art Field Guide could elevate the City's pride in the collection. Updating the guide and printing new editions would be recommended every 5-10 years.

5.3. The Collection's current online presence could be enhanced with an online public art map that could double as a collection management system for the collection. If this option is pursued, the collection should be professionally photographed, as not all artworks have been formally documented.

SUMMARY OF STRATEGIC RECOMMENDATIONS



Ryan Petersen,
Together We Are More

The Plan specifically addresses recommendations for public art projects, themes, placement, and program strategies to ensure an expanded public art program that reflects Milpitas for generations to come. The following broadly summarizes the Plan's approach to its strategic recommendations, based on community feedback about:

- Community-centric, Inclusive, and Accessible:** Public art should resonate with the diverse community, especially younger demographics. The collection should be more accessible, which can be addressed through bilingual interpretive materials, contextualizing QR codes, and a Public Art Field Guide. The process of creating public art should involve residents in decision-making, from concept to installation. Additionally, the City should explore opportunities for Community Art-making, led by local artists. As outlined in the Recommendations above, these projects should be funded separately from the Public Art Fund.
- Regional context:** Among larger, regional cities (such as San Francisco and San Jose), Milpitas' public art and cultural resources are well-sized to meet needs of the community, which supports a continued desire to emphasize community pride through Milpitas' public art on a local scale.
- Strategic placement:** Art should be strategically placed to maximize its impact, such as in high-traffic areas and community gathering spaces to strengthen the bond between the community and public art.
- Collaboration:** A collaborative approach between City Departments (including Planning, Recreation & Community Services, and Economic Development) and the Community (developers, artists, neighborhood groups, etc.) is crucial for successful public art initiatives. The Public Art Program should also seek collaboration with businesses, schools, private entities, and cultural organizations to expand the reach of public art.
- Balancing Tradition and Innovation:** Milpitas should strike a meaningful balance between traditional forms of expression and innovative mediums to engage a wider audience and stay relevant in Silicon Valley. The City is poised to be an example of how public art can support creative wellness within a STEM-centric community.
- Sustainable funding mechanisms:** While the existing Percent for Art ordinance provides substantial funding support for public art acquisition in Milpitas, stakeholders expressed a desire for clear forms of support for long-term collection care and maintenance. The City should consider increasing the one-half percent developer fee to one and one-half percent, or greater.

APPENDIX

ACT CONSERVATION COLLECTION ASSESSMENT
ROTH ART GROUP COLLECTION APPRAISAL REPORT
PERCENT FOR ART CASE STUDIES
PERCENT FOR ART ORDINANCE RECOMMENDED DRAFT UPDATES
PUBLIC ART POLICY RECOMMENDED DRAFT UPDATES

Laurel True,
Starscape Bench





RESOLUTION NO. 9414

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ADOPTING THE MILPITAS PUBLIC ART MASTER PLAN**

WHEREAS, on March 23, 2022, the Milpitas City Council approved funding for the development of a Public Art Master Plan as part of the 2022-23 Public Art Capital Improvement Plan (CIP); and

WHEREAS, in April 2024, the City of Milpitas engaged the consultant Designing Local to develop a Public Art Master Plan for Milpitas tailored to the community's vision and incorporating best practices in the field; and

WHEREAS, between June 2024 and March 2025, Designing Local conducted significant public outreach in the form of a community survey, stake holder interviews, public meetings and artists engagement events; commissioned an assessment of the City's existing collection's health and value; and compiled information on regional trends and best practices nationwide to develop specific recommendations for Milpitas; and

WHEREAS, a presentation of proposed Milpitas Public Art Master Plan recommendations was made to the Milpitas Arts Commission on March 24, 2025, and to the Milpitas City Council on April 1, 2025, and was favorably received by both; and

WHEREAS, the Milpitas Public Art Master Plan recommends a vision for public art, strategies to achieve the vision, potential project locations and themes, and policy changes that could make the program operate more efficiently; and

WHEREAS, the City of Milpitas desires use the Public Art Master Plan as a guiding document for City staff, the Arts Commission and City Council, and implement recommendations from the document as resources allow.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby adopts the Public Art Master Plan.

PASSED AND ADOPTED this 6th day of May 2025, by the following vote:

AYES:	(5) Mayor Montano, Vice Mayor Barbadillo, Councilmembers Chua, Lam, and Lien.
NOES:	(0) None
ABSENT:	(0) None
ABSTAIN:	(0) None

ATTEST:



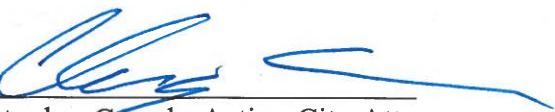
Suzanne Guzzetta, City Clerk

APPROVED:



Carmen Montano, Mayor

APPROVED AS TO FORM:



Christopher Creech, Acting City Attorney

Milpitas, California
PUBLIC ART PROGRAM POLICY
EFFECTIVE []

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Introduction

The City of Milpitas has adopted Ordinance 271.1, adding the public art policy to the City of Milpitas Municipal Code (Title V, Chapter 20). This Policy includes the following sections: Roles & Responsibilities; Collection Management; Public Art Program Update; Use of Funds; Public Art Acquisition; and Mural Program Policy. Collectively the Policy administers the Public Art Plan and regulates Public Art pursuant to Title V, Chapter 20.

This policy establishes guidelines to ensure a consistent decision-making process related to the acceptance, placement, display, and long-term maintenance of public art funded in-full or in-part by the City, and/or public installed on City-owned property. The following elements have been considered in developing a public art policy for the City:

- A. Develop a dynamic, high-quality collection of public artworks for the City and its residents
- B. Involve artists of diverse backgrounds, representative of the City's diverse population
- C. Provide opportunities for local artists to advance their art practice through temporary and permanent public artwork opportunities
- D. Enhance economic development and encourage cultural tourism
- E. Foster an understanding of public art and encourage public dialogue
- F. Enhance the aesthetic appeal of Milpitas

Definitions

For these policies, the following terms, phrases, words, and their derivation shall have the meaning given herein:

Accession, when used herein, shall mean a procedure for the acceptance of artwork into the Public Art Collection.

Artist, when used herein, shall mean an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, public performances, past public commissions, sale of works, exhibition record, publications, and/or production of artwork. The members of the architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by these policies shall not be considered artists for the purposes of these policies.

Arts Commission, or **Commission**, when used herein, shall mean the City Council-appointed Commission that advises Council on matters pertaining to the arts in Milpitas, as well as serve as the advisory body for the Public Art Program. The Arts Commission was established by Ordinance 271.1 and is pursuant to MMC V-20-410 and the Arts Commission Bylaws.

City, when used herein, shall mean the City of Milpitas, California.

Creative amenity, when used herein, shall mean non-standardized enhancements made to public places. Community art projects may be categorized as "Creative Amenities," but not as "Artworks." These projects are not subject to the Milpitas Public Art Policy.

Commissioned Public Art, when used herein, shall mean artwork whose existence or creation was requested and/or funded by the Milpitas Public Art Program. Such art may be permanent or temporary. Commissioned Public Art may be solicited by the City (such as through a Request for Proposals or Call for Artists) as part of a Council-approved public art program or project or planned as part of another City project (such as a development) and is paid for in whole or in part by City funds or City-obtained grant funding.

Community Art, when used herein, shall mean creative projects that are collaborative, place-based initiatives wherein community members participate in the project's creation. These projects are not subject to the Milpitas Public Art Policy.

Deaccession, when used herein, shall mean a procedure for the withdrawal of artwork from the collection and the determination of its future disposition.

Donation or Gift, when used herein, shall mean a contribution, from an external source to the City with or without any restriction from the donor, of any of the following: monetary (cash) contribution; endowment; personal property; real property; financial securities; equipment; in-kind goods or services; or any other asset the City accepts and for which the donor has received no goods or services in return, other than private acknowledgement of the donation or gift, if desired by the donor, notation of the gift on a City maintained record, which shall not be publicized but which is a public record, and the placement of a small plaque on the donated item, if desired by the donor. The terms "donations" and "gift" shall be synonymous in the context of this policy.

Donor, when used herein, shall mean the person or legal entity that proposes or provides a donation to the City.

Historic or civic objects, when used herein, shall mean an object that is historically or civically significant.

Lender, when used herein, shall mean an individual, group, organization, or other legal entity that proposes or provides a loan of artwork to the City

Life Spans

- **Temporary:** less than one year and/or is meant to naturally deteriorate
- **Short term:** 1-10 years
- **Medium term:** 10-25 years
- **Long term:** 25+ years

Loaned Public Art, when used herein, shall mean public art that is loaned to the City by a third party for display on public property for an agreed upon life span.

Local Artist, when used herein, shall mean an Artist having primary residence with the City of Milpitas

Mural, when used herein, means a singular work of Public Art hand-painted, hand-tiled, or digitally printed (with property owner approval) on a building, structure, fence, or other object within public view. Its primary intent is to be artistic in nature, rather than purely information, creative signage and commercial signage. The work shall not contain text, graphics, or symbols which specifically advertise or promote a business, product, or service; and shall not promote a specific political party or candidate.

Public artwork or **Public Art** means works of art that are meant to be enduring original artworks located on, affixed or applied to City property. They shall be of the highest quality and craftsmanship.

- Public Art shall be permanently sited and an integral part of the landscaping and/or architecture of a building considering the historical, geographical and social/cultural context of the site.
- Public Art shall be constructed to a scale that is proportional to the scale of the building or property it relates to or is sited upon.
- Public artwork shall be displayed in a manner that will enhance enjoyment by the general public.

Public artwork may include

- sculpture, furnishings or fixtures, including but not limited to gates, walls, railings, streetlights or seating.
- water elements or features, environmental art consisting of landforms and artistic landscape composition, or artwork created from natural (non-man made) materials, and walkways if created by an Artist or design team that is led by an Artist.
- murals, photography and original works of graphic art, neon, glass, mosaics, or any combination of forms of media, furnishings or fixtures permanently affixed to a building or its grounds, or a combination thereof, and may include architectural features of buildings, if created by an Artist or design team that is led by an Artist.
- Functional art, such as street furniture

Public artwork does not include the following:

- reproductions by mechanical or other means of original works of art, except for limited editions, controlled by the artist, of original prints, cast sculptures, photographs or other works of art
- Art objects that are mass-produced of standard design such as playground equipment, benches or fountains;

- Decorative or functional elements or architectural details of a building designed solely by the building architect, unless such decorative and functional elements or architectural details are artist commissioned, t;
- Landscape architecture and landscape gardening that are designed by a Landscape Architect or Designer. Directional or wayfinding elements such as super graphics, signage, or color coding, except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions. except where sculptural pieces are used to define gateways in Milpitas
- exhibitions and educational programs related to the work;
- and art that displays slogans, logos, mascots or commercial advertising
- Historical markers except where these are designed by an artist or affixed to and an integral part of an artwork.

The definition for Public Artwork is pursuant to MMC V-20-310.

Public Art Administrator or Administrator, when used herein, shall mean the Public Art Program administrator as determined by the City of Milpitas.

Public Art Collection or Collection, when used herein, shall mean art objects owned by the City of Milpitas, California, its agencies and authorities. Permanent Public Art must be located in a public place with public visibility, accessibility, and impact and shall have a permanence comparable to associated capital projects.

Public Art Fund, when used herein, shall mean the fund established by MMC V-20-610 and used to further the intent and purpose of public art activities in Milpitas and in the administration of the Public Art Policy. 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)

Public Art Policy or Policy, when used herein, shall mean the policies recommended by the City Manager and approved by the City Council for the administration of the Public Art Plan.

Public Art Program, when used herein, shall mean the Public Art Program of the City of Milpitas, California. The Public Art Program intends to promote private and public programs to further the development and public awareness of, and interest in, the visual arts and fine crafts and encourage the integration of art into the architecture of municipal structures and commercial development projects in the City.

Public Art Program Master Plan or Plan, when used herein, is the plan developed by The City of Milpitas with input from the public and upon the review, advice and recommendation of the Arts Commission. The Public Art Program Master Plan shall establish and guide the development and implementation of a Milpitas Public Art Policy. The Public Art Program Master Plan shall:

- Survey opportunities throughout the City for suitable sites and areas for the placement of Public Art;
- Provide advice as to the potential priority for Public Art installations;
- Advise as to potential Public Artwork aesthetic themes;
- Advise as to the appropriate cataloging and maintenance of Public Artwork.

The Arts Commission shall recommend to the City Council the adoption of program guidelines, policies and procedures to ensure consistent administration of the Public Art Program.

Public Art Selection Committee means a small group of residents, stakeholders and Public Art Commissioner chosen to review and recommend artwork for a specific project.

Public place, when used herein, shall mean any area or property (public or private) which is accessible or visible to the general public a minimum of 8 hours per business day.

Publicly-owned land, when used herein, shall mean any land open to the public and managed by the City of Milpitas, California.

Public Art Program Update, when used herein, shall mean an annual document that outlines projects that are in-progress and will be initiated in coming fiscal years.

Purchased Public Art, when used herein, shall mean artwork that existed prior to its purchase by the Milpitas Public Art Program. Purchased Public Art is either solicited by the City (such as through a Request for Proposals or Call for Artists) as part of a Council-approved public art program or project or planned as part of another City project (such as a development) and is paid for in whole or in part by City funds or City-obtained grant funding.

Relocation, when used herein, shall mean a procedure for the movement of an artwork from one location to another.

Roles and Responsibilities

The Department of Recreation and Community Services shall administer the City of Milpitas's Public Art Program, and may require partnership among several City Departments. Day-to-day responsibilities for the program will ultimately reside with the Public Art Administrator, and are outlined below in the Public Art Policy. The Public Art Administrator may be a City staff member or an outside consultant, and has an oversight role for all of the public art projects executed within the City. The Public Art Administrator will collaborate with City staff or outside contractors to execute projects

Milpitas Mayor & City Council

As the community's elected officials, the Mayor and Council members are ultimately responsible for the outcomes of the Public Art Program. In some cases, the Mayor and Council members serve as the final approving authority for artwork acquisitions, donations, and other activities of the Arts Commission.

Arts Commission

The Milpitas Arts Commission is pursuant to MMC V-20-410 and the Arts Commission Bylaws. This Commission advises on matters pertaining to the City of Milpitas's Public Art Collection, wherein the City is funding the creation or acquisition of new artwork in public places, as defined above. The Arts Commission serves as a recommending body to the City Council. General responsibilities include:

- Promote the City's public art to residents and visitors.
- Propose public art projects for the City to consider.
- Recommend sites for public art projects.
- Review and make recommendations on City-commissioned or purchased artwork, donations, or loan submissions.
- Review and make recommendations for artwork relocation or removal.
- Provide input on public art policies and procedures.
- With guidance from the Public Art Administrator, develop an annual Public Art Program Update, in consultation with the Mayor, City staff, and/or consultants that outlines what projects will be initiated in the coming fiscal year.
- Support duties and activities pertaining to the Milpitas Mural Policy
- Provide a member to serve on Public Art Selection Committees.

Public Art Administrator

The Public Art Administrator serves as a central point of contact and plays a key role in the administration of the City's Public Art Program, and will be overseen by the Recreation and Community Services Department. These duties may be assigned to a staff or consultant who will collaborate with various City departments to ensure the processes outlined in the Public Art Policy are carried out efficiently and appropriately. Their responsibilities encompass various aspects of public art processes, including planning, budget oversight, collaboration, artist selection, project management, and art acquisition, and outreach. Additional staff resources or outside consultants may be required to assist in implementing projects, particularly those of a larger scale. Responsibilities shall include, but are not limited to:

1. Work with various departments to develop potential projects for inclusion in the Public Art Program Update.
2. Coordinate with other City planning efforts.

3. Present the Public Art Program Update as part of the City's regular budget process to the City Council.
4. Coordinate and manage the Commission and its quarterly meetings
5. Coordinate with Commission to ascertain advice on any matter pertaining to public art, including:
 - a. preparing and presenting the Public Art Program Update to City Council;
 - b. artist selection juries and process;
 - c. purchase of artworks;
 - d. commission and placement of artworks; and
 - e. public art programming;
6. Maintain a current written record of all works of art included in the Public Art Collection.
7. Ensure various City departments are following the City's Public Art Policy.
8. Assist with periodically surveying public art to determine if works require maintenance or other attention. Oversee trained art conservators for ongoing artwork maintenance as needed.

City Manager and City Staff

City staff members should look for opportunities to include public art in capital improvement projects (CIP) throughout the City, particularly in locations identified as priorities in this plan. Pursuant to MMC V-20-610.a.3, the City Manager shall annually notify the Arts Commission of which projects are eligible construction projects within the approved categories for the 1.5% formula application, as well as expenditures for the prior year subject to the 1.5% funding.

Collection Management

The City of Milpitas acquires artworks by purchase, commission, and donation. Processes for these acquisitions are dictated by the Acquisition and Donation sections found in this section. Artwork acquired through these processes are considered to have been accessioned into the City's Public Art Collection. They must be cared for in accordance with the policies and Procedure for Maintenance and the Collection Management policies. Artwork in the City's possession that were acquired outside of or before these policies may not be accessioned pieces of the Public Art Collection and thus may not be subject to the Collection Management policies. The Collection Management policies are intended to maintain the value of the City's Public Art Collection and guard against the arbitrary disposal of any of its pieces.

Objectives

- Maintain a collection management program that results in a high-quality, City-owned Collection;
- Eliminate artwork that is unsafe, not repairable, or no longer meets the needs of the City of Milpitas;
- Care for loaned artworks with the same standards and policies extended to the City's Public Art Collection;
- Respect the creative rights of artists; and
- Support an efficient workload for staff.

Donations

Requests to donate artwork to the City may be considered on a case-by-case basis. Pursuant to the City of Milpitas Donation Policy, the City Manager must pre-approve any publicized request(s) for donation, where the Arts Commission has established in advance, and publicized, a need, project, or location in which an art donation may be included. Requests for consideration shall be made to the Public Art Administrator and are ultimately approved by the City Council. The City has no obligation to accept a proposed Donation.

Donation Requirements

The City will consider donations on the following basis:

- The donation contributes to and enhances the City's Collection;
- The donation meets a high standard of quality and is appropriate and meaningful to the community;
- The donation follows required City procedures, including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in these policies. The requirements for the Maintenance Plan can be found in Procedure for Maintenance policies below;
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance – or the resolution accepting the public art must identify how maintenance will be funded; and

- The donation proposal is reviewed and endorsed by the Commission and approved by the City of Milpitas.
- The Public Art donation policy is pursuant to the City of Milpitas donation policy.

Donation Conditions

The City will not accept a donation of artwork until all funds for development, fabrication, siting, and installation have been secured. The City will consider the following types of donation proposals for artworks for City-owned property:

- An already completed artwork; or
- A commissioned artwork by a specific artist or artists to be created especially for City-owned property.

Donation Proposal Procedures and Review Process

Formal requests to donate artwork to the City of Milpitas are made to the Public Art Administrator.

1. The donor shall complete an Art Donation Agreement Application (donor form) and submit the form to the Public Art Administrator.
2. Following a positive initial review by the Public Art Administrator, the City will contact the Arts Commission, which will evaluate the donation request to determine the appropriateness of the donation as measured by approval criteria and provide a written recommendation to the City Council.
3. The City will then determine whether the donation is in the City's best interest and is consistent with the City's goals and applicable City laws, policies, Ordinances, and Resolutions.
4. The City will notify the donor in writing, identifying final conditions if approval is granted.

Criteria for Evaluation of Artwork Donation Proposals

The Arts Commission shall review Artwork Donation Proposals using the following criteria:

1. **City-owned Property** – Donated public artwork must be suitable for public display on City-owned or City-managed property;
2. **Relevance and Site Context** – Works of art must be appropriate for the proposed location and its surroundings and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed;
3. **Artist and Artwork Quality** – The artist demonstrates the ability and potential to execute the proposed artwork based on previous artistic achievement and experience. Duplication of work will also be considered. The artwork must enhance the City's Collection;
4. **Physical Durability** – The artwork will be assessed for long term durability against theft, vandalism, and weather;
5. **Public Safety and Liability** – The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City;

6. **Sustainability** – Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs; and
7. **Legal** – Proposed terms of donation, legal title, copyright authenticity, artist's right to reproduce, liability, and other issues as deemed appropriate will be considered.
8. **Originality** - Works of art should be an original design unless it is decided that the work will enhance and complement the character of the surrounding area.
9. **Compliance with Sign Code** - Proposed artwork should feature no copy, lettering, symbols, or any references directly promoting any product, business, or service unless such images are discreet and do not detract from the artwork. Sponsor and artist names may be incorporated in murals but should be discreet and not exceed 5% of the design.
10. **Supporting Costs** - The City's preference is for donors and lenders to provide financial support for public art projects. Donations and loans are an important tool for growing the public arts in Milpitas and they foster civic pride by providing people and businesses the opportunity to shape the public environment. Projects should identify funding sources. All requests for use of City funds for production, siting, installation or ongoing operations and maintenance of the work must be approved by City Council.
11. **Equal Opportunity:** Every effort shall be made to support the cultural diversity of the community and the artists in the City's Public Art Collection.
12. **Installation and Maintenance** - Any applicant for public art should present a reasonable plan to install and remove (or preserve) the work. The maintenance plan agreed upon between the artist, business owner, and/or property owner should adequately make arrangements to preserve and, if necessary, restore the quality of work during its exhibition. Elements of a thorough maintenance plan would include:
 - a. Lifespan of artwork and prognosis of durability in consideration of that lifespan.
 - b. Routine cleaning protocols, methods, cleaning agents, and frequency.
 - c. Itemization of long-range considerations and care, highlighting maintenance and the anticipated need for periodic conservation treatment or repairs.
 - d. Specifications of materials used in fabrication.
 - e. Guarantee against failures of workmanship over an agreed upon period of time.
 - f. Assignment of manufacturers or fabricators warranties to the owner of the artwork.

Acceptance and Accession of the Artwork

City staff should refer to City of Milpitas Donation Policy, prior to finalizing the accession process, as proposed donations may require approval by a Department Head, the City Manager, or City Council acceptance. If the proposal is accepted by the City of Milpitas, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the donor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, siting, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Milpitas will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990 (17 U.S.C. §§106A and 113(d)) and the California

Art Preservation Act (Cal. Civil Code §§ 987 and 989). Any changes will be made in consultation with the artist and donor(s) when possible, or notification will be provided.

The completed and installed artwork will be accessioned and added to the City's inventory list and master database with all accompanying documentation. The Acknowledgement of the Donation will be based on the appraised value of the artwork and pursuant to the City of Milpitas Donation Policy, section 4.2.

Removal, Relocation, or Deaccession of Donated Artwork

Once the City accepts a gift, the City shall be the sole owner of the donated item and will have the right, in its sole and absolute discretion, to deaccession any donated item without providing notice to or obtaining the donor's consent. In accepting a donation of artwork, the City of Milpitas will not be bound by any agreement with the donor that restricts the City's ability to act in the best interest of the City of Milpitas. Nothing in the acceptance of a donation of artwork shall prevent the City from approving subsequent removal, relocation, or deaccessioning of such donations if it serves the City's best interest to do so. The City will deaccession and dispose of works of art in its Collection in accordance with the Collection Management policies.

Art on Loan or Temporary Display on City-owned Property

Art on loan, or art on temporary display on City-owned property, must meet the Donation Requirements above, follow the Donation Proposal Procedures 1-11 above, and be reviewed through the Donation Proposal Review Process. Art on loan or art on temporary display on City-owned property must not be accessioned or added to the City's inventory list and master database. The City shall determine whether an expenditure of City funds, either a direct outlay of City funds or the use of City sources and materials, is associated with or required by acceptance of the loan prior to acceptance. The City may accept loaned public art from organizations and residents outside of the City.

All incoming loans should be documented and monitored in accordance with the same detailed procedures the government objects in Milpitas's Public Art Collection. Loans must be documented by written loan agreements between the lender and the City, which should be signed by the lender prior to delivery and/or installation of the work to the City.

Upon City approval of a loaned artwork, the lender must sign an Art Loan Agreement with the City. The agreement should include:

- Term of Loans
 - Loan agreements shall be for a minimum of six months and a maximum of two years, with a provision for up to one year extension with written approval from the lender and the City. When determining the duration of a loan and its duration for display, Lenders and the City should consider an object's material conditions, display location, and display context.

- At the end of the term of loan, the lender will be granted up to six additional weeks for the removal of the artwork from the site on which it resides.
- Costs
 - The lender will be responsible for all costs associated with the loaned artwork, including but not limited to costs of transportation, installation, maintenance, removal, and repair (if needed).
 - The City will provide site maintenance as well as assistance with installation and removal, under the supervision of the lender or lender's representative. The City shall not be held responsible for any damage to the artwork while it is on loan.
- Installation Requirements
- Insurance
 - The City will not assume responsibility for damage or theft of artwork that is on display in accordance with this policy.
 - The lender will acknowledge that a risk of damage, loss, vandalism, or theft is inherent in a public display.
 - The lender must furnish satisfactory evidence of liability insurance by submitting a Certificate of Insurance, Additional Insured Endorsement listing the City, and Waiver of Subrogation. With approval from City Administration, the liability insurance requirement can be waived if the lender signed an Art Loan Release of Liability form.
- Maintenance Terms
 - Any requirements for routine inspections, and procedures for documenting and reporting any damage
 - The Loaned Public Art and surrounding site shall be kept in a clean and orderly condition and in accordance with Collection Management policies and the terms and conditions of the agreement, if one exists, between the lender and the City.
 - The lender or his or her designated representative will be utilized to make recommendations regarding the care and maintenance of the work of art when deemed appropriate by the City. A visual arts specialist or art conservator should be consulted if the artist or designated representative is not available to advise on the necessary care requirements.
 - The Recreation and Community Services Department shall be responsible for carrying out the lender's advice on such care requirements and for determining such requirements when the artist/donor is unavailable.
 - Prior to accepting the Loaned Public Art, the lender will provide the City with a condition inspection report to be confirmed by the City.
 - Vandalism or other damage to the Loaned Public Art shall be reported to the Milpitas Police Department and/or the Recreation and Community Services Department.
 - The lender shall pay the cost of maintaining the Loaned Public Art, unless otherwise provided in the written agreement between the lender and the City.
- Removal

- Lenders are required to remove Loaned Public Art by the agreed termination date. The City does not accept responsibility for Loaned Public Art not removed within the designated time frame. Any piece of art that is not removed by the deadline shall be treated as abandoned property
- Loaned Public Art may be removed from City property in accordance with the Deaccession section of this policy.

Collection Maintenance

The City of Milpitas will administer the maintenance of the City's Collection with advice from the Public Art Administrator and other outside partners through regular evaluation and planning for the care of the existing Collection. This section addresses:

- Accessioning and inventorying the City's Collection of public art;
- Conducting a biennial Survey and Condition Assessments of all work in the Collection;
- Preparing a biennial Public Art Maintenance Plan; and
- Overseeing routine maintenance and special conservation treatment of the City's Collection.

Every five years, the City of Milpitas will assess the condition of all public art with a qualified professional conservator and develop a prioritized list of works in need of conservation or maintenance. This list will be the basis of the Public Art Maintenance Plan. All artwork maintenance, specialized repair, routine care, and/or preventative treatments will be funded by the Public Art Fund.

Maintenance Guidelines for Acquiring New Works

Maintenance Plan

As described in the Acquisition policy, all acquired artworks must have a maintenance plan developed. The Maintenance Plan will be used to:

- Advise the Commission, appropriate City staff, and others who must review and approve design proposals or accept or decline donated artwork;
- Troubleshoot the production of construction drawings, the fabrication of the artwork, and the preparation of the site;
- Follow-up on the artist's recommendations; and
- Refer to during the post-fabrication/installation inspection to prepare a final report and a punch-list to complete the project.

The City of Milpitas, professional conservators, and artists will strive to address the recommendations in the Maintenance Plan without unduly interfering with the aesthetic intent of the proposed public art.

Post Fabrication/Installation Inspection for Commissioned Artworks.

The Post-Fabrication/Installation Inspection conducted by City staff will be based upon and follow-up on the Maintenance Plan that was developed during the design phase. It will include the following:

- Ensure that recommendations made in the Maintenance Plan and during fabrication were followed;
- Confirm that the artwork is executed as proposed and agreed upon;
- Confirm that there are no missing or incomplete elements;
- Establish that materials quality and stability are acceptable;
- Establish that fabrication quality and stability are acceptable;
- Confirm that installation is stable and secure;
- Confirm that stainless steel is fully and properly “passivated”;
- Confirm that, if required, protective coatings have been applied;
- Ensure that warranties for electronic and other media are submitted as necessary;
- Identify any remaining vulnerabilities;
- Confirm no new damage resulting from installation process;
- Ensure that the maintenance and operations plan is accurate; amend as needed; and
- Confirm that the plaque/public notice meets program policies and is properly installed.

Deaccession

Removal from Public Display

Requests to deaccession artwork to the City may be considered on a case-by-case basis. Requests for consideration shall be made through the Public Art Administrator to the Commission, based on the deaccession criteria below. The Director of the Recreation and Community Services Department shall have the discretion to determine whether a relocation of art is deemed significant or non-significant based on City policy and legal requirements and subject to the approval of the City Manager or their designee.

If the artwork is removed from public display, and the removal is not an emergency removal, then the City of Milpitas may consider the following options for deaccession:

- Relocation: If the Commission recommends that an artwork must be removed from its original site, and if its condition is such that it can be re-installed, the Commission will attempt to identify another appropriate site. If the artwork was designed for a specific site, the Commission will attempt to relocate the work to a new site consistent with the artist's intention. If possible, the artist's assistance will be requested to help make this determination. The City may, as necessary or appropriate, transfer City-owned public art from one public site to another, transfer public art to storage, or make a temporary loan of public art to another agency or organization.

- Store artwork until a new site has been identified or the City decides to deaccession the artwork.
- Sell or trade the artwork after deaccession.

If an artwork's Agreement specifies terms of deaccession, then the City shall dispose of the work accordingly. Once deaccessioned from the City's collection, a work may not be installed on City property.

Provision for Emergency Removal

In the event that the structural integrity or condition of an artwork is such that the artwork presents an imminent threat to public safety, the City Manager may authorize immediate removal without the artist's consent, and have the artwork placed in temporary storage. If the Artist's agreement with the City has not been waived under the Visual Artists Rights Act of 1990 (17 U.S.C. §§106A and 113(d)) and the California Art Preservation Act (Cal. Civil Code §§ 987 and 989), then the City must notify the artist of this action within 30 days. The City will then consider options for repair, reinstallation, maintenance provisions or deaccessioning. The City is not obligated to repair, reinstall, and/or replace temporary artworks (including but not limited to utility box wraps, murals, etc.) that have been removed either as a result of the Provision for Emergency Removal, or due to inadvertent damage or destruction.

In the event that the artwork cannot be removed without being altered, modified, or destroyed, and if the Artist's agreement with the City has not been waived under the Visual Artists Rights Act of 1990 (17 U.S.C §§106A and 113(d)) and the California Art Preservation Act (Cal. Civil Code §§ 987 and 989), the City must attempt to gain written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the City shall proceed according to the advice of the City Attorney.

Criteria for Deaccession

The following may be grounds for the City to deaccession public art from City-owned or controlled property, for one or more of the following reasons:

1. An artwork is not, or is only rarely, on display because of lack of a suitable site.
2. The condition or security of the artwork cannot be reasonably guaranteed.
3. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
4. The physical structure of the artwork endangers public safety.
5. The public art was stolen from its location and cannot be retrieved.
6. In the case of site specific artwork, the artwork's integrity or relationship to the site is altered because of significant changes in the use, character, or design of the site
7. The artwork has been determined to be incompatible within the context of the collection.
8. The City of Milpitas wishes to replace the artwork with work of more significance by the same artist.
9. Maintenance costs are higher than anticipated

10. Faults of design or workmanship make repair or remedy impractical or unfeasible.
11. The City of Milpitas has approved necessary site alterations
12. Written request from the artist or donor.
13. Significant, adverse public reaction has continued unabated over an extended period of time.
14. Over time, the public has widely publicly associated the artwork with racism, sexism, homophobia, xenophobia, acts of assault or violence, or other offensive themes.
15. The City Council has determined that it is in the best interest of the City to remove the public art.

Deaccession Application Process

Preliminary Request

Permanent artworks must be in place for at least five years before deaccession or relocation requests will be considered unless matters of public safety or emergency removal provisions necessitate the removal. Deaccession or relocation requests may be submitted by the public.

Deaccession and Removal Form

Applicants will be required to submit a written request to the Public Art Administrator City staff, or the appropriate for consideration of deaccession or removal of artwork.

Deaccession Application Review Process

In consultation with the Commission, the Public Art Administrator will review requests and decide on either engaging in the process for deaccession review, or work with the City Staff and the Commission to determine appropriate relocation.

Public Meeting

The City may hold a public meeting to gather community feedback on a proposed deaccession or removal, unless the removal is an emergency. The City may also decide to hold additional public meetings or gather community input through other methods. The City may seek additional information regarding the work from the artists, galleries, curators, appraisers, or other professionals before making a recommendation.

Artist Involvement

If deaccession or removal is recommended, the artist (if available) will be contacted and invited to provide input to the City. The artist's contract and other agreements or pertinent documents will be reviewed and sent to the City Attorney's Office for final approval.

Recommendation

The Public Art Administrator will prepare a report and consult with the City Attorney, as necessary. City staff's recommendation may include dismissing the request and/or modifying, relocating, selling, donating, disposing, or storing the artwork.

The Public Art Administrator will provide all relevant correspondence including, but not limited to:

1. Artist's Name, biographical information, samples of past artwork, and resume.
2. A written description and images of the Artwork.
3. Artist's Statement about the Artwork named in Deaccession or Relocation Request (if possible)
4. A description of the selection process and all related costs that was implemented at the time the Artwork was selected.
5. A formal appraisal of the Artwork (if possible)
6. Information regarding the origin, history, and past ownership of the Artwork
7. Information about the condition of the Artwork and the estimated cost of its conservation.
8. Information and images of the Artwork's site
9. Any information gained from the public meeting held about the deaccession and removal of the work.
10. Feedback from the Recreation and Community Services Department responsible for operating and maintaining the Artwork.
11. Detailed budget for all aspects of conservation, maintenance, repair, installation, operation, insurance, storage, and City Staff support.
12. The Artist's contract with the City.

City staff can recommend one or more of the following methods for an artwork's deaccession:

1. Sale or Exchange - sale shall comply with the State of California and City of Milpitas laws and policies governing the sale of municipal property.
 - a. Artist, or estate of the artist, will be given the first option to purchase or exchange the artwork(s).
 - b. Sale may be through auction, gallery resale, direct bidding by individuals, or other forms of sale in compliance with the California of California and City of Milpitas law and policies governing surplus property.
 - c. Exchange may be through an artist, gallery, museum or other institution for one or more artwork(s) of comparable value by the same artist.
 - d. No works of art shall be traded or given to Commission members or City of Milpitas staff.
 - e. Proceeds from the sale of artwork shall be placed in the Public Art Fund. Any pre-existing contractual agreements between the artist and the City regarding resale shall be honored. An exception to these provisions may be required if the artwork was originally purchased with funds that carried with them some restriction, for example, bond funds for street and sidewalk improvements, in which case the proceeds shall be placed in an account designated for art allowed under similar restriction(s).
2. Destruction of Artwork – if artwork is deteriorated or damaged beyond repair or deemed of negligible value.
3. If the City of Milpitas is unable to dispose of the artwork in the manner outlined above, the Public Art Administrator may recommend the donation of the artwork to a non-profit organization or another method.

Costs

If deaccession or relocation accommodates the applicant's interests or project, they may be required to cover the deaccession or relocation at no cost to the City.

Conflict Of Interest

No works of art shall be given or otherwise transferred publicly or privately to officers, directors, or employees or staff of the City of Milpitas or their immediate families or representatives of the City of Milpitas.

Compliance With Applicable Policies And Regulations

Deaccession and relocation of artwork will be done in a manner that complies with all other applicable City of Milpitas, State of California, and federal procedures, policies, and regulations.

Existing Public Art Pieces At Time Of Policy Adoption

Existing public art pieces on City-owned property should be evaluated using the accession criteria to ensure that it is appropriate for the City to continue owning and maintaining the artwork. If it does not meet the accession criteria, then the piece will not be accessioned into the Milpitas Public Art Collection.

Collection Management Best Practices

Integrity of Artworks

The Milpitas Public Art Program will seek to ensure the ongoing integrity of the artwork and the sites for which they were created, to the greatest extent feasible, in accordance with the artist's original intentions, and consistent with the rights afforded by the Visual Artists Rights Act of 1990 (17 U.S.C. §§106A and 113(d)) and the California Art Preservation Act (Cal. Civil Code §§ 987 and 989).

Access to Artworks

The City will seek to assure continuing public access to artworks in its Collection and/or artwork that has been funded by public funds. However, the City may limit availability due to circumstances such as funding, public safety, display space, and deaccession processes.

Life Spans

An artwork's life span is either the amount of time its materiality will allow it to be displayed (either for artwork safety or artwork integrity reasons), or the object's display period, as determined by a contract between the City and the artist, whichever is shorter. Life spans assigned to the work during the commissioning process will be considered as part of requests for deaccession or removal. For artworks that have not been assigned a life span, the Public Art Administrator may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork's materials and fabrication methods, and/or the programming priorities of the Commission.

- Temporary: less than one year

- Short Term: 1 -10 years
- Medium-Term 11 - 25 years
- Long-Term 26+ years

Public Art Program Update

The Public Art Program Update is a document that outlines in-process projects, and projects will be initiated in the coming fiscal year(s). The Program Update is one of the most crucial elements of the Public Art Program. It creates a roadmap and allows for the input of community members, elected officials, and others who care deeply about public art in Milpitas.

The Public Art Administrator will develop the Update in consultation with staff and the Commission and submit it as part of the annual operation and/or CIP budget for review and approval. The following steps will be taken to develop the Public Art Program Update:

1. Work with Recreation and Community Services to determine the availability of funds for the upcoming year(s).
2. Identify projects to be paid for by identified funding, including acquisition and maintenance.
3. Identify Creative Amenity or Community Art projects that coincide with City programming and events throughout the year.
4. Develop a draft Public Art Program Update that will include locations, goals, and budgets for public art projects and programs for staff review.
5. Present the Update as part of the City budget approval.
6. Integrate feedback from City Council to determine the final Program Update.
7. Report on the use of funds collected to support the Public Art Program to and increase the amount of art in the City that is available to the public.

Use of Funds

Funding for the Milpitas Public Art Program may come from:

- the Public Art Fund, pursuant to MMC V-20-610 and MMC XI-10-14.04;
- the City's Capital Improvement Budget;
- grants and/or contributions from private entities;
- other public agencies;
- philanthropic sources; or
- through other sources as deemed appropriate by the City.

Uses for Funds

Pursuant to [CODE], expenditures of the Public Art Fund shall include, but are not limited to:

- The cost of public art and its installation, which includes the hiring of artists to develop and design concepts for the selection, acquisition, purchase, commissioning, placement, installation, necessary site preparation, artist travel, exhibition and/or display of artwork;
- Waterworks, landscaping, lighting, plaques and other objects, which may be an integral part of the public artwork;

- Frames, mats, pedestals and other objects necessary for the presentation of the public artwork;
- Walls, pools, landscaping and other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the public artwork;
- Maintenance and repair of public artwork funded through the Public Art Fund;
- Administration of the City's Public Art Program, including staff support and related expenses, transportation of Public Art, site preparation, permit or certificate fees, business and legal costs directly associated with specific Public Art projects, master planning, installation and maintenance of Public Art, curatorial services, documentation, publicity and community education. Administrative costs shall also include staff time, direct costs and administrative overhead.
- Hiring of consultants on an as needed basis to advise and assist the Arts Commission in such areas as professional appraisal of Public Artwork; packing and shipping of public artwork; conservation and maintenance; collection documentation; installation design; presentation assistance; contract negotiation; artist selection; program monitoring; on-site monitoring of public artwork installation.
- Reproductions of original works of art.

The public art funds may not be spent for:

- Art objects, which are mass-produced of standard design such as playground equipment or fountains, with the exception of limited editions controlled by the artist.
- Decorative, ornamental, or functional elements which are designed by a project's architect or other designer as opposed to a commissioned artist
- Routine maintenance, conservation, repair, or restoration, exceeding more than 10% of the annual budget.
- Purchase of existing works of art outside of the selection process.
- Landscape architecture and landscape gardening that are designed by a landscape architect or a landscape designer
- Creative Amenities or Community Art projects.
- Professional graphics, unless designed or executed by an artist or used in the development of collateral material.

Uses for Funds in Mural Projects

The installation of a mural may necessitate additional expenses beyond the artist fee and materials. Additional fundable expenses include but are not limited to:

- Artist(s) fees for design and execution of murals.
- Rental or purchase of painting equipment or the purchase of painting supplies.
- Preparation of the mural surface including repairs and priming.
- Rental of barricades and other equipment required of street or alley closures.
- Lighting and electrical equipment.
- Other expenses that are pre-approved by the City Manager or their designee, and the City of Milpitas during the annual budget process.

Public Art Acquisition

These policies establish the practices for acquiring artworks. The procedure creates a thorough and transparent process for acquiring artwork and favors open-ended selection processes to ensure artistic excellence in the City's Collection.

Selecting the artist is one of the most critical steps in commissioning public art. An open, equitable, competitive process that inspires the artist and engages the community can be an enriching experience and lead to more creative and exciting public art. The Public Art Administrator will work with the Commission to determine the appropriate method for commissioning new artwork for each Public Art Program project.

Goals of the Selection Process

- To satisfy the goals of the project site through an appropriate artist selection.
- To further the mission and goals of the Public Art Program.
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity.
- To identify an approach to public art suitable to the goals and demands of the particular project.
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves.
- To select an artist or artists who can work successfully as members of an overall project design team.
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public.
- To ensure, on average, the demographics of the artists and selection committees are reflective of Milpitas's population, on average.

Purchasing Procedures

City staff should refer to the City of Milpitas Purchasing Policy, prior to confirming an acquisition method and finalizing the acquisition process.

Artist Selection Methods for Acquiring Existing Artwork

Competitions

In competitions, the City may put out an open call to artists for a possible inclusion in an exhibition at a predetermined site. The competition, which may or may not take the form of a temporary exhibit may feature existing artworks. Each selected artist may receive a stipend and the City may purchase one or more pieces of artwork at the conclusion of the exhibit to be placed in public locations around Milpitas. All calls for artists will be advertised on the City of Milpitas's website, appropriate procurement site.

Direct Selection

On occasion, artists may be recommended directly by the Artist Selection Committee. Direct selection may be useful on projects where an urgent timeline, low budget, or where precise project requirements exist. This list of artists could come from a pre-qualified list. Approval for this method should be in accordance with the City of Milpitas's purchasing procedures. City staff should refer to the City of Milpitas Purchasing Policy, prior to finalizing the acquisition process.

Direct Purchase

Some projects require the purchase of a specific artwork due to the exacting nature of the project or a minimal project timeline. In this case, the work must be "one-of-a-kind" and not mass-produced or off the shelf. This list of artists could come from a pre-qualified list. Approval for this method should be in accordance with the City of Milpitas's purchasing procedures. City staff should refer to the City of Milpitas Purchasing Policy, prior to finalizing the acquisition process.

Artist Selection Methods for Commissioning New Artwork

Open Competition

In an Open Competition, any artist may submit their qualifications or proposal, subject to any requirements established by the Artist Selection Committee. The Requests for Qualifications (RFQs) or Requests for Proposals (RFPs) should be sufficiently detailed to permit artists to determine whether their art is appropriate for consideration. Open Competition allows for the broadest range of possibilities for a site and brings in new, otherwise unknown, and emerging artists.

Limited or Invitational Competition

In a Limited Competition or Invitational, several pre-selected artists are invited by the Artist Selection Committee to submit their qualifications and/or proposals. This method may be appropriate when the City is looking for a small group of experienced artists, a limited time frame, or if the project requirements are so specialized that only a limited number of already identified artists would be eligible. This list of artists could come from a pre-qualified list.

Direct Selection

On occasion, artists may be recommended by the Artist Selection Committee. Direct selection may be useful on projects where an urgent timeline, low budget, or where precise project requirements exist. This list of artists could come from a pre-qualified list.

Direct Purchase

Some projects require the purchase of a specific artwork due to the exacting nature of the project or a minimal project timeline. In this case, the work must be "one-of-a-kind" and not mass-produced or off the shelf. This list of artists could come from a pre-qualified list.

Artist Services Procurement

Design Team Member

In some instances, the City may use a targeted process to select an artist as part of a larger project design team. Language would be added to the project Request for

Qualifications/Request for Proposals specifying that all teams responding to the RFQ/RFP must include a professional artist from a pre-qualified list as described in the section below. Given the nature of the project, a design team responding to an RFQ/RFP may be asked to identify an artist as part of the team based upon criteria established by the City in the RFQ/RFP. In this case, the Public Art Administrator will represent the Program as part of the selection committee for the design team.

Pre-Qualified Artist Lists

The City may decide to develop a pre-qualified pool of artists from which it can choose artists for Limited Competition, Direct Selection, and Direct Purchase. This pool would be developed based on a comprehensive review of artist qualifications. This list could be updated annually or bi-annually, depending on the frequency of new projects. Inclusion on this list does not guarantee that artists will be selected for a commissioned project.

Artist Selection Process for Artwork Acquisition.

Once an Artist Selection method is determined, a selection process will be established. A jury of recognized experts and community members will make recommendations for selected artists to create site-specific artwork or will make recommendations for artwork chosen to be exhibited.

If the budget for a single piece of artwork is \$50,000.01 or more, a selection panel must be formed. If the budget for a single piece of artwork is \$50,000.00 or less, then the Commission may act as the selection committee.

Artist Selection Process and Responsibilities

The artist selection process will interpret and review the artist's proposals based on the selection criteria. The goals of the selection process are as follows:

- To satisfy the goals of a specific project or site through an appropriate artist selection.
- To further the mission and goals of the Public Art Program.
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity.
- To identify an approach to public art suitable to the goals and demands of the particular project.
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves.
- To select an artist or artists who can work successfully as members of an overall project design team.
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community, and the City department(s) involved

Artist Selection Committee

Membership of Selection Committees

Membership will be recommended by the Public Art Administrator. The members of the selection panel (panelists) will be representative of the community demographic and will consist of at least five (5) but no more than nine (9) members from the list below:

- Members of the Arts Commission (3 or less to avoid quorum)
- Artist or arts administrator;
- Design professionals
- City of Milpitas project manager who may appoint the project architect or project landscape architect in their stead; and
- A member of the project steering committee if one has been appointed
- Community or neighborhood representative

Artist Selection Committee Conflict of Interest

Artist Selection Committee members will declare any conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a committee member, an organization the committee member is associated with as a staff or board member, or a committee member's family member can gain financially from the project under consideration by the Artist Selection Committee. In order to promote public confidence in this process, a committee member may also declare a conflict if they think there may be a perception that they have a conflict. If a committee member has a conflict, he/she must not participate in the Artist Selection Committee's discussion or decision regarding the project. They must also refrain from discussion about the project and from influencing fellow committee members.

Artist Election Committee Procedures

During an artist selection process, Artist Selection Committee members will not submit applications for the placement of their own artwork and/or projects. City Staff and Commission members can invite artists to participate but must refrain from giving advice to applicants or answering their questions and direct such questions to the Public Art Administrator during the selection process. The Commission shall seek public comment for all pieces of public art commissioned or purchased for over \$50,000.01. An opportunity for public comment must be given before a formal vote. A formal vote recommending the selection to the City of Milpitas City Council must be recorded in keeping with the City of Milpitas public record requirements.

Project Implementation Process for Site-Specific Artwork.

Upon the decision of the Artist Selection Committee, and with the assistance of the City Attorney's Office, the Public Art Administrator will prepare a contract that includes the scope of work, fee, schedule, and relevant terms and conditions to be approved by the City and artist.

The City will follow the process for contracting required by law. For some projects, the contract with the artist may be phased to include two scopes of work with separate pay schedules and deliverables. The first phase would include all design documentation, including final design, stamped engineering drawings, installation details, and a revised fabrication budget and timeline. The second phase would include all costs related to fabrication and installation.

The Public Art Administrator will ensure all documents are signed and insurance coverage secured before issuing a notice to proceed and will be responsible for coordinating the artist's work to ensure the successful integration of the artwork into the project. The Public Art Administrator will organize a meeting with all integral staff to review roles, responsibilities, and schedules.

If specified in the contract, the artist will develop design development drawings for review and approval from the City before fabrication. The Public Art Administrator will schedule meetings with the appropriate offices to review and approve the plans.

If the artist proposes any significant design changes, the Public Art Administrator will secure the recommendation for approval from the Commission and the appropriate departments of the City before approving said changes in writing, per the terms and conditions of the contract.

If the parties are unable to reach mutually beneficial contract terms, then the contract process will be terminated.

The Public Art Administrator will be responsible for overseeing the installation of the artwork. The Public Art Administrator will ensure that all the necessary requirements have been completed before interim and final invoice payments to the artist.

Maintenance Plan

Understanding maintenance and care of public art begins before an artwork is created. During the design phase or when a donation is initiated, the City, artist, or donor will review and analyze their design proposal and advise on maintenance and operations of the artwork. It is best practice and highly recommended that an art conservator is contracted to give a report on the proposed artwork.

On behalf of the City, the artist, donor, or the appropriate party will submit a Maintenance Plan to the City of Milpitas, who will review and then catalog any tasks associated with maintenance of the artwork.

The Maintenance Plan will enable the City to:

- Evaluate the quality and sustainability of the proposed or existing public artwork;
- Establish maintenance requirements, assign schedules, and identify potential costs; and
- Determine if the City of Milpitas should accept or decline the design proposal and/or public artwork.

To produce the Maintenance Plan, the artist should examine and render an opinion on the following:

- Durability;
- Type and integrity of materials;
- Construction/fabrication technique;
- Internal supports, anchoring and joining, and footings;

- Landscaping;
- Vulnerable and delicate elements;
- Drainage of artwork;
- Potentially dangerous elements;
- Security;
- Location;
- Environment;
- Whether the design encourages/discourages interaction; and
- Effects of skateboarding, graffiti, and any other potentially damaging activities.

The Maintenance Plan will include:

- A record of the artist's intentions for the artwork;
- Recommendations to mitigate potential problems discovered during the examination;
- Notes about how the artist would like the artwork to age;
- An itemization of long-range considerations and care, highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs; and
- Identification of the lifespan of the artwork and a prognosis of its durability in consideration of that lifespan.

The artwork may also be identified as site-integrated, or part of the site and/or the architecture, as appropriate and will fall into the long-term lifespan category above.

Mural Program Policy

The City of Milpitas 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. Publicly-owned murals may occur on publicly-owned buildings or on privately-owned buildings where the property owner agrees to a mural easement allowing for the creation and maintenance of a publicly-owned mural on private property for a specific period of time. The Mural Program Policy is pursuant to [link policy?].

----- End of policies -----



ACT Art Conservation

Fine Art Conservation

November 12, 2024

Anna Talarico
Designing Local
20 E Broad St. suite 1010,
Columbus, OH 43215

Dear Anna,

Thank you so much for the opportunity to work with Designing Local on the Conservation Assessment of 26 public artworks that comprise the public art collection of the City of Milpitas, CA.

Enclosed in this report is the following information:

- Condition Assessment of each of the 26 artworks
- Treatment Proposal for each of the 26 artworks
 - The Treatment Proposal is for a thorough treatment that would bring the artworks back to stable condition after years of not receiving any maintenance. Although the collection is doing well for having not been maintained, there are several artworks which require more invasive treatment to reach a stable condition and most pieces will require at least a few more hours beyond standard maintenance for this initial treatment.
- Estimate range for the proposed treatments
 - The estimates are presented with a minimum and maximum for both the estimated hours and cost.
- Estimated Materials Cost
 - The materials include specialized treatment supplies as well as lift rentals when necessary.
- Estimate for the Standard Maintenance for each of the 26 artworks
 - These estimates are also presented with a minimum and maximum for both the estimated hours and price.
 - A Standard Maintenance estimate differs from the Treatment Proposal in that it represents maintenance costs after the initial, thorough treatment that would bring the artwork back to stable condition. These estimates provide a more accurate representation of the cost of annual maintenance for the collection moving forward. As is recommended for most outdoor sculpture artworks, we recommend that the objects be maintained once a year. The condition of the artworks would be reassessed during each maintenance treatment, and recommendations to either lengthen or shorten the time between treatment would be made accordingly.

Contents in order:

1. Collection Manifest including Condition Assessments, Treatment Proposals, Estimated Cost, Estimated Materials Cost, Estimated Standard Maintenance.
2. Jobs List including Job Number, Artwork Location, Estimated Treatment Hours and Cost, Estimated Standard Maintenance Hours and Cost, Estimated Materials Cost.

415-634-7489

San Mateo, Calif

studio@actartconservation.com

www.actartconservation.com



ACT Art Conservation

Fine Art Conservation

Images, including overall images, detail images depicting condition concerns, and annotated images are provided in a DropBox folder for your convenience. Follow the link [here](#).

All of the information that was collected and recorded about the artworks during this assessment is stored in a File Maker database dedicated to the collection. This database is only accessible by ACT Art Conservation staff, however individual reports or collections lists can be emailed upon request.

The Estimates provided for both the Treatment Proposals and for the Standard Maintenances are intended to assist with budgeting and are not a final quote for the work. Due to changes in costs for equipment rentals, materials and labor, new estimates would be generated if ACT Art Conservation is contracted to complete the treatment of the collection. We anticipate that there would be minimal change in the estimated costs, but due to the unpredictability of future pricing for equipment and supplies, pricing confirmation will be required if and when treatment is scheduled.

Sincerely,

Emily Rezes
Senior Objects Conservator
ACT Art Conservation LLC
objects@actartconservation.com



ACT Art Conservation, LLC
Fine art conservation of paintings, objects and works on paper
1033 S. Claremont St, San Mateo, CA 94402
Phone: 415.634.7489
E-Mail: studio@actartconservation.com Web: www.actartconservation.com

Client Name Anna Talarico
Designing Local
20 E Broad St. suite 1010,
Columbus, OH 43215

Total Estimate Minimum: \$176,350
Total Estimate Maximum: \$254,000
Estimated Materials: \$18,200

Materials Include: equipment rentals and
specialized treatment materials

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-1 Location: Jose Higuera Park	<p>Condition</p> <p>Overall soil and dust accumulation Organic debris Bird droppings</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials</p>	<p>Minimum: \$1,000 Maximum: \$1,500 Estimated Materials: \$150</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$1,000 Maximum Maintenance: \$1,500</p>



James Dinh
Circle of Time
2024
Granite, concrete, paint

2024-172-2

Location: Civic Center Plaza



Carla Moss
Flute Player
NA

Condition

Overall soil and dust accumulation
Organic debris
Cobwebs
Blue/green copper corrosion
Copper corrosion due to prolonged contact with water
Orange ferrous corrosion found in discrete point around the chin of the figure, likely from and internal steel armature
Bird droppings and associated copper corrosion
Mineral deposits
Wax wear and loss
Bronze appears "dry" due to wax loss
Minor patina loss in green clothing with brown patina exposed underneath

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Corrosion reduction using appropriate chemical and/or mechanical methods
Patina integration using appropriate methods and materials
Hot wax application
Cold wax application

Minimum: \$5,400

Maximum: \$6,800

Estimated Materials: \$300

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$5,100

2024-172-3

Location: Barbara Lee Senior Center



MaryAnn Baker
Cameo Bench
2009
Bronze, exterior grade acrylic

Condition

Overall soil and dust accumulation
Organic debris
Cobwebs
Blue/green copper corrosion
Copper corrosion due to liquid deposit on bench seat
Coating deterioration
Blistered and delaminated coating, appearing as white bubbles concentrated in the bronze that is textured to appear like tree bark on both the tree and the bench
Bronze appears "dry"
Areas of paint loss, concentrated in the gold painted frames that surround the cameos.
Bird droppings and associated corrosion

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Corrosion reduction using appropriate chemical and/or mechanical methods
Solubility testing was completed on the coating, resulting in minimal solubility in Acetone, Ethanol, and Mineral Spirits. This suggests that the coating has cross-linked, reducing its solubility. Further testing would be completed to determine the best removal method on the day of treatment
Reduction of deteriorated coating using appropriate chemical and/or mechanical methods
Patina integration using appropriate methods and materials
Cold wax application

*Consultation of historic images and communication with artist to determine if the areas of paint loss should be inpainted.

Minimum: \$6,800

Maximum: \$10,200

Estimated Materials: \$500

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$3,400

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-4 Location: Senior Center Patio	<p>Condition</p> <ul style="list-style-type: none"> Overall soil and dust accumulation Organic debris Cobwebs Copper corrosion due to prolonged contact with water around the feet of the bench Copper corrosion due to liquid deposit and run-off Bird droppings and associated corrosion Areas of coating loss Bronze appears "dry" <p>Proposed Treatment</p> <ul style="list-style-type: none"> Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials Corrosion reduction using appropriate chemical and/or mechanical methods Reduction of deteriorated coating using appropriate chemical and/or mechanical methods Cold wax application 	<p>Minimum: \$3,400</p> <p>Maximum: \$6,800</p> <p>Estimated Materials: \$500</p> <p>Standard Annual Maintenance Estimates:</p> <p>Minimum Maintenance: \$1,700</p> <p>Maximum Maintenance: \$3,400</p>
MaryAnn Baker Happy Hats Bench 2009 Bronze, exterior grade acrylic paint		
2024-172-5 Location: Senior Center Patio	<p>Condition</p> <ul style="list-style-type: none"> Overall soil and dust accumulation Organic debris Cobwebs Copper corrosion and minor mineral deposits on the back of the bench due to water runoff Copper corrosion due to liquid deposit on the seat of the bench Significant blue/green copper corrosion due to prolonged contact with water around the feet. The bench is bolted to the concrete, increasing water retention at the interface between the bronze and the concrete Bird droppings and associated corrosion Minor cracking of the paint film found in the tight curves in the flowers and leaves <p>Proposed Treatment</p> <ul style="list-style-type: none"> Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials Corrosion reduction using appropriate chemical and/or mechanical methods Reduction of deteriorated coating using appropriate chemical and/or mechanical methods Cold wax application 	<p>Minimum: \$3,400</p> <p>Maximum: \$6,800</p> <p>Estimated Materials: \$500</p> <p>Standard Annual Maintenance Estimates:</p> <p>Minimum Maintenance: \$1,700</p> <p>Maximum Maintenance: \$3,400</p>
MaryAnn Baker Tulips Bench 2009 Bronze, exterior grade acrylic paint		

2024-172-6

Location: Cesar Chavez Plaza, Barbara Lee Senior Center



MaryAnn Baker
Let's Dance Bench
2009
Bronze, exterior grade acrylic paint

Condition

Overall soil and dust accumulation
Organic debris
Cobwebs
Several feet are partially embedded in the the grass and soil
Bright blue/green copper corrosion on the feet due to prolonged contact with water, soil and grass
Salt efflorescence on the legs of the bench due to water and salt migration up from the soil
Combination of copper corrosion and salts could lead to the development of bronze disease if left untreated
Copper corrosion due to prolonged contact with water on the seat of the bench
Bird droppings
Cracking in paint, concentrated in tight curves
Fading of paint film

Minimum: \$6,800

Maximum: \$10,200

Estimated Materials: \$500

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$1,700

Maximum Maintenance: \$3,400

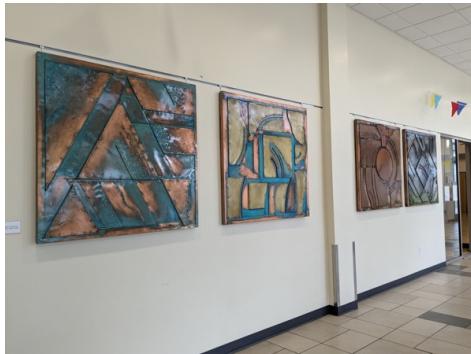
Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Corrosion reduction using appropriate chemical and/or mechanical methods
Treatment of bronze disease using appropriate methods and materials
Consolidation and stabilization of paint
Cold wax application

*Recommend that the bench be moved or that a new concrete pad be poured in the current location to eliminate contact between the bench and the soil

Object	Condition / Treatment Proposal	Conservation Estimate
<p>2024-172-7</p> <p>Location: Civic Center Plaza</p>  <p>MaryAnn Baker Veterans Memorial Bench NA Bronze, exterior grade acrylic coating</p>	<p>Condition</p> <p>Overall soil and dust accumulation Organic debris Coating deterioration Blistered and delaminated coating Areas of coating loss Areas where the coating was never applied ("Holidays") where brushstrokes in the coating are visible next to bare and dry looking bronze Areas of preferential copper corrosion due to the difference in exposure to the elements between coated and uncoated areas Bird droppings</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials Corrosion reduction using appropriate chemical and/or mechanical methods Reduction of deteriorated coating using appropriate chemical and/or mechanical methods Solubility testing was completed on the coating resulting in minimal solubility in acetone, ethanol and mineral spirits. This suggests that the coating has cross-linked, reducing its solubility. Further testing would be completed to determine the best removal method on the day of treatment Cold wax application or application of acrylic coating depending on the results of the coating removal</p>	<p>Minimum: \$6,800 Maximum: \$10,200 Estimated Materials: \$300</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$1,700 Maximum Maintenance: \$3,400</p>

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-8 Location: Hallway wall, Barbara Lee Senior Center	<p>Condition</p> <p>Overall soil and dust accumulation concentrated on horizontal surfaces Minor scuffs and scratches in the clear coat</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Surface vacuum with HEPA vacuum; recto, verso Surface clean with dry eraser method / soot sponge / soft cloth Polish with appropriate methods to reduce scuffs and scratches</p>	<p>Minimum: \$2,000 Maximum: \$4,000 Estimated Materials: \$200</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$1,000 Maximum Maintenance: \$2,000</p>



Adrian Susnea-Litman
Four Seasons
2010
Sheet metal, metal wire, paint, clear coat

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-9 Location: Lobby, Barbara Lee Senior Center	<p>Condition</p> <p>Overall soil and dust accumulation Thin layer of grime overall Minor losses in some of the tiles</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Surface vacuum with HEPA vacuum; recto, verso Overall surface cleaning with appropriate methods and materials Fill and inpaint small losses</p>	<p>Minimum: \$2,000 Maximum: \$4,000 Estimated Materials: \$200</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$2,000 Maximum Maintenance: \$4,000</p>



Adrian Susnea-Litman
Garden Fantasy
2010
Tile, mortar, grout, paint

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-10 Location: Barbara Lee Senior Center	<p>Condition</p> <p>Overall soil and dust accumulation Scratches / abrasions in the acrylic glazing</p>	<p>Minimum: \$750 Maximum: \$1,000 Estimated Materials: \$100</p>
	<p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Surface vacuum with HEPA vacuum; recto, verso Surface clean with dry eraser method / soot sponge / soft cloth --- Photodocument Have the piece reframed if the scuffs are a concern</p>	<p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$250 Maximum Maintenance: \$250</p>
Joanie Popeo Our View 2021 Acrylic?		

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-11 Location: Barbara Lee Senior Center	<p>Condition</p> <p>Overall soil and dust accumulation</p>	<p>Minimum: \$6,000 Maximum: \$9,000 Estimated Materials: \$1,500</p>
	<p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Surface vacuum with HEPA vacuum; recto, verso Surface clean with dry eraser method / soot sponge / soft cloth Aqueous clean with appropriate methods and materials Treatment requires a lift rental</p>	<p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$4,000 Maximum Maintenance: \$8,000</p>
<p>Adrian Susnea-Litman Thriving Legacy 2011 Acrylic mural</p>		

2024-172-12

Location: Milpitas City Hall



David Alan Clark
David Alan Clark
2014
Bronze

Condition

Overall soil and dust accumulation
Organic debris, heavy pine needle and leaf deposit on bronze base from nearby tree
Cobwebs
Bird droppings and associated corrosion
Wax deterioration
Wax wear and loss
Blue/green copper corrosion
Rising damp with associated minerals, salts and blue / green copper corrosion found along the bottom 1/3 of the bronze base
Possible salt efflorescence/mineral deposits from rising damp/water retention at the interface between the bronze and concrete base

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Corrosion reduction using appropriate chemical and/or mechanical methods
Reduction of mineral deposits/salts using appropriate methods and materials
Hot wax application
Cold wax application

Treatment requires a lift rental

Minimum: \$10,200

Maximum: \$13,600

Estimated Materials: \$2,000

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$6,800

Object	Condition / Treatment Proposal	Conservation Estimate
<p>2024-172-13</p> <p>Location: Main & Great Mall Parkway Bust Stop Roof</p>  <p>Adrian Susnea-Litman Birds of Paradise 2011 Sheet metal, acrylic paint, clear coat</p>	<p>Condition</p> <p>Overall soil and dust accumulation Organic debris - concentrated in pockets between the sheet metal and on the roof of the bus stop Cobwebs Bird droppings Coating deterioration - coating is cloudy and soft, no longer bound to the paint even in areas with no blistering Blistered and delaminated coating - the coating is easily removed with minimal mechanical action Areas of coating loss Color shifting in paint - likely due in large part to deterioration of the clear coat</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials Reduction of deteriorated coating using appropriate mechanical methods - testing shows that mechanical reduction readily removes the coating and does not damage the underlying paint layer</p>	<p>Minimum: \$3,200 Maximum: \$6,800 Estimated Materials: \$200</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$3,200 Maximum Maintenance: \$6,800</p>

2024-172-14

Location: Starlite Park



Laurel True
Starscape Bench
2005 (2007?)
glass tile, ceramic tile, grout,
mortar, concrete, steel frame and
foam, fiberglass mesh

Condition

Overall soil and dust accumulation
Organic debris
Biogrowth
Graffiti
Many tiles are cracked and chipped, several appear crushed with small fragments in the crushed area
7 clusters of missing round tiles including: red, orange, teal, purple
Several areas of missing glass/mirrored tiles
Large round tiles are 1.5" in diameter
Small round tiles are 0.75" in diameter
Rectangular glass tiles are 2.5-3" long

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Remove graffiti
Reduction of biogrowth using appropriate methods and materials
Source tiles
Replace missing tiles using appropriate methods and materials
Stabilize any cracks in the grout using appropriate methods and materials

Minimum: \$8,500

Maximum: \$11,900

Estimated Materials: \$500

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$6,800

2024-172-15

Location: Rathbone Park



Scott Donahue
Watching You
2015

concrete, mineral paints / colored
surface treatment, ceramic ties,
fiberglass mesh, steel, plastic,
silicone caulk

Condition

Overall soil and dust accumulation
Organic debris and cobwebs, concentrated in recess
Multiple linear cracks in the concrete panels - the different elements feel stable
There is a crack in the wrist of the large mountain lion. The paw feels stable but if the crack grows, the paw could become detached
Chips and small losses in both the tile and concrete elements. An ear is missing from a small mountain lion, revealing the original gray color of the concrete substrate. There is a chip missing from near the hind legs of a deer.
Biogrowth
Bird droppings
Streaking due to water runoff, bird droppings and soil accumulation
Mineral deposits and efflorescence due to water retention and evaporation points in concrete
The silicone caulk is pulling away from the concrete in several areas and should be monitored

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Reduction of biogrowth using appropriate methods and materials
Consolidate and stabilize cracks with injection grout
Fill and inpaint any large cracks, chips and losses in the concrete and tiles with appropriate methods and materials
Refabricate the missing ear from the mountain lion
Inpaint areas of worn and missing mineral paint / colored finish using appropriate methods and materials

Minimum: \$8,500

Maximum: \$10,200

Estimated Materials: \$300

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$6,800

2024-172-16

Location: Pinewood Park



Bill Gould
Green Tree
2010

Mild steel, mild steel wire, stainless steel wire, wire crimps, recycled materials

Condition

Overall soil and dust accumulation
Organic debris
Large and heavily soiled cobwebs cover most of the hanging elements

The mild steel components are corroded

The coiled round bar and balls are covered in a dark orange brown layer of ferrous corrosion
There are bird droppings with associated bright orange and yellow ferrous corrosion

The mild steel wires are corroded all the way through and as a result they are very brittle. Approximately 12 connection points between the wire and coiled bar have broken. The corrosion could be exacerbated by the galvanic reaction between the mild steel and stainless steel wires.

The hanging elements are suspended on stainless steel wires which are in good condition

The plastic recycled elements are yellowed, cloudy and brittle with small losses

Some of the glass components are chipped

Approximately 10 of the hanging elements are tangled. Some are horizontal, stuck on several other hanging elements

Approximately 2 hanging elements have fallen off of the sculpture. One is hung on the trunk of the tree

The level of instability in the upper mild steel wires requires attention soon. The brittle wires combined with the flexibility of the sculpture could easily lead to significant losses of the hanging elements in the near future. There is a concern for public safety if the heavier elements fall

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Corrosion reduction using appropriate chemical and / or mechanical methods on the orange ferrous corrosion associated with bird droppings
Restrapping in parallel to mild steel wire with a plastic coated wire, following the same zig-zag pattern and threading through the loops of the hanging elements. The plastic coating on the new wire would match the brown color of the mild steel and both would be left in-situ. The intent of the new wire would be to catch the hanging elements as the mild steel wire fails. There is no way to stabilize and reinforce the original mild steel wire that would prevent this eventual structural failure.

Minimum: \$24,800

Maximum: \$30,600

Estimated Materials: \$2,500

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$10,200

Maximum Maintenance: \$13,600

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-17	Treatment requires a lift rental.	
Location: Milpitas Sports Center, Baseball Field backdrop	Condition	Minimum: \$3,400
	Overall soil and dust accumulation Organic debris Cobwebs	Maximum: \$6,800
Niles Palmer Baseball Figures 2000? Painted Metal	Proposed Treatment	Estimated Materials: \$1,500
	Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials	Standard Annual Maintenance Estimates:
	Treatment requires a lift rental	Minimum Maintenance: \$3,400
		Maximum Maintenance: \$6,800

Object

Condition / Treatment Proposal

Conservation Estimate

2024-172-18

Location: Milpitas Library



Carla Moss
Cartwheels
2004
Bronze

Condition

Overall soil and dust accumulation

Organic debris

Cobwebs

Copper corrosion due to prolonged contact with water, especially seen around the hands of the figures which are in contact with the concrete bases

Bird droppings and associated corrosion

Mineral deposits from nearby sprinklers

On 10/28/24 ACT Art was informed by the city that figure with the pink shirt and socks was vandalized and knocked over, breaking the pin that attached the proper left hand to the concrete base. When the sculpture was assessed, it was determined that the figure with the pink shirt and the figure in the tan shirt shift slightly on their pins when pressure is applied. There was no indication however that the pins were broken or that there was imminent danger of structural failure.

We recommend that the pins/mounting mechanisms be reinforced

Proposed Treatment

Photodocument before, during and after treatment

Overall surface cleaning with appropriate methods and materials

Corrosion reduction using appropriate chemical and/or mechanical methods

Reduction of mineral deposits using appropriate chemical and/or mechanical methods

Hot wax application

Cold wax application

Minimum: \$6,800

Maximum: \$10,200

Estimated Materials: \$200

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$6,800

Object	Condition / Treatment Proposal	Conservation Estimate
2024-172-19 Location: Milpitas Library	<p>Condition</p> <p>Overall soil, grime and dust accumulation Fingerprints - likely from initial installation that have accumulated more dust than surrounding surfaces Cobwebs One element appears to be missing with only the strand of mono filament remaining</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Surface vacuum with HEPA vacuum; recto, verso Overall surface cleaning with appropriate methods and materials</p> <p>Treatment requires a lift rental</p>	<p>Minimum: \$3,400 Maximum: \$6,800 Estimated Materials: \$1,500</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$3,400 Maximum Maintenance: \$6,800</p>
Cork Marcheschi Fertile Ground 2008 Plastic, dichroic glass, mono filament		

2024-172-20

Location: Hillcrest Park



Shannon Moore-Jervis, Marcia Smith
Hand in Hand Around the Park
2004
Ceramic tile, mortar, grout, steel sheet metal, paint

Condition

Overall soil and dust accumulation
Organic debris
Cobwebs
Biogrowth concentrated in the grout
Ferrous corrosion on the painted steel peak, sphere and ribbon with open worked letters
Pitting
Blistered and delaminated paint
Cracking in paint
Areas of paint loss
Approximately 30 cracks in the ceramic tiles
Approximately 4 missing tiles - 4" curved edge and corner black tiles
Approximately 2 chipped tiles that expose the ceramic substrate

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Removal of deteriorated paint using appropriate chemical and/or mechanical methods
Corrosion reduction using appropriate chemical and/or mechanical methods
Corrosion conversion to reduce the development of ferrous corrosion
Application of black and white direct to metal paint systems to the treated steel

Reduction of biogrowth using appropriate methods and materials
Stabilization of cracks in grout and tile using injection grout

Source tiles
Remove chipped tiles
Replace all missing tiles

Minimum: \$8,500

Maximum: \$11,900

Estimated Materials: \$400

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$6,800

2024-172-21

Location: Cardoza Park



Joe Bologna, Patricia Vader
 Joe Bologna, Patricia Vader
 2015
 Aluminum, steel, paint, clear coat

Condition

The kinetic sculpture does still move. There is some wear on the aluminum rod that suspends the soccer ball due to repeated sliding against the inverted arch

Overall soil and dust accumulation
 Organic debris
 Cobwebs

The clear coat found on the socks, shoes, shorts, circles in the bicycle wheel and on the unpainted aluminum is deteriorated:
 Blistered and delaminated coating
 Areas of coating loss

The gold paint is deteriorated:
 Blistered and delaminated paint
 Cracking in paint
 Areas of paint loss
 It does not appear that the underlying red paint was prepped, causing the gold paint to crack, blister and peel

The red paint on the shorts and shoes is faded, likely due to UV exposure through the clear coat. The areas of red paint that were protected by the overlaid gold paint are much more vibrant and saturated

The gold paint and clear coat on the circles in the bicycle wheel is deteriorated:
 The gold paint and the clear coat appear to be incompatible. The clear coat fused to the paint layer but shrunk and discolored over time. The clear coat is insoluble and the exposed gold paint is readily soluble in most solvents

Proposed Treatment

Photodocument before, during and after treatment
 Overall surface cleaning with appropriate methods and materials

Reduction of deteriorated clear coat using appropriate chemical and / or mechanical methods

Removal of peeling gold paint from the legs and reapplication of gold paint after proper surface prep of the underlying red paint

Removal of gold paint and cross-linked clear coat on the circles.
 Reapplication of gold paint after proper surface prep of the underlying sheet metal
 Cold wax application where necessary

Minimum: \$10,200

Maximum: \$13,600

Estimated Materials: \$2,500

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$6,800

2024-172-22

Location: Murphy Park



Vickie Jo Sowell
Legends of Milpitas
2003
Painted steel

Treatment requires a lift rental

Condition

Overall soil and dust accumulation
Ferrous corrosion on all elements
Pitting concentrated near seams and the ground on the tower elements. This is likely due to water ingress and retention where steel panels come together and where the steel meets the concrete bases
Blistered and delaminated paint associated with the voluminous ferrous corrosion
Paw prints suggest wildlife interaction that could be exacerbating corrosion and paint loss
The landscaping around the sculptures was soaked during the assessment, suggesting a high moisture level in the steel being maintained by nearby sprinklers
Bird droppings

Minimum: \$18,700

Maximum: \$25,500

Estimated Materials: \$1,000

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$3,400

Maximum Maintenance: \$6,800

Proposed Treatment

Photodocument before, during and after treatment

Deinstall top elements to provide access to the inside of the steel towers and allow the tops to be treated in the studio

Overall surface cleaning with appropriate methods and materials
Corrosion reduction using appropriate chemical and/or mechanical methods
Corrosion conversion to reduce the development of ferrous corrosion
Backing, filling, resurfacing, and inpainting areas of loss in the steel
Filling and inpainting areas of paint loss on the top elements

The sprinklers should be relocated away from the artworks. Consider removing all landscaping/ plants that require regular watering from the area

The other option is to clean and repair the artworks as much as possible in situ. Without access to the inside of the towers, some of the patches in the steel sheet will not be as robust, however this could option could be a good intermediate choice. A lift would have to be rented in this scenario, increasing the estimated materials cost by \$1500-\$2500.

2024-172-23

Location: Sunnyhills Albert Augustine Jr.
Memorial Park

Condition

Overall soil and dust accumulation
Organic debris
Graffiti
Ferrous corrosion spots on some of the steel elements
Tea staining (overall thin layer of ferrous corrosion) found on some of the steel elements
Ferrous corrosion staining on the adjacent cement in some areas
Minor cracks, chips and losses in the cement
Minor abrasions in the dial

Minimum: \$3,400

Maximum: \$6,800

Estimated Materials: \$200

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$2,000

Maximum Maintenance: \$3,400

Proposed Treatment

Photodocument before, during and after treatment
Overall surface cleaning with appropriate methods and materials
Corrosion reduction using appropriate chemical and/or mechanical methods
Stain removal from the cement using appropriate methods and materials
Graffiti removal

Dan Snyder
The Sundial
2002
Cement, stainless steel

Object	Condition / Treatment Proposal	Conservation Estimate
<p>2024-172-24 Location: Alviso Adobe Park</p>  <p>Carla Moss Little Alviso Water Tower 2012 Acrylic panels (likely Plexiglass), printed images, paint, painted steel, roof shingles, pebbles, grout, fiberglass mesh, concrete</p>	<p>Condition</p> <p>Overall soil and dust accumulation Organic debris Cobwebs Areas of paint loss on the painted metal frame Cracking in paint Cracks, chips and losses on 3 plexiglass panels Most of the panels are warped to varied degrees of severity Significant fading and color shifting on the printed panels Biogrowth on the shingles Approximately 20 black pebbles are missing. Pebbles range in size from 1 - 2"</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials Reduction of biogrowth using appropriate methods and materials Touch-in any missing black paint Replace the three damaged plexiglass panels Have the discolored printed panels reprinted and installed Source black pebbles Replace the missing black pebbles</p>	<p>Minimum: \$5,000 Maximum: \$6,000 Estimated Materials: \$200</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$2,000 Maximum Maintenance: \$3,400</p>

Object	Condition / Treatment Proposal	Conservation Estimate
<p>2024-172-25 Location: Alviso Adobe Park</p>  <p>Adrian Susnea-Litman Old Farm Wagon 2012 wood, steel, copper sheeting, paint</p>	<p>Condition</p> <p>Overall soil and dust accumulation Organic debris Cobwebs Liquid deposits and staining, likely from surrounding trees Blue/green copper corrosion Significant fading and wear on the paint overall. Brown top coat appears to be missing from much of the wagon, revealing the underlying green layer Evidence of pest activity including hollow boards, tunneling, holes and large losses in some boards Three of the wheels are partially sunk into the mulch There are holes in the ground surrounding the concrete pad, likely from rodent activity The concrete pad is partially sunken into the mulch in some areas One steel railing on the proper right side of the platform is loose</p> <p>Proposed Treatment</p> <p>Photodocument before, during and after treatment Overall surface cleaning with appropriate methods and materials Corrosion reduction using appropriate chemical and/or mechanical methods Cold wax application to metal components Fill loss in wood platform with appropriate materials Inpaint fills Realign and secure the unstable railing Lift the wagon and place stone or concrete pavers under each of the wheels and at the end of the tow bar</p> <p>After thorough cleaning, assess full extent of paint loss and consider future plans to repaint or inpaint and clear coat or inpaint and wax</p>	<p>Minimum: \$5,400 Maximum: \$6,800 Estimated Materials: \$300</p> <p>Standard Annual Maintenance Estimates: Minimum Maintenance: \$3,400 Maximum Maintenance: \$6,800</p>

2024-172-26

Location: Portable



Debbie Koppman
 Welcome to Milpitas
 2021
 Acrylic on panel, aluminum
 stands/frames

AUTHORIZATION

The undersigned authorizes Alexandra Thrapp and her studio (hereinafter collectively referred to as "The Studio") to proceed with proposed minimum treatment of the object identified above (hereinafter referred to as 'the object' as described in this report, subject to the conditions listed in the terms and conditions.

AUTHORIZED BY:**DATE:**

Please sign and date above and initial and date below

Minimum: \$12,000

Maximum: \$16,000

Estimated Materials: \$150

Standard Annual Maintenance Estimates:

Minimum Maintenance: \$8,000

Maximum Maintenance: \$12,000

Condition

Overall soil and dust accumulation
 Abrasions and losses to the paint, likely due to movement from site to site and from people walking by.
 Fly spots/insect droppings

Proposed Treatment

Photodocument before, during and after treatment
 Surface vacuum with HEPA vacuum; recto, verso
 Surface clean with dry eraser method / soot sponge / soft cloth
 Surface clean with AC3%
 Inpaint areas of paint loss

*We recommend putting Plexiglas in front of each of the painting to prevent future scratches and abrasions

Total Estimate Minimum \$176,350**Total Estimate Maximum \$254,000****Estimated Materials: \$18,200****Estimate Annual Maintenance****Minimum \$81,250****Maximum \$145,050****Estimated Materials: \$18,200**

Job Number	Object Artist	Title	Location	Treatment Work Hours	Treatment Minimum	Treatment Maximum	Maintenance Work Hours	Maintenance Minimum	Maintenance Maximum	Materials		
2024-172-1		<input type="checkbox"/>	10/29/2024	Anna Talarico	James Dinh	Circle of Time	Jose Higuera Park	4 - 6	\$1,000 \$1,500	\$1,000 \$1,500	\$150	
2024-172-2		<input type="checkbox"/>	10/29/2024	Anna Talarico	Carla Moss	Flute Player	Civic Center Plaza	24 - 32	\$5,400 \$6,800	16 - 24	\$3,400 \$5,100	\$300
2024-172-3		<input type="checkbox"/>	10/29/2024	Anna Talarico	MaryAnn Baker	Cameo Bench	Barbara Lee Senior Center	32 - 48	\$6,800 \$10,200	16 - 16	\$3,400 \$3,400	\$500
2024-172-4		<input type="checkbox"/>	10/29/2024	Anna Talarico	MaryAnn Baker	Happy Hats Bench	Senior Center Patio	16 - 32	\$3,400 \$6,800	8 - 16	\$1,700 \$3,400	\$500
2024-172-5		<input type="checkbox"/>	10/29/2024	Anna Talarico	MaryAnn Baker	Tulips Bench	Senior Center Patio	16 - 32	\$3,400 \$6,800	8 - 16	\$1,700 \$3,400	\$500
2024-172-6		<input type="checkbox"/>	10/30/2024	Anna Talarico	MaryAnn Baker	Let's Dance Bench	Cesar Chavez Plaza, Barbara Lee Senior Center	32 - 48	\$6,800 \$10,200	8 - 16	\$1,700 \$3,400	\$500
2024-172-7		<input type="checkbox"/>	10/30/2024	Anna Talarico	MaryAnn Baker	Veterans Memorial Bench	Civic Center Plaza	32 - 48	\$6,800 \$10,200	8 - 16	\$1,700 \$3,400	\$300
2024-172-8		<input type="checkbox"/>	10/30/2024	Anna Talarico	Adrian Susnea-Litman	Four Seasons	Hallway wall, Barbara Lee Senior Center	8 - 16	\$2,000 \$4,000	4 - 8	\$1,000 \$2,000	\$200
2024-172-9		<input type="checkbox"/>	10/30/2024	Anna Talarico	Adrian Susnea-Litman	Garden Fantasy	Lobby, Barbara Lee Senior Center	8 - 16	\$2,000 \$4,000	8 - 16	\$2,000 \$4,000	\$200
2024-172-10		<input type="checkbox"/>	10/30/2024	Anna Talarico	Joanie Popeo	Our View	Barbara Lee Senior Center	3 - 4	\$750 \$1,000	1 - 1	\$250 \$250	\$100
2024-172-11		<input type="checkbox"/>	10/30/2024	Anna Talarico	Adrian Susnea-Litman	Thriving Legacy	Barbara Lee Senior Center	24 - 36	\$6,000 \$9,000	16 - 32	\$4,000 \$8,000	\$1,500
2024-172-12		<input type="checkbox"/>	10/30/2024	Anna Talarico	David Alan Clark	Minute Man	Milpitas City Hall	48 - 64	\$10,200 \$13,600	16 - 32	\$3,400 \$6,800	\$2,000
2024-172-13		<input type="checkbox"/>	10/30/2024	Anna Talarico	Adrian Susnea-Litman	Birds of Paradise	Main & Great Mall Parkway Bust Stop Roof	16 - 32	\$3,200 \$6,800	16 - 32	\$3,200 \$6,800	\$200
2024-172-14		<input type="checkbox"/>	10/30/2024	Anna Talarico	Laurel True	Starscape Bench	Starlite Park	40 - 56	\$8,500 \$11,900	16 - 32	\$3,400 \$6,800	\$500
2024-172-15		<input type="checkbox"/>	10/30/2024	Anna Talarico	Scott Donahue	Watching You	Rathbone Park	40 - 48	\$8,500 \$10,200	16 - 32	\$3,400 \$6,800	\$300
2024-172-16		<input type="checkbox"/>	10/30/2024	Anna Talarico	Bill Gould	Green Tree	Pinewood Park	? - 144	\$24,800 \$30,600	48 - 64	\$10,200 \$13,600	\$2,500
2024-172-17		<input type="checkbox"/>	10/30/2024	Anna Talarico	Niles Palmer	Baseball Figures	Milpitas Sports Center, Baseball Field backdrop	16 - 32	\$3,400 \$6,800	16 - 32	\$3,400 \$6,800	\$1,500
2024-172-18		<input type="checkbox"/>	10/30/2024	Anna Talarico	Carla Moss	Cartwheels	Milpitas Library	32 - 48	\$6,800 \$10,200	16 - 32	\$3,400 \$6,800	\$200

Job Number	Image	Job Status	ReportDate	Client Name	ObjectArtist	Title	Location	Treatment Work Hours	Treatment Minimum	Maintenance Work Hours	Maintenance Minimum	Materials
								Maximum		Maximum		
2024-172-19		<input type="checkbox"/>	10/31/2024	Anna Talarico	Cork Marcheschi	Fertile Ground	Milpitas Library	16 - 32	\$3,400	16 - 32	\$3,400	\$1,500
									\$6,800		\$6,800	
2024-172-20		<input type="checkbox"/>	10/31/2024	Anna Talarico	Shannon Moore-Jervis, Marcia Smith	Hand in Hand Around the Park	Hillcrest Park	40 - 56	\$8,500	16 - 32	\$3,400	\$400
									\$11,900		\$6,800	
2024-172-21		<input type="checkbox"/>	10/31/2024	Anna Talarico	Joe Bologna, Patricia Vader	Kicker Kid	Cardoza Park	48 - 64	\$10,200	16 - 32	\$3,400	\$2,500
									\$13,600		\$6,800	
2024-172-22		<input type="checkbox"/>	10/31/2024	Anna Talarico	Vickie Jo Sowell	Legends of Milpitas	Murphy Park	88 - 120	\$18,700	16 - 32	\$3,400	\$3,000
									\$25,500		\$6,800	
2024-172-23		<input type="checkbox"/>	10/31/2024	Anna Talarico	Dan Snyder	The Sundial	Sunnyhills Albert Augustine Jr. Memorial Park	16 - 32	\$3,400	8 - 16	\$2,000	\$200
									\$6,800		\$3,400	
2024-172-24		<input type="checkbox"/>	10/31/2024	Anna Talarico	Carla Moss	Little Alviso Water Tower	Alviso Adobe Park	20 - 24	\$5,000	8 - 16	\$2,000	\$200
									\$6,000		\$3,400	
2024-172-25		<input type="checkbox"/>	10/31/2024	Anna Talarico	Adrian Susnea-Litman	Old Farm Wagon	Alviso Adobe Park	24 - 32	\$5,400	16 - 32	\$3,400	\$150
									\$6,800		\$6,800	
2024-172-26		<input type="checkbox"/>	10/31/2024	Anna Talarico	Debbie Koppman	Welcome to Milpitas	Portable	48 - 64	\$12,000	32 - 48	\$8,000	\$150
									\$16,000		\$12,000	



ACT Art Conservation

Fine Art Conservation

December 12, 2024

Anna Talarico
Designing Local
20 E Broad St. suite 1010,
Columbus, OH 43215

Dear Anna,

The following table ranks the 26 artworks in the Public Art Collection of the City of Milpitas.

Each artwork is given a number from 1 through 26, with 1 being the highest priority and 26 being the least.

Each artwork is also placed in one of four categories: Public Safety Concern, Active Structural Condition Issue, Active Condition Issue, Requires Maintenance. Below are the definitions of each of these categories.

Public Safety Concern:

- These artworks pose a potential threat to public safety due to their condition issues. These threats include the potential for falling elements as well as sharp and broken components in areas where the public is intended to interact with a piece.

Active Structural Condition Issue:

- These artworks have actively developing condition issues that are already compromising the structural integrity of the artwork.

Active Condition Issue:

- These artworks have active condition issues that will continue to develop without intervention.

Requires Maintenance:

- These artworks are in stable condition but are soiled or have minor damages that should be treated in order to reduce the risk of more severe condition issues due to weather and/or interaction with the public.

Sincerely,

Emily Rezes
Senior Objects Conservator
ACT Art Conservation LLC
objects@actartconservation.com

Primary Image	Condition Priority #	Priority Level	Priority Rationale	JobNum	ObjectArtist	Title	Materials Cost Estimate	Estimate Min Hrs	Estimate Max Hrs	Min Estimate	Max Estimate	Projected Maintenance Min Hrs	Projected Maintenance Max Hrs	Min Maintenance	Max Maintenance	Location
	1	Public Safety Concern	Public safety concern for falling glass elements; Signs of active deterioration with broken, fallen and missing elements; High traffic area in a park ie; people picnicing nearby during assessment	2024-172-16	Bill Gould	Green Tree	\$2,500.00	112	144	\$24,800.00	\$30,600.00	48	64	\$10,200.00	\$13,600.00	Pinewood Park
	2	Public Safety Concern	Public safety concern for stability of heavy bronze sculptures on their mounts; Recent vandalism shows how they can be damaged by human force; High traffic area in front of the library; Copper corrosion due to prolonged exposure to water on the ground; Untreated corrosion can lead to structural instability	2024-172-18	Carla Moss	Cartwheels	\$200.00	32	48	\$6,800.00	\$10,200.00	16	32	\$3,400.00	\$6,800.00	Milpitas Library
	3	Public Safety Concern	Public safety concern of sharp broken tiles and exposed concrete and substructure on the seat of the bench; Tile loss; Potential for water ingress where there are cracks; Heavy ferrous corrosion on painted steel elements	2024-172-20	Shannon Moore-Jervis, Marcia Smith	Hand in Hand Around the Park	\$400.00	40	56	\$8,500.00	\$11,900.00	16	32	\$3,400.00	\$6,800.00	Hillcrest Park
	4	Public Safety Concern	Public safety concern of falling acrylic elements - two elements appear to have already fallen based off of dangling monofilament with no pieces on the ends; Complete stability assessment and reinforcement where possible would be completed during cleaning	2024-172-19	Cork Marcheschi	Fertile Ground	\$1,500.00	16	32	\$3,400.00	\$6,800.00	16	32	\$3,400.00	\$6,800.00	Milpitas Library
	5	Public Safety Concern	Public safety concern of sharp broken glass tiles and exposed concrete and substructure on the seat of the bench; Tile loss; Potential for water ingress where there are cracks	2024-172-14	Laurel True	Starscape Bench	\$500.00	40	56	\$8,500.00	\$11,900.00	16	32	\$3,400.00	\$6,800.00	Starlite Park
	6	Active Structural Condition Issue	Structural condition concern of the corroded and delaminated painted steel towers; Could become structurally unsound and unfit to support the weight of the narrative finials; Heavy corrosion and paint loss on the finials reduces legibility	2024-172-22	Vickie Jo Sowell	Legends of Milpitas	\$3,000.00	88	120	\$18,700.00	\$25,500.00	16	32	\$3,400.00	\$6,800.00	Murphy Park
	7	Active Structural Condition Issue	Structural condition concern of hairline cracks on concrete and some losses to sculptural elements; Cracks have the potential to grow and cause losses if left on untreated, especially over freeze/thaw cycles	2024-172-15	Scott Donahue	Watching You	\$300.00	40	48	\$8,500.00	\$10,200.00	16	32	\$3,400.00	\$6,800.00	Rathbone Park
	8	Active Structural Condition Issue	Structural condition concern in the wood due to water exposure and pests; Soft ground support is causing condition issues on the wheels; condition issues will be exacerbated if not treated	2024-172-25	Adrian Susnea-Litman	Old Farm Wagon	\$150.00	24	32	\$5,400.00	\$6,800.00	16	32	\$3,400.00	\$6,800.00	Alviso Adobe Park
	9	Active Condition Issue	Copper and ferrous corrosion will be exacerbated by water from the fountain if the bronze is not treated; Untreated corrosion can lead to structural instability	2024-172-2	Carla Moss	Flute Player	\$300.00	24	32	\$5,400.00	\$6,800.00	16	24	\$3,400.00	\$5,100.00	Civic Center Plaza
	10	Active Condition Issue	Heavy copper corrosion due to prolonged exposure to water on the ground; Untreated corrosion can lead to structural instability	2024-172-6	MaryAnn Baker	Let's Dance Bench	\$500.00	32	48	\$6,800.00	\$10,200.00	8	16	\$1,700.00	\$3,400.00	Cesar Chavez Plaza, Barbara Lee Senior Center
	11	Active Condition Issue	Copper corrosion due to prolonged exposure to water on the ground; Untreated corrosion can lead to structural instability; Gaps in the acrylic coating lead to preferential corrosion of the bronze; Could cause further corrosion and patina shifts if left untreated; Gold acrylic paint on frames is very unstable and is at risk of further loss	2024-172-3	MaryAnn Baker	Cameo Bench	\$500.00	32	48	\$6,800.00	\$10,200.00	16	16	\$3,400.00	\$3,400.00	Barbara Lee Senior Center
	12	Active Condition Issue	Copper corrosion due to prolonged exposure to water on the ground; Untreated corrosion can lead to structural instability	2024-172-4	MaryAnn Baker	Happy Hats Bench	\$500.00	16	32	\$3,400.00	\$6,800.00	8	16	\$1,700.00	\$3,400.00	Senior Center Patio
	13	Active Condition Issue	Copper corrosion due to prolonged exposure to water on the ground; Untreated corrosion can lead to structural instability	2024-172-5	MaryAnn Baker	Tulips Bench	\$500.00	16	32	\$3,400.00	\$6,800.00	8	16	\$1,700.00	\$3,400.00	Senior Center Patio
	14	Active Condition Issue	Copper corrosion due to prolonged exposure to water on horizontal surfaces, bird droppings and acidic organic matter; Untreated corrosion can lead to structural instability	2024-172-12	David Alan Clark	Minute Man	\$2,000.00	48	64	\$10,200.00	\$13,600.00	16	32	\$3,400.00	\$6,800.00	Milpitas City Hall
	15	Active Condition Issue	Gaps in the acrylic coating lead to preferential corrosion of the bronze; Could cause further corrosion and patina shifts if left untreated	2024-172-7	MaryAnn Baker	Veterans Memorial Bench	\$300.00	32	48	\$6,800.00	\$10,200.00	8	16	\$1,700.00	\$3,400.00	Civic Center Plaza

Primary Image	Condition Priority #	Priority Level	Priority Rationale	JobNum	ObjectArtist	Title	Materials Cost Estimate	Estimate Min Hrs	Estimate Max Hrs	Min Estimate	Max Estimate	Projected Maintenance Min Hrs	Projected Maintenance Max Hrs	Min Maintenance	Max Maintenance	Location
	16	Active Condition Issue	Deterioration of the acrylic coating causing overall discoloration; Discoloration will continue with UV and weather exposure; Heavy organic deposits could lead to corrosion and pest infestation	2024-172-13	Adrian Susnea-Litman	Birds of Paradise	\$200.00	16	32	\$3,200.00	\$6,800.00	16	32	\$3,200.00	\$6,800.00	Main & Great Mall Parkway Bust Stop Roof
	17	Active Condition Issue	Deterioration, blistering, peeling and significant loss to paint layers; Deterioration will continue with UV and weather exposure	2024-172-21	Joe Bologna, Patricia Vader	Kicker Kid	\$2,500.00	48	64	\$10,200.00	\$13,600.00	16	32	\$3,400.00	\$6,800.00	Cardoza Park
	18	Active Condition Issue	Discoloration, scratches and loss to the protective acrylic panels; Deterioration will continue with UV and weather exposure	2024-172-24	Carla Moss	Little Alviso Water Tower	\$200.00	20	24	\$5,000.00	\$6,000.00	8	16	\$2,000.00	\$3,400.00	Alviso Adobe Park
	19	Active Condition Issue	Ferrous corrosion on stainless steel elements; Cracking and minor losses in concrete; Condition issues will continue to develop with weather exposure	2024-172-23	Dan Snyder	The Sundial	\$200.00	16	32	\$3,400.00	\$6,800.00	8	16	\$2,000.00	\$3,400.00	Sunnyhills Albert Augustine Jr. Memorial Park
	20	Requires Maintenance	Overall soiling and organic debris accumulation; soil and debris will continue to accumulate; full assessment of substrate condition would be completed during cleaning	2024-172-17	Niles Palmer	Baseball Figures	\$1,500.00	16	32	\$3,400.00	\$6,800.00	16	32	\$3,400.00	\$6,800.00	Milpitas Sports Center, Baseball Field backdrop
	21	Requires Maintenance	New installation with minor soiling and bird droppings; It's important to begin maintenance early to avoid larger condition issues down the road	2024-172-1	James Dinh	Circle of Time	\$150.00	4	6	\$1,000.00	\$1,500.00	4	6	\$1,000.00	\$1,500.00	Jose Higuera Park
	22	Requires Maintenance	Scratches, abrasions, paint loss. More scratches and losses could develop due to interactions with the public but indoor location protects it from the elements	2024-172-26	Debbie Kopfman	Welcome to Milpitas	\$150.00	48	64	\$12,000.00	\$16,000.00	32	48	\$8,000.00	\$12,000.00	Portable
	23	Requires Maintenance	Scuffs and minor abrasions. More scuffs could develop due to interactions with the public but indoor location protects it from the elements	2024-172-8	Adrian Susnea-Litman	Four Seasons	\$200.00	8	16	\$2,000.00	\$4,000.00	4	8	\$1,000.00	\$2,000.00	Hallway wall, Barbara Lee Senior Center
	24	Requires Maintenance	Minor chips and losses and overall soiling; More losses could develop due to interactions with the public, and dust and grime will continue to accumulate, but indoor location protects it from the elements	2024-172-9	Adrian Susnea-Litman	Garden Fantasy	\$200.00	8	16	\$2,000.00	\$4,000.00	8	16	\$2,000.00	\$4,000.00	Lobby, Barbara Lee Senior Center
	25	Requires Maintenance	Minor scuffs on the glazing; More scuffs could develop due to interactions with the public but indoor location protects it from the elements	2024-172-10	Joanie Popeo	Our View	\$100.00	3	4	\$750.00	\$1,000.00	1	1	\$250.00	\$250.00	Barbara Lee Senior Center
	26	Requires Maintenance	Overall dust accumulation and soiling; Dust and grime will continue to accumulate, but indoor location protects it from major weather impacts	2024-172-11	Adrian Susnea-Litman	Thriving Legacy	\$1,500.00	24	36	\$6,000.00	\$9,000.00	16	32	\$4,000.00	\$8,000.00	Barbara Lee Senior Center



APPRAISAL REPORT

APPRAISAL REFERENCE NUMBER 032032

Type of Value **Replacement Value - New**

Intended Use **Insurance Coverage**

Subject Property A collection of public artworks

Client City of Milpitas

C/O Ms. Anna Talarico
Designing Local
20 E. Broad Street
Columbus, OH 43215

Effective Date October 31, 2024

Date of Examination October 29-31, 2024

Report Date March 5, 2025

Appraised by: LIZA HICKEY, ASA
ROTH ART GROUP
P.O. Box 545
Lafayette, CA 94549



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March 5, 2025
Re: Appraisal No. 032032

City of Milpitas
C/O Ms. Anna Talarico
Designing Local
20 E. Broad Street
Columbus, OH 43215

Dear Ms. Talarico:

APPRAISAL REPORT FOR REPLACEMENT VALUE - NEW

We have prepared an appraisal report for a collection of public artworks in order to determine Replacement Value - New for Insurance Coverage as of the effective date of October 31, 2024. The conclusion of Replacement Value - New is \$1,445,800.

This report is intended for use in Insurance Coverage only and not for any other use. The definition of Replacement Value - New is the cost to replace a property with an equivalent, or substitute which is new, using modern materials, techniques and standards that satisfy the description or use of the replaced property. It is the present cost of replacing the property with one having the same quality and utility, but in new condition.

This report is intended for use only by you and the relevant representatives of the City of Milpitas, as well as their designated insurance agent or broker. Use of this report by others is not intended by the appraiser. You have declared that the City of Milpitas is the owner of the subject property listed below and that all items are located at public locations throughout the city. We did not conduct any further research on ownership rights of the subject property.

In order to conclude our assignment, the scope of work in this appraisal report included relying on condition reports provided by ACT Conservation. ACT provided identification information, condition assessment, high resolution photographs, in some cases, measurements of the subject properties. As the artworks are custom, site-specific pieces, we determined that the most relevant market in which to replace the subject properties is through the artists' studios. We gathered current pricing information to re-create the works from the artists, or pricing for new comparable pieces by artists of similar stature and reputation in cases where the original artist was unavailable for comment. The detailed results of this analysis are presented in the Item Description and Valuation Analysis portions of the appraisal report.

The subject property was examined by ACT on October 29-31, 2024. In preparing this appraisal, we considered various characteristics of value based on our expertise including but not limited to

the recognition of the artist and his/her position in the current art market, the subject matter, its rarity, the condition of the property, size, age and provenance.

I certify that I have no present or contemplated future interest in the subject property which might prevent me from making a fair and unbiased appraisal. The compensation to Roth Art Group is not based on a percentage of the appraised value of the subject property.

The appraisal report contains 53 pages and all components must be present for the report to be valid. Any item missing from this report renders it invalid. The report was prepared for intended use in Insurance Coverage and reflects the Replacement Value - New. It is valid only when used for this use and only when used in its entirety. Should you need an appraisal of the subject properties for a different intended use, a new appraisal with a new value conclusion would be required, and this would constitute a new assignment.

This appraisal report conforms to the 2024 edition of the *Uniform Standards of Professional Appraisal Practice* of the Appraisal Foundation and the Code of Ethics of the American Society of Appraisers, an organization dedicated to promoting high standards of the practice within the appraisal profession.

Submission of this report concludes the appraisal assignment. Please review this report carefully. If you have any further questions, or if I can be of further assistance to you, do not hesitate to call us. It has been our pleasure to work with you on this project.

Sincerely,


Liza Hickey, ASA

Roth Art Group
EIN: 20-2794654

SUBJECT PROPERTY INVENTORY

ROTH ART GROUP
Ref No. - 32032

Item #	Artist	Title	Medium / Materials	Value
1	Mary Ann Baker	<i>Generations Bench</i>	Bronze, exterior grade acrylic	\$30,000
2	Mary Ann Baker	<i>Happy Hats Bench</i>	Bronze, exterior grade acrylic	\$15,000
3	Mary Ann Baker	<i>Tulips Bench</i>	Bronze, exterior grade acrylic	\$15,000
4	Mary Ann Baker	<i>Let's Dance Bench</i>	Bronze, exterior grade acrylic paint	\$15,000
5	Mary Ann Baker	<i>Veterans Memorial Bench</i>	Bronze, wood	\$8,000
6	Joe Bologna and Patricia Vader	<i>Kicker Kid</i>	Aluminum, steel, and paint	\$30,000
7	David Alan Clark	<i>Milpitas Minute Man</i>	Bronze	\$278,000
8	James Dinh	<i>Circle of Time</i>	Granite, concrete, paint	\$45,000
9	Scott Donahue	<i>Watching You</i>	Concrete, ceramic tile, paint	\$100,000
10	Bill Gould	<i>Green Tree</i>	Steel, recycled materials	\$100,000
11	Debra Koppman	<i>Welcome to Milpitas</i>	Acrylic paint on composite aluminum	\$10,000
12	Cork Marcheschi	<i>Fertile Ground</i>	Plastic, dichroic glass, monofilament	\$140,000
13	Shannon Moore and Marcia Smith	<i>Hand in Hand around the Park</i>	Ceramic mosaic tile, steel, paint	\$50,000

SUBJECT PROPERTY INVENTORY

ROTH ART GROUP
Ref No. - 32032

Item #	Artist	Title	Medium / Materials	Value
14	Carla Moss	<i>Flute Player</i>	Bronze	\$30,000
15	Carla Moss	<i>Cartwheels</i>	Bronze	\$60,000
16	Carla Moss	<i>Little Alviso Water Tower</i>	Acrylic panels, mixed media	\$40,000
17	Niles Palmer	<i>Baseball Figures</i>	Painted metal	\$75,000
18	Joanie Popeo	<i>Our View</i>	Pastel	\$12,000
19	Dan Snyder	<i>The Sundial</i>	Cement, stainless steel	\$100,000
20	Vickie Jo Sowell	<i>Legends of Milpitas</i>	Painted steel	\$45,000
21	Adrian Susnea Litman	<i>Old Farm Wagon</i>	Wood, steel, copper sheeting, paint	\$52,000
22	Adrian Susnea-Litman	<i>Four Seasons</i>	sheet metal, metal wire, paint	\$40,000
23	Adrian Susnea-Litman	<i>Garden Fantasy</i>	Ceramic tile	\$30,000
24	Adrian Susnea-Litman	<i>Thriving Legacy</i>	acrylic on wood panel	\$68,800
25	Adrian Susnea-Litman	<i>Birds of Paradise</i>	Sheet metal, acrylic paint	\$32,000
26	Laurel True	<i>Starscape Bench</i>	Glass and ceramic mosaic tile, concrete	\$25,000

SUBJECT PROPERTY INVENTORY

ROTH ART GROUP
Ref No. - 32032

Item #	Artist	Title	Medium / Materials	Value
Total Replacement Value - New: \$1,445,800				

NOTES AND TERMS FOR THE APPRAISAL

Type of Value:

The type of value used in this appraisal document is Replacement Value - New.

Intended Use:

This report is intended only for use in Insurance Coverage. This report is not intended for any other use.

Intended Users:

This report is intended for use by Anna Talarico of Designing Local, relevant representatives of the City of Milpitas, as well as their designated insurance agent or broker. Use of this report by others is not intended by the appraiser.

Definition of Replacement Value - New:

Replacement Value-new is the cost to replace a property with an equivalent, or substitute which is new, using modern materials, techniques and standards that satisfy the description or use of the replaced property. It is the present cost of replacing the property with one having the same quality and utility, but in new condition.

Source: American Society of Appraisers. *Monograph 2: Types of Value for Varied Intended Uses*, 2012. p. 2-10.

APPROACHES TO VALUE

The following three approaches to value have been considered in estimating value for the subject property.

Sales Comparison Approach to Value:

A procedure to conclude an opinion of value for a property by comparing it with similar properties that have been sold or are for sale in the relevant marketplace by making adjustments to prices based on marketplace conditions and the properties' characteristics of value. The sales comparison approach was used for analysis in this appraisal because there are a sufficient number of properties in the relevant marketplace comparable to the subject properties on which to base a credible value conclusion.

Alternative Methodologies Considered:

Cost Approach to Value:

A procedure to estimate the current costs to reproduce or create a property with another of comparable use and marketability. This approach to value was considered; however, the age, maker, and history of the properties in this appraisal contribute to value. Currently produced reproduction properties are not therefore comparable to the subject properties. This approach to value was therefore not used for analysis in this appraisal.

Income Approach to Value:

A procedure to conclude an opinion of present value by calculating the anticipated monetary benefits (such as a stream of income) for an income-producing property. This approach is not relevant in this case since income from the subject property is not contemplated at this time.

(Source for definitions: Personal Property Committee of the American Society of Appraisers, *Approaches to Value*, last modified March 3, 2011, <http://appraisers.org/PPHome/PPHome.aspx>.)

LIMITING CONDITIONS AND LIABILITIES

This document is limited by those conditions that are implicit in the document's Transmittal Letter.

The type of value of the enclosed appraisal report is Replacement Value - New for the intended use of Insurance Coverage. It is to be used for this specific purpose only.

The opinions of values expressed in this report are the direct result of data and materials researched, organized, and analyzed by the appraisers. The data was obtained from appropriate and reliable sources as stated in the "Works Consulted" section of the report. Provenance information and purchase receipts were provided, either verbally or through direct examination, to the appraisers by the client. The appraisers have relied on information supplied to them by the client, concerning undisputed title to the objects, acquisition history, purchase price, et al. The client, in accepting this report, acknowledges that the information supplied by him/her has been accurately transcribed and utilized by the appraisers. The client, in accepting this report, also acknowledges that no significant information has been withheld from the appraisers which may have caused the appraiser to arrive at a valuation conclusion different from the one(s) stated in this report, had such information been known at the time of the report's preparation.

The enclosed valuations do not represent the net resale value of the works of art. Definitions of Replacement Value - New, Valuation Approach, and other terms required to be used in this type of report are contained in the body of the report. No opinion is expressed on past or future value of the appraised items.

Roth Art Group assumes no responsibility for changes in market conditions or the inability to locate a potential replacement item for a potential buyer for the items appraised.

The objective of an appraiser is to estimate values for a specific purpose. Appraisers are not authenticators; however, every effort has been made to properly identify the items listed herein by means of reviewing client paperwork and invoices to learn where each item was purchased; and by referencing catalogues raisonné, standard industry source books, auction catalogues, exhibition catalogues, and artist's monographs. Wherever possible, catalogue raisonné numbers are cited in the Item Description section of the report. This is done to facilitate identification and indicate where further information on the work is available. Roth Art Group cannot be held accountable if a work listed in this appraisal report is not deemed authentic at a future date. The appraisers have based descriptions of the appraised objects on their professional experience as appraisers in the fields of fine and decorative arts, and on the information supplied by third parties who are named in the report, where appropriate. Consequently, the appraisers believe that the descriptions of the appraised objects are accurate and correct. However, additional research by scholars in the field, at some point in the future, may cause the appraisers to alter their assessment of the objects described in the report. While every effort has been made by the appraisers to ascertain the accuracy of descriptions of the appraised object(s) and their attribution, this report is not intended to serve as a certificate of authenticity.

or warranty.

Since condition is an important factor in estimating value, each item was personally inspected by ACT Art Conservation (exceptions are noted). No chemical analysis or black light inspection was made of the subject works; therefore, only condition problems that are easily seen could be noted. Roth Art Group is not responsible for noting prior restorations and damage if not apparent or not disclosed by the client.

The client claimed ownership of the properties appraised. The values estimated in the report are based upon the assumption that the client is entitled to the rights and benefits of 100% ownership of the properties, and that the properties are unencumbered by any notes or partial ownerships. However, the appraiser makes no certification to legal title concerning the items appraised in this report.

This report must be used in its entirety. Neither all nor any part of the contents of this report (especially the conclusions as to the value or the identity of the appraiser) shall be reproduced or disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.

Measurements are considered approximations. Values provided represent values of the works unframed.

Photographs are taken as simple visual record and are not considered professional photographs.

When appropriate, consultants have been chosen for their specialized expertise and are assumed to be reliable. However, no responsibility is taken for the accuracy of their opinions.

Paintings were not removed from frames. No responsibility will be taken for information gleaned by removal of a work from a frame and any correlated adjustment to monetary value

Items are assumed to be in good condition unless otherwise mentioned.

The appraisers have not been disqualified by the IRS.

The completion and acceptance of this report finalizes the obligation of Roth Art Group as outlined in the scope of the assignment. Any future work related to this assignment will require additional fees if such services are requested.

Roth Art Group shall be held harmless from and against any actions, claims, liabilities or expenses incurred as a result of claims based on or arising from the appraisal by third parties unrelated to the immediate purpose of this appraisal.

Any dispute between the client and appraiser concerning this report which cannot be settled between the two parties will be referred to a neutral third-party mediation service. The cost of

such mediation shall be borne equally by both parties. In the event mediation is not successful, the parties will agree to submit the dispute to binding arbitration under the laws of the State of California.

PRIVACY POLICY NOTIFICATION

Roth Art Group is committed to safeguarding the confidential information of our clients. We hold all of our clients' personal information provided to our appraisal service company in the strictest confidence and in accordance with the *Uniform Standards of Professional Appraisal Practice* (USPAP) and American Society of Appraisers (ASA) Code of Ethics and standards of confidentiality. Our files include information collected from clients in connection with the personal property appraisal services provided by our company. At no time in the past have we ever disclosed information to third parties, except as specifically authorized by our clients, or as required by law, and we do not anticipate doing so in the future. We are prohibited under federal law from changing our policy without first advising a client and obtaining permission. We use the personal property information provided by our clients to help meet their appraisal requests, while guarding against any real or perceived infringements of their rights of privacy.

Our policy with respect to personal information about our clients is as follows:

- We limit employee and agent access to information only to those who have a business or professional reason to know, and only to nonaffiliated parties as required by law.
- We maintain a secure office and computer environment to ensure that your information is not placed at unreasonable risk.
- The categories on non-public personal information that we collect from a client depend upon the scope of the client's appraisal engagement. This includes information about personal property assets, information about tax identification numbers, and other non-public information necessary. Additionally, it may include information about transactions between clients and third parties, and information from third party sources.
- Unaffiliated third parties that require access to our clients' personal information, such as Federal and State tax regulators, insurance companies, and the like, may only review company records as permitted by law.
- We do not provide client information to mailing list vendors or solicitors for any reason whatsoever.
- Personally identifiable information will be maintained during the time a client is a client of the company and for the appropriate time thereafter that such records are required to be maintained by USPAP, and consistent with the ASA ethics code. After this required period of record retention, all such information will be destroyed in a manner consistent with providing confidentiality to our clients.



Andrea Z. Roth, Ph.D., ASA
ROTH ART GROUP

3/5/2025

ITEM DESCRIPTIONS

Item Number

1

Object Type Sculpture



MARY ANN BAKER

Title *Generations Bench*

Date 2009

Medium Bronze, exterior grade acrylic

Dimensions 80 x 84 inches

Condition Assumed fair; overall soil and dust accumulation, corrosion, coating deterioration

Location Barbara Lee Senior Center

Description A curving, serpentine bench with pierced back composed of cameo depictions of various figures in historical dress, continuing to a slatted seat supported on ten legs joined by arched X-form stretchers, connected on the side to a tall tree issuing multiple branches sprouting green leaves and red apples

Replacement Value - New

\$30,000

ITEM DESCRIPTIONS

Item Number 2 **Object Type** Sculpture



MARY ANN BAKER

Title *Happy Hats Bench*

Date 2009

Medium Bronze, exterior grade acrylic

Dimensions 40 x 60 x 20 inches

Condition Assumed Fair; overall soil and dust accumulation, corrosion

Marks/Inscriptions Stamped on back "09 MABaker"

Location Senior Center Patio

Description The bench with pierced colorful back composed of an assortment of hats continuing to slatted seat, with rose blossom cut-outs, flanked by branch form armrests and supported by eight branch form legs joined by arched stretchers

Replacement Value - New

\$15,000

ITEM DESCRIPTIONS

Item Number **Object Type** **Sculpture**
3



MARY ANN BAKER

Title *Tulips Bench*

Date 2009

Medium Bronze, exterior grade acrylic

Dimensions 35 x 60 x 30 inches

Condition Assumed Fair; overall soil and dust accumulation, corrosion

Location Senior Center Patio

Description The serpentine form bench with backrest composed of colorful frieze of tulips and butterflies, continuing to a slatted seat accented by cutout butterflies, flanked by branch form armrests and supported by eight branch form legs joined by arched stretchers

Replacement Value - New

\$15,000

ITEM DESCRIPTIONS

Item Number **Object Type** **Sculpture**

4



MARY ANN BAKER

Title *Let's Dance Bench*

Date 2009

Medium Bronze, exterior grade acrylic paint

Dimensions 40 x 60 x 30 inches

Condition Assumed Fair; overall soil and dust accumulation, corrosion, salt efflorescence, fading

Location Cesar Chavez Plaza, Barbara Lee Senior Center

Description The semicircular bench with painted, pierced backrest decorated with four registers of gold and red stylized forms, including stars, continuing to slatted seat accented with star-form cutouts, flanked by branch form armrests and supported by eight branch form legs terminating in high heel shoe and boot feet, all joined by arched stretchers

Replacement Value - New

\$15,000

ITEM DESCRIPTIONS

Item Number **Object Type** **Sculpture**
5



MARY ANN BAKER

Title *Veterans Memorial Bench*

Medium Bronze, wood

Dimensions 35 x 60 x 20 inches

Condition Assumed Fair; overall soil and dust accumulation, coating deterioration and areas of loss, areas of corrosion

Location Civic Center Plaza

Description The bench with branch framed scene of American flag, soldiers, medals, and eagle amid stylized elements, continuing to slatted wood seat flanked by branch form armrests and supported on four branch form legs

Replacement Value - New

\$8,000

ITEM DESCRIPTIONS

Item Number 6 **Object Type** Sculpture



JOE BOLOGNA AND PATRICIA VADER

Title *Kicker Kid*

Date 2015

Medium Aluminum, steel, and paint

Dimensions

Condition Assumed Fair; operational, some wear, overall soil and dust accumulation, areas of coating loss, areas of paint loss

Location Cardoza Park

Description A kinetic sculpture in the form of a child in soccer uniform bending over between outstretched legs, with arms extended, a soccer ball below the child's head and a bike wheel above, connected by rods to the soccer ball

Replacement Value - New

\$30,000

ITEM DESCRIPTIONS

Item Number

7

Object Type Sculpture



DAVID ALAN CLARK

Title *Milpitas Minute Man*

Date 2013

Medium Bronze

Dimensions

Condition Assumed Fair; overall soil and dust accumulation, wax deterioration, corrosion

Signature Incised on base with date

Marks/Inscriptions Informational plaque on plinth

Location Milpitas City Hall

Description A standing man in Colonial dress wearing a tricorn hat and holding a musket in one hand and resting his hand on a plough with the other, a jacket folded over the plough

Replacement Value - New

\$278,000

ITEM DESCRIPTIONS

Item Number Object Type Sculpture

8



JAMES DINH

Title *Circle of Time*

Date 2024

Medium Granite, concrete, paint

Dimensions

Condition Assumed Good; overall soil and dust accumulation, organic debris, bird droppings

Marks/Inscriptions Plaque on base, with information about the artwork

Location Jose Higuera Park

Description a circular disc with hollow center, reminiscent of a milestone, engraved with a design of black flowing tule reeds, positioned on a circular podium textured on the sides to evoke the weave of Ohlone baskets

Replacement Value - New

\$45,000

ITEM DESCRIPTIONS

Item Number

9

Object Type Sculpture



SCOTT DONAHUE

Title *Watching You*

Date 2015

Medium Concrete, ceramic tile, paint

Dimensions 138 x 66 x 66 inches (Overall)

Condition Assumed Fair; overall soil and dust accumulation, multiple cracks

Location Rathbone Park

Description Five tall columnar forms in gray and rose toned concrete separated by veins of orange and red tile, the columns featuring raccoons, eagles, deer, mountain lions, and steel head trout

Replacement Value - New

\$100,000

ITEM DESCRIPTIONS

Item Number

10

Object Type Sculpture



BILL GOULD

Title *Green Tree*

Date 2010

Medium Steel, recycled materials

Dimensions 240 x 144 x 144 inches

Condition Assumed Fair; overall soil and dust accumulation, cobwebs, corrosion, some chips and tangles

Location Pinewood Park

Description A stylized tree anchored by five spherical terminals, with a central cylindrical trunk issuing four arched branches, each ending in a spherical finial, all connected by a series of graduated rings, all hung with assorted ornaments composed of found objects

Replacement Value - New

\$100,000

ITEM DESCRIPTIONS

Item Number **Object Type** **Painting**
11



DEBRA KOPPMAN

Title *Welcome to Milpitas*

Date 2021

Medium Acrylic paint on composite aluminum

Dimensions 30 x 48 inches (Each)

Condition Assumed good; overall soil and dust accumulation, abrasions and losses to paint

Location Variable

Description A five-panel freestanding mural, designed to be portable and flexible, with colorful images inspired by historic photographs of Milpitas, including the Smith's Corner general store, the Southern Pacific train, the Windsor Blacksmith Shop, the Pashote Building, and the Ford Assembly plant

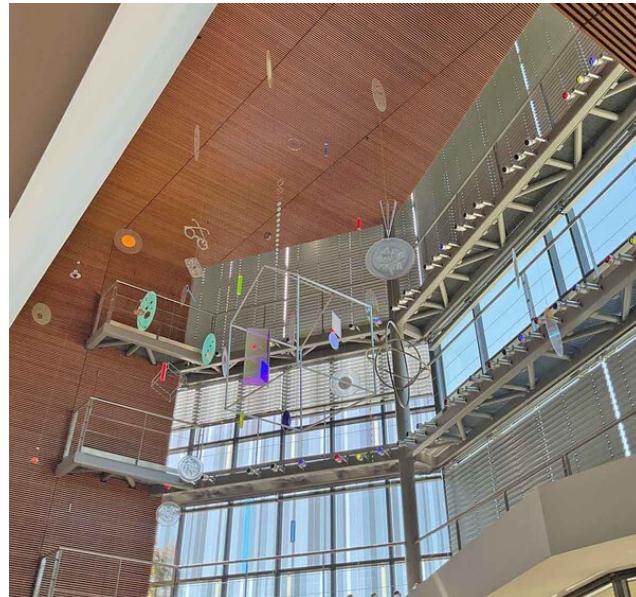
Replacement Value - New

\$10,000

ITEM DESCRIPTIONS

Item Number Object Type Sculpture

12



CORK MARCHESCHI

Title *Fertile Ground*

Date 2008

Medium Plastic, dichroic glass, monofilament

Dimensions

Condition Assumed good; overall soil, grime and dust accumulation, one element appears to be missing

Marks/Inscriptions Explanatory plaque below installation

Location Milpitas Library

Description A mobile installation with a series of objects (glasses, key, rings, airplane, shapes) suspended by monofilament from the ceiling, the objects meant to represent "kernels of thoughts, some have taken form, some have structure, but most float and await the collision that will start the process to form an idea."

Replacement Value - New

\$140,000

ITEM DESCRIPTIONS

Item Number Object Type Sculpture

13



SHANNON MOORE AND MARCIA SMITH

Title *Hand in Hand around the Park*

Date 2004

Medium Ceramic mosaic tile, steel, paint

Dimensions 96 x 72 x 72 inches

Condition Assumed fair; overall soil and dust accumulation, corrosion to steel, cracking to tiles, some losses

Location Hillcrest Park

Description A central tapered column covered in colorful mosaic tile flowers and vignettes, topped by a sphere surrounded by a pierced metal ring with cutout words and hand prints the lower section with four seats further decorated with tile mosaic scenes and banner of text quoting Anne Frank

Replacement Value - New

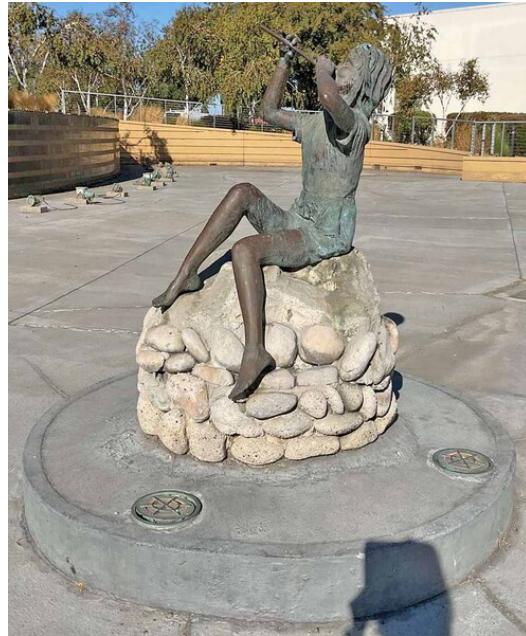
\$50,000

ITEM DESCRIPTIONS

Item Number

14

Object Type Sculpture



CARLA MOSS

Title *Flute Player*

Date 1996

Medium Bronze

Dimensions 60 x 30 x 30 inches

Condition Assumed Fair: overall soil and dust accumulation, corrosion, wax wear and loss, patina loss

Signature Incised on base, "C. Moss/S. Moss"

Marks/Inscriptions Incised date on base

Location Civic Center Plaza

Description A child seated on a rocky plinth playing a flute

Replacement Value - New

\$30,000

ITEM DESCRIPTIONS

Item Number **Object Type** Sculpture
15



CARLA MOSS

Title *Cartwheels*

Date 2004

Medium Bronze

Dimensions 50 x 50 x 10 inches (Each)

Condition Assumed fair; overall soil and dust accumulation, corrosion

Signature Each with incised signature "C. Moss" and date

Location Milpitas Library

Description Three figures of children wearing colorful clothing, each in the act of turning a cartwheel, each figure positioned on a circular concrete base

Replacement Value - New

\$60,000

ITEM DESCRIPTIONS

Item Number Object Type Sculpture

16



CARLA MOSS

Title *Little Alviso Water Tower*

Date 2012

Medium Acrylic panels, mixed media

Dimensions 84 x 40 x 40 inches

Condition Assumed fair; overall soil and dust accumulation, areas of paint loss and cracking

Location Alviso Adobe Park

Description A four-sided structure set on a aggregate square base, supported by four squared legs, each side set with horizontal panels depicting historical figures/scenes, alternating with friezes of grapes, horses, wagon wheels, cattle, maize, trees, and other elements, capped by a peaked adobe tile roof

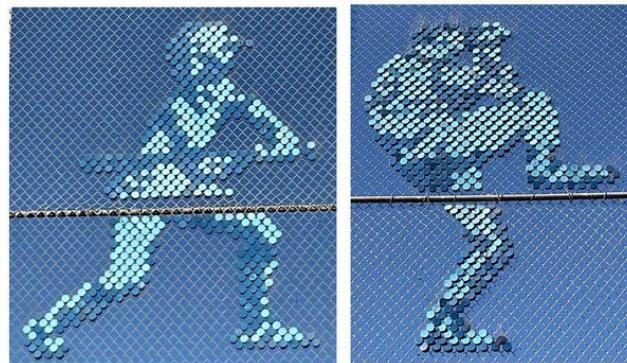
Replacement Value - New

\$40,000

ITEM DESCRIPTIONS

Item Number **Object Type** Sculpture

17



NILES PALMER

Title *Baseball Figures*

Date 2000?

Medium Painted metal

Dimensions

Condition Assumed good; overall soil and dust accumulation

Location Milpitas Sports Center, Baseball Field

Description Two baseball players, each composed of gradated blue circular metal discs fitted onto the chain link fence support, one in the act of batting and the other pitching

Replacement Value - New

\$75,000

ITEM DESCRIPTIONS

Item Number

18

Object Type Painting



JOANIE POPEO

Title *Our View*

Date 2021

Medium Pastel

Dimensions

Condition Assumed Good

Location Barbara Lee Senior Center

Description The vertical landscape with a dark green field and scattered trees below a central tan hill, dotted with areas of dark green foliage, under an expansive blue sky with scattered clouds

Replacement Value - New

\$12,000

ITEM DESCRIPTIONS

Item Number

19

Object Type Sculpture



DAN SNYDER

Title *The Sundial*

Date 2002

Medium Cement, stainless steel

Dimensions

Condition Assumed fair; overall soil and dust accumulation, graffiti, corrosion on steel elements, minor cracks and abrasions

Location Sunnyhills, Albert Augustine Jr. Memorial Park

Description A curved path inset with angelic figures, musical notes, spirals and stars, leading to a circular surface divided into wedge segments, each further embellished with inlaid spirals, stars and musical notes, centered by a wide disc, with the text "Welcome Home," supporting an octagonal column, inlaid on sides with directional indicators interspersed with further figural motifs, capped by a circular sundial, composed of Roman numeral dial face with the motto "only sunny hours" and a wave-form gnomon pierced with star and figural cut-outs

Replacement Value - New

\$100,000

ITEM DESCRIPTIONS

Item Number Object Type Sculpture

20



VICKIE JO SOWELL

Title *Legends of Milpitas*

Date 2003

Medium Painted steel

Dimensions 168 x 18 x 18 inches (Each)

Condition Assumed fair; overall soil and dust accumulation, corrosion throughout, pitting near seams

Marks/Inscriptions Explanatory plaque below each column

Location Murphy Park

Description Three columns each painted in two-tone color scheme: "Legend One" painted in yellow/green and capped by symbolic elements of a century plant blossom, the Joseph Weller palm, Old Laguna School, a Western Pacific Railroad locomotive, and Half Dome; "Legend Two" painted in light blue/dark blue and capped by symbolic elements of hummingbird sage blossom, a Mission style building, an olive tree and Ohlone Indians; "Legend Three" painted in green/red and capped by symbolic elements of corn, a burrowing owl, a century plant, the Higuera Adobe, a Ford sedan and the Milpitas Hills

Replacement Value - New

\$45,000

ITEM DESCRIPTIONS

Item Number 21 **Object Type** Sculpture



ADRIAN SUSNEA LITMAN

Title *Old Farm Wagon*

Date 2012

Medium Wood, steel, copper sheeting, paint

Dimensions 47 x 221 x 70 inches

Condition Assumed fair; overall soil and dust accumulation, corrosion, significant fading and wear to paint, evidence of pest activity

Location Alviso Adobe Park

Description A platform wagon with brightly painted blue and red wheels, set with a bench seat at front and continuing to a red and blue painted wagon tongue; the platform of the wagon fitted with metal text, "Jose Maria de Jesus Alviso, Rancho Milpitas, 1837 "and an array of fruits

Replacement Value - New

\$52,000

ITEM DESCRIPTIONS

Item Number Object Type Sculpture

22



ADRIAN SUSNEA-LITMAN

Title *Four Seasons*

Date 2010

Medium sheet metal, metal wire, paint

Dimensions 48 x 48 x 3 inches (Each)

Condition Assumed Good

Marks/Inscriptions Each with applied plaque with artist's name and title

Location Hallway, Barbara Lee Senior Center

Description Top left, "Winter" - a square composition of geometric silver/gray fields and curving lines
Top right, "Spring" - square composition of diagonals and bright green patination patterns
Bottom left, "Summer" - square composition of matte gold fields, bordered in blue/green patination, a glossy copper background
Bottom right, "Autumn" - square composition of varying tones of red and brown elements and incised curving lines

Replacement Value - New

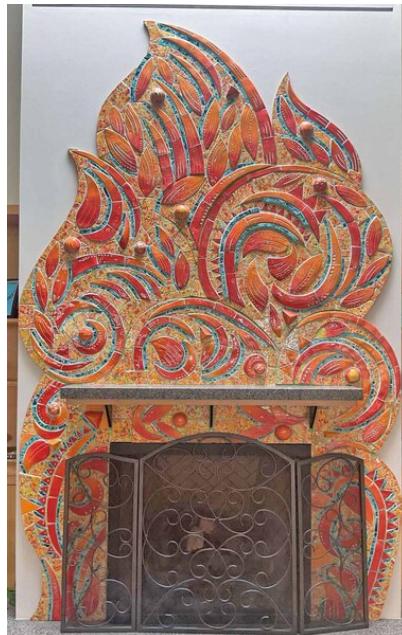
\$40,000

ITEM DESCRIPTIONS

Item Number

23

Object Type Sculpture



ADRIAN SUSNEA-LITMAN

Title *Garden Fantasy*

Date 2010

Medium Ceramic tile

Dimensions 144 x 84 inches

Condition Assumed Good; minor losses to some tiles, overall soil and dust accumulation

Location Lobby, Barbara Lee Senior Center

Description The fireplace surround composed of mosaic flame composition in swirling patterns red and orange, accented by areas of blue and green

Replacement Value - New

\$30,000

ITEM DESCRIPTIONS

Item Number **Object Type** Painting

24



ADRIAN SUSNEA-LITMAN

Title *Thriving Legacy*

Date 2011 and 2024

Medium acrylic on wood panel

Dimensions

Condition Assumed Good

Location Barbara Lee Senior Center

Description The rectangular four panel mural featuring portraits of numerous figures and the seal of the City of Salinas, all on a bright yellow/orange background, together with two 36" circular portraits, one of a man wearing a fedora and smoking a pipe, and the other of a woman wearing glasses and a blue garment

Replacement Value - New

\$68,800

ITEM DESCRIPTIONS

Item Number 25 **Object Type** Sculpture



ADRIAN SUSNEA-LITMAN

Title *Birds of Paradise*

Date 2011

Medium Sheet metal, acrylic paint

Dimensions 30 x 150 x 36 inches

Condition Assumed Fair; overall soil and dust accumulation, coating deterioration and areas of coating loss

Location Main & Great Mall Parkway, Bus Shelter

Description The shelter top consisting of assorted sections of metal, some solid and some mesh, arranged to represent red bird of paradise blossoms amid wide green leaves

Replacement Value - New

\$32,000

ITEM DESCRIPTIONS

Item Number **Object Type** **Sculpture**
26



LAUREL TRUE

Title *Starscape Bench*

Date 2007

Medium Glass and ceramic mosaic tile, concrete

Dimensions 42 x 84 x 84 inches

Condition Assumed Fair: overall soil and dust accumulation, graffiti, cracks and chips to tiles

Marks/Inscriptions Plaque on base with title, artist's name and dedication

Location Starlite Park

Description A star shaped bench with domed center covered in colorful mosaic pattern dotted with stars

Replacement Value - New

\$25,000

CONDITION RANKING

Excellent: Works are usually contemporary or less than 20 years old. They are flawless without tears, fading, foxing and free of any debris.

Very Good: Used for works are usually older than 20 years and are clean, free of tears or paint chips. There may be some wear or fading that is considered normal and expected by the market due to the age of the work and does not cause a decrease in value.

Good: The work has some minor imperfections or has been restored. Minor imperfections include some debris that can be easily cleaned and brought to the level of "very good" or "excellent." The work has been restored by a skilled restorer and evidence of damage or restoration is negligible.

Fair: The work is slightly damaged and requires some repair. The canvas has a small tear or has buckled or has some minor paint chips. The work has faded in color. Works on paper have minor tears, some brown discoloration, foxing spots or creases that can be restored.

Poor: The work is highly damaged, often beyond repair or requires a great deal of repair. For example the gap in a tear of the canvas is so large that it requires much alteration by a restorer.

STATE OF THE MARKET

Art Market End of 2024

In 2024, the global art market witnessed a period of transition, navigating economic challenges while embracing new trends. Overall, the art market experienced a modest contraction, with global sales declining by approximately 4% to \$65 billion. This downturn was influenced by high interest rates, inflation, and geopolitical instability, which affected collector confidence and spending. The U.S. market share, although decreased by 10% to \$27.2 billion, still represents 42% of the global market.

A notable shift was observed in collector motivations as art buyers showed a more investment-driven approach to art collecting. Additionally, younger collectors, particularly Millennials and Gen X, demonstrated increased activity, with a growing interest in contemporary and emerging artists. Female artists also gained greater representation, comprising 44% of artworks sold to high-net-worth individual collections, up from 33% in 2018.

The integration of technology continued to reshape the art market. Online-only sales reached \$440.3 million, nearly tripling from 2020 levels, reinforcing digital platforms as critical components of the art market. However, sales in art-related NFTs declined sharply, from a peak of \$2.9 billion in 2021 to \$1.2 billion, reflecting a cooling interest in this segment.

There was significant activity in the market for affordable art, with works priced under \$5,000 accounting for 82% of contemporary art sales. This trend highlights a shift toward accessibility and inclusivity, attracting new and younger collectors. The prints and editions sector also gained attention, offering a more accessible entry point into the art market with rising financial returns.

Despite a challenging year, the November 2024 auctions indicated signs of recovery. Approximately 35% of lots exceeded their mid-estimates, and new artist records were set, reflecting renewed confidence among collectors. However, some high-profile works, including pieces by Matisse and Rousseau, remained unsold, highlighting selective buying patterns. There is, therefore, resilience in the art market, with significant sales and a cautious yet optimistic collector base.

Looking ahead, experts predict that the art market will stabilize, with more gradual growth following the volatility of recent years. The market may expand by another 5-7% by 2025, with much of this growth coming from younger artists and collectors. Blue-chip works and traditional fine art are expected to remain strong, particularly as a hedge against inflation.

VALUATION ANALYSIS

Introduction to Our Valuation Analysis of Fine Art:

The most significant characteristic of value in determining value of artwork is the identity of the artist. The artist's skill and career are major factors in appraising a work of art and are the primary drivers of his/her market. An artist who is beginning to exhibit is considered an "emerging artist" and is typically accepted in art centers, universities and small, local galleries only, regardless of the quality of the work. An artist is considered to be "mid-career" when he/she shows their work with established galleries in metropolitan areas and local museums while also entering competitions to obtain commissions and awards. When the artist is juried into shows at larger commercial galleries and museums that span a larger area than just their local region, and is the subject of art reviews or is published in catalogues, the demand generally increases as the work gets exposure to a larger public. An artist at this stage is considered "established." The extent to which an artist is represented by a reputable gallery or dealer is an indication of the investment a gallery/dealer is willing to make into promoting a promising artist.

The works of mid-career and established artists may also appear at auction. Established artists with a strong market for their work on an international level, may also have a market with the major auction houses including Sotheby's and Christie's. Artists whose recognition is limited nationally with representation at galleries that specialize in that particular country and period might also sell at Sotheby's and Christie's but are more likely to be sold at other nationally recognized auction houses including Bonhams and Butterfields in California and London, Phillips de Pury in London, Heritage Galleries in Dallas, or Skinner in Boston.

Once the attribution of a work of art has been determined, either through the existence of the artist's signature or through provenance or expert analysis, the next characteristic of value is the type of work. Some artists have certain periods, styles or genres (subject matter) in their overall output that are more sought after than others. The importance of the specific piece within the artist's body of work as well as the work's rarity are taken into consideration in valuing a work of art.

The next characteristic of value is the quality of the work and its medium. A work's quality of execution, pictorial technique, richness, detail, color palette that appeals to most collectors and critics is assessed. In terms of medium, oils on canvas or board are traditionally the most valuable with watercolors, pastels, charcoal, ink and other drawing techniques on paper taking the next place. Prints and other types of multiples fall into the third category of value since the availability of the work in relationship to the demand influences the price as well. A print or multiple is valued according to type of printing process, its rarity and edition size. A larger edition size is less valuable than a smaller one and works that are out of print and rare on the open market, but popular, have more value.

The next categories determining value are condition and size. Works that are damaged or dirty are rarely sold at fine galleries, but may come up at auction at significantly reduced prices. Size is an important indicator of value as many works of art are often priced according to size;

however, in some cases large sizes may be a deficit as large paintings require adequate wall space.

Finally, whether or not a work may have won a prestigious award or have been included in a major museum exhibit, or published in a text book or museum catalogue would also have an impact on its value.

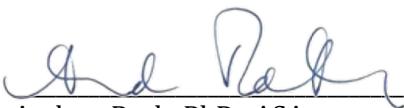
Valuing the City of Milpitas Art Collection:

The City of Milpitas collection consists of commissioned, site-specific installations. In order to arrive at replacement values for the subject properties, we researched the artists who made each piece. The majority of the artists are mid-career, active and working on projects. Replacement value for the works by these artists is based on their current pricing structure to re-create their commissioned works. In the case of artists who were unavailable to provide this information or appear to be no longer actively working, replacement value is based on pricing for a comparable new work by an artist of similar stature and reputation.

CERTIFICATION: ANDREA ROTH

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have not made a personal inspection of the property that is the subject of this report.
- No one provided significant personal property appraisal assistance to the person signing the certification.



Andrea Roth, PhD., ASA
Roth Art Group

CERTIFICATION: LIZA HICKEY

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
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- I have not made a personal inspection of the property that is the subject of this report.
- No one provided significant personal property appraisal assistance to the person signing the certification.



Liza Hickey, ASA
Roth Art Group

Printed Sources:

American Society of Appraisers Personal Property Committee, *Monographs 1-5, 6,7 and 13* (2017).

Appraisal Standards Board, *Uniform Standards of Professional Appraisal Practice*. Washington, D.C.: The Appraisal Foundation, 2024.

Lucie-Smith, Edward, *The Thames and Hudson Dictionary of Art Terms*, London: Thames and Hudson, Ltd. 1984.

Soucy, Patricia C. and Smyth, Janella N., eds. *The Appraisal of Personal Property, Principles, Theories, and Practice Methods for the Professional Appraiser*, Washington, D.C.: American Society of Appraisers, 1994.

Internet Sources:

1stDibs

Year in Review Database

Public Art Network

Americans for the Arts

<https://www.americansforthearts.org/>

Galleries and Dealers Consulted:

Randolph Rose Collection
Yonkers, NY

Xanadu Gallery
Scottsdale, AZ

Artists Consulted:

David Alan Clark

James Dinh

Artik Art & Architecture (Bill Gould)

Dr. Debbie Koppman

Cork Marcheschi

Carla Moss

Joanie Popeo

Dan Snyder

Vickie Jo Sowell

Adrian Susnea Litman

Laurel True

Patricia Vader and Joe Bologna

APPRAISER'S CREDENTIALS

ANDREA Z. ROTH, PH.D.

EDUCATION

Ph.D., Art History, University of Southern California, 2002
M.A., Art History, University of Southern California, 1995
B.A., Honors, Political Science, University of California, Los Angeles, 1987

American Society of Appraisers (ASA), Accredited Senior Appraiser

American Society of Appraisers, Accreditation Program

Introduction to Personal Property Valuation (PP/GJ201), 2004
Personal Property Valuation Methodology, Research and Analysis (PP/GJ202), 2005
Appraisal Methodology: Report Writing (PP/GJ203), Rhode Island School of Design, 2005
Insurance and the Legal Environment (PP/GJ204), U.C. Irvine, 2006
California Art and Design, U.C. Irvine, 2006
Uniform Standards of Professional Appraisal Practice (USPAP), 7-Hour Update, August 8, 2024

EMPLOYMENT

October 2003 – Present

Roth Art Group: Founder & CEO

Independent fine art appraiser specializing in American and European paintings and sculpture from 1800 to contemporary. Prepare appraisal reports for insurance coverage, estate planning and tax, charitable donations, division of property, damage/loss claims, bankruptcy and collateral valuations. Offer art consultation services for sale and purchase, art investment, authentication research, market condition analysis and collection cataloging. May serve as expert witness at trials involving fine art and sculpture disputes.

Certified by California State Board of Education to offer courses for continuing education. Course offered: The Fine Art Appraisal and the Art Market

Offer seminars in IRS requirements for estate tax appraisals to estate planners and estate attorneys

Offer seminars in the current state of the art market and appraisal requirements to insurance brokers, estate planning, and family law professionals.

LECTURES & SEMINARS

AAML (American Academy of Matrimonial Lawyers) – Northern California Chapter, “What do we do with all this stuff? Valuations, Distribution and Selling Valuable Objects in Divorce.” January, 17, 2024.

Central Oregon Estate Planning Council, “Protecting the Castle and Treasures: Risk Management for Valuable Items in an Estate.” January, 31, 2024.

American Society of Appraisers, “Jewelry as Art, Art as Jewelry: Blurring the Boundary for the Appraiser,” Webinar, June 2022.

San Francisco Trusts and Estate Planning Affinity Group, Provisors Trusted Advisors Group, "Digging for Treasure: How to Find and Protect Hidden Art Assets," March 2021

American Society of Appraisers, "Protecting Your Art: What You Need to Know About Copyright, Restitution, Money Laundering and Other Art Related Transactions," Webinar October, 2020

Bar Association of San Francisco, "The Art of Planning for Valuable Collections," July 2020

American Society of Appraisers, "The Value of Fame-Appraising Hollywood and Rock 'n' Roll Memorabilia," Webinar, June 2020

Santa Clara Estate Planning Council, "Case Studies in Complex Fair Market Value Appraisals," February 2020.

RIMS, Risk Insurance Management Society, San Francisco Chapter, "The Essentials of Art Asset Protection," January 2018.

Chubb Insurance, San Francisco, "The Fundamentals of Appraising Fine Art," November 2014.

Diablo Valley Estate Planning Council, Walnut Creek, "Challenging Your Own Value Wizard," June 2013.

City National Bank, Private Client Group, San Francisco, "Navigating the Current State of the Art Market," May 2012.

EMPLOYMENT (CONTINUED)

September 1994 - August 1996

The Art Bulletin: Editorial Assistant

Monitored all daily operations of the *Art Bulletin*, the most prestigious journal in the discipline of art history. Reviewed and evaluated manuscript submissions, occasional editing of manuscripts, performed editorial-related research, extensive record keeping.

January 1992 - August 1993

J. Paul Getty Art History Information Program: Associate Editor

Edited all entries for the *Thesaurus of Geographic Names* (TGN), the first automated source of hierarchically-arranged international geographic data. Participated in strategic planning. Performed research, and wrote summaries for publishing.

July 1989 - December 1991

Bowles/Sorokko Galleries: Gallery Administrator

Supervised gallery administrative operations. Coordinated exhibitions and auctions. Maintained gallery archives, performed provenance research, prepared educational material. Wrote administrative procedures and training manuals. Gained overall familiarity with modern and contemporary art market trends.

TEACHING EXPERIENCE

Visiting Lecturer at the following institutions in the Department of Art History, teaching courses in European 16th and 17th century art:

University of California at Davis, Fall and Spring 2003
Mills College, Winter 2003

Santa Clara University, Fall 1999
University of California at Riverside, Spring 1997

FELLOWSHIPS AND HONORS

William J. Fulbright Scholarship for Research in Italy, 1997-98
Gladys Krieble Delmas Foundation, Dissertation Writing Grant, 1999-2000
University of Southern California, Dissertation Writing Award, 2002

PROFESSIONAL AFFILIATIONS

Accredited Senior Appraiser (ASA), American Society of Appraisers
ASA NorCal Chapter Vice President, 2020-2022
ASA NorCal Chapter Board Member, 2022- present
ArtTable
J. Paul Getty Research Institute Affiliate

FOREIGN LANGUAGES

Italian, Romanian, Spanish reading ability

LIZA HICKEY, A.S.A.

EDUCATION

Master of Philosophy, European Fine & Decorative Art History, University of Glasgow
(Christie's Education) 2002-2003
Bachelor of Arts, Psychology, Minor, Art History, University of California Santa Barbara, 1996-2000

American Society of Appraisers (ASA), Accredited Senior Appraiser

American Society of Appraisers, Accreditation Program

Introduction to Personal Property Valuation (PP/GJ201), 2009

Personal Property Valuation Methodology, Research and Analysis (PP/GJ202), 2010

Appraisal Methodology: Report Writing (PP/GJ203), 2010

Insurance and the Legal Environment (PP/GJ204), 2011

Uniform Standards of Professional Appraisal Practice (USPAP), 7-Hour Update, June 5, 2024

EMPLOYMENT

2024-Present

Roth Art Group: Head of Appraisal Services, Decorative Art & Antiques Appraiser

Conduct professional art appraisals for insurance coverage, estate planning and tax, charitable donations, division of property, damage/loss claims, bankruptcy, and collateral valuations. Offer project management, art market analysis, trend monitoring, and provide informed advice to clients to make strategic decisions within the art market.

2023-2024

Applied Art Appraisals: President and Decorative Art Appraiser

Accredited Senior Appraiser, American Society of Appraisers - Appraisal knowledge and expertise to solve valuation problems, with an emphasis on the functional arts, including ceramics, glass, metalwork, and furniture. Applied Art Appraisals offers professional, detailed, thorough and organized valuation reports for insurance coverage, charitable contribution and estate management.

2007-2022

Hobart Associates, Inc.: Associate Appraiser

Responsible for valuation of decorative arts, research, editorial assistance and office administration at small fine art and antique appraisal firm.

2011-2016

Freelance Writer, Editor, Researcher

Worked with Old Master prints and drawings, book specialist. Wrote, edited valuation analyses in collaboration with Fine Art appraiser

2004-2007

ABC-CLIO, Santa Barbara: Writer/Editor

Planned, researched, and produced numerous feature stories on a variety of geographic, political, and cultural topics. Wrote and edited news stories for use on educational web-based database. Collected and managed data on individuals (political leaders and cultural figures) and organizations (political parties, legislatures, cultural groups, et. al.)

PROFESSIONAL AFFILIATIONS

Accredited Senior Appraiser (ASA), American Society of Appraisers
ASA NorCal Chapter Secretary, 2016-2021
ASA NorCal Chapter Treasurer, 2022-2024
American Decorative Arts Forum, member, 2023-present
San Francisco Ceramics Circle, member, 2024-present

GLOSSARY OF TERMS

Appraisal. An unbiased, supportable estimate of a defined value by a person trained in research and analysis, and who is knowledgeable about the property being appraised and its class, and acts with accepted and professed standards of professional practice. Appraisals are written and oral reports which communicate value.

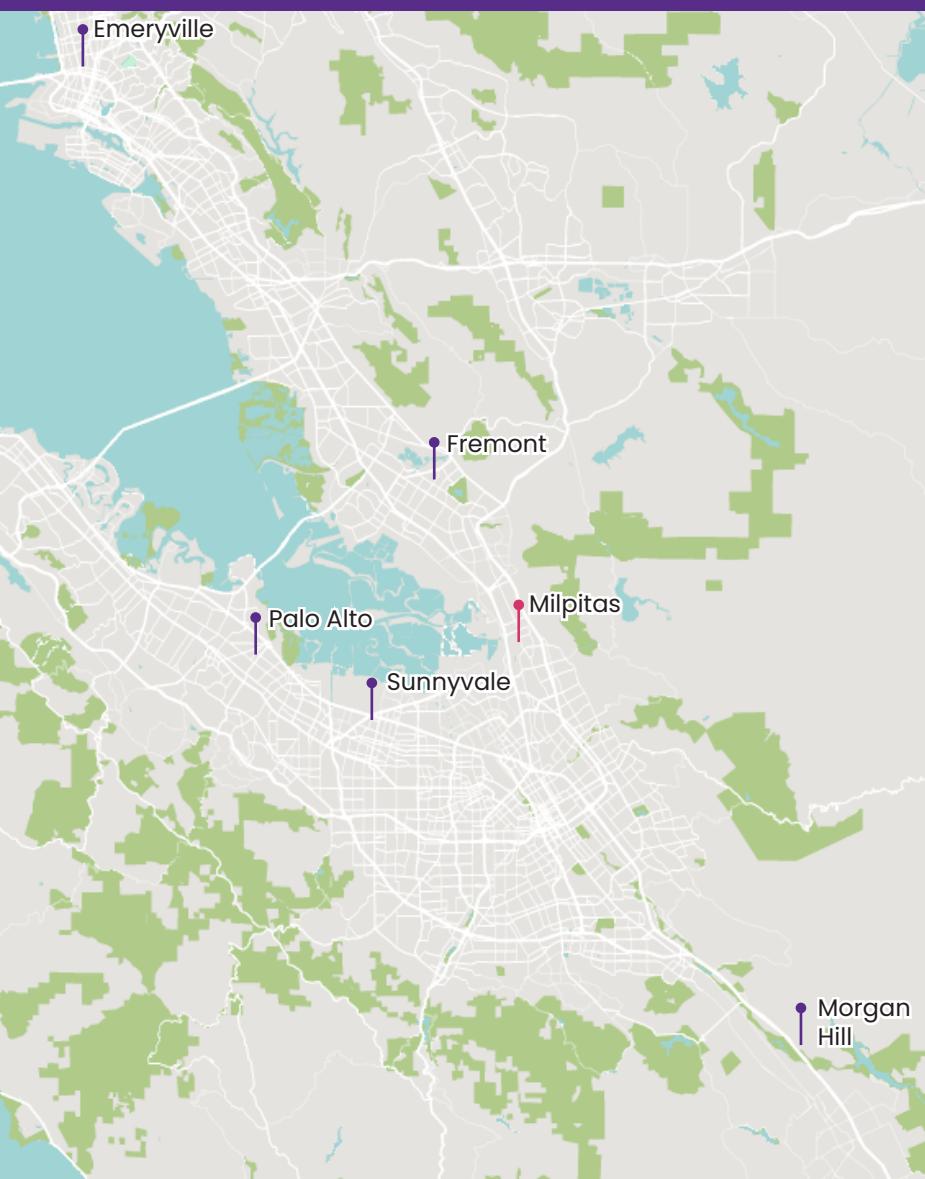
Auction. A scheduled event where works of art are sold at a specific time and place to the highest bidder.

Characteristics of Value. The characteristics of a property significant in the market such as condition, date, subject matter or color. Characteristics of value are primarily questions of fact and have an objective relationship to the marketplace.

Provenance. The listing of the previous ownership of a work of art, forming an essential part of its history. Provenance is usually given in the entries for works of art in scholarly catalogues of a particular collection or entries for works of art in scholarly catalogues of a particular collection or artist's oeuvre.

PERCENT FOR ART

Case Studies



MILPITAS, CA

PUBLIC CIP/DEVELOPMENT ASSESSMENT

One and one-half (1.5) percent of eligible projects expenditures within the City's annual Capital Improvement Projects.

PRIVATE DEVELOPMENT ASSESSMENT

One-half (.5) percent of building development costs for Private nonresidential building developments involving 2,000 square feet or more of new floor area and Private residential building developments of 20 or more new dwelling units.

IN-LIEU CONTRIBUTION

One-half (.5) percent of building development costs.

ANALYSIS AND KEY TAKEAWAYS

Opportunity areas:

- Expanding Private Development assessment for public art to one and one-half (1.5) percent.
- Expanding the in-lieu contribution to one and one-half (1.5) percent.
- Provide clearer definition for eligibility for both private and public projects.

SUNNYVALE, CA

Distance from Milpitas: 10 miles southwest

Population: 155,805

Area: 22.78 miles²

PUBLIC CIP/DEVELOPMENT ASSESSMENT

One (1) percent of the project valuation within a variance of ten percent

PRIVATE DEVELOPMENT ASSESSMENT

Two (2) percent of project construction valuation

IN-LIEU CONTRIBUTION

Yes. The in-lieu fee shall be 1.1% of the building valuation. The additional .1% assessed is to be reserved in the public art fund for maintenance of the collection.

ANALYSIS AND KEY TAKEAWAYS

A public percent for art fee is not included in the ordinance, but Sunnyvale's provision of a maintenance assessment as part of the in-lieu fee is a sustainable approach to ensuring the collection's ongoing maintenance, especially if Sunnyvale private developers are more frequently opting into the in-lieu fee.

FREMONT, CA

Distance from Milpitas: 12 miles northwest

Population: 230,504

Area: 88.46 miles²

PUBLIC CIP/DEVELOPMENT ASSESSMENT

One (1) percent fee assessed for public projects.

PRIVATE DEVELOPMENT ASSESSMENT

The original 1987 ordinance was expanded in 2016 to include a private development assessment. For specified districts in the City, a fee per square foot of construction is assessed.

As of 2016, the fee was \$0.52 per square foot. In Fremont, the amount of the fee shall be based on an amount per square foot adopted by resolution each year, based on the Consumer Price Index in the San Francisco-Oakland-San Jose area for the preceding year.

IN-LIEU CONTRIBUTION

Not for all projects, but for private development greater than 100,000 square feet, the developer has the option to contribute 50% of the assessed fee, if public art is not installed.

ANALYSIS AND KEY TAKEAWAYS

A square footage model is highly desirable for communities anticipating significant private development in coming years. This approach ensures a more accurate assessment is made.

PALO ALTO, CA

Distance from Milpitas: 16 west northwest

Population: 68,572

Area: 26 miles²

PUBLIC CIP/DEVELOPMENT ASSESSMENT

One (1) percent of the City's annual Capital Improvement Program (CIP) budget

PRIVATE DEVELOPMENT ASSESSMENT

One (1) percent of the estimated construction valuation

IN-LIEU CONTRIBUTION

Yes, one (1) percent of the estimated construction valuation

ANALYSIS AND KEY TAKEAWAYS

Palo Alto offers a very comprehensive suite of resources to inform Private Developer's understanding of the public art fee, their options for the one (1) percent assessed, and how the Palo Alto Art Program can support these processes.

MORGAN HILL, CA

Distance from Milpitas: 28 miles southeast

Population: 44,478

Area: 12.94h miles²

PUBLIC AND PRIVATE CIP/DEVELOPMENT ASSESSMENT

Applicable for both private and public projects:

Morgan Hill is exploring adopting a one (1) percent fee for the total construction valuation of new residential building developments of 20 housing units or more; nonresidential development projects of 5,000 square feet or more; and new public buildings and new city parks.

IN-LIEU CONTRIBUTION

Yes. The in-lieu fee shall be equal to the one (1) percent assessment.

ANALYSIS AND KEY TAKEAWAYS

Milpitas' current ordinance does not specify an in-lieu fee. It is common for in-lieu fees to be a fraction of the total fee assessed, if art is not selected, but clarifying what this amount should be will ensure consistency from project to project. It is recommended that the maximum amount for an in-lieu fee should be explored for revision in Milpitas' ordinance.

EMERYVILLE, CA

Distance from Milpitas: 50 miles northeast

Population: 12,732

Area: 2.01 miles²

PUBLIC CIP/DEVELOPMENT ASSESSMENT

One and one-half (1.5) percent of building costs for public art is assessed for municipal development projects.

PRIVATE DEVELOPMENT ASSESSMENT

One (1) percent of building costs for public art is assessed for private developers of non-residential buildings with building costs in excess of \$300,000.

One-half (.5) percent of building costs for public art is assessed for private developers of residential projects over 20 units allocated.

IN-LIEU CONTRIBUTION

Yes, but the amount is unspecified.

ANALYSIS AND KEY TAKEAWAYS

While the public percent for art fee aligns with Milpitas', Emeryville assesses higher fees in private development.

Section 14 Public Art Requirements for Private Development

XI-10-14.01 Definitions

"Affordable Housing" is defined in Section XI-10-54.15.D of the Zoning Code.

Artist means an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or literary arts, as judged by the quality of that professional practitioner's body of work, educational background, experience, public performances, past public commissions, sale of works, exhibition record, publications, and/or production of artwork. The members of the architectural, engineering, design or landscaping firms retained for the design and construction of a development project covered by these policies shall not be considered artists for the purposes of these policies.

"Building Development Costs" means those construction costs as declared on building permit applications, and as accepted by the Building Official. Building permit applications shall include building, plumbing, mechanical and electrical permit applications for the project.

"Developer and/or Owner" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality (other than the City of Milpitas), industry, public or private corporation, or any other entity that undertakes any construction within the City subject to the requirements in this Section 14.

Exterior place means any place, public or private, outdoor and exterior to buildings or structures and exposed to public view, including, but not limited to, buildings, parks, right-of-way medians and open spaces.

Local artist means an artist, as defined in this chapter, who resides in Santa Clara County, California.

Maintenance, with respect to artwork, means the required repairs or cleaning to keep a work of art in its intended condition, including preventative maintenance at scheduled intervals to curtail future deterioration, ordinary repairs or maintenance, including but not limited to, painting, repair, replacement, or installation of mechanical equipment.

Maintenance, with respect to ordinary property maintenance, means ordinary repairs or maintenance of a structure, including but not limited to, painting, roof repair, replacement, or installation of mechanical equipment.

"Public Art" is a process which results in the incorporation of original works of art by artists in publicly accessible spaces and which serves a socio-environmental function identifiable with people; is accessible to the mind and the eye; is integral to the site and responds to the concept of place making; is integrated with the work of other design professionals; is of high quality; serves the City by enhancing the quality of life for citizens and contributes to the City's prestige; is unique to its moment in time and place.

Public art master plan means the Public Art Master Plan of the City of Milpitas, California that pertains to public art, as it exists or may be amended. The Plan shall provide a process for the systematic selection and acquisition of pieces of artwork and locations of art to be included in public places.

"Public Art Program In-Lieu Contribution" means the percentage of Building Development Costs required herein.

"Public Art Projects" are projects which involve artists working through the public art process that result in the creation of original works in publicly accessible spaces that include but are not limited to paintings, mural decorations, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescoes, mosaics, mobiles,

photographs, drawings, collages, prints, crafts both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Public Art Projects also include artists serving on design and development teams to identify opportunities to incorporate art in publicly accessible space.

"Publicly Accessible Art" means art that is accessible to the general public.

Renovation means a project requiring a building permit where fifty percent (50%) or more of the exterior building area is being modified, rebuilt or improved by construction. For purposes of this chapter, "renovation" does not include the following:

1. Repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other casualty.
2. Historic preservation or restoration.
3. Development activity on existing, previously approved developments for the sole purpose of accessibility compliance.

Total construction costs means the total cost of the improvements, excluding land costs, approved for a development project, as indicated on the construction contract(s) for the subject improvements.

(Ord. No. 38.821, § 3, 5/19/15)

XI-10-14.02 Purpose and Intent

This Section 14 is intended to promote the aesthetics and arts in the City of Milpitas by requiring the inclusion of a public artwork component in new private development projects in Milpitas. A policy is hereby established to require certain private developments to include Publicly Accessible works of art for placement on the development site or contribute a Public Art Program In-Lieu Contribution as a condition of project approval. Developers and/or Owners are encouraged to employ Milpitas artists or arts organizations to fulfill the Public Art requirement.

(Ord. No. 38.821, § 3, 5/19/15)

XI-10-14.03 Contribution Requirements

- A. Calculation.
 - a. Nonresidential Building Developments. All ~~P~~private nonresidential building developments involving 2,000 square feet or more of new floor area shall devote an amount not less than ~~one and one-half of one~~ percent (1.5%) of ~~total construction costs~~ ~~Building Development Costs~~ for acquisition and installation of Publicly Accessible Art on the development site.
 - b. Residential Building Developments. All new ~~P~~private residential building developments of ~~1020~~ or more new dwelling units, ~~including new construction, or the renovation or improvement of an existing building where fifty percent (50%) or more of a building is being modified, renovated, expanded, rebuilt or improved by construction,~~ shall devote an amount not less than ~~one and one-half of one~~ percent (1.5%) of ~~total construction costs~~ ~~Building Development Costs~~ for acquisition and installation of Publicly Accessible Art on the development site.
- B. Public Art Review. All proposed Public Art to be installed on a development site under this Section 14 shall first be reviewed and approved by the Art Commission for its artistic value and appropriateness in light of the size of the development project. The cost of the proposed Public Art shall not be the sole reason for rejecting the proposed Public Art. The Art Commission shall consider the following criteria in recommending approval or disapproval of a work of art:
 - a. *Complies.* The proposed art conforms to the definition of art contained in this chapter and will be created by an artist or local artist as defined in this chapter.

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- b. *Master plan.* The proposed art meets the qualities described in the public art master plan, if applicable to the project.
- c. *Visual accessibility.* The proposed art will be readily visible to the public and meet the location requirements of this chapter.
- d. *Quality.* The proposed artist is professionally recognized in the medium, and the proposed art is of quality and enduring value.
- e. *Appropriateness to site.* The proposed art is of design, scale, and material appropriate to the site.
- f. *Compatibility.* The proposed art is compatible with surrounding neighborhoods.
- g. *Public Welfare.* The proposed art is not detrimental to the public welfare and will not constitute a safety hazard.
- h. *Maintenance.* The proposed art will not require extraordinary maintenance.
- i. *Valuation.* The proposed art meets or exceeds the public art assessment requirements of this chapter.
- j. *Location.* The proposed location of the art and/or element(s) is in an exterior place and is appropriate to accommodate the size and scale of the proposed art and/or element(s), has or can reasonably accommodate any necessary supporting infrastructure and is in compliance with applicable city code requirements such as visibility triangle. Notwithstanding the foregoing, art purchased with the arts and culture fund or for public construction projects may be located inside publicly owned buildings.

C. *Requirements.* All private development meeting the applicability requirements of this section must elect one of the following assessment methods within ninety (90) days of the issuance of the first building permit or site work permit for a subdivision plat for any portion of the project: ~~In-Lieu Contribution~~.

- a. *Option 1: On-Site Artwork.* At the discretion of the Developer and/or Owner, in lieu of installing on-site Public Art, the Developer and/or Owner may provide a Public Art Program In-Lieu Contribution to be deposited into the Public Art Fund for acquisition and placement of Public Art throughout the City. The Developer may contribute an amount equal to one and one-half (1.5) percent of the total construction costs for deposit to the public art fund. The public art assessment must be paid in full prior to the issuance of a certificate of occupancy except for subdivision plats which are required to submit the public art assessment in full at the time of recording of the final plat;
- b. *Option 2: Contribute to Fund.* The Art Commission may allow a Developer and/or Owner to satisfy the public art requirement by a combination of installing Publicly Accessible Art on the development site and make a Public Art Program In-Lieu Contribution if the Art Commission determines that the location, siting or scale of the development site makes the installation of Publicly Accessible Art inappropriate or impossible for the purposes of satisfying the one and one-half percent (1.5%) requirement for installing Publicly Accessible Art on the development site.
- c. *Option 3. On-site Artwork and Contribute to arts and culture fund.* Where there are combined uses within a development project or portion thereof, the arts fee shall be the sum of the fee requirements of the various uses listed above.
- d. *Option 4: Alternative Equivalent Proposal.* Submit an alternative equivalent proposal to the Director of Planning.
 - i. The proposal shall be for the installation of freely accessible work of art on City public right-of-way, on property owned by other public agencies, or on another property under the control or ownership of the developer. The proposal may seek a combination of the public art assessment associated with multiple projects into one larger work of art in lieu of several small works of art.
 - ii. The proposal shall contain all information and establish all criteria set forth in section _____ of this Chapter, excluding the document required by _____.

- iii. The developer must demonstrate that the cost of the proposal will equal the cost of the public art assessment otherwise required under subsection _____ and not create unbudgeted costs for the City.
- iv. The City may approve the proposal if it finds that:
 - 1. The alternative equivalent proposal will further the purposes of this chapter as set forth under section _____; and
 - 2. The proposed location of the alternative equivalent proposal is in reasonable proximity to the location of the site(s) generating the work of art requirement, in order to avoid clustering of all public art in one location; and
 - 3. The cost of the proposal will be equal to or greater than the cost of the public art assessment that would otherwise be required under Subsection _____; and
 - 4. The developer has established to the satisfaction of the City that the alternative equivalent proposal will create freely accessible public art in the City to an equal or greater extent than installation of the public art on the individual project site or a contribution to the Fund.
 - 5. In approving a proposal, the City may impose reasonable conditions of approval requiring the developer to enter into agreements with the City or other public agencies or private parties in order to memorialize the legal obligations of all parties involved with the alternative equivalent proposal.
- D. The public art assessment for residential development projects will be calculated on a plat by plat basis. Total construction costs for purposes of calculating the public art assessment will be based on the total construction costs for all property depicted on each plat included within the residential development project.
- E. Notwithstanding the foregoing, the public art assessment for any single project, cannot exceed one hundred thousand dollars (\$100,000.00).
- F. Subsequent Removal of Public Art or Alternative Compliance Space. If the Developer and/or Owner satisfies the Public Art requirement in accordance with subsection (A)(1), (A)(2), above, the Public Art previously installed on the development site may only subsequently be removed if the Developer and/or Owner makes a Public Art Program In-Lieu Contribution equivalent to the original amount to the Public Art Fund.
- G. Exclusions. The requirements of this Section 14 shall not apply to:
 - a. an Affordable Housing development with a minimum of 20 percent Affordable Housing units if the Developer and/or Owner demonstrates to the satisfaction of the City Council that said requirements would cause the development project not to be economically feasible.
 - b. Transitional housing
 - c. Ordinary property maintenance.
 - d. Repairs and restoration resulting from fire, flood, windstorm or other casualty or natural disaster, as determined by the building official.
 - e. Industrial and commercial development that is not open or accessible to the general public due to the storage or use of hazardous, radiological, or infectious materials, national security reasons, or other reasons related to the health, safety, or security of the public.

(Ord. No. 38.821, § 3, 5/19/15)

XI-10-14.04 Public Art Fund

Public Art Program In-lieu Contribution shall be placed in the Public Art Fund. The 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.

(Ord. No. 38.821, § 3, 5/19/15)

XI-10-14.05 Compliance

Compliance with the provisions of this Section 14 shall be demonstrated by the Developer and/or Owner at the time of filing the Building Permit application as follows: (a) payment of the full amount of the Public Art Program In-Lieu Contribution, or (b) written proof to the Building Department and the Public Art Program of a contractual agreement to commission or purchase and to install the requested artwork on the development site by a date approved by City. ~~The value of the Publicly Accessible Artwork shall be independently verified by a third party unrelated to the Developer and/or Owner and submitted to the City with the contractual agreement at the sole expense of the Developer and/or Owner.~~ The Developer and/or Owner shall provide the City with proof of installation of the requested artwork on the development site or proof of full payment of the Public Art In-Lieu Contribution before issuance of the certificate of occupancy, unless the City has approved some other method of assuring compliance with the provisions of this Section 14. In the case of installation of Public Art on the development site, the Developer and/or Owner shall maintain said artwork in proper condition on an ongoing basis.

(Ord. No. 38.821, § 3, 5/19/15)

XI-10-14.06 Violations of this Section

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any permit granted to any Developer and/or Owner who violates the provisions of this Section 14.

(Ord. No. 38.821, § 3, 5/19/15)

******SECTIONS PROPOSED FOR ADDITION******

1.

Sec. _____. Inclusion of art at private development site.

1. *Location.* Artwork must be located in an exterior, publicly accessible place.
2. *Process.* If the developer chooses to provide artwork at the site of the private development, the developer must comply with the following process:
 - a. *Escrow and accounting of funds for artwork.* The developer must submit documentation to the city showing a deposit for public art was made with the developer's attorney or escrow agent into an escrow account not more than ninety (90) days after the issuance of the first building permit or site work permit for subdivision plats, in an amount equal to one and one-half percent (1.5%) of the total construction costs.
 - b. *Art consultant.* If the developer chooses to provide artwork on site, the developer may utilize up to twelve percent (12%) of the escrowed art deposit to retain an art consultant to assist in the selection and procurement of the required work of art. The art consultant cannot have a financial or other relationship with the artist or developer, or any ownership in the artwork purchased by the developer. The artist is not entitled to the art consultant fee.
 - c. *Artist selection.* Selection of the artist will be the responsibility of the developer. The selected artist must be an artist as defined in this chapter. The commission of the artist must be by written contract between the developer and artist.

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3. *Application for approval of proposed art.* An application for approval of the work of art must be made to the Art Commission within ninety (90) days of the issuance of the first building permit or site work permit for subdivision plats. The application must include:
 - a. Artist's qualifications, including resume and portfolio establishing the artist's credentials.
 - b. Detailed description and depiction of the work of art and its location on the site.
 - c. Drawings and renderings of the proposed work of art, in terms of size, scale, color, shape, and materials in sufficient detail to provide a clear understanding of the art.
 - d. Appraisal of the value of the art.
 - e. Documentation showing that a deposit for public art was made into an escrow account.
 - f. Maintenance program required for the artwork.
 - g. Proposed restrictive covenant running with the land that binds the property owner's successors and assigns to retain and maintain the artwork in compliance with this chapter, as more specifically described in section _____.
 - h. Compliance with public accessibility (ADA) requirements.
4. *Board review of contribution of art.* The Art Commission shall review the proposed artwork based on the criteria established in section _____ and shall recommend to the city council whether to approve, deny, or approve with conditions the selection and location of the artwork with sensitivity to the aesthetic and cultural traditions and the history of the city and to the character of the surrounding neighborhoods.
5. *Appraisal.* The value of the Publicly Accessible Artwork shall be independently verified by a third party unrelated to the Developer and/or Owner and submitted to the City with the contractual agreement at the sole expense of the Developer and/or Owner. Such appraisal will be paid for by the developer from the escrowed art deposit.

Sec. _____. Ownership and maintenance of artwork installed on private property.

1. Artwork installed on private property pursuant to the requirements of this chapter is the property of the property owner. Title and ownership of the artwork transfers in whole or in part to any successor in interest of the property. The property owner shall be responsible for maintenance of the artwork in good condition at all times, as determined by the city. The property owner shall be responsible for ensuring that the public's view of the artwork is maintained, and that no vegetation or additional construction obstructs the public's view. Maintenance includes any associated landscaping or related improvements.
2. The owner of any property containing artwork installed in compliance with this chapter must include restrictions by recorded covenant that require retention and maintenance of the artwork in compliance with this chapter to run with the land and be binding on the owner's successors and assigns. The restrictive covenant must be recorded within ten (10) days of the issuance of the certificate of occupancy for the project. Any such restrictive covenant must be approved by the city attorney prior to recordation.

Sec. _____. Removal or replacement of artwork installed on private property.

1. Artwork installed in accordance with this chapter must remain on site in the approved location and cannot be altered, replaced, or removed except as provided in this chapter, or when deemed to be unsafe by the city building official, or require replacement due to destruction or casualty to the artwork.
2. All replacement art must equal or exceed the value of the original artwork and must not be less than the original public art assessment requirement. If the artwork is to be replaced, the Art Commission shall review the proposed artwork and shall recommend to the city council whether to approve, deny, or approve with conditions the selection of the artwork in accordance with the arts and culture implementation guidelines.

Sec. _____ . Enforcement.

1. *Certificate of Occupancy.* Unless an alternative deadline is established in a development order, or a time extension is granted by the planning director, no certificate of occupancy for a project subject to the public art assessment pursuant to section _____ will be issued until the artwork is installed and/or the full art assessment has been paid to the city.
2. *Other remedies.* The provisions of this chapter may also be enforced through any remedy available to the city in law or in equity. Violations may also be enforced through the code enforcement provisions of this code; or the city may institute a civil action in a court of competent jurisdiction to seek injunctive or other relief to enforce compliance with the terms of this chapter or any rule or regulation promulgated under this chapter, to enjoin and prohibit said violation or to compel the performance of actions which will result in compliance with this chapter. These remedies are cumulative, and the use of any appropriate remedy does not constitute an election of remedies by the city. The use of one remedy does not preclude the use of any others.