



CITY OF MILPITAS

Arts Commission

SPECIAL MEETING

AGENDA

7:00 p.m.

Monday, February 24, 2025

Milpitas Community Center, Room 7/8, 457 E. Calaveras Blvd

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Seating of Alternates
5. Approval of Agenda: March 24, 2025
6. Approval of Meeting Minutes: February 24, 2025
7. Public Forum

Those interested are invited to address the Commission on any subject not on the agenda. Speakers may provide their name and city of residence for the record, and comments may be limited to three minutes, or less. As an item not listed on the agenda, no response is required of the Commission or staff. However, Commission members may request staff to add the item to a future meeting agenda. This public meeting will be led with professionalism, respect, and civility, so profanity and/or vulgar language will not be allowed.

8. Announcements

- a. Commissioners' announcements
- b. Staff announcements

9. Business Items

a. Public Art Master Plan Update & Engagement Activity

Assistant Director McLane will provide an update on the project and share the Weaving Together artwork created artist Saranya Chandrasekaran with participation from the public.
Recommendation: Receive the report and provide feedback about display of the artwork.

b. State Bill 456 – Contractors Exemption for Muralists

Assistant Director McLane will provide an update on State Bill 456 and Milpitas' participation with the League of Cities effort to lobby for an exemption to the Contractors State License Law

for muralists.

Recommendation: Receive information and vote on whether to send a letter in support from the Commission.

c. **Muralist Applications: Jessica Cao, Zoe Caron, and Richa Priyanka**

Assistant Director McLane will present applications from muralists requesting pre-qualification for mural projects in Milpitas.

Recommendation: Vote on muralist prequalification for Jessica Cao, Zoe Caron and Richa Priyanka.

10. City Liaison Reports

Report from Staff Liaison

- Recent and Upcoming Milpitas Arts Programs
 - Current Phantom Art Gallery Exhibits: Sujata Tibrewala: Feminism Revisited and Curvy Yoga Series, March 6-May 22, with Artist's Reception tbd
 - Milpitas Community Theatre *Miss Nelson is Missing* play, March 27-30.
- Public Art Project Status
 - Dixon Landing Park (budget \$30K)
 - Historical Park Markers (budget \$100K)
 - Public Art Master Plan (budget \$80K)
- Public Art Fund Balance

Report from Councilmember Liaison

11. Next Meeting Date – May 19, 2025 at Milpitas Community Center (Special Meeting)

12. Adjournment

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: mmutalipassi@milpitas.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.milpitas.gov by selecting "I Want to . . . View " link.

Materials related to an item on this agenda submitted to the Commission after initial distribution of the agenda packet are available for public inspection at the Recreation and Community Services office at the Milpitas Community Center, 457 E. Calaveras Blvd., Milpitas and on the City website. Commission agendas and related materials can be

viewed online: www.milpitas.gov/our-government/commission/arts/

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.milpitas.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for a City of Milpitas public meeting, please call Recreation and Community Services Community Engagement and Inclusion Administrator Tegan McLane at (408) 586-3212, or send an e-mail to tmclane@milpitas.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.



CITY OF MILPITAS Arts Commission

SPECIAL MEETING MINUTES

7:00 PM

Monday, February 24, 2025
MILPITAS CITY HALL
457 E. CALAVERAS BLVD.
COMMUNITY CENTER ROOM 7/8
MILPITAS, CA 95035

- CALL TO ORDER** Vice Chair Hekkelman called the meeting to order at 7:02 PM.
- ROLL CALL** **PRESENT:** Commissioners Brahim, Hekkelman, Qiu, Umarani, Young and Student Commissioner Siruvole
ABSENT: Commissioners Cacao, Ghose, and Oldham
City Staff: Renee Lorentzen – Director of Recreation and Community Services
Justin Yount – Senior Public Services Assistant
- PLEDGE of ALLEGIANCE** Chair Hekkelman led the Pledge of Allegiance.
- ALTERNATE SEATING** Commissioner Qiu was seated as an alternate.
- APPROVAL OF AGENDA** Motion to approve the agenda for February 24, 2025.
Motion/Second: Brahim/Umarani
Motion carried by a vote of AYES: All NOES: 0
- APPROVAL OF MINUTES** Motion to approve the minutes for January 6, 2025.
Motion/Second: Brahim/Young
Motion carried by a vote of AYES: All NOES: 0
Motion to approve the minutes for January 27, 2025.
Motion/Second: Hekkelman/Umarani
Motion carried by a vote of AYES: All NOES: 0
- PUBLIC FORUM** None
- ANNOUNCEMENTS**
a. Commissioners' announcements – None
b. Staff announcements – Staff Lorentzen announced upcoming community meetings regarding public art in Milpitas, the Holi Festival event on

Saturday, March 8 from 11 a.m.-2 p.m. at Cardoza Park, and the Milpitas Community Theatre production of Miss Nelson is Missing.

BUSINESS ITEMS

a. Public Park Master Plan Update

Anna Talarico of Designing Local presented preliminary recommendations the consultant is making in the Public Art Master Plan. The Commission received the presentation, and all shared a considerable amount of excitement for the plan and the draft recommendations.

Recommendation: Receive the report and provide feedback.

The following people spoke under Public Forum:

1. Martha Chan
2. Shital Pathekar
3. Amita
4. Anuprita Khare
5. Jagdish
6. Eileen Davidson

STAFF LIAISON REPORT

Staff Lorentzen provided updates on Recreation programs, services, and upcoming events, as well as a brief updates on Milpitas Arts programs and Art Fund balance.

LIAISON REPORT

Mayor Montano provided updates on City Council items.

FUTURE AGENDA ITEMS

None

ADJOURNMENT

With there being no further business, Vice Chair Hekkelman adjourned the meeting at 8:09 PM to the next Regular meeting held on March 24, 2025.

AGENDA REPORT



Arts Commission

DATE: March 24, 2025
TO: Honorable Chair and Commissioners
FROM: Tegan McLane, Assistant Director, Recreation and Community Services Department
SUBJECT: **State Bill 456 – Contractors Exemption for Muralists (Item 9B)**

Executive Summary:

Contractors State Licensing law currently requires muralists to hold a contractor’s license, either as a painting or general contractor. At the urging of the arts community and municipalities, including Milpitas, State Senators Angelique Ashby and John Laird have introduced State Bill 456 to create an exemption to the Contractors State License Law for muralists. The Arts Commission may wish to express support for this.

Staff Recommendation:

Receive information and vote on whether to send a letter in support from the Commission.

Financial Impact:

None.

Description:

California’s Business and Professions Code section 7026 requires a contractor’s license of any person altering, adding to or improving any building, highway, road, parking facility or other structure. This has been interpreted broadly by the enforcing body to include artists installing murals, but for many years was rarely enforced for murals.

However, in July 2023, when the City of Milpitas received a letter from the Contractor’s State Licensing Board informing that they intended to enforce this prohibition against unlicensed muralists creating murals valued at \$500 or more, the City’s mural program has been suspended. This resulted in the Dixon Landing mural and VTA pillars mural projects being put on hold indefinitely.

Milpitas’ City Attorney has been working with those at other cities and the League of Cities, lobbying for an exemption for artists creating murals.

In February, Senator Angelique Ashby (D-8th District (Sacramento), with co-sponsor Tom Laird (D-17th District, Santa Cruz to San Luis Obispo), introduced Senate Bill 456 to carve out an exception for artists creating murals.

SB456 is currently in committee and scheduled for a hearing on April 7.

Because this directly affects the work of the Arts Commission, the Commission may wish to authorize staff to prepare an appropriate letter of support on its behalf and/or individual members may wish to express support.

**Introduced by Senator Ashby
(Coauthor: Senator Laird)**

February 19, 2025

An act to amend Section 7044 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as introduced, Ashby. Contractors: exemptions: muralists.

Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law makes it a misdemeanor for a person to engage in the business, or act in the capacity, of a contractor without a license, unless exempted. Existing law exempts from the Contractors State License Law, among other things, a nonprofit corporation providing assistance to an owner, as specified.

This bill would exempt from that law a muralist, as defined, who produces a mural, as defined, pursuant to an agreement with a person who could legally authorize the work.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7044 of the Business and Professions
- 2 Code is amended to read:
- 3 7044. (a) This chapter does not apply to any of the following:

1 (1) An owner who builds or improves a structure on ~~his or her~~
2 *the owner's* property, provided that both of the following conditions
3 are met:

4 (A) None of the improvements are intended or offered for sale.

5 (B) The property owner personally performs all of the work or
6 any work not performed by the owner is performed by the owner's
7 employees with wages as their sole compensation.

8 (2) An owner who builds or improves a structure on ~~his or her~~
9 *the owner's* property, provided that both of the following conditions
10 are met:

11 (A) The owner directly contracts with licensees who are duly
12 licensed to contract for the work of the respective trades involved
13 in completing the project.

14 (B) For projects involving single-family residential structures,
15 no more than four of these structures are intended or offered for
16 sale in a calendar year. This subparagraph shall not apply if the
17 owner contracts with a general contractor for the construction.

18 (3) A homeowner improving ~~his or her~~ *the homeowner's*
19 principal place of residence or appurtenances thereto, provided
20 that all of the following conditions exist:

21 (A) The work is performed prior to sale.

22 (B) The homeowner has actually resided in the residence for
23 the 12 months prior to completion of the work.

24 (C) The homeowner has not ~~availed himself or herself of~~ *claimed*
25 the exemption in this paragraph on more than two structures more
26 than once during any three-year period.

27 (4) A nonprofit corporation providing assistance to an
28 owner-builder, as defined in subdivision (a) of Section 50692 of
29 the Health and Safety Code, who is participating in a mutual
30 self-help housing program, as defined in Section 50078 of the
31 Health and Safety Code.

32 (5) *A muralist who produces a mural.*

33 (A) *For purposes of this section, a "muralist" means an artist*
34 *who draws, paints, applies, executes, restores, conserves, or affixes*
35 *visual art directly onto walls, ceilings, or other fixtures of a*
36 *building or structure pursuant to an agreement with a person who*
37 *could legally authorize the work.*

38 (B) *For purposes of this section, a "mural" means a unique*
39 *work of visual art that is protected by copyright, trademark, label,*
40 *or patent and that is drawn or painted by hand directly upon, or*

1 *affixed directly to, an exterior or interior wall or ceiling of a*
2 *building or structure.*

3 (b) In all actions brought under this chapter, both of the
4 following shall apply:

5 (1) Except as provided in paragraph (2), proof of the sale or
6 offering for sale of a structure by or for the owner-builder within
7 one year after completion of the structure constitutes a rebuttable
8 presumption affecting the burden of proof that the structure was
9 undertaken for purposes of sale.

10 (2) Proof of the sale or offering for sale of five or more
11 structures by the owner-builder within one year after completion
12 constitutes a conclusive presumption that the structures were
13 undertaken for purposes of sale.

AGENDA REPORT

Arts Commission



DATE: March 24, 2025

TO: Honorable Chair and Commissioners

FROM: Tegan McLane, Assistant Director, Recreation and Community Services Department

SUBJECT: **Muralist Application – Jessica Cao, Zoe Caron, and Richa Priyanka (Item 9C)**

Executive Summary:

Staff will present the portfolio of muralists Jessica Cao, Zoe Caron, and Richa Priyanka for possible prequalification for the Mural Program.

Staff Recommendation:

Approve or deny muralists Jessica Cao, Zoe Caron, and Richa Priyanka for prequalification under the Milpitas Mural Program.

Financial Impact:

None.

Description:

As part of its adoption of the Mural Program, City Council indicated that the program should produce up to four new murals per year, with at least one to be painted by a Milpitas resident. The call for muralists is an ongoing open call.

One additional muralist application has been received. Staff will present their portfolio for possible prequalification.

The artist is:

- Jessica Cao
- Zoe Caron
- Richa Priyanka