PUBLIC ARTS ADVISORY BOARD MEETING  
September 18, 2017  
MINUTES

TIME & PLACE:  
The Public Arts Advisory Board of the City of Truth or Consequences, New Mexico met in the conference room in the Administration Annex at 401 McAdoo, Truth or Consequences, New Mexico on Monday, September 18, 2017 at 4:00 P.M.

PRESIDING OFFICER:  
The meeting was called to order at 4:03 PM by Sid Bryan.

ATTENDANCE:

Sid Bryan, Tourism  
Cary "Jagger" Gustin, Sierra Arts Council  
Eduardo Alicea, Art Representative  
Andy Underwood, Business Community  
Absent: Juan Fuentes, City Manager

Other Staff Present: Traci Burnette, Linda Sparks, Secretary  
Visitors Present: Linda DeMarino, MainStreet  
Cheryl Zeeb, Sierra County Arts Council

QUORUM: There being a quorum present, the Board proceeded with the meeting.

UPDATE ON BOARD APPOINTMENTS:

Linda Sparks explained that the agenda for the September 13, 2017 City Commission meeting and the Commission Action Form (CAF) included in their packet was to inform the Board that the City Commission approved Andy Underwood’s appointment to the Board.

APPROVAL OF MINUTES:

A motion to approve the minutes of the August 21, 2017 meeting was made by Andy Underwood, seconded by Eduardo Alicea, and it carried.

COMMENTS FROM THE PUBLIC:

Cheryl Zeeb was asked if she had any comments. She stated that she came to discuss the rodeo and would rather wait until the Board’s discussion.

Linda DeMarino asked why there isn’t something that tells the Board how much money it has.
Linda Sparks stated that Juan was to report at this meeting how much money there is in the budget. In his absence, Linda reported that it is $4,500. Jagger and Linda DeMarino asked if that was what is in the fund or what’s available. Linda Sparks replied that the Board asked for the budget and that’s what the budget is. Linda DeMarino asked if that takes into account Jeff Barbour’s receipt and final payment on it. Linda Sparks replied she wasn’t sure. Linda DeMarino repeated her question whether that is how much is in the fund or what is available. Linda Sparks responded that is how much is in the fund.

Sid commented that it may be a good idea if they could see where that money comes from, that percentage of qualifying permits and stuff like that. He asked if we get like 1% of the value of new building permits. As it goes up or down, it would be nice to have something that would reflect that. Linda Sparks asked if he wants to know what came in through building permits. Sid asked isn’t that’s how the fund is there. Jagger stated that it comes from lodging. Sid and Linda DeMarino interjected, not for this. Public Art comes from 1% of new building. Sid continued that the way you would check that would be the amount of new building that there was and we would get 1%. Sid, addressing Traci Burnett, asked if she would know that. Traci replied that she doesn’t actually. Sid commented that he doesn’t know it for sure either. He added that sometimes it seems like it’s charged on certain permits and some it isn’t. If they knew that, they would know if they had money coming in in the future. Linda DeMarino stated that her understanding is that it’s 1% of new building and it would be nice to know how it’s getting there and what’s going towards it.

ART PARK UPDATE:

Linda DeMarino reported that they will find out in December whether they got the grant or not. Same update. She can’t do anything. Sid asked if we are doing anything with Sabina. Linda stated that we can’t do a conceptual plan until they know what they’re dealing with. It would be a waste of money to pay her for a conceptual plan and then find out we got the grant or didn’t get the grant and have to go back and redo it and have to pay her again. We don’t know how much land we’re working with. If we get the grant and are able to acquire more land, then that changes the concept too, so there’s no sense in moving forward. Jagger asked if when she says grant, if she is referring to the Art Place America grant. Linda replied, Art Place America grant. Sid asked if we don’t get the grant, does that mean we start anew. Linda answered that we can go back to what we had planned originally. There’s money from Clean & Beautiful, MainStreet has a little money. Cheryl Zeeb asked if the Art Place America is a set amount or they get to decide, or do you apply for a certain amount. Linda answered that she applied for a certain amount, but it’s not just for that space. It’s for a water harvesting program and part of that water harvesting would be done at the Art Park, so a good chunk of that would be used at that space.

Andy stated that he had heard that the guy, the original sculpture man, hasn’t been paid for his work yet on that Art Park. Is that true? Sid replied, yes. Andy then asked, but everything he has is made. Sid answered, yes. Andy asked if there is any way that he can be caught up. Is there any need for him to be caught up? He stated that everything’s made; he’s driven by Jeff’s place and seen it all sitting there. Linda
DeMarino commented that's always a question, it's been asked a number of times. Andy stated that at the MainStreet meetings he went to, they weren't sure if they were going to use all of it or part of it. He doesn't think there is any way that he can ever install it at this point, is there. It's not his fault that it's not installed. Sid responded, that's a good point. Andy asked if he is owed a lot of money. Sid replied that he thinks he's gotten a good part of it so it's more like $2,000 or something that he's owed. Sid asked Andy if he wanted to make a motion that Jeff gets paid. Traci stated that she thinks due to our procurement as a municipality, we cannot pay or pay off installments, we cannot pay off the items that we don't physically have in our possession. So, she thinks the first thing that needs to be looked into is if the project is complete, is it something that can be received and stored somewhere else, she hasn't seen the project, but as long as Jeff has it in his possession, we can't pay. Andy commented that he was concerned because artists always need money to keep going. He was wondering if Jeff was turning into a starving artist because of this. Maybe the City can store it and pay him for it. He knows Jeff is a nice guy and will do anything to help. Sid and Eduardo both commented that it could be turned over to the City and that would comply with policy. Linda DeMarino stated that this has been discussed at about 4 meetings she's attended and nothing's ever come of it. Linda Sparks informed the Board that we pay Jeff for storage. Sid asked how much. Linda answered that Jeff charges the City $25.00 per month. Andy commented that it's gone for a long time and is worried how it makes the City look. Sid asked if anyone's talked to Jeff. Jagger answered that he talked to Jeff that afternoon and he wasn't going to come to the meeting. Jeff asked if the Board would find a way to forward payment of his final invoice. Sid suggested that we can make a motion saying that the City takes over storing the project and that the Board voted in favor of it, but still has to be approved by Juan. Jagger asked Traci if she thought that if the project was delivered to the City for storage somewhere and was in possession of it, then that would comply. Traci answered that that would be her understanding. She added that she doesn't know whether or not the terms for payment to Jeff included some type of installation. She has not looked any of that over. In generalized terms, until the City receives the goods or the service, we are unable to process payment. That's a real generalized definition of it. Linda Sparks stated that it is her understanding from Juan that we are waiting for installation because we don't know until they're installed whether they are going to work. Traci commented; that's true too. Andy asked what we meant by 'if it's going to work'. Traci explained whether it's going to meet the specs of what was originally designed or planned within the design. Basically, when we obtain that property or that service and we sign off and we pay for it, we're saying that we received what we requested. Traci stated she doesn't know what the request was, or what services were exactly paid for. Andy asked if there's a possibility that what Jeff made might not meet the criteria of the City and he won't get paid at all, is that what he heard. Linda Sparks replied that she doesn't think that was what he heard. Linda DeMarino stated she thinks probably Jeff just needs to make whatever changes need to be made; there have been so many changes already. Andy added that he's heard that they might not use them all or use them at all.

Sid said that he thinks we should still have the motion. He can't make one, but he can ask for one. Linda DeMarino commented that he can't make a motion because it's not on the agenda. Sid replied that he can ask for one. Eduardc stated that if there's a
chance the City can store it, we should move forward. Sid asked Eduardo if that was a motion. Eduardo restated that if we can get the City to store it and Jeff can get paid, and we can move forward from that, he thinks we should pay him. Linda Sparks asked Eduardo if he could clarify the motion. Eduardo replied that he understands that it needed to be installed, but it’s also his understanding that there is a possibility the City has a place to store it and Jeff can get paid. If the sculpture doesn’t fit the requirements, then that’s a new concept that he’s never heard since the beginning.

Andy made the motion that “the City tries to take over storage of the art project and tries to pay the artist, Jeff, off”. Jagger seconded the motion and it carried.

Sid commented that through no one’s fault if we don’t do that, and say you get the grant, then where he’s going to put it and all that stuff will be months down the line and that was never anticipated when we made the agreement with Jeff to make the sculpture. They may decide to put it in a different location or want to do something else with it, but that’s not the artist’s fault. Andy added that anytime you can make timely payments, it helps the next project also. It’s nobody’s fault, it just ought to be dealt with.

FYI 2018 RODEO ARENA ART PROJECT:

Jagger informed the Board that he was out at the rodeo arena and he couldn’t initially find a good place to put it. It’s a big area, there’s bound to be some place you could put it. It’s got to be some kind of a sculpture and it would have to have a base to keep cars from crashing into it. It needs to be in a prominent place where people can see it. There’s a set of bathrooms there and there is a row of trees that’s freshly planted. The City and the County have been working together to really upgrade the arena. They’ve resurfaced the arena floor with new compacted dirt so that the animals look good. It’s clean. They’ve removed all the trash and all the weeds around the perimeters so it looks really good. He thinks artwork would be appropriate, but where – he doesn’t know. Jagger also pulled some stuff from the State guidelines, New Mexico Arts, on how to select public art. (Jagger had previously provided Linda with a copy and was made a part of the agenda packet.) Jagger explained that if the State was doing it, they would have a local selection committee, which would transfer to this Board. You would set out a criteria, like do you want it to be made out of steel, plastic, do you want it to be 6’x4’, how much do you want to pay, and then you decide who can submit for it. Is it citywide, countywide, statewide, is it the entire United States. Jagger handed out another sheet of paper that is incorporated into the minutes by reference herein. Jagger had been tasked at the last meeting to put his thoughts on developing a prospectus in writing for the benefit of the Board. Linda DeMarino informed the Board that she and Jia Apple created an RFP (Request for Proposals) when this first started and when we thought we were going to put the Art Park project out to bid. Linda offered it for the Board’s use. Linda then asked that it’s not really from the State, it’s just a program called Art in Public Places, right? Jagger assured Linda that it comes from the State of New Mexico. Jagger continued and went down the list on his handout. He had listed 10 items as examples for criteria. He began with 1) location, 2) budget, 3) type of art, 4) composition, 5) size, 6) eligibility to submit, 7) deadline for submission, 8) medium for submission, 9) limit on finalists, and 10) public comment on finalists. (Please refer to handout for complete descriptions.) Jagger explained this is what you do to develop a
prospectus. Sid asked if this list came from the State guidelines. Jagger answered, yes. It's a real fair way to select art. It gives everybody a chance to submit a proposal. It doesn't mean the Board can't select a piece that we looked at last time.

Cheryl Zeeb spoke on the question that came up last time whether we can restrict it, and stated that obviously we can. We can decide to do countywide. (However, the minutes of the last meeting record Juan stating that he doesn't think we can restrict, but that what we can do is what we have done with other RFPs, you can give so many points for preference to give a little bit of an edge to those who are local.) The other thing that she wanted to bring up is that as far as bringing it to the public, you could also have it be juried. One of the thoughts she had was, how many art teachers are there in Sierra County and have the jury be art teachers. What that says, that encourages young people to pay attention and it also gives kudos out to your school districts that we're really glad we have arts in our schools. Cheryl likes this list and feels it's exactly what the Board needs to do, is to set the perimeters. She also went out there and what they need more than anything is shade. There's one set of bleachers and one set of shade. The other idea she had, so sorry that Juan's not here, Juan had brought up about moving certain signs and that, using the one currently on Date and using it on Broadway, which is a great idea, but there are also signs on Third and coming on Broadway, doesn't know who did it, but they're rusted steel and they are cutout, probably with laser cuts, and they actually have the cowboy with the lariat and it has 'Welcome to Truth or Consequences'. Something like that would be very fitting for the rodeo because there is actually nothing over there that says 'welcome to this rodeo arena'. Jagger commented that this Board paid for those signs several years ago as one of their projects. Cheryl continued that when you talk about, when you decide what kind of art you want it to be, the other thing you might think about is encompassing it to be a sign because there really is nothing out there that lets you know what it is. It doesn't necessarily have to be an art piece; it could also have something that says 'welcome to this rodeo arena'. This is exactly what you need for perimeters.

Andy asked if we are discussing this list now. Sid replied that maybe in a way we should wait on that until Juan's here because then he'll miss it and he should be part of that. Andy commented that he likes everything on it but the location; it's crazy to put a piece of art at the rodeo arena right now. He thinks it should be downtown where we have an art thing going and build it up and maybe later do something, but a sign would be very good. He just can't see it. Cheryl responded, that is Juan's proposal, he wants art out there. Linda DeMarino stated that as she has made mention before, the Healing Waters Plaza would be a really good place to put some little pieces in that little flowerbed. While it's a lovely place, it really is screaming for something that shows this is T or C. We have a good start to it. We added a bike rack, we're adding benches to it, there's going to be some shade, but it definitely does need some kind of art in there so maybe little pieces or something in there to make it more T or C.

Traci mentioned a few things to consider, 1) any signage that you're going to be putting up on Broadway, Date or Third Street, do remember that they're state highway so it's not something as simple as putting a sign up without having to go through possible permitting. Date, Broadway and Third Street are considered state highways. Cheryl responded that it was Juan's idea of moving the sign that's on Date, it's in the minutes,
if they put the electric sign there. He likes that old-timey sign and save it for directing people off Broadway to the rodeo. What I’m saying is that if you should give it to the rodeo arena, there still is nothing there that tells you what it is. She thinks there is a name for it, but it doesn’t tell you whether it’s Truth or Consequences, Williamsburg, County, whatever.

Sid suggested that we wait on this until Juan is here for when that discussion comes because they have a hard enough time protecting the bathrooms because there’s nobody around. That’s the reason the cow, Joy, that’s in front of the bank, that’s why no vandalism has occurred to it because it’s too public, many people see it. And, it’s public art so the fact that it’s stayed for several years without any damage is very good for this town. The amount of money that the City has spent on those bathrooms, redoing those has cost a fortune. Sid suggested table it for the next meeting. Linda Sparks asked if a motion was needed to table this discussion. Sid asked if one was needed. Linda replied she didn’t know, she’s asking. Sid responded, let’s just table it.

COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:
Sid asked if anyone had comments. Eduardo stated that he hasn’t been to the rodeo arena, but knows it’s a big space and is sure that what they say is possible, and he doesn’t know if this is a possibility, but suggested putting some public art at the entrance of Bullocks. He doesn’t know if this would be fitting, or something different.

Traci urged the Board that when it comes to the procurement or purchase of anything, even though this is for art for public places, just remember that we are governed by New Mexico State procurement, and we have to either do our procurement process, which is a level of New Mexico State, or New Mexico State procurement, whichever is more strict. She thinks that there’s wording you can put in there, a point system she knows with RFPs for engineers, a higher set of points would be given to locals, but she doesn’t know if you can specify ‘local only’. That would definitely be something to . . . Sid interjected that he thinks Juan had said previously at one point that there’s a price where that sets in, like $25,000 he thinks is the amount where the City would have to follow what you’re talking about. Traci stated that she is not really familiar with the art purchase, just wanted to make sure that was out there. Sid stated that basically many of these things we’ll have to wait on until Juan is here and asked Linda Sparks if Juan will be here for the next meeting. Linda replied that Juan plans to be at all the meetings, but things come up so she didn’t know.

TIME, PLACE AND DATE OF NEXT MEETING:
The Board decided to meet again in October. The next meeting of the Board will be Monday, October 16, 2017 at 4:00 P.M. at the Administration Annex.

ADJOURN:
There being no further business to come before the Board, the meeting was adjourned at 4:35 P.M. Andy moved to meet October 16th at 4:00 o’clock, seconded by Jagger Gustin, and it carried.
ATTEST:
Minutes were approved on September 18, 2017 on a motion made by Andy Underwood and seconded by Eduardo Alicea, and it carried.

Linda Sparks
Secretary
Prospectus Development: Artwork Selection Process

City of T or C Public Art Advisory Board

The board should consider various criteria to identify the Location for the art work, type of art appropriate for the site And the project intent:

1. Location

2. Budget/price of art work?

3. Type of art: oil, watercolor, assemblage, sculpture Etc.

4. Composition/materials used?

5. Size of artwork

6. Who is eligible to submit a design proposal: only T or C residents, County wide, state wide, nation Wide??

7. Last date of submission?

8. What is the medium for submission? Email/web/paper

9. How many finalists? Up to five?

10. Will there be public comment on finalists?
Selection Process for Commissioned Public Artwork

Overview: The Local Selection Committee (LSC) Project Director and the AIPP Project Coordinator will guide the LSC through the artist selection process. Although many committees may meet several times depending on the scope and budget of the project, there will be a minimum of 3 in-person meetings for every committee. At the first meeting the LSC will discuss the project intent and development of the prospectus. The AIPP Project Coordinator will then draft the prospectus and send it to the LSC Project Director who will distribute it for approval and comment. Artists will then submit their qualifications according to the prospectus guidelines via CaFE at http://calloforentry.org. The LSC will evaluate the submissions, select up to five finalists and ultimately award the commission. Each of these steps varies in length of time and number of meetings. All artwork acquired through the AIPP Program must be displayed in areas accessible to the public at all times. Artwork may not be displayed in private offices. All artwork must comply with ADA guidelines.

Project Director: Each AIPP project must have a designated LSC Project Director assigned by the Owner or User Agency of the building. The AIPP Coordinator will assist the LSC Project Director in assembling the LSC and work with the committee to develop the project intent, prospectus and facilitation of the selection process. Please refer to the Project Director Responsibilities for further information.

Local Selection Committee: An integral component of the AIPP program is community involvement. In order to assure that the works of art selected reflect the attitude and taste of the community, local participation in the artwork selection process is a major concern of New Mexico Arts. All LSC members are required to sign a Conflict of Interest form prior to participation.

Membership: In consultation with and according to the guidelines of New Mexico Arts, AIPP, LSC members are appointed by the Owner or User Agency of the public building. The LSC is comprised of five key voting members and in certain circumstances, seven members. The five key LSC members must be present at all meetings in order for a meeting to take place. Local community leaders and the local arts organization can be consulted to make recommendations for LSC membership. The AIPP Program Manager will provide final approval of the LSC.

The 5 key LSC members must be present for any meeting to take place. The key members are: Owner Agency Representative, User Agency Representative, Architect/Engineer (familiar with the building and/or grounds), Artist and Arts Professional. If an Architect/Engineer is not required due to the scope of the project, it is mandatory for one Community Representative to serve on the LSC. For college/university campuses, one member of the Board of Regents (or an assigned designee), and one student must serve on the LSC. The LSC must reflect the cultural diversity of the community.
Artwork Selection Process

Meeting 1, Prospectus Development: The Local Selection Committee, with assistance from the AIPP Coordinator, considers various criteria to identify the location(s) for the artwork, type of art appropriate for the site and the project intent. The AIPP Coordinator assembles the criteria and develops the prospectus. Committees are usually able to determine the criteria for the desired artwork during the first meeting.

Distribution of Project Information: Upon development of the prospectus and approval by the LSC, New Mexico Arts will distribute the call for artists in the following ways.

- The New Mexico Arts e-newsletter, ARTSpeak, is distributed to artists, galleries, and arts organizations throughout the state and beyond. ARTSpeak is the primary vehicle for the release of all AIPP commission and purchase projects. If an announcement for a call falls in a month when ARTSpeak is not scheduled, AIPP will send a separate e-blast to the ARTSpeak mailing list.

- Public Service Announcements are sent to appropriate statewide, regional and national media sources including newspapers, arts publications, and online project opportunity lists. The Project Director is encouraged to follow up on advertising in the local media.

- LSC members are encouraged to suggest artists they feel are qualified to apply for the project. LSC members are required to enter into a Conflict of Interest Agreement.

- AIPP uses the CaFÉ electronic application and selection process online at http://www.callforentry.org. All materials must be submitted according to the specifications outlined on the CaFÉ website.

Meeting 2, Submission Review: Approximately one week after the submission deadline, the Project Director and members of the LSC will begin an independent first-round review of submissions via CaFÉ. The AIPP Project Coordinator will provide each member of the LSC with unique log-in information to access the submissions.

Meeting 3, Finalist Selection: Once the LSC has completed the independent first-round review, the committee will then meet in-person to discuss the remaining submissions and select up to 5 finalists for the project.

Meeting 4, Finalist Presentation: Approximately two months from when the LSC selects finalists for the project, finalists will present proposals and/or maquettes to members of the LSC and the public. The LSC reviews the finalists’ presentations and proposals or the selected artist’s proposal. The final selection of an artist and artwork must be formally approved by a 2/3-majority vote of the LSC, duly moved and seconded. All five key members of the Local Selection Committee must be present for this vote. The LSC approves and signs off on the final design (drawing/maquette) of proposed artwork. This can usually be accomplished through email and/or telephone conversations with the LSC and not a formal meeting.