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, October 16, 2017 at 4:00 P.M.

PRESIDING OFFICER:
The meeting was called to order at 4:08 PM by Sid Bryan.

ATTENDANCE:

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

Other Staff Present:  Traci Burnette, Linda Sparks, Secretary
Visitors Present:  Linda DeMarino, MainStreet

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

APPROVAL OF MINUTES:
A motion to approve the minutes of the September 18, 2017 meeting was made by Juan Fuentes, seconded by Jagger Gustin, and it carried.

COMMENTS FROM THE PUBLIC:
None

While waiting for Andy Underwood to get to the meeting, Juan suggested the Board read Sabina Muñoz’s letter regarding her concerns over the structural integrity of the Reed Rockets sculpture and her recommendation to remove the springs. Sid asked if Jeff Barbour had been invited to the meeting. Linda Sparks replied that Jeff was notified of the meeting; however, he did not get a copy of the agenda. (The agenda was posted on the City’s website.) Sid asked if this required Board action. Juan responded that it is under Item D and that it may require some action, but it’s something the Board needs to discuss to see how it wants to proceed with it. Juan added that it ties in to the final payment because if we have structural issues with the project, they will have to be addressed.
Sid asked if on the ‘Update on Art Park’ (Item C), if it wasn’t really Andy who hasn’t seen the presentation for the MainStreet grant application. Juan suggested that when we watch the video, they visualize the Reed Rockets there because when he saw the video and what’s being proposed, he’s not sure if they’re going in there. The Board will wait for Andy to join the meeting before watching the video. Juan continued that the question of payment has been asked regularly and that payment and the structure of the art project now are all tied in.

Jagger inquisitively commented that there’s a change called for now so we wouldn’t pay for it until it’s . . . (Jagger did not finish his thought.) Juan asked, what do you mean? Jagger answered that Sabina is asking for the springs to be removed. Jagger read from Sabina’s letter, “I’m requesting that the spring portion be removed to ensure structural integrity for the life of the piece.” Jagger asked if Jeff had been given a copy of Sabina’s letter. Linda Sparks replied that she did not provide him with a copy of the agenda packet. Jagger stated that the letter is dated August 15th. Sid commented that is 2 months ago. Linda Sparks responded, that’s not when we got it. Juan stated that he got the letter from Sazi when they met 2 weeks ago.

Juan recommended postponing Item E, ‘FYE 2018 Rodeo Arena Art Project’. Jagger responded that he has some information on that, that he would like to relay.

Small talk ensued while waiting for Andy.

REED ROCKETS SCULPTURE:

Juan suggested moving onto other items on the agenda while we wait. Jagger commented that since we have a quorum, we should be able to do that. Juan asked what the Board thought about what Sabina is requesting. Jagger said his thought is, is it really going to change the whole thing. Is Jeff going to be able to do that and keep the integrity of the . . . Juan interjected, if she has a valid point to her concern and we share her concern, he can show it to Jeff and ask him to address it and have him at the next meeting to explain how he will address this concern, if the Board agrees with Sabina’s assessment of the art piece. Jagger commented that he thought the springs really are an integral part of it that hold it and make it do what it’s supposed to do. Juan commented he thinks what Sabina is saying is that the spring is going to give out at some point. It’s not always going to be that straight. Eduardo responded that it was never straight in the first place. It always had an angle. Juan stated that the question before the Board is, ‘Is there a valid concern on this that needs to be discussed?’

Andy joined the meeting and was informed that we are discussing the letter from Sabina. Eduardo asked if she has seen it directly or seen it from a video picture. Juan asked Linda DeMarino if she has been in conversation with her. Linda replied that she has not, but thinks Sabina has been to Jeff’s yard. Juan asked again, based on her letter, does she have valid concerns that the Advisory Board needs to make a recommendation to Jeff on that. Sid commented that, like Eduardo said, if there’s a normal tilt to them anyway, it may not mean that there is wearing and she should explain what she means by this a little bit more. Then ask Jeff at the same time, if these are correct or not. Jagger commented that he thought Jeff had those parts engineered
and looked at for strength and durability. Juan responded that he doesn't think engineered is the right word. He said what she is saying is that the spring apparatus has weakened and caused a lean. Eduardo asked how often has Sabina seen them because she states that they have weakened. Has she been there more than once? Linda DeMarino responded that she is sure Sabina has been there more than once. She drove by there the first time she was in town. Then there was a plan at some point that she was going to meet with him. Eduardo commented that maybe she saw something that we haven't. Sid repeated that we should get more information from both of them before we make any suggestions. Andy asked if Jeff has had any input into this. Jagger commented that we don't even know if he has seen the letter or not. Andy stated that Jeff's got to have some input in this. Juan again suggested the Board ask both Jeff and Sabina to provide more input on this because eventually down the road whatever is constructed, once it's done, will become our responsibility. Andy added that public safety is #1. Sid asked if he wanted to put it into a motion. Juan replied that he didn't think a motion was required; we'll just forward it to them. Sid responded that we would like an answer to it if we have to be requesting. Andy asked if we should ask Jeff to a meeting to talk about it. Andy added that we have Sabina's input, right. Sid replied, no because this isn't really explanatory. If it does have a lean already built into it, that does not mean it has changed. Then we're saying it could be a safety hazard. Linda DeMarino asked what is it about the springs, is it something you can put your fingers in. Juan replied, yes, they're right at the bottom within reach. Eduardo stated that Jeff was trying to build something to prevent people from getting their hands in some place, but doesn't know how far he has gotten with it. Jagger added that it's some kind of a covering that shrouds that. Juan stated that he will call Sabina and let Sazi know that he will reach out to her with what the Board wanted, ask for more information and detail. We'll invite Jeff to come back to the next meeting and address that. Linda Sparks brought in a picture of some Reed Rockets that Jeff had provided a year prior. The picture showed a lean/tilt approximately mid-way up the poles. Eduardo added that they will bend a little bit more when the wind hits them. Andy stated he helped Jeff set one up one time during Art Hop. Juan commented that he doesn't know whether that is the lean Sabina is referring to or if they're leaning even more. Juan asked if those 3 are still up on his property. Andy replied that the last time he went by there, he doesn't think any of them were up. Linda DeMarino asked if the spring is at the lean or at the base. Sid said he thought they were the ones higher up. Eduardo said there was something at the bottom, but thinks they were bolts. It was determined that they need more information.

UPDATE ON ART PARK:

Linda DeMarino had been asked to present MainStreet's Art Place America grant presentation to the Board. Juan asked Linda to play the video. During the water harvesting part of the video, Juan asked Linda if that was a conceptual of what it is going to look like. Linda answered no; that actually is something Sabina designed for something else. They used it in the application because they needed visuals. They just picked pictures of water. Linda thinks that the art will draw people in and then for them to be able to see different water harvesting techniques in use, is a really good way for educating people. Linda stated that a guy named Alejandro produced the video. They worked 3 days with him, taking pictures and meeting people. He actually works for
Spaceport. He got so much footage so they talked to him about doing something for T or C. Everyone commented how nice it turned out. Linda added that it’s been viewed on YouTube about 300 times so lots of people have seen it. Sid asked if Mark would be able to show it in the theatre before the movie. Linda made note of it to ask Mark. They will not find out whether they got it or not until December. That is why everything is on hold. If we get the grant, we might be able to purchase the property next to the Art Park. We could have Sabina draw up a conceptual design of what we have right now, but if we end up acquiring the piece next to it, it changes the whole entire concept. The concept right now is ‘art park’, but the Art Place people came through and said no, we want you to use that space as your pilot sight for the water harvesting too and the concepts would be married drawing people in for the art, and then teaching them about some of the water harvesting techniques going on around them so it could be really beautiful. We can actually incorporate art into the water harvesting portions of that. Sid asked if they were given a timeline when they thought the grant would be awarded. Linda said they will tell them in December. Sid commented that we should wait until December before we do anything else with this because it would change. Linda stated that it would be a waste of money paying Sabina to do one thing and then going back again and having to pay her to do a whole different concept that’s twice as big. Sid stated that even if they just keep that one piece of land, with that extra money they could do some pretty different things than what they would be doing with just what we have now.

Jagger asked to comment on behalf of Jeff. Jeff authorized him to tell the Board that he is not against relocating it somewhere else on a city park or property, but Jagger personally thinks it should go there because it’s been designed site specific and it’s very dramatic. Jeff wants the Board to know that he’s not against relocating it to another city owned parcel somewhere. Jeff asked Linda if Sabina’s been paid some to do . . . Linda interjected that she has not. Sabina has given them contracts to sign, but we’re holding off with her because like she said, there is no sense throwing money out the window.

Juan addressed Andy’s question at the last meeting about final payment to Jeff. Juan stated that the City cannot make payment to Jeff until the art piece has been installed and the City accepting it. Again, also not only just because of the final product, it included installation as well; he as the artist installing the art piece. Now that we may have some questions about the integrity of the structure itself, it needs to be addressed because it changed from the original concept that was presented to us however long ago it was to what it became now, that is one of the reasons we can’t make final payment until it’s been installed. Andy asked; this wasn’t the original concept? Everyone replied no. Linda DeMarino offered to draw it for Andy. She’s drawn it many times. Linda explained her drawing of the original concept. Others added to the explanation, while others disputed some aspects. Andy asked if it was to this same scale. Linda answered yes. Eduardo stated that they were 30’ tall. Jagger stated that what happened was when Jeff started looking at engineering the gimbals, it was prohibitively expensive to get that done for 14 of them so that’s when he changed the design. Linda commented that it’s been changed numerous times and listed the changes. Andy commented that he hates to see Jeff have to wait forever because of things that are beyond his control. Juan responded that was why he wanted Linda to give this presentation, because that ties into the reason why we are having to wait, as
Cary said about him wanting it there. Andy asked if the remainder of the money that is owed him, is that on a contract, on a payment schedule. Could you give him a portion of it? Juan stated that Sierra Arts Council paid him its share and the City is not going to pay him anymore until this is installed. Jagger explained that the Arts Council had been saving money for years for the project and so when this came online and MainStreet got on board with it, we paid him the portion that we had. Then the City has paid a portion so it’s like a final invoice that’s left. It’s about $2,400. Juan added that the City is paying him storage fees as well. Sid asked; how much are the storage fees? Juan inquisitively answered $25. Linda Sparks responded that is what he charges. Juan stated that more critical is making sure that Jeff, because he is the artist and that’s what he proposed to be installed, from our standpoint and for liability reasons, Juan doesn’t want the City to assume the responsibility of installing them, then for Jeff to say ‘you guys didn’t do it right’. It included him also installing/supervising making sure it was all the way he designed it. It’s still in Juan’s opinion that what we owe him is substantial enough to encourage Jeff to make sure that it’s finally installed properly. Andy asked Juan; if you do have concerns about the structure, how are you going to deal with that. Juan replied that he is bringing the concerns that Sabina is bringing to the Board. That’s why he brought the letter to the Board so she is going to provide some more information and Jeff will have to address those concerns. He is guaranteeing this art piece. That’s why we want to make sure that he is guaranteeing a safe art piece. Juan doesn’t want somebody getting decapitated by one of these art pieces. Andy asked if there is a process that the City uses to make sure they are structurally sound and the insulation is good. Juan replied that the artist usually guarantees that. The City doesn’t have anybody that is certified or qualified. Andy asked if the Building Inspector can’t do that. Juan asked; why would we take that responsibility and liability when we didn’t construct it. It is the artist that normally would say this is engineered, this is constructed, this is safe. Otherwise, we are passing the liability on to the City. It’s an art piece so it’s not something for the Building Inspector. For example, the springs, Sabina as a landscaper and an artist might say, I have some concerns about that; but Jeff as the artist might say, no – it’s okay. Does that mean that 15-20 years from now those springs are going to hold up the same way? Linda stated that MainStreet had been asked to create an RFP prior to that art piece being selected, and in a lot of RFPs the artists supply insurance on that piece sometimes for 2-3 years after it’s installed. Andy commented he saw that application, sometimes you ask for a 3 or 4 year warranty. Juan stated that for us it’s also the safety part of it, and that may be something we require of him as well, the warranty – that he is going to guarantee that the structure is going to be sound for a 2 year period, 3 year period. Andy asked if we have a contract with Jeff. Juan answered that we have his proposal, but he doesn’t think it’s a formal contract. Andy asked that in the future on projects like this, should we have some kind of permitting thing. He builds for a living so this sounds crazy to him. If he wants to put a steel post on the ground, he has to get it engineered to do it. Juan responded that this was a unique project because it wasn’t engineered by a professional; it was more of the artist engineering it himself. That’s why, as Linda mentioned, it went through different variations of changes. Andy asked that to protect the City in the future, should we have some kind of a process set to where we make sure things are safe and it’s just not art. Juan replied that if it’s going to be a structure like this, then yes. It’s in our interest to do that. Andy interjected, that’s really our job isn’t it; not only to provide beauty, but safety. That’s why he brought up the thing about
not paying him, because he also thinks that’s part of our job too, is to be a good business partner with the artist. He understands the safety aspect completely, but he doesn’t think you can ask him for a guarantee if you never asked him in the beginning. It’s kind of tough to ask him at the end. Juan replied that it’s always been in the beginning. Andy asked; so he’s already told you that he’ll guarantee it for 3 years? Juan replied that we’ve discussed the setting of the structure being sound, but like Linda said, it’s gone through so many changes. It wouldn’t surprise any of us if once it’s being installed that he wouldn’t ask, let me tweak it a little bit here. It wouldn’t surprise Juan if there’s a final adjustment at the end. Andy stated that if we ever decide to figure out a permitting process for public art, he would be glad to help out.

FYI 2018 RODEO ARENA ART PROJECT:

Jagger informed the Board that he has toured the rodeo arena and the City and the County, as he’s said before, have come together and have really upgraded that facility. It’s been painted and the arena floor has been resurfaced with new dirt for the animals, he honestly can’t see any place where you would put a piece of sculpture. He doesn’t know how you would put it out in the middle of the roadway, if you put it along the tree line. He can’t see any place where it would work. He really thinks that if we’re going to buy art, that it needs to come downtown where our art pieces are already located. We have plenty of space here. We have Evelyn Renfro Park, the Triangle Park, the Ralph Edwards Park, even our Plaza that’s beautiful and right next door. What he thinks is needed out there is some signage. He had opportunity a few weeks ago to go to the High School and attend a meeting. He was asked to go because of the art scene and the Arts Council and they have a grant. It’s called the Carl Perkins Foundation Grant and he thinks there’s $22,000 in that. They asked if he knew of any projects and he told them he did. He told them that the Rodeo Arena, the City facility, could use a sign and the reason he thought it would fit is because their design kits are CAD design kits that they design on the computer. They could work out the sign, then it could be transferred next to the Shop kids and then they could weld and cut it out with a plasma and construct it and it would not be that expensive. He doesn’t know where that funding is right now, but he did tell them that he would tell the City about it. It could be a multi-use sign. It could say the Arena and it could also have events on it. He thinks it would really benefit the City. It would also help those kids. The art kids can work on it, and the welding kids could also work on it too.

Jagger went on to comment on the selection process of public art. He has given the Board information before. Linda with the MainStreet program commented on that just a little while ago. They had an RFP out and he suspects that the City and the attorneys have probably looked at that already. It’s already got the language in it so why reinvent the wheel. He had copies of that and passed them out. Jagger stated that this is from the Buckhorn Art Park and why reinvent the wheel when we already have this in place. It would seem pretty simple just to change it around. Jagger believes that it has already been looked at. Linda corrected Jagger saying that it hasn’t been looked at. She had never done anything with RFPs and Juan asked her to do an RFP. She looked at RFPs from a bunch of other places and took what was applicable to us so it could be looked at by other people and Jay. Jagger stated that he is not against the horse. He has seen it and is familiar with the artist’s work, but he really thinks it needs to be fair. There might
be an artist living in Hatch or somebody living in Hillsboro or wherever, Socorro, Albuquerque who would say, I could make a steel thing to fit what those people are looking for. It doesn't mean the Board couldn't select that one piece, but it would be more fair if there was a process and using this RFP as a template would help. Sid stated that it would go to someone from Sierra County. Linda thought they had put it in the RFP. Jagger asked Juan if he wanted him to find out more about the Carl Perkins Grant. Juan replied, yes. This is a great start, with the proposal Linda put together so if everybody wants to look at it. Jagger clarified that he was talking about signage for the rodeo arena. Juan answered, yes. If there's a grant, forward it to Traci. Jagger said he would get Traci some contact information. Juan said that what we were talking about is what do we do while we're waiting on this to be finalized, what's the next project. So if the next project is to put an RFP together for art in public places, rather than calling it specifically in the Buckhorn area, just say 'you're invited to participate in public art'. Jagger asked everyone to go back to his sample prospectus in the packet. He went through it as he did at the last meeting. Juan asked how he would plug all those questions into the RFP. Jagger replied that it's already in here. All these questions are already answered in the RFP, if you look at it. This is a simplified form that came from the State. Linda added that if there is a theme, you're going to want that. Jagger continued, you state who is eligible to submit a design and give a date of submission. State how it is to be submitted. Then you decide how many finalists you're going to look at. Then there needs to be some public comment. Juan responded that eventually the Board will have to come up with an approved RFP for art in public places that can be advertised. How does this group put together all of these things so that we can get started? Do we submit our suggestions to Linda? Juan asked Jagger and Linda if they want to take a stab at it. Jagger said he would be willing to do that. On the committee to draft an RFP is Jagger, Linda and Andy. Juan suggested getting it done by the end of the year and advertise it the first part of the year so that we can get an art piece by the end of the fiscal year. Sid mentioned the case with the Spaceport and how they did not open it to locals after repeatedly stating that locals would be involved. That created a lot of ill will. Jagger stated that they really so circumvented the process.

Linda stated that she would love to see the Board put small sculptures in the flowerbeds in the Healing Waters Plaza. She loves the HWP, but there's nothing in the HWP that identifies it as being T or C. Even if you were to do 2 small sculptures and put them in the flowerbeds because some of those flowers don't grow. It would be really cool to see something like that there because right now it's kind of nondescript which is uncharacteristic of T or C.

Jagger asked Linda how the prospect of putting something at the rodeo arena came about. Did somebody suggest that? Juan answered, yes – somebody suggested it because we were making improvements out there. The thought was that the art piece could be the sign; not necessarily the sign but a centerpiece, like when you see the gateways to communities. That could be another project for this Board, try to do a gateway to the community that would have an art piece. There are a lot of examples out there. The gateway to the rodeo arena off of the main road, the centerpiece could be the art piece. That is how the initial discussion/idea came about, but it's up to the will of the Advisory Board. After the committee has put the RFP together and everybody's approved it, it can be viewed by legal, then forwarded to the City Commission for
approval, and then we can put it out there. Andy asked Juan if he wants to see a suggestion on where to put it besides the rodeo arena with our little committee. Juan replied that he doesn't know that a location has to be identified, unless you want to be specific. The conversation recorded above about the location was repeated. Andy stated that it could be generic or it could be specific. He then asked if we are going generic or specific. Juan stated that he is leaving it up to the Advisory Board to decide. The RFP Committee can come back with a proposal.

COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:
No other comments were made.

TIME, PLACE AND DATE OF NEXT MEETING:
The Board decided to meet again in November. The next meeting of the Board will be Monday, November 13, 2017 at 4:00 P.M. at the Administration Annex. Sid will be out on the 20th. Andy stated that the agenda says we meet quarterly on the 3rd Monday of the month; that doesn't make sense to him. Juan responded that we met quarterly, but because of this project, we started meeting monthly. Linda Sparks explained that the meeting schedule for advisory boards that was on her desk when she started working for the City had the Public Arts Advisory Board meeting quarterly, but she recently discovered that regular meetings can be monthly. The Board can meet as needed.

ADJOURN:
There being no further business to come before the Board, the meeting was adjourned at 5:17 P.M. Juan Fuentes moved to adjourn, seconded by Andy Underwood, and it carried.

ATTEST:
Minutes were approved on October 16, 2017 on a motion made by Juan Fuentes and seconded by Jagger Gustin, and it carried.

Linda Sparks
Secretary