

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC ARTS ADVISORY BOARD
MINUTES
Tuesday, April 16, 2024**

REGULAR MEETING

Regular meeting of the Public Arts Advisory Board of the City of Truth or Consequences, New Mexico to be held on Tuesday, April 16, 2024 at 4:00 p.m. in the City Commission Chambers, 405 W. 3rd St, Truth or Consequences, NM 87901.

ROLL CALL:

Sid Bryan, Tourism - Chairman
Cary "Jagger" Gustin, Sierra County Arts Council – Vice-Chairman
Eduardo Alicea, Art Representative
Andy Underwood, Business Community - arrived at 4:13pm
Suzanne Carlstedt, Member

ALSO PRESENT:

Traci Alvarez – Assistant City Manager
Angela Torres – City Clerk
Luba Hoffman – Deputy Clerk

1. APPROVAL OF THE AGENDA:

- a. April 16, 2024

Member Carlstedt made a motion to approve the agenda.
Member Alicea seconded the motion.
Motion carried unanimously.

2. APPROVAL OF MINUTES:

- a. January 16, 2024

Member Carlstedt made a motion to approve the minutes.
Vice-Chairman Gustin seconded the motion.
Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC:

Visitor, Chuck Joy, asked questions about what the meeting pertains to and if this board is responsible for the landscaping/art in roundabouts and other art projects in town and where the funding comes from. The Board and Assistant City Manager Alvarez answered his questions.

4. NEW BUSINESS:

- a. Discussion/Action: Reed Rocket Sculpture Recommendation

Assistant City Manager Alvarez: Do you want me to delay this portion of the report until your other board member arrives?

Everyone agreed to delay Assistant City Manager Alvarez's presentation until Member Underwood arrives and decided to have Vice-Chairman Gustin discuss the Reed Rocket project and history.

Vice-Chairman Gustin: Explained the sculpture project and lack of engineering prior to the project. The City wouldn't accept it because it wasn't deemed safe. The artist reduced price to \$7,000 from \$12,000 due to issues. Currently in storage. The Arts Council has \$4,550 invested in it, and the City of T or C has \$2,750 invested in it. It's currently being stored in a City building. An engineer told us to cut the springs off. It's time for it to be out in the public where people can enjoy it. It's a beautiful project.

Member Carlstedt: Will the elimination of the springs take away the kinetic nature of the sculpture?

Vice-Chairman Gustin: I don't think so. The artist wanted it to be able to sway like a natural reed would sway down by the river with the wind, but the engineer said it wasn't critical. I think it depends who ends up with it and how they would treat that component of it. It's been totally paid for. Again, the City has \$2,750 in it. Arts Council has \$4,550 in it. He's been totally paid for it, and it needs to go somewhere.

Member Underwood arrived and joined the meeting.

Chairman Bryan: We're now on the Reed Rocket if you'd like to present, Traci.

Assistant City Manager Alvarez: Jagger was just saying the City paid off and purchased the Reed Rocket, so it's considered City property now. As far as the engineering, it was actually the construction and the streets division. The state would have to do the permitting who said it was going to require engineering in order for it to be installed. The artist has contacted the City. As you know, there's a small art park being built on the other side of the Police Department that's private property. They've gone through all of their planning and zoning requirements. According to the artist, they've expressed an interest in placing that sculpture there. The City cannot just hand over something to a private party. That's against our anti-donation policy. What the artist is requesting is that we place the sculpture up for sale and if the people who purchase it happen to be at the art park, they'll be able to put it up. His main goal is to see it displayed within his lifetime. I'm bringing this to the Art Board for the recommendation. Right now it's in storage. It's been in storage for a lot of years. It's been through a couple different Park Managers, so we would have to pull it out of storage to see what condition it's in. It's in an area where other things are being stored, so there's the potential that it could be damaged. We don't know until we start unloading it all. What I'm requesting is a recommendation from the Art Board on how they'd like to proceed with the Reed Rocket. If your recommendation is to potentially pull it out and put it up for sale, I'll take that recommendation to the City Commission.

Member Carlstedt: If it's put up for sale, who received the proceeds?

Assistant City Manager Alvarez: The City would receive the proceeds. It would go back to the City general funds.

Member Alicea: How much will it be for sale?

Assistant City Manager Alvarez: This is kind of a new item. Normally, if we put up property for sale, we have to get an appraisal. But, how do you appraise a piece of art, right? It's really an opinion on what it's worth or the value of it. We'd have to get our attorney's guidance on what we'd be allowed to do, so we don't violate the anti-donation policy. It would be something that instead of putting a dollar amount on, we accept offers, see what the offers come in, and then the City Commission would decide whether to accept the highest offer or not depending on the offer. Right now, it's worth nothing sitting in our storage. Many years ago when the City looked at putting it by where the Buckhorn was, before that property sold, we were looking at around \$3,000 - \$6,000 for engineering fees alone.

Chairman Bryan: Would the City be taking it out then? You would take the Reed Rockets out of storage and place them?

Assistant City Manager Alvarez: No, we wouldn't place them. We would sell them to somebody, and it would be their responsibility to go through the proper processing of engineering and state permitting to have them installed. All we would be doing is selling the Reed Rockets themselves.

Member Carlstedt: Then they could end up leaving town conceivably, right?

Assistant City Manager Alvarez: Conceivably, yes ma'am. The offer would be open to anybody, so we don't violate any type of anti-donation.

Member Carlstedt: If somebody wanted to install it in town, as I recall it had some height to it, would you anticipate that requiring variances or something?

Assistant City Manager Alvarez: They would have to go through my office at Planning & Zoning. We would take a look where they're installing them to find out what the requirements are. We've already been through that process to try to install them as they're designed to be installed right now, which requires state permitting. They would require cement foundation for stability. They would have to go through my office to install those inside city limits.

Member Alicea: Do we have a minimum starting bid offer?

Assistant City Manager Alvarez: We don't at this time. That's why I'm bringing it to the Art Board, and that's why it goes to the commission. The artist just approached us last week, so we told him we'd start the process. This is the starting process to find out if the Art Board is even interested in releasing those for sale or not. Your recommendation whether it be to approve or deny the process will go to the City Commission, and I'll update them.

Chairman Bryan: Well, I think something should be done with them if they're just being stored and taking up space year after year. They were made to be seen.

Assistant City Manager Alvarez: That artist was commissioned for a reason. I wasn't a part of that process when they were originally commissioned and who thought of the design, wanted what, and what they ended up with. The bottom line is a request was made to an artist to deliver a product, and that product was delivered. I'm sure all artists are proud of their work. It's everybody's own opinion on whether they like or don't like it. They put a lot of their heart and soul into it, and it's very sad that it's just sitting somewhere in a storage unit.

Vice-Chairman Gustin: Traci, you might touch base with Commissioner Merry Jo Fahl. Several months ago, she proposed the idea to me that they could possibly go out in Williamsburg on the medians where all that work is going on. She was going to touch base with somebody at DOT, and I can't remember the guy's name now.

Assistant City Manager Alvarez: I appreciate the recommendation, but Commissioner Fahl is one of five just like you guys are one of a full board. That's why I would take it to the Commission as a whole. It would be the Commissioner's decision on whether they want us to look at putting it up for sale or whether they want to direct us to have a commissioner follow-up and look at another avenue or something like that.

Member Underwood: The artist is agreeable to this, right?

Assistant City Manager Alvarez: The artist requested it. He came to us and requested it. He actually wanted us to sell it back to him for \$1. We told him, unfortunately, that violates the anti-donation policy, and there's a process we have to go through.

Vice-Chairman Gustin: You guys have \$2,750 in it, and we have \$4,550 in it. For the total of approximately \$7,000.

Suzanne: We being the Arts Council not this group, right?

Member Alicea: If it sold, the board has no more responsibility for it? They couldn't come to the board asking for money to install it?

Assistant City Manager Alvarez: No, you guys don't pay to install art somewhere on private property. What the artist told me is that he's wanting to give it to the people on their own private property art park and have them install it. They are contractors, so they're very well aware of CID, permitting, and engineering. I don't foresee any issues with them going through the proper processes. They do for other building items. It wouldn't be something the City would be paying for. It would be at their expense.

Member Alicea: We don't have any more responsibility if something comes up any problem or accident, we're free of all that?

Assistant City Manager Alvarez: We're free of it. It becomes private property.

Member Carlstedt: I would want some kind of provision so that it doesn't just sell for like scrap metal value or something. I don't know how you'd set a minimum bid.

Assistant City Manager Alvarez: I don't think there's a way to guarantee that. We can say we're not selling it for scrap metal. Maybe somebody comes along outside in the county, loves the piece, and wants to put it in their yard. We sell it to them, and maybe their whole intent all along is to cash it in for scrap metal. I don't think we could regulate that.

Member Underwood: The only way you could maybe prevent that is to set a minimum like \$500 or something. I think we should pursue it. Otherwise, it's going to sit in that warehouse for another 30 years. We'll keep talking about it, but we'll never do anything about it.

Assistant City Manager Alvarez: I don't know the condition of it. I think there's a concern with the way that some of the equipment was put in there from past employees who are no longer with the City. There may be a dent or two that might need to have some repair. I don't think it's beyond repair, but I think there's a couple of things that will have to be looked at. We'll have to take that into consideration when we put it up for sale. We're not going to repair the artist's work before hand.

Member Underwood: All of that would have to be if we didn't sell it, and we tried to install it.

Chairman Bryan: Could we just do a recommendation today for the City to take it out and then we all look at it? Is that alright with everybody?

Vice-Chairman Gustin: Mr. Chair, I would motion that we authorize and ask Traci to move forward with the sale of the stainless-steel art project, Reed Rocket.

Assistant City Manager Alvarez: A recommendation to the City Commission?

Chairman Bryan: Don't you think it should just be that they take it out and assess it and then we still look at it before deciding to sell it. That would alleviate the problem if someone did come in with \$500.

Vice-Chairman Gustin: So you think it should be examined first before?

Member Underwood: What difference does that make? You're selling it as is.

Assistant City Manager Alvarez: If you could make the recommendation to the Commission for us to proceed with potentially putting it up for sale, maybe we could find out what it would be worth as just scrap metal. We could have a minimum bid above that cost. Regardless of what condition it's in, at least it'll be more than scrap metal cost. Somebody's not going to pay more for it than what they're going to get.

Member Underwood: So, you would advertise it in the paper that this is going to be sold. Anybody who has concerns could voice them.

Assistant City Manager Alvarez: Pending approval through the attorney. We just have to verify that we can do it that way. I can't imagine how you would appraise a piece of art like that. I would shudder to think that I would pay more for an appraisal than what we might get for it.

Member Underwood: The goal is not to make money. The goal is to put it some place. We can't guarantee it'll go any place, but it's an attempt.

Vice-Chairman Gustin: I looked at it about 4 years ago. I can't remember why I requested to look at it, but I went with City employee Ryan Lawler who used to work with the City. It was in fine shape, against a wall stored properly and didn't appear to have any damage at all. The City does store equipment – lawn mowers, tractors and different types of equipment in that building. It was untouched and in excellent shape.

Assistant City Manager Alvarez: Since that employee moved on, we've had other turnover. During that time, the Parks Department did put a new storage unit outside the parks. There was a lot of shifting and moving around of things that were in that storage unit. Unfortunately, I don't necessarily have the same faith as you with things getting moved and pushed around.

Chairman Bryan: I like what you started out with when you said originally that you would be doing bids or having people making offers. I think it would look nice in Garcia's bar too.

Member Underwood: It's 17 feet tall.

Chairman Bryan: It's got a high ceiling.

Vice-Chairman Gustin: There are 13 pieces of varying heights. I think the tallest one is about 16 feet tall. The shortest is about 3 feet. The original intent of the artist is that they be installed in a grid, so they were all in varying different sizes. Someone could buy it and spread it out and install it however they wish.

Member Carlstedt: Wouldn't coming up with scrap metal value entail weighing the thing? How would that be accomplished?

Assistant City Manager Alvarez: I have a Solid Waste Dept. that has a scale, and we have trailers. We can potentially put them on a trailer and take them over to the scale. That would at least give us an estimate. It might not be perfectly accurate, but I think we could get an estimate. I don't think I'll have any issues requesting our Solid Waste Department do that.

Chairman Bryan: And the public will be allowed to bid?

Assistant City Manager Alvarez: If we advertise it for sale, it'll go out in the paper. We'd advertise on our social media and put flyers up in the City offices. We'd give a deadline date, just like I do with property sales that are under \$25,000, that we're accepting offers until such and such time and date. Once all offers are received, we would take it to the City Commission with all offers, and the City Commission makes a determination on what offer to accept. Normally they go with the highest.

Chairman Bryan: Is there a motion?

Vice-Chairman Gustin: Should I amend my motion then?

Assistant City Manager Alvarez: Recommendation to the City Commission to proceed with the sale of the Reed Rocket with the minimum price higher than scrap metal. Does that work?

Vice-Chairman Gustin made a motion to recommend to the City Commission to proceed with the sale of the Reed Rocket Sculpture with the minimum price higher than scrap metal.

Member Underwood seconded the motion.

Motion carried unanimously.

5. REPORTS FROM THE BOARD

Vice-Chairman Gustin: Hot Water Project - This is ongoing. The Lodger's Tax Board is holding back \$18,000 for us to do work on that. We're proceeding with it. It's been a few weeks. We did get permission from the museum to use their dedicated hot water well if we needed to. That could proceed if we can't use the original cistern in place at the project itself. We need to look at that pretty quickly because we'll lose funding with the City cycle of funding that goes back to the general fund if we don't use it. Next Step - Andy is going to contact a local well driller to look at it and see if we can replace the pump and put it back into service real easily and simply or not. There's a moratorium on drilling a new well. We originally thought we could try to drill a new well, but there's a city wide moratorium on drilling wells. Correct Traci?

Assistant City Manager Alvarez: It's a very confusing moratorium, but from what I understand, they're not issuing any new water rights. You can allocate existing rights, but they aren't issuing new.

Vice-Chairman Gustin: That was the reason for appearing before the museum board. When that project was put in there years ago, we had them put in a big pipe that runs underneath the fountain in case we ever needed to power something from that well that's in front of the museum. We checked with the State Engineer's office and their permits and filing is all correct and up to date. That board did give us permission to use that well if we should need to. We've got that plan in place.

Member Underwood: We need to be able to have petty cash or something like that to use. I was going to send a guy to look at the spring box. One guy said he'd like to see if it could be revived somehow.

Member Carlstedt: It being the well in front of the museum or the cistern?

Member Underwood: There's actually a spring box in the center of the fountain.

Vice-Chairman Gustin: The original cistern that powered it originally.

Member Underwood: It was a naturally flowing spring. The guy I talked to wanted to get in there and look at it. I don't want to pay him, so I was hoping we could figure out a way to be reimbursed.

Vice-Chairman Gustin: Talk to Tammy and issue an invoice to her.

Member Underwood: We start out by trying to revive what's there. If we can't do that, then we have to go to the museum well, open it back up, and try to revive it. It's been several years since it was actually started. Then we need to find the conduit Jagger was talking about that goes from the museum well to the spring box in the center of the plaza. Then, in theory, maybe we can hook everything up. The spring box had a pump in it and probably got electricity from the museum. We need to explore that and find out. In our original budget, we had money for electricity. There's no direct path. It's a bunch of little paths to try to get to a goal. We have to be able to write checks or reimburse people for expenses.

Vice-Chairman Gustin: That's just a matter of getting with Tammy and finding out how to turn in an invoice to her for reimbursement. It's simple.

Member Underwood: If we can do that, we can start. I was wondering if the DOT has any extra money for art at the roundabouts at the north end of town.

Assistant City Manager Alvarez: No. I only say no because they paid a very small portion of the landscape. The city kicked in the remaining amount. Over the years, that remaining amount, we ended up putting in between 700 and 900 just for the landscaping portion. That doesn't include having to re-locate our water and sewer lines. I was telling these gentlemen I have the landscape design plans that were designed by DOT's engineer that the Commission approved, that was item B or selection B, will have electrical and water in those plans. We designed that and selected that option even though it was a little more expensive with the idea in the future we could do some art. My thought has always been that I'd love to see, the one that's at Smith and New School roads, a "Welcome to the Tigers" sign or something like that. At the north end, something that says "Welcome to T or C". I think they're real basic designs, which was better than having solid cement roundabouts, which is what the DOT would have given us.

Member Underwood: At the Veteran's home, that big state project, they have money set aside for art for it. We were just kind of wondering if there's anything like that for the roundabouts from the DOT. If there isn't, there isn't.

Assistant City Manager Alvarez: I think the money the state had for Williamsburg came out of a different section of funding because it was for a bridge. Oppose to ours, which is just road improvement.

Member Underwood: Well if there ever is any state money for something like that, it would be nice if we were aware of it, so we could pursue it.

Assistant City Manager Alvarez: We talked about looking into the Clean and Beautiful Grant once the landscape and roundabouts are completed and we see the end result. Then we know how we want to beautify it from there. I think we can look at some of the Clean and Beautiful funds. We just have to talk to OJ because he's using them for his parks right now.

Vice-Chairman Gustin: Carol Plec Sculpture - That is a project of the Arts Council, and it's been fully funded and completed the process. Carol Plec was an artist who was very well-respected within our community. She was on our Board of Directors in Arts Council for a number of years. When she passed away, her estate left us money. Meanwhile, we've been collecting money. We appeared here a couple months ago and went through the proper process. The Recreation & Golf Course Advisory Board, which is where you'd take a project for approval, they all agreed to it. At that point, we took it to the City Commission. They gave it their stamp of approval. We moved forward and paid the artist a deposit to start the work. It's underway, and she anticipates about a year of construction time. At that point, we've selected a place in Healing Waters Plaza. OJ Hechler and other City officials helped us select a really nice permanent spot. It'll be wonderful. The City Commission fully approved it, so we're waiting on the construction of it. When that happens, we'll have a ceremony and invite the public to come and look at a nice sculpture that belongs to the City now.

6. REPORTS FROM STAFF

There were no staff reports.

7. SET TIME, PLACE AND DATE FOR NEXT MEETING:

Clerk Torres advised the board that the next meeting is scheduled for Tuesday, July 16, 2024 at 4pm.

8. ADJOURN

Member Underwood made a motion to adjourn the meeting at 4:46pm.
Vice-Chairman Gustin seconded the motion.
Motion carried unanimously.

PASSED AND APPROVED this 4th day of June, 2024.



Sid Bryan, Chairman