

**CITY OF TRUTH OR CONSEQUENCES  
PUBLIC ARTS ADVISORY BOARD  
MINUTES  
TUESDAY, JULY 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, July 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  
Suzanne Carlstedt, Member

**ALSO PRESENT:**

Traci Alvarez – Assistant City Manager  
Luba Hoffman – Deputy Clerk  
David Johnson – Facilities Manager  
Susan Buhler – Community Member  
OJ Hechler – Community Services Director **arrived 4:03pm**

**1. APPROVAL OF THE AGENDA:**

- a. July 16, 2024

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

**2. APPROVAL OF MINUTES:**

- a. June 4, 2024 Special Meeting Minutes

Vice-Chairman Gustin made a motion to approve the June 4, 2024 Special Meeting minutes. Member Alicea seconded the motion. Motion carried unanimously.

**3. COMMENTS FROM THE PUBLIC: (3 minute rule applies)**

There were no public comments at this time.

**4. NEW BUSINESS:**

- a. **Discussion/Action: Fountain. Assistant City Manager Alvarez**

Assistant City Manager Alvarez: We're here to discuss the fountain. What I'd like to do first is turn it over to Member Underwood. He and I had a great conversation on the fountain. I'd like him to

discuss what he was looking at then we can jump over to David. We do have it as an action item in case at the end of this the Board wants to take any action.

Member Underwood: I met with Tracy and Dave.

Assistant City Manager Alvarez: David Johnson is our Facilities Maintenance Manager, so he deals with all of our City buildings including the City Commission Chambers.

Member Underwood: We've been working on fountain. As you know, we were going to drill a well. We decided to explore possibilities with the spring. Myself and Eddie Irwin, who is a licensed well-driller in New Mexico, have been looking at it. We opened the box and discovered the spring was probably okay. We were able to get 8 gallons of water per minute from it. At that point, I went to Tracy to find out what my next steps would be. I met with Dave, Tracy, and OJ. We talked about the fact that the spring was okay and that I needed to spend some money. I was going to approach them about how to do it. Dave and OJ brought up the fact that there might be some problems with the structure of the sculpture that's there. That's why they're here today. We're going to talk about that. That's about where I was at. We do have water there.

Assistant City Manager Alvarez: David's going to get up and talk. Unfortunately, OJ had a delivery he had to go deal with.

David Johnson: (pointing to screen image) These mountains right here they're structured and they're made using lath with expanded metal on the inside. They framed it all in. The problem is for all of the years that it was functioning, it used to run 24/7. It never stopped and just kept running. What happened is that expanded metal from the inside is rotting out including all the banding and strapping they used to support the structure. I brought some pictures (attached hereto and made a part hereof). Continued to explain the photos and how the degradation of the materials have rotted and the structure is exposed to the elements and continual degradation. All the debris is from the metal and structure collapsing.

Member Carlstedt: Do you know what kind of metal that is?

David Johnson: It looks to be just steel. All these metal straps were much larger than they are now. They're deteriorated, rotting, and collapsing onto the ground there.

Member Underwood: What you're suggesting is it's unsafe to have this.

David Johnson: Yes, correct. It would be unsafe and only because we can't stop children and people from playing around on this thing. They've done it before. At some point, it may collapse on itself. The outside looks fine, but you can see the stress fractures all around it. At some point, that's all going to give.

Assistant City Manager Alvarez: One of the things that we're posing to the Art Board is instead of potentially allocating the money you had received to do the well maybe you could go back to Lodger's Tax and see if you can allocate that to some type of new art piece that we could incorporate that spring into. If you guys could do the art piece, then the City could look at replacement pumps or whatever. I would assign it to David and OJ because they're awesome, and they volunteered to get this spring and stuff potentially running into some other art piece or art

sculpture. We just have a concern with the piece itself collapsing. OJ if you want to talk on any of it, you've been out there quite a bit.

OJ Hechler: I've been out there. Members of the Board, we've got a pot of money to spend on it. Do we want to put it into something that potentially may last a year or someone gets hurt, or do we give ourselves a blank slate here? I think a fountain or something of that nature would be really cool. It would still draw people. It would still be the warm water. It would still be an attraction.

David Johnson: I have an idea to use it as a cooling station at some point. We could build a structure with misters and all that kind of stuff.

Member Underwood: Would the City take on the cost of demoing that structure and this Art Board would have a clean slate to start with and we would think about a water feature of some sort?

David Johnson: Absolutely. I don't see any problem with the structure. It's not that large. We could probably do it in-house.

Assistant City Manager Alvarez: I think so. We can work with our Solid Waste Department.

Member Underwood: If we did that then we'd have to put out a call for art or would this board try to figure out a design or something like that?

Member Alicea: Is there a process we need to go through to figure out what to build there?

Assistant City Manager Alvarez: I'm not sure how you had your funding allocated. It was through Lodger's Tax, was it not?

Vice-Chairman Gustin: Yes.

Assistant City Manager Alvarez: You might have to go back in front of Lodger's Tax and ask them. I don't know Lodger's Tax rules, so I don't know what their requirement is if you're going to use that money for something different than what they originally allocated it for. I think that your action today would be if you wanted to move forward and make a motion to pursue re-allocating those funds to a potential art piece. Then you could have your meetings or your workshops. You can call special meetings or whatever and figure out what you guys do want to build there or if you need to ask Lodger's Tax for funding.

Vice-Chairman Gustin: They were holding \$18,000, but that was earmarked to possibly drill a new well. Now, that that's off the table, we'll probably have to go back to them and ask if we can come up with another plan and use that same money for it.

Member Underwood: I thought half of that was money that the City gives us to spend on public art, 2%, and then part of it was a new portion that you went and asked for.

Vice-Chairman Gustin: I don't know exactly how that got divided up, but this board derives a certain percentage every year for public art. We went back to the Lodger's Tax and asked for an additional amount. That's where that \$18,000 came from combined with the money that automatically comes to the board for use.

Assistant City Manager Alvarez: I don't know if you had Lodger's Tax and Commission approval on the digging of the well. I don't know if that went to Commission as well. Obviously, any referrals from the Lodger's Tax go to our City Commission for approval. It's a good idea to keep our commission involved anyway in the public. What we're asking the board today is to maybe consider a motion to potentially recommend the demoing of the existing fountain and re-allocation of your funding for a new art sculpture.

Chairman Bryan: Or the mister that you're talking about. The heat like this is going to get worse. I think it would be good if we had something like that where people can cool off when they're walking around.

Vice-Chairman Gustin: A pergola or a shade structure could be incorporated into the design and give tourists and visitors a relief from our wonderful summer heat.

Chairman Bryan: I don't think it necessarily needs to be another art structure. I think it'll still have enough of the way it is now left to look at and with the misting structure. If we do a contest and meetings and stuff, it'll be another year or two before we get anything done. It would be nice to see the water run. Again, we've been at this for several years now.

Member Alicea: My concern is if we build something, we have to make sure that the material doesn't get damaged again in 20 years or so. Can that be guaranteed with this new project?

Assistant City Manager Alvarez: You want me to guarantee something for 20 years?

Member Alicea: The sculpture was built 20 years ago and the metal is not working and it's falling apart. Can it be guaranteed it won't fall apart again in 20 years?

Assistant City Manager Alvarez: I can't guarantee anything. I don't know.

David Johnson: With any structure, you can't guarantee how long it will last.

Assistant City Manager Alvarez: That water is pretty hard. It's damaging the cement even around where we have our fountain. I think it's something that whatever you guys decide to build there, now we have the knowledge of what it does. When you reach out to contractors or artists, whatever you decide, that's something you can make them aware of, so they can provide recommendations. I can't guarantee anything is going to be there in 20 years.

Vice-Chairman Gustin: Even something like the water fountain in front of the Civic Center would be nice. Those aren't very expensive. You can buy them in El Paso or Las Cruces. They're concrete and they're easily installed. They look good. People like them. It would be quick and easy. It looks really nice in front of the Civic Center. Why wouldn't something like that do down there? It would be good. It would be quick.

Member Underwood: If we demo the old fountain and put in a cooling station, none of that is the business of the Public Art Advisory Board anymore. It's Parks, right, because it's not art?

David Johnson: If you put an art feature in it of some kind like a fountain or something like that, yeah.

Member Underwood: So really what we should do is give our blessing to demo the fountain or something like that and then a motion to re-allocate the funds?

Chairman Bryan: I would think that underneath we were getting that money to make sure the water was running again. That's what everyone wanted since we have all the hot baths and stuff is to see water run.

David Johnson: The main issue, when I was talking with Angie is if you have a pump that runs with the flow that comes in, because right now we have two pumps that are pumping 24 gallons per minute. That's 48 gallons per minute. The water coming in only comes in at 8 gallons per minute. You can imagine how quickly it's going to draw that water out of there, how long it's going to take to recover. The only problem with the recovery part is it's not coming up as high as it used to. The water used to come up to about 8 feet. Now, it only comes up to what we call static pressure, it only comes up to about 4 feet or less. That's where the water stops. We can pump that out with a smaller pump. Then you have that head. You've got 8 feet going into the ground. You've got 8 feet coming above, so that's 16 feet or more. With an 8 gallon per minute pump, it's kind of like a fish pump or a pond pump. You're not going to get that much height, that head out of it. Water will pump, but it won't come out. You need something with a little more pressure, but the problem is, it will drain water out of there faster than it can recover because it's a spring.

Member Underwood: If the City decides to demo the existing structure, then we need to ask the City and the Lodger's Tax Board if we can re-allocate that \$18,000. When they decide they're going to do something, we need to decide what kind of art project might be appropriate to put in there to spend our \$18,000 on top of it.

Chairman Bryan: How would you suggest what we would need to do to make it where the water wouldn't drain out faster than it can recover?

David Johnson: We had a timer on it for a while. It would go for a little bit and run, so it had time to recoup. The whole thing would be empty in 10 minutes, and it would take all day for that water to recover.

Member Underwood: When I was speaking with Eddie Irwin, as I said, he's a professional well-driller, he thought we could design a pump to just pump the 8 gallons of water a minute. That's why I went to see them was to see if we could spend the money to do that. He worked for Riverbend, Blackstone, and all these big bath houses in town. He thinks outside of the box, but he doesn't want to be a vendor for the City. If we decide to pump the water out of there, I'm sure Eddie could figure out a way to make an appropriate flow.

David Johnson: If we keep it lower, a structure not that high, we could probably run a lower pressure pump. It would be a smaller feature. It won't be as grand as it is now, but we can use part of the structure as balance. That would be the art part. Someone could come up with an idea to make a smaller structure that we could work with. If not, we're going to have to re-do the entire thing.

Chairman Bryan: Should we talk to Shel Neymark who was instrumental with putting it in?

David Johnson: Sure. That would be a conversation to have with somebody who's a contractor.

Chairman Bryan: I think maybe the first thing is to just do what Traci suggested is make sure we have the funds if they'll transfer it over. It's still funds that will be used to get the fountain working. We might just make a motion of some version of that or however you want to word it, Traci. Would you do that so we could go to the Lodger's Tax to see if they'd allow us to move the format from what it is. It seems like it's the same thing in a way depending on how you word it.

Assistant City Manager Alvarez: I'm fine with that if you want to go to Lodger's Tax first and then decide next meeting. However, if you decide that you want the structure to be demoed, you need to make an action or recommendation to the City Commission, so we can take that to the City Commission and let them know. It may be something the Art Board can also attend, so we can let them know what the game plan is moving forward. Or we can leave everything like it is until you guys get it all figured out – whatever you guys want to do.

Member Underwood: So you think it's up to this board to decide whether or not to demo it?

Assistant City Manager Alvarez: I think a recommendation from the board isn't a bad idea because you guys want to replace it or do something different there.

Member Underwood: So we should have a discussion about that, Mr. Chairman, about how people feel demoing this project. It could be an emotional thing for some.

Chairman Bryan: Suzanne, you haven't spoken yet.

Member Carlstedt: I've just been wondering if the museum should be consulted at all. I guess it's technically not their property, but when a tourist is looking at the area, I think they would consider it all part of the same thing. What would the museum feel would enhance the area?

Member Underwood: How do you feel about it, Eduardo?

Member Alicea: Are we talking about a plan or idea for a bath for people to jump in the hot springs or something?

Member Underwood: I think right now, we're just talking about demoing the existing art structure – the fountain.

Member Alicea: I'd like to wait to get more information about the whole thing.

Chairman Bryan: David, it wouldn't be demolishing the entire thing, right? We'd still have some of the places where they sit and flagstone.

David Johnson: The main structure itself, but we could probably save most of what goes under the little bridge there and the flagstone definitely. We will try to protect that most certainly.

Chairman Bryan: A lot of people have already had their names on that.

Assistant City Manager Alvarez: If it's something you want to brainstorm and then bring it back to your next Art Board meeting, then make a decision. Maybe you guys can gather more information or talk to the public and the museum. We are on your time frame. We're not in a hurry. There's nothing that says we have to immediately demolish that thing. However you guys want to do it. If

we are going to demolish, that's something that does have to go in front of the Commission. I think between Art Board saying "We support the City demolishing the sculpture because we're going to put something else in there". I think we probably just need to be on the same page when we go to Commission.

Member Underwood: Once again, we should check and make sure we still have funds. Then we can go before the Commission and say that there's an opinion that it's possibly unsafe and maybe it's life expectancy is over, but we still have \$18,000 to do another art project and we want to re-allocate.

Assistant City Manager Alvarez: This is on the agenda as an action, but you don't have to take action. I just wanted to make sure it was there as an action in case you guys wanted to.

Chairman Bryan: We should use maybe the word restoring or something rather than demolish. If we're going to tell people we're demolishing an art piece that's there, restoring would be better for some.

Member Carlstedt: I don't think it's restoring because that would mean something similar.

Chairman Bryan: A good part of it would be left if they're going to leave the flagstone and some of the seating areas.

Vice-Chairman Gustin: I think it would make sense to put a delay in and consider our actions until the next time. There's not a rush to do it, so I think it would make sense for us to contemplate what our actions are going to mean and delay it a little bit. That will give us some time to work with the Lodger's Tax people and see if we can re-allocate that funding for a new design. That makes sense.

Member Carlstedt: I'm wondering if the committee that you agreed to serve on to spend the money associated with the animal shelter could locate something there because I didn't think it had to be any particular place.

Assistant City Manager Alvarez: I don't know if you've had a chance to review, but some of the review I've done of those art works, I don't know if they would be outside sculpture.

Member Alicea: Most is inside artwork and sculptures are more like smaller pieces.

Assistant City Manager Alvarez: You can just let Luba know when you're ready to add it on to the agenda. If you guys are going to Lodger's Tax and need any support from City or staff, just let us know, and we'll assign David to go.

Deputy Clerk Hoffman: I can make a note to remind you that you might want to re-visit it for the next meeting as well when we start preparing for it.

Chairman Bryan: Do you have anything else on this topic?

The Board agreed to postpone action until they've had time for further discussion.

## 5. REPORTS FROM THE BOARD:

Vice-Chairman Gustin requested Assistant City Manager Alvarez provide an update on the Reed Rocket Sculpture sale and bid process.

Assistant City Manager Alvarez: We're going to be advertising that probably the end of this month. We're just going to get final pictures and then we'll put that up for sale. I think we're just going to do a minimum bid on it. We did the weigh-in for an estimate on scrap metal and it was less than \$50. Unfortunately, scrap metal prices are really low right now, so we'll do a minimum bid of \$100 or \$200. We'll have to get with Commission and get a final on what they want out of it.

Vice-Chairman Gustin: So it's true, they just submit a bid.

Assistant City Manager Alvarez: Yeah, I haven't advertised it yet. Our new budget came open, so we're awaiting final budget approval at this next meeting the end of July. The first meeting in August, I'll take it to Commission to get the bid amount. We will get it advertised, and I'll reach out to you, Jagger, and let you know as soon as we've advertised it.

Vice-Chairman Gustin: Thank you. I appreciate that.

There were no other reports.

## 6. REPORTS FROM STAFF:

There were no staff reports at this time.

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

The board agreed to schedule the next meeting at 4:00pm Tuesday, September 17, 2024.

## 8. ADJOURN

Member Underwood made a motion to adjourn the meeting at 4:30pm. Vice-Chairman Gustin seconded the motion. Motion carried unanimously.

PASSED AND APPROVED this 17<sup>th</sup> day of September, 2024.



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Sid Bryan, Chairman