



419

Council Action and Executive Summary

Item # 13

Ordinance/Resolution# 15-126

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 15, 2014
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

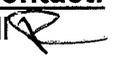
LEGISLATIVE

ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE LAS CRUCES PUBLIC ART FUNDING POLICY.

PURPOSE(S) OF ACTION:

To approve public art funding policy.

COUNCIL DISTRICT: ALL		
Drafter/Staff Contact: Robert Caldwell 	Department/Section: Parks and Recreation/ Administration	Phone: 541-2550
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In January 2013, the Las Cruces City Council established by Ordinance the City Art Board (Board). The Board's operational guidelines and goals are established in the City Art Board By-Laws and the Board's Policies and Procedures. The Board is tasked with various functions and actions in the accomplishment of the by-laws and shall recommend as part of their operational documents a funding policy to establish a dedicated funding source for the solicitation of artists, the procurement, installation, and maintenance of current and future pieces of public art. The proposed policy will be called Las Cruces Public Art Funding Policy (LCPA) (see Exhibit A) and the Board may recommend guidelines or actions to City Council for specific projects.

Funding for LCPA may be generated by setting aside one-percent (1%) of the General Fund Capital Improvement Program (CIP). Recommended projects and funding will be considered as part of the City's CIP annual budget process. During the FY 14/15 budget process, \$30,000 was set aside to fund the program in anticipation of the development of a formal funding policy.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Proposed Las Cruces Public Art Funding Policy.
3. Attachment "A", City Art Board minutes of April 18, 2014.

(Continue on additional sheets as required)

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input checked="" type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.	
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund:
			For a total amount of
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

In anticipation of the development of this formal policy \$30,000 was set aside in the FY 14/15 budget for the acquisition of public art.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Facilities Improvements	40806060-852100	\$30,000.00	\$30,000.00		N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Las Cruces Public Art Funding Policy.
2. Vote "No"; this will not approve the Las Cruces Public Art Funding Policy.
3. Vote to "Amend"; and provide changes to the resolution.
4. Vote to "Table"; and provide staff with further direction.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance 13-019.

(Continue on additional sheets as required)

RESOLUTION NO. 15-126**A RESOLUTION APPROVING THE LAS CRUCES PUBLIC ART FUNDING POLICY.**

The City Council is informed that:

WHEREAS, the Las Cruces City Council established by Ordinance in January 2013, the City Art Board (Board); and

WHEREAS, the Board's operational guidelines and goals are established in the City Art Board By-Laws and the Board Policies and Procedures; and

WHEREAS, the Board is tasked with recommending a funding policy to establish a dedicated funding source for the solicitation of artists, the procurement, installation, and maintenance of current and future pieces of public art. The proposed policy will be called Las Cruces Public Art Funding Policy (LCPA); and

WHEREAS, funding for the LCPA may be generated by setting aside one-percent (1%) of the General Fund Capital Improvement Program (CIP); and

WHEREAS, recommended projects and funding will be considered as part of the City's CIP annual budget process; and

WHEREAS, during the FY 14/15 budget process, \$30,000 was set aside to fund the program in anticipation of the development of a formal funding policy.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Las Cruces Public Art Funding Policy, attached hereto as Exhibit "A" and made a part of this Resolution, is hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 20_____.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

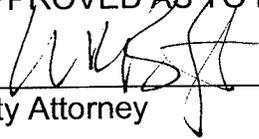
VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Levatino:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

Duty 

City Attorney

Las Cruces Public Art Funding Policy

I. Purpose

To establish a dedicated funding source for the solicitation of artists, the procurement, installation, and maintenance of current and future pieces of public art. The program will be called Las Cruces Public Art (LCPA).

II. Background

Over the years, the City of Las Cruces has received several pieces of public art that are displayed on public property in a variety of locations throughout the City. In January, 2013, the City established its first official City Art Board (Board). The Board is comprised of seven members from the local community and is tasked with the mission of supporting art that is accessible to all and encouraging public dialogue and understanding about public art. The Board, through its recommendations, will encourage the acquisition, commission and placement of art in public places, both permanent and temporary, that enhances the community and its neighborhoods.

III. Goals

The City of Las Cruces is committed to providing public art of exceptional quality and diversity which adds to the community's vibrancy and identity. Specifically, the City's public art program will strive to:

- Make public art and expressions available to the public.
- Use public art as a vehicle to express the City's history and cultural heritage.
- Educate the community about public art.
- Use public art to foster the community's sense of spirit, pride, and community values.
- Recognize public art's contribution in cultural tourism and economic development.
- Disseminate public art throughout the city of Las Cruces.

IV. Public Art Acquisition

Proposed public art acquisitions shall be reviewed by the Board with a recommendation to the City Council. Las Cruces Public Art acquisitions may include but are not limited to visual art, sculpture, and other artworks associated with the performing arts. For proposed public art acquisitions to

be placed in a park, a recommendation from the Parks and Recreation Advisory Board will also be requested. Proposed public art acquisitions will be evaluated on the following criteria:

- The quality of the art work.
- Context in the City collection. Does the art work enhance the existing collection or add diversity? How does the piece engage the public? Are the materials appropriate? Is the piece susceptible to vandalism or graffiti?
- Availability of an appropriate location.
- Appropriateness of the size, scale, material, form and style for the area in which it is to be placed.
- Condition, durability, installation, and maintenance requirements of the art work.
- Aesthetic merit.

Whenever appropriate, solicitation of input from surrounding neighbors, businesses, associations, and or City Departments that may be impacted by the art work location will commence prior to developing a recommendation for City Council action.

V. Funding Procedures

- a. The Board considers proposed projects in advance of the City budget process to be considered as part of the Capital Improvement Program (CIP).
 - i. Identify locations
 - ii. Consider appropriate works of art
 - iii. Process to occur before the City CIP and approval process, recommendations to City Council to take prior to January each year.
- b. The City considers a 1% set aside as a part of the annual budget and CIP process.
- c. The City Council approves a proposed project as part of the CIP.
- d. Staff authorized to proceed with the implementation of the project.
- e. The Board participates and makes recommendations pertaining to the project.
 - i. Establish a design review process with participation of local artists
 - ii. Provide recommendations of design, fabrication, manufacturing and or construction of the project.
- f. The Board recommends a maintenance program for the art work.

- g. The Board may make recommendations on other non-art set aside projects that may have an artistic element associated with the design or construction of the project.

VI. Guidelines and Procedures

All operational guidelines and goals for acquisitions of public art, gifts, memorials and donations are established in the City Art Board By-laws and the established City Art Board Policies and Procedures. The City Art Board's goal is to maintain a high level in the quality of public art in Las Cruces while increasing the city's public art collection and providing proper maintenance procedures and schedules.

Proposed public art acquisitions procedures:

1. Establish the funding amount available from the 1% set aside for the project. In addition to this the Board will actively search out additional forms of funding through grants, donations gifts and partnerships with the state to further support the stated goal.
2. Identify the park, building, structure, street, neighborhood or public site for projects.
3. The Board will review appropriateness in the size, scale, material, form and style for the area in which the public art project will be placed.
4. The Board will establish an appropriate jury made up of artists, lay people and community stakeholders to review and jury all aspects of the project and all submissions as to content, desirability and appropriateness.
5. Advertise the "call for artists"
6. Provide appropriate maintenance guidelines and schedule.

CITY ART BOARD MEETING
April 18, 2014

1 City Art Board Meeting was held on April 18, 2014 at the Las Cruces City Hall – Room
 2 2007A, 700 N. Main, Las Cruces, New Mexico 88001.

3
 4 **CITY ART BOARD MEMBERS PRESENT:**

5 Ms. Catherine Brenner, Mr. Greg Gendall, Mr. John
 6 Northcutt, Mr. George Griffin, Ms. Susan Frary, and Ms.
 7 Kathleen Squires

8
 9 **ABSENT:**

Mr. Ricardo Gonzales

10
 11 **OTHERS PRESENT:**

12 Mr. Mark Johnston, Parks and Recreation Director, Ms.
 13 Sonya Delgado, Recreation Administrator, Ms. Dolores
 14 Archuleta, Mr. David Chavez, Ms. Wilma Hutson, Mr.
 15 Bobbie Hutson, Ms. Cathie Fern, Mr. Robert Caldwell, City
 16 Liaison, and Ms. Veronica Quezada, Recording Secretary

17 Meeting was called to order at 10:00am by Chair Ms. Kathleen Squires, and she
 18 recognized the meeting as having a quorum.

19
 20 Before the meeting began Ms. Squires read a statement to the public on what this
 21 Board does and decisions this Board makes.

22
 23 Statement as follows "The City Art Board is a body of people appointed to make
 24 recommendations to the Mayor and City Council about City Art Projects. We assist in
 25 establishing policy, we research, we review and we make recommendations. We do
 26 not make decisions beyond that. In the past few weeks there has been some past
 27 misconceptions coming out of Art Board meeting discussions that require clarification.
 28 First, we value the assistance and advice of the City's Museums staff but we are not
 29 involved with their operations and their collections in any way and there is no intention
 30 to access their museum spaces for display of City Art Collections. Second we are
 31 researching history about the Camino Real Sculptures. We will continue to gather as
 32 much information as possible about their restoration, post a public meeting about their
 33 future placement, and then will make recommendations on our findings to the Mayor
 34 and City Council. The Camino Real Statues will not be de-accessed, the City will retain
 35 ownership and they will again be on display if City Council decides that, when this
 36 process is complete. Again, let me repeat the City Art Board does not make decisions.
 37 We assist in establishing policy, research, review and make recommendations. Any
 38 action is approved by the board by majority vote of the members present and is
 39 forwarded to City Council as a recommendation."
 40

41 **I. Approval of Agenda**

42
 43 Mr. Griffin motioned to approve the agenda. Seconded by Mr. Gendall. Motion
 44 approved.
 45
 46

1 **II. Approval of 3/11/14 Meeting Notes**

2
3 Mr. Northcutt motioned to approve 3/11/14 minutes as presented. Seconded by Mr.
4 Griffin. Motion approved.

5
6 **III. Consent Agenda:**

7 **1. Establish a "Collections" Committee.**

8 **2. George Griffin to chair "Collections" Committee.**

9 **a. Collection Committee will oversee the "Acquisitions" and "Art on**
10 **Loan" programs.**

11
12 **IV. Collections Committee: George Griffin**

13
14 Mr. Griffin stated in anticipation of the Joyce McCrorie gift offer the question was posed
15 of having a process to receive these type of gifts/offers from any given artist. The issue
16 is for us to put a recommendation to City Council to receive the McCrorie offer. At this
17 point we do not have a way of receiving this offer and recommending that to Council.
18 Mr. Griffin presented a list of questions that serve the purpose of receiving gifts/offers
19 from artists.

20
21 Mr. Caldwell stated this Board can make a policy to proceed further. He will also send
22 through email a copy of the City's gifts and memorial policy as a guide. The McCrorie
23 gift would be a one-time stand-alone gift and the Board will establish a policy so the
24 acceptance or denial of this gift will not be part of the policy they are just looking at this
25 one piece altogether. It's not an acceptance or denial of the gift it's a recommendation
26 to City Council to precede further.

27
28 Mr. Griffin made a motion to approve that the City Art Board treat the Joyce McCrorie
29 gift offer of her art work as a one-time project, providing procedural experience for
30 future acceptance of similar donations to the City's public art collection, pending
31 independent review and discussions with the Dona Ana County Board of
32 Commissioners.

33
34 Seconded by Mr. Northcutt. Motion approved.

35
36 **V. Art in Public Places Committee: Greg Gendall**

37
38 Mr. Gendall presented a document, in draft form, to be sent to City Council for
39 recommendation on a funding source for Public Art policy. The purpose of this
40 document is to establish a dedicated funding source for the solicitation of artists, the
41 procurement, installation, and maintenance of current and future pieces of public art
42 and develop programs and activities related to public art. The program will be called
43 Las Cruces Public Art (LCPA).

44
45 Mr. Johnston made a suggestion; the proposal is to focus on the funding mechanism
46 as its own entity. This is the direction that the City Manager is going to provide funding
47 for all the art projects. To keep it as clean and specific as possible, you want money,
48 this is how you're going to get it and this is how you're going to spend it.

1 **VI. Camino Real Statues Committee; Catherine Brenner**

2
3 Ms. Brenner provided a report on the Camino Real Sculptures on placement,
4 restoration and research. A public meeting will be scheduled and then decided on
5 placement of the statues. Art Board will make recommendation and City Council will
6 give final approval.

7
8 Mr. Johnston stated that staff has researched the information with the restoration of the
9 statues and some parts of the statues will need to be restored before and some will
10 need to be done after installation is decided. Focus is to be the placement first and
11 restoration will come next.

12
13 **VII. Staff Report**

14
15 Mr. Caldwell stated in the past couple of weeks statements have been made publicly
16 and need to be addressed to the Art Board as they may be a conflict of interest. If
17 board member is making statements on their own or on behalf of another organization
18 they need to be clear that those are your statements or statements of the organization
19 you represent. These statements need to be clarified that statements are not as a
20 representative of the City Art Board. The perception of a conflict of interest is very
21 crucial.

22
23 The display cases have been given to the City of Las Cruces by the museum
24 foundation and specifically given to the museum to dispose of as they wished. They
25 made an offer to the Art Board to have them if they could be stored properly and
26 currently there is no where they could be stored, therefore, the museum will put them
27 up for auction to sell them.

28
29 New Mexico State Representative, Jeff Steinborn has set aside funding to do art work on
30 bus shelters. At this time not sure what that entails, it will be mostly coordinated
31 through the Transit Department. As the information becomes available this board will
32 be given the information on how to proceed if needed. Currently this is occurring on the
33 state level due to the involvement of the New Mexico Department of Transportation.

34
35 The Art Board will soon have their own web page under the Parks & Recreation
36 Department. Under administration there is a section where currently the Parks &
37 Recreation Advisory Board's page is at and will now have the City Art Board located
38 there as well. When this page is created staff will keep the Board informed on what will
39 be on the page.

40
41 **VIII. Board Member Comments**

42
43 Ms. Squires wanted to thank Mr. Johnston and Mr. Caldwell on leading the City Art
44 Board with the process on rules and regulations. Also wanted to state that Ms. Fray
45 and Ms. Squires are on the Committee for the Missouri overpass and sending out a call
46 for artists if any are available.

47
48 **IX. Date of Next Meeting**

49
50 Next City Art Board meeting is scheduled for Tuesday, May 13, 2014 at 10:00am.

51

1 **ADJOURNMENT**

2

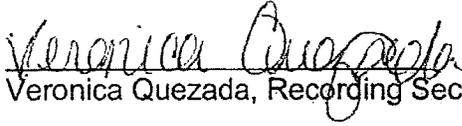
3 Meeting adjourned at 11:18am.

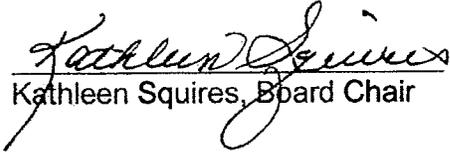
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Veronica Quezada, Recording Secretary


Kathleen Squires, Board Chair