0.2014.025

CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO:

Richard J. Berry, Mayor

FROM:

Jon K. Zaman, Director of Council Services for 12/9/14

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-14-31 Amending Section 10-5-6 Of The Revised Ordinances Of Albuquerque Relating To The Placement Of Public Art (Benton, Harris), which was passed at the Council meeting of December 1, 2014, by a vote of 8 FOR AND 0 AGAINST.

Excused: Winter

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh Attachment



CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL

ENACTMENT NO. 0.2014-025 COUNCIL BILL NO. O-14-31 SPONSORED BY: Isaac Benton & Don Harris 1 **ORDINANCE** 2 AMENDING **SECTION** 10-5-6 OF THE REVISED **ORDINANCES** OF 3 ALBUQUERQUE RELATING TO THE PLACEMENT OF PUBLIC ART. 4 WHEREAS, the City of Albuquerque administers an Art in Municipal 5 Places Program intended to promote and encourage private and public 6 programs to further the development and public awareness of, and interest in, 7 the visual arts and fine crafts, and to increase employment opportunities in 8 the arts, and to encourage the integration of art into the architecture of 9 municipal structures; and 10 WHEREAS, the Art in Municipal Places Ordinance, Section 10-5-2 ROA. 11 defines a "work of art" as "any work of visual art, including but not limited to, [Bracketed/Strikethrough Material] - Deletion Bracketed/Underscored Material] - New 12 a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of 13 calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including 14 15 a collage, assemblage, or any combination of the foregoing art media). For 16 projects which involve no structures, WORK OF ART may include a 17 combination of landscaping and landscape design (including some natural 18 and manufactured materials such as rocks, fountains, reflecting pools. 19 sculpture, screens, benches, and other types of street furniture). Except as 20 provided herein, the term WORK OF ART does not include environmental 21 landscaping or the performing or literary arts such as dance, voice, music or 22 poetry unless expressed in a manner defined above"; and 23 WHEREAS, City of Albuquerque successfully implemented its Art in 24 Municipal Places program through the placement of a work of art on an

abandoned freestanding commercial sign on East Central Avenue: and

25

4

5

6

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

WHEREAS, given the success of that endeavor the City has identified other opportunities to repurpose abandoned freestanding signs to host works of art; and

WHEREAS, the City and the community have mutual interests in promoting public art in the form of wall murals and similar works of art on privately owned exterior walls; and

WHEREAS, the below amendment to the Art in Municipal Places
Ordinance is intended to recognize and accommodate these initiatives.

9 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 10 ALBUQUERQUE:

- 11 SECTION 1. SECTION 10-5-6 IS HEREBY AMENDED AS FOLLOWS:
- 12 "§ 10-5-6 GENERAL REQUIREMENTS FOR ART SELECTION.
- 13 (A) The work of art may be an integral part of a structure, attached to a
 14 structure or detached from the structure within or outside of it. It may also be
 15 located on publicly-owned property where there are no structures.
 - (B) In addition to any other placements permitted by law, a work of art may be placed on a privately owned freestanding sign or on an exterior wall under a lease or other written agreement appropriate to the circumstances between the City and the owner of the sign or wall. Unless otherwise prescribed by the terms of a lease or written agreement, the City Cultural Services Department shall maintain the sign during the duration of the art project, and shall remove the work of art immediately upon termination.
 - (C) Any work of art which is chosen must comply with the following standards in addition to any guidelines established by the Mayor:
 - (1) The work of art must be located in a public place with public visibility and impact.
 - (2) The work of art shall have a permanence at least comparable to the lifetime of the bond funding the work of art and shall be likely to remain a thing of value for this time period.
 - (3) The work of art shall enhance the environment of the city.
 - (D) The Board shall recommend an artist, a design proposal and/or a completed work of art, which shall be selected in a manner consistent with the guidelines promulgated by the Mayor. The Board may recommend purchasing

9

10

11

12

13

14

15

16

17

18

19

20

21

23

24

- a completed work of art, commissioning a work of art, holding a competition to 1 2 select a work of art, or creating some other timely and appropriate mode of selection. The Board through Capital Improvement Program staff shall consult 3 4 with the user agency and project design consultants, if applicable, and involve 5 them in the planning process in the manner that appears most feasible. The
- 6 Mayor shall accept or reject the recommendation of the Board. If the Mayor 7 rejects the recommendation, the Board shall make another recommendation in 8 accordance with the standards and procedures outlined in this article.
 - The Board shall make its recommendations in a timely manner in accordance with the project schedule and timetable provided by the Mayor. If the Board fails to make a recommendation within the timetable established by the Mayor, the Mayor may identify another appropriate public procedure to select an artist or work of art without receiving a recommendation from the Board unless the Board and the Mayor have mutually agreed in writing to an extension of the time period. The time period shall be extended, if necessary, if the Mayor rejects the Board's recommendation."
 - **SECTION 2.** SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.
 - SECTION 3. COMPILATION. Section '1' of this ordinance shall amend. be incorporated in, and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.
 - **SECTION 4.** EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

31 32

30

33 X:\CITY COUNCIL\SHARE\CL-Staff_Legislative Staff\Legislation\21 Council\O-31final.doc

	1	PASSED AND ADOP	TED THIS _	1 st	DAY OF	December ,	2014
	2	BY A VOTE OF:	8	FOR	0	AGAINST.	
	3						
	4	Excused: W	/inter				
	5						
	6						
	7		Santi-Gridoloma		MHON	duño	
	8		Re	y Garduño,	President		
	9		Cit	ty Council [©]			
[+ <u>Bracketed/Underscored Material</u> +] - New [- Bracketed/Strikethrough Material -] - Deletion	10						
	11						
	12	1.	.if				
	13	APPROVED THIS 16th DAY OF December, 2014					
	14						
	15						
	16	-					
	17	Bill No. O-14-31					
	18						
	19	// In v//					
	20	- Hay					
	21 22	Richard J. Berry, Mayor					
	23	City of Albuquerque					
	24						
	25	ATTEST:					
	26	ATTEST.	7				
	27	Vring Main	HUlo				
	28	Trina M. Gurule, Acting City Clerk					
	29	wardw, nout	a city Oleik				
<u> </u>	30						
	31						
	32						
	33			А			

Health City Sun Affidavit of Publication

CIUDAD de ALBUQUERQUE VIGÉSIMO PRIMER CONCEJO PROYECTO DE LEY MUNICIPAL NÚM. 0-14-31 PROMULGACIÓN NUM 0-2014-025 PATROCINADO POR: Isaac Benton y Don Harris **ORDENANZA** ENMENDAR LA PARA SECCIÓN 10-5-6 DE LAS REVISADAS **ORDENANZAS ALBUQUERQUE** RELATIVAS A LA UBICACIÓN ARTE PÚBLICO. HCS Pub. December 26, 2014

State of New Mexico)
) ss
County of Bernalillo)

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 26th day of December, 2014, and the last publication being in the issue of the 26th day of December, 2014.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 26th day of December, 2014.

My Commission Expires

4-50-18

OFFICIAL SEAL PEGGY MULLER-ARAGÓN

Notary Public State of New Mexico

My Commission Expires

Health City Sun AFFIDAVIT OF PUBLICATION

CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL COUNCIL BILL NO. 0-14-31 ENACTMENT NO. 0-2014-025 SPONSORED BY: Isaac Benton & Don Harris ORDINANCE

AMENDING SECTION 10-5-6 OF
THE REVISED ORDINANCES
OF ALBUQUERQUE
RELATING TO THE
PLACEMENT OF PUBLIC ART.
HCS Pub. December 26, 2014

State of New Mexico) ss County of Bernalillo)

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 26th day of December, 2014, and the last publication being in the issue of the 26th day of December, 2014.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 26th day of December, 2014.

Leggy Milly agon Notary Public

My Commission Expires 4.30-18

OFFICIAL SEAL
PEGGY MULLER-ARAGÓN
Notary Public State of New Mexico
My Commission Expires 430-18