

**MINUTES**  
REGULAR MEETING OF THE ART COMMISSION  
Council Conference Room  
City Hall - 385 S. Goliad, Rockwall, TX 75087  
June 11, 2018  
10:00 A.M.

**1. CALL MEETING TO ORDER/WELCOME**

A quorum of members was present to call the meeting to order at 10:02 a.m. Present were Commission Members David Sweet, Kathleen Morrow, Doug Agee, Betty Jean Hoaglund, Community Relations Manager Bethany Browning. Jane Braddock was absent from the meeting. Assistant City Secretary Margaret Delaney attended the meeting to take minutes.

**1. DISCUSSION/ACTION ITEMS**

**A. Review and take action on minutes from the April 16, 2018 Art Commission meeting.**

Kathleen Morrow made a motion to approve the April 16, 2018 minutes. Doug Agee seconded the motion; all were in favor of approving as recorded and the motion passed 4-0.

**B. Provide an update on recommended repairs to the mural located at 110 S. Goliad, presented by Doug Agee. (Doug provided a document for this agenda item-Notes from that document are being used in the minutes)**

**1. Mural Update**

- Doug and Bethany met Isaac Davies on June 7th to review the condition of the mural.
- Isaac was perplexed at the amount of paint peeling away from the wall.
- Isaac believes it to be caused by moisture between the masonry wall and the stucco covering.
- He is scheduled to come back Tuesday June 12th to begin repairs.
- Isaac estimates it will only take a couple of days to sand, prep, paint and put the protective coating on the damaged areas.
- It appears this may be a reoccurring situation, however it is speculation.

**2. Artist Agreement/Contract**

- Article 5.6 Warranty of Craftsmanship: Contractually Isaac agreed that artwork will be free of defects in workmanship and materials for the next five years.
- In the event of any defects within the next five years Isaac has contractually agreed to remedy the defects at his sole cost and expense.
- Article 12 Dispute Resolution/Mediation: We will need a special meeting to discuss this item.

**3. Betty's comments regarding the mural**

- This was the commission's 1<sup>st</sup> mural and the group learned a great deal (parking lot, access, easement, etc.)
- Ted Cain Building- Dan Colcer (an experienced muralist) did require the condition of the wall prior to working on it. Caused us to look further into it.
- Isaac did not charge a lot of money for that big wall. He gave us the price to establish a connection with the City and if his work is good, she suggested the City should use him again.
- Need to find out ways to preserve the murals. Need to research and reach out to other cities or businesses on how they preserve murals/old buildings. What's the best recourse we can take?
- In the future consider moveable murals.

- In the future maybe consider no murals. Find something maintenance free.
- David Sweet stated it would be very tough for him to go down the mural road again.
- Doug agreed with David Sweet's comment.
- Kathleen Morrow suggested maybe using a mounted mural.
- Betty stated a metal mounted mural.
- With every mural idea there are going to be issues with whatever is used.

#### 4. Other Items for Discussion

- Article 8.3 Credit: The City agrees, at its own expense, to prepare and install at or near the project a public notice giving the artist credit for the creation of the artwork. *Question? Are we complying with this article and is it necessary?* Bethany stated since he signed his name so it demonstrates we have given the proper credit.
- Article 9 Insurance Coverage: Contractually we require a Certificate of Insurance from the artist. *Question-Will we secure a certificate each of the five years the artist is responsible for maintaining his/her artwork. Will we not have some liability exposure if the artist returns to do occasional repairs/maintenance?* Bethany stated it depends on if we have interaction with him again. Betty suggested in the future we will need to ask artist how long their insurance is good for.
- Stucco Walls Reference material provided by a Wall Chemist with Fergosi Paint, San Francisco. Water vapor or moisture can come through the back of the stucco wall or through leaks around the roof line. This causes a reaction with the calcium compounds in the stucco to form alkaline calcium hydroxide. This will cause the paint to crack and peel. As discussed by commissioners, this may or may not be the issue, however the damage is extensive.
- Need to discuss what we are going to do after his contract ends?
- Bethany will send an email to the ART Commission members with the contract with a list of questions regarding the contract.
- Bethany will send an email to Sarah Blankenship regarding other cities with murals. She will let other board members know if she needs their assistance.
- Per Betty most of the maintenance for these murals is graffiti related.
- Key is the stucco surface.
- Bethany and Doug will discuss these items with Isaac and see if a special meeting is needed.

#### C. Hear an update from the Art in Public Places staff liaison regarding future funds, availability and locations for public art, presented by Bethany Browning.

- A work session was held at the May 21<sup>st</sup> City Council meeting. Kathleen attended the meeting. There was no formal vote at the meeting. The purpose of this work session item is to try and more clearly define the phrase, "near the site of construction" so that there is a better understanding of where said funds may be spent for public art. There is no definition in existence anywhere else in state law or in previously passed city ordinances.
- Councilmember Fowler generally expressed that it would make sense to put public art in areas within the city that receive a lot of visibility, either by those driving by or by those visiting a particular location (i.e. Harry Myers Park).
- Mayor Pro Tem Hohenshelt suggested that these art funds be used near any entrances to the city, at any city park, within the downtown district (as already defined), and at any city or county owned property. General discussion continued pertaining to where these types of funds could be spent, including state-owned property and/or property that may be donated for this purpose. Councilmember Macalik asked who would maintain these art projects. Mr. Crowley shared that it would be the city's responsibility to maintain them.
- Gave us lot of flexibility per Kathleen.
- There is no definition in existence anywhere else in state law or in previously passed city ordinances. When essentially prompted by Mayor Pruitt to provide further clarification regarding defining this phrase, City Attorney Frank Garza shared that Rockwall is a 'home rule' city. This

means that it can adopt any ordinances that are not in conflict with state law. He agrees that to define it as "the entire City of Rockwall" would not be advisable; however, as long as it is defined in a way that seems reasonable and associated rationale is provided in the record when doing so, then he believes it would be okay. He clarified for Mayor Pruitt that the council could either choose to define this phrase or not; however, he believes it would be important to be consistent in how the funding is spent, while, at the same time he acknowledged that city councils and council members do change over time (insinuating that sometimes consistency may be challenging).

- \$170,000-\$175,000 available.
- \$105,000 from the next 3 projects.
- Kathleen is going to meet with Mary Smith for the accounting information.
- 2018 \$85 million dollar bond.

Doug Agee stated why didn't the City Council come to the ART Commission Board regarding the 66 entry piece? It is a monument; an entry way-City of Rockwall. It was stated that the developer donated the funds for the monument. The City Council considered it signage not a piece of ART.

**D. Hear an update and take possible action on The Discovery Bronze project, presented by Kathleen Morrow.**

- Kathleen stated that we can't take action today.
- Jim Bryant has decided to bring in lawyers for an arts contract.
- This is a very large project and Mr. Bryant is putting a lot of work into it.
- Kathleen has consistently asked Jim for a number so they can raise the money.
- Jim Bryant is going to have a contract with Schaffer.
- Doug stated that if Jim is going to be an employee of Schaffer then he will be an independent contractor. If Kathleen is also going to have a contract with him too then it could cause a conflict of interest.
- Betty stated to Kathleen to be mindful when speaking about Jim and his work.
- To date Jim's lawyers have sent the contract to Kathleen and she has marked it up and sent it back to Jim's attorneys.
- Kathleen has already met with the County regarding the agreement, etc. County will own the statue and will do the maintenance on the statue.
- Have set a couple of deadlines with Jim but they were not met.
- Kathleen will not present to the County until everything is set.
- Still in the ballpark of \$250,000.00.
- Kathleen and Lorne have agreed that nothing is going forward until the contract/agreement is set and signed.

**ADJOURNMENT**

The meeting was adjourned at 11:30 a.m.

**PASSED AND APPROVED BY THE ART COMMISSION OF THE CITY OF ROCKWALL, TEXAS,  
This 9<sup>th</sup> day of July, 2018.**

**ATTEST:**

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**Bethany Browning, Community Relations Manager**

  
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**David Sweet, ART Commission Chairman**