



To: Public Art Commission
From: Robin Fleischmann, Economic Development Manager, and Steve Glueck, Assistant to the City Manager
Date: January 26, 2023
Re: Potential De-Accession and Removal of Clear Creek Trail Tiles

Purpose of Agenda Item: This item appears before the Public Art Commission (PAC) to consider whether to retain or de-accession twelve mosaic tiles embedded in the Clear Creek Trail behind the Golden Library. Pursuant to the PAC Handbook as recently updated in 2022, there is a very specific process and criteria when the PAC considers removal of an art installation from the City Art in Public Places collection. This memo provides background, details on the PAC procedure and criteria for decision, and a recommendation.

Background: In 2015, the PAC solicited proposals for a series of 12 2'x2' "medallions" to be located in the Clear Creek Trail behind the library while the City was redoing a portion of the trail. The PAC used the "CAFÉ" call for entry system of soliciting proposals and eventually selected a proposal from a Los Angeles artist named Robert Delgado to design, fabricate and transport the 12 medallion tiles for \$9,800. Installation was to be handled separately by the City's contractor. Mr. Delgado used images from Golden and Mines to design and fabricate the tiles, which were installed in early 2016. A few photos of the more deteriorated tiles as they appear now are attached at the end of this memo.

By 2019 or so, it became clear that the Colorado climate, our freeze/thaw cycles, and the need to plow snow on the Clear Creek Trail were all taking a toll on the tiles and that maintenance needs and costs would continue to increase. It was also discussed by the PAC that this type of horizontal installation in a highly used multi-purpose trail, while relatively inexpensive, may not be the best way to present unique art styles to the community. The specific major problems included the deterioration of the tiles themselves, the grout along the edges, and fading of the tile images. Beginning in 2020, cumulative maintenance and repair costs totaled about \$600 for the maintenance conservator, and about the same from the City contractor for grout repair. While the maintenance costs have not been excessive, the deterioration is getting worse and a decision about the future of the tiles may be warranted.

De-Accession Process and Criteria: The criteria and process for the de-accession of any item or installation within the City's Art in Public Places collection are addressed in detail in the PAC Handbook, as recently updated. The specific section of the handbook is attached at the end of this memo. The process and criteria are geared toward all likely situations, and therefore include sections more relevant to more significant pieces, and situations where removal of the piece from the collection is based on reasons other than the deterioration of our more temporal or shorter life installations. In this situation, staff views the PAC consideration and determination of whether to remove the Clear Creek Trail tiles as more of a practical decision than a policy issue.

The handbook lists a number of criteria the PAC can use in considering de-accession. The PAC may choose to base a de-accession decision on any of the listed criteria, or other reasons as applicable.

In this case, staff recommends that the removal of the Clear Creek Trail tiles is consistent with the below three criteria.

- The artwork endangers public safety;
- The artwork has been severely damaged or is determined to be in unsatisfactory condition and continued maintenance or repair is not feasible;
- The condition or security of the artwork cannot be reasonably guaranteed where located.

While not a significant danger to public safety today, continued deterioration of the tiles could become an increasing “trip hazard”. However, staff recommends that the recent and continued deterioration of the tiles clearly meets the other two criteria.

The process listed in the handbook is also geared toward more significant policy decisions, such as occurred a number of years ago where the artistic integrity of certain non-authentic pieces was considered. In this case, the decision may be more akin to decisions that will need to be made in the future about murals or other more temporal pieces. In this regard, staff has not contacted the artist. There are no conditions or limits in the agreement for fabrication of the tiles, and it will not be practical or feasible to try to remove the tiles intact. Given the level of deterioration, the removal process will result in the destruction of the tiles.

The handbook indicates that PAC should be aware of the costs of removal and as necessary repair of the installation location. Based on discussion to date, Public Works staff indicate that replacing the tiles with a shallow poured concrete patch would not work well. Two other options under discussion include removal and replacement of entire sections of the trail, or installation of concrete tiles similar to the ones used to patch the portions of the downtown planters where the prior trash cans were located. Staff will seek to have updated information about costs and City participation in the repair at the PAC meeting.

The handbook also indicates that a staff report such as this should be prepared and made available to the PAC and public, and that the public should have the opportunity to provide input prior to and at the official PAC meeting, and that the PAC decision must be made at an official PAC meeting. These notice and process requirements are being met by an announcement in the City’s e newsletter on Wednesday February 22nd, and the formal posting of the PAC agenda and packet materials for the March 2, 2023 PAC meeting.

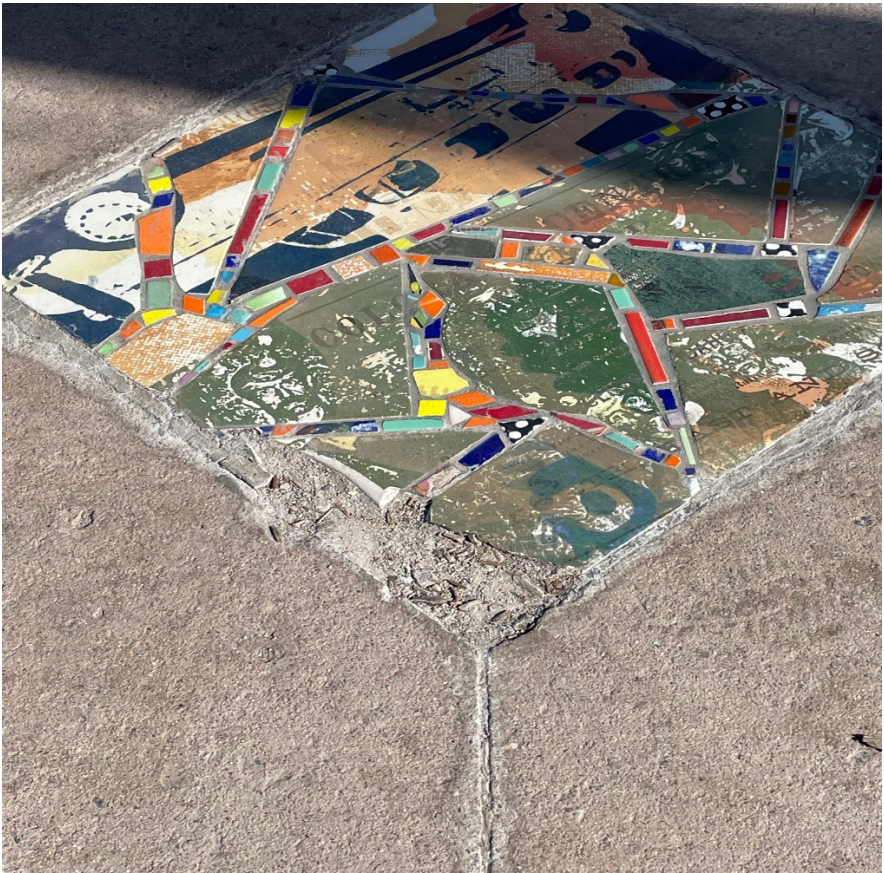
Recommendation: Staff recommends that the Public Art Commission encourage and accept any public comment on this matter, consider such input and the above information and unless there is evidence to the contrary, make the following findings of fact and decision in the form of a motion:

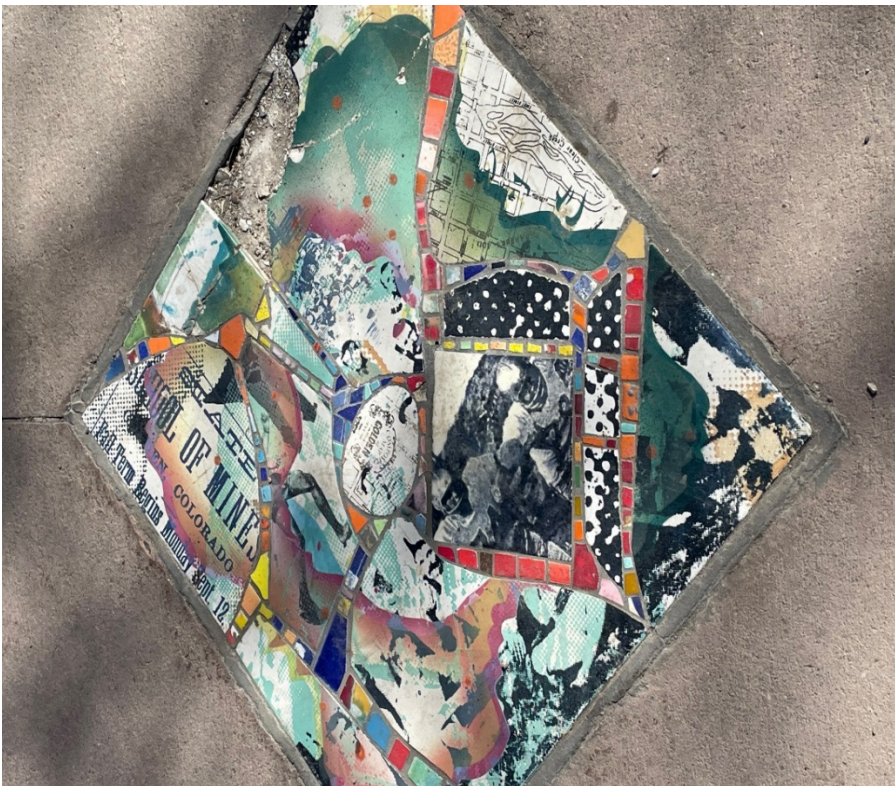
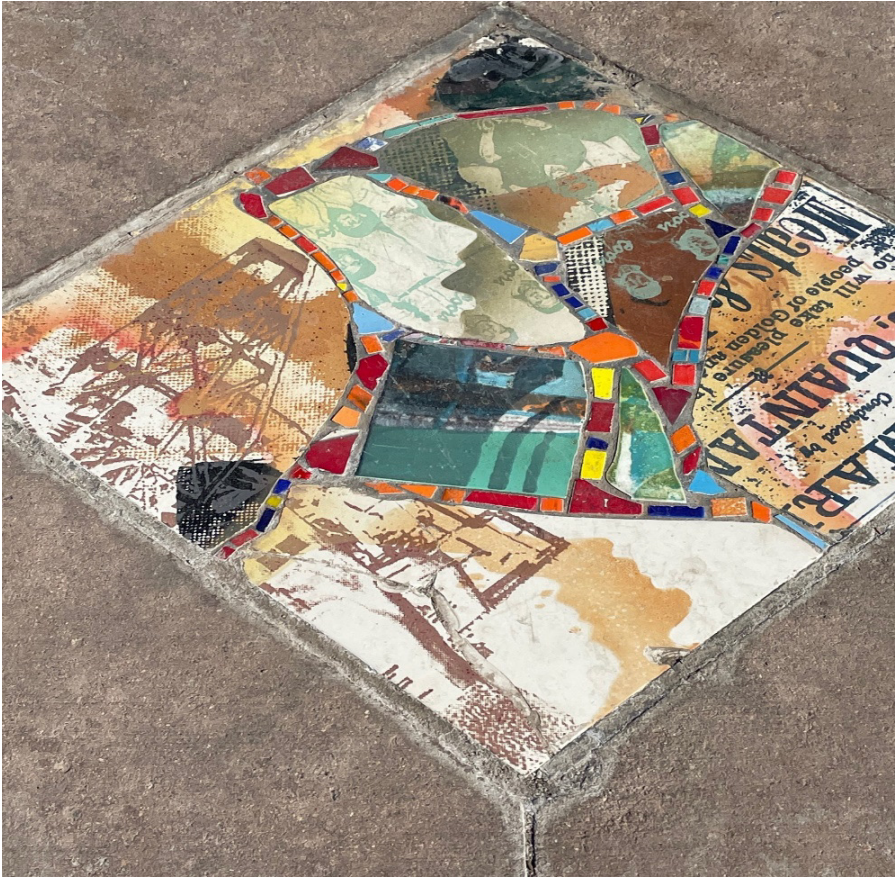
“The Golden Public Art Commission finds that:

- In 2015, the PAC conducted an open solicitation for proposals from qualified artists to install twelve decorative tiles in the Clear Creek Trail near the Golden Library, and selected a proposal from Robert Delgado for a total artist fee of \$9,800; and
- The tiles were installed in 2016, but largely due to the Colorado climate and the location embedded in a multi-purpose trail with significant traffic and snow plowing activity, the tiles began to deteriorate in approximately 2019; and
- Since 2019, it has become more evident that the tiles cannot reasonably be repaired and that replacement with new tiles would not be a practical long term solution; and
- The tiles were a successful short term installation that demonstrated elements of the history of Golden and Mines; and

- The PAC has determined that the tiles should be removed from the Clear Creek Trail and the Golden Art in Public Places collection.

Attachments: Current Photos of Deteriorated Tiles
 PAC Handbook Excerpt re De-Accession









SECTION 8

DEACCESSION POLICY

Section 8: Deaccession Policy

Occasionally, public art needs to be refreshed and/or deteriorating artwork must be removed from the collection. Deaccessioning is a procedure for withdrawing a work of art from the City of Golden's public art collection. All artwork in the collection will be considered permanent parts of the collection unless these artworks were created as temporary, semi-permanent art or the art is on loan. Artworks may be considered for removal from the collection (deaccessioned) with a majority vote of the PAC.

8.A. Criteria for Deaccession

The PAC may deaccession artwork for any of the following reasons:

- The artwork endangers public safety;
- The artwork has been severely damaged or is determined to be in unsatisfactory condition and continued maintenance or repair is not feasible;
- The artwork lacks a suitable display site or the artwork is site specific in an area/building that is slated for re-development, remodeling, or destruction;
- The condition or security of the artwork cannot be reasonably guaranteed where located;
- The artwork is incompatible with the rest of the collection or is not aligned with the current Public Art Goals;
- The City or PAC wishes to replace the artwork with a piece of more significance;
- The artwork requires excessive maintenance or has faults in design or workmanship, causing an undue maintenance burden for the City of Golden;
- The artwork is fraudulent or not authentic;
- The artist requests the removal from the collection;
- The artwork is a maquette or other item for which there is no longer storage;
- The City cannot properly care for or store the artwork;
- The artwork is a memorial or monument that is out-of-date or has lost significance to the community;
- Significant adverse public reaction towards artwork has continued unabated over a five-year period; or
- For any other significant reason articulated by the PAC, at its discretion.

8.B. Disposition/Disposal of Artwork

While deaccession is being considered, the disposal or disposition of the artwork must be considered as well. The PAC may consider the following options for disposition of a deaccessioned artwork, listed in order of preference:

- Return to the artist;
- Return to the donor;
- Donation or trade to another tax-exempt public institution;
- Sale or auctioned, with preference given for sale at an advertised public auction or public marketplace that will best protect the interest, objectives and legal status of the collection (with proceeds returned to the AIPP Program or maintenance fund);
- Destruction/disposal; or
- Any other option deemed appropriate by the PAC.

8.C. Artist involvement

The PAC and staff will make every effort to involve the artist (or artist's estate) in the decision to deaccession a work of art and in some cases, the PAC may require formal permission of the artist before considering removal from the collection. Before deaccessioning any artwork, the PAC shall comply with all terms and conditions relating to deaccession which are found in the acquisition contract or any other agreement which may exist between the artist and the City of Golden.

8.D. Process

The PAC will regularly review the pieces in the City's Public Art collection to determine whether any piece(s) should be recommended for deaccession. In addition, the PAC reserves the right to deaccession any artwork at any time deemed appropriate by the PAC.

Deaccessioning process must take place during a regularly scheduled PAC meeting or a special meeting (see Section 3.A.8).

8.E. Deaccession Report

The Staff Liaison will present the PAC with a written deaccession report with the following information:

- Data and information about the artwork that is proposed for deaccession;
- Narrative on the history of the work of art and its acquisition;
- Value of work to be deaccessioned;
- Correspondence with the artist (if any);
- Detailed account for the reason(s) for its removal from the collection;
- Time frame and budget for removal of the artwork;
- Review by the City attorney outlining any legal issues related to the request (as needed);
- Means of disposal or disposition of the artwork; and
- If artwork is to be sold or auctioned, where proceeds from the sale will be placed.

8.F. City Staff Input

The Staff Liaison shall also submit the report to the appropriate City of Golden departments so that they may provide any feedback on the deaccession. No public artwork shall be removed, re-sited or altered by any other City department or public or private entity or individual without the prior review and approval of the PAC.

8.G. Public Notice

This deaccession report will be made public as part of the Public Art Commission agenda materials posted prior to the official meeting and vote to deaccession. The public shall be encouraged to attend and comment on the deaccession.

8.H. PAC Approvals

A majority of PAC commissioners in a quorum must approve a deaccession of artwork from the City collection. The final decision will be documented and made public through the PAC minutes.