

San Francisco Chronicle

Poles poke politicians in Concord Artist smarting over removal of rods

[Joe Garofoli, Chronicle Staff Writer](#)

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Take a deep, existential breath before pondering the Bay Area's latest public art controversy: Does a piece of art still exist even after its canvas has been erased?

Once that's answered, Concord leaders have a more prosaic follow-up question: How soon can we build a left-hand-turn lane over that canvas?

The deep-thinking revolves around the Spirit Poles, Concord's much-maligned public art installation famous for impaling the political careers of some who approved placing 91 painted aluminum rods on a median strip in the middle of Contra Costa's largest city.

Two years after the City Council removed them for safety concerns after one fell during a windstorm, the poles are still poking at city leaders from their new home inside a city maintenance yard. This time, the poles -- actually the median where they used to be -- are preventing the city from getting access to a new parking garage Concord is building to help jump-start its underperforming downtown.

The city's problem is that New York artist Gary Rieveschl wasn't pleased that his piece was yanked from the median like a handful of weeds. For the past two years, he has quietly asserted a state law that forbids altering public art without the artist's permission.

"We would like to successfully restore the Concord Heritage Gateway and an important piece of public art," said Margaret Dollbaum, Rieveschl's San Francisco-based attorney, referring to the project's official name. The artist has refused nearly all media requests to discuss the poles since their original panning 12 years ago.

Still smarting from the public thrashing it took when the poles debuted -- "knitting needles" was a popular epithet -- Concord City Attorney Craig Labadie is reluctant to test state law concerning public art. He extended Rieveschl's deadline for filing suit against the city until March 2002 in an effort to keep him at the bargaining table.

"He's got some pride of authorship," is how Labadie gently put it.

Deputy City Attorney Margaret Kotzebue said one option being discussed was asking Rieveschl to design another piece for the location, albeit around the left-turn lane. The artist's attorney declined to comment on the idea. Any future art placed there would go through public hearings and require council approval.

Until then, lawyers will continue negotiating the existential. Can the city touch the median strip -- which still houses the bases of the poles -- or is that empty strip part of the canvas? It's a suburban twist on Rene Magritte's famous surrealist painting of a pipe floating in space above the phrase, "This is not a pipe."

"If this piece is in storage, it still exists, it just isn't installed," said Constance Lewallen, senior curator for exhibitions at the UC Berkeley Art Museum. She was speaking as someone who has managed several public art projects, but is not familiar with the poles.

California Arts Council officials say taking down public art is the exception rather than the rule. The ground rules for what happens after removal can be murky, said arts council spokesman Adam Gottlieb.

"Because public art is a public selection, the best source for what happens is the agreement between the artist and the commissioning agency," Gottlieb said.

A lot of people around Concord's City Hall still remember the furor when the poles went up. With some poles as tall as 50 feet, few connected with Rieveschl's intended effect -- that the poles were meant to symbolize "our increasing independence in an electronic age of digitized information."

After one of the poles fell in windstorm two years ago, Councilman Mike Pastrick told The Chronicle, "I hope they're not safe, because I would like to see them come down." Within weeks, inspectors found a third of the poles to be a high risk for toppling, and the City Council voted unanimously to remove all of them in the interest of public safety.

Sometime before December, when its parking garage is scheduled to open, Concord leaders will draw a deep breath and ponder another deep question: Can a left-hand-turn lane exist in the middle of a piece of art?

E-mail Joe Garofoli at jgarofoli@sfchronicle.com.