

CITY OF AUSTIN
ARTWORK DONATION / LOAN EVALUATION

Donor: Women and Their Work (contact: Norma Little)

Proposed Artwork Title or Description: THIRST

User Department: Watershed Protection Department, Planning and Development Review Department

Department Review Committee (DRC) members:

Mary Gilroy, Andrew Clamann, Sue Barnett, Liz Johnston, William Fordyce, Chris Meyer, David Marquez

Presentation/ Evaluation Date: April 8 and April 11, 2013

COMMENTS ON REVIEW CRITERIA

Aesthetics:

Site:

1. Provide viable alternatives. Significant environmental, structural, flood hazard and liability concerns are directly related to the proposed site (Lady Bird Lake) for installation. However, installation over land would alleviate most of the current concerns. Prior to Staff support, site alternatives must be explored and thoroughly vetted as viable alternatives. If site alternatives are not possible, then installation/design alternatives must be explored to determine if the constraints of the site can be addressed with alternative methods (i.e. construction of a tree facsimile rather than real tree with piling in lake bed, etc.).

Installation:

1. Demonstrate structural certification to ASCE 24-05 Flood Resistant design and construction standards as per Land Development Code 25-12-3 Section 1612 Flood Loads subsection 1612.4 Design and Construction. The manual touches on structural responsibilities and the electrical work in the floodplain. This is our greatest concern because of potential damages if failure occurs
2. Demonstrate No Adverse Impact certification will be needed as per Land Development Code 25-12-3 Appendix G Flood-Resistant Construction subsection G103.5 Floodway Encroachment. To obtain a hydraulic model for Town Lake, they can go to www.austintexas.gov/floodpro/ under the floodplain model section.
3. Provide specific details regarding the proposed tree (i.e. species, size, weight, height, structural integrity, dbh, crown size, living/dying/dead, etc.) and backup alternative tree. This is critical to the review and considerations of the project. Without this final decision, engineering specifics

(calculations, modeling) on structural integrity, anchoring, flood hazard, wind resistance, etc. are only speculation and can't be adequately evaluated.

4. Provide specific details on the location and process for tree excavation and related erosion/sedimentation (E/S) controls (i.e. how will it be excavated? Location considerations, including wetland CEFs? E/S controls for? How will site be filled and revegetated?) as well as responsible party for potential damages as in item #6.
5. Provide specific details regarding the cleaning (power washing roots? location?) and application of paint (i.e. type of paint /location) to ensure appropriate applicability in or near water.
6. Provide specific details on staging location and process and determine responsibility for damages/impacts to the location (i.e. infrastructure, wetland CEFs, revegetation of disturbed soils etc)
7. Provide specific details on transportation of tree to and from site. If the tree is removed from Lady Bird Lake shoreline, moving the tree through the lake's riparian zone to be loaded on a barge may cause significant damage to the lakeside vegetation, which is protected as part of a Grow Zone. If the tree is brought from off-site, will there be traffic control, oversized load permitting, etc.
8. Provide specific details on the exit strategy for the removal/destination of painted tree itself, in addition to the removal/destination of accessory materials (such as concrete drums etc.) and responsible party.
9. Provide clarification for how does the City enforce conditions if not in accordance with approved plan? Would a Stop Work Order apply?
10. Provide specific details on lighting. (i.e. Will solar-powered lights illuminate tree adequately? What about during extended cloudy/foggy conditions? Will lights blind boaters, drivers, etc?) Provide details for connecting to outlets (location, conduit, etc) if that is planned.
11. Provide specific details on anchoring (i.e. how many underwater cables and 55 gallon concrete drums or number of pilings) If using battered pilings, provide details as to how that technique differs from the piling driven to support the tree.
12. Provide a monitoring plan including monitoring entity, frequency, methodology (from bank, from kayak, etc) parameters (angle of tree, missing branches, etc) reporting (to whom will the information be reported to) and corrective action (triggers, responsible party, etc) .
13. Demonstrate coordination with APD and AFD regarding the overall plan and emergency response.

Financial:

1. A preliminary review of budget raised concern. In-house experience indicates that the cost to excavate, clean and transport a whole tree (with roots intact) exceeds the budgeted 6K. In addition, the budget does not appear to account for the costs of: permitting, cost to fill/stabilize/revegetate/hole that tree came from, wash the tree, paint tree (materials and labor), e/s controls, vinyl tubes, transport tree away from site, signage, permitting signs, 55gal drums/concrete, traffic control, disposal of materials, and contingency for tree/install/removal if any of the propose plan does not proceed smoothly (weather, damage, etc.)
2. Determine an appropriate estimate for Fiscal Posting and demonstrate posting of fiscal.

Liability:

1. Address safety concerns related to people climbing/jumping/swinging on the tree by providing methods to prohibit/limit these actions.
2. Demonstrate acceptance of Legal Department regarding liability for installation damage, personal injury, damage to boats or other equipment (harvester or other vessels hitting guy wire), property damage, catastrophic failure/flood-related damages, damage to bridge, etc.

Timeliness:

1. Proposed timeline (installation after Labor Day) may not allow sufficient time for potential public hearings (Navigation Committee/Parks Board/Environmental Board/Planning Commission/Council), since these would not begin until after the site plan is submitted, and after the Site/Installation/Financial/Liability issues have been addressed to the satisfaction of Staff. Additional review will be required for tree excavation, and is dependent on location of selected tree.

Special Conditions:

1. Prior to Staff support, site alternatives must be explored and thoroughly vetted as viable alternatives. If site alternatives are not possible, then installation/design alternatives must be explored to determine if the constraints of the site can be addressed with alternative methods (i.e. construction of a tree facsimile, rather than real tree with piling in lake bed, etc.).

RECOMMENDATION

_____ Accept donation as presented

_____ Accept donation with the following modification(s):

_____ Reject donation for the following reason(s)

WPD is not able to accept or reject the current proposal due to lack of confirmed project details, but will be available to review an amended proposal that addresses the questions/comments submitted in this evaluation.

Submitted by

Name: Mary Gilroy

Title: Environmental Program Coordinator

Department: Watershed Protection and Development Review

Date: April 18, 2013

List of Criteria for Evaluation (from City of Austin Artwork Donation Policy, approved 2013)

1. AESTHETICS
 - a. Artistic merit of the work of art, including its artistic, social, and/or historical significance, as evidenced by the Artwork Donation Proposal (which includes a written description and drawings and/or maquette of the proposed artwork)
 - b. Professional artist's qualifications, as evidenced by the Artwork Donation Proposal (which includes images of past work, resume, references, and published reviews)
 - c. Compatibility of the work of art within the context of the proposed site and/or the mission of the User Department
 - d. Warranty of originality (in the case of a pre-existing artwork; only original works or limited editions shall be considered)
 - e. Provenance (in the case of a pre-existing artwork)
2. SITE
 - a. Appropriateness to the proposed site with respect to its immediate and general physical environment (neighborhood) and audience
 - b. Ecological impact (e.g., percentage of impervious cover or risk to tree root zones)
 - c. Accessibility to the public, including persons with disabilities
 - d. Text components (e.g., signage or plaques)
3. INSTALLATION
 - a. Site requirements for installation (e.g., electricity, lighting, water, or other services)
 - b. Method of installation
 - c. Storage requirements, if any
 - d. Safety standards
4. MAINTENANCE
 - a. Structural integrity
 - b. Durability of material
 - c. Susceptibility of the artwork to accidental damage, theft, and/or vandalism and security needs
 - d. Ability or capacity of User Department to provide necessary routine maintenance

FINANCIAL

- a. All costs associated with fabrication and installation, including site preparation, long-term preservation (i.e., conservation and repair), illumination, plaque and unveiling/dedication event, if any. Donors proposing artwork to the City shall contribute 2% of the total value of the artwork or \$5,000, whichever is less, to the City's Public Art Fund so that funds may be available for treatment when repair or conservation becomes necessary. In lieu of Donor providing this monetary contribution, departments must make assurance that they will provide an equivalent amount of funding in their budget for such repairs. Obtaining an appraisal is the responsibility of the donor, unless otherwise agreed upon by City and donor.
- b. Source of funding and timely availability of funds and resources to meet financial requirements
- c. Estimated amount of funding for annual, routine maintenance costs to the City User Department
- d. Statement of value of artwork for insurance purposes

LIABILITY

- a. Susceptibility of the artwork both to normal wear and to vandalism
- b. Potential risk to the public
- c. Public access, in general, as well as compliance with ADA requirements
- d. Special insurance requirements, if any

7. TIMELINESS

- a. Allowance of sufficient time for normal review process by the DRC, the Austin Arts Commission and its Working Group, and other boards or community groups involved
- b. Timely and appropriate response to the Austin Arts Commission and staff requests for additional materials or information

8. SPECIAL CONDITIONS

- a. Any conditions of the gift imposed by the Donor
- b. Other conditions not listed here