

ORDINANCE NO. 021031-25

AN ORDINANCE AMENDING CHAPTER 9-2 RELATING TO ART IN PUBLIC PLACES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 9-2-1 of the Code is amended to add the definitions of "Art Project" and "Streetscape," and to amend the definition of "City Construction Project" as follows:

§ 9-2-1 DEFINITIONS.

ART PROJECT means a work of art or an artistically designed art feature that enhances the aesthetics of a building, bridge, streetscape, park, or other project for which related funds are appropriated as described in this chapter and includes, but is not limited to, features such as a mural, sculpture, garden, water feature, or other feature that appeals to the senses or the intellect.

CITY CONSTRUCTION PROJECT means:

- (1) any capital project paid for wholly or in part by the city to construct or remodel any building, decorative or commemorative structure, parking facility or any portion thereof, or to acquire or develop parks and parkland;[; approval for the funding of which occurs after October 7, 1985.]
- (2) a street improvement project, other than street repair and reconstruction;
- (3) an improvement to a streetscape;
- (4) a bridge, including but not limited to the incorporation of an artistic feature into the structural design;
- (5) a water or wastewater treatment facility; or
- (6) other appropriate project as recommended by the Art in Public Places Panel and Arts Commission and approved by the City Council on a case-by-case basis.

STREETSCAPE means an improvement to a public right-of-way, including a sidewalk, tree, light fixture, sign, and furniture.

PART 2. Section 9-2-2 of the Code is amended as follows:

§ 9-2-2 PURPOSE.

- (A) All city department heads and the Director of Financial Services, after consultation with the Art in Public Places Administrator ~~[Coordinator]~~, as designated by the Director of the Parks and Recreation Department, shall include in all estimates for necessary expenditures and all requests for authorizations or appropriations for city construction projects, an amount to be set aside and used for the selection, acquisition and display of works of and art and art projects equal to at least 2% ~~[1%]~~ of the construction cost, as defined herein, of any such construction project as originally estimated in the CIP and/or authorized in the city's annual operating budget for the year in which such estimate or request is made. ~~[The minimum amount to be appropriated for art shall be the total city funded portion of the construction cost, as defined herein, of the city construction project, divided by 100.]~~ If the source of funding or appropriate law governing any particular project precludes art as an object for expenditure of city funds, the amount of funds so restricted shall be excluded from the construction cost, as defined herein, in making the aforesaid calculation. Under no circumstances shall the 2% ~~[1%]~~ appropriation be calculated on city construction projects with a construction cost of less than \$100,000 ~~[\$50,000]~~. ~~[Except as provided in division (D) below, the 1% appropriation for art shall not exceed \$200,000 for a single city construction project.]~~
- (B) In appropriating funds for a city construction project, the City Council shall designate at least 2% ~~[1%]~~ of the appropriation, as calculated in division (A), as public art funds. The designated amount shall be maintained as a separate item in the project budget. The appropriation for public art funds for a water and wastewater treatment facility may not exceed \$300,000.
- (C) The art or art projects financed from the Public Art Funds shall be an integral part of the city construction project, or be placed in, at or near the city construction project. If a city construction project is deemed inappropriate for the installation or display of art, the amount of money for such project calculated under division (A) above shall be appropriated to the proper Public Art Fund for use at other appropriate public sites; provided, however, the transfer of monies from one project to another is not authorized, if legal restrictions on the source of the funds prohibit such transfers.

~~[(D) — As calculated under division (A) above, the 1% sum shall not exceed \$200,000 for a single city construction project; provided, however, that the Art in Public Places Panel, through the Commission, may recommend to the City Council during the course of the city's normal budget cycle an exception to this~~

~~limitation for those city construction projects which merit or require a larger expenditure for art and art work by virtue of the project scale or function.]~~

PART 3. Subsection 9-2-3(B) is amended to read:

§ 9-2-3 PANEL AND GUIDELINES.

- (B) The Art in Public Places Panel, with the Art in Public Places Administrator [~~Coordinator~~], shall make periodic reviews, at least annually, of all CIP Projects and other city construction projects, for the purpose of making recommendations regarding appropriations for works of art and arts projects.

PART 4. Subsections 9-2-3(F) and (G) are amended to read:

§ 9-2-3 PANEL AND GUIDELINES.

- (F) The Commission shall promulgate procedures, and guidelines in consultation with the Arts in Public Places Panel and the Art in Public Places Administrator [~~Coordinator~~] to facilitate the implementation of this chapter.

(1) Such guidelines shall include mechanisms to:

- (a) Determine the city construction projects at which it would be inappropriate to display art;
- (b) Prescribe a method for integrating appropriate art projects into a city construction project, the cost of which should be charged to the project's appropriation for public art funds;
- (c) Identify suitable art objects for city buildings;
- (d) Encourage the preservation of ethnic cultural arts and crafts;
- (e) Facilitate the preservation of art objects and artifacts that may be displaced by a construction project;
- (f) Prescribe a method or methods of competitive selection of art objects for display;
- (g) Prescribe procedures for the selection, acquisition and display of art in city buildings; and
- (h) Any other matter appropriate to the administration of this chapter.

- (2) The Commission has established an initial set of procedures implementing this chapter, which hereby is incorporated by reference.

- (G) All expenses associated with the routine upkeep and maintenance of the art works and art projects shall be the responsibility of the city department at which the art work is displayed. If performed by such department, such maintenance shall receive the prior approval of the Art in Public Places Administrator ~~[Coordinator]~~. All repairs and maintenance shall comply with any contractual obligations entered into by the city in the acquisition of those art works.

PART 5. The amendments to Chapter 9-2 enacted by this ordinance do not apply to a project: (1) for which funding was approved before the effective date of this ordinance; (2) which is funded in whole or in part by proceeds of bonds approved by Council or the voters before the effective date of this ordinance, regardless of when the bonds were issued or sold; or (3) listed on Exhibit A to Resolution 98-0812-8. The prior law is continued in effect for projects to which the amendments do not apply.

PART 6. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 7. This ordinance takes effect on November 11, 2002.

PASSED AND APPROVED

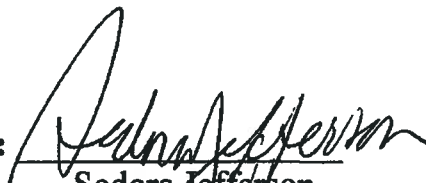
October 31, 2002

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Gustavo L. Garcia
Mayor

APPROVED:


Sedora Jefferson
City Attorney

ATTEST:


Shirley A. Brown
City Clerk