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RESOLUTION NO.

WHEREAS, the City of Austin initially adopted an Art in Public Places (AIPP) ordinance in 1985 to direct the inclusion of works of art in construction projects in order to expand the citizens of Austin experience with visual art and to stimulate the vitality and economy of the City while enhancing Austin’s standing as a national leader in the arts; and

WHEREAS, it is the intent of the AIPP program to commission art for public spaces and to provide professional opportunities for local artists and fabricators to continue to live and thrive in Austin; and

WHEREAS, the City of Austin Arts Commission approved Recommendation No. 20230123-10 stating that AIPP be included in public-private partnership (P3) projects led by the City where an alternative project delivery process is used and construction costs are valued at \$200,000 or more; and

WHEREAS, the City of Austin is increasingly using the P3 delivery method for developing public facilities and has been actively seeking to develop public real estate assets with private partners to achieve a broad range of community benefits; and

WHEREAS, some P3 mixed-use developments may include affordable housing that would, under the current ordinance, be considered part of the construction cost calculation; and

WHEREAS, the City of Austin is currently in the process of developing numerous capital projects, including a new convention center, an airport expansion, and numerous additional facilities for the proposed 2026 general obligation bond program; and

26 **WHEREAS**, renovation projects may involve the relocation, conservation,
27 storage and re-installation of existing public art, greater flexibility may be required
28 for the use of AIPP funds; and

29 **WHEREAS**, exemptions for P3 developments that seek to provide
30 alternative delivery of a public art component that meets or exceeds the standards
31 of the City’s program are currently administered in an ad hoc manner, but would
32 benefit from a systematic process for evaluation; and

33 **WHEREAS**, other public entities, including the University of Texas
34 Landmarks program, employ a curatorial model of project selection and
35 installation that may be well suited to the City’s needs; and

36 **WHEREAS**, local artists have historically faced several barriers to
37 participation in the AIPP program due to multi-year maintenance provisions and
38 other contractual requirements; and

39 **WHEREAS**, several cherished public artworks, such as murals, exist on
40 private property but there is no current City program to assist the creation,
41 maintenance or preservation of these public artworks; and

42 **WHEREAS**, City staff has initiated some programmatic reviews which
43 would benefit from clear Council direction for all impacted departments and the
44 codification of changes in ordinance; **NOW, THEREFORE,**

45 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

46 The City Manager is directed to review Chapter 7-2 (*Art in Public Places*)
47 and associated program guidelines and present recommended changes to the Arts

48 Commission and the Economic Opportunity Committee of Council, that achieve
49 the following:

- 50 • Include public-private partnership capital projects, while exempting
51 affordable housing costs, where applicable, and providing a process for
52 alternative compliance that meets or exceeds City standards;
- 53 • Include a review of public art requirements in other private development
54 regulations and programs, including but not limited to planned unit
55 developments, density bonus programs, and Cultural Districts;
- 56 • Allow flexibility for the use of funds for maintenance, relocation;
57 conservation, storage, deaccession and re-installation of artwork;
- 58 • Allow greater flexibility for the use of funds in the nearby vicinity of
59 projects, or in any publicly accessible or visible areas of properties
60 owned by the City Austin Housing Finance Corporation, if it improves
61 public visibility and engagement. For the purposes of this policy, City-
62 owned property includes sites secured through long term easements or
63 controlled by local government corporations including, but not limited to,
64 the Austin Housing Finance Corporation, Austin Public Facility
65 Corporation, and Austin Housing Public Facility Corporation;
- 66 • Allow the solicitation of curatorial services as a delivery model for major
67 projects; and
- 68 • Further address potential obstacles to local participation by artists and
69 fabricators.

70 **BE IT FURTHER RESOLVED:**

71 After Council approves the required recommendations, above, the City
72 Manager is directed to provide notice, prior to execution of a contract for public

73 art, that clearly explains the rights and responsibilities of the commissioned artist.
74 This notice should include information on processes for potential deaccession,
75 relocation, or maintenance of artwork.

76 **BE IT FURTHER RESOLVED:**

77 The City Manager is directed to explore opportunities to support funding and
78 other assistance for the creation, maintenance, or preservation of artwork, such as
79 murals, that enhance public spaces but are presented on private property.

80 **BE IT FURTHER RESOLVED:**

81 The City Manager is directed to report back by July 18, 2025, with a status
82 report on recommendations requested by this resolution, including any identified
83 budget needs to implement the recommendations.

84
85 **ADOPTED:** _____, 2025 **ATTEST:** _____

86 Myrna Rios
87 City Clerk
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