



City of Austin

Recommendation for Action

File #: 24-6482, **Agenda Item #:** 11.

1/30/2025

Posting Language

Approve deaccession of the following eight Art in Public Places artworks - two artworks along W. 2nd Street (Aquifer and Nobody Writes Poetry about the Trinity), one at the North Austin YMCA Garden (NAGA), one at the Austin Airport (Transitions), and four artworks at the Convention Center (Index for Contemplation, Macro/Micro, Riffs and Rhythms, and Waller Creek Shelves). Funding: This item has no fiscal impact.

Lead Department

Economic Development.

Fiscal Note

This item has no fiscal impact.

Prior Council Action:

September 26, 1985 - City Council adopted Art in Public Places Ordinance.

For More Information:

Anthony Segura, Interim Director, Economic Development Department, 512-974-3187; Matthew Schmidt, Acting Cultural Arts Division Manager, 512-974-6415.

Council Committee, Boards and Commission Action:

October 7, 2024, the Art in Public Places Panel identified a member to serve on a Special Jury required to make recommendations for deaccession of Art in Public Places collection artwork, per City policy.

October 21, 2024, the Arts Commission initiated the deaccession process for all eight artworks under consideration and appointed a Special Jury member.

November 22, 2024, the Arts Jury met to review all eight artworks proposed for deaccession. All works were approved unanimously for deaccession, with the following recommendations for the four (4) artworks at the Convention Center:

1. Document the artwork to involve video, writing, and educational resources including interviews with community.
2. The Convention Center pay a portion of the amount of removal of the artwork to preserve the history and community of Austin artists.

December 16, 2024, the Arts Commission approved Item #9 Action: Approve Recommendations of the Special Meeting of the Art In Public Places Deaccession Review. A motion to approve a recommendation going to Council so drafted by Commissioner Schmalbach on the preservation of the pieces slated for deaccession and demolition without intervention was approved on Commissioner Schmalbach's motion, Commissioner Maldonado's second on a 8-0 vote with Commissioner's Kracheni and Keys absent. A motion to approve recommendation by the Deaccession Jury was approved on Commissioner Garza's motion, Commissioner

Mok's second on a 8-0 vote with Commissioner's Kracheni and Keys absent.

Additional Backup Information:

The Art in Public Places Program's Acquisitions and Deaccessioning Policy recommends regular assessments of the public art collection, and establishes criteria, policies and procedures regarding removing an artwork from the collection, or deaccessioning.

Art in Public Places Program received requests for the deaccession of the following eight artworks:

- November 2023, from Parks and Recreation Department for *NAGA* by Thoughtbarn (Robert Gay and Lucy Begg) 2014.
- March 19, 2024, from the Austin Convention Center four artworks including:
 - *Index for Contemplation* by Margo Sawyer 2002,
 - *Macro/Micro*, by Rolando Briseno 2002,
 - *Riffs and Rhythms* by John Yancey 1996, and
 - *Waller Creek Shelves* by Damion Priour (deceased) 1996.
- Summer of 2023, from Economic Development Department for *Aquifer* by Lama Ventures (Phillip Lamb and Susan Magilow) 2014, and *Nobody Writes Poetry about the Trinity* by Mark Schatz 2014.
- June 2024, from the Aviation Department for *Transitions* by James Talbot, 2006.

Per the City's Deaccession policy, the Arts Commission and the Art in Public Places Panel appointed a Special Jury of four qualified members to assess the question of deaccessioning and make recommendations to the Arts Commission (jury membership listed below). The Deaccession Special Jury met on November 22, 2024, to review and make the recommendations for each of the eight (8) artworks. The Special Jury unanimously approved deaccession of all eight (8) pieces, with recommendations for the four (4) pieces at the Convention Center noted above. If Council approves this item, the artists who created the artworks at the Convention Center will be permitted to reclaim the art or it will be destroyed through the deconstruction process of the Convention Center. No parts or entire works will be resold or disposed as surplus material by the City through this process.

MEMBERS OF SPECIAL JURY

Acia Grey, Arts Commissioner
Kristi-Anne Shaer, Art in Public Places Panel member
Peter Bonfitto, Arts Education and ACC Art Galleries Director
Cristina Gianatta, Certified Art Conservator

Details about each AIPP Commission:

Commissioned in 2014, *Aquifer* was funded by two percent of the estimated construction budget from the Second Street District Streetscape Improvement Project resulting in a \$86,000 budget for the artwork. *Aquifer* has deteriorated beyond reasonable repair. Multiple portions of the artwork have been stolen or vandalized. After being reviewed by experts, this artwork was proposed for deaccession. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. This is a normal part of the public art process and helps maintain a high-quality art collection. The artist has declined their right to retain the artwork, as per their contract. The Special Jury recommended unanimously that *Aquifer* be deaccessioned and destroyed with the property demolition.

Commissioned in 2014, *Nobody Writes Poetry about the Trinity* was funded by two percent of the estimated construction budget from the Second Street District Streetscape Improvement Project resulting in a \$25,000

budget for the artwork. *Nobody Writes Poetry about the Trinity* has deteriorated beyond reasonable repair and is embedded into the sidewalk. Removal of the artwork would pose a significant risk to material integrity and reusability. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. The artist has declined their right to retain the artwork, as per their contract. This is a normal part of the public art process and helps maintain a high-quality art collection. The Special Jury recommended unanimously that *Nobody Writes Poetry about the Trinity* be deaccessioned and destroyed with the property demolition.

Commissioned in 2006, *Transitions* was funded by two percent of the estimated construction budget from the Austin-Bergstrom International Airport Pedestrian Bridge Art Enhancement Project resulting in a \$14,000 budget for the artwork. *Transitions* has deteriorated beyond reasonable repair. Multiple portions of the artwork have been damaged by traffic across the bridge and weather impacts loosening portions. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. This is a normal part of the public art process and helps maintain a high-quality art collection. The artist has declined their right to retain the artwork, as per their contract. The Special Jury recommended unanimously that *Transitions* be deaccessioned and destroyed in the property demolition.

Commissioned in 2014, *NAGA* was funded by two percent of the estimated construction budget from the YMCA/North Austin Community Recreation Center Project resulting in a \$120,000 budget for the artwork. The original fence around *NAGA* deteriorated beyond reasonable repair. YMCA cited public safety concerns and maintenance dangers posed by the failing stability of the fence. After being reviewed by experts, this artwork was proposed for deaccession. YMCA has requested that all other components of the garden design remain on site for continued use, and had the fence replaced in conjunction with PARD. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. This is a normal part of the public art process and helps maintain a high-quality art collection. Due to this significant change in original design, the artists requested to have their creative attribution removed from the artwork, thus making the artwork incomplete and eligible for deaccession. The Special Jury recommended unanimously that *NAGA* be deaccessioned, removing artistic attribution and releasing the remainder of the asset to YMCA/PARD.

Commissioned in 1996, *Waller Creek Shelves* was funded by two percent of the estimated construction budget from the Austin Convention Center resulting in a \$50,000 budget for the artwork. The materials and design of *Waller Creek Shelves* is site specific to the architecture, design and location of the Convention Center Rotunda. The Convention Center has stated no desire to retain this artwork in design of the new facility, or to accommodate it in another location where it would lose context of site. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. This is a normal part of the public art process and helps maintain a high-quality art collection. The artist's studio has not presented an acceptable plan or financial ability to retain the artwork, as per their contract. The Special Jury recommended unanimously *Waller Creek Shelves* be either relinquished to the artist if a suitable plan is presented by December 15, 2024, and the Convention Center provide a portion of funding for that effort, or if no plan is provided by the artist that the artwork is destroyed in the facilities demolition.

Commissioned in 1996, *Riffs and Rhythms* was funded by two percent of the estimated construction budget from the Austin Convention Center resulting in a \$29,712 budget for the artwork. The installation method of *Riffs and Rhythms* has the 4-ton tile mosaic permanently attached to the stone wall of the Convention Center Palazzo. The artwork cannot be removed from the walls without posing significant risk of damage to the artwork. The Convention Center has stated no desire to risk attempting retention of this artwork. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. This is a normal part of the public art process and helps maintain a high-quality art collection. The artist has not presented an acceptable plan to retain the artwork, as per their contract. The Special Jury unanimously recommended *Riffs and Rhythms* be either relinquished to the artist if a suitable plan is presented by December 15, 2024, and the Convention Center provides a portion of funding for that effort, or if no plan is provided by the artist that the artwork is destroyed in the facilities demolition.

Commissioned in 2002, *Index for Contemplation* was funded by two percent of the estimated construction budget from the Austin Convention Center expansion project resulting in a \$84,000 budget for the artwork. The installation method of *Index for Contemplation* is site specific to the architecture and facility of the Convention Center North atrium. The Convention Center has stated no desire to retain this artwork in design of the new facility, or to accommodate it in another location where it would lose context of site. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. This is a normal part of the public art process and helps maintain a high-quality art collection. The artist, Margo Sawyer, has stated a preference to retain the artwork at her expense, as per her rights in the Commission contract signed in 2000, and has presented a plan suitable to the Convention Centers safety requirements and demolition schedule. The Special Jury recommended *Index for Contemplation* be deaccessioned and returned to the artist, and the Convention Center provide a portion of funding for that effort.

Commissioned in 2002, *Macro/Micro* was funded by two percent of the estimated construction budget from the Austin Convention Center resulting in a \$84,000 budget for the artwork. The installation method of *Macro/Micro* has the low-resolution digital print permanently attached to the sheetrock wall of the Convention Center North Hallway. The artwork cannot be removed from the walls without posing significant risk of damage to the artwork. The Convention Center has stated no desire to risk attempting retention of this artwork. This problem is specifically noted in the deaccession policy as a reason to remove the artwork. This is a normal part of the public art process and helps maintain a high-quality art collection. The artist has not presented an acceptable plan to retain the artwork, as per their contract. The Special Jury unanimously recommended *Macro/Micro* be either relinquished to the artist if a suitable plan is presented by December 15, 2024, and the Convention Center provides a portion of funding for that effort, or if no plan is provided by the artist the artwork is destroyed in the facilities demolition.