

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

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

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

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

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

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

WHEREAS, City staff has initiated some programmatic reviews in response to artists and Arts Commission feedback and would benefit from clear Council direction for all impacted departments and the codification of changes in ordinance; **NOW, THEREFORE**,

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

The City Manager is directed to review Chapter 7-2 (*Art in Public Places*) and associated program guidelines and present recommended changes to Council, after presenting them to the Arts Commission and the Economic Opportunity Committee of Council, that achieve the following:

- Include public-private partnership capital projects, while exempting affordable housing costs, where applicable, and providing a process for alternative compliance that meets or exceeds City standards;
- Include a review of public art requirements in other private development regulations and programs, including but not limited to planned unit developments, the density bonus programs, and Cultural Districts;
- Allow flexibility for the use of funds for maintenance, relocation; conservation, storage, deaccession and re-installation of artwork;
- Allow greater flexibility for the use of funds in the nearby vicinity of projects, if it improves public visibility and engagement;
- Allow the solicitation of curatorial services as a delivery model for major projects; and
- Further address potential obstacles to local participation by artists and fabricators.

BE IT FURTHER RESOLVED:

After Council approves the required recommendations, above, the City Manager is directed to provide notice, prior to execution of a contract for public art, that clearly explains the rights and responsibilities of the commissioned artist. This notice should include information on processes for potential deaccession, relocation, or maintenance of artwork.

BE IT FURTHER RESOLVED:

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

BE IT FURTHER RESOLVED:

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

ADOPTED: _____, 2025 **ATTEST:** _____

Myrna Rios
City Clerk