

May 18 Arts Commission Meeting
Regarding Item under **NEW BUSINESS**

4.a.iii Approve Artwork Donation from Ryan Companies of sculpture “Aurorae” by artist FYOOG for the City of Austin Planning and Development Center Building

Background information for Arts Commission

In December 2019, the Planning and Development Center Building (PDC) project was introduced to both the Art in Public Places (AIPP) Panel and the Arts Commission. At that time, both the AIPP Panel and the Arts Commission expressed concern that there was no AIPP ordinance-required 2% percent-for-art funding included for this city building under construction. Andrew Moore explained why the AIPP Ordinance does not apply to the new city purchasing process by which the PDC is being delivered, the Public-Private Partnerships (P3) Program.

The P3 Program solicits competitive bids from the commercial real estate market for Class A office space purchasing process (P3). The selected developer then constructs a fixed price facility by a specific and delivery date and, at the successful completion of the project, the City purchases the building. The P3 purchasing process for city facilities is handled by the Finance Services Department. Find more information on this delivery system here: <http://austintexas.gov/departments/public-private-partnerships-p3-program-office>

The donation of the sculpture by FYOOG is intended to support the purpose of the AIPP Ordinance, even though the P3 system does not require it. Meghan and Sue have been working with Lucia Athens, who leads the Sustainability Office on a memo to Mayor and Council regarding this new delivery system, specifically to reinforce the City of Austin’s commitment to green building and sustainability, and also shining a light on other Council commitments and ordinances that are not currently reflected in the delivery process. We have crafted the paragraph below to be included in the memo (emphasis added):

The Art in Public Places requirement for eligible projects to allocate 2% of capital improvement budget to commission or purchase art for the site does not currently have a corollary for P3 projects. Commissioning or acquiring works of art is currently problematic for P3 projects due to challenges with the artist selection process, funding availability, and project delivery model whereby the City purchases a building from a developer. **The Art in Public Places Panel discussed this topic at their December 2nd 2019 meeting and expressed concern that the Art in Public Places ordinance was not being applied consistently to City construction projects created through this new capital delivery model. The Austin Arts Commission also discussed this issue at their Dec. 9th 2019 meeting and formed a working group to investigate development of a policy to guide application of the percent-for-art ordinance to city projects delivered under the P3 process.**

The memo is in development and will likely be brought forward once the Council has bandwidth to address concerns that are not directly related to the COVID-19 pandemic. In addition, there is another building underway through the P3 delivery system – the Austin Energy Headquarters at Mueller. There is no expectation of an Art in Public Places project attached to this project.

Cc AIPP Panel