

Austin Art in Public Places  
**Artist Resource Guide**  
2018



**Cultural Arts**  
CITY OF AUSTIN  
ECONOMIC  
DEVELOPMENT



City of Austin  
Economic Development Department  
Cultural Arts Division  
[www.austincreates.com](http://www.austincreates.com)





June 1, 2018

Dear Future AIPP Commissioned Artist,

You see public art around the city sparking conversations, perhaps creating moments of playfulness or curiosity and certainly contributing to how it feels to be in Austin, and perhaps you wonder how it got there and how you can get involved? This guide will help you understand the public art process and get you ready to apply for a public art project of your own. While this handbook is geared towards the City of Austin's AIPP program, its contents will give you some insight into how the field of our field operates in general, supporting your future participation in the many other public art programs throughout the United States.

Participating in the public art process allows you as an artist to contribute to the city's natural and urban landscape by participating in the creation of the built environment. It also provides greater visibility for your work.

As you read through this guide, you will see many ways that we seek to support your shift from a traditional art practice to a career in public art. Creating public art challenges artists by delivering a whole new context for their work, and enables them to realize artwork on a grand scale. Working at the scale of the city, artists are encouraged to think critically about their work, to play with scale, experiment with materials, and to consider contributing to the civic dialogue, creating an accessible museum without walls for all to enjoy all year.

It is my hope that this resource guide will inspire you to begin creating art in, and for, the public realm. We look forward to your participation.

Wishing you great success with your public art endeavors,

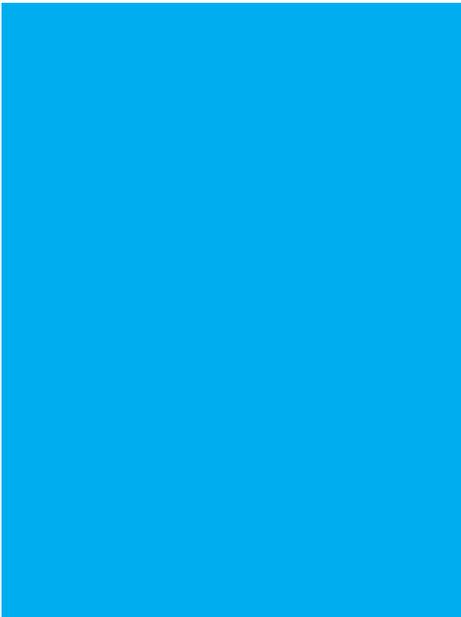
A handwritten signature in black ink that reads "Susan Lambe". The signature is fluid and cursive.

Susan Lambe  
Art in Public Places Program Manager



## AUSTIN CITY COUNCIL

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Ora Houston, District 1  
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Ann Kitchen, District 5  
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Brett Barnes, Arts Commission Liaison  
Emily Little  
Jade Walker  
Tammie Rubin  
Jacob Villanueva



*Stem Rack (detail) by Ann Armstrong,  
2012, 111 Congress Avenue;  
photo by the artist*

## AIPP STAFF

Susan Lambe, AIPP Program Administrator, 512.974.7852

Anna Bradley, AIPP Coordinator, 512.974.7841

Marjorie Flanagan, AIPP Coordinator, 512.974.8706

Curt Gettman, AIPP Coordinator, 512.974.9310

Frank Wick, AIPP Collection Coordinator, 512.974.2576

Email:

[aipp@austintexas.gov](mailto:aipp@austintexas.gov)

Location:

**201 East 2nd Street, Suite A, Austin, TX 78701**

Mailing Address:

**City of Austin Economic Development Department**

**(Attn) Art in Public Places Program**

**P.O. Box 1088**

**Austin, TX 78767**

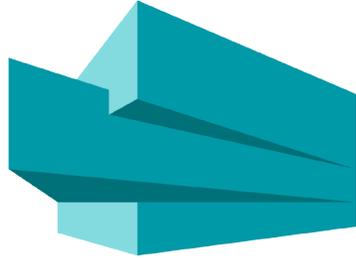


Rhythms (detail) by Cliff Garten, 2012, ZACH Theatre campus; photo by Jeremy Green

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# Cultural Arts

CITY OF AUSTIN  
ECONOMIC  
DEVELOPMENT

**Art in Public Places (AIPP) is a program of the Cultural Arts Division (CAD) which is part of the Economic Development within the City of Austin.**

**CAD provides leadership and management for the City’s cultural arts programs and for the economic development of arts and cultural industries including:**

- Art in Public Places (AIPP) Program**
- The People’s Gallery**
- Cultural Arts Funding Program**
- Creative Development, including:**
  - Film, TV and Video*
  - Digital Media and Gaming*
  - Austin’s New Year*
  - Faces of Austin, a short film program showcasing Austin filmmakers*
  - Cultural Heritage and Tourism*
  - Take it to the Next Level Training for Creative Industries*

# ARTIST RESOURCE GUIDE

## *A Guide to Austin's Art in Public Places Program*



*Uprooted Dreams* (detail) by Margarita Cabrera, 2012, Mexican American Cultural Center; photo by Philip Rogers

## INTRODUCTION

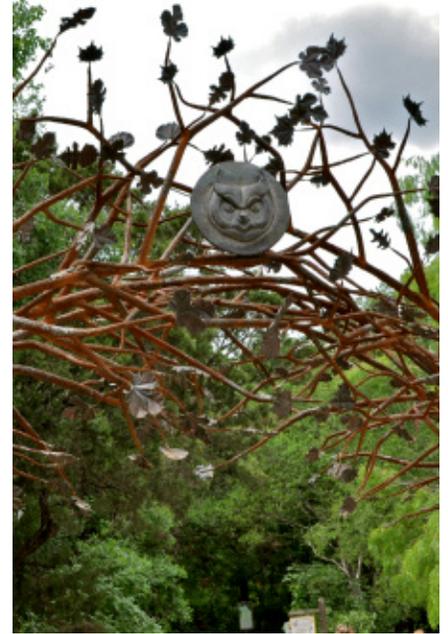
The City of Austin Art in Public Places (AIPP) program offers local and national artists, both established and emerging, an opportunity to contribute to Austin's ever-evolving cityscape. The program facilitates the process to provide unique works of art for publicly funded facilities and has been an integral part of Austin's transformation into a top cultural and artistic destination in Texas and beyond. For three decades, AIPP artists have successfully completed projects that have become cornerstones of our community identity.

Public art is an investment in the City's energy and vitality. It contributes to the City in a variety of ways: it enhances aesthetics, it promotes dialogue within communities, and it serves as a reflection of the City and time's values, collective memory, and diversification. It also contributes to economic vitality by providing jobs for artists and other creative professionals, including architects, landscape architects, engineers, fabricators, and art conservators.

# ABOUT THE ART IN PUBLIC PLACES PROGRAM

The City of Austin was the first municipality in Texas to make a commitment to include works of art in construction projects when it established the Art in Public Places program in 1985. By ordinance, 1% of construction budgets was allocated to commission or purchase artwork for public sites, such as the airport, convention center, libraries, parks, police stations, and recreation centers. In October 2002, the ordinance was amended to increase public art allocations to 2% and to include streetscapes, street improvement projects, and bridges, a change that supported greater visibility of art in the urban environment. (See Appendix I to review the AIPP Ordinance.)

The City currently boasts over 180 public artworks in over 60 facilities, ranging from outdoor sculptures to architectural detailing, and the collection continues to grow! To see the complete list of artwork in the City of Austin's public art collection, visit [www.austintexas.gov/department/art-in-public-places](http://www.austintexas.gov/department/art-in-public-places) and



*Arboreal Passage* (detail) by Colin McIntyre, 2012, Austin Nature and Science Center; photo by Philip Rogers

## GOALS OF AUSTIN'S ART IN PUBLIC PLACES PROGRAM:

- Expand Austin citizens' experience with visual art and increase understanding of their communities and lives
- Stimulate the City's vitality and economy and enhance Austin as a regional arts leader
- Steward funds for art and art projects of redeeming quality that advance public understanding of visual art and enhance the aesthetic quality of public places

## HOW DO I BEGIN?

### **Browse the AIPP Website**

Discover more about how AIPP works at [www.austintexas.gov/department/art-in-public-places](http://www.austintexas.gov/department/art-in-public-places) for opportunities, events, and news on current projects.

### **Sign up for the AIPP newsletter**

<http://www.austintexas.gov/department/art-in-public-places> for opportunities, events, and news on current projects.

### **Search the AIPP collection**

<http://www.publicartarchive.org/austinaipp>

The City of Austin has more than 200 commissioned artworks worth over \$12.7 million dollars. You can find out which city parks, streetscapes, and facilities have public art and who made them.

### **Attend an Art in Public Places Panel Meeting**

Art in Public Places Panel meets monthly the first Monday of the month at 6 p.m. and are open to the public. AIPP Panel meeting dates are listed on the Art in Public Places website.

### **Serve as a Selection Panelist for a public art project**

The AIPP Panel appoints a Selection Panel (jury) for each new public art project, made up of independent artists and visual art/design professionals and is aided by project and community advisors. Serving as a Selection Panelist allows you to engage in the process by recommending which artists are selected. If you would like to participate in this process, please review the application at [www.austintexas.gov/department/aipp-policies](http://www.austintexas.gov/department/aipp-policies).

### **Subscribe to Cultural Arts Division newsletter**

<http://www.austintexas.gov/department/cultural-arts>

The Cultural Arts Division (CAD) newsletter is also chock-full of excellent cultural events, arts projects, and links from local, statewide, and national sources.



## GET SOCIAL WITH AIPP!

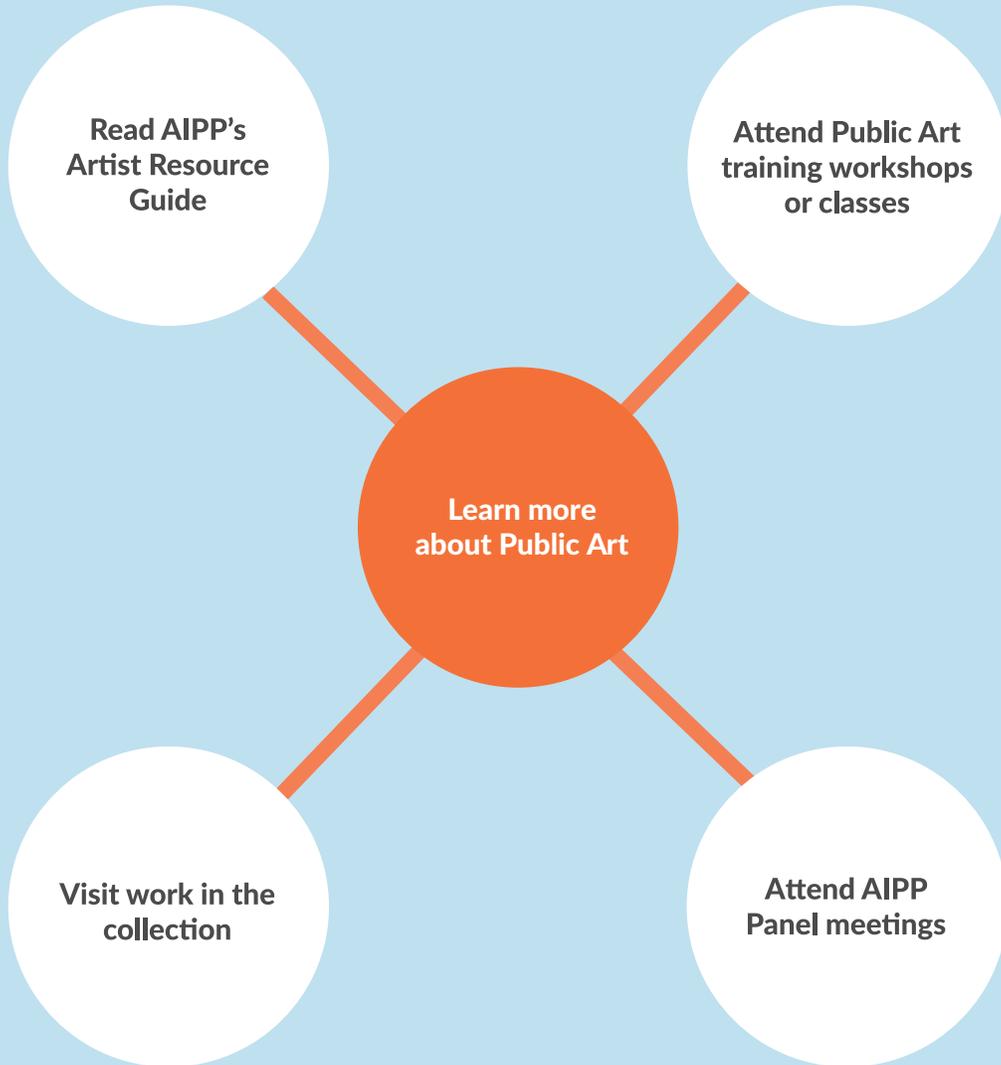
-  [facebook.com/AustinAIPP](https://facebook.com/AustinAIPP)
-  [@econvitalityATX](https://twitter.com/econvitalityATX)
-  [@cityofaustinarts](https://instagram.com/cityofaustinarts)
-  [pinterest.com/austintexasgov/austin-art](https://pinterest.com/austintexasgov/austin-art)
-  [flickr.com/photos/austinaipp](https://flickr.com/photos/austinaipp)
-  [www.austincreates.com](http://www.austincreates.com)

AIPP’s Facebook page is the quickest and easiest way for an artist to learn of upcoming opportunities, hear about public programs, and get news on current projects. We post shots of artists working on and installing AIPP projects, notices of events, and open calls to artists.

## OPEN OFFICE HOURS

Open Office Hours are currently set for the third Wednesday of the month from 1 to 3 pm. (Parking is available in the Austin Convention Center parking garage at 2nd and Brazos with entrances on Brazos or San Jacinto. AIPP will validate your parking. AIPP staff can certainly help you consider how you might be successful in a more “best-practices” way.

## Get paid to create public art in Austin:



## Get paid to create public art in Austin:



# TYPES OF PUBLIC ART

Public art differs from studio art (or art exhibited in galleries or museums) in several ways. Unlike art created in the studio, public art involves stakeholders or the community in its creation. It takes into consideration the specifics of the site, with an acute awareness of the site's physical and social contexts. While a public artist is always encouraged to create a work that is reflective of his or her voice, the intent and the needs of the community at large must be considered as well. This creates dynamic and exciting public art pieces.

## DISCRETE OBJECTS

This traditional approach of placing stand-alone sculptures, murals, or other artworks in public buildings, plazas, or parks is a means to beautify and humanize the environment or to memorialize people or events.



*Your Essential Magnificence* by James Talbot, 2010, west side of South Congress at Live Oak; photo by Philip Rogers



*Below* by Jacob Villanueva and Jeff Clarke, 2013, Boggy Creek Park temporary art installation, TEMPO; photo by Philip Rogers

## TEMPORARY INSTALLATIONS

Temporary installations are non-permanent artworks that may respond to a specific physical or social environment. Temporary projects can involve either a single artist or multiple artists responding to the same subject matter.

## INTEGRATION OF PUBLIC ART AND ARCHITECTURE

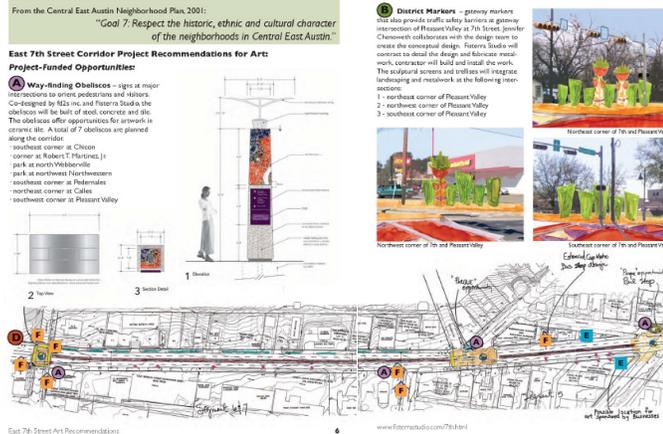
Artists work on design teams with architects, engineers, landscape architects, and other professionals to create public projects that aspire to the highest aesthetic innovation. This approach may result in artist-designed functional elements, such as flooring, or lighting, which are integrated into the project.



*Seeding Time* by Nobuho Nagasawa, 2001, City Hall Plaza; photo by Philip Rogers

## MASTER PLANNING

Artists work with design professionals, policy makers, and community groups to identify opportunities for the integration of public art into urban projects such as neighborhood redevelopment districts, parks, and civic plazas.



Community members creating contemporary alebrijes in the tradition of Oaxacan wood carving for Uprooted Dreams by Margarita Cabrera, 2012

## COMMUNITY/SOCIAL PRACTICE

Artists work in communities to create public art projects that respond to the reality and integrity of those communities. For example, artists may work in social institutions, homeless shelters, senior centers or community centers.

## URBAN DESIGN/PLACEMAKING

Artwork in this category are projects that enhance a cityscape by creating a sense of place or improving the design qualities of public infrastructure. Examples of such artist-designed projects include freeway enhancements, bridges, plazas and parks.



Open Room Austin by Rosario Marquardt and Roberto Behar, 2010, Sand Beach Park; photo by Phillip Rogers

# THE SELECTION PROCESS

## HOW IS AN ARTIST CHOSEN?

Artists will be selected on the basis of their appropriateness for the particular project as indicated by their resume, the merit of their past work, and their potential design approach. An artist's willingness to fully participate in a collaborative process is also considered a criterion for selection.

Not all projects are appropriate for every artist. AIPP receives many applications for each project, but only one artist or artist team can be selected. Explore the criteria for each project and apply for those that are an appropriate fit for the type of work you do. If you are not chosen for one project, apply for another! Each project and Selection Panel is unique. Feel free to contact the AIPP project manager for feedback on submissions that were not chosen.

Here are various ways that the City of Austin may choose to select artwork:

### I. OPEN COMPETITION

In an Open Competition, a Call to Artists is issued and anyone interested in applying for the project may do so as long as they meet specified AIPP guidelines, including residency requirements. Artists may be asked to submit images of their past work, a resume, and a letter of interest related to the specific project or a proposal for the project under review. The two types of Open Competition calls are:

#### **Request for Qualifications (RFQ)**

An RFQ provides artists with a detailed overview of the public art project, including budget, a description of the site, project goals, and application requirements. A specific proposal is not required in an RFQ.

#### **Request for Proposals (RFP)**

An RFP is more detailed than an RFQ. Whereas an RFQ asks only that the artist supply credentials, an RFP also requires a preliminary proposal for the project. This proposal customarily includes sketches, concept(s), budget, materials to be used, and time frame. If an artist is selected for the project, the initial RFP proposal will then be fully developed into a design, incorporating all the necessary logistics and details of the project, often in coordination with a project team.

## II. LIMITED ENTRY COMPETITION

In this case, the jury invites a limited number of artists to participate in the selection process. The invited (or sometimes nominated) artists may be asked to submit images of past work or proposals based on the project prospectus. The names of the artists invited to participate shall be publicly announced upon receipt of written acceptance of the invitation.

## III. DIRECT SELECTION

In certain instances, an artist or an artwork may be directly selected for a project by the AIPP Panel, forgoing all regular selection processes. An artist is invited to participate in the project and may be asked to develop a proposal for the project. On occasion, several artists are asked to work together as a team.

## IV. DIRECT PURCHASE OF AN EXISTING ARTWORK

Occasionally a completed work of art may be purchased by the City. This allows for more traditional studio arts to be included in the City's public art collection. No more than ten percent of the cost of the work may go to the artist dealer or agent.

## V. PRE-QUALIFIED LOCAL AND NATIONAL ARTIST POOL

The purpose of the Pre-Qualified Artist Pool is to provide a streamlined application and selection process for artists interested in being commissioned for public art projects through the City of Austin Art in Public Places Program. The process requires one application from interested artists. The Selection Panel will convene once to review all eligible applications. The Selection Panel will then recommend artists for approval to the Art in Public Places Panel and Austin Arts Commission. Once approved, all artists in the Pool remain eligible for contract opportunities for a two-year period, which may be extended by staff as needed.

Program staff and the Art in Public Places Panel will use the Pre-Qualified Pools, in whole or in part, for commission opportunities based on project timeline, scope, previously identified project outcomes, and/or a highly specialized field of opportunity. The list of artists in the Pools may also be made available to private developers or independent public art commissioning entities for consideration for their use. Selection from the Pre-Qualified Pool is not an exclusive way for artists to be considered for artwork commissions.

## PUTTING TOGETHER AN APPLICATION

AIPP program calls are listed on the City of Austin website ([www.austincreates.com](http://www.austincreates.com)) as well as on PublicArtist.org, the online application system used by AIPP. Artists must apply through this online system, and can do so without cost. Public Artist provides technical assistance during business hours Monday through Friday at 210-701-0775. Note that PublicArtist.org also lists public art opportunities from other programs.

This is typically what you will be required to submit when applying for a commission:

- Letter of Interest: Illustrates your desire to participate in the project, and may briefly detail your idea and approach to the specific project.
- Resume: Include public and private art commissions, exhibitions, collaborations, and other experience.
- Images: Generally 10 digital images submitted according to application instruction, including title of work, location, creation date, medium, dimensions, and budget.
- Professional References: The names and contact information of individuals who are familiar with your ability to communicate, your professionalism, your experience working within time and budget constraints, and your knowledge of materials, among other things.



### BEFORE YOU SUBMIT YOUR NEXT APPLICATION

Feel free to stop by our monthly Open Office Hours to discuss general advice. While we cannot advise on strategies for applying to specific calls, we can certainly help you consider how you might be successful in a more general, “best-practices” way.

*When putting together your submission package, it is important to keep a few things in mind:*

### **Communicate clearly!**

Your letter of interest should identify your key strengths, and cite examples of past public work, successful collaborations, and the unique qualities and interests you bring to the project. Be sure to directly address any specific questions posed by the RFQ/RFP.

### **Choose your images carefully!**

The Selection Panel will carefully review images of your past work. Make sure that the images you submit are of the highest quality and meet the technical submission requirements. If you do not know how to take professional-quality images or how to transfer them to the preferred digital format, then get assistance! It's better to hire a professional or learn to do this very well yourself, rather than risk losing commissions due to low-quality images.

It is critical that your images portray your work in the best possible light, and include detail shots when appropriate.

Images that depict how the artwork interacts or engages with the surrounding space (be it an outdoor public piece or an interior installation piece) help the Selection Panel understand your work.

Through your images and descriptions, strive to express the full context (meaning, content and relevance) of your body of work. Select carefully in order to convey the cohesiveness of your artistic vision, allowing the Selection Panel to understand your unique point of view.

When choosing images for a basic RFQ, or when providing sketches and materials for an RFP, remember to provide images that convey an overall concept. While it is tempting to do so, it is not advisable to combine multiple photos and text on one image.

### **After you submit your application**

After the call is closed, a Selection Panel will convene to review all the applications. You will be notified by email whether you have been selected. If you were not awarded a commission, please keep applying for other opportunities. Each Selection Panel is unique to each project.

# PUBLIC ART PROGRAMS AT AIPP



## TEMPO

Understanding that temporary public art plays an important role in attracting new and emerging artists to participate in the City's public art program, enrich the civic dialogue, engage public spaces in unique ways and cultivate tourism around the arts in Austin, AIPP has created three temporary public art programs.

The TEMPO program allows artists or artist teams to explore a range of themes suitable for the outdoor environment and provide the opportunity for creating innovative, thought-provoking artwork that impacts the way people experience their environment.

TEMPO funds are derived from the Hotel Occupancy Tax and multiple commissions are awarded each year. The selected artists or artist teams are responsible for developing a budget that includes all the necessary aspects of design, fabrication, installation and de-installation; including engineering, permitting, insurance, foundations or attachment methods landscaping, and site restoration.



Artist David Goujon's *Las Piñatas* in Edward Rendon Sr. Park and Public Art Network Award for TEMPO 2015; photo by Philip Rogers



Artist Jessica Braun installing *Festoon* at Plaza Saltillo in 2013 as part of TEMPO, AIPP's temporary art program; photo by Philip Rogers

**Program Goals:**

- Expose citizens to contemporary artworks by local artists;
- Foster engagement between artist, artwork and the community;
- Link local artists with resources and City assistance to develop skills and experience;
- Facilitate public discussion, civic dialogue, and collaborative partnering for programming;
- Promote new interest and increased participation in, and focus on, public art;
- Cultivate tourism activity around the arts in Austin.

**TEMPO CONVERGENCE FESTIVAL**

Now in it’s fifth year under the TEMPO branding, AIPP has created its very own temporary public art festival. Each year, artists submit a proposal that included a narrative, color renderings, preferred site location of vetted city properties, a preliminary budget and a current portfolio of work. A selection panel recommends the final projects to each be exhibited in one of our of our 10 City Coucil Districts. As a participate of Austin’s East Austin Studio Tour in November, the artworks are then re sited in a local parkland as a registered happening. The public is invited to experience all the temporary artwork in one location.



**TEMPO 2-D**

Building upon the succes of the sculptureal temporary art program, TEMPO 2-D offers opportunities for 2-D artists to develop their skills in creating temporary murals on selected City sites.

**TEMPO REFRESH**

This program offer one artist or artist team a unique chance to re imagine an existing work in the permanent collection. The selected artist develops a colorful and engaging design that takes inspiration from the original artwork proposal.



## LAUNCHPAD

### What is LaunchPAD?

A program to match local professional artists with artists commissioned for AIPP projects with budgets over \$200,000. The purpose is to grow our local artists and provide an opportunity to gain technical and administrative public art experience.

### Goals:

- Expand ways to attract new and emerging public artists to participate in the City of Austin's public art program
- Provide opportunities for local artists to gain more technical and administrative expertise in public art
- Grow the City of Austin public artist talent pool, creating a more solid foundation for Austin public artists as they apply for public art projects locally, nationally and internationally



LaunchPAD Artist Christine Angelone working with New American Public Art on Kempelen's Owls



Artist rendering of Kempelen's Owls by New American Public Art



LaunchPAD Artist, Teruko Nimura

### Who LP is for?

A professional artist ready to develop their skills in order to bigger and better public art!

### What might an LP artist do?

You may be asked to scan an owl, you may be asked to find local vendors, you may be asked to take notes at a utility review meeting!

The length of the LaunchPAD Artist contract will mirror the length of the commissioned artist's total project duration. The LaunchPAD Artist will focus on tasks such as:

- Coordination of, and attendance at, meetings - public, boards and commissions
- Conducting research + writing reports regarding materials, design issues, permitting
- Providing assistance in the design, fabrication, and installation;
- Participation in a minimum of one studio visit
- Support the commissioned artist in accessing the Austin artist and artisan community;
- Production of a Final Report

### Why should I apply?

To grow your network; to meet high level artists and curators; to better understand what it takes to create lasting public art; to embrace your creative community; to get paid for your time; to learn the nuts and bolts of collaborating on a major public art piece.

Budget: \$15,000 + travel

## ARTIST-IN-RESIDENCE

### What is Artist-in-Residence?

The Artist-in-Residence Program is designed to observe and document the activities of a program or department within the City of Austin over a period of several months. At the end of the residency period, artists are contracted to create proposals for a series of art works sited on the interior or exterior of the residency facility. The works are expected to be permanent with life-space of up to 20-years. It is the hope that the artists are able to reflect the culture and commitment to community of these programs/departments and show how the spaces and staff are both conceptually and physically accessible to visitors.



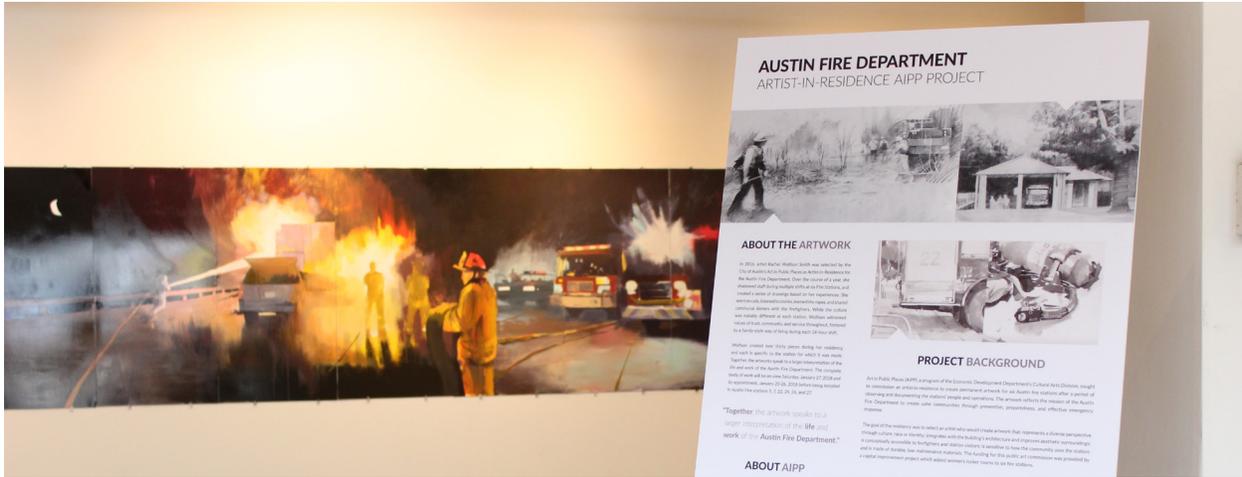
Grand opening of Rachel Wolfson Smith's Artist-in-Residence exhibition



Artist-in-Residence Rachel Wolfson Smith at her exhibition



Grand opening of Rachel Wolfson Smith's Artist-in-Residence exhibition



Grand opening of Rachel Wolfson Smith's Artist-in-Residence exhibition

As AIPP's first-ever Artist-in-Residence with the Austin Fire Department, Rachel Wolfson Smith spent over 100 hours researching, documenting and connecting with firefighters in preparation for the final artworks she will create for six fire stations throughout the city. Ride-outs, informal discussions and interviews with firefighters, driver engineers and lieutenants, and dinners shared with staff all shifts at each of the stations, revealed to Rachel the overwhelming sense of teamwork and commitment felt by these public servants. These attributes were documented with both photographs and ink-wash drawings of firefighters, apparatus and environments—and through this series of 20 residency drawings we begin to sense the strong bond of trust and community.

The cumulative project will include six final design artworks—five framed graphite on watercolor paper drawings, and one large-scale painted aluminum panel mural—as well as one framed residency ink-wash drawing from each station. Concepts of old and new, history and legacy, live action road fire, serving generations, brush fires, and to the seat that is held by every new firefighter in every rank, work together to paint a greater picture of the work of the Austin Fire Department with a nod towards the this department's outstanding work towards fire prevention.

All of the drawings and painted mural were shown together before they are installed in their respective fire stations for a short-term exhibition open to the public!

# THE PUBLIC ART COMMISSION PROCESS

Congratulations! You have been selected for a public art project! Each project follows the same general process.

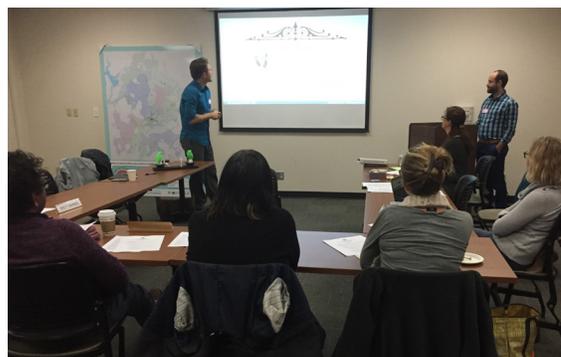
## CONTRACT

Your AIPP project manager will be working with you throughout your process. The project manager will oversee your contract with the City and begin contract negotiations. Depending on the contract and the budget, this process may take a month or longer. If your project budget is over the City's administrative authority of \$58,000, then City Council will vote to grant authorization for AIPP to negotiate a contract with you. This process can take an additional month. Each City contract requires signatures from the City Manager or designee, the City's legal department, and the artist(s).

Before the contract is completed, please register online as a vendor with the City of Austin vendor system. This must be completed prior to finalization of your contract and to process payments. ([https://www.ci.austin.tx.us/financeonline/vendor\\_connection/index.cfm](https://www.ci.austin.tx.us/financeonline/vendor_connection/index.cfm))

## KICK-OFF MEETING

Next steps will be to meet with the project team, which may include City staff, project consultants (e.g., architect, landscape architect, or engineer), and community representatives (stakeholders). There may be involvement by some of the City's boards and commissions, neighborhood groups, and/or special interest groups, who will need to be updated throughout the project. Your AIPP project manager will develop schedule for the duration of the project.



AIPP Panel Meeting



AIPP commissioned artist Philippe Klinefelter installing his carved granite pieces as part of *Lotus*, located at the Asian American Resource Center, with the help of a crane. The artist and all artist subcontractors must be insured in accordance with City of Austin policy.

## COMMUNITY OUTREACH

Your project manager will identify key community member to engage in the research and design development portion of your project. This may include additional research and event planning.

## MID DESIGN DEVELOPMENT

Next you will begin to design. Depending on the project, this will require interaction with project consultants in order to best integrate your work at the site. Your AIPP project manager will be your direct communication link to all project advisors, consultants, and stakeholders.

From time to time, artists may work directly with project consultants. However, it is important that your AIPP project manager be the liaison for all communications, since these are a matter of public record. Copy your AIPP project manager on all emails sent to project advisors, consultants, and stakeholders. Think of your AIPP project manager as your advocate throughout the public art process with whom you maintain regular communication.

## DESIGN CRITERIA

Unlike the studio artist, the public artist has an expanded set of design criteria, including issues pertaining to public health, safety, and accessibility. A successful public art design will generally reflect a deep understanding of the following elements:

**Site Conditions:** Overview of any existing or planned constraints or opportunities at the site, as they relate to the proposed project, such as building design, site layout, traffic patterns, landscaping, or other specific elements

**Community Involvement:** Plans for any input or participation by the community. Public participation can be useful in developing community support for or gathering feedback on a project. Examples of methods of community participation include workshops or public meetings to present design concepts.

**Maintenance:** Maintenance is a critical aspect of preserving the integrity of a work of art for future audiences after the commission has been completed. The AIPP Panel carefully reviews proposed maintenance requirements during the design process to ensure that the City will be able to commit the resources necessary to maintain the work according to the artist's intention. Artists are required to provide information on all processes and materials when consulting with AIPP's contracted professional art conservator regarding maintenance issues. Selection Panels and the AIPP Panel also consider the susceptibility of proposed projects to acts of vandalism.

**Safety and Liability:** Safety and liability are also significant factors that must be considered when designing public art. A work with public access cannot pose a safety or liability hazard of any kind and must meet the legally required accessibility standards.

**Permitting:** All projects on public property are subject to permitting requirements, and the public artist often is required to obtain permits such as excavation, building, or electrical permits, among others. The City of Austin waives most permit fees for the commissioned artist.

**Lighting/Electrical:** A description of any lighting or use of existing lighting or electrical connection, to be included in the project.

**Fabrication:** A detailed description of the methods of fabrication as well as any uncommon or unusual details regarding your approach to creating the work.

**Installation:** If the work will not be fabricated directly on-site, share details regarding the installation procedure . Installation includes the construction of any required footings or foundation, lighting, site work, transportation of the work to the site (flatbed truck or other), and final placement of the work (crane, traffic control, etc.)

## DESIGN REVIEWS

A review of your project will take place at the mid-point by the AIPP Panel so that they may provide feedback on your direction. After this mid-point presentation or **mid design review**, you will likely further develop your design in collaboration with advisors and stakeholders.

Your design will be reviewed many times, including by the contracted conservator, the project team, AIPP staff, and the relevant City department(s) for integrity of materials and fabrication methods, maintenance requirements, public health and safety, and ability to meet established project goals.

After these reviews are completed, you will present your **final design** to the AIPP Panel for approval. By contract, your final design deliverables will include:

**Narrative:** A short paragraph that describes what you are proposing for the project. Examples may include a description of a sculptural form, your guiding concept, a method of public participation, or how your proposal responds to the specific site and meets project goals.

**Design:** Renderings that will allow the public to understand what you are proposing. As the design progresses you will need to produce scaled drawings detailing your design.

**Engineered Drawings:** For most projects, you will need scaled drawings that carefully detail the structural safety of the artwork and the foundation or mounting method; these drawings will be detailed and stamped by an engineer.

**Budget:** Total budget summary, including a list of anticipated costs based on written quotes from vendors and subcontractors for the construction of the work. The budget should include materials, construction labor costs, and insurance costs. (See Sample Budget Form at the end of this section.)

**Materials:** Description of the materials to be used in the work including structural elements, manufacturers' Material Safety Data Sheets and durability information.

**Schedule:** An estimated timeline for fabrication of the entire project from start to finish.

**Permits:** Understand which permits will be required for completion of the project.

## APPROVAL

The Art in Public Places Panel reviews the final design and budget and, if no revisions are required, makes a recommendation to the Austin Arts Commission for approval.

## NOTICE TO PROCEED FABRICATION

Once your final design is approved by the Austin Arts Commission, depending on the project schedule, there may be a wait time prior to fabrication. You may begin making your artwork once you have received written Notice to Proceed from your AIPP project manager. Many contracts are divided into a design contract and a commission contract. The latter will need to be signed prior to commencement of fabrication.

You will need to coordinate with City staff to determine the project construction schedule and the optimum time for artwork installation.

## PROGRESS STATUS

The project team needs to be informed regarding the progress of fabrication. Your payment schedule is tied to milestones. In order to get timely payments, you need to keep your project manager up to date, which may include studio visits or site visits from time to time to check on your progress.

## DESIGN REVISIONS AFTER FINAL DESIGN APPROVAL

If there are changes made to the design during fabrication, you need to consult with your project manager about these changes when they occur and provide documentation afterward in the form of as-built drawings.

## INSURANCE

During the course of your commission, you will be required to carry insurance such as Commercial General Liability, Auto Liability, and Worker's Compensation. (See section on City of Austin insurance requirements.)

## INSTALLATION

A pre-installation meeting is required to coordinate your work and schedule with the general contractor and/or the City department in charge of the site. During this meeting, you will review all required safety regulations for the site, the installation schedule, and the status of permits required for the project. Installation may begin after your AIPP project manager gives you written Notice to Proceed.

It is a good idea to confirm site measurements and conditions prior to installation. This is your responsibility as the artist. If conditions are not as expected, inform your project manager as soon as possible.

## PROJECT CLOSE-OUT AND CELEBRATION

You will work with your AIPP project manager to complete any close-out documents, after which the City will take ownership of your work. AIPP will accession the artwork into the City's permanent art collection and have the work professionally photographed. There is usually a public dedication ceremony held for City construction projects, which includes a celebration of the completed artwork. The artist is invited to be present and is occasionally asked to speak.

## CONGRATULATIONS - YOU HAVE COMPLETED YOUR WORK!

It is true that public art takes time. The parameters of the project and the construction schedule will determine your public art project timeline. Some projects move relatively quickly, taking a year from the time an artist is contracted to installation of the completed work. Some projects take several years, depending on the progress of the sponsoring project. Your project manager can help you understand what to expect.

# Art in Public Places Project Development Process

## SELECTION

### I. Vote

Citizens vote in bond election to provide building, street or park.

Annual CIP (Capital Improvement Project) budget is approved by City Council.

### III. Staff Research

Staff asks about the department's needs and opportunities for art.

Staff researches and identifies, advisors, reviewing potential locations, media, and program needs.

Staff drafts a project outline to include approach to project, project goals, budget for the art, and selection process for artist/artwork.

### II. Funding

City department in charge of the project informs AIPP of an eligible project. AIPP receives 2% of eligible budget for art.

### IV. Approvals

AIPP Panel, made up of seven citizen volunteer arts and design professionals, reviews and approves the project outline and selection process.

Austin Arts Commission, made up of citizen volunteers appointed by the City Council, reviews and approves the selection process.

### V. Selection

AIPP project manager:

- Finalizes Call to Artists with City department
- Releases the call
- Processes artist applications
- Contracts with approved arts professionals for Selection Panel
- Facilitates selection process
- Presents Selection Panel recommendations to AIPP Panel

AIPP Panel reviews and approves Selection Panel recommendation for the artist or artist team's commission.

Austin Arts Commission reviews and approves Selection Panel recommendation for the artist.

# Art in Public Places Project Development Process

## DESIGN

### I. Funding

If project budget is over administrative limit, then staff gets permission from City Council to negotiate contract with the selected artist.

### III. Artist Research

Kick-off meeting with artist and stakeholders. Artist starts designing. Artist reviews design work with:

- Staff
- Stakeholders
- Project advisors
- Design team
- Relevant boards and commissions

AIPP Panel reviews artist's mid-design work.

### II. Design Contract

Once approved, staff negotiates contract with the artist, which is then sent through City channels for approvals and signatures.

### IV. Discuss/Refine

Further design refinements based on reviews and feedback from:

- Staff
- Stakeholders
- Project advisors
- Design team
- Professional arts conservator
- Relevant boards and commissions

AIPP Panel may review artist's design again prior to final design approval

### V. Review

Artist submits final design work for by AIPP and City staff, including:

- Renderings and narrative that explain the artist's vision/intent and plans for fabrication and installation
- Stamped engineering drawings, showing fabrication and installation details
- Registered Accessibility Specialist (RAS) review
- Budget for all costs related to the artwork
- Conservator report

# Art in Public Places Project Development Process

## FABRICATION + INSTALLATION

### I. Approval

AIPP Panel reviews and approves the artist's final design submittals.

Austin Arts Commission reviews the AIPP Panel's recommendations and approves the artist's final design.

### II. Commission Contract

Staff negotiates contract with artist, which is then sent through City channels for approvals and signature. Artist submits required proof of insurance.

### III. Fabrication

Upon Notice to Proceed, the artist fabricates artwork, or hires a fabricator to make the art.

Staff monitors fabrication.

### IV. Installation

Artist gets permits from the City to do installation. Permitting fees for AIPP projects are often waived by the City.

Artist attends pre-installation meeting with the general contractor as required. Staff monitors installation.

Artist works with staff to supply close-out documentation.

### V. Celebration

City of Austin organizes an artwork unveiling and dedication.

Staff creates a plaque with artist name, name of artwork, and key information for display adjacent to the work.

### VI. Collection

AIPP staff closes out the project, archives all files related to the artwork, and accessions the piece into the City of Austin Art in Public Places collection.

Maintenance plan provided to department.

# PUBLIC ART BUDGET FORM

Artists are asked to complete a budget and attach a signed receipt of estimate complete with per unit cost for all items designated with an asterisk (\*). Below is a budget form given to artists to help them consider all costs and prepare for their project expenses:

## TRAVEL (Non-local residents only)

Airfare \_\_\_\_\_  
Car rental \_\_\_\_\_  
Per diem expenses at \$\_\_\_/day \_\_\_\_\_  
Mileage at \$\_\_\_\_\_ per mile \_\_\_\_\_

## STUDIO OVERHEAD

Studio rental, other expenses \_\_\_\_\_  
Phone and fax charges, supplies,  
detailed below. \_\_\_\_\_  
\_\_\_\_\_

## INSURANCE

Auto Liability \_\_\_\_\_  
General Liability for Artists  
and subcontractors \_\_\_\_\_  
Workers' Compensation,  
Employers' Liability \_\_\_\_\_

## PROFESSIONAL SERVICES

If applicable, drawings must be signed  
and sealed by a professional registered  
to practice in the State of Texas.  
Architect (CAD/services)\* \_\_\_\_\_  
Structural Engineer\* \_\_\_\_\_  
Electrical Engineer\* \_\_\_\_\_  
Other\* \_\_\_\_\_  
Registered Accessibility Specialist \_\_\_ \_\_\_\_\_

## FABRICATION COSTS

Please attach a complete list of materials,  
cut-sheets and individual estimates  
(incl. per unit costs) with this form.  
Materials \* (Total) \_\_\_\_\_  
Labor (Total) \_\_\_\_\_

## TRANSPORTATION

Materials to fabrication site\* \_\_\_\_\_  
Finished work to installation site\* \_\_\_\_\_  
Other\* \_\_\_\_\_  
\_\_\_\_\_

## SITE PREPARATION

Landscaping, irrigation\* \_\_\_\_\_  
Removal\* \_\_\_\_\_  
Electrical modification\* \_\_\_\_\_  
Test drilling\* \_\_\_\_\_  
Water Work/Mechanical Devices\* \_\_\_\_\_

## INSTALLATION COSTS

Costs must include allowance for after  
hours installation, if applicable. Please  
attach a list of equipment and individual  
estimates with this form.  
Labor \_\_\_\_\_  
Scaffolding\* \_\_\_\_\_  
Equipment\* \_\_\_\_\_  
Off-duty police \_\_\_\_\_  
Traffic barriers\* \_\_\_\_\_  
Storage facility rental\* \_\_\_\_\_  
City permits \_\_\_\_\_  
Fireproofing\* \_\_\_\_\_  
Other\* \_\_\_\_\_

## LIGHTING

Designers\* \_\_\_\_\_  
Fixtures\* \_\_\_\_\_  
Bulbs\* \_\_\_\_\_

## OTHER COSTS RELATED TO PROJECT\*

Photo/Video Documentation \_\_\_\_\_  
Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CONTINGENCY

\_\_\_\_\_ (typically 5 % of the project budget)

## ARTIST'S FEE

\_\_\_\_\_ (typically 15 - 20 % of the project budget)

**GRAND TOTAL** \$ \_\_\_\_\_

# CITY OF AUSTIN INSURANCE REQUIREMENTS

All artists awarded a commission through the AIPP program are required to carry insurance as indicated below for the duration of the contract, unless the City's Risk Manager approves an exception.

## COMMERCIAL GENERAL LIABILITY INSURANCE

Insurance designed to protect businesses (artists) from third party bodily injury or property damage claims arising from an occurrence involving premises, operations, products and completed operations exposures. AIPP contracts require a minimum bodily injury and property damage per occurrence limit of \$500,000.

## AUTOMOBILE LIABILITY INSURANCE

With this insurance, the insurer agrees to pay all sums for which the insured is legally obligated because of bodily injury or property damage arising from the ownership, maintenance, or use of a vehicle. This insurance is required any time the artist or subcontractors will be using any vehicle to provide the services as stated in the contract. AIPP contracts require coverage of \$500,000 per occurrence for bodily injury and property damage.

## WORKERS COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE

Insurance that pays for the medical expenses of injured workers and indemnifies them for lost wages while they are unable to work. This insurance is required if the artist or subcontractors will be providing services on City of Austin premises. The artist and legal partner may waive this coverage for themselves, but all subcontractors must be covered. It is in the artist's best interest to hire subcontractors who already carry this insurance. Minimum policy limits are required for employers' liability of \$100,000 bodily injury each accident, \$500,000 bodily injury by disease policy limit, and \$100,000 bodily injury by disease for each employee.

## A&E PROFESSIONAL LIABILITY INSURANCE

This is required of all design professionals (i.e., architects and engineers) affixing their seal to an artist's design drawings, with a minimum limit of liability of \$1,000,000 per claim/occurrence.

## WAIVER OF WORKERS COMPENSATION INSURANCE

The artist as a sole proprietor may waive his or her right to workers compensation insurance if the artist is completing the installation themselves.

## PLEASE NOTE

See full insurance requirements [www.austintexas.gov/department/aipp-resources](http://www.austintexas.gov/department/aipp-resources).

The artist is responsible for insuring the artwork until it is installed and ownership is accepted by the City.



*Pedestrian Geometries* by Erin Curtis, one of many to be installed along 3rd Street from 2013 to 2015



*Texas Slam: A Portrait of Morris Williams Jr.* by Ansen Seale, 2013, Morris Williams Municipal Golf Course

# PEOPLE IN PUBLIC ART

## CITY COUNCIL

The publicly elected City Council approves each artist contract which exceeds a certain administrative dollar amount. Each council member appoints one representative to the Arts Commission.

## CITY MANAGER

The City Manager oversees all City staff, including the Economic Development Department, the Cultural Arts Division and the AIPP program.

## AUSTIN ARTS COMMISSION

The Arts Commission is composed of citizens, each appointed by a City Council member. The Arts Commission advises the City Council in all arts-related matters. (See Section 2-1-103 of the City Code for additional duties.) The Arts Commission approves the artist selection process and artists' commissions, based on recommendations by the AIPP Panel.

## ART IN PUBLIC PLACES PANEL

The AIPP Panel guides the AIPP program. Six visual arts professionals (including two from environmental design fields) are appointed by the Arts Commission to reflect Austin's artistic and demographic diversity. An Arts Commission representative brings the total Panel members to seven.

The Panel advises the Arts Commission on implementation of the AIPP ordinance and guidelines, including approval of all artist selection processes and commissions of art. Members serve two-year terms and can serve a maximum of three consecutive terms. Visual arts professionals may apply to serve on the AIPP Panel online at [www.austintexas.gov/department/aipp-policies](http://www.austintexas.gov/department/aipp-policies).

## ECONOMIC DEVELOPMENT DEPARTMENT

This department leads the economic development, urban regeneration, small business development, cultural arts, music, international, and emerging technology programs for the City of Austin. The department was created to manage the City's economic development policies and to promote and facilitate sustainable growth in partnership with the community, project developers, and the City of Austin organization.

## **CULTURAL ARTS DIVISION (CAD)**

As part of the Economic Development Department, the Cultural Arts Division provides leadership and management for the City's cultural arts programs and for the development of arts and cultural industries as city economic development strategy. CAD is responsible for the Cultural Arts Funding programs, the Art in Public Places program, community-based arts development, and programs to assist the development of film and creative industries in Austin.

## **ART IN PUBLIC PLACES (AIPP) STAFF**

AIPP staff duties and responsibilities include providing professional arts development and advocacy for the arts, maintaining and promoting the AIPP collection, and project management for public art projects in the city. AIPP staff members currently include an AIPP Administrator, AIPP Coordinators, and an AIPP Collection Manager.

## **PUBLIC WORKS DEPARTMENT**

Public Works manages Capital Improvement Projects (CIP) through all phases of design, construction, and inspection.

## **CAPITAL IMPROVEMENT PROJECTS (CIP) MANAGERS**

Each project has a CIP Project Manager, often from the Public Works Department. The CIP Project Manager's role is to manage the planning, design, and construction of City of Austin capital projects for sponsoring departments so the projects are completed on schedule, within budget and comply with professional services contracts and construction contracts. The CIP project manager is the authority over the sponsor project and manages the design team contracts (architect and general contractor).

## **SELECTION PANEL (JURORS)**

Artists' submissions are reviewed by a three or five member Selection Panel, which is unique to each project, the members of which have been approved by the Austin Arts Commission. The Selection Panel is composed of art and design professionals and must include at least one visual artist and one local juror for a three member panel (or two visual artists and two local jurors for a five member panel). In support of diversity in the selection process, no juror may serve more than once in a two-year period. Advisors also serve as non-voting participants in the selection process. Advisors may be community representatives, City department representatives, project design consultants or professional experts.

# RESOURCES FOR PUBLIC ARTISTS

If you are interested in creating a work of public art separate from the AIPP program, consider contacting the following potential collaborators or sponsors. Note that some may require matching funds.

## LOCAL

### **City of Austin Cultural Arts Funding Program**

The City of Austin Provides cultural arts programs for the Austin community by contracting with arts organizations for specific services. These contracts are referred to as Cultural Services Agreements, or Cultural Contracts.

Artists who are applying for a Cultural Contract and proposing to install public art on City of Austin property must first submit an Artwork Donation application for review by the AIPP Panel. Applications are available from the Cultural Arts Division upon request. (See Appendix III for application.) Note that artists can get funding for projects that are not on City property. ([www.austintexas.gov/department/cultural-funding](http://www.austintexas.gov/department/cultural-funding) or call Jesús Pantel at 512.974.9315.)

### **Texas Grants Resource Center at the University of Texas at Austin**

The TCRG offers consultations and orientations for funding research, for non-profit organizations as well as individuals. Because of the availability of electronic information on state and federal grant opportunities, the TCRG emphasizes private sector funding options and information (i.e., private foundations and corporate foundations/direct giving programs). ([www.diversity.utexas.edu/tcrg](http://www.diversity.utexas.edu/tcrg))

### **Austin Community Foundation**

ACF offers a unique, non-profit connection between donors from all walks of life and the broad spectrum of efforts that improve our evolving community. The Foundation brings an efficiency of scale to these donors, allowing their charitable dollars to go as far as possible toward improving life for all central Texans. ([www.austincf.org](http://www.austincf.org))

### **Art Alliance Austin**

Art Alliance Austin is a non-profit organization that engages people with art by supporting Austin's visual artists and arts organizations in order to build a vibrant, informed community. The organization promotes and funds visual art by commissioning temporary public art and producing experiences that bring artists and collectors together while generating economic benefit for the entire city. ([www.artallianceaustin.org](http://www.artallianceaustin.org))

### **Austin Creative Alliance (ACA)**

The mission of the Austin Creative Alliance is to advance, connect, and celebrate Austin's arts, cultural, and creative communities in order to strengthen the character, quality of life, and economic prosperity of our region. ACA provides services to artists, including a partnership with Fractured Atlas to bring affordable health, liability, and Teaching Artist Insurance. ([www.austincreativealliance.org](http://www.austincreativealliance.org))

### **City of Austin Neighborhood Partnering Program (NPP)**

In support of Imagine Austin, the NPP provides opportunities for community and neighborhood organizations to affect public improvements by sharing in the costs of those efforts with the City of Austin government. There are several programs that may provide opportunities for community-initiated public art projects in City right-of-way or on City property. ([www.austintexas.gov/neighborhoodpartnering](http://www.austintexas.gov/neighborhoodpartnering))

### **Downtown Austin Alliance (DAA)**

The DAA sponsors cultural events and projects that contribute to the value and vitality of downtown Austin. DAA annual place-making sponsorships support events, projects, and programs that foster quality places and experiences in downtown. Previous award recipients include Art City Austin, Fusebox Festival, the Royal Blue Street Patio, and the Sustainable Food Center's Downtown Farmers' Market. ([www.downtownaustin.com](http://www.downtownaustin.com))

### **City of Austin Purchasing Website**

For more local resources, visit the City of Austin's Purchasing website and use vendor connection to search vendors. ([www.austintexas.gov/department/purchasing](http://www.austintexas.gov/department/purchasing))

## STATE

### **Texas Commission on the Arts**

Texas Commission on the Arts is an excellent resource for funding and grant opportunities with listings for workshops and classes geared to artists, a calendar of grants deadlines, and general news on the arts in Texas. ([www.arts.state.tx.us](http://www.arts.state.tx.us))

### **Non-Profit Resource Center of Texas**

The real power of the Non-profit Resource Center is in the services they offer to all non-profit philanthropic organizations and their support staff. From consulting to workshops to fundraising, the Center stands ready to assist with all aspects of non-profit business. ([www.nprc.org](http://www.nprc.org))

### **City of Frisco Public Art Program**

[www.friscoarts.com](http://www.friscoarts.com)

### **Corpus Christi Percent for the Arts Program**

[www.cctexas.com/services/general-government/corpus-cristi-public-art](http://www.cctexas.com/services/general-government/corpus-cristi-public-art)

### **Dallas Public Art Program**

[www.dallasculture.org/publicart](http://www.dallasculture.org/publicart)

### **El Paso Public Art Program**

[www.elpasotexas.gov/mcad/publicart.asp](http://www.elpasotexas.gov/mcad/publicart.asp)

### **Fort Worth Public Art Program**

[www.fwpublicart.org](http://www.fwpublicart.org)

### **Houston Arts Alliance**

[www.houstonartsalliance.com](http://www.houstonartsalliance.com)

**Landmarks, The Public Art Program of The University of Texas at Austin**

[www.landmarks.utexas.edu](http://www.landmarks.utexas.edu)

**City of Plano Public Art Program**

[www.plano.gov/2652/arts-culture-heritage](http://www.plano.gov/2652/arts-culture-heritage)

**Public Art San Antonio**

[www.publicartsa.com](http://www.publicartsa.com)

**Texas Commission on the Arts**

[www.arts.state.tx.us](http://www.arts.state.tx.us)

**Texas Tech University Public Art Program**

[www.fpc.ttu.edu/fpcweb/publicart/publicartgallery.jsf](http://www.fpc.ttu.edu/fpcweb/publicart/publicartgallery.jsf)

**University of Houston Public Art Collection**

[www.uh.edu/uh-collection](http://www.uh.edu/uh-collection)



*Elevated Prairie* (detail) by the artist team of Andrea Legge, Deborah Eve Lewis and R. Murray Legge, 2004, Central/East Austin Police/Forensics Lab



CNC machine fabricating *Texas Slam: A Portrait of Morris Williams Jr.* by Ansen Seale; all photos this page, by the artist



*Texas Slam: A Portrait of Morris Williams Jr.* (detail) by Ansen Seale, 2013, Morris Williams Municipal Golf Course

## NATIONAL

### Americans for the Arts Public Art Network

Americans for the Arts Public Art Network (PAN) develops professional services for the broad array of individuals and organizations engaged in the expanding field of public art. This is a great place to do research on trends, fabricators/materials suppliers, webinars, and best practices.

More than 300 public art programs exist in the United States at both the state and local level. PAN connects the field by stimulating dialogue, discussing critical issues, and providing information through the website and the PAN listserv. Communicate with colleagues via the PAN listserv. Open to all Americans for the Arts members, the PAN listserv links public art administrators, artists, design professionals, planners, consultants, and arts organizations and communities planning public art projects. ([www.americansforthearts.org/PAN](http://www.americansforthearts.org/PAN))

Forecast Public Art's website explores domestic and global trends in public art. ([www.forecastpublicart.org](http://www.forecastpublicart.org))

In addition to browsing the Internet for inspiration and information, you might look into the public art books available in the marketplace, including books that teach how to get started in public art.

### National Endowment for the Arts (NEA)

The NEA makes direct awards to individuals through its Literature Fellowships, NEA Jazz Masters Fellowships, and NEA National Heritage Fellowships in the Folk and Traditional Arts. Grants in the visual arts support projects undertaken by organizations that encourage individual artistic development, experimentation, and dialogue between artists and the public through exhibitions, residencies, publications, commissions,

public art works, conservation, documentation, services to the field, and public programs. Grant opportunities are listed at [www.grants.gov](http://www.grants.gov). ([www.neh.gov](http://www.neh.gov))

### **New York Foundation for the Arts (NYFA)**

NYFA is the most extensive national directory of awards, services, and publications for artists. Listings include more than 4,200 arts organizations, 2,900 award programs, 4,200 service programs, and 900 publications for individual artists across the country. More programs are added every day. ([www.nyfa.org](http://www.nyfa.org))

### **Fractured Atlas**

Fractured Atlas is a multi-service agency empowers artists, arts organizations, and other cultural sector stakeholders by eliminating practical barriers to artistic expression, to foster a more agile and resilient cultural ecosystem. ([www.fracturedatlas.org](http://www.fracturedatlas.org))

### **Services to Artists**

While AIPP does not make endorsements, the program does keep lists of service providers public artists may need, including engineers, fabricators, installers, art conservators, concrete foundations, professional photographers, and insurance agencies, among others. Please contact AIPP for a current list of local providers.

In addition to contacting AIPP for a list of local art conservators, consult the directory of professionals provided by the Ransom Center at the University of Texas ([www.hrc.utexas.edu/conservation/resources](http://www.hrc.utexas.edu/conservation/resources))



*Confabulating Orbits* by Ben M. Livingston, 1996, Austin Convention Center



*High Water Mark* by Deborah Mersky, 2008, Cesar Chavez Street east and west of the First Street Bridge



Commissioned artist Judd Graham holds a study of his artwork, prepared before final design review. Any sketches, studies, maquettes, or models created in the process of design are part of the deliverables of the commission.

### **Health Insurance Resource Center (HIRC)**

Sponsored by the Actors Fund of America, the HIRC offers information on affordable healthcare options for visual artists. Visit their website at [www.healthinsurance.org](http://www.healthinsurance.org) and select the state of Texas on the menu options. Information will appear for several insurance companies. You may also call 212.221.7300 x 265 for information. ([www.healthinsurance.org](http://www.healthinsurance.org))

### **CaFÉ**

[www.westaf.org](http://www.westaf.org)

### **PublicArtist.org**

[www.publicartist.org](http://www.publicartist.org)

### **4Culture**

[www.4culture.org](http://www.4culture.org)

### **Urban Art Commission**

[www.uacmem.org](http://www.uacmem.org)

### **Public Art Archive**

[www.publicartarchive.org](http://www.publicartarchive.org)

### **Art and Community Landscapes**

[www.nefa.org](http://www.nefa.org)

### **Creative Time**

[www.creativetime.org](http://www.creativetime.org)

### **Forecast Public Art Review**

[www.forecastpublicart.org](http://www.forecastpublicart.org)

**Public Art Fund**

[www.publicartfund.org](http://www.publicartfund.org)

**Social and Public Art Resource Center (SPARC)**

[www.sparcinla.org](http://www.sparcinla.org)

**City of Phoenix Office of Arts and Culture**

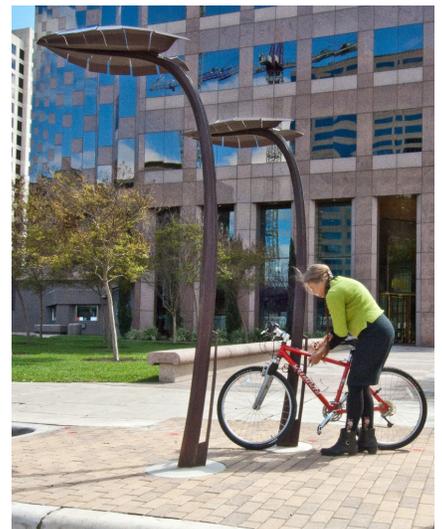
[www.phoenix.gov/arts](http://www.phoenix.gov/arts)

**Regional Arts and Culture Council**

[www.racc.org](http://www.racc.org)



Ann Armstrong in the process of fabricating *Stem Rack*



*Stem Rack* bike rack sculpture by Ann Armstrong, 2012, 111 Congress Avenue; photo by Philip Rogers

## GLOSSARY OF TERMS AND ACRONYMS

**AIPP:** The City of Austin Art in Public Places Program was established by City ordinance on September 26, 1985, as the City's percent-for-art program. Art in Public Places is a program of the Cultural Arts Division of the Economic Development Department.

**AIPP Panel:** A volunteer group composed of visual art and design professionals appointed by the Arts Commission, which provides oversight to the Art in Public Places program. The Art in Public Places Panel and staff work closely with project design teams, city departments, and community representatives to ensure that the AIPP collection includes high-quality works of art representing the broad range of media, styles, and cultural sensibilities that contribute to Austin's distinctive ambiance.

**Artist:** An individual professionally engaged in the production of creative and original artwork.

**Arts Commission:** A volunteer group composed of community representatives appointed by City Council to oversee arts-related matters affecting the City of Austin. The Austin Arts Commission provides oversight to the AIPP Program and appoints a seven-member Art in Public Places Panel composed of respected local visual arts and design professionals to make program recommendations.

**Arts Professional:** Individuals professionally engaged in the visual arts fields, including but not limited to architects, landscape architects, curators, arts administrators, art conservators, art educators, art historians, and urban designers.

**CAD (Cultural Arts Division):** The City of Austin Cultural Arts Division of the Economic Development Department is dedicated to promoting arts and culture to enhance the livability and economic vitality of Austin.

**CIP (Capital Improvement Project):** Construction projects undertaken by the City, which, if eligible under the AIPP Ordinance, allocate a percentage of funding for public art projects.

**Conservation and Maintenance Plan:** Commissioned artists are required to provide the City of Austin with a written maintenance plan associated with their public art to ensure that proper care is exercised by the department designated as “owner” or long-term caretaker of the piece. The maintenance plan should address the nature and care of materials contained in the work, options for replacement or repair, and any specific procedures or products which should be utilized in conservation efforts.

**Conservator:** Trained arts conservation professional who reviews artist design for constructability, site preparation, method and materials durability, maintenance needs, and installation safety.

**Finalist:** An artist who has been selected from a larger pool of applicants to proceed to a higher degree of review.

**MSDS (Material Safety Data Sheets):** Documents from product manufacturers that contain information on toxicity, first aid, personal protection controls, storage and handling precautions, spill-and-leak cleanup and disposal practices, transportation, physical data, and reactivity data.

**Percent-for-Art Program:** A program in which public art is funded by a percentage of eligible capital improvement project construction budgets.

**Permits:** Authorization from the City to safely install artwork according to City laws.

**Project Consultants:** Associated individuals or firms that provide services to the City as part of the project team (e.g., architects, landscape architects, engineers, or environmental graphic designers).

**RAS:** Registered Accessibility Specialist, who reviews artists’ designs to ensure the work is compliant with the Americans with Disabilities Act.

**RCA:** Request for (City) Council Action

**RFQ (Request for Qualifications):** A request for submissions to a commission opportunity that asks for support material documenting an applicant's past experience.

**RFP (Request for Proposals):** A request for submissions for a specific commission opportunity that requires development of a proposal. The RFP defines the specific requirements for the proposal, including the project budget, criteria and constraints, description of proposal site, and format for submission of the proposal.

**Right-of-Way (ROW):** The area on a street or sidewalk that is controlled by the City. It is usually defined as the roadway plus 10 feet behind the curb. This definition of the City right-of-way may vary depending on the physical conditions at any given location.

**Scale Drawings:** Drawings that indicate the exact measurements or dimensions of the proposed design or artwork.

**Sealed Drawings:** Drawings prepared, checked, and/or approved by, and having the seal of, a professional engineer or architect; often required of artists to obtain during the design phase of an AIPP project.

**Selection Panel:** For each AIPP project, a Selection Panel of visual art professionals is established for the purpose of reviewing submissions and making an artist/artwork recommendation. A selection panel is composed of 3 to 5 jurors, depending upon the size and complexity of the individual project.

**Selection Panel Advisors:** For each AIPP project, a non-voting panel of advisors, composed of departmental or community representatives, is established to provide insight to the Selection Panel.

**Sponsor Department:** The City department managing the particular Capital Improvement Project from which an artwork project derives its funding (e.g., Parks and Recreation Department, Public Health Department, Police or Fire Department)

**Stakeholder:** Anyone with a vested interest in the project, including City departments, neighborhood groups, or citizen interest groups, such as Friends of Deep Eddy, Save Our Springs Alliance or the Austin Parks Foundation.

**Streetscape:** An improvement to a public right-of-way, including a sidewalk, tree, light fixture, sign or furniture, usually intended to enhance the pedestrian experience.

**TAG:** A Technical Assistance Group is a standard City stakeholder group made up of subject matter experts.

**User Group:** Stakeholders who frequent or use a site or facility, either as visitors, employees or neighborhood residents.

**Vendor:** Anyone who expects to get paid by the City for services or materials.

## **CHAPTER 7-2. ART IN PUBLIC PLACES.**

### **7-2-1 DEFINITIONS.**

In this chapter:

(1) ART 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 funds are appropriated as described in this chapter and includes a mural, sculpture, garden, water feature, or other feature that appeals to the senses or the intellect.

(2) PROJECT means a capital project funded in whole or in part by the City:

(a) to construct or remodel a building, decorative or commemorative structure, or parking facility;

(b) to acquire parkland or to develop a park;

(c) for a street improvement project, other than street repair or reconstruction;

(d) for an improvement to a streetscape;

(e) for a bridge including the incorporation of an artistic feature into the structural design;

(f) for a water or wastewater treatment facility; or

(g) that is an appropriate project for art as recommended by the Art in Public Places Panel and Arts Commission and approved by the city council.

(3) CONSTRUCTION COST means the cost of a project to the City as determined in accordance with Section [7-2-4](#) (*Construction Cost Calculation*).

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

*Source: 1992 Code Section 9-2-1; Ord. 031009-10; Ord. 031211-11.*

### **7-2-2 ART IN PUBLIC PLACES ADMINISTRATOR.**

The director of the Economic Growth and Redevelopment Services Office shall designate an art in public places administrator to perform the functions described in this chapter.

*Source: 1992 Code Section 9-2-2; Ord. 031009-10; Ord. 031211-11.*

### **7-2-3 ART IN PUBLIC PLACES PANEL.**

The Arts Commission shall appoint an Art in Public Places Panel to perform the functions described in this chapter.

*Source: 1992 Code Section 9-2-3(A); Ord. 031009-10; Ord. 031211-11.*

#### **7-2-4 CONSTRUCTION COST CALCULATION.**

(A) In this section:

(1) DEBT ISSUANCE COST means the cost to the City to issue bonds for a project.

(2) DEMOLITION COST means the cost to remove a building or other existing structure from a project site.

(3) EQUIPMENT COST means the cost of equipment or furnishings that are portable or of standard manufacture and used in a project. The term excludes equipment or furnishings:

(a) that are custom designed; or

(b) that create a new use for a project.

(4) PERMIT AND FEE COST means the cost of the permits and fees associated with a project.

(5) REAL PROPERTY ACQUISITION COST means the cost to acquire land, including an existing building or structure, for a project, including appraisal and negotiation costs.

(B) Except as provided in Subsections (C) and (D), construction cost is the cost of a project to the City after deducting:

(1) debt issuance cost;

(2) demolition cost;

(3) equipment cost;

(4) permit and fee cost; and

(5) real property acquisition cost.

(C) In calculating the construction cost of a project to acquire or develop parkland, the real property acquisition cost is not deducted.

(D) If the source of funding or the law governing a project does not permit an expenditure for art, the affected funds are excluded from the calculation of construction cost.

*Source: 1992 Code Section 9-2-1 and 9-2-2(A); Ord. 031009-10; Ord. 031211-11.*

#### **7-2-5 FUNDING FOR ART.**

(A) Except as otherwise provided in this section, the council shall appropriate an amount equal to at least two percent of the construction cost of a project to select, acquire, and display art. The appropriation shall be a separate item in the project budget. This limitation does not apply if the council determines, after receiving a recommendation from the Arts Commission, that the project merits or requires a greater appropriation.

(B) Subsection (A) does not apply to a project with a construction cost of less than \$100,000.

(C) An appropriation under this section may not exceed \$300,000 for a water and wastewater treatment facility.

(D) If the council determines that a project is inappropriate for a display of art, the council shall transfer to the Public Art Fund for use at other appropriate public sites the amount of money required by this section. This does not authorize the transfer of money from one project to another if a legal restriction on the source of money prohibits the transfer.

*Source: 1992 Code Section 9-2-2; Ord. 031009-10; Ord. 031211-11.*

#### **7-2-6 BUDGET ESTIMATES.**

A City department head who prepares a budget, authorization request, or appropriation request for a project shall:

(1) consult with the art in public places administrator; and

(2) include in the budget or request the funding for art required by Section [7-2-5](#) (*Funding For Art*).

*Source: 1992 Code Section 9-2-2(A); Ord. 031009-10; Ord. 031211-11.*

#### **7-2-7 PROJECT REVIEW AND ART RECOMMENDATIONS.**

(A) Subject to the limitation of Subsection (B), the Art in Public Places Panel shall, with the advice of the art in public places administrator, review a project and make recommendations to the Arts Commission regarding appropriations for art and placement of the art.

(B) The Art in Public Places Panel may not recommend proposed art that requires extraordinary operation or maintenance expenses without the prior approval of the director of the department responsible for the art after installation.

(C) The Arts Commission shall review the recommendations of the Art in Public Places Panel and make recommendations to the city manager or the council, as appropriate.

*Source: 1992 Code Section 9-2-3(B) - (E); Ord. 031009-10; Ord. 031211-11.*

#### **7-2-8 GUIDELINES.**

(A) The Arts Commission shall establish guidelines for the implementation of this chapter. The commission shall consult with the Art in Public Places Panel and the art in public places administrator before establishing the guidelines.

(B) The guidelines shall include methods to:

- (1) determine whether a project is inappropriate for the display of art;
- (2) integrate art into a project;
- (3) identify suitable art objects for a project;
- (4) competitively select art;
- (5) select and commission artists;
- (6) encourage the preservation of ethnic cultural arts and crafts;
- (7) facilitate the preservation of art objects and artifacts that may be displaced by a project; and
- (8) administer this chapter.

*Source: 1992 Code Section 9-2-3(F); Ord. 031009-10; Ord. 031211-11.*

#### **7-2-9 ART PLACEMENT.**

The art funded by this chapter shall be an integral part of the project or be placed in, at, or near the project.

*Source: 1992 Code Section 9-2-2(C) and 9-2-4; Ord. 031009-10; Ord. 031211-11.*

#### **7-2-10 ART MAINTENANCE.**

(A) The City department at which art is displayed is responsible for maintenance of the art.

(B) The responsible City department shall obtain the approval of the art in public places administrator before performing art maintenance.

(C) The responsible City department shall perform art maintenance in accordance with the City's contractual obligations relating to the art, if any.

*Source: 1992 Code Section 9-2-3(G); Ord. 031009-10; Ord. 031211-11.*

#### **7-2-11 FEE WAIVERS.**

The following fees, as set by the City's annual fee ordinance, for a City-sponsored art project are waived:

- (1) Temporary Use of Right-of-Way Fee;
- (2) Excavation Fee;
- (3) Special Events Fee;
- (4) License Agreement Fee;
- (5) Site Plan Review Fee;
- (6) Site Exemption Review Fee;
- (7) General Permit Fee;
- (8) Building Permit Fee;
- (9) Electrical Permit Fee;
- (10) Plumbing Permit Fee;
- (11) Historic Review for Building Permit Fee;
- (12) Tree Permit Fee.

*Source: Ord. 20111103-010.*

**7-2-12 TITLE TO ART.**

Title to art required by this chapter shall vest in the City.

*Source: 1992 Code Section 9-2-5; Ord. 031009-10; Ord. 031211-11.*

# **Appendix I - Art in Public Places Ordinance**

# Appendix II - Art in Public Places Program Guidelines

## ART IN PUBLIC PLACES PROGRAM GUIDELINES

*(Revised 2/5/2004)*

### I. PURPOSE

The purpose of these guidelines is to establish a process for the selection, purchase, commission, placement, and maintenance of works of art via the expenditure of the monies generated through Ordinance #850926-0, generally referred to as the Art in Public Places Ordinance, originally signed into law on September 26, 1985, and amended by Ordinance #970904-B on October 31, 2002. This ordinance is understood to apply to only those projects which received approved funding after the effective date. These guidelines shall not be understood to apply to donated works of art, as those instances are covered by a separate donations policy.

### II. INTENT

- A. It is the stated intent of the Art in Public Places Ordinance to direct the inclusion of works of art in City construction projects in order to expand the citizens' of Austin experience with visual art and enable them to better understand their communities and their individual lives. By encouraging artists capable of creating works of art in public places, the Art in Public Places Program shall strive to stimulate the vitality and economy of the City and enhance Austin's standing as a regional leader in the arts. Thus, it is the goal of the Art in Public Places Program to expend the percent funds on works of art and art projects of redeeming quality which advance public understanding of visual art and enhance the aesthetic quality of public places. This goal shall be realized through:
1. The commission of artists and works of art of the highest quality, which represent an expression of our time, contribute to a sense of the City's identity, and entail some measure of public significance.
  2. The nurturing of the artistic vitality of the City of Austin through the encouragement of local artistic endeavors;
  3. The encouragement of public dialogue which increases public understanding and enjoyment of visual art, through appropriate public education forums and programs;
  4. The encouragement of public interaction with public places, areas which provide for public ownership and accessibility, via the placement of works of art;

5. The commission of a broad range of works of art, reflective of the overall diversity of current works in the field of visual art;
6. The commission of works of art varying in style, scale, medium, form and intent representative of the local, regional, national, and international arts communities;
7. The encouragement of artists to reach creative solutions to the aesthetic problems they have been employed to solve;
8. The broad distribution of commissions among artists and the encouragement of new and emerging artists;
9. The broad geographic distribution of works of art in the City of Austin;
10. The encouragement of true collaborative efforts between artists and architects, engineers, and landscape architects.

### III. DEFINITIONS

- A. “ARTS COMMISSION” - The Austin Arts Commission, as appointed by the City Council.
- B. “ART IN PUBLIC PLACES PANEL” - A standing committee appointed by the Arts Commission, responsible for advising the Commission on matters relating to the implementation of the Art in Public Places Ordinance. (See Section V.)
- C. “ARTIST” - A practitioner in the visual arts generally recognized by critics and peers as a professional possessing serious intent and ability who is not a member of the Project Consultant’s firm or employed thereby.
- D. “VISUAL ARTS PROFESSIONAL” - An artist, arts educator, art critic, arts administrator, arts dealer, designer, art historian, curator, fine art collector, architect, urban planner, or landscape architect who is well respected in his/her field, knowledgeable with regards to contemporary visual art, and willing to participate effectively in a panel process without conflict of interest.
- E. “WORKS OF ART or ARTWORK” - All forms of original creations of visual art which may be portable as well as permanent. To include but not limited to:

Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;

Sculpture of any form and in any material or combination of materials. To include statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration. Also included are reliefs, mobiles, kinetic, electronic and neon, sculptures;

Other works of visual art, such as inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, and prints. Also included are crafts both decorative and utilitarian in clay, fiber, wood, metal, glass, stone, plastic and other materials;

Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.

- F. "PROJECT CONSULTANT" - Any firm, individual, joint venture or team of firms or individual with which the City contacts, as selected by the Council, for design consulting services related to constructions projects.
- G. "CONSTRUCTION PROJECT" - Any capital project paid for wholly or in part by the City of Austin to construct or remodel any building, decorative or commemorative structure, park, or parking facility or any portion thereof.
- H. "CAPITAL IMPROVEMENT PROGRAM (CIP)" - The City's program for advance planning of capital developments.
- I. "ELIGIBLE PROJECT" - A construction or remodeling project, as defined above, for which the source of funds is not restricted by law or regulation as to its use for artworks.

The Ordinance extends to the construction or remodeling of all buildings, as defined by the City's Comprehensive Zoning Ordinance and irrespective of its function; decorative commemorative structures; new streetscapes or street improvement project; bridges, including but not limited to the incorporation of an artistic feature into the structural design; water or wastewater treatment facilities and 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; parks (including but not limited to swimming pools, land development, playscapes, picnic structures, jogging trails, restroom facilities, and athletic courts); or parking facilities (public lots, garages, parking terminals or other structures or accommodations for the parking of motor vehicles off the street or highway, and includes equipment, entrances, exits, fencing, and other accessories necessary for the safety and convenience in the parking of vehicles), or any portion thereof. However, the Ordinance does not extend to underground water and sewage lines, street repair and street reconstruction, electrical transmission and distribution lines, electrical sub-stations, and/or water pumps stations.

In order to be considered eligible for the Art in Public Places Program, a remodeling project must provide a new use for or an addition to an existing space by making structural changes. This shall be understood to include rehabilitation projects which extend the useful life of a structure as well as restoration projects which return a structure to a previous condition. Examples of such projects would include the construction of office space from existing storage space, the addition of a wing to an existing structure, and the restoration of a structure such as that of the Old Main Library. Because of the administrative costs associated with the transfer of funds and the selection of an artist, a project must have an original estimated construction cost of \$100,000 or more in order to be considered eligible.

Purely decorative remodeling projects such as new carpeting, painting, or the installation of portable partitions shall not be considered eligible projects. Normal maintenance and repair to an existing structure such as the replacement of a roof, broken windows, or out-dated heating/cooling systems shall not be considered eligible projects. If, however, these costs are part of a larger eligible project, then they shall be included in the total construction cost on which the 2% is assessed.

The Art in Public Places Ordinance extends to construction and remodeling projects planned through the City of Austin's biennial capital improvement planning process (CIP) as well as those planned at the departmental level. CIP projects are generally funded either through bond propositions or current revenues, whereas non-CIP projects are funded through the annual operating budgets. The Ordinance states that in no case shall the 2% dedication exceed \$300,000 for water or wastewater treatment facility. For CIP projects a single City construction project is identified by a serial number, which is included as a line item in a single approved bond proposition and/or in an approved annual capital budget. As non-CIP projects are not indicated on a line item basis in a departmental budget, identification of a single construction project under the Art in Public Places Ordinance and Guidelines must be determined on a case-by-case basis between the Administrator, the appropriate department representative, and representative of the Financial Service Department.

Pursuant to the Ordinance, the Art in Public Places Panel may through the Arts Commission, recommend that the City Council make an exception to this limitation for those City construction projects which merit or require a larger expenditure by virtue of the project scale or function; provided, however, such recommendations must be made and reviewed by City Council during the course of the normal budget process.

- J. "STREETSCAPE" - An improvement to a public right-of-way, including a sidewalk, tree, light fixture, sign, and furniture.

- K. “USER DEPARTMENT” - The City Department which will occupy or otherwise administer the use of the project upon its completion. Where more than one department is involved, the user departments shall have the authority to decide who represents them.
- L. “ADMINISTRATOR” - The staff person hired by the Director of Economic Growth & Redevelopment Services Office to coordinate and facilitate the implementation of the Art in Public Places Ordinance as adopted by the City Council of the City of Austin.
- M. “ELIGIBLE COSTS” - The original estimated construction cost as defined in the Art in Public Places Ordinance. Any costs related to the construction of the project which are not specifically excluded by said definition shall be included in the calculation of the two percent (2%) assessment.
- N. “CONSTRUCTION COST” - As defined in the Ordinance to mean the total City-funded portion of a City construction project as originally estimated, excluding demolition, equipment, and land acquisition costs, costs for fees and permits as well as those costs associated with debt issuance.
- O. “MANAGING DEPARTMENT” - The City Department responsible for the implementation of the design and /or construction of all City of Austin owned facilities.
- P. “PROJECT MANAGER” - The City staff person charged with the responsibility for the implementation of the design and/or construction of the City of Austin owned facility which meets the definition provided hereinabove for an eligible project.
- Q. “NEW GENRES” – including but not limited to video, electronic, digital art, holography, and other new art forms as they evolve.

#### IV. APPROPRIATION AND ALLOCATION OF FUNDS

- A. All City Department Heads and the Director of Financial Services shall, after consultation with the Art in Public Places Administrator, include in all estimates of necessary expenditures and all requests for authorizations and appropriations for City construction projects, an amount for art equal to at least two percent (2%) of the original estimated construction cost of any eligible project. For CIP construction projects the original estimated construction cost shall be that estimated in the CIP for the year in which such funding is approved by the City Council. For non-CIP construction projects subject to the provisions of the Ordinance, the original estimated construction cost shall be that amount initially authorized in the departmental budget by the City Council. If the source of funding or appropriate law with respect to any particular project precludes art as an

object of expenditure, the amount of funds so restricted shall be excluded from the total project cost in making the aforesaid calculation.

- B. The minimum amount to be appropriated for art shall be the total City-funded portion of the construction cost for the City Construction project, divided by one hundred (100) and multiplied by two (2).
- C. For those projects which are only partially funded by the City of Austin, the two percent (2%) assessment shall be based on the City's portion of the original estimated construction cost. All City grant applications for federal, state, or county support of eligible construction projects shall include a request for funds for the purpose of the Art in Public Places Program. Additionally, the City of Austin shall actively seek to encourage its partners in all joint public/private ventures to participate in the Art in Public Places Program.
- D. As provided in the Ordinance, the Art in Public Places Panel, with the Administrator, shall make periodic reviews, at least annually, of all CIP projects and other City construction projects. This review shall occur during the City of Austin's biennial CIP process and annual operating budget process, for the purposes of making recommendations to the Financial Services Department regarding appropriations for works of art and art projects.
- E. Public Art Funds shall be established by the City of Austin for the purposes of administering the Art in Public Places Program. The funds contained in said accounts shall be used for the selection, acquisition, installation, and substantive structural repair and maintenance of art and art projects commissioned and/or purchased through the Art in Public Places Program. One account for all general fund departments shall be established within the Economic Growth & Redevelopment Services Office and separate fund(s) shall be established for the enterprise fund departments.

As provided in the Ordinance, the City Council shall appropriate the two percent monies to the proper Public Art Fund concurrent with the appropriation to fund the related City construction project. These Public Art Funds shall be maintained in accord with accepted governmental accounting procedures. All appropriations to and allocations from the various Public Art Funds shall occur in accord with any legal restrictions associated with the source of funds.

- F. As provided in the Ordinance, in the event that an eligible project is deemed inappropriate for the siting of public art by the Art in Public Places Panel, the 2% monies shall be appropriated to the proper Public Art Fund, for use at other more appropriate public sites, unless prohibited by any legal restrictions associated with the source of funds.

- G. The Art in Public Places Panel shall allocate funds for artwork projects subject to their legality of expenditure according to source. Given the specific use limitation on a wide variety of fund sources (general obligation bonds, revenue bonds, grants, operating budgets, etc.), eligibility of expenditure must be determined on a case-by-case basis in consultation with the appropriate City Departments.
- H. The City Manager or his or her designee shall authorize all disbursements from the Public Art Funds.

V. COMPOSITION AND FUNCTION OF THE ART IN PUBLIC PLACES PANEL

- A. The Art in Public Places Panel, appointed by the Arts Commission, shall have seven (7) members and serve as a standing committee of the Arts Commission. The Art in Public Places Panel shall be comprised of one representative from the Arts Commission and others as the Commission might appoint. At a minimum the Panel's membership shall include five (5) visual art professionals, two of whom shall be representatives from the environmental design fields (architecture, landscape architecture, urban planning/design). Selection of the panelists shall reflect the ethnic, artistic, economic, and demographic diversity of the community. All panelists shall possess knowledge of contemporary visual art. Panelists shall serve two-year terms for no more than three consecutive terms. The Director of Economic Growth & Redevelopment Services Office or his designee shall serve ex-officio without vote. The Panel shall elect its own Officers and establish by-laws. Staggered terms shall be provided for by the drawing of lots such that three members of the first panel shall agree to serve for only one year.
- B. The primary functions/responsibilities of the Art in Public Places Panel are to:
  - 1. Assist the Arts Commission in the promulgation of guidelines to implement the provisions of the Art in Public Places Ordinance, including methods of selecting artists and commissioning works of art;
  - 2. Provide review responsibilities for the provisions of the Art in Public Places Ordinance and its Guidelines;
  - 3. Make recommendations regarding appropriations for works of art and art projects, through the Arts Commission, the City Council or City Manager;
  - 4. Review, on a biennial basis, the artwork projects of the Art in Public Places Program as a reflection of the intent of the Art in Public Places Ordinance and Program.

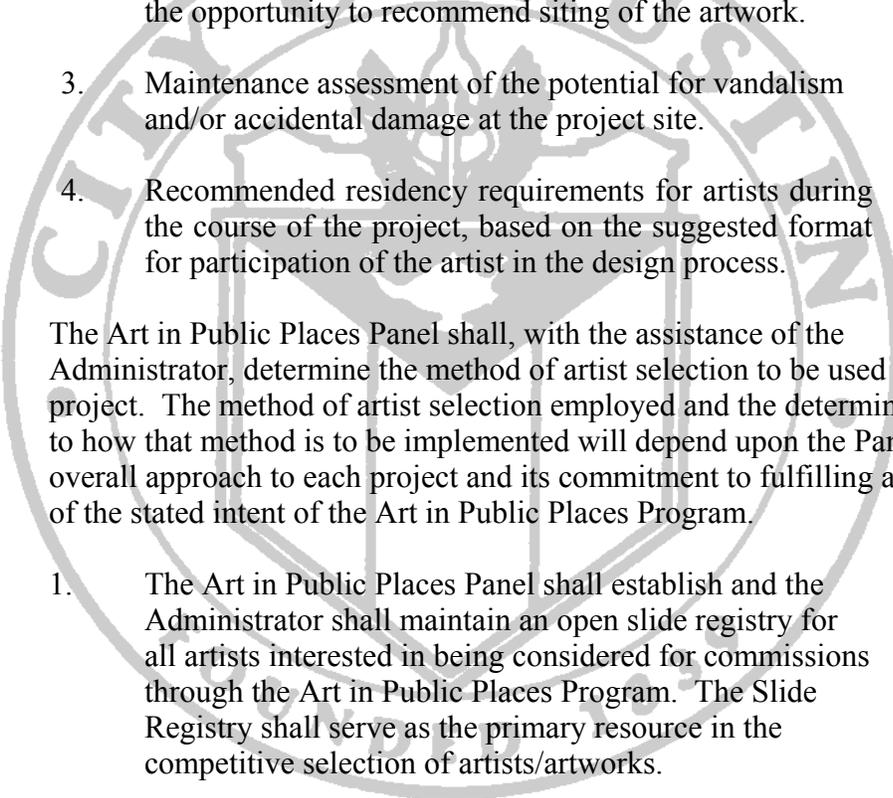
## VI. DEVELOPMENT OF AN ART IN PUBLIC PLACES PROJECT

Art in Public Places projects may occur in, at, or near public buildings, parks, and open spaces. These may be sites which are under development or existing sites where construction is complete. The Art in Public Places Panel, with the assistance of the Administrator, shall on an on-going basis actively explore potential sites for Art in Public Places projects. In this, the Panel shall seek the input of various City Departments as well as the community at large, to identify both future planned and existing sites. Once an Art in Public Places project is developed, information will be disseminated, as appropriate through the media and mailings, well in advance of the selection process to provide artists adequate time to prepare any necessary submissions.

For sites under development, it is preferable to involve the artist in the earliest phases of the design process to ensure a totally integrated solution. Therefore, at the earliest time possible, all City Departments shall inform the Art in Public Place Panel, through the Administrator, of proposed or planned eligible construction projects. This will allow the Art in Public Places Panel time to adequately review the project's potential for incorporation of artwork and to plan for an appropriate artwork project. The Department responsible for an eligible construction project shall subsequently keep the Administrator apprised of the selection of the Project Consultant. Additionally, provisions for the artwork project shall be appropriately included in the design program for the construction project. The development of an Art in Public Places project and subsequent selection of an artist shall commence immediately upon the selection of the Project Consultant.

Once a project is developed, the Art in Public Places Panel with the Administrator shall recommend to the Arts Commission, in the form of a written prospectus, the overall approach and selection process for each artwork project. This prospectus will strive for a solution that will allow for the artwork, whether purchased or commissioned, to be appropriate to the particular project site. This prospectus can provide for the direct purchase of an existing work(s) of art, the selection of an artist(s) to complete a specific work(s) of art, or the selection of an artist(s) to participate in a design team approach with project consultants.

- A. The Art in Public Places Administrator shall research the background of each eligible project, consulting with the user department, project consultant, project manager, and community representatives. This information shall be recommended to the Art in Public Places Panel for finalization in the form of parameters regarding:

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1. Recommended format for participation of the artist in the construction project's design process and/or media.
  2. Recommended location(s) within the site. Siting of the artwork may be determined prior to the selection of an artist or proposed by the artist selected for the project. In the case of sites under development, it is preferable to allow the artist and the project consultant to coordinate the location of the artwork within the construction project. In the case of existing sites where construction is complete, the final location shall be determined by agreement between the City departments involved and the Art in Public Places Panel, with the appropriate approval of any Boards or Commissions. In either case, whenever possible, the artist selected should be given the opportunity to recommend siting of the artwork.
  3. Maintenance assessment of the potential for vandalism and/or accidental damage at the project site.
  4. Recommended residency requirements for artists during the course of the project, based on the suggested format for participation of the artist in the design process.
- B. The Art in Public Places Panel shall, with the assistance of the Administrator, determine the method of artist selection to be used for each project. The method of artist selection employed and the determination as to how that method is to be implemented will depend upon the Panel's overall approach to each project and its commitment to fulfilling all aspects of the stated intent of the Art in Public Places Program.
1. The Art in Public Places Panel shall establish and the Administrator shall maintain an open slide registry for all artists interested in being considered for commissions through the Art in Public Places Program. The Slide Registry shall serve as the primary resource in the competitive selection of artists/artworks.
  2. The Art in Public Places Panel shall maintain the following general guidelines regarding the methods of artist/artwork selection which may be employed for a particular project:
    - a. Open Entry competition - Any artist is eligible to enter, with recognition of the possible residency requirements. The site and prospectus are appropriately advertised. Artists may be asked to submit

slides of their past work, resumes, and letters of intent related to the specific project or specific proposals for the project under review.

- b. Limited Entry Competition - The jury invites a limited number of artists to participate in the selection process. The artists selected may be asked to submit slides of past work or proposals based on the project prospectus. The names of the artists invited to participate shall be publicly announced upon receipt of written acceptance of the invitation.
- c. Direct selection of the Artist - An artist is invited to participate in the project and may be asked to develop a proposal for the project. If desired, a team of several artists may be put together.
- d. Direct Purchase of an Existing Artwork - A completed work of art is purchased. No more than ten percent of the cost of the work may go toward a dealer or agent.

3. In the case of a limited competition and direct selection, an artist may be asked to develop an artwork proposal for a specific Art in Public Places project. If asked to develop a proposal, an artist may be paid a proposal fee on the basis of an approved fee schedule. This schedule shall be determined by the Art in Public Places Panel and consist of a sliding schedule based on the total project commission.

- C. The Art in Public Places Panel shall determine the jury format most appropriate to each project, to include the number of jurors, the necessary expertise and recommended jurors.
- D. The Art in Public Places Panel shall then recommend to the Arts Commission, in the form of a written prospectus, the overall approach to the project including the method of artist selection and the format for jury selection. The Arts Commission shall subsequently review and approve the prospectus in an expedient manner (at the next full meeting of the Commission), so as to ensure the timely selection of an artist.

## VII. JURY SELECTION AND RESPONSIBILITIES

For each Art in Public Places Project, an independent jury of visual art professionals shall be established for the purposes of making an artist/artwork recommendation. The following guidelines shall be used by the Art in Public Places Panel in the development of a jury for each project and in determining the jury's responsibilities:

- A. The Art in Public Places Panel shall establish and the Administrator shall maintain a file of potential jurors containing information on the experience and expertise of qualifying individuals to serve in this capacity.
- B. The artist/artwork for each project shall be recommended by a jury to the Art in Public Places Panel, with the format for the jury selection approved by the Arts Commission. The Art in Public Places Panel shall have the option of constituting itself as a jury. No gallery owner, dealer, or art agent may serve as a juror due to the potential for conflict of interest. No juror may serve more than once in any two-year period, in an attempt to bring a diversity of interests to the selection process and to more precisely match the expertise of the jury members to each project.
- C. The Art in Public Places Administrator shall facilitate the selection of each jury and subsequently serve as staff to that jury.
- D. Each jury shall be comprised of either three or five jurors, depending upon the size and complexity of the individual project.
- E. Each three-member jury shall include at least one visual artist, and each five member jury shall include at least two visual artists. Other jurors shall be chosen from among the fields of visual art professionals. Additionally, each three-member jury shall include at least one local juror, and each five-member jury shall include at least two local jurors.
- F. Each jury shall be aided by a non-voting, advisory panel. This panel shall be appointed by the Art in Public Places Administrator on a project-by-project basis. The panel shall include at least one person connected with those who will be in constant contact with the facility where the artwork will be placed. This individual(s) may be a City employee or a community representative, depending on the nature of the project. The advisory panel shall also include the project manager, the project consultant, and a representative of the user department.
- G. Jury payment for professional services rendered shall be determined by the Administrator, in consultation with the Art in Public Places Panel, and recommended to the City Manager or his designee for the approval of disbursement. Such contractual payment shall be in keeping with the standards of the field, not to exceed a maximum of \$250 per day plus food, travel and lodging expenses. Anyone receiving compensation by the City as either a full-time employee or a separate consultant, members of the Arts

Commission who may serve as jurors and any members of the Art in Public Places Panel who serve as jurors may not receive compensation as a juror.

- H. The Art in Public Places Panel shall issue written instructions to jurors detailing the jury's duties and responsibilities relating to the project, prior to the first meeting of the jury. These instructions shall outline the method by which the jury is to make its selection as well as the technical and aesthetic criteria on which that selection is to be based. The jury shall adhere to these written instructions and criteria in making its recommendation.
- I. The Administrator shall, in consultation with the Art in Public Places Panel, determine the overall budget for the selection of an artist and the commission of a work of art, prior to the first meeting of a jury. This budget shall be recommended for approval to the City Manager or his designee. This budget shall be based on the scope of the project and the proposed method of selection. Expenses related to the selection of an artist will be kept to a necessary minimum as required by each project. The jury shall adhere to this budget, except in the instance where it is proven to be inappropriate, at which time the initial budget may be altered to accommodate the new conditions, subject to the approval of the City Manager or his designee.
- J. Each juror shall have one vote, with no juror possessing the right to veto. If a consensus cannot be reached by the jury within a reasonable amount of time, as determined by the Art in Public Places Panel and the Administrator, then a vote shall be taken with the majority carrying the decision.
- K. The jury shall have the option of making no recommendation, if there is no proposal judged to be of sufficient merit. In such instances the matter shall be referred back to the Art in Public Places Panel for resolution, which may include a new selection process or the abandonment of the project.

#### VIII. CRITERIA FOR SELECTION OF ARTISTS AND/OR ARTWORK PROJECTS

- A. All Art in Public Places projects are open to any professional artist, within a project's possible residency requirements as delineated by the Art in Public Placed Panel. Members of the project Consultant's firm or anyone employed thereby, members of the jury, or employees of the City of Austin shall be excluded from consideration.
- B. Artists shall be selected on the basis of the appropriateness of their proposal to the particular project and its probability of successful completion, as indicated by the merit of their past work. In the case of the design team approach, an artist's willingness to fully participate in a collaborative process shall also be considered a criterion for selection.

All Art in Public Places Projects are budgeted for a pre-determined amount.

- C. In making its selection, the jury shall bear in mind the purposes of the Art in Public Places Program, always aiming to achieve the highest aesthetic quality.
- D. The jury shall, in making its selection, give due consideration to the appropriateness of the proposed design in terms of its scale, form, content and design with respect to its immediate and general, social and physical environment.
- E. The jury shall also give due consideration to the proposed design, its materials and construction for questions of durability, maintenance, public access, appropriateness, safety, and security.
- F. The aforementioned criteria are the minimum aesthetic criteria upon which the jury shall base its selection. Other criteria may be established by the Art in Public Places Panel as dictated by a project's particular requirements. Any additional criteria shall be outlined in the jury's written instructions.

#### IX. REVIEW OF THE JURY'S SELECTION

The jury's recommendation shall be transmitted to the Art in Public Panel in the form of a written report. The preparation of this report shall be facilitated by the Art in Public Places Administrator.

*In reviewing the jury's recommendation, the Art in Public Places Panel and the Arts Commission shall take into account the Art in Public Places Program's goal of developing a diverse collection, its commitment to the jury process and the role of the Commission as a bridge between the arts community and the City of Austin. These considerations should outweigh individual aesthetic preferences in the Panel's and the Arts Commission's review of the jury's selection.*

- A. As stated in the Ordinance, it is the initial responsibility of the Art in Public Places Panel to recommend the placement of works of art and art projects. The Panel shall review the jury's recommendation to determine if the process for selection was properly implemented, if the jury responded appropriately to the project prospectus, and if the recommendation satisfies the intent of the project. If the Panel determines that the procedure for selection was improperly implemented, the Panel shall have several options including returning the matter to the jury for clarification, requesting that the jury recommend a different artist, developing a new program or convening a new jury panel.

Prior to the Panel's recommendation being forwarded to Arts Commission, the user and managing departments responsible for housing the work shall be requested to view the proposal for technical feasibility and maintenance expenses. In cases where legitimate problems are demonstrated to the satisfaction of the Art in Public Places Panel, the jury may be reconvened to select an alternative work.

Once the Art in Public Places Panel approves the jury's selection, it will be recommended to the Arts Commission for a formal vote.

- B. The Arts Commission shall review the recommendation of the Panel on the basis of procedural matters, to ensure that the prospectus, as approved by the Commission, was appropriately responded to through the selection process. In the event that the Commission has questions regarding the selection process, those questions shall be referred, in writing, back to the panel for clarification.
- C. The Arts Commission's recommendation shall be forwarded to the City Council or the City Manager, as appropriate, in the form of a proposed contract for the purchase or commission of a work of art. The City Manager or City Council shall, in keeping with the City Charter, determine if the proposed contract is consistent with all relevant Ordinances and City purchasing policies.

In the instance that the Arts Commission's recommendation is disapproved, the matter shall be returned to the Arts Commission for further review.

## X. PROJECT IMPLEMENTATION AND DOCUMENTATION

- A. Upon approval of the Arts Commission's recommendation by the City Manager or City Council the City of Austin shall contract with the artist(s) for services or for the purchase and installation of a specific artwork. In general, Art in Public Places Project contracts shall require the artist(s) to produce, deliver, and install a work of art for a guaranteed maximum cost and by a predetermined time, which is in keeping with the construction project schedule. Depending on the nature of the project, performance by the artist may be contractually ensured through phased payment for work completed and/or professional liability coverage. The Administrator shall work with the artist to determine the appropriate budget for each project to ensure that all necessary costs are met, and the Art in Public Places Panel shall approve the final budget. In addition, the artist may be asked to make a public presentation at an appropriate time and in an appropriate forum in the community where the work is to be sited.

- B. Prior to the construction of a work of art, the artist must obtain approval of the final design by both the Art in Public Places Panel and the Arts Commission. In the case of an artist who has contracted with the City of Austin to produce a specific work of art, approval of the design prior to the signing of that contract shall be considered sufficient. If, however, the design changes substantially from that which was initially approved, the artist must return to the Panel for subsequent review. The Art in Public Places Panel and Administrator shall have full authority to determine what constitutes a substantive change in the design.

In the case of a design team approach, it shall be the primary responsibility of the artist and the project consultant to collaborate on the design of the artwork and its relationship with the site. The artist shall be required to bring then design, in its formative stages, back to the Art in Public Places Panel for review. This review shall appropriately parallel the consultant's presentations of schematic, design development, and construction document to the user and managing departments. The stage at which final approval of the design occurs will vary from project to project, and shall be specifically set out in the artist's contractual agreement with the City of Austin.

- C. All project consultants expressing interest in an eligible construction or renovation project shall be advised of the Art in Public Places Program requirements and guidelines. The consultant selected and appropriate City representatives shall work closely with the Administrator in the development of the artwork project and with the jury in the selection of the artist/artwork. The consultant shall incorporate the requirements of the work of art into the construction documents, including time of delivery and installation.
- D. On site activity in connection with the installation of artwork shall be handled by the artist, the Art in Public Places Administrator, and the appropriate City representatives within the departments having jurisdiction over the site and/or construction.
- E. The Art in Public Places Administrator shall function as a liaison between the artist and the various City Departments involved in the completion of each artwork project. In instances where construction matters cannot be resolved between the artist and the consultant, the project manger shall have final authority.
- F. The Administrator shall establish and maintain appropriate records on each project, which shall include the contract with the artist, records of the Panel's and Commission's actions, interdepartmental agreements, all billings made in connection with the project and all correspondence related to the project. In addition, the Administrator shall maintain records particular to the project to ensure adequate standards of documentation, registration, care, and installation of the artwork.

## XI. MAINTENANCE OF WORKS OF ART

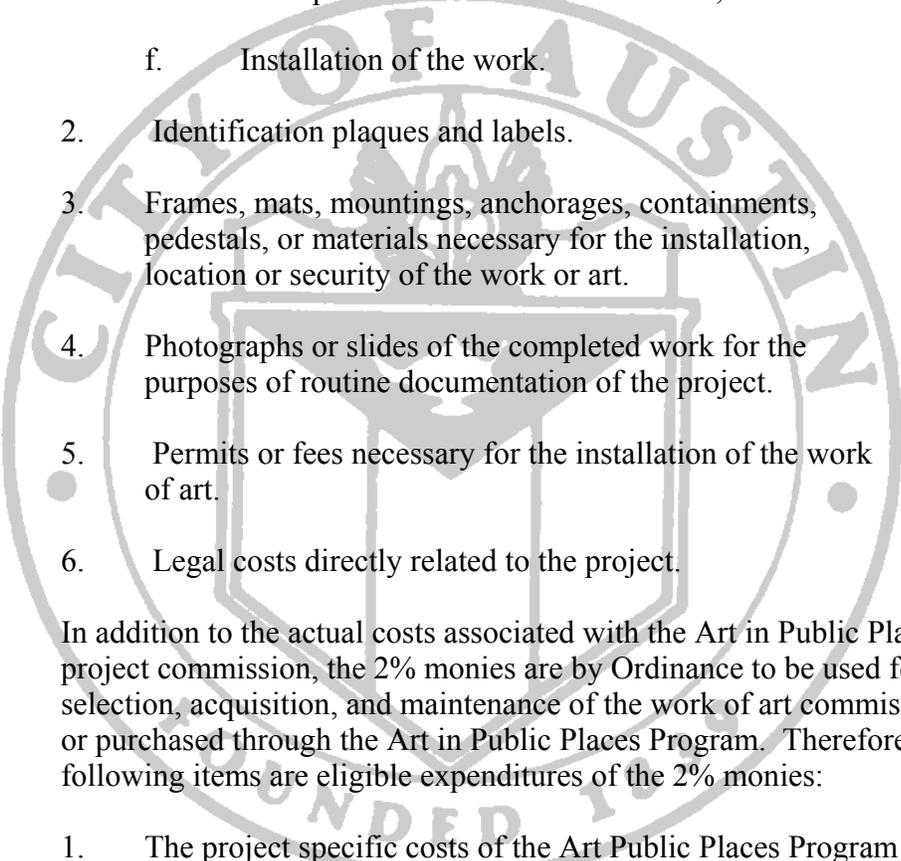
- A. The Art in Public Places Panel shall make an annual review of the City's Public Art Collection for the purposes of a maintenance needs assessment. The Panel, through the Arts Commission, shall communicate those needs and the appropriate actions required to meet those needs to the various user departments.
- B. The works of art acquired through the Art in Public Places Ordinance become the property of the City of Austin and are held in trust by the User Department. Therefore, the expenses associated with the routine maintenance and operation of each artwork shall be incurred by the user department and considered to be part of the routine maintenance of the facility. Routine maintenance shall be understood to include such things as the periodic cleaning of a work and operational costs such as water in the case of a fountain. Any substantive repair of the work, such as structural repair, shall be considered to be an expense of the related Public Art Fund.

Per the Ordinance, no maintenance or repair work shall be performed by the user department without the prior written consent of the Art in Public Places Administrator. Additionally, the user department shall not move any work of art from the site for which it was selected, nor remove it from display, without the prior written consent of the Arts Commission and in conformance with legal restrictions regarding the source of funds for that work of art.

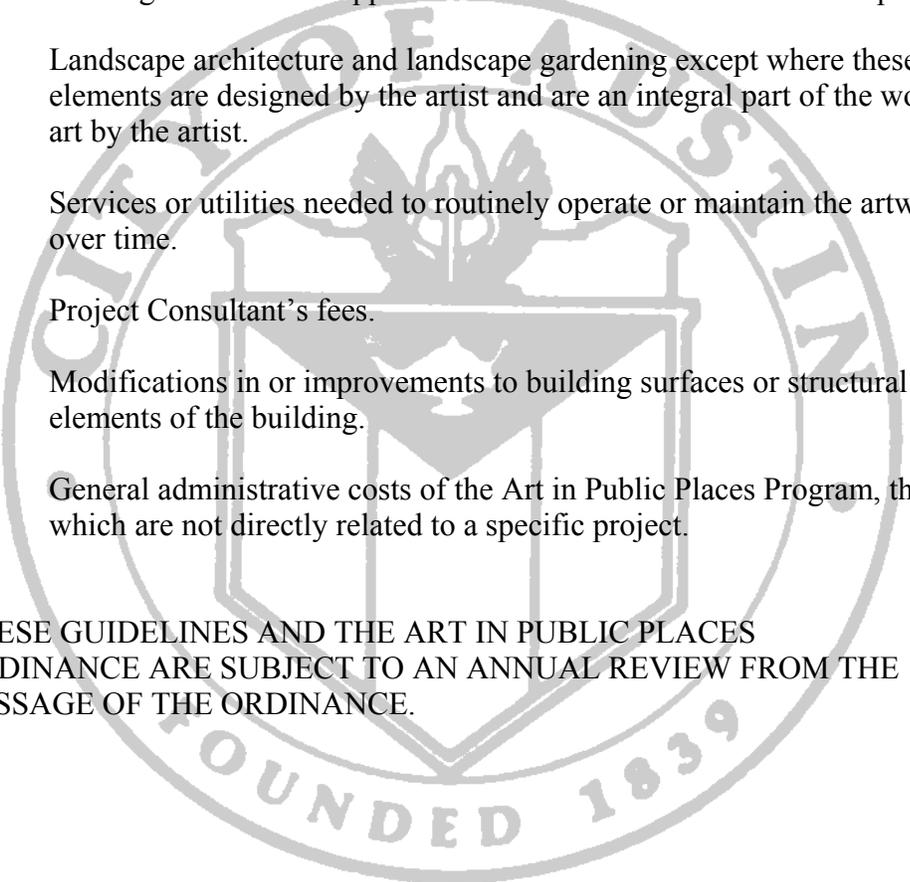
- C. So far as practical, in the event repair of the artwork is required, the City shall give the artist the opportunity to do that work for a reasonable fee. Disputes concerning what constitutes a reasonable fee shall be settled by a panel of three visual art professionals with knowledge of curatorial concerns, to be appointed by the Arts Commission. If the artist declines to perform the needed repairs for such a fee, the City may solicit bids from qualified conservators and award a contract to the conservator presenting the lowest and most responsible bid, if the fee is in excess of Five Thousand Dollars (\$5,000.00).

## XII. ELIGIBLE COSTS FOR TWO PERCENT MONIES

- A. All Art in Public Places contracts shall require the artist to design, produce, deliver and install a work of art for a guaranteed maximum cost. This cost may include the cost of the work itself and any associated costs which may be required by the City of Austin or inherently related to the implementation of the project. Therefore the following costs are eligible expenditures for the 2% monies included in the total project commission:

- 
1. The work of art itself, including but not limited to:
    - a. Artist's design fee;
    - b. Additional labor, materials, and contracted services required for the production and installation of the work;
    - c. Artist's operating expenses related to the project;
    - d. Travel related to the project;
    - e. Transportation of the work to the site;
    - f. Installation of the work.
  2. Identification plaques and labels.
  3. Frames, mats, mountings, anchorages, containments, pedestals, or materials necessary for the installation, location or security of the work or art.
  4. Photographs or slides of the completed work for the purposes of routine documentation of the project.
  5. Permits or fees necessary for the installation of the work of art.
  6. Legal costs directly related to the project.
- B. In addition to the actual costs associated with the Art in Public Places project commission, the 2% monies are by Ordinance to be used for the selection, acquisition, and maintenance of the work of art commissioned or purchased through the Art in Public Places Program. Therefore the following items are eligible expenditures of the 2% monies:
1. The project specific costs of the Art Public Places Program associated with the selection and acquisition of artwork.
  2. Jury honoraria expended for the purposed of selecting the artwork.
  3. Payment for artists invited to submit proposals for a project.
  4. Substantive structural repair and maintenance of the works of art commissioned through the Art in Public Places Program.

### XIII. INELIGIBLE COSTS FOR THE TWO PERCENT MONIES

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- A. Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original works of art.
  - B. Art objects which are mass produced of standard design such as playground equipment or fountains.
  - C. Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
  - D. Decorative, ornamental, or functional elements which are designed by the building consultant as opposed to an artist commissioned for the purpose.
  - E. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist.
  - F. Services or utilities needed to routinely operate or maintain the artwork over time.
  - G. Project Consultant's fees.
  - H. Modifications in or improvements to building surfaces or structural elements of the building.
  - I. General administrative costs of the Art in Public Places Program, those which are not directly related to a specific project.
- XIV. THESE GUIDELINES AND THE ART IN PUBLIC PLACES ORDINANCE ARE SUBJECT TO AN ANNUAL REVIEW FROM THE PASSAGE OF THE ORDINANCE.

## **Appendix III - Artwork Donation and Loan Policy**



**CITY OF AUSTIN ARTWORK DONATION  
AND LOAN POLICY AND APPLICATION**

Adopted by City Council on March 21, 2013

Revised and Approved by City Council on December 11, 2014

# ARTWORK DONATION POLICY

## I. STATEMENT OF PURPOSE

The City of Austin is committed to building a collection of high-quality public art for the enjoyment and enrichment of citizens and visitors. That commitment includes providing a means by which individual citizens or organizations may propose artwork donations to be included in the City's artwork collection. This policy outlines the process through which artwork proposals are reviewed and accepted or rejected by the City of Austin. The objectives of this policy are to

- Provide uniform procedures for the review and acceptance of gifts and loans of works of art for the City of Austin;
- Establish consistent review criteria that strike an appropriate balance between high aesthetic standards and city business use;
- Maintain high artistic standards in works of art displayed by the City of Austin; and
- Encourage or facilitate recognition of the artistic community.

## II. DEFINITION OF TERMS

**Aesthetics:** Artistic merit of the work of art, including consideration of its artistic, social, and/or historical significance.

**Appraisal:** A professional, certified evaluation of an artwork—its authenticity, condition and provenance—to determine its monetary value.

**Art in Public Places (AIPP) Panel:** Seven-member panel of visual arts professionals appointed by Arts Commission to review AIPP projects and make recommendations to the Arts Commission regarding appropriations for art and placement of art.

**Arts Commission:** A board of arts professionals appointed by members of City Council in order to foster and assist the development of the arts in the city, the Arts Commission serves as an advisory body to the City Council in all arts-related matters, including long-range planning, allocations, and coordination with the comprehensive plan.

**Artwork (or Work of Art):** Original art in various mediums, including but not limited to any portable or permanently fixed sculpture, mural, painting, drawing, earthwork, mixed media work, or time-based work (moving images or sound-based art), created by a professional artist, artists, or collaborative team. The artwork or identifying plaque cannot contain advertising or promotional content relating to living persons or to organizations, institutions, or businesses currently operating. (A plaque accompanying the artwork, which provides the name of donor, artist, or artwork, shall not be considered advertising.)

**Cultural Arts Division (CAD):** A division of the Economic Development Department of the City of Austin, CAD provides leadership and management for the City's cultural arts programs and for the development of arts and cultural industries as an economic

development strategy on behalf of the City. CAD guides the Citywide Artwork Donation and Loan Review process.

**Department Review Committee (DRC):** A committee of relevant City department staff and/or external stakeholders identified by the Department Director or his/her designee who manages the City property upon which the artwork is proposed to be sited. This committee evaluates proposals of donations based upon stated criteria, including Site, Installation, Maintenance, Financial, Liability, Timeliness, and Special Conditions.

**Donation:** An artwork or a series of artworks gifted to the City for long-term public display with intent to transfer title of ownership to the City.

**Gifts of State:** Items officially given from one country to another as a sign of goodwill.

**Impervious Cover:** A surface that blocks water from going into the soil (e.g., highways, streets, parking lots, sidewalks, large paved areas).

**Loan:** An artwork of which ownership is retained by the donor during period of display on City property.

**Parks and Recreation Department (PARC):** City of Austin department that oversees City parkland and recreation facilities.

**Public Art Fund:** A fund designated by the Art in Public Places Ordinance for the purposes of new project construction, repairs, and conservation of artworks, and managed by the Cultural Arts Division.

**Professional Artist:** A person who has established a reputation of artistic excellence, as judged by peers and through a record of exhibitions, public commissions, sale of works, or educational attainment.

**Prominent Location:** An exterior location that is accessible to the public, enjoys high visibility, and is used or visited by a large number of visitors and/or city residents.

**Provenance:** The history of an artwork and its creation and ownership, which is used to help establish its authenticity. Documents used for provenance include sales receipts, auction and exhibition catalogs, gallery labels, letters from the artist, and statements from people who knew the artist or the circumstances of creation of the artwork.

**Roy C. and Ann Butler Hike and Bike Trail:** The 10-mile trail encircling Lady Bird Lake intended for non-motorized traffic. For the purposes of this policy, Butler Hike and Bike Trail shall also include bridges along the trail, including Crenshaw Pedestrian Bridge, Pfluger Pedestrian Bridge, First Street (Drake) Bridge, Congress Avenue (Ann Richards) Bridge, I-35 Bridge, and Longhorn Dam.

**Town Lake Park:** The parkland area bordered by Lady Bird Lake to the north, the First Street (Drake) Bridge to the east, Barton Springs Road to the south, and Lamar Boulevard to the west, as defined by *Approaches to Public Art for Town Lake Park*, a conceptual master plan for the development of the area.

**User Department:** The department within the City of Austin deemed responsible for long-term care and maintenance of artworks that are sited within its physical boundaries or determined by operations/business use.

**Working Group:** A body established by a board or commission and consisting of less than a quorum of the board, to which the board delegates a defined matter or matters for consideration and recommendation to the board. A working group is automatically dissolved after it reports its recommendations. The board may appoint a non-member or non-members to serve on a working group.

### **III. GUIDELINES FOR ARTWORK DONATIONS AND LOANS**

When artwork donations and loans are proposed for placement with any City of Austin agency or department, such proposals shall be reviewed by entities that may include but are not limited to City employees, community stakeholders (individuals or groups), and a Working Group. The process outlined below assumes that the Donor has an artwork proposal in the form of drawings or photos and/or a maquette or model, *or* has a finished work of art to donate.

#### **Review Process (Step-By-Step) for Permanent Artwork Donation and Loans:**

**STEP 1:** The potential Donor submits a completed Artwork Donation Application or Artwork Loan Application with required attachments to the Cultural Arts Division (CAD). CAD staff shall assemble the appropriate City Department Review Committee (DRC). It is recommended that the Donor discuss the proposal with CAD staff prior to completing the form, as this may be helpful and time-saving and will ensure that the application is complete.

**STEP 2:** CAD staff facilitates a presentation by the Donor to the DRC, which then evaluates the application based upon all of the criteria listed below (see **Review Criteria**). The purpose of this review is to determine the feasibility of the artwork.

The User Department has the discretion to consult with a professional art conservator or other qualified professional to review the proposal and provide recommendations. The User Department also has the discretion to present to any of its respective boards and commissions prior to Arts Commission action. Departments have the ability to conduct additional internal or external reviews or presentations if increased public dialogue warrants, or to postpone review and recommendations if a proposed site is currently involved in master planning.

**STEP 3:** The application and the DRC recommendation are presented to the Arts Commission. The Arts Commission may form a Working Group and appoint a Chair for further review and recommendation or refer to the AIPP Panel for review and recommendation. The Arts Commission shall consult the DRC to determine the appropriate boards, commissions, and other associations that may be considered for inclusion in the Working Group.

The Working Group shall not exceed the maximum number of commissioners allowed on a Working Group (including the commissioner serving as AIPP Panel liaison) and consist of no more than three members of the AIPP Panel, as outlined by the Board and Commission Ordinance. The Working Group can include other professional experts, community representatives, or City staff, as recommended by the DRC and appointed by the Arts Commission.

**STEP 3a:** The Working Group reviews the DRC recommendations and the proposal based upon stated review criteria. The Working Group may recommend that the proposal be accepted, accepted with modifications, or declined. If the Working Group review results in a recommendation to accept the donation with modifications, the donor will have the option to resubmit a modified proposal to the Working Group. Recommendations for modification must be clearly defined to ensure the changes meet Working Group expectations.

**STEP 3b:** The final recommendation of the Working Group or the AIPP Panel is presented to the Arts Commission.

**STEP 4:** The Arts Commission reviews the proposal and the recommendation of the Working Group or AIPP Panel, as applicable.

The Arts Commission may not recommend proposals for artworks that require extraordinary maintenance expense or interfere with department operation without the prior approval of the Director of the department responsible for the art after installation.

The Arts Commission may not recommend proposals of artworks that are deemed unsafe.

**STEP 5:** The Arts Commission's recommendation is forwarded to the User Department Director and the City Manager's Office. The City Manager forwards to City Council any recommendations for accepted donations to be sited in a prominent location (as defined in this policy).

**STEP 6:** Once the artwork donation or loan approval process has been successfully completed and the artwork is accepted, the City of Austin and the Donor shall enter into an Agreement for the Donation of Artwork that contains the terms of acceptance. The agreement spelling out all requirements for the artwork shall be executed prior to the City's formal acceptance of the artwork. The Donor may either provide maintenance and repairs at no cost to the City or contribute 2% of the total value of the artwork or \$5000 (whichever is less) to the City's Public Art Fund. Obtaining an appraisal prior to execution of the agreement is the responsibility of the Donor, unless otherwise agreed upon by City and Donor. If the Donor is responsible for providing necessary and agreed-upon maintenance and repairs, and fails to do so, the City has the right to remove the artwork.

In general and except as provided herein, donations and loans shall be accepted without restrictions or conditions. In cases where there are restrictions or conditions attached to the proposed donation, the Donor's conditions shall be considered by the User Department and City Law Department to ensure they are consistent with City policies. The agreement shall require liability insurance and/or permits during installation and may require the Donor to provide engineer-sealed and as-built drawings.

All accepted artwork donations will be subject to the City of Austin Artwork Acquisitions and Deaccessioning Policy. All artworks shall be accessioned by the Cultural Arts Division and covered under the City's fine arts insurance policy for the stated value. It is the responsibility of the User Department to perform ongoing routine maintenance of accepted artwork donations, to share any and all maintenance records with the Cultural Arts Division to ensure comprehensive record keeping, and to alert AIPP to any damage that would require repair or restoration.

Artwork acceptance governed by other City procedures is set forth under **Exceptions to this Policy**.

## **Review Criteria**

### **1. AESTHETICS**

- a. Artistic merit of the work of art, including its artistic, social, and/or historical significance, as evidenced by the Artwork Donation Application or Artwork Loan Application (which includes a written description and drawings and/or maquette of the proposed artwork)
- b. Professional artist's qualifications, as evidenced by the Artwork Donation Application or Loan Application (which includes images of past work, resume, references, and published reviews)
- c. Compatibility of the work of art within the context of the proposed site and/or the mission of the User Department
- d. Warranty of originality (in the case of a pre-existing artwork; only original works or limited editions shall be considered)
- e. Provenance (in the case of a pre-existing artwork)

### **2. SITE**

- a. Appropriateness to the proposed site with respect to its immediate and general physical environment (neighborhood) and audience
- b. Ecological impact (e.g., percentage of impervious cover or risk to tree root zones)
- c. Accessibility to the public, including persons with disabilities
- d. Text components (e.g., signage or plaques)

### **3. INSTALLATION**

- a. Site requirements for installation (e.g., electricity, lighting, water, or other services)
- b. Method of installation
- c. Storage requirements, if any
- d. Safety standards

### **4. MAINTENANCE**

- a. Structural integrity
- b. Durability of material

- c. Susceptibility of the artwork to accidental damage, theft, and/or vandalism and security needs
- d. Ability or capacity of User Department to provide necessary routine maintenance

#### 5. FINANCIAL

- a. All costs associated with fabrication and installation, including site preparation, long-term preservation (i.e., conservation and repair), illumination, plaque, and unveiling/dedication event, if any. The City and the Donor must enter into an agreement that outlines responsibility for maintenance and repairs. The Donor may either provide maintenance and repairs at no cost to the City or contribute 2% of the total value of the artwork or \$5000 (whichever is less) to the City's Public Art Fund. Obtaining an appraisal prior to execution of the agreement is the responsibility of the Donor, unless otherwise agreed upon by City and Donor. If the Donor is responsible for providing necessary and agreed-upon maintenance and repairs, and fails to do so, the City has the right to remove the artwork.
- b. Source of funding and timely availability of funds and resources to meet financial requirements
- c. Estimated amount of funding for annual, routine maintenance costs to the City User Department
- d. Statement of value of artwork for insurance purposes

#### 6. LIABILITY

- a. Susceptibility of the artwork both to normal wear and to vandalism
- b. Potential risk to the public
- c. Public access, in general, as well as compliance with ADA requirements
- d. Special insurance requirements, if any

#### 7. TIMELINESS

- a. Allowance of sufficient time for normal review process by the DRC, the Arts Commission and its Working Group, and other boards or community groups involved
- b. Timely and appropriate response to the Arts Commission and staff requests for additional materials or information

#### 8. SPECIAL CONDITIONS

- a. Any conditions of the gift imposed by the Donor
- b. Other conditions not listed here

#### **IV. EXCEPTIONS TO THIS POLICY**

1. Only Gifts of State may be accepted by the City Council and/or City Manager without the benefit of this review, according to the City of Austin Purchasing Policy. The Cultural Arts Division and respective department property owner shall be notified of acceptance of such donation or loan (in order to document the work, accession it to the City's collection, and insure the work) and may be consulted to recommend appropriate siting, an annual maintenance program, etc.
2. Artworks acquired or borrowed as part of a City museum or cultural facility or art program equipped with an adopted collection management policy do not require review under this policy. Objects donated to a particular facility for its collection shall follow a separate review process specific to the needs of that department.
3. Artworks proposed through the Public Works Department Neighborhood Partnering Program, which follows a separate review and approval process, do not require review under this policy.
4. The City's Parks and Recreation Department manages existing public event spaces in Austin's park system, and these are available for rental for short-term artwork installations. Temporary installations or short-term loans proposed through this program do not require review under the Artwork Donation and Loan Policy.
5. Objects or artifacts that fit the following descriptions, except where recognized professional artists are employed in their creation, do not qualify as works of art and would not require a review under this policy:
  - Landscape elements designed as part of landscape architectural design
  - Objects that are not unique but are mass-produced of standard design
  - Artifacts or objects remaining from a particular historical period
  - Standard park amenities, such as benches, picnic tables, and lighting, as defined by the Parks and Recreation Department
  - Dedication or commemorative plaques or markers
  - Directional or functional elements, such as graphics, signage, and maps
  - Artwork created by students enrolled in a City of Austin educational program
6. Donations or loans of artworks containing advertising or promotional content relating to living persons or to organizations, institutions, persons, or businesses currently operating will not be accepted. A plaque accompanying the artwork, which provides the name of donor, artist, or artwork, shall not be considered advertising.

7. Placements of artworks must adhere to City codes and ordinances. Proposals for permanent donations or temporary loans will not be accepted for City Hall (plaza, mezzanine, or interior) or other restricted areas, including sites in the process of master planning or sites where artworks would cause a negative environmental impact (e.g., flood plains, critical water quality zone, tree critical root zones).
8. Following the guidelines put forth in *Approaches to Public Art for Town Lake Park*, Town Lake Park and Butler Hike and Bike Trail are not eligible sites for proposed artwork donations or loans.

## **V. REVISIONS TO THE ARTWORK DONATION AND LOAN POLICY**

The Arts Commission may review and make revisions to this policy annually, and may seek input from the Art in Public Places Panel, as needed.

## ARTWORK DONATION APPLICATION (PERMANENT ARTWORK OR ARTWORK LOAN)

Use this form to submit proposals for permanent artwork donations or short-term or long-term loans . Thank you for your interest in donating artwork to the City of Austin.

Please direct any questions, and complete and submit this application to

Cultural Arts Division, City of Austin  
201 E. 2<sup>nd</sup> Street  
Austin, TX 78701  
(512) 974-7700  
culturalarts@austintexas.gov



Please attach additional sheets. The City reserves the right to request additional information in order to process a donation proposal.

DONOR			
Name(s)			
Organization (if applicable):			
<i>(Please check one: <input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input type="checkbox"/> Not-for-Profit <input type="checkbox"/> Other (specify: _____) )</i>			
Address			
City	State	Zip Code	Country
Phone	Fax	Email	
<i>(Please check one):</i> <input type="checkbox"/> Donation of artwork to be commissioned <input type="checkbox"/> Donation of existing artwork			
<b>Conflict of Interest: Disclose whether the donor has any active contracts with the City or is involved in any stage of negotiations for a City contract.</b>			
ARTIST			
Name		Alias (If applicable)	
Nationality		Birth Date	Death Date (If applicable)
Address			
City	State	Zip Code	Country
Phone	Fax	Email	
Website			

<b>Artist Representation/Gallery Name</b> (If applicable)			
<b>Artist Representation/Gallery Address</b>			
<b>City</b>	<b>State</b>	<b>Zip Code</b>	<b>Country</b>
<b>Phone</b>	<b>Fax</b>	<b>Email</b>	
<b>Website</b>			
For donations of commissioned artwork, please explain the method used in the selection of the artist.			
<b>ARTWORK</b>			
<b>Title</b>			
<b>Artwork type</b> (e.g., painting, sculpture)		<b>Medium</b>	
<b>Description</b>			
<b>Creation Date</b>		<b>Dimensions and Weight</b>	
<b>Anticipated Life Expectancy of the Artwork</b>			
<b>Finishes applied to surface</b>			
<b>Construction technique(s)</b>			
<b>If this artwork is part of a series or group, what is the total number in the series or group?</b>			
<b>If this artwork is part of an edition, what is the edition number of this piece, and the total edition size?</b>			
<b>Describe frame, if any.</b>		<b>Describe base or pedestal, if any.</b>	

<b>Describe any accompanying accessories.</b>			
<b>Current location of artwork</b>			
<b>Proposed City-owned site for placement (if applicable)</b>			
<b>For memorials, describe the person or event to be commemorated, and explain why this person or event deserves special recognition.</b>			
<b>ARTWORK HISTORY</b>			
<b>Provenance/Past Owners: List all past owners and period of ownership for each.</b>			
<b>Exhibition History: List the exhibition history including exhibition titles, venues and dates for each.</b>			
<b>Publications and References: List all publications about and references to the artwork.</b>			
<b>COPYRIGHT OWNERSHIP</b>			
<b>Name of current copyright owner</b>			<b>Title</b>
<b>Address</b>			
<b>City</b>	<b>State</b>	<b>Zip Code</b>	<b>Country</b>
<b>Phone</b>	<b>Fax</b>	<b>Email</b>	
<b>If the donor is the current copyright owner, does the donor intend to transfer the copyright to the City of Austin should the donation be accepted by the City?</b>			
<b>ARTWORK VALUATION (if known)</b>			

Fair Market Value \$
How was this fair market value determined and by whom?
<b>CONDITION</b>
Describe the current condition of the artwork noting any existing breaks, tears, scratches, abrasions, paint losses, or other insecurities or defects in the artwork.
If the artwork has been conserved, describe the conservation treatment.
Provide recommendations for routine maintenance of artwork. Indicate whether these recommendations were provided by a conservator.
(Optional) Provide recommendations for security, installation, transportation and/or storage.
For donations of commissioned artwork, please outline the installation plan.
<b>OTHER REQUIRED MATERIALS</b>
Please submit the following materials along with this completed form. <ul style="list-style-type: none"> <li>• Artist's résumé and bio</li> <li>• Digital, color images of past artwork by artist</li> <li>• For commissioned artwork, color renderings or maquettes of proposed artwork</li> <li>• Maps or images of proposed site for artwork</li> <li>• Itemized list of any costs to be borne by the City for transportation, installation, exhibition, operation, maintenance, conservation, and/or security</li> <li>• For commissioned artwork, an itemized budget for design, fabrication, and installation</li> <li>• For commissioned artwork, a timeline for design, fabrication, and installation</li> </ul>

- **Exhibition catalogs, publications and/or references, if available**
- **Formal, written appraisal for any artwork with a fair market value of \$10,000 or more**
- **Condition report, if available**
- **Conservator’s report, if applicable**
- **Proof of authenticity, if available**
- **Any other information relevant to the artwork**

**DONOR’S AUTHORIZATION TO INITIATE A DONATION REVIEW**

Authorized signature	Title
Print name	Date

**CITY OF AUSTIN STAFF ONLY**

Received by	Date
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## **Appendix IV - Permitting Booklet for Artists**



# Permits U

City of Austin Permitting  
Process for Public Artists

updated June, 2018



# congratulations

you have a public art commission!

This is a step-by-step guide to help the public artist navigate the City of Austin permitting process.

Planning for permitting at the outset of your design will make your project run much smoother.

AIPP requires you to be properly permitted for your project and will help you navigate the robust City of Austin permitting process.

The permits you need will depend on where your art is located, what it is, and how it will be installed.

This booklet will make clear:

- which permits you need;
- who is responsible for getting the permit(s);
- what steps you need to take to get the permit(s).

Provided to you by the  
Art In Public Places Program  
Cultural Arts Division ▪ Economic Development  
Department ▪ City of Austin, TX  
updated June 2018

# Development Services Department

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*Development Services Department REVIEWS all building-related projects. If your work includes creating a space or a building a person could be inside or includes lighting, plumbing, electrical work, you'll need to review your plans with these folks.*

The Development Services Department provides support for people trying to understand what permits they need. Call the Development Assistance Center (DAC) and make an appointment! These folks will be very helpful!

Possible artist-relevant permits explained by the DAC include the following:

- Building Permit/Plan review (not likely needed unless truly building a structure)
- Plumbing Permit (required for art that has flowing water)
- Electrical Permit (required for art that needs a power source)
- Site Exemption Permit (not likely needed)
- Site Development Permit (not likely needed)
- Historic Preservation Certificate of Appropriateness (needed for art located on or near Historic Site)
- Tree Permit (AIPP requires artists not disturb the critical root zone (CRZ) with their artwork)
- After Hours Concrete Pouring Permit (Central Business District only)
- Board of Adjustment support
- Development process and regulation consulting
- Outdoor Music Venue Application
- Sign Permit Application
- Site Plan Correction Request (needed if a site plan has already been submitted and approved by the City)
- Temporary Use Permits
- Utility consulting

**Research hours:**

Monday - Friday, 8:00 am - 2:00 pm

**Planners/Consultation hours:**

Monday - Friday, 9:00 am - 12:00 pm

(walk-in or by appointment)

AIPP highly recommends making an appointment!

Please talk to your AIPP coordinator. It may be helpful to do a courtesy project permitting review in order to properly manage your efforts.

**Contact:**

Development Services

(512) 978-4000





Once you have reviewed your project with Development Services Department, they will process the permits you need. The Service Center services building, electrical, mechanical, plumbing and irrigation construction-related permits. Electricians, mechanical, plumbing and irrigation contractors must also register with the City of Austin Permit Service Center.

*REMEMBER, A permit is required to erect, construct, enlarge, alter, repair, improve, remove, convert, move or demolish any structure within the City's zoning jurisdiction or in a Municipal Utility District.*

## Do I need it?

Development Services review will help define what permits are needed. You need them if:

- your artwork allows for a person to enter into its structure;
  - you need access for power;
  - you have water integrated into your work;
- then you may need to work with the Permit Center.

Who is responsible for getting these permits: the artist.

Who is responsible for closing out these permits: the artist.

These permits have a 6 month time limit and require the artist to close them once work is complete:

*Once a building or trade permit has been issued, an inspection must be scheduled until the final inspection is complete. City Code requires that all permitted projects remain active within a 180 day period until the final inspection is complete and a Certificate of Occupancy (CO) or Certificate of Compliance (CC) is issued. Permits expire on the 181st day after the date the permit is issued and the project has not received an inspection, or after the date of the last inspection that shows progress toward completion of the project. An application for a permit will be deemed abandoned after 180 days if a permit has not been issued.*

Contact:  
Development Services  
(512) 978-4000

## Tree Permit

As we know very well, trees in Austin are very precious; they are critical for our city's well being and for lowering the urban heat index. The City recognizes this and as a result, many of the trees in Austin are protected.

- On public land, trees 8" and greater at Diameter at Breast Height (DBH), defined as approx 54" above ground and larger, are protected;
- Trees of 24" DBH and larger are classified with "heritage status";
- Removing or pruning out more than 25% of the canopy of a protected tree requires a permit;

Who is responsible for getting the permit: The artist.

## Do I need this?

Encroaching into the critical root zone (CRZ) of a tree, or removing a tree in Austin should be very carefully considered before being proposed as part of an AIPP project.

- If the tree in question is dead, dying or unsafe, then permits are granted and no mitigation is required;
- If the tree is being removed for cosmetic or construction site use reasons, you will have to mitigate.

**What does mitigation require?** The City prefers that your mitigation efforts be directed toward improving Austin's tree coverage. In 2013, the base line for mitigating non-heritage trees is \$75 per inch of DBH.

This can be accomplished by taking care of existing trees on the property by pruning, mulching, maintenance & fertilization particularly through incorporating organic material into the soil, creative hardscape changes to improve the trees living space and providing irrigation (if not already present) or by choosing to plant new trees or pay a fine.

*Trees that are classified as heritage require three times the normal rate of mitigation.*



# Development Services Department

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Tree removal applications for heritage trees larger than 29" DBH must be reviewed by the Urban Forestry Board.

The tree risk evaluation form must be filled out by an ISA Certified Arborist or the city will not accept it.

There is also value in hiring a certified arborist to prepare your tree ordinance review application. An experienced arborist will know how to work on your behalf to reduce mitigation for removed trees. There is a lot more to the city of Austin's tree protection ordinance than what is listed, especially when pertaining to construction sites.

Here is a video from the city of Austin's arborist department: <http://youtu.be/lezcvjwoRdY>

**Contact:**

Urban Forest Protection  
cityarborist@austintexas.gov  
(512) 978-4000

# Austin Transportation Department: ROW Permits

*For the purpose of AIPP permitting, Right-of-Way (ROW) is defined as the area controlled by the City, usually this is the roadway plus 10 feet behind the curb. This definition of the City Right-of-Way may vary depending on the physical conditions at any given location.*

## **OVERVIEW:** Types of ROW Permits

Common:

### 1. Excavation Permit

Excavation Permits are needed for any excavation in the City Right-of-Way.

- Excavations greater than 300 feet in length will require an approval through the General Permit Program (512-974-6330) prior to issuance of excavation permits.

### 2. TURP

Temporary Use of Right of Way (TURP) Permits are needed when temporarily using City Right-of-Way other than excavation, filming, non-construction related parking spaces, or street events.

Uncommon:

### 3. Parking Permits

Parking Permits are needed for using legal on-street parking for loading and unloading activities within a Public Parking Space. This permit is not for construction-related activity.

### 4. Filming Permits

Filming Permits are needed for any filming activity that diverts pedestrian, vehicular, or bicycle traffic, or occupies parking spaces, in City Right-of-Way.

### 5. Special Events Permits

Special Events Permits are needed for an event or parade that requires the full or partial closure or occupation of a public right of way for non-construction and non-parking related use.

### 6. Emergency Operations

Emergency Operations means operations or repairs of facilities to prevent imminent harm to the health, safety, or welfare of persons or property.





## 1. Excavation Permit

*Excavation means digging a hole to accommodate a foundation, to create a stable base for your artwork.*

### Do I need it?

If your artwork needs to be permanently attached to the ground (and 99% of permanent exterior artworks do), and if your artwork needs to be installed in the right-of-way, a licensed ROW contractor needs to perform the work and get a permit.

Who is responsible for getting the permit: The artist or contractor.

### Steps to apply for the permit:

1. As soon as you have your stamped engineering drawings, between mid-design and final design, send them to your AIPP Coordinator and ask about your excavation permit.
2. Mark up your site plan to show where the sculpture is going to be located on the ground.
  - Show at least 100' around your piece, and include a nearby intersection, so that it is clear where your work is to be located.

Typically, these permits take 2 weeks (months) to receive.

### Driveway/Sidewalk Permit

If this request is related to **excavating a driveway approach for any reason other than utility, you will need to obtain a Driveway/Sidewalk Permit.**

Contact:      Isabell Pena, Right of Way Management;  
                         (512) 974-9386  
                         isabell.pena@austintexas.gov  
                         or  
                         Brett Ueno, Right of Way Management;  
                         (512) 974-1474  
                         brett.ueno@austintexas.gov

## 2. TURP

*Temporary Use of Right of Way (TURP) Permits are needed when temporarily using City Right-of-Way other than excavation, filming, non-construction related parking spaces, or street events.*

### Do I need it?

This permit is commonly needed by every artist who will be installing an artwork in the right-of-way. If your artwork is in the right-of-way but installed while general project construction in process, then a permit is not needed.

Who is responsible for getting the permit: The artist.

### Steps to apply for the permit:

1. As soon as you have your stamped engineering drawings, between mid-design and final design, send them to your AIPP Coordinator and ask about a TURP permit.
2. Mark up your site plan to show where the sculpture is going to be located on the ground.
  - Show at least 100' around your piece, and include a nearby intersection, so that it is clear where your work is to be located.
3. An additional insurance bond will need to be purchased for any work done in the right-of-way.
4. Submit your application through the Right of Way Management Network (ROWMAN) at [www.austintexas.gov/rowman](http://www.austintexas.gov/rowman).

### Contact

Evelyn Powers, Right of Way Management;  
(512) 974-2692  
[evelyn.powers@austintexas.gov](mailto:evelyn.powers@austintexas.gov)

Typically, these permits take two weeks to receive.





## 3. Parking Permit

*Parking Permits are needed for using legal on-street parking for loading and unloading activities within a Public Parking Space. THIS PERMIT IS NOT FOR CONSTRUCTION RELATED ACTIVITIES.*

### Do I need it?

If you need on street parking for loading and unloading outside of the construction process, then you will need to get this permit.

Who is responsible for getting the permit: The artist.

### Steps to apply for the permit:

1. As soon as you have your plan for the parking spaces that will be affected and after final design, send to your AIPP Coordinator and ask about parking permits.
2. Mark up a site plan to show which parking space(s) will be affected.
  - Show at least 100' around parking space(s), and include a nearby intersection, so that it is clear where the area is to be located.

### Contact

Nancy Thralls, Right of Way Management;  
(512) 974-5634  
nancy.thralls@austintexas.gov

Typically, these permits take two weeks to receive.

## 4. Filming Permit

*Some Art in Public Places projects require the artist to document his or her process, and at times the video or film itself is the artists' product. A Filming Permit is needed for any filming activity that diverts pedestrian, vehicular, or bicycle traffic, or occupies parking spaces, in City Right-of-Way.*

### Do I need it?

If people will need to divert around your filming activity, whether they are on foot, on a bike, or in a vehicle, you will likely need to get this permit.

Who is responsible for getting the permit: The artist.

### Steps to apply for the permit:

1. As soon as you have your filming plan/location(s), contact Right of Way Management.
2. Mark up a site plan to show where the filming is going to take place, and how much space will be needed for the filming.
  - Show at least 100' around area, and include a nearby intersection, so that it is clear where your work is to take place.

### Contact:

Right of Way Management  
(512) 974-1150





## 5. Special Events

*Special Events Permits are needed for an event or parade that requires the full or partial closure or occupation of a public right of way for non-construction and non-parking related use.*

### Do I need it?

If your artwork includes an event that will happen on a city street, sidewalk or other public space, you may need this permit.

Who is responsible for getting the permit: The artist.

### Steps to apply for the permit:

1. Call the Office of Special Events as soon as possible after your Mid-Design review to understand the process for getting this permit. (Always copy your AIPP Coordinator on any communications related to your piece.)

### Contact:

Office of Special Events  
TransportationSpecialEvents@austintexas.gov  
512-974-6501

Typically, these permits take four weeks to receive.

## 6. Emergency Operations

*Emergency Operations means operations or repairs of facilities to prevent imminent harm to the health, safety, or welfare of persons or property.*

### Do I need it?

Probably not. Actually almost never; however, if your work should have a catastrophic failure that could harm people or property, then you would need to contact this department as step one in rectifying the issue.

Reminder, as part of your commission contract, you are committed to your artwork remaining in good repair and function for the first year after installation.

### Who is responsible:

The artist for contacting the AIPP Project Manager regarding an issue.

### Steps in an Emergency:

1. As soon as you understand your piece has been compromised, you should contact your AIPP Coordinator.
2. Make sure you can describe the location of your sculpture and the nature of the problem.

### Contact

Your AIPP Coordinator





## Office of the City Engineer Review

*Any time an object is placed in the ground in the Right-Of-Way, there is a standard City of Austin construction detail that governs how it is installed. Typically, your artwork will be a non-standard application of these standard details.*

### Do I need it?

If you are placing an object in the Right-of-Way, you will need to check to see how the standard City of Austin details fit how you will install your artwork.

Find City of Austin standard construction specifications here:

[http://www2.municode.com/library/tx/austin/codes/standard\\_specifications\\_manual](http://www2.municode.com/library/tx/austin/codes/standard_specifications_manual)

Find City of Austin standard details here:

[http://www2.municode.com/library/tx/austin/codes/standards\\_manual](http://www2.municode.com/library/tx/austin/codes/standards_manual)

Prior to installing in the Right of Way, the Office of the City Engineer will review the structural details of your artwork for technical compliance.

Retaining walls and other structures, maintenance issues within the ROW, easements, or anything that could affect the ROW or easement. For example, if a retaining wall outside the ROW would affect the ROW or easement if it failed, are reviewed by the Office of the City Engineer.

**Who is responsible for getting the review:** the AIPP coordinator will aid the City of Austin Property Agent with the Office of Real Estate Management, however:

1. This review may require redesign of your artwork, or redesign of the foundation for your piece.
2. It is best to send your mid-design proposal to this group for review, if your work will be placed in the ROW.

### Contact:

Pier Moin, Supervising Engineer  
Street and Bridge, Austin Public Works Department  
(512) 974-8769

## Downtown Area Project Coordination

### Do I need to attend this?

The Downtown Area Project Coordination meeting is set monthly, so that entities with projects in the downtown (defined as MLK to Oltorf and MoPac to Chicon) can coordinate efforts regarding:

- temporary traffic control;
- possible lane closures and utility work;
- understand the impact of possible special events on your installation schedule;
- understand the impact of other projects planned for your project site.

**Who is responsible for attending this meeting:** the artist and/or the AIPP Coordinator.

Attending this meeting can keep a project from getting derailed at the last minute because of a scheduled event happening in your construction area, or can save money, due to the opportunity to combine resources with another project happening in your project area.

As an example, in spring of 2012, Ann Armstrong's bike rack sculpture was scheduled to be installed just prior to the reconstruction of the sidewalk where her sculpture was to be placed.

- Coordination with the sidewalk project resulted in cost savings for the artist's foundation work and eliminated the need for TURP and Excavation permits for her installation.

### Contact:

Nan Brown, Project Coordinator  
Right of Way Management  
(512) 974-7143  
nan.brown@austintexas.gov





## Utility Review Meeting

*You must check to see if underground pipes, lines or infrastructure will be affected by installation of the artwork.*

Austin Utility Location Coordination Committee (AULCC) weekly meetings allow the artist (and/or their engineer) to gather information from many utility providers at one time. A representative from each utility will review the proposed location for the artwork and determine if there is a conflict with their utility infrastructure and the proposed art installation.

### Do I need it?

Yes, you need it if your proposed artwork will be:

- located in, or on, a sidewalk next to a street.
- located between the face of a building and the curb of the street.

You won't need it if your work is in a park.

\*AULCC is also a prerequisite for License Agreement.

Who is responsible for getting the permit: The artist.

### Steps to apply for the Utility Review:

The initial review can happen as soon as the engineer has determined the size and depth of foundation required to anchor the sculpture, usually just before Final Design submittal.

As the artist, it is advisable to bring your engineer or your AIPP project manager to the meeting.

- You will take notes at the meeting of the Utility Reviewer's comments - some may need to be addressed and some may not.

### Contact

Right of Way Management  
Reza Sedghy  
reza.sedghy@austintexas.gov  
(512) 974-7912

1. As soon as you have your stamped engineering drawings that show the foundation and its structure, contact Right of Way Management to start the review process. This process takes 2 -3 weeks.
2. Make sure you include a site location plan that shows where the sculpture is located on the ground.
  - Show at least 100' around your piece, and include a nearby intersection, so that it is clear where your work is to be located.
  - Make sure you include a north arrow to show which way is north.
  - Make sure you include dimensions from back of curb.
3. It's okay to use a photo from Google Earth, as long as you draw your artwork in at the correct scale.
  - It's never a bad idea to add more dimensions to more precisely locate your work.
4. After the meeting, you will have to address any outstanding comments. Once all the comments have been received:
  - Address the comments outside the meeting and submit the final coordination back to Right of Way Management staff.
  - If there are big issues, you will have to re-submit for another meeting, with the 2-3 week review time as well.
5. Once the review process is complete, you will submit for a completion letter. Compile the reviewers' comments by adding the verbal comments from the reviewers and how you addressed them into the spreadsheet.
6. Once you have your completion letter you can apply for a License Agreement and/or your General Permits, if needed. A Final AULCC Clearance Letter will be granted to the Project once all the conflicts have been identified and resolution has been verified. This letter will be required for General Permit, or Site Plan submittal to the Planning and Development Review Intake office on the 4th floor of One Texas Center.



## Utility Review Meeting, continued

### Application process



#### Part A:

- Applicants apply online at [www.austintexas.gov/rowman](http://www.austintexas.gov/rowman) to complete ROWMAN application
- First time users - create an account (see page 4)
- Once you log in, please follow the instructions below:
- Click on New Activity Request Form (see page 5)
- Click on Utility Coordination (see page 6)
- Then just follow the online instructions

Note: Applicant, Contact, Engineer, and Project Manager information must be completed, including email address and phone number. The application will be rejected if any listed required field is incomplete.

- Once the online application is submitted, email Reza.sedghy@austintexas.gov or Tracy.ho@austintexas.gov the New Request Confirmation Page

#### Part B:

Submit the AULCC packet (which should include the following items):

- A printed copy of the "Transmittal Sheet" (Use the updated Transmittal Sheet)
- A printed copy of the New Request Confirmation Page
- 3 hard copies of the site plans in 11x17
- An electronic copy in CD: Plans in PDF format (single PDF file) and the AULCC Transmittal sheet in Excel format

Note: Submitted AULCC Plans should have a PDF Location Map, all adjacent streets labeled, and all existing and proposed utilities shown on the same plan. Please complete Part A and Part B - otherwise the AULCC submittal will be considered incomplete.

Please deliver the AULCC Packet to the following address:

Austin Transportation Department  
Right of Way Management  
Attention: Reza Sedghy  
3701 Lake Austin Blvd

## City Codes and Standards associated with the AULCC:

1. City Code Section 14-11-162 through 14-11-167

Link: [http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_tx\\$anc=](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=)

2. Utilities Criteria Manual Section 3

Link: [http://austintech.amlegal.com/nxt/gateway.dll/Texas/utility/cityofaustintexasutilitiescriteria/manual?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin\\_utilities\\$anc=](http://austintech.amlegal.com/nxt/gateway.dll/Texas/utility/cityofaustintexasutilitiescriteria/manual?f=templates$fn=default.htm$3.0$vid=amlegal:austin_utilities$anc=)





## License Agreement

*A License Agreement is a legal document between a legal entity and the City of Austin that is required for any improvements located within public ROW or easements that will be privately maintained. These items could include three dimensional and two dimensional sculpture, and could also include associated streetscape landscaping, irrigation lines, benches, retaining walls, lights, awnings, private utility lines and duct banks, non-standard sidewalk, etc.*

*Essentially, the agreement states that the City of Austin is giving the owner of the property a license to install improvements (artwork), which they will maintain continuously within the property. Since the owner of the artwork is the City of Austin usually the license agreement outlines which City department will maintain major and minor repairs to the artwork.*

## Do I need it?

Yes, if your artwork will be in the public ROW.

**Who is responsible for getting the permit:**  
the AIPP coordinator.

*The License Agreement will be handled by City of Austin Property Agents with Right-of-Way Management.*

A license agreement is required to be in compliance with the streetscape requirements outlined in Subchapter E (Commercial Design Standards), the University Neighborhood Overlay (UNO) district, the downtown Great Streets program and/or a restrictive covenant associated with a zoning ordinance.

**Typically, this permit takes 8 - 12 weeks to obtain.**

## Registered Accessibility Specialist

*A Registered Accessibility Specialist (RAS) provides a review to make sure your artwork conforms to the Texas Department of Licensing and Registration (TDLR), which is Texas's oversight entity for the Americans with Disabilities Act.*

*This is required by AIPP if your sculpture is located in the Right-of-Way.*

### Do I need it?

Check in with your AIPP Coordinator to discuss your need for a review by a Registered Accessibility Specialist (RAS). This review will need to happen prior to final design approval, so the artist has the opportunity to make any revisions needed.

If a project budget is over \$50,000, a full Texas Department of Licensing and Registration (TDLR) report is required and must be provided by a RAS review.

For projects under \$50,000, a written Registered Accessibility Specialist (RAS) review, indicating that components comply with accessibility standards is probably needed, since AIPP expects every piece in our collection to be accessible by the entire population of Austin. No final review is needed once the project is installed for projects under \$50,000.

### Who is responsible:

The artist is responsible for hiring a Registered Accessibility Specialist and paying for this review out of the project design budget.

### Contact

Your AIPP Coordinator will provide you with a current list of Registered Accessibility Specialist.





## Historic Preservation Certificate of Appropriateness

### Historic Districts

Non-routine exterior work items, such as a public art installation in a Historic District, require a Certificate of Appropriateness from the City Historic Landmark Commission prior to initiating work.

Local Historic Districts are **Castle Hill, Harthan Street and Hyde Park**, as defined here:

[http://www.austintexas.gov/sites/default/files/files/Planning/Historic\\_Preservation/local\\_historic\\_districts.pdf](http://www.austintexas.gov/sites/default/files/files/Planning/Historic_Preservation/local_historic_districts.pdf)

**National Register Historic Districts** exist throughout Austin. They include:

- Barton Springs
- Bremond Block
- Camp Mabry
- Clarksville
- Congress Avenue
- Delwood Duplex
- Hyde Park
- Moore's Crossing
- Old West Austin
- Rainey Street
- Shadow Lawn
- Sixth Street (Pecan St)
- Swedish Hill
- West Line
- Willow Spence
- Wilshire
- Zilker Park

Find districts maps here:

<http://www.austintexas.gov/department/national-register-historic-districts>

### Do I need this?

Yes, if your project falls into either a Local or National Historic District.

### When do I need this?

You should contact the City Historic Preservation Office staff as soon as you have a location and idea for your artwork (before you present your Mid Design to the AIPP Panel). You will need to have your project reviewed by the City Historic Preservation Office prior to your Final Design approval from the AIPP Panel.

## Steps to apply for the Certificate of Appropriateness:

The City Historic Preservation Office can administratively approve “minor projects” if City historic design guidelines are met. All other permits require City Historic Landmark Commission review.

A completed application is due at least four Thursdays prior to a scheduled Historic Landmark Commission meeting date (typically the fourth Monday of each month).

Submit applications to:  
Historic Preservation Office  
One Texas Center  
505 Barton Springs Road, 5th Floor

Who is responsible for getting the permit: The artist.

Contact:  
Andrew Rice  
(512) 974-1686  
andrew.rice@austintexas.gov

## Do I need to attend a meeting?

When the Historic Landmark Commission reviews Certificate of Appropriateness applications, the applicant needs to be present at the meeting to answer questions.

More information here: [http://www.austintexas.gov/sites/default/files/files/Planning/Applications\\_Forms/historic-review-coa.pdf](http://www.austintexas.gov/sites/default/files/files/Planning/Applications_Forms/historic-review-coa.pdf)

### ***Special Condition: The Walk of Stars***

If the proposed project is on 6th Street between IH-35 and Congress OR on Trinity from 6th Street South to E. Cesar Chavez, a letter must be obtained stating the Walk of Stars Association does not object to your project.

Contact:  
The Walk of Stars Association & Historical Society  
Bob Woody  
(512) 658-2491





## Chapter 26 - Use of Park Lands

*A Temporary Change of Use to Public Assembly (TCOU) Permit is required for events which temporarily or permanently change the use of any portion, no matter how small, of park lands.*

[www.statutes.legis.state.tx.us/Docs/PW/htm/PW.26.htm](http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.26.htm)

Typically, a developer cannot engage in the Chapter 26 process without a City Department (for example, Parks and Recreation) sponsoring the case. Staff will review the proposed project and present the findings in a series of public hearings. The case must be reviewed by the Parks Board, Planning Commission, and City Council.

### Do I need it?

Not very likely (One project manager recounts having to go through Chapter 26 review for adding irrigation to an area of park land.)

**Who is responsible for going through the Chapter 26 process: AIPP Coordinator or COA.**

The City may not use parkland for non-park purposes unless it determines that:

1. There is no feasible and prudent alternative to the use or taking of such parkland;
2. The project includes all reasonable planning to minimize harm to the park; and
3. The City conducts a public hearing in which it has "considered clearly enunciated local preferences"

Contact:  
Your AIPP Coordinator.

## Temporary Change of Use to Public Assembly (TCOU)

*Temporary Change of Use to Public Assembly (TCOU) permit is required for events located in structures or portions of structures used as public assemblies that do not currently have a "Certificate of Occupancy" for that type of use, such as a vacant building, warehouse or building roof.*

### Do I need it?

Not very likely - you need a TCOU if you are holding an event or public gathering in association with your work for 50 or more people in a structure that does not currently have a Certificate of Occupancy for that type of use.

**Who is responsible for getting the permit: the artist.**

Where do I obtain this permit?

This permit is issued by the Austin Fire Department. Please submit an on-line ACE application at <http://www.austintexas.gov/departments/special-event-permits>. All applications must be submitted 21 days prior to the event.

How much does it cost?

Fees are charged after the application is reviewed and approved. Additionally, a fire marshall may need to be on site during the event, which is an additional cost. Ask about this when you apply for the permit.

How long does it take?

Inspections will have to be conducted if the specific type of gathering and set-up has not been previously approved. Please schedule accordingly to allow time to schedule an inspection. This may take up to a week.

What is the penalty for a violation?

Citations may be issued for Fire Code Violations and the event may be closed down.

**Typically, this permit takes 7 - 14 days to get.**

Contact:  
SpecialEvents@austintexas.gov  
(512) 974-1000



# DON'T FORGET!!

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## One Call

*Electric cable, gas lines, water lines and wastewater lines could all be present under your artwork. Hitting these lines could result in injury, property damage or pollution of the environment.*

## Do I need it?

Yes!

The State of Texas Underground Facility Damage Prevention and Safety Act governs excavation. The act says that anyone who plans to disturb soil to a depth of 16 or more inches must contact a notification center before proceeding with their work.

You need to call One Call to make sure there are no issues with your installation up to 14 days before you break ground but no later than 2 business days before excavating.

**Who is responsible for making the call: the artist or installer.**

### Contact:

Texas Excavation Safety System: dial 8-1-1  
Operators are on duty 24-hours a day,  
seven days a week, excluding legal holidays.

The operator will ask you where, when and what type of excavating is to be done. Keep your assigned request number for future reference. A locator for the various utilities will come mark their underground utilities at your site.