

AN ORDINANCE 2013-06-20-0435

**AUTHORIZING THE EXECUTION OF A MULTIPLE USE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE THEO AVENUE AND MALONE AVENUE CORRIDOR PUBLIC ART PROJECT, A 2012 BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5.**

\* \* \* \* \*

**WHEREAS**, On May 12, 2012, the 2012-2017 Bond Program was passed by Voters which consisted of five propositions totaling \$596 Million; and

**WHEREAS**, under this program 140 projects were designed to improve and enhance existing, as well as to acquire or construct, new local streets, bridges, sidewalks, drainage facilities, parks, libraries and other facilities; and

**WHEREAS**, the Bond Program projects will benefit all areas of the City of San Antonio by addressing infrastructure needs in specific areas, while several projects have a regional or city-wide benefit for all residents; and

**WHEREAS**, as part of the 2012 Bond Program, \$5,614,000 was allocated towards Public Art in accordance with Public Art Ordinance 2011-09-08-0743; and

**WHEREAS**, this policy is an effort to create an overall balance in public art projects throughout the City by implementing a Public Art "one percent" requirement on capital projects over \$500,000 to be utilized for public art services and requiring that future public art projects and donations of art meet the requirements for conservation and maintenance; and

**WHEREAS**, Ordinance 2012-10-11-0796 approved the 2012 Bond Public Art Plan and pre-qualified list of artists that may be used for projects in the Capital Improvement Program; and

**WHEREAS**, the Ordinance authorized the negotiation and execution of public art design, fabrication and installation services agreements with the pre-qualified list of artists in an aggregate amount not-to-exceed funding available for public art in the FY 2013–2018 Capital Budget; and

**WHEREAS**, Joe O'Connell and Blessing Hancock of Creative Machines were included in this pre-approved list and selected as the public art artists for the Theo & Malone Corridor Project; and

**WHEREAS**, the public art piece "Ballroom Luminoso," by Joe O'Connell and Blessing Hancock of Creative Machines, Inc. in Tucson, Arizona, was chosen to be placed beneath the Theo/IH-35 and Malone/IH-35 intersection underpasses; and

**WHEREAS**, these pieces transform an ordinary underpass into a series of six brilliantly lit, color-changing chandeliers hung from the underpass and each will cast bright shapes and colored

shadows approximately 40 feet. The chandeliers are made from recycled bike parts and other metals with LED lights used to allow for creative expression with minimal maintenance; and

**WHEREAS**, to receive the necessary access to install the public art pieces at the underpasses of Theo/IH-35 and Malone/IH-35 intersections, the City must enter into a Multiple Use Agreement with TxDOT; and

**WHEREAS**, The City prepared and provided the construction plans for the facility, and provided the construction work as required by the plans at no cost to the State and were submitted to the State for review and approval; and

**WHEREAS**, the City will be responsible for the installed public art structure, maintenance, repair and operation of the facility and this responsibility cannot not be transferred, assigned or conveyed to a third party without the advanced written approval of the State; **NOW THEREFORE**,

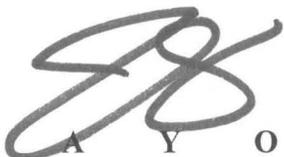
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee is hereby authorized to execute a Multiple Use Agreement with the **Texas Department of Transportation** for the Theo Avenue and Malone Avenue Corridor Public Art Project.

**SECTION 2.** There is no financial impact with this Ordinance.

**SECTION 3.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED** this 20th day of June, 2013.

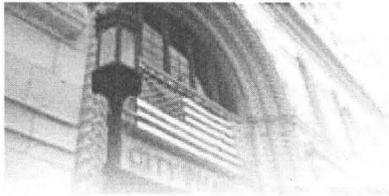
  
M A Y O R  
Julián Castro

**ATTEST:**

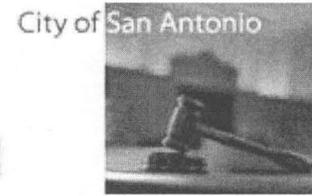
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

 for  
\_\_\_\_\_  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**



## Agenda Voting Results - 14

<b>Name:</b>	5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20A, 20B, 21A, 21B, 22A, 22B, 25, 26, 27, 28A, 28B, 30, 31, 32, 33, 34B, 36, 37, 38, 39, 40, 41, 42, 44, 46A, 46B, 47A, 47B, 48B, 49A, 49B, 49C						
<b>Date:</b>	06/20/2013						
<b>Time:</b>	11:16:24 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance authorizing the execution of a Multiple Use Agreement with Texas Department of Transportation for the Theo Avenue and Malone Avenue Corridor Public Art project, a 2012 Bond funded project, located in Council District 5. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Capital Improvements Management Services]						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				