

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY OF PFLUGERVILLE CREATING AN ART IN PUBLIC PLACES PROGRAM; ESTABLISHING GOALS AND POLICIES FOR THE REVIEW, CONSIDERATION, PURCHASE AND COMMISSIONING OF PUBLIC ART.**

**WHEREAS**, the development of a public art program supports the Pflugerville Strategic Plan 2021-2025 vision statement for Pflugerville “to be a dynamic, regional leader by offering a safe, welcoming and inclusive city with a strong sense of community that attracts a talented workforce and desirable businesses,” and the mission statement where “Pflugerville fosters high quality of life, economic opportunity, and a sustainable and diverse community”; and

**WHEREAS**, the vision for the City of Pflugerville, as defined by the Aspire Pflugerville 2040 Comprehensive Plan, is “Pflugerville thrives as a modern and charming community. Its diverse culture and heritage, atmosphere of inclusion, first-rate parks, vital infrastructure, employment opportunities, and entertainment options make Pflugerville a desirable place. These elements create a vibrant city with a high quality of life that fosters an environment appealing to people from all backgrounds”; and

**WHEREAS**, establishing a public art program is supported by the following Aspire Pflugerville 2040 Comprehensive Plan policies and action items: 1.) Support efforts to incorporate art, including sculptures, into parks, trails, and facility improvement projects; and 2.) Enhance primary gateways into Pflugerville through the addition of street trees, sidewalks, landscaping, and public art improvements to provide a clear sense of arrival and departure into and out of the City; and

**WHEREAS**, public art and placemaking are identified as short-term, mid-range, and long-term goals within the Downtown Action Plan; and

**WHEREAS**, public art supports tourism, enhances economic development, and contributes to the City’s cultural identity, high quality of life, and overall vibrancy; and

**WHEREAS**, the City Council of the City of Pflugerville has determined that it is necessary and beneficial to establish policies for the review, consideration, purchase, and commissioning of public art to ensure transparency of expenditures for public art is provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE:**

**I. Recitals**

That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**II. Public Art Goals and Policies**

That the City Council of the City of Pflugerville, Texas hereby adopts goals and policies for the review, consideration, purchase, and commissioning of public art through the Art in Public

Places program, as provided in Exhibit A, which is attached hereto and incorporated herein for all purposes.

**III. Effective Date**

That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_

Victor Gonzales, Mayor

ATTEST:

\_\_\_\_\_  
Trista Evans, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles E. Zech, City Attorney

DENTON NAVARRO ROCHA BERNAL & ZECH, P.C.

# Exhibit A

## City of Pflugerville Art in Public Places Goals and Policies

### A. Statement of Purpose

The City of Pflugerville is committed to building a collection of high-quality public art for the enjoyment and enrichment of residents and visitors. The purpose of this document is to establish goals, policies, and a general process for the purchase, commissioning, and placement of public art.

### B. Applicability

1. This policy document shall apply to public art commissioned and purchased by the City with public funding.
2. This policy document does not affect any temporary art display policies of the Pflugerville Public Library.

### C. Definitions

ART means a visual work of art or an artistically designed art feature, situated on public or private property, that enhances the aesthetics of a building, bridge, streetscape, park, or other project for which public funds are appropriated, including, but not limited to, a mural, sculpture, water feature, or other feature that appeals to the senses or the intellect.

### D. Public Art Goals

The goals of the Art in Public Places program include the following:

1. Support a public art collection that represents the community's values, diversity, and multicultural heritage and expresses the City's vibrant identity and character to foster a distinctive and appealing place to live and visit.
2. Expand opportunities to view, experience, and create visual art and ensure the placement of public art is inclusive and accessible for all residents and visitors to enjoy.
3. Commission a broad range of artwork that supports established and emerging local and regional artists and nationally recognized artists.
4. Prioritize the placement of public art within parks, streetscapes, public facilities, and Downtown.
5. Support distributing works of art geographically throughout Pflugerville.
6. Support partnership opportunities for the creation and placement of public art.

### E. General Policies

The following represents the content and placement restrictions and requirements of the City's Art in Public Places program:

1. Public art shall not denigrate any individual, religion, race, ethnicity, gender, sexual orientation, or disability.
2. Public art shall not be obscene as defined by the Texas Penal Code.
3. The art design or expression deemed as a commercial message sign or a prohibited sign, as defined by the City's Sign Code, shall be disqualified for the use of public art funding.
4. Murals shall not be painted directly on the brick of historic buildings constructed before 1950.
5. If the art is located at a private facility through a public-private partnership, the art must be located outside, publicly accessible, and visible from the public right-of-way or public park.

## **F. Public Art Review Criteria**

The City shall use the following criteria in the review, consideration and approval of public art:

1. Aesthetic
  - a. Artistic merit of the work of art, including consideration of its artistic, social, and/or historical significance
  - b. Artist's qualifications, as evidenced by their resume and portfolio
  - c. Compatibility of the artwork within the context of the overall City of Pflugerville art collection
  - d. Warranty of originality of an existing work of art (original works or limited editions are encouraged)
2. Site Location
  - a. Appropriateness to the proposed site with respect to its immediate and general social (audience) and physical environment (e.g., general location, neighborhood, etc.)
  - b. Scale, form, content, color, and design of the art in relation to the site (NOTE: Some City facilities may have specific design criteria or special conditions)
  - c. Environmental impact (e.g., extent of impervious cover, site characteristics, etc.)
  - d. Accessibility to the public, including persons with disabilities
  - e. Text components (e.g., signage and/or plaques)
3. Installation
  - a. Site preparation requirements
  - b. Site requirements for installation (e.g., electricity, lighting, water, or other services)
  - c. Method of installation
  - d. Storage requirements, if any
4. Financial
  - a. All costs associated with fabrication and installation (including site preparation, plaque and unveiling/dedication event, if any)
  - b. Availability of funding for the proposed artwork

- c. Maintenance requirements for the proposed artwork
  - d. Estimated annual maintenance costs
  - e. Statement of value of the art for insurance purposes (i.e., artist's commission contract amount or professional written appraisal of existing art).
5. Liability
    - a. Susceptibility of the art 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 (e.g., delivery and on-site installation)
    - e. Amount and source of funding for annual maintenance costs
    - f. Record of ownership for an existing work of art
  6. Timeliness
    - a. Timely and appropriate response to the Board, Commission, City Council, and staff requests for additional materials or information from the artist(s)
  7. Special Conditions
    - a. Any conditions of the art imposed by the artist(s) or artist's representative
    - b. Any conditions of approval placed on proposed artwork by the City, Board, or Commission, as applicable

## **G. Board and Commission Review**

Public art proposals shall be reviewed and considered by the Library Board, Parks and Recreation Commission, and the Planning and Zoning Commission, as applicable, in accordance with the following policies.

1. Review and consideration of public art proposals by a Board or Commission are not required in the following scenarios:
  - a. Collaborations with PfISD;
  - b. Art created through a City community engagement event;
  - c. Art created for or during a City event;
  - d. City-hosted art competitions;
  - e. Art exhibition at a City facility; or
  - f. Art commissioned for less than \$3,000 and approved by City administration.
2. The Library Board shall review and consider public art proposals to be installed at the Pflugerville Public Library.
3. The Parks and Recreation Commission shall review and consider public art proposals to be installed within the City's public parks and open space, along trails, and at park and recreation facilities.
4. The Planning & Zoning Commission shall review and consider public art proposals in the following scenarios:
  - a. Public art installed at private establishments utilizing public funding;
  - b. Art installations within the public right-of-way; and
  - c. Art at public facilities not covered by the purview of the Library Board or the Parks and Recreation Commission.

## **H. Partnerships**

The City may explore partnership opportunities for the implementation of the public art program, including, but not limited to, PfISD and art non-profits.

In order to effectively implement the Downtown Action Plan, where public art is identified as a short-term, mid-range, and long-term goal, the City may consider pursuing public-private partnerships opportunities for public art to be located at private establishments where such art is publicly accessible and visible from the public right-of-way. (e.g., murals, sculptures, etc.)

The following represents policies for public art located on private property:

1. When working with a private entity for the commissioning of public art to be located on their property, the City may commission public art on behalf of the private entity.
2. An agreement or other comparable document between the City and the private property owner specifying the terms and conditions for the placement of public art shall be required.

## **I. Conflicts of Interest**

The following policies represent eligibility limitations of the Art in Public Places program due to conflict of interests.

1. The respective Board or Commission members approving the art installations, City Council Members, and their family members, within the second degree by affinity or within third degree by consanguinity, are not eligible to be selected as an artist receiving compensation for public art.
2. City of Pflugerville employees and their family members, within the second degree by affinity or within third degree by consanguinity, are not eligible to be selected as artists receiving separate compensation for public art aside from their normal wages or salaries or benefit financially, directly or indirectly, from the installation of public art.