

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING AN ART INSTALLATION AGREEMENT WITH THE BRISCOE WESTERN ART MUSEUM TO PLACE A SCULPTURE ON THE RIVER WALK.**

\* \* \* \* \*

**WHEREAS**, on May 19, 2005, City Council approved Ordinance 100921, which authorized the lease of the old Main Library Building, aka the Hertzberg Circus Museum at 106 W. Market Street, to the National Western Art Foundation dba Briscoe Western Art Museum; and

**WHEREAS**, following several years of fundraising, a new structure was built connected to the east side of the former library and significant renovation to the former library was completed; and

**WHEREAS**, in October 2013, the Briscoe Western Art Museum opened to the public; and

**WHEREAS**, in 2012, the Briscoe Western Art Museum proposed installing a bronze sculpture in a River Walk flower bed south of their premises; and

**WHEREAS**, as proposed, Three Longhorns and Vaquero by artist T.D. Kelsey will have a foundation attached to three inch diameter steel piles to provide adequate capacity and minimize the impact to the roots of the nearby cypress tree; and

**WHEREAS**, a certified arborist conducted an inspection of the proposed location to assure the sculpture installation can occur without damage to the adjacent cypress tree; Certified Arborist Jordy Hagen, owner of Tree Wise Men Tree Service, wrote in his report that the proposed three inch diameter pipe would pose no threat to the health of the tree in the correct locations and would not be an invasive process; and

**WHEREAS**, the City is requiring the Briscoe's insurance to cover any claims associated with the sculpture and its installation, including damage to the cypress tree; and

**WHEREAS**, per the terms of the agreement, the Briscoe shall be responsible for all costs associated with the sculpture installation and removal, which shall include restoration of the River Walk area to a condition equal to or better than its condition existing prior to installation; and

**WHEREAS**, Briscoe will be responsible for repairing damage to the sculpture, removing graffiti, conducting weekly monitoring to remove accumulated dirt and debris, and completing annual washing and surface treatment; and

**WHEREAS**, on July 19, 2013, the San Antonio Public Art Board approved the proposed installation, as did the Historic and Design Review Commission on August 21, 2013; and

**WHEREAS**, the proposed installation period shall be no less than 10 years; and

**WHEREAS**, after 10 years, the City may require the sculpture be removed; **NOW THEREFORE:**

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

**SECTION 1.** The City Manager or her designee or the Interim Director of the Downtown Operations Department or his designee, is authorized to execute an art installation agreement with the Briscoe Western Art Museum to place a sculpture on the River Walk. A copy of the agreement is attached hereto and incorporated herein for all purposes as **Attachment I**.

**SECTION 2.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 3.** This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

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

**M A Y O R**  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

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

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Michael Bernard, City Attorney