



# City of San Antonio

## Legislation Details (With Text)

**File #:** 13-780

**Type:** Real Property Lease

**In control:** City Council A Session

**On agenda:** 12/5/2013

**Title:** An Ordinance authorizing an art installation agreement with the Briscoe Western Art Museum to place a sculpture on the River Walk. [Ed Belmares, Assistant City Manager; Jim Mery, Interim Director, Downtown Operations]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Public Art Installation Agreement, signed by Briscoe only, 2. Draft Ordinance, 3. Ordinance 2013-12-05-0849

Date	Ver.	Action By	Action	Result
12/5/2013	1	City Council A Session		

**DEPARTMENT:** Downtown Operations

**DEPARTMENT HEAD:** Jim Mery

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

River Walk Art Installation Agreement

**SUMMARY:**

This ordinance authorizes the Briscoe Western Art Museum to place a sculpture on the River Walk for 10 years and be responsible for all costs associated with installation, removal, and maintenance.

**BACKGROUND INFORMATION:**

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. 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. In October 2013, the Briscoe Western Art Museum opened to the public.

In 2012, the Briscoe Western Art Museum proposed installing a bronze sculpture in a River Walk flower bed south of their premises. 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. 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. 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.

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. The 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.

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.

The proposed installation period shall be no less than 10 years. After 10 years, the City may require the sculpture be removed.

#### **ISSUE:**

The proposed art installation agreement will authorize placement of a sculpture on the River Walk for no less than 10 years at no cost to the City of San Antonio.

#### **ALTERNATIVES:**

The City may elect not to allow the Briscoe Western Art Museum to place the longhorn sculpture on the River Walk, may propose the sculpture be placed at an alternate location, or may request a different sculpture be installed at the proposed location.

#### **FISCAL IMPACT:**

This agreement will have no fiscal impact to the City of San Antonio.

#### **RECOMMENDATION:**

Staff recommends approval of the proposed art installation agreement with the Briscoe Western Art Museum to

place a sculpture on the River Walk for no less than 10 years with the Briscoe responsible for all installation, removal, maintenance, and repair costs.