

# Mayor and Council Communication

**DATE:** 04/12/22

**M&C FILE NUMBER:** M&C 22-0253

**LOG NAME:** 032022 BOND ELECTION AMENDMENT PUBLIC ART PROGRAM

## **SUBJECT**

(ALL) Adopt Ordinance Revising Chapter 2, Article III, Division 2, Art Commission and Public Art Program, of the Code of the City of Fort Worth, Texas, 2015, as Amended, by Adjusting the Percentage Set Aside of Bond Program Funding for Art from Streets and Mobility Infrastructure Improvements Propositions and Natural Area and Open Space Improvements Propositions Beginning with the 2022 Bond Program

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## **RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinance revising Chapter 2, Article III, Division 2, Art Commission and Public Art Program, of the Code of the City of Fort Worth, Texas, 2015, as amended, by adjusting the percentage set aside of bond program funding for art from streets and mobility infrastructure improvements propositions and natural area and open space improvements propositions beginning with the 2022 Bond Program.

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## **DISCUSSION:**

The purpose of this Mayor and Council Communication is to amend Chapter 2, Article III, Division 2 of the City Code, adopted as part of City of Fort Worth Ordinance Number 14794, as amended, Public Art Ordinance, to permit a change in the funding level for the public art program (Program) for capital improvement project funding included in streets and mobility infrastructure improvements propositions and natural area and open space improvements propositions beginning with the 2022 Bond Program.

On October 2, 2001, the City Council adopted the Public Art Ordinance, which implemented the Program. Section 2-61 of the City Code sets forth the funding mechanism for the Program, including a two percent set-aside of capital improvement project funding to be added to the total cost of each proposition in the City's bond programs, except as otherwise provided.

In light of the identified multi-billion-dollar need for street-related improvements to address growth in new areas and aging infrastructure in older areas, in 2014 and 2018 the City Council amended the Public Art Ordinance to provide for a one percent (1%) set aside for capital improvement project funding included in the street proposition for each of those bond programs (Ordinance Nos. No. 21122-02-2014 and 23112- 02- 2018).

The City Council has called for a bond election to occur in May of 2022 to address funding for street and mobility infrastructure improvements, parks, library, and public safety facilities, and natural areas and open spaces (Ordinance No. 25325-02-2022; "2022 Bond Program"). The City has a limited debt capacity under which to issue bonds for the 2022 Bond Program and has conducted an extensive public input process to determine the highest priority projects of concern to its citizens. In order to ensure adequate funding for the highest priority needs, the City Council has expressed support for an adjustment to the percentage set aside for public art funding from two percent to one percent included in Proposition A, "Streets and Mobility Infrastructure Improvements", and from two percent to zero percent included in Proposition E, "Natural Area and Open Space" of the 2022 Bond Program. To accomplish this proposed funding reallocation, the City Council must amend Section 2-61 of the City Code. Moreover, staff recommends amending Section 2-61 of the City Code to apply this change going forward in order to conform to the public art funding provided for under the 2022 Bond Program election ordinance and the practice since 2014 of setting the Public Art set aside from the street proposition at 1% unless and until amended by City Council.

This percent for art reallocation shall not affect any other bond propositions in the 2022 Bond Program. All other propositions in the 2022 Bond Program will retain a two percent set aside for public art funding.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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## **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that this action will have no material effect on City funds.

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