

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Engineering and Construction Management Department  
**AGENDA DATE:** Introduction: June 19, 2012 Public Hearing: June 26, 2012  
**CONTACT PERSON/PHONE:** R. Alan Shubert, 915-541-4423

**DISTRICT AFFECTED:** City Wide

**SUBJECT:**

An ordinance amending City Code Title 2 (Administration and Personnel) Chapter 2.40 (Museums and Cultural Affairs Department) Section 2.40.070 (Art in Municipal Places) Subsection 2.40.070 (C) (Funding of the Public Art Program) to exclude the City of El Paso Street Infrastructure Capital Plan for FY 2013-2019 as a funding source.

**BACKGROUND / DISCUSSION:**

The proposed amendment is a companion item relating to the approval of the Street Infrastructure Capital Plan for Fiscal Years 2013-2019 initially authorized at the Special City Council Meeting of May 24, 2012. The amendment will exclude the Street Infrastructure Capital Plan from the two percent funding requirement toward works of art. In lieu of this requirement, street reconstruction projects will incorporate a public art component as part of the design.

**AMOUNT AND SOURCE OF FUNDING:**

**BOARD / COMMISSION ACTION:**

(N/A)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:** \_\_\_\_\_



*Information copy to appropriate Deputy City Manager*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CITY CODE TITLE 2 (ADMINISTRATION AND PERSONNEL) CHAPTER 2.40 (MUSEUMS AND CULTURAL AFFAIRS DEPARTMENT) SECTION 2.40.070 (ART IN MUNICIPAL PLACES) SUBSECTION 2.40.070(C) (FUNDING OF THE PUBLIC ART PROGRAM) TO EXCLUDE THE CITY OF EL PASO STREET INFRASTRUCTURE CAPITAL PLAN FOR FY 2013-2019 AS A FUNDING SOURCE

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That the following section of the El Paso City Code is hereby amended as follows:

2.40.070. FUNDING OF THE PUBLIC ART PROGRAM

C. Projects in the capital improvements program shall include an amount for works of art equal to two percent of the total funding available for the project whether funded by general obligation bonds, revenue bonds or certificates of obligation, but shall not include capital acquisitions, City of El Paso Street Infrastructure Capital Plan for FY2013 - 2019, or the Plaza Theatre Project; provided, however, that if the bond election ordinance, the bond ordinance authorizing revenue bonds, other appropriate laws or regulations, or an official interpretation by the State Attorney General regarding allowable uses for funds which it is providing for the project precludes art as an expenditure of funds, the amount of funds so restricted shall be excluded from the total funding available in calculating the amount to be committed to works of art

2. Except as herein amended, City Code Title 2, Chapter 2.40, Section 2.40.070 remains in full force and effect.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

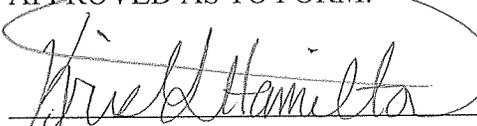
CITY OF EL PASO

\_\_\_\_\_  
John F. Cook, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

  
\_\_\_\_\_  
Kristen L. Hamilton  
Assistant City Attorney