

City of Houston, Texas Ordinance No. 2023-596

**AN ORDINANCE DEACCESSING FROM THE CITY OF HOUSTON'S CIVIC ART COLLECTION FOUR ARTWORKS: (1) *FONDE TOTEMS*, (2) *CANCER . . . THERE IS HOPE*, (3), *KUGEL BALL*, AND (4) *BIENVENIDOS A NUESTRA MESA*; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \*

**WHEREAS**, the following four artworks are part of the City's Civic Art Collection: (1) *Fonde Totems*, (2) *Cancer . . . There is Hope*, (3) *Kugel Ball*, and (4) *Benvenidos A Nuestra Mesa*; and

**WHEREAS**, each artwork mentioned above has deteriorated to the extent that it is beyond a reasonable means of conservation or is no longer safe for public display or suitable for exhibition; and

**WHEREAS**, the City received information from Houston Arts Alliance, the City's contractor for work performed under the City's Civic Art Program, that the artworks being deaccessed are damaged beyond repair and pose a liability to public safety, and that the estimated costs to conserve the artworks are in excess of the value of the artworks themselves;

**WHEREAS**, the Mayor's Office of Cultural Affairs and the Houston Parks and Recreation Department recommend that the artworks deaccess such artworks from the City's Civic Art Program;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. The City Council hereby deaccesses the artworks described in the recitals from the City's Civic Art Collection.

Section 3. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives as described in the title of this ordinance, including in the event of changed circumstances.

Section 4. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent

of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

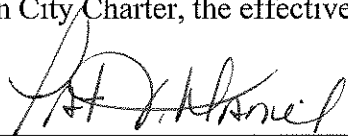
Section 5. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 26th day of July, 2023.

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

\_\_\_\_\_  
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is AUG 01 2023.

  
City Secretary

(Prepared by Legal Dept. )

(RLG:rh 06/26/2023)

Senior Assistant City Attorney

(Requested by Kenneth Allen, Director, Houston Parks and Recreation Department)

L. D. No. LD-CON-0000001368

Meeting 7/26/2023

Aye	No	
✓		<b>Mayor Turner</b>
....	....	<b>Council Members</b>
✓		Peck
Absent on personal business		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
✓		Pollard
Absent on personal business		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW  
 Date: 8/1/2023