

★ Roll Call Number

16-0795

Agenda Item Number

50B

Date May 9, 2016

APPROVING FUNDING AGREEMENT

LICENSE TO THE GREATER DES MOINES PUBLIC ART FOUNDATION FOR THE INSTALLATION, DISPLAY AND MAINTENANCE OF CROSSWALK ART AT 15 CROSSWALKS AT 6 INTERSECTIONS IN DOWNTOWN DES MOINES AND AUTHORIZING THE MAYOR TO EXECUTE LICENSE AGREEMENT FOR SAME AND TO EXECUTE ASSOCIATED INTELLECTUAL PROPERTY AGREEMENTS

WHEREAS, the City of Des Moines is proud to be the home of 87 pieces of public art in the downtown Des Moines area; and

WHEREAS, the CITY and the Greater Des Moines Public Art Foundation ("GDMPAF") desire to encourage the public's awareness of such public art located in downtown Des Moines; and

WHEREAS, on December 22, 2003, by Roll Call No. 03-2902, the City Council approved the negotiation of a contract for the establishment and administration of a Public Arts Program with the Community Foundation of Greater Des Moines ("Community Foundation), which contract was entered into by the City and the Community Foundation on March 19, 2004 ("the Contract"); and

WHEREAS, the Community Foundation formed the Greater Des Moines Public Art Foundation to conduct the affairs and activities of the Public Art Program under the Contract pursuant to the Clarifying Amendment dated July 12, 2004 and approved by the City Council by Roll Call No. 04-145 on July 12, 2004; and

WHEREAS, the Arte subcommittee of the GDMPAF has developed a 6.6 mile suggested pedestrian sidewalk route showing the route to public art located in downtown Des Moines consisting of a distinctive design of wayfinding symbols functioning as signs (the "ArtRte Signs") applied to the sidewalk with pavement markings of circles and chevrons ("the Project"); and

WHEREAS, the CITY and GDMPAF desire that the Project be installed on sidewalks in the public right-of-way, at the downtown locations as indicated in the Agreement Between the City of Des Moines and Greater Des Moines Public Art Foundation for Installation and Funding of Sidewalk Wayfinding ArtRte Signs, a copy of which is on file in the City Clerk's Office; and

WHEREAS, such ArtRte Signs shall be owned by the CITY as CITY traffic and transportation wayfinding signage; and



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WHEREAS, it is in the best interests of the City to enter into the License Agreement with the GDMPAF to allow the installation, display and maintenance of the Artwork in consideration of the enjoyment of the public and the maintenance obligations to be undertaken by the GDMPAF.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Agreement Between the City of Des Moines and the Greater Des Moines Public Art Foundation for Installation, Display and Maintenance of Crosswalk Art, a copy of which is in the City Clerk's Office, be and is hereby approved and the Mayor is authorized and directed to sign said Agreement on behalf of the City and the City Clerk is authorized and directed to attest to the Mayor's signature.

BE IT FURTHER RESOLVED, that the Mayor is authorized and directed to execute on behalf of the City any necessary intellectual property rights agreements in connection with the Artwork, including copyright licenses and waivers of Visual Artists Rights Act, subject to approval as to form by the Legal Department.

(Council Communication 16-257)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

T. M. Franklin Council Mayor

Diane Rauh City Clerk