

★ Roll Call Number

16-1539

Agenda Item Number

62

Date September 12, 2016

APPROVING LICENSE TO THE GREATER DES MOINES PUBLIC ART FOUNDATION FOR THE SHORT TERM INSTALLATION AND MAINTENANCE OF THE TRUTH BOOTH IN WESTERN GATEWAY PARK AND AUTHORIZING THE MAYOR TO EXECUTE LICENSE AGREEMENT FOR SAME AND TO EXECUTE ASSOCIATED INTELLECTUAL PROPERTY AGREEMENTS

WHEREAS, the Des Moines City Council encourages the installation of art for the public enjoyment in downtown Des Moines, including the installation of public art within Western Gateway Park; 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 (GDMPAF) 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 CAUSE COLLECTIVE, a team of artists, has developed a temporary art project consisting of a fourteen foot high inflatable speech bubble that allows people to enter and record a two minute video of them telling some truth, prompted to complete the statement "The Truth is...", with the complied statements becoming part of an ongoing global exhibition (the "Artwork"); and

WHEREAS, the GDMPAF desires to display the Artwork on September 29, 2016, in Western Gateway park for the enjoyment of the public; and

WHEREAS, DMPAF shall be responsible for installation, security and maintenance of the Artwork; and

WHEREAS, pursuant to the License Agreement, the Artists are required to execute a Waiver of Visual Artist Rights Act and a Non-Exclusive, Limited Copyright License in connection with display of the Artwork; 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 Short Term Installation and Maintenance of The Truth Booth in Western Gateway park, 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- 489)

Moved by Gatto 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			

MOTION CARRIED

APPROVED

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, Mayor

Diane Rauh, City Clerk