



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: K-1516-108**

**File ID:** K-1516-108

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 21

**In Control:** City Council

**Department:** Legal Department

**Cost:** \$18,000.00

**File Created:** 02/01/2016

**File Name:** Contract to Commission Artwork between the Norman Arts Council, City of Norman and Laura Robbins

**Final Action:**

**Title:** CONTRACT K-1516-108: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN ARTS COUNCIL, AND LAURA ROBBINS IN THE AMOUNT OF \$18,000 PROVIDED BY THE ARTS IN PUBLIC PLACES FUND FOR THE PURCHASE OF A MOSAIC TO BE PLACED IN LION'S PARK PAVILION LOCATED AT 450 SOUTH FLOOD AVENUE.

**Notes:** ACTION NEEDED: Motion to approve or reject Contract K-1516-108 with Laura Robbins in the amount of \$18,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 02/23/2016

**Agenda Number:** 21

**Attachments:** K-1516-108 inc Insurance Riders, The Mosaic Project NAC PAB

**Project Manager:** Leah Messner, Assistant City Attorney

**Entered by:** jayne.rowe@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File K-1516-108

Body

**BACKGROUND:** The City of Norman and the Norman Arts Council have partnered in a project to install art in public places within the City of Norman. A notable piece is "Indian Grass" within the round-about on East Main Street. Through this partnership, the Arts Council purchases art pieces, and the City provides a location for the piece(s) within public spaces owned by the City of Norman.

Currently, the Arts Council is proposing to purchase a new art piece: a mosaic by Laura Robbins, to be installed on side of the pavilion at Lions Park located at 450 S. Flood Avenue.

**DISCUSSION:** The item for consideration by Council is a contract with the artist and the Norman Arts Council. The contract provides for the execution of the piece and installation on side of the pavilion at Lions Park. This contract is similar to the contract with Juan and Patricia Navarette for "Indian Grass" in the East Main Round-About.

The Contract requires the Artist, Laura Robbins, to design, execute, fabricate, transport, and install the work. Laura Robbins is located in New Mexico. However, under the terms of the Contract, she will make two visits to Norman to work with citizens regarding the design and fabrication of some of the mosaic tiles. These visits are scheduled in late February and early April 2016. Subsequent to these visits, the artist will return with the mosaic for a three-day community mosaic event to install the piece at Lions Park. The mosaic will be completed and installed by June 30, 2016.

Along with these visits, the Artist will furnish all supplies, materials, and equipment necessary for the design, execution, fabrication, transportation, and installation of the mosaic. In addition to creating the piece, the artist agrees to provide a written description of the work, instructions for appropriate maintenance and preservation of the piece, and a compact disk containing photographs or other visual images of the piece.

The Norman Arts Council will be responsible for purchasing the piece from the artist and obtaining any necessary building permits prior to the completion of the Work. Subsequent to the Arts Council's purchase, they will transfer ownership to the City of Norman upon completion and final acceptance of the mosaic. The Norman Arts Council will also pay \$1,200.00 to cover the costs of preparing the site for installation. The cost of the mosaic, to be paid by the Norman Arts Council, is \$18,000. The Artist will be paid in three installments of \$6,000: upon execution of the Contract; upon conclusion of the Artist's second visit to Norman; and upon final acceptance of the mosaic by the City and the Arts Council.

Final acceptance will be determined solely by the Norman Arts Council and the City of Norman. The City of Norman retains the right to subsequently remove the work if it presents a safety hazard or cannot be reasonably restored to its original structural or aesthetic integrity.

As an independent contractor, the artist is responsible for any Worker's Compensation insurance and employee liability insurance that may be necessary while the work is being made, transported, or installed. Proof of insurance is required prior to beginning any work. The artist agrees to defend, indemnify and hold harmless the City of Norman, its agents and employees, from and against legal liability for all claims, losses, damages and expenses to extent they are caused by the Artist, its agents and employees. The artist will indemnify the City of Norman, Oklahoma up to one hundred twenty-five thousand dollars (\$125,000). All rights under the Copyrights Act of 1976 and the Visual Artists Rights Act of 1990 are applicable to this contract.

In addition, after the piece is installed, the City of Norman agrees not to alter, modify, change, destroy, or damage the piece without attempting to consult the artist first. However, the City of Norman may remove the piece if it becomes a safety hazard due to a deterioration in its condition.

**RECOMMENDATION:** Based upon the above and foregoing discussion, it is the staff recommendation that Council approve and sign the attached contract, K-1516-108 if Council wishes to have Ms. Robbins' mosaic fabricated and installed on side of the pavilion at Lions Park located at 450 S. Flood Avenue.