



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: K-1415-41**

**File ID:** K-1415-41

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 18

**In Control:** City Council

**Department:** Parks and Recreation  
Department

**Cost:** \$15,000.00

**File Created:** 09/09/2014

**File Name:** Contract to Commission Artwork from Rick and  
Tracey Bewley

**Final Action:**

**Title:** CONTRACT NO. K-1415-41: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN ARTS COUNCIL, AND RICK AND TRACEY BEWLEY IN THE AMOUNT OF \$15,000 FUNDED THROUGH THE ARTS IN PUBLIC PLACES FUND FOR THE PURCHASE OF ARTWORK TO BE PLACED NEAR THE INTERSECTION OF MAIN STREET AND PORTER AVENUE.

**Notes:** ACTION NEEDED: Motion to approve or reject Contract No. K-1415-41 with the Norman Arts Council and Rick and Tracey Bewley; and, if approved, authorize the execution thereof.

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

**Agenda Date:** 09/23/2014

**Agenda Number:** 18

**Attachments:** K-1415-41

**Project Manager:** Jud Foster, Director of Parks and Recreation

**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-1415-41

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. The most recent pieces are "Indian Grass" within the round-about on East Main Street and "Sun Dial" and "Silver Lining" which are located within the 200-300 blocks of West 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.

The Norman Arts Council requested \$25,000 from available Room Tax Funds to be used for the Public Parks Duck Project and to place public sculpture in Downtown Norman and City Council, in its meeting of May 27, 2014, adopted Resolution No. R-1314-128 appropriating the funding to Contributions-Organizations (023-3041-451.47-41). Any additional funding required for these projects would be received through the Arts in Public Places Fund

Currently, the Arts Council is proposing to purchase two new art pieces. The first, "On the Wind", by Rick and Tracey Bewley, is to be located near the intersection of Main Street and Porter Avenue. The second piece, "Direction", by Joe Slack, is to be located on Grey Street near the Norman Public Library.

**DISCUSSION:** The items for consideration by Council are two separate, identical contracts with each artist and the Norman Arts Council. The contracts provide for the execution of the pieces and their installation. These contracts are similar to the previous contracts discussed above.

The City of Norman will determine arrangement and placement of the pieces at their designated locations. 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. In addition, the Arts Council agrees to spend up to seven hundred dollars to prepare the site and/or base for the piece. The Artist will design, execute, fabricate, transport, and install the piece.

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.

Upon completion of the piece, the Norman Arts Council will purchase the work from the artist and subsequently transfer ownership to the City of Norman. The artist will complete the work and installation by October 19, 2014. Final acceptance will be determined solely by the Norman Arts Council and the City of Norman. The City of Norman will receive ownership of the work upon final acceptance. 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.

The artist shall be paid \$15,000, in two installments, for the piece. The first installment of \$4,500 will be paid upon delivery of signed contract between the artist, Norman Arts Council and the City of Norman. The second installment of \$10,500 shall be paid upon final acceptance by the Norman Arts Council and the City of Norman. Funding for the purchase of this artwork is available in Contributions-Organizations (023-3041-451.47-41) to be included with donations received through the Arts in Public Places Fund.

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's recommendation that Council approve Contract No. K-1415-41, if Council wishes to have Mr. and Ms. Bewley's piece "On the Wind" fabricated and installed near the intersection of Main Street and Porter Avenue in Norman, Oklahoma.