



Legislation Text

File #: 20814, Version: 1

Fiscal Note

This resolution authorizes the City to execute an addendum to a professional services contract for planning services for Central Park, and also amends the 2011 Parks Division Capital Budget to recognize related funding of \$50,000 from a National Endowment of the Arts Grant. Total costs associated with the design services are estimated at \$170,450, and funding is available within CL60-58011-810625-00-53W0853.

A one-to-one match of the Federal grant funding is required. The 2011 Parks Capital Budget contains funding of \$3,704,805 of General Obligation Debt (of which \$3,056,211 is TIF reimbursable) and \$450,000 of funding from Parks Development Fees. The matching requirement should therefore easily be met. The budget amendment for the additional \$50,000 of grant funding would be as follows:

CL60-58011-810625-00-53W0853	\$50,000
CL60-73115-810625-00-53W0853	(\$50,000)

Title

Authorizing the Mayor and City Clerk to execute Addendum No. 2 to MSA Professional Services for additional planning services for "Central Park" and amending the 2011 Central Park Capital Budget to recognize funding from a National Endowment of the Arts Grant. Project No. 53W0853.

Body

WHEREAS, On January 26, 2010, the City of Madison entered into an agreement with MSA Professional Services, Inc. for Design Engineering (Contract No. 6409) with the authority provided by Council File Number. 16575, Enactment Number RES-09-00990, enacted on December 16, 2009; and

WHEREAS, The existing contract with MSA Professional Services, Inc. was for the design services for the Central Park Project for Phase I, which included including the planning and construction of the Great Lawn, gateway crossing/ "Mile "O" Plaza, the North and South Arrival Plazas, and miscellaneous other improvements; and

WHEREAS, since time of the execution of the original contract unforeseen circumstances have arose that have necessitated that the City request that the master plan for the park be expanded to the west to include lands originally outside the scope of service to holistically review the Park prior to the final design; and

WHEREAS, since time of the execution of the original contract the City has pursued and has been awarded a \$50,000.00 grant from the National Endowment for the Arts (NEA) for the public artist, Lorna Jordan who is a subcontractor to this contract; and

WHEREAS, a condition of the grant was that the City will be required to match the original grant amount for payment to the artist Lorna Jordan in the amount of \$50,000.00; and

WHEREAS, the City wishes to accept the grant from the NEA and will provide for an additional \$50,000 in design fees to the public artist, Lorna Jordan; and

WHEREAS, The 2011 Central Park Capital Budget shall be amended to recognize funding from a National Endowment of the Arts Grant of \$50,000; and

WHEREAS, on May 4, 2010 Common Council passed legislative file number 18145 allowing the City to apply

for and accept NEA funding for the purpose of enhancing the arts infrastructure in Central Park; and

WHEREAS, Paragraph 28 of the contract requires that all work product of MSA and its subcontractors is work for hire as defined by Title 17, United States Code, Section 101(2); and shall be the sole property of the City, including the copyright to the work product; and

WHEREAS, Subcontractor, Lorna Jordan ("Jordan") wishes to retain the copyright on all work product under the contract; specifically, her Art Approach and Research Summary; and

WHEREAS, City and MSA desire the participation of artist Lorna Jordan.

NOW THEREFOR, BE IT RESOLVED:

1. That the Mayor and City Clerk are hereby authorized to execute Addendum No. 2 to the present contract between the City of Madison and MSA Professional Services, Inc. for "Central Park", Contract No. 6409, for additional planning services.
2. MSA shall not require Jordan to execute an assignment of copyright for Work to the City. The Artist shall retain all rights, including, without limitation, copyrights, in any deliverables developed in the course of performance of the Services.
3. MSA shall require that Jordan grant City an irrevocable license to display Work in Central Park and to graphically reproduce (through photography or otherwise) the image of the Work and to authorize third parties to graphically reproduce (through photography or otherwise) any and all of the same, as are desired by the City, for municipal (e.g., education, public information, etc.) purposes.
4. MSA and City agree that Work shall not be a work for hire.
5. MSA and City agree that Jordan shall receive attribution as the artist of the Work in any City reproductions and in any media and at the physical location of the Work.

BE IT FURTHER RESOLVED, that the 2011 Capital Budget for the Central Park Project is amended to recognize \$50,000 of funding from the National Endowment of the Arts, and related expenditure of the grant funds for the appropriate purposes.