

AGENDA BILL APPROVAL FORM

Agenda Subject Public Art Component of the West Main Street Project		Date: January 31, 2008
Department: Parks, Arts and Recreation	Attachments: Resolution 4308 and addendum	Budget Impact:

Administrative Recommendation:
City Council adopt Resolution 4308.

Background Summary:

Resolution 4308 authorizes the Mayor to execute an addendum to Artistic Services Agreement (Resolution 4077) with the Artists Tom Askman and Lea Anne Lake for additional funds in the total amount of \$9,083.00 to complete execution of integrated streetscape artwork as part of the W. Main Street Improvement Project.

BACKGROUND: Resolution 4077 authorized \$30,000 for the design, fabrication and installation of Public Art as part of the W. Main Street Improvement Project.

CURRENT SITUATION: Due to construction delay on the W. Main Street Improvement Project, the following additional expenses have been incurred related to the Public Art Project: Significant increase of market cost of metal materials from 3rd Quarter of 2006 and Accrued Studio fees and insurance of completed elements from 3rd Quarter 2006. In addition, a second engineering fee was incurred for required re-draft of footings construction.

REQUEST: Authorize staff to amend Contract/Resolution 4077 with Tom Askman and Lea Anne Lake dba Enigma Lake Art Co. by \$9,083 for completion of W. Main Public Art Project.

The Public Arts Committee of the City of Auburn Arts Commission presented request to City of Auburn Planning and Community Development and Public Works Committees. Cultural Arts Staff is asking Council to authorize the execution of this contract.

O5.1.3

<p>Reviewed by Council & Committees:</p> <p><input checked="" type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm.</p> <p>COUNCIL COMMITTEES:</p> <p><input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____</p>	<p>Reviewed by Departments & Divisions:</p> <p><input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input type="checkbox"/> Public Works</p> <p><input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources</p>
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Action:

Committee Approval: Yes No
Council Approval: Yes No Call for Public Hearing ___/___/___
Referred to _____ Until ___/___/___
Tabled _____ Until ___/___/___

Councilmember: Norman	Staff: Faber
Meeting Date: February 4, 2008	Item Number: VIII.B.5

RESOLUTION NO. 4308

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ADDENDUM NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF AUBURN AND TOM ASKMAN AND LEA ANNE LAKE DBA ENIGMA LAKE ART COMPANY FOR WEST MAIN STREET PUBLIC ART WORK

WHEREAS, the City and Tom Askman and Lea Anne Lake entered into Agreement for Artistic Services ("Agreement") pursuant to Resolution No. 4077, under which Tom Askman and Lea Anne Lake were to design, execute, fabricate and install integrated streetscape artwork as part of the West Main Street Improvement Project; and

WHEREAS, additional funds are required to complete the project due to increased market cost of metal materials, additional engineering fees for required re-draft of footings construction, and additional studio fees and insurance as a result of unforeseen delays in the project; and

WHEREAS, Section 2 of the Agreement limits expenditures to Thirty Thousand Dollars (\$30,000.00) unless the parties execute an addendum to increase the amount; and

WHEREAS, it is in the public interest for the parties to enter into an addendum for additional work under the Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
KING COUNTY, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The Mayor of the City of Auburn and the Auburn City Clerk are hereby authorized to execute Addendum No. 1 to the Agreement for Artistic Services approved by Resolution 4077 on August 21, 2006, between the City of Auburn and Tom Askman and Lea Anne Lake dba Enigma Lake Art Company, which addendum shall be in substantial conformity with the addendum attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. This resolution shall be in full force and effect upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2008.

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

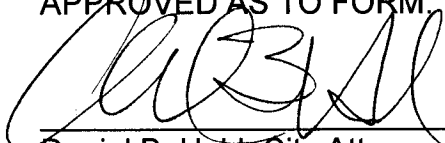

Daniel B. Heid, City Attorney

Exhibit "A"
ADDENDUM NO. ONE

**ADDENDUM TO THE AGREEMENT FOR ARTWORK
BETWEEN TOM ASKMAN AND LEA ANNE LAKE AND THE CITY OF AUBURN**

THIS ADDENDUM is made and entered into this 4th day of February, 2008, by and between Tom Askman and Lea Anne Lake dba Enigma Lake Art Co. , (hereinafter referred to as "ARTIST") and the CITY OF AUBURN, a municipal corporation of the State of Washington (hereinafter referred to as the "CITY"), as an addendum to the Agreement between the parties for Art Work executed on the 10 day of August, 2006, and authorized by Resolution No. 4077 of the Auburn City Council.

W I T N E S S E T H:

WHEREAS, the parties have agreed that due to significant increase of market cost of metal materials from 3rd Quarter of 2006; additional engineering fee for required re-draft of footings construction; accrued studio fees and insurance of completed elements from 3rd Quarter 2006 of the above referenced Agreement; and,

WHEREAS, the parties agree additional funds in the total amount of \$9,083.00 are required for the above referenced Agreement,

NOW THEREFORE in consideration of their mutual covenants, conditions and promises, the PARTIES HERETO HEREBY AGREE as follows:

ITEM ONE REVISION TO ARTICLE 2, COMPENSATION AND PAYMENT SCHEDULE
That Article 2.1 FEE of the Agreement is amended to provide the following language:

2.1 The initial \$30,000 for execution of the Agreement (Article 2.1) has been paid. An additional amount of \$9,083.00 for completion of W. Main Public Art Project shall be paid to the ARTISTS. All other provisions of Article 2.1 inconsistent herewith are replaced and superceded in accordance with the above.

ITEM TWO REMAINING TERMS UNCHANGED: That all other provisions of the Agreement between the parties for Artwork executed on the 10th day of August, 2006, shall

remain unchanged, and in full force and effect.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF AUBURN

ARTIST

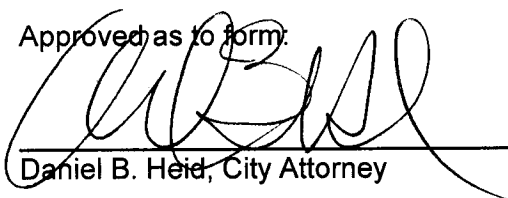
By: _____
Peter B. Lewis, Mayor

By: _____
Tom Askman
Tax # 520-42-8220

Attest:

By: _____
Danielle E. Daskam, City Clerk

Approved as to form:



Daniel B. Heid, City Attorney