



# CITY MANAGER'S OFFICE

Horacio Danovich, CIP Manager

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## MEMORANDUM

February 13, 2018

TO: Mark Berman, City Attorney  
Tracy Lyons, Assistant City Attorney

FROM: Horacio Danovich, CIP Manager

RE: Copyright Licensing Agreement

Please prepare a Resolution to approve and execute a Copyright Licensing Agreement between the City of Pompano Beach ("City") and Dennis Friel Art Studios ("DFAS").

### Background Information

On June 13, 2017, the City Commission approved Resolution 2017-258 and executed a Community Aesthetic Feature Agreement (CAFA) between the City and the Florida Department of Transportation ("FDOT"). The agreement authorized to proceed with the installation of "Guy Harvey Composite Aluminum Murals" affixed to vertical coated aluminum channels; mounted over existing concrete walls, typical over all 4 sides of both Bascule Plgrs. To that effect, FDOT approved and executed CAFA #2016-M-491-0001. Subsequently, the City approved Resolution 2017-327 whereas the City agreed to maintain all improvements.

To assist with design and construction of said murals, among other construction elements, the Community Redevelopment Agency ("CRA") retained Burkhardt Construction, Inc. ("BCI"). The City entered into an Interlocal Agreement with the CRA allowing the agency to manage the project.

BCI hired DFAS to design the murals. DFAS requires a Copyright Licensing Agreement relating to the license of Visual Art Work ("Work") created by the artist. As described in the agreement, the City acknowledges and agrees the Artist retains all rights, title, and interest to any copyrights or other intellectual property associated with the Work, including, but not limited to image reproduction, display, and licensing, and the City acknowledges and agrees the Artist is the sole, lawful, and exclusive owner of all rights, title, and interest of said Work. By virtue of the agreement, DFAS is willing to grant the City a non-exclusive, irrevocable, and perpetual license to display said Work publicly on the Atlantic Boulevard



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Bridge and utilize and/or reproduce the Work in any advertisements or displays by the City featuring the bridge where the Work is depicted.

Staff agrees with said conditions and recommends proceeding with the agreement.