

Meeting Date: 9/8/2015

Report Type: Consent

Report ID: 2015-00568

Title: Deed of Gift: Accession of Artwork

Location: District 4

Recommendation: Pass a Motion authorizing the City Manager or his designee to execute a deed of gift from SG Downtown, LLC to the City, whereby the City accepts the following artwork: "Balancing Act, Too" by Tony Natsoulas, and "Spherical Discourse #1 and #2" by Yoshio Taylor.

Contact: Shelly Willis, Executive Director, (916) 808-3971, Sacramento Metropolitan Arts Commission; Jody Ulich, Director, (916) 808-5105, Convention and Cultural Services

Presenter: None

Department: Convention & Cultural Services

Division: Metro Arts-APP

Dept ID: 17001821

Attachments:

1-Description/Analysis

2-Exhibit A

3-Exhibit B

City Attorney Review

Approved as to Form

Maila Hansen

8/27/2015 12:01:13 PM

Approvals/Acknowledgements

Department Director or Designee: Jody Ulich - 8/21/2015 9:11:21 AM

Description/Analysis

Issue Detail: Staff is recommending that the City Council authorize the execution of a deed of gift from SG Downtown, LLC for the City to acquire the works titled “Balancing Act, Too” by Tony Natsoulas and “Spherical Discourse #1 and #2,” by Yoshio Taylor (Exhibit A).

Both works of art were commissioned and installed in the Sacramento Downtown Plaza in 1993. The artworks were removed in Spring 2014 in preparation for the development of the Golden 1 Center, at which time, the owners agreed to gift the artworks, including all copyright, trademark, and associated rights, to the City (Exhibit B).

On April 21, 2014, the Sacramento Metropolitan Arts Commission (SMAC) recommended the acquisition of the sculptures into the City collection. Under the City’s Art in Public Places (APP) program, SMAC reviews and makes recommendations upon all works of art to be acquired by the City or county either by purchase or gift (City Code Section 2.84.080(E)).

Policy Considerations: SMAC’s recommendation to acquire these artworks meets the City’s Arts in Public Places policies and procedures.

Economic Impacts: None

Environmental Considerations: The report does not constitute a “project” and is therefore exempt from the California Environmental Quality Act (CEQA) [CEQA Guidelines Sections 15061(b)(3);15378(b)(2)].

Sustainability: Not applicable

Commission/Committee Action: In accordance with City Code section 2.84.080(E), SMAC has the authority to make recommendations to the City on all works of art to be acquired by the City either by purchase or gift. SMAC recommended acquisition by the City of the artworks on April 21, 2014.

Rationale for Recommendation: Staff is recommending approval of the acquisition of the artworks because they are of the highest artistic quality, have been a major part of the Sacramento public art landscape for more than 20 years, were created by acclaimed artists, are in excellent condition, and the City has the ability to handle, place, maintain, and conserve the artworks.

Financial Considerations: The artworks are being donated to the City. The artworks were commissioned in 1993 for the following amounts: \$55,000 for “Balancing Act, Too” by Tony Natsoulas and \$125,000 for “Spherical Discourse #1 and #2” by Yoshio Taylor.

Local Business Enterprise (LBE): Not Applicable

Exhibit A

“Balancing Act, Too” by Tony Natsoulas is a figurative sculpture that stands approximately 12’ tall and is fabricated in bronze with a colored enamel surface. Sacramento artist Tony Natsoulas received his Masters of Fine Art at the University of California at Davis in 1985. His work has been exhibited throughout the country at the Robert Else Gallery, California State University Sacramento; the Morris Graves Museum of Art, Eureka, California; the Triton Museum of Art, Santa Clara, California; the Patricia Sweetow Gallery, Napa, California; and the Crocker Art Museum, Sacramento, California, among others. In 2004 he was named by the Smithsonian as one of the top 100 craft artists in the United States. His work is held in the collections of the San Jose Museum of Art, the Laguna Art Museum, the Oakland Museum, and the Crocker Art Museum. He is currently an Adjunct Professor at California State University, Sacramento.



“Spherical Discourse #1 and #2” by acclaimed artist Yoshio Taylor consists of two ceramic figurative sculptures approximately 5’ tall. Yoshio Taylor has worked in clay for over two decades. He received his master’s degree from California State University, Sacramento in 1979 and a Master of Fine Arts from University of California, Berkeley. He currently teaches full time at Cosumnes River College in Sacramento. A selection of major exhibitions of his work include: Triton Museum of Art, Santa Clara California; the San Francisco Crafts and Folk Art Museum, San Francisco; and the Crocker Art Museum in Sacramento, California. His work has been widely exhibited in galleries internationally. His work consists of narrative, figurative and geometric shapes and forms, and draws on past experiences, memories, common objects and everyday occurrences. The geometric shapes in his work relate to his impressions from architecture and landscapes of Japan and the United States.



DEED OF GIFT

Effective on the date of acceptance by the City of Sacramento, as noted in the signature blocks below, SG Downtown, LLC ("**Donor**") hereby gives absolute and unconditional ownership of the following artworks, including all copyright, trademark, and associated rights that the Donor has therein (together referred to as the "**Gift**"), to the City of Sacramento, a California municipal corporation ("**City**"):

Gift: "Balancing Act, Too" by Tony Natsoulas – a bronze and enamel figurative sculpture, approximately 12' x 4', 1993

"Spherical Discourse #1 and #2" by Yoshio Taylor – two ceramic figurative sculptures; each sculpture is approximately 5'x 20", 1993

The City acknowledges that it is accepting the Gift "as is," and the Donor makes no guarantee, warranty, or representation, express or implied, as to the character, quality, or condition of the Gift, its merchantability, its fitness for any use or purpose, or otherwise.

The Donor acknowledges that the City's acceptance of the Gift is subject to approval by the City Council and the following conditions:

1. By execution of this Deed of Gift, the Donor represents and warrants to the City, that the Donor is the sole owner of title of the Gift and has full authority to give the Gift to the City.
2. The Gift is given to the City without restriction and will become the sole property of the City.
3. The City, in its sole discretion, has the right to use, display, conserve, and dispose of the Gift as it chooses and in any manner without attribution to the Donor.
4. To the best of the Donor's knowledge and belief, the Gift is free and clear of all encumbrances and restrictions, and has never been imported or exported into any country contrary to its laws.
5. The Donor acknowledges that the City, by accepting the Gift, does not agree, either by statement or implication, to furnish an appraisal of the monetary value of the Gift, since such appraisals are proscribed by federal statute. No appraisal, done by either the Donor or a third party, is warranted by the City.

6. For valuable consideration, the Donor grants, conveys and assigns to the City, the following:
- 6.1 The non-exclusive-right, throughout the world, during all terms of copyright therein and all extensions and renewals of such copyrights, to reproduce the Gift, by means of photographic, digital, or other reproduction for the following specific purposes:
- (A) For inclusion in the files and records of the City;
 - (B) For inclusion in programs or catalogues to be distributed to the public;
 - (C) For distribution to the public by sale, rental or other transfer, in a museum shop or elsewhere, in the form of postcards, transparencies, slides, prints, or other electronic media;
 - (D) For inclusion in television programs, motion pictures, and videos (or other electronic transmission);
 - (E) For inclusion in websites; and
- 6.2 The right to grant, convey, sell, assign or license any of the aforesaid rights to any third parties the City may desire.

(Signature Page Follows)

CITY:

CITY OF SACRAMENTO, a California municipal corporation

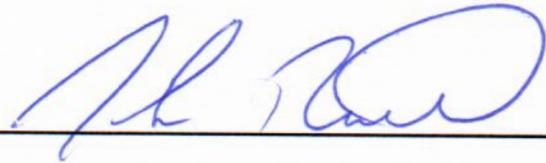
By: _____

Jody Ulich, Director of Convention and Cultural Services

Date: _____

For: John F. Shirey, City Manager

DONOR:



SG Downtown, LLC
John Rinehart, CFO

Date: 9/1/15

APPROVED AS TO FORM:

By: _____

Maila L. Hansen
Deputy City Attorney

ATTEST:

By: _____

City Clerk