

City of Prescott

Civic Enhancement Committee



June 27, 2024 | 3:30 PM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

AGENDA

The following Agenda will be considered by the **Civic Enhancement Committee** at their meeting to be held **June 27, 2024**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION & ACTION ITEMS

- A. Approval of the May 30, 2024, Civic Enhancement Committee Meeting Minutes.
Recommended Action: MOVE to approve the meeting minutes as presented
- B. Presentation & Discussion Regarding Resolution No. 4279-1488 - Art Donation Criteria.
Recommended Action: This item is for discussion only. No formal action will be taken.
- C. Presentation, Discussion & Possible Action Regarding Sculpture Art Donation from Marcella Hirschy for the Granite Creek Trail.
Recommended Action: Possible action regarding recommendations related to updates provided by staff

4. UPDATES

- A. Update From Recreation Services Department.
- B. Staff Announcements & Upcoming Meeting Schedule.

5. ADJOURNMENT

Upon a public majority vote of a quorum of the Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in

settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));

(5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));

(6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));

(7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 6/20/24 at 11:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Sarah M. Siep

Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL
AGENDA: June 27 Civic Enhancement Committee Meeting
DATE: June 27, 2024
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of the May 30, 2024, Civic Enhancement Committee Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the May 30, 2024 Civic Enhancement Committee Meeting Minutes. Staff recommends approval of minutes as presented.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

MOVE to approve the meeting minutes as presented

ATTACHMENTS

1. 05-30-24 CEC Minutes



City of Prescott

Civic Enhancement Committee

May 30, 2024 | 3:30 PM
201 N Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chair Wiens called the meeting to order at 3:30 p.m.

2. ROLL CALL

Susan Wiens, Chair
Christopher Briggs, Member
Timothy Holt, Member (Arrived at 3:35 p.m.)
George Snyder, Member
James Whiting, Member

3. DISCUSSION & ACTION ITEMS

A. Approval of the March 28, 2024, Civic Enhancement Committee Meeting Minutes.

MOTION BY MEMBER SNYDER TO APPROVE THE MINUTES AS PRESENTED; SECONDED BY MEMBER BRIGGS: PASSED (5-0)

4. PRESENTATIONS

A. Presentation & Discussion Regarding an Update and Overview of Financials for the Acker Trust Grant Program.

Finance Director, Mark Woodfill, provided a presentation to the Committee regarding the current status of the Acker Trust Grant program financials. There is \$570,305 in the account, and typically \$15,000 has been disbursed annually to the local non-profits. The total budgeted from interest income is \$14,500, with the actual balance at \$12,455, according to Mr. Woodfill.

Recreation Services Director, Joe Baynes, commented that it has been common that less was allocated than requested over the past years. There are still a few months for the current balance to reach the budgeted amount.

Member George Snyder inquired about higher allocations. Per Mr. Baynes, if the allocation is greater than the current interest, it would build back up. Some years have been higher or lower than previous.

B. GRANT APPLICANT PRESENTATIONS

Each presenter was allotted 15 minutes total for presentation / Q&A.

Arizona Philharmonic, Inc.

Arizona Philharmonic representative, Abby Coffey, presented to the Committee on behalf of the organization. Arizona Philharmonic is seeking funding for a composition outreach project for 350 third grade students in the Prescott Unified School District (PUSD), that will incorporate learning to play the recorder as well as compose a piece that will be performed twice by the Arizona Philharmonic mentoring high school musicians. Additional benefits include cognitive development for reading and math, emotional expression, hand-eye coordination, and discipline. Ms. Coffey expressed her gratitude for the Acker Trust and the support received in past years.

Member Snyder asked Ms. Coffey if the amount requested were not provided in full or partial, would the program continue.

Ms. Coffey confirmed it would continue through additional funding opportunities in Phoenix.

Chair Wiens requested information about how many events occur, as well as whether this organization was part of a parent organization.

Ms. Coffey responded that there are six to eight season performances. Arizona Philharmonic was founded in 2018 under their own status, and under parent organization Chaparral Arts previously.

Member Snyder commented that with 77 hours of teaching 300 students, there must be classroom visitation.

Ms. Coffey responded stating that the teaching artists are highly trained, equipped with curriculum, and work with PUSD to ensure that there is little impact to teachers.

One Stage Family Theater

One Stage Family Theater representative Shana Lujan presented to the Committee. One Stage Family Theatre is a non-profit community theatre program that produces both children and family shows. Begun in 2016, One Stage has proudly performed many shows including hundreds of local children. Ms. Lujan explained that the funding requested is for a summer theatre camp for approximately 80 children.

Member Briggs inquired about auditions and eligibility.

Ms. Lujan explained that all who audition are eligible, as cast and/or stage managers. Audition opportunities are announced through the organization webpage and social media.

Member Snyder asked if the amount requested was not provided in full or partial, by what other means would the program continue.

Ms. Lujan replied that the organization would find a way to continue the program.

POPS Symphony Orchestra Music Memory Concert

Representatives Joseph and Debbie Place, for POPS Symphony Orchestra Music Memory Concert, presented to the Committee. Funding for the advancement of musical culture in the community, particularly for children, is being sought for the organization. Mr. and Mrs. Place shared that the goals of their mission include education, enrichment, and entertainment within the local community through the advancement of musical culture and education within the local schools. The focus is on, but not limited to, classical concert experiences.

Member Snyder inquired about where the majority of students come from.

Mr. Place responded that students are both local, and as far away as Cottonwood and Clarkdale.

Prescott Western Heritage Foundation

Prescott Western Heritage Foundation Representative, Pam Kellogg Merkel, presented to the Committee. The organization strives to preserve the City's Western Heritage through education and plans to add music to the children's programs. The funding requested would serve to purchase instruments, including older and traditional, to enhance field trip programs for third and fourth grade students. The motto is "teaching through fun and interaction" per Ms. Kellogg Merkel.

Chair Wiens requested information on how many children engage annually, and the process involved.

Ms. Kellogg Merkel responded that 350-400 children engage annually, through collaboration and interaction with PUSD and other educational organizations.

Member Snyder asked if the amount requested were not provided in full or partial, would the program continue.

Ms. Kellogg Merel responded that it would not progress as quickly. There is commitment to the program, and it would progress at a slower pace.

5. CALL TO ENTER EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Committee may hold an executive session that is not open to the public for the purposes set forth below. When the executive session ends, the Committee may adjourn or return to open session.

MOTION BY MEMBER BRIGGS TO CONVENE EXECUTIVE SESSION; SECONDED BY MEMBER SNYDER; PASSED (5-0)

6. EXECUTIVE SESSION

Legal advice from the City's attorneys and discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body, except that, with the exception of salary discussions, an officer, appointee, or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee, or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee,

or employee to determine whether the discussion or consideration should occur at a public meeting. A.R.S. 38-431.03(A)(1) & (3):

- A. Discussion, Consideration and Recommendation(s) Regarding Applicants for the Acker Trust Grant Program.

7. ADJOURN EXECUTIVE SESSION

The Executive Session was adjourned at 4:21 p.m. and the open meeting was reconvened.

8. RECONVENE CIVIC ENHANCEMENT COMMITTEE MEETING

- A. Consideration of Recommendation(s) for Awards of Acker Trust Grant Program Funds.

Discussion took place among the Committee members regarding the setting of the budget for the Acker Trust Grant Program.

Member Briggs asked Mr. Baynes if there have been years when no funding was provided.

Mr. Baynes responded that there has, but it is rare.

Member Holt commented that keeping a total award amount at or below the interest balance may have effects long-term and is personally comfortable going slightly above.

Chair Wiens agreed with Member Holt.

MOTION BY MEMBER SNYDER TO LIMIT THE AWARD BUDGET TO THE INTEREST BALANCE, EXCEPT IN EXTREME CIRCUMSTANCES. MOTION FAILED DUE TO A LACK OF SECOND.

MOTION BY CHAIR WIENS TO SET THE AWARD BUDGET AT \$22,500. MOTION FAILED DUE TO A LACK OF SECOND.

Member Briggs reminded the Committee that funds did not appear to be critical to the programs presented by the applicants, therefore, even partial award amounts to the requests would be appreciated by the applicants.

Member Briggs proposed not setting the budget prior to ranking applicant award recommendations.

Mr. Baynes responded that thus far it has been set first, however, ranking can take place first if so desired. The budget would then be based on the sum of the recommended award amounts.

Members of the Commission shared their rankings, 1 through 4 (4 being the highest), and totals were calculated based on averages.

The averages were as follows:

- 3.25 – Arizona Philharmonic Inc.
- 2.25 – One Stage Family Theater
- 1.25 – POPS Symphony Orchestra Music Memory Concert
- 3.25 – Prescott Western Heritage Foundation

Discussion took place among the members, encompassing which programs best fulfilled the Acker Trust Grant requirements, which programs were the most hands-on, which programs were most engaging, and which programs included long-term plans versus a one-time event.

Members of the Commission shared a second round of their rankings, again with 1 through 4 (4 being the highest), and totals were calculated based on sums. Total blended scores were as follows:

3.25 – Arizona Philharmonic Inc.

Funding Request - \$9,831

2.25 – One Stage Family Theater

Funding Request - \$12,000

1.25 – POPS Symphony Orchestra Music Memory Concert

Funding Request - \$10,994.35

3.25 – Prescott Western Heritage Foundation

Funding Request - \$1,000

MOTION BY CHAIR WIENS TO RECOMMEND ACKER TRUST GRANT FUNDING TO ARIZONA PHILHARMONIC INC IN THE AMOUNT OF \$9,831; MOTION SECONDED BY MEMBER BRIGGS: PASSED (5-0)

MOTION BY MEMBER SNYDER TO RECOMMEND ACKER TRUST GRANT FUNDING TO ONE STAGE FAMILY THEATER IN THE AMOUNT OF \$2,000; MOTION SECONDED BY MEMBER BRIGGS: PASSED (5-0)

MOTION BY MEMBER BRIGGS TO RECOMMEND NO FUNDING FOR POPS SYMPHONY ORCHESTRA MUSIC MEMORY CONCERT; MOTION SECONDED BY MEMBER HOLT: PASSED (5-0)

MOTION BY MEMBER BRIGGS TO RECOMMEND ACKER TRUST GRANT FUNDING TO PRESCOTT WESTERN HERITAGE FOUNDATION IN THE AMOUNT OF \$1,000; MOTION SECONDED BY MEMBER BRIGGS: PASSED (5-0)

9. ADJOURNMENT

There being no further business to discuss, Chair Wiens adjourned the meeting at 4:55 p.m.

SUSAN WIENS, Chair

ATTEST:

MARIKAY WHISENAND, Senior City Clerk Specialist

Date



TO: MAYOR AND CITY COUNCIL
AGENDA: June 27 Civic Enhancement Committee Meeting
DATE: June 27, 2024
DEPT: City Clerk
ITEM #: 3.B
SUBJECT: Presentation & Discussion Regarding Resolution No. 4279-1488 - Art Donation Criteria.

ITEM SUMMARY

Staff will provide a review and discussion regarding art donation criteria for the Committee's consideration related to Resolution 4279-1488.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

This item is for discussion only. No formal action will be taken.

ATTACHMENTS

1. Resolution 4279-1488

RESOLUTION NO. 4279-1488

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING A POLICY TO GOVERN THE PROCESS FOR ACCEPTANCE OF PUBLIC ART.

RECITALS:

WHEREAS, that certain document entitled "Guidelines for Acceptance of Public Art", (the "Guidelines"), a copy of which is filed in the office of the City Clerk, is hereby declared to be a public record, with said copy to remain on file with the City Clerk; and

WHEREAS, the Guidelines are intended to govern the process for acceptance of works of art by the Art in Public Places Committee for recommendation to the City Council for inclusion in the public art collection of the City; and

WHEREAS, the Guidelines outline the process for reviewing and evaluating works of art under consideration to determine the suitability of artwork, appropriate locations for possible installation, and evaluating future maintenance and safety requirements; and

WHEREAS, the Guidelines are intended to ensure that public art accepted by the City (i) is of the highest quality, (ii) enhances the aesthetic character of the community's public spaces, (iii) advances the public understanding of art, and (iv) does not place an undue burden on the City for the artwork's maintenance, security or public safety; and

WHEREAS, it is in the best interests of the health, safety and welfare of the City to have a policy in place setting forth the process for acceptance of public art.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. THAT certain document entitled "*Guidelines for Acceptance of Public Art*", is attached hereto as Exhibit A, and is hereby declared to be a public record.

Section 2. THAT the City Clerk is hereby directed to maintain a copy of the above referenced public document on file at all times for inspection by the public.

Section 3. THAT the "*Guidelines for Acceptance of Public Art*" is the official policy of the City of Prescott governing the process for the acceptance of public art.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this
24th day of February, 2015.


MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:


DANA R. DeLONG, City Clerk


JON M. PALADINI, City Attorney

Exhibit A – Guidelines for Acceptance of Public Art

This policy is intended to govern the process for acceptance of works of art by the Art in Public Places Committee for recommendation to the City Council for inclusion in the City's public art collection. The guidelines outline the process for reviewing and evaluating works of art under consideration to determine the suitability of artwork, appropriate locations for possible installation, and evaluating future maintenance and safety requirements.

These guidelines are intended to ensure that public art accepted by the City (i) is of the highest quality, (ii) enhances the aesthetic character of the community's public spaces, (iii) advances the public understanding of art and (iv) does not place an undue burden on the City for the artwork's maintenance, security or public safety.

A. General Standards

Public art is defined as the work of a visual artist located in a publicly accessible space. Public art includes, but is not limited to, paintings, murals, statues, stained glass, fiber art, relief or other sculpture, fountains, arches and other structures intended for ornament or commemoration, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, landscape art, and crafts, both decorative and utilitarian. Public art may be temporary or permanent in nature.

Regardless of the method of acquisition, certain fundamental criteria will be universally applied to any work of art under consideration including the following points.

- Artistic merit
 - Physical condition of the artwork
 - History and provenance of the artwork
 - Compatibility with the City's public art program and collection
 - Availability of an appropriate location for siting on City property
 - Requirements for installation, storage, and maintenance
 - Liability considerations and issues of public safety
1. **Acceptable Art.** Acceptable forms of art ("Acceptable Art") shall include but are not necessarily limited to, the following:
 - All forms of limited edition or one-of-a-kind original creations of visual art created by an artist.
 - Project features and enhancements which are unique and produced by a professional artist such as benches and fountains.
 - Murals or mosaics covering walls.
 - Professional artist sculptures which can be freestanding, wall-supported or suspended and made of durable materials suitable to the site and the climate.
 - Other suitable artworks as presented in a catalogue and previously approved by the Art in Public Places Committee.
 2. **Not Acceptable Art.** The following, non-exclusive list describes those items not considered Acceptable Art:

- Business logos or art that incorporates a logo for the primary purpose of advertising a business.
- Directional elements such as supergraphics, signage or color coding except where these elements are integral parts of the original works of art.
- Mass-produced art objects, such as fountains, statuary objects, or playground equipment. (these items are general considered for acceptance as part of the City's "general donation policy")
- Reproduction by mechanical or other means of original works of art.
- Art exhibitions and educational activities.
- Security and publicity concerning works of art.
- Standard landscape or hardscape elements that would normally be associated with another improvement project.

If the gift or donation is not considered public art, the City's "general donation policy" may still apply.

B. Accepting Gifts, Bequests and Loans of Artwork

This process begins with the Art in Public Places Committee and is finalized by the City Council. Upon receipt of an offer, the Art in Public Places Committee will provide the prospective donor with a copy of these Guidelines.

1. Eligible offers of artworks from artists, owners, businesses, organizations, individuals or other entities shall be submitted by the donor to the Art in Public Places Committee for proper processing. Eligible offers shall include the following elements:
 - A Letter of Intention stating that the donor wishes to donate, loan and/or bequest an artwork to the City. The donor may suggest locations for the artwork's placement on City property.
 - A written description of the artwork, including a definition (i.e., painting, sculpture, fabric hanging, etc.); the date medium was created; the name and, if possible, a resume of the artist who created the artwork; its dimensions; physical condition, and any relevant background information about the artwork and the artist.
 - The name, address and phone number of the prospective donor.
 - Visual documentation of the artwork (i.e., color photographs, 35 mm slides, videotapes, etc., including electronic copies when possible).
 - Donor may be asked to provide additional documentation to verify originality and legal title to the work.
2. Soon thereafter, the Art in Public Places Committee will schedule a review of the offer, notifying the prospective donor in writing of the date and time for the review. The prospective donor will have an opportunity to make a brief informational presentation to the Committee. Some projects may require certain expertise outside the scope of the standing Art in Public Places Committee. On such occasions, the Art in Public Places Committee will enlist the services of necessary experts to assist in the review process. Review may require several steps, including consultation with

pertinent staff members, other City commissions and committees, and related stakeholders in order to appropriately review site locations. The Pre-Application Guidelines of the Community Development Department may apply, dependent on the site, and scope of the artwork. In some cases artwork may be declined prior to reviewing possible site locations based on the type of artwork or other factors.

3. Upon reviewing and examining the artwork and evaluating the proposed gift, loan and/or bequest according to the criteria detailed below, as soon as it is practicable, the Art in Public Places Committee will make a recommendation to the City Council regarding acceptance or non-acceptance of the artwork, including a draft written donation agreement, which outlines the responsibilities of each party and related scope if the artwork being donated has not yet been created.
4. The City Council will consider the recommendations of the Art in Public Places Committee during a regular City Council Meeting, at which time, public comment may be accepted.
5. The City Council shall accept or decline the artwork for the City. After receipt of the City Council's decision, the Art in Public Places Committee will formally notify the prospective donor of the City Council's decision in writing.
6. Prospective donors should understand that artwork will not be accepted by the City with attached conditions or restrictions, except in extraordinary circumstances, which will be noted and approved by the Art in Public Places Committee in advance of the acceptance. Neither the Art in Public Places Committee nor the City is obligated to accept bequeathed items that in its opinion would be inappropriate in the City's public art collection. No object will be accepted for the City's art collection if ownership is in question. Art objects will be accessioned only when they have been collected, exported and imported in full compliance with the laws and regulations of the country or countries of origin, and with the laws and regulations of the City, Yavapai County, the State of Arizona and the United States. Under no circumstances will individuals of the Art in Public Places Committee or City personnel give appraisals of art objects.

C. Site Selection Requirements.

1. Determination of Site Locations. When evaluating potential art sites it should be asked whether art at a particular location has the ability to: (i) reveal a unique or special quality about Prescott, (ii) enhance the daily routine of the commuter, pedestrian, worker or resident, (iii) contribute to awareness of Prescott's history and cultural identity, (iv) add aesthetic quality and interest to Prescott's infrastructure, (v) serve as a landmark or place-maker, (vi) engage the public in an entertaining, educational, or contemplative way or (vii) make a statement about the identity, character or values of a particular area or community within Prescott.

Site location for the placement of donated works is also an involved process. This requires close cooperation between members of the Art in Public Places Committee, other affected City boards, committees and commissions and City personnel. The Art in Public Places Committee, upon acceptance will work with the aforementioned parties to identify priority sites throughout Prescott. A draft will be brought to various affected groups for comment and input and finalized by approval of the City Council.

The Art in Public Places Committee will consider several factors when determining an acceptable location for the art. The location must be compatible with the piece to be acquired. In some cases, the proper site will be obvious. There may or may not be an ideal or feasible location that meets all of the requirements. If no feasible site is identified for a potential donation, the donation will not be accepted.

2. **Stakeholder Review.** After an appropriate site is identified, the Art in Public Places Committee shall notify the City personnel responsible for staffing any related City Commission or who is the liaison to various stakeholder groups as appropriate (for example the Parks and Recreation Advisory Commission, Historic Preservation Commission, Prescott Downtown Partnership, Youth Sport League Associations, or other related stakeholder groups depending on the recommended site). The appropriate staff member shall prepare the item for consideration at a stakeholder meeting, or invite stakeholders to an Art in Public Places Committee meeting for consideration. Concurrence of related City Commissions, City personnel responsible for the maintenance and operation of various public property, and input from important stakeholder shall be required prior to recommending the site to the City Council.
3. **Interference with Other Facilities.** The piece must not interfere with other uses or with utility lines. Art pieces and related locations may be rejected because the artwork interferes with above or underground wiring or pipes, building maintenance or window washing activities, regular use or programming of a facility, or with the normal flow of pedestrian traffic. For example, locations may be rejected because of interference with existing or future planned park uses.
4. **ADA Compliance.** The location of the work must conform to the Americans with Disabilities Act ("ADA") including any applicable provisions relating to visual access and physical access to the installed work of art.
5. **Site Maps.** Site maps for the suggested location of public art will be required. These maps will be established by agreement between City personnel and the Art in Public Places Committee setting forth acceptable sites, and upon approval of the City Council. In all cases, the final site for a work must be approved by the City Council and must meet the required standards and, if the piece is to be located within a City facility, the appropriate parties must agree to have the artwork located within the facility; any relocation of an art work must be approved by the City Council.

6. Relocation of Art Work. The initial placement of a work is not necessarily permanent. If a more appropriate location becomes apparent, the Art in Public Places Committee will review the possibilities and present a recommendation, including related costs, to the City Council. Relocation of any work is subject to approval by the City Council, which shall determine, in its sole discretion, whether the cost of relocation may be paid for with City funds.
7. Engineering Requirements. If it is determined by the City, in the City's sole discretion, that a particular installation of donated art requires the services of a licensed contractor, or professional engineer, the donating individual(s)/entity(ies) will be required to provide City with acceptable proof that the City's requirements have been met in this regard, at the sole expense of the donating individual(s)/entity(ies).

D. Installation Costs

Most items have little or no installation cost. However, some installations may require significant expense due to the type of artwork, location, or site conditions. If a piece of art is to be donated by one or more individuals, then the cost of installation shall be borne by the individual, individuals, entity, or entities donating the public art. If funds are required from the City, the source must be allocated from an eligible source of City funds and approved at the sole discretion of the City Council. If deemed in the best interests of the City, at the City's sole discretion, appropriate insurance coverage may be required of the individual(s)/entity(ies) as determined by the City's Risk Management Division. Failure to procure required insurance shall be grounds for the City to deny the installation and donation.

E. Responsibility after Installation

Art located on City-owned property shall be dedicated to the City. The art's final location will be reviewed by appropriate City personnel and approving bodies to ensure compliance with the ADA, if applicable, various City codes and safety standards, and to minimize conflicts with public utilities in City rights-of-way. The City will insure and maintain all pieces on City-owned property. In certain instances, by agreement of the City and donor, the donor may be required to perform certain maintenance duties, which will be defined within the approved donation agreement. As owner of the artwork, the City reserves the right to make all final decisions on the method and timing of maintenance and to relocate or remove artwork in the event that maintenance or other factors so warrant, at the sole discretion of the City.

F. De-accession

Any proposal to remove or relocate art work, art spaces, or art concepts should be reviewed according to the following procedures, except that, in cases of urgent need for de-accession, a request may be submitted without following the formal process. Criteria for "Urgent Need" may include:

- Extreme controversy (within a specified time frame)
- Irreparable vandalism
- Artist request
- Irreparable damage from other causes.

When all steps for de-accession recommendations have been taken, the recommendation shall be considered for approval by the Council. De-accession shall be implemented by the City Manager or the City Manager's designee.

Reasons for Consideration of De-accession (non-exclusive):

- The site of the art work has become inappropriate because it is no longer accessible to the public, the physical setting has changed, or the site is to be destroyed
- Art work has received adverse public reaction
- De-accession has been requested by agency displaying the art work
- Art work is discovered to be fraudulent or not authentic
- Art work possesses faults of design or workmanship and repair or remedy is unfeasible or impracticable
- Art work causes excessive or unreasonable maintenance or repair
- Art work is damaged irreparably, or to the extent that repair is unreasonable or impracticable
- Written request from the artist has been received
- Security for the artwork cannot be reasonably guaranteed, and the work cannot be reasonably moved to a safer location

De-accession Recommendation Procedures:

1. Review artist contract and other relevant agreements
2. Obtain legal opinion from City Attorney
3. Review written correspondence, media coverage, and other evidence of public debate.
4. Investigate that no restrictions apply prior to de-accession
5. Investigate if clear title exists to art work prior to de-accession

De-accession Recommendation Checklist:

- Notification of donor, if gift
- Reasons for suggested de-accession, and acquisition method and cost (if any)
- Informed estimate of the current value of the work
- Hold a Committee meeting for input on art works valued at more than \$1,000.00
- Recommend specific measures and time frame for relocation/removal
- Review options for possible relocation
- Suggested and alternative courses of action:

Sale: Proceed with sale of de-accessioned art work according to the A.R.S. statute on disposal of public property.

- Seek bona fide appraisal
- Advertise sale
- Seek competitive bids

Alternatives:

- Dispose through surplus property procedures
- Remove art work from display and store it
- If the above is not feasible and all other de-accession steps have been taken, art work will be destroyed

G. Artist's Rights:

The artist retains all rights under 17 USC 106A (commonly referred to as the "Visual Artist Rights Act") and all other copyrights to the art work under 17 USC 101, et seq., (commonly referred to as the "Copyright Act of 1976") with the following exceptions: (1) ownership, (2) possession, and (3) those rights limited by this policy. .

The City shall have no liability for copyright infringement claims by third parties against the artist, or donating individual(s)/entity(ies). The City will not be responsible for prosecution of copyright infringement claims by any artists, individuals or entities. The City will not assume any liability for copyright infringement claims. The City will not defend or indemnify any artist, individual(s), or entity(ies) claiming a copyright interest in the public art, including, but not limited, to the donating artist(s).



TO: MAYOR AND CITY COUNCIL
AGENDA: June 27 Civic Enhancement Committee Meeting
DATE: June 27, 2024
DEPT: City Clerk
ITEM #: 3.C
SUBJECT: Presentation, Discussion & Possible Action
Regarding Sculpture Art Donation from Marcella
Hirschy for the Granite Creek Trail.

ITEM SUMMARY

Discussion and follow-up to the March 28, 2024 Civic Enhancement Committee meeting and June 6, 2024, site walk through.

BACKGROUND

The Granite Creek Trail Art Project Group recently completed the Granite Creek Mural to enhance the corridor, and desires additional art in the area. Proposed sculptures have been donated for placement in the area. During the March 28, 2024, Civic Enhancement Committee meeting, recommended action was postponed, allowing a site walk through on June 6, 2024, of the area to determine placement and further discussion.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

Possible action regarding recommendations related to updates provided by staff

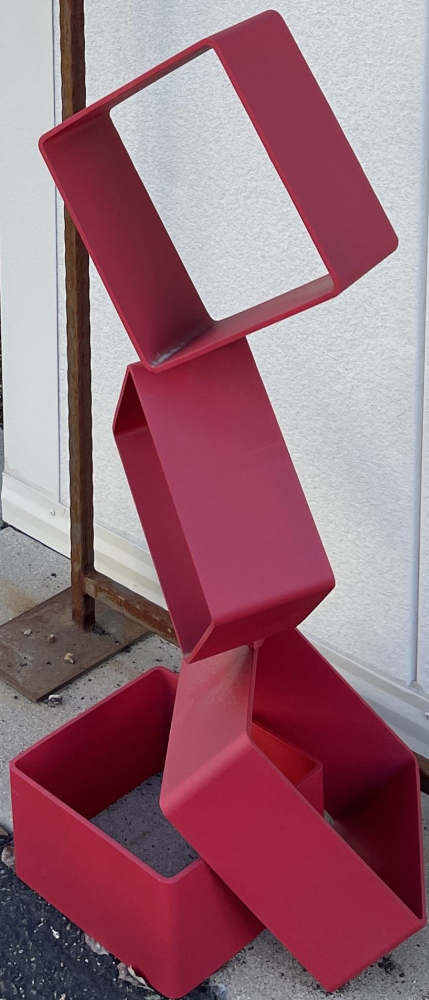
ATTACHMENTS

1. Sculpture photos





MIRAMONTES
STUDIOS





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300-223

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TO: MAYOR AND CITY COUNCIL
AGENDA: June 27 Civic Enhancement Committee Meeting
DATE: June 27, 2024
DEPT: City Clerk
ITEM #: 4.A
SUBJECT: Update From Recreation Services Department.

ITEM SUMMARY

This item is for an update from the Recreation Services department.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

This item is for discussion only. No formal action will be taken.

ATTACHMENTS

None



TO: MAYOR AND CITY COUNCIL
AGENDA: June 27 Civic Enhancement Committee Meeting
DATE: June 27, 2024
DEPT: City Clerk
ITEM #: 4.B
SUBJECT: Staff Announcements & Upcoming Meeting Schedule.

ITEM SUMMARY

Staff announcements and upcoming meeting schedule discussion.

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

This item is for discussion only. No formal action will be taken.

ATTACHMENTS

None