

City of Prescott

Civic Enhancement Committee



December 19, 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 **December 19, 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 September 26, 2024 Civic Enhancement Committee Meeting Minutes.

Recommended Action: MOVE to approve the meeting minutes as presented

B. Presentation & Discussion Regarding Council's Adoption of Resolution No. 2024-1907 & the City of Prescott Art Donation Policy.

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

C. Discussion & Possible Action Regarding a Proposed Sculpture Donation from Gene Galazan.

Recommended Action: 1) MOVE to forward a recommendation to Council to accept or deny the proposed sculpture donation and suggested location

4. UPDATES

A. Presentation & Update from Director Joe Baynes Regarding the Recreation Services Department.

B. Presentation & Update from Director Melissa Orr Regarding the Prescott Library.

C. Presentation & Discussion Regarding the 2025 Committee Meeting Dates.

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 12/12/24 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: December 19 Civic Enhancement Committee
DATE: December 19, 2024
DEPT: City Clerk
ITEM #: 3.A
SUBJECT: Approval of the September 26, 2024 Civic Enhancement Committee Meeting Minutes.

ITEM SUMMARY

This item is for the approval of the September 26, 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. September 26, 2024 Civic Enhancement Committee Minutes



City of Prescott

Civic Enhancement Committee

September 26, 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 (Excused)
Linda Nichols, Member
George Snyder, Member

3. DISCUSSION & ACTION ITEMS

A. Presentation & Discussion Regarding Training for Board Commission & Committee Members.

Deputy City Attorney, Matt Podracky, provided a Board, Committee, and Commission (BCC) member training presentation to the Committee. Mr. Podracky reviewed Open Meeting Laws, also known as Sunshine Laws, and stated that all agendas must be followed as posted. Items may be taken out of order, if necessary, at the discretion of staff or the Committee Chair. If an item needs to be moved to a future meeting, a motion to postpone or defer must be made. Only one subject may be before the Committee at a time, and discussion on topics not on the posted agenda is prohibited.

Mr. Podracky outlined the meeting procedure, explaining that staff liaisons shall read the item title to introduce each item. The meeting will generally include staff presentation of the item, Committee discussion, public comment (if any) taken, then a motion, second, and vote when applicable. When all items on the agenda have been discussed, the Chair will adjourn the meeting. No motion is necessary for adjournment.

Councilmember Moore requested Mr. Podracky to elaborate on making motions, and discussions following motions.

Mr. Podracky presented the steps for making a motion, and the proper motion format. If a Committee member wishes to speak, they must be recognized by the Chair. A motion can be made by any member of the Committee, including the Chair. Voting commences, and the staff liaison announces the vote. Further discussion may take place after the motion and second, and it would not be considered out of order to have additional debate. Often, a member will ask the motioning member if they are willing to amend their motion, and if so, the member may withdraw or amend their motion. Roberts' Rules of Order and typical proceedings were briefly discussed as well.

Discussion versus action items were reviewed by Mr. Podracky. For discussion-only items, staff will present, the Committee will discuss, and the Chair will take public comment. He referenced the current meeting item as an example. For action items, the same process applies. However, the chair will then call for a motion, second, and vote. The staff liaison will announce pass or fail and vote. While there are exceptions like super-majority and others with Council meetings, those will likely not occur within this Committee setting.

For public comments, Mr. Podracky explained that speakers are limited to three minutes each and may only address the Committee regarding items being discussed. Members of the public shall complete a speaker request form and present it to the staff liaison. When the Chair has opened the floor to public comment, staff liaisons will call each speaker separately. The city has traditionally allowed public comments at meetings, although it is not a requirement.

Councilmember Moore commented that as the Council Liaison for the Committee, it is important to address the confusion with public comments. He reiterated that items are presented by a staff member, not a member of the public. Members of the public may comment on the item; however, they cannot present. It is the same setting as City Council meetings.

Member of the public, Barbara Nelson, commented on the Open Meetings Act, stating that the three-minute time limit is not required. She expressed her frustration with the time limit, commenting that committees should make their own rules. Ms. Nelson noted that at the recent Council meeting, there was a presentation made by an organization instead of staff.

Councilmember Moore responded that when an organization approaches the City Clerk with a request for a presentation, it becomes an agenda item if approved. The presentations are for informational purposes only and do not involve any voting.

This item was for discussion only. No formal action was taken.

- B. Approval of the June 27, 2024, Civic Enhancement Committee Meeting Minutes.

**MOTION BY MEMBER BRIGGS TO APPROVE JUNE 27 MEETING MINUTES;
SECONDED BY MEMBER NICHOLS: PASSED (4-0)**

4. UPDATES

- A. Presentation & Update from Director Joe Baynes Regarding the Recreation Services Department.

Recreation Services Director, Joe Baynes, provided a presentation to the Committee on aligning the goals of the Civic Enhancement Committee with those of the city's Recreation Services Department. Mr. Baynes discussed the elements of the core mission of the Recreation Services Department, in practice every day, and its key goals. Goals include maintaining a leisure services system that adapts to community needs, planning for future growth and expansion of facilities and programs, and constructing and maintaining parks and recreational facilities safely and efficiently.

Mr. Baynes reviewed the purpose and objectives of the Committee, which is dedicated to fostering community well-being through arts, recreation, and public services.

The overall mission is to enhance the quality of life for Prescott citizens by supporting initiatives that enrich the community's cultural and recreational landscape. The Committee consists of community members, meeting quarterly to discuss applications, projects, and community needs through varied perspectives and expertise. He noted that members are an important conduit for staff, explaining that staff are seeking public feedback on what is going well and what may be improved upon.

Using the new pickleball courts as an example of an emerging trend, Mr. Baynes highlighted that eight courts were built thanks to a group of citizens who initiated the process. He noted that staff does not always consider every possibility, therefore, public input is important.

Mr. Baynes emphasized the Committee's role in shaping Prescott's future through informed recommendations that meet community needs and improve public services. By collaborating with Recreation Services, the goal is to create a vibrant, inclusive, and sustainable environment for all residents.

Chair Wiens asked about the process for handling questions and input from the public, when attending an event outside a regularly scheduled Committee meeting.

Mr. Podracky responded and cautioned against inadvertently creating a quorum by discussing details with fellow Committee members. He recommended directing information to the staff liaison who may then disseminate the details to the members.

Member of the public, Brenda Terris, commented that she believes there needs to be a separate art committee. She voiced her concern that the Committee's goals may not be sufficient to draw in visitors, compared with a stand-alone committee.

This item was for discussion only. No formal action was taken

B. Presentation & Update from Director Melissa Orr Regarding the Prescott Library

Library Director, Melissa Orr, provided a presentation outlining the overall services, initiatives, and future goals of the Prescott Public Library to the Committee. As one of the original Arizona libraries in 1903, the library's mission is to connect community members with innovative, value-added services to increase the quality of life and strengthen the fabric of the community.

Ms. Orr reported that the library had approximately 320,485 visitors during the prior fiscal year. There were over 700,000 items checked out, comprising print, media, and audio. Staff assisted with over 36,000 reference questions, reinforcing the goal of becoming an information resource. Programs and events received 17,442 members of the community in attendance. The library is part of 59 libraries that collaboratively work together to share resources, as part of the Yavapai County Free Library District (YCFLD). Supplemental funding for library operations and materials is provided, with a portion of the county library tax redistributed to the nine municipal libraries.

Ms. Orr shared that funding sources for the library budget include the General Fund, YCFLD contributions, grants and gifts, and fees and miscellaneous revenue. With staffing contributing to the largest part of expenditure, the library is grateful to the many volunteers who generously donate their time. Volunteers work with staff on the Friends of the Library program, youth programs, fundraisers, outreach, and much more.

Ms. Orr addressed the topic of art at the library, noting that while it enhances the space, some pieces have fallen into disrepair. Research indicated that repairs would cost around \$37,000. The bronze items require regular cleaning, and the Beyond Words mural also needs some attention. Although there was a recent donation request for repairs, Ms. Orr explained that ongoing maintenance remains a challenge.

Member Briggs asked about facilities available for rent for events, as an avenue for revenue.

Ms. Orr confirmed there is a schedule in place pertaining to for-profit businesses.

To conclude, Ms. Orr discussed the multiple outreach programs, community partners, and services for schools and students, highlighting the library's commitment to supporting educational initiatives in the community.

This item was for discussion only. No formal action was taken.

C. Staff Announcements & Upcoming Meeting Schedule.

Mr. Baynes provided additional details about the September 10, 2024 Council meeting and the rescinded art donation. The Art Donation Policy will be reviewed by Legal and Clerk staff, with plans to present it to Council in November. Once approved, staff will contact potential donors. While this is a small setback, it's important to ensure all the necessary tools are in place.

The next meeting of the Civic Enhancement Committee is scheduled for December 19, 2024, at 3:30 p.m.

This item was for discussion only. No formal action was taken.

5. ADJOURNMENT

There being no further business to discuss, Chair Wiens adjourned the meeting at 4:22 p.m.

SUSAN WIENS, Chair

ATTEST:

MARIKAY WHISENAND, Senior City Clerk Specialist

Date



TO: MAYOR AND CITY COUNCIL
AGENDA: December 19 Civic Enhancement Committee
DATE: December 19, 2024
DEPT: City Clerk
ITEM #: 3.B
SUBJECT: Presentation & Discussion Regarding Council's Adoption of Resolution No. 2024-1907 & the City of Prescott Art Donation Policy.

ITEM SUMMARY

Staff will provide an overview of the newly adopted city Art Donation Policy and what the Committee's role will be in the review of art donation proposals.

BACKGROUND

In 2015 the Prescott City Council adopted Resolution No. 4279-1488 and established criteria and guidelines for donations of artwork to the city. Since that time, a number of art donations have been gifted to the city. Most recently, in August and September, the council reviewed a proposed donation of sculptures and during these discussions the Council determined to rescind the donation of sculptures by Marcella Hirschy, requesting that staff review the existing donation policy and make appropriate revisions.

As requested, the City Clerk and Legal Departments have been working on a comprehensive review of the Art Donation Policy and provided this proposed update to the Council at their November 5 Voting Meeting. This amended policy is attached for the Committee's review.

Moving forward, any donations of artwork will come before the Civic Enhancement Committee as a recommending and advisory body to the Council. The Committee will receive the proposal for donation which should include a letter, photographs and suggested location. It will be up to the Committee to determine if this artwork meets with the criteria and guidelines of the adopted policy and is compatible with the city's existing public art. Once they have received the information in a quarterly meeting agenda packet, received a presentation from staff and received public comment, they will make a recommendation to the Council of whether to accept the donation and approve the location/placement of the art. This action will be followed by a 60-day public comment period before the Council reviews the recommendation and makes a determination.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

1. 2024 City of Prescott Art Donation Policy & Guidelines

Art Donation Policy

This policy is intended to govern the process for acceptance of works of art by the Civic Enhancement Committee for recommendation to the City Council for inclusion in the city's public art collection. This policy outlines 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, (iv) meets with the overall feel and themes of the city, 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 as it relates to the city of Prescott
- Compatibility with the city's existing public art
- Availability of an appropriate location for siting on city property
- Requirements for installation, storage and maintenance
- Liability considerations and issues of public safety
- Final determinations related to acceptance of public art will be at the sole discretion of the City Council by a majority vote of its members

Acceptable forms of art ("Acceptable Art") shall include 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 Civic Enhancement Committee

The following non-exclusive list describes those items not considered Acceptable Art (“Not 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
- 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

B. Accepting Gifts, Bequests and Loans of Artwork

This process begins with the Civic Enhancement Committee and is finalized by the City Council. Upon receipt of an offer, the Civic Enhancement Committee will provide the prospective donor with a copy of this Policy.

Eligible offers of artworks from artists, owners, businesses, organizations, individuals or other entities shall be submitted by the donor to the Civic Enhancement Committee for processing. Eligible offers shall include the following:

- A letter of intention stating that the donor wishes to donate, loan and/or bequest art 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 (ie painting, sculpture, fabric, hanging, etc); the date medium was created; the name of the artist who

created the artwork; the artwork's dimensions, physical condition and any relevant background information about the artwork and the artist

- The name, address and phone number of the donor
- Visual documentation of the artwork (ie color photographs or videotapes) and shall include electronic copies
- Donor may be asked to provide additional documentation to verify originality and legal title of the work

Once all items have been received for processing, the Civic Enhancement Committee will review the offer at their next available quarterly meeting, and notify the donor in writing of the date and time of such meeting. The donor will have an opportunity to make a brief informational presentation to the Committee.

Following review and examination of the artwork and donation proposal, the Civic Enhancement Committee shall make a recommendation to the City Council regarding acceptance or non-acceptance of the artwork, placement and cost of the artwork, and responsible party for any ongoing maintenance costs to be considered at the next available Voting Meeting following a 60-day public comment period.

The City Clerk's Office will open the 60-day public comment period regarding the proposed donation within one week of the Civic Enhancement Committee recommendation; collect any received public comments and compile along with the recommendation regarding acceptance or non-acceptance of the artwork (including placement and maintenance requirements), a draft Art Donation Agreement and any other supplemental materials to be presented to the City Council.

The City Council will consider the Civic Enhancement Committee recommendations at a regular Voting Meeting and shall accept or decline acceptance of the artwork for the city. After the Council's determination, the City Clerk's Office will notify the donor.

Prospective donors should understand that artwork will not be accepted by the city with attached conditions or restrictions. Neither the Civic Enhancement Committee nor the city is obligated to accept bequeathed items that, in its opinion, would be an inappropriate fit for 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, State of Arizona and the United States. Under no circumstances will individuals of the Civic Enhancement Committee or city personnel give appraisals of art objects.

C. Site Selection Requirements

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. All necessary parties including the Civic Enhancement Committee, city departments and staff will work to identify priority sites within the city limits that will be appropriate for the proposed donation. The location must be compatible with the piece to be donated. If no feasible site is identified for the proposed donation, the donation will not be accepted.

Stakeholder Review. Following recommendations being made by the Civic Enhancement Committee, the City Clerk's Office will open a 60-day public comment period during which citizens will be able to submit comments on the artwork and location recommended via the city website. These comments will be presented to the City Council will all appropriate documents and recommendations at the Voting Meeting during which they consider the donation of the artwork.

Interference with Other Facilities. The artwork 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.

ADA Compliance. The location of the artwork must conform to the American's with Disabilities Act including any applicable provisions relating to visual access and physical access to the installed artwork.

Site Maps. Site maps for the suggested location of the artwork will be required. In all cases, the final site for the artwork must be approved by the City Council and must meet required standards, and, if the artwork is to be located within a city facility the appropriate parties must also agree to placement. Any relocation of artwork must be approved by the City Council at the expense of the donor. Site approval must take place

concurrent with acceptance of the artwork donation; if a site cannot be identified the donation will not be accepted.

Relocation of Artwork. The initial placement of artwork is not necessarily permanent. If, in the future, a more appropriate location becomes apparent the Civic Enhancement Committee will review the possibility and present a recommendation to the City Council. Relocation of artwork is subject to approval of the City Council.

Engineering Requirements. If it is determined by the city that a particular installation of donated artwork requires the services of a licensed contractor, or professional engineering the donor will be required to cover all costs associated with installation.

D. Installation Costs

Installation costs shall be covered by the donor, unless otherwise agreed upon by the City Council and donor as part of the Art Donation Agreement.

E. Responsibility After Installation

Artwork located on city-owned property shall be dedicated to the city and the city shall be responsible for the costs of all future maintenance costs.

F. De-accession

Any proposal to remove or relocate artwork, art spaces or art concepts should be reviewed according to this Policy, except that, in cases of urgent need for de-accession, proposals may be submitted without following the formal process but meeting the following criteria:

- Extreme controversy
- 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 his/her designee based on the following considerations:

- The site of the artwork has become inappropriate because it is no longer accessible to the public, the physical setting has changed or the site is to be destroyed
- Artwork has received adverse public reaction

- De-accession has been requested by agency displaying the artwork
- Artwork is discovered to be fraudulent or not authentic
- Artwork possesses faults of design or workmanship, and repair or remedy is unfeasible or impractical
- Artwork causes excessive or unreasonable maintenance or repair
- Artwork 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:

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

De-accession Recommendation Checklist:

- Notification of donor
- Reasons for suggested de-accession, and acquisition method and cost
- Informed estimate of the current value of the work
- Hold a Committee meeting for input
- Recommend specific measures and timeframe for relocation or removal
- Review options for possible relocation
- Suggested and alternative courses of action
- Sale – proceed with sale of de-accessioned artwork according to the ARS Statute on disposal of public property, seek bona fide appraisal, advertise sale and seek competitive bids
- Alternatives – dispose through surplus property procedures, remove artwork from display and store it, if above is not feasible and all other de-accession steps have been taken, artwork will be destroyed

G. Artists' Rights

The artist retains all rights under 17 USC 106A (commonly referred to as the “Visual Artists Rights Act”) and all other copyrights to the artwork 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 donor. 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.



TO: MAYOR AND CITY COUNCIL
AGENDA: December 19 Civic Enhancement Committee
DATE: December 19, 2024
DEPT: City Clerk
ITEM #: 3.C
SUBJECT: Discussion & Possible Action Regarding a Proposed Sculpture Donation from Gene Galazan.

ITEM SUMMARY

This item is for Committee consideration of recommendation to approve or deny acceptance of a sculpture art donation from Gene Galzan.

BACKGROUND

In accordance with the City's Art Donation Policy (Policy) the City Clerk's Office has received a request from sculptor Gene Galzan to accept a donation of three (3) horse sculptures to the city.

The proposed donation consists of three rustic metal horse sculptures (one large mare and two smaller colts) to be placed on city property along the Peavine Trail at the approximate location as indicated in the attached rendering. The sculptures were created during the period from 1995-2006 and formerly located at the Phippen Museum where several other pieces by Mr. Galazan have been donated.

Before the Committee is to determine whether to recommend the Council accept or reject the sculpture donation and placement. This consideration must be made in accordance with the Policy.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

1) MOVE to forward a recommendation to Council to accept or deny the proposed sculpture donation and suggested location

ATTACHMENTS

1. 2024 City of Prescott Art Donation Policy & Guidelines
2. Galazan Art Donation Request
3. Artist Donation Presentation
4. Sculpture Photos

Art Donation Policy

This policy is intended to govern the process for acceptance of works of art by the Civic Enhancement Committee for recommendation to the City Council for inclusion in the city's public art collection. This policy outlines 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, (iv) meets with the overall feel and themes of the city, and (iv) does not place an undue burden on the city for the artwork's maintenance, security or public safety.

A. General Standards

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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 as it relates to the city of Prescott
- Compatibility with the city's existing public art
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- Requirements for installation, storage and maintenance
- Liability considerations and issues of public safety
- Final determinations related to acceptance of public art will be at the sole discretion of the City Council by a majority vote of its members

Acceptable forms of art ("Acceptable Art") shall include the following:

- All forms of limited edition or one-of-a-kind original creations of visual art created by an artist
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- 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 Civic Enhancement Committee

The following non-exclusive list describes those items not considered Acceptable Art (“Not 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
- 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

B. Accepting Gifts, Bequests and Loans of Artwork

This process begins with the Civic Enhancement Committee and is finalized by the City Council. Upon receipt of an offer, the Civic Enhancement Committee will provide the prospective donor with a copy of this Policy.

Eligible offers of artworks from artists, owners, businesses, organizations, individuals or other entities shall be submitted by the donor to the Civic Enhancement Committee for processing. Eligible offers shall include the following:

- A letter of intention stating that the donor wishes to donate, loan and/or bequest art 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 (ie painting, sculpture, fabric, hanging, etc); the date medium was created; the name of the artist who

created the artwork; the artwork's dimensions, physical condition and any relevant background information about the artwork and the artist

- The name, address and phone number of the donor
- Visual documentation of the artwork (ie color photographs or videotapes) and shall include electronic copies
- Donor may be asked to provide additional documentation to verify originality and legal title of the work

Once all items have been received for processing, the Civic Enhancement Committee will review the offer at their next available quarterly meeting, and notify the donor in writing of the date and time of such meeting. The donor will have an opportunity to make a brief informational presentation to the Committee.

Following review and examination of the artwork and donation proposal, the Civic Enhancement Committee shall make a recommendation to the City Council regarding acceptance or non-acceptance of the artwork, placement and cost of the artwork, and responsible party for any ongoing maintenance costs to be considered at the next available Voting Meeting following a 60-day public comment period.

The City Clerk's Office will open the 60-day public comment period regarding the proposed donation within one week of the Civic Enhancement Committee recommendation; collect any received public comments and compile along with the recommendation regarding acceptance or non-acceptance of the artwork (including placement and maintenance requirements), a draft Art Donation Agreement and any other supplemental materials to be presented to the City Council.

The City Council will consider the Civic Enhancement Committee recommendations at a regular Voting Meeting and shall accept or decline acceptance of the artwork for the city. After the Council's determination, the City Clerk's Office will notify the donor.

Prospective donors should understand that artwork will not be accepted by the city with attached conditions or restrictions. Neither the Civic Enhancement Committee nor the city is obligated to accept bequeathed items that, in it's opinion, would be an inappropriate fit for 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, State of Arizona and the United States. Under no circumstances will individuals of the Civic Enhancement Committee or city personnel give appraisals of art objects.

C. Site Selection Requirements

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. All necessary parties including the Civic Enhancement Committee, city departments and staff will work to identify priority sites within the city limits that will be appropriate for the proposed donation. The location must be compatible with the piece to be donated. If no feasible site is identified for the proposed donation, the donation will not be accepted.

Stakeholder Review. Following recommendations being made by the Civic Enhancement Committee, the City Clerk's Office will open a 60-day public comment period during which citizens will be able to submit comments on the artwork and location recommended via the city website. These comments will be presented to the City Council will all appropriate documents and recommendations at the Voting Meeting during which they consider the donation of the artwork.

Interference with Other Facilities. The artwork 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.

ADA Compliance. The location of the artwork must conform to the American's with Disabilities Act including any applicable provisions relating to visual access and physical access to the installed artwork.

Site Maps. Site maps for the suggested location of the artwork will be required. In all cases, the final site for the artwork must be approved by the City Council and must meet required standards, and, if the artwork is to be located within a city facility the appropriate parties must also agree to placement. Any relocation of artwork must be approved by the City Council at the expense of the donor. Site approval must take place

concurrent with acceptance of the artwork donation; if a site cannot be identified the donation will not be accepted.

Relocation of Artwork. The initial placement of artwork is not necessarily permanent. If, in the future, a more appropriate location becomes apparent the Civic Enhancement Committee will review the possibility and present a recommendation to the City Council. Relocation of artwork is subject to approval of the City Council.

Engineering Requirements. If it is determined by the city that a particular installation of donated artwork requires the services of a licensed contractor, or professional engineering the donor will be required to cover all costs associated with installation.

D. Installation Costs

Installation costs shall be covered by the donor, unless otherwise agreed upon by the City Council and donor as part of the Art Donation Agreement.

E. Responsibility After Installation

Artwork located on city-owned property shall be dedicated to the city and the city shall be responsible for the costs of all future maintenance costs.

F. De-accession

Any proposal to remove or relocate artwork, art spaces or art concepts should be reviewed according to this Policy, except that, in cases of urgent need for de-accession, proposals may be submitted without following the formal process but meeting the following criteria:

- Extreme controversy
- 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 his/her designee based on the following considerations:

- The site of the artwork has become inappropriate because it is no longer accessible to the public, the physical setting has changed or the site is to be destroyed
- Artwork has received adverse public reaction

- De-accession has been requested by agency displaying the artwork
- Artwork is discovered to be fraudulent or not authentic
- Artwork possesses faults of design or workmanship, and repair or remedy is unfeasible or impractical
- Artwork causes excessive or unreasonable maintenance or repair
- Artwork 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:

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

De-accession Recommendation Checklist:

- Notification of donor
- Reasons for suggested de-accession, and acquisition method and cost
- Informed estimate of the current value of the work
- Hold a Committee meeting for input
- Recommend specific measures and timeframe for relocation or removal
- Review options for possible relocation
- Suggested and alternative courses of action
- Sale – proceed with sale of de-accessioned artwork according to the ARS Statute on disposal of public property, seek bona fide appraisal, advertise sale and seek competitive bids
- Alternatives – dispose through surplus property procedures, remove artwork from display and store it, if above is not feasible and all other de-accession steps have been taken, artwork will be destroyed

G. Artists' Rights

The artist retains all rights under 17 USC 106A (commonly referred to as the “Visual Artists Rights Act”) and all other copyrights to the artwork 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 donor. 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.

GRANITE CREEK TRAIL ART PROJECT

[REDACTED]
Prescott AZ 86302
[REDACTED]

November 13, 2024

Civic Enhancement Committee

City of Prescott

201 N Montezuma Ste 302

Prescott, Arizona 86301

Via Email Delivery

This letter is to notify you of sculptor Gene Galazan's wish to donate sculpture art to the City of Prescott.

The suggested location is on city property along the Peavine Trail at the approximate place indicated on the attached map. Mr. Galazan wishes the horses graze in the long grass at the location indicated. (Exhibit 1)

The artwork consists of three rustic metal art horse sculptures: One large mare, and two smaller colts, photos are provided of sculptures in situ grazing on grasses along the trail where it is suggested they be installed. (Exhibit 2)

- The sculptures were created during the period 1995-2006, and were at one time located at the Phippen Museum where several of Mr. Galazan's metal horse sculptures that had been donated to that museum still reside.
- These are full size horse sculptures

Mr. Galazan believes the artwork meets the general standards, acceptable art forms, and all the relevant fundamental criteria for art donation contained in Prescott's Art Donation Policy.

Mr. Galazan's relevant biography and the background of his production of metal art horses is attached. (Exhibit 3)

For purposes of this donation, and his privacy, Mr. Galazan's contact information is listed as noted at the top of this correspondence.

Barbara Nelson, Founder
Granite Creek Trail Art Project

Enc.



Gene Galazan Curriculum Vitae

1963-66

During the years of 1963-66, I received a Madison Art Center Purchase Award, Wisconsin Salon of Arts Award, as well as Milwaukee Art Museum Awards including in 1966, the Best of Show and \$1,000 prize. The award winning sculpture was made of jagged sections of boiler plating and 6"x6" beams. It was 12 feet high and occupied a 12'x12' area.

In the summer of 1966, I earned an MFA in sculpture from UW-Madison.

1966-1973

I moved to L.A., CA in 1966 and had a One Person Show at the Esther Robles Gallery in 1967.

1974-1994

In 1974, I returned to Wisconsin and began work in cast bronze. I moved on to experiment in burlap, tree branches, paint and rope. My work was abstract and figurative in nature. I was part of a number of group exhibitions over this period of time. I also began to create performance works which used my sculptures and paintings on stage.

HORSES 1995-2006

Leaving Wisconsin for Arizona, I fell in love with horses. For the next 11 years, I have created welded scrap steel life size sculptures of horses. The Phippen Museum had a show of these horses purchased three of these sculptures and another one was sold for \$7000. I also donated 2 large horses and 4 small colts to the Phippen. The horses have also been exhibited at the Hahn-Ross Gallery in Santa Fe, NM as well as Prescott College. I donated 2 life size horses and 2 colts to the City of Prescott Valley and are grazing on Glassford Hill..

I completed a life size horse sculpture commission for a private client in Point Reyes, CA in 2004.

2006-2024

The city of Prescott Valley has 2 of my abstract large sculptures, one in Fain Park and one on the Civic Center.

I am currently negotiating with the City of Flagstaff to donate a sculpture in a public park space. I also have a sculpture in front of the library in Chino Valley.

The large horse and 2 smaller colts I am offering to donate to the City of Prescott may be my last horses. I have chosen a beautiful site for them along side the Peavine Trail.

Gene Galazan

Gene Galazan's Metal Horses



Photo rendering shows approximate requested location of Galazan Horses

The Trail Art Project

Our Mission:

Promote outdoor art for public benefit

Our Goal:

Make Prescott an Art Destination

www.trailart.org



A 501c3 Arizona Non-profit

Project #1: The Granite Creek Trail Mural
The LONGEST SINGLE CONTIGUOUS MURAL
BY ONE ARTIST IN THE STATE OF ARIZONA!



Completed -December 2023

What's Next? INSTALL GALAZAN METAL HORSE SCULPTURES

Project #2: Install Metal Horses “grazing” at the Peavine



Photo rendering shows approximate requested location of Galazan Horses

WE SUGGEST THE PEAVINE TRAIL BECAUSE:

- It will be seen by tens of thousands of Trail users
- It will enhance the horse trailer parking lot there
- It will continue beautification of the Trail System

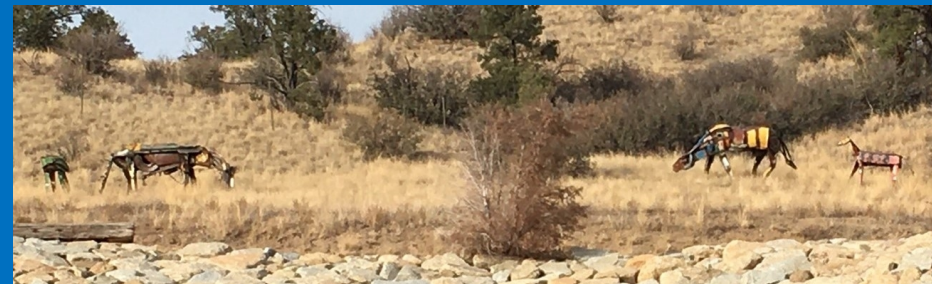


WHERE ELSE HAVE WE SEEN GENE'S HORSES?

On Glassford Hill



At the Phippen Museum



Gene's other donated steel art installations can be seen at Fain Park, and, as part of the City of Prescott Valley's Art at the Center, his "Blue as the Sky"

The sculptor: Gene Galazan

■ 1963-94:

Awards: Madison Art Center; Wisconsin Salon; Milwaukee Art Museum

-MFA 1966 - sculpture UW – Madison

-1 person show Esther Robles Gallery

-Back in Wisconsin creating cast bronze works

Exhibitions and Performance works using my art on stage

■ 1995-2006 – HORSES:

In Arizona, fell in love with horses and for 11 years and created welded scrap steel life size horse sculptures.

-Phippen Museum purchased 3; sold another for \$7000.

-Phippen. donation - 2 more large Horses and 4 small Colts

-Exhibited at the Hahn-Ross Gallery in Santa Fe, NM

-Exhibited at Prescott College.

-Prescott Valley Donation 2 Horses and 2 Colts grazing on Glassford Hill.

-Private Commission in 2004 client in Point Reyes, CA.

• 2006-24

Prescott Valley donation 2 large abstract sculptures - one in Fain Park and one at the Civic Center.

Chino Valley - Sculpture in front of the library

Possible donation to Flagstaff to place in a public park space.

The large horse and 2 smaller colts I am offering to donate to the City of Prescott may be my last horses. I am suggesting my choice of a beautiful site for them alongside the Peavine Trailhead Horse Trailer Parking lot.



MATERIALS, INSTALLATION AND MAINTENANCE

Material: Found objects - Scrap metal

Installation: To be done to city specifications, cost to be borne by donor

Maintenance: Anti-Graffiti Protection the City uses will be applied

The Sculptures:



GUIDELINES AS APPLIED TO THIS PROPOSED ART DONATION

FUNDAMENTAL CRITERIA:

- Art: Original one-of-a-kind – no two Horses are alike;
- Artistic Merit: Gene Galazan is a well-known, long-time Prescott sculptor;
- Condition: The Horse sculptures are in Good condition;
- History and Provenance: Provided in Galazan bio;
- Appropriate site/safety: Joe Baynes has OK'd raised berm as it is away from general parking;
- Compatibility: Other installations already in the area;
- Requirements: City requirements will be met.

ACCEPTABLE ART GUIDELINES

- ✓ Unique, One-of-a-kind, Original
- ✓ Sculptures Produced by a Professional artist
- ✓ Horses will:
 1. Enhance the Peavine horse trailer parking area
 2. Advance public understanding of what art can be
 3. Not place undue burden on the city

SUGGESTED SITE: ADJACENT PEAVINE HORSE TRAILER LOT

- **JOE BAYNES HAS BEEN INVOLVED IN AND HAS APPROVED THE BERM AREA**
- **ADDITIONAL SITE SELECTION REQUIREMENTS :**
 - Augments awareness of Prescott's cultural identity
 - Adds interest to the Peavine horse trailer area
 - Entertaining and engaging placement
 - Will be viewed by thousands of resident and visitors
 - Will not interfere with other facilities
 - Map provide
 - Installation cost to the city - \$0
 - Art Project will comply with all Guideline requirements

CONCLUSION:

Gene Galazan wishes to donate and we are asking the Committee to recommend the city accept, three life size horse sculptures – a mare and two colts - constructed of found objects that will be grazing on the berm adjacent the Peavine horse trailer parking area.

These sculptures will continue to beautify the Trail and the City of Prescott for generations to come!

GALAZAN PROPOSED HORSE SCULPTURE DONATIONS



Mare



Colts



TO: MAYOR AND CITY COUNCIL
AGENDA: December 19 Civic Enhancement Committee
DATE: December 19, 2024
DEPT: City Clerk
ITEM #: 4.A
SUBJECT: Presentation & Update from Director Joe Baynes
Regarding the Recreation Services Department.

ITEM SUMMARY

Department Director Joe Baynes will provide an update to the Committee regarding Recreation Services. These updates will take place at each quarterly meeting.

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: December 19 Civic Enhancement Committee
DATE: December 19, 2024
DEPT: City Clerk
ITEM #: 4.B
SUBJECT: Presentation & Update from Director Melissa Orr
Regarding the Prescott Library.

ITEM SUMMARY

Department Director Melissa Orr will provide an update to the Committee regarding the city Library. These updates will take place at each quarterly meeting.

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: December 19 Civic Enhancement Committee
DATE: December 19, 2024
DEPT: City Clerk
ITEM #: 4.C
SUBJECT: Presentation & Discussion Regarding the 2025 Committee Meeting Dates.

ITEM SUMMARY

In accordance with its establishing Resolution, the Civic Enhancement Committee shall meet at least once a quarter and as necessary for the review and approval of recommendations related to the Acker Trust Grant Awards. Included for review are the 2025 Meeting Dates:

Quarter I Meeting - Thursday, March 20th
Acker Grant Review Meeting - Thursday, May 29th
Quarter II Meeting - Thursday, June 19th
Quarter III Meeting - Thursday, September 18th
Quarter IV Meeting - Thursday, December 18th

BACKGROUND

None.

FINANCIAL IMPACT

None.

RECOMMENDED ACTION

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

ATTACHMENTS

None