CITY OF PRESCOTT
Everybody's Hometown

AGENDA

PRESCOTT CITY COUNCIL
WORKSHOP
Tuesday, April 1, 2014
3:00 PM

Council Chambers
201 South Cortez Street
Prescott, Arizona 86303
(928) 777-1100

The following Agenda will be considered by the Prescott City Council at its **Workshop Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending this meeting through the use of a technological device.

- **CALL TO ORDER**
- **INTRODUCTIONS**
- **INVOCATION** Church of Jesus Christ of Latter-Day Saints
- **PLEDGE OF ALLEGIANCE** Councilwoman Wilcox
- **ROLL CALL**

MAYOR AND CITY COUNCIL

Mayor Kuykendall	
Mayor Pro Tem Lamerson	Councilman Kuknyo
Councilman Arnold	Councilman Lazzell
Councilman Blair	Councilwoman Wilcox

- **ANNOUNCEMENTS**
- **PRESENTATIONS**

Recognition of Mark Nietupski, Public Works Director – Service to the City

I. PROCLAMATIONS

A. Proclaiming April 1, 2014 as Mayors Day of Recognition for National Service

B. Proclaiming April 13 - 19, 2014 as National Library Week

C. Proclaiming April 2014 as Fair Housing Month in the City of Prescott, Arizona

D. Proclaiming April 2014 as Water Awareness Month

E. Proclaiming April 12 - May 16, 2014 as Prescott's Bike Month

F. Proclaiming April 9, 2014 as Arizona Gives Day

II. DISCUSSION ITEMS

A. Legislative Update

B. Public Hearing for Impact Fee Report pursuant to Arizona Revised Statutes §9-463.05; Development fees; imposition by cities and towns; infrastructure improvements plan; annual report; advisory committee; limitation on actions; definitions

C. Presentation of Touchmark at the Ranch senior development

D. Presentation and discussion of a proposed public/private partnership for operation of Antelope Hills Golf Course

E. Discussion of Parks impact fees balance and projects

F. Discussion of an ordinance regulating hunting within the City limits, and hunting and disturbing flora and fauna in City parks

III. ADJOURNMENT

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council 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:

- **(i) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));**
- **(ii) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));**
- **(iii) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));**
- **(iv) 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));**

(v) 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));

(vi) 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);

(vii) 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)).

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed $500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____at _____m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

_____

Dana R. DeLong, CMC, City Clerk

CITY OF PRESCOTT
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COUNCIL AGENDA MEMO

MEETING DATE/TYPES: WORKSHOP 4-1-14

DEPARTMENT: Finance

AGENDA ITEM: Public Hearing for Impact Fee Report pursuant to Arizona Revised Statutes §9-463.05; Development fees; imposition by cities and towns; infrastructure improvements plan; annual report; advisory committee; limitation on actions; definitions

Approved By:		**Date:**
Director:	Woodfill, Mark	03/19/2014
City Manager:	McConnell, Craig	03/24/2014

Item Summary

This is a Public Hearing to provide an overview and receive comments pertaining to the Impact Fee Report published on February 28, 2014. Based on the approved Infrastructure Improvement Plan and Land Use Assumptions, the document quantifies impact fees necessary to offset the infrastructure costs that growth places on City services.

Background

To adopt impact fees the City of Prescott is mandated to develop a Fee Report consistent with Arizona Revised Statutes §9-463.05. The legislation requires specific timeframes between publication, public hearing, and Council consideration of the Fee Report. This public hearing on the Fee Report is a mandatory component of the legislation. Comments received on the Fee Report will be taken into account prior to further Council consideration and action scheduled at the meetings of May 6 and 13, 2014.

The attached calendar outlines the fee setting process to date, as well as the remaining steps and timeframes.

Attachments

1. Impact Fee and Utility Rate Schedule

Recommended Action: Conduct the Public Hearing; no other formal Council action is necessary at this time.

Impact Fee and Utility Rate Schedule	
Impact Fee (ARS §9-463.05) and Utility Rate (ARS §9-511.01) Task	***Milestone/Timeframe***
Approval of contract by City Council	October 23, 2012
Development of an infrastructure improvement plan (IIP) and calculation of impact fees	October 2012 thru October 2013
Ad-hoc committee meeting introduction and overview	March 28, 2013
Ad-hoc committee meeting to discuss growth projections and land use assumptions	April 10, 2013
Ad-hoc committee meeting to discuss growth projections and land use assumptions	May 15, 2013
Presentation by Raftelis Financial Consultants on IIP and Land Use Assumptions (LUA) with discussion and direction for staff to publish IIP and LUA (11/15/13) and set public hearing (1/14/14)	November 5, 2013 (Study Session) November 12, 2013 (Voting Session)
Distribute draft public comment materials to ad-hoc committee and Council	November 5, 2013
1st Ad-hoc meeting on draft IIP (presentation by Police, Fire, Utilities, Streets)	November 13, 2013
Publish draft IIP & land use assumptions (LUA), set and provide notice of public hearing	November 14, 2013
2nd Ad-hoc meeting on draft IIP (presentation by Police, Fire, Utilities, Streets)	December 4, 2013
3rd Ad-hoc meeting on draft IIP (presentation by Police, Fire, Utilities, Streets)	January 8, 2014
Presentation and public hearing on IIP and LUAs	January 14, 2014 (Voting Session)
Revision to IIP and LUA (if necessary)	January 15, 2013 - January 24, 2014
Ad-hoc committee meeting to provide review comments and recommendations for IIP and LUA	January 22, 2014
City Council to consider adoption of the IIP and LUA	February 18, 2014 (Study Session) February 25, 2014 (Voting Session)
Presentation by Raftelis Financial Consultants on fee report with council to provide direction for staff to publish fee report (2/28/14) and set public hearing (4/1/14)	February 18, 2014 (Study Session) February 25, 2014 (Voting Session)
Publish fee report and notification of intent to assess development fee and set public hearing	February 28, 2014
Presentation and public hearing on fee report	April 1, 2014 (Workshop)
Revision to final fee report (if necessary)	April 2, 2014 - April 25, 2014
City Council to consider adoption of impact fees	May 6, 2014 (Workshop) May 13, 2014 (Voting Session) No later than May 13, 2014
Impact fees in effect	August 1, 2014
Utility rate analysis with legislative meeting/notification requirements	May 2014 - November 2014
New utility rate in effect	January 1, 2015

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COUNCIL AGENDA MEMO

MEETING DATE/TYPES: WORKSHOP 4-1-14

DEPARTMENT: Community Development

AGENDA ITEM: Presentation of Touchmark at the Ranch senior development

Approved By:		**Date:**
Director:	Guice, Tom	03/25/2014
City Manager:	McConnell, Craig	03/26/2014

Item Summary

Touchmark at the Ranch is a proposed multi-phased development consisting of 379 active-adult, single-family homes, and apartments on 44 acres on Highway 69 (overlooking Walmart and Lamb Chevrolet) in Prescott. Project representatives will make a presentation to City Council.

Background

Touchmark will offer a full-range of services and care, including independent, assisted living, and memory care to their residents. The development will also include a fitness center/clubhouse and walking trails.

The project has split zoning, with the majority of the site zoned Business Regional and a small portion of the property zoned Single-Family. The project was reviewed by the Planning and Zoning Commission at their meeting of March 13, 2014, which by a 4-3 vote recommended approval to the City Council.

Recommended Action: Presentation for Council information, discussion, and possible direction - no formal action to be taken at this workshop meeting.

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COUNCIL AGENDA MEMO

MEETING DATE/TYPES: WORKSHOP 4-1-14

DEPARTMENT: Recreation Services

AGENDA ITEM: Presentation and discussion of a proposed public/private partnership for operation of Antelope Hills Golf Course

Approved By:		**Date:**
Director:	Baynes, Joe	03/19/2014
City Manager:	McConnell, Craig	03/24/2014

Item Summary

This item will consist of an overview of the request for proposals (RFP) process, remarks by the highest-ranked respondent, Billy Casper Golf, and Council discussion, prior to finalizing an agreement for operation of the Antelope Hills Golf Course and ancillary facilities.

Background

On June 25, 2013, Council directed that a public/private partnership be pursued, with the goal of enabling Antelope Hills to become financially self-sustaining. To move toward this model, various steps have since been taken:

- An RFP was drafted and advertised
- A mandatory pre-proposal meeting was held at Antelope Hills
- Eight golf management firms submitted proposals
- An ad hoc working group of public and City representatives was formed
- The group reviewed the proposals and narrowed the field to the most qualified for further consideration
- Interviews were held with the highest-ranked respondents, through which the top-ranked firm, Billy Casper Golf, was identified

Council discussion will guide preparation of a contract to be presented at a future meeting for consideration of approval.

Recommended Action: For Council discussion and direction - no formal action to be taken.

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COUNCIL AGENDA MEMO

MEETING DATE/TYPES: WORKSHOP 4-1-14

DEPARTMENT: Recreation Services

AGENDA ITEM: Discussion of Parks impact fees balance and projects

Approved By:		**Date:**
Director:	Baynes, Joe	03/19/2014
City Manager:	McConnell, Craig	03/24/2014

Item Summary

This presentation will consist of a review of the remaining balance of Parks impact fees and projects, including a potential contribution to the Yavapai College tennis courts expansion.

Recommended Action: Presentation for council information and discussion - no formal action to be taken.

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COUNCIL AGENDA MEMO

MEETING DATE/TYPES: WORKSHOP 4-1-14

DEPARTMENT: Legal

AGENDA ITEM: Discussion of an ordinance regulating hunting within the City limits, and hunting and disturbing flora and fauna in City parks

Approved By:		**Date:**
City Attorney:	Paladini, Jon	03/25/2014
City Manager:	McConnell, Craig	03/26/2014

Item Summary

Arizona state law allows a municipality to restrict the discharge of a firearm within one-quarter mile of an occupied structure while hunting, as well the discharge of a firearm in City parks with certain restrictions. The Arizona Administrative Code provides that a municipality may prohibit hunting or trapping within one-quarter mile of developed picnic areas, campgrounds, boat ramps, shooting ranges, golf courses and occupied structures.

The draft ordinance is for discussion/direction purposes only. The matter is not agendized for a vote.

Section 1A of the Ordinance would prohibit the discharge of a firearm while hunting within a quarter mile of any occupied structure within the City limits. Section 1B would prohibit the use of bow and arrow or crossbow within a quarter mile of developed picnic areas, campgrounds, boat ramps, shooting ranges, golf courses and occupied structures within the City limits.

Section 2 of the Ordinance would prohibit disturbing plants or animals within any City park.

Section 3A of the Ordinance would prohibit the discharge of any firearm in any City park and would provide for certain exceptions to the prohibition.

Section 3B would prohibit archery or propelling any projectile in any City park if such activity is capable of causing serious physical injury. The section also provides for certain exceptions to the prohibition.

Agenda Item: Discussion of an ordinance regulating hunting within the City limits, and hunting and disturbing flora and fauna in City parks

Attachments

1. Draft ordinance

Recommended Action: For Council discussion and consideration of placing the hunting ordinance on a Council meeting agenda for adoption.

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT YAVAPAI COUNTY, ARIZONA, AMENDING PRESCOTT CITY CODE TITLE 5, CHAPTER 5-11 OF THE REGARDING HUNTING IN THE CITY LIMITS, TITLE 15, CHAPTER 15-1, SECTION 15-1-18 REGARDING HUNTING AND DISTURBING FLORA AND FAUNA IN CITY PARKS, AND TITLE 15, CHAPTER 15-1, SECTION 15-1-19 REGARDING USE OF FIREARMS AND BOWS AND ARROWS IN CITY PARKS.

RECITALS:

WHEREAS A.R.S. §13-3107(C)(3) and §13-3108(E) allow a municipality to restrict the discharge of a firearm within one-fourth mile of an occupied structure in the course of lawfully taking wildlife during an open season established by the Arizona game and fish commission; and

WHEREAS A.R.S. §13-3108(G)(5) allows a municipality to limit or prohibit the discharge of firearms in City parks so long as it provides certain exceptions required by statute; and

WHEREAS Arizona Administrative Code Section R12-4-321(B) allows a municipality to limit or prohibit an individual from hunting or trapping within one-fourth mile of any developed picnic area, developed campground, boat ramp, shooting range, occupied structure or golf course in its City limits; and

WHEREAS the City of Prescott desires to limit or prohibit the discharge of firearms and use of bow and arrow or crossbows within the City limits and within City parks consistent with State statutes, as well as prohibit certain other activities in City parks to protect the public and the flora and fauna in City parks.

ENACTMENTS:

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

SECTION 1. That Title 5 (Police Regulations), Chapter 5-11 (Hunting) is hereby added to read as follows:

A. No person in the course of lawfully taking wildlife during an open season established by the Arizona Game and Fish Commission shall dis□charge a

firearm within one-fourth mile of any developed picnic area, developed campground, boat ramp, shooting range, occupied structure or golf course within the City limits of Prescott. For purposes of this subsection, “take” or “taking” shall have the same meaning as that prescribed in A.R.S. Section 17-101(A)(18).

B. No person in the course of lawfully taking wildlife during an open season established by the Arizona Game and Fish Commission shall do so by use of bow and arrow or crossbow within one-fourth mile of any developed picnic area, developed campground, boat ramp, shooting range, occupied structure or golf course within the City limits of Prescott. For purposes of this subsection, “take” or “taking” shall have the same meaning as that prescribed in A.R.S. Section 17-101(A)(18).

C. This section does not apply to the taking of wildlife by duly commissioned law enforcement officers as part of their official duties in maintain□ing public safety.

SECTION 2. That Title 15 (Recreation Services), Chapter 15.1, Section 15-1-18 (Fishing and Hunting; Disturbing Flora and Fauna) is hereby added to read as follows:

No person shall harm, injure, remove from, or release into any city park any animal, without approval of the recreation services director. Except as otherwise provided by law, no person shall feed, touch, tease, frighten, hunt, kill, wound, or intentionally disturb wildlife in any city park, without authorization from the recreation services director. No person shall remove plants, wildlife or natural materials found in a city park, except the lawful removal of fish from a lake. "Wildlife" means all undomesticated and feral animals, and includes birds, coyotes, javelina, feral cats, eggs and nests.

SECTION 3. That Title 15 (Recreation Services), Chapter 15.1, Section 15-1-19 (Firearms, Bows and Arrows) is hereby added to read as follows:

A. No person shall discharge a firearm in a city park, except that blank cartridges may be discharged using a firearm during special events, when authorized by the recreation services director, or except (1) As allowed pursuant to Arizona Revised Statutes, Title 13, Chapter 4; (2) On a properly supervised range as defined in Arizona Revised Statutes section 13-3107; (3) In an area approved as a hunting area by the Arizona Game and Fish Department; (4) To control nuisance wildlife by permit from the Arizona Game and Fish Department or the United States Fish and Wildlife Service; (5) By special permit of the chief of police for the City of Prescott; (6) As required by an animal control officer in performing duties specified in Arizona Revised Statutes section 9-499.04 and Arizona Revised Statutes, Title 11, chapter 7, article 6; or (7) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

B. No person shall participate in archery or willfully, negligently or recklessly discharge, use or propel any object or projectile capable of causing serious physical injury in a city park, including but not limited to an air gun, BB gun, pellet gun, dart gun, bow and arrow, crossbow, slingshot, blowgun, javelin or spear. "Serious physical injury" includes physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. This subsection shall not apply to special public events or classes held pursuant to a city permit issued for such activities.

SECTION 4: That the Mayor and staff are authorized to take any action necessary to enact this Ordinance.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona on this ___ day of _____, 2014.

_____
MARLIN KUYKENDALL
Mayor

ATTEST:

_____
DANA DeLONG
City Clerk

APPROVED AS TO FORM:

_____
JON M. PALADINI
City Attorney