



CITY COUNCIL MEETING

STUDY SESSION MEETING AGENDA

TUESDAY, MARCH 27, 2018, 1:00 PM

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

Greg Mengarelli, Mayor

Billie Orr, Mayor Pro Tem

Steve Blair, Councilman

Phil Goode, Councilman

Jim Lamerson, Councilman

Alexa Scholl, Councilwoman

Steve Sischka, Councilman

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

1. CALL TO ORDER

2. ROLL CALL

3. DISCUSSION

- A. Heart Monitoring of Firefighters While on Duty.
- B. Discussion on Ordinance to Prohibit Smoking in City Parks.

4. 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:

- (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)).

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org

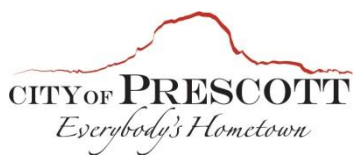
Confidentiality

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

Maureen Scott, MMC, City Clerk

**COUNCIL AGENDA MEMO**

MEETING DATE/TYPE: **STUDY SESSION MEETING** **3-27-18**

DEPARTMENT: **Fire**

AGENDA ITEM: Heart Monitoring of Firefighters While on Duty.

Approved By: Michael Lamar, City Manager

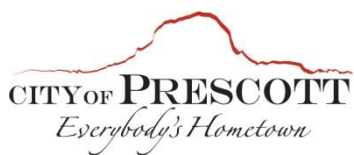
Item Summary

In 2016, faculty members from the Franklin Pierce Physical Therapy Program met with representatives from the City of Prescott Fire Department regarding research opportunities. A proposal titled, "Holter Monitoring of Firefighters While On Duty: A Pilot Study" was subsequently approved and firefighter monitoring began in the Spring of 2017.

Background

Given the fact that sudden onset of cardiac arrest is one of the leading causes of medically related firefighter line of duty deaths the Prescott Fire Department felt compelled to become a participant in this recently completed study. Specifically we were interested in revealing to what degree a firefighter may experience increased heart rates in response to fire and Emergency Medical Service calls. Dr. Shaw and Doctoral candidate Meghan Rohde facilitated the study and will present to Mayor and Council their findings as it relates to Prescott Fire personnel.

Recommended Action: For presentation – no Council action required.

**COUNCIL AGENDA MEMO**

MEETING DATE/TYPE: **STUDY SESSION MEETING** **3-27-18**

DEPARTMENT: **City Manager**

AGENDA ITEM: Discussion on Ordinance to Prohibit Smoking in City Parks.

Approved By: Michael Lamar, City Manager

Item Summary

This ordinance prohibits smoking in City parks and includes the following:

- Watson Lake Park (including Watson Lake and adjacent property owned by the city), Goldwater Lake park (including Goldwater Lake and adjacent property owned by the city), Willow Lake (including any adjacent property owned by the city), Roughrider complex, Ken Lindley complex, Prescott activity center, A.C. Williams Granite Creek park, West Granite Creek park, Dr. John W. Flinn Memorial park, Leroux minipark, Peppertree minipark, Willow Creek park, Heritage park, Pioneer park, J.S. Acker Memorial park, Howard B. Stricklin park, and the Watson Woods riparian preserve.
- Any property designated by the recreation services director as a part of the city's trail system.
- Any property designated by the recreation services director as "open space" area which is owned and/or maintained by the city.
- The Prescott Public Library.

Attachments

1. Draft Ordinance Regarding Smoking in City Parks

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

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING PRESCOTT CITY CODE TITLE 7, CHAPTER 7-3, REGARDING THE REGULATION OF SMOKING IN THE CITY LIMITS, BY RENAMING SECTION 7-3-3 AND ADDING A NEW SUBSECTION (C) PROHIBITING SMOKING IN CITY PARKS.

RECITALS:

WHEREAS, in 2010, that the Court of Appeals for the District of Columbia ruled that the Food and Drug Administration could not regulate e-cigarettes as a drug, but could regulate e-cigarettes as a tobacco product; and

WHEREAS, the court ruling rested on the definition of “tobacco product” as defined in the United States Code, which was broadly defined to include any product derived from tobacco (which e-cigarettes are used to deliver nicotine, a derivative of tobacco), thus e-cigarettes were ruled to be covered; and

WHEREAS, The Smoke-free Arizona Act (A.R.S. §36-601.01) does not define “tobacco products” and also uses the term “lighted” when referring to tobacco products. Therefore, the Act does not directly regulate use of smoke free tobacco or e-cigarettes; and

WHEREAS The Smoke Free Act of Arizona permits political subdivisions of the state to adopt ordinances or regulations that are more restrictive than as provided by the Smoke Free Act; and

WHEREAS The City of Prescott has determined, through its adoption of City Code Chapter 7-3, that the smoking or other use of tobacco or any plant is a positive danger to the health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present; and

WHEREAS, secondhand smoke in any concentration is dangerous to public health; and

WHEREAS, to maintain and serve the public health and safety of persons visiting City public parks and to ensure that these valuable resources can be enjoyed by all Prescott residents and visitors alike, the purpose of this ordinance is to restrict the smoking or other use of tobacco or any plant in City parks or park systems.

ENACTMENTS:

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

SECTION 1. Title 7 (Health and Sanitation), Chapter 7-3 (Smoking Regulations), is amended in pertinent part as follows:

Section 7-3-1 (Purpose)

Since the smoking or use of tobacco products or any plant is a positive danger to the health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined spaces, and in order to serve the public health, safety and welfare, the declared purpose of this chapter is to restrict the smoking and use of tobacco products or any plant within enclosed places, in particular, public places and places of employment.

Section 7-3-2 (Definitions):

The following definitions shall apply in the interpretation and enforcement of this chapter:

Smoke, Smoking or Use of Tobacco:

(A) Carrying or placing of a lighted tobacco product in one's mouth for the purpose of inhaling and exhaling smoke or blowing smoke rings;

(B) Placing of a lighted tobacco product or any other lighted tobacco product smoking equipment in an ashtray or other receptacle, and allowing tobacco product smoke to diffuse in the air; or

(C) Carrying or placing of a lighted tobacco product in one's hands or any appendage or devices and allowing smoke to diffuse in the air.

(D) Inhaling or exhaling of smoke or vapor from an electronic device that can be used to deliver nicotine or other substances to a person, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

(E) Consumption or use of any product manufactured from tobacco leaves, including, but not limited to, snuff and chewing tobacco.

Tobacco Product

Any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product.

7-3-3 (Prohibition and Regulation of Smoking or other use of tobacco in City Owned Facilities:

(C): smoking or other use of tobacco is prohibited in all city parks and park systems, as those terms are defined in Prescott City Code Section 15-1-2.

SECTION 3. Except as expressly amended by this Ordinance, City Code Chapter 7-3 (Smoking Regulations) shall remain unchanged and in full force and effect.

SECTION 4. The provisions of this Ordinance and the Code and Code Amendments it incorporates are hereby declared to be severable; and, if any section, sentence, clause or phrase of this Ordinance, or any Code and Code Amendments that it incorporates shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance and the Code and Code Amendments it incorporates, but they shall remain in effect, it being the legislative intent that this Ordinance and the Code and Code Amendments it incorporates shall stand, notwithstanding the invalidity of any part thereof.

SECTION 5. Any person who violates any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 7-3-8(B) of this code.

SECTION 6. 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 _____, 2018.

GREG R. MENGARELLI
Mayor

ATTEST:

APPROVED AS TO FORM:

MAUREEN SCOTT
City Clerk

JON M. PALADINI
City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
County of Yavapai) ss.

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Prescott, Yavapai County, Arizona, certify that the foregoing Ordinance No. _____ is a true, correct and accurate copy of Ordinance No. _____, passed and adopted at a Voting Meeting of the Council of the City of Prescott, Yavapai County, Arizona, held on the _____ day of _____ 2018, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 2018.

Seal

City Clerk

Attachment: Draft Ordinance Regarding Smoking in City Parks (1914 : Smoking City Parks)