



AGENDA

**PRESCOTT CITY COUNCIL
WORKSHOP**
Tuesday, January 5, 2016
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** Pastor Jesse Lilies
Willow Hills Baptist Church

◆ **PLEDGE OF ALLEGIANCE** Mayor Oberg

◆ **ROLL CALL**

MAYOR AND CITY COUNCIL

Mayor Oberg	
Mayor Pro Tem Lamerson	Councilwoman Orr
Councilman Blair	Councilman Sischka
Councilman Lazzell	Councilwoman Wilcox

◆ **ANNOUNCEMENTS**

◆ **PROCLAMATIONS**

- A. Proclaiming January 2016, as National Stalking Awareness Month
- B. Proclaiming January 18, 2016, as Martin Luther King, Jr. Day of Service

◆ **PRESENTATIONS**

- A. Chamber of Commerce - Introduction of new businesses

- B. Friends of the Jersey Lilly - Report on Courthouse Lighting Fundraising, presented by Tommy Meredith and Gary Edelbrock

I. PRESENTATION/DISCUSSION ITEMS

- A. Changes in financial reporting of pension liabilities
- B. Sign Code amendments
- C. Review of City-owned real property holdings for potential disposal

II. 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

MEETING DATE/TYPES: WORKSHOP 1-5-16

DEPARTMENT: Finance

AGENDA ITEM: Changes in financial reporting of pension liabilities

Approved By:

Date:

Director:	Woodfill, Mark	12/23/2015
City Attorney:	Paladini, Jon	12/23/2015
City Manager:	McConnell, Craig	12/28/2015

Item Summary

This presentation will provide an overview of the new reporting requirement for pension liabilities in the City's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2015, which is available on the website at <http://prescott-az.gov/services/finance>.

Recommended Action: Council discussion – no formal action to be taken.

MEETING DATE/TYPES: WORKSHOP 1-5-16

DEPARTMENT: Legal

AGENDA ITEM: Sign Code amendments

Approved By:

Date:

City Attorney: Paladini, Jon	12/23/2015
City Manager: McConnell, Craig	12/24/2015

Item Summary

This item is for continuation of the most recent discussion of the topic that occurred at the Council Meeting of December 1, 2015.

The Prescott City Code generally provides that “signs located in, on or across the city right of way are prohibited.” Prescott City Code Section 8-6-2 (Use of City Right Of Way). Section 15-1-22 of the City Code prohibits the posting, placing or erecting of signs in the City park system for any purpose without a permit issued by the director. However, the Code also provides for a number of exceptions to the right-of-way (ROW) prohibition.

Attachment 1 provides a summary of the City Code related to signage on public property.

At recent public meetings of the Council and Planning Commission, we have discussed the need for revisions to the City Sign Code based on the U.S. Supreme Court’s decision in *Reed v. Gilbert*. Copies of the Council Memorandum and PowerPoint are attached as Attachments 2 and 3 for your reference.

The general principle of *Reed v. Gilbert* is that the First Amendment forbids regulation of speech in ways that favor some viewpoints or ideas at the expense of others. However, a prior Supreme Court case (*City Council of the City of Los Angeles v. Taxpayers for Vincent*) held that it is within a city’s constitutional power to prohibit or ban the posting of all signs (including campaign signs) on public property, including public road rights-of-way because such a ban is content-neutral as it would apply to all signs.

Attachment 4 is the Ordinance and if adopted, it would eliminate all of the exceptions to the current City Code’s regulation prohibiting temporary signs in the right-of-way.

Attachments

1. Summary of City Code Sections Related to Signs on Public Property
2. Copy of Council Memorandum from December 1, 2015 Meeting
3. Copy of PowerPoint from December 1, 2015, Meeting
4. Proposed Ordinance

Recommended Action: For discussion and direction only.

ATTACHMENT 1
Use of Public Property for Temporary Signs

CITY CODE CHAPTER 8-2: CITY RIGHTS OF WAY

8-2-3 USE OF CITY RIGHT OF WAY:

(A) Use of city right of way or sidewalk owned by the city for the purpose of conducting any business, providing a service, advertising or making or attempting to make sales is prohibited except for . . . those uses and facilities specifically listed in section 8-2-4 of this chapter.

(D) Placing, maintaining or causing to be placed or maintained an encroachment or obstruction on or in any public right of way is prohibited, unless a permit has been issued by the city of Prescott pursuant to section 8-2-6 of this chapter.

(E) Placing, maintaining or causing to be placed or maintained a campaign sign on or in any public right of way within any established Campaign Sign Free Zone, as may be established by the City Council pursuant to applicable state statutes is prohibited.

8-2-4 EXEMPTIONS:

Exemptions section 8-2-2 and subsection 8-2-3(A), but the remaining provisions of this chapter apply unless otherwise indicated.

(I) Sidewalk sales by duly licensed businesses adjacent thereto. Allowed by written permission of the city manager, subject to any terms, conditions and restrictions as determined by the city manager. Limited to four (4) events per year per business. Must allow a minimum of forty eight inches (48") of unobstructed travel on the sidewalk, and must be placed closer to the business than the curb or outside edge of the sidewalk.

(K) Sandwich signs with the following limitations and conditions:

1. May only be outside of a business which conducts business on a continuing basis at a permanent location, when the adjacent business is open to the public, and placed in the right of way by or on behalf of that business.
2. May be no more than fifty inches (50") high and thirty one inches (31") wide (includes all structures or objects upon which the sign is placed or located, together with anything affixed or attached).
3. Must be kept in a clean condition and in a good state of repair. Unsightly conditions (e.g. accumulation of dirt, debris, breakage, rotting, crumbling, cracking, peeling or rusting, and similar condition of disrepair or deterioration) prohibited.
4. Only one sign in front of any one property at any one time.

5. If on sidewalk, must be placed to allow a minimum of forty eight inches (48") of unobstructed travel on the sidewalk. In the downtown Prescott area, all such signs must be placed closer to the curb or outside edge of the sidewalk than to the business.

6. Signs emitting sound, containing light bulbs, balloons, or signs with intermittent or flashing illumination, or animated or moving signs prohibited.

7. Cannot be located within street, public trail, city planter, roadway or other thoroughfare, or affixed to a tree, traffic sign, traffic-control device or utility pole.

(L) Off-site signage within the right of way with the following limitations and conditions:

1. Not associated with adjacent business, purpose is to promote transient events, sales, etc., which do not take place on an ongoing basis or at a permanent location.

2. Not allowed for businesses which have an ongoing business which takes place on a continuing basis at a permanent location.

3. May be no more than twenty one inches by twenty seven inches (21" x 27") (including all structures or objects upon which the sign is placed or located. For box-type signs, dimensions cannot exceed twenty one inches by twenty one inches by twenty seven inches (21" x 21" x 27").

4. Total number of allowable signs within the city rights of way advertising a sale or event for any one location may not exceed two (2), except upon the request of any individual or business desiring additional signage, the city will issue permits for up to five (5) additional signs to be placed within the city right of way (fifty dollars per sign per year). Additional permitted signs subject to all of the remaining provisions of subsection (L).

5. If on sidewalk, must allow a minimum of forty eight inches (48") of unobstructed travel on the sidewalk.

6. Allowed between the hours of six o'clock (6:00) A.M. Friday and seven o'clock (7:00) P.M. Sunday unless extended times are allowed by permit - upon the request of any individual or business desiring extended times for the display of signs, the city will issue permits for a maximum of seven (7) signs to be placed within city right of way seven (7) days per week (two hundred dollars per sign per year) but subject to all of the provisions of subsection (L). No event may have more than seven signs placed in the right of way for a sale or event for any one location.

7. Must be of a weather resistant material. Paper and cardboard are prohibited.

8. Prohibited in the defined downtown Prescott area.

9. Signs emitting sound, constructed of open light bulbs, or signs with intermittent or flashing illumination, or animated or moving signs, or balloons prohibited.

10. Cannot be located within a street, public trail, city planter, roadway or other thoroughfare, or affixed to a tree, traffic sign, traffic control device or utility pole.

11. Must have printed name and address of the individual placing said sign within the right of way, unless that sign has a permit affixed thereto issued by the City.

(P) "Downtown Prescott area" defined as "area which is bounded on the south by Carleton Street (not inclusive of Carleton Street), on the east by Marina Street (inclusive of Marina Street), on the north by Sheldon Street (inclusive of Sheldon Street), and on the west by McCormack Street (inclusive of McCormack Street).

(Q) The placement of kiosks and the use thereof which are owned by the city.

(R) Campaign signs that meet the following criteria:

1. Sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
2. Sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.
3. Sign has a maximum area of sixteen square feet, if located in an area zoned for residential use, or a maximum area of thirty-two square feet sign is located in any other area.
4. Sign contains the name and telephone number of the candidate or campaign committee contact person.
5. Sign is placed not more than sixty (60) days before a primary election and is removed no later than fifteen (15) days after the general election. For candidates who do not advance to the general election, the sign must be removed no later than fifteen (15) days after the primary.

CITY CODE CHAPTER 8-6: SIGNS IN THE CITY RIGHT OF WAY

8-6-2 USE OF CITY RIGHT OF WAY:

Signs located in, on or across the city right of way are prohibited. Does not apply to the placement of traffic control signs or other public purpose signs by an authorized employee or agent of the city.

8-6-3 VARIANCES:

(A) The city council may, in cases of extreme hardship of the land, grant a variance from the terms of this chapter.

(C) The city council may rescind a variance if the sign and sign structure are not maintained to the satisfaction of the city, or when the conditions warrant removal.

(D) "Extreme hardship" means:

1. A topographic situation that prohibits visibility of a business from the adjoining right of way; or
2. A topographic situation that prohibits the visibility of a "shopping mall" (as retail stores included within a complex having a common parking area and containing a cumulative amount of not less than 100,000 square feet of retail space) from the nearest arterial roadway.

8-6-4 EXISTING SIGNS:

Signs already in the right of way are not subject to the approval provisions of this chapter provided they have previously received written approval from the city.

8-6-5 INAPPLICABILITY OF CHAPTER:

This chapter not applicable to the placement of signs allowed by section 8-2-4 or bus bench signage (sign cannot extend beyond the actual seating dimensions of the bench, but in no event over eight feet, vertical dimension commences at the seat of the bench and extend no more than forty four inches above the ground). For bus bench signs, illuminated signs, animated signs, and any sign specifically prohibited under subsection 6.12(H)1 in section 10-1-4 of the city code. *(Note that these code sections do not exist).*

15-1-22 ADVERTISING AND COMMERCIAL USE (City Parks):

(A) No person shall post, place or erect any signs or distribute or place any advertising material in the park system for any purpose without a permit issued by the director or his agent.

MEETING DATE/TYPES: COMBINED WORKSHOP 12-1-15
AND VOTING SESSION

DEPARTMENT: Legal

AGENDA ITEM: Sign Code amendments

Approved By:

Date:

City Attorney: Jon M. Paladini	11/18/2015
City Manager: McConnell, Craig	11/25/2015

Item Summary

The Prescott City Code generally provides that “signs located in, on or across the city right of way are prohibited.” Prescott City Code Section 8-6-2 (Use of City Right Of Way). Section 15-1-22 of the City Code prohibits the posting, placing or erecting of signs in the City park system for any purpose without a permit issued by the director. However, the Code also provides for a number of exceptions to the right-of-way (ROW) prohibition.

Attachment A provides a summary of the City Code related to signage on public property.

The recent Supreme Court decision in *Reed v. Gilbert* categorically found that the Gilbert sign code imposed different restrictions for event directional signs, political campaign signs and ideological signs – i.e., different regulations based only on the content of the sign. Temporary directional signs were more greatly restricted than both ideological signs and political campaign signs. The Court noted that the Gilbert sign code was content based because it drew distinctions in the types of signs “on its face” – the regulation depended entirely on the communicative content of the sign.

Content-based regulations of speech are viewed with strict scrutiny by the courts. The majority of the Court held that:

content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.

AGENDA ITEM: Sign Code amendments

Although Prescott's Sign Code is dissimilar to the Gilbert code in that it does not single out "temporary signs for religious institutions", Prescott's ROW Sign Code provisions discussed on Attachment A provide for a different set of rules for different types of signs. These distinctions are precisely the types of content-based regulations that the Supreme Court has said will not withstand Constitutional strict scrutiny.

Justice Alito's concurring opinion indicates that government can regulate signs in a manner that would not be content-based. The rules discussed by Justice Alito allow the City to distinguish among signs based on any content-neutral criteria, including the relevant criteria listed below.

- Rules regulating the size of signs. Size rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.
- Rules regulating the locations in which signs may be placed. Location rules may distinguish between freestanding signs and those attached to buildings.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.

Justice Kagan's concurring opinion indicated that many illuminated signs, certain safety-related signs and historic site markers may be in jeopardy if the regulation is focused on a specific subject matter (content-based) and there is not a compelling governmental interest under strict scrutiny. Justice Kagan stated that communities may have to repeal the sign exemptions or remove all sign restrictions.

The City has the option of prohibiting the posting of all signs (including campaign signs) on public property, including public road rights-of-way. According to the U.S. Supreme Court case *City Council of the City of Los Angeles v. Taxpayers for Vincent*, the ban was found to be content-neutral since it applied to all signs and was carefully tailored to remedy the problems it sought to address. In addition, there were ample methods of communication that served as alternatives to the signs.

In that case, the Los Angeles Municipal Code prohibited the posting of signs on public property. The question presented to the Court was whether that prohibition abridged a political campaign's freedom of speech within the meaning of the First Amendment.

AGENDA ITEM: Sign Code amendments
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As discussed above, the general principle is that the First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others. The code section in question was determined to be neutral - indeed silent - concerning any speaker's point of view and the prohibition had been applied in an evenhanded manner.

The Court reasoned that it is within the City's constitutional power to attempt to improve its appearance, and this interest is basically unrelated to the suppression of ideas. Municipalities have a weighty, essentially aesthetic interest in proscribing intrusive and unpleasant formats for expression. The problem addressed by the LA City Code - the visual assault on the citizens of Los Angeles presented by an accumulation of signs posted on public property - constituted a significant substantive evil within the City's power to prohibit.

The Supreme Court held that the LA public property sign prohibition curtailed no more speech than was necessary to accomplish its purpose of eliminating visual clutter. By banning posted signs, the City did no more than eliminate the exact source of the evil it sought to remedy.

Attachments

Attachment A - Summary of City Code Sections Related to Signs on Public Property

Recommended Action: For discussion and direction only.



Revision of City of Prescott Sign Code

Reed v. Town of Gilbert

Content based regulation of signs

A sign code cannot impose different restrictions for event directional signs, political campaign signs and ideological signs – i.e. different regulations based only on the content of the sign are unconstitutional.

Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed.



Revision of City of Prescott Sign Code

Reed v. Town of Gilbert

What might be allowed

- Regulating the size of signs.
- Regulating the locations in which signs may be placed.
- Distinguishing between lighted and unlighted signs.
- Distinguishing between signs with fixed messages and electronic signs with messages that change.
- Distinguishing between the placement of signs on private and public property.
- Distinguishing between the placement of signs on commercial and residential property.
- Distinguishing between on-premises and off-premises signs.
- Restricting the total number of signs allowed per mile of roadway.
- Imposing time restrictions on signs advertising a one-time event.



Revision of City of Prescott Sign Code

Council of the City of Los Angeles v. Taxpayers for Vincent

Prohibiting signs in the Right-of-Way and Other Public Property

A ban of privately-placed signage on public property content-neutral since it applies to all signs.

It is within the City's constitutional power to attempt to improve its appearance, and this interest is basically unrelated to the suppression of ideas. Municipalities have a weighty, essentially aesthetic interest in proscribing intrusive and unpleasant formats for expression.

By banning posted signs, the City does no more than eliminate the exact source of the problem it seeks to remedy.



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

City Code Section 8-2-3 (Use of City Right-of- Way), Subsection (E) (Campaign Signs):

No person shall place, maintain or cause to be placed or maintained a campaign sign OR ANY OTHER TEMPORARY SIGN on or in any public right of way ~~within any established Campaign Sign Free Zone, as may be established by the City Council pursuant to applicable state statutes.~~



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Adds Condition (5) to City Code Section 8-2-4 (Exemptions), Subsection (J) (Tables, Benches and Chairs):

- (5) Signage or advertising on any table, bench or chair is expressly prohibited.



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Amends City Code Section 8-2-4(K) (Exemptions)(Sandwich Signs) :

Said signs may only be outside of a business LOCATED WITHIN THE DOWNTOWN PRESCOTT AREA, which conducts business on a continuing basis at a permanent location, when the adjacent business is open to the public, and placed in the right of way by or on behalf of that business.

Downtown area is defined as “that area bounded on the south by Carleton Street (not inclusive of Carleton Street), on the east by Marina Street (inclusive of Marina Street), on the north by Sheldon Street (inclusive of Sheldon Street), and on the west by McCormick Street (inclusive of McCormick Street)”.



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Deletes City Code Section 8-2-4, Subsections (L) (Off-site Signage in the Right-of-Way), (M) (Exceptions), (N) (Exceptions), (O) (Permits), and (R) (Campaign Signs).



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Amends City Code Section 8-2-17 (Bus Benches):

Bus benches ~~shall~~ MAY be allowed within public rights of way, subject to limitations:

- The city may put out to bid the right to place bus benches in city right-of-way to the highest bidder.
- Award of the right to place bus benches in right-of-way to highest responsible bidder after published notice of the sale. City council may reject any and all offers.
- Liability insurance in an amount of not less \$1,000,000.00 per occurrence/\$2,000,000.00 aggregate. City of Prescott an additional insured.
- A bus bench may be located only at designated bus stop.
- Successful bidder must maintain bus benches in a clean, safe and structurally sound condition, so as not to create a visible deteriorated or blighted appearance.



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Amends City Code Section 8-2-17 (Bus Benches):

- Signage on a bus bench may not extend beyond the actual seating dimensions of the bench, and not exceed eight feet wide and no more than 44 inches above the ground. Signs emitting sound, constructed of open light bulbs, with intermittent or flashing illumination, moving signs, balloons, illuminated signs and animated signs are prohibited.
- Award is revocable for good cause, including failure to maintain insurance coverage or any violation of rules and regulations for placement of bus benches if not cured within ten days of receipt of a written notice to cure from the City.



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Revises City Code Chapter 8-6 (signs in the city right of way), Section 8-6-1 (definitions) and Section 8-6-5 (Inapplicability of this Chapter) to allow City Banner Program.

City program utilizing city owned light poles in for the placement of banner signage for the purposes of assisting in the promotion of educational institutions, cultural and civic events sponsored by the city and non-profit groups reflecting general community and tourist interests, supporting and promoting city events, activities, attractions and natural and scenic locations, and conveying noncommercial message to promote activities, attractions, celebrations or events.



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Deletes City Code Section 8-6-4 (Existing Signs).



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Revises Land Development Code to allow for additional temporary signage on private commercial (non-residential) properties.

Deletes Tables 6-12-5(C) re temporary sign size calculations.

Allows temporary signs on non-residential property subject to conditions:

- One temporary sign up to 24 square feet permitted per business parcel – must be located only on private property.
- Permit required for all temporary signs.
- Permits good for 90 days – must be maintained on the premises and available upon for verification by City inspectors.



Revision of City of Prescott Sign Code

Prohibiting signs in the Right-of-Way and Other Public Property

Revises Land Development Code to allow for additional temporary signage on private commercial (non-residential) properties.

Allows temporary signs on non-residential property subject to conditions:

- May be attached to a building wall or freestanding. Location, materials and means of attachment or support included in the permit application.
- Temporary signs subject to City inspection for safety.
- Damaged or dangerous conditions caused by temporary sign must be immediately remedied or may result in the revocation of the permit.
- Failure to obtain a permit for a temporary sign or failure to remove a temporary sign upon expiration of a permit constitutes a blighting condition on the property and subject to enforcement and penalties.



Revision of City of Prescott Sign Code





Revision of City of Prescott Sign Code

Questions?



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING THE PRESCOTT CITY CODE TITLE VIII, CHAPTER 8-2 (CITY RIGHT OF WAY AND CHAPTER 8-6 (SIGNS IN THE CITY RIGHT-OF-WAY) AND SECTION 8-2-4 (EXEMPTIONS).

RECITALS:

WHEREAS, Prescott City Code Chapter 8-2 provides, among other things restrictions and exemptions regarding signage in City rights-of-way; and

WHEREAS, Prescott City Code Chapter 8-6 prohibits signs from being located in, on or across the city rights-of-way except for the placement of traffic control signs or other public purpose signs by an authorized employee or agent of the city; and

WHEREAS, Prescott City Code Chapter 8-6 also provides for exemptions from the prohibition of signs in the city rights-of-way for signs allowed in accordance with City Code sections 8-2-4 and 8-2-17; and

WHEREAS, the City now desires to amend or remove certain exemptions from the City Code regarding signs in the City rights-of-way.

ENACTMENTS:

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

SECTION 1. THAT Prescott City Code Title VIII (Public Ways and Property), Chapter 8-2 (City Rights of Way), Section 8-2-3 (Use of City Right-of- Way), Subsection (E) (Campaign Signs) is amended as follows:

No person shall place, maintain or cause to be placed or maintained a campaign sign OR ANY OTHER TEMPORARY SIGN on or in any public right of way ~~within any established Campaign Sign Free Zone, as may be established by the City Council pursuant to applicable state statutes.~~ Violations of these provisions shall be punishable as prescribed in section 1-3-1, GENERAL PENALTY; MISDEMEANORS, CIVIL VIOLATIONS, CONTINUING VIOLATIONS, of the City Code.

SECTION 2. THAT Prescott City Code Title VIII, Chapter 8-2, Section 8-2-4 (Exemptions), Subsection (J) (Tables, Benches and Chairs) is amended to add limitation and condition (5) as follows:

(5) Signage or advertising on any table, bench or chair is expressly prohibited.

SECTION 3. THAT Prescott City Code Title VIII, Chapter 8-2, Section 8-2-4(K) (Exemptions)(Sandwich Signs) is amended to modify limitation and condition (1) as follows:

- (1) Said signs may only be outside of a business LOCATED WITHIN THE DOWNTOWN PRESCOTT AREA, which conducts business on a continuing basis at a permanent location, when the adjacent business is open to the public, and placed in the right of way by or on behalf of that business.

SECTION 4. THAT Prescott City Code Title VIII, Chapter 8-2, Section 8-2-4, Subsections (L) (Off-site Signage in the Right-of-Way), (M) (Exceptions), (N) (Exceptions), (O) (Permits), and (R) (Campaign Signs) are hereby deleted in their entirety, and Subsections (P) (Definition of "Downtown Prescott Area") and (Q) (Kiosks) are re-lettered accordingly.

SECTION 5. THAT Prescott City Code Title VIII, Chapter 8-2, Section 8-2-17 (Bus Benches) is hereby amended as follows:

Notwithstanding anything to the contrary herein, bus benches ~~shall~~ MAY be allowed within public rights of way, subject to the following limitations:

(A) ~~An annual permit for each and every bus bench shall be issued by the engineering services director. An annual fee of twenty five dollars (\$25.00) shall be levied for each location for which a permit is issued.~~ THE CITY MAY ELECT TO PUT OUT TO A PUBLIC BID THE RIGHT TO PLACE BUS BENCHES IN THE CITY RIGHT-OF-WAY TO THE HIGHEST BIDDER SUBJECT TO THE RULES AND REGULATIONS SET FORTH BELOW.

(B) ~~Permits for bus benches may only be issued to a provider of public mass transit within the city limits,~~ THE GRANTING OF THE RIGHT TO PLACE BUS BENCHES IN THE CITY RIGHT-OF-WAY SHALL BE MADE ON SUCH CONDITIONS AS THE COUNCIL MAY PRESCRIBE TO THE HIGHEST RESPONSIBLE BIDDER AFTER PUBLISHED NOTICE OF THE SALE AT LEAST ONE TIME PER WEEK FOR THREE WEEKS PRIOR TO THE OPENING OF BIDS. THE CITY COUNCIL MAY, IN ITS DISCRETION, REJECT ANY AND ALL OFFERS. AN AWARD TO THE HIGHEST RESPONSIBLE BIDDER WILL BE CONDITIONED and upon presentation of liability insurance in an amount of not less than one million dollars (\$1,000,000.00) PER OCCURRENCE, AND NOT LESS THAN TWO MILLION DOLLARS (\$2,000,000.00) AGGREGATE, naming the City of Prescott as an additional insured, which insurance must be maintained in full force and effect for as long as the benches permitted are within the city right of way.

(C) ~~The number and location of each bus bench is subject to the approval of the engineering services director, in his sole discretion, provided, however, that a~~

A bus bench may only be located ONLY at a duly designated bus stop in accordance with subsection 9-1-10(B) of this code, SUBJECT TO THE APPROVAL OF THE CITY. ~~An applicant for bus benches may appeal the engineering services director's decision pursuant to this subsection to the transportation coordinating committee.~~

(D) Any permit AWARD GRANTED issued hereunder is conditioned upon the permittee SUCCESSFUL BIDDER maintaining the bus benches in a clean, safe and structurally sound condition, so as not to create a visible deteriorated or blighted appearance.

(E) Any signage on a bus bench shall consist of the following dimensions: The horizontal dimension of the sign shall not extend beyond the actual seating dimensions of the bench, but in no event to exceed eight feet (8'); the vertical dimension of the sign shall commence at the seat of the bench, and shall extend no further than forty four inches (44") above the ground. The following types of signs shall be specifically prohibited: ANY SIGN EMITTING SOUND, CONSTRUCTED OF OPEN LIGHT BULBS, SIGNS WITH INTERMITTENT OR FLASHING ILLUMINATION, MOVING SIGNS, BALLOONS, illuminated signs AND animated signs, ~~and any sign specifically prohibited under subsection 6.12(H)1 in section 10-1-4 of this code.~~

(F) Any ~~permit issued~~ AWARD GRANTED hereunder is revocable, IN WHOLE OR IN PART, FOR GOOD CAUSE BY THE CITY ~~at will by the city council.~~ GOOD CAUSE INCLUDES FAILURE TO MAINTAIN INSURANCE COVERAGE AS REQUIRED IN THIS SECTION, AS WELL AS ANY VIOLATION OF THE RULES AND REGULATIONS FOR PLACEMENT OF BUS BENCHES SET FORTH IN THE CITY CODE OR SET FORTH IN THE BID DOCUMENTS, AND SUCH VIOLATION IS NOT CURED WITHIN TEN (10) DAYS OF RECEIPT OF A WRITTEN NOTICE TO CURE FROM THE CITY. In the event of revocation, if the ~~permittee GRANTEE does not~~ SHALL remove any benches for which a ~~permit has been revoked pursuant~~ REQUIRED to BE REMOVED UNDER this subsection within ninety (90) days after receiving notice thereof. The engineering services director may ~~effectuate the removal of~~ REMOVE ANY said benches REQUIRED TO BE REMOVED UNDER THIS PARAGRAPH IF NOT REMOVED WITHIN NINETY (90) DAYS OF RECEIPT OF NOTICE OF REMOVAL, the cost of which removal shall be assessed against the ~~permittee-AWARDEE~~, and may be recovered by the city in a civil action instituted in the appropriate court of law.

~~(G) Any permits issued hereunder may be revoked by the engineering services director in the event of the failure of the permittee to correct any violations of this section within ten (10) days of receiving notice thereof. In the event of revocation, if the permittee does not remove any benches for which a permit has been revoked pursuant to this subsection within ten (10) days after receiving notice thereof, the engineering services director may effectuate the removal of said benches, the cost of which removal shall be assessed against the permittee, and~~

~~may be recovered by the city in a civil action instituted in the appropriate court of law.~~

SECTION 6. THAT Prescott City Code Title VIII, Chapter 8-6 (Signs in the City Right of Way), Section 8-6-1 (Definitions) is hereby amended by adding the following term:

CITY BANNER PROGRAM: THAT CERTAIN CITY PROGRAM UTILIZING CITY OWNED LIGHT POLES IN FOR THE PLACEMENT OF BANNER SIGNAGE FOR THE PURPOSES OF ASSISTING IN THE PROMOTION OF EDUCATIONAL INSTITUTIONS, CULTURAL AND CIVIC EVENTS SPONSORED BY THE CITY AND NON-PROFIT GROUPS REFLECTING GENERAL COMMUNITY AND TOURIST INTERESTS, SUPPORTING AND PROMOTING CITY EVENTS, ACTIVITIES, ATTRACTIONS AND NATURAL AND SCENIC LOCATIONS, AND CONVEYING NONCOMMERCIAL MESSAGE TO PROMOTE ACTIVITIES, ATTRACTIONS, CELEBRATIONS OR EVENTS.

SECTION 7. THAT Prescott City Code Title VIII, Chapter 8-6, Section 8-6-4 (Existing Signs) is hereby deleted in its entirety.

SECTION 8. THAT Prescott City Code Title VIII, Chapter 8-6, Section 8-6-5 (Inapplicability of this Chapter) is hereby amended to read as follows:

THIS CHAPTER SHALL NOT BE APPLICABLE TO THE PLACEMENT OF SIGNS AS MAY BE ALLOWED IN ACCORDANCE WITH THE CITY BANNER PROGRAM.

SECTION 9. DELAYED EFFECTIVE DATE?

SECTION 10. That the Mayor and staff are authorized to take any action necessary to enact this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this ____ day of _____, 2015.

HARRY B. OBERG, Mayor

ATTEST:

APPROVED AS TO FORM:

DANA DELONG, City Clerk

JON M. PALADINI, City Attorney

MEETING DATE/TYPES: WORKSHOP

1-5-16

DEPARTMENT: Public Works

AGENDA ITEM: Review of City-owned real property holdings for potential disposal

Approved By:

Date:

Director:	Hash, Henry	12/23/2015
City Attorney:	Paladini, Jon	12/23/2015
City Manager:	McConnell, Craig	12/24/2015

Item Summary

This item is to present a summary of City-owned real property holdings for the purpose of identifying candidates for potential disposal.

Recommended Action: Presentation for Council information and discussion – no formal action is being requested to be taken at this time.