CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To:

The Honorable Mayor and Council

From:

Steve Zimmerman, Parks Manager

Michael O'Connor, Public Works Section Head

Date:

November 17, 2010

Meeting Date:

December 7, 2010



TITLE: CONSIDERATION OF ORDINANCE NO. 2010-39: AN ORDINANCE AMENDING TITLE 8, PUBLIC WAYS AND PROPERTY, CHAPTER 8-11, POLICIES REGARDING USE OF MUNICIPAL PARKS, BY DELETING THOSE PROCEDURES RELATED TO THE ISSUANCE OF SPECIAL EVENT PERMITS; ADDING PROVISIONS RELATED TO THE PERMITTING OF CERTAIN ALCOHOLIC BEVERAGES WITHIN PONDEROSA AND BUSHMASTER PARKS AND AMENDING THOSE PROVISIONS RELATED TO THE POSSESSION OF FIREARMS WITHIN MUNICIPAL PARKS TO REFLECT CURRENT STATE STATUTE.

- (1) At the Council meeting of December 7, 2010: Read Ordinance No. 2010-39 for the first time by title only.
- (2) At the Council meeting of December 21, 2010: Read Ordinance No. 2010-39 for the second time by title only and adopt.

ACTION SUMMARY:

Policy Decision or Reason for Action:

o To address problems arising from the possession and consumption of alcohol in municipal parks

Decision Points:

Whether or not to prohibit possession and consumption of alcohol in Bushmaster and Ponderosa Parks except by permit for beer and wine only, with no charge for a permit.

Financial Impact:

o \$140.00 per sign; the number of signs :dependent on Council action (unbudgeted)

Connection to Council Goals:

- Good Neighborhoods and Affordable Housing
- Public Safety

Options:

Read Ordinance No. 2010-39 for the first time with amendments which reflect Option 1:

Council's intent expressed on October 19, 2010.

Further amend Ordinance No. 2010-39 and read for the first time. Option 2:

Not read Ordinance No. 2010-39 for the first time. Option 3:

Has there been a previous Council decision on this topic? No.

DIVISION DIRECTOR (Acknowledgment that All reviews have been completed and required approvals initialed below.)

ADDITIONAL INFORMATION:

Background/History: In May 2009, community members and FUSD administrative staff at Thomas Elementary School came before the Parks and Recreation Commission in order to address their concerns about safety in our parks, most specifically safety issues raised by a rise in alcohol consumption. Their concern was specific to Bushmaster Park, due to the close proximity to Thomas Elementary School, where young students were being exposed to intoxicated individuals in the park before and after school hours. The Principal of Thomas Elementary, as well as the Thomas Elementary PTA President, asked the Parks and Recreation Commission to either (1) support a ban on all alcohol consumption in public parks or (2) to issue a permit system that would provide a measure of control and enforcement. Additionally, it was requested that City Council pass an ordinance revision that would provide law enforcement with more effective tools to enforce alcohol issues. Previous attempts in 2005 failed both times due to the apprehension about restricting alcohol at the Thorpe Park Sports Complex. This concern has been addressed by leaving provisions in the City ordinances that permit consumption of beer in recreation areas unless otherwise posted.

Given the requests to the Commission from the community, Parks and Recreation staff researched existing policies and procedures throughout the state regarding municipal permitting of alcohol consumption in public parks in order to draft amendments to City ordinances, policies, signage, and permits. On August 18, 2010 the Parks & Recreation Commission reviewed proposed amendments and recommended that they be forwarded to the City Council by a final vote of 5-0.

As a result of recent amendments to A.R.S. § 13-3108, the City is no longer able to limit the possession of firearms within its parks to those persons possessing a concealed weapons permit. Therefore, those provisions related to the possession of a firearm have been removed and replaced with a prohibition on discharging a firearm within a City park.

Key Considerations: Generally, the State is deemed to have preempted local governments from regulating the distribution, sale or consumption of alcoholic beverages in Arizona. However, an opinion of the Arizona Attorney General states that "restrictions on the consumption of spirituous liquor in public recreation areas are a matter of municipal or local concern not preempted by the legislature in this section [A.R.S. 4-244] making it unlawful for one to consume spirituous liquor from a broken package in a public place, thoroughfare, or gathering, and, therefore, a municipality may enact more stringent or restrictive provisions than those contained in this section." (Op. Atty Gen. No. 78-24).

The permit will not be a license to sell alcohol. The Public Works Division, Police Department and Recreation Division would be empowered to issue permits authorizing the consumption and possession of beer in Ponderosa and Bushmaster parks and adopt rules and procedures for the issuance of such permits. In accordance with the City Ordinance, the permit will be governed by the conditions set forth in the "Alcohol Beverage Permit Policies."

Staff has worked closely with the Police Department to address safety issues in parks, particularly with respect to Bushmaster Park, where alcohol-related incidents appear to be the greatest. The Police Department receives many complaint calls from neighbors near Bushmaster Park about drinking and disruptive behavior, mostly by transients and not those who have reserved the park for picnics, barbeques, and celebrations.

Community Benefits and Considerations: A municipal park is an area set apart for the recreation of the public for promotion of its health, welfare, and enjoyment. Bodies and officials entrusted with the management and control of parks have the ability to adopt rules and regulations which secure these beneficial objectives and promote the safety of the public using these facilities.

Community Involvement: The issue of alcohol in public parks has been addressed in public meetings with the Parks and Recreation Commission recently in 2010 and formerly in 2009, 2005 and 2001. Proposed ordinance amendments were presented to the City Council on November 2001 and January 2006, but those items were tabled pending the preparation of other viable options to address park safety issues and other citizen concerns. Since 2009, numerous meetings have been held at Thomas School with the principal, Tom Ziegler, the Thomas School Parent Teacher Association, local neighborhood groups, the Police Department and Public Works staff.

Financial Implications: Cost to post signs at all ramadas if needed, with alcohol permit required signs is \$1,540.00 which would be paid from the Parks Section budget.

Attachments:

- Flagstaff City Code 8-11-001-0006, Policies Regarding Use of Municipal Parks
- Excerpts from Parks and Recreation Commission meeting minutes, August 15,2001,October 17, 2001, July 20, 2005, January 18, 2006, May 20 and June17, 2009 and July 21 and August 18, 2010.
- Alcohol Beverage Permit Policies
- Alcohol Beverage Permit (form)
- Survey of Other Municipalities

	BIDS/PURCHASES GRANTS LEGAL	11/22/10		FINANCE/BUDGET CONTRACTS IGAS OTHER	- Cu
--	-----------------------------------	----------	--	-------------------------------------	------

ORDINANCE NO. 2010-39

AN ORDINANCE AMENDING TITLE 8, PUBLIC WAYS AND PROPERTY, CHAPTER 8-11, POLICIES REGARDING USE OF MUNICIPAL PARKS, BY DELETING THOSE PROCEDURES RELATED TO THE ISSUANCE OF SPECIAL EVENT PERMITS; ADDING PROVISIONS RELATED TO THE PERMITTING OF CERTAIN ALCOHOLIC BEVERAGES WITHIN PONDEROSA AND BUSHMASTER PARKS AND AMENDING THOSE PROVISIONS RELATED TO THE POSSESSION OF FIREARMS WITHIN MUNICIPAL PARKS TO REFLECT CURRENT STATE STATUTE.

WHEREAS, the City of Flagstaff owns, operates and maintains various park properties for the use and enjoyment of its citizens; and

WHEREAS, enacting and enforcing regulations related to the use of park properties protects their value as a community resource and ensures that activities and uses are coordinated in a coherent and systematic manner; and

WHEREAS, providing for the permitting of alcoholic beverages, and conditioning and regulating the possession and consumption of alcoholic beverages on park property, will ensure that those activities and uses occurring on park property are compatible and appropriate and will help preserve the integrity of all the City's parks as a valued community resource; and

WHEREAS, City Staff brought forward Ordinance 2010-28 which provided for amendment of existing ordinances and which would have created a permitting system in connection with consumption of beer and wine in public parks; and

WHEREAS, the City Council made substantial amendments to Ordinance 2010-28 and read it for the first time as amended, but further changes are needed to carry out the Council's intent and to avoid unintended consequences; and

WHEREAS, for the sake of clarity, City Staff is presenting this new Ordinance 2010-39 to address the concerns raised by a majority of the Council with regard to Ordinance 2010-28 in connection with permitting the consumption of alcohol in City parks; and

WHEREAS, a result of amendments made to A.R.S. §13-3108, the state legislature has preempted local governments from enacting rules or ordinances that limit the possession of firearms in parks to persons possessing a concealed weapons permit thereby invalidating those provisions currently found within Chapter 8-11 prohibiting the possession of firearms in City parks; and

WHEREAS, in order to protect the health, safety and welfare of those individuals using the City's parks it is necessary to prohibit the discharge of firearms or other similar projectile weapons; and

WHEREAS, pursuant to A.R.S. §9-276 the City is authorized to regulate the use of parks and other public grounds;

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

Section 1. That Title 8, Public Ways and Property, Chapter 8-11, Policies Regarding Use of Municipal Parks, is hereby amended as follows:

SECTIONS:

<u>8-11-001-0001</u>	Purpose
8-11-001-0002	Authority
8-11-001-0003	Enforcement
<u>8-11-001-0004</u>	Definitions
8-11-001-000 <u>5</u>	Use by the General Public/Hours of Use
<u>8-11-001-0006</u>	Permit Procedures Special Events and Alcohol Beverage Permits
<u>8-11-001-0007</u>	Fees and Charges
<u>8-11-001-0008</u>	Domesticated Animals and Wildlife
<u>8-11-001-0009</u>	Activities Requiring Permit
8-11-001-0010	Prohibited Activities
<u>8-11-001-0011</u>	Other

Section 8-11-001-0001 Purpose

The purpose of this Chapter is to establish regulations to provide for the safe and peaceful use of City park property by the public, for the recreational benefit and enjoyment of the public, and for the protection and preservation of the property, facilities, and natural resources of the City. (Ord. No. 1786, Enacted, 01/05/93)

Section 8-11-001-0002 Authority

The City Council authorizes the City Manager to promulgate special rules and administrative policies necessary and appropriate to administer these regulations, and to enforce the same. Such policies shall be in writing and made available to the public during normal business hours in the office of the City Parks Section and Recreation Section. (Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

Section 8-11-001-0003 Enforcement

Any vViolations of § 8-11-001-0008, § 8-11-001-0009, or § 8-11-001-0010 shall be unlawful, shall be subject to criminal prosecution, and upon conviction shall be punishable in like manner

to any other violations of this City Code is a class one misdemeanor. Enforcement shall be the responsibility of the City Manager, or <u>his or her</u> designee, to include and shall include the Parks Section and Recreation Section, Police Department, or other appropriate City employees. (Ord. 1891, 09/19/95; Ord. No. 1786, Enacted, 01/05/93; Ord. No. 2010-39, Amended

Section 8-11-001-0004 Definitions

- A "Parks Direction and Recreation Director" means the person immediately in charge of the Parks Section and Recreation Section, and to whom all Section employees are responsible.
- B.A. "Park Property" means any land, its landscaping and vegetation, buildings, fixtures, monuments, or structures located thereon, devoted to park or recreational uses and owned, operated, or established by the City Council.
- B. "Recreation Superintendant" means the person immediately in charge of the Recreation Section, and to whom all Recreation Section employees are responsible.

(Ord. No. 1891, Amended, 09/19/95; Ord. No. 1786, Enacted, 01/05/93; Ord. No. 2010-39, Amended

Section 8-11-001-0005 Use by the General Public/Hours of Use

- A. Park property and recreation programs are open to use by all members of the public regardless of race, sex, national origin, color or physical disabilities.
- B. Permitted hours of use shall be between 5:00 a.m. and 10:00 p.m., Sunday through Thursday, and 5:00 a.m. and 12:00 midnight, Friday and Saturday, unless such person has acquired the appropriate permit from the City Parks Section and Recreation Section.
- C. In park property with functioning sports lighting, the hours of use shall be extended to 12:00 midnight, Sunday through Thursday, for conducting sporting events, and other events approved by permit.
- D. Hours of use shall not apply to the use of public sidewalks, or public streets located within any park property, which are being used as a transportation corridor.
- E. No person shall enter park property which has been closed to use, and is so posted by the City of Flagstaff.
- F. City employees and law enforcement officers acting within their authority shall be exempt from the provisions of this Section.

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

Section 8-11-001-0006 Permit Procedures Special Events and Alcohol Beverage Permits

- A. A permit shall be obtained from the City's Parks Section and Recreation Section whenever any person or group desires to reserve any portion of park property to:-activities
 - Conduct a special event, as defined in Chapter 8-12, Special Events:
 - 2. Conduct a special event, as defined in Chapter 8-12, Special Events, at which alcohol is served or consumed.
- B. Any person or group that desires to consume beer or wine in Ponderosa or Bushmaster Park shall obtain an alcohol beverage permit from the Recreation Section, the Parks Section or the Police Department which will be valid for a specific date and location only. The permit will be valid for one day and for normal park hours only. Alcohol beverage permits shall only be issued to persons 21 years old or older. No fee shall be charged for an alcohol beverage permit. No more than one alcohol beverage permit shall be issued to any individual during each day.
- B. Application for a permit must be received a minimum of ten (10) working days prior to the anticipated use, on forms provided by the City Parks Section and Recreation Section.
- C. Permits shall be issued to persons 18 years old or older by the Director or designee within a reasonable period of time following receipt of application, in accordance with this Ordinance and administrative policies pertaining to park use.
- D. Permits issued pursuant to this Section must be in the possession of the permittee during the permitted activity and shown upon request.
- E. Functions shall be confined to the specific part of the facility assigned to the permit holder
- F. If control personnel, parking attendant, traffic control devices, etc., are necessary to provide safe and orderly use, such shall be supplied by the permit holder.
- G. Continuous use of facilities by clubs, organizations, and associations shall be permitted through signed agreement which may be reissued as necessary at the discretion of the Parks and Recreation Director or designee. A permit issued pursuant to this paragraph shall not exceed one (1) year.
- H. Activities sponsored or co-sponsored by the City shall have first priority in the use of any park property.
- I. Any request for a use not contemplated by this Ordinance or by administrative policies, or denied by the Parks and Recreation Director, may be forwarded to the Public Works Director who shall take the request before the City Manager for consideration.
- J. Protest rallies, picketing activities, or other such gatherings to exercise free speech rights under the First Amendment shall be exempt from these permit requirements.
- C. Section 8-11-001-0005 of this Chapter shall not apply during, or within areas designated for, special events and permitted by issuance of a permit pursuant to Chapter 8-12, Special Events.

- D. Permits issued pursuant to this section must remain on-site during the permitted activity and shown upon request.
- E. Persons attending an event at which beer or wine is possessed or served, or persons possessing or consuming beer and wine pursuant to an alcohol beverage permit, are subject to all federal, state and city statutes, ordinances, rules and regulations. Violators shall be subject to ejection from park property and/or prosecution.
- F. It is unlawful for any permittee to knowingly fail to comply with any term or condition of the alcohol beverage permit.

(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95; Ordinance No. 2010-39, Amended

Section 8-11-001-0007 Fees and Charges

- A. Charges and facility use fees shall be established by the Parks and Recreation Director with approval from the Parks and Recreation Commission and City Council. All fees will be reviewed annually.
- B. All fees and deposits must be paid prior to use, unless other arrangements are made with the Parks and Recreation Director or designee and written within the permit issued.

(Ord. 1891, 09/19/95)(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95)

Section 8-11-001-00078 Domesticated Animals and Wildlife

- A With the exception of dogs and cats, no domesticated animal or wildlife shall be brought onto park property unless authorized by permit.
- B. No person shall bring domestic animals or wildlife upon park property unless on a leash, and is at all times entirely within the control of the person bringing it upon park property.
- C. Domestic animals are not permitted at any time in certain posted areas of park property.
- D. Persons bringing domestic animals or wildlife upon park property are responsible for immediate cleanup and removal of the animal's defecation. It shall be unlawful for any person to cause or permit domestic animals or wildlife to be on park property unless such person has in his immediate possession an appropriate depository for the transmission of excrement to a waste receptacle. This provision shall not apply to a person who is physically disabled.
- E. No person shall catch, injure, destroy, or interfere in any way with any wildlife on park property.

(Ord. No. 1786, Enacted, 01/05/93; Ord. 2004, Amended, 10/05/1999)

Section 8-11-001-00089 Activities Requiring Permit

In addition to those events requiring a special event permit, set forth in Chapter 8-12; Special Events, the following activities shall not be conducted on park property unless authorized by permit:

- A. Playing an audio device, use a public address device, or any device to amplify music.
- B. Operation of a motor vehicle of any type, including, but not limited to, automobiles, motorcycles, motorbikes, or snowmobiles except on roads or parking areas designated for that purpose.
- C. Leaving personal property unattended for more than four hours.
- D. Carrying, possessing or discharging any bow and arrow, dart, firearm, knife with a blade of more than three inches in length, or other dangerous weapons. Law enforcement officers acting within their authority shall be exempt. Discharging any bow, crossbow or other similar device which is calculated to propel or project an arrow or dart.
- E. Flying or launching powered model airplanes or rockets.
- F. Cutting or sawing any live or dead trees or their parts with any type of equipment, power or otherwise, or remove any live or dead trees.
- G. No signs, notices, decorations, or objects of any kind shall be attached to, located on or painted on any part of park property.
- H. Conducting or soliciting of any business, trade or occupation.
- I. Enclosure of any area or erection of any structures.
- J. Planting of vegetation or causing vegetation to be planted.
- K. Digging into the surface of park property.
- L. Horseback riding. Law enforcement officers acting within their authority shall be exempt.
- M. Roller skating, skateboards, and bicycling in areas so posted.
- N. Use of any portion of a park for golfing purposes, or make use of any golf clubs, or golf balls.
- O. Possession or consumption of beer and wine in Ponderosa or Bushmaster Park except as described in Subsection 8-11-001-0006.

(Ord. No. 17	36, Enacted,	01/05/93; Ord	No. 2010-39,	<u>Amended</u>
--------------	--------------	---------------	--------------	----------------

Section 8-11-001-000940

Prohibited Activities

The following activities shall be prohibited on park property:

- A. Servicing any automobile, including washing, waxing, repairing, or performing other work, except in case of an emergency.
- B. Defacing, destroying or injuring in any way, misusing, or removing any park property.
- C. Interfering with any City employee acting in the course of his or her official duties.
- D. Possessing and discharging any fireworks or explosives on park property.
- E. Depositing, leaving, or spilling refuse or other substances other than in receptacles provided for this purpose.
- F. Depositing refuse from private premises in park property trash receptacles.
- G. Possessing a glass beverage container in any park, trail, or facility, nor shall any person purposely throw, toss, or otherwise propel, or break any glass object on park property, parking area, or access road leading to park property.
- H. Urinating or defecating other than in the facilities provided.
- I. Congregating or assembling in or about any restroom or entry ways of buildings in such a manner as to hinder or obstruct the proper use thereof.
- J. Violating any regulation posted for the operation of an individual recreation center or facility.
- K. Utilizing a playing field which is wet or otherwise unsuitable for play and which may cause damage to the field.
- L. Camping or overnight parking.
- M. Fires are permitted for the purpose of cooking only in picnic areas, and are restricted to grills constructed for this purpose, and privately owned grills or stoves. Wood fires on park property are prohibited for any purpose.
- N. Trapping, except when necessary by the Arizona Game and Fish Department or other law enforcement authority.
- O. Consuming spirituous liquor as defined by State law. This paragraph shall not apply to a person consuming beer from a broken package on park property, except as otherwise posted. (Ord. 1891, 09/19/95).
- P. The outdoor use of any sound amplification device between the hours of 1:00 a.m. and 12:00 p.m. on Sundays.

<u>Q.</u>	Discharging any firearm or projectile weapon or explosive of any kind, including, but not limited to, BB guns, pellet guns, air guns, paint ball guns, slingshots or other devices capable of causing injury to person or animals or damage or destruction to property.
	d. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95) (Ord. Ord. 2003-05, ended, 03/18/2003; Ord. No. 2010-39, Amended)
Sect	tion 8-11-001-001 <u>0</u> 4 ——Other
Α	Lost objects found on park property must be turned over to the City Police or City Parks Section and Recreation Section and may be recovered by proper identification at Police Headquarters or City Parks and or Recreation Offices.
B.	Picnic areas not requiring a permit are operated on a "first come, first serve" basis. Picnic ramadas shall be reserved by permit on a "first come, first serve basis", which must be made in person at the Parks and City's Recreation Office.
C.	Sledding, downhill skiing, snowmobiling, tobogganing or cross-country skiing is permitted on park property unless restricted as posted.
	I. 1891, 09/19/95)_(Ord. No. 1786, Enacted, 01/05/93; Ord. No. 1891, Amended, 09/19/95; No. 2010-39, Amended)
well : make	ion 2. That the City Clerk be authorized to correct typographical and grammatical errors, as as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to e formatting changes needed for purposes of clarity and form, if required, to be consistent with staff City Code.
PAS: Flags	SED AND ADOPTED by the City Council and approved by the Mayor of the City of staff this day of, 2010.
ATTE	MAYOR EST:
CITY	'CLERK
APPF	ROVED AS TO FORM:
ALL GITY	ATTORNEY



SUMMARIZED MINUTES

MEMBERS PRESENT	STAFF PRESENT	OTHERS PRESENT
Kathy Barrett	Mike Conner	Bill Almquist
Rick Brandel	Sgt. Josh Copley	Melissa Bowen
Allen Edgar	Kathy Drummond	Brad Gingrich
Julie Graverson	Scott Keene	Chuck Hammersley
Chris Robinson	Bill Menard	Bob Senseman
	Lt. Matt Pavich	Alan Smith & Family
MEMBERS ABSENT	Nanette Smejkal	Al Madle
	Sgt. Kevin Treadway	
John Birkett (excused)		· · · · · · · · · · · · · · · · · · ·

1. CALL TO ORDER

Commissioner Robinson called the meeting to order at 4:04 p.m.

2. ROLL CALL

Commissioners Barrett, Brandel, Edgar, Graverson, and Robinson were present for roll call. Commissioner Birkett was absent.

3. APPROVAL OF MINUTES

Motion by Commissioner Graverson to approve the July 18, 2001 minutes as written. Motion seconded by Commissioner Barrett. Motion passed unanimously with 5 yea votes (Commissioners Barrett, Brandel, Edgar, Graverson, and Robinson).

4. PUBLIC PARTICIPATION - None.

5. DISCUSSION ITEMS

Park Safety Figurement Matt Pavich reported on the number of calls for service that the Police Department received from January to July at Bushmaster Park, Heritage Square, Thorpe Park, Wheeler Park, Buffalo Park, and Cheshire Park. The types of calls varied from disturbing the peace, public intoxication, assaults, fights, and criminal damage. Questions, answers, and discussion followed.

Sergeants Kevin Treadway and Josh Copley participated in the discussion with Commissioners and staff. Options explored included banning alcohol in parks, issuing alcohol use permits, upgraded lighting, future development of existing parks, and Park Rangers. Commissioners and staff agreed that allowing alcohol use in City parks by permit only would give the Police Department a tool to use for enforcement.

DISCUSSION ITEMS (Cont'd.)

Councilor Edgar asked if introducing more legitimate uses into the east area of Bushmaster Park, such as a bark park, might reduce unwanted use and behaviors.

Alan Smith and Brad Gingrich, residents who live behind Bushmaster Park, reported that they have witnessed excessive alcohol use, transients panhandling, and littering within the park. They prefer that the southeast area of the park stay in a natural environment, and support an alcohol permitting system or prohibiting alcohol in City parks. Chuck Hammersley, a citizen, reported that he is a regular park user and supports issuing permits for alcohol use in parks.

Commissioner Graverson commented that the streetscape area adjacent to the Murdock Center was also an area of concern regarding transients.

Director Smejkal reported that most municipalities have a permitting system in place. School District officials have requested that the Commission consider prohibiting alcohol use at parks so that it would be in line with their policies for school property, as the public does not distinguish whose property they are on. Staff is prepared to implement a Park Ranger position and request funding for the position during the next budget process. This position would provide several direct benefits to the department, specifically community education, and could be funded through the BBB allocations. Further discussion on park safety will occur during the October meeting.

ACTION ITEMS (Cont'd.)

Commissioner Barrett felt that alcohol related problems are specifically at Bushmaster Park and that a city-wide permitting system isn't the way to address the problem. Commissioner Robinson stated that if the problem is not addressed city-wide, it will move from one park to another. Commissioner Graverson reported that she is concerned about park safety and supports a change in the ordinance, plus other actions such as more police enforcement and arrests, and adjusting park operating hours.

Commissioners Robinson and Edgar supported changing the ordinance, but not charging additional fees to the softball teams for a permit. They recommended waiving or including the beer permit fee in the registration fee.

Commissioner Brandel did not support an ordinance change, and felt that the softball teams should be given the opportunity to obtain a beer permit on their own. Commissioner Olson supported the staff recommendation.

Motion by Commissioner Olson to forward to City Council a recommendation to revise Flagstaff City Code 8-11, which would authorize beer consumption in City parks by permit only. Motion seconded by Commissioner Edgar. Motion passed with five (5) yea votes (Commissioner's Barrett, Edgar, Graverson, Olson, and Robinson); one (1) nay vote (Commissioner Brandel).

DISCUSSION ITEMS (CONT'D.)

B. ALCOHOL ORDINANCE FOR CITY PARKS.

Director Menard stated that both the Commission and Council have previously discussed this issue. He questioned whether a change to the ordinance should be instituted to prohibit alcohol in all City parks or only specific parks where there might be problems. He also suggested that perhaps the City might want to develop a process where they can issue alcohol permits to individuals who want to drink alcohol in the parks.

Josh Copely with the Flagstaff Police Department stated that the current ordinance is written so that anyone can drink in a City park and unless they are disorderly, they can't arrest them. He stated that the Police Department seldom has problems with people drinking while having picnics and barbecues in the parks, and that the individuals who are drinking in the parks and creating problems are there only to get intoxicated. If they did this kind of activity outside of the park they could be arrested. The Police Department receives many complaints from neighbors near Bushmaster Park about the drinking and disruptive behavior. He feels that a permitting process would give the Police Department the tools to better police the parks.

Questions, answers, and discussion followed. Officer Copley stated that this kind of permit would not include special events. He reported that the current law allows an individual to have a case of beer in their possession at any time. He supports closing all parks to drinking except by permit.

Superintendent Meyers questioned whether Parks and Recreation staff should have the authority of issuing alcohol permits.

Commissioner Hammersley stated that he had participated in the previous discussions regarding this item, and questioned why the restriction of alcohol in City parks isn't already a blanket policy throughout the parks system. He stated that he supports changing the ordinance to restrict alcohol in all parks. He feels that the processes and procedures are already in place at Wheeler Park and should be enforced in all parks. He questioned how the Police Department would feel about enforcing such an ordinance change and brought up the issue of Park Rangers. Officer Copley stated that the Police Department has an obligation to protect all City assets, including parks. He doesn't support Park Rangers at this time, however, he does support Parks and Recreation staff issuing alcohol permits to the public.

DISCUSSION ITEMS (Cont'd.)

Discussion ensued regarding vandalism in parks and the resources spent on such. Officer Copely feels that in the future the Commission may want to consider Park Rangers for ordinance enforcement and education.

Officer Copley stated that the problem seems to be transients who are addicted to alcohol. He stated that many times these individuals are forced out of their homes and the only place they can go to continue their addiction is our City parks. He stated that if a permitting process was approved the Police Department would not actively go out and search for these individuals, but would have the tools to remove them from the parks when necessary. He supports educating the public regarding any ordinance changes, and feels that this change could potentially get some of these individuals into treatment or move them into the forest, which is safer for the community.

It was the consensus of the Commission that providing the safest environment for the citizens of Flagstaff is a priority. They don't feel that a permitting process would provide a hardship to the public. Commissioners Blackman, Hammersley, and Trovillion support prohibiting alcohol in City parks except by permit and feel that Park Rangers would be beneficial as an educational opportunity for the community. Commissioner Trovillion stated that she prefers that additional resources go to the Police Department for enforcement rather than giving authority to Parks Rangers.

Commissioner Mencuccini stated that she is in favor of restricting alcohol in City parks, but would like to see group permits rather than individual permits. She supports more resources for the Police Department rather than Park Rangers and is concerned that if the transient population were to move away from the parks they might go to the schools, which could cause other problems.

Commissioner Blackman recapped that while there is a consensus for a permitting process, Commissioners have different opinions regarding the language to be used. She questioned whether the County Parks and Recreation has an alcohol permitting system in place. Director Menard stated that staff would check with the County and report back during next month's meeting.

It was the consensus of the Commission that a graduated fee schedule, individual versus group permits, use of beer and wine, and permitted hours would be considered during next month's meeting.

C. BOND PROJECTS UPDATE.

Director Menard stated that the Thorpe Park Improvement plans are still only at a 100% completion level and it is estimated to be \$1.2 million over budget. Staff will be meeting with the consultant on Thursday, July 21st to look at options to see how the project can be downsized to stay within budget.

6. ACTION ITEMS

A. <u>ALCOHOL PERMITTING POLICY</u>. Director Neumayer reported that at the Parks and Recreation Commission meeting of August 17th, the Commission voted to approve a revision to Flagstaff City Code 8-11 to include a permitting process for alcohol consumption in public parks. She noted that staff had researched policies in other state municipal organizations in an effort to draft criteria and forms for Commission review. She reported that included in the packet was an Alcohol Beverage Permit form, policies, signage to be displayed at the park sites, and a revised ordinance.

Director Neumayer stated that the Police Department as well as representatives from FUSD, requested that this item be addressed because of safety concerns at Bushmaster Park and transients drinking in the parks. She stated that the policy change would serve as an enforcement tool for the Police Department. She also reported that during the 2005 calendar year Parks spent over \$25,000 in repairs due to vandalism in the parks, which a large portion of that could be attributed to alcohol consumption.

Commissioner Blackman noted that the signage language should be changed to read malt beverages, as spirituous liquor is already prohibited by State law. Director Neumayer noted that change.

Motion made by Commissioner Dickens to accept staff's recommended policies, forms, and signage. Motion seconded by Commissioner Hamersley. Six yea votes (Commissioners Blackman, Dickens, Hammersley, Johnson, Mencuccini, and Silva). Director Neumayer stated that staff would present the Commission's recommendations to Council in March.

B. <u>ELECTION OF OFFICERS</u>. Director Neumayer stated that a chair and vice chair needed to be elected for calendar year 2006.

Commissioner Dickens made a motion to nominate Commissioner Blackman as chair and Commissioner Mencuccini as vice chair. Commissioner Silva seconded the motion. Six yea votes (Commissioners Blackman, Dickens, Hammersley, Johnson, Mencuccini, and Silva).

7. <u>DISCUSSION ITEMS</u>

A. <u>FUTURE PLANNING FOR MCMILLAN MESA</u>. Director Neumayer stated that following adoption of Resolution No. 2003-09, City Council directed the Parks and Recreation Commission to complete a park facility concept plan for the land designated as "Parks" located at the top of the mesa on the east side of Cedar Avenue. Director Neumayer asked how the Commission wanted to proceed towards a joint meeting with the Open Spaces Commission.

6. <u>DISCUSSION ITEMS</u>

- A. <u>FY10 PARKS AND RECREATION BUDGET UPDATE</u>. Director Neumayer reported that the final adoption of the FY10 Budget is scheduled for June 16. Included in the packet is a copy of the Power Point presentation that was presented to Council and information from the City Manager's most recent presentation to employees on the state of the budget dated May 12.
- B. <u>PARKS AND RECREATION FEES BENCHMARKING</u>. Director Neumayer reported that Council approved a 4% increase in User Fees, which will bring the current 11% cost recovery to 15%. Staff was unable to do an extensive benchmark study but was able to contact different facilities in the surrounding area to compare fees. She reminded the Commissioners that Council approves User Fees and she approves programmatic fees. Director Neumayer stated that she would bring specific line items to the next meeting.

7. ACTION ITEMS

A. <u>ALCOHOL BY PERMIT ONLY IN BUSHMASTER PARK</u>. Tom Ziegler, Principal of Thomas Elementary School, and a group of concerned citizens proposed that the Parks and Recreation Commission make a recommendation to Council to allow alcohol in Bushmaster Park by permit only. Kevin Treadway, Deputy Police Chief, stated that the Police Department has increased enforcement in the park and has seen a significant increase in toxicity with the warmer weather. He stated that an alcohol permit would be a useful enforcement tool for the Police Department.

Commissioner Hammersley stated that he would like to administer the Wheeler Park alcohol policy to all the parks. Director Neumayer stated that in 2001 and 2005 an alcohol permit policy was presented to City Council for approval but failed to gain support.

Commissioner Hammersley made a motion to expand the Wheeler Park alcohol policy to Bushmaster Park and to discuss other parks at a later date. The motion was seconded by Commissioner Morron. Motion passed with unanimous approval (Commissioner's Blackman, Hammersley, Kleiner, Mencuccini, and Morron).

8. REPORTS

- A. <u>FLAGSTAFF AQUAPLEX</u>. A written report was included in the Agenda Packet. Jane Binder, Recreation Manager, distributed a financial report on the Aquaplex that shows a current 70% cost recovery.
- B. <u>OPEN SPACES COMMISSIONER UPDATE</u>. Brian Grube, Recreation Superintendent, stated that he would be giving a presentation to Council regarding Open Space properties.

PARKS AND RECREATION COMMISSION WEDNESDAY, JUNE 17, 2009

SUMMARIZED MINUTES

MEMBERS PRESENT

STAFF PRESENT

PUBLIC PRESENT

Jan Blackman

Jane Binder

Tom Ziegler

Charles Hammersley Gregory Kleiner Kathy Drummond Felipe Garcia Brian Grube

Ray Morron

Elizabeth Neumayer

Dorothy Staskey

MEMBERS ABSENT

Christina Mencuccini

1. CALL TO ORDER

Commissioner Hammersley called the meeting to order at 4:00 p.m.

2. ROLL CALL

Commissioner's Blackman, Hammersley, Kleiner, Morron, and Staskey were present for roll call. Commissioner Mencuccini was excused.

3. APPROVAL OF THE MAY 20, 2009 MINUTES

Motion made by Commissioner Kleiner to approve the May 20, 2009 minutes as written. Motion 'seconded by Commissioner Morron. Motion passed with unanimous approval (Commissioner's Blackman, Hammersley, Kleiner, Morron and Staskey).

4. PUBLIC PARTICIPATION

There was no public comment.

5. DISCUSSION ITEMS

A. <u>ALCOHOL PERMIT – BLANKET POLICY FOR ALL CITY PARKS.</u> Parks Superintendent Garcia reported that this item was presented to Council in 2001 and 2005 and failed both times due to apprehension about restricting alcohol at Thorpe Park Sports Complex. He stated that the Police Department was unable to send a representative to the meeting and asked him to convey their recommendation to apply alcohol permits to parks only at this time.

It was the consensus of the Commission that they wanted to develop a blanket policy for all of the parks at the same time. They asked staff to check with the City Attorney's office to see if they could issue a permit to themselves or if they could be exempt from the policy while running a City program, as well if the City could legally hold an alcohol permit. They oppose issuing permits to parents for alcohol consumption when their children are playing sports. The goal they are trying to achieve is to give the police a tool to do what they need to do to clean up the parks so they can be used by families safely.

DISCUSSION ITEMS (Cont'd.)

Parks Superintendent Garcia stated that staff can pose those questions to the City Attorney's office and come back next month with answers. He also reported that each of the baseball leagues and girl's softball league have charters stating that no alcohol is allowed. Director Neumayer stated that it is the league director's responsibility to call the Police Department when someone is in violation of the club's program rules. Discussion will continue during the July meeting.

B. <u>SNOW PARK UPDATE</u>. Recreation Superintendent Grube stated that the task force has only met once since the last Commission meeting and they would be meeting again next week. Parking seems to be the main issue, and staff feels they have come up with some viable options. Staff will be meeting with representatives from the Forest Service and the concessionaires who run the Wing Mountain area to get some ideas from them and use their expertise in making the site safer. A report will be presented in next month's packet.

6. ACTION ITEMS

- A. OPEN SPACE COMMISSION LIAISON. Director Neumayer reported that due to Commissioner Johnson's resignation from the Commission a replacement is needed for his representation on the Open Spaces Commission. Commissioner Morron volunteered to serve on the Open Spaces Commission as a representative of the Parks and Recreation Commission. Motion made by Commissioner Hammersley to nominate Commissioner Morron. The motion was seconded by Commissioner Kleiner. Motion passed with unanimous approval (Commissioner's Blackman, Hammersley, Kleiner, Morron and Staskey).
- B. <u>REVISED RECREATION USER FEES</u>. Recreation Superintendent Grube reported that the fee schedule included in the packet did not include Aquaplex fees. The Consultant who completed the survey for the organization identified that Recreation is at a cost recovery of about 11% overall. During the budget hearings in May, Council said that they did not want to overtax Recreation users and they were comfortable with raising fees to a 15% cost recovery rate. In trying to accomplish an additional revenue amount of \$500,000 city-wide, raising Recreation fees by 4% would accomplish this. Staff would also like to institute cleaning deposits, \$50 per room or \$200 per facility.

Motion made by Commissioner Blackman to approve the Recreation Fee Schedule as presented, which includes facility deposits. Motioned seconded by Commissioner Staskey. Motion passed with unanimous approval (Commissioner's Blackman, Hammersley, Kleiner, Morron and Staskey).

7. REPORTS

A. <u>FLAGSTAFF AQUAPLEX</u>. Recreation Manager, Jane Binder, stated that the one year anniversary of the opening of the Aquaplex will be on Sunday, August 30. Staff is in the planning stages for a celebration, and asked Commissioners to reserve the date. Athletics

DISCUSSION ITEMS (Cont'd.)

E. Park Alcohol Permits Update – Steve Zimmerman, City of Flagstaff. Mr. Zimmerman distributed three handouts: Alcohol Beverage Permit, City Ordinance 8-11, Policies Regarding 'Use of Municipal Parks, and information obtained from other Arizona Parks and Recreation Departments on their costs and processes for issuing alcohol permits. The City's Legal Department recently completed researching the implications of Bill H2441. The law bans only the use of "spirituous liquor" or hard liquor, not beer, malt liquor or wines. Under the current law as written, the City would be able to regulate the use of alcohol by permit. Legal has recommended issuing a "single permit" per event.

The Adult Softball Program, administered through Recreation Services, would be exempt from the permit process and beer would be allowed at the Thorpe Park Fields during the time the program is being conducted. All other recreation facilities and parks would be signed that alcohol is permitted only with a permit. Mr. Zimmerman reported that the current City Ordinance 8-11 would be changed to delete any mention of Special Events and Ordinance 8-12 would be created to specifically address Special Events. Mr. Grube distributed copies of the proposed City Ordinance 8-12.

Discussion ensued regarding the ordinance and giving the Police the tools they need while using their discretion in enforcing the law. Commissioner Blackman asked how you define a special event or a group of people who get together every week on an informal basis. You don't want to stop those individuals from conducting their activities. Perhaps exemptions for those kinds of non-profit activities could be identified. She thought the new Ordinance 8-12 was too broad and made several suggestions to Director Neumayer for revisions.

Director Neumayer thought it was important to make some language changes which would help define some of the activities (private versus public gatherings). Mr. Zimmerman stated that a special event permit is needed when someone is asking for exclusive use of City owned property and closing access to the general public. Commissioner Blackman stated that she feels the language needs to be changed to reflect that intent. Director Neumayer asked Commissioners to review both documents and forward their comments and suggestions to her before next month's meeting. Discussion will continue at next month's meeting and the Commission's recommendation will be forwarded to City Council for their approval.

Parks and Recreation Commission Minutes August 18, 2010

A. <u>CITY CODE TITLE 8 CHAPTER 8-11 – POLICIES REGARDING USE OF MUNICIPAL PARKS</u>. Parks Superintendent Zimmerman stated that per last month's discussion staff is asking the Commission to make a recommendation to Council to revise City Code Chapter 8-11. The changes would amend the permit procedures for special events, by creating Chapter 8-12, and adding the process for obtaining alcohol beverage permits. Motion made by Commissioner Kleiner to recommend to Council approval of City Code Chapter 8-11 as amended. Commissioner Burley seconded the motion. Motion passed with unanimous approval (Commissioner's Blackman, Burley, Fernandez, Hammersley, and Kleiner).

City of Flagstaff Alcohol Beverage Permit

(Supported by Flagstaff City Code Chapter 8-11)

- 1. Application for an Alcohol Beverage Permit can be obtained in person through the Recreation Office at the Aquaplex, 1702 N. Fourth St., Sunday thru Saturday, or the Public Works Office at City Hall, 211 W. Aspen Ave. and at the Police Department at 911 E. Sawmill Rd. during business hours, Monday through Friday.
- 2. Alcohol Beverage Permits are for the consumption of malt beverages or wine only on park property (no spirituous liquor allowed, as defined in Section 4-101 of the Arizona Revised Statutes).
- 3. Approved Alcohol Beverage Permits are valid for a specific date, time, and location as indicated on the application.
- 4. Alcohol Beverage Permit fees are payable at the time of application and are non-refundable. Fees are identified as:
 - (1) \$10.00 Individual Permit (up to 10 adults in one group)
 - (2) \$15.00 Group Permit (11 or more adults present in one group)
- 5. Alcohol Beverage Permits are not transferable.
- 6. Permit holders must keep in their possession said Alcohol Beverage Permit and make available upon request by park or police officials.
- 7. Permit holders are responsible for assuring that all members of their group who consume alcoholic beverages are of legal age to drink according to Arizona state law.
- 8. Alcoholic beverages are <u>not permitted</u> on playgrounds, dugouts, skate parks, bark parks, BMX Park, or parking lots.
- 9. The sale of alcoholic beverages on park property is <u>prohibited</u> unless a special event liquor license is obtained.
- 10. Obtaining an Alcohol Beverage Permit is separate from obtaining a Facility Use Permit and does not guarantee a facility reservation.
- 11. Applicant assumes full responsibility for the conduct of all group members; obnoxious behavior or excessive noise will not be permitted.
- 12. Glass beverage containers are not allowed on park property.
- 13. The City of Flagstaff retains the right to revoke an Alcohol Beverage Permit at anytime. The Public Works Division, Recreation Division and Police Department is empowered to issue

- permits authorizing the consumption and possession of beer, malt liquor or wine in all city owned parks and to adopt rules and procedures for the issuance of such permits.
- 14. Enforcement shall be the responsibility of the City Manager's designee to include the Police Department.

Alcohol Beverage Permit

This permit is not a License to sell alcohol and it is only valid for the date, time, and location indicated below for the consumption of malt beverages and wine.

It is unlawful to consume alcohol under age 21

Applicant Information (please print leg	gibly)			
Permit Holder's Name:				
Street Address:				
City		State		Zip
Phone No: (Home) _()	(Work) (
Age: Date of Birth: (Must be at least 21 years of age)	E-Mail A	Address: _		
Knowledge of Arizona State Law (questions regarding the law, please assistance at (602) 542-5141.	(Title 4) is important to preve contact the Arizona State Dep	ent liquor loartment of	aw violations. Liquor License	If you have any and Control for
Event Information Location of Event:		Estim: of Parti		
Date of Event:				*
Time(s) of Event: From:				
Facility Use or Ramada Reservation	Permit Obtained?:	☐ Yes	□No	
Description of Event				
Applicant agrees to hold the City of Flag ustained as a result of an injury or prop eart of this request. I will abide by all po ermit is not transferable to any other in Policies and agree to comply with said p	erty damage for which the City licies, rules, regulations, and co dividual or group. I have receiv	of Flagstaff onditions of	^r may be held re. use as written. 1	sponsible, as I understand this
applicants Signature:				
	Office Use Only		Domnit No	1 1 1
\$ Permit Fee Paid	cant 21 years of age or older		Permit No	; ;
Approved by:		Date:		1

Phoenix Parks:

- Permit cost: \$28.00
- Strictly beer, no wine. No glass containers are allowed
- Park rangers have posted signs within the park informing individuals that beer permits are required if they are planning on drinking beer on the property. Rangers do go and check to make sure that beer permits have been obtained.
- Permits are non-refundable
- The parks service has found it to be successful. Several people are coming in to purchase beer permits.
- Permits are only good for the day.
- A permit will only be handed out if they have reserved a Ramada.
- They print their permit straight off of the computer. On the permit it lists the rules and regulations of the permit, and will also state which Ramada they will be at, and between what time periods.
- Not all Ramada's are available for reserving in advanced. Each park has a list of which Ramada's can be reserved.

http://phoenix.gov/parks/reserve.html

Parks and recreation Department main office: 602.262.6862

Avondale Parks:

- Alcohol is prohibited at these parks
- http://www.avondale.org/documents/City%20Departments/Parks,%20Recreation,%20&%20Lib raries/Park%20Services/Park%20Policies%20&%20Procedures/park%20rules.JPG
- Parks and recreation Department main office: 623.333.4200

Glendale Parks:

- Cost: \$15 for a Glendale resident, \$20 for a non resident
- This beer permit is good for up to 50 people
- You can choose your own time and there is NO need to book a Ramada in order to receive a beer permit.

- The permit is a print out from the computer that states the date, and rules and regulations of the permit.
- Rangers do sporadically check in to make sure they individuals who drink have a permit.
- Beer only
- There are no class containers or holders allowed. You can only bring beer that is in a can or in a keg.
- You can only use clear cups that way it is easy to tell that it is beer in the cups.
- Yes they consider it a success. Anyone who wants to drink must obtain a permit and they are successfully selling them.
- You can purchase a permit up to a year in advance

http://www.glendaleaz.com/ParksandRecreation/contact.cfm

Parks and Recreation Department main office: (623) 930-2820

Mesa:

- Cost: \$20
- Permits are available for beer and wine only and ONLY in specific parks. These include:
 - O Dobson Ranch, Falcon Field, Fitch, Pioneer, Red Mountain, Riverview
- Must obtain a permit up to 1 business day in advance
- http://www.mesaaz.gov/parksrec/park_rules.aspx
- Parks and Recreation Department main office: 480-644-2352

Tempe:

- Cost: ranges between \$10-\$15 depending on your location. All Ramada's are \$15
- Permit is good for a group; it does not have to be an individual permit.
- No glass containers are allowed.
- Beer only
- It is a form that is printed off with the rules and regulation and the office signs it. It is a permit that must be obtained personally.

- Permit is ONLY available for Tempe residents
- You must receive your permit 1 business day in advance.

http://www.tempe.gov/parks/park_regulations.htm

Parks and Recreation Department main office: (480) 350-5200 \rightarrow Jared can provide more information on whether or not the permit has been successfully both as a control and as revenue.

Gilbert:

- No beer permits are available. No alcohol allowed.
- http://www.gilbertaz.gov/parks/popups/parkrules.cfm
- Parks and recreation Department main office: 480.503.6200

Lake Havasu:

- Cost: depends on which Ramada you reserve. It is \$30 for the larger Ramada's and \$20 for all of the numbered Ramada's.
- The alcohol MUST stay under the Ramada at all times. You are not allowed to walk around the park with it.
- Beer only.
- The permit is a print out off of the computer states which Ramada you will be in, and from which time.
- You must be at least 21 years of age.
- http://www.lhcaz.gov/parksAndRecreation/parksAndRecreation.html
- Parks and recreation Department: (928) 453-8686

Yuma:

- Cost: \$22
- Permits are only issued for Friday's, Saturday's, Sunday's and Holiday's only.
- Alcohol Permits may be purchased for Gateway, West Wetlands, Carver, Kennedy, Smucker,
 Caballero, Joe Henry, Riverside, and Friendship Parks.
- The permit is not transferable.
- Permit is valid for specified date and time of event only.