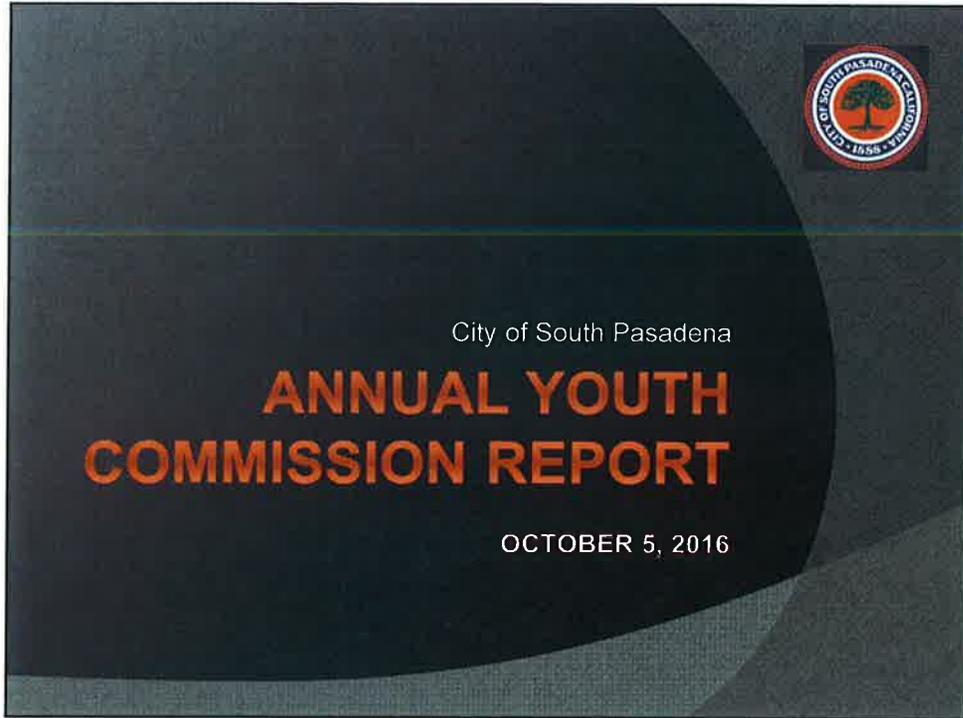




## Additional Documents Distributed for the Regular City Council Meeting October 5, 2016

<b>Item No.</b>	<b>Agenda Item Description</b>	<b>Distributor</b>	<b>Document</b>
3	Youth Commission	Katherine Conte, Chair	PowerPoint, Commission Presentation
5	Councilmember Communications	Robert S. Joe	PowerPoint, Fall Garden Workshop
6	City Manager Communications	Sergio Gonzalez	PowerPoint, Housing Rights Center Workshop
PC	Public Comment	Jerry Wise	Email to Council
12	Adoption of a Resolution Approving the Records Management Policy	Diana Mahmud, Mayor	Handout, Revisions to Records Management Policy
16	First Reading and Introduction of an Ordinance to Amend the South Pasadena Municipal Code by Adopting Chapter 21B Entitled "Dog Parks" and to Approve an Official Name for the Dog Park	Diana Mahmud, Mayor	Handout, Revisions to Ordinance





## Supporting Local Community Events





YOU'RE INVITED TO A

# FALL GARDEN WORKSHOP

Learn about tree maintenance  
and parkway landscaping

10am - 1pm **OCTOBER 8TH**

**EDDIE PARK**

2017 EDGEWOOD DRIVE, SOUTH PASADENA

more info: [southpasbeautiful.org](http://southpasbeautiful.org)

Gonzalez

The City of South Pasadena and the Housing Rights Center  
Present:

# FREE HOUSING RIGHTS WORKSHOP

## Know your housing rights!

**Friday**  
**November 4, 2016**  
**5:00pm - 7:00pm**

South Pasadena Public Library  
1115 El Centro St.  
South Pasadena, CA 91030

*Come learn about landlord/  
tenants' rights and responsibilities  
and how to identify housing  
discrimination!*



Topics will include:

- Fair Housing Laws
- Evictions
- Rent Increases
- Security Deposits
- Illegal Practices...and more!

**FOR QUESTIONS OR TO RSVP**

Yazmin Guzman

**Housing Rights Center**

(800) 477-5977 Ext. 1104

yguzman@housingrightscenter.org



**HOUSING RIGHTS CENTER**

WORKING FOR JUSTICE AND EQUALITY IN HOUSING



[www.HousingRightsCenter.org](http://www.HousingRightsCenter.org)

(800) 477-5977

Additional Material  
AGENDA ITEM #

10/25/16 City Council Mtg. 6

## Desiree Jimenez

---

**From:** Wise, Jerry M. <JerryM.Wise@marcusmillichap.com>  
**Sent:** Wednesday, October 05, 2016 4:21 PM  
**To:** CCO  
**Cc:** Jerry Wise; Rene Camacho  
**Subject:** Amberwood Terrace Letter for City Council Meeting tonight  
**Attachments:** Letter to City Council South Pasadena regarding Amberwood Terrace Apartments.pdf

Enclosed please find a letter addressing the topic of rent increases at Amberwood Terrace which is going to be brought up at the Public Comment time at tonight's council meeting.

Please feel free to reach out to me at your convenience to discuss. We take our responsibilities to the community seriously, and want to make sure the council has all of the facts at hand before forming an opinion tonight.

Sincerely,

Jerry Wise



12100 Olympic Blvd. #350  
Los Angeles, CA 90064  
(310) 770-4047  
[jerry@bradmanagement.com](mailto:jerry@bradmanagement.com)  
[www.bradmanagement.com](http://www.bradmanagement.com)

*CC: Council; CM; CA; CCC; Reference Binder; Original to 10/5/16 Addl Docs*

Additional Material  
AGENDA ITEM # PC  
10/5/16 City Council Mtg.

**RST & Assoc.**  
**11866 Wilshire Boulevard., Suite #101**  
**Los Angeles, CA 90025**

Date: October 5, 2016

TO: City Council, City of South Pasadena

RE: Tenants intending to speak at tonight's City Council Meeting regarding rent increases at 1645 & 1653 Amberwood Drive, South Pasadena.

Dear South Pasadena City Council Members,

It has come to our attention that this evening several tenants from our apartment complex are planning to speak about the impending rent increases that we have issued for the property. We feel it is important that the City Council, and the general public understand the actual facts at hand.

The ownership group recently purchased these buildings from a trust that has owned the buildings for over 50 years. The complex has been somewhat neglected over the years, and is in need of significant upgrades and maintenance, which we intend to perform over the next several months. Some of the work has already started including renovating the pools and repainting the exteriors. The balance of our intended extensive scope of work to improve the buildings is included in the attached letter which was sent to all of our tenants last week.

When we purchased the building, we realized that we would need to spend significant time and effort to improve the property to our high standards, and to match the standards of the surrounding community on Raymond Hill. We agonized over whether it would be best to just vacate the buildings entirely and start from scratch, but decided in the end that we didn't want to upend our tenant's lives by displacing them. Instead, we have decided to only bring rents to market on units that vacate the units over time.

We performed an extensive rent survey of the area, a copy of which is attached herewith. The preponderance of the units in our property are two bedroom units. The asking rent for similar vintage buildings on Raymond Hill and the surrounding areas ranges from a low of \$2,100 to a high of \$2,500 per month. We set the rent for our two bedroom units for existing tenants at \$1,895, which is at least \$300 below any of our neighbors. We have a similar lower rent structure for our 1 and 3 bedroom units, which are also at least \$300 below other buildings in the area. We are also remodeling units that become vacant, and intend to lease those at market rents.

Although we realize we are under no obligation to do so, we are providing subsidized lower rents as a courtesy to our existing tenants, whom we understand have been paying well below market rent at the property for decades. We are not in a position as new owners with new increased property taxes and expenses to offer rents at any lower price point. We do intend to fix any and all deferred maintenance items that are brought to our attention by the tenants as soon as possible, and have indeed requested the tenants to let us know right away what issues they have in their units.

We would be happy to invite you on a tour of the property and the surrounding area to view our improvements, and to discuss any recommendations you might have for us, as we are intending to be long time members of the community.

Please feel free to reach out to me if you have any questions

Sincerely,

Amberwood South Pasadena Property Owner LLC c/o Jerry Wise, Manager 310 909-5475

## **RST & Assoc.**

11866 Wilshire Blvd., Suite #101  
Los Angeles, CA 90025

Dear Residents of 1645 & 1653 Amberwood Drive, South Pasadena:

As you have all been made aware of, RST & Assoc. has been engaged as the property Management Company for the new owner of 1645 & 1653 Amberwood Dr. The new ownership has made plans to renovate each property.

We have outlined a summary of improvements that are planned for the exterior of the building over the coming months:

- Repainting the exterior of building
- Repairing walkways
- Repair and replacement of the balcony and walkway railings
- New double pane vinyl windows and sliding patio doors in all units for better insulation and sound reduction
- Resurfacing of the pools (already in process), along with new BBQ's and pool deck furniture
- New secured entries and doors for each building and repair of the Fair Oaks gate in 1645.
- New front door entry locks for all apartments
- Resurfacing of parking lots
- New exterior lighting
- New water saving Landscaping

Please be aware that in preparation for the replacement of all the windows, we will need to have access to your units on multiple occasions over the coming weeks. This would be a good time to point out items in your unit which are in disrepair and need attention, especially water leaks. Please put your repair requests in writing and give to your resident manager so we can take a look at the issues and address the necessary repairs promptly.

The exterior painting is going to begin next week. In preparation, the painters will be removing any metal bar gates that have been installed on some of the front doors. They will not be replaced, but as noted above, we will be installing a secured entry system for the entire building once the exterior work has been completed.

You are probably aware that your current rent is well below the rents of all the neighboring apartments in your neighborhood. You will find attached a notice of increase of your rent effective December 1. The new rental rates are still well below the rental rates at comparable properties in your neighborhood.

We hope you will understand the need for the increase and that you will be pleased to continue calling Amberwood Terrace your home.

Sincerely,



Property Management  
RST & Assoc.

**Amberwood Terrace Apartments  
South Pasadena, California**

**RENT COMPARABLE SUMMARY**

ADDRESS	1 + 1	2 + 1	2+2	3 + 2
410 Raymondale (The Terraces) South Pasadena	\$1,700 750 feet	\$2,250 1000 feet		
1601-1627 Amberwood South Pasadena		\$2,395 1047 feet		\$2,695-\$2,895 1550-1684 feet
1681 Amberwood South Pasadena			\$1,950	
497 East California Pasadena		\$2,400		
1753 Grevelia South Pasadena	\$1,595			
1770 Grevelia South Pasadena	\$1,845			
647 Orange Grove Pasadena	\$1,995 847 feet			
1800 State Street South Pasadena	\$1,650	\$2,150		
1240 Marengo South Pasadena	\$1,575-\$1,625	\$2,295		
55 Arlington Drive Pasadena			\$2,800	
989 South Marengo Pasadena,	\$1,895			
1428 Lyndon South Pasadena		\$2,495 1000 feet		
1515 Oak Street South Pasadena			\$2,500 1050 feet	
644 South Marengo Pasadena		\$2,200		
350 Del Mar (eaves by Avalon) Pasadena	\$2,133 650 feet	\$2,593 1000 feet		
265 Arroyo Parkway (Avalon Del Mar Pasadena	\$2,277-\$2,623 717-976 feet		\$2,821-\$3,268 1075-1538 feet	
995 Orange Grove Pasadena			\$3,500 1800 feet	
1633 Amberwood (Lanai) South Pasadena	\$1,650			
1768-1814 Grevelia (Parkview Arbor) South Pasadena	\$1,795			
204 Cedar Crest South Pasadena	\$1,700			
705 Park Avenue South Pasadena		\$2,100		
246 Alpine Street Pasadena, CA			\$2,600 1004 feet	
1760 State Street Pasadena, CA			\$2,100 1000 feet	

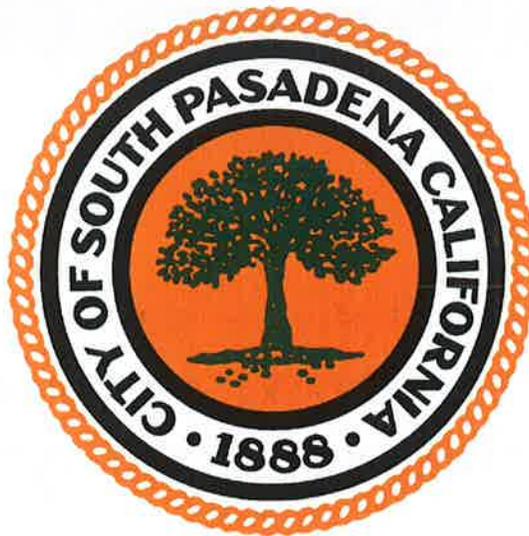
**SUBJECT**

Current Rents	\$ 1,063	\$ 1,347	\$ 1,350	\$ 1,596
Market Rents	\$ 1,700	\$ 2,300	\$ 2,500	\$ 2,800
Subsidized New Rents for Existing tenants	\$ 1,395	\$ 1,895	\$ 1,945	\$ 2,195

OCT 05 2016

City Clerk's Division

**POLICY FOR THE  
PRESERVATION, PROTECTION, RETENTION AND  
LEGAL DISPOSITION OF CITY RECORDS**



CITY COUNCIL RESOLUTION No. XXXX  
OCTOBER 5, 2016

CC: Council; CM; CA; CCC; Reference Binder; Original to 10/5/16 Addl Docs

Mahmud  
Additional Material  
AGENDA ITEM # 12  
10/05/16 City Council Mtg.

## SECTION 1. OVERVIEW OF RECORDS MANAGEMENT

One of the purposes for records management is to ensure that information is available when it is needed. To do this efficiently and thoroughly, records must be identified, organized, maintained for the requisite number of years, and then documented when destroyed. Records management encompasses all of the record-keeping requirements that allow an organization to establish and maintain control over information flow and administrative operations, seeking to control and manage records through the entirety of their life cycle, from creation to final disposition.

A sound records management program doesn't cost—it pays. It pays by improving customer service, increasing staff efficiency, allocating scarce resources, and providing a legal foundation for how an agency conducts its daily mission. It helps identify and justify opportunities for new technology. Microfilm, optical disk, optical character recognition, workflow, e-mail, and other related technologies cannot be adequately evaluated and cost-justified without a good records management program. Other benefits include:

- ❖ Providing public access to and protecting the public's rights to inspect public records in accordance with the California Public Records Act;
- ❖ Preservation of records with long-term or permanent value;
- ❖ Protection of records vital to City government in the event of a disaster;
- ❖ Protection of records essential to City government, but which are referenced infrequently;
- ❖ Demonstration of compliance with legal retention requirements established by federal, state, and local authorities;
- ❖ Orderly retirement and destruction of records no longer required by statute to be retained or needed for reference;
- ❖ Elimination of duplicate records filed in several departments;
- ❖ Ensuring proper administration of records not subject to disclosure;
- ❖ Providing protection in litigation, audits, and other disputes;
- ❖ Saving space; and
- ❖ Increased efficiency in information retrieval.

~~Understanding the importance of a~~ good records management program ~~is to establish~~ policies and procedures for the efficient and economical management of the creation, utilization, maintenance, retention, preservation, and disposal of City records, based on federal and state statutes governing public records. ~~Aand; further, to ensure~~ that a responsible program of records management is practiced within the City organization, ~~—serving the best interest of the City and its citizens.~~

## **SECTION 2. DEFINITIONS**

### **Public Record**

Any writing containing information relating to the conduct of the City's business prepared, owned, used, or retained by the City regardless of physical form or characteristics.

### **Active Record**

Records kept in the office and referred to on a regular basis.

### **Archives**

A repository for housing historical records (whether in paper, microfilm, or digital) which should be protected or preserved.

### **Disposition**

The length of time a record is kept, which may be permanent.

### **Historical Record**

The retention of records that have enduring value because they reflect significant historical events or document the history and development of the City.

### **Inactive Record**

Any public record transferred to a records center for storage until disposition is reached.

### **Non-Record**

Materials that are not retained in the normal course of business, such as records that contain no information of significant or lasting value such as transmittal letters, acknowledgements, drafts, rough notes, and calculations created and used in the preparation or analysis of other documents.

### **Records Management**

The systematic control of the creation, processing, use, protection, storage, and final disposition of all public records pursuant to federal, state, and local laws and regulations.

### **Records Retention Schedule**

The document identifying the length of time a record is maintained, including disposition.

### **Transitory Records**

Records whose value is comparatively short-lived and should be discarded when they have fulfilled their purpose for which they were created. Examples: 1) copies of reproduced/printed material of general information; 2) originals/copies of documents kept solely for tickler, suspense, or follow-up; 3) preliminary work materials used for preparation of reports, studies, etc.; 4) duplicates/extra copies of records; and 6) appointment logs/calendars.

### **Vital Record**

Records contain information essential for the resumption of operation after a disaster or the reestablishment of the legal and financial status of the organization.

### **SECTION 3. OWNERSHIP OF PUBLIC RECORDS**

All public records are the property of the City and shall be delivered by outgoing officials and employees to their successors. Public records are to be maintained in active file areas or in a designated records center.

### **SECTION 4. RECORD-KEEPING RESPONSIBILITIES**

#### **City Council**

The ultimate policies for the keeping, producing, permitting copies, and management of all public records of the City shall rest with the City Council.

#### **Officers and Employees**

Each officer and employee of the City has the duty to protect, preserve, store, transfer, destroy or otherwise dispose of, use and manage public records in accordance with applicable federal and state regulations, or such rules as may be approved by the City Council.

#### **City Attorney**

The duty of the City Attorney shall be to review and consent to requests to dispose of records in accordance with the City's adopted Records Retention Schedule; and to provide legal guidance to the Chief City Clerk in any review of and amendment to the retention schedule, in accordance with federal, state and local regulations.

#### **Chief City Clerk**

The Chief City Clerk is designated at the City's Records Manager and as such is the City's official custodian of records.

The Chief City Clerk may, for the proper and efficient management of the public records:

1. Develop and circulate instructions necessary and proper to implement the Records Management Program.
2. Advise and assist City departments in the preparation of records inventories, retention periods, and make recommendations to the City Attorney.
3. Maintain archives to protect records of historic nature, which should not be destroyed.

#### **City Department Heads**

Each City Department Head shall establish and maintain an active, continuing program for the economical and efficient management of the public records of that department in accordance with this Policy. Such program shall, among other things, provide for:

1. Effective controls over the creation, maintenance, and use of public records in the conduct of business.
2. The maintenance and security of records deemed appropriate for preservation.
3. Segregation and disposal of records of temporary value in accordance with the established retention schedule and this policy.

## **SECTION 5. HANDLING DOCUMENTS FROM INCEPTION TO DESTRUCTION**

### **Creating Files**

Department personnel are advised to begin new files with an eye to the future disposition of the file being created. For example, by knowing that the information/materials contained within a new file will be retained for a specific number of years, it would be prudent to create the file on a calendar year or perhaps fiscal year basis. Planning ahead avoids separating files later when it comes time for storage and/or destruction. Also, reviewing the department's retention schedule beforehand can avoid the necessity and time-consuming activity of separating permanent information/documents from short-term materials prior to time of destruction.

One other suggestion is to ensure some level of consistency in labeling and identifying files within a department, particularly at the time of creating new ones.

### **Converting Hard Copy to Electronic Formats**

Government Code Section 34090.5 authorizes the conversion of hard copy materials and records onto other electronic mediums (*i.e.*, burning CDs or DVDs or other format reasonably accepted within the industry, as may be determined by the Chief City Clerk) as long as the following conditions are met:

1. The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images, recorded in electronic data processing system, recorded on optical disk, or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document;
2. The device or method used to reproduce the record, paper, or document reproduces the original in all details and does not permit additions, deletions, or changes to the original document images;
3. The reproductions are made accessible for public reference as the original records were; and
4. A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes.

If the above conditions are met, subject to system verification by the Chief City Clerk, the public official having custody of the records (Department Head) may convert the hard copy to a permissible electronic format and destroy the hard copy.

The California Secretary of State's Local Government Records Management Guideline, Trustworthy Electronic Document or Records Preservation Standards, and Association for Information and Image Management's Recommended Practice for Analysis, Selection, and Implementation of Electronic Document Management Systems are on file with the City Clerk's Division.

### **Practical Application with Current Technology**

In accordance with the Secretary of State's guidelines on "trustworthy electronic document or records preservation" documents scanned and electronically stored in JPEG, JBIG, JPEG 2000, TIFF, or PDF-A image format, retained in a document/library service such as Laserfiche, and the images/documents are twice duplicated onto a trusted electronic media, such as Archival Grade DVD-R – Said hard copies may be destroyed. Here is an example how this process might work:

1. Scan a document into Laserfiche.
  - a. Documents should be stored as JPEG, JBIG, JPEG 2000, TIFF, or PDF-A images.
2. Place the original hard copy (now scanned) in a banker box for pending destruction.
3. Now that several boxes of documents have been scanned and are electronically stored in Laserfiche:
  - a. Back-up the current Laserfiche volume onto an Archival Grade DVD-R.
  - b. Repeat the process to create a second duplicate copy.
  - c. Retain one back-up DVD on-site and one back-up DVD off-site.
  - d. Create a new volume in Laserfiche.
4. Now that the original hard copy has been scanned, stored in Laserfiche, and twice duplicated onto trusted media – The original hard copy may be destroyed.

## **SECTION 6. ELECTRONIC MAIL RETENTION**

The City's email system is intended to be a medium of communication. The email system is not intended to be and may not be used for the electronic storage or maintenance of City records. The email system, to function as intended, anticipates and requires that employees regularly delete communications from the system.

Routine email messages comparable to telephonic communications are non-records. They are not intended to be retained in the ordinary course of City business, and the informational content of such communications is neither necessary nor intended to be preserved for future City-use or reference. For file management and storage purposes, email messages that are non-records or transitory documents should only be retained for as long as needed. In most instances, this means deleting messages as soon as you have read them, and shortly after you have sent them.

However, depending on its purpose and record type, some email messages are subject to longer retention periods based on adopted retention schedules. In this case, email message should be stored outside of the email system, either by saving them to the appropriate network drive and folder; or printing hard copies of the message and filing them in an appropriate hard copy file. The email message themselves should then be deleted.

Prior to backup in daily archival of electronic records, An email is considered destroyed as soon as it has been deleted from a user's mailbox, even though it is temporarily stored in the trash folder before being purged from the email system. This action is analogous to throwing a paper document into an office trashcan.

### **External Personal/Business Email Accounts**

City officers and employees that receive City-business related emails through personal/business email accounts shall store and retain such emails in accordance with this policy and provide responsive records when requested by the City Clerk's Division pursuant to a Public Records Act request and/or subpoena.

## **SECTION 7. DISASTER PREVENTION AND STORAGE OF INACTIVE RECORDS**

To insure that records are protected from natural and man-made disasters and neglect, the public official having custody of the records (Department Head) shall be responsible to ensure that all reasonable efforts are taken to prevent damage to said records. While temporary on-site storage of inactive records may be appropriate, all efforts should be taken to avoid storing records near water pipes, air conditioning units, heat sources, direct sunlight, or directly on the floor.

The City Clerk's Division shall arrange for an appropriate off-site records storage facility to house inactive records. The public official having custody of the records (Department Head) shall be responsible for preparing an accurate inventory of records to be transferred. The City Clerk's Division shall maintain a master inventory of all transferred records.

In the event that records are damaged, records should be assessed for damage and reasonable recovery procedures should be performed. Unrecoverable records (such as records damaged with mold) may be disposed of immediately. Unrecoverable and disposed records shall be reported to the City Clerk's Division and a final disposition report shall be distributed to the City Council for notification purposes.

## **SECTION 8. DISPOSITION OF PUBLIC RECORDS**

At least annually, each Department is responsible for reviewing all records in its custody. Records that have reached the end of their retention period are to be destroyed pursuant to the Destruction of Public Records section of this manual. Electronic versions of those records must also be deleted at the same time.

The City Council, by adopting the Records Retention Schedule, authorizes City Department Heads to destroy duplicate records less than two years old if the records are no longer required in accordance with adopted retention schedules.

All original records to be destroyed must be inventoried. Requests for the destruction of original records must receive consent to the destruction by the Chief City Clerk and City Attorney and approval by the City Council prior to destruction. Original requests for Authority to Destroy Obsolete Records (Sample 1) shall be filed with the City Clerk's Division.

Note: Once authority has been received to destroy records, all forms of that record must be destroyed (or deleted): paper, microfilm/fiche, electronic format.

This section does not authorize the destruction of the following original records:

- A. Records affecting the title to real property or liens thereon;
- B. Records required to be kept by statute;
- C. Records less than two years old; or
- D. Minutes, ordinances, or resolutions of the City Council or of a City Advisory Body.

The City has identified that shredding and recycling the paper produced from the destruction of these records is the most appropriate method of disposal. Accordingly, although the specific method used for destruction shall be at the discretion of the Department Head, it shall reflect a method of destruction that recycles any paper products and avoids the use of sanitary landfill sites.

## **SECTION 9. PRESERVATION OF PERMANENT/HISTORICAL RECORDS**

A fundamental obligation of the City is to care for records with historical significance. Such records typically have enduring administrative, fiscal, legal, or historical value, or otherwise required to be maintained permanently by statute. Examples include minutes, resolutions, and ordinances of the City Council and City Advisory Bodies. When a record is being evaluated for final disposition, City staff should take into consideration the historical relevance of the record. It is encouraged that records that have been identified as permanent and/or historical be transferred to the designated off-site records storage facility. When appropriate, permanent records may be converted and retained in electronic format pursuant to Section 5 of this policy.

**Sample 1 – Request to Destroy Obsolete Records**

**CITY OF SOUTH PASADENA  
AUTHORITY TO DESTROY OBSOLETE RECORDS**

<b>Dept.</b>	<b>Retention No.</b>	<b>Description of Record</b>	<b>Years Covered</b>	<b>Retention Period</b>	<b>Shred or Discard</b>
MSD	CC-012	Claims - Liability	2002-2004	Settlement plus Five Years	Shred
MSD	CW-027	City Clerk Correspondence	2011	Two Years	Shred

I consent to the destruction these obsolete records according to accepted policies and procedures.

\_\_\_\_\_  
Chief City Clerk                      Date

\_\_\_\_\_  
City Attorney    Date

**Original: City Clerk's Office**  
Copy: Department

**Sample 2 – Conversion to Electronic Records**

**MEMORANDUM**

DATE           XX/XX/XX  
TO:             Chief City Clerk  
FROM:          Department Head  
SUBJECT:      CONVERSION OF HARD COPY TO ELECTRONIC RECORDS

In accordance with the City’s Records Management Policy, certain records have been identified as being eligible for conversion from hard copy to electronic copy and will be maintained with a trusted system as described in the California Secretary of State Guidelines for Trustworthy Electronic Document or Records Preservation Standards.

Record Titles to be eligible for electronic retention:

*Example:*

Payroll

- Payroll Charges
- Payroll Reports
- Time Sheets

Please sign below indicating that the record titles are appropriate for electronic retention and the retention system meets the requirements of the records retention policy.

\_\_\_\_\_  
Department Head                      Date

\_\_\_\_\_  
Chief City Clerk                      Date

**Original: City Clerk’s Office**  
Copy: Department

OCT 05 2016

City Clerk's Division

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
CREATING CHAPTER 21B OF THE SOUTH PASADENA  
MUNICIPAL CODE RELATING TO DOG PARKS**

**WHEREAS**, pursuant to the City of South Pasadena's (City) law enforcement jurisdiction, as granted broadly under Article XI, Section 7, of the California Constitution, the City Council has the authority to enact and enforce ordinances and regulations for the public peace, moral, safety, and welfare of the South Pasadena Community; and

**WHEREAS**, the City Council determines that this ordinance is further in accord with the public purposes and provisions of applicable state and local laws and requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. MUNICIPAL CODE AMENDMENT.** Chapter 21B to be entitled, "Dog Parks" is hereby added in its entirety to the South Pasadena municipal code to read as follows:

**CHAPTER 21B DOG PARKS**

**21B-1 Purpose**

This chapter is intended to establish rules and regulations with respect to dog parks in a manner that is consistent with state law.

**21B-2 Definitions**

As used in this Chapter:

- (a) "Director" means the community services director or their designee as the person responsible for administering the provisions of this chapter.
- (b) "Dog" shall mean and include any canine (*Canis familiaris*).
- (c) "Dog park" shall mean and include a fenced area of any city park, or any portion of a city park or any other city-owned land approved and designated by the city council for the exercise and recreation of dogs, including areas designated off-leash by city signage.
- (d) "Owner" means a person either owning or having the charge, care, control, possession or custody of a dog.

CC: Council; CM; CA; CSD; CCC; Reference Binder; Original to 10/5/16 Addl Docs

Manmud  
Additional Material  
AGENDA ITEM # 16  
10.05.16 City Council Mtg.

(e) "Vicious dog" means (i) any dog that bites or attempts to bite any human or dog without provocation, or which has a disposition or propensity to attack, bite or menace any human or dog without provocation and endangers the health and safety of any person, or (ii) any dog previously declared vicious pursuant to Section 5.48 of this code, and/or any other state or local law.

**21B-3 Applicability of chapter – use of dog park**

The prohibition set forth in Section 21.23 of the municipal code against having a dog in any city park shall not apply to dogs which are in a dog park designated by the city council for the exclusive purpose of exercise and recreation by dogs and so long as the rules and regulations with respect to the use of the dog park set forth in this chapter are followed.

**21B-4 Administration**

The prohibition set forth in Section 21.23 of the municipal code against having a dog in any city park shall not apply to dogs which are in a dog park designated by the city council for the exclusive purpose of exercise and recreation by dogs and so long as the rules and regulations with respect to the use of the dog park set forth in this chapter are followed.

**21B-5 Dog park rules and regulations**

The following rules and regulations apply to the use of any dog park:

- (a) The hours of operation shall be from 6:00 a.m. to 10:00 p.m.
- (b) Owners must be in attendance at all times within the dog park while their dogs are present.
- (c) Owners must have a visible leash at all times.
- (d) Owners are required to immediately pick up and dispose of their dog's waste in the provided waste receptacles.
- (e) Owners are personally liable for any damage and/or injury caused by their dogs.
- (f) Owners must be in the park, within view of, and be able to maintain voice and/or physical control of their dog(s).
- (g) Owners must deter their dog(s) from digging any holes.
- (h) No aggressive dog behavior is allowed at any time such as growling, snarling, snapping, lunging, biting, humping, or hysterical barking.
- (i) Vicious dogs are not permitted.
- (j) No animals other than dogs are permitted in the dog park.

- (k) No more than 3 dogs per owner are permitted.
- (l) No female dogs in heat are allowed in off-leash areas.
- (m) No person shall enter the dog park other than during hours of operation.
- (n) No food of any kind is allowed in the dog park.
- (o) All dogs must have all required vaccinations and wear a collar with a valid current tags and dog license tag~~be vaccinated and have a current license.~~
- (p) All dogs must be maintained on a leash while entering and exiting the designated off-leash area.
- (q) Dogs must never be left unattended.
- (r) Puppies under 4 months of age are not permitted in the dog park.
- (s) Professional dog trainers/handlers are not permitted to use the facility for instruction unless authorized by the Community Services Department.
- (t) Children 14 and under must be supervised by an adult at all times. Parents and/or guardian of children shall not be permitted to run, shout, scream, or wave their arms or otherwise excite or antagonize dogs.
- (u) Any person or canine one using the dog park ~~(human and/or dogs)~~ must do so at their own risk. Pursuant to Government Code Section 831.7.5 the city is immune from liability for an injury or death of a person or a pet resulting from the actions of a dog in the dog park.
- (v) Owners must ensure that the dog park ~~Both~~ gates must be~~are~~ closed and latched after upon entering or exiting the area.
- (w) Smoking and alcohol are prohibited within the dog park.
- (x) The City reserves the right to refuse patron access.
- (y) The off-leash area is subject to closure without notice for maintenance.

**Comment [DM1]:** What is the purpose of this provision? Upon good cause shown?

#### **21B-6 Violation; enforcement**

Any city employee may request anyone who violates a posted rule to leave the dog park. It is unlawful for any person to fail to leave the dog park for violating any posted rule after being requested to do so by a city employee representative. It shall be unlawful for any person to violate or fail to comply with the provisions of this chapter. Violation of or noncompliance with this chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney, or may be punished as an administrative

matter in accordance with the civil fines and the administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines set forth in chapter 1A of the municipal code. The remedies and penalties provided herein are cumulative, alternative, and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, the South Pasadena Municipal Code or under state statute which may be available to enforce this chapter or to abate a public nuisance.

**Comment [DM2]:** I think we would benefit from identification of criteria to identify when a violation is punishable as a misdemeanor, infraction, or administrative violation. Please check with our City Attorney to confirm she is comfortable with this ordinance as drafted.

**SECTION 2. SEVERABILITY.** If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

**SECTION 3. CEQA.** This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. Section 15378(b)(5) as an agency organizational or administrative activity that produces no physical changes to the environment.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code Section 36937.

**SECTION 5.** This ordinance shall take effect thirty (30) days after its final passage and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** this 5<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Diana Mahmud, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk  
(seal)

\_\_\_\_\_  
Teresa L. Highsmith, City Attorney

Date: \_\_\_\_\_

**I HEREBY CERTIFY** the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5<sup>th</sup> day of October, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk  
(seal)