



A G E N D A

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY



JULY 20, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

**THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY,
PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY**

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

CLOSED SESSION CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code § 54957.6:

Agency Negotiator: City Manager

Employee organizations: Imperial Beach Firefighters' Association (IBFA)
Service Employees International Union (SEIU), Local 221
Unrepresented Employees
Management

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code § 54956.9(c) (1 case)

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code § 54956.9(b)(3)(A)
(1 case)

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

REGULAR MEETING CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COMMUNICATIONS FROM CITY STAFF

PUBLIC COMMENT - Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.

PRESENTATIONS (1.1-1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

City Manager's Recommendation: Present the Recycle All-Star award certificate, \$100 check, and other premiums to Laura Bailey.

1.2* PRESENTATION ON SDG&E'S 2011 SUMMER OUTLOOK & CONSERVATION TIPS ON ENERGY USAGE BY CLAUDIA VALENZUELA, PUBLIC AFFAIRS MANAGER, SDG&E. (0820-90)

* No Staff Report

CONSENT CALENDAR (2.1) - All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Manager's Recommendation: Ratify the following registers: Accounts Payable Numbers 78607 through 78698 with the subtotal amount of \$237,890.19 and Payroll Checks 43979 through 44018 for the pay period ending 06/30/11 with the subtotal amount of \$176,331.02 for a total amount of \$414,221.21.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING(3.1-3.2)

3.1 ORDINANCE NO. 2011-1120 – TEMPORARILY SUSPENDING THE ENFORCEMENT OF IMPERIAL BEACH MUNICIPAL CODE SECTIONS 6.04.060 AND 12.60.100 IN THE BEACH AREA BETWEEN PALM AVENUE AND CARNATION AVENUE FOR A PERIOD OF SIX MONTHS BEGINNING ON THE EFFECTIVE DATE OF THE ORDINANCE AND DELEGATING AUTHORITY TO THE CITY MANAGER TO DRAFT RULES FOR USE OF THE AREA OF SUSPENDED ENFORCEMENT. (0920-90)

City Manager's Recommendation: Hold the public hearing and consider the proposed ordinance. If Council chooses:

1. Receive report;
2. Receive public comments;
3. Mayor calls for the introduction of Ordinance No. 2011-1120,
4. City Clerk reads title of Ordinance No. 2011-1120 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA TEMPORARILY SUSPENDING THE ENFORCEMENT OF IMPERIAL BEACH MUNICIPAL CODE SECTIONS 6.04.060 AND 12.60.100 IN THE BEACH AREA BETWEEN PALM AVENUE AND CARNATION AVENUE FOR A PERIOD OF SIX MONTHS BEGINNING ON THE EFFECTIVE DATE OF THE ORDINANCE AND DELEGATING AUTHORITY TO THE CITY MANAGER TO DRAFT RULES FOR USE OF THE AREA OF SUSPENDED ENFORCEMENT;
5. Motion to dispense first reading of Ordinance No. 2011-1120 and set the matter for adoption at the next regularly scheduled City Council meeting; and
6. Give direction to Staff on which rules should be incorporated into an ordinance for future adoption.

Continued on Next Page

ORDINANCES (Continued)

3.2 ORDINANCE 2011-1121 OF THE CITY OF IMPERIAL BEACH AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS. (0640-05)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the Introduction of Ordinance No. 2011-1121, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS";
3. City Clerk reads title of Ordinance No. 2011-1121; and
4. Motion to dispense first reading of Ordinance No. 2011-1121 and set the matter for adoption at the next regularly scheduled City Council meeting of August 3, 2011.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE 2011-1118 (AMENDED) PERTAINING TO MEDICAL MARIJUANA DISTRIBUTION FACILITIES. (0610-95)

City Manager's Recommendation:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2011-1118 (Amended);
3. City Clerk reads title of Ordinance No. 2011-1118 (Amended) (Business ordinance), "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 4 (BUSINESS LICENSING AND REGULATION) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 4.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES)"; and
4. Motion to waive further reading and adopt Ordinance No. 2011-1118 (Amended).

PUBLIC HEARINGS (5)

None.

REPORTS (6.1)

6.1 715 HOLLY AVENUE – ABANDONED VEHICLE ABATEMENT UPDATE. (0470-20)

City Manager's Recommendation: Receive the update.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURNMENT

The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT

www.cityofib.com.

/s/
Jacqueline M. Hald, MMC
City Clerk



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER
MEETING DATE: 7/20/2011
ORIGINATING DEPT.: PUBLIC WORKS *HAL*
SUBJECT: RECYCLE ALL-STAR AWARD PRESENTATION

BACKGROUND:

The Recycle All-Star Program is designed to encourage residents to participate in weekly curbside collection of recyclables. Each month, a City inspector canvasses one randomly selected neighborhood on trash day in search of a Recycle All-Star – the residence with the greatest quantity of uncontaminated recyclables placed in its curbside-recycling bin. Winners receive a certificate from the City, a \$100 check from EDCO, and other premiums such as a travel mug, a frisbee, pens, pencils, note pads, and a 100% recycled-content tote bag. During inspection, information tags are placed on non-winning recycling bins to promote the Recycle All-Star Program, to remind residents of what materials are recyclable, and to point out contamination observed in the bins.

DISCUSSION:

On 7/7/2011, City inspectors canvassed the 500 block of Citrus Ave. in search of a Recycle All-Star. The following resident was selected as the Recycle All-Star for the month of July: Laura Bailey.

The above resident has been notified of his/her award by telephone and letter and invited to accept the Recycle All-Star award at the 7/20/2011 City Council meeting.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Not a project as defined by CEQA.

FISCAL ANALYSIS:

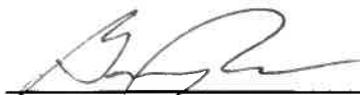
None

DEPARTMENT RECOMMENDATION:

Mayor, in company with an EDCO representative, will present the Recycle All-Star award certificate, \$100 check, and other premiums listed above to Laura Bailey.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: July 20, 2011

ORIGINATING DEPT.: Michael McGrane *mm*
 Finance Director

SUBJECT: RATIFICATION OF WARRANT REGISTER

BACKGROUND:

None

DISCUSSION:

As of April 7, 2004, all large warrants above \$100,000 will be separately highlighted and explained on the staff report.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

The following registers are submitted for Council ratification.

<u>WARRANT #</u>	<u>DATE</u>	<u>AMOUNT</u>
<u>Accounts Payable</u>		
78607-78656	06/30/11	\$ 115,073.34
78657-78698	07/08/11	122,816.85
	Sub-Total	<u>\$ 237,890.19</u>

PAYROLL CHECKS:

43979-44018	P.P.E. 06/30/11	\$ 176,331.02
		<u>\$ 176,331.02</u>
	TOTAL	<u>\$ 414,221.21</u>

FISCAL IMPACT:

Warrants are issued from budgeted funds.

DEPARTMENT RECOMMENDATION:

It is respectfully requested that the City Council ratify the warrant register.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Warrant Registers

PREPARED 07/11/2011, 8:55:27
 PROGRAM: GM350L
 CITY OF IMPERIAL BEACH

A/P CHECKS BY PERIOD AND YEAR
 FROM 06/30/2011 TO 07/08/2011

PAGE 1

BANK CODE 00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
06/30/2011	78607	ALTERNATIVE ENERGY TECHNOLOGIE	1971				2,000.00
248-1920-519.20-06	06/15/2011	C&G-740 ONEONTA AVE		7023449CI	111367	12/2011	1,000.00
248-1920-519.20-06	06/16/2011	C&G-735 IRIS AVENUE		7023451CI	111368	12/2011	1,000.00
06/30/2011	78608	ANDREA TOOGOOD	2117				211.93
101-3030-423.25-03	05/31/2011	REIMBURESE LG UNIFORM		RC0000100003069		12/2011	48.93
101-3030-423.28-04	05/31/2011	REIMBURESE EMT FEES-CNTY/		003684		12/2011	92.00
101-3030-423.28-04	05/24/2011	REIMBURESE LIVESCAN FEES		390655		12/2011	71.00
06/30/2011	78609	ASBURY ENVIRONMENTAL SERVICES	277				454.41
101-5040-434.21-04	06/03/2011	BATTERIES/DRUMS		130373145	110022	12/2011	169.50
101-5040-434.21-04	06/13/2011	P/U WASTE PAINT		130373665	110022	12/2011	284.91
06/30/2011	78610	AT&T	2052				3,039.28
503-1923-419.27-04	06/20/2011	3372571583448		2453013		12/2011	355.01
503-1923-419.27-04	06/20/2011	3393431504727		2451403		12/2011	176.87
503-1923-419.27-04	06/20/2011	3393439371447		2454103		12/2011	176.87
503-1923-419.27-04	06/20/2011	3393442323406		2454412		12/2011	177.51
101-1110-412.27-04	06/15/2011	61942330314983		2440059		12/2011	85.85
101-5040-434.27-04	06/15/2011	6194231074813		2440060		12/2011	15.64
101-5040-434.27-04	06/15/2011	6194231675716		2440061		12/2011	15.68
601-5060-436.27-04	06/15/2011	6194232231359		2440062		12/2011	15.21
101-1210-413.27-04	06/17/2011	61942335034		2443982		12/2011	16.01
101-3020-422.27-04	06/17/2011	6194237246664		2443197		12/2011	51.06
101-3020-422.27-04	06/15/2011	6194238222636		2440063		12/2011	22.91
101-3020-422.27-04	06/15/2011	6194238225966		2440064		12/2011	149.34
101-1920-419.27-04	06/15/2011	6194238300966		2440065		12/2011	276.34
101-5020-432.27-04	06/15/2011	6194238311966		2440066		12/2011	317.91
101-3030-423.27-04	06/15/2011	6194238322966		2440067		12/2011	149.76
101-1130-412.27-04	06/15/2011	6194238617297		2440068		12/2011	73.60
503-1923-419.27-04	06/11/2011	6194243481712		2423279		12/2011	15.64
101-6030-453.27-04	06/11/2011	6194247077654		2423280		12/2011	77.72
101-3020-422.27-04	06/17/2011	6194247359125		2443198		12/2011	75.20
101-6010-451.27-04	06/22/2011	6195750336814		2455574		12/2011	16.06
101-3020-422.27-04	06/22/2011	6195750361567		2455575		12/2011	16.04
601-5060-436.27-04	06/17/2011	6195751351887		2443743		12/2011	14.28
101-1010-411.27-04	06/17/2011	6196281352138		2443199		12/2011	16.65
101-1230-413.27-04	06/17/2011	6196281356950		2443200		12/2011	169.04
101-3040-424.27-04	06/17/2011	6196281357370		2443201		12/2011	65.80
101-3070-427.27-04	06/17/2011	6196281359503		2443202		12/2011	41.92
101-1210-413.27-04	06/17/2011	6196281361675		2443203		12/2011	179.81
101-6010-451.27-04	06/17/2011	6196281385578		2443204		12/2011	56.22
101-3010-421.27-04	06/13/2011	6196281485966		2432826		12/2011	16.44
101-1920-419.27-04	06/17/2011	6196282018442		2443206		12/2011	.10
601-5060-436.27-04	06/15/2011	C602221236777		2440058		12/2011	202.79
06/30/2011	78611	BARROWS CONSTRUCTION	2062				3,400.00
248-1920-519.20-06	05/02/2011	C&G-1401 9TH STREET		44A	111278	11/2011	3,400.00
06/30/2011	78612	CALIFORNIA ALUMINUM & VINYL WI	1915				2,449.88
248-1920-519.20-06	06/02/2011	C&G-1107 HEMLOCK		6022011-2	111369	12/2011	2,449.88

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
06/30/2011	78613	CALIFORNIA REDEVELOPMENT ASSO	658				400.00
405-1260-413.20-06	06/17/2011	LEGAL DEFENSE FUND ASSMNT	2338.5	111378	12/2011		400.00
06/30/2011	78614	COMMERCIAL LANDSCAPE SUPPLY	944				174.53
101-6020-452.30-02	06/09/2011	OIL	172785	110024	12/2011		174.53
06/30/2011	78615	COUNTY OF SAN DIEGO RCS	1065				3,571.00
101-3010-421.21-25	06/01/2011	MAY 2011	11CTOFIBN11	110628	12/2011		2,325.50
101-3020-422.21-25	06/01/2011	MAY 2011	11CTOFIBN11	110628	12/2011		344.50
101-3030-423.20-06	06/01/2011	MAY 2011	11CTOFIBN11	110628	12/2011		901.00
06/30/2011	78616	COX COMMUNICATIONS	1073				741.73
101-6010-451.29-04	06/09/2011	06/13-07/12 3110015531401	07-04-2011	110130	12/2011		125.89
503-1923-419.29-04	05/28/2011	0013110015533201	06-22-2011		12/2011		10.95
503-1923-419.29-04	04/27/2011	0013110015533201	05-22-2011		12/2011		16.70-
503-1923-419.29-04	03/28/2011	0013110015533201	04-22-2011		12/2011		21.59
503-1923-419.21-04	06/20/2011	3110039780701JUN/JUL 2011	07-16-2011	110130	12/2011		600.00
06/30/2011	78617	DEPARTMENT OF JUSTICE	1154				320.00
101-1130-412.21-04	06/03/2011	MAY 2011	852220	110317	12/2011		320.00
06/30/2011	78618	DOCUFLOW SOLUTIONS	367				65.00
503-1923-419.30-22	06/13/2011	HP REPAIR	6344	111371	12/2011		65.00
06/30/2011	78619	EPIC LAND SOLUTIONS, INC.	2105				270.00
101-5000-532.20-06	05/31/2011	MAY 2011 PALM AVE RELOCAT	0511-0190	111304	11/2011		270.00
06/30/2011	78620	ENVIRONMENTAL SYSTEMS RESEARCH	1413				13,593.75
101-5020-432.50-04	06/16/2011	SOFTWARE LICENSE AGRMNT	92350705	111283	12/2011		13,593.75
06/30/2011	78621	FASTENAL	909				60.07
101-5010-431.30-02	05/31/2011	S/S SELF TAPPING SCREWS	CACHU24703	110025	11/2011		33.10
101-5010-431.30-02	06/16/2011	SCREWS	CACHU24846	110025	12/2011		26.97
06/30/2011	78622	GCR TIRE CENTERS	1702				581.33
501-1921-419.28-16	06/15/2011	#141 TIRES	832-3877	110105	12/2011		581.33
06/30/2011	78623	GEOSOILS, INC.	2368				4,442.66
205-5017-531.20-06	06/07/2011	9TH ST/PALM-FERN REHAB	6442	111374	12/2011		4,442.66
06/30/2011	78624	GO-STAFF, INC.	2031				540.00
101-3020-422.21-01	06/07/2011	ROCHER, J W/E 06/05/11	83147	110149	12/2011		180.00
101-3020-422.21-01	06/14/2011	ROCHER, J-W/E 06/12/11	83380	110149	12/2011		180.00
101-3020-422.21-01	06/21/2011	ROCHER, J W/E 06/19/11	83633	110149	12/2011		180.00
06/30/2011	78625	GOOGLE, INC.	2009				280.00
503-1923-419.21-04	06/05/2011	MAY/JUN 2011	2723911	110126	12/2011		280.00
06/30/2011	78626	GTC SYSTEMS INC	1910				2,968.75
503-1923-419.20-06	05/25/2011	ORION SOFTWARE/SUPPORT-CN	31654	111256	11/2011		700.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
503-1923-419.50-04	05/25/2011	ORION SOFTWARE/SUPPORT-CN	31654	111256 11/2011 2,268.75
06/30/2011 101-1130-412.20-06	78627 06/02/2011	HORIZON HEALTH EAP JUNE 2011	90 41392	110075 12/2011 415.83 415.83
06/30/2011 101-3035-423.30-02	78628 06/10/2011	INT SOFTBOARDS SOFT PADDLE BOARDS	2245 102067	111302 12/2011 1,139.70 1,139.70
06/30/2011 101-1130-412.28-04	78629 06/17/2011	IPMA/ SAN DIEGO CHAPTER ECORTEZ, IPMA WRKSH-NO SH	402 EC611	F11160 12/2011 25.00 25.00
06/30/2011 101-6040-454.30-02	78630 06/24/2011	JOHN DEERE LANDSCAPES LAWN FERTILIZER	1986 58358229	110051 12/2011 838.99 121.88
101-1910-419.28-01	06/23/2011	QUICKPRO/RAKES	58352619	110051 12/2011 247.72
101-6020-452.30-02	05/27/2011	JUMBO VALVE BOX W/COVER	58000408	110051 11/2011 42.83
101-6020-452.30-02	06/01/2011	IRRIGATION SUPPLIES	58044746	110051 12/2011 426.56
06/30/2011 101-0000-221.01-02	78631 06/01/2011	KANE, BALLMER & BERKMAN MAY 2011-SEACOAST INN OPA	1828 16736	12/2011 5,946.81 825.00
405-1260-413.20-06	06/01/2011	MAY 2011-PALM AVE PLAN AM	16735	111299 12/2011 64.31
101-5000-532.20-06	06/02/2011	MAY 2011 9TH/PALM	16734	111299 12/2011 5,057.50
06/30/2011 101-5000-532.20-06	78632 06/06/2011	KEYSER MARSTON ASSOC INC MAY 2011	620 0023922	111298 12/2011 3,901.88 3,626.88
402-5000-532.20-06	06/06/2011	MAY 2011	0023922	111298 12/2011 275.00
06/30/2011 101-1110-412.28-12	78633 06/01/2011	KIWANIS CLUB OF IMPERIAL BEACH BROWN,G-OCT'10-JUN'11DUES	639 427	111373 12/2011 324.00 162.00
101-1110-412.28-12	09/01/2010	BROWN,G-JAN-SEP2010 DUES	395	111373 11/2011 162.00
06/30/2011 248-1920-519.20-06	78634 06/24/2011	LIGHTNING SOLAR C&G-1125 ELM AVENUE	2331 1008	110976 12/2011 6,297.55 6,297.55
06/30/2011 101-3035-423.25-03	78635 06/07/2011	MAUI RIPPERS, INC. JR LG UNIFORM SHORTS	1953 0341	111301 12/2011 1,811.20 1,811.20
06/30/2011 248-1920-519.20-06	78636 06/16/2011	MRP ROOFING C&G-1176 GEORGIA ST	2030 1398	111366 12/2011 8,440.00 8,440.00
06/30/2011 101-1920-419.21-04	78637 05/31/2011	MICHAL PIASECKI CONSULTING MAY 2011- PUBLIC WORKS	1795 152	110036 11/2011 7,830.00 90.00
101-5020-432.20-06	05/31/2011	MAY 2011- PUBLIC WORKS	152	110036 11/2011 405.00
101-5020-432.20-06	05/31/2011	MAY 2011- PUBLIC WORKS	152	110036 11/2011 22.50
402-5000-432.20-06	05/31/2011	MAY 2011- PUBLIC WORKS	152	110036 11/2011 7,200.00
601-5060-436.20-06	05/31/2011	MAY 2011- PUBLIC WORKS	152	110036 11/2011 112.50
06/30/2011 402-5000-532.20-06	78638 05/31/2011	MIRELES LANDSCAPING 13TH/IB BLVD MAINT	2107 0986	111377 11/2011 150.00 150.00
06/30/2011 402-5000-532.20-06	78639 06/15/2011	NASLAND ENGINEERING P/E 06/15/11-9TH/PALM	1656 90669	111165 12/2011 3,927.50 3,927.50

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
06/30/2011	78640	OFFICE DEPOT, INC	1262				1,204.98
101-3020-422.30-01	06/02/2011	LABELS	566612482001	110047	12/2011		12.38
101-3020-422.30-01	06/08/2011	BATTERIES	567224254001	110047	12/2011		31.21
101-3020-422.30-01	06/09/2011	LABELS	567411087001	110047	12/2011		7.48
101-3020-422.30-01	06/10/2011	ENVELOPES	567583244001	110047	12/2011		12.09
101-1110-412.30-01	06/14/2011	FOLDERS/LTR GUIDE/PENS	567938846001	110047	12/2011		343.04
101-1110-412.30-01	06/15/2011	FOLDERS	568165176001	110047	12/2011		55.25
101-3020-422.30-01	05/18/2011	DODSWORTH, T-BUSINESS CRDS	565041663001	110047	11/2011		74.32
101-5020-432.30-01	06/14/2011	INK CARTRIDGE/HIGHLITERS	567939277001	110047	12/2011		33.21
101-5020-432.30-01	06/15/2011	INK CARTRIDGES	567939504001	110047	12/2011		136.91
101-5020-432.30-01	06/15/2011	DESK/L-SHAPE	568066104001	110047	12/2011		222.36
101-3020-422.30-01	06/14/2011	HP INK CARTRIDGE	567916887001	110047	12/2011		68.82
101-3020-422.30-01	06/15/2011	POST-ITS/BINDER CLIPS	568068210001	110047	12/2011		50.97
101-3020-422.30-01	06/15/2011	HP LJ CARTRIDGE	568086626001	110047	12/2011		77.50
101-1010-411.30-02	06/23/2011	PLATES/NAPKINS	569229781001	110047	12/2011		79.44
06/30/2011	78641	OPPER & VARCO LLP	1626				518.00
101-1230-413.20-06	06/08/2011	MAY 2011	16209	111287	12/2011		518.00
06/30/2011	78642	PARTNERSHIP WITH INDUSTRY	1302				2,237.45
101-6040-454.21-04	06/03/2011	P/E 05/31/2011	GS03614	110020	12/2011		988.13
101-6040-454.21-04	06/16/2011	P/E 06/15/2011	GS03644	110020	12/2011		1,249.32
06/30/2011	78643	PAXTON TOWING, INC.	2240				174.00
101-3080-428.20-20	06/27/2011	AVA TOW - 751 HOLLY	166777	F11163	12/2011		174.00
06/30/2011	78644	PMI	23				1,284.61
101-6040-454.30-02	06/07/2011	PROTECTIVE GLOVES	0296636	110030	12/2011		264.93
601-5060-436.30-02	06/15/2011	PROTECTIVE GLOVES	0298450	110030	12/2011		549.98
101-6040-454.30-02	06/20/2011	PROTECTIVE GLOVES	0299072	110030	12/2011		469.70
06/30/2011	78645	RECON ENVIROMENTAL, INC.	2300				6,325.69
409-1230-519.20-06	06/16/2011	THROUGH 06/10/11-BIKEWAY	43442	110731	12/2011		6,325.69
06/30/2011	78646	RMV CONSTRUCTION INC.	1996				5,770.00
210-1235-586.29-09	01/22/2011	13TH/EBONY PED RAMPS	2-JAN-00 REVISD	110659	11/2011		45.00
210-1235-586.29-09	02/22/2011	13TH/EBONY PROJ RETENTION	02-22-2011	110659	11/2011		5,725.00
06/30/2011	78647	SKS INC.	412				5,983.08
501-1921-419.28-15	06/23/2011	1119.3 G REG/501.8 G DIES	1241111-IN	110104	12/2011		5,983.08
06/30/2011	78648	SOUTH BAY FOUNDRY INC	477				1,426.33
601-5060-436.30-02	06/23/2011	SPARE YARD GRATES	0116392-IN	110042	12/2011		1,426.33
06/30/2011	78649	THD AT HOME SERVICES, INC.	2325				4,360.50
248-1920-519.20-06	06/17/2011	C&G-611 DAHLIA AVE	5532819	110963	12/2011		4,360.50
06/30/2011	78650	VERIZON WIRELESS	2317				2,372.25
101-5020-432.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011		774.51

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
101-3040-424.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011	59.46	
101-3020-422.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011	289.54	
101-3070-427.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011	311.31	
101-3030-423.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011	346.74	
101-1230-413.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011	184.75	
503-1923-419.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011	403.34	
503-1923-419.27-05	06/08/2011	05/09/2011-06/08/2011	0984133843		12/2011	2.60	
06/30/2011	78651	VORTEX INDUSTRIES, INC.	786			349.91	
101-1910-419.21-04	06/06/2011	FD OVERHEAD DOOR REPAIR	11-603986-1	110063	12/2011	349.91	
06/30/2011	78652	WAGE WORKS INC.	2210			97.25	
101-1920-419.21-04	06/16/2011	JUNE 2011	125AI0162415	110093	12/2011	97.25	
06/30/2011	78653	WAXIE SANITARY SUPPLY	802			1,271.06	
101-6040-454.30-02	06/21/2011	JANITORIAL SUPPLIES	72699339	110031	12/2011	1,271.06	
06/30/2011	78654	WEST GROUP CTR	826			120.36	
101-1020-411.28-14	06/01/2011	MAY 2011	822886048	110232	12/2011	120.36	
06/30/2011	78655	WESTERN HOSE & GASKET	836			260.26	
601-5060-436.30-02	06/06/2011	CAM LOCK FITTINGS	253189	110114	12/2011	260.26	
06/30/2011	78656	ZUMAR INDUSTRIED INC.	875			704.83	
101-5010-431.21-23	06/13/2011	STREET SIGNS	0131099	110032	12/2011	704.83	
07/08/2011	78657	A.E. CHARLES CONSTRUCTION	2306			5,225.00	
248-1920-519.20-06	06/23/2011	C&G-735 IRIS AVENUE	062311	111295	12/2011	5,225.00	
07/08/2011	78658	AFFORDABLE RAINGUTTERS	2232			732.00	
248-1920-519.20-06	05/25/2011	C&G-1124 HEMLOCK AVE	17052		12/2011	732.00	
07/08/2011	78659	AGRICULTURAL PEST CONTROL	123			95.00	
101-6020-452.21-04	06/28/2011	JUNE 2011	247825	110058	12/2011	95.00	
07/08/2011	78660	AIRMAXX, INC.	2352			6,311.00	
248-1920-519.20-06	06/07/2011	C&G-1176 GEORGIA ST	S1106070	111365	12/2011	6,311.00	
07/08/2011	78661	ALEX GONZALES	2321			5,900.00	
248-1920-519.20-06	06/24/2011	C&G-1125 ELM AVENUE	06-24-2011	110937	12/2011	5,900.00	
07/08/2011	78662	ALLIANT INSURANCE SERVICES, IN	1194			116.15	
101-0000-221.01-04	06/30/2011	APR-JUN 2011 INS PREMIUM	06-30-2011		12/2011	116.15	
07/08/2011	78663	ALTERNATIVE ENERGY TECHNOLOGIE	1971			8,943.24	
248-1920-519.20-06	06/29/2011	C&G-708 HOLLY AVENUE	7023378CI	110940	12/2011	8,943.24	
07/08/2011	78664	APCD COUNTY OF SAN DIEGO	248			155.00	
601-5060-436.28-13	06/06/2011	JULY 2010-JUNE 2011	20110606-01373		12/2011	155.00	
07/08/2011	78665	ARROWHEAD MOUNTAIN SPRING WATE	1340			80.59	
101-5020-432.30-02	06/22/2011	JUNE 2011	01F0026726646	110219	12/2011	80.59	

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO # PER/YEAR TRN AMOUNT
07/08/2011	78666	AVENET, LLC	1510	950.00
503-1923-419.20-06	06/22/2011	WEB HOSTING THRU 03/31/12	28864	111382 12/2011 950.00
07/08/2011	78667	CA BUILDING STANDARDS COMMISSI	2127	26.10
101-0000-221.01-07	06/30/2011	APR-JUN 2011 STATE GREEN	06-30-2011	12/2011 26.10
07/08/2011	78668	CLEAN HARBORS	913	2,631.60
101-5040-434.21-04	06/03/2011	MAY 2011	6Y1152691	110046 12/2011 2,631.60
07/08/2011	78669	COUNTY RECORDER	1818	100.00
101-0000-221.01-02	06/02/2011	NOE-89 EMORY STREET	MF 1064	12/2011 50.00
101-0000-221.01-02	07/05/2011	351 ELDER AVE-NOE	MF 1069	01/2012 50.00
07/08/2011	78670	CYNTHIA TITGEN	2340	440.00
101-1130-412.20-06	07/05/2011	06/07/11-06/30/11	07-05-2011	12/2011 440.00
07/08/2011	78671	DKC ASSOCIATES, INC.	2187	3,360.00
101-1110-412.20-06	07/07/2011	06/17/11-06/30/11	227	110088 12/2011 1,120.22
405-1260-413.20-06	07/07/2011	06/17/11-06/30/11	227	110088 12/2011 1,119.89
502-1922-419.20-06	07/07/2011	06/17/11-06/30/11	227	110088 12/2011 1,119.89
07/08/2011	78672	EDCO DISPOSAL CORPORATION	1205	141.05
101-5000-532.20-06	06/30/2011	JUNE 2011	06-30-2011	110215 12/2011 141.05
07/08/2011	78673	FAILSAFE TESTING	2184	239.00
101-3020-422.28-01	06/01/2011	GROUND LADDER TESTING	5426	F11165 12/2011 239.00
07/08/2011	78674	FIRE ETC	924	1,023.81
101-3020-422.30-02	06/28/2011	FIRE FIGHTING HOSE SPEC	25227	111379 12/2011 972.23
101-3020-422.30-02	05/09/2011	ALUMINUM WYE HANDLE	23361	110949 12/2011 51.58
07/08/2011	78675	GCR TIRE CENTERS	1702	346.56
501-1921-419.28-16	06/21/2011	#612 TIRES	832-4018	110105 12/2011 346.56
07/08/2011	78676	GRAY & SONS FLEET INSPECTIONS	1054	225.00
501-1921-419.28-01	06/27/2011	DIESEL SMOKE INSPCTNS 108	456655	F11164 12/2011 225.00
07/08/2011	78677	I B FIREFIGHTERS ASSOCIATION	214	216.50
101-0000-209.01-08	07/07/2011	PR AP PPE 06/30/2011	20110707	01/2012 216.50
07/08/2011	78678	IB BUSINESS IMPROVEMENT DISTRI	487	7,593.00
101-0000-203.22-00	06/30/2011	APR-JUN 2011 BID FEES	06-30-2011	12/2011 7,593.00
07/08/2011	78679	ICMA RETIREMENT TRUST 457	242	5,414.08
101-0000-209.01-10	07/07/2011	PR AP PPE 06/30/2011	20110707	01/2012 5,414.08
07/08/2011	78680	JESSOP & SON LANDSCAPING	479	3,052.83
101-6010-451.21-04	06/30/2011	JUNE 2011	388347	110199 12/2011 3,052.83
07/08/2011	78681	JOSE LUIS MORENO	560	225.00
101-5010-431.21-04	06/28/2011	BOBCAT COVER	749	110552 12/2011 225.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #				CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION	INVOICE	PO #	PER/YEAR	TRN AMOUNT	
07/08/2011	78682	KENNEY ROOFING	2087				6,800.00
248-1920-519.20-06	06/06/2011	C&G-740 ONEONTA AVE	06-06-2011	111293	12/2011		6,800.00
07/08/2011	78683	KIM A MIKHAEL	1680				310.00
101-3010-421.20-06	06/19/2011	06/16/11 PARKING ADMIN HE	06-19-2011	110073	12/2011		125.00
101-3070-427.20-06	06/20/2011	05/16/11-2ND LEVEL ADMIN	06-20-2011	F11162	12/2011		85.00
101-3050-425.21-04	06/19/2011	06/16/11 DNGROUS DOG HRNG	06-19-2011	110632	12/2011		100.00
07/08/2011	78684	LEAGUE OF CALIF CITIES	761				440.00
101-1020-411.28-04	06/02/2011	HALD-CC CONF REGISTRN	97371	111381	12/2011		440.00
07/08/2011	78685	MASON'S SAW & LAWMOWER	923				2,579.05
101-6040-454.30-22	06/23/2011	POWER BRUSH/YRD BOSS	249753	110050	12/2011		580.49
101-6020-452.30-22	06/23/2011	MOWER/BLOWER	249732	110050	12/2011		1,998.56
07/08/2011	78686	MICHAL PIASECKI CONSULTING	1795				4,500.00
101-5020-432.20-06	07/01/2011	JUNE 2011-PW	153	110036	12/2011		1,800.00
601-5060-436.20-06	07/01/2011	JUNE 2011-PW	153	110036	12/2011		2,700.00
07/08/2011	78687	MIRELES LANDSCAPING	2107				120.00
245-1240-413.20-06	06/30/2011	JUNE 2011-DONAX/10TH ST	1008	110469	12/2011		120.00
07/08/2011	78688	MPC OUTLET	2157				3,160.66
601-5050-436.50-04	06/28/2011	LOPEZ,H-LAPTOP-PANASONIC	177511	111364	12/2011		3,160.66
07/08/2011	78689	NATIONAL COATING & LINING	2349				3,500.00
601-5060-436.21-04	06/30/2011	PS 11-SANDBLASTING/RECOAT	390-001	111154	12/2011		2,500.00
601-5060-436.21-04	06/30/2011	PS 11-SANDBLASTING/RECOAT	390-001	111362	12/2011		1,000.00
07/08/2011	78690	PAT FOWLER	2				85.00
101-0000-344.76-03	07/05/2011	OL REFUNDS	0006067		12/2011		85.00
07/08/2011	78691	PRUDENTIAL OVERALL SUPPLY	72				286.96
101-5020-432.25-03	06/15/2011	06/15/11 PW UNIFORMS	30187971	110048	12/2011		145.03
101-5020-432.25-03	06/22/2011	PW UNIFORMS 06/22/11	30189495	110048	12/2011		141.93
07/08/2011	78692	RANCHO AUTO & TRUCK PARTS	1685				385.19
501-1921-419.28-16	06/07/2011	BRAKE PARTS	7693-78886	110034	12/2011		147.82
501-1921-419.30-02	06/08/2011	BLADES/40Z BOTTLE	7693-79174	110034	12/2011		14.97
501-1921-419.28-16	06/15/2011	#606 SEMI METALLIC PADS	7693-79912	110034	12/2011		26.87
501-1921-419.28-16	06/16/2011	A-7 CAT CONVRTR	7693-80002	110034	12/2011		239.25
501-1921-419.28-16	06/16/2011	MOTOR OIL/FILTERS/BLADES-	7693-80005	110034	12/2011		101.10
501-1921-419.30-02	06/16/2011	FITTINGS	7693-80067	110034	12/2011		6.36
501-1921-419.28-16	06/16/2011	CREDIT-CAT CONVERTER	7693-80118	110034	12/2011		239.25
501-1921-419.28-16	06/20/2011	#612-HEATER CORE	7693-80392	110034	12/2011		36.89
501-1921-419.28-16	06/23/2011	OIL FILTERS	7693-80842	110034	12/2011		51.18
07/08/2011	78693	RCP BLOCK & BRICK INC	115				560.50
101-5010-431.30-02	06/24/2011	CRUSHED ROCK	1280529	110081	12/2011		280.25

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	INVOICE	PO #	PER/YEAR	CHECK AMOUNT
ACCOUNT #	TRN DATE	DESCRIPTION					TRN AMOUNT
101-5010-431.30-02	06/27/2011	CRUSHED ROCK		1280528	110081	12/2011	280.25
07/08/2011	78694	SAN DIEGO LANDSCAPE SOLUTIONS,	2333				6,250.00
402-5000-532.20-06	06/24/2011	775 13TH ST -FACADE IMPRV		1527		12/2011	6,250.00
07/08/2011	78695	SEIU LOCAL 221	1821				1,586.00
101-0000-209.01-08	06/09/2011	VOID PE 6/2/11 MANNING		20110609		12/2011	8.30-
101-0000-209.01-08	06/09/2011	PR AP PE 6/2/11 MANUAL CK		20110609		12/2011	8.30
101-0000-209.01-08	06/23/2011	VOI PE 6/16/11 MANNING		20110623		12/2011	8.30-
101-0000-209.01-08	06/23/2011	PR AP PE6/16/11MANUAL CK		20110623		12/2011	8.30
101-0000-209.01-08	06/23/2011	PR AP PPE 06/16/11 DODSWO		20110623		12/2011	10.58
101-0000-209.01-08	06/23/2011	VOIDED CK#43977 DODSWORTH		20110623		12/2011	10.58-
101-0000-209.01-08	06/23/2011	MANUAL PRCK#43978DODSWORT		20110623		12/2011	10.58
101-0000-209.01-08	07/07/2011	PR AP PPE 06/30/2011		20110707		01/2012	1,575.42
07/08/2011	78696	THE FENCE DR.	2015				3,150.00
248-1920-519.20-06	06/27/2011	C&G-735 IRIS AVENUE		06-27-2011		12/2011	3,150.00
07/08/2011	78697	URIEL SERVIN JR.	2				25.00
101-0000-344.77-03	06/10/2011	REFUND AIR JUMP DEPOSIT		7819		12/2011	25.00
07/08/2011	78698	WESTON SOLUTIONS INC.	2016				35,535.98
101-5050-535.20-06	04/20/2011	TJ RIVER QUALITY		APR2011-04717	011171	12/2011	15,949.80
101-5050-535.20-06	05/17/2011	TJ RIVER QUALITY MONIT		MAY2011-02470	011171	12/2011	19,586.18

DATE RANGE TOTAL * 237,890.19 *



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JULY 20, 2011

ORIGINATING DEPT.: CITY MANAGER

SUBJECT: PUBLIC HEARING TO CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA TEMPORARILY SUSPENDING THE ENFORCEMENT OF IMPERIAL BEACH MUNICIPAL CODE SECTIONS 6.04.060 AND 12.60.100 IN THE BEACH AREA BETWEEN PALM AVENUE AND CARNATION AVENUE FOR A PERIOD OF SIX MONTHS BEGINNING ON THE EFFECTIVE DATE OF THE ORDINANCE AND DELEGATING AUTHORITY TO THE CITY MANAGER TO DRAFT RULES FOR USE OF THE AREA OF SUSPENDED ENFORCEMENT

BACKGROUND:

The local organization IB Yappy presented a petition and background materials supporting their request for an off-leash area on the beach north of Palm Ave. to Carnation Ave. at the January 26, 2011 City Council Meeting. The City Council directed staff to return with recommendations on where an off-leash area could be established on the beach.

Staff returned to the Council on April 20, 2011 with a report outlining options for the off-leash areas. Council identified the beach between Palm Ave. and Carnation Ave. as a trial area (Test Area). On June 1, 2011, Council directed staff to draft an ordinance temporarily suspending the enforcement of Imperial Beach Municipal Code (IBMC) sections 6.04.060 and 12.60.100 for a six month period. Council also directed staff to negotiate a cooperation agreement with IB Yappy to assist with developing the Test Area, including educating the public, creating rules for area use, raising funds and evaluating the effectiveness of the Test Area. A notice of this public hearing was mailed ten days prior to this hearing to property owners within 300 feet of the proposed off-leash area and to others who had requested notification.

DISCUSSION:

Staff has reviewed the successful off-leash areas implemented by municipalities throughout the state. Those programs indicate there has been little, if no impact, environmental or otherwise, from allowing dogs off-leash in specified areas. Historically, the beach at the Test Area location has been a point of gathering for many individuals, including dogs and their owners. Since dogs are currently allowed in the proposed Test Area with leashes, the Test Area would not expand the use of the location. Further, dogs have often been spotted off-leash in the Test Area over the past several years, although not allowed under the current municipal code. If the Test Area use increases, the impact to its surroundings would likely be negligible in nature. Staff anticipates that the City will have similar experiences as other jurisdictions with off-leash locations.

We are aware of several other jurisdictions that have successfully implemented off-leash areas with few, if any, negative impacts. Long Beach, for example, conducted a study which found that there was no appreciable difference between water quality or sand quality with dogs on- or off-leash compared to sites where dogs were prohibited. In fact, the study found that birds and humans were a significant source of sand and water pollution in all areas studied.

In addition, the ordinance is temporary in nature. This permits the City to evaluate whether it should implement a permanent program with resources to support a long-term off-leash area. The suspension of enforcing the IBMC in this limited location will provide the City with adequate time to gather information, plan and study the feasibility of a long-term off-leash location.

IB Yappy has agreed to assist the City with developing temporary rules, providing volunteers to educate the public, provide waste bag dispensers through an agreement with Ocean Blue (local non-profit), assist with evaluation and raise funds to support the Test Area. (Agreement signed by IB Yappy is attached). This will mitigate the costs of staff time and involvement in implementing and evaluating the Test Area. The Agreement indicates that the test may be suspended by the City with or without cause for any reason, which may include but, is not limited to: maintenance, enforcement, or safety issues, and failure of IB YAPPY to comply with obligations/provisions of the Agreement.

The proposed ordinance (Attachment 1) will temporarily suspend enforcement of the dog leash requirements in the City specifically at the beach between Carnation and Palm. The proposed suspension period is for six months, beginning on the effective date of the ordinance. Once the suspension period expires, the IBMC provisions will again be in effect for the dog beach area unless Council takes additional action.

Other cities have adopted rules for off-leash dog parks and dog beach areas. Attached is a sample of these rules for the City Council to consider. For these rules to be enforceable, an ordinance must be adopted. Council should review these rules and give direction to staff on which ones should be included in the ordinance. This ordinance can be brought back for adoption at a future meeting if the City Council decides to proceed with rules of usage for the off-leash area. The attachment contains a staff recommendation on minimal standards and lists others for Council consideration.

Staff has also investigated temporary signing for the test area. Signs can vary from detailed to broad. Examples of signing in Coronado, San Diego, and Huntington Beach are attached. Staff is suggesting a sign similar to the one used in Coronado since it also provides a map to make clear which area of the beach is allowed for off-leash activity. Public Works staff has suggested two locations for the signs – one near the Palm Ave. street end and the other on Carnation. They estimate the cost of the temporary signs to be between \$300 and \$500 per sign.

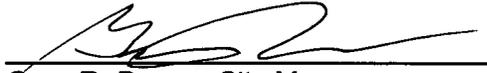
FISCAL IMPACT:

Cost of operation and maintenance unknown. Cost of temporary signs is estimated to range between \$600 and \$1,000. Option: The City of Fort Lauderdale, Florida requires an annual permit for use of the off-leash dog beach to defray costs. Day use permits are also available. This is something Council could consider if the test period is successful.

CITY MANAGER'S RECOMMENDATION:

Staff recommends that the Mayor and City Council hold the public hearing and consider the attached ordinance. If Council chooses:

1. Receive this report;
2. Receive public comments;
3. Mayor calls for the introduction of Ordinance No. 2011-1120,
4. City Clerk reads title of Ordinance No. 2011-1120 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA TEMPORARILY SUSPENDING THE ENFORCEMENT OF IMPERIAL BEACH MUNICIPAL CODE SECTIONS 6.04.060 AND 12.60.100 IN THE BEACH AREA BETWEEN PALM AVENUE AND CARNATION AVENUE FOR A PERIOD OF SIX MONTHS BEGINNING ON THE EFFECTIVE DATE OF THE ORDINANCE AND DELEGATING AUTHORITY TO THE CITY MANAGER TO DRAFT RULES FOR USE OF THE AREA OF SUSPENDED ENFORCEMENT;
5. Motion to dispense first reading of Ordinance No. 2011- 1120 and set the matter for adoption at the next regularly scheduled City Council meeting;
6. Give direction to Staff on which rules should be incorporated into an ordinance for future adoption.



Gary R. Brown, City Manager

- Attachments:
1. Ordinance
 2. Proposed Rules for Dog Beach
 3. Long Beach Study
 4. Agreement with IB Yappy including associated documents
 5. Pictures of Signs
 6. Petition and letters in opposition

ORDINANCE NO. 2011-1120

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, TEMPORARILY SUSPENDING THE ENFORCEMENT OF IMPERIAL BEACH MUNICIPAL CODE SECTIONS 6.04.060 AND 12.60.100 IN THE BEACH AREA BETWEEN PALM AVENUE AND CARNATION AVENUE FOR A PERIOD OF SIX MONTHS BEGINNING ON THE EFFECTIVE DATE OF THE ORDINANCE AND DELEGATING AUTHORITY TO THE CITY MANAGER TO DRAFT RULES FOR USE OF THE AREA OF SUSPENDED ENFORCEMENT.

WHEREAS, the City of Imperial Beach ("City") has adopted ordinances prohibiting dogs off leashes in public and beach areas within the City as codified in Titles 6 and 12 of the Imperial Beach Municipal Code ("Municipal Code"); and

WHEREAS, dogs are currently allowed on a leash in the beach area between Palm Avenue and Carnation Avenue; and

WHEREAS, the City desires to temporarily allow dogs off-leash in the beach area between Palm Avenue and Carnation Avenue solely for a trial period to collect data on the feasibility of a permanent area; and

WHEREAS, the off-leash area will have rules of use established by the City Manager to promote the health, welfare and safety of users; and

WHEREAS, the prohibition of dogs off-leash in other public and beach areas shall remain in full force and effect; and

WHEREAS, dog owners are strictly liable for any injuries caused by their animals under California Civil Code section 3342.

NOW, THEREFORE, the City Council of Imperial Beach hereby ordains as follows:

Section 1. Persons who allow their dogs to be off leash in the beach area between Palm Avenue and Carnation Avenue for a six month trial period, beginning on the effective date of this Ordinance, shall not be subject to enforcement under Municipal Code sections 6.04.060 and 12.60.100 for this specified time period. All other provisions of the Municipal Code shall remain in force and effect. Upon the end date noted above, the provisions of 6.04.060 and 12.60.100 shall be applicable to all persons again.

Section 2. The City Manager shall have the authority to draft rules for use of the off leash area. The application of the rules for use shall expire concurrently with the expiration of this Ordinance.

Section 3. Severability. If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 4. This Ordinance shall take effect thirty (30) days after passage and approval by the City Council.

Section 5. Appeal Process under the California Code of Civil Procedure (CCP): The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

Section 6. The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20th day of July, 2011; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 3rd day of August, 2011, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

**JACQUELINE M. HALD, CMC
CITY CLERK**

APPROVED AS TO FORM:

JENNIFER M. LYON

CITY ATTORNEY

Sample Rules for Test Period – Off–Leash Area for Dogs on the Beach

The following are samples of regulations in other jurisdictions for dog parks and off–leash dog areas on beaches.

Use At Your Own Risk

The Off –Leash Area for Dogs is non–supervised. Use at own risk. The City of Imperial Beach accepts no responsibility for the behavior of dogs, dog guardians, or general beach patrons.

Regulations:

1. Dog guardians are legally responsible for their dogs and any injuries or damage caused by them.
2. Dog Guardians must immediately clean–up AND properly dispose of any waste left by their dog. (BMC § 6.04.080)
3. Dogs shall be under visual and voice control by an adult at all times.
4. To preserve the peace and safety of others, the following are **NOT** allowed on the Dog Beach (BMC § 6.04.050):
 - Aggressive or dangerous dogs. Remove your dog at the first sign of aggression toward other dogs or people.
 - Dogs in heat.
 - Ill or injured dogs.

The items listed above are staff's recommendations for the minimum standards. Items listed below are used in other jurisdictions and should be discussed by the City Council as possible additions to #4 above.

- ❖ Puppies under 4 months. (Explanation – puppies typically cannot be given all vaccinations until they are 4 months old.) (BMC §6.04.040)
- ❖ Prong, pinch, spiked, or choke collars. (Explanation – These collars often result in injury to other dogs.)
- ❖ Dogs in the water or on surfboards without a life vest.
- ❖ Animals other than dogs. (BMC § 12.60.100)
- ❖ Food – human or dog. (Explanation – food is often the cause of fights)
- ❖ Professional dog trainers/handlers classes.
- ❖ More than one dog per adult.

The following items should be discussed by the City Council as possible additional rules.

5. Dogs shall be leashed when outside of the designated Off–Leash Dog Area. (BMC §§ 6.04.060, 12.60.100)
6. Dog guardians shall carry a leash and collar at all time in the Off–Leash Dog Area.
7. Dogs shall be licensed and have up to date vaccinations. (BMC §§ 6.04.040, 6.04.110)
8. Unattended dogs will be impounded.
9. Report all animal bites (regardless of severity) to the IB Animal Control at (619) 691-5123 within twenty–four (24) hours of the incident.

September 13, 2004

Mr. Geoffrey Hall
City of Long Beach
Department of Parks, Recreation & Marine
2760 Studebaker Road
Long Beach, California 90815-1697

**SUBJECT: RESULTS OF A LIMITED ASSESSMENT OF THE DOG ZONE,
BELMONT SHORE BEACH, LONG BEACH, CALIFORNIA (TETRA
TECH PROJECT NO. 14819)**

INTRODUCTION

On behalf of the City of Long Beach Department of Parks, Recreation & Marine (City), Tetra Tech, Inc. (Tetra Tech) conducted a limited assessment of the Dog Zone and other portions of the Belmont Shore Beach in Long Beach, California (Figure 1). The City issued Purchase Order Number DPPR04002907 on July 21, 2004 based on a scope of work outlined in Tetra Tech's proposal dated July 1, 2004. The scope of work was based on a meeting with City staff on June 9, 2004. The purpose of the assessment was to obtain information regarding the safety and human health risk due to the presence of the Dog Zone.

BACKGROUND

On August 1, 2003 the City implemented a one-year pilot program permitting off-leash access on a portion of the Belmont Shore Beach (Figure 1). The Dog Zone encompasses approximately 2.9 acres at the water's edge bounded by the halfway point between Quincy and Roycroft Avenues (western boundary) and the halfway point between St. Joseph and Argonne Avenues (eastern boundary). This portion of the beach was selected for unleashed dog use and exercise because it was deemed an underutilized portion of the beach. The ocean water quality is tested by the City Health Department on a weekly basis as part of their routine Water Quality Monitoring Program.

SCOPE OF WORK

In order to prepare this assessment report on the Dog Zone, Tetra Tech outlined a program that consisted of the following tasks.

- Review of lifeguard monitoring records on Dog Zone activities.
- Review of animal control records from the City's Bureau of Animal Control on citywide dog incidences for comparison with Dog Zone incidents.
- Review of information on beach maintenance such as trash and feces cleanup, equipment procedures and schedules.
- Collect samples of the sand within the Dog Zone and the Dog Zone access corridor.
- Collect samples of the sand from other portions of the Belmont Shore Beach to provide background concentration levels.
- Submit the samples to a state-certified laboratory for microbiological analysis.
- Submit the data for evaluation on the risks and probabilities of exposure due to dog waste and activity.

FIELD INVESTIGATION

On July 26 and August 6, 2004, samples were collected from the sand at the beach surface by Tetra Tech. Samples were collected on a Monday (July 26) and on a Friday (August 6) to determine if there were any differences between weekend usage when generally more dogs are present than during the week. The Dog Zone was divided into grids of approximately 1,000 square yards each. Each grid was approximately 235 yards by 60 yards. The Dog Zone sampling area was further divided into "A" and "B" portions. The "A" portion included the backshore portion of the beach generally above the mean high tide where the sand is typically dry. The "B" portion included the foreshore area within the intertidal zone. This portion was observed to have included sand that was dry, damp or wet. Figure 2 shows a schematic of the Dog Zone sampling grids. Approximately 4 ounces of sand was collected from each sampling location within the 14

grids of the Dog Zone and placed into baggies using a trowel. The trowel was washed between sampling using a Clorox wipe followed by a spring water rinse.

Samples were collected in the corridor designated to access the Dog Zone. Where samples were collected outside the Dog Zone, the sample coding identifying their location is presented in the table below and shown on Figure 1.

SAMPLE CODE	LOCATION
PL	Within the dog access corridor, between the parking lot and the bike path.
BP	Within the dog access corridor, between the bike path and the Dog Zone.
BMY	Near the shoreline – projection of the Beach Maintenance Yard.
BMP	Near the shoreline – projection of the Belmont Pool.
LAP	Near the shoreline – projection of La Palapa Restaurant.
PIER	Near the shoreline east of the Belmont Pier.
GLR	Near the shoreline at the Granada Launch Ramp.
BLU	Near the shoreline - projection of the Leeway Sailing Center.
CLR	Near the shoreline at the Claremont Launch Ramp.
LGT	Near the shoreline at the lifeguard tower – projection of LaVerne Ave.

The samples were stored in a cooled ice chest under chain-of-custody protocols throughout transport to the laboratory.

LABORATORY ANALYSIS

Sierra Analytical (Sierra), an independent, state-certified laboratory, analyzed a total of forty-eight samples. Twenty-four samples were analyzed for each of the two sampling rounds: fourteen from the Dog Zone, two from the access corridor, and the remaining eight from other portions of Belmont Shore Beach. The samples were analyzed for the following parameters to indicate any fecal and urinary contamination.

<u>MATRIX</u>	<u>PARAMETERS</u>	<u>METHOD</u>
Sand	Enterococcus	SM 9230B
Sand	Fecal Coliform	SM 9221E
Sand	Total Coliform	SM9221B
Sand	Nitrate as N	EPA 352.1
Sand	Ammonia as N	EPA 350.1

Enterococcus is an organism found in the intestines of warm-blooded animals. It does not cause human illness itself, but is used as an indicator of the possible presence of other disease-causing organisms.

Fecal coliforms are bacteria that live in the digestive tract of all warm-blooded animals (human, pets, farm animals, and wildlife) and are excreted in the feces. Fecal coliforms generally do not pose a danger to people or animals but they can indicate the presence of other disease-causing bacteria. Unlike fecal coliforms, disease-causing bacteria generally do not survive long enough outside the body of animals to be detected. Bacteria and viruses die off due to predation from other bacteria, salt water, or age. Consequently, scientists and public health officials consider the presence of fecal coliforms an indicator of possible disease-causing bacteria. The fecal coliform test is based upon a bacterium's ability to grow at 44.5°C (115°F) which suggests that it is associated with animal/human waste, but not all fecal coliforms are from this source. Some like *Klebsiella pneumoniae* can come from vegetation such as hay or from trees (Bagley et al, 1978). On average, 23 million fecal coliform bacteria per gram are present in a gram of dog feces (Gray, 2004).

Total coliform bacteria are common in the environment (such as in soil) and the intestines of animals and are generally not harmful. Fecal coliform bacteria belong to this group. Total coliform is an easily measured indicator organism whose presence indicates that pathogenic organisms may be present.

Human waste can contain protozoan and viral pathogens which survive longer and have a lower infectious dose to humans than most bacterial pathogens. Animal waste sources can be less important from a public health standpoint, because most animal pathogens do not cause disease in humans (Olson, 2003).

Samples were analyzed for ammonia and nitrate as nitrogen to determine if there were elevated levels due to the presence of urine, although dog urine is considered to be sterile. Ammonia is produced naturally in soil by bacteria, decaying plants and animals and animal wastes. Ammonia is recycled naturally in the environment as part of the nitrogen cycle and does not last long in the environment. Some ammonia in water and soil is changed to nitrate and nitrite by

bacteria (ATSDR, 2002). Soil typically contains about 1 to 5 parts per million (ppm) of ammonia with levels varying throughout the day (ATSDR, 1990). After fertilizer is applied in farm fields, the ammonia concentration can be more than 3,000 ppm; however, these levels decrease rapidly over a few days (NPI, 2004).

Nitrate is a naturally-occurring inorganic ion that is part of the nitrogen cycle. Microbial action in soil or water decomposes wastes containing organic nitrogen first into ammonia, which is then oxidized to nitrate and nitrite. Contamination from nitrogen-containing animal or human natural organic wastes can raise the concentration of nitrate in soil and water (ATSDR, 2004).

ANALYTICAL RESULTS – FIRST ROUND SAMPLING (7/26/2004)

ENTEROCOCCUS

Dog Zone Results A total of 14 samples were analyzed for enterococcus within the Dog Zone. Enterococcus was detected at less than 20 as the most probable number per gram (MPN/g) in four of the samples. Enterococcus ranged from 120 to 240 MPN/g in four other samples. In the other six samples, enterococcus was detected at greater than 16,000 MPN/g. A summary of the analytical results is presented as Table 1 and shown on Figure 2. Laboratory reports and chain-of-custody documentation is attached in Appendix A.

Dog Zone Access Corridor Results A total of 2 samples were analyzed for enterococcus within the Dog Zone access corridor between the parking lot and the Dog Zone. In the sample collected between the parking lot and the bike path, enterococcus was detected at 81 MPN/g. Enterococcus was detected at greater than 16,000 MPN/g in the sample collected between the bike path and the Dog Zone.

Other Areas of Belmont Shore Beach Results A total of 8 samples were collected in other areas of the Belmont Shore beach. In all eight samples, enterococcus was detected at greater than 16,000 MPN/g.

FECAL COLIFORMS

Dog Zone Results A total of 14 samples were analyzed for fecal coliforms within the Dog Zone. Fecal coliforms were detected at less than 20 MPN/g in ten of the samples. Fecal coliforms ranged from 26 to 81 MPN/g in three other samples. In one sample, fecal coliforms were detected at 2,400 MPN/g. A summary of the analytical results is presented in Table 1.

Dog Zone Access Corridor Results In the two samples collected from the dog access corridor, fecal coliforms were detected at less than 20 MPN/g.

Other Areas of Belmont Shore Beach Results Of the eight samples analyzed, fecal coliforms were detected at less than 20 MPN/g in five of the samples. In the other three, fecal coliforms ranged from 20 to 140 MPN/g.

TOTAL COLIFORMS

Dog Zone Results A total of 14 samples were analyzed for total coliforms within the Dog Zone. Total coliforms were detected at less than 20 MPN/g in ten of the samples. Total coliforms ranged from 26 to 810 MPN/g in three other samples. In one sample, total coliforms were detected at 2,400 MPN/g. A summary of the analytical results is presented in Table 1.

Dog Zone Access Corridor Results In the two samples collected from the dog access corridor, total coliforms were detected at less than 20 MPN/g.

Other Areas of Belmont Shore Beach Results Of the eight samples analyzed, total coliforms were detected at less than 20 MPN/g in four of the samples. In the other four, total coliforms ranged from 40 to 270 MPN/g.

AMMONIA AND NITRATE AS NITROGEN

Dog Zone Results A total of 14 samples were analyzed for ammonia and nitrate as nitrogen. Ammonia ranged from 1.40 to 4.80 milligrams per kilogram (mg/kg). Nitrate ranged from 40.0 to 190 mg/kg. A summary of the analytical results is presented in Table 1.

Dog Zone Access Corridor Results In the two samples collected from the dog access corridor, ammonia was detected at 4.00 and 4.70 mg/kg. Nitrate was detected at 1.40 and 155 mg/kg.

Other Areas of Belmont Shore Beach Results Of the eight samples analyzed, ammonia concentrations ranged from 2.00 to 3.30 mg/kg. Nitrate concentrations ranged from 60.0 to 95.0 mg/kg.

ANALYTICAL RESULTS - SECOND ROUND SAMPLING (8/6/2004)

ENTEROCOCCUS

Dog Zone Results A total of 14 samples were analyzed for enterococcus within the Dog Zone. Enterococcus ranged from 20 to 1,700 MPN/g in thirteen samples. In the other sample, enterococcus was detected at greater than 16,000 MPN/g. A summary of the analytical results is presented in Table 2 and shown on Figure 2. Laboratory reports and chain-of-custody documentation is attached in Appendix A.

Dog Zone Access Corridor Results A total of 2 samples were analyzed for enterococcus within the dog zone access corridor between the parking lot and the Dog Zone. In the sample collected between the bike path and the Dog Zone, enterococcus was detected at 220 MPN/g. Enterococcus was detected at greater than 16,000 MPN/g in the sample collected between the parking lot and the bike path.

Other Areas of Belmont Shore Beach Results A total of 8 samples were collected in other areas of the Belmont Shore Beach. Enterococcus was detected at less than 20 MPN/g in one sample. In the other seven samples, enterococcus ranged from less than 20 to 170 MPN/g.

FECAL COLIFORMS

Dog Zone Results A total of 14 samples were analyzed for fecal coliforms within the Dog Zone. Fecal coliforms were detected at less than 20 MPN/g in thirteen of the samples. Fecal coliforms were detected in one sample at 230 MPN/g. A summary of the analytical results is presented in Table 2 and shown on Figure 2.

Dog Zone Access Corridor Results In the two samples collected from the dog access corridor, fecal coliforms were detected at less than 20 MPN/g.

Other Areas of Belmont Shore Beach Results Of the eight samples analyzed, fecal coliforms were detected at less than 20 MPN/g in six of the samples. In the other two samples, fecal coliforms were detected at 40 and 80 MPN/g.

TOTAL COLIFORMS

Dog Zone Results A total of 14 samples were analyzed for total coliforms within the Dog Zone. Total coliforms were detected at less than 20 MPN/g in thirteen of the samples. Total coliforms were detected at 230 MPN/g in the other sample. A summary of the analytical results is presented in Table 2.

Dog Zone Access Corridor Results In the two samples collected from the dog access corridor, total coliforms were detected at less than 20 MPN/g.

Other Areas of Belmont Shore Beach Results Of the eight samples analyzed, total coliforms were detected at less than 20 MPN/g in six of the samples. In the other two, total coliforms were detected at 40 and 230 MPN/g.

AMMONIA AND NITRATE AS NITROGEN

Dog Zone Results A total of 14 samples were analyzed for ammonia and nitrate as nitrogen. Ammonia was not detected above the laboratory detection limit in two samples. Detected

ammonia ranged from 2.60 to 5.40 mg/kg. Nitrate ranged from 80.0 to 190 mg/kg. A summary of the analytical results is presented as Table 2.

Dog Zone Access Corridor Results In the two samples collected from the dog access corridor, ammonia was detected at 3.80 and 4.20 mg/kg. Nitrate was detected at 75.0 and 85 mg/kg.

Other Areas of Belmont Shore Beach Results Of the eight samples analyzed, ammonia concentrations ranged from 3.00 to 5.20 mg/kg. Nitrate concentrations ranged from 70.0 to 120 mg/kg.

SUMMARY OF ANALYTICAL RESULTS

The geometric mean values for the analytical results for each sampling area are shown on Table 3. Also, block-type charts (Charts 1 through 5) are attached to illustrate and compare the analytical results for each sampling area.

During the first sampling round, enterococcus was detected at relatively high concentrations (>16,000 MPN/g) in less than half (43%) of the samples collected from the Dog Zone, while being detected in all (100%) the background samples collected from other portions of the beach. The access corridor had high concentrations in one of the two samples collected, in the area between the parking lot and the bike path. During the second round, enterococcus, at relatively high concentrations (>16,000 MPN/g), was detected at only two locations: Grid B7 and in the access corridor between the bike bath and the Dog Zone. Chart 1 compares the geometric mean values for enterococcus detected in each sampling area for the two sampling events.

During the first sampling round, fecal and total coliforms were detected above the average background levels in only one grid, Grid B7 at a concentration of 2,400 MPN/g. During the second round, fecal and total coliform levels were less when compared with the first round. Charts 2 and 3 compare the geometric mean values for fecal and total coliforms, respectively.

On average, ammonia and nitrate levels in the Dog Zone during both sampling rounds compare with background levels. Ammonia levels within the access corridor were slightly higher than

other sampling areas. Nitrate levels were higher in all areas during the second round. Charts 4 and 5 compare the geometric mean values for ammonia and nitrate, respectively.

CITY OF LONG BEACH RESULTS

WATER QUALITY PROGRAM – RECREATIONAL WATER SAMPLING

In order to protect the safety of the public, weekly water samples are collected and tested routinely by the Health Department's Environmental Health Water Quality Monitoring Program to monitor bacteria levels. If sample results exceed State Standards, re-sampling is done and continued until results are below state standards. If state standards for recreational water quality are not met, the beach is posted with signs warning the public to avoid body contact with the ocean water. The health warning stays in effect for the beach until water resample results are below the state bacteriological standards.

Heal the Bay's Beach Report Card TM grades local beaches on an A-F scale based on water quality monitoring data collected by various public agencies including the City of Long Beach. The grades are based on an analysis of the levels of three indicator bacteria tested for in coastal waters: total coliform, fecal coliform and enterococcus. Current water quality sampling results are posted on the City's website (City of Long Beach, 2004).

Dog Zone Results

The City has been monitoring the water quality directly in front of the Dog Zone on a weekly basis since August 11, 2003. From April 12, 2004 through August 9, 2004, fecal coliform ranged from less than 10 to 175 MPN/100 milliliters (MPN/100ml); detectable total coliform ranged from 10 to 6,131 MPN/100ml, and enterococcus ranged from less than 10 to 99 MPN/100ml. A table showing the analytical results is attached as Appendix B (City of Long Beach Department of Health and Human Services, 2004).

Results for Monitoring Stations Adjacent to the Dog Zone

Ocean water samples collected at the projections of Prospect Avenue and at Granada Avenue, received an A+ grade based on 4-week periods ending May 3, 2004 through July 26, 2004. The

beach has remained open as bacterial levels are below State standards and there are no restrictions to water contact activity (Heal the Bay, 2004).

LIFEGUARD MONITORING RESULTS

The City lifeguards observe and record Dog Zone activities. Dog Zone totals based on lifeguard records for the months of June and July 2004 were reviewed. The Dog Zone monthly totals are included as Appendix C. Their records include observations of dog attendance and non compliance of the following rules:

- Dogs outside of Dog Zone or Access Corridor
- More than One Dog per Adult
- Failure to Pick Up after or Dispose of Dog Waste
- Aggressive Dogs
- Dogs Not Wearing Collar with Tags
- Dogs with Spiked Collars
- Dogs Younger than Four Months

The most frequently observed infraction was for dogs outside of the Dog Zone or Access Corridor. During the months of June and July, there were 1,423 observances of this infraction. The second highest observed infraction was for more than one dog per adult. During June and July, this infraction was observed 443 times. The lifeguards observed 276 failures to pick up after dog or dispose of dog waste during these months.

Lifeguards noted that the approximate number of dogs on the beach for June and July was 2,370 and 3,735, respectively. The City estimated that there were as many as 20 dogs at one time during the weekday evenings and 50 dogs on Saturdays and Sundays prior to the summer.

BEACH MAINTENANCE

The beach maintenance crew cleans the beach for approximately 6 hours every day. A rake, pulled behind a tractor, removes debris left on the beach during high tides and by beachgoers.

The rake has a gap of approximately 2 inches between tines. Fecal matter and residual urine can be diluted with this equipment. A second piece of equipment, the Beach King Sanitizer, sifts the sand and can pick up debris as small as a cigarette butt. Some dog feces can be removed with this piece of equipment.

DOG ZONE SIGNAGE

The Dog Zone cannot be fenced because the Coastal Commission will not permit it. A large main sign is located at the entrance to the Dog Zone access corridor. Two smaller signs are located on either side of the large sign. Both have a dog-waste bag dispenser and notifies people to see the main sign for general information, hours of operation, rules and regulations and incident reporting procedures. On the main sign there are Dog Zone information pamphlets and incident report forms and two dog waste dispensers.

There are four metal poles with signs that mark the northern boundary of the Dog Zone. Orange cones are stacked next to these poles. These cones were reported to be placed around the Dog Zone as additional boundary markers.

“DOG ZONE” is stenciled on the large trash receptacles at the Dog Zone. The area of the beach is clearly marked so that tourists and other beachgoers understand the area is used by dogs.

DOG ZONE DOG-WASTE DISPOSAL BAGS

There are dog-waste disposal bag dispensers attached to each of the two smaller signs where people enter the beach. On the main sign, there are two dispensers. The City is responsible for stocking the bags.

BUREAU OF ANIMAL CONTROL RESULTS

No dog bites have been reported at the Dog Zone according to Bureau of Animal Control records. During the months of June and July 2004, a total of 85 city-wide dog bites were

reported to Animal Control. During 2003, there were 507 reported dog bites in the entire City of Long Beach.

Animal Control has responded on two occasions for aggressive dog behavior (i.e., fighting) to the Dog Zone during the approximately one year that the Dog Zone has been in use. No calls for service were made to Animal Control for the months of June and July 2004 for the Dog Zone. During these two months, there were a total of 5,155 calls for service in Long Beach (Moore, 2004).

DOG ZONE VOLUNTEER SUPPORT

The Haute Dog organization publishes a weekly e-newsletter designed to inform and educate people about the Dog Zone and other events. A recent e-newsletter contains information on Long Beach laws concerning canines that included a section on the Dog Beach Zone ordinance that states the rules for usage. In a June e-newsletter, there was a short article about volunteers needed at the beach and that the Dog Zone needs volunteer ambassadors to help ensure success. Volunteers were needed to hand out brochures, answer questions and urge compliance with Dog Zone rules (Haute Dogs, 2004).

Volunteers put out the orange traffic cones surrounding the Dog Zone a few times a week. People are assigned for most days of the week. Rules flyers have been passed out to Dog Zone visitors about three times this summer on various afternoons. Dog Zone ambassadors wear their official ambassador t-shirts when they visit the Dog Zone. Ambassadors try to inform Dog Zone users about rules infractions and offer extra bags when necessary. There is no particular scheduled times/dates when ambassadors are present, but there are ambassadors at the Dog Zone nearly every day (Rudd, 2004).

Haute Dogs paid for the traffic cones and the locks and keys. On the third Saturday of each month, there is an organized cleanup of beach debris that includes the access corridor and the Dog Zone.

The City of Huntington Beach has an active volunteer support program for their dog beach coupled with rules enforcement. Volunteers hand out educational material as well as dog-waste

disposal bags. According to beach personnel, this combination has been successfully in significantly reducing the dog waste pickup problem (Baumgartner, 2004).

SUMMARY OF THE REVIEW BY BETTY OLSON, Ph.D.

A summary of the review of the analytical data by Betty Olson, Ph.D., is presented below. The complete text is attached as Appendix D.

There is no standard for beach sand and it is not possible to equate sand or soil standards with beach water quality standards. Hand to mouth activity (ingestion of sand would be the primary entry of bacteria into humans) would introduce far less than 100 grams (one stick of butter represents 113.4 g or approximately a ¼ cup). Fecal material of both birds and dogs do harbor a number of pathogens that can infect humans. Depending on the type of organism, an infective dose in a normal adult would be one hundred million organisms. Thus, it is important to enforce regulations regarding the removal of dog waste. The introduction of bird waste into beach areas is more difficult to control.

Pathogens can be excreted in gull waste, if the gulls are feeding on contaminated fecal material at landfills or wastewater plants. These birds are opportunistic feeders and have taken advantage of increased population and the associated discarded food (Gray, 2004). A number of opportunistic and frank pathogens have been associated with gull dropping such as *Aeromonas* spp. *Campylobacter* spp. *Pseudomonas aeruginosa*, *Salmonella* spp. and *Staphylococcus aureus*. Numbers of these organisms per gram ranged from 1 million to 10 million (Levesque et al., 2000).

A number of pathogens can be transmitted to humans via ingestion of fecal material from dogs. These include bacterial pathogens, parasitic round worms and protozoans. Also disease is spread through fecal contamination from humans. Although not a major source on beaches, children in diapers and the lack of proper disposal of those diapers can be another source of fecal pollution on bathing beaches.

Comparing first round sampling (Monday, July 26, 2004) with second round sampling (Friday, August 6, 2004), the impact of human activity on the beach appears likely as numbers in both the Dog Zone and restricted areas in the intertidal zone show increases in counts. The zone of the

September 13, 2004
Mr. G. Hall/City of Long Beach
Page 15

beach below the mean high tide zone or that area in which the sand is moist has the highest counts. Numbers of enterococci decrease between the Monday sampling and the later Friday sampling at both the Dog Zone B and the area where dog activity is restricted.

Approximately 28% of the Dog Zone fecal coliform samples were above the detection limit and 100% of those samples were collected from the intertidal zone (Dog Zone B). The restricted use area also had 28% fecal coliform positive samples (greater than or equal to an MPN of 20), indicating the similarity between both locations.

Reviewing the data at the second sampling event, 14% of the samples in the intertidal Dog Zone B were above the detection limit, while 28% in the restricted zone had positive detections for fecal coliforms.

The enterococci data for the first sampling event show that all but one sample were above the detection limits for Dog Zone B and restricted area. The first sampling event showed that slightly less than 50% of the samples in Dog Zone A had nondetects (less than 20 MPN/g), while all of Dog Zone B samples and the restricted area samples had positive results. Based on this data set, the Dog Zone appears to be no better or worse than the restricted zone (other areas of the beach). The reason may be the impact of birds on the shoreline.

Fecal coliforms are low in most samples taken in this study as would be expected because this group of microorganisms dies off far more rapidly than do other genera of fecal indicators such as *Enterococcus* and *Clostridium* spp. The one sample where fecal and total coliforms are equal suggest a fecal sample, that could perhaps be of bird origin (based on >16,000 enterococci per gram of sand). For example, at 20°C (68°F) fecal streptococci have been reduced by 70 % after 8 days, while fecal coliforms have been reduced by 99 % after 8 days. While sand in the dry zone may add to desiccation of organisms and faster die off, in the wetter zones (inter tidal sand) moisture is present and sand particles may block UV light resulting in prolonged bacterial survival.

CONCLUSIONS

1. Shoreline water samples analyzed for indicator bacteria suggest that the Dog Zone has not adversely impacted water quality at the beach.
2. Based on lifeguard observations during June and July, the most frequently observed rule infraction was for dogs outside the Dog Zone or access corridor and for more than one dog per adult. No dog incidents were reported to be associated with these infractions.
3. Lifeguards observed 276 failures to pick up after or dispose of dog waste during June and July. These failures of individuals, although resulting in an increase in the fecal matter, did not appear to cause a significant difference in the quality of the beach between the Dog Zone and the other areas of the beach based on this study.
4. The beach maintenance crew regularly cleans the beach within and adjacent to the Dog Zone and some fecal matter, if present, can be removed or diluted during these daily operations.
5. Signage is posted to inform dog owners and others that this is an area where dogs are allowed. Dog-waste disposal bags are provided at the entry to the access corridor.
6. Based on Animal Control records, there has been no dog bite incidents reported at the Dog Zone.
7. There is a volunteer organization that supports educational and assistance activities for the Dog Zone. Their active support helps in maintaining beach quality in the Dog Zone through promotion of various activities.
8. Based on the analytical results of this study, the Dog Zone may be no better or worse than other areas of the beach.
9. Depending on the type of organism, an infective dose in a normal adult would be approximately one hundred million organisms. Depending on the percentage of infective organisms among approximately 23 million fecal coliform present in one gram of dog feces,

a normal adult would, in an unlikely event, have to ingest more than 4 grams of fecal matter to obtain a potentially infective dose.

10. Fecal coliforms are low in most samples taken in this study as would be expected because this group of microorganisms dies off far more rapidly than do other fecal indicators such as *Enterococcus*.
11. The data suggests no direct correlation between fecal coliform concentrations and dog use within the Dog Zone when compared to other areas of the beach where dog usage is restricted.
12. The major source of pollution appears to be the activity associated with humans, whether from dogs accompanying owners or birds attracted by food that is brought to the beach by the users. The high levels of enterococci contamination occurring in the Monday sampling date suggest this hypothesis, but do not establish the source of pollution.

RECOMMENDATIONS

- It is recommended to increase bag stations in the Dog Zone. Additional dog-waste disposal bag dispensers can be placed within the Dog Zone. Dog waste can be controlled through extensive educational activities, as well as placing dog-waste disposal bags, in walking areas. Bag stations will help maintain a clean environment and help the dog owners to obey the law. They will serve as a reminder to pick up after their pets.
- Increase the level of volunteer participation and enforcement of existing laws at the Dog Zone.
- Increase signage in the Dog Zone. Since the Dog Zone cannot be fully enclosed by fencing, the placement of additional poles on the west and east side would further delineate the outside boundaries. Additional marking of the access corridor may help keep dog owners within the boundaries.

September 13, 2004
Mr. G. Hall/City of Long Beach
Page 18

CLOSURE

Tetra Tech's professional services have been performed using that degree of care and skill ordinarily exercised under similar circumstances by other scientists practicing in this field. No other warranty, express or implied, is made as to the professional advice in this report. If you have any questions, please call Tony Marino at (562) 495-0495.

Sincerely,
TETRA TECH, INC.

Anthony Marino
Project Manager

Attachments:

- Table 1 – Analytical Results of Sand Samples Collected during the First Round of the Dog Zone Assessment
- Table 2 – Analytical Results of Sand Samples Collected during the Second Round of the Dog Zone Assessment
- Table 3 – Geometric Mean Values Based on the Analytical Results of the Dog Zone Assessment

- Chart 1 – Geometric Mean Values for Enterococcus
- Chart 2 – Geometric Mean Values for Fecal Coliforms
- Chart 3 – Geometric Mean Values for Total Coliforms
- Chart 4 – Geometric Mean Values for Ammonia as Nitrogen
- Chart 5 – Geometric Mean Values for Nitrate as Nitrogen

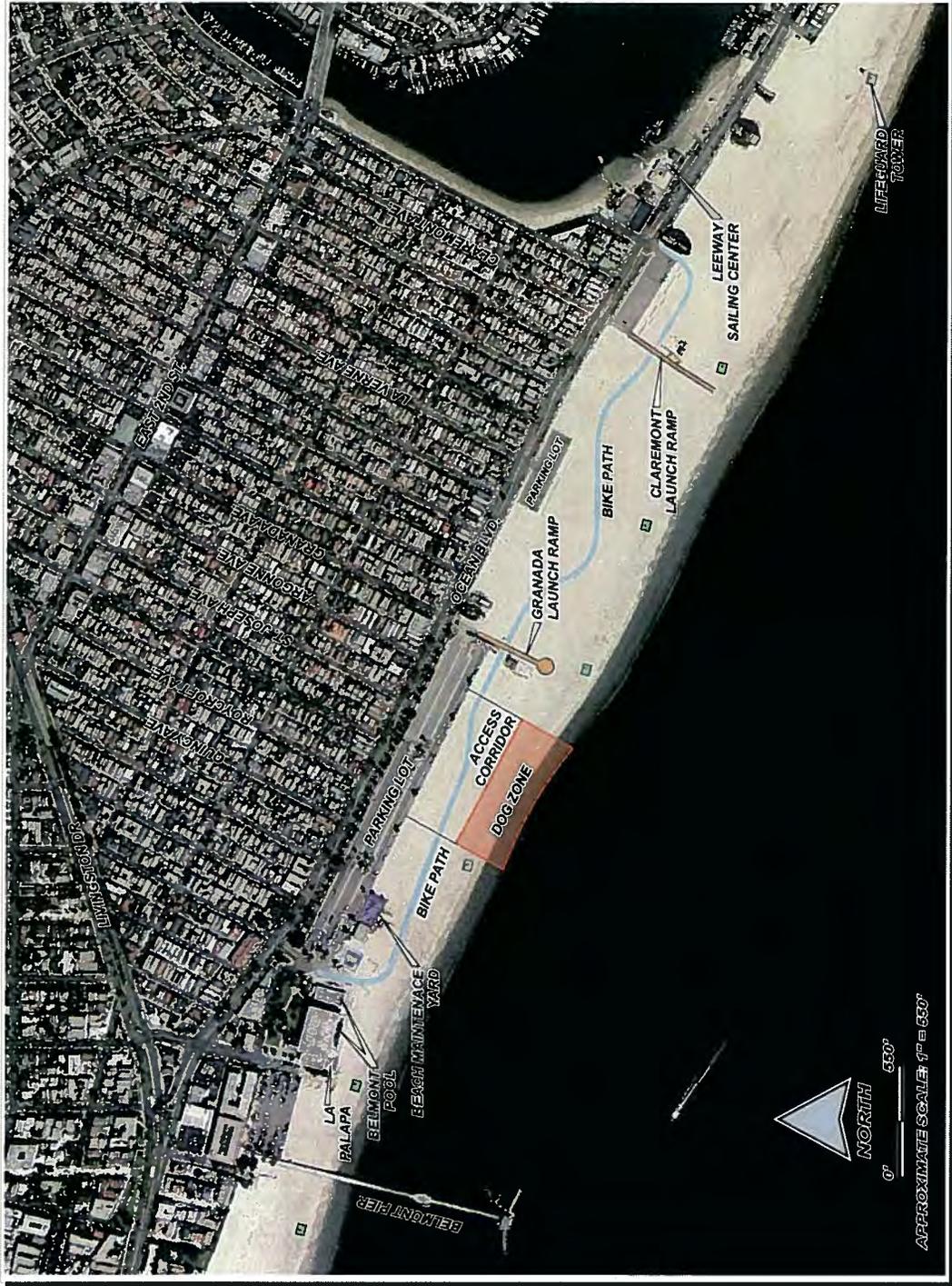
- Figure 1 – Site Location Map
- Figure 2 – Dog Zone Sampling Grids Showing the Analytical Results

- Appendix A – Laboratory Reports and Chain-of-Custody Documents
- Appendix B – Long Beach Department of Health and Human Services - Water Quality Data for the Dog Zone Beach
- Appendix C – Dog Zone Monthly Totals – Lifeguard Records
- Appendix D – Review of Results of a Limited Assessment of the Dog Zone, Belmont Shore Beach, Long Beach, California by Betty Olson, Ph.D., FAAM

REFERENCES

- ATSDR (Agency for Toxic Substances and Disease Registry), 1990, U.S. Department of Health and Human Services, Public Health Service: Public Health Statement
- ATSDR (Agency for Toxic Substances and Disease Registry), 2002, U.S. Department of Health and Human Services, Public Health Service: September 2002.
- ATSDR (Agency for Toxic Substances and Disease Registry), 2004, U.S. Department of Health and Human Services, Public Health Service: www.atdr.cdc.gov/HEC/CSEM/nitrate/exposure_pathways.html
- Bagley S T; Seidler R J; Talbot H W JR; Morrow J E., 1978, Isolation of Klebsiellae from within living wood. Applied & Environmental Microbiology. 36(1).. 178-185.
- Baumgartner, M., 2004, Lieutenant, City of Huntington Beach, Beach Division, personal communication to A. Marino.
- City of Long Beach, 2004, Water Quality Program: www.longbeach.gov/health/organization/eh/water/water_samples.asp.
- Department of Health and Human Services, 2004, City of Long Beach; Cross Connection/Water Program: records on file.
- Gray, N. F., 2004, Biology of Wastewater Treatment. Series on Environmental Science and Management. Vol. 4. Second edition. Imperial College Press. London, England.
- Haute Dogs, 2004, E-Newsletters dated June 10 and August 19, located at hatedogs.org.
- Heal the Bay, 2004, Information obtained from website: www.healthebay.org/brc/gradehistory.
- Moore, Wesley, 2004, City of Long Beach, Acting Manager, Department of Health and Human Services, Bureau of Animal Control, personal communication to A. Marino.
- NPI (National Pollutant Inventory Substance Profile), 2004, www.npi.gov.au/database/substance-info/profiles.
- Olson, B.H., 2003, Microbial Source Identification for the Watsonville Slough Locations during Dry and Wet Flow Periods.
- Rudd, Justin, 2004, e-mail communication to Anthony Marino, September 4.

FIGURES



DATE September 28, 2004
 SCALE As Shown
 PROJECT # 14819-05

TETRA TECH, INC.
 401 East Ocean Boulevard
 Long Beach, California



FIGURE 1
SITE LOCATION MAP

CITY OF LONG BEACH
 Department of Parks
 Recreation & Marine

PROGRAM MANAGER F.P.
 PREPARED BY M.A.R.
 PROJECT MANAGER A.M.

TABLES

LONG BEACH DEPARTMENT OF HEALTH AND HUMAN SERVICES -
WATER QUALITY DATA FOR THE DOG ZONE BEACH

SAMPLE DATE	FECAL COLIFORM	TOTAL COLIFORM	ENTEROCOCCUS
08/11/03	460	2,400	
08/12/03	4,750	6,131	
08/13/03	93	754	
08/19/03	175	571	75
08/25/03	67	156	<10
09/02/03	3,396	12,997	42
09/04/03	39	156	N/A
09/08/03	202	474	42
09/15/03	96	496	<10
09/22/03	13	41	10
09/30/03	<13	145	<10
10/06/03	<13	20	<10
10/13/03	53	109	10
10/20/03	<13	41	<10
10/27/03	154	435	10
11/03/03	655	>24,192	64
11/10/03	232	4,611	20
11/17/03	26	1,134	20
11/24/03	643	1,333	238
11/25/03	53	749	111
12/01/03	13	216	<10
12/22/03	96	317	306
12/29/03	<13	63	<10
01/05/04	13	86	<10
01/12/04	67	74	31
01/20/04	141	292	64
01/27/04	26	74	<10
02/02/04	9,451	8,164	504
02/09/04	<13	<10	10
02/17/04	40	41	10
03/01/04	26	627	<10
03/08/04	53	228	10
03/15/04	26	135	75
03/22/04	126	275	<10
03/29/04	10	41	<10
04/05/04	197	3,873	31
04/12/04	20	393	20
04/19/04	10	146	<10
04/26/04	10	20	<10
05/03/04	<10	20	<10
05/11/04	<10	86	<10
05/17/04	86	1,296	31
05/25/04	<10	10	<10
06/01/04	98	960	10

SAMPLE DATE	FECAL COLIFORM	TOTAL COLIFORM	ENTEROCOCCUS
06/07/04	10	1,119	10
06/14/04	86	1,086	<10
06/21/04	<10	98	<10
06/28/04	10	246	<10
07/06/04	10	6,131	<10
07/12/04	31	455	10
07/20/04	31	41	<10
07/26/04	86	135	99
08/02/04	175	448	20
08/09/04	10	20	20

Analytical results reported as most probable number per 100 milliliters
N/A - Not analyzed

State Standards (AB411)

Total Coliform - 10,000 per 100 ml, if Fecal/Total is >0.1; 10,000 per 100ml if Fecal/Total is <0.1

Fecal Coliform - 400 per 100ml

Enterococcus - 104 per 100ml

TABLE 1. ANALYTICAL RESULTS OF SAND SAMPLES COLLECTED DURING THE FIRST ROUND SAMPLING FOR THE DOG ZONE ASSESSMENT

SAMPLE IDENTIFICATION	SAMPLE DATE	ENTEROCOCCUS	FECAL COLIFORMS	TOTAL COLIFORMS	AMMONIA AS N	NITRATE AS N	LABORATORY REPORT NUMBER
		METHOD SM 9230B (MPN/g)	METHOD SM 9221E (MPN/g)	METHOD SM 9221B (MPN/g)	METHOD EPA 350.1 (mg/kg)	METHOD EPA 353.3 (mg/kg)	
DOG ZONE							
DZ1-A1	7/26/2004	<20	<20	<20	2.90	125	0407289
DZ1-A2	7/26/2004	<20	<20	<20	3.40	110	0407289
DZ1-A3	7/26/2004	<20	<20	<20	2.70	75	0407289
DZ1-A4	7/26/2004	<20	<20	<20	3.60	95	0407289
DZ1-A5	7/26/2004	240	<20	<20	2.20	105	0407289
DZ1-A6	7/26/2004	240	<20	<20	1.70	65	0407289
DZ1-A7	7/26/2004	>16,000	<20	<20	1.40	45	0407289
DZ1-B1	7/26/2004	>16,000	<20	<20	4.80	190	0407289
DZ1-B2	7/26/2004	120	<20	<20	1.60	40	0407289
DZ1-B3	7/26/2004	>16,000	<20	<20	2.40	60	0407289
DZ1-B4	7/26/2004	230	81	810	2.80	50	0407289
DZ1-B5	7/26/2004	>16,000	26	26	2.90	65	0407289
DZ1-B6	7/26/2004	>16,000	81	230	2.30	50	0407289
DZ1-B7	7/26/2004	>16,000	2,400	2,400	4.30	160	0407289
DOG ZONE ACCESS CORRIDOR							
DZ1-PL	7/26/2004	81	<20	<20	4.00	1.40	0407289
DZ1-BP	7/26/2004	>16,000	<20	<20	4.70	155	0407289
OTHER AREAS OF BELMONT SHORE BEACH							
DZ1-BMY	7/26/2004	>16,000	20	40	2.50	60.0	0407289
DZ1-BMP	7/26/2004	>16,000	<20	<20	2.40	60.0	0407289
DZ1-LAP	7/26/2004	>16,000	<20	41	2.90	75.0	0407289
DZ1-PIER	7/26/2004	>16,000	40	81	3.30	95.0	0407289
DZ1-GLR	7/26/2004	>16,000	<20	<20	2.90	85.0	0407289
DZ1-BLU	7/26/2004	>16,000	<20	<20	2.00	65.0	0407289
DZ1-CLR	7/26/2004	>16,000	<20	<20	2.70	80.0	0407289
DZ1-LGT	7/26/2004	>16,000	140	270	2.40	60.0	0407289

NOTES:

MPN/g - Most probable number per gram
 SM - Standard method

mg/kg - Milligrams per kilogram
 EPA - Environmental Protection Agency

N - Nitrogen
 < - Less than
 > - Greater than

TABLE 2. ANALYTICAL RESULTS OF SAND SAMPLES COLLECTED DURING THE SECOND ROUND SAMPLING FOR THE DOG ZONE ASSESSMENT

SAMPLE IDENTIFICATION	SAMPLE DATE	ENTEROCOCCUS	FECAL COLIFORMS	TOTAL COLIFORMS	AMMONIA AS N	NITRATE AS N	LABORATORY REPORT NUMBER
		METHOD SM 9230B (MPN/g)	METHOD SM 9221E (MPN/g)	METHOD SM 9221B (MPN/g)	METHOD EPA 350.1 (mg/kg)	METHOD EPA 353.3 (mg/kg)	
DOG ZONE							
DZ2-A1	8/6/2004	40	<20	<20	3.20	85	0408114
DZ2-A2	8/6/2004	70	<20	<20	4.00	90	0408114
DZ2-A3	8/6/2004	70	<20	<20	3.60	100	0408114
DZ2-A4	8/6/2004	140	<20	<20	3.20	120	0408114
DZ2-A5	8/6/2004	900	<20	<20	5.00	155	0408114
DZ2-A6	8/6/2004	80	<20	<20	ND	80	0408114
DZ2-A7	8/6/2004	1,700	<20	<20	3.80	150	0408114
DZ2-B1	8/6/2004	20	<20	<20	2.80	140	0408114
DZ2-B2	8/6/2004	110	<20	<20	3.00	115	0408114
DZ2-B3	8/6/2004	270	230	230	2.80	125	0408114
DZ2-B4	8/6/2004	30	<20	<20	2.60	190	0408114
DZ2-B5	8/6/2004	40	<20	<20	3.00	100	0408114
DZ2-B6	8/6/2004	30	<20	<20	ND	80	0408114
DZ2-B7	8/6/2004	>16,000	<20	<20	5.40	95	0408114
DOG ZONE ACCESS CORRIDOR							
DZ2-PL	8/6/2004	>16,000	<20	<20	4.20	75	0408114
DZ2-BP	8/6/2004	220	<20	<20	3.80	85	0408114
OTHER AREAS OF BELMONT SHORE BEACH							
DZ2-BMY	8/6/2004	40	<20	<20	4.20	70	0408114
DZ2-BMP	8/6/2004	60	<20	<20	3.60	75	0408114
DZ2-LAP	8/6/2004	70	<20	<20	4.00	90	0408114
DZ2-PIER	8/6/2004	40	40	80	3.00	85	0408114
DZ2-GLR	8/6/2004	170	<20	<20	5.20	110	0408114
DZ2-BLU	8/6/2004	<20	80	230	3.00	120	0408114
DZ2-CLR	8/6/2004	20	<20	<20	3.80	105	0408114
DZ2-LGT	8/6/2004	40	<20	<20	3.20	125	0408114

NOTES:

MPN/g - Most probable number per gram
SM - Standard method

mg/kg - Milligrams per kilogram
EPA - Environmental Protection Agency

N - Nitrogen
ND - Not detected above detection limit (2.0 mg/kg)

< - Less than
> - Greater than

TABLE 3. GEOMETRIC MEAN VALUES BASED ON THE ANALYTICAL RESULTS OF THE DOG ZONE ASSESSMENT

GEOMEAN	ENTEROCOCCUS		FECAL COLIFORMS		TOTAL COLIFORMS		AMMONIA AS N		NITRATE AS N	
	7/26/2004	8/6/2004	7/26/2004	8/6/2004	7/26/2004	8/6/2004	7/26/2004	8/6/2004	7/26/2004	8/6/2004
DOG ZONE	677.21	140.34	35.03	23.81	35.03	23.81	2.63	3.19	78.81	112.12
DOG "A" ZONE	105.70	165.21	20	20	20	20	2.43	3.43	84.23	107.94
DOG "B" ZONE	4,338.69	119.21	61.36	28.35	61.36	28.35	2.84	2.96	73.74	116.46
ACCESS CORRIDOR	1,138.42	1,876.17	20	20	20	20	4.34	3.99	14.73	79.84
OTHER AREAS OF BEACH	16,000	45.47	27.82	25.94	39.34	32.28	2.61	3.69	71.46	95.57

CHARTS

CHART 1
GEOMETRIC MEAN FOR ENTEROCOCCUS

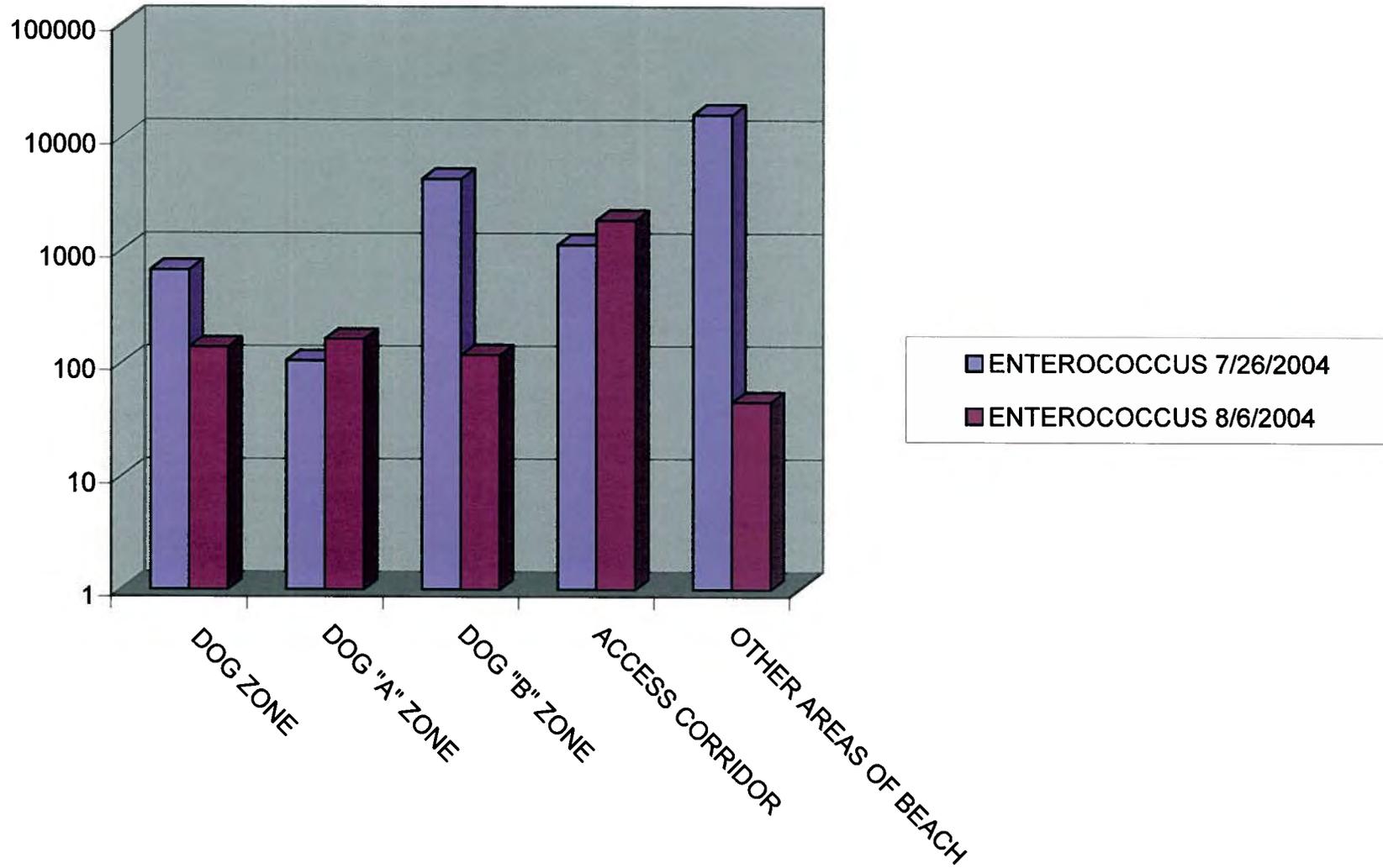


CHART 2
GEOMETRIC MEAN FOR FECAL COLIFORMS

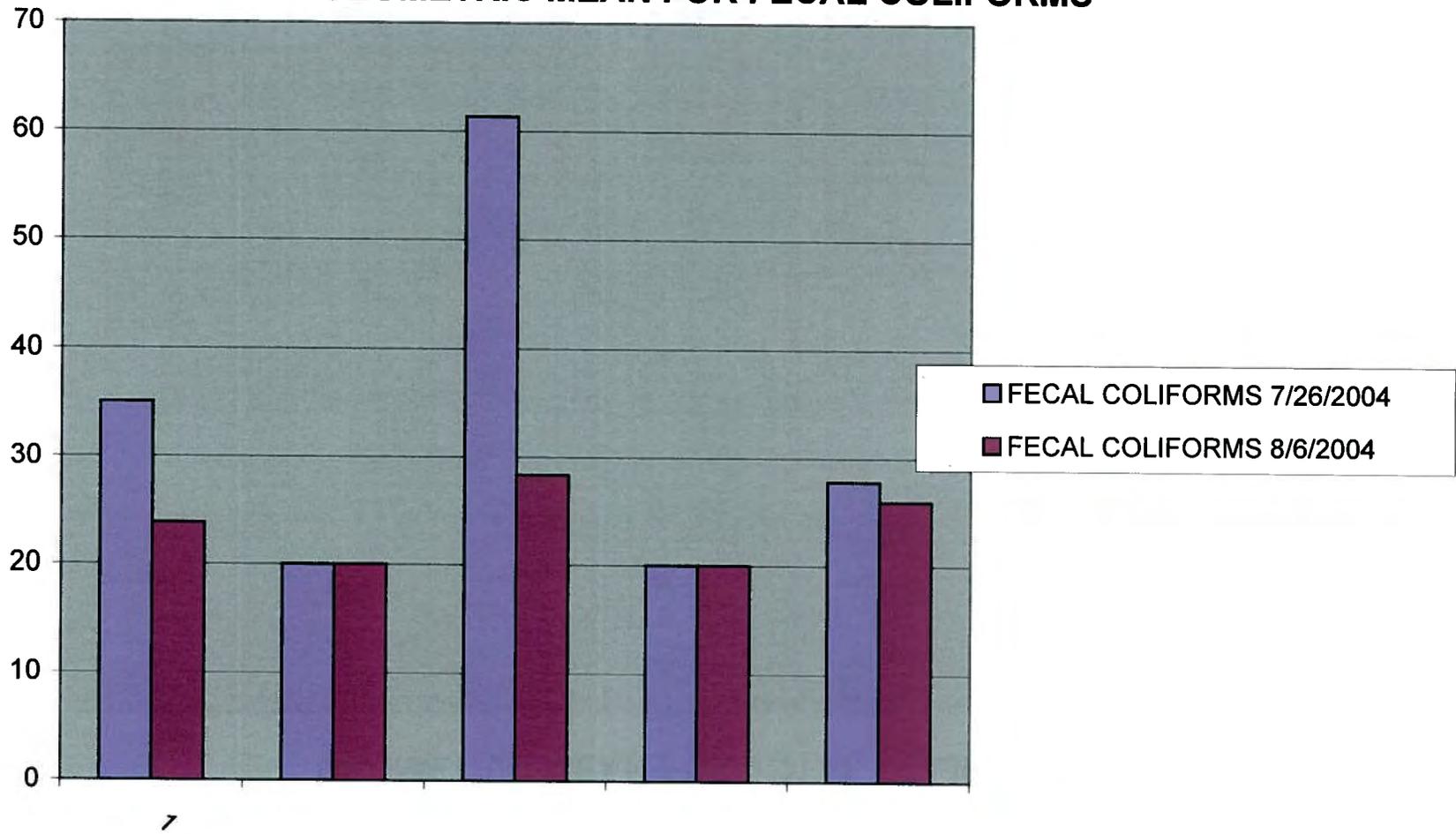


CHART 3
GEOMETRIC MEAN FOR TOTAL COLIFORMS

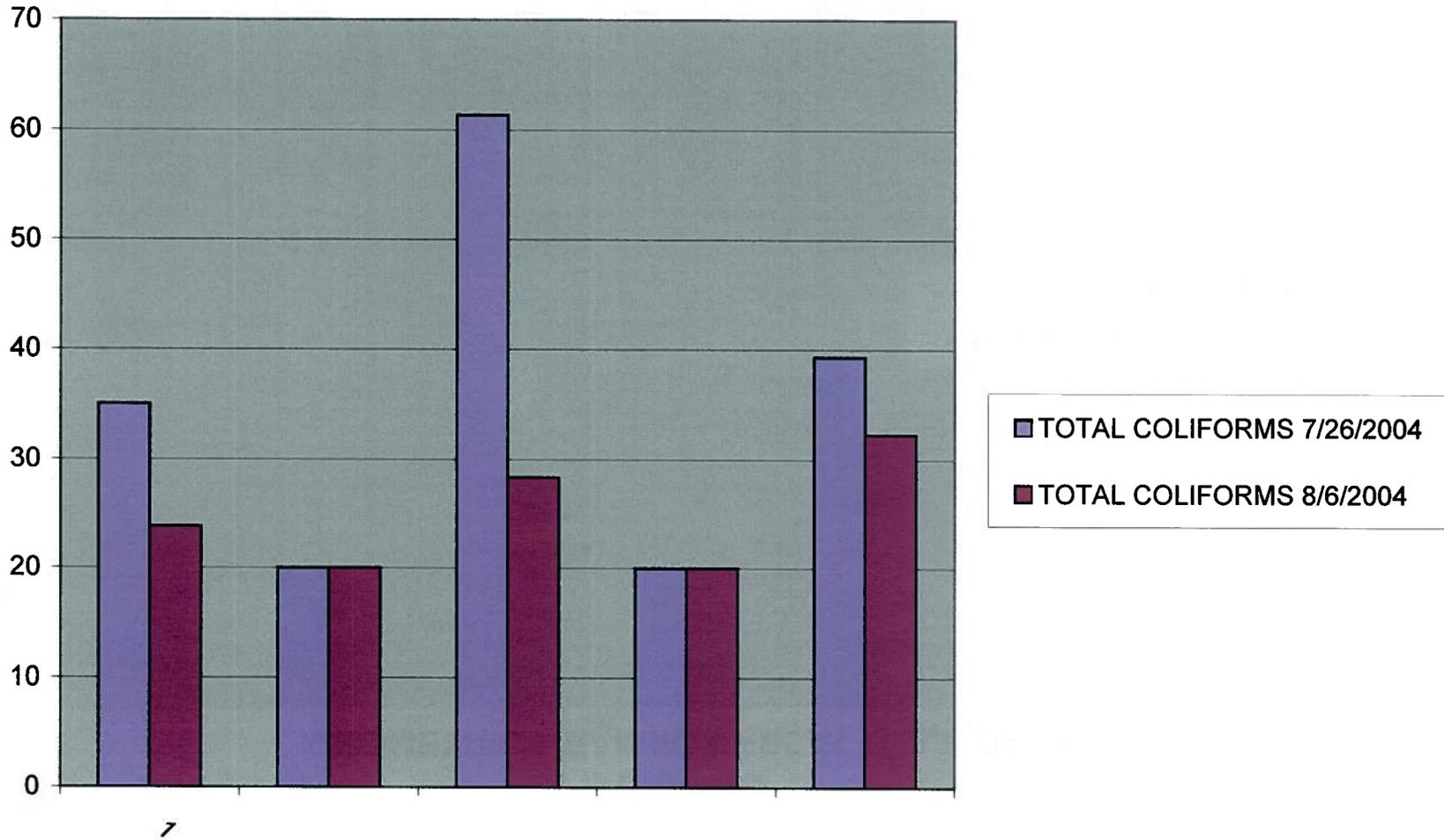


CHART 4
GEOMETRIC MEAN FOR AMMONIA AS NITROGEN

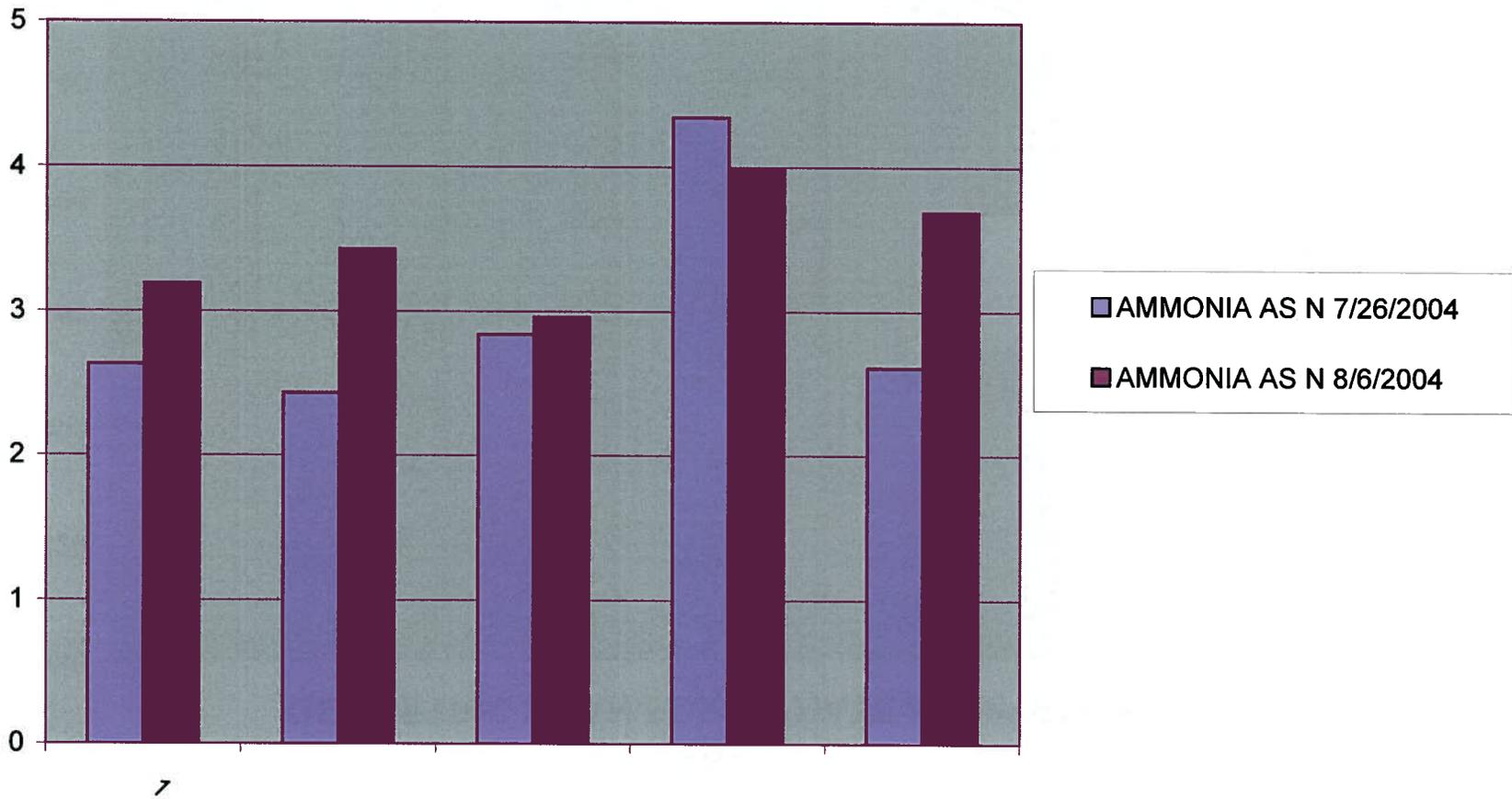
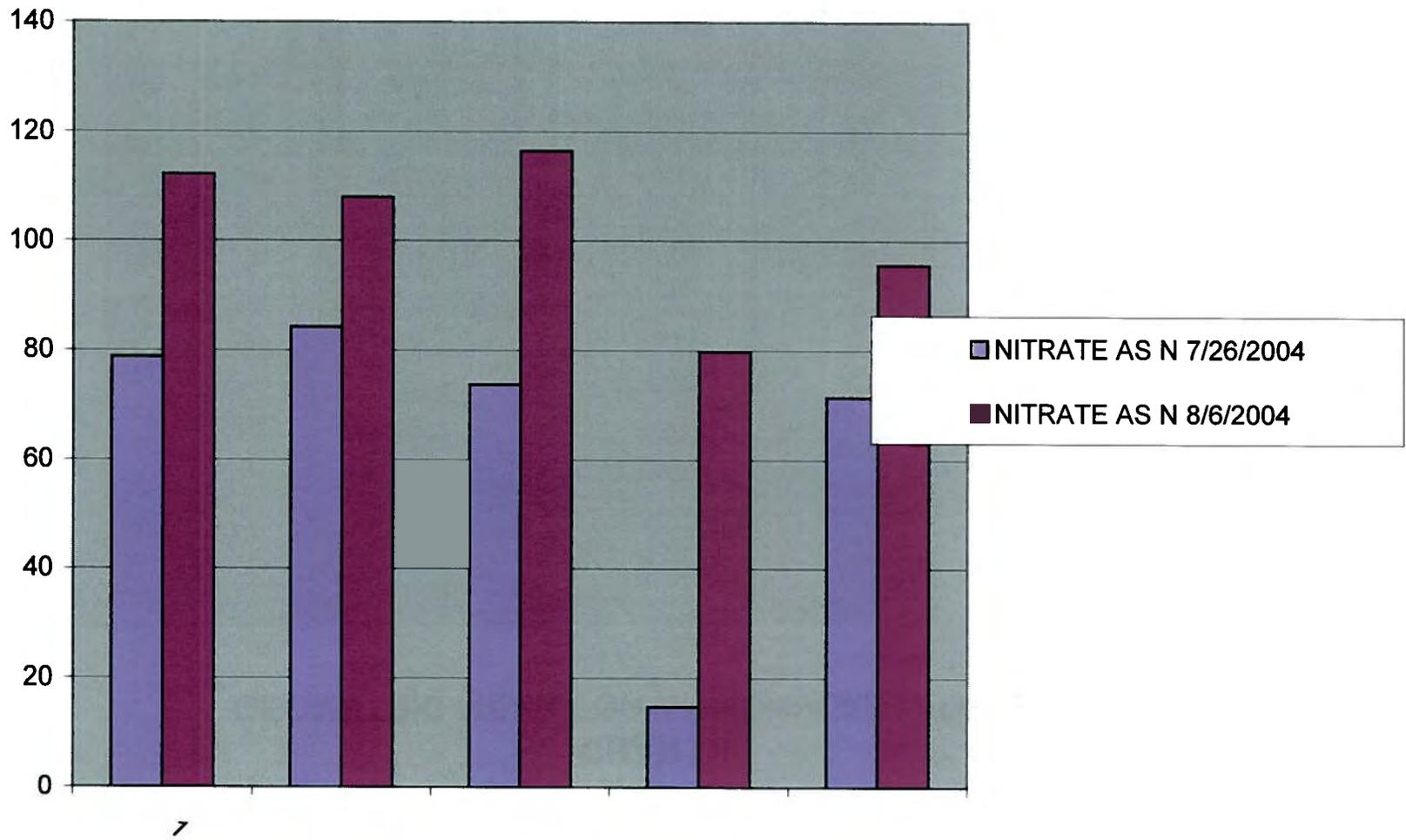


CHART 5
GEOMETRIC MEAN FOR NITRATE AS NITROGEN



APPENDIX A

LABORATORY REPORTS AND CHAIN-OF-CUSTODY DOCUMENTS

APPENDIX B

**LONG BEACH DEPARTMENT OF HEALTH AND HUMAN SERVICES - WATER
QUALITY DATA FOR THE DOG ZONE BEACH**

APPENDIX C

DOG ZONE MONTHLY TOTALS – LIFEGUARD RECORDS

DOG ZONE MONTHLY TOTALS

JUNE 2004

	TOTALS
Dog Outside of Dog Zone or Access Corridor	462
One Dog/One Adult	226
Failure to Pick Up After Dog or Dispose of Dog Waste	111
No Aggressive Dogs	24
Dogs Not Wearing Collar w/Tags	6
No Spiked Collar	0
Dog Younger than Four (4) Months	32
Dog Zone Attendance	2,370

DOG ZONE MONTHLY TOTALS

JULY 2004

	TOTALS
Dog Outside of Dog Zone or Access Corridor	961
One Dog/One Adult	217
Failure to Pick Up After Dog or Dispose of Dog Waste	165
No Aggressive Dogs	56
Dogs Not Wearing Collar w/Tags	46
No Spiked Collar	5
Dog Younger than Four (4) Months	77
Dog Zone Attendance	3,735

APPENDIX D

**REVIEW OF RESULTS OF A LIMITED ASSESSMENT OF THE DOG ZONE,
BELMONT SHORE BEACH, LONG BEACH, CALIFORNIA**

BY BETTY OLSON, Ph.D., FAAM

CITY OF IMPERIAL BEACH
COOPERATION AGREEMENT WITH IB YAPPY

THE CITY OF IMPERIAL BEACH, a California municipal corporation (CITY) and IB YAPPY a local organization, establish this COOPERATION AGREEMENT, as follows:

WHEREAS, CITY desires to provide a temporary test location for an off-leash area for dogs on the beach within the jurisdiction of the CITY, between Palm Ave. and Carnation Ave (TEST AREA);

WHEREAS, IB YAPPY is a local organization promoting off-leash areas for dogs;

WHEREAS, the establishment of the TEST AREA requires assistance of an organization to help with maintenance and to educate the public on use of the TEST AREA;

WHEREAS, this COOPERATION AGREEMENT shall become effective only if the ordinance to suspend enforcement of Imperial Beach Municipal Code sections 6.04.060 and 12.60.100 (ORDINANCE) in the TEST AREA is adopted by the CITY and becomes law, and if this COOPERATION AGREEMENT is approved by the City of Imperial Beach City Council.

NOW, THEREFORE, it is hereby mutually agreed by and between the CITY and IB YAPPY as follows:

1. Purpose and Intent. CITY does hereby agree to allow the TEST AREA which shall serve as a trial area for a maximum of 6 months to test the viability of an off-leash area. IB YAPPY acknowledges that the TEST AREA will not be implemented unless this Agreement is adopted and signed by both parties;
2. Term. The term shall be for a maximum of 6 months, beginning on the first day after the effective date of the ORDINANCE. Notwithstanding the foregoing, this COOPERATION AGREEMENT and TEST AREA may be terminated at any time by CITY in its sole discretion, with or without cause. If the City decides to make a permanent off-leash dog area for the public, IB Yappy agrees to negotiate a new cooperation agreement or an amendment to this COOPERATION AGREEMENT, if the City desires;
3. Suspension. The CITY, in its sole discretion, reserves the right to suspend the use of the TEST AREA, with or without cause. Reasons for suspension of the test by the City may include but are not limited to: maintenance, enforcement, or safety issues, and failure of IB YAPPY to comply with obligations/provisions of this Agreement;
4. Improvements. The CITY will install, construct, or provide improvements in the area necessary for the TEST AREA.
5. Obligations. IB YAPPY agrees to:
 - A. Provide volunteers to distribute information and to educate users about the TEST AREA.
 - B. Publicize the rules for the test area including general information on appropriate behavior in a dog park/beach area on IB YAPPY social media site(s) or through other means.

- C. Provide waste bag dispensers in locations agreed to by the CITY.
- D. Assist with clean-up in the TEST AREA.
- E. Provide input to the CITY on their efforts and observations during the test period.
- F. IB YAPPY shall bear its own costs related to any and all costs associated with Item 5 A. through E.

IN WITNESS WHEREOF, this AGREEMENT is executed by the CITY OF IMPERIAL BEACH,
AND by IB YAPPY.

Date: July 12, 2011.

THE CITY OF IMPERIAL BEACH,
A California Municipal Corporation
BY: _____
Name: _____
Title: _____

IB YAPPY,
BY: Shannon Johnson
Name: Shannon Johnson
Title: Committee Member

IB YAPPY,
BY: Debbie Goetz
Name: Debbie Goetz
Title: committee Member

IB YAPPY,
BY: Candy Unger
Name: Candy UNGER
Title: Committee Member

IB Yappy

Imperial Beach, California

E-Mail:

Online:

|

Date: July 12, 2011

Mayoral Office and City Council of Imperial Beach

825 Imperial Beach Blvd.

Imperial Beach, CA 91932

To: Mayor Janney and the Councilmembers of Imperial Beach:

Regarding the six-month off-leash trial being proposed for the beach area between Palm and Carnation avenues, IB Yappy would like to provide you with our support and assistance. We will be taking the following measures to promote the health, welfare, and safety of the patrons using the trial area by:

- ✓ educating the patrons about the rules of the test area, dog park etiquette, dog behavior and overall benefits of dog socialization through various means: verbal discussions, paper handouts, social media sites, etc.;
- ✓ cleaning up as-needed and organizing monthly beach cleanups;
- ✓ providing waste bag dispensers in conjunction with Ocean Blue; and
- ✓ providing input and observations to the City on the trial area.

Note: The City will not bear any additional costs related to the above items.

IB Yappy will also engage in various fundraising activities to collect donations to use towards the maintenance of the leash-free area. IB Yappy has already gained support in their endeavors from local businesses and organizations, such as: IB Pet, IB Groomin', Ocean Blue Foundation, West Coast Café.

Should the test area be chosen as a permanent location, IB Yappy would also like to suggest for your consideration, the installation of "Yappy Hours" during peak season (April through October). In order to alleviate concerns that we have heard regarding the Junior Lifeguard Program, as well as general beachgoers, we would like to suggest that dogs are only allowed off-leash from 6:00 p.m. through 9:00 a.m.

We look forward to working with you.

Sincerely,



Shannon Johnson on behalf of IB Yappy
Committee Member

c.c. Gary Brown, City Manager

Doug Clark

Subject: FW: letter from Ocean blue

From: Gene Hillger [mailto:ghillger]
Sent: Wednesday, July 06, 2011 8:42 AM
To: Doug Clark
Cc: IB Yappy
Subject: Re: letter from Ocean blue

Dear Doug,

My wife and I are Ocean Blue. We have been providing dog bags and dispensers in Imperial Beach for about 12 years. We agree to continue to do so and to work with the City to install more dispensers as needed. We are leaving tomorrow am on vacation and will be back in about a week or so.

While we accept donations we do not receive many. Debbie has agreed to let us use her list of supporters to raise additional funds.

If you would like to discuss this further please give me a call at

Regards,

Gene Hillger

On Jul 5, 2011, at 9:35 AM, IB Yappy wrote:

Hello Gene,
I am resending this in case you didn't receive the first one. The city would like us to submit the letter from Ocean Blu this week so we can get on the agenda for the July 20 meeting. Thanks your all your help.

Debbie Goelz

IB Yappy: see us on Facebook for all the latest updates and events

From: dclark@cityofib.org
To: dclark@cityofib.org; ibyappy@hotmail.com
CC: [candy](#) [shannonmtjohnson](#) [debgoelz](#)
Subject: RE: Dog Beach Meeting to Discuss MOU with IB Yappy
Date: Thu, 23 Jun 2011 17:03:55 +0000

Thanks for coming in yesterday. I have attached the revised Agreement per our discussion.

We are still trying to get this on the July 20 meeting. I would appreciate a signed copy of this Agreement as well as a letter from Ocean Blue on the "bag stations." In addition, I think it would be to your advantage if the Ocean Blue letter also explained that they have agreed to partner with you and will agree to handle donations since they are a 501(c) 3.

I also attached a copy of the article from Marin County interviewing the dog behaviorist I know - Trish King. You may find it useful.

Thanks.

BTW - I am here today and then next week my schedule is Tuesday and Wednesday.

Doug

Doug Clark
Interim Assistant City Manager
City of Imperial Beach
City Manager's Office
825 Imperial Beach Blvd.
Imperial Beach, CA 91932
Phone: (619) 423-8615 - Fax: (619) 628-1395
dclark@cityofib.org www.cityofib.com



THE CITY OF SAN DIEGO
PARK AND RECREATION DEPARTMENT

DOG BEACH

DOG EXERCISE & TRAINING LEASH-FREE AREA

ENTER AT YOUR OWN RISK

Users Of The Leash-Free Area Accept Liability For Action Of Their Dogs.

THIS IS A 24 HOUR LEASH-FREE AREA FOR DOGS

Leash-Free Area Includes All Of The Sand Spit And The Adjacent Wafer. Leash-Free Area Begins On The North Side Of Flood Control Jetty.

REGULATIONS

1. Users Must Keep Their Dogs On Leashes Going To And From The Leash-Free Area.
2. Users Must Monitor And Control Their Dogs At All Times.
3. Owners Must Clean Up After Their Dogs.
4. Aggressive Behavior By Dogs Is Not Permitted.
5. Dogs Must Have Current Licenses And Have No Contagious Disease.
6. Puppies Under 4 Months Of Age Are Not Recommended.
7. Spaying And Neutering Of Dogs Is Recommended. Dogs In Season Are Not Allowed.
8. Parents Must Closely Supervise Children. Parents Must Ask Permission From The Dog Owner For Children To Play With A Dog.
9. Excessive Barking Is Not Allowed.
10. Pet Treats Or Food Are Not Allowed, Except As Part Of A Special Event Which Has A Park Use Permit.

 **VIOLATIONS OF THE REGULATIONS MAY RESULT IN REVOCATION OF THE LEASH-FREE AREA DESIGNATION AND/OR PROSECUTION UNDER APPLICABLE LAW**

Wellcome To
DOG PERMITTED BEACH
 City & County codes require dogs to be leashed

PLEASE HELP KEEP IT CLEAN

YOU ARE RESPONSIBLE FOR YOUR PET!

- PLEASE SUPERVISE AND CLEAN UP AFTER YOUR PET...
- USE THE PLASTIC BAGS PROVIDED AND PLACE IN TRASH BARREL

Read the Rules of the Beach for Dogs
 at the public restroom or office at 11th and 1st streets
 Huntington Beach, CA
 Ask the Beach Guard for Details

**NO SMOKING
 ON
 BEACH & PIER**

CITY OF HUNTINGTON BEACH

CAUTION PRECAUCION

SWIM NEAR LIFEGUARDS
SEWAGE DE HAZARDO

- RIPCURRENTS
- SHORE HOLES
- UNDERWATER DEBRIS
- SAND BARS
- ROCKS
- PIEN

NADEM CERCA DEL SALVAVIDAS
CUIDADO CON LOS SIGUIENTES PELIGROS

- CORRIENTES MARINALS
- HUECOS EN LA ORILLA
- DEBRIS DEBAJO DEL AGUA
- BARRAS DE ARENA
- ROCAS
- MULLIT

BEACH REGULATIONS

WINE ARE PROHIBITED
MUST BE IN A COOL BAG ONLY

- 12.08.000 1200' BEVERAGES
- 12.08.100 8" JOYING DURING BLACKBALL
- 12.08.100 1000' ADULT BEACH GAMES & PRACTICES
- 12.08.200 1.000' PARKING LOT CORREW: 12:01 AM TO 1:00 AM
- 12.08.200 200' 10 VEHICLES WITHOUT PERMIT
- 12.08.300 30' CONTAINERS IN BEACH

**IMPERIAL BEACH CITIZENS
AGAINST UNLEASHED ANIMALS ON THE BEACH**

RECEIVED

2011 JUL 12 P 2:39

We the undersigned, all citizens of the City of Imperial Beach, are against any ordinance, temporary or permanent, that would allow the use of our beaches by unleashed animals. The proposal to create an ordinance for **“temporarily suspending the enforcement of Imperial Beach Municipal Code sections 6.04.060 and 12.60.100 in the beach area between Palm Avenue and Carnation Avenue”** conflicts with our historic use of this area for personal recreation without the fear of molestation or attack by uncontrolled animals. Current ordinance(s) provide access to animals while providing for the safety of beach users. A change of this nature is unreasonable and we do not support its enactment. **We implore the City Council to reject any proposal that would allow unleashed animals to mix in public areas.**

NAME	ADDRESS	PHONE #	COMMENTS
KIMBALL DODDS			PROP. OWNER / PARENT
VERNE DODDS			BEACH USER / OWNER
B. Lynn Dodds			
Joe Warner			Beach user
La Roy Wright			
Jeff Williams			Beach Walker / Owner
Aimee Williams			Beach user / Present on beach
Terry Johnson			BEACH USER / BITTEN BY DOG
GREG JOHNSON			responsible dog owner - between jetties
L. Joy Knox			BEACH USER - XAGGON
James Knox			
CARL ELLIS			
JULIE ELLIS			
The rest of Row 5 Hoet			dog chased (m)
Ken McCawhrie			
Marilyn McCawhrie			
sundee holt			I own 3 dogs - on leashes -
Juanita F. Dodds			beer
Lucy M...			DESTROYS A
Teresa...			tranquil Beach
Jan Nicoloff			by
Ignacio Martinez Jr			dog
IGNACIO MARTINEZ SR.			I was bit as a child
SHEILA MARTINEZ			PLEASE KEEP DOGS ON LEASH
CAROLINA MARTINEZ			KEEP OUR BEACHES SAFE
Rebecca Keane			
Ken Keane			DOG OWNER
Sarah Clark			

IMPERIAL BEACH CITIZENS AGAINST UNLEASHED ANIMALS ON THE BEACH

We the undersigned, all citizens of the City of Imperial Beach, are against any ordinance, temporary or permanent, that would allow the use of our beaches by unleashed animals. The proposal to create an ordinance for **"temporarily suspending the enforcement of Imperial Beach Municipal Code sections 6.04.060 and 12.60.100 in the beach area between Palm Avenue and Carnation Avenue"** conflicts with our historic use of this area for personal recreation without the fear of molestation or attack by uncontrolled animals. Current ordinance(s) provide access to animals while providing for the safety of beach-users. A change of this nature is unreasonable and we do not support its enactment. **We implore the City Council to reject any proposal that would allow unleashed animals to mix in public areas.**

NAME	ADDRESS	PHONE #	COMMENTS
JOHN WARNER			prop. owner
Julie Geasland			prop. owner
Dave Geasland			prop. owner
Jada Van Houten			prop owner.
Justin Wabley			Parent
Danish Gutowski			Property owner
Peter Romanich			VISITOR
V. Ladygina			property owner
Dyudmila Ladygina			grand parents
Volodymyr Ladygin			grand parents
PETER HOLDER			BAD IDEA
Jon Muzquiz			Parent
Joe Shankes			Tax Payer
KYAN BARAJAS			MARONIC OWNERS
John Smith			Renter
Gene R. Knight III			TAX PAYER
Ma [unclear]			"
JOHN BURRITT			beach goer
JIM BURRITT			TAX PAYER
Maria Humbley			mother
RAYTSCHAKET			Property owner
Patricia SHEW FELT			Property owner
PAT Shewfelt			Renter Grandma
MARV BURRITT			TAX Payer
Byron Shawman			resident
Kujino Kuller			Iron Chef
MIKE THEIM			prop. owner
Patricia Sheln	"	"	"

Gary Brown, City Manager
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

RECEIVED

2011 JUL 12 P 2:40

CITY MANAGER
CITY OF IMPERIAL BEACH

July 7, 2011

Dear Mr. Brown,

The movement in recent years to advertise the north beach area as a dog beach has had a negative impact on residents in adjacent neighborhoods. In spite of promises made that animal waste would not be a problem the reality contradicts such intentions. I have observed the proper actions of many responsible dog owners, however, there are many indifferent owners who choose to leave their animal waste behind. The situation impacts the beach, beach access points, and the neighborhoods leading to the beach. My initial feeling concerning the use of the beach by dog owners had been to give them a chance to be responsible community members. However, after several years of observation, reality and the number of new animals attracted to the area has demonstrated a measurable negative impact. Please consider this when reviewing new legislation.

Respectfully yours,



Kimball Dodds

Imperial Beach, CA 91932



Cc:

Mayor Jim Janney
Council Member Lorie Bragg
Council Member Brian P. Bilbray
Council Member Edward J. Spriggs
Council Member Jim King

Gary Brown, City Manager
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

RECEIVED
2011 JUL 12 P 2:40

Dear Mr. Brown,

CITY OF IMPERIAL BEACH
CITY CENTER

July 7, 2011

The idea of creating an off-leash dog area on our local beach conflicts with its traditional use. The introduction of unleashed animals creates a hostile environment unsuitable for the area and in opposition to its historic use as a public recreation area. Used by many local families over the years it provides a perfect area to introduce children to the ocean. With the introduction of the jetties in the 1950's a solid obstacle was created that disrupts the seasonal summer current that flows up the beach from south to north. On the lee side of both jetties seasonal sand is deposited creating a sandbar with an even bottom, while the current is forced outside and around this area. This creates an environment that is not duplicated anywhere else on the beach providing a much safer area for children and non-swimmers to enjoy the water. For many years local surfers and lifeguards have directed family and friends to this area for fun and safety. It is the primary reason current Imperial Beach Junior Lifeguards stage in this area for training, and the reason Camp Surf was located where it is. As the beaches have become more popular crowds have discovered this great little secret and swelled the numbers using it.

Years ago beach visitors did not create the impact they do today. Joggers and beach wanderers enjoyed the isolation north of Palm Ave, but today thousands of people are attracted to the area annually. Including the groups listed above residents throughout the South Bay are now using what we have always know it to be, a pristine beach that is relatively safe. As the population increases, demand for usable beach area has also increased. The time for open dog areas on our beaches passed long ago requiring that we now move beyond those days and plan for today.

I suggest that instead of opening the area to unleashed animals, which brings on many liabilities, we make the most of our beaches and officially designate the area between Palm Avenue and Carnation Avenue "Children's Beach", and in doing so promote a proactive ocean safety environment. Without a designation we will still use the area for our children and hope that City Officials reject any notion of giving it to the dogs.

Respectfully yours,

Kimball Dodds



Imperial Beach, CA 91932

Cc: Mayor Jim Janney, Council Member Lorie Bragg, Council Member Brian P. Bilbray,
Council Member Edward J. Spriggs, Council Member Jim King



Gary Brown, City Manager
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932

RECEIVED

2011 JUL 12 11:59 AM July 7, 2011

Dear Mr. Brown,

Please find attached a review of deaths caused by dogs. This list was found on Dogbitelaw.com , Dangerous & Vicious Dogs and includes a list of Canine homicides dating from July 2006 to present.

Respectfully yours,

Kimball Dodds

Imperial Beach, CA 91932

Dogbitelaw.com

Topic: Dangerous & vicious dogs

Canine homicides: July 2006 to present

The term "canine homicide" refers to the death of a person which is caused by a dog. There are many caveats when considering reports of fatal dog attacks. Dr. Richard Polsky's website entitled Fatal Dog Attacks in the United States contains a disclaimer that applies to not only his site, but Dog Bite Law and any other publication, book, list or other report pertaining to canine homicides. Dr. Polsky points out that not all deaths involving dogs are included in these lists; that the breed of dog is frequently misstated, especially where the pit bull is concerned; and that these reports should not be used to support breed specific legislation. In Karen Delise' book, Fatal Dog Attacks, the author writes about the different methodologies that are used for reporting canine homicides. As mentioned above, in The Problem With Statistics, she reported many more dog attacks than the Centers for Disease Control during the period covered in her book. The reason is that she investigated any and all reliable accounts of these fatalities, while the CDC confined itself to published accounts which appeared in LexisNexis.

This underscores the need for more extensive and accurate investigation and reporting of dog attacks in general. This is one of the suggestions made by Attorney Kenneth Phillips in his 10-point plan for Preventing Dog Attacks. Unless we know more about dog attacks, it makes little sense to formulate specific solutions.

Beginning July 2006, this web site began summarizing, on a monthly basis, the canine homicide cases. The results are reported below. More details about these

attacks can be found on the authoritative and comprehensive web site of DogsBite.org, in the section on bite statistics.

July 2006: The month of July saw three human deaths, all by pit bulls. Two deaths were in one-bite states.

On July 27th, 71-year-old Ms. Jimmie May McConnell was in her yard in Kansas City, Kan., when a pit bull jumped over her fence and killed her.

Earlier in the month, 3-year-old Mariah Puga of Hargill, Texas, was killed by her parents pit bulls.

John Brannaman, 81, died of a heart attack at Orlando, Florida, on July 31st after he was mauled by two pit bulls in front of his home when he tried to retrieve garbage cans from the road.

August 2006: The month of August saw two canine homicides, both in Florida, one by a Presa Canario and the other by a boxer. On August 18th, a Presa Canario ripped the jugular vein from the neck of its owner, Shawna Willey, 30, in Tamarac, Florida. She was giving the dog a bath and it bit her a half dozen times. This is the same breed of dog that killed Diane Whipple (see below).

On August 30th, a man was killed by a boxer that was confined in a dog pen, in Miami.

September 2006: In September, no persons were killed by dogs in the USA. The UK saw a terrible coincidence, however, in which a baby was killed by Rottweiler guard dogs and then, within hours, her grandfather was stabbed and left for dead (but survived).

October 2006: There were three canine homicides in October, one by a Rottweiler and two by pit bulls. Two deaths were in one-bite states.

On October 3, 2006, 2-year-old Julius Graham of Greene County, North Carolina, was killed by a Rottweiler.

On October 8, 2006, 44-year-old Jeannine Fusco was killed in Ramapo, NY, by a pit bull that she was taking care of for a friend.

On October 28, 2006, 40-year-old Tim McCurry of Montgomery County, TX, was killed by a pit bull that he was considering buying for home protection.

November 2006: November broke the monthly record for canine homicides: there were 7. Three were in one-bite states.

On November 3, two-year-old Ariel Pogue of Tallapoosa County, Alabama, was mauled to death outside her home by one of her parents' three Rottweilers, in the presence of her mother.

Also on November 3, 10-year-old Matthew Davis of Dillon, South Carolina was killed by six dogs that attacked him outside a rural home.

On November 4, one-year-old Allen L. Young died after he was mauled at home by his dad's four pit bulls, which took the boy from his bed at night.

On November 6, two-year-old Luis Fernando Romero Jr. was killed after being mauled by two Rottweilers at his home near Tucson, Arizona.

On November 8, a pit bull was found eating the body of Richard Adams, in Phenix City, Alabama, after it killed him.

On November 13, two Rottweilers killed 40-year-old James L. Eisaman of Summit County, Ohio.

On November 21, two dogs killed 4-year-old Pedro Rios in east Harris County, Texas, as he was playing outside his house.

December 2006: There were no canine homicides in the USA in December 2006.

2007 Overview

In 2007, the USA had 33 fatal dog attacks on people. This was the first full year in which details were published by Dog Bite Law (www.dogbitelaw.com). The home page of Dog Bite Law contains an analysis of the 2007 statistics, especially as they relate to the one bite rule. The month-by-month summary is as follows:

January 2007: There were 4 canine homicides in the USA in January 2007. All were in one-bite states.

In San Antonio, TX, 10-year-old Amber Jones was fatally attacked by a neighbor's pit bull on January 12, 2007. She previously had played with the dog. In St. Louis, MO (Missouri), on January 15, 2007, Linda Mittino, 69, was killed by her son's dog, a 7-year-old German shepherd. The same dog had attacked her the previous November, requiring her to submit to three hours of plastic surgery.

She resisted having the dog punished for the earlier attack upon her. This time, it killed her.

In Richmond, VA, 6-year-old Matthew Logan Johnson was mauled to death on January 24, 2007, by two of seven Rottweilers owned by his parents.

The dogs that killed the boy were newly adopted only days before.

In Brewton, Alabama, on January 29, 2007, 18-month-old Taylor Kitlica was killed on her front lawn by a Rottweiler that her parents had found and chained there, hoping that its owner would retrieve it.

February 2007: There was one canine homicide in the USA in February 2007. It happened in Georgia, a state that has repudiated the one-bite rule under only the most narrow circumstances. In Atlanta, Georgia, 2-year-old Robynn Bradley was mauled to death on February 16, 2007 by a pit bull mix and mastiff mix that had escaped from their pen.

March 2007: Two people were killed by dogs in the USA in March 2007, and both were in Texas, a one-bite state. On March 16, a 50-year-old woman from Friendswood, Texas, was found dead in her backyard, the victim of her own dog or dogs, of which there were three.

On March 23, a two-year-old Dallas-area girl was fatally mauled by her parents' dog at their mobile home.

April 2007: There was one canine homicide in the USA in April 2007. In Charleston, South Carolina, 2-year-old Brian Palmer was mauled to death by the family pit bull. The boy had been left alone in the house with the dog and the boy's brothers, the oldest of whom was 16.

May 2007: In May 2007, five Americans died as a result of being attacked by dogs. Four of the deaths were in one-bite states.

On May 13th, Celestino Rangel, a 90-year-old man in San Antonio, Texas, was killed by two pit bulls that had broken into his home and attacked him.

On May 17th, in Memphis, Tennessee, 59-year-old James Chapple, Jr., whose brutal injuries and hospital-bed testimony helped to repeal the "one bite rule" in that state, died from complications of those injuries, which were incurred earlier

in the year and were also inflicted by pit bulls. (Tennessee will change from a one-bite state to a statutory strict liability state if the governor signs into law a bill that the legislature passed in May.)

On May 25th, in El Paso, Texas, 96-year-old Magdalena Silva was mauled to death by a Doberman Pinscher and a German Shepard as she was feeding the dogs.

On May 26th, a 3-year-old boy was mauled by dogs at Hunter Army Airfield, Georgia, and died on May 29th.

Also on May 26, 71-year-old Carshena Benjamin of Collier County, Florida, was killed by put bulls. The death was not initially attributed to dogs, however, because the criminal investigation was quietly terminated later in the year.

Florida is a statutory strict liability state.

June 2007: In June 2007, two Americans died as a result of being attacked by a dog. On June 17, 2007, a 1-year-old Chow killed its owner, Phyllis G. Carroll, 63, in Connersville, Indiana.

On June 29, 2007, Mary Diana Bernal, 62, of Dallas, Texas, was killed by a pit bull owned by her brother in law, Eliasar Macias. "My dog never had any problems. He was a real friendly dog until now," Macias said. This killing happened in Daytona Beach, Florida, and the dog was in very poor health.

July 2007: In July 2007, three Americans died as a result of being attacked by a dog. A Rottweiler, chained in its owner's unfenced front yard, killed 5-year-old Tiffany Pauley of Carroll County, GA (45 miles from Atlanta). This accident illustrates the danger of chaining, which substantially increases a dog's aggression toward humans. For more about chaining, see [Why Dogs Bite People](#).

On July 23, 2007, 11-month-old Trey Paeth of Florence, Ala., was killed in Putnam County, Tenn., by two Siberian huskies. The boy was in a screened playpen, and the dogs bit and clawed their way through it to maul him to death. His parents were in another room and did not hear anything. The dogs later were destroyed.

On July 29, 2007, a 6-month-old pit bull in Bath, New York, killed 6-year-old Sabin Jones-Abbott of Steuben County, New York. The boy had been feeding the dog minutes before the attack.

August 2007: Three Americans died in August as a result of being attacked by a dog. On August 16, 2007, 7-year-old Zachary King Jr. of Minneapolis, MN, was killed by his family's pit bull, which was kept chained in the basement. The dog had bitten others in the past.

Another chaining death occurred in McMinn County, Tennessee. On August 18, 2007, 15-month-old Elijah Rackley was killed by a chained family dog. The female Chow-mix just had puppies. See [Why Dogs Bite People](#) for more information about the dangerous practice of chaining a dog.

On August 31, 2007, 6-year-old Scott Warren of Dallas was killed by his family's pet pit bull.

September 2007: Four Americans were killed by dogs in September 2007, with three of the deaths occurring in Illinois.

On September 12, 2007, Lylie Cox, a 4-month-old girl living in Warren, Illinois, was mauled to death by a 120-pound Rottweiler. The dog was found as a stray a month before and previously had demonstrated aggression toward children.

On September 13, 2007, a pack of bulldogs killed Edward Gierlach, 91, of Iosco Township, Michigan, and Cheryl Harper, 56, of Fowlerville, Michigan. The dogs belonged to Diane Cockrell, and escaped her property through a fence intended for horses. Michigan is a statutory strict liability state.

On September 25, 2007, two dogs killed an unnamed 2-year-old boy in Lincolnton, North Carolina, which is a one-bite state.

October 2007: In October 2007, two Americans were killed by dogs.

On October 3, 2007, Tina Marie Canterbury, 42, of Middleburg, Florida, was mauled to death by the two pit bulls which she had raised from the time they were puppies. Florida is a statutory strict liability state.

On October 15, 2007, Rosalie Bivins, 65, died after a pack of five to seven dogs attacked her as she used a walker to make her way to the mailbox at the end of her driveway. This happened in Oklahoma, a strict liability state.

November 2007: In November 2007, three Americans were killed by dogs.

On November 5, 2007, 4-year-old Tori Whitehurst of Phoenix, Arizona, was killed by her parents' American Bulldog at their house. Arizona is a statutory strict liability state.

On November 6, 2007, 11-year-old Seth Lovitt was running through his own home when his parents' pit bull jumped off a couch and mauled the child to death. This happened in Killeen, Texas.

On November 12, 2007, 21-year-old Jennifer Lowe of Knox County, Tennessee, died after she was mauled by pit bulls at the residence of a friend. The police took 29 minutes to respond to neighbors' repeated 911 calls. Tennessee passed a dog bite statute this year that specifically re-enacted the one-bite rule for dog attacks that take place on the premises of the dog's owner. This means that there will be no automatic liability on the part of the owners of these killer dogs.

December 2007: In December 2007, three Americans were killed by dogs.

On December 13, 2007, Holden Jernigan, 2 years old, was mauled to death in his grandmother's back yard by her male pit bull. She was babysitting him when he went into the yard, alone. This happened in South Carolina, a statutory strict liability state. This is the second canine homicide in that state this year.

December 17, 2007, 77-year-old Blanche Brodner was attacked in Clayton, Georgia, by a pit bull in the home that the victim was house-sitting. Georgia is a "mixed" state, meaning that it has a dog bite statute which substantially re-enacted the old English one-bite rule.

On December 25, 2007, in Yermo, California, 45-year-old Kelly Caldwell was killed by up to five dogs. The dogs were running at large on the street where the victim was walking. The dogs were pit bulls and at least one belonged to a neighbor. California is a statutory strict liability state.

January 2008: Three Americans were killed by dogs in January 2008.

On January 3, 2008, 8-month-old Andrew Stein of Brooklyn, New York, was killed in his home by his parents' Doberman pinscher. New York is a one-bite state that has a dog bite statute which makes owners strictly responsible only for medical bills.

On January 18, 2008, 6-week-old Justin Mozer of Lexington, Kentucky, was killed by his uncle's Jack Russell Terrier. The uncle's pit bull and the Jack Russell Terrier were put down following this attack. Fatal attacks by Jack Russells are rare. Kentucky is a statutory strict liability state.

On January 20, 2008, 24-year-old Kelli Chapman of Longville, Louisiana, was killed by her two pit bulls. Her husband found her on the floor of their bedroom, where she died of bite trauma and blood loss. Louisiana has a dog bite statute that talks of strict liability but requires proof of dog owner negligence.

February 2008: No Americans were killed by dogs in February 2008.

March 2008: No Americans were killed by dogs in March 2008.

April 2008: One American was killed by a dog in April 2008. On April 28, 2008, Abraham Jonathan Tackett, 23 months old, wandered into a neighbor's "dog lot" when his father left him alone. A Husky on a chain killed the child in short order. The accident happened in Fort Yukon, Alaska, a one-bite state.

May 2008: Two Americans were killed by dogs in May 2008.

On May 14, 2008, Julian Slack, 3, a resident of Marine Corps Base Camp Lejeune, North Carolina, was killed by a dog. This death was not reported in the press, but an article about it was published in jdnews.com and other reports of it appeared on DogsBite.com. North Carolina is a one bite state.

On May 18, 2008, Tanner Joshua Monk of Breckenridge, Stephens County, Texas, was mauled by two pit bulls, resulting in his death. Texas is a one-bite state.

June 2008: Two Americans were killed by dogs in June 2008.

Pablo Hernandez (aka Pablo Lopez), 5, of Hidalgo County, Texas, was mauled to death by a pit bull on June 18, 2008. Texas is a one bite state.

Loraine May, 74, of Brevard County, Florida, was killed by her own two dogs on June 26, 2008. Florida is a statutory strict liability state.

July 2008: Three Americans were killed by dogs in July 2008.

On July 22, 2008, Tony Evans Jr., a 3-year-old boy from Jackson, Mississippi, was playing with friends across the street from his home. The house had a carport where a pit bull was chained. The dog dragged the boy into its doghouse and killed him. Mississippi follows the ancient and outdated "one bite rule."

On July 25, 2008, Addison Sonney, a one-year-old girl from Erie, Pennsylvania, was killed by her family's English Sheepdog mix. The toddler was with her parents at a cemetery, where her father worked. The reason for the attack is unknown. Pennsylvania is a statutory strict liability state but the laws are complex, confusing and should be revised.

On July 28, 2008, Zane Alen Earles, a 2-month-old boy, was killed by his parents' dog while the child was sitting in a swing, located inside their house. This happened in Tulsa, Oklahoma, which is a strict liability state.

August 2008: Three Americans died from dog attacks in August 2008, and a fourth was attacked this month and died in September (see September 2008, below).

Six-year-old Isis Krieger of Anchorage, Alaska, was mauled by her parents' pit bull on August 12, 2008, and perished on August 18, 2008. Alaska is a one bite state.

Robert Howard, 38, of Detroit, Michigan, was killed by a pit bull outside his home. The dog was attacking a female neighbor's dog and was threatening to go after the woman. Howard came out of his house to stop the attack. The pit bull bit him in the calf and ripped out the arteries, causing the man to bleed to death on the spot. Michigan is a statutory strict liability state. ([Click here for the article.](#))

Henry Piotrowski, 90 years old, of Staten Island, New York, was mauled by two pit bulls on July 1, 2008, and died on August 17, 2008. One of his legs had to be amputated, and he had been in the hospital since the attack. New York's dog bite

statute provides strict liability only for medical bills. For compensation other than medical bills, New York is a one bite state.

September 2008: Five Americans died from dog attacks in September 2008.

Three were babies who were killed by their parents' dogs. One attack was in August 2008 and the victim died in September 2008.

On September 4, 2008, Luna McDaniel, 83, of Ville Platte, Louisiana, died as a result of being mauled by 3 pit bulls on August 24, 2008. The old woman was collecting cans in her neighborhood for recycling. Louisiana is a statutory strict liability state, provided that the owner could have prevented the injuries.

On September 6, 2008, Alexis Hennessy, a 6-day-old New Jersey girl, was attacked and killed in her crib. Her parents owned a 3-year-old Husky. They had left her and the dog alone for only a few minutes. New Jersey is a statutory strict liability state.

On September 12, 2008, Cenedi Kia Carey, a 4-month-old girl, was fatally mauled by her family's two pit bulls in their North Las Vegas home. The child was in a stroller and being watched by her grandmother. The dogs were in the back yard. They got through a screen door to attack the girl and then, when the grandmother pulled the injured baby away, the dogs attacked again and finished the child off. Nevada is a one bite state.

On September 22, 2008, an unnamed 3-day-old girl in Warren, Ohio, was killed in her home by her parents' Husky. The girl was laying in her bassinet. Ohio is a statutory strict liability state.

On September 29, 2008, Katya Teresa Todesco, a 5-year-old girl residing in Simi Valley, California, died from a pit bull attack which occurred on September 23, 2008. The dog was in a neighbor's back yard. California is a statutory strict liability state.

October 2008: Two Americans died from dog attacks in October 2008.

Two-month-old Iokepá Liptak, a resident of Honolulu, Hawaii, was killed by his parents' dog on October 5, 2008. Hawaii has a dog bite statute that has been interpreted as essentially re-enacting the one bite rule.

On October 31, 2008, 62-year-old Chester R. Jordan of Muncie, Indiana, was killed by three of his own pitbulls, inside his residence. Indiana imposes strict liability on not only the owner, but also the possessor, keeper or harbinger of the dog, but they are strictly liable only if the victim is a mail deliverer or other official.

November 2008: One American was killed by a dog in November 2008.

On November 26, 2008, an unnamed 2-year-old boy was killed by two dogs at his home in Las Vegas. Police described the dogs as "mixed breed" and "possibly" pit bulls. Nevada is a one bite state.

December 2008: One American was killed by a dog in December 2008.

On December 19, 2008, Gerald Adelmund, a 60-year-old resident of Rubidoux, California, was attacked and killed by two pit bulls. The dogs lived with him and his son, daughter-in-law and their three children. One dog was a pure pit bull, while the other was a pit bull mixed with mastiff. He was in his own back yard.

California is a strict liability state.

January 2009: Five Americans were killed by dogs in January 2009.

On January 6, 2008, a five year old girl in Thomasville, Georgia, was mauled to death by her parent's pit bulls while she was playing in her own back yard.

Chyenne Peppers was playing in the yard of her home when the family's three pit bulls attacked her. Her parents were home at the time, but were inside their house. Three of the factors on the Dog Attack Danger Scale were present, so the attack was predictable and avoidable. Georgia has a dog bite statute that incorporates much of the one-bite rule.

Four-year-old Alex Angulo of Chicago, Illinois, was mauled to death by a Rottweiler on January 11, 2009. The dog belonged to his foster parents. The child was killed in his own back yard. There were three dogs present, two of them being Rottweilers. No adults were present. Three of the factors on the Dog Attack Danger Scale were present, so the attack was predictable and avoidable. Illinois is a statutory strict liability state.

On January 15, 2009, Brooklynn Grace Milburn, a 3-year-old girl from Fort Worth, Texas, was killed by a neighbor's Rottweiler dog. She was playing in her back

yard when she crawled through a hole in the fence. Her parents believed that the hole was too small for her to get through. Two of the factors on the Dog Attack Danger Scale were present, so the attack was predictable and avoidable. Texas is a one-bite state.

On January 19, 2009, an 8-year-old girl Pennsylvania, Brianna Nicole Shanor, was mauled to death inside her uncle's camper, where he kept a chained-up Rottweiler-mix. Two factors on the Dog Attack Danger Scale were present, so the attack was foreseeable. Pennsylvania is a strict liability state.

Also on January 19, 2009, Olivia Rozek, a 3-week-old child, died after being mauled in the north-central Illinois community of Bourbonnais. The family dog, a Siberian Husky, had pulled the infant off of a bed in the master bedroom and dragged the child into a hallway. The child suffered multiple bite injuries to the head. Illinois is a strict liability state.

February 2009: There were no American canine homicides in February 2009.

March 2009: Six people were killed by dogs in the USA in March 2009 (five violent maulings, and one from infection after being bitten).

A two-week-old baby was killed by a dog on March 4, 2009, in Mesa, Arizona. The name of the baby was never made public; she is referred to as "Jane Doe" and her mother's name was Myrna Ramirez. The mother had placed the infant in a low-lying bassinet or crib, with a Chow-Chow in the house. Arizona is a statutory strict liability state.

On March 16, 2009, Hill A. Williams Jr., a 38-year-old California man, was mauled to death by his two bull mastiffs, in his own back yard. California is a statutory strict liability state.

On March 22, 2009, Dustin E. Faulkner, a 3-year-old boy from Georgia, was killed by a wolf-hybrid. Details are sketchy at this time. Georgia has a dog bite statute that incorporates much of the one-bite rule.

Dolly Newell, an 80-year-old California woman, died on March 24, 2009, several days after she was bitten in the hand by a dog while feeding it. For some reason,

she told the hospital staff she injured her finger while gardening. They stitched the bite closed and she went home, to die of infection.

This death will not appear in most lists of canine inflicted fatalities, but it should because it was initiated by the dog bite and it is well known that the bacteria in a dog's saliva can cause death.

On March 26, 2009, Tyson Miller, an 18-month-old Texas boy, was fatally attacked in his back yard by a female pit bull. His parents had been caring for the dog and apparently thought it to be harmless. Texas is a one-bite state and the national leader in canine homicides. (See Dog Bite Statistics.)

On March 31, 2009, two pit bulls killed Izaiah G. Cox in San Antonio, Texas, as the child was laying on a bed. The dogs broke through or went over a baby gate inside the house. When the baby's grandmother tried to rescue him, the pit bulls attacked her too, requiring hospitalization. Texas is a one-bite state and the USA's leader in fatal dog attacks on people (see Dog Bite Statistics on this site).

April 2009: Four Americans have died from dog bite injuries in April 2009.

On April 10, 2009, Michael Landry, a 4-year-old boy, was attacked by a neighbor's three boxers. The child was in the back yard of his parents' home in Louisiana. He later died of his injuries. Louisiana is a statutory strict liability state. David B. Whiteneck Jr., 41, of Huron County, Michigan, was killed by a number of dogs belonging to his elderly, absent landlord. The date of death has not been established. Michigan is a statutory strict liability state.

On March 28, 2009, 48-year-old Gordon Lykins of Winterhaven, California was attacked by dogs near a drainage canal road a few miles north of Yuma, Arizona. He died on April 10, 2009, from those injuries. Arizona is a statutory strict liability state.

On April 23, 2009, a family pit bull killed 11-month-old Leonard Lovejoy Jr. in Detroit, Michigan. The boy was on a bed and the dog gave no warning. Michigan is a statutory strict liability state.

May 2009: One American was killed by her own dog. Barbara Chamber, 59-years-old, of Garland, Texas, was attacked by her Great Dane in her yard. .

June 2009: Two Americans died from dog bite injuries this month.

On June 15, 2009, two pit bulls killed Justin Clinton, 10, a resident of Texas. The dogs and the boy were on public property. Justin is the USA's 16th canine-inflicted human fatality in 2009. Texas is the nation's leader in fatal dog attacks. It is a one-bite state.

On June 27, 2009, two pit bulls and a collie mix killed Gabriel Mandrell-Sauerhage, 3, of Marion, Illinois. The dogs belonged to his parents, and he was killed in his own back yard. Illinois is a strict liability state.

July 2009: One American was killed by dogs.

90-year old Kathleen Jeanette Doyle of Phoenix, Arizona, died July 26, 2009 due to complications suffered after a dog bite. On July 20, a loose American Bulldog bit her leg as she was walking in her neighborhood. Arizona is a strict liability state.

August 2009: Four Americans died from dog bite injuries.

On August 10, 2009, 20-year-old Carter Delaney of Louden County, Virginia, was killed by pit bulls which he cared for, and which were owned by his brother. Virginia is a one-bite state.

On August 14, 2009, 66-year-old Sherry Schweder and her husband, Lothar Schweder, 76-years-old, were killed by an unknown number of dogs near the couple's home outside Atlanta, Georgia. This state has a "mixed" dog bite law, which provides some statutory liability but essentially confirms the one-bite rule.

On August, 15, 2009, a 3-day-old infant was snatched from his crib and killed by his parents' pit bull. This happened in Hardy County, West Virginia, and no names are available at this time. West Virginia has a "mixed" dog bite law: a strict liability dog bite statute that is limited to dogs running at large, thereby confirming the one-bite rule under other circumstances.

September 2009: One American died from dog bite injuries.

On September 28, 2009, 23-month old Jasmine Deane died after being bitten several times by her family's pit bull, which was chained outside their house. This happened in Orange County, Virginia. It is a one-bite state.

October 2009: Two American children died from dog bite injuries, both inflicted by pit bulls, and both while under the care of a babysitter.

On October 23, 2009, Colton Smith (17 months old) was killed by a pit bull in the yard of the child's babysitter. This happened in Delhi, California, which is a statutory strict liability state.

On October 28, 2009, Matther Clayton Hurt (2 years of age) was killed by a pit bull which was chained in a neighbor's yard. The boy had wandered several houses away from his own, as he was being cared for by a babysitter. The incident was in Prescott, Arizona, a statutory strict liability state.

November 2009: Three Americans died from dog bite injuries (a fourth victim, attacked on November 27th, died in December and is counted in the statistics for that month).

On November 5, 2009, Destiny Marie Knox (16 months) of New Albany, Mississippi, was killed by a pit bull when her babysitter took her to the residence of the babysitter's boyfriend. This was the third killing in a row that featured a pit bull and a babysitter. Mississippi is a one-bite state.

On November 26, 2009, 53-year old Karen Gillespie of White Mills, Kentucky, was killed by a bulldog mix on her neighbor's property. Kentucky is a strict liability state.

On November 30, 2009, 85-year old Rosie Humphries of Flora, Illinois, and her poodle were killed by her neighbor's un-neutered, 3-year-old male pit bull. The woman was walking her dogs on her street when the pit bull escaped its restraints. Illinois is a strict liability state.

December 2009: Four Americans died from dog bite injuries -- and two were very young children killed by family dogs in Florida.

On December 4, 2009, 70-year-old Lowell Bowden of Lindside, West Virginia, died from injuries that 4 pit bulls inflicted upon him on November 27, 2009. He was taking a walk near his home, and was mauled beyond recognition. West Virginia has a strict liability dog bite statute that is limited to dogs running at large

and therefore should apply to this death. Other than that, the state is a "one bite state."

On December 12, 2009, Theresa Ellerman, 49, of Norfolk, Virginia, was killed by an Alaskan malamute at the home of a friend.

On December 13, 2009, a 20-month old boy, Dallas Walters, was killed in New Port Richey, Florida, after being mauled by his aunt's pet Rottweiler inside the latter's residence. Florida has a strict liability dog bite statute.

On December 22, 2009, a two-year-old boy, Liam Perk, was killed by his parents' dog in his own home, located in Cape Coral, Florida. The dog was an 8-year-old Weimaraner.

January 2010: Two Americans were killed by dogs this month.

On January 11, 2010, Omar Martinez, 3, was killed by a pit bull in his backyard in Apple Valley, California, a strict liability statute state.

On January 17, 2010, Johnny Wilson, 56, a resident of Chicago, Illinois, was killed in his own home by pit bulls being raised by his daughter. Illinois is a strict liability state.

February 2010: Seven Americans were killed by dogs this month.

On February 7, 2010, 63-year-old Carolyn Baker was killed by her Rottweiler at her home in Cleveland Heights, Ohio, a statutory strict liability state.

On February 12, 2010, 6-year-old Anastasia Bingham of Terry, Mississippi, was killed by a dog as she was playing in front of her house. There were 6 dogs at large in the area; the dog that killed the child is believed to be a pit bull.

Mississippi is a one-bite state.

On February 18, 2010, 11-day old Robert D. Hocker of Independence, Minnesota, was killed in his car seat on a bed in the bedroom. The dog was a Siberian husky, belonging to his parents. Minnesota is a strict liability state.

On February 20, 2010, 37-year-old Christine Staab was killed by her mother's 6 pit bulls during an argument between the two adults, at their home in Fishtown, Pennsylvania, which is a statutory strict liability state.

Also on February 20, 2010, 3-year-old Violet Serenity Haaker (first name withheld), the daughter of Lori Haaker, 47, and Alan Haaker of Ocala, Florida, was mauled to death by one of her parents' 4 American bulldogs. Her parents were breeders of the dog that killed her. Florida is a statutory strict liability state. On February 23, 2010, a 5-day-old baby was killed by a pit bull that attacked the child in her bassinet. This happened in Conyers, Georgia, a "mixed" law state. On February 28, 2010, 4-year-old Ashlynn Anderson, the stepdaughter of Jesse Browning (the star of a reality show about loggers) was attacked and killed by the family's Rottweiler in Astoria, Oregon, in a one bite state.

March 2010: two Americans died from dog attacks this month.

On March 4, 2010, 65-year old Ethel Horton was killed by her nephew's pit bull as she tried to prevent it from killing her husband. The dog had been chained in their yard. This happened in Lucknow, South Carolina. This is a statutory strict liability state.

On March 8, 2010, 8-month-old Justin Josiah Big Soldier-Lopez was mauled to death by two Rottweilers that were given to his parents just days before. This happened on tribal land near Tryon, Oklahoma, which is a statutory strict liability state.

April 2010: one child was killed by a dog this month in the USA.

On April 14, 2010, Thomas Carter, Jr., a 7-day-old infant, was killed by the baby's father's pit bull, while the baby's 16-year-old mother was sleeping. This happened inside her residence in New Port Richey, FL, which is a strict liability state.

May 2010: two Americans were killed this month.

On May 20, 2010, 3-year-old Krystal Brink of Napakiak, Alaska, was killed by one or more chained dogs. The unsupervised girl wandered up to the dogs. Alaska is a one-bite state.

On May 27, 2010, Nathan Aguirre, a 2-year old, was killed by his parents' pit bull in San Bernardino, California. He had been riding his tricycle and playing with his father. California is a statutory strict liability state.

June 2010: two people were killed by dogs this month in the USA.

On June 3, 2010, Savannah Gragg, age 9, was severely mauled by the family pit bull as she opened the door of her house to let the dog out. This happened in Kokomo, Indiana, a strict liability state.

On June 15, 2010, 30-year old Michael Winters of Lorain County, Ohio, was killed by 5 bullmastiff-mixes, three pit bull-mixes and one rottweiler-mix owned by his father. Ohio is a strict liability state.

July 2010. Three Americans were killed by dogs.

On July 12, 2010, 5-year-old Kyle Holland of Lincoln Park, Michigan, was killed by his parents' dogs. The boy was sleeping when the white Labrador mix and/or the husky and German shepherd mix mauled him to death. Michigan is a statutory strict liability state.

On July 20, 2010, two pit bulls killed 71-year-old Wiliam Parker of Memphis, Tennessee, and injured 4 other people. Tennessee is a statutory strict liability state. Sherry Wooten, 23, has been charged with negligent homicide, and four counts of felony reckless endangerment for the four others injured by the dogs. (Read the story by [The Commercial Appeal](#).)

On July 22, 2010, Jacob Bisbee, a two-year-old boy, was killed by his step-grandfather's pit bulls in Concord, California, a strict liability state. The dog owner has been arrested on suspicion of child endangerment and owning a mischievous animal that caused great bodily injury or death, both felonies. ([Video of this story by NBC](#).)

August 2010. There were 6 USA deaths this month.

On August 2, 2010, 2-year-old Aaron Carlson of San Diego, California, was mauled to death by his parents' German shepherd mix, in their home. California is a strict liability state.

On August 19, 2010, 46-year-old Tracy Payne of Macon County, Georgia, died from multiple blunt-force trauma and dog mauling at her home. Georgia is a mixed law state that requires dog bite victims to prove more than one case or cause of action against a dog owner.

On August 22, 2010, two pit bulls belonging to someone who lived on his property killed 69-year-old Jerry Yates of Calaveras County, California, in a workshop at his home. California is a strict liability state.

Two children were killed by dogs on August 25, 2010. Jason T. Walter, 7, of Marshall County, Illinois, was mauled to death by three pit bulls and a mixed breed dog. Illinois is a strict liability state.

The same day, in Iron Ridge, Wisconsin, 4-year-old Taylor Becker was fatally assaulted by a boxer that was chained to a tree, at a home that the child was visiting. Wisconsin is a strict liability state.

September 2010. There was one USA death.

On September 4, 2010, Mattie Daugherty, 85-years old, was mauled to death by her daughter's pit bull. This was in Etowah, Tennessee, a mixed law state.

October 2010. Two Americans were killed.

On October 13, 2010, Reverend John Reynolds, 84-years old, was discovered mauled to death in a pit bull pen that his son used to house 17 pit bulls. This happened in Williamsburg, Missouri.

On October 24, 2010, Justin Valentin, 4-days old, was attacked by the family pit bull after his mother left him on the bed to take a shower. This happened in Jacksonville, Florida.

November 2010. Four deaths in the USA this month.

On November 2, 2010, Christina Casey, 53-years old, was mauled to death by her neighbor's two dogs in the backyard of her home. She was in the process of moving out because of those dogs. This was in Moreno Valley, California.

On November 9, 2010, Shirley Bird, 79-years old, was bitten by her 5-year old German shepherd dog and bled to death. This was in Ida Grove, Idaho.

On November 10, 2010, Kaden Muckleroy, 2-years old, was mauled to death by his grandfather's pit bull. This happened in Henderson, Texas.

On November 15, 2010, Justin Lane, 25-years old, was discovered dead in a home he shared with his mother in Latta, South Carolina. He was killed by his pit bull.

December 2010. Two more Americans were killed.

After two months of suffering, 67-year-old Edward Mitchell died from being mauled by his nephew's pit bull. This occurred in Murrieta, California.

On December 19, 2010, Jeannette Vaughn, 3-months old, of Harris County, Texas, was killed by a Rottweiler, one of her parents' 9 dogs.

January 2011. Four Americans were killed this month.

On January 5, 2011, 51-year-old Linda Castillo of Colusa, California, was mauled to death by her pit bull mix.

On January 12, 2011, two loose pit bulls killed 5-year-old Makayla Woodard and severely injured her grandmother, 67-year old Nancy Presson. It happened in Waxhaw, North Carolina, a one-bite state. This state has one of the worst dog bite laws in the USA. (See North Carolina.)

On January 22, 2011, 9-year-old Kristen Lee Dutton was killed by her grandfather's dog, a Japanese akita which he owned for only 3 weeks. This happened in South Carolina, a strict liability state.

On January 26, 2011, 51-year-old Ronnie Waldo was killed by three pit bulls owned by his neighbor in Pontotoc County, Mississippi. Waldo had gone next door to borrow a tool.

February 2011. Two Americans were killed by dogs.

On February 18, 2011, 66-year-old Sirlinda Hayes of Columbia, South Carolina, was killed by Rottweilers as she worked in her garden. The dogs had been at large, and also attacked their owner before police shot them dead. [Click here for the story.](#)

On February 19, 2011, a 10-day-old boy died after being mauled by family pit bull in Kalamazoo, Michigan. His name has not been released as of this writing.

March 2011. There were two canine homicides this month.

On March 5, 2011, 3-year-old Vanessa Husmann was killed by her grandfather's rottweilers in her own backyard. This happened in Hopkinton, Iowa.

On March 6, 2011, Jennie Erquiaga, 47, was killed by her own pit bull in her backyard, in San Bernardino, California.

April 2011. Three more Americans were killed by dogs this month.

On April 13, 2011, 7-month-old Annabelle Mitchell of Frankfort, Maine, was killed by her parents' Rottweiler in their home.

On April 22, 2011, 50-year-old Virgil A. Cantrell of Ardmore, Oklahoma, was killed by a friend's chained pit bull. Criminal charges were filed against the dog's owners in May 2011.

On April 25, 2011, 48-year-old Margaret Salcedo of Truth or Consequences, New Mexico, was killed by 4 pit bulls that were at large.

May 2011. This month saw only one death in the USA.

On May 28, 2011, 4-year-old Jayelin Graham of Brooklyn, New York, was killed by his parents' pit bull / cane corso mix inside their home. The dog ripped off this throat as his mother screamed, "Help! He ate my baby!"

June 2011. There were two killings of Americans this month.

On June 10, 2011, 74-year-old Roy McSweeney of Hawthorn, Florida, was severely mauled by neighbor's pit bulls, which jumped the fence to attack him. He died on June 15, 2011.

On June 30, 2011, an unidentified baby was killed by "a relative's dog" in Chesterfield County, Virginia.

July 2011.

On July 5, 2011, 11-month-old Michael Naglee of Nehalem, Oregon, was killed by a pit bull owned by his parents or grandparents.

Additional information about death cases

- To read about dog bite cases that resulted in criminal charges, see [Criminal Penalties for a Dog Bite](#).
- For Attorney Kenneth Phillips' editorial opinions about current fatal dog attacks and other issues pertaining to dog bite law, see [The Dog Bite Law Blog](#).

Last Updated on Wednesday, July 06, 2011

DOGBITELAW.COM

RECEIVED

2011 JUL 12 P 2:40

Suits against local governments

The victim of a personal injury or injury to the victim's dog probably will not prevail on a claim against the local government entity that established the dog park. Generally, there are immunities that protect government entities from many claims; if the entity believed that it was doing something beneficial for the community, it is hard to get around the immunity.

However, failure to enforce its own rules and regulations may result in governmental liability. Dog parks frequently are governed by special rules that are either posted or part of the local municipal code. If an irresponsible dog owner has a habit of breaking those rules, and the local animal control officers do nothing despite being informed, a person who sustains personal injuries or injuries to his or her dog may prevail against the municipality.

Karen Wright

Imperial Beach, Ca. 91932

July 10, 2011

Gary Brown
City Manager of Imperial Beach
825 Imperial Beach, Ca. 91932

RECEIVED
2011 JUL 13 A 11:55
CITY MANAGER/PERSOHNEL
CITY CLERK OFFICES

Dear Mr. Brown:

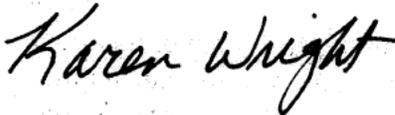
I am a long-time resident of our city, and I am writing to express my concern about the upcoming discussion and the pending decision to allow a leash free beach from Palm Ave. to Carnation Ave.

I have been jogging and walking on that section of beach six days a week for over thirty years. I have never been attacked or molested by a leashed dog, but on several occasions I have been attacked by an unleashed dog, the same dog, day after day. The owners don't seem to mind their dogs threatening walkers and refuse to leash the dog if asked to control the animal. At times the owners have been so far away that they couldn't control the dog even if they wanted to; other times the owners have outright refused to leash their dogs.

I have called animal control to no avail. The officers don't come out early in the morning, and owners won't give their names. One time I took the license number and reported it to the animal control officer, only to find out that the truck had been reported stolen.

I object to handing our beach over to unleashed dogs. We can all safely use the beach if owners leash their dogs. I am looking forward to your response.

Sincerely,



Karen Wright



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JULY 20, 2011

ORIGINATING DEPT.: SUSAN COLA, AGENCY SPECIAL COUNSEL
JENNIFER LYON, CITY ATTORNEY
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
MIKE MCGRANE, FINANCE DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE 2011-1121 OF THE CITY OF IMPERIAL BEACH AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS.

BACKGROUND:

There have been several attempts by the Governor, the Senate, and the Assembly to eliminate or substantially restructure existing redevelopment agencies, essentially abolishing local control and authority of redevelopment funds and on Wednesday, June 15, 2011, the state legislature passed ABx1 26 ("AB 26") and ABx1 27 ("AB 27") relating to the dissolution and voluntary continuance of redevelopment agencies throughout the state. These bills were signed by Governor Brown on June 28, 2011, became effective immediately upon signing, and will eliminate Redevelopment Agencies, except in certain cases where the Redevelopment Agency pays money to the county to fund state obligations to schools, fire protection districts, and transit districts.

The California League of Cities, the California Redevelopment Association, and special counsel for the City/Agency have respectively opined that certain or all provisions of AB 26 and AB 27, including but not limited to the effectiveness date, violate the State Constitution and other laws (collectively, "Laws"), and are invalid and unenforceable. The California Redevelopment Association and the League of California Cities are preparing to file a lawsuit challenging the constitutionality of the State's recent actions. They also intend to seek an injunction, or stay, to enable agencies to continue operating without opting into the alternative voluntary redevelopment program while the case is being decided. In the meantime, cities and agencies are left to consider the options available.

DISCUSSION:

Options:

With the adoption of AB 26 and AB27, the legislature provides two options to cities regarding their redevelopment agencies, with key components of each option as follows:

Option 1 – Dissolution of the Agency (ABx1 26):

- As of the effective date, prohibits agencies from incurring debt including, but not limited to: issue or sell bonds, take out or accept loans, execute trust deeds or mortgages, pledge or encumber revenues or assets, make loans, advances, grants, or agreements; amend or modify agreements; renew or extend leases; dispose of assets; acquire or sell property; amend a redevelopment plan, preliminary plan, 5-year implementation plan, relocation plan, or replacement housing plan; alter a project area; cause the development, rehabilitation or construction of housing units; make a finding of blight; enter into new partnerships; increase staff and benefits; begin condemnation proceedings; prepare an EIR, etc.;
- Abolishes redevelopment agencies effective October 1, 2011. Each agency is replaced by a successor agency (City, County or another entity);
- Establishes a seven member oversight board appointed by the County Board of Supervisors, Mayor, County Superintendent of Education, Chancellor of California Community Colleges, Largest special district taxing entity, and a representative of former RDA employees appointed by the Mayor. The oversight board oversees activities of the successor agency;
- The oversight board may terminate some financial agreements;
- Loan agreements and contracts executed since January 1, 2011, between a city and the agency for capital projects and services are not enforceable and will be terminated;
- Agency property must be sold as directed by the oversight board;
- Existing balance in the Low and Moderate-Income Housing Fund is distributed to schools, counties and special districts.

Option 2 – Voluntary Alternative Redevelopment Program (ABx1 27):

- Allows the continued existence of redevelopment agencies in exchange for “voluntary” remittance payments via the County Auditor-Controller;
- City must adopt an ordinance on/before November 1, 2011, indicating intent to comply;
- The City may enter into an agreement with the Agency to make voluntary remittance payments;
- The City must remit approximately \$2,863,000, plus additional County administration fees, in FY11-12 and approximately \$673,000 in FY12-13 and each year thereafter, subject to increases based on the state calculation and any new debt issued;
- Fiscal year ‘11-‘12 payment calculation may be appealed on/before August 15, 2011 (with documentation that “clearly and convincingly establishes the basis of the appeal and the amount of the claimed discrepancy”);
- Payments are due in 50% installments on January 15th and May 15th of each year;
- Source of payments: a city may use any available funds not otherwise obligated for other uses;
- Provides a penalty to agencies that successfully challenge the Voluntary Alternative Redevelopment Program by prohibiting a successful agency from issuing new debt.

The State Director of Finance will notify the cities of the voluntary payment amount due by August 1, 2011. Cities can appeal the amount due by August 15 if they believe the amount is incorrect based on the calculations contained in AB 27. Staff estimates the FY 11-12 payment will be between \$2.4 and \$2.86 million. Payment for FY 12-13 and beyond will change, but the FY 12-13 payment is estimated at between \$ 500,000 and \$673,000.

Proposed Action:

Based upon the recent discussion at the Council Workshop on July 13, 2011, the proposed ordinance included as Attachment 1 is being presented to the City Council for introduction. The proposed ordinance would be the first step in the process for the City to “opt in” under AB 27 so that the Redevelopment Agency can continue to operate in the City and to implement various necessary and beneficial public projects while the proposed lawsuit progresses. The proposed ordinance limits the City’s commitment to make these payments to net tax increment funds and other funds or assets that the Agency transfers to the City for this purpose. The City’s general fund would not be pledged to make these payments. The proposed ordinance further reserves all rights to challenge the validity of the legislation and it also reserves the right of the City Council to repeal the ordinance at any time in the future, in the City’s sole discretion.

To effect the future payment, the City and the Agency would enter into a “Remittance Agreement” as contemplated by the legislation. If the City Council introduces the attached ordinance tonight, the Remittance Agreement will be presented to the City Council and the Agency Board for consideration on August 3, 2011, after the Council conducts the second reading and adoption of the proposed ordinance. The Remittance Agreement will be between the City and Agency and would commit the Agency to transfer sufficient funds to the City to make the required payments. Such an agreement would be necessary for the Agency to transfer funds to the City to comply with AB 27.

AB 27 also allows the Agency to reduce its allocation of tax increment to the Low and Moderate Income Housing Fund for the 2011-12 fiscal year only, if the City complies with the provisions of AB 27, and the Agency finds that there are insufficient other moneys to meet its debt and other obligations, current priority programs or its obligations under the Remittance Agreement. Upon the adoption of the proposed ordinance allowing the City and Agency to conduct business pursuant to California Redevelopment Law and AB 27, a resolution will be presented to the Council and Agency Board for consideration to allow the Agency to reduce its otherwise required allocation to the Agency’s Low and Moderate Income Housing Fund for FY 11-12, including a finding that there are insufficient other moneys available to the Agency to meet the Agency’s debt and other obligations, current priority program needs and its obligations under the legislation to make the required remittances.

ENVIRONMENTAL DETERMINATION:

Pursuant to Title 14 of the California Code of Regulations, section 15378(b)(4), this item is not subject to California Environmental Quality Act (“CEQA”) review pursuant to CEQA Guidelines Section because such approvals are not considered a project, are government funding mechanisms and fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant environmental impact.

FISCAL IMPACT:

Staff estimates that the FY11-12 payment will be between \$2.4 and \$2.86 million plus additional County fees and between \$500,000 and \$673,000 each year thereafter. For FY11-12, funding for the voluntary remittance is likely to be paid from Redevelopment Agency funds including bonds, and tax increment including the tax increment to the Low and Moderate Income Housing Fund. The exact amount will be requested for appropriation under future action.

DEPARTMENT RECOMMENDATION:

Staff recommends that the Mayor and City Council consider this report and the attached ordinance. If Council chooses:

1. Mayor calls for the Introduction of Ordinance No. 2011-1121, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS";
2. City Clerk reads title of Ordinance No. 2011-1121; and
3. Motion to dispense first reading of Ordinance No. 2011-1121 and set the matter for adoption at the next regularly scheduled City Council meeting of August 3, 2011.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Ordinance No. 2011-1121
2. CA Redevelopment Association's Estimate of Payment for FY 2011-12
3. Presentations made at Council Workshop of 7/13/11

ORDINANCE NO. 2011-1121

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING THE CITY OF IMPERIAL BEACH TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS

WHEREAS, Assembly Bill x1 27 ("AB 27") is to be codified as Part 1.9 of the California Health and Safety Code ("Part 1.9"); and

WHEREAS, AB 27 establishes a voluntary alternative redevelopment program whereby the Redevelopment Agency of the City of Imperial Beach ("Agency") would be authorized to continue to exist upon the enactment of an ordinance by the City of Imperial Beach ("City") to comply with the provisions of Part 1.9; and

WHEREAS, AB 27 requires the City to notify the County Auditor-Controller ("County"), the State Controller, and the State Department of Finance on or before November 1, 2011, that the City will comply with Part 1.9; and

WHEREAS, AB 27 requires the City to make specified remittances to the County in order to continue the existence of the Agency, as prescribed in Part 1.9; and

WHEREAS, AB 27 authorizes the City to enter into an agreement with the Agency, whereby the Agency would transfer a portion of its tax increment to the City for the purpose of financing certain activities within the City's redevelopment areas, as specified in Part 1.9; and

WHEREAS, AB 27 imposes specified sanctions on the City in the event that the City fails to make the required remittances, as determined by the Director of Finance; and

WHEREAS, AB 27 authorizes the County to charge a fee that does not exceed the reasonable costs to the County auditor-controller to implement the provisions of Part 1.9; and

WHEREAS, AB 27 authorizes the City to establish a new redevelopment agency if its former agency has been dissolved only after the debt obligations of the Agency have been retired and the City satisfies the provisions of Part 1.9; and

WHEREAS, it is hereby acknowledged by the City Council of the City of Imperial Beach ("City Council") that the California League of Cities, the California Redevelopment Association, and special counsel for the City have respectively opined that certain or all provisions of Assembly Bill x1 26 ("AB 26") and AB 27, including but

not limited to the effectiveness date, violate the State Constitution and other laws (collectively, "Laws"), and are invalid and unenforceable; and

WHEREAS, the City Council does not intend, by enactment of this Ordinance, to waive any constitutional and/or legal rights by virtue of the enactment of this Ordinance and, therefore, reserves all of its rights under Laws to challenge the validity of any or all provisions of AB 26 and AB 27 in any administrative or judicial proceeding and/or repeal this ordinance, without prejudice to the City's right to recover any amounts remitted under Part 1.9; and

WHEREAS, the City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or other assets, to make the remittance payments contemplated by Part 1.9, it being understood by the City Council that any remittance payments will be funded solely from Agency funds and/or assets transferred to the City in accordance with Part 1.9; and

WHEREAS, the City Council does not intend, by enactment of this Ordinance to waive any rights of appeal regarding the amount of any remittance established by the Department of Finance, as provided in Part 1.9; and

WHEREAS, City staff has determined that the Ordinance is exempt from California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15378(b)(4), because such authorizations are not considered a project subject to CEQA review. The community remittance is a government funding mechanisms and fiscal activity, which do not involve any commitment to any specific project which may result in a potentially significant environmental impact.

NOW, THEREFORE, the City Council of the City of Imperial Beach, California does ordain as follows:

SECTION 1. Authorization to Continue Agency. Subject to Sections 3 and 4, herein, the City hereby commits to comply with and make the remittances required by Part 1.9, and authorizes the continuation of the Agency in accordance with the provisions of AB 27. Any remittance payments required to be paid by the City by Part 1.9 shall be paid solely from Agency funds and/or assets transferred to the City in accordance with Part 1.9.

SECTION 2. Application. If any provisions of this Ordinance or the application thereof is held to be invalid for any reason, the remainder of this Ordinance and the application of provisions thereof shall not be affected thereby.

SECTION 3. Reservation of Rights. It is the position of the City that certain or all provisions of AB 26 and AB 27 violate the Laws, as referenced in the recitals, above, and are invalid and unenforceable. Neither the adoption of this Ordinance, nor the acknowledgment of or references to any provisions of AB 26 and AB 27, nor the City's payment of any remittances contemplated by AB 27 shall be deemed to be, nor are they intended as, an acknowledgment of the validity of AB 26 and AB 27, and the City

reserves all rights in its sole discretion to challenge the validity of any or all provisions of AB 26 and AB 27 in any administrative or judicial proceeding and/or repeal this Ordinance, without prejudice to the City's right to recover any amounts remitted under Part 1.9.

SECTION 4. Enactment. This Ordinance shall only be deemed as "enacted" within the meaning of Part 1.9 upon (i) adoption of this Ordinance and (ii) the legally effective date of AB 26 and AB 27.

SECTION 5. Authorization of Implementing Actions. The City Manager or his designee is hereby authorized to take any actions necessary to implement this Ordinance and comply with Part 1.9, including without limitation, providing required notices to the Auditor Controller, the State Controller, and the Department of Finance; entering into any agreements with the Agency to make the remittance payments; making any remittance payments; or filing appeals.

SECTION 6. CEQA. The City Council determines that approval of this Ordinance is exempt from CEQA, pursuant to CEQA Guidelines Section 15378(b)(4), because such approval is not considered a project subject to CEQA review. The payment is a government funding mechanism and fiscal activity, which do not involve any commitment to any specific project which may result in a potentially significant environmental impact.

EFFECTIVE DATE: This Ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this Ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Imperial Beach within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach on the 20th day of July, 2011, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

JAMES C. JANNEY, MAYOR

ATTEST:

**JACQUELINE M. HALD, MMC
CITY CLERK**

APPROVED AS TO FORM:

JENNIFER M. LYON

California Redevelopment Association's Estimate of ABX1 27 's Required Agency Transfer to Meet the \$1.7 Billion State Budget Payment for FY 2011-12.

Source of Data: California State Controller's Office. The Estimate uses the Legislature's definition of "Net Tax Increment" as defined in ABX1 27.

Caution: Each agency's obligation is estimated and should only be used to guide planning processes. Actual payment amounts will be set by the Department of Finance and may vary from this estimate.

These estimates may be different from others due to percentage rounding.

Prepared by: Time Structures, Inc.

County Name	Entity Name	(1) 08-09 Gross Tax Increment	(2) Agency Gross as Percent of State Gross	(3) Agency Percent of State Gross X \$1.7 Bill.	(4) 08-09 Agency Pass-Through Payment	(5) 08-09 Tax Allocation Bond Payment + Interest Payment	(6) ABX-1 27 Defined Net Tax Increment	(7) Agency Percent of New Total State Net Tax Increment	(8) Agency Percent of Total Net Tax Increment X \$1.7 Bill.	(9) Agency FY 11-12 Obligation (Col.3 + Col.8)/2
San Diego	Carlsbad Redevelopment Agency	3,545,604	0.0625%	1,062,305	-	1,044,997	2,500,607	0.1021%	1,736,378	\$ 1,399,341
San Diego	Chula Vista Redevelopment Agency	13,781,683	0.2429%	4,129,157	2,768,767	5,100,939	5,911,977	0.2415%	4,105,173	\$ 4,117,165
San Diego	Coronado	15,285,226	0.2694%	4,579,636	-	11,032,331	4,252,895	0.1737%	2,953,136	\$ 3,766,386
San Diego	El Cajon Redevelopment Agency	15,619,187	0.2753%	4,679,695	3,208,290	4,706,354	7,704,543	0.3147%	5,349,899	\$ 5,014,797
San Diego	Escondido	26,718,704	0.4709%	8,005,243	5,448,326	5,489,001	15,781,377	0.6446%	10,958,311	\$ 9,481,777
San Diego	Imperial Beach Redevelopment Agency	8,333,790	0.1469%	2,496,903	1,686,211	1,996,344	4,651,235	0.1900%	3,229,736	\$ 2,863,319
San Diego	La Mesa Community Redevelopment Agency	3,317,933	0.0585%	994,092	76,450	5,408,786	-2,167,303	-0.0885%	(1,504,937)	\$ (255,422)
San Diego	Lemon Grove Redevelopment Agency	3,018,762	0.0532%	904,457	1,083,342	1,727,016	208,404	0.0085%	144,712	\$ 524,585
San Diego	National City	14,737,780	0.2597%	4,415,615	2,499,791	4,552,760	7,685,229	0.3139%	5,336,488	\$ 4,876,052
San Diego	Oceanside Community Development Commission	11,139,814	0.1963%	3,337,621	1,248,519	6,422,099	3,469,196	0.1417%	2,408,949	\$ 2,873,285
San Diego	Poway Redevelopment Agency	38,940,302	0.6863%	11,666,979	4,979,722	21,004,912	12,955,668	0.5292%	8,996,188	\$ 10,331,584
San Diego	San Diego	192,559,415	3.3937%	57,693,100	27,759,375	46,790,635	118,009,405	4.8202%	81,943,660	\$ 69,818,380
San Diego	San Diego County Redevelopment Agency	3,985,666	0.0702%	1,194,153	1,118,831	812,214	2,054,621	0.0839%	1,426,693	\$ 1,310,423
San Diego	San Marcos Redevelopment Agency	62,674,721	1.1046%	18,778,095	18,086,645	20,727,425	23,860,651	0.9746%	16,568,417	\$ 17,673,256
San Diego	Santee Community Development Commission	9,543,629	0.1682%	2,859,385	1,344,359	1,543,323	6,655,947	0.2719%	4,621,773	\$ 3,740,579
San Diego	Solana Beach Redevelopment Agency	882,281	0.0155%	264,342	256,033	231,743	394,505	0.0161%	273,937	\$ 269,140
San Diego	Vista Community Development Commission	18,788,518	0.3311%	5,629,264	4,787,733	4,051,679	9,949,106	0.4064%	6,908,485	\$ 6,268,874
	Total	5,674,006,159	100%	1,700,000,000	1,243,121,648	1,982,665,953	2,448,218,558	100%	1,700,000,000	1,700,000,000

Discussion of Redevelopment Budget Trailer Bills

**ABX1 26 & ABX1 27
(Signed by Governor 6-29-11)**

Presentation By

- Susan Y. Cola, Esq.
Kane, Ballmer & Berkman
Redevelopment Agency
Special Counsel

[NOTE: IN OUR OPINION THIS LEGISLATION IS UNCONSTITUTIONAL; THIS MATERIAL IS PRESENTED FOR DISCUSSION PURPOSES ONLY)

Discussion Topics

- Outline of Legislation
- Redevelopment Impacts Without “Opting In”
- Redevelopment Impacts With “Opting In”
- Recommendations for Consideration

Outline of Legislation

- Senate and Assembly Passed Two State Budget Trailer Bills on June 15, 2011
 - Bills signed by Governor on June 29, 2011
 - Purportedly Effective Immediately
- Assembly Bill X1 26
 - Abolishes redevelopment agencies
 - Suspends redevelopment powers
- Assembly Bill X1 27
 - **Imposes “voluntary payments” to avoid AB X1 26 impacts**

Assembly Bill X1 26

- Until October 1, 2011, redevelopment agencies are prohibited from taking any actions except the payment of existing indebtedness and performance of existing contractual and statutory obligations
- Redevelopment agencies eliminated as of October 1, 2011
- Purports to undercut ability of Agency to make annual Cooperation Agreement payments to City

Assembly Bill X1 26

- On October 1, 2011, all redevelopment agencies are dissolved and all Agency authority, Agency property (cash, land, etc.) and Agency obligations are transferred to **“successor agencies”** and **overseen by an oversight board, County Auditor-Controller & State Dept. of Finance** (exception for housing assets/functions retained by City)

Assembly Bill X1 26

- Unencumbered funds would be transferred to the County Auditor-Controller for distribution to taxing agencies (schools, counties, special districts)
- Successor agencies would be charged with repaying existing indebtedness, completing performance of existing contractual obligations and winding down agency operations while preserving assets for benefit of taxing agencies

Assembly Bill X1 27

- Allows a redevelopment agency to stay alive and continue to operate and function as business as usual and avoid the impacts of AB X1 26 **IF the City enacts an "opt in"** ordinance by November 1, 2011 to comply with AB X1 27

Assembly Bill X1 27

- “Opt in” ordinance would provide for the City making annual payments into a Special **District Allocation Fund (“SDAF”)** (i.e. fire protection districts, transit districts) and Educational Revenue Augmentation Fund **(“ERAF”)** (i.e. schools) established for each County and administered by the County Auditor-Controller

Assembly Bill X1 27

- Amount of payment to the SDAF and ERAF is calculated by the State Dept. of Finance and communicated to the City not later than August 1, 2011
- Equal installment payments to be made on or before January 15 & May 15 of each fiscal year
- If payment not made, the redevelopment agency is subject to AB X1 26 and eliminated

Assembly Bill X1 27

- For FY 2011-2012, the City would pay its proportionate share of \$1.7 Billion
- For FY 2012-2013 and annually thereafter, the City would pay (i) its proportionate share of \$400 Million and (ii) additional **funds equal to 80% of the School District's** share of tax increment needed to pay Agency indebtedness newly incurred after November 1, 2011

Assembly Bill X1 27

- The City may enter into an agreement with the Redevelopment Agency for the Agency to annually transfer sufficient funds to the City to allow the City to make all of the required payments to the SDAF and ERAF
- Agency exempt from 2011-12 affordable housing set-aside if funds needed to pay for existing obligations and priority programs

Assembly Bills X1 26 and 27

POISON PILL

If a legal challenge to invalidate any provision of the redevelopment elimination bills is successful, redevelopment agencies are purportedly prohibited from issuing new **bonds, notes, or other obligations** (“Poison Pill”)

Impacts if No “Opt In”

- Redevelopment Powers Immediately Suspended Except to Wind Down and Repay Existing Obligations and Except for retained housing funds and activities
- Redevelopment Agency Eliminated as of October 1, 2011
- Cooperation Agreement Payments and Asset Transfers to City Questioned

Impacts if “Opt In”

- Redevelopment Powers Not Suspended Once Opt In Ordinance Enacted by the City
- Redevelopment Agency not Eliminated
- Cooperation Agreement Payments to the City continue without attack
- Other Agency Business Continues

Recommendations for Consideration

- Join Litigation and Application for Stay
- Enact Opt In Ordinance subject to the litigation with Reservation of Rights
- Adopt Resolution re Affordable Housing Funds
- Approve City/Agency Agreement to Finance Payments Under Protest Using Agency Funds

Council Budget Workshop

July 13, 2011

State Impacts

- AB 26 Elimination
 - City receives \$1 million in General Fund Property taxes (25%) and loses \$1.5 million causing a \$500,000/yr. gap
 - Unsent bond proceeds would be split up. Bond proceeds would be reduced from \$11 million to \$2.75 million.
 - Housing cash balance would be redistributed. City would lose \$3 million, keep \$1 million.
- AB 27 Continue
 - Pay from \$2.4-\$2.8 million in FY 2012 and \$500,000-\$675,000 annually

Bond Projects

	Total
Priority Projects:	
Streets Phase 3	\$2.0
Street Improvements	\$4.0
Highway 75 Improvements	\$2.0
Property Acquisition	\$1.8
Storm Drain Intercept	\$0.2
Elm Ave. Undergrounding	\$0.2
Sand Replenishment	\$0.2
Bikeway Village Project	\$0.3
Bayshore Bikeway Access	\$0.3
Skatepark Fence	\$0.1
Commercial Zoning	\$0.3
Total Priority Projects	\$11.4

Other Potential Bond Projects

Dirt Alley Improvements	\$2.6
Asphalt Alley Improvements	\$1.5
Marina Vista Master Plan	\$0.1
Ecotourism Signage	\$0.1
Sports Park Master Plan	\$0.2
Bayside Master Plan	\$0.2
Tennis Courts	\$0.2
Palm Avenue Corridor	\$5.0

RDA In "Voluntary" Payment Option

1 Year Housing Allocation	\$1,340,000
Capitalized Interest	\$1,050,000
	\$2,390,000

Other State Impacts

- Motor Vehicle Fee
 - Revenue Loss of \$75,000/yr.
 - Keeps COPS grant \$100,000
 - Special program funding, not existing costs

Cost Cutting Ideas

Cost Saving Ideas

Estimated Savings

- | | |
|--|-------------------------------|
| 1. Hiring “thaw” | \$6,400 per month per vacancy |
| 2. Stop all travel out of San Diego County | \$40,000 |
| 3. Eliminate part-time position in the Fire Department | \$14,000 |
| 4. Not fill one Firefighter Paramedic Position | \$78,000 |
| 5. 4 day work week (36 hours, pay for 38) | \$175,000 |
| 6. Community Services Officer | \$98,000 |
| 7. School Resource Officer | \$210,000 |
| 8. Eliminate part or all of recreation programs (could change fees sufficient to cover all costs.) | \$204,000 |
| 9. Ask each department for a list of reductions equal to 2.5% of their general fund budgets | \$425,000 |

Cost Cutting Ideas

	\$15,000
10. No 4 th of July Fireworks	
11. Eliminate Public Information Contract	\$15,000
12. Donovan Grounds keeping Contract	\$55,000
13. Senior Program	\$28,000
14. Typical Costs for	
a) Clerical Position	\$58,000
b) Labor/Maintenance Position	\$63,000
c) Professional Position	\$85,000
d) Department Head	\$180,000
15. Not fill ACM Position	\$90,000
16. Furloughs	\$12,000/day
17. Stop repairing sidewalks (Reimbursement Potential \$50,000)	\$50,000

Revenue Enhancement Ideas

1. \$10 Notary Fee
2. Portable/Temporary sign- Recovery Fee \$10.00
3. "Solemnize" Fee \$75.00 for residents
4. Rent out Council Chambers
5. Annual Business License Subscription- \$50.00
6. CD/DVD fee (For Meetings) \$5.00
7. Lien Fee
8. Demand Letter Fee- \$25.00 (\$50.00-Expedite- 2 day)
9. Temporary Staffing Pool
10. Fee Increases- 5% increase - \$45K per year
11. Encroachment permits, Home Occupancy Permits
12. Increase Costs/Charges for facility rentals
13. Parking meters (Electronic 2-hour) Along Seacoast Drive
14. Surface parking lots- Seacoast Drive/Palm
15. Fire Response Call Fee

Revenue Enhancement Ideas

11. Special Event Fee Increase (See #10 & 11)
12. Dog Drop-off Fee
13. Cost Allocation- Enterprise Accounts
14. Sell Adult School Property
15. Legal Services Fee (For permit Process)
16. Law Enforcement Fee
17. Crash Tax
18. Party Ordinance
19. Noise & Parking
20. Field lighting & Rental Fee
21. Increase revenue for soccer field use
22. Facility Management Contract (Private)
23. Sidewalk Repair Fee
24. Assess District 62- Full Cost Recovery
25. Lighting District for whole city

Revenue Enhancement Ideas

31. Special Districts- Fire, Sheriff, Utilities, Etc.
32. One Full-Time Deputy position cost/Fee for Medical Marijuana Dispensary
33. Tax on Medical Marijuana
34. Short-Term Vacation Fee/Permit- T.O.T
35. Adding New Fees
36. Casino/Gaming
37. Sell Water Rights
38. Electric Wave/ Hydrodynamic energy
39. Franchise Fee Increase- EDCO & Cal Am & Phone Companies, Etc.
40. In-Lieu Sewer Fees
41. Utility User Fees
42. Fats, Oils & Greases (FOG) Fee
43. Advertising – Bus Stops, Lifeguard Towers, Pier, Website, Sports Park, City Hall ,Etc.
44. Fine Increases
45. Off-Leash Fine Increases

Revenue Enhancement Ideas

46. Enforce Posted Sign Regulations
47. Gasoline/Rent Increases
48. No Special Event cost waiver
49. Sell Census Data
50. Toll Booth on Palm (West or North)
51. Increase Property Tax at Estuary
52. Tax on Rental Property
53. Bernardo Shores T.O.T Investment
54. T.O.T Increase
55. School Pay full SRO Cost
56. Move Façade Improvement – Match Program
57. Sales Tax on Services
58. Right-of-Way dedication
59. New Contractor for Parking Ticket Fine Recovery-National City

Actions

- If Council decides to choose AB 27 and pay:
 - Staff will return with enabling ordinance
 - Return with specific plans to raise revenues or reduce costs

RDA Funded Positions

Positions by Title (Full Time Equivalents)	RDA Non-Housing	RDA Bond	Total Positions
ADMINISTRATIVE SECRETARY II	0.95		0.95
ASSISTANT CITY MANAGER	0.25		0.25
ASSISTANT PROJECT MANAGER	0.80		0.80
ASSOCIATE PLANNER	0.50		0.50
C.I.P. MANAGER		1.00	1.00
CITY CLERK	0.25		0.25
CITY COUNCIL MEMBER	2.00		2.00
CITY MANAGER	0.50		0.50
CITY PLANNER	0.50		0.50
CODE COMPLIANCE OFFICER	0.10		0.10
COMMUNITY DEVELOPMENT DIRECTOR	0.50		0.50
DEPUTY CITY CLERK	0.25		0.25
FINANCE DIRECTOR	0.45		0.45
FINANCE SUPERVISOR	0.30		0.30
GRAFFITI PROGRAM COORDINATOR	1.00		1.00
GROUNDS/FACILITIES SUPERVISOR	1.00		1.00
MAINTENANCE WORKER	1.00		1.00
MAYOR	0.50		0.50
PUBLIC WORKS INSPECTOR		1.00	1.00
REDEVELOPMENT COORDINATOR	0.80		0.80
SENIOR ACCOUNT TECHNICIAN	0.30		0.30
Total Positions	11.95	2.00	13.95

General Fund Projection

	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Revenues	17,089,000	17,097,000	17,097,000	17,097,000	17,097,000
Expenses	16,960,000	17,124,000	17,124,000	17,124,000	17,124,000
Net Change per Year	129,000	(27,000)	(27,000)	(27,000)	(27,000)
Sheriff increase at 3%			(171,000)	(347,000)	(528,000)
Motor Vehicle Loss	(75,000)	(75,000)	(75,000)	(75,000)	(75,000)
Loss of COPS Grants	-	-	-	-	-
New Hotel Impact		70,000	200,000	200,000	200,000
Park Maint Contract	25,000	25,000	25,000	25,000	25,000
Dispatch Savings		27,000	27,000	27,000	27,000
Net Change per Year	79,000	20,000	(21,000)	(197,000)	(378,000)
RDA Elimination	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)
Net Change per Year	(421,000)	(480,000)	(521,000)	(697,000)	(878,000)

RDA Choices

	Current	AB 26	AB27
Gross Tax Increment	\$7,200,000	\$7,200,000	\$7,200,000
Less Housing Fund	(\$1,340,000)	\$0	(\$1,340,000)
Less Pass Thru Payments	(\$1,460,000)	\$0	(\$1,460,000)
Net Tax Increment	\$4,400,000	\$7,200,000	\$4,400,000
Bond Payment	(\$2,690,000)	(\$2,900,000)	(\$2,690,000)
City Loan Payment	(\$410,000)	(\$410,000)	(\$410,000)
State Payment	\$0	\$0	(\$2,411,000)
Subtotal	\$1,300,000	\$3,890,000	(\$1,111,000)
Distrubution to Agencies	\$0	(\$2,867,000)	\$0
Graffiti Program	(\$200,000)	(\$200,000)	(\$200,000)
Support	(\$1,100,000)	(\$1,100,000)	(\$1,100,000)
Housing Support	\$0	(\$200,000)	\$0
All other	\$0	\$0	\$0
Balance	\$0	(\$477,000)	(\$2,411,000)



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JULY 20, 2011

**ORIGINATING DEPT.: JENNIFER LYON, CITY ATTORNEY
GREG WADE, COMMUNITY DEVELOPMENT DIRECTOR
TOM CLARK, PUBLIC SAFETY DIRECTOR**

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE
2011-1118 (AMENDED) PERTAINING TO MEDICAL
MARIJUANA DISTRIBUTION FACILITIES.**

BACKGROUND:

In August 2009, the City Council adopted a moratorium for medical marijuana distribution facilities in the City. Since August of 2009, the Council has periodically considered the most recent information related to medical marijuana distribution facilities. Reports to the Council were provided on September 23, 2009, December 16, 2009, April 21, 2010 and July 7, 2010.

On July 7, 2010, the City Council considered a response to the San Diego Grand Jury related to medical marijuana and also considered a final extension to the City's moratorium. On July 7, 2010, the City Council introduced the ordinance to do a final extension on the moratorium and directed staff to provide Council with a timeline for the consideration of permanent regulations for medical marijuana distribution facilities. On July 7, 2010, the City Council adopted the ordinance to extend the moratorium. City staff provided a timeline for the consideration of permanent regulations which Council reviewed and adopted at the City Council meeting on September 1, 2010.

At the December 15, 2010 City Council meeting, the City Council was provided a staff report with three options related to medical marijuana distribution facilities: (1) regulate dispensaries; (2) ban; or (3) allow moratorium to expire. At that meeting, the City Council discussed the matter and directed City staff to draft regulations to ban medical marijuana dispensaries. The Council further directed staff to process the draft regulations through a forty-five day public review process (local coastal program amendment process) and to bring the ordinance to the City Council in June for a first reading of the ordinance(s).

Similar to almost every other local public entity in the State, the City Council has struggled with the issue of allowing the operation of medical marijuana dispensaries in the city limits for about two years. The City Council has held numerous public discussions on this matter and all such City Council meetings mentioned above (including staff reports and minutes) are hereby incorporated into this staff report by reference.

DISCUSSION:

On June 15, 2011, the City Council held a public hearing and conducted the introduction and first reading of Ordinances 2011-1118 and 2011-1119. To allow for additional flexibility for qualified patients and primary caregivers to cultivate and provide medical marijuana pursuant to applicable State law, the City Council voted to change the definition in Section 4.60.010.A. in Ordinance 2011-1118 at the public hearing.

A. Zoning Ordinance (2011-1119):

On July 6, 2011, the City Council conducted a second reading and adopted the zoning ordinance. The zoning ordinance will take effect upon approval by the Coastal Commission.

B. Business Ordinance (2011-1118) (Amended)

To carry out the Council's intent, an additional change to Ordinance 2011-1118 was made (see Attachment 1). City Council considered the re-introduction of Ordinance 2011-1118 (Amended) with the additional modification at their meeting of July 6, 2011.

The two ordinances would not ban medical marijuana in the City. Qualified patients and primary caregivers are allowed certain rights to possess, cultivate and use medical marijuana under State law and those rights are not affected by the proposed ordinances. The ordinances exempt interactions between qualified medical marijuana patients and their primary caregivers, as the definition of a prohibited medical marijuana distribution facility only applies when marijuana is supplied to **four** or more persons or when marijuana is cooperatively cultivated by **four** or more persons.

These ordinances do not provide for criminal enforcement. Those who violate the ordinances can still face administrative citations and fines, civil penalties, civil lawsuits, and nuisance abatement actions.

ENVIRONMENTAL DETERMINATION:

Pursuant to Title 14 of the California Code of Regulations, section 15061(b)(3), these ordinances are exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

1. Receive report;
2. Mayor calls for the reading of the title of Ordinance No. 2011-1118;
3. City Clerk reads title of Ordinance No. 2011-1118 (Amended) (Business ordinance), "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 4 (BUSINESS LICENSING AND REGULATION) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 4.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES)".
4. Motion to waive further reading and adopt Ordinance No. 2011-1118.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Ordinance No. 2011-1118 (Amended) (Business ordinance)

ORDINANCE NO. 2011-1118 (Amended)

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING TITLE 4 (BUSINESS LICENSING AND REGULATION) OF THE IMPERIAL BEACH MUNICIPAL CODE BY ADDING CHAPTER 4.60 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES).

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (CSA) which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana in the United States; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, known as the Compassionate Use Act ("CUA") (codified as Health and Safety ("H&S") Code Section 11362.5 *et seq.*); and

WHEREAS, the CUA creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, on January 1, 2004, the "Medical Marijuana Program" ("MMP"), codified as H&S Code Sections 11362.7 to 11362.83, was enacted by the state Legislature purporting to clarify the scope of the Act and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the MMP; and

WHEREAS, the CUA expressly anticipates the enactment of additional local legislation. It provides: "Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes." (H&S Code section 11362.5); and

WHEREAS, the City Council takes legislative notice of the fact that several California cities and counties which have permitted the establishment of medical marijuana distribution facilities or "dispensaries" have experienced serious adverse impacts associated with and resulting from such uses. According to these communities, according to news stories widely reported, and according to medical marijuana advocates, medical marijuana dispensaries have resulted in and/or caused an increase in crime, including burglaries, robberies, violence, illegal sales of marijuana to, and use of marijuana by minors and other persons without medical need in the areas immediately surrounding such medical marijuana distribution facilities. The City Council reasonably anticipates that the City of Imperial Beach will experience similar adverse impacts and effects. A California Police Chiefs Association compilation of police reports, news stories, and statistical research regarding such secondary impacts is contained in a 2009 white paper report located at <http://www.procon.org/sourcefiles/CAPCAWhitePaperonMarijuanaDispensaries.pdf>; and

WHEREAS, the City Council further takes legislative notice that as of December 2010, according to at least one compilation, 103 cities and 14 counties in California have adopted moratoria or interim ordinances prohibiting medical marijuana dispensaries. The City Council further takes legislative notice that at least 139 cities and 11 counties have adopted prohibitions against medical marijuana dispensaries. The compilation is available at: <http://www.safeaccessnow.org/article.php?id=3165>; and

WHEREAS, the City Council further takes legislative notice that the California Attorney General has adopted guidelines for the interpretation and implementation of the state's medical

marijuana laws, entitled "GUIDELINES FOR THE SECURITY AND NON-DIVERSION OF MARIJUANA GROWN FOR MEDICAL USE (August 2008)" (http://ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf). The Attorney General has stated in the guidelines that "[a]lthough medical marijuana 'dispensaries' have been operating in California for years, dispensaries, as such, are not recognized under the law"; and

WHEREAS, the City Council further takes legislative notice that the experience of other cities has been that many medical marijuana distribution facilities or "dispensaries" do not operate as true cooperatives or collectives in compliance with the MMP and the Attorney General Guidelines, and thus these businesses are engaged in cultivation, distribution and sale of marijuana in a manner that remains illegal under both California and federal law; as a result, the City would be obligated to commit substantial resources to regulating and overseeing the operation of medical marijuana distribution facilities to ensure that the facilities operate lawfully and are not fronts for illegal drug trafficking; and, furthermore, it is uncertain whether even with the dedication of significant resources to the problem, the City would be able to prevent illegal conduct associated with medical marijuana distribution facilities, such as illegal cultivation and transport of marijuana and the distribution of marijuana between persons who are not qualified patients or caregivers under the CUA and MMP; and

WHEREAS, the City Council further takes legislative notice that concerns about non-medical marijuana use arising in connection with the CUA and the MMP also have been recognized by state and federal courts. (See, e.g., *Bearman v. California Medical Bd.* (2009) 176 Cal. App. 4th 1588; *People ex rel. Lungren v. Peron* (1997) 59 Cal. App. 4th 1383, 1386-1387; *Gonzales v. Raich* (2005) 545 U.S. 1); and

WHEREAS, the City Council further takes legislative notice that the use, possession, distribution, and sale of marijuana remain illegal under the federal Controlled Substances Act ("CSA") (*Bearman v. California Medical Bd.* (2009) 176 Cal. App. 4th 1588); that the federal courts have recognized that despite California's CUA and MMP, marijuana is deemed to have no accepted medical use (*Gonzales v. Raich*, 545 U.S. 1; *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 532 U.S. 483); that medical necessity has been ruled not to be a defense to prosecution under the CSA (*United States v. Oakland Cannabis Buyers' Cooperative*, 532 U.S. 483); and that the federal government properly may enforce the CSA despite the CUA and MMP (*Gonzales v. Raich*, 545 U.S. 1); and

WHEREAS, the City Council further takes legislative notice that the United States Attorney General in 2008 announced its intention to ease enforcement of federal laws as applied to medical marijuana dispensaries which otherwise comply with state law. There is no certainty how long this uncodified policy will remain in effect, and the underlying conflict between federal and state statutes still remains; and

WHEREAS, the tension between state and federal laws governing marijuana has created confusion about what authority cities have regarding the regulation of medical marijuana; and

WHEREAS, the City Council has discussed the adverse effects associated with medical marijuana dispensaries as shown in the December 15, 2010 City Council discussion, staff report and attachments related to proposed medical marijuana dispensary regulations which are incorporated by reference and relied upon in approving this Ordinance and directed Staff to prepare this Ordinance; and

WHEREAS, the City Council has been concerned about the adverse effects associated with medical marijuana dispensaries and has discussed such effects adopting a moratorium on August 19, 2009 (Ord. No. 2009-1090) and extending it twice pursuant to applicable law (Ord. No. 2009-1091 and Ord. No. 2010-1107) and such ordinances are incorporated by reference and relied upon in approving this Ordinance; and

WHEREAS, the City of Imperial Beach, with a population of under 30,000, is one of the smallest cities in San Diego County; and

WHEREAS, the City of Imperial Beach is only about four (4) square miles in size, with two (2) square miles occupied by a marine estuary; and

WHEREAS, the City of Imperial Beach lacks industrial zones or any other location in the City that is subject to development which is separated adequately from residential neighborhoods, schools, and other similar sensitive land uses inconsistent with medical marijuana distribution facilities; and

WHEREAS, there are several medical marijuana distribution facilities in portions of the City of San Diego near the border with the City of Imperial Beach and the County of San Diego has regulations which allow medical marijuana distribution facilities to which citizens of Imperial Beach can go to obtain medical marijuana if necessary; and

WHEREAS, an ordinance prohibiting medical marijuana distribution facilities and prohibiting the issuance of any permits or entitlements for medical marijuana distribution facilities is necessary and appropriate to maintain and protect the public health, safety and welfare of the citizens of Imperial Beach; and

WHEREAS, the City Council is mindful of the needs of medical marijuana patients and has crafted this Ordinance in a manner that does not interfere with a patient's ability to produce his or her own medical marijuana or to obtain medical marijuana from a primary caregiver as allowed under applicable State law; and

WHEREAS, the City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, the City held a duly noticed public hearing on this Ordinance on June 15, 2011.

NOW, THEREFORE, the City Council of the City of Imperial Beach does ordain as follows:

Section 1. The above-listed findings are true and correct.

Section 2. Chapter 4.60 (Medical Marijuana Distribution Facilities) is added to the Imperial Beach Municipal Code to read as follows:

“Chapter 4.60 Medical Marijuana Distribution Facilities.

Section 4.60.010 Definitions.

Section 4.60.020 Prohibition.

Section 4.60.030 Violations—penalty.

Section 4.60.010 Definitions.

A. “Medical marijuana distribution facility” is (1) any facility or location, whether fixed or mobile, where marijuana is made available, sold, transmitted, given or otherwise provided to ~~four~~two or more persons with identification cards or qualified patients, or primary caregivers, as defined in California Health and Safety Code section 11362.5 *et. seq.* as amended from time to time, or (2) any facility where four or more qualified patients, persons with identification cards and primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the purported authority of California Health and Safety Code section 11362.5 *et. seq.*

B. “Medical marijuana distribution facility” shall not include any of the following facilities licensed and properly operating pursuant to the provisions of Division 2 of the California Health and Safety Code as long as any such use complies strictly with applicable law including, but not limited to California Health and Safety Code section 11362.5 *et. seq.* as amended from time to time:

1. A clinic;
2. A health facility;
3. A residential care facility for persons with chronic, life-threatening illnesses;
4. A licensed residential care facility for the elderly; or
5. A residential hospice or a home health agency.

Section 4.60.020 – Prohibition.

A. Medical marijuana distribution facilities are prohibited in the City of Imperial Beach, and no person shall operate or locate a medical marijuana distribution facility in the City of Imperial Beach. The City shall not issue, approve, or grant any permit, license, or other entitlement for the establishment or operation of a medical marijuana distribution facility in the City of Imperial Beach.

B. This Chapter does not apply where preempted by state or federal law.

Section 4.60.030 - Violations—penalty.

A. Any use or condition caused or permitted to exist in violation of any provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City pursuant to the procedures set forth in this Code.

B. Each violation of this Chapter and each day a violation of this Chapter continues to exist shall be considered a separate and distinct violation.

C. Notwithstanding any other provision in this Code, any person found to be in violation of this Chapter shall not be subject to criminal enforcement remedies as noted in this Code. All other means of enforcement authorized under this Code may be used to address

violations of this Chapter, including but not limited to: civil penalties, nuisance abatement, civil actions, and administrative citations.”

Section 3. Severability. If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 4. This Ordinance shall take effect thirty (30) days after passage and approval by the City Council.

Section 5. Appeal Process under the California Code of Civil Procedure (CCP): The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

Section 6. The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California, on the 6th day of July, 2011; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California, on the 20th day of July, 2011, by the following vote:

**AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:**

JAMES C. JANNEY, MAYOR

ATTEST:

**JACQUELINE M. HALD, MMC
CITY CLERK**

APPROVED AS TO FORM:

**JENNIFER M. LYON
CITY ATTORNEY**



**STAFF REPORT
CITY OF IMPERIAL BEACH**

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY BROWN, CITY MANAGER

MEETING DATE: JULY 20, 2011
ORIGINATING DEPT.: COMMUNITY DEVELOPMENT DEPARTMENT
GREG WADE, DIRECTOR
DAVID GARCIAS, CODE COMPLIANCE OFFICER

**SUBJECT: 715 HOLLY AVENUE – ABANDONED VEHICLE
ABATEMENT UPDATE**

BACKGROUND:

On December 15, 2010, the City Council Adopted Resolution No. 2010-6980 finding that the inoperable / abandoned vehicle on the property at 715 Holly Avenue (Property) constituted a public nuisance, and authorizing staff to seek legal action to either compel the Property owner to abate the inoperative / abandoned vehicle on the Property or to obtain an abatement warrant to cause the abatement to be completed by City forces or private contract.

DISCUSSION:

On February 15, 2011, while conducting a routine drive-by re-inspection, staff observed activity at the Property, a small size pickup truck in the driveway parked beside the inoperative Volkswagen bus. Staff could not enter the Property due to a secure Property line fence. Staff observed the front door to the house was wide open. From the Property line fence staff called out to the occupants of the Property, asking to speak to the owner. A women's voice answered asking who it was that was asking. Staff identified themselves, and stated they needed to speak to the owner. The women responded she did not want to talk to staff. The front door to the house was then slammed shut. Staff posted additional copies of the notices on the front yard fence and gate, clearly visible to anyone exiting the Property. Staff drove by the house later in the day, and the small size pickup truck was no longer parked on the Property.

Staff has monitored the Property since the December 15th City Council meeting. Staff visited the Property on April 12, 2011 and June 8, 2011, and observed the nuisance condition still exists.

On June 6, 2011, staff received another citizen complaint regarding the inoperable vehicle stored on the Property.

On June 15, 2011, the court issued an abatement warrant (No. 37-2011-00077414-CU-PT-SC) authorizing entry of the Property located at 715 Holly Avenue, Imperial Beach, CA 91932 and

owned by Carmella Lombardi-Munizza for the removal of the inoperable minivan vehicle parked on the paved driveway on the Property.

The owner and the occupants of 715 Holly Avenue were given at least twenty-four (24) hours advance notice before execution of the warrant. On June 16, 2011, at about 5:15 p.m., staff posted a copy of the warrant at the Property. On June 18, 2011, additional copies of the warrant were mailed to the owner via regular and certified / return receipt mail.

On June 27, 2011, at about 1:00 p.m., staff executed the warrant No. 37-2011-00077414-CU-PT-SC. In addition to staff, those present included the City's towing contractor, Paxton Towing, 3487 Main Street, Chula Vista, CA 91911.

All work authorized by the abatement warrant was completed the same day the warrant was executed. The inoperable minivan vehicle was removed from the Property by the towing contractor, to be dismantled:

- 1974 Volkswagen Van, VIN. #2252019904, California License #628LYE

By the time of the July 20, 2011, City Council Meeting staff may have additional information to provide.

FISCAL ANALYSIS:

All of the costs associated with the abatement of the abandoned / inoperable vehicle parked at 715 Holly Avenue shall be included in the quarterly AVA (Abandoned Vehicle Abatement) reimbursement report, to be reimbursed by the San Diego County Abandoned Vehicle Abatement Service Authority (SDAVASA).

715 Holly Ave, AVA Abatement Costs:

Tow Contractor costs:	Paxton Towing – Invoice #166777	\$ 174.00
Legal costs:	City Attorney	\$ 1856.89
Staff costs:		N/A **
Total reimbursable costs:		\$2,030.89

** NOTE: Code Compliance staff is currently reimbursed by the AVA program for staff time to enforce sections of chapter 8.44 of the Imperial Beach Municipal Code.

DEPARTMENT RECOMMENDATION:

Staff Recommends the Mayor and City Council:

1. Receive the update.

CITY MANAGER'S RECOMMENDATION:

Approve Department recommendation.



Gary Brown, City Manager

Attachments:

1. Declaration of Service, 715 Holly, dated June 27, 2011
2. Invoice #166777, dated June 27, 2011
3. Resolution #2010-6980, adopted December 15, 2010



City of Imperial Beach, California

COMMUNITY DEVELOPMENT DEPARTMENT - CODE COMPLIANCE DIVISION

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 628-1358/1359 Fax: (619) 424-4093

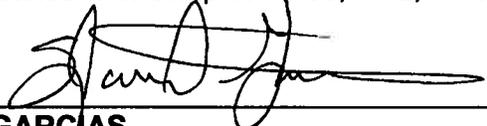
DECLARATION OF SERVICE

June 27, 2011

I, **DAVID GARCIAS**, hereby certify on penalty of perjury, that on June 16, 2011, at approximately 5:15 pm, Pacific Daylight Time, I served an Abatement Warrant #37-2011-00077414-CU-PT-SC to Carmella Lombardi-Munizza, the Property Owner for the Property located at 715 Holly Avenue, **Imperial Beach, CA, 91932** in the following manner:

- Personally Served Signed: _____ Refused: _____ Other: _____
- Mailed Regular Mail — 06/18/2011
- Mailed Certified Mail, Return Receipt — 06/18/2011
- Posted at Property — 6/16/2011

In accordance with Chapters 8.50, 1.12, 1.16, and 1.22 of the Imperial Beach Municipal Code.

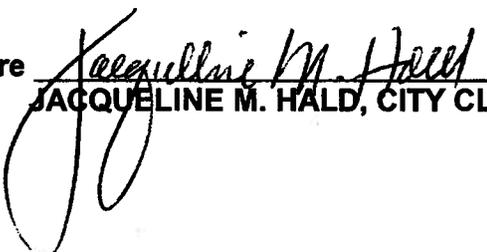


DAVID GARCIAS
CODE COMPLIANCE OFFICER
CITY OF IMPERIAL BEACH

State of California
County of San Diego ss:

On June 27, 2011 **DAVID GARCIAS**, personally appeared before me, **Jacqueline Hald**, City Clerk, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal:

Signature  (Seal)
JACQUELINE M. HALD, CITY CLERK

Case #11-346

SDSO/ABATMENT
OFFICER CITY DATE

Paxton Towing

166777

3487 MAIN STREET
CHULA VISTA, CA 91911
(619) 423-7331

SPRAY/LOST
2DR F DATE 6/27/2011
4DR R
P/U R
PLACE DATE OUT 20

DRIVER AL TRUCK TR
CALLED BY PAUL SARENS
REC'D BY CITY OF IB

NAME	TOWING	160	00
ADDRESS	MILEAGE	14	00
CITY & STATE			
MAKE & YEAR <u>74 VW VAN</u>	DOLLY		
LICENSE NO. & YEAR <u>628 LYF</u>	WINCH & CRANE		
ID NO. <u>2252019904</u>	LABOR		
TOWED FROM <u>751 16114</u>	CITATION		
	SERVICE CALL		
TOWED TO <u>MSD</u>	SECOND TOW		
	LIEN SALE		
	AFTER HOUR RELEASE		
	OUTSIDE CHARGES		
	PHONE CALL		
	STORAGE		
	TOTAL	174	00

R-2



IF YOU BELIEVE THAT YOU HAVE BEEN WRONGFULLY TOWED. PLEASE CONTACT THE LOCAL LAW ENFORCEMENT AGENCY AT (619) 691-5151

SI USTED CREE QUE ASIDO REMOLCADO INJUSTAMENTE, POR FAVOR COMUNIQUESE CON LAS AUTORIDADES LOCALES (619) 691-5151

Bill TO ~~BE~~ CITY OF IMPERIAL BEACH

ALL PERSONAL ARTICLES REMOVED FROM THE ABOVE DESCRIBED VEHICLE
SIGNATURE [Signature]

VEHICLE RECEIVED BY
6/27/2011
SIGNATURE [Signature]

CITY OF IMPERIAL BEACH
CODE COMPLIANCE DIVISION

RESOLUTION NO. 2010-6980

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S) AND THE ABATEMENT OF AN ABANDONED / INOPERATIVE VEHICLE, REGARDING THE PROPERTY AT 715 HOLLY AVENUE IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT.

WHEREAS, On July 13, 2010, staff received a Citizen Complaint stating that the property located 715 Holly Avenue was abandoned; and

WHEREAS, On July 14, 2010, staff conducted a visual inspection from the public sidewalk and observed overgrown and dead vegetation in the yards and on the park way, and an inoperative Volkswagen bus in the driveway. Staff could not enter the property because the front yard gate was locked; and

WHEREAS, On July 15, 2010, staff completed and mailed a Notice of Violation to the property owner to abate violations the following municipal code violations:

- **IBMC 12.48.120.** Maintenance of vegetation by adjacent property owners.
- **IBMC 1.16.010.G.** Overgrown vegetation.
- **IBMC 1.16.010.H.** Dead or hazardous vegetation.
- **IBMC 1.16.010.R.** Maintenance of Premises.
- **IBMC 8.44.020.** The presence of an abandoned / inoperative vehicle or parts thereof on private property; and

WHEREAS, On July 26, 2010, staff re-inspected the property and observed the violations were unchanged; and

WHEREAS, On August 2, 2010, staff re-inspected the property and observed the violations were unchanged. Staff contacted the Sheriff's Department and a Sheriff's Deputy conducted a welfare check of the home in search of the elderly owner; and

WHEREAS, On August 4, 2010, staff issued Administrative Citation #A10049, assessing a \$300.00 fine against the property for the unabated violations; and

WHEREAS, On September 7, 2010, October 6, 2010, and November 4, 2010, staff re-inspected the property and observed the violations were unchanged; and

WHEREAS, December 1, 2010, the City Council adopted Resolution No. 2010-6971 declaring that weeds growing on and in front of the properties listed below constituted a public nuisance and directed staff to proceed with abatement of the violations pursuant to Chapter 8.40 of the Imperial Beach Municipal Code and Government Code section 39560 et. seq; and

WHEREAS, On December 2, 2010, staff posted and served the property owner a notice to eliminate substandard and public nuisance conditions on the property regarding the presence of an abandoned / inoperative vehicle on private property. The violation of IBMC 8.44.020 is to be corrected by December 15, 2010. The owner was notified by mail of the public hearing scheduled for the same date; and

WHEREAS, testimony was presented to the City Council at the public hearing on

December 15, 2010 regarding conditions at 715 Holly Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Imperial Beach as follows:

SECTION 1: The foregoing recitals are true and correct, and the City Council hereby concurs with the Finding and Declaring the Notice and Order to Eliminate Substandard and Public Nuisance Condition(s) and the Abatement of an Abandoned Inoperative Vehicle at the property located at 715 Holly Avenue is appropriate and assessing costs of abatement.

SECTION 2: The cost of abatement is approved as follows:

All costs approved in this paragraph will be subject to review by the City Council at a hearing pursuant to Chapter 8.44 of the Imperial Beach Municipal Code after abatement efforts have been completed, before any lien may be imposed on the subject properties. Any work performed by City shall be done at the expense of the owner and the expense of such abatement shall constitute a lien against the property and a personal obligation of the person(s) causing and creating the substandard and nuisance conditions. Further, the City may assess \$500.00 in administrative costs per property for nuisance abatement proceedings pursuant to Imperial Beach Municipal Code Sections 1.16.240.

SECTION 3: The City Council authorizes staff to seek legal action to either compel the property owner to clean up the property or to obtain an abatement warrant to cause the abatement to be completed by City forces or private contract.

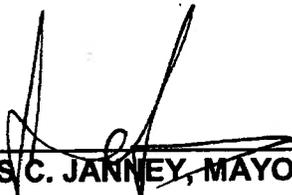
SECTION 4: The City Manager may cause a copy or copies of this Resolution to be conspicuously posted, as the City Manager may deem necessary.

SECTION 5: The City Clerk is hereby directed to:

1. Mail a copy or copies of this Resolution, by first class mail, to the owner(s) of the above-described property as shown in the last equalized assessment roll;
2. Inform the property owner, by copy of this Resolution, that the time within which judicial review of this decision must be sought is governed by §1094.6 of the California Code of Civil Procedure. The property owner's right to appeal this decision is governed by California Code of Civil Procedure §1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

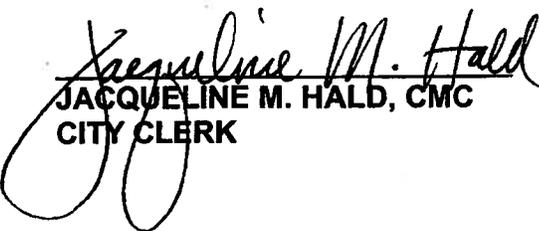
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 15th day of December 2010, by the following vote:

AYES: COUNCILMEMBERS: BRAGG, SPRIGGS, BILBRAY, KING, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE



JAMES C. JANNEY, MAYOR

ATTEST:



JACQUELINE M. HALD, CMC
CITY CLERK