

**CORCORAN CITY COUNCIL,
JOINT POWERS FINANCE AUTHORITY,
SUCCESSOR AGENCY FOR CORCORAN RDA,
& HOUSING AUTHORITY
AGENDA**

**City Council Chambers
1015 Chittenden Avenue
Corcoran, CA 93212**

**Monday, November 19, 2012
6:00 P.M.**

Public Inspection: A detailed City Council packet is available for review at the City Clerk's Office, located at Corcoran City Hall, 832 Whitley Avenue.

Notice of ADA Compliance: In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerks Office at (559) 992-2151 ext. 235.

Public Comment: Members of the audience may address the Council on non-agenda items; However, in accordance with government code section 54954.2, the Council may not (except in very specific instances) take action on an item not appearing on the posted agenda.

This is the time for members of the public to comment on any matter within the jurisdiction of the Corcoran City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item. The councilmembers ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome.

After receiving recognition from the chair, speakers shall walk to the rostrum, state their name and address and proceed with comments. Each speaker will be limited to five (5) minutes.

Consent Calendar: All items listed under the consent calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion of any item on the consent calendar, the item can be removed at the request of any member of the City Council and made a part of the regular agenda.

ROLL CALL

Mayor:	Raymond Lerma
Vice Mayor:	Jim Wadsworth
Council Member:	Antonia "Toni" Baltierra
Council Member:	Sidonio "Sid" Palmerin
Council Member:	Jerry Robertson

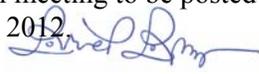
INVOCATION

FLAG SALUTE

1. PUBLIC DISCUSSION

2. **CONSENT CALENDAR (VV)**
 - 2-A. Approval of Minutes of the regular meeting on November 5, 2012
 - 2-B. Authorization to read ordinances and resolutions by title only.
 - 2-C. Waive Second Reading and approval of Ordinance No. 619, Dog Park Ordinance.
3. **APPROPRIATIONS (VV)**
Approval of Warrant Register dated November 19, 2012. (Venegas)
4. **PRESENTATIONS**
Presentation by Corcoran Police Department on Centennial. (Shortnacy)
5. **PUBLIC HEARINGS** – None
6. **WRITTEN COMMUNICATIONS** – None
7. **STAFF REPORTS**
 - 7-A. Discussion regarding Lobbyist agreement. (Meik) (VV)
 - 7-B. Discussion regarding Hiring Freeze implemented in 2011. (Meik) (VV)
8. **MATTERS FOR MAYOR AND COUNCIL**
 - 8-A. Information Items
 - 8-B. Staff Referral Items - *Items of Interest (Non-action items the Council may wish to discuss)*
 - 8-C. Committee Reports
9. **CLOSED SESSION**
Council will recess to closed session pursuant to:
 - 9-A. CONFERENCE WITH LABOR NEGOTIATOR(S) (Government Code § 54957.6). It is the intention of this governing body to meet in closed-session to review its position and to instruct is designated representatives:
 - Designated representatives: Kindon Meik, and Negotiating Team
Name of employee organization: CPOA, CLOCEA, Local 39 and
Management
 - 9-B. CONFERENCE WITH LABOR NEGOTIATOR(S) (Government Code § 54957.6). It is the intention of this governing body to meet in closed-session to review its position and to instruct is designated representatives:
 - Designated representatives: Kindon Meik
Name of employee organization: Management
10. **ADJOURNMENT:**

I certify that I caused this Agenda of the Corcoran City Council meeting to be posted at the City Council Chambers, 1015 Chittenden Avenue on November 15, 2012.



 Lorraine P. Lopez, City Clerk

City of

CORCORAN

A MUNICIPAL CORPORATION

FOUNDED 1914

CONSENT CALENDAR
ITEM #: 2C

MEMO

TO: Corcoran City Council

FROM: Lorraine Lopez, Assistant to the City Manager/City Clerk

DATE: November 8, 2012

MEETING DATE: November 19, 2012

SUBJECT: Waive Second Reading and Consider approval of Ordinance No. 619, Dog Park Ordinance

Recommendation:

Move to approve Ordinance No. 619 as part of the consent calendar.

Discussion:

At the City Council meeting held on October 15, 2012, Ordinance No.619 was introduced and further reading waived to consider the Dog Park Ordinance. For your review attached is Ordinance No. 619.

After waiving the second reading and approval, the ordinance will be effective in thirty-one days. The effective date would not be scheduled until after December 20, 2012.

Before fifteen days expiration after tonight's adoption the summary of ordinance will be published in The Corcoran Journal, a newspaper of general circulation.

Budget Impact:

Minimal advertising costs.

CITY OFFICES:

832 Chittenden Avenue * Corcoran, CA 93212 * Phone 559-992-2151 * www.cityofcorcoran.com

ORDINANCE NO. 619

AN ORDINANCE ADDING CHAPTER 4.5 TO
TITLE 5 OF THE CORCORAN MUNICIPAL CODE,
AUTHORIZING PUBLIC AREAS FOR OFF-LEASH
USE BY DOG OWNERS AND HANDLERS.

THE CITY COUNCIL OF THE CITY OF CORCORAN DOES ORDAIN AS
FOLLOWS:

Section 1. SHORT TITLE. This ordinance shall be known as the “Dog Park Ordinance”.

Section 2. PURPOSE. The provisions of this ordinance are intended to protect the public health and safety by limiting off-leash dog areas and to provide a process by which the City of Corcoran (“City”) can reduce or eliminate unsafe conditions in off-leash dog areas.

Section 3. CODE ADOPTION. Chapter 4.5 is hereby enacted and added to Title 5 of the Corcoran Municipal Code, and shall read in its entirety as follows:

Section 5-4.5-1 DESIGNATED OFF-LEASH DOG AREAS.
The City Council, as a discretionary service to dog owners, may by resolution identify and designate public off-leash dog areas for use by dog owners and handlers.

Section 5-4.5-2 DEFINITIONS.
As used in this chapter, the following terms are defined in this section:

“Adult” means anyone over the age of eighteen (18) years.

“Handler” means a person who has control, possession or responsibility of a dog.

“Heat” means each period of time within a female dog’s menstrual cycle when the female can naturally become impregnated by a male dog.

“Leash” means a strap attached to a dog’s collar by a hook with a handle or loop at the end for ease in handling/holding by the owner or handler.

“License” means a current dog license attached to the dog’s collar which must be worn by the dog while in the park.

“Off-leash dog area” means a posted and fenced area within a public park or other public area within the limits of the City of Corcoran and/or under the control of the City of Corcoran, created specifically for dog owners or handlers to allow their dog(s) to roam freely while within the confines of the fenced area and within sight of their owner or handler.

“Owner” means the legal owner of a dog.

“Regulations” means rules adopted by the Public Works Director or City Council and which are posted by the City of Corcoran at a public park or other public area designated as an off-leash dog area.

“Vaccination” means an inoculation of virus required by any applicable law, including but not limited to those specified in Section 5-4C-1 of the Corcoran Municipal Code

Section 5-4.5-3 REGULATIONS.

The Public Works Director of the City of Corcoran is authorized to adopt and amend regulations for the public’s use of off-leash dog areas owned by the City of Corcoran. A copy of said regulations shall be maintained in the offices of the City Clerk and the Public Works Director. Said regulations include, but are not limited to:

1. Owners and handlers of a dog are legally responsible for such dog(s) and any injuries caused by such dog(s). Use of the dog area is at owner’s risk.
2. No dog under the age of four (4) months shall be allowed in an off-leash dog area.
3. All dog(s) must have all current vaccinations required by any applicable law, including but not limited to those specified in Section 5-4C-1 of the Corcoran Municipal Code.
4. All dog(s) must be licensed. All licenses must be on the dog’s collar and the collar must be on the dog at all times.
5. No dog(s) in heat is allowed within the off-leash dog area.

6. Owners and handlers may not have more than three (3) dogs with them in the off-leash dog area at any given time.
7. Dogs are required to wear a basic flat buckle collar, training collar, or harness with a license and identification tags at all times.
8. Dogs must be escorted to and from the off-leash dog area using an attached leash not exceeding six (6) feet in length.
9. Owners and handlers are responsible for the immediate removal of fecal matter deposited in the off-leash dog area by their dog. All feces must be properly disposed of in the receptacles provided within the off-leash dog area.
10. No aggressive dogs are allowed within the off-leash dog area. A dog displaying aggressive behavior to people or other dogs is required to immediately leave the park for that day.
11. No children under the age of ten (10) years are allowed in the off-leash dog area. Children ages ten (10) to fourteen (14) years must be accompanied by a responsible adult.
12. Sporting activities, bicycles and picnics are not permitted in the off-leash dog area.
13. The City of Corcoran's animal control officers and police officers shall be authorized to enter any off-leash dog area and enforce any animal control regulations by the authority given to them under Title 5, Chapter 5, of the Corcoran Municipal Code.
14. Violators of the above stated rules may be removed from the park and park privileges may be suspended.
15. The City of Corcoran reserves the right to close any or all off-leash dog areas.
16. Dog(s) must not be left unattended in the off-leash dog area. A handler must be with the dog(s) at all times.

Section 5-4.5-4 HOURS OF OPERATION.

Each off-leash dog area shall generally be open from dawn to dusk daily, subject to the City's right to close such areas in its sole discretion. The exact hours of operation shall be posted at entrances

to the off-leash dog area and all persons must adhere to the posted hours of operation.

Section 5-4.5-5 REQUIRED SIGNAGE.

Notwithstanding Section 5-4D-1, and solely in accordance with the all of the requirements of this chapter, owners and handlers of a dog may remove the leash from their dog in public parks and other public areas specifically posed as an off-leash dog area. Signs shall be clearly posted at the entrance to the off-leash dog area and between on- and off-leash dog areas. Signs shall identify the off-leash dog area, regulations for use, and the hours of operation.

Section 5-4.5-6 PENALTY FOR VIOLATIONS.

Violation of this chapter by any owner or handler of a dog shall be a public nuisance. Any person violating the provisions of this chapter or regulations adopted hereunder shall be guilty of a misdemeanor and if convicted subject to the penalties set forth in Section 1-4-1 of this code.

Pursuant to Government Code section 36900(a), and notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce the provisions of this chapter, the violation shall be an infraction if the prosecuting attorney alleges the violation be an infraction.

In addition to the above penalties, any person violating the provisions of this chapter will be prohibited from using the park for a period determined by the Public Works Director in his/her discretion subject to appeal to the City Manager. Notification of this prohibition shall occur by mail to the address indicated on the citation and shall be deemed valid notice upon mailing.

Section 4. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the

Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 5. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Corcoran, or any official, employee or agent thereof.

Section 6. PENDING ACTIONS AND EXISTING VIOLATIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court or other enforcement proceeding, or any rights acquired, or liability incurred, or any cause or causes of action already acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Corcoran hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 8. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Corcoran Municipal Code as amended by this ordinance are substantially the same as provisions in the Corcoran Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 9. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the _____, a newspaper printed and published in the City of Corcoran, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Corcoran, State of California, on the ____ day of _____, 2012, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

RAYMOND LERMA, Mayor
CITY OF CORCORAN

ATTEST: _____
LORRAINE LOPEZ, City Clerk,
CITY OF CORCORAN

**MATTERS FOR MAYOR AND COUNCIL
ITEM #: 8**

MEMORANDUM

MEETING DATE: November 19, 2012

TO: Corcoran City Council

FROM: Lorraine Lopez, Assistant to the City Manager/City Clerk

SUBJECT: Matters for Mayor & Council

UPCOMING EVENTS / MEETINGS

- November 22-23, 2012 (Thursday/Friday) City Offices Closed, Observance of Thanksgiving.
- December 3, 2012 (Monday) City Council Meeting – 6:00 PM, Council Chambers.
- December 6, 2012 (Thursday) Annual Christmas Parade and Tree Lighting Ceremony
- December 10, 2012 (Monday) Ethics Training – 6:00 PM, Technology Learning Center
- December 17, 2012 (Monday) City Council Meeting – 6:00 PM, Council Chambers
- December 20, 2012 (Thursday) Christmas at the Park Event – 6:00 PM Christmas Tree Park

A. Information Items

1. Refuse services and trash pick-up. (Kroeker)
2. Code Enforcement and vehicles. (Tromborg)

B. Council Comments

This is the time for council members to comment on matters of interest.

1. Staff Referral Items

C. Committee Reports



**COUNCIL REQUESTS OR REFERRAL ITEMS
PENDING FURTHER ACTION or RESOLUTION BY STAFF**

DATE Sent to Council/ Request made	REQUEST	STATUS	DEPARTMENT RESPONSIBLE Dept/Division
12/19/11	Council requested staff look into bid process for the following services being provided to the city: fueling for city vehicles, pool maintenance supplies, pest control, and building maintenance supplies.	In progress	Finance / Public Works
03/05/12	Council directed staff develop guidelines for co-sponsorship of events.	In progress	City Clerk/ Finance
03/19/12	Staff stated they will be providing additional information regarding proposed Roundabout at Intersection of Highway 43 and Whitley Avenue	In progress	Public Works / City Manager
08/06/12	Council requested the Sale Tax item return in December 2012 and directed staff to bring additional information regarding a committee to a future meeting.	In progress	City Manager
08/20/12	Council requested a Solar Projects Update	In Progress	Public Works
08/20/12	Council requested staff provide information regarding potential parks upgrades at Boswell Park	In Progress	Public Works