



PARKS AND RECREATION COMMISSION MEETING
Thursday, January 8, 2009, Albany Community Center
Community Center Main Hall, 1249 Marin Ave., 7:30pm

1. CALL TO ORDER

2. APPROVAL OF MINUTES: December 2008

3. PUBLIC COMMENT

For persons desiring to address the Commission/Committee/Board on an item that is not on the agenda please note that each speaker is limited to three (3) minutes. The Brown Act limits the Committee's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

4. ANNOUNCEMENTS/COMMUNICATIONS

5. DIRECTOR'S REPORT:

6. DISCUSSIONS AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:

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| 6-1 | Teen Center and Youth Volunteer Presentation: | Staff will present information regarding Albany's Teen Center and Youth Volunteer Activities during 2008 and what's coming up in 2009. |
| 6-2 | Dogs in Parks: | The Commission will discuss possible options and alternatives for addressing recent concerns regarding aggressive dogs in Albany's parks as well as how best to share Albany's limited park space with the considerable need for having areas within the parks for dogs. |
| 6-3 | Ocean View Sports Field Improvements Update: | The OVSF project is funded by a State Park Bond; however, the State has frozen park bond funds. Staff will report on how this will impact the OVSF project. |
| 6-5 | Selection of Chair and Vice Chair: | Each year the Commission selects and Chair and Vice Chair for the upcoming calendar year. |

7. FUTURE AGENDA ITEMS

(Commission/Committee/Board Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

8. ADJOURNMENT:

Please note that if you provide your name and address when speaking before the Commission/Committee/Board it will become part of the official public record, which will be posted on the Internet.

NOTE: Any writings or documents provided to a majority of the City Council/Commission regarding any item on this agenda will be made available for public inspection at the Community Center counter located at 1249 Marin Ave during normal business hours, 8:30am-5:00pm, Monday through Friday.

CITY OF ALBANY
Parks and Recreation Commission
STAFF REPORT

Agenda Date: January 8, 2009

SUBJECT: The Commission will discuss possible options and alternatives for addressing recent concerns regarding aggressive dogs in Albany's parks as well as how best to share Albany's limited park space with the considerable need for having areas within the parks for dogs.

REPORT BY: Penelope Leach, Recreation and Community Services Director

STAFF RECOMMENDATION

Discussion item only

BACKGROUND

The Parks and Recreation Commission recently received a complaint regarding aggressive dogs at Memorial Park. The most recent letter is in attachment A. The Commission addressed the complaint in very general terms at the December 2008 Commission meeting. The intent at the December meeting was to get a feel from Commissioners as to the next steps the Commission would recommend taking, if any, given that the issue of dogs in Albany's parks continues to be a topic that is brought before the Commission. The Commission chose to solicit more information before deciding how to move forward. The information presented in this staff report represents the information the Commission requested for discussion purposes only. The Commission has made no recommendations at this time, but would like to analyze the requested information as well as gain as much community input as possible.

As a 20-year veteran on Albany's police force, Police Chief Mike McQuiston attended the December meeting in an effort to provide a brief history of how Albany has addressed dog issues and animal control in general over the years. Chief McQuiston reported that until the early/mid 1990's an animal control enforcement officer was employed by the City and was under the direction of the Albany Police Department. At that time Albany had a leash law that the animal control officer was primarily responsible for enforcing. The animal control enforcement officer was eliminated and replaced with a contract for animal control services with the City of Berkeley Animal Control (BAC). The contract with BAC is administered through the Assistant City Administrator's office. Currently, the cost of the annual contract is approximately \$27,000 per year.

Albany's current Animal Control ordinance is contained in Chapter X of the Albany Municipal Code. Regarding dogs at-large the code reads:

10-4.2 Animals At-Large.

No domestic animal, except cats, shall be permitted to be on public property or the private property of anyone other than the guardian/owner unless under proper

control and supervision by a capable person. Any domestic animal found at-large within City limits shall be impounded. (Ord. #98-02, §1; Ord. #04-03, §1)

The current language for Chapter X of the Albany municipal code was adopted when animal control services began contracting with BAC. The language eliminating the "leash law" was contained in the proposed new ordinance as it was modeled after Berkeley's ordinance, which allowed BAC to easily enforce Albany's ordinance. However, it should be noted that since that time Berkeley's Animal Control ordinance has changed and a leash law has been instituted. Berkeley's municipal code now reads:

Except in an area specifically set aside and designated by the City Council as a "dog park", or "off-leash" area no owner/guardian or keeper of a dog shall allow or permit such dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any private place or premises other than those of said owner/guardian or keeper except with the consent of the person in charge of said private place or premises, unless such dog is securely restrained by a substantial leash not to exceed six feet in length and is in charge and control. An obedience-trained dog under effective charge and control within six feet of his master shall be deemed to be on a leash. For the purposes of this section, any dog in or upon any motor vehicle shall be deemed to be on the premises of the operator thereof. (Ord. 6627 § 1, 2001; Ord. 5789-NS § 1, 1986; Ord. 4412-NS (part), 1969; Ord. 4372-NS § 9, 1968)

Chief McQuiston also reported that based on a quick review of Albany's records between January 1, 2008 and December 10, 2008, officers documented 242 "animal" incidents in Albany. By definition an incident classified as an "animal incident" may include a barking dog complaint, a dead animal (squirrel, raccoon, sea lion, cat, etc.), unattended animal in a vehicle, etc. Twenty-two actual case reports have been documented in that same time and these include:

- 10 dog bites
- 6 dog vs. dog (or cat)
- 2 aggressive dogs
- 1 citation issued for an "at large" dog that had managed to get out of his yard.

The Commission also asked how other cities address dogs in parks. Staff sent an email to other cities in California and has included a table of information for those cities that responded. Please see attachment B.

The Commission also requested that Albany's Dog Ad Hoc Committee meet and make recommendations to the Commission. The Committee met on December 18, 2008. The notes from that meeting are in attachment C.

Attachments

Attachment A: Letter from resident
Attachment B: Table of Cities Leash Laws
Attachment C: Notes from December 2008 Dog Ad Hoc Committee

Attachment A

December 5, 2008

To: City of Albany Park and Recreation Commission

My husband and I recently purchased a home in Albany and are happy to be residents here. We have two young boys, now ages 4 and 2, and often used to walk to the field at Memorial Park in the evenings for the kids to play soccer on the field. Almost every time we've gone, there have been "dog-playdates" where owners hang out and let their dogs run around freely without leashes. We respect their space by playing on the other side of the field. More than once, individual dogs have sprinted over and behaved aggressively with our children (chasing them, jumping on them, trying to take their ball, and just interfering in general). In each of those instances, owners have done nothing to stop their dogs from behaving this way but have instead remained seated on their bottoms, at times casually calling their dogs from a distance to come back. These dogs have never bit our children, but their behavior has been aggressive enough to traumatize them, leaving them frightened and crying. Attempts by my husband to communicate with those owners have been ignored. In the meantime, we have had to extend a lot of effort trying to undo the emotional damage in one of our children, who is now terrified of dogs.

An owner should be willing and able to control his dog, and if the dog is unable to obey, then it should be on a leash. We want to point out that it is a small minority of dog owners who don't behave responsibly; the majority of the dog owners are conscientious enough to keep their dogs on the other side of the field and under their control. Still, this small minority has created a consistent problem for our children at play. Evenings are the only time my husband can spend with our children; it's unfortunate that we've been left with no alternative but to get in our car and drive to another park, rather than simply walking two blocks in our own neighborhood to the field at Memorial Park.

These incidents occurred during the late summer months, and I first reported them by email to the Park and Recreation Commission on September 7, 2008. Because these incidents were never resolved, we have not returned to play soccer at that field. We would like the Commission to discuss possible solutions so that, especially as spring approaches, we do not have to face this ongoing problem again.

We are not the only residents who have expressed concern. The July 2008 Park and Recreation Commission meeting agenda and packet included email comments from residents regarding dogs at Memorial Park. An individual (who, unfortunately, chose to remain anonymous) wrote, "I used to like to take my daughter to that field to fly kites, play soccer and throw a frisbee, but now... I am not sure that I want my daughter exposed to such foul caustics, and I certainly would not feel safe having her there for fear of an attack." He refers to photos that he took but even stated that they are rather rough as he "was more than a bit intimidated by the large number of people gathered, not to mention the large packs of dogs that were inundating the field." While that is not a direct complaint of aggression, it certainly is a direct statement of fear and intimidation, which kept them away from the field.

Attachment A

We believe that owners and their dogs have every right to be on the field at Memorial Park, but we also believe that the park is for the entire community to enjoy; therefore, dog owners should behave respectfully, considerately, and responsibly when children are playing on the field. A few irresponsible owners can taint the entire reputation of the “dog playdate,” and, if this behavior is left unchecked, it could lead to a marginalization of non-dog-owners in this community who cannot access the field or, even worse, an actual attack against someone. We come from a position of wanting owners and their dogs to enjoy the field as much as others, but we also have a clear expectation that the owners behave responsibly, so that everyone can feel safe on the field at Memorial Park.

Thank you for your time and consideration in this matter. We look forward to hearing your thoughts on a solution.

Sincerely,

Ronald and Traci Menendez

Attachment B

City	Leash Law in Public Parks at All times	Dog Park	Hours Dogs May be Off-Leash	Comments
Beverly Hills	Yes			
Burlingame		Yes	Dawn until 7:30am	
Carlsbad	No dogs in parks	Yes		
Costa Mesa	Yes	Yes		
Culver City	No dogs in parks	Yes		“Pooch Path” in one park where dog can be in park, but on-leash
El Cerrito	Yes	No		
Emeryville	Yes	No		
Fountain Valley	Yes	No		
Monterey	Yes	Yes		
Palm Desert	Yes	Yes		
South Pasadena	No dogs in parks			
Santa Rosa	Depends on park	Yes	6am-8am	
Sonoma County Regional Parks	Yes	Yes		Dogs on leash no longer than 6’
South Gate	No dogs in parks	No		
Victorville	Yes	No		
Walnut Creek	Yes – no dogs on sports fields	Yes	One park – off leash until 9am	Off-leash in designated areas in some open spaces
Yucaipa	Yes	No		

AD HOC DOG COMMITTEE MEETING
December 18th, 2008
MINUTES

Call to order – 7:42 p.m. Members present, John Tonkyn, Christine Mullarkey (P&RC Liaison) session chaired by Brad Griffith, John Kartychak excused.

Review of Minutes – No changes. Motion to approve minutes made by Mullarkey, seconded by Tonkyn.

Public Forum: No at-large members of public present at this session, no discussion entered.

Old Business: Open discussion of the posting of new signs regarding owner facilitation of pet feces at Memorial Park. Committee members present were pleased to see the culmination of said issue. Mullarkey and Tonkyn pointed out corrections in the April 2nd, 2008 minutes (typographical errors: PALCE should be PLACE and LEASE should be LEASH). Corrections noted.

Open discussion by committee members of agenda item regarding “Menendez Letter” proceeded with emphasis on aggressive pet behavior to at-large members of public who patronize Memorial Park. General comments/suggestions ranged from the following:

- Designating specific hours of the day for pet owners to utilize city park areas: Memorial, Terrace and Ocean View Parks.
- Designating specific days for pet owners to utilize city park areas.
- Create sanctioned areas for pet owners to utilize city park areas.
- Classes offered at Albany Adult School focused on training and socialization between pets and general public for pet owners.
- Community outreach newsletter illustrating guidelines and acceptable behavior between pets and public at-large.

The final recommendation by the committee was the posting of a memo in all city parks outlining pet aggressiveness issues with the belief that if issues are brought forth in a more direct manner, owners will see the need to self-police pets. A last resort suggestion was explored, yet not recommended, being to contact the police and cite owners for issues of pet aggressiveness and requiring owners to attend pet socialization courses.

Motion to adjourn given by Griffith, seconded by Mullarkey.

Next meeting was set TBA, @ 7:30p.m.....Adjournment @ 8:06p.m.