



**REGULAR MEETING OF THE
CANYON LAKE CITY COUNCIL
Wednesday, April 6, 2016
Open Session – 6:30 p.m.**

**City Council Chambers
31516 Railroad Canyon Road
Canyon Lake, CA 92587**

Please turn off your cell phones during the meeting

OPEN SESSION – 6:30 P.M.

- 1. Call Open Session to Order**
- 2. Invocation**
Flag Salute
- 3. Roll Call:** Council Members Ehrenkranz, Warren, Zaitz, Mayor Pro Tem Haggerty, Mayor Brown
- 4. Approval of City Council Agenda**
- 5. Special Presentations and Proclamations:**
 - 5.1 Chamber of Commerce Announcements**
 - 5.2 Public Safety Committee/Fire Department Start-up Committee Report**
- 6. Public Comments –** Any person wishing to address the City Council on any matter within the jurisdiction of the City, whether or not it appears on this agenda, is asked to complete a “Speaker Request Form” available on the back counter. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. The City Council has adopted a time limitation of three (3) minutes per person. If you are commenting on the agenda item, your comments will be heard at the time that particular item is scheduled on the agenda. *Please note that if you are addressing the City Council on items NOT on the agenda, the Brown Act does not allow discussion of such items. Therefore, the City Council may only do the following: refer the matter to staff, ask for additional information or request a report back, or give a very limited factual response.*

RECESS TO PUBLIC FINANCE AUTHORITY MEETING

RECONVENE CITY COUNCIL MEETING

7. Consent Calendar:

All items listed on the Consent Calendar are considered to be routine matters, status reports or documents covering previous City Council action. The items listed on the Consent Calendar may be enacted in one motion. With the concurrence of the City Council, a Council Member may request that an item be removed for further discussion. Staff recommends approval of all items. (Roll Call Vote)

7.1 Waiver of Reading in Full of all Ordinances by Title only

7.2 Adoption of Resolution No. 2016-10, Approving Claims and Demands of the City
Page 5

7.3 Second Reading and Adoption of Ordinance No. 166 Amending Various Sections of Title 10 of the City of Canyon Lake Municipal Code Regarding the Hearing and Appeal Processes for Citations Involving Keeping and Control of Dogs and Cats
Page 17

8. Pulled Consent Calendar Items

9. Schedule of Future Events:

- 9.1 Administration and Finance Committee Meeting
Tuesday, May 3, 2016 at 8:00 a.m., City Council Chambers
- 9.2 Public Safety Committee Meeting
Tuesday, May 3, 2016 at 9:30 a.m., City Council Chambers
- 9.3 Canyon Lake City Council Meeting
Wednesday, May 4, 2016 at 6:30 p.m., City Council Chambers
- 9.4 Water Committee Meeting
Thursday, April 21, 2016 at 9:00 a.m., City Council Chambers
- 9.5 Planning Committee Meeting
Meeting Date To Be Determined
- 9.6 Economic Development and Healthy Communities Meeting
Meeting Date To Be Determined
- 9.7 Veterans Committee Meeting
Tuesday, April 12, 2016 at 4:30 p.m., City Council Chambers
- 9.8 Fire Department Start-Up Committee
Meeting Date To Be Determined

10. Business Items

10.1 Provide Direction To Staff Regarding City's Entryway Monument Project
Page 25

10.2 Discussion and possible direction to staff regarding potential ordinance regulating smoking in public places
Page 33

10.3 Discussion and possible direction to staff to prepare a Resolution of Censure, or consider other action to address ongoing violations of the Code of Conduct by Council Member Zaitz - Presentation by Council Member Warren and Mayor Pro Tem Haggerty
Page 37

11. City Manager Comments

11.1 Update Regarding Fire Discussions

12. Committee and Council Reports/Comments

- 12.1 Council Member Ehrenkranz
- 12.2 Council Member Warren
- 12.3 Council Member Zaitz
- 12.4 Mayor Pro Tem Haggerty
- 12.5 Mayor Brown

14. Announcements

The next regular City Council meeting is scheduled for **May 4, 2016 at 5:30 p.m. for Closed Session and 6:30 p.m. for Open Session.**

15. Adjournment

This meeting is adjourned in memory of Bob Bohan, who worked for the City as a Special Enforcement Officer between July 1999 and July 2010.

VISION STATEMENT

The vision of the City of Canyon Lake is to be a City that provides a quality of life that makes Canyon Lake the premier place to live in Southern California.

ATTENTION RESIDENTS:

Supporting documents, including staff reports, are available for review at City Hall in the City Clerk's Office or on the City's website at www.cityofcanyonlake.org once the agenda has been publicly posted. Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting. It is the intention of the City of Canyon Lake to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or participant at this meeting, you will need special assistance beyond what is normally provided, the City of Canyon Lake will attempt to accommodate you in every reasonable manner. Please contact Ariel M. Hall, City Clerk, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

April 6, 2016 City Council Meeting

**STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE } SS. AFFIDAVIT OF POSTING
CITY OF CANYON LAKE }**

I, Ariel M. Hall, being duly sworn, depose and say that I am the duly appointed and qualified City Clerk of the City of Canyon Lake and that on March 31, 2016 before the hour of 5:00 p.m., I caused the above notice to be posted as required by Resolution 2015-36 of the City Council of the City of Canyon Lake.

**Ariel M. Hall
City Clerk**

**City of Canyon Lake
City Council
Staff Report**

TO: Mayor and City Council
FROM: Michelle Gomez, Accountant
DATE: April 6, 2016
SUBJECT: List of Demands

Recommendation:

That the City Council adopts a resolution entitled: RESOLUTION NO. 2016-10

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CANYON LAKE ALLOWING CERTAIN
CLAIMS AND DEMANDS AS SET FORTH IN EXHIBIT A

Background:

All claims and demands are reported and summarized for review and approval by the City Council on a routine basis at each City Council meeting. The attached claims represent the paid claims and demands since the City Council meeting of March 2, 2016.

Budget (or Fiscal) Impact:

All claims and demands are paid from appropriated funds or authorized resources of the City and have been recorded in accordance with the City's policies.

Attachments:

Resolution
List of Demands

RESOLUTION NO. 2016-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANYON LAKE, CALIFORNIA, ALLOWING CERTAIN CLAIMS
AND DEMANDS AS SET FORTH IN EXHIBIT A**

The City Council of the City of Canyon Lake does hereby resolve as follows:

Demands are approved as shown on the Demand\Warrant Register of April 6th, in the amount of
\$376,199.95 as follows:

Payroll Earnings (Gross)	\$	39,478.72	(2nd Half of February & 1st Half of March)
Payroll Taxes - Employer	\$	1,466.54	(2nd Half of February & 1st Half of March)
On-line Retirement		5,332.82	(2nd Half of February & all of March)
On-line Health		126.03	(For the Month of March)
General		329,795.84	
TOTAL	\$	<u>376,199.95</u>	

PASSED, APPROVED AND ADOPTED this 6th day of April 2016.

Mayor, Timothy Brown

ATTEST:

Ariel M. Hall, City Clerk

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22261	3/3/2016	C.L.CHAMBER OF COMMERCE	2016 Camber Installation & Award Gala Tickets	180.00	10	GENERAL
Total 22261	3/3/2016			180.00		
22262	3/16/2016	A Perfect View Construction	March 2016 Claims & Demands	11.00	10	GENERAL
Total 22262	3/16/2016			11.00		
22263	3/16/2016	Aaron Palmer	WORK FOR TRANSITION TO PERMANENT CITY MANAGER	2,968.75	10	GENERAL
Total 22263	3/16/2016			2,968.75		
22264	3/16/2016	AMERICAN FORENSIC NURSES LLC	BLOOD DRAW FEB 2016	80.00	10	GENERAL
Total 22264	3/16/2016			80.00		
22265	3/16/2016	BACKFLOW CERTIFICATION	TESTED BACKFLOW DEVICE	40.00	10	GENERAL
Total 22265	3/16/2016			40.00		
22266	3/16/2016	BIO-TOX LABORATORIES	BLOOD AND ALCOHOL TEST	35.00	10	GENERAL
Total 22266	3/16/2016			35.00		
22267	3/24/2016	CHARLES ABBOTT ASSOCIATES, INC.	ENGINEER SERVICE FEB 2016	2,970.00	10	GENERAL
22267	3/16/2016	CHARLES ABBOTT ASSOCIATES, INC.	ENVIRONMENTAL CONSULTANT	290.00	10	GENERAL
Total 22267	3/24/2016			3,260.00		

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22268	3/16/2016	Control Pump	MAINT LANDSCAPE PUMP STATION	750.00	20	GAS TAX
Total 22268	3/16/2016			750.00		
22269	3/16/2016	Corelogic Information Solutions, INC.	PROPERTY DETAIL RPT/FORECLOSURE	7.00	10	GENERAL
Total 22269	3/16/2016			7.00		
22270	3/16/2016	Cota Cole LLP	ATTORNEY SERVICES FEB 2016	9,202.50	10	GENERAL
Total 22270	3/16/2016			9,202.50		
22271	3/24/2016	CR&R	REFUSE FY 15/16	16,360.63	50	AGENCY
Total 22271	3/24/2016			16,360.63		
22272	3/16/2016	CTAI PACIFIC GREENSCAPE	LANDSCAPING MAINT FEB 2016	5,200.00	20	GAS TAX
Total 22272	3/16/2016			5,200.00		
22273	3/16/2016	Department of Justice Accounting Office	FINGERPRINT FEB 2016	256.00	10	GENERAL
Total 22273	3/16/2016			256.00		
22274	3/16/2016	Eagle Graphic Creations Inc.	NAME PLATE FOR MEETINGS	153.58	10	GENERAL
Total 22274	3/16/2016			153.58		
22275	3/16/2016	Emergency Communications Network West, LLC	CODE RED 3/2016 - 3/2017	7,500.00	10	GENERAL

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
Total 22275	3/16/2016			7,500.00		
22276	3/24/2016	ELSINORE VALLEY MUNI WATER DIS	BILLING PERIOD 1/21/16 - 2/22/16	118.32	10	GENERAL
22276	3/24/2016	ELSINORE VALLEY MUNI WATER DIS	BILLING PERIOD 1/22/16 - 2/23/16	248.45	10	GENERAL
22276	3/24/2016	ELSINORE VALLEY MUNI WATER DIS	BILLING PERIOD 1/22/16 - 2/23/16	330.96	20	GAS TAX
Total 22276	3/24/2016			697.73		
22277	3/16/2016	Executive Cleaning Services, LLC	CLEANING SERVICES MARCH 2016	925.00	10	GENERAL
Total 22277	3/16/2016			925.00		
22278	3/16/2016	GOLDING PUBLICATIONS	BUSINESS LICENSE CARD	48.60	10	GENERAL
Total 22278	3/16/2016			48.60		
22279	3/24/2016	MIG / HOGLE-IRELAND	PLANNING SERVICES FEB 2016	1,585.00	10	GENERAL
Total 22279	3/24/2016			1,585.00		
22280	3/16/2016	NEXTEL COMMUNICATIONS	CELL PHONE FEB 2016	208.94	10	GENERAL
Total 22280	3/16/2016			208.94		
22281	3/24/2016	Rogers, Anderson, Malody & Scott, LLP	ACCOUNTING SERVICES JAN 2016	6,500.00	10	GENERAL
Total 22281	3/24/2016			6,500.00		
22282	3/16/2016	JOHN REGUS	APRIL SMALL CONFERENCE ROOM	250.00	10	GENERAL

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
Total 22282	3/16/2016			250.00		
22283	3/16/2016	JOHN REGUS	LIBRARY LEASE MAY 2016	983.45	10	GENERAL
Total 22283	3/16/2016			983.45		
22284	3/24/2016	County Executive Office	SOUTHWEST COMMUNITIES FINANCING AUTHORITY	1,343.49	10	GENERAL
Total 22284	3/24/2016			1,343.49		
22285	3/16/2016	RIV. CO. SHERIFF'S DEPT., Acctg & Fin	LAW ENFORCEMENT CONTRACT JAN 2016	105,286.12	10	GENERAL
Total 22285	3/16/2016			105,286.12		
22286	3/24/2016	COUNTY OF RIVERSIDE-TLMA	FEB SLF COSTS FY16	2,532.11	20	GAS TAX
Total 22286	3/24/2016			2,532.11		
22287	3/24/2016	SOUTHERN CALIFORNIA EDISON	BILLING PEIROD 2/9/16 - 3/10/16	226.37	20	GAS TAX
22287	3/16/2016	SOUTHERN CALIFORNIA EDISON	BILLING PERIOD 1/23 - 2/23	102.48	20	GAS TAX
22287	3/16/2016	SOUTHERN CALIFORNIA EDISON	BILLING PERIOD 1/29 - 3/1	462.87	20	GAS TAX
Total 22287	3/24/2016			791.72		
22288	3/24/2016	Sparkletts	WATER SERVICE FEB 2016	22.42	10	GENERAL
Total 22288	3/24/2016			22.42		
22289	3/16/2016	STAPLES	OFFICE SUPPLIES	215.72	10	GENERAL

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
Total 22289	3/16/2016			215.72		
22290	3/16/2016	STATE COMP. INS. FUND	WORKERS COMP APRIL 2016	1,152.75	10	GENERAL
Total 22290	3/16/2016			1,152.75		
22291	3/16/2016	Synoptek	IT CONSULTING MARCH 2016	1,725.00	10	GENERAL
Total 22291	3/16/2016			1,725.00		
22292	3/24/2016	The Gas Company	BILLING PERIOD 2/2/16 - 3/3/16	77.87	10	GENERAL
Total 22292	3/24/2016			77.87		
22293	3/24/2016	Tyco Integrated Security LLC	ALARM SYSTEM 4/1/16 - 6/30/16	168.39	10	GENERAL
Total 22293	3/24/2016			168.39		
22294	3/24/2016	Verizon Wireless	IPADS 03/4 - 4/3	239.10	10	GENERAL
Total 22294	3/24/2016			239.10		
22295	3/16/2016	XEROX	COPIER MAINT AND MONTHLY CHARGES FEB 2016	827.61	10	GENERAL
Total 22295	3/16/2016			827.61		
22296	3/31/2016	AMIN MOSTAFAVI	REFUND OF DEVELOPER DEPOSIT - 22710 CANYON LAKE DR SOUTH	750.00	10	GENERAL
Total 22296	3/31/2016			750.00		

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22297	3/31/2016	ANIMAL FRIENDS OF THE VALLEYS	ANIMAL CONTROL SERVICES JAN 2016	3,500.00	10	GENERAL
Total 22297	3/31/2016			3,500.00		
22298	3/31/2016	ANNA HILL	REFUND OF DEVELOPER DEPOSIT - 22110 LOCH LOMOND	750.00	10	GENERAL
Total 22298	3/31/2016			750.00		
22299	3/31/2016	BARRY E. REHM	REFUND OF DEVELOPER DEPOSIT - 30104 LITTLE HARBOR DR	700.00	10	GENERAL
Total 22299	3/31/2016			700.00		
22300	3/31/2016	BIO-TOX LABORATORIES	BLOOD AND ALCOHOL TEST	703.00	10	GENERAL
22300	3/31/2016	BIO-TOX LABORATORIES	URINE TEST	41.70	10	GENERAL
Total 22300	3/31/2016			744.70		
22301	3/31/2016	CHRIS POLAND	REFUND OF DEVELOPER DEPOSIT - 30688 SPYGLASS WAY	700.00	10	GENERAL
Total 22301	3/31/2016			700.00		
22302	3/31/2016	CALIFORNIA SCHOOL BOARDS ASSOCIATION	GASB 45	1,500.00	10	GENERAL
Total 22302	3/31/2016			1,500.00		
22303	3/31/2016	DANNY EWING	REFUND OF DEVELOPER DEPOSIT - 22254 LOCH LOMOND	700.00	10	GENERAL

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
Total 22303	3/31/2016			700.00		
22304	3/31/2016	DATA TICKET	CITATION FEB 2016	100.00	10	GENERAL
22304	3/31/2016	DATA TICKET	CITATION PROCESSING FEB 2016	100.00	10	GENERAL
Total 22304	3/31/2016			200.00		
22305	3/31/2016	DELBERT O DICK	REFUND OF DEVELOPER DEPOSIT - 22501 CASCADE DR	350.00	10	GENERAL
22305	3/31/2016	DELBERT O DICK	REFUND OF DEVELOPER DEPOSIT - 22501 CASCADE DRIVE	250.00	10	GENERAL
Total 22305	3/31/2016			600.00		
22306	3/31/2016	Jordan Ehrenkranz	INTERNET EXP REIMBURSEMENT	200.00	10	GENERAL
Total 22306	3/31/2016			200.00		
22307	3/31/2016	FRIDAY FLYER	SPECIAL ENFORCEMENT OFFICER AD	145.00	10	GENERAL
Total 22307	3/31/2016			145.00		
22308	3/31/2016	GREG GALLAGHER	REFUND OF DEVELOPER DEPOSIT - 30235 LONGHORN DRIVE	750.00	10	GENERAL
Total 22308	3/31/2016			750.00		
22309	3/31/2016	JENSEN CONSTRUCTION	REFUND OF DEVELOPER DEPOSIT - 21646 APPALOOSA CT	850.00	10	GENERAL
Total 22309	3/31/2016			850.00		

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22310	3/31/2016	League of California Cities	DIVISION MEETING JOHN, GUEST, DAWN, TIME, AARON	175.00	10	GENERAL
Total 22310	3/31/2016			175.00		
22311	3/31/2016	Regional Conservation Authority	MSHCP FEE MARCH 2016	3,918.00	50	AGENCY
Total 22311	3/31/2016			3,918.00		
22312	3/31/2016	RIV. CO. SHERIFF'S DEPT., Acctg & Fin	LAW ENFORCEMENT FEB 2016	106,823.73	10	GENERAL
Total 22312	3/31/2016			106,823.73		
22313	3/31/2016	KIRSTEN ROWE	LIBILITY INSURANCE FOR NOTARY PULIC	99.00	10	GENERAL
Total 22313	3/31/2016			99.00		
22314	3/31/2016	SAFAI CORPORATION	REFUND OF DEVELOPER DEPOSIT - 23070 GIANT FIR PLACE	850.00	10	GENERAL
22314	3/31/2016	SAFAI CORPORATION	REFUND OF DEVELOPER DEPOSIT - 23501 SCHOONER DR.	700.00	10	GENERAL
Total 22314	3/31/2016			1,550.00		
22315	3/31/2016	SOUTHERN CALIFORNIA EDISON	BILLING PERIOD 2/22 - 3/22	25.43	10	GENERAL
22315	3/31/2016	SOUTHERN CALIFORNIA EDISON	BILLING PERIOD 2/16 - 3/16	1,082.75	10	GENERAL
22315	3/31/2016	SOUTHERN CALIFORNIA EDISON	BILLING PERIOD 2/16 - 3/16	197.24	20	GAS TAX
22315	3/31/2016	SOUTHERN CALIFORNIA EDISON	BILLING PERIOD 2/23 - 3/23	95.40	20	GAS TAX
22315	3/31/2016	SOUTHERN CALIFORNIA EDISON	BILLING PERIOD 1/22 - 2/22	17.17	20	GAS TAX

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
Total 22315	3/31/2016			1,417.99		
22316	3/31/2016	Special District Risk Management Authority	DENTAL AND VISION INS APRIL 2016	489.71	10	GENERAL
Total 22316	3/31/2016			489.71		
22317	3/31/2016	STAPLES	OFFICE SUPPLIES	1,125.00	10	GENERAL
Total 22317	3/31/2016			1,125.00		
22318	3/31/2016	TelePacific Communications	BILLING PERIOD 3/16 - 4/15	491.56	10	GENERAL
Total 22318	3/31/2016			491.56		
22319	3/31/2016	U. S. Bank	ANNUAL MEMBERSHIP ICMA, POSTAGE, OFFICE SUPPLIES	1,772.48	10	GENERAL
Total 22319	3/31/2016			1,772.48		
22320	3/31/2016	VERIZON CALIFORNIA	BILLING PERIOD 2/10 - 3/9	41.53	10	GENERAL
Total 22320	3/31/2016			41.53		
22321	3/31/2016	VERIZON CALIFORNIA	BILLING PERIOD MARCH 10 - APRIL 9 FIOS	144.99	10	GENERAL
Total 22321	3/31/2016			144.99		
22322	3/31/2016	VERIZON CALIFORNIA	BILLING PERIOD 3/10 - 4/9	82.05	10	GENERAL
Total 22322	3/31/2016			82.05		

City of Canyon Lake
Check/Voucher Register - Council Report - Expenditures
From 3/1/2016 Through 3/31/2016

Check Numb...	Matching Docum... Date	Vendor Name	Transaction Description	Check Amount	Fund Code	Fund Short Title
22323	3/31/2016	VERIZON CALIFORNIA	BILLING PERIOD MARCH 13- APRIL 12	222.83	10	GENERAL
Total 22323	3/31/2016			222.83		
22324	3/31/2016	VERIZON CALIFORNIA	BILLING PERIOD MARCH 13-APRIL 12	124.02	10	GENERAL
Total 22324	3/31/2016			124.02		
22325	3/31/2016	Willdan	BUILDING & SAFETY JAN 2016	18,521.62	10	GENERAL
Total 22325	3/31/2016			18,521.62		
22326	3/31/2016	WRCOG	TUMF FEES MARCH 2016	8,874.00	50	AGENCY
Total 22326	3/31/2016			8,874.00		
22327	3/31/2016	JOHN ZAITZ	INTERNET, PHONE & MILEAGE FEB & MARCH 2016	247.15	10	GENERAL
Total 22327	3/31/2016			247.15		
Report Total				329,795.84		

**City of Canyon Lake
City Council
Staff Report**

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Manager

BY: Ariel M. Hall, City Clerk

DATE: April 6, 2016

SUBJECT: Second reading and adoption of Ordinance No. 166 Amending various sections of Title 10 of the City of Canyon Lake Municipal Code regarding the hearing and appeal processes for citations involving keeping and control of dogs and cats

Recommendation

It is recommended that the City Council hold second reading and adopt Ordinance No. 166 Amending various sections of Title 10 of the City of Canyon Lake Municipal Code regarding the hearing and appeal processes for citations involving keeping and control of dogs and cats.

Background

Mayor Brown had requested that staff look into some discrepancies in the municipal code regarding animal control related issues. Title 10 of the municipal code was also on the list of administrative updates needed that staff had prepared and presented to the City Council during the last strategic planning session.

The amendments proposed include:

- Adding a Hearing Officer, defined as a neutral third party designated by the City Manager
- Adding “Leash” to the definitions, and clearing defining it to coincide with state law which current prohibits leashes from being longer than 6 feet in length
- Changes the appeals process for citations under the title to a hearing by a Hearing Officer rather than the City Council
- Removes the City appeal process for hearings on animal cruelty seizures and potentially dangerous animals, moving any appeals on the Hearing Officers decision to the appellate court
- Broadens the City’s options to collect on abatement costs to any manner allowed by law
- Changes the consequences of designation as a vicious animal, removing the requirement that the vicious animal have its ear or inner thigh tattooed and replaces that with requiring

that signs be posted on the property cautioning people of the vicious animal and the animal wears a conspicuously colored tag at all times. All vicious animals are currently required to be restrained and muzzled when off of the owner's enclosed property and that requirement has not changed.

The ordinance was presented for introduction and first reading at the February 3, 2016 City Council Meeting. There were typographical error changes and clarification language added to allow dogs to be off leash in designated dog park areas. The ordinance appeared on the March 2, 2016 agenda, however the item was continued and not addressed at that meeting. It would now be appropriate for the City Council to hold second reading and adopt the ordinance.

Budget (or Fiscal) Impact

None

Attachments

1. Ordinance No. 166

Ordinance No. 166

AN ORDINANCE OF THE CITY OF CANYON LAKE
AMENDING VARIOUS SECTIONS OF TITLE 10 OF THE CITY
OF CANYON LAKE MUNICIPAL CODE REGARDING THE
HEARING AND APPEAL PROCESSES FOR CITATIONS
INVOLVING KEEPING AND CONTROL OF DOGS AND CATS

The City Council of the City of Canyon Lake does ordain as follows:

SECTION 1 The following Canyon Lake Municipal Code Title 10 sections are amended to read as follows:

10.01.010 Definitions.

(i) “Health Officer” means the Health Officer for the City or his/her duly authorized representative.

(j) “Hearing Officer” means a third party neutral designated by the City Manager.

(k) “Impounded” means having been received into the custody of any Animal Control Officer authorized by City to receive such animal.

(l) “Leash” means a leash or other device of a size and material appropriate to the size and temperament of the dog within the length of the leash as allowed by state law, which presently allows a leash to be no longer- than 6 feet, as that may be amended from time to time.

(m) “Leash Law” means the provisions of state law regarding dog leashes, including exemptions for dog parks.

(n) “Owner” means a person who possesses, harbors keeps or has a dog, cat or other animal in his or her custody, care, charge or control, or such persons or facility to which the owner temporarily has entrusted the control of the dog or cat.

(o) “Person” means any individual, firm, partnership, joint venture, corporation, association, club or organization.

(p) “Public Entity” means any state, or any political subdivision, municipal corporation or agency thereof.

(q) “Sentry Dog” means any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term “guard dog” shall also mean “sentry dog.”

(r) “Service Dog” means any dog being reared, trained or used for the purpose of fulfilling the particular requirements of a physically disabled person, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

(s) “Signal Dog” means any dog trained or being reared, trained or used for the purpose of alerting a deaf person or a person whose hearing is impaired to intruders or sounds.

(t) “Unlicensed Dog/Unidentified Cat” means any dog or cat for which no valid license or identification is in force.

(u) “Vaccination” means an inoculation against rabies of any dog or cat, four months of age or older, with any vaccine prescribed for the purpose by the California Department of Health Services.

(v) “Veterinarian” means a professional licensed by the State to provide medical services to animals.

10.01.020 Appeals under this Title.

(d) The appeal shall be heard by a hearing office designated by the City Manager. The hearing officer ~~Council which~~ may affirm, modify, or reverse the administrative decision. The appellant and City may present evidence and witnesses. In conducting the hearing, the ~~City Council~~ hearing officer shall not be limited by the technical rules relating to evidence and witnesses, but evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

(f) The decision of the ~~City Council~~ hearing officer shall be final and may be challenged by a writ of mandate within the applicable time periods.

10.12.010 Requirement for kennel or cattery license.

(d) After receipt of a kennel or cattery license application, the Animal Control Officer shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the Animal Control Officer, satisfies the applicable laws and regulations of the State of California and the applicable ordinances of the City, ~~and County of Riverside~~. Notwithstanding any other provision of this Chapter, the Animal Control Officer or the City Planning Director may, in their respective discretion, limit the numbers of dogs or cats over the age of four months which are kept or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is considered or at such time as an application for renewal of a kennel or cattery license is considered.

10.16.010 Restraint.

(b) Except as otherwise allowed by the Leash Law or other state laws, ~~All~~ dogs shall be kept

under restraint when off the owner's premises by a Leash or other device of a size and material appropriate to the dog, held by a person capable of restraining such dog with that leash; restraint does not include voice, eye or signal control.

10.28.030 Procedure for impoundment for cruelty; pre-seizure hearing.

(d) The pre-seizure hearing shall be conducted within two (2) days, excluding weekends and holidays, after receipt of the request for such hearing. ~~The hearing officer shall not be the Animal Control Officer but may be the City Manager, his or her designee or a panel of residents designated by the City Council for this purpose.~~ The hearing shall be informal and shall not be limited by the technical rules of evidence, but evidence shall be of the type upon which reasonable people rely.

(h) The hearing officer's decision shall be final. ~~may be appealed to the City Council in writing, within ten days after the hearing officer's determination. The appeal shall be conducted as set out in Section 10.01.020; provided, however, that during any pending appeal the Animal Control Officer may take any action he or she deems necessary to protect the animal.~~

10.36.040 Conduct of hearing.

Hearings pursuant to this Chapter shall ~~not~~ be conducted by ~~the hearing officer, the Animal Control Officer but by the City Manager, his or her designee, or by a panel of residents designated by the City Council for this purpose.~~ Hearings shall be held not more than five days from the date of receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued for a reasonable period of time if the parties agree or the hearing officer determines good cause therefor. Within ten days after the conclusion of the hearing, the hearing officer shall give notice of his or her findings, decision and order to the owner of the animal dog or cat. Such notice shall be served as set out in Section 10.36.020.

10.36.050 Appeal.

The hearing officer's determination shall be final. ~~may be appealed to the City Council in writing, within ten days after receipt of notice of the hearing officer's decision. The appeal shall be conducted as set out in Section 10.01.020 of this Title.~~

10.36.060 Collection of abatement costs.

(a) The City Manager, or designee, shall send to the owner of the animal by certified mail, postage prepaid, notice of the amount of such costs, providing 30 days for payment of such costs. If such costs are not paid within that time period, or an objection to such costs is not filed within that time period, a lien or special assessment may be placed against the owner's property for the total amount of such costs, in which case- ~~t~~The lien or assessment shall be collected at the same time, in

the same manner and subject to the same penalties for delinquency as real property taxes.

1. If such objections are filed, the City Clerk shall schedule a hearing before the City Council on such objections and shall give notice as set out in (a) above. Any sums not paid within 30 days after an order for their payment by the City Council shall be filed with the County Auditor and may become a lien and special assessment on the property to be collected with the next city taxes or from the owner of the animal personally. The notice of lien also must be recorded against the property in order to give notice to subsequent purchasers.

~~1-2.~~ Notwithstanding, the costs may be collected in any manner allowed by law.

10.40.030 Determination of “Potentially Dangerous Animal.”

(d) The decision of the Hearing Officer ~~shall be final. may be appealed to the City Council in writing, within ten days after the Hearing Officer's determination. The appeal shall be conducted as set out in Section 10.01.020.~~

10.40.060 Animal restraints.

A potentially dangerous animal, while on the owner’s property, shall at all times be kept indoors, or in a securely fenced, locked yard from which the animal cannot escape, and which children cannot enter. A potentially dangerous animal may be off the owner’s premises only if it is restrained by a ~~chain or~~ leash of adequate strength to restrain that specific animal and under the control of a responsible adult.

10.40.090 Consequences of designation as vicious animal.

(b) The owner shall, at his or her own expense, ~~have the vicious animal registration number assigned to the animal permanently tattooed upon the animal's left ear or, if the left ear is not available, in the left inner thigh, by a licensed veterinarian or person trained and authorized to do business as a tattooist~~ keep posted in a conspicuous place at or near the entrance to the premises on which such dog or cat is kept, a sign having letters at least two inches in width and two inches in height reading “Beware of Vicious Dog” or “Beware of Vicious Cat,” as may be appropriate. In addition, a conspicuously colored tag, provided by the Animal Control Officer shall be securely affixed to the animal at all times.

10.40.110 Confinement.

A vicious animal shall be securely ~~lyd~~ confined in an enclosure as defined in this Chapter or in the dwelling while on the owner’s or custodian’s property.

SECTION 2 All other provisions of Title 10 shall remain in place.

SECTION 3 This Ordinance shall be effective 30 days from the date of its adoption.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2016.

Tim Brown, Mayor

Approved as to Form:

Elizabeth Martyn, City Attorney

Attest:

Ariel M. Hall, City Clerk

State of California)
County of Riverside) ss
City of Canyon Lake)

I, Ariel M. Hall, City Clerk of the City of Canyon Lake, do hereby certify that the foregoing Ordinance No. 166 was introduced at a regular meeting of the City Council held on the 3rd day of February, 2016 and was duly adopted by the City Council of the City of Canyon Lake at a regular meeting thereof held on the 6th day of April, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ariel M. Hall, City Clerk

**City of Canyon Lake
City Council
Staff Report**

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Manager

BY: Kirsten Rowe, Administrative Services Manager

DATE: April 6, 2016

SUBJECT: City's Entryway Monument Project

Recommendation

It is recommended that the City Council provide direction for the City's Entryway Monument Project.

Background

At the November 4, 2015 City Council meeting, Council members approved the changing of the City's proposed entryway monuments from 10 foot wide by 10 foot high signs to a more simplified design (Attachment 1) that mirrored the previous entryway monuments. City Council directed Staff to obtain estimates for the more simplified design.

At the March 2, 2016 City Council meeting, Council members were presented with five estimates from various vendors. After reviewing the vendors, Council requested that Staff conduct a follow-up with Wooden Apple Signs. Staff was able to obtain the following information:

- The signs have a 1 year warranty; however, they have stated that after 40 years in business they have never had any problems with any signs after years of use.
- There is no sealer applied to the sign. They state that the paint they use (California brand paint) is very long-lasting.
- Simple maintenance of washing off the sign with water will add years to the life of the sign.
- They can supply the posts, but they state that the shipping will be very expensive. They stated that they can provide a drawing for us to take to a lumber yard and have the posts made.

- From the date of the 50% deposit, the sign(s) would take 6 – 12 weeks to complete.

Staff has obtained pictures of signs after 5 years, 6 years, and 10 years. These are included as Attachment A.

Once City Council provides direction on which vendor/design it prefers, Staff will work with the vendor to design the sign. Staff will then return to City Council with a finalized design and quote.

Budget (or Fiscal) Impact

The fiscal impact will be based on the vendor/design chosen. For 2 entryway monument signs, the estimated costs are between \$3,000.00 and \$10,000.00. Council had originally budgeted \$30,000.00 for this project.

Attachments

A. Wooden Apple Signs – Examples of Signs After Use



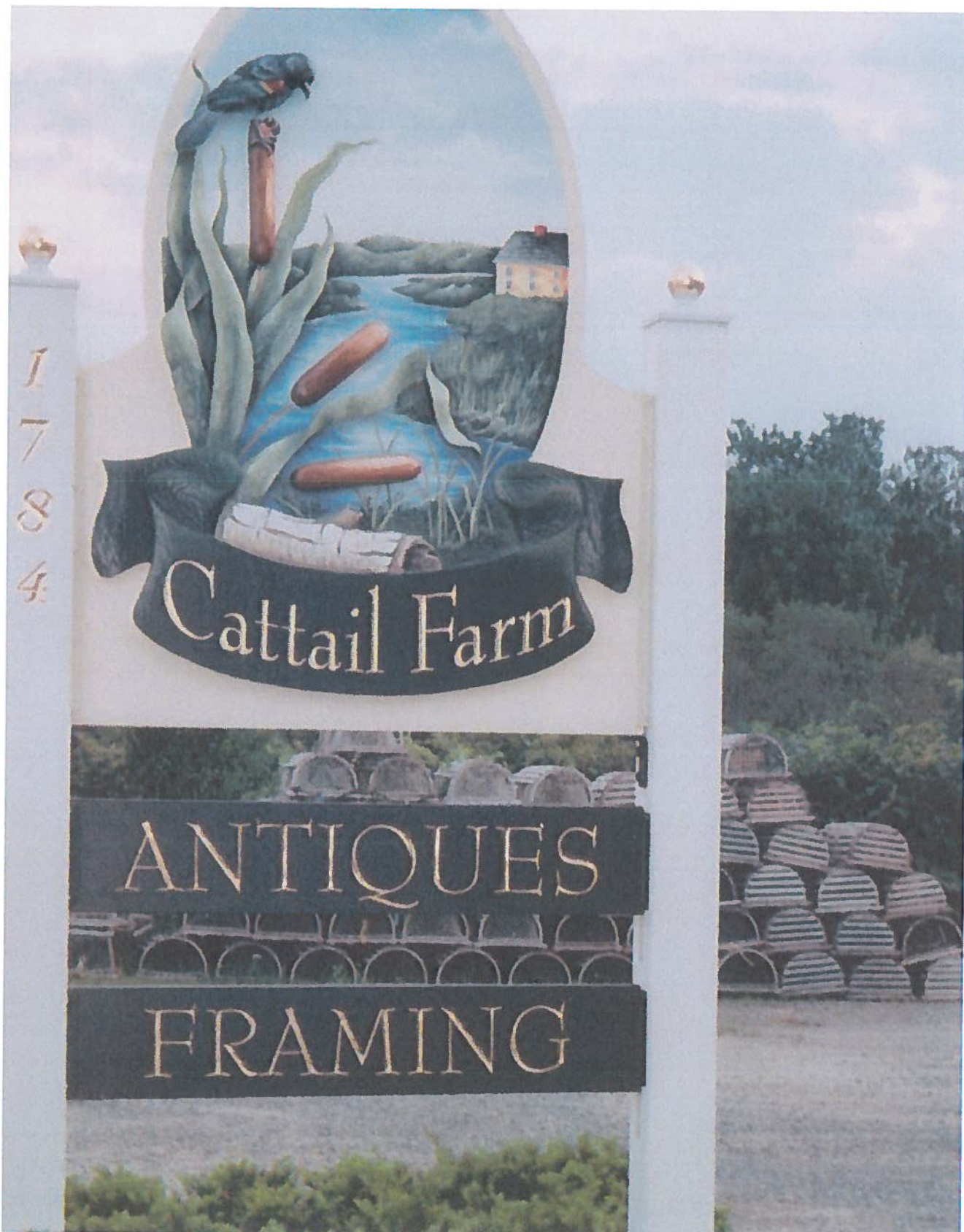
The sign in this picture is 10 years old. It has been subject to sun, rain, and snow. It is still up after 19 years.



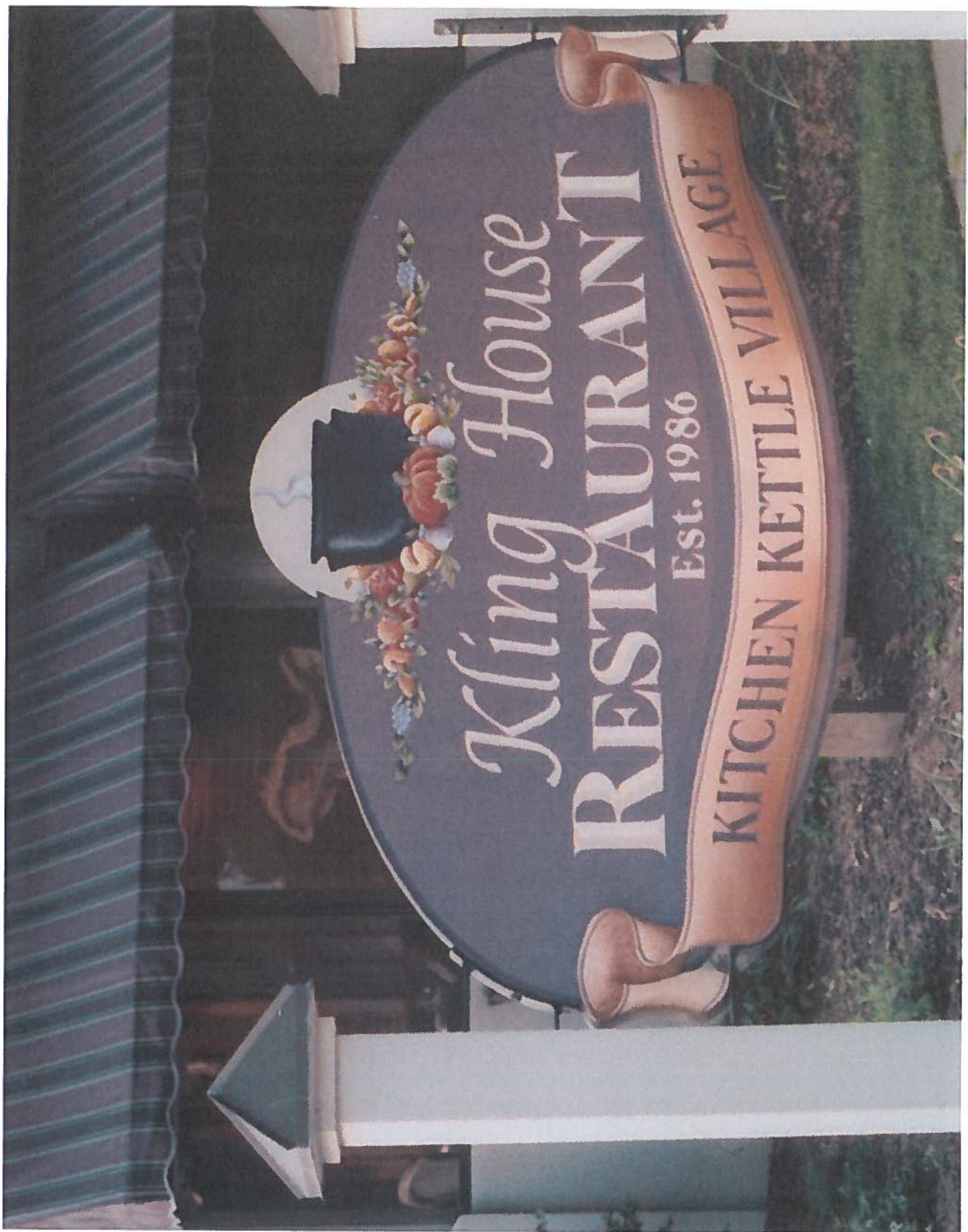
This sign is 5 years old. It has been subject to sun, rain, and snow.



The sign in this picture is 6 years old. It has been subject to sun, rain, and snow.



The sign in this picture is 6 years old. It has been subject to sun, rain, and snow.



The sign in this picture is 6 years old. It has been subject to sun, rain, and snow.

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**City of Canyon Lake
City Council
Staff Report**

TO: Honorable Mayor and Members of the City Council

FROM: Aaron Palmer, City Manager

BY: Elizabeth Martyn, City Attorney

DATE: April 6, 2016

SUBJECT: Discussion and possible direction to staff regarding potential ordinance regulating smoking in public places

Recommendation

It is recommended that the City Council discuss and provide further direction to staff.

Background

Council member Haggerty has asked the City Council to consider regulating smoking in public places within the City.

California law addresses smoking in a variety of ways. First, the California Indoor Clean Air Act of 1976 declares tobacco smoke as a health hazard for the general public. There are a number of other state law no-smoking rules, including Labor Code 6404.5 that bans smoking in places of employment

City Authority: A general law city may regulate smoking more strictly than the state. Health & Safety Code Section 118910 is part of the California Clean Indoor Air Act and provides as follows:

118910. The Legislature declares its intent not to preempt the field of regulation of the smoking of tobacco. A local governing body may ban completely the smoking of tobacco, or may regulate smoking in any manner not inconsistent with this article and Article 3 (commencing with Section 118920) or any other provision of state law.

For example, the City of Menifee bans smoking in public parks:

§ 13.01.290 SMOKING PROHIBITED.

It is unlawful for any person to smoke or to dispose of any lighted match or cigarette, cigar ashes or any flaming or glowing substance in any area of any park or open space managed by the City Manager/Community Services Department and specifically designated by sign as a prohibited smoking area by the City Manager/Community Services Department. (Ord. 2014-146, passed 5-21-2014)

The provisions of City ordinances supersede those of other entities. In *City of San Jose v. Department of Health Services* (1998) 66 Cal. App. 4th 35, the City sued the State of California to confirm the applicability of its no-smoking ordinance to a state long-term health care facility located in the city. The court found that the state's rules and regulations, to the extent that they were in conflict with the city's no-smoking ordinance, exceeded the Department's rulemaking authority under the Clean Air Act. This case indicates that a City smoking ban would be effective in the Property Owners' Association common areas if made applicable to them by the City ordinance.

The POA has a number of smoking rules. They include GR.2.13 No Smoking – No smoking within twenty (20) feet of any CLPOA building or within twenty five (25) feet of a park.

Penalties: Any smoking ban adopted by the Council could be enforced by administrative citation and subject to the existing fine schedule.

California Cities with Smoking bans:

- Alameda, January 2, 2012, banned in commercial areas, recreation areas (parks, trails beaches, sports fields), service areas (bus stops, ticket lines, ATMs), dining areas, public event spaces, entryways, and many workplaces including 90% of hotel/motel guest rooms, small businesses with fewer than five employees, tobacco shops, hookah bars medical research sites, work vehicles, theatrical production sites, and all outdoor worksites. On January 1, 2013 the ban expanded to include all multi-unit housing]
- Belmont, October 9, 2007, banned in parks and other public places, as well as inside apartments and condominiums.
- Berkeley, March 26, 2008, banned on all commercially zoned sidewalks, and within 20 feet (6.1 m) of a bus stop.
- Beverly Hills, October 1, 2007, banned in all outdoor dining areas.
- Burbank, April, 2007, banned in most public places including Downtown Burbank, outdoor dining & shopping areas, parks, service lines, and within 20 feet (6.1 m) of all building entrances/exits.
- Calabasas, 2006, banned in all indoor and outdoor public places, except for a handful of scattered, designated outdoor smoking areas in town. Believed to be the strictest ban in the United States.
- Davis, The Davis City Code prohibits smoking in a wide variety of locations open to the public.
- El Cajon, August 14, 2007, banned on city streets, in outdoor patios in restaurants, and outside of the local shopping mall. Anyone caught smoking in public areas will faces a

fine of up to \$500. The city previously outlawed smoking in parks, and also requires businesses that sell tobacco products to obtain a city license.

- El Cerrito, January 1, 2015, banned in all public places, commercial areas, and multi-unit residences and within 25 feet of any of these.
- Escondido, in 2005, increased the state prohibition on smoking within 20 feet (6.1 m) of an entrance to a public place to 80 feet (24 m) outside city-owned buildings. In 2009, the city, at the urging of local students, banned smoking in parks, city open spaces, and trails, including the parking areas for these city properties.
- Glendale, October 7, 2008, banned smoking in/on and within 20 feet (6.1 m) from: all city property (except streets and sidewalks); city vehicles and public transportation vehicles; city public transit stations; places of employment; enclosed public places; non-enclosed public places; and common areas of multi-unit rental housing. Some of the areas where smoking is prohibited are authorized to have smoking-permitted areas, subject to regulations. Also, landlords in Glendale are required to provide disclosure to a prospective renter, prior to signing a lease, as to the location of possible sources of second-hand smoke, relative to the unit that they are renting.
- Hermosa Beach, March 1, 2012, banned at all of Hermosa's outdoor dining areas, the popular Pier Plaza, the city pier, the Strand, the greenbelt parkway, and all city parks and parking lots. Smoking already is outlawed on the city-owned beach.
- Loma Linda, July 25, 2008, banned on all sidewalks, streets, common areas in shopping centers, bus stops, parks, restaurant patios, theaters, City Hall, and 80% of motel rooms and apartment units. Exempts the federally controlled VA hospital grounds, and smoking in cars traveling in the city.
- Long Beach, California bans smoking in all city parks, at or within 20 feet of bus stops, and at farmers' markets.
- Los Angeles, 2007, banned in all city parks, and, 2011, all outdoor dining areas.
- Marin County, May 23, 2012 banned in all condos and apartments, as well as all patios within residential units. Anyone caught smoking will face a \$100 fine and will be sentenced to five community day services. A second offense warrants a \$300 fine and ten community day services, and a third offense being \$700 fine and fifteen community day services. Landlords may opt out of smoking restrictions by designating 20 percent of their units reserved for smoking and may permit e-cigarettes to be used inside apartments and condos. All other outdoor areas, including bar and restaurant patios, and private homes that are not of multi-unit residences and smoking in cars are exempt from the ban.
- Oakland, bans smoking within 25 feet of an entrance, exit, window, or air intake of the building of most enclosed places where smoking is prohibited (e.g., workplaces, service areas, common areas and no-smoking units of multi-unit housing); exemption is made outside of bars provided the smoke doesn't enter prohibited areas. Smoking is also banned in certain unenclosed areas, including service areas (e.g., bus stops, cab stands, ATMs).
- Pasadena, October 27, 2008, banned smoking in certain outdoor areas, including shopping malls, unenclosed areas of bars and restaurants, service waiting lines (e.g. ATMs, bus stops, etc.) and within 20 feet (6.1 m) from them, and within 20 feet (6.1 m) of doorways, windows, or ventilation areas of enclosed places where smoking is banned.
- Palo Alto, 2013, all city parks

- San Diego, July 11, 2006, banned smoking at all City of San Diego beaches and parks, including all beaches from La Jolla to Sunset Cliffs.
- San Francisco, January 2005, banned smoking in all city parks. January 2013, banned smoking at all outdoor "street fairs and festivals", with exceptions for legal medical marijuana and small neighborhood block parties.
- San Jose, October 2007, banned in all city parks.
- San Luis Obispo, August 2, 1990, became the first city in the world to ban smoking in all public buildings. On January 15, 2010, the City's municipal code amendment included city parks and outdoor recreational facilities as smoke-free areas. In April 2010, City Council adopted an ordinance that bans smoking in all areas frequented by the public, with limited exceptions, including unenclosed areas at certain drinking establishments.
- Santa Barbara & Goleta, Local laws in Santa Barbara County and in the City of Goleta prohibit smoking within 20 feet of any building or area where smoking is prohibited. Ashtrays are also banned within a 20-foot smoke-free area.
- Santa Monica, 2006, banned smoking within 20 feet (6.1 m) of entrances, exits, or operable windows of a public building (such as City Hall and the courthouse); in local parks (including parking lots); on the Third Street Promenade; on local beaches; and on the Santa Monica Pier (except within designated zones). City Council passed a law that prohibits smoking in ALL common areas of a multi-family residential building including condominiums, which went into effect February 26, 2009.

Budget (or Fiscal) Impact

Enforcement costs/citation revenue

Attachments

None

**City of Canyon Lake
City Council
Staff Report**

TO: Honorable Mayor and Members of the City Council

DATE: April 6, 2016

SUBJECT: Discussion and possible direction to staff to prepare a Resolution of Censure, or consider other action to address ongoing violations of the Code of Conduct by Council Member Zaitz

Presentation by Council Member Warren and Mayor Pro Tem Haggerty

Attachments

1. City Council Code of Conduct



CODE OF CONDUCT FOR CANYON LAKE CITY COUNCIL

The Canyon Lake City Council commits itself to ethical, fair, businesslike, transparent and lawful conduct, including proper use of authority and decorum, as to the community and each other. In order to build and maintain effective relationships, council members shall maintain a system of communication and interaction that, at the very least, is based on common courtesy. The end goal is to develop mutual respect and trust.

Accordingly, council members shall:

- Be prepared for meetings by reading the agenda packet in advance, and taking the initiative to ask staff questions for clarification
- Identify and deal with conflicts of interest before the meeting
- Be on time
- Speak to the issues, be germane and brief, while allowing a free exchange of ideas
- Be civil to each other, staff and the public (criticize privately, praise publicly)
- Communicate openly and honestly
- Accept people's differences
- Share information and knowledge by reporting on meetings attended and keep comments to under three minutes if possible
- Refrain from criticizing staff in public
- Allow members who disagree with a vote, to explain why, if the member chooses to do so
- Represent the City positively
- If desired, use iPad or similar device for agenda packet only
- Attend assigned internal and external committee meetings and provide notification to staff if unable to attend
- Represent the City's position during internal and external meetings, as well as in public forums (i.e. social media, blogs, news reports, speaking events, etc)

Council Members shall not:

- Interrupt other council members when they have the floor
- Have side bar conversations
- Use personal electronic devices (e.g., cell phones, computers) for personal business during meetings
- Personally attack other council members, staff or the public
- Embarrass each other or the organization
- Intentionally mislead or misinform each other
- Maintain hidden agendas
- Undermine majority decisions of the Council
- Assume personal responsibility for resolving operational problems or complaints
- Engage in any private business or self-interest gained by access to the City's resources, business partners or "inside" information

CONFLICT OF INTEREST

Council members and staff are expected to avoid conflicts of interest. A conflict of interest is deemed to exist when a council member or staff member is confronted with an issue in which there may be a personal or pecuniary interest, or a circumstance that could render the individual unable to devote complete loyalty and singleness of purpose to the City.