

**CITY OF OAKLAND**  
**AGENDA REPORT**

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND  
JUNE 12, 2007 8:45

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Audree V. Jones Taylor  
DATE: June 12, 2007

RE: An Ordinance Amending Oakland Municipal Code Article 6.04.080 "Dogs At Large in Parks," to Allow Dogs to be Off-Leash, Under Specific Conditions, in the Mosswood Park Dog Play Area, as Authorized by the Parks & Recreation Advisory Commission on May 9, 2007

A Resolution Accepting and Appropriating Redevelopment Agency Funds from the Broadway/MacArthur/San Pablo Redevelopment Project Area Under the Cooperation Agreement in an Amount Not to Exceed \$15,000 for the Construction of the Mosswood Park Dog Play Area Project

An Agency Resolution Authorizing a Contribution of Agency Funds from the Broadway/MacArthur/San Pablo Redevelopment Project Area to the City Under the Cooperation Agreement in an Amount Not to Exceed \$15,000 for the Construction of the Mosswood Park Dog Play Area Project

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**SUMMARY**

This report and the attached ordinance will amend the Oakland Municipal Code (OMC) Title 6, Chapter .04, Article .080 *Dogs at Large in Parks*, to allow dogs to be off-leash in a designated area of Mosswood Park. The City currently has two designated off-leash dog areas: at Hardy Park and the Dog Play Area in Joaquin Miller Park. An amendment to the OMC is required if the City is to allow dogs to be off-leash in other areas. The Parks & Recreation Advisory Committee has approved a new off-leash dog area in an underutilized corner of Mosswood Park, pending Council approval of the proposed amendment to the OMC.

Funding for the Mosswood Park Dog Play Area was first approved by the City Council on June 20, 2006 as part of the approval of projects for the Neighborhood Project Initiative (NPI) Grant Program in the Broadway/MacArthur/San Pablo Park Redevelopment Project Area (Resolution 2006-0043 C.M.S). Staff now requests an additional appropriation of \$15,000 in Redevelopment Agency Funds from the Broadway/MacArthur/San Pablo Redevelopment Area for this project. The additional \$15,000 is needed to address the higher than anticipated cost of fencing the dog park area. Two attached resolutions address this additional appropriation of funds.

The Mosswood Park Dog Play Area proposal was proposed and is strongly supported by the community. This project is located in Council District III.

Item: \_\_\_\_\_  
Life Enrichment Committee  
June 12, 2007

## **FISCAL IMPACT**

Approval of this ordinance and two resolutions will appropriate an additional \$15,000 in Redevelopment Agency funds for the construction of the Mosswood Park Dog Play Area. This additional funding is required due to the fact that the bid for fencing came in higher than was originally anticipated and budgeted. The \$15,000 will be provided from the Redevelopment Agency to the City under the Cooperation Agreement from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund (9529), Redevelopment Projects Organization (88669), Broadway/MacArthur/San Pablo Redevelopment Project (P187510). The funds will be appropriated to the City in the Oakland Redevelopment Agency Projects Fund (7780) Parks and Recreation Capital Organization (94500) NPI Mosswood Dog Run Project (C298350).

If approved, the \$15,000 will be added to the \$24,000 in Redevelopment Agency funding that was previously approved for this project from the Neighborhood Project Initiative grant program. The total project cost of \$39,000 will provide for construction of the dog play area including fencing, construction of an ADA ramp, and site landscaping.

On-going maintenance will be provided by the users of the Mosswood Park Dog Play Area, per the attached draft Agreement (see Attachment 1).

## **BACKGROUND**

There is increasing demand for places for Oakland residents to exercise and play with their dogs. According to the American Veterinary Medical Association, 40 percent of households in the U.S. are home to one or more dogs. Dog parks also provide an opportunity for a diverse group of neighbors from a broad community to meet together, relax and get to know each other in a way that would not otherwise be possible.

The City of Oakland's Redevelopment Agency started a Neighborhood Project Initiative (NPI) program in 2006 to fund one-time, small-scale, community-initiated physical improvement projects. The NPI program offers grants of up to \$50,000. A group of citizens which has long advocated for the creation of a dog play area in Mosswood Park met with City staff and applied to the NPI program in 2006 for funding to create an off-leash dog play area. City Council approved the NPI program funding recommendations, which included a funding allocation of \$24,000 for this project on June 20, 2006 per City Council resolution (Resolution 2006-0043 C.M.S).

The Broadway/MacArthur/San Pablo Project Area Committee passed a motion in support of increasing funding to the Mosswood Park Dog Play Area project at their March 2007 meeting. The Mosswood Park Dog Play Area project is consistent with both the Redevelopment Plan and Five-Year Implementation Plan for the Broadway/MacArthur/San Pablo Redevelopment Project Area.

During the past year, community members and City staff (from City Council, Public Works Agency, Office of Parks and Recreation, and the City Administrator's ADA program) have met on several occasions to review and refine the Mosswood Park Dog Play Area plans. The finalized plan was submitted to the Parks and Recreation Advisory Committee (PRAC) on May 9, 2007 and was approved for a one-year probationary period, conditional upon the approval of the City Council to amend the OMC to include the Mosswood Park Dog Play Area as an off-leash dog play area in the exempted list of such parks.

### KEY ISSUES AND IMPACTS

The Mosswood Park Dog Play Area is proposed for a small section of the park adjacent to the existing recreation center parking lot on land that is not currently used for programs and is generally underutilized. The dog play area will consist of one area, divided by fences into two sections, to accommodate large and small dogs, respectively. The area between the existing tennis courts and the Caltrans Right of Way shall be fenced by the City and made into legal space for large (over 30 pound) off-leash dogs. This area will be enclosed by an 8-foot coated fence and gates. The gates will remain closed whenever the dog play area is in use. The area between the existing parking lot, Webster Street, the dumpster, and the Caltrans Right of Way shall be fenced by the City and made into legal space for small (under 30 pound) off leash dogs. This area will be enclosed by a 4-foot coated fence and gates. The gates will remain closed whenever the dog play area is in use.

The rules for the proposed dog play area are adapted from those that were created for the Joaquin Miller Park Dog Play Area. Dog owners will be responsible for keeping the area clean at all times. Owners will be required to have their dogs on-leash when walking to or from the dog play area. A group of community members, known as Mosswood Dog Owners Group, or MDOG, are committed to ensuring that the rules described in the Agreement are followed (see attachment A). Below is the proposed amendment to the OMC:

6.04.080 OMC – Dogs at Large in Parks. (underlined italicized language shows addition to existing code)

C. Dogs are permitted to be off-leash in the Joaquin Miller Dog Play Area and the Mosswood Park Dog Play Area as authorized in a written Resolution by the Parks and Recreation Advisory Commission.

The community surrounding Mosswood Park strongly supports the creation of the dog play area, and dog owners have agreed to maintain it. The Public Works Agency will be responsible for trash pickup; the Office of Parks and Recreation will be responsible for monitoring the use and cleanliness of the park, and responding to complaints.

The dog play areas are designed to promote safe, positive interactions between dogs, and will be ADA accessible.

## **SUSTAINABLE OPPORTUNITIES**

Economic: The proposed dog play area will improve quality of life near Mosswood Park by reducing illicit activity and increasing neighborhood involvement in the park, thereby improving real estate values in this area of the City.

Environmental: Currently many dog owners in this area are forced to drive to dog parks in Berkeley to find off-leash areas. The proposed dog play area will allow neighborhood dog owners to exercise their pets without getting in their cars.

Social Equity: The proposed project improves an unused area in Mosswood Park and will diminish illegal activity in the park, thus improving quality of life.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The proposed Mosswood Park Dog Play Area will conform to the requirements of the Americans with Disabilities Act, the Older American Act, and other applicable laws.

## **RECOMMENDATION(S) AND RATIONALE**

Staff recommends that Council adopt an Ordinance amending OMC 6.04.080 *Dogs at Large in Parks*, to allow the dogs to be off leash under specific conditions in a defined area of the Mosswood Park, as authorized by the Parks & Recreation Advisory Committee. Staff further recommends that Council and the Redevelopment Agency approve the two resolutions to approve the additional \$15,000 to complete the Mosswood Park Dog Play Area.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests Council adoption of an Ordinance amending OMC 6.04.080 *Dogs at Large in Parks*, to allow the dogs to be off leash under specific conditions in a defined area of the Mosswood Park, as authorized by the Parks & Recreation Advisory Committee. Staff further requests approval the Agency and City resolutions to approve the contribution of \$15,000 of Redevelopment Agency funds to the City of Oakland under the Cooperation Agreement to complete the Mosswood Dog Park project.

Respectfully submitted,

  
**Audree V. Jones-Taylor**  
Director, Office of Parks & Recreation

Prepared by:  
Deborah Spaulding, Administrative and Fiscal Manager

APPROVED AND FORWARDED TO THE  
LIFE ENRICHMENT COMMITTEE:

  
**OFFICE OF THE CITY ADMINISTRATOR**

**Attachments:**

Attachment 1: Proposed Memorandum of Understanding

Item: \_\_\_\_\_  
Life Enrichment Committee  
June 12, 2007

AGREEMENT BETWEEN THE  
CITY OF OAKLAND  
OFFICE OF PARKS AND RECREATION AND PUBLIC WORKS AGENCY  
AND  
MOSSWOOD DOG OWNER GROUP

The City of Oakland, Office of Parks and Recreation (“OPR”) and the Public Works Agency (“PWA”), hereinafter collectively referred to as (“City”), and Mosswood Dog Owner Group, (“MDOG”), enter into this Agreement on \_\_\_\_\_, 2007.

A. PURPOSE OF AGREEMENT

This Agreement establishes operating standards and expectations that City will permit for an enclosed off-leash dog play area in Mosswood Park (“Park”). MDOG is responsible for the clean up after dogs and will ensure that patrons parking their cars or otherwise using the dog park area for permitted uses will not encounter a negative experience attributable to dog feces or other trash from the dog play area.

At the end of the year, the Parks and Recreation Advisory Commission and OPR will conduct a public review process to determine whether revisions of the Agreement are required regarding operation and maintenance of the dog play area so that the dog play area may continue.

The Parties expect that any issues arising from shared use of the space will be resolved quickly.

B. TERM

The term of this Agreement shall be for a period of one year.

C. DESCRIPTION OF PROGRAM

1. The Mosswood Park dog play area is under the jurisdiction of OPR. Dog owners/handlers (“guardians”) are responsible for removing dog waste, litter and debris from the ground and placing the waste in trash receptacles located in the dog play area. MDOG will be responsible for daily monitoring to insure that the dog play area meets cleanliness standards at all times, as outlined in this Agreement.
2. The creation of the off-leash dog play area is conditional on approval by City Council to amend the Oakland Municipal Code (“OMC”) Section 6.04.080 to add Mosswood Park as an approved off-leash dog play area.

3. The dog play area shall consist of one area, divided by fences into two sections, to accommodate large and small dogs, respectively. The area between the existing tennis courts and the Caltrans Right of Way shall be fenced by the City and made into legal space for large (over 30 pound) off-leash dogs. This area will be enclosed by an 8-foot coated fence and gates. The gates will remain closed whenever the dog play area is in use. The area between the existing parking lot, Webster Street, the dumpster, and the Caltrans Right of Way shall be fenced by the City and made into legal space for small (under 30 pound) off-leash dogs. This area will be enclosed by a 4-foot coated fence and gates. The gates will remain closed whenever the dog play area is in use.
4. The Parties acknowledge that OPR and PWA support the dog play area in concept, OPR and PWA are not responsible for the daily maintenance and removal of waste or debris from the dog play area. PWA is responsible only for emptying the trash receptacles on a regular and consistent schedule at least three (3) times per week.

#### D. SIGNAGE

Signage will be posted in the dog play area to include:

Welcome to the Mosswood Park Dog Play Area

Persons Entering Dog Area Do So At Their Own Risk

- Dog guardians **must** clean up after their dogs immediately. Always bring a biodegradable bag or waste disposal device
- Limit three dogs per adult
- Small Dog Area for dogs under 30 pounds and elderly dogs
- Dogs must be leashed to and from fenced area
- Adult dog guardians must be in fenced area with dog at all times
- Keep dogs in sight and maintain voice control
- Children under 12 must be accompanied by an adult. Children may not run, sit on the ground or use wheeled toys/vehicles/bikes.
- Dog must be licensed and have shots
- No dogs under 16 weeks old
- No dogs in heat
- Dogs showing repeated aggressive behavior must be leashed and removed immediately
- No spiked or pinch collars
- No smoking or eating
- Excessive barking must be controlled
- Dog guardians must observe all rules posted in the dog play area

#### E. HOURS OF OPERATION

The dog play area is open from dawn to dusk, whenever Mosswood Park is open to the public.

#### F. ADDITIONAL USE OF THE DOG PLAY AREA

MDOG shall have no other use of the Park except for the restricted use as a dog play area.

#### G. LIABILITY OR DOG PLAY AREA REGULATIONS

1. MDOG shall defend, indemnify and hold the City of Oakland, its Councilmembers, officers, directors, employees and agents harmless from and against any and all claims, demands, causes of action, losses, damage, liabilities, costs and expenses (including reasonable attorney's fees) which may be asserted against City arising from the obligations to be performed under this Agreement except for claims arising out of City's own gross negligence or intentional actions.
2. MDOG shall obtain a release from all participants who perform any duty or responsibility pursuant to this Agreement and shall deliver the release to Director of OPR before the start of the duty. MDOG shall have sole responsibility for issuing safety warnings to participants and shall take appropriate steps to protect the safety of the participants.
3. If MDOG has liability insurance, MDOG shall add City of Oakland, its Councilmembers, officers, directors, employees, and agents as additional insured with respect to the responsibilities to be performed under this Agreement for the term of this Agreement.
4. In compliance with OMC, Oakland Animal Control Regulation (Section 6.04), dog guardians are responsible for their dog's behavior at all times and will be solely liable in the event of aggressive behavior.
5. Dog guardians must keep dogs on-leash at all times when walking to or from the dog play area. Only properly licensed dogs are permitted in the off-leash dog play area.
6. Dog guardians may take up to 3 dogs into the dog play area at one time. Any dogs showing aggressiveness toward people or other dogs must immediately be removed. An adult must accompany children under 12 years of age. Puppies under 16 weeks of age are not permitted. In order to use the rest of the park, dogs must be on a leash no longer than six (6) feet.

#### H. CLEANUP

Dog guardians are responsible for maintaining a clean dog play area at all times. Users will be directed to use the trash receptacle at the site, or take waste with them when leave the park. The dog play area must be free of dog waste, litter and debris at all times.

The dog play area will be maintained, at all times, according to the standards outlined in this Agreement. Each dog guardian is required to pick up after their dog(s) at all times. Biodegradable clean up bags will be available at all times, as supplied by MDOG, and stored in a dispensing system. The bag dispensing system will be installed as part of the dog play area project built by City.



## I. MDOG RESPONSIBILITIES

1. Develop a community education fact sheet on the rules of the dog play area.
2. Keep dog play area free of litter and debris.
3. Keep dog play area free of feces.
4. Make waste removal bags available to dog guardians.
5. Keep dog play area odor free.
6. Keep dog play area surface free of holes greater than six (6) inches in diameter and/or depth.
7. Routinely wash down dog play area with water to ensure urine smell is rinsed out.

## J. CITY RESPONSIBILITIES

1. Provide park signs to designate off-leash areas.
2. Ensure that signs are legible, free of graffiti and properly installed in noticeable locations.
3. Empty trash receptacles on a regular and consistent schedule at least three (3) times per week.

## K. PERFORMANCE REQUIREMENTS

1. The first occasion when the dog play area does not meet the standards as outlined above, OPR will:
  - a. Require that MDOG perform immediate clean up of the dog play area commensurate with the standards set forth in this Agreement.
  - b. Perform an on-site evaluation of possible remedies.
  - c. Review this Agreement and determine whether an amendment to the Agreement is warranted to address unforeseen circumstances.
  - d. Provide MDOG with verbal notification of remedies required.
  - e. Review this Agreement for MDOG's non-compliance.
2. The second occasion when the dog play area does not meet the standards as outlined above, OPR will:
  - a. Require that MDOG perform immediate clean up of the dog play area commensurate with the standards set forth in this Agreement.
  - b. Perform an on-site evaluation of possible remedies.
  - c. Provide MDOG with written notification of remedies required.
  - d. Provide a written review of this Agreement for MDOG's non-compliance.
  - e. Implement a three-day closure period for purposes of bringing the dog play area up to standards.

3. The third occasion when the dog play area does not meet the standards as outlined above, OPR will:
  - a. Require that MDOG perform immediate clean up of the dog play area commensurate with the standards set forth in this Agreement.
  - b. Issue a formal letter to MDOG notifying them that the project is in jeopardy of being discontinued.
  - c. Meet with the Chair of MDOG before the dog play area is considered for re-opening to discuss and resolve maintenance issues.
  - d. Permanently close the dog play area if OPR determines that the matter has not been satisfactorily resolved.

#### L. COMPLAINTS

1. City will post a sign with a phone number for patrons *to* call for issues concerning the dog play area.
2. If City receives complaints, each complaint will be dated and logged.
3. If City receives more than six (6) calls on the same issue within a four-hour period, OPR will investigate the complaint within the hour of the last complaint.

#### M. REVOCATION OF AGREEMENT

This Agreement may be revoked at any time by OPR Director or her designated representative if MDOG has breached a material term of this Agreement and has failed to cure said breach within 10 days from the date of said breach. In addition, OPR Director or her designee has the authority and sole discretion to revoke the Agreement immediately and without notice if an incident involving the health, safety, or welfare of person(s) or property are harmed or at imminent risk of harm by a dog, dog guardian, or other facility user, including, but not limited to a situation where a dog brought to the facility bites a park patron or other facility user. Continued operation of the dog play area after the term of this Agreement is subject to review by the OPR and the Park and Recreation Advisory Commission.

N. FUTURE AGREEMENT

At the conclusion of this Agreement and public review, City shall consider extending the Mosswood Park Dog Play Area program for an additional two (2) years with a 2-year option to renew.

In witness hereof, the parties have executed this Agreement on the dates set forth below.

**Mosswood Dog Owner Group (MDOG)**

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

By: \_\_\_\_\_

**Office of Parks and Recreation**

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

By: \_\_\_\_\_  
Audree V. Jones-Taylor  
Director

**Public Works Agency**

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

By: \_\_\_\_\_

**Approved as to form and legality:**

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

By: \_\_\_\_\_  
Office of the City Attorney

OFFICE OF THE CITY CLERK

2007 MAY 01 PM 0:46

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**A RESOLUTION ACCEPTING AND APPROPRIATING REDEVELOPMENT AGENCY FUNDS FROM THE BROADWAY/MACARTHUR/SAN PABLO REDEVELOPMENT PROJECT AREA UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$15,000 FOR THE CONSTRUCTION OF THE MOSSWOOD PARK DOG PLAY AREA PROJECT**

**WHEREAS**, the Redevelopment Agency of the City of Oakland previously allocated \$24,000 to the City of Oakland Office of Parks and Recreation for the Mosswood Park Dog Play Area project as part of the 2006 round of the Broadway/MacArthur/San Pablo Neighborhood Projects Initiative (NPI) program on June 20, 2006 (Resolution No. 2006-0043 C.M.S.); and

**WHEREAS**, due to unforeseen cost items, the construction budget for the Mosswood Park Dog Play Area Project is now estimated to be \$39,000; and

**WHEREAS**, the Office of Parks and Recreation is requesting an additional \$15,000 from the Redevelopment Agency to complete this project; and

**WHEREAS**, the Broadway/MacArthur/San Pablo Redevelopment Project Area Committee ("PAC") has recommended increasing the funding allocation for the Mosswood Park Dog Play Area Project; and

**WHEREAS**, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

**WHEREAS**, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

**WHEREAS**, the Redevelopment Agency has authorized an additional \$15,000 contribution of funds to the City under the Cooperation Agreement from the Broadway/MacArthur/San Pablo Redevelopment Project Area for the Mosswood Park Dog Play Area project, which will be transferred from the Broadway/MacArthur/ San

Pablo Redevelopment Operations Fund (9529), Redevelopment Projects Organization (88669), Broadway/MacArthur/San Pablo Redevelopment Project (P187510) to the Oakland Redevelopment Agency Projects Fund (7780) to the Oakland Redevelopment Agency Projects Fund (7780) to the Parks and Recreation Capital Organization (94500) NPI Mosswood Dog Run Project (C298350) to be used to fund the Mosswood Park Dog Play Area project; now therefore be it

**RESOLVED:** That the City Council hereby accepts the additional contribution of \$15,000 in Redevelopment Agency funds under the Cooperation Agreement for the Mosswood Park Dog Play Area project and appropriates such funds to the City repayment account in Oakland Redevelopment Agency Projects Fund (7780) Parks and Recreation Capital Organization (94500) NPI Mosswood Dog Run Project (C298350); and be it further

**RESOLVED:** That the City Council hereby finds and determines as follows:

1. That the funding of the Mosswood Park Dog Play Area project will benefit the Broadway/MacArthur/San Pablo Redevelopment Project Area, and will assist in the elimination of blighting conditions in the Project Area by addressing needs related to the physical appearance, safety, and needed renovations to that public facility;
2. That no other reasonable means of financing the Mosswood Park Dog Play Area project is available to the City other than Redevelopment Agency funding, since the City's Capital Improvement Program has insufficient funds to cover the expense of this improvement;
3. That the use of tax increment funds from the Broadway/MacArthur/San Pablo Redevelopment Project Area for the Mosswood Park Dog Play Area project is consistent with the redevelopment plan and the implementation plan adopted for the Broadway/MacArthur/San Pablo Redevelopment Project Area;

and be it further

**RESOLVED:** That the City Administrator or her designee is authorized to take any other actions with respect to the project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT DE LA FUENTE,


NOES-

ABSENT-

ABSTENTION-

Attest: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the City of Oakland,  
California

APPROVED AS TO FORM AND LEGALITY:

  
AGENCY COUNSEL

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

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### A RESOLUTION AUTHORIZING A CONTRIBUTION OF AGENCY FUNDS FROM THE BROADWAY/MACARTHUR/SAN PABLO REDEVELOPMENT PROJECT AREA TO THE CITY UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$15,000 FOR THE CONSTRUCTION OF THE MOSSWOOD PARK DOG PLAY AREA PROJECT

**WHEREAS**, the Redevelopment Agency previously allocated \$24,000 to the City of Oakland Office of Parks and Recreation for the Mosswood Park Dog Play Area project as part of the 2006 round of the Broadway/MacArthur/San Pablo Neighborhood Projects Initiative (NPI) program on June 20, 2006 (Resolution No. 2006-0043 C.M.S.); and

**WHEREAS**, due to unforeseen cost items, the construction budget for the Mosswood Park Dog Play Area project is now estimated to be \$39,000; and

**WHEREAS**, the Office of Parks and Recreation is requesting an additional \$15,000 from the Redevelopment Agency to complete this project; and

**WHEREAS**, the Broadway/MacArthur/San Pablo Redevelopment Project Area Committee ("PAC") has recommended increasing the funding allocation for the Mosswood Park Dog Play Area project; and

**WHEREAS**, the City of Oakland and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

**WHEREAS**, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

**WHEREAS**, the City Council is consenting to the use of Agency funding for the improvements to City-owned property to Section 33445 of the California Health and Safety Code; and

**WHEREAS**, the additional funding for the Mosswood Park Dog Play Area project will be transferred from the Broadway/MacArthur/ San Pablo Redevelopment Operations Fund (9529), Redevelopment Projects Organization (88669), Broadway/MacArthur/San Pablo Redevelopment Project (P187510) to the Oakland Redevelopment Agency Projects Fund (7780) to the Parks and Recreation Capital Organization (94500) NPI Mosswood Dog Run Project (C298350); and

**WHEREAS**, the Five Year Implementation Plan for the Broadway/ MacArthur/ San Pablo Redevelopment Project, adopted on December 7, 2004 (Resolution No. 2004-66 C.M.S.), includes upgrades to parks and recreation centers within the project area; now, therefore, be it

**RESOLVED:** That the Agency hereby allocates a \$15,000 contribution in Redevelopment Agency funding to the City under the Cooperation Agreement from the Broadway/MacArthur/San Pablo Redevelopment Operations Fund (9529), Redevelopment Projects Organization (88669), Broadway/MacArthur/San Pablo Redevelopment Project (P187510) to the City of Oakland under the Cooperation Agreement to the Parks and Recreation Capital Organization (94500) NPI Mosswood Dog Run Project (C298350) to be used to fund the Mosswood Park Dog Play Area project; and be it further

**RESOLVED:** That the Agency hereby finds and determines as follows:

1. That the funding of the Mosswood Park Dog Play Area project will benefit the Broadway/MacArthur/San Pablo Redevelopment Project Area, and will assist in the elimination of blighting conditions in the Project Area by addressing needs related to the physical appearance, safety, and needed renovations to that public facility;
2. That no other reasonable means of financing the Mosswood Park Dog Play Area project is available to the City other than Redevelopment Agency funding, since the City's Capital Improvement Program has insufficient funds to cover the expense of this improvement;
3. That the use of tax increment funds from the Broadway/MacArthur/San Pablo Redevelopment Project Area for the Mosswood Park Dog Play Area project is consistent with the redevelopment plan and the implementation plan adopted for the Broadway/MacArthur/San Pablo Redevelopment Project Area;

and be it further

**RESOLVED:** That the Agency Administrator or her designee is authorized to take any other actions with respect to this project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES-           BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
                  CHAIRPERSON DE LA FUENTE,

NOES-

ABSENT-

ABSTENTION-

Attest: \_\_\_\_\_

LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland, California



OFFICE OF THE CITY CLERK

2007 MAY 31 PM 8:46

# OAKLAND CITY COUNCIL

## ORDINANCE No. \_\_\_\_\_ C.M.S.

### AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 6, CHAPTER 6.04, SECTION 6.04.080 *DOGS AT LARGE IN PARKS*, TO ALLOW DOGS TO BE OFF-LEASH, UNDER SPECIFIC CONDITIONS, IN THE MOSSWOOD PARK DOG PLAY AREAS AS AUTHORIZED BY THE PARKS & RECREATION ADVISORY COMMISSION

**WHEREAS**, 40 percent of the households in the United States are home to one or more dogs, according to the American Veterinary Medical Association; and

**WHEREAS**, well-exercised dogs are less likely to have behavioral problems, including chronic barking, which results in a decrease in the number of dogs given up to the City Animal Shelter, and a decrease in the number of calls to police for noise abatement; and

**WHEREAS**, there is an increasing demand for designated areas in the City of Oakland for dog owners to exercise their dogs off-leash; and

**WHEREAS**, off-leash dog play areas provide residents and their canine companions safe areas in which to exercise and socialize in an urban environment; and

**WHEREAS**, the Parks and Recreation Advisory Commission, in their meeting of May 9, 2007, authorized the Mosswood Park Dog-Play Area to be included as an off-leash area, now, therefore

#### THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

**Section 1.** The Oakland Municipal Code is hereby amended to add, delete or modify sections as set forth below; additions are indicated by underscoring and deletions by ~~strike through type~~.

#### 6.04.080 OMC Dogs at large in parks

A. It is unlawful for any person owning or having in charge, care, control or custody any dog, except a "Seeing Eye dog" actually being used by a blind person, a "signal dog" actually being used by hearing impaired person, or a "service dog" actually being used by a handicapped person, or a police dog being used by any federal, state, county, city, city and county, city, or city and county enforcement agency for any law enforcement purpose, to permit or allow any such dog, whether leashed or unleashed, to be in a public park, school yard or public playground, or other place controlled by the Board of Education or the city Director of Parks and Recreation for special events or special occasions. Except in posted landscaped areas, this section shall not apply to Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Hardy Park dog run facility and Glen Daniel/King Estate Park, north of Fontaine Street.

B. Nothing herein shall prevent or limit the duly authorized use of trained dogs for special purposes, by the city or other government personnel. (Ord. 12748, 2006; Ord. 12296, 2000; Ord. 12032, 1998; prior code § 3-9.07(b)).

C. Dogs are permitted to be off-leash in the Joaquin Miller dog play area, and the Mosswood Park Dog Play Area, as authorized in a writing or resolution by the Parks and Recreation Advisory Commission.

**Section 2. Severability:** If any article, section, subsection sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**Section 3. Effective date:** This ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

# **NOTICE AND DIGEST**

**AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE  
TITLE 6, CHAPTER 6.04, SECTION 6.04.080 - DOGS AT LARGE  
IN PARKS, TO ALLOW DOGS TO BE OFF-LEASH, UNDER  
SPECIFIC CONDITIONS, IN THE MOSSWOOD PARK DOG  
PLAY AREAS AS AUTHORIZED BY THE PARKS &  
RECREATION ADVISORY COMMISSION**

Adoption of this ordinance will change the Oakland Municipal Code to allow dogs in the Mosswood Park dog play areas to be off-leash under certain specific conditions. These specific conditions include completion of the construction of a fenced-in dog play area at Mosswood Park.