

Meeting Date: 4-9-13

# AGENDA REPORT

Agenda Item # 6A.1

City of Santa Clara, California



**Date:** March 21, 2013

**To:** City Manager for Council Action

**From:** Director of Parks and Recreation

**Subject:** Adopt a Resolution Declaring a Temporary Restriction and Control of Animals at the Santa Clara Art and Wine Festival, September 14 & 15, 2013

## EXECUTIVE SUMMARY:

At the March 19, 2013 Parks & Recreation Commission meeting, the Commission made the recommendation that the City Council adopt a resolution to restrict animals in Central Park during the 33<sup>rd</sup> Annual Santa Clara Art and Wine Festival September 14 & 15, 2013. Animals create health and safety concerns during the heavily attended Festival. The Parks and Recreation Department has received numerous complaints about dogs and other pets in the Festival area each year. Since 1995, a resolution recommended by the Parks and Recreation Commission has been approved by the City Council to temporarily restrict animals (including dogs and other pets such as snakes and birds) from the Central Park Festival area. In compliance with the Americans with Disabilities Act guidelines, registered guide dogs and designated service animals are permitted under the resolution. Other animals are permitted on leash in the softball fields/parking area only. While the animal restriction has been generally well received, the Police Department will enforce the resolution for the relative few not in compliance.

## ADVANTAGES AND DISADVANTAGES OF ISSUE:

Keeping animals out of the Central Park areas used for the Art and Wine Festival will ensure that animals will not injure or frighten adults and children enjoying the event. The health and safety problems associated with the presence of animals in a heavily congested area and around food preparation will also be eliminated. Animal owners will be able to use open space areas at the softball fields/parking lot only. This area has been adequate in the past for this purpose. Leash laws will still apply in this area.

## ECONOMIC/FISCAL IMPACT:

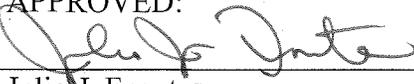
There is no additional cost to the City other than administrative staff time and for enforcement.

## RECOMMENDATION:

That the Council adopt a resolution declaring the temporary restriction and control of animals at the Santa Clara Art and Wine Festival on September 14 & 15, 2013.

  
\_\_\_\_\_  
James Teixeira  
Director of Parks and Recreation

APPROVED:

  
\_\_\_\_\_  
Julio J. Fuentes  
City Manager

*Documents Related to this Report:*

- 1) *Resolution Restricting Animals at the Art & Wine Festival*  
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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, DECLARING A TEMPORARY  
RESTRICTION AND CONTROL OF ANIMALS AT THE  
SANTA CLARA ART AND WINE FESTIVAL ON  
SEPTEMBER 14 & 15, 2013**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, pursuant to Section 9.05.050 of "The Code of the City of Santa Clara, California" ("SCCCC"), the City Council may from time to time adopt and approve regulations concerning recreational lands or facilities which the Parks and Recreation Department of the City of Santa Clara operates and maintains; and

**WHEREAS**, the City of Santa Clara ("City") finds and determines that the necessity for the provisions and prohibitions, and restrictions contained and enacted by this Resolution are declared, as a matter of the City Council's determination, for the purpose of securing and promoting the public health, safety, and welfare of all citizens of the City; and

**WHEREAS**, the City Council finds that a temporary restriction and control of animals at the Santa Clara Art and Wine Festival, to take place on September 14 & 15, 2013, is necessary because of the anticipated crowds and the potential threat animals pose to the health, safety, and welfare of the citizens attending the Santa Clara Art and Wine Festival ("Art and Wine Festival"); and

**WHEREAS**, the City Council finds that a temporary restriction and control of animals at the Art and Wine Festival is necessary to preserve the health and safety of citizens by restricting the access and presence of animals in the Art and Wine Festival areas of Central Park including, but not limited to, the art and handicraft exhibits and booths, entertainment stages, playgrounds, pathways and in any area where food and beverages are being cooked served to the public.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA  
AS FOLLOWS:**

1. That there shall be a temporary restriction and control of all animals at the Art and Wine Festival in festival areas of Central Park, Santa Clara, California ("Central Park"). The restricted areas of Central Park shall be posted with a copy of this Resolution.

2. That this temporary restriction and control of all animals within the Art and Wine Festival area of Central Park shall remain in full force and effect on September 14 & 15, 2013 from 9:00 a.m. until 6:00 p.m.

3. That this temporary prohibition shall not apply to "guide dogs," "signal dogs," or "service dogs," as each is defined in Section 54.1 of the California Civil Code.

4. That this temporary restriction and control of all animals within the Art and Wine Festival area of Central Park shall not include the softball fields and parking lots where the animal owners will have access, provided animals are on leash.

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 2013, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

\_\_\_\_\_  
ROD DIRIDON, JR.  
CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: None.

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