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MINUTES OF A REGULAR MEETING OF THE CYPRESS CITY COUNCIL HELD
JANUARY 24, 2011

A regular meeting of the Cypress City Council was called to order at 6:30 p.m. by Mayor Mills in the Council Chambers, 5275 Orange Avenue, Cypress, California.

Members present:

Mayor/Agency Chair Leroy Mills
Mayor Pro Tem/Agency Vice Chair Todd Seymore
Council/Agency Board Member Doug Bailey
Council/Agency Board Member Phil Luebben
Council/Agency Board Member Prakash Narain

Staff present:

City Manager John Bahorski
City Attorney William Wynder
Assistant City Attorney Lindsay Tabaian
Assistant City Manager/Director of Finance and Administrative Services Richard Storey
Chief of Police Mark Yokoyama
Public Works Director Doug Dancs
Recreation and Community Services Director June Liu
Police Captain Jackie Gomez-Whiteley
Police Captain Ed Bish
Assistant City Engineer Kamran Dadbeh
Public Works Superintendent Bobby Blackburn
Planning Manager Doug Hawkins
Associate Planner Kori Nevarez
Administrative Services Manager Andrew Tse
City Clerk Denise Basham

The following spoke regarding Agenda Item No. 11:

Debbie Bent, Huntington Beach
Diane Amendola
Rose Roberson, Cypress
Susan Murphy, Cypress
Elizabeth Childers, Cypress
Patty Rusko
Kerry Bettis, Cypress

NEW BUSINESS:

Item No. 11: DISCUSSION ON PROPOSED BREED-SPECIFIC SPAY/NEUTER ORDINANCE AND ALTERNATIVES.

The Administrative Services Manager provided background information on this item.

Council Member Luebben asked for clarification of the definition of a “potentially dangerous dog” and commented that the unprovoked time span should be expanded and not shortened.

The Administrative Services Manager commented that the time span revision is due to the urgency of the complaints from the Marion Avenue residents in that dogs were attacking on a more frequent basis.

Mayor Pro Tem Seymore made verbiage suggestions to the proposed definition of “potentially dangerous dog,” including the removal of the time span restriction and the number of unprovoked incidences.

The City Attorney asked the O.C. Animal Care representative about the reasoning for the 36-month time span.

Ryan Drabek, O.C. Animal Care, stated that a longer time frame allows O.C. Animal Care a longer span of time to look at the incident and a 6-month time span would make the process more expedient. He indicated that a single-bite incident, if unprovoked, can lead to a potentially dangerous dog investigation.

The City Attorney asked Mr. Drabek if a single bite, dog on human, or a single bite, dog on dog, could result in a designation of a dangerous condition. He asked if the authority of O.C. Animal Care has been challenged to declare an animal dangerous when someone had to take defensive action on a single occasion and if the courts would require that there be repeated instances.

Mr. Drabek responded that the current O.C. Animal Care ordinance has been challenged in court, however, the declarations have not been overturned.

Council Member Bailey asked about responses and the number of responses over the past year.

Mr. Drabek replied that there have been reported incidents within the last couple of months. He stated that he is not able to provide specific addresses and/or dates, however, according to reports the dogs that were most recently declared were euthanized because the owner did not comply with the O.C. Animal Care restrictions.

Council Member Luebben stated that he is not in favor of the mandatory spay/neuter ordinance and that he would prefer to see stronger, aggressive rules forcing owners to be more accountable for their pets.

Council Member Bailey stated that broadening the scope of what a dangerous dog is and community outreach from O.C. Animal Control would be a plausible plan.

Mayor Pro Tem Seymore concurred with Council Member Luebben but suggested a clearer definition of a potentially dangerous dog in order to strengthen the dog owner's responsibilities.

Council Member Luebben stated that it was his concern that an animal owner may be wrongly accused.

It was moved by Mayor Pro Tem Seymore and seconded by Council Member Narain, that the City Council:

1) Direct staff to prepare an ordinance amending certain sections of the Cypress Municipal Code, Chapter 3, Section 3-1, to increase the stringency of the Potentially Dangerous Dog Program to dog owners who are deemed in violation of the City's Dangerous and Vicious Animals Ordinance by O.C. Animal Care officials; and

2) Direct staff to request O.C. Animal Care to increase canvassing, public education efforts, licensing, and enforcement activities in the Marion Avenue neighborhood and other areas as determined by O.C. Animal Care to have issues with potentially dangerous animals.

The motion was unanimously carried by the following roll call vote:

AYES: 5 COUNCIL MEMBERS: Bailey, Luebben, Narain, Seymore and Mills
NOES: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None