



**MINUTES OF THE SPECIAL JOINT  
CITY COUNCIL/REDEVELOPMENT AGENCY  
MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, February 13, 2007 8:00 p.m.**

---

**MEETING**

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Sweeney at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Dowling.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Rodriquez, Quirk, Halliday, Ward, Dowling,  
Henson  
MAYOR/CHAIR Sweeney  
Absent: COUNCIL/RA MEMBER None

**PUBLIC COMMENTS**

Francisco Abrantes gave a bottle of water to staff that he claimed he took from his faucet. He previously submitted a bottle with similar contents and asked for assistance in this matter. He also commented on alarms and displayed a related document.

**BOARDS AND COMMISSIONS**

1. Confirm Appointments of New Commissioners/Administer Oaths of Office

Staff report submitted by City Clerk Reyes, dated February 13, 2007, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 05-015, "Resolution Confirming the Appointment of Members to Advisory Boards and Commissions"

City Clerk Reyes administered the oath of office to the appointees.

**CONSENT**

2. Approval of Minutes of the City Council Meeting of January 23, 2007

It was moved by Council Member Halliday, seconded by Council Member Henson, and carried unanimously to approve the minutes of the City Council Meeting of January 23, 2007.

3. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of February 6, 2007

**DRAFT**

It was moved by Council/RA Member Halliday, seconded by Council/RA Member Henson, and carried unanimously to approve the minutes of the City Council Meeting of February 6, 2007.

## HEARINGS

### 4. Introduction of an Ordinance Amending the Hayward Municipal Code Related to Animal Control Regulations

Staff report submitted by Animal Services Manager Sanchez, dated February 13, 2007, was filed.

Police Chief Lowe made the report, noting the incidents that occurred in past years in various cities and the legal outcomes related to dangerous animals. With that consideration, it was determined that the City's Ordinance, which was last amended in 1978, needed some revisions to identify incidents for hearings and improve definitions that were derived from the State Agricultural Code. He introduced Assistant City Attorney Cambra and Animal Services Manager Sanchez, who were available to respond to inquiries. He publicly apologized to Jeanne Goecker, representing the Friends of Animals, for not previously involving the organization in the proposed revisions.

Council Member Dowling expressed his appreciation to staff for the apology as the members of the Friends of Animals have continually been involved in animal services. He asked for brief scope of the issue. Police Chief Lowe provided the number of reports and incidents. Animal Services Manager Sanchez responded with data as to the number of hearings and the results. Council Member Dowling felt that the definition is somewhat vague. When he asked how this would pose a threat to the public, staff noted that this would provide staff authority to impound dangerous animals when there is a history of incidents.

Council Member Quirk commented that the language of the definition is vague. He would prefer that the ordinance include examples of the definition. There was further discussion on the words "propensity" and "threat" with Assistant City Attorney Cambra reasoning that the definitions in the ordinance allow staff to be more proactive with the hearing more fact-driven. Assistant City Attorney Cambra listed the steps of the hearing and the further opportunity for an appeal before a judge. In the proposed definition for a dangerous animal, which includes three definitions of Section 4-4.01, subparagraph (h), Council Member Quirk pointed out that he did not find one (1) and three (3) adequate, although he did agree with the examples given.

City Manager Armas referenced Section 7 of the draft ordinance related to hearings. He cited the notice requirements and that the dog owner has the opportunity for rebuttal responses.

Council Member Halliday commented on the same section of the definitions regarding public safety. She felt that animal owners need to understand the definitions. In general she supports the flexibility this will provide to animal control staff, but was concerned with the rights of the animal owner. She asked about the hearing proceedings, the costs and what findings are determined. She emphasized the need to clarify to the animal owner what could result.

Assistant City Attorney Cambra discussed a little further the definition of the word "propensity," and emphasized that a single incident will not rise to a potentially dangerous animal, but rather a



**MINUTES OF THE SPECIAL JOINT  
CITY COUNCIL/REDEVELOPMENT AGENCY  
MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, February 13, 2007 8:00 p.m.**

---

series of incidents or a course of conduct. The burden is on the department to establish that the animal is potentially dangerous.

Council Member Henson cited the definition of a potentially dangerous animal from the State Code that specifies two incidents must occur. He asked whether this part of the State Code could be included in the City's ordinance, noting that he understood the need to offer staff flexibility.

Assistant City Attorney Cambra stated that staff effort on this revision is to be proactive before the animal makes contact and being specific may defeat the purpose of the classification. He clarified that this ordinance is not directed against the animal, but is directed against the animal owner. He also emphasized that once the animal is labeled as a dangerous animal, it is not adoptable.

City Manager Armas offered a recommendation to modify the introduction to subsection (h) to read "which demonstrates a propensity" and remove the words "any of the following behavior" so that numbers one (1) and two (2) remain and number three (3) be deleted for now.

Mayor Sweeney appreciated and respected the option offered by City Manager Armas. He cited past tragedies that have occurred throughout neighboring communities. He emphasized that this ordinance attempts to prevent such tragedies. He stated that this ordinance will protect the public's health and safety and the language is reasonable. He urged his colleagues to make the hard decision to protect the public's health and safety.

Mayor Sweeney opened the public hearing at 8:37 p.m.

Jeanne Goecker expressed her disappointment in not being involved in the earlier discussions. She spoke earlier with Steve Sapontzis, who thought that the phrasing in the ordinance could be improved. She noted that he felt that there was too much attention focused on the animal and not on the situation, the language was vague, but agreed with the concept of addressing the irresponsible pet owner. The Friends of Animals representatives agree with the use of the word "propensity" so that no animal is condemned for just one incident. She asked who is designated as the hearing officer as stated in the ordinance and asked who would be making the decisions. City Manager Armas responded that the hearing officer is the Chief of Police or his designee.

Mayor Sweeney closed the public hearing at 8:41 p.m.

Mayor Sweeney moved, seconded by Council Member Ward, to introduce this ordinance. He stated that the purpose of this ordinance is to prevent tragedies from occurring. He stressed the seriousness of what already occurred in other communities. He felt that this ordinance would hold animal owners accountable and urged his colleagues to support the motion.

Council Member Henson noted that he will support the ordinance, but felt that the ordinance does not include a provision similar to the State Code that is more specific in prohibiting owners from owning a dog without regard to breed.

**DRAFT**

Council Member Dowling agreed with Council Member Henson’s earlier comments related to the State definitions. He appreciated the recommendation by City Manager Armas to eliminate the subsection. In addition, Council Member Dowling expressed his disappointment that the Friends of Animals did not participate in the discussions for revising this ordinance. He did not think the revisions should be rushed through and discussed the San Francisco incidents, noting that this ordinance would not have prevented those tragedies. He hoped that this could be continued for additional work. He would not be supporting this ordinance as it was presented.

Council Member Quirk agreed with the language provided by Council Member Henson who had quoted from State law related to “potentially dangerous” dogs. He also agreed with Council Member Dowling’s comments that the members of the Friends of Animals need to be included for review and discussion of revisions to this ordinance. He preferred to take the suggestions from City Manager Armas and agreed that staff work with the Friends to have a greater degree of specificity. He would not be supporting the motion as presented.

Council Member Halliday summarized that this draft is overall very good and agreed with staff in attempting to take proactive steps to equip animal control staff with the flexibility that is necessary to address situations of this type. She was willing to accept the suggestions provided by City Manager Armas in revising this ordinance, but felt that the section regarding public safety remain.

Council Member Rodriquez commended staff, especially the legal staff, on the revisions and commented that this ordinance provides a “benefit of the doubt” to dogs. She recognized Mayor Sweeney’s concern, the incidents in San Francisco, and noted the necessity of the ordinance.

It was moved by Mayor Sweeney, seconded by Council Member Ward, and carried by the following roll call vote to introduce the ordinance as submitted by staff:

Introduction of Ordinance 07-\_, “An Ordinance Amending Certain Sections of Chapter 4, Article 4 of the Hayward Municipal Code and Inserting New Sections 4-4.49 and 4-4.56 Relating to Animal Control Regulations”

AYES: Council Members Rodriquez, Halliday, Ward,  
Henson  
MAYOR Sweeney  
NOES: Council Members Quirk, Dowling  
ABSENT: None  
ABSTAINED:None

## **COUNCIL REPORTS**

There were no Council reports.

## **ADJOURNMENT**



**MINUTES OF THE SPECIAL JOINT  
CITY COUNCIL/REDEVELOPMENT AGENCY  
MEETING OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, February 13, 2007 8:00 p.m.**

---

Mayor/Chair Sweeney adjourned the meeting at 8:54 p.m.

**APPROVED:**

\_\_\_\_\_  
Michael Sweeney, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

\_\_\_\_\_  
Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency