

**MINUTES OF A REGULAR MEETING OF
THE ENVIRONMENTAL QUALITY AND
ENERGY CONSERVATION COMMISSION**

1. CALL TO ORDER

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:05 p.m. on Thursday, April 7, 2011 in the West Annex meeting room at Torrance City Hall.

2. ROLL CALL:

Present: Commissioners Chim, Cunningham, Gobble, Griffiths*, Watson, and Chairperson Reilly.

Absent: Commissioner Robbins.

Also Present: Senior Environmental Quality Officer Jones, Senior Environmental Quality Officer Duncan, Animal Control Officer LaPlante, and Animal Control Officer Behn.

*Commissioner Griffiths arrived at 7:42 p.m.

MOTION: Commissioner Gobble moved to grant Commissioners Griffiths and Robbins excused absences for the April 7, 2011 Commission meeting. Commissioner Watson seconded the motion; a voice vote reflected unanimous approval.

3. SALUTE TO THE FLAG

Chairperson Reilly led the Pledge of Allegiance.

4. POSTING OF THE AGENDA

MOTION: Commissioner Cunningham, seconded by Commissioner Watson, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; a voice vote reflected unanimous approval.

5. ORAL COMMUNICATIONS FROM THE PUBLIC

None.

6. APPROVAL OF MINUTES

6A. MINUTES OF MARCH 3, 2011

Minutes were not available.

7. ANIMAL MATTERS

7A. APPEAL OF HEARING OFFICER DECISION IN VICIOUS DOG HEARING FOR ANIMAL RESIDING AT 22609 CERISE IN THE CITY OF TORRANCE

Chairperson Reilly explained the policies and procedures of the Environmental Quality and Energy Conservation Commission, including the right to appeal decisions to City Council.

Senior Environmental Quality Officer Duncan presented the appeal by John Furuichi of a decision by the Hearing Officer regarding a Vicious Dog Hearing for the dog Angel owned by Lisa Rengel. She reported that Mr. Furuichi is requesting that the Findings—returning Angel to her owner--be overturned and the dog be relocated outside the City as initially recommended by Animal Control. She noted that copies of the Findings from the January 24, 2011 Hearing as well as case information presented by Animal Control are included in the material of record. She provided background and noted that the current incident took place on January 1, 2011 when Angel escaped from her residence and attacked a German Shepard being walked on leash. As a result of this Hearing, the Hearing Officer determined that Angel could be returned to her owner with the stipulation that certain conditions be completed within 30 days. She reported that Angel was released to her owner; however, Animal Control reports that, as of March 29, 2011 none of the conditions have been met. Given the period of time that has passed and lack of compliance from the owner, she presented staff recommendation that Angel be permanently removed from her owner and relocated outside the City.

MOTION: Commissioner Watson, seconded by Commissioner Gobble, moved to open the public hearing. A voice vote reflected unanimous approval (absent Commissioner Robbins).

Lisa Rengel, Cerise Avenue, stated that Angel, normally an inside dog, was accidentally let out and that she does not dispute the fact that she bit another dog. She said that Angel was subsequently taken to a shelter, it cost \$430 to get her out, and that she was very ill for the next three weeks. Because of the illness, rainy days, and financial hardship, she was unable to complete the conditions within 30 days but had every intention of doing so. She stated that Angel has been kept inside since her return and presented letters from neighbors regarding the dog.

In response to Commissioner Watson's inquiries, Ms. Rengel stated that Angel is a five old Rottweiler, that a previous owner trained her, and that she has owned her for three years.

Responding to Commissioner Gobble's inquiries, Ms. Rengel stated that her front yard has a low fence but that the kennel would be placed in the rear yard that has a secondary six-foot gate.

Commissioner Cunningham received clarification from Ms. Rengel that the kennel equipment was purchased on April 7, 2011, Angel has been registered in a dog obedience class, and that the dog is licensed but not chipped yet.

In response to Commissioner Chim's inquiry, Ms. Rengel stated that she was unemployed for a year and a half, but that she is now employed and recently received other income. She stated that she can now afford to meet all conditions and is taking the necessary steps to ensure that Angel cannot get out of the yard. She agreed that Angel

should be impounded if there is a third incident and added that Angel should not be punished for something her owner did wrong.

At Chairperson Reilly's request, Animal Control Officer LaPlante provided information about Angel's first Vicious Dog Hearing in 2009, noting that Angel was not taken from the home at the time. He explained that, now that Angel is in custody, she would not be released until conditions from the second Hearing are met and verified.

In response to Commissioner Cunningham's inquiry, Ms. Rengel stated that chipping a dog costs \$50 to \$75, that she believes the dog from the first incident is still alive and in the neighbor's house, and that no restitution has been asked.

Responding to Commissioner Gobble's inquiry, Animal Control Officer LaPlante stated that Angel has been in custody since March 30, 2011, that the owners have been cooperative, and that fees are not being charged pending the Commission's findings. He stated that Angel is aggressive with other dogs but is people friendly, adding that with proper training and owner support she could be rehabilitated.

John Furuichi, West 225th Street, appellant, stated that he does not agree with the Hearing Officer's findings and requested that the dog be removed from the City. He quoted Torrance Municipal Code's definition of a dangerous dog and maintained that Angel is a dangerous dog, not a "potentially" dangerous dog, and that he is afraid to walk in his neighborhood. He stated that the owner did not meet the conditions of the first Hearing and should not be given another chance to comply. He stated that, under Los Angeles County law, owners have to be financially responsible for their dogs and that the owner did not respond to the certified letter he sent her with a \$275 vet bill. He stated that he has retained an attorney who is building a case against the owner and the City, that he was not notified when the dog was returned or of the Hearing, and distributed a petition signed by 59 neighbors within a two-block radius recommending Angel be removed from the City.

Chairperson Reilly received clarification from Animal Control Officer LaPlante that there is no requirement to notify neighbors when a dog is returned and that he is unsure if they are to be notified of a Hearing.

In response to Commissioner Watson's inquiry, Animal Control Officer LaPlante stated Animal Control's recommendation that Angel be relocated outside the City.

Commissioner Chim raised the possibility that running, although understandable, may have provoked Angel.

Mr. Furuichi asserted that pit bull, Rottweiler, and Akitas are dangerous dogs without proper care and training but that he is fearful of this dog, not other dogs.

Mr. Gobble questioned if neighbors have seen Angel loose and Mr. Furuichi responded that he has seen her off leash two times before the incident with his dog and that others have also seen her unleashed. Mr. Furuichi stated that he would not be afraid if Angel was in the back yard but would be if she was on a leash and muzzled.

Alan Jeffrey, West 225th Street, stated that Angel charged his dog aggressively in 2009 but she was tethered.

Scott Brandon, Cerise Avenue, stated that he lives in the home with Angel, that she does tend to be aggressive toward other dogs, and that it is the owner's responsibility to ensure public safety. He apologized to Mr. Furuichi and agreed that the owner should probably reimburse him for the vet bill. He conceded that owners did not comply in a timely manner but that it was because the dog was ill and was taken into custody again. He admitted that purchases for the kennel were made today but noted that Angel was in custody and the owners did not know if she would be returned. He asked that he and the owner be given the chance to comply and, if they cannot meet all conditions, they will surrender the dog.

Chairperson Reilly asked Mr. Brandon to address the fear factor in the neighborhood and he responded that there is no guarantee that neighbors will not be afraid even with all the safeguards. He stated the intention to install a barrier to keep Angel from the front room and front door that now has a self-closing mechanism.

Ellen Chase, Cerise Avenue, owner of Sparky, the dog killed on October 26, 2009. She presented the necropsy from the vet and stated that her dog did not bark or provoke the attack. She expressed concern about the safety of children in the neighborhood.

Bob Chase, Cerise Avenue, stated that Angel approached his dogs aggressively on another occasion two months before Sparky was killed. He expressed concern about negligence of the owners and the trauma that his family has experienced.

Mike Klint, West 225th Street, expressed his fear of walking down Cerise Avenue and maintained that Angel will get out again because of owner negligence.

Michael O'Brien, West 225th Street, expressed concern about his children walking their dog down Cerise Avenue. He distributed photographs of Angel's home and maintained that the owners take no responsibility for their dog or what she has done. He voiced support for relocating Angel outside the City.

Julie O'Brien, West 225th Street, discussed her previous ownership of an aggressive dog and stated that it was not advisable to leave Angel at the residence.

Roger Watson, Cerise Avenue, father of Angel's owner, stated that Angel is a good dog and is friendly with other dogs at the Dog Park in Redondo Beach. He explained how Angel got out of the house on October 26, 2009 and asserted that Sparky was barking and lunging before the attack.

In response to Commissioner Gobble's concern about the safety of children on the street, Mr. Watson stated that Angel loves children.

Responding to Commissioner Griffiths' inquiry, Mr. Watson stated that he was uncomfortable walking Angel with a muzzle because the neighbors would not pet her.

The Commission was in recess from 9:15 to 9:24 p.m.

Newt Young, Hickory Avenue, stated that insurance companies will not insure a Rottweiler, that the owners are irresponsible dog owners, and that the dog needs to be removed from the City.

Phillip O'Connor, West 225th Street, stated that this is a case of responsibility and liability and that Angel's owners have not taken personal or financial responsibility for the dog. He maintained that the owners did not take responsibility in the past and they will not in the future.

Ms. Rengel stated that she never received the veterinary bill from Mr. Furuichi, that there is a certified letter waiting at the Post Office for her, and that she intends to repay him.

Mr. Chase stated that there are disclosure laws and that the situation is dropping property values thereby causing a loss in tax revenue for the City.

Mr. Brandon stated that a Hearing is not a penal system but to determine steps to be taken and safeguards to be put in place to ensure public safety.

MOTION: Commissioner Gobble moved to close the public hearing. Commissioner Watson seconded the motion; a roll call vote reflected unanimous approval (absent Commissioner Robbins).

Staff advised that the Commission can uphold the appeal, deny it, or make recommendations either way.

Commissioner Gobble stated that Angel is unfortunately dog aggressive and for approximately two years something could have been done and it was not. He stated that he does not believe the neighborhood would be safe even if all safeguards were in place. He recommended upholding the appeal and having Angel removed to a rescue facility outside the City.

Commissioner Chim stated that it was sad to see neighbors fighting and hopes the neighborhood can heal after the decision. She noted that owners made good effort, but not in good faith, and expressed concern that they will either not follow the conditions or not be able to. She recommended that Angel be removed from the City.

Commissioner Watson stated that she did not want to vilify certain breeds of dogs and was only speaking to this particular dog. She recommended removing the dog and upholding the appeal, expressing hope that Angel may benefit from being placed in a rescue facility where she can be properly cared for.

MOTION: Commissioner Gobble moved to uphold the appeal and revert to the original recommendation of Animal Control that Angel be relocated outside the City. Commissioner Watson seconded the motion; a roll call vote reflected unanimous approval (absent Commissioner Robbins).

8. ENVIRONMENTAL MATTERS

8A. ENVIRONMENTAL FAIR WRAP UP

MOTION: Commissioner Watson moved to continue this item to the May 5, 2011 Commission meeting. Commissioner Chim seconded the motion; a voice vote reflected unanimous approval (absent Commissioner Robbins).

9. INFORMATION ITEMS

9A. Commissioner Gobble stated that he enjoyed the April 1-3, 2011 water inspection trip to the Colorado River sponsored by Metropolitan Water District.

9B. Commissioner Watson announced a book signing by Louis Zamperini at Torrance Auto Museum on April 9, 2011.

10. ADJOURNMENT

MOTION: At 10:00 p.m., Commissioner Chim moved to adjourn the meeting to May 5, 2011 at 7:00 p.m. in the West Annex meeting room. Commissioner Griffiths seconded the motion and, hearing no objection, Chairperson Reilly so ordered.

Approved as Submitted June 2, 2011 s/ Sue Herbers, City Clerk
