



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

AGENDA REGULAR MEETING

**CITY COUNCIL
MONDAY, APRIL 8, 2019**

**CITY OF ROLLING HILLS
7:00 P.M.**

Next Resolution No. 1236

Next Ordinance No. 362

1. CALL TO ORDER

2. ROLL CALL

PLEDGE OF ALLEGIANCE

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

*This is the appropriate time for members of the public to make comments regarding the items on the consent calendar or items **not** listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.*

4. CONSENT CALENDAR

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

- A. Minutes – 1) Regular Meeting of March 25, 2019.
RECOMMENDATION: Approve as presented.
- B. Payment of Bills.
RECOMMENDATION: Approve as presented.
- C. Republic Services Recycling Tonnage Report for February 2019.
RECOMMENDATION: Approve as presented.
- D. Financial Statement for the Month of February 2019.
RECOMMENDATION: Approve as presented.

5. PRESENTATION OF CITY COUNCIL REORGANIZATION

A. PRESENTATION OF NEW MAYOR AND MAYOR PRO-TEM

B. PRESENTATION TO MAYOR WILSON IN RECOGNITION OF HIS SERVICE DURING HIS 2018-2019 TERM AS MAYOR

C. COMMENTS FROM OUTGOING MAYOR

6. ADJOURNMENT TO RECEPTION

7. COMMISSION ITEMS

NONE.

8. PUBLIC HEARINGS

NONE.

9. OLD BUSINESS

A. CONSIDERATION AND APPROVAL OF RESOLUTION 1235 AFFIRMING THE DECISION OF THE CITY MANAGER IN THE APPEAL FILED BY GORDON AND NANCY INMAN AND ORDERING REMOVAL OF THE BOXER (LULU) FROM THE CITY

10. NEW BUSINESS

NONE.

11. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

12. MATTERS FROM STAFF

NONE.

13. CLOSED SESSION

NONE.

14. ADJOURNMENT

Next meeting: Monday, April 22, 2019 at 7:00 p.m. in the Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Public Comment is welcome on any item prior to City Council action on the item.

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at

least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

All Planning Commission items have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines unless otherwise stated.

**MINUTES OF
A REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, MARCH 25, 2019**

1. CALL TO ORDER

A regular meeting of the City Council of the City of Rolling Hills was called to order by Mayor Wilson at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

2. ROLL CALL

Councilmembers Present: Black, Dieringer, Mirsch, Pieper and Mayor Wilson.

Councilmembers Absent: None.

Others Present: Elaine Jeng, P.E., City Manager.
Mike Jenkins, City Attorney.
Alfred Visco, 15 Cinchring Road.
Gordon Inman, 11 Caballeros Road.
Nancy Inman, 11 Caballeros Road.
Pam Crane, 10 Caballeros Road.
Sarah Noel, 8 Hackamore Road.

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

Alfred Visco, 15 Cinchring Road, requested the City Council to review the dead vegetation ordinance again to address weeds and vegetation before they are dead. Mr. Visco suggested the City Council to amend the dead vegetation ordinance with the statues that he provided previously. Mr. Visco noted that last week, Governor Newsom declared state of emergency on wildfire. This declaration gives the City Council a golden opportunity. Mr. Visco noted that the Ready, Set, Go brochure by the Fire Department designated six high hazard plants. Mr. Visco suggested to the Association to direct landscape committee to ban the use of these six high hazard plants. Mr. Visco suggested going even further to remove this type of vegetation from Rolling Hills.

4. CONSENT CALENDAR

Matters which may be acted upon by the City Council in a single motion. Any Councilmember may request removal of any item from the Consent Calendar causing it to be considered under Council Actions.

- A. Minutes – 1) Regular Meeting of March 11, 2018
RECOMMENDATION: Approve as presented.
- B. Payment of Bills.
RECOMMENDATION: Approve as presented.

Mayor Pro Tem Mirsch moved that the City Council approve the items on the consent calendar as presented. Councilmember Pieper seconded the motion, which carried without objection by a voice vote as follows:

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

Mayor Wilson noted Deputy John Despot's name is misspelled. Mayor Wilson inquired about the encroachment fee paid to Rolling Hills Estates.

Mayor Pro Tem Mirsch noted the City rents/lease a portion of the property from Rolling Hills Estates.

City Manager Jeng noted Deputy John Despot's name will be corrected along with other spelling errors pointed out by Mayor Pro Tem Mirsch. In response to Mayor Wilson's inquiry, City Manager Jeng noted that a portion of the City's parking lot encroaches into Rolling Hills Estates' right of way and the fee is to pay for the encroachment.

5. COMMISSION ITEMS

None.

6. PUBLIC HEARINGS

A. APPEAL TO THE CITY COUNCIL ON THE REMOVAL ORDER BY THE CITY MANAGER ISSUED TO GORDON AND NANCY INMAN TO REMOVE THE BOXER, LULU FROM THE CITY

City Manager Jeng provided a history of animal complaints against Gordon and Nancy Inman's boxer, Lulu. City Manager Jeng said that based on her investigation of the latest complaint from January 2019, she reinstated a previous order to remove the Inmans' boxer Lulu, from the City. The Inmans decided to appeal the decision.

Mayor Wilson asked for public comments.

Gordon Inman noted that in 2005 Lulu bit a lady next door, Katherine Betancourt. In that incident, Lulu caused a dogfight between three dogs and Mr. Inman noted that it is unknown which dog bit Ms. Betancourt. The caretakers that walked Mr. Bhasker had a funny set up when walking down the street and Lulu barked at them but she did not bite them. The most recent incident is with Virginia Letts. Due to his knee replacement in 2018, Mr. Inman said that he was not exercising Lulu. The recent rains confined Lulu further, playing in the backyard only in between rains. One of the gates broke and Lulu ran out to the front of the house and then across the street and bit Virginia Letts. Mr. Inman said going forward he wants to do a better job of securing Lulu. Mr. Inman noted that he has fixed all the gates and will be

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installing invisible fence around the perimeter including the front door. Mr. Inman requested to keep his dog.

Mr. Inman described an incident where he had fallen in his backyard and could not get up. Lulu rested beside Mr. Inman and Mr. Inman was able to use Lulu to get up to get help. Mr. Inman said he has become very attached to Lulu. Mr. Inman noted that he has multiple surgeries on the horizon and keeping Lulu is emotionally important to him. Mr. Inman also submitted a letter from Dr. Nuccion speaking to Lulu's support. Mr. Inman has hired a dog walker to exercise Lulu. Mr. Inman reached out to Ms. Letts three times to settle the issue among themselves but Ms. Letts did not return his calls.

City Manager Jeng noted that earlier in the day, the Inmans submitted additional documents and those items are made available to the Councilmembers on the dais.

Pam Crane clarified that in the incident five years ago, it is unknown which dog bit Kathleen. The incident with Ms. Letts was an accident. The Inmans are responsible people; they are putting in measures to secure Lulu and exercising Lulu. Lulu is not aggressive. Lulu brings lots of joy to many people.

Councilmember Black asked for clarification on the chronology of events.

City Manager Jeng provided a summary of the three incidents.

Mayor Wilson requested clarification on the 2005 event as noted by Gordon Inman. Mr. Inman clarified it was 2013 and Lulu is ten years old.

Councilmember Black asked for confirmation that Lulu was ordered to be removed from the second incident and the removal order was stayed because the Inmans confined Lulu to their property. Councilmember Black also inquired if the initial confinement order specified the use of invisible fence.

City Manager Jeng clarified that Lulu was ordered to be confined to the Inmans' property from the first incident with Dr. Bhasker and no specifics such as invisible fencing were included in that confinement order.

Mr. Inman noted that the confinement order came from the second incident.

Councilmember Dieringer pointed out on Attachment 7 the confinement order came from then City Manager Anton Dahlerbruch's letter found on page 32/42. The letter shows the confinement started after the first incident with Dr. Bhasker.

Mayor Wilson asked for confirmation that dogs are allowed to be outside of the property on a leash when ordered to be confined.

Councilmember Black requested a brief recess to review the additional documents submitted by the Inmans before the City Council meeting.

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Councilmember Black noted that if Dr. Nuccion is requesting the dog to serve as emotional support animal, there is no choice and by law the request has to be accepted. Councilmember Black noted that Dr. Nuccion is not using the correct form.

Discussion ensued on a previous animal case relating to emotional support dog.

City Attorney Jenkins noted it is uncertain that Dr. Nuccion is qualified to give diagnosis on emotional support or allow a dangerous animal to serve as emotional support animal.

Councilmember Black noted that any physician can prescribe the need to have an emotional support animal.

Councilmember Pieper said that members of the community should not be afraid of walking on their street. The City Council's past practice is to order the removal of the dog on the second incident and even though the first incident with Lulu did not result in a bite, there have been three incidents. While the dog is in confinement, neighbors will be afraid that the dog will get out. He cannot reasonably allow the dog to stay after the dog bit two people.

Councilmember Black noted that there was a six-year separation between incidents.

Councilmember Dieringer said there is an obligation to protect the neighbors on the street. Councilmember Dieringer does not feel that additional training will help Lulu as the behavior issues, establishing rank, as noted by Lulu's trainer has to do with the owners. Councilmember Dieringer has experience with invisible fence and it does not work.

Mayor Pro Tem Mirsch said that while there has been a time gap between the Betancourt and the Letts incident, the first time Lulu got out she bit someone. It doesn't appear in the five year period, Lulu has mellowed out. Lulu's level of aggressiveness is not reasonable. Lulu demonstrated a pattern of unimproved behavior and given the trend, she does not appear to slow down. Mayor Pro Tem supports the removal order.

City Attorney Jenkins informed the City Council that it is customary for the City Council instruct staff to bring a resolution back at the next meeting. The resolution would outline the City Council's decision on the matter.

Councilmember Pieper moved to instruct staff to bring back a resolution to deny the appeal and order the removal of Lulu from the City. Councilmember Dieringer seconded the motion, which carried without objection by a voice vote as follows:

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

Councilmember Black noted that if a prescription ordering the dog to be an emotional support dog then he

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would reconsider his vote.

City Attorney Jenkins noted that the action this evening is to direct staff to prepare a resolution and the resolution will be brought back to the City Council at the next meeting. The public hearing will be re-opened to introduce additional evidence. It is not the City's obligation to pursue the prescription.

- B. WAIVE THE FULL READING AND INTRODUCE ON FIRST READING ORDINANCE NO. 361 AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 13.18 (WATER EFFICIENCY LANDSCAPE) OF TITLE 13, WATER AND SEWERS OF THE ROLLING HILLS MUNICIPAL CODE.

Planning Director provided a background on development of a Model Water Efficiency Landscape Ordinance by the State. Planning Director highlighted the key points of the proposed ordinance no. 361. Given the complexity of the technical details required to comply with the ordinance, Planning Director noted that consulting assistance is needed to properly enforce the ordinance to review and validate applicant submittals. Consultant fees is proposed to be recovered by charging applicants the amount of funds needed for the review.

Planning Director met with community member Sarah Noel before the meeting and Ms. Noel proposed three edits to the proposed ordinance. (1) Add provisions to the certification requiring applicants to commit to maintaining the element of the water efficiency landscaping. (2) Add re-circulating systems to water features. This is already a plumbing code requirement but not all projects require a plumbing permit. (3) Show water supply type (grey water, potable water, etc.) in the irrigation schedule. (4) Add water schedule per watering station.

Councilmember Black inquired is it a State requirement to declare a nuisance for non-compliance. What is the State's enforcement plan? Does the City default to the State's enforcement plan if the City does not adopt the proposed ordinance?

Planning Director Schwartz responded that the City is obligated to report to the State on projects and the State requires cities to have an enforcement plan but the State is not requiring the declaration of nuisance for non-compliance.

Mayor Wilson asked for public comments.

Alfred Visco recalled an exemption for the ordinance for residential owner improving the landscaping. In his quick reading, the statute also exempts parcels less than one acre. Mr. Visco suggested to adopt the model State model efficiency ordinance without reinventing the wheel. Mr. Visco noted that enforcement action is up to the City but he suggested finding alternatives to declaring a nuisance for non-compliance.

Sarah Noel expressed that she performs plan checks for other cities. This ordinance will result in same treatment for all residents.

Mayor Wilson inquired if the City ordinance prohibit the use of grey water. Mayor Wilson also inquired why the city didn't just adopt the State's regulation and the benefit of having our own ordinance.

Planning Director Schwartz responded that grey water is allowed in the city. The proposed ordinance basically mimics the State's model efficiency ordinance with a slight change in the applicability. The State's ordinance applies to projects of 500 square feet. The proposed ordinance applies to 2,500 square feet and above.

City Manager Jeng added that the current municipal code Chapter 13 adopted the 2010 State Model Efficiency Landscape Ordinance. In contrast, Rolling Hills Estates adopted the 2015 State Model Efficiency Ordinance by reference. In keeping with past format, staff is proposing to amend Chapter 13 with the 2015 State Model Efficiency Landscape Ordinance. In reviewing the State's ordinance, city staff had to look at how to capture projects of 500 square feet based on the City's process. At a threshold of 500 square feet set by the State, the City currently does not require permitting through the City and thus there will be no projects that will be reviewed by the City at that threshold.

Councilmember Black inquired what requirements could be the least stringent on the residents. Is it possible for staff to propose a threshold greater than the threshold set by the State?

In response, City Manager Jeng responded that increasing the applicability from 500 square feet to 2,500 square feet would be less stringent. Planning Director Schwartz distinguished that the State's ordinance noted a threshold of 500 square feet for new construction and 2,500 square feet for projects needing building permits or landscape permits, and design review. This is the justification to increasing the threshold to 2,500 square feet.

Councilmember Dieringer noted that if the State's requirement is adopted by reference than there is no need for staff to keep a laundry list of changes that could take place with the State's requirements in the future.

Councilmember Pieper discussed the benefits of not adopting the State's ordinance by reference. Councilmember Pieper inquired if the certification provided by professionals hired by applicants is sufficient so that city staff does not have to verify the certification. Councilmember Pieper inquired if the proposed ordinance includes a maintenance requirement. Councilmember Pieper suggested to increase the 90 day extension period.

Planning Director Schwartz responded the City will need to validate the certification much like building inspectors.

Councilmember Black noted that he does not want to declare nuisance for non-compliance.

Mayor Wilson inquired if staff is recommending to add provisions to the proposed ordinance.

Councilmember Pieper, Black and Dieringer expressed that they do not want to add the requirement for residents to maintain the efficiency improvements or declare a nuisance for non-compliance.

Councilmember Pieper expressed that because water is so expensive that most residents will undertake the required improvements anyway.

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Mayor Pro Tem Mirsch inquired is it possible to check if there is an exemption for owners making the improvements.

Councilmember Pieper suggested to add the recycling piece, show the water supply type, and changing the 90 days extension to 180 days.

Councilmember Dieringer indicated that she would like to see the benefits of adopting by reference and other kinds of enforcement other than declaring a nuisance.

Discussion ensued on different types of enforcement actions.

Ms. Noel recommended reading state law and noted that the fuel modification needs to be combined with the proposed ordinance as we are in an extremely high fire location.

City Manager Jeng noted that on page 8 of 20, exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation. Staff modeled after the State's ordinance but staff can verify other exceptions to the State's ordinance.

Mayor Wilson supports tabling this matter based on the discussions tonight. There is consensus on eliminating the nuisance provision.

Councilmember Dieringer moved to table the issue for four weeks to get additional information. Mayor Pro Tem Mirsch seconded the motion, which carried without objection by a voice vote as follows:

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

7. OLD BUSINESS

A. CONSIDERATION AND APPROVAL OF A RESOLUTION ON COST SHARE MODEL FOR ENGINEERING DESIGN FEES FOR UTILITY UNDERGROUNDING ASSESSMENT DISTRICTS

City Manager Jeng provided a background on the matter. At the last City Council meeting, the City Council directed staff to prepare a resolution memorializing the City's contribution to the utility design fees for undergrounding assessment project.

Mayor Pro Tem inquired if someone enlarges the barn or guest house and it changes the footprint of the barn, is there is a requirement to underground utility lines?

City Manager Jeng responded that depending on the electricity load, and if there is a need to increase the electrical panel. The Municipal Code states that if a building permit is needed then the undergrounding requirement is triggered.

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Planning Director Schwartz added that the undergrounding requirement is per structure. If the guest house has a separate electrical panel needing upgrade then the undergrounding requirement is only to the guest house. But if one electrical panel serves all structures and the panel requires an upgrade, the undergrounding shall be done for all structures.

Councilmember Black moved to approve the Resolution 1234. Mayor Pro Tem Mirsch and Dieringer both seconded the motion, which carried without objection by a voice vote as follows:

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

8. NEW BUSINESS

NONE.

9. MATTERS FROM CITY COUNCIL AND MEETING ATTENDANCE REPORTS

Councilmember Dieringer reported on the burglary at the Schaye home. Six charges were made against the suspect arrested. The suspect entered the main gate by pushing up the gate arm. The Association does not have a protocol for the guard to report incidents at the gate. Councilmember Dieringer reported that the Association is reviewing new gate systems. There is a code section that allows the guards to call the Sheriff's Department. The current protocols could have anyone enter the gates.

Councilmember Pieper noted that the gates do not belong to the City. Councilmember Pieper noted that the Sheriff's Department took 20 plus minutes to respond to the incident. The response time should be improved.

Mayor Wilson directed staff to get the response time to the incident. Mayor Wilson also reported that the suspect had visited another home, earlier that day.

10. MATTERS FROM STAFF

NONE.

11. CLOSED SESSION

A. ANTICIPATED LITIGATION

The City Council convened into closed session at 8:45pm.

12. RETURN TO OPEN SESSION

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City Attorney Jenkins noted that there is no reportable action taken.

13. ADJOURNMENT

The meeting was adjourned in memory of community members Steve Calhoun, Marion Scharffenberger, and the husband of Senior Planner Julia Stewart, Kent Stewart.

Hearing no further business before the City Council, Mayor Wilson adjourned the meeting at 9:41p.m. The next regular meeting of the City Council is scheduled to be held on Monday, April 08, 2019 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Respectfully submitted,

Elaine Jeng
City Clerk

Approved,

Patrick Wilson
Mayor



City of Rolling Hills

Agenda Item No.: 4B
Mtg. Date: 04/08/2019
INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

4/8/2019 CHECK RUN

CHECK NO.	CHECK DATE	PAYEE	DESCRIPTION	AMOUNT
25822	04/08/2019	BEA DIERINGER	GENERAL MEMBERSHIP MEETING - REIMBURSEMENT 3-7-19	45.00
25823	04/08/2019	COUNTY OF LOS ANGELES	COYOTE CONTROL - FEBRUARY 2019	210.34
25824	04/08/2019	DIVERGEIT	MONTHLY BILLING - MARCH 2019	970.00
25825	04/08/2019	EMERGENCY PLANNING CONSULTANTS	HAZARD MITIGATION PLAN - FINAL	2,000.00
25826	04/08/2019	EXECUTIVE-SUITE SERVICES, INC.	JANITORIAL SERVICES - JANUARY 2019	784.00
25827	04/08/2019	GLADWELL GOVERNMENTAL	LASERFICHE IMPLEMENTATION	480.00
25828	04/08/2019	SOUTHERN CALIFORNIA EDISON	BILLING 2/15/19 TO 3/19/19	1,451.86
25829	04/08/2019	WILLDAN INC.	SEWER ANNEXATION DOCUMENTS	1,172.00
25830	04/08/2019	CALIFORNIA WATER SERVICE CO	BILLING 2/27/19 TO 3/26/19	573.02
25831	04/08/2019	COX COMMUNICATIONS	MONTHLY SERVICES 3/26/19 TO 4/25/19	471.77
25832	04/08/2019	XEROX	MONTHLY BASE CHARGE - APRIL 2019	46.00
25833	4/8/2019	DIVERGEIT	EMERGENCY IT SERVICES	4,112.50
* PR LINK	3/29/2019	PR LINK - PAYROLL PROCESSING	PROCESSING FEE	62.85
* PR LINK	3/29/2019	PR LINK - PAYROLL 7 & PR TAXES	PAY PERIOD - MARCH 13, 2019 THROUGH MARCH 26 2019	15,715.01
				<u>\$ 28,094.35</u>
				7,113.20

I, Elaine Jent, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of \$28,094.35 for the payment of above items.

Elaine Jent, P.E., City Manager

04/02/19

* Previously Disbursed

CITY OF ROLLING HILLS RESIDENTIAL ALLIED WASTE RECYCLE NOW REPORT

Report Date:

2019

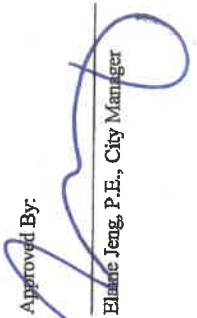
MONTH 2019	RECYCLED (tons)	GREEN WASTE (tons)	C&D Recycled	C&D Disposed	Disposal Tonnage	Diversion %	MONTHLY TOTALS (tons)
January	23.07	114.12	13.57	7.30	137.12	51.07%	295.18
February	5.97	98.95	33.37	7.09	131.19	50.00%	276.57
March	-	-	-	-	-	0.00%	0.00
April	-	-	-	-	-	0.00%	0.00
May	-	-	-	-	-	0.00%	0.00
June	-	-	-	-	-	0.00%	0.00
July	-	-	-	-	-	0.00%	0.00
August	-	-	-	-	-	0.00%	0.00
September	-	-	-	-	-	0.00%	0.00
October	-	-	-	-	-	0.00%	0.00
November	-	-	-	-	-	0.00%	0.00
December	-	-	-	-	-	0.00%	0.00
Year to Date Totals:	29.03	213.07	46.93	14.40	268.32	50.55%	571.75
Average Monthly Totals:							
2019	14.52	106.54	23.47	7.20	134.16	51%	285.88

4/4/2019 4:11 PM

CITY OF ROLLING HILLS
BALANCE SHEET
February 28, 2019

	GENERAL & CAPITAL FUND	DEPOSIT FUND	CORP & CLEP	COMMUN. FACILITIES	MUNICIPAL SELF-INSUR.	REFUSE COLLECT.	TRAFFIC SAFETY	TRANSIT PROP A, C, M & TDA	UTILITY FUND	YTD TOTAL	BEGINNING OF YEAR TOTAL
ASSETS											
Cash & Cash Equivalents	\$ 5,215,989	\$ 1,303	\$ 123,763	\$ 11,342	\$ 260,374	\$ 268,937	\$ -	\$ 228,117	\$ 787,905	\$ 6,897,730	\$ 7,138,306
ash & Cash Equivalents - Capital Project Fund	-	-	-	-	-	-	-	-	-	-	-
Poppy Trail Grading Bond	-	-	-	-	-	-	-	-	-	-	305,006
Accounts Receivable	25,681	-	-	-	-	56,970	-	-	-	82,651	266,996
Prepaid Expense & Deposits	9,904	-	-	-	-	-	-	-	-	9,904	30,227
TOTAL ASSETS	\$ 5,251,574	\$ 1,303	\$ 123,763	\$ 11,342	\$ 260,374	\$ 325,907	\$ -	\$ 228,117	\$ 787,905	\$ 6,990,285	\$ 7,749,574
LIABILITIES											
Accounts & Contract Payable	\$ 525	\$ -	\$ -	\$ -	\$ -	\$ 132,404	\$ -	\$ -	\$ -	\$ 132,929	\$ 489,389
Employees Benefits Payable	-	-	-	-	-	-	-	-	-	-	18,525
Deposits	7,964	1,303	-	-	-	-	-	-	-	9,267	9,267
Deferred Revenues	-	-	-	-	-	-	-	-	-	-	9,267
Employees Benefits Payable	4,180	-	-	-	-	-	-	-	-	4,180	-
TOTAL LIABILITIES	12,669	1,303	-	-	-	132,404	-	-	-	146,376	522,649
FUND BALANCE											
Restricted Fund Balance	-	-	123,763	11,342	-	-	-	228,117	-	363,222	1,647,848
Unassigned Fund Balance	5,238,905	-	-	-	260,374	193,503	-	-	787,905	6,480,687	5,279,077
TOTAL FUND BALANCE	5,238,905	-	123,763	11,342	260,374	193,503	-	228,117	787,905	6,843,909	6,926,925
TOTAL FUND BALANCE & LIABILITIES	\$ 5,251,574	\$ 1,303	\$ 123,763	\$ 11,342	\$ 260,374	\$ 325,907	\$ -	\$ 228,117	\$ 787,905	\$ 6,990,285	\$ 7,749,574
COMPOSITION OF CASH											
Petty Cash	\$ 1,500										
OPUS Bank - Checking Account	30,462										
OPUS Bank - Interest Checking Account	1,040,038										
OPUS Bank - Money Market	468,052										
Calif. State Local Agency Investment Fund	2,657,678										
Malaga Bank - CDARS - CD's	2,700,000										
	\$ 6,897,730										

Prepared By:  Date: 3-11-19
Terry Shott, Finance Director

Approved By:  Date: 04/04/19
Elaine Jeng, P.E., City Manager

CITY OF ROLLING HILLS
SUMMARY STATEMENT OF REVENUES AND EXPENDITURES
 Actual Compared to Annual Budget
 July 1, 2018 to February 28, 2019

<u>Fund</u>	This Year	Last Year	This Year Better (Worse)	Annual Budget & Adj.	Remaining Budget
GENERAL					
Revenues	\$ 1,207,894	\$ 1,226,254	\$ (18,360)	2,211,950	\$ 1,004,056
Expenditures	1,091,387	1,218,987	127,600	2,367,525	1,276,138
Net Revenue before transfers	116,507	7,267	109,240	(155,575)	(272,082)
Transfers in (out)	1,602	14,965	(13,363)	(262,800)	(264,402)
Net Revenue	118,109	22,232	95,877	(418,375)	(536,484)
CITIZENS' OPTION FOR PUBLIC SAFETY (COPS)					
Revenues	148,747	139,416	9,331	140,125	(8,622)
Expenditures	94,447	91,495	(2,952)	142,700	48,253
Net Revenue before transfers	54,300	47,921	6,379	(2,575)	(56,875)
Transfers in (out)	-	-	-	-	0
Net Revenue	54,300	47,921	6,379	(2,575)	(56,875)
CAPITAL IMPROVEMENT FUND					
Revenues	-	-	-	-	-
Expenditures	-	475	475	234,000	234,000
Net Revenue before transfers	-	(475)	475	(234,000)	(234,000)
Transfers in (out)	-	-	-	234,000	234,000
Net Revenue	-	(475)	475	-	-
COMMUNITY FACILITIES					
Revenues	-	-	-	100	100
Expenditures	2,100	2,325	225	7,500	5,400
Net Revenue before transfers	(2,100)	(2,325)	225	(7,400)	(5,300)
Transfers in (out)	-	-	-	6,300	6,300
Net Revenue	(2,100)	(2,325)	225	(1,100)	1,000
MUNICIPAL SELF-INSURANCE					
Revenues	-	-	-	-	-
Expenditures	-	-	-	3,000	3,000
Net Revenue before transfers	-	-	-	(3,000)	(3,000)
Transfers in (out)	-	-	-	-	-
Net Revenue	-	-	-	(3,000)	(3,000)
REFUSE COLLECTION					
Revenues	513,651	515,318	(1,667)	770,900	257,249
Expenditures	529,464	516,536	(12,928)	794,200	264,736
Net Revenue before transfers	(15,813)	(1,218)	(14,595)	(23,300)	(7,487)
Transfers in (out)	(16,000)	(16,000)	-	(24,000)	(8,000)
Net Revenue	(31,813)	(17,218)	(14,595)	(47,300)	(15,487)
TRAFFIC SAFETY					
Revenues	-	-	-	50	50
Expenditures	14,398	7,741	(6,657)	46,550	32,152
Net Revenue before transfers	(14,398)	(7,741)	(6,657)	(46,500)	(32,102)
Transfers in (out)	14,398	1,035	13,363	46,500	32,102
Net Revenue	-	(6,706)	6,706	-	0
TRANSIT - PROP A, C, M & TDA					
Revenues	82,971	69,610	13,361	119,400	36,429
Expenditures	-	-	-	255,000	255,000
Net Revenue before transfers	82,971	69,610	13,361	(135,600)	(218,571)
Transfers in (out)	-	-	-	-	-
Net Revenue	82,971	69,610	13,361	(135,600)	(218,571)
UTILITY FUND					
Revenues	-	-	-	-	-
Expenditures	17,500	-	(17,500)	150,000	132,500
Net Revenue before transfers	(17,500)	-	(17,500)	(150,000)	(132,500)
Transfers in (out)	-	-	-	-	-
Net Revenue	(17,500)	-	(17,500)	(150,000)	(132,500)
TOTAL ALL FUNDS					
Revenues	1,953,263	1,950,598	2,665	3,242,525	1,289,262
Expenditures	1,749,296	1,837,559	88,263	4,000,475	2,251,179
Net Revenue before transfers	203,967	113,039	90,928	(757,950)	(961,917)
Transfers in (out)	-	-	-	-	-
Net Revenue	\$ 203,967	\$ 113,039	\$ 90,928	\$ (757,950)	\$ (961,917)



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

Agenda Item No: 9A
Mtg. Date: 04/08/2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, P.E., CITY MANAGER

**SUBJECT: CONSIDERATION AND APPROVAL OF A RESOLUTION 1235
AFFIRMING THE DECISION OF THE CITY MANAGER IN THE
APPEAL FILED BY GORDAN AND NANCY INMAN AND
ORDERING REMOVAL OF THE BOXER (LULU) FROM THE CITY**

DATE: APRIL 8, 2019

**ATTACHMENT: 1. Resolution 1235
2. Staff Report to Item 6A, March 25, 2019 City Council Meeting**

BACKGROUND

The City received an animal complaint report on January 29, 2019 from Virginia Letts reporting that she was walking in the street, on Caballeros Road near 10 Caballeros on January 27, 2019 and was bitten by Lulu, a tan colored boxer owned by Nancy and Gordon Inman. An investigation was conducted by staff and the City Manager concluded that with a third animal complaint incident, Lulu is to be removed from the city. The Inmans appealed the decision to the City Council on March 25, 2019. The City Council directed staff to prepare a resolution to affirm the decision of the City Manager in the appeal and order the removal of the Inmans' dog Lulu from the City.

FISCAL IMPACT

The City's fee schedule underwent several changes and at the time of the appeal, staff was unsuccessful in determining the appropriate fee for appeals relating to dog attacks. As such no fees will be collected from the Inmans. Previously, the Inmans were informed that their appeal was filed timely and that when the appropriate amount is

determined by staff, the fee shall be paid accordingly. The appeal fee of \$40 was found in the Consolidated Tax, Fee and Fine Schedule for Fiscal Year 2018/2019 and set by Resolution 527 on April 23, 1984. This amount will be collected from the Inmans.

RECOMMENDATION

Staff recommends the City Council to approve the resolution to deny the Inmans' appeal to keep their dog and order the removal of Lulu from the City.

RESOLUTION NO. 1235

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AFFIRMING THE DECISION OF THE CITY MANAGER IN THE APPEAL FILED BY GORDON AND NANCY INMAN AND ORDERING REMOVAL OF THE BOXER (LULU) FROM THE CITY

The City Council of the City of Rolling Hills does hereby resolve and order as follows:

Section 1. The proceedings described in this Resolution were conducted pursuant to the authority and procedures set forth in Chapter 6.24 of Title 6 of the Rolling Hills Municipal Code ("RHMC"), entitled "Aggressive Animals." All "section" references in this Resolution are to sections contained in Chapter 6.24.

Section 2. The subject of the proceedings described in this Resolution is a female Boxer named LuLu ("the dog"), owned by Gordon and Nancy Inman ("Owners"), who reside at 11 Caballeros Road in the City of Rolling Hills ("City").

Section 3. The incident giving rise to this appeal constitutes the third incident investigated by the City since the first incident on February 2, 2013. The first incident occurred on February 2, 2013 at 10:15 a.m. when the dog lunged and barked at Mohan Bhasker's 90 year old father and his caretaker while walking near and around 11 Caballeros Road. On February 8, 2013, Mr. Bhasker filed a report on behalf of his father. In response to that incident, then Interim City Manager, Steve Burrell, ordered that the dog be confined to the Owners' property or be under the control of a leash when off the property. The second incident occurred on August 13, 2013 at 6:00 p.m. when the dog began fighting the dogs being walked by Kathleen Hughes. The fighting resulted in a bite to Ms. Hughes' leg. In response to that incident, then Interim City Manager Burrell ordered that the dog be permanently removed from the City subject to a stay if the dog was enrolled in and completed an obedience/behavior modification training program. The order permanently removing the dog from the City would be extinguished upon enrollment and completion of the training program, but would be reinstated if the dog was later to escape again and be the subject of a complaint:

That LuLu shall be permanently removed from the City.

That the permanent removal order will be stayed if you enroll LuLu in an obedience/behavior modification training program approved by the Director of Animal Control. A certificate of completion and statement from the dog trainer certifying LuLu is not likely to commit an attack on a person or other animal shall be submitted to the City Manager on or before October 31, 2013. Failure to provide LuLu the required training and to submit the certificate by this deadline will cause immediate reinstatement of the removal order.

Once a certificate of completion and certification by the dog trainer is received the Order Permanently Removing LuLu from the City will be extinguished. However, the existing confinement order will remain in place, and if LuLu was later to escape again and be the subject of a complaint, the removal order will be reinstated and LuLu will have to be removed from the City within 10 days.

Section 4. The course of events that led to this proceeding are summarized as follows, more detailed descriptions of which can be found in the City Council staff report dated March 25, 2019 and the attachments thereto, all of which are hereby incorporated into this Resolution by reference as though fully set forth: the City received a complaint report on January 29, 2019 from Virginia Letts (12 Caballeros Road) alleging that, on January 27, 2019, Mr. and Mrs. Inman's dog LuLu (described as "brown/black" dog) ran out barking and growling and then bit Ms. Letts' left thigh breaking the skin and resulting in bleeding. Ms. Letts reported that the Mrs. Inman came out and said she saw the bite on Ms. Letts' left thigh with two puncture wounds and extensive bleeding. Ms. Letts further reported that her daughter called her doctor, who advised Ms. Letts to wash the wound for thirty minutes and to take prescribed antibiotics.

Section 5. Pursuant to RHMC Section 6.24.040, the City Manager, Elaine Jeng, immediately forwarded a copy of the complaint to the Owners with notification that the dog was the subject of an aggressive animal investigation.

Section 6. Pursuant to RHMC Section 6.24.040(B), City Manager Jeng conducted an investigation that at a minimum consisted of review and consideration of the complaint, statements, information, and other evidence presented by the Owners, Ms. Letts, witnesses, and other parties and considered the factors set forth in Section 6.24.010(d). The course of the investigation is summarized as follows:

A. On February 4, 2019, City staff called Mrs. Inman. In the conversation with Mrs. Inman, city staff informed Mrs. Inman that an animal complaint report was submitted by Ms. Letts for an incident that occurred on January 27, 2019. Mrs. Inman noted that she was at the scene of the incident but was not aware that Ms. Letts was bitten by the dog, noting that she walked Ms. Letts home. Shortly after the incident, Los Angeles County Animal Care & Control (Animal Control) visited Mrs. Inman and inspected the Inman's broken gate. Mrs. Inman noted that the broken gate was the reason that the dog escaped.

B. On February 4, 2019, City staff called Ms. Letts. In the conversation with Ms. Letts, she noted that initially she was not aware that she was bitten by the dog. After the dog charged Ms. Letts, Mrs. Inman came out from her residence and took the dog away. Ms. Letts called Animal Control and gave a report. Ms. Letts expressed to City staff that she is concerned for her safety when walking on her street. Ms. Letts also reported that on Friday, February 1, 2019, Mrs. Inman left a plant outside of her house with note apologizing for the incident.

C. On February 4, 2019, City staff received a call from Ms. Hughes, a neighbor of Ms. Letts. Ms. Hughes reported that she previously filed a complaint against the dog. Ms. Hughes reported that the dog came off its leash from the backyard and got into a fight with Ms. Hughes' dog and then bit Ms. Hughes. Ms. Hughes noted that the Owners came out to stop the dog and offered to pay for Ms. Hughes' torn and bloody jeans. A week later, on February 11, 2019, Ms. Hughes spoke at the City Council meeting indicating that her incident involving the dog occurred in 2013.

D. On February 21, 2019, City staff conducted an in office meeting with the Owners to discuss the dog's history. At this meeting, city staff provided the Owners with a copy of the complaint against the dog dated February 8, 2013 and filed by Mr. Bhasker on behalf of his 90 year old father and a copy of the complaint against the dog dated August 14, 2013 and filed by Ms. Hughes. The Owners provided City staff with eight photographs of the gates around their property to secure the dog, including the gate from which the dog escaped when the dog bit Ms. Letts. The photographs show the repairs of the gate and the new door before the front lobby of the Owners' residence to add a layer of security before accessing the

front door. Two separate photographs were provided showing the dog with the Owners' grandchildren when they were an infant and a toddler. The Owners also provided literature on dog training services and noted that they would be sending the dog to a trainer. Mr. Inman indicated that due to recent medical procedures, he was unable to exercise the dog on a daily basis and that according to literature from the dog training service, exercise is a very important part of the solution to almost all behavior problems.

E. On February 25, 2019, City staff received an email from Pam Crane (10 Caballeros Road) regarding the dog's temperament. Ms. Crane expressed that the dog attack incident involving Ms. Letts on January 27, 2019 was very unfortunate. She further expressed that she was present at the dog attack incident involving Ms. Hughes in 2013 and that Ms. Hughes' leg got in the way of the scuffling of the two dogs, which were not intending to bite any person. Ms. Crane expressed that the dog is a sweet dog with high energy that needs lots of exercise.

F. After March 5, 2019, City staff located and reviewed a letter dated August 27, 2013 from former Interim City Manager Burrell to Mr. Inman, and a follow up letter dated October 24, 2013 from former Interim City Manager Burrell to Mr. Inman with an order permanently removing the dog from the City. The removal order was stayed because Mr. Inman sent the dog to an obedience/behavior modification training. The letter also noted that if the dog were to escape again and be the subject of a complaint, the removal order would be reinstated and the dog would have to be removed from the City within 10 days.

Section 7. After reviewing the evidence gathered during the investigation, City Manager Jeng determined that Ms Letts' complaint was meritorious and that the Owners violated the conditions placed on the dog by former Interim City Manager Burrell; the dog escaped and was the subject of another complaint. In view of RHMC Sections 6.24.040(C) and 6.24.060, the City Manager ordered that the dog be removed from the City within 10 days from March 8, 2019. On Monday, March 11, 2019, the City issued a removal order to the Owners to remove the dog 10 days from March 8, 2019.

Section 8. Pursuant to Section 6.24.070, the Owners appealed the City Manager's order. A hearing on the appeal was scheduled for and conducted on March 25, 2019. The City Council received a written staff report containing numerous attachments, including the following: 1) animal complaint report dated February 6, 2013; 2) animal complaint report dated August 14, 2013; 3) animal complaint report dated January 29, 2019; 4) photographs provided by Owners; 5) Doggie's 911 literature provided by Owners; 6) letter from Ms. Crane; 7) City letter to Owners dated February 12, 2013; 8) City letter to Owners dated August 14, 2013; 9) City letter to Owners dated August 27, 2013; 10) City letter to owners dated October 24, 2013; 11) City letter to Owners dated March 11, 2019; 12) Owners' letter to City dated March 15, 2019; and 13) City letter to Owners dated March 18, 2019. The City Council also received documents from the Owners, including the following: 1) a quote for an invisible fence; 2) a letter from Sandy Riggs (dog walker for the dog) dated March 23, 2019; 3) a letter from Stephen Nuccion, M.D. (an Orthopedic and Spine Center physician) dated March 13, 2019; and 4) Mr. Inman's medical records relating to MRI of his left shoulder dated June 14, 2018 and MRI of his lumbar spine dated May 30, 2018 and instructions for scheduling surgery. Testifying at the hearing were Mr. Inman (the dog owner) and Pam Crane (neighbor). The City Council reviewed and considered all of the written and oral evidence submitted in the matter prior to making its decision.

Section 9. Based on all of the foregoing, the City Council makes the following factual findings:

A. Since February 6, 2013, three complaints relating to the dog's aggressive behavior have been filed with the City.

B. On August 27, 2013, former Interim City Manager Burrell ordered the dog permanently removed from the City but stayed enforcement upon completion and certification of training unless the dog "was later to escape again and be the subject of a complaint."

C. On January 27, 2019, Ms. Letts sustained an injury to her left thigh. Ms. Letts submitted a photograph of her injury reflecting puncture wounds on her left thigh. The photograph verifies the serious nature of the incident

D. On February 21, 2019, the Owners submitted photographs of the gate from which the dog escaped on January 27, 2019.

E. On March 25, 2019, Mr. Inman testified and did not deny that the dog is responsible for the attack against Ms. Letts. In mitigation, Mr. Inman argued that the dog is an emotional support animal necessary for his emotional and physical well-being. Mr. Inman submitted letters from an orthopedic and spine center physician as to Mr. Inman's emotional and physical condition and need for the medical and emotional support dog and from the dog's walker to the effect that the dog is not aggressive towards people. Mr. Inman expressed a willingness to install an invisible fence around his property and also submitted a quote for such fence.

Section 10. Based on the foregoing factual findings, the City Council draws the following conclusions from the evidence:

- A. The dog has a history of aggressive behavior.
- B. The dog escaped from the Owners' property and was the subject of another complaint since former Interim City Manager Burrell's stayed order removing the dog from the City.
- C. The dog attacked and bit Ms. Letts' left thigh on January 27, 2019.
- D. The City Council finds that the dog poses a serious potential to harm humans and other domestic animals within the City. The evidence shows without doubt that the attack on Ms. Letts occurred and that future aggressive behavior is likely regardless of reinforced gates and an invisible fence.
- E. The Owners have violated the conditions imposed by former Interim City Manager Burrell, resulting in injury to Ms. Letts and causing fear and alarm among their neighbors. Former Interim City Manager Burrell's order removing the dog from the City is thereby reinstated.
- F. The Council is sympathetic to Mr. Inman's feelings for the dog and his asserted need for an emotional support animal. That said, and however beneficial that may be to Mr. Inman, the dog presents a real and serious threat to humans in the community. On balance, and given the history of attacks, the consequences of a potential future attack outweigh the benefits that the dog provides to Mr. Inman. Notwithstanding Mr. Inman's affection for the dog, if necessary, Mr. Inman can replace the dog with another emotional support animal; the same cannot be said for the effects of potential future attacks – which could include injuries or further death – which cannot be undone.

Section 11. Consequently, and based on the foregoing, the City Council hereby affirms the decision of the City Manager requiring that the Owners permanently remove the dog from the City immediately.

PASSED, APPROVED AND ADOPTED this 8th day of April, 2019.

PATRICK WILSON
Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF ROLLING HILLS)

The foregoing Resolution No. 1235 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ROLLING HILLS AFFIRMING THE DECISION OF THE CITY
MANAGER IN THE APPEAL FILED BY GORDON AND NANCY
INMAN AND ORDERING REMOVAL OF THE BOXER (LULU) FROM
THE CITY

was approved and adopted at a regular meeting of the City Council on April 8, 2019 by the following roll
call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

Agenda Item No: 6A
Mtg. Date: 03/25/2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, P.E., CITY MANAGER

SUBJECT: APPEAL TO THE CITY COUNCIL ON THE REMOVAL ORDER BY THE CITY MANAGER ISSUED TO GORDON AND NANCY INMANS TO REMOVE THE BOXER, LULU FROM THE CITY

DATE: MARCH 25, 2019

ATTACHMENT:

1. Animal Complaint Report February 6, 2013
2. Animal Complaint Report August 14, 2013
3. Animal Complaint Report January 29, 2019
4. Photographs provided by Mr. Inman
5. Doggie's 911 Literature provided by Mr. Inman
6. Letter from Pam Crane
7. City letter to Inman dated xxx, 2013
8. City letter to Inman dated August 14, 2013
9. City letter to Inman dated August 27, 2013
10. City letter to Inman dated October 24, 2013
11. City letter to Inman dated March 11, 2019
12. Inman letter to City dated March 15, 2019
13. City letter to Inman dated March 18, 2019

BACKGROUND

The City received an animal complaint report on January 29, 2019 from Virginia Letts reporting that she was walking in the street, on Caballeros Road near 10 Caballeros on January 27, 2019 and was bitten by Lulu, a tan colored boxer owned by Nancy and Gordon Inman. The Inmans reside at 11 Caballeros Road. Enclosed with the animal

complaint report, Ms. Letts included a photograph of the dog bite to her left thigh, showing two puncture wounds and bruising around the puncture wounds.

Per Rolling Hills Municipal Code Section 6.24.040 City Manager Investigation. Prior to commencing an investigation, the City Manager shall immediately forward a copy of the complaint or observation report to the animal's owner with notification that the animal is the subject of an aggressive animal investigation.

On February 4, 2019 city staff called Mrs. Inman and Ms. Letts. In the conversation with Mrs. Inman, city staff informed Mrs. Inman that an animal complaint report was submitted by Ms. Letts for an incident that occurred on January 27, 2019. Mrs. Inman noted that she was at the scene of the incident but was not aware that Ms. Letts was bitten by her dog. Mrs. Inman noted that she walked Ms. Letts home. Shortly after the incident, Los Angeles County Animal Care & Control (Animal Control) visited Mrs. Inman and inspected the Inman's broken gate. Mrs. Inman noted that the broken gate was the reason that her dog Lulu got out. In speaking with Ms. Letts, she noted that initially she was not aware that she was bitten by Lulu. After Lulu charged Ms. Letts, Mrs. Inman came out from her residence and took the dog away. Ms. Letts called Animal Control and gave a report. Animal Control was to visit the Inmans. Ms. Letts expressed to city staff that she is concerned for her safety when walking on her street. Ms. Letts also reported that on Friday, February 1, 2019, Mrs. Inman left a plant outside of her house with note apologizing for the incident.

Per Rolling Hills Municipal Code Section 6.24.040 B, the investigation shall at a minimum consist of review and consideration of the complaint or observation report, statements, information and other evidence presented by the animal's owner, the victim(s), witnesses and other parties, and consideration of all the factors set forth in Section 6.24.010 (d).

On February 4, 2019 city staff received a call from Kathleen Hughes, a neighbor of Ms. Letts. Ms. Hughes reported that she filed a complaint on the Inmans' dog Lulu a few years ago. Ms. Hughes reported that Lulu came off its leash from the backyard and got into a fight with Ms. Hughes' dog and then bit Ms. Hughes. Ms. Hughes noted that the Inmans came out to stop Lulu and offered to pay for Ms. Hughes' torn and bloody jeans. On February 11, 2019, Ms. Hughes spoke at the City Council meeting indicating that the dog attack incident with Lulu took place in 2013.

On February 21, 2019, city staff conducted an in office meeting with the Inmans to discuss Lulu's history. At this meeting, city staff provided an animal complaint report dated February 2, 2019, submitted by Mohan Bhasker on behalf of his 90 year-old father. The report noted that Lulu was aggressive towards Mr. Bhasker's father and caretaker while walking in and around 11 Caballeros Road. City staff also provided an animal complaint report dated August 14, 2013, submitted by Kathleen Hughes. The report noted that while walking in and around 13 Caballeros Road, Lulu appeared and began

to fight with the dogs she was walking. The fights between the dogs resulted in a bite to Ms. Hughes' leg.

On February 21, 2019, city staff held a meeting with the Inmans. Gordon and Nancy provided eight photographs of the gates around the Inmans' property to secure Lulu including the one that Lulu escaped from when Lulu bit Ms. Letts. The photographs show the repairs of the gate that was made and an additional door before the front lobby of the Inmans' residence, just to add a layer of security from access through the front door. Two separate photographs were provided showing Lulu with the Inmans' grandchildren when they were an infant and a toddler. The Inmans also provided literature on dog training services (Doggie's 911) and noted that they will be sending Lulu to a trainer. Since Gordon's recent medical procedures, he was unable to exercise Lulu on a daily basis and according to the literature from the dog training service, exercise is a very important part of the solution to almost all behavior problems.

On February 25, 2019, city staff received an email from Pam Crane transmitting a letter speaking to Lulu's temperament. Ms. Crane expressed that the dog attack incident on January 27, 2019 was very unfortunate. She was not present but she was present at the dog attack incident involving Ms. Hughes in 2013. Ms. Crane noted in her letter that Ms. Hughes' leg got in the way of the two dogs scuffling; neither dog was intending to bite any person. Ms. Crane expressed that Lulu is a sweet dog, with high energy that needs lots of exercise.

DISCUSSION

On Tuesday, March 5, 2019, city staff reached out to Gordon Inman requesting any correspondences with the City for the incident with Dr. Bhasker, and Ms. Hughes. In response, Mr. Inman provided a letter from Interim City Manager Steve Burrell to Mr. and Mrs. Gordon Inman dated August 14, 2013. Subsequently, city staff was able to retrieve from records a letter dated August 27, 2013 from Interim City Manager Steve Burrell to Mr. Gordon Inman, and a follow up letter dated October 24, 2013 from Interim City Manager Steve Burrell to Mr. Gordon Inman with an order to permanently remove Lulu from the City. The removal order was stayed because Mr. Inman sent Lulu to an obedience/behavior modification training. The letter also noted that if Lulu were to escape again and be the subject of a complaint, the removal order will be reinstated and Lulu will have to be removed from the City within 10 days.

Per Rolling Hills Municipal Code Section 6.24.040 C, upon conclusion of the investigation the City manager shall either:

- 1. Find in writing that the complaint or observation is unsubstantiated, and take no further action, in which event the animal shall be released from confinement or impound; or*
- 2. Implement the provisions of Section 6.24.050 or*

3. Implement the provisions of Section 6.24.060

Section 6.24.060 Imposition of remedy – Alternative II. Upon conclusion of the investigation, the City Manager may find that the complaint or observation is substantiated, that the dog or other animal is aggressive within the meaning of the Section 6.24.010, and that mitigating circumstances do not exist to allow the animal to be retained by its owner or that the owner is unwilling or unable to properly train, handle or maintain the animal. In such event, the City Manager shall revoke the animal's license and order that the animal be removed from the City or humanely destroyed. Such a finding shall be prepared in writing.

On Wednesday, March 6, 2019, city staff contacted Mr. Inman and informed him that based on the removal order in 2013, Lulu's escape from his property on January 27, 2019 is a violation of the condition to stay the removal order and therefore Lulu is ordered to be removed from the City 10 days from March 8, 2019.

On Monday, March 11, 2019, the City issued a removal order to Mr. and Mrs. Inman to remove Lulu 10 days from March 8, 2019.

Per Rolling Hills Municipal Code Section 6.24.070 Appeals. Any person who is party to a proceeding described in this chapter and who is dissatisfied with the order of the City Manager shall have the right to appeal to the City Council. (1)The appeal shall be filed in writing with the City Clerk within ten days after the date of mailing of the order. (2)Within ten days after receipt of timely filed appeal, the City Clerk shall set the appeal for hearing on the next regular meeting agenda of the City Council. The City Council may continue the appeal hearing from time to time for good cause.

On March 17, 2019, Mrs. Inman submitted a letter to the City appealing the removal order. The appeal was filed timely. On Monday, March 18, 2019, City staff responded to the appeal request by setting the appeal for hearing at the next City Council meeting scheduled for March 25, 2019.

FISCAL IMPACT

Per Rolling Hills Municipal Code Section 6.24.070 Appeals. (4)(C)An appeal fee shall be paid within the time allowed for filing the appeal, as set forth in Chapter 6.56. No appeal shall be processed or considered by the City Council unless such fee has been paid.

The City's fee schedule underwent several changes and staff is researching the appropriate fee for appeals relating to dog attacks. The Inmans' appeal was filed timely and they were informed that when the appropriate amount is determined by staff, the fee shall be paid accordingly.

RECOMMENDATION

Per Rolling Hills Municipal Code Section 6.24.070 Appeals. (4)(B) At the time of hearing the appeal, the City Council shall review and consider all evidence submitted orally and in writing relating to the order of the City Manager and shall either uphold, reverse, or modify the order.

Staff recommends the City Council to conduct the appeal hearing according to Municipal Code Section 6.24.070 (4)(B).