

**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 7:02 p.m. on Thursday, February 3, 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: Deputy Community Development Director Cessna, Environmental Quality Officer Colclasure, Torrance Police Lieutenant D'Anjou, and Animal Control Supervisor D'Amico.

MOTION: Commissioner Watson moved to grant Commissioner Robbins an excused absence for the February 3, 2011 Commission meeting. Commissioner Gobble 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 Gobble, seconded by Commissioner Griffiths, 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 JANUARY 6, 2011

MOTION: Commissioner Gobble moved for the approval of the January 6, 2011 Commission meeting minutes as submitted. Commissioner Griffiths seconded the motion; a voice vote reflected unanimous approval (absent Commissioner Robbins).

7. ENVIRONMENTAL MATTERS

7A. RECOMMENDATION TO FORWARD A DRAFT ORDINANCE PROHIBITING THE FEEDING OF BIRDS ON PUBLIC PROPERTY TO CITY COUNCIL FOR ADOPTION

Deputy Director Cessna introduced the item and welcomed Torrance Police Lieutenant D'Anjou, Traffic and Special Events Division, as well as Animal Control Supervisor D'Amico.

With the aid of slides, Lieutenant D'Anjou presented a draft ordinance prohibiting the feeding of birds on any public street, right-of-way, sidewalk, building, parking lot, park, or any other public property within the City. He requested that the Commission concur with Torrance Police Department's recommendation to forward the draft to City Council for adoption. He stated that the proposed ordinance is in response to the increase in feeding of birds in public parks and other public locations throughout the City. He noted that the feeding is causing a public nuisance by attracting large amounts of birds to specific locations. It is also creating a public health concern due to the refuse and/or food left at the location as well as to the large amounts of bird feces deposited on public and private property. He stated that City resources are being increasingly depleted to clean and/or repair the defacement and noted that, although the photographs were taken at Columbia Park, it is a Citywide issue.

Responding to Commissioner Griffiths' inquiry about other cities, Animal Control Supervisor D'Amico distributed the ordinance banning the feeding of birds on public and private adopted by the City of Pasadena.

Responding to Commissioner Watson's inquiries, Lieutenant D'Anjou advised that at this point the proposed ordinance does not address the feeding of birds on private property, that as far as he knows it is individuals and not organizations who are feeding the birds, and that any violation of the ordinance would be a misdemeanor.

Commissioner Gobble related his observation that sea gulls are a protected species and Lieutenant D'Anjou responded that the problem is primarily pigeons and that there would be no protection issues as only feeding is banned. He added that citations issued thus far have been for leaving refuse and that a littering violation requires physically seeing an individual throw something down.

When Commissioner Gobble requested that Lieutenant D'Anjou compare this to feeding ducks at Wilson Park, he responded that the ordinance would address large scale feeding which impacts an area.

Responding to Commissioner Chim's inquiries, Lieutenant D'Anjou stated that bird feces is difficult to remove once it has dried and causing birds to leave behind excess feces does not constitute vandalism.

Commissioner Watson related her concern regarding runoff and storm water pollution from bird feces.

In response to Chairperson Reilly's inquiries, Deputy Director Cessna stated her understanding that the Cities of Beverly Hills and Lomita also have ordinances banning bird feeding and that the draft ordinance has been reviewed by staff and is expected to be enforceable.

MOTION: Commissioner Gobble, seconded by Commissioner Watson, moved to open the public hearing; a voice vote reflected unanimous approval.

Peter Dabbieri, Via el Chico, expressed concern that the ordinance would make it an offense to feed any animal with any food that a bird could eat. He maintained that it would be discriminatory to give the Police Department discretion as to how the law is enforced. He suggested modifying the ordinance to limit it to attraction of 100 birds or a certain amount of feces in one location.

Debra Corwin, West Bulova Street, questioned if staff's concern is the pigeons, the individual feeding them at Columbia Park, or both. She expressed concern that the ordinance would spearhead the movement to ban the feeding of feral cats if there is any food left on the ground.

Ms. Corwin received clarification that the ordinance addresses only the large scale feeding of birds.

Harry Stuver, Towers Street, questioned if humans can really catch diseases from bird feces and stated that he has a hard time accepting that this is solely about birds and not about a certain individual who is feeding them. He stated that other cities are concerned about the feeding of birds around areas where people are consuming food and expressed concern about the discretionary part of enforcement. He called attention to a problem in West Torrance regarding illegal abandonment of lead bullet fragments by the City of Redondo Beach, noting that it is a much larger problem than bird feeding.

Doug Austin, 190th Street, stated that birds belong in a park but as soon as they are done feeding they land on his house. He noted that it is a filthy, unlivable, dangerous, and unhealthy situation and that officers need "teeth" to enforce excessive feeding of birds.

Nina Dabbieri, Via el Chico, expressed concern about the close-minded attitude in the City where it is "all or nothing" with no room for negotiation. She stressed the need to halt this type of legislation and start looking at ways to address issues where there is a "win-win" situation.

MOTION: Commissioner Watson moved to close the public hearing. Commissioner Gobble seconded the motion; a voice vote reflected unanimous approval.

Commissioner Watson related her observation that cities in Europe such as London, Venice, and Amsterdam, have ordinances against the feeding of birds. She voiced support for an ordinance that gives officers an option to cite an individual for excessive feeding.

Commissioner Gobble stated that quality of life is important but feels that Animal Control officers have much more important things to do for public safety and that wildlife is not a large problem in the City.

Chairperson Reilly was informed by Lieutenant D'Anjou that three citations have been issued in the past year and that communication attempts with individuals who are feeding birds have had no effect on their behavior.

Commissioner Chim expressed an interest in what suggestions audience members may have for negotiation.

MOTION: Commissioner Chim, seconded the Commissioner Watson, moved to reopen the public hearing; a voice vote reflected unanimous approval.

Nina Dabbieri, Via el Chico, suggested restricting the quantity and type of food that is fed to birds.

Peter Dabbieri, Via el Chico, recommended a quantitative inclusion in the ordinance, such as a certain number of birds attracted, and adding verbiage so that anyone who feeds an animal in a public area is not a criminal.

Don Clouch, West 238th Street, related his understanding that there is an ordinance on the books regarding creating a public nuisance, adding that officers can use this to cite the few individuals who are creating the problem.

Laura Rubio, West 177th Street, expressed concern that the City is trying to get rid of a homeless individual who is feeding birds at Columbia Park and received clarification that the problem exists in several City parks.

Harry Stuver, Towers Street, asserted that the individual in question adds character to the City and has every right to feed the birds.

Doug Austin, 190th Street, maintained that the parking lot is useless because it is a bird feeding ground and that bird feces is a health hazard.

MOTION: Commissioner Gobble moved to close the public hearing. Commissioner Watson seconded the motion; a voice vote reflected unanimous approval.

In response to Commissioner Cunningham's inquiry, Lieutenant D'Anjou explained the difficulty in getting a conviction on a public nuisance complaint.

MOTION: Commissioner Gobble moved to receive and file the staff report. The motion died due to a lack of a second.

Deputy Director Cessna provided several options for Commissioners to consider.

Chairperson Reilly suggested amending Section 1a) so that it targets the issue of excessive feeding and is not such a broad ban that it includes any food that can be consumed by birds.

Commissioner Gobble cautioned against adopting an ordinance because of a few individuals. He urged Animal Control officers to reason with the individuals on a case-by-case basis and to explore humane ways to keep the pigeon population healthy and limit their numbers so they do not affect neighboring residences.

MOTION: Commissioner Watson moved to refer the draft ordinance to staff to modify verbiage to make a violation of public bird feeding more specific. Commissioner Chim seconded the motion; the motion passed on a 4-2 roll call vote as follows:

Commissioners Chim, Cunningham, Watson, and Reilly	Aye
Commissioners Gobble and Griffiths	Nay
Commissioner Robbins	Absent

Deputy Director Cessna thanked audience members for their input and advised that they would be notified when the item comes back to the Commission.

8. INFORMATION ITEMS

8A. Deputy Director Cessna provided an update on plans for the March 26, Environmental Fair at Madrona Marsh. She discussed the possibility of consolidating the Environmental Fair with the City Yard Open House and the Disaster Fair in the future and holding the event every other year.

8B. Deputy Director Cessna stated that the community greenhouse gas inventory has been completed and that Heidi would provide a presentation to the Commission at the March 3, 2011 Commission meeting.

8C. Deputy Director Cessna advised that the RV habitation item is scheduled to be considered by City Council on February 15, 2011. She added that the oil well appeal is scheduled for early March 2011.

8D. Commissioners and staff congratulated Commissioner Chim on her reappointment.

8E. Commissioner Watson related her observation that the development of pocket parks in the City make an incredible difference.

9. ADJOURNMENT

MOTION: At 8:18 p.m., Commissioner Gobble moved to adjourn the meeting to March 3, 2011 at 7:00 p.m. in the West Annex meeting room. Commissioner Watson seconded the motion and, hearing no objection, Chairperson Reilly so ordered.

Approved as Amended March 3, 2011 s/ Sue Herbers, City Clerk
--