



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, FEBRUARY 25, 2019**

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

Next Resolution No. 1234

Next Ordinance No. 360

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 February 26, 2018; and 2) Regular Meeting of February 11, 2019.

RECOMMENDATION: Approve as presented.

- B. Payment of Bills.

RECOMMENDATION: Approve as presented.

- C. Republic Services Recycling Tonnage Report for January 2019.

RECOMMENDATION: Receive and file.

- D. Financial Statement for the Month of January 2019.

RECOMMENDATION: Approve as presented.

5. COMMISSION ITEMS

NONE.

6. PUBLIC HEARINGS

NONE.

7. OLD BUSINESS

- A. SECOND READING, WAIVE FULL READING AND ADOPT ORDINANCE NO. 360 - AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 8.30 FIRE FUEL ABATEMENT OF THE CITY OF ROLLING HILLS MUNICIPAL CODE.

8. NEW BUSINESS

- A. CONSIDERATION AND APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH STRADLING YOCCA CARLSON & RAUTH TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE FORMATION OF THE ASSESSMENT DISTRICTS AND THE ISSUANCE BY ASSESSMENT DISTRICTS OF BONDS.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

10. MATTERS FROM STAFF

- A. UPDATE ON DIRECTION FROM CITY COUNCIL TO DISCUSS WITH ROLLING HILLS COMMUNITY ASSOCIATION (RHCA) THE LOCKING MECHANISMS FOR TWO UNATTENDED GATES TO THE CITY (ORAL).

11. CLOSED SESSION

NONE.

12. ADJOURNMENT

Next meeting: Monday, March 11, 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, FEBRUARY 26, 2018**

1. CALL TO ORDER

A regular meeting of the City Council of the City of Rolling Hills was called to order by Mayor Black at 7:01 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

2. ROLL CALL

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

Councilmembers Absent: None.

Others Present: Yolanta Schwartz, Interim City Manager.
Gregg Kettles, Assistant City Attorney.
Yvette Hall, City Clerk.
Julia Stewart, Acting Planning Director.
Larry Hall, Attorney.
Gina Filippone, Attorney.
Allen Rigg, Consultant.
Marsha Schoettle, 24 Eastfield Drive.
Gene Honbo, 33 Portuguese Bend Road.
Jill Smith, 10 Georgeff Road.
John Nunn, 1 Crest Road West.
Jeff Lewis, Attorney, 24 Cinchring Road.
J. Lopez, Los Angeles County Fire Department.
Sue Breiholz, 6 Upper Blackwater Canyon Road.
John Nunn, 1 Crest Road West.

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

None.

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. Payment of Bills.

RECOMMENDATION: Approve as presented.

DRAFT

- B. Republic Services Recycling Tonnage Report for January 2018.
RECOMMENDATION: Receive and file.
- C. Financial Statement for the Month of January 2018.
RECOMMENDATION: Approve as presented.
- D. Professional Services Agreement to Prepare a Sanitary Sewer Improvement Feasibility Study for the City of Rolling Hills' Civic Center Complex.
RECOMMENDATION: Approve as presented.
- E. Interim City Manager Agreement.
RECOMMENDATION: Approve as presented.

Councilmember Dieringer 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: Dieringer, Mirsch, Pieper, Wilson and Black.
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

5. COMMISSION ITEMS

None.

6. PUBLIC HEARINGS

None.

7. OLD BUSINESS

- A. RESOLUTION NO. 1221 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DENYING A REQUEST FOR MODIFICATIONS OF THE HEIGHT AND ROOF TYPE OF A PREVIOUSLY APPROVED ADDITION TO AND MAJOR REMODEL OF A SINGLE-FAMILY RESIDENCE AT **24 CINCHRING ROAD** (LOT 18-3-CH), IN ZONING CASE NO. 932, (NAKAMURA). THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, (CEQA) PURSUANT TO SECTION 15301.

Mayor Pro Tem Wilson introduced the item and asked for the staff report. Interim City Manager Schwartz presented the staff report and stated that this matter is a Resolution denying a request of the Nakamuras to amend their originally approved project at 24 Cinchring Road. She stated that the Planning Commission (PC) held several public hearings for the project and recommended a Resolution of Denial be brought forth to the City Council. She stated that the City Council took the matter under jurisdiction and held a public hearing on January 30, 2018 and February 12, 2018, including a field trip on January 30, 2018. Interim City Manager Schwartz stated that at the previous City Council meeting, the City Council directed staff to bring forth a Resolution denying the project with conditions that were adopted by the PC.

DRAFT

Mayor Black commented that the City Council should consider whether the Resolution adequately memorializes the intent of the City Council or if the matter should be discussed by reopening the public hearing. Mayor Black stated that Section 7.A. of the Resolution states the following: "Goal 1 and Goal 2 of the City's General Plan relating to its Land Use Element set forth policies requiring that development conform with the City's existing low-profile, ranch style architecture and ensure the siting of buildings maintain and preserve viewsapes..." Mayor Black indicated that he believed that at the field trip meeting the City Council found that the project does not obstruct the view of the neighbors at 26 Cinchring Road and that Section 7.A. of the Resolution as he stated is inaccurate.

Assistant City Attorney Kettles advised that it would be appropriate at this time to open public comments.

In response to Mayor Black's question, Interim City Manager Schwartz clarified that it was the applicant's who stated in several areas of their correspondence to the City Council that the obstruction of the ridgeline does not obstruct the view of 26 Cinchring Road; however, based on the goals of the General Plan, the City Council made the finding of fact that there is an obstruction of the viewscape from 26 Cinchring Road.

Assistant City Attorney Kettles stated that a member of the public could request that a public hearing be reopened at a subsequent meeting.

Mayor Black opened public comments.

Jeff Lewis, Attorney, 24 Cinchring Road, commented that his clients are requesting that a public hearing be reopened. He stated he and his clients are troubled by some of the findings in the Resolution. Mr. Lewis indicated that a yes vote on this evening's Resolution would include a vote that the proposed modifications do not "preserve viewsapes" as referenced on page 5, Section 7.A., of the Resolution, and that "The proposed Modifications would also be visible from the street and to neighbors" as referenced on page 6, Section 7.B., of the Resolution. Mr. Lewis stated that both of these statements are not supported by substantial evidence. He requested that the public hearing be reopened to decide this matter based on the merits and not based on any statements that an attorney may make later on in a deposition.

Larry Hall, Attorney, 26 Cinchring Road, commented that he believed that the Resolution being considered by the City Council is to affirm the decision made by the PC to deny the application, which is where the language that is being referenced is coming from. Mr. Hall stated that the PC made these determinations. He stated that at the field trip, the City Council had doubts in relation to understanding why the Nakamuras had to stop the construction work as directed in the email from Interim City Manager Schwartz in January 2016.

Gina Filippone, Attorney, 26 Cinchring Road, commented that to reopen a public hearing based on the language in a Resolution that the applicant is challenging seems to be extraordinary. She stated that her clients have been through five work orders, filed a lawsuit, and feel that the Nakamuras will continue to exhaust them. Ms. Filippone stated that the Nakamuras believe the Brunners will eventually give up as it has taken seven years for the process.

Allen Rigg, Consultant, 24 Cinchring Road, commented that he and Mr. Lewis provided correspondence to the City Council that states that they both have significant issues with what occurred at the last public

DRAFT

hearing. Mr. Rigg stated that he and Mr. Lewis have issues with the findings in particular. He stated that if the public hearing is reopened, he hopes that the City Council will be able to see the merits of the project, in particular in terms of the Resolution. Mr. Rigg stated that there are a significant number of things that he appreciates, one is that the City does not have a view ordinance in the City. Mr. Rigg commented that at the last public hearing, there were at least two City Councilmembers that stated that there were no view impacts on the project. He stated that the Resolution, as part of the findings, indicates that the reason to deny this project is that it was built bigger than the original home; however, there is no building ordinance or growth ordinance that prohibits making a house bigger. Mr. Rigg stated the proposed 800 square foot addition with an increase of a few feet of ridge height is minimal. He noted that the way the Resolution is written is that any increase in the height of your home or size of your home will get denied. He stated that it also indicates that his clients did not provide any justification for raising the ridge and that his clients do want the ridge in the middle of the structure, which is typical of a home. He stated that the plate height is eight and a half feet at the front, which is an acceptable plate height, and that his clients want a 4 in 12 feet roof pitch. Mr. Rigg stated this is a typical roof pitch. He stated that he has testimony as to why his clients want to make the improvements. Mr. Rigg commented that he is not in favor of the process of how this project came before the City Council. Mr. Rigg stated that he heard that this process of approving the new home was not based on the findings that are in the City's code but to punish his clients for what they have done. He stated that both parties have incurred many costs such as attorney's fees and consultant fees. Mr. Rigg indicated that he believes the findings are not based on merits but based on setting a precedence to not allow this to occur again. Mr. Rigg requested that the hearing be reopened and apologized for the time spent on the project. Mr. Rigg further stated that he believes there are errors in the Resolution.

Hearing no further comments, Mayor Black closed public comments.

Mayor Black thanked Interim City Manager Schwartz for providing the heights of the ridgeline. Mayor Black stated that he would like to reopen the public hearing as he feels there are errors in the Resolution. He stated that he believed that at the field trip, the City Council agreed that there was no view obstruction related to a structure and that the reference to the roofline not exceeding 14 feet on page 6 of the Resolution is an error.

Mayor Black moved that the City Council reopen the public hearing to a future date in Zoning Case No. 932 at 24 Cinchring Road.

In response to Mayor Black's aforementioned comment, Interim City Manager Schwartz clarified that the reference to the 14 foot roofline is for the accessory structure that was approved behind the house from a Resolution in 2009. She stated that the 2009 Resolution has a condition that the structure will not exceed 14 feet and it is referenced in the proposed Resolution in relationship to the house as it being compatible with the structures on the property that were approved.

In response to Councilmember Dieringer's question, Assistant City Attorney Kettles stated that individuals are interpreting the language in the Resolution related to the proposed modifications not preserving viewscapes from adjacent residences as a finding that there is a view obstruction. He stated that he does not read that interpretation to be the same. Assistant City Attorney Kettles stated that he agrees that the language is susceptible to different interpretations and he does not read it the way some of the commenters read it.

DRAFT

Councilmember Dieringer commented that her understanding is that because it is more massive and bulky than what was approved, and that it is higher than what was approved, and that, the extent that this modification is higher, it will not preserve the viewscape of the original proposed approved version.

Assistant City Attorney Kettles concurred with Councilmember Dieringer's interpretation as being a fair interpretation.

Councilmember Dieringer commented that there were no findings that any Councilmember made in their decision at the last hearing that it was because the City Council never wanted this situation to occur again. Councilmember Dieringer indicated, for the record, that she never heard this statement made by a Councilmember. She indicated that page 12 of Mr. Rigg's letter stated the following: "Councilmember Dieringer expressed that she had difficulties visualizing the proposed home as portrayed by the renderings due to the existing temporary construction. In essence she made her decision on the temporary winterization, exposed footings, and lack of elements of the finished construction such as planters that would reduce massing." Councilmember Dieringer stated, for the record, that is not what she based her decision on; she based her decision on the entirety of the evidence, attended the field trip, and although there were initial difficulties of visualizing the proposed project, after viewing the placement of the flags and lines that were drawn, the project was able to be understood. She stated that this was why she requested that photographs be taken of the project in order to have a visible presentation of what the City Council viewed at the field trip, to provide guidance at the City Council meeting, and thus there would not be any lack of information and would be as precise as possible.

Councilmember Mirsch commented that she felt that both sides received a fair hearing at the last City Council meeting. She stated that it was unfortunate that Mayor Black was ill and not able to attend the meeting. Councilmember Mirsch does not feel the matter should be reopened and believes the City Council did their due diligence. She indicated; however, that she would rather err on the side of taking more time to consider the matter by reopening the hearing, especially since Mayor Black expressed some concern about the Resolution and was not able to express his comments. Councilmember Mirsch stated that she does not like residents feeling that they are not being given a fair hearing. Councilmember Mirsch stated that she supports reopening the hearing if that were the wishes of the City Council.

Councilmember Mirsch seconded the aforementioned motion made by Mayor Black.

Councilmember Mirsch further stated there is so much that has occurred over the years; however, she feels that she was able to remove all the extraneous matters as Mr. Rigg has asked the City Council not to focus on how the project got to this point, but only whether the City Council could make the findings for this project. Councilmember Mirsch indicated that she made an effort to view the project this way. She stated that the finding she could not make is the reference to maintaining views and viewscales from adjacent neighbors. Councilmember Mirsch stated that when she visited the site, she never said that there was no view impact; she stated that it was obvious that the neighbors could always see the house that was there at 24 Cinchring Road. Councilmember Mirsch indicated that the reason given by the applicant for the extra height was due to the pitch of the roof and the desire for a loft because the house had a loft before. She feels that this does not justify raising the height up and not because the residents at 26 Cinchring Road said they had a view and could not see the house at 24 Cinchring Road before. She stated that there is nothing that prohibits building a house in front of another property. She stated that the residents of 26 Cinchring Road have an ample view around the side of 24 Cinchring Road and over 24 Cinchring Road;

DRAFT

however, raising the house at 24 Cinchring Road up and building it out does impact the massing that can be seen from 26 Cinchring Road. Councilmember Mirsch stated that this is what she was basing her findings on and even though the City does not have height restrictions, the City consistently reviews the height and mass of a project. She stated she would have pushed back on this project as a Planning Commissioner. Councilmember Mirsch indicated that the owners of 26 Cinchring Road made a decision based on plans of what would be built at 24 Cinchring Road, and if any changes were going to be made, they would have had a chance to provide their input before the PC as part of the regular process, instead of seeing an as build structure. Councilmember Mirsch concurred with Councilmember Dieringer's aforementioned comment related to the City Council making decisions on facts and not because they do not want this situation to occur again.

Councilmember Pieper stated that he previously served on the PC, that he is the most liberal PC member and treats everyone the same. He stated that this is part of the reason he is serving. Councilmember Pieper stated that if the project started in the PC, it would not have been approved the way it is not because of the way the roof pitches or the height, but because of the way it looks and comes out of the ground. He stated that the project would not have been approved and that the PC would have worked with the applicants all the way through. He stated that he always asks if the project makes sense and that there is no punishment involved. Councilmember Pieper indicated that he read many of the past PC staff reports and minutes to get all the background information on the project.

Councilmember Dieringer stated that the City Council has never reopened a hearing in the past due to the absence of a Councilmember and that there is no new information being presented. She stated that the City Council was careful in making a decision based on the evidence and that it would not be fair to have another hearing.

Mayor Pro Tem Wilson clarified that when he was asked to postpone the hearing at the last City Council meeting, there were many people in attendance ready to participate in the hearing. Mayor Pro Tem Wilson indicated that it seemed appropriate to hold the hearing at that time and that none of the other City Councilmembers expressed an interest in postponing the hearing so that is why the City Council went forward with it.

A roll call vote was taken at this time on the aforementioned motion that the City Council reopen the public hearing to a future date in Zoning Case No. 932 at 24 Cinchring Road. The motion failed by the following roll call vote:

AYES: COUNCILMEMBERS: Mirsch and Black.
NOES: COUNCILMEMBERS: Dieringer, Pieper and Wilson.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

In response to questions by the City Council related to language in the Resolution, Interim City Manager Schwartz clarified that the intent of the language is not to state that there is a view that is being obstructed. She stated that it is not a specific view that the Brunners are losing but a reference to a broad definition to maintain and preserve viewscapes of the City per the General Plan.

Councilmember Dieringer moved that the City Council adopt Resolution No. 1221 in Zoning Case No.

DRAFT

932 at 24 Cinchring Road as presented. Councilmember Pieper seconded the motion, which carried by the following roll call vote:

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

NOES: COUNCILMEMBERS: Black.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

B. ADOPTION OF A NON-BINDING CLIMATE ACTION PLAN WHICH INCLUDES ESTABLISHING A GREENHOUSE GAS EMISSIONS BASELINE, FORECASTING EMISSION REDUCTIONS, AND ESTABLISHING FUTURE REDUCTION TARGETS.

Acting Planning Director Stewart presented a summary of the staff report. She stated the recommendation is to consider the adoption of a non-binding Climate Action Plan (CAP) that was prepared by the South Bay Cities Council of Governments (SBCCOG). Acting Planning Director Stewart indicated that a grant was received by the SBCCOG to fund the preparation of the CAP and that this is the second phase of the grant. She stated the first phase addressed energy efficiency measures. She indicated that a SBCCOG representative, Kim Fuentes, would make a presentation.

Kim Fuentes, Deputy Executive Director, SBCCOG, presented a summary of the CAP as follows: 1) The CAP is a visioning document and provides an opportunity to secure funding for the City and subregion; 2) The CAP supports City policies, regulatory requirements, the General Plan, purchasing policies and any strategic plans the City would have in the future; 3) The CAP addresses reduction of green house gases; 4) The structure of the plan has goals, measures and substrategies; 5) The SBCCOG prepared 15 CAPs for all the South Bay Cities; 6) All Cities have approved their CAP except for a few Cities including Rolling Hills; 7) The CAP was drafted in a template addressing the City's specific strategies; 8) At the last City Council meeting there was a question regarding what type of funding might be available; 9) Ms. Fuentes pointed out funding sources in the CAP; 10) If the City adopts the CAP, the SBCCOG will work with other Cities with similar strategies and package them for submission for grant funding; 11) The SBCCOG will also partner with the utility companies to identify projects to bring to the residents such as solar programs, educational tools and newsletter articles; 12) During the public discussion at the previous City Council meeting, residents wanted to see a stronger plan; however, Ms. Fuentes stated this is not the intent of this document; this document is meant to be a broad document; and 13) A stronger CAP could be prepared later.

Councilmember Dieringer expressed concern with the CAP stating that the City will have to implement all of the goals and that there is limited staff to execute them. She inquired if receiving this document as a policy guidance document and using it to assess and prioritize future projects in the City would prevent the City from partnering with the SBCCOG for grants.

Ms. Fuentes responded that if the CAP was adopted by the City Council it would allow the SBCCOG to report to the state that all cities in its jurisdiction adopted a CAP and that would support a stronger argument for submitting for grants.

Mayor Black commented that there are ways to do this as it is non-binding, but rather than adopting it the City Council can accept it as this is what was done in the past.

DRAFT

Interim City Manager Schwartz stated that there was a similar discussion for the Energy Conservation Plan, and the City Council agreed to “accept” it and not adopt it.

Discussion followed related to the use of language such as “non-binding”, “accepted” or “adopted” to reflect the City’s support of the CAP.

Councilmember Dieringer moved that the City Council strike the word “Adopt” and replace with “Accept in principle” on page 1 of the staff report and adopt the following motion: Accept in principle the City of Rolling Hills Climate Action Plan with the existing approved EE chapter and the additional LUT, Waste, Greening, and Energy Generation/Storage chapters as a policy guidance document for assessing, prioritizing, and implementing future projects within the City. Councilmember Mirsch seconded the motion, which carried without objection by a roll call vote as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

8. NEW BUSINESS

None.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

A. FIRE FUEL REDUCTION AD-HOC COMMITTEE REPORT.

Mayor Black called for the report. Interim City Manager Schwartz noted that correspondence was received from Clint Patterson, Rick Boos, Jill Smith and Pamela Reis expressing support of the City’s proactive management of the removal of dead vegetation in the City.

Councilmember Mirsch presented her report as follows: 1) The Dead Vegetation Enforcement Ad Hoc Subcommittee’s (Committee) purpose is to determine the feasibility of using the existing City’s fire fuel abatement ordinance to remove dead vegetation and changing the City’s role from a complaint driven enforcement to a proactive enforcement process; 2) The Los Angeles County Fire Department’s (LACFD) enforcement of defensible space is 200 feet from structures; 3) The City has adopted a more stringent position on fire fuel abatement that encompasses any part of the property; 4) Many of the City’s properties have unvegetated or open spaces that grow weeds and grasses that then die and become fuel if they are not cleared; 5) This matter was brought up by residents who expressed their concerns at City Council meetings regarding dead grasses and asked the City to take action and mandate that dead vegetation be cleared; 6) The City has placed articles in the newsletter and distributed pamphlets to educate residents; 7) If no enforcement is done, there is a small percentage of residents that, through negligence or lack of awareness, will not comply and the result is that the fire fuel will remain; 8) Residents do not like to report on their neighbors; 9) Fire fuel could be located in canyons where some residents are not aware of and they may also think the dead vegetation along the trails belongs to the Rolling Hills Community Association and is not on their property; 10) The Committee agreed to determine if this issue is isolated to

Minutes

City Council Meeting

02-26-18

DRAFT

one or two properties in the City or is a condition throughout the City; 11) Mayor Black and Councilmember Mirsch separately made observations of properties from the roads and trails and found dozens of properties with dead vegetation; 12) The Committee believes that this amount of hazardous material warrants the City's attention and efforts to mitigate the hazardous conditions; 13) The Committee feels that the City's current practice is inadequate to address the safety of the City and its residents and recommends a proactive enforcement of the ordinance; 14) The City's ordinance is separate from LACFD's requirements; 15) The Committee reviewed the resources available to implement the program and believes it would create an increase in staff's workload due to the limited staff resources; 16) The Committee does not feel it is acceptable to allow hazardous conditions to exist because of limited resources; 17) The Committee recognizes that resources will need to be allocated for this project and suggests that the City Council direct staff to explore the best practices to proactively enforce Chapter 8.30 of the municipal code; 18) The Committee recommends that the resources and costs required to implement this program be brought back to the City Council for consideration; 19) The Committee recommends to take immediate action; 20) Fines were discussed; however, the Committee feels fines are not necessary to impose at this time; 21) The Committee discussed concerns that were received from residents who opposed the proactive enforcement of the ordinance and determined that there is broad support from residents who feel it is incumbent upon the City Council to protect the City from hazardous conditions and reduce fire fuel; 22) The Committee discussed concerns received from residents who felt that the City would abuse its powers; 23) The Committee determined that the proactive enforcement would only be limited to dead vegetation; 24) The Committee found significant amounts of other dead vegetation such as trees and Palm fronds and recommends expanding the scope to consider all dead vegetation and follow what is outlined in Chapter 8.30 of the municipal code; 25) In response to Councilmember Dieringer's concerns that proactive enforcement would conflict with the efforts of the LACFD, such as the implementation of the Community Wildfire Protection Plan (CWPP), or would encourage residents to clear their brush in an unsafe or environmentally unsound manner, the Committee believes the issue is with the enforcement component of the ordinance and is not suggesting anything that would be in conflict with any of the LACFD programs; 26) The Committee recommends using LACFD's brush clearance guidelines to address watershed concerns; 27) The Committee encourages the continuance of the standing Fire Fuel Reduction Ad Hoc Subcommittee to continue its work with the LACFD to develop a CWPP for the City and to include inspection and enforcement components; and 28) The Committee believes the existing ordinance, which extends the requirement to remove dead vegetation beyond the defensible space area enforced by LACFD, provides critical additional protection needed for the prevention of wildfires and proactive enforcement should be a priority for the City and staff.

Mayor Black opened public comments.

Marsha Shoettle, 24 Eastfield Drive, commented that she feels the proactive enforcement of the ordinance is redundant and is shocked that the City now wants to give themselves more power. Ms. Shoettle stated that the proactive enforcement is not as simple as it was presented and expressed support of the LACFD's efforts to clear dead vegetation. She further stated that most residents follow the requirements of the fire department.

Sue Breiholz, 6 Upper Blackwater Canyon Road, commented that she feels it is the City's responsibility to enforce the safety of the City. She stated she has observed fields of dead vegetation and grass outside of the 200 foot LACFD requirement that have not been addressed. She expressed support of the proposed program.

Gene Honbo, 33 Portuguese Bend Road, stated that he hikes the trails and has observed a lot of properties that do not maintain their canyons and that the bottom of the trails are filled with debris. He expressed support of the proposed proactive enforcement of the ordinance.

Jill Smith, 10 Georgeff Road, stated that she submitted correspondence to the City Council expressing concern with the dead vegetation in the canyons and in the lower trails. She expressed support of the proposed proactive enforcement of the ordinance.

John Nunn, 1 Crest Road West, commented that he supports the removal of dead vegetation. He expressed concerns with creating more compulsion. Mr. Nunn stated that residents have not been told to clear dead vegetation in the canyons; thus he does not feel proactive enforcement is necessary.

J. Lopez, LACFD, Forestry Division, stated that he appreciates all the comments made related to LACFD's enforcement of the 200 foot requirement. He indicated that the state's regulations require clearance up to 100 feet and LACFD requires clearance up to 200 feet. He indicated that the state and LACFD both meet the California Environmental Quality Act (CEQA) compliance. Mr. Lopez stated that he is obligated to inform the City that CEQA compliance is required for private properties.

Discussion followed among the City Council and Mr. Lopez concerning the CEQA requirements, LACFD's 200 foot clearance requirements, the CWPP, educational tools for the public, Hazard Mitigation Plan, grants and best practices from the CWPP.

Mr. Lopez provided a handout that summarized the CEQA requirements.

Further discussion ensued concerning the CEQA requirements, past fires in the City, fire prevention preparedness, dead vegetation management and best management practices from the CWPP.

Hearing no further comments, Mayor Black closed public comments.

Mayor Black commented that he would like to extend beyond the 200 foot requirement for brush clearance.

Mayor Pro Tem Wilson inquired if compliance would be possible without fines.

In response to Mayor Pro Tem Wilson's question, Councilmember Mirsch clarified that the City only pursues enforcement of the ordinance on a complaint basis and that if proactive enforcement is adopted, the Committee felt that fines would not be necessary since residents have not been made aware of the additional areas, such as canyons, to clear.

Discussion followed among the Councilmembers regarding compliance from the Palos Verdes Land Conservancy, CEQA compliance, the adoption of a CWPP, and costs to implement a proactive enforcement program of the fire fuel abatement ordinance.

Councilmember Pieper moved that the City Council direct staff to research and provide recommendations on implementing a proactive fire fuel reduction program and the cost.

DRAFT

Acting Planning Director Stewart recommended that City Council direct staff to review the proposed program to proactively enforce the fire fuel abatement ordinance on an entire property and how it would effect CEQA regulation.

Councilmember Pieper offered an amended motion that the City Council direct staff to research and provide recommendations on implementing a proactive fire fuel reduction program that includes brush clearance of the entire property and the cost. Mayor Pro Tem Wilson seconded the motion, which carried without objection by the following roll call vote:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

At this time other matters from the City Council were discussed.

Councilmember Dieringer provided the City Council with a copy of a report from the League of California Cities entitled "Retirement Systems Sustainability Study and Findings."

10. MATTERS FROM STAFF

None.

11. ADJOURNMENT

Hearing no further business before the City Council, Mayor Black adjourned the meeting at 9:06 p.m. The next regular meeting of the City Council is scheduled to be held on Monday, March 12, 2018 at 7:00 p.m. in the Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Respectfully submitted,

Yvette Hall
City Clerk

Approved,

Patrick Wilson
Mayor

THIS PAGE INTENTIONALLY LEFT BLANK

**MINUTES OF
A REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, FEBRUARY 11, 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 7:03 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.
Yolanta Schwartz, Planning Director.
Yvette Hall, City Clerk.
Don Crocker, 14 Cinchring Road.
Helen Frykman, 10 Crest Road West.
Kathleen Hughes, 13 Caballeros Road.
Sharon Minkes, 44 Chuckwagon Road.
Deborah Richie-Bray, Architect, 15 Georgeff Road.
Alfred Visco, 15 Cinchring Road.

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

Kathleen Hughes, 13 Caballeros Road, commented that she spoke to the City Council in 2013 after she was bitten by a dog and requested that a leash law be adopted. Ms. Hughes stated that the City Council did not support a leash law at that time. She indicated that she was severely injured by the dog who lives next door and spoke on the City's no leash law. Ms. Hughes stated that two weeks ago the same dog bit her elderly and blind neighbor. Ms. Hughes would like a response from the City on why there is no leash law.

Mayor Wilson responded that the City has strict enforcement capability related to animal complaints.

Ms. Hughes indicated that she believed this was the third incident because another elderly neighbor was knocked down by the same dog. Ms. Hughes further stated that the incident she had with the dog was frightening.

City Manager Jeng stated that she spoke to the resident who was bitten and the owners of the dog. She

DRAFT

spoke on the City's process and indicated that the City is currently investigating the incident.

Councilmember Black spoke on the City's process. He stated that typically the Los Angeles County Animal Care and Control would make a field visit, order the dog confined to its property, and if the owners did not comply, then the dog would be removed from the City. Councilmember Black questioned why the dog has not been removed from the City since this is the second incident.

City Manager Jeng responded that she is currently researching the City's animal complaint records.

Ms. Hughes commented on the gate that is closed at Crest Road East near Eastfield Drive. She stated that she would like to see another way to get out of the City in an emergency.

Mayor Wilson responded that the gate falls under the purview of the Rolling Hills Community Association (RHCA).

City Manager Jeng stated that evacuation routes will be discussed at the upcoming Block Captain meetings.

Sharon Minkes, 44 Chuckwagon Road, spoke on fire prevention. She stated that she lives on a cul-de-sac with no exit from Eastfield Drive to the end of Chuckwagon Road and that her property has canyons on both sides. She provided photographs of her surrounding neighborhood and expressed concern with the hazardous condition of the canyons with respect to dry brush. Ms. Minkes inquired with the RHCA regarding the ownership of the canyons and was informed that the canyons belong to individual owners. Ms. Minkes stated that it is difficult to determine the property lines. Ms. Minkes stated that she would be trapped if a fire were to occur.

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 February 12, 2018; and 2) Regular Meeting of January 28, 2019.
RECOMMENDATION: Approve as presented.
- B. Payment of Bills.
RECOMMENDATION: Approve as presented.
- C. Republic Services Recycling Tonnage Report for December 2018.
RECOMMENDATION: Receive and file.

Councilmember Black requested that Consent Calendar Item No. 4.B. be pulled for separate consideration. There were no objections.

Councilmember Dieringer requested that a correction be made to the January 28, 2019 Regular Meeting Minutes on page 19 as follows: In the second paragraph, last line, remove the word "the" after "work." There were no objections.

DRAFT

Councilmember Black moved that the City Council approve the items on the consent calendar, except Item No. 4.B., 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.

Councilmember Black requested clarification on Consent Calendar Item No. 4.B, Check Number 25740, as the description states it is for a special event.

City Manager Jeng explained that the check description is an error and should not be listed as a special event. She stated that staff will ensure that the correction is made on future invoices.

Councilmember Black moved that the City Council approve Consent Calendar Item No. 4.B. as presented. 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.
ABSTAIN: COUNCILMEMBERS: None.

5. COMMISSION ITEMS

- A. RESOLUTION NO. 2019-02. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 660 SQUARE FOOT DETACHED GARAGE AND VARIANCE TO ENCROACH WITH THE GARAGE AND WITH A RESIDENTIAL ADDITION INTO THE REAR SETBACK, IN ZONING CASE NO. 952 AT 2 CHUCKWAGON ROAD, LOT 38-A/38-BEF. (KIRMSE/GALVIN).

Mayor Wilson called for the staff report. Planning Director Schwartz stated this item is a request for a Conditional Use Permit to construct a 660 square foot detached garage, Variance to encroach with the garage and a residential addition into the rear setback at 2 Chuckwagon Road. She stated the Planning Commission (PC) unanimously adopted a Resolution at their last meeting finding that the project is compatible with the neighborhood, is reasonably sized on the lot and finding that the lot is constrained in size because it is a corner lot and bounded by two 30'-wide roadway easements and that the proposed project will retain the undisturbed topography of the remaining of the lot, not giving the lot a built out character. Planning Director Schwartz stated that no comments were received from the surrounding residents and that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Mayor Wilson opened public comments. There being no public comments, Mayor Wilson closed public comments.

DRAFT

Councilmember Black moved that the City Council receive and file Planning Commission Resolution No. 2019-02 granting approval of the applicant's request in Zoning Case No. 952 at 2 Chuckwagon Road. Councilmember Pieper seconded the motion.

Councilmember Dieringer commented on differences in both PC Resolutions that are presented on this meeting's agenda and referred to page 11, Section H, of the Resolution for 2 Chuckwagon Road and page 15, Section G, of the Resolution for 15 Georgeff Road. Councilmember Dieringer requested that Section H of the Resolution for 2 Chuckwagon Road be modified by adding the underlined language as follows: "The structural net lot coverage shall not exceed 5,204 square feet or 16.3% in conformance with lot coverage limitations (20% max. permitted). The total lot coverage proposed (structural and flatwork) shall not exceed 8,411 square feet or 26% in conformance with lot coverage limitations (35% max. permitted)." Councilmember Dieringer stated that this language would make it clear that the 20% maximum permitted in parenthesis and the 35% maximum permitted in the second parenthesis is referring to the lot coverage limitations not to what the homeowner could do in terms of the maximum permitted.

City Attorney Jenkins advised the City Council that because this is a decision made by the PC, the City Council has two options as follows: 1) Accept the Resolution as is or 2) Take the matter under jurisdiction, schedule a public hearing and then consider the matter de novo.

Councilmember Mirsch stated that she does not support taking the matter under jurisdiction.

City Manager Jeng stated that staff will be consistent with the Resolution language going forward.

The aforementioned motion carried without objection by the following voice vote:

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

- B. RESOLUTION NO. 2019-01. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR VARIANCES TO CREATE A PARKING PAD WITHIN 30 FEET OF THE ROADWAY EASEMENT AND CONSTRUCT A TRASH ENCLOSURE WITHIN THE FRONT YARD SETBACK IN ZONING CASE NO. 948 AT 15 GEORGEFF ROAD, LOT 29-GF, (LAURA HATCH).

Mayor Wilson called for the staff report. Planning Director Schwartz stated this item is a request for a modified driveway to accommodate a new parking pad and relocation of the trash area. She further stated that the improvements and new trash area require variances due to location. Planning Director Schwartz stated that one Planning Commissioner did not see the need for additional parking and voted against the project; however, the remaining Planning Commissioners found that this project will not negatively affect the neighborhood and will improve maneuverability on site. She stated that no comments were received from the surrounding residents and that the applicant submitted their justification for their request.

Mayor Wilson opened public comments.

DRAFT

Deborah Richie-Bray, Architect, 15 Georgeff Road, spoke on why the extra parking is needed due to additional vehicles in her clients' family and that the request is to provide more usable space. She further stated that the property is very steep in the rear and there is no other access.

Hearing no further comments, Mayor Wilson closed public comments.

In response to Councilmember Black's question, Ms. Richie-Bray clarified that the existing concrete will be removed and replaced with pavers.

Councilmember Black moved that the City Council receive and file Planning Commission Resolution No. 2019-01 granting approval of the applicant's request in Zoning Case No. 948 at 15 Georgeff Road. Councilmember Pieper seconded the motion.

In response to Mayor Wilson's question, Planning Director Schwartz stated that a special condition regarding recreational vehicles was added as a reminder that parking for recreational vehicles is prohibited.

Councilmember Dieringer questioned page 17, Section AD, pertaining to perimeter easements. She stated that it was her understanding that a determination was made not to include this provision in future Resolutions unless it was needed.

City Attorney Jenkins advised that Councilmember Dieringer's concern regarding the perimeter easement provision could be brought up under matters from the City Council to be considered for discussion at a future City Council meeting.

The aforementioned motion carried without objection by the following voice vote:

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

6. PUBLIC HEARINGS

A. AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 8.30 FIRE FUEL ABATEMENT OF THE CITY OF ROLLING HILLS MUNICIPAL CODE.

Mayor Wilson called for the staff report. City Manager Jeng presented a summary of the staff report as follows: 1) As directed by the City Council at the last meeting, a draft ordinance is proposed for the City Council's consideration; 2) Proposed language was added to Chapter 8.30.010: Dead or alive tumbleweeds, shrubs, palm fronds or other plants; 3) A new section 8.30.015 was added: 8.30.015 Applicability. - This Chapter shall apply to the entirety of each parcel of property located within the boundaries of the City except for the following areas: 1) slope area approximated to be steeper than 2 units horizontal to 1 unit vertical (50% slope); and 2) the entire slope area comprising of more than 65% of slopes approximated to be steeper than 2:1 ratio.; 4) According to the Los Angeles County Department

DRAFT

of Agriculture Commissioner/Weights and Measures (LACDACWM) and their experience in abating fire fuel on slopes, slopes greater than 2 (units horizontal) to 1 (unit vertical) present accessibility issues and unsafe conditions; 5) LACDACWM does not have a firm rule on the 2:1 slope; thus, they rely on the feedback from their field personnel on the safety of the slopes; 6) There are variations on the slope ratio within the hills of the city that could fluctuate presenting spot locations much greater or much flatter than the 2:1 ratio; and 7) Staff is proposing several slope conditions to assist residents in complying with the amended Chapter 8.30.

City Manager Jeng noted that correspondence was received from resident Alfred Visco.

Mayor Wilson opened the public hearing.

Alfred Visco, 15 Cinchring Road, commented that he submitted a letter to the City Council. Mr. Visco stated that he agrees that dead palm fronds should be removed; however, he feels there should be some consideration given to certain palm trees that are not safe and feasible for removal of fronds due to the height and location of the tree. He stated that in his letter he proposed language to address this issue. Mr. Visco further stated that in his letter he proposed alternative language related to the slope ratio.

Councilmember Black commented that his concern regarding slopes is that he would like to ensure that property owners are required to clear out their property near the trails to allow for egress without requiring them to clear the steep areas.

Discussion followed regarding brush clearance of steep properties and vacant lots.

Hearing no further comments, Mayor Wilson closed the public hearing.

City Manager Jeng provided additional feedback that she received on the proposed ordinance. She stated that the purpose of this ordinance was to engage the residents to be mindful of fire fuel on their property and to inform them that they should actively pursue the removal of fire fuel for the protection of themselves as well as their neighbors. She stated that based on her understanding of the intent of the City Council, the ordinance does not need to address specific conditions as it would be difficult to address one condition and not another, and to determine the number of conditions to be captured. City Manager Jeng stated that the intent is to engage the residents to remove what they can get to and to provide a dialogue for residents to work with staff on any allowances on their property.

Councilmember Dieringer suggested adding language in Section 8.30.015 that would allow residents to clear areas that are not steep and to add the following language: "Before engaging in fire fuel reduction residents shall review and be guided by the advice outlined in best practices for fuel reduction on the City's website to avoid erosion control and other problems associated with improper fire fuel abatement." She stated that this language would alert residents that there are materials on the City's website so that they do not unintentionally remove something that would not be a proper fire fuel abatement and possibly cause other issues such as erosion.

Discussion followed among the Councilmembers regarding fire fuel abatement practices.

Mayor Pro Tem Mirsch expressed support of the proposed ordinance and thanked staff for preparing it. She also thanked Ms. Minkes for her feedback regarding the brush in the canyons. Mayor Pro Tem

DRAFT

Mirsch clarified that the City Council is reviewing dead vegetation only and that the current ordinance was kept broad intentionally and Mayor Pro Tem Mirsch stated that she agrees with adding palm fronds and 50% slope to the ordinance.

Discussion followed among the Councilmembers regarding conditions that could require an exemption, subjective ordinance language such as “safe” and “feasible”, slope ratios, adding an appeal process section and adding educational material to the website.

Councilmember Black suggested removing Section 2 of Chapter 8.30.015 of the proposed ordinance to be modified as follows: 8.30.015 Applicability. - This Chapter shall apply to the entirety of each parcel of property located within the boundaries of the City except for the slope area approximated to be steeper than 2 units horizontal to 1 unit vertical (50% slope).

Councilmember Pieper concurred with Councilmember Black’s recommendation stated that he would like to keep the slope ratio simple.

Discussion followed among the City Council regarding the slope ratio, posting educational materials on the City’s website, erosion control and fire fuel reduction methods.

Councilmember Pieper moved that the City Council waive full reading and introduce for first reading Ordinance No. 360 – An Ordinance of the City of Rolling Hills, California Amending Chapter 8.30 (Fire Fuel Abatement) of Title 8 (Health and Safety) of the City of Rolling Hills Municipal Code to Require Clearance of Dead or Alive Tumbleweeds and Dead Trees, Shrubs, Palm Fronds, and Other Plants under Certain Conditions within the City and to modify Section 8.30.015 as follows: 8.30.015 Applicability. - This Chapter shall apply to the entirety of each parcel of property located within the boundaries of the City except for the slope area approximated to be steeper than 2 units horizontal to 1 unit vertical (50% slope). Councilmember Mirsch seconded the motion, which carried by the following voice vote:

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

NOES: COUNCILMEMBERS: Dieringer.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

Councilmember Dieringer commented that she believes that a sentence should be added to the ordinance to require proper fire fuel abatement and guidelines.

7. OLD BUSINESS

None.

8. NEW BUSINESS

- A. RESOLUTION NO. 1233. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ADOPTING THE HAZARD MITIGATION PLAN.

DRAFT

Mayor Wilson called for the staff report. Planning Director Schwartz stated that the City's consultant could not attend the meeting as planned. Planning Director Schwartz presented an overview of the Hazard Mitigation Plan (HMP). In response to Councilmembers' questions from the presentation of the HMP at the January 8, 2019 meeting, Planning Director Schwartz provided the answers as follows: 1) Whether the adoption of the HMP would allow residents to receive FEMA funds more expeditiously than if the City did not have an approved HMP - Answer: No. The HMP is not relevant to Federal Emergency Management Agency (FEMA) funds for private property, and 2) If the City were to accept Federal funds from FEMA for projects that are being applied for, would this jeopardize the City's private status - Answer: No. Based on the City consultant's determination, this is not relevant as FEMA funds are eligible for use on public property. She stated that a Resolution to approve the updated HMP is recommended for the City Council's adoption.

Mayor Wilson opened the public hearing.

Don Crocker, 14 Cinchring Road, spoke on the fire section of the HMP. He offered the following ideas for the City to consider related to emergency preparedness: 1) Each resident should have an evacuation route plan on how to get out of the City; 2) There is overgrown vegetation at all the gates; 3) 2 gates are locked and there should be a way for residents to unlock the gates in an emergency and not wait for first responders; and 4) Add emergency notification sirens. Mr. Crocker stated that he sent an email to the City Council.

Helen Frykman, 10 Crest Road West, expressed concern with the locked gates if a fire were to occur. She stated that she would like to have a two way street be built on Crest Road East to provide residents with another exit out of the City. She suggested adding an emergency exit sign at the Crest Road East gate and to place a lock cutter at the gate.

Hearing no further comments, Mayor Wilson closed public comments.

Councilmember Black thanked staff for preparing the HMP.

Councilmember Black moved that the City Council adopt Resolution No. 1233 adopting the updated City of Rolling Hills Hazard Mitigation Plan as presented. Councilmember Pieper seconded the motion.

In response to Mayor Pro Tem Mirsch's question, City Manager Jeng stated that a discussion on the City's evacuation plans will be discussed at future Block Captain meetings.

Mayor Pro Tem Mirsch noted that a correction should be made on page 22 of the HMP to update the sentence that states that the only City owned structure is City Hall because the City owns other structures.

City Manager Jeng stated that page 22 of the HMP would be updated to reflect all the City owned facilities.

DRAFT

The aforementioned motion carried without objection by the following voice vote:

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

B. CONSIDERATION AND APPROVAL OF PROJECT SPECIFICATIONS FOR TRAFFIC SIGNING, STRIPING, AND PAVEMENT MARKING; AND AUTHORIZE STAFF TO ADVERTISE FOR CONSTRUCTION BIDS.

City Manager Jeng presented a summary of the staff report. She stated that the item is a request for the approval of the project specifications and to authorize staff to advertise for construction bids for traffic signing, striping and pavement marking for the segments of Middleridge Lane North, Middleridge Lane South, Williamsburg Lane and Lower Blackwater Canyon Road. She stated that these streets are to be resurfaced by the RHCA in early February 2019. City Manager Jeng noted that a concern was received regarding height of existing traffic control signs within the City as many of the signs are mounted lower than 7 feet in length and to prevent any conflict with the bridle trails. City Manager Jeng discussed the best practices of complying with the California Manual on Uniform Traffic Control Devices.

Councilmember Pieper requested that the striping company be provided with appropriate instructions on how to stripe.

Mayor Wilson requested that the striping work be aligned properly at curves and centerlines and to provide time for the striping to dry.

Councilmember Black stated that he is not in favor of adding more signs in the City and placing them at a higher level. Councilmember Black further stated that he is not in favor of having the Traffic Engineer inventory and recommend additional signs, raising signs to 7 ½ feet or including reflective material. He stated that he prefers less signs in the City.

City Manager Jeng stated that the request is not to add additional signs, but to bring the signs up to code in the City.

Discussion followed among the Councilmembers and staff regarding signage, cost of the project and pavement markings.

Councilmember Pieper requested that the limit lines be added at the downhill side of Portuguese Bend Road at Middleridge Lane.

Councilmember Black moved that the City Council approve project specifications for the striping and pavement marking, excluding update of traffic signs to code, and authorize staff to advertise for construction bids. Councilmember Dieringer seconded the motion which carried without objection by the following voice vote:

DRAFT

AYES: COUNCILMEMBERS: Black, Dieringer, Mirsch, Pieper and Wilson.
NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

Councilmember Dieringer commented on the condition that was in the Resolution for Agenda Item 5.B. - 15 Georgeff Road related to perimeter easements. She expressed that she believes the City cannot be assisting a private entity concerning perimeter easements as the private entity has Covenants, Conditions and Restrictions (CCRs) that can be enforced.

Councilmember Black stated that not every property has an easement condition on their property.

City Manager Jeng provided the background of the standard condition that was included in Resolutions of planning projects and was discussed at the September 24, 2018 City Council meeting. She stated that the language stated that the applicant shall not place anything in the roadway easement and that this inclusion was requested years ago to be placed in the Resolutions by the RHCA. City Manager Jeng stated that at that time Councilmember Dieringer requested that the condition be removed and inquired about the relationship between a RHCA lawsuit and the Resolution condition and if there would be any consequences for the City if the condition was enforced by the City. City Manager Jeng indicated that the City Attorney's office did an analysis of the condition and found there is no connection to the lawsuit. She stated that the City Attorney redrafted the condition providing the authority to the Planning Director to waive the requirements of this condition rather than to the RHCA, as it was stated in the original condition.

City Attorney Jenkins advised that this matter can be agendized for discussion at a future City Council meeting. He stated that he was uncomfortable with the delegation of authority to the RHCA as the Resolution language states that property owners shall keep their perimeter easements free and clear except as otherwise approved by the RHCA. He stated that a Resolution cannot have a City condition that can be waived by the RHCA as the RHCA is a separate entity. He advised that the minutes should be reviewed to confirm the City Council's direction. City Attorney Jenkins stated that he believed that the City Council directed staff to review the matter to determine if the condition was legal. He indicated that he provided a memo to all Councilmembers regarding his opinion on the matter and concluded that the language could be improved upon by eliminating the reference to the "RHCA's authority waiving the requirement" and replaced it with the "Planning Director's authority to waive the requirement."

Councilmember Dieringer commented that she believed that the City Council agreed to strike the condition.

Councilmember Dieringer moved that the City Council agendize the matter for discussion at a future City Council meeting. The motion failed for lack of a second.

By consensus, the City Council requested that the minutes be reviewed to determined the action taken by the City Council at the September 24, 2018 City Council meeting.

The City Council requested that staff explore options with the RHCA to unlock the gates.

10. MATTERS FROM STAFF

A. FIRE FUEL ABATEMENT ENFORCEMENT ACTIVITIES QUARTERLY UPDATE.

City Manager Jeng presented a summary of the fire fuel abatement enforcement activities and indicated that an update will be provided quarterly. She reported on the following activities: 1) 7 remaining properties were inspected by City staff from the initial list of 31 properties provided by the RHCA, previously, 24 properties were inspected, 1 property was inspected by City staff as a result of a complaint-based enforcement on dead vegetation, the property owner scheduled removal of a dead tree in compliance with the City's request for removal; 2) 4 properties were inspected by 2 arborists and a City staff member to determine whether or not trees suspected of being dead were indeed fully dead, 4 Arborist reports with recommendations related to tree care and/or removal were provided to the City, letters to the property owners with the Arborist findings are being prepared, one property is outstanding and staff is working with the owner towards compliance; and 3) A Code Enforcement Officer job description was finalized and published on the City's website and Indeed.com, the City received 284 applications, City staff reviewed all applications and narrowed it down to 4 candidates for interviews, an outside panel conducted interviews on January 31, 2019 with a second interview of the highest scored candidate held on February 7, 2019, and staff expects to select someone within a week.

Discussion followed among the Councilmembers and staff on the status of the Code Enforcement Officer position, the code enforcement process, status of properties, and current enforcement activities.

In response to Mayor Wilson's question, City Manager Jeng provided an update on the property owner that scheduled removal of a dead tree in compliance with the City's request for removal.

Mayor Pro Tem Mirsch suggested that the residents who spoke on fire issues earlier in the meeting could be provided with a copy of this staff report.

By consensus, the City Council received and filed the quarterly fire fuel abatement enforcement activities report as presented.

11. CLOSED SESSION

None.

DRAFT

12. ADJOURNMENT

Hearing no further business before the City Council, Mayor Wilson adjourned the meeting at 9:31 p.m. The next regular meeting of the City Council is scheduled to be held on Monday, February 25, 2019 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

Respectfully submitted,

Yvette Hall
City Clerk

Approved,

Patrick Wilson
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

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

2/25/2019 CHECK RUN

CHECK NO.	CHECK DATE	PAYEE	DESCRIPTION	AMOUNT
25755	02/25/2019	APA	4/1/19 TO 3/31/20 APA MEMBERSHIP & SUBSCRIPTION	461.00
25756	02/25/2019	BEA DIERINGER	TRANS-LEAGUE PUB SAFETY REIMBURSEMENT	142.68
25757	02/25/2019	VOID	PRINTING ERROR	-
25758	02/25/2019	BEST BEST & KRIEGER LLP	SRVCS THRU 1/31/2019 LAND USE	5,605.00
25759	02/25/2019	BEST BEST & KRIEGER LLP	SRVCS THRU 1/31/19 VIEW PRESERVATION	779.00
25760	02/25/2019	CALIFORNIA CITY MANAGEMENT	CITY MGMT FOUNDATION DINNER	65.00
25761	02/25/2019	CHARLES ABBOTT ASSOCIATES, INC	TRAFFIC ENGINEERING SERVICES JANUARY 2019	1,200.00
25762	02/25/2019	CLEVERLY	GRANT WRITING CONSULTANT	493.32
25763	02/25/2019	DAILY BREEZE	CLASSIFIED ADVERTISING- JANUARY 2019	500.76
25764	02/25/2019	GOVINVEST, INC.	PENSION MODULE RENEWAL 1ST YEAR OF TERM	1,750.00
25765	02/25/2019	LA COUNTY SHERIFF'S DEPARTMENT	LAW ENFORCEMENT SERVICES JANUARY 2019	28,106.22
25766	02/25/2019	PENINSULA SYMPHONY	BUDGETED ALLOCATION FOR PERFORMANCES & EVENTS	1,000.00
25767	02/25/2019	SOUTHERN CALIFORNIA EDISON	1/16/19 TO 2/15/19	750.60
25768	02/25/2019	USCM	DEFERRED COMP 2/1/2019	1,300.00
25769	02/25/2019	VANTAGEPOINT TRANSFER AGENTS -	DEFERRED COMP 2/1/2019	783.80
25770	02/25/2019	WILLDAN INC.	PROFESSIONAL SERVICES- SEPT, OCT, NOV - REMITTANCE PAGE	-
25771	02/25/2019	WILLDAN INC.	PROFESSIONAL SERVICES- SEPT, OCT, NOV	1,483.75
25772	03/01/2019	DELTA DENTAL	DENTAL INS. MARCH 2019	222.00
25773	03/01/2019	STANDARD INSURANCE COMPANY	LIFE INS. MARCH 2019	181.75
25774	03/01/2019	VISION SERVICE PLAN - (CA)	VISION INS. MARCH 2019	121.31
25775	02/25/2019	BEST BEST & KRIEGER LLP	SERVICES THRU 1/31/2019	4,104.00
* PR LINK	2/15/2019	PR LINK - PAYROLL PROCESSING	PROCESSING FEE	52.85
* PR LINK	2/15/2019	PR LINK - PAYROLL 4 & PR TAXES	PAY PERIOD - JANUARY 30, 2019 THROUGH FEBRUARY 12, 2019	16,953.32
				<u>\$ 66,056.36</u>
				49,050.19

I, Elaine Jeng, City Manager of Rolling Hills, California certify that the above demands are accurate and there is available in the General Fund a balance of \$66,056.36 for the payment of above items.

Elaine Jeng, P.E., City Manager

02/22/19

* 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	-	-	-	-	-	0.00%	0.00	
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:	23.07	114.12	13.57	7.30	137.12	51.07%	295.18	
Average Monthly Totals: 2019								295.18

CITY OF ROLLING HILLS
BALANCE SHEET
January 31, 2019

	GENERAL & CAPITAL FUND	DEPOSIT FUND	COPS & CLEP	COMMUN. FACILITIES	MUNICIPAL INSUR.	REFUSE COLLECT.	TRAFFIC SAFETY	TRANSIT PROP, C, M & TDA	UTILITY FUND	YTD TOTAL	BEGINNING OF YEAR TOTAL
ASSETS											
Cash & Cash Equivalents	\$ 5,147,927	\$ 1,771	\$ 132,830	\$ 11,342	\$ 260,374	\$ 177,543	\$ (13,199)	\$ 216,787	\$ 1,463,200	\$ 7,398,575	\$ 7,138,306
Cash & Cash Equivalents - Capital Project Fund	-	-	-	-	-	-	-	-	-	-	-
Poppy Trail Grading Bond	-	-	-	-	-	-	-	-	-	-	305,000
Accounts Receivable	25,681	-	-	-	-	86,239	-	-	-	111,920	266,996
Prepaid Expense & Deposits	12,380	-	-	-	-	-	-	-	-	12,380	39,272
TOTAL ASSETS	\$ 5,185,988	\$ 1,771	\$ 132,830	\$ 11,342	\$ 260,374	\$ 263,782	\$ (13,199)	\$ 216,787	\$ 1,463,200	\$ 7,522,875	\$ 7,749,574
LIABILITIES											
Accounts & Contract Payable	\$ 626	\$ -	\$ -	\$ -	\$ -	\$ 66,221	\$ -	\$ -	\$ -	\$ 66,847	\$ 489,389
Employees Benefits Payable	5,819	-	-	-	-	-	-	-	-	5,819	18,525
Deposits	7,964	1,771	-	-	-	-	-	-	-	9,735	314,735
Deferred Revenues	-	-	-	-	-	-	-	-	-	-	-
TOTAL LIABILITIES	14,409	1,771	-	-	-	66,221	-	-	-	82,401	822,649
FUND BALANCE											
Restricted Fund Balance	-	-	132,830	11,342	-	-	-	216,787	-	360,959	1,647,848
Unassigned Fund Balance	5,171,579	-	-	-	260,374	197,561	(13,199)	-	1,463,200	7,079,515	5,279,077
TOTAL UNASSIGNED FUND BALANCE	5,171,579	-	132,830	11,342	260,374	197,561	(13,199)	216,787	1,463,200	7,440,474	6,926,925
TOTAL UNASSIGNED FUND BALANCE & LIABILITIES	\$ 5,185,988	\$ 1,771	\$ 132,830	\$ 11,342	\$ 260,374	\$ 263,782	\$ (13,199)	\$ 216,787	\$ 1,463,200	\$ 7,522,875	\$ 7,749,574

COMPOSITION OF CASH

Petty Cash	\$ 1,500
OPUS Bank - Checking Account	38,843
OPUS Bank - Money Market	272,429
Opus Bank Interest Checking	1,038,125
Calif State Local Agency Investment Fund	3,347,678
Malaga Bank - CDARS - CD's	2,700,000
	<u>\$ 7,398,575</u>

Prepared By:

Terry Shea
Terry Shea, Finance Director

Date

2-19-19

Approved By:

Elaine Jeng
Elaine Jeng, P.E., City Manager

Date

CITY OF ROLLING HILLS
SUMMARY STATEMENT OF REVENUES AND EXPENDITURES
Actual Compared to Annual Budget
July 1, 2018 to January 31, 2019

<u>Fund</u>	This Year	Last Year	This Year Better (Worse)	Annual Budget & Adj.	Remaining Budget
GENERAL					
Revenues	\$ 985,075	\$ 1,009,255	\$ (24,180)	2,168,950	\$ 1,183,875
Expenditures	948,293	1,087,488	139,195	2,288,150	1,339,857
Net Revenue before transfers	36,782	(78,233)	115,015	(119,200)	(155,982)
Transfers in (out)	14,000	12,965	1,035	(262,800)	(276,800)
Net Revenue	50,782	(65,268)	116,050	(382,000)	(432,782)
CITIZENS' OPTION FOR PUBLIC SAFETY (COPS)					
Revenues	142,261	129,859	12,402	140,125	(2,136)
Expenditures	78,895	78,347	(548)	142,700	63,805
Net Revenue before transfers	63,366	51,512	11,854	(2,575)	(65,941)
Transfers in (out)	-	-	-	-	0
Net Revenue	63,366	51,512	11,854	(2,575)	(65,941)
CAPITAL IMPROVEMENT FUND					
Revenues	-	-	-	-	-
Expenditures	-	475	475	234,000	234,000.00
Net Revenue before transfers	-	(475)	475	(234,000)	(234,000.00)
Transfers in (out)	-	-	-	234,000	234,000.00
Net Revenue	-	(475)	475	-	-
COMMUNITY FACILITIES					
Revenues	-	-	-	100	100
Expenditures	2,100	-	(2,100)	7,500	5,400
Net Revenue before transfers	(2,100)	-	(2,100)	(7,400)	(5,300)
Transfers in (out)	-	-	-	6,300	6,300
Net Revenue	(2,100)	-	(2,100)	(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	449,526	451,193	(1,667)	770,900	321,374
Expenditures	463,281	451,969	(11,312)	794,200	330,919
Net Revenue before transfers	(13,755)	(776)	(12,979)	(23,300)	(9,545)
Transfers in (out)	(14,000)	(14,000)	-	(24,000)	(10,000)
Net Revenue	(27,755)	(14,776)	(12,979)	(47,300)	(19,545)
TRAFFIC SAFETY					
Revenues	-	-	-	50	50
Expenditures	13,199	5,149	(8,050)	46,550	33,351
Net Revenue before transfers	(13,199)	(5,149)	(8,050)	(46,500)	(33,301)
Transfers in (out)	-	1,035	(1,035)	46,500	46,500
Net Revenue	(13,199)	(4,114)	(9,085)	-	13,199
TRANSIT - PROPOSITION A, C, M & TDA					
Revenues	71,641	58,924	12,717	119,400	47,759
Expenditures	-	-	-	255,000	255,000.00
Net Revenue before transfers	71,641	58,924	12,717	(135,600)	(207,241)
Transfers in (out)	-	-	-	-	-
Net Revenue	71,641	58,924	12,717	(135,600)	(207,241)
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	1,648,503	1,649,231	(728)	3,199,525	1,551,022
Expenditures	1,523,268	1,623,428	100,160	3,921,100	2,397,832
Net Revenue before transfers	125,235	25,803	99,432	(721,575)	(846,810)
Transfers in (out)	-	-	-	-	-
Net Revenue	\$ 125,235	\$ 25,803	\$ 99,432	\$ (721,575)	\$ (846,810)



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: 7-A
Mtg. Date: 02/25/2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

**SUBJECT: SECOND READING, WAIVE FULL READING AND ADOPT
ORDINANCE NO. 360 - AN ORDINANCE OF THE CITY OF
ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 8.30 FIRE
FUEL ABATEMENT OF THE CITY OF ROLLING HILLS MUNICIPAL
CODE**

DATE: FEBRUARY 25, 2019

ATTACHMENT:

- 1. ORDINANCE NO. 360 - AN ORDINANCE OF THE CITY OF
ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 8.30
(FIRE FUEL ABATEMENT) OF TITLE 8 (HEALTH AND SAFETY)
OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO
REQUIRE CLEARANCE OF DEAD OR ALIVE TUMBLEWEEDS
AND DEAD TREES, SHRUBS, PALM FRONDS, AND OTHER
PLANTS UNDER CERTAIN CONDITIONS WITHIN THE CITY**

BACKGROUND

At the September 24, 2018 City Council meeting, the City Council discussed the need to amend Chapter 8.30 Fire Fuel Abatement to provide more specificity in clearance activities by including clearance of dead palm fronds on living palm trees and addressing whether areas with high slopes on a property should be exempt from fire fuel abatement ordinance.

On November 26, 2018, staff presented a draft amending Chapter 8.30 to require certain level of abatement based on different zones extending from residential structures within the city. At the November 26, 2018 meeting, City Council did not approve the proposed amendments and directed staff to insert the words "dead or alive tumbleweeds" and "dead palm fronds" where appropriate in Chapter 8.30. In addition to, City Council also directed staff to add a section to the existing Chapter 8.30 specifying a slope ratio that would be enforced under the section.

On February 11, 2019 staff presented the following additions to Chapter 8.30 shown below in bold and underlined.

8.30.010 Dead **or alive tumbleweeds** and dead trees, **shrubs, palm fronds or other plants** as public nuisance.

Every person who owns or is in possession of any property, place or area within the boundaries of the City shall at his or her own expense, maintain the property, place or area free from any **dead or alive tumbleweed or** dead tree, shrub, **palm fronds** or other plant. Any **dead or alive tumbleweed** or dead tree, shrub, **palm fronds** or other plant located on any property in the City is hereby declared to be a public nuisance.

A new section 8.30.015 is added as follows:

8.30.015 Applicability.

This Chapter shall apply to the entirety of each parcel of property located within the boundaries of the City except for the following areas: 1) slope area approximated to be steeper than 2 units horizontal to 1 unit vertical (50% slope); and 2) the entire slope area comprising of more than 65% of slopes approximated to be steeper than 2:1 ratio.

At the February 11, 2019 meeting, the City Council directed staff to modify the new section 8.30.015 as follows:

8.30.015 Applicability.

This Chapter shall apply to the entirety of each parcel of property located within the boundaries of the City except for the slope area approximated to be steeper than 2 units horizontal to 1 unit vertical (50% slope).

FISCAL IMPACT

There is no fiscal impact to the City's budget in preparing the current amendment to Chapter 8.30 Fire Fuel Abatement.

RECOMMENDATION

It is recommended that the City Council approve the second reading and adopt Ordinance No. 360 - An Ordinance of the City of Rolling Hills, California, Amending Chapter 8.30 Fire Fuel Abatement of Title 8 Health and Safety of the City of Rolling Hills Municipal Code.

THIS PAGE INTENTIONALLY LEFT BLANK

ORDINANCE NO. 360

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 8.30 (FIRE FUEL ABATEMENT) OF TITLE 8 (HEALTH AND SAFETY) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO REQUIRE CLEARANCE OF DEAD OR ALIVE TUMBLEWEEDS AND DEAD TREES, SHRUBS, PALM FRONDS, AND OTHER PLANTS UNDER CERTAIN CONDITIONS WITHIN THE CITY.

RECITALS

A. According to the California Department of Forestry and Fire Protection, vegetation management is one of the keys to allowing firefighters to protect and save homes without unacceptable risk to their lives; and

B. The City of Rolling Hills has been designated a “Very High Fire Severity Zone”; and

C. The City has held multiple open and public meetings on July 14, 2016, February 28, 2018, April 4, 2018, June 6, 2018, August 1, 2018, and November 26, 2018 to discuss the risk of fires within the City and the manners in which citizens may protect themselves, their animals, and their homes; and

D. Strong wind conditions, dry weather, and dry and dense vegetation contributed to the fire and loss of approximately 281,893 acres in the Thomas Fire which devastated Ventura and Santa Barbara County in December 2017, 142,000 acres in the Camp Fire which devastated Butte County in Northern California, and 98,362 acres in the Woolsey Fire which devastated the nearby area of the City of Malibu in the County of Los Angeles in Southern California; and

E. These fires have resulted in tragic loss of lives along with enormous property losses; and

F. The City Council of the City of Rolling Hills wishes to amend the Municipal Code to address these dangers by identifying clearance requirements to appropriately manage vegetation to protect and save homes and lives.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.30 (Fire Fuel Abatement) of Title 8 (Health and Safety) of the Rolling Hills Municipal Code is hereby amended to read as follows:

8.30.010 Dead or alive tumbleweeds and dead trees, shrubs, palm fronds or other plants as public nuisance.

Every person who owns or is in possession of any property, place or area within the boundaries of the City shall, at his or her own expense, maintain the property, place or area free from any dead or alive tumbleweed or dead tree, shrub, palm frond or other plant. Any dead or alive tumbleweed or dead tree, shrub, palm frond or other plant located on any property in the City is hereby declared to be a public nuisance.

8.30.015 Applicability.

This Chapter shall apply to the entirety of each parcel of property located within the boundaries of the City except for the slope area approximated to be steeper than 2 units horizontal to 1 unit vertical (50% slope).

8.30.020 Abatement.

Any condition declared to be a public nuisance by ~~Section 8.30.010~~ this Chapter shall be abated or correct in accordance with the provisions of Chapter 8.24.

SECTION 2. The City Council hereby finds and determines that this ordinance is taken to assure the maintenance, restoration, enhancement, or protection of the environment and natural resources, and therefore the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15307 and 15308 of the CEQA Guidelines. The City Council hereby finds and determines that this ordinance is also taken to prevent an emergency, and therefore the adoption of this ordinance is exempt from the requirements of CEQA pursuant to Section 15269(c) of the CEQA Guidelines.

SECTION 3. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 4. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Rolling Hills's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this 25th day of February 2019.

PATRICK WILSON
MAYOR

ATTEST:

YVETTE HALL
CITY CLERK

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

I certify that the foregoing Ordinance No. 360 entitled:

AN ORDINANCE OF THE CITY OF ROLLING HILLS,
CALIFORNIA, AMENDING CHAPTER 8.30 (FIRE FUEL
ABATEMENT) OF TITLE 8 (HEALTH AND SAFETY) OF THE
CITY OF ROLLING HILLS MUNICIPAL CODE TO REQUIRE
CLEARANCE OF DEAD OR ALIVE TUMBLEWEEDS AND
DEAD TREES, SHRUBS, PALM FRONDS, AND OTHER
PLANTS UNDER CERTAIN CONDITIONS WITHIN THE
CITY.

was approved and adopted at a regular meeting of the City Council on February 25,
2019 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

YVETTE HALL
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: 8A
Mtg. Date: 02/25/2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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

SUBJECT: CONSIDERATION AND APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH STRADLING YOCCA CARLSON & RAUTH TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE FORMATION OF THE ASSESSMENT DISTRICTS AND THE ISSUANCE BY ASSESSMENT DISTRICTS OF BONDS

DATE: FEBRUARY 25, 2019

ATTACHMENT:

1. BOND COUNSEL AGREEMENT WITH STRADLING

BACKGROUND

The City of Rolling Hills is designated as very high fire hazard severity zone by the California Department of Forestry and Fire Protection (Cal Fire). The City also has sweeping views of Los Angeles County, including the Pacific Ocean, Downtown Los Angeles and Port of Los Angeles. Recent wildfires in California have implicated that the initial sparks of wildfires started from utility infrastructures. The above ground power poles and overhead utility lines are also view obstructions. Over the years, pockets of neighborhood in Rolling Hills, for one or both reasons mentioned have discussed forming assessment districts to place overhead utility lines underground.

To initiate a district, the group of residents would need to submit a letter of intent to the City identifying the interested parties. Legal Counsel would assist the group in preparing an official petition to the City Council for the formation of an assessment district. Once the official petition is in place, utility companies would be engaged to survey the project limits for existing above ground infrastructure and price the cost to

perform design work to underground facilities. Upon the completion of the design, the lead utility company, Southern California Edison (SCE), would take the final design plans and advertise for construction bids for the work. Based on the construction cost, the assessment engineer would analyze the benefits to each assessment district participant to determine individual fair share cost. The legal counsel, in conjunction with a financial advisor and underwriter would assist the city in issuing bonds to be sold to fund the construction of the undergrounding project. Residents would pay down the proceeds of the bond typically over a 30-year period.

DISCUSSION

Approximately 5 years ago, on behalf of Rolling Hills, the City's legal counsel Jenkins and Hogan, LLP (now Best, Best and Krieger LLP) engaged the services of Stradling Yocca Carlson & Rauth (STRADLING) to provide legal services in connection with the formation of the assessment districts and assist in the issuance of bonds for the districts. STRADLING worked on the formation of a number of assessment districts in Rolling Hills that never materialized. Since then, the same assessment districts evolved, with geographical area shrinkage or shifts.

One of the assessment district project of the past is the Eastfield Undergrounding Project. The number of participants have reduced and the project has progressed since 2015. The final design to the current Eastfield Undergrounding District is anticipated to be completed at the end of March 2019. The current Eastfield Underground project would need to prepare a formal petition for the formation of an assessment district. The project would also need the assistance of a bond counsel for bond issuance to fund the construction of the project anticipated in and around June 2019.

Due to the number of unsuccessful assessment district projects, the current Eastfield Undergrounding Project did not prepare a formal petition to form a district in the early phase of the project. STRADLING is familiar with the current Eastfield Underground Project and can efficiently serve the residents of Rolling Hills by calling on its work previously performed for the same project.

FISCAL IMPACT

The City has been contributing to the design and professional services cost (one third) associated with the formation of assessment districts. The Rolling Hills Community Association (RHCA) has also been contributing to the design and professional services cost (one third) associated with the formation of assessment districts with the remaining one third of costs collected from the residents of the district. Because many of the districts did not form successfully, projects stall either at the beginning of the design phase or upon achieving the actual construction cost of the projects. STRADLING was not compensated for their work on a number of stalled projects as the compensation

plan five years ago comprised of legal services to be payable only from assessment district bond proceeds.

Recognizing that projects may not be successful, City staff and STRADLING is proposing the following compensation plan:

- Services rendered relating to the formation of assessment districts, STRADLING shall be paid based on hours expended, calculated at the hourly rates set forth in the contract. These fees shall not be contingent upon the issuance of bonds for such assessment districts.
- Services rendered to prepare the Official Statement for assessment district bonds shall be billed a fee of \$15,000, which will be payable only from assessment bond proceeds.
- Services rendered for each issue of assessment district bonds after the formation of assessment districts shall be billed a fee of \$30,000, which will be payable only from assessment bond proceeds.

The agreement with STRADLING is drafted not only to serve the current Eastfield Underground Project but also other assessment district formations as needed. As such it is difficult to quantify the anticipated expenditure amount for STRADLING. For cost control, staff is recommending to the City Council to cap the expenditure for STRADLING's services relating to the formation of assessment districts and the issuance by assessment districts of bonds at \$50,000 per year. This capped amount would not include cost that is paid for by the assessment bond proceeds and does not include the contributions from RHCA and the property owners.

RECOMMENDATION

Staff recommends that the City Council approve a professional services agreement with STRADLING for amount not-to-exceed \$50,000 per fiscal year to provide legal services in the formation of assessment districts and the issuance by assessment districts of bonds.

THIS PAGE INTENTIONALLY LEFT BLANK

BOND COUNSEL AGREEMENT

CITY OF ROLLING HILLS

(Undergrounding Utilities Assessment Districts)

THIS AGREEMENT, made as of this ____ day of February, 2019, by and between the CITY OF ROLLING HILLS, a municipal corporation organized and existing under the laws of the State of California (herein "City") and STRADLING YOCCA CARLSON & RAUTH, a Professional Corporation (herein "Bond Counsel"):

RECITALS:

A. The City desires to consider the formation of one or more assessment districts (each, an "Assessment District" or, collectively, the "Assessment Districts"), in order to finance the undergrounding of utilities within the City; and

B. The City desires to retain Bond Counsel to do the necessary legal work hereinafter outlined, upon the terms and conditions hereinafter set forth, to form such Assessment Districts and assist in the issuance of bonds for such Assessment Districts; and

C. Bond Counsel represents that it is ready, willing and able to perform said legal work;

NOW, THEREFORE, in consideration of the premises, and the mutual covenants, terms and conditions herein contained, the parties agree as follows:

1. SCOPE OF SERVICES

A. BOND COUNSEL SERVICES

The City retains Bond Counsel to provide, and Bond Counsel agrees to provide, legal services in connection with the formation of the Assessment Districts and the issuance by Assessment Districts of bonds (the "Assessment District Bonds"). Such services shall include the rendering of legal opinions (hereinafter called the "opinions") pertaining to the issuance of Assessment District Bonds to the effect that:

1. The Assessment District Bonds have been properly authorized and issued and are valid and binding obligations; and
2. The essential sources of security for Assessment District Bonds have been legally provided; and
3. Interest on Assessment District Bonds is exempt from California personal income taxation and is excluded from gross income for purposes of federal income taxes.

Bond Counsel's services will also include:

- i. Researching applicable laws and ordinances relating to the proposed formation of the Assessment Districts and the issuance of the Assessment District Bonds;
- ii. Attending conferences and consulting with City staff and the City Attorney regarding such laws, and the need for amendments thereto, or additional legislation;
- iii. Participating in meetings, conferences or discussions with any financial advisors, underwriters or other experts retained by the City with respect to the formation of the Assessment Districts and the issuance of Assessment District Bonds;
- iv. Supervising and preparing documentation of the steps to be taken with respect to the formation of the Assessment Districts and the issuance of Assessment District Bonds, including:
 - a. Drafting all resolutions, notices, rules and regulations, joint community facilities agreements and other legal documents required for the formation of the Assessment Districts and the issuance of Assessment District Bonds, and all other documents relating to the security of Assessment District Bonds, in consultation with the City, the City Attorney, underwriter and other experts;
 - b. Preparing the record of proceedings for the authorization, sale and issuance of Assessment District Bonds;
 - c. Assisting in the preparation of the portions of the official statement or placement memorandum for the sale of Assessment District Bonds which relate to the terms of the Assessment District Bonds and the firm's legal opinion delivered with respect to the Bonds;
 - d. Reviewing the purchase contracts or the bidding documents relating to the sale of Assessment District Bonds and participating in the related negotiations;
 - e. Participating in meetings and other conferences scheduled by the City, the City's financial advisor or the underwriter;
 - f. Consulting with prospective purchasers, their legal counsel and rating agencies;
 - g. Consulting with counsel to the City concerning any legislation or litigation which may effect Assessment District Bonds, the security for Assessment District Bonds, or any other matter related to the issuance of Assessment District Bonds;

- h. Consulting with any trustee or fiscal agent for Assessment District Bonds and their counsel;
- i. Preparing the form of Assessment District Bonds, and supervising their production or printing, signing, authentication and delivery;
- j. Rendering the final approving opinion as to the validity of Assessment District Bonds for use and distribution upon their issuance; and
- k. Rendering a legal opinion to the underwriter or purchaser of Assessment District Bonds as to the applicability of the registration requirements of federal securities laws and the fair and accurate nature of those portions of the Official Statement described in (c) above.

B. DISCLOSURE COUNSEL SERVICES

In addition to the services set forth in Section A above, Bond Counsel agrees to prepare the Official Statement for Assessment District Bonds for a fee of \$15,000.

C. SPECIAL SERVICES

“Special Services” are defined for purposes of this Agreement as services in addition to the services outlined in Sections A and B above. Special Services will include, but not be limited to, any work after a bond closing related to the amendment of bond documents or agreements and special studies or analyses. Special Services must be authorized in writing by the City Manager, or his designee.

2. COMPENSATION

The City agrees to pay Bond Counsel, but only from the sources of funds specified below, the following amounts as compensation for services rendered by Bond Counsel under this Agreement:

A. For the services to be rendered under this Agreement relating to the formation of Assessment Districts, it is agreed that Bond Counsel will be paid fees based on hours expended prior to the formation of such Assessment Districts, calculated at the hourly rates set forth in Exhibit A, which fee shall be paid from amounts paid to the City by the landowners within the proposed Assessment Districts or from the City. Such fees will be billed monthly and shall be payable from amounts advanced by the landowners to the City within thirty (30) days following the receipt of each invoice. Such fees shall not be contingent upon the issuance of bonds for such Assessment Districts. For the services to be rendered under Section 1.B above, Bond Counsel will be paid the fee set forth therein, which will be payable only from Assessment District Bond proceeds. In addition, for each issue of Assessment District Bonds, for the services rendered under Section 1.A above, Bond Counsel will be paid a fee of \$30,000, which will be payable only from Assessment District Bond proceeds.

The fees referenced in this Section 2.A assume that Assessment District Bonds will be issued no later than calendar year 2020. In the event Assessment District Bonds are not issued within that time, Bond Counsel reserves the right to make such modifications to the foregoing fees as the City and Bond Counsel agree, as justified by reason of increased cost to Bond Counsel and the then prevailing fees for disclosure counsel and bond counsel services for bonds such as the Assessment District Bonds.

B. In the event Bond Counsel is requested to perform Special Services as set forth in Section 1.C above, Bond Counsel will be paid fees at the hourly rates set forth in Exhibit A, or in such other manner as is mutually acceptable to the City and Bond Counsel. Such fees will be billed monthly and shall be payable exclusively from funds of Assessment Districts or the City within thirty (30) days following the receipt of each invoice.

C. In addition to the fees set forth in paragraphs A and B above, Bond Counsel shall be reimbursed for the actual cost of any out-of-pocket expenses reasonably incurred by Bond Counsel in the course of its employment, such as document reproduction, telecommunications charges, printing costs, filing fees, long-distance telephone calls, messenger services, overnight delivery services, travel and similar items of expense. Expenses related to the services described in Section 1.A incurred prior to the formation of the Assessment Districts and those related to the services described in Section 1.C above will be billed monthly. All expenses incurred in connection with services rendered under Sections 1.A and 1.B above incurred after the formation of the Assessment Districts will be billed upon the issuance of the series of Assessment District Bonds to which they relate.

3. PERSONNEL AND CONTRACT ADMINISTRATION

City agrees to accept and Bond Counsel agrees to provide the aforementioned services primarily through Brian P. Forbath, Nicolas Yeager and Carol L. Lew. If any one of the above attorneys is unable to provide such services due to death, disability or similar event, Bond Counsel reserves the right to substitute another of its attorneys, upon approval by the City Manager, or his designee, to provide such services; and such substitution shall not alter or affect in any way Bond Counsel's or the City's other obligations under this Agreement.

This Agreement will be administered by the City Manager, or his designee.

4. CONFLICTS OF INTEREST

Bond Counsel represents many of the underwriting firms active in the issuance of bonds for community facilities districts and other municipal financings. The City hereby provides its informed written consent to Bond Counsel's representation of such underwriting firms on matters unrelated to the Assessment Districts.

5. TERMINATION

A. This Agreement may be terminated without cause by the City or Bond Counsel upon thirty (30) days' advance written notice to the other party. Such notification shall state the effective date of the termination of this Agreement.

B. Bond Counsel reserves the absolute right to withdraw from representing the City if, among other things, the City fails to honor the terms of this Agreement, the City fails to cooperate fully or follow Bond Counsel's advice on a material matter, or any fact or circumstance occurs that would, in Bond Counsel's view, render its continuing representation unlawful or unethical. If Bond Counsel elects to withdraw, the City will take all steps necessary to free Bond Counsel of any obligation to perform further services, including the execution of any documents necessary to complete such withdrawal, and Bond Counsel will be entitled to be paid at the time of withdrawal for all services rendered and costs and expenses paid or incurred on the City's behalf in accordance with the payment terms set forth in Section 2 above. If necessary in connection with litigation, Bond Counsel would request leave of court to withdraw.

C. Bond Counsel's representation of the City will be considered terminated at the earlier of (i) the City's termination of its representation, (ii) Bond Counsel's withdrawal from its representation of the City, or (iii) the substantial completion by Bond Counsel of its substantive work for the City. Unless Bond Counsel has been specifically engaged to perform Special Services related to the Bonds after their execution and delivery, Bond Counsel's representation of City with respect to Assessment District shall terminate on the date of execution and delivery of the last series of Assessment District Bonds.

6. ARBITRATION

IN THE EVENT OF A DISPUTE REGARDING FEES, COSTS, OR ANY OTHER MATTER ARISING OUT OF OR RELATED IN ANY WAY WHATSOEVER TO BOND COUNSEL'S RELATIONSHIP WITH THE CITY, OR BOND COUNSEL'S OR THE CITY'S PERFORMANCE OF THIS AGREEMENT, INCLUDING THE QUALITY OF THE SERVICES WHICH BOND COUNSEL RENDERS, THE DISPUTE SHALL BE DETERMINED, SETTLED AND RESOLVED BY CONFIDENTIAL ARBITRATION IN THE COUNTY OF ORANGE, CALIFORNIA. ANY AWARD SHALL BE FINAL, BINDING AND CONCLUSIVE UPON THE PARTIES, AND A JUDGMENT RENDERED THEREON MAY BE ENTERED IN ANY COURT HAVING JURISDICTION THEREOF. SHOULD YOU ELECT TO HAVE ANY FEE DISPUTE ARBITRATED PURSUANT TO NONBINDING ARBITRATION UNDER STATUTORY OR CASE LAW, THEN SUCH NONBINDING ARBITRATION SHALL DETERMINE ONLY THE ISSUE OF THE AMOUNT OF FEES PROPERLY CHARGEABLE TO YOU. ANY OTHER CLAIMS OR DISPUTES BETWEEN US, INCLUDING CLAIMS FOR PROFESSIONAL NEGLIGENCE, SHALL REMAIN SUBJECT TO BINDING ARBITRATION PURSUANT TO THIS AGREEMENT.

Arbitration may be demanded by the sending of written notice to the other party. If arbitration is demanded, within 20 days of the demand the City shall present a list of five qualified individuals who would be willing to serve that the City would find acceptable to act as arbitrator. To serve as arbitrator, the individual must be a retired judge having served on any federal court or the California Superior Court or higher court in the State of California. Within 20 days of receiving the City's list, Bond Counsel may at its sole discretion (i) select any individual from that list and that individual shall serve as the arbitrator, or (ii) propose its own list of five individuals for arbitrator. If Bond Counsel chooses to present a separate list, the City may within 20 days select any individual from that list and that person shall serve as arbitrator. If no arbitrator can be agreed upon at the end of this process, the City and Bond Counsel each shall select one individual from its own list and those two persons shall jointly select the arbitrator. The arbitration shall be conducted pursuant to

the procedures set forth in the California Code of Civil Procedure §§ 1280 *et seq.*, and in that connection you and we agree that § 1283.05 thereof is applicable to any such arbitration. Nothing herein shall limit the right of the parties to stipulate and agree to conduct the arbitration pursuant to the then-current rules of the American Arbitration Association, the Judicial Arbitration & Mediation Services, or any other agreed-upon arbitration services provider.

Notwithstanding any of the foregoing, the City shall be entitled to opt out of the arbitration provisions contained in this Section.

7. MISCELLANEOUS

A. Bond Counsel and the employees of Bond Counsel, in performance of the Agreement, shall act in an independent capacity and not as officers or agents of the City.

B. Without the written consent of the City, this Agreement is not assignable by Bond Counsel in whole or in part.

C. No alteration or variation of the terms of this Agreement shall be valid unless in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.

D. In accordance with the requirements of California Business and Professions Code § 6148, Bond Counsel advises you that the firm maintains professional errors and omissions insurance coverage applicable to the services to be rendered to the City.

This Agreement is executed on this ____ day of February, 2019, at Rolling Hills, California,
and effective as of ____ day of February, 2019.

CITY OF ROLLING HILLS:

ELAINE JENG, City Manager

ATTEST:

City Clerk

(seal)

STRADLING YOCCA CARLSON & RAUTH

By:

BRIAN FORBATH

Title: Shareholder/Vice President

APPROVED AS TO FORM:

MICHAEL JENKINS, City Attorney

EXHIBIT A

Shareholders (including B. Forbath)	\$495/Hour
Associates	\$325/Hour
Paralegals	\$135/Hour