

**MINUTES OF
A REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, NOVEMBER 13, 2017**

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 7:00 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: Raymond R. Cruz, City Manager.
Natalie Karpeles, Assistant City Attorney.
Yolanta Schwartz, Planning Director.
Yvette Hall, Interim City Clerk.
Julia Stewart, Senior Planner
John Resich, 8 Outrider Road.

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

None.

4. CONSENT CALENDAR

- A. Financial Statement for the Month of September 2017.
RECOMMENDATION: Approve as presented.
- B. Brown Act Complaint filed by Lynn Gill.
RECOMMENDATION: Receive and File.
- C. Consideration of Buyout of the City's Contract with MuniTemps for the Purpose to Permanently Hire the Interim City Clerk.
RECOMMENDATION: Approve as presented.

Councilmember Dieringer requested that Consent Calendar Item 4B be removed from the consent calendar for individual consideration. Hearing no objections, Mayor Black so ordered.

Councilmember Dieringer moved that the City Council approve Consent Calendar Item Nos. 4A and 4C as presented. Mayor Pro Tem Wilson 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.

Councilmember Dieringer commented on Consent Calendar Item No. 4B related to the email entitled "Protect Your Rolling Hills Tax Dollars." She questioned if the email would have been a Brown Act violation if two or more Councilmembers participated.

Assistant City Attorney Karpeles advised that because only two Councilmembers participated in the circulation of the email entitled "Protect Your Rolling Hills Tax Dollars"; therefore, there was no majority of Councilmembers involved in the dissemination and discussion as to how certain Councilmembers would be voting on the upcoming Ordinance No. 354.

Councilmember Dieringer stated that she did not discuss the topic nor participate in the circulation of the emails regarding Ordinance No. 354 and presented in the staff report.

Mayor Black stated that he did not discuss the topic nor participate in the circulation of the emails regarding Ordinance No. 354 and presented in the staff report.

Mayor Pro Tem Wilson stated that he did not discuss the topic nor participate in the circulation of the emails regarding Ordinance No. 354 and presented in the staff report.

Councilmember Dieringer moved that the City Council receive and file Consent Calendar Item No. 4B as presented. Mayor Pro Tem Wilson seconded the motion.

In response to Mayor Black's question of whether Brown Act violations are civil or criminal, Assistant City Attorney Karpeles stated that Brown Act violations can be civil or criminal. Assistant City Attorney Karpeles further stated that, without giving legal advice, there are other various causes of action that Mayor Black could raise against, such as libel and/or slander; however, as a public figure the bar to meet that standard is very high and she recommended that Mayor Black seek the advice of an attorney.

The motion 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.

Mayor Black requested that Agenda Item 10A be taken out of order and discussed at this time. Hearing no objections, Mayor Black so ordered.

10. MATTERS FROM STAFF

A. QUARTERLY SCHEDULE OF INVESTMENTS REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2017.

Finance Director Shea presented an overview of the quarterly investment report for the quarter ending September 30, 2017. He noted that cash is down due to a payment made to Republic Services and investment monies made to the California Public Employees' Retirement System.

Mayor Pro Tem Wilson moved that the City Council receive and file the investment report for the quarter ending September 30, 2017 as presented. Councilmember Dieringer 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

A. **RESOLUTION NO. 2017-18.** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS IN ZONING CASE NO. 923, APPROVING A REQUEST FOR A SITE PLAN REVIEW FOR GRADING AND VARIANCE TO RETAIN A PORTION OF IMPORTED DIRT FOR THE GRADING AND TO EXPORT THE REMAINING PORTION OF THE DIRT, TO CONSTRUCT GREATER THAN 2:1 SLOPE AND TO MODIFY A PREVIOUSLY APPROVED PROJECT, (ZC NO. 843), AT **38 PORTUGUESE BEND ROAD (LOT 118-RH), (WHEELER).**

Mayor Black asked for staff's comments. Planning Director Schwartz stated this item is a Resolution approved by the PC for a case that was previously brought forth to the City Council as a code enforcement nuisance violation. She provided the history of the project and indicated that the City Council directed that the case be sent back to the Planning Commission (PC) for repairs and Variances, if necessary, or remediate the project by removing the violation. She stated that the project is located at 38 Portuguese Bend Road and the net lot area for development purposes is 4.43 acres. She stated that the applicant requested a Site Plan Review for grading to re-grade slopes that were disturbed by the dumping of dirt that they brought onto the property. She stated that a Variance for the import of the unauthorized dirt is requested and upon completion of the project as approved by the Resolution, the applicant needs to export some dirt which also requires a Variance. She noted that there is one area of the slope that the applicant is planning to reconstruct that will be a 1.5:1 slope rather than a 2:1 slope maximum permitted. She stated that the PC ultimately approved the project after requesting several revisions from the applicant. Planning Director Schwartz indicated that the PC is recommending that the City Council approve the project.

Mayor Black opened public comments. Hearing none, Mayor Black closed public comments.

Councilmember Dieringer expressed concern with the erosion plan not being submitted by the due date and with the City Council being asked to find a legal reasoning for a Variance that was prompted by the illegal act of allowing tons of dirt to be deposited on the property without City permission. She expressed

concern with the multiple code enforcement violations. Councilmember Dieringer stated that she cannot find a legal reason to approve a Variance and recommended that this project be taken under jurisdiction.

Mayor Black commented that it was his understanding that the County Building Department did not allow any steeper grades than a 2:1 maximum.

Planning Director Schwartz clarified that under special circumstances the County Building Department will approve steeper than 2:1 slopes and that the City has granted several Variances that are more than 2:1 slope.

Councilmember Mirsch commented that the applicant's request for a Variance request is to return the slope to what was there originally.

Discussion followed among the Councilmembers and staff regarding the grade of the slope.

Councilmember Pieper commented that he felt the project is better without the wall.

Discussion followed among the Councilmembers and staff regarding grading, Condition N of the Resolution related to maintaining the property free of dead trees and vegetation and the visibility of the pool.

Councilmember Mirsch stated that she was not interested in taking the project under jurisdiction and suggested that Condition N of the Resolution be removed if acceptable by the Assistant City Attorney.

Assistant City Attorney Karpeles advised that removal of Condition N from the Resolution was acceptable.

Councilmember Mirsch moved that the City Council receive and file Planning Commission Resolution No. 2017-18, granting approval of the applicant's request in Zoning Case No. 923 at 38 Portuguese Bend Road, and to remove Condition N of Resolution No. 2017-18. Councilmember Pieper seconded the motion.

Councilmember Dieringer commented that due to the water course there may be a need for an additional engineering study.

The motion carried by a roll call vote as follows:

AYES: COUNCILMEMBERS: Mirsch, Pieper and Wilson.

NOES: COUNCILMEMBERS: Dieringer and Black.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

- B. RESOLUTION NO. 2017-20. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS APPROVING A REQUEST FOR A SITE PLAN REVIEW, CONDITIONAL USE PERMIT, AND VARIANCES FOR CONSTRUCTION OF A NEW GARAGE, RESIDENTIAL CONVERSION/ADDITION, ADDITION TO AN EXISTING POOL HOUSE, A NEW SPA, NEW RETAINING WALLS, AND TO**

EXCEED THE MAXIMUM PERMITTED WALL HEIGHT AVERAGE AND DISTURBANCE OF THE LOT IN ZONING CASE NO. 925 AT 16 PINE TREE LANE (LOT 81-1-RH), SUNITHA BHARADIA)

AND

CONSIDERATION OF A RECOMMENDATION FROM THE TRAFFIC COMMISSION TO APPROVE A NEW DRIVEWAY APRON.

Senior Planner Stewart presented the staff report for a project at 16 Pine Tree Lane. She stated the applicant is requesting a Site Plan Review to construct a new approximately 938 square foot residential addition and 982 square foot basement, conversion of a 484 square foot garage to a new residential entry, new spa, which when added to the existing swimming pool causes the pool/spa to be over 800 square feet, and two retaining walls, one at three feet and one at 30 inches in height. She indicated that the grading for this project is proposed at a total of 491 cubic yards of dirt. She stated that a Conditional Use Permit is requested for the addition of 352 square feet to an existing 430 square foot pool house resulting in a 782 square foot pool house. She further stated that the applicant is requesting Variances for disturbance that exceeds the allowable 40 percent limit and an average wall height higher than 2 ½ feet. Senior Planner indicated that the applicants propose to retain a portion of the existing driveway, and to construct a new driveway apron leading to the new garage. Senior Planner Stewaer stated that the Traffic Commission reviewed the new driveway approach at the July 27, 2017 meeting and recommended approval. Senior Planner Stewart indicated that no public inquiries were received for the project. Senior Planner Stewart stated that the project is categorically exempt from the California Environmental Quality Act (CEQA).

In response to Councilmember Dieringer's question, Senior Planner Stewart stated that it was the Planning Commissioners who expressed concern regarding the project. She stated the concerns were regarding the level of the cut and fill related to the proposed garage and basement.

Planning Director Schwartz stated that there was one resident that questioned the general grading of the existing driveway.

Councilmember Mirsch indicated that she attended the field trip and PC meeting.

Mayor Black opened public comments. Hearing none, Mayor Black closed public comments.

Councilmember Pieper moved that the City Council receive and file Planning Commission Resolution No. 2017-20, granting approval of the applicant's request in Zoning Case No. 925 at 16 Pine Tree Lane. Mayor Pro Tem Wilson seconded the motion, which carried without objection by a voice vote as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

- C. **RESOLUTION NO. 2017-19. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS APPROVING A REQUEST FOR A SITE PLAN REVIEW FOR CONSTRUCTION OF RESIDENTIAL AND GARAGE ADDITION, COVERED PORCHES AND TRELLIS IN ZONING CASE NO. 930 AT 52 PORTUGUESE BEND ROAD (LOT 4-FT), (WACHS).**

Senior Planner Stewart presented the staff report. She stated that the applicant is requesting a Site Plan Review for construction of a residential and garage addition of 1,464 square feet and 518 square feet respectively, 855 square foot covered porches and a new 200 square foot trellis at 52 Portuguese Bend Road. She indicated that the disturbance exceeds the maximum 40 percent; however, it is existing disturbance thus the applicant is working within the previously disturbed areas. She indicated that there is an existing pad that is being used for all the improvements. She further stated that no grading is proposed aside from if the Fire Department requires a widened driveway. She indicated that no comments were received from the surrounding residents. Senior Planner Stewart stated that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Mayor Black opened public comments. Hearing none, Mayor Black closed public comments.

John Resich, 8 Outrider Road, commented that he is the architect for the project. Mr. Resich stated that the Fire Department will allow the owner to do minimal expansion on the roadway of 15 feet.

Councilmember Mirsch stated that she attended the field visit and PC meeting. Councilmember Mirsch indicated that although she lives across the street from the project, she is far enough out of the range to require that she recuse herself from the discussion of the project.

Councilmember Pieper moved that the City Council receive and file Planning Commission Resolution No. 2017-19, granting approval of the applicant's request in Zoning Case No. 930 at 52 Portuguese Bend. Mayor Pro Tem Wilson seconded the motion, which carried without objection by a voice vote as follows:

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

6. PUBLIC HEARINGS

None.

7. OLD BUSINESS

None.

8. NEW BUSINESS

None.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

A. CONSIDERATION OF THE REAPPOINTMENT OF THE INCUMBENT PLANNING COMMISSIONERS TO A FOUR-YEAR TERM COMMENCING ON JANUARY 1, 2018.

City Manager Cruz presented the staff report and recommended that the City Council reappoint

incumbents Gregg Kirkpatrick and Matt Seaburn to the Planning Commission.

Councilmember Pieper moved that the City Council reappoint incumbents Gregg Kirkpatrick and Matt Seaburn to the Planning Commission for a four-year term commencing on January 1, 2018. Councilmember Mirsch seconded the motion, which carried without objection by voice vote as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

B. UPDATE ON THE PALOS VERDES PENINSULA REGIONAL LAW ENFORCEMENT COMMITTEE MEETING HELD ON NOVEMBER 9, 2017. (ORAL)

Councilmember Dieringer provided an update and noted that the City of Palos Verdes Estates is still experiencing issues with the installation of their automated license plate reader system and are working to expedite the completion. She provided an update on the ambulance response times and indicated that they will always be the second to arrive after the Fire Department Paramedic arrives. She stated that the ambulance's arrival is well within the legal response times.

Mayor Pro Tem Wilson stated that the ambulance response time reports now have the addresses redacted.

Mayor Black requested that staff request that the cross streets be provided on the ambulance response time reports.

City Manager Cruz stated that he would follow up on the request for cross streets on the response time reports.

11. PUBLIC COMMENT ON CLOSED SESSION ITEMS

None.

12. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL

Existing Litigation – Government Code Sections 54956.9 (a) and (d)(1)

City of Rolling Hills v. California Water Service Company, Case No. 17-08-006 closed session to confer with, or receive advice from, the City Attorney regarding pending litigation due to the fact that discussion in open session concerning this matter would prejudice the City's position in the litigation.

The City Council convened into closed session at 8:09 p.m.

13. RETURN TO OPEN SESSION

A. ANNOUNCEMENT OF ACTIONS FROM CLOSED SESSION (ORAL REPORT).

In the matter of existing litigation in the *City of Rolling Hills v. California Water Service Company*, Case No. 17-08-006, Assistant City Attorney Karpeles reported that no reportable action was taken.

14. ADJOURNMENT

Hearing no further business before the City Council, Mayor Black adjourned the meeting at 8:20 p.m. in memory of long time resident Elizabeth Bartlett. The next regular meeting of the City Council is scheduled to be held on Monday, November 27, 2017 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

**MINUTES OF
A REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, NOVEMBER 27, 2017**

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 7:00 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: Raymond R. Cruz, City Manager.
Michael Jenkins, City Attorney.
Yolanta Schwartz, Planning Director.
Yvette Hall, Interim City Clerk.
Kathleen McGowan, Consultant, McGowan Consulting.

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

None.

4. CONSENT CALENDAR

- A. Minutes - Regular Meeting of September 25, 2017.
RECOMMENDATION: Approve as presented.
- B. Payment of Bills.
RECOMMENDATION: Approve as presented.
- C. List of 2018 City Council Meeting Dates and City Holidays.
RECOMMENDATION: Receive and file.
- D. Republic Services Recycling Tonnage Report for October 2017.
RECOMMENDATION: Receive and file.
- E. Financial Statement for the Month of October 2017.
RECOMMENDATION: Approve as presented.

Councilmember Dieringer and Mayor Pro Tem Wilson requested that Consent Calendar Item 4A be removed from the consent calendar for individual consideration. Hearing no objection, Mayor Black so ordered.

In response to Mayor Black's inquiry, City Attorney Jenkins explained the increase in legal expenses for the month of October 2017 was due to work on the following items: 1) View preservation ordinance; 2) Two Brown Act allegations; 3) California Public Utilities Commission appeal case; 4) New lease with the Rolling Hills Community Association (RHCA); 5) Los Angeles County Animal Control ordinance; 6) Planning Commission nuisance case regarding Wheeler property; 7) Accessory Dwelling Unit ordinance; and 8) Marijuana ordinance.

Councilmember Dieringer moved that the City Council approve Consent Calendar Item Nos. 4B through 4E as presented. Councilmember Mirsch 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.

Councilmember Dieringer and Mayor Pro Tem Wilson requested revisions to the minutes and that they be postponed until the next City Council meeting. Hearing no objection, Mayor Black so ordered.

Due to a technical issue with the computer equipment, Mayor Black requested that Item 5A be taken out of order and discussed at this time. Hearing no objection, Mayor Black so ordered.

5. COMMISSION ITEMS

- A. RESOLUTION NO. 2017-22 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING A MODIFICATION TO PLANNING COMMISSION RESOLUTION NO. 2017-12 FOR A DEVELOPMENT PROJECT IN ZONING CASE NO. 922. THE MODIFICATION ENTAILS AN INCREASE BY 90 SQUARE FEET TO THE PREVIOUSLY APPROVED RESIDENCE, AT 0 POPPY TRAIL, (LOT 90-BA-RH), (SERPA).

Planning Director Schwartz presented the staff report. She stated that the request was for a Resolution of Approval for a project at 0 Poppy Trail to increase the size of the previously approved 4,859 square foot residence by 90 square feet for a total of 4,949 square foot residence.

In response to Councilmember Dieringer's question, Planning Director Schwartz stated that the owners decided to add larger rooms for their children when the floor plans were completed.

Councilmember Pieper moved that the City Council receive and file Planning Commission Resolution No. 2017-22, granting approval of the applicant's request in Zoning Case No. 922 at 0 Poppy Trail. Mayor Pro Tem Wilson seconded the motion, which carried without objection by voice vote as follows:

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

PRESENTATION

Presentation by Kathleen McGowan, McGowan Consulting, on Status Report of City's Stormwater Management Program

Kathleen McGowan, Consultant, McGowan Consulting, provided the City Council with an update of the City's Stormwater Management Program.

Following discussion among the Councilmembers and the consultant, the City Council, by consensus, requested that staff follow up on the following items: 1) Add Stormwater Management Program to January 8, 2018 City Council agenda; 2) Provide amended Stormwater Program PowerPoint to Councilmembers; 3) Provide dates and times of next Regional Water Quality Control Board Meeting for possible attendance of Councilmembers regarding monitoring costs of trash and non-storm water discharge; 4) Provide calculations on storm water runoff area percentage versus a land mass area percentage; and 5) Provide information on the Torrance Airport Project.

Mayor Black requested that Item 8A be taken out of order and discussed at this time as advised by City Attorney Jenkins. Hearing no objection, Mayor Black so ordered.

8. NEW BUSINESS

A. NOVEMBER 7, 2017 SPECIAL MUNICIPAL ELECTION RESULTS.

City Clerk Hall presented the staff report and recited the facts of the Special Municipal Election held on November 7, 2017. City Clerk Hall declared the results for Measure C as follows:

Measure C - The following question regarding Measure C was submitted to Rolling Hills' registered voters at the November 7, 2017 Special Municipal Election: Shall an ordinance be adopted repealing the March 2013 amendments made to the City's View Preservation Ordinance by Measure B?

<u>Answer</u>	<u>Votes Received</u>	<u>Vote Percentage</u>
Yes	441	59.35%
No	302	40.65%

She stated that since a majority of the voters passed Measure C, an Ordinance entitled "An Ordinance of the City of Rolling Hills Repealing Measure B by Amending Subsection (E) of Section 17.26.050 and Repealing Section 17.26.090 of the Rolling Hills Municipal Code" shall go into effect.

Councilmember Mirsch moved that the City Council adopt Resolution No. 1219 reciting the fact of the Special Municipal Election held on November 7, 2017, declaring the results and such other matters as provided by law. Councilmember Pieper seconded the motion, which carried without objection by voice vote as follows:

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

6. PUBLIC HEARINGS

- A. RESOLUTION NO. 1217 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTABLISHING A PROCESS BY WHICH THE CITY WILL REIMBURSE THE PARTIES IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000) FOR AN ARBITRATOR'S FEE INCURRED IN ARBITRATING A VIEW IMPAIRMENT COMPLAINT UNDER CHAPTER 17.26 (VIEW PRESERVATION) OF THE ROLLING HILLS MUNICIPAL CODE.

Mayor Black Mayor Wilson introduced the item and asked for the staff report. Planning Director Schwartz provided the background of the view preservation ordinance which establishes the process by which a resident may go about to restore their view. She indicated that the ordinance was adopted on October 23, 2017 by the City Council. Planning Director Schwartz discussed the language of the ordinance, which specifies that in order to encourage private resolution of view disputes, if the parties to a view impairment complaint pursue resolution by voluntarily entering into binding arbitration, the City will reimburse the arbitrator's fee in an amount to be established by Resolution of the City Council. Planning Director Schwartz indicated that the City Council discussed a total of \$5,000 to be reimbursed to the parties for an arbitrator's fee.

Mayor Black opened the public hearing. Hearing no public comments, Mayor Black closed the public hearing.

In response to Councilmember Dieringer's inquiry, City Attorney Jenkins clarified that the proposed Resolution only establishes the amount of reimbursement for an arbitrator's fee.

Councilmember Mirsch moved that the City Council adopt Resolution No. 1217 establishing a process by which the City will reimburse the parties in an amount not to exceed five thousand dollars (\$5,000) for an arbitrator's fee incurred in arbitrating a view impairment complaint. Mayor Pro Tem Wilson seconded the motion, which carried without objection by a roll call vote as follows:

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

- B. RESOLUTION NO. 1218 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS MODIFYING ROLLING HILLS FEES BY ELIMINATING CERTAIN FEES RELATED TO VIEW OBSTRUCTION FILING CASES AND RESCINDING RESOLUTION NO. 1206.

Mayor Black introduced the item and asked for the staff report. Planning Director Schwartz stated that this item was a Resolution to eliminate the mediation fee from the City of Rolling Hills fee schedule due

to the recently repealed view preservation ordinance, under which the City would pay for additional costs incurred by a mediator in excess of \$1,000. She explained that under the current ordinance the City is not a part of the mediator agreement; therefore, it is not necessary to collect a fee from the complaining party.

Mayor Black opened the public hearing. Hearing no public comments, Mayor Black closed the public hearing.

Councilmember Mirsch moved that the City Council adopt Resolution No. 1218 modifying Rolling Hills fees by eliminating certain fees related to view obstruction filing cases and rescinding Resolution No. 1206. Councilmember Pieper seconded the motion, which carried without objection by a roll call vote as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

7. OLD BUSINESS

A. CONSIDERATION OF THE CITY OF ROLLING HILLS TO PARTICIPATE IN THE LOS ANGELES COMMUNITY CHOICE ENERGY (LACCE) PROGRAM TO PROVIDE RESIDENTS FUTURE ENERGY OPTIONS.

City Manager Cruz provided an overview of the staff report. City Manager Cruz discussed the Los Angeles Community Choice Energy (LACCE) Program, which is a Community Choice Aggregation (CCA), or an authority that delivers power to a municipality by allowing for greater decision making privileges regarding rates and mix of energy sources. City Manager Cruz stated that at the August 14, 2017 City Council meeting staff presented an overview of the various CCA types. He stated that as a result of the information provided by staff, the City Council directed staff to coordinate a presentation by a County representative of the Los Angeles Community Choice Energy (LACCE) Program. He indicated that if the City Council has an interest in joining a CCA, the LACCE program is the only viable option for the City because of the small size of City staff. He further stated that the LACCE promotes that it has the ability to lower energy rates for residents and will provide fair representation on its board if a city joins before December 27, 2017.

In response to Mayor Pro Tem Wilson's question, City Manager Cruz stated that many cities in Los Angeles County are not joining the program because they are not aware of this new program and due to the unknown risks of joining a CCA.

Discussion followed among the Councilmembers and staff regarding the possible risks to becoming a member of the LACCE Program.

Following discussion, the City Council, by consensus, directed staff to provide a LACCE Program update by July 1, 2018.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

- A. DISCUSSION AND POSSIBLE DIRECTION ON MODIFYING HOW THE LOS ANGELES SHERIFF DEPARTMENT APPLIES THE CITY'S VEHICULAR ENFORCEMENT BY UTILIZING THE CALIFORNIA VEHICLE CODE INSTEAD OF THE ROLLING HILLS MUNICIPAL CODE (ORAL ONLY).

Councilmember Pieper discussed the matter of allowing residents to attend traffic school when they receive a traffic citation, as residents are currently not allowed to attend traffic school because no points are issued. He indicated that there are two options to modify this procedure as follows: 1) Receive RHCA Board approval to issue traffic citations under the California Vehicle Code instead of the Rolling Hills Municipal Code; or 2) By a majority vote of the electorate.

Following discussion by the City Council, no action was taken.

Mayor Pro Tem Wilson reported that he hosted a City tour with Senator Ben Allen. Mayor Pro Tem Wilson reported that there are trash truck stains on Portuguese Bend Road at Ranchero Road.

10. MATTERS FROM STAFF

None.

11. PUBLIC COMMENT ON CLOSED SESSION ITEMS

None.

12. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL
THREATENED LITIGATION – GOVERNMENT CODE SECTION 54956.9 (D)(3)
LETTER FROM MORGAN LEWIS DATED SEPTEMBER 25, 2017
BASED ON A WRITTEN COMMUNICATION FROM MORGAN LEWIS THREATENING LITIGATION, THE CITY COUNCIL IS MEETING ONLY TO DECIDE WHETHER, BASED ON THE EXISTING FACTS AND CIRCUMSTANCES, THERE IS A SIGNIFICANT EXPOSURE TO LITIGATION AGAINST THE CITY; DISCUSSION OF THIS MATTER IN OPEN SESSION WOULD PREJUDICE THE POSITION OF THE CITY IN ANY POTENTIAL LITIGATION.
- B. EMPLOYEE PERFORMANCE EVALUATION
CALIFORNIA GOVERNMENT CODE SECTION 54957
TITLE: CITY MANAGER

The City Council convened into closed session at 9:07 p.m.

13. RETURN TO OPEN SESSION

A. ANNOUNCEMENT OF ACTIONS FROM CLOSED SESSION (ORAL REPORT).

City Attorney Jenkins announced that there was no reportable action from the closed session.

ADJOURNMENT

Hearing no further business before the City Council, Mayor Black adjourned the meeting at 9:43 p.m. The next regular meeting of the City Council is scheduled to be held on Monday, December 11, 2017 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

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**MINUTES OF
A REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, SEPTEMBER 24, 2018**

1. CALL TO ORDER

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

2. ROLL CALL

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

Councilmembers Absent: None.

Others Present: Elaine Jeng, P.E., City Manager.
Mike Jenkins, City Attorney.
Yolanta Schwartz, Planning Director
Yvette Hall, City Clerk.
John Resich, 8 Outrider Road.
Alfred Visco, 15 Cinchring Road.
Lauren Sharnig, 25 Caballeros Road.
Terry Shea, Finance Director.

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.
- B. Republic Services Recycling Tonnage Report for August 2018.
RECOMMENDATION: Approve as presented.
- C. Financial Statements for the Months of June, July and August 2018.
RECOMMENDATION: Approve as presented.
- D. Authorization for the City Manager to Execute an Agreement with Konica Minolta Business Solutions to Purchase a Konica Minolta Bizhub C759 Multifunction Color

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Copier/Printer/Scanner and to Sign a Maintenance Service Agreement to Service the Copier.

RECOMMENDATION: Approve as presented.

Councilmember Pieper moved that the City Council approve the items on the consent calendar as presented. Councilmember Mirsch seconded the motion, which carried without objection as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

PRESENTATION

INTRODUCTION OF NEW CITY MANAGER, ELAINE JENG, P.E.

Mayor Wilson introduced City Manager Elaine Jeng, P.E. and welcomed her to the City.

Mayor Wilson thanked Yolanta Schwartz for her service to the City as Interim City Manager.

Mayor Wilson thanked Julia Stewart for her service to the City as Acting Planning Director.

City Manager Jeng expressed her appreciation to the City Council and staff for the warm welcome she has received.

Mayor Wilson called a recess at 7:05 p.m. The meeting reconvened at 7:13 p.m. with all Councilmembers present.

Mayor Wilson requested that Agenda Item No. 10.A. be taken out of order at this time. There were no objections from the City Council.

10. MATTERS FROM STAFF

A. QUARTERLY SCHEDULE OF INVESTMENTS REPORT FOR THE QUARTER ENDING JUNE 30, 2018.

Finance Director Shea presented the staff report for the quarter ending June 30, 2018. He indicated that cash is down because a payment is made to Republic Services, Inc. in July for half of the year. He compared last year's fourth quarter interest with this year's fourth quarter interest, noting the annual interest budget for FY 2017/18 was \$57,000 and the City received \$89,922 in interest, and for the prior year 2016/17, the annual budget was \$30,475 and the City received \$38,948 in interest. Finance Director Shea indicated that at the end of the year the City was at 158 percent of the budget.

Discussion ensued among staff and the City Councilmembers concerning the California Public Employees' Retirement System's (CalPERS) California Employers' Retiree Benefit Trust (CERBT) Strategy 1 Other Post Employment Benefits (OPEB) Irrevocable Trust liability.

Minutes

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In response to Mayor Wilson's question, Finance Director Shea confirmed that Republic Services, Inc. is paid by the City twice a year in the arrears.

Discussion ensued among staff and the City Councilmembers regarding Republic Services, Inc.'s billing process and modifications to the current system.

Following staff's presentation, Councilmember Black moved that the City Council receive and file the quarterly investment report for the quarter ending June 30, 2018. 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.

5. COMMISSION ITEMS

- A. **RESOLUTION NO. 2018-08 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW, CONDITIONAL USE PERMIT, AND VARIANCES TO CONSTRUCT A NEW 1,325 SQUARE FOOT DETACHED GARAGE, TO BE LOCATED IN THE FRONT YARD WITH 490 CUBIC YARDS OF GRADING; TO EXCEED THE MAXIMUM PERMITTED DISTURBANCE OF THE LOT; AND FOR MINOR ADDITIONS TO THE RESIDENCE AT 38 PORTUGUESE BEND ROAD IN ZONING CASE NO. 940, (LOT 18-RH) ROLLING HILLS, CA (WHEELER).**

Mayor Wilson introduced the item and asked for the staff report. Senior Planner Stewart presented the staff report and stated that this was a request for a Resolution of Approval for 38 Portuguese Bend Road. She stated that the project includes a garage conversion, a residential remodel, a new detached garage and requires a Site Plan Review, Conditional Use Permit and Variances. She stated that the project is subject to a Site Plan Review based on the grading, residential addition and the garage conversion. She reviewed the project elements which include the portion of the garage that is going to be converted into a gym with a small addition of 30 square feet on the front, enclosure of the breezeway, new porte cochere over the entry point, grading, proposed detached garage, screening of the footing, screening of the back area of the garage and elevation. Senior Planner Stewart stated that the property is close to the 40% maximum allowance for disturbance, which includes the stable and corral set aside area. She indicated that the lot coverages are acceptable under the municipal code and that there will be no dirt export from the project. She noted items of interest for this property which include a "no further development designation" and that it has two previous code enforcement issues related to hardscape and a pool pad; therefore, in the Resolution of Approval there are special conditions included that require the owners to complete the issues of nonconformity and illegal conditions prior to any construction on the project. She stated that a number of comments were received from surrounding neighbors related to concerns with the grading that is already taking place as part of the clearing up of the previous code enforcement issues. She noted that the Planning Commission (PC) was invited to visit the adjacent property to view the work that is being done and the proposed work, which they did during their field trip. Senior Planner Stewart stated that the

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project is categorically exempt from the California Environmental Quality Act (CEQA) and that the findings for the Resolution are identified in the staff report.

Councilmember Pieper moved that the City Council receive and file Planning Commission Resolution No. 2018-08 granting approval of the applicant's request in Zoning Case No. 940 at 38 Portuguese Bend Road. 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.

B. RESOLUTION NO. 2018-09 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS AUTHORIZING A LOT LINE ADJUSTMENT BETWEEN TWO LOTS AT 0 BUGGY WHIP DRIVE (LOT 175-A-2-MS) AND 25 CREST ROAD WEST (LOT 175-A-1-MS) IN ZONING CASE NO. 944 (CZYZYK / CHANDRAN).

Mayor Wilson introduced the item and asked for the staff report. Councilmember Dieringer recused herself from consideration of the project due to the proximity of her property to the subject project.

Senior Planner Stewart presented the staff report. She indicated that the project is a Resolution of Approval for a lot line adjustment between 0 Buggy Whip Drive and 25 Crest Road West. She stated that 0 Buggy Whip is a flag lot that will have an increase in the driveway area and increase in the property area for the adjacent property at 25 Crest Road West. She stated that the lot line adjustment also requires Variances because both properties are in a RAS-2 zoning district but have less than the required minimum net lot area for RAS-2 zone and are being altered. She stated that 0 Buggy Whip has an insufficient width along the roadway easement and explained that the code requires 150 linear feet width. She stated there is also a decrease in one of the properties that affects the net lot size. She indicated there will be a new setback encroachment on 25 Crest Road West due to the change in the boundaries. Senior Planner Stewart explained that 0 Buggy Whip is losing five square feet of gross area and 25 Crest Road West is gaining five square feet of gross area.

Councilmember Pieper moved that the City Council receive and file Planning Commission Resolution No. 2018-09 granting approval of the applicant's request in Zoning Case No. 944 at 0 Buggy Whip Drive and 25 Crest Road West. Councilmember Black seconded the motion, which carried by a voice vote as follows:

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

Councilmember Dieringer returned to the dais.

- C. **RESOLUTION NO. 2018-10** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW AND CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A 2,124 SQUARE FOOT MIXED-USE STRUCTURE AND 779 CUBIC YARDS OF GRADING IN ZONING CASE NO. 934 AT **8 CREST ROAD EAST**, (LOT 192-A-2-MS) ROLLING HILLS, CA (JOHN TU).

Mayor Wilson introduced the item and asked for the staff report. Mayor Pro Tem Mirsch recused herself from consideration of the project due to the proximity of her property to the project.

Senior Planner Stewart stated that the project is a mixed-use structure with grading at 8 Crest Road East. She stated that the project consists of 2,124 square feet. She stated that under a previous permit a new house is under construction on the property. She showed the proposed area of the new project. She indicated that the garage is 1,578 square feet and a storage area consisted of 546 square feet. She stated that the project also requires grading to recess a portion of the structure into the hillside and that the driveway area is permeable and at grade. She stated that the project has to undergo a Site Plan Review because of the grading and requires a Conditional Use Permit because of the mixed-use structure. Senior Planner Stewart stated that the project underwent multiple iterations of the design. She noted that when the project went before the Rolling Hills Community Association (RHCA) Architectural Committee (AC), the AC requested a design that more closely matched the existing design of the house. Senior Planner Stewart stated the applicant made major changes to the exterior; therefore, the design now matches the design of the house. She indicated that there were several comments received from residents expressing concern with the new design; however, they were aware that the design was approved by the AC. She reviewed the mixed-use structure layout and noted the pad coverage is under the acceptable limits. Senior Planner Stewart indicated that the only excavation for the property is under the previously approved basement excavation and that 91 percent of the lot was previously disturbed; therefore, the applicant is working within the existing disturbance. Senior Planner Stewart stated that the project is categorically exempt from CEQA and that the findings for the project are identified in the staff report.

In response to Mayor Wilson's question regarding the disturbance of the lot at 91 percent, Planning Director Schwartz responded that when the streets of Georgeff Road and Crest Road were built, that this particular lot and some of the others in the area, had to be graded. She explained that staff verified through the Los Angeles County Building Department that the lot had been previously disturbed as evidenced by the way it is terraced and having flat areas in between the slopes.

Councilmember Black provided the history of the property and indicated that it has been graded ever since it was first built. He commented that the mixed use structure is more prominent than the house.

In response to Councilmember Dieringer's question, Senior Planner Stewart confirmed that the coverage calculations do not include the basement of the new house.

In response to Councilmember's Dieringer's question, Senior Planner Stewart clarified that the new house construction included an attached garage and that this request is for an additional garage.

Discussion ensued among the City Councilmembers regarding the requirements to underground utilities.

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Councilmember Black moved that the City Council receive and file Planning Commission Resolution No. 2018-10 granting approval of the applicant's request in Zoning Case No. 934 at 8 Crest Road East. Councilmember Pieper seconded the motion, which carried by a voice vote as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: Mirsch.

Mayor Pro Tem Mirsch returned to the dais.

- D. **RESOLUTION NO. 2018-11 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS AUTHORIZING A LOT LINE ADJUSTMENT BETWEEN TWO LOTS AT 3 MIDDLERIDGE LANE NORTH (PORTIONS OF LOT 11-MR) AND 6 MIDDLERIDGE LANE NORTH (PORTIONS OF LOTS 12, 13, 14, AND 15-MR) TO ALTER THE LOTS BY 51,624 SQUARE FEET AND GRANTING A SITE PLAN AND VARIANCE IN ZONING CASE NO. 945, (TILLES / WILSON FAMILY TRUST).**

Senior Planner Stewart stated that the request is for a Resolution of Approval for a lot line adjustment between 3 Middleridge Lane North and 6 Middleridge Lane North. She explained the request for the lot line adjustment was partially motivated by the property owner because 6 Middleridge Lane North is completely built out and the portion of the property being transferred is located across the street from 6 Middleridge Lane North and is contiguous to 3 Middleridge Lane North. She indicated there is also a Variance required for the project. She noted that 3 Middleridge Lane North is within an overlay zone that allows for reduced setback areas; therefore, the applicant is proposing a lot line adjustment that attaches a portion of a lot that is in a different zone. She indicated the applicant has requested a zoning map amendment which staff is including as part of this process; however, the zoning map amendment will occur under a different process which staff will bring back at a future time. Senior Planner Stewart stated that the project does create additional disturbance on 6 Middleridge Lane North, thus, the applicant is proposing a Variance to allow for 46.3 percent disturbance. Senior Planner Stewart stated that staff did not receive any public comments for this project. Senior Planner Stewart stated that the project is categorically exempt from CEQA and that the findings for the project are identified in the staff report.

Councilmember Black moved that the City Council receive and file Planning Commission Resolution No. 2018-11 granting approval of the applicant's request in Zoning Case No. 945 at 3 Middleridge Lane North and 6 Middleridge Lane North. Councilmember Pieper seconded the motion.

In response to Councilmember Dieringer's question, Planning Director Schwartz clarified that both properties are in the RAS-1 Zone, but only one, 3 Middleridge Lane North, is in the RAS-1 Overlay Zone. The portion of 6 Middleridge Lane North that is being transferred to 3 Middleridge Lane North is contiguous to an overlay zone lot and is across the street from the 6 Middleridge Lane North lot. Planning Director Schwartz stated that the zoning map amendment that will need to be processed could be either to re-zone the transferred portion of the 6 Middleridge Lane North lot to be consistent with 3 Middleridge Lane North, which would be in the overlay zone, or remove the 3 Middleridge Lane North lot out of the overlay zone altogether. She indicated that currently there exists a front yard encroachment with the

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house at 3 Middleridge Lane North, which is allowed under the overlay zoning, but not if the lot was removed from the overlay zone. She further stated that in the overlay zone, the front yard setback is measured 30' from the roadway easement line; and if the 3 Middleridge Lane North lot was removed from the overlay zone, it would create a front setback non-conformity on that lot. She further explained that in the overlay zone the side yard setbacks must be 20' from the side property lines for new construction; just like in any other RAS-1 zoning district. She explained that in an overlay zone, if an existing house encroaches into the front or side setback; when it is demolished and reconstructed the new side setback must be 20' but the front setback could be 30' from the roadway easement line".

The motion carried by a voice vote as follows:

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

6. PUBLIC HEARINGS

None.

7. OLD BUSINESS

None.

8. NEW BUSINESS

A. CONSIDERATION OF A REQUEST FOR A CONTRIBUTION OF CITY UTILITY FUNDS TOWARDS THE COST ASSOCIATED WITH REMOVAL OF A UTILITY POLE AT 38 SADDLEBACK ROAD.

Planning Director Schwartz presented the staff report. She stated that the owner of 38 Saddleback Road recently built a new home and have undergrounded their own utility lines as required; however, they have a utility pole that is right in the middle of their property in between two properties, 36 Saddleback Road and 38 Saddleback Road. She stated that the owners of 38 Saddleback Road feel the utility pole is an eyesore because it is made of wood with a transformer that continually pops and is a hazard. She stated that the residents at 34 Saddleback Road and 36 Saddleback Road have been experiencing Internet and phone service issues with the wooden utility pole. She stated that the owners at 38 Saddleback Road are in the process of removing the pole and discussed the removal with both property owners at 34 Saddleback Road and 36 Saddleback Road. She indicated that the owners at 34 Saddleback Road are in the process of undergrounding their utilities and a replacement pole will be set further down in the canyon that is made of composite material, not wood, and will be a better quality pole. Planning Director Schwartz stated that the owner of 38 Saddleback Road is requesting financial assistance from the City to pay for the removal of the pole and did not specify an amount they would like to receive. She stated that letters of support have been received from the owners at 34 Saddleback Road and 36 Saddleback Road. Planning Director Schwartz indicated that the owners at 38 Saddleback Road are paying for all the improvements, which totals approximately \$33,000, of which \$22,954 is for Southern California Edison,

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Cox Cable and Frontier's design of the project. She stated that the City Council has provided assistance in the past to other residents to remove a single pole. She provided the history of the establishment of a utility fund for the purpose of assisting residents who were potentially creating an assessment district, but that to date no assessment district came to fruition. Planning Director Schwartz stated that the City Council has been encouraging residents to underground their utilities. Planning Director Schwartz noted that the City Council allocated a contribution of \$5,300 to residents on Meadowlark Lane and \$9,000 was contributed to residents on Hackamore Road.

In response to Councilmember Pieper's question, Planning Director Schwartz clarified that the location of the subject pole was in the easement between the two properties of 34 Saddleback Road and 38 Saddleback Road.

In response to Mayor Wilson's inquiry, Planning Director Schwartz stated that the RHCA contributed \$3,295 towards the pole removal.

Mayor Wilson called for public comment. Hearing none, Mayor Wilson closed public comments.

Councilmember Pieper suggested a contribution of \$2,500 per residence if the project is for multiple residences.

Discussion followed among the Councilmembers and staff regarding the location of the subject utility pole.

Councilmember Pieper moved that the City Council contribute \$2,500 per residence for a total of \$5,000. The motion failed due to a lack of a second.

Councilmember Dieringer moved that the City Council contribute \$3,295 in City funds towards the removal of a utility pole at 38 Saddleback Road to match the amount the RHCA contributed. Councilmember Pieper seconded the motion.

Councilmember Black stated that he does not think the removal of the pole benefits 36 Saddleback Road.

Planning Director Schwartz stated that the owner of 36 Saddleback Road submitted a letter of support for removal of the pole and stated that it would benefit them.

Assistant City Attorney Abzug advised that as long as more than one property owner benefits from the contribution it is not considered a gift of public funds

The motion carried by a voice vote as follows:

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

NOES: COUNCILMEMBERS: Black.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

- B. CONSIDERATION OF APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING FOR PREPARATION OF DOCUMENTS AND PROCESSING OF A SEWER LINE PROJECT IN ORDER TO TRANSFER A MUNICIPAL SEWER FACILITY TO THE LA COUNTY CONSOLIDATED SEWER MAINTENANCE DISTRICT (CSMD).

Mayor Wilson introduced the item and asked for the staff report. Planning Director Schwartz stated the item is a request to enter into an agreement with Willdan Engineering in the amount of \$2,930 to prepare documents for annexation of a sewer line project along Johns Canyon Road to the Los Angeles County Consolidated Sewer Maintenance District (LACCSMD). Planning Director Schwartz indicated that the sanitary sewer line was constructed by a private resident, Mr. Richard Colyear, along John's Canyon Road to serve three residents via lateral at 35 Crest Road West, 2 Johns Canyon and 8 Johns Canyon Road. She explained that each time there is construction of a sewer line, documents and legal descriptions need to be processed for the LACCSMD to accept it for maintenance. Planning Director Schwartz further stated that the request is to have Willdan Engineering research new regulations that have been instituted by the LACCSMD for staff to prepare documents for the City Council to adopt resolutions to forward the project for maintenance to the LACCSMD. Planning Director Schwartz indicated that Mr. Colyear is offering to reimburse the City for half of the consultant service fees in the amount \$1,465.

Councilmember Black moved that the City Council approve the agreement with Willdan Engineering in the amount of \$2,930 for the preparation of documents in order to annex a sewer line project along Johns Canyon Road to the Los Angeles County Consolidated Sewer Maintenance District and accept Mr. Richard Colyear's offer to reimburse the City for half of Willdan Engineering's fees in the amount of \$1,465. Councilmember Dieringer seconded the motion, which carried by a voice vote as follows:

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

- A. CLARIFICATION OF DEAD VEGETATION CLEARANCE ON STEEP SLOPES AND POSSIBLE AMENDMENT TO FIRE FUEL ORDINANCE (ROLLING HILLS MUNICIPAL CODE CHAPTER 8.30).

Mayor Wilson introduced the item and asked for the staff report. Senior Planner Stewart stated that this item was for consideration of a policy or code amendment related to clearance of dead vegetation within the City. She provided the background of the Dead Vegetation Enforcement Ad Hoc Subcommittee's proposed pilot program to proactively enforce the City's Fire Fuel Ordinance. She stated that direction was given to staff at the time the City Council was presented with the pilot program for proactive enforcement of the ordinance that staff was not to enforce clearance of dead vegetation on steep slopes based on common sense judgment by staff. Senior Planner Stewart indicated that staff is returning to the City Council to ask for direction to either continue with this policy, if not, should the current ordinance be amended. She provided an update on the pilot program as follows: 1) A letter was sent to residents in July 2018 notifying all residents in the City that the City would be proactively enforcing the ordinance

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which requires removal of all dead vegetation on every property within the City; 2) Staff drafted a template letter to be used to notify property owners in the future; 3) Staff drafted a job description for a code enforcement official that has not yet been advertised, and 4) Staff discussed with the RHCA about collaborating with the urban forester that the RHCA utilizes. Senior Planner Stewart noted that an unexpected result of sending out the letter is that the City received many more reports on dead vegetation than staff had previously received. She indicated that staff has received a fairly substantial amount of responsiveness to adhering to the clearance of dead vegetation; however, the extreme terrain considerations are still outstanding and staff is seeking direction from the City Council. She stated that staff met with representatives from the County of Los Angeles Department of Agricultural Commissioner/Weights and Measures (ACWM) to discuss dead vegetation removal from slopes. She stated that ACWM does not enforce dead vegetation removal on slopes beyond 25 percent and in places that could pose a safety risk.

Assistant City Attorney Abzug commented that the City Council has discretion on how it would like to enforce its municipal code and has the option to make certain amendments that would be beneficial such as adding quantitative provisions.

Mayor Wilson called for public comment.

Alfred Visco, 15 Cinchring Road, commented that he submitted a letter to the City Council. Mr. Visco stated that since the fire occurred in 2009, the dead trees sitting in the canyon adjacent to his property have not been removed and now there are more dead weeds there. Mr. Visco stated it is unclear who owns what portions of the canyons. Mr. Visco indicated that he attended the fire insurance seminar held by the City. He commended the City Council and staff for taking time to listen to him about the importance of addressing dead vegetation. He commented on his letter and stated that he does not want to create an erosion control problem or safety problem and highlighted the following items: 1) Dead Palm fronds should be included in the requirement for removal of dead vegetation; 2) Tumbleweeds dead or live should be included; 3) The City should hire an urban forester to evaluate each parcel separately with regard to slope; and 4) Develop guidelines.

In response to Mayor Pro Tem Mirsch's question, Assistant City Attorney Abzug stated that she does not believe that the City Council needs to amend the fire fuel ordinance. Assistant City Attorney Abzug further stated that the City Council could set a guideline such as 50 percent.

Discussion followed among the City Council and staff regarding preparing guidelines, various methods to measure slopes, should 2:1 slope be the slope for removal of dead vegetation, the inclusion of Palm fronds, vacant lots and abatement procedures.

John Resich, 8 Outrider Road, commented that once residents start clearing more than one acre they may have stormwater prevention problems and might have to prepare a Stormwater Pollution Prevention Plan. Mr. Resich stated that residents may create greater issues and displace animals.

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

City Manager Jeng suggested that the City Council consider directing staff to prepare a guideline for determining dead vegetation and use it for a trial period.

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Councilmember Black suggested that the slope for removal of dead vegetation should be steeper than 25 percent.

Mayor Pro Tem Mirsch commented that she has an issue with the City Council focusing on the areas that they cannot address at this time and not focusing on the areas that can be enforced. She stated that she is open to suggestions. She expressed concern with the active code enforcement cases that are not related to the steep slope issue and that have obvious dead vegetation that needs to be addressed. Mayor Pro Tem Mirsch commented that procuring additional staff or a consultant to assist with the code enforcement effort should be a priority. She commented on the differences with clearing agricultural land versus steep canyons. Mayor Pro Tem Mirsch indicated that she would like to include abatement of tumbleweeds.

Discussion followed among the Council regarding liability related to a slope failure after clearance and hiring an outside consultant.

Councilmember Dieringer suggested that staff research ACWM's material related to why they use their parameters for dead vegetation clearance.

There was a consensus of the Councilmembers to continue with the current enforcement activities, including proactive enforcement and to prepare guidelines to define dead vegetation methods.

B. DISCUSSION - CITIZENS COMMITTEE ON COYOTE MANAGEMENT.

Planning Director Schwartz presented the staff report and provided a summary of the coyote concerns experienced in the City. She indicated that the City continues to receive more frequent reports on coyote encounters. She explained that the three Peninsula Cities' approach to address coyote issues is educational and emphasizes how to keep coyotes in the wild and out of the neighborhoods. She stated that the City of Rolling Hills takes a more proactive approach than other cities by contracting with two vendors to trap coyotes. She stated that several residents approached the City Council requesting that the City take an even more aggressive approach towards eradication of coyotes. She stated that residents also suggested that a citizen committee be formed on this matter. Planning Director Schwartz indicated that at the August 27, 2018 City Council meeting, Mayor Pro Tem Mirsch suggested that the topic of formation of a citizen committee on coyotes be agendaized for Council's discussion.

In response to Councilmember Dieringer's question, Planning Director Schwartz indicated that there are several reasons why residents do not allow trapping on their properties including that they must keep their pets inside while the trap is set. She also indicated that some properties are not conducive for the setting of traps due to the topography of the property.

Discussion ensued among the Councilmembers regarding the current coyote management services and issues with residents not granting permission to trap on their property.

Mayor Wilson called for public comment.

Lauren Sharng, 25 Caballeros Road, commented that she has three small dogs and each time she walks them she is stalked by coyotes. Ms. Sharng stated that she signed authorization forms for both of her

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properties at 25 Caballeros Road and 5 Pine Tree Lane. Ms. Sharng stated that her property of 25 Caballeros Road is not favorable for trapping; however, she does not know why traps are not set at her property at 5 Pine Tree Lane. Ms. Sharng suggested that more effort could be made to control coyotes.

Councilmember Pieper noted that recently a Los Angeles County trapper has been designated for the Peninsula Cities exclusively whereas in the past he was shared amongst all of Los Angeles County.

Discussion followed among Councilmembers regarding forming a citizen committee and the usage of additional trapping services when available.

Assistant City Attorney Abzug advised the City Council on the options to form a Brown Act body comprised of two City Councilmembers, the City Manager and residents or solely comprised of citizens. She did not have any concerns related to liability in forming a citizens committee.

John Resich, 8 Outrider Road, commented that coyotes are a predator and a nuisance. He expressed concern with the inability to eliminate coyotes.

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

Mayor Pro Tem Mirsch moved that the City Council form an ad hoc committee comprised of two Councilmembers and to hold an open meeting inviting all residents. Councilmember Black seconded the motion. No vote was taken.

Discussion followed among the City Council and staff regarding the purpose of the ad hoc committee and scheduling an open forum meeting with residents.

Planning Director Schwartz stated that the open forum meeting could be advertised in the City's newsletter.

Councilmember Dieringer moved that the City Council form an ad hoc committee comprised of two Councilmembers, Mayor Pro Tem Mirsch and Councilmember Dieringer, to discuss methods to control the coyote population and schedule an open forum meeting with residents. Councilmember Black seconded the motion, which carried by a voice vote as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

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

Councilmember Pieper indicated that resident Arun Bhumitra would like to make a funding request in the amount of \$5,000 on behalf of the Rolling Hills Tennis Club and that Mr. Bhumitra would like to know if the funds can be expended on new lights. Councilmember Pieper stated that Mr. Bhumitra offered to pay for half of the cost of the lights.

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By consensus, the City Council directed staff to agendize the consideration of allocating funding to the Rolling Hills Tennis Club.

Councilmember Pieper requested an update on the City Hall Complex/Tennis Courts Sewer Feasibility Study.

Planning Director Schwartz provided an update. She indicated that staff has not received the Sewer Feasibility Study from Willdan Engineering and that the final design for the tennis courts is being modified by the RHCA.

Councilmember Dieringer commented that all of the resolutions for building plans have a condition which she believes could cause the City to lose its private road status if it is interpreted that the City is taking action as a second entity of the RHCA. She expressed concern that this is a legal issue if it is viewed that the City is taking action to assist the RHCA with matters under their authority. She referred to Condition R on page 20 of 23 listed in Agenda Item No. 5A as an example. Councilmember Dieringer stated that she spoke to the Assistant City Attorney who advised that the City could elect not to enforce the condition. Councilmember Dieringer stated that she believes the City cannot be assisting a private entity concerning perimeter easements as the private entity has Covenants, Conditions & Restrictions that can be enforced. Councilmember Dieringer would like to research this matter.

Assistant City Attorney Abzug indicated that she will review the condition. She stated that the City Council does not necessarily have to use it as drafted, and that the standard condition has been used for a long time and has never been challenged. Assistant City Attorney Abzug concurred with Councilmember Dieringer's concerns regarding the delegation of authority between the City and the RHCA. Assistant City Attorney advised the City Council that they could direct the City Attorney to review this matter further or eliminate the condition going forward.

City Manager Jeng stated that the condition is not meant as a point of contention for the approval of a project; however, it is intended to remind the applicant that there are local regulatory agency requirements that must be met. City Manager Jeng opined that the easement condition does not interfere with the intent of the project although she suggested that it be removed from the standard conditions in the resolution.

By consensus, the City Council directed the City Attorney to research the easement condition.

Mayor Pro Tem Mirsch suggested that the City Council consider scheduling an alternate City Council meeting in November due to the canceled meeting for Veterans Day.

Discussion ensued among the Councilmembers and staff regarding the scheduling of a second meeting in November. There was a consensus of the Councilmembers to wait for direction from staff on the need to schedule a meeting.

Mayor Pro Tem Mirsch thanked staff for including the applicant's statement in their application for development.

Mayor Wilson reported that he visited the unofficial Sister City of Hidden Hills and met with the Mayor and City Manager.

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11. CLOSED SESSION.

None.

12. ADJOURNMENT

Hearing no further business before the City Council, Mayor Wilson adjourned the meeting at 9:46 p.m. in memory of long time resident Diana Mary Mitchell. The next regular meeting of the City Council is scheduled to be held on Monday, October 8, 2018 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

**MINUTES OF
A REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, NOVEMBER 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 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.
Julia Stewart, Senior Planner.
Yvette Hall, City Clerk.
Jim Aichele, 14 Crest Road West.
Roger Hawkins, 37 Crest Road West.
Leslie Stetson, 71 Saddleback Road.
Sue Breiholz, 6 Upper Blackwater Canyon Road.
Carol Hoffman, 3 Hillside Lane.
Alfred Visco, 15 Cinchring Road.

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. Minutes – 1) Revised Regular Meeting of October 8, 2018 – See page 3 for revised paragraph; 2) Regular Meeting of October 22, 2018; 3) Regular Meeting of July 9, 2018; and 4) Regular Meeting of March 12, 2018.

RECOMMENDATION: Approve as presented.

- B. Payment of Bills.

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RECOMMENDATION: Approve as presented.

- C. Republic Services Recycling Tonnage Report for October 2018.

RECOMMENDATION: Receive and file.

- D. List of 2019 City Council Meeting Dates and City Holidays.

RECOMMENDATION: Receive and file.

City Clerk Hall informed the City Council that the Payment of Bills for the November 26, 2018 Check Run under Consent Calendar Item No. 4-B was inadvertently not included in the City Council agenda packet. She stated that a copy of the Payment of Bills for November 26, 2018 was provided to all City Councilmembers and the public.

Chair Wilson requested that Item No. 4-C of the Consent Calendar be pulled for separate consideration. There were no objections.

Mayor Pro Tem Mirsch requested that Item No. 4-D of the Consent Calendar be pulled for separate consideration. There were no objections.

Councilmember Black moved that the City Council approve the items on the Consent Calendar, excluding Item Nos. 4-C and 4-D, as presented. Councilmember Dieringer seconded the motion, which carried without objection as follows:

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

NOES: COUNCILMEMBERS: None.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

Chair Wilson commented on Consent Calendar Item No. 4-C and indicated that the State of California has mandated that cities divert a certain percentage of waste from the landfills. Mayor Wilson noted that Republic Services' diversion rate has dropped since January 2018.

In response to Chair Wilson's question, City Manager Jeng indicated that Republic Services has not yet provided an explanation for the decline in the diversion percentage. She stated she has been in communication with Republic Services regarding their obligation to meet the diversion percentage per their contract agreement. She stated the drop may be due to the timing of when Republic Services reports their numbers and that she did inquire with them. City Manager Jeng stated she has not received feedback from Republic Services yet.

Chair Wilson requested that information be provided on how Republic Services is addressing this matter.

Discussion ensued concerning the changing recycling market, compliance reporting and diversion rates.

City Manager Jeng stated that she will report back to the City Council regarding why the diversion rate is low.

Mayor Pro Tem Mirsch commented on Consent Calendar Item No. 4-D and suggested that the City Council consider rescheduling the City Council meetings that fall on a holiday.

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The City Council discussed rescheduling the May 27, 2019 City Council meeting to May 29, 2019 and the November 11, 2019 City Council meeting to November 12, 2019.

Mayor Pro Tem Mirsch moved that the City Council approve Consent Calendar Item Nos. 4-C and 4-D as presented and to reschedule the City Council meetings that fall on a holiday to May 29, 2019 and November 12, 2019. Councilmember Dieringer seconded the motion, which carried without objection as follows:

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

PRESENTATION

Recognition of Captain Dan Beringer

The City Council presented a Certificate of Recognition to Captain Beringer and thanked him for his many years of exemplary service.

5. COMMISSION ITEMS

- A. **RESOLUTION NO. 2018-14.** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW AND VARIANCES TO ALLOW A RESIDENTIAL ADDITION, A NEW PORTE COCHERE AND NEW ABOVE GRADE DECK TO ENCROACH INTO SETBACKS, AND WAIVE THE REQUIREMENT OF STABLE AND CORRAL SET ASIDE AREA IN ZONING CASE NO. 946 AT 2 EL CONCHO LANE, LOT 7-GF, (RICK BOOS/CLINT PATTERSON).

Mayor Wilson introduced the item and asked for the staff report. Mayor Pro Tem Mirsch recused herself from consideration of the project due to her personal knowledge of the applicant.

Senior Planner Stewart stated that the project at 2 El Concho Lane, Zoning Case No. 946, is for a Site Plan Review and multiple Variances which were approved by the Planning Commission. She provided an overview of the applicant's request for a residential addition and remodel, a new porte cochere, a new above grade outdoor deck to the rear of the residence, and a waiver to the stable and corral set aside requirement. She further explained that no grading is proposed for the project. Senior Planner Stewart indicated one resident attended the field visit and expressed support for the project.

In response to Mayor Wilson's questions, Senior Planner Stewart clarified that the reference to shelter for local animals in the staff report was provided by the applicant as their justification for the project.

Mayor Wilson called for public comments

Raymond Medak, Architect, commented that he provided a justification statement for the project that discussed mitigation measures to encourage more vegetation habitat for animals.

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Following discussion, Councilmember Pieper moved that the City Council receive and file Planning Commission Resolution No. 2018-14 granting approval of the applicant's request in Zoning Case No. 946 at 2 El Concho Lane. Councilmember Black seconded the motion, which carried without objection by a voice vote as follows:

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

Mayor Pro Tem Mirsch returned to the dais.

- B. RESOLUTION NO. 2018-15. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS GRANTING APPROVAL FOR A SITE PLAN REVIEW, CONDITIONAL USE PERMIT, AND VARIANCES TO ALLOW GRADING, WALLS, AND A 5,000 SQUARE FOOT RIDING RING IN THE FRONT SETBACK AND FRONT YARD AND TO IMPORT DIRT IN ZONING CASE NO. 947 AT 34 SADDLEBACK ROAD, LOT 13-RH, (EDDY DELGADO).**

Mayor Wilson introduced the item and asked for the staff report. Senior Planner Stewart stated that the project at 34 Saddleback Road, Zoning Case No. 947, is for a Site Plan Review, Conditional Use Permit and Variances which were approved by the Planning Commission. Senior Planner Stewart stated that the applicant is proposing to construct a 5,000 square foot riding ring in the front yard area of the property and which also encroaches 30 feet into the front yard setback. She further explained that the project also includes the import of dirt and construction of two retaining walls in the front yard area that will not exceed 5 feet in height, and which encroach into the front and side setbacks.

Senior Planner Stewart noted that the project was initially part of a larger project that was approved on the property; however, the approval expired for the earlier project. She explained that the stable and corral were proposed to be placed in the front yard area and the riding ring was proposed to be in the back. She stated that the Planning Commission recommended that the stable be placed in the rear of the property and that the applicant never constructed the riding ring. Senior Planner Stewart reviewed the new proposed riding ring.

Mayor Wilson called for public comments. Hearing none, Mayor Wilson closed public comments.

Councilmember Pieper moved that the City Council receive and file Planning Commission Resolution No. 2018-15 granting approval of the applicant's request in Zoning Case No. 947 at 34 Saddleback Road. Councilmember Mirsch seconded the motion.

Councilmember Black expressed concern that the ring will be too visible from the street, as there is very little room for landscaping that could screen the ring. Councilmember Black stated that with the slope sloping towards the street and the ring being above it, the landscaping of the slope will not provide sufficient screening.

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Discussion followed among the City Councilmembers and staff regarding landscaping requirements and landscaping for graded slopes.

The motion carried by the following voice vote:

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

NOES: COUNCILMEMBERS: Black.

ABSENT: COUNCILMEMBERS: None.

ABSTAIN: COUNCILMEMBERS: None.

Mayor Wilson requested that Agenda Item No. 9.A. be reordered and considered at this time. There were no objections.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

A. CONSIDER AND APPROVE A DOMESTIC VIOLENCE RESPONSE PILOT PROGRAM ADMINISTERED BY THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT AND APPROPRIATE \$900 PER YEAR TO FUND THE PROGRAM.

City Manager Jeng presented an overview of the domestic violence response pilot program. She indicated that this item was requested by the Palos Verdes Peninsula Regional Law Enforcement (Regional Law) Committee at their November 8, 2018 meeting. She stated that members of the Regional Law Committee discussed the feasibility of implementing a domestic violence response pilot program that was recommended by Councilmember Dieringer, who is a member of the committee. City Manager Jeng stated that Los Angeles County Sheriff's Department's (LASD) Captain Beringer researched the viability of implementing a domestic violence pilot program similar to Los Angeles Police Department's (LAPD) program which pairs an officer with a domestic violence advocate when a domestic call is received. She explained the proposal is to have LASD model LAPD's program. She discussed the personnel shortages that are currently being experienced by the LASD and the Lomita Station, and that based on this issue, it is not possible to staff full-time deputies for this program. City Manager Jeng indicated that Captain Beringer recommended the use of detectives on a volunteered overtime basis.

Councilmember Black questioned whether there were major differences with the current process for handling domestic violence cases.

Captain Beringer explained the domestic violence response program and indicated that it is more in depth. He stated that the victim works with an advocate to start the prosecution and restraining order process to aid in the prosecution of the case because the victim will recant many times.

Councilmember Dieringer explained the process for handling domestic violence cases. She stated the idea is to provide the victim with an advocate who can guide the victim through the process in order to get the victim out of a recurring situation.

Discussion followed among the City Council regarding the domestic violence case process, LASD's Detectives' function in a domestic violence case and cost.

Councilmember Dieringer moved to allocate \$900 per year to fund a Domestic Violence Response Pilot

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Program administered by the Los Angeles County Sheriff's Department. Councilmember Pieper seconded the motion, which 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

None.

7. OLD BUSINESS

None.

8. NEW BUSINESS

- A. CONSIDERATION OF RESOLUTIONS PERTAINING TO SUBMISSION OF A BALLOT MEASURE TO THE VOTERS AT THE TUESDAY, MARCH 5, 2019 GENERAL MUNICIPAL ELECTION IN THE CITY OF ROLLING HILLS IN LIGHT OF EXECUTED AND RECEIVED NOTICE OF WITHDRAWAL:

- (1) RESOLUTION NO. 1232: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA CALLING FOR THE SUBMISSION OF A BALLOT MEASURE TO THE VOTERS AT THE TUESDAY, MARCH 5, 2019 GENERAL MUNICIPAL ELECTION.
- (2) RESOLUTION NO. 1233: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.
- (3) RESOLUTION NO. 1234: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING A CITY MEASURE.
- (4) EXECUTED NOTICE OF WITHDRAWAL OF LOCAL INITIATIVE "MEASURE 2017".

Mayor Wilson introduced the item and asked for the staff report. City Manager Jeng stated that this item was considered at the last City Council meeting and was postponed to allow the City Attorney additional time to develop the question in the view preservation measure to be placed on the March 5, 2019 General Municipal Election and to research whether the view preservation measure could be withdrawn from the ballot.

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City Attorney Jenkins advised that at the last Council meeting both of the proponents of the view preservation measure were in attendance and both indicated that they would like to withdraw the measure in order to avoid having an election to vote on the measure. City Attorney Jenkins stated that both proponents submitted a written withdrawal of the measure pursuant to the Elections Code. City Attorney Jenkins indicated that the law did change this year after he conducted research at the Council's direction. He stated that the Elections Code now specifically allows for the proponent of an initiative to withdraw at any time before the 88th day before the election. He stated that the only issue is that the legislation does not take effect until January 1, 2019; therefore, the City is in an odd dilemma as the City is on the cusp of the legislation. He noted that the 88th day before the election is December 7, 2018. He explained that the City would not be able to withdraw the measure after December 7, 2018 if the City waited until January 2, 2019; however, the election itself is scheduled after the effective date of the legislation. City Attorney Jenkins stated that this was not a situation that was contemplated by the legislature and there is no case law. He stated that at this point he can only provide an educated guess as to the result if the matter were to be challenged. He further stated that he feels the legislative intent is clear and is intended to avoid elections where issues are worked out between the agency and proponents. City Attorney Jenkins believes this case is a classic example of the intent of the law. He stated that from the time the measure qualified in 2016 to the time it became eligible to be placed on the ballot, a substantial amount of activity occurred which resulted in another ballot measure and, subsequently, a new ordinance being adopted. He indicated the existing ordinance is substantially the same as the proposed ordinance and that holding an election would be wasteful. City Attorney Jenkins stated the risk is very low and recommended that the City Council withdraw the view preservation measure from the March 5, 2019 General Municipal Election.

In response to Mayor Wilson's question, City Attorney Jenkins stated that the decision to withdraw the measure from the ballot could be challenged; however, he opined that it would have to be challenged before December 7, 2018 in order to place it back on the ballot.

Mayor Wilson called for public comments. Hearing none, Mayor Wilson closed public comments.

Councilmember Dieringer moved that the City Council receive and file the view preservation measure proponents' notice of withdrawal from the March 5, 2019 General Municipal Election ballot. Councilmember Pieper seconded the motion. The motion passed by the following roll call vote:

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

- B. AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 8.04 (HEALTH CODE) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO ADOPT THE MOST RECENT VERSION OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE AND CONSIDERATION OF APPROVAL OF THE LOCAL AREA MANAGEMENT PROGRAM MEMORANDUM OF UNDERSTANDING WITH LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH.

Mayor Wilson introduced the item and asked for the staff report. City Manager Jeng stated this item originated from the discussion on the sewer project. She indicated that the state passed a policy to govern

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onsite wastewater treatment systems (OWTS) or septic tanks. She indicated that the state is interested in overseeing any septic tanks that are within the state to minimize the degradation of water quality. She explained that the state's OWTS policy states that owners of septic tanks need to engage with the State Water Resources Control Board (State Board) in order to obtain a state permit because potentially an owner is a discharger into the receiving waters. She stated that the Los Angeles County Department of Public Health (LACDPH) requested to prepare a local area management plan to alleviate owners from engaging with the State Board to obtain a license for a septic tank. City Manager Jeng stated that a Los Angeles Local Area Management Program (LAMP) was prepared by LACDPH and approved by the Los Angeles Regional Water Quality Control Board. She indicated that approval of a Memorandum of Understanding (MOU) with the LACDPH and the adoption of Title 11 of the amended Los Angeles County Health and Safety Code be considered in order to be a part of the LAMP and to allow the City to contract with the LACDPH for the regulation of OWTS within the City.

In response to Mayor Wilson's question, City Manager Jeng stated that the 200 feet public sewer location is measured from the centerline of a mainline sewer to the property. City Manager Jeng further clarified that if a public sewer is available within 200 feet of a residence, the repair or replacement of a septic tank will not be approved.

Councilmember Pieper indicated that the availability of a public sewer within 200 feet of a residence along Palos Verdes Drive North is a problem for these residents.

City Manager Jeng stated that if residents have an existing septic tank that is operating well without any issues, then the residents will not be affected by the 200 foot public sewer connection requirement. She further stated that if a resident has called a pumper out twice within a 180-day period, then the pumper is obligated to report to the LACDPH that the property has an issue.

Discussion ensued concerning the fee schedule, identification of properties with septic tanks and provisions of the MOU.

Mayor Wilson opened public comments.

Jim Aichele, 14 Crest Road West, expressed concern on the impacts of the availability of a public sewer within 200 feet of a residence and discussed his neighbor's sewer connection.

City Manager Jeng provided clarification on the availability of a public sewer within 200 feet of a residence as it relates to the repair of an existing OWTS.

Discussion ensued among staff and the City Council regarding sewer connection options, if required, due to a failing septic system.

Mr. Aichele further stated that he supports sewers. He commented on pumping up hill on Crest Road and expressed concern with pumping his neighbor's affluent up hill if his neighbor's have a failure.

Discussion ensued concerning the various conditions that would require a connection to a sewer line.

Roger Hawkins, 37 Crest Road West, inquired if there was a sewer line on Crest Road.

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Planning Director Schwartz stated that there is no sewer line on Crest Road and that the closest sewer line is on Crenshaw Boulevard and one in Rancho Palos Verdes behind Rancho Del Mar School.

Mayor Wilson closed public comments.

Mayor Pro Tem Mirsch moved that the City Council waive full reading and introduce for first reading Ordinance No. 359 amending Chapter 8.04 (Health Code) of the City of Rolling Hills Municipal Code to adopt the most recent version of the Los Angeles County Health and Safety Code and authorize the Mayor to sign the MOU between LACDPH and the City for the regulation of OWTS within the City. Councilmember Black seconded the motion. The motion carried by the following voice vote:

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

- B. AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 8.30 FIRE FUEL ABATEMENT OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO REQUIRE CERTAIN LEVELS OF CLEARANCE BASED ON DIFFERENT ZONES EXTENDING FROM RESIDENTIAL STRUCTURES WITHIN THE CITY.

Mayor Wilson introduced the item and asked for the staff report. City Manager Jeng provided an overview of the enforcement of Chapter 8.30, Fire Fuel Abatement, of the City's municipal code. She indicated that the City Council requested that guidelines be prepared on how to enforce the removal of dead vegetation. City Manager Jeng provided a summary of the current enforcement requirements of the Los Angeles County Fire Department (LAFD) and the Los Angeles County Department of Agriculture Commissioner/Weights and Measures. She noted that both agencies have no outstanding brush clearance cases in the City. She stated that eight brush clearance cases were reported by residents and that of those eight cases, only one remains open. She indicated that staff also worked on brush clearance cases identified by the Rolling Hills Community Association (RHCA) and provided a status summary of the 31 RHCA cases. City Manager Jeng reviewed the proposed ordinance and discussed the three zones of defensible space, degree of slope and enforcement guidelines. She noted that the City Council requested to include tumbleweeds and only dead vegetation removal in the ordinance verbiage.

City Manager Jeng noted that comment letters were received from residents Alfred Visco and Roger Hawkins.

Mayor Wilson opened public comments.

Roger Hawkins, 37 Crest Road West, commented that all properties will be affected in some way if the proposed ordinance is adopted and expressed concern with the cost of hiring a part-time code enforcement officer. He suggested that tax dollars should be spent on assisting residents with clearing their properties.

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Leslie Stetson, 71 Saddleback Road, expressed support of the brush clearance program. Ms. Stetson stated that fire fuel should be eliminated.

Sue Breiholz, 6 Upper Blackwater Canyon Road, commented that she felt it was the City Council's obligation to reduce fire fuel as much as possible. She expressed support of the proposed ordinance.

Jim Aichele, 14 Crest Road West, commented that residents will be upset with vegetation that is removed. He expressed concern with losing privacy due to the removal of vegetation, clearing of canyons and enforcement.

Carol Hoffman, 3 Hillside Lane, commented that she believed that residents will support the proposed ordinance.

Mr. Hawkins spoke on the causes of fire, which include people and Southern California Edison.

Alfred Visco, 15 Cinchring Road, read his comment letter. He stated that the proposed ordinance will achieve the reduction of fire fuel in the City.

Mayor Wilson closed public comments.

Councilmember Pieper commented that the point of the program was to start with dead vegetation removal and make residents aware of the fire fuel issues. He felt the proposed ordinance was wide-ranging and would like to keep it narrow.

Discussion followed among staff and City Council regarding the status of the properties identified by the RHCA.

Councilmember Black commented that the City Council wanted residents to become aware of the fire fuel issue. He indicated that adding tumbleweeds to the ordinance was a good suggestion. Councilmember Black inquired if the City has any non-covered insurance liability issues related to enforcement of dead vegetation. He stated that he would support a program to assist residents with a financial need because it would benefit the whole city.

City Attorney Jenkins advised that he believed there is no basis for liability associated with imposing a requirement to clear dead vegetation on a property. He further explained that there is a way to structure the use of public funds for a property owner in financial need given the catastrophic effect that a wildfire could have on the city. City Attorney Jenkins advised that there are objective financial criteria that could be developed, such as a loan program or lien program, where the current owner would not be obligated to pay; however, once the property is sold a future buyer might be obligated to pay off the loan.

Mayor Pro Tem Mirsch commented that she is pleased with the awareness and discussion among residents that has come about and the work that is being done to clear dead vegetation. She thanked staff for developing the guidelines. She stated that the scope of work proposed in the ordinance is broader; however, she appreciates the work that staff completed. She would like to limit the code enforcement efforts to dead vegetation only. She indicated that the existing ordinance does not need to be revised. Mayor Pro Tem Mirsch suggested to incorporate into the existing ordinance the removal of dead Palm

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fronds from living trees and tumbleweeds, live or dead. She noted that the community agreed to proactive enforcement with the existing ordinance. She stated that the issue concerning hillsides not being cleared was brought up by residents. She indicated that the degree of slope should be determined to make it clear and consistent for residents. Mayor Pro Tem Mirsch further stated that if the vegetation is dead, it needs to be removed. She stated she was not aware of the scope of the proposed ordinance and does not support it. She expressed support of adding the two items, tumbleweeds and dead Palm fronds, to the existing ordinance and to find a way to address inaccessible areas. Mayor Pro Tem Mirsch commented, for the record, that she feels that the City is assuming the LCFD's burden by including zones that are under the LCFD's purview in the proposed ordinance. She indicated that she is not supportive of codifying the areas that the LCFD should be enforcing. Mayor Pro Tem Mirsch noted that the existing ordinance covers the whole property.

Discussion ensued among the City Council regarding procedures to make enforcement consistent and objective, not enforcing the removal of live vegetation, using a simple strategy for brush clearance enforcement and establishing a slope criteria.

Councilmember Black indicated that he does not want to stop the code enforcement efforts that have already been implemented.

Further discussion followed regarding the possibility of having LACFD's conduct inspections more than once a year on a case-by-case basis, postponement of the guidelines, developing a consistent slope degree, and continuing with the current brush clearance program.

There was consensus among the City Council not to implement the proposed ordinance.

Further discussion followed among staff and the City Council on clearing dead vegetation on large properties.

Following discussion, the City Council, by consensus, directed staff to continue enforcement of the City's existing ordinance and review Chapter 8.30 of the municipal code to add the following items: 1) Removal of tumbleweeds, dead or living; 2) Removal of dead Palm fronds from dead or living trees; and 3) Add a slope measure that can be applied generally among all properties.

10. MATTERS FROM STAFF

None.

11. CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS
CALIFORNIA GOVERNMENT CODE SECTION 54957.6
CITY DESIGNATED REPRESENTATIVE: CITY MANAGER
UNREPRESENTED EMPLOYEE: PLANNING DIRECTOR

The City Council convened into closed session at 9:28 p.m. and City Clerk Hall left the Council Chamber.

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12. RETURN TO OPEN SESSION

A. ANNOUNCEMENT OF ACTIONS FROM CLOSED SESSION (ORAL REPORT).

The meeting reconvened in open session with all Councilmembers in attendance.

City Attorney Jenkins announced that there was no reportable action from the Closed Session.

13. ADJOURNMENT

Hearing no further business before the City Council, Mayor Wilson adjourned the meeting at 10:05 p.m. The next regular meeting of the City Council is scheduled to be held on Monday, January 14, 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

**MINUTES OF
A SPECIAL MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
WEDNESDAY, DECEMBER 19, 2018**

1. CALL TO ORDER

A special meeting of the City Council of the City of Rolling Hills was called to order by Mayor Wilson at 6:01 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 and Mayor Wilson.

Councilmembers Absent: Black.

Others Present: Elaine Jeng, P.E., City Manager.
Yvette Hall, City Clerk.

3. PUBLIC COMMENT

None.

4. NEW BUSINESS

- A. RESOLUTION NO. 1235 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS, CALIFORNIA PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED ON TUESDAY, MARCH 5, 2019.

City Manager Jeng announced that a revision was made to the number of the Resolution presented in the staff report. She indicated that the correct number of the Resolution is Number 1232, not Number 1235.

Councilmember Dieringer moved that the City Council adopt Resolution Number 1232 appointing Patrick Wilson, Leah Mirsch and James Black to the offices for which they were nominated and cancel the election scheduled to be held on Tuesday, March 5, 2019. Councilmember Pieper seconded the motion, which carried without objection by the following voice vote:

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

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5. ADJOURNMENT

Hearing no further business before the City Council, Mayor Wilson adjourned the meeting at 6:03 p.m. The next regular meeting of the City Council is scheduled to be held on Monday, January 14, 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