AGENDA
REGULAR MEETING

CITY COUNCIL
MONDAY, MARCH 25, 2019

CITY OF ROLLING HILLS
7:00 P.M.

Next Resolution No. 1235

Next Ordinance No. 362

1. CALL TO ORDER

2. ROLL CALL

PLEDGE OF ALLEGIANCE

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

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

4. CONSENT CALENDAR

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

A. Minutes – 1) Regular Meeting of March 11, 2019.
   RECOMMENDATION: Approve as presented.

B. Payment of Bills.
   RECOMMENDATION: Approve as presented.

5. COMMISSION ITEMS

NONE.

6. PUBLIC HEARINGS

A. APPEAL TO THE CITY COUNCIL ON THE REMOVAL ORDER BY THE CITY MANAGER ISSUED TO GORDON AND NANCY INMAN TO REMOVE THE BOXER, LULU FROM THE CITY.
B. WAIVE THE FULL READING AND INTRODUCE ON FIRST READING ORDINANCE NO. 361 AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA, AMENDING CHAPTER 13.18 (WATER EFFICIENCY LANDSCAPE) OF TITLE 13, WATER AND SEWERS OF THE ROLLING HILLS MUNICIPAL CODE.

7. OLD BUSINESS

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

8. NEW BUSINESS

NONE.

9. MATTERS FROM THE CITY COUNCIL AND MEETING ATTENDANCE REPORTS

NONE.

10. MATTERS FROM STAFF

NONE.

11. CLOSED SESSION

A. ANTICIPATED LITIGATION
   The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter will prejudice the position of the City in anticipated litigation:
   GOVERNMENT CODE SECTION 54956.9(d)(4)
   A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, there is a significant exposure to litigation against the City.
   Number of Potential Cases: One matter of threatened litigation

B. EMPLOYEE PERFORMANCE EVALUATION
   GOVERNMENT CODE SECTION 54957
   TITLE: CITY MANAGER

12. RETURN TO OPEN SESSION

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

13. ADJOURNMENT

THE MEETING WILL BE ADJOURNED IN MEMORY OF COMMUNITY MEMBER STEVE CALHOUN AND KENT STEWART, THE HUSBAND OF SENIOR PLANNER
JULIA STEWART. MR. CALHOUN PASSED ON MARCH 13, 2019 AND KENT STEWART PASSED AWAY ON MARCH 20, 2019.

Next meeting: Monday, April 8, 2019 at 7:00 p.m. in the Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

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

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

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.

All Planning Commission items have been determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines unless otherwise stated.
MINUTES OF
A REGULAR MEETING
OF THE
CITY COUNCIL OF THE
CITY OF ROLLING HILLS, CALIFORNIA
MONDAY, MARCH 11, 2019

1. CALL TO ORDER

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

2. ROLL CALL

Councilmembers Present: Black (arrived at 7:04 p.m.) Dieringer, Mirsch, Pieper and Mayor Wilson.

Councilmembers Absent: None.

Others Present: Elaine Jeng, P.E., City Manager.
Mike Jenkins, City Attorney.
Yvette Hall, City Clerk.
Alfred Visco, 15 Cinching Road
John Despa, Sheriff’s Department

3. OPEN AGENDA - PUBLIC COMMENT WELCOME

Alfred Visco, 15 Cinching Road, informed the City Council that the Rolling Hills Community Association discussed gate access and fire fuel reduction at the last Board meeting. Mr. Visco was not able to attend the meeting.

Mayor Wilson noted that he was at the last Association Board meeting and can discuss those two items with Mr. Visco offline.

4. CONSENT CALENDAR

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

A. Minutes – 1) Regular Meeting of April 4, 2018, 2) Regular Meeting of February 11, 2019 (revised) and 3) Regular Meeting of February 25, 2019

RECOMMENDATION: Approve as presented.

B. Payment of Bills.

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

NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: Black.
ABSTAIN: COUNCILMEMBERS: None.

Councilmember Dieringer noted that she had some minor revisions to certain minutes that she provided to the City Manager.

City Manager Jeng noted there were misspelled words and insert of connecting words; if Council members are comfortable, staff will incorporate minor changes. There were no objections.

5. **COMMISSION ITEMS**

None.

6. **PUBLIC HEARINGS**

None.

7. **OLD BUSINESS**

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

City Manager Jeng recommended to the Mayor and members of the City Council to discuss item 8C cost share model before discussing item 8A. There were no objections. The meeting agenda re-ordered and agenda item 8C was discussed at this time.

Returning to this item after discussing agenda item 8C.

City Manager provided a brief recap of the last City Council where directions were given to staff to (1) ask Bond Counsel to provide cost estimates for individual projects; (2) to the extent possible bond counsel work shall be performed by a paralegal at a lower rate; (3) hourly rate shall be capped at 5% per year commencing after year 2020; and (4) a reimbursable rate sheet was included in the contract. A redline version of the contract with these additions is included in the agenda package.

Mayor Wilson expressed appreciation for the redlines.

Mayor Pro Tem inquired where item (1) was inserted in the revised contract.
City Manager Jeng clarified that the cost estimate was discussed with bond counsel but was not included in the contract.

City Attorney Jenkins expressed that it was fine that the item was not included in the contract.

Mayor Wilson inquired about the signator for the contract; it changed from the City Manager to the Mayor.

City Manager Jeng replied the City Manager was placed in error and should be the Mayor that signs the agreement.

Councilmember Dieringer inquired if the bond counsel has given the City an estimate for the work for the Eastfield project.

City Manager Jeng noted that the bond counsel contract has not been executed and therefore the bond counsel has not provided a cost estimate.

Discussion ensued regarding if the City can back out of a contract if the cost estimate came in higher than expected.

City Attorney Jenkins noted that under the professional rules and conduct the City can always terminate the services of an agreement. No attorneys can force themselves on a client.

Councilmember Pieper moved to approve the item as presented. Mayor Pro Tem Mirsch seconded the motion, which carried without objection by a voice vote as follows:

NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

8. **NEW BUSINESS**

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

This item was discussed after agenda item 9B.

Finance Director Shea presented the mid-year budget noting that the year to date revenue is at $1.2M, $38K more than expected; expenditures are $1.275M, less than budgeted. Fiscal Year 18-19 budget revenue compared to expenditures after transfers showed a decrease of $54K compared to the anticipated shortfall of $154K. Interest rates are rising. Mid-year budget will reflect the increase in interest earning of $43K. There are a few expenditures to be included for mid-year: new copier, solid waste diversion compliance audit, but there are savings from not having to hold an election. Expenses relating to the
copier purchase and compliance audit will be offset by the election budget.

Mayor Pro Tem inquired if the compliance audit was a part of the budget and if the audit should be conducted on a frequency.

City Manager Jeng replied the compliance audit was not a part of the budget and the compliance audit is done once in a blue moon.

City Manager Jeng went over the mid-year proposed adjustments, on page 11 of 12: (1) Making provisions for the worst case scenario on the need to replace the City Hall emergency standby generator. (2) Solid waste professional assisting with the solid waste contract. This item will be discussed tonight under a separate agenda item. (3) Proposed contribution to the Block Captain program providing materials to support volunteered residents. (4) Grant writing services to assist staff to complete and turn in grant applications timely. (5) Re-design of the website in response to the current web designer that won’t support the current version of the software. (6) Information Technology services to support City Hall for the remainder of the fiscal year. The existing service provider decided to terminate agreement with the City.

Finance Director Shea summarized the mid-year budget to include $43K increase in revenue and $79K increase in expenditure.

Councilmember Dieringer inquired if there was a budget for ADA compliance work such as City Hall front door and counter.

Finance Director Shea replied that some of ADA compliance work is in the budget.

City Manager Jeng noted that staff had door vendors take a look at the City Hall front door and there are issues identified with the slope percentage at the threshold of the front door to meet ADA requirements.

Mayor Wilson opened the item to public comments. There were no public comments.

Councilmember Pieper inquired which vendor would solve the City’s website needs better.

City Manager Jeng replied that the lower cost vendor meets the City’s need better. For example, currently the City pays a separate vendor for e-notify system while the lower cost vendor has this service imbedded in the website so that the City doesn’t have to pay for a separate service. The lower cost vendor also has extensive experience with ADA compliant website. All the clients of the lower cost vendor are government entities.

Mr. Visco asked to comment on the budget allocation for the Block Captain program. Mr. Visco inquired that there is already approximately $8K allocated in the budget for the Block Captain program. So there is a proposal to allocate an additional $6875 to the budget.

City Manager Jeng noted that there is an error; the $6106 in agenda item 10A should be $6875. Also the existing budget of $8K is reserved for other expenditures other than Block Captain Program and this budget was created prior to the City Manager’s employment with the City. To not disrupt the previous
allocation, an additional $6875 is requested to be dedicated to the Block Captain Program.

Finance Director Shea noted from records that the Block Captain Program budget paid for the Peninsula Preparedness Expo held in October 2018.

Mayor Pro Tem Mirsch suggested to separate line items to break down the Block Captain Program allocations.

Finance Director Shea replied that the new finance software will have additional breakdowns going forward.

Mayor Pro Tem Mirsch inquired if the mid-year proposal for the consultant services for the Cal-OES grant application is expenses on top of previous $25K expenditure for previous grant writers.

Councilmember Black noted that he did not want to get consulting services for the solid waste contract. In the past staff and City Council members were able to conduct the bid without consulting help.

Mayor Wilson indicated the City doesn’t have a set of specifications to put out to bid because the contract has been extended multiple times. Mayor Wilson noted he had sat down with the solid waste providers and they are requesting a 60% increase.

Councilmember Pieper inquired how much does the City pay for trash services and how much the residents pay for trash services.

Finance Director Shea replied the residents are paying $1100 per year. The City is paying Republic Services $1160. The City subsidizes approximately $40K per year.

City Manager Jeng noted that the expected increase is 30%.

Councilmember Pieper commented that with the expected increase, residents will be getting a significant increase and suggested to have the mid-year proposal for consultant assistance with solid waste contract and if the budget is needed then it is in the budget.

Councilmember Black indicated that the City does not need consulting services.

Mayor Pro Tem Mirsch inquired if the budget for solid waste consultant can be included in the mid-year adjustment but not go forward with the service until later in the contract negotiation process.

City Manager Jeng explained that the City’s procurement policy is for contract amounts above $25K to be approved by City Council. For contract amounts less than $25K, the City Manager just needs to follow the procurement procedures and engage services. City Manager Jeng noted that in this case she will bring the contract to Council for approval regardless of the contract amount. City Manager Jeng commented on the value of a solid waste professional. As an example, the City wanted to add a sharps program, staff wouldn’t be able to determine the validity of the proposed rates. Additionally there is new legislation to eliminate methane gas from landfills and would require residents to place food waste in a separate bin. A solid waste professional who has the eyes and ears of the industry would be able to advise the City on the
cost to have a separate bin and to sort and divert from landfills.

Mayor Wilson summarized the discussion that the budget for the solid waste professional can be included in the mid-year adjustment.

Mayor Pro Tem asked that staff bring back the contract if and when it is determined that there is a need for the service, regardless of the contract amount.

Councilmember Pieper moved to approve the proposed mid-year adjustments. Mayor Pro Tem Mirsch seconded the motion, which carried without objection by a voice vote as follows:

NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.

B. CONSIDERATION OF OPTIONS FOR SOLID WASTE SERVICE BEGINNING JULY 1, 2019

City Manager Jeng noted that the existing solid waste services contract expires on June 30, 2019. Typically contract discussion take place 18 months from the expiration date in order to make provisions for if and when a new service provider is hired. The long lead time allows the new service provider to transition into service and the old provider to transition out of service. The existing service provide indicated to the City that if the contract is extended for another 5 year term, in the first year, the rates would increase by 30% and the subsequent years by the rate of the Trash, Sewer, and Water index. The current contract uses the general consumer price index and historically in the last three years, the Trash, Sewer, Water index shows a 2-3% above the consumer price index. Alternatively, the service provider proposed to amortize the increase over a longer period of time with 8-10 years agreement with 6% flat rate increase for the entire duration of the contract. In either rate scenario, the service provider took into consideration new legislation, changes in recycling policies and commodity prices.

City Manager Jeng requested direction from Council on the next steps: negotiate contract or go out to solicit competitive bids. On the competitive solicitation, the existing contract may need to be extended to have adequate time for transition.

Mayor Pro Tem inquired if the existing service provider would be open to give an extension.

City Manager replied that the service provider may do business in Rolling Hills at a later time and also their reputation is at stake. There should be no issues with getting a contract extension.

Councilmember Pieper inquired if staff can make calls to other service providers to ask if the other services would be interested in bidding on serving Rolling Hills.

Mayor Wilson noted that Republic Services proposed to cut the service from twice a week to once a week. The first pick-up shows the majority of the disposal and the second pick up is generally less.

Minutes
City Council Meeting
03-25-19
Councilmember Pieper commented that changing service from twice a week to once a week should not be considered.

Discussion ensued on subsidizing services for residents.

City Manager Jeng suggested to the City Council that she will check with the nearby service providers and get their responses on their interest serving the city. There were no objections.

C. CONSIDERATION OF COST SHARE MODEL FOR ASSESSMENT DISTRICTS AND DIRECT STAFF TO DRAFT A RESOLUTION TO MEMORIALIZE THE COST SHARE MODEL; AND DIRECT STAFF TO DRAFT A MEMORANDUM OF UNDERSTANDING (MOU) WITH ROLLING HILLS COMMUNITY ASSOCIATION TO COST SHARE DESIGN FEES ASSOCIATED WITH ASSESSMENT DISTRICT PROJECTS.

City Manager Jeng noted the item on the cost share model for assessment district came out of the discussion at the last City Council meeting reviewing a professional services contract with the bond counsel, Stradling Yocca Carlson & Rauth. Discussions included the City’s past practice in cost sharing the design fees for underground assessment district projects with the Association and the residents, and whether if the City will contribute funds to the construction cost. City Manager Jeng gave a brief overview of the life of an assessment district project and noted that the City’s contribution – along with the Association has been towards the beginning phase of the projects and has helped to kick start the long process of forming an assessment district. City Manager Jeng recommended that the City Council continue with past practices, provided the Association agrees to the cost share model and have the construction cost be funded by the assessment districts or the residents.

Mayor Wilson asked for public comments. There were no public comments on this item.

Councilmember Dieringer discussed the Eastfield project, a current undergrounding assessment district project in progress. Councilmember Dieringer inquired if the City Council should look at Southern California Edison’s Rule 20A credit and whether if there should be consideration to contribute to the current project or should the Rule 20A credit be treated separately?

Councilmember Dieringer also asked the City Attorney the question of whether if after the Eastfield issues a bond, if there is an ability to use Rule 20A credit for the project?

City Attorney Jenkins responded that if the project was eligible for Rule 20A credit, there should not be a need to raise more money than needed. The bond amount could be reduced by the amount of Rule 20A credit dedicated to the project. City Attorney Jenkins recommended to announce the contribution upfront before the funds are raised through the issuance of bond.

Councilmember Dieringer discussed the City’s current pursuit of the grant to underground Eastfield Drive and suggested allocating a percentage of construction cost to be funded for by Rule 20A credit for the
current Eastfield project to incentivize other residents to doing what Ms. Shoettle has done with the current Eastfield project. Councilmember Dieringer also suggested to contribute Rule 20A credit for other eligible projects to reward residents with their efforts.

City Manager Jeng noted that if the City Council decides as a policy to contribute Rule 20A credits to undergrounding projects, she noted to the City Council that consideration should be given when credit runs out. The City has a bigger pot of the Rule 20A credit due to the recent exchange with Palos Verdes Estate and that the accumulation rate is very slow.

Councilmember Black noted that the grant the City is pursuing requires the undergrounding project limits to be contiguous and because of that the grant project on Eastfield has to start at Crest Road. Councilmember Black also noted he wants to preserve the Rule 20A credit for the grant.

Additional discussion on the details of the grant followed.

Councilmember Pieper suggested the City Council table the discussion on the Rule 20A allocation and focus on the cost share for engineering design fees. Councilmember Pieper made a motion to receive the report as presented.

Councilmember Black second the motion.

Mayor Pro Tem Mirsch noted that a few years ago when the one third contribution was discussed, the discussion also included a cap to the City’s contribution. Mayor Pro Tem noted that she supports the funding of design fees as it serve as seed money for projects but suggested to set a not-to-exceed contribution amount.

Councilmember Black suggested Councilmember Pieper amend his motion and set the contribution limit to be $50,000 per assessment project.

Councilmember Dieringer clarified that the motion is to approve the recommendation on page 3 of 3 of the staff report on this agenda item and the addition of the contribution limit of $50,000.

Councilmember Pieper did not object to amending his motion. Councilmember Black second the motion, which carried without objection by a voice vote as follows:

NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

9. MATTERS FROM CITY COUNCIL AND MEETING ATTENDANCE REPORTS

A. UPDATE ON THE PALOS VERDES PENINSULA REGIONAL LAW ENFORCEMENT COMMITTEE MEETINGS HELD ON NOVEMBER 8, 2018 AND FEBRUARY 14, 2019 (ORAL).

Minutes
City Council Meeting
03-25-19

-8-
Councilmember Dieringer gave a report on the committee meetings held on November 2018 and February 2019. With respect to burglaries, it remains a problem in the Peninsula. Neighborhood camera helps even Ring cameras. Identity theft is the fastest growing crime. Most alarm calls are false. There is a plan for another Peninsula wide preparedness training. There is talk of a Peninsula wide preparedness committee focused on evacuation, and communication.

Mayor Wilson noted identify theft statistics are reported based on the location of the person whose identify was stolen.

B. CONSIDERATION OF HOLDING A TOWN HALL MEETING WITH THE LOS ANGELES COUNTY SHERIFF’S DEPARTMENT TO DISCUSS HOW TO SAFEGUARD YOUR HOME AGAINST BURGLARY (ORAL).

Mayor Wilson requested this item be moved up to be discussed after agenda item 7A. There were no objections.

City Manager Jeng noted this item was placed on the agenda per City Council’s direction from the last City Council meeting to talk about holding a town hall meeting with the Los Angeles County Sheriff’s Department for best practices in protecting one’s home. At the last City Council meeting Lieutenant Mike White informed the Council that the Lomita Sheriff station has personnel that can assist with best practices and insights on measures that can be deployed. City Manager noted that there is a Sheriff’s Deputy in the audience tonight to answer questions.

Councilmembers Dieringer wanted to hear about if the Sheriff’s Department has conducted town hall meetings in other cities and how effective has the town hall meetings been in lowering crime rates.

Mayor Wilson requested the Sheriff’s Deputy to discuss the recent burglaries in Rolling Hills.

Deputy John Despa noted that three houses were hit in one night and it is believe to be operated by one or two individuals. The common theme is that there were burglarized just after the sun had set. The theory is that suspects enter the city on foot. One house was not locked and two other houses were locked. It is believed that the suspect used the stolen car from one house to travel to the other houses. The suspect exited the City at the Crest gate and appeared not to know how the gate operates. Deputy John Despa noted that he would call this an isolated incident. He also thinks that a town hall meeting would be a great idea and would re-educate residents on locking doors and discuss best practices such as the use of lighting at a residence.

Councilmember Dieringer inquired if the suspects had contact with the residents inside the homes.

Deputy John Despa replied no contact was made between the suspect and the homeowners. Deputy John Despa believes that the suspect utilized dusk and the need to light up a residence to determine if the residents are home. One of the three houses burglarized had a 90-year old man present but turned in for the night. The property was dark and the suspect thought no one was home.

Mayor Pro Tem Mirsch thought holding a town hall meeting was a good idea and strongly suggest the
City to hold one. Mayor Pro Tem Mirsch moved to direct staff to hold a town hall meeting. Councilmember Dieringer seconded the motion, which carried without objection by a voice vote as follows:

NOES: COUNCILMEMBERS: None.
ABSENT: COUNCILMEMBERS: None.
ABSTAIN: COUNCILMEMBERS: None.

10. MATTERS FROM STAFF

A. RECEIVE AND FILE REPORT ON BLOCK CAPTAIN PROGRAM; CONSIDER AND APPROVAL OF ANNUAL BUDGET ALLOCATION FOR THE BLOCK CAPTAIN PROGRAM.

City Manager Jeng reported that the Block Captain has a new lead Block Captain: Arlene Honbo. Arlene will be responsible on the community side. The Block Captains established three goals: (1) determine a solid communication plan to keep the entire city connected in the event cell towers go down and power goes out. Block Captains were testing communication devices in 2013. If a communication device can be identified than the information can be passed from one block to another block. Hidden Hills City Manager indicated to City Manager Jeng that during the Woolsey Fire, Hidden Hills daisy chained communication with one working cell phone during the event. (2) The second goal is to identify evacuation routes for the entire city. (3) The third goal is to complete a community wildfire protection plan. The Block Captains, in addition to volunteering their time, they are also paying for supplies out of their own pocket. City Manager Jeng is suggesting that the City can play a role to support the Block Captains by funding supplies including communication device. City Manager Jeng pointed the City Council to page 2 and 3 of the staff report on this agenda item and noted that there is an error in the total dollar amount and that is due to the testing of types of communication devices with varying cost. There are 24 community zones and City Hall is considered as zone 25.

City Manager reported that on Thursday, March 21, 2019 at 10am the Block Captain will be testing walkie-talkies. On April 18, 2019 the next Block Captain meeting, Diana Feinberg from the amateur radio club will be in attendance to discuss appropriate communication devices and best frequencies.

Councilmember Black commented that satellite phones are really expensive and inappropriate.

Mr. Visco inquired if the City intends to have one Block Captain for each zone. Mr. Visco discussed interferences and ham radio would be out of commission if there is no power. Ham radio is the 5 watts territory and requiring a FCC license. Mr. Visco suggested looking at devices at around $100 per device.

City Manager Jeng replied yes the current budget assumed one Block Captain per zone.

Councilmember Pieper suggested that once the right communication device is selected, that staff sends an email informing the other residents who are not Block Captains so that they can purchase the device.
DRAFT

11. **CLOSED SESSION**

A. **ANTICIPATED LITIGATION**

The City Council convened into closed session at 8:45 and City Clerk Hall left the Council Chambers.

City Attorney Jenkins noted that there is no reportable action.

12. **ADJOURNMENT**

Hearing no further business before the City Council, Mayor Wilson adjourned the meeting at 9:30 p.m. The next regular meeting of the City Council is scheduled to be held on Monday, March 25, 2019 beginning at 7:00 p.m. in the City Council Chamber at City Hall, 2 Portuguese Bend Road, Rolling Hills, California.

    Respectfully submitted,

[Signature]

Elaine Jeng
City Clerk

Approved,

[Signature]

Patrick Wilson
Mayor
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*PR LINK | 3/15/2019 | PR LINK - PAYROLL PROCESSING               | PROCESSING FEE                                                              | 58.15    |
*PR LINK | 3/15/2019 | PR LINK - PAYROLL & PR TAXES               | PAY PERIOD - FEBRUARY 27, 2019 THROUGH MARCH 12, 2019                      | 18,211.00|

Total: $74,760.72

Elaine Jeng, CFO, City Manager

* Previously Disbursed

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1. Elaine Jeng, CFO, Manager of Rolling Hills, California certify that the above
   demands are accurate and there is available in the General Fund a balance of
   $74,760.72 on the payment of above items.
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: ELAINE JENG, P.E., CITY MANAGER
SUBJECT: APPEAL TO THE CITY COUNCIL ON THE REMOVAL ORDER BY THE CITY MANAGER ISSUED TO GORDON AND NANCY INMANS TO REMOVE THE BOXER, LULU FROM THE CITY
DATE: MARCH 25, 2019
3. Animal Complaint Report January 29, 2019
4. Photographs provided by Mr. Inman
5. Doggie's 911 Literature provided by Mr. Inman
6. Letter from Pam Crane
7. City letter to Inman dated xxx, 2013
8. City letter to Inman dated August 14, 2013
9. City letter to Inman dated August 27, 2013
10. City letter to Inman dated October 24, 2013
11. City letter to Inman dated March 11, 2019
12. Inman letter to City dated March 15, 2019
13. City letter to Inman dated March 18, 2019

BACKGROUND

The City received an animal complaint report on January 29, 2019 from Virginia Letts reporting that she was walking in the street, on Caballeros Road near 10 Caballeros on January 27, 2019 and was bitten by Lulu, a tan colored boxer owned by Nancy and Gordon Inman. The Inmans reside at 11 Caballeros Road. Enclosed with the animal
complaint report, Ms. Letts included a photograph of the dog bite to her left thigh, showing two puncture wounds and bruising around the puncture wounds.

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

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

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

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

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

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

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

DISCUSSION

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

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

1. Find in writing that the complaint or observation is unsubstantiated, and take no further action, in which event the animal shall be released from confinement or impound; or
2. Implement the provisions of Section 6.24.050 or
3. Implement the provisions of Section 6.24.060
Section 6.24.060 Imposition of remedy – Alternative II. Upon conclusion of the investigation, the City Manager may find that the complaint or observation is substantiated, that the dog or other animal is aggressive within the meaning of the Section 6.24.010, and that mitigating circumstances do not exist to allow the animal to be retained by its owner or that the owner is unwilling or unable to properly train, handle or maintain the animal. In such event, the City Manager shall revoke the animal’s license and order that the animal be removed from the City or humanely destroyed. Such a finding shall be prepared in writing.

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

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

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

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

**FISCAL IMPACT**

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

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

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

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

- Dog Attacks Person
  Ca. 624 RHMC
- Dog Attacks Animal
  Ca. 634 RHMC
- Nuisance Occurrence:
  - Barking Dogs and Other Animal Noises
    Ca. 644 RHMC
  - Running or Charging
    Form Might be Necesassary
    Ca. 654 RHMC

This form must be submitted to the City within ten (10) working days after the attack.

Mohan Bhasker
Name of Person Filing Report

22 Caballeros Rd, Rolling Hills, CA 90274
Address

02/06/13
02/02/13
Date of Report
Date of Incident

10:15 AM/PM
Time of Incident

11 Caballeros Rd
Place of Incident

Rolling Hills, CA 90274

Information about Attacking/Nuisance Animal:

In Man
Owner's Name
Golden Brown
Breed

Owner's Address
Rolling Hills, CA

Weight
Unknown

Was animal wearing a license tag? Yes ☐ No ☐ Unknown ☐

Describe Incident/Nuisance Occurrence—If barking dog or other animal noise complaint include description of noise and times of day it is heard: (Please use other side of form for additional information.)

Prior to the incident of February 2, 2013, on several occasions my father a 90-year-old man and his caregiver have been victims of "Lulu" a light golden colored dog that barks viciously

The Caretaker protects my Father by throwing rocks at the dog to discourage the dog from biting my Father.

(Refer to the back of page)
On 01/27/13, I wrote a letter to the Inman's residence informing them of the serious situation. On January 29, 2013, Mr. Inman left me a voicemail apologizing for the situation that he was aware of the dog having a tendency to jump from the fence. He even stated that the dog had a trainer with the worst case scenario being that he would install an electric fence. As a short term quick fix, he was going to make sure the dog was locked up between 10:00 am and 11:30 am, which are the times my father walks the dog home.

However, on February 2, 2013, at 10:15 am, the dog proceeded to viciously attack my father and his caretaker with terrible bark and launching at them. The owner of the dog was present and proceeded to call "hulk" back in the house but the dog was out of control. Fortunately, my father managed to get away but today he is extremely frightened and fears for his life.
Describe Injury: (Please use other side of form for additional information.)

Witnesses: (You may attach statements from witnesses or other supporting documentation i.e., veterinarian or physician bills if there was an injury.)

Alici Garra
Name

William Blaziken
Name

2nd Caballors Rd, Rolling Hi
Address/Phone No. (802)-9077

(310) 994-2625
Address/Phone No.

Additional Information:

Signature of Person Filing Report

(enimal animal complaint form)
January 27, 2013

Dear Mr. Inman:

I have repeatedly stopped by your house to talk to you but I can’t seem to catch you. My father is 90 years old and he walks every day by your house with a care taker. Unfortunately, on several incidents my father and his care taker have been attacked by a vicious golden brown dog which belongs to you. The attacks have escalated to the point that the care taker has to protect my father my hitting your dog with a stick. This is an extremely dangerous situation. I would appreciate it if you could please keep your dog locked up.

If you would like to discuss this situation further, please do not hesitate to contact me at (310) 944-2625.

Thanks,

Mohan Bhasker

22 Caballeros Road, Rolling Hills, CA 90274
City of Rolling Hills INCORPORATED JANUARY 24, 1957

ANIMAL COMPLAINT REPORT

- Dog Attacks Person
  Ch. 6.24 RHMC
- Dog Attacks Animal
  Ch. 6.24 RHMC
- Nuisance Occurrence:
  - Barking Dogs and Other Animal Noises
    Ch. 6.66 RHMC
  - Running or Charging
    FORM MUST BE NOTARIZED
    Ch. 5.68 RHMC

This form must be submitted to the City within ten (10) working days after the attack.

Kathleen Hughes
Name of Person Filing Report

13 Caballeros Rd., Rolling Hills
Address

8-14-13
Date of Report

310-377-2143
Telephone No.

8-13-13 6 AM/PM
Date of Incident

13 Caballeros Rd.
Place of Incident

Information about Attacking/Nuisance Animal:

Gordon Tinnen
Owner's Name

Breed

Color

Boxer height

Was animal wearing a license tag? Yes ☐ No ☐ Unknown ☐

Describe Incident/Nuisance Occurrence—If barking dog or other animal noise complaint include description of noise and times of day it is heard: (Please use other side of form for additional information.)

I was walking my two dogs - a black chihuahua and a white terrier - on the street in front of my own house. I saw Lulu in front of the Inn (11 Caballeros Rd). Since I didn't know who she was, I screamed Gordon's name - hoping she'd get help. Lulu ran toward us and began fighting with a friend's dog and my dogs. It was 11:42 P.M. - Gren - at Caballeros. Come out...
Describe Injury: (Please use other side of form for additional information.)

I have two puncture wounds in my right leg. It swelled. Blood has pooled in my leg. It hurts. It continued to bleed. I have uncontrolled pain, and am worried about nerve damage.

Witnesses: (You may attach statements from witnesses or other supporting documentation i.e., veterinarian or physician bills if there was an injury.)

<table>
<thead>
<tr>
<th>Name</th>
<th>Address/Phone No.</th>
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<tr>
<td>Demi Crane</td>
<td>10 Cibellaun Rd.</td>
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<tr>
<td>Gordon Omphene</td>
<td>11 Cibellaun</td>
</tr>
<tr>
<td>Name</td>
<td>Address/Phone No.</td>
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<tr>
<td>Demi Omphene Zune</td>
<td>323-467-4439</td>
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<tr>
<td>friend</td>
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Additional Information:

This day scared me. No one has ever been on LEASH, but Lulu has been allowed to roam free. Gordon could not get control of the dog when it kept 5-10 minutes before I was bitten. I do not feel this dog should be allowed to bite me, injuring me in front of my own house.

I was simply walking the dog. We were no where did anything to the dog. It has also entered my property in the past.

Signature of Person Filing Report

Kathleen Ann Hughes

(Page 2 of 2)
ANIMAL COMPLAINT REPORT

☒ Animal Attacks Person
Ch. 6.24 RHMC

☐ Animal Attacks Animal
Ch. 6.24 RHMC

☐ Animal Displaying Violent or Threatening Behavior
Ch. 6.24 RHMC

☐ Nuisance Occurrence:
   ☒ Barking Dogs and Other Animal Noises
   Ch. 6.46 RHMC

This form must be submitted to the City within ten (10) days of an incident, unless the City Manager grants an extension for good cause as indicated by the City Manager’s initials above.

Virginia Letts
Name of Person Filing Report
12 Caballeros Rd
Address

1/27/9
Date of Incident
11:00 AM/PM
Time of Incident

In the street on Caballeros, near
Place of Incident
10 Caballeros

Information about Attacking/Nuisance Animal:

Zumal
Owner's Name

brown/white
Breed

Owner's Address

Describe Incident/Nuisance Occurrence—If barking dog or other animal noise complaint include description of noise and times of day it is heard: (Please use other side of form for additional information.)

I was walking in the street when the dog ran out
barking and growling and then bit my leg on the left
knee. The bite broke the skin and it was bleeding.

The owner came out and said the saw the dog

Over (Page 1 of 2)
Describe Injury:

Bite on left thigh with two puncture wounds + extensive bruising.

Witnesses: (You may attach statements from witnesses or other supporting documentation i.e., veterinarian or physician bills if there was an injury.)

Cynthia Williams MD
Name

310-325-9200
Address/Phone No.

Elizabeth Letts
Name

404-995-0061
Address/Phone No.

Additional Information:

My daughter called my doctor who advised washing the wound for 30 minutes & prescribed antibiotics.

Photo of injury was emailed to city manager.

Signature of Person Filing Report

(Please provide signature)

Rev. 12/2014 public/animal complaint form
11 Caballeros Road, Rolling Hills

Additional security for dog enclosure in backyard

1. Picture of gate where lock broke. New lock was installed
2. Picture of reinforced gate
3. Picture where wood was installed to prevent gate from opening
4. New door installed to separate from main entry
4a. Closed new door from main entry
5. New gate and lock installed
6. Gate on lower level chain installed
7. Picture of extended height of fences
8. Our dog with 6-month-old grandson
9. Our dog with 6-year-old grandson
10. Formal obedience training
11. Consistent exercise regiment
We hold a 30 minute counseling meeting before the first session so that we can get a background on the dog and the issues that need to be addressed. The following are the services of training we offer:

- One-on-One Training
- Dog Handling Counseling
- Boarding Rehabilitation
- Puppy Training (Boarding)
- Private Home Session
- 3-D Training (Advanced)
- Remote Control Training (Boarding)

For information regarding our rescue and our adoptable animals, please visit www.doggies911rescue.org.

310-643-6757
p: 310-213-6305
E: infousa@doggies911.com
www.doggies911.com

“I am not only a dog trainer, but a canine education instructor.”
a healthy, positive lifestyle
To provide both you and your dog
By educating and training you, we strive
but of you, the owner

In many cases, negative behavior is not the fault of the dog.

Touch Love to give is not always love

Elena Horeczko

Philosophy

Mamorial Hara

Doggies 911

Doggies 911 Rehabilitation
begin. Doggies 911 Rehabilitation
families, also training them in the process. So
behavioral issues and then adopt them out to
the families. Because many of these dogs with
negative behavior and other issues, our goal is to
find them at the shelter. Our goal is to
make sure they were trained properly and are

Communicating with your dog

Doggies 911 offers services that help you learn
how to lead and communicate with your dog in a way
that is not only beneficial for both of you, but also
prevents any further bad habits or aggression.

Once, Memorial ligated me for

Does need a pack leader

Mamorial Hara

Doggies 911 is now a growing organization
The Groundwork to Establishing Pack Structure with Adult Dogs

1. "Dogs don't know how to be good unless we show them."
2. "You create your dogs value system."
3. "People don't give birth to a brat!"
4. "You can feed, give water, and love your dog and he will like you, but he does not have to respect you."
5. "Dogs know what you know and they know what you don't know."

Becoming a pack leader involves adopting the attitude of a pack leader. It does not involve aggression towards a dog; it doesn’t involve rolling him on his back, hard leash corrections or even raising your voice to the dog. It involves adopting a leader's attitude. This is something that new dog owners must learn how to do.

Every dog knows a leader when he is in the presence of one. They can sense a leader. They don’t need leash corrections to consider their owner a pack leader. In fact inappropriate corrections often result in a dog looking at the offender with contempt rather than respect.

Love is not enough
The vast majority of behavioral problems are caused by mistakes that were made in the basic foundation of how relationships were set up between owners and their dogs.

I call these "mistakes in ground work (GW)" and I define ground work as "that work which involves establishing pack structure with a new dog."

Many people think that loving a dog is enough to form a good relationship. These people are dead wrong. Unconditional love is never enough. Love has conditions and boundaries along with mutual trust and respect. Unless humans deal with the respect issue in love they will never have a relationship with a dog in which the dog looks at them as a pack leader.

What is "Ground Work?"
When I talk about GW, I am not talking about training a dog to come, or heel, or sit. I am talking about teaching the dog how I plan on living with it. I am talking about how I establish pack structure with a new dog. The way we handle a dog in our day-to-day life will teach that dog a great deal about yourself, your pack, and your pack rules.

How and when I do anything with the dog -- whether it is grooming, feeding or exercising him -- along with my general attitude when I am around him will tell the dog volumes about our future relationship. When we bring a new dog into our home the decisions we make on how we live with that dog and the methods used to train that dog have long term implications on what kind of relationship we develop with the dog.

I tell people "they may not think of themselves as a dog trainer, but the fact is every time we are around our dog we are teaching the dog something. The question is “are we teaching it something good or something bad?” Some people don’t know the difference sometimes.

It's Never Too Late
I want to make a point here and that is if you currently have a problem with your dog it’s never too late to consider making changes on how you live with your dog.

In fact if you have a problem it’s imperative that YOU DO MAKE CHANGES because the way you have been living with your dog has allowed these problems to develop.

Never forget: Dogs live in the moment and they miss nothing. The old adage about “not being able to teach an old dog a new trick” is just that – bad, old information. So it’s never too late to turn things around. It’s never too late to start to do things correctly. You just need the patience and confidence in what you are doing to fix your problems.

Everyone Has an Opinion
You will quickly learn that everyone has an opinion on how to raise and train your dog. You only need to ask your mailman, your barber or your relatives how to solve your training problems. If you go to your local Pet Shop store/warehouse and talk to their trainers or look in their book section you will see stacks of conflicting advice.

The problem is that most people or dog trainers/instructors don’t have enough experience to offer sound advice on behavior modifications -- much less pack structure advise. This results in a lot of bad information being passed out and leaving the owners more confused then when they first started.

What Breeds Need Ground Work?
This information applies to dogs of all breeds and ages. Every breed of dog needs good ground work. Dog training is not breed specific. It’s temperament and drive specific.

Every new dog needs to go through a solid ground work program no matter how old the new dog is, no matter what breed the new dog is, no matter how big or small the new dog is, no matter where the dog came from or what it’s background is, and no matter what his current level of training is.

Ground work exercises help get dogs under control. It also provides dog owners experience in learning to handle and control character traits (both learned and genetic) the dog has. GW exercises also result in owners having more confidence in handling their dogs.

Many Rescue Dogs Genetically Have Faulty Temperaments
Many people who rescue dogs are told their new rescue dog has been abused, when in fact this is not the case. Many, many, many, dogs are turned into humane societies because they have genetically faulty temperaments or because the dogs lived in homes that did not promote a healthy pack structure or provided the dog with proper Ground work.

It’s important to remember that dogs with faulty temperaments are also dogs with pack drives. They just react to the “rank” portion of their pack drive differently than well adjusted house dogs do. In fact, dogs with faulty temperament often need sound pack structure training more than normal dogs.
I also need to point out that many dogs with temperament issues have these issues as a result of people who own animals and prefer to treat them anthropomorphically (like a human child) rather than as a pack animal and a member of their family pack. This causes HUGE problems.

Some of these people come to their senses when their dogs develop serious dominance problems. Others simply turn the dog in to animal shelters, or worse yet, they have the dogs put to sleep.

**Petting or Praising the New Dog**
In the isolation period I never pet my new dog. After that I pet the dog but only if it does something I have asked it to do and I never over do it.

I am also very careful about when I pet him and what I pet him for. In other words I don’t just walk up to the dog and start to pet him. The dog has to do something to get a word of praise or a pat on the shoulder. He must sit, or he must wait for me when I tell him to wait at a door or gate and then I will praise him.

Only pet your dog on YOUR TERMS - never when the dog wants to be petted!

What I don't do is pet the dog when he wants to get petted. If the dog comes to me and tries to push his head under my hand in an effort to get petted I verbally firmly tell him NO! And send him away. If it's a strong dominant dog I ignore him and act like he is not there. Demanding to be petted by an adult dog is a sign of dominance. The dog never decides when it's time to get petted-- the pack leader makes those decisions. This is a huge pack drive issue. The Alpha member of the pack goes to lower ranking members and expects to be groomed.

**Obedience Training vs. Ground Work**
Hundreds of thousands of people go through obedience classes each year and after they are done these dog owners are no more of a pack leader than they were before they started classes. The reason for this is obedience instructors do not teach pack structure.

In my opinion formal obedience is only 25% of the solution for dealing with most behavioral problems. The other 75% of the solution requires the owners to correct pack structure and rank issues to solve their behavior problems.

Owners who ignore GW or owners who don’t give enough thought to their GW are often people who end up with dominant and aggressive dogs.

**Formal Obedience Training**
How one approaches obedience training will vary according to the goals of the owner and the drive and temperament of the dog or dogs.

The way I approached their obedience training is to assume they know nothing (even though they were fully trained) & never have been introduced to Ground work. Dogs that have had better training than others go through it quickly; those with poor training took longer.

The reason for starting from scratch was because even though these dogs had previous training, what they had really learned was to mind their previous owner. They now needed to learn to mind me.
This simple concept is why I never recommend sending a dog off to be trained by a professional dog trainer. On a long term basis this almost never works. The dogs only learn to mind the pro but after being home for a month they forget what "Sit, Down, Stay, Etc..." means because the owner does not understand how the dog was trained and what level of correction is required for obedience.

The result is, they revert right back to the way they were before they went to the professional. These dogs are no stupid, if the professional would return they would immediately turn into the "nice obedient house pet". That's because dogs know what you know and they know what you don't know LOL!

Exercise
A very important part of the solution to almost all behavior problems is an appropriate exercise program. Exercise needs to be an important part of every ground work program.

An adult dog that is getting exercised is not a bored dog that has time to worry about getting into trouble or worry about being in his dog crate.

We do need to be a little careful with dogs younger that 12 months of age. Young adults should not go out jogging until they are 14 to 15 months old.

Over exercising a young adult is one of the leading causes (along with over feeding) of hip dysplasia and other skeletal failures.

Owners that have adult dogs with a ton of energy can often use a weighted dog vest when they walk their dogs. These vests give them more bang for their buck when they take a walk.

By far the best form of exercise is swimming with long walks coming in second.
Masumi Hara
2 messages

Gordon Inman <gordon@inmanteam.com>  
To: infousa@doggies911.com  
Tue, Feb 19, 2019 at 1:51 PM

Ms. Masumi
Approximately 5 years ago we had you help us train our Boxer dog. She has recently bit someone and we would like to get her some more training.

Gordon Inman 310-936-1979

--

Gordon Inman
BRE#00446156
The Inman Team
Broker & Owner | Keller Williams Realty
310.936.1979 (c) | 310.707.2132 (o)

Doggies 911 - LA Office <infousa@doggies911.com>  
To: Gordon Inman <gordon@inmanteam.com>  
Wed, Feb 20, 2019 at 9:45 AM

Hi this is Masumi.

do you need my session?
I want to know why your dog bite someone?
where are you live?

my phone number is 310-634-6757
you can text me anytime.
and let me know if you need to take my home session.

Masumi

2019年2月19日(火) 13:51 Gordon Inman <gordon@inmanteam.com>:  
[Quoted text hidden]
February 25, 2019

Elaine Jeng
Rolling Hills City Hall
2 Portuguese Bend Rd.
Rolling Hills, Ca. 90274

Dear Elaine....

I would just like to give my unsolicited two cents in regarding the current issue involving two of my neighbors... Nancy and Gordon Inman and Ginger Letts.

This is a very unfortunate event for all concerned. I’m certain, you can tell by even your brief meeting with the Inman’s and Ginger Letts that they are both very responsible people and pet owners. Both are animal lovers and have had many pets over the years. Lulu, the dog in question is truly a sweet dog, but high energy, and needs lots of exercise. Gordon as I believe mentioned, has had recent knee surgery, and combined with the tremendous amount of rain we have had, has not been able to walk Lulu as much as he had in the past. Which is where the problem arose with Gingers recent encounter with Lulu. I truly believe Lulu had pent up energy, from not getting the exercise that she needs. My own dogs have been quite a challenge for me, when I have taken them out for walks after having been pent up due to our recent weather.

I know the Inman’s have mentioned to you that they have reinforced their fencing and gates, and that they are going to reenlist the help of the trainer they have used in the past. I have also given them the names of a couple of dog walkers that several people use in our city. I am certain that if Lulu was able to get more exercise that everyone will be happy!! Especially Lulu!!

I also understand that the issue of a leash law is once again being proposed by another neighbor. As in the past, a leash law would not have prevented this situation, nor the occurrence that happened 5 years ago. (In the event that occurred 5 years ago, it is unclear as which dog actually bit Kathleen Hughes.....Kathleen’s leg unfortunately got in the way of the two dogs scuffling. Neither dog intended to bite any person. I was there helping to break up the scuffle along with the Inman’s)

The no-leash law policy in Rolling Hills is what makes us so special. Everyone I know who walks their dogs off leash, carries a leash with them, to put on just in case it is need.

I hope that compassionate hearts will see, this was not a case of an aggressive dog attack, just a dog that needs more exercise and a training re-fresher course would help as well. If I can be of help in this case, please do not hesitate to reach out to me.

Best Regards,
Pam Crane
10 Caballeros Rd.
310-938-8452 (cell)
pamcrane@cox.net
February 12, 2013

VIA CERTIFIED U.S. MAIL

Mr. Gordon Inman
11 Caballeros Road
Rolling Hills, CA 90274

Mr. Mohan Bhasker
22 Caballeros Road
Rolling Hills, CA 90274

Dear Mr. Inman and Mr. Bhasker,

On February 8, 2013, the City of Rolling Hills received an Animal Complaint Report - Running or Charging - from Mr. Mohan Bhasker (22 Caballeros Rd.) alleging that Lulu at 11 Caballeros Road (Inman) has viciously attacked his father and his caregiver, by launching and barking, as he walks by Mr. and Mrs. Inman’s residence.

In response to the complaint, Mr. Inman was requested to confine Lulu to his property or have under the control of a leash when off the property while the alleged nuisance occurrence is being investigated. In addition, the Los Angeles County Department of Animal Care and Control was requested to investigate and evaluate the situation.

On February 11, Animal Care and Control Officer Luis Cruz spoke with Mr. William Bhasker, Ms. Alicia Garcia and Ms. Luz Parria of 22 Caballeros Road and the dog owner, Mr. Inman. His report is attached. In summary, he concludes that there has been no attack as defined by the Rolling Hills Municipal Code but, Lulu is a danger to the public because she is very protective of her territory, has a vicious temperament and is not constrained. Acknowledging Lulu’s behavior and ability to dig under chicken wire intended to contain her, Mr. Inman stated in his interview that a secure fence is being constructed. Officer Cruz recommends the installation of a pulley system in the backyard if the new fence does not contain Lulu.

Based on the investigation by Officer Cruz, Lulu currently appears to be a public nuisance for individuals walking by 11 Caballeros Road. As such, Municipal Code Section 6.48.020 (enclosed) states “…the owner shall thereafter keep said dog securely tied within an adequate enclosure or on a leash, or in the alternative, the owner may elect to cause said dog to be permanently removed from the City and, upon removal, shall thereafter file an affidavit to that effect with the City Manager.” Therefore, Lulu must be secured on the property of 11 Caballeros Road when not under the control of a leash when off the property.

continued on next page
Please do not hesitate to call me if you have any questions or would like to discuss this further.

Thank you for your cooperation.

Sincerely,

[Signature]

Anton Dannerbruch
City Manager

AD:hl
02-12-13-InmanBhasker-ltr.docx

Enclosures (2)

c: Officer Luis Cruz, Los Angeles County Department of Animal Care and Control
August 14, 2013

VIA HAND DELIVERY OR CERTIFIED U.S. MAIL

Mr. & Mrs. Gordon Inman
11 Caballeros Road
Rolling Hills, CA 90274

Dear Mr. & Mrs. Inman,

This is to inform you that another Animal Complaint Report – Dog attacks person and dog attacks animal – was filed with the City on August 14, 2013 by Ms. Kathleen Hughes (13 Caballeros Rd.) alleging that your dog, Lulu, has viciously attacked her dog and also bit her in her right leg while fighting with her dog. Two photographs of the alleged dog bite are attached for your information.

Following the previous complaint about Lulu filed by Mr. Bhaskar in February and per the City Manager’s determination dated February 12, 2013 you were requested to secure Lulu to your property. It is necessary that your dog be confined to your property and if your dog is to leave the property, please have it under the control and restraint of a leash by a person capable of controlling it. Noncompliance with this condition may cause further actions by the City against the dog.

In response to the City’s receipt of the recent dog attacks person and another animal complaint, the Los Angeles County Department of Animal Care and Control has been contacted to conduct an investigation into the alleged dog attack occurrence. Officer Luis Cruz will be contacting the parties involved and ultimately, providing a report to the City. The report will be utilized to prescribe a course of action.

For your information, we have enclosed a copy of the Animal Complaint Report as well as Municipal Code Sections 6.48.060, 6.48.070, 6.48.010, 6.48.020 and 6.48.030. Please do not hesitate to call me if you have any questions. Thank you very much for your cooperation.

Sincerely,

[Signature]
Steve Burrell
Interim City Manager

C: Officer Luis Cruz, Los Angeles County Department of Animal Care and Control
   Ms. Kathleen Hughes
August 27, 2013

VIA REGULAR AND CERTIFIED U.S. MAIL

Mr. Gordon Inman
11 Caballeros Road
Rolling Hills, CA 90274

Dear Mr. Inman,

On August 14, 2013 the City of Rolling Hills received an Animal Complaint Report -
dog attacks person and dog attacks animal from Kathleen Hughes of 13 Caballeros
Road alleging that your dog Lulu viciously attacked her and her dogs and bit her on the
right leg while Lulu was fighting with her dogs. A copy of the complaint was provided
to you on August 14, 2013, accompanied by a letter that explained that the Los Angeles
County Department of Animal Care and Control would be contacting you as part of its
investigation of this incident.

It was further noted in the August 14, 2013 letter that your dog Lulu had previously
been ordered confined to your property as the result of a February 2013 determination
by the City Manager in response to the complaint filed by Mr. Bhasker.

The review of the August 14, 2013, complaint falls under Municipal Code Section
6.24.060 “Confined attacking dog escapes confinement,” since Lulu was ordered
confined when she escaped from your property on August 13, 2013.

Following review of the August 14, 2013 complaint; investigative report and associated
statements by witnesses; Officer Cruz’s comments; and the entire file on the February
2013 incident involving Lulu, I have come to the following determination:

That Lulu shall be permanently removed from the City.

That the permanent removal order will be stayed if you enroll Lulu in an
obedience/behavior modification training program approved by the Director of
Animal Control. A certificate of completion and statement from the dog trainer
certifying that Lulu is not likely to commit an attack on a person or other animal
shall be submitted to the City Manager on or before October 31, 2013. Failure to
provide Lulu the required training and to submit the certificate by this deadline
will cause immediate reinstatement of the removal order.
Once a certificate of completion and certification by the dog trainer is received the Order Permanently Removing Lulu from the City will be extinguished. However, the existing confinement order will remain in place, and if Lulu was later to escape again and be the subject of a complaint, the removal order will be reinstated and Lulu will have to be removed from the City within 10 days.

If this is acceptable to you, I would appreciate it if you contact me by September 6, 2013 so that an agreement implementing the order with the above conditions can be drafted and signed.

Sincerely,

Steve Burrell
Interim City Manager

Enclosures (2)

cc: Officer Luis Cruz, Los Angeles County Department of Animal Care and Control
Ms. Kathleen Hughes
October 24, 2013

VIA U.S. PRIORITY MAIL

Mr. Gordon Inman
11 Caballeros Road
Rolling Hills, CA 90274

Dear Mr. Inman,

In response to the August 14, 2013 Animal Complaint Report that the City of Rolling Hills received from Kathleen Hughes of 13 Caballeros Road and upon investigation by Officer Cruz with the Los Angeles County Department of Animal Care and Control the following determinations were made:

That Lulu shall be permanently removed from the City.

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

The City is in receipt of a letter and certificate from Doggies 911 Rehabilitation & Training confirming that Lulu has received the required training. As such, the Order Permanently Removing Lulu from the City is extinguished. However, the existing confinement order will remain in place, and if Lulu is to escape again and be the subject of a complaint, the removal order will be reinstated and Lulu will have to be removed from the City within 10 days. As a reminder, the confinement order requires that Lulu be confined to your property or when off the property, to be under the control and restraint of a leash and handled by a person capable of controlling her.

Sincerely,

Steve Burrell
Interim City Manager

SB:hl
08-27-13InmanStay-ltr.docx

cc: Officer Luis Cruz, Los Angeles County Department of Animal Care and Control
Ms. Kathleen Hughes
March 11, 2019

Sent via Certified Mail #7018 0360 0001 4225 7888
Return Receipt Requested and Via Hand Delivery

Gordon and Nancy Inman
11 Caballeros Road
Rolling Hills, CA 90274

Re: Removal Order
Dog Attack Incident, January 29, 2019

Dear Mr. and Mrs. Inman:

City records show that on February 6, 2013, the resident on 22 Caballeros Road, Mohan Bhasker submitted an animal complaint report on behalf of his 90-year-old father for an incident that occurred on February 2, 2013. Because of this incident, you were ordered to confine your dog, Lulu, to your property.

City records also show that on August 14, 2013, the resident on 13 Caballeros Road, Kathleen Hughes, submitted an animal complaint report for an incident that occurred on August 13, 2013. The investigation by the Los Angeles County Department of Animal Care and Control determined that Lulu shall be permanently removed from the City. Per Interim City Manager Steve Burrell's letter dated October 24, 2013, the permanent removal order was stayed after Lulu received training. The existing confinement order shall remain in place. Mr. Burrell also stipulated that if Lulu was to escape again and be the subject of a complaint, the removal order will be reinstated. Interim City Manager Steve Burrell's letter dated October 24, 2013 is enclosed as a part of this letter.

On January 29, 2019 the resident of 12 Caballeros Road, Virginia Letts, submitted an animal complaint report for an incident that occurred on January 27, 2019 involving Lulu. In her report, Ms. Letts noted that she was walking in the street on Caballeros Road near the residence of 10 Caballeros Road when she saw your dog charging at her barking and growling culminating in a bite to Ms. Letts left thigh. On February 14, 2019, via email, city staff Yvette Hall provided you a copy of Ms. Lett's animal complaint report, Ms. Hughes' animal complaint report and the City Municipal Code Chapter 6.24 on Aggressive Animals. I held an in office meeting with you on Thursday, February 21, 2019 to discuss Ms. Lett's complaint. On Tuesday, March 4, 2019, I called Mr. Inman and requested correspondences with the City, if any, relating to Ms. Hughes' complaint. On the same day, I received from Mr. Inman a letter from Interim City Manager Steve Burrell, dated August 14, 2013. Based on the letter Mr. Inman provided, City staff was able to locate the other City records aforementioned.
involving Lulu. On Wednesday, March 5, 2019, I called you to inform you of the order from 2013 (Mr. Burrell’s letter dated October 24, 2013) and that Lulu will need to be removed from the City within 10 days from Friday, March 8, 2019.

This letter is to inform you that you are in violation of the conditions imposed by the City from 2013. You are ordered to permanently remove Lulu from the City by Monday, March 18, 2019.

Sincerely,

[Signature]

Elaine Jeng, P.E.
City Manager

Enclosure: City correspondence dated October 24, 2013

cc: Ms. Virginia Letts – Sent via Certified Mail #7018 0360 0001 4225 7871, Return Receipt Requested and Via Hand Delivery
March 15, 2019

Elaine Jeng
City Manager
City of Rolling Hills
2 Portuguese Bend Road
Rolling Hills, CA 90274

Re: Dog Incident – 11 Caballeros Road

Dear Elaine,

In regards to the letter we received from you on March 11, 2019, we respectfully request to proceed with the appeal process in this matter.

Please let us know what the steps are in this process and also any fees that need to be paid.

Thank you,

Gordon and Nancy Inman
310-936-9540 (cell)
Gordon and Nancy Inman  
11 Caballeros Road  
Rolling Hills, CA 90274

March 18, 2019

VIA REGULAR AND CERTIFIED U.S. MAIL

Re: Appeal to City Council  
Removal Order Dated March 11, 2019

Dear Mr. and Mrs. Inman,

I am in receipt of your letter dated March 15, 2019 requesting an appeal to the Removal Order from the City dated March 11, 2019 to remove your dog Lulu from the City.

In accordance with Municipal Code Section 6.24.070, within ten days after receipt of a timely filed appeal, the City Clerk shall set the appeal for hearing on the next regular meeting agenda of the City Council. The City Council may continue the appeal hearing from time to time for good cause. Municipal Code Section 6.24.070 also requires that an appeal fee be paid within the time allowed for filing the appeal, as set forth in Chapter 6.56. No appeal shall be processed or considered by the City Council unless such fee has been paid.

The City’s master fee schedule underwent several changes and staff is researching the appropriate fee for appeals relating to dog attacks. Your appeal will be considered filed timely as long as the fee is paid when the amount is determined.
Your appeal hearing is scheduled at the next City Council meeting, on Monday, March 25, 2019 at 7pm. If you wish to request a continuance of the hearing, you will need to be present at the March 25, 2019 meeting to submit supporting evidence for such request.

Sincerely,

Elaine Jeng, P.E.
City Manager

Enclosure:  Inamn appeal letter dated March 15, 2019
City Order dated March 11, 2019
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR
      JANE ABZUG, ASSISTANT CITY ATTORNEY

THROUGH: ELAINE JENG, CITY MANAGER


DATE: MARCH 25, 2019

ATTACHMENT:
      DRAFT ORDINANCE NO. 361

BACKGROUND

In 1992, the State of California enacted the Water Conservation in Landscaping Act, (AB 325) requiring the adoption of a water efficient landscape ordinances by cities and counties throughout the state. In 1993, the City of Rolling Hills adopted such ordinance as part of the Zoning Code. This ordinance was very basic with few provisions.

In 2004, the State of California enacted Assembly Bill 2717 establishing a stakeholder based Landscape Taskforce charged with formulating recommendations to improve irrigation efficiency in new and existing landscaping. In 2006 the Governor signed Assembly Bill 1881 requiring cities and counties to implement the Taskforce’s recommendation and in 2010 the taskforce developed a Model Water Efficient Landscape Ordinance, which was codified in the California Code of Regulations Title,
23, Waters. In 2010 the City of Rolling Hills adopted its own Water Efficiency Landscape Ordinance based on the State’s Model Ordinance (RHMC Chapter 13.18).

In 2015, the California Legislature adopted new regulations and an updated Model Water Efficiency Landscape Ordinance (MWELO). The City must adopt the new regulations by either amending its 2010 ordinance or take no action and allow the 2015 regulations to go into effect by default. The City of Rolling Hills did not amend its 2010 ordinance and is currently operating under the 2010 regulations. In October 2018, a resident of Rolling Hills who is a landscape architect brought to the City’s attention that the City is not in compliance with the state law in regards to the Model Water Efficiency Landscape Ordinance (MWELO).

**SIGNIFICANT REVISIONS TO 2015 MWELO:**

The 2015 regulations are more stringent than the 2010 regulations and place greater responsibility on property owners to comply by submitting detailed plans, worksheets on water usage, irrigation plans and schedule, soils reports and other documentation. Residents are to commit to maintenance of the water efficient landscaping and local agencies are also required to report to the State Water Resources Board annually, among others, on the number of projects, project types, completed projects and actions to verify compliance. The major changes are as follows:

- The size of landscape subject to the ordinance has been lowered from 2,500 sq.ft. to 500 sq.ft. for most new projects, and applies to all uses,
- The definition section of the 2015 MWELO has been expanded to include new terms and concepts,
- The maximum applied water allowance, (MAWA), has been lowered from 70% of the reference evapotranspiration (ETo) to 55% for residential landscape projects; and 45 % of ETo for non-residential projects,
- Usage of irrigation water by hydrozones is required to be calculated by each hydrozone; whereas previously a site-wide irrigation efficiency (IE) was used, and defined as not to exceed a factor of .71,
- For the purpose of estimating total water use, the revised MWELO defines the irrigation efficiency of drip irrigation as .81 and overhead irrigation or other technologies as .75.
- The revised MWELO precludes the use of high water plants in street medians and the use of cool season turf in parkways is limited,
- For multi-lot projects clarification was added that soil sampling should be tested for 1 out of 7 lots or 15% of the project,
- Prior to planting, 4 yards of compost must be incorporated per 1,000 sq.ft. of permeable area,
- The depth of mulch required was increased from 2 to 3 inches for planting areas,
- Graywater and storm water retention components must be shown on the landscape plan,
• Dedicated landscape water meters or submeters are required for residential landscapes over 5,000 sq.ft. and non-residential landscapes over 1,000 sq.ft.,
• Irrigation systems must have pressure regulation to ensure correct and efficient operation,
• All irrigation devices must meet the American National Standards Institute standards,
• Flow sensors that detect and report high flow conditions (i.e. broken pipe), are required for landscape areas greater than 5,000 sq.ft.,
• The minimum width of areas that can be irrigated overhead was increased from 8 feet to 10 feet; areas less than 10 feet must be irrigated with subsurface drip or other technology that produces no overspray or runoff,
• A requirement was added that landscape area should have a friable soil (loosely compacted soil) to maximize stormwater infiltration,
• Provisions were added for landscape of 2,500 sq.ft. or smaller if irrigated in the entirety by graywater system or through stored rainwater captured on site,
• Local agencies must annually report on the implementation and enforcement of their ordinance to the Department of Water Resources

CONTENT OF THE PROPOSED ORDINANCE

The City’s Attorney office and staff prepared an ordinance that will comply with the State’s 2015 MWELO. Highlights of the provisions of the draft ordinance are as follows:

a. The ordinance is applicable to all new or altered development with landscape area of 500 sq.ft. or greater, subject to discretionary review by the City; and new and altered landscape for residential projects of 2,500 sq.ft. subject to administrative review; as well as institutional landscape projects.

b. Landscaping shall be designed and irrigated so as not to exceed 55% of the local evapotranspiration rate (ETo) established by the State for the City of Long Beach and surrounding areas of Los Angeles County, which is 39.7-Annual ET0.

c. Landscaping shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test).

d. Landscape areas for residential type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of plant area excluding edibles and areas using recycled water. Landscape areas for institutional type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of plant area excluding edibles and areas using recycled water. The 0.3 factor identifies low water use plants and is taken from the Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension and the Department of Water Resources.
e. A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

f. Landscape areas for residential type projects shall be designed with no more than 25% turf. Turf shall not be placed on sloped areas that exceed a 1:4 slope. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff. Landscape areas for institutional type projects must be designed with no turf.

g. Automatic irrigation systems with pressure regulators and manual shut-off valves are required and shall be designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from hardscape, and shall employ a weather-based irrigation controller with a rain shut off sensor and check valves at the end of each line to hold water in the system, preventing unwanted drainage from sprinkler heads.

h. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 and document distribution uniformity.

i. Landscape areas of 1,000 sq. ft. or more for institutional type projects must have a private submeter to measure landscape water use.

j. Exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.

k. Installation and compliance verifications are required for the landscape plan, irrigation plan and schedule, grading plan, and soil management report. A landscape professional must certify the application and verifications, including compliance verification.

l. The maximum annual applied water allowance calculation matches the California Department of Water Resource’s formula in its Model Water Efficient Landscape Ordinance. Calculations sheets must be filled out and submitted with plans.

m. The identification of water wise plants matches that used by the California Department of Water Resource’s in its Model Water Efficient Landscape Ordinance.

n. Use of graywater and captured water is allowed and encouraged.
o. Require that a statement of compliance be submitted certifying that the landscape design complies with the mandatory elements of the ordinance prior to a final inspection. An applicant is eligible for one time 90-days extension.

p. Non-compliance with this ordinance would constitute a nuisance per chapter 8.24 of the RHMC.

**FISCAL IMPACT**

Staff anticipates that approximately 80% of projects that receive discretionary review, and 50% of administratively approved projects will be affected by this Ordinance, or about 30-35 projects annually. As can be seen from the Ordinance, the submittal application is lengthy and technical and reporting is quite extensive and time consuming. The review to determine compliance of the application and post planting verification requires a landscape professional. City staff does not have expertise in this area. Consultant services are needed for this purpose at a cost of approximately $26,000-30,000 annually, (at $120/hour). In order to offset this impact on City’s budget, staff recommends charging the applicant a review fee to pay for consultant services.

Staff recommends that the City Council direct staff to amend the master fee schedule to include a cost recovery for plan check services for the MWEO.

**RECOMMENDATION**

It is recommended that the City Council introduce on first reading Ordinance No. 361 - an Ordinance of the City of Rolling Hills, California, Amending Chapter 13.18 (Water Efficient Landscape) of Title 13, Water And Sewers of The Rolling Hills Municipal Code and hold a public hearing. Staff also recommends that the City Council direct staff to amend the master fee schedule to include a cost recovery line item for plan check services for the MWEO.
ORDINANCE NO. 361

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA AMENDING CHAPTER 13.18 (WATER EFFICIENT LANDSCAPE) OF TITLE 13 (WATER AND SEWERS) OF THE ROLLING HILLS MUNICIPAL CODE

The City Council of the City of Rolling Hills, California, does hereby ordain as follows:

Section 1: Findings

A. The waters of the State of California are of limited supply and are subject to increasing demands;

B. It is the policy of the State of California and the City of Rolling Hills to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

C. The State’s Model Water Efficiency Landscape Ordinance (MWELO) is codified in the Department of Water Resources Code of Regulations. (Cal. Code. Regs., tit. 23, § 490 et seq.) The purpose of the State’s MWELO is to protect the State’s water supply, encourage water conservation, and to provide cities with the appropriate authority to ensure efficient water use for public and private landscape projects;

D. Governor Brown’s Drought Executive Order of April 1, 2015 (EO B-29-15) directed Department of Water Resources to update the State’s MWELO. On July 15, 2015, the California Water Commission approved the updated MWELO (the 2015 MWELO);

E. A city may adopt the State’s MWELO as is or may adopt its own Water Efficiency Landscape Ordinance that is at least as effective as the State’s. (Cal. Gov. Code, § 65595(c));

F. The City of Rolling Hills is a unique, well-established residential community where development consists exclusively of single-family residential homes on large lots and the existing non-residential development in the community consists of City administration, homeowners’ association, fire, school, and school maintenance facilities;

G. The water efficient landscaping standards adopted herein serve to advance the foregoing goals, advance the goal of conserving water and further public health, safety and welfare;

Ordinance No. 361
H. The City’s water efficient landscape ordinance is at least as effective in conserving water as the California Department of Water Resource’s updated Model Water Efficient Landscape Ordinance due to the following:

1. The ordinance is applicable to all development subject to discretionary review by the City as well as landscape for residential projects subject to administrative review.

2. Under the ordinance, landscaping shall be designed and irrigated so as not to exceed 39.7% of the local evapotranspiration rate (ETo) established by the State for the City of Long Beach and surrounding areas of Los Angeles County.

3. Under the ordinance, landscaping shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

4. Under the ordinance, landscape areas for residential type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of plant area excluding edibles and areas using recycled water. Landscape areas for institutional type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of plant area excluding edibles and areas using recycled water.

5. Under the ordinance, a minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

6. Under the ordinance, landscape areas for residential type projects shall be designed with less than 25% turf. Turf shall not be placed on sloped areas that exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by subsurface irrigation or by other technology that creates no overspray or runoff. Landscape areas for institutional type projects shall be designed with no turf.

7. Under the ordinance, automatic irrigation systems with pressure regulators and manual shut-off valves are required and shall be
designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from hardscape, and shall employ a weather-based irrigation controller with a rain shut off sensor and check values at the end of each line to hold water in the system, preventing unwanted drainage from sprinkler heads.

8. Under the ordinance, all irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 and document distribution uniformity.

9. Under the ordinance, landscape areas of 1,000 sq. ft. or more for institutional type projects must have a private submeter to measure landscape water use.

10. Exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.

11. Under the ordinance, installation and compliance verifications are required for the landscape plan, irrigation plan and schedule, grading plan, and any necessary soil management report.

12. Under the ordinance, the maximum annual applied water allowance calculation matches the California Department of Water Resource’s formula in its Model Water Efficient Landscape Ordinance.

13. Under the ordinance, the identification of water wise plants matches that used by the California Department of Water Resource’s in its Model Water Efficient Landscape Ordinance.

**Section 2:** CEQA. The City Council determines that this ordinance is categorically exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) in accordance with CEQA Guidelines §§ 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

**Section 3:** Title 13, Chapter 13.18 of the Rolling Hills Municipal Code, commencing with Section 13.18.010 is hereby amended to read as follows:
Chapter 13.18

WATER EFFICIENT LANDSCAPE

Sections:

13.18.010  Purpose.
13.18.020  Applicability.
13.18.030  Definitions.
13.18.035  Landscape Documentation Package.
13.18.040  Landscape Plan Design Standards.
13.18.043  Irrigation Plan and Schedule
13.18.046  Grading Plan
13.18.049  (Reserved.)
13.18.050  Exceptions.
13.18.060  Submittal Requirements.
13.18.070  Determination of Conforming Installation and Compliance Certification.
13.18.080  Nuisance.

13.18.010  Purpose.

It is the policy of the City of Rolling Hills to promote water conservation. The landscape water conservation standards detailed in this Chapter are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

13.18.020  Applicability.

This Chapter applies to:

A. All public agency development projects which are subject to discretionary review by the City and propose an aggregate landscape area of 1,000 square feet or more; and

B. Any single family residential development projects with an aggregate landscape area equal to or greater than 500 square feet requiring discretionary review by the City; and

C. Any single family residential development projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring administrative review by the City.
"Administrative Review" means review of a development project requiring review and approval of the City Manager or designee of an application for a building permit or zone clearance permit.

"Application rate" means the rate of irrigation (inches/hour or gallons per minute) at which water is applied by an irrigation system.

"Automatic irrigation system" means an irrigation system that can be controlled without manual manipulation and which operates on a preset program.

"Discretionary review" means review of a development project by the Planning Commission and/or City Council that requires that the Planning Commission or City Council ascertain compliance with this Chapter, and that also requires the exercise of judgment, deliberation or decision by the Planning Commission and/or City Council.

"Evapotranspiration" or "ET" means the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

"ET0" or "reference evapotranspiration" means the approximation of water loss expressed in inches per year from a field of 4-to-7-inch-tall cool season grass that is not water stressed.

"ET Adjustment Factor" or "ETAF" means a factor used to set an efficiency goal, that when applied to ET0 adjusts for plant factor and irrigation efficiency, two of the major influences upon the amount of water that needs to be applied to a landscape.

"Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

"Hydrozone" means a portion of the planting area having plants grouped according to water need.

"Irrigation system" means a complete connection of system components, including the water distribution network and the necessary irrigation equipment and downstream from the backflow prevention device.

"Landscape Area" means all areas where landscaping is proposed as part of a development proposal.

"Landscape Architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

"Landscape Contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape Documentation Package" means documents required as part of development projects identified in Section 13.18.020, including the landscape design plan, irrigation design plan, grading design plan, irrigation schedule, and soil management report.
“Landscape Plan” means design plans with a planting plan and irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.

“Development” means any construction requiring a building permit or zone clearance permit, a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type that requires a discretionary permit from the City.

“Plant Factor” means a factor that when multiplied by the ETo, estimates the amount of water used by a given plant species.

“Planting area” means the parcel area less building pad(s), driveway(s), patio(s), deck(s), walkway(s) and parking area(s). Planting area includes water bodies (i.e., fountains, ponds, lakes) and natural areas.

“Special Landscape Area (SLA)” means park and recreational areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ET adjustment factor not to exceed 1.0.

“Turf” means a groundcover surface of mowed grass with an irrigation water need of greater than 30% of the ETo.

“Water Budget Calculation” means the Maximum Annual Applied Water Allowance, which shall be calculated using the following formula, per Section 492.4 of the State of California Model Water Efficient Landscape Ordinance, which may be amended from time to time:

Residential: \[ \text{MAWA} = (\text{ETo}) (0.62) \left(0.55 \times \text{LA} + 0.45 \times \text{SLA}\right) \]

Institutional: \[ \text{MAWA} = (\text{ETo}) (0.62) \left(0.45 \times \text{LA} + 0.55 \times \text{SLA}\right) \]

\(\text{MAWA}\) = Maximum Applied Water Allowance (maximum gallons per year available for the project).

\(\text{ETo}\) = Reference Evapotranspiration (39.7 inches per year for the City of Rolling Hills).

0.55 (residential) = ETAF (as designated by the state of California).

0.45 (institutional) = ETAF (as designated by the state of California).

\(\text{LA}\) = Landscape Area (square feet, including SLA)

0.62 = Conversion Factor (inches to gallons)

\(\text{SLA}\) = Special Landscape Area (square feet)

0.45 (residential) = The additional ET Adjustment Factor for the Special Landscape Area

0.55 (institutional) = The additional ET Adjustment Factor for the Special Landscape Area
“Water Wise Plants” means those plants that are evaluated as needing “moderate” (40-60% of ETo), “low” (10-30% of ETo) and “very low” (< 10% of ETo) amounts of water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) available from the State of California Department of Water Resources. Other sources of water wise plant classifications may be used if approved by the City Manager.

“Weather Based Irrigation Controller” means an irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.

13.18.035 Landscape Documentation Package.

An applicant proposing landscaping, which is subject to the requirements of this Chapter, shall submit the documents required by the Landscape Documentation Package in accordance with the requirements of this Chapter. Landscape documentation package shall be prepared by a person who holds a license to practice landscape architecture or any other person authorized to design landscape and its components in the state of California.

13.18.040 Landscape Plan Design Standards.

An applicant proposing landscaping, which is subject to the requirements of this Chapter, shall comply with each of the following in the design, installation, and maintenance of the landscaped area, unless an exception is granted pursuant to Section 13.18.050.

A. Landscape Plan Content:

1. Applicants shall submit a Landscape Plan depicting the landscaped area and all existing landscaping to remain on the lot. Landscaping shall be designed to be irrigated at no more than the reference evapotranspiration (ETo) and shall not exceed the MAWA. The City reserves the right to modify plans in quantity and quality of the landscape to meet the requirements of this Chapter.

2. Applicants shall provide all relevant information on the landscape plan including botanical names for plants and turf species; container sizes; percentage calculations of allowable areas of turf; low, medium or high water use plants and water-wise plants; water budget calculations; applicable graywater discharge piping, system components, and areas of distribution; any necessary soil management report; and specific requests for any exceptions to the requirements of this Chapter in accordance with Section 13.18.050. Areas of existing landscaping to remain unaltered shall be indicated on the landscape plan.

B. Use of Compost, Water Wise Plants, and Turf:
1. The landscape area of a single family residential or institutional use project shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test).

2. The landscape area of a single family residential use project shall be designed with water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water. The landscape area of an institutional use project shall be designed with water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

3. The landscape area of a single family residential use project shall be designed with no more than 25% of the landscape area in turf. The landscape area of an institutional use project shall be designed with no turf.

4. Turf shall not be used on a slope that exceeds 1 foot vertical elevation change for every 4 feet of horizontal length.

5. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

6. Additional turf areas may be approved by the City for areas designed and used for outdoor sporting and recreational activities. Approved turf areas may be watered at 1.0 of the referenced evapotranspiration (ETo).

C. Mulch: The landscape area, except those portions of the landscape area planted in turf, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated, shall be covered with mulch material to a minimum thickness of at least 3 inches throughout. In areas with groundcover planted from flats, mulch shall be installed to an average thickness of 1-½ inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch.

D. Graywater Systems:

All graywater systems shall conform to the City’s Plumbing Code adopted in Chapter 15.08 of the RHMC.

E. Soil Management Report:
1. Applicant shall submit soil samples to a laboratory for analysis of soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter and for recommendations in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants and at a sampling rate equivalent to 1 in 7 lots or approximately 15% of the development.

2. A soil management report shall be submitted as follows:

   i. If grading requiring Site Plan Review pursuant to RHMC Section 17.46.020(A)(1) is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Plan; or

   ii. If grading requiring Site Plan Review pursuant to RHMC Section 17.46.020(A)(1) is planned, the soil analysis report shall be submitted to the City as part of the certificate of compliance with documentation verifying implementation of soil report recommendations.

13.18.043 Irrigation Plan and Schedule.

A. Irrigation Plan: All irrigation systems proposed as part of a development shall incorporate the following requirements in their design, installation and maintenance:

1. Irrigation systems shall be designed and installed to avoid overspray and runoff. Valves shall be separated for individual hydrozones based on plant water needs and sun or shade requirements.

2. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shut-off sensor.

3. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

4. Irrigation controllers shall be of a type which do not lose programming data in the event the primary power source is interrupted.

5. Areas less than ten feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing runoff or overspray onto adjacent surfaces.

6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement.
7. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.

8. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

9. Flow sensors that detect and report high flow conditions shall be installed for landscaped areas greater than 5,000 square feet.

10. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. “Landscape Irrigation Sprinkler and Emitter Standard.” All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

11. For institutional projects with landscape areas of 1,000 sq. ft. or more, a private submeter to measure landscape water use shall be installed.

B. Irrigation Schedule.

1. Irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health.

2. Irrigation schedules shall meet the following criteria:
   
   i. Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

   ii. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

      a. The plant establishment period;

      b. The established landscape; and

      c. Temporarily irrigated areas.

   iii. Each irrigation schedule shall consider all of the following that apply:

      a. Irrigation interval (days between irrigation);
b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);

c. Number of cycle starts required for each irrigation event to avoid runoff;

d. Amount of applied water scheduled to be applied on a monthly basis;

e. Application rate setting;

f. Root depth setting;

g. Plant type setting;

h. Soil type;

i. Slope factor setting;

j. Shade factor setting; and

k. Irrigation uniformity or efficiency setting.

iv. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to MAWA.

13.18.046 Grading Plan.

A. A grading plan shall be submitted as part of the Landscape Plan and must include the finished configurations and elevations of the landscape area including:

1. height of graded slopes;

2. drainage patterns;
3. pad elevations;
4. finish grade; and
5. stormwater retention improvements, if applicable.

B. Project applicants are encouraged to prepare a grading plan that does the following:
   1. grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
   
2. avoid disruption of natural drainage patterns and undisturbed soil; and

3. avoid soil compaction in landscape areas.

C. The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

13.18.049 (Reserved).

13.18.050 Exceptions.

Exceptions to these landscape water conservation standards may be granted by the City Manager upon a finding, based on substantial evidence, that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions shall be in writing and shall be submitted to the City Manager at the time the application is submitted to the City for review. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation.

13.18.060 Submittal Requirements.

A. The landscape design plan shall bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design landscape. The irrigation plan and schedule shall bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design an irrigation system. The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them
accordingly for the efficiency use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

B. The Landscape Documentation Package consisting of the landscape plan, irrigation plan and schedule, grading plan, and any necessary soil management report shall include a “Statement of Compliance” in a form approved by the City Manager certifying that the design complies with the mandatory elements of this Chapter. The Statement of Compliance shall be signed by the person who prepared the landscape plan, irrigation plan and schedule, and grading plan and shall be submitted to the City prior or concurrent with submitting final development plans to the Building and Safety Department.

C. The Planning Commission or City Council may require, on a case-by-case basis, that the landscaping plan and statement of compliance be submitted concurrently with the development application or prior to rendering a decision for the development.

13.18.070 Determination of Conforming Installation and Compliance Verification.

A. The person who prepared the landscape plan irrigation plan and schedule, grading plan, and any necessary soil management report shall inspect the installation and shall certify in writing to the City Manager that the installation substantially conforms to the approved plans. Certification shall be submitted prior to a final inspection from the Building and Safety Department. The applicant is eligible for a one-time extension in submitting the certification of up to 90 days, based on findings of good cause.

B. Verification of compliance with this Chapter, as applicable, shall be made by the City Manager.

13.18.080 Nuisance.

Failure to comply with this Chapter shall constitute a nuisance and will be enforced pursuant to Chapter 8.24 of the RHMC.

Section 4: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections subsections, subdivisions, sentences, clauses, phrases, or portion thereof be declared invalid or unconstitutional.
Section 5: Notice. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36993.

Section 6: Effective date. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2019.

________________________________________
PATRICK WILSON, MAYOR

Attest:

________________________________________
CITY CLERK
I certify that the foregoing Ordinance No. 361 entitled:

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA AMENDING CHAPTER 13.18 (WATER EFFICIENT LANDSCAPE) OF TITLE 13 (WATER AND SEWERS) OF THE ROLLING HILLS MUNICIPAL CODE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Offices

City Clerk
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: YOLANTA SCHWARTZ, PLANNING DIRECTOR
       JANE ABZUG, ASSISTANT CITY ATTORNEY

THROUGH: ELAINE JENG, CITY MANAGER


DATE: MARCH 25, 2019

ATTACHMENT:
       DRAFT ORDINANCE NO. 361

BACKGROUND

In 1992, the State of California enacted the Water Conservation in Landscaping Act, (AB 325) requiring the adoption of a water efficient landscape ordinances by cities and counties throughout the state. In 1993, the City of Rolling Hills adopted such ordinance as part of the Zoning Code. This ordinance was very basic with few provisions.

In 2004, the State of California enacted Assembly Bill 2717 establishing a stakeholder based Landscape Taskforce charged with formulating recommendations to improve irrigation efficiency in new and existing landscaping. In 2006 the Governor signed Assembly Bill 1881 requiring cities and counties to implement the Taskforce’s recommendation and in 2010 the taskforce developed a Model Water Efficient Landscape Ordinance, which was codified in the California Code of Regulations Title,
In 2010, the City of Rolling Hills adopted its own Water Efficiency Landscape Ordinance based on the State’s Model Ordinance (RHMC Chapter 13.18).

In 2015, the California Legislature adopted new regulations and an updated Model Water Efficiency Landscape Ordinance (MWELO). The City must adopt the new regulations by either amending its 2010 ordinance or take no action and allow the 2015 regulations to go into effect by default. The City of Rolling Hills did not amend its 2010 ordinance and is currently operating under the 2010 regulations. In October 2018, a resident of Rolling Hills who is a landscape architect brought to the City’s attention that the City is not in compliance with the state law in regards to the Model Water Efficiency Landscape Ordinance (MWELO).

**SIGNIFICANT REVISIONS TO 2015 MWELO:**

The 2015 regulations are more stringent than the 2010 regulations and place greater responsibility on property owners to comply by submitting detailed plans, worksheets on water usage, irrigation plans and schedule, soils reports and other documentation. Residents are to commit to maintenance of the water efficient landscaping and local agencies are also required to report to the State Water Resources Board annually, among others, on the number of projects, project types, completed projects and actions to verify compliance. The major changes are as follows:

- The size of landscape subject to the ordinance has been lowered from 2,500 sq.ft. to 500 sq.ft. for most new projects, and applies to all uses,
- The definition section of the 2015 MWELO has been expanded to include new terms and concepts,
- The maximum applied water allowance, (MAWA), has been lowered from 70% of the reference evapotranspiration (ET0) to 55% for residential landscape projects; and 45 % of ET0 for non-residential projects,
- Usage of irrigation water by hydrozones is required to be calculated by each hydrozone; whereas previously a site-wide irrigation efficiency (IE) was used, and defined as not to exceed a factor of .71,
- For the purpose of estimating total water use, the revised MWELO defines the irrigation efficiency of drip irrigation as .81 and overhead irrigation or other technologies as .75.
- The revised MWELO precludes the use of high water plants in street medians and the use of cool season turf in parkways is limited,
- For multi-lot projects clarification was added that soil sampling should be tested for 1 out of 7 lots or 15% of the project,
- Prior to planting, 4 yards of compost must be incorporated per 1,000 sq.ft. of permeable area,
- The depth of mulch required was increased from 2 to 3 inches for planting areas,
- Graywater and storm water retention components must be shown on the landscape plan,
• Dedicated landscape water meters or submeters are required for residential landscapes over 5,000 sq.ft. and non-residential landscapes over 1,000 sq.ft.,

• Irrigation systems must have pressure regulation to ensure correct and efficient operation,

• All irrigation devices must meet the American National Standards Institute standards,

• Flow sensors that detect and report high flow conditions (i.e. broken pipe), are required for landscape areas greater than 5,000 sq.ft.,

• The minimum width of areas that can be irrigated overhead was increased from 8 feet to 10 feet; areas less than 10 feet must be irrigated with subsurface drip or other technology that produces no overspray or runoff,

• A requirement was added that landscape area should have a friable soil (loosely compacted soil) to maximize stormwater infiltration,

• Provisions were added for landscape of 2,500 sq.ft. or smaller if irrigated in the entirety by graywater system or through stored rainwater captured on site,

• Local agencies must annually report on the implementation and enforcement of their ordinance to the Department of Water Resources

CONTENT OF THE PROPOSED ORDINANCE

The City’s Attorney office and staff prepared an ordinance that will comply with the State’s 2015 MWELO. Highlights of the provisions of the draft ordinance are as follows:

a. The ordinance is applicable to all new or altered development with landscape area of 500 sq.ft. or greater, subject to discretionary review by the City; and new and altered landscape for residential projects of 2,500 sq.ft. subject to administrative review; as well as institutional landscape projects.

b. Landscaping shall be designed and irrigated so as not to exceed 55% of the local evapotranspiration rate (ETo) established by the State for the City of Long Beach and surrounding areas of Los Angeles County, which is 39.7-Annual ETo.

c. Landscaping shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test).

d. Landscape areas for residential type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of plant area excluding edibles and areas using recycled water. Landscape areas for institutional type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of plant area excluding edibles and areas using recycled water. The 0.3 factor identifies low water use plants and is taken from the Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension and the Department of Water Resources.
e. A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

f. Landscape areas for residential type projects shall be designed with no more than 25% turf. Turf shall not be placed on sloped areas that exceed a 1:4 slope. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff. Landscape areas for institutional type projects must be designed with no turf.

g. Automatic irrigation systems with pressure regulators and manual shut-off valves are required and shall be designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from hardscape, and shall employ a weather-based irrigation controller with a rain shut off sensor and check valves at the end of each line to hold water in the system, preventing unwanted drainage from sprinkler heads.

h. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 and document distribution uniformity.

i. Landscape areas of 1,000 sq. ft. or more for institutional type projects must have a private submeter to measure landscape water use.

j. Exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.

k. Installation and compliance verifications are required for the landscape plan, irrigation plan and schedule, grading plan, and soil management report. A landscape professional must certify the application and verifications, including compliance verification.

l. The maximum annual applied water allowance calculation matches the California Department of Water Resource’s formula in its Model Water Efficient Landscape Ordinance. Calculations sheets must be filled out and submitted with plans.

m. The identification of water wise plants matches that used by the California Department of Water Resource’s in its Model Water Efficient Landscape Ordinance.

n. Use of graywater and captured water is allowed and encouraged.
o. Require that a statement of compliance be submitted certifying that the landscape design complies with the mandatory elements of the ordinance prior to a final inspection. An applicant is eligible for one time 90-days extension.

p. Non-compliance with this ordinance would constitute a nuisance per chapter 8.24 of the RHMC.

FISCAL IMPACT

Staff anticipates that approximately 80% of projects that receive discretionary review, and 50% of administratively approved projects will be affected by this Ordinance, or about 30-35 projects annually. As can be seen from the Ordinance, the submittal application is lengthy and technical and reporting is quite extensive and time consuming. The review to determine compliance of the application and post planting verification requires a landscape professional. City staff does not have expertise in this area. Consultant services are needed for this purpose at a cost of approximately $26,000-30,000 annually, (at $120/hour). In order to offset this impact on City’s budget, staff recommends charging the applicant a review fee to pay for consultant services.

Staff recommends that the City Council direct staff to amend the master fee schedule to include a cost recovery for plan check services for the MWELO.

RECOMMENDATION

It is recommended that the City Council introduce on first reading Ordinance No. 361 - an Ordinance of the City of Rolling Hills, California, Amending Chapter 13.18 (Water Efficient Landscape) of Title 13, Water And Sewers of The Rolling Hills Municipal Code and hold a public hearing. Staff also recommends that the City Council direct staff to amend the master fee schedule to include a cost recovery line item for plan check services for the MWELO.
ORDINANCE NO. 361

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA AMENDING CHAPTER 13.18 (WATER EFFICIENT LANDSCAPE) OF TITLE 13 (WATER AND SEWERS) OF THE ROLLING HILLS MUNICIPAL CODE

The City Council of the City of Rolling Hills, California, does hereby ordain as follows:

Section 1: Findings

A. The waters of the State of California are of limited supply and are subject to increasing demands;

B. It is the policy of the State of California and the City of Rolling Hills to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

C. The State’s Model Water Efficiency Landscape Ordinance (MWELO) is codified in the Department of Water Resources Code of Regulations. (Cal. Code. Regs., tit. 23, § 490 et seq.) The purpose of the State’s MWELO is to protect the State’s water supply, encourage water conservation, and to provide cities with the appropriate authority to ensure efficient water use for public and private landscape projects;

D. Governor Brown’s Drought Executive Order of April 1, 2015 (EO B-29-15) directed Department of Water Resources to update the State’s MWELO. On July 15, 2015, the California Water Commission approved the updated MWELO (the 2015 MWELO);

E. A city may adopt the State’s MWELO as is or may adopt its own Water Efficiency Landscape Ordinance that is at least as effective as the State’s. (Cal. Gov. Code, § 65595(c));

F. The City of Rolling Hills is a unique, well-established residential community where development consists exclusively of single-family residential homes on large lots and the existing non-residential development in the community consists of City administration, homeowners’ association, fire, school, and school maintenance facilities;

G. The water efficient landscaping standards adopted herein serve to advance the foregoing goals, advance the goal of conserving water and further public health, safety and welfare;
H. The City’s water efficient landscape ordinance is at least as effective in conserving water as the California Department of Water Resource’s updated Model Water Efficient Landscape Ordinance due to the following:

1. The ordinance is applicable to all development subject to discretionary review by the City as well as landscape for residential projects subject to administrative review.

2. Under the ordinance, landscaping shall be designed and irrigated so as not to exceed 39.7% of the local evapotranspiration rate (ETo) established by the State for the City of Long Beach and surrounding areas of Los Angeles County.

3. Under the ordinance, landscaping shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

4. Under the ordinance, landscape areas for residential type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of plant area excluding edibles and areas using recycled water. Landscape areas for institutional type projects must include water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of plant area excluding edibles and areas using recycled water.

5. Under the ordinance, a minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

6. Under the ordinance, landscape areas for residential type projects shall be designed with less than 25% turf. Turf shall not be placed on sloped areas that exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by subsurface irrigation or by other technology that creates no overspray or runoff. Landscape areas for institutional type projects shall be designed with no turf.

7. Under the ordinance, automatic irrigation systems with pressure regulators and manual shut-off valves are required and shall be
designed to avoid overspray and runoff with optimum distribution uniformity and setbacks from hardscape, and shall employ a weather-based irrigation controller with a rain shut off sensor and check values at the end of each line to hold water in the system, preventing unwanted drainage from sprinkler heads.

8. Under the ordinance, all irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 and document distribution uniformity.

9. Under the ordinance, landscape areas of 1,000 sq. ft. or more for institutional type projects must have a private submeter to measure landscape water use.

10. Exceptions to the ordinance standards are allowed only upon a finding that alternative design will promote equivalent or greater water conservation.

11. Under the ordinance, installation and compliance verifications are required for the landscape plan, irrigation plan and schedule, grading plan, and any necessary soil management report.

12. Under the ordinance, the maximum annual applied water allowance calculation matches the California Department of Water Resource’s formula in its Model Water Efficient Landscape Ordinance.

13. Under the ordinance, the identification of water wise plants matches that used by the California Department of Water Resource’s in its Model Water Efficient Landscape Ordinance.

Section 2: CEQA. The City Council determines that this ordinance is categorically exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) in accordance with CEQA Guidelines §§ 15305 as a minor alteration in land use limitations which do not result in any changes in land use or density; and 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

Section 3: Title 13, Chapter 13.18 of the Rolling Hills Municipal Code, commencing with Section 13.18.010 is hereby amended to read as follows:
Chapter 13.18

WATER EFFICIENT LANDSCAPE

Sections:

13.18.010 Purpose.
13.18.020 Applicability.
13.18.030 Definitions.
13.18.035 Landscape Documentation Package.
13.18.040 Landscape Plan Design Standards.
13.18.043 Irrigation Plan and Schedule
13.18.046 Grading Plan
13.18.049 (Reserved.)
13.18.050 Exceptions.
13.18.060 Submittal Requirements.
13.18.070 Determination of Conforming Installation and Compliance Certification.
13.18.080 Nuisance.

13.18.010 Purpose.

It is the policy of the City of Rolling Hills to promote water conservation. The landscape water conservation standards detailed in this Chapter are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

13.18.020 Applicability.

This Chapter applies to:

A. All public agency development projects which are subject to discretionary review by the City and propose an aggregate landscape area of 1,000 square feet or more; and

B. Any single family residential development projects with an aggregate landscape area equal to or greater than 500 square feet requiring discretionary review by the City; and

C. Any single family residential development projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring administrative review by the City.
"Administrative Review" means review of a development project requiring review and approval of the City Manager or designee of an application for a building permit or zone clearance permit.

"Application rate" means the rate of irrigation (inches/hour or gallons per minute) at which water is applied by an irrigation system.

"Automatic irrigation system" means an irrigation system that can be controlled without manual manipulation and which operates on a preset program.

"Discretionary review" means review of a development project by the Planning Commission and/or City Council that requires that the Planning Commission or City Council ascertain compliance with this Chapter, and that also requires the exercise of judgment, deliberation or decision by the Planning Commission and/or City Council.

"Evapotranspiration" or "ET" means the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

"ET0" or "reference evapotranspiration" means the approximation of water loss expressed in inches per year from a field of 4-to-7-inch-tall cool season grass that is not water stressed.

"ET Adjustment Factor" or "ETAF" means a factor used to set an efficiency goal, that when applied to ET0 adjusts for plant factor and irrigation efficiency, two of the major influences upon the amount of water that needs to be applied to a landscape.

"Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

"Hydrozone" means a portion of the planting area having plants grouped according to water need.

"Irrigation system" means a complete connection of system components, including the water distribution network and the necessary irrigation equipment and downstream from the backflow prevention device.

"Landscape Area" means all areas where landscaping is proposed as part of a development proposal.

"Landscape Architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

"Landscape Contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape Documentation Package" means documents required as part of development projects identified in Section 13.18.020, including the landscape design plan, irrigation design plan, grading design plan, irrigation schedule, and soil management report.
“Landscape Plan” means design plans with a planting plan and irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.

“Development” means any construction requiring a building permit or zone clearance permit, a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type that requires a discretionary permit from the City.

“Plant Factor” means a factor that when multiplied by the ETo, estimates the amount of water used by a given plant species.

“Planting area” means the parcel area less building pad(s), driveway(s), patio(s), deck(s), walkway(s) and parking area(s). Planting area includes water bodies (i.e., fountains, ponds, lakes) and natural areas.

“Special Landscape Area (SLA)” means park and recreational areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ET adjustment factor not to exceed 1.0.

“Turf” means a groundcover surface of mowed grass with an irrigation water need of greater than 30% of the ETo.

“Water Budget Calculation” means the Maximum Annual Applied Water Allowance, which shall be calculated using the following formula, per Section 492.4 of the State of California Model Water Efficient Landscape Ordinance, which may be amended from time to time:

Residential:  \[ \text{MAWA} = (\text{ETo}) (0.62) [0.55 \times \text{LA} + 0.45 \times \text{SLA}] \]

Institutional:  \[ \text{MAWA} = (\text{ETo}) (0.62) [0.45 \times \text{LA} + 0.55 \times \text{SLA}] \]

\[
\begin{align*}
\text{MAWA} & = \text{Maximum Applied Water Allowance (maximum gallons per year available for the project)}. \\
\text{Eto} & = \text{Reference Evapotranspiration (39.7 inches per year for the City of Rolling Hills)}. \\
0.55 \text{ (residential)} & = \text{ETAF (as designated by the state of California)}. \\
0.45 \text{ (institutional)} & = \text{Conversion Factor (inches to gallons)}. \\
\text{LA} & = \text{Landscape Area (square feet, including SLA)}. \\
0.62 & = \text{Special Landscape Area (square feet)}. \\
\text{SLA} & = \text{The additional ET Adjustment Factor for the Special Landscape Area}. \\
0.45 \text{ (residential)} & = \text{The additional ET Adjustment Factor for the Special Landscape Area}. \\
0.55 \text{ (institutional)} & = \text{The additional ET Adjustment Factor for the Special Landscape Area}.
\end{align*}
\]
“Water Wise Plants” means those plants that are evaluated as needing “moderate” (40-60% of ET0), “low” (10-30% of ET0) and “very low” (< 10% of ET0) amounts of water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) available from the State of California Department of Water Resources. Other sources of water wise plant classifications may be used if approved by the City Manager.

“Weather Based Irrigation Controller” means an irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather.

13.18.035 Landscape Documentation Package.

An applicant proposing landscaping, which is subject to the requirements of this Chapter, shall submit the documents required by the Landscape Documentation Package in accordance with the requirements of this Chapter. Landscape documentation package shall be prepared by a person who holds a license to practice landscape architecture or any other person authorized to design landscape and its components in the state of California.

13.18.040 Landscape Plan Design Standards.

An applicant proposing landscaping, which is subject to the requirements of this Chapter, shall comply with each of the following in the design, installation, and maintenance of the landscaped area, unless an exception is granted pursuant to Section 13.18.050.

A. Landscape Plan Content:

1. Applicants shall submit a Landscape Plan depicting the landscaped area and all existing landscaping to remain on the lot. Landscaping shall be designed to be irrigated at no more than the reference evapotranspiration (ET0) and shall not exceed the MAWA. The City reserves the right to modify plans in quantity and quality of the landscape to meet the requirements of this Chapter.

2. Applicants shall provide all relevant information on the landscape plan including botanical names for plants and turf species; container sizes; percentage calculations of allowable areas of turf; low, medium or high water use plants and water-wise plants; water budget calculations; applicable graywater discharge piping, system components, and areas of distribution; any necessary soil management report; and specific requests for any exceptions to the requirements of this Chapter in accordance with Section 13.18.050. Areas of existing landscaping to remain unaltered shall be indicated on the landscape plan.

B. Use of Compost, Water Wise Plants, and Turf:
1. The landscape area of a single family residential or institutional use project shall incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test).

2. The landscape area of a single family residential use project shall be designed with water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water. The landscape area of an institutional use project shall be designed with water wise plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

3. The landscape area of a single family residential use project shall be designed with no more than 25% of the landscape area in turf. The landscape area of an institutional use project shall be designed with no turf.

4. Turf shall not be used on a slope that exceeds 1 foot vertical elevation change for every 4 feet of horizontal length.

5. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

6. Additional turf areas may be approved by the City for areas designed and used for outdoor sporting and recreational activities. Approved turf areas may be watered at 1.0 of the referenced evapotranspiration (ETo).

C. Mulch: The landscape area, except those portions of the landscape area planted in turf, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated, shall be covered with mulch material to a minimum thickness of at least 3 inches throughout. In areas with groundcover planted from flats, mulch shall be installed to an average thickness of 1-1/2 inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch.

D. Graywater Systems:

All graywater systems shall conform to the City’s Plumbing Code adopted in Chapter 15.08 of the RHMC.

E. Soil Management Report:

Ordinance No. 361
1. Applicant shall submit soil samples to a laboratory for analysis of soil texture, infiltration rate, pH, total soluble salts, sodium, percent organic matter and for recommendations in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants and at a sampling rate equivalent to 1 in 7 lots or approximately 15% of the development.

2. A soil management report shall be submitted as follows:

   i. If grading requiring Site Plan Review pursuant to RHMC Section 17.46.020(A)(1) is not planned, the soil analysis report shall be submitted to the City as part of the Landscape Plan; or

   ii. If grading requiring Site Plan Review pursuant to RHMC Section 17.46.020(A)(1) is planned, the soil analysis report shall be submitted to the City as part of the certificate of compliance with documentation verifying implementation of soil report recommendations.

**13.18.043 Irrigation Plan and Schedule.**

A. Irrigation Plan: All irrigation systems proposed as part of a development shall incorporate the following requirements in their design, installation and maintenance:

1. Irrigation systems shall be designed and installed to avoid overspray and runoff. Valves shall be separated for individual hydrozones based on plant water needs and sun or shade requirements.

2. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shut-off sensor.

3. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

4. Irrigation controllers shall be of a type which do not lose programming data in the event the primary power source is interrupted.

5. Areas less than ten feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing runoff or overspray onto adjacent surfaces.

6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement.
7. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.

8. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

9. Flow sensors that detect and report high flow conditions shall be installed for landscaped areas greater than 5,000 square feet.

10. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity lower quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

11. For institutional projects with landscape areas of 1,000 sq. ft. or more, a private submeter to measure landscape water use shall be installed.

B. Irrigation Schedule.

1. Irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health.

2. Irrigation schedules shall meet the following criteria:
   
   i. Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

   ii. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

      a. The plant establishment period;

      b. The established landscape; and

      c. Temporarily irrigated areas.

   iii. Each irrigation schedule shall consider all of the following that apply:

      a. Irrigation interval (days between irrigation);
b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);

c. Number of cycle starts required for each irrigation event to avoid runoff;

d. Amount of applied water scheduled to be applied on a monthly basis;

e. Application rate setting;

f. Root depth setting;

g. Plant type setting;

h. Soil type;

i. Slope factor setting;

j. Shade factor setting; and

k. Irrigation uniformity or efficiency setting.

iv. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to MAWA.

13.18.046 Grading Plan.

A. A grading plan shall be submitted as part of the Landscape Plan and must include the finished configurations and elevations of the landscape area including:

1. height of graded slopes;

2. drainage patterns;
3. pad elevations;
4. finish grade; and
5. stormwater retention improvements, if applicable.

B. Project applicants are encouraged to prepare a grading plan that does the following:

1. grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
2. avoid disruption of natural drainage patterns and undisturbed soil; and
3. avoid soil compaction in landscape areas.

C. The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

13.18.049 (Reserved).

13.18.050 Exceptions.

Exceptions to these landscape water conservation standards may be granted by the City Manager upon a finding, based on substantial evidence, that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions shall be in writing and shall be submitted to the City Manager at the time the application is submitted to the City for review. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation.

13.18.060 Submittal Requirements.

A. The landscape design plan shall bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design landscape. The irrigation plan and schedule shall bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design an irrigation system. The grading design plan shall contain the following statement: “I have complied with the criteria of the ordinance and applied them
accordingly for the efficiency use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

B. The Landscape Documentation Package consisting of the landscape plan, irrigation plan and schedule, grading plan, and any necessary soil management report shall include a “Statement of Compliance” in a form approved by the City Manager certifying that the design complies with the mandatory elements of this Chapter. The Statement of Compliance shall be signed by the person who prepared the landscape plan, irrigation plan and schedule, and grading plan and shall be submitted to the City prior or concurrent with submitting final development plans to the Building and Safety Department.

C. The Planning Commission or City Council may require, on a case-by-case basis, that the landscaping plan and statement of compliance be submitted concurrently with the development application or prior to rendering a decision for the development.

13.18.070 Determination of Conforming Installation and Compliance Verification.

A. The person who prepared the landscape plan irrigation plan and schedule, grading plan, and any necessary soil management report shall inspect the installation and shall certify in writing to the City Manager that the installation substantially conforms to the approved plans. Certification shall be submitted prior to a final inspection from the Building and Safety Department. The applicant is eligible for a one-time extension in submitting the certification of up to 90 days, based on findings of good cause.

B. Verification of compliance with this Chapter, as applicable, shall be made by the City Manager.

13.18.080 Nuisance.

Failure to comply with this Chapter shall constitute a nuisance and will be enforced pursuant to Chapter 8.24 of the RHMC.

Section 4: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections subsections, subdivisions, sentences, clauses, phrases, or portion thereof be declared invalid or unconstitutional.
Section 5: Notice. The City Clerk shall certify as to the adoption of this ordinance and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36993.

Section 6: Effective date. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2019.

______________________________
PATRICK WILSON, MAYOR

Attest:

______________________________
CITY CLERK
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF ROLLING HILLS

I certify that the foregoing Ordinance No. 361 entitled:

AN ORDINANCE OF THE CITY OF ROLLING HILLS, CALIFORNIA AMENDING CHAPTER 13.18 (WATER EFFICIENT LANDSCAPE) OF TITLE 13 (WATER AND SEWERS) OF THE ROLLING HILLS MUNICIPAL CODE

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Administrative Offices

City Clerk
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: ELAINA JENG, P.E., CITY MANAGER
SUBJECT: CONSIDERATION AND APPROVAL OF RESOLUTION 1234 ON COST SHARE MODEL FOR ENGINEERING DESIGN FEES ASSOCIATED WITH ASSESSMENT DISTRICT PROJECTS.
DATE: MARCH 25, 2019

BACKGROUND

To date, the City Council has unofficially cost shared the design fees for the utility companies to prepare construction drawings to underground overhead and above ground infrastructure. The design fee is a necessary expenditure to determine the precise construction cost. Often this design fee is an obstacle for residents to commit to the formation of assessment districts. This upfront cost does not guarantee that all participants will remain committed through the process and often the final obligation of the assessment district is unknown long after the upfront cost is paid. For these reasons, the City Council has contributed one third of the total design fee and the Rolling Hills Community Association (RHCA) has contributed one third of the total design fee to alleviate the burden on residents but also to provide an incentive for residents to follow through with the projects.

DISCUSSION

At the March 11, 2019 City Council meeting, the City Council directed staff to do the following:
• Memorialize the City’s policy in funding one third of the total design cost for the utility companies to prepare construction drawings to underground overhead and above ground infrastructure for each assessment district project.

• Execute a memorandum of understanding with RHCA to engage the association to continue to contribute one third of the total design cost for the utility companies to prepare construction drawings to underground overhead and above ground infrastructure for each assessment district project.

• Collect the necessary funds from residents to pay for consultant services (legal counsel and assessment engineer) associated with the formation of an assessment district and issuance of a bond.

With respect to the direction to memorialize the City’s policy in funding the design fee for assessment district projects, the draft Resolution 1234 caps the City’s contribution at $50,000 per assessment district project.

With respect to the direction to execute a MOU with RHCA on the cost share model, staff is currently working with RHCA on reviewing the MOU.

With respect to collecting necessary funds from residents to pay for consulting services, the Finance Department will create an account for funds collected from residents dedicated to the specific assessment district project solely to pay for consultant services for that specific assessment district.

**FISCAL IMPACT**

If Resolution 1234 is approved by the City Council, in Fiscal Year 2018-2019, there is one potential undergrounding assessment district project (El Concho) that would need funds for engineering design. The total design fee for El Concho project is estimated to be $72,000. The City’s share per the cost share model would be $24,000. This amount would be paid from the City’s Utility Fund. There is sufficient budget in the Utility Fund for this anticipated expenditure.

**RECOMMENDATION**

Staff recommends that the City Council approve resolution 1234.
RESOLUTION NO. 1234

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTABLISHING A FORMAL POLICY TO CONTRIBUTE FUNDS TOWARD THE COST OF PRELIMINARY DESIGN REVIEW FOR UNDERGROUNDING ASSESSMENT DISTRICT PROJECTS

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. The City Council finds that undergrounding enhances the aesthetic of the City of Rolling Hills but more importantly is essential to preventing destructive fires. Therefore, the City requires all utilities servicing a building on any residential zoned parcel to be installed underground upon the following occurrences: 1) construction of any new primary or accessory building; 2) remodeling of a primary or accessory building which entails enlargement of the structure or alteration of the building footprint; 3) lengthening or adding electrical lines servicing a building or parcel; 4) relocating or increasing the electrical panel servicing a building or parcel; or 5) inclusion of a parcel in an undergrounding utility assessment district. (Rolling Hills Municipal Code Section 17.27.030.)

B. To proceed with an undergrounding project, a property owner must first incur the cost of a utility company preparing a preliminary design to underground the above ground infrastructure. The cost of the preliminary design is a necessary expenditure to determine the ultimate cost of construction. But often this preliminary design cost is an obstacle for residents to commit to the formation of an assessment district; the upfront cost does not guarantee that all participants will remain committed to the undergrounding and the final cost of the assessment district is unknown until long after the upfront cost is paid.

C. In an effort to alleviate the financial burden on residents and to incentivize residents to follow through with undergrounding assessment districts, the City has unofficially shared the cost of the preliminary design with property owners and the Rolling Hills Community Association with each paying one-third of the cost.

D. At the March 11, 2019 City Council meeting, the City Council directed staff to return with a resolution memorializing a formal policy of the City to fund one-third of the total preliminary design cost for each assessment district subject to a $50,000 limit per assessment district.

Section 2. The City agrees to contribute funds toward one-third of the total preliminary design cost for each assessment district subject to a $50,000 limit per assessment district.
PASSED, APPROVED, AND ADOPTED this 25th day of March 2019.

______________________________
PATRICK WILSON, MAYOR

ATTEST:

______________________________
CITY CLERK

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

I certify that the foregoing Resolution No. __ entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTABLISHING A FORMAL POLICY TO CONTRIBUTE FUNDS TOWARD THE COST OF PRELIMINARY DESIGN REVIEW FOR UNDERGROUNDING ASSESSMENT DISTRICT PROJECTS

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

______________________________
CITY CLERK