



**REPORT TO CITY COUNCIL**

**DATE:** FEBRUARY 28, 2018

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER 

**BY:** NATHAN HAMBURGER, ASSISTANT CITY MANAGER <sup>hjt</sup>  
DOUG HOOPER, PLANNING DIRECTOR 

**SUBJECT:** ADOPTION OF ORDINANCE NO. 18-436; AMENDING SECTION 2107 (POWERS AND DUTIES) OF CHAPTER 1 (CITY MANAGER) OF ARTICLE II (ADMINISTRATION) OF THE AGOURA HILLS MUNICIPAL CODE REGARDING EXECUTION OF AGREEMENTS RELATED TO DEVELOPMENT PROJECT APPROVAL, INCLUSIONARY HOUSING, AND DENSITY BONUSES, AND EXECUTION OF CERTAIN CONTRACTS AND CONVEYANCES WITH PRIOR CITY COUNCIL APPROVAL, AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01451-2018) (CITY OF AGOURA HILLS, APPLICANT)

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At the February 14, 2018, City Council meeting, on a 4-0 vote (Mayor Koehler was absent), the City Council introduced, read by title only, and waived further reading of Ordinance No. 18-436.

The Ordinance amends the City Manager's powers and duties, within Agoura Hills Municipal Code Section 2107, regarding execution of agreement related to development project approval, inclusionary housing, and density bonuses, and the execution of certain contracts and conveyances with prior City Council approval. Attached for reference is a copy of Ordinance No. 17-436.

**RECOMMENDATION**

Staff respectfully recommends the City Council adopt Ordinance No. 18-436.

Attachment: Ordinance No. 18-436

**ORDINANCE NO. 18-436**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 2107 (POWERS AND DUTIES) OF CHAPTER 1 (CITY MANAGER) OF ARTICLE II (ADMINISTRATION) OF THE AGOURA HILLS MUNICIPAL CODE REGARDING EXECUTION OF AGREEMENTS RELATED TO DEVELOPMENT PROJECT APPROVALS, INCLUSIONARY HOUSING, AND DENSITY BONUSES AND EXECUTION OF CERTAIN CONTRACTS AND CONVEYANCES WITH PRIOR CITY COUNCIL APPROVAL AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings and Intent.**

A. California Government Code Sections 40602(b) and (c) provide that the mayor of a city shall sign all written contracts and conveyances made or entered into by the city and all instruments requiring the city seal.

B. California Government Code Section 40602 further provides, however, that the legislative body of a city may provide, by ordinance, that contracts and conveyances be signed by an officer other than the mayor.

C. By adopting this Ordinance, the City Council hereby authorizes the City Manager to execute on behalf of the City: 1) a limited group of agreements to be recorded against private property to memorialize conditions of approval imposed on land use entitlements and permits approved and issued by the City pursuant to the City's Zoning Code, and to ensure that property owners maintain dwelling units as affordable or as dedicated senior housing pursuant to a State, Federal, or local program; and 2) specific agreements, contracts or conveyances whenever the City Council, by ordinance, resolution, motion, minute order, contract, or other appropriate City Council action, has expressly authorized the City Manager to execute such agreements, contracts or conveyances.

**Section 2. CEQA.** The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to the General Rule (14 Cal. Code Regs. § 15061(b)(3)), because this Ordinance merely updates administrative regulations regarding the City Manager's powers and duties. The text amendment herein authorizes the City Manager to enter into and execute a specific, limited group of agreements on behalf of the City - including agreements pursuant to which property owners and

applicants accept certain conditions of approval and/or agree to provide and maintain certain dwelling units in accordance with the City's inclusionary housing program, density bonus law, and other federal, state, or local laws restricting the uses of property. The amendments herein clarify administrative regulations and will not result in any changes to the physical environment. As such, the City Council finds, consistent with City staff's conclusion, that it can be seen with certainty that there is no possibility that the proposed Municipal Code text amendments may have a significant effect on the environment. Staff is hereby directed to prepare and file a notice of exemption pursuant to Guidelines Section 15062.

**Section 3. Code Amendment.** New subsections (p) and (q) are hereby added to Section 2107 (Powers and Duties) of Chapter 1 (City Manager) of Article II (Administration) of the Agoura Hills Municipal Code to read as follows, with all other subdivisions of Section 2107 to remain the same:

“(p) To execute by signing on behalf of the City any agreement between the City and a property owner or applicant to be recorded against the applicable property, whereby the applicant or owner accepts conditions of approval imposed by the City on a land use entitlement or permit approved and issued by the City pursuant to the Article IX (Zoning) of this Code, or whereby the owner or applicant agree to provide and maintain dwelling units as affordable housing or as dedicated senior housing in accordance with State, Federal, or local regulations.

“(q) To execute by signing on behalf of the City any agreement, contract or conveyance to which the City is a party whenever the City Council, by ordinance, resolution, motion, minute order, contract, or other appropriate City Council action, has authorized the City Manager to execute such agreement, contract or conveyance.”

**Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 5. Certification and Publication.** The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective thirty (30) days after its passage.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Agoura Hills, California, on this \_\_\_ day of \_\_\_\_\_, 2018.

AYES: (0)  
NOES: (0)  
ABSENT: (0)  
ABSTAIN: (0)

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William D. Koehler, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

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Candice K. Lee, City Attorney