

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 8, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Rosenthal called the meeting to order at 6:36 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Laura Rosenthal; Mayor Pro Tem Lou La Monte; and Councilmembers Joan House, Skylar Peak and John Sibert

ALSO PRESENT: Christi Hogin, City Attorney; Jim Thorsen, City Manager; Reva Feldman, Assistant City Manager; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Ruth Piyaman, Finance Manager; Brad Davis, Emergency Services Coordinator; Heather Glaser, Deputy City Clerk; Amy Crittenden, Recreation Manager; Stephanie Hawner, Associate Planner; Arthur Aladjadjian, Public Works Superintendent; and Elizabeth Shavelson, Assistant to the City Manager

PLEDGE OF ALLEGIANCE

Laureen Sills led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

Personnel Matters pursuant to Government Code Section 54957:

1. Public Employee Performance Evaluation
Title: City Manager

Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1):

2. Crown Castle NG West LLC v. City of Malibu
United States District Court Case No. 2:15-cv-06089-DSF (SSx)
3. Trancas-PCH v. City of Malibu (Housing Element case)
Los Angeles County Superior Court Case No. BS145311

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 5:30 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54957 and 54956.9(d)(1), with all Councilmembers present. She stated the Council discussed the items listed on the posted agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Sibert moved and Councilmember Peak seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Glaser reported that the agenda for the meeting was properly posted on January 29, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation on the City's Everbridge Disaster Alert System

Emergency Services Coordinator Davis discussed the Everbridge Disaster Alert System, and urged everyone to sign up for notifications as soon as possible.

B. Presentation by West Basin Municipal Water District on Cash for Kitchens Certificates for Restaurants and Commercial Kitchens

Scott Houston, West Basin Municipal Water District Board Director, discussed the Cash for Kitchen program. He listed 14 Malibu restaurants receiving certificates for their participation in the program.

Nola Hastings, Hastings and Company, discussed surveys and outreach to assist restaurants in changing their behaviors.

In response to Mayor Rosenthal, Gus Meza, West Basin Municipal Water District Conservation Coordinator, discussed rebate incentives for other restaurants to participate in the program. He discussed the District's application for a United States Bureau of Reclamation grant to expand the program.

Mayor Pro Tem La Monte thanked Mr. Houston.

Councilmember Sibert discussed Southern California Association of Governments water use study and thanked Mr. Houston for his assistance.

Mr. Houston discussed the El Segundo Water Recycling Plant.

ITEM 2.A. PUBLIC COMMENTS

Anne Payne discussed the need for emergency access behind any development proposed for the Civic Center.

Bill Sampson discussed the Broad Beach Road Geologic Hazard Abatement District and the proposed sand deliveries blocking beach access.

Laureen Sills discussed forming a citizen action committee to investigate options to purchase vacant land in the City.

ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES

City Manager Thorsen announced his retirement from the City of Malibu.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Mayor Pro Tem La Monte expressed his appreciation for City Manager Thorsen. He stated he attended the Las Flores Creek Park ribbon cutting ceremony, the Pacific Coast Highway (PCH) Safety Task Force meeting, the Independent Cities Association Annual Winter Seminar in Santa Barbara, the California Contract Cities Association (CCCA) Officers meeting in Huntington Park and thanked Supervisor Hilda Solis for her participation. He stated he attended two CCCA Executive Board meetings, and a presentation by the nonprofit team PLACE regarding public and private partnerships for affordable housing. He stated Councilmembers, Commissioners, and City staff had received active shooter training at City Hall, and he announced a joint City Council/Planning Commission Special meeting on February 10, 2016.

Councilmember Sibert stated he would miss City Manager Thorsen. He stated he attended a meeting with Secretary of Veterans Affairs Robert McDonald regarding the veteran's facility. He thanked the Sheriff's Department for its assistance to the local homeless. He stated he attended a CCCA and League of California Cities Stormwater Task Force meeting.

Councilmember House thanked City Manager Thorsen and wished him well in his future endeavors.

Councilmember Peak thanked City Manager Thorsen for his work and fairness. He stated he met with residents regarding the homeless in the City. He stated he would follow-up with Beaches and Harbors regarding sand deliveries at Broad Beach. He thanked West Basin Municipal Water District staff.

Mayor Rosenthal discussed the California Coastal Commission permit issued for Broad Beach. She stated emergency access behind Civic Center properties was

important. She discussed a citizen group for exploring a park bond. She thanked the volunteers on patrol in attendance. She stated she attended a PCH Task Force meeting, and the Las Flores Creek Park ribbon cutting ceremony. She announced the business roundtable on February 12, 2016, the Dolphin Awards, and congratulated Malibu Fitness on its 30th birthday. She announced an e-waste event on February 20, 2016, the next Library Speaker Series event on February 17, 2016, and wished everyone a happy Valentine's day. She announced a Pt. Dume Traffic Management Community meeting on February 23, 2016. She stated City Manager Thorsen would be hard to replace.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember House moved and Mayor Pro Tem La Monte seconded a motion to approve the Consent Calendar. The motion carried unanimously, with Councilmember House abstaining from Item No. 3.B.4.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
 - 1. Second Reading and Adoption of Ordinance No. 401
Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 401 updating the terms of commissioners based on the City's General Municipal Election date being moved to November of even-numbered years.

- B. New Items
 - 1. Waive Further Reading
Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
 - 2. Approve Warrants
Recommended Action: Allow and approve warrant demand numbers 46431-46531 listed on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 566 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$911,691.14. City of Malibu payroll check numbers 4632-4637 and ACH deposits were issued in the amount of \$181,933.67.
 - 3. Approval of Minutes
Recommended Action: Approve the minutes for the January 11, 2016 Regular City Council meeting.
 - 4. Nomination for the Jake Kuredjian Citizenship Award
Recommended Action: At the recommendation of the Parks and Recreation Commission, approve the nomination of Joan House as the 2015 recipient of the Jake Kuredjian Citizenship Award.

5. Agreement with Wells Fargo Bank for Governmental Banking Services
Recommended Action: Authorize the City Manager and Assistant City Manager to execute an agreement with Wells Fargo Bank for Governmental Banking Services.
6. State Revolving Fund (SRF) Loan Application for the Civic Center Wastewater Treatment Facility (CCWWTF) Project
Recommended Action: Adopt Resolution No. 16-10 authorizing the reimbursement of funding from the SRF Loan for the CCWWTF and repealing Resolution No. 15-03.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Fiscal Year (FY) 2015-2016 Mid-Year Financial Report
Recommended Action: 1) Receive and file FY 2015-2016 Mid-Year Financial Report; and 2) Adopt Resolution No. 16-09 amending the annual budget for Fiscal Year 2015-2016.

Assistant City Manager Feldman presented the staff report.

Mayor Rosenthal noted the budgeted amounts for speed advisory signs and bus stop shelters.

MOTION Councilmember House moved and Mayor Pro Tem La Monte seconded a motion to: 1) Receive and file FY 2015-2016 Mid-Year Financial Report; and 2) adopt Resolution No. 16-09 amending the annual budget for Fiscal Year 2015-2016. The motion carried unanimously.

ITEM 5 OLD BUSINESS

- A. Short-term Residential Rentals
Recommended Action: 1) Review suggestions from staff on enforcement options for regulating short-term residential rentals; and 2) Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Solid Waste Solutions for on-call monitoring services of short-term residential rentals.

Assistant City Manager Feldman presented the staff report.

Bill Sampson stated there was a home in his neighborhood that was being operated as a motel. He stated Solid Waste Solutions (SWS) was a small step in the direction of rectifying the issue.

Beatrix Ziliuskas thanked the Council and staff. She expressed concern regarding homes in her neighborhood being used as short-term rentals.

Councilmember House indicated support for the recommended action.

Councilmember Peak indicated support for the recommended action.

City Attorney Hogin stated the Council had chosen to not ban short-term rentals, but enforce violations of the City's noise ordinance or parking codes. She stated the amendment with SWS provided a way to gather data on other complaints to educate any future policy changes.

Mayor Pro Tem La Monte indicated support for the staff recommendation.

Councilmember Sibert stated someone renting out a home full-time would be an issue to revisit in the future.

Mayor Rosenthal indicated support for the staff recommendation.

MOTION Councilmember Peak moved and Councilmember Sibert seconded a motion to authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Solid Waste Solutions for on-call monitoring services of short-term residential rentals. The motion carried unanimously.

ITEM 6 NEW BUSINESS

- A. Preferential Parking Zone in the Point Dume Neighborhood, at the Intersection of Heathercliff Road and Dume Drive
Recommended Action: Receive and file.

Associate Planner Hawner presented the staff report.

Lori Kantor, on behalf of the Heathercliff and Dume Villa Homeowners Associations, stated the parking situation was much improved and thanked Mayor Rosenthal for her assistance.

MOTION Mayor Rosenthal moved and Mayor Pro Tem La Monte seconded a motion to receive and file the report on the preferential parking zone in the Point Dume neighborhood, at the intersection of Heathercliff Road and Dume Drive. The motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Measure R Follow-Up – Consider Regulations of Chain Stores and Initiation of Preparation of Specific Plan (Councilmembers Peak and Sibert)
Recommended Action: Direct staff whether to initiate a zoning ordinance amendment to regulate chain stores and whether to initiate a voter-approved specific plan for the civic center.

City Attorney Hogin discussed the staff report. She stated the final judgement had been postponed to March 24, 2016, since the proponent's legal counsel had filed for an intervention and, together with City Attorney Hogin, sought clarification of the judgement and its effect on the measure during an appeal. She stated the plaintiff's counsel had elected to allow the delay.

John Mazza discussed roadway planning.

In response to Mayor Rosenthal, City Attorney Hogin stated a voter-approved specific plan would be required if Measure R were found legal. She stated requiring voter approval of a specific plan, if Measure R were found invalid, would be consistent with Measure R. She stated Costa Mesa's specific plan requirement was not tied to a project.

Councilmember Sibert stated a specific plan was necessary and it was critical that it be voter-approved.

Mayor Pro Tem La Monte discussed zoning and traffic movement through the Civic Center.

MOTION

Councilmember Peak moved and Councilmember Sibert seconded a motion to: 1) initiate a zone text amendment to regulate chain stores; 2) direct staff to schedule a Planning Commission public hearing; 3) direct staff to explore Civic Center specific plan options; and 4) continue the specific plan discussion to the February 10, 2016 Special meeting as part of the discussion on how to proceed with civic center design standards.

Councilmember Peak stated 10 stores in the United States was more reasonable than 10 worldwide.

Councilmember House discussed the three specific plans already adopted by the City. She indicated support for regulating chain stores and having a specific plan.

Mayor Rosenthal discussed land in the Civic Center.

In response to Mayor Rosenthal, City Attorney Hogin stated a task force recommendation for a specific plan would go to the Planning Commission and then to the Council for placement on a special or general municipal election ballot. She stated she would like to have a specific plan expedited.

The question was called and the motion carried unanimously.

ADJOURNMENT

MOTION At 8:30 p.m., Councilmember Sibert moved and Mayor Rosenthal seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on March 14, 2016.



LAURA ROSENTHAL, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)