

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 26, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Mullen called the meeting to order at 6:35 p.m.

ROLL CALL

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

PRESENT: Mayor Rick Mullen; Mayor Pro Tem Jefferson Wagner; and Councilmembers Lou La Monte, Skylar Peak (via teleconference), and Laura Rosenthal

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Craig George, Environmental Sustainability Director; Bob Brager, Public Works Director; Kelsey Pettijohn, Deputy City Clerk; Matt Myerhoff, Media Information Officer; Kristin Riesgo, Deputy Community Services Director; Rob DuBoux, Assistant Public Works Director; and Arthur Aladjajian, Public Works Superintendent

PLEDGE OF ALLEGIANCE

Steve Uhring led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

Conference with Real Property Negotiators pursuant to Government Code Section 54956.8:

1. Properties: APN 4458-022-011 (23575 Civic Center Way)
APN 4458-020-015 (Webb Way and Civic Center Way)
APN 4458-021-007 (Webb Way and Civic Center Way)
APN 4466-021-028 (Heathercliff Road and Pacific Coast Highway)
City Negotiator: City Manager Feldman
Property Negotiator: Malibu Bay Company
Under Negotiation: Price and terms of payment

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 6:00 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Section

54956.8 with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Rosenthal moved and Councilmember La Monte seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on February 15, 2018, with the amended agenda posted on February 23, 2018.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Steve Uhring stated the Malibu Community Alliance had negotiated a lighting plan with Santa Monica-Malibu Unified School District (SMMUSD) for the parking lot on the ridgeline over the football field at Malibu High School.

Mindy Peterson discussed the Environmental Club at Malibu High School and water bottle filling stations installed at Malibu High School. She discussed a petition signed by students and faculty members and requested funding for rented FloWater bottle filling stations in the public areas of Malibu High School. She discussed fundraising options.

Lars Peterson indicated support for keep the rented bottle filling stations at Malibu High School. He requested funds from the Council.

Sally Johnston indicated support for keep the rented bottle filling stations at Malibu High School. She discussed a GoFundMe campaign for keeping the stations.

Carina Levy indicated support for keep the rented bottle filling stations at Malibu High School.

Sarah Ryan indicated support for keep the rented bottle filling stations at Malibu High School. She read comments of support from Malibu High School faculty members.

Jennifer deNicola discussed the locations of the FloWater bottle filling stations at Malibu High School. She requested Council fund the two bottle filling stations in public areas of Malibu High School.

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

City Manager Feldman announced the redesigned City website would go live on March 1, 2018. She stated the most recent Community Emergency Response Team (CERT) training program had 26 participants graduate on February 24, 2018. She thanked the current CERT team and Los Angeles County Fire Station 88.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

In response to Councilmember La Monte, City Manager Feldman stated SMMUSD would not allow the City to pay for the bottle filling stations under the Joint Use Agreement. She stated the General Fund Grant Program was the most appropriate way for Malibu High School to request funds.

Councilmember La Monte stated he attended a Los Angeles Commission on Alcohol and Other Drugs meeting. He stated Mayor Mullen, City Manager Feldman, and he met with Senator Dianne Feinstein's Field Representative, Jeanette Cheng. He stated City Manager Feldman and he attended a California Contract Cities Association Board of Directors meeting. He stated Councilmember Rosenthal, City Manager Feldman and he attended a press conference with Senator Henry Stern and Assemblymember Richard Bloom at Will Rogers State Beach announcing the Pacific Coast Highway (PCH) Task Force Grant. He stated Councilmember Rosenthal and he attended The Family March Against Gun Violence led by Malibu students. He stated Assembly Bill (AB) 3162 regarding reforming licensed rehab facilities in residential neighborhoods had been introduced by Assemblymember Laura Friedman and co-authored by Senator Ben Allen and Senator Henry Stern. He encouraged the community to demonstrate support for the bill.

Councilmember Rosenthal discussed grants available from West Basin Municipal Water District for water bottle filling stations at Malibu High School. She stated she would like to see testing on drinking fountain water quality at Malibu High School and ways the quality could be improved. She stated she attended The Family March Against Gun Violence led by Malibu students, and thanked students, parents, Volunteers on Patrol, and the Los Angeles County Sheriff's Department. She stated she presented a commendation to Beverly Estill at the Malibu Navy League retirement luncheon, attended a Las Virgenes-Malibu Council of Governments meeting, and attended The Future of Cannabis event at UCLA. She congratulated Councilmember La Monte as the most recent Dolphin Award winner and stated she would receive a certificate at the 2018 Dolphin Awards Ceremony. She announced the Business Roundtable on March 2, 2018, and stated she would attend a Southern California Associate of Governments meeting on March 1, 2018.

Councilmember Peak discussed The Family March Against Gun Violence. He expressed hope that Malibu High School could obtain a grant from West Basin

Municipal Water District. He discussed the good water quality at Malibu High School and stated Malibu High School should apply for a General Fund Grant.

Mayor Pro Tem Wagner stated he met with homeowners in Serra Retreat. He stated he attended the Malibu Surfing Association meeting regarding issues at third point Malibu and stated he took the matter to the Santa Monica Bay Restoration Commission meeting.

Mayor Mullen stated he attended a UC Davis symposium regarding Aviation Noise and Emissions and discussed the impact of noise on historic neighborhoods. He urged everyone to drive safely through canyon roads. He thanked Councilmember Rosenthal for attending the PCH Task Force meeting. He expressed appreciation for the efforts of parents, students, and faculty to emphasize the importance of clean water.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember Rosenthal moved and Councilmember La Monte seconded a motion to approve the Consent Calendar. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 431

Recommended Action: 1) Conduct second reading, unless waived, adopt Ordinance No. 431 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Title 17 (Zoning) to regulate formula retail establishments citywide; and 2) As a procedural precaution, re-introduce the identical ordinance and direct that the City Clerk schedule it for adoption March 12, 2018.

2. Second Reading and Adoption of Ordinance No. 432

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 432 determining the project is categorically exempt from the California Environmental Quality Act and amending Title 9 (Public Peace and Welfare) of the Malibu Municipal Code, Chapter 9.24 to regulate plastic straws, stirrers, and cutlery.

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 52698-52839 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. 611 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,277,687.71. City of Malibu payroll check numbers 4887-4891 and ACH deposits were issued in the amount of \$187,005.54.

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 22, 2018 Malibu City Council Regular meeting.

4. Pacific Coast Highway (PCH) Raised Median and Channelization Improvements Project Cooperative Agreement (Second Phase)

Recommended Action: Authorize the City Manager to execute a Cooperative Agreement (Second Phase) with Caltrans to provide quality assurance and oversight services for the development of the Project Approval and Environmental Document, Plans, Specifications, and Estimate, and right-of-way work for the PCH Raised Median and Channelization Improvements Project.

5. Pacific Coast Highway (PCH) Signal System Improvements Project Cooperative Agreement (Second Phase)

Recommended Action: Authorize the City Manager to execute a Cooperative Agreement (Second Phase) with Caltrans at no cost for providing quality assurance and oversight services for the development of the Project Approval and Environmental Document, Plans Specifications, and Estimate, and right-of-way work for the PCH Signal System Improvements Project.

6. Cultural Arts Commission Mission Statement

Recommended Action: At the recommendation of the Cultural Arts Commission, approve the revised Cultural Arts Commission Mission Statement.

7. Professional Services Agreements with Civic Solutions and Willdan Engineering for Planning Consultant Services

Recommended Action: 1) Authorize the City Manager to negotiate and execute a Professional Services Agreement with Civic Solutions for planning consultant services in an amount not to exceed \$50,000; and 2) Authorize the City Manager to negotiate and execute a Professional Services Agreement with Willdan Engineering in an amount not to exceed \$50,000.

8. City Comment Letter on the Development of the Safe, Clean Water Program Expenditure Program

Recommended Action: Authorize the City Manager to send a comment letter to the Los Angeles County Board of Supervisors regarding its development of the Safe, Clean Water Program Expenditure Program.

9. Revocable Non-Exclusive License Agreement for the Case Project formerly known as the Crummer Site Subdivision

Recommended Action: Continue this item to a date uncertain.

10. Unification of a Malibu Unified School District

Recommended Action: Direct the City Manager to send a letter to the Los Angeles County Office of Education (LACOE) stating the City wishes to proceed with the LACOE process to separate from the Santa Monica-

Malibu Unified School District and form a new Malibu Unified School District

11. Professional Services Agreement with PinteroSCO Advisors, LLC for School Unification Consultant Services

Recommended Action: At the recommendation of the School District Separation Ad Hoc Committee, authorize the City Manager to negotiate and execute a Professional Services Agreement with PinteroSCO Advisors, LLC for school unification consultant services in an amount not to exceed \$100,000.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

None.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Rindge Dam Project Update

Recommended Action: 1) Receive and file information regarding the U.S. Army Corps of Engineer's proposed project to remove Rindge Dam; and 2) Authorize the City Manager to send a letter to the California Coastal Commission.

Public Works Director Brager presented the staff report.

In response to Councilmember Rosenthal, City Manager Feldman stated a staff member could attend the California Coastal Commission (CCC) meeting if Council desired. Public Works Director Brager stated the Army Corps indicated the plan was the preferred method of removal.

Matthew Katz indicated opposition to removal of Rindge Dam. He suggested Rindge Dam be turned into a bridge for wildlife.

Jeff Follert, Serra Canyon Property Owners Association President, expressed concern for flood risk from the removal of Rindge Dam. He discussed the Federal Consistency Determination document the Corps was seeking approval of from the CCC. He stated correspondence on the CCC item should be submitted by March 2, 2018.

Councilmember La Monte indicated support for sending a staff member to the CCC meeting in addition to sending a letter. He expressed concern for flooding.

In response to Councilmember Rosenthal, Public Works Director Brager stated there was no water behind Rindge Dam. Councilmember Rosenthal stated the Rindge Dam removal process would have an adverse impact on the surrounding

communities. She expressed concern for flooding.

Councilmember Peak indicated support for sending Public Works staff to the CCC meeting in addition to sending a letter. He stated it was important to have a better understanding of the advantages and disadvantages of the project.

Mayor Pro Tem Wagner discussed the downstream impacts of Rindge Dam removal and the relevance of the Porter-Cologne Act. He discussed contaminants, such as lead, asbestos, and rubber compounds that would come out of the sediment behind Rindge Dam.

In response to Mayor Mullen, Public Works Director Brager stated the project would not begin earlier than 2025. Mayor Mullen stated the project was full of unknowns.

Public Works Director Brager and Mayor Pro Tem Wagner discussed the process of dismantling Rindge Dam.

Mayor Mullen discussed Malibu's Mission Statement. He discussed adding mitigation measures to the letter the City sent to the CCC.

City Manager Feldman stated there was no federal funding available for the project, which meant there was time to request more project studies be done.

Mayor Pro Tem Wagner stated the project was long and complicated.

In response to Mayor Mullen, City Manager Feldman stated a letter would be sent with the addition of Council's comments.

MOTION

Councilmember Rosenthal moved and Mayor Pro Tem Wagner seconded a motion to: 1) receive and file information regarding the U.S. Army Corps of Engineer's proposed project to remove Rindge Dam; and 2) authorize the City Manager to send a letter to the California Coastal Commission. The question was called and the motion carried unanimously.

B. Mobile Source Air Pollution Reduction Review Committee (MSRC) and Air Quality Management District (AQMD) Clean Air Grant Opportunity

Recommended Action: 1) Receive MSRC-supplied presentation; 2) Adopt Resolution No. 18-09 adopting the MSRC Local Government Partnership Program requirements for \$50,000 of MSRC matching funds; 3) Direct staff to apply for grant funding through MSRC for Electric Vehicle Charging Station Project; and 4) Authorize the City Manager to execute funding agreement.

Mike Phipps, Contract Geologist/Coastal Consultant, discussed the cause and effect of coastal erosion on the coastline of Malibu.

Public Works Director Brager presented the staff report and the MSRC-supplied presentation.

MOTION Councilmember La Monte moved and Mayor Pro Tem Wagner seconded a motion to: 1) adopt Resolution No. 18-09 adopting the MSRC Local Government Partnership Program requirements for \$50,000 of MSRC matching funds; 2) direct staff to apply for grant funding through MSRC for the Electric Vehicle Charging Station Project; and 3) authorize the City Manager to execute the funding agreement. The question was called and the motion carried unanimously.

C. Large-Scale Events at City Parks and Facilities

Recommended Action: 1) Discuss the impacts of large-scale, multiple day events at City parks and facilities; and 2) Provide direction to staff on developing a large-scale events policy.

Community Services Director Bobbett presented the staff report. He clarified the Chumash Day Powwow would take place on April 14 and 15, 2018.

In response to Mayor Pro Tem Wagner, Community Services Director Bobbett stated most facility use requests were for summer months.

In response to Councilmember Rosenthal, Community Services Director Bobbett stated large events impacted residents' ability to utilize Malibu Bluffs Park due to parking limitations. He discussed the fees that could be generated by large events.

In response to City Manager Feldman, City Attorney Hogin stated City facility rentals could be profitable to the City.

Matt Diamond discussed Guitar Fest.

In response to Mayor Pro Tem Wagner, Mr. Diamond stated Guitar Fest could be incorporated into a 501(c)(3).

Carol Casey indicated support for Guitar Fest and Mr. Diamond's productions.

Adam O'Rourke indicated support for Guitar Fest.

Dave O'Rourke indicated support for Guitar Fest.

Bret Crain indicated support for any event that brought music, art, and culture to Malibu.

Councilmember La Monte discussed the possibility of allowing more events once there was a cultural arts center in Malibu. He indicated support for staff bringing a policy back for Council to consider.

Councilmember Rosenthal indicated support for charging for corporate events in order to support more cultural events in the City. She expressed concern about allowing more events after Memorial Day and before Labor Day.

Councilmember Peak stated an event open to the public should be categorized differently than a private, corporate event, which should be a revenue-generating event.

Mayor Pro Tem Wagner stated he would like to see what 501(c)(3) organizations the Guitar Fest would benefit. In response to Mayor Pro Tem Wagner, City Manager Feldman stated temporary use permits were limited to six events per parcel of land in zoning districts other than residential.

Community Services Director Bobbett discussed rate structures were different for different organizations.

City Manager Feldman clarified the direction staff was looking for from the Council.

Councilmember La Monte stated staffing limitations would guide a policy brought back to the Council by staff.

Mayor Pro Tem Wagner indicated opposition to a lot of summer weekend events and discussed the constraints of parking in the City and on PCH. He stated staff should come back with a proposed policy for Council to consider.

Community Services Director Bobbett stated a multi-day Guitar Fest was not something the Community Services Department would likely approve.

Mayor Pro Tem Wagner discussed the possibility of holding events during the weekdays of summer months.

Councilmember Rosenthal discussed limiting the number of summer weekend events. She stated she wanted to leave the option open for more City-sponsored events. In response to Councilmember Rosenthal, Community Services Director stated CineMalibu events did not require a temporary use permit. Councilmember Rosenthal suggested the policy include a requirement that multi-day events be approved by the Council or the Planning Commission. In response to Councilmember Rosenthal, City Attorney Hogin stated there could be priorities for considering competing applications for the same day but non-local art events or producers could not be precluded. Councilmember Rosenthal recommended community-serving donations be included in the policy.

CONSENSUS

By consensus, the Council directed staff to bring back a proposed policy regarding large-scale, multiple day events at City parks and facilities for Council consideration.

ITEM 7 COUNCIL ITEMS

A. Support for Propositions 68 and 69 and Opposition to Repeal of Senate Bill 1 (SB 1) (Councilmember Rosenthal)

Recommended Action: At the request of Councilmember Rosenthal, 1) Adopt Resolution No. 18-10 supporting Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018, a measure on the June 5, 2018 Statewide Election ballot that would fund parks, water, climate and environmental programs; and 2) Adopt Resolution No. 18-11 supporting Proposition 69, a measure on the June 5, 2018 Statewide Election ballot, a constitutional amendment to prevent new transportation funds from being diverted for non-transportation purposes, and opposing the repeal of SB 1, the transportation funding law adopted in 2017 that provides vital funding used to maintain California's transportation network.

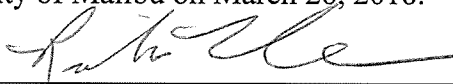
Councilmember Rosenthal presented the report.

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Wagner seconded a motion to: 1) adopt Resolution No. 18-10 supporting Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018, a measure on the June 5, 2018 Statewide Election ballot that would fund parks, water, climate and environmental programs; and 2) adopt Resolution No. 18-11 supporting Proposition 69, a measure on the June 5, 2018 Statewide Election ballot, a constitutional amendment to prevent new transportation funds from being diverted for non-transportation purposes, and opposing the repeal of SB 1, the transportation funding law adopted in 2017 that provides vital funding used to maintain California's transportation network. The question was called and the motion carried unanimously.

ADJOURNMENT

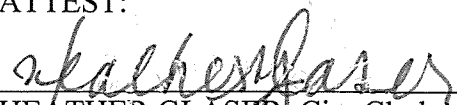
MOTION At 8:38 p.m., Mayor Pro Tem Wagner moved and Councilmember La Monte seconded a motion to adjourn the meeting in memory of the 17 victims of the Marjory Stoneman Douglas High School shooting in Parkland, Florida. The question was called and motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on March 26, 2018.



RICK MULLEN, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)