

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
JULY 9, 2018
COUNCIL CHAMBERS
4:00 P.M.

CALL TO ORDER

Mayor Mullen called the meeting to order at 4:00 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 (arrived at 4:06 p.m.), and Laura Rosenthal

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Matt Myerhoff, Media Information Officer; Kelsey Pettijohn, Deputy City Clerk; and Arthur Aladjajian, Public Works Superintendent

PLEDGE OF ALLEGIANCE

Deputy City Clerk Pettijohn led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Wagner seconded a motion to approve the agenda. The motion carried 4-1, Councilmember Peak absent.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on June 29, 2018.

PUBLIC COMMENT

None.

COUNCIL COMMENTS

None.

RECESS At 4:05 p.m., Mayor Mullen called a recess of the City Council meeting and convened the Malibu Public Financing Corporation meeting.

Councilmember Peak arrived at 4:06 p.m.

The City Council meeting reconvened at 4:35 p.m. with all Councilmembers present.

ITEM 1 NEW BUSINESS

- A. Agreement for Purchase and Sale and Escrow Instructions and Issuance of Certificates of Participation for Purchase of 9.65 acres located at 23575 Civic Center Way (APN 4458-022-011) (commonly known as Sycamore Village or Ioki parcel); purchase of 1.11 acres located at Civic Center Way and Webb Way (APN 4458-020-015) (commonly known as Island Parcel); and purchase of 18.48 acres located at Pacific Coast Highway and Heathercliff Road (APN 4466-021-028)(commonly known as the Christmas Tree Lot)

Recommended Action: 1) Approve the Agreement for Purchase and Sale and Escrow Instructions for the purchase of 9.65 acres located at 23575 Civic Center Way (APN 4458-022-011) (commonly known as Sycamore Village or the Ioki parcel); purchase of 1.11 acres located at Civic Center Way and Webb Way (APN 4458-020-015) (commonly known as the Island Parcel); and purchase of 18.48 acres located at Pacific Coast Highway and Heathercliff Road (APN 4466-021-028) (commonly known as the Christmas Tree Lot); 2) Adopt Resolution No. 18-42 authorizing the execution and delivery of the City's Certificates of Participation 2018 (Certificates) and authorizing the execution and delivery of certain documents and directing certain actions in connection therewith in order to finance the acquisition of 9.65 acres located at 23575 Civic Center Way (APN 4458-022-011) (commonly known as Sycamore Village of the Ioki parcel); purchase of 1.11 acres located at Civic Center Way and Webb Way (APN 4458-020-015) (commonly known as the Island Parcel); and purchase of 18.48 acres located at Pacific Coast Highway and Heathercliff Road (APN 4466-021-028) (commonly known as the Christmas Tree Lot); 3) Approve Bond Counsel Agreement with Stradling, Yocca, Carlson & Rauth ("Stradling") for bond counsel services to execute and deliver the Certificates; and 4) Approve Agreement with Stifel Nicolaus & Company, Inc. ("Stifel") for investment banking and underwriting services to execute and deliver the Certificates.

City Manager Feldman introduced Sara Brown with Stifel Nicolaus & Company, Inc. and Reed Glycer with Stradling, Yocca, Carlson & Rauth. She presented the staff report.

Mr. Glycer discussed the resolutions to be adopted by the Corporation and the Council that would authorize issuance of bonds.

Ms. Brown discussed the City's history of a AAA general fund credit rating by Standard & Poor's. She discussed the debt service schedule.

City Manager Feldman stated the debt service had been structured to allow the City to pay less until certificates of participation for other purchases had been paid off.

City Attorney Hogin discussed the purchase and sale agreement. She discussed the environmental assessments that had been done on the parcels.

In response to Councilmember Peak, City Attorney Hogin stated environmentally sensitive habitat areas on the Christmas Tree Lot on Point Dume were ground conditions.

In response to Councilmember Peak, City Manager Feldman discussed the history of bond sales in the City.

Ms. Brown discussed the credit rating of the City and the structure of the debt service. She stated the rise of federal interest rates did not significantly affect bond interest rates. She stated the supply and demand balance was in the City's favor. She discussed the role of Stifel Nicolaus & Company, Inc. in the sale of bonds. She stated Stifel Nicolaus & Company, Inc. would purchase any unsold balance of bonds in the event all bonds did not sell on the market.

City Attorney Hogin stated the risk to the City was \$2 million dollars.

In response to Mayor Mullen, Ms. Brown stated bonds were purchasable in \$5,000 increments and available to any investor. She discussed outreach to the Malibu community.

MOTION

Councilmember Peak moved and Councilmember La Monte seconded a motion to: 1) approve the Agreement for Purchase and Sale and Escrow Instructions for the purchase of 9.65 acres located at 23575 Civic Center Way (APN 4458-022-011) (commonly known as Sycamore Village or the Ioki parcel); purchase of 1.11 acres located at Civic Center Way and Webb Way (APN 4458-020-015) (commonly known as the Island Parcel); and purchase of 18.48 acres located at Pacific Coast Highway and Heathercliff Road (APN 4466-021-028) (commonly known as the Christmas Tree Lot); 2) adopt Resolution No. 18-42 authorizing the execution and delivery of the City's Certificates of Participation 2018 (Certificates) and authorizing the execution and delivery of certain documents and directing certain actions in connection therewith in order to finance the acquisition of 9.65 acres located at 23575 Civic Center Way (APN 4458-022-011) (commonly known as Sycamore Village of the Ioki parcel); purchase of 1.11 acres located at Civic Center Way and Webb Way (APN 4458-020-015) (commonly known as the Island Parcel); and purchase of 18.48 acres located at Pacific Coast Highway and Heathercliff Road (APN 4466-021-028) (commonly known as the Christmas Tree Lot); 3) approve Bond Counsel Agreement with Stradling, Yocca, Carlson & Rauth ("Stradling") for bond counsel services to execute and deliver the Certificates; and 4) approve Agreement with Stifel Nicolaus & Company, Inc. ("Stifel") for investment banking and underwriting services to execute and deliver the Certificates. The question was called and the motion carried unanimously.

Mayor Mullen, Councilmember Peak, Councilmember Rosenthal, and Councilmember La Monte thanked City Manager Feldman, City Attorney Hogin, Mr. Resnick, and the Malibu Bay Company Trustees.

B. Sufficiency of Initiative Petition

Recommended Action: 1) Accept the Certificate of Sufficiency of Initiative Petition for the petition submitted May 21, 2018; 2) Adopt Resolution No. 18-43 calling for the holding of a General Election to be held on Tuesday, November 6, 2018, for the submission of a proposed ordinance; 3) Adopt Resolution No. 18-44 requesting the Board of Supervisors of the County of Los Angeles consolidate a General Municipal Election to be held on November 6, 2018, with the General Election to be held on the date pursuant to Elections Code Section 10403; 4) Adopt Resolution No. 18-45 setting priorities for filing written arguments regarding an initiative measure and directing the City Attorney to prepare an impartial analysis; and 5) Adopt Resolution No. 18-46 providing for the filing of rebuttal arguments for measures submitted to the voters at municipal elections and repealing Resolution No. 97-94.

City Clerk Glaser presented the staff report.

City Attorney Hogin stated the vote requirement was a simple majority since the tax was a general tax.

Mayor Mullen congratulated the proponents.

Yvonne Green thanked the Council and City staff for its support.

Mikke Pierson discussed the stories shared with him regarding the benefit they had derived from medicinal cannabis. He discussed his role as a Planning Commissioner.

MOTION

Councilmember Peak moved and Councilmember Rosenthal seconded a motion to: 1) accept the Certificate of Sufficiency of Initiative Petition for the petition submitted May 21, 2018; 2) adopt Resolution No. 18-43, as amended, calling for the holding of a General Election to be held on Tuesday, November 6, 2018, for the submission of a proposed ordinance; 3) adopt Resolution No. 18-44, as amended, requesting the Board of Supervisors of the County of Los Angeles consolidate a General Municipal Election to be held on November 6, 2018, with the General Election to be held on the date pursuant to Elections Code Section 10403; 4) adopt Resolution No. 18-45 setting priorities for filing written arguments regarding an initiative measure and directing the City Attorney to prepare an impartial analysis; and 5) Adopt Resolution No. 18-46 providing for the filing of rebuttal arguments for measures submitted to the voters at municipal elections and repealing Resolution No. 97-94.

Councilmember Rosenthal stated she wished the Council had been able to vote on the ordinance since any alterations to an initiative measure could only be done by a vote of the people.

Mayor Mullen stated the City had been on the leading edge of allowing medicinal cannabis.

The question was called and the motion carried unanimously.

C. Ban on Plastic Dry Cleaner Bags (Councilmember Peak)

Recommended Action: At the request of Councilmember Peak, consider whether to direct staff to bring back an ordinance to ban the use of plastic dry cleaner bags in Malibu.

Councilmember Peak presented the item.

In response to Mayor Mullen, Councilmember Peak stated he had not yet approached dry cleaners in the City.

Councilmember Rosenthal stated there were reusable bags that could be used.

Councilmember Peak indicated support for an ordinance that required the use of reusable or sustainable material bags.

Councilmember La Monte stated he would like to see garment bag alternatives before an ordinance was brought to the Council.

Mayor Pro Tem Wagner stated tissue-based alternatives could also accommodate advertising.


CONSENSUS

By consensus, the Council directed staff to come back with an ordinance to ban plastic dry-cleaning bags.

ADJOURNMENT

At 4:49 p.m., Mayor Mullen adjourned the meeting.

Approved and adopted by the City Council of the
City of Malibu on August 27, 2018.



RICK MULLEN, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)