

February 22, 2016 Regular Meeting

1. Meeting Agenda

Documents: [CC160222_AGENDA.PDF](#)

2. Item 3B2

Warrant Register No. 567

Documents: [CC160222_ITEM 3B2.PDF](#)

3. Item 3B3

Approval of Minutes - January 25, 2016

Documents: [CC160222_ITEM 3B3.PDF](#)

4. Item 3B4

International City Management Association Retirement Corporation (ICMA-RC)
Governmental Money Purchase Plan and Trust - 401 Plan Adoption Agreements

Documents: [CC160222_ITEM 3B4.PDF](#)

5. Item 3B5

Amendment to Agreement with Rincon, Inc.

Documents: [CC160222_ITEM 3B5.PDF](#)

6. Item 3B6

Malibu Library 2016 Use of Set Aside Funds

Documents: [CC160222_ITEM 3B6.PDF](#)

7. Item 4A

Regulation of and Prohibition of the Cultivation, Delivery, and Mobile Dispensing of
Medical Marijuana

Documents: [CC160222_ITEM 4A.PDF](#)

8. Item 6A

Transfer of Surplus Property from County of Los Angeles

Documents: [CC160222_ITEM 6A.PDF](#)

9. Item 6B

Wild Horses of Sable Island Mobile Art Museum

Documents: [CC160222_ITEM 6B.PDF](#)

Malibu City Council
Regular Meeting Agenda

Monday, February 22, 2016

5:30 P.M. – CLOSED SESSION

**City Hall – Westward Room
23825 Stuart Ranch Road**

6:30 P.M. – REGULAR CITY COUNCIL MEETING

**City Hall – Council Chambers
23825 Stuart Ranch Road**

Five-thirty p.m. Closed Session

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Sections 54957 and 54956.9(d)(1). Based on the advice of the City Attorney, discussion in open session concerning these matters would prejudice the position of the City in this litigation. The City Attorney will give an additional oral report regarding the Closed Session at the beginning of the next regular City Council meeting.

Public Comment on Closed Session Items

Personnel Matters pursuant to Government Code Section 54957:

1. Public Employment
 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

Six-thirty p.m. Regular Session

Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – February 11, 2016

1. Ceremonial/Presentations

- A. Presentation of 2015 Jake Kuredjian Citizenship Award to Joan House
- B. Presentation of City Tile to Andrew Belter, Parks and Recreation Supervisor, for Seven Years of Service to the City

2. Written and Oral Communications from the Public

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. Commission / Committee / City Manager Updates
- C. City Council Subcommittee reports / Mayor and Councilmember meeting attendance, reports and inquiries

3. Consent Calendar

- A. Previously Discussed Items

None.

- 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.

Staff contact: City Attorney Hogin, 456-2489 ext. 228

- 2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 46532-46653 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. 567 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$400,322.44. City of Malibu payroll check numbers 4638-4639 and ACH deposits were issued in the amount of \$159,696.20.

Staff contact: Assistant City Manager Feldman, 456-2489 ext. 224

- 3. Approval of Minutes

Recommended Action: Approve the minutes for the January 25, 2016 Regular City Council meeting.

Staff contact: City Clerk Pope, 456-2489 ext. 228

4. International City Management Association Retirement Corporation (ICMA-RC) Governmental Money Purchase Plan and Trust – 401 Plan Adoption Agreements

Recommended Action: Adopt Resolution No. 16-11 amending and restating the City’s 401(a) Deferred Compensation Plans (Plan No. 108650 and Plan No. 108658) with the ICMA Retirement Corporation and authorizing the City Manager to execute all necessary documents.

Staff contact: Assistant City Manager Feldman, 456-2489 ext. 224

5. Amendment to Agreement with Rincon, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to Agreement with Rincon Consultants, Inc. for planning consultant services.

Staff contact: Planning Director Blue, 456-2489 ext. 258

6. Malibu Library 2016 Use of Set Aside Funds

Recommended Action: Approve the use of \$75,000 of Malibu Library Set Aside Funds for the Malibu Boys and Girls Club for calendar year 2016.

Staff contact: Assistant City Manager Feldman, 456-2489 ext. 224

4. **Ordinances and Public Hearings**

A. Regulation of and Prohibition of the Cultivation, Delivery, and Mobile Dispensing of Medical Marijuana

Recommended Action: 1) After the City Attorney reads the title, adopt Urgency Ordinance No. 402U amending Sections 17.02.060 (Definitions), 17.04.050 (Determination of Permitted Uses), Section 17.22.040 (Commercial Neighborhood) and 17.66.120 (Medical Marijuana Dispensaries), to regulate medical marijuana; adding Chapter 17.41 (Medical Marijuana Delivery and Cultivation) to Malibu Municipal Code Title 17 (Zoning) to prohibit the cultivation, delivery, and mobile dispensing of medical marijuana in all zones throughout the City; determining Zoning Text Amendment No. 15-005 to be categorically exempt from the California Environmental Quality Act; and declaring the urgency thereof; 2) Introduce on first reading Ordinance No. 402, related to regulation of and prohibition of cultivation, delivery, and mobile dispensing of medical marijuana; 3) Direct staff to schedule second reading and adoption of Ordinance No. 402 for the March 14, 2016 Regular City Council meeting; and 4) Direct staff to study options for limited medical marijuana delivery and cultivation.

Staff contact: Planning Director Blue, 456-2489 ext. 258

5. **Old Business**

None.

6. New Business

A. Transfer of Surplus Property from County of Los Angeles

Recommended Action: Consider whether the City should accept two vacant parcels from the County of Los Angeles located on the corner of Webb Way and Pacific Coast Highway (PCH) (APNs 4458-020-090 and 4458-020-901).

Staff contact: Assistant City Manager Feldman, 456-2489 ext. 224

B. Wild Horses of Sable Island Mobile Art Museum

Recommended Action: At the recommendation of the Cultural Arts Commission: 1) write a letter to Los Angeles County Beaches and Harbors officials in support of using Zuma Beach as a venue to host the Wild Horses of Sable Island (WHSI) Mobile Art Museum project; and 2) write a letter of support from the City of Malibu to photographer Roberto Dutesco that shows a commitment to hosting the WHSI mobile show in Malibu in 2016.

Staff contact: Recreation Manager Crittenden, 456-2489 ext. 337

7. Council Items

None.

Adjournment

Future Meetings

Monday, March 14, 2016	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, March 28, 2016	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, April 11, 2016	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, April 25, 2016	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Council following the action on the Consent Calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for \$0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Council meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 11th day of February 2016.



Lisa Pope, City Clerk

Item
3.B.2.

WARRANT REGISTER NO. 567

On February 22, 2016, the Malibu City Council allowed and approved the above warrant demand numbers 46532 – 46653 from the General Fund. The City Manager is hereby directed to pay out the funds named hereon to each of the claimants listed above, the amount appearing opposite their name for the purpose stated on the respective demands, making a total of \$400,322.44. City of Malibu payroll check numbers 4638 - 4639 and ACH deposits were issued in the amount of \$159,696.20.

PASSED, APPROVED and ADOPTED this 22nd day of February 2016.

Laura Rosenthal
Mayor

ATTEST:

Lisa Pope
City Clerk

CERTIFICATE

In accordance with Government Code Section 37202, I certify that the above demands are accurate and that funds are available for payment thereof. This certification is based on an examination of source documents relating to randomly selected sample of transactions and analysis of cash flow reports.

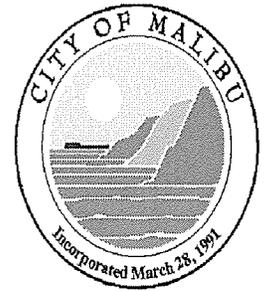
EXECUTED this 22nd day of February 2016, AT MALIBU, CALIFORNIA

Jim Thorsen
City Manager

Accounts Payable

Checks by Date - Summary By Check Number

User: jhand
Printed: 2/10/2016 - 9:31 AM



Check Number	Vendor No	Vendor Name	Check Date	Check Amount
46532	ACCESS	Access Information Holdings LLC	01/28/2016	5,807.18
46533	AEGIS	AEGIS Security & Investigations	01/28/2016	150.00
46534	AMERIGA	Amerigas Propane LP	01/28/2016	1,619.76
46535	AMTECH	Pacific Coast Elevator Corp.	01/28/2016	622.53
46536	ANAWALT	Anawalt Lumber Co., Inc	01/28/2016	640.88
46537	ANDERSJ	Juan Anderson	01/28/2016	105.00
46538	ARC	ARC Document Solutions LLC	01/28/2016	7,273.67
46539	BARTEL	Bartel Associates, LLC	01/28/2016	2,900.00
46540	BURKHAR	Steve Burkhardt	01/28/2016	80.00
46541	CASTRATE	California Strategies & Advocacy	01/28/2016	12,500.00
46542	CHAVEZL	Larry Chavez	01/28/2016	110.00
46543	CONEJOA	Conejo Awards	01/28/2016	90.84
46544	DAVIDTA	David Taussig & Associates Inc	01/28/2016	323.50
46545	DEPTTRA	State Of California Department Of	01/28/2016	7,852.02
46546	DIMALANT	Jermaine Dimalanta	01/28/2016	140.00
46547	ELYJRS	Hilario Simental Jr	01/28/2016	460.00
46548	EMPIRE	Empire Chemical Company Inc	01/28/2016	404.99
46549	FURSS	Howard and Suzanne Furst	01/28/2016	859.05
46550	HEMPYK	Kevin Hempy	01/28/2016	120.00
46551	HERNME	Melissa Hernandez	01/28/2016	45.04
46552	IPC INC	Integrated Performance Consultan	01/28/2016	525.00
46553	KENNEYK	Kevin R Kenney	01/28/2016	90.00
46554	LACOANI	LA Co Animal Care & Control	01/28/2016	3,553.27
46555	LACOCLE	LA County Registrar-Recorder LA	01/28/2016	75.00
46556	LACOCLE	LA County Registrar-Recorder LA	01/28/2016	75.00
46557	LACOCLE	LA County Registrar-Recorder LA	01/28/2016	2,285.25
46558	LACOCLE	LA County Registrar-Recorder LA	01/28/2016	75.00
46559	LACOWAT	LA Co MalibuTreasurer-Waterwo	01/28/2016	1,563.54
46560	LAMONTE	Lou La Monte	01/28/2016	1,308.09
46561	LKJPPRO	Paul Burns	01/28/2016	600.00
46562	MADSONK	Kevin Madson	01/28/2016	1,330.00
46563	MALILOC	Steve Ayal	01/28/2016	292.05
46564	MALITIM	Malibu Times	01/28/2016	600.00
46565	MASTERCO	Master Cooling Corporation	01/28/2016	2,448.03
46566	MYERMAT	Matt Myerhoff	01/28/2016	69.10
46567	NAICKERV	Vasudevan Naicker	01/28/2016	125.00
46568	NEXTEL	Nextel / Sprint Communication	01/28/2016	78.75
46569	PATTONJ	Jonathan Patton	01/28/2016	80.00
46570	PRECISI	Precision Business Machine Inc	01/28/2016	212.85
46571	PURCHAS	Purchase Power	01/28/2016	1,500.00
46572	ROSENTHA	Laura Rosenthal	01/28/2016	470.99
46573	SECCAM	Security Camera Warehouse	01/28/2016	13,440.20
46574	SHERWINW	The Sherwin-Williams Co.	01/28/2016	257.89
46575	TELEPAC	TelePacific Communications	01/28/2016	1,653.21
46576	UNDERGR	Underground Service Alert/SC	01/28/2016	106.50

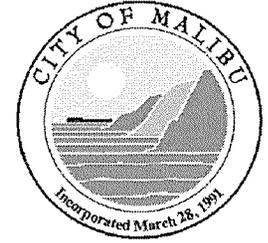
Check Number	Vendor No	Vendor Name	Check Date	Check Amount
46577	UNIFORM	Uniform Warehouse Inc	01/28/2016	98.06
46578	VALLEYCR	ValleyCrest Landscape Maintenan	01/28/2016	18,548.00
46579	VERIZFIO	Verizon	01/28/2016	836.65
46580	VIAWEST	ViaWest Inc	01/28/2016	342.87
46581	BlueShic	Blue Shield of California	02/02/2016	1,132.54
46582	DELTADE	Delta Dental of California	02/02/2016	7,902.29
46583	ICMA457	ICMA Retirement Trust 457 - 303	02/02/2016	15,948.54
46584	ICMACM	ICMA 401-Plan # 108658	02/02/2016	504.89
46585	ICMADH	ICMA 401-Plan # 108650	02/02/2016	692.28
46586	MANAGED	Managed Health Network	02/02/2016	144.21
46587	PERSHEA	CalPERS Health	02/02/2016	87,134.43
46588	PERSRET	CalPERS Retirement	02/02/2016	34,577.71
46589	STANDARD	Standard Insurance Company N2	02/02/2016	5,457.07
46590	STANDARD	Standard Insurance Company N2	02/02/2016	169.45
46591	USBANK2	U.S. Bank	02/02/2016	850.78
46592	AMERICAN	Paul Nguyen	02/04/2016	3,730.00
46593	ANDERSJ	Juan Anderson	02/04/2016	105.00
46594	AQUACHEM	Aqua H2O Solutions Inc	02/04/2016	348.89
46595	ARTTREK	ART Trek, Inc	02/04/2016	100.00
46596	BSNSPOR	Sports Supply Group, Inc.	02/04/2016	318.57
46597	BURKHAR	Steve Burkhardt	02/04/2016	80.00
46598	CABUILDI	CA Building Standards Commis.	02/04/2016	499.50
46599	CAMEB	Barbara A. Cameron	02/04/2016	8,149.72
46600	CHAVEZL	Larry Chavez	02/04/2016	110.00
46601	CHEVRON	Chevron & Texaco Bus. Card Srv	02/04/2016	816.28
46602	COMPLIA	Compliance Biology, Inc.	02/04/2016	4,375.00
46603	COOPERM	Marsha Cooper	02/04/2016	639.00
46604	CRITTA	Amy Crittenden	02/04/2016	82.91
46605	DAVIDTA	David Taussig & Associates Inc	02/04/2016	9,000.00
46606	DELURE	Reisha Delug	02/04/2016	100.00
46607	DEPTCON	Dept. of Conservation	02/04/2016	1,627.32
46608	DIMALANT	Jermaine Dimalanta	02/04/2016	140.00
46609	ELYJRS	Hilario Simental Jr	02/04/2016	460.00
46610	EMPIRE	Empire Chemical Company Inc	02/04/2016	1,772.10
46611	EPPORT	Epport, Richman & Robbins, LLP	02/04/2016	236.35
46612	ERIKNIN	Nina Eriksson	02/04/2016	738.50
46613	FERCANOL	Laura DeMieri Fercano	02/04/2016	280.00
46614	GOVCONN	GovConnection Inc	02/04/2016	1,047.12
46615	GRANICUS	Granicus, Inc	02/04/2016	1,200.00
46616	GRAUTRI	Tricia Graup	02/04/2016	149.00
46617	HEMPYK	Kevin Hempy	02/04/2016	60.00
46618	HYPERNET	HyperNet, Inc	02/04/2016	550.00
46619	iRIS	Lorrie Feinberg	02/04/2016	3,491.25
46620	KENNEYK	Kevin R Kenney	02/04/2016	90.00
46621	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46622	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46623	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46624	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46625	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46626	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46627	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46628	LACOCLE	LA County Registrar-Recorder LA	02/04/2016	75.00
46629	LACOSHE	LA Co Sheriff'S Department	02/04/2016	576.78
46630	LACOWAT	LA Co MalibuTreasurer-Waterwor	02/04/2016	12,158.79
46631	LEGENDS	Legends Photography Studio	02/04/2016	360.18

Check Number	Vendor No	Vendor Name	Check Date	Check Amount
46632	LIPPMAN	Peter Lippman	02/04/2016	350.00
46633	LIVESCAN	Paige S Apar	02/04/2016	220.00
46634	MALIBAY	Malibu Bay Company	02/04/2016	1,766.00
46635	MALILOC	Steve Ayal	02/04/2016	372.78
46636	MALITIM	Malibu Times	02/04/2016	939.00
46637	MICHBAK	Michael Baker International Inc	02/04/2016	20,180.14
46638	NAICKERV	Vasudevan Naicker	02/04/2016	100.00
46639	PARSARS	Public Agency Retirement Srves	02/04/2016	300.00
46640	PRECISI	Precision Business Machine Inc	02/04/2016	748.61
46641	READYREF	Nestle Waters North America Inc	02/04/2016	71.32
46642	RECREATI	Recreation Connection Svs,Inc	02/04/2016	96.00
46643	SADEALI	Ali Sadeghi-Ardestani	02/04/2016	10.00
46644	SANTAMON	Santa Monica Heating & Air Conc	02/04/2016	782.20
46645	SC Prime	SC PrimeSource, Inc.	02/04/2016	3,295.00
46646	SMITHPI	Smith Pipe & Supply Inc	02/04/2016	1,502.23
46647	SOLIDWA	Solid Waste Solutions, Inc.	02/04/2016	35,052.12
46648	STORAGE	StorageContainer.com	02/04/2016	198.00
46649	SULTASA	Asad Sultan	02/04/2016	120.00
46650	SUPPLYWO	Interline Brands Inc	02/04/2016	761.36
46651	TRIYOGA	Tri - Yoga	02/04/2016	175.00
46652	VALLEYCR	ValleyCrest Landscape Maintenanc	02/04/2016	29,969.70
46653	VERIZONC	Verizon California	02/04/2016	61.77
			Report Total:	400,322.44

Accounts Payable

Transactions by Account

User: jhand
 Printed: 02/10/2016 - 9:51AM
 Batch: 00000.00.0000



Checks from: 00046532 To: 00046653

Account Number	description	Vendor	Description	Check No	Amount
Fund: 100					
Dept:0000					
100-0000-2021-00	COBRA Payable	Blue Shield of California	PR 28.01.2016 Vision Care - Tent	46581	8.50
100-0000-2021-00	COBRA Payable	Blue Shield of California	PR 28.01.2016 Vision Care - Tho	46581	15.54
Vendor Subtotal for Dept:0000					24.04
Dept:0000					
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 28.01.2016 Dental Insurance -	46582	166.06
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 28.01.2016 Dental Insurance -	46582	102.15
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 28.01.2016 Dental Insurance -	46582	166.06
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 28.01.2016 Dental Insurance -	46582	52.69
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 28.01.2016 Dental Insurance -	46582	112.74
Vendor Subtotal for Dept:0000					599.70
Dept:0000					
100-0000-2021-00	COBRA Payable	CalPERS Retirement	PR Batch 70028.01.2016 PERS E	46588	358.12
100-0000-2021-00	COBRA Payable	CalPERS Retirement	PR Batch 70028.01.2016 PERS E	46588	478.50
Vendor Subtotal for Dept:0000					836.62
Dept:0000					
100-0000-3448-00	Subpoena Fees	Epport, Richman & Robbins, LLP	Refund-Case number SC124193-t	46611	236.35
Vendor Subtotal for Dept:0000					236.35
Dept:0000					
100-0000-3451-01	Passport Photo Fee	Ali Sadeghi-Ardestani	Refund passport photo fee	46643	10.00

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:0000	10.00
Dept:0000					
100-0000-3470-00	Community Classes	Reisha Delug	Refund Cooking class-Elijah-Can	46606	100.00
				Vendor Subtotal for Dept:0000	100.00
Dept:0000					
100-0000-3470-00	Community Classes	Tricia Graup	Refund Ballet-Sophia-Class cancell	46616	149.00
				Vendor Subtotal for Dept:0000	149.00
Dept:0000					
100-0000-3470-00	Community Classes	Asad Sultan	Refund Volleyball-Zara-Class cancell	46649	120.00
				Vendor Subtotal for Dept:0000	120.00
Dept:3001					
100-3001-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	11.08
				Vendor Subtotal for Dept:3001	11.08
Dept:3001					
100-3001-5124-00	Traffic Signal Maintenance	State Of California Department Of Tr	PCH Signal maintenance Oct-Dec	46545	7,852.02
				Vendor Subtotal for Dept:3001	7,852.02
Dept:3001					
100-3001-5725-00	Trash Pickup/Recycling	Paul Burns	Debris removal @ City Yard-Lati	46561	600.00
				Vendor Subtotal for Dept:3001	600.00
Dept:3001					
100-3001-6160-00	Operating Supplies	Underground Service Alert/SC	Dig Alerts-Dec'15	46576	106.50

Account Number	description	Vendor	Description	Check No	Amount
Vendor Subtotal for Dept:3001					106.50
Dept:3007					
100-3007-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Cross Crk Irrigation-11/3/1	46559	347.55
100-3007-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Broad Beach Irrigation-11/	46559	203.53
100-3007-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-CCSTF-11/3/15-1/5/16-Bil	46559	347.55
Vendor Subtotal for Dept:3007					898.63
Dept:3008					
100-3008-4202-00	Health Insurance	CalPERS Health	PR Batch 70028.01.2016 Health I	46587	-84.84
Vendor Subtotal for Dept:3008					-84.84
Dept:3008					
100-3008-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	33.78
Vendor Subtotal for Dept:3008					33.78
Dept:4001					
100-4001-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	18.22
Vendor Subtotal for Dept:4001					18.22
Dept:4001					
100-4001-5100-00	Professional Services	Michael Baker International Inc	Bluffs Parkland Consultant-Dec'1	46637	20,180.14
Vendor Subtotal for Dept:4001					20,180.14
Dept:4001					
100-4001-5721-00	Telephone	Verizon	Bluffs Park VZW Internet-Jan'16	46579	236.45
Vendor Subtotal for Dept:4001					236.45

Account Number	description	Vendor	Description	Check No	Amount
Dept:4001					
100-4001-6160-00	Operating Supplies	Conejo Awards	Jake K Award 2015	46543	90.84
Vendor Subtotal for Dept:4001					90.84
Dept:4001					
100-4001-6160-00	Operating Supplies	Nestle Waters North America Inc	Water-Bluffs/MHS Pool Staff 12/	46641	71.32
Vendor Subtotal for Dept:4001					71.32
Dept:4002					
100-4002-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	2.68
Vendor Subtotal for Dept:4002					2.68
Dept:4004					
100-4004-5107-00	Contract Personnel	Nina Eriksson	Sports instructor-N Eriksson-Littl	46612	413.00
100-4004-5107-00	Contract Personnel	Nina Eriksson	Sports instructor-N Eriksson-You	46612	325.50
Vendor Subtotal for Dept:4004					738.50
Dept:4006					
100-4006-5107-00	Contract Personnel	Juan Anderson	Youth Sports-Basketball-1/22/16	46537	105.00
100-4006-5107-00	Contract Personnel	Juan Anderson	Youth Sports-Basketball-1/30/16	46593	105.00
Vendor Subtotal for Dept:4006					210.00
Dept:4006					
100-4006-5107-00	Contract Personnel	Steve Burkhardt	Youth Sports-Basketball-1/22/16	46540	80.00
100-4006-5107-00	Contract Personnel	Steve Burkhardt	Youth Sports-Basketball-1/29/16	46597	80.00
Vendor Subtotal for Dept:4006					160.00
Dept:4006					
100-4006-5107-00	Contract Personnel	Larry Chavez	Youth Sports-Basketball-1/22 & 1	46542	110.00
100-4006-5107-00	Contract Personnel	Larry Chavez	Youth Sports-Basketball-1/29 & 1	46600	110.00
Vendor Subtotal for Dept:4006					220.00

Account Number	description	Vendor	Description	Check No	Amount
Dept:4006					
100-4006-5107-00	Contract Personnel	Jermaine Dimalanta	Youth Sports-Basketball-1/22 & 1	46546	140.00
100-4006-5107-00	Contract Personnel	Jermaine Dimalanta	Youth Sports-Basketball-1/29 & 1	46608	140.00
Vendor Subtotal for Dept:4006					280.00
Dept:4006					
100-4006-5107-00	Contract Personnel	Kevin Hempy	Youth Sports-Basketball-1/22/16	46550	120.00
100-4006-5107-00	Contract Personnel	Kevin Hempy	Youth Sports-Basketball-1/30/16	46617	60.00
Vendor Subtotal for Dept:4006					180.00
Dept:4006					
100-4006-5107-00	Contract Personnel	Kevin R Kenney	Youth Sports-Basketball-1/23/16	46553	90.00
100-4006-5107-00	Contract Personnel	Kevin R Kenney	Youth Sports-Basketball-1/30/16	46620	90.00
Vendor Subtotal for Dept:4006					180.00
Dept:4006					
100-4006-5107-00	Contract Personnel	Jonathan Patton	Youth Sports-Basketball-1/22/16	46569	80.00
Vendor Subtotal for Dept:4006					80.00
Dept:4006					
100-4006-6160-00	Operating Supplies	Sports Supply Group, Inc.	Pacers-Sponsorship-Lee/Moore-Jr	46596	202.74
100-4006-6160-00	Operating Supplies	Sports Supply Group, Inc.	Brewers-2016 Coach Pitch hats	46596	115.83
Vendor Subtotal for Dept:4006					318.57
Dept:4006					
100-4006-6160-00	Operating Supplies	Legends Photography Studio	Youth Basketball picture day 2016	46631	360.18
Vendor Subtotal for Dept:4006					360.18
Dept:4007					
100-4007-4202-00	Health Insurance	CalPERS Health	PR Batch 70028.01.2016 Health I	46587	1,197.50
Vendor Subtotal for Dept:4007					1,197.50

Account Number	description	Vendor	Description	Check No	Amount
Dept:4007					
100-4007-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	3.44
Vendor Subtotal for Dept:4007					3.44
Dept:4008					
100-4008-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	3.99
Vendor Subtotal for Dept:4008					3.99
Dept:4008					
100-4008-5107-00	Contract Personnel	ART Trek, Inc	Senior instructor-Watercolor work	46595	100.00
Vendor Subtotal for Dept:4008					100.00
Dept:4008					
100-4008-5107-00	Contract Personnel	Marsha Cooper	Senior instructor-M Cooper-Stret	46603	639.00
Vendor Subtotal for Dept:4008					639.00
Dept:4008					
100-4008-5107-00	Contract Personnel	Laura DeMieri Fercano	Senior instructor-L Fercano-Choi	46613	280.00
Vendor Subtotal for Dept:4008					280.00
Dept:4008					
100-4008-5107-00	Contract Personnel	Tri - Yoga	Senior instructor-TriYoga-Chair/A	46651	175.00
Vendor Subtotal for Dept:4008					175.00
Dept:4008					
100-4008-6160-00	Operating Supplies	Melissa Hernandez	Reimburse SC Jan'16 Luncheon s	46551	45.04
Vendor Subtotal for Dept:4008					45.04
Dept:4009					
100-4009-5107-00	Contract Personnel	AEGIS Security & Investigations Inc	Security Officer -Battle of the Bai	46533	150.00

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:4009	150.00
Dept:4010					
100-4010-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	8.88
				Vendor Subtotal for Dept:4010	8.88
Dept:4010					
100-4010-5100-00	Professional Services	Paul Nguyen	City Parks Janitorial Svc-Jan'16	46592	3,730.00
				Vendor Subtotal for Dept:4010	3,730.00
Dept:4010					
100-4010-5100-00	Professional Services	ValleyCrest Landscape Maintenance	City Parks-Landscape Maint-Jan'	46652	8,946.70
				Vendor Subtotal for Dept:4010	8,946.70
Dept:4010					
100-4010-5130-00	Parks Maintenance	Anawalt Lumber Co., Inc	P&R Park Maint Supplies	46536	352.31
				Vendor Subtotal for Dept:4010	352.31
Dept:4010					
100-4010-5130-00	Parks Maintenance	Steve Ayal	Bluffs Park padlocks	46635	372.78
				Vendor Subtotal for Dept:4010	372.78
Dept:4010					
100-4010-5130-00	Parks Maintenance	Smith Pipe & Supply Inc	PCH Median supplies	46646	168.07
100-4010-5130-00	Parks Maintenance	Smith Pipe & Supply Inc	Las Flores supplies	46646	784.80
100-4010-5130-00	Parks Maintenance	Smith Pipe & Supply Inc	Bluffs Park supplies	46646	549.36
				Vendor Subtotal for Dept:4010	1,502.23
Dept:4010					
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	Bluffs Park-Seed topper	46578	3,428.00
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	PCH-Planter fill-ins	46578	1,710.00
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	PCH Median plant installations	46578	1,350.00

Account Number	description	Vendor	Description	Check No	Amount
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	Las Flores Quail bush installation	46578	902.00
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	Las Flores Park Mulch	46578	1,360.00
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	Bluffs Park-Quail bush installatio	46578	2,160.00
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	PCH Median-plant removal & ins	46578	2,240.50
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	PCH Median-plant replacements	46578	3,167.50
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	Equestrian Park-regrade upper arc	46578	960.00
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	Bluffs Park-Jute netting install	46578	550.00
100-4010-5130-00	Parks Maintenance	ValleyCrest Landscape Maintenance	PCH Median-mulch installation	46578	720.00
Vendor Subtotal for Dept:4010					18,548.00
Dept:4010					
100-4010-5610-00	Facility Maintenance	Anawalt Lumber Co., Inc	P&R Park Fac Maint Supplies	46536	55.07
Vendor Subtotal for Dept:4010					55.07
Dept:4010					
100-4010-5610-00	Facility Maintenance	Steve Ayal	Re-Keying of Las Flores restroom	46563	292.05
Vendor Subtotal for Dept:4010					292.05
Dept:4010					
100-4010-5610-00	Facility Maintenance	Santa Monica Heating & Air Conditi	Bluffs/MLC---A/C repairs	46644	782.20
Vendor Subtotal for Dept:4010					782.20
Dept:4010					
100-4010-5721-00	Telephone	Verizon California	Phone-Las Flores septic-Jan'16	46653	61.77
Vendor Subtotal for Dept:4010					61.77
Dept:4010					
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-PCH Median-11/3/15-1/5/1	46630	208.53
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Equestrian Park Fire line-1	46630	483.93
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Equestrian Park-11/10/15-1	46630	350.68
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Trancas Park-11/16/15-1/1-	46630	3,030.01
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Scenic Signs-11/17/15-1/1-	46630	70.76
Vendor Subtotal for Dept:4010					4,143.91

Account Number	description	Vendor	Description	Check No	Amount
Dept:4010					
100-4010-6160-00	Operating Supplies	Empire Chemical Company Inc	Restroom supplies-Trancas Park	46610	137.60
100-4010-6160-00	Operating Supplies	Empire Chemical Company Inc	Restroom supplies-Las Flores Par	46610	90.12
100-4010-6160-00	Operating Supplies	Empire Chemical Company Inc	Restroom supplies-Equestrian Par	46610	72.69
100-4010-6160-00	Operating Supplies	Empire Chemical Company Inc	Restroom supplies-Bluffs Park	46610	1,471.69
Vendor Subtotal for Dept:4010					1,772.10
Dept:4010					
100-4010-6160-00	Operating Supplies	Interline Brands Inc	Equestrian Park restroom supplies	46650	82.01
100-4010-6160-00	Operating Supplies	Interline Brands Inc	Bluffs Park restroom supplies	46650	515.33
100-4010-6160-00	Operating Supplies	Interline Brands Inc	Las Flores restroom supplies	46650	82.01
100-4010-6160-00	Operating Supplies	Interline Brands Inc	Trancas Park restroom supplies	46650	82.01
Vendor Subtotal for Dept:4010					761.36
Dept:4011					
100-4011-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	5.66
Vendor Subtotal for Dept:4011					5.66
Dept:7001					
100-7001-5104-00	Lobbyist Services	California Strategies & Advocacy LI	Lobbying Services-Jan'16	46541	12,500.00
Vendor Subtotal for Dept:7001					12,500.00
Dept:7001					
100-7001-5300-00	Travel and Training	Lou La Monte	Reimburse mileage-LACO Sherif	46560	82.34
100-7001-5300-00	Travel and Training	Lou La Monte	Reimburse expenses/mileage-CA	46560	505.90
100-7001-5300-00	Travel and Training	Lou La Monte	Reimburse expenses/mileage-Lea	46560	681.80
Vendor Subtotal for Dept:7001					1,270.04
Dept:7001					
100-7001-5300-00	Travel and Training	Laura Rosenthal	Reimbursè expenses/mileage-Lea	46572	470.99
Vendor Subtotal for Dept:7001					470.99

Account Number	description	Vendor	Description	Check No	Amount
Dept:7002					
100-7002-4202-00	Health Insurance	CalPERS Health	PR Batch 70028.01.2016 Health I	46587	-23.78
			Vendor Subtotal for Dept:7002		-23.78
Dept:7002					
100-7002-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	10.94
			Vendor Subtotal for Dept:7002		10.94
Dept:7003					
100-7003-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	7.14
			Vendor Subtotal for Dept:7003		7.14
Dept:7003					
100-7003-5105-00	Grant Consultant	Barbara A. Cameron	Grant Consulting Svcs-Jan'16	46599	8,000.00
			Vendor Subtotal for Dept:7003		8,000.00
Dept:7003					
100-7003-5105-01	Grant Consultant Expenses	Barbara A. Cameron	Grant Consulting Expenses-Jan'16	46599	149.72
			Vendor Subtotal for Dept:7003		149.72
Dept:7007					
100-7007-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	12.23
			Vendor Subtotal for Dept:7007		12.23
Dept:7007					
100-7007-5100-00	Professional Services	Granicus, Inc	Granicus-City Council Streaming	46615	800.00
100-7007-5100-00	Professional Services	Granicus, Inc	Granicus-Open Platform-Feb'16	46615	400.00

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:7007	1,200.00
Dept:7007					
100-7007-5100-01	Document Imaging Services	Lorrie Feinberg	Onbase system Administration-Ja	46619	380.00
				Vendor Subtotal for Dept:7007	380.00
Dept:7021					
100-7021-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	5.47
				Vendor Subtotal for Dept:7021	5.47
Dept:7021					
100-7021-5721-00	Telephone	Nextel / Sprint Communication	Cell Phone-01/13-02/12/16	46568	78.75
				Vendor Subtotal for Dept:7021	78.75
Dept:7031					
100-7031-5106-00	Animal Control Services	LA Co Animal Care & Control	Animal Control-Dec'15	46554	3,553.27
				Vendor Subtotal for Dept:7031	3,553.27
Dept:7031					
100-7031-5115-00	Law Enforcement Services	LA Co Sheriff'S Department	Law Enforce Svcs-LASD Prisone	46629	576.78
				Vendor Subtotal for Dept:7031	576.78
Dept:7031					
100-7031-7800-00	Public Safety Equipment	Uniform Warehouse Inc	VOP uniform - rain pants	46577	98.06
				Vendor Subtotal for Dept:7031	98.06
Dept:7054					
100-7054-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	28.02

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:7054	28.02
Dept:7054					
100-7054-5100-00	Professional Services	Bartel Associates, LLC	Actuarial Consulting Svcs-OPEB	46539	2,900.00
				Vendor Subtotal for Dept:7054	2,900.00
Dept:7054					
100-7054-5100-01	City Treasurer	Peter Lippman	City Treasurer-Jan'16	46632	350.00
				Vendor Subtotal for Dept:7054	350.00
Dept:7054					
100-7054-5117-00	Film Permit Consultant	Solid Waste Solutions, Inc.	Film Permits-Jan'16	46647	35,052.12
				Vendor Subtotal for Dept:7054	35,052.12
Dept:7054					
100-7054-5300-00	Travel and Training	Lou La Monte	Reimburse expenses-CA CCA Mc	46560	38.05
				Vendor Subtotal for Dept:7054	38.05
Dept:7058					
100-7058-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	5.05
				Vendor Subtotal for Dept:7058	5.05
Dept:7058					
100-7058-5320-00	Recruitment Expense	Paige S Apar	LiveScan-Fingerprints-1 new hire	46633	55.00
100-7058-5320-00	Recruitment Expense	Paige S Apar	LiveScan-Fingerprints-3 new hire	46633	165.00
				Vendor Subtotal for Dept:7058	220.00
Dept:7058					

Account Number	description	Vendor	Description	Check No	Amount
100-7058-6170-00	Events	Recreation Connection Svs,Inc	Annual Renewal-Apr'16-Mar'17-I	46642	96.00
			Vendor Subtotal for Dept:7058		96.00
Dept:7059					
100-7059-4205-00	Life Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 Life Ins	46589	-0.02
			Vendor Subtotal for Dept:7059		-0.02
Dept:7059					
100-7059-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	5.49
100-7059-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	0.01
			Vendor Subtotal for Dept:7059		5.50
Dept:7059					
100-7059-4212-00	Retiree Health Insurance	CalPERS Health	PR 28.01.2016 Health Insurance -	46587	12,633.44
			Vendor Subtotal for Dept:7059		12,633.44
Dept:7059					
100-7059-5205-00	Postage	Purchase Power	Postage Meter Refills 12/13/15-1/	46571	1,500.00
			Vendor Subtotal for Dept:7059		1,500.00
Dept:7059					
100-7059-5210-00	Service Fees & Charges	Public Agency Retirement Srvc	PARS Admin Fee-Nov'15	46639	300.00
			Vendor Subtotal for Dept:7059		300.00
Dept:7059					
100-7059-5210-00	Service Fees & Charges	CalPERS Health	PR 28.01.2016 Health Insurance -	46587	279.44
			Vendor Subtotal for Dept:7059		279.44
Dept:7059					

Account Number	description	Vendor	Description	Check No	Amount
100-7059-5640-00	Equipment Maintenance	Precision Business Machine Inc	Printer Gen Svc-HP2420/BroHL6	46640	95.00
			Vendor Subtotal for Dept:7059		95.00
Dept:7059					
100-7059-5720-00	Offsite Storage	Access Information Holdings LLC	Shred Bin Svc-Nov'15	46532	160.50
100-7059-5720-00	Offsite Storage	Access Information Holdings LLC	Offsite Records Svc-Nov'15	46532	2,434.73
100-7059-5720-00	Offsite Storage	Access Information Holdings LLC	Offsite Records Svc-Dec'15	46532	3,211.95
			Vendor Subtotal for Dept:7059		5,807.18
Dept:7059					
100-7059-5721-00	Telephone	TelePacific Communications	City Hall Fac Phone 1/16-2/15/16	46575	1,653.21
			Vendor Subtotal for Dept:7059		1,653.21
Dept:7059					
100-7059-6160-00	Operating Supplies	Precision Business Machine Inc	Printer Supplies	46570	212.85
100-7059-6160-00	Operating Supplies	Precision Business Machine Inc	Printer Supplies	46640	641.78
100-7059-6160-00	Operating Supplies	Precision Business Machine Inc	Printer supplies	46640	11.83
			Vendor Subtotal for Dept:7059		866.46
			Subtotal for Fund: 100		168,867.83
Fund: 101					
Dept:0000					
101-0000-3425-00	CA Bldg Standards Surcharge	CA Building Standards Commis.	Building Standards Admin Fee 4tl	46598	499.50
			Vendor Subtotal for Dept:0000		499.50
Dept:2001					
101-2001-4202-00	Health Insurance	CalPERS Health	PR Batch 70028.01.2016 Health I	46587	-16.20
			Vendor Subtotal for Dept:2001		-16.20

Account Number	description	Vendor	Description	Check No	Amount
Dept:2001					
101-2001-4203-00	Vision Insurance	Blue Shield of California	PR Batch 70028.01.2016 Vision C	46581	9.85
101-2001-4203-00	Vision Insurance	Blue Shield of California	PR Batch 70028.01.2016 Vision C	46581	8.50
Vendor Subtotal for Dept:2001					18.35
Dept:2001					
101-2001-4204-00	Dental Insurance	Delta Dental of California	PR Batch 70028.01.2016 Dental I	46582	52.69
101-2001-4204-00	Dental Insurance	Delta Dental of California	PR Batch 70028.01.2016 Dental I	46582	63.91
Vendor Subtotal for Dept:2001					116.60
Dept:2001					
101-2001-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	45.38
Vendor Subtotal for Dept:2001					45.38
Dept:2001					
101-2001-5100-00	Professional Services	Lorrie Feinberg	Database updates-Planning-Dec'1	46619	84.25
101-2001-5100-00	Professional Services	Lorrie Feinberg	Database updates-Planning-Dec'1	46619	1,685.13
Vendor Subtotal for Dept:2001					1,769.38
Dept:2001					
101-2001-5100-01	Coastal Dev. Permit Services	Compliance Biology, Inc.	City Biologist-Jan'16	46602	4,375.00
Vendor Subtotal for Dept:2001					4,375.00
Dept:2001					
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-22467 Pacific Coas	46555	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-3367 Rambla Pacifi	46556	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-6200 Porterdale Dri	46557	2,285.25
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-6325 Malibu Park I	46558	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-23359 Pacific Coas	46621	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-24650 Blue Dane L	46622	75.00

Account Number	description	Vendor	Description	Check No	Amount
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-24687 Pacific Coast	46623	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-24860 Pacific Coast	46624	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-27318 Winding Way	46625	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-32223 Pacific Coast	46626	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-33014 Pacific Coast	46627	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Co	CEQA Filing-33355 Pacific Coast	46628	75.00
Vendor Subtotal for Dept:2001					3,110.25
Dept:2001					
101-2001-5401-00	Advertising & Noticing	Malibu Times	Public notices ads-Times-1/7/16	46636	401.00
101-2001-5401-00	Advertising & Noticing	Malibu Times	Public notices ads-Times-1/14/16	46636	370.00
101-2001-5401-00	Advertising & Noticing	Malibu Times	Public notices ads-Times-1/21/16	46636	168.00
Vendor Subtotal for Dept:2001					939.00
Dept:2004					
101-2004-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LI	46589	53.68
Vendor Subtotal for Dept:2004					53.68
Dept:2004					
101-2004-5100-00	Professional Services	Lorrie Feinberg	Database updates-Building Safety	46619	249.37
Vendor Subtotal for Dept:2004					249.37
Dept:2004					
101-2004-5210-00	Service Fees & Charges	Dept. of Conservation	Strong Motion Instrumentation/Sc	46607	1,627.32
Vendor Subtotal for Dept:2004					1,627.32
Dept:2010					
101-2010-4202-00	Health Insurance	CalPERS Health	PR Batch 70028.01.2016 Health I	46587	-1,413.02
Vendor Subtotal for Dept:2010					-1,413.02

Account Number	description	Vendor	Description	Check No	Amount
Dept:2010					
101-2010-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	31.16
			Vendor Subtotal for Dept:2010		31.16
Dept:2012					
101-2012-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	4.56
			Vendor Subtotal for Dept:2012		4.56
Dept:3003					
101-3003-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	14.20
			Vendor Subtotal for Dept:3003		14.20
Dept:3003					
101-3003-5100-00	Professional Services	Lorrie Feinberg	Database updates-Enviro Prograr	46619	1,092.50
			Vendor Subtotal for Dept:3003		1,092.50
			Subtotal for Fund: 101		12,517.03
Fund: 103					
Dept:9050					
103-9050-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	3.50
			Vendor Subtotal for Dept:9050		3.50
Dept:9050					
103-9050-5100-00	Professional Services	Pacific Coast Elevator Corp.	City Hall-Elevator/Wheelchair lif	46535	622.53
			Vendor Subtotal for Dept:9050		622.53
Dept:9050					
103-9050-5100-00	Professional Services	Master Cooling Corporation	City Hall HVAC Maint-Jan'16	46565	1,881.17

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:9050	1,881.17
Dept:9050					
103-9050-5100-00	Professional Services	SC PrimeSource, Inc.	City Hall Janitorial Services-Jan'1	46645	3,295.00
				Vendor Subtotal for Dept:9050	3,295.00
Dept:9050					
103-9050-5100-00	Professional Services	ValleyCrest Landscape Maintenance	City Hall-Landscape Maint-Jan'16	46652	995.00
				Vendor Subtotal for Dept:9050	995.00
Dept:9050					
103-9050-5610-00	Facilities Maintenance	Amerigas Propane LP	Propane-City Hall--1/13/16	46534	1,619.76
				Vendor Subtotal for Dept:9050	1,619.76
Dept:9050					
103-9050-5610-00	Facilities Maintenance	Anawalt Lumber Co., Inc	City Hall Fac Maint Supplies	46536	90.76
103-9050-5610-00	Facilities Maintenance	Anawalt Lumber Co., Inc	City Hall Fac Maint Supplies-El 1	46536	114.43
				Vendor Subtotal for Dept:9050	205.19
Dept:9050					
103-9050-5610-00	Facilities Maintenance	Aqua H2O Solutions Inc	Reissue CK# 45966 - City Hall W	46594	348.89
				Vendor Subtotal for Dept:9050	348.89
Dept:9050					
103-9050-5610-00	Facilities Maintenance	Kevin Madson	City Hall-Painting misc walls-1/1	46562	1,330.00
				Vendor Subtotal for Dept:9050	1,330.00
Dept:9050					
103-9050-5610-00	Facilities Maintenance	Master Cooling Corporation	HVAC repair-Server room	46565	566.86
				Vendor Subtotal for Dept:9050	566.86
Dept:9050					
103-9050-5610-00	Facilities Maintenance	The Sherwin-Williams Co.	City Hall Paint	46574	257.89

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:9050	257.89
Dept:9050					
103-9050-5610-00	Facilities Maintenance	StorageContainer.com	City Hall Storage Cont Rental 2/1	46648	198.00
				Vendor Subtotal for Dept:9050	198.00
Dept:9050					
103-9050-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-City Hall-Fire Line-11/3/15	46559	340.61
103-9050-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-City Hall-11/3/15-1/5/16-B	46559	324.30
				Vendor Subtotal for Dept:9050	664.91
Dept:9050					
103-9050-6160-00	Operating Supplies	Empire Chemical Company Inc	City Hall supplies-bathrooms	46548	404.99
				Vendor Subtotal for Dept:9050	404.99
Dept:9050					
103-9050-7800-00	Other Equipment	Security Camera Warehouse	City Hall Security Cameras	46573	13,440.20
				Vendor Subtotal for Dept:9050	13,440.20
				Subtotal for Fund: 103	25,833.89
Fund: 207					
Dept:3004					
207-3004-5401-00	Advertising & Noticing	Malibu Times	Oil/Paint E-Waste Ad-Dec'15	46564	240.00
				Vendor Subtotal for Dept:3004	240.00
				Subtotal for Fund: 207	240.00
Fund: 310					

Account Number	description	Vendor	Description	Check No	Amount
Dept:9025					
310-9025-7902-00	Park Projects	Anawalt Lumber Co., Inc	Las Flores Cyn P2 supplies	46536	28.31
Vendor Subtotal for Dept:9025					28.31
Dept:9049					
310-9049-5100-00	Professional Services	ARC Document Solutions LLC	Treatment Plant plans & Specs	46538	4,972.35
310-9049-5100-00	Professional Services	ARC Document Solutions LLC	Pipelines & Pump Stations- plans	46538	1,966.19
310-9049-5100-00	Professional Services	ARC Document Solutions LLC	Inspection Wells- plans & Specs	46538	335.13
Vendor Subtotal for Dept:9049					7,273.67
Subtotal for Fund: 310					7,301.98
Fund: 313					
Dept:0000					
313-0000-2040-00	Accrued Liability	Howard and Suzanne Furst	Reissue Ck# 42421 Refund Prepa	46549	859.05
Vendor Subtotal for Dept:0000					859.05
Subtotal for Fund: 313					859.05
Fund: 500					
Dept:7008					
500-7008-5100-00	Professional Services	ValleyCrest Landscape Maintenance	Legacy Park-Landscape Maint-Ja	46652	5,275.00
500-7008-5100-00	Professional Services	ValleyCrest Landscape Maintenance	SuperCare-Landscape Maint-Jan'	46652	200.00
Vendor Subtotal for Dept:7008					5,475.00
Dept:7008					
500-7008-5130-00	Park Maintenance	ValleyCrest Landscape Maintenance	Legacy Park Tree Replacements	46652	13,500.00
500-7008-5130-00	Park Maintenance	ValleyCrest Landscape Maintenance	Legacy Park Tree Replacements	46652	1,053.00
Vendor Subtotal for Dept:7008					14,553.00

Account Number	description	Vendor	Description	Check No	Amount
Dept:7008					
500-7008-5610-00	Facility Maintenance	Hilario Simental Jr	Septic pumping 23431 PCH-Anin	46547	460.00
500-7008-5610-00	Facility Maintenance	Hilario Simental Jr	Septic pumping 23431 PCH-Anin	46609	460.00
Vendor Subtotal for Dept:7008					920.00
Dept:7008					
500-7008-5610-00	Facility Maintenance	Integrated Performance Consultants	Fac Maint-23661 PCH-Dec'15	46552	525.00
Vendor Subtotal for Dept:7008					525.00
Dept:7008					
500-7008-5610-00	Facility Maintenance	Malibu Bay Company	Feb'16 Sewer Maint-23661 PCH	46634	1,766.00
Vendor Subtotal for Dept:7008					1,766.00
Dept:7008					
500-7008-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Legacy Park-11/3/15-1/5/16	46630	69.51
500-7008-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-SuperCare-11/3/15-1/5/16-	46630	222.90
500-7008-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Legacy-11/3/15-1/5/16-Bil	46630	7,722.47
Vendor Subtotal for Dept:7008					8,014.88
Subtotal for Fund: 500					31,253.88
Fund: 601					
Dept:3005					
601-3005-6330-00	Vehicle Repair & Maintenance	Vasudevan Naicker	Car wash-City vehicles-1/21/16	46567	125.00
601-3005-6330-00	Vehicle Repair & Maintenance	Vasudevan Naicker	Car wash-City vehicles-1/28/16	46638	100.00
Vendor Subtotal for Dept:3005					225.00
Dept:3005					
601-3005-6500-00	Motor Fuels	Chevron & Texaco Bus. Card Srv	Gasoline for the period of 12/28/1	46601	816.28
Vendor Subtotal for Dept:3005					816.28

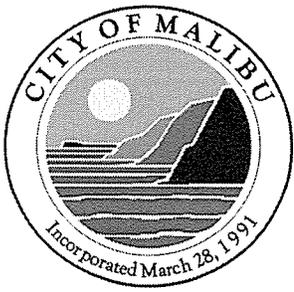
Account Number	description	Vendor	Description	Check No	Amount
				Subtotal for Fund: 601	1,041.28
Fund: 602					
Dept:7060					
602-7060-4209-00	Disability Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	6.95
				Vendor Subtotal for Dept:7060	6.95
Dept:7060					
602-7060-5100-00	Professional Services	HyperNet, Inc	IT Consulting-Jan'16	46618	550.00
				Vendor Subtotal for Dept:7060	550.00
Dept:7060					
602-7060-5721-00	Telephone	Verizon	Senior Center Internet 1/13-2/12/	46579	600.20
				Vendor Subtotal for Dept:7060	600.20
Dept:7060					
602-7060-6160-00	Operating Supplies	GovConnection Inc	LTO Backup tapes	46614	453.44
602-7060-6160-00	Operating Supplies	GovConnection Inc	LTO Backup tapes-WORM OnBa	46614	198.64
				Vendor Subtotal for Dept:7060	652.08
Dept:7060					
602-7060-7400-00	Computer Equipment	GovConnection Inc	Video Card-Granicus server	46614	395.04
				Vendor Subtotal for Dept:7060	395.04
Dept:7060					
602-7060-7400-00	Computer Equipment	ViaWest Inc	Server Collocation-Phoenix-Jan'1	46580	342.87
				Vendor Subtotal for Dept:7060	342.87

Account Number	description	Vendor	Description	Check No	Amount
Subtotal for Fund: 602					2,547.14
Fund: 710					
Dept:0000					
710-0000-2270-44	Library Event	Amy Crittenden	Reimburse-Costco-Library Speak	46604	82.91
Vendor Subtotal for Dept:0000					82.91
Dept:0000					
710-0000-2270-44	Library Event	Malibu Times	Library Spkr Series-Times Ad-De	46564	360.00
Vendor Subtotal for Dept:0000					360.00
Dept:0000					
710-0000-2270-45	CCW Treatment Facility Phase I	David Taussig & Associates Inc	CCWWTF formation of AD-Dec'	46605	9,000.00
Vendor Subtotal for Dept:0000					9,000.00
Subtotal for Fund: 710					9,442.91
Fund: 713					
Dept:9052					
713-9052-5100-00	Professional Services	David Taussig & Associates Inc	Broad Beach AD 2010-1 Assessm	46544	323.50
Vendor Subtotal for Dept:9052					323.50
Subtotal for Fund: 713					323.50
Fund: 900					
Dept:0000					
900-0000-2022-00	Health Insurance	Matt Myerhoff	Refund Add'l Health Premium-Jar	46566	69.10
Vendor Subtotal for Dept:0000					69.10
Dept:0000					
900-0000-2022-00	Health Insurance	CalPERS Health	PR Batch 70028.01.2016 Health I	46587	217.20

Account Number	description	Vendor	Description	Check No	Amount
900-0000-2022-00	Health Insurance	CalPERS Health	PR Batch 70028.01.2016 Health I	46587	73,801.22
900-0000-2022-00	Health Insurance	CalPERS Health	PR Batch 70025.01.2016 Health I	46587	543.47
			Vendor Subtotal for Dept:0000		74,561.89
Dept:0000					
900-0000-2023-00	Vision Insurance	Blue Shield of California	PR Batch 70028.01.2016 Vision C	46581	1,090.15
			Vendor Subtotal for Dept:0000		1,090.15
Dept:0000					
900-0000-2024-00	Dental Insurance	Delta Dental of California	PR Batch 70028.01.2016 Dental I	46582	7,185.99
			Vendor Subtotal for Dept:0000		7,185.99
Dept:0000					
900-0000-2025-00	Life Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 Life Ins	46589	992.75
			Vendor Subtotal for Dept:0000		992.75
Dept:0000					
900-0000-2025-01	Additional Life Insurance	Standard Insurance Company N2	PR Batch 70028.01.2016 Additio	46590	169.45
			Vendor Subtotal for Dept:0000		169.45
Dept:0000					
900-0000-2026-00	STD/LTD	Standard Insurance Company N2	PR Batch 70014.01.2016 STD/LT	46589	2,056.65
900-0000-2026-00	STD/LTD	Standard Insurance Company N2	PR Batch 70028.01.2016 STD/LT	46589	2,086.18
			Vendor Subtotal for Dept:0000		4,142.83
Dept:0000					
900-0000-2027-00	Employee Assistance	Managed Health Network	PR Batch 70028.01.2016 Employ	46586	144.21
			Vendor Subtotal for Dept:0000		144.21

Account Number	description	Vendor	Description	Check No	Amount
Dept:0000					
900-0000-2040-00	PERS Retirement	CalPERS Retirement	PR Batch 70028.01.2016 PERS C	46588	118.80
900-0000-2040-00	PERS Retirement	CalPERS Retirement	PR Batch 70028.01.2016 PERS E	46588	12,177.80
Vendor Subtotal for Dept:0000					12,296.60
Dept:0000					
900-0000-2040-01	PERS Retirement Prepaid	CalPERS Retirement	PR Batch 70028.01.2016 PEPRA	46588	2,401.07
900-0000-2040-01	PERS Retirement Prepaid	CalPERS Retirement	PR Batch 70028.01.2016 PERS C	46588	158.73
900-0000-2040-01	PERS Retirement Prepaid	CalPERS Retirement	PR Batch 70028.01.2016 PERS E	46588	16,271.26
900-0000-2040-01	PERS Retirement Prepaid	CalPERS Retirement	PR Batch 70025.01.2016 PEPRA	46588	149.78
Vendor Subtotal for Dept:0000					18,980.84
Dept:0000					
900-0000-2040-02	PERS/PEPRA Retirement	CalPERS Retirement	PR Batch 70028.01.2016 PEPRA	46588	2,318.99
900-0000-2040-02	PERS/PEPRA Retirement	CalPERS Retirement	PR Batch 70025.01.2016 PEPRA	46588	144.66
Vendor Subtotal for Dept:0000					2,463.65
Dept:0000					
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70028.01.2016 PARS -	46591	681.39
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70028.01.2016 PARS -	46591	142.90
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70023.01.2016 PARS -	46591	21.90
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70023.01.2016 PARS -	46591	4.59
Vendor Subtotal for Dept:0000					850.78
Dept:0000					
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70028.01.2016 ICMA I	46583	899.26
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70028.01.2016 ICMA I	46583	11,638.62
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70028.01.2016 ER Con	46583	2,700.00
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70025.01.2016 ICMA I	46583	50.00
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70025.01.2016 ER Con	46583	50.00
Vendor Subtotal for Dept:0000					15,337.88

Account Number	description	Vendor	Description	Check No	Amount
Dept:0000					
900-0000-2042-01	ICMA Loan Program	ICMA Retirement Trust 457 - 303615	PR Batch 70028.01.2016 ICMA I	46583	610.66
Vendor Subtotal for Dept:0000					610.66
Dept:0000					
900-0000-2043-00	Deferred Compensation 401	ICMA 401-Plan # 108658	PR Batch 70028.01.2016 ICMA -	46584	504.89
Vendor Subtotal for Dept:0000					504.89
Dept:0000					
900-0000-2043-00	Deferred Compensation 401	ICMA 401-Plan # 108650	PR Batch 70028.01.2016 ICMA -	46585	692.28
Vendor Subtotal for Dept:0000					692.28
Subtotal for Fund: 900					140,093.95
Report Total:					400,322.44



Council Agenda Report

To: Mayor Rosenthal and the Honorable Members of the City Council

Prepared by: Lisa Pope, City Clerk *L. Pope*

Approved by: Jim Thorsen, City Manager *J. Thorsen*

Date prepared: February 8, 2016 Meeting date: February 22, 2016

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the January 25, 2016 Regular City Council meeting.

FISCAL IMPACT: None.

DISCUSSION: Staff has prepared draft minutes for the January 25, 2016 Regular City Council meeting. Staff hereby submits the minutes for Council's approval.

ATTACHMENTS: January 25, 2016 Regular City Council meeting minutes

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JANUARY 25, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Rosenthal called the meeting to order at 6:38 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; Lisa Pope, City Clerk; Vic Peterson, Environmental Sustainability Director; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Craig George, Environmental Sustainability Manager; and Amy Crittenden, Recreation Manager.

PLEDGE OF ALLEGIANCE

Ted Vaill led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following item was listed on the Closed Session agenda:

Real Property Negotiation Matters pursuant to Government Code Section 54956.8:

1. Property Address: APN Nos. 4458-020-900 and 4458-020-901
City Negotiator: City Manager Thorsen or Designee
Property Negotiator: Dana Rothman
Under Negotiation: Price and terms of payment

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 6:02 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 posted agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember House moved and Councilmember Sibert seconded a motion to approve the agenda, with Item No. 6.A. moved to follow the Consent Calendar and noting that the Administration and Finance (A&F) Subcommittee had met and recommended approval of Item Nos. 3.B.6. and 3.B.7. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on January 14, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Dave Rydman, Water District 29, stated the Governor had extended the water restrictions until the end of October 2016. He provided an overview of water conservation levels. He discussed community outreach efforts.

In response to Mayor Rosenthal, Mr. Rydman explained the Malibu Area Coalition efforts for public outreach.

Norm Haynie addressed the Council regarding four parcels zoned open space, which was unconstitutional. He stated he attempted to file the amendment, but it required a \$15,000 deposit.

Reverend Paul Elder, St. Aidan's Episcopal Church, representing Malibu's Community Assistance Resource Team (CART) and Malibu Interfaith reminded the Council that El Niño was still a reality and action needed to be taken to protect the homeless population. He stated CART arranged for a free nightly pick up to transport homeless to the westside shelter. He discussed the Los Angeles Homeless Services Authority 2016 Homeless Count, which the community could learn more about at www.theycountwillyou.org.

Ted Vaill questioned what the Council discussed in Closed Session. He addressed the Council regarding the ruling on Measure R as unconstitutional. He stated the Reiner group had filed motions to stay and intervene. He urged the Council to appeal the final ruling.

Lance Simmens summarized a statement on behalf of Jefferson Wagner and himself regarding Measure R and Measure W, urging the Council to file an appeal of the final ruling on Measure R.

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

City Manager Thorsen stated the City's road paving project was nearing completion. He commended staff on getting the Civic Center Wastewater Treatment Facility to a vote.

City Attorney Hogin clarified that the Council discussed real property negotiations during Closed Session and would continue to hold discussions regarding Measure R litigation in Regular Session.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Peak thanked Mr. Simmens and Mr. Wagner for their comments on Measure R litigation. He urged residents to take the survey on the City's website regarding design options for the Malibu Bluffs Parkland Project.

In response to Councilmember House, City Manager Thorsen stated he would discuss Mr. Haynie's concern with staff.

Councilmember Peak stated the City should waive the fee if it was the City's error.

Councilmember House discussed the City's efforts to work with the Reiners on Measure R. She discussed the recent A&F Subcommittee meeting. She discussed the City's upcoming 25th anniversary celebration.

Mayor Pro Tem La Monte stated he and the California Contract Cities Executive Board met with Los Angeles County Chief Executive Officer Sachi Hamai to address the liability trust fund. He stated he attended the California Contract Cities legislative tour in Sacramento. He stated he attended the League of California Cities policy planning committee meetings. He stated he met with the League's legislative team and, with the help of California Strategies, Senator Fran Pavley, Ben Allen, Mike Maguire, and Lewis Wilke, President Pro Tem Senator Kevin de León, Assemblymembers Richard Bloom, Ling Ling Chang, Eduardo Garcia, Bill Da, Jim Wood, and Speaker Elect Anthony Rendon regarding the alcohol and drug rehab overconcentration bill. He stated he attended the A&F Subcommittee meeting. He announced the Las Flores Creek Park ribbon cutting ceremony on January 26, 2016, at 10:00 a.m. He announced the Pacific Coast Highway Safety Task Force meeting on January 29, 2016.

Councilmember Sibert announced he would meet with the Southern California Association of Governments Stormwater Task Force, which will be looking at alternatives for dealing with stormwater and reuse. He stated the City was working with Grant Consultant Barbara Cameron to have UCLA work on graywater reuse to be presented to the Santa Monica Bay Restoration Commission

Mayor Rosenthal acknowledged the Pepperdine students in attendance at the meeting. She requested staff look into Mr. Haynie's issue and report back to the Council. She discussed CART's efforts for homeless protection during El Niño.

City Manager Thorsen stated staff had worked with Los Angeles (LA) County and bus service for the homeless would be provided from the County building near the Labor Exchange.

Mayor Rosenthal stated she was in Sacramento for the State of the State and League of California Cities Environmental Quality Policy Committee meeting. She discussed the City's 25th anniversary celebration on March 28, 2016. She stated she attended the Las Virgenes-Malibu Council of Governments meeting regarding the possibility of another transportation bond in LA County. She discussed the recent Library Speaker Series event and announced the next event on February 17, 2016. She stated she was appointed by the City Manager, along with Manel Sweetmore and Kevin Shenkman, to represent the City of Malibu in negotiations with the City of Santa Monica to address financial concerns in separation of the Santa Monica-Malibu Unified School District into independent entities. She announced the Las Flores Creek Park ribbon cutting ceremony on January 26, 2016. She announced the Business Roundtable meeting on February 5, 2016. She announced a joint meeting of the City Council and Planning Commission on February 10, 2016, regarding Civic Center Design Standards. She encouraged residents to take the survey on the City's website regarding design options for the Malibu Bluffs Parkland Project.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem La Monte moved and Councilmember Sibert seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

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 46297-46430 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. 565 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,440,083.89. City of Malibu payroll check numbers 4621-4631 and ACH deposits were issued in the amount of \$338,339.71.
3. Approval of Minutes
Recommended Action: Approve the minutes for the December 14, 2015 Regular City Council meeting.
4. Amendment to Agreement with Lorrie Feinberg
Recommended Action: Authorize the City Manager to execute Amendment No. 3 to Agreement with Lorrie Feinberg, dba Iris Consulting, for development and database management services.
5. Annual Audit Report and Management Letter for Fiscal Year 2014-2015
Recommended Action: Receive and file the Comprehensive Annual Financial Report for Fiscal Year 2014-2015.
6. Professional Services Agreement with Lance, Soll & Lunghard, LLP for Financial Auditing Services
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Lance, Soll & Lunghard, LLP for financial auditing services.
7. Amendment to Agreement with David Taussig and Associates, Inc. (DTA)
Recommended Action: 1) Authorize the City Manager to execute Amendment No. 2 to Professional Services Agreement with DTA in the amount of \$14,500 to provide additional consulting services for the formation of the Civic Center Wastewater Treatment Facility Assessment District; and 2) appropriate \$14,500 from the General Fund Undesignated Reserve.

ITEM 6 NEW BUSINESS

- A. Mid-Year Commission Activity Report
Recommended Action: 1) Receive and file mid-year activity reports from the Cultural Arts Commission, Harry Barovsky Memorial Youth Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission; and 2) amend Commission assignments for Fiscal Year 2015-2016, if appropriate.

Alana Baer, Youth Commission, provided an overview of the recent activities and upcoming events planned by the Youth Commission.

In response to Mayor Rosenthal, Ms. Baer stated the goals list was full, yet manageable.

Councilmember Sibert stated it was useful to be able to review the status of the commissions' tasks.

Mayor Rosenthal expressed appreciation to the commissioners.

CONSENSUS

By consensus, the Council received and filed the mid-year activity reports from the Cultural Arts Commission, Harry Barovsky Memorial Youth Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Award of Community Development Block Grants (CDBG) for Fiscal Year 2016-17

Recommended Action: 1) Conduct the public hearing; 2) Award \$6,935 in CDBG funds to the Malibu Community Day Labor Exchange Program; and 3) Adopt Resolution No. 16-03 authorizing and approving the Fiscal Year 2016-17 CDBG Program funding for the City of Malibu.

Assistant City Manager Feldman presented the staff report.

MOTION

Councilmember Peak moved and Councilmember House seconded a motion to: 1) award \$6,935 in CDBG funds to the Malibu Community Day Labor Exchange Program; and 2) adopt Resolution No. 16-03 authorizing and approving the Fiscal Year 2016-17 CDBG Program funding for the City of Malibu. The motion carried unanimously.

B. Updated Developer Fee Program for the Benefit of the Consolidated Fire Protection District of Los Angeles County

Recommended Action: Adopt Resolution No. 16-04 adopting the updated developer fee and fire station plan for the benefit of the Consolidated Fire Protection District of Los Angeles County and rescinding Resolution No. 15-01.

Environmental Sustainability Director Peterson presented the staff report.

MOTION

Councilmember Peak moved and Mayor Pro Tem La Monte seconded a motion to adopt Resolution No. 16-04 adopting the updated developer fee and fire station plan for the benefit of the Consolidated Fire Protection District of Los Angeles County and rescinding Resolution No. 15-01. The motion carried unanimously.

C. City Council Acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Malibu (Carbon Beach Undergrounding) Authorizing the Issuance of Special Tax Refunding

Recommended Action: 1) Adopt Resolution No. 16-05 of the City Council of the

City of Malibu acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Malibu Carbon Beach Undergrounding authorizing the issuance of Special Tax Refunding Bonds in a principal amount not to exceed \$4,000,000 and approving certain documents and actions in connection with refinancing the undergrounding of utilities at Carbon Beach; and 2) Approve Bond Counsel Agreement with Stradling, Yocca, Carlson & Rauth for bond counsel services.

Assistant City Manager Feldman presented the staff report.

MOTION Councilmember Peak moved and Councilmember Sibert seconded a motion to: 1) adopt Resolution No. 16-05 of the City Council of the City of Malibu acting as the Legislative Body of Community Facilities District No. 2006-1 of the City of Malibu Carbon Beach Undergrounding authorizing the issuance of Special Tax Refunding Bonds in a principal amount not to exceed \$4,000,000 and approving certain documents and actions in connection with refinancing the undergrounding of utilities at Carbon Beach; and 2) approve Bond Counsel Agreement with Stradling, Yocca, Carlson & Rauth for bond counsel services. The motion carried unanimously.

- D. Update Commissioner Terms to Reflect Change to Municipal Election Date
Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 401 updating the terms of commissioners based on the City's General Municipal Elections being moved to November of even-numbered years; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 401 for the February 8, 2016 Regular City Council meeting.

City Clerk Pope presented the staff report.

MOTION Councilmember Peak moved and Mayor Pro Tem La Monte seconded a motion to: 1) introduce on first reading Ordinance No. 401 updating the terms of commissioners based on the City's General Municipal Elections being moved to November of even-numbered years; and 2) direct staff to schedule second reading and adoption of Ordinance No. 401 for the February 8, 2016 Regular City Council meeting.. The motion carried unanimously.

- E. City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase One)
Recommended Action: 1) Conduct Public Hearing as required by Proposition 218; Prior to Close of Public Hearing: 2) Ratify the prior approval authorizing the City Manager to cast a ballot in favor of assessment for City-owned Parcel Nos. 4458-018-902 and 4458-018-904 (Bluffs Park), 4458-020-902 (Legacy Park), 4458-020-903 (Legacy Park Commercial Properties), and 4458-021-901 (City Hall); 3) Ratify the prior approval authorizing City funding for oversizing elements associated with Phase Two of the project; After Close of Public Hearing: 4) If

over 50% of the weighted assessment ballots are returned in favor of the proposed assessments, adopt Resolution No. 16-06 making determinations, confirming assessments and proceedings and designating the Superintendent of Streets to collect and receive assessments and to establish a special fund for City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility - Phase 1); 5) Appropriate \$1,183,000 from the General Fund Undesignated Reserve for the City Hall assessment, Bluffs Park assessment and the oversizing costs for Phase Two and \$712,000 from the Legacy Park Project Fund for the City-owned commercial properties; and 6) Adopt Resolution No. 16-07 approving Engineer's Report for City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility - Phase 1); OR 7) If over 50% of the weighted assessment ballots are returned against the proposed assessments, adopt Resolution No. 16-08 declaring abandonment of proceedings for City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility - Phase 1).

Assistant City Manager Feldman presented the staff report.

Brian Forbath, Special Council, reminded property owners that ballots needed to be cast prior to the close of the public hearing and that the tally would be open to the public.

Norm Haynie indicated support for the project and reduction of water use. He commended staff for its work on the plan.

Ryan Embree discussed the existing sewage treatment for the 191 condos on Civic Center Way. He stated they had enjoyed free use of gravity flow into Winter Canyon. He disagreed with Phase 2 and urged the Council to exempt the condos from the land cost.

MOTION Councilmember Sibert moved and Mayor Pro Tem La Monte seconded a motion to: 1) ratify the prior approval authorizing the City Manager to cast a ballot in favor of assessment for City-owned Parcel Nos. 4458-018-902 and 4458-018-904 (Bluffs Park), 4458-020-902 (Legacy Park), 4458-020-903 (Legacy Park Commercial Properties), and 4458-021-901 (City Hall); and 2) ratify the prior approval authorizing City funding for oversizing elements associated with Phase Two of the project. The motion carried unanimously.

Mayor Rosenthal thanked City Manager Thorsen and stated it was a historic event.

RECESS Mayor Rosenthal called a recess at 7:42 p.m. The meeting reconvened at 7:56 p.m. with all Councilmembers present.

City Clerk Pope read the results.

MOTION Councilmember House moved and Councilmember Peak seconded a motion to: 1) adopt Resolution No. 16-06 making determinations, confirming assessments and proceedings and designating the Superintendent of Streets to collect and receive assessments and to establish a special fund for City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility - Phase 1); 2) appropriate \$1,183,000 from the General Fund Undesignated Reserve for the City Hall assessment, Bluffs Park assessment and the oversizing costs for Phase Two and \$712,000 from the Legacy Park Project Fund for the City-owned commercial properties; and 3) adopt Resolution No. 16-07 approving Engineer's Report for City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1).

In response to Councilmember Peak, Assistant City Manager Feldman stated the Superintendent of Streets was Public Works Director Brager.

The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

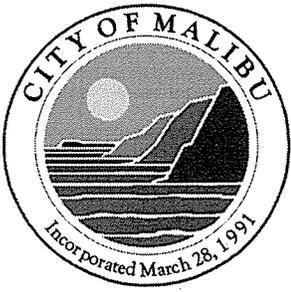
MOTION At 7:59 p.m., Councilmember Sibert moved and Councilmember Peak seconded a motion to adjourn the meeting. The motion carried unanimously.

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

LAURA ROSENTHAL, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)



Council Agenda Report

To: Mayor Rosenthal and the Honorable Members of the City Council

Prepared by: Reva Feldman, Assistant City Manager 

Approved by: Jim Thorsen, City Manager 

Date prepared: January 27, 2016 Meeting date: February 22, 2016

Subject: International City Management Association Retirement Corporation (ICMA-RC) Governmental Money Purchase Plan and Trust - 401 Plan Adoption Agreements

RECOMMENDED ACTION: Adopt Resolution No. 16-11 amending and restating the City's 401(a) Deferred Compensation Plans (Plan No. 108650 and Plan No. 108658) with the ICMA Retirement Corporation and authorizing the City Manager to execute all necessary documents.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action. The City contributes to ICMA-RC on behalf of the City Manager and the City's department heads. Funding for the required contributions was included in the Adopted Budget for Fiscal Year 2016-2017.

DISCUSSION: Deferred compensation plans were originally established by Section 457 of the Internal Revenue Service (IRS) Code to enable public employees to defer state and federal taxes on a portion of their savings. Such plans do not represent a substitute for qualified retirement programs required of employers (i.e., Social Security, or CalPERS), but rather provide an additional means by which employees contribute to retirement funds through their own optional contribution or through matching contributions.

On November 19, 1991, the City contracted with ICMA-RC to administer an IRS Code Section 457 Deferred Compensation Plan (457 Plan). The City offers a 457 Plan to employees which allows tax deferred contributions of earnings up to a maximum of \$13,000 annually. As part of the compensation package, the City contributes an annual amount to this program for the City Manager and department heads.

On March 8, 2004, the City established a 401(a) Money Purchase Plan with ICMA-RC to administer the 401(a) Plan for executive management personnel that provided an additional means for certain employees to defer income. Since the contributions for the

City Manager were structured differently than the department heads (percentage vs. fixed amount), two separate accounts were established.

As instructed by the IRS, cities using the ICMA-RC 401 Plan are required to execute a new adoption agreement. The ICMA-RC is requesting the City to adopt the restated plan document to ensure the 401 Plan is updated in accordance with current IRS regulations.

ATTACHMENTS: Resolution No. 16-11
 ICMA Adoption Agreement Plan No. 108650 (Department Heads)
 ICMA Adoption Agreement Plan No. 108658 (City Manager)

RESOLUTION NO. 16-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING AND RESTATING THE 401(a) DEFERRED COMPENSATION PLANS (PLAN NO. 108650 AND PLAN NO. 108658) WITH THE ICMA RETIREMENT CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. The City of Malibu has employees rendering valuable services;
- B. The City of Malibu has established a 401(a) Deferred Compensation Plans for such employees that serves the interest of the City by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel;
- C. The City of Malibu has determined that the continuance of the 401(a) Deferred Compensation Plans will serve these objectives.

SECTION 2.

- A. The City Council of the City of Malibu hereby amends and restates the 401(a) Deferred Compensation Plans in the form of: the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.
- B. The assets of the Plans shall be held in trust, with the City of Malibu serving as trustee (Trustee), for the exclusive benefit of Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose. The Trustee's beneficial ownership of Plans assets held in Vantage Trust shall be held for the further exclusive benefit of the Plans participants and their beneficiaries.
- C. The City of Malibu hereby agrees to serve as Trustee under the Plans.
- D. The City Council hereby authorizes the City manager or designee to execute the restated Plan Adoption Agreements with ICMA-RC.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

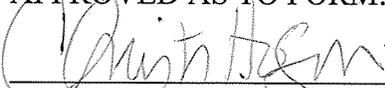
PASSED, APPROVED, and ADOPTED this 22nd day of February 2016.

LAURA ROSENTHAL, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

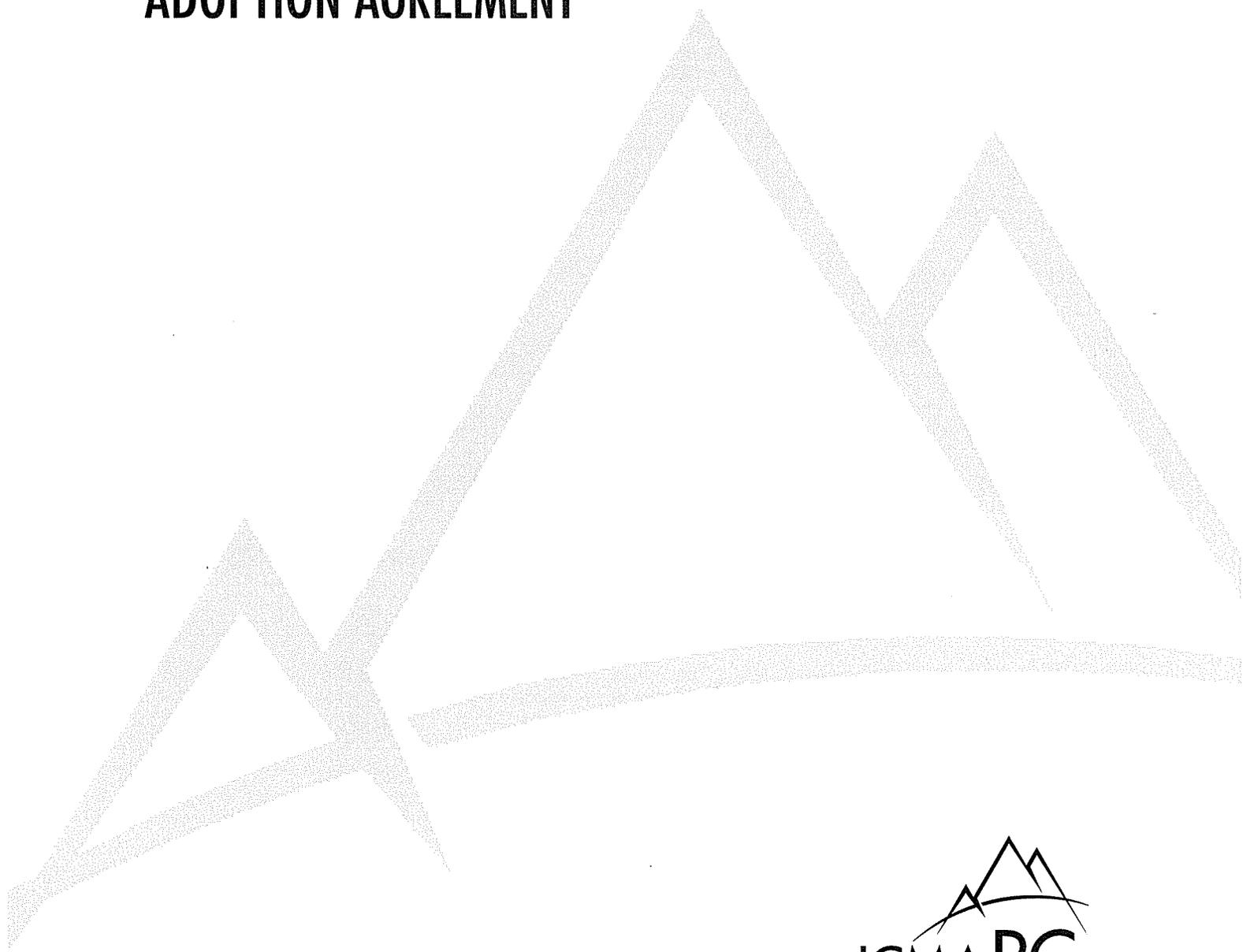
APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

ICMA RETIREMENT CORPORATION

GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT



**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

Plan Number 108650 _____

The Employer hereby establishes a Money Purchase Plan and Trust to be known as CITY OF MALIBU
(the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

Yes No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

CITY OF MALIBU

I. **Employer:** CITY OF MALIBU

II. Effective Dates

1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

III. Plan Year will mean:

The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)

The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age 55.0 (not to exceed age 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- All Employees
- All Full Time Employees
- Salaried Employees
- Non union Employees
- Management Employees
- Public Safety Employees
- General Employees
- Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) Department Heads

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is 18 (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

A. Employer Contributions. The Employer shall contribute on behalf of each Participant _____% of Earnings or \$ 3,000 for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions

are required are not required

to be eligible for this Employer Contribution.

B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

Yes No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

Yes No

Contribution Schedule.

- (i) _____% of Earnings,
- (ii) \$ _____, or
- (iii) a whole percentage of Earnings between the range of _____ (*insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)*), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pick up is required if Option A is not selected).

Yes No (***"Yes" is the default provision under the Plan if no selection is made.***)

- C. Election Window (Complete if Option B is selected):
Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

- A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant ____% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed ____% of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.
- B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):
____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ____% of Earnings or \$ _____);

¹ Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____% of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____% of Earnings, whichever is _____ more or _____ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

Yes No (*"No" is the default provision under the Plan if no selection is made.*)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

Yes No (*"Yes" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

Yes No (*"No" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

- 1. Overtime
 Yes No
- 2. Bonuses
 Yes No
- 3. Other Pay (specifically describe any other types of pay to be included below)

VIII. ROLLOVER PROVISIONS

- 1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:
 Yes No (*“Yes” is the default provision under the Plan if no selection is made.*)
- 2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.
 Effective Date is _____
(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

- 1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.
 Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)
- 2. The Limitation Year is the following 12 consecutive month period: _____
- 3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____
(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

Period of Service Completed	Percent Vested
Zero	100 %
One	100 %
Two	100 %
Three	100 %
Four	100 %
Five	100 %
Six	100 %
Seven	100 %
Eight	100 %
Nine	100 %
Ten	100 %

XI. WITHDRAWALS AND LOANS

- In-service distributions are permitted under the Plan after a participant attains (select one of the below options):
 - Normal Retirement Age
 - Age 70½ (*“70½” is the default provision under the Plan if no selection is made.*)
 - Alternate age (after Normal Retirement Age): _____
 - Not permitted at any age
- A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.
 - Yes
 - No (*“Yes” is the default provision under the plan if no selection is made.*)
- Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.
 - Yes
 - No (*“No” is the default provision under the Plan if no selection is made.*)
- In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.
 - Yes
 - No (*“No” is the default provision under the Plan if no selection is made.*)
- Loans are permitted under the Plan, as provided in Article XIII of the Plan:
 - Yes
 - No (*“No” is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (***"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.***)
- 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

- All Eligible Employees
- Other: _____

Final Pay shall be defined as (select one):

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):

- 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- All Eligible Employees
- Other: _____

Accrued Leave shall be defined as (select one):

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

- For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).
- For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____% (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XVIII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XIX. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Attest: _____

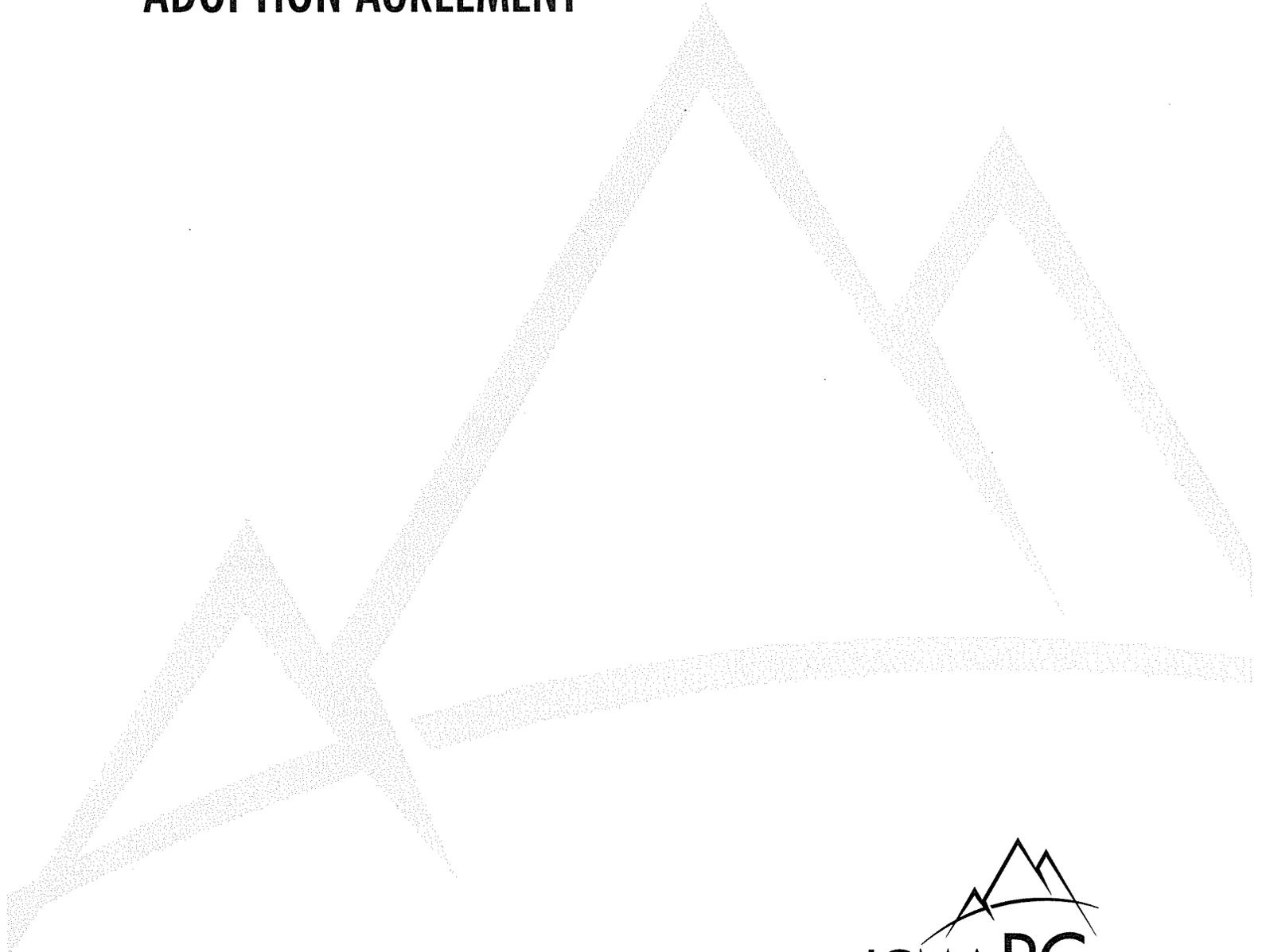
Attest: _____



ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG
BRC000-214-21268-201405-W1303

ICMA RETIREMENT CORPORATION

GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT



**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

Plan Number 108658 _____

The Employer hereby establishes a Money Purchase Plan and Trust to be known as CITY OF MALIBU
(the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

Yes No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

CITY OF MALIBU

I. Employer: CITY OF MALIBU

II. Effective Dates

1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

III. Plan Year will mean:

The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)

The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age 55.0 (not to exceed age 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- All Employees
- All Full Time Employees
- Salaried Employees
- Non union Employees
- Management Employees
- Public Safety Employees
- General Employees
- Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) City Manager

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is 18 (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

A. Employer Contributions. The Employer shall contribute on behalf of each Participant 6 % of Earnings or \$ _____ for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions

are required are not required

to be eligible for this Employer Contribution.

B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

Yes No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

Yes No

Contribution Schedule.

- (i) _____% of Earnings,
- (ii) \$ _____, or
- (iii) a whole percentage of Earnings between the range of _____ (*insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)*), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pick up is required if Option A is not selected).

Yes No (***"Yes" is the default provision under the Plan if no selection is made.***)

C. Election Window (Complete if Option B is selected):

Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant _____% of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____% of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):

_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____% of Earnings or \$ _____);

¹ Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____% of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____% of Earnings, whichever is _____ more or _____ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

Yes No (*"No" is the default provision under the Plan if no selection is made.*)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

BI-WEEKLY

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

Yes No (*"Yes" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

Yes No (*"No" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime
 Yes No
2. Bonuses
 Yes No
3. Other Pay (specifically describe any other types of pay to be included below)

VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:
 Yes No (*"Yes" is the default provision under the Plan if no selection is made.*)
2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.
 Effective Date is _____
(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.
 Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)
2. The Limitation Year is the following 12 consecutive month period: _____
3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____
(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

Period of Service Completed	Percent Vested
Zero	100 %
One	100 %
Two	100 %
Three	100 %
Four	100 %
Five	100 %
Six	100 %
Seven	100 %
Eight	100 %
Nine	100 %
Ten	100 %

XI. WITHDRAWALS AND LOANS

- In-service distributions are permitted under the Plan after a participant attains (select one of the below options):
 - Normal Retirement Age
 - Age 70½ (*"70½" is the default provision under the Plan if no selection is made.*)
 - Alternate age (after Normal Retirement Age): _____
 - Not permitted at any age
- A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.
 - Yes
 - No (*"Yes" is the default provision under the plan if no selection is made.*)
- Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.
 - Yes
 - No (*"No" is the default provision under the Plan if no selection is made.*)
- In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.
 - Yes
 - No (*"No" is the default provision under the Plan if no selection is made.*)
- Loans are permitted under the Plan, as provided in Article XIII of the Plan:
 - Yes
 - No (*"No" is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (***"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.***)
- 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

- All Eligible Employees
- Other: _____

Final Pay shall be defined as (select one):

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):

- 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- All Eligible Employees
- Other: _____

Accrued Leave shall be defined as (select one):

- A. Accrued unpaid vacation
- B. Accrued unpaid sick leave
- C. Accrued unpaid vacation and sick leave
- D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

- For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).
- For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____% (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XVIII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XIX. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

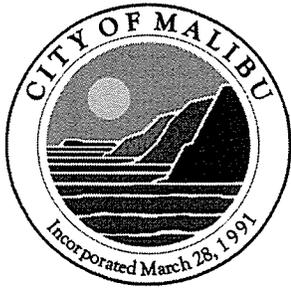
Title: _____

Attest: _____

Attest: _____



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800-669-7400
WWW.ICMARC.ORG
BRC000-214-21268-201405-W1303



Council Agenda Report

To: Mayor Rosenthal and the Honorable Members of the City Council

Prepared by: Bonnie Blue, Planning Director 

Approved by: Jim Thorsen, City Manager 

Date prepared: February 3, 2016 Meeting date: February 22, 2016

Subject: Amendment to Agreement with Rincon, Inc.

RECOMMENDED ACTION: Authorize the City Manager to execute Amendment No. 3 to Agreement with Rincon Consultants, Inc. for planning consultant services.

FISCAL IMPACT: The recommended action provides for an increase of \$75,000 to the current agreement. If approved, the total agreement will not exceed \$275,000. Funding for the amendment is included in the Adopted Budget for Fiscal Year 2015-2016 in Account No. 101-2001-5100 (Planning Professional Services).

DISCUSSION: In August 2015, the Council approved Amendment No. 2 to Agreement for consultant positions to aid in the processing of planning development permits through the current fiscal year while the Planning Department filled newly approved positions and trained new planners. During this time, Rincon has been instrumental in assisting the Planning Department with the redistribution of workload, helping to avoid significant loss of time with processing planning projects.

At this time, Rincon's budget has been expended but the need remains for the consultant positions through the end of the fiscal year to continue assisting the Planning Department. In order to maintain the progress made to date, staff is requesting that Amendment No. 3 be approved in the amount of \$75,000. This amendment will maintain the contract planners from Rincon through the end of the fiscal year.

The Planning Director will continue to monitor the Planning Department's workload to determine when the backlog of development permits has been sufficiently reduced and phase out the contract planner positions.

ATTACHMENT: Amendment No. 3 to Agreement with Rincon Inc.

AMENDMENT NO. 3 TO AGREEMENT

THIS AMENDMENT NO. 3 TO AGREEMENT is made and entered in the City of Malibu on February 22, 2016, by and between the CITY OF MALIBU, hereinafter referred to as City, and Rincon Consultants, Inc., hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On July 1, 2014, the City entered into an Agreement with Consultant for planning consultant services (the "Agreement").
- B. On February 23, 2015, the City Council approved Amendment No. 1 to Agreement to amend the Scope of Services, and to increase the Agreement by \$50,000, for a total Agreement amount of \$125,000.
- C. On August 10, 2015, the City Council approved Amendment No. 2 to Agreement to increase the Agreement by \$75,000, for a total Agreement amount of \$200,000.
- D. The City desires to amend the Agreement Compensation for additional contract planning services through Fiscal Year 2015-2016, as indicated in the Consultant's Scope of Work, Exhibit A, and Consultant has submitted a proposal for this purpose that is acceptable to the City.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

- 1. Section 1.0 – Scope of the Consultant's Services, of the Agreement, is hereby amended as set forth in Exhibit A attached hereto.
- 2. Section 2.0 - Term of Agreement, is hereby amended to provide that the Agreement will remain in effect until June 30, 2016, unless otherwise terminated or extended as provided in the Agreement.
- 3. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended to increase the Agreement by \$75,000, for a total Agreement amount of \$275,000 as set forth in Exhibit A.
- 4. All terms and conditions of the Agreement not amended by this Amendment No. 3 remain in full force and effect.

This Agreement is executed on this ____ day of _____, 2016, at Malibu, California, and effective as January 1, 2016.

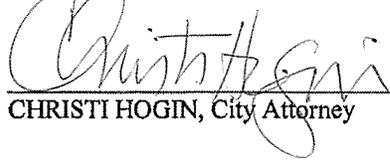
CITY OF MALIBU:

JIM THORSEN, City Manager

ATTEST:

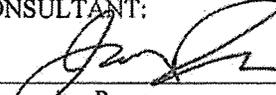
LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

CONSULTANT:



By: Joe Power
Title: Principal-in-Charge



Rincon Consultants, Inc.

180 North Ashwood Avenue
Ventura, California 93003

805 644 4455

FAX 644 4240

info@rinconconsultants.com

www.rinconconsultants.com

January 1, 2016

Job # 13-00889

Bonnie Blue, AICP
Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Via email: BBlue@malibucity.org

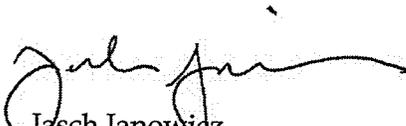
Subject: Proposal to Provide Additional Contract Planning Services

Dear Ms. Blue:

As of 12/31/2015, approximately 99% of the previously approved contract planning services budget has been expended. Therefore, a budget amendment of \$75,000 is proposed to continue contract planning services during the 2015-2016 fiscal year. No further changes to the July 2015 contract planning proposal (dated July 16, 2015) are required.

If you have any questions about this proposal, please do not hesitate to contact us.

Sincerely,
RINCON CONSULTANTS, INC.


Jasch Janowicz
Senior Program Manager


Joe Power, AICP CEP
Principal-in-Charge

EXHIBIT A



RINCON CONSULTANTS, INC.

Standard Fee Schedule for Environmental Sciences and Planning Services

Rincon Consultants' fee schedule is based on the time that is charged to projects by our professionals and support staff. Direct costs associated with completing a project are also billed to the project as outlined under Reimbursable Expenses below. The following sets forth the billing rates for our personnel.

Professional, Technical, and Support Personnel*	Rate
Principal II	\$ 215/hour
Principal I	\$ 195/hour
Senior Supervisor II	\$ 175/hour
Supervisor I	\$ 165/hour
Senior Professional II	\$ 145/hour
Senior Professional I	\$ 135/hour
Professional IV	\$ 120/hour
Professional III	\$ 110/hour
Professional II	\$ 95/hour
Professional I	\$ 85/hour
Environmental Technician/Field Aide	\$ 75/hour
Senior GIS Specialist	\$ 115/hour
GIS/CADD Specialist II	\$ 100/hour
GIS/CADD Specialist I	\$ 90/hour
Graphic Designer	\$ 85/hour
Technical Editor	\$ 95/hour
Clerical/Administrative Assistant II	\$ 75/hour
Clerical/Administrative Assistant I	\$ 65/hour

*Professionals include environmental scientists, urban planners, biologists, geologists, and cultural resources experts

Expert witness services consisting of depositions and in-court testimony are charged at a rate of \$295/hour.

Photocopying and Printing

Photocopies will be charged at a rate of \$0.08/copy for single-sided copies and \$0.16 for double-sided copies. Colored copies will be charged at a rate of \$1.00/copy for single-sided and \$2.00/copy for double-sided or 11"x17" copies. Oversized maps or display graphics will be charged at a rate of \$8.00/square foot.

Reimbursable Expenses

Expenses associated with completing a project are termed Reimbursable Expenses. These expenses do not include the hourly billing rates described above. Reimbursable expenses include, but are not limited to, the following:

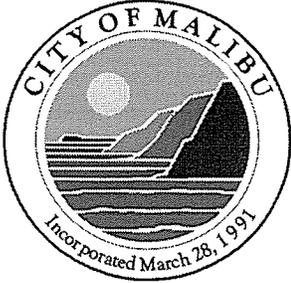
1. Direct costs associated with the execution of a project are billed at cost plus 15% to cover General and Administrative services. Direct costs include, but are not limited to, laboratory and drilling services charges, subcontractor services, authorized travel expenses, permit charges and filing fees, printing and graphic charges, mailings and postage, performance bonds, sample handling and shipment, equipment rental other than covered by the above charges, etc. Communications charges and miscellaneous office expenses (including PDAs, cell phones, phone, fax, and electronic data transmittals, digital cameras, photo processing, etc.) are billed at 3% of total labor.
2. Vehicle use in company-owned vehicles will be billed at a day rate of \$85/day for regular terrain vehicle use and \$135 per day for 4-WD off-road vehicle use, plus \$0.85/mile for mileage over 50 miles per day. For transportation in employee-owned automobiles, a rate of \$0.85/mile will be charged. Rental vehicles will be billed at cost plus 15%.



RINCON CONSULTANTS, INC.

Equipment Schedule for Environmental Sciences and Planning Services

Equipment	Rate	Unit
Environmental Site Assessment		
Bailer	\$ 25	Day
Brass Sample Sleeves	\$ 10	Each
DC Purge Pump	\$ 35	Day
Disposable Bailer	\$ 20	Each
Flame Ionization Detector	\$ 200	Day
Four Gas Monitor	\$ 120	Day
Hand Auger Sampler	\$ 55	Day
Level C Health and Safety	\$ 60	Person per day
Oil-Water Interface Probe	\$ 85	Day
Photo-Ionization Detector	\$ 120	Day
Soil Vapor Extraction Monitoring Equipment	\$ 140	Day
Water Level Indicator	\$ 35	Day
Water Resources		
Dissolved Oxygen Meter	\$ 45	Day
Refractometer (salinity)	\$ 30	Day
Sterilized Sample Jar	\$ 5	Each
Temp-pH-Conductivity Meter	\$ 50	Day
Turbidity Meter	\$ 30	Day
Natural Resources Field Equipment		
Fiberoptic Scope	\$ 90	Day
Infrared Sensor Digital Camera	\$ 50	Day
Field Equipment Package, amphibian survey (digital camera, GPS, thermometer, decon chlorine, waders, float tube, hand net)	\$ 150	Day
Field Equipment Package, construction monitoring (digital camera, GPS, thermometer, binoculars, field computer, safety equipment)	\$ 95	Day
Field Equipment Package, standard (digital camera, GPS, thermometer, binoculars, and botanic collecting equipment)	\$ 45	Day
Field Equipment Package, remote (digital camera, GPS, thermometer, binoculars, field computer and mifi, Delorme Satellite Beacon, 24-Hour Safety Phone)	\$ 125	Day
Laser Rangefinder/Altitude	\$ 10	Day
Mammal trap, large / small	\$1.50 /	Each per trap
Minnow trap	\$ 85	Each per job
Net, hand / large seine	\$ 10 / \$ 50	Day
Pettersson Bat Ultrasound Detector/Recording Equipment	\$ 150	Job
Pit-fall Trap	\$ 5	Each per trap
Scent Station	\$ 20	Station
Spotlight	\$ 5	Day
Trimble® GPS (submeter accuracy)	\$ 190	Job
Spotting Scope	\$ 150	Job
Multi-Services Field Equipment		
Anemometer	\$ 5	Day
Computer Field Equipment	\$ 45	Day
GPS unit, standard field	\$ 10	Day
Sound Level Meter	\$ 75	Day



Council Agenda Report

To: Mayor Rosenthal and the Honorable Members of the City Council

Prepared by: Reva Feldman, Assistant City Manager 

Approved by: Jim Thorsen, City Manager 

Date prepared: February 10, 2016

Meeting date: February 22, 2016

Subject: Malibu Library 2016 Use of Set Aside Funds

RECOMMENDED ACTION: Approve the use of \$75,000 of Malibu Library Set Aside Funds for the Malibu Boys and Girls Club for calendar year 2016.

FISCAL IMPACT: There is no fiscal impact to the City associated with the recommended action. Services for the Malibu Public Library are paid for from a portion of property tax. Every year the County of Los Angeles sets aside the difference between the City's library portion of the property tax revenue and the Malibu Library expenses into a designated fund. As of June 30, 2015, the Set Aside fund totals approximately \$5 million. It is expected that approximately \$1 million will be added to this fund annually through June 30, 2019.

DISCUSSION: The Malibu Library was established in 1970 by the County of Los Angeles and is located on the County-owned Civic Center property.

In September 2008, the City and County executed a Memorandum of Understanding (MOU) that identified the use of the Set Aside Funds. The MOU established a structure in which the expenditure of the excess funds generated from the taxes that Malibu residents pay could be spent on the Malibu Library. The MOU expires in 2019, but can be extended by mutual agreement for an additional five year period through 2024.

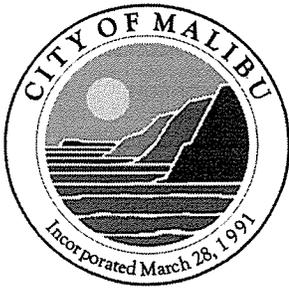
The City and the County cooperatively used the Set Aside Funds to renovate the Malibu Library. The newly renovated Malibu Library opened in April of 2012. Set aside funds have been used for the Library Speaker Series, to enhance service hours, establish a deferred maintenance fund, hire additional library staff and enhance library collections and materials.

On December 14, 2015, the Council approved the following \$1,245,000 of expenditures for 2016:

- \$100,000 to continue the increased service hours of 50 hours a week.
- \$100,000 for the deferred maintenance reserve.
- \$100,000 for a full-time Teen Librarian.
- \$100,000 for a full-time Teen Librarian at the Malibu Boys and Girls Club
- \$100,000 for the Speaker Series program.
- \$75,000 for the Family Place programs at the Malibu Library and other libraries as needed (to be determined by the County Librarian).
- \$100,000 for 100 E-Book readers and software (50 for the Malibu Library and 50 to be used throughout the County Library system).
- \$20,000 for 20 iPads and software for the children's area.
- \$25,000 for a Teen Student Exchange program.
- \$50,000 for a roving special children's collection to be used throughout the County Library system.
- \$50,000 for a discretionary fund to be used as needed by the County Librarian throughout the County Library system as needed.
- \$25,000 for drought-resistant landscaping in front of the Malibu Library.
- \$400,000 for the Civic Center Wastewater Treatment Facility Assessment District.

Since December 14, 2015, the City and the County received a funding request from the Malibu Boys and Girls Club to purchase computer equipment and other necessary items. The amount of the request is \$75,000. All of the items requested are eligible uses of library funding. If the funding request is approved, the County Library will proceed with procuring the requested items for the Malibu Boys and Girls Club.

Assuming all of the previously appropriated annual expenses and revenue continue, the estimated Set Aside Fund balance in 2019 will be approximately \$10 million. This estimate is based on an approximate amount of \$1 million being added to the Set Aside Fund each year and an estimate cost of living increase of 3%. It does not take into account change in the cost of the services being provided or a significant increase or decrease in revenue.



Council Agenda Report

To: Mayor Rosenthal and the Honorable Members of the City Council

Prepared by: Stephanie Hawner, Associate Planner *SH*

Reviewed: Bonnie Blue, Planning Director *BB*

Approved by: Jim Thorsen, City Manager *JT*

Date prepared: February 10, 2016 Meeting date: February 22, 2016

Subject: Regulation of and Prohibition of the Cultivation, Delivery, and Mobile Dispensing of Medical Marijuana

RECOMMENDED ACTION: 1) After the City Attorney reads the title, adopt Urgency Ordinance No. 402U amending Sections 17.02.060 (Definitions), 17.04.050 (Determination of Permitted Uses), Section 17.22.040 (Commercial Neighborhood) and 17.66.120 (Medical Marijuana Dispensaries), to regulate medical marijuana; adding Chapter 17.41 (Medical Marijuana Delivery and Cultivation) to Malibu Municipal Code (MMC) Title 17 (Zoning) to prohibit the cultivation, delivery, and mobile dispensing of medical marijuana in all zones throughout the City; determining Zoning Text Amendment (ZTA) No. 15-005 to be categorically exempt from the California Environmental Quality Act (CEQA); and declaring the urgency thereof; 2) Introduce on first reading Ordinance No. 402, related to regulation of and prohibition of cultivation, delivery, and mobile dispensing of medical marijuana; 3) Direct staff to schedule second reading and adoption of Ordinance No. 402 for the March 14, 2016 Regular City Council meeting; and 4) Direct staff to study options for limited medical marijuana delivery and cultivation.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

DISCUSSION: In 1996, the voters of the State of California approved Proposition 215, entitled the Compassionate Use Act, to enable persons who are in need of medical marijuana to use it without fear of prosecution under limited, specified circumstances.

In 2004, the Legislature enacted Senate Bill 420 (referred to as the Medical Marijuana Program) to clarify the scope of Proposition 215 providing qualifying patients and primary

caregivers who cultivate marijuana with a limited defense to certain specified State criminal statutes. Assembly Bills 2650 (2010) and 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of local government to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances.

On October 9, 2015, Governor Brown signed three bills into law – Assembly Bills 266 and 243, and Senate Bill 643 – collectively referred to as the MMRSA. The MMRSA creates a state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery and testing of medical marijuana. Until the MMRSA was passed, cultivation of marijuana for medicinal purposes in California was restricted to individual qualified patients or their primary care givers for non-commercial purposes and limited to personal quantities. The MMRSA became effective on January 1, 2016.

The MMRSA contains new statutory provisions regulating medical marijuana. In addition, it allows local governments to adopt new ordinances that permit or license such businesses, or prevent them entirely. These provisions are as follows:

- Allow the City to completely prohibit the delivery of marijuana by requiring it to enact an ordinance affirmatively banning such delivery activity (see Business and Professions Code § 19340(a)).
- Allow the City to enact ordinances expressing its intent to prohibit the cultivation of marijuana and its intent not to administer a conditional permit program for the cultivation of marijuana (see Health and Safety Code § 11362.777(c)(4)).
- Expressly provide that the MMRSA does not supersede or limit local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (see Business and Professions Code § 19315(a)).
- Expressly provide that the MMRSA does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to local governments’ right to make and enforce within its limits all police regulations not in conflict with general laws (see Business and Professions Code § 19316(c)).
- Set up a “dual licensing” scheme requiring dispensaries and cultivators to obtain a local license prior to requesting and obtaining a license from the State; no dispensary or cultivation activity may lawfully operate without both a State and local license.
- Preserves the ability of a qualified patient and/or primary caregiver to cultivate for personal, non-commercial purposes, sets new limits on such cultivation, and excludes such personal cultivation from State cultivation licensing requirements.

Initially, the MMRSA required that the City adopt land use regulations by March 1, 2016, to regulate or prohibit the cultivation of medical marijuana in the City, or otherwise relinquish regulatory authority to the State. However, on February 3, 2016, the Governor signed Assembly Bill 21 which removed the March 1, 2016 deadline imposed on cities and counties to either regulate or ban cultivation of marijuana for medicinal purposes. Nevertheless, until the City adopts local regulations, State regulations will apply; and in the interim, individuals that engage in the cultivation and delivery of marijuana may establish a vested right to continue to do so.

Until now, the City's land use regulations were not required to expressly prohibit commercial cultivation of medicinal marijuana because it was not legal pursuant to State or Federal law¹ and because such commercial cultivation is not recognized as a specifically allowed use in the City's land use districts.² In order to ensure full local control over regulation of commercial cultivation and delivery services of medical marijuana, the MMRSA requires the City to expressly regulate such uses.

Commercial medical marijuana activities, as well as cultivation for personal medical use, as allowed by the Compassionate Use Act and the Medical Marijuana Program, can adversely affect the health, safety, and peace of City residents. Several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities. For instance, within the Counties of Los Angeles and Orange, mobile dispensaries have been the targets of armed robbers seeking cash and drugs. As a result, many drivers reportedly carry weapons or have armed guards as protection, although sometimes to no avail.³ In the City of Oakland, the cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. Unlike indoor cultivation, exterior cultivation activities require large amounts of space and, if operated by a number of primary caregivers, collectives and cooperatives, may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of the valuable plants and creates an increased risk of nuisance activity, including crime.

¹ Prior to the MMRSA, the cultivation, processing and distribution of medical marijuana in the City was prohibited to the extent such activities are prohibited by the Federal Controlled Substances Act, or other law.

² MMC Section 17.04.050 expressly provides that uses which are not specifically permitted are prohibited. Because the MMC does not currently expressly and separately prohibit the cultivation of marijuana or the delivery of marijuana within the City, MMC Chapter 17.04 has historically been applied to prohibit or preclude these types of activities.

³ For instance, in June of 2011, a marijuana delivery from a Los Angeles mobile dispensary turned deadly in Orange County when four individuals reportedly ambushed the mobile dispensary driver and his armed security guard and tried to rob them. One of the suspects approached the delivery vehicle and confronted the driver and a struggle ensued. A second suspect, armed with a handgun, approached the security guard, who fired at the suspect hitting him multiple times.

Even though the Compassionate Use Act and Medical Marijuana Program provide limited immunity from specified State marijuana laws, this immunity does not grant any land use rights or create the right to maintain a public nuisance.

The ordinance was reviewed by the Planning Commission on January 27, 2016. The Planning Commission recommended that the City Council adopt the ordinance only if the March 1, 2016 deadline remains in effect, and if it is not in effect, then direct staff to study options for limited medical marijuana delivery and cultivation, and prepare an ordinance. The Planning Commission expressed concern that a total ban was too prohibitive and that a better alternative might be to permit and regulate delivery (to aid debilitated residents) and commercial and personal cultivation of medicinal marijuana. The urgency ordinance has been prepared for the Council's consideration and it is included as Attachment 2.⁴ The zoning text amendment would take effect following the urgency ordinance.

Additionally, in December 2015, the City Council approved Conditional Use Permit (CUP) No. 13-013 for the operation of a medical marijuana dispensary. The City Council imposed additional conditions related to annual reporting for the dispensary operation, operators and staff. Staff has incorporated those conditions into the proposed amendments to capture them as requirements for new and existing dispensaries.

SUGGESTED AMENDMENTS:

Amendments are proposed to MMC Sections 17.02.060, 17.04.050, 17.22.040 and 17.66.120 to regulate medical marijuana, and the addition of MMC Chapter 17.41 is proposed to prohibit the cultivation, delivery and mobile dispensing of marijuana throughout the City. Alternatively, as opposed to an outright ban, the City may consider regulating medical marijuana deliveries and cultivation. For instance, the City may elect to permit cultivation entirely; prohibit only commercial cultivation; or prohibit only personal cultivation.⁵ Additionally, the City may wish to allow and regulate the delivery of medical marijuana. For instance, such a regulation may permit deliveries to be conducted only within City limits and among City patients and dispensaries.

The following proposed ordinance for an outright ban is but one option the City may consider with regard to the regulation of medical marijuana. If adopted, the attached ordinance will be modified as reflected in the underline/strikethrough version of the amendments shown in the tables below.

⁴ Pursuant to Government Code Section 36937, an urgency ordinance for the immediate preservation of the public peace, health or safety takes effect immediately, subject to a four-fifths (4/5ths) vote of approval by the City Council.

⁵ Pursuant to *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, a city can ban all marijuana cultivation – even cultivation of small amounts by qualified patients. The new marijuana legislation does not change the law in this regard.

I. Amend MMC Section 17.02.060 - Definitions

MMC Section 17.02.060 provides the definitions of terms and provisions found in Title 17 (Zoning). The proposed amendment to the definition for the term “medical marijuana dispensary” reflects the newly updated definition of this term provided by the MMRSA.

Table 1 – MMC Section 17.02.060 Definitions	
Existing Language	Proposed Language
<p>“Medical marijuana dispensary” means any association, cooperative, club, coop, delivery service, collective, and any other similar use involved in the sale, possession, cultivation, use, and/or distribution of marijuana for medicinal purposes in accordance with Health and Safety Code Section 11362.5, as amended.</p>	<p>“Medical marijuana dispensary” means any association, cooperative, club, co-op, delivery service, collective, and any other similar use <u>that distributes, dispenses, stores, sells, exchanges, processes, delivers, cultivates, makes available, transmits and/or gives away marijuana in the City</u> involved in the sale, possession, cultivation, use, and/or distribution of marijuana for medicinal purposes in accordance with Health and Safety Code Sections <u>11362.5 and 11362.7, et seq.</u>, as amended.</p>

II. Amend MMC Section 17.04.050 – Determination of permitted uses

The amendment adds Subsection B to MMC Section 17.04.050, which states that uses not specifically included in the zoning code as a permitted use are prohibited. The proposed amendment will renumber the existing provision as Subsection A and add Subsection B to specifically prohibit the delivery, cultivation, and mobile dispensing of marijuana in all zones within the City.

Table 2 – Determination of permitted uses	
Existing Language	Proposed Language
<p>When a use is not specifically listed or is determined by the director not to be included in a general category of use in the chapter defining uses permitted, it shall be assumed that such uses are prohibited unless it is determined by an action of the planning commission, following receipt of a recommendation from the director, and a public hearing, that the use is similar to and not more objectionable than the uses listed. A determination of similar use shall be processed in the same manner as provided in Chapter 17.74 of this title.</p>	<p><u>A.</u> When a use is not specifically listed or is determined by the director not to be included in a general category of use in the chapter defining uses permitted, it shall be assumed that such uses are prohibited unless it is determined by an action of the planning commission, following receipt of a recommendation from the director, and a public hearing, that the use is similar to and not more objectionable than the uses listed. A determination of similar use shall be processed in the same manner as provided in Chapter 17.74 of this title.</p> <p><u>B.</u> <u>The cultivation, delivery and mobile dispensing of marijuana are highly objectionable uses; as such the cultivation, delivery, and mobile dispensing of marijuana are expressly prohibited within all zones of the city (per Chapter 17.77). Accordingly, the city shall not issue any permit, license or other entitlement for the cultivation, delivery and mobile dispensing of marijuana.</u></p>

III. Amend MMC Section 17.22.040(P) – Commercial Neighborhood

MMC Section 17.22.060(P) sets forth the uses conditionally permitted in the Commercial Neighborhood zoning district, including medical marijuana dispensaries. This subsection is updated to reference that commercial cultivation and delivery are excluded from allowed uses.

P. Medical marijuana dispensaries, subject to the standards set forth in Section 17.66.120, excluding commercial cultivation and delivery of medical marijuana.

IV. Amend MMC Section 17.66.120(B) – Medical Marijuana Dispensary

MMC Section 17.66.120 (Medical Marijuana Dispensaries) provides standards related to the location, operation and application requirements for dispensaries. Subsection B (Development and Performance Standards) provides operational requirements.

B. Development and Performance Standards. To assure that the operations of medical marijuana dispensaries are in compliance with California law and to mitigate the adverse secondary effects from operations of dispensaries, medical marijuana dispensaries shall operate in compliance with the following standards:

The proposed amendments are as follows:

- Modify MMC Section 17.66.120(B)(15) to remove the reference to Proposition 215 and update with the reference to an additional Health and Safety Code Section 11362.7, which defines the terms related to the issuance of identification cards to qualified patient; and
- Add MMC Section 17.66.120(B)(18) to provide that operators, employees, workers and volunteers may not have a felony conviction or convictions of a crime of moral turpitude.

Table 3 – Development and Performance Standards	
Existing Language	Proposed Language
<p>15. The proposed use shall comply with all other applicable property development and design standards of the Malibu Municipal Code and with the provisions of Health and Safety Code Section 11362.5 (adopted as Proposition 215, the “Compassionate Use Act of 1996”) or any state regulations adopted in furtherance thereof.</p> <p>18. None</p>	<p>15. The proposed use shall comply with all other applicable property development and design standards of the Malibu Municipal Code and with the provisions of Health and Safety Code Sections <u>11362.5 and 11362.7</u> (adopted as Proposition 215, the “Compassionate Use Act of 1996”) or any state regulations adopted in furtherance thereof.</p> <p>18. <u>No person may operate, be employed by, work for, or volunteer for a medical marijuana dispensary who has been convicted of any felony under state or federal law, convicted of a crime in any other jurisdiction the commission of which would be a felony under California law, nor convicted of any crime of moral turpitude. The operator(s) of any medical marijuana dispensary is responsible for ensuring that the employees and volunteers having any charge over the functioning of the dispensary are acting in compliance with the provisions of this chapter.</u></p>

V. Amend MMC Section 17.66.120(C) – Medical Marijuana Dispensary

MMC Section 17.66.120(C) provides the submittal requirements for medical marijuana dispensary conditional use permits. This proposed amendment will add annual reporting requirements consistent with the conditions that were incorporated by the City Council when it recently approved CUP No. 13-013 for a medical marijuana dispensary and clarify the Live Scan requirement.

C. Supplemental Submittal Requirements:

1. The items below must be included with an application for a conditional use permit for a medical marijuana dispensary.

1a. California Department of Justice (DOJ) Live Scan: Criminal background check for the operator. Verification of all Live Scan applications received by a medical marijuana dispensary shall be processed and received by the city in accordance with California Department of Justice guidelines.

2b. Photocopies of government issued identification for each applicant and operator. These may include a state driver's license, state ID, or passport. These will be used to confirm identity and that the age of the applicant and operator is eighteen (18) years of age or older. Minors, persons under the age of eighteen (18) years of age, are not permitted to operate a dispensary.

3c. A state of California seller's permit.

4d. Demonstration of operator status as a "collective" or "cooperative": articles of incorporation and collective or cooperative agreements.

5e. Site plan accurately showing property lines, parking areas and existing and proposed structures and uses on the subject.

6f. Architectural Plan—Tenant Space Floor Plan and Building Elevations. A dispensary shall have a lobby waiting area at the entrance to the dispensary, a separate and secure designated area for medical marijuana dispensing, and a separate and secure designated area for the storage of medical marijuana. All entrances and exits to the dispensary tenant space and the building must be identified.

7g. One Thousand (1,000) Foot Radius Map and Address List. This list must include verified mailing information for property owners, and all occupants within those properties, for those properties within a one thousand (1,000) foot radius, using a straight line radius, of the dispensary tenant space. The map must show all property boundaries within one

thousand (1,000) feet of dispensary tenant space. Provide a digital, mail-merged version of the mailing information.

2. For any existing, or new dispensary, the items listed below shall be submitted annually to the City to determine compliance.

a. California Department of Justice (DOJ) Live Scan: Criminal background check for the operator, and for any volunteer or person currently working for the medical marijuana dispensary. Verification of all Live Scan applications received by a medical marijuana dispensary shall be processed and received by the city in accordance with California Department of Justice guidelines. For the purposes of this subsection, "person working for the medical marijuana dispensary" shall mean:

i. Any person with an ownership interest in the business of more than 10 percent, or if incorporated, a directing role, including, but not limited to a sole proprietor, general or limited partner, a member of the board of directors, or a corporate officer;

ii. Any person acting as the representative and agent of the owner in managing the day-to-day operations with corresponding responsibilities; or

iii. Any person hired by the owner or manager who renders any service for the owner in exchange for any form of compensation from the medical marijuana dispensary.

b. Photocopies of government issued identification for each applicant and operator. These may include a state driver's license, state ID, or passport. These will be used to confirm identity and that the age of the applicant and operator is eighteen (18) years of age or older. Minors, persons under the age of eighteen (18) years of age, are not permitted to operate a dispensary.

c. A current state of California seller's permit.

d. Demonstration of operator status as a "collective" or "cooperative" by proof of current articles of incorporation, and collective or cooperative agreements.

VI. Add Chapter 17.41 (Medical Marijuana Delivery and Cultivation) to MMC Title 17 (Zoning)

MMC Chapter 17.41 is proposed to regulate the delivery, cultivation and dispensation of marijuana within the City. In general, Chapter 17.41 will:

- Prohibit mobile marijuana dispensaries⁶ from operating within the City;
- Expressly prohibit deliveries of marijuana both within the City, as well as deliveries to and from the City;
- Expressly state that commercial cannabis activities, including cultivation and delivery, are prohibited and cannot be found to be a use similar to and not more objectionable than other permitted uses in the City pursuant to MMC Section 17.04.050; and
- Regard any violation of the ordinance to be a nuisance subject to summary abatement, and/or administrative citation, among other enforcement remedies.

In addition to adopting the ordinances before the Council, staff recommends that the Council direct staff to study options for limited medical marijuana delivery and cultivation that may serve the needs of City residents. For instance, the City may elect to permit cultivation entirely; prohibit only commercial cultivation; or prohibit only personal cultivation. Additionally, the City may wish to allow and regulate the delivery of medical marijuana. For instance, such a regulation may permit deliveries to be conducted only within City limits and among City patients and dispensaries.

PUBLIC CORRESPONDENCE: No written public correspondence has been received since the publishing of the Notice of City Council public hearing. Correspondence received for the Planning Commission hearing is available at www.malibucity.org/onbase.

ATTACHMENTS:

1. Ordinance No. 402U
2. Ordinance No. 402
3. Notice of Public Hearing

⁶ The MMRSA identifies a new business model for the distribution of marijuana: "mobile dispensaries." Mobile dispensaries involve the commercial transportation of medical marijuana to qualified patients or caregivers by a dispensary or via any technology platform, which may be independently licensed or owned by the dispensary. According to the provisions of the MMRSA, mobile dispensaries must be expressly identified and banned in order to be prohibited.

ORDINANCE NO. 402U

AN ORDINANCE OF THE CITY OF MALIBU AMENDING SECTIONS 17.02.060 (DEFINITIONS), 17.04.050 (DETERMINATION OF PERMITTED USES), 17.22.040 (COMMERCIAL NEIGHBORHOOD) AND 17.66.120 (MEDICAL MARIJUANA DISPENSARIES), TO REGULATE MEDICAL MARIJUANA; ADDING CHAPTER 17.41 (MEDICAL MARIJUANA DELIVERY AND CULTIVATION) TO PROHIBIT THE CULTIVATION, DELIVERY, AND MOBILE DISPENSING OF MEDICAL MARIJUANA IN ALL ZONES THROUGHOUT THE CITY; DETERMINING ZONING TEXT AMENDMENT NO. 15-005 TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND DECLARING THE URGENCY THEREOF

The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1. Recitals.

A. On October 9, 2015, Governor Brown signed three bills into law – Assembly Bills 266 and 243, and Senate Bill 643 – collectively referred to as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA became effective on January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical marijuana to qualified patients.

B. The MMRSA stated that if a city or county has not adopted land use regulations by March 1, 2016, to either regulate or ban cultivation of marijuana for medicinal purposes, the State will be the sole authority that issues cultivation licenses in that jurisdiction, meaning no local license will be required.

C. Commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the Compassionate Use Act and the Medical Marijuana Program, can adversely affect the health, peace, and safety of City residents. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

D. The Malibu Municipal Code (MMC) does not currently expressly and separately prohibit the cultivation of marijuana or the delivery of marijuana within the City. In order to ensure full local control over regulation of commercial cultivation of marijuana for medicinal purposes in the City is preserved, the MMRSA required that the City have in effect an express commercial cultivation ordinance by March 1, 2016 to ensure the State is not the sole regulator of cultivation activities. Additionally, the MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so.

E. The Zoning Ordinance text amendments are consistent with the goals, policies, and objectives of the General Plan because the Project is in the public interest and there are community benefits resulting from the regulation of medical marijuana, such as preventing crime associated with marijuana activities.

F. The Zoning Ordinance text amendments promote the health, safety, and welfare of Malibu residents and serve the goals and purposes of MMC Title 17 by ensuring compliance with the MMRSA. The application has been reviewed in accordance with the California Environmental Quality Act (CEQA), and it has been determined that the proposed project would not have a significant effect on the environment.

G. On December 22, 2015, the City began processing Zoning Text Amendment (ZTA) No. 15-005 to expressly prohibit the cultivation, delivery and mobile dispensing of medical marijuana in all zones throughout the City by amending MMC Sections 17.02.060, 17.04.050, and 17.66.120; and adding MMC Chapter 17.41.

H. On January 14, 2016, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

I. On January 27, 2016, the Planning Commission held a duly noticed public hearing on ZTA No. 15-005, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record, and recommended that the City Council adopt the ordinance only if the March 1, 2016 deadline remains in effect; should the March 1, 2016 deadline be eliminated, staff would be directed to prepare an ordinance after consideration of options for limited medical marijuana delivery and cultivation, and prepare an ordinance.

J. On February 3, 2016, the Governor approved Assembly Bill 21 which removed the March 1, 2016 deadline imposed on cities and counties to either regulate or ban cultivation of marijuana for medicinal purposes, or relinquish any cultivation-licensing authority solely to the State.

K. On February 11, 2016, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

SECTION 2. Amendments.

1. MMC Section 17.02.060 (Definitions) “medical marijuana dispensary” definition is hereby amended to read as follows:

“Medical marijuana dispensary” means any association, cooperative, club, co-op, delivery service, collective, and any other similar use that distributes, dispenses, stores, sells, exchanges, processes, delivers, cultivates, makes available, transmits and/or gives away marijuana in the City for medicinal purposes in accordance with Health and Safety Code Sections 11362.5 and 11362.7, et seq., as amended.

2. MMC Section 17.04.050 (Determination of permitted uses) is hereby amended to read as follows:

A. When a use is not specifically listed or is determined by the director not to be included in a general category of use in the chapter defining uses permitted, it shall be

assumed that such uses are prohibited unless it is determined by an action of the planning commission, following receipt of a recommendation from the director, and a public hearing, that the use is similar to and not more objectionable than the uses listed. A determination of similar use shall be process in the same manner as provided in Chapter 17.74 of this title.

B. The cultivation, delivery and mobile dispensing of marijuana are highly objectionable uses; as such the cultivation, delivery, and mobile dispensing of marijuana are expressly prohibited within all zones of the city (per Chapter 17.41). Accordingly, the city shall not issue any permit, license or other entitlement for the cultivation, delivery and mobile dispensing of marijuana.

3. MMC Section 17.22.040(P) is hereby amended to read as follows:

P. Medical marijuana dispensaries, subject to the standards set forth in Section 17.66.120, excluding commercial cultivation and delivery of marijuana.

4. MMC Section 17.66.120(B)(15) is hereby amended to read as follows:

15. The proposed use shall comply with all other applicable property development and design standards of the Malibu Municipal Code and with the provisions of Health and Safety Code Sections 11362.5 and 11362.7 or any state regulations adopted in furtherance thereof.

5. MMC Section 17.66.120(B)(18) is hereby added to read as follows:

18. No person may operate, be employed by, work for, or volunteer for a medical marijuana dispensary who has been convicted of any felony under state or federal law, convicted of a crime in any other jurisdiction the commission of which would be a felony under California law, nor convicted of any crime of moral turpitude. The operator(s) of any medical marijuana dispensary is responsible for ensuring that the employees and volunteers having any charge over the functioning of the dispensary are acting in compliance with the provisions of this chapter.

6. MMC Section 17.66.120(C) is hereby amended to read as follows:

C. Supplemental Submittal Requirements:

1. The items below must be included with an application for a conditional use permit for a medical marijuana dispensary.

a. California Department of Justice (DOJ) Live Scan: Criminal background check for the operator. Verification of all Live Scan applications received by a medical marijuana dispensary shall be processed and received by the city in accordance with California Department of Justice guidelines.

b. Photocopies of government issued identification for each applicant and operator. These may include a state driver's license, state ID, or passport. These will be used to confirm identity and that the age of the applicant and operator is eighteen (18) years of age or older. Minors, persons under the age of eighteen (18) years of age, are not permitted to operate a dispensary.

c. A state of California seller's permit.

d. Demonstration of operator status as a "collective" or "cooperative" by proof of current articles of incorporation and collective or cooperative agreements.

e. Site plan accurately showing property lines, parking areas and existing and proposed structures and uses on the subject.

f. Architectural Plan—Tenant Space Floor Plan and Building Elevations. A dispensary shall have a lobby waiting area at the entrance to the dispensary, a separate and secure designated area for medical marijuana dispensing, and a separate and secure designated area for the storage of medical marijuana. All entrances and exits to the dispensary tenant space and the building must be identified.

g. One Thousand (1,000) Foot Radius Map and Address List. This list must include verified mailing information for property owners, and all occupants within those properties, for those properties within a one thousand (1,000) foot radius, using a straight line radius, of the dispensary tenant space. The map must show all property boundaries within one thousand (1,000) feet of dispensary tenant space. Provide a digital, mail-merged version of the mailing information.

2. For any existing, or new dispensary, the items listed below shall be submitted annually to the City to determine compliance.

a. California Department of Justice (DOJ) Live Scan: Criminal background check for the operator, and for any volunteer or person currently working for the medical marijuana dispensary. Verification of all Live Scan applications received by a medical marijuana dispensary shall be processed and received by the city in accordance with California Department of Justice guidelines. For the purposes of this subsection, "person working for the medical marijuana dispensary" shall mean:

i. Any person with an ownership interest in the business of more than 10 percent, or if incorporated, a directing role, including, but not limited to a sole proprietor, general or limited partner, a member of the board of directors, or a corporate officer;

ii. Any person acting as the representative and agent of the owner in managing the day-to-day operations with corresponding responsibilities; or

iii. Any person hired by the owner or manager who renders any service for the owner in exchange for any form of compensation from the medical marijuana dispensary.

b. Photocopies of government issued identification for each applicant and operator. These may include a state driver's license, state ID, or passport. These will be used to confirm identity and that the age of the applicant and operator is eighteen (18) years of age or older. Minors, persons under the age of eighteen (18) years of age, are not permitted to operate a dispensary.

c. A current state of California seller's permit.

d. Demonstration of operator status as a "collective" or "cooperative": by proof of current articles of incorporation, and collective or cooperative agreements.

6. Chapter 17.41 is hereby added to read as follows:

17.41 MEDICAL MARIJUANA DELIVERY AND CULTIVATION

17.41.010 Definitions.

17.41.020 Prohibition.

17.41.030 Violations.

17.41.040 Public Nuisance.

17.41.010 Definitions.

As used in this Chapter:

"Cannabis, or Marijuana" shall have the same definition as Health and Safety Code section 11018.

"Commercial Cannabis Activity" means cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of Medical Cannabis or a Medical Cannabis product, except as set forth in Business and Professions Code section 19319, related to Qualifying Patients and Primary Caregivers.

"Cultivation" means any activity involving planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

"Delivery" shall include the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the State under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of Medical Cannabis or Medical Cannabis products.

"Dispensary" means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

“Medical cannabis” means a product containing cannabis, including but not limited to, concentrates and extractions, intended to be sold by medical cannabis patients in California pursuant to Health and Safety Code sections 11362.5 and 11362.7.

“Medical Marijuana Regulation and Safety Act” shall refer to Chapter 3.5 of the California Business and Professions Code, commencing with section 19300, et seq.

“Mobile Marijuana Dispensaries” means any dispensary, clinic, cooperative, association, club, business or group which transports or delivers, or arranges the transportation or delivery, of medical cannabis to a person.

“Person” means any individual, firm, corporation, association, club, society, or other organization. The term person shall include any owner, manager, proprietor, employee, volunteer or salesperson.

“Primary Caregiver” shall have the same definitions as Health and Safety Code section 11362.7, as may be amended.

“Qualified Patient” shall have the same definition as Health and Safety Code section 3362.7, as may be amended, and which means a person who is entitled to the protections of Health and Safety Code section 11362.5. For the purposes of this Chapter, qualified patient shall include a person with an identification card, as that term is defined by Health and Safety Code section 11362.7, et seq.

17.41.020 Prohibition.

A. Mobile Marijuana Dispensaries are prohibited within the city. No person shall:

1. Locate, operate, own, suffer, allow to be operated or abide, abet, or assist in the operation of any mobile marijuana dispensary within the city;

2. Deliver marijuana to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engaged in any operation for this purpose; or

3. Deliver any medical cannabis product, including but not limited to, tinctures, baked goods, or other consumable products, to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engaged in any operation for this purpose.

B. This section expressly prohibits all activities for which a State license is required in order to engage in commercial cannabis activity constituting cultivation. Accordingly, the city shall not issue any permit, license or other entitlement for any activity for which a State license is required under the California Medical Marijuana Regulation and Safety Act, to engage in commercial cannabis activity constituting cultivation.

C. Marijuana cultivation by any person or entity, including clinics, collectives, cooperatives, and dispensaries, is prohibited in all zones within the city’s jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the city, even for medicinal purposes, except where the city is preempted by federal or state law from enacting a prohibition on such activity.

17.41.030 Violations.

In addition to any other remedy available under law, violations of this Chapter are subject to the administrative citations and penalties provisions in Chapter 1.10 of this code.

17.41.040 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure section 731 or any other remedy available to the city.

SECTION 3. Zoning Text Amendment Findings.

Pursuant to MMC Section 17.74.040, and based on evidence in the whole record, the City Council hereby finds ZTA No. 15-005 has been processed in accordance with state law and the MMC and that the amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement and preserve Malibu's natural and cultural resources.

SECTION 4. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 5. Urgency Findings.

On October 9, 2015, the Governor of California signed into law the Medical Marijuana Regulation and Safety Act (MMRSA) which became effective on January 1, 2016. Pursuant to the MMRSA, the City must have land use regulations to regulate or prohibit the delivery and cultivation of medical marijuana otherwise this use will be authorized and regulated by the State. Existing City law allows two medical marijuana dispensaries and is silent as to delivery, cultivation and mobile dispensaries. Commercial medical marijuana activities, as well as cultivation for personal medical use, as contemplated under the Compassionate Use Act and the Medical Marijuana Program, can adversely affect the health, peace and safety of City residents and have the potential to adversely and significantly impact the City. The exact number of delivery services operating in California is unclear, since the state does not keep a registry of mobile medical marijuana distributors. Mobile dispensaries have been the targets of armed robbers seeking cash and drugs. As a result, many drivers reportedly carry weapons or have armed guards as protection. The cultivation and processing of medical cannabis has resulted in damages to buildings containing indoor medical cannabis cultivation facilities; such damages include improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, as well as an increase in the frequency of home-invasion robberies and similar crimes. Unlike indoor cultivation, exterior cultivation activities require large

amounts of space and, if operated by a number of primary caregivers, collectives and cooperatives, may result in a large quantity of plants being cultivated on a single parcel of land. As these "crops" begin to flower, they produce a strong odor that is detectable far beyond the property boundaries. Not only is the odor of flowering marijuana plants offensive, it also alerts persons to the location of the valuable plants and creates an increased risk of nuisance activity, including crime. There exists a current and immediate threat to public health, peace and safety in the absence of the City adopting an ordinance expressly prohibiting delivery and cultivation of medical marijuana. The failure to prohibit mobile marijuana dispensaries and cultivation will expose the City to costs related to regulation, enforcement, and the negative secondary effects of mobile dispensaries and cultivation including an increase in violent crime. It is the purpose and intent of this Ordinance prohibiting all delivery and cultivation to protect the health, peace and safety of the residents and businesses within the City. Absent immediate effectiveness, cultivation and delivery will be authorized and regulated by the state. This ordinance must be adopted immediately to clarify that none of these uses are permitted in the City and prevent the negative and dangerous secondary effects associated with these uses. This is an urgency ordinance adopted pursuant to Government Code Section 36937 and shall take effect immediately upon adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2016.

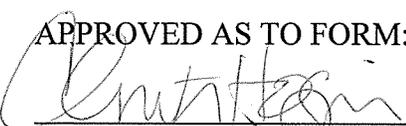
LAURA ROSENTHAL, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

ORDINANCE NO. 402

AN ORDINANCE OF THE CITY OF MALIBU AMENDING SECTIONS 17.02.060 (DEFINITIONS), 17.04.050 (DETERMINATION OF PERMITTED USES), 17.22.040 (COMMERCIAL NEIGHBORHOOD) AND 17.66.120 (MEDICAL MARIJUANA DISPENSARIES), TO REGULATE MEDICAL MARIJUANA; AND ADDING CHAPTER 17.41 (MEDICAL MARIJUANA DELIVERY AND CULTIVATION) TO PROHIBIT THE CULTIVATION, DELIVERY, AND MOBILE DISPENSING OF MEDICAL MARIJUANA IN ALL ZONES THROUGHOUT THE CITY; AND DETERMINING ZONING TEXT AMENDMENT NO. 15-005 TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does hereby ordain as follows:

SECTION 1. Recitals.

A. On October 9, 2015, Governor Brown signed three bills into law – Assembly Bills 266 and 243, and Senate Bill 643 – collectively referred to as the Medical Marijuana Regulation and Safety Act (MMRSA). The MMRSA became effective on January 1, 2016 and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical marijuana to qualified patients.

B. The MMRSA stated that if a city or county has not adopted land use regulations by March 1, 2016, to either regulate or ban cultivation of marijuana for medicinal purposes, the State will be the sole authority that issues cultivation licenses in that jurisdiction, meaning no local license will be required.

C. Commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the Compassionate Use Act and the Medical Marijuana Program, can adversely affect the health, peace, and safety of City residents. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

D. The Malibu Municipal Code (MMC) does not currently expressly and separately prohibit the cultivation of marijuana or the delivery of marijuana within the City. In order to ensure full local control over regulation of commercial cultivation of marijuana for medicinal purposes in the City is preserved, the MMRSA required that the City have in effect an express commercial cultivation ordinance by March 1, 2016 to ensure the State is not the sole regulator of cultivation activities. Additionally, the MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so.

E. The Zoning Ordinance text amendments are consistent with the goals, policies, and objectives of the General Plan because the Project is in the public interest and there are community benefits resulting from the regulation of medical marijuana, such as preventing crime associated with marijuana activities.

F. The Zoning Ordinance text amendments promote the health, safety, and welfare of Malibu residents and serve the goals and purposes of MMC Title 17 by ensuring compliance with the MMRSA. The application has been reviewed in accordance with the California Environmental Quality Act (CEQA), and it has been determined that the proposed amendments would not have a significant effect on the environment.

G. On December 22, 2015, the City began processing Zoning Text Amendment (ZTA) No. 15-005 to expressly prohibit the cultivation, delivery and mobile dispensing of medical marijuana in all zones throughout the City by amending MMC Sections 17.02.060, 17.04.050, 17.22.040 and 17.66.120; and adding MMC Chapter 17.41.

H. On January 14, 2016, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

I. On January 27, 2016, the Planning Commission held a duly noticed public hearing on ZTA No. 15-005, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record, and recommended that the City Council adopt the ordinance only if the March 1, 2016 deadline remains in effect; should the March 1, 2016 deadline be eliminated, staff would be directed to prepare an ordinance after consideration of options for limited medical marijuana delivery and cultivation.

J. On February 3, 2016, the Governor approved Assembly Bill 21 which removed the March 1, 2016 deadline imposed on cities and counties to either regulate or ban cultivation of marijuana for medicinal purposes, or relinquish any cultivation-licensing authority solely to the State.

K. On February 11, 2016, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

SECTION 2. Amendments.

1. MMC Section 17.02.060 (Definitions) “medical marijuana dispensary” definition is hereby amended to read as follows:

“Medical marijuana dispensary” means any association, cooperative, club, co-op, delivery service, collective, and any other similar use that distributes, dispenses, stores, sells, exchanges, processes, delivers, cultivates, makes available, transmits and/or gives away marijuana in the City for medicinal purposes in accordance with Health and Safety Code Sections 11362.5 and 11362.7, et seq., as amended.

2. MMC Section 17.04.050 (Determination of permitted uses) is hereby amended to read as follows:

A. When a use is not specifically listed or is determined by the director not to be included in a general category of use in the chapter defining uses permitted, it shall be

assumed that such uses are prohibited unless it is determined by an action of the planning commission, following receipt of a recommendation from the director, and a public hearing, that the use is similar to and not more objectionable than the uses listed. A determination of similar use shall be process in the same manner as provided in Chapter 17.74 of this title.

B. The cultivation, delivery and mobile dispensing of marijuana are highly objectionable uses; as such the cultivation, delivery, and mobile dispensing of marijuana are expressly prohibited within all zones of the city (per Chapter 17.41). Accordingly, the city shall not issue any permit, license or other entitlement for the cultivation, delivery and mobile dispensing of marijuana.

3. MMC Section 17.22.040(P) is hereby amended to read as follows:

P. Medical marijuana dispensaries, subject to the standards set forth in Section 17.66.120, excluding commercial cultivation and delivery of marijuana.

4. MMC Section 17.66.120(B)(15) is hereby amended to read as follows:

15. The proposed use shall comply with all other applicable property development and design standards of the Malibu Municipal Code and with the provisions of Health and Safety Code Sections 11362.5 and 11362.7 or any state regulations adopted in furtherance thereof.

5. MMC Section 17.66.120(B)(18) is hereby added to read as follows:

18. No person may operate, be employed by, work for, or volunteer for a medical marijuana dispensary who has been convicted of any felony under state or federal law, convicted of a crime in any other jurisdiction the commission of which would be a felony under California law, nor convicted of any crime of moral turpitude. The operator(s) of any medical marijuana dispensary is responsible for ensuring that the employees and volunteers having any charge over the functioning of the dispensary are acting in compliance with the provisions of this chapter.

6. MMC Section 17.66.120(C) is hereby amended to read as follows:

C. Supplemental Submittal Requirements:

1. The items below must be included with an application for a conditional use permit for a medical marijuana dispensary.

a. California Department of Justice (DOJ) Live Scan: Criminal background check for the operator. Verification of all Live Scan applications received by a medical marijuana dispensary shall be processed and received by the city in accordance with California Department of Justice guidelines.

b. Photocopies of government issued identification for each applicant and operator. These may include a state driver's license, state ID, or passport. These will be used to confirm identity and that the age of the applicant and operator is eighteen (18) years of age or older. Minors, persons under the age of eighteen (18) years of age, are not permitted to operate a dispensary.

c. A state of California seller's permit.

d. Demonstration of operator status as a "collective" or "cooperative" by proof of current articles of incorporation and collective or cooperative agreements.

e. Site plan accurately showing property lines, parking areas and existing and proposed structures and uses on the subject.

f. Architectural Plan—Tenant Space Floor Plan and Building Elevations. A dispensary shall have a lobby waiting area at the entrance to the dispensary, a separate and secure designated area for medical marijuana dispensing, and a separate and secure designated area for the storage of medical marijuana. All entrances and exits to the dispensary tenant space and the building must be identified.

g. One Thousand (1,000) Foot Radius Map and Address List. This list must include verified mailing information for property owners, and all occupants within those properties, for those properties within a one thousand (1,000) foot radius, using a straight line radius, of the dispensary tenant space. The map must show all property boundaries within one thousand (1,000) feet of dispensary tenant space. Provide a digital, mail-merged version of the mailing information.

2. For any existing or new dispensary, the items listed below shall be submitted annually to the City to determine compliance.

a. California Department of Justice (DOJ) Live Scan: Criminal background check for the operator, and for any volunteer or person currently working for the medical marijuana dispensary. Verification of all Live Scan applications received by a medical marijuana dispensary shall be processed and received by the city in accordance with California Department of Justice guidelines. For the purposes of this subsection, "person working for the medical marijuana dispensary" shall mean:

i. Any person with an ownership interest in the business of more than 10 percent, or if incorporated, a directing role, including, but not limited to a sole proprietor, general or limited partner, a member of the board of directors, or a corporate officer;

ii. Any person acting as the representative and agent of the owner in managing the day-to-day operations with corresponding responsibilities; or

iii. Any person hired by the owner or manager who renders any service for the owner in exchange for any form of compensation from the medical marijuana dispensary.

b. Photocopies of government issued identification for each applicant and operator. These may include a state driver's license, state ID, or passport. These will be used to confirm identity and that the age of the applicant and operator is eighteen (18) years of age or older. Minors, persons under the age of eighteen (18) years of age, are not permitted to operate a dispensary.

c. A current state of California seller's permit.

d. Demonstration of operator status as a "collective" or "cooperative": by proof of current articles of incorporation, and collective or cooperative agreements.

7. Chapter 17.41 is hereby added to Title 17 (Zoning) to read as follows:

17.41 MEDICAL MARIJUANA DISPENSARY, DELIVERY AND CULTIVATION

17.41.010 Definitions.

17.41.020 Prohibition.

17.41.030 Violations.

17.41.040 Public Nuisance.

17.41.010 Definitions.

As used in this Chapter:

"Cannabis, or Marijuana" shall have the same definition as Health and Safety Code section 11018.

"Commercial Cannabis Activity" means cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of Medical Cannabis or a Medical Cannabis product, except as set forth in Business and Professions Code section 19319, related to Qualifying Patients and Primary Caregivers.

"Cultivation" means any activity involving planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

"Delivery" shall include the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the State under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of Medical Cannabis or Medical Cannabis products.

"Dispensary" means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either

individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

“Medical cannabis” means a product containing cannabis, including but not limited to, concentrates and extractions, intended to be sold by medical cannabis patients in California pursuant to Health and Safety Code sections 11362.5 and 11362.7.

“Medical Marijuana Regulation and Safety Act” shall refer to Chapter 3.5 of the California Business and Professions Code, commencing with section 19300, et seq.

“Mobile Marijuana Dispensaries” means any dispensary, clinic, cooperative, association, club, business or group which transports or delivers, or arranges the transportation or delivery, of medical cannabis to a person.

“Person” means any individual, firm, corporation, association, club, society, or other organization. The term person shall include any owner, manager, proprietor, employee, volunteer or salesperson.

“Primary Caregiver” shall have the same definitions as Health and Safety Code section 11362.7, as may be amended.

“Qualified Patient” shall have the same definition as Health and Safety Code section 3362.7, as may be amended, and which means a person who is entitled to the protections of Health and Safety Code section 11362.5. For the purposes of this Chapter, qualified patient shall include a person with an identification card, as that term is defined by Health and Safety Code section 11362.7, et seq.

17.41.020 Prohibition.

- A. Mobile Marijuana Dispensaries are prohibited within the city. No person shall:
1. Locate, operate, own, suffer, allow to be operated or abide, abet, or assist in the operation of any mobile marijuana dispensary within the city;
 2. Deliver marijuana to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engaged in any operation for this purpose; or
 3. Deliver any medical cannabis product, including but not limited to, tinctures, baked goods, or other consumable products, to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engaged in any operation for this purpose.
- B. This section expressly prohibits all activities for which a State license is required in order to engage in commercial cannabis activity constituting cultivation. Accordingly, the city shall not issue any permit, license or other entitlement for any activity for which a State license is required under the California Medical Marijuana Regulation and Safety Act, to engage in commercial cannabis activity constituting cultivation.
- C. Marijuana cultivation by any person or entity, including clinics, collectives, cooperatives, and dispensaries, is prohibited in all zones within the city’s jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such

activity. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the city, even for medicinal purposes, except where the city is preempted by federal or state law from enacting a prohibition on such activity.

17.41.030 Violations.

In addition to any other remedy available under law, violations of this Chapter are subject to the administrative citations and penalties provisions in Chapter 1.10 of this code.

17.41.040 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure section 731 or any other remedy available to the city.

SECTION 3. Zoning Text Amendment Findings.

Pursuant to MMC Section 17.74.040, and based on evidence in the whole record, the City Council hereby finds ZTA No. 15-005 has been processed in accordance with state law and the MMC and that the amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement and preserve Malibu's natural and cultural resources.

SECTION 4. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2016.

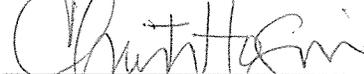
LAURA ROSENTHAL, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **Monday, February 22, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, on the approval of the project identified below.

ZONING TEXT AMENDMENT NO. 15-005 – The Malibu City Council will consider ordinances and the Planning Commission's recommendations for amendments to Malibu Municipal Code Sections 17.02.060 (Definitions), 17.04.050 (Determination of Permitted Uses), and 17.66.120 (Medical Marijuana Dispensaries) to regulate medical marijuana, and the proposed addition of Chapter 17.77 (Medical Marijuana Delivery and Cultivation) to prohibit or otherwise regulate the cultivation, delivery, and mobile dispensing of medical marijuana in all zones throughout the City.

Applicant: City of Malibu
Location: Citywide
Case Planner: Stephanie Hawner, Associate Planner
(310) 456-2489, extension 276
shawner@malibucity.org

The ordinances were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. Under Section 15061(b)(3) of the State CEQA Guidelines, they are exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. (See 14 CCR §§ 15061(b)(3) & 15378(b)(5)).

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Council regarding this matter will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the City Council at any time prior to the beginning of the public hearing.

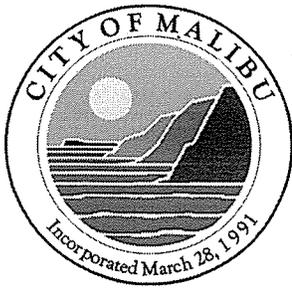
IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Stephanie Hawner, Associate Planner, at (310) 456-2489, extension 276.



BONNIE BLUE, AICP
Planning Director

Publish Date: February 11, 2016



Council Agenda Report

To: Mayor Rosenthal and the Honorable Members of the City Council

Prepared by: Reva Feldman, Assistant City Manager 

Approved by: Jim Thorsen, City Manager 

Date prepared: February 9, 2016

Meeting date: February 22, 2016

Subject: Transfer of Surplus Property from County of Los Angeles

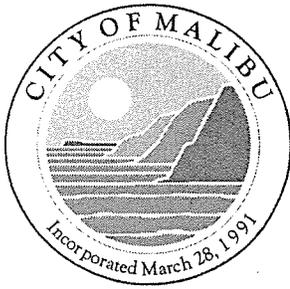
RECOMMENDED ACTION: Consider whether the City should accept two vacant parcels from the County of Los Angeles located on the corner of Webb Way and Pacific Coast Highway (PCH) (APNs 4458-020-090 and 4458-020-901).

FISCAL IMPACT: There is no immediate fiscal impact associated with the acceptance of the surplus property. The City currently maintains the two vacant parcels pursuant to an agreement with the County of Los Angeles. Pursuant to the Quitclaim Deed, the two parcels are designated for road use in accordance with current laws. If the City accepts the two vacant parcels, there are potential liability issues that could present a fiscal impact in the future, however, those costs are unknown at this time.

DISCUSSION: The County owns two vacant parcels on the corner of Webb Way and PCH. APN 4458-020-900 is located on the northwest corner and APN 4458-020-901 is located on the southwest corner. The two parcels are included in the Civic Center Wastewater Treatment Facility (CCWWTF) assessment district. However, due to the restrictions on use, an assessment will not be levied on these parcels. During discussions with the County about the CCWWTF, the County offered to transfer the two parcels to the City. The County has determined that the parcels are surplus.

The County has informed the City that the two parcels were purchased by the County using road funds. Pursuant to the California Constitution, Article XIX, Sections 2 and 9 and the California Streets & Highways Code Section 2101, the parcels can only be used for road purposes. The City will be required to approve a Quitclaim Deed as part of the transfer process which will limit the City's use of the parcels to road uses only. If the City uses the properties for other purposes, pursuant to the proposed Quitclaim Deed, the County will have the right to request to be paid fair market value for the properties.

The County Board of Supervisors approved the transfer of the surplus property to the City on December 1, 2015.



Council Agenda Report

To: Mayor Rosenthal and the Honorable Members of the City Council

Prepared by: Amy Crittenden, Recreation Manager 

Approved by: Jim Thorsen, City Manager 

Date prepared: February 9, 2016 Meeting date: February 22, 2016

Subject: Wild Horses of Sable Island Mobile Art Museum

RECOMMENDED ACTION: At the recommendation of the Cultural Arts Commission: 1) write a letter to Los Angeles County Beaches and Harbors officials in support of using Zuma Beach as a venue to host the Wild Horses of Sable Island (WHSI) Mobile Art Museum project; and 2) write a letter of support from the City of Malibu to photographer Roberto Dutesco that shows a commitment to hosting the WHSI mobile show in Malibu in 2016.

FISCAL IMPACT: None. The artist is not requesting any financial support of this project.

DISCUSSION: On January 26, 2016, the Cultural Arts Commission reviewed a proposal requesting the City of Malibu help facilitate placing the Wild Horses of Sable Island Mobile Art Museum (WHSI) in the parking lot at Zuma Beach. The proposed WHSI mobile art museum is a self-contained pod exhibiting photographs taken by photographer Roberto Dutesco that documents the historic horses of Sable Island (Attachment 1). Sable Island, Nova Scotia, Canada is the site of some 500 shipwrecks, 500 years of known history and 500 wild horses. Mr. Dutesco has been documenting the Wild Horses of Sable Island since 1994.

Mr. Dutesco presented the Cultural Arts Commission with information on what the mobile museum will be and how it will give visitors a true virtual experience of what it would be like to visit Sable Island, a remote and desolate location. The pod structure is 40 feet wide and 100 feet in length and is flexible in typography and size and shape. They have been specifically engineered to support heavy winds and other harsh conditions. The proposal (Attachment 2) outlines the components of the mobile museum such as maximum number of visitors per hour, exhibition length, suggested entrance fee and an outline for other uses outside of general admission viewing. Zuma Beach has been identified as the ideal location for the mobile pod by the artist and the Commission. Other

suggested locations in the proposal include beach parking lots controlled by Los Angeles County Beaches Harbors or California State Parks and the City controlled Malibu Bluffs Park. Since Zuma Beach is under the control of Los Angeles County Beaches and Harbors (LACBH), the artist is asking the City Council to commit to writing a letter to LACBH officials in support of hosting the mobile museum at Zuma Beach.

The proposer is not seeking any funding from the City of Malibu and is strictly looking for a commitment from the City to assist with securing a location at Zuma Beach. Mr. Dutesco has also asked for a letter of commitment from the City in order for him to be able to start securing sponsors to fund bringing the mobile project to Malibu. City staff contacted the Deputy Director of LACBH to inquire about the potential facilitation of the mobile museum and there was some concern that the project didn't fit under their current Beach Ordinance which states any permitted uses at Zuma Beach would need to be beach dependent. If Council approves the request, staff will continue to discuss the proposal with LACBH staff to try and secure a location.

The Cultural Arts Commission is recommending the Council provide a level of commitment from the City by writing letters to officials at LACBH in support of housing the temporary exhibit at Zuma Beach and to show support for hosting this exhibit in the City of Malibu.

- ATTACHMENTS:
- 1) Press Kit for Wild Horses of Sable Island Gallery
 - 2) Proposal for Mobile Museum

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OF
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GALLERY

New York City

November 2015

THE WILD HORSES OF SABLE ISLAND ©

and

I AM WILD © MOBILE MUSEUM

by

Roberto Dutesco

Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations.

Artist & Project Introduction

Sable Island, Nova Scotia, Canada is the site of some 500 shipwrecks, 500 years of known history and 500 wild horses.

Abandoned by sailors long ago or cast ashore from wrecks, this feral herd of wild horses, untouched by humans, thrives in an austere, unforgiving environment, that offers not a single sheltering tree and just grass and rainwater ponds for sustenance.

Roberto Dutesco has been documenting the Wild Horses of Sable Island since 1994.

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His 2008 film " Chasing Wild Horses" has been seen world wide by over 30 million people.

The NYC gallery dedicated exclusively to the work, is one of the longest running shows in the city - named "*one of the top 50 art places one must visit*" by AAD.

"I wish to bring my experience among the wild horses of Sable Island to people around the world, to show them true wilderness in its primal state, unaware and unafraid of man. I wish to recreate for others, as nearly as possible, my extraordinary experience." RD

The Mobile Museum for the Wild Horses of Sable Island is dedicated to enhancing knowledge and transforming conservation, through discovery and awareness.

From storytelling to individual experience, children and adults will be engaged and inspired by the story and odyssey presented.

Museum Mission Statement

"Awareness through beauty inspires conversation, collaboration and conservation" RD

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I AM WILD -MOBILE MUSEUM IN MALIBU

2016 -2017

The proposal for the **I AM WILD MOBILE MUSEUM** has three components that may be presented independently or ideally, as a series of modules.

It is my goal that THE MOBILE MUSEUM will create an extraordinary interactive experience.

COMPONENT ONE – SHORT FILM

A 37 minute short artistic version of the 20 years documentation on Sable Island edited to the music of **Hector Berlioz** (1803 – 1869), played on musical instruments of the same era – 1700's capturing the era during which hundreds of ships crashed on Sable Island and beginning the odyssey of the Wild Horses.

Option: Film with live musical performance by the Santa Monica Symphony Orchestra, LA Philharmonic or other orchestra, creating an enhanced audiovisual experience, that links the work to the community through music.

COMPONENT TWO - PHOTOGRAPHY SHOW

The exhibit, to take place in one or multiple Malibu parks, will consist of some 20-30 movable double- sided panels (40 - 60 images) highlighting the wild horses.

The works will be presented on natural stands (rock boulders) with large plexi-glass inserts. These inserts hold the photographs, and will use internal stand-alone solar powered lights, to

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illuminate the images and create a unique night-time experience for visitors.

Presented in this way, the exhibit may be moved from one location to another, with little effort.

**COMPONENT THREE - MOBILE MUSEUM
SINGLE POD**

The Mobile Museum for the Wild Horses of Sable Island is an immersive experience that highlights over 100 images and video of the wild horses of Sable Island as captured by Roberto Dutesco.

Operational elements:

- The museum will be open for 2-3 months.
- Capacity at 30% = 100 people
- Each visit consist of a 15-20 minute experience plus the museum shop
- Traffic flow at 30 % - 50 people every 20 minutes - 150 /hour - 1500 / 10 hours
- show would welcome 15 000 visitors.
- The museum structure meets/exceeds all NY City/state construction code/standards and could be adapted if needed to local California state code if required.

The Malibu Pod could further travel to LA, San Diego or San Francisco.

Optional activities

To increase and enhance discussion and interest, other activities may be integrated.

These activities include:

- Private VIP walkthrough as part of a late

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PM experience.

- Late private events, lectures and screenings would be possible.
- Early AM *Yoga among the Horses*, could attract additional visitors.

Revenue and community contribution

- A suggested entrance fee (5 -10 \$ /TBD), will be implemented based on sponsors, funding and expenses.
- A local charity would be chosen to financially benefit (@ 30 %) from the above suggested entrance fee.
- Free entrance for children, schools and veterans.

Advertising/PR:

Along with the organic visibility that the venue would generate, a significant PR effort would be undertaken to promote the Museum.

Prior to the opening and throughout the exhibit, we expect social media, radio and local TV will increase interest and visitation to the museum.

Furthermore, upon exiting the event, visitors will have the unique opportunity to continue the conversation about the museum and the preservation of wild places.

Dates:

We hope for the opening of The Mobile Museum for the Wild Horses of Sable Island to take place in 2016.

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Possible venues may include:

Beaches:

Zuma Beach – a Los Angeles County Beach;
Zuma Beach provides Ample fee- based parking
and free parking along Pacific Coast Hwy;

Westward Beach: A Los Angeles County Beach;
Ample fee-based parking available; Entrance is
west of Heathercliff Drive

Malibu Surfrider Beach - Located along the 23000
block of PCH. Surfrider is the first World Surfing
Reserve (dedicated in 2010) and the location of
the world famous Malibu Pier

Parks:

Bluff's Park - Center of Malibu – Free Parking

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PRESS KIT
NEW YORK, 2015

ABOUT THE GALLERY

The Wild Horses of Sable Island® Gallery celebrates twenty years of exploration by photographer Roberto Dutesco. Thanks to the international exposure the photographs have brought to the island and its unique inhabitants, Sable Island is now Canada's 43rd National Park and the horses have official protection. Because the new laws require that people must stay 65 feet away from the horses, Dutesco's photographs, many of which are unreleased, may very well be the last to capture these truly wild creatures *in such an unequivocal way*.

Once integral to humanity's age of discovery, the ancestors of Sable's horses were largely brought to the island by hundreds of shipwrecks. The possible origins and genetic history of these horses remain an open subject. Through strange misfortune, they have been returned to nature and are the sole terrestrial mammals on this thin sliver of sand 200 miles off the coast of Nova Scotia, where they have thrived for centuries, unafraid and unaware of man.

Since 1994 Dutesco has traveled to the island and captured portraits of the horses and the island, both ever changing and both enchanting in their unique tales. The photos have been featured in solo and group exhibitions internationally and are on permanent exhibition in Soho, New York, at the Wild Horses of Sable Island® Gallery, which was named one of the top 50 NYC destinations by Art Architecture Design. In addition, the award-winning feature film, *Chasing Wild Horses*, has been shown in 30 countries to over 30 million viewers.

Charity is a fundamental part of the gallery's mandate. In 2008, in partnership with the Happy Hearts Fund, the gallery opened a kindergarten in Indonesia with murals of the wild horses painted on the building's façade. Over the last ten years, Dutesco has donated a considerable number of photographs to help raise over one million dollars towards hundreds of charities. Notably, the gallery has contributed directly to Zoe Lucas's Green Horse Society, whose mission is to preserve Sable Island and its wild horses.

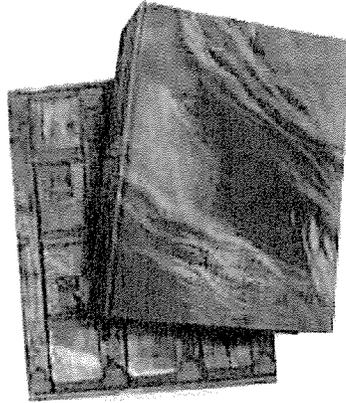
For all inquiries, please contact info@dutescoart.com.



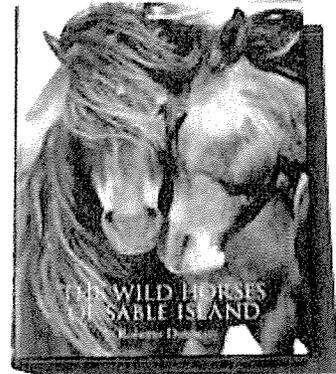
The Wild Horses of Sable Island® Gallery in Soho, NY

THE WILD HORSES OF SABLE ISLAND GALLERY / 64 GRAND STREET / NEW YORK / NY 10013
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PUBLICATIONS

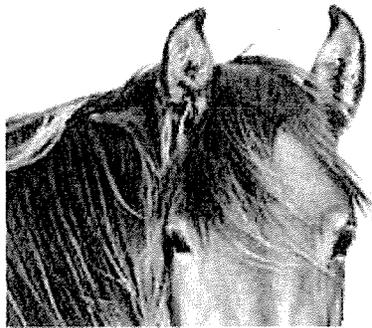


The Wild Horses of Sable Island,
Limited Edition, 2012



The Wild Horses of Sable Island,
First Edition, TeNeues, 2014

EXAMPLES OF PHOTOWORKS



Close Up 1994



Western Run 2006



Leaf 1994



Love 1994

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ABOUT THE ARTIST

Roberto Dutesco is a New York-based Canadian photographer, poet and filmmaker. His award-winning work documenting the Wild Horses of Sable Island commenced in 1994. His films and photographs have brought international awareness and helped establish official protection for the island and its inhabitants. In 1994, Dutesco made a promise to the superintendent of Sable Island that one day the photos would be in a museum. In 2014, that promise was fulfilled and the Wild Horses of Sable Island were featured at the Natural History Museum in Halifax, Nova Scotia. Currently, the Wild Horses of Sable Island is on exhibit at the Museum at Prairiefire through a unique collaboration with the American Museum of Natural History.

Dutesco has photographed prominent personalities of our times, such as Pierre Trudeau, the Dalai Lama and Mikhail Gorbachev. Completed photo series include *The Wild Horses of Sable Island*, *The American Sandscape*, *Rocks & Things*, *Flowers & Dreams*, *Brîncusi: The Endless Column*, *The Human Landscape*, *Waters and East/West Travels of the 14th Dalai Lama*. His published writings and poems include *Ethereal Reflections*, *Alphabetical Mayhem* and *The Wild Horses of Sable Island*.



Dutesco on Sable Island photographing (left) and a still from *Chasing Wild Horses* (above)

TIMELINE

Roberto Dutesco

- 1961 June 6. Born Bucharest, Romania.
- 1980 Moves from Romania to Canada.
- 1987–92 Becomes sought-after fashion photographer filling the pages of Elle, Vogue, Rolling Stone, Flare and many more.
- 1994 Sable Island odyssey begins. The start of a lifelong project.
- 2006 The Wild Horses of Sable Island opens in Soho, New York

Publications & Films

- 2007 Dutesco and Arcadia crew arrive on Sable Island and begin principle photography for a feature documentary entitled Chasing Wild Horses. After three successive trips to the Island Dutesco and the crew complete filming.
- 2007 Surfing Sable Island, catalogue produced in collaboration with Scott MacDonough
- 2012 June. Publication of limited-edition book, The Wild Horses of Sable Island.
- 2014 June. Publication of The Wild Horses of Sable Island by teNeues.
- 2015 March. Publication of Roberto Dutesco reflects on Sable Island in the Canadian Geographic magazine.

Select Press

- 2008 The Modern Estate, "Wild Thing: Roberto Dutesco's Irresistible Photographs of the Horses of Sable Island"
- 2009 Elements, "Unbridled Beauties"
- 2010 Artes Magazine, "Canada's, Sable Island Wild Horses, Subject of Roberto Dutesco Photography"
- 2014 Equestrio, "The Wild Horses of Sable Island: Roberto Dutesco's Soulful Journey of Discovery"
- 2015 Canadian Geographic, "Roberto Dutesco Reflects on Sable Island"

Major Exhibitions

- 2002 *Sable Horses, Sand Dunes, and Rocks & Things*, National Arts Club, Solo Show
- 2002 *The Wild Horses of Sable Island*, Sony Headquarters in New York and Chicago
- 2003 *A World Without Borders*, United Nations, New York
- 2004 *Here is Now and Water World*, Montreal. An outdoor public art exhibit.
- 2005 *The Sable Horses*, World Expo in Japan, United States Pavilion
- 2006 *Homage to Brîncuși*, New York
- 2006 The Wild Horses of Sable Island Gallery opens in Soho, New York
- 2007 *Surfing Sable Island*, New York. A collaboration with Scott MacDonough.
- 2007 *Flowers and Poems*, Lord and Taylor, New York. Fifth Avenue window installations.
- 2008 US Premiere of Chasing Wild Horses documentary, National Arts Club, New York
- 2008 *The Wild Horses of Sable Island*, Ralph Lauren Mansion, New York
- 2008 *The Wild Horses of Sable Island*, Ralph Lauren, East Hampton, New York
- 2008 *Works by Roberto Dutesco*, The Riverhouse, New York
- 2008 *Wild Horses*, LongHouse Reserve, East Hampton, New York
- 2009 *Ethereal Reflections*, Lord & Taylor, Fifth Avenue, New York. Same-titled book also published.
- 2010 *We are Beauty*, Amsterdam. A collaboration with Ivan Tse.
- 2011 *Past to Present*, New York, Solo Show
- 2011 *Wild Horses of Sable Island*, The Embassy of Canada's Gallery, Washington, D.C.
- 2012-13 *The Wild Horses of Sable Island*, Jiva Hill, Crozet, France
- 2013 *The Wild Horses of Sable Island*, American Gold Cup, North Salem, New York
- 2013 *The Wild Horses of Sable Island*, Equita' Lyon, Lyon, France
- 2013 *The Wild Horses of Sable Island*, The Melbourne Cup, Melbourne, Australia
- 2014 *The Wild Horses of Sable Island*, The AAFHK, Hong Kong, China
- 2015 *The Wild Horses of Sable Island*, Nova Scotia Museum of Natural History, Halifax, Canada
- 2015 *The Wild Horses of Sable Island*, Museum at PrairieFire, Overland Park, Kansas.
- 2015 *Alphabetical Mayhem*, New York Public Library