MINUTES
MALIBU CITY COUNCIL
ADJOURNED REGULAR MEETING
JANUARY 11, 2017
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor La Monte called the meeting to order at 6:30 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Craig George, Environmental Sustainability Director; Jesse Bobbett, Parks and Recreation Director; Bonnie Blue, Planning Director; and Bob Brager, Public Works Director;

PLEDGE OF ALLEGIANCE

Dana Christiaansen led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Rosenthal moved and Councilmember Mullen seconded a motion to approve the agenda, continuing Item No. 3.B.7., and hearing Item No. 5.A. after Item No. 7.B. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

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

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of Commendation to Malibu High School Sophomore Claudia Lane for Winning the Cross Country National Championship

Mayor La Monte presented the commendation to Claudia Lane.

Councilmember Rosenthal thanked Ms. Lane for her athletic ability and activism.

Ms. Lane thanked the Council.

B. Staff Update on Water Conservation

Environmental Sustainability Director George and Senior Environmental Programs Coordinator Brown presented the update.

Councilmember Rosenthal thanked staff for its work on conservation efforts.

Mayor Pro Tem Peak thanked staff and the community for its participation.

C. Staff Update on the Civic Center Wastewater Treatment Facility Project

Public Works Director Brager presented the update.

Councilmember Wagner requested the non-native castor bean plant growing in the dirt on the project site be removed before haul off.

D. City Council Reorganization

1. Election of Mayor Pro Tem

MOTION Councilmember Wagner moved and Councilmember Mullen seconded a motion to elect Skylar Peak to continue to serve as Mayor Pro Tem. The motion carried unanimously.

ITEM 2.A. PUBLIC COMMENTS

Michelle Broberg deferred her time to Tim Horton.

Peter Banner deferred his time to Tim Horton.

Michelle Stein deferred her time to Tim Horton.

Tim Horton, (Community Emergency Response Team) CERT member, discussed CERT training.

Margaret Cole was not present at the time of the hearing.

Joe Stein declined to speak.

Marshall Thompson discussed his history with CERT. He suggested the City provide a manager specifically for the CERT program, a volunteer second-in-command, a dedicated CERT vehicle, City funds for supplies, City-funded advanced training and drills, and integration with the Volunteers on Patrol (VOPs).

Helene Eisenberg discussed the importance of having an urgent care facility in the City and the support provided by Friends of Malibu Urgent Care.

Marlene Matlow discussed the future plans of Friends of Malibu Urgent Care.

Joe Yarman discussed utility undergrounding at Rambla Pacifico. He stated $120,000 was already on deposit with the City. He requested the support of the City.

Scott Dittrich discussed Rambla Pacifico utility undergrounding and suggested City-wide undergrounding.

Pamela Conley Ulich announced the Malibu Town Hall meeting regarding homelessness on January 17, 2017, and encouraged the community to visit www.malibutaskforce.org.

Dana Christiaansen discussed wireless telecommunication facilities. He requested the Council direct the City Attorney to contact Crown Castle for a status update on vault consolidation.

Debra Bianco, on behalf of Cornicopia Foundation, discussed co-sponsoring Earth Day.

Tim Hazelip and Jean Pierre Pereat discussed surfing with special needs children and requested a grant for creating a sustainable surf program.

Paul Hoffman deferred his time to Anne Hoffman.

Anne Hoffman discussed concern over development in her neighborhood.

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

City Manager Feldman congratulated incoming Councilmembers and Ms. Lane. She discussed her efforts to further public safety in the City. She discussed the City's Emergency Operations Center (EOC) training in coordination with the Los Angeles County Fire Department, Los Angeles County Sheriff's Department, and Los Angeles County Public Works. She indicated the Sheriff's Department was working on continuing CERT training. She discussed the prohibitive cost of utilityundergrounding.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

CONSENSUS

By consensus, the Council moved Item No. 5.A. to be heard after Item No. 4.A.

Councilmember Rosenthal announced Christmas Tree Recycling would continue through January 15, 2017, at Point Dume and the Civic Center. She announced the Teen Film Festival event on January 13, 2017, a City Hall closure on January 16, 2017, and a Library Speaker Series event on January 31, 2017. She stated she attended Malibu Unification Negotiations Committee meetings and stated an agreement had been arrived at by the Committee for splitting the Santa Monica-Malibu Unified School District, which would need to be presented to the Board of Education, the City of Santa Monica, and the City of Malibu.

CONSENSUS

By consensus, the Council directed staff to bring back a resolution declaring the City as a Sanctuary City.

Councilmember Rosenthal stated she, Mayor La Monte, and City Manager Feldman attended the California Contract Cities Legislative Tour.

Councilmember Wagner thanked CERT participants and stated training should be held at City Hall. He announced the Town Hall Meeting: Homelessness in Malibu would be held on January 17, 2017. He discussed the grant funds process for a surfing program for disabled children. He discussed future matters he would like to bring to the Council.

Councilmember Mullen stated CERT was important to the City and would receive the needed support. He thanked Ms. Matlow, Mr. Christiaansen and Ms. Hoffman.

Mayor Pro Tem Peak stated he met with director of Ocean Park Community Center (OPCC). He requested a member of CERT be a part of the City's EOC drills, and stated training opportunities on City property would be provided for CERT. He discussed city-wide utility undergrounding and Malibu Urgent Care.

Mayor La Monte discussed the cost of utility undergrounding in the City. He stated he attended a Los Angeles County Commission on Alcohol and Other Drugs meeting, Assemblymember Bloom's Holiday Food Drive, a League of California Cities meeting, and a City Selection Committee meeting. He stated he was reappointed to the League of California Cities Housing, Community and Economic Development Policy Committee and the National League of Cities Federal Advocacy Committee. He stated he would attend the United States Mayor's Conference.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.5. was pulled by Mayor Pro Tem Peak.

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Peak seconded a motion to approve the Consent Calendar, except Item Nos. 3.B.5. and 3.B.7. 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 49195-49321 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. 586 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $527,069.84. City of Malibu payroll check numbers 4726-4731 and ACH deposits were issued in the amount of $172,496.30.

3. Approval of Minutes
Recommended Action: Approve the minutes for the November 28, 2016 Regular City Council meeting, December 12, 2016 Adjourned Regular City Council meeting, and December 12, 2016 Regular City Council meeting.

4. Amendment to Agreement with Solid Waste Solutions, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to Agreement with Solid Waste Solutions, Inc. (SWS).

6. Paradise Cove Stormwater Filter Media Replacement Project Completion and Acceptance of Work
Recommended Action: 1) Accept the work performed by Oak Tree Construction for the Paradise Cove Stormwater Filter Media Replacement Project (Specification No. 2062) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion for the project.

The following item was pulled from the consent calendar for individual consideration:

5. Amendment to Agreement with Southern California Research Project for Assessing the Extent of Human Fecal Contamination in Ocean from Ramirez Creek
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Agreement with Southern California Coastal Water Research Project (SCCWRP) to allow for a two-year extension of the existing agreement through January 31, 2018.

Mayor Pro Tem Peak requested information regarding overall source identification of fecal contamination in all creeks in the City.

Environmental Sustainability Director George discussed the amendment that was before the Council.

MOTION

Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to authorize the City Manager to execute Amendment No. 1 to the Agreement with Southern California Coastal Water Research Project (SCCWRP) to allow for a two-year extension of the existing agreement through January 31, 2018. The motion carried unanimously.

The following item was continued upon approval of the agenda:

7. Approval of Transfer of 49% of the Indirect Equity Interests in Malibu Lumber Yard Tenant Glimcher Malibu LLC, Legal Name Change of Tenant, and Replacement of Guarantor Under the Guaranty of Ground Lease
Recommended Action: 1) Consent to the transfer of 49% of the indirect equity interests in Glimcher Malibu LLC (the tenant of the Malibu Lumber Yard), to O'Connor Mall Partners, and the renaming of Glimcher Malibu to WPG Malibu LLC; 2) Approve the release of Glimcher Properties Limited Partnership, a Delaware limited partnership (GPLP) as guarantor under the Guaranty of Ground Lease and substitute and replace Washington Prime Group LP, an Indiana limited partnership (WPGLP) as guarantor; and 3) Authorize the City Manager to execute all documents necessary or appropriate to effectuate the City's approval of such changes in such form as the City Manager shall determine appropriate.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. California Building Standards Codes
Recommended Action: 1) Conduct the Public Hearing; 2) Conduct second reading, unless waived, and adopt Ordinance No. 413 adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2016 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2016 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2016 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2016 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2016 edition; Title 24, Part 6 of the Los Angeles County Code, incorporating the California Energy Code, 2016 Edition; the California Fire Code, 2016 Edition; making amendments to said codes; repealing Ordinance No. 357; and finding the action exempt from the California Environmental Quality Act.

Environmental Sustainability Director George presented the staff report.

MOTION Councilmember Rosenthal moved and Mayor La Monte seconded a motion to adopt Ordinance No. 413 adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2016 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2016 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2016 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2016 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2016 edition; Title 24, Part 6 of the Los Angeles County Code, incorporating the California Energy Code, 2016 Edition; the California Fire Code, 2016 Edition; making amendments to said codes; repealing Ordinance No. 357; and finding the action exempt from the California Environmental Quality Act. The motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Second Revision to the Memorandum of Understanding (MOU) for the Phased Implementation of the Basin Plan Amendment for the Malibu Civic Center Area Prohibition

Recommended Action: 1) Approve the Second Revision to the MOU between the City and the Regional Water Quality Control Board (RWQCB), Los Angeles Region, and the State Water Resources Control Board (SWRCB) for the phased implementation of the Basin Plan Amendment for the Malibu Civic Center Area Prohibition; and 2) Authorize the Mayor to execute the revised MOU on behalf of the City.

City Manager Feldman presented the staff report.

Sam Unger, RWQCB Executive Director, discussed the history of prohibiting the use of septic systems in the Malibu Civic Center.

Eric Wu, RWQCB Storm Water Permitting: Section Chief, indicated support for the MOU second revision, which, if approved, would go before the RWQCB in February or March 2017.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to: 1) Approve the Second Revision to the MOU between the City and the Regional Water Quality Control Board (RWQCB), Los Angeles Region, and the State Water Resources Control Board (SWRCB) for the phased implementation of the Basin Plan Amendment for the Malibu Civic Center Area Prohibition; and 2) Authorize the Mayor to execute the revised MOU on behalf of the City.

In response to Councilmember Wagner, Mr. Unger discussed water quality monitoring data that would be reviewed by the RWQCB and City staff after the Civic Center Wastewater Treatment Facility had been online for a time.

In response to Mayor Pro Tem Peak, Mr. Unger stated monitoring data would be reviewed at the end of Phase I to determine the need for additional phase implementation.

Councilmember Rosenthal thanked Mr. Unger for his leadership.

Mayor La Monte thanked Mr. Unger.

The motion carried unanimously.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

A. City Council Subcommittees, Ad Hoc Committees and Outside Agency Appointments

Recommended Action: 1) Review current City Council Subcommittee appointments, affirm or modify appointments and make any necessary appointments to fill vacancies; 2) Confirm which ad hoc committees have completed assigned tasks and dissolve such committees or determine to retain the ad hoc committee and affirm or modify appointments; and 3) Affirm Outside Agency appointments and make appointments as necessary.

The Council discussed the subcommittees, ad hoc committees and outside agency appointments.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to appoint Councilmember Mullen and Mayor Pro Tem Peak to the Administration and Finance Subcommittee.

Councilmember Rosenthal indicated support for affirming Mayor La Monte's appointment and appointing Councilmember Mullen to the Administration and Finance Subcommittee.

Mayor La Monte concurred with Councilmember Rosenthal.

Councilmember Wagner indicated support for appointing Mayor Pro Tem Peak and Councilmember Mullen to the Administration and Finance Subcommittee.

Councilmember Mullen concurred with Councilmember Wagner.

Mayor Pro Tem Peak withdrew his motion.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to affirm Mayor La Monte's appointment and appoint Councilmember Mullen to the Administration and Finance Subcommittee, reconsidering the appointments at the May 8, 2017 Regular City Council meeting. The question was called and the motion carried unanimously.

In response to Mayor Pro Tem Peak, Councilmember Wagner discussed the possibility of establishing an Environmental Sustainability Commission.

MOTION Mayor Pro Tem Peak moved and Mayor La Monte seconded a motion to affirm Mayor Pro Tem Peak's appointment and appoint Councilmember Wagner to the Environmental Sustainability Subcommittee. The motion carried unanimously.

MOTION Councilmember Rosenthal moved and Councilmember Wagner seconded a motion to affirm Councilmember Rosenthal's appointment and appoint Councilmember Wagner to the Library Subcommittee. The motion carried unanimously.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to affirm Mayor Pro Tem Peak's appointment and appoint Councilmember Mullen to the Parks and Recreation Subcommittee. The motion carried unanimously.

MOTION Councilmember Rosenthal moved and Mayor La Monte seconded a motion to affirm the appointments of Mayor La Monte and Councilmember Rosenthal to the Public Safety Subcommittee. The motion carried unanimously.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to affirm Councilmember Rosenthal's appointment and appoint Councilmember Wagner to the Public Works Subcommittee.

Mayor Pro Tem Peak withdrew his motion.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to appoint Mayor Pro Tem Peak and Councilmember Wagner to the Public Works Subcommittee. The motion carried unanimously.

MOTION Councilmember Mullen moved and Mayor Pro Tem Peak seconded a motion to affirm Mayor Pro Tem Peak's appointment and appoint Councilmember Wagner to the Zoning Ordinance Revisions & Code Enforcement Subcommittee. The motion carried unanimously.

MOTION Mayor La Monte moved and Mayor Pro Tem Peak seconded a motion to affirm the appointments of Mayor La Monte and Councilmember Rosenthal to the Communication/Public Relations Ad Hoc Committee. The motion carried

unanimously.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to dissolve the Property Acquisition Ad Hoc Committee. The motion carried unanimously.

In response to Councilmember Mullen, City Clerk Glaser stated the purpose of the Property Acquisition Ad Hoc had not specified what property was being negotiated.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to affirm the appointments of Mayor Pro Tem Peak and Councilmember Rosenthal to the Bond Measure Ad Hoc Committee. The motion carried unanimously.

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Peak seconded a motion to dissolve the Documentary Transfer Tax Ad Hoc Committee. The motion carried unanimously.

MOTION Councilmember Rosenthal moved and Councilmember Mullen seconded a motion to dissolve the Malibu 25th Anniversary Ad Hoc Committee. The motion carried unanimously.

City Manager Feldman stated an item would be brought back to Council for consideration regarding a committee for interviewing potential Cultural Arts Commission members.

MOTION Councilmember Mullen moved and Councilmember Wagner seconded a motion to nominate Patt Healy to serve on the Santa Monica Mountains Conservancy Advisory Committee. The motion carried unanimously.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to affirm Mayor La Monte's appointment as delegate and appoint Councilmember Wagner as alternate to the California Contract Cities Association. The motion carried unanimously.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to appoint Councilmember Mullen as delegate and Councilmember Wagner as alternate to the California Joint Powers Insurance Authority. The motion carried unanimously.

Mayor La Monte stated the Los Angeles County City Selection Committee had recently authorized the Mayor to select a Councilmember to represent him or her at Committee meetings in the event the Mayor would be absent.

MOTION Councilmember Rosenthal moved and Mayor La Monte seconded a motion to affirm Councilmember Rosenthal as delegate and appoint Mayor Pro Tem Peak as

alternate to the Joint Powers Finance Authority between the City of Malibu and Santa Monica College. The motion carried unanimously.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to affirm Councilmember Rosenthal as the delegate and appoint Councilmember Wagner as the alternate to the Las Virgenes-Malibu Council of Governments. The motion carried unanimously.

MOTION Councilmember Mullen moved and Mayor La Monte seconded a motion to appoint Councilmember Wagner as the delegate and affirm Mayor Pro Tem Peak as the alternate to the North Santa Monica Bay Watershed Council Executive Committee. The motion carried unanimously.

MOTION Councilmember Rosenthal moved and Mayor La Monte seconded a motion to appoint Councilmember Wagner as the delegate and Mayor Pro Tem Peak as the alternate to the Santa Monica Bay Restoration Commission. The motion carried unanimously.

Councilmember Rosenthal stated the application deadline for the Southern California Association of Governments Regional Council had passed in December 2016.

CONSENSUS

By consensus the Council directed staff to bring back additional information regarding appointments to the Trails Working Group and the Water Education Foundation.

B. Undeveloped Land Bond Measure (Mayor Pro Tem Peak and Councilmember Rosenthal)

Recommended Action: Consider whether to 1) Authorize an Undeveloped Land Bond Measure Ad Hoc Committee (Peak/Rosenthal) to develop recommendations for a plan to ascertain the community's support for calling a special election for a bond measure related to the City's purchasing of currently undeveloped land; and 2) Determine whether to contract the services of a public affairs company to conduct polling of residents.

Mayor Pro Tem Peak presented the staff report.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to: 1) redefine the Bond Measure Ad Hoc Committee's purpose to identify and recommend a revenue raising plan for the general purpose of acquiring developed or undeveloped land for public purposes; and 2) direct the Ad Hoc to return to Council if funding is needed for contracting a public affairs company to conduct polling of residents. The motion carried unanimously.

ADJOURNMENT

At 9:22 p.m., Mayor La Monte adjourned the meeting.

Approved and adopted by the City Council of the City of Malibu on February 13, 2017.

LOU LA MONTE, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)