

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 Administration and Finance (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.

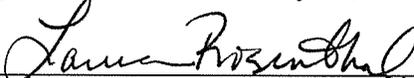
ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

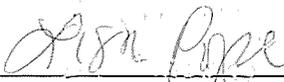
MOTION At 7:59 p.m., Councilmember Sibert moved and Councilmember Peak seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on February 22, 2016.



LAURA ROSENTHAL, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)