

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 22, 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; Craig George, Acting Environmental Sustainability Director; Bob Brager, Public Works Director; Chris Deleau, Planning Manager; Heather Glaser, Deputy City Clerk; Amy Crittenden, Recreation Manager; and Stephanie Hawner, Associate Planner

PLEDGE OF ALLEGIANCE

Kristen Wright led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

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

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 5:30 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54957 and 54956.9(d)(1), 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 Mayor Pro Tem La Monte moved and Councilmember House seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Glaser reported that the agenda for the meeting was properly posted on February 11, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of 2015 Jake Kuredjian Citizenship Award to Joan House

Parks and Recreation Commission Chair Carl Randall presented the award to Councilmember House.

Councilmember House discussed the history of parks and recreation in Malibu.

B. Presentation of City Tile to Andrew Belter, Parks and Recreation Supervisor, for Seven Years of Service to the City

Mayor Rosenthal presented the tile to Parks and Recreation Supervisor Belter.

Parks and Recreation Supervisor Belter thanked the Council and staff.

ITEM 2.A. PUBLIC COMMENTS

Dave Rydman, Water District 29, discussed conservation. He stated rebates were still available, and he encouraged the community to plant drought tolerant plants. He discussed automatic meter reading.

Mayor Rosenthal encouraged residents to keep conserving water.

Cami Winikoff stated the Malibu Community Alliance (MCA) and Santa Monica-Malibu Unified School District (SMMUSD) reached an agreement resolving MCA's appeal to the California Coastal Commission (CCC) regarding lighting at

Malibu High School. She urged the Council to move forward with a lighting ordinance.

Stan Lamport discussed the MCA agreement with SMMUSD. He stated MCA had taken steps to formally withdraw its CCC appeal.

Craig Foster expressed enthusiasm over the agreement with SMMUSD and stated it would allow use of Measure BB funds. He stated the SMMUSD Facilities Advisory Committee had appointed nine Malibu residents to the Malibu Facilities Advisory Committee.

Scott Greco declined to speak.

Steve Uhring declined to speak.

Matt deNicola thanked MCA for its work on the agreement with SMMUSD.

Tiffany Murray expressed concern with construction at 5960 Bonsall Drive.

Robert Hayman discussed construction at 5960 Bonsall Drive.

Joan Murray deferred her time to David Paul Dominguez.

David Paul Dominguez discussed Indian burial grounds at 5960 Bonsall Drive.

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

City Manager Thorsen discussed 5960 Bonsall Drive. He congratulated Councilmember House on her award, and thanked Parks and Recreation Supervisor Belter for his service.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Mayor Pro Tem La Monte congratulated Parks and Recreation Supervisor Belter. He congratulated Councilmember House on her award. He stated he attended a California Contract Cities Association Board of Directors meeting, Malibu Democratic Club Candidates' Forum on the 27th Senatorial District, and the 26th Annual Dolphin Awards. He congratulated City Manager Thorsen on his Dolphin Award. He stated he and Councilmember Peak attended a Malibu Task Force on Homelessness meeting. He stated Assemblymember Richard Bloom introduced AB 2403, which was drafted by City Attorney Hogin to regulate rehabilitation facilities. He thanked Senator Ben Allen, Assemblymember Scott Wilke, and Assemblymember Bill Brough for their support.

Councilmember Sibert thanked Mayor Pro Tem La Monte for his work on the bill to regulate rehabilitation facilities. He congratulated Councilmember House, Parks and Recreation Supervisor Belter, and City Manager Thorsen. He stated he attended a Santa Monica Bay Restoration Commission meeting.

Councilmember Peak thanked Mayor Pro Tem La Monte for his work on the bill to regulate rehabilitation facilities. He stated he attended the 26th Annual Dolphin Awards and congratulated City Manager Thorsen. He stated he attended a Malibu Task Force on Homelessness meeting. He stated he met with City Manager Thorsen, Craig Foster, Kevin Shenkman, and Jennifer deNicola regarding SMMUSD, and thanked Ms. Winikoff and her husband for their work on the agreement with SMMUSD. He thanked Parks and Recreation Supervisor Belter. He stated staff would look at the project at 5960 Bonsall Drive.

Councilmember House congratulated Mayor Pro Tem La Monte on the progress of legislation regarding rehabilitation centers. She discussed the use of bond funds for repairs to Malibu schools. She discussed 5960 Bonsall Drive. She stated she attended the 26th Annual Dolphin Awards and congratulated City Manager Thorsen.

Mayor Rosenthal stated the legislation regarding rehabilitation centers was aimed at preventing clustering of facilities. She thanked Mayor Pro Tem La Monte for his work on the bill. She congratulated Councilmember House. She discussed 5960 Bonsall Drive. She discussed polychlorinated biphenyl (PCB) remediation at Malibu High School. She stated she attended the Business Roundtable, a Los Angeles County Library Commission meeting, the Malibu Democratic Club Candidates' Forum on the 27th Senatorial District, and the Malibu Student Art Show. She announced the next Library Speaker Series event on March 16, 2016. She stated she attended the 26th Annual Dolphin Awards. She announced the next Pt. Dume Traffic Management Community Meeting on February 23, 2016, and Malibu Little League opening day on February 27, 2016. She stated Laureen Sills was looking for anyone interested in researching options for the City to obtain vacant land. She announced the City's 25th anniversary celebration on March 28, 2016. She stated she was one of three members appointed from Malibu to look at economic issues surrounding Malibu's separation from SMMUSD.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.4. was pulled by staff.

MOTION Councilmember House moved and Councilmember Sibert seconded a motion to approve the Consent Calendar, with the exception of Item No. 3.B.4. 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 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.

3. Approval of Minutes

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

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.

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.

The following item was pulled from the Consent Calendar for individual consideration:

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.

City Manager Thorsen indicated that references to "deferred compensation plan" would be updated to "money purchase plan" in Resolution No. 16-11.

MOTION

Councilmember Peak moved and Mayor Pro Tem La Monte seconded a motion to adopt Resolution No. 16-11, as amended by staff, 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. The

motion carried unanimously.

ITEM 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.

Associate Planner Hawner presented the staff report. She indicated changes to Sections 17.41.03, 17.41.040, and 17.22.040(p).

In response to Councilmember Peak, Associate Planner Hawner stated the City's Code Enforcement Officer would be responsible for enforcement.

Linda Vallejo requested the Council ban cultivation and delivery of medical marijuana.

Scott Tallal stated the cultivation and delivery of medical marijuana posed no significant health or safety risk to the community.

Don Schmitz urged the Council to not adopt an urgency ordinance. He expressed concern for banning delivery of medical marijuana.

Matt deNicola was not present at the time of the hearing.

Alexander Willems, on behalf of 99 High Tide, urged the Council to not ban cultivation and delivery of medical marijuana.

Sam Boyer indicated opposition to adopting an urgency ordinance. He discussed State regulation of medical marijuana deliveries.

Bruce Denberg deferred his time to Heidi Apple Hutchinson.

Heidi Apple Hutchinson discussed the importance of grower integrity and regulations.

Vanessa Rodriguez, on behalf of 99 High Tide, discussed the benefits of allowing medical marijuana delivery.

Yvonne Green expressed concern for banning medical marijuana delivery and cultivation.

Mayor Pro Tem La Monte stated the ordinance was about local control. He indicated support for more research to allow licensed dispensaries to make deliveries.

MOTION

Mayor Pro Tem La Monte moved and Councilmember House seconded a motion to: 1) 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.

Councilmember House indicated a need for a sunset date on the current ordinance so that staff could come back with new recommendations after additional research.

Councilmember Peak questioned the need for an ordinance to ban cultivation, which was unenforceable. In response to Councilmember Peak, City Attorney Hugin discussed the urgency ordinance. She stated the matter could come back with alternate language.

Councilmember Sibert concurred that the issue was local control. He stated enforcement was an issue, but that the needs of community were of utmost importance.

Mayor Rosenthal indicated support for allowing licensed dispensaries to deliver medical marijuana. She expressed concern for large, unregulated marijuana growers in Malibu.

In response to Councilmember Sibert, City Attorney Hogin stated an ordinance could be crafted to only allow medical marijuana deliveries from dispensaries licensed within the City.

Councilmember Peak discussed delivery and cultivation of medical marijuana in the City. He suggested staff do more research and come back to the Council.

Mayor Pro Tem La Monte proposed having the ordinances go into effect in 90 days.

City Attorney Hogin discussed the options available to the Council.

CONSENSUS

By consensus, the Council initiated a zoning text amendment and directed staff to prepare an ordinance limiting medical marijuana deliveries to dispensaries licensed with a City conditional use permit, allowing personal cultivation, and providing options for regulation of commercial cultivation.

City Manager Thorsen clarified the ordinance would first go to the Planning Commission and then back to the Council for consideration.

ITEM 5 OLD BUSINESS

None.

ITEM 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).

Assistant City Manager Feldman presented the staff report.

In response to Mayor Rosenthal and Councilmember Sibert, City Manager Thorsen discussed landscaping and parking on the parcels.

City Attorney Hogin confirmed that parking would be allowed.

MOTION

Councilmember Peak moved and Mayor Rosenthal seconded a motion to 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).

Norm Haynie stated it was in Malibu's best interest to decide the use of the parcels.

Mary Motley discussed Keep Christ in Christmas.

Don Schmitz indicated support for accepting the parcels from the County.

Mayor Rosenthal indicated support for taking on the responsibility of the parcels.

Mayor Pro Tem La Monte stated the parcel uses would not change. He expressed concern for the additional liability.

In response to Councilmember House, Assistant City Manager Feldman stated the County would have the right to request fair market value for the parcels if the City decided to use the parcels for anything other than road use.

Councilmember Sibert indicated support for accepting the parcels.

The question was called and the motion carried unanimously.

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.

Recreation Manager Crittenden presented the staff report.

Cultural Arts Commissioner Suzanne Zimmer discussed the mobile museum and presented a copy of Roberto Dutesco's book, *The Wild Horses of Sable Island*, to the City.

Roberto Dutesco discussed Sable Island.

MOTION

Mayor Pro Tem La Monte moved and Councilmember Sibert seconded a motion to: 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.

Mayor Rosenthal clarified the mobile museum would take place in Malibu's off-season.

In response to Councilmember House, City Manager Thorsen stated he would follow up with John Kelly, Deputy Director of Los Angeles County Beaches and Harbors.

The motion carried unanimously.

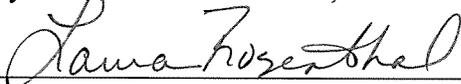
ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

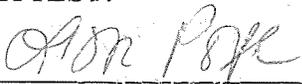
MOTION At 9:18 p.m., Councilmember Sibert moved and Mayor Rosenthal seconded a motion to adjourn the meeting in memory of Scott Morrison. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on March 28, 2016.



LAURA ROSENTHAL, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)