

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MARCH 14, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor Rosenthal called the meeting to order at 6:37 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 and John Sibert

ABSENT: Councilmember Peak

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, Assistant City Manager; Lisa Pope, City Clerk; Craig George, Acting Environmental Sustainability Director; Bob Stallings, Parks and Recreation Director; Bonnie Blue, Planning Director, Bob Brager, Public Works Director; Chris Deleau, Planning Manager; Rob Duboux, Assistant Public Works Director; and Jennifer Brown, Senior Environmental Programs Coordinator

**PLEDGE OF ALLEGIANCE**

Dawson and Jill Mathews led the Pledge of Allegiance.

**PUBLIC COMMENT ON CLOSED SESSION**

None.

The following items were listed on the Closed Session agenda:

**Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1):**

1. Crown Castle NG West LLC v. City of Malibu  
United States District Court Case No. 2:15-cv-06089-DSF (SSx)
2. 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 6:00 p.m. at which time the City Council recessed to Closed Session pursuant to Government Code Section 54956.9(d)(1), with all Councilmembers present except Councilmember Peak. She stated the Council discussed the items listed on the posted agenda and took no reportable action.

## **APPROVAL OF AGENDA**

MOTION Councilmember Sibert moved and Mayor Pro Tem La Monte seconded a motion to approve the agenda. The motion carried 4-0, Councilmember Peak absent.

## **REPORT ON POSTING OF AGENDA**

City Clerk Pope reported that the agenda for the meeting was properly posted on March 3, 2016.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Commendation to Kay Gabbard on her Retirement after 40 years from Malibu Methodist Nursery School

Mayor Rosenthal presented a commendation to Kay Gabbard.

Ms. Gabbard thanked the Council, community, staff and students for their support. She thanked the Malibu United Methodist Church.

Melina Watts thanked the Council for commending Kay Gabbard and thanked her for her service.

Mayor Rosenthal thanked Ms. Gabbard for her contributions to the community.

Mayor Pro Tem La Monte concurred with Mayor Rosenthal.

B. Proclamation Declaring March 19 - April 24, 2016 as "Earth Month"

Mayor Rosenthal presented the proclamation to Gus Meza, West Basin Municipal Water District Senior Water Efficiency Specialist.

Mr. Meza thanked the students for helping to conserve water.

**ITEM 2.A. PUBLIC COMMENTS**

Mari Stanley expressed concern regarding the Council's action regarding the Wild Horses of Sable Island Mobile Art Museum. She stated there were no minutes posted on the City's website for the Cultural Arts Commission since November 5, 2015.

Meril May requested the public report issues to Caltrans.

Norm Haynie discussed the zoning of four parcels of land at the northwest corner of Tuna Canyon Road and Pacific Coast Highway (PCH). He stated it was unconstitutional to zone privately owned property as open space and requested the City process and pay for the plan amendment.

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

Assistant City Manager Feldman congratulated Kay Gabbard. She announced the Easter Hopenings at Bluffs Park on March 18, 2016.

**ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS**

In response to Mayor Rosenthal, City Attorney Hogin discussed Ms. Stanley's concern regarding the Wild Horses of Sable Island Mobile Art Museum. She stated the Council simply endorsed the concept of the mobile museum and that the determination on the specific project would go through the permit process.

Mayor Pro Tem La Monte stated the Cultural Arts Commission considered the matter on January 26, 2016. He stated he attended the video interview for the City's 25<sup>th</sup> Anniversary and looked forward to its preview. He stated he and Mayor Rosenthal attended the Malibu Little League Opening Ceremonies. He discussed his participation in recent California Contract Cities Association meetings. He stated he and Mayor Rosenthal attended Mayor Garcetti's gathering of Los Angeles (LA) County mayors. He stated he would attend a regional summit on homeless at the end of March.

Councilmember Sibert congratulated Ms. Gabbard. He stated the Regional Council for the Southern California Association of Governments was considering issues related to water. He stated the Las Virgenes-Malibu Council of Governments would be discussing water at its March 15, 2016, meeting.

Councilmember House welcomed Parks and Recreation Director Stallings back. She discussed the Malibu Little League Opening Ceremonies. She stated the Council attended the Pt. Dume Traffic Management Community Meeting on February 23, 2016. She announced the upcoming Library Speakers Series event

on March 16, 2016, at which Dara Torres would be speaking. She reiterated her support for Mr. Haynie's request.

Mayor Rosenthal welcomed the Pepperdine students. She requested adjourning in memory of Shawna Lynn Jones. She encouraged residents to sign up for agenda notifications. She invited residents to attend the City's 25<sup>th</sup> Anniversary celebration on March 28, 2016, and announced the Council meeting would begin at 6:00 p.m. She thanked Mr. Meza for attending the meeting. She discussed events she attended including the Board of Realtors meeting, Malibu Little League Opening Ceremonies, Re-Garden Party, and LA County Mayors event. She stated she would be attending the LA County mayors meeting with the Los Angeles County Metropolitan Transportation Authority regarding transportation issues. She stated she attended the Disability Fair at the Malibu Jewish Center. She discussed her participation on the negotiating committee regarding Santa Monica-Malibu Unified School District separation. She thanked Mr. May and encouraged residents to report issues on PCH. She announced upcoming Earth Month events.

### **ITEM 3      CONSENT CALENDAR**

**MOTION**      Councilmember Sibert moved and Councilmember House seconded a motion to approve the Consent Calendar. The motion carried 4-0, Councilmember Peak absent.

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 46654-46853 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. 568 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,002,483.81. City of Malibu payroll check numbers 4640-4648 and ACH deposits were issued in the amount of \$240,510.29.
  - 3.      Approval of Minutes  
Recommended Action: Approve the minutes for the February 8, 2016 Regular City Council meeting and February 10, 2016 Special City Council/Planning Commission joint meeting.

4. Tolling Agreement with Park at Cross Creek, LLC, relating to as-applied claims arising from application of Measure R  
Recommended Action: Approve the proposed tolling agreement and authorize the Mayor to execute the agreement on behalf of the City.
5. Las Flores Canyon and Malibu Road Biofilters Project Completion and Acceptance of Work  
Recommended Action: 1) Accept the work performed by J & H Engineering General Contractors, Inc. for the Las Flores Canyon and Malibu Road Biofilters Project (Specification No. 2056) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion for the project.
6. Professional Services Agreement for Water Conservation Outreach Services  
Recommended Action: Authorize the City Manager to execute a professional services agreement with Hastings and Company, Inc. to provide water conservation outreach consulting services.
7. Renewal of General Services Agreement with the County of Los Angeles  
Recommended Action: Adopt Resolution No. 16-12 authorizing the renewal of the General Services Agreement between the City of Malibu and the County of Los Angeles for the period of July 1, 2016 through June 30, 2021.
8. Los Angeles County Measure R Transportation Funding Agreements  
Recommended Action: 1) Authorize the City Manager to execute the Measure R Funding Agreement for the Civic Center Way Improvements Project; and 2) Authorize the City Manager to execute any subsequent Measure R Funding Agreements.

#### **ITEM 4      ORDINANCES AND PUBLIC HEARINGS**

- A. Parking Lot Safety Standards  
Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 403 adding Section 17.48.070 (Parking Lot Safety Standards) to Malibu Municipal Code Title 17 (Zoning) to establish development standards for new and existing parking lots citywide, determining Zoning Text Amendment No. 15-004 to be categorically exempt from the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 403 for the March 28, 2016 Adjourned Regular City Council meeting.

Planning Manager Deleau presented the staff report.

Mayor Rosenthal stated the Zoning Ordinance Revisions and Code Enforcement Subcommittee discussed the matter and felt it was important to protect places where people congregated rather than at all parking spaces. She indicated support for the proposed ordinance.

Mayor Pro Tem La Monte discussed the incident in the City of Artesia. He requested introducing the ordinance in Malibu.

MOTION

Mayor Pro Tem La Monte moved and Councilmember Sibert seconded a motion to: 1) introduce on first reading Ordinance No. 403 adding Section 17.48.070 (Parking Lot Safety Standards) to Malibu Municipal Code Title 17 (Zoning) to establish development standards for new and existing parking lots citywide, determining Zoning Text Amendment No. 15-004 to be categorically exempt from the California Environmental Quality Act; 2) direct staff to schedule second reading and adoption of Ordinance No. 403 for the March 28, 2016 Adjourned Regular City Council meeting; and 3) direct staff to bring back the following Planning Commission recommendation: a) include a requirement for vehicle protection devices to be added where driveways run perpendicular to and terminate adjacent to outdoor pedestrian seating areas; b) direct code enforcement to prioritize enforcement of regulations for illegal signs that are present adjacent to seating areas that do not have sufficient support to withstand impact and which may post a safety hazard; and c) direct the Public Safety Commission to study other safety issues regarding vehicle-into-building accidents and other pedestrian areas at risk.

In response to Mayor Rosenthal, Planning Manager Deleau discussed concerns regarding unfixed signs, similar to sandwich signs.

The motion carried 4-0, Councilmember Peak absent.

B. Malibu Minimum Wage Ordinance

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 404 adding Chapter 9.36 (Minimum Wage) to Malibu Municipal Code Title 9 (Public Peace and Welfare) to establish a phased approach to reach \$15 per hour by 2020; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 404 for the March 28, 2016 Adjourned Regular City Council meeting.

City Attorney Hogin presented the staff report.

Paul Grisanti discussed the City of Los Angeles' exemptions for a separate schedule for job learners and restaurants where wages were made up of tips.

City Attorney Hogin stated the ordinance was not changing those to whom minimum wage was entitled as defined by the Labor Code.

MOTION

Mayor Pro Tem La Monte moved and Mayor Rosenthal seconded a motion to: 1) introduce on first reading Ordinance No. 404 adding Chapter 9.36 (Minimum Wage) to Malibu Municipal Code Title 9 (Public Peace and Welfare) to establish a phased approach to reach \$15 per hour by 2020; and 2) Direct staff to schedule

second reading and adoption of Ordinance No. 404 for the March 28, 2016 Adjourned Regular City Council meeting. The motion carried 4-0, Councilmember Peak absent.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

A. New City Award (Mayor Pro Tem La Monte and Councilmember House)

Recommended Action: At the request of Mayor Pro Tem La Monte and Councilmember House, adopt revised City Council Policy #29, Protocol for City Council Proclamations, Awards and Commendations, to establish a new City award to be named in honor of Walt and Lucille Keller and awarded to residents who have made extraordinary contributions to the City of Malibu and the Malibu community; and 2) Approve award of the 2016 Walt and Lucille Keller Award to Walt and Lucille Keller.

Councilmember House presented the item.

**MOTION**

Mayor Pro Tem La Monte moved and Councilmember House seconded a motion to: 1) adopt revised City Council Policy #29, Protocol for City Council Proclamations, Awards and Commendations, to establish a new City award to be named in honor of Walt and Lucille Keller and awarded to residents who have made extraordinary contributions to the City of Malibu and the Malibu community; and 2) Approve award of the 2016 Walt and Lucille Keller Award to Walt and Lucille Keller. The motion carried 4-0, Councilmember Peak absent.

**ITEM 6 NEW BUSINESS**

A. Point Dume Traffic Calming Improvements

Recommended Action: 1) Consider installing speed humps on Portshead Road from Pacific Coast Highway to Boniface Drive; 2) Consider installing six radar speed advisory signs throughout the Point Dume neighborhood and Busch Drive; 3) Consider installing traffic lane edge striping on Grasswood Avenue and Fernhill Drive; 4) Consider installing a crosswalk at Heathercliff Road and Dume Drive; 5) Consider lowering the posted speed limit on Bluewater Road, Wildlife Road and Cliffside Drive from 30 miles per hour to 25 miles per hour; and 6) Consider requiring removal of encroachments by private property owners into the public right-of-way.

Public Works Director Brager presented the staff report.

Laureen Sills asked the difference between traffic calming and traffic safety. She

requested Grasswood Avenue striping be the first priority. She requested mature trees be retained.

Assistant Public Works Director Duboux explained that traffic calming devices were improvements used to reduce speeding and improve safety issues.

Councilmember House discussed traffic issues on the Point. She requested consideration of one-way traffic on Bluewater Lane.

Mayor Pro Tem La Monte requested the improvements be completed as soon as possible.

Councilmember Sibert stated community support was necessary.

Mayor Rosenthal discussed support for removing encroachments. She suggested starting with the landscaped areas. She discussed parking signs on Grasswood Avenue. She requested staff consider removal of the no parking signs at the end of the street.

Councilmember House discussed the importance of retaining records of the parking spaces created by the City.

City Attorney Hogin explained that “no parking” was established when a nuisance was determined due to emergency vehicle needs. Mayor Rosenthal discussed limited parking for guests on Grasswood. She questioned the no parking signs on the widest part of the street. City Attorney Hogin suggested the matter be brought back at a future meeting.

Councilmember Sibert discussed the no parking signs on his street and the need to remove the encroachments for safety.

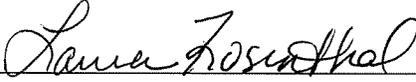
Mayor Rosenthal encouraged landscape encroachments be considered first.

MOTION Mayor Rosenthal moved and Councilmember House seconded a motion to: 1) install speed humps on Portshead Road from Pacific Coast Highway to Boniface Drive; 2) install six radar speed advisory signs throughout the Point Dume neighborhood and Busch Drive; 3) install traffic lane edge striping on Grasswood Avenue and Fernhill Drive; 4) install a crosswalk at Heathercliff Road and Dume Drive; 5) lower the posted speed limit on Bluewater Road, Wildlife Road and Cliffside Drive from 30 miles per hour to 25 miles per hour; and 6) require removal of landscape encroachments, except mature trees, by private property owners into the public right-of-way. The motion carried 4-0, Councilmember Peak absent.

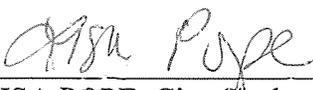
**ADJOURNMENT**

MOTION At 8:22 p.m., Mayor Pro Tem La Monte moved and Mayor Rosenthal seconded a motion to adjourn the meeting to 6:00 p.m. on March 28, 2016, in the memory of Shawna Lynn Jones. The motion carried 4-0, Councilmember Peak absent.

Approved and adopted by the City Council of the  
City of Malibu on April 11, 2016.

  
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LAURA ROSENTHAL, Mayor

ATTEST:

  
\_\_\_\_\_  
LISA POPE, City Clerk  
(seal)