

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
APRIL 11, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Rosenthal called the meeting to order at 6:33 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; Reva Feldman, Assistant City Manager; Lisa Pope, City Clerk; Craig George, Acting Environmental Sustainability Director; Bob Stallings, Parks and Recreation Director; Rob DuBoux, Acting Public Works Director; Jennifer Brown, Senior Environmental Programs Coordinator; and Stephanie Hawner, Associate Planner

PLEDGE OF ALLEGIANCE

Kay Gabbard 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

Personnel Matters pursuant to Government Code Section 54957:

3. Public Employment
Title: City Manager

Conference with Labor Negotiators pursuant to Government Code Section 54957.6:

4. Agency Negotiator: Christi Hogin
Unrepresented Employee: City Manager

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 54956.9(d)(1), 54957, and 54957.6 with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda and unanimously agreed to appoint Reva Feldman to the City Manager position subject to her acceptance of the Council's terms and approval of a written agreement at a future meeting. She announced that Ms. Feldman accepted the offer when conveyed by the City Attorney and that a written contract would be prepared for Council consideration. She further reported on the Closed Session meetings on March 28, April 2 and April 6, 2016, at which time the Council reviewed applications and interviewed City Manager candidates. She stated no other reportable actions were taken.

APPROVAL OF AGENDA

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

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was properly posted on April 1, 2016, with the amended agenda posted on April 7, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Linda Gibbs addressed the Council regarding non-native plants and chemical eradication.

Hashi Clark deferred her time to Kraig Hill.

Kraig Hill distinguished the difference between invasive and non-native plant species. He discussed the invasion of fountain grass and need for weed management.

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

Assistant City Manager Feldman thanked the Mayor and Council for selecting her as the new City Manager. She thanked the community for its support. She stated she was looking forward to continuing to serve the community. She discussed the successful Chumash event at Bluffs Park on April 9 and 10, 2016. She stated the Malibu High School appeal would be before the California Coastal Commission (CCC) on April 15, 2016.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Mayor Pro Tem La Monte congratulated Assistant City Manager Feldman. He thanked Ms. Gibbs and Mr. Hill for bringing the invasive plant issue to the Council's attention. He stated he attended two California Contract Cities Association Executive Board meetings, judged at Pepperdine University's Songfest, attended a City of Lakewood event honoring outgoing Mayor Jeff Wood, spoke at a Meals on Wheels event in Santa Monica, and attended a luncheon honoring City of Calabasas Mayor James Bozajian. He stated he and Mayor Rosenthal attended the Mayors' Regional Summit to Combat Homelessness, the League of California Cities Policy Planning Committee meeting, and the City's Chumash Day event and thanked Parks and Recreation staff for coordinating the event. He stated he and City Attorney Hogin would meet with Assemblymember Richard Bloom and Assemblymember Jim Wood on April 13, 2016, regarding rehabilitation facility overconcentration.

Councilmember Sibert discussed the City Manager recruitment process and congratulated Assistant City Manager Feldman. He discussed the Southern California Association of Governments (SCAG) meeting regarding the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy. He discussed the recent Environmental Sustainability Subcommittee meeting at which City Hall solar was discussed.

Councilmember Peak thanked Ms. Gibbs and Mr. Hill for bringing the matter to the Council's attention. He discussed the potential City Hall solar. He expressed frustration with Caltrans' unexplained closure of Pacific Coast Highway (PCH). He congratulated Assistant City Manager Feldman on her appointment as City Manager.

Councilmember House concurred with the other Councilmembers regarding the appointment of Assistant City Manager Feldman. She thanked Ms. Gibbs and Mr. Hill.

Mayor Rosenthal congratulated Assistant City Manager Feldman. She stated there were many viable candidates but Assistant City Manager Feldman was the best candidate for the position. She stated City Manager Thorsen's last meeting would be on April 25, 2016, and welcomed the community to a reception following the meeting. She reminded residents that one southbound lane of PCH would be closed on April 12, 2016, from 9:00 a.m. to 3:00 p.m. She reflected on the City's 25th Anniversary celebration. She stated she attended the City's Chumash Day event, the Mayors' Regional Summit to Combat

Homelessness, and met with Mayors at Metro headquarters regarding Measure R2. She stated she attended a League of California Cities Environmental Quality Subcommittee meeting. She discussed the previous Library Speakers Series event and announced the next event on May 11, 2016. She announced the Find and Fix a Leak DIY Workshop at City Hall on April 16, 2016, and the Malibu Farmers Market on April 24, 2016. She stated the Malibu Unification Negotiations Committee efforts were six days in to the 60-day negotiation period and announced its next meeting on April 14, 2016, at 7:00 p.m., at City Hall. She stated she sent a letter on behalf of the City to the mother of Shauna Lynn Jones, the young firefighter recently killed, and read the response letter.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem La Monte moved and Councilmember Peak 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 46974-47101 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. 570 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$962,512.52. City of Malibu payroll check numbers 4650-4652 and ACH deposits were issued in the amount of \$160,093.27.
 - 3. Approval of Minutes
Recommended Action: Approve the minutes for the March 14, 2016 Regular City Council meeting.
 - 4. Wyland National Mayor's Challenge for Water Conservation
Recommended Action: Authorize participation in the Wyland National Mayor's Challenge for Water Conservation.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Santa Monica College Malibu Campus Project Floor Area Ratio Increase Request
Recommended Action: Adopt Resolution No. 16-13 approving an increase in floor area ratio (FAR) from 0.15 to 0.20 for the significant public benefits provided by the project conditionally approved by Coastal Development Permit

No. 13-056, Variance Nos. 13-045, 14-034, and 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028 for demolition of the existing 16,603 square foot building, 7,279 square foot basement, and a portion of the existing arcade, and construction of a new two-story, 35 foot, 10 inch high, 25,310 square foot educational facility that includes a 5,640 square foot sheriff substation, for a proposed FAR of 0.20, reconstruction of the parking area, hardscape and landscaping, grading and retaining walls, lighting and utilities, and relocation and replacement of the exiting 70 foot high communication tower with a 75 foot high communication tower, on the westerly 2.94 acre lease area within the 9.18 acre Los Angeles County Civic Center parcel; including a conditional use permit for an educational facility use in the Institutional zoning district located at 23525 Civic Center Way.

Associate Planner Hawner presented the staff report.

Dr. Kathryn Jeffery, Superintendent/President of Santa Monica College (SMC), expressed her enthusiasm for the College project and encouraged the Council to approve the increased FAR.

Don Girard, Senior Director of Governmental Relations of SMC, discussed the proposed project and history of the previous offerings in the City. He discussed the benefits of an in-town campus and potential classes to be held in Malibu. He stated the environmental study found no traffic impact. He stated the project would also improve public safety with the Sheriff substation and provide the community with a multi-purpose room. He stated the core vision was sustainability. He discussed the benefits to be provided by the College. He urged the Council to adopt the resolution.

Dr. Louise Jaffe, Chair of the SMC Board of Trustees, indicated support for the project due to its public benefits. She urged the Council to approve the increased FAR.

Kay Gabbard expressed support and excitement for the SMC Malibu Campus. She discussed the benefits to the City of Malibu.

Anne Doneer, read a letter from Richard Lawrence, President of the Malibu Township Council, alleging significant exceptions from Malibu's standard building requirements and questioning public amenities.

Lauren Sills stated the amenities were quintessential public amenities.

Melanie Goudzwaard, Advocates for Malibu Public Schools, read a letter from Roui Israel, encouraging the Council to support the project.

Terry Davis expressed concern about granting variances and questioned why the project was not designed to fit into the building standards. She urged the Council to carefully review the proposed public amenities.

Karen Farrer discussed the public benefits provided by the SMC project and urged the Council to approve the project.

Lloyd Ahern deferred his time to Ken Kearsley.

Ken Kearsley discussed the bond measure and thanked Maria Chong-Castillo. He discussed the opportunity of having a college in the City and his personal experience attending SMC.

Carol Moss indicated support for SMC but suggested dedicated space for the needy, underemployed and unemployed.

Craig Foster, Santa Monica-Malibu Unified School District Board Member, discussed the benefits of a community college in Malibu. He urged the Council to approve the increased FAR.

Heather Anderson reminded the Council and community of the public benefit provided by the Joint Powers Authority contribution of \$5 million to help purchase Legacy Park. She stated the increased FAR justified the public benefits.

Lance Simmens deferred his time to Patt Healy.

Cece Woods deferred her time to Patt Healy.

Dru Ann Jacobson deferred her time to Patt Healy.

Denny Melle deferred her time to Patt Healy.

Steve Woods deferred his time to Patt Healy.

Judi Pace deferred her time to Patt Healy.

Patt Healy, Malibu Coalition for Slow Growth, stated the increased FAR could not be granted because there were not significant public benefits. She disagreed with the Planning Commission approvals.

Norm Haynie stated the hearing was not about the development standards or variances but whether or not a college education was a relevant public benefit. He indicated support for SMC coming to Malibu. He questioned some of the approved development standards but stated there was no question that having SMC in Malibu was a benefit to the community.

Bianca Torrence was not present.

Los Angeles County Sheriff Captain Patrick Davoren discussed the benefits of a Sheriff substation in Malibu and community policing/partnership.

Mr. Girard stated an advisory group would be utilized to establish the interpretive center program and facility design. He stated the College would be handling the cost of Sheriff substation.

Mayor Rosenthal stated the Council had not voted on the project. City Attorney Hugin clarified the complete decision of the City would include the Planning Commission's decision. Planning Director Blue stated the CCC appeal period would begin once the Council came to a decision.

Councilmember Sibert discussed the benefit of a Sheriff substation in Malibu and the benefit of education for students and the community. He stated he had never voted to approve an increased FAR but would for this project. He encouraged SMC to participate in assisting the Labor Exchange.

Mayor Pro Tem La Monte stated Sheriff substation and education were public benefits. He stated he would support the increased FAR.

Councilmember House discussed the previous guarantee of maintained service with the closure of the Malibu Sheriff station. She stated the Sheriff's Department should pay for the substation. She expressed concern about the variances granted to the College. She stated the design was not within the City's character. She expressed concern about the number of students that would be attending the college. She expressed concern about compact parking spaces. She stated the multi-purpose room and interpretative center were of little value if not open on the weekends. She indicated support for education but was concerned about the proposed public benefits. She expressed disappointment that the Malibu community did not have the opportunity to weigh in on the project.

Councilmember Peak stated he met with representatives from the College and walked the property. He indicated support for education but was frustrated with the variances. In response to Councilmember Peak, Kevin Tyrrell with QDG Architecture, explained the five initial designs presented to City staff.

Mr. Girard discussed the public outreach and efforts for alternative locations. He explained the two interests of the Sheriff substation and College campus.

Councilmember Peak discussed the potential of the project being appealed to the CCC due to variances. He stated he wanted a college campus in Malibu but it needed to be designed to City standards. He stated there was a public benefit but was frustrated with the project height.

Mayor Rosenthal agreed with Mayor Pro Tem La Monte and Councilmember Sibert regarding the public benefits. She stated the Planning Commission decision was not appealed to the Council. She stated community rooms would be a benefit for the residents. She discussed the bond and indicated the amenities were needed in Malibu. She discussed the closure of the Malibu Substation and indicated support for reopening a substation in Malibu.

In response to Councilmember House, Mr. Girard anticipated weekend and evening use of the community room.

MOTION

Mayor Rosenthal moved and Councilmember Sibert seconded a motion to adopt Resolution No. 16-13 approving an increase in floor area ratio (FAR) from 0.15 to 0.20 for the significant public benefits provided by the project conditionally approved by Coastal Development Permit No. 13-056, Variance Nos. 13-045, 14-034, and 14-035, Conditional Use Permit No. 13-011, and Demolition Permit No. 13-028 for demolition of the existing 16,603 square foot building, 7,279 square foot basement, and a portion of the existing arcade, and construction of a new two-story, 35 foot, 10 inch high, 25,310 square foot educational facility that includes a 5,640 square foot sheriff substation, for a proposed FAR of 0.20, reconstruction of the parking area, hardscape and landscaping, grading and retaining walls, lighting and utilities, and relocation and replacement of the exiting 70 foot high communication tower with a 75 foot high communication tower, on the westerly 2.94 acre lease area within the 9.18 acre Los Angeles County Civic Center parcel; including a conditional use permit for an educational facility use in the Institutional zoning district located at 23525 Civic Center Way.

Councilmember Sibert expressed concern with the variances but stated the Planning Commission decision had not been appealed to the Council.

Councilmember Peak questioned the design process, which resulted in the additional height. In response to Councilmember Peak, Mr. Tyrrell explained the height necessary for an institutional structure and intentional efforts to improve roof development and aesthetic view from above the roof.

In response to Mayor Rosenthal, Mr. Tyrrell discussed the optimum height for state-of-the-art classrooms and minimum slope

The question was called and the motion carried 3-1-1, Councilmember House dissenting, and Councilmember Peak abstaining.

- B. California Coastal Commission Modifications to Local Coastal Program Trail Dedication Incentive Program and General Plan Trails Map Amendment
Recommended Action: Continue the item to the May 9, 2016 Regular City Council meeting to allow staff additional time to discuss with the California Coastal Commission specific implementation procedures.

This item was continued upon approval of the agenda.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

None.

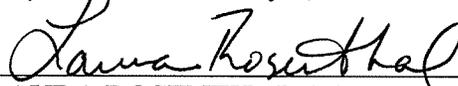
ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

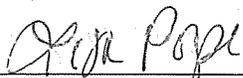
MOTION At 8:40 p.m. Councilmember Sibert moved and Mayor Pro Tem La Monte seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on May 9, 2016.



LAURA ROSENTHAL, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)