

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MAY 9, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Rosenthal called the meeting to order at 6:36 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 Skylar Peak,

ABSENT: Councilmember John Sibert

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Craig George, Environmental Sustainability Director; Bob Stallings, Parks and Recreation Director; Bonnie Blue, Planning Director; Rob DuBoux, Acting Public Works Director; Heather Glaser, Deputy City Clerk; Jennifer Brown, Senior Environmental Programs Coordinator; and Adrian Fernandez, Senior Planner

PLEDGE OF ALLEGIANCE

Theo Friesen led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

REPORT ON POSTING OF AGENDA

Deputy City Clerk Glaser reported that the agenda for the meeting was properly posted on April 26, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Norm Haynie requested the Council file a zone text amendment for four parcels at the northwest corner of Pacific Coast Highway and Tuna Canyon incorrectly zoned as open space.

Joe Blaine discussed his living situation.

Janet Friesen discussed pesticide use at Malibu schools.

Kelly Meyer discussed pesticide use at Malibu schools.

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

City Manager Feldman announced Craig George as the new Environmental Sustainability Director. She provided contact information for anyone experiencing issues with Frontier.

Parks and Recreation Director Stallings discussed the ban of anti-coagulant rodenticides on City property. He stated the integrated pest management policy would be addressed at the next Parks and Recreation Commission meeting on May 17, 2016, at 5:30 p.m.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

In response to Councilmember House, City Attorney Hogin stated any property owner had the right to apply for a map amendment, or the City could take responsibility for initiating the change. Mr. Haynie stated the parcels were illegally zoned and it was the City's responsibility to initiate the change.

CONSENSUS

By consensus, the Council directed staff to bring back an item regarding zoning of four parcels at the northwest corner of Pacific Coast Highway and Tuna Canyon.

Mayor Pro Tem La Monte stated he attended a California Contract Cities Association Executive Board meeting, an Administration and Finance Subcommittee meeting, and a Pacific Coast Highway (PCH) Task Force meeting. He stated he would attend the California Contract Cities Association (CCCA) Annual Conference, which would be hosted by the City of Malibu, and thanked City Manager Feldman for her work on the event.

Councilmember Peak stated he attended memorial services for Ozzie Silna and an Empty the Tanks event at Malibu Pier. He encouraged all to attend the upcoming Parks and Recreation Commission meeting on May 17, 2016. He stated he attended a Zoning Ordinance Revisions and Code Enforcement Subcommittee

(ZORACES) meeting, and visited the Point Dume area regarding encroachment issues.

Councilmember House discussed the recent Administration and Finance Subcommittee meeting. She stated she would attend the California Contract Cities Association Annual Conference.

Mayor Rosenthal stated she attended the 2nd Annual Malibu Guitar Festival event and thanked John Watkin and Doug Deluca. She stated she met with a Public Utility Commissioner regarding work on the poles, and attended a ZORACES meeting, an Empty the Tanks event, a Southern California Association of Governments meeting, and a PCH Task Force meeting. She stated she would be attending the CCCA Annual Conference. She announced a Homeless Connect Day on May 25, 2016, and the next Library Speaker Series event on May 11, 2016.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember Peak moved and Mayor Pro Tem La Monte seconded a motion to approve the Consent Calendar. The motion carried 4-0, Councilmember Sibert 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 47242-47351 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. 572 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,230,597.39. City of Malibu payroll check numbers 4656-4661 and ACH deposits were issued in the amount of \$159,245.59.

3. Approval of Minutes

Recommended Action: Approve the minutes for the April 2, 2016 Special City Council meeting, April 6, 2016 Special City Council meeting, and April 11, 2016 Regular City Council meeting.

4. Professional Services Agreement with Konica Minolta Business Solution for Agenda Management Solution
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Konica Minolta Business Solution for implementation of software modules to achieve an Agenda Management Solution on the City's existing OnBase platform.
5. Application for California State Department of Recycling and Resources Recovery Payment Programs
Recommended Action: Adopt Resolution No. 16-16 authorizing submittal of application for California State Department of Recycling and Resources Recovery payment programs and related authorizations.
6. Third Quarter Fiscal Year 2015-2016 Financial Report
Recommended Action: Receive and file Fiscal Year 2015-2016 Third Quarter Financial Report.
7. Response to 2015-2016 Los Angeles County Civil Grand Jury Interim Report on Inadequate El Niño Planning for County Homeless Population
Recommended Action: Ratify the response to the Grand Jury Interim Report entitled "Inadequate El Niño Planning for County Homeless Population: An Interim Report by the 2015-2016 Los Angeles County Civil Grand Jury."

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District
Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 16-17 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

Senior Environmental Programs Coordinator Brown presented the staff report.

MOTION Councilmember Peak moved and Mayor Pro Tem La Monte seconded a motion to adopt Resolution No. 16-17 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30. The motion carried 4-0, Councilmember Sibert absent.

- B. California Coastal Commission Modifications to Local Coastal Program Trail Dedication Incentive Program and General Plan Trails Map Amendment
Recommended Action: 1) Adopt Resolution No. 16-18 approving Local Coastal Program Amendment (LCPA) No. 10-003 amending the Land Use Plan (LUP) Park Lands Map and corollary LUP policies; approving General Plan Amendment

No. 10-003 amending the General Plan Open Space and Recreational Element Figure OS-2 (Malibu / Santa Monica Mountains Area Plan Trail System); determining the Local Coastal Program (LCP) and General Plan amendments are categorically exempt from the California Environmental Quality Act (CEQA); and repealing Resolution No. 11-15; 2) After the City Attorney reads the title, introduce on first reading Ordinance No. 405 approving LCPA No. 09-006 amending the Local Implementation Plan (LIP) to establish a Trail Dedication Incentive Program and the Parkland and Trails Dedication Incentive Program Map; and repealing Ordinance No. 358; 3) Direct staff to schedule second reading and adoption of Ordinance No. 405 for the May 23, 2016 Regular City Council meeting; and 4) Adopt Resolution No. 16-19 initiating an amendment to the LCP to remove the Haunted House Trail and a segment of the Ramirez Delaplane trail between Delaplane Road and the Austin Chute Trail from the LIP Parkland and Trails Dedication Incentive Program Map and direct the Planning Commission to schedule a public hearing regarding the LCPA.

Senior Planner Fernandez presented the staff report.

Planning Director Blue indicated a scribes error in Resolution No. 16-19, which would be amended to reflect the appropriate action.

Hal Dale stated the Haunted House Trail was on private property and there was no public use allowed.

Oscar Victoria, Mountains Recreation and Conservation Authority (MRCA) Counsel, indicated opposition to removal of the Haunted House and Ramirez Delaplane Trails.

Madeleine Ayvazian declined to speak.

Clarice Christianson declined to speak.

Ronald Stone expressed safety concerns regarding the trails and indicated support for removal of the Haunted House and Ramirez Delaplane Trails.

Graig Gold discussed no trespassing signs on his property and indicated support for removal of the Haunted House and Ramirez Delaplane Trails.

Howard Rudzki discussed increased traffic and interruption in the neighborhood due to the trails and indicated support for removal of the Haunted House and Ramirez Delaplane Trails.

Darren Murray declined to speak.

Lauren Fallieras deferred her time to Rey Cano.

Jamie Roberts deferred her time to Rey Cano.

Rey Cano indicated support for removal of Haunted House trail.

Brad Folb discussed the LCP map. He questioned what staff was authorized to request from property owners under the Voluntary Incentives Program.

Marissa Coughlan stated there were no Sycamore Park trail dedications.

Neel Muller deferred his time to Virginia Muller.

Virginia Muller indicated opposition to the MRCA letter requesting permanent trails.

Gene Zilinskas deferred his time to Ken Kearsley.

Andrius Kirsonis deferred his time to Ken Kearsley.

Linda Thomson deferred her time to Ken Kearsley.

Sohila Rezar deferred her time to Ken Kearsley.

Gholamreza Rezai deferred her time to Ken Kearsley.

Ken Kearsley discussed the private easement in Sycamore Park. He indicated support for removal of the Haunted House and Ramirez Delaplaine Trails.

Dagmar Zilinskas deferred his time to Rick Mullen.

Beatrix Zilinskas deferred her time to Rick Mullen.

Brandon Jenner deferred his time to Rick Mullen.

Jose Guzman deferred his time to Rick Mullen.

Bryan Spangie deferred his time to Rick Mullen.

Kelly Lee deferred her time to Rick Mullen.

Rick Mullen indicated support for removal of the Haunted House and Ramirez Delaplaine Trails. He discussed the Coastal Slope Trail.

Kelly McSpadden deferred her time to Dale Shaefer.

Larry Morrison deferred his time to Dale Shaefer.

Dale Shaefer expressed concern for the degradation of the Ramirez Delaplane Trail.

Lottee Cherin was not present.

Lyn Ayal was not present.

Navendu Joshi was not present.

Liz Robinson indicated support for removal of the Haunted House and Ramirez Delaplane Trails.

Denise Housfield deferred her time to David Stansfield.

David Stansfield indicated support for the staff recommendation.

Terryl Hodge indicated support for the staff recommendation.

Barbara Kearsley indicated support for the staff recommendation.

Brittany Stephens indicated support for removal of the Haunted House and full removal of Ramirez Delaplane Trails, and urged the Council to remove the trails from the Trail Incentive Program.

Kim Calvert declined to speak.

Elizabeth Stephens stated an MRCA officer had bullied the Sycamore Park residents. She stated the Planning Department had denied her home improvement permit because of the supposed location of the Haunted House trail.

Don Schmitz discussed the purpose of the Trails Committee and Trails Plan. He stated there were very few legitimate trails in the City.

Stan and Preston Cook stated Sycamore Park was private.

Cheryl Calvert stated Sycamore Park was private. She indicated support for removal of the Haunted House and Ramirez Delaplane Trails.

Don Briscoe deferred his time to Peter Ireland.

Peter Ireland expressed concern for overburdening natural resources in the community. He requested the item be continued.

Mayor Rosenthal expressed disappointment in the MRCA stewardship of trail easements.

Mayor Pro Tem La Monte discussed the easement to get to property at other end of Escondido. He indicated support for the staff recommendation and requested removal of the Escondido connector as well.

MOTION

Councilmember Peak moved and Mayor Rosenthal seconded a motion to: 1) adopt Resolution No. 16-18, amending Figure B to remove the Haunted House Trail, the segment of the Ramirez Delaplane Trail between Delaplane Road and the Austin Chute Trail, approving Local Coastal Program Amendment (LCPA) No. 10-003 amending the Land Use Plan (LUP) Park Lands Map and corollary LUP policies; approving General Plan Amendment No. 10-003 amending the General Plan Open Space and Recreational Element Figure OS-2 (Malibu / Santa Monica Mountains Area Plan Trail System; determining the Local Coastal Program (LCP) and General Plan amendments are categorically exempt from the California Environmental Quality Act (CEQA); and repealing Resolution No. 11-15; 2) after the City Attorney reads the title, introduce on first reading Ordinance No. 405 approving LCPA No. 09-006 amending the Local Implementation Plan (LIP) to establish a Trail Dedication Incentive Program and the Parkland and Trails Dedication Incentive Program Map; and repealing Ordinance No. 358; 3) direct staff to schedule second reading and adoption of Ordinance No. 405 for the May 23, 2016 Regular City Council meeting; and 4) adopt Resolution No. 16-19, as amended and with Section 1 corrections, initiating an amendment to the LCP to remove the Haunted House Trail, a segment of the Ramirez Delaplane Trail between Delaplane Road and the Austin Chute Trail from the LIP Parkland and Trails Dedication Incentive Program Map, and the LUP Park Lands Map, and direct the Planning Commission to schedule a public hearing regarding the LCPA.

Councilmember Peak indicated disappointment in the actions of the MRCA.

Councilmember House indicated support for the staff recommendation.

In response to Councilmember House, City Attorney Hogin stated initiation of an LCPA by the Council would first go to the Planning Commission and then come back to the Council.

FRIENDLY AMENDMENT

Mayor Pro Tem La Monte moved to amend the motion to include the removal of the Escondido Connector Trail. Councilmember Peak and Mayor Rosenthal accepted the friendly amendment.

Senior Planner Fernandez clarified the correction to Resolution No. 16-19 and additional changes to both resolutions surrounding the inclusion of removal of the Escondido Connector.

The question was called and the amended motion carried 4-0, Councilmember Sibert absent.

RECESS Mayor Rosenthal called a recess at 8:45 p.m. The meeting reconvened at 8:57 p.m. with all Councilmembers present.

- C. Fiscal Year 2016-2017 Schedule of Fees
Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 16-20 establishing the Fiscal Year 2016-2017 Schedule of Fees.

City Manager Feldman presented the staff report.

MOTION Mayor Pro Tem La Monte moved and Councilmember House seconded a motion to adopt Resolution No. 16-20 establishing the Fiscal Year 2016-2017 Schedule of Fees. The motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. *The Park at Cross Creek, LLC and the Malibu Bay Company v. City of Malibu, LACSC Case No. BS155299, Litigation Decisions; and Measure R Follow-up - Update on Ordinance to Regulate Chain Stores*

Recommended Action: 1) Receive status reports on Measure R litigation and contingency zoning ordinance amendment to regulate chain stores; 2) decide whether to file an appeal; and 3) provide further direction on zoning ordinance amendment.

City Attorney Hogin presented the staff report and provided an update on Measure R litigation.

In response to Mayor Rosenthal, City Attorney Hogin stated the Council could continue the item to May 23, 2016 Regular City Council meeting, which would be attended by Assistant City Attorney Rusin, in order for Councilmember Sibert to participate in the decision.

CONSENSUS

By consensus, the Council continued to the May 23, 2016 Regular City Council meeting discussion on whether to file an appeal and provide further direction on zoning ordinance amendment.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

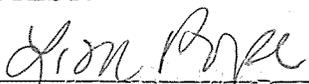
MOTION At 9:14 p.m. Mayor Pro Tem La Monte moved and Councilmember Peak moved to adjourn the meeting. The motion carried 4-0, Councilmember Sibert absent.

Approved and adopted by the City Council of the
City of Malibu on June 13, 2016.



LAURA ROSENTHAL, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)