

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JANUARY 22, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Peak called the meeting to order at 6:30 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Skylar Peak; Mayor Pro Tem Mullen and Councilmembers Lou La Monte, Laura Rosenthal, and Jefferson Wagner

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Craig George, Environmental Sustainability Director; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Ruth Piyaman, Finance Manager; Susan Dueñas, Public Safety Manager; Matt Myerhoff, Media Information Officer; Mike Phipps, Contract Geologist/Coastal Consultant; and Rob DuBoux, Assistant Public Works Director

PLEDGE OF ALLEGIANCE

Howard Ferguson led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

Conference with Real Property Negotiators pursuant to Government Code Section 54956.8:

1. Properties: APN 4458-022-011 (23575 Civic Center Way)
APN 4458-020-015 (Webb Way and Civic Center Way)
APN 4458-021-007 (Webb Way and Civic Center Way)
APN 4466-021-028 (Heathercliff Road and Pacific Coast Highway)
City Negotiator: City Manager Feldman
Property Negotiator: Malibu Bay Company
Under Negotiation: Price and terms of payment

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 Section

54956.8 with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Rosenthal moved and Councilmember Wagner seconded a motion to approve the agenda, adjourning in memory of Daniel Atticus Anderson and Dick Joy. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on January 11, 2018, with the amended agenda posted on January 18, 2018.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Ann Buxie read a poem epigraph by Laura Collins-Hughes. She questioned when an earth friendly management policy would be adopted.

Howard Ferguson discussed the book, *The National Modernization Act*, by Sage Rainbow. He presented copies of the book to the Council and requested it endeavor to implement its contents.

Kraig Hill stated the Universal Waste Systems compost and mulch event was not advertised far enough in advance. He stated the trash was not regularly picked up by Universal Waste Systems. He questioned when a dark sky draft ordinance would be considered and discussed lighting in his neighborhood.

Elizabeth Stephens stated the Mountains Recreation and Conservation Authority (MRCA) had posted that there was a public trailhead in Sycamore Park. She discussed neighborhood ingress and egress and private property owner easement rights. She stated MRCA and SMMC should be required to follow the Local Coastal Program. She requested the Council consider ways to protect the neighborhood.

Brittany Stephens stated MRCA was attempting to change the use of a residential lot it had acquired in Sycamore Park. She requested the Council consider ways to protect the neighborhood at its next meeting.

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

City Manager Feldman stated the request for proposals response period for a school district separation consultant would be extended to generate additional

interest. She stated the City would test its Everbridge Disaster Notification system for emergency alerts on February 7, 2018.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember La Monte thanked Mr. Ferguson and discussed trash pickup issues.

In response to Councilmember La Monte, City Attorney Hogin stated issues regarding the private easement to Sycamore Park was a civil matter and other issues regarding Sycamore Park residents and MRCA were being looked at by the Planning Department.

Councilmember La Monte stated he attended meetings of the League of California Cities in Sacramento. He stated Assemblymember Laura Friedman and Senator Bill Allen would carry the City's rehab reform bill. He stated he met with Reyes Diaz, Senate Health Committee, regarding an upcoming hearing on rehab and sober living facilities. He stated he was asked to be on a panel regarding the overconcentration issue.

Councilmember Wagner stated he and Mayor Peak attended an Environmental Sustainability Subcommittee meeting.

Councilmember Rosenthal stated she attended the Malibu Film Festival, a Las Virgenes-Malibu Council of Governments meeting where Mayor Peak was appointed as an alternate for the Santa Monica Bay Restoration Commission. She stated she attended a Los Angeles County Library Commission meeting and League of California Cities Environmental Quality Policy Committee meeting where the committee considered a bill regarding offshore drilling and a bill to add a fee on all California water bills. She announced a Public Safety Town Hall meeting regarding earthquake preparedness on January 24, 2018, the Harry Barovsky Memorial Youth Commission's 9th Annual Student Art Exhibit on February 10, 2018, a Malibu Library Speaker Series event on January 31, 2018, and the Cultural Arts Commission City Hall art exhibit opening of "The Journey is the Destination: Safari with Dan Eldon" on February 2, 2018. She thanked Mr. Ferguson.

Councilmember Wagner urged Mr. Hill to recommend that his neighbors use sensors on their lights. He stated he attended the opening of the California Wildlife Center Marine Mammal Rehabilitation Facility.

Mayor Pro Tem Mullen stated he attended the New Mayors and Council Members Academy in Sacramento and a League of California Cities Public Safety Policy Committee meeting. He discussed a letter sent by the head of the Los Angeles International Airport Community Noise Roundtable to the Federal Aviation Administration local administrator. He thanked Mr. Ferguson. He stated the

MRCA and Sycamore Park matter should not be left to the community to handle alone.

Mayor Peak thanked Ms. Buxie and Mr. Ferguson. He stated he hoped the dark sky draft ordinance would come back to Council before the summer of 2018. He stated he attended an Environmental Sustainability Subcommittee meeting and an Administration and Finance Subcommittee meeting.

ITEM 3 CONSENT CALENDAR

Item No. 3.A.1. was pulled by the public.

MOTION Mayor Peak moved and Councilmember Rosenthal seconded a motion to approve the Consent Calendar, except Item No. 3.A.1. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

2. Second Reading and Adoption of Ordinance No. 430

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 430 determining the proposed map amendments to be exempt from the California Environmental Quality Act and approving Local Coastal Program Amendment No. 17-001 and Zoning Map Amendment No. 17-003, amending the Local Coastal Program Local Implementation Plan and Malibu Municipal Code Title 17 (Zoning) designating APN 4452-005-029 as Commercial Visitor Serving-Two, located at 22878 Pacific Coast Highway (Malibu Beach Inn).

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 52341-52534 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. 609 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,824,442.53. City of Malibu payroll check numbers 4878-4882 and ACH deposits were issued in the amount of \$344,945.57.

3. Approval of Minutes

Recommended Action: Approve the minutes for the December 11, 2017 Malibu City Council Regular meeting and December 20, 2017 Malibu City Council Adjourned Regular meeting.

4. Annual Audit Report and Management Letter for Fiscal Year 2016-2017

Recommended Action: Receive and file the Comprehensive Annual Financial Report for Fiscal Year 2016-2017.

The following item was pulled for individual consideration:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 428

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 428 determining Zoning Text Amendment No. 17-004 to be categorically exempt from the California Environmental Quality Act and adding Chapter 17.75 (Cannabis Regulations) to Malibu Municipal Code Title 17 (Zoning) to prohibit cannabis delivery and to regulate personal cultivation citywide.

Melody Beattie requested medical cannabis delivery be allowed.

Yvonne Green, 99 High Tide, requested medical cannabis delivery, adult use, and personal cultivation be allowed.

Sam Boyer requested medical cannabis delivery be allowed.

Don Schmitz, on behalf of the Malibu Community Collective, requested medical cannabis delivery be allowed. He stated deliveries would be made within the City by facilities outside the City.

Heidi Apple requested medical cannabis delivery be allowed.

Linda Vallejo questioned the vetting process for the medical marijuana dispensaries operating in the City. She stated the 99 High Tide was advertising delivery. She indicated opposition to delivery in Malibu.

City Attorney Hogin discussed the ordinance adoption process.

Councilmember Rosenthal indicated support for noticing a new hearing. She discussed the importance of showing compassion to those that required cannabis delivery the most.

Mayor Peak indicated support for cannabis delivery and noticing a new hearing.

Councilmember Wagner stated cannabis delivery needed to be explored in the future.

Councilmember Rosenthal questioned the reason for not allowing controlled delivery of cannabis.

Councilmember La Monte stated 85 cities in California had banned recreational cannabis and most of them had banned medical cannabis as well.

Councilmember Rosenthal stated insinuations about other people should be factual. She indicated disappointment in the Council.

Mayor Pro Tem Mullen stated cautionary progress was being made.

MOTION

Councilmember La Monte moved and Councilmember Wagner seconded a motion to adopt Ordinance No. 428 determining Zoning Text Amendment No. 17-004 to be categorically exempt from the California Environmental Quality Act and adding Chapter 17.75 (Cannabis Regulations) to Malibu Municipal Code Title 17 (Zoning) to prohibit cannabis delivery and to regulate personal cultivation citywide. The question was called and the motion carried 3-2, Councilmember Rosenthal and Mayor Peak dissenting.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Appeal No. 17-003 – An Appeal of Planning Commission Resolution No. 17-33 (20516 Pacific Coast Highway; Appellant: E. Randol Schoenberg; Applicant: Mountain Recreation and Conservation Authority; Owner: California Department of Transportation) (Continued from November 27, 2017)
Recommended Action: Continue this item to a date uncertain.

This item was continued upon approval of the agenda.

- B. Award of Community Development Block Grants (CDBG) for Fiscal Year 2018-19
Recommended Action: 1) Conduct the public hearing; 2) Award \$6,839 in CDBG funds to the Malibu Community Day Labor Exchange Program; and 3) Adopt Resolution No. 18-03 authorizing and approving the Fiscal Year 2018-19 CDBG Program funding for the City of Malibu.

Assistant City Manager Soghor presented the staff report.

In response to Councilmember La Monte, Assistant City Manager Soghor stated the allocation was not being used for earthquake kits.

MOTION

Councilmember La Monte moved and Councilmember Rosenthal seconded a motion to: 1) award \$6,839 in CDBG funds to the Malibu Community Day Labor Exchange Program; and 2) adopt Resolution No. 18-03 authorizing and approving the Fiscal Year 2018-19 CDBG Program funding for the City of Malibu.

In response to Mayor Peak, Assistant City Manager stated remaining capital funds were being held for a project involving the Malibu Community Day Labor Exchange trailer.

The motion carried unanimously.

- C. Updated Developer Fee Program for the Benefit of the Consolidated Fire Protection District of Los Angeles County
Recommended Action: Continue this item to the February 12, 2018 Regular City Council meeting.

This item was continued upon approval of the agenda.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Point Dume Neighborhood Watch Signs
Recommended Action: Provide direction to staff regarding the installation of Point Dume Neighborhood Watch signs in the Point Dume neighborhood.

City Manager Feldman presented the staff report.

In response to Councilmember Rosenthal, City Manager Feldman stated the signs would be installed in the City right of way.

Mayor Peak indicated support for the signs to say "Protect Malibu."

Councilmember Rosenthal discussed the possibility of putting similar signs in other neighborhoods.

Mayor Peak stated he would support the decision of the Neighborhood Watch regarding language on the sign but stated he did not want any elitist association.

In response to Councilmember Wagner, Mayor Peak stated the Neighborhood Watch effort had been spearheaded by Pamela Conley Ulich. He stated any community that would like to organize its own neighborhood watch should contact the City.

- MOTION Councilmember Rosenthal moved and Councilmember Wagner seconded a motion to direct staff to install Point Dume Neighborhood Watch signs in the Point Dume neighborhood. The motion carried unanimously.

- B. Coastal Erosion Update
Recommended Action: 1) Receive and file report on coastal erosion; 2) Consider issuing a Request for Proposal (RFP) for a Coastal Vulnerability Analysis consultant to determine susceptibility of the coastline, including beach erosion, to the effects of climate change; and 3) Provide direction to staff.

Mike Phipps, Contract Geologist/Coastal Consultant, discussed the cause and effect of coastal erosion on the coastline of Malibu.

Environmental Sustainability Director George discussed sediment transfer around the Point Dume headlands.

Mayor Peak stated he would like a 10-year dataset for use moving forward.

Councilmember Wagner stated the RFP should include collecting data over a two or three-year period study.

Councilmember La Monte discussed an upcoming California Coastal Commission hearing regarding the Malibu Creek Ecosystem Restoration Project, which included removal of the Rindge Dam and excavation of 780,000 cubic yards of sediment.

Mayor Pro Tem Mullen discussed removing sand from the bottom of Point Dume.

Councilmember Rosenthal discussed including the Coastal Vulnerability Analysis in a climate action plan for the City.

Environmental Sustainability Director George discussed a risk assessment performed by Los Angeles County Department of Beaches and Harbors, which could be combined with new research.

Councilmember Rosenthal discussed a UCLA study regarding sea level rise.

Mayor Peak discussed obtaining access to satellite images. He stated the RFP should contain language regarding climate and sea level rise.

Councilmember Wagner stated data needed to be specific to Malibu.

CONSENSUS

By consensus, the Council: 1) received and filed a report on coastal erosion; and 2) authorized staff to issue a Request for Proposals for a Coastal Vulnerability Analysis consultant to determine susceptibility of the coastline, including beach erosion, to the effects of climate change.

ITEM 7 COUNCIL ITEMS

A. California Public Utilities Commission Draft Resolution E-4907 – Opposed (Mayor Peak)

Recommended Action: At the request of Mayor Peak, adopt Resolution No. 18-05 opposing California Public Utilities Commission Draft Resolution E-4907, which could impact cities' opportunities to implement community choice energy programs to benefit their residents and businesses.

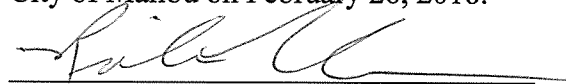
Mayor Peak presented the report.

MOTION Mayor Peak moved and Councilmember Rosenthal seconded a motion to adopt Resolution No. 18-05 opposing California Public Utilities Commission Draft Resolution E-4907, which could impact cities' opportunities to implement community choice energy programs to benefit their residents and businesses. The motion carried unanimously.

ADJOURNMENT


At 8:01 p.m., Mayor Peak adjourned the meeting in memory of Daniel Atticus Anderson and Dick Joy.

Approved and adopted by the City Council of the
City of Malibu on February 26, 2018.



RICK MULLEN, Mayor

ATTEST:


HEATHER GLASER, City Clerk
(seal)