

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MAY 29, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Mullen called the meeting to order at 6:35 p.m.

ROLL CALL

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

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

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Craig George, Environmental Sustainability Director; Bonnie Blue, Planning Director; Susan Dueñas, Public Safety Manager; Kelsey Pettijohn, Deputy City Clerk; Ruth Piyaman, Finance Manager; Jessica Colvard, Associate Planner; and Rob DuBoux, Acting Public Works Director

PLEDGE OF ALLEGIANCE

Uma Peak led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Rosenthal moved and Councilmember La Monte seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on May 17, 2018, with the amended agenda posted on May 17, 2018.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of Commendations to Los Angeles County Sheriff's Deputies Mike Treinen and Gordon Peters for their Response to an Attempted Suicide

Mayor Mullen presented commendations to Los Angeles County Sheriff's Deputy Mike Treinen and Los Angeles County Sheriff's Deputy Gordon Peters.

Deputies Treinen and Peters thanked the Council.

ITEM 2.A. PUBLIC COMMENTS

Victor Kamont discussed the rising cost of living in Malibu. He requested the Council consider affordable housing in Malibu.

Johann Laetz discussed the first amendment. He stated the Council had taken unreported action during the May 14, 2018 Council meeting Closed Session.

Linda Gibbs discussed a Santa Monica Mountains Fund campaign "Break the Poison Chain." She requested the Council write a letter of support for the campaign and advertise it on the City's website.

Graeme Clifford discussed the crosswalk near Malibu Beach Inn. He stated the crosswalk location was a safety hazard. He stated the City had not reviewed the project.

Deborah Frankel stated Roundup had been sprayed in Puerco Canyon. She discussed Mountains Recreation Conservancy Authority (MRCA) plans to put a camp in Puerco Canyon for underprivileged children.

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

Carol Randall provided an update from the Public Safety Commission, including light timing at Pacific Coast Highway (PCH) and Topanga Canyon Boulevard, homelessness in the City, Civic Center area construction projects, delays in beginning the La Costa crosswalk project, the Point Dume Speed Study, and parking issues on Corral Canyon Road outside of the Solstice Canyon gate. She stated the Commission planned to meet with Southern California Edison to discuss the possibility of upgrading street lighting on PCH.

City Manager Feldman thanked Deputy Treinen and Deputy Peters. She stated paving would take place on Cross Creek Road, Civic Center Way between Webb Way and Cross Creek Road, and Stuart Ranch Road on June 6 – June 7, 2018, from 8:00 p.m. to 5:00 a.m.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Peak expressed disappointment that it was not illegal to spray Roundup in the City. He thanked Deputy Treinen and Deputy Peters. He stated he participated in a conference call regarding Los Angeles Community Choice Energy (LACCE). He indicated support for speaking with Caltrans or the California Coastal Commission regarding the crosswalk near Malibu Beach Inn.

Councilmember La Monte thanked Deputy Treinen and Deputy Peters.

In response to Councilmember La Monte, City Attorney Hogin stated the Council was in full compliance with the Brown Act. She discussed the provisions of the

Government Code that allowed the Council to discuss employment matters in Closed Session before considering in Regular Session whether to approve any contract amendment.

Councilmember La Monte stated the California Assembly unanimously passed Assembly Bill (AB) 3162. He stated City Manager Feldman, California Strategies, and he met with the Senate Health Committee staff regarding AB 3162. He stated he participated in a conference call regarding sober living homes with the Residential Recovery Reform Coalition in Orange County. He stated he participated in a conference call with the Coastal Cities Interest Group Leadership Committee where he discussed the Federal Emergency Management Agency (FEMA) Preliminary Floodplain Maps. He stated he attended the California Contract Cities Association Annual Municipal Seminar.

Councilmember Rosenthal thanked Deputy Treinen and Deputy Peters.

In response to Councilmember Rosenthal, City Attorney Hogin stated it was standard procedure to discuss employment matters in Closed Session.

Councilmember Rosenthal discussed crosswalk issues. She stated she attended the California Contract Cities Association Annual Municipal Seminar. She stated Mayor Mullen, City Attorney Hogin, City Manager Feldman, and she met with the City's consultant and members of the Santa Monica-Malibu Unified School District (SMMUSD) Board of Education to start negotiations for an agreement to separate into two school districts. She stated she attended a Los Angeles County Library Commission meeting. She stated City Manager Feldman and she presented a City tile to Calabasas City Manager Tony Coroalles who would be retiring at the end of the month. She thanked those that gave their lives in protecting the United States of America.

Councilmember Peak thanked those that gave their lives in protecting the United States of America. He stated he attended the 100th birthday celebration for May Weidemann.

Mayor Pro Tem Wagner discussed the Strategic Plan on Homelessness Community Meeting held on May 24, 2018. He thanked Deputy Treinen. He thanked Ms. Frankel and stated he had drafted a letter to Joe Edmiston, MRCA Executive Director, regarding the use of Roundup. He discussed the delay in constructing the La Costa crosswalk.

Mayor Mullen thanked Deputy Treinen and Deputy Peters. He thanked Mr. Kamont, Mr. Laetz, and Ms. Gibbs.

CONSENSUS

By consensus, the Council directed staff to bring back an item at the June 11, 2018 City Council Regular meeting to consider writing a letter of support for the Santa Monica Mountains Fund campaign "Break the Poison Chain."

Mayor Mullen thanked Mr. Clifford and Ms. Frankel for their comments. He thanked Public Safety Commissioner Randall. He stated he attended the California Contract Cities Association Annual Municipal Seminar. He congratulated Councilmember La Monte on the progress of AB 3162. He discussed air traffic noise over Malibu. He discussed negotiations for the ultimate separation from SMMUSD. He thanked those that gave their lives in protecting the United States of America.

ITEM 3 **CONSENT CALENDAR**

MOTION Councilmember Peak moved and Councilmember Rosenthal seconded a motion to approve the Consent Calendar, except for Item Nos. 3.B.6. and 3.B.7. The motion carried unanimously.

The Consent Calendar consisted of the following items:

3. **Consent Calendar**

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 434

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 434 determining the project is categorically exempt from the California Environmental Quality Act, and adding Chapter 17.41 (Dark Sky Ordinance) to Malibu Municipal Code Title 17 (Zoning) to establish provisions to regulate outdoor lighting citywide.

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 53487-53657 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. 617 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$915,606.64. City of Malibu payroll check numbers 4919-4922 and ACH deposits were issued in the amount of \$192,194.90.

3. Approval of Minutes

Recommended Action: Approve the minutes for the April 23, 2018 Malibu City Council Regular meeting and April 25, 2018 Malibu City Council Special meeting.

4. Initiate Amendment to the Malibu Municipal Code to Create Procedures for Recording a Covenant of Easement

Recommended Action: 1) Adopt Resolution No. 18-24 initiating amendment to Title 17 of the Malibu Municipal Code to establish procedures for the creation of easements through the execution and

- recording of a covenant; and 2) Direct the Planning Commission to schedule a public hearing on the amendment.
5. Amendment to Services Agreement with Burns Pacific Construction, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Services Agreement with Burns Pacific Construction, Inc. in the amount of \$122,200 for additional street maintenance services for Fiscal Year 2017-2018.

The following items were pulled for individual consideration:

6. Amendment to Professional Services Agreement with Newbury Park Tree Service, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Newbury Park Tree Service, Inc. in the amount of \$42,000 for tree maintenance services for Fiscal Year 2017-2018.

Graeme Clifford questioned the reason why local tree trimmers had not been contracted for maintenance within the City. He recommended notifying local contractors when a request for proposals (RFP) had been issued.

In response to Councilmember Peak, Acting Public Works Director DuBoux stated the Newbury Park Tree Service contract term would end in the summer of 2018. He stated a new request for qualifications (RFQ) would be issued and local contractors would be notified.

City Manager Feldman stated all RFPs and RFQs were advertised in local papers and on the City's website.

MOTION

Councilmember Peak moved and Councilmember La Monte seconded a motion to authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Newbury Park Tree Service, Inc. in the amount of \$42,000 for tree maintenance services for Fiscal Year 2017-2018. The motion carried unanimously.

7. Initiate Zoning Text Amendment to Amend Existing Parking Lot Safety Standards
Recommended Action: 1) Adopt Resolution No. 18-25 initiating amendments to Malibu Municipal Code Title 17 (Zoning), amending Section 17.48.070 (Parking Lot Safety Standards); and 2) Direct the Planning Commission to schedule a public hearing regarding the amendments.

John Mazza discussed the lack of enforcement of the ordinance that would go into effect on June 1, 2018, and questioned where liability would fall in the event of an incident.

Planning Director Blue stated minor amendments to the ordinance were proposed to make application to property owners more practical. She stated property owners were actively working with the City to implement the ordinance.

City Attorney Hogin stated the City would not be liable for not enforcing a rule that may have an adverse effect on a business.

Councilmember La Monte stated many property owners had already complied and amendments would ensure completely compliance.

In response to Planning Director Blue, Councilmember La Monte stated the amendments should go straight to the Planning Commission.

MOTION

Councilmember Peak moved and Councilmember La Monte seconded a motion to: 1) adopt Resolution No. 18-25 initiating amendments to Malibu Municipal Code Title 17 (Zoning), amending Section 17.48.070 (Parking Lot Safety Standards); and 2) direct the Planning Commission to schedule a public hearing regarding the amendments. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Proposed Budget for Fiscal Year 2018-2019

Recommended Action: 1) Conduct the Public Hearing; and 2) Consider the recommendations of the Administration and Finance Subcommittee regarding the Proposed Budget, General Fund Grants and Annual Work Plan for Fiscal Year 2018-2019.

Assistant City Manager Soghor presented the staff report.

In response to Councilmember Rosenthal, City Manager Feldman stated property tax and sales tax had experienced growth over the years.

Councilmember Rosenthal stated an increase in staffing was the result of community and Council concerns over the years. She discussed the increase in City facilities, requirements of the City, and programs.

Assistant City Manager Soghor discussed increases in staff to address Council and community concerns as well as increased staff responsibilities in the areas of code enforcement, finance, and public safety.

City Manager Feldman discussed growth in sustainability efforts, senior center programs, and cultural arts programs.

Councilmember La Monte stated the City owned a lot of land that needed upkeep.

Councilmember Peak stated he was comfortable with the budget.

Mayor Pro Tem Wagner stated he was comfortable with the budget.

Councilmember Peak discussed the upcoming land acquisition.

In response to Mayor Mullen, City Manager Feldman discussed the growth since the City's incorporation, including the 1991 assessed value of the City of three billion dollars in comparison to the 2018 assessed value of \$15.7 billion. She stated the City had revenues and expenditures of \$450,000 and a fund balance of \$250,000 in 1991.

Mayor Mullen discussed the mission statement of the City.

Councilmember Rosenthal questioned the recommendation to award more than had been requested by the California Wildlife Center as well as Malibu Search and Rescue. She requested an increase in General Fund Grant fund allocations for the Malibu Jewish Center & Synagogue (Hand in Hand) to \$5,000, the Malibu Community Labor Exchange to \$25,000, the Children's Lifesaving Foundation to \$6,000, and the Aurelia Foundation to \$4,000. She questioned the recommendation to award more than had been requested by the Young Actors Project.

In response to Councilmember Rosenthal, City Manager Feldman stated the grant agreement required a year-end statement from the applicant.

Councilmember Peak stated the Malibu Community Labor Exchange would receive funding other than the General Fund Grant program. He stated awards recommendations had been structured by the Administration and Finance Subcommittee (A&F) to be able to distribute more throughout the year to other programs if necessary.

Councilmember Rosenthal stated she would like to award \$1,000 to the Dolphin Foundation.

Councilmember La Monte indicated support for increasing funds to the Malibu Jewish Center & Synagogue (Hand in Hand) and the Aurelia Foundation. He recommended increasing the General Fund Grant program by \$20,000.

Mayor Mullen stated flexibility and reserve had been built into the General Fund Grant program recommendation from A&F.

Mayor Pro Tem Wagner suggested reducing funds allocated to the Boys and Girls Club to fund other organizations.

Mayor Mullen stated the Boys and Girls Club was not receiving General Fund Grant program dollars.

Councilmember La Monte indicated support for awarding all General Fund Grant program dollars allocated.

Councilmember Rosenthal stated A&F only made recommendations to the Council. She suggested lowering the allocation to California Wildlife Center as well as Malibu Search and Rescue in order to pass it along to the Malibu Jewish Center & Synagogue (Hand in Hand).

Councilmember Peak suggested leaving \$10,000 for future allocation.

MOTION Councilmember Rosenthal moved and Councilmember La Monte seconded a motion to direct staff to include in the Proposed Budget for Fiscal Year 2018-2019 to be presented on June 11, 2018, the following adjustments to the General Fund Grant Program:

\$1,000 to Malibu Dolphin Charitable Foundation
\$4,000 to Aurelia Foundation
\$6,000 to Children's Lifesaving Foundation
\$25,000 to Malibu Community Labor Exchange
\$4,000 to Malibu Jewish Center & Synagogue (Hand in Hand)

The motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Parking as a Stand-alone Use

Recommended Action: Provide direction to staff on the scope of the proposed amendments to the Local Coastal Program and Title 17 of the Malibu Municipal Code to make parking a permitted stand-alone use citywide.

John Mazza stated Planning Department staff had determined a parking structure was not a building. He discussed the Wave property and property across from the tennis club. He recommended an interim ordinance for institutional property and then studying the effect citywide.

Marianne Riggins stated it was necessary to provide community parking. She stated parking should be addressed on commercial, open space, and institutional properties. She discussed developing design standards that represented the community.

RECESS Mayor Mullen called a recess at 8:31 p.m. The meeting reconvened at 8:41 p.m. with all Councilmembers present.

Planning Director Blue discussed amendments to the Malibu Municipal Code and Local Coastal Program based on the direction of the Council. She stated subterranean and parking structures were exempt from floor area ratio (FAR) and gross floor area. She stated development standards could be put in place to address surface parking and/or structure parking. She discussed the options to address parking in all zoning districts, only zoning districts that City-owned property fell into, only Civic Center parking, and/or citywide parking.

In response to Councilmember La Monte, Planning Director Blue stated the PCH Parking Study would not apply since the amendments being discussed would affect parking on lots and not in the right-of-way.

In response to Councilmember La Monte, City Manager Feldman confirmed parking would have to be an eligible use on newly acquired parcels in order to use County Measure R and Measure M funds.

In response to Councilmember Rosenthal, Planning Director Blue discussed various submittal requirements that could be imposed on each project. She stated a citywide study would be difficult.

Mayor Pro Tem Wagner stated he would like to know how many spaces per million the County would require on newly acquired parcels.

City Manager Feldman discussed the funding for newly acquired parcels. She stated the number of parking spaces required would be designated later.

Mayor Pro Tem Wagner indicated opposition to parking structures and subterranean parking.

City Manager Feldman stated she did not believe the County would require anything other than surface parking.

Councilmember Peak stated it was important to look at parking needs citywide. He stated parking structures, except subterranean parking one floor above or below ground, should be included in FAR.

In response to Mayor Mullen, City Attorney Hogin clarified staff needed a larger picture direction.

Mayor Mullen indicated support for considering parking in only the three zoning districts affecting the newly acquired parcels.

Councilmember Peak discussed the difference between surface parking and parking structures. He stated traffic needed to be studied.

MOTION

Mayor Pro Tem Wagner moved and Councilmember Peak seconded a motion to direct staff that the Local Coastal Program and zoning ordinance amendments to allow parking as a stand-alone use should address surface parking in the

Community Neighborhood, Community Commercial and Community General zoning districts citywide and that it should require individual projects to conduct parking and circulation assessments.

In response to Councilmember Rosenthal, Planning Director Blue discussed the location of CV-1 and CV-2 zones that allowed hotels and motels.

Councilmember Rosenthal indicated support for allowing subterranean parking.

Planning Director Blue clarified that even if a parking structure met all standards set out, it would still have to be allowed by the Planning Commission.

Councilmember Peak discussed parking as a stand-alone use.

Mayor Pro Tem Wagner stated adding structures would include looking at traffic circulation.

Councilmember La Monte indicated support for the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) and the Planning Commission considering all available options.

FRIENDLY AMENDMENT

Councilmember Peak moved to address subterranean parking. Mayor Pro Tem Wagner accepted the amendment.

Councilmember Rosenthal questioned the ability to conduct a citywide parking and circulation assessment.

The motion carried unanimously.

B. Amendment to Employment Contract for City Manager

Consider Amendment No. 1 to the April 25, 2016, City Manager Employment Agreement to extend the term to May 2022 and to increase her annual salary from \$225,000 to \$242,000.

Robert Bruce deferred his time to Carol Moss.

Carol Moss indicated support for the contract amount. She questioned why Caltrans projects on PCH had not been reviewed by the City. She recommended postponing the contract amendment to have a third party review of City operations.

John Mazza was not present at the time of the hearing.

City Attorney Hogin presented the staff report.

MOTION

Councilmember La Monte moved and Councilmember Peak seconded a motion to approve Amendment No. 1 to the April 25, 2016, City Manager Employment

Agreement to extend the term to May 2022 and to increase her annual salary from \$225,000 to \$242,000.

In response to Councilmember Peak, City Attorney Hogin stated the proposed salary was comparable to salaries of City Managers in surrounding and comparable cities.

Councilmember Rosenthal thanked Ms. Moss and stated City Manager Feldman was doing a commendable job for the City.

Councilmember Peak stated the performance of City Manager Feldman had exceeded his expectations.

Mayor Pro Tem Wagner stated he voiced concerns from the community to City Manager Feldman. He stated City Manager Feldman had done well in certain areas, but he expressed concern regarding other areas. He indicated opposition to the contract.

Mayor Mullen discussed the importance of the role of City Manager and the factors that went into the contract offer.

The question was called and the motion carried 4-1, Mayor Pro Tem Wagner dissenting.

ITEM 7 COUNCIL ITEMS

- A. Pesticides, Herbicides, Rodenticides, and Insecticides (Councilmember Peak)
Recommended Action: At the request of Councilmember Peak, 1) Authorize Councilmember Rosenthal to request that the League of California Cities Environmental Quality Policy Committee consider adding the potential banning of pesticides, herbicides, rodenticides and insecticides throughout California as a priority issue; 2) Discuss whether the City should proceed with a Local Coastal Program Amendment regarding the use of pesticides, herbicides, rodenticides and insecticides; and 3) Provide direction to staff.

John Mazza deferred his time to Joel Schulman.

Joel Schulman discussed the need for local activity to reinforce state efforts.

Patt Healy indicated support for the recommended action.

Norm Haynie indicated support for the recommended action.

Councilmember Peak presented the item. He discussed the importance of leading the fight against pesticides, herbicides, rodenticides and insecticides throughout California.

Councilmember Rosenthal discussed the role of the League of California Cities Environmental Quality Policy Committee. She stated there was not a lot of interest throughout the state to support a ban on pesticides, herbicides, rodenticides, and insecticides throughout California. She discussed the steps she would take at the Committee's next meeting in order to get a conference resolution on the September 2018 conference agenda. She discussed the Raptor Pilot Study conducted by Ventura County.

City Attorney Hogin suggested additionally presenting the alternative of lifting the state preemption in the environmental statute and allow local control.

Councilmember La Monte stated preemption was the real issue.

Councilmember Peak stated it was important that a bill be passed.

Councilmember Rosenthal stated the Committee could discuss policy if it surrounded a legislative issue. She stated it needed to be a statewide campaign.

In response to Councilmember Peak, City Attorney Hogin discussed the difficulty of enforcement since state law preempted local control in the matter.

In response to Councilmember Rosenthal, Mr. Schulman stated the City of Santa Cruz had an ordinance banning the use of rodenticides and pesticides in certain situations. He discussed preemption laws. Councilmember Rosenthal stated she did not want to pass a law the City could not enforce. Mr Schulman stated the City would not be liable.

MOTION

Mayor Pro Tem Wagner moved and Councilmember Peak seconded a motion to: 1) authorize Councilmember Rosenthal to request that the League of California Cities Environmental Quality Policy Committee consider adding the potential banning of pesticides, herbicides, rodenticides and insecticides throughout California as a priority issue; and 2) direct staff to proceed with a Local Coastal Program Amendment regarding the use of pesticides, herbicides, rodenticides and insecticides.

In response to Councilmember La Monte, City Attorney Hogin discussed the Local Coastal Program Amendment process. She stated the ordinance could go to ZORACES if the Council wished.

Councilmember Peak indicated support for the ordinance going directly to the Planning Commission. He stated he wanted to make it very clear the City did not want pesticides, herbicides, rodenticides, and insecticides used anywhere in the City.

The motion carried unanimously.

ADJOURNMENT

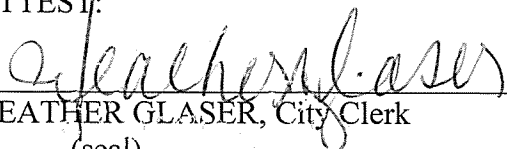
MOTION At 10:07 p.m., Councilmember Peak moved and Mayor Mullen seconded a motion to adjourn the meeting in memory of James Wirt. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on June 25, 2018.



RICK MULLEN, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)