

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
JULY 23, 2018  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor Mullen called the meeting to order at 6:43 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; Bonnie Blue, Planning Director; Rob DuBoux, Acting Public Works Director; Susan Dueñas, Public Safety Manager; Kelsey Pettijohn, Deputy City Clerk; Andrew Sheldon, Environmental Sustainability Manager; Melinda Talent, Environmental Health Administrator; Richard Mollica, Senior Planner; and Arthur Aladjadjian, Public Works Superintendent

**PLEDGE OF ALLEGIANCE**

Patt Healy led the Pledge of Allegiance.

**PUBLIC COMMENT ON CLOSED SESSION**

None.

The following item was listed on the Closed Session agenda:

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

1. Malibu Township Council, Inc. v. City Council of Malibu, et al.  
Los Angeles County Superior Court Case No. BS142420

**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 a Closed Session pursuant to Government Code Section 54956.9(d)(1), with all Councilmembers present. She stated the Council discussed the item listed on the Closed Session agenda, took no reportable action, and recessed the Closed Session at 6:23 p.m.

## APPROVAL OF AGENDA

MOTION Councilmember Peak moved and Councilmember Rosenthal seconded a motion to approve the agenda and adjourn in memory of Dolores Rivellino Walsh. The motion carried unanimously.

## REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on July 12, 2018, with the amended agenda posted on July 18, 2018.

## ITEM 1 CEREMONIAL/PRESENTATIONS

A. Proclamation Declaring July 23, 2018 to July 24, 2019 as the Year of the Butterfly

Mayor Mullen presented the proclamation to Patt Healy.

Ms. Healy thanked the Council and Community Services Department, as well as National Wildlife Federation. She discussed Monarch butterflies.

Tessa Charnofsky, National Wildlife Federation, presented the Leadership Circle Recognition Award and Mayor's Monarch Pledge for Mayor Mullen's signature.

B. Presentation by Bay Foundation on the Zuma Beach Dune Restoration Program

Melodie Grubbs, Bay Foundation, presented the Zuma Beach Dune Restoration Program. She discussed the Malibu Living Shoreline Project goals to increase the resiliency of the shoreline, implement soft-scape protection measures, and increase the engagement of the community. She stated the project targeted Zuma Beach and Point Dume Beach.

Mayor Mullen and Councilmember La Monte thanked Ms. Grubbs.

In response to Councilmember Rosenthal, Ms. Grubbs stated the project was likely to take place during the winter months.

In response to Mayor Pro Tem Wagner, Ms. Grubbs stated there would be pathways placed to avoid disturbance of the project.

Mayor Pro Tem Wagner suggested placing verbena away from the pathways.

C. Presentation by Ventura County Public Works on the Raptor Program for Dam and Levee Protection

Karl Novak, Ventura County Public Works, presented the Raptor Program for dam and levee protection.

In response to Councilmember Rosenthal, Mr. Novak stated owls were more effective at hunting gophers while hawks were more effective at hunting ground squirrels.

Mayor Pro Tem Wagner indicated support for predator poles.

In response to Mayor Pro Tem Wagner, Mr. Novak stated it was Ventura County's intent to replace all bait boxes with raptor poles.

#### CONSENSUS

By consensus, the Council directed staff to bring back an item exploring installation of raptor poles in City-owned parks.

#### ITEM 2.A. PUBLIC COMMENTS

Kian Schulman, Poison Free Malibu, presented an award of thanks to Ventura County Public Works Department.

Stephanie Rice, Sea Save Foundation, discussed the importance of the non-profit organization.

Larry Stock deferred his time to Georgienne Bradley.

Georgienne Bradley, Sea Save Foundation, discussed plastic use and ocean protection.

Scott Dittrich discussed Southern California Edison's (SCE) plan to preemptively shut off power in some areas during extreme weather conditions and red flag events. He recommended a quarter percent sales tax in the City to fund undergrounding.

Debbie Gayhart deferred her time to Adail Gayhart.

Bath Mataja deferred her time to Adail Gayhart.

Russ Bielek deferred his time to Adail Gayhart.

Adail Gayhart, Malibu Towing, discussed the importance of Malibu Towing in maintaining public safety. He stated the company was having difficulty finding a property within the City to accommodate its relocation.

Dean Robinson deferred his time to Sherman Baylin.

Sherman Baylin discussed Malibu Towing. She stated space needed to be allocated for Malibu Towing.

Julie Hoffman, Safe Access Malibu (SAM), requested contact information for all residents within homeowners associations (HOA) in the City. She stated the information would be used to inform residents of the 45-day draft environmental impact report comment period for Mountains Recreation and Conservation Authority (MRCA) overnight camping in Puerco Canyon.

Jason Aryeh discussed the importance of gratitude for public servants. He discussed the various accomplishments of each Councilmember and thanked them for their service.

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

City Manager Feldman stated City Hall and Michael Landon Center would be open as a cooling centers during the heat wave. She stated SCE would attend the August 1, 2018 Public Safety Commission meeting. She stated Topanga Canyon Boulevard would be closed from 10:00 p.m. on July 27, 2018, to 5:00 a.m. on July 30, 2018, for emergency repairs. She stated staff was working to secure another provider for Dial-A-Ride services. She discussed the Los Angeles County Registrar-Recorder/County Clerk Vote Center Placement Project.

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

Councilmember Peak discussed the grant application from Sea Save Foundation. He stated Mayor Pro Tem Wagner and he had attended a Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting. He stated Malibu Towing was a vital part of the community. He thanked Mr. Aryeh.

Councilmember La Monte thanked Mr. Aryeh. He discussed Malibu Towing. He discussed undergrounding of utilities. He stated he attended a Los Angeles County Commission on Alcohol and Other Drugs meeting. He stated Assembly Bill 3162 would be heard on the Senate floor on August 14, 2018.

Councilmember Rosenthal thanked Malibu Towing for its service.

In response to Councilmember Rosenthal, City Manager Feldman stated HOA resident information was not a public record.

Councilmember Rosenthal thanked Mr. Aryeh. She questioned whether the height of a raptor pole would be a concern for the Planning Department. She thanked Ms. Healy. She stated the August 13, 2018 Regular City Council meeting had been cancelled. She discussed the resolution being drafted for consideration by the League of California Cities Environmental Policy Committee for a policy to end the state preemption rule regarding pesticides. She stated she attended a Los Angeles County Library Commission meeting. She discussed Santa Monica-Malibu Unified School District separation and support for a Malibu-only bond on the November 6, 2018, ballot. She announced the next Library Speaker Series

event on August 14, 2018. She announced the opening of the Art Voyagers exhibition at City Hall on July 27, 2018.

Mayor Pro Tem Wagner suggested Ms. Hoffman take an ad out in the paper to promote SAM. He thanked Malibu Towing. He discussed the ZORACES meeting he attended with Councilmember Peak. He stated he attended a Joint Powers Insurance Authority meeting.

Mayor Mullen thanked Ms. Healy, Ms. Grubbs, and Mr. Novak. He thanked Malibu Towing. He discussed various interviews he had been involved in regarding the City's Homeless program, straw ban, and SCE's plan to preemptively shut off power in some areas during extreme weather conditions and red flag events.

### ITEM 3 CONSENT CALENDAR

Item No. 3.B.6. was pulled by the public. Item No. 3.B.7. was pulled by the Council.

MOTION Councilmember Rosenthal moved and Councilmember La Monte 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:

- 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 54032-54237 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. 621 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,051,713.42. City of Malibu payroll check numbers 4935-4937 and ACH deposits were issued in the amount of \$197,016.51.
  - 3. Approval of Minutes  
Recommended Action: Approve the minutes for the June 25, 2018 Malibu City Council Regular meeting.
  - 4. Professional Services Agreement with Rincon Consultants, Inc. for Water Quality Monitoring Services for the Biofilter Program  
Recommended Action: Authorize the City Manager to execute a sole source Professional Services Agreement with Rincon Consultants, Inc. for

- water quality monitoring for the City's biofilter program.
5. Amendment to Agreement with Fugro Consultants, Inc.  
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Fugro Consultants, Inc. to extend the term of the agreement for maintenance and monitoring of the Big Rock Mesa, Malibu Road, and Calle Del Barco Landslide Assessment Districts.
  8. Issuance Report: Emergency Coastal Development Permits  
Recommended Action: Receive and file the report of emergency coastal development permits that were issued since the last report provided on February 13, 2017.
  9. Amendment to Professional Services Agreement with Integrated Performance Consultants, Inc.  
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Integrated Performance Consultants, Inc. in the amount of \$480,000 for minor modifications to the operation of the Civic Center Wastewater Treatment Facility and additional three months of startup assistance.
  10. Professional Services Agreement with The People Concern  
Recommended Action: Authorize the City Manager to execute a sole source agreement with The People Concern for homeless outreach and support services.
  11. Amendment to Professional Services Agreement with Terra Firma Enterprises  
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to Professional Services Agreement with Terra Firma Enterprises to Extend the Terms of the Agreement to September 30, 2018.

The following items were pulled from the Consent Calendar for individual consideration:

6. Professional Services Agreement with 30 Three Sixty Public Finance, Inc.  
Recommended Action: Authorize the City Manager to negotiate and execute a professional services agreement with 30 Three Sixty Public Finance, Inc. to provide consulting services for the formation of the proposed Lower Rambla Pacifico Utilities Undergrounding District.

Acting Public Works Director DuBoux presented the staff report.

Scott Dittrich declined to speak.

Joe Yarman declined to speak.

MOTION

Councilmember Peak moved and Councilmember Rosenthal seconded a motion to authorize the City Manager to negotiate and execute a professional services agreement with 30 Three Sixty Public Finance, Inc. to provide consulting services for the formation of the proposed Lower Rambla Pacifico Utilities Undergrounding District.

Councilmember Rosenthal stated Laguna Beach had a measure on the November 6, 2018, ballot to fund undergrounding.

The motion carried unanimously.

7. Amendment to Professional Services Agreement with Granicus, Inc.  
Recommended Action: Authorize the City Manager to execute Amendment No. 7 to Professional Services Agreement with Granicus, Inc., for media management and web streaming of City Council and Planning Commission meetings, extending the term for one additional year.

Mayor Pro Tem Wagner discussed Granicus alternatives.

City Manager Feldman stated staff would issue a request for proposals for web streaming services before the end of the term extension.

MOTION

Councilmember Peak moved and Councilmember Rosenthal seconded a motion to authorize the City Manager to execute Amendment No. 7 to Professional Services Agreement with Granicus, Inc., for media management and web streaming of City Council and Planning Commission meetings, extending the term for one additional year. The motion carried unanimously.

#### ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Local Agency Management Program, Wastewater Ordinance for the Regulation of Onsite Wastewater Treatment Systems and Onsite Wastewater Treatment System Manual

Recommended Action: 1) Approve the Local Agency Management Program for the regulation of Onsite Wastewater Treatment Systems; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 435 determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 15.40 (Regulation Of Onsite Wastewater Treatment Systems), Chapter 15.42 (Technical Standards For Onsite Wastewater Treatment Systems), and Chapter 15.44 (Operating Permits For Onsite Wastewater Treatment Systems) to Title 15 of the Malibu Municipal Code, amending Chapter 5.38 (Registration Program For On-Site Wastewater Treatment System Practitioners) and Chapter 15.12 (Plumbing Code), deleting Chapter 15.14 (On-Site Wastewater Treatment Systems), and repealing Ordinance Nos. 321, 360, and 421; and 3) Direct staff to schedule a second reading and adoption of Ordinance No. 435 for the August 27, 2018 Regular City Council meeting.

Environmental Health Administrator Talent presented the staff report.

Norm Haynie commended Environmental Sustainability Department staff.

MOTION

Councilmember Rosenthal moved and Councilmember Peak seconded a motion to: 1) approve the Local Agency Management Program for the regulation of Onsite Wastewater Treatment Systems; 2) introduce on first reading Ordinance No. 435, as amended, determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 15.40 (Regulation Of Onsite Wastewater Treatment Systems), Chapter 15.42 (Technical Standards For Onsite Wastewater Treatment Systems), and Chapter 15.44 (Operating Permits For Onsite Wastewater Treatment Systems) to Title 15 of the Malibu Municipal Code, amending Chapter 5.38 (Registration Program For On-Site Wastewater Treatment System Practitioners) and Chapter 15.12 (Plumbing Code), deleting Chapter 15.14 (On-Site Wastewater Treatment Systems), and repealing Ordinance Nos. 321, 360, and 421; and 3) direct staff to schedule a second reading and adoption of Ordinance No. 435 for the August 27, 2018 Regular City Council meeting.

Councilmember Peak indicated a change to Table 15.442.050(b)-1. He stated design flow for four bedrooms should be 750 gallons per day.

Mayor Pro Tem Wagner stated the Malibu Board of Realtors needed to be informed of changes.

The motion carried unanimously.

- B. Appeal No. 17-003 – An Appeal of Planning Commission Resolution No. 17-33 (20516 Pacific Coast Highway; Appellant: E. Randol Schoenberg; Applicant: Mountains Recreation and Conservation Authority; Owner: California Department of Parks and Recreation) (Continued from November 27, 2017)

Recommended Action: Adopt Resolution No. 18-48, determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 17-003 and approving Coastal Development Permit No. 16-019, an application for the removal of an existing unpermitted site fence, staircase and viewing platforms and the construction of a new vertical public accessway, permeable pathway, fence, gate, and guardrail, including Variance No. 16-021 for construction on slopes located at 20516 Pacific Coast Highway (Mountains Recreation and Conservation Authority (MRCA)).

Senior Planner Mollica presented the staff report. He indicated a change in the site plan with the gate location near the stairs.

E. Randol Schoenberg, appellant, stated he was happy with the new design.

Jessica Nguyen, on behalf of the applicant, stated MRCA did its best to address all the concerns of the appellant.

Clif Brigden deferred his time to Kraig Hill.

Kraig Hill stated the residents had not been given sufficient notice. He suggested



the project funding be used to address new access. He expressed concern regarding the safety of the project location.

Norm Haynie stated the state owned the beach and access should be available. He stated the stairs needed to be reconstructed for safety reasons.

In response to Councilmember Peak, Senior Planner Mollica stated staff had noticed the property owners and occupants within 500 feet of the project location.

Mr. Hill stated there were eight properties within 500 feet that had not been noticed.

Councilmember Peak indicated opposition to the property for safety reasons. He stated the access did not benefit the public.

Mayor Pro Tem Wagner discussed the limited parking available near the staircase.

Councilmember La Monte stated the beach was not frequented by many people.

Councilmember Rosenthal stated parking was limited all over Malibu.

In response to Councilmember Rosenthal, Planning Director Blue stated the staircase placement had been conditionally approved by the Council when the appeal was last heard.

In response to Councilmember Peak, Planning Director Blue stated notice had been provided to all occupants and owners listed on the certified mailing data provided by the applicant.

Senior Planner Mollica stated there were no returned notices from the property owner for the addresses on the list provided by Mr. Hill.

Mayor Mullen stated the beach was not adequately supervised. He stated the staircase placement had been improved and he was unsure whether the Council could deny the project.

City Attorney Hogin stated the Council was only considering the improvements to access and not the use of access or access itself.

Councilmember Rosenthal discussed the conditions for approval. She suggested adding consequences for trash not being picked up often enough or the gate being locked.

Councilmember Peak discussed the possible need for water monitoring. He indicated opposition to the access.

Councilmember Rosenthal stated the Council could not prevent the access. She

suggested there should be consequences for violations.

City Attorney Hogin stated Code Enforcement would handle any conditions that had not been met.

Mayor Pro Tem Wagner stated water quality assurances were part of the resolution.

Councilmember Peak stated the water quality was not required to be monitored.

Mayor Pro Tem Wagner questioned how the public would know if the water quality was poor.

Ms. Nguyen stated there was already public access and the project would allow for safer access. She stated the project would come with the added benefit of trash pickup, signage, and patrol by rangers. She stated storm drain maintenance was not within the jurisdiction of MRCA.

Councilmember Peak questioned how MRCA would notice unsafe water quality conditions if it was not monitoring the storm drain.

Ms. Nguyen stated the project engineer had consulted with Los Angeles County Public Works and Los Angeles County Flood Control District and neither had expressed concern regarding the water quality. She stated the funds were to be used for new beach access improvements.

MOTION

Councilmember Rosenthal moved and Councilmember Peak seconded a motion to adopt Resolution No. 18-48, determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 17-003 and approving Coastal Development Permit No. 16-019, an application for the removal of an existing unpermitted site fence, staircase and viewing platforms and the construction of a new vertical public accessway, permeable pathway, fence, gate, and guardrail, including Variance No. 16-021 for construction on slopes located at 20516 Pacific Coast Highway (Mountains Recreation and Conservation Authority (MRCA)).

Mayor Mullen stated the beach was public and it was going to be improved.

Mayor Pro Tem Wagner discussed the importance of proper maintenance of the property.

The motion carried unanimously.

RECESS

Mayor Mullen recessed the meeting at 9:10 p.m. The meeting reconvened at 9:22 p.m. with all Councilmembers present.

C. Appeal No. 17-008 - Appeal of Planning Commission Resolution No. 17-54

(20863 Big Rock Drive; Appellant/Applicant: Michael Vignieri; Property Owner: Stanman-Sarason Family Trust)

Recommended Action: Adopt Resolution No. 18-49, determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 17-008 and denying Administrative Plan Review (APR) No. 16-077, Variance (VAR) Nos. 17-007, 17-021 and 17-023, and Site Plan Review (SPR) No. 17-021, an application to permit an after-the-fact replacement of a 400 square foot barn 22 feet in height with a new 870 square foot detached studio 24 feet in height, including variances for a front yard and side yard setback reduction and to exceed the maximum allowable two-thirds for a second-story over 18 feet in height under a site plan review, located in the Rural Residential-One Acre (RR-1) zoning district at 20863 Big Rock Drive (Stanman-Sarason Family Trust).

Planning Director Blue presented the staff report.

Steven Guban discussed the location and form of the new structure.

Jeff Holt discussed the site and original foundation. He stated the location was free of geologic hazards.

Michael Vignieri discussed the previous structure that was permitted by Los Angeles County. He stated there was no other location on the property that was suitable for the structure.

Craig Sarason thanked the community for its support.

Phoebe Sarason declined to speak.

Wendy Stretten indicated support for the project.

Matthew Carlson indicated support for the project.

Jim Duoley indicated support for the project.

Brooke deRosa indicated support for the project.

Ken Chinte indicated support for the project.

Oliver Fortis indicated support for the project.

Sonya Walger was not present at the time of the hearing.

Jim Potella indicated support for the project.

Kristina Peterson read a letter of support from another neighbor. She indicated support for the project.

Ken Peterson indicated support for the project.

Clif Brigden indicated support for the project.

Lisette Lankins indicated support for the project.

Councilmember La Monte indicated support for the project.

MOTION Councilmember La Monte moved and Councilmember Rosenthal seconded a motion to uphold the appeal.

Councilmember Rosenthal disclosed she visited the property. She expressed concern regarding the two-thirds rule. She questioned the other recommended locations for the structure. She stated she was not concerned about the setback issues.

Councilmember Peak disclosed he visited the property. He indicated support for modifying the project to better fit the rules.

Mayor Pro Tem Wagner disclosed he visited the property. In response to Mayor Pro Tem Wagner, Mr. Vignieri stated the Fire Department had required a fuel modification and installation of sprinklers in the structure.

In response to Mayor Mullen, Planning Director Blue stated the two-thirds rule was tied to bulk, massing, and avoiding view blockage.

Mayor Mullen stated the original structure had been permitted by Los Angeles County. He stated he was impressed with the support of the neighbors. He stated the project had no view impacts.

Councilmember Peak commended staff for its work. He stated he did not have an issue with the height of the project.

Councilmember Rosenthal indicated support for the version of the project that complied with the two-thirds rule.

In response to Councilmember Peak, Planning Director Blue stated the roof measured under 24 feet at its highest point. She stated a site plan review was required for anything over 18 feet in height, which could allow up to 24 feet with a flat roof. Councilmember Peak indicated support for either version of the project.

Mr. Sarason indicated support for alternative revision 01.

SUBSTITUTE MOTION

Councilmember La Monte moved and Councilmember Rosenthal seconded a motion to direct staff to bring back a resolution granting Appeal No. 17-008, and approving Administrative Plan Review No. 16-077, Variance Nos. 17-007 and

17-023, and Site Plan Review No. 17-021, an application to permit an after-the-fact replacement of a 400 square foot barn 22 feet in height with a new 870 square foot detached studio 24 feet in height, including variances for a front yard and side yard setback reduction and site plan review for height with the condition that the design be modified to match Alternative Revision 01 as presented by the applicant to comply with the two-thirds rule at 20863 Big Rock Drive (Stanman-Sarason Family Trust). The motion carried unanimously.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

A. Funding for Point Dume Neighborhood Watch Signs (Councilmember Peak)

Recommended Action: At the request of Councilmember Peak, authorize funding not to exceed \$400 to complete the purchase and installation of four Neighborhood Watch signs in the Point Dume neighborhood.


Councilmember Peak presented the item.

MOTION Councilmember Peak moved and Councilmember Rosenthal seconded a motion to authorize funding not to exceed \$400 to complete the purchase and installation of four Neighborhood Watch signs in the Point Dume neighborhood. The motion carried unanimously.

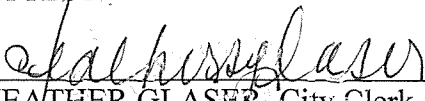
**ADJOURNMENT**

MOTION At 10:17 p.m., Councilmember Peak moved and Councilmember Rosenthal seconded a motion to adjourn the meeting in memory of Dolores Rivellino Walsh. The motion carried unanimously.

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

  
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RICK MULLEN, Mayor

ATTEST:

  
\_\_\_\_\_  
HEATHER GLASER, City Clerk  
(seal)