

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 25, 2019
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Wagner called the meeting to order at 6:34 p.m.

ROLL CALL

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

PRESENT: Mayor Jefferson Wagner; Mayor Pro Tem Karen Farrer; and Councilmembers Rick Mullen, Skylar Peak, and Mikke Pierson

ALSO PRESENT: Christi Hugin, 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; Rob DuBoux, Public Works Director; Susan Dueñas, Public Safety Manager; and Kelsey Pettijohn, Deputy City Clerk

PLEDGE OF ALLEGIANCE

George Hauptman 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 – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

1. Conference with Legal Counsel – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)
Number of cases: 1

Personnel Matters pursuant to Government Code Section 54957:

2. Public Employee Performance Evaluation
Title: City Manager

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 5:31 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(4) and 54957, with all Councilmembers present (Councilmember Peak arrived at 5:35 p.m.). She stated the Council discussed the items listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved and Councilmember Peak seconded a motion to approve the agenda, hearing Item No. 5.A. at the end of the agenda.

Councilmember Pierson expressed concern that shorter items may take longer than anticipated.

Mayor Pro Tem Farrer indicated opposition to reordering the agenda.

Mayor Wagner indicated opposition to reordering the agenda.

SUBSTITUTE MOTION

Councilmember Peak moved and Mayor Wagner seconded a motion to approve the agenda. The motion carried 4-1, Councilmember Mullen dissenting.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on February 14, 2019.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Malibu/Lost Hills Sheriff's Station Acting Captain Chuck Becerra introduced himself to the community.

Councilmember Peak suggested adjourning the meeting in memory of Teddi Sherman.

Steve Uhring questioned whether resources were blocked from entering the City due to federal funding restrictions.

Keegan Gibbs discussed the lot being used by Southern California Edison (SCE) adjacent to the Chili Cook-Off site. He discussed plastic sandbags found within

the City. He requested the exemption for plastic sandbags during an emergency be removed from the Malibu Municipal Code (MMC). He requested SCE be held accountable for putting the lot back to its original condition after its use. He requested plastic sandbags be removed from the City.

Isaac Burgess IV read a letter of support for City Manager Feldman written by Santa Monica-Malibu Unified School District Superintendent Dr. Ben Drati.

Marni Kamins discussed the increasing population of mentally ill homeless persons in Malibu. She expressed concern for the safety of the community at the Malibu Library. She stated the homeless meals program should be moved to the City Hall parking lot. She requested a metal detector be placed at the Malibu Library.

Meril May discussed the importance of assisting the community in rebuilding like-for-like, especially with water flow requirements. He discussed no parking signs on Pacific Coast Highway that needed to be replaced. He encouraged the community to report road deterioration to the City.

Richard Stutsman stated homeowners should not be required to hire a licensed electrician when erecting temporary power poles. He indicated opposition to requiring utilities ungrounding. He urged the Council to buy out the balance of Cuthbert Regulator Fees.

Michele Maher declined to speak.

Doug Burdge discussed prefabricated housing. He stated experts on prefabricated housing would be present at the March 23, 2019 Re-Bu Live Rebuilding event at Trancas Country Market to provide options and alternatives to homeowners.

Scott Dittrich stated the Commissions needed business cards. He stated the Council should be paid more.

Rick Wallace expressed concern that Fire Department water flow requirements would prevent many from rebuilding after the Woolsey Fire.

George Hauptman discussed prefabricated homes. He questioned whether the City would discount building fees and inspection fees if they decided to use a prefabricated home.

Mari Stanley discussed Malibu Navy Days 2019. She stated the weekend was heartwarming and thanked the crew of the USS Lake Champlain.

Bruce Silverstein discussed the lot being used by SCE adjacent to the Chili Cook-Off site. He stated the lot was not being used correctly or according to procedure.

Jane Albrecht, on behalf of the Malibu Democratic Club, requested the Council officially endorse the California Fire Reserve.

Ingrid Jensen deferred her time to Mauri Francis.

Mauri Francis, on behalf of Cornucopia Farmers Market, discussed the activities of the organization and requested the continued support of the Council.

Jolynn Regan deferred her time to Debra Bianco.

Spencer Regan deferred his time to Debra Bianco.

Roman Gregory deferred his time to Debra Bianco.

Tracy Weirick deferred her time to Debra Bianco.

John Johannessen deferred his time to Debra Bianco.

Debra Bianco, on behalf of Cornucopia Farmers Market, stated the County stated it would grant a 10-year lease to the Farmers Market. She requested the Council allow the Farmers Market to provide parking on the Chili Cook-Off site on Sundays until the Santa Monica College project was completed.

Diane Forte, SCE Government Relations Manager, discussed wildfire mitigation in the City. She discussed inspection of all the circuits within Malibu. She stated the goal was to complete the work required before the fire season began in the City and tourism in the City increased.

Genevieve Cross, SCE Environmental Project Manager, stated her team reviewed the lot being used by Southern California Edison (SCE) adjacent to the Chili Cook-Off site. She discussed the Stormwater Pollution Prevention plan required SCE to stabilize the site and return the site to better condition than they found it by using native seed mix. She stated SCE had placed burlap bags on the lot.

John Abbott, SCE Operations Supervisor, stated the work being done by SCE was minimal. He stated SCE would do whatever it needed to for the project to be the least impactful on the City.

Steve Uhring was not present at the time of the hearing.

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

Scott Dittrich, Public Works Commission, stated the light at Webb Way and Civic Center Way had not gone through the Public Works Commission.

City Manager Feldman thanked the Malibu Navy League for the events of the previous weekend welcoming the USS Lake Champlain. She welcomed Acting

Captain Becerra. She announced Senior Building Inspector Sten Miles would retire in the coming week. She stated the lot being used by SCE adjacent to the Chili Cook-Off site was private property. She stated the City had no authority to deny the use of the property and stated the property did not have any wetland. She announced planning and permitting consultants for fire rebuilds would be starting in the next 10 days. She announced Trancas Park, including the dog park, were open for the first time since the Woolsey Fire. She stated the Webb Way signal was approved in 2008 and 2015 as mitigation for other projects in the City. She stated Caltrans was proposing a crosswalk near Malibu Seafood and the City had asked Caltrans to hold a community meeting before proceeding. She stated the City was working with the County to get homeless meals relocated to the old courthouse site near the Malibu Library. She stated City staff was working with Fire Department and Los Angeles County Waterworks District No. 29 (Water District) to find out what neighborhoods had the correct water flow and what the Water District could do to assist neighborhoods that did not. She stated the Los Angeles County Public Works Director would come to a future Council meeting to provide an update. She stated she had requested the County hold a town hall to explain Water District projects in the City.

Planning Director Blue stated 821 structures in Malibu were destroyed or damaged in the Woolsey Fire. She stated 16 temporary housing permits had been submitted and approved, 34 applications for like-for-like had been submitted with 29 approved, and seven administrative plan review applications submitted with one approved. She stated the application process could proceed in advance of the fire amendments being approved. She stated debris removal questions could be answered at the Debris Removal Operations Center in Calabasas. She stated a decision-making level Fire Department staff member would be available at City Hall on Tuesdays and Thursdays between 8:00 a.m. and 12:30 p.m.

Environmental Sustainability Director George stated City staff was meeting with the Fire Department and Water District to address fire rebuild questions.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Mullen thanked the Malibu Navy League for Malibu Navy Days. He stated the exemption for plastic sandbags had been brief and the bags had since been replaced with burlap bags. He stated the number of mentally ill homeless persons in the City presented a challenge.

Councilmember Peak left the dais at 7:49 p.m.

Councilmember Mullen thanked Ms. Kamins for her input. He thanked Mr. Burdge for pursuing options for facilitating getting burned out residents back on their properties. He thanked SCE for providing input on the lot adjacent to the Chili Cook-Off site.

Councilmember Peak returned to the dais at 7:51 p.m.

Mayor Pro Tem Farrer stated the community could assist in removing plastic bags found in the City. She stated she looked forward to restoration of the lot adjacent to the Chili Cook-Off site after SCE was done using it. She indicated support for the California Fire Reserve.

Councilmember Peak stated plastic sandbags did not belong in the community, but the emergency had dictated some be used after the fire. He stated any remaining plastic sandbags would be addressed. He requested City Manager Feldman discuss no parking signs near Malibu Seafood. He stated the signal installed at the intersection of Cross Creek Road and Civic Center Way for the Whole Foods project should be roundabout. He discussed the possibility of cutting fire rebuild permit costs in half. He welcomed Acting Captain Becerra. He stated he attended Malibu Navy Days and thanked the community, Captain Jennifer Ellinger and Commander Brian Forster of the USS Lake Champlain, and John and Anne Payne. He stated he attended the International Builders Conference in Las Vegas, Nevada. He discussed advancements in building materials and processes.

Councilmember Pierson thanked the public speakers. He commended SCE for its plan to reseed the lot it was using with native plants. He expressed concern for the low height of the median in front of Malibu Seafood. He indicated support for business cards for Commissioners. He questioned City fees for prefabricated homes. He discussed Captain Jennifer Ellinger of the USS Lake Champlain and Malibu Navy Days. He stated he would look into whether the Farmers Market could use the Chili Cook-Off site for parking. He stated plastic sandbags should be banned and replaced with burlap. He discussed the Disaster Response and Recovery Ad Hoc Committee (Ad Hoc) and stated the next meeting of the Ad Hoc would be on March 17, 2019. He stated the Ad Hoc had identified investigative firms for a review of the City's response to the Woolsey Fire. He indicated support for reducing fire rebuild permit costs. He stated there was an increased use of rodenticides and pesticides in the City.

Mayor Wagner stated Mayor Pro Tem Farrer and he had a Library Subcommittee meeting. He indicated support for Commissioners having business cards. He discussed prefabricated homes. He stated plastic sandbags had been banned in the City and stated they were overall more expensive than burlap. He indicated support for Farmers Market parking at the Chili Cook-Off site. He discussed an ombudsman office in the City. He discussed Malibu Towing. He discussed letters of commendation for various members of the USS Lake Champlain.

ITEM 3 CONSENT CALENDAR

In response to Councilmember Pierson, City Attorney Hogin stated the phrase "was entitled to be erected" being stricken from Ordinance No. 445 did not have any impact on the number of structures that were protected by grandfathering.

MOTION Councilmember Peak moved and Mayor Wagner seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 445

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 445 determining the project is categorically exempt from the California Environmental Quality Act and amending the Local Coastal Program and Malibu Municipal Code Title 17 (Zoning) modifying standards and procedures to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire, regulating temporary housing, allowing removal of certain native trees, and allowing approval of changes to an onsite wastewater treatment system or access way through a de minimis waiver process (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 56018-56140 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. 632 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$666,006.26. City of Malibu payroll check numbers 4985-4988 and ACH deposits were issued in the amount of \$227,159.28.

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 28, 2019 Malibu City Council Adjourned Regular meeting.

RECESS At 8:23 p.m., Mayor Wagner recessed the meeting. The meeting reconvened at 8:36 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

None.

ITEM 5 OLD BUSINESS

A. Neighborhood Character and Coastal Development Permits

Recommended Action: 1) Receive report on neighborhood character issues; 2) Provide direction on how to address pending applications with site plan review and minor modification requests; and 3) Provide direction to staff regarding recommendations for any code or policy amendments, and refer such items to the Zoning Ordinance Revisions and Code Enforcement Subcommittee for

recommendation.

Planning Director Blue presented the staff report.

Doug Burdge stated the Planning Commission had been implementing, in effect, a moratorium on larger home sizes. He stated projects in the pipeline should not be affected and a date should be instituted for projects that would be affected day forward. He stated a major decision should be decided by a vote of the people.

A. Thomas Torres discussed local control and growth. He stated homes built after 1991 should be the only home sizes taken into consideration. He discussed the intensity and use of the property. He stated there should be a sunset clause of a few years.

Richard Holmes discussed how properties had been developed over time. He stated Malibu was not the same today as it was 50 years ago, and home sizes had increased. He stated he wanted certainty about what would happen and requested a reasonable timeline to accomplish what he already started spending money on.

Helene Henderson deferred her time to John Stockwell.

John Stockwell stated the Planning Department needed to factor into the neighborhood character equation livable space above 18 feet. He stated a rule needed to be formalized that did not allow development over 40% of the average especially as it pertained to development above 18 feet.

Don Schmitz stated any new rule would not apply to projects deemed complete. He stated development standards were of concern in specific neighborhoods including Point Dume, Malibu Park, and Ramirez Canyon.

Norm Haynie discussed rural residential zoning total development square footage (TDSF).

Bruce Silverstein deferred his time to John Mazza.

Carla McCloskey deferred his time to John Mazza.

Jae Flora Katz deferred her time to John Mazza.

John Mazza stated the process was dysfunctional. He stated there should be a maximum size of home allowed. He stated restrictions had been put in place before. He stated the property owners needed to have certainty on what they could build. He requested any ordinance go to the Planning Commission for review.

Scott Dittrich deferred his time to Kraig Hill.

Kraig Hill discussed the importance of community and neighborhood. He stated

value could not necessarily be tied to square footage. He discussed overlay districts and limiting TDSF to 100% of the neighborhood mean, limiting second stories to 2,000 square feet maximum, and reducing the free basement to 500 square feet. He recommended any changes go to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES).

Paul Grisanti discussed the last time the City broached the matter of home size and the history of various limitations on development. He stated the Planning Commission needed new blood. He stated, if anything, a neighborhood should be allowed to choose its own development standards.

Marianne Riggins stated the lots that caused issues were anomaly lots. She stated there was a maximum allowable square footage. She stated the formula had worked for many years and did not need to be adjusted.

Councilmember Mullen discussed the Mission Statement of Malibu. He indicated support for incremental growth. He stated whatever decision was made should be simple. He indicated support for reducing the TDSF.

Councilmember Pierson thanked the public speakers. He discussed TDSF for beachfront lots. He indicated support for reducing the TDSF. He indicated support for 125% of the average size of a home in a neighborhood.

In response to Councilmember Pierson, City Attorney Hogin stated custom design standards proposed by neighborhoods went through the same ordinance process that any ordinance would go through.

Councilmember Pierson stated there needed to be grandfathered projects. He indicated opposition to sending any ordinance back to the ZORACES.

In response to Councilmember Mullen, Councilmember Pierson indicated support for altering the curve and using a formula for reduced TDSF in more diverse neighborhoods.

Mayor Pro Tem Farrer stated the numerical standards already in place were being ignored by the Planning Commission. She expressed concern that only the super-rich would attempt building in Malibu. She indicated support for reducing the TDSF. She stated the Planning Commission needed to commit to respecting the code.

Councilmember Peak stated it was important to keep neighborhoods intact. He stated nothing had been specifically offered as a change to the code. He stated any change could not be enforced until it had already been passed. He stated ambiguity was frustrating the community.

Councilmember Peak left the dais at 9:54 p.m.

Mayor Wagner stated there needed to be definition. He stated there should be a limit on the type and number of amendments allowed.

Councilmember Peak returned to the dais at 9:57 p.m.

Mayor Wagner stated grandfathering needed to be looked at.

Mayor Pro Tem Farrer indicated support for offering incentives for projects with lower TDSF.

Councilmember Peak stated a smaller home could be incentivized by allowing a home under a certain square footage to be approved discretionarily.

Mayor Wagner indicated opposition to sending an ordinance to ZORACES to consider before the Planning Commission.

MOTION

Councilmember Mullen moved to direct staff to: 1) prepare an ordinance that altered the maximum TDSF down to 8,500 square feet; and b) develop language that would allow use of 75% of the TDSF unless the average of the neighborhood allowed use of up to, but not to exceed, the maximum for the lot size.

In response to Councilmember Pierson, Councilmember Mullen said it did not make a difference if half the homes in a neighborhood were on a hillside.

Councilmember Peak suggested reducing the TDSF by 10% for homes over 4,000 square feet.

City Attorney Hogin suggested reducing the overall TDSF to a number that was acceptable to the Council.

Planning Director Blue stated the data needed to make difficult calculations was not always available. She stated a new TDSF would be the most straightforward change.

Councilmember Peak stated a reduction at the top end of TDSF would likely make people unhappy.

Councilmember Mullen indicated support for his motion. He stated the average would be the closest 10 homes in the neighborhood, as defined.

City Attorney Hogin discussed the option of lowering the curve to a set number and allowing applicants to build more if an applicant could show the average was more than the top of the curve.

Councilmember Mullen indicated support for his motion.

Mayor Wagner stated amendments needed to be limited.

Councilmember Pierson stated the Planning Commission and the Planning Department had addressed extensions.

Mayor Wagner seconded the motion.

City Attorney Hogin stated the normal process would be for staff to take proposed ordinance language to ZORACES, after which the Planning Commission would hold a public hearing, and then the ordinance would go before the Council for consideration. She stated complete applications should be the bright line.

Mayor Wagner and Councilmember Pierson indicated support for skipping ZORACES and going straight to the Planning Commission.

FRIENDLY AMENDMENT

Mayor Wagner amended the motion to have the ordinance bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and go straight to the Planning Commission. The maker of the motion accepted the amendment.

Planning Director Blue stated the ordinance would likely go to the Planning Commission in May 2019.

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

ITEM 6 NEW BUSINESS

A. Adoption of the 2018 Emergency Operations Plan

Recommended Action: 1) Adopt Resolution No. 19-10 adopting the 2018 Emergency Operations Plan; and 2) Direct staff to revise and return to City Council the Emergency Operation Plan sections on evacuation and repopulation and update the City's Emergency Services Organization ordinance (Malibu Municipal Code 2.52) by July 31, 2019.

Public Safety Manager Dueñas presented the staff report.

Keegan Gibbs stated emergency text messaging was not used during the Woolsey Fire.

Ted Vaill stated the notification had gone out for full City evacuation during the Woolsey Fire and then was later corrected to only a portion of the City. He stated City staff should be required to work five days a week during fire season.

Councilmember Peak stated communications had been lost at City Hall, which was why City staff had evacuated.

MOTION

Councilmember Peak moved and Councilmember Pierson seconded a motion to: 1) adopt Resolution No. 19-10 adopting the 2018 Emergency Operations Plan;

and 2) direct staff to revise and return to City Council the Emergency Operation Plan sections on evacuation and repopulation and update the City's Emergency Services Organization ordinance (Malibu Municipal Code 2.52) by July 31, 2019.

Councilmember Pierson stated the plan needed to be adopted for the City to comply with State law. He recommended any amendments to the plan go to the Public Safety Commission.

In response Councilmember Mullen, Public Safety Manager Dueñas discussed the Wireless Emergency Alert (WEA) system. She stated she had requested the Fire Department send a WEA alert on November 9, 2018.

Councilmember Mullen stated the phones of City Hall had been redirected to the Emergency Operations Center in Santa Monica.

Mayor Wagner stated the 2018 Emergency Operations Plan needed changes. He stated the plan needed to be simplified for use.

Councilmember Mullen stated the 2018 Emergency Operations Plan was written in accordance with State directives. He stated Mayor Wagner was referring to a user-friendly guide for distribution to the community, which differed from the City's obligation to have a legal and standardized plan.

Public Safety Manager Dueñas stated a user-friendly companion document would be good to have in addition to the Emergency Operations Plan, which was required by State and federal regulations.

Mayor Wagner said the Emergency Operations Plan, as provided, would not work for the Malibu community.

Councilmember Peak stated it was frustrating to have responders that were not familiar with the City.

Mayor Wagner stated the Emergency Operations Plan was an administrative document. He stated federal funding would not be denied to cities that did not follow an approved Emergency Operations Plan.

Councilmember Mullen stated simple handouts should be developed.

City Manager Feldman stated handouts would be developed separate from the Emergency Operations Plan. She stated the Emergency Operations Plan needed to be filed with the State.

Public Safety Manager Dueñas stated funding for a simplified handbook was in the draft budget for Fiscal Year 2019-2020.

The question was called and the motion carried 4-1, Mayor Wagner abstaining.

ITEM 7 COUNCIL ITEMS

A. Undergrounding Utilities (Councilmember Peak)

Recommended Action: At the request of Councilmember Peak, direct staff to bring back a draft ordinance requiring electrical service panel upgrades for new construction or remodels to include undergrounding of utilities.

Councilmember Peak presented the report.

In response to Councilmember Pierson, Councilmember Peak stated the requirement should apply to new construction, remodels, and service upgrades.

In response to Councilmember Mullen, Councilmember Peak stated it should apply to fire rebuilds. He stated the cost could be significant depending on the size of the service, ranging anywhere from \$50-100 per foot. He discussed the potential benefits.

Scott Dittrich was not present at the time of the hearing.

Mayor Wagner stated undergrounding had benefits.

Councilmember Peak stated the added expense to underground during a fire rebuild was much less than it would be after the project was already done.

Mayor Wagner stated undergrounding would be a benefit to most fire rebuilds.

In response to Councilmember Pierson, Councilmember Peak stated it should be required for any service upgrade.

Councilmember Mullen indicated support for the recommended action.

In response to Mayor Pro Tem Farrer, Councilmember Peak clarified he was talking about undergrounding from the pole to the house.

Mayor Pro Tem Farrer stated she did not want to put additional burdens on fire rebuilds.

MOTION

Councilmember Mullen moved and Councilmember Peak seconded a motion to direct staff to bring back a draft ordinance requiring electrical service panel upgrades for new construction or remodels to include undergrounding of utilities. The motion carried 4-1, Mayor Pro Tem Farrer dissenting.

B. Pacific Coast Highway Taskforce Appointment

Recommended Action: Make an appointment to the Pacific Coast Highway Taskforce.

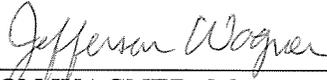
CONSENSUS

By consensus, the Council appointed Councilmember Peak and Councilmember Pierson to represent the City with the PCH Taskforce.

ADJOURNMENT

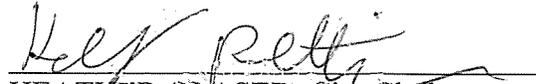
At 11:02 p.m., Councilmember Peak moved and Mayor Wagner seconded a motion to adjourn the meeting in memory of Teddi Sherman.

Approved and adopted by the City Council of the
City of Malibu on March 25, 2019.



JEFFERSON WAGNER, Mayor

ATTEST:


HEATHER GLASER, City Clerk
(seal)