

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
OCTOBER 10, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor La Monte 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 Lou La Monte; Mayor Pro Tem Skylar Peak; and Councilmembers Joan House, Laura Rosenthal and John Sibert

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; Rob DuBoux, Assistant Public Works Director; Matt Myerhoff, Media Information Officer; and Kristin Riesgo, Recreation Manager

PLEDGE OF ALLEGIANCE

Kim Bonewitz led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Mayor La Monte moved and Councilmember Sibert seconded a motion to approve the agenda, adjourning in memory of Los Angeles County Sheriff Sergeant Steve Owen, and Palm Springs Police Officers Jose Gilbert Vega and Lesley Zerebny. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on September 30, 2016, with the amended agenda posted on October 7, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of City Tile to Robert DuBoux, Assistant Public Works Director, for Seven Years of Service to the City

Mayor La Monte presented the tile to Assistant Public Works Director DuBoux.

Assistant Public Works Director DuBoux thanked the Council and staff.

B. Presentation of Donation to the City by the Malibu Kiwanis Club

Kim Bonewitz, Malibu Kiwanis Club, presented a donation of \$5,000 to the City.

ITEM 2.A. PUBLIC COMMENTS

Laureen Sills referenced an email to City Manager Feldman on September 30, 2016, regarding the potential to purchase property within the City.

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

City Manager Feldman thanked the Kiwanis Club for its donation and congratulated Assistant Public Works Director DuBoux on his seven-year tile. She indicated there would be closures on Civic Center Way due to the Civic Center Wastewater Treatment Facility project.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Rosenthal thanked Assistant Public Works Director DuBoux and stated she attended the League of California Cities Annual Conference. She announced a Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting. She thanked the Kiwanis Club for its donation toward homelessness issues within the City and discussed the Fred Ward Retrospective Photography Exhibit on display at City Hall. She stated she attended a Los Angeles County Mayors meeting in Cudahy and a Malibu Unification Negotiations Committee meeting. She announced the Pie Festival at Malibu Methodist Church on October 15, 2016, a Southern California Association of Governments Housing Conference on October 11, 2016, a Las Virgenes-Malibu Council of Governments (COG) meeting, a University of California Los Angeles symposium, Earth Now, and the West Basin Municipal Water District Water Harvest Festival on October 22, 2016. She announced the next Library Speaker Series event on November 2, 2016, and stated there would be a secure Vote by Mail ballot drop-off box in City Hall through November 7, 2016.

Councilmember House congratulated Assistant Public Works Director DuBoux and thanked the Kiwanis Club for its donation toward the 160 homeless in the City. She thanked Ms. Sills.

Councilmember Sibert congratulated Assistant Public Works Director DuBoux and thanked the Kiwanis Club for its donation. He discussed housing issues and stormwater management.

Mayor Pro Tem Peak congratulated Assistant Public Works Director DuBoux. He stated he toured the Agromin facility, attended a ZORACES meeting, and a flag ceremony in honor of Los Angeles County Firefighter/Paramedic Scott LaRue.

Mayor La Monte thanked Assistant Public Works Director DuBoux and discussed the Chili Cook-Off. He thanked the Ward family for the photographs displayed in the Fred Ward Retrospective Photography Exhibit and the Cultural Arts Commission for putting it together. He stated he attended the League of California Cities Annual Conference.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.4. was pulled by the public.

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Peak seconded a motion to approve the Consent Calendar, except Item No. 3.B.4. 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 48539-48665 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. 581 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,714,358.13. City of Malibu payroll check numbers 4700-4703 and ACH deposits were issued in the amount of \$158,030.46.

3. Approval of Minutes

Recommended Action: Approve the minutes for the September 12, 2016 Regular City Council meeting.

5. Co-Sponsorship of the Annual Malibu Veterans Day Celebration

Recommended Action: Adopt Resolution No. 16-44 approving the City's co-sponsorship of the Annual Malibu Veterans Day Celebration on November 11, 2016.

The following item was pulled for individual consideration:

4. Amendment to Agreement with Venco Power Sweeping, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 2 to Agreement with Venco Power Sweeping, Inc. for street sweeping services for the City's Annual Street Sweeping Program on City owned streets, City parking lots and Pacific Coast Highway

(PCH).

Jefferson Wagner discussed the feasibility of the City purchasing a street sweeper. He stated the vendor was not able to sweep Pacific Coast Highway (PCH) effectively.

Public Works Director Brager stated purchasing a street sweeper could be looked into and discussed the factors to consider.

Councilmember Rosenthal suggested working with Caltrans to place No Parking signs for street sweeping on PCH.

MOTION

Councilmember Rosenthal moved and Mayor Pro Tem Peak seconded a motion to: 1) authorize the City Manager to execute Amendment No. 2 to Agreement with Venco Power Sweeping, Inc. for street sweeping services for the City's Annual Street Sweeping Program on City owned streets, City parking lots and Pacific Coast Highway (PCH); and 2) direct staff to work with Caltrans on installing No Parking signs on PCH during street sweeping hours. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

None.

ITEM 5 OLD BUSINESS

A. Trancas Field Community Outreach Plan

Recommended Action: 1) Approve the Parks and Recreation Commission's recommendation for a public outreach plan regarding use of Trancas Field; and 2) Direct staff to hold a public workshop with the Harry Barovsky Memorial Youth Commission Meeting on October 17, 2016.

Parks and Recreation Manager Riesgo presented the staff report.

Jonathan Kaye declined to speak.

Carl Randall expressed concern with the speed with which the project was moving forward. He discussed the need for community support. He indicated support for Dial-a-Ride.

Parks and Recreation Manager Riesgo discussed the various avenues through which the community would be notified.

City Manager Feldman stated the community outreach was on hold until the Council had approved the Parks and Recreation Commission's recommendation.

MOTION Councilmember House moved and Mayor Pro Tem Peak seconded: 1) Approve the Parks and Recreation Commission's recommendation for a public outreach plan, as amended, regarding use of Trancas Field; and 2) Direct staff to hold a public workshop with the Harry Barovsky Memorial Youth Commission Meeting on October 17, 2016.

In response to Mayor Pro Tem Peak, Parks and Recreation Manager Riesgo stated the survey was set to go out before the end of the week. She stated staff was concerned with low community turnout due to the accelerated timeline.

Councilmember Sibert suggested staff come back to Council with a different timeline if the first few meetings were not well attended.

Councilmember Rosenthal expressed concern for the timeline and getting enough community involvement.

City Manager Feldman recommended moving the last two meetings back, one before Thanksgiving and one in the first week of December.

The motion carried unanimously.

B. Short-term Residential Rentals

Recommended Action: 1) Review suggestions from staff on options for regulating short-term residential rentals; and 2) Provide guidance to staff.

Planning Director Blue presented the staff report.

Jonathan Kaye declined to speak.

Rosemary Sampson expressed frustration with the staff report and staff recommendation.

In response to Councilmember Rosenthal, City Manager Feldman clarified the total revenues in the staff report.

In response to Councilmember Sibert, City Attorney Hogin stated the Coastal Commission's concern with banning short-term rentals was the potential to reduce access to the beach to eliminate the potential for low-cost overnight accommodations. She stated the Council had the right to decide policy for the City as long as it was in line with the the Coastal Act. Councilmember Sibert stated it was not a source of revenue to protect.

Councilmember House indicated support for room rentals when the property owner was onsite and discussed the importance of quality of life in the neighborhood.

In response to Mayor Pro Tem Peak, City Attorney Hogin stated the City did not assume any liability for what a homeowner did with their home. She stated the current definition of hotels and motels precluded anyone from buying an apartment building and using it for short-term vacation rentals. She stated the definition could be emphasized and clarified in an amendment. She discussed pending litigation in other cities. Mayor Pro Tem Peak discussed limiting rentals to two weeks and having a staff person specifically dedicated to handling short-term rental matters.

CONSENSUS

By consensus the Council directed staff to bring back a draft ordinance that included: 1) banning short-term rental properties, as well as the advertisement of such properties, with outstanding code enforcement violations, with each violation of the ban resulting in the ban extending an additional six months from the date the enforcement violation is cured; 2) expanding the definition of hotel/motel in the Malibu Municipal Code; 3) banning short-term rental of multi-family housing, except for homesharing (where the owner is present on the property during the stay); 4) limiting the number of days a property can be rented; 5) requiring proof of primary residence at the property, or that the host live at the property for a certain number of days a year; 6) requiring rentals to meet certain standards, e.g. annual inspections, on-site parking for all guests, handicapped access on the property and in the home, compliance with all fire safety and occupancy codes, requiring on-site manager or that the manager is available 24-7; and 7) requiring Covenants, Conditions, and Restrictions (CC&Rs) for future developments and/or major remodels in the City to include provisions banning short-term rentals.

In response to Councilmember House, City Attorney Hogin stated the single-family zone's primary use had to be a residence, with short-term vacation rental as an accessory use.

Councilmember Sibert questioned home exchange.

Mayor Pro Tem Peak stated it would be difficult to prove how many days a year a person lived in a home.

Councilmember House stated the community should be able to enjoy their neighborhoods.

Mayor Pro Tem Peak indicated support for banning short-term rentals.

Councilmember Rosenthal questioned whether banning short-terms rentals would actually stop short-term rentals from happening.

Mayor Pro Tem Peak suggested limiting short-term rentals to four times a year and unlimited when the property owner was onsite.

In response to Councilmember House, City Attorney Hogin stated she would return with information on how to address non-monetary home swaps. Councilmember House stated the community would be in favor of protecting the quality of life. She stated code enforcement would not be a major issue.

In response to Mayor Pro Tem Peak, City Manager Feldman stated a Code Enforcement Officer was being hired that may be working an alternating schedule and available on weekends.

Councilmember Sibert expressed concern for overloaded septic systems.

Mayor Pro Tem Peak discussed adequate parking for properties being rented.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

A. Metro Measure M – Los Angeles County Traffic Improvement Plan – Support (Councilmember Sibert)

Recommended Action: At the request of Councilmember Sibert, authorize the Mayor to send a letter to the Los Angeles County Metropolitan Transportation Authority (Metro) indicating the City's support of Measure M, the Los Angeles County Traffic Improvement Plan, a sales tax measure on the November 8, 2016 ballot.

Councilmember Sibert presented the item.

Terry Dipple, Executive Director of Las Virgenes-Malibu COG, discussed Measure R and Measure M.

Karen Swift, Community Relations Manager for Metro, discussed the Measure M process.

Abdollah Ansari, Managing Executive Officer for Metro, discussed the recent needs assessment and proposed uses for Measure M funds.

In response to Councilmember House, Mr. Dipple stated Metro had allocated funds based upon population. He stated the COG had decided how funds would be allocated to the sub-region.

Councilmember Sibert stated funds were allocated first to cities with shovel-ready projects.

In response to Councilmember Rosenthal, Mr. Dipple stated Measure M funds

would be allocated based on employment and population. He discussed the allocations for Malibu. In response to Councilmember Rosenthal, Ms. Swift stated part of the funding would be allocated to creative ideas for transportation options, including the Big Blue Bus and the Orange Line.

Mayor Pro Tem Peak expressed concern for safety improvements to the highway.

Mayor La Monte indicated support for Measure M but stated there was very little in the Measure for Malibu.

MOTION

Councilmember Sibert moved and Councilmember Rosenthal seconded a motion to authorize the Mayor to send a letter to the Los Angeles County Metropolitan Transportation Authority (Metro) indicating the City's support of Measure M, the Los Angeles County Traffic Improvement Plan, a sales tax measure on the November 8, 2016 ballot. The motion carried unanimously.

B. Support for Ordinance Banning or Restricting Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles Parking on City Streets (Councilmember Rosenthal)

Recommended Action: At the request of Councilmember Rosenthal, direct staff to research ordinances banning or restricting overnight parking on City streets and bring back a draft ordinance for Council consideration.

Councilmember Rosenthal presented the item.

Mayor La Monte stated the ordinance should be high on the Public Safety Commission's work plan.

Mayor Pro Tem Peak indicated support for seeing the item brought back to Council in January 2017.

Jonathan Kaye discussed kayaks stacked on PCH.

CONSENSUS

By consensus, the Council directed staff to research ordinances banning or restricting overnight parking on City streets and bring back a draft ordinance for Council consideration.

C. City Council Policy – Naming Rights (Councilmember House)

Recommended Action: At the request of Councilmember House, consider whether to direct staff to bring back a draft City Council Policy regarding naming rights of City facilities for Council consideration.

Councilmember House presented the item.

Jonathan Kaye stated the naming policy should include tiles and benches.

Councilmember House stated the new policy would be all-inclusive.

CONSENSUS

By consensus, the Council directed staff to bring back a draft City Council Policy regarding naming rights of City facilities for Council consideration.

D. Point Dume Speed Advisory Signs Project Change Order (Councilmember Rosenthal)

Recommended Action: At the request of Councilmember Rosenthal, 1) Consider authorizing the Public Works Director to negotiate and approve a change order to the Point Dume Speed Advisory Signs Project Agreement to upgrade the speed advisory signs; and 2) If authorized, authorize an increase to the Public Works Director change order approval authority to not exceed \$35,000 for the purchase of upgraded speed advisory signs.

Councilmember Rosenthal presented the item. She discussed custom text abilities of the different advisory signs.

MOTION

Mayor Pro Tem Peak moved and Councilmember House seconded a motion to: 1) Consider authorizing the Public Works Director to negotiate and approve a change order to the Point Dume Speed Advisory Signs Project Agreement to upgrade the speed advisory signs; and 2) If authorized, authorize an increase to the Public Works Director change order approval authority to not exceed \$35,000 for the purchase of upgraded speed advisory signs. The motion carried unanimously.

ADJOURNMENT

MOTION

At 8:52 p.m., Mayor Pro Tem Peak moved and Mayor La Monte seconded a motion to adjourn in memory of Los Angeles County Sheriff Sergeant Steve Owen, and Palm Springs Police Officers Jose Gilbert Vega and Lesley Zerebny. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on November 14, 2016.



LOU LA MONTE, Mayor

ATTEST:



HEATHER GLASER, City Clerk

(seal)