

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
APRIL 9, 2012  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor Rosenthal called the meeting to order at 6:37 p.m.

**ROLL CALL**

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

PRESENT: Mayor Laura Rosenthal; Mayor Pro Tem Lou La Monte; and Councilmembers Pamela Conley Ulich, John Sibert and Jefferson Wagner

ALSO PRESENT: Jim Thorsen, City Manager; Christi Hogin, City Attorney; Reva Feldman, Assistant City Manager; Joyce Parker-Bozylinski, Planning Director; Bob Brager, Public Works Director; Stephanie Danner, Senior Planner; and Jessica Blair, Recording Secretary

**PLEDGE OF ALLEGIANCE**

Fred Gaines led the Pledge of Allegiance.

**CLOSED SESSION REPORT**

**Public Comment on Closed Session Items**

None.

City Attorney Hogin announced that the Regular meeting convened at 5:30 p.m. at which time the City Council recessed to Closed Session to discuss the following items:

**Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9(a):**

1. Natural Resources Defense Council (NRDC) & Santa Monica Baykeeper v. City of Malibu, United States District Court Case No. CV-08-01465 AHM (PLAx)

City Attorney Hogin reported that the Council discussed the item on the posted agenda and took no reportable action. She stated the Council requested a Special Meeting on April 13, 2012, at 9:45 a.m. to further discuss the matter.

## **APPROVAL OF AGENDA**

**MOTION** Mayor Pro Tem La Monte moved and Councilmember Wagner seconded a motion to approve the agenda. The motion carried unanimously.

## **REPORT ON POSTING OF AGENDA**

Recording Secretary Blair reported that the agenda for the meeting was properly posted on March 30, 2012, with the amended agenda properly posted on April 6, 2012.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

- A. Presentation of City Tile to Reva Feldman, Assistant City Manager, for Seven Years of Service to the City of Malibu

Mayor Rosenthal announced that the presentation would be continued to a later date.

- B. Presentation of Commendations to Sheriff's Lieutenant Jim Royal and Deputies Mike Treinen, Kristina Seitz and Joseph Telles for Their Heroic Actions that Helped Save the Life of an Elderly Resident in a House Fire

Mayor Rosenthal presented commendations to Sheriff's Lieutenant Jim Royal and Deputies Mike Treinen, Kristina Seitz and Joseph Telles for their heroic actions that helped saved the life of an elderly resident in a house fire.

## **ITEM 2.A. PUBLIC COMMENTS**

Aaron Guttman thanked the City Council for writing a letter regarding Assembly Bill 317.

Hamish Patterson stated there was a lack of oversight at the City's Easter event. He stated there were no Sheriffs at the event and safety was an issue. He stated Suzanne Goode, California State Parks, was given preferential treatment regarding public speaker time and citizens should be given the same preferential treatment. He stated the City Council needed to stick up for the citizens of Malibu.

## **ITEM 2.B. COMMISSION / COMMITTEE UPDATES**

Mikke Pierson, representing the Public Works Commission, discussed parking meters in Malibu and stated the Commission was not in favor of installing meters.

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

Councilmember Conley Ulich suggested moving Item No. 7.E. to be heard prior to the other items.

**MOTION** Councilmember Conley Ulich moved and Councilmember Sibert seconded a motion to reorder the agenda to hear Item No. 7.A. prior to the Consent Calendar.

Mayor Rosenthal thanked everyone for coming to the meeting and stated the Malibu Lagoon (Lagoon) item was an emotional topic, and there were several other important agenda items.

Councilmember Sibert discussed reordering of the agenda at the last meeting and stated he would like to hear the rest of the agenda before hearing the Lagoon item.

In response to Councilmember Wagner, City Manager Thorsen stated there were a few speakers on Item Nos. 5.A. and 6.A.

Mayor Pro Tem La Monte stated he would be willing to move his Councilmember Item No. 7.B. to the end.

Councilmember Conley Ulich withdrew her motion.

Mayor Pro Tem La Monte provided an update on the Administration and Finance Subcommittee. He stated all Council candidates were at the last meeting and he hoped that would continue after the election. He stated he and Mayor Rosenthal met with the Chair, Vice Chair and consultant of the Arts Task Force. He announced the upcoming Chumash Day event at Bluffs Park. He encouraged everyone to vote in the City Council election.

Councilmember Wagner encouraged everyone to vote in the City Council election.

Councilmember Sibert stated he had no further comments.

Councilmember Conley Ulich announced Earth Day on April 22, 2012. She stated the City would be partnering with Heal the Bay for a beach clean-up. She stated the Library Grand Opening would be at 1:00 p.m. on the same day.

Mayor Rosenthal encouraged everyone to vote in the City Council election. She stated the City would collaborate with Malibu High School to show "Every 15 Minutes," a movie about driving under the influence, on April 24, 2012, at 7:00 p.m. She stated anyone of driving age was welcome to view the film at City Hall. She stated she attended the City of Calabasas City Council meeting for the

swearing in of the new mayor. She stated she attended a Southern California Association of Governments (SCAG) meeting on transportation.

**ITEM 3      CONSENT CALENDAR**

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

**MOTION**      Councilmember Sibert moved and Councilmember Conley Ulich seconded a motion to approve the Consent Calendar, with the exception of Item No. 3.B.6. The motion carried unanimously.

The Consent Calendar consisted of the following items:

**A.      Previously Discussed Items**

1.      Second Reading and Adoption of Ordinance No. 369

Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 369, amending Section 15.12.050 of the Malibu Municipal Code to make certain non-substantive format changes and revise certain provisions of Title 28 of the Los Angeles County Code Regarding Graywater Systems and Usage.

**B.      New Items**

1.      Waive further reading

Staff recommendation: 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

Staff recommendation: Allow and approve warrant demand numbers 34593- 34712 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. 482 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$563,833.54 City of Malibu payroll check numbers 4008-4017 and ACH deposits were issued in the amount of \$151,636.49

3.      Approval of Minutes

Staff recommendation: Approve the minutes for the March 12, 2012 Regular City Council meeting.

4.      Planning Commission Denial of Local Coastal Program Amendment No. 11-002 for the Parcel Located at 29255 Heathercliff Road

Staff recommendation: Receive transmittal of Planning Commission Resolution No. 12-15 recommending the City Council deny Local Coastal Program Amendment (LCPA) No. 11-002 to change the zoning designation from Rural Residential – One Acre (RR-1) and the land use designation from Rural Residential (RR) to Multi-Family (MF) for the parcel located at 29255 Heathercliff Road.

5. Memorandum of Understanding for the Pacific Coast Highway (State Route 1) Safety Study  
Staff recommendation: Authorize the City Manager to execute the Memorandum of Understanding (MOU) between Southern California Association of Governments (SCAG) and the City of Malibu to fund and administer the Pacific Coast Highway (PCH) (State Route 1) Safety Study.
7. License Agreement for Parking  
Staff recommendation: Authorize the City Manager to negotiate and execute a License Agreement for Parking (Agreement) with PCH Project Owner, LLC to allow temporary public parking on privately owned land located at 24200 Pacific Coast Highway (former Crummer property).
8. Professional Services Agreement with Geosyntec Consultants for Santa Monica Bay Beaches Bacteria Total Maximum Daily Load (TMDL) Technical Support  
Staff recommendation: Authorize the City Manager to execute a Professional Services Agreement with Geosyntec Consultants for technical support regarding the Santa Monica Bay Beaches Bacteria TMDL reconsideration and preparation of comments to the Los Angeles Regional Water Quality Control Board (Regional Board).

The following item was pulled from the Consent Calendar for individual consideration:

- ITEM NO. 3.B.6.** Rancho Malibu Hotel Project Environmental Impact Report Supplement Professional Services Agreement for Environmental Consulting Services and Developer Reimbursement Agreement  
Staff recommendation: 1) Authorize the City Manager to negotiate and execute a Professional Services Agreement with AMEC Environmental & Infrastructure, Inc. ("AMEC") for the preparation of an Environmental Impact Report (EIR) Supplement for the Rancho Malibu Hotel Project; and 2) authorize the City Manager to negotiate and execute a Developer Reimbursement Agreement with Green Acres, LLC for repayment of costs associated with preparation of the EIR Supplement.

Planning Director Parker-Bozylinski presented the staff report.

Patt Healy, Malibu Coalition for Slow Growth, stated the hotel project was one of the largest projects the City would ever consider. She stated a supplemental Environmental Impact Report (EIR) was no longer appropriate. She asked the Council to direct staff to complete a full EIR on the project.

Brian Eamer stated the EIR for Pepperdine's Campus Life Project was completed and included several comments by City staff, of which the community was not aware. He stated he would like to see a transparent,

community-based effort for the EIR process. He stated there should be a 60-day comment period rather than 45 days.

Missy Zeitsoff stated she was surprised the hotel project was on the agenda. She stated there were plenty of small hotels. She stated it made no sense to have a supplemental EIR and urged the Council to demand a new, full EIR.

Fred Gaines, representing the applicant, stated they were looking forward to beginning the project. He stated they expected there to be new information and studies required. He stated the process for a supplemental EIR was the same as a new EIR. He stated the project was a hotel, not a condominium project. He stated there would be some ownership opportunities, but each room would be treated as a hotel room each night. He stated the square footage was comparable to what was previously approved. He stated any project issues would be dealt with during the public hearing process.

Susan Saul, A Safer PCH, presented a scenario of a day in Malibu with bicyclists, pedestrians and motorists along Pacific Coast Highway. She requested updated studies for such a scenario be completed during the EIR process.

Mayor Pro Tem La Monte stated he read the scope of work for the supplemental EIR and it looked the same as a new EIR. He stated the EIR consultants would study traffic, water and other issues, and the City would not know what the issues were until the EIR was done.

Councilmember Sibert stated the project was originally approved by the second City Council. He stated this was a different project than what was presented originally. He stated it would be set up similar to a timeshare but would function as a hotel. He stated once the EIR process was started, there would be public meetings and many opportunities for public comment. He stated if staff thought the supplemental EIR was sufficient, then he would support it.

Councilmember Wagner stated information on timing of the project and public meetings was included in the agenda report. He stated a full EIR was necessary. He stated he still supported the project as it was presented 15 years ago; however, the project had changed and needed a new EIR.

City Attorney Hogin clarified that the Council was considering an economic arrangement by approving a contract. She stated the City must comply with the California Environmental Quality Act (CEQA) before a project was considered. She stated the property owner had submitted an

application and the City must proceed with gathering the required information under CEQA. She stated the developer funded the review. She explained the EIR consultant and developer for reimbursement agreement of EIR preparation costs. She stated the issue of whether it should be supplemental or full was premature, as the Council did not have enough information regarding the project. She suggested the Council strike the word supplemental from the contract.

Councilmember Conley Ulich stated she believed the Council could ask for a full EIR. She stated she agreed with Councilmember Wagner and requested a new EIR be done.

**MOTION** Councilmember Conley Ulich moved to have a full EIR prepared for the project.

Mayor Rosenthal stated she agreed with Councilmember Wagner and Councilmember Conley Ulich.

In response to Mayor Rosenthal, Planning Director Parker-Bozylinski stated there were different components to the project from what was originally approved. She stated if the majority of the Council wanted to require a full EIR, then staff could strike the word "supplemental" from the agreement. She stated the consultant informed staff that the timing would be the same, but the cost might be more than what was included in the proposed agreement. She stated staff could bring back an amended agreement for any additional funds.

Mayor Rosenthal stated she did not want to see any public meetings regarding the EIR occur during the summer when many residents were on vacation. She questioned whether there was a way to incorporate a small amount of workforce housing into the project. In response to Mayor Rosenthal, Planning Director Parker-Bozylinski stated those were items that could be looked at during review of the project for conformance with zoning standards and other codes.

City Attorney Hogin cautioned the Council about getting ahead of itself and stated the two financial agreements were under consideration.

The motion died due to lack of a second.

**MOTION** Councilmember Conley Ulich moved to direct staff to renegotiate the agreements for preparation of a full EIR and return to Council with the revised agreements.

Councilmember Wagner stated the property owner was in attendance at the meeting and could comment. In response to Councilmember Wagner,

City Attorney Hogin stated the EIR consultant set the price, not the property owner.

Councilmember Wagner seconded the motion.

The question was called and the motion carried unanimously.

City Attorney Hogin clarified that the motion was to approve the agreements, striking the word "supplemental" from each, with the understanding that the Planning Director may return to the Council with an amended agreement for additional funds in the future.

Councilmember Conley Ulich stated she did not want to enter into an agreement. She stated her motion was to direct staff to renegotiate the contracts for a full EIR and return to Council.

City Manager Thorsen clarified the two agreements before the Council: one for preparation of the EIR and the other to collect funds from the developer. He stated staff could strike the word "supplemental" from the agreements for a full EIR to be prepared. He stated if additional funds were needed, staff could bring amended agreements back to the City Council.

#### CONSENSUS

By consensus, the Council agreed to: 1) authorize the City Manager to negotiate and execute a Professional Services Agreement with AMEC Environmental & Infrastructure, Inc., striking the word supplemental from the agreement, for the preparation of an Environmental Impact Report for the Rancho Malibu Hotel Project; and 2) authorize the City Manager to negotiate and execute a Developer Reimbursement Agreement, with Green Acres, LLC striking the word supplemental from the agreement for repayment of costs associated with preparation of the Environmental Impact Report, with the understanding that staff would return to Council with amended agreements for necessary additional funds, if necessary.

In response to Mayor Rosenthal, Norm Haynie stated he submitted a slip for Item No. 3.B.4. but no longer wished to speak. He stated he would present his comments during the public hearing for the project.

#### ITEM 4      **ORDINANCES AND PUBLIC HEARINGS**

None.



**ITEM 5      OLD BUSINESS**

A.    Public Easement Encroachments along Busch Drive

Staff recommendation: Receive report on the fourth community meeting regarding public easement encroachments along Busch Drive and direct staff as deemed appropriate.

Public Works Director Brager presented the staff report.

Mayor Pro Tem La Monte expressed concern that Busch Drive would become a parking lot for Zuma Beach visitors.

In response to Mayor Pro Tem La Monte, Public Works Director Brager stated the Local Coastal Program (LCP) prohibited restrictive parking. He stated staff could look into having limited parking or increase or reduce the encroachment width.

In response to Mayor Pro Tem La Monte, City Manager Thorsen stated staff had contacted the California Coastal Commission (CCC) to find out what parking restrictions could be placed on the lower portion of Busch Drive.

Mayor Rosenthal stated she would provide information on parking after public comment.

Councilmember Sibert questioned whether something similar to Safe Routes to Schools had been considered. Public Works Director Brager stated residents agreed to have some sort of pathway. He stated that could be discussed once the area was cleared.

Robert Brada stated, although the LCP did not allow the City to place restrictive parking signs, residents could put landscaping in the area to discourage parking. He stated he did not agree to wait on his encroachment issue. He stated neighbors in the area would create and maintain a walking path along lower Busch Drive. He stated they would like the ability to put plantings in the area so it was clearly a walking path. He stated it was illegal to park in a walking path. He asked the Council to work with the neighbors.

Virginia Reeves stated she was building a house at the bottom of Busch Drive. She questioned what the City Council regulations were regarding Councilmembers voting on issues that affected them. She stated the residents were not clear why the sidewalk had to be eight feet to be a safe walking path. She stated parking in the area was an issue. She stated she cleaned up after people who parked in the neighborhood on the weekends.

In response to Mayor Rosenthal, City Attorney Hogin explained that Councilmembers should recuse themselves if a decision would have a direct

financial impact on them. She stated there were exceptions to that rule if the decision would affect the public generally, as in the case of this project. She stated it was up to the Mayor whether she wanted to recuse herself or not.

Councilmember Wagner stated he had attended all public meetings on the issue and the City had received input from the residents in the area. He stated creating a landscaped walkway had not been considered. He stated it seemed reasonable. He stated something had to be done with Busch Drive and he hoped it would be soon.

Mayor Rosenthal stated she had attended two of the public meetings and drove on Busch Drive every day. She asked Councilmember Wagner to clarify what he believed the residents were asking for. Councilmember Wagner stated he believed the residents would like to create a walkway that was wide enough for people to walk on but not park on. He stated it seemed like a reasonable request and was something the City could comply with.

Councilmember Sibert stated it was dangerous to walk along Busch Drive, which was why he suggested something similar to Safe Routes to Schools. He discussed the easements and stated he would favor something that would lead to a safe path.

Mayor Pro Tem La Monte stated he would like to make the area safe and give the homeowners an opportunity to build a path.

**MOTION** Councilmember Conley Ulich moved to direct staff to work with the design plan and homeowners and come back in three months for direction.

Mayor Rosenthal stated there were almost 250 families in the area. She stated people parked there to go to the beach, and the City could not stop them per the LCP. She stated she asked Planning Department staff to work with the CCC to come up with some type of compromise. She suggested a walkway on one side and parking on the other, or to take back the 16-foot right-of-way on both sides and not leave room to walk or park. She stated she did not really want that to happen, but there needed to be a way to fix it.

Councilmember Conley Ulich withdrew her motion.

**MOTION** Mayor Rosenthal moved and Councilmember Wagner seconded a motion to direct staff to work with the homeowners over the next three months to clear an 8-foot pathway along both sides of Busch Drive, between Rainsford Place and the northerly terminus of Busch Drive, and to work with the California Coastal Commission to develop a plan for Busch Drive, between Pacific Coast Highway and Rainsford Place, to allow parking on one side and a walkway on the other.

**FRIENDLY AMENDMENT**

Mayor Rosenthal amended her motion to add that the City would work with homeowners with financial issues. Councilmember Wagner accepted the amendment.

In response to Councilmember Conley Ulich, City Attorney Hogin stated the motion was to direct staff and the City could not make a gift of public funds but could work out a fair solution.

The motion carried unanimously.

**ITEM 6      NEW BUSINESS**

**A.      Arts Task Force Cultural Arts Report**

Staff recommendation: 1) Review the final Cultural Arts Report as prepared by the Arts Task Force and staff; 2) provide direction to staff; and 3) formally dismiss the Arts Task Force.

Senior Planner Danner introduced Constance Jolcuvar, consultant for the Arts Task Force, Daniel Stern, Chair of the Arts Task Force and Graeme Clifford, Vice Chair of the Arts Task Force.

Graeme Clifford stated it had been a privilege to serve as Vice Chair. He thanked Ms. Jolcuvar and Senior Planner Danner for their work on the final report. He thanked the City Council for appointing the group and especially Mayor Rosenthal and Mayor Pro Tem La Monte for meeting with them along the way.

Daniel Stern thanked the City Council for having an interest in the arts and forming the Arts Task Force. He stated it was an interesting group and contained members from all aspects of the arts. He stated there had been amazing turnout to the public meetings. He stated they conducted a lot of research into how other cities operated arts programs. He stated the group's first recommendation was to create a Cultural Arts Commission, on which he would love to continue to serve.

Senior Planner Danner presented the staff report.

Ms. Jolcuvar stated the Arts Task Force and the City worked together collectively over the past year. She applauded the Arts Task Force and stated there were 11 artists who worked well together. She stated she was available to answer questions. She stated her personal objective was to have the immediate recommendations adopted and the short-term recommendations completed right away.

Lotte Cherin, Task Force Member, thanked the City Council. She acknowledged that Councilmember Conley Ulich had done a lot of work for the arts over the

years and applauded her for it. She stated the arts were the heart of the community and the Council could leave a legacy by forming an Arts Commission.

John Mazza, Task Force Member, thanked the City Council and stated the Arts Task Force had identified art assets in Malibu. He encouraged the Council to form an Arts Commission. He stated a Commission could work on getting the recommendations completed. He thanked Ms. Jolcuvar and staff for their many hours of work with the Task Force and on the report.

Alessandra DeClario, Task Force Member, thanked the Council for the honor of being on the Task Force. She thanked Councilmember Conley Ulich for beginning Malibu's efforts with the arts.

Terence Davis, Task Force Member, thanked the City Council and staff.

Mayor Pro Tem La Monte thanked the members of the Task Force. He stated the Council should discuss the recommendations, and he suggested expanding the Commission to include one or two members from outside the City limits.

Mayor Rosenthal stated she met with Mr. Stern, Mr. Clifford, Ms. Jolcuvar and staff many times over the past year. She stated the report was amazing and she was excited to move forward. She stated she researched arts commissions and task forces in other cities.

Councilmember Sibert stated the report was well done. He stated he supported an Arts Commission. He suggested staff bring back an evaluation of all commissions, as there may be some overlap. He thanked the Task Force.

Councilmember Wagner stated many artists lived just outside the City limits, so he indicated support for Mayor Pro Tem La Monte's suggestion. He stated he agreed with Councilmember Sibert's suggestion to receive an update on all commissions and committees.

Councilmember Conley Ulich expressed gratitude for the progress after eight years.

Mayor Rosenthal suggested drafting a mural ordinance and to have staff review the temporary use ordinance to include temporary art functions.

Councilmember Conley Ulich requested having a Malibu Pops for the summer. City Manager Thorsen stated there would be additional costs associated with a summer Pops program, so that would have to come back for Council consideration.

**MOTION** Mayor Rosenthal moved and Mayor Pro Tem La Monte seconded a motion to: 1) receive and file the final Cultural Arts Report as prepared by the Arts Task Force and staff; 2) direct staff to take the percent for arts ordinance to the Planning Commission; 3) direct staff to return to the Council to establish a Cultural Arts Commission, with the intent of also allowing 90265 residents to apply for appointment; 4) request that a cultural arts proclamation be made by Summer 2012; 5) direct staff to create a cultural arts webpage on the City's website; 6) direct staff to begin work on a mural ordinance; 7) direct staff to begin work on a temporary use permit ordinance to allow pop-up art galleries and cultural venues in vacant commercial tenant spaces; 8) commit to look for a means of funding to support cultural arts and to consider providing seed money for which a Cultural Arts Commission could provide use recommendations; 9) direct staff to research entering into a partnership agreement for Malibu Pops this summer; 10) direct staff to begin research on identifying and beginning the grant writing proposal process, cooperating with outside cultural arts organizations to provide grant writing support; and 11) formally dismiss the Arts Task Force. The motion carried unanimously.

Mayor Rosenthal thanked Scott Tallal, Arts Task Force Member, for his work on the public arts survey.

**ITEM 7 COUNCIL BUSINESS**

**E. Opposition to the Malibu Lagoon Restoration Project (Councilmember Conley Ulich)**

Requested action: At the request of Councilmember Conley Ulich, oppose the Malibu Lagoon Restoration Project and take the following actions: 1) Authorize the Mayor to send a letter to the Governor and all relevant agencies indicating the City's opposition to the project; 2) direct the City Attorney to file an amicus brief regarding the City's opposition of the project; 3) direct the City Manager to negotiate and execute an agreement with U.S. Geological Survey (USGS) to conduct an independent study of the project; 4) appoint two members of the City Council to an ad hoc committee which will meet and collaborate with State and affected parties to see if a mutually agreeable solution is possible before the proposed project start date of June 1, 2012; and 5) appropriate \$50,000 from the General Fund Undesignated Reserve to Account No. 100-7001-5100 for legal costs.

Scott Hebbell stated there were other problems that needed to be fixed immediately. He stated nature in the Lagoon would change no matter what they did. He indicated opposition to the proposed Lagoon project.

Steve Woods stated he was a homeowner in Corral Canyon. He stated he had been surfing in Malibu since 1969. He stated nature affected wave quality. He stated he supported the Lagoon project.

Cathey Cadieux deferred her time to Ted Vaill.

Ted Vaill discussed the proposed process of the Lagoon restoration. He stated he was not confident the project would be done by October. He stated all work would be washed away if there were heavy rains. He stated the project was full of waste and would lead to senseless destruction of the Lagoon.

Randy Young stated he lived in Pacific Palisades. He indicated opposition to the project.

Joe Sanders asked the Council to not allow the project to proceed. He stated there would be a tremendous amount of sediment and cobble behind the Rindge Dam that would come down to the ocean. He stated the project was a band-aid to a much larger problem. He stated the area had been mismanaged for three decades. He indicated opposition to the project.

Jim Kenney stated he was in support of the restoration project. He stated he had been photographing the Lagoon since 2004. He stated he had a unique perspective that others did not have. He stated there were birds there now but not like there were in 2004. He stated everything was deteriorating and needed attention.

Robert von Sternberg deferred his time to Andy Lyon.

Chris Borgnine deferred his time to Andy Lyon.

Kevin Davis deferred his time to Andy Lyon.

Thomas Moore deferred his time to Andy Lyon.

Andy Lyon offered a presentation depicting historical photos of the Malibu Lagoon. He discussed what he viewed as flaws in the restoration project plans. He urged the Council to do something. He stated so many residents had come out to speak because they believed the Council could do something. He stated he did not agree that the Lagoon would be better after the restoration.

Allen Sarlo stated Malibu Surfrider Beach was the first worldwide surfing reserve, which he had been appointed to steward. He stated he had raised two kids through the Malibu school system and he surfed with his family and loved Malibu. He stated he hoped everyone had Malibu's best interests at heart. He stated they should let Mother Nature fix itself.

Joe Kennedy stated it was arrogant of human beings to apply an industrial solution to environmental issues. He urged the Council to think about the environmental impacts of the restoration. He indicated opposition to the restoration project.

Sophie Sarlo read a letter from Jeff Harris who indicated opposition to the restoration project due to public health concerns. He suggested the City demand that the State renegotiate the terms of the project.

Alan Martin stated he was in opposition to the Lagoon project.

Cary O'Neal deferred his time to Alden Marin.

Alden Marin stated he was opposed to the restoration project. He discussed various wildlife habitats in the Lagoon area.

Kimball Garrett stated he had been bird watching in the Lagoon for the past 40 years. He stated there was some misinformation about the biology of the project. He stated the present state of the Lagoon was the result of massive amounts of bulldozing in 1983. He stated birdlife was more abundant within three years of the 1983 restoration than it was now. He stated he supported the restoration project.

Daniel Jones asked the Council to consider opposing the project and allocating funds to help residents fight the project. He stated there would be many negative economic effects of the project. He stated there were human health issues.

Billie Malkin stated she began surfing in Malibu at a young age. She indicated opposition to the restoration project.

Missy Zeitsoff discussed the staff recommendation.

Dennis Washburn discussed various reports that had been completed previously regarding the Lagoon area. He stated he strongly recommended that the Council not oppose the project but look into ways to meet the needs of those who had spoken in opposition to the project. He stated there was a very complex set of circumstances surrounding the project.

Tina Borggrebe deferred her time to Carla Rowland.

Jen Belcastro deferred her time to Carla Rowland.

Michael Dal Santo deferred his time to Carla Rowland.

Carla Rowland thanked the Council for hearing everyone again. She discussed communications and asked the Council to step outside their political box and listen to everyone's comments. She stated she moved to Malibu when she was 10 years old. She stated the plan needed to be reevaluated. She stated there was a need to clean the Lagoon but the proposed plan was not the correct way. She

stated construction during the summer was a bad idea because of the number of summer visitors to Malibu.

Michael Moss stated there were no state, federal or international recommendations for mitigation for estuary or watershed areas because they were such a precious resource. He stated the Lagoon was a jewel. He stated the public wanted the Council to be its voice. He stated the science surrounding the project was insufficient.

Alan Ruzicka was not present at the time he was called to speak.

Matthew Aubrey stated he was opposed to the Lagoon project. He stated the project would disturb the surf break and harm wildlife habitats. He stated contaminated water would spill into the ocean and the surfers would get sick.

Chris Collins stated he was present to honor the old Chumash tradition in Malibu. He indicated opposition to the restoration project.

Margaret Cole stated the Lagoon should be made self-sufficient. She discussed bio-pods and filters, which could eliminate contamination in the ocean. She stated things should be moved around delicately. She stated the City should look at the Huntington Library and Arboretum in Pasadena.

Blue Blervaque stated all of the large projects being proposed in Malibu would devastate traffic and cause pollution. She indicated opposition to the restoration project.

Fritz Gerhardt indicated opposition to the restoration project.

Kirva Kehoe stated she grew up in Malibu and the community and Lagoon meant a lot to her. She stated she wanted to be a professional surfer. She indicated opposition to the restoration project.

Cleo Maggiore stated the Lagoon issues were caused by different washes from other cities and pollution. She stated the restoration project was not the correct way to clean up the Lagoon and there needed to be a positive alternative.

Ken Wheeland stated he was a resident of Topanga Canyon. He stated he would like to see the restoration carried out as planned. He stated the Lagoon was dying and needed to be fixed.

Athena Shlien asked the Council to help the residents oppose the project. She stated she felt most of the people in support of the project had a vested interest to receive funds if the project went through. She discussed the "precautionary principal."



Hamish Patterson stated State Parks sent a letter at the last minute to the City Council. He stated the City had not been given proper indemnification. He stated the residents were not going to let bulldozers in. He stated the entire watershed needed to be addressed.

Rich Lawson displayed a poster published by Heal the Bay in 2004. He stated the wetland wildlife could be seen today. He stated if the project went through the Lagoon would look different. He indicated opposition to the restoration project.

RECESS Mayor Rosenthal called a recess at 9:40 p.m. The meeting reconvened at 9:56 p.m. with all Councilmembers present.

Mary Ann Webster stated she was expressing the support of the Sierra Club for the Lagoon restoration project. She urged the Council to adopt a resolution supporting the project.

Carol Moss discussed the letter sent by the City to the State. She stated it was important to withdraw support of the project, to file an amicus brief and to bring an injunction.

Mark Abramson deferred his time to Shelley Luce.

Shelley Luce, Santa Monica Bay Restoration Commission (SMBRC), stated the Commission had supported Malibu on many environmental projects. She discussed priorities important to the Santa Monica Bay Restoration Commission. She stated the Commission wished to repair damage to the Lagoon. She stated funding was available. She stated she hoped the Council would support the restoration.

David Brown stated he would normally be joining the opposition. He questioned what could be done if they did not do anything. He stated the Lagoon was filling in. He stated the Lagoon had to be the first priority over surfing conditions. He stated the Lagoon would eventually fill in and become a weed patch. He indicated support for the restoration project.

Jackson O'Connor stated he had surfed Malibu since he was eight years old. He stated he wanted to surf this summer and not have tainted water. He indicated opposition to the project.

Monique Potts deferred her time to Roy Van De Hoek.

Reno Makani deferred his time to Roy Van De Hoek.

Maya Pizzati deferred her time to Roy Van De Hoek.

Roy Van De Hoek stated he was a scientist. He discussed the various bird and fish species in the Lagoon. He stated the existing bridges in the Malibu Lagoon provided safety for young tidewater goby. He discussed oxygen levels for the fish species.

Karen Seade was not present at the time she was called to speak.

Matt Horns stated not all projects were successful and this project incorporated things that were learned from previous mistakes. He indicated support of the restoration project.

Alessandra DeClario stated she was here for the animals and creatures of the Lagoon. She stated Mother Nature changed constantly and humans were arrogant to think they could keep up. She urged the Council to intervene and protect the Lagoon.

Melia Grasska stated she was opposed to the project because it was an economical, ecological and historical mistake. She stated the Lagoon was the epicenter of surfing history.

Jenna King discussed steelhead trout. She stated she supported the project because it would restore the Lagoon to conditions that would help the steelhead trout.

Cynthia Maxwell deferred her time to Suzanne Goode.

Christina Zdenek deferred her time to Suzanne Goode.

Dale Skinner deferred his time to Suzanne Goode.

Katherine Pease deferred her time to Suzanne Goode.

Ron Webster deferred his time to Suzanne Goode.

Suzanne Goode, California State Parks, made a presentation depicting historical photos of the Malibu Lagoon. She discussed studies completed for the project. She discussed various public meetings held over the past 10 years and support received from various agencies. She discussed the science behind the restoration project and the purpose of the project.

Nancy Helsley discussed docent training she took for Malibu Lagoon in the 1980s. She stated there were benchmarks for healthy ecosystems and that Malibu Lagoon was not currently healthy. She urged the Council to support the restoration project.

