



Council Agenda Report^s

To: Mayor Wagner and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: July 22, 2019 Meeting date: August 12, 2019

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the June 24, 2019 Malibu City Council Regular meeting and the July 8, 2019 Malibu City Council Regular meeting.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

DISCUSSION: Staff has prepared draft minutes for the June 24, 2019 Malibu City Council Regular meeting and the July 8, 2019 Malibu City Council Regular meeting.

ATTACHMENTS:

1. June 24, 2019 Malibu City Council Regular meeting minutes
2. July 8, 2019 Malibu City Council Regular meeting minutes

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JUNE 24, 2019
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Wagner called the meeting to order at 6:33 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: Trevor Rusin, Assistant 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; Matt Myerhoff, Media Information Officer; Kelsey Pettijohn, Deputy City Clerk; Katie Gallo, Recreation Supervisor; Chris Orosz, Recreation Supervisor; Kristin Riesgo, Community Services Deputy Director; Rebecca Nelson, Administrative Assistant; Andrew Sheldon, Environmental Sustainability Manager; and Christine Shen, Environmental Sustainability Analyst

PLEDGE OF ALLEGIANCE

Kraig Hill led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved and Councilmember Peak seconded a motion to approve the agenda, adjourning in memory of Robert Therrien. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on June 14, 2019, with the amended agenda posted on June 20, 2019.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Reissuance of City Tile to Rebecca Nelson for Seven Years of Service to the City of Malibu

Mayor Wagner presented the tile to Rebecca Nelson.

Administrative Assistant Nelson thanked everyone for their support since the Woolsey Fire.

B. Staff Update on City of Malibu Public Disaster Notification System Testing

Assistant City Manager Soghor announced a test of the City's Everbridge disaster notification system on Wednesday, June 26, 2019. She stated Everbridge had reached an agreement with phone companies to obtain landline and cell phone numbers registered in the City for inclusion in its Everbridge disaster notification system. She stated all information would be kept confidential and not shared with any third parties. She stated the disaster notification system was separate from the City's website alert center, which sent out traffic, weather, utility, and minor emergency alerts. She stated Everbridge would send a call, text message, or message on the Everbridge app to each resident and would cycle through all registered devices until the resident confirmed the message was received.

In response to Councilmember Peak, Assistant City Manager Soghor stated cell phones that belonged to City residents but were not registered in the City would not be automatically entered in the system. She encouraged everyone to register their cell phone numbers in Everbridge.

City Manager Feldman stated the City had recently acquired access to the Wireless Emergency Alerts system, which was able to communicate with all cell phones in the area in the event of a disaster.

C. Staff Update on Disaster Response and Recovery

Environmental Sustainability Director George stated the seventh rebuild permit had been issued for a complete fire rebuild. He announced the last site in the City in the CalOES/CalRecycle debris removal program was being cleared of debris. He announced 23 permits for single-family homes were in plan check. He stated staff anticipated an increase in applications once the resolution approving the waiving of certain permit fees related to rebuilding was approved. He stated 31 repair permits had been issued.

ITEM 2.A. PUBLIC COMMENTS

Marni Kamins deferred her time to Ken Luskin.

Michael Lustig deferred his time to Ken Luskin.

John Mazza deferred his time to Ken Luskin.

Babette Seaman deferred her time to Ken Luskin.

Ken Luskin stated testimony had been delivered to the Federal Bureau of Investigation (FBI) regarding City government criminal actions. He indicated

opposition to the City Manager form of government. He stated his emails to Councilmembers had been blocked. He stated City officials were trying to cover up that his emails were blocked. He stated the Management Partners after-action report was described in Closed Session as a way to clear the City Manager. He stated residents in the City were afraid of retribution from the government if they spoke out against the City's actions.

Marc Bittan discussed parking at 22775 Pacific Coast Highway (PCH). He stated the parking spaces in the lot were too narrow and his customers were not able to park their cars.

Don Richstone discussed the proposed changes to Total Development Square Footage (TDSF) regulations that would be heard by the Planning Commission on July 1, 2019. He recommended the City reschedule the Planning Commission meeting and do more public outreach before the hearing.

Andy Lyon stated all 15 Commissioners at the joint meeting of the Cultural Arts Commission, Parks and Recreation Commission, and Public Safety Commission had voted against the potential sale of a portion of the Ioki parcel to the Los Angeles County Fire Department. He questioned why the potential sale was still in the Proposed Budget for Fiscal Year (FY) 2019-2020. He questioned what representative of the Fire Department approached the City regarding the potential sale of the Ioki parcel.

Ted Silverberg requested the City sponsor the Malibu Community Surf Swap to repurpose and recycle surfing and beach products.

James Latham deferred his time to Jewel Johnson.

Briseida Vargas deferred her time to Jewel Johnson.

Jewel Johnson, Mountains Recreation Conservation Authority (MRCA) Ranger, discussed recent MRCA ranger activities in the City. She stated ranger schedules were being adjusted for the summer and to respond to complaints in the evening. She stated rangers cautioned park visitors against climbing Escondido Falls since it was private property. She stated citations were issued after the Woolsey Fire to hikers on closed trails. She stated rangers had cleared a homeless encampment in the Bluffs open space and cleared 3.4 tons of debris. She stated rangers were working to relocate two other people encamped in the Bluffs open space.

Joan Ross deferred her time to Burt Ross.

Burt Ross thanked the Council and City staff for its work to support victims of the Woolsey Fire. He stated he spent his career fighting political corruption and the accusations of corruption in the City were unfounded. He stated if anyone had proof of political corruption, they needed to contact the District Attorney.

Christopher Carradine recommended a four-year moratorium on Primary View Determinations in areas affected by the Woolsey Fire. He indicated opposition to further limits on TDSF. He recommended the Council read Lester Tobias' opposition to further limits on TDSF.

Carolyn Carradine indicated support for Mr. Carradine's comments on Primary View Determinations. She questioned if a new evacuation plan had been created and if there were permits to pump water from the ocean in the event of another fire. She recommended the City develop a training program for neighborhoods to defend their own homes in future fires. She thanked the City for waiving permit fees for fire rebuilds.

Paul Grisanti discussed the TDSF item, which would be going to the Planning Commission on July 1, 2019. He indicated opposition to further limits on TDSF. He discussed a Hollywood Reporter article on recovery from the Woolsey Fire. He encouraged the community to attend the July 1, 2019 Planning Commission meeting.

Kathy Ellis indicated opposition to further limits on TDSF. She indicated support for more public outreach on the proposed changes to the TDSF regulations being considered by the Planning Commission on July 1, 2019.

Denise DeGarmo, Big Heart Ranch, requested grant funding from the General Fund Grant Program. She discussed the importance of mental wellness. She stated Big Heart Ranch was working with many groups supporting victims of the Woolsey Fire.

Brian Merrick stated the Primary View Determination regulations had a clause that disallowed obtaining a view through destruction. He indicated opposition to further limits on TDSF. He recommended the City reschedule the Planning Commission item on TDSF. He stated including barns and sheds in TDSF limited the rural character of the City.

Lance Simmens stated the Public Works Commission supported including bike lanes in the Civic Center area in the Capital Improvement Plan. He discussed Operation Recovery's awards to heroes of the Woolsey Fire and requested the awardees pick up their certificates soon. He discussed the importance of civility in public discourse.

Ryan Embree discussed Lou La Monte's work on regulations for drug rehabilitation facilities. He stated the California Highway Patrol (CHP) should patrol PCH in the City. He stated 60% of the funding for the Los Angeles County Sheriff's Department's contract was for traffic enforcement and responding to accidents on PCH.

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

City Manager Feldman congratulated Administrative Assistant Nelson on the re-issuance of her seven-year tile. She announced the *Anchor for Malibu* sculpture had been placed in Legacy Park. She announced Chris Orosz had joined the Community Services Department as a Recreation Supervisor. She thanked staff for its work to issue the seventh Woolsey Fire rebuild permit. She stated the Primary View Determination ordinance would be before the Council in August 2019.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Mullen thanked Mr. Silverberg for his comments. He stated he attended and spoke on a panel at the Public Safety and Preparedness Expo. He stated he attended a training session for the Malibu West Fire Brigade. He stated several U.S. Congressmembers from California sent a letter to the Controller General of the United States regarding the impact of changing flight routes as part of the Federal Aviation Administration's NexGen program. He discussed House Resolution 976 addressing flight routes. He stated he participated in a conference call for the School District Separation Ad Hoc Committee. He thanked speakers for participating in discussion regarding TDSF regulations. He indicated support for sponsoring the Malibu Community Surf Swap. He thanked Ranger Johnson for her update. He stated old Malibu was still present in the City.

Mayor Pro Tem Farrer stated she had received emails about TDSF, permit fees and a skate park. She stated she attended the Malibu High School commencement ceremony and she congratulated the class of 2019. She stated she attended the Public Safety and Preparedness Expo. She stated the Disaster Response and Recovery Ad Hoc Committee met with the communications exploratory team. She stated she attended the League of California Cities Mayors and Councilmembers Executive Forum. She stated she attended the 2019 Surf Summit. She thanked Senator Henry Stern, Jeremy Wolf, Malibu Makos, Kasey Earnest and Siugen Constanza from the Malibu Boys and Girls Club, Vintage Grocers, and Norm Haynie for their work on the Surf Summit. She stated she attended a Las Virgenes-Malibu Council of Governments meeting. She stated she participated in a conference call for the School District Separation Ad Hoc Committee. She indicated support for sponsoring the Malibu Community Surf Swap. She thanked Ranger Johnson for her work in the City. She thanked Mr. Simmens for his work in the City.

Councilmember Pierson thanked all of the speakers and everyone who had emailed him. He stated he had opposed the parking plan for the lot at 22775 PCH as a Planning Commissioner. He indicated support for sponsoring the Malibu Community Surf Swap. He encouraged the community to be as disaster ready as possible. He commended Ms. DeGarmo for her work at Big Heart Ranch. He thanked Norm Haynie for his contribution to the Surf Summit. He discussed the Malibu West Fire Brigade's recent trainings. He stated he had spent most of his

time on the Council responding to the Woolsey Fire and he was available to meet with anyone in need of help. He stated it was important to regulate pesticides and that Assembly Bill (AB) 1788 was going to the California State Senate.

Councilmember Peak stated he attended the Malibu High School, Malibu Middle School, and Santa Monica High School commencement ceremonies. He thanked Administrative Assistant Nelson for her work for the City. He thanked staff for its work. He thanked Ranger Johnson for her work in the City. He indicated support for sponsoring the Malibu Community Surf Swap.

In response to Councilmember Peak, City Manager Feldman stated staff could bring back an item to sponsor the Malibu Community Surf Swap and reorder the Work Plan to accommodate this project.

Councilmember Peak stated he attended the Public Safety and Preparedness Expo. He stated he attended the U.S. Open Adaptive Surfing Championship. He discussed the strong sense of community in the City and recommended everyone get to know their neighbors. He stated he planned to attend two Clean Power Alliance meetings. He thanked Tom Corliss and Norm Haynie for supporting the 2019 Surf Summit. He thanked Mr. Ross for his comments. He thanked the Southern California Edison (SCE) crews for replacing damaged poles in the City. He cautioned people to swim near a lifeguard if they were unfamiliar with swimming in the ocean.

In response to Councilmember Peak, City Attorney Rusin stated granting the Big Heart Ranch funding from the General Fund Grant Program could be considered as part of Item No. 4.B.

Mayor Wagner stated he attended a meeting with other mayors in Los Angeles County where they discussed homelessness and motorhomes. He stated the California Vehicle Code provided regulations for motorhomes. He stated he attended a Santa Monica Bay Restoration Commission meeting where he discussed the Malibu Lagoon and erosion on Surfrider Beach. He stated he attended the Public Safety and Preparedness Expo. He stated work was being done on the evacuation plan. He stated Santa Clara also had to pay for law enforcement on State-owned highways. He indicated support for directing California Strategies to work on changing regulations that required the City to pay for law enforcement services on PCH. He stated the process to amend the Malibu Municipal Code (MMC) regarding TDSF was long with many opportunities for public input. He stated Management Partners was still completing its after-action analysis and the County was still completing its investigation into the Woolsey Fire.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.9., 3.B.11., and 3.B.13. were pulled by the public. Item Nos. 3.B.8. and 3.B.14. were pulled by the Council.

MOTION Councilmember Peak moved and Councilmember Pierson seconded a motion to approve the Consent Calendar, except Item Nos. 3.B.8., 3.B.9., 3.B.11., 3.B.13, and 3.B.14. 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 57083-57197 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. 640 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$350,441.58. City of Malibu payroll check numbers 5018-5022 and ACH deposits were issued in the amount of \$217,746.87.

3. Approval of Minutes

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

4. Professional Services Agreement with The People Concern

Recommended Action: Authorize the City Manager to execute a two-year agreement with The People Concern for homeless outreach and support services.

5. Professional Services Agreement with Compliance Biology, Inc.

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Compliance Biology, Inc. to provide biological consulting services.

6. Five-Year Capital Improvement Plan for 2019-2024

Recommended Action: Approve the Five-Year Capital Improvement Plan for 2019-2024.

7. 2019-2024 Municipal Law Enforcement Services Agreement

Recommended Action: Authorize the Mayor to execute a new Municipal Law Enforcement Services Agreement between the City and the County of Los Angeles for law enforcement services provided by the Los Angeles County Sheriff's Department for the period of July 1, 2019 through June 30, 2024.

10. Master Facility Use Agreement with the Santa Monica-Malibu Unified School District
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Master Use Agreement with the Santa Monica-Malibu Unified School District extending the Agreement through June 30, 2020.
12. Amendment to Professional Services Agreement with Lorrie Feinberg
Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Lorrie Feinberg, dba Iris Consulting, to extend the contract term.
15. Amendment to Professional Services Agreement with Rincon Consultants, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 8 to the Professional Services Agreement with Rincon Consultants, Inc. to extend the contract term.
16. Charmlee Wilderness Park Transfer Period
Recommended Action: Authorize the City Manager to execute an addendum to the Lease Agreement with the Santa Monica Mountains Conservancy to clarify responsibilities during the transfer period.

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

8. Amendment to Professional Services Agreement with Tetra Tech Inc. and Amendment to Memorandum of Understanding with the County of Los Angeles for the Coordinated Integrated Monitoring Program
Recommended Action: 1) Authorize the City Manager to execute Amendment No. 1 to Professional Services Agreement with Tetra Tech, Inc. to allow for a two-year extension of the existing agreement through June 30, 2021, for water quality monitoring, technical assistance, and reporting for the Coordinated Integrated Monitoring Program (CIMP) for the North Santa Monica Bay Coastal Watersheds and to comply with the municipal National Pollutant Discharge Elimination System stormwater permit; and 2) Authorize the City Manager to execute an amendment to the Memorandum of Understanding between the City of Malibu, Los Angeles County Flood Control District and the County of Los Angeles for the administration and cost sharing to implement the CIMP.

Mayor Wagner stated the data collected needed to be available to the City for use as part of a Malibu Lagoon Management Plan.

MOTION

Mayor Wagner moved and Mayor Pro Tem Farrer seconded a motion to: 1) authorize the City Manager to execute Amendment No. 1 to Professional Services Agreement with Tetra Tech, Inc. to allow for a two-year extension of the existing agreement through June 30, 2021, for water quality monitoring, technical assistance, and reporting for the Coordinated Integrated Monitoring Program (CIMP) for the North Santa Monica Bay Coastal Watersheds and to comply with the municipal National Pollutant

Discharge Elimination System stormwater permit; and 2) authorize the City Manager to execute an amendment to the Memorandum of Understanding between the City of Malibu, Los Angeles County Flood Control District and the County of Los Angeles for the administration and cost sharing to implement the CIMP. The motion carried unanimously.

9. Professional Services Agreement with Landscape Development Inc.

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Landscape Development Inc. dba Enhanced Landscape Management to provide landscape maintenance services through June 30, 2022.

Ryan Embree questioned why the recommended bidder was not the lowest bidder. He expressed concern that the details of the project were negotiated with Landscape Development Inc. but not the other bidders.

Community Services Director Bobbett presented the staff report. He stated Landscape Development Inc. was selected for its ability to do the job. He stated all bidders were informed in the walk-through that landscape maintenance for City Hall would likely be removed from the contract. He stated the negotiated contract amount made Landscape Development Inc. the second lowest bidder.

MOTION

Councilmember Mullen moved and Councilmember Pierson seconded a motion to authorize the City Manager to execute a Professional Services Agreement with Landscape Development Inc. dba Enhanced Landscape Management to provide landscape maintenance services through June 30, 2022. The motion carried unanimously.

11. Commission Work Assignments for Fiscal Year 2019-2020

Recommended Action: Approve the Fiscal Year 2019-2020 Commission work assignments for the Cultural Arts Commission, Harry Barovsky Memorial Youth Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission.

Marianne Riggins recommended the Council direct the Public Works Commission to work with Los Angeles County on improving street lighting in the City. She questioned if any funds in the Los Angeles County Lighting Maintenance District should be devoted to the City.

Councilmember Peak indicated support for directing the Public Works Commission to work with Los Angeles County to bring street lighting into compliance with the City's Dark Sky ordinance. He indicated support for directing the Parks and Recreation Commission to explore cost-free options to support the Malibu Community Surf Swap.

City Manager Feldman suggested directing the Harry Barovsky Memorial

Youth Commission to work with the Parks and Recreation Commission to explore cost-free options to support the Malibu Community Surf Swap.

Councilmember Peak and Councilmember Mullen indicated support for directing the Harry Barovsky Memorial Youth Commission to work with the Parks and Recreation Commission to explore cost-free ways to support the Malibu Community Surf Swap.

MOTION

Councilmember Peak moved and Mayor Wagner seconded a motion to approve the Fiscal Year 2019-2020 Commission work assignments, as amended, for the Cultural Arts Commission, Harry Barovsky Memorial Youth Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission.

In response to Councilmember Mullen, Public Works Director DuBoux stated creating a citywide map of all drainage devices in the City would be very expensive. He stated the City had a grant from the Federal Emergency Management Agency (FEMA) to map drainage devices in the Malibu Park area. He stated a scope of work would need to be prepared for a consultant to map all of the storm drains before a map could be created and put on the website.

Mayor Wagner stated 1,100 storm drains in the City had been identified in a lawsuit between the Natural Resources Defense Council and the City of Malibu. He discussed the importance of mapping all storm drains in the City.

City Manager Feldman stated the Council would have the opportunity to weigh in on the Public Works Commission recommendation when it was agendaized for a future meeting.

The motion carried unanimously.

13. Professional Services Agreement with The Malibu Times
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with The Malibu Times for publication of public notices, announcements and ordinances.

John Mazza discussed storm drain maps in the City. He stated The Malibu Times and Malibu Surfside News were both locally owned. He stated project applicants had to pay the legal notice fee. He indicated support for choosing the lowest bidder.

Mary Hogan, Malibu Surfside News, discussed the safeguards the newspaper put in place since becoming aware of the publication errors referenced in the staff report. She requested the Council award the contract to Malibu Surfside News. She stated Malibu Surfside News

reached more households than The Malibu Times. She stated The Malibu Times was being sold.

Arnold York stated The Malibu Times display ad costs were lower. He stated The Malibu Times was only distributed to those who requested it and at high traffic areas in the City. He stated The Malibu Times had a long history of publishing legal notices and was able to be flexible on deadlines.

Councilmember Pierson stated both papers were easy to work with.

In response to Councilmember Mullen, City Clerk Glaser stated the City did not have any record of production errors when The Malibu Times published legal notices. She stated the City had used both Malibu Surfside News and The Malibu Times in the past to publish legal notices. She thanked Malibu Surfside News for working with staff and putting in new safeguards to prevent publication errors. She stated there was less flexibility in publishing deadlines with the Malibu Surfside News due to its location and there had been delays in receiving proofs of publication.

Councilmember Mullen stated both publications were important to the community and it was difficult to choose between the two.

Mayor Pro Tem Farrer indicated support for Councilmember Mullen's comments. She expressed concern regarding the time change between Malibu and Chicago, where the parent company of Malibu Surfside News was located. She discussed the price per inch for display advertisements. She thanked staff for the details and comparative charts provided in the staff report.

Councilmember Peak indicated support for awarding the contract to The Malibu Times.

In response to Councilmember Peak, Mr. York stated The Malibu Times only distributed copies to those who requested them. He stated many more copies of the paper were picked up in high traffic areas.

In response to Mayor Wagner, Ms. Hogan stated Malibu Surfside News was requested by over 75% of the community. She stated being a requester publication newspaper gave the newspaper a cheaper postal rate. She stated it was difficult to compare the pricing by column inch between the two papers.

In response to Councilmember Peak, Mayor Wagner stated the contract was for \$70,000.

In response to Councilmember Peak, City Clerk Glaser stated the Request

for Proposals had requested exclusive rates for both legal notices and display advertisements.

City Manager Feldman stated the City would publish display advertisements in both newspapers when appropriate.

In response to Mayor Wagner, City Clerk Glaser stated display ads would be published in both papers as appropriate.

MOTION

Councilmember Peak moved and Councilmember Pierson seconded a motion to authorize the City Manager to execute a Professional Services Agreement with The Malibu Times for publication of public notices, announcements and ordinances. The motion carried 4-1, Mayor Wagner abstaining.

14. Professional Services Agreement with Raftelis Financial Consultants, Inc.
Recommended Action: Authorize the City Manager to execute the Professional Services Agreement with Raftelis Financial Consultants, Inc. for financial analysis services.

In response to Mayor Wagner, City Manager Feldman stated the project should take approximately two to three months and the contract term was two years to cover any follow-up work that may be required.

MOTION

Councilmember Peak moved and Mayor Wagner seconded the motion to authorize the City Manager to execute the Professional Services Agreement with Raftelis Financial Consultants, Inc. for financial analysis services with analysis of short-term rentals being completed in four months. The motion carried unanimously

RECESS

At 9:01 p.m., Mayor Wagner called a recess. The meeting reconvened at 9:11 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Appeal No. 19-001 - Appeal of Planning Commission Resolution No. 19-05 (5939 Busch Drive; Appellant/Applicant: Steve Bowker and Efi Hubschman; Property Owner: The Hubschman Family Trust) (Continued from May 28, 2019)
Recommended Action: Continue the item to the July 8, 2019 Regular City Council Meeting.

This item was continued upon approval of the agenda.

- B. Proposed Budget for Fiscal Year 2019-2020
Recommended Action: 1) Adopt Resolution No. 19-27 adopting the Annual Budget for Fiscal Year 2019-2020; 2) Approve the Annual Work Plan for Fiscal Year 2019-2020 and provide direction to staff on adding the Malibu

Lagoon Management Plan; 3) Adopt Resolution No. 19- 28 establishing the Appropriations Limit for Fiscal Year 2019-2020; 4) Adopt Resolution No. 19-29 approving the Fiscal Year 2019-2020 Authorized Positions and Salary Ranges and the Recreation Assistant I, Recreation Assistant II, Media Assistant, Lifeguard, Pool Manager, Parks Maintenance Assistant and Assistant Planning Director Job Specifications; and 5) Adopt Resolution No. 19-30 directing the City Manager to waive certain fees for the period of November 8, 2019 through June 30, 2020 related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence and finding the action to be exempt from the California Environmental Quality Act.

Assistant City Manager Soghor presented the staff report. She thanked Finance Manager Piyaman, Assistant to the City Manager Shavelson, Financial Analyst Neerman, Senior Accounting Clerk Hand, and Accounting Clerk Cho for their work on the budget. She requested the Council reorder the Annual Work Plan to accommodate the Malibu Lagoon Management project the Council had directed staff to work on. She stated the dates in the title of Resolution No. 19-30 should be corrected to November 8, 2018 – June 30, 2020.

Tomas Moore thanked staff for its work on rebuilding. He questioned whether his property, which was held in a family trust, could have the rebuilding fees waived even though the primary trustee had died since the Woolsey Fire.

Kraig Hill described the State code section that provided provisions for compensating Planning Commissioners. He stated most cities in the area paid Planning Commissioners. He stated compensation for Planning Commissioners would be a very small percentage of the budget. He stated he had discovered the community involvement component of a Planning Commissioner's role was larger than he expected.

Marianne Riggins indicated support for including an allocation for water bottle refilling stations at the City's parks.

Ryan Embree discussed California Vehicle Code Section 2400.6, which required the City enter into a contract with the State and pay for the CHP to patrol the stretch of PCH within the City. He stated Malibu and Santa Clara were the only areas where the city would be required to pay for CHP services on State highways.

Denise DeGarmo stated Big Heart Ranch had been providing services in the community for 12 years. She stated Big Heart Ranch needed as much support from the City as possible.

In response to Councilmember Mullen, City Manager Feldman stated Resolution No. 19-30 was drafted to waive certain permit fees if the property owner could prove primary residency.

Assistant City Attorney Rusin stated the Council intent appeared to be for a resolution to waive certain permit fees for anyone who was a primary resident at the time of the Woolsey Fire and was currently the property owner.

Councilmember Peak stated the Councilmembers did intend to waive certain permit fees for anyone who was a primary resident at the time of the Woolsey Fire and was currently the property owner. He stated he was sympathetic to property owners who lost houses that were not their primary residence. He stated it was important to be clear and limit the waiving of permit fees to property owners who lost their primary residence.

Councilmember Mullen stated he had received correspondence from long-time property owners in the City who lost houses that were not their primary residence. He stated the intent of the fee waivers was to support those most affected by the fire.

Councilmember Peak recommended granting the Big Heart Ranch \$5,000 from the surplus in the General Fund Grant Program.

Councilmember Mullen stated the Administration and Finance Subcommittee had left \$15,000 available in the General Fund Grant Program for additional projects. He indicated support for awarding Big Heart Ranch \$5,000.

Councilmember Peak stated he would consider granting up to \$7,500 to Big Heart Ranch.

Mayor Wagner requested some funding from the General Fund Grant Program be reallocated for an ombudsman's office.

Mayor Pro Tem Farrer requested a written proposal be presented for the creation of an ombudsman's office.

Assistant City Attorney Rusin stated the proposal from Mayor Wagner was to allocate funding for an ombudsman, but that would not create an ombudsman's office.

Councilmember Peak proposed reallocating \$2,500 for an ombudsman's office from the General Fund Grant Program, granting \$7,500 to Big Heart Ranch, and maintaining a \$5,000 surplus in the General Fund Grant Program.

Councilmember Mullen stated an ombudsman's office needed to be considered in more detail before allocating funding. He indicated support for granting Big Heart Ranch \$7,500.

Mayor Wagner stated the Council had previously discussed the creation of an ombudsman's office and indicated support for allocating \$2,500.

In response to Mayor Pro Tem Farrer, Mayor Wagner stated Pepperdine University had a program to support an ombudsman's office.

Councilmember Peak stated money in the General Fund Grant Program could be reallocated at any time. He suggested bringing forward a new item to consider creating an ombudsman's office and allocating funds at that time.

City Manager Feldman stated she spoke with Pepperdine University and was told it did not have the resources to take on the project of supporting an ombudsman's office. She stated if it came back as a separate item, the Council would also need to consider reordering the Work Plan.

Councilmember Peak recommended bringing back an item to introduce the concept of an ombudsman's office to all of the Councilmembers.

In response to Mayor Pro Tem Farrer, Councilmember Peak stated funding for an ombudsman's office could not be funded as a General Fund Grant and the funding would have to either be reallocated out of the General Fund Grant Program or come from other funds. He stated the General Fund Grant Program provided seed money for new non-profits or non-profits that needed extra support. He stated Big Heart Ranch provided important services to the City and was damaged by the Woolsey Fire. He indicated support for granting Big Heart Ranch \$7,500.

In response to Councilmember Pierson, Assistant City Manager Soghor stated the budget analysis for the cost of waiving certain rebuilding permit fees was based on an estimate of how many Woolsey Fire rebuild permit applications staff expected in Fiscal Year 2019-2020. She stated adjustments may need to be made at the mid-year budget review based on how many applications were received.

In response to Councilmember Pierson, City Manager Feldman stated Commissioner business cards were not included in the proposed budget.

Councilmember Pierson indicated support for bringing back an item on the potential creation of an ombudsman's office. He stated he was interested in discussing CHP patrols on PCH.

In response to Councilmember Pierson, City Manager Feldman stated funding for water bottle filling stations would be rolled over from Fiscal Year 2018-2019.

Councilmember Peak thanked Mr. Hill for his research and indicated support for considering compensating Planning Commissioners.

City Manager Feldman cautioned the Council to carefully consider bringing back any items that would require additional funding.

Councilmember Mullen thanked Mr. Hill for his research.

City Manager Feldman asked which item the Council would like to remove from the Annual Work Plan to add the Malibu Lagoon Management Plan project.

Mayor Pro Tem Farrer recommended removing the Basement Lightwell Amendments from the Planning Department section of the Annual Work Plan.

Councilmember Peak indicated support for keeping the Basement Lightwell Amendment item on the Annual Work Plan.

Mayor Pro Tem Farrer suggested removing the Rainwater Harvesting/Downspout Redirection Program from the Environmental Sustainability Department section of the Annual Work Plan.

Mayor Wagner suggested removing the Grease Receptor Program from the Environmental Sustainability Department section of the Annual Work Plan.

In response to Councilmember Pierson, City Manager Feldman stated staff did not yet have a time assessment for each task on the Work Plan.

Councilmember Peak stated several groups had approached him about helping fund the Malibu Lagoon Management Plan.

City Manager Feldman stated staff was looking for direction from the Council to be able to allocate staff resources for the project.

Planning Director Blue stated the Basement Lightwell Amendments could potentially be incorporated into the TDSF Ordinance. She stated the Cannabis Ordinance was necessitated by City Measure G. She stated most projects on the Planning priority list came from regulatory requirements.

In response to Councilmember Peak, Planning Director Blue stated consolidating the Basement Lightwell Amendments and TDSF would help with Planning staffing concerns, and the Environmental Sustainability Department had so far taken the lead on the Malibu Lagoon Management Plan.

City Manager Feldman stated, with Council support, staff would delay the Grease Receptor Program and Rainwater Harvesting/Downspout Redirection Program to Fiscal Year 2020-2021 and combine the Basement Lightwell Amendments and TDSF.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) award \$7,500 from the General Fund Grant Program to Big Heart Ranch; 2) reorder the Fiscal Year 2019-2020 Work Plan to include the Malibu Lagoon Management Plan (Planning and Environmental Sustainability), merging Basement Lightwell Amendments with Total Development Square Footage, and postponing the Rainwater Harvesting/Downspout Redirection Program and the

Grease Receptor Program to a future year; 3) adopt Resolution No. 19-27 adopting the Annual Budget for Fiscal Year 2019-2020; 4) approve the Annual Work Plan for Fiscal Year 2019-2020 and provide direction to staff on adding the Malibu Lagoon Management Plan; 5) adopt Resolution No. 19- 28 establishing the Appropriations Limit for Fiscal Year 2019-2020; 6) adopt Resolution No. 19-29 approving the Fiscal Year 2019-2020 Authorized Positions and Salary Ranges and the Recreation Assistant I, Recreation Assistant II, Media Assistant, Lifeguard, Pool Manager, Parks Maintenance Assistant, and Assistant Planning Director Job Specifications; and 7) adopt Resolution No. 19-30 directing the City Manager to waive certain fees for the period of November 8, 2018 through June 30, 2020 related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence and finding the action to be exempt from the California Environmental Quality Act. The motion carried unanimously.

C. Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 19-31 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

Environmental Sustainability Director George presented the staff report.

Mayor Wagner opened the public hearing. As there were no public speakers, Mayor Wagner closed the public hearing.

MOTION Councilmember Mullen moved and Mayor Wagner seconded a motion to adopt Resolution No. 19-31 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30. The motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Earth Friendly Management Policy

Recommended Action: Adopt Resolution No. 19-32 adopting Initial Study No. 17-001, Mitigated Negative Declaration No. 18-002, Mitigation Monitoring and Reporting Program, and the proposed Earth Friendly Management Policy effective July 1, 2019.

Community Services Director Bobbett presented the staff report.

Assistant City Attorney Rusin stated an addendum to the initial study and mitigated negative declaration would need to be completed to include the City's

newly acquired properties that were not included in the original study.

Community Services Director Bobbett stated the Council could direct staff to complete the addendum to the initial study or to include the addendum in another project that required an initial study. He stated staff wanted to bring forward the Earth Friendly Management Policy (EFMP) as soon as possible. He stated the new properties would be managed without poisons or trapping. He stated Council Policy #49 was not being repealed to cover all properties, which could not be included in the EFMP until the addendum to the initial study was complete.

Ann Buxie discussed the importance of protecting the natural environment. She indicated support for banning poisons on all properties in the City.

Kian Schulman, Poison Free Malibu, indicated support for the proposed EFMP. She thanked Mayor Wagner and Councilmember Peak for their support of a poison free policy.

Joel Schulman stated he was speaking on behalf of Patt Healy. He stated Ms. Healy's concerns were addressed by Community Services Director Bobbett's guarantees that the new properties would be poison free.

Sherman Baylin indicated support for the EFMP. She stated it would protect domestic and wild animals. She thanked Mr. Schulman and Ms. Schulman for their work on the EFMP.

MOTION

Councilmember Peak moved and Mayor Wagner seconded a motion to: 1) adopt Resolution No. 19-32 adopting Initial Study No. 17-001, Mitigated Negative Declaration No. 18-002, Mitigation Monitoring and Reporting Program, and the proposed Earth Friendly Management Policy effective July 1, 2019; and 2) direct staff to manage properties not included in the Initial Study pursuant to Council Policy #49 and process an addendum to include those properties not previously studied.

Councilmember Peak requested all construction permits issued in the City include a condition that no pesticides could be used on the property.

In response to Councilmember Peak, Assistant City Attorney Rusin stated a new standard condition was not on the agenda for consideration but an item could be brought back at a future meeting.

In response to Councilmember Mullen, Assistant City Attorney Rusin stated a condition to prohibit use of pesticides could be applied in certain situations.

Mayor Wagner thanked staff for bringing the item back. He recommended Mr. and Ms. Schulman be awarded City tiles.

Mayor Pro Tem Farrer thanked Mr. and Ms. Schulman for their work.

In response to Mayor Pro Tem Farrer, Assistant City Attorney Rusin stated the initial study addendum was a process the Planning Department would go through and bring back to Council.

Councilmember Pierson thanked Mr. and Ms. Schulman for their work.

Councilmember Mullen thanked Mr. and Ms. Schulman for their work.

The motion carried unanimously.

ITEM 6 NEW BUSINESS

A. Enhanced Dumpster Enforcement Program

Recommended Action: 1) Receive and file report on the Enhanced Dumpster Enforcement Program; and 2) Either, a) Direct staff to continue implementation of the Enhanced Dumpster Enforcement Program, or b) Direct staff to bring back an ordinance to amend Malibu Municipal Code Section 8.32.600 to require solid waste and recycling containers lids to be locked outside business hours for food service establishments and reprioritize the Fiscal Year 2019-2020 Work Plan to accommodate this added task.

Environmental Programs Analyst Shen presented the staff report.

Ann Buxie deferred her time to Kian Schulman.

Sherman Beylin deferred her time to Kian Schulman.

Joel Schulman deferred his time to Kian Schulman.

Kelly Meyer deferred her time to Kian Schulman.

Denise Peak deferred her time to Kian Schulman.

Ryan Embree deferred his time to Kian Schulman.

Kian Schulman, Poison Free Malibu, indicated support for bringing back an ordinance to require all dumpster lids to be locked 24-hours a day, seven days a week. She stated uncontrolled trash attracted rodents. She stated the dumpster lids at Pavilions were locked. She stated many dumpsters in the City had large gaps in lids and overflowing trash. She stated even non-food serving businesses had food waste in its dumpsters. She stated many dumpsters had warped lids and large gaps. She stated each shopping center had signage reminding staff to close dumpsters. She stated the Environmental Sustainability Subcommittee supported requiring dumpster lids to be locked.

Gabriel Chavez, Universal Waste Systems, stated Universal Waste Systems wanted to work with the City. He stated he did not believe requiring locking

dumpster lids was the solution but stated he was very motivated to help with the rodent problem. He recommended considering other options like separating food waste from other waste and the Enhanced Dumpster Enforcement Program.

In response to Mayor Pro Tem Farrer, Environmental Sustainability Director George stated the City had not yet used the administrative citation process for dumpster enforcement. He stated the administrative fines were cumulative and could add up substantially. He stated a new locking dumpster ordinance would also require an enforcement program and be enforced with administrative citations.

Mayor Pro Tem Farrer recommended increasing the administrative fines. She indicated support for locking dumpster lids.

Ms. Schulman stated locking dumpsters were \$40 per month more for the customer.

Mayor Pro Tem Farrer stated it was important for staff to follow up on any citations and collect the fees.

In response to Councilmember Mullen, Environmental Sustainability Director George stated the fines for dumpster enforcement were the standard administrative fines from the administrative citation section of the MMC. Assistant City Attorney Rusin stated if the Council wished to change the fines for the administrative citation process it could specify exactly what changes it would like and provide direction to staff for an item to be brought back. Environmental Sustainability Director George stated the most important aspect of the Enhanced Dumpster Enforcement Program was the education program. He stated enforcement of a locking dumpster ordinance would also require an education program. He recommended staff implement the Enhanced Dumpster Enforcement Program and begin developing a new ordinance to present to Council with an update on the success of the Enhanced Dumpster Enforcement Program.

Councilmember Peak indicated support for an ordinance requiring all dumpsters to be locked and increasing the administrative fine for the third violation from \$500 to \$1,000.

In response to Councilmember Peak, Mike Smith from Waste Management stated he was prepared to work with the City and could bring in more locking dumpsters. He stated drivers were instructed to leave all dumpster lids closed. He stated a change to locking lids would need to be negotiated with each customer because it would be a change in service and cost. He stated it would take approximately 10 months to change out all the dumpsters in the City for locking dumpsters. He stated the plastic lids were standard in the industry because they were easy to lift and quiet when closed. He stated dumpster lids could be damaged by users when they forced open a locked lid.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) bring back an ordinance to amend Malibu Municipal Code Section 8.32.600 to require solid waste and recycling container lids to be locked twenty-four hours a day and seven days a week by June 1, 2020; 2) increase the administrative fine for the third violation from \$500 to \$1,000; and 3) continue implementation of the Enhanced Dumpster Enforcement Program.

Councilmember Pierson discussed the importance of education. He stated administrative fines could add up substantially.

Mayor Wagner expressed concern that the additional cost of locking bins could be a burden on small businesses. He recommended requiring locking dumpster lids and leaving the administrative fines at the current rate.

Councilmember Peak recommended leaving administrative fines at the current rate for six months after implementation of a new dumpster ordinance requiring locking lids.

Councilmember Mullen withdrew his second for Councilmember Peak's motion.

The motion died due to lack of a second.

Mayor Wagner stated the current administrative fines were significant.

Councilmember Mullen suggested bringing back an item to consider increasing administrative fines one year after implementing of a new dumpster ordinance requiring locking lids.

Councilmember Peak suggested bringing back an item to consider increasing administrative fines six months after implementing of a new dumpster ordinance requiring locking lids. He stated the administrative fines did not cover the costs of staff time devoted to enforcement. He stated business owners needed to be motivated to comply with the dumpster regulations.

MOTION Councilmember Peak moved and Mayor Wagner seconded a motion to direct staff to: 1) bring back an ordinance to amend Malibu Municipal Code Section 8.32.600 to require solid waste and recycling containers lids to be locked twenty-four hours a day and seven days a week by June 1, 2020, and report on the success of the program and revisit the fine structure one year after implementation; and 2) continue implementation of the Enhanced Dumpster Enforcement Program. The motion carried unanimously.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

At 11:01 p.m., Mayor Wagner adjourned the meeting in memory of Robert Therrien.

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

JEFFERSON WAGNER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JULY 8, 2019
COUNCIL CHAMBERS
6:30 P.M.

MEETING CALL TO ORDER

Mayor Wagner called the meeting to order at 5:31 p.m.

PUBLIC COMMENT ON CLOSED SESSION

None.

RECESS TO CLOSED SESSION

At 5:33 p.m., on the advice of counsel and based on existing facts and circumstances, the Council recessed to Closed Session to discuss the following item listed on the Closed Session agenda:

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

1. Property Address: 23661 Pacific Coast Highway (lease)
City Negotiator: City Manager Feldman
Property Negotiator: Thomas Park
Under Negotiation: Price and terms of payment

REGULAR SESSION CALL TO ORDER

Mayor Wagner called the meeting to order at 6:30 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: Trevor Rusin, Assistant 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; Matt Myerhoff, Media Information Officer; Christine Shen, Environmental Sustainability Analyst; Lilly Rudolph, Contract Planner; Susan Dueñas, Public Safety Manager; and Jerry Vandermeulen, Fire Safety Liaison

PLEDGE OF ALLEGIANCE

Glider Lyon and Andy Lyon led the Pledge of Allegiance.

CLOSED SESSION REPORT

Assistant City Attorney Rusin reported that the Regular meeting convened at 5:30 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.8, with all Councilmembers present except Councilmember Peak. He stated the Council discussed the item listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to approve the agenda, moving the Consent Calendar to after Item No. 7.B., hearing Item No. 6.A before Item No. 4.A., and continuing Item Nos. 4.B., 4.C., 4.D., and 5.A. to the August 26, 2019 Regular meeting. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on June 27, 2019, with the amended agenda posted on July 3, 2019.

ITEM 1 CEREMONIAL/PRESENTATIONS

- A. Presentation of Commendation to Environmental Sustainability Director George, upon his Retirement, in Recognition of his service to the City

Mayor Wagner presented to Environmental Sustainability Director George.

Environmental Sustainability Director George expressed appreciation for the opportunity to work for the City. He stated he was proud of what the City had accomplished.

- B. Clean Power Alliance Update

Environmental Sustainability Analyst Shen presented information on the Clean Power Alliance (CPA), a non-profit joint powers authority made up of 31 public agencies across the counties of Los Angeles and Ventura, offering clean and renewable energy, competitive rates, and more local power than investor-owned utilities. She stated residential customers began service with the CPA in February 2019 and commercial customers began service in May 2019. She explained the three rate options of Lean Power, Clean Power, or 100% Green Power, and discussed the number of Malibu customers that had opted in.

- C. Staff Update on Disaster Response and Recovery

Environmental Sustainability Director George stated permits had been issued for eight single-family homes.

ITEM 2.A. PUBLIC COMMENTS

Marissa Coughlan indicated support for a task force for disaster preparedness. She discussed the importance of recreation facilities in the City. She stated City Hall should be staffed during any disaster.

Gail Gibson-Howard stated the lack of water infrastructure in the La Chusa Highlands area had hindered them from completing their retirement home. She requested the Council require Los Angeles County Waterworks District No. 29 (District 29) to allow the residents to complete their homes while District 29 replaced the water tank infrastructure.

John Whiffen stated he too had purchased a property over 10 years ago, which he was unable to build on due to the lack of water infrastructure. He requested the Council override the Fire Department and District 29 and allow the residents to move forward with construction before water tank completion.

Scott Dittrich discussed the need for brush clearance. He expressed concern that the controlled burn that had been cancelled in Malibu would put the community at risk.

Paul Grisanti announced a Lunch & Learn at Duke's Malibu with Howard Lim and a Rebuild Malibu Together Mixer event, both being hosted by the Malibu Chamber of Commerce on July 16, 2019.

E. Barry Haldeman questioned the status of the City's appeal of the Federal Emergency Management Agency (FEMA) Preliminary Coastal Flood Maps. He expressed concern for the combined effects of new flood maps and the possible reduction of total development square footage (TDSF) on coastal development.

John Mazza deferred his time to Kraig Hill.

Hamish Patterson deferred his time to Kraig Hill.

Kraig Hill discussed mansionization and the action of the Planning Commission.

Norm Haynie stated the Los Angeles County Fire Department (Fire Department) would approve a project that was more than 2,000 lineal feet from a water main when its only source of water was a well and there was 20,000 gallons of available onsite water storage.

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

City Manager Feldman reminded the community to have a plan for what to do in the event of an earthquake. She announced a Disaster Preparedness for Seniors and Older Adults event at City Hall on July 25, 2019, and August 1, 2019. She announced Community Emergency Response Team (CERT) training would begin

again on September 5, 2019. She stated the City was waiting for a response from FEMA regarding the flood maps. She stated staff would follow up on necessary brush clearance that had not yet been performed. She stated the controlled burn proposed for the Big Rock area had been cancelled by the Fire Department. She stated staff had been directed by the Fire Department to evacuate City Hall during the Woolsey Fire. She announced long-time resident and employee of the City, Sandy Banducci, had passed away.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Pierson stated he participated in an Arson Watch patrol on July 4, 2019. He cautioned the community to be careful during fire season.

Councilmember Mullen discussed earthquake preparedness.

In response to Councilmember Mullen, City Manager Feldman stated the City was waiting for a response from FEMA regarding the flood maps. Councilmember Mullen stated he had spoken with some in the community regarding TDSF and stated the participation of the community was an important part of the process.

Mayor Pro Tem Farrer thanked the community for attending the meeting. She thanked the Los Angeles County Sheriff's Department, the Fire Department, the Volunteers on Patrol and the Lifeguards for keeping everyone safe over the July 4 weekend. She stated she had watched the Planning Commission's consideration of TDSF several times. She stated she met with the Malibu Chamber of Commerce regarding its goal of establishing a Tourism Improvement District. She stated she was not sure the City could override the infrastructure requirements of the County but was happy to look at alternatives with the property owners. She discussed brush clearance.

Mayor Wagner stated brush clearance was paramount to the safety of the community. He discussed the California Chaparral Institute. He indicated support for controlled burns.

Councilmember Peak stated he attended two CPA meetings. He stated the CPA and SCE would be shifting to time of use pricing in the near future. He emphasized the importance of brush clearance, having a family plan for emergencies, and getting to know neighbors.

ITEM 6 NEW BUSINESS

A. Parks and Recreation Commission Recommendation Regarding the Location of a Future Skate Park

Recommended Action: 1) Receive and file recommendation from the Parks and Recreation Commission regarding a location for a permanent skate park; and 2) Provide direction to staff.

Community Services Director Bobbett presented the staff report.

Glider Lyon deferred his time to Andy Lyon.

Lexi Lyon deferred her time to Andy Lyon.

Andy Lyon stated he grew up skateboarding in Malibu. He stated there should be a parking lot to use for a skate park on the triangle property.

Jaden Jaz Mitchell indicated support for a skate park in Malibu. He stated it was important for the community to have a skate park when waves were not good.

Susan Emerling indicated support for a skate park in Malibu. She stated Malibu Bluffs Park only catered to little children and team sports. She stated there needed to be a center for all recreation in Malibu.

Asher Torres indicated support for a skate park in Malibu.

Chris Wyatt indicated support for a skate park in Malibu. He discussed the importance of organized sports. He stated skating was a part of Malibu's culture and community.

Marissa Coughlan stated it was important for children to have a facility for skating. She indicated support for bring back the Malibu parade.

Craig Clunies Ross stated he had hosted a skate park on his own property for many years.

Paula Murphy deferred her time to Finn Murphy.

Finn Murphy discussed the need for a skate park that was local. He stated it was important to the Malibu community. He discussed a skate program in which he participated in Bali.

Shelby Meade questioned whether there was a temporary solution for a skate park.

Dakota Gardner stated Malibu needed a skate park.

Mia Quittman deferred her time to Jodi Gourson.

Jason Gourson deferred his time to Jodi Gourson.

Jodi Gourson discussed the importance of strengthening community morale by having a skate park in Malibu. She stated a skate park would save time for parents and be safer for children.

Judy Villablanca indicated support for a skate park on the vacant property adjacent to Malibu Bluffs Park.

Meril May stated the community would be safer if people were not traveling outside the City to use a skate park.

Mike Gardner indicated support for expediting a temporary skate park, as well as planning for a permanent skate park.

Hudson Brannon deferred his time to Heather Gardner.

Heather Gardner stated a skate park in Malibu was necessary for children to grow their passion for skating. She stated the community was spending an inordinate amount of time outside the City pursuing skating. She stated children should be a priority.

Brian Merrick indicated support for a skate park in Malibu.

Jake Friedman was not present at the time of the hearing.

Hudson Branin declined to speak.

Gage Alger thanked parents for driving kids around California to skate. He indicated support for a skate park in Malibu.

Tristan Surgeen indicated support for a skate park in Malibu.

Scott Dittrich indicated support for a skate park in Malibu on the triangle property.

Scout Swing indicated support for a skate park in Malibu so skating could be done safely and legally.

Briggs Garaghty was not present at the time of the hearing.

Chad Brannon stated skating was a real sport in Malibu that gave kids and families a chance to connect. He indicated support for a skate park in Malibu.

John Mazza stated a comprehensive environmental impact report needed to be done for all the vacant City-owned land. He stated Malibu needed a world class skate park.

Hamish Patterson stated a permanent location was the only way for the community to have a skate park. He encouraged the community to keep demanding a skate park from the City.

Carole Coplan Webb was not present at the time of the hearing.

Carl Randall stated it was time for the community to have a skate park on the vacant property adjacent to Malibu Bluffs Park. He stated anything short of something world class should not be considered.

Keegan Gibbs stated the Council should set an expedited timeline for building a skate park.

Tim Hazelip stated surfing and skating built confidence. He stated the City needed to give kids a place to skate safely and legally.

Carly Brannon declined to speak.

Jessica Isles was not present at the time of the hearing.

Stacy Harper was not present at the time of the hearing.

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

Katherine and Joseph Sumner were not present at the time of the hearing.

Suzanne Guldemann indicated support for a skate park in Malibu.

Ben Marcus indicated support for a skate park in Malibu.

Hap Henry indicated support for getting a temporary skate park

Wayne from Encino discussed a special parcel tax to fund the skate park.

Quinn Graham stated there was no place to legally skate in Malibu. He indicated support for a skate park in Malibu.

Vikki Barrett declined to speak but indicated support for a skate park.

Keira Petkus declined to speak but indicated support for a skate park.

Nicky Chittenden declined to speak but indicated support for a skate park.

Michelle Myers declined to speak but indicated support for a skate park.

Navy Brannon declined to speak but indicated support for a skate park.

Trucker Brannon declined to speak but indicated support for a skate park.

Joie Rucker declined to speak but indicated support for a skate park.

Ryan Rocca declined to speak but indicated support for a skate park.

Nicole Pearce declined to speak but indicated support for a skate park.

Patti Palafox declined to speak but indicated support for a skate park.

Amber Baker declined to speak but indicated support for a skate park.

Micaela Chambers declined to speak but indicated support for a skate park.

Lisa Fisher declined to speak but indicated support for a skate park.

Clara Fisher declined to speak but indicated support for a skate park.

James Fisher declined to speak but indicated support for a skate park.

Mayor Pro Tem Farrer thanked the public speakers. She indicated support for a temporary skate park in Malibu while a permanent solution was being pursued. She stated she would be happy to get involved in fundraising.

Councilmember Mullen thanked the public speakers. He stated the City had purchased land for the express purpose of pursuing recreational opportunities.

In response to Councilmember Mullen, City Manager Feldman stated the Council could consider placing a temporary skate park on the vacant property adjacent to Malibu Bluffs Park, the Ioki parcel, or the Heathercliff parcel. She stated staff felt a temporary skate park could be made available within three to four months. She stated the triangle property was not feasible due to setbacks and the funding used to purchase the property, which required the property be used primarily for parking.

Councilmember Mullen stated a temporary skate park was a good way to evaluate whether the location chosen would meet the needs of the community.

Councilmember Peak stated the community had long needed a skate park.

MOTION Councilmember Peak moved to direct staff to put a temporary skate park on the Ioki parcel before the Chili Cook-Off took place and come back with a plan for a permanent skate park on the vacant property adjacent to Malibu Bluffs Park.

He stated there were a lot of people who would want to be involved in placing a temporary skate park in the City.

In response to Councilmember Peak, City Manager Feldman stated the temporary use permit for the Chili Cook-Off was going before the Planning Commission on July 15, 2019. Planning Director Blue stated the agenda packet for the July 15, 2019 Planning Commission meeting had already been posted. She discussed the details the Planning Commission would need to consider for placement of a

temporary skate park. City Manager Feldman stated staff was ready to expedite the temporary skate park but would need to do it properly.

Councilmember Pierson thanked the public speakers. He stated Malibu needed a permanent skate park no matter what it took. He thanked the Parks and Recreation Commission for its work. He indicated support for a temporary skate park on the Heathercliff parcel.

In response to Councilmember Pierson, City Manager Feldman stated the process for a temporary skate park could not be expedited more for any one particular parcel. Councilmember Pierson indicated support for a permanent skate park on the vacant property adjacent to Malibu Bluffs Park.

Mayor Wagner stated a skate park on the vacant property adjacent to Malibu Bluffs Park was ideal. He discussed funding for the project.

In response to Mayor Wagner, City Manager Feldman stated the vacant property adjacent to Malibu Bluffs Park already had some grading and available parking.

Mayor Wagner discussed the reasons why the vacant property adjacent to Malibu Bluffs Park was ideal.

The motion died due to lack of a second.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) receive and file the recommendation from the Parks and Recreation Commission regarding a location for a permanent skate park; 2) direct staff to schedule a Special City Council meeting in August 2019 to consider options for a temporary 10,000-15,000-square foot skate park with above ground ramps on the vacant 1.74-acre property adjacent to Malibu Bluffs Park; and 3) direct staff to bring back an item with options for a permanent skate park, as large as possible, on the 1.74-acre property adjacent to Malibu Bluffs Park. The motion carried unanimously.

RECESS At 9:22 p.m., Mayor Wagner called a recess. The meeting reconvened at 9:36 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Appeal No. 19-001 - Appeal of Planning Commission Resolution No. 19-05 (5939 Busch Drive; Appellant/Applicant: Steve Bowker and Efi Hubschman; Property Owner: The Hubschman Family Trust) (Continued from June 24, 2019)
Recommended Action: Adopt Resolution No. 19-34, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 19-001 and approving Coastal Development Permit No. 14-064 to construct a new 7,350-square foot, two-story single-family residence, including an attached garage and basement, swimming pool, and installation of a new onsite

wastewater treatment system; including Site Plan Review No. 16-040 for construction in excess of 18 feet in height up to 24 feet for a flat roof, Minor Modification No. 18-013 for the reduction of the required front yard setback by no more than 50 percent, and Demolition Permit No. 16-021 for the demolition of remnants of a 1,596-square foot residence and 474-square foot attached garage that were destroyed by the Woolsey Fire located in the Rural Residential–Two Acre (RR-2) zoning district at 5939 Busch Drive (The Hubschman Family Trust).

Contract Planner Rudolph presented the staff report. She indicated a necessary change to Resolution No. 19-34, Section 7, Conditions of Approval 2.c. She stated it should be amended to read as follows: “Non-exempt grading in the amount of 100 cubic yards of cut.”

Councilmember Peak stated he had not met with anyone regarding the project.

Councilmember Pierson disclosed he met with the project team but did not learn anything new.

Mayor Wagner disclosed he had driven by the project.

Mayor Pro Tem Farrer disclosed she had only read report.

Councilmember Mullen disclosed he visited the site but had not spoken with anyone.

Steve Bowker stated the Planning Commission had stated the project height and square footage were not compliant with the law. He explained how the project had been changed to fit in with the character of the neighborhood.

Wayne from Encino discussed total development square footage. He indicated support for the project.

John Fletcher stated it had been almost five years since the project had begun. He stated the property was not in an environmentally sensitive habit area (ESHA). He stated the General Plan defined the neighborhood as Malibu Park. He stated the Planning Commission had used a 500-foot radius when it should not have done so.

In response to Councilmember Pierson, Mr. Fletcher confirmed a demolition permit was no longer necessary. Councilmember Pierson indicated support for the project.

MOTION

Councilmember Peak moved and Councilmember Pierson seconded a motion to adopt Resolution No. 19-34, as amended, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 19-001 and approving Coastal Development Permit No. 14-064 to construct a new 7,350-square foot, two-story single-family residence, including an attached garage

and basement, swimming pool, and installation of a new onsite wastewater treatment system; including Site Plan Review No. 16-040 for construction in excess of 18 feet in height up to 24 feet for a flat roof, Minor Modification No. 18-013 for the reduction of the required front yard setback by no more than 50 percent, and Demolition Permit No. 16-021 for the demolition of remnants of a 1,596-square foot residence and 474-square foot attached garage that were destroyed by the Woolsey Fire located in the Rural Residential–Two Acre (RR-2) zoning district at 5939 Busch Drive (The Hubschman Family Trust).

Councilmember Mullen read from the General Plan the definition of neighborhood standards.

Planning Director Blue clarified neighborhood standards did not apply to the project.

Councilmember Mullen stated the project was 2.45 times the average size of homes in Malibu Park. He stated the General Plan encouraged incremental changes to neighborhoods. He discussed TDSF. He stated the project followed the rules and should be approved.

Mayor Wagner discussed the importance of decorum during the Council meeting.

Mayor Pro Tem Farrer stated she was ready to vote.

Mayor Wagner stated some of the information changed between the time the Planning Commission reviewed the project and the time it came to Council.

In response to Mayor Wagner, Mr. Bowker stated the pool moved when the home placement was moved in order to reduce infringement on the remnant oak woodland. Mayor Wagner stated the location of the pool needed to change to its original position. Mr. Bowker stated the pool had not been moved closer to the woodland.

Councilmember Peak questioned why Mayor Wagner was asking for the pool to be moved closer to the stream.

Mayor Wagner stated the pool needed to be moved closer to the home.

Planning Director Blue clarified the development footprint did not impact any ESHA.

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

B. Local Coastal Program Amendment No. 12-004 – An amendment to the Local Coastal Program Land Use Plan to add a new policy and update the Public Access Map

Recommended Action: 1) Adopt Resolution No. 19-33 approving Local Coastal Program Amendment (LCPA) No. 12-004, an amendment to the Local Coastal Program Land Use Plan to add a new policy and update the Public Access Map; and 2) Direct staff to submit the LCPA to the California Coastal Commission (CCC) for review and certification.

This item was continued to the August 26, 2019 Regular meeting upon approval of the agenda.

C. Local Coastal Program Amendment No. 12-002, Zoning Text Amendment No. 12-002, and Zoning Map Amendment No. 13-002 – An amendment to the Local Coastal Program Local Implementation Plan, Zoning Code, and Zoning Map to implement the certified 2008-2014 General Plan Housing Element

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 449 implementing the 2008-2014 General Plan Housing Element by amending the Local Coastal Program Local Implementation Plan, Malibu Municipal Code Title 17 and Zoning Map to add an affordable housing overlay district for three specific sites (four lots): 28517 Pacific Coast Highway; 28401 Pacific Coast Highway; and a portion of 23465 Civic Center Way formerly known as 3700 La Paz Lane; acknowledging receipt of the California Coastal Commission (CCC) Resolution of Certification for Local Coastal Program Amendment (LCPA) No. 12-002 with Suggested Modifications and adopting revisions to LCPA No. 12-002, Zoning Text Amendment No. 12-002 and Zoning Map Amendment No. 13-002 to incorporate the CCC's suggested modifications; repealing Ordinance No. 375; and finding the same exempt from and properly studied under the California Environmental Quality Act (CEQA); 2) Direct staff to schedule a second reading and adoption of Ordinance No. 449 for the August 12, 2019 Regular City Council meeting; and 3) Direct staff to submit the LCPA to the CCC for review and certification.

This item was continued to the August 26, 2019 Regular meeting upon approval of the agenda.

D. Shared On-Demand Personal Mobility Devices (Electric Scooters) Ordinance

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 448 adding Chapter 9.33 (Shared On-Demand Personal Mobility Devices) to Title 9 of the Malibu Municipal Code prohibiting electric ride share scooters from being placed or operated in the public right-of-way and finding the same exempt from the provisions of the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 448 for the August 12, 2019 Regular City Council Meeting.

This item was continued to the August 26, 2019 Regular meeting upon approval of the agenda.

ITEM 5 OLD BUSINESS

- A. Potential sale of 2 acres of 23575 Civic Center Way/23789 Stuart Ranch Road (APN 4458-022-011- Ioki Parcel) to the Los Angeles County Fire Department
Recommended Action: 1) Receive and file the recommendations from the Cultural Arts Commission, Parks and Recreation Commission and Public Safety Commission on the potential sale of 2 acres of 23575 Civic Center Way/23789 Stuart Ranch Road (APN 4458-022-011 - Ioki Parcel) to the Los Angeles County Fire Department (Fire Department); and 2) Provide direction to staff if necessary.

This item was continued to the August 26, 2019 Regular meeting upon approval of the agenda.

ITEM 6 NEW BUSINESS (continued)

- B. Timing for Public Hearing for Proposed Ordinance on Total Development Square Footage (TDSF) Citywide
Recommended Action: 1) Provide direction to staff on scheduling a Public Hearing to discuss a Proposed Ordinance on TDSF Citywide; and if necessary, 2) Reprioritize the Work Plan for Fiscal Year 2019-2020.

City Manager Feldman presented the staff report.

In response to Councilmember Mullen, City Manager Feldman clarified staff was requesting the Council prioritize TDSF in the Annual Work Plan and decide how to allocate staff resources.

Councilmember Peak stated the matter of TDSF should go to the voters.

Mimi Loving indicated opposition to reducing TDSF. She showed a video of interviews of Malibu residents.

Kirby Kotler indicated opposition to reducing TDSF. He showed a video of interviews of Malibu residents.

Honore Kotler indicated opposition to reducing TDSF. She showed a video of interviews of Malibu residents.

Norm Haynie stated the original Council had developed TDSF because it was against mansionization.

Lloyd Ahern stated beach homes had been added to the discussion about TDSF at a late hour at the July 1, 2019 Planning Commission meeting.

Lori Patterson deferred her time to Joe Patterson.

Joe Patterson indicated opposition to reducing TDSF. He questioned why the matter was being pursued in the face of other City priorities. He questioned why commercial use of residential property was not being addressed instead. He stated any change to TDSF should be put to the voters.

Amber Baker deferred her time to Josh Spiegel.

Patricia Palafox deferred her time to Josh Spiegel.

Gail Copley deferred her time to Josh Spiegel.

Josh Spiegel stated the average approved TDSF over the past 12 months was 6,333 square feet. He questioned why the TDSF should be changed while the community was recovering from the Woolsey Fire.

Gail Gibson-Howard stated reduced TDSF would reduce property values. She stated it was a taking.

James Ebert discussed the possible consequences of reducing TDSF.

A. Thomas Torres discussed the 14th amendment of the Constitution. He stated the Council was making decisions based on an arbitrary standard.

Andy Lyon was not present at the time of the hearing.

Doug Burdge stated the code was developed in order to avoid mansionization. He stated reducing TDSF was not important in the face of other things going on in the City. He discussed due process.

Marissa Coughlan stated staff was working hard to do what the Council asked and it was up to Council to do what the community wanted. She indicated opposition to reducing TDSF.

Nils Carson was not present at the time of the hearing.

Thordis Carson was not present at the time of the hearing.

Diana Klein stated it took her daughter four and a half years and \$250,000 to obtain a building permit. She stated the Council needed to represent the needs and wishes of the community.

Rene Carion deferred his time to Don Richstone.

Don Richstone stated discussion of reducing TDSF should be put off indefinitely. He stated it was a solution to a problem that did not exist.

Councilmember Peak left the dais at 11:17 p.m.

Sandra Kossacott deferred her time to Mark Baute.

Mark Baute stated Malibu Park and Point Dume would be most affected by a reduction in TDSF. He stated the City's revenue would decrease.

Councilmember Peak returned to the dais at 11:20 p.m.

Forrest Stewart was not present at the time of the hearing.

Steve Uhring stated the Council needed to clarify TDSF.

Scott Dittrich stated the Council needed to clarify TDSF for the Planning Commission. He stated mansionization in Malibu needed to be stopped.

Valerie Alon was not present at the time of the hearing.

Meril May stated there needed to be clarity on TDSF for everyone.

Steve Yett stated any reduction of TDSF needed to go to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES). He questioned whether an ordinance reducing TDSF would actually be exempt under CEQA.

Zen Gesner deferred his time to Don Schmitz.

Susan Saul deferred her time to Don Schmitz.

Don Schmitz stated the group Together for Dwelling Size Fairness had educated the community where the City had not. He discussed expected fiscal impacts to the Santa Monica-Malibu Unified School District, Los Angeles County Waterworks District No. 29 and Malibu General Fund from reduced TDSF. He recommended a fiscal impact study, an environmental impact report, and any proposed ordinance reducing TDSF go to a vote of the people.

Lance Simmens deferred his time to Kraig Hill.

Kraig Hill agreed that better data was necessary. He stated the public interest was not necessarily the same as what the people wanted.

Keegan Gibbs stated reduced TDSF was well-intended but would not accomplish its goal.

Stacey Harper deferred her time to Paul Grisanti.

Joie Rucker deferred her time to Paul Grisanti.

Paul Grisanti stated there was a disconnect between what the public speakers were saying to the Planning Commission and what the Planning Commission was

hearing. He stated the Council was responsible for the Planning Commission doing its job correctly.

Howard Rudzki stated the City already had restrictions. He indicated opposition to reducing TDSF. He expressed concern for how reduced TDSF would affect Woolsey Fire victims.

Jessica Isles was not present at the time of the hearing.

Drew Leonard was not present at the time of the hearing.

Michael McKean expressed disappointment at the attitude of the Planning Commission at its July 1, 2019, meeting. He indicated opposition to reducing TDSF.

Mayor Pro Tem Farrer left the dais at 11:53 p.m.

Wayne from Encino discussed the July 1, 2019 Planning Commission meeting.

Mayor Pro Tem Farrer returned to the dais at 11:57 p.m.

Marianne Riggins stated the way TDSF was written in the code had worked for many years. She stated the Planning Commission had created confusion. She stated a reduction of TDSF would penalize owners with larger parcels.

James Miles declined to speak but indicated opposition to altering TDSF.

Mayor Pro Tem Farrer discussed her vote on the matter in February 2019.

MOTION Mayor Pro Tem Farrer moved and Councilmember Pierson seconded a motion to: 1) remove the Total Development Square Footage (TDSF) ordinance from the Fiscal Year 2019-2020 Work Plan; and 2) direct staff to bring back an item at the mid-year budget review for Fiscal Year 2019-2020 an item regarding potential incentives for safer, smaller, lower impact homes and other desirable building practices. The question was called and the motion carried 4-1, Mayor Wagner dissenting.

ITEM 7 COUNCIL ITEMS

- A. Designation of Voting Delegate and Alternate Voting Delegate for the 2019 League of California Cities Annual Conference
Recommended Action: Designate the City's voting delegate and alternate voting delegate for the League of California Cities 2019 Annual Conference scheduled for October 16-18, 2019, in Long Beach.

MOTION Councilmember Peak moved and Councilmember Pierson seconded a motion to designate Mayor Pro Tem Farrer as the City's voting delegate and Councilmember Pierson as the alternate voting delegate for the 2019 League of California Cities Annual Conference. The motion carried unanimously.

- B. Assembly Bill 916 – SUPPORT (Councilmember Pierson)
Recommended Action: At the request of Councilmember Pierson, authorize the Mayor to send a letter of support for Assembly Bill (AB) 916, which would impose a five-year moratorium, from January 1, 2020 to January 1, 2025, on the use of glyphosate, the active ingredient in Roundup, by any city, county, charter city, city and county, or a special district.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to authorize the Mayor to send a letter of support for Assembly Bill (AB) 916, which would impose a five-year moratorium, from January 1, 2020 to January 1, 2025, on the use of glyphosate, the active ingredient in Roundup, by any city, county, charter city, city and county, or a special district. The motion carried unanimously.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.9. and 3.B.11. were pulled by the public.

MOTION Councilmember Peak moved and Councilmember Pierson seconded a motion to approve the Consent Calendar, except Item Nos. 3.B.9. and 3.B.11. 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 57198-57320 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. 641 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,480,850.04. City of Malibu payroll check numbers 5023-5025 and ACH deposits were issued in the amount of \$211,743.97.
 3. Approval of Minutes
Recommended Action: Approve the minutes for the June 10, 2019 Malibu City Council Regular meeting.

4. City's Conflict of Interest Code
Recommended Action: Adopt Resolution No. 19-35 adopting the City's Conflict of Interest Code and repealing Resolution No. 18-12.
5. Fiscal Year 2017-2018 Street Maintenance Project Completion and Acceptance of Work
Recommended Action: 1) Accept the work performed by All American Asphalt, Inc. for the Fiscal Year 2017-2018 Street Maintenance Project (Specification No. 2074) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion for the project.
6. Amendment to Professional Services Agreement with Kimley-Horn and Associates, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$27,000 for a total not to exceed \$521,840 and extend the term of the agreement for additional engineering design services for the Civic Center Way Improvements Project.
7. Amendment to Agreement with American Guard Services, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with American Guards Services, Inc. to extend the term of the agreement for crossing guard services.
8. Disposal of Surplus Equipment
Recommended Action: Approve the disposal of surplus City equipment.
10. Professional Services Agreement with Governmental Financial Services
Recommended Action: Authorize the City Manager to negotiate and execute an agreement with Governmental Financial Services for bookkeeping and accounting services.
12. Professional Services Agreements for Contract Planning Services
Recommended Action: 1) Authorize the City Manager to negotiate and execute a two-year Professional Services Agreement with Civic Solutions, Inc. for contract planning services in an amount not to exceed \$120,000; 2) Authorize the City Manager to negotiate and execute a two-year Professional Services Agreement with Joyce Parker-Bozylinski for contract planning services in an amount not to exceed \$120,000; and 3) Authorize the City Manager to negotiate and execute a two-year Professional Services Agreement with Rincon Consultants, Inc. for contract planning services in an amount not to exceed \$450,000.
13. Professional Services Agreement with Solid Waste Solutions, Inc.
Recommended Action: Authorize the City Manager to execute a professional services agreement with Solid Waste Solutions, Inc. for Film Permit Services.

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

9. Malibu Bluffs Park Workout Station

Recommended Action: At the recommendation of the Parks and Recreation Commission, approve the installation of a workout station at Malibu Bluffs Park.

Community Services Director Bobbett presented the staff report.

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

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

Councilmember Peak indicated Steve Wright would like to see more advanced equipment used.

City Manager Feldman stated there was no additional funding available to use for more advanced equipment.

MOTION

Councilmember Peak and Councilmember Pierson seconded a motion to approve the installation of a workout station at Malibu Bluffs Park. The motion carried unanimously.

11. Malibu Lagoon Hydrology and Coastal Morphology Study and Lagoon Management Plan

Recommended Action: 1) Authorize the City Manager to release a Request for Proposals for a Malibu Lagoon Hydrology and Coastal Morphology Study; and 2) Direct staff to initiate a Local Coastal Plan Amendment for a Lagoon Management Plan.

City Manager Feldman presented the staff report.

Graham Hamilton indicated support for the recommended action. He encouraged the City to work with the Los Angeles County Department of Beaches and Harbors and California State Parks.

Craig Sap, California State Parks, indicated support for the recommended action.

Allen Sarlo was not present at the time of the hearing.

Russ Jones was not present at the time of the hearing.

Drew Lewis indicated support for the recommended action.

Andy Lyon was not present at the time of the hearing.

Wayne from Encino stated the Lagoon was the responsibility of the State of California.

MOTION Councilmember Peak moved and Mayor Wagner seconded a motion to: 1) Authorize the City Manager to release a Request for Proposals for a Malibu Lagoon Hydrology and Coastal Morphology Study; and 2) Direct staff to initiate a Local Coastal Plan Amendment for a Lagoon Management Plan. The motion carried unanimously.

ADJOURNMENT

At 12:40 a.m., Mayor Wagner adjourned the meeting in memory of Cal Porter, Sandy Banducci, and Glen Kennedy.

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

JEFFERSON WAGNER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)