Agenda Item # 3.B.3.

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

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: December 23, 2019  Meeting date: January 13, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the November 12, 2019 Malibu City Council Regular meeting, November 14, 2019 Malibu City Council Special meeting, November 25, 2019 Malibu City Council Regular meeting, December 3, 2019 Malibu City Council Special meeting, and December 9, 2019 Malibu City Council Regular meeting.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2019-2020. This project is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the meetings of November 12, 2019, November 14, 2019, November 25, 2019, December 3, 2019, and December 9, 2019.

ATTACHMENTS:

1. November 12, 2019 Malibu City Council Regular meeting minutes
2. November 14, 2019 Malibu City Council Special meeting minutes
3. November 25, 2019 Malibu City Council Regular meeting minutes
4. December 3, 2019 Malibu City Council Special meeting minutes
5. December 9, 2019 Malibu City Council Regular meeting minutes
MEETING CALL TO ORDER

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

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; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Kristin Riesgo, Community Services Deputy Director; Andrew Sheldon, Environmental Sustainability Manager; Matt Myerhoff, Media Information Officer; Jessica Cleavenger, Associate Planner; Richard Mollica, Assistant Planning Director; Susan Dueñas, Public Safety Manager; and Jerry Vandermeulen, Fire Safety Liaison

PLEDGE OF ALLEGIANCE

Axel Polito led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to approve the agenda, hearing Item No. 5.A. after Item No. 2.A. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on November 1, 2019, with the amended agenda posted on November 7, 2019.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on Disaster Response and Recovery

Public Safety Manager Dueñas discussed recent Public Safety Power Shutoff (PSPS) warnings from Southern California Edison (SCE). She stated a PSPS had been implemented by Southern California Edison in the Cuthbert Circuit. She stated staff had requested extra Los Angeles County Sheriff patrols in the affected
area. She stated staff had posted 55 emergency, weather and utility alerts, 32 Nixle alerts, 50 messages to Nextdoor, and 548 messages to Twitter, Facebook, and Instagram during October 30 and 31, 2019. She stated staff also monitored the Maria Fire during that time. She stated an additional 37 Home Ignition Zone Assessments had been completed, for a total of 105 to date. She stated almost 300 emergency hand-crank flashlight radios were given out to the community at the Woolsey Fire Anniversary Community Gathering event on November 9, 2019. She stated a draft Evacuation Traffic Management Plan was presented to the Public Safety Commission on November 6, 2019. She stated a vendor had been chosen to conduct a sound study for an outdoor warning siren system in Malibu. She stated staff submitted a PSPS Resiliency grant application for funding for a resource center at Bluffs Park and a mobile communications unit. She reminded the community to sign up for emergency alerts on the City’s website.

Assistant Planning Director Mollica stated the Planning Department had approved 179 single-family homes, 29 accessory dwelling units, and 110 accessory structure projects. He stated $1,069,287.80 in rebuilding fees had been waived or refunded to date.

Environmental Sustainability Director Bundy stated 93 projects were preparing for building plan check submittal, 52 projects were in building plan check, and 35 building permits had been approved.

B. Staff Presentation on Upcoming Changes to the California Building Code

Environmental Sustainability Director Bundy stated the 2019 Edition of the California Code of Regulations, Title 24, would become effective statewide on January 1, 2020. She stated the Council would consider adoption of Title 26 of the Los Angeles County Code by reference, incorporating the California Building Code, on December 9, 2019. She discussed mandatory codes.

ITEM 2.A. PUBLIC COMMENTS

Rudy Gonzales, SCE, discussed a recent PSPS. He stated the Cuthbert Circuit had been deenergized on October 30, 2019, at 8:49 p.m. He stated 2,275 customers were affected until service was restored on October 31, 2019, at 5:36 p.m.

In response to Councilmember Mullen, Mr. Gonzales stated the decision to initiate a PSPS was guided by data collected from weather stations and field personnel with hand-held wind gauges. He stated the ultimate decision of whether a PSPS was initiated was made by the SCE corporate office in Irwindale.

Lynn Norton discussed her hope that the short-term rental ordinance would be drafted in the next four weeks.

Andy Lyon questioned why the City Manager’s performance review was being
Connor Chase stated the City needed to communicate more effectively with Pepperdine University. He indicated support for a City of Malibu cell phone app.

Michael Epstein discussed the Woolsey Fire Anniversary Community Gathering event held on November 9, 2019. He stated the event was well-organized and fitting for the occasion.

Kraig Hill stated a drone being flown over the Maria Fire prevented the Fire Department from performing adequate water drops. He stated education and outreach efforts should be increased in Malibu to prevent the same problem from occurring.

Graham Hamilton, Surfrider Foundation Los Angeles, discussed Coastal Development Permit No. 18-003. He stated Surfrider Foundation was concerned that efforts to install a vehicular gate and spikes for the parking area along Cliffside Drive would not maximize public recreational opportunities to and along the coast. He questioned whether the settlement agreement between the California Coastal Commission and the City provided for mitigation of the loss of access that occurred after shuttle service between Point Dume and Zuma Beach had been terminated. He stated the alligator teeth only served to further restrict access to Point Dume.

Lance Simmens discussed the proposed crosswalk near Malibu Seafood. He requested the Council pass a resolution of disapproval of any action on the crosswalk until all feasible options, including the underpass, had been considered and presented to the community by Caltrans.

**ITEM 5 OLD BUSINESS**

A. **Update Regarding Temporary and Permanent Skate Parks**

Recommended Action: 1) Receive and file update on the Temporary Skate Park Project; and 2) Approve the Request for Proposals/Request for Qualifications for design of the Permanent Skate Park Project.

Community Services Director Bobbett presented the staff report. He stated the design and build Request for Proposals/Request for Qualifications (RFP/RFQ) for the Temporary Skate Park Project could no longer be used due to the cost of the project. He stated an RFP for design only of the temporary skate park was scheduled to close on November 25, 2019. He discussed the timeframe of the RFP for the permanent skate park design.
In response to Councilmember Mullen, Community Services Director Bobbett stated the Environmental Impact Report (EIR) for a permanent skate park had already been done for the Crummer/Case property, which was a main driving force for choosing the location.

In response to Mayor Pro Tem Pierson, Community Services Director Bobbett stated necessary permitting would be handled by staff as expeditiously as possible.

Andy Lyon stated kids were not allowed to skateboard in the parking lot of City Hall.

Hamish Patterson stated any reference to a world class skate park was a misnomer. He discussed the history of placement of the skate park on the Crummer/Case property. He stated size did not dictate quality when it came to skate parks. He indicated support for keeping the project separate from any other project.

Jaden Mitchell thanked the Council for its support. He stated the permanent skate park was just as important as the temporary skate park.

Gage stated a skate park was a number one priority.

Axel Polito deferred his time to Lauren Polito.

Lauren Polito thanked Community Services Director Bobbett for his work on the project. She indicated support for the temporary and permanent skate parks on the Crummer/Case property. She stated the projects were overdue.

Jodi Gourson thanked the Council and Community Services Director Bobbett for supporting the project. She indicated support for the temporary and permanent skate parks on the Crummer/Case property.

Judy Villablanca thanked the Council and Community Services Director Bobbett for supporting the project. She indicated support for the temporary and permanent skate parks on the Crummer/Case property.

**MOTION** Mayor Pro Tem Pierson moved and Councilmember Peak seconded a motion to: 1) receive and file update on the Temporary Skate Park Project; and 2) approve the Request for Proposals/Request for Qualifications for design of the Permanent Skate Park Project. The motion carried unanimously.

Mayor Farrer thanked Community Services Department and the community.
ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES

City Manager Feldman stated a Special City Council meeting would be held on December 3, 2019, to initiate the Local Coastal Program Amendment for regulating short-term rentals. She stated the home-sharing ordinance process would proceed from there. She announced a Community Emergency Response Team (CERT) meeting and graduation on November 16, 2019, a cleanup of Zuma Beach on November 17, 2019, a Library Speaker Series event on November 20, 2019, and a Woolsey Fire Rebuild meeting to go over upcoming changes to the California Building code on November 23, 2019. She stated Caltrans was cleaning out the culvert near Malibu Seafood. She stated Caltrans was installing reflective tape on traffic signals throughout the entire district.

In response to Mayor Pro Tem Pierson, City Manager Feldman stated she would find out the completion date of a project taking place between Via Escondido Drive and Latigo Canyon Road.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Wagner stated he attended a Santa Monica Bay Restoration Commission meeting. He announced a Library Subcommittee meeting on November 13, 2019, and an Environmental Sustainability Subcommittee meeting on November 14, 2019.

Mayor Pro Tem Pierson thanked public speakers. He discussed challenges surrounding PSPS, including the dangerous conditions it could create on Pacific Coast Highway (PCH). He encouraged Pepperdine students to sign up for notifications on the City’s website. He thanked Mr. Epstein. He discussed the Woolsey Fire Anniversary Community Gathering held by the City on November 9, 2019. He stated he had never seen anyone use the Point Dume shuttle. He stated Mayor Farrer and he attended an Association of Los Angeles Deputy Sheriffs (ALADS) dinner. He stated another Malibu Smart Workshop: Firescaping event had been held. He commended the Malibu Half Marathon event organizers. He indicated support for moving forward with a dumpster ordinance.

Councilmember Peak stated Councilmember Mullen and he held an Administration and Finance Subcommittee meeting. He thanked everyone involved in putting together the Woolsey Fire Anniversary Community Gathering event held by the City on November 9, 2019. He stated the proposed gate at the parking area on Point Dume would be used to curb after-hour use that was concerning to the neighborhood. He announced an Environmental Sustainability Subcommittee meeting on November 14, 2019. He stated the Special City Council meeting for the City Manager evaluation was a Closed Session and all correspondence received was reviewed by the Council.

Councilmember Mullen thanked everyone involved in putting together the
Woolsey Fire Anniversary Community Gathering event held by the City on November 9, 2019. He stated he attended the Calabasas State of the City address. He stated the week before Veterans Day, President Trump presented a posthumous Presidential Citizens Medal to the wife of Rick Rescorla, a Vietnam veteran credited with saving thousands of lives during the September 11, 2001 terrorist attacks. He discussed recent fires near the City over the past few weeks. He stated Councilmember Peak and he held an Administration and Finance Subcommittee meeting. He thanked City staff for steering the City through the difficult year after the Woolsey Fire. He stated it was worth a lot of effort and resources to continue to advocate for use of the underpass near Malibu Seafood.

Mayor Farrer discussed the previous weeks of fires and the PSPS. She expressed frustration with the response the City received from the Malibu/Lost Hills Sheriff’s Station regarding traffic assistance during the PSPS. She expressed frustration with SCE regarding the lack of information provided on power restoration after the PSPS. She thanked staff for the Woolsey Fire Anniversary Community Gathering event held by the City on November 9, 2019. She discussed the Veterans Day event held at Malibu City Hall. She stated she attended a Malibu Smart Workshop: Firescaping event. She stated she spoke at a Children’s Lifesaving Foundation event. She discussed a meeting she attended regarding homelessness. She stated Councilmember Peak and she toured HRL Laboratories. She stated Mayor Pro Tem Pierson and she gave opening remarks at the Malibu Half Marathon event, and she congratulated the Malibu Boys and Girls Club. She stated she attended a Homelessness Task Force meeting. She discussed the importance of fire-safe landscaping. She stated she attended a Woolsey Fire photography exhibit by Eric Myer at the Malibu Jewish Center & Synagogue. She discussed the Library Speaker Series and Local Author series. She discussed the ALADS dinner. She thanked Ms. Norton and stated the City was working through the necessary steps for implementing restrictions on short-term rentals. She stated many of the Councilmembers were in regular contact with Pepperdine. She stated she would speak at Pepperdine again in January 2020. She encouraged the community to sign up for notifications through the City’s website. She discussed the Point Dume shuttle and stated it was not used. She stated the proposed gate at the Point Dume parking lot was for use from sundown to sunrise. She indicated support for use of the underpass near Malibu Seafood.

Councilmember Wagner stated past Pepperdine President Andrew Benton and he had an oral agreement to bring an ombudsman office to the City. He stated there was collaboration between the City and Pepperdine. He suggested adjourning the meeting in memory of Les Wiggins.

RECESS At 8:12 p.m., Mayor Farrer called a recess. The meeting reconvened at 8:22 p.m. with all Councilmembers present.
ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.5. and 3.B.7. were pulled by the public.

MOTION Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to approve the Consent Calendar, except for Item Nos. 3.B.5. and 3.B.7.

FRIENDLY AMENDMENT
Councilmember Wagner moved to amend the motion to pull Item No. 3.B.6. The maker and the seconder accepted the amendment. The amended 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 58441-58566 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. 648 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $3,173,991.05. City of Malibu payroll check numbers 5056-5057 and ACH deposits were issued in the amount of $215,371.36.

3. Approval of Minutes
   Recommended Action: Approve the minutes for the October 14, 2019 Malibu City Council Regular meeting.

4. 2019 Community Christmas Tree Lot Fee Waiver
   Recommended Action: Approve the request from the Malibu High School Athletic Booster Club to waive the facility use and staff fees for the Ioki Property for the Annual Community Christmas Tree Lot.

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

B. New Items
5. Malibu Lagoon State Beach Coastal Geomorphology and Hydrology Study
   Recommended Action: Receive and file report on the Malibu Lagoon State Beach Coastal Geomorphology and Hydrology Study.

   Environmental Sustainability Manager Sheldon presented the staff report.
Hamish Patterson was not present at the time of the hearing.

Graham Hamilton, Surfrider Foundation Los Angeles, thanked the Council for initiating the process. He stated the Surfrider Foundation wanted to be an asset in identifying funding for the project.

Councilmember Wagner requested Mr. Hamilton present to the Santa Monica Bay Restoration Commission and the Malibu Adamson House Foundation. He requested the item come back to the Council in six months after outside funding had been solicited. He discussed the possibility of the City providing matching funds.

In response to Councilmember Peak, City Manager Feldman stated the item would come back to the Council for consideration for inclusion in the budget for Fiscal Year 2020-2021.

Councilmember Peak stated staff should monitor available grant funding in the meantime.

**CONSENSUS**

By consensus, the Council received and filed a report on the Malibu Lagoon State Beach Coastal Geomorphology and Hydrology Study.

6. **Records Retention Schedules**

   **Recommended Action:** Adopt Resolution No. 19-48 adopting records retention schedules, authorizing the destruction of certain City records and repealing Resolution No. 18-14.

   Councilmember Wagner stated the weekly updates from the City Manager were valuable to the community. He requested the City Manager classification be amended to add City Manager Updates.

   City Manager Feldman stated the City Manager Updates were maintained on the City’s website.

   Councilmember Wagner indicated support for a five-year retention on City Manager Updates.

   City Clerk Glaser stated a new line would be added to the Retention Schedule CM-1 for City Manager Updates with a five-year retention.

**MOTION**

Councilmember Peak moved and Councilmember Wagner seconded a motion to adopt Resolution No. 19-48, as amended, adopting records retention schedules, authorizing the destruction of certain City records and repealing Resolution No. 18-14. The motion carried unanimously.
7. **Management Partners Report on City response to the Woolsey Fire**

Recommended Action: Receive and file final report by Management Partners regarding the City’s response to the Woolsey Fire.

City Manager Feldman presented the staff report.

Lance Simmens deferred his time to Kraig Hill.

Judy Villablanca deferred her time to Kraig Hill.

Kraig Hill stated Sheriff Villanueva had a 100% mandatory evacuation policy. He expressed concern that the City would not support residents that chose to not evacuate but stay and fight a fire. He stated qualified residents should be allowed to pass blockades. He discussed a color-coded system used in Australia. He discussed the importance of common-sense community interaction and planning for the obvious.

Mayor Pro Tem Pierson stated the Management Partners report was valuable to the City and provided a checklist to move through. He stated all three after-action reports available provided good insight. He stated Fire Safety Liaison Vandermeulen and he had been going from neighborhood to neighborhood discussing volunteer fire brigades. He stated volunteer fire brigades should remain autonomous from outside agencies. He stated he did not advocate for people to stay during a fire. He discussed the importance of knowing one’s neighbors and hardening homes before considering a fire brigade.

Councilmember Mullen discussed Sheriff Villanueva’s comment regarding mandatory evacuations. He stated it took a lot of personal responsibility and organization to take care of a neighborhood during a fire. He discussed the importance of the community understanding the responsibility of living in a high fire hazard severity zone.

Councilmember Wagner encouraged the community to compare the three after-action reports. He stated it was up to each individual and each homeowners association to decide how to act in future disasters.

Councilmember Mullen stated all three after-action reports were valuable.

CONSENSUS By consensus, the Council received and filed the final report by Management Partners regarding the City’s response to the Woolsey Fire.
ITEM 4  ORDINANCES AND PUBLIC HEARINGS

A. Amend Malibu Municipal Code to Allow Violations of the Local Coastal Program Local Implementation Plan to be Prosecuted Under the Malibu Municipal Code

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 453 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Sections 1.10.040 (Administrative Citations and Penalties), 1.16.010 (General Penalty) and 8.28.010 (Nuisance Abatement) providing penalties for violations of the Local Coastal Program Local Implementation Plan and conditions of coastal development permits; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 453 for the November 25, 2019 Regular City Council meeting.

Associate Planner Cleavenger presented the staff report.

Elena Eger deferred her time to Angelica Ochoa.

Angelica Ochoa, on behalf of the Mountains Recreation and Conservation Authority (MRCA), stated the proposed ordinance did not protect against improper enforcement. She stated the ordinance needed specific language to ensure that criminal enforcement was only a last resort and only when the criminal activity was egregious.

In response to Mayor Pro Tem Pierson, Assistant City Attorney Rusin stated MRCA should be seeking to support a tool that would help protect the environment and enforce the Coastal Act. He stated the City had historically exercised appropriate discretion in Code Enforcement. He stated some violations of the Local Implementation Plan needed to be addressed and the proposed ordinance would see the City and resources protected.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) introduce on first reading Ordinance No. 453 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Sections 1.10.040 (Administrative Citations and Penalties), 1.16.010 (General Penalty) and 8.28.010 (Nuisance Abatement) providing penalties for violations of the Local Coastal Program Local Implementation Plan and conditions of coastal development permits; and 2) direct staff to schedule second reading and adoption of Ordinance No. 453 for the November 25, 2019 Regular City Council meeting. The motion carried unanimously.
B. Sidewalk Vending Ordinance

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 454 determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 5.60, Sidewalk Vendors, to Title 5 of the Malibu Municipal Code (MMC); and 2) Direct staff to schedule a second reading and adoption of Ordinance No. 454 for the November 25, 2019 Regular City Council meeting.

Public Works Director DuBoux presented the staff report.

Stephen Hurd stated he sold crystals and fossils on the side of the road near the Malibu sign. He suggested a density amendment to limit permit issuance to one every 1,000 feet.

Brian Merrick indicated support for allowing certain vending within safe zones.

Mario Serna stated he ran a food truck after having lost his job as a chef at Kristy’s Roadhouse.

In response to Councilmember Mullen, Public Works Director DuBoux stated part of the shoulder near the Malibu sign was Caltrans-owned and part was City-owned. He stated food trucks were outside the scope of the ordinance.

In response to Councilmember Peak, Public Works Director DuBoux stated a food cart or produce vender would be subject to the proposed ordinance.

City Manager Feldman explained the ordinance affected what was in the City right-of-way. She stated PCH was a State highway on which vending was already prohibited. She stated there was a small portion of City right-of-way on PCH on the west end of town near Lunita Road and the Malibu sign.

In response to Mayor Pro Tem Pierson, City Manager Feldman stated the new State law allowed sidewalk vending throughout the City’s jurisdiction unless the City put its own local ordinance in place to regulate sidewalk vending. She stated the ordinance would give the City the ability to cite for violations, which was not currently an option available to the City.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated vending at Westward Beach would be covered by the proposed ordinance.

Assistant City Attorney Rusin stated the Council could adjust the ordinance to allow carveouts.

Mayor Pro Tem Pierson discussed his experience as a business owner in Santa Monica.
MOTION
Councilmember Mullen moved to: 1) introduce on first reading Ordinance No. 454 determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 5.60, Sidewalk Vendors, to Title 5 of the Malibu Municipal Code (MMC); and 2) direct staff to schedule a second reading and adoption of Ordinance No. 454 for the November 25, 2019 Regular City Council meeting.

In response to Mayor Farrer, Public Works Director DuBoux stated a portion of the shoulder near the Malibu sign was City-owned. Mayor Farrer questioned whether there was interest from the Council to add a density amendment.

Assistant City Attorney Rusin stated the Council could give parameters or have proposed changes come back for review.

Mayor Farrer indicated support for a density amendment.

Mayor Pro Tem Pierson questioned whether a density amendment would have unintended consequences.

Councilmember Wagner discussed other coastal communities that were choosing to address vending in the city right-of-way.

Councilmember Mullen recommended introducing the ordinance as presented.

Councilmember Peak seconded the motion.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated the Council could carve out the City-owned portion of PCH by the Malibu sign. He stated five to 10 feet of the turnout to Broad Beach was in the City right-of-way.

In response to Assistant City Attorney Rusin, Public Works Director DuBoux stated the area could be defined as a sidewalk or other pedestrian path. Assistant City Attorney Rusin stated the area could be specifically called out as an exception.

Mayor Farrer expressed concern that an exception would create unintended consequences.

Councilmember Peak stated a permit could be issued. He stated the ordinance could be amended in the future if the need arose.

Assistant City Attorney Rusin stated the language needed to be specific.

Councilmember Mullen recommended introducing the ordinance as presented.

Councilmember Peak stated the vendors were trying to vend legitimately.
SUBSTITUTE MOTION
Councilmember Peak moved to direct staff to bring the ordinance back with modifications that exempted the City-owned portion of PCH near the Malibu sign.

The motion died due to lack of a second.

FRIENDLY AMENDMENT
Councilmember Peak moved to amend the motion to add direction to staff to return with options for an amendment to the ordinance to allow vending in additional areas of the City that could accommodate vending safely.

Councilmember Mullen accepted the amendment.

Public Works Director DuBoux stated shoulder widths would be evaluated for safety.

Mayor Pro Tem Pierson stated permits should be issued to vendors in appropriate areas of the City.

Councilmember Mullen indicated opposition to permitting specific spots.

Mayor Pro Tem Pierson expressed concern the Council was not ready to make a decision.

Assistant City Attorney Rusin clarified the amended motion.

FRIENDLY AMENDMENT
Councilmember Wagner moved to stated historical reservations should be given preference.

The amendment was not accepted by the maker and seconder.

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

C. Adoption of an Urgency Ordinance to Temporarily Prohibit No-Fault Evictions
1) Adopt Ordinance No. 455U adding Chapter 5.56 to Title 5 (Business Licenses and Regulations) of the Malibu Municipal Code to temporarily prohibit no-fault evictions through December 31, 2019, for residential real property built prior to January 1, 2005; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) After the City Attorney reads the title, introduce on first reading Ordinance No. 455 adding Chapter 5.56 to Title 5 (Business Licenses and Regulations) of the Malibu Municipal Code to temporarily prohibit no-fault evictions through December 31, 2019, for residential real property built prior to January 1, 2005, and finding the action exempt from the California Environmental Quality Act; and 3) Direct staff to schedule second
reading and adoption of Ordinance No. 455 for the November 25, 2019 Regular City Council meeting.

Assistant City Attorney Rusin presented the staff report. He stated the ordinances had been amended from the versions provided in the staff report to not codify the ordinances in the Malibu Municipal Code.

Michele Maher discussed her experience being evicted from Serra Retreat.

Brian Merrick questioned the sunset date of the proposed ordinance. He stated rent control did not address the lack of supply. He discussed rent control.

Assistant City Attorney Rusin stated the proposed ordinance only prevented no-fault evictions before January 1, 2020.

MOTION Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to: 1) adopt Ordinance No. 455U temporarily prohibiting no-fault evictions through December 31, 2019, for residential real property built prior to January 1, 2005; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) introduce on first reading Ordinance No. 455 temporarily prohibiting no-fault evictions through December 31, 2019, for residential real property built prior to January 1, 2005; and finding the action exempt from the California Environmental Quality Act; and 3) direct staff to schedule second reading and adoption of Ordinance No. 455 for the November 25, 2019 Regular City Council meeting. The motion carried unanimously.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

A. Proposed 2020 Calendar of City Council Meetings
Recommended Action: Approve the proposed 2020 Calendar of City Council meetings.

MOTION Mayor Farrer moved and Councilmember Wagner seconded a motion to approve the proposed 2020 Calendar of City Council meetings. The motion carried unanimously.

B. Red Flag Conditions (Mayor Pro Tem Pierson)
Recommended Action: At the request of Mayor Pro Tem Pierson, write a letter to the National Park Service, California Department of Parks and Recreation and Mountains Recreation and Conservation Authority requesting that parks, trailheads and surrounding open space areas in Malibu be closed during red flag conditions.
Mayor Pro Tem Pierson presented the report.

Brian Merrick indicated support for the recommended action. He recommended including a request that homeless encampments be removed from parks during red flag warnings.

Mayor Pro Tem Pierson stated that was already being done.

Judy Villablanca discussed Escondido Canyon. She stated many people were uneducated about the danger of red flag warnings. She stated enforcement would be the largest hurdle to overcome.

Mayor Pro Tem Pierson stated Arson Watch was directing volunteers on red flag days.

**MOTION** Councilmember Peak moved and Councilmember Wagner seconded a motion to direct staff to write a letter to the National Park Service, California Department of Parks and Recreation and Mountains Recreation and Conservation Authority requesting that parks, trailheads and surrounding open space areas in Malibu be closed during red flag conditions. The motion carried unanimously.

**ADJOURNMENT**

**MOTION** At 10:02 p.m., Mayor Pro Tem Pierson moved and Mayor Farrer seconded a motion to adjourn the meeting in memory of Les Wiggins.

Approved and adopted by the City Council of the City of Malibu on ________.

_________________________

KAREN FARRER, Mayor

**ATTEST:**

HEATHER GLASER, City Clerk
(seal)
MEETING CALL TO ORDER

Mayor Farrer called the meeting to order at 10:00 a.m.

ROLL CALL

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

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

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; and Heather Glaser, City Clerk

PUBLIC COMMENT ON CLOSED SESSION

Bill Sampson stated Malibu deserved excellence. He discussed lack of Code Enforcement in relation to short-term rentals in single-family residences. He stated a new ordinance regarding short-term rentals would not be enforced by City management.

Trudi Reynolds stated the elected officials needed to look out for the best interests of Malibu. She stated she felt unheard and dismissed. She stated the present City Manager was not qualified.

Sam Hall Kaplan stated leadership had been inept. He stated the City had not planned for the Woolsey Fire and the Woolsey Fire rebuilds had been mismanaged. He stated the Council was complicit in ineptitude if it chose to renew the contract for the City Manager.

Scott Dittrich stated the City Manager had done an excellent job of managing City finances but had let the City down during the Woolsey Fire. He stated the City was at fault for the experiences of the community during the Woolsey Fire. He stated the after-action report was a cover-up. He indicated support for a strong-Mayor form of government.

Ryan Embree questioned who called the meeting at 10:00 a.m. on a Thursday. He stated information had not gone to important personnel because the City emergency operations center had been moved out of Malibu during the Woolsey Fire. He discussed former City Manager David Carmany.

City Attorney Hogin stated 17 pieces of correspondence had been received by the City Council.
RECESS TO CLOSED SESSION

At 10:17 a.m., the Council recessed to Closed Session to discuss the following item listed on the Closed Session agenda:

The following items were listed on the Closed Session agenda:

Personnel Matters pursuant to Government Code Section 54957:

1. Public Employee Performance Evaluation
   Title: City Manager

Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

2. City representative: City Attorney Christi Hogin
   Unrepresented employee: City Manager Reva Feldman

CLOSED SESSION REPORT

City Attorney Hogin reported that the Special meeting convened at 10:00 a.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54957 and 54957.6, with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda and took no reportable actions.

ADJOURNMENT

MOTION Councilmember Wagner moved and Councilmember Mullen seconded a motion to adjourn the meeting at 11:48 a.m. The motion carried unanimously.

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

KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)
MEETING CALL TO ORDER

Mayor Farrer called the meeting to order at 5:30 p.m.

PUBLIC COMMENT ON CLOSED SESSION

Andy Stern commended the City on reaching a settlement agreement with Southern California Edison. He commended City Manager Feldman for her work and her selection of Environmental Sustainability Director Bundy to serve as the Environmental Sustainability Director. He expressed appreciation for the work of City staff and the Council.

John Mazza stated the main job of the Council was to establish trust in City government. He stated errors were made before the Woolsey Fire on the part of the City. He expressed concern that Woolsey Fire burnout properties were for sale. He stated there should be a reason to reward someone.

Bruce Silverstein stated there was a lack of transparency in City government. He stated it was not required for the Council to evaluate the City Manager in Closed Session. He stated Special meetings had not historically been called by the Mayor. He stated the City Attorney was not the appropriate City representative for labor negotiation.

Paul Grisanti discussed the Woolsey Fire, infrastructure repairs, debris removal, fire flow requirements for rebuilding, rebuilding efforts, and the settlement agreement with Southern California Edison. He expressed gratitude for the work of the Council, City Manager, and City staff.

Ryan Embree stated there were numerable issues with City management. He discussed Southern California Edison Public Safety Power Shutoffs and the evacuation issues the community experienced during the Woolsey Fire. He expressed concern about the amount of compensation given to the City Manager.

Aynhlushin Fasiten stated she was discouraged by the negative discourse she had heard in the community. She stated the City Manager was not to blame for the Woolsey Fire. She stated she was very impressed with the work of City staff after the Woolsey Fire. She implored the Council to make a fair evaluation and decision. She stated the City would not attract the level of quality it needed if rancorous attacks on staff continued.

City Attorney Hogin stated the City Manager’s office did not direct the work of the City Attorney’s office. She stated the compensation given to the City Attorney’s office was a flat rate for general city attorney services and would not be affected by the amount of work directed at the office.
RECESS TO CLOSED SESSION

At 5:50 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Real Property Negotiation Matters pursuant to Government Code Section 54956.8:

1. Property Address: 23661 Pacific Coast Highway
   City Negotiator: City Manager Feldman
   Property Negotiator: Super Care Drugs, Inc.
   Under Negotiation: Price and terms of payment

Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

2. City representative: City Attorney Christi Hogin
   Unrepresented employee: City Manager Reva Feldman

REGULAR SESSION CALL TO ORDER

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

ROLL CALL

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

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

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Jesse Bobbett, Community Services Director; Heather Glaser, City Clerk; Yolanda Bundy, Environmental Sustainability Director; Bonnie Blue, Planning Director; Rob DuBoux, Public Works Director; Kelsey Pettijohn, Deputy City Clerk; Susan Dueñas, Public Safety Manager; Matt Myerhoff, Media Information Officer; and Richard Mollica, Assistant Planning Director

PLEDGE OF ALLEGIANCE

Dane Skophammer led the Pledge of Allegiance.

CLOSED SESSION REPORT

City Attorney Hogin 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 Sections 54956.8 and 54957.6, with all Councilmembers present. She stated the Council discussed the item listed on the Closed Session agenda and took no reportable action. She stated any final action related to the real property negotiation or labor negotiation with the City Manager would come back to the Council as open session agenda items.
APPROVAL OF AGENDA

MOTION Councilmember Mullen and Councilmember Peak seconded a motion to approve the agenda, hearing Item No. 7.A. after the Consent Calendar. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on November 15, 2019, with the amended agenda and second amended agenda posted on November 20, 2019.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Recognition of Suzanne Goode, upon her retirement from the California Department of Parks and Recreation – Angeles District

Mayor Farrer presented the recognition to Suzanne Goode.

Ms. Goode thanked the Council for its recognition. She discussed her work with the City during her career.

B. Staff Update on Disaster Response and Recovery

Public Safety Manager Dueñas discussed the draft evacuation plan and outreach to neighboring jurisdictions to finalize the plan. She stated the final plan was scheduled to be presented to Council in February 2020. She stated Public Safety staff participated in the kickoff meeting for a Community Wildfire Protection Plan, attended the monthly Community Emergency Response Team (CERT) meeting, conducted a total of 121 home ignition zone assessments, and attended a Wireless Emergency Alert (WEA) training. She stated policies and procedures were being developed to issue emergency alerts in Spanish. She stated staff monitored a brush fire in Topanga on November 16, 2019. She discussed preparations for winter storms. She encouraged the public to sign up for emergency alerts on the City’s website.

Assistant Planning Director Mollica stated 10 applications for single-family homes were under review. He stated 187 Planning permits and 43 building permits for single-family homes had been approved. He stated the Planning Department had approved 27 accessory dwelling units and 100 accessory structures. He stated $1,247,056.34 in rebuilding fees had been waived or refunded to date.

Environmental Sustainability Director Bundy stated 43 building permits had been approved and staff was working with property owners in the plan check phase to move their projects forward. She presented a video of construction of the first home to be rebuilt after the Woolsey Fire.
ITEM 2.A. PUBLIC COMMENTS

Burt Ross commended Environmental Sustainability Department staff for working with residents rebuilding after the Woolsey Fire. He indicated support for City Manager Feldman. He stated the majority of Councilmembers who had worked with City Manager Feldman supported her. He stated City staff supported the community rebuilding after the Woolsey Fire. He stated the City was not responsible for the houses lost in the Woolsey Fire.

Dana Clark, Corral Canyon Fire Safety Alliance, stated the mustard plant alongside Corral Canyon Road had grown very tall and posed a fire hazard. He stated this was the only evacuation route for Corral Canyon. He stated the owner of the land was behind on brush clearance.

Lynn Norton indicated support for limiting short-term rentals to home-sharing. She questioned when a draft of the home-sharing ordinance would be brought back to the Council.

Scott Dittrich indicated support for banning rodenticides in the City. He discussed his neighborhood’s effort to underground power lines. He stated the fees to underground non-electric utilities that used the utility poles were burdensome. He stated the fees for undergrounding non-electric utilities should only be charged to the utility’s customers.

Norm Haynie discussed his application to build a hotel. He stated his project should be before the City Council soon. He stated the hotel would generate significant revenue for the City in transient occupancy tax. He commended staff for its work.

Ryan Embree stated the City had a franchise agreement with Charter Communications, but the City Council meetings were not played on the local cable channel.

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

City Manager Feldman congratulated Ms. Goode on her retirement. She announced there would be a Special City Council meeting on December 3, 2019. She stated City Hall would be closed November 28, 2019 and November 29, 2019 in observance of Thanksgiving. She stated an item on rodenticides would be on the December 9, 2019 City Council meeting agenda. She stated staff was working on brush clearance in Corral Canyon.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Wagner stated he attended a sustainability and climate change event with Mayor Pro Tem Pierson.
Mayor Pro Tem Pierson stated he attended a sustainability and climate change event at Malibu Elementary School. He stated he met with Mayor Farrer and Malibu/Lost Hills Sheriff’s Station Sergeant Jim Braden. He stated he attended a march in support of banning pesticides and rodenticides. He stated he participated in a panel on land use at Pepperdine University. He stated he attended the Malibu Chamber of Commerce Women’s Leadership Awards. He stated he attended the rebuilding town hall with Environmental Sustainability Director Bundy.

Councilmember Peak congratulated Ms. Goode on her retirement and thanked her for her service.

In response to Councilmember Peak, City Manager Feldman stated Fire Safety Liaison Vandermeulen had been in contact with the property owner on Corral Canyon about brush clearance.

Councilmember Mullen stated he attended an Administration and Finance Subcommittee meeting and recommended approving additional funding for the consultant working on the Federal Emergency Management Agency (FEMA) Floodplain Map appeal. He stated he attended a School District Separation Ad Hoc Committee meeting. He thanked Environmental Sustainability Director Bundy for her work on fire rebuilds. He stated he spoke to Steve Murphy about his fire rebuild project, the first project to be fully permitted.

Councilmember Peak thanked staff for its work on fire rebuilds.

Mayor Farrer stated she attended a Malibu Chamber of Commerce event and met with Poison Free Malibu. She stated she attended a Library Subcommittee meeting. She stated she met with Malibu/Lost Hills Sheriff’s Station Sergeant Jim Braden. She stated she and City Manager Feldman met with Pepperdine University staff to discuss the university’s relationship with the City. She stated she attended a School District Separation Ad Hoc Committee meeting. She stated she served on Los Angeles County’s Woolsey Fire Task Force and the final Woolsey Fire after-action report was available. She stated she attended a Las Virgenes-Malibu Council of Governments meeting. She stated Sergeant Jim Braden would attend the next Council meeting. She stated she attended the Malibu Chamber of Commerce Women’s Leadership Awards. She stated she introduced the speaker at the last Library Speaker Series event. She stated she attended a Southern California Association of Governments meeting. She stated she attended the rebuild town hall meeting and thanked Environmental Sustainability Director Bundy for assisting with fire rebuilds. She discussed fire danger in Corral Canyon. She stated there was a vocal minority in the City that was overwhelmingly negative, which caused people to be afraid to voice their opinions publicly.

Councilmember Wagner stated the City was working on short-term rental regulations. He stated non-electric vendors on power poles created challenges for
undergrounding. He stated he looked forward to seeing Mr. Haynie’s project.

ITEM 3  CONSENT CALENDAR

Item Nos. 3.A.2. and 3.B.2 were pulled by the public.

MOTION  Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to approve the Consent Calendar, except for Item Nos. 3.A.2. and 3.B.2. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A.  Previously Discussed Items
1. Second Reading and Adoption of Ordinance No. 453
Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 453 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Sections 1.10.040 (Administrative Citations and Penalties), 1.16.010 (General Penalty) and 8.28.010 (Nuisance Abatement) providing penalties for violations of the Local Coastal Program Local Implementation Plan and conditions of coastal development permits.
3. Second Reading and Adoption of Ordinance No. 455
Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 455 temporarily prohibiting no-fault evictions through December 31, 2019, for residential real property built prior to January 1, 2005; and finding the action exempt from the California Environmental Quality Act.

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.
3. Approval of Minutes
Recommended Action: Approve the minutes for the October 28, 2019 Malibu City Council Adjourned Regular meeting and November 5, 2019 Malibu City Council Special meeting.
4. West Basin Municipal Water District Final Environmental Impact Report for Proposed Ocean Water Desalination Project
Recommended Action: Receive and file report on West Basin’s Desalination Project Final Environmental Impact Report.
Recommended Action: Receive and file Fiscal Year 2018-2019 Fourth Quarter financial information.
Recommended Action: Receive and file Fiscal Year 2019-2020 First Quarter financial information.
The following items were pulled from the Consent Calendar for individual consideration:

A. Previously Discussed Items
   2. Second Reading and Adoption of Ordinance No. 454
      Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 454 determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 5.60, Sidewalk Vendors, to Title 5 of the Malibu Municipal Code.

      Stephen Hurd thanked the Council and staff for its work on this ordinance.

      MOTION Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to adopt Ordinance No. 454 determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 5.60, Sidewalk Vendors, to Title 5 of the Malibu Municipal Code. The motion carried unanimously.

B. New Items
   2. Approve Warrants
      Recommended Action: Allow and approve warrant demand numbers 58567-58712 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. 649 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $733,664.22. City of Malibu payroll check numbers 5058-5060 and ACH deposits were issued in the amount of $220,644.45.

      Ryan Embree questioned if the City Treasurer reviewed the Warrant Register and if the checks were issued before the Warrant Register was approved. He discussed the City’s cost-sharing agreement with Caltrans for signal lights on Pacific Coast Highway (PCH).

      MOTION Mayor Pro Tem Pierson moved and Councilmember Mullen seconded a motion to allow and approve warrant demand numbers 58567-58712 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. 649 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $733,664.22. City of Malibu payroll check numbers 5058-5060 and ACH deposits were issued in the amount of $220,644.45. The motion carried unanimously.
ITEM 7  COUNCIL ITEMS

A. Council Appointment to the Public Safety Commission

Recommended Action: Councilmember Mullen to make his appointment to the Public Safety Commission.

Councilmember Mullen discussed Andy Cohen’s exemplary service as a Public Safety Commissioner and expressed his condolences for Mr. Cohen’s family. He appointed Dane Skophammer to the Public Safety Commission. He stated Mr. Skophammer was a longtime resident who understood the City’s unique public safety challenges. He stated Mr. Skophammer helped distribute supplies during the Woolsey Fire to those who stayed in the City.

Mr. Skophammer thanked Councilmember Mullen for the appointment. He stated he looked forward to giving back to the City.

ITEM 4  ORDINANCES AND PUBLIC HEARINGS

A. Appeal Nos. 19-004 and 19-003 - Appeals of Planning Commission Resolution Nos. 19-19 and19-17 (22853 Pacific Coast Highway, Appellant/Property Owner; MB North Lot (DE) LLC and22878 Pacific Coast Highway, Appellant/Property Owner; Mani MBI (DE), LLC)

Recommended Action: Continue this item to a date uncertain.

This item was continued upon approval of the agenda.

B. Zoning Text Amendment 19-65 amending Malibu Municipal Chapter 17.68 (Temporary Use Permits) pertaining to the Farmers Market

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 456 amending Malibu Municipal Code Chapter 17.68 (Temporary Use Permits) to address temporary use permits for temporary offsite parking for the Farmers Market and determining Zoning Text Amendment No. 19-65 to be categorically exempt from the California Environmental Quality Act (citywide); and 2) Direct staff to schedule second reading and adoption of Ordinance No. 456 for the December 9, 2019 Regular City Council meeting.

Planning Director Blue presented the staff report.

In response to Mayor Pro Tem Pierson, Planning Director Blue stated the Planning Commission requested a distancing provision to require the parking be near the farmers market.

Scott Dittrich stated he intended to submit a speaker slip for Item No. 2.B. He stated Caltrans cleared the underpass near Malibu Seafood.

MOTION Mayor Pro Tem Pierson moved and Councilmember Wagner seconded a motion to: 1) introduce on first reading Ordinance No. 456 amending Malibu Municipal
Code Chapter 17.68 (Temporary Use Permits) to address temporary use permits for temporary offsite parking for the Farmers Market and determining Zoning Text Amendment No. 19-65 to be categorically exempt from the California Environmental Quality Act (citywide); and 2) direct staff to schedule second reading and adoption of Ordinance No. 456 for the December 9, 2019 Regular City Council meeting. The motion carried unanimously.

C. Local Coastal Program Amendment No. 19-001 - An amendment to the Local Coastal Program Land Use Plan Pertaining to Public Improvements to Public Sandy Beach Areas to Facilitate the Westward Beach Road Improvement Project

Recommended Action: Adopt Resolution No. 19-49 amending the Local Coastal Program Land Use Plan (LUP) to modify LUP Policy 2.20 pertaining to public improvements to public sandy beach areas in order to facilitate the City’s Westward Beach Road Improvements Project and determining Local Coastal Program Amendment No. 19-001 is exempt from the California Environmental Quality Act.

Planning Director Blue presented the staff report.

In response to City Attorney Hogin, Planning Director Blue stated broadening the LUP language would allow applicants to apply for a permit for improvements to public sandy beach areas, but a full Coastal Development Permit (CDP) would have to processed and meet all other requirements before a project could be approved.

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

Councilmember Wagner stated he read Mr. Mazza’s letter but would rely on the expertise of the City Attorney and City staff.

In response to Mayor Pro Tem Pierson, City Attorney Hogin stated the broader language in the LUP would allow for the application of a CDP, but the application would still have to go through the approval process and meet other requirements. She stated staff’s interpretation of the LUP always would have allowed this type of development but the California Coastal Commission staff was interpreting the LUP more narrowly. She stated all CDPs were carefully reviewed and approved by the Planning Commission.

MOTION Councilmember Peak moved and Councilmember Wagner seconded a motion to adopt Resolution No. 19-49 amending the Local Coastal Program Land Use Plan (LUP) to modify LUP Policy 2.20 pertaining to public improvements to public sandy beach areas in order to facilitate the City’s Westward Beach Road Improvements Project and determining Local Coastal Program Amendment No. 19-001 is exempt from the California Environmental Quality Act. The motion carried unanimously.
ITEM 5  OLD BUSINESS

None.

ITEM 6  NEW BUSINESS

None.

ADJOURNMENT

At 7:52 p.m., Mayor Farrer adjourned the meeting.

Approved and adopted by the City Council of the City of Malibu on ________.

_________________________________
KAREN FARRER, Mayor

ATTEST:

_________________________________
HEATHER GLASER, City Clerk
(seal)
MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
DECEMBER 3, 2019
COUNCIL CHAMBERS
5:00 P.M.

MEETING CALL TO ORDER

Mayor Farrer called the meeting to order at 4:30 p.m.

PUBLIC COMMENT ON CLOSED SESSION

None.

RECESS TO CLOSED SESSION

At 4:30 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:

The following item was listed on the Closed Session agenda:

Conference with Legal Counsel — Anticipated litigation

1. Significant exposure to litigation pursuant to Government Code ~54956.9(d)(2)
   Number of Cases: 1

REGULAR SESSION CALL TO ORDER

Mayor Farrer called the meeting to order at 5:13 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Bonnie Blue, Planning Director; Rob DuBoux, Public Works Director; Justine Kendall, Assistant Planner

John Natalizio
Matt Myerhoff
PLEDGE OF ALLEGIANCE

Los Angeles County Sheriff’s Deputy Mike Treinen led the Pledge of Allegiance.

CLOSED SESSION REPORT

Assistant City Attorney Rusin reported that the Special meeting convened at 4:30 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(2), with all Councilmembers present. 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, hearing Item No. 2.A. before Item No. 1.A. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on November 20, 2019, with the amended agenda posted on November 26, 2019.

ITEM 2 NEW BUSINESS

A. Resolution of City of Malibu v. Southern California Edison (Woolsey Fire Litigation)

Recommended Action: Consider final agreement memorializing the settlement approved in concept in City of Malibu v. Southern California Edison (Woolsey Fire litigation).

Assistant City Attorney John Natalizio presented the report.

Bruce Silverstein stated it was a conflict of interest for one law firm to represent all the public entities in the lawsuit against Southern California Edison (SCE). He expressed concern the settlement agreement was releasing other government entities that may have contributed to or caused damage in the Woolsey Fire.

Ryan Embree echoed the concerns of Mr. Silverstein. He expressed concern that projected financial impact and expenses had not been accounted for or included in the settlement.

Councilmember Mullen stated the settlement agreement was a positive outcome for the City in the wake of the Woolsey Fire. He thanked City staff and the City Manager for their work and diligence in handling the settlement.

In response to Councilmember Wagner, Assistant City Attorney Natalizio stated SCE and any entity associated with SCE would be released in the settlement
agreement in exchange for the cash settlement. He stated the settlement was a fair representation of the damages experienced by the public entities including the City.

Assistant City Attorney Rusin stated the City had been thorough in including future damages that could be attributed to the Woolsey Fire when documenting costs.

Councilmember Wagner stated he hoped the settlement would not alter the effect of the private entity mass tort lawsuits filed against SCE.

**MOTION**

Councilmember Peak moved and Councilmember Mullen seconded a motion to:
1) approve final agreement memorializing the settlement approved in concept in City of Malibu v. Southern California Edison (Woolsey Fire Litigation); 2) direct the City Attorney to sign the Master Settlement Agreement; and 3) direct the City Attorney to take whatever further steps necessary to finalize the settlement. The motion carried unanimously.

**ITEM 1 ORDINANCES AND PUBLIC HEARINGS**

**A. Short-Term Rentals Ordinance**

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 458 amending Title 17 (Zoning) of the Malibu Municipal Code and adding Chapter 17.55 (Short-term Rental Ordinance) to establish provisions to regulate short-term rental of property citywide and finding the action exempt from the California Environmental Quality Act; 2) Direct staff to schedule second reading and adoption of Ordinance No. 458 for the January 13, 2020 Regular City Council Meeting; 3) Adopt Resolution No. 19-53 initiating a Local Coastal Program (LCP) Amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code to regulate the short-term rental of residential property; and 4) Direct the Planning Commission to schedule a public hearing regarding the same.

Assistant to the City Manager Shavelson presented the staff report.

John Mazza stated there was no provision for short-term rentals in the Local Implementation Plan. He stated a Zoning Text Amendment (ZTA) was unnecessary. He stated the interim ordinance had loopholes. He requested the Council authorize staff to fast-track the Santa Monica ordinance. He stated the Santa Monica ordinance should not be sent to the California Coastal Commission (CCC) for certification. He stated a sunset date should be applied to the interim ordinance if it were adopted.

Graeme Clifford indicated agreement with Mr. Mazza’s comment regarding the ZTA. He expressed concern that a new law would not be enforced. He stated the City would make more money fining illegally run short-term rentals. He stated quality of life was more important than money.
Pamela Van Ierland requested the Council allow licensed realtors to book short-term rentals. She discussed her vetting process for booking short-term rentals. She stated the realtor addition to the ordinance would negate the need for the homeowner to be onsite during the rental.

Marc Maniscalco discussed his multi-unit property. He stated every homeowner in Malibu should have an equal opportunity to participate in short-term rentals. He indicated support for a permit system and enforcement. He stated the City should not allow some poorly run short-term rentals ruin the process for everyone.

Andrew Gombiner expressed concern that the proposed ordinance would result in financial consequences for the City both in revenue and credit rating. He stated a small group of people mismanaging short-term rentals should not ruin allowing short-term rentals for everyone else.

Norm Haynie indicated agreement with Mr. Mazza. He stated short-term rentals in Malibu were a commercial use in a residential community.

Bruce Silverstein stated the proposed ordinance did not reflect what the Council directed staff to bring back. He stated interim legislation did not need to be adopted. He stated short-term rentals were not permitted in areas zoned residential.

Hayley Moss deferred her time to Michael Lustig.

Sharon Barovsky deferred her time to Michael Lustig.

Wendy Carroll deferred her time to Michael Lustig.

Rosemary Sampson deferred her time to Michael Lustig.

Beatrix Zilinskas deferred her time to Michael Lustig.

Michael Lustig stated the Santa Monica ordinance would reduce the number of listings in Malibu by a little more than half. He stated requiring the host to be onsite would mitigate nuisances and stop party houses. He stated the ordinance treated all rental platforms the same and would give the City tools to take down non-compliant listings. He requested the Council not adopt the ZTA and, instead, pass the Santa Monica ordinance.

Steve Uhring stated short-term rentals were a problem. He discussed the importance of enforcement.

Sam Hall Kaplan stated the City had been mismanaged.

Kraig Hill indicated support for Mr. Lustig’s comments. He stated the interim ZTA was a mistake. He indicated support for the Santa Monica ordinance. He
stated the ZTA was illegal under the current zoning of single-family residential. He stated the ordinance should not be sent to the CCC.

Richard Lawrence, on behalf of the Malibu Township Council, questioned why the law that stated short-term rentals were illegal was not being enforced. He questioned why long-term RV parking was allowed on Pacific Coast Highway.

Doug Carroll deferred his time to Randy Turtle.

Sue Peck deferred her time to Randy Turtle.

Randy Turtle discussed her short-term rental program. She stated short-term rentals were an asset to the City.

Ryan Embree stated the definition of homeowners association needed to be revised. He stated the City was not dependent on revenue from short-term rentals.

Rebecca Thompson declined to speak.

Scott Dittrich indicated opposition to submitting the ordinance to the CCC. He indicated opposition to an interim ordinance. He stated party homes were a problem that needed enforcement.

Tatiana Goode was not present at the time of the hearing.

Anne Payne deferred her time to Lloyd Ahern.

Lloyd Ahern stated enforcement was the key to successful laws. He indicated opposition to submitting the ordinance to the CCC.

Yelena Zeltser, on behalf of UNITE HERE Local 11, stated hospitality workers bore the brunt of the housing crisis that was exacerbated by the existence of short-term rentals. She indicated support for the Santa Monica ordinance.

Monica Biriseno declined to speak.

Richard Johnson stated rentals should be differentiated by their proximity to other dwellings.

Brian Merrick indicated opposition to government overreach. He stated onsite wastewater treatment system requirement should not apply to one-room rentals. He questioned why rental period limits would be set on properties. He stated many properties in Malibu were held in LLCs or by corporations but were never used as short-term rentals. He stated property titles held in a specific way should not be penalized. He stated the ordinance should not go back to the Planning Commission.
Robert Cramer stated short-term rental was a property right. He stated short-term rentals in Malibu pre-dated the LCP. He indicated support for property managers to be able to fill the role of a host being onsite.

RECESS At 6:31 p.m., Mayor Farrer recessed the meeting. The meeting reconvened at 6:40 p.m. with all Councilmembers present.

Councilmember Mullen indicated support for a simple solution and going straight to adopting an ordinance similar to what Santa Monica adopted.

In response to Councilmember Mullen, Assistant City Attorney Rusin stated the City had been allowing short-term rentals. He stated regulations and restrictions were proposed to enforce nuisance issues in the interim. He stated the ZTA would start the process of constraining short-term rentals in Malibu. He stated moving to a home-sharing ordinance represented a change in use and a departure from how the LCP had been previously been applied in the City. He stated the fact that no ordinance was on the books prevented the City from proper enforcement, but the interim ordinance could provide some relief to homeowners in need of enforcement.

Planning Director Blue discussed the option to fast-track the home-sharing ordinance. She stated City processes could be done by late spring 2020, but the California Coastal Commission would need to weigh in and its timeline was not in the control of the City.

In response to Councilmember Mullen, Assistant City Attorney Rusin stated the home-sharing ordinance could not be enforced until it was approved by the CCC. He stated the ZTA would get the City most of the way until the CCC approved the home-sharing ordinance.

In response to Councilmember Wagner, Assistant City Attorney Rusin stated someone could always allege a taking by the City. He stated in order to mitigate that as best as possible, the City was attempting to give the community plenty of notice of an upcoming change.

Mayor Pro Tem Pierson thanked the public for its input. He indicated support for the home-sharing ordinance. He discussed the interim ZTA and stated it was important to find a balance.

Councilmember Peak thanked the public for its input.

In response to Councilmember Peak, Assistant City Attorney Rusin stated an Local Coastal Program Amendment (LCPA) needed to be done for a home-sharing ordinance. He stated Santa Monica never allowed short-term rentals. Councilmember Peak indicated support for focusing staff efforts on the home-sharing ordinance.
Mayor Farrer thanked the public for its input. She clarified the Council direction from the October 28, 2019 Council meeting by reading the action.

Councilmember Peak stated the proliferation of short-term rentals was the biggest contributor to the housing crisis. He discussed the importance of neighborhoods.

Mayor Farrer discussed the importance of enforcement.

In response to Mayor Farrer, Planning Director Blue stated the local adoption process could be complete in spring of 2020. She stated a year was not unrealistic to estimate for the CCC to complete its process. She stated a home-sharing approach for Malibu had not been discussed with the CCC.

Mayor Farrer quoted from a CCC letter dated December 6, 2016, stating regulation of short-term rentals in Malibu was a change of use. She read an excerpt from a CCC letter dated September 20, 2018, stating an LCPA was required for regulation of short-term rentals. She stated it was important to have an interim ordinance due to the amount of time the home-sharing ordinance could be with CCC.

Mayor Pro Tem Pierson questioned whether the cost of enforcement could be included in the cost of a permit for short-term rentals.

Assistant City Attorney stated some Host Compliance costs may be able to be recovered. He stated analysis would have to come back on what could be charged in permit fees.

Councilmember Wagner expressed concern that the ZTA may present problems with the LCPA in the long run.

Mayor Farrer stated a much more drastic change would be to go from no ordinance at all to the home-sharing ordinance.

Councilmember Wagner indicated support for utilizing staff time to focus on implementation of the LCPA.

Councilmember Mullen stated the ZTA would provide some teeth for enforcement.

In response to Councilmember Mullen, Mr. Lustig stated the home-sharing ordinance would force platforms to remove non-compliant listings. He stated the City should pass a law and let the CCC challenge it. He discussed a recent law in Boston.

In response to Councilmembers Mullen and Peak, Assistant City Attorney Rusin stated short-term rentals were allowed in the City and disallowing them would be a change in use, which would trigger an LCPA.
POLL
All Councilmembers indicated support for: 1) adopting Resolution No. 19-53 initiating a Local Coastal Program (LCP) Amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code to regulate the short-term rental of residential property; and 2) directing the Planning Commission to schedule a public hearing regarding the same.

Assistant City Attorney Rusin questioned whether Council wanted to add anything to the LCPA that would go back to the Planning Commission for consideration.

In response to Councilmember Peak, Councilmember Wagner indicated support for a robust definition section in the proposed ordinance that would provide parameters for enforcement. He indicated support for disallowing hourly rentals.

Councilmember Mullen indicated support analyzing and incorporating information from the September 10, 2019 City of Santa Monica staff report regarding amendments to ordinance to strengthen regulation of home-sharing.

Assistant City Attorney Rusin clarified the LCPA would be vetted through the Planning Commission and brought back to the Council for further consideration.

Councilmember Wagner stated it was important for the public to be informed during the process.

Planning Director Blue stated there was a dedicated page on the City’s website that could be expanded upon with the Santa Monica ordinance and additional materials as the process went along.

Councilmember Mullen recommended including suggestions submitted by Mr. Lustig as appropriate.

Councilmember Peak suggested looking into platform liability and limitation issues.

Mr. Lustig discussed the Santa Monica ordinance and a Boston ordinance.

MOTION
Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) adopt Resolution No. 19-53 initiating a Local Coastal Program (LCP) Amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code to regulate the short-term rental of residential property; 2) direct staff to: a) include a robust definition section in the proposed ordinance, b) analyze and incorporate information from the September 10, 2019 City of Santa Monica staff report regarding amendments to ordinance to strengthen regulation of home-sharing, as well as suggestions submitted by Michal Lustig as appropriate; and c) look into platform liability and limitation issues; and 3) direct the Planning Commission to schedule a public hearing regarding the same.
hearing regarding the same. The question was called and the motion carried unanimously.

ADJOURNMENT

MOTION Mayor Pro Tem Pierson moved and Mayor Farrer seconded a motion to adjourn the meeting at 7:47 p.m. The motion carried unanimously.

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

_________________________________
KAREN FARRER, Mayor

ATTEST:

_________________________________
HEATHER GLASER, City Clerk
(seal)
MEETING CALL TO ORDER

Mayor Farrer called the meeting to order at 5:30 p.m.

PUBLIC COMMENT ON CLOSED SESSION

None.

RECESS TO CLOSED SESSION

At 5:30 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:

Conference with Legal Counsel – Anticipated litigation

1. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
   Number of Cases: 1

REGULAR SESSION CALL TO ORDER

Mayor Farrer called the meeting to order at 6:31 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Jesse Bobbett, Community Services Director; Heather Glaser, City Clerk; Yolanda Bundy, Environmental Sustainability Director; Bonnie Blue, Planning Director; Rob DuBoux, Public Works Director; Susan Dueñas, Public Safety Manager; Jerry Vandermeulen, Fire Safety Liaison; Matt Myerhoff, Media Information Officer; Richard Mollica, Assistant Planning Director; and Kathleen Stecko, Administrative Assistant
PLEDGE OF ALLEGIANCE

Kian Schulman 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 Sections 54956.9(d)(2), with all Councilmembers present except Councilmember Wagner. He stated the Council discussed the item listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION    Councilmember Mullen moved and Councilmember Peak seconded a motion to approve the agenda adjourning in memory of Hallie Sills and Bobby Walker. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on November 27, 2019, with the amended agenda posted on December 6, 2019.

ITEM 1    CEREMONIAL/PRESENTATIONS

A. Staff Update on Disaster Response and Recovery

Public Safety Manager Dueñas stated staff would continue to monitor the weather. She stated equipment had been staged in the City and would stay in place throughout the rainy season. She encouraged the community to schedule a Home Ignition Zone Assessment before the dry season. She announced upcoming Community Emergency Response Team (CERT) classes available in January and March 2020. She stated the Evacuation Plan would go to the Malibu Disaster Council on January 30, 2020, and the Council on February 24, 2020. She stated training for staff on use of the Operational Area Resource Request System would be held on December 18, 2019. She encouraged the community to sign up for emergency alerts on the City’s website.

Assistant Planning Director Mollica stated the Planning Department had approved 190 single-family homes, 30 accessory dwelling units, and 114 accessory structure projects. He stated $1,351,787.33 in rebuilding fees had been waived or refunded to date.

Environmental Sustainability Director Bundy stated 88 projects were preparing for building plan check submittal, 58 projects were in building plan check, and 44 building permits had been approved.
ITEM 2.A. PUBLIC COMMENTS

John Mazza read a letter sent to the City of Manhattan Beach from Michael Jenkins indicating opposition to short-term rentals.

Yossi Govrin discussed the importance of a cultural arts center in the City.

Krista Augius indicated support for an arts center in the City.

Steve Uhring discussed the changes the Planning Commission made to the Civic Center Way Improvements project. He stated infrastructure projects in the City needed to have a rural focus and look.

Kraig Hill discussed the Planning Commission changes to the Civic Center Way Improvements project, including swapping concrete sidewalks for pathways of decomposed granite in keeping with the esthetic of Legacy Park. He stated concrete retaining walls would not be covered with ivy.

Hamish Patterson deferred his time to Andy Lyon.

Joel Schulman deferred his time to Andy Lyon.

Andy Lyon expressed sympathy for the Sills family. He indicated opposition to the Council having given an award to Suzanne Goode upon her retirement from the California Department of Parks and Recreation. He indicated opposition to the City Manager. He stated the City was poorly served by the Mayor.

Brent Woodworth, on behalf of the Los Angeles Emergency Preparedness Foundation, discussed an independent report done by the organization on actions taken during the Woolsey Fire. He commended the City for working on an improved evacuation plan. He commended the County for working on volunteer firefighting in the area impacted by the Woolsey Fire. He requested the Council allow him to present the report at a future Council meeting.

Graeme Clifford discussed recreational vehicles (RV) parked on Pacific Coast Highway (PCH), especially at Las Tunas Beach. He stated the RVs presented a public health and public safety hazard.

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

City Manager Feldman announced a Holiday Open House event at City Hall on December 11, 2019. She stated the December 23, 2019 City Council meeting was cancelled and announced City Hall holiday closures. She stated the Council would consider overnight parking issues on PCH at its January 13, 2020 meeting.
ITEM 2.C.  SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Wagner stated he would attend a Santa Monica Bay Restoration Commission meeting.

Mayor Pro Tem Pierson discussed the difficulties in regulating RV parking on PCH. He expressed appreciation for the work of Mr. Woodworth. He thanked Mr. Govrin and Ms. Augius for their comments.

Councilmember Peak stated the Malibu Creek breach had gone out to third point. He discussed the importance of completing the Malibu Lagoon State Beach Coastal Geomorphology and Hydrology Study. He asked for consensus to have Mr. Woodworth’s report presented to the Council.

CONSENSUS

By consensus, the Council directed staff to add a presentation item to a future agenda for the Los Angeles Emergency Preparedness Foundation report, The 2018 Woolsey Fire: A Catalyst for Change.

Councilmember Peak discussed RV parking on PCH and other areas. He stated he attended Clean Power Alliance meetings.

Councilmember Mullen stated a cultural arts center was supported and would be considered in line with other priorities in the City. He stated some City infrastructure projects needed to better reflect the values of the City’s Mission Statement. He thanked Mr. Mazza for his research on short-term rental regulation. He discussed RV parking on PCH.

Mayor Farrer stated the School District Separation Ad Hoc Committee met with Senator Henry Stern. She discussed parking on PCH.

Councilmember Wagner indicated support for an arts center with a library to take advantage of library set aside funds.

In response to Councilmember Wagner, Assistant City Attorney Rusin advised the Council to exercise caution when commenting on the Civic Center Way Improvements project since it may come before the Council in the future.

ITEM 3  CONSENT CALENDAR

Item No. 3.B.4. and 3.B.8. were pulled by the public.

MOTION  Councilmember Peak moved and Councilmember Mullen seconded a motion to approve the Consent Calendar, except for Item Nos. 3.B.4. and 3.B.8. The motion carried unanimously.
The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. **Second Reading and Adoption of Ordinance No. 456**
   Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 456 amending the Malibu Municipal Code Title 17 to amend Chapter 17.68 (Temporary Use Permits) to address temporary use permits for temporary offsite parking for the Farmers Market and determining Zoning Text Amendment No. 19-65 to be exempt from the California Environmental Quality Act (citywide).

B. New Items

1. **Waive Further Reading**
   Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. **Approve Warrants**
   Recommended Action: Allow and approve warrant demand numbers 58713-58838 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. 650 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $1,263,562.68. City of Malibu payroll check numbers 5061-5063 and ACH deposits were issued in the amount of $231,819.63.

3. **Authorize acceptance of transfer of 2.3 acres from Malibu Development Company, LLC (MDC) and modification of easement agreement with MDC in accordance with La Paz development agreement**
   Recommended Action: Adopt Resolution No. 19-55 conditionally authorizing the acceptance of the Grant Deed conveying Parcel C identified in Development Agreement dated November 10, 2008, from Malibu Development Company, LLC, (MDC) to the City, approving an Easement Agreement between the City and MDC, and finding the same exempt from the California Environmental Quality Act.

5. **Amendment to Professional Services Agreement with Rincon Consultants, Inc.**
   Recommended Action: Authorize the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Rincon Consultants, Inc. (Rincon) to allow for a six-month extension of the existing agreement through June 30, 2020, and increase the Compensation for Services by $61,000.

6. **Acceptance of Southern California Gas Company Grant to Develop an Actionable Community Resilience and Adaptation Plan**
   Recommended Action: Adopt Resolution No. 19-52 authorizing submittal for acceptance of Southern California Gas Company (SoCalGas) Climate Adaptation and Resilience Planning $50,000 grant.
7. Professional Services Agreement with Mission Critical Partners  
Recommended Action: Authorize the City Manager to negotiate and execute an agreement with Mission Critical Partners for the preparation of an Outdoor Warning Siren System Planning Study in an amount not to exceed $59,623.

9. First Amendment to Lease Agreement for 23661 Pacific Coast Highway (Malibu Medical Corporation)
Recommended Action: Approve First Amendment to Lease Agreement for 23661 Pacific Coast Highway with Malibu Medical Corporation.

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

4. Award Water Bottle Filling Stations Project  
Recommended Action: 1) Approve the award and authorize the City Manager to execute a construction contract with Zusser Company, Inc. in the amount of $67,000 for the Water Bottle Filling Station Project, Specification No. 2076; and 2) Authorize the Public Works Director to approve potential change orders up to 20% of the Agreement amount.

Community Services Director Bobbett presented the staff report.

John Mazza indicated opposition to the recommended action. He stated the project was too expensive.

Marianne Riggins indicated support for the recommended action. She stated the outdoor stations were built to withstand the Malibu environment.

MOTION  
Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to: 1) approve the award and authorize the City Manager to execute a construction contract with Zusser Company, Inc. in the amount of $67,000 for the Water Bottle Filling Station Project, Specification No. 2076; and 2) authorize the Public Works Director to approve potential change orders up to 20% of the Agreement amount.

In response to Mayor Pro Tem Pierson, Community Services Director Bobbett stated additional plumbing work, prevailing wage, and insurance requirements added extra costs.

In response to Councilmember Wagner, Community Services Director Bobbett stated the total price included the check valve, warranty on the work, and the purchase of the stations.

Councilmember Mullen stated the stations would get a lot of use and would hopefully be built for the elements.
In response to Councilmember Wagner, Councilmember Mullen stated he believed the County installed the bottle filling station at the Fire Station where he worked.

The motion carried unanimously.

8. **Amendment to Professional Services Agreement with Moffatt & Nichol**

   Recommended Action: 1) Authorize the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Moffatt & Nichol in the amount of $187,350 for professional engineering services to prepare an additional response regarding the Federal Emergency Management Agency Preliminary Coastal Flood Maps; and 2) Appropriate $213,280 from the General Fund Undesignated Reserve.

   Public Works Director DuBoux presented the staff report.

Lloyd Ahern thanked Councilmembers Peak and Mullen, City Manager Feldman, and Public Works Director DuBoux for their work on the issue.

**MOTION**

Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) authorize the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Moffatt & Nichol in the amount of $187,350 for professional engineering services to prepare an additional response regarding the Federal Emergency Management Agency Preliminary Coastal Flood Maps; and 2) appropriate $213,280 from the General Fund Undesignated Reserve.

Councilmember Mullen thanked the community for highlighting the need for the City to address the Federal Emergency Management Agency Preliminary Coastal Flood Maps.

Councilmember Wagner discussed the Malibu Lagoon. He discussed the importance of identifying funding for the Malibu Lagoon State Beach Coastal Geomorphology and Hydrology Study.

The motion carried unanimously.

**ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

A. Local Coastal Program Amendment No. 14-001 - Discussion of Options for Regulating the Use of Anticoagulant Rodenticides including an Ordinance to Prohibit the Use of Anticoagulant Rodenticides Citywide

   Recommended Action: 1) Discuss options for regulating the use of anticoagulant rodenticides in the City; and 2) If the Council wishes to move forward with an amendment to the Local Coastal Program (LCP), a) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 459 (Attachment 1) determining Local Coastal Program Amendment (LCPA) No. 14-
001 is exempt from the California Environmental Quality Act and amending the Local Coastal Program Local Implementation Plan to modify Chapter 3 pertaining to a citywide prohibition on anticoagulant rodenticides for development subject to a coastal development permit (citywide); b) Direct staff to schedule second reading and adoption of Ordinance No. 459 for the January 13, 2020 Regular City Council meeting; and c) Adopt Resolution No. 19-54 determining Local Coastal Program Amendment No. 14-001 is exempt from the California Environmental Quality Act and amending the Local Coastal Program Land Use Plan to modify Chapter 3 and Chapter 5 pertaining to a citywide prohibition of anticoagulant rodenticides for development subject to a coastal development permit (citywide).

Planning Director Blue presented the staff report. She stated the word anticoagulant could be removed to make the Local Coastal Program Amendment (LCPA) more general. She discussed the language proposed by Poison Free Malibu which would amend Land Use Plan (LUP) Section 3.18 to read as follows:

“The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources, shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management, such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.’’

Planning Director Blue recommended a new subsection 1.e. in the LUP so it was citywide. She discussed input from the County of Los Angeles Planning Director about implementation of its ordinance, which was only enforced on a complaint-driven basis. She stated no one in Los Angeles County had been cited under the ban.

John Mazza stated Poison Free Malibu had spent over five years working on a pesticide ban. He stated a Best Best & Krieger attorney, Michael Jenkins, represented the Los Angeles County West Vector Control District and the San Gabriel Valley Mosquito and Vector Control District. He stated the Council should take the advice of non-conflicted counsel and adopt the language proposed by Poison Free Malibu.

Hamish Patterson stated Malibu needed to be a leader in being environmentally friendly. He discussed the importance of informing the citizens of the hazard in using pesticides and rodenticides. He stated the time to act was now.

Wilmar Mejia, Sr. stated he used to work for the pest control industry but realized the damage poisons were causing. He discussed alternatives to pesticides.
Margot Smit discussed the use of bait boxes by her homeowners association. She discussed the importance of living in harmony with the environment. She indicated support for the language proposed by Poison Free Malibu.

Debra Bianco stated the Council needed to set an example for the next generation. She indicated support for the language proposed by Poison Free Malibu.

Sherman Baylin indicated support for the language proposed by Poison Free Malibu. She discussed the suffering that poisons cause animals.

Scott Dittrich stated it was embarrassing the City had not yet banned poisons. He stated poisons went up the food chain.

Nadine Llanos deferred her time to Judy Villablanca.

Judy Villablanca, on behalf of Malibu Monarch Project, requested the Council approve the language proposed by Poison Free Malibu. She discussed the importance of including insecticides and herbicides in the ban despite the opinion of the City Attorney.

Bryce Anderson stated the death of a single large predator due to ingestion of rodenticides was a major setback to the actual goal of reducing the rodent population.

Lisa Levinson, on behalf of In Defense of Animals, indicated support for the language proposed by Poison Free Malibu.

Keegan Gibbs questioned why the ban on rodenticides had taken so long. He stated the Council needed to regain the trust of the public.

Roger Pugliese, on behalf of Las Virgenes Homeowners Federation, indicated support for a ban on pesticides. He stated Los Angeles County had implemented and enforced a ban on pesticides.

Norm Haynie indicated support for the language proposed by Poison Free Malibu.

Noah Garrison, Environmental Science Practicum Director of University of California, Los Angeles, Institute of the Environment and Sustainability, stated the City had the authority to ban rodenticides. He stated any challenge to the decision would be a challenge to the California Coastal Commission (CCC) and not the City itself. He stated the ban should also include insecticides and herbicides.

Kevin Shenkman stated he disagreed with City Attorney Hogin’s opinion on whether the City had the legal authority to regulate the use of rodenticides. He stated California State law did not state pest control companies could not be regulated on the local level. He stated enforcement was the key to accomplishing the goal of the ordinance.
Robert Bruce deferred his time to Kian Schulman

Denny Melle deferred his time to Kian Schulman

Carol Moss deferred her time to Kian Schulman

Kian Schulman, on behalf of Poison Free Malibu, discussed the history of outreach efforts of Poison Free Malibu.

Susie Duff read from a letter from Senator Henry Stern dated December 6, 2019. She read his request that the Council go beyond the staff proposal and enact a ban on all pesticides, including herbicides, insecticides, rodenticides, and toxic chemical species.

Charlotte Louks deferred her time to Frank Angel.

Lacey Lehmon deferred her time to Frank Angel.

Sydney McDonnell deferred her time to Frank Angel.

Brian Planas deferred his time to Frank Angel.

Marsha Manes deferred her time to Frank Angel.

Frank Angel stated a ban that applied to existing development was necessary. He stated the Food and Agriculture Code restricting local control would not apply to an LCPA since it had to be certified by the CCC. He indicated support for the language proposed by Poison Free Malibu.

Johnathan Rice deferred his time to Michelle Black.

Jacqueline Strum deferred her time to Michelle Black.

Michelle Black, of Chatten-Brown, Carstens & Minteer on behalf of Poison Free Malibu, stated an LCPA was not preempted by the Food and Agriculture Code. She stated liability for litigation would shift to the CCC since it would have to certify the LCPA. She indicated support for the language proposed by Poison Free Malibu.

Michelle Geff deferred her time to Kelly Meyer.

Nichole McGinley deferred her time to Kelly Meyer.

Kelly Meyer, on behalf of Natural Resources Defense Council, read from a letter from David Pettit and Joel Reynolds dated November 26, 2019.

Cambria Wells deferred her time to Stephany Lewis.
Kelly Zimmerman deferred her time to Stephany Lewis.

Stephany Lewis, on behalf of California Wildlife Center, discussed the effects of pesticides, including herbicides, insecticides, rodenticides, and toxic chemical species. She stated 23 of 24 mountain lions tested positive for exposure to rodenticides.

Walter Zelman deferred his time to Georgia Goldfarb.

Georgia Goldfarb, on behalf of Malibu Monarch Project, indicated support for the language proposed by Poison Free Malibu. She stated the ban was allowed in the Coastal Zone. She stated all pollinators were in rapid decline.

Andy Lyon deferred his time to Steve Uhring.

Steve Uhring discussed a letter submitted by the National Parks Service, which discussed studies that provided clear evidence toxic compounds had a significant negative impact on the wildlife in the Santa Monica Mountains and surrounding areas. He thanked the Schulmans for the work they had done.

Randi Felich, on behalf of Project Coyote, indicated support for the language proposed by Poison Free Malibu.

Reneta Pompelli, read a letter from the Xerces Society. She indicated support for a ban on anticoagulant rodenticides.

Dennis Arguelles, on behalf of the National Parks Conservation Association, discussed the importance of local landscape and wildlife protection efforts. He indicated support for a ban on anticoagulant rodenticides.

Victoria Hana deferred her time to Patt Healy.

Patt Healy indicated support for the language proposed by Poison Free Malibu, which would prohibit pesticides, including herbicides, insecticides, rodenticides, or any toxic chemical substance with the potential to significantly degrade biological resources throughout the City.

Paisley West deferred her time to Joel Schulman.

Janet Friesen deferred her time to Joel Schulman.

June Louks deferred her time to Joel Schulman.

Joel Schulman discussed the Los Angeles County pesticide prohibition since 2014. He discussed the history of outreach efforts of Poison Free Malibu. He discussed the Mountainlands Conservancy v. California Coastal Commission lawsuit. He stated the City could not wait for California State law to change.
Carson Meyer discussed bioaccumulation. She stated the City had a unique opportunity to enact change at a local level.

Suzanne Guldimann indicated support for the language proposed by Poison Free Malibu.

Tony Tucci, on behalf of Citizens for Los Angeles Wildlife (CLAW), indicated support for the language proposed by Poison Free Malibu.

Griffin Churchill was not present at the time of the hearing.

Christine Renau indicated support for the language proposed by Poison Free Malibu.

Rebecca Catterall was not present at the time of the hearing.

Cameron Wellwood stated toxic chemicals were accumulating everywhere.

Stephanie Sunwoo indicated support for a ban on poisons in Malibu.

Carrie Carrier turned in a speaker slip after the Mayor had determined the time for accepting speaker slips had ended. No favor or opposition was indicated.

Councilmember Peak thanked the community for its comments.

**MOTION**

Councilmember Peak moved to adopt Resolution No. 19-54, as amended to include the language proposed by Poison Free Malibu.

In response to Councilmember Peak, Planning Director Blue stated the language proposed by Poison Free Malibu would work where it was proposed in the LUP since it lists the prohibition as being citywide. She stated the ban could be added as a condition of approval to all new Coastal Development Permits. She stated the LCPA could be submitted to the CCC as early as next week with a note the Council desired the amendment be processed expeditiously.

In response to Councilmember Peak, Assistant City Attorney Rusin stated the Council could regulate the sale of pesticides within the City.

Mayor Pro Tem Pierson seconded the motion.

Assistant City Attorney Rusin clarified Resolution No. 19-54 would be amended to replace Section 4 with the language proposed by Poison Free Malibu.

**AMENDED MOTION**

Councilmember Peak moved to amend his motion to add direction to staff to include a condition of approval for every City-issued Coastal Development Permit for new development, unless a basis cannot be formed for its inclusion, imposing
a prohibition on use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources as follows: The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management, such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time. The seconder accepted the amendment.

Mayor Pro Tem Pierson thanked the community for its support and input. He thanked the Schulmans. He stated City Attorney Hogin was not in the hands of the pesticide companies and was not in favor of pesticide use. He discussed the importance of enforcement.

Councilmember Wagner discussed the importance of community involvement. He stated the Schulmans should set the standard for pesticide regulation in the City.

Councilmember Mullen thanked the community for its input. He thanked staff for including the proposed language from Poison Free Malibu in the staff report for Council consideration. He stated the ban was overdue and any risk of litigation was one worth taking. He thanked the Schulmans.

Councilmember Peak stated the Council passed a resolution in July 2013 opposing the sale and use of anticoagulant rodenticides within the City. He requested a new resolution come back to Council address pesticides, including insecticides and herbicides.

Mayor Farrer stated previous Councils must have had their reasons for not enacting a ban earlier. She thanked Sherman Baylin and Stephany Lewis for the compassion they showed to suffering animals. She thanked June Louks, Suzanne Guldimann, and Joel and Kian Schulman.

Assistant City Attorney Rusin clarified the motion was to: 1) adopt Resolution No. 19-54, as amended, determining Local Coastal Program Amendment No. 14-001 is exempt from the California Environmental Quality Act and amending the Local Coastal Program Land Use Plan to modify Policy 3.18 in Chapter 3 pertaining to a citywide prohibition of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources (citywide); and 2) directed staff to include a condition of approval for every City-issued Coastal Development Permit for new development, unless a basis cannot be formed for its inclusion, imposing a prohibition on the use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources as follows: The eradication of invasive
plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management, such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

The maker and the seconder confirmed the motion. The question was called and the motion carried unanimously.

RECESS  At 9:55 p.m., the Mayor called a recess. The meeting reconvened at 10:08 p.m., with all Councilmembers present.

B. California Building Standards Code

Recommended Action: 1) After the City Attorney reads the title of the ordinance, adopt Ordinance No. 457U, an urgency ordinance of the City of Malibu, adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2019 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2019 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2019 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2019 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2019 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2019 Edition; the California Energy Code, 2019 Edition; Title 33 of the Los Angeles County Code, incorporating the California Existing Building Code, 2019 Edition; the California Fire Code, 2019 Edition; making amendments to said codes; repealing Ordinance No. 413; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 457 adopting by reference the building standards adopted by Ordinance No. 457U; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 457 for the January 13, 2020 City Council Meeting.

Environmental Sustainability Director Bundy presented the staff report.

MOTION  Councilmember Peak moved and Councilmember Wagner seconded a motion to: 1) adopt Ordinance No. 457U, an urgency ordinance of the City of Malibu, adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2019 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2019 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2019 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2019 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2019 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2019 Edition; the California Energy Code, 2019 Edition; Title 33 of the Los Angeles County Code, incorporating the California Existing Building Code, 2019 Edition; the California Fire Code, 2019 Edition; making amendments to said codes; repealing Ordinance No. 413; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 457 adopting by reference the building standards adopted by Ordinance No. 457U; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 457 for the January 13, 2020 City Council Meeting.
Code, 2019 edition; the California Energy Code, 2019 Edition; Title 33 of the Los Angeles County Code, incorporating the California Existing Building Code, 2019 Edition; the California Fire Code, 2019 Edition; making amendments to said codes; repealing Ordinance No. 413; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) introduce on first reading Ordinance No.457 adopting by reference the building standards adopted by Ordinance No. 457U; and 3) direct staff to schedule second reading and adoption of Ordinance No. 457 for the January 13, 2020 City Council Meeting.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. City Manager Employment Agreement (Salary Provisions)
Action: Confirm that Reva Feldman received a positive evaluation within the meaning of her employment contract and determine that her contractual salary increase is retroactively effective as of May 3, 2019.

Assistant City Attorney Rusin presented the item.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to confirm that Reva Feldman received a positive evaluation within the meaning of her employment contract and determine that her contractual salary increase is retroactively effective as of May 3, 2019. The motion carried 4-0, Councilmember Wagner abstaining.

ITEM 7 COUNCIL ITEMS

A. Malibu Visitors Center (Mayor Farrer and Mayor Pro Tem Pierson)
Recommended Action: At the request of Mayor Farrer and Mayor Pro Tem Pierson, authorize the Mayor to send a letter of support for the establishment of a Malibu Visitors Center.

Mayor Pro Tem Pierson clarified the City was not opening a visitors center. He stated the item was in support of a Malibu Chamber of Commerce visitors center. He stated the business he was employed by, Saltwater Software, was developing a loyalty program that was distributed freely to local businesses through chambers of commerce. He stated no conflict of interest existed for him.

John Mazza stated the letter of support should specify support only for proposed uses that were allowed in the zoning code and LCP. He stated the proposal was too vague for the Council to consider.
Erin Johnson deferred her time to Lenise Soren.

Lenise Soren stated the visitors center was proposed in support of her nonprofit organization, Malibu Gives, for a giving and retail blend to support causes and local nonprofits.

Steve Uhring discussed a possible conflict of interest for Mayor Pro Tem Pierson. He stated the letter of support could be looked at as an endorsement of a specific product. He stated the name Malibu should be left off any visitors center.

Kraig Hill indicated support for a community center. He objected to the name Malibu being attached to the visitors center. He stated an official Malibu visitors center should be vetted through a public process. He stated retail should be ancillary. He stated an arts center should not be called a cultural arts center.

Judy Villablanca stated the proposal was too vague for the Council to consider. She objected to the name Malibu being attached to the visitors center. She stated a letter of support should be brought back to the Council for consideration. She stated most people looked to websites for visitor information.

Lotte Cherin was not present at the time of the hearing.

Mayor Pro Tem Pierson stated the intent was to support local businesses.

Councilmember Wagner stated local businesses needed support. He discussed the former Artifact Tree. He expressed support for a proposed letter of support to be brought to the Council for consideration.

Councilmember Peak stated the parameters of the City’s role needed to be clearly outlined.

Councilmember Mullen stated Ms. Soren was a force of enthusiasm for Malibu. He questioned whether the idea was fully-formed. He expressed appreciation for endeavors that support local businesses. He expressed concern for calling the visitors center something official. He stated any caution on the part of the Council was due to the need for more details.

Mayor Farrer thanked Ms. Soren for her concern for the community. She stated a website could not replace a physical gathering place. She stated she envisioned a visitors center as being a hub for the community and visitors. She discussed her own experience in using visitors centers.

Councilmember Peak suggested a letter come back to Council for further consideration.
In response to Mayor Farrer, Assistant City Attorney Rusin stated a letter of support would not exempt any organization from any City codes.

Mayor Pro Tem Pierson stated the Malibu Chamber of Commerce would not be charged a fee by Saltwater Software since it would pilot the loyalty program.

Mayor Farrer stated Mayor Pro Tem Pierson and she would work to refine a letter.

**MOTION**

Councilmember Mullen moved and Councilmember Peak seconded a motion to continue to the January 13, 2020 City Council Regular meeting consideration of authorizing the Mayor to send a letter of support for the establishment of a Malibu Visitors Center. The motion carried unanimously.

**B. Wildfire Prevention (Councilmember Wagner)**

Recommended Action: At the request of Councilmember Wagner, 1) Authorize the Mayor to send a letter to Governor Newsom requesting that he initiate legislation to: a) require mandatory inspections by National Fire Prevention Association (NFPA) and compliance with NFPA guidelines that combine proper landscaping and structure hardening to prevent ember ignition; and b) require utility companies to place above ground equipment underground, starting with areas most susceptible to fires; and 2) Direct the City’s lobbyist to work with State legislators and agencies to initiate this legislation.

Councilmember Wagner presented the item.

Scott Dittrich stated most homes that were lost in the Woolsey Fire were lost due to embers. He stated the NFPA guidelines could prevent future losses.

In response to Councilmember Peak, Councilmember Wagner stated, in light of the correspondence received from Anne Hoffman, he felt community members that voluntarily participated in the City’s Home Ignition Zone Assessment Program should be rewarded with lower insurance rates.

Councilmember Peak stated it would be difficult for the Council to have a mandatory guideline for someone to save on insurance. He stated it would be hard to require utility companies to underground equipment.

Councilmember Wagner stated the letter could be crafted to encourage utility companies to explore undergrounding.

Councilmember Peak suggested a letter be sent to California FAIR Plan requesting it offer discounted insurance to homeowners who had fire-hardened landscape and structures.
Councilmember Mullen indicated support for a letter to be sent to the California Insurance Commissioner to encourage insurance companies to provide a discount to homeowners who had fire-hardened landscape and structures.

Councilmember Wagner stated homeowners who had fire-hardened landscape and structures should be rewarded.

Councilmember Mullen suggested finding out if there was already a program that incentivized risk assessment.

Councilmember Peak suggested Councilmember Wagner reach out to California Insurance Commissioner Ricardo Lara to see what support was necessary to change insurance company behavior. He stated mandatory inspections did not seem like something the City should require.

Councilmember Mullen stated the community needed to be aware of how to best prepare their property to mitigate fire hazards.

In response to Councilmember Mullen, City Manager Feldman stated California Strategies & Advocacy, LLC had worked with California Insurance Commissioner Lara to schedule the town hall that would be held in Malibu in January 2020. She stated she could work with California Insurance Commissioner Lara to see what would be best to put in a letter.

Mayor Farrer stated it was similar to receiving discounted insurance for having a good driving record.

Mayor Pro Tem Pierson stated he previously spoke with California Insurance Commissioner Lara about this issue. He discussed his own home and indicated support for fire-resilient properties.

Councilmember Mullen indicated support for the City lobbyists to work with California Insurance Commissioner Lara.

Councilmember Wagner discussed the importance of having a conversation with California Insurance Commissioner Lara before he came to Malibu in January 2020.

**MOTION**

Councilmember Mullen moved and Councilmember Wagner seconded a motion to direct staff to have California Strategies & Advocacy, LLC, the City’s lobbyist, reach out to California Insurance Commissioner Ricardo Lara’s office to more clearly define how insurance companies can insure or discount rates for homes that have been inspected and found in compliance with National Fire Prevention Association standards. The motion carried unanimously.
C. **Fireworks Exemption Request**

Recommended Action: Approve the request from Jim Lippman for exemption from the date restrictions of Malibu Municipal Code (MMC) Section 9.36.010 to allow an offshore fireworks display from a barge in the area of 22706 Pacific Coast Highway (PCH) on Saturday, February 8, 2020.

City Manager Feldman presented the item.

In response to Councilmember Mullen, Assistant City Attorney Rusin clarified the Council was only considering an exemption for this permit application.

John Mazza indicated opposition to the recommended action.

Kraig Hill indicated opposition to the recommended action.

Mayor Pro Tem Pierson stated an off-season firework display caused his dog to run onto PCH where he was killed. He indicated opposition to the request.

City Manager Feldman clarified the item was being brought before the Council as was the policy.

Councilmember Mullen stated there was no compelling reason to stray from the existing guidelines and rules in place. He indicated opposition to the request.

Councilmember Peak discussed the impact fireworks had on domestic animals and wildlife. He indicated opposition to the request.

**MOTION** Councilmember Peak moved and Councilmember Mullen seconded a motion to deny the request from Jim Lippman for exemption from the date restrictions of Malibu Municipal Code (MMC) Section 9.36.010 to allow an offshore fireworks display from a barge in the area of 22706 PCH on Saturday, February 8, 2020.

Councilmember Wagner stated there were allowed timeframes for fireworks. He indicated opposition to the request.

The motion carried unanimously.

**ADJOURNMENT**

**MOTION** At 11:22 p.m., Mayor Pro Tem Pierson moved and Councilmember Mullen seconded a motion to adjourn the meeting in memory of Hallie Sills and Bobby Walker. The motion carried unanimously.
Approved and adopted by the City Council of the City of Malibu on ________.

_________________________________
KAREN FARRER, Mayor

ATTEST:

_______________________________
HEATHER GLASER, City Clerk
(seal)