



Council Agenda Report

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: March 4, 2020 Meeting date: March 16, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the February 10, 2020 and February 24, 2020 Malibu City Council Regular meetings.

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 February 10, 2020 and February 24, 2020.

ATTACHMENTS:

1. February 10, 2020 Malibu City Council Regular meeting minutes
2. February 24, 2020 Malibu City Council Regular meeting minutes

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 10, 2020
COUNCIL CHAMBERS
6:30 P.M.

MEETING CALL TO ORDER

Mayor Farrer called the meeting to order at 6:02 p.m.

PUBLIC COMMENT ON CLOSED SESSION

None.

RECESS TO CLOSED SESSION

At 6:02 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 – Existing litigation pursuant to Government Code Section 54956.9(d)(1):

1. Third Point Land Company LLC v. City of Malibu
Los Angeles County Superior Court Case No. 198MCP00565

REGULAR SESSION CALL TO ORDER

Mayor Farrer called the meeting to order at 6:39 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; and Jefferson Wagner

ABSENT: Councilmember Skylar Peak

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Reva Feldman, 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; Matt Myerhoff, Media Information Officer; Sarah Kaplan, Public Safety Specialist; Jerry Vandermeulen, Fire Safety Liaison; Kelsey Pettijohn, Deputy City Clerk; Richard Mollica, Assistant Planning Director; Lilly Rudolph, Contract Planner; and Adam Chase, Assistant Public Works Director

PLEDGE OF ALLEGIANCE

Carey Upton led the Pledge of Allegiance.

CLOSED SESSION REPORT

Assistant City Attorney Rusin reported that the Regular meeting convened at 6:02 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(1), with all Councilmembers present except Councilmember Peak. He stated the Council discussed the item listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved and Councilmember Wagner seconded a motion to approve the agenda.

FRIENDLY AMENDMENT

Mayor Farrer moved to amend the motion to adjourn in memory of Phil Cott. The maker and seconder accepted the amendment. The motion carried 4-0, Councilmember Peak absent.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on January 30, 2020, with the amended agenda and second amended agenda posted on February 6, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of “Roadmap for a Resilient Community” by Los Angeles Emergency Preparedness Foundation

Brent Woodworth, Los Angeles Emergency Preparedness Foundation, introduced Stephen Jensen and Shirley Jensen. He presented the report, *The 2018 Woolsey Fire: A Catalyst for Change*, and discussed wildland urban interface challenges.

Stephen Jensen discussed wildland fire interface dependency factors.

Mr. Woodworth discussed the collective action to reduce wildland urban interface risk and impact.

Shirley Jensen discussed a Roadmap for a Resilient Wildland Urban Interface Community.

Mr. Woodworth discussed the importance of evacuation and repopulation,

volunteer fire front following support teams, logistical community support systems, and environmental vegetation management.

Mayor Farrer thanked Mr. Woodworth, Mr. Jensen, and Mrs. Jensen.

Mayor Pro Tem Pierson thanked Mr. Woodworth.

B. Staff Update on Disaster Response and Recovery

Public Safety Manager Dueñas announced a survey, as well as community workshops on February 20, 2020 and February 22, 2020 regarding the Community Wildfire Protection Plan. She stated the draft evacuation plan was presented to the Disaster Council on January 30, 2020 and stated it would come before the City Council on February 24, 2020. She stated 28 residents had graduated on February 8, 2020 from the last Community Emergency Response Team (CERT) training class. She announced the next set of CERT classes would begin on March 5, 2020. She announced Preparedness for Seniors (55 and older) and People with Disabilities events on February 18, 2020 and March 3, 2020. She encouraged the public to sign up for disaster notifications.

Assistant Planning Director Mollica stated the Planning Department had approved over 200 single-family residence Woolsey Fire rebuild permits. He discussed trends for the type of rebuild permits being applied for each month. He stated approximately \$2.1 million in rebuild permit fees had been waived or refunded.

Environmental Sustainability Director Bundy stated 69 building permits had been issued, 81 projects were in plan review, and two homes had been completed.

ITEM 2.A. PUBLIC COMMENTS

Kraig Hill discussed mandatory evacuations during a fire. He requested a progress report on backup power for water pumps in canyon neighborhoods and backup power for telecommunications during an emergency.

Matthew Mendenhall promoted the Malibu Film Festival and thanked the Council for waiving certain facility use fees for the event.

Bruce Silverstein discussed homelessness issues in Malibu and the possibility of creating a shelter in Malibu. He stated Malibu should coordinate efforts with the City of Los Angeles, the County of Los Angeles, and the State of California.

Don Richstone discussed fire safety on Point Dume. He stated each property needed to be inspected for fire hazards. He stated the City needed to follow up on landscaping plans implemented on each property. He stated the City needed to determine if placement of No Parking signs on Point Dume was legally defensible.

John Mazza indicated agreement with Mr. Richstone. He requested *The 2018 Woolsey Fire: A Catalyst for Change* be added to the City's website.

Bonnie Foster promoted the Malibu Film Festival and thanked the Council for waiving certain facility use fees for the event.

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

City Manager Feldman stated the deadline for submission for Call for Artists: The Birds and the Bees, A Celebration of Spring in Malibu was February 20, 2020. She stated City Hall would be closed on February 17, 2020 in observance of Presidents Day. She stated the temporary skate park project would go before the Parks and Recreation Commission on February 18, 2020, and back to the City Council on February 24, 2020. She stated applications for General Fund Grants were due to the City by March 31, 2020. She stated a robust report on the progress of many public safety items would go before the Public Safety Commission and then to the City Council in the near future.

In response to Councilmember Mullen, City Manager Feldman discussed the recent League of California Cities City Managers Conference.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

In response to Councilmember Wagner, City Manager Feldman stated Charmlee Wilderness Park was closed until repairs could be completed. Community Services Director Bobbett stated work on the ranger station trailer and trails due to the Woolsey Fire still needed to be completed before the Park could be reopened. City Manager Feldman stated staff was working with the California Department of Parks and Recreation (State Parks) to put a ranger in the residence at the Park.

Councilmember Mullen thanked Mr. Woodworth, Mr. Jensen, and Mrs. Jensen. He stated the City had made progress in emergency preparedness but stated there was more room for improvement. He stated it was the responsibly of all those living in high fire hazard areas to have the proper mindset and prepare themselves for the dangers inherent to living in the area.

In response to Councilmember Mullen, City Manager Feldman stated the Dolphin Decal Access Program would not and never had allowed residents into the City during a hard road closure.

Councilmember Wagner and Mayor Pro Tem Pierson indicated support for adding *The 2018 Woolsey Fire: A Catalyst for Change* to the City's website.

Mayor Pro Tem Pierson thanked the public speakers. He discussed community issues surrounding homelessness. He stated he attended the recent Library Speaker Series event. He stated he spoke with California Insurance Commissioner

Lara regarding affordable insurance for resilient buildings. He stated he attended the UCLA Malibu - Family Medicine, Internal Medicine & Pediatrics open house event. He stated Mayor Farrer and he met with Julie Tumamait-Stenslie regarding local Chumash tribe concerns and activities. He stated he attended a Malibu's Got Talent event, a Student Art Exhibit artist reception at Malibu City Hall, and a Santa Monica Hygiene Kit Assembly & Donation event. He stated he served as a judge at the Malibu Boys and Girls Club 2020 Youth of the Year event. He stated filming of *King Tides* with Surfrider Foundation had been postponed due to weather.

Mayor Farrer thanked Mr. Woodworth, Mr. Jensen, and Mrs. Jensen. She discussed Woolsey Fire fee waivers and stated no other city or county had waived fees following the 2018 fires. She encouraged the community to schedule an appointment with Fire Safety Liaison Vandermeulen for a Home Ignition Zone Assessment. She stated she had attended many of the same meetings as Mayor Pro Tem Pierson. She stated she attended a meeting of the Los Angeles County Division of the League of California Cities. She stated Councilmember Mullen and she met with Assemblymember Richard Bloom regarding school district separation efforts.

In response to Mayor Farrer, City Manager Feldman stated there had been 39 one-on-one appointments scheduled in connection with the workshop held with California Insurance Commissioner Ricardo Lara.

Mayor Farrer stated she met with Los Angeles County Fire Department Battalion Chief Mike Brown regarding a parcel tax measure on the ballot for Los Angeles County Fire District voters in Los Angeles County on March 3, 2020. She stated she introduced the Student Art Exhibit at Malibu City Hall. She stated he served as a judge at the Malibu Boys and Girls Club 2020 Youth of the Year event and thanked Kasey Earnest and her staff for their work with Malibu youth.

ITEM 3 CONSENT CALENDAR

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

MOTION Mayor Pro Tem Pierson moved and Councilmember Wagner seconded a motion to approve the Consent Calendar, except for Item No. 3.B.6. The motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- B. New Items

1. Waive Further Reading
Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
2. Approve Warrants
Recommended Action: Allow and approve warrant demand numbers 59319-59436 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. 653 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,856,512.98. City of Malibu payroll check numbers 5074-5076 and ACH deposits were issued in the amount of \$222,543.28.
3. Approval of Minutes
Recommended Action: Approve the minutes for the January 13, 2020 Malibu City Council Regular meeting.
4. City Phone System
Recommended Action: Authorize the City Manager to execute a service agreement with Nextiva for hosted network services for the phone system at City facilities.
5. Professional Services Agreement with Access Information Protected
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Access Information Protected for storage of the City's offsite records, services and transportation pertaining to records management through December 31, 2021.

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

Mayor Pro Tem Pierson recused himself and left the dais at 7:43 p.m.

6. Point Dume Headlands Gate/Traffic Spikes (29300.5 Cliffside Drive, within the public right-of-way; Applicant/Property Owner: City of Malibu)
Recommended Action: 1) Remove the project from the Fiscal Year 2019/2020 Capital Improvement Project list; and 2) Direct staff to withdraw the pending coastal development permit (CDP) application.

Planning Director Blue presented the staff report.

Marianne Riggins stated the California Coastal Commission (CCC) staff report was one-sided. She discussed the settlement agreement between the City and CCC. She questioned whether the California Department of Parks and Recreation (State Parks) had fulfilled its obligation to develop a Management Plan and Access Study for the Point Dume State Beach and Natural Preserve (Preserve). She stated the parking lot at Westward Beach also had a gate and alligator teeth. She stated State Parks did not contribute toward the cost of monitoring or enforcement for its property

within the City. She stated State Parks had not provided a docent for the Preserve.

Don Richstone indicated agreement with Ms. Riggins. He encouraged the City to do research on the legality of posting No Parking signs on Point Dume. He stated a study should be done on the ecological and geological deterioration of the Preserve.

In response to Councilmember Mullen, Planning Director Blue stated the Planning Commission had approved a CDP in 2019, which had been appealed to the CCC. She stated the CCC appeal hearing was scheduled for February 13, 2020. She stated the CCC hearing was likely not the best venue for discussing the parking issues.

Councilmember Mullen discussed the comment submitted by Brian Merrick.

Councilmember Wagner discussed safety concerns surrounding overuse of the Preserve. He stated without a gate and alligator teeth, there was no way to control use of the park after hours. He stated the Preserve was not being properly maintained or policed by State Parks.

Mayor Farrer stated the appeal to the CCC had brought up a bunch of items that were unrelated to the parking issues on Point Dume. She stated the shuttle service between the Westward Beach parking lot and the Preserve had not served the community.

In response to Mayor Farrer, City Manager Feldman stated she would find out whether State Parks had developed a Management Plan and Access Study for the Preserve.

Mayor Farrer stated there should be signage directing people from the Preserve to Westward Beach to park. She discussed the fragility of the Preserve and stated it needed stewardship.

MOTION

Councilmember Mullen moved to: 1) remove the project from the Fiscal Year 2019-2020 Capital Improvement Project list; and 2) direct staff to withdraw the pending CDP application.

FRIENDLY AMENDMENT

Councilmember Wagner seconded the motion and amended it to add direction to staff to reach out to State Parks for a management and enhancement plan for the Preserve.

City Manager Feldman stated consideration of a management and enhancement plan for the Preserve would need to come back as a separate item.

Assistant City Attorney Rusin stated the item was only to consider whether to remove the project from the Fiscal Year 2019-2020 Capital Improvement Project list and direct staff to withdraw the pending CDP application.

The maker of the motion did not accept the amendment.

Councilmember Mullen stated staff could illuminate the City's position to the CCC.

City Manager Feldman stated she could work with State Parks on proper management of the Preserve.

Councilmember Wagner stated the CCC needed to understand the position of Point Dume residents.

Councilmember Wagner seconded the original motion. The motion carried 3-0, Councilmember Peak and Mayor Pro Tem Pierson absent.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

Mayor Pro Tem Pierson returned to the dais at 8:04 p.m.

A. California Building Standards Code

Recommended Action: 1) Conduct the Public Hearing; and 2) Conduct second reading, unless waived, and adopt Ordinance No. 457, an 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; and finding the action exempt from the California Environmental Quality Act.

Environmental Sustainability Director Bundy presented the staff report.

MOTION Councilmember Mullen moved and Councilmember Wagner seconded a motion to adopt Ordinance No. 457, an 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; and finding the action exempt from the California Environmental Quality Act. The motion carried 4-0, Councilmember Peak absent.

Councilmember Wagner recused himself and left the dais at 8:06 p.m.

- B. Appeal No. 19-009 -Appeal of Planning Commission Resolution No. 19-72 (23800.5 Civic Center Way, within the public right-of-way, 4000 Malibu Canyon Road, and 23800 Civic Center Way; Appellant/Applicant: Public Works Department; Property Owner: City of Malibu and Green Acres, LLC)

Recommended Action: 1) Adopt Resolution No. 20-07, determining the project is categorically exempt from the California Environmental Quality Act (CEQA), granting Appeal No. 19-009 and approving Coastal Development Permit No. 19-018 and Variance Nos. 19-011 and -013 for construction of the Civic Center Way improvement project, which consists of roadway improvements along Civic Center Way between Malibu Canyon Road and Webb Way, along Webb Way between Civic Center Way and Pacific Coast Highway, and on an adjacent City-owned Island Parcel (APNs 4458-020-990 and -904, addressed as 23800 Civic Center Way), involving widening and improving the profile of Civic Center Way; installing sidewalks, bicycle lanes, landscaping, fencing, water quality treatment devices, and traffic control signage; adding an eastbound right turn lane from Civic Center Way to Webb Way; and allowing temporary staging on the City-owned Island Parcel; including a variance for construction within the 100-foot environmentally sensitive habitat area buffer and for a retaining wall in excess of six feet in height (up to 13.5 feet, including a safety railing) located in the public right-of-way and in the Commercial General (CG) and Commercial Visitor Serving – 2 (CV-2) zoning districts at 23800.5 Civic Center Way, 4000 Malibu Canyon Road and 23800 Civic Center Way (City of Malibu and Green Acres, LLC); and 2) Provide direction on the Planning Commission’s recommendation to study and mitigate any traffic impacts on Malibu Canyon Road that result from the project.

In response to City Manager Feldman, Assistant City Attorney Rusin discussed the procedure for the City’s appeal of the Planning Commission’s decision.

Contract Planner Rudolph presented the staff report.

Keegan Gibbs deferred his time to Kraig Hill.

Kraig Hill stated the decision of the Planning Commission should not be overturned except in the case of the Planning Commission decision being clearly incorrect. He discussed cost saving measures for the project. He stated adding a retaining wall on Civic Center Way would reduce the blind turn, but grading the hump would speed up traffic. He discussed plants in pockets in the retaining wall rather than a ground strip in front of the retaining wall. He indicated opposition to vinyl fencing. He stated decomposed granite pathways were in keeping with the rural character of Malibu and Legacy Park, were compliant with the Americans with Disabilities Act (ADA), and were more environmentally friendly.

Jim Palmer deferred his time to John Mazza.

John Mazza stated part of the appeal contained items that were not presented to the Planning Commission. He stated the Planning Commission tried to follow the General Plan and design a rural project. He stated wildlife permeable fences were required next to Environmentally Sensitive Habitat Areas (ESHA) and stated the fence should be non-vinyl. He stated the lighting needed to be Dark Sky compliant. He stated the bike lane was not safe.

Norm Haynie indicated support for the recommendation provided by the Public Works Department. He stated decomposed granite mixed with a binder might as well be concrete and would present maintenance issues. He stated the Council should allocate funds to place signal lights at Harbor Vista Drive and Malibu Canyon Road. He stated a comprehensive traffic study was necessary.

Lance Simmens stated the Public Works Commission and Public Safety Commission should consider the project again.

Paul Grisanti stated the hump on Civic Center Way had always been dangerous. He expressed concern about the way the Planning Commission handled the proceedings on the item. He stated the safety fence should not be removed from the project.

Scott Dittrich stated the item should be sent back to the Public Works Commission. He stated there was a traffic issue at Harbor Vista Drive and Malibu Canyon Road.

Bruce Silverstein stated the project included construction work within 100 feet of ESHA. He stated the Island Parcel would be used for construction staging. He stated the project would alter traffic flow onto Malibu Canyon Road. He expressed concern for heavy traffic flow at the intersection of Harbor Vista Road and Malibu Canyon Road. He discussed the fencing used by Southern California Edison on the Bell property. He stated the project could be appealed to the CCC if it was not handled properly.

Lloyd Ahern deferred his time to Steve Uhring.

Steve Uhring stated City staff was trying to take away the City's rural character. He stated the project objectives included eliminating conditions that made driving dangerous, as well as reducing congestion at the intersection of Pacific Coast Highway (PCH) and Malibu Canyon Road. He questioned why the reduction in congestion at PCH and Malibu Canyon Road had not been outlined in the Planning Commission staff report. He stated the dedicated right turn lane from Civic Center Way onto Malibu Canyon Road was not subject to a traffic light and provided few traffic breaks for streets north of PCH.

Cami Winikoff stated the streetlight being moved as part of the project should be Dark Sky compliant. She stated she was happy to provide the advice of a lighting engineer.

In response to Councilmember Mullen, City Manager Feldman stated the requirements placed on the project by the Planning Commission for the CDP required a change in the scope of the project, which made it necessary to appeal the decision of the Planning Commission so staff could obtain direction from the Council.

In response to Councilmember Mullen, Public Works Director DuBoux stated the proposed three-rail safety fence made of vinyl that looked like wood would be a longer lasting material than wood and had been used at Las Flores Creek Park. He stated staff was looking for direction from the Council on whether it wanted the project to start from scratch or be changed in any way. He stated taking the project back to the Public Works Commission and the Public Safety Commission would likely delay the project unnecessarily and cause the City to lose out on Metro Transportation funding options. He stated moving forward quickly would be advisable due to the recent pipe failure on Civic Center Way.

City Manager Feldman stated altering the scope of the project and taking it back to the Public Works Commission and the Public Safety Commission for review would also mean starting the CDP application process all over again.

Assistant City Attorney stated the Council needed to decide whether it could make the findings necessary to issue a CDP for the project as proposed by the Public Works Department.

Mayor Pro Tem Pierson discussed safety on Civic Center Way. He stated the area had needed improvement for a while.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated funding in the amount of \$2.1 million would lapse in June 2020 and may not be eligible for extension if the project was not moved forward soon.

Mayor Pro Tem Pierson stated it was time to make a decision on the project and indicated opposition to sending the project back to Commissions for further consideration. He discussed the burden of work the City was facing.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated there was a 15-inch gap at the bottom of the fence that made it wildlife permeable and would not disturb ESHA further than it had been previously.

City Manager Feldman stated the Public Works project was subject to different standards than a commercial project.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated the prefabricated retaining wall texture had been part of the project from the beginning. He stated the streetlight at the turnout on Civic Center Way was being relocated due to the road widening necessary for the project. He stated the streetlight was owned and operated by Southern California Edison (SCE).

In response to Mayor Pro Tem Pierson, Assistant City Attorney Rusin stated staff would look at the franchise agreement between the City and SCE to see if SCE had an obligation to meet Dark Sky compliance as a part of streetlight relocation.

Mayor Pro Tem Pierson stated streetlights in the City that could be made Dark Sky compliant, including SCE-owned streetlights, should be added to the work plan. He stated the bike lane classification should be addressed when the Island Parcel was developed.

In response to Mayor Pro Tem Pierson, Environmental Sustainability Director Bundy stated City projects fell under federal and state regulations, which required ADA compliance. She stated California Building Code Chapter 11B-302 required sidewalks to be a stable, firm, and slip resistant surface that remained unchanged to an applied force. She stated decomposed granite was allowed to be used for trails but not for sidewalks.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated porous concrete was proposed for the project and had been used at Trancas Park. He stated the porous concrete was more porous than decomposed granite with a binder, which unraveled.

Mayor Pro Tem Pierson discussed alternative options for fencing, such as Trex.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated staff could get pricing for alternative, non-vinyl fencing.

In response to Councilmember Mullen, Public Works Director DuBoux stated wiring was included in between the fencing rails to prevent falls. He stated the rail diameter could be made larger and wiring removed.

Mayor Pro Tem Pierson questioned why the Planning Commission chose to redesign the project instead of not making the findings for the CDP. He discussed the concerns of residents on Harbor Vista Drive. He stated the project would not bring more cars to Malibu Canyon Road. He indicated support for grading the

hump and the variance for the retaining wall. He indicated support for vegetation but questioned how it would be watered. He requested the Public Works Commission and the Public Safety Commission consider traffic conditions for residents off Malibu Canyon Road.

City Manager Feldman stated consideration of traffic on Malibu Canyon Road could be added to the Fiscal Year 2020-2021 Work Plan.

Mayor Pro Tem Pierson suggested lowering the speed limit on Civic Center Way to 35 miles per hour.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated staff would look at lowering the speed limit on Civic Center Way to 35 miles per hour. He stated staff could look into placing a Keep Clear indication on Malibu Canyon Road at Harbor Vista Drive to create gaps in high traffic conditions. He stated he would look into whether the proposal from Michael Omary was equivalent to what was already proposed for the project. He stated vegetation had not been planned near the fence. He stated vegetating the retaining wall could be looked at after the project was complete.

Mayor Farrer stated the item had been heard publicly six times and questioned why so many changes had been requested at such a late stage.

In response to Mayor Farrer, Public Works Director DuBoux stated staff would look at alternative, non-vinyl fencing and would replace the wires previously proposed with a larger diameter railing to prevent potential falls.

Planning Director Blue stated the 15-inch gap and wider diameter railing would meet the requirements for wildlife permeability in the LCP while maintaining public safety and ESHA protection.

Mayor Farrer stated the project needed to move forward.

In response to Mayor Farrer, Public Works Director DuBoux stated the streetlight that would be moved as part of the project had a lighting radius that was meant to light the turnout appropriately. He discussed safety concerns to consider when changing the streetlight to be Dark Sky compliant and reducing the lighting radius.

Planning Director Blue stated the streetlight that would be moved as part of the project was a warmer color temperature than most streetlights on PCH.

In response to Mayor Farrer, Public Works Director DuBoux stated the texturized retaining wall had not been used on any other City property. He stated the safety rail on top of the retaining wall was to protect anyone performing maintenance on the drainage gutter.

In response to Mayor Farrer, City Manager Feldman stated the bike lane classification should be addressed when the Island Parcel was developed.

Councilmember Mullen stated staff would look at alternative, non-vinyl fencing and would replace the wires previously proposed with a larger diameter railing. He stated vegetation on the retaining wall would be looked at after the project was complete.

In response to Councilmember Mullen, Public Works Director DuBoux stated there were vines that could be planted to grow on the retaining wall that would not compromise its integrity.

Councilmember Mullen indicated support for leaving the safety rail on top of the retaining wall. He discussed the possibility of a right turn arrow for traffic coming off Civic Center Way onto Malibu Canyon Road.

Mr. Uhring stated page 253 of the staff report stated the project would reduce congestion at Malibu Canyon Road and Pacific Coast Highway.

In response to Mr. Uhring, Public Works Director DuBoux stated the project goal was to improve all modes of transportation along Civic Center Way.

Mr. Uhring expressed concern that additional traffic on Civic Center Way would mean worse traffic conditions for residents off Malibu Canyon Road.

Mayor Pro Tem Pierson discussed the need for a traffic break.

In response to Mayor Pro Tem Pierson, Public Works Director DuBoux stated some planting would occur where there was enough room along Civic Center Way.

In response to Councilmember Mullen, Ms. Winikoff stated the streetlight could be treated as a beta site for change throughout the City.

Public Works Director DuBoux recommended looking at the options available for making the streetlight Dark Sky compliant.

City Manager Feldman stated effort would be made to make the streetlight Dark Sky compliant as cost allowed.

MOTION Mayor Pro Tem Pierson moved and Councilmember Mullen seconded a motion to: 1) adopt Resolution No. 20-07 with the following amendments: a) fence material such as Trex and similar materials is allowed; b) fence shall use wider diameter rails instead of wire; c) Dark Sky compliant streetlight shall be implemented for the relocated streetlight, if feasible; and d) sidewalk shall be made of colored porous concrete sidewalk material similar to what was used at Trancas Park, determining the project is categorically exempt from the California

Environmental Quality Act (CEQA), granting Appeal No. 19-009 and approving Coastal Development Permit No. 19-018 and Variance Nos. 19-011 and -013 for construction of the Civic Center Way Improvement Project, which consists of roadway improvements along Civic Center Way between Malibu Canyon Road and Webb Way, along Webb Way between Civic Center Way and Pacific Coast Highway, and on an adjacent City-owned Island Parcel (APNs 4458-020-990 and -904, addressed as 23800 Civic Center Way), involving widening and improving the profile of Civic Center Way; installing sidewalks, bicycle lanes, landscaping, fencing, water quality treatment devices, and traffic control signage; adding an eastbound right turn lane from Civic Center Way to Webb Way; and allowing temporary staging on the City-owned Island Parcel; including a variance for construction within the 100-foot environmentally sensitive habitat area buffer and for a retaining wall in excess of six feet in height (up to 13.5 feet, including a safety railing) located in the public right-of-way and in the Commercial General (CG) and Commercial Visitor Serving – 2 (CV-2) zoning districts at 23800.5 Civic Center Way, 4000 Malibu Canyon Road and 23800 Civic Center Way (City of Malibu and Green Acres, LLC); 2) direct staff to bring back the following items on a future agenda: a) potential expansion of the bike lane in coordination with development of the Island Parcel; b) a traffic study to address Malibu Knolls; c) expanding Dark Sky compliant streetlights in the City; and d) lowering the speed limit on Civic Center Way; and 3) direct staff to include vegetation cover for the retaining wall if sufficient funding is available. The motion carried 3-0, Councilmember Peak and Councilmember Wagner absent.

Councilmember Wagner returned to the dais at 9:42 p.m.

C. Public Hearing Regarding Composition of Districts for Potential By-District Elections

Recommended Action: 1) Conduct the first Public Hearing to review the districting process for City Council elections and receive public input regarding the composition of potential City Council districts; and 2) Adopt the proposed schedule set forth below or provide further direction to staff.

Assistant City Attorney Rusin presented the staff report.

In response to Councilmember Mullen, Assistant City Attorney Rusin stated a demographer would assist with map drawing.

Kraig Hill proposed slicing the City into five districts horizontally to be more economically representative.

John Mazza proposed slicing the City into five districts horizontally to avoid gerrymandering.

Paul Grisanti stated the law did not require a representation problem to require voting by-district. He questioned how large each district would be and whether the City had hired a demographer.

Bruce Silverstein stated the process as proposed did not satisfy the requirements of the California Elections Code for safe harbor. He encouraged the Council to go through the process only if it felt the outcome would be beneficial for Malibu.

Councilmember Wagner stated it was important for the community to vote on whether it wanted to move to by-district elections since the public would foot the bill for any litigation over the matter.

MOTION Councilmember Mullen moved and Mayor Pro Tem Pierson seconded a motion to adopt the proposed schedule of Public Hearings regarding composition of districts for potential by-district elections as set forth in the staff report. The motion carried 4-0, Councilmember Peak absent.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

A. 100-Day Challenge (Mayor Farrer and Mayor Pro Tem Pierson)

Recommended Action: At the request of Mayor Farrer and Mayor Pro Tem Pierson, direct staff to work with the State Business, Consumer Services and Housing Agency on a 100-Day Challenge to address Council goals related to homelessness.

Mayor Farrer presented the item.

Mayor Pro Tem Pierson stated the program was geared toward fast-forwarding the goals of the City.

Bruce Silverstein stated the Council needed to direct the City Attorney to explore how *Martin v. City of Boise* actually affected the City. He stated the ruling did not outlaw specific and targeted prohibitions. He questioned what sorts of laws could be enacted.

Mayor Pro Tem Pierson stated extensive time had been spent exploring other legal moves that could be made. He stated the reality was the City needed to provide services.

Councilmember Wagner discussed the health code violation issues addressed in the ruling in *Martin v. City of Boise*.

Mayor Farrer stated California Governor Newsom stated he would not entertain cities pushing their problems off on other cities. She stated she hoped to get measurable results by trying something new.

MOTION Mayor Pro Tem Pierson moved and Councilmember Mullen second a motion direct staff to work with the State Business, Consumer Services and Housing Agency on a 100-Day Challenge to address Council goals related to homelessness. The motion carried 4-0, Councilmember Peak absent.

City Manager Feldman stated the motion would fit into the direction already provided to staff on January 30, 2020. She stated the City may be able to tap into additional funding as a result of participating in the 100-Day Challenge.

ADJOURNMENT

At 10:09 p.m., Mayor Farrer adjourned the meeting in memory of Phil Cott.

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
REGULAR MEETING
FEBRUARY 24, 2020
COUNCIL CHAMBERS
6:30 P.M.

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: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Rob DuBoux, Public Works Director; Susan Dueñas, Public Safety Manager; Jerry Vandermeulen, Fire Safety Liaison; Kelsey Pettijohn, Deputy City Clerk; Rachel Cummings, Recreation Coordinator; and Kristin Riesgo, Community Services Deputy Director

PLEDGE OF ALLEGIANCE

Lloyd Ahern led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved to approve the agenda.

FRIENDLY AMENDMENT

Mayor Pro Tem Pierson amended the motion to hear Item No. 5.A. before the Consent Calendar.

The maker of the motion accepted the amendment.

Councilmember Peak seconded the motion. The amended motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on February 14, 2020, with the amended agenda posted on February 21, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation on Brush Clearance by Los Angeles County Fire Department

Los Angeles County Fire Department Battalion Chief Drew Smith discussed factors that contributed to fire danger in the Los Angeles County Fire Department Battalion 5 region. He discussed fire vulnerability in and near Malibu after the Woolsey Fire. He discussed fire resiliency and the importance of communicating with stakeholders, partnerships with local agencies, robust initial response to fires, having evacuation plans in place, and homeowners complying with brush clearance. He discussed the notification process and deadlines for brush clearance. He stated the four fire stations in the City performed a total of 4,111 inspections over a 90-day period. He stated the timeframe for brush clearance could be modified each year based on rain and predicted plant growth. He discussed fire-resistant landscaping options.

Councilmember Mullen thanked Chief Smith for his presentation. He stated the City had a Fire Safety Liaison available to perform personalized Home Ignition Zone Assessments.

In response to Councilmember Mullen, Chief Smith stated inspectors were not always able to interact with homeowners when performing their inspections. He encouraged people to contact their local Fire Station or Battalion Chief if they had questions.

In response to Mayor Pro Tem Pierson, Chief Smith discussed the number of compliant properties in 2019.

In response to Councilmember Wagner, Chief Smith stated undeveloped parcels were required to complete weed abatement and developed parcels were required to complete brush clearance. He stated the Los Angeles County Fire Department and the Los Angeles County Department of Agriculture worked together to determine which properties were subject to weed abatement or brush clearance.

B. Presentation of Plaque to the Family of Andy Cohen

Public Safety Commission Chair Chris Frost presented a plaque to the family of Andy Cohen. He commended Mr. Cohen for his dedication to public safety.

Kevin Cohen discussed Mr. Cohen's passion for public service.

Councilmember Mullen discussed his appointment of Mr. Cohen to the Public Safety Commission and his accomplishments on the Commission.

ITEM 2.A. PUBLIC COMMENTS

Michael Omary stated the City's stormwater systems were defective. He stated he had an alternative product to improve stormwater systems.

Hashi Clark deferred her time to Kraig Hill.

Kraig Hill discussed the planning process. He stated it was the Planning Commission's duty to rely on the Malibu Municipal Code (MMC) when making determinations. He stated City staff interpretations of codes were often more permissive than the MMC. He recommended the Council hire a consultant to audit the Planning Department staff interpretations. He expressed concern new State housing laws would lead to more density in the City. He stated rebuilding from the Woolsey Fire should be a simple and quick process. He stated development of new homes should be held to high standards of review. He stated he appreciated the opportunity to serve on the Planning Commission.

City Attorney Hogin stated the appropriate time to discuss the removal of Mayor Pro Tem Pierson's appointee to the Planning Commission and appointment of an interim commissioner was on Item No. 7.A.

Norm Haynie stated he would speak on Item No. 4.A.

Marianne Riggins discussed the City Manager updates on the City's website. She discussed the Los Angeles County Metropolitan Transportation Authority's NextGen Bus Plan. She expressed concern that the Bus Plan included eliminating bus service to Point Dume and did not include a connection from the bus line in the City to the Metro rail line. She expressed concern that there was no public transportation connection through the Santa Monica Mountains to Calabasas and Agoura Hills. She stated public transportation through the Santa Monica Mountains would reduce traffic.

Scott Dittrich stated many Planning regulations were not specific enough to have uniform interpretations. He discussed litigation between Sycamore Park and the Mountains Recreation Conservation Authority (MRCA). He requested the City support the residents of Sycamore Park.

Jeff Grier discussed water pump system failures during the 1993 fire in Big Rock. He stated three permanent generators were being installed in water pump stations in the Big Rock area. He stated the generators would be purchased by the Big Rock Board and maintained by Los Angeles County Waterworks District No. 29 (Waterworks District No. 29). He requested Southern California Edison (SCE) and the City contribute to the purchase of the generators.

Paul Grisanti discussed the Vote Center at Juan Cabrillo Elementary School. He stated the Vote Center was not operational the first few days it was scheduled to be open. He discussed Waterworks District No. 29's improvement project in

Encinal Canyon. He stated the project would be under construction Mondays through Fridays and alternating Saturdays.

Christopher Carradine stated the wooden power poles on Kanan Dume Road made the road impassable during the Woolsey Fire. He discussed fire resiliency programs in Key West, Florida and Cozumel, Mexico. He stated the City should work with SCE to replace wooden power poles on Kanan Dume Road with concrete poles.

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

City Manager Feldman stated Vote Centers in Los Angeles County were open for the March 3, 2020 election. She stated she was working with the Los Angeles County Sheriff's Department to address complaints involving transients in the evenings. She stated new patrols of two cars with two deputies each would be in place for 30 days and focus on patrolling the streets rather than answering service calls. She announced the next Library Speaker Series event on February 26, 2020. She announced the Planning Commission Public Hearing on an accessory dwelling unit ordinance on March 16, 2020, and a Public Hearing on a short-term rental ordinance on March 30, 2020. She stated the first reading of the dumpster lid locking ordinance was scheduled for March 9, 2020. She stated staff inspected 30 properties and found 19 would already be in compliance with the upcoming dumpster locking lid ordinance. She stated staff mailed over 200 letters to commercial properties regarding the upcoming dumpster lid locking ordinance. She stated staff would host a Dark Sky workshop for commercial properties on April 1, 2020. She stated SCE lost approximately 2,000 poles in the Woolsey Fire and to replace them with concrete poles would have required additional permitting and delayed returning power to the City. She stated staff would apply for grant funds for undergrounding power lines and improving water pump systems.

In response to Mayor Farrer, City Manager Feldman stated she had been notified by the commander for the Los Angeles County Sheriff's Department Northern Patrol Division that Captain Matthew Vander Horck had been transferred and an acting captain had been appointed.

In response to Councilmember Peak, City Manager Feldman stated Proposition 84 grant funds would be available for wildfire mitigation projects and staff would look for all eligible projects. She stated Mr. Omary's stormwater product was not compliant with the MS4 permit from the Regional Water Quality Control Board. She stated the Civic Center Way Improvement Project was currently out to bid.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Wagner discussed his role on the Santa Monica Bay Restoration Commission. He stated the Santa Monica Bay Restoration Commission Technical Advisory Committee had reviewed plans for the Civic Center

stormwater system. He stated John Mazza had suggested creating a local bus system that would run in between the shopping centers in the City. He discussed the importance of improving water pump systems.

City Manager Feldman stated the City had purchased the Island Parcel with transportation funds so it could be used as a park-and-ride lot. She stated staff was developing an ordinance for permitting parking as a stand-alone use.

Councilmember Wagner stated he attended a Santa Monica Bay Restoration Commission meeting and learned the Adamson House Foundation had received funding from the California Department of Parks and Recreation for water hydrology testing.

Councilmember Peak discussed the use of bus lines in the City and the possibility of creating a bus line through the Santa Monica Mountains. He thanked Mr. Hill for his service on the Planning Commission. He stated he was following events in Sycamore Park involving the MRCA. He requested Mr. Grier contact the City once he had quotes for the water pump generators. He stated the City would be switching the Clean Power Alliance default selection to 100% renewable energy in the fall of 2020.

Councilmember Mullen thanked Mr. Hill for his service. He stated the role of Planning Commissioner was challenging. He stated most people in the City went to Thousand Oaks or Agoura Hills to run errands. He stated developers were advocates for their clients and Planning Commissioners were advocates for upholding the City's Mission Statement. He recommended Mr. Grier work with the Public Works Department and the City Manager. He discussed the management turnover at the Malibu Lost Hills Sheriff's Station. He suggested considering other options for law enforcement services.

Mayor Pro Tem Pierson indicated support for a bus route through the Santa Monica Mountains. He stated Planning regulations had to accommodate many different types of properties. He thanked Mr. Hill for his service. He stated he visited the Laguna Beach Alternative Sleeping Location. He stated he attended a Homelessness Working Group meeting. He stated Mayor Farrer and he were interviewed by a Pepperdine journalism student on homelessness. He stated he attended a Community Wildfire Protection Plan (CWPP) workshop. He stated Mayor Farrer and he attended a sustainability summit in Palm Springs organized by the University of Southern California (USC) Sol Price School of Public Policy. He stated KBUU won the Golden Mike award from the Radio and Television News Association of Southern California. He presented the Los Angeles County Fire Department Activity report for Malibu from January 2020. He stated the majority of calls the Los Angeles County Fire Department responded to were medical calls.

Mayor Farrer indicated support for a bus route through the Santa Monica Mountains. She stated fire resiliency was a priority for the City and indicated

support for backup generators for water pumps. She stated she visited Laguna Beach City Hall and the Alternative Sleeping Location with a contingent of representatives from the City. She stated the City of Laguna Beach had a parking ordinance regarding over-sized vehicles that pre-dated the California Coastal Act. She stated the City could learn from the experiences of Laguna Beach. She stated she attended a Homelessness Working group meeting. She thanked Fire Safety Liaison Vandermuelen for running the CWPP Workshops. She encouraged people to complete the CWPP survey on the City's website. She stated she attended a sustainability summit in Palm Springs organized by the USC Sol Price School of Public Policy. She stated she attended a meeting where representatives from the Las Virgenes-Malibu Council of Government (COG) cities, the Third and Fifth Los Angeles County Supervisorial Districts, and the Executive Director of California Contract Cities (CCC) met with Los Angeles County Sheriff Alex Villanueva and his staff. She announced the COG had a Special meeting scheduled on February 25, 2020 at 8:30 a.m.

ITEM 5 OLD BUSINESS

- A. Temporary Skate Park Final Design
Recommended Action: Approve the Final Design for the Temporary Skate Park at the Crummer/Case Property adjacent to Malibu Bluffs Park.

Community Services Director Bobbett presented the staff report.

In response to Councilmember Mullen, Community Services Director Bobbett discussed the requested modifications from the developer of the Case Property. He stated the requests from the Case Property developer would reduce the size of the temporary skate park and presented a conceptual design for a reduced skate park, which removed the fun box element. He stated there would be increased costs associated with irrigation of the trees requested by the Case Property developer.

In response to Mayor Farrer, Community Services Director Bobbett stated trees would have to be hand watered if permanent irrigation was not installed. He stated there would be challenges associated with maintaining trees behind chain link fencing. He stated approximately 40 trees in two-foot boxes would be needed to cover the area requested by the developer.

In response to Councilmember Wagner, Community Services Director Bobbett stated the primary reason to consider including chain link fencing was to prevent tagging and graffiti on the wall separating the Case Property and the skate park. He stated the Case Property developer offered to pay for the trees he requested. He stated the Case Property would probably need a permit amendment to add trees to its project. He stated the temporary skate park would not need a Coastal Development Permit (CDP) Amendment for temporarily placed trees.

Hamish Patterson stated the compressed timeline for development of the temporary skate park was impressive. He stated the developers had rights as neighbors. He expressed appreciation that the developers had not appealed the Planning Commission's approval of the CDP for the temporary skate park.

John Mazza discussed the Planning Commission hearing for the project. He stated any changes to the Case Property or temporary skate park projects would require a CDP Amendment. He stated there were objections to additional trees for the Case Property project during the CDP hearing.

Scott Gillen, Case Property, stated he requested simple changes to the temporary skate park project to address privacy and noise concerns. He stated he would water the trees if he was given permission by the City. He stated he donated the skate park property and \$1 million for its development to the City.

Robert Gold stated Mr. Gillen was not trying to delay completion of the temporary stake park. He thanked staff and some of the parents of skaters for meeting with Mr. Gillen at the skate park property. He stated Mr. Gillen requested simple changes to the project to address privacy and noise concerns. He stated the trees were requested to be placed on the City property because the Case project would need a landscape plan amendment to add trees. He stated Mr. Gillen would pay for the changes he requested.

Judy Villablanca stated the most important goal was the permanent skate park. She discussed the importance of compromise. She indicated support for installing trees as a hedge. She expressed concern a chain link fence was easy to climb. She indicated support for using native plants.

Finn Murphy expressed concern that leaves from the trees would create a safety hazard in the temporary skate park. He stated moving the western quarter pipe ramp would change the flow of the park and require the removal of the fun box element. He stated the houses being developed on the Case Property would not be sold until the permanent skate park was being constructed.

Axel Polito thanked the Council and Community Services Director Bobbett. He thanked Mr. Gillen and Mr. Gold for not appealing the CDP for the temporary skate park and for contributing \$1 million to the development of the skate park property.

Sky Parker stated he was excited to be able to skate in the City.

Layla Polito thanked Mr. Gillen and Mr. Gold for not appealing the CDP for the temporary skate park. She stated many kids who enjoyed skating were also good students. She stated kids would not want to scale the wall between the skate park and the Case Property. She suggested the developers of the Case Property donate funds toward the permanent skate park.

Allegra indicated support for the larger temporary skate park.

Kane stated people who purchased the homes Mr. Gillen was developing may use the skate park.

Thurston Cockrell thanked the Council for its work on the temporary skate park. He stated it was important to have somewhere to skate in the City.

Max Gourson indicated support for a larger skate park and stated the most important thing was to have the skate park soon.

Trevor Oliver stated it was important to have somewhere to skate in the City.

Heather Gardner thanked the kids for speaking. She thanked Community Services Director Bobbett for his work. She thanked Mr. Gillen and Mr. Gold for meeting with some skating families before the meeting. She stated the permanent skate park was most important goal. She stated Mr. Gillen was mostly concerned with maintaining his side of the wall dividing the properties. She stated Mr. Gillen and Mr. Gold had agreed to be at the design meetings for the permanent skate park to share their concerns earlier in the process.

Councilmember Mullen stated the temporary skate park project had been fast-tracked after the Woolsey Fire. He stated it was important for the skaters and developers to work together. He indicated support for accommodating the developer's requests. He discussed the importance of compromise. He commended Ms. Villablanca and Community Services Director Bobbett for their work.

Councilmember Wagner stated it was important to move forward with the skate park project.

Mayor Pro Tem Pierson thanked Mr. Patterson, Ms. Villablanca and Community Services Director Bobbett for their work. He indicated support for compromising with the developer to move the project forward.

Councilmember Peak expressed disappointment that the fun box element may not be able to be included. He indicated support for temporarily installing trees instead of chain link fencing, creating a graffiti mural on the skate park side of the wall, and putting the trees on the Case Property, if possible.

In response to Mayor Farrer, Community Services Director Bobbett stated it may be possible to place a smaller fun box or alternative skate element in the reduced design for the skate park.

Councilmember Peak expressed concern the removal of the fun box left the other skate elements too far apart.

In response to Councilmember Peak, Community Services Director Bobbett stated it could be challenging to shift the whole project 35 feet east because it was important to have a large pick-up and drop-off area. He stated staff could study the option of condensing the parking area to accommodate the developer's requests and maintain all the skate features in the original design.

Councilmember Peak suggested installing picnic tables or other park features on the west side of the project after shifting the quarter pipe ramp 35 feet east at the developer's request.

In response to Councilmember Peak, Community Services Director Bobbett stated a hedge of trees or fencing would reduce the size of skate park. He stated staff estimated a four-foot reduction on the north side of the park if trees and fencing were installed.

Councilmember Peak stated the parking area would only need to be adjusted approximately 15 feet to accommodate the 35-foot shift of the quarter pipe ramp requested by the developer. He stated this shift would maintain approximately the same square footage because the east side of the property was wider.

Community Services Director Bobbett expressed concern the entrance to the parking area may not be able to be shifted farther east.

Mr. Gold stated the existing construction entrance for the Case project would be closing and would not be an obstacle for the temporary skate park entrance.

In response to Councilmember Peak, Public Works Director DuBoux stated shifting the skate park entrance 15-20 feet was possible but would likely result in the loss of approximately four parking spaces. He stated turning the traffic oval into a circle could add some parking back.

In response to Councilmember Peak, Mr. Gillen indicated support for the proposed changes.

In response to Mayor Farrer, Mr. Gillen stated he was willing to water the trees. He stated he was not concerned about inclusion of a chain link fence or any art on the skate park side of the wall. He stated he could not include a hedge of trees on his side of the wall because of utility lines.

In response to Councilmember Peak, Community Services Director Bobbett stated staff had options for trees for the hedge, but it would be a challenge to locate mature trees.

Councilmember Peak indicated opposition to using ficus trees.

In response to Councilmember Peak, Mr. Gillen suggested using Carolina Cherry trees. He stated he would pay for the trees and had already located stock.

Councilmember Peak stated the trees would be in boxes along the wall, which would be watered by Mr. Gillen and maintained by the City. He indicated opposition to including chain link fencing along the hedge.

Councilmember Mullen indicated opposition to including chain link fencing along the hedge.

In response to Councilmember Peak, Mr. Mazza expressed concern the proposed changes to the project were not in compliance with the CDP.

City Attorney Hogin stated the Council was considering a conceptual design for the temporary skate park. She stated the project would go out to bid, and the final design would be compared to the CDP with any necessary amendments considered once the final design was approved.

MOTION

Councilmember Peak moved to direct staff to work with the consultant to: 1) modify the design for the temporary skate park at the Crummer/Case Property adjacent to Malibu Bluffs Park to move the eastern line of the skate park 20-feet east to accommodate all features in design and shift the parking area entrance as necessary; 2) include fencing along the western edge of the temporary skate park; and 3) include temporary, above-ground placement of Carolina Cherry Trees as a hedge along the west/northwest edge of the temporary skate park, to be provided and watered by the Case Project developer.

In response to Councilmember Mullen, Councilmember Peak stated shifting the eastern line of the project 20 feet would allow the western quarter pipe ramp to be moved 35 feet east and for the park to maintain approximately the same square footage.

In response to Councilmember Mullen, Mr. Gillen stated he had requested the quarter pipe ramp be set back to match his property's setback. He stated he would like to place trees along the back side of the quarter pipe ramp and along the concrete wall.

Councilmember Peak stated the hedge may need to allow for an entrance to the space behind the quarter pipe ramp so it could be used for picnic space.

City Manager Feldman stated staff would proceed with all elements of the project that conformed with the CDP, but some changes may require amending the CDP and those elements may be delayed.

Councilmember Peak stated he did not believe a CDP was necessary for temporary box trees.

In response to Councilmember Peak, City Attorney Hogin stated staff would bring back a definitive answer as to whether a CDP Amendment was necessary after analysis.

In response to Councilmember Mullen, Councilmember Peak stated he wanted to move the eastern line of the project 20 feet and the western quarter pipe ramp 35 feet.

Mayor Pro Tem Pierson seconded the motion.

In response to Councilmember Wagner, City Attorney Hogin stated the Council could not include a monetary donation from Mr. Gillen in the conceptual design.

Councilmember Peak stated some chain link fencing around the skate park may be necessary, but not along the concrete wall.

The motion carried unanimously.

RECESS At 9:17 p.m., Mayor Farrer called a recess. The meeting reconvened at 9:28 p.m. with all Councilmembers present.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.7. was pulled by the public.

Mayor Pro Tem Pierson recused himself from No. 3.B.8.

MOTION Councilmember Peak moved and Councilmember Wagner seconded a motion to approve the Consent Calendar, except for Item No. 3.B.7. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

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

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 59437-59574 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. 654 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$528,023.09. City of Malibu payroll check numbers 5077-5080 and ACH deposits were issued in the amount of \$224,295.08.

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 27, 2020 Malibu City Council Regular meeting.

4. Request for Proposals for City Treasurer
Recommended Action: 1) Direct the City Manager to issue a request for proposals for City Treasurer; and 2) Assign the Administration and Finance Subcommittee to review the proposals, conduct interviews, and make a recommendation to City Council regarding the selection of City Treasurer.
5. Reimbursable Services Agreement with California Highway Patrol
Recommended Action: 1) At the recommendation of the Public Safety Commission, authorize the City Manager to execute an agreement with the California Highway Patrol (CHP) for short-term traffic control services in an emergency or Public Safety Power Shutoff (PSPS) situation; and 2) Adopt Resolution No. 20-08 authorizing and approving the expenditure of up to \$50,000 for traffic control services provided by the CHP in emergency or PSPS situations and authorizing the City Manager to execute the agreement with the CHP.
6. Updates to the City's 2018 Emergency Operation Plan
Recommended Action: Adopt Resolution No. 20-09 adopting updates to the 2018 Emergency Operations Plan for inclusion of the Mass Evacuation Plan.
8. Malibu Leading Educational Advancement and Development (LEAD) General Fund Grant
Recommended Action: 1) Consider whether to award a Fiscal Year 2019-2020 General Fund Grant to Malibu LEAD; and 2) If an award is approved, direct staff to process the grant award to Malibu LEAD in the amount of \$3,500 or other amount as determined by the City Council.
9. Professional Services Agreement with Ultimate Maintenance Services, Inc.
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Ultimate Maintenance Services, Inc. for City Hall Custodial Services.
10. Waiving Fees Related to the Rebuilding of Structures Damaged or Destroyed by the Woolsey Fire
Recommended Action: Adopt Resolution No. 20-10 superseding and replacing Resolution No. 19-30; directing the City Manager to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence; and finding the action to be exempt from the California Environmental Quality Act.

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

7. Professional Services Agreement with California Skateparks
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with California Skateparks for design services for the Permanent Skate Park.

Community Services Director Bobbett presented the staff report.

John Mazza expressed concern that the City often selected consultants that were not the lowest bidder. He expressed concern California Skateparks was chosen for this contract over the lower bidder and consultant for design of the temporary skate park.

Judy Villablanca indicated support for approving the contract with California Skateparks. She stated California Skateparks would be able to design a park around the values of the community.

Finn Murphy thanked the Council, Community Services Director Bobbett and Ms. Villablanca. He indicated support for selecting California Skateparks and stated they designed very popular parks.

Owl Patterson deferred her time to Hamish Patterson.

Hamish Patterson was not present at the time of the hearing.

City Attorney Hogin stated Public Works contracts were required to be given to the lowest responsible bidder. She stated this was a Professional Services Agreement, which was not required to be awarded to the lowest bidder.

Mayor Pro Tem Pierson thanked Mr. Murphy for participating in the interview process.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to authorize the City Manager to execute a Professional Services Agreement with California Skateparks for design services for the Permanent Skate Park. The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Second Public Hearing to Consider Composition of Districts for Potential By-District Elections
Recommended Action: 1) Conduct the second public hearing to receive and consider input from the public regarding the composition of potential City Council districts and sequencing of elections; and 2) Provide direction to staff and

the City's demographer regarding the drafting of district maps, potential sequencing of elections and outreach efforts for upcoming public hearings.

City Attorney Hogin presented the staff report.

Norm Haynie stated the Councilmembers represented the entire City. He suggested creating non-contiguous districts that included different areas of the City in each district.

John Mazza expressed concern there had not been much public input on district elections. He stated it was important for outreach about the district election measure to be unbiased. He indicated support for five districts, each running the length of the City parallel to the shore, so there would be one beach district and multiple mountain districts. He questioned how public input was provided to the demographer.

Doug Stewart deferred his time to Lance Simmens.

Lance Simmens discussed a white paper prepared by the Rose Institute for State and Local Government Claremont McKenna College in 2016 on the percentage of minority population for cities that had or were switching to by-district elections. He stated communities with larger minority populations would have more issues related to minority representation. He stated the City's minority population was small and not heavily concentrated. He stated the California Voting Rights Act (CVRA) was poorly worded. He stated voting in the City was not racially polarized.

Scott Dittrich stated the City had previously elected a minority Councilmember. He stated the City could use much of the information drafted by the City of Santa Monica in its own defense in litigation. He stated Santa Monica had a larger Latino population than Malibu. He stated the Councilmembers elected at-large represented all residents. He indicated support for an at-large Mayor if district elections went forward.

David Kramer discussed his correspondence to the Council. He stated districting would not help Latinos be elected. He expressed concern that districts would divide the City. He stated he voted for Councilmembers based on their qualifications not their race.

City Attorney Hogin stated the CVRA so favored district elections as a solution that it allowed the City Council to switch the form of governance by ordinance. She stated the form of governance was very important, and districts had both pros and cons. She stated the Council had decided to engage in a meaningful discussion with the community about district elections after receiving Mr. Grimes' letter. She stated the people would have the opportunity to choose its form of governance on a ballot measure. She stated the Council was providing an

opportunity for the public to consider the form of governance based on input from multiple community members.

Councilmember Peak expressed concern that it may difficult to create districts that met all the legal requirements and still incorporate neighborhoods near the beach, Pacific Coast Highway, and mountains in each district.

Mayor Pro Tem Pierson expressed concern that districts running the length of the City parallel to the shore would not comply with the requirements of the California Elections Code. He indicated support for continuing to have five Councilmembers. He stated citizens could bring forward a ballot initiative if there was interest in a strong mayor form of government.

Councilmember Mullen stated people attended City Council meetings when they were passionate about an item. He stated the City would be doing more public outreach for future hearings.

In response to Councilmember Peak, City Attorney Hogin stated the number of people in each district needed to be as equal as possible.

Mayor Farrer expressed concern that more members of the public had not commented on this topic yet.

City Attorney Hogin stated the demographer would be instructed to try to include geographic diversity in each district. She stated staff would like to send a postcard to each registered voter promoting the next two Public Hearings, hold one Public Hearing on the east side of Malibu and one on the west side of Malibu, and do extra outreach to organized groups in the City, such as homeowners associations.

CONSENSUS

By consensus, the Council: 1) directed the City's demographer to draft maps of five potential districts with geographic diversity to consider at the next Public Hearing; 2) directed staff to send a postcard to each registered voter promoting the next two Public Hearings: one on the west side of Malibu and one on the east side of Malibu to encourage community involvement; and 3) directed staff to do extra outreach to organized groups in Malibu to encourage community involvement.

Mayor Farrer suggested using similar outreach methods as used after the Woolsey Fire.

City Manager Feldman stated staff had posted posters advertising the Public Hearings in local stores, The Malibu Times and Malibu Surfside News, and information was pushed out on social media. She stated staff would continue the process.

In response to Councilmember Peak, City Attorney Hogin stated districts would have to be redrawn after the 2020 Census. She stated the soonest election that may elect Councilmembers by district would be the 2022 General Election. She stated no Councilmember terms would be cut short. She stated sequencing could be discussed in more detail with the draft maps.

CONSENSUS

By consensus, the Council directed staff to bring back the potential sequencing of elections at upcoming Public Hearings.

Councilmember Wagner suggested considering having four districts with an at-large Mayor.

Councilmember Peak indicated support for having five elected Councilmembers.

Councilmember Wagner stated the Council would need to adjust plans based on feedback at public hearings.

City Attorney Hogin stated draft maps would be created and amended based on feedback provided at public meetings.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

A. Temporary Appointment to the Planning Commission

Action: 1) Mayor Pro Tem Pierson to announce his decision to remove his appointee to the Planning Commission pursuant to Malibu Municipal Code Section 2.36.040; 2) Mayor Pro Tem Pierson may make an interim appointment to the Planning Commission; and 3) Direct staff to place on a future agenda an item to make permanent appointment after public noticing period.

Jo Drummond indicated opposition to the removal of Kraig Hill as Planning Commissioner. She discussed the Mission Statement. She stated Mr. Hill protected Malibu communities.

Rosemarie Ihde indicated opposition to the removal of Mr. Hill as Planning Commissioner. She questioned why Mr. Hill was being removed. She expressed concern about the geologic stability of Big Rock Mesa.

Deirdre Roney was not present at the time of the hearing.

Kraig Hill stated people should have been able to comment on his removal under Item No. 2.A. He stated he met with Mayor Pro Tem Pierson regularly on items about which they had concerns. He stated Councilmembers could suggest

actions, but the Commissioners had to make their final decisions. He stated he believed he could have a role in the City in the future.

John Mazza thanked Mr. Hill for his service. He stated Councilmembers had the right to choose their Commission appointments. He stated being a Commissioner was time-consuming and required learning many facts. He stated the Planning Commission would be hearing critical and complicated issues in the next month. He expressed concern that an interim commissioner may not be up to speed.

Mayor Pro Tem Pierson stated his Commission appointment was not related to projects in the Big Rock neighborhood. He stated his record showed he was not pro-development.

In response to Mayor Pro Tem Pierson, City Attorney Hogin stated under State law, a Notice of Unscheduled Vacancy had to be posted before an appointment to a Commission could be made. She stated the extenuating circumstances of having so many important items on the Planning Commission agenda provided Mayor Pro Tem Pierson the opportunity to make an interim appointment to the Planning Commission. She stated Mayor Pro Tem Pierson could make a permanent appointment at the March 9, 2020 meeting.

Mayor Pro Tem Pierson: 1) announced his decision to remove his appointee to the Planning Commission pursuant to Malibu Municipal Code Section 2.36.040; 2) announced David Weil as his interim appointment to the Planning Commission; and 3) directed staff to place on a future agenda an item to make a permanent appointment after the public noticing period.

Mayor Pro Tem Pierson stated Mr. Weil had been in the City over 60 years and had a law degree. He discussed Mr. Weil's professional and volunteer experience that made him uniquely qualified for the position of Planning Commissioner.

ADJOURNMENT

At 10:27 p.m., Mayor Farrer adjourned the meeting in memory of Julia Snyder.

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

KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)