



# Council Agenda Report

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

Prepared by: Kristin Riesgo, Community Services Director

Approved by: Steve McClary, City Manager

Date prepared: October 11, 2023

Meeting date: October 23, 2023

Subject: CalTrans Solstice Canyon Creek Beautification Project

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**RECOMMENDED ACTION:** Approve the recommendation from the Malibu Arts Commission to withdraw the City's involvement with the California Department of Public Transportation Solstice Canyon Creek Beautification Project.

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

**STRATEGIC PRIORITY:** This item is part of the day-to-day operations identified in the Adopted FY 2023-24 Strategic Priority Project List.

**DISCUSSION:** At the February 14, 2022 Regular meeting, the California Department of Transportation (CalTrans) gave a presentation on the Clean California Program Pacific Coast Highway Solstice Canyon Creek Public Art Proposal Community Engagement Project (Project). The Project included the replacement of the existing bridge and pedestrian culvert underpass to Dan Blocker State Beach and a public art component.

CalTrans requested assistance from the Malibu Arts Commission (Commission) to assist with the following,

- Engage with local artists and select the artwork for the Project
- Select the medium and theme of the artwork
- Work with the selected artist to create the artwork on moveable panels or canvas
- Coordinate the display, either all or a portion of the artwork, at a public location from 2023 to 2026
- Coordinate storage of the artwork until the end of the bridge construction in 2026
- Coordinate artwork transportation to the new culvert
- Coordinate artwork installation in the new culvert

All art components, including the artist stipend, would be paid through a \$225,000 grant from the Clean California Program.

Additionally, CalTrans requested the City to enter into a Maintenance Agreement, Transportation Art Agreement, and Artist Copyright Waiver.

The Malibu Arts Commission discussed the Project at the Regular meetings in April, May, and July 2022. At the August 23, 2022 Regular meeting, the Commission approved holding a Call for Artists, which opened on September 1, 2022.

At the October 25, 2022 Regular meeting, the Commission approved artist, Jules Muck, who planned to paint an original mural depicting ocean wildlife and coastal scenery. The Commission selected Ms. Muck due to her experience painting large-scale murals worldwide and her unique street art painting style.

From November 2022 to December 2022, Staff worked with CalTrans to review the Agreements related to the Project. On January 12, 2023, Staff met with CalTrans and notified the agency that the City of Malibu would not complete the maintenance on any portion of the Project due to liability, staff availability, and concerns regarding the City performing maintenance on State property.

On February 8, 2023, CalTrans determined they would alter the Maintenance Agreement and remove the City's responsibilities. Instead, CalTrans would collaborate with volunteers through the Adopt-A-Highway program to manage the maintenance.

On July 5, 2023, Staff received a draft Agreement from CalTrans, which removed the City from all maintenance responsibilities. The City Attorney's Office reviewed the Agreement and returned it to CalTrans on July 28, 2023. Over the past several months, Staff and the Commission Chair have communicated with CalTrans, requesting an update. CalTrans responded that the review process has taken longer than anticipated due to the City's request to remove the maintenance terms.

At the September 26, 2023 Regular meeting, the Commission discussed their concerns regarding the timeline, communication, and lack of Project advancement. The Commission recommended the City withdraw its involvement with the Project.

Staff notified CalTrans of the Commission's recommendation and the organization did not object to the withdraw. On October 11, 2023, CalTrans stated that the City would be responsible for all maintenance related to the Project, which aligns with the guidelines for the Clean California Grant Program.

ATTACHMENTS:

Caltrans Withdraw Letter

## Kristin Riesgo

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**From:** Sui, Hammer X@DOT <hammer.sui@dot.ca.gov>  
**Sent:** Wednesday, October 11, 2023 3:33 PM  
**To:** Kristin Riesgo; Chy, Vathana@DOT  
**Cc:** Okereke, Godson@DOT  
**Subject:** RE: Malibu - Solstice Art Project - Clean California (EA 07-38620)

Good afternoon Kristin,

Thank you for sharing the Malibu Art Commission's recommendation to withdraw the Solstice Canyon Creek art proposal. Caltrans does not object to that recommendation – absent of the city's commitment on project specific maintenance agreement for the artwork, we concluded that the Clean California Program is unable to fund this project.

Although both sides made efforts towards delivering the art, we could not find alternative solutions to the requirements. I want to thank the city and the Art Commission.

Thank you,

Hammer Sui, PE  
Clean California Program Manager  
Caltrans District 7 Maintenance Division  
213-598-9811 Cell

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**From:** Kristin Riesgo <kriesgo@malibucity.org>  
**Sent:** Tuesday, October 10, 2023 3:17 PM  
**To:** Chy, Vathana@DOT <vathana.chy@dot.ca.gov>  
**Cc:** Sui, Hammer X@DOT <hammer.sui@dot.ca.gov>  
**Subject:** Malibu - Solstice Project

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Vathana –

Thank you for the call today. Malibu City Council will review the Malibu Arts Commission's recommendation to withdraw from the Solstice Canyon Project at the Regular meeting on Monday, October 23, 2023. Once the Council gives their direction, I will provide you with an update.

Please let me know if you have any questions.



Thank you,  
**Kristin Riesgo**  
Community Services Director  
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23825 Stuart Ranch Road | Malibu, CA 90265

