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


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


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

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 March 16, 2020

Karen Farrer, Mayor

ATTEST:

Heather Glaser, City Clerk

(seal)