CALL TO ORDER

Mayor Mullen called the meeting to order at 6:35 p.m.

PLEDGE OF ALLEGIANCE

Marshall Thompson led the Pledge of Allegiance.

ROLL CALL

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

PRESENT: Mayor Rick Mullen; Mayor Pro Tem Jefferson Wagner; and Councilmembers Lou La Monte, Skylar Peak, and Laura Rosenthal

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Craig George, Environmental Sustainability Director; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Matt Myerhoff, Media Information Officer; Susan Dueñas, Public Safety Manager; Kelsey Pettijohn, Deputy City Clerk; Kristin Riesgo, Deputy Community Services Director; Raneika Brooks, Associate Planner; Kendall Irvin, Planning Technician; Justine Kendall, Assistant Planner; and Rob DuBoux, Assistant Public Works Director

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

Conference with Real Property Negotiators pursuant to Government Code Section 54956.8:

1. Properties: APN 4458-022-011 (23575 Civic Center Way)
   APN 4458-020-015 (Webb Way and Civic Center Way)
   APN 4458-021-007 (Webb Way and Civic Center Way)
   APN 4466-021-028 (Heathercliff Road and Pacific Coast Highway)

   City Negotiator: City Manager Feldman

   Property Negotiator: Malibu Bay Company

   Under Negotiation: Price and terms of payment
CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 5:30 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.8 with all Councilmembers present. She stated she arrived at 5:40 p.m. and the Council discussed the item listed on the Closed Session agenda, took no reportable action, and concluded at 6:08 p.m.

APPROVAL OF AGENDA

MOTION Councilmember Rosenthal moved and Councilmember Peak seconded a motion to approve the agenda, adjourning in memory of Bonnie Reiss. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on March 29, 2018, with the amended agenda posted April 4, 2018.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of City Tile to Lieutenant Jim Royal for Seven Years of Service to the City of Malibu

Mayor Mullen presented the tile to Lieutenant Royal. He commended Lieutenant Royal for his seven years of dedicated service.

Lieutenant Royal thanked the Council for the City Tile and commended the Councilmembers for their devoted work.

B. Presentation of Commendations to Malibu Community Emergency Response Team

Mayor Mullen presented commendations to the following members of the Community Emergency Response Team (CERT):

Peter Banner
Annette Bator
Pete Bowman
Michelle Broberg
Linda Coben
Glenna Colton
Juergen Cords
Darlene Dubray
Donna Falcon
Richard Garvey
Donna Gilbert
Public Safety Manager Dueñas thanked the CERT members for their contributions to public safety.

Tim Horton discussed CERT training and the CERT members' responsibilities as registered Disaster Service Workers.

Lieutenant Royal presented Robert Woodcock with his Volunteer on Patrol graduation pin.

C. **Staff Update on the Civic Center Wastewater Treatment Facility Phase One**

Assistant Public Works Director DuBoux presented the update.

In response to Mayor Mullen, Assistant Public Works Director DuBoux confirmed the project would be completed on schedule.

In response to Mayor Pro Tem Wagner, City Manager Feldman stated the Winter Canyon Wastewater Treatment Facility would continue to function until Civic Center Wastewater Treatment Facility Phase Two.

**ITEM 2.A. PUBLIC COMMENTS**

Abdi Saghafi, Caltrans District 7 Traffic Operations Office Chief, discussed recent congestion on Pacific Coast Highway (PCH) due to increased holiday
traffic coinciding with several Caltrans projects and permitted projects requiring lane closures. He stated Caltrans prioritized safety of pedestrians, bicyclists, and motorists. He discussed the unique function of PCH as a commuter route and tourist attraction, as well as serving local residents and businesses. He discussed Caltrans project timelines and the approval process for permitted lane closures. He discussed upcoming Caltrans projects along PCH, including replacing the Trancas Bridge. He explained traffic signal sensors had to be disconnected during pavement construction and the signals were controlled by timers. He stated a Caltrans engineer was studying the traffic signal at Webb Way and PCH and would make adjustments to the timer. He stated in the future Caltrans would consider requiring permitted projects to provide alternative traffic signal detection. He discussed the moratorium on road work on PCH after Memorial Day. He stated Caltrans had a good working relationship with the City and discussed future public outreach planned by Caltrans.

Tim Weisberg, Caltrans District 7 Public Information Officer, discussed working with Media Information Officer Myerhoff to coordinate outreach efforts. He stated Caltrans would post notice of closures on social media and would make an effort to have as much construction work as possible completed at night.

Godson Okereke, Caltrans District 7 Office of Permits Chief, discussed the time constraints permitted projects were under. He stated the project at Cross Creek Road and PCH should be complete by the end of May 2018. He stated Caltrans wanted to work with the City and discussed the Caltrans policy to work with the cities state highways ran through.

In response to Mayor Pro Tem Wagner, Mr. Okereke stated the contractor for permitted projects was required to contact the State Inspector, who was then obligated to notify local agencies. He stated Caltrans had a lane closure chart for PCH that was being revised with input from City staff.

Councilmember Rosenthal discussed upcoming PCH lane closures. She discussed the importance of proper protocols and providing the City advance notice of any closures. She discussed a recent lane closure during rush hour. In response to Councilmember Rosenthal, Mr. Okereke confirmed that lanes should not be closed unless there was a hazard. Councilmember Rosenthal indicated support for night construction starting after 9:00 p.m.

Mr. Saghafi discussed the Caltrans permit engineer who was responsible for supervising all permit projects and enforcing protocol.

Mr. Weisberg stated the Public Information Office would be notified as soon as a permit was approved and before the construction schedule was set to allow for coordination with the City.

Mr. Saghafi discussed noise and lighting concerns related to night construction.
Councilmember La Monte discussed the importance of PCH in Southern California. He discussed his work on the PCH Task Force and the City's relationship with Caltrans. In response to Councilmember La Monte, Mr. Saghafi discussed the staff time Caltrans District 7 devoted to PCH. He stated the project at Webb Way and PCH would end soon and the road improvements would last longer than the inconvenience. He stated the City could forward complaints and concerns to the Caltrans Public Information Officer.

In response to Councilmember Peak, Mr. Saghafi stated a Caltrans engineer was studying the traffic signal at Topanga Canyon Boulevard and PCH to develop a plan to adjust the timing of signal changes and discussed the possibility of installing a roundabout in the intersection. Councilmember Peak encouraged Caltrans to think outside the box.

Mayor Mullen thanked the Caltrans representatives for speaking and indicated support for considering roundabouts at busy intersections on PCH.

Siena Reale and Daniele Whitten-Rowand discussed their participation on the Young Leaders Council and announced the Imagine Fest event on April 21, 2018, benefiting the non-profit organization Unlikely Heroes.

Mayor Mullen thanked Ms. Reale and Ms. Whitten-Rowand for speaking and stated Los Angeles County employees were required to take a continuing education course on child trafficking.

Elena Eger deferred her time to Oscar Victorio.

Oscar Victorio, Mountains Recreation and Conservation Authority (MRCA), discussed the MRCA property in Sycamore Park, the City's Notice of Violation on that property, and the Coastal Development Permit (CDP) for that property. He stated MRCA did not believe it required permits for park development but would pursue an extension of the residential CDP to protect the public's interest in the property and be able to sell the property to a developer. He stated Joe Edmiston, Santa Monica Mountains Conservancy Executive Director, had stated any revenue from such a sale would be used to improve public access to beaches or trails in the City.

Scott Dittrich stated the Public Works Commission was not notified of the construction of a crosswalk at Malibu Beach Inn. He discussed increased traffic congestion on PCH.

Carol Randall deferred her time to Lloyd Ahern

Lloyd Ahern discussed lawsuits against MRCA. He stated the Federal Emergency Management Agency (FEMA) Floodplain Maps were discussed at a Business Roundtable meeting. He proposed creating a review panel of locally operating
coastal engineers to study the Floodplain Maps and hosting a town hall meeting to spread awareness about the Floodplain Maps.

Carl Randall suggested discussing project priorities with Caltrans and discussed the La Costa Crosswalk project. He expressed concern regarding the FEMA Floodplain Maps and indicated support for working with local coastal engineers. He expressed concern regarding beach erosion.

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

City Manager Feldman introduced new City staff members Associate Planner Ranieka Brooks, Assistant Planner Justine Kendall, and Planning Technician Kendall Irvin. She thanked the CERT members for their work and volunteerism and Lieutenant Royal for his dedicated service to the community. She thanked the Caltrans representatives for attending and stated she was working with Caltrans to avoid future traffic congestion related to construction. She announced the next Public Safety Town Hall meeting on April 26, 2018, Chumash Day event on April 14-15, 2018, and stated the library needs assessment survey was still open.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Mayor Pro Tem Wagner stated he planned to attend a Santa Monica Bay Restoration Commission meeting.

Councilmember La Monte stated Lieutenant Royal was an outstanding law enforcement officer. He commended Ms. Reale and Ms. Whitten-Rowand for their volunteerism and for speaking. He requested consensus from the Council to have an item on Sycamore Park at an upcoming meeting.

CONSENSUS

By consensus, the Council directed staff to bring back an update on the Sycamore Park gate application and Zoning Code Interpretation Number 8.

Councilmember La Monte stated he attended a California Contract Cities Association Executive Board meeting. He stated he planned to attend a Los Angeles County Commission on Alcohol and Other Drugs meeting and a PCH Task Force meeting. He stated he would lobby in Sacramento in support of the rehabilitation facility overconcentration bill. He stated he would attend a League of California Cities Policy Committee meeting.

Councilmember Rosenthal discussed her experience working with Lieutenant Royal. She stated she met with Senator Henry Stern, attended a Business Roundtable meeting and a Southern California Association of Governments (SCAG) meeting. She discussed a report presented at the SCAG Energy and Environment Committee meeting regarding alternative rodent control. She thanked the CERT members, Caltrans representatives, Ms. Reale, Ms. Whitten-
Rowand and Mr. Victorio. She stated the crosswalk being installed near Malibu Beach Inn was required by the California Coastal Commission (CCC) and was unrelated to valet services. In response to Councilmember Rosenthal, City Manager Feldman discussed the CCC-mandated crosswalk and Caltrans permitting of the project. She stated she planned to attend a PCH Task Force meeting, a League of California Cities Policy Committee meeting, the League of California Cities Legislative Action Day, and the State of the City address on April 20, 2018. She announced the Senior Center anniversary party April 19, 2018, an e-waste collection event and shred day on April 21, 2018, the Waste to Waves polystyrene collection in April 2018, the next Library Speaker Series event partnering with Pepperdine, and the Chumash Day event on April 14-15, 2018. She welcomed the new City employees.

Councilmember Peak welcomed the new City employees. He thanked Lieutenant Royal and the Caltrans representatives. He stated he attended an Administration and Finance Subcommittee meeting. He expressed hoped MRCA would be a better partner to the City. He stated people were drawn to Malibu for the peace and quiet.

Mayor Pro Tem Wagner discussed the preliminary FEMA Floodplain Maps. He suggested putting on item on an agenda to discuss the City’s FEMA Floodplain Maps appeal.

In response to Councilmember Peak, City Manager Feldman stated the Floodplain Maps appeal had been filed with FEMA and staff would present an update at the April 23, 2018 Council meeting.

Mayor Pro Tem Wagner encouraged property owners to attend the April 23, 2018 Council meeting. He discussed the importance of being prepared for litigation.

Councilmember Peak requested a FEMA representative attend the April 23, 2018 Council meeting to address public questions and concerns. He indicated support for continuing the appeal process.

City Manager Feldman suggested the Council could provide direction to staff to bring forward another item with FEMA staff after receiving the update on April 23, 2018.

Mayor Mullen stated he met with a lawyer who had successfully sued the Federal Aviation Administration. He stated MRCA should have a strong relationship with the community. In response to Mayor Mullen, City Manager Feldman stated the La Costa Crosswalk project was permitted, but she had asked the Public Works Department to postpone construction until after summer due to the number of other projects already in construction along PCH.
In response to Councilmember Peak, City Manager Feldman stated she could explore night construction as an option to complete the La Costa Crosswalk project sooner.

Mayor Mullen thanked Lieutenant Royal and the CERT members. He stated he planned to attend a League of California Cities Public Safety Policy Committee meeting and present the State of the City address on April 20, 2018.

ITEM 3  CONSENT CALENDAR

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

MOTION  Councilmember Rosenthal moved and Councilmember La Monte 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 53057-53190 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. 614 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $2,541,491.25. City of Malibu payroll check numbers 4903-4905 and ACH deposits were issued in the amount of $191,545.74.

    3.  Approval of Minutes
        Recommended Action: Approve the minutes for the March 12, 2018 Malibu City Council Regular meeting.

    4.  Annual Progress Report Regarding the Implementation of the City’s Housing Element to the California Department of Housing and Community Development
        Recommended Action: Direct staff to submit the Annual Housing Element Progress Report to the California Department of Housing and Community Development.

    5.  Amendment to Professional Services Agreement with American Guard Services, Inc.
        Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with American Guard Services, Inc. to include additional crossing guard services at
various locations within the City Limits.

6. **Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account Funding and Project List**

   Recommended Action: Adopt Resolution No. 18-17 approving the Fiscal Year 2018-2019 project list for Senate Bill 1 (Road Repair and Accountability Act of 2017) Road Maintenance and Rehabilitation Account (RMRA) funding.

The following item was pulled for individual consideration:

7. **Guidelines for Large Events at Malibu Bluffs Park**

   Recommended Action: Adopt Resolution No. 18-20 approving guidelines for large events coordinated by outside individuals, groups, organizations and businesses at Malibu Bluffs Park.

Robert Gold thanked Public Works Department staff for its work on the Civic Center Wastewater Treatment Facility. He stated he represented Scott Gillen regarding development the Crummer property next to Bluffs Park. He requested all of the homes being developed be required to be noticed of a Temporary Use Permit (TUP) application. He questioned which parts of the park would be subject to a TUP, if TUP applications took into account all potential noise pollutants, when alcohol would be served, and regulations for events under 200 people.

Mayor Pro Tem Wagner indicated support for increasing the TUP notice radius to 1,000 feet.

Mayor Mullen indicated support for requiring all homes on the Crummer property to be noticed of a TUP since they shared an entrance with Bluffs Park.

In response to Councilmember Peak, Mr. Gold stated the Crummer property homes in development and Bluffs Park would share an entrance, but the driveway would be approximately 2,000 feet long.

Mayor Mullen, Councilmember Rosenthal and Mayor Pro Tem Wagner indicated support for including all Crummer property homes in TUP noticing.

In response to Councilmember Peak, Community Services Director Bobbett stated youth sport organizations were not considered large special events. He stated Chumash Day, Concert on the Bluffs, and events organized by outside organizations would be considered large events. He stated the property was limited to six TUPs a year.

**MOTION**

Councilmember Peak moved and Councilmember Rosenthal seconded a motion to adopt Resolution No. 18-20, as amended, approving guidelines
for large events coordinated by outside individuals, groups, organizations and businesses at Malibu Bluffs Park. The motion carried unanimously.

ITEM 4    ORDINANCES AND PUBLIC HEARINGS

A. Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District
Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 18-16 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

Environmental Sustainability Director George presented the staff report.

MOTION Councilmember La Monte moved and Mayor Pro Tem Wagner seconded a motion to adopt Resolution No. 18-16 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30. The motion carried unanimously.

ITEM 5    OLD BUSINESS

A. Report on Polystyrene Ordinance
Recommended Action: 1) Receive and file report on Polystyrene Ordinance; and 2) Provide direction to staff on potential revisions to Ordinance No. 412.

Environmental Sustainability Director George presented the staff report. He requested Council consider amending the polystyrene ban to include rigid polystyrene and remove definitions for “compostable” and “recyclable” products from the Malibu Municipal Code. He requested the Council consider banning retail sales of polystyrene products.

Councilmember Peak discussed the importance of properly recycling and composting products. He requested staff explore finding a compostable waste hauler to operate in the City. He indicated support for staff-recommended changes and prohibiting caterers and food service trucks, as well as film shoots, from using polystyrene products.

In response to Mayor Mullen, Environmental Sustainability Director George suggested a six-month window before enforcement of new changes.

Mayor Pro Tem Wagner stated restaurants in the City were working hard to conform to the ban.
Councilmember Rosenthal stated it was possible for take-out food to be contained in non-plastic products. She suggested including education about the ban in the TUP permitting process.

Councilmember Peak suggested a September 1, 2018, deadline for compliance.

City Attorney Hogin suggested allowing staff to study the timing for enforcement.

CONSENSUS

By consensus, the Council directed staff to bring back an item to amend the City’s polystyrene ban to: 1) include rigid polystyrene; 2) ban sale and distribution throughout the City; 3) include catering and food truck services; and 4) remove the definitions for “compostable” and “recyclable” products.

B. Update on Meals Program for Homeless Individuals

Recommended Action: Receive update on City efforts to establish a location for meals for the homeless.

City Manager Feldman presented the staff report.

William Winokur stated many people moved to the City for the safety it offered. He stated resources needed to be devoted to rehousing.

Mayor Pro Tem Wagner requested City Manager Feldman contact the U.S. Department of Veterans Affairs to attend the proposed meal program.

CONSENSUS

By consensus, the Council directed the City Manager to invite Veterans Affairs to participate in the program to provide services to people experiencing homelessness.

Councilmember Rosenthal stated it was important to provide services to people experiencing homelessness in the City.

Councilmember La Monte indicated support for combining the meal program with services from the County.

Mayor Mullen stated he was cautiously optimistic that the new program would be able to support people experiencing homelessness.

ITEM 6

NEW BUSINESS

A. West Basin Municipal Water District Draft Environmental Impact Report for Proposed Ocean Water Desalination Project

Recommended Action: 1) Receive and file report on West Basin’s Desalination Project Draft Environmental Impact Report (DEIR) review; and 2) Provide direction to staff.
Environmental Sustainability Director George presented the staff report.

**MOTION**

Councilmember La Monte moved and Mayor Pro Tem Wagner seconded a motion to direct the City Manager to enter into a collective contract for the review of West Basin's Desalinization Project Draft Environmental Impact Report.

Mayor Pro Tem Wagner discussed the Santa Monica Bay Restoration Commission and a desalination plant in San Diego.

Councilmember Peak indicated support for entering into a collective contract for the review of West Basin's Desalinization Project Draft Environmental Impact Report. He stated Santa Monica Bay water quality had improved over the last 30 years and should continue.

Mayor Pro Tem Wagner requested staff also work with Los Angeles County Waterworks District 29 in the assessment.

Councilmember Rosenthal expressed concern for costs if few cities signed up. She indicated support for entering into a collective contract for the review of West Basin's Desalinization Project Draft Environmental Impact Report.

Mayor Mullen indicated support for entering into a collective contract for the review of West Basin's Desalinization Project Draft Environmental Impact Report.

The motion carried unanimously.

**ITEM 7 COUNCIL ITEMS**

A. **Unification of a Malibu Unified School District**

Recommended Action: Receive an update from the School District Separation Ad Hoc Committee on the status of the City’s petition for Unification of a Malibu School District, discuss the recent motion passed by the Santa Monica-Malibu Unified School District, and provide direction to staff.

Councilmember Rosenthal presented the report. She stated the Santa Monica-Malibu Unified School District (SMMUSD) Board of Education passed a motion to approve the concept of a 50-year revenue sharing model for the formation of Malibu Unified School District (MUSD) if the City was receptive. She suggested suspending the Los Angeles County Office of Education (LACOE) petition process for negotiation only after LACOE had accepted the petition. She stated LACOE could help with negotiation after the petition was accepted. She stated accepting the petition was important for legislators in Sacramento and Malibu stakeholders.

Mayor Mullen stated the School District Separation Ad Hoc Committee recommended suspending the LACOE petition to pursue negotiations, requesting
formal acceptance of the petition from LACOE, holding a meeting between the School District Separation Ad Hoc Committee and SMMUSD representatives to proceed with negotiations, and designate the City Manager and the City Attorney as chief negotiators under the supervision of the School District Separation Ad Hoc Committee.

Councilmember Rosenthal stated the School District Separation Ad Hoc Committee recommendation would fulfill the requirements requested by SMMUSD to proceed with negotiations.

Mayor Mullen stated the LACOE review and acceptance was necessary for the School District Separation Ad Hoc Committee to recommend suspending the petition.

Councilmember La Monte stated he would support the School District Separation Ad Hoc Committee recommendation but expressed concern for a 50-year revenue sharing model. He indicated support for suspending the petition but not withdrawing.

Councilmember Rosenthal stated even if the school districts were not separated, the Malibu schools would receive the same amount of funding as under the revenue sharing model. She stated local control of the schools was most important.

Mayor Pro Tem Wagner indicated support for the School District Separation Ad Hoc Committee’s recommended action.

MOTION Councilmember Peak moved and Councilmember Rosenthal seconded a motion to: 1) direct staff to send a letter to the Los Angeles County Office of Education requesting formal acceptance of the City’s petition for the unification of a Malibu Unified School District and, once accepted, temporarily suspend further actions pending the outcome of negotiation efforts with Santa Monica-Malibu Unified School District (SMMUSD); 2) designate the City Manager and City Attorney to pursue negotiations with SMMUSD under the guidance of the School District Separation Ad Hoc Committee; and 3) accept, in principle, the framework for school district separation recommended by the SMMUSD Board of Education at its March 20, 2018 meeting. The motion carried unanimously.

B. Assembly Bill (AB) 2422: Pesticides, Use of Anticoagulants – SUPPORT (Councilmember Rosenthal)

Recommended Action: At the request of Councilmember Rosenthal, authorize the mayor to send a letter to the California State Assembly Committee on Environmental Safety and Toxic Materials in support of AB 2422, legislation that would amend the Food and Agricultural Code relating to pesticides to prohibit the use of pesticides containing any anticoagulant.

Councilmember Rosenthal discussed the item.
MOTION  Councilmember Rosenthal moved and Mayor Pro Tem Wagner seconded a motion to authorize the mayor to send a letter to the California State Assembly Committee on Environmental Safety and Toxic Materials in support of AB 2422, legislation that would amend the Food and Agricultural Code relating to pesticides to prohibit the use of pesticides containing any anticoagulant. The motion carried unanimously.

ADJOURNMENT

At 9:05 p.m., Mayor Mullen adjourned the meeting in memory of Bonnie Reiss.

Approved and adopted by the City Council of the City of Malibu on May 14, 2018.

RICK MULLEN, Mayor

ATTEST:

HEATHER CLASER, City Clerk

(seal)