

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
APRIL 22, 2019
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

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

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; Rob DuBoux, Public Works Director; Susan Dueñas, Public Safety Manager; Matt Myerhoff, Media Information Officer; Kelsey Pettijohn, Deputy City Clerk; Shea Cunningham, Environmental Programs Coordinator; and Christine Shen, Environmental Sustainability Analyst

PLEDGE OF ALLEGIANCE

Kraig Hill led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

Conference with Legal Counsel – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

1. Conference with Legal Counsel – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)

Number of cases: 1

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 6:00 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(4), with all Councilmembers present. She stated the Council discussed the item listed on the Closed Session agenda and unanimously authorized the City Attorney to file a lawsuit against Southern California Edison (SCE), Edison International, and any

related entities or other defendants and parties that may have liability arising from the November 2018 Woolsey Fire.

APPROVAL OF AGENDA

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on April 11, 2019.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation by Community Corporation of Santa Monica on Affordable Housing

Tara Barauskas, Community Corporation of Santa Monica Executive Director, presented information on affordable housing.

Mayor Wagner thanked Ms. Barauskas for her presentation.

Councilmember Pierson indicated support for affordable housing in Malibu and thanked Ms. Barauskas for her presentation.

In response to Councilmember Mullen, Ms. Barauskas stated two community meetings were required by the Housing Trust Fund before a project could begin. She stated projects under 50 units did not require Planning Commission review. She stated approximately 250 of 1700 affordable housing units in Santa Monica were utilizing Section 8 vouchers. She stated the regulatory period for low income housing tax credits required the housing stay affordable for 55 years. She stated the benefit of working with a non-profit was that the housing would never be converted to market rate and the buildings would be owned by the non-profit.

Mayor Pro Tem Farrer thanked Ms. Barauskas.

In response to Councilmember Peak, Ms. Barauskas stated affordable housing projects needed to be near amenities, such as public transit and grocery stores, and were most accepted by the community when placed in civic center or commercial zones and away from single-family homes.

Councilmember Peak thanked Ms. Barauskas.

Mayor Wagner noted that most successful projects were along transportation corridors.

In response to Mayor Wagner, Ms. Barauskas stated Measure H funds were for

homeless services. She stated there could be capital and service dollars available from the County of Los Angeles.

B. Presentation of City Tile to Alexander Montano for Seven Years of Service to the City of Malibu

Mayor Wagner presented a City tile to Senior Media Technician Montano.

Senior Media Technician Montano thanked the Council.

C. Staff Update on Sustainability Accomplishments

City staff presented a video update on Environmental Sustainability Department accomplishments.

D. Staff Update on Disaster Response and Recovery

Planning Director Blue stated 24 temporary housing permits had been issued. She stated 69 like-for-like rebuilds had been processed and nine of those were in plan check. She stated 12 administrative plan reviews had been processed, of which two had been approved and one was in plan check. She stated contract planners were transitioning to taking over permitting activities for Woolsey Fire rebuilds.

Environmental Sustainability Director George discussed debris removal. He stated quite a few sites had been cleared and certified for soil testing. He stated only one property owner had been unresponsive to the process. He stated the Debris Removal Operations Center was still open in Agoura.

Planning Director Blue stated the Fire Department Help Desk was open at City Hall on Tuesdays and Thursdays.

Environmental Sustainability Director announced Resilient Malibu Workshops April 27 and May 15, 2019, and an Insurance Claims Town Hall on April 28, 2019.

Mayor Wagner stated debris removal truck weights had increased due to hillside homes having more debris.

ITEM 2.A. PUBLIC COMMENTS

Judy Villablanca discussed the Southern California Edison (SCE) tree trimming program. She expressed concern that trimming was taking place during nesting season. She stated trimming had been done in burn areas. She expressed concern for the environmental impact of the trimming, especially in environmentally sensitive habitat areas (ESHA). She indicated support for requiring that SCE obtain a Coastal Development Permit (CDP) to trim any branches in the City that were two inches in diameter or larger.

Bruce Silverstein discussed the City Manager performance evaluation previously noticed under Closed Session on Special City Council meeting agendas. He questioned the notice that had been posted and stated the City Manager performance annual review had not yet been done.

Keegan Gibbs stated it was Earth Day. He questioned how the City was responding to the SCE tree trimming plan. He requested an update on the Earth Friendly Management Policy and an ordinance regarding dumpsters. He discussed plastic sandbags in the City.

Ken Luskin stated former Councilmember Laura Rosenthal had become a director of a library foundation that had received funding from Malibu Library Set Aside Funds.

At 7:19 p.m., Councilmember Peak left the dais.

Mr. Luskin indicated support for a Strong Mayor form of government.

At 7:21 p.m., Councilmember Mullen left the dais and Councilmember Peak returned to the dais.

Lance Simmens discussed plastic sandbags in the City. He stated outside agencies needed to respect the City's bans.

At 7:24 p.m. Councilmember Mullen returned to the dais.

Mr. Simmens indicated support for Commissioner business cards.

John Mazza deferred his time to Kraig Hill.

Kraig Hill discussed SCE tree trimming. He stated a CDP should be required for the removal of major vegetation. He stated a CDP would better protect ESHA and would allow for oversight by the City.

Scott Dittrich indicated support for Commissioner business cards. He stated a resident had complained to him that her life had been ruined by an Airbnb. He indicated support for a citizen's commission to see if a directly elected Mayor in conjunction with a City Manager would be beneficial for the City.

Paul Grisanti deferred his time to Lenise Soren.

Lenise Soren discussed a poll regarding local businesses. She discussed www.allthingsmalibu.com, a Lunch and Learn at Duke's, and #shopmalibu. She discussed the importance of bollards at bus stops along Pacific Coast Highway (PCH) to protect pedestrians from traffic and drunk drivers.

Steve Uhring indicated support for requiring a CDP for SCE tree trimming. He

stated the City needed to gain more control over what happened in the City.

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

Scott Dittrich, Public Works Commission, stated the dewatering system at Big Rock Mesa had not been properly maintained. He discussed land movement potential in Big Rock Mesa and expressed concern for the safety of the area. He indicated support for tree trimming in eastern Malibu but not during nesting season.

City Manager Feldman stated the Council had negotiated an agreement with the County of Los Angeles for funds not utilized by the County for the Malibu Library to be set aside for future use. She stated the funds were collected, held, and spent by the County of Los Angeles and were not part of the City's budget. She stated the Library Subcommittee made recommendations to the Council, which in turn made recommendations to the County. She thanked Senior Media Technician Montano. She stated the Earth Friendly Management Policy was set to go to the Environmental Sustainability Subcommittee on April 8, 2019, but was not considered due to lack of a quorum and would be rescheduled. She stated plastic sandbags had been removed from City properties and the City right-of-way except the upper Latigo area, which would be picked up by week end. She stated business card funding would be discussed by the Council during its budget workshop on April 24, 2019. She stated City staff had recently received responses to a request for proposals for a financial consultant to work on the short-term rental ordinance. She thanked Ms. Soren for her suggestion about bollards in the Caltrans right-of-way. She stated City staff would be in touch with residents and the Council regarding Big Rock Mesa dewatering. She announced the next Library Speaker Series event on April 23, 2019, a City Council Special meeting on April 24, 2019, a Resilient Malibu Workshop on April 27, 2019, and a Planning Commission Special meeting on April 29, 2019. She stated Caltrans would close one lane on PCH near Malibu Seafood between April 22 and 26, 2019. She announced a Civic Center Water Treatment Facility Phase Two meeting on April 30, 2019.

Planning Director Blue stated SCE tree trimming had not yet commenced in the City. She stated the goal was to work out a program with SCE that was consistent with the County's approach but was also sensitive to the Malibu environment. She stated the Local Coastal Program required a CDP for removal of vegetation in ESHA and the removal of protected trees, which would account for a portion of the work SCE would perform in the City. She stated City staff had a call scheduled with SCE on April 24, 2019, to discuss various options for oversight in the City. She stated it made sense for work to begin in eastern Malibu.

In response to Councilmember Mullen, Planning Director Blue stated SCE had not started cutting trees in the City as part of the annual program, but some trimming had been done in connection with pole replacement.

City Manager Feldman stated the County of Los Angeles would be discussing with its Counsel whether it would require SCE to obtain a CDP.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Mullen congratulated Senior Media Technician Montano.

In response to Councilmember Mullen, City Manager Feldman stated the request for proposals for a financial consultant to work on the short-term rental ordinance had been delayed due to the Woolsey Fire, but it had been sent out and responses had recently been received. Councilmember Mullen stated the City already had a Mayor with whom residents could raise concerns.

Councilmember Peak congratulated Senior Media Technician Montano. He discussed SCE tree trimming in the City. He stated he had requested SCE make the east end of Malibu a priority. He stated utility undergrounding was important. He indicated support for sending a letter to Caltrans that encouraged bus stop safety.

Councilmember Pierson thanked Ms. Soren for her work in the community. He thanked Mr. Gibbs for cleaning up plastic sandbags in the City. He discussed SCE tree trimming he had seen happening outside the City and indicated support for requiring SCE to obtain a CDP and use an arborist for tree trimming in the City. He discussed affordable housing for those who worked in Malibu. He stated the Malibu West Homeowners Association had appropriated funds for a volunteer fire brigade and an ember mitigation program. He stated Mayor Pro Tem Farrer and he had gone to Sacramento. He stated he attended a Regional Water Quality Control Board (RWQCB) meeting. He congratulated Red Ladder Gallery on its one-year anniversary. He congratulated Senior Media Technician Montano.

Mayor Pro Tem Farrer thanked Ms. Barauskas and indicated interest in finding out whether there was interest in the City for affordable housing. She thanked the Environmental Sustainability Department and the Planning Department for rebuilding efforts in the City. She thanked Ms. Soren. She discussed short-term rentals and SCE tree trimming. She stated Councilmember Pierson and she visited Sacramento. She thanked Kian and Joel Schulman for their work on preventing the use of pesticides. She discussed Senate Bill 70. She stated she attended a RWQCB meeting.

Mayor Wagner stated he attended a Santa Monica Bay Restoration Commission meeting. He stated the City Attorney could speak to the reason why the Council conducted City Manager evaluations in Closed Session. He discussed plastic sandbags. He thanked the public for its suggestions. He indicated support for a letter of suggestion to Caltrans that encouraged bus stop safety.

RECESS At 8:26 p.m., Mayor Wagner recessed the meeting. The meeting reconvened at 8:36 p.m. with all Councilmembers present.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.5. was pulled by the public.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to approve the Consent Calendar, except Item No. 3.B.5. 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 56536-56660 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. 636 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,754,242.83. City of Malibu payroll check numbers 5001-5003 and ACH deposits were issued in the amount of \$212,269.78.

3. Approval of Minutes

Recommended Action: Approve the minutes for the March 25, 2019 Malibu City Council Special meeting and the March 25, 2019 Malibu City Council Regular Meeting.

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

Recommended Action: Adopt Resolution No. 19-16 approving the Fiscal Year 2019- 2020 project list for Senate Bill 1 (Road Repair and Accountability Act of 2017) Road Maintenance and Rehabilitation Account funding.

6. Agreement with County of Los Angeles Citywide Guardrail Replacement Project

Recommended Action: Authorize the City Manager to execute an agreement between County of Los Angeles and the City for the design and construction of the Citywide Guardrail Replacement Project.

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

5. Termination of the State of a Local Emergency

Recommended Action: Adopt Resolution No. 19-17 terminating the state of local emergency declared as a result of the November 8, 2018 Woolsey Fire.

Ben Resnik indicated support for the recommended action.

MOTION

Councilmember Peak moved and Councilmember Pierson seconded a motion to adopt Resolution No. 19-17 terminating the state of local emergency declared as a result of the November 8, 2018 Woolsey Fire.

City Attorney discussed the reasons why the City needed a declaration of emergency and why it would want to terminate the declaration of emergency.

The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Ordinance Amending Price Gouging Ordinance

Recommended Action: If state of emergency remains in effect, consider adoption of Ordinance No. 447.

City Attorney Hogin recommended the Council table the matter as it had terminated the state of local emergency.

Ben Reznik stated the ordinance should be amended so it was consistent with California State law.

John Mazza stated the City needed protection from price gouging for more than a year.

In response to Mayor Pro Tem Farrer, City Attorney Hogin stated the City Attorney's office had received quite a few complaints about price gouging. She recommended keeping in place the most protective price gouging rules for the residents and tabling the discussion.

In response to Councilmember Pierson, City Attorney Hogin stated the Cavallari condominiums rent prices would not be regulated by any price gouging ordinance.

MOTION

Councilmember Peak moved and Councilmember Pierson seconded a motion to table adoption of Ordinance No. 447 amending the City's price gouging ordinance.

In response to Mayor Pro Tem Farrer, Mr. Reznik stated the Cavallari condominiums had been off the market for two years.

The motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Potential sale of 2 acres of 23575 Civic Center Way/23789 Stuart Ranch Road (APN 4458-022- 011- Ioki Parcel) to the Los Angeles County Fire Department
Recommended Action: 1) Discuss the potential sale of 2 acres of 23575 Civic Center Way/23789 Stuart Ranch Road (APN 4458-022-011 - Ioki Parcel) to the Los Angeles County Fire Department (Fire Department); 2) Direct the Public Safety Commission to hold a public meeting before May 30, 2019, and make recommendations with respect to the public safety aspects of the potential sale; and 3) Direct staff to develop a proposed purchase agreement with the Fire Department and schedule an agenda item for June or July Council meeting for Council to consider Commission recommendations and potential sale.

City Manager Feldman presented the staff report.

Judy Villablanca indicated opposition to the sale of any portion of the property. She questioned why exactly the Fire Department needed the land. She stated any potential sale of newly acquired land should also be considered by the Parks and Recreation Commission.

City Manager Feldman stated the Council had directed staff to hire a consultant to field public input on potential use of the City's land, which had been put off due to the Woolsey Fire. She stated the Council had since reallocated funding for the consultant to various Public Safety items.

Ted Vaill deferred his time to Bruce Silverstein.

Bruce Silverstein questioned whether the sale of the portion of property was necessary to protect the City from fire danger. He discussed the Council's obligation as stewards of Malibu to preserve open space and provide recreation on City property. He questioned why the County would get preferential treatment and whether the sale was the highest and best use. He discussed possible limitations that could be placed on the property by the City. He stated Councilmember Mullen should recuse himself on a conflict of interest.

Keegan Gibbs deferred his time to Kraig Hill.

Kraig Hill expressed concern about the transparency of the sale process. He stated the City was already limited by the amount of land to satisfy the demands of the community. He discussed the process for obtaining community input regarding the use of City land.

Scott Dittrich indicated support for gathering community input on what should be done with the City's land. He questioned why the Fire Department needed two acres.

John Mazza indicated support for gathering community input on what should be

done with the City's land.

Andrew Lyon questioned how the sale of a portion of the parcel would affect the value of the remainder of the parcel. He indicated support for a Strong Mayor form of government. He stated the City needed an oversight committee for City land.

Paul Grisanti stated the Fire Department should buy three acres if it needed the section outlined in the presentation. He questioned the sale price listed in the staff report.

Suzanne Guldimann stated the property was the only opportunity for the City to have recreation amenities in the middle of the City.

Marianne Riggins indicated opposition to selling any portion of the property. She stated the County could look to redevelop its own assets.

Mayor Pro Tem Farrer suggested getting a new appraisal of the property. She stated the layout of any potential sale should be vertical. She stated Fire Station No. 88 was too small.

In response to Mayor Pro Tem Farrer, City Manager Feldman stated the old Courthouse location was California State property.

Mayor Pro Tem Farrer stated the triangle property was smaller than what the Fire Department was looking for.

In response to Mayor Pro Tem Farrer, Councilmember Mullen confirmed he did not stand to personally gain from whatever decision was made.

Councilmember Pierson discussed the size of the lot being requested by the Fire Department and questioned what the call dates were for the bonds used to purchase the land.

Mayor Wagner thanked the public for its comments and stated he did not think the City needed to sell the property.

Councilmember Mullen thanked the public for its comments. He indicated support for calling the property the Ioki property in honor of those that came before. He stated the City Attorney had advised him he did not need to recuse himself from a vote on the item. He discussed the City's Mission Statement and the City's long-term financial situation. He indicated support for gathering community input on what should be done with the City's land. He stated it made sense for a Fire Station to be located in the middle of town. He indicated support for funding public meetings to solicit community input on what should be done with the City's land.

Councilmember Peak discussed the City's need for parks and increased public safety and stated community input needed to be gathered regarding whether a portion of the property should be sold to the Los Angeles County Fire Department.

MOTION Councilmember Peak moved to direct staff to schedule a joint meeting of the Public Safety, Parks and Recreation, and Cultural Arts Commissions before May 30, 2019, for the purpose of discussing and making recommendations to the Council regarding the potential sale of 2 acres of 23575 Civic Center Way/23789 Stuart Ranch Road (APN 4458-022-011 - Ioki Parcel) to the Los Angeles County Fire Department.

City Manager Feldman stated color advertisements had been placed in the local papers to encourage the community to participate on the item.

Councilmember Mullen seconded the motion.

Mayor Wagner discussed the Bell property being used by SCE.

Councilmember Pierson discussed previous methods the City had utilized to gather community input.

The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Council Appointments to the Cultural Arts Commission and Public Safety Commission
Recommended Action: 1) Mayor Wagner to make his appointment to the Cultural Arts Commission; and 2) Mayor Pro Tem Farrer to make her appointment to the Public Safety Commission.

Mayor Wagner appointed Peter Jones to the Cultural Arts Commission.

Mayor Pro Tem Farrer deferred to a future meeting her appointment to the Public Safety Commission.

- B. Senate Bill 70 – Support (Mayor Pro Tem Farrer)
Recommended Action: At the request of Mayor Pro Tem Farrer, authorize the Mayor to send a letter of support for Senate Bill (SB) 70, which would require the California Public Utilities Commission (CPUC), on and after January 1, 2021, to require each electrical corporation, except where it is physically infeasible to do so, to replace overhead electrical distribution infrastructure in a very high fire hazard severity zone that is destroyed as a result of fire with underground electrical distribution infrastructure, and to convert overhead electrical distribution infrastructure that is removed due to an accident to underground electrical distribution infrastructure.

Lloyd Ahern indicated support for the recommended action. He recommended gathering local support and continuing to lobby Sacramento.

Scott Dittrich indicated support for the recommended action.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to authorize the Mayor to send a letter of support for Senate Bill 70, which would require the California Public Utilities Commission, on and after January 1, 2021, to require each electrical corporation, except where it is physically infeasible to do so, to replace overhead electrical distribution infrastructure in a very high fire hazard severity zone that is destroyed as a result of fire with underground electrical distribution infrastructure, and to convert overhead electrical distribution infrastructure that is removed due to an accident to underground electrical distribution infrastructure.

Councilmember Mullen discussed SB 584.

Councilmember Peak stated electrical costs would increase.

Mayor Wagner discussed solar installation to offset the cost.

The motion carried unanimously.

ADJOURNMENT

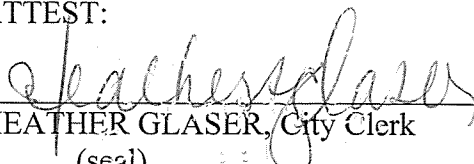
At 9:57 p.m., Mayor Wagner adjourned the meeting.

Approved and adopted by the City Council of the
City of Malibu on May 28, 2019.



JEFFERSON WAGNER, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)