

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
APRIL 24, 2019
COUNCIL CHAMBERS
6:00 P.M.

CALL TO ORDER

Mayor Wagner called the meeting to order at 6:00 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 (arrived at 6:08 p.m.), and Mikke Pierson

ALSO PRESENT: Trevor Rusin, Assistant 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; Elizabeth Shavelson, Assistant to the City Manager; and Kristin Riesgo, Community Services Deputy Director

PLEDGE OF ALLGIANCE

Christopher Carradine led the Pledge of Allegiance.

APPROVAL OF AGENDA

Councilmember Mullen moved and Mayor Pro Tem Farrer seconded a motion to approve the agenda. 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 April 11, 2019.

City Manager Feldman stated Southern California Edison (SCE) would provide the County of Los Angeles and the City a list of the trees that would be trimmed. She stated SCE had ceased trimming until the list has been looked at by the County and the City and a decision had been made regarding whether SCE was required to obtain a Coastal Development Permit (CDP). She stated the City had requested the trimming begin in the east end of the City.

PUBLIC COMMENT

Assistant City Attorney Rusin announced Public Comment and comments on Item Nos. 1.A. and 1.B. would be heard concurrently.

Ken Luskin stated Malibu Library set aside funds were not County funds but Malibu taxpayer dollars. He stated the City did not need more debt. He questioned what was being done to protect the east end of Malibu from the threat of disaster. He stated the number one responsibility of government was to protect its residents and their property.

Christopher Carradine discussed the City's work plan.

Councilmember Peak arrived at 6:09 p.m.

Mr. Carradine stated the Proposed Budget was approximately \$50 million dollars and questioned why the Council could not waive permitting fees.

Carolyn Carradine stated nothing was being done to expedite permitting for Woolsey Fire victims. She discussed the various costs associated with rebuilding like-for-like after the Woolsey Fire. She expressed concern that Woolsey Fire victims had not been prioritized.

Gail Block indicated support for waiving fees for Woolsey Fire victims who lost their primary residence. She stated she would spend a great deal of money before she could begin to rebuild and not all costs would be covered by insurance.

Bruce Silverstein indicated support for waiving fees for Woolsey Fire victims who lost their primary residence. He stated permitting fees could be recovered in the lawsuit against SCE. He stated the staff report stated the City was in negotiations for sale of 23575 Civic Center Way/23789 Stuart Ranch Road to the Los Angeles County Fire Department. He stated the City Manager was not doing what the Council asked and the Council was not following through. He questioned why some Special City Council meetings stated they had been called by the Mayor.

COUNCIL COMMENTS

Councilmember Mullen stated the Fire Department got its money before the City did just as the schools did. He stated the work plan was not listed by priority.

In response to Councilmember Mullen, Assistant City Manager Soghor stated the City planned to spend \$2 million over Fiscal Year 2019-2020 on consultants hired specifically for Woolsey Fire projects.

Councilmember Mullen stated community members should speak with the Fire Department about its requirements before assuming a driveway would need to be widened.

Councilmember Pierson thanked the community for its input. He stated the City needed to reach out to the community to make sure everyone was properly insured.

Councilmember Peak announced an Insurance Claims Town Hall on April 28, 2019. He stated the position the community was in from the Woolsey Fire was saddening. He announced a TheraSURF event on April 27, 2019.

Mayor Pro Tem Farrer thanked the community for its input.

PUBLIC COMMENT (continued)

Carla McClosky indicated support for waiving fees for Woolsey Fire victims.

Kraig Hill requested Planning Commissioners be compensated.

Steven O'Neill indicated support for waiving fees for Woolsey Fire victims.

Mayor Wagner stated no further speakers would be accommodated.

COUNCIL COMMENTS (continued)

Mayor Wagner stated he believed the analysis from Supervisor Sheila Kuehl's office of what happened during the Woolsey Fire would be fair. He stated the City Manager and City staff were responsible for legally posting agendas and stating the Mayor had called the meeting was a formality.

The following items were heard concurrently:

ITEM 1 NEW BUSINESS

- A. Proposed Budget for Fiscal Year 2019-2020
Recommended Action: Provide direction to staff on the Proposed Budget, General Fund Grants, and Annual Work Plan for Fiscal Year 2019-2020.
- B. Fiscal Year 2019-2020 Schedule of Fees
Recommended Action: Provide direction to staff on the preparation of the Schedule of Fees for Fiscal Year 2019-2020.

City Manager Feldman discussed the budget process. She stated the work plan was not listed by priority but chronologically and grouped by the priorities established by the Council. She stated reallocation of funds from public meetings to gather input regarding use of the City's vacant land to public safety matters had been decided by the Council at its mid-year budget review on January 28, 2019. She stated staff was sympathetic to the situation many in the community were in since the Woolsey Fire. She discussed the method by which items went on an agenda. She stated the negotiation of the price and terms of the potential sale of

two acres of 23575 Civic Center Way/23789 Stuart Ranch Road had been discussed by the Council in Closed Session.

Assistant City Manager Soghor presented the Proposed Budget for Fiscal Year 2019-2020.

City Manager Feldman stated staff projected Woolsey Fire permit revenue at \$2.6 million dollars for Fiscal Year 2019-2020 for 150 applications for like-for-like, and 100 building permits issued. She stated 70 applications had been processed through Planning. She stated \$250,000 had been collected to date. She stated Malibu's budget was considerably smaller than that of the City of San Diego or the County of San Diego, which had waived fees.

Councilmember Mullen indicated support for discussing fees before considering the work plan as it would inform the items that could be funded.

Mayor Wagner indicated support for the Council providing staff its top 10 priorities from the work plan.

Assistant City Manager Soghor discussed the items listed on the work plan and the difference between projects that were funded by the General Fund and projects funded by Special Revenue, which could only be used for specific projects. She stated it was up to Council to decide what its priorities were and how those priorities would be funded. She stated unfunded items totaled approximately \$3.4 million dollars.

In response to Councilmember Pierson, Assistant City Manager Soghor stated the staff time allocated to each line item in the work plan was a best estimate and would continue to evolve. She discussed the daily workload of staff and stated that workload was even heavier after the Woolsey Fire.

City Manager Feldman suggested perhaps the Council would like staff to explore other ways to generate revenue in the City.

In response to Councilmember Mullen, Assistant City Manager Soghor confirmed that waiving fees would require taking things out of the Proposed Budget while still maintaining credit worthy status. City Manager Feldman added funding could come from finding an additional revenue source.

Councilmember Peak indicated support for putting a hold on a new Environmental Commission and schedule more Environmental Sustainability Subcommittee meetings instead. He indicated support for putting a hold on the Civic Center Specific Plan.

Councilmember Mullen stated the margin of safety in the budget had been reduced. He indicated support for maintaining a reserve of 65%. He stated the matter of fees needed to be settled before the work plan could be prioritized.

In response to Mayor Pro Tem Farrer, City Manager Feldman stated lowering the City's reserve under 65% would result in a reduced Standard and Poor's rating, which would impact future assessment district formation and the City's ability to consolidate its debt. She stated City staff could reach out to the City's Bond Counsel and Standard and Poor's to see if the City could get a break on its rating due to the recent Woolsey Fire. She stated the Civic Center Water Treatment Facility Phase Two project was mandated by the State of California. She stated Rambla Pacifica Undergrounding was not a mandated project but had been in the works with the community for some time.

Mayor Pro Tem Farrer questioned what criteria the Malibu Foundation used to determine the need of those being granted funds. She expressed concern that waiving fees would set a precedent.

Councilmember Pierson stated his goal was to waive fees. He discussed human capital. He stated waiving fees would not set a precedent for the City. He discussed the possibility of waiving fees for Woolsey Fire victims who lost their primary residence and did not sell their lot. He indicated support for putting the City's solar project on hold.

Councilmember Peak indicated support for putting the City's solar project on hold.

Councilmember Pierson discussed raising transient occupancy tax to 15%. He indicated support for procuring an additional Volunteers on Patrol (VOP) vehicle to generate additional revenue. He stated the City was one major disaster away from depleting its reserve. He discussed the possibility of revenue from private projects.

In response to Mayor Wagner, Assistant City Attorney Rusin stated waiving fees would be a gift of public funds if there was no public purpose. He stated there was a public purpose in encouraging rebuilding in the City. He stated it could be problematic to establish criteria to differentiate between different categories of victims of the Woolsey Fire.

Councilmember Pierson stated assisting the public in rebuilding would increase the City's tax base.

In response to Councilmember Peak, Assistant City Attorney Rusin discussed the need for a public purpose for waiving fees.

Councilmember Peak discussed giving each burned out property an allowance for fee waivers. He indicated support for an increase in transient occupancy tax but stated any increase would need to go to the voters for approval.

In response to Councilmember Peak, Assistant City Attorney Rusin stated the Council could set a special election to consider increased fees depending on the type of fee that was considered.

Councilmember Peak indicated support for using 100% renewable energy at all City facilities.

Mayor Wagner stated it was generous of Councilmember Peak to delay the solar project to accommodate the needs of the homeowners.

Councilmember Peak stated an item needed to come back to Council about transient occupancy tax. He stated the City needed to remain fiscally conservative.

Mayor Wagner suggested flat rate fees for like-for-like and like-for-like plus 10% Woolsey Fire rebuilds.

Councilmember Peak stated fees were unique to the home being built. He recommended waiving a percentage of permitting fees. He discussed waiving between 75 and 100 percent of fees while not jeopardizing the City's credit rating.

Mayor Wagner indicated support for a flat rate allowance for each property up to \$1.8 million dollars and passing any fee overages beyond 80 percent on to property owners.

In response to Councilmember Peak, City Manager Feldman discussed the various charges that could be incurred for permitting depending on the type of project and property.

In response to Councilmember Peak, Environmental Sustainability Director George stated like-for-like projects would not need any changes to grading or drainage.

Councilmember Mullen stated any fee reduction should be a percentage of the total fees incurred.

Councilmember Peak discussed federal funding options that could be used to reimburse the City.

Mayor Wagner discussed difficulties in federal government funding grants. He indicated support for waiving a flat fee or percentage of fees.

Councilmember Peak indicated support for waiving fees by 75 percent.

City Manager Feldman suggested staff look at a way to eliminate permit fees for like-for-like rebuilds, but, if not fiscally possible, at least waiving 75 percent.

Councilmember Peak, Mayor Wagner, and Councilmember Mullen indicated support for waiving 100%, or at least 75%, of permitting fees for all like-for-like Woolsey Fire rebuilds.

In response to City Manager Feldman, Councilmember Peak confirmed he wanted staff to research federal grants to supplement unfunded projects.

Mayor Pro Tem Farrer stated the rebuilding process would go on much longer than one year.

Mayor Wagner stated not all homes needing to be rebuilt would come to the City for a permit during Fiscal Year 2019-2020.

City Manager Feldman stated the Council should only consider Fiscal Year 2019-2020.

Assistant City Attorney Rusin stated the Council could not bind the future Council and should consider one budget year at a time.

Mayor Pro Tem Farrer stated it was important to maintain a spirit of fairness throughout future budget years regarding waiving fees.

Mayor Wagner recommended including like-for-like plus 10% rebuilds.

Assistant City Attorney Rusin stated there could be a public purpose in encouraging people to rebuild by waiving permitting fees for all like-for-like and like-for-like + 10% Woolsey Fire rebuilds.

Planning Director Blue stated like-for-like and like-for-like plus 10% rebuilds did not require a CDP.

Councilmember Pierson indicated support for reducing fees completely for like-for-like rebuilds.

In response to Assistant City Manager Soghor, Councilmember Peak stated projects in the pipeline during Fiscal Year 2018-2019 would need to be looked at for refunds or credits.

Assistant City Attorney Rusin stated a credit may be more appropriate to provide rather than a refund.

City Manager Feldman stated reversing charges would change the starting fund balance for the Fiscal Year 2019-2020.

Councilmember Mullen stated the City needed to maintain a reserve of 65%.

RECESS

At 8:15 p.m., Mayor Wagner recessed the meeting. The meeting reconvened at 8:26 p.m. with all Councilmembers present.

Councilmember Peak stated the Electric Fleet and the Mobile Command Post could be postponed to a future year. He stated Coastal Vulnerability Assessment needed to be prioritized.

Mayor Wagner indicated support for funding the Coastal Vulnerability Assessment.

Councilmembers Pierson and Mullen questioned what funding would be cut elsewhere to fund the Coastal Vulnerability Assessment.

Environmental Sustainability Director George stated Coastal Vulnerability Assessment would eventually lead to a Local Coastal Program amendment.

Councilmember Peak stated he would like the Balloon Ban, Plastic Dry-Cleaning Bag Ban, No Smoking Ordinance, and Polystyrene Ban Additions to come back together. He stated it was a priority for staff to complete all fire-related tasks and regular business.

CONSENSUS

By consensus, the Council prioritized Woolsey Fire recovery.

Councilmember Peak stated the Legacy Park Art Enhancement Plan should be postponed.

City Manager Feldman stated Legacy Park funds could be used elsewhere to free up General Funds.

Assistant City Manager Soghor stated the Legacy Park Art Enhancement Plan was already unfunded.

In response to Councilmember Mullen, Mayor Wagner stated Brian Strange was still willing to donate funds for a skatepark once property was identified.

Councilmember Mullen stated parking meters in the Civic Center should come back at the Fiscal Year 2019-2020 mid-year review.

CONSENSUS

By consensus, the Council directed staff to bring back at the mid-year budget review for Fiscal Year 2019-2020 the Parking Meters Implementation Plan.

In response to Councilmember Pierson, City Manager Feldman stated \$100,000 had been included in the Proposed Budget for emergency warning sirens. She stated City staff was seeking grant funds to make up the rest of the project cost. She discussed potential costs associated with School District Separation that were

unfunded in Fiscal Year 2019-2020 that were not likely to be seen in Fiscal Year 2019-2020. She stated funding for public outreach for use of all the City's property should be done when the City had funding to accomplish the goals identified from outreach.

In response to Mayor Wagner, Councilmember Mullen discussed the possibility of having a VOP vehicle donated.

Councilmember Pierson stated the sign ordinance was important but needed to be postponed.

CONSENSUS

By consensus, the Council directed staff to remove the following item listed in the Fiscal Year 2019-2020 Work Plan and defer it to a future year: Sign Ordinance ZTA.

Councilmember Mullen indicated support for making School District Separation the second Council priority.

CONSENSUS

By consensus, the Council directed staff to remove the following items listed in the Fiscal Year 2019-2020 Work Plan and defer them to a future year: 1) Civic Center Specific Plan; 2) Mobile Command Post; and 3) Vacant Properties.

CONSENSUS

By consensus, the Council directed staff to add funding to the Proposed Budget for Fiscal Year 2019-2020 for the Coastal Vulnerability Assessment.

CONSENSUS

By consensus, the Council directed staff to bring back at the mid-year budget review for Fiscal Year 2019-2020 the Parking Meters Implementation Plan.

CONSENSUS

By consensus, the Council directed staff to: a) not include creation of an Environmental Commission in the Fiscal Year 2019-2020 Work Plan but defer it to a future year; and b) schedule regular meetings of the Environmental Sustainability Subcommittee in lieu of creating an Environmental Commission.

CONSENSUS

By consensus, the Council directed staff to bring back Business Licenses at the mid-year budget review for Fiscal Year 2019-2020.

CONSENSUS

By consensus, the Council directed staff to remove the following items listed in the Fiscal Year 2019-2020 Work Plan and defer them to a future year: 1) Sign Ordinance ZTA; 2) Wireless Communications Facilities Ordinance; 3) Utilities

Undergrounding Assessment District Formation / Outreach Program; 4) Metro Freeway Service Patrol (FSP) Pilot Program; and 5) LCP ESHA Map.

CONSENSUS

By consensus, the Council directed staff to add funding to the Proposed Budget for Fiscal Year 2019-2020 for using 100% renewable energy at all City facilities (Clean Power Alliance).

CONSENSUS

By consensus, the Council directed staff to remove funding from the Proposed Budget for Fiscal Year 2019-2020 for the City Hall Solar Project.

CONSENSUS

By consensus, the Council directed staff to remove the following items listed in the Fiscal Year 2019-2020 Work Plan and defer them to a future year: 1) Balloon Ban; 2) Plastic Dry-Cleaning Bag Ban; 3) No Smoking Ordinance; 4) Polystyrene Ban Additions; and 5) Single Use Plastic Beverage Containers Ban.

In response to Councilmember Pierson, Assistant City Manager Soghor stated work plan updates were typically provided with the quarterly financial updates presented to Council.

CONSENSUS

By consensus, the Council set Council priorities in order of importance as follows: 1) Public Safety; 2) Woolsey Fire Recovery; and 3) School District Separation.

CONSENSUS

By consensus, the Council directed staff to remove the following items listed in the Fiscal Year 2019-2020 Work Plan and defer them to a future year: Legacy Park Art Enhancement Plan.

In response to Mayor Wagner, Assistant City Manager Soghor stated City staff was working with the Federal Emergency Management Agency (FEMA) on how to get the recovery project for Charmlee Wilderness Park turned over to the City. She stated there was not a quick path to reopening the Park.

CONSENSUS

By consensus, the Council directed staff to keep Charmlee Wilderness Park closed during Fiscal Year 2019-2020.

City Manager Feldman requested the Council prioritize the Planning Department's tasks.

Councilmember Mullen, Mayor Pro Tem Farrer, and Mayor Wagner agreed the Total Development Square Footage Mansionization Ordinance and the Short-Term Rental Ordinance and Enforcement Program were priorities.

In response to Councilmember Pierson, Planning Director Blue stated the Accessory Dwelling Unit Ordinance could be completed rather quickly. She stated the Beachfront/Non-Beachfront Development Standards would be important to complete and would not take a long time. She stated Parking as a Stand-Alone Use would need to be completed for any work on the triangle property.

In response to Mayor Wagner, City Manager Feldman stated the Earth Friendly Management Policy was ready for review by the Environmental Sustainability Subcommittee.

In response to City Manager Feldman, Assistant City Manager Rusin stated the Overnight Parking Ordinance would be complicated issue.

Councilmember Peak stated the State of California needed to address overnight parking on state highways.

Councilmember Pierson stated the Overnight Parking Ordinance needed to be handled carefully.

Mayor Wagner stated the matter would come up again during the summer.

City Manager Feldman stated it would remain on the work plan to address as a lower priority.

CONSENSUS

By consensus, the Council considered Planning Departmental Tasks listed in the Fiscal Year 2019-2020 Work Plan as presented with priorities beyond Woolsey Fire Recovery as follows: 1) Accessory Dwelling Unit Ordinance; 2) Beachfront/Non-Beachfront Development Standards; 3) Total Development Square Footage Mansionization Ordinance; 4) Short-Term Rental Ordinance and Enforcement Program; 5) Parking as a Stand Alone Use; and 6) Overnight Parking Ordinance.

CONSENSUS

By consensus, the Council directed staff to bring back with the next budget consideration of waiving 100%, or at least 75%, of permitting fees for all like-for-like and like-for-like + 10% Woolsey Fire rebuilds in Fiscal Year 2019-2020.

City Manager Feldman stated the Fiscal Year 2019-2020 schedule of fees would come back to the Council at its May 13, 2019, meeting. She stated an item reducing Woolsey Fire rebuild permitting fees would come back separately.

Councilmember Pierson indicated support for Commissioners to have business cards.

Mayor Wagner discussed the possibility of Commissioners having City email addresses.

In response to Councilmember Pierson, City Manager Feldman discussed the Public Records Act and stated there was a Council Policy for accessing City email. She expressed concern for City email being accessed on personal devices.

Assistant City Attorney Rusin stated the City could look at adding email addresses for Commissioners. He stated business cards would have to be used by Commissioners carefully as they did not speak for the City.

In response to Councilmember Pierson, Assistant City Attorney Rusin stated there could be verbiage to add to a business card specifically for Commissioners.

In response to Councilmember Mullen, Councilmember Pierson stated he found it important to have a business card when he served on the Planning Commission.

CONSENSUS

By consensus, the Council directed staff to bring back an item with the next budget consideration information on putting an increase of Transient Occupancy Tax to 15% on a special election ballot.

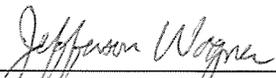
Assistant City Manager Soghor thanked the Council for its help and direction.

Councilmember Pierson thanked City staff for its work.

ADJOURNMENT

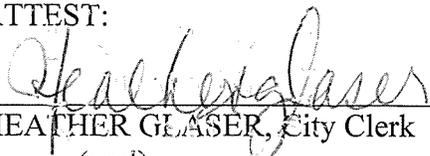
At 9:04 p.m., Mayor Wagner adjourned the meeting.

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)