

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
JUNE 10, 2019  
COUNCIL CHAMBERS  
6:30 P.M.

**MEETING CALL TO ORDER**

Mayor Wagner called the meeting to order at 6:00 p.m.

**PUBLIC COMMENT ON CLOSED SESSION**

Suzanne McCarthy thanked the Council for hearing her comments. She stated her property's electricity was fed by Las Flores. She stated Southern California Edison (SCE) performed a study that determined her property was under-powered. She stated SCE had developed plans to improve power on her property and was working with the City to implement them.

**RECESS TO CLOSED SESSION**

At 6:05 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 – Anticipated litigation pursuant to Government Code Section 54956.9(d)(2):**

1. Number of Cases: 1  
Dispute with Southern California Edison regarding utility rights in Las Flores Creek Park

**REGULAR SESSION CALL TO ORDER**

Mayor Wagner called the meeting to order at 6:37 p.m.

**ROLL CALL**

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

PRESENT: Mayor Jefferson Wagner; Mayor Pro Tem Karen Farrer (arrived 6:38 p.m.); and Councilmembers Rick Mullen and Skylar Peak

ABSENT: Councilmember 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; Susan Dueñas, Public Safety Manager; Matt Myerhoff, Media Information Officer; and Kelsey Pettijohn, Deputy City Clerk

Mayor Pro Tem Farrer arrived at 6:38 p.m.

## **PLEDGE OF ALLEGIANCE**

Drew Lewis led the Pledge of Allegiance.

## **CLOSED SESSION REPORT**

Assistant City Attorney Rusin 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)(2), with all Councilmembers present except Councilmember Pierson. 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 Mayor Pro Tem Farrer seconded a motion to approve the agenda. The motion carried 4-0, Councilmember Pierson absent.

## **REPORT ON POSTING OF AGENDA**

City Clerk Glaser reported that the agenda for the meeting was properly posted on May 30, 2019, with the amended agenda posted on June 7, 2019.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

### **A. Staff Update on Disaster Response and Recovery**

Environmental Sustainability Director George discussed debris removal and permit issuance after the Woolsey Fire.

## **ITEM 2.A. PUBLIC COMMENTS**

James Gnall deferred his time to Graham Hamilton.

Graham Hamilton discussed erosion of the beach at First Point. He discussed an environmentally sensitive management program for seasonal flow at Malibu Lagoon.

Lotte Cherin discussed a student poetry anthology, *You are Free, Ride the Whole Wave*, and presented it to the Council. She thanked former Malibu Poet Laureate Ricardo Ybarra for his work with the students of Malibu. She thanked the Community Services Department.

Glider Lyon deferred his time to Andy Lyon.

Lexi Lyon deferred her time to Andy Lyon.

Andy Lyon stated Commissioners at the joint meeting of the Cultural Arts Commission, Parks and Recreation Commission, and Public Safety Commission had voted against the potential sale of a portion of the Ioki parcel to the Los Angeles County Fire Department. He indicated opposition to use of the Dan Blocker State Beach for a Safe Parking program for those experiencing homelessness. He expressed concern regarding the state of Malibu Lagoon and suggested the City's lobbyist get involved. He expressed concern about the removal of Rindge Dam.

Carolyn Carradine expressed concern for post-Woolsey Fire view protection. She stated there was more help being offered to the homeless population than those in the City who lost their homes in the Woolsey Fire. She expressed disappointment that plastic plates and utensils were provided by the Malibu Chamber of Commerce at the 2019 State of the City event.

Allen Sarlo discussed erosion of the beach near the Adamson House. He indicated support for a breach management plan.

Jessica Wendland deferred her time to Ross Somers.

Ross Somers stated development of a management plan for Malibu Lagoon under the Local Coastal Plan was the responsibility of the City. He expressed concern for the welfare of the Adamson House.

Stacie Vanags, Surfrider Foundation Chair, discussed the importance of having a management plan for Malibu Lagoon.

Joanne Gary stated a corporation owned the home next to her, which it was operating as a short-term rental. She indicated support for a short-term rental ordinance that protected the residents of Malibu.

Christopher Carradine stated the City was not focused on assisting the community in rebuilding after the Woolsey Fire. He stated primary view determinations needed to be put on hold for four years.

Kim Brown stated Ed Niles had not forced the closure of Zooma Sushi.

John Gutierrez discussed Zuma Terrace.

Eric Gross discussed the state of Surfrider Beach. He stated the Surfrider Foundation needed to ensure its namesake was cared for better.

Maria Shen deferred her time to Carolyn Day.

Carolyn Day expressed concern for the state of First Point. She stated there was urgent need for a management plan for Malibu Lagoon. She stated a hydrology report needed to be done from Third Point to Malibu Pier.

Hilarie Roopz deferred her time to Drew Lewis.

Drew Lewis stated a management plan needed to be developed for Malibu Lagoon.

Suzanne Guldimann discussed a Yves Saint Laurent (YSL) film shoot at Paradise Cove. She questioned why a film permit had been issued.

Sherman Shen discussed a YSL film shoot at Paradise Cove. She questioned whether a film permit had been issued.

Tiffany Murray discussed a YSL film shoot at Paradise Cove. She expressed concern about how YSL had come by a film permit.

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

City Manager Feldman stated staff was recommending the Planning Commission pause primary view determinations for four years in areas affected by the fire. She stated staff would bring an agreement to Council at its next meeting for financial services to analyze short-term rentals, a step that had been delayed due to the Woolsey Fire. She stated a coastal vulnerability study Request for Proposals would be issued within the next few weeks. She stated the film permitting process would be addressed so there would not be any future abuse of film permit services. She thanked the Cultural Arts Commission for its work on *You are Free, Ride the Whole Wave*. She announced a second installment of the Radical Beauty, Malibu Rising: Reflections on the Woolsey Fire art exhibit on June 21, 2019. She announced a Public Safety and Preparedness Expo on June 15, 2019, at Trancas Market as well as an Art Therapy for Fire-Affected Families event on June 13, 2019, at the Malibu Library. She announced the retirement of Environmental Sustainability Director George on August 3, 2019, and stated he would be with the City in a part-time consulting position through the Woolsey Fire rebuilding process.

**ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS**

Councilmember Peak stated the Administration and Finance Subcommittee recommended holding in reserve the \$15,000 in General Fund Grant funds freed up when Zuma Beach FM Emergency & Community Broadcasting withdrew its application. He stated the YSL film shoot was shameful. He stated he had contacted the California Department of Beaches and Harbors regarding the wall at Surfrider Beach. He discussed sea level rise and erosion. He indicated support for a management plan for Malibu Lagoon. He encouraged the community to contact the Los Angeles County Sheriff's Department to report any ordinance violations. He indicated support for working with the City's lobbyist, California Strategies & Advocacy, LLC, on the State's management of Malibu Lagoon and recommended the Mayor be involved in the process. He stated plastic products provided by the Malibu Chamber of Commerce at the 2019 State of the City event would not

happen again.

Councilmember Mullen thanked Environmental Sustainability Director George for his years of service. He thanked Ms. Cherin for her work on the student poetry book. He stated the YSL film shoot was inappropriate. Councilmember Peak left the dais at 7:53 p.m.

Councilmember Mullen expressed disappointment at misinformation spread through social media. He announced a Public Safety and Preparedness Expo on June 15, 2019, at Trancas Market.

Mayor Pro Tem Farrer stated Councilmember Pierson, three Malibu property owners, and she had toured the Community Corporation of Santa Monica facilities to learn what may be possible to do in Malibu. She stated she attended the California Joint Powers Insurance Authority Elected Officials Academy.

Councilmember Peak returned to the dais at 7:56 p.m.

Mayor Pro Tem Farrer stated she attended a Webster Elementary School fifth grade promotion. She stated Councilmember Mullen and she held a School District Separation Ad Hoc Committee meeting. She discussed short-term rentals. She stated YSL had manipulated the film permit process when its request for an event permit had been denied. She stated Los Angeles County had asked the City to sell a portion of the Ioki parcel for Fire Department use. She expressed appreciation for the student poetry anthology, *You are Free, Ride the Whole Wave*. She discussed erosion at Surfrider Beach.

In response to Mayor Pro Tem Farrer, City Manager Feldman stated a management plan for Malibu Lagoon was a complex topic that would need to be brought back to the Council.

Mayor Wagner discussed Steve Uhring's appeal of a temporary use permit issued to Whole Foods. He discussed the YSL film shoot and stated the California Department of Fish and Wildlife indicated YSL had violated several regulations. He stated he was on the Santa Monica Bay Restoration Commission. He stated perhaps the City's lobbyist could get involved in the issues at Surfrider Beach. He discussed Council policies. He stated he would represent the City in Sacramento regarding Surfrider Beach.

#### CONSENSUS

By consensus, the Council directed staff to bring back an item addressing development of a management plan for Malibu Lagoon.

In response to Councilmember Mullen, City Manager Feldman stated she had brought the matter of Surfrider Beach to the attention of the City's lobbyist.

In response to Councilmember Peak, City Manager Feldman stated she had a

meeting request in with California State Parks for whomever Governor Newsom appointed as the new director.

In response to Mayor Wagner, City Manager Feldman stated she would bring an item addressing development of a management plan for Malibu Lagoon back to the Council in one month.

**ITEM 3 CONSENT CALENDAR**

Item No. 3.B.11. was pulled by the public. Item Nos. 3.B.4. and 3.B.5. were pulled by the Council.

**MOTION** Councilmember Peak moved and Mayor Pro Tem Farrer seconded a motion to approve the Consent Calendar, except Item Nos. 3.B.4., 3.B.5., and 3.B.11. The motion carried 4-0, Councilmember Pierson absent.

**RECESS** At 8:11 p.m., Mayor Wagner called a recess. The meeting reconvened at 8:23 p.m. with all Councilmembers present except Councilmember Pierson.

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 56962-57082 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. 639 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,422,927.64. City of Malibu payroll check numbers 5015-5017 and ACH deposits were issued in the amount of \$206,770.54.

3. Approval of Minutes

Recommended Action: Approve the minutes for the May 13, 2019 Malibu City Council Regular meeting.

6. Amendment to Professional Services Agreement with Turbo Data Systems

Recommended Action: Authorize the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Turbo Data Systems for Parking Citation Processing Services.

7. Community Facilities District No. 2006-1 (Carbon Beach Utility Undergrounding) – Levy of Special Tax for Fiscal Year 2019-2020  
Recommended Action: Adopt Resolution No. 19-22 of the City Council of the City of Malibu acting in its capacity as the legislative body of Community Facilities District No. 2006-1 of the City of Malibu (Carbon Beach Utility Undergrounding) authorizing the levy of a special tax for Fiscal Year 2019-2020.
8. Professional Services Agreement with Karasch & Associates  
Recommendation Action: Authorize the City Manager to execute a Professional Services Agreement with Karasch & Associates for remote closed captioning services in an amount not to exceed \$30,000.
9. Amendment to Professional Services Agreement with Michael Baker International, Inc.  
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Michael Baker International, Inc. in the amount of \$149,777.50 for additional consultant services associated with the design, Caltrans coordination, and project delivery of the Pacific Coast Highway Raised Center Median Channelization Improvements Project.
10. Hazardous Mitigation Grant Program  
Recommended Action: Authorize the City Manager to sign letters of commitment for the Hazard Mitigation Grant Program sub-applications for the five accepted Notice of Interests to California Governor's Office of Emergency Services (CalOES).
12. City-County Municipal Services Agreement with the County of Los Angeles Animal Care and Control Department  
Recommended Action: Authorize the City Manager to execute the City-County Municipal Services Agreement between the County of Los Angeles Department of Animal Care and Control and City of Malibu, for the period of July 1, 2019, through June 30, 2024.
13. City Hall Closures – July 5, 2019 and August 30, 2019  
Recommended Action: Authorize closing City Hall on Friday, July 5, 2019 and Friday, August 30, 2019.

The following items were pulled from the Consent Calendar for individual consideration:

4. Amendment to Professional Services Agreement with Kimley-Horn and Associates, Inc.  
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$235,500 for additional traffic engineering services for the planning and design of a new Traffic Operations Center at City Hall and further environmental analysis for the Pacific Coast Highway Signal System Improvements Project.

In response to Mayor Wagner, City Manager Feldman stated the agreement was funded by Los Angeles County Measure R funds.

MOTION

Councilmember Peak moved and Mayor Wagner seconded a motion to authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$235,500 for additional traffic engineering services for the planning and design of a new Traffic Operations Center at City Hall and further environmental analysis for the Pacific Coast Highway Signal System Improvements Project. The motion carried 4-0, Councilmember Pierson absent.

5. Proposition A Funding Exchange

Recommended Action: 1) Adopt Resolution No. 19-21 approving the Assignment Agreement for Proposition A Local Return Fund exchange with the City of West Hollywood for Fiscal 2018-2019; and 2) Authorize the City Manager to execute the Assignment Agreement for Prop A Local Return Fund exchange.

In response to Mayor Wagner, City Manager Feldman stated the funds could only be used for fixed route transportation projects and were typically used for Dial-a-Ride services. She stated there was a large amount of surplus funds that could be transferred for General Fund dollars, which were being used to balance the Proposed Budget for Fiscal 2019-2020 in light of the Council electing to waive permitting fees for certain victims of the Woolsey Fire.

In response to Mayor Wagner, City Manager Feldman stated some funding sources for parking and shuttle services in the City had been used in the purchase of property in 2018.

MOTION

Councilmember Peak moved and Mayor Wagner seconded a motion to: 1) adopt Resolution No. 19-21 approving the Assignment Agreement for Proposition A Local Return Fund exchange with the City of West Hollywood for Fiscal 2018-2019; and 2) authorize the City Manager to execute the Assignment Agreement for Prop A Local Return Fund exchange. The motion carried 4-0, Councilmember Pierson absent.

11. Amendment to Professional Services Agreement with California Strategies & Advocacy, LLC

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to Professional Services Agreement with California Strategies & Advocacy, LLC for government relations and lobbying services.

Norm Haynie indicated support for the recommended action. He stated Environmental Sustainability Director George would be sorely missed in the community. He stated the City had done everything in its power to assist the community in rebuilding after the Woolsey Fire.



MOTION

Councilmember Peak moved to authorize the City Manager to execute Amendment No. 1 to Professional Services Agreement with California Strategies & Advocacy, LLC for government relations and lobbying services.

City Manager Feldman presented the staff report.

Mayor Wagner stated he would like to see California Strategies & Advocacy, LLC deal with Mountains Recreation Conservation Authority and work on Malibu Lagoon issues.

Councilmember Mullen stated other applicants for lobbyist services were not as qualified as California Strategies & Advocacy, LLC. He indicated support for California Strategies & Advocacy, LLC working on issues with Mountains Recreation Conservation Authority and Malibu Lagoon.

City Manager Feldman stated City staff had weekly calls with California Strategies & Advocacy, LLC, which the Mayor was part of as often as he was able.

Councilmember Mullen seconded the motion. The motion carried 3-1-0, Mayor Wagner abstaining and Councilmember Pierson absent.

**ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

A. Wastewater Services Fees

Recommended Action: 1) Conduct the Public Hearing to receive public testimony and consider all protest concerning the adoption of the Engineer's Report regarding the levy of wastewater services fees through property taxes; and 2) Unless protest from majority of the effected property owners are received, adopt Resolution No. 19-23 approving the collection of wastewater services charges on the County tax roll for Fiscal Year (FY) 2019-2020 for City of Malibu Assessment District No. 2015-1 (Civic Center Water Treatment Facility – Phase One).

Public Works Director DuBoux presented the report.

Mayor Wagner recused himself and left the dais at 8:42 p.m.

In response to Councilmember Mullen, Public Works Director DuBoux stated additional phases would also be placed on the tax roll. He stated this method was utilized since there was no other way for the City to recover costs should someone not pay their bill.

MOTION

Councilmember Peak moved and Councilmember Mullen seconded a motion to adopt Resolution No. 19-23 approving the collection of wastewater services charges on the County tax roll for Fiscal Year (FY) 2019-2020 for City of Malibu Assessment District No. 2015-1 (Civic Center Water Treatment

Facility – Phase One). The motion carried 3-0, Councilmember Pierson and Mayor Wagner absent.

Mayor Wagner returned to the dais at 8:50 p.m.

B. Assessment District 98-1 (Big Rock Mesa)

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 19-24 determining the project is exempt from the California Environmental Quality Act and levying an assessment for the maintenance, repair, and improvements works, systems and facilities pertaining to Assessment District 98-1 (Big Rock Mesa) for Fiscal Year 2019-2020.

Public Works Director DuBoux presented the report.

Jeff Grien deferred his time to Jo Drummond.

Rosemarie Ihde deferred her time to Jo Drummond.

Colin Drummond deferred his time to Jo Drummond.

Jo Drummond discussed the dewatering system in Big Rock Mesa. She stated the property owners had concerns about the stability of the slide. She discussed a geotechnical analysis that indicated ground movement was imminent. She requested City staff meet with the Big Rock Mesa Property Owners Association to discuss its concerns and how Assessment District funds had been spent. She expressed concern about a drain that looked to have been repaired with duct tape. She requested a moratorium on any new development approvals for the Big Rock Mesa area. She discussed water rationing until all the Big Rock Mesa Property Owners Association questions had been answered and it was confident the dewatering system was working as intended.

In response to Councilmember Peak, Public Works Director DuBoux stated the data provided by Fugro indicated there were no significant changes in Big Rock Mesa.

In response to Councilmember Mullen, Public Works Director DuBoux stated groundwater levels were high when the pumps were initially installed. He stated less water was being pumped out since the groundwater levels were lower. He stated he would look at where duct tape had been seen and what type of pipe it was on.

In response to Councilmember Peak, David Thornhill, Project Engineer at Fugro, stated there had been up to one-half inch of movement in Big Rock Mesa since 2004, when Fugro took over monitoring the Assessment District. He stated the maximum rate of movement had been .03 inches per year. He stated an inch of movement in a year would be concerning.

In response to Councilmember Peak, Ms. Drummond stated the Big Rock Mesa community had an expert that said four or five wells were producing water.

Councilmember Peak stated wells that were not producing water did not mean they were not working. He stated a legitimate analysis by another geologist would be costly to the Big Rock Mesa community.

In response to Councilmember Mullen, Public Works Director DuBoux stated there were thorough records of what money was taken in and how it was spent.

In response to Councilmember Peak, Mr. Thornhill stated Fugro had been charged with maintenance of the existing wells and discussed the process. He stated Fugro was working with the City to develop capital improvement projects to proactively update the systems.

Mayor Wagner disclosed Councilmember Pierson and he had visited the site and spoken with the Big Rock Mesa Property Owners Association but did not learn anything not presented in the staff report. He stated there were wells that were past their life expectancy.

Ms. Drummond stated the equipment being used was past its life expectancy.

Rosemarie Ihde indicated concern about well maintenance in Big Rock Mesa.

Councilmember Mullen stated the item was regarding continuing the Assessment District. He stated the item could be approved and the Council could continue to investigate the matter.

Public Works Director DuBoux discussed the maintenance and replacement of wells and equipment in Big Rock Mesa since 1998. He stated the City was working with Fugro to create a proactive list of major projects for the next five years. He stated the installed pump savers had prolonged the life of the equipment.

In response to Mayor Wagner, City Manager Feldman stated the County needed information about assessments by the end of June each year. She requested the Council approve the item as presented and direct staff to meet with the neighborhood as needed to assure the safety of the community.

Assistant City Attorney Rusin recommended the Council move forward with the item and, if new equipment were to be installed, a new assessment district be formed.

Mayor Wagner stated the Council looked forward to continuing to hear from the Big Rock Mesa community.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to adopt Resolution No. 19-24 determining the project is exempt from the California Environmental Quality Act and levying an assessment for the maintenance, repair, and improvements works, systems and facilities pertaining to Assessment District 98-1 (Big Rock Mesa) for Fiscal Year 2019-2020. The motion carried 4-0, Councilmember Pierson absent.

Item Nos. 4.C. and 4.D. were heard concurrently.

C. Assessment District 98-2 (Calle Del Barco)  
Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 19-25 determining the project is exempt from the California Environmental Quality Act and levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-2 (Calle Del Barco) for Fiscal Year 2019-2020.

D. Assessment District 98-3 (Malibu Road)  
Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 19-26 determining the project is exempt from the California Environmental Quality Act and levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-3 (Malibu Road) for Fiscal Year 2019-2020.

Public Works Director DuBoux presented the report.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) adopt Resolution No. 19-25 determining the project is exempt from the California Environmental Quality Act and levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-2 (Calle Del Barco) for Fiscal Year 2019-2020; and 2) adopt Resolution No. 19-26 determining the project is exempt from the California Environmental Quality Act and levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-3 (Malibu Road) for Fiscal Year 2019-2020. The motion carried 4-0, Councilmember Pierson absent.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

- A. Council Appointment to the Public Safety Commission  
Recommended Action: Mayor Wagner to make his appointment to the Public Safety Commission.

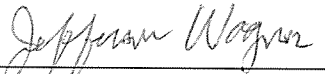
Mayor Wagner appointed Keegan Gibbs to the Public Safety Commission.

Mr. Gibbs stated he looked forward to finding ways for the community to operate more effectively during an emergency. He discussed the loss of his friends Tyler Love and Keith Naylor and discussed the importance of safety in Malibu.

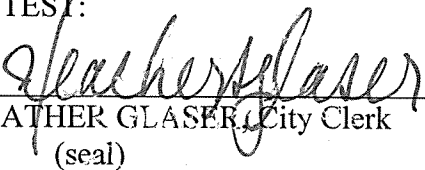
**ADJOURNMENT**

At 9:27 p.m., Mayor Wagner adjourned the meeting in memory of Bill Androlia.

Approved and adopted by the City Council of the  
City of Malibu on July 8, 2019.

  
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JEFFERSON WAGNER, Mayor

ATTEST:

  
\_\_\_\_\_  
HEATHER GLASER, City Clerk  
(seal)