

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
AUGUST 12, 2019  
COUNCIL CHAMBERS  
6:30 P.M.

**MEETING CALL TO ORDER**

Mayor Wagner called the meeting to order at 6:31 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; Andrew Sheldon, Acting Environmental Sustainability Director; Bonnie Blue, Planning Director; Rob DuBoux, Public Works Director; Kelsey Pettijohn, Deputy City Clerk; Matt Myerhoff, Media Information Officer; Ruth Piyaman, Finance Manager; Elizabeth Shavelson, Assistant to the City Manager; Miriam Woodrow, Human Resources Manager; Kristin Riesgo, Community Services Deputy Director; Richard Mollica, Assistant Planning Director; Susan Dueñas, Public Safety Manager; and Jerry Vandermeulen, Fire Safety Liaison

**PLEDGE OF ALLEGIANCE**

Norm Haynie led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

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

**REPORT ON POSTING OF AGENDA**

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on August 1, 2019.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

- A. Presentation of commendation to Finance Manager Piyaman, upon her retirement, in recognition of her service to the City

Mayor Wagner presented the commendation to Finance Manager Piyaman.

Finance Manager Piyaman thanked the Council and the City Manager for

supporting her work.

B. Recognition of former Los Angeles County Sheriff's Captain Josh Thai

Mayor Wagner presented the recognition to Mr. Thai.

Mr. Thai thanked the Council presenting him with a City Tile. He thanked City staff for working with him. He congratulated Los Angeles County Malibu/Lost Hills Sheriff Station Captain Matthew Vander Horck on his new position.

Mayor Wagner introduced Captain Vander Horck.

Captain Vander Horck thanked the Council for welcoming him.

C. Staff Update on Disaster Response and Recovery

Assistant Planning Director Mollica stated 48 like-for-like, 57 like-for-like plus 10%, and 11 redesign projects had been approved. He stated 12 applications were under review and 116 had been approved. He stated approximately \$230,000 in Woolsey Fire rebuilding permit fees had been waived in accordance with Resolution No. 19-30. He stated Los Angeles County Waterworks District No. 29 (District 29) had a fee waiver program for certain fees related to rebuilding from the Woolsey Fire.

Acting Environmental Sustainability Director Sheldon stated 14 building permits had been issued for rebuilding main houses and one permit had been issued to rebuild a guest house. He stated 35 projects were in plan check and seven had been returned to the applicant for corrections. He recommended the public contact him if they had any problems obtaining their rebuilding permit.

**ITEM 2.A. PUBLIC COMMENTS**

Anthony McDemas presented the new edition of the *What to do in Malibu* magazine published by *The Malibu Times*.

Hans Laetz stated City staff now had access to KBUU for emergency broadcasting. He discussed upcoming solar power projects for the KBUU transmitter and studio. He stated KBUU had applied to the Federal Communications Commission (FCC) for permission to have two new boosters. He discussed KBUU's partnership with Santa Monica-Malibu Unified School District (SMMUSD). He stated KBUU planned to request a small communications facility be installed at Malibu Bluffs Park.

Andy Lyon he stated he was disappointed the only location being considered for the installation of a temporary skate park was Malibu Bluffs Park. He recommended using the Island Parcel or Chili Cook-off Parcel for a temporary skate park.

Scott Dittrich expressed concern that insurance premiums had increased significantly since the Woolsey Fire and would negatively affect property values. He recommended the City lobby the State and insurance companies to provide discounts to properties that had passed a National Fire Protection Association inspection.

Alan Armstrong stated Los Angeles County Sheriff's Lieutenant Seetoo and Deputy Treinen had responded promptly to his request for assistance.

Judith Israel questioned when the public could review the City's disaster plan.

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

City Manager Feldman thanked Finance Manager Piyaman and Mr. Thai for their years of service. She announced a hazardous waste collection event on August 17, 2019, and Disaster Preparedness Month in September 2019. She announced a Malibu Smart firescaping workshop on September 10, 2019. She stated staff would return with a report on the feasibility of a temporary skate park at a City Council Special meeting on August 21, 2019. She stated she was working with California Strategies on lobbying activities that could help regulate insurance premiums.

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

Councilmember Mullen thanked Finance Manager Piyaman and Mr. Thai for their years of service. He stated the Sheriff's Department was well liked by the public.

Mayor Pro Tem Farrer thanked Finance Manager Piyaman and Mr. Thai for their years of service. She thanked Mr. McDemas for his work on the *What to do in Malibu* magazine. She thanked Mr. Laetz for his work at KBUU. She stated she had been working with her Public Safety Commissioner on disaster communication options that could be used when the City did not have power.

Councilmember Pierson thanked Finance Manager Piyaman and Mr. Thai for their years of service. He thanked Mr. Laetz for his work. He thanked Mr. Lyon and Mr. Dittrich for their comments. He discussed his experience with his insurance provider after the Woolsey Fire. He stated he attended a Santa Monica Organizations Active in Disaster meeting. He stated he met with community members regarding short-term rentals, fire preparedness and fire rebuilds. He recommended anyone experiencing challenges in rebuilding contact him or City staff. He stated he attended a Santa Monica Homelessness Steering Committee meeting. He stated he attended the Malibu Surf Swap. He stated he attended a LucStrong Foundation kickball event.

Councilmember Peak thanked Mr. Thai for his service and welcomed Captain Vander Horck. He stated he attended the Malibu Surf Swap. He expressed

sympathy for property owners who faced increased insurance premiums. He encouraged the community attend the August 21, 2019 City Council Special meeting to discuss the skate park item.

Mayor Wagner stated the California Coastal Commission had approved signage along Pacific Coast Highway (PCH) near Topanga Canyon limiting overnight parking to two hours. He indicated support for limiting overnight parking to two hours near Corral Canyon. He encouraged the community to attend the August 21, 2019 City Council Special meeting to discuss the skate park item. He stated he planned to attend an Environmental Sustainability Subcommittee meeting. He stated he would support lobbying for regulations that limited insurance premiums. He stated insurance increases may be rolled out over the next several years.

### **ITEM 3      CONSENT CALENDAR**

Item Nos. 3.B.10. and 3.B.15. were pulled by the public.

MOTION      Councilmember Peak moved and Councilmember Pierson seconded a motion to approve the Consent Calendar, except Item Nos. 3.B.10. and 3.B.15. 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 57321-57719 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. 642 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$4,420,164.94. City of Malibu payroll check numbers 5026-5034 and ACH deposits were issued in the amount of \$426,692.83.

3.      Approval of Minutes

Recommended Action: Approve the minutes for the June 24, 2019 Malibu City Council Regular meeting and the July 8, 2019 Malibu City Council Regular meeting.

4.      Amendment to Professional Services Agreement with Fugro Consultants, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Fugro Consultants, Inc. (Fugro) to extend the term of the agreement for

maintenance and monitoring of the Big Rock Mesa, Malibu Road and Calle Del Barco Landslide Assessment Districts.

5. Amendment to Professional Services Agreement for Land Surveying Services

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with MNS Engineers, Inc. to extend the term of the agreement to provide continued on-call land surveying services.

6. Amendment to Professional Services Agreements for On-Call Civil Engineering Services

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Kimley Horn and Associates, Inc. and Amendment No. 1 to Jensen Design and Survey to extend the term of their agreements to provide continued on-call civil engineering services.

7. Amendment to Professional Services Agreement for On-Call Traffic Engineering Services

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Kimley Horn and Associates, Inc. to extend the term of the agreement to provide continued on-call traffic engineering services.

8. Amendment to Agreement for Plan Check Services with California Code Check and JAS Pacific

Recommended Action: 1) Authorize the City Manager to execute Amendment No. 1 to Agreement with California Code Check; and 2) Authorize the City Manager to execute Amendment No. 1 to Agreement with JAS Pacific, for plan check services.

9. Amendment to Agreement with Rincon Consultants, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Rincon Consultants, Inc. to allow for a six-month extension of the existing agreement through December 31, 2019, and increase the Compensation for Services by \$140,000.

11. Professional Services Agreement with Woodard and Curran for the Engineering Design Services for the Civic Center Water Treatment Facility (CCWTF) Phase Two

Recommended Action: Authorize the City Manager to negotiate and execute a professional services agreement with Woodard and Curran for engineering design services for the CCWTF Phase Two in an amount not to exceed \$2,999,558.

12. California Public Utilities Commission Rule 20A Funding

Recommended Action: Authorize the Mayor to send a letter of support for the City of Rancho Palos Verdes' proposed resolution to be submitted for League of California Cities consideration at its annual conference in October 2019 to amend California Public Utilities Commission (CPUC) Rule 20A to add projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility.

13. Disposal of Surplus Equipment  
Recommended Action: Approve the disposal of surplus City equipment.
14. Professional Services Agreement with American Guard Services, Inc.  
Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with American Guard Services, Inc. to provide professional park security services through August 22, 2022.
16. California for All Community Emergency Response Team Capacity Building Grant  
Recommended Action: Accept \$13,500 of grant funds from CaliforniaVolunteers, Office of the Governor, for the 2019 Community Emergency Response Team (CERT) and Listos Capacity Building Grant.

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

10. Issuance Report: Emergency Coastal Development Permits  
Recommended Action: Receive and file the report of emergency coastal development permits that were issued since the last report provided on July 23, 2018.

Planning Director Blue presented a summary of the staff report. She stated a Coastal Development Permit (CDP) was required to be processed for each Emergency Coastal Development Permit (ECDP) and some of the CDPs were still being processed.

Bruce Silverstein stated ECDP No. 19-005 was only valid through May 15, 2019. He stated ECDP Nos. 19-005 and 19-014 were for the same project. He stated the lot at 23833 Stuart Ranch Road was not zoned for industrial use and concrete had been used inappropriately on the site.

In response to Councilmember Peak, Planning Director Blue stated the Local Coastal Program (LCP) required a CDP be applied for within 90-days of an ECDP being approved, but it did not require the work to stop. She stated Southern California Edison (SCE) had expected the work would be completed within 90-days and when additional projects were identified applied for a second ECDP since the term of an ECDP could not be extended. She stated the Planning Commission would be consider the CDP on August 19, 2019.

Councilmember Peak stated the work being completed by SCE was important for public safety.

Councilmember Pierson stated the work being completed by SCE was important for public safety. He indicated support for allowing SCE to complete its work.

Mayor Wagner stated SCE had presented an update at the Business Roundtable meeting on August 9, 2019, and had described use of the lot at

23833 Stuart Ranch Road as a cost saving opportunity for SCE to complete its improvements. He expressed concern SCE was using the lot for non-emergency projects. He stated he believed the lot had some Environmentally Sensitive Habitat Areas.

MOTION

Councilmember Peak moved and Mayor Wagner seconded a motion to receive and file the report of emergency coastal development permits that were issued since the last report provided on July 23, 2018. The motion carried unanimously.

15. Fiscal Year 2019-2020 Community Development Block Grant Program for the City of Malibu

Recommended Action: 1) Adopt Resolution No. 19-36 to approve the allocation of Fiscal Year 2019-2020 Community Development Block Grant Program funds to the City of Malibu (City); 2) Authorize the City Manager to execute an Amendment to the Agreement to Implement between the City and the Los Angeles County Development Agency relating to the Malibu Community Labor Exchange (MCLE) Day Laborer Exchange and Job Referral Program for Fiscal Year 2019-2020; and 3) Authorize the City Manager to execute an Amendment to the Trailer Use Agreement between the City and MCLE.

Assistant City Manager Soghor presented the staff report.

Kay Gabbard, Malibu Community Labor Exchange, thanked the Council for its support.

Robin Perrin thanked the Council for its support of the Malibu Community Labor Exchange.

MOTION

Councilmember Peak moved and Mayor Wagner seconded a motion to: 1) adopt Resolution No. 19-36 to approve the allocation of Fiscal Year 2019-2020 Community Development Block Grant Program funds to the City of Malibu (City); 2) authorize the City Manager to execute an Amendment to the Agreement to Implement between the City and the Los Angeles County Development Agency relating to the Malibu Community Labor Exchange (MCLE) Day Laborer Exchange and Job Referral Program for Fiscal Year 2019-2020; and 3) a ' authorize the City Manager to execute an Amendment to the Trailer Use Agreement between the City and MCLE. The motion carried unanimously.

**ITEM 4            ORDINANCES AND PUBLIC HEARINGS**

- A. Zoning Text Amendment No. 19-002 – An Ordinance to Temporarily Halt the Processing of Primary View Determinations within a 1,000-foot Radius of the Woolsey Fire Affected Area

Recommended Action: Continue this item to the August 26, 2019 Regular City Council meeting.

This item was continued upon approval of the agenda.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

- A. Management Partners Report on City Response to the Woolsey Fire  
Recommended Action: Receive report presented by Management Partners regarding the City's response to the Woolsey Fire.

Andy Belknap presented Management Partner's draft report on the City's response to the Woolsey Fire. He stated the City staff and elected officials were very cooperative and transparent during Management Partner's investigation.

Trevor Neilson expressed concern that climate change was not considered in the Management Partners draft report. He recommended the Council declare a climate state of emergency.

Scott Dittrich stated the Woolsey Fire followed the pattern of another fire in 1956. He discussed the public's frustration with the repopulation process after the Woolsey Fire. He recommended the City work to address repopulation plans before the next disaster. He discussed Recommendation No. 42 in the draft report and expressed concern that people were not voluntarily fire-hardening their homes.

Norm Haynie indicated support for using safe refuge areas in the event of a large evacuation. He indicated support for the Emergency Operations Center (EOC) operating within Malibu. He recommended fire fighters be authorized to fight hot spots as they saw them instead of waiting for orders to direct them.

Kraig Hill indicated support for the previous comments. He recommended the City create a condensed Community Emergency Response Team (CERT) program to train and authorize people to stay in the evacuation zone during future fires. He recommended the City facilitate the creation of and training for volunteer fire brigades. He recommended the City work with SCE and District 29 to get backup generators for water pumps.

Pamela Conley Ulich thanked the Councilmembers for their work during the Woolsey Fire. She stated the City needed to be an advocate for the residents when working with Los Angeles County and other agencies. She indicated support for educating the community on disaster preparedness and the dangers of



climate change. She indicated support for declaring a climate state of emergency. She stated the EOC needed to operate within Malibu.

Ted Vaill questioned which staff members were responsible for Nixle alerts and what procedures were in place to ensure correct information was put out. He discussed the evacuation of the EOC and the 16 hours when a physical EOC was not staffed.

Mayor Pro Tem Farrer thanked Mr. Belknap and Management Partners for their diligence. She discussed the Disaster Response and Recovery Ad Hoc Committee's development of the scope of work and selection of Management Partners. She expressed regret that key people from certain agencies were not interviewed, including: Maria Grycan, Los Angeles County Fire Department; Fernando Boiteux, Los Angeles County Fire Department Lifeguard Division; and staff from the City of Santa Monica, SCE, Southern California Gas Company, and District 29. She stated the Volunteer on Patrol (VOP) actives were mischaracterized in the draft report. She stated the report was completed independently and released as a draft document to provide the public with complete transparency. She requested Management Partners work with City staff to complete the final report.

Councilmember Pierson thanked Management Partners for its work. He stated his experience in the Woolsey Fire was a small part of the event. He stated the recommendations made sense and some were already being implemented. He stated disaster communication was essential and many people in the community and the City were working hard to be prepared for the next disaster.

In response to Councilmember Pierson, City Manager Feldman stated since the report had been released as a draft, staff had not had the opportunity to make some factual corrections. She stated the EOC was not unmanned for 16 hours and City staff carefully selected and took with them items that would be necessary from the EOC when it was ordered to evacuate. She stated after the 2006 and 2007 fires the City had redundancies in place to keep systems running in the event of an evacuation including a server backup out of state that allowed City staff to continue accessing the City servers during the entire disaster. She stated EOC staff continued to work remotely until the EOC was relocated to Santa Monica and City Hall phones continued to be answered during the entire evacuation. She stated City staff should have provided more updates during the first night of the evacuation confirming the mandatory evacuation order was still in place. She stated City staff was not allowed to stay in the City during the fire. She stated some dates needed to be corrected and some of the recommendations from the draft report were already in place at the time of the Woolsey Fire or had been implemented since the Woolsey Fire. She stated the draft report did not include the City's website e-notification system. She stated the City's emergency website banner was used during the Woolsey Fire. She stated the City continued to improve and test the Everbridge system and actively used the Nixle system. She stated the e-notification system automatically posted alerts to the City's

Facebook, Instagram and Twitter sites. She stated the City had many communication systems that worked with electricity and was looking into more electricity-free notification systems that could be used in the future. She stated the City planned for disasters and had regular EOC drills but the scale of the Woolsey Fire, the lack of electricity, and being the last affected city in the wave of the disaster was surprising and created the greatest challenges. She stated the City was open to any advice on disaster preparedness. She stated the City was already implementing some changes to be more prepared for future disasters, including changing the supplies in emergency bins, increasing the number CERT trainings offered, and hiring Fire Safety Liaison Vandermeulen.

Councilmember Mullen thanked Mr. Belknap for his presentation. He corrected some typographical errors. He stated the most recent fires in the 1990s and 2000s had been centered in Malibu whereas the Woolsey Fire was a regional fire that required a much larger response from multiple agencies. He stated co-locating the EOC with the Fire Command Post was ideal when possible, but it could be impractical in a large disaster when the Command Post was not located near the City. He stated the City should educate residents on the role of various agencies in a fire and what they should expect the response to be. He stated the City should help facilitate disaster preparedness education for neighborhoods.

In response to Councilmember Peak, City Manager Feldman stated the City received information from the Los Angeles County Fire Department and law enforcement agencies and communicated that information to the public, helped the Red Cross locate shelter locations, and sent representatives to the Command Post to facilitate the distribution of information. She stated two staff members were at the Command Post at all times during the Woolsey Fire and she personally attended daily briefings. She stated staff was also sent to the Los Angeles County Office of Emergency Management (OEM). She stated it would be difficult to co-locate the City's EOC with the Los Angeles County OEM because the OEM was located in Alhambra.

Councilmember Peak requested community members from each area of the fire be interviewed for the final report. He discussed the dangers of climate change related to natural disasters. He stated everyone involved in the Woolsey Fire worked to do the most good for the most amount of people. He stated many residents were assisted by firefighters without standing orders. He thanked staff for its work during the Woolsey Fire.

Councilmember Pierson thanked everyone in the community for working on disaster recovery and preparedness.

Mayor Wagner discussed his work on the after-action report being prepared at the direction of Los Angeles County Supervisor Sheila Kuehl. He discussed the importance of following through on trainings and preparedness programs. He stated he had presented his own suggestions for disaster preparedness to Dan Singer from Management Partners. He recommended staff and the Council

review Supervisor Kuehl's after-action report. He recommended the City identify the top three recommendations from the Management Partners report and focus on implementing them. He indicated support for Recommendation Nos. 3, 21, 26, 28, 29, 30, 33, 38, 41, 42, 43, 45, 46, 47, 49, 51, and 52. He stated the Hill Fire died on its own and resources were wasted on it. He stated people could have evacuated west on PCH during the Woolsey Fire. He stated the east end of the City still had fuel for a new fire.

In response to Councilmember Pierson, Mayor Wagner recommended the City focus on Recommendation No. 29. He criticized the actions of the Los Angeles Fire Department upper management during the Woolsey Fire. He recommended the City create a Malibu Emergency Survival Guide.

City Manager Feldman stated staff had issued a Request for Proposals (RFP) for a traffic engineer to improve the evacuation plan and staff continued to develop better interim evacuation plans. She stated staff was working with partner agencies on a tabletop exercise to prepare for future disasters.

Mayor Wagner recommended the City communicate plans to improve the evacuation plan to the public.

In response to Mayor Wagner, City Manager Feldman stated staff would try to communicate more on the work being done to improve disaster preparedness.

In response to Mayor Pro Tem Farrer, City Manager Feldman stated staff had a request in to Los Angeles County to distribute the final after-action report when it was complete.

Mayor Pro Tem Farrer indicated support for comparing the final versions of the Los Angeles County report and the Management Partners report.

City Manager Feldman stated the Malibu Emergency Survival Guide would be published in September 2019. She stated a post card mailer would be going out to educate residents on resources available for disaster preparedness.

Mayor Wagner stated FEMA had never denied a claim based on a property owner's actions during a disaster.

**MOTION** Councilmember Peak moved and Mayor Pro Tem Farrer seconded a motion to: 1) receive the report presented by Management Partners regarding the City's response to the Woolsey Fire; and 2) direct staff to work with Management Partners to complete the final report.

Councilmember Pierson encouraged the community to contact staff with any factual corrections or additional information.

In response to Mayor Pro Tem Farrer, City Attorney Hogin stated the agreement with Management Partners was a flat rate and should not have any additional costs associated with finalizing the report.

The motion carried unanimously.

**ITEM 7 COUNCIL ITEMS**

A. Senate Bill (SB) 542 – Support (Councilmember Pierson)

Recommended Action: At the request of Councilmember Pierson, authorize the Mayor to send a letter of support for SB 542, a bill that would expand the definition of ‘injury’ for workers compensation benefits provided to firefighters and law enforcement personnel, for all claims filed or pending on or after January 1, 2017, to include a diagnosis of post-traumatic stress or mental health disorder that developed or manifested itself when the firefighter or peace officer was in the service of their department.

Councilmember Pierson presented the report.

**MOTION**

Councilmember Peak moved and Councilmember Mullen seconded a motion to authorize the Mayor to send a letter of support for SB 542, a bill that would expand the definition of ‘injury’ for workers compensation benefits provided to firefighters and law enforcement personnel, for all claims filed or pending on or after January 1, 2017, to include a diagnosis of post-traumatic stress or mental health disorder that developed or manifested itself when the firefighter or peace officer was in the service of their department. The motion carried unanimously.

**ADJOURNMENT**

At 9:20 p.m., Mayor Wagner adjourned the meeting.

Approved and adopted by the City Council of the  
City of Malibu on September 9, 2019.

  
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JEFFERSON WAGNER, Mayor

ATTEST:

  
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HEATHER GLASER, City Clerk  
(seal)