

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JUNE 11, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor Mullen called the meeting to order at 6:36 p.m.

ROLL CALL

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

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

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Craig George, Environmental Sustainability Director; Bonnie Blue, Planning Director; Susan Dueñas, Public Safety Manager; Matt Myerhoff, Media Information Officer; Kelsey Pettijohn, Deputy City Clerk; Kristin Riesgo, Community Services Deputy Director, Ruth Piyaman, Finance Manager; Lilly Rudolph, Contract Planner; and Rob DuBoux, Acting Public Works Director

PLEDGE OF ALLEGIANCE

Lester Tobias led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following item was listed on the Closed Session agenda:

Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1):

1. Malibu Township Council, Inc. v. City Council of Malibu, et al.
Los Angeles County Superior Court Case No. BS142420

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 Sections 54956.9(d)(1), with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda, and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember La Monte moved and Councilmember Rosenthal 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 June 1, 2018, with the amended agenda posted on June 5, 2018.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

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

Catherine Brickman provided an update on the Cultural Arts Commission, including the Dan Eldon art exhibit, an upcoming exhibit of Malibu High School (MHS) students' art, the Poetry Summit, the student Poetry Anthology published in partnership with Pepperdine University, the Arts in Education Program, and the Cultural Arts Commission approval of the installation of poetry stones at Legacy Park. She invited student poet Nell Brickman to read her original poem.

Poet Laurate Ybarra discussed the Call to the Wall Poetry Summit. He read his poem, Call to the Wall.

ITEM 2.A. PUBLIC COMMENTS

Gary Smith, representing Jefferson Wagner, stated no charges had been filed against Mayor Pro Tem Wagner by the Los Angeles County District Attorney's office. He stated had advised his client not to discuss an ongoing investigation. He stated Mayor Pro Tem Wagner appreciated the community's support.

Lance Simmens discussed his professional experience in politics. He discussed corruption in government, public cynicism and search warrants recently served on Mayor Pro Tem Wagner's property.

Dana Christiaansen stated he supported Mayor Pro Tem Wagner.

Luene Keller deferred her time to Walt Keller.

Walt Keller requested the Council send a letter to the Los Angeles County District Attorney's office requesting an explanation for recent search warrants served on Mayor Pro Tem Wagner's property.

Debrah Frankel stated she supported Mayor Pro Tem Wagner.

Sandra Provenio deferred her time to Linda Vallejo.

Addison Altendorf deferred her time to Linda Vallejo.

Steve Wood deferred his time to Linda Vallejo.

Linda Vallejo discussed the recent amendment to City Manager Feldman's agreement with the City and search warrants served on Mayor Pro Tem Wagner's property. She stated Mayor Mullen needed to be the voice of the City. She questioned if Councilmember Peak lived in the City. She stated Mayor Pro Tem Wagner had a strong reputation in the film industry and the Malibu community.

Ted Vaill discussed recent search warrants served on Mayor Pro Tem Wagner's property, the amendment to City Manager Feldman's agreement, a property owned by the Mountains Recreation and Conservation Authority (MRCA) in Sycamore Park, the potential Bluffs Parkland swap, and City Manager Feldman's former job at MRCA.

John Mazza stated he believed people were innocent until proven guilty. He requested the Council ask the Los Angeles County District Attorney why search warrants were served so aggressively on Mayor Pro Tem Wagner's property.

Sam Kaplan deferred his time to Lester Tobias.

Lester Tobias discussed Mayor Pro Tem Wagner's property outside the City. He discussed the proposed project to use the Hertz lot for valet parking for the Malibu Beach Inn and the probable traffic flow caused by valet parking and the crosswalk being installed nearby.

Don Schmitz discussed parking for beach access at Point Dume. He expressed concern that public parking spaces were used after sunset when the spaces were only permitted to be used from sunrise to sunset.

Annie Ellis stated she and her neighbors supported Mayor Pro Tem Wagner. She stated Mayor Pro Tem Wagner owned a house in the City.

Lynn Norton stated she supported Mayor Pro Tem Wagner.

Harriet Pollan discussed her involvement in the community. She discussed the contributions of volunteers to the City and her work to add center hold lanes on Pacific Coast Highway (PCH). She stated she had worked with Mayor Pro Tem Wagner on committees over the years.

ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES (continued)

Norm Haynie, Wastewater Advisory Committee (WACo), discussed the WACo members who had recently resigned, Elaine Rene-Weissman and Richard Sherman. He thanked them for their work.

City Manager Feldman stated five of six beaches in Malibu had received A or A+ ratings from Heal the Bay. She stated the Los Angeles County homeless count showed a 14% decrease in the homeless population in Malibu since 2017. She discussed repaving in the Civic Center area in connection with the Civic Center Wastewater Treatment Facility project. She stated the City had received a preliminary response from Federal Emergency Management Agency (FEMA) on its Preliminary Floodplain Map appeal. She stated FEMA agreed with some points in the appeal and disagreed with others.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Peak thanked Ms. Pollan for her contributions to the City. He stated Mayor Pro Tem Wagner was an honest person and people were innocent until proven guilty. He stated no one named Villaraigosa had spoken to him regarding City Manager Feldman's agreement amendment. He discussed his service on WACo, thanked the former Committee members for their service, and welcomed the new members. He stated he had attended the MHS graduation and Middle School promotion ceremony, and an Administration and Finance Subcommittee meeting.

Councilmember La Monte thanked the public speakers for their show of support for Mayor Pro Tem Wagner. He stated he had not spoken with Antonio Villaraigosa. He thanked Ms. Pollan and other volunteers for their service to the City. He indicated support for recognizing volunteers in the City. He stated he attended the League of California Cities Policy Committee meetings in Sacramento. He stated he planned to testify before the Senate Health Committee on Assembly Bill (AB) 3162 and planned to attend the National League of Cities Summer Planning Session.

Councilmember Rosenthal stated she was misquoted in recent publications regarding search warrants served on Mayor Pro Tem Wagner's properties. She stated the recent search warrants had nothing to do with the City but hoped everything turned out well. She stated she had not been in contact with Antonio Villaraigosa or anyone from his campaign or family. She thanked Ms. Brickman for reading her poem and Poet Laurate Ybarra for speaking. She thanked Pepperdine University for collaborating on the Call to the Wall Poet Summit, and thanked the WACo members for their service. She stated she had spoken with her Planning Commissioner about beach parking at Point Dume. She thanked community volunteers for their service. She discussed an oral history of the City that was organized in the past and requested more information on the project from staff. She stated she attended the League of California Cities Policy Committee

meetings and attended a session on wildfires caused by energy providers. She stated she attended a Business Roundtable meeting and the West Hollywood Pride Parade with Senator Ben Allen. She stated she planned to attend a Southern California Council of Governments meeting. She announced an E-waste collection event at City Hall on June 16, 2018.

Mayor Pro Tem Wagner thanked the Council for its support. He stated it was important to focus on facts and stated all of the Councilmembers were devoted to the City. He discussed the partial oral history of the City that was being developed. He requested the Cultural Arts Commission support a continuation of the oral history project. He stated he planned to attend a Santa Monica Bay Restoration Commission meeting. He thanked Councilmember La Monte for his work on AB 3162. He announced Senator Stern's Beach Day on June 16, 2018. He stated he planned to attend a Zoning Ordinance Revisions and Code Enforcement Subcommittee meeting.

Councilmember Peak requested the Council send a letter to Caltrans opposing the installation of the crosswalk near Malibu Beach Inn.

In response to Councilmember Peak, City Attorney Hogin stated the Council could take that action once an item was noticed on an agenda.

Mayor Mullen thanked Ms. Pollan and other volunteers for their contributions to the City. He requested the Community Services Department capture the oral history of Malibu pre-cityhood.

In response to Mayor Mullen, City Manager Feldman stated the media team would continue with the oral history project.

Mayor Mullen thanked Poet Lautate Ybarra and Ms. Brickman for speaking and thanked WACo member Norm Haynie and the former WACo members for their service. He stated he attended the League of California Cities Policy Committee meetings, an Administration and Finance Subcommittee meeting, a School District Separation Ad Hoc Committee meeting and the MHS graduation. He thanked Councilmember La Monte for his work on AB 3162. He discussed his past experience as a journalist and stated Mayor Pro Tem Wagner was still a Councilmember and was held in high esteem by the community. He stated he had spoken to Antonio Villaraigosa and discussed his campaign, but not City Manager Feldman's agreement.

ITEM 3 CONSENT CALENDAR

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

MOTION Councilmember La Monte moved and Councilmember Rosenthal seconded a motion to approve the Consent Calendar, except for Item No. 3.B.5. The motion carried unanimously.

The Consent Calendar consisted of the following items:

3. Consent Calendar

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 53658-53765 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. 618 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,123,855.95. City of Malibu payroll check numbers 4923-4926 and ACH deposits were issued in the amount of \$193,706.47.

3. Approval of Minutes

Recommended Action: Approve the minutes for the May 14, 2018 Malibu City Council Regular meeting.

4. November 6, 2018 General Municipal Election

Recommended Action: 1) Adopt Resolution No. 18-26 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 6, 2018, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities; and 2) Adopt Resolution No. 18-27 requesting the Board of Supervisors of the County of Los Angeles consolidate a General Municipal Election to be held on November 6, 2018, with the General Election to be held on the date pursuant to Elections Code Section 10403.

6. Commission Work Assignments for Fiscal Year 2018-2019

Recommended Action: Approve the Fiscal Year 2018-2019 Commission work assignments for the Cultural Arts Commission, Harry Barovsky Memorial Youth Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission.

7. Initiate Amendments to the Malibu Local Coastal Program and Malibu Municipal Code to Address Accessory Dwelling Units

Recommended Action: 1) Adopt Resolution No. 18-28 initiating amendments to the Malibu Local Coastal Program and Malibu Municipal Code Title 17 (Zoning) to address development standards for accessory dwelling units, also known as guest houses and second units; and 2) Direct the Planning Commission to schedule a public hearing regarding the amendments.

8. Santa Monica Mountains Fund "Break the Poison Chain" Campaign

Recommended Action: Authorize the Mayor to send a letter to The Santa Monica Mountains Fund in support of its Break the Poison Chain

campaign.

The following item was pulled for individual consideration:

5. Jake Kuredjian Citizenship Award Nomination

Recommended Action: At the recommendation of the Parks and Recreation Commission, approve the nomination of Justine Petretti and Mike Mulligan as the recipients of the 2018 Jake Kuredjian Citizenship Award.

Councilmember Rosenthal stated she supported Justine Petretti and Mike Mulligan as nominees and the award was an excellent way to show appreciation for community volunteers. She stated the award had been given to three women and seventeen men and it was important to recognize women who serve the community.

MOTION

Councilmember Rosenthal moved and Councilmember La Monte seconded a motion to approve the nomination of Justine Petretti and Mike Mulligan as the recipients of the 2018 Jake Kuredjian Citizenship Award.

Councilmember La Monte discussed Ms. Petretti's contributions to the community.

The motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Appeal No. 17-012 - Appeal of Planning Commission Resolution No. 17-30 (22729 Pacific Coast Highway; Appellant/Applicant: Norman R. Haynie; Property Owner: Las Tunas Beach, LLC and Grey Granite, LLC)

Recommended Action: Adopt Resolution No. 18-30 determining the project is exempt from the California Environmental Quality Act and denying a one-year extension, Time Extension No. 17-012, of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Site Plan Review No. 10-012, and Demolition Permit No. 08-014, an application for demolition of an existing gas station and construction of a new commercial building and associated development in the Community Commercial zoning district located at 22729 Pacific Coast Highway (Las Tunas Beach, LLC and Grey Granite, LLC).

Contract Planner Rudolph presented the staff report.

Norm Haynie stated other project applications on the site had no bearing on the extension of the current project permits. He stated he had the right to a time extension under the Local Coastal Program (LCP). He stated he applied for the extension before LCP Policy No. 5 was put into place and the standard at the time of application was to approve time extensions as long as the development

standards had not changed. He stated his architect's illness and death created due cause for a time extension. He discussed the process, expense, and response time for plan check and approvals.

Bob Woodward, M6 Consulting, discussed his firms' work on the project and his experiencing working with Mr. Haynie. He stated Mr. Haynie was highly motivated to move the project forward.

Patt Healy indicated support for the staff recommendation. She stated the project did not have extraordinary circumstances or due cause for a time extension. She stated if the project was vested, the extension would not be necessary. She stated LCP Policy No. 5 did not need California Coastal Commission (CCC) approval.

Mr. Haynie discussed the timeline of the extension request. He stated the Planning Commission denial was not unanimous. He stated the denial was the first Coastal Development Permit (CDP) extension denied in the City. He stated the architects' death caused unexpected delay.

Councilmember La Monte indicated support for approving the time extension because the policy was adopted after the extension was applied for.

In response to Councilmember Rosenthal, Planning Director Blue stated LCP language in the Local Implementation Plan (LIP) allowed a reasonable extension with due cause but did not define reasonable limit or due cause.

In response to Councilmember Peak, Mr. Haynie stated if the zoning change for a hotel was approved, he would still do part (grading and drainage) of the proposed project until a hotel was approved or denied. He stated he would start construction 60 days after extension approval.

In response to Councilmember Peak, Planning Director Blue stated she was not aware whether other department approvals for the project were still needed before construction could begin.

Councilmember Peak discussed due cause for an extension and the Planning Commission's decision. He stated it was important to be consistent in enforcing LCP Policy No. 5.

Mayor Pro Tem Wagner disclosed he frequently visited the project.

Councilmember Peak disclosed he had visited the project site.

Mayor Pro Tem Wagner stated he looked to Planning Department staff and the Planning Commission for their expertise and guidance.

Councilmember Rosenthal disclosed she had visited the project site. She stated she met with her Planning Commissioner about the project. In response to

Councilmember Rosenthal, Planning Director Blue stated the Council could choose any time period for an extension.

In response to Councilmember Peak, Mr. Haynie stated the hotel project had been approved by geology, health, and the Public Works Department. He stated he hoped to have the hotel project before the Planning Commission in the next six months.

In response to Councilmember Peak, Planning Director Blue stated there was a zone change application for the hotel project, which would, optimistically, take a year to process.

Mr. Haynie stated the CCC Executive Director planned to put the zone change application on a CCC agenda as soon as possible.

Planning Director Blue stated the Planning Department staff had many outstanding questions and the Public Works Department may have more questions about traffic analysis on the hotel project.

Mr. Haynie stated a traffic engineer analyzed the project and a hotel would decrease traffic by 40% compared to current uses.

City Attorney Hogin encouraged the Council to only discuss the project in front of it for consideration.

In response to Mayor Mullen, Planning Director Blue discussed the planning approvals required for construction. She stated some projects had received several extensions in the past.

In response to Mayor Mullen, Contract Planner Rudolph stated the scheduling of the Planning Commission hearing was unrelated to the adoption of LCP Policy No. 5.

In response to Mayor Mullen, Planning Director Blue stated staff had recommended to the Planning Commission denial of the extension. Planning Director Blue stated staff had recommended denial on three extensions and this was the second denial by the Planning Commission. She discussed the reasoning behind LCP Policy No. 5. She stated the Planning Commission could deny extensions without a policy, but the policy helped create consistent criteria by which to judge projects. She stated the only other projects with multiple CDP applications were for the same project with a different Floor Area Ratio (FAR), one of which would require additional approvals. She stated two project applications was unprecedented and created confusion for the community.

City Attorney Hogin stated environmental analysis for projects had to analyze entitled projects, and entitled projects affected what else could be developed in a neighborhood.

Councilmember Peak discussed traffic impacts from other recent projects developed in the project area since the original project approval. He indicated support for denying the extension. In response to Councilmember Peak, Planning Director Blue stated it was unusual to have a project that was incompatible with another approved project on the same site.

Mayor Mullen discussed due cause for an extension and past extension approvals for the project. In response to Mayor Mullen, Contract Planner Rudolph discussed the due cause for the previous time extensions for the project.

Mayor Pro Tem Wagner discussed the time it would take for approval of a zoning change for the hotel project.

In response to Councilmember Rosenthal, Planning Director Blue stated denial of the time extension would allow Mr. Haynie to continue processing the hotel application and process the zone change and CDP concurrently. She stated some of the geotechnical reports and wastewater reports could support the new project. She stated if the hotel was denied, Mr. Haynie could submit a CDP for another commercial use approved in this zone.

Councilmember Peak indicated support for denial of the extension.

MOTION

Councilmember Peak moved to adopt Resolution No. 18-30 determining the project is exempt from the California Environmental Quality Act and denying a one-year extension, Time Extension No. 17-012, of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Site Plan Review No. 10-012, and Demolition Permit No. 08-014, an application for demolition of an existing gas station and construction of a new commercial building and associated development in the Community Commercial zoning district located at 22729 Pacific Coast Highway (Las Tunas Beach, LLC and Grey Granite, LLC).

The motion died due to lack of a second.

Councilmember Rosenthal stated an extension could have conditions.

Councilmember Peak stated approving an extension with conditions would be more confusing than reapplying.

Councilmember Rosenthal expressed concern that the entitled project would impact other projects being developed.

Mayor Mullen indicated support for approving the extension. He stated multiple CDP applications made it confusing.

Councilmember La Monte stated approving the extension would allow demolition of the current gas station.

In response to Mayor Mullen, Planning Director Blue discussed the original conditions for approval.

Councilmember Peak indicated support for denial of the extension.

Mayor Pro Tem Wagner discussed correspondence received from Ms. Healy and Mr. Haynie. Mayor Pro Tem Wagner requested the public and the Council receive more information to make an informed decision.

Mayor Mullen stated the Council had a staff report, the appeal application, and correspondence from the public to inform its decision.

In response to Councilmember Peak, City Attorney Hogin stated the only conditions the Council could impose were regarding time.

MOTION Councilmember Peak moved and Mayor Mullen seconded a motion to extend the project to December 31, 2018.

In response to Councilmember Peak and Councilmember Rosenthal, City Attorney Hogin stated the Council could make this the final extension, but she advised against it because that would preclude granting of another extension in the future if there were unforeseen extenuating circumstances.

Councilmember La Monte stated demolition would have to begin by the end of the extension.

Mayor Pro Tem Wagner stated the application was in the pipeline when the policy was approved and indicated support for approving the extension.

In response to Councilmember Peak, Mr. Haynie stated he would begin construction before December 2018, he would bring the hotel project before the Planning Commission as soon as possible and, if it was denied, he would continue with the current project.

Councilmember Peak withdrew his motion.

MOTION Councilmember Peak moved to adopt Resolution No. 18-30 determining the project is exempt from the California Environmental Quality Act and denying a one-year extension, Time Extension No. 17-012, of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Site Plan Review No. 10-012, and Demolition Permit No. 08-014, an application for demolition of an existing gas station and construction of a new commercial building and associated development in the Community Commercial zoning district located at 22729 Pacific Coast Highway (Las Tunas Beach, LLC and Grey Granite, LLC).

The motion died due to lack of a second.

MOTION Councilmember La Monte moved and Councilmember Rosenthal seconded a motion to grant a time extension to December 31, 2018.

Councilmember Peak indicated support for denying the extension. He stated it was in the best interest of the City.

In response to Councilmember Rosenthal, Councilmember Peak stated the extension was applied for based on due cause. He stated the project had already received three extensions with due cause.

In response to Mayor Pro Tem Wagner, Planning Director Blue stated the CCC would have to certify a zone change, and she had not heard anything from CCC about the likelihood of approval.

City Attorney Hogin stated the CCC could only certify LCP amendments adopted by the City.

In response to Councilmember Rosenthal, Planning Director Blue stated the zone change and CDP could be processed concurrently.

Councilmember Peak stated the applicant was not required to submit concurrently. He stated the expected timeline for approval of the hotel project was well beyond the time it would take for drainage and grading for the current project.

In response to Councilmember Rosenthal, Planning Director Blue stated any construction site was required to be secure.

Councilmember Peak stated a demolition site was always unattractive.

SUBSTITUTE MOTION

Councilmember Peak moved and Mayor Mullen seconded a motion to adopt Resolution No. 18-30 determining the project is exempt from the California Environmental Quality Act and denying a one-year extension, Time Extension No. 17-012, of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Site Plan Review No. 10-012, and Demolition Permit No. 08-014, an application for demolition of an existing gas station and construction of a new commercial building and associated development in the Community Commercial zoning district located at 22729 Pacific Coast Highway (Las Tunas Beach, LLC and Grey Granite, LLC). The motion carried 3-1-1, Councilmember La Monte dissenting and Mayor Pro Tem Wagner abstaining.

Mr. Haynie thanked the Council for its time.

- B. Proposed Budget for Fiscal Year 2018-2019
Staff Recommendation: 1) Adopt Resolution No. 18-31 adopting the Annual

Budget for Fiscal Year 2018-2019; 2) Approve the Annual Work Plan for Fiscal Year 2018-2019; 3) Adopt Resolution No. 18-32 approving the Authorized Positions and Salary Ranges for Fiscal Year 2018-2019 and approving the Public Safety Specialist and Wastewater Management Program Specialist Job Specifications; and 4) Adopt Resolution No. 18-33 establishing the Appropriations Limit for Fiscal Year 2018-2019.

Assistant City Manager Soghor presented the staff report.

Joan Ross deferred her time to Burt Ross.

Burt Ross stated it was inappropriate for the public to make personal attacks on Councilmembers in a public hearing and leave before the Councilmembers could respond. He thanked the Council for including \$200,000 in the Public Safety budget to help the homeless population in the City. He discussed the work of the Malibu Taskforce on Homelessness (MTFH) on the pilot program with The People Concern. He discussed the County's homeless count in Malibu and the 14% drop in the homeless population since 2017.

Marianne Riggins requested improvements to street lighting to bring them into conformance with the Dark Sky Ordinance. She thanked staff for its work on the budget. She discussed public criticism of City spending and expressed concern that none of those speaking up attended the meeting. She asked what programs community members would like to see cut.

Mayor Mullen thanked Mr. Ross for his work on the MTFH. He discussed the importance of assisting people experiencing homelessness. He discussed his experience shadowing The People Concern social workers.

Councilmember Rosenthal thanked Mr. Ross for his patience waiting to speak until the item was heard. She thanked the members of the MTFH. She thanked Ms. Riggins for her comments. She stated it was easy for people to criticize without investigating the facts. She discussed the increase in services being provided by the City over the years. She encouraged the community to read the budget report.

MOTION Councilmember Rosenthal moved and Councilmember La Monte seconded a motion to: 1) adopt Resolution No. 18-31 adopting the Annual Budget for Fiscal Year 2018-2019; 2) approve the Annual Work Plan for Fiscal Year 2018-2019; 3) adopt Resolution No. 18-32 approving the Authorized Positions and Salary Ranges for Fiscal Year 2018-2019 and approving the Public Safety Specialist and Wastewater Management Program Specialist Job Specifications; and 4) adopt Resolution No. 18-33 establishing the Appropriations Limit for Fiscal Year 2018-2019.

Councilmember La Monte thanked the public speakers.

Councilmember Peak thanked staff and the community.

Mayor Pro Tem Wagner indicated support for approving the budget.

Mayor Mullen thanked City Manager Feldman and Assistant City Manager Soghor for taking care of the taxpayers' money.

The motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Report on Plastic Bottle Ban

Recommended Action: 1) Receive and file report on plastic bottle ban; and 2) Provide direction to staff on potential revisions to the Malibu Municipal Code banning plastic water bottles, plastic bottles, or packaged water.

Environmental Sustainability Director George presented the staff report.

Patt Healy indicated support for banning single-use plastic water bottles.

Councilmember Peak discussed the City's plastic bag ban. He indicated support for combining all three ban options proposed in the staff report. He discussed alternatives to single-use plastic bottles. He indicated support for banning all single-use plastic bottles citywide.

Councilmember Rosenthal stated she had never had water from an aluminum can. In response to Councilmember Rosenthal, Councilmember Peak stated banning single-use plastic water bottles and a ban on all plastic single-use beverage bottles were most important and he would not want to see packaged water sold in stores.

Councilmember Rosenthal stated it was important to still allow the sale of reusable plastic bottles. She indicated support for banning single-use plastic beverage bottles on City property.

Councilmember Peak indicated support for banning single-use plastic beverage bottles citywide.

Councilmember La Monte indicated support for banning single-use plastic beverage bottles on City-owned properties.

Mayor Pro Tem Wagner stated education was important for any product ban. He encouraged approving a plastic bottle ban in steps to allow time for education.

Councilmember Peak indicated support for immediately removing all single-use plastic bottles in City-owned facilities and requiring all permits issued by the City to include a condition banning single-use plastic bottles by the end of 2018.

Councilmember Rosenthal expressed concern that a ban would be hard to enforce and stated education would be important.

Councilmember Peak stated education would be important and there were alternatives to single-use plastic bottles available.

Mayor Pro Tem Wagner stated many film sets had a large water dispenser with paper cups available. He stated it was becoming an industry standard.

Mayor Mullen stated education was important. He discussed Malibu's name recognition. He indicated support for banning single-use plastic bottles less than one liter on City-owned property and bringing back an item in the future to ban single-use plastic bottles citywide.

In response to Councilmember Peak, City Attorney Hogin stated the Council could instruct the City Manager not to use plastic bottles at City events and could bring back a policy to ban plastic bottles on City-owned property.

In response to Councilmember Peak, City Manager Feldman stated single-use plastic bottles had not been used at City events for approximately two years.

Councilmember Peak indicated support for banning single-use plastic bottles citywide by Spring 2019.

In response to Mayor Mullen, Environmental Sustainability Director George stated no other City had banned plastic bottles Citywide. He stated other agencies had bans on single-use plastic bottles on their own properties.

Councilmember Peak stated he did not want to see the sale, distribution, or use of plastic bottles on City property.

In response to Councilmember Rosenthal, City Manager Feldman stated nothing specifically prohibited renters of City facilities from selling, distributing, or using single-use plastic bottles. She stated she would work with City Attorney Hogin to add language to the rental agreement banning the sale, distribution and use of single-use plastic bottles and bring an item back to Council for approval if necessary.

Councilmember Rosenthal indicated support for first banning single-use plastic bottles from City facilities, then adding a ban to permits, and finally a citywide ban.

Councilmember Peak indicated support for banning plastic bottles citywide by

Spring 2019.

Mayor Mullen indicated support for banning plastic bottles citywide by Spring 2019, but he stated he wanted more information about potential lawsuits and lessons learned from any other cities who had considered a ban.

CONSENSUS

By consensus, the Council: 1) received and filed report on plastic bottle ban; and 2) directed to staff to bring back an ordinance for a phased ban of single-use beverage (less than one liter) container: a) use on City property; b) use at all City-permitted events; and 3) sales citywide.

ITEM 7 COUNCIL ITEMS

A. Assembly Bill (AB) 2369 - Fishing Violations Within a Marine Protected Area – SUPPORT (Councilmember Peak)

Recommended Action: At the request of Councilmember Peak, authorize the Mayor to send a letter to the Senate Committee on Natural Resources and Water in support of AB 2369, a bill that would amend the State Fish and Game Code to increase the penalties for illegal commercial fishing within a Marine Protected Area.

Councilmember Peak presented the report.

MOTION Councilmember Peak moved and Mayor Mullen seconded a motion to authorize the Mayor to send a letter to the Senate Committee on Natural Resources and Water in support of AB 2369, a bill that would amend the State Fish and Game Code to increase the penalties for illegal commercial fishing within a Marine Protected Area.

Mayor Pro Tem Wagner indicated support. He stated the California Department of Fish and Wildlife had limited resources for enforcement and suggested educating the community to help identify illegal fishing.

The motion carried unanimously.

ADJOURNMENT

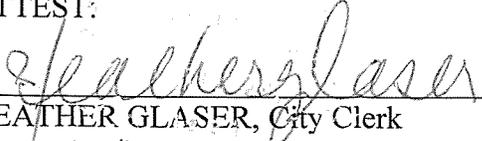
MOTION At 10:01 p.m., Councilmember Peak moved and Mayor Mullen seconded a motion to adjourn the meeting in memory of Griff Snyder. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on July 9, 2018.



RICK MULLEN, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)