

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT
REGULAR MEETING
Sunday, August 3, 2014
31330 Broad Beach Road, Malibu, CA 90265

1. CALL TO ORDER

Chair Karno called the meeting to order at 9:01 a.m.

2. ROLL CALL

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Levitan, and Board Member Rosenbloom.

ABSENT: Board Member Lotman

BBGHAD STAFF ALSO PRESENT (not Board Members and not subject to Roll Call): Project Manager Mark Goss, BBGHAD Engineers Russ Boudreau and Chris Webb, and Project Counsel Ken Ehrlich.

Upon calling the Roll, the Chair suspended Regular Session of the Meeting to allow the Board to convene in Closed Session. A Closed Session meeting ensued.

The Chair re-convened the Regular Session meeting at 10:21 a.m.

3. ADOPTION OF AGENDA

The Project Manager reported that the meeting Agenda was posted at approximately 8:30 a.m. on Thursday, July 31, 2014 within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Vice Chair moved, and Board Member Rosenbloom seconded, the approval of the Agenda. The Motion approving the Agenda passed 4-0.

4. APPROVED SUMMARY OF ACTIONS FROM JUNE 29, 2014 MEETING

Vice Chair Grossman moved, and Board Member Levitan seconded, the approval of the Summary of Actions from the June 29, 2014 Board meeting. The Motion passed 4-0.

5. CEREMONIAL PRESENTATIONS

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

None.

8. NEW BUSINESS

None.

9. OLD BUSINESS

a. Permitting and Regulatory Process

CCC- The Project Manager asserted that the BBGHAD is benefitting from more regular communications with the CCC staff. Due to the number of open issues, CCC staff has suggested that the Commission postpone consideration of the BBGHAD Project until October 2014. The Project Manager further reported that CCC staff has suggested that the BBGHAD's proposed sand grain size is too large, may harm various organisms living in the sand environment, and the agency seeks an approximately 50% reduction in grain size. The Project Manager reported that, if imposed, this condition would significantly increase Project costs and delay the start of the Project. The Chair recognized the Vice Chair, who asked if the CCC staff had previously agreed to the BBGHAD's proposed sand specification. The Project Manager stated that the agency had never formally approved the sand specification, but had been largely silent on the issue until the BBGHAD staff's July 29, 2014 meeting with CCC staff.

The Project Manager continued that lateral access, west end habitat issues, and the existence of a "Trancas Overlay" in City code constitute the current, primary issues. Regarding lateral access, the CCC staff seeks unrestricted lateral access for the public in the event that the nourishment sand migrates off the beach. The BBGHAD has not agreed to this concept.

Regarding the "Trancas Overlay", CCC staff contends that Malibu ordinance contains a provision prohibiting the construction of any "structure" higher than 30" between the MHTL and residential stringlines at Broad Beach. The BBGHAD staff has scheduled an August 7 conference call with City staff to discuss the issue.

Regarding the West End habitat issues, CCC staff continues to argue against nourishment at the BBGHAD's west end. The agency has not specifically defined the area which should not be nourished, but it remains opposed to nourishment in intertidal areas. Board Member Levitan expressed a concern over BBGHAD assessment costs if any West End homes are excluded from the BBGHAD. The Chair recognized George Novogroder, who asserted that the BBGHAD should be able to devise an acceptable West End mitigation proposal fairly easily. Alternatively, Mr. Novogroder asserted that the vast majority of BBGHAD owners will not care if the assessment increases due to the fewer homes at the West End. After additional discussion, the Board charged the BBGHAD Engineer with: 1) developing a logical BBGHAD position for the location of ending nourishment at the West End to avoid intertidal areas, and 2) concurrently exploring what, if anything, the agencies will accept in mitigation if the Project is permitted as proposed.

The Chair expressed concern over the fate of the Project's budget in light of potential mitigation costs, Project costs, and the ultimate need to refund past TPOA and voluntary homeowner contributions to the BBGHAD. The Chair recognized Board Member Levitan, who suggested that the BBGHAD enlist input from Broad Beach property owners in the real estate industry regarding the west end issues and potential mitigation. (Board Member Levitan left the meeting at 12:05 p.m.)

The Board then discussed potential mitigation for nourishment at the West End and the potential retention of a lobbyist for issues related to the Army Corps.

MOTION: The Vice Chair moved that the Project Manager retain a lobbyist on the BBGHAD's behalf specifically for Project permitting issues related to the Army Corps, with retention terms acceptable to the Project Manager and the Vice Chair. Board Member Rosenbloom seconded the Motion. Hearing no further discussion, the Chair called the question. The Motion passed 3-0.

b. Project Outreach

No report was presented.

10. GHAD OFFICER REPORTS

a. Project Manager

No additional report was presented.

b. Treasurer Report

In light of the Treasurer's absence, the Chair reported that the monthly financial report is attached as Item 10b to the Board Packet, and the Project Manager confirmed the accuracy of the financial report.

11. BBGHAD BOARD MEMBER REPORTS

No reports were given.

12. PUBLIC COMMENT: NON-AGENDA ITEMS

None.

13. FUTURE MEETING

The Chair stated that the next BBGHAD Board meeting will be on September 7, 2014. The meeting will be at 9:00 a.m. at a private residence located at 31330 Broad Beach Road, Malibu, CA.

14. ADJOURNMENT

MOTION: Board Member Rosenbloom moved to adjourn. The Vice Chair seconded the Motion. The Motion passed 3-0, and the meeting adjourned at 12:25 p.m.

Approved and adopted by the Broad Beach GHAD
Board on September ____, 2014.

NORTON KARNO, Chair

ATTEST:

BERNADETTE O'NEILL, Clerk