



MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
Los Angeles River Center and Gardens
570 West Avenue Twenty-Six
Los Angeles, California 90065
Phone (323) 221-8900 Fax (323) 221-9934

MINUTES
of the
GOVERNING BOARD
of the
MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

January 6, 2010

I. Call to Order.

The regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority was called to order by Chairperson George Lange, at 2:00 p.m. on January 6, 2010 at the Conejo Recreation and Park District, 403 West Hillcrest Drive, Thousand Oaks.

II. Roll Call.

The roll was called and the following members were present: Jim Hasenauer, Ed Hayduk, Jerome C. Daniel, Vice Chairperson, and George Lange, Chairperson.

Staff present: Joseph T. Edmiston, FAICP, Executive Officer; Rorie Skei, Chief Deputy Executive Officer; Laurie Collins, Chief Staff Counsel; Jeff Maloney, Staff Counsel, Walt Young, Chief Ranger; Jewel Johnson, Ranger; Amy Lethrbridge, Chief of Interpretation; Jeff Jones, Assistant Financial Officer; Tim Miller, Chief of Construction; Dan Tholund, Chief of Facilities and Maintenance; Barbara Romero, Director of Urban Parks; Paul Edelman, Deputy Director of Natural Resources and Planning, Judi Tamasi, Project Analyst, and James Yeramian, Staff Services Manager.

III. Election of Officers.

On motion of Mr. Daniel, duly seconded, George Lange was unanimously elected Chairperson.

On motion of Mr. Hayduk, duly seconded, Jerome C. Daniel was unanimously elected Vice Chairperson.

IV. Public Testimony on all agenda items except Item No. XV and public comment on matters not on the agenda. (Please note, testimony on Item XV will be taken when the item is called.)

The following persons addressed the Authority:

Mr. David Brown, member of the public, on item XI.

Ms. Emma Wilby, member of the public, on item XI.

V. Reports from Staff:

- (a) Legal;**
- (b) Ranger Services;**
- (c) Natural Resources and Planning;**
- (d) Interpretation;**
- (e) Developed Resources;**
- (f) Construction;**
- (g) Facilities and Maintenance;**
- (h) Finance.**

The Authority received oral reports from Staff Counsel, Ranger Jewel Johnson, Chief of Construction, Chief of Facilities and Maintenance, and the Assistant Financial Officer.

The Chair announced that item XV would be heard next.

XV. Public hearing on, and consideration of, Initial Management Plan for Lechuza Beach which shall consist of the applicable provisions of the Malibu Municipal Code and compliance with the provisions of the California Coastal Act of 1976.

The following persons addressed the Authority:

Mr. Norm Haynie, representing Lechuza Villas West, LC.

Ms. Kristin Keifer, member of the public.

Mr. Steve Hoyer, representing Access For All

Mr. Richard F. Davis, representing Malibu Encinal Homeowner's Association

Ms. Elizabeth C. Lynch, member of the public.

The Chair announced that item XII would be heard next.

XII. Report from Ranger Services Division and Facilities and Maintenance Division on management of Lechuza Beach in response to purported "notice of default" served by Malibu-Encinal Homeowners Association.

The Authority received an oral report from the Chief of Facilities and Maintenance.

Questions were propounded by Mr. Hayduk.

Comments were made by the Chief of Facilities and Maintenance and Ranger Jewel Johnson.

Item XIII was heard next.

XIII. Report from Chief Counsel on potential liability if substantial limitations are imposed on access to Lechuza Beach acquired pursuant to a grant from the State Coastal Conservancy.

The Authority received an oral report from the Chief Staff Counsel.

Comments were made by the Executive Officer.

Questions were propounded by Mr. Daniel.

Comments were made by the Chief Staff Counsel and the Executive Officer.

Questions were propounded by Messrs. Hayduk and Hasenauer.

Comments were made by the Executive Officer and the Chief Staff Counsel.

Item XIV was heard next.

XIV. Report from Executive Officer on actions taken to cure violation of the California Coastal Act of 1976 and status of Coastal Development Permit for improvement of Lechuza Beach.

The Authority received an oral report from the Executive Officer.

Comments were made by the Chief of Construction.

Item XV was re-opened for consideration.

Comments were made by the Executive Officer and Ms. Judi Tamasi.

Questions were propounded by Messrs. Hayduk, Daniel, and Hasenauer.

On motion of Mr. Hayduk, duly seconded, Resolution No. 10-13 was unanimously adopted.

VI. Consent Calendar:

- (a) Consideration of resolution adopting the MRCA Warrant Disbursements for the period of November 24, 2009 to December 29, 2009.**
- (b) Consideration of resolution approving a vegetation management contract with Green Leaf G.T.H. Inc. for fire-fuels reduction and habitat restoration on Mountains Recreation and Conservation Authority managed lands.**
- (c) Consideration of resolution approving a vegetation management contract with Green Leaf G.T.H. Inc. for fire-fuels reduction and habitat restoration on Mountains Recreation and Conservation Authority managed lands in the Santa Monica Mountains Open Space Preservation District No. 1.**
- (d) Consideration of resolution approving a vegetation management contract with Green Leaf G.T.H. Inc. for fire-fuels reduction and habitat restoration on Mountains Recreation and Conservation Authority managed lands in the Santa Monica Mountains Open Space Preservation District No. 2.**
- (e) Consideration of resolution authorizing acceptance of the offers to dedicate trail easements associated with Coastal Development Permit Nos. 5-88-613 (Zacha), 5-88-385 (McLean) and 5-87-648 (English), incorporated and unincorporated Malibu.**
- (f) Consideration of resolution authorizing acceptance of the offers to dedicate scenic easements and/or open space easements associated with Coastal Development Permit Nos. 5-89-532 (Leland), 5-89-235 (Chan), 5-89-025 (Andrews), 5-88-939 (Mellein), 5-88-732 (Nowak), 5-88-636 (Johnson), 5-88-175 (Sunset Partners) and 5-82-106 (Idler), incorporated and unincorporated Malibu.**
- (g) Consideration of resolution authorizing a sole source contract with Los Angeles Conservation Corps (LACC) for design-build services for the Ballona Creek Trail and Bike Path Improvement Project, Los Angeles.**
- (h) Consideration of resolution authorizing a correction to the Engineer's Report for Santa Monica Mountains Open Space Preservation Assessment District No. 2 to add APN 2290-025-020 in lieu of APN 2290-025-017, Acquisition Area G, Encino.**

(i) Consideration of resolution augmenting contract with Joseph Caves and Associates for legal services.

Item VI(i) was removed from the Consent Calendar.

On motion of Mr. Hayduk, duly seconded, Resolution Nos. 10-01, 10-02, 10-03, 10-04, 10-05, 10-06, 10-07, and 10-08 were unanimously adopted.

VI(i). Consideration of resolution augmenting contract with Joseph Caves and Associates for legal services.

The staff report for this item was presented by the Executive Officer.

On motion of Mr. Hayduk, duly seconded, Resolution No. 10-08(a) was unanimously adopted.

VII. Discussion regarding legislative outlook and 2010 legislative opportunities.

This item was removed from the agenda.

The Chair convened a closed session at 5:00 p.m.

The Chair reconvened the open session at 5:17 p.m. and announced that instructions were given to negotiators.

VIII. Consideration of resolution authorizing the Executive Officer to promulgate standards, procedures, and guidelines to be incorporated in the Authority's ranger manual.

On motion of Mr. Hayduk, duly seconded, Resolution No. 10-09 was unanimously adopted.

IX. Consideration of adoption of Ordinance No. 01-2010, amending Ordinance No. 01-2005 (as amended) regarding park rules and regulations, waive first reading and introduce Ordinance No. 01-2010, "An Ordinance of the Mountains Recreation and Conservation Authority amending the Mountains Recreation and Conservation Authority Ordinance establishing park rules and regulations, and prescribing the punishment for violations thereof."

Comments were made by the Executive Officer.

X. Consideration of resolution authorizing revision to records retention policy.

The staff report for this item was presented by the Chief Staff Counsel.

On motion of Mr. Hayduk, duly seconded, Resolution No. 10-11 was unanimously adopted.

- XI. Consideration of resolution authorizing the acquisition of approximately 101 acres (all or portions of APNs 4436-002-010, 011, 012; 4436-003-001; 4436-023-003, 006, 010, 011; and 4436-024-037) using Proposition A funding and funds from Los Angeles County, and the acceptance of said funds, Topanga Canyon and Los Angeles River watersheds, unincorporated Los Angeles County. Negotiators: Alain and Maria Semet and Joseph T. Edmiston. Under consideration: price and terms. (*This subsection of the item may be heard in closed session pursuant to the Government Code § 54956.8*).**

Questions were propounded by Messrs. Hayduk and Hassenauer.

Comments were made by the Chief Deputy Executive Officer and Assistant Financial Officer.

On motion of Mr. Hasenauer, duly seconded, Resolution No. 10-12 was unanimously adopted.

XVI. Closed Session.

The Mountains Recreation and Conservation Authority may hold a closed session on the following items pursuant to Government Code §§ 54956.8 and 54956.9. Confidential memoranda related to these items may be considered during such closed session discussions.

Conference with legal counsel. Number of cases ten(10). (1) *Robings v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority, Case No. LC077488*; (2) *Robings v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority, Case No. BC377233*; (3) *Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority v. City of Malibu, and related litigation*; (4) *City of Malibu v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority*; (5) *Pfaff v. Bess, Case No. 56-2007-00308501*; (6) *Pfaff v. Mountains Recreation and Conservation Authority*; (7) *City of Malibu v. California Coastal Commission, Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority Case No. BS121650*, (8) *Boyajian v. Santa Monica Mountains Conservancy*, (9) *Friends of Temescal Pool v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority, Case No. BC405252* and (10) Pursuant to Government Code Section 54956.95; conference with legal counsel regarding claims made pursuant to the Government Tort Claims Act: Claimants: Jodi Lynn Bice, Gareth Estwick, Phillip Wayne Robbins, Jr.

Conference with legal counsel. Potential litigation to which the Authority has significant exposure. Number of cases four (4): *Malibu-Encinal Homeowners Association v. Mountains Recreation and Conservation Authority* (defense of purported notice of default, Lechuza Beach); *California Coastal Commission v. Mountains Recreation and Conservation Authority* (potential cease and desist order regarding unpermitted development obstructing public access to Lechuza Beach); *State Coastal Conservancy v. Mountains Recreation and Conservation Authority* (failure to provide full public access, including handicapped access, according to grant agreement), and *Unnamed members of the public claiming rights under the Americans With Disabilities Act v. Mountains Recreation and Conservation Authority* (failure to comply with Americans With Disabilities Act and failure to adhere to handicapped access in grant of title at Lechuza Beach).

Conference with legal counsel. Potential litigation that the Authority may initiate to protect its rights and the substantive rights of the public. Number of cases five (5): *Mountains Recreation and Conservation Authority v. Norman Haynie, Lechuza Villas West, LLC, and Malibu Encinal Homeowners Association, et al.* (fraud, violation of warranty of title); *Mountains Recreation and Conservation Authority v. City of Malibu* (conspiracy, conflict of interest, violation of Permit Streamlining Act), *et al.*; *Mountains Recreation and Conservation Authority v. Lisa Pallack-in her capacity as President of the Malibu Encinal Homeowners Association, Malibu Encinal Homeowners Association in its corporate capacity and all members thereof, and Board of Directors of Malibu Encinal Homeowners Association, individually and as the governing body of the Malibu Encinal Homeowners Association, et al.* (slander of title, interference with quiet enjoyment); *Mountains Recreation and Conservation Authority v. William Kiefer, et al.* (unpermitted gate, Pub. Res. Code § 30803), and *Mountains Recreation and Conservation Authority v. Malibu-Encinal Homeowners Association* (unpermitted gate, Pub. Res. Code § 30803).

The Chairperson convened the second closed session at 5:20 p.m..

The Chairperson reconvened the open session at 5:29 p.m. and announced that instructions were given to negotiators.

XVII. Announcement of future meetings and adjournment.

The Chairperson announced that the next meeting would be held on February 3, 2010.

There being no further business, the meeting was adjourned at 5:35 p.m. in memory of Lotte Melhorn and Milt Feinberg.

MRCA Agenda
January 6, 2010
Page 8

Respectfully submitted:

Joseph T. Edmiston, FAICP

Executive Officer

Approved:

George Lange

Chairperson