



# Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Susan Dueñas, Public Safety Manager

Approved by: Reva Feldman, City Manager

Date prepared: October 21, 2020

Meeting date: November 9, 2020

Subject: Schedule of Parking Citation Penalties

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**RECOMMENDED ACTION:** 1) Conduct the Public Hearing; 2) Adopt Resolution No. 20-59 amending the City's Schedule of Parking Citation Penalties, repealing Resolution No. 15-09 and finding the action to be exempt from the California Environmental Quality Act; and 3) Direct the Public Safety Commission to review the Schedule of Parking Citation Penalties annually, or at another frequency determined by the City Council.

**FISCAL IMPACT:** In Fiscal Year 2019-2020, the City received approximately \$1.2 million in revenue from parking citations (unaudited). Based on the citations revenue received in Fiscal Year 2019-2020, if the new fees are approved, the City could potentially receive between \$100,000 to \$200,000 in additional revenue.

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

**DISCUSSION:** Malibu Municipal Code Section 10.04.010 adopts Los Angeles County Title 15 (Vehicles and Traffic) as the traffic ordinance for the City. By resolution, the City Council establishes a Parking Penalty Schedule (Schedule) for violations of that ordinance. The Schedule indicates the related Los Angeles County Code Section and, where appropriate, the California Vehicle Code as reference. The last time the Schedule was updated was on January 21, 2015 when the City Council adopted Resolution No. 15-09.

At its Regular meetings on September 4, 2020 and October 7, 2020, the Public Safety Commission reviewed the Schedule to consider a recommendation to the City Council regarding adjustments to be made in order for the City's Schedule to be consistent with Los Angeles County Code Chapter 15.200, Schedule of Civil Penalties and Additional Assessments for Parking Violations, and California Vehicle Code Division 11, Rules of the Road.

The Commission Chair and Vice Chair researched penalties imposed by other cities, including member cities in the Las Virgenes-Malibu Council of Governments and other coastal cities. The attached Parking Fine Comparison spreadsheet (Attachment 2) details fines currently imposed by the City compared to penalties imposed by the Cities of Calabasas, Santa Monica, Manhattan Beach and Laguna Beach.

The Commission voted to make a recommendation to the Council that it revise the City's Schedule of Parking Citation Penalties as follows:

<u>Code</u>	<u>Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
15.20.070	Failure to Obey Signs	\$58.00	\$73.00
15.20.130	Parking Space Markings	48.00	53.00
15.44.140	No Parking Areas - Placement of Vehicle	48.00	53.00
15.64.110	Bus Loading Zone	263.00	No Change
15.64.140	Temporary No Parking	53.00	73.00
15.64.260	No Parking Anytime	53.00	73.00
15.64.280	Parking Wrong Side of Street	53.00	58.00
15.64.320	Parking Driveway	53.00	73.00
15.64.370	Parking Fire Hydrant	68.00	83.00
15.64.400	Handicap Parking Street	338.00	No Change
15.64.410	Handicap Parking Off Street	338.00	No Change
15.76.080	Vehicles on Sidewalk	53.00	73.00

It was discussed that current rates often do not act as a deterrent to motorists choosing to park illegally. The suggested increases range from \$5 to \$20 with no changes recommended for any penalties currently over \$100.

The Commission's recommendation also included the addition of a new fee of \$73.00 for Parking at Red Curb (Code 15.20.070); however, staff subsequently confirmed with the Sheriff's Department that the addition was unnecessary because that violation was cited as a Failure to Obey Signs already included in the Schedule. Lastly, the Commission suggested that it be directed to review the Schedule annually or at another frequency determined by the Council.

ATTACHMENTS:

1. Resolution No. 20-59
2. Parking Fine Comparison
3. Public Hearing Notice

RESOLUTION NO. 20-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU  
AMENDING CITY'S SCHEDULE OF PARKING CITATION PENALTIES,  
REPEALING RESOLUTION NO. 15-09, AND FINDING THE ACTION TO BE  
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. Malibu Municipal Code Section 10.04.010 adopts Los Angeles County Title 15 (Vehicles and Traffic) as the traffic ordinance for the City. By resolution, the City Council establishes a Parking Penalty Schedule (Schedule) for violations of that ordinance. The Schedule indicates the related Los Angeles County Code Section and, where appropriate, the California Vehicle Code as reference.

B. At the recommendation of the City Council Administration and Finance (A&F) Subcommittee, the City Council adopted Resolution No. 15-09 on January 21, 2015 amending the City's Schedule, which was included as part of the Resolution.

C. At its Regular meetings on September 4, 2020 and October 7, 2020, the Public Safety Commission reviewed the Schedule and researched penalties imposed by other cities, including member cities in the Las Virgenes-Malibu Council of Governments and other coastal cities.

D. It was discussed that current rates often do not act as a deterrent to motorists choosing to park illegally, so the Commission suggested certain fines be increased from \$5 to \$20 except for those penalties that are currently over \$100.

E. The Commission recommended that the Council approve the following revisions to the Schedule:

<u>Code</u>	<u>Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
15.20.070	Failure to Obey Signs	\$58.00	\$ 73.00
15.20.130	Parking Space Markings	48.00	53.00
15.44.140	No Parking Areas - Placement of Vehicle	48.00	53.00
15.64.110	Bus Loading Zone	263.00	No Change
15.64.140	Temporary No Parking	53.00	73.00
15.64.260	No Parking Anytime	53.00	73.00
15.64.280	Parking Wrong Side of Street	53.00	58.00
15.64.320	Parking Driveway	53.00	73.00
15.64.370	Parking Fire Hydrant	68.00	83.00
15.64.400	Handicap Parking Street	338.00	No Change
15.64.410	Handicap Parking Off Street	338.00	No Change
15.76.080	Vehicles on Sidewalk	53.00	73.00

SECTION 2. The City of Malibu hereby rescinds Resolution No. 15-03.

SECTION 3. The City Council hereby finds based on the information provided in the staff report

that these fees do not exceed the actual and reasonable cost of providing the service for which these fees are charged.

SECTION 4. The Schedule of Parking Citation Penalties is hereby adopted.

SECTION 5. City staff has determined that the changes to the City's Schedule of Parking Citation Penalties are statutorily exempt from environmental review under California Public Resources Code section 21080(b)(8) and California Environmental Quality Act implementing guidelines, Title 14 of the California Code of Regulations section 15273.

SECTION 6. This resolution shall become effective immediately upon its passage and adoption, except that the penalties set forth in the official Base and Late Fine Schedule for Parking Violations shall take effect as citations are printed giving notice of the new fine amounts.

SECTION 7. The City Clerk shall certify adoption of this resolution and shall cause the same to be processed in the manner provided by law. Pursuant to Government Code section 66017(a), the fee increases, and new fees shall be effective 60 days from the date of adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 9<sup>th</sup> day of November 2020.

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MIKKE PIERSON, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE

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CHRISTI HOGIN, City Attorney

Malibu Existing			Santa Monica		Calabasas		Manhattan Beach		Laguna Beach		NOTES
Code #	Description	Base Fee	Description	Base Fee	Description	Base Fee	Description	Base Fee	Description	Base Fee	
15.20.070	Failure to Obey Signs	\$ 58.00	Disobey Posted Signs	\$ 68.00	Failure to Obey Signs	\$ 58.00	Posted/Prohibited	\$ 53.00	Obedience to Posted Signs	\$ 43.00	
15.20.130	Parking Space Markings	\$ 48.00	Parking Spaces	\$ 58.00	Parking Space Markings	\$ 48.00	Project/lines	\$ 53.00	Parking Space Markings	\$ 43.00	
15.44.140	No Parking Areas-Placement of Vehicle	\$ 48.00	Parking on Drive Apron/Parkway/Sidewalk	\$ 63.00	No Parking Areas-Placement of Vehicle	\$ 48.00	No Parking	\$ 53.00	Parked blocking driveway	\$ 43.00	
15.64.110	Bus Loading Zone	\$ 263.00	Bus Lane	\$ 293.00	Bus Loading Zone	\$ 263.00	Bus Loading Zone	\$ 53.00	Parked in bus zone	\$ 43.00	SM: the fine is for CA vehicle violation vs. Santa Monica Municipal list
15.64.140	Temporary No Parking	\$ 53.00	Disobey Posted Signs	\$ 68.00	Temporary No Parking	\$ 53.00	Temporary Parking Prohibited	\$ 53.00	No parking	\$ 43.00	Laguna: No temporary parking listed
15.64.260	No Parking Anytime	\$ 53.00	Parking Prohibited in Specified Places	\$ 73.00	No Parking Anytime	\$ 53.00	No Parking	\$ 53.00	No parking	\$ 43.00	
15.64.280	Parking Wrong Side of Street	\$ 53.00	Parked on Sidewalk	\$ 68.00	Parking Wrong Side of Street	\$ 53.00	Parking Wrong Side of Street	\$ 53.00			SM: CA vehicle violation on Santa Monica list parking on sidewalk is closest one I found. Laguna: No parking on wrong side of street listed
15.64.320	Parking Driveway	\$ 53.00	Parking on Drive Apron/Parkway/Sidewalk	\$ 63.00	Blocking driveway on private street	\$ 53.00	Blocking driveway	\$ 53.00	Blocking driveway	\$ 43.00	
15.64.370	Parking Fire Hydrant	\$ 68.00	Parked within 15 Feet of Fire Hydrant	\$ 68.00	Parking Fire Hydrant	\$ 68.00	Parking Fire Hydrant	\$ 53.00	Parking Fire Hydrant	\$ 63.00	SM: the fine is CA vehicle violation vs. Santa Monica Municipal list
15.64.400	Handicap Parking Street	\$ 338.00	Parked on/in Handicapped Access Area	\$ 363.00	Disabled Parking Street	\$ 338.00	Disabled Parking Street	\$ 338.00	Handicap Parking Street	\$ 300.00	
15.64.410	Handicap Parking Off St.	\$ 338.00	Blocking Disabled parking	\$ 363.00	Disabled Parking Off St.	\$ 338.00	Disabled Parking Off St.	\$ 338.00	Handicap Parking Off St.	\$ 300.00	
15.76.080	Vehicles on Sidewalk	\$ 53.00	Parked on Sidewalk	\$ 68.00	Parking in intersection	\$ 53.00	Parked on Sidewalk	\$ 53.00	Parked on Sidewalk	\$ 43.00	COGS: no sidewalk parking fine listed
	Late Fee		Late Fee	Price of ticket	Late Fee	\$40 to \$325	Late Fee	\$ 31.00	Late Fee	\$ 34.00	
					COGS: Late penalty ranges between \$40 to \$325 depending on ticket plus they add an admin fee of \$15						

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
CITY COUNCIL**

The Malibu City Council will hold a public hearing on Monday, November 9, 2020 at 6:30 p.m. regarding increasing the penalties in the Schedule of Parking Citation Penalties adopted pursuant to Malibu Municipal Code Section 10.12.060. The public hearing will be held via the Zoom application only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order (revised March 21, 2020). Consistent with the requirements of Government Code section 66016, data on costs and revenue sources relating to the Permit will be available on the City's website 10 days prior to the meeting.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to [citycouncil@malibucity.org](mailto:citycouncil@malibucity.org) before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

If there are any questions regarding this notice, please contact Susan Dueñas, Public Safety Manager, at (310) 456-2489, ext. 313.

  
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SUSAN DUEÑAS, Public Safety Manager

Publish Date: October 29 and November 5, 2020