Malibu City Council Regular Meeting Agenda

Monday, November 28, 2011

6:30 P.M. - REGULAR CITY COUNCIL MEETING

City Hall – Council Chambers 23825 Stuart Ranch Road

Six-thirty p.m. Regular Session

Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda - November 17, 2011

1. <u>Ceremonial/Presentations</u>

A. <u>Presentation of Sustainable City Award by State Senator Fran Pavley, Recognizing the City's Environmental Accomplishments, including Stormwater Management, Electric Vehicle Chargers and Higher Energy Standards</u>

2. Written and Oral Communications from the Public

- A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. <u>Commission / Committee Updates</u>
- C. <u>City Council Subcommittee reports/Mayor and Councilmember reports and inquiries</u>

3. Consent Calendar

A. <u>Previously Discussed Items</u>

None.

B. New Items

1. Waive further reading

Staff recommendation: 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.

Staff contact: City Attorney Hogin, 456-2489 ext. 228

2. Approve Warrants

Staff recommendation: Allow and approve warrant demand numbers 33543-33650 listed on the register from the General Fund and direct the City Manager/City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 474 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,021,508.22. City of Malibu payroll check numbers 3904-3913 and direct deposits were issued in the amount of \$155,536.76.

Staff contact: Assistant City Manager Feldman, 456-2489 ext. 224

3. Approval of Minutes

Staff recommendation: Approve minutes for the October 24, 2011 Regular City Council meeting and October 26, 2011 Quarterly City Council meeting.

Staff contact: City Clerk Pope, 456-2489 ext. 228

4. <u>Proposed 2012 Calendar of City Council Meetings</u>

Staff recommendation: Approve the proposed 2012 Calendar of City Council meetings.

Staff contact: City Clerk Pope, 456-2489 ext. 228

5. Agreement with Ozone Water Systems, Inc. for Stormwater Treatment Facilities

Staff recommendation: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Ozone Water Systems, Inc. for annual operations and maintenance of the City's Civic Center Stormwater Treatment Facility and the Paradise Cove Stormwater Treatment Facility.

Staff contact: Public Works Director Brager, 456-2489 ext. 247

6. Amendment No. 2 to the General Plan Housing Element Update Professional Services Agreement

Staff recommendation: Authorize the City Manager to execute Amendment No. 2 to Professional Services Agreement between the City of Malibu and J.H. Douglas and Associates for the preparation of the 2008–2014 General Plan Housing Element Update.

Staff contact: Planning Director Parker-Bozylinski, 456-2489 ext. 265

7. General Fund Undesignated Reserve Policy

Staff recommendation: 1) Adopt Revised Council Policy #2 establishing budget basic principles; and 2) adopt Revised Council Policy #3 establishing a General Fund Undesignated Reserve policy.

Staff contact: Assistant City Manager Feldman, 456-2489 ext. 224

8. Reward for Information Leading to Arrest and Conviction of Killer of Mountain Lion

Staff recommendation: 1) Adopt Resolution No. 11-50 establishing a \$5,000 reward for information leading to the arrest and conviction of the person or persons responsible for the death of the mountain lion known as P-15 in the Santa Monica Mountains; and 2) allocate \$5,000 from the Undesignated General Fund Reserve to Account No. 100-7001-6201.

Staff contact: City Manager Thorsen, 456-2489 ext. 226

4. Ordinances and Public Hearings

This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

A. Administrative Provisions – Malibu Municipal Code Chapter 2.04

Staff recommendation: 1) After the City Attorney reads the title, introduce on first reading ordinance No. 365 amending Chapter 2.04 of the Malibu Municipal Code; and 2) direct staff to schedule second reading and adoption of Ordinance No. 365 for the December 12, 2011 Regular City Council meeting.

Staff contact: City Clerk Pope, 456-2489 ext. 228

5. Old Business

None.

6. New Business

A. <u>Submittal of the Draft 2008-2014 Housing Element to the California Department of Housing and Community Development and Finalization of Project Scope for the Environmental Impact Report</u>

Staff recommendation: 1) Authorize staff to submit the Draft 2008-2014 Housing Element to the State of California Department of Housing and Community Development (HCD) for review and comment; and 2) provide direction to staff regarding the preferred approach to the Environmental Impact Report.

Staff contact: Planning Director Parker-Bozylinski, 456-2489 ext. 265

7. <u>Council Items</u>

A. Petition to Propose Formation of a School District (Mayor Zahn Rosenthal and Mayor Pro Tem La Monte)

Requested action: At the request of the School Subcommittee, consisting of Mayor Zahn Rosenthal and Mayor Pro Tem La Monte, consider whether to proceed with the process to pursue a petition with the Los Angeles County Committee on School District Organization (County Committee) for the purpose of forming a unified school district from territory currently within the Santa Monica-Malibu Unified School District.

Staff contact: City Manager Thorsen, 456-2489 ext. 226

Adjournment

Future Meetings

Monday, December 12, 2011	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, December 26, 2011	6:30 p.m.	Regular City Council Meeting	CANCELLED
Monday, January 9, 2012	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, January 23, 2012	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken on these non agenda items, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available on the counter in the hallway outside the Council Chambers). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Council following the action on the Consent Calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the

speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

Items set for Public Hearing will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m. For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

Items in Old Business are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

Items in New Business are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

City Council Items are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at www.malibucity.org. Video archives remain on the City's website for two years.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5(b)(2). Copies of staff reports and written materials may be purchased for \$0.25 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Council meeting should be directed to Benjamin Ortega at (310) 456-2489 ext. 227 or bortega@malibucity.org at least 48 hours prior to the meeting.

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 17^{th} day of November, 2011.

Lisa Pone City Clerk