

Amended¹ Malibu City Council
Regular Meeting Agenda

Monday, August 26, 2019

5:30 P.M. - CLOSED SESSION

City Hall - Council Chambers (call to order)
Westward Room (closed session)
23825 Stuart Ranch Road

6:30 P.M. REGULAR CITY COUNCIL MEETING

City Hall – Council Chambers
23825 Stuart Ranch Road

Five-thirty p.m. Convene for Purpose of Closed Session

Call to Order - Mayor (Council Chambers)

Public Comment on Closed Session Items

Recess to Closed Session (to be held in the Westward Room)

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Section 54956.8. The City Attorney will give an additional oral report regarding the Closed Session at the beginning of the next regular City Council meeting. At the conclusion of the Closed Session, the Council may continue any item listed on the Closed Session agenda to the Open Session agenda for discussion or to take formal action as it may deem appropriate.

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

1. Property Address: 3939 Cross Creek Road (lease)
City Negotiator: City Manager Feldman
Property Negotiator: Matt Jurkowitz, Washington Prime Group
Under Negotiation: Price and terms of payment

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

Closed Session Report

Approval of Agenda

Report on Posting of Agenda - August 15, 2019; Amended Agenda Posted August 23, 2019

¹ See addition of Ceremonial/Presentation Item No. 1.E.

1. Ceremonial/Presentations

- A. Proclamation Declaring September 7, 2019 as SurfAid Day
- B. Proclamation Extending the Year of the Butterfly through December 31, 2019
- C. Proclamation Declaring September 2019 as Childhood Cancer Awareness Month
- D. Proclamation Declaring September 2019 as National Preparedness Month
- E. Staff Update of Disaster Response and Recovery

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. Commission / Committee / City Manager Updates
- C. City Council Subcommittee reports / Mayor and Councilmember meeting attendance, reports and inquiries

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.

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

- 2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 57720-57835 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. 643 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$364,412.22. City of Malibu payroll check numbers 5035-5037 and ACH deposits were issued in the amount of \$236,926.39.

Staff Contact: Assistant City Manager Soghor, 456-2489, ext. 224

3. Second Amendment to Lease Agreement for 23661 Pacific Coast Highway (Super Care Drugs, Inc.)

Recommended Action: Approve Second Amendment to Lease Agreement for 23661 Pacific Coast Highway with Super Care Drugs. Inc.

Staff Contact: City Manager Feldman, 456-2489, ext. 226

4. Professional Services Agreement for On Call Environmental Consulting Services

Recommended Action: Authorize the City Manager to execute a professional services agreement with Rincon Consultants to provide on call environmental consulting services.

Staff Contact: Acting Environmental Sustainability Director Sheldon, 456-2489, ext. 251

5. Professional Services Agreement for the Nearshore Ocean Health Assessment Project

Recommended Action: Authorize the City Manager to execute a professional services agreement with University of California, Santa Barbara to provide research work for the Nearshore Ocean Health Assessment Project.

Staff Contact: Acting Environmental Sustainability Director Sheldon, 456-2489, ext. 251

6. Boys & Girls Club of Malibu Chili Cook-Off Facility Use Fee Waiver

Recommended Action: Approve the request from the Boys & Girls Club of Malibu to waive half of the facility use fees for the Ioki Property and City Hall Parking Lot for the Annual Chili Cook-Off Event.

Staff Contact: Community Services Director Bobbett, 456-2489, ext. 225

7. Professional Services Agreement with Minagar and Associates

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Minagar and Associates, Inc. for traffic planning services.

Staff Contact: Public Safety Manager Duenas, 456-2489, ext. 313

8. Grant Agreement with County of Los Angeles and Professional Services Agreement with The People Concern

Recommended Action: 1) Authorize the City Manager to enter into a grant agreement with the County of Los Angeles for a City Planning Grant – Year 2 Implementation of Cities Homelessness Plans; and 2) Authorize the City Manager to enter into an agreement with The People Concern for housing navigation services.

Staff Contact: Public Safety Manager Duenas, 456-2489, ext. 313

9. Utility and Access Easement to Waterworks District 29

Recommended Action: Grant a utility and access easement on Winter Mesa Drive to Waterworks District 29.

Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339.

10. Malibu Disaster Council Composition

Recommended Action: Adopt Resolution No. 19-39 establishing the membership of the Malibu Disaster Council.

Staff Contact: Public Safety Manager Duenas, 456-2489, ext. 313

4. **Ordinances and Public Hearings**

A. Appeal No. 18-009 - Appeal of Planning Commission Resolution No. 18-75 (20222 Pacific Coast Highway; Appellant/Applicant: Dorinne Graves; Property Owner: CKGD Heritage Trust)

Recommended Action: Adopt Resolution No. 19-37 determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 18-009 and approving Coastal Development Permit No. 15-042 to construct a new 2,536-square foot, two-story, single-family residence, with an attached two-car garage with roof deck, retaining walls, landscaping, hardscaping, and seawall, and construction of a new onsite wastewater treatment system, including Variance (VAR) No. 15-021 to reduce the required amount of unenclosed parking to one space, VAR No. 15-022 to reduce the required geotechnical factor of safety related to the underlying landslide, VAR No. 18-042 for construction on slopes steeper than 2.5 to 1, and Offer to Dedicate No. 18-002 to dedicate a lateral access easement along the shoreline at the rear of the property located in the Single-Family Medium Density (SFM) zoning district at 20222 Pacific Coast Highway (CKGD Heritage Trust).

Staff Contact: Planning Director Blue, 456-2489, ext. 258

B. Local Coastal Program Amendment No. 12-004 – An amendment to the Local Coastal Program Land Use Plan to add a new policy and update the Public Access Map (Continued from July 8, 2019)

Recommended Action: 1) Adopt Resolution No. 19-33 approving Local Coastal Program Amendment (LCPA) No. 12-004, an amendment to the Local Coastal Program Land Use Plan to add a new policy and update the Public Access Map; and 2) Direct staff to submit the LCPA to the California Coastal Commission for review and certification.

Staff Contact: Planning Director Blue, 456-2489, ext. 258

- C. Local Coastal Program Amendment No. 12-002, Zoning Text Amendment No. 12-002, and Zoning Map Amendment No. 13-002 – An amendment to the Local Coastal Program Local Implementation Plan, Zoning Code, and Zoning Map to implement the certified 2008-2014 General Plan Housing Element (Continued from July 8, 2019)

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 449 implementing the 2008-2014 General Plan Housing Element by amending the Local Coastal Program Local Implementation Plan, Malibu Municipal Code Title 17 and Zoning Map to add an affordable housing overlay district for three specific sites (four lots): 28517 Pacific Coast Highway; 28401 Pacific Coast Highway; and a portion of 23465 Civic Center Way formerly known as 3700 La Paz Lane; acknowledging receipt of the California Coastal Commission (CCC) Resolution of Certification for Local Coastal Program Amendment (LCPA) No. 12-002 with Suggested Modifications and adopting revisions to LCPA No. 12-002, Zoning Text Amendment No. 12-002 and Zoning Map Amendment No. 13-002 to incorporate the CCC's suggested modifications; repealing Ordinance No. 375; and finding the same exempt from and properly studied under the California Environmental Quality Act; 2) Direct staff to schedule a second reading and adoption of Ordinance No. 449 for the September 9, 2019, 2019 Regular City Council meeting; and 3) Direct staff to submit the LCPA to the CCC for review and certification.

Staff Contact: Planning Director Blue, 456-2489, ext. 258

- D. Zoning Text Amendment No. 19-002 – An Ordinance to Temporarily Halt the Processing of Primary View Determinations within a 1,000-foot Radius of the Woolsey Fire Affected Area and Other Disaster Areas (Continued from August 12, 2019)

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 450 determining the project is categorically exempt from the California Environmental Quality Act, and amending Chapter 17.45 (Citywide View Preservation and Restoration Ordinance) of Malibu Municipal Code Title 17 (Zoning) to establish provisions to restrict primary view determinations within a 1,000-foot radius of the Woolsey Fire affected area and other disaster areas; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 450 for the September 9, 2019 Regular City Council meeting.

Staff Contact: Planning Director Blue, 456-2489, ext. 258

- E. Shared On-Demand Personal Mobility Devices (Electric Scooters) Ordinance (Continued from July 8, 2019)

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 448 adding Chapter 9.33 (Shared On-Demand Personal Mobility Devices) to Title 9 of the Malibu Municipal Code prohibiting electric ride share scooters from being placed or operated in the public right-of-way and finding the same exempt from the provisions of the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 448 for the September 9, 2019 Regular City Council Meeting.

Staff Contact: Public Safety Manager Duenas, 456-2489, ext. 313

5. Old Business

- A. Potential sale of 2 acres of 23575 Civic Center Way/23789 Stuart Ranch Road (APN 4458-022-011- Ioki Parcel) to the Los Angeles County Fire Department (Continued from July 8, 2019)

Recommended Action: 1) Receive and file the recommendations from the Cultural Arts Commission, Parks and Recreation Commission and Public Safety Commission on the potential sale of 2 acres of 23575 Civic Center Way/23789 Stuart Ranch Road (APN 4458-022-011 - Ioki Parcel) to the Los Angeles County Fire Department; and 2) Provide direction to staff if necessary.

Staff Contact: Assistant City Manager Soghor, 456-2489, ext. 224

6. New Business

None.

7. Council Items

None.

Adjournment

Future Meetings

Monday, September 9, 2019	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, September 23, 2019	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, October 14, 2019	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, 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, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) 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 outside the Council Chambers) and must be accompanied by all forms deferring time at the time of submission. 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 for individual consideration. 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 shall follow the rules as set forth under Oral Communication.

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 follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. 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. 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 \$0.10 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 Andrew Sheldon, Acting Environmental Sustainability Director, (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 Alex Montano at (310) 456-2489 ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

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. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 23rd day of August 2019, at 11:45 a.m..



Kelsey Pettijohn, Deputy City Clerk