

Malibu City Council
Adjourned Regular Meeting Agenda

Monday, October 28, 2019

4:00 P.M. ADJOURNED REGULAR CITY COUNCIL MEETING

City Hall – Council Chambers
23825 Stuart Ranch Road

Pursuant to Government Code Section 54953(b), Mayor Pro Tem Pierson will be attending the Council meeting via teleconferencing from:

Room	7013
Location	Baltimore Renaissance Harborplace Hotel
Street	202 E Pratt Street
City, State, Zip	Baltimore, MD 21202

This teleconference location is accessible to the public and will be open to the public for attendance at this meeting.

Four p.m. Regular Session

Public Hearings will begin at 4:00 p.m., or as soon thereafter as possible, but in no event later than 5:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda - October 17, 2019

1. Ceremonial/Presentations

A. Staff Update on 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

1. Second Reading and Adoption of Ordinance No. 451

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 451 determining the project is exempt from the California Environmental Quality Act and adding Chapter 9.40 to Title 9 of the Malibu Municipal Code prohibiting the installation or use of self-regenerating water softeners for properties connected to the Civic Center Water Treatment Facility; and amending Section 1.10.040 of Chapter 1.10 (Administrative Citations and Penalties) of Title 1 (General Provisions) of the Malibu Municipal Code to reflect that violations of Chapter 9.40 shall be subject to the City's administrative penalty provisions.

Staff Contact: City Clerk Glaser, 456-2489, ext. 228

2. Second Reading and Adoption of Ordinance No. 452

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 452 amending Chapter 8.12 of Title 8 of the Malibu Municipal Code to add provisions for "Very High Fire Hazard Severity Zones" and finding the same exempt from the California Environmental Quality Act.

Staff Contact: City Clerk Glaser, 456-2489, ext. 228

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 58289-58440 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. 647 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,847,794.36. City of Malibu payroll check numbers 5052-5055 and ACH deposits were issued in the amount of \$213,949.60.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the September 23, 2019 Malibu City Council Regular meeting.

Staff Contact: City Clerk Glaser, 456-2489, ext. 228

4. Amendment to Professional Services Agreement with Kimley-Horn and Associates, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$50,000 for additional engineering plan check services to provide Woolsey Fire Rebuild Public Works Services.

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

5. Initiate Amendments to Local Coastal Program and Malibu Municipal Code to Foster Fire-resistant Landscapes

Recommended Action: 1) Adopt Resolution No. 19-47 initiating amendments to the Local Coastal Program and Title 17 (Zoning) of the Malibu Municipal Code to foster creation of more fire-resistant landscapes; and 2) Direct the Planning Commission to schedule a public hearing regarding the same.

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

6. Professional Services Agreement with Jensen Hughes

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Jensen Hughes for consultation and creation of a Community Wildfire Protection Plan.

Staff Contact: Fire Safety Liaison Vandermeulen, 456-2489, ext. 387

7. Portable Generators for Temporary Power to Traffic Signals on Pacific Coast Highway

Recommended Action: Appropriate \$25,000 from the General Fund Undesignated Reserve for the purchase of portable generators and equipment to supply temporary power to the traffic signals on Pacific Coast Highway.

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

4. Ordinances and Public Hearings

None.

5. Old Business

A. Short-Term Rentals

Recommended Action: 1) Receive financial analysis on the implications and potential impacts of a ban on short-term rentals; 2) Discuss potential options and procedures for banning short-term rentals; 3) Discuss whether an amendment to the Local Coastal Plan is necessary for a short-term rental ban; 4) Discuss approaches of other coastal cities that have legislated short-term rentals and associated litigation in those cities; and 5) Provide direction to staff on a short-term rental ordinance.

Staff Contact: Assistant to the City Manager Shavelson, 456-2489, ext. 254

6. New Business

None.

7. Council Items

A. Clean Power Alliance Default Selection (Councilmember Peak)

Recommended Action: At the request of Councilmember Peak, 1) Approve selection of the 100% Tier Option for Clean Power Alliance customers within the City; and 2) Direct staff to work with Clean Power Alliance staff on an implementation plan.

Staff Contact: City Manager Feldman, 456-24489, ext. 226

B. Full and Fair Funding of Public Schools (Mayor Farrer)

Recommended Action: At the request of Mayor Farrer, adopt Resolution No. 19-46 calling for full and fair funding of California schools and urging the State Legislature to fund California public schools at the national average or higher by the year 2020, and at a level that is equal to or above the average of the top 10 states nationally by 2025, and to maintain, at a minimum, this level of funding until otherwise decreed.

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

Adjournment

Future Meetings

Tuesday, November 12, 2019	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, November 25, 2019	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, December 9, 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 Yolanda Bundy, Environmental Sustainability Director, (310) 456-2489, ext. 229. 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 17th day of October 2019, at 3:00 p.m.



Heather Glaser, City Clerk