Amended Malibu City Council
Regular Meeting Agenda

Monday, December 9, 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 54956.9(d)(2). Based on the advice of the City Attorney, discussion in open session concerning these matters would prejudice the position of the City in this litigation. 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.

Conference with Legal Counsel – Anticipated litigation

1. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
   Number of Cases: 1

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

1 See addition of Closed Session
Report on Posting of Agenda – November 27, 2019; Amended Agenda posted December 6, 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. 456**

      Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 456 amending the Malibu Municipal Code Title 17 to amend Chapter 17.68 (Temporary Use Permits) to address temporary use permits for temporary offsite parking for the Farmers Market and determining Zoning Text Amendment No. 19-65 to be exempt from the California Environmental Quality Act (citywide).

      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 58713-58838 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. 650 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $1,263,562.68. City of Malibu payroll check numbers 5061-5063 and ACH deposits were issued in the amount of $231,819.63.

      Staff Contact: Assistant City Manager Soghor, 456-2489, ext. 224
3. **Authorize acceptance of transfer of 2.3 acres from Malibu Development Company, LLC (MDC) and modification of easement agreement with MDC in accordance with La Paz development agreement**

   Recommended Action: Adopt Resolution No. 19-55 conditionally authorizing the acceptance of the Grant Deed conveying Parcel C identified in Development Agreement dated November 10, 2008, from Malibu Development Company, LLC, (MDC) to the City, approving an Easement Agreement between the City and MDC, and finding the same exempt from the California Environmental Quality Act.

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

4. **Award Water Bottle Filling Stations Project**

   Recommended Action: 1) Approve the award and authorize the City Manager to execute a construction contract with Zusser Company, Inc. in the amount of $67,000 for the Water Bottle Filling Station Project, Specification No. 2076; and 2) Authorize the Public Works Director to approve potential change orders up to 20% of the Agreement amount.

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

5. **Amendment to Professional Services Agreement with Rincon Consultants, Inc.**

   Recommended Action: Authorize the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Rincon Consultants, Inc. (Rincon) to allow for a six-month extension of the existing agreement through June 30, 2020, and increase the Compensation for Services by $61,000.

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

6. **Acceptance of Southern California Gas Company Grant to Develop an Actionable Community Resilience and Adaptation Plan**

   Recommended Action: Adopt Resolution No. 19-52 authorizing submittal for acceptance of Southern California Gas Company (SoCalGas) Climate Adaptation and Resilience Planning $50,000 grant.

   Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229

7. **Professional Services Agreement with Mission Critical Partners**

   Recommended Action: Authorize the City Manager to negotiate and execute an agreement with Mission Critical Partners for the preparation of an Outdoor Warning Siren System Planning Study in an amount not to exceed $59,623.

   Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339
8. **Amendment to Professional Services Agreement with Moffatt & Nichol**

   Recommended Action: 1) Authorize the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Moffatt & Nichol in the amount of $187,350 for professional engineering services to prepare an additional response regarding the Federal Emergency Management Agency Preliminary Coastal Flood Maps; and 2) Appropriately $213,280 from the General Fund Undesignated Reserve.

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

9. **First Amendment to Lease Agreement for 23661 Pacific Coast Highway (Malibu Medical Corporation Corporation)**

   Recommended Action: Approve First Amendment to Lease Agreement for 23661 Pacific Coast Highway with Malibu Medical Corporation.

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

4. **Ordinances and Public Hearings**

   A. **Local Coastal Program Amendment No. 14-001 - Discussion of Options for Regulating the Use of Anticoagulant Rodenticides including an Ordinance to Prohibit the Use of Anticoagulant Rodenticides Citywide**

   Recommended Action: 1) Discuss options for regulating the use of anticoagulant rodenticides in the City; and 2) If the Council wishes to move forward with an amendment to the Local Coastal Program (LCP), a) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 459 (Attachment 1) determining Local Coastal Program Amendment (LCPA) No. 14-001 is exempt from the California Environmental Quality Act and amending the Local Coastal Program Local Implementation Plan to modify Chapter 3 pertaining to a citywide prohibition on anticoagulant rodenticides for development subject to a coastal development permit (citywide); b) Direct staff to schedule second reading and adoption of Ordinance No. 459 for the January 13, 2020 Regular City Council meeting; and c) Adopt Resolution No. 19-54 determining Local Coastal Program Amendment No. 14-001 is exempt from the California Environmental Quality Act and amending the Local Coastal Program Land Use Plan to modify Chapter 3 and Chapter 5 pertaining to a citywide prohibition of anticoagulant rodenticides for development subject to a coastal development permit (citywide).

   Staff Contact: Planning Director Blue, 456-2489, ext. 258
B. **California Building Standards Code**

Recommended Action: 1) After the City Attorney reads the title of the ordinance, adopt Ordinance No. 457U, an urgency ordinance of the City of Malibu, adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2019 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2019 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2019 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2019 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2019 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2019 edition; the California Energy Code, 2019 Edition; Title 33 of the Los Angeles County Code, incorporating the California Existing Building Code, 2019 Edition; the California Fire Code, 2019 Edition; making amendments to said codes; repealing Ordinance No. 413; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No.457 adopting by reference the building standards adopted by Ordinance No. 457U; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 457 for the January 13, 2020 City Council Meeting.

Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229

5. **Old Business**

None.

6. **New Business**

A. **City Manager Employment Agreement (Salary Provisions)**

Action: Confirm that Reva Feldman received a positive evaluation within the meaning of her employment contract and determine that her contractual salary increase is retroactively effective as of May 3, 2019.

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

7. **Council Items**

A. **Malibu Visitors Center (Mayor Farrer and Mayor Pro Tem Pierson)**

Recommended Action: At the request of Mayor Farrer and Mayor Pro Tem Pierson, authorize the Mayor to send a letter of support for the establishment of a Malibu Visitors Center.

Staff Contact: City Manager Feldman, 456-2489, ext. 226
B. Wildfire Prevention (Councilmember Wagner)

Recommended Action: At the request of Councilmember Wagner, 1) Authorize the Mayor to send a letter to Governor Newsom requesting that he initiate legislation to: a) require mandatory inspections by National Fire Prevention Association (NFPA) and compliance with NFPA guidelines that combine proper landscaping and structure hardening to prevent ember ignition; and b) require utility companies to place above ground equipment underground, starting with areas most susceptible to fires; and 2) Direct the City’s lobbyist to work with State legislators and agencies to initiate this legislation.

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

C. Fireworks Exemption Request

Recommended Action: Approve the request from Jim Lippman for exemption from the date restrictions of Malibu Municipal Code (MMC) Section 9.36.010 to allow an offshore fireworks display from a barge in the area of 22706 Pacific Coast Highway (PCH) on Saturday, February 8, 2020.

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

Adjournment

Future Meetings

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<tr>
<th>Date</th>
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<th>Event</th>
<th>Location</th>
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<tbody>
<tr>
<td>Monday, December 23, 2019</td>
<td></td>
<td>CANCELLED</td>
<td>City Hall Council Chambers</td>
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<tr>
<td>Monday, January 13, 2020</td>
<td>6:30 p.m.</td>
<td>Regular City Council Meeting</td>
<td>City Hall Council Chambers</td>
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<tr>
<td>Monday, January 27, 2020</td>
<td>6:30 p.m.</td>
<td>Regular City Council Meeting</td>
<td>City Hall Council Chambers</td>
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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 6th day of December 2019, at 4:30 p.m.

Heather Glaser, City Clerk