

# **Second Amended<sup>1</sup> Malibu City Council** **Regular Meeting Agenda**

**Monday, February 10, 2020**

**6:00 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**

**Six 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)(1). 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 – Existing litigation pursuant to Government Code Section 54956.9(d)(1):**

1. Third Point Land Company LLC v. City of Malibu  
Los Angeles County Superior Court Case No. 198MCP00565

**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**

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<sup>1</sup> See addition of Consent Calendar Item No. 3.B.6.

Note: The first amended agenda modified the recommended action for Ordinances and Public Hearings Item No. 4.C. and added Council Item No. 7.A.

Report on Posting of Agenda – January 30, 2020; Amended Agenda Posted February 6, 2020; Second Amended Agenda Posted February 6, 2020

1. **Ceremonial/Presentations**

- A. Presentation of “Roadmap for a Resilient Community” by Los Angeles Emergency Preparedness Foundation
- B. 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

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 59319-59436 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. 653 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,856,512.98. City of Malibu payroll check numbers 5074-5076 and ACH deposits were issued in the amount of \$222,543.28.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 13, 2020 Malibu City Council Regular meeting.

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

4. City Phone System

Recommended Action: Authorize the City Manager to execute a service agreement with Nextiva for hosted network services for the phone system at City facilities.

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

5. Professional Services Agreement with Access Information Protected

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Access Information Protected for storage of the City's offsite records, services and transportation pertaining to records management through December 31, 2021.

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

6. Point Dume Headlands Gate/Traffic Spikes (29300.5 Cliffside Drive, within the public right-of-way; Applicant/Property Owner: City of Malibu)

*Recommended Action: 1) Remove the project from the Fiscal Year 2019/2020 Capital Improvement Project list; and 2) Direct staff to withdraw the pending coastal development permit (CDP) application.*

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

**4. Ordinances and Public Hearings**

A. California Building Standards Code

Recommended Action: 1) Conduct the Public Hearing; and 2) Conduct second reading, unless waived, and adopt Ordinance No. 457, an 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; and finding the action exempt from the California Environmental Quality Act.

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

- B. Appeal No. 19-009 - Appeal of Planning Commission Resolution No. 19-72 (23800.5 Civic Center Way, within the public right-of-way, 4000 Malibu Canyon Road, and 23800 Civic Center Way; Appellant/Applicant: Public Works Department; Property Owner: City of Malibu and Green Acres, LLC)

Staff Recommendation: 1) Adopt Resolution No. 20-07, determining the project is categorically exempt from the California Environmental Quality Act (CEQA), granting Appeal No. 19-009 and approving Coastal Development Permit No. 19-018 and Variance Nos. 19-011 and -013 for construction of the Civic Center Way improvement project, which consists of roadway improvements along Civic Center Way between Malibu Canyon Road and Webb Way, along Webb Way between Civic Center Way and Pacific Coast Highway, and on an adjacent City-owned triangle parcel (APNs 4458-020-990 and -904, addressed as 23800 Civic Center Way), involving widening and improving the profile of Civic Center Way; installing sidewalks, bicycle lanes, landscaping, fencing, water quality treatment devices, and traffic control signage; adding an eastbound right turn lane from Civic Center Way to Webb Way; and allowing temporary staging on the City-owned triangle parcel; including a variance for construction within the 100-foot environmentally sensitive habitat area buffer and for a retaining wall in excess of six feet in height (up to 13.5 feet, including a safety railing) located in the public right-of-way and in the Commercial General (CG) and Commercial Visitor Serving – 2 (CV-2) zoning districts at 23800.5 Civic Center Way, 4000 Malibu Canyon Road and 23800 Civic Center Way (City of Malibu and Green Acres, LLC); and 2) Provide direction on the Planning Commission’s recommendation to study and mitigate any traffic impacts on Malibu Canyon Road that result from the project.

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

- C. Public Hearing Regarding Composition of Districts for Potential By-District Elections

Recommended Action: 1) Conduct the first Public Hearing to review the districting process for City Council elections and receive public input regarding the composition of potential City Council districts; and 2) Adopt the proposed schedule set forth below or provide further direction to staff.

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

5. **Old Business**

None.

6. **New Business**

None.

## 7. Council Items

### A. 100-Day Challenge (Mayor Farrer and Mayor Pro Tem Pierson)

Recommended Action: At the request of Mayor Farrer and Mayor Pro Tem Pierson, direct staff to work with the State Business, Consumer Services and Housing Agency on a 100-Day Challenge to address Council goals related to homelessness.

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

## Adjournment

### Future Meetings

Monday, February 24, 2020	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, March 9, 2020	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, March 23, 2020	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](http://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](mailto: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 February 2020, at 5:30 p.m.*

  
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Kelsey Pettijohn, Deputy City Clerk