

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order (revised March 21, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Malibu City Council
Regular Meeting Agenda
(to be held during COVID-19 emergency)

Monday, April 13, 2020

6:00 P.M. - CLOSED SESSION
Various Teleconference Locations

6:30 P.M. – REGULAR CITY COUNCIL MEETING
Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT
MALIBUCITY.ORG/VIDEO

Six p.m. Convene for Purpose of Closed Session

Call to Order - Mayor

Public Comment on Closed Session Items

Recess to Closed Session

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

Call to Order - Mayor

Roll Call - Recording Secretary

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – April 10, 2020

1. Ceremonial/Presentations

- A. Staff Update on COVID-19

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. 461

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 461 determining Zoning Text Amendment No. 19-004 to be categorically exempt from the California Environmental Quality Act and amending the Local Coastal Program Local Implementation Plan Chapter 3 (Zoning Designations and Permitted Uses) and Chapter 2 (Definitions) and Malibu Municipal Code Title 17 (Zoning) to foster the creation of fire-resistant landscapes and repealing Ordinance Nos. 343 and 356, deleting Malibu Municipal Code Chapter 9.22 (Landscape Water Conservation), establishing Malibu Municipal Code Chapter 17.53 (Landscape Water Conservation and Fire Protection) and amending Malibu Municipal Code Section 16.24.020 to eliminate reference to Malibu Municipal Code Chapter 9.22 (citywide).

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

2. Second Reading and Adoption of Ordinance No. 462

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 462 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Sections 8.32.020 (Definitions), 8.32.600 (Containers For Garbage, Market Refuse, and Rendering Waste), 8.32.660 (Containers-Commercial and Industrial), and 8.32.720 (Violation-Penalty) and adding Section 8.32.665 (Implementation) to Chapter 8.32 (Solid Waste And Recyclable Materials) in Title 8 (Health And Safety) to require commercial/industrial property occupants to lock solid waste containers, bins and other equipment.

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 59860-60042 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. 657 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,415,951.49. City of Malibu payroll check numbers 5089-5095 and ACH deposits were issued in the amount of \$463,917.64.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the March 9, 2020 Malibu City Council Regular meeting and the March 12, 2020 and March 16, 2020 Malibu City Council Special meetings.

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

4. Delegation of Staff to Execute Federal and State Documents

Recommended Action: Adopt Resolution No. 20-16 authorizing the City Manager, the Assistant City Manager and the Public Works Director to execute documents pertaining to Federal and State disaster documents, including applications with the State of California Office of Emergency (Cal OES) and Federal Emergency Management Agency (FEMA) on behalf of the City of Malibu.

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

5. Award Temporary Skate Park Equipment Installation Project

Recommended Action: 1) Approve the award and authorize the City Manager to execute a construction contract with California Skateparks, in the amount of \$269,301 for the Temporary Skate Park Equipment Installation Project, Specification No. 2079; 2) Authorize the Public Works Director to approve potential change orders up to 20% of the Agreement amount; and 3) Appropriate an additional \$350,000 from the \$1 million Case/Crummer Designated Reserve to Account No. 310-9089 for the Temporary Skate Park.

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

4. **Ordinances and Public Hearings**

A. Temporary Moratorium on Foreclosures and Residential and Commercial Evictions for Nonpayment of Rent During COVID-19 Pandemic

Recommended Action: Adopt Ordinance No. 463U enacting a temporary moratorium on foreclosures and evictions due to nonpayment of rent by residential and commercial tenants impacted by the COVID-19 virus, finding the same exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; a four-fifths vote of the City Council is required and, if approved, it will take effect immediately.

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

5. **Old Business**

None.

6. **New Business**

A. Malibu Community Assistance Resource Team (CART) General Fund Grant

Recommended Action: Consider whether to allow a change of scope for the Fiscal Year 2019-2020 General Fund Grant to Malibu CART.

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

7. **Council Items**

A. Census 2020 – Support (Mayor Farrer)

Recommended Action: At the request of Mayor Farrer, 1) Adopt Resolution No. 20-15 recognizing the importance of the 2020 U.S. Census and supporting helping to ensure a complete, fair, and accurate count of all Californians; and 2) Direct staff to use the City's communications network to urge residents to complete the Census online according to the instructions provided in the Census 2020 questionnaire that was mailed to each Malibu residence by the U.S. Census Bureau.

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

B. Support for State Funding for the Purchase of Triangle Ranch Property at US-101 and Kanan Dume Road (Councilmember Wagner)

Recommended Action: At the request of Councilmember Wagner, authorize the Mayor to send a letter to Senator Henry Stern and Assemblymember Richard Bloom in support of their request for a General Fund budget item of \$14,500,000 to the Santa Monica Mountains Conservancy for the purchase of 150 remaining acres of the Triangle Ranch property located at the US-101 and Kanan Dume Road corridor.

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

Adjournment

Future Meetings

Monday, April 27, 2020	6:30 p.m.	Regular City Council Meeting	To Be Determined
Wednesday, April 29, 2020	6:00 p.m.	Special City Council Meeting	To Be Determined
Monday, May 11, 2020	6:30 p.m.	Regular City Council Meeting	To Be Determined

Guide to the City Council Proceedings

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, state of California, and a federal emergency declared by the President of the United States. At the direction of the Governor, starting March 19, 2020, the entire state is subject to stay-at-home orders. These measures are imposed to reduce the risk of spreading COVID-19. To comply with these emergency measures, the City Council meeting will be open and public but conducted via teleconference only. This way the public, the staff, and the Council will not be physically in the same place.

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. Members of the public wishing to speak during the meeting must participate through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized. Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

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.

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. In order to speak, individuals must visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

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 are available on demand 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 and available upon request by emailing cityclerk@malibucity.org.

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 Yolanda Bundy, (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].

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 10th day of April 2020 at 12:30 p.m.



Heather Glaser, City Clerk