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 Order (revised May 26, 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, June 8, 2020

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-thirty p.m. Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Approval of Agenda

Report on Posting of Agenda – May 28, 2020

1. Ceremonial/Presentations

None.
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 60362-60629 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. 661 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $1,151,288.18. City of Malibu payroll check number 5102 and ACH deposits were issued in the amount of $210,675.03.

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

      3. **Approval of Minutes**

         Recommended Action: Approve the minutes for the May 11, 2020 Malibu City Council Regular meeting.

         Staff Contact: City Clerk Glaser, 456-2489, ext. 228
4. **November 3, 2020 General Municipal Election**

   Recommended Action: 1) Adopt Resolution No. 20-27 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities; and 2) Adopt Resolution No. 20-28 requesting the Board of Supervisors of the County of Los Angeles to consolidated a General Municipal Election to be held on November 3, 2020, with the Statewide General Election to be held on the date pursuant to California Elections Code Section 10403.

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

5. **Award 2020 Street Maintenance Contract to Toro Enterprises Inc.**

   Recommended Action: 1) Approve the award and authorize the City Manager to execute a construction contract with Toro Enterprises, Inc. in the amount of $508,800 for the construction of the 2020 Street Maintenance Project, Specification No. 2078; and 2) Authorize the Public Works Director to approve any potential change orders up to 18% of the contract amount.

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

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

   Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of $40,000 for a total not to exceed $561,840 and extend the term of the agreement for additional engineering design services for the Civic Center Way Improvements Project.

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

7. **Community Facilities District No. 2006-1 (Carbon Beach Utility Undergrounding) – Levy of Special Tax for Fiscal Year 2020-2021**

   Recommended Action: Adopt Resolution No. 20-22 of the City Council of the City of Malibu acting in its capacity as the legislative body of Community Facilities District (CFD) No. 2006-1 of the City of Malibu (Carbon Beach Utility Undergrounding) authorizing the levy of a special tax for Fiscal Year 2020-2021.

   Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339
4. **Ordinances and Public Hearings**

A. **Appeal No. 19-007 - Appeal of Planning Commission Resolution No. 19-20 (21490 Paseo Portola Street; Appellants: James E. Moore, Tracy E. Moore and Rody Castroll; Applicant: Jose Fulginiti; Property Owners: Richard K. Perrin)**

   Recommended Action: Adopt Resolution No. 20-23 determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 19-007 and approving Coastal Development Permit No. 16-038 for the construction of a new 2,963 square foot, two-story single-family residence with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile-supported retaining wall, landscaping, hardscaping, grading, and construction of a new alternative onsite wastewater treatment system, including Variance (VAR) No. 16-017 for construction on slopes steeper than 1.5 to 1 and VAR No. 18-045 for height of retaining wall in excess of six feet for up to nine feet located in the Single-Family Medium zoning district within the La Costa Overlay District at 21490 Paseo Portola Street (Perrin).

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

B. **Assessment District 98-1 (Big Rock Mesa)**

   Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 20-24 levying an assessment for the maintenance, repair, and improvements works, systems and facilities pertaining to Assessment District 98-1 (Big Rock Mesa) for Fiscal Year 2020-2021.

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

C. **Assessment District 98-2 (Calle Del Barco)**

   Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 20-25 levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-2 (Calle Del Barco) for Fiscal Year 2020-2021.

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

D. **Assessment District 98-3 (Malibu Road)**

   Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 20-26 levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-3 (Malibu Road) for Fiscal Year 2020-2021.

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

E. **Temporary Restaurant Recovery Program During COVID-19 Pandemic**

   Recommended Action: Adopt Ordinance No. 465U enacting a temporary restaurant recovery program to expand outdoor seating, 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: City Manager Feldman, 456-2489, ext. 226
F. Proposed Budget for Fiscal Year 2020-2021

Recommended Action: 1) Conduct the Public Hearing; and 2) Provide direction to staff on the Proposed Budget and Annual Work Plan for Fiscal Year 2020-2021.

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

5. Old Business

None.

6. New Business

None.

7. Council Items

A. 2020-2021 Harry Barovsky Memorial Youth Commission Appointments

Recommended Action: Appoint Commissioners to the 2020-2021 Harry Barovsky Memorial Youth Commission.

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

B. Extension of Woolsey Fire Fee Waiver Deadlines (Councilmember Peak)

Recommended Action: At the request of Councilmember Peak, consider whether to extend the fee waiver deadlines for residents rebuilding property damaged or destroyed by the Woolsey Fire.

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

Adjournment

Future Meetings

Monday, June 22, 2020 6:30 p.m. Regular City Council Meeting Location to be determined
Monday, July 13, 2020 6:30 p.m. Regular City Council Meeting Location to be determined
Monday, July 27, 2020 CANCELLED

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 28th day of May 2020 at 4:30 p.m.

Heather Glaser, City Clerk