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 29, 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 22, 2020

5:30 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

Five-thirty 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)(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

Call to Order - Mayor

Roll Call - Recording Secretary

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – June 11, 2020

1. Ceremonial/Presentations

   A. Presentation by Direct Education and Creative Visions on COVID SMART

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 60630-60757 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. 662 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $892,162.32. City of Malibu payroll check number 5103-5106 and ACH deposits were issued in the amount of $231,834.33.

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

3. **Approval of Minutes**

   Recommended Action: Approve the minutes for the May 26, 2020 Malibu City Council Regular meeting and May 29, 2020 Malibu City Council Special meeting.

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

4. **Amendment to Master Facility Use Agreement with the Santa Monica-Malibu Unified School District**

   Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Master Use Agreement with the Santa Monica-Malibu Unified School District, extending the Agreement through September 30, 2020.

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

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

   Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Rincon Consultants, Inc. for water quality monitoring services for the Civic Center Water Treatment Facility.

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

6. **Professional Services Agreement with Yeh and Associates, Inc.**

   Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Yeh and Associates, Inc. for maintenance and monitoring services for the Big Rock Mesa, Malibu Road, and Calle Del Barco Landslide Assessment Districts.

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

7. **Amendment to Agreement with California Strategies and Advocacy, LLC**

   Recommended Action: Authorize the City Manager to executed Amendment No. 2 to Agreement with California Strategies and Advocacy, LLC extending the term of agreement for one additional year to expire June 30, 2021.

   Staff Contact: City Manager Feldman, 456-2489, ext. 226
8. **Authorization to Submit a Local Early Action Planning State Grant Application and Receipt of Funds**

   Recommended Action: Adopt Resolution No. 20-31 authorizing application, and receipt of, for Local Early Action Planning grant program funds.

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

9. **Amendment to Agreement with Cotton, Shires & Associates to Provide Professional Consulting Geology Services**

   Recommended Action: Authorize the City Manager to execute Amendment No. 1 to Agreement with Cotton, Shires & Associates to allow for a one-year extension of the existing agreement through June 30, 2021.

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

10. **Extending the Waiving of Fees Related to the Rebuilding of Structures Damaged or Destroyed by the Woolsey Fire**

    Recommended Action: Adopt Resolution No. 20-32 superseding and replacing Resolution No. 20-10; directing the City Manager to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence; and finding the action to be exempt from the California Environmental Quality Act.

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

4. **Ordinances and Public Hearings**

   A. **Appeal No. 20-001 - Appeal of Planning Commission Resolution No. 20-03 (27530 Pacific Coast Highway; Owner/Appellant, 27530 PCH Property, LLC)**

   Recommended Action: Adopt Resolution No. 20-33, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 20-001 and approving Coastal Development Permit No. 19-040 for the construction of a 8,303 square foot, two-story, bluff-top single-family residence that includes an attached garage and basement, swimming pool, cantilevered deck, driveway, landscaping, grading and onsite wastewater treatment system (OWTS), including Variance No. 19-043 for the residence to extend higher than the adjacent road grade, Site Plan Review (SPR) No. 19-089 for construction over 18 feet in height, SPR No. 19-090 for construction on slopes between 3 to 1 and 2.5 to 1, Demolition Permit No. 19-037 for the demolition of an existing 839 square foot, single-family residence and Offer-to-Dedicate No. 19-003 to grant a lateral beach access easement located in the Rural Residential - Two Acre Zoning District at 27530 Pacific Coast Highway (27530 PCH Property, LLC).

   Staff Contact: Planning Director Blue, 456-2489, ext. 258
B. Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 20-29 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City’s Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

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

C. Wastewater Services Fees

Recommended Action: 1) Conduct the Public Hearing to receive public testimony and consider all protest concerning the adoption of the Engineer’s Report regarding the levy of wastewater services fees through property taxes; and 2) Unless protest from majority of the effected property owners are received, adopt Resolution No. 20-30 approving the Engineer’s Report and collection of wastewater services charges on the county tax roll for Fiscal Year 2020-2021 for City of Malibu Assessment District No. 2015-1 (Civic Water Treatment Facility – Phase I).

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

D. Ordinance Regarding Smoking Regulations

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 466 amending Malibu Municipal Code (MMC) Title 9 (Public Peace and Welfare) Chapter 9.34 (Smoking Regulations) to regulate smoking in the City, repealing MMC Sections 9.04.010 and 12.08.035 (Ordinance No. 265), and finding the same exempt from the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 466 for the July 13, 2020 Regular City Council meeting.

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

E. Proposed Budget for Fiscal Year 2020-2021

Recommended Action: 1) Adopt Resolution No. 20-34 adopting the Annual Budget for Fiscal Year 2020-2021; 2) Approve the Annual Work Plan for Fiscal Year 2020-2021; 3) Adopt Resolution No. 20-35 establishing the Appropriations Limit for Fiscal Year 2020-2021; and 4) Adopt Resolution No. 20-36 approving the Fiscal Year 2020-2021 Authorized Positions and Salary Ranges.

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

5. Old Business

None.

6. New Business

None.
7. **Council Items**

A. **Senate Bill 1099 – Support (Mayor Farrer)**

   Recommended Action: At the request of Mayor Farrer, authorize the Mayor to submit a letter of support for Senate Bill 1099, which would allow essential facilities to operate permitted emergency backup generators in the event of Public Safety Power Shutoffs.

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

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**Adjournment**

**Future Meetings**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, July 13, 2020</td>
<td>6:30 p.m.</td>
<td>Regular City Council Meeting</td>
<td>Location to be determined</td>
</tr>
<tr>
<td>Monday, July 27, 2020</td>
<td>CANCELLED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monday, August 10, 2020</td>
<td>6:30 p.m.</td>
<td>Regular City Council Meeting</td>
<td>Location to be determined</td>
</tr>
</tbody>
</table>

**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 11th day of June 2020 at 5:00 p.m.

Heather Glaser, City Clerk