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 July 1, 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](https://malibucity.org/video) and [https://malibucity.org/VirtualMeeting](https://malibucity.org/VirtualMeeting).

**HOW TO PARTICIPATE BEFORE THE MEETING:** Members of the public are encouraged to submit email correspondence to [citycouncil@malibucity.org](mailto: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](https://malibucity.org/VirtualMeeting) and follow the directions for signing up to speak and downloading the Zoom application.

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**Malibu City Council**

**Regular Meeting Agenda**

*(to be held during COVID-19 emergency)*

**Monday, July 13, 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](https://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 – July 2, 2020

1. Ceremonial/Presentations

   A. City Council Reorganization
      1. Presentations to Outgoing Mayor
      2. Remarks by Outgoing Mayor
      3. Election of Mayor
      4. Election of Mayor Pro Tem
      5. Administration of Oath of Office to Newly Elected Mayor and Mayor Pro Tem
      6. Remarks by Newly Elected Mayor

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. 466**

   Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 466 amending Malibu Municipal Code Title 9 (Public Peace and Welfare) Chapter 9.34 (Smoking Regulations) to regulate smoking in the City, repealing Malibu Municipal Code Sections 9.04.010 and 12.08.035 (Ordinance No. 265), and finding the same exempt from the California Environmental Quality Act.

   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 60758-60924 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. 663 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $2,092,145.88. City of Malibu payroll check number 5107-5108 and ACH deposits were issued in the amount of $213,350.10.

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

3. **Approval of Minutes**

   Recommended Action: Approve the minutes for the June 8, 2020 Malibu City Council Regular meeting.

   Staff Contact: City Clerk Glaser, 456-2489, ext. 228
4. Submission of a Proposed Measure to the Voters to Increase Transient Occupancy Tax

Recommended Action: 1) Adopt Resolution No. 20-37 ordering the submission of a proposed measure that would increase the City’s Transient Occupancy Tax from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020, as called by Resolution No. 20-27; and 2) Adopt Resolution No. 20-38 setting priorities for filing written arguments regarding the submission of a proposed measure that would increase the City’s Transient Occupancy Tax from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020, as called by Resolution No. 20-27 and directing the City Attorney to prepare an impartial analysis.

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

5. Acceptance of the Temporary Skate Park Surfacing Project

Recommended Action: 1) Accept the work performed by Superior Paving Company dba United Paving Co., for the Temporary Skate Park Surfacing Project (Specification No. 2079) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

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

6. Acceptance of the Temporary Skate Park Equipment Installation Project

Recommended Action: 1) Accept the work performed by California Skateparks for the Temporary Skate Park Equipment Installation Project (Specification No. 2085) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

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

7. Acceptance of the Charmlee Park Fence Replacement Project

Recommended Action: 1) Accept the work performed by Dash Construction Company for the Charmlee Park Fence Replacement Project (Specification No. 2081) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

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

8. Amendment to Professional Services Agreement with 30 Three Sixty Public Finance, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with 30 Three Sixty Public Finance, Inc. extending the term of the agreement for two additional years to expire on July 23, 2022.

Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339
9. **Amendment to Professional Services Agreement with Questa Engineering Corp.**

   Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Questa Engineering Corp. 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. **Amendment to Professional Services Agreement with STLR Corp., dba Ryland School Business Consulting**

    Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with STLR Corp., dba Ryland School Business Consulting.

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

11. **Fiscal Year 2020-2021 General Fund Grant Program**

    Recommended Action: Approve the recipients and amounts for the Fiscal Year 2020-2021 General Fund Grant Program.

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

12. **Transfer Agreement for Receiving Safe, Clean Water Program- Municipal Program Funds**

    Recommended Action: Authorize the City Manager to execute a Transfer Agreement with the Los Angeles County Flood Control District to receive Safe, Clean Water funds.

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

4. **Ordinances and Public Hearings**

   A. **Appeal No. 20-003 - Appeal of Planning Commission Resolution No. 20-11 (33608 Pacific Coast Highway; Appellant: Michael Price; Applicant: Burdge and Associates Architects, Inc.; Property Owner: Michael Price)**

    Recommended Action: Adopt Resolution No. 20-39, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 20-003 and approving Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and additions to, an existing two-story, single-family residence; including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway (Price).

    Staff Contact: Planning Director Blue, 456-2489, ext. 258
B. **An Ordinance Amending Section 2.52.040 Malibu Municipal Code Chapter 2.52 (Emergency Services Organization)**

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 467 Amending Section 2.52.040 (Disaster Council Powers and Duties) in Chapter 2.52 (Emergency Services Organization) of Title 2 (Administration and Personnel) of the Malibu Municipal Code to Require the Disaster Council to Comply with the California Emergency Services Act and to Meet at Least Once Annually and finding the same exempt from the provisions of the California Environmental Quality Act; 2) Direct staff to schedule the second reading and adoption of Ordinance No.467 for the August 10, 2020 Regular City Council Meeting; and 3) Adopt Resolution 20-40 agreeing to the rules and regulations established by the California Governor’s Office of Emergency Services pursuant to the provisions of government code section 8585.5 relating to relative to workers’ compensation benefits for registered disaster service worker volunteers; and repealing Resolution No. 91-85.

Staff Contact: Public Safety Manager Dueñas, 456-2489, ext. 313

5. **Old Business**

None.

6. **New Business**

A. **Cliffside Drive Proposed Utility Underground Assessment District**

Recommended Action: 1) Accept a deposit in the amount of $200,000 from homeowners on Cliffside Drive; and 2) Provide direction to staff on forming a utility underground assessment district for Cliffside Drive.

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

B. **Dume Drive and Fernhill Drive Speed Humps**

Recommended Action: 1) Receive recommendation from the Public Safety Commission on placing speed humps on Dume Drive and on Fernhill Drive between Grayfox Street and Cliffside Drive; and 2) Provide direction to staff and if, the direction is to proceed with the placement of speed humps on Dume Drive and on Fernhill Drive between Grayfox and Cliffside Drive, add this project to the Work Plan for Fiscal Year 2020-2021.

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

C. **Procedures Required for Election of a Directly Elected Mayor or Strong Mayor**

Recommended Action: Receive report and provide desired direction, if any.

Staff Contact: Assistant City Attorney Rusin, 456-2489, ext. 228
7. **Council Items**

A. **Los Angeles County Sheriff’s Department’s Use of Force**

Recommended Action: 1) Discuss the Los Angeles County Sheriff’s Department’s use of force; and 2) Consider authorizing the Mayor to send a letter to the Los Angeles County Board of Supervisors and Sheriff Alex Villanueva regarding the Los Angeles County Sheriff’s Department’s use of force policy.

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

B. **Legislation Position Letters – Assembly Bills 2167 and AB 2178, and Senate Bills 378, SB 801 and SB 862 (Mayor Farrer)**

Recommended Action: At the request of Mayor Farrer, 1) authorize the Mayor to send the following legislature position letters: A) In opposition to Assembly Bill (AB) 2167, legislation intended to address problems associated with insurance availability and pricing in fire-prone areas; B) In support of AB 2178, which would add Power Safety Shut-Offs (PSPS) as a cause for declaring a state of emergency, potentially providing a source of funding for costs accrued during these events; C) In support of Senate Bill (SB) 378, which would require numerous provisions related to an electrical investor-owned utility’s (IOU) decision to proactively shut off power; D) In support of SB 801, which would establish new requirements on electrical corporations regarding deployment of backup electrical resources to customers receiving medical baseline allowance and living in a high fire-threat district and would require the corporation’s program to provide backup electrical resources in consultation with local disability rights advocates; and E) In support of SB 862, which adds PSPS as a cause for declaring a state of emergency and requires coordination with local governments; and 2) Direct the City’s lobbyist to closely monitor these legislation and report to the City on the bill’s status or any significant modifications.

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

C. **COVID SMART – Support (Mayor Pro Tem Pierson)**

Recommended Action: At the request of Mayor Pro Tem Pierson, authorize the Mayor to submit a letter endorsing the COVID SMART program for Malibu businesses, encouraging restaurants and businesses in Malibu to participate and become certified in the program, and permitting the COVID SMART organization to use the City of Malibu name and logo in its promotional materials.

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

D. **Horizon Hills Fire Safe Council (Councilmember Mullen)**

Recommended Action: At the request of Councilmember Mullen, authorize the Mayor to provide a letter to the Horizon Hills Fire Safe Council pledging support and guidance from the City in the Fire Safe Council’s fuel reduction and outreach efforts in the Horizon Hills area of Malibu.

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

**Adjournment**
Future Meetings

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Meeting Type</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, July 27, 2020</td>
<td></td>
<td>CANCELLED</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>
<tr>
<td>Monday, August 24, 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 2nd day of July 2020 at 12:30 p.m.

Heather Glaser, City Clerk