

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 18, 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, August 10, 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](https://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 – July 30, 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****1. Second Reading and Adoption of Ordinance No. 467**

Recommended Action: Conduct second reading, unless waived, and adopt 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 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 60925-61134 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. 664 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$3,789,215.30. City of Malibu payroll check number 5109-5114 and ACH deposits were issued in the amount of \$437,037.53.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the June 22, 2020 Malibu City Council Regular meeting.

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

4. Amendment to Professional Services Agreement with Kirk-Carter and Associates

Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Kirk-Carter and Associates.

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

5. Update on City Facilities

Recommended Action: Receive and file report on the status of City facilities during COVID-19.

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

6. Amendment to Professional Services Agreement with American Guard Services, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with American Guard Services, Inc. to extend the term of the Agreement for an additional year.

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

7. Professional Services Agreement for On-Call Land Surveying Services

Recommended Action: Authorize the City Manager to execute a Professional Services Agreements with MNS Engineers, Inc. to provide On-Call Land Surveying Services.

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

8. Professional Services Agreements for On-Call Civil Engineering Services

Recommended Action: Authorize the City Manager to execute Professional Services Agreements for On-Call Civil Engineering Services with: 1) Kimley Horn & Associates Inc.; 2) Kasraie Consulting; and 3) Michael Baker International.

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

9. Award Civic Center Way Improvements Project

Recommended Action: 1) Approve the award and authorize the City Manager to execute a construction contract with GMZ Engineering, Inc. in the amount of \$3,345,466 for the Civic Center Way Improvements Project, Specification No. 2060; and 2) Authorize the Public Works Director to approve potential change orders up to 25% of the Agreement amount.

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

4. Ordinances and Public Hearings

A. Consolidated Coastal Development Permit for the Replacement of a Failed Onsite Wastewater Treatment System and New Seawall Improvements

Recommended Action: Adopt Resolution No. 20-42 authorizing the processing of a consolidated coastal development permit (CDP) by the California Coastal Commission (CCC) for the replacement of a failed onsite wastewater treatment system and associated development for an existing single-family residence at 19830 Pacific Coast Highway; and authorizing staff to prepare a letter addressed to the CCC to grant them the authority to process the consolidated CDP (H&E Holdings, LLC).

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

B. Approval of Use of Community Development Block Grant Funds and COVID-19 CDBG Funds for the Los Angeles County Development Authority Small Business Grant Program and the Boys and Girls Club Malibu

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 20-41 authorizing and approving the use of \$80,000 in Community Development Block Grant (CDBG) and COVID-19 CDBG (COVID-CV) funds to the Los Angeles County Development Authority for administration of a COVID-19 Small Business Assistance Grant program on behalf of the City of Malibu and \$47,000 in CDBG and CDBG-CV funds to the Boys and Girls Club Malibu for child-care services for income-qualified households.

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

C. Interim Short-Term Rental Ordinance

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 468 amending Title 17 (Zoning) of the Malibu Municipal Code and adding Chapter 17.55 (Short-term Rental Ordinance) to establish provisions to regulate short-term rental of property citywide and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 468 for the August 24, 2020 Regular City Council Meeting.

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

5. Old Business

A. Hotel Project Development Agreement Public Benefits

Recommended Action: 1) Receive presentation by the owner of 22729 and 22941 Pacific Coast Highway regarding public benefits; and 2) Provide direction to staff on the proposed public benefits associated with the hotel project development agreement.

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

6. New Business**A. Malibu Aquatics Foundation Fee Waiver**

Recommended Action: Consider whether to approve the request from the Malibu Aquatics Foundation to waive contract instructor fees owed to the City for swimming programs.

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

7. Council Items**A. Designation of Voting Delegate and Alternate Voting Delegate(s) for the 2020 League of California Cities Annual Conference**

Recommended Action: Designate the City's voting delegate and alternate voting delegate(s) for the League of California Cities 2020 Annual Conference scheduled for October 7-9, 2020.

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

B. Face Covering Ordinance (Mayor Pierson)

Recommended Action: At the request of Mayor Pierson, consider directing staff to bring back an urgency ordinance requiring all individuals to wear a face covering while in public.

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

C. Temporary Waiving of Sign Ordinance to Assist Businesses during COVID-19 (Councilmember Farrer)

Recommended Action: At the request of Councilmember Farrer, consider whether to direct staff to develop an urgency ordinance to temporarily waive certain sections of Malibu Municipal Code Section 17.52.040 regulating signage during the COVID-19 pandemic.

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

Adjournment**Future Meetings**

Monday, August 24, 2020	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, September 14, 2020	6:30 p.m.	Regular City Council Meeting	Location TBD
Tuesday, September 29, 2020	6:30 p.m.	Adjourned Regular City Council Meeting	Location TBD

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 30th day of July 2020 at 1:30 p.m.



Heather Glaser, City Clerk