

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 September 2, 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, September 14, 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

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – September 4, 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 CalendarA. Previously Discussed Items1. Second Reading and Adoption of Ordinance No. 469

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 469 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking) of the Malibu Municipal Code to create staggered overnight parking restrictions between 12:00 a.m. and 2:00 a.m. and between 2:00 a.m. and 4:00 a.m. daily in the Corral Beach and Zuma Beach areas of Pacific Coast Highway.

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

B. New Items1. 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 61218-61338 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. 666 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,279,329.30. City of Malibu payroll check number 5119-5121 and ACH deposits were issued in the amount of \$215,603.19.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 10, 2020 Malibu City Council Regular meeting.

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

4. Jake Kuredjian Citizenship Award Nomination

Recommended Action: At the recommendation of the Parks and Recreation Commission, approve the nomination of John Bell and Ellen Reich as the recipients of the 2020 Jake Kuredjian Citizenship Award.

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

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

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$245,000 for additional engineering plan check services to provide Woolsey Fire Rebuild Public Works Services.

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

6. Acceptance of the 2020 Annual Street Maintenance Project

Recommended Action: 1) Accept the work performed by Toro Enterprises, Inc. for the 2020 Street Maintenance Project, Specification No. 2078 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. Award Storm Drain Trash Screens Installation Project

Recommended Action: 1) Authorize the City Manager to execute a construction contract with United Storm Water, Inc. in the amount \$17,863.72 for the Storm Drain Trash Screens Installation Project, Specification No. 2077; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of Agreement contract.

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

8. Award Malibu Bluffs Park Workout Station Project

Recommended Action: 1) Authorize the City Manager to execute a construction contract with Civic Construction Associates in the amount \$40,001 for the Malibu Bluffs Park Workout Station Project, Specification No. 2088; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of Agreement contract.

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

9. Agreements for the Malibu Inn Motel Project Initial Study

Recommended Action: 1) Authorize the City Manager to execute an Agreement with Wood Environmental and Infrastructure Solutions, Inc. for the preparation of an initial study for the proposed Malibu Inn Motel Project located immediately east of the Malibu Inn at 22959 Pacific Coast Highway; and 2) Authorize the City Manager to execute a Developer Reimbursement Agreement with Surfrider Plaza, LLC.

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

10. Professional Services Agreement with JHD Planning, LLC

Recommended Action: Authorize the City Manager to execute a professional services agreement with JHD Planning, LLC in the amount of \$94,990 for updating the 2021-2029 Housing and Safety and Health General Plan Elements as needed to address state requirements.

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

11. Certificate of Deposit

Recommended Action: Adopt Resolution No. 20-50 approving the purchase of a Certificate of Deposit with Celtic Bank for a term of eight years.

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

12. Agreement for the Sea View Hotel Project Initial Study

Recommended Action: Authorize the City Manager to execute a Developer Reimbursement Agreement with Grey Granite, LLC, Las Tunas Beach, LLC, and Sea View Terrace, LLC for preparation of an initial study for the proposed Sea View Hotel Project at 22729 and 22741 Pacific Coast Highway.

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

4. Ordinances and Public Hearings

A. Short-Term Rental (STR) Regulations (Continued from August 10, 2020)

Recommended Action: 1) Re-open Public Hearing on short-term rental regulations including Zoning Text Amendment (ZTA) No. 17-002 (Ordinance No. 468) from August 10, 2020, and consider the Hosted Ordinance (Ordinance No. 472 and Resolution No. 20-51) and revised version of ZTA No. 17-002, the Enforcement Ordinance (Ordinance No. 468, as revised); 2) After the City Attorney reads the title, introduce on first reading Ordinance No. 472 amending Title 17 (Zoning) of the Malibu Municipal Code (MMC) and adding Chapter 17.55 (Short-term Rental Ordinance) and amending portions of the Local Coastal Program (LCP) Local Implementation Plan to establish provisions to regulate short-term rental of property citywide and finding the action exempt from the California Environmental Quality Act (CEQA); 3) After the City Attorney reads the title, introduce on first reading Ordinance No. 468, as revised, amending MMC Title 17 to establish provisions to regulate short-term rental of property citywide and finding the action exempt from CEQA; 4) Direct staff to schedule second reading and adoption of Ordinance Nos. 472 and 468 as revised for the September 29, 2020 Adjourned Regular City Council Meeting; and 5) Adopt Resolution No. 20-51 amending LCP Land Use Plan Chapter 5 to address short-term rental use in residential zones and finding the action exempt from CEQA.

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

B. Face Covering Ordinance

Recommended Action: Adopt Ordinance No. 470U requiring all individuals to wear a face covering while in public, 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: Deputy City Attorney Camarena, 456-2489, ext. 228

C. Temporary Waiving of Certain Sign Regulations to Assist Businesses and Other Uses during COVID-19

Recommended Action: Adopt Ordinance No. 471U implementing temporary signage regulations to accommodate business, institutional and other non-residential operations during the period of local emergency relating to COVID-19, 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: Planning Director Blue, 456-2489, ext. 258

5. Old Business

None.

6. New Business**A. Initiate Zoning Text Amendment Pertaining to Administrative Approval of Extensions for In-kind Disaster Rebuild Projects**

Recommended Action: 1) Adopt Resolution No. 20-49 initiating a zoning text amendment to Chapter 17.60.020 (Nonconforming Uses and Structures) of the Malibu Municipal Code to eliminate the requirement for Planning Commission approval and instead allow administrative approval of extension requests by the Planning Director; 2) Direct the Planning Commission to schedule a public hearing regarding the same; 3) Direct staff whether to present the item for comment to the Zoning Ordinance Revision and Code Enforcement Subcommittee; and 4) Provide direction to staff on initiating an amendment to extend the deadlines to apply for in-kind disaster rebuild projects with a Planning Verification.

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

7. Council Items

None.

Adjournment**Future Meetings**

Tuesday, September 29, 2020	6:30 p.m.	Adjourned Regular City Council Meeting	Location TBD
Monday, October 12, 2020	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, October 26, 2020	6:30 p.m.	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.

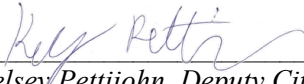
Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

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 4th day of September 2020 at 1:00 p.m.


Kelsey Pettijohn, Deputy City Clerk