

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 November 19, 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.

Second Amended¹ Malibu City Council
Regular Meeting Agenda
(to be held during COVID-19 emergency)

Monday, November 23, 2020

6:00 P.M. - CLOSED SESSION
Various Teleconference Locations

6:30 P.M. –CITY COUNCIL REGULAR MEETING
Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT
[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)

Six 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). 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

¹ See addition of Closed Session and revised County order date. The first amended agenda added Council Item No. 7.B.

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. *Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9*

Number of potential cases: 1

Six-thirty p.m. Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – November 13, 2020; *Amended Agenda posted November 19, 2020; Second Amended Agenda posted November 20, 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. 472

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 472 amending the Local Coastal Program (Local Coastal Program Amendment No. 19-003) and Title 17 (Zoning) of the Malibu Municipal Code (Zoning Text Amendment No. 19-005) regulating the rental of residential units for 30 days or less (Short-term Rentals) including, but not limited to, requiring the presence of an onsite host during short-term rentals and other restrictions, and clarifying permitted uses related to short-term rental citywide, amending Chapter 15.44 pertaining to operating permits for onsite wastewater treatment systems and finding the action 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 61712-61807 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. 671 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,291,699.06. City of Malibu payroll check number 5136 and ACH deposits were issued in the amount of \$248,870.15.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the October 12, 2020 Malibu City Council Special meeting, October 12, 2020 Malibu City Council Regular meeting, and October 28, 2020 Malibu City Council Special meeting.

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

4. Amendment to Professional Services Agreement with Digital Maps Products

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Digital Map Products for geographic information system (GIS) software subscription services.

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

5. Los Angeles County Measure R Transportation Funding Agreements Amendments and Measure M Funding Agreement

Recommended Action: 1) Authorize the Mayor to execute the Measure R Funding Agreement Amendments for the Civic Center Way Improvements and for the Pacific Coast Highway Median Improvements projects; and 2) Authorize the Mayor to execute the Measure M Funding Agreement for the Westward Beach Road Improvements project.

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

6. Professional Services Agreement with 30 Three Sixty Public Finance, Inc.

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with 30 Three Sixty Public Finance, Inc. to provide consulting services for the formation of the proposed Cliffside Drive Utilities Undergrounding District.

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

7. 25321 Malibu Road Utility Easement Acceptance

Recommended Action: 1) Adopt Resolution No. 20-62 accepting a utility easement adjacent to 25321 Malibu Road; and 2) Direct staff to record a certified copy of the resolution and easement in the Office of the County Recorder.

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

8. Malibu Little League Fee Waiver

Recommended Action: Approve the request from Malibu Little League to waive facility use fees for the fall baseball program at the Malibu Bluffs Park.

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

9. Adoption of Amended Resolution Pertaining to the Deadlines to Initiate the Application Process for In-kind Disaster Rebuild Projects

Recommended Action: Adopt Resolution No. 20-52A initiating a zoning text amendment to Chapter 17.60.020 of the Malibu Municipal Code to add one year to the deadlines in Subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed pursuant to a planning verification.

Staff Contact: Acting Planning Director Mollica, 456-2489, ext. 346

10. Amendment to Professional Services Agreement with Turbo Data Systems for Parking Citation Processing Services

Recommended Action: Authorize the Mayor to execute Amendment No. 5 to the Professional Services Agreement with Turbo Data Systems for Parking Citation Processing Services.

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

11. Amendment to Professional Services Agreement with SDI Presence LLC

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with SDI Presence LLC for information technology administrative services.

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

4. Ordinances and Public Hearings

A. Appeal No. 19-010 - Appeal of Planning Commission Resolution No. 19-25 (20238 Piedra Chica Road; Appellants: Colin Drummond; Applicant: Sakahara Allen Architects; Property Owners: Reza Nebavi and Maryam Akbar)

Recommended Action: Continue the item to a date uncertain.

Staff Contact: Acting Planning Director Mollica, 456-2489, ext. 346

B. Code Amendment to Extend Deadlines for Legal Nonconforming In-kind Disaster Rebuild Projects

Recommended Action: 1) Adopt Ordinance No. 476 determining the proposed code amendment is categorically exempt from the California Environmental Quality Act (CEQA) and approving Zoning Text Amendment No. 20-002 to amend Malibu Municipal Code Section 17.060.020(C) to extend the deadlines by one year to initiate the planning application process, obtain building permits, and the total time allotted for an extension to rebuild a legal nonconforming structure that was damaged or destroyed in the Woolsey Fire; and 2) Direct staff to schedule a second reading and adoption of Ordinance No. 476 for the December 14, 2020 Regular City Council meeting.

Staff Contact: Acting Planning Director Mollica, 456-2489, ext. 346

C. Schedule of Parking Citation Penalties (Continued from November 9, 2020)

Recommended Action: 1) Conduct the Public Hearing; 2) Adopt Resolution No. 20-59 amending the City's Schedule of Parking Citation Penalties, repealing Resolution No. 15-09, and finding the action to be exempt from the California Environmental Quality Act; and 3) Direct the Public Safety Commission to review the Schedule of Parking Citation Penalties annually, or at another frequency determined by the City Council.

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

- D. Local Coastal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005 – An amendment to the Local Coastal Program and Malibu Municipal Code Allowing Stand-Alone Surface Parking Lots in Commercial Zones as a Conditionally Permitted Commercial Use (Continued from November 9, 2020)

Recommended Action: 1) Adopt Ordinance No. 475 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and approving Local Coastal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005 to amend the Local Coastal Program and the Malibu Municipal Code to allow stand-alone surface parking lots in the Commercial General (CG), Community Commercial (CC), and Commercial Neighborhood (CN) zoning districts as a conditionally permitted commercial use citywide; 2) Direct staff to schedule second reading and adoption of Ordinance No. 475 for the December 14, 2020 Regular City Council meeting; and 3) Adopt Resolution No. 20-58 adopting guidelines and standards for parking lot tree selection and planting in stand-alone surface parking lots and determining the same exempt from the California Environmental Quality Act.

Staff Contact: Acting Planning Director Mollica, 456-2489, ext. 346

5. **Old Business**

None.

6. **New Business**

None.

7. **Council Items**

- A. Malibu Film Society Drive-In Movie Event Fee Waiver and Sponsorship

Recommended Action: Consider whether to approve the request from the Malibu Film Society to waive event fees and provide City sponsorship for a two-night drive-in movie event at the Ioki Property.

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

- B. Use of City Hall Parking Lot for Drive-Through COVID-19 Vaccination Site (Councilmember Farrer and Mayor Pierson)

Recommended Action: At the request of Councilmember Farrer and Mayor Pierson, 1) Consider whether to allow the City Hall parking lot to be used as a drive-through COVID- 19 vaccination site; and 2) Authorize the Mayor to execute any agreements necessary to facilitate the use of the City Hall parking lot as a COVID-19 vaccination site.

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

Adjournment

Future Meetings

Monday, December 14, 2020	6:30 p.m. Regular City Council Meeting	Location TBD
Monday, December 28, 2020	CANCELLED	
Monday, January 11, 2021	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 20th day of November 2020 at 5:00 p.m.



Heather Glaser, City Clerk