

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 April 2, 2021*). 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. The meeting 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.

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

Monday, April 12, 2021

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-thirty p.m. **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – April 1, 2021; *Amended Agenda posted April 8, 2021*

¹ See the revised County of Los Angeles Public Health Officer’s Order date, and the addition of Consent Calendar Item No. 3.B.7., Ordinances and Public Hearings Item No. 4.E., and New Business Item No. 6.A.

1. Ceremonial/Presentations

- A. City of Malibu 30th Anniversary Commemorative Video Screening
- B. Update on School District Separation
- C. Proclamation Declaring April 2021 as DMV/Donate Life California Month in Malibu

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: Interim City Attorney Cotti, 456-2489, ext. 228

- 2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 62658-62813 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. 679 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$4,011,931.77. City of Malibu payroll check numbers 5157-5158 and ACH deposits were issued in the amount of \$217,809.51.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 11, 2021 Malibu City Council Regular meeting, January 22, 2021 Malibu City Council Special meeting, January 25, 2021 Malibu City Council Regular meeting, January 28, 2021 Malibu City Council Adjourned Regular meeting, and January 29, 2021 Malibu City Council Special meeting.

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

4. Renewal of General Services Agreement with the County of Los Angeles

Recommended Action: 1) Adopt Resolution No. 21-14 authorizing the renewal of the General Services Agreement (GSA) between the City of Malibu and the County of Los Angeles through June 30, 2021; and 2) Authorize the Mayor to execute the GSA with the County of Los Angeles.

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

5. Amendment to Professional Services Agreement with Rincon Consultants, Inc. for Contract Planning Services

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Rincon Consultants, Inc. for contract planning services.

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

6. Civic Center Way Improvements Project Change Orders

Recommended Action: Authorize an increase to the construction change orders in the amount of \$250,000 to the GMZ Engineering, Inc. Construction Contract, for a total aggregate amount of \$1,086,241.

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

7. Revised Job Specification for the Deputy Building Official

Recommended Action: Adopt Resolution No. 21-18 rescinding Section 7 of Resolution No. 21-05, approving the amended Authorized Positions and Salary Ranges for Fiscal Year 2020-2021, and approving the Deputy Building Official Job Specification.

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

4. Ordinances and Public Hearings

A. Cultural Arts Commission Name Change

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 482 amending Malibu Municipal Code Title 2 (Administration and Personnel) Chapter 2.26 (Cultural Arts Commission) changing the name of the Cultural Arts Commission to the Malibu Arts Commission and finding the same exempt from the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 482 for the April 26, 2021 Regular City Council meeting.

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

B. Vehicle Impound Fees

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 21-15 superseding and rescinding Resolution Nos. 92-125 and 93-146 and establishing updated procedures and the fee for the release of impounded vehicles.

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

C. Amendments to the Malibu Local Coastal Program Sign Regulations

Recommended Action: 1) Adopt Resolution 21-16 amending the Local Coastal Program (LCP) Land Use Plan sign regulations (Local Coastal Program Amendment (LCPA) No. 20-001) and finding the action exempt from the California Environmental Quality Act (CEQA); 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 483 amending the LCP Local Implementation Plan sign regulations as part of LCPA No. 20-001 and finding the action exempt from CEQA; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 483 for the April 26, 2021 Regular City Council meeting.

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

D. Amendments to Title 17 (Zoning) of the Malibu Municipal Code, Chapter 17.46 (Wireless Telecommunications Antennas and Facilities), and Sections 2.2 and 3.16, Chapter 13 and Appendix 1 (Table B Permitted Uses) of the Local Coastal Program Local Implementation Plan to modify regulations, procedures, and application requirements for the installation of wireless communications facilities

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 484 determining the amendments are exempt from the California Environmental Quality Act (CEQA) and approving Zoning Text Amendment No. 16-005 and Local Coastal Program Amendment No. 16-007 to amend Malibu Municipal Code Chapter 17.46 (Wireless Telecommunications Antennas and Facilities), make conforming amendments to Sections 17.62.040(A)(6), 17.08.040(D), 17.18.030(E), 17.22.040(M), 17.30.030(D), 17.32.030(A), 17.36.030(B), 17.38.030(B), 17.38.030(C), 17.18.020(E), 17.22.020(D), 17.24.020(A), 17.26.020(A), 17.28.020(A), 17.30.020(A), 17.34.020(B), 17.36.020(C), and amend Local Coastal Program Local Implementation Plan Sections 2.2 and 3.16, Chapter 13 and Appendix 1 (table B Permitted Uses) modifying standards and procedures for wireless communications facilities; 2)

Direct staff to schedule second reading and adoption of Ordinance No. 484 for the April 26, 2021 Regular City Council meeting; and 3) Adopt Resolution No. 21-17 adopting engineering, design and location standards, conditions of approval and basic application requirements for wireless communication facilities on land other than public right-of-way; and finding the same exempt from CEQA.

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

E. Ordinance Establishing “Hero Pay” for Grocery Retail and Drug Retail Workers During the COVID-19 Pandemic

Recommended Action: After the City attorney reads the title, adopt urgency Ordinance No. 485U adding Chapter 5.70 to the Malibu Municipal Code relating to hazard pay requirements for employees working frontline positions in grocery retail and drug retail establishments in the City of Malibu during the COVID-19 pandemic, finding the same exempt from the California Environmental Quality Act, and declaring the urgency thereof. A four-fifths vote of the City Council is required and, if approved, it will take effect immediately.

Staff Contact: Interim City Attorney Cotti, 456-2489, ext. 228

5. **Old Business**

None.

6. **New Business**

A. Ad Hoc Recommendation relative to the Investigation into the Allegations in the Wagner Affidavit

Recommended Action: 1) Approve the recommendation to engage Evan Jenness, Esq. and George Newhouse, Esq. to conduct an investigation of allegations set forth in the Jefferson Wagner Affidavit; 2) Appropriate \$50,000 from the General Fund Undesignated Reserve for a retainer; and 3) Authorize and direct Councilmembers Farrer and Silverstein to continue to interact with Attorneys Jenness and Newhouse as the “client representatives.”

Staff Contact: Interim City Attorney Cotti, 456-2489, ext. 228

7. **Council Items**

A. Council Appointment to the Parks and Recreation Commission

Recommended Action: Mayor Pro Tem Grisanti to make his appointment to the Parks and Recreation Commission.

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

B. SB 55 and SB 765 – SUPPORT and Request for State Audit of Metropolitan Water District of Southern California (Mayor Pro Tem Grisanti)

Recommended Action: At the request of Mayor Pro Tem Grisanti, authorize the Mayor to: 1) Submit letters of support for Senate Bills (SB) 55 regarding development in very high fire hazard severity zones and SB 765 related to setback requirements for accessory dwelling units; and 2) Send a letter to the California State Assembly Joint Legislative Audit Committee to request a State Audit of the Metropolitan Water District of Southern California in order to have a comprehensive investigation into allegations and concerns regarding the workplace culture.

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

C. Blue City Network (Councilmember Farrer and Mayor Pierson)

Recommended Action: At the request of Councilmember Farrer and Mayor Pierson, authorize staff to work with the Blue City Network to apply for Blue City certification for the City of Malibu.

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

D. Closed Session (Councilmember Uhring)

Recommended Action: At the request of Councilmember Uhring, consider allowing public access to all or portions of Closed Session meetings of the City Council.

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

Adjournment

Future Meetings

Thursday, April 22, 2021	6:00 p.m.	Special City Council Meeting	Location TBD
Monday, April 26, 2021	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, May 10, 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].

Requests to show an audio or video presentation during a Council meeting should be directed to Alex Montano at (310) 456-2489, ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

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 8th day of April 2021 at 2:30 p.m.


Kelsey Pettijohn, Deputy City Clerk