

**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 14, 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](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> and follow the directions for signing up to speak and downloading the Zoom application.

**Amended<sup>1</sup> Malibu City Council**  
**Regular Meeting Agenda**  
**(to be held during COVID-19 emergency)**

**Monday, April 26, 2021**

**5:30 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)**

**Five-Thirty p.m. Convene for Purpose of Closed Session**

**Call to Order - Mayor**

**Public Comment on Closed Session Items**

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<sup>1</sup> See the new Closed Session start time and the addition of Conference with Legal Counsel – Anticipated Litigation Item No. 2 and Personnel Matters pursuant to Government Code Section 54957.

**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 Sections 54956.9(d) and 54957. 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. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9  
Number of potential cases: 1
2. *Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)*  
*Number of Cases: 1*  
*Letter from Therese Y. Cannata on behalf of Reva Feldman dated January 16, 2021, addressing Ms. Feldman's employment status*

**Personnel Matters pursuant to Government Code Section 54957:**

1. *Public Employee Appointment*  
*Title: Interim City Manager*

**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 – April 16, 2021; Amended Agenda posted April 22, 2021

**1. Ceremonial/Presentations**

- A. Presentation of Commendations to Los Angeles County Sheriff's Deputies and Those Who Contributed to the Apprehension of a Potential Shooter at Zuma Beach on April 11, 2021
- B. Presentation on California Redistricting 101: How to Get Involved!
- C. 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. 482

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 482 amending Malibu Municipal Code (MMC) 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.

Staff Contact: Acting City Clerk Pettijohn, 456-2489, ext. 252

2. Second Reading and Adoption of Ordinance No. 483

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 483 amending the LCP Local Implementation Plan (LIP) sign regulations as part of LCPA No. 20-001 and finding the action exempt from the California Environmental Quality Act.

Staff Contact: Acting City Clerk Pettijohn, 456-2489, ext. 252

3. Second Reading and Adoption of Ordinance No. 484

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 484 determining the amendments are exempt from the California Environmental Quality Act (CEQA) and approving Zoning Text Amendment (ZTA) No. 16-005 and Local Coastal Program Amendment (LCPA) No. 16-007 to amend Malibu Municipal Code (MMC) 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 (LCP) Local Implementation Plan (LIP) Sections 2.2 and 3.16, Chapter 13 and Appendix 1 (Table B Permitted Uses) modifying standards and procedures for wireless communications facilities.

Staff Contact: Acting City Clerk Pettijohn, 456-2489, ext. 252

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 62814-62892 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. 680 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$708,487.45. City of Malibu payroll check numbers 5159-5162 and ACH deposits were issued in the amount of \$466,246.15.

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

3. Fourth of July Fireworks

Recommended Action: Affirm that permit applications for offshore fireworks displays can be processed for Summer 2021 in compliance with Malibu Municipal Code (MMC) Section 9.36.010.

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

4. Adoption of Revised Investment Policy

Recommended Action: Adopt Resolution No. 21-19 rescinding Resolution Nos. 07-01, 13-12, and 14-17 and approving the City of Malibu Investment Policy.

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

5. Emergency Coastal Development Permits Issuance Report

Recommended Action: Receive and file the report of emergency coastal development permits (ECDPs) that were issued since the last report provided on August 12, 2019.

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

6. Proposal to Identify and Map Wireless Communications Facilities Citywide

Recommended Action: 1) Authorize the Mayor to execute an agreement with HR Green Pacific, Inc. to identify and map Wireless Communications Facilities (WCFs) within the City; and 2) Appropriate \$120,000 from the General Fund Undesignated Reserve to Account Number 101-2001-5100 (Planning – Professional Services).

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

7. Amendment to Professional Services Agreement with Integrated Performance Consultants, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Integrated Performance Consultants, Inc. (IPC) for operation, maintenance and management of the Civic Center and Paradise Cove Stormwater Treatment Facilities extending the term of the agreement for an additional three years.

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

4. **Ordinances and Public Hearings**

A. Fiscal Year 2021-2022 Schedule of Fees

Recommended Action: 1) Conduct the Public Hearing; 2) Adopt Resolution No. 21-20 establishing the Fiscal Year 2021-2022 Schedule of Fees; and 3) Provide direction to staff on the View Preservation Permit Fee and the Planning Department Appeal Fee for Wireless Communication Facilities.

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

B. Parking Citation Penalties

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 21-21 amending the City’s Schedule of Parking Citation Penalties, repealing Resolution No. 20-59, and finding the action to be exempt from the California Environmental Quality Act.

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

- C. 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: Adopt Resolution No. 21-22, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 19-010 and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770-square foot addition to an existing 3,453-square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground-mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

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

- D. Appeal No. 21-003 - Appeal of Planning Commission Resolution No. 21-10 (30181 Cuthbert Road; Owners/Appellants, Cuthbert Surf, LLC/ Saeed and Charlton Anne Sadeghpour)

Recommended Action: Adopt Resolution No. 21-23, determining the project is categorically exempt from the California Environmental Quality Act; denying Appeal No. 21-003 and approving Coastal Development Permit–Woolsey Fire No. 20-023 to allow for the construction of a 1,365 square foot addition; a building height increase from 14 feet to 18 feet; 6,783 square feet of new impermeable coverage; view permeable front yard fence (not to exceed six feet in height); rear and side yard retaining walls (not to exceed six feet in height); a new pool and spa with associated equipment; and the installation of a new onsite wastewater treatment system, as an addition to a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential–Two Acre zoning district at 30181 Cuthbert Road (Cuthbert Surf, LLC).

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

## 5. Old Business

None.

## 6. New Business

- A. Ad Hoc Recommendation relative to the Investigation into the Allegations in the Wagner Affidavit (Continued from April 12, 2021)

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. SB 55 and SB 765 – SUPPORT and Request for State Audit of Metropolitan Water District of Southern California (Mayor Pro Tem Grisanti) (Continued from April 12, 2021)

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

- B. Blue City Network (Councilmember Farrer and Mayor Pierson) (Continued from April 12, 2021)

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

- C. Closed Session (Councilmember Uhring) (Continued from April 12, 2021)

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**

Monday, May 10, 2021	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, May 24, 2021	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, June 14, 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](http://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](mailto: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](mailto: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 22<sup>nd</sup> day of April 2021 at 1:45 p.m.*

  
Kelsey Pettijohn, Acting City Clerk