

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 Order N-08-21 and the County of Los Angeles Public Health Officer’s Order (revised August 23, 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, September 27, 2021

5:45 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-forty-five p.m. Convene for Purpose of Closed Session

Call to Order - Mayor

Public Comment on Closed Session Items

¹ See the addition of Closed Session and Consent Calendar Item No. 3.B.9.

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). 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

1. *SIGNIFICANT EXPOSURE TO LITIGATION, pursuant to Government Code section 54956.9(d)(2) – One (1) potential case.*
2. *INITIATION OF LITIGATION, pursuant to Government Code section 54956.9(d)(4) - One (1) potential case.*

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 – September 16, 2021; Amended Agenda posted September 23, 2021

1. Ceremonial/Presentations

- A. Update on School District Separation

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. 491

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 491 for Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, and Development Agreement No. 21-001 to rezone the properties from Community Commercial (CC) to Commercial Visitor Serving-Two (CV-2), a new Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project for the Sea View Hotel Overlay District.

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

2. Second Reading and Adoption of Ordinance No. 492

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 492 amending sections 9.08.030 (Sitting or lying on public ways) and 9.08.090 (Camping, lodging, sleeping overnight on public property) of the Malibu Municipal Code (MMC), enacting amended and supplemental camping regulation as Chapter 8.36 of Title 8 of the MMC; and finding the same exempt from the provisions of the California Environmental Quality Act.

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

3. Second Reading and Adoption of Ordinance No. 493

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 493 determining the project is categorically exempt from the California Environmental Quality Act and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking), Title 10 (Vehicles and Traffic) of the Malibu Municipal Code to prohibit parking on the west side of Trancas Canyon Road between Pacific Coast Highway and Tapia Drive between the hours of 12:00 am and 3:00 am daily.

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

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 64101-64186 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. 689 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$424,349.78. City of Malibu payroll check numbers 5188-5189 and ACH deposits were issued in the amount of \$ 228,736.30.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the February 25, 2021 Malibu City Council Special meeting and the March 1, 2021 Malibu City Council Special meeting.

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

4. Certificate of Deposit

Recommended Action: Adopt Resolution No. 21-51 approving the purchase of a Certificate of Deposit with JP Morgan Chase Bank NA for a term of five years and seven months.

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

5. Amendment to Professional Services Agreement with Moffatt & Nichol

Recommended Action: 1) Authorize the Mayor to execute Amendment No. 8 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$25,000 for professional engineering services to prepare additional engineering calculations regarding the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Maps to support the City's FEMA Letter of Map Revision; and 2) Appropriate \$25,000 from the General Fund Undesignated Reserve to Account No 100-3008-5100 (Public Works – Professional Services).

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

6. Professional Services Agreement with CJ Biomonitoring, LLC for Biological Consulting Services

Recommended Action: Authorize the Mayor to execute a two-year Professional Services Agreement with CJ Biomonitoring, LLC for biological consulting services.

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

7. Amendment No. 1 to Professional Services Agreement with Iris Consulting

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Iris Consulting for software development and system integration.

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

8. Appeal No. 21-007 – Appeal of Planning Commission Resolution No. 21-46 (24266 Malibu Road; Owner/Appellant, Malibu Road #3, LLC/Lester Tobias)

Recommended Action: Adopt Resolution No. 21-44, determining the project is categorically exempt from the California Environmental Quality Act; and denying Appeal No. 21-007 and approving Coastal Development Permit No. 16-066 to allow for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with an attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, and onsite wastewater treatment system, including Variance No. 16-066 for construction on steep slopes, Demolition Permit No. 21-009 for the removal of wood retaining walls, and Offer-to-Dedicate No. 21-003 for public lateral access on the beach located in the Single-Family Medium (SFM) zoning district at 24266 Malibu Road (Malibu Road #3, LLC).

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

9. Letter to Los Angeles County Board of Supervisors Urging the Opening of Emergency Shelters during Fire Season

Recommended Action: At the recommendation of the Homelessness Task Force, send a letter to the Los Angeles County Board of Supervisors urging that it authorize the opening of emergency shelters during high fire season.

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

4. Ordinances and Public Hearings

A. Approval of participation in the Los Angeles County Permanent Local Housing Allocation Program and use of PLHA Grant Funds

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 21-50 approving participation in the Los Angeles Urban County Permanent Local Housing Allocation Program by authorizing the Mayor, or his designee, to sign a reimbursable contract with the Los Angeles County Development Authority acting on behalf of the County.

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

- B. Appeal No. 21-012 - Appeal of Planning Commission Resolution No. 21-63 (28990.5 Pacific Coast Highway; Appellants: Verizon Wireless and Lonnie Gordon; Applicant: Chris Colten of Spectrum Services on behalf of Verizon Wireless; Property Owner: 28990 W. Pacific Coast Highway, LLC.)

Recommended Action: Adopt Resolution No. 21-53, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal Nos. 21-012 and 21-015 and approving Wireless Permit No. 21-002 and Coastal Development Permit No. 20-035 for Verizon Wireless to install a macro wireless communications facility located on the rooftop of Building B and a ground-mounted backup generator, including Waiver No. 21-001 and Variance No. 20-023 to permit a rooftop wireless communications facility more than three feet above the roof parapet and Site Plan Review No. 20-045 to install and operate a wireless communications facility in the Commercial Neighborhood zoning district located at 28990.5 Pacific Coast Highway.

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

5. Old Business

None.

6. New Business

- A. Community Wildfire Protection Plan

Recommended Action: Adopt Resolution No. 21-52 adopting the 2021 City of Malibu Community Wildfire Protection Plan.

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

- B. Public Speaker Time Deferrals

Recommended Action: Consider whether to direct staff to allow members of the public to defer their time to another speaker during virtual meetings.

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

- C. Initiate Amendments to the Dark Sky Ordinance

Recommended Action: 1) Adopt Resolution No. 21-54 initiating amendments to Malibu Municipal Code Chapter 17.41 (Dark Sky Ordinance); and 2) Direct the Planning Commission to schedule a public hearing to consider amendments to MMC Chapter 17.41.

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

D. Initiate Amendments to Ordinance No. 456 to Extend Temporary Parking in the City’s Chili Cook–Off Site for the Farmers Market

Recommended Action: 1) Adopt Resolution No. 21-55 initiating an amendment to Malibu Municipal Code Chapter 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking for the Farmers Market; and 2) Direct the Planning Commission to schedule a public hearing to consider amendments to MMC Chapter 17.68.040.

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

7. Council Items

A. Cleanup of Santa Susana Field Laboratories (Mayor Grisanti)

Recommended Action: At the request of Mayor Grisanti, authorize the Mayor to sign a letter to California Environmental Protection Agency (EPA) Secretary Blumenfeld prepared by the Ventura County Board of Supervisors, joining other area elected officials in requesting that the EPA hasten the cleanup of Santa Susana Field Laboratories, in Simi Hills, and authorizing the use of the City logo for promotion of the request, if needed.

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

Adjournment

Future Meetings

| | | |
|--------------------------|--|--------------|
| Monday, October 11, 2021 | 6:30 p.m. Regular City Council Meeting | Location TBD |
| Monday, October 25, 2021 | 6:30 p.m. Regular City Council Meeting | Location TBD |
| Monday, November 8, 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. In order to reduce the risk of spreading COVID-19, consistent 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.

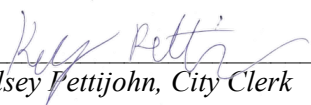
City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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 23rd day of September 2021 at 4:00 p.m.



Kelsey Pettijohn, City Clerk