

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Order (revised January 10, 2022). 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. The City requests that you 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, January 24, 2022

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 Item

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 54957. 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.

¹ See addition of Closed Session and New Business Item No. 6.B. and modified recommended action for Old Business Item No. 5.A.

Personnel Matters pursuant to Government Code Section 54957(b):

1. *Public Employee Appointment*
Title: 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 – January 14, 2022; Amended Agenda posted January 20, 2022

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

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 64949-65010 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. 696 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$321,272.33. City of Malibu payroll check numbers 5205 and ACH deposits were issued in the amount of \$222,765.70.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the May 24, 2021 Malibu City Council Regular meeting.

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

4. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361

Recommended Action: Consider a motion to reaffirm Resolution No. 21-64, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

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

5. Los Angeles County Measure R Transportation Funding Agreement Amendment for PCH Median Improvements Project

Recommended Action: 1) Authorize the Mayor to execute the Measure R Funding Agreement Amendment No. 2 with Los Angeles County Metropolitan Transportation Authority for the Pacific Coast Highway Median Improvements project.

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

6. Los Angeles County Measure R Transportation Funding Agreement Amendment for Civic Center Way Improvements Project

Recommended Action: 1) Authorize the Mayor to execute the Measure R Funding Agreement Amendment No. 4 with Los Angeles County Metropolitan Transportation Authority for the Civic Center Way Improvements project.

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

7. Cooperative Agreement with the State of California for the Pacific Coast Highway Signal Synchronization Project

Recommended Action: Authorize the Mayor to execute the Cooperative Agreements with the State of California for the construction of the PCH Signal Synchronization Project.

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

8. Acceptance of Malibu Park Drainage Improvements Project

Recommended Action: 1) Accept the work performed by J & H Engineering General Contractors, Inc. for the Malibu Park Drainage Improvements Project, Specification No. 2086 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

9. Acceptance of Civic Center Stormwater Diversion Structure Project

Recommended Action: 1) Accept the work performed by Burns Pacific Construction, Inc. for the Civic Center Stormwater Diversion Structure Project, Specification No. 2057 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

10. Acceptance of 2021 Annual Street Maintenance Project

Recommended Action: 1) Accept the work performed by Pavement Coatings Co. for the 2021 Annual Street Maintenance Project, Specification No. 2083 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

11. Amendment to Agreement with Integrated Performance Consultants, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Integrated Performance Consultants, Inc. for operation and maintenance services of the Civic Center Water Treatment Facility extending the term of the Agreement for an additional four years

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

4. **Ordinances and Public Hearings**

- A. Coastal Development Permit No. 17-089, General Plan Map Amendment No. 21-002, Local Coastal Program Amendment No. 17-004, Zoning Map Amendment No. 17-005, Lot Line Adjustment No. 17-002, Conditional Use Permit No. 17-011, Variance Nos. 18-038, 20-034 and 21-010, Site Plan Review No. 19-008, Minor Modification No. 19-007, Demolition Permit No. 20-026, and Code Violation No. 17-011 – An application for a lot line adjustment to expand the lot into the adjacent mobile home park, and replacement of the existing restaurant and permit previously unpermitted expansion of the restaurant and ground-floor decking attached to the restaurant

Recommended Action: 1) Adopt Resolution No. 22-04 determining the project and proposed map amendments are exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 17-089, Lot Line Adjustment No. 17-002, and Demolition Permit No. 20-026 to increase the lot area of the Malibu Country Inn lot with land from the Point Dume Club mobile home park, replace the existing restaurant, approve after-the-fact decking attached to the restaurant and replace a 200 square foot unpermitted storage shed with a 100

square foot storage shed; including Conditional Use Permit No. 17-011 for the hotel and restaurant uses and sale of alcohol for room service and restaurant; Variance (VAR) No. 18-038 for construction on a slope steeper than 2.5 to 1; VAR No. 20-034 for legal, non-conforming parking spaces in terms of size, number and aisle width to remain; VAR No. 21-010 from the City's geotechnical standards for factor of safety; Site Plan Review No. 19-008 for the reconstruction of the restaurant in excess of 18 feet; and Minor Modification No. 19-007 for the replacement restaurant to provide a 50 percent reduction of the required front yard setback, located at 6506 Westward Beach Road and 29500 Heathercliff Road (Malibu Country Inn, Corp, and Point Dume, LTD);

2) Adopt Resolution No. 22-05 for approval of General Plan Map Amendment No. 21-002 to change the land use designation for the area transferred, through Lot Line Adjustment No. 17-002, from 29500 Heathercliff Road to 6506 Westward Beach Road, from Mobile Home Residential to Commercial Visitor Serving (CV);

3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 497 for Zone Map Amendment No. 17-011 and Local Coastal Program Amendment 17-004 to amend the Local Coastal Program Land Use and Zoning maps, and Malibu Municipal Code Zoning Map to change the Zoning Map for the lot located at 6506 Westward Beach Road from Commercial Visitor Serving-1 (CV-1) to Commercial Visitor Serving-2 (CV-2) and to change Zoning Map for the area transferred, through lot line adjustment, from 29500 Heathercliff Road to 6506 Westward Beach Road from MH to CV-2; and

4) Direct staff to schedule second reading and adoption of Ordinance No. 497 for the February 14, 2022 Regular City Council meeting.

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

B. Approval of Use of Community Development Block Grant (CDBG) funds for Fiscal Year 2022-2023

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 22-06 authorizing and approving the use of \$15,000 in CDBG funds for the Malibu Community Labor Exchange (MCLE) and the use of \$98,000 in CDBG funds for a permanent trailer for MCLE.

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

5. Old Business

A. Consider the Release of Information Protected by the Attorney-Client Privilege Relating to a Report Prepared by Outside Counsel Re Personnel Matter

Recommended Action: Discuss whether to waive any attorney-client privilege protection afforded Attorney Leslie Ellis' final investigation report to the City Council and whether to authorize its release and discuss whether to divulge confidential closed session discussions surrounding the Council's approval of the Separation Agreement with former City Manager Reva Feldman.

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

6. New Business

A. Fiscal Year 2021-2022 Second Quarter Financial Report and Mid-Year Budget Amendments

Recommended Action: 1) Receive and file Fiscal Year 2021-2022 Second Quarter Financial Report; 2) Provide direction on Fiscal Year 2021-2022 City Council Priorities and Departmental Tasks including Capital Improvement Projects; and 3) Adopt Resolution No. 22-07 amending the annual budget for Fiscal Year 2021-2022.

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

B. Mid-Year Commission Activity Reports

Recommended Action: 1) Receive and file mid-year activity reports from the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission, and Public Works Commission; and 2) Amend Commission assignments for Fiscal Year 2021-2022, if appropriate.

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

7. Council Items

None.

Adjournment

Future Meetings

Monday, February 14, 2022	6:30 p.m. Regular City Council Meeting	Location TBD
Monday, February 28, 2022	6:30 p.m. Regular City Council Meeting	Location TBD
Monday, March 14, 2022	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, the City Council meeting will be open and public but conducted virtually because meeting in person would present imminent risks to the health or safety of attendees. 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. The City requests that you 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.

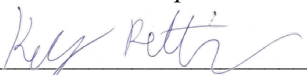
City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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 20th day of January 2022 at 12:00 p.m.



Kelsey Pettijohn, City Clerk