

Second Amended¹ Malibu City Council **Regular Meeting Agenda**

Monday, May 9, 2022

5:30 P.M. - CLOSED SESSION

**City Hall - Council Chambers (call to order)
Multi-Purpose Room (closed session)
23825 Stuart Ranch Road**

6:30 P.M. – CITY COUNCIL REGULAR MEETING

**City Hall – Council Chambers
23825 Stuart Ranch Road**

Pursuant to Government Code Section 54953(b), Councilmember Pierson will be attending the Council meeting via teleconferencing from:

*Fairmont The Queen Elizabeth
900 Rene Levesque Blvd. W
Montreal, Quebec, Canada, H3B 4A5*

This teleconference location is accessible to the public and will be open to the public for attendance at this meeting.

Five-thirty p.m. Convene for Purpose of Closed Session

Call to Order – Mayor (Council Chambers)

Public Comment on Closed Session Items

Recess to Closed Session (to be held in the Multi-Purpose Room)

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), 54957 and 54957.6. 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: 2

1 See the addition of teleconference information and additional Closed Session items. The first amended agenda added Ceremonial/Presentation Item No. 1.A. and New Business Item No. 6.A. and modified recommended actions for Ordinance and Public Hearing Item Nos. 4.B. and 4.C.

Personnel Matters pursuant to Government Code Section 54957:

1. *Public Employee Appointment*
Title: City Manager

Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

1. *City representative: Interim City Attorney John Cotti*
Unrepresented employee: Interim City Manager Steve McClary

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 29, 2022; Amended Agenda posted May 5, 2022; *Second Amended Agenda posted May 6, 2022*

1. Ceremonial/Presentations

- A. Presentation of City Tile to Oscar Mondragon for Service to the City of 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 65705-65817 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. 703 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$3,188,078.89. City of Malibu payroll check numbers 5223-5224 and ACH deposits were issued in the amount of \$231,675.37.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the September 13, 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. 22-15, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

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

5. Award Malibu Bluffs Park Shade Structure Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with Western State Builders, Inc. in the amount \$55,901 for the Malibu Bluffs Park Shade Structure Project, Specification No. 2093; 2) Authorize the Public Works Director to approve potential change orders up to 15% of contract; and 3) Adopt Resolution No. 22-14 approving the blanket authority to file applications for grant funds from the Los Angeles County Regional Park and Open Space District for Measure A Funding.

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

6. Los Angeles County Measure R Transportation Funding Agreement

Recommended Action: Authorize the Mayor to execute the Measure R Funding Agreement for the Pacific Coast Highway Intersection Improvements - Trancas Canyon Road Project.

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

7. Professional Services Agreement with Chen Ryan Associates, Inc. dba CR Associates

Recommended Action: Authorize the Mayor to execute Professional Services Agreement with Chen Ryan Associates, Inc. dba CR Associates for engineering design services for the Pacific Coast Highway Intersection Improvements - Trancas Canyon Road in an amount of \$155,940.62.

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

8. Amendment to Professional Services Agreement with Kimley Horn and Associates, Inc.

Recommended Action: Authorize the Mayor to executed Amendment No. 3 to the Professional Services Agreement with Kimley Horn and Associates, Inc. in the amount of \$165,750 for a total not to exceed \$2,943,010 for additional assistance during bidding and construction phases and extending the term of the agreement for the Pacific Coast Highway Signal Synchronization Project.

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

9. Award Michael Landon Center HVAC Unit Replacement Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with AC Pros, Inc. in the amount \$24,900 for the Michael Landon Center Heating Ventilation and Air Conditioning (HVAC) Unit Replacement Project, Specification No. 2095; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of contract.

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

10. Amendment to Professional Services Agreement with SDI Presence

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with SDI Presence LLC.

Staff Contact: Deputy City Manager Shavelson, 456-2489, ext. 254

4. **Ordinances and Public Hearings**

A. Adopt Urgency Ordinance No. 499U (Day-Use Impound Yard)

Recommended Action: 1) Adopt Urgency Ordinance No. 499U amending Malibu Municipal Code Section 17.68.040 (Temporary Uses Requiring Permit) to allow for a temporary day-use impound yard, subject to a temporary use permit, during the summer, at Assessor Parcel No. 4466-021-028, generally located at the intersection of Pacific Coast Highway and Heathercliff Road, and finding the action exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; and 2) Provide direction to staff on whether to process a Zoning Text Amendment consistent with the urgency ordinance.

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

B. Appeal No. 21-017 - Appeal of Planning Commission Resolution No. 21-06 (33386 Pacific Coast Highway; Appellant/Property Owner: 180 PCH, LLC)

Recommended Action: Adopt Resolution No. 22-16, denying Appeal No. 21-017 and denying Coastal Development Permit No. 14-073 to construct a new 2,825-square foot, two-story, single-family residence, including a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre (RR-2) zoning district at 33386 Pacific Coast Highway (180 PCH, LLC).

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

C. Appeal No. 21-018 - Appeal of Planning Commission Resolution No. 21-07 (33398 Pacific Coast Highway; Appellant/Property Owner: 180 PCH, LLC)

Recommended Action: Adopt Resolution No. 22-17, denying Appeal No. 21-018 and denying Coastal Development Permit No. 14-073 to construct a new 2,825-square foot, two-story, single-family residence, including a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre (RR-2) zoning district at 33398 Pacific Coast Highway (180 PCH, LLC).

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

5. **Old Business**

None.

6. New Business

- A. Employment Agreement for City Manager Services between the City of Malibu and Steven L. McClary

Recommended Action: Approve the employment agreement dated May 9, 2022 for City Manager Services between the City of Malibu and Steven L. McClary and authorize the Mayor to execute the agreement on behalf of the City Council.

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

7. Council Items

- A. 2022-2023 Harry Barovsky Memorial Youth Commission Appointments

Recommended Action: Appoint Commissioners to the 2022-2023 Harry Barovsky Memorial Youth Commission.

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

Adjournment

Future Meetings

Monday, May 23, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday June 13, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, June 27, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD

Guide to the City Council Proceedings

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. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available outside the Council Chambers) and must be accompanied by all forms deferring time at the time of submission. Speakers are taken in the order slips are submitted.

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. Public speakers shall follow the rules as set forth under Oral Communication.

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.

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 6th day of May 2022 at 2:30 p.m.



Kelsey Pettijohn, City Clerk