

**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 April 21, 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](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. 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.

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

**Monday, May 23, 2022**

**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**

**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)(1). 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 – Existing litigation pursuant to Government Code Section 54956.9(d)(1):**

- 1. Case Name: City’s Petition to Form Malibu USD from Territory in the Santa Monica-Malibu USD

**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 – May 13, 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 65818-65954 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. 704 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$567,409.73. City of Malibu payroll check numbers 5225-5226 and ACH deposits were issued in the amount of \$230,836.75.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the September 27, 2021 Malibu City Council Regular meeting and October 5, 2021 Malibu City Council Special 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. Amendment to Agreement with Rincon Consultants, Inc to Provide On-Call Consulting Services

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Agreement with Rincon Consultants, Inc. to increase the total agreement compensation from \$40,000 to \$190,000.

Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229

6. Amendments to Agreements with Solid Waste Solutions, Inc. and SCS Engineers to Provide Solid Waste Consulting Services

Recommended Action: 1) Authorize the Mayor to execute Amendment No. 2 to Agreement with Solid Waste Solutions, Inc. as a primary consultant to allow for a one-year extension of the existing agreement through June 30, 2023, and to update the scope of work; and 2) Authorize the Mayor to execute Amendment No. 2 to Agreement with SCS Engineers as a secondary consultant and to allow for a one-year extension of the existing agreement through June 30, 2023, and to update the scope of work.

Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229

7. Amendment to Agreement with Rincon Consultants, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to Agreement with Rincon Consultants, Inc. to allow for a one-year extension of the existing agreement through June 30, 2023 with a corresponding compensation for the additional year of service.

Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229

8. Professional Services Agreement with CPARS Consulting, Inc.

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with CPARS Consulting, Inc for the creation and implementation of an earthquake tabletop exercise, and the creation of an earthquake response playbook in an amount not to exceed \$46,172.

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

9. Award Point Dume Walkway Repairs Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with JTEC Corporation in the amount of \$96,525 for the Point Dume Walkway Repairs Project, Specification No. 2094; 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 Moffatt & Nichol

Recommended Action: Authorize the Mayor to executed Amendment No. 8 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$20,000 for professional engineering services to prepare additional responses to Federal Emergency Management Agency (FEMA) comments and analysis of the City's FEMA Letter of Map Revision and comparison to the draft Flood Insurance Study and draft Flood Insurance Rate Map and extend the term of the agreement.

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

11. Amendment to Professional Services Agreement with American Guard Services, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with American Guard Services, Inc. to correct the compensation schedule.

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

12. Fiscal Year 2021-22 Third Quarter Financial Report

Recommended Action: Approve Fiscal Year 2021-22 Third Quarter financial information.

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

**4. Ordinances and Public Hearings**

A. Proposed Budget for Fiscal Year 2022-23

Recommended Action: 1) Conduct the Public Hearing; and 2) Provide direction to staff on the Proposed Budget and Annual Work Plan for Fiscal Year 2022-23.

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

B. Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 22-18 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City’s Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229

**5. Old Business**

A. Potential Tax Measures and Other Potential Measures

Recommended Action: 1) Receive report on potential tax measures requested by the City Council; 2) Direct staff to bring back resolutions to submit the question to the voters, setting priorities for arguments and rebuttals; and 3) Direct the City Attorney to prepare an impartial analysis.

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

**6. New Business**

A. Malibu Library Set Aside Fund for Fiscal Year 2022-2023

Recommended Action: Approve the use of Set Aside Funds for the Malibu Library for Fiscal Year 2022-2023.

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

**7. Council Items**

None.

**Adjournment**

**Future Meetings**

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
Monday, July 13, 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](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 13<sup>th</sup> day of May 2022 at 6:00 p.m.

  
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Kelsey Pettijohn, City Clerk