

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 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, June 13, 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 and 54956.95(b). 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

1 See modified Closed Session, modified recommended action for Consent Calendar Item No. 3.B.4., and the addition of Ordinance and Public Hearing Item No. 4.C.

agenda to the Open Session agenda for discussion or to take formal action as it may deem appropriate.

Liability Claim/Conference with Legal Counsel – Anticipated Litigation

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): 1 Case Claim of Jyoti (Jo) Drummond against City of Malibu dated January 24, 2022

Conference with Legal Counsel – Worker’s Compensation Claim

1. Closed Session held pursuant to California Government Code Section 54956.95(b): Nicole Senehi v. City of Malibu (WCAB 40200715BF3-0001)

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 – June 3, 2022; Amended Agenda posted June 10, 2022

1. Ceremonial/Presentations

- A. Presentation of Commendation to Shari Latta

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. Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and Minor Modification No. 18-001 - An application for a new single-family residence and associated development

Recommended Action: Adopt Resolution No. 22-16, denying Appeal No. 21-017 upholding the Planning Commission's denial of 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 No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying Variance 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 zoning district at 33386 Pacific Coast Highway (180 PCH, LLC).

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

2. Coastal Development Permit No. 14-072, Lot Merger No. 17-007, Lot Line Adjustment No. 14-004, Variance Nos. 17-050, 17-051, 18-001, 18-005, 18-006, and 18-015 - An application for a new single-family residence, associated development, lot merger, and lot line adjustment

Recommended Action: Adopt Resolution No. 22-17, denying Appeal No. 21-018 upholding the Planning Commission's denial of 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 No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying Variance 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 zoning district at 33398 Pacific Coast Highway(180 PCH, LLC).

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

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 65955-66165 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. 705 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,457,618.54. City of Malibu payroll check numbers 5227-5228 and ACH deposits were issued in the amount of \$239,208.64.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the October 11, 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: It is recommended that the City Council adopt Resolution No. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

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

5. Amendment No. 3 to Professional Services Agreement with Woodward and Curran

Recommended Action: Authorize the Mayor to executed Amendment No. 3 to the Professional Services Agreement with Woodard and Curran in the amount of \$130,000 for a total not to exceed \$3,659,593 to provide additional cultural resources soil investigations for the Civic Center Water Treatment Facility Phase Two project.

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

6. Professional Services Agreement with CWE

Recommended Action: Authorize the Mayor to execute Professional Services Agreement with CWE for engineering design services for the Clover Heights Storm Drain Improvements Project in the amount of \$149,839.

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

7. Amendment to Agreement with Hughes Research Laboratories (HRL) for Design of Civic Center Water Treatment Facility (CCWTF) Phase Two

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Agreement with HRL to provide additional funding for the design and engineering assessment of the CCWTF Phase Two project.

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

8. State Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account Funding and Project List

Recommended Action: Adopt Resolution No. 22-19 approving the Fiscal Year 2022-2023 project list for Senate Bill 1 (Road Repair and Accountability Act of 2017) Road Maintenance and Rehabilitation Account funding.

Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339
9. Broad Beach Road Biofiltration Repair Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with JTEC Corporation in the amount \$281,301 for the Broad Beach Road Biofiltration Repair Project, Specification No. 2091; 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. November 8, 2022 General Municipal Election

Recommended Action: 1) Adopt Resolution No. 22-20 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 8, 2022, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities; and 2) Adopt Resolution No. 22-21 requesting the Board of Supervisors of the County of Los Angeles to consolidate a General Municipal Election to be held on November 8, 2022, with the Statewide General Election to be held on the date pursuant to California Elections Code Section 10403.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228
11. Amendment to Professional Services Agreement with PrimeGov

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Professional Services Agreement with PrimeGov for certain projects relating to the live cast streaming of public meetings, live meeting management, and virtual public meeting capabilities in the amount of approximately \$15,000.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228
12. Amendment to the Professional Services Agreement with FM3 Research

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with FM3 in an amount not to exceed \$25,000.

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

13. Amendment to Professional Services Agreement with Landscape Development Inc. for Landscape Maintenance Services
- Recommended Action: Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Landscape Development Inc., extending the term of the Agreement for landscape maintenance services at City Hall, City Parks, and the Civic Center area through June 30, 2023.
- Staff Contact: Community Services Director Bobbett, 456-2489, ext. 225
14. Amendment No. 1 with Solid Waste Solutions, Inc.
- Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the professional services agreement with Solid Waste Solutions, Inc. for film permit services.
- Staff Contact: Deputy City Manager Shavelson, 456-2489, ext. 254
15. Office Trailer Rental Lease Extension for Malibu Community Labor Exchange
- Recommended Action: Direct staff to continue to the City's rental lease with Williams Scotsman Inc. for the temporary office trailer currently used by the Malibu Community Labor Exchange in an amount not to exceed \$20,000.
- Staff Contact: Deputy City Manager Shavelson, 456-2489, ext. 254
16. Commission Work Assignments for Fiscal Year 2022-2023
- Recommended Action: Approve work assignments for the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission for Fiscal Year 2022-2023.
- Staff Contact: Interim City Manager McClary, 456-2489, ext. 226

4. Ordinances and Public Hearings

A. Proposed Budget for Fiscal Year 2022-23

Recommended Action: 1) Adopt Resolution No. 22-22 adopting the Annual Budget for Fiscal Year 2022-2023; 2) Approve the Annual Work Plan for Fiscal Year 2022-2023; 3) Adopt Resolution No. 22-23 establishing the Appropriations Limit for Fiscal Year 2022-2023; and 4) Adopt Resolution No. 22-24 approving the Fiscal Year 2022-2023 Authorized Positions and Salary Ranges and the Information Systems Analyst, Public Safety Director, Senior Civil Engineer, Principal Permit Technician, and Development Services Manager Job Specifications.

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

B. 2022 Engineering and Traffic Survey (E&TS)

Recommended Action: 1) Approve and adopt the 2022 Engineering and Traffic Survey (E&TS) to establish speed limits (Speed Survey); 2) After the City Attorney reads the title, introduce on first reading Ordinance No. 500 amending Chapter 10.08 (Speed Limits) of the Malibu Municipal Code (MMC) to establish speed limits on City streets; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 500 for the June 27, 2022 Regular City Council meeting.

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

C. Malibu Middle and High School Specific Plan - Final Environmental Impact Report No. 20-001, Local Coastal Program Amendment No. 21-002, General Plan Map Amendment No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 - An application to redevelop and modernize the existing Malibu Middle and High School campus and former Juan Cabrillo Elementary School campus

Recommended Action: Continue this item to the June 27, 2022 City Council meeting.

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

5. **Old Business**

None.

6. **New Business**

A. Short-Term Rental Ordinance Discussion (LCPA No. 19-003)

Recommended Action: Provide direction to staff on discussions with California Coastal Commission staff regarding the City's proposed Short-term Rental Ordinance (LCPA 19-003)..

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

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

Recommended Action: Approve the employment agreement dated June 13, 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. Support for Fire and Emergency Preparedness-Related Legislation: Assembly Bill (AB) 2377 Deputy Director of Community Wildfire Preparedness and Mitigation and AB 2477 Minimum Operating Standards for Emergency Alerts and Warning System Providers (Mayor Grisanti)

Recommended Action: At the request of Mayor Grisanti, authorize the Mayor to send letters of support for: 1) AB 2377, a bill to expand the responsibilities of the Deputy Director of Community Wildfire Preparedness and Mitigation at the Office of the State Fire Marshall; and 2) AB 2477, a bill that would create minimum operating standards for emergency alert and warning service providers.

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

- B. Reconsideration of May 23, 2022, Council action regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23 (Councilmember Uhring)

Recommended Action: At the request of Councilmember Uhring, approve recommendation to reconsider the Council action of May 23, 2022, regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23, and return the item to the next regularly scheduled Council meeting.

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

- C. Program to Protect School Students from Gun Violence (Mayor Pro Tem Silverstein)

Recommended Action: At the request of Mayor Pro Tem Silverstein: 1) Direct staff to research consultants with expertise and experience in the area of developing programs to protect school students from gun violence; and 2) Bring back a recommendation to City Council of a consultant with such expertise and experience, with the objective of developing a plan that can be implemented, at least on a temporary basis, prior to the commencement of the 2022-2023 school year, and a more permanent plan that can be implemented over the following year, to enhance the safety of our public school students. If staff deems it appropriate, they may consult with the Chair of the Public Safety Commission and request the assistance and input of one or two members of that Commission.

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

Adjournment

Future Meetings

Monday, June 27, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, July 11, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday July 25, 2022		CANCELLED	

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.

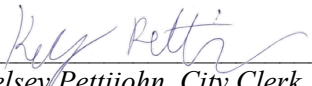
City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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 10th day of June 2022 at 12:15 p.m.



Kelsey Pettijohn, City Clerk