

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.

Second Amended¹ Malibu City Council
Regular Meeting Agenda
(to be held during COVID-19 emergency)

Monday, August 8, 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. 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.

¹ See the addition of Closed Session Conference with Legal Counsel – Existing Litigation. The first amended agenda added Ordinances and Public Hearings Item No. 4.B.

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

Conference with Legal Counsel – Existing Litigation Pursuant to Government Code §54956.9(D)(1)

- 1. Jason Riddick et al. v. City of Malibu, LASC Case No. 21SMCP00655

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 – July 29, 2022; Amended Agenda posted August 4, 2022; *Second Amended Agenda posted August 5, 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 Rusin, 456-2489, ext. 228

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 66409-66704 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. 708 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$3,698,254.72. City of Malibu payroll check number 5232-5238 and ACH deposits were issued in the amount of \$631,614.08.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the November 8, 2021 Malibu City Council Regular meeting and the November 30, 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. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

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

5. Amendment No. 6 to Agreement with Turbo Data Systems

Recommended Action: Authorize the City Manager to execute Amendment No. 6 to the Professional Services agreement with Turbo Data Systems for Parking Citation Processing Services.

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

6. School Safety Ad Hoc Committee Update

Recommended Action: Receive and File an update from the School Safety Ad Hoc Committee.

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

7. Amendment to Professional Services Agreement with American Guard Services Inc. for Security Services at City Parks

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with American Guard Services Inc., extending the term of the Agreement for security services at Trancas Canyon Park, Las Flores Creek Park, Malibu Equestrian Park, and Charmlee Wilderness Park through August 22, 2023.

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

8. Amendment to Professional Services Agreement with Managed Career Solutions

Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Managed Career Solutions, Social Purpose Corporation, DBA Managed Career Solutions Rehab & FTI-LA & American Medical Careers to continue trail clearance and remediation work at Charmlee Wilderness Park.

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

9. Amendment to Professional Services Agreement with Stoel Rives LLP

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Stoel Rives LLP for a total contract amount not to exceed \$100,000.

Staff Contact: Deputy City Manager Shavelson, 456-2489, ext. 354

10. Professional Services Agreement with CliffordMoss LLC

Recommended Action: If the Council adopts a resolution calling for the placement of a Transactions and Use Tax (TUT) measure on the ballot for the November 8, 2022 General Municipal Election: 1) Authorize the City Manager to execute the Professional Services Agreement with CliffordMoss LLC to develop informational materials to educate Malibu residents regarding the proposed local general TUT; and 2) Appropriate \$24,900 from the General Fund Undesignated Reserve.

Staff Contact: Deputy City Manager Shavelson, 456-2489, ext. 354

4. **Ordinances and Public Hearings**

A. Zoning Text Amendment No. 22-001 – Amendments to the Malibu Municipal Code Dark Sky Ordinance to Update Light Trespass for Service Stations

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 502 determining the amendment is exempt from the California Environmental Quality Act (CEQA), and approving Zoning Text Amendment (ZTA) No. 22-001 amending Malibu Municipal Code (MMC) Section 17.41.050(G) of Chapter 17.41 (Malibu Dark Sky) regarding allowable light trespass from service station properties onto the public right-of-way; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 502 for the August 22, 2022 Regular City Council meeting.

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

B. Malibu Middle and High School Specific Plan - Local Coastal Program 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: 1) After the City Attorney reads the title of the ordinance, re-introduce on first reading after alteration Ordinance No. 501 approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 to: a) add Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the MMHS Campus Specific Plan into the LIP, b) exempt the Malibu Middle and High School (MMHS) from the prohibition of electronic message center signs required by LIP Section 3.15.3, c) amend Malibu Municipal Code (MMC) Section 17.42.020 to add subsection "M." to incorporate the MMHS Campus Specific Plan into the MMC consistent with the proposed LCPA language, d) exempt the MMHS from the prohibition of EMC signs required by MMC Section 17.52.040, e) amend LCP Zoning Map No. 2 to add a boundary line around the MMHS Campus Specific Plan area, denoting the boundaries of the MMHS Campus Specific Plan area for three parcels (Assessor's Parcel Map Numbers [APNs] 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive, f) add MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3 to the Malibu LIP, g) add the Proposed Site Plan for the MMHS Campus Specific Plan to the Malibu LIP, and h) amend the MMC Zoning Map consistent with the update to LCP Zoning Map No. 2;

2) Adopt Resolution No. 22-33 re-approving the Malibu Middle and High School Campus Specific Plan, Local Coastal Program Amendment (LCPA) No. 21-002, and General Plan Map Amendment (GPMA) No. 21-001 to: a) amend the LCP Land Use Plan (LUP) to add a new Environmental Sensitive Habitat Area (ESHA) Policy 3.24 and b) amend the City of Malibu General Plan Land Use Policy Map (Section 3) to revise the land use designation for three parcels (APNs 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive.

3) Direct staff to schedule a public hearing and the second reading and adoption of Ordinance No. 501 for the September 12, 2022 Regular City Council meeting; and

4) Direct staff to submit the LCP amendment to the California Coastal Commission for certification review.

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

5. Old Business

A. Consideration of the Resumption of In-Person Meetings

Recommended Action: 1) Receive an update on the current State and County public health regulations; and 2) Consider options for the resumption of in-person public meetings and give direction to staff as needed.

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

6. New Business**A. Homelessness Task Force Recommendation for Securing Beds**

Recommended Action: 1) Review the recommendation by the Homelessness Task Force to secure beds at an existing facility outside of the City; and 2) Provide direction to staff.

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

B. Boys & Girls Club of Malibu Event Fee Waiver

Recommended Action: Consider whether to approve the request from the Boys & Girls Club of Malibu to waive facility use fees and staffing costs for the Chili Cook-Off event at the Ioki Property.

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

C. Submission of a Proposed Measure to the Voters to Impose a One-Half Cent (½ ¢) Transactions and Use Tax

Recommended Action: 1) Adopt Resolution No. 22-34 ordering the submission of a proposed measure that would impose a one-half cent (½ ¢) Transactions and Use Tax at the General Municipal Election to be held on Tuesday, November 8, 2022, and directing the City Attorney to prepare an impartial analysis; 2) Adopt Resolution No. 22-35 consolidating a general municipal election to be held on November 8, 2022 with the statewide general election to be held on that date; 3) Adopt Resolution No. 22-36 setting priorities for filing written arguments regarding the submission of a proposed measure that would impose a one-half cent (½ ¢) Transactions and Use Tax at the General Municipal Election to be held on Tuesday, November 8, 2022; and 4) Consider whether to authorize up to two Councilmembers to author an argument in support of the proposed measure (and rebuttal arguments) on behalf of the Council on their personal time.

Staff Contact: Deputy City Manager Shavelson, 456-2489, ext. 354

7. Council Items**A. Amendment to May 23, 2022, Council action regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23 (Councilmember Uhring and Mayor Pro Tem Silverstein) (Continued from July 11, 2022)**

Recommended Action: At the request of Councilmember Uhring and Mayor Pro Tem Silverstein, approve amending the Council action of May 23, 2022, regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23, to rescind approval of the \$500,000 endowment for the Los Angeles County Library Foundation.

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

Adjournment

Future Meetings

Monday, August 22, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday September 12, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD
Tuesday, September 27, 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 5th day of August 2022 at 4:00 p.m.



Kelsey Pettijohn, City Clerk