

**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, August 22, 2022**

**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-thirty p.m.**      **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – August 15, 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 ItemsA. Second Reading and Adoption of Ordinance No. 502

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 502, determining the amendment is exempt from the California Environmental Quality Act, and approving Zoning Text Amendment No. 22-001 amending Malibu Municipal Code 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.

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

B. New Items1. 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 66705-66876 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. 709 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,946,213.65. City of Malibu payroll check number 5239-5243 and ACH deposits were issued in the amount of \$257,367.32.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the November 30, 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. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

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

5. Approval of Final Parcel Map No. 82454

Recommended Action: 1) Adopt Resolution No. 22-37 approving the Final Parcel Map No. 82454, Assessor Parcel Number 4468-008-001 at 29200 Larkspur Lane, for recordation; and 2) Authorize the City Manager to execute the Subdivision Agreement for Parcel Map No. 82454

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

6. Fiscal Year 2022-2023 Capital Improvement Projects Update

Recommended Action: Receive and file an update on the Fiscal Year 2022-2023 Capital Improvement Projects.

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

7. 2022-2027 Capital Improvement Plan

Recommended Action: Approve the Fiscal Year 2022-2027 Capital Improvement Plan.

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

8. City's Conflict of Interest Code

Recommended Action: Adopt Resolution No. 22-38 adopting the City's Conflict of Interest Code and repealing Resolution No. 19-35.

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

**4. Ordinances and Public Hearings**

- A. Appeal No. 21-016 - Appeal of Planning Commission Resolution No. 21-11 (18868 Pacific Coast Highway; Owner/Appellant, Farshid Etaat)

Recommended Action: Continue this item to the September 12, 2022 Regular City Council meeting.

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

**5. Old Business**

None.

**6. New Business**

- A. Allied Artists Event Fee Waiver and Donation

Recommended Action: 1) Consider whether to approve the request from Allied Artists of the Santa Monica Mountains and Seashore, Inc. (Allied Artists) to waive facility use fees, staffing costs, and permit fees for an Art Show event at Malibu Bluffs Park; and 2) Accept a donation from Allied Artists for park conservation.

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

- B. Malibu Arts Association Event Fee Waiver

Recommended Action: Consider whether to approve the request from the Malibu Arts Association to waive facility use fees, staffing costs, and permit fees for an Art Show event at Legacy Park.

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

- C. Accessory Dwelling Unit Discussion - Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004

Recommended Action: Provide direction to staff on the proposed accessory dwelling unit (ADU) ordinance including on Planning Commission requests for additional studies and referrals related to adopting the draft ADU ordinance and whether to provide additional/alternative direction on the content of the ADU ordinance.

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

## 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 August 8, 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

- B. Misappropriated Malibu Library Set Aside Funds (Mayor Pro Tem Silverstein and Councilmember Uhring)

Recommended Action: At the request of Mayor Pro Tem Silverstein and Councilmember Uhring, direct the City Manager to send a letter to the Los Angeles County Library requesting that Malibu Library Set Aside Funds allocated for uses not permitted in the Memorandum of Understanding between the City and County be cancelled and/or returned to the Set Aside Fund.

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

## Adjournment

### Future Meetings

Monday September 12, 2022	6:30 p.m.	Regular City Council Meeting	Location TBD
Tuesday, September 27, 2022	6:30 p.m.	Adjourned Regular City Council Meeting	Location TBD
Monday, October 10, 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 15<sup>th</sup> day of August 2022 at 5:15 p.m.*

  
Kelsey Pettijohn, City Clerk