

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 September 22, 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.

**Amended<sup>1</sup> Malibu City Council**  
**Regular Meeting Agenda**  
**(to be held during COVID-19 emergency)**

**Monday, January 9, 2023**

**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

Report on Posting of Agenda – December 29, 2022; Amended Agenda posted January 5, 2023

Approval of Agenda

**1.      Ceremonial/Presentations**

None.

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<sup>1</sup> See the addition of Council Item Nos. 7.C. and 7.D. and a correction to the staff contact for Item No. 3.B.3.

**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. Second Reading and Adoption of Ordinance No. 506**

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 506 amending Chapter 15.36 of Title 15 of the Malibu Municipal Code to include time periods to the electric vehicle charging station permitting process, and determining the project is categorically exempt from the California Environmental Quality Act

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

**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 67723-68030 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. 716 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,874,255.53. City of Malibu payroll check number 5296-5303 and ACH deposits were issued in the amount of \$514,018.46.

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

3. Termination of the State of a Local Emergency

Recommended Action: Adopt Resolution No. 23-01 terminating the state of local emergency declared as a result of the risk of fires associated with individuals living unhoused and otherwise engaged in unpermitted and unregulated camping.

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

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. Encinal Canyon Road Drainage Repair Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with GMZ Engineering, Inc in the amount of \$314,851 for the Encinal Canyon Road Drainage Repair Project Specification No. 2098; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of the contract.

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

6. Acceptance of Malibu Bluffs Park Shade Structure Project

Recommended Action: 1) Accept the work performed by Western State Builders, Inc. for the Malibu Bluffs Park Shade Structure Project, Specification No. 2093 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

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

7. Acceptance of Point Dume Walkway Repairs Project

Recommended Action: 1) Accept the work performed by JTEC Corporation, Inc. for the Point Dume Walkway Repairs Project, Specification No. 2094 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

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

**4. Ordinances and Public Hearings****A. Adoption of Ordinance No. 503 - California Building Standards Code**

Recommended Action: 1) Conduct the Public Hearing; and 2) Conduct the second reading, unless waived, and adopt Ordinance No. 503, adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2022 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2022 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2022 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2022 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2022 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2022 edition; the California Energy Code, 2022 Edition; Title 33 of the Los Angeles County Code, incorporating the California Existing Building Code, 2022 Edition; the California Fire Code, 2022 Edition; making amendments to said codes; repealing Ordinance No. 457, and finding the action exempt from the California Environmental Quality Act.

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

**5. Old Business****A. Hosted Short-Term Rental Ordinance Discussion**

Recommended Action: Provide direction to staff on the next steps regarding the City's Short-term Rental Ordinance including the public hearing process, draft ordinance options, and if City staff should meet with California Coastal Commission staff to discuss the Short-term Rental Ordinance

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

**B. Consideration of Hybrid Meetings or 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 Clerk Pettijohn, 456-2489, ext. 228

**6. New Business****A. Sheriff's Malibu Substation Ad Hoc Committee**

Recommended Action: 1) Create an Ad Hoc Committee to examine alternative staffing levels and services to be provided in conjunction with the planned Sheriff's Substation and develop a recommendation for the City Council; and 2) Appoint two Councilmembers to serve on the Sheriff's Substation Ad Hoc Committee.

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

## 7. Council Items

### A. City Council Appointments to City Commissions and Committees

Recommended Action: 1) Councilmembers Riggins and Stewart to each make an appointment to the Malibu Arts Commission, Parks and Recreation Commission, Planning Commission, Public Safety Commission, Public Works Commission, and Wastewater Advisory Committee; 2) Councilmembers Riggins and Stewart to each make two appointments to the Homelessness Task Force; 3) Council may appoint or affirm appointments of an ex officio member to the Cultural Arts Commission, Parks and Recreation Commission, and Public Safety Commission; 4) Council to appoint or affirm two at-large appointments to the Wastewater Advisory Committee; 5) Council to appoint or affirm five appointments and two alternate appointments to the Building Board of Appeals; and 6) Council to defer appointment of members to the Mobilehome Park Rent Stabilization Commission until such a time as it is necessary for the Commission to meet.

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

### B. City Council Subcommittees, Ad Hoc Committees and Outside Agency Appointments

Recommended Action: 1) Review current City Council Subcommittees, determine whether to retain each Subcommittee, and affirm, modify or make new appointments, as necessary; 2) Confirm which City Council Ad Hoc Committees have completed assigned tasks and dissolve such Committees, or determine to retain the Committee and affirm, modify or make new appointments, as necessary; 3) Establish the Road Race Ad Hoc Committee and appoint members; 4) Consider creation of new City Council Ad Hoc Committees and appoint members; and 5) Affirm Outside Agency appointments and make appointments, as necessary.

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

### C. *Proposed Elimination of the Fee for an Appeal to the City Council from a Decision of the Planning Commission that Would be Appealable Directly to the California Coastal Commission if There Were a Fee for an Appeal to the City Council (Mayor Silverstein and Councilmember Stewart)*

*Recommended Action: At the request of Mayor Silverstein and Councilmember Stewart, consider eliminating the fee for an appeal to the City Council from a decision of the Planning Commission that would be appealable directly to the California Coastal Commission if there were a fee for an appeal to the City Council.*

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

### D. *Proposed Policy Requiring the City to Obtain a Report from an Independent Consultant Whenever an Application Subject to a Public Hearing Before the Planning Commission Requires a Consultant's Report for Geological and/or Seismic, Biological, Environmental, Historical, or Traffic Matters (Mayor Silverstein and Councilmember Stewart)*

*Recommended Action: At the request of Mayor Silverstein and Councilmember Stewart, direct staff to bring a resolution to the City Council establishing a policy that would require the City to obtain a report from an independent consultant retained by the City whenever an application subject to a public hearing before the Planning Commission requires a consultant's report for geological and/or seismic, biological, environmental, historical, or traffic matters.*

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

**Adjournment****Future Meetings**

Monday, January 23, 2023	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, February 13, 2023	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, February 27, 2023	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 5<sup>th</sup> day of January 2023 at 5:00 p.m.

  
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Kelsey Pettijohn, City Clerk