

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 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, February 27, 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 – February 17, 2023

Approval of Agenda

1. Ceremonial/Presentations

 A. FEMA Floodplain Map Update

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 68278-68394 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. 719 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,056,903.58. City of Malibu payroll check number 5314-5319 and ACH deposits were issued in the amount of \$266,556.98.

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

- 3. Approval of Minutes

Recommended Action: Approve the minutes for the February 14, 2022 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. Amendment to Professional Services Agreement with NextRequest

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Professional Services Agreement with NextRequest for a platform through which the City may manage public records requests.

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

6. Classification and Compensation Study

Recommended Action: Authorize the Mayor to execute the Professional Services Agreement with Gallagher Benefit Services, Inc., for Classification and Compensation Study.

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

7. Pacific Coast Highway Signal Synchronization System Improvements Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with GMZ Engineering, Inc in the amount of \$9,776,991 for the Pacific Coast Highway (PCH) Signal Synchronization System Improvements Project Specification No. 2064; 2) Authorize the Public Works Director to approve potential change orders up to \$1,900,000; and 3) Authorize the Mayor to execute the Cooperative Agreement Replacement with the State of California (Caltrans) for the construction of the PCH Signal Synchronization System Improvements Project.

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

8. Amendment No. 2 to Agreement with Rincon Consultants, Inc

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to Agreement with Rincon Consultants, Inc. to increase the total agreement compensation from \$190,000 to \$340,000 and extend the term of the agreement one-year so that it will now expire June 30, 2024.

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

4. **Ordinances and Public Hearings**

- A. Appeal No. 22-007- Appeal of Planning Commission Resolution No. 22-44 (31113 Bailard Road; Owner: Ellis and Williams Ellis; Appellant: Debra Decray)

Recommended Action: Adopt Resolution No. 23-09, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 22-007 and approving Coastal Development Permit-Woolsey Fire No. 22-006 to allow the reconstruction of an existing driveway and construction of new retaining walls; including Variance (VAR) No. 21-013 for the replacement driveway, the two-car garage, and decking for fire department access on slopes steeper than 2.5 to 1, VAR No. 21-014 for height of retaining walls over six feet in height but not to exceed 24 feet, seven inches and a combined height up to 32 feet, one inch, and VAR No. 22-008 for non-exempt grading over 1,000 cubic yards, not to exceed 2,130 cubic yards, for a property effected by the 2018 Woolsey Fire, located in the Rural Residential, Five-Acre (RR-5) zoning district at 31113 Bailard Road (Ellis and Williams Ellis).

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

5. **Old Business**

None.

6. **New Business**

- A. Fiscal Year 2022-23 Second Quarter Financial Report and Mid-Year Budget Amendments

Recommended Action: 1) Receive and file Fiscal Year 2022-23 Second Quarter Financial Report; 2) Provide direction on Fiscal Year 2022-23 City Council Priorities and Departmental Tasks in the Work Plan; 3) Adopt Resolution No. 23-07 amending the annual budget for Fiscal Year 2022-23; and 4) Adopt Resolution No. 23-08 amending the Authorized Positions and Salary Ranges for Fiscal Year 2022-23 and approving Assistant City Clerk job specification.

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

- B. Mid-Year Commission Activity Reports

Recommended Action: 1) Receive and file mid-year activity reports from the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission, and Public Works Commission; and 2) Amend Commission assignments for Fiscal Year 2022-2023, if appropriate.

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

- C. Southern California Edison Vegetation Management Program

Recommended Action: 1) Receive an update on the Southern California Edison (SCE) Vegetation Management Program; and 2) Direct the Planning Director to send a letter to SCE Vegetation Management revising the terms to remove the requirement to report heavy trimming (branches greater than 7 inches) or removal of non-native trees unless the work constitutes major vegetation removal as determined by the City's contract biologist.

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

D. Grant Writer

Recommended Action: Direct staff to issue a Request for Proposals for contract grant writer services.

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

7. Council Items

None.

AdjournmentFuture Meetings

Monday, March 13, 2023	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, March 22, 2023	6:30 p.m.	Special City Council Meeting	Location TBD
Monday, March 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.

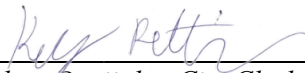
No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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. 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 17th day of February 2023 at 4:45 p.m.



Kelsey Pettijohn, City Clerk