

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.

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

Monday, March 13, 2023

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

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 Section 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 before adjournment of the special 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, Ceremonial/Presentation Item Nos. 1.B. and 1.C., and Consent Calendar Item No. 3.B.7.

Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1):

1. *Case Name: City's Petition to Form Malibu USD from Territory in the Santa Monica-Malibu USD*

Six-thirty p.m. Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Report on Posting of Agenda – March 2, 2023; Amended Agenda posted March 9, 2023

Approval of Agenda

1. Ceremonial/Presentations

- A. Presentation on Los Angeles County Fire Department's New Zone Zero Defensible Space Requirement
- B. Presentation on Public Participation Options for Hybrid City Council Meetings
- C. Update Regarding Separation from Santa Monica-Malibu Unified School District

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 68395-68489 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. 720 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,690,271.22. City of Malibu payroll check number 5320-5322 and ACH deposits were issued in the amount of \$246,626.43.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the February 28, 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. Delegation of Staff to Execute Federal and State Documents

Recommended Action: Adopt Resolution No. 23-10 authorizing the City Manager, the Assistant City Manager and the Public Works Director to execute documents pertaining to federal and state disaster documents, including applications with the State of California Office of Emergency Services and Federal Emergency Management Agency on behalf of the City of Malibu.

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

6. Professional Services Agreement with Ultimate Maintenance Services Inc.

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Ultimate Maintenance Service Inc. for custodial services at Malibu City Hall and City parks.

Staff Contact: Acting Community Services Director Riesgo, 456-2489, ext. 350

7. Resolution Extending the Declaration of a Local Emergency

Recommended Action: Adopt Resolution No. 23-13 extending the declaration of the existence of a local emergency.

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

4. **Ordinances and Public Hearings**

A. Appeal No. 21-019 - Appeal of Planning Commission Resolution No. 21-68 (6968 Dume Drive; Owner, Highlands Investment Group LLC; Neighbor/Appellant, John Roesler)

Recommended Action: Adopt Resolution No. 23-11, determining that the California Environmental Quality Act does not apply to the project; upholding Appeal No. 21-019, and denying Coastal Development Permit (CDP) No. 17-088 for the construction of a new 7,472 square foot, two-story single-family residence with a 999 square foot basement, swimming pool, onsite wastewater treatment system (OWTS), associated development, and after-the-fact retaining walls, grading and front yard gates, including Site Plan Review (SPR) No. 19-030 for construction in excess of 18 feet in height, up to 28 feet for a pitched roof, and Demolition Permit (DP) No. 19-023 for the demolition of the existing 2,257 square foot, single-story single-family residence and onsite development located in the Rural Residential, One-Acre (RR-1) zoning district at 6968 Dume Drive (Highlands Investment Group LLC).

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

B. Adoption of Ordinance No. 504 - Los Angeles County Fire Code

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 504, adopting by reference Title 32 of the Los Angeles County Code, which incorporates the California Fire Code, 2022 Edition, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule a Public Hearing for the second reading and adoption of Ordinance No. 504 for the April 10, 2023 City Council Regular meeting.

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

C. Updated Developer Fee Program for the Benefit of the Consolidated Fire Protection District of Los Angeles County

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 23-12, adopting the updated developer fee and fire station plan for the benefit of the Consolidated Fire Protection District of Los Angeles County and rescinding Resolution No. 22-09.

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

5. Old Business

A. Malibu Community Labor Exchange Office Update

Recommended Action: Receive and file an update on Malibu Community Labor Exchange office project.

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

B. Permanent Outdoor Seating Areas

Recommended Action: 1) Receive a presentation on the status of outdoor dining and the current application process and consideration for approval of permanent outdoor dining; and 2) Provide guidance to staff on whether to process amendments to the City’s Ordinances pertaining to the operation of restaurants.

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

6. New Business

None.

7. Council Items

A. Recommended Alternate Appointment to Santa Monica Bay Restoration Commission

Recommended Action: Provide a recommendation to the Las Virgenes-Malibu Council of Governments (COG) for appointment as the COG’s Alternate to the Santa Monica Bay Restoration Commission Governing Board.

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

Adjournment

Future Meetings

Wednesday, March 22, 2023	TBD	Special City Council Meeting	Location TBD
Monday, March 27, 2023	6:30 p.m.	Regular City Council Meeting	Location TBD
Monday, April 10, 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.

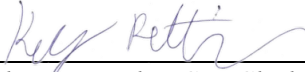
City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the 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 9th day of March 2023 at 3:30 p.m.



Kelsey Pettijohn, City Clerk