

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

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 IN-PERSON DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form.

HOW TO PARTICIPATE REMOTELY DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. When you join the Zoom Webinar you may see a pop-up asking you to enter an email address, but valid email address is not required. Be advised that those participating via Zoom do so at their own risk; remote participants should not expect the meeting to be cancelled or continued due the inability of some members of the public to access the remote meeting.

Malibu City Council **Regular Meeting Agenda**

Monday, May 22, 2023

5:30 P.M. - CLOSED SESSION

**City Hall – Council Chambers (call to order)
Westward Room (closed session)
23825 Stuart Ranch Road**

6:30 P.M. – CITY COUNCIL REGULAR MEETING

**City Hall – Council Chambers
23825 Stuart Ranch Road**

Zoom Webinar Link:

<https://us02web.zoom.us/j/87207839762>

Five-thirty p.m. Convene for Purpose of Closed Session

Call to Order – Mayor (Council Chambers)

Public Comment on Closed Session Items

Recess to Closed Session (to be held in the Westward Room)

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(d)(2). 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.

Conference with Legal Counsel – Anticipated Litigation

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) Development Agreement between the City of Malibu and La Paz Ranch, LLC, regarding the property located at 23465 Civic Center Way
Number of potential cases: (1)

Six-thirty p.m. Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Report on Posting of Agenda – May 12, 2023

Approval of Agenda

1. Ceremonial/Presentations

- A. Proclamation Declaring June 10 as Public Safety Responder Appreciation Day in Malibu
- B. Presentation on 2022 Environmental Programs Accomplishments (COASTAL PROGRAMS)

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 68961-69188 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. 725 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,967,757.32. City of Malibu payroll check number 5340-5344 and ACH deposits were issued in the amount of \$250,031.92.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the March 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. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

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

5. Resolution Extending the Declaration of the COVID-19 Local Emergency

Recommended Action: Adopt Resolution No. 23-21 extending the declaration of the existence of a local emergency.

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

6. Acceptance of Malibu Road Drainage Repair Project

Recommended Action: 1) Accept the work performed by Hank Co. Inc. dba MD Engineering for the Malibu Road Drainage Repair Project Specification No. 2099 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 Encinal Canyon Road Drainage Repair Project

Recommended Action: 1) Accept the work performed by GMZ Engineering, Inc. for the Encinal Canyon Road Drainage Repair Project Specification No. 2098 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

8. State Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account Funding and Project List

Recommended Action: Adopt Resolution No. 23-25 approving the Fiscal Year 2023-2024 project list for Senate Bill 1 (Road Repair and Accountability Act of 2017) Road Maintenance and Rehabilitation Account (RMRA) funding.

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

4. Ordinances and Public Hearings

A. Proposed Budget for Fiscal Year 2023-24

Recommended Action: 1) Conduct the Public Hearing; and 2) Provide direction to staff on the Proposed Budget for Fiscal Year 2023-24

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

B. Assessment District 98-1 (Big Rock Mesa)

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 23-22 levying an assessment for the maintenance, repair, and improvements works, systems and facilities pertaining to Assessment District 98-1 (Big Rock Mesa) for Fiscal Year 2023-2024.

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

C. Assessment District 98-3 (Malibu Road)

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 23-23 levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-3 (Malibu Road) for Fiscal Year 2023-2024.

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

D. Assessment District 98-2 (Calle Del Barco)

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 23-24 levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-2 (Calle Del Barco) for Fiscal Year 2023-2024.

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

- E. Appeal Nos. 22-006 and 22-012 – Appeals of Planning Commission Resolution No. 22-46 (33650 Pacific Coast Highway; Owner: Charals Haagan; Appellants: 180 PCH, LLC and the Mountains Recreation and Conservation Authority) (Continued from May 8, 2023)

Recommended Action: Adopt Resolution No. 23-26, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal Nos. 22-006 and 22-012 and approving Coastal Development Permit No. 19-073 for construction of a new one-story, 6,567 square foot single-family residence plus a 1,723 square foot basement, 1,375 square foot detached garage, 720 square foot detached secondary dwelling unit, 412 square foot tennis cabana, tennis court, swimming pool, spa and grading, and installation of a new onsite wastewater treatment system; including Demolition Permit No. 22-008 to demolish an unpermitted driveway, fencing, and landscaping located in the Rural Residential, Two-Acre zoning district located at 33650 Pacific Coast Highway (Haagan).

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

- F. Appeal No. 23-001 – Appeals of Planning Commission Resolution No. 23-02 (3620 Noranda Lane; Owner: 3620 Noranda LLC; Appellant: Neil Popowitz)

Recommended Action: Continue this item to the June 26, 2023 Regular City Council meeting.

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

5. Old Business

None.

6. New Business

- A. Malibu Library Set Aside Fund for Fiscal Year 2023-2024

Recommended Action: Approve the use of Set Aside Funds for the Malibu Library for Fiscal Year 2023-2024.

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

7. Council Items

None.

Adjournment

Future Meetings

Monday, June 12, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, June 26, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, July 10, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings

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 may speak during the meeting in-person or through the Zoom application. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form *prior* to the beginning of the item being announced by the Mayor. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. Speakers are taken in the order slips are submitted or hands are raised.

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. Public speakers shall follow the rules as set forth under Oral Communication

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.

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, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for \$0.10 per page.

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 12th day of May 2023 at 5:30 p.m.


Kathleen Stecko, Deputy City Clerk