

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 a 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.

Amended¹ Malibu City Council **Regular Meeting Agenda**

Monday, June 12, 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/83769988101>

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

Call to Order – Mayor (Council Chambers)

Public Comment on Closed Session Items

¹ See the addition of Closed Session

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) and 54956.9(d)(4). 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. *Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
Number of potential cases: (1)*

Conference with Legal Counsel – Anticipated Litigation

2. *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

Closed Session Report

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

Approval of Agenda

1. Ceremonial/Presentations

- A. Presentation of 2023 Jake Kuredjian Citizenship Award
- B. Recognition of Public Safety Responders

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 69189-69428 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. 726 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,557,017.61. City of Malibu payroll check number 5345-5348 and ACH deposits were issued in the amount of \$259,792.74.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the April 11, 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. Community Facilities District No. 2006-1 (Carbon Beach Utility Undergrounding) – Levy of Special Tax for Fiscal Year 2023-2024

Recommended Action: Adopt Resolution No. 23-27 of the City Council of the City of Malibu acting in its capacity as the legislative body of Community Facilities District (CFD) No. 2006-1 of the City of Malibu (Carbon Beach Utility Undergrounding) authorizing the levy of a special tax for Fiscal Year (FY) 2023-24.

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

6. Professional Services Agreement with Yunex, LLC

Recommended Action: Authorize the Mayor to execute Professional Services Agreement with Yunex, LLC for Traffic Signal Maintenance Services.

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

7. Community Development Block Grant Program for July 1, 2024 through June 30, 2027

Recommended Action: Adopt Resolution No. 23-29 approving participation in the Los Angeles Urban County Community Development Block Grant Program by authorizing the mayor, or his/her designee, to sign a cooperation agreement with the Los Angeles County Development Authority from July 1, 2024, through June 30, 2027.

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

8. Amendment to Professional Services Agreement with Landscape Development Inc. for Landscape Maintenance Services

Recommended Action: Authorize the Mayor to execute Amendment No. 4 to the Professional Services Agreement with Landscape Development Inc., extending the term of the Agreement for landscape maintenance services at City Hall, City Parks, and the Civic Center area through June 30, 2024.

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

9. Amendments to the Professional Services Agreements for School District Separation

Recommended Action: 1) Authorize the Mayor to execute Amendment No. 7 to the Professional Services Agreement with Kirk-Carter and Associates; and 2) Authorize the Mayor to execute Amendment No. 7 to the Professional Services Agreement with STLR Corp, dba Ryland School Business Consulting.

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

10. Investment Report for the Month Ending April 30, 2023

Recommended Action: Receive the Investment Report for the month ending April 30, 2023.

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

11. Mayors' Monarch Pledge

Recommended Action: 1) Authorize Mayor Silverstein to sign the National Wildlife Federation Mayors' Monarch Pledge, renewing the City's commitment to save the monarch butterfly; and 2) Direct staff to implement measures to meet the commitments of the Mayors' Monarch Pledge in support of monarch and pollinator conservation in the Malibu community.

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

4. Ordinances and Public Hearings**A. Fiscal Year 2023-2024 Wastewater Service Charges**

Recommended Action: 1) Conduct the Public Hearing to receive public testimony and consider all protest concerning the adoption of the Engineer's Report regarding the levy of wastewater services fees through property taxes; and 2) Unless there are protests from majority of the affected property owners, adopt Resolution No. 23-28 approving the Engineer's Report and collection of wastewater services charges on the county tax roll for Fiscal Year 2023-2024 for City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase-1).

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

5. Old Business**A. Review of the Hybrid Meeting Pilot Program and Commission Meeting Transition Plan**

Recommended Action: 1) Consider the success of the hybrid meeting pilot program; 2) Provide direction on the format of City Council meetings, if appropriate; and 3) Provide direction on the meeting format for Commission, Committee, and Board meetings.

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

B. Update Regarding Local Coastal Program Amendment No. 16-006 (Sea View Hotel Project)

Recommended Action: Receive a status update regarding City Local Coastal Program Amendment (LCPA) No. 16-006 for the Sea View Hotel Project LCPA submittal, review the California Coastal Commission (CCC) approved LCPA as modified on February 8, 2023 (LCPA No. LCP-4-MAL-21-0073-2), and provide direction on the following:

- 1) The Council's position on the LCPA as modified by the CCC and a determination if the modifications made by the CCC are generally consistent with the City's LCPA as adopted on September 13, 2021, or that the modifications substantially deviate from the LCPA; and
- 2) Preparation of an Ordinance to accept the modified LCPA; or
- 3) Preparation of a Resolution to withdrawal the City's submitted LCPA with the Council's stated findings.

Should the Council desire to change the modified LCPA, the Council would need to withdraw and resubmit the amendment as a new LCPA.

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

6. New Business**A. Malibu Library Set Aside Fund for Fiscal Year 2023-2024 (Continued from May 22, 2023)**

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

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

B. Processing Fee Requests per Assembly Bill 2160

Recommended Action: Provide direction to staff on processing fee waiver/reduction requests for public access or habitat restoration projects requiring a Coastal Development Permit (CDP). Pursuant to 2022 legislation – Assembly Bill (AB) 2160 – an applicant who is a public agency or nonprofit organization may request that the City waive or reduce a coastal development permit fee for a public access project or habitat restoration project. If the request is denied, the applicant may bypass City processing and submit the CDP application directly to the California Coastal Commission.

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

7. Council Items

A. 2023-2024 Harry Barovsky Memorial Youth Commission Appointments

Recommended Action: Appoint Commissioners to the 2023-2024 Harry Barovsky Memorial Youth Commission.

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

Adjournment

Future Meetings

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
Monday, July 24, 2023		CANCELLED	

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.

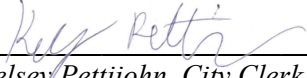
No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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 9th day of June 2023 at 2:15 p.m.



Kelsey Pettijohn, City Clerk