

**HOW TO VIEW THE MEETING:** The meeting will be live streamed at [www.malibucity.org/video](http://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](mailto: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. In-person participants may also surrender their opportunity to speak on a particular item to defer one minute to another in-person speaker.

**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.

## **Amended<sup>1</sup> Malibu City Council** **Regular Meeting Agenda**

**Monday, June 26, 2023**

**5:00 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/84831640136>**

***Five p.m. Convene for Purpose of Closed Session***

***Call to Order – Mayor (Council Chambers)***

***Public Comment on Closed Session Items***

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<sup>1</sup> See the addition of Closed Session and Ordinance and Public Hearings Item No. 4.C.

**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)(1), 54956.9(d)(2), 54956.9(d)(4), and 54957. 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 – 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

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

**Personnel Matters pursuant to Government Code Section 54957:**

1. Public Employee Performance Evaluation  
Title: City Manager

**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 15, 2023; Amended Agenda posted June 22, 2023

Approval of Agenda

**1. Ceremonial/Presentations**

None.

**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 69429-69551 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. 727 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$757,138.00. City of Malibu payroll check number 5349-5352 and ACH deposits were issued in the amount of \$1,426.13.

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

- 3. Approval of Minutes

Recommended Action: Approve the minutes for the April 13, 2022 Malibu City Council Special meeting, April 25, 2022 Malibu City Council Regular meeting, and April 27, 2022 Malibu City Council Special 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. Commission Work Assignments for Fiscal Year 2023-24

Recommended Action: Approve work assignments for the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission for Fiscal Year 2023-24.

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

6. Professional Services Agreement with Rincon Consultants, Inc.

Recommended Action: Authorize the Mayor to execute a professional services agreement with Rincon Consultants, Inc. to provide water quality monitoring services for the Civic Center Wastewater Treatment Facility.

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

7. Amendment to Agreement with Cotton, Shires & Associates to Provide Professional Consulting Geology Services

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Agreement with Cotton, Shires & Associates to allow for a one-year extension of the existing agreement through June 30, 2024, and to update the rates for professional services.

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

8. Amendment to Agreement with True North Compliance Services, Inc. to Provide Professional Consulting Plan Check Services

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Agreement with True North Compliance Services to allow for a one-year extension of the existing agreement through June 30, 2024.

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

9. Professional Services Agreement for Solid Waste Consulting Services

Recommended Action: 1) Authorize the Mayor to execute a professional services agreement with Solid Waste Solutions, Inc. to provide primary solid waste consulting services; and 2) Authorize the Mayor to execute a professional services agreement with SCS Engineers as a secondary consultant.

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

10. Amendment to License Agreement for Radio Transmitter Site

Recommended Action: Authorize the Mayor to execute an amendment to a license agreement with Point Dume Ltd. to extend the license term for an additional ten-year period.

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

11. Amendment to Professional Services Agreement with NV5, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with NV5, Inc. to modify their scope of work for the Pacific Coast Highway Median Improvements and Pacific Coast Highway Signal Synchronization System Improvements Projects.

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

12. Award Agreement for Wireless Communication Facility Application Review Services

Recommended Action: Authorize the Mayor to execute the Professional Services Agreement with Center for Municipal Solutions for Wireless Permit and Wireless Right-of-Way Permit application review services for a period of five years.

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

13. City Hall Closure – July 3, 2023

Recommended Action: Authorize closing City Hall on Monday, July 3, 2023.

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

14. Investment Report for the Month Ending May 31, 2023

Recommended Action: Receive the Investment Report for the month ending May 31, 2023.

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

15. Fiscal Year 2022-2023 Third Quarter Financial Report

Recommended Action: Receive and file the Fiscal Year 2022-23 Third Quarter Financial Report.

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

16. Broad Beach Geological Hazard Abatement District Status

Recommended Action: Receive an update on the Broad Beach Geological Hazard Abatement District.

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) Adopt Resolution No. 23-30 adopting the Annual Budget for Fiscal Year 2023-24; 2) Adopt Resolution No. 23-31 establishing the Appropriations Limit for Fiscal Year 2023-24; 3) Adopt Resolution No. 23-32 approving the Fiscal Year 2023-24 Authorized Positions and Salary Ranges and the Deputy Public Works Director-Maintenance and Operations, and Engineering Technician Job Specifications; 4) Adopt Resolution No. 23-33 establishing the City's CalPERS Contribution Portion; and 5) Adopt Resolution No. 23-34 amending the Personnel System Rules.

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

**B. Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District**

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 23-35 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

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

**C. Consideration of Local Coastal Program Amendment No. 16-006 (Sea View Hotel Project)**

*Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 508, an ordinance of the City of Malibu amending Local Coastal Program Amendment (LCPA) No. 16-006 as adopted by Ordinance No. 491 pursuant to the conditional certification action taken by the California Coastal Commission (CCC) on February 8, 2023 in order to obtain final certification of the submitted LCPA application to amend the Local Coastal Program Land Use Map to revise the zoning designation from Commercial General to Commercial Visitor Serving-2, amend the Local Implementation Plan and to create a new Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project for 22741 and 22729 Pacific Coast Highway, and finding the action to require no further environmental review and/or to be exempt from such review under the California environmental quality act; 2) Direct staff to schedule a second reading and adoption of Ordinance No. 508 for the July 10, 2022 Regular City Council meeting; and 3) Direct staff to notify the CCC when the LCPA has been adopted.*

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

**5. Old Business**

None.

**6. New Business**

None.

**7. Council Items**

None.

**Adjournment**

**Future Meetings**

Monday, July 10, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, July 24, 2023		CANCELLED	
Monday, August 14, 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 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. 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 person participants may surrender their time by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. 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](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, 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](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 22<sup>nd</sup> day of June 2023 at 4:30 p.m.

  
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Kelsey Pettijohn, City Clerk