

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. 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.

Malibu City Council **Regular Meeting Agenda**

Monday, October 23, 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/81900158674>

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. 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)
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Communication from California Department of Housing and Community Development Regarding Noncompliance with Housing Element Deadlines
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 – October 13, 2023

Approval of Agenda

1. Ceremonial/Presentations

- A. Update on Slope Failure 2023

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

1. Second Reading and Adoption of Ordinance No. 512

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 512, an ordinance of the City of Malibu amending LCPA No. 21-002, Zoning Text Amendment (ZTA) No. 22-002, and Zoning Map Amendment (ZMA) No. 22-001, as adopted by Ordinance No. 501 and pursuant to the conditional certification action taken by the CCC on September 8, 2023 in order to obtain final certification of the submitted LCPA application for the MMHS Campus Specific Plan Overlay District, and finding the action to be exempt from the California Environmental Quality Act and consistent with the EIR for the project with no further environmental review under CEQA required.

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

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 70479-70591 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. 734 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,810,470.94. City of Malibu payroll check number 5377-5381 and ACH deposits were issued in the amount of \$575,804.12.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 23, 2023 Malibu City Council Regular meeting, and February 13, 2023 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. Amendment to Agreement with Fox Weather, LLC

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to Professional Services Agreement with Fox Weather, LLC to allow for a two-year extension for quantitative weather forecasting services.

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

6. Award Trancas Canyon Park Upper and Lower Slopes Repair Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with GMZ Engineering, Inc. in the amount of \$1,599,001 for the Trancas Canyon Park Upper and Lower Slopes Repair Project, Specification No. 2092; 2) Authorize the Public Works Director to approve potential change orders up to 15% of the contract; and 3) Appropriate \$1,117,655 in Account No. 102-9209-5100 (Trancas Canyon Park Repairs).

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

7. Amendment to Professional Services Agreement with 30 Three Sixty Public Finance, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Professional Services Agreement with 30 Three Sixty Public Finance, Inc. to allow for a two-year extension of the existing agreement through October 12, 2025, for Assessment Engineering Services for the formation and administration of an assessment district for Civic Center Water Treatment Facility Phase Two (CCWTF Phase Two).

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

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

Recommended Action: Adopt Resolution No. 23-49 extending the declaration of the existence of a local emergency.

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

9. CalTrans Solstice Canyon Creek Beautification Project

Recommended Action: Approve the recommendation from the Malibu Arts Commission to withdraw the City's involvement with the California Department of Public Transportation Solstice Canyon Creek Beautification Project.

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

10. Information Technology Strategic Plan Consultant Award

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with SDI Presence LLC for information technology administrative services in an amount not to exceed \$85,780.

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

11. Agreement for Video Broadcast Services

Recommended Action: 1) Authorize the Mayor to execute Professional Services Agreement with Pegasus Studios to provide Video Broadcast Services for City meetings and other City events in the amount of \$150,000; and 2) Appropriate \$115,500 from the General Fund Undesignated Reserve to Account Number 100-7002-5100 (Media Operations, Professional Services).

Staff Contact: Deputy City Manager Brown, ext. 456-2489, ext. 300

12. Agreement for Human Resources Support Services

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Municipal Resource Group, LLC. to assist the City of Malibu with various human resource organization and operations, including strategy, recruitment, retention, training and HR Information Systems improvement.

Staff Contact: Deputy City Manager Brown, ext. 456-2489, ext. 300

13. Community Development Block Grant – Disaster Recovery MHP Program Funding

Recommended Action: Receive an update on the Community Development Block Grant – Disaster Recovery (CDBG-DR) Multifamily Housing Project (MHP) program funding and consent to termination of the Master Standard Agreement between the City and the Department of Housing and Community Development (HCD).

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

4. Ordinances and Public Hearings

- A. Coastal Development Permit No. 20-068, Site Plan Review No. 21-009, and Demolition Permit No. 20-028 – An application to demolish an existing single-family residence and construct a new single-family residence, second unit and associated development (6734 Zumirez Drive; Owner: IBN Properties, LLC) (Continued from October 9, 2023)

Recommended Action: Adopt Resolution No. 23-45 determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 20-068 and Demolition Permit (DP) No. 20-028 for the demolition of an existing single-family residence and construction of a new 6,284 square foot single-family residence, 986 square foot basement, 510 square foot attached garage, 462 square foot detached garage, 471 square foot detached second unit, swimming pool, two spas, onsite wastewater treatment system (OWTS) and associated development; including Site Plan Review (SPR) No. 21-009 for construction up to 24 feet in height for a flat roof, located in the Rural Residential, One-Acre (RR-1) zoning district at 6734 Zumirez Drive (IBN Properties, LLC).

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

5. Old Business

None.

6. New Business**A. Malibu Community Labor Exchange Permanent Office Project Update**

Recommended Action: Receive and file an update on the Malibu Community Labor Exchange Permanent Office Project.

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

B. MOU and License Agreement with Zuma Beach FM Emergency and Community Broadcasting, Inc. (KBUU) for a Booster Antenna at Malibu Bluffs Park

Recommended Action: Authorize the Mayor to enter into a License Agreement and Memorandum of Understanding (MOU) with Zuma Beach FM Emergency and Community Broadcasting, Inc. (KBUU) to utilize Malibu Bluffs Park as the location for an FM booster station.

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

C. Veterans Day Recognition Ceremony Fee Waiver

Recommended Action: Consider whether to approve the request from The Navy League to waive the facility use and staffing fees and incur event costs for the Veterans Day Recognition Ceremony.

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

D. Community Christmas Tree Lot Fee Waiver

Recommended Action: Consider whether to approve the request from the Malibu High School Athletic Booster Club to waive the facility use and staffing fees for the Ioki Property for the Annual Community Christmas Tree Lot.

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

E. Consideration of Gift of Smart Coast California Membership Fees from Councilmember Grisanti

Recommended Action: Determine whether to accept a gift from Councilmember Grisanti to underwrite the cost of the City joining the Smart Coast California Municipal Collective for each year that he is on the City Council.

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

7. Council Items**A. Smart Coast California Presentation (Councilmember Grisanti)**

Recommended Action: At the request of Councilmember Grisanti, receive a presentation from Smart Coast California describing the organization's purpose and their efforts to facilitate collaboration between local municipalities and state agencies, and determine whether to join the Smart Coast Municipal Collective group.

Staff Contact: City Manager McClary, 456-2489, ext. 228

B. Council Appointment to the Planning Commission

Recommended Action: Councilmember Stewart may make a new appointment to the Planning Commission.

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

Adjournment**Future Meetings**

Monday, November 13, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, November 27, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, December 11, 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. 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 the Media Team at media@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 13th day of October 2023 at 4:00 p.m.



Kelsey Pettijohn, City Clerk