

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, November 13, 2023

6:00 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/82543558679>

Six 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

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 – November 3, 2023

Approval of Agenda

1. Ceremonial/Presentations

- A. Proclamation Declaring December 13, 2023 Dick Van Dyke Day

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 70592-70814 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. 735 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$ 5,059,745.94. City of Malibu payroll check number 5382-5384 and ACH deposits were issued in the amount of \$722,284.47.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the February 27, 2023 Malibu City Council Regular meeting, March 13, 2023 Malibu City Council Regular meeting, and March 22, 2023 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. Award Malibu Park Resurfacing Project

Recommended Action: 1) Approve the award and authorize the Mayor to execute a construction contract with J & H Engineering General Contractors, Inc. in the amount of \$658,817 for the construction of the Malibu Park Resurfacing Project, Specification No. 2107; and 2) Authorize the Public Works Director to approve any potential change orders up to 19% of the contract amount.

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

6. Westward Beach Road Shoulder Repair Project

Recommended Action: 1) Approve the award and authorize the Mayor to execute a construction contract with J & H Engineering General Contractors, Inc. (J&H) in the amount of \$64,363.50 for the construction of the Westward Beach Road Shoulder Repair Project, Specification No. 2070; and 2) Authorize the Public Works Director to approve any potential change orders up to 15% of the contract amount.

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

7. Award Professional Services Agreement with Water Resources Economics, LLC

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Water Resources Economics, LLC to prepare the 2024 Wastewater and Recycled Water Rates Update for the Civic Center Water Treatment Facility (CCWTF) – Phase One.

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

8. Rejection of Bids for the Legacy Park Benches and Arbors Renovations Project

Recommended Action: 1) Reject all bids received for the Legacy Parks Benches and Arbors Renovations Project, Specification 2105 and 2) Direct staff to split up the project into two separate projects and rebid the bench renovations portion of the project.

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

9. Investment Report for the Month Ending September 30, 2023

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

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

10. Fee Study Professional Services Agreement

Recommended Action: Authorize the Mayor to execute the Professional Services Agreement with Matrix Consulting Group, Ltd., for conducting a Fee Study.

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

11. Amendment to Professional Services Agreement with Stoel Rives LLP

Recommended Action: Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Stoel Rives LLP for a total contract amount not-to-exceed \$175,000.

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

4. Ordinances and Public Hearings

- A. An amendment to Title 17 (Zoning) of the Malibu Municipal Code (MMC) and the Local Coastal Program to Update Regulations Related to Accessory Dwelling Units

Recommended Action: Continue this item to the November 27, 2023 City Council Meeting.

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

5. Old Business

- A. Woolsey Fire Fee Waiver Program

Recommended Action: Adopt Resolution No. 23-50 superseding and replacing Resolution No. 23-40, directing the City Manager to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence, and finding the action to be exempt from the California Environmental Quality Act.

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

- B. Initiate Code Amendments to Address Home-Sharing

Recommended Action: 1) Receive a report from staff; and 2) Adopt Resolution No. 23-16 initiating an amendment to the Malibu Municipal Code (MMC) and initiating an amendment to the Local Coastal Program Local Implementation Plan confirming that timeshare use in the City is prohibited and finding the action exempt from the California Environmental Quality Act.

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

6. New Business

- A. MOU and License Agreement with Zuma Beach FM Emergency and Community Broadcasting, Inc. (KBUU) for a Booster Antenna at Malibu Bluffs Park (Continued from October 23, 2023)

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

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

- B. Resolution No. 23-51 Authorizing One-Time Winter Closure of City Hall

Recommended Action: Adopt Resolution No. 23-51 authorizing the one-time closure of City Hall for the designated period of Friday, December 22, 2023, through Monday, January 1, 2024.

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

- C. Consideration of Declaration of Emergency Regarding Conditions on PCH

Recommended Action: Adopt Resolution No. 23-52 declaring the existence of a local emergency.

Staff Contact: Interim City Attorney Rusin, 456-2489, ext. 228

D. Consideration of Gift of Smart Coast California Membership Fees from Councilmember Grisanti (Continued from October 23, 2023)

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) (Continued from October 23, 2023)

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. 226

B. Proposed 2024 Calendar of City Council Meetings

Recommended Action: Approve the proposed 2024 Calendar of City Council meetings.

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

Adjournment

Future Meetings

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
Monday, December 26, 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 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 3rd day of November 2023 at 10:30 p.m.


Kelsey Pettijohn, City Clerk