

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, April 22, 2024

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/83580521583>

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 54956.8. 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 Real Property Negotiator Pursuant to Government Code Section 54956.8

1. Property Known as The Malibu Lumber Yard (3939 Cross Creek Road APN 4458-020-903)
City Negotiator: City Manager Steve McClary or his Designee.
Under Negotiation: Price and Terms

Six-thirty p.m. Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Sessin Report

Report on Posting of Agenda – April 12, 2024

Approval of Agenda

1. Ceremonial/Presentations

- A. Presentation of City Tile to Parker Davis for Seven Years of Service to the City of Malibu
- B. Proclamation Declaring April 21-27, 2024 National Volunteer Week
- C. Presentation on the City of Malibu’s New Development Application Portal

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 72085-72213 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. 745 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$ 2,508,728.02. City of Malibu payroll check number 5464-5466 and ACH deposits were issued in the amount of \$ 549,083.20.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the February 14, 2024 Malibu City Council Special meeting, February 22, 2024 Malibu City Council Special meeting, February 26, 2024 Malibu City Council Regular meeting.

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

4. Floodplain Variance – 19750 Pacific Coast Highway

Recommended Action: Adopt Resolution No. 24-11 granting a variance from the floodplain coastal high hazard requirements for the construction of a bulkhead within a coastal floodplain at 19750 Pacific Coast Highway.

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

5. Acceptance of Westward Beach Road Shoulder Repair Project

Recommended Action: 1) Accept the work performed by J & H Engineering General Contractors, Inc. for the Westward Beach Road Shoulder Repair Project, Specification No. 2070 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

6. City-County Municipal Services Agreement with the County of Los Angeles Animal Care and Control Department

Recommended Action: Authorize the City Manager to execute the City-County Municipal Services Agreement between the County of Los Angeles Department of Animal Care and Control and City of Malibu, for the period of July 1, 2024, through June 30, 2029

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

7. Resolution Extending the Declaration of the Existence of a Local Emergency Regarding Conditions on Pacific Coast Highway

Recommended Action: Adopt Resolution No. 24-17 extending the declaration of the existence of a local emergency related to the increase of reckless and illegal driving on Pacific Coast Highway and directing staff to coordinate efforts with other governmental agencies to increase attention and create programs to reduce the risk and danger associated with Pacific Coast Highway in the City.

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

8. Housing Element Code Amendments

Recommended Action: 1) Adopt Resolution No. 24-16 initiating amendments to the Malibu Municipal Code (MMC) Title 17 (Zoning) and the Local Coastal Program to bring them into compliance with State Housing law and finding the action exempt from the California Environmental Quality Act; 2) Direct the Planning Commission to schedule a public hearing; and 3) Authorize the Mayor to execute a professional services agreement with Capstone City Planning in the amount of \$101,880 to prepare and process code amendments associated with the 2021-2029 (6th Cycle) Housing Element.

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

4. **Ordinances and Public Hearings**

A. 2024 Wastewater and Recycled Water Rate Study and Proposed Rates

Recommended Action: 1) Conduct a public hearing to receive public testimony and consider all protests concerning the adoption of the wastewater and recycled water rates; 2) Unless written protests from a majority of affected parcels are received, adopt Resolution No. 24-15 establishing the wastewater and recycled water service charges for Fiscal Years 2024-2025, 2025-2026, 2026-2027, and 2027-2028.

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

5. **Old Business**

None.

6. New Business

A. Formula Retail Clearance Process

Recommended Action: Receive a presentation from the Planning Department describing the Formula Retail Clearance process established by Ordinance No. 431.

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

7. Council Items

None.

Adjournment

Future Meetings

Wednesday, April 24, 2024	6:00 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, May 13, 2024	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Tuesday, May 28, 2024	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.

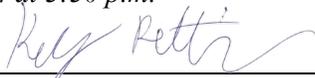
No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

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 12th day of April 2024 at 3:30 p.m.



Kelsey Pettijohn, City Clerk