

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, May 13, 2024

6:30 P.M. – CITY COUNCIL REGULAR MEETING

**City Hall – Council Chambers
23825 Stuart Ranch Road**

Zoom Webinar Link:

<https://us02web.zoom.us/j/84207328790>

Six-thirty p.m. Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Report on Posting of Agenda – May 3, 2024

Approval of Agenda

1. Ceremonial/Presentations

- A. Presentation of City Tile to Susan Dueñas for Seven Years of Service to the City of Malibu

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 72214-72460 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. 746 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,604,058.18. City of Malibu payroll check number 5467-5469 and ACH deposits were issued in the amount of \$738,644.38.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the March 4, 2024 Special Meeting, March 11, 2024 Regular Meeting, March 20, 2024 Regular Meeting, March 25, 2024 Special Meeting, March 25, 2024 Regular Meeting, March 27, 2024 Special Meeting, and April 4, 2024 Special Meeting.

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

4. Amendment to Professional Services Agreement with Integrated Performance Consultants, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Integrated Performance Consultants, Inc. (IPC) for operations, maintenance, and management services at Civic Center and Paradise Cove Stormwater Treatment Facilities.

5. Professional Services Agreement with Lance, Soll & Lunghard, LLP

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Lance, Soll & Lunghard LLP (LSL) for financial auditing services, extending the Term of Agreement to May 12, 2025.

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

6. Initiative 21-0042A1 Taxpayer Protection and Government Accountability Act (OPPOSE)

Recommended Action: Authorize the Mayor to send a letter of opposition regarding Initiative 21-004A1, the California Business Roundtable Initiative (aka Taxpayer Protection and Government Accountability Act).

Staff Contact: Deputy City Manager Brown, ext. 300

7. Investment Report for the Month Ending March 31, 2024

Recommended Action: Receive the Investment Report for the month ending March 31, 2024.

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

8. Professional Services Agreement with Governmental Financial Services

Recommended Action: Authorize the Mayor to execute an agreement with Governmental Financial Services (GFS) for assistance with audit preparation and bookkeeping and accounting services, including preparation of the Comprehensive Annual Financial Report and State Controller's Report of Financial Transactions.

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

9. Amendment to Professional Services Agreement with SDI Presence

Recommended Action: Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with SDI Presence LLC.

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

4. **Ordinances and Public Hearings**

A. Proposed Schedule of Fees Fiscal Year 2024-25

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 24-18 establishing the Schedule of Fees for Fiscal Year 2024-25.

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

B. Appeal No. 23-004 - Appeal of Planning Commission Resolution No. 23-24 (22959 Pacific Coast Highway; Appellant: Malibu Township Council; Applicant: Burdge and Associates Architects, Inc.; Property Owner: Surfrider Plaza, LLC) (Continued from the March 25, 2024 meeting)

Recommended Action: Adopt Resolution No. 24-19 (Exhibit A) pursuant to the California Environmental Quality Act, adopting Mitigated Negative Declaration No. 20-003 and Initial Study No. 20-003, denying Appeal No. 23-004 and approving Coastal Development Permit No. 09-067 for the construction of a new 7,693 square foot, 20-room motel above a new subterranean parking garage, surface parking lot, rooftop bar area, grading, retaining walls, landscaping, a new onsite wastewater treatment system and authorization for the Planning Director to submit a letter of public convenience or necessity for the sale of alcohol; Conditional Use Permit No. 18-002 for a motel in the Commercial Visitor Serving-1 (CV-1) zoning district and sale of alcohol; including Variance (VAR) No. 18-030 for construction on slopes steeper than 3 to 1, VAR No. 18-031 for a retaining wall that is an integral part of the building in excess of 12 feet in height, VAR No. 20-035 for surface parking within the required front yard setback, and Site Plan Review (SPR) No. 18-025 for a building height in excess of 18 feet, not to exceed 24 feet for a flat roof, located in the Commercial Visitor Serving-1 zoning district at 22959 Pacific Coast Highway (Surfrider Plaza, LLC).

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

C. Amendments to Chapter 12.02 (Wireless Facilities in Public Right-of-Way) and Chapter 17.46 (Wireless Telecommunications Antennas and Facilities) of the Malibu Municipal Code, and Sections 2.2 and 3.16, Chapter 13 and Appendix 1 (Table B Permitted Uses) of the Local Coastal Program Local Implementation Plan to modify regulations, procedures, and application requirements for the installation of wireless communications facilities

Recommended Action: Continue the item to the May 28, 2024 Regular City Council meeting.

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

5. **Old Business**

A. Zuma Foundation Inc. Road Race Agreement

Recommended Action: 1) Review the status of the Zuma Foundation Inc. 2024 Triathlon event; 2) Consider modifications to the draft Road Race Agreement with Zuma Foundation Inc.; and 3) Provide direction to staff regarding the draft 2024-2028 Road Race Agreement.

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

6. **New Business**

A. **Malibu Arts Association Art Show Event Series Fee Waiver**

Recommended Action: Consider whether to approve the request from the Malibu Arts Association to waive facility use fees, staffing costs, and permit fees for an Art Show event series at Legacy Park.

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

7. **Council Items**

None.

Adjournment

Future Meetings

Tuesday, May 28, 2024	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, June 10, 2024	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, June 24, 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 3rd day of May 2024 at 5:00 p.m.



Christina Muñoz, Deputy City Clerk