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**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 10, 2024**

**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/81645638549>**

**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, Consent Calendar Item Nos. 3.B.18. and 3.B.19., and Councilmember Item No. 7.A.

**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 Sections 54957, 54956.8, and 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.*

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

1. *Public Employee Performance Evaluation  
Title: City Manager*

**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.  
Negotiating Parties: WPG Malibu LLC, AJS Lumberyard LLC, 9308 Civic Center Drive LLC  
Under Negotiation: Price and Terms*

**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*

**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 1, 2024; Amended Agenda posted June 7, 2024

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 72584-72666 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. 748 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$902,498.54. City of Malibu payroll check number 5473-5474 and ACH deposits were issued in the amount of \$611,625.56.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the April 10, 2024 Special Meeting, April 22, 2024 Regular Meeting and April 24, 2024 Special Meeting.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 296

4. Professional Services Agreement for Federal Emergency Management Agency Technical Consulting Services

Recommended Action: Authorize the Mayor to execute Professional Services Agreement with MNS Engineers, Inc. for Federal Emergency Management Agency (FEMA) technical consulting services in the amount up to \$65,000 per year for a total amount not to exceed \$195,000 for three years, to expire June 9, 2027.

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

5. Professional Services Agreement for On-Call Geographics Information Systems (GIS) Consulting Services  
  
Recommended Action: Authorize the Mayor to execute a Professional Services Agreements with Infinity Technologies to provide On-Call Geographics Information Systems (GIS) Consulting Services in the amount up to \$65,000 per year for a total amount not to exceed \$195,000 for three years, to expire June 9, 2027.  
  
Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339
6. Amendment to Agreement with Yeh and Associates, Inc.  
  
Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Yeh and Associates, Inc. (Yeh) for maintenance and monitoring of the Big Rock Mesa, Malibu Road, and Calle Del Barco Landslide Assessment Districts extending the term of the Agreement to expire June 22, 2025.  
  
Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339
7. Professional Services Agreement for City Hall Solar Power Project  
  
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Kimley Horn and Associates (Kimley Horn) in the amount not to exceed \$39,800 for a feasibility analysis for the City Hall Solar Power Project.  
  
Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339
8. Memorandum of Agreement with the City of Los Angeles for Water Quality Monitoring  
  
Recommended Action: Authorize the Mayor to execute a Memorandum of Agreement (MOA) with the City of Los Angeles, the County of Los Angeles, the Los Angeles County Flood Control District, the California Department of Transportation, the City of Agoura Hills, the City of Calabasas, the City El Segundo, the City of Hidden Hills, the City of Santa Monica, and the City of Thousand Oaks (Parties) to conduct water quality monitoring, sample analyses, and reporting for the Santa Monica Bay shoreline.  
  
Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229
9. Professional Services Agreement for Dark Sky Compliance, Plan Review, and Inspections Consulting Services Monitoring  
  
Recommended Action: 1) Authorize the Mayor to execute a professional services agreement with Kimley-Horn and Associates, Inc. to provide Dark Sky compliance, plan review, and inspection consulting services; and 2) Authorize the Mayor to execute a professional services agreement with Clanton and Associates, Inc. to evaluate and amend the existing Dark Sky ordinance and create corresponding compliance forms.  
  
Staff Contact: Environmental Sustainability Director Bundy, 456-2489, ext. 229

10. Increase in Fees for Prosecution and Civil Litigation Services

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Agreement with Dapeer, Rosenblit & Litvak, LLP to increase the rates from \$175/hour to \$200/hour for code enforcement services, and from \$210/hour to \$250/hour civil litigation service, and \$185 for paraprofessionals services along with an annual increase of 3% or the increase in the applicable cost of living (COLA) index, whichever is lower.

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

11. November 5, 2024 General Municipal Election

Recommended Action: 1) Adopt Resolution No. 24-26 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 5, 2024, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities; and 2) Adopt Resolution No. 24-27 requesting the Board of Supervisors of the County of Los Angeles to consolidate a General Municipal Election to be held on November 5, 2024, with the Statewide General Election to be held on the date pursuant to California Elections Code Section 10403.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 296

12. Amendment to Professional Services Agreement with Granicus

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Professional Services Agreement with Granicus for certain projects relating to live cast streaming of public meetings, live meeting management, virtual public meeting capabilities, extending the term an additional year and increasing the compensation for services.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 296

13. Amendment to Agreement and Amendment to Memorandum of Understanding (MOU) for Implementing the Coordinated Integrated Monitoring Program (CIMP)

Recommended Action: 1) Authorize the Mayor to execute a three-year extension to the Agreement with Tetra Tech, Inc., and to increase the total agreement compensation from \$1,838,859 to \$3,598,976 to implement the North Santa Monica Bay Coastal Watersheds Coordinated Integrated Monitoring Program (CIMP) and comply with the municipal stormwater permit (Permit); and 2) authorize the Mayor to execute a three-year extension to the Memorandum of Understanding (MOU) between the City of Malibu, Los Angeles County Flood Control District (District), and the County of Los Angeles (County) for the administration and cost sharing to implement the CIMP

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

14. Amendment to Services Agreement with Iris Consulting

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Iris Consulting (Consultant) to complete the City's Local Early Action Planning (LEAP) grant projects.

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

15. Proposition A Funding Exchange

Recommended Action: 1) Adopt Resolution No. 24-28 approving the Assignment Agreement for Proposition A Local Return Fund exchange with the City of West Hollywood for FY 2023-24; and 2) Authorize the City Manager to execute the Assignment Agreement for Prop A Local Return Fund exchange.

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

16. Fiscal Year 2023-24 Third Quarter Financial Report

Recommended Action: Receive and file the Fiscal Year (FY) 2023-24 Third Quarter Financial Report.

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

17. Amendment to Professional Services Agreement with SDI Presence (Continued from May 28, 2024)

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

18. Contract with LAZ Parking for Parking Enforcement Services

*Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with LAZ Parking (LAZ) for parking enforcement services.*

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

19. Amendment No. 2 to Services Agreement with Rincon Consultants, Inc. Expedited Contract Planning Services

*Recommended Action: Authorize the Mayor to execute Amendment No. 2 to Professional Services Agreement with Rincon Consultants, Inc. for expedited contract planning services related to the Cross Creek Ranch shopping center development agreement.*

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

**4. Ordinances and Public Hearings**

A. Assessment District 98-1 (Big Rock Mesa)

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 24-20 levying an assessment for the maintenance, repair, and improvements works, systems and facilities pertaining to Assessment District 98-1 (Big Rock Mesa) for Fiscal Year 2024-2025.

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

**B. Assessment District 98-3 (Malibu Road)**

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 24-21 levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-3 (Malibu Road) for Fiscal Year 2024-2025.

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

**C. Assessment District 98-2 (Calle Del Barco)**

Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 24-22 levying an assessment for the maintenance, repair and improvements works, systems and facilities of Assessment District 98-2 (Calle Del Barco) for Fiscal Year 2024-2025.

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

**D. Amendment to Malibu Municipal Code Chapters 15.40, 15.42, and 15.44 To Require Additional Onsite Wastewater Treatment Systems (OWTS) Requirements for Home Occupation Uses that Place Additional Strain on the OWTS (Continued from May 28, 2024)**

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 517 determining the project is categorically exempt from the California Environmental Quality Act and amending Chapters 15.40, 15.42 and 15.44 of the Malibu Municipal Code (MMC); and 2) Direct staff to schedule second reading and adoption of Ordinance No. 517 for the June 24, 2024 City Council meeting.

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

**5. Old Business****A. Malibu Pacific Coast Highway Safety Projects Report**

Recommended Action: Receive and file a report on Pacific Coast Highway (PCH) Safety Projects and Special Initiatives and provide feedback to staff.

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

**6. New Business****A. Charmlee Wilderness Park Nature Center**

Recommended Action: 1) Review the facility conditions of the Charmlee Wilderness Park Nature Center; and 2) Provide direction to staff regarding moving forward with the name change in honor of Walt and Lucille Keller.

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

B. Malibu Library Set Aside Funds for Fiscal Year 2024-25

Recommended Action: Approve the use of Malibu Library Set Aside Funds for Fiscal Year (FY) 2024-25.

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

7. Council Items

A. Proposal from the Malibu Film Society Requesting Waived Facility Use Fees for Screenings at City Hall (Mayor Uhring and Councilmember Silverstein)

Recommended Action: At the request of Mayor Uhring and Councilmember Silverstein, review a proposal from the Malibu Film Society requesting waived facility use fees for screenings at the Civic Theater at City Hall and provide direction to staff, as needed.

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

Adjournment

Future Meetings

Monday, June 24, 2024	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, July 8, 2024	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, July 22, 2024		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.

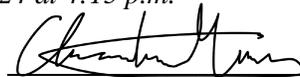
No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

*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](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 the Media Team at [media@malibucity.org](mailto: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 7<sup>th</sup> day of June 2024 at 4:15 p.m.*



Christina Muñoz, Deputy City Clerk