

Malibu City Council
Special Meeting Agenda

Monday, August 14, 2017

5:00 P.M. – SPECIAL CITY COUNCIL MEETING

City Hall – Council Chambers
23825 Stuart Ranch Road

Four 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. 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.

Closed Session Discussion

1. Property APN: 4458-022-025
City Negotiator: City Manager Feldman or Designee
Property Negotiator: Rebecca Thompson
Under Negotiation: Price and terms of payment

2. Property Address: 23801 Stuart Ranch Road (APN: 4458-022-012)
City Negotiator: City Manager Feldman or Designee
Property Negotiator: Doug Payne
Under Negotiation: Price and terms of payment

Five p.m. Regular Session

Public Hearings will begin at 5:00 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – August 3, 2017

1. Ceremonial/Presentations

- A. Presentation of Commendation to Los Angeles County Sheriff's Deputy Mike Kelley

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: City Attorney Hogin, 456-2489 ext. 228

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 50872-51222 listed 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. 599 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$6,681,033.86. City of Malibu payroll check numbers 4809-4821 and ACH deposits were issued in the amount of \$369,111.85.

Staff contact: Assistant City Manager Soghor, 456-2489 ext. 224

3. Approval of Minutes

Recommended Action: Approve the minutes for the June 26, 2017 Adjourned Regular City Council meeting and July 10, 2017 Regular City Council meeting.

Staff contact: City Clerk Glaser, 456-2489 ext. 228

4. Assembly Bill 503 (AB 503) – Parking Violations: Registration or Driver’s License Renewal – OPPOSED

Recommended Action: Authorize the Mayor to send a letter to the California State Senate Appropriations Committee opposing AB 503, legislation that would require local agencies to reduce some parking violation penalties based on an individual’s ability to pay and will take away the option for local agencies to notify the Department of Motor Vehicles of outstanding penalties required to be paid prior to registration of a vehicle or issuance/renewal of a California driver license.

Staff contact: City Manager Feldman, 456-2489 ext. 226
5. Bus Stop Shelters Pilot Project Completion and Acceptance of Work

Recommended Action: 1) Accept the work performed by J & H Engineering General Contractors, Inc. for the Bus Stop Shelters Pilot Project (Specification No. 2063) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion for the project.

Staff contact: Public Works Director Brager, 456-2489 ext. 247
6. Professional Services Agreement for On-Call Traffic Engineering Services

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. to provide On-Call Traffic Engineering Services.

Staff contact: Public Works Director Brager, 456-2489 ext. 247
7. Professional Services Agreement for On-Call Land Surveying Services

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with MNS Engineers, Inc. to provide On-Call Land Surveying Services.

Staff contact: Public Works Director Brager, 456-2489 ext. 247
8. Concert on the Bluffs Agreement and Insurance

Recommended Action: Authorize the City Manager to enter into a substantially similar agreement with Pepperdine University and provide Certificates of Insurance to Pepperdine and HRL Laboratories to utilize their parking lots as off-site parking for the Concert on the Bluffs.

Staff contact: Community Services Director Bobbett, 456-2489 ext. 225
9. Water & Power: A California Heist Film Screening

Recommended Action: Approve the City’s sponsorship and support of the screening of the documentary *Water & Power: A California Heist*.

Staff contact: Community Services Director Bobbett, 456-2489 ext. 225

10. Art in Public Places Ordinance Implementing Guidelines

Recommended Action: 1) Adopt Resolution No. 17-35 approving the Art In Public Places Ordinance Implementing Guidelines, outlining review procedures associated with projects that qualify under Malibu Municipal Code Section 17.74.020; and 2) Adopt Resolution No. 17-36 establishing an Agency Fund for In-Lieu Public Art Contributions.

Staff contact: Community Services Director Bobbett, 456-2489 ext. 225

4. Ordinances and Public Hearings

- A. Appeal No. 17-005 – An Appeal of Planning Commission Resolution No. 17-34 (30-minute parking restriction between the hours of 2:00 a.m. and 4:00 a.m. between 22878.5 and 23000.5 Pacific Coast Highway within the public right-of-way; Appellant: Sean and Leslie Weber of Malibu Surf Shack; Applicant: City of Malibu (Continued from July 10, 2017)

Recommended Action: Adopt Resolution No. 17-33, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 17-005 and approving Coastal Development Permit No. 17-057, an application to implement a 30-minute parking restriction between the hours of 2:00 a.m. and 4:00 a.m. in the same day, within the public right-of-way between 22878 to 23000 Pacific Coast Highway, on both sides of the highway, seven days a week, and to permit posting of parking restriction signs (California Department of Transportation).

Staff contact: Planning Director Blue, 456-2489 ext. 258

- B. Appeal No. 16-007 - Appeal of Planning Commission Resolution No. 16-73 (31438 Broad Beach Road; Appellant: Mark Attanasio; Applicant: Schmitz and Associates; Property Owner: Ben Lingo) (Continued from July 10, 2017)

Recommended Action: Adopt Resolution No. 17-34, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 16-007 and Coastal Development Permit No. 14-028, an application for the construction of a new 7,237 square-foot, single-family residence with attached garage, pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance (VAR) No. 14-012 for construction on slopes and VAR No. 15-013 for construction of a shoreline protection device to allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road.

Staff contact: Planning Director Blue, 456-2489 ext. 258

5. Old Business

- A. Los Angeles County Measure R and M Transportation Projects

Recommended Action: 1) Receive an update on Los Angeles County Measure R projects; and 2) Provide direction to staff on future projects using Los Angeles County Measure and Measure M transportation funds.

Staff contact: City Manager Feldman, 456-2489, ext. 226

6. New Business

- A. Direction to negotiate with owners of La Paz to provide parking for Parcel C (City parcel) in exchange for reallocation of approved, unused development area (Continued from June 26, 2017)

Recommended Action: Determine whether to direct the City Attorney to negotiate with the owners of the La Paz project located in the Civic Center to provide parking for the City's Parcel C (the City's parcel) in exchange for the City transferring 10,000 square feet of approved but unused development rights from Parcel C to Parcel A or B (the La Paz project).

Staff contact: City Attorney Hogin, 456-2489 ext. 228

- B. Request for Direction regarding Proposed Development Agreement for Sunset Restaurant

Recommended Action: 1) Receive presentation by the owner of 6800 Westward Beach Road (Sunset Restaurant); and 2) Determine whether to direct staff and the City Attorney to negotiate a development agreement that would allow a .20 floor area ratio for the property in exchange for public benefits.

Staff contact: Planning Director Blue, 456-2489 ext. 258

- C. Ride to the Flags Event

Recommended Action: Receive staff's report on the Ride to the Flags event and provide direction to staff.

Staff contact: Planning Director Blue, 456-2489 ext. 258

7. Council Items

- A. Western States Sober Living Homes Reform Coalition (WSSLHRC) (Councilmember La Monte)

Recommended Action: At the request of Councilmember La Monte, authorize the City Manager to complete the necessary documentation for the City to join the Western States Sober Living Homes Reform Coalition (WSSLHRC), a coalition of cities in the states of Arizona, California, Nevada and Utah that advocates for national sober living home reforms to improve city and state responses to sober living home laws at the local level.

Staff contact: City Manager Feldman, 456-2489 ext. 226

- B. Energy Upgrade California – “Do Your Own Thing” Campaign (Councilmember Rosenthal)

Recommended Action: At the request of Councilmember Rosenthal, adopt Resolution No. 17-32 supporting Energy Upgrade California's “Do Your Own Thing” campaign and urging all Malibu residents and small businesses to become more conscious energy stewards.

Staff contact: City Manager Feldman, 456-2489 ext. 226

C. Formula Retail Ordinance and Civic Center Design Standards (Mayor Pro Tem Mullen and Councilmember Wagner)

Recommended Action: At the request of Mayor Pro Tem Mullen and Councilmember Wagner, consider directing staff to: 1) Place an item on an upcoming agenda to initiate a Zone Text Amendment and, if necessary, an LCP amendment to regulate formula retail in a manner consistent with the court’s decision; 2) Place an item on an upcoming agenda to initiate a zoning map amendment and any other necessary corollary legislative actions to create a specific plan overlay district for the Civic Center; 3) Research alternative methods of regulating community character in commercial zones employed by other jurisdictions and place a discussion item on a future agenda for the Council to consider options; and 4) Place an item on a future agenda to enable the City Council to evaluate the civic center guidelines that were prepared by the Civic Center Design Standards Task Force.

Staff contact: City Attorney Hogin, 456-2489 ext. 228

Adjournment

Future Meetings

Monday, August 28, 2017	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, September 11, 2017	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, September 25, 2017	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. Time may be surrendered 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. In order to be recognized and present an item, 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 (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

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.

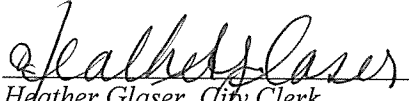
Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

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 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. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

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 Craig George, (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 for use of audio or video equipment during a Council meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or amontano@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 August 2017.


Heather Glaser, City Clerk