



# Council Agenda Report

To: Mayor Stewart and the Honorable Members of the City Council

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: October 16, 2024

Meeting date: October 28, 2024

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the September 4, 2024 Special Meeting and the September 9, 2024 Regular Meeting.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**STRATEGIC PRIORITY:** This item is part of the day-to-day operations identified in the Adopted FY 2023-24 Strategic Priority Project List. Staff continue to work on ongoing projects and normal business while the FY 2024-25 Strategic Priority Plan is finalized.

**DISCUSSION:** Staff has prepared draft minutes for the Council meetings on September 4, 2024 and September 9, 2024.

**ATTACHMENTS:**

September 4, 2024 Special Meeting  
September 9, 2024 Regular Meeting

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
SEPTEMBER 4, 2024  
COUNCIL CHAMBERS  
10:30 A.M.

**MEETING CALL TO ORDER**

Mayor Stewart called the meeting to order at 10:30 a.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Doug Stewart; Mayor Pro Tem Marianne Riggins; and Councilmembers Paul Grisanti, Bruce Silverstein and Steve Uhring.

**PLEDGE OF ALLEGIANCE**

Gregg Devereaux led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Deputy City Clerk Lawrence reported that the agenda for the meeting was properly posted on August 29, 2024.

**APPROVAL OF AGENDA**

MOTION Councilmember Uhring moved, and Councilmember Grisanti seconded a motion to approve the agenda. The motion carried unanimously.

**PUBLIC COMMENT ON CLOSED SESSION**

Mayor Stewart opened the floor to public comment.

Speakers: Jacob

**RECESS TO CLOSED SESSION**

At 10:35 a.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

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

1. Public Employee Performance Evaluation  
Title: City Manager

**Conference with Labor Negotiator pursuant to Government Code Section 54957.6:**

1. City representative: Interim City Attorney Trevor Rusin  
Unrepresented employee: City Manager Steve McClary

**CLOSED SESSION REPORT**

Interim City Attorney Rusin reported that the meeting convened at 10:30 a.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54957 and 54957.6, with all Councilmembers present. He stated the Council discussed the items on the Closed Session agenda and took no reportable action.

**ADJOURNMENT**

Mayor Stewart adjourned the meeting at 2:10 p.m.

Approved and adopted by the City Council of the  
City of Malibu on \_\_\_\_\_.

\_\_\_\_\_  
DOUG STEWART, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 9, 2024  
COUNCIL CHAMBERS  
6:30 P.M.

**MEETING CALL TO ORDER**

Mayor Stewart called the meeting to order at 5:30 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Doug Stewart; Mayor Pro Tem Marianne Riggins; and Councilmembers Paul Grisanti, Bruce Silverstein and Steve Uhring.

**PUBLIC COMMENT ON CLOSED SESSION**

Mayor Stewart opened the floor to public comment.

Speakers: None.

**RECESS TO CLOSED SESSION**

At 5:31 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

**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)

**REGULAR SESSION CALL TO ORDER**

Mayor Stewart called the meeting to order at 6:30 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Doug Stewart; Mayor Pro Tem Marianne Riggins; and Councilmembers Paul Grisanti, Bruce Silverstein and Steve Uhring.

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Alexis Brown, Deputy City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Maureen Tamuri, Interim Planning Director; Susan

Dueñas, Public Safety Director; Parker Davis, Media Technician; Renee Neermann, Financial Controller; Christina Muñoz, Deputy City Clerk; Kate Manisco, Recreation Manager; Solishia Andico, Environmental Health Administrator; Julie Bauer, Supervising Permit Services Technician; Tracey Rossine, Environmental Programs Manager; and Joseph Smith, Contract Planner

## **PLEDGE OF ALLEGIANCE**

Dane Skophammer led the Pledge of Allegiance.

## **CLOSED SESSION REPORT**

Interim City Attorney Rusin reported that the meeting convened at 5:30 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9, with all Councilmembers present. He stated the Council discussed the items on the Closed Session agenda and took no reportable action.

## **REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on August 30, 2024, with the amended agenda posted on September 6, 2024.

## **APPROVAL OF AGENDA**

**MOTION** Mayor Pro Tem Riggins moved, and Councilmember Uhring seconded a motion to approve the agenda. The motion carried unanimously.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

### **A. Presentation of 2024 Jake Kuredjian Citizenship Award**

Parks and Recreation Commission Chair Dane Skophammer and Commissioner Georgia Goldfarb presented the awards to Shari Latta and Kian and Joel Schulman.

Ms. Latta thanked the Council and discussed her history and service.

Ms. Schulman thanked the Council and discussed Poison Free Malibu's work with the City.

### **B. Presentation of Commendation to William Bema for Assisting with a Rescue in Malibu Canyon**

Mayor Stewart announced the presentation would be rescheduled.

## **ITEM 2.A. PUBLIC COMMENTS**

John Honigsfeld discussed increasing security at City Hall and suggested the male

employees wear security uniforms.

Scott Dittrich announced a candidate forum on Saturday, September 14, 2024 at Fire Camp 8 at 10:00 a.m. He announced the Public Safety Expo on September 15, 2024.

Norm Haynie discussed removal of the water tank in Lower Encinal Canyon during construction of the new water tank. He discussed the safety hazard and the approval process for water tanks.

Haylynn Conrad announced she was running for City Council and thanked the Councilmembers for their hard work.

Jeremy stated he was using an alias due to fear of retribution. He discussed previous threats made to a City employee and information shared about that employee. He discussed Councilmember Uhring's and Councilmember Silverstein's actions on the Council. He discussed Councilmember Uhring's mortgage and the open code enforcement case on his property.

Andy Lyon stated he attended the Malibu Surfing Classic at Surfrider Beach. He stated people were parking on the sidewalks and parking tickets were issued to the event attendees. He requested those tickets be voided.

Barry Haldeman stated he was on the Malibu Arts Commission and the Malibu Film Society. He discussed the Temporary Use Permit Ordinance.

Mayor Stewart requested the speaker hold their comments on the TUP item until Item No. 4.A.

Bob G. requested an update on Public Works Commissioner Jo Drummond's residency. He requested she sign an affidavit that she had resided at her property in the City for her entire term on the Planning Commission.

Jo Drummond stated she was willing to sign an affidavit confirming that she lives in the City. She stated Malibu Township Council was being targeted during the election campaigns. She discussed the accusations and the mission of the Malibu Township Council.

## **ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES**

Scott Dittrich, Public Works Commission, discussed Caltrans' public outreach on PCH design projects. He discussed challenges implementing bike lanes in Eastern Malibu. He encouraged the public to participate in upcoming Caltrans workshops on September 12, 2024.

City Manager McClary discussed the legislature's approval of SB 1297 authorizing speed cameras in Malibu and SB 1509 adding additional penalties for exceeding

the speed limit on PCH. He stated the next step was the Governor's approval. He announced the California Coastal Commission (CCC) hearing for the appeal of the Lechuza Beach project on Friday. He stated staff would attend the meeting and speak at the hearing. He discussed a shopping cart retrieval operation in front of the Malibu Library. He stated the LAZ overnight parking team was fully in place and had issued 156 oversized vehicle citations in the last month. He discussed oversized vehicles in the City. He announced the Public Safety and Preparedness Fair on Sunday. He announced a Malibu Disaster Council meeting on Thursday to review the City's updated Emergency Operation Plan. He discussed Phase 2 of the Community Land Outreach Project and announced a pop-up event on September 17, 2024. He discussed the new 5:30 p.m. start time beginning at the October 14, 2024 Regular meeting and the new agenda format for Regular meetings. He discussed an increase in citations issued for hazardous driving and speeding since contracting with California Highway Patrol. He announced the virtual workshop for the Caltrans PCH Master Plan on September 12, 2024. He announced the public hearing for the Housing Element on September 23, 2024. He stated he attended a PCH Master Plan workshop and a Business Roundtable meeting.

Sergeant Chris Soderlund, Los Angeles County Sheriff Department, presented the crime statistics for August 2024. He stated there were 307 Part One crimes for the year, which was a decrease from last year. He stated there was also a reduction in vehicle burglaries and theft from unlocked vehicles. He stated the Beach Team issued 396 citations for alcohol on the beach, made seven arrests, issued 402 traffic citations, issued 1,472 parking citations, and towed 287 vehicles. He discussed an incident on September 6, 2024 with a fight in progress at Malibu Colony Liquor. He discussed incidents of reckless driving. He discussed the Special Assignment Deputies and stated they made 13 arrests and discussed their training.

In response to Councilmember Grisanti, Sergeant Soderlund stated he did not know if the reckless drivers were Malibu residents.

Councilmember Uhring discussed complaints he received from the public regarding issues related to homelessness.

In response to Councilmember Uhring, Sergeant Soderlund recommended Councilmember Uhring review the Board of Supervisor's statements on the issue.

Councilmember Silverstein discussed ways to tow vehicles with proper notice.

Mayor Stewart indicated support for bringing back an item.

MOTION Councilmember Grisanti moved, and Councilmember Uhring seconded a motion to direct staff to bring back an item to discuss enforcement options for vehicles which have been issued multiple parking tickets. The motion carried unanimously.

**ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS**

In response to Councilmember Grisanti, Mr. Haynie discussed the requirements for county water tanks. He discussed his proposal for 25,000-gallon private water tanks and how they could be approved. He stated he would look into using rain for rent trailers.

Mayor Pro Tem Riggins stated the County's plans for the water tank replacement were still being developed. She recommended City staff stay in contact with the County regarding their plans.

Councilmember Grisanti stated he attended a meeting at Pepperdine University and discussed Pepperdine's new nursing program. He stated he attended Smart Coast California's Annual Symposium at his own expense. He stated he participated in the Blue Flag Beach panel and an insurance panel. He discussed sand replenishment projects. He stated he participated in the Wave of Flags set-up at Pepperdine University.

Councilmember Uhring discussed an anonymous letter he received from Concerned Citizens of Malibu regarding code enforcement complaints. He stated the letter was sent to property owners with open code enforcement cases. He suggested staff run a search for code enforcement complaints made by himself, John Mazza, or the Malibu Township Council. He discussed misleading anonymous letters sent to the residents in the past.

Councilmember Silverstein addressed Jeremy and discussed individuals' right to say what they want at public meetings. He stated it was off-putting when individuals commented anonymously and he had not taken any retribution against public speakers. He invited Jeremy to call him anonymously and discuss his statements. He refuted the accusations against him. He discussed the letter from Concerned Citizens of Malibu and encouraged the City to disclose any code enforcement complaints from the individuals named in the letter.

Mayor Pro Tem Riggins stated she attended a PCH Master Plan workshop, and the Community Lands meeting at Trancas field. She proposed adopting a resolution supporting the school bond for Malibu schools.

MOTION Mayor Pro Tem Riggins moved and Councilmember Grisanti seconded a motion to direct staff to bring back an item to consider supporting Measure MM, the Malibu School Bond. The motion carried unanimously.

Mayor Stewart stated he attended an Administration and Finance Subcommittee meeting and a Business Roundtable meeting. He thanked Senator Allen, Assemblymember Irwin, Supervisor Horvath, Deputy City Manager Brown, Michele Shane, Bridgette Thompson, Barry Stewart, California Strategies Lobbyists, and Captain Seetoo for their work on the speed camera bill. He discussed fire danger and recommended everyone download the app Watch Duty to tack brush fires. He discussed the Line Fire in San Bernadino County and other fires in Orange County and Glendora.



### ITEM 3      CONSENT CALENDAR

Item No. 3.A.1. was pulled by the public. Item Nos. 3.A.1. was pulled by the Council.

MOTION      Councilmember Silverstein moved, and Councilmember Uhring seconded a motion to approve the Consent Calendar, pulling Item No. 3.A.1. The motion carried unanimously.

The Consent Calendar consisted of the following items:

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.
2.      Approve Warrants  
Recommended Action: Allow and approve warrant demand numbers 73380-73526 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. 753 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,667,927.00. City of Malibu payroll check number 5483 and ACH deposits were issued in the amount of \$646,655.16.
3.      Approval of Minutes  
Recommended Action: Approve the minutes for the July 8, 2024 Regular Meeting and July 22, 2024 Regular Meeting.
4.      Professional Services Agreement with California Skateparks  
Recommended Action: Authorize the Mayor to execute a sole source Professional Services Agreement with California Skateparks related to repairs of the Temporary Skate Park.
5.      Approve Amendment to Contract for Special Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. to Provide for Representation of the City related to the Matter of City of Malibu v. Federal Aviation Administration related to Aviation Noise and Impacts Generated from Changes to Los Angeles International Airport Flight Paths  
Recommended Action: Authorize the City Manager to execute a fourth amendment to the Agreement for Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. for representation of the City related to the matter of Malibu v. Federal Aviation Administration, No. 24-2503.

The following items was pulled from the consent calendar for individual consideration:

A.      Previously Discussed Items

1.      Malibu Inn Motel Project Denial

Recommended Action: Pursuant to the City Council's direction at the May 13, 2024 meeting, review and adopt draft Resolution No. 24-46 granting Appeal No. 23-004 to the Planning Commission's approval of the Malibu Inn Motel Project (Project); finding the proposed denial exempt under the California Environmental Quality Act (CEQA) and rescinding adoption of Mitigated Negative Declaration (MND) No. 20-003 and Initial Study (IS) No. 20-003; denying 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 deck with swimming pool, spa and bar area, grading, retaining walls, landscaping, a new onsite wastewater treatment system (OWTS), 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; denying Conditional Use Permit (CUP) No. 18-002 for a motel in the Commercial Visitor Serving-1 (CV-1) zoning district and sale of alcohol; and disallowing authorization for the Planning Director to submit a Letter of Public Convenience or Necessity for the Sale of Alcohol; for the Project located in the CV-1 zoning district at 22959 Pacific Coast Highway (Surfrider Plaza, LLC).

Mayor Stewart opened the floor to public comment.

Speakers: Matthew D. Hinks, Steven Hakim, Jo Drummond, Doug Burdge, and Andy Lyon

As there were no other speakers present, Mayor Stewart returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff.

#### MOTION

Mayor Pro Tem Riggins moved, and Councilmember Uhring seconded a motion to adopt draft Resolution No. 24-46 granting Appeal No. 23-004 to the Planning Commission's approval of the Malibu Inn Motel Project (Project); finding the proposed denial exempt under the California Environmental Quality Act (CEQA) and rescinding adoption of Mitigated Negative Declaration (MND) No. 20-003 and Initial Study (IS) No. 20-003; denying 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 deck with swimming pool, spa and bar area, grading, retaining walls, landscaping, a new onsite wastewater treatment system (OWTS), 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; denying Conditional Use Permit (CUP) No. 18-002 for a motel in the Commercial Visitor Serving-1 (CV-1) zoning district and sale of alcohol; and disallowing authorization for the Planning Director to submit a Letter of Public Convenience or Necessity for the Sale of Alcohol; for the Project located in the CV-1 zoning district at 22959 Pacific Coast Highway (Surfrider Plaza, LLC).

The Council discussed the item.

The question was called, and the motion carried unanimously.

The Council discussed the project's application number.

RECESS                      At 8:30 p.m., Mayor Stewart recessed the meeting. The meeting resumed at 8:40 p.m. with all Councilmembers present.

#### **ITEM 4                      ORDINANCES AND PUBLIC HEARINGS**

- A.     Amendment to Malibu Municipal Code Chapter 17.68 (Temporary Use Permits)  
Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 522, adopting Zoning Text Amendment No. 21-005 amending Malibu Municipal Code Chapter 17.68 to update regulations related to Temporary Use Permits and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule the second reading and adoption of Ordinance No. 522 for the September 23, 2024 Regular City Council meeting.

Contract Planner Smith presented the staff report.

CM, CC, and CA discussed PSPS in the City.

Contract Planner Smith continued the staff report.

The Council directed questions to staff.

Mayor Stewart opened the floor to public comment.

Speakers: Norm Haynie, Mark Wetton, Kenneth Ehrlich, Jackson McNeill, Matt Boroyzuer, Jo Drummond, E Barry Haldeman, and Karin Al-Hardan

As there were no other speakers present, Mayor Stewart returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff.

CONSENSUS

By consensus, the Council directed staff to bring back a revised Temporary Use Permit Ordinance with additional analysis based on the City Council's feedback

MOTION Councilmember Silverstein moved, and Mayor Pro Tem Riggins second a motion hear Item No. 4.B. after 10:30 p.m. The motion carried unanimously.

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

Assistant City Manager Toney and Kushboo Ingle, Matric Consulting, presented the staff report.

The Council directed questions to staff.

Mayor Stewart opened the floor to public comment.

Speakers: Jo Drummond (Kevin Keegan deferred time to Jo Drummond)

As there were no other speakers present, Mayor Stewart returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff.

MOTION Councilmember Grisanti moved to adopt Resolution No. 24-25 establishing the Schedule of Fees for Fiscal Year 2024-25.

The motion died on the floor due to lack of a second.

The Council discussed the item.

CONSENSUS

By consensus, the Council directed staff to schedule a Work Session for the Schedule of Fees for Fiscal Year 2024-25.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

None.

**ADJOURNMENT**

At 11:47 p.m., Mayor Pro Tem Riggins moved, and Councilmember Grisanti seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the City Council of the  
City of Malibu on \_\_\_\_\_.

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DOUG STEWART, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)