



# Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: November 29, 2023 Meeting date: December 11, 2023

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the April 24, 2023 Malibu City Council Regular meeting, April 26, 2023 Malibu City Council Special meeting, and May 8, 2023 Malibu City Council 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.

**DISCUSSION:** Staff has prepared draft minutes for the Council meetings of April 24, 2023, April 26, 2023, and May 8, 2023.

**ATTACHMENTS:**

April 24, 2023 Regular meeting  
April 26, 2023 Special meeting  
May 8, 2023 Regular meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
APRIL 24, 2023  
COUNCIL CHAMBERS  
6:30 P.M.

The following meeting was held pursuant to AB 361 and teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

**MEETING CALL TO ORDER**

Mayor Pro Tem Uhring 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 Bruce Silverstein (via teleconference); Mayor Pro Tem Steve Uhring; and Councilmembers Paul Grisanti, Marianne Riggins (via teleconference), and Doug Stewart

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Acting Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Ruthie Quinto, City Treasurer; Alex Montano, Media Technician; Caryn De La Cruz, Environmental Sustainability Analyst; Tracey Rossine, Environmental Programs Manager; and Rebecca Evans, Administrative Assistant

**PLEDGE OF ALLEGIANCE**

Tom Bates led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on April 14, 2023.

**APPROVAL OF AGENDA**

MOTION Councilmember Stewart moved, and Councilmember Grisanti seconded a motion to approve the agenda. The question was called, and the motion carried unanimously.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Proclamation Declaring April 2023 as National Donate Life Month in Malibu

Mayor Pro Tem Uhring presented the proclamation to Bob Thompson, One Legacy.

Mr. Thompson thanked the Council for the proclamation.

B. Presentation on 2022 Environmental Programs Accomplishments (WASTE REDUCTION)

Environmental Sustainability Director Bundy and Environmental Sustainability Analyst De La Cruz presented information on the City's waste reduction programs.

**ITEM 2.A. PUBLIC COMMENTS**

Councilmember Riggins left the meeting at 6:47 p.m.

Jefferson Wagner thanked the Council for their representation of the City. He introduced a video presentation that played a portion of the April 17, 2023 Planning Commission meeting.

Councilmember Riggins joined the meeting at 6:49 p.m.

Tom Bates discussed harassment he said was experienced by his friend Christina Wolford by her neighbors who tried to pressure her to move.

Christina Wolford discussed what she perceived as police misconduct while she attempted to ensure her safety from harassment by her neighbors.

Richard Sol discussed the 12-year impact the Civic Center Water Treatment Facility Phase II septic prohibition zone had on property owners in the Serra Retreat and Malibu Colony areas. He stated restrictions in the prohibition zone disallowed the addition of new plumbing fixtures to remodel, addition, and new construction projects. He requested interim relief to those impacted that allowed project plan submittal during Phase II implementation.

Jo Drummond stated that she knew of a Planning Commissioner who worked on projects they had approved as a Commissioner and requested an investigation. She suggested the allowance of more total plumbing fixtures in the prohibition zone provided they were low-flow fixtures. She stated if the Homelessness Task Force was disbanded and their responsibilities given to the Public Safety Commission, then the Public Works Commission duties should be revised to include wireless reviews that were transferred to the Commission when the Telecommunications Commission was disbanded.

Ryan Embree stated he was the Telecommunications Commission Chair, and worked on the City's Telecommunications Ordinance and the antenna at Santa Monica College was not reviewed. He stated there was an error and specific duties were not added as part of the responsibilities of the Public Works Commission when the Telecommunications Commission's duties were transferred over. He requested the Council clarify that the Public Works Commission was responsible for wireless telecommunications review for projects beyond just capital

improvement projects.

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

Councilmember Riggins left the meeting at 7:06 p.m.

Dane Skophammer, Parks and Recreation Commission, thanked the Council for prioritizing the snack shack at Bluffs Park and provided an update on the progress of the project. He stated that he and the other Parks and Recreation Commissioners attended the recent Chumash Day event and thanked City staff and those who made the event a success. He provided an update on the Commission's priorities for the upcoming year which included the skate park, temporary snack shack, and a permanent snack shack. He requested the establishment of a multi-generational recreation facility which included a swim center and library services on the Heathercliff property as an addition to the 2023-2024 workplan.

Councilmember Riggins joined the meeting at 7:09 p.m.

City Manager McClary announced a Coffee with a Deputy event on April 25, 2023 from 4:00 to 6:00 p.m. at the Malibu Park playground. He stated that he attended the ribbon cutting ceremony at the Santa Monica College (SMC) Malibu campus the prior Saturday. He stated he attended the Las Virgenes-Malibu Council of Governments (COG) meeting and met with State Assemblymember Jacqui Irwin. He announced the State of the City event scheduled for May 3, 2023 at 10:00 a.m. at the SMC Malibu campus. He provided an update on the automatic license plate reading cameras and stated that two were installed, eight units would be installed on Southern California Edison poles, and two would be installed on Caltrans poles in the coming months. He stated that 20 beacon boxes were installed with installation of all 47 units expected by September 2023. He stated Malibu High School would be used for the day use impound yard during the summer of 2023. He announced the outdoor screening of the documentary *21 Miles in Malibu* scheduled for May 19, 2023, at 7:30 p.m. at Malibu Bluffs Park, preceded by a highway safety discussion by the Sheriff Department. He announced the Malibu Senior Center 20-year anniversary event scheduled for April 27, 2023, from 12:00 to 1:00 p.m. at City Hall. He announced the Library Speaker Series featuring Poet Laureate Ann Buxie scheduled for May 6, 2023, at 4:00 p.m. He stated Assembly Bill 1500 (AB 1500), which provided an additional three-year base property tax extension for Woolsey Fire affected properties, had progressed to the Appropriations Committee and included an urgency clause for it could become effective prior to January 2024.

Sergeant Chris Soderlund, Los Angeles County Sheriff Department, provided an update on the overnight parking enforcement operation on PCH April 13, 2023 to April 14, 2023. He stated that 51 citations were issued, four vehicles were towed, and one felony and one misdemeanor arrest were made. He stated that on the prior Sunday, Volunteer on Patrol (VOP) Mark Russo's patrol car was hit from behind while stopped with lights flashing at the scene of a previous accident in the Trancas

area. He reported Law Enforcement Technician Sharona Kay collected evidence during a 2021 residential burglary investigation in Malibu and found a match through the Combined DNA Index System (CODIS) to a suspect in a separate incident in the state of Missouri and a warrant was issued for the suspect's arrest. He assured the community that the Sheriff Department worked with diligence on all cases.

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

Councilmember Grisanti reported that he attended the grand opening ceremony of the SMC Malibu Campus the prior Saturday and encouraged the public to visit the facility.

Councilmember Stewart stated that he was grateful that VOP Russo was not injured in the traffic incident on PCH and that illustrated the importance of the documentary *21 Miles in Malibu*. In response to Mr. Sol, he stated that the impact the septic prohibition zone had on property owners in the Serra Retreat and Malibu Colony areas should be researched. In response to Parks and Recreation Commissioner Skophammer, he acknowledged that much needed to be accomplished for the community. He stated that license plate reading equipment was important for law enforcement and public safety. He thanked those who had worked on AB 1500. He stated that he missed the SMC Malibu Campus opening due to another commitment. He requested a presentation at a future Council meeting on Homeowners' Association (HOA) and Property Owners' Association (POA) insurance matters that Assemblymember Jacqui Irwin's office was working on and requested the organizations' contact information be provided to the City so they could stay informed on the City's efforts in the development of programs. He stated that he attended the April 18, 2023 COG meeting as an alternate. He stated that he met on April 18, 2023, with Los Angeles County Fire Department representatives and Malibu Public Safety Commission members and reviewed the fire brigade program that was under development. He stated that he thought the April 20, 2023 workplan meeting he attended at City Hall was very productive. He suggested including a review of the rules of procedure and decorum as established in Resolution No. 98-083 in the May 31, 2023 Brown Act training.

Councilmember Riggins reported that she attended the League of California Cities conference in Sacramento and stated that she enjoyed the solutions she heard from around the state and encouraged other Councilmembers to attend future conferences. She stated she attended a Library Subcommittee meeting with Mayor Silverstein. She thanked Community Services Department staff for their rapid removal of graffiti in Legacy Park. She encouraged the public's attendance at the City's commission and committee meetings. She stated that she attended the SMC Malibu campus ribbon-cutting ceremony, and that the facility was an asset to the community. She commented on the April 17, 2023 Planning Commission meeting and misinformation on social media that surrounded Skylar Peak, her appointee to the Commission. She stated that staff provided thorough reports to the Planning Commission and that accusations that Commissioners were unprepared for

meetings and staff had not provided sufficient information were unfounded.

Mayor Silverstein stated that he was recovering from COVID-19 and that it was still present in the community. He thanked the public speakers and those who submitted written correspondence. In response to Mr. Wagner, he stated that he had not heard about the issue of potentially inappropriate comments to Commissioners until he encountered it on social media. In response to the Sheriff Department report, he emphasized the importance of finding solutions for the unhoused population. He stated that he testified before the Assembly Revenue and Taxation Committee in Sacramento in favor of AB 1500. He stated that he participated in the Library Subcommittee meeting the prior Tuesday. He stated that he attended the April 20, 2023 work plan workshop and closed session afterwards and he found it productive. He stated that he attended the League of California Cities conference and that all cities were unique, but there were commonalities among the other cities that were different from Malibu. He stated that he discussed with representatives from other coastal cities how best the issue of short-term rentals might be approached with the California Coastal Commission (CCC). He stated that he participated in two weekly virtual California Strategies meetings with Mayor Pro Tem Uhring and City Manager McClary. He stated that he received information from County Supervisor Lindsey Horvath's office that plans for housing additional individuals in trailers at Camp Kilpatrick were halted. He stated that Supervisor Horvath indicated that to the extent that she could she was committed to the inclusion of Malibu's input when changes to the facility were made. He commented that impartial decisions could not be made by past and current Planning Commissioners who had livelihoods dependent upon development and suggested the Council develop a new policy.

Mayor Pro Tem Uhring stated he attended the SMC Malibu Campus ribbon cutting ceremony. He stated he attended a meeting with California Strategies and discussed the State Parks' use of weed killing chemicals. He stated that the workplan workshop included the City's department heads and was a good exchange of ideas. He stated he met Supervisor Horvath at the SMC Malibu Campus ribbon cutting ceremony and felt there was good communication. He stated he received comments from the public on the implementation of the pesticide local coastal program amendment.

In response to Mayor Pro Tem Uhring, City Manager McClary stated communication with State Parks representatives about the use of chemicals continued and that he requested an update from them at an upcoming Council meeting.

Mayor Pro Tem Uhring thanked the public speakers and stated that efforts would be made for a solution to the septic prohibition the residents of Serra Retreat and Malibu Colony experienced.

**ITEM 3            CONSENT CALENDAR**

Item No. 3.B.5. was pulled by the Council.

MOTION Councilmember Grisanti moved, and Councilmember Stewart seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.5. The question was called, and the motion carried unanimously, Councilmembers Riggins and Stewart abstaining from Item No. 3.B.3.

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 68727-68879 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. 723 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$932,293.74. City of Malibu payroll check number 5333-5336 and ACH deposits were issued in the amount of \$ 258,132.04.
3. Approval of Minutes  
Recommended Action: Approve the minutes for the March 14, 2022 Malibu City Council Regular meeting.
4. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361  
Recommended Action: Consider a motion to reaffirm Resolution No. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.
6. Acceptance of Marie Canyon Green Streets Project  
Recommended Action: 1) Accept the work performed by J and H Engineering General Contractors, Inc. for the Marie Canyon Green Streets Project, Specification No. 2073 as complete; and 2) Authorize the Public Works Director to record a Notice of Completion for the project.
7. Termination of the State of a Local Emergency for the 2023 Winter Storms  
Recommended Action: Adopt Resolution No. 23-18 terminating the state of local emergency declared as a result of the 2023 Winter Storms.

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

5. Investment Report for the Month Ending March 31, 2023  
Recommended Action: Receive and file the Investment Report for the month ending March 31, 2023.

City Treasurer Quinto provided an update to the published report.

The Council discussed the item and directed questions to staff.

Mayor Pro Tem Uhring received and filed the Investment Report for the month ending March 31, 2023.

**ITEM 4      ORDINANCES AND PUBLIC HEARINGS**

- A.      Schedule of Fees Fiscal Year 2023-24  
Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 23-17 establishing the Schedule of Fees for Fiscal Year 2023-24.

Assistant City Manager Toney presented the staff report.

Mayor Pro Tem Uhring opened the floor to public comment.

Speakers: Ryan Embree, Jo Drummond, and Colin Drummond

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

The Council discussed the item and directed questions to staff.

- MOTION      Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to adopt Resolution No. 23-17 establishing the Schedule of Fees for Fiscal Year 2023-24.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

**ITEM 5      OLD BUSINESS**

None.

**ITEM 6      NEW BUSINESS**

- A.      Food and Beverage Sales in the Open Space District  
Recommended Action: 1) Adopt, or provide comment on, the attached draft Council Interpretation regarding food and beverage sales in the Open Space District; 2) Adopt Resolution No. 23-19 initiating a Zone Text Amendment (ZTA) and Local Coastal Program Amendment (LCPA) to address food and beverage sales in the Open Space zoning district, or provide alternative direction; and 3) If Resolution No. 23-19 is adopted, provide direction to the Planning Commission to schedule a public hearing regarding the ZTA and LCPA and provide a recommendation to the Council whether to approve, modify, or reject the amendment and finding the action exempt from the California Environmental Quality Act.

Planning Director Mollica presented the staff report.

Mayor Pro Tem Uhring opened the floor to public comment.

Speaker: Ryan Embree

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

The Council discussed the item.

**MOTION** Councilmember Stewart moved, and Councilmember Grisanti seconded a motion to 1) adopt, or provide comment on, the attached draft Council Interpretation regarding food and beverage sales in the Open Space District; 2) adopt Resolution No. 23-19 initiating a Zone Text Amendment (ZTA) and Local Coastal Program Amendment (LCPA) to address food and beverage sales in the Open Space zoning district, or provide alternative direction; and 3) direct the Planning Commission to schedule a public hearing regarding the ZTA and LCPA and provide a recommendation to the Council whether to approve, modify, or reject the amendment and finding the action exempt from the California Environmental Quality Act

The Council discussed the motion and directed questions to staff.

**FRIENDLY AMENDMENT**

Councilmember Riggins moved to amend the motion to only adopt Local Coastal Plan Interpretation No. 21 regarding food and beverage sales in the Open Space District.

The amendment was accepted by the maker and the seconder of the motion.

The Council discussed the amended motion and directed questions to staff.

The question was called, and the amended motion carried unanimously.

**RECESS** At 8:33 p.m., Mayor Pro Tem Uhring recessed the meeting. The meeting resumed at 8:45 p.m. with all Councilmembers present.

**B. Update Regarding Local Coastal Program Amendment No. 16-006 (Sea View Hotel Project)**

Recommended Action: Receive a status update regarding City Local Coastal Program Amendment (LCPA) No. 16-006 for the Sea View Hotel Project LCPA submittal, review the California Coastal Commission (CCC) approved LCPA as modified on February 8, 2023 (LCPA No. LCP-4-MAL-21-0073-2), and provide direction on the following:

1) The Council's position on the LCPA as modified by the CCC and a determination if the modifications made by the CCC are generally consistent with

the City's LCPA as adopted on September 13, 2021, or that the modifications substantially deviate from the LCPA; and

2) Preparation of an Ordinance to accept the modified LCPA; or

3) Preparation of a Resolution to withdrawal the City's submitted LCPA with the Council's stated findings.

Should the Council desire to change the modified LCPA, the Council would need to withdraw and resubmit the amendment as a new LCPA.

Planning Director Mollica presented the staff report.

Mayor Pro Tem Uhring opened the floor to public comment.

Speakers: Norm Haynie, Fred Gaines, Jefferson Wagner, Alex Perez, Rick Mullen, Pedro Toscano, Ryan Embree, Ellen Wolf, and Jo Drummond

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

The Council discussed the item and directed questions to staff and Mr. Haynie.

**MOTION** Mayor Silverstein moved, and Mayor Pro Tem Uhring seconded a motion to take no action on LCPA No. 16-006 and allow the LCPA process to expire.

The Council discussed the motion and directed questions to staff, Mr. Gaines, and Mr. Haynie.

#### **FRIENDLY AMENDMENT**

Mayor Silverstein moved to direct staff to work with the applicant and the California Coastal Commission to see if action can be taken that would potentially make the LCPA acceptable to the City Council.

The amendment was accepted by the seconder of the motion.

The question was called, and the amended motion carried 4-1, Councilmember Grisanti opposed.

#### **ITEM 7 COUNCIL ITEMS**

None.

#### **ADJOURNMENT**

Mayor Pro Tem Uhring adjourned the meeting at 10:20 p.m.

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

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STEVE UHRING, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
APRIL 26, 2023  
COUNCIL CHAMBERS  
6:00 P.M.

The following meeting was held pursuant to AB 361 and teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

**MEETING CALL TO ORDER**

Mayor Pro Tem Uhring called the meeting to order at 6:00 p.m.

**ROLL CALL**

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

PRESENT: Mayor Bruce Silverstein (via teleconference); Mayor Pro Tem Steve Uhring; and Councilmembers Paul Grisanti, Marianne Riggins (via teleconference), and Doug Stewart

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Acting Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Renee Neermann, Finance Manager; and Tracey Rossine, Environmental Programs Manager

**PLEDGE OF ALLEGIANCE**

Lloyd Ahern led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on April 21, 2023.

**APPROVAL OF AGENDA**

MOTION Councilmember Stewart moved, and Councilmember Grisanti seconded a motion to approve the agenda. The question was called, and the motion carried unanimously.

**ITEM 1 NEW BUSINESS**

A. Proposed Budget for Fiscal Year 2023-24  
Recommended Action: Provide direction to staff on the Fiscal Year 2023-24 Proposed Budget.

Assistant City Manager Toney presented the staff report.

The Council directed questions to staff.

Assistant City Manager Toney presented the Management and Administration Department update.

The Council directed questions to staff.

Public Safety Director Dueñas presented the Public Safety Department update.

The Council directed questions to staff.

Acting Community Services Director Riesgo presented the Community Services Department update.

The Council directed questions to staff.

Environmental Sustainability Director Bundy and Environmental Programs Manager Rossine presented the Environmental Sustainability Department update.

The Council directed questions to staff.

Planning Director Mollica, presented the Planning Department update.

The Council directed questions to staff.

Public Works Director DuBoux presented the Public Works Department update.

The Council directed questions to staff.

Assistant City Manager Toney presented the summary to the report.

Mayor Pro Tem Uhring opened the floor to public comment. As there were no speakers present, Mayor Pro Tem Uhring returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff and Sergeant Chris Soderlund, Los Angeles County Sheriff Department.

## **ADJOURNMENT**

Mayor Pro Tem Uhring adjourned the meeting at 8:43 p.m.

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

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STEVE UHRING, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MAY 8, 2023  
COUNCIL CHAMBERS  
5:00 P.M.

The following meeting was held pursuant to AB 361 and teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

**MEETING CALL TO ORDER**

Mayor Silverstein called the meeting to order at 5:00 p.m.

**ROLL CALL**

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

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

**PUBLIC COMMENT ON CLOSED SESSION**

Mayor Silverstein opened the floor to public comment.

Emily Mann was not present at the time of the hearing.

**RECESS TO CLOSED SESSION**

At 5:02 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)

**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

**REGULAR SESSION CALL TO ORDER**

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

## **ROLL CALL**

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

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

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kristin Riesgo, Acting Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Christine Wood, Deputy City Attorney; Mark Johnson, Environmental Programs Coordinator; Tracey Rossine, Environmental Programs Manager, and Rebecca Evans, Administrative Assistant

## **PLEDGE OF ALLEGIANCE**

Pamela Conley Ulich led the Pledge of Allegiance.

## **CLOSED SESSION REPORT**

Interim City Attorney Rusin reported that the meeting convened at 5:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(2), 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**

Administrative Assistant Evans reported that the agenda for the meeting was properly posted on April 28, 2023, with the amended agenda posted on May 3, 2023.

## **APPROVAL OF AGENDA**

**MOTION** Mayor Pro Tem Uhring moved, and Councilmember Stewart seconded a motion to approve the agenda.

## **FRIENDLY AMENDMENT**

Councilmember Grisanti moved to adjourn in memory of Jeffrey Mazarella.

The amendment was accepted by the maker and the seconder of the motion.

The question was called, and the amended motion carried unanimously.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Presentation on “Safer from Wildfires” Framework and the New Regulations

Making Insurance Available and Affordable for all Californians

Armine Sargsyan, Outreach Analyst, California Department of Insurance, provided a presentation on their role in affordable fire insurance coverage.

The Council directed questions to Ms. Sargsyan.

B. Presentation on 2022 Environmental Programs Accomplishments (POLLUTION PREVENTION)

Environmental Sustainability Director Bundy and Environmental Programs Coordinator Johnson presented information on the City's efforts in pollution prevention.

C. Update Regarding Separation from Santa Monica-Malibu Unified School District

Deputy City Attorney Wood presented an update on school district separation efforts.

**ITEM 2.A. PUBLIC COMMENTS**

Norm Haynie commented on the Sea View Hotel project and provided an overview of deadlines for acceptance of modifications to the Local Coastal Program Amendment by the California Coastal Commission (CCC). He stated that he had the additional information requested by the Council at the prior hearing and requested that the matter was considered at the June 12, 2023 City Council meeting.

Pamela Conley Ulich commented on the importance of mental health awareness and community. She thanked the Council, City staff, and members of the public for their participation in meetings and their dedication. She stated that there were three unused parcels of City land that could be utilized for parks and recreation. She stated that the excess library funds could be used for the Malibu Film Society. She stated that she hoped the needs assessment would be used for an overall plan for the City.

Robert Gold commented on his involvement with the Crummer property and on the Sea View Hotel project as it pertained to entitlements, mitigation fees, and Local Coastal Program Amendment modifications.

Pam Eilerson, Malibu West Homeowners' Association Board of Directors, requested that the City Council revisit Resolution No. 11-41 which created the Broad Beach Geologic Hazard Abatement Zone (GHAD) and dissolve it and find better solutions for beach erosion.

Jake Lingo commented on an incident that occurred on a school outing and emphasized the importance of school safety and indicated support for armed security on campus.

Jefferson Wagner thanked the Council for their efforts on behalf of the community. He commented on the video he presented at the April 24, 2023 City Council meeting which played a portion of the April 17, 2023 Planning Commission meeting at which Planning Commissioner Kraig Hill stated that comments were made to him by a member of the public that he felt it was an attempt to influence his decision. He requested a follow-up on the matter as he had not heard anything. He stated that the State of the City Address was well run.

Ryan Embree commented on the antenna pole at the Santa Monica College Malibu campus. He stated that it was constructed illegally and was an eyesore that was left over from a joint project between Santa Monica College and Los Angeles County. He stated that in the materials presented to the Planning Commission for approval of the project, the antenna was not properly represented and two thirds of it was outside of the frame of the rendering. He stated that the applicant proposed a higher pole to the Federal Aviation Administration than they proposed to the City for approval.

Heather Alfano commented on the security event that occurred on May 3, 2023 that resulted in a lockdown of Malibu High School. She stated that Santa Monica-Malibu Unified School District failed in effective notification to parents and teachers at area schools. She stated that the information provided was inaccurate, inadequate and not timely enough for parents to make an informed decision on whether to send their children to school the next day. She stated that school security was the top priority and requested the City implement a heightened security plan.

Kraig Hill commented on the Baker Tilly report process and encouraged the City to work toward keeping meeting minutes up to date for historical reference.

Lori Harrod, California State Parks Acting District Superintendent, stated that all use of pesticides and herbicides in the Point Dume State Natural Preserve was halted and alternative solutions would be sought. She provided an update on the restoration of Point Dume and the stairway access.

Kian Schulman commented on the damaging effects of the use of pesticides and thanked California State Parks for understanding Malibu's need and halting the use of pesticides and herbicides in the community.

Jo Drummond commented on the communications tower in the Civic Center area and asked that the approval by the City be revoked based on a false and misleading application and the tower be removed. She requested that any subsequent communications tower be reviewed by the Public Works Commission.

Georgia Goldfarb commented on the damage the use of herbicides had and stated that the State Parks' justification for its use was their assertion that they received approval prior to the City's ban having gone into effect. She stated that there were ecologically friendly methods for weed control.

Melissa Solano commented on the importance of school security and the many valuable contributions of School Resource Officers. She requested that the City work with the Los Angeles County Sheriff's Department to provide security for Malibu schools.

Hap Henry, a Point Dume resident commented on the dangers of chemical herbicides. He applauded State Parks for their commitment to not using them at Point Dume State Park. He offered his and his neighbors' volunteer efforts for invasive plant species removal in the community.

Tim Pera, Mountains Recreation and Conservation Authority Ranger, reported that Rangers responded along with Los Angeles County Sheriff Department personnel to a rescue at Escondido Canyon Trail which involved a sprained ankle. He reported that they conducted patrols at Malibu Bluffs in response to reports of possible new encampments and did not encounter any. He stated additional ranger patrols were implemented during the weekend for enhanced public safety in the parks. He reported additional patrols were implemented at Escondido Canyon Trail for parking enforcement and crowd control. He stated that there was one service call for a locked gate at the Carbon West access point. He stated that daily patrols were conducted at all of their access points and public areas for any safety or maintenance concerns.

Hans Laetz stated that he was a 25-year resident and homeowner on Surfside Way in Malibu Park. He stated that in 2011 the City Council approved the creation of the Broad Beach GHAD and at that time he appeared before the Council and endorsed it. He stated that was a mistake and the amount of work was extensive and disruptive to the City. He stated State Lands Department and CCC failed to consider alternatives that would include what State Parks' planned for their Rindge Dam / Surfrider Beach project which would have sand trucked up north and brought back down by barge to the ultimate site where it would be deposited at Surfrider Beach. He stated something like that should be considered for the Broad Beach project. He stated that the City Council and City Attorney needed to provide alternative solutions for the State Lands Department's and the CCC's consideration.

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

City Manager McClary announced the Jane Seymour Expression art exhibition would begin May 22, 2023 at the Malibu City Gallery at City Hall and the Conversations with Jane Seymour event, hosted by the Malibu Arts Commission, would be held on June 4, 2023 at 12:00. He announced the outdoor screening of the documentary film *21 Miles in Malibu* would be held on May 19, 2023 at Bluffs Park with a pre-movie discussion about Pacific Coast Highway (PCH) safety by members of the Los Angeles County Sheriff Department beginning at 7:00 p.m. He reported that the prior week he attended the State of the City event and thanked County Supervisor Lindsay Horvath, Mayor Silverstein, Los Angeles County Sheriff Department Captain Jennifer Seetoo, the Chamber of Commerce, and Santa

Monica College for their contributions to the event. He stated that a video that summarized the City's accomplishments was available on the City's YouTube channel. He stated that he received information from the Department of Beaches and Harbors that the western portion of Zuma Beach was designated a Blue Flag award and there would be an official raising of the Blue Flag ceremony on May 25, 2023 at 2:00 p.m. He commented on the earthquake that just after 8:00 a.m. today, recorded at 3.4 magnitude, centered near Las Flores Canyon, and that there were no reports of damage to the City's facilities and reminded the community that earthquake preparedness information was available on the City's website. He provided information on items that would be on the May 22, 2023 City Council meeting agenda which included the proposed budget, General Fund grants, and workplan item, the report on the Library set-aside fees, and the public hearings for the Big Rock Mesa, Malibu Road, and Calle Del Barco assessment districts. He provided an update on the City's action regarding the communications tower in the Civic Center area and stated that the City sent a corrections letter to the property owner, Los Angeles County, and the City awaited their response.

Sergeant Chris Soderlund, Los Angeles County Sheriff Department, encouraged the community to attend the screening of the documentary *21 Miles in Malibu* at Bluffs Park. He announced the Lost Hills Sheriff Station annual open house on May 13, 2023 from 9:00 a.m. to 2:00 p.m. He announced that the Sheriff Department's participation in the City's Public Safety Expo on June 10, 2023. He provided the April 2023 crime statistics for Malibu and stated that there was a 23 percent reduction in the most serious crimes year-to-date from last year. He provided an update on notable incidents and stated that a suspect from Culver City was arrested for commercial burglary at an establishment at Cross Creek Road and a suspect from Los Angeles was arrested for residential burglary that occurred the previous month on PCH. He stated that two individuals from Bakersfield were arrested near Carbon Beach Road and PCH for possession of a vehicle stolen in the Fresno area and drug paraphernalia was found inside of the vehicle. He commented on the incident that occurred at the Getty Villa during a school outing and stated that the location was outside of the Lost Hills jurisdiction and the West Los Angeles Station of the Los Angeles Police Department (LAPD) covered that area. He stated that when his station learned of the incident, they responded and escorted the school bus and the students back to their campus in Malibu. He stated that they also took the lead in the investigation and conducted a joint threat assessment with the LAPD at the suspect's residence. He reminded the community that there was a full-time dedicated sergeant and three deputies assigned to the schools and that school safety was one of their top priorities. He stated that on May 2, 2023, he and the Malibu Special Assignment Deputies had the Recreational Vehicle that was illegally parked on PCH and an adjacent illegally parked van which had amassed numerous citations impounded and removed.

In response to Mayor Silverstein, Sergeant Soderlund stated that the school initiated the lockdown of the school and that to his knowledge, due to the serious nature of the crimes, the persons arrested were likely remained in custody.

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

Councilmember Grisanti stated that he attended the SMC Malibu Campus ribbon cutting ceremony. He stated he attended the State of the City event that was held at the SMC Malibu Campus. He stated he met with Los Angeles County Sheriff Robert Luna and State Senator Ben Allen the following day. He stated that he attended a preliminary groundbreaking ceremony at the Malibu Jewish Center and Synagogue and there would be a more formal groundbreaking ceremony once permits for the project were issued.

Councilmember Stewart stated he attended the groundbreaking ceremony at the Malibu Jewish Center and Synagogue and he hoped that permit would be issued soon so they could begin construction. He commented on the budget process and stated that there were over \$500,000 in requests from the General Fund Grant Program applications and the City had \$200,000 available for distribution and that the decisions were difficult. He stated there were increased allocations for public safety, in part due to the new Sheriff Department substation and that he looked forward to the upcoming school safety report. He stated that he attended the State of the City event and was impressed by the positive tone of the participants and accomplishments that were made. He stated that he was asked to have his name added to the fentanyl control letter at the State legislature hearing and that the City's support to the cause should be considered because it was a tremendous problem throughout the country and in California.

Councilmember Stewart suggested directing staff to bring back on a future agenda a staff review and recommendation regarding the development mitigation fees assessed in compliance with California Coastal Commission and a plan for how the City will address the issue.

Mayor Silverstein indicated support Councilmember Stewart's suggestion and recommended considering a Local Coastal Program Amendment to provide applicants an option to either provide a percentage of low-cost facilities or pay a mitigation fee.

Mayor Pro Tem Uhring and Councilmember Riggins agreed it should be discussed as part of the workplan discussion and prioritized accordingly.

Councilmember Grisanti agreed that it should be placed on an agenda for discussion.

**CONSENSUS**

By consensus, the Council directed staff to bring back on a future agenda: a) staff review and recommendation regarding the development mitigation fees assessed in compliance with California Coastal Commission; b) a plan for how the City will address the issue; and c) consideration of a Local Coastal Program Amendment to provide applicants an option to either provide a percentage of lowcost facilities or pay a mitigation fee

Councilmember Stewart stated that the development of a Parks plan and a Community Center were important for the community.

Councilmember Riggins stated that she attended the State of the City event and thought Mayor Silverstein and all the other speakers did a wonderful job. She stated that she attended the Southern California Association of Governments conference the previous week and that the topic of sustainability of electrical, making the grid all electric, electric vehicles was a top topic of discussion. In response to Ms. Ulich, she thanked her for bringing up the issue of mental health, and that it was something everyone needed to think about, and to consider your friends, neighbors, family, and yourself and take time for self-love. She thanked Mr. Lingo, Ms. Alfano, and the Sheriff Department for highlighting the incident at the Getty Center and for the Sheriff Department taking the lead on the incident to ensure that the students were safe. She stated that there were volunteers that were ready and able to pull weeds at the headlands, and that she participated in a volunteer event there the year prior and provided her contact information for the State Parks Department to coordinate efforts. She reminded the community, that in light of the morning's earthquake, to be prepared and assist their neighbors with emergency preparedness. She stated that one of her priorities was community outreach to help determine uses for the vacant City-owned parcels.

Mayor Pro Tem Uhring stated that he attended the weekly California Strategies meetings, and they were assisting the City in working their way through Sacramento. He stated that community members contacted him regarding the Malibu Film Society issues. He stated that the School Safety Task Force was working on that very important issue. In response to Mr. Wagner, he stated that there would be a report in the local newspaper regarding the comments Planning Commissioner Hill referenced at the Planning Commission meeting and that the City's legal team would research what had happened. He thanked State Parks for stopping the use of herbicides in Malibu and stated that he felt that they did a good job and that he held yearly State Parks passes. He stated that he was on the Santa Monica Bay Restoration Commission and discussed their ongoing projects, including dune restoration at Zuma Beach in Malibu, and down in Manhattan Beach, and down by Los Angeles International Airport. He stated they invited groups of students and their parents for participation in volunteer opportunities that were also educational and suggested they use a similar approach to get the community involved in preserving the environment. In response to MRCA Ranger Pera, he stated that there was heavy activity at the Escondido Trail and requested increased patrols in the area. He commented on Planning Commissioner Skylar Peak doing work for projects he voted on during his time on the City Council. He stated that there was much conversation on the radio, in the newspapers, and on social media despite there being no evidence of any wrongdoing. He stated that he completed three ethics courses in his roles with the City and other agencies and in each of those courses they indicated that perception was a major component. He stated that he was going to try to work with Interim City Attorney Rusin on the development of a code of ethics for the Planning Commission that would cover the interactions at the Commission table and perhaps some items in terms of what you

can do after you have voted on a topic whether you can go out and actually work with that person in that project sometime in the future. He stated that after something was drafted, they would bring it to the Council.

Interim City Attorney Rusin stated that consensus by the Council should be reached in order to place an item on the agenda for discussion.

In response to Councilmember Riggins, Interim City Attorney Rusin stated that there was a Brown Act training scheduled for May 31, 2023.

In response to Councilmember Riggins, Mayor Pro Tem Uhring clarified that ethics was a different topic than what was covered under the Brown Act. He specified that he wanted commissioner conduct and the image they presented to the community while serving on commissions to be addressed.

In response to Mayor Pro Tem Uhring, Mayor Silverstein stated that it did not appear there would be a consensus by the Council to have it placed on a future Council meeting agenda, but it was something that he could schedule as a Councilmember item.

In response to Councilmember Riggings, Interim City Attorney Rusin stated that there was a Planning Commission resolution that pertained to decorum, but he believed that Mayor Pro Tem Uhring proposed an update to those guidelines and additional provisions.

Mayor Silverstein reported that he spoke at the State of the City event the prior week and commended the other speakers as well as the video that was presented which was available on the City's website. He stated that he attended the gathering the following evening and spoke with Sheriff Luna and Assemblymember Jacqui Irwin and Senator Allen. He stated that he continued to communicate with Supervisor Horvath on a weekly basis about matters before the Board of Supervisors that affected Malibu. He stated that at the request of the Mayor of Santa Clarita he spoke with him about issues that involved affordable housing and the unhoused population with the prior week. He stated that two Newport Beach Councilmembers reached out to him for a discussion on the same topics and he planned to meet with them the following week. He stated that he attended the groundbreaking for the Malibu Jewish Center and Synagogue. He stated he had worked with representatives from the Malibu Film Society over the past two weeks to finalize the proposal that was on the evening's agenda, Item 7.A. He stated that he participated in an Administration and Finance Committee meeting with Councilmember Stewart and that he read through the grant applications and heard the applicants who spoke at the meeting. He stated that he participated weekly in the meetings with California Strategies. He stated that he agreed with the comments already made in response to Ms. Ulich. He stated that when the City purchased the vacant properties, it promised the residents a robust process for what should be done with those properties for the benefit of the community and it was time that that process began. In response to Ms. Eilerson and Mr. Laetz, he stated that he thought

the matter of the GHAD would be placed on a Council meeting agenda for discussion.

In response to Mayor Silverstein, City Manager McClary stated that staff was working on a draft of the report on the GHAD.

Mayor Silverstein commented on school safety and discussed amount of time the school safety report had taken. He stated that the City had pushed to move forward and that the school district had processes which slowed the project down and that was another reason school district separation was important. In response to Mr. Lingo, he stated that armed security was something that would be considered, but there were some residents who spoke strongly against that proposal. He stated that he hoped something could be done to address the communications tower in the Civic Center. He stated that he was glad that State Parks responded to the community's outcry against the use of herbicides and as was suggested the weeds could be pulled by hand by volunteers. He stated that a letter was received by the Council from Norm Haynie, and Mr. Haynie spoke during public comment and advocated that the Council place the proposed LCPA required for him to proceed with his hotel project back on the agenda, but the Council had already considered that item and voted in a 4-1 decision. He stated he believed Mr. Haynie was pursuing other efforts to get this reconsidered by the Council. He stated that Mr. Haynie's lawyer had been lobbying City staff and other members of the City Council to give him another try at approval of the proposed LCPA. He stated that they had a hearing and provided Mr. Haynie with guidance as to how he might go about getting the matter back on the agenda and he was told not that he should privately lobby for a re-hearing. He stated that because of the Brown Act, he could only know what Mr. Haynie had said to one other Councilmember. He stated that he hoped in the future Councilmembers would share in their reports what they were being told by members of the public outside their meetings. He stated he did not think it was appropriate that members of the public could speak to each of the Councilmembers before a meeting to stack the deck behind the scenes. He stated that he thought that violated the spirit, if not the letter, of the Brown Act. He stated that the Council gave Mr. Haynie guidance as to what he needed to do to get back on the agenda.

### **ITEM 3            CONSENT CALENDAR**

**MOTION**            Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to approve the Consent Calendar. The question was called, and the motion carried unanimously, Councilmembers Riggins and Stewart abstaining from Item No. 3.B.3.

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 68880-68960 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. 724 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$588,069.42. City of Malibu payroll check number 5337-5339 and ACH deposits were issued in the amount of \$253,148.44.

3. Approval of Minutes

Recommended Action: Approve the minutes for the March 24, 2022 Malibu City Council Special meeting.

4. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361

Recommended Action: Consider a motion to reaffirm Resolution No. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

5. Amendment No. 1 to Professional Services Agreements with CR Print, Inc. and Totalgraphics

Recommended Action: 1) Authorize the Mayor to execute the Professional Services Agreement Amendment No. 1 with CR Print, Inc. to extend the term of the agreement to July 31, 2023; and 2) Authorize the Mayor to execute the Professional Services Agreement Amendment No. 1 with Totalgraphics to extend the term of the agreement to July 31, 2023.

6. Disbandment of the Homelessness Task Force

Recommended Action: Approve Resolution No. 23-20 disbanding the Homelessness Task Force (Task Force) and reassigning Task Force Charter assignments to the Public Safety Commission.

7. Award Storm Drain Trash Screens Installation Phase Two Project

Recommended Action: 1) Authorize the City Manager to execute a construction contract with United Storm Water, Inc. in the amount of \$9,101 for the Storm Drain Trash Screens Installation Phase Two Project Specification No. 2102; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of the contract.

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

A. Appeal Nos. 22-006 and 22-012 – Appeals of Planning Commission Resolution No. 22-46 (33650 Pacific Coast Highway; Owner: Charals Haagan; Appellants: Jake Jenson and the Mountains Recreation and Conservation Authority)

Recommended Action: Continue this item to the May 22, 2023 Regular City Council meeting.

This item was continued upon approval of the agenda.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

- A. Letter in Opposition to Los Angeles County Board of Supervisors Motion to Take Actionable Steps to Depopulate and Decarcerate the Los Angeles County Jails  
Recommended Action: Consider authorizing the Mayor to send a letter to Los Angeles County Board of Supervisors Hilda Solis and Lindsey Horvath in opposition to a proposed motion to take actionable steps to depopulate and decarcerate the Los Angeles County jails.

Public Safety Director Dueñas presented the staff report.

The Council directed questions to staff.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, Mayor Silverstein returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff.

MOTION Councilmember Riggins moved, and Councilmember Stewart seconded a motion to authorize the Mayor to send a letter to Los Angeles County Board of Supervisors Hilda Solis and Lindsey Horvath in opposition to a proposed motion to take actionable steps to depopulate and decarcerate the Los Angeles County jails.

**FRIENDLY AMENDMENT**

Councilmember Grisanti moved to revise the tone of the letter to express appreciation for the continuance of the item.

The amendment was accepted by the maker and the seconder of the motion.

The question was called, and the amended motion carried unanimously.

- B. Letter in Opposition to Rotating Los Angeles County Sheriff's Deputies to Other Stations at Least Every Five Years

Recommended Action: Consider authorizing the Mayor to send a letter to Los Angeles County Sheriff, with copies sent to the Civilian Oversight Commission and Los Angeles County Supervisor Lindsey P. Horvath, in opposition to a recommendation to rotate patrol deputies in periodic rotations, no longer than every five years.

Public Safety Director Dueñas presented the staff report.

Mayor Silverstein opened the floor to public comment.

Speaker: Rudy Bermudez

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

The Council discussed the item and directed questions to staff.

**MOTION** Councilmember Stewart moved, and Councilmember Grisanti seconded a motion to authorize the Mayor to send a letter to Los Angeles County Sheriff, with copies sent to the Civilian Oversight Commission and Los Angeles County Supervisor Lindsey P. Horvath, in opposition to a recommendation to rotate patrol deputies in periodic rotations, no longer than every five years.

The Council discussed the motion.

**FRIENDLY AMENDMENT**

Mayor Silverstein moved to address the letter to the Los Angeles County Board of Supervisors office and the Civilian Oversight Commission rather than copy the letter that is addressed to the Los Angeles County Sheriff.

The amendment was accepted by the maker and the seconder of the motion.

The question was called, and the amended motion carried unanimously.

- C. 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.

Acting Community Services Director presented the staff report.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, Mayor Silverstein returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff.

**MOTION** Mayor Silverstein moved, and Mayor Pro Tem Uhring seconded a motion 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. The question was called, and the motion carried unanimously.

**RECESS** At 9:10 p.m., Mayor Silverstein recessed the meeting. The meeting resumed at 9:17 p.m. with all Councilmembers present.

**ITEM 7 COUNCIL ITEMS**

- A. Clarified Interpretation of Section 17.02.060 of the Malibu Municipal Code &

Grant Support for the Malibu Film Society to Fund Free Membership / Admission by Malibu Residents (Mayor Silverstein and Councilmember Grisanti)

Recommended Action:

1. Ask the City Council to provide an interpretation of Section 17.02.060 of the Malibu Municipal Code (the “MMC”) that permits “religious facilities” to host gatherings and/or events sponsored by non-profit organizations and are open to the general public and free to Malibu residents;
2. Ask the City Council to approve a grant of \$85,000 to the Malibu Film Society (the “MFS”) to offset (i) a forecasted deficit of approximately \$75,000 during the 2023-24 season resulting from providing membership and admission to film screenings and other events to Malibu residents free of charge, and (ii) approximately \$10,000 to establish a web-based system for registering and confirming free membership for Malibu residents who wish to avail themselves to that opportunity that is being facilitated by the City; and
3. Authorize the City Council to send a letter to the Los Angeles County Library (County) requesting that amount required to fund free membership to the MFS by Malibu residents be funded through the Malibu Library Set Aside Funds, with appropriate attribution to with appropriate attribution to the Library by the MFS, including promotion of Library membership and the benefits thereof.

Mayor Silverstein opened the floor to public comment.

Speakers: Scott Tallal, Angel Burns, John Johannessen, Jefferson Wagner, E. Barry Haldeman, Darlene Dubray, Howard Rudzki, and Jo Drummond

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

The Council discussed the item.

MOTION Mayor Silverstein moved, and Councilmember Grisanti seconded a motion to:

- 1) provide an interpretation of Section 17.02.060 of the Malibu Municipal Code (the “MMC”) that permits “religious facilities” to host gatherings and/or events sponsored by non-profit organizations and are open to the general public and free to Malibu residents;
- 2) direct staff bring back an item on the Consent Calendar to include a draft grant agreement specifying grant conditions and providing for a grant of \$85,000 to the Malibu Film Society (the “MFS”) to offset (i) a forecasted deficit of approximately \$75,000 during the 2023-24 season resulting from providing membership and admission to film screenings and other events to Malibu residents free of charge, and (ii) approximately \$10,000 to establish a web-based system for registering and confirming free membership for Malibu residents who wish to avail themselves to that opportunity that is being facilitated by the City; and
- 3) authorize the City Council to send a letter to the Los Angeles County Library (County) requesting that amount required to fund free membership to the MFS by Malibu residents be funded through the Malibu Library Set Aside Funds, with appropriate attribution to with appropriate attribution to the Library by the MFS,

including promotion of Library membership and the benefits thereof.

The Council discussed the motion and directed questions to staff, Mr. Tallal, and E. Barry Haldeman.

**FRIENDLY AMENDMENT**

Councilmember Stewart moved to amend the motion to: 1) allow no more than 110 events per year rather than the proposed 182; 2) determine the interpretation would be in effect for one year; and 3) provide that the City will absorb the relocation costs if a change in code or interpretation requires the Malibu Film Society to relocate after one year.

The Council discussed the amendment and directed questions to staff and Mr. Tallal.

The question was called, and the amended motion carried 3-2, Councilmember Riggins and Mayor Pro Tem Uhring opposed.

**ADJOURNMENT**

At 11:55 p.m., Councilmember Riggins moved, and Councilmember Stewart seconded a motion to adjourn the meeting in memory of Jeffrey Mazarella. The question was called, and the motion carried unanimously.

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

\_\_\_\_\_  
STEVE UHRING, Mayor

ATTEST:

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