



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: June 8, 2023 Meeting date: June 26, 2023

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the April 13, 2022 Malibu City Council Special meeting, the April 25, 2022 Malibu City Council Regular meeting, and the April 27, 2022 Malibu City Council Special meeting.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023. This is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meetings of April 13, 2022, April 25, 2022, and April 27, 2022.

ATTACHMENTS:

- April 13, 2022 Special meeting
- April 25, 2022 Regular meeting
- April 27, 2022 Special meeting

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
APRIL 13, 2022
COUNCIL CHAMBERS
2:30 P.M.

MEETING CALL TO ORDER

Mayor Grisanti called the meeting to order at 2:30 p.m.

ROLL CALL

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

PRESENT: Mayor Paul Grisanti; Mayor Pro Tem Bruce Silverstein; and Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, Interim City Manager; and Kelsey Pettijohn, City Clerk

PUBLIC COMMENT ON CLOSED SESSION

Mayor Grisanti opened the floor to public comment.

Speakers: None.

RECESS TO CLOSED SESSION

At 2:31 p.m., on the advice of counsel and based on existing facts and circumstances, 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: Interim City Manager

CLOSED SESSION REPORT

Interim City Attorney Cotti reported that the Special meeting convened at 2:30 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54957, with all Councilmembers present. He stated the Council conducted the Interim City Manager's performance evaluation. He reported the Council gave the Interim City Manager a positive performance evaluation and took no reportable action.

ADJOURNMENT

MOTION At 4:29 p.m., Mayor Grisanti adjourned the meeting.

Approved and adopted by the City Council of the
City of Malibu on _____.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
APRIL 25, 2022
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

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

REGULAR SESSION CALL TO ORDER

Mayor Grisanti 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 Paul Grisanti; Mayor Pro Tem Bruce Silverstein; and Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, Interim City Manager; Ruth Quinto, Interim Assistant City Manager/City Treasurer; Richard Mollica, Planning Director; Kelsey Pettijohn, City Clerk; Susan Dueñas, Public Safety Manager; and Elizabeth Shavelson, Assistant to the City Manager

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on April 15, 2022, with the amended agenda posted on April 18, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation on Co-Existing with Mountain Lions

Korinna Domingo, Founder and Director of Cougar Conservancy, provided information on conflict prevention and resolution between the mountain lion population and the community including available resources and best practices.

The Council directed questions to Ms. Domingo regarding recent sightings of mountain lions and other wildlife.

ITEM 2.A. PUBLIC COMMENTS

Jo Drummond discussed her concerns about Los Angeles County's plan to use Camp Kilpatrick for a juvenile detention center without an environmental study and stated she hoped the matter could be added to the April 27, 2022 Special City Council meeting agenda. She discussed district elections and stated they could allow Malibu two seats out of five on the Santa Monica-Malibu Unified School District (SM-MUSD) board. She stated Malibu should formally oppose the lawsuit by the City of Santa Monica and SM-MUSD opposing district elections. She stated an interpretation by the Council was needed of the Local Coastal Program Local Implementation Plan Section 13.4.1 in order for developers to not misuse the code to build structures over 150 percent the size of a structure lost in the 2018 Woolsey Fire. She stated Malibu should write an urgency ordinance similar to Palm Springs and Sonoma that would prevent fractional ownership real estate companies like Pacaso from operating timeshares in Malibu. She discussed the Temporary Use Permits (TUP) for events such as the Malibu Film Society and Summer Concert Series at Trancas Country Market and Malibu Lumber Yard. She questioned whether the County had a permit for the wireless transmission facility antenna tower in the Civic Center area as it did not conform to City code and safety standards.

Bill Sampson commented on the full-page advertisements the real estate company Pacaso had run in the Sunday edition of the Los Angeles Times newspaper and requested Council act to place restrictions on timeshares. He stated that he was disappointed in plans the County had to turn Camp Kilpatrick into a juvenile detention facility and stated that he had worked with youth detainees there felt he and the probation department had made positive impact on their life trajectory.

Lloyd Ahern commented on lawsuits involving Mayor Pro Tem Silverstein that he felt were costly monetarily and discussed Mayor Pro Tem Silverstein's recent conduct at a Los Angeles County Board of Supervisors (BOS) meeting. He expressed concerns that his behavior could be potentially counterproductive in Malibu working with the Los Angeles County BOS.

Douglas Burdge requested the Council take measures to be supportive of the Planning Department in processing applications and employee retention.

Peggy North commented on her experience with the Planning Department, a lack of communication, and delay in permit issuance, stating that she was frustrated with the dysfunctional and disorganized system that prevented her from having a timeline conducive to her securing contractors. She requested solutions be provided to create a better work environment to increase staff and give the Planning Department the resources they needed to help residents move on with their lives.

Josh Segal stated in addition to the Planning Department, other City departments also ran slowly and encouraged the Council to appoint Interim City Manager McClary as City Manager in order to hire staff and increase productivity.

Ryan Embree requested the large communications tower located in the Civic Center area be investigated and determined if it was properly permitted and stated he did not receive notification despite his property located nearby. He stated the conversion of Camp Kilpatrick into a juvenile detention center should be opposed by the City and stated the intensification of use required an environmental impact study. He requested an update on the short-term rental ordinance and how the City addressing Pacaso timeshares.

Georgia Goldfarb expressed concerns about her removal from the Parks and Recreation Commission by Councilmember Pierson and stated she felt it constituted illegal discrimination based upon her age and gender. She stated her experience as a pediatrician, a mother, and a grandmother, as well as having served on the Commission for three and a half years made her more than qualified.

Howard Rudzki requested clarification about a lawsuit brought against the City by the Mani Brothers. He stated that there was insufficient staffing at City Hall to help fire victims and address public safety adequately. He stated the City did not have the required relationships with those in Sacramento and Washington D.C. to accomplish goals the community had requested. He stated that he believed Councilmember Pierson was a good person and made his decision about the Parks and Recreation appointment based upon criteria that did not involve discrimination.

Mariam stated the comments made by Peggy North and Douglas Burdge were also in alignment with what she had experienced and requested the Council assistance in Planning Department applications being expedited to alleviate the frustration and difficulty many families experienced during the rebuilding process.

E. Barry Haldeman stated he appreciated the participation of the community and the Council in voicing their opposition to the proposed allowance of camping in the environmentally sensitive habitat area (ESHA) in the Santa Monica mountains that was discussed at the recent Los Angeles County BOS meeting and requested an update of any new information be provided to the community.

Lonnie Gordon requested the City research whether the communications tower in the Civic Center area was properly permitted.

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

Interim City Manager McClary reported the Los Angeles County Department of Health COVID-19 statistics as of the past Friday showed increased daily average case and testing positivity rates and while there was a decline in the number of hospitalizations and deaths, emergency room visits increased. He stated the Center for Disease Control community spread levels rating remained in the low category.

He stated about 80 percent of the samples in the County were the BA.2 subvariant. He stated statistics were likely higher than reported due to home testing not having been included. He stated updated quarantine guidelines would be posted on the City's website as they became available. He stated he attended a Malibu West Homeowners Association meeting and encouraged other homeowners' associations to request he attend one of their meetings as it helped him to become familiar with the community. He reported that Planning Department staff would research whether the communications tower that had been installed in the Civic Center area met approved specifications and the results would be reported to the Council and made available to the public.

Interim City Attorney Cotti stated the Santa Clarita lawsuit was being analyzed by the City Attorney's Office and information and a recommendation for the Council would be made available. He stated the Planning Department was drafting an ordinance to address timeshares. He stated the Mani Brothers lawsuit was a writ of mandate, it challenged and sought to overturn the Council's March 22, 2022 decision to deny their appeal. He stated that in response, at the Council's direction, the City had filed a demurrer, which was an anti-strategic lawsuits against public participation motion and were scheduled to be heard in late June or early July and no monetary damages had been sought.

Interim City Manager McClary announced the Fiscal Year 2022-23 Budget Workshop would be held on Wednesday, April 27, 2022 at 6:00 p.m. He stated the delay in Planning Department process times would be addressed by adding positions and in the interim contract planners would be used.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Uhring stated, regarding Camp Kilpatrick, he had heard that the Las Virgenes-Malibu Council of Governments (COG) meeting was held and the COG had not agreed to send a letter on its position to the Los Angeles County BOS. He stated in 2016 when he joined the Planning Commission, he was told by then City Manager Reva Feldman that he couldn't speak to Planning Department staff because they were understaffed. He said long application process time was a recurring problem and the upcoming budget meeting would need to address those challenges with a long-term solution needed for consistency and have residents needs met. He stated at the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting held on April 14, 2022 the implementation of a pesticide ban and the temporary use permit policy were discussed. He stated the Malibu Chamber of Commerce attempted to hold an unpermitted event the prior week at the Presbyterian church. He stated he attended a Santa Monica Bay Restoration Commission (SMBRC) meeting which examined factors that benefitted the enhancement of Santa Monica Bay and its watersheds. He stated the meeting was held in a hybrid format and it worked well. He stated SMBRC worked with the Ballona Creek wetlands, abalone restoration at Palos Verdes, kelp restoration off-coast, and sand dune restoration near Los Angeles International Airport, Manhattan Beach, and Malibu's Zuma Beach. He encouraged the

community to participate in the SMBRC's April 30, 2022 educational demonstration. He stated he watched the most recent Library Subcommittee meeting and confirmed with Interim City Manager McClary that the 16.6 million dollars in the library fund required Council approval to be disbursed. He stated he requested information about the communications tower in the Civic Center area from Planning Director Mollica. He stated the new shopping center signage to deter unpermitted car show gatherings had not been installed. He stated the position of the Los Angeles County BOS, as well as the Council of Governments (COG), was that the California Coastal Commission was responsible for the decision that allowed the conversion of Camp Kilpatrick to a juvenile detention center. He stated in response his opposition letter regarding camping in the mountains being allowed, the BOS office responded that people couldn't always get what they wanted. He encouraged the community to conduct research and vote wisely for the next Supervisor representing the Malibu area.

Councilmember Farrer stated she was currently the COG president, and the COG had unanimously approved a motion at the March COG meeting to send a letter opposing the conversion of Camp Kilpatrick. She stated the Council had failed to pass a motion directing staff to send a letter of opposition to the BOS. She stated at the April COG meeting, members of Los Angeles County, the Probation Department, and BOS member Sheila Kuehl's office presented information on the Camp Kilpatrick project. She stated no consensus was reached regarding camping in the Santa Monica Mountains being allowed and the matter would be revisited at a future COG meeting. She reported the COG approved a draft of a letter that supported the recommendations of the Blue Ribbon Commission on Homelessness that indicated improvements were needed in the efforts of the Los Angeles Homeless Services Authority. She stated she attended two weekly Friday School District Separation Ad Hoc Committee meetings. She confirmed there were approximately 16 million dollars in excess funds and stated those were not funds in the City budget, they were controlled by the Library, and they had recommendations for their use. She announced the Library Subcommittee was scheduled to reconvene May 2, 2022 at 3:30 p.m.

Councilmember Pierson thanked Interim City Manager McClary for attending the Malibu West Homeowners Association Sunset on the Deck meeting. He reported that at the ZORACES meeting it was agreed that the pesticide ban needed to be developed and implemented immediately. He stated there were some divergent opinions regarding TUPs, but points were made that were valuable for the Council discussion and encouraged community participation in meetings that involved the TUPs because the outcome affected everyone. He indicated agreement with Councilmember Uhring that there were very bright people on the SMBRC and stated one of their unfunded projects involved 90 acres of property owned by the Mountains Recreation and Conservation Authority up Carbon Mesa Road that was caused concern. He acknowledged the concerns raised by members of the public including the communications tower, Pacaso timeshares, and the delays experienced in the Planning Department process. He stated he was not able to hear the entirety of Mr. Burdge's comments and would like Mr. Burdge to contact him

for clarification. He thanked Mr. Haldeman and the others who participated in the BOS meeting and requested notice be provided by the City when the matter of Camp Kilpatrick was discussed in the future. He stated he also attended two School District Separation Ad Hoc Committee meetings. He stated he attended the Library Subcommittee meeting and the library funds were separate from the City's general fund and he would like the funds used for programming that benefitted families and children.

Mayor Pro Tem Silverstein stated it was reported to him by multiple sources the communications tower in the Civic Center area was an unpermitted structure and suggested the County should discount services for Malibu in exchange for any money generated from rental of the tower. He clarified the factors that led him to vote against the motion that involved a letter of opposition to the Camp Kilpatrick proposal to the BOS: a draft of the letter had not been provided in order for an informed decision and the fact that the letter would not have been received by the County in advance of the vote. He indicates support for forming a committee to consider future actions related to Camp Kilpatrick, such as a letter or potential legal action. He stated he spoke at the BOS as an individual. He stated legal action pursued against a decision by the County which allowed camping in ESHA could potentially prove more effective than a letter. He stated regarding homelessness, he read Supervisor Kuehl's critical statement that was in response to the City's efforts to find sheltering options outside of Malibu and seek funding to do so. He stated the County kept 93 percent of Malibu property taxes and the City also paid for other County services, including contracted law enforcement services. He stated most unhoused individuals in Malibu had previously lived in other parts of Los Angeles County before becoming unhoused. He indicated agreement with Ms. Drummond's comments. He stated he agreed with the prospect of Mani Brothers lawsuit coverage by the Malibu Times and stated he had information he had acquired during his research of the lawsuit he would share with those who requested. He stated he needed more information on the projects Mr. Burdge and others had referred to and that he had conversations with Planning Director Mollica about project delays in general and it was his understanding that the Planning Department at times was blamed when applicants and their representatives failed to provide the requisite information and materials. He discussed the challenges of retaining Planning staff. He thanked Mr. Haldeman for participation in the BOS meeting.

Mayor Grisanti reported that he attended a Chamber of Commerce mixer that was held at Pepperdine on April 14, 2022. He stated he was unaware of the event Councilmember Uhring referenced and he would look into whether an unpermitted event was held. He stated he was listed as an honorary member since he joined the Council and had not attended a board meeting since. He stated he attended the Community Emergency Response Team meeting on April 16, 2022 at Malibu City Hall and reported they would participate in the June preparedness event. He thanked the City staff for their efforts at the hazardous waste collection event held on April 16, 2022. On Saturday, April 23, 2022 he attended "The Road to Carnegie Hall" fundraiser event which benefitted the Malibu High School orchestra, organized in conjunction with the Malibu Arts Society and Malibu Arts Commission. He

encouraged the Council to reflect on the comments regarding the Planning Department challenges when the budget was considered at the upcoming City budget meeting.

Acting Captain Joseph Fender, Los Angeles County Sheriff's Department, reported he attended a Crime Management Forum that morning and the region was down in crime. He stated they had a Citizen Advisory Committee meeting on April 19, 2022 where members of the Malibu Community had the opportunity to exchange information with representatives from neighboring communities and the Sheriff's Department. He discussed potentially establishing a Malibu Community Advisory Committee due to the nature of Malibu's sprawling geography and distinct neighborhoods within the City. He stated that an illegal sale of tobacco sting had been conducted the prior week in Calabasas. He reported on his meeting with the Topanga Coalition for Emergency Preparedness on April 20, 2022 where he discussed fire safety issues. He stated a mobile catalytic converter etching event could be arranged within the next month as a theft deterrent. He stated he attended the wildlife crossing opening event and although outside of the City of Malibu, impacted everyone in the Santa Monica Mountains area. He announced an upcoming "Coffee with a Deputy" event was scheduled for May or June at a location to be determined. He reported the deployment of Sheriff Department personnel in Malibu was fully met despite the understaffed station as shortfalls were covered by overtime shifts. In response to Mayor Pro Tem Silverstein, he stated he would address community concerns about the aesthetics of the communications tower with appropriate County personnel.

Lieutenant Chad Watters, Los Angeles County Sheriff's Department, reported on the Sheriff's Department activity which addressed violations in Malibu. He stated during one unpermitted car show, 49 citations for speeding and / or racing were issued, one vehicle was towed, and nine with loud exhaust were sent to the traffic referee. He reported the verbiage for the signs was nearly finalized and the signs would be posted within the next couple of weeks. He stated there was a State-funded crosswalk operation at Grant Elementary School with 46 fail-to-yield citations issued, five cell-phone violations, one unsafe speed violation, and one unlicensed driver citation. He stated he observed a diminished turnout for the car show events over the last two weeks. He stated during the past month 914 citations were issued, with 316 of those for unsafe speed. He encouraged drivers to slow down and pay attention. He stated that the unpermitted Recreational Vehicle (RV) parking was being worked on with another RV towed in addition to mitigation of the vehicle burglaries in the beach areas.

Mr. Rudzki was recognized by Mayor Grisanti and he inquired about details of the lawsuit brought about by the Mani Brothers.

In response to Mr. Rudzki, Mayor Pro Tem Silverstein stated that best manner in which the lawsuit could be understood was a review of the legal papers which he could send him.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.4. was pulled by the public.

MOTION Councilmember Pierson moved, and Councilmember Farrer seconded a motion to approve the Consent Calendar, pulling Item No. 3.B.4. The question was called, and 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 65585-65704 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. 702 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$698,062.80. City of Malibu payroll check numbers 5221-5222 and ACH deposits were issued in the amount of \$234,971.39.

3. Approval of Minutes

Recommended Action: Approve the minutes for the September 13, 2021 Malibu City Council Special meeting.

5. Professional Services Agreement for Dark Sky Outreach and Implementation Consulting Services

Recommended Action: Authorize the Mayor to execute a professional services agreement with Design Services, Inc. dba Benya Burnett Consultancy to provide Dark Sky Outreach and Implementation consulting services.

6. Professional Services Agreement with 30 Three Sixty Public Finance, Inc.

Recommended Action: Authorize the Mayor to execute Professional Services Agreement with 30 Three Sixty Public Finance, Inc. for assessment district administrative service on the various assessment districts within the City.

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

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. 21-64, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

Mayor Grisanti opened the floor for public comment.

Speakers: Bill Sampson and Howard Rudzki.

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

MOTION Councilmember Pierson moved, and Councilmember Farrer seconded a motion to reaffirm Resolution No. 21-64, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

FRIENDLY AMENDMENT

Mayor Pro Tem Silverstein moved to amend the motion to adopt a resolution modifying the language of Resolution No. 21-64 add the words “have the ability” to Section 1.F. of Resolution No. 21-64 for it to state: “The City Council of the City of Malibu desires to continue to have the ability hold virtual meetings pursuant to AB 361 and Government Code section 54953(e).”

The Council discussed the motion.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Schedule of Fees Fiscal Year 2022-2023
Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 22-13 establishing the Schedule of Fees for Fiscal Year 2022-2023.

Assistant City Manager/City Treasurer Quinto presented the staff report.

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

MOTION Councilmember Farrer moved and Councilmember Pierson seconded a motion to adopt Resolution No. 22-13 establishing the Schedule of Fees for Fiscal Year 2022-2023.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

RECESS At 8:29 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 8:39 p.m. with all Councilmembers present.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Potential Tax Measures

Recommended Action: 1) Receive report on potential tax measures previously identified by the City Council, 2) Direct staff to bring back resolutions to submit the question to the voters, setting priorities for arguments and rebuttals, and 3) Direct the City Attorney to prepare an impartial analysis.

Assistant to the City Manager Shavelson presented the staff report.

The Council directed questions to staff and Barry Foster of HdL Companies.

As there were no further questions for staff Mayor Grisanti opened the floor for public comment.

Speakers: Ryan Embree and Howard Rudzki.

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

The Council discussed the item and directed questions to staff.

Mayor Grisanti recognized Norman Haynie's request to speak.

The Council discussed the item.

MOTION Mayor Grisanti moved, and Councilmember Farrer second a motion to direct staff to back bring more information on a 0.5 percent Transaction and Use Tax.

FRIENDLY AMENDMENT

Mayor Pro Tem Silverstein moved to amend the motion to direct staff to bring more back information on: 1) a Transient Occupancy Tax Measure; and 2) the process to become a Charter City to implement a Documentary Transfer Tax.

The amendment was accepted by the maker and the seconder.

The Council discussed the amended motion.

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

B. Temporary Day-Use Impound Yard

Recommended Action: 1) Review a recommendation by the Public Safety Commission regarding establishing a temporary day-use impound yard; and 2) Provide direction to staff.

Public Safety Manager Dueñas and Planning Director Mollica presented the staff report.

The Council directed questions to staff and Public Safety Commissioner Chris Frost.

As there were no further questions for staff, Mayor Grisanti opened the floor for public comment.

Speakers: Jo Drummond, Patt Healy, Josh Spiegel, Wade Major, Ryan Embree, Georgia Goldfarb, Chris Frost, Howard Rudzki, and Doug Stewart.

Bill Sampson was not present at the time of the hearing.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Pierson moved, and Councilmember Farrer seconded a motion to direct staff to bring back an urgency ordinance terminating no later than October 1, 2022, amending the City's Temporary Use Permit Ordinance to allow for the permitting of a temporary day-use impound yard at the city-owned property at Pacific Coast Highway and Heathercliff Road.

The Council discussed the motion.

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

ITEM 7 COUNCIL ITEMS

- A. Council Appointment to the Parks and Recreation Commission
Recommended Action: Mayor Pro Tem Silverstein may make a new appointment to the Parks and Recreation Commission.

Mayor Grisanti opened the floor for public comment.

Speakers: Georgia Goldfarb and Jo Drummond.

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

Mayor Pro Tem Silverstein appointed Georgia Goldfarb to the Parks and Recreation Commission.

B. In-Person Meetings (Mayor Pro Tem Silverstein)

Recommended Action: At the request of Mayor Pro Tem Silverstein, either reaffirm or reverse the Council's action at its Regular meeting on March 28, 2022 to resume in-person City Council, Commission, Committee and Board meetings starting May 9, 2022 and provide direction to staff as needed.

Mayor Pro Tem Silverstein presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Jo Drummond, Lloyd Ahern, Patt Healy, Georgia Goldfarb, Howard Rudzki, and Ryan Embree.

Bill Sampson was not present at the time of the hearing.

The Council discussed the item and directed questions to staff.

MOTION Councilmember Farrer moved, and Mayor Pro Tem Silverstein seconded a motion that the City Council meeting on May 9, 2022 would be held in-person to remain consistent with public hearing noticing and the City Council would otherwise continue holding virtual meetings, directed the Planning Commission to hold an in-person meeting on May 16, 2022 to be consistent with existing noticing of public hearings and otherwise continue holding virtual meetings, and directed all other Commissions, Committees and Boards to continue meeting virtually.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

ADJOURNMENT

At 11:59 p.m., Mayor Pro Tem Silverstein moved and Councilmember Pierson seconded a motion to adjourn the meeting. The question was called and the motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on _____.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
APRIL 27, 2022
TELECONFERENCED - VARIOUS LOCATIONS
4:00 P.M.

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

MEETING CALL TO ORDER

Mayor Grisanti called the meeting to order at 4:00 p.m.

ROLL CALL

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

PRESENT: Mayor Paul Grisanti; Mayor Pro Tem Bruce Silverstein; and Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

PUBLIC COMMENT ON CLOSED SESSION

Mayor Grisanti opened the floor to public comment.

Speaker: Ryan Embree

E. Barry Haldeman was not present at the time of the hearing.

As there were no other speakers present Mayor Grisanti closed public comment and returned the matter to the table for discussion.

RECESS TO CLOSED SESSION

At 4:05 p.m., on the advice of counsel and based on existing facts and circumstances, 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: Interim City Manager
2. Public Employee Appointment
Title: City Manager

Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

1. City representative: Interim City Attorney John Cotti
Unrepresented employee: Interim City Manager Steve McClary

SPECIAL SESSION CALL TO ORDER

Mayor Grisanti called the meeting to order at 6:00 p.m.

ROLL CALL

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

PRESENT: Mayor Paul Grisanti; Mayor Pro Tem Bruce Silverstein; and Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, Interim City Manager; Ruth Quinto, Interim Assistant City Manager/City Treasurer; Richard Mollica, Planning Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; and Kelsey Pettijohn, City Clerk

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Cotti reported that the meeting convened at 4:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54957 and 54957.6 with all Councilmembers present. He stated the Council appointed Steve McClary as permanent City Manager, subject to a contract with Mr. McClary and an agreement on terms, that was by a vote of 4-1, with Councilmember Uhring opposed. There were no other reportable actions.

APPROVAL OF AGENDA

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

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on April 21, 2022, with the amended agenda posted on April 25, 2022.

ITEM 1 NEW BUSINESS

- A. Proposed Budget for Fiscal Year 2022-2023
Recommended Action: Provide direction to staff on the Proposed Budget and Annual Work Plan for Fiscal Year 2022-2023.

Interim Assistant City Manager/City Treasurer Quinto, Environmental Sustainability Director Bundy, Planning Director Mollica, and Public Works Director DuBoux presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Don Schmitz, Jo Drummond, Ryan Embree, Bill Sampson, Norman Haynie, Ken Adelberg, Howard Rudzki, and John Mazza.

Pamela Ulich and Lottie Cherin were not present at the time of the hearing.

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

The Council discussed the item and directed questions to staff.

ADJOURNMENT

MOTION At 8:48 p.m., Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to adjourn the meeting. The question was called and the motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on _____.

BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)