



# 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 28, 2023 Meeting date: July 10, 2023

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the May 9, 2022 Malibu City Council Regular meeting, the May 23, 2022 Malibu City Council Regular meeting, and the May 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 May 9, 2022, May 23, 2022, and May 27, 2022.

**ATTACHMENTS:**

May 9, 2022 Regular meeting  
May 23, 2022 Regular meeting  
April 27, 2022 Special meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MAY 9, 2022  
COUNCIL CHAMBERS  
6:30 P.M.

**MEETING CALL TO ORDER**

Mayor Grisanti called the meeting to order at 5:32 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 (via teleconference), and Steve Uhring (arrived at 5:37 p.m.)

**PUBLIC COMMENT ON CLOSED SESSION**

Mayor Grisanti opened the floor to public comment.

Speakers: Doug Stewart, Howard Rudzki, (Councilmember Uhring arrived at 5:37 p.m.) and Marianne Riggins

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 5:40 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:

**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: 2

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

1. 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

## **REGULAR SESSION CALL TO ORDER**

Mayor Grisanti called the meeting to order at 6:43 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 (via teleconference), and Steve Uhring

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, Interim City Manager; Kelsey Pettijohn, City Clerk; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; and Kate Gallo, Recreation Manager

## **PLEDGE OF ALLEGIANCE**

Dennis Robert Smith led the Pledge of Allegiance.

## **CLOSED SESSION REPORT**

Interim City Manager McClary reported that the meeting convened at 5:30 p.m., after which time the Council recessed to a Closed Session pursuant to Government Code Sections 54956.9, 54957, and 54957.6 with all Councilmembers present. He stated the Council met with Lindsay Puckett of Stoel Rives and discussed the first matter listed on the closed session agenda and took no reportable action.

Interim City Attorney Cotti reported the Council discussed the second and third items on the closed session agenda, tabled Item No. 6.A., and took no other reportable action.

## **APPROVAL OF AGENDA**

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

## **FRIENDLY AMENDMENT**

Mayor Grisanti moved to hear Item Nos. 4.A., 4.B., and 4.C. after Item No. 1.A.

The amendment was accepted by the maker and the seconder.

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

## REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on April 29, 2022, with the amended agenda posted on May 5, 2022, and the second amended agenda posted May 6, 2022.

### ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of City Tile to Oscar Mondragon for Service to the City of Malibu

Mayor Grisanti presented the City Tile for service to the City of Malibu to Oscar Mondragon.

Mr. Mondragon discussed the community labor exchange and stated it was a team effort to provide a safe place for workers to connect with employers over the past 29 years and expressed appreciation for the recognition.

### ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Adopt Urgency Ordinance No. 499U (Day-Use Impound Yard)

Recommended Action: 1) Adopt Urgency Ordinance No. 499U amending Malibu Municipal Code Section 17.68.040 (Temporary Uses Requiring Permit) to allow for a temporary day-use impound yard, subject to a temporary use permit, during the summer, at Assessor Parcel No. 4466-021-028, generally located at the intersection of Pacific Coast Highway and Heathercliff Road, and finding the action exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; and 2) Provide direction to staff on whether to process a Zoning Text Amendment consistent with the urgency ordinance.

Planning Director Mollica presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Chris Frost, Josh Spiegel, Doug Stewart, Pamela Conley-Ulich, Scott Dittrich, 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.

MOTION Councilmember Farrer moved, and Mayor Grisanti seconded a motion to adopt Urgency Ordinance No. 499U amending Malibu Municipal Code Section 17.68.040 (Temporary Uses Requiring Permit) to allow for a temporary day-use impound yard, subject to a temporary use permit, during the summer, at Assessor Parcel No. 4466-021-028, generally located at the intersection of Pacific Coast

Highway and Heathercliff Road, and finding the action exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried 4-1, Mayor Pro Tem Silverstein opposed.

Item Nos. 4.B. and 4.C. were heard concurrently.

- B. Appeal No. 21-017 - Appeal of Planning Commission Resolution No. 21-06 (33386 Pacific Coast Highway; Appellant/Property Owner: 180 PCH, LLC)  
Recommended Action: Adopt Resolution No. 22-16, denying Appeal No. 21-017 and denying Coastal Development Permit No. 14-073 to construct a new 2,825-square foot, two-story, single-family residence, including a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre (RR-2) zoning district at 33386 Pacific Coast Highway (180 PCH, LLC).
- C. Appeal No. 21-018 - Appeal of Planning Commission Resolution No. 21-07 (33398 Pacific Coast Highway; Appellant/Property Owner: 180 PCH, LLC)  
Recommended Action: Adopt Resolution No. 22-17, denying Appeal No. 21-018 and denying Coastal Development Permit No. 14-072 to construct a new 2,825-square foot, two-story, single-family residence, including a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre (RR-2) zoning district at 33398 Pacific Coast Highway (180 PCH, LLC).

Planning Director Mollica presented the staff report.

Disclosures: Mayor Pro Tem Silverstein, Mayor Grisanti, Councilmembers Uhring, Farrer, and Pierson

The Council directed questions to staff.

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

Speakers: Fred Gaines, Don Schmitz, Doug Burdge, Richard Weintraub, Hushmand Sohali, Tyler Kruse (on behalf of Mr. Haagen), David Rosen (Lloyd Saitman deferred his time to Mr. Rosen), James Yankopoulos (on behalf of Paula Yankopoulos), Mathew Mark, James George (Will Marlatt, Hannah George, and Jason Stewart deferred their time to Mr. George), Janice George, Christel Flannery, Lynn Jacob, Jerry Jacob, John Henning, Scott Dittrich, and Samuel Volpert

Pamela Conley-Ulich was not present at the time of the hearing.

Mr. Weintraub and Mr. Gaines provided rebuttal to public comment.

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

The Council discussed the item.

**RECESS** At 8:46 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 9:00 p.m. with all Councilmembers present.

The Council discussed the item and directed questions to Mr. Saitman, Mr. Henning, Mr. Gaines, Mr. Burdge, Mr. Schmitz, and staff.

**MOTION** Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to direct staff to bring revised resolutions denying: 1) Appeal No. 21-017 - Appeal of Planning Commission Resolution No. 21-06 (33386 Pacific Coast Highway; Appellant/Property Owner: 180 PCH, LLC); and 2) Appeal No. 21-018 - Appeal of Planning Commission Resolution No. 21-07 (33398 Pacific Coast Highway; Appellant/Property Owner: 180 PCH, LLC).

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

At 9:37 p.m., Councilmember Pierson left the meeting.

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

Howard Rudzki discussed Captain Jennifer Seetoo's appointment at the Los Angeles County Sheriff's Department. He stated the water main break on Via Escondido in the previous few days was attended to by Water District 29 personnel who worked for more than 12 hours straight to repair the problem.

Jefferson Wagner stated it was good to be back in the Council Chambers and he hoped the positive decorum demonstrated would continue. He requested to have the meeting adjourn in memory of Johnny Fain and stated there was a well-attended paddle-out in his honor and discussed his legacy.

Lance Simmens discussed the importance of consensus in the City considering the divisive political environment at all levels of government. He discussed Mayor Pro Tem Silverstein's comments at the Los Angeles County Board of Supervisors (BOS) meeting. He stated it was important for the City to have a good working relationship with governmental political partners.

Marianne Riggins stated the City was at 99 percent of its undesignated reserve funds and the City only needed to be at 50 percent or 65 percent for the City to retain its high bond rating. She suggested using some of those reserves to repay the approximately 7.3 million dollars in Measure M and Measure R transportation funds that were used to purchase the vacant properties in 2018. She stated that removing those encumbrances would be an excellent use of the undesignated reserve funds in order to use the properties for uses consistent with the needs of Malibu residents.

Scott Dittrich stated people from outside of the City were making money on development within the City that was not aligned with the best interest of the community. He stated the City should find consensus in order to mount a unified offense against forces attacking Malibu such as proposals the County BOS was considering. He stated disagreement was fine, but no one deserved personal attacks.

Lloyd Ahern discussed the Smart Coast California Conference that would be held on May 19 and 20, 2022 in Long Beach. He stated he would like a representative from Malibu to attend the conference.

Pamela Conley-Ulich was not present at the time of the hearing.

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

Scott Dittrich, Public Works Commission, discussed the antennae tower next to the Santa Monica College campus. He stated the project was not reviewed by the Public Works Commission and requested large-scale projects be considered by the Public Works Commission.

Interim City Manager McClary stated Jennifer Seetoo had been appointed as the next Captain of the Lost Hills Sheriff Station. He thanked Acting Captain Joseph Fender for his work. He stated COVID-19 case numbers had mildly increased, but hospital resources were not currently strained in Los Angeles County. He stated they were tracking several variances in the County and Malibu was still considered to have low community spread despite an increase in cases in the County. He reminded the public that masks were still required to be worn indoors in high-risk situations such as hospital settings, residential care, adult senior care facilities, hospitals, and shelters. He stated he and Public Works Director DuBoux met with staff for the Regional Water Quality Control Board staff on the City's request for an extension for Phase 2 on the Civic Center Water Treatment Facility (CCWTF) and good feedback was received and the City was awaiting a response on the extension request. He stated virtual meetings would resume with the May 23, 2022

City Council meeting and the May 16, 2022 Planning Commission meeting would be held in-person. He stated the Fiscal Year (FY) 2022-23 budget workshop was held the previous week and a video of the presentation would be available on the City's website. He announced that following this evening's in-person Council meeting, the Planning Commission would hold its May 16, 2022 meeting in-person and subsequent meetings would again be held remotely. He stated an item would be brought back to the Council for discussion and direction to staff whether future meetings would be conducted remotely, in-person, or in a hybrid format.

In response to Interim City Manager McClary, Planning Director Mollica stated Councilmembers had requested information on fire rebuilds which applied for a like-for-like permit and followed it up with an additional permit for Director level approval to add additional square footage. He stated the requested information was available on the Malibu Rebuilds website on the statistics page. In response to Mayor Pro Tem Silverstein, Planning Director Mollica clarified the statistics only included administrative plan reviews, which were ministerial projects which required Planning Director approval, did not require a coastal development permit, and would not have been brought before the Planning Commission.

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

Councilmember Uhring indicated support for Captain Seetoo's return to the Lost Hills Sheriff's station and thanked Lieutenant Fender for his work to address the unpermitted car shows. He stated he attended the FY 2022-23 budget workshop and an Administration and Finance Subcommittee meeting. He stated the budget appeared to be in good shape, and there were potential additional costs such as the possible addition of a dedicated Sheriff's Deputy stationed at Malibu High School. He stated he would like a meeting scheduled before June to discuss the value the City received for money it spent to remedy problems in the City and other initiatives. He stated another Administration and Finance Subcommittee meeting was held to discuss the General Fund grants and substantial progress had been made and they planned to meet again prior to the end of May in order to finalize their recommendations. He stated he had a meeting with development personnel at Pepperdine University regarding the Dark Sky Ordinance and they were on track to become the first Dark Sky university in the country.

Councilmember Farrer stated people could disagree without hostility or social media attacks. She stated use of the undesignated reserve should be discussed by the Council and repaying the Measure M and Measure R transportation funds would be a worthy discussion. She stated the best way for the City to control development was for the City to purchase land for public use. She stated she attended the School District Separation Ad Hoc Committee meetings. She stated she attended the Dolphin Awards and congratulated the winners. She stated she attended a Library Subcommittee meeting where potential uses for excess funds were discussed.

Mayor Pro Tem Silverstein congratulated Interim City Manager McClary on his pending appointment. He congratulated Captain Seetoo on her return the Lost Hills



Sheriff's station. He stated he would like to have correspondence that was submitted shortly before the meeting made more readily available, and suggested it be posted on the City's website.

In response to Mayor Pro Tem Silverstein, City Clerk Pettijohn clarified correspondence was uploaded to the City's public records portal on the website after the meeting and was available to the public without a formal public records request.

Mayor Pro Tem Silverstein stated he would like the information to be even more easily accessible. He stated although it was nice to see people in person, it was not yet safe enough for in-person meetings to resume and he would like public participants to be able to appear on camera during virtual meetings and would like to allow the public to defer minutes to increase other participants' speaking time. He stated he agreed with Councilmember Farrer that civil and respectful debate could be engaged in when disagreements arose. He stated that unless compromise was the goal, 5-0 decisions were not important and there were some principles that should not be compromised. He stated he had a constitutional right to speak in his own words in public as he did at the County BOS meeting and clarified he announced at that time that he was speaking as an individual.

Mayor Grisanti thanked the Sheriff's Department for conducting captain interviews with COG City Managers and stated that there were two good candidates in Lieutenant Fender and Captain Seetoo. He stated he was a sponsor of the Smart Coast California conference and encouraged attendance at their May 20, 2022 meeting. He stated he attended the Dolphin Awards and a Southern California Association of Governments meeting.

Mayor Pro Tem Silverstein stated he had advocated since before his election to use the City's reserve funds to repay the Measure R and Measure M funds.

### **ITEM 3        CONSENT CALENDAR**

**MOTION**        Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to approve the Consent Calendar. The question was called, and the motion carried 4-0, Councilmember Pierson absent.

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 65705-65817 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. 703 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$3,188,078.89. City of Malibu payroll check numbers 5223-5224 and ACH deposits were issued in the amount of \$231,675.37.

3. Approval of Minutes

Recommended Action: Approve the minutes for the September 13, 2021 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. 22-15, re-authorizing remote teleconferencing/virtual meetings pursuant to AB

5. Award Malibu Bluffs Park Shade Structure Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with Western State Builders, Inc. in the amount \$55,901 for the Malibu Bluffs Park Shade Structure Project, Specification No. 2093; 2) Authorize the Public Works Director to approve potential change orders up to 15% of contract; and 3) Adopt Resolution No. 22-14 approving the blanket authority to file applications for grant funds from the Los Angeles County Regional Park and Open Space District for Measure A Funding.

6. Los Angeles County Measure R Transportation Funding Agreement

Recommended Action: Authorize the Mayor to execute the Measure R Funding Agreement for the Pacific Coast Highway Intersection Improvements - Trancas Canyon Road Project.

7. Professional Services Agreement with Chen Ryan Associates, Inc. dba CR Associates

Recommended Action: Authorize the Mayor to execute Professional Services Agreement with Chen Ryan Associates, Inc. dba CR Associates for engineering design services for the Pacific Coast Highway Intersection Improvements - Trancas Canyon Road in an amount of \$155,940.62.

8. Amendment to Professional Services Agreement with Kimley Horn and Associates, Inc.

Recommended Action: Authorize the Mayor to executed Amendment No. 3 to the Professional Services Agreement with Kimley Horn and Associates, Inc. in the amount of \$165,750 for a total not to exceed \$2,943,010 for additional assistance during bidding and construction phases and extending the term of the agreement for the Pacific Coast Highway Signal Synchronization Project.

9. Award Michael Landon Center HVAC Unit Replacement Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with AC Pros, Inc. in the amount \$24,900 for the Michael Landon Center Heating Ventilation and Air Conditioning (HVAC) Unit Replacement Project, Specification No. 2095; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of contract.

10. Amendment to Professional Services Agreement with SDI Presence

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with SDI Presence LLC.

**ITEM 5      OLD BUSINESS**

None.

**ITEM 6      NEW BUSINESS**

- A.    Employment Agreement for City Manager Services between the City of Malibu and Steven L. McClary

Recommended Action: Approve the employment agreement dated May 9, 2022 for City Manager Services between the City of Malibu and Steven L. McClary and authorize the Mayor to execute the agreement on behalf of the City Council.

This item was tabled to a subsequent meeting.

**ITEM 7      COUNCIL ITEMS**

- A.    2022-2023 Harry Barovsky Memorial Youth Commission Appointments

Recommended Action: Appoint Commissioners to the 2022-2023 Harry Barovsky Memorial Youth Commission.

Recreation Manager Gallo presented the staff report.

The Council discussed the item.

MOTION    Councilmember Farrer moved, and Councilmember Uhring seconded a motion to appoint as 2022-2023 Harry Barovsky Memorial Youth Commissioners:

Addison Arlidge, Austin Aragon, Allegra Barzan, Garrett Button, Tyler Button, Duna Divito, Kylie Epstein, Logan Epstein, Colton Fisher, James Fisher, Sailor Graham, Maya Guzman, Maxine Kelly, Chloe Loquet, Michael Maischoss, Patrick Mickens, Takoda Moore, Cooper Norby, Hank Norby, Axel Polito, and Luke Webster

The question was called, and the motion carried 4-0, Councilmember Pierson absent.

**ADJOURNMENT**

At 10:20 p.m., Councilmember Uhring moved, and Mayor Pro Tem Silverstein seconded a motion to adjourn the meeting. The motion carried 4-0, Councilmember Pierson absent.

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

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MAY 23, 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.**

**MEETING CALL TO ORDER**

Councilmember Farrer called the meeting to order at 5:30 p.m.

**ROLL CALL**

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

PRESENT: Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

ABSENT: Mayor Paul Grisanti and Mayor Pro Tem Bruce Silverstein

**PUBLIC COMMENT ON CLOSED SESSION**

Speakers: None.

**RECESS TO CLOSED SESSION**

At 5:31 p.m., on the advice of counsel and based on existing facts and circumstances, the Council recessed to Closed Session to discuss the following item listed on the Closed Session agenda:

**Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1):**

1. Case Name: City's Petition to Form Malibu Unified School District from Territory in the Santa Monica-Malibu Unified School District

**REGULAR SESSION CALL TO ORDER**

Councilmember Farrer 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: Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

ABSENT: Mayor Paul Grisanti and Mayor Pro Tem Bruce Silverstein

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, Interim City Manager; Ruth Quinto, Interim Assistant City Manager/City Treasurer; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Matt Myerhoff, Media Information Officer; Elizabeth Shavelson, Deputy City Manager; Rebecca Evans, Administrative Assistant; and Troy Spayd, Assistant Public Works Director/Assistant City Engineer

## **PLEDGE OF ALLEGIANCE**

Councilmember Farrer led the Pledge of Allegiance.

## **CLOSED SESSION REPORT**

Interim City Attorney Cotti reported that the meeting convened at 5:30 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(1) with Mayor Pro Tem Silverstein and Mayor Grisanti absent. He stated the Council took no reportable action.

## **APPROVAL OF AGENDA**

**MOTION** Councilmember Pierson moved, and Councilmember Farrer seconded a motion to approve the agenda. The question was called, and the motion carried 3-0, Mayor Pro Tem Silverstein and Mayor Grisanti absent.

## **REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on May 13, 2022.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

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

Kraig Hill stated he had a conversation with Mayor Grisanti and Public Safety Manager Dueñas about logistics involved in illegally parked cars in the eastern part of Malibu being towed to a day-use impound lot at Heathercliff Road. He expressed his concerns about due process in scheduling a Planning Commission agenda item involving Malibu High School on a day where he will not be available to attend and therefore the item would not be considered before the full Commission. He stated that not having expenses incurred by Planning Commissioners reimbursed demonstrated the role of Planning Commissioners was not valued. He stated the

Commission was not advisory but was a quasi-judiciary decision-making body that conducted official City business. He stated that he had presented materials that demonstrated a precedent that other cities paid their Planning Commissioners a stipend and was told that would be a conversation for when the City budget was less strained and he stated that time had come.

Lloyd Ahern commented on the impressive participation from other cities and governmental offices in the Smart Coast California organization's conference in Long Beach and expressed his desire for the City to become involved in the future.

Burt Ross stated that the use of expletive language by Mayor Pro Tem Silverstein when he addressed the Los Angeles County Board of Supervisors meeting was inappropriate. He stated that although Mayor Pro Tem Silverstein contended he had spoken as a private individual, he introduced himself as the Mayor Pro Tem of Malibu. He stated the presentation Mayor Pro Tem Silverstein shared at the meeting provided valuable information but he found his use of obscenities disrespectful.

Pamela Conley-Ulich commented on recent events surrounding Children's Creative Workshop (CCW) preschool that was run by Shari Latta for over 40 years and had been displaced due to activities involving Santa Monica Malibu Unified School District but had been granted an extension in its current space in order for the preschool children to graduate on June 10, 2022. She requested the City officially honor her for her service to the community and implored the Council to find ways to assist organizations that teach children important life lessons.

Norm Haynie stated he attended a seminar Thursday evening on ways sea level rise could be dealt with.

Captain Jennifer Seetoo, Los Angeles County Sheriff's Department, stated it was good to be back working with the Malibu Community and offered the Sheriff Department's support and encouraged people reach out to her on ways the department could assist.

Lieutenant Chad Watters, Los Angeles County Sheriff's Department, reported vehicle burglaries had increased but the Sheriff's Department had run a sting operation that yielded encouraging results and another operation was planned for upcoming weeks. He stated the number of assaults was down and there was one domestic violence incident. He stated the trending crimes in other parts of the County had not seeped into the Malibu area. He stated total citations numbered 1,156 and there were less speeding and fewer collisions. He stated the beach team would be increasing its numbers in the coming months. He reported the new Sheriff's station at Santa Monica College was in the last stages of construction.

Ryan Embree and Scott Dittrich were not present at the time of the hearing.

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

Interim City Manager McClary encouraged water conservation efforts due to the current drought despite mandatory restrictions not having been put in place. He reported the City's Code Enforcement staff issued 28 citations for illegal use of leaf blowers in response to complaints during the month of May. He stated 213 short-term rental permits had been issued to date, with approximately 60 pending. He stated COVID-19 cases, testing positivity, and hospitalizations had increased in recent weeks, but the deathrate remained steady. He stated the County had employed new metrics for outbreaks to be tracked and traced back to their origin. He stated he met with new Sheriff's Department Captain Seetoo the prior week and was eager to hear her ideas to address the Malibu community's safety concerns. He introduced new Assistant City Manager Joseph Toney.

Assistant City Manager Toney stated he looked forward to supporting the City team and the community and implementation of the Council's policy directives.

Interim City Manager McClary stated he attended the Council of Governments (COG) meeting the prior weekend and models for a Malibu Sheriff's station would be explored at a future date.

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

Councilmember Uhring welcomed Captain Seetoo and commended the Sheriff's Department on the effective mitigation measures that had been taken toward the nuisance and safety concerns the unpermitted car shows presented. He stated he attended a Clean Power Alliance (CPA) meeting and a pricing model was being developed to help them strengthen their financial position. He stated he attended the most recent Administration and Finance Subcommittee meeting with Councilmember Pierson and the General Funds grants had been finalized. He stated he attended the Environmental Sustainability Subcommittee meeting held earlier in the day and there was a great amount of effort being put forth toward the improvement and protection of the environment.

In response to Councilmember Uhring, Environmental Sustainability Director Bundy stated that a video of the meeting was available on the City's website.

Councilmember Pierson stated that he attended the Administration and Finance Subcommittee and Environmental Sustainability Subcommittee meetings and commended staff on the volume of work accomplished. He stated Captain Seetoo and Lieutenant Watters made a great team. He thanked Councilmember Uhring for attending the CPA meeting. In response to public speaker Mr. Hill, he stated he agreed with him that the auto towing situation was less than ideal and was a work in progress. He stated he had not been aware a Planning Commission agenda item that pertained to Malibu High School had been scheduled on a day that there would not be a full Commission present. He stated he wished the matter of Planning Commissioner reimbursement and compensation had been brought to his attention.



sooner. In response to public speaker Mr. Ahern, he stated he was not able to attend the Smart Coast California meeting due to scheduling conflicts but that it was a meritorious organization in which Mayor Grisanti was involved. In response to Ms. Conley-Ulich, he stated he and his wife attempted to find a solution to keep CCW operational in the community but were unable to. He stated their children had attended CCW and agreed Ms. Latta deserved to be recognized for her contributions. In response to Interim City Manager McClary, he stated he was surprised mandatory water restrictions were not already in place due to the severity of the drought. He stated he was aware of Code Enforcement staff activity and that they were historically busy. He stated he participated as a panelist speaker at the United States Green Building Council conference regarding fire resiliency. He encouraged the community to harden their homes in anticipation of future fires.

Councilmember Farrer welcomed Captain Seetoo and thanked Lieutenant Watters for his work with the Malibu community. She stated the day-use impound yard was a temporary measure and when the program was scheduled to end in October it could be evaluated and other options considered for the future. In response to Mr. Haynie, she stated that sea level rise was not going away and confirmed Mayor Grisanti served on the board of Smart Coast California and that she would like the City to be more involved in that organization. She stated that she had also searched for solutions to assist CCW and was not certain if Ms. Latta wanted to relocate or if the school would just close and she would check and an update would be provided to the Council. In response to Interim City Manager McClary, she stated that although there were not mandatory water restrictions in place in Malibu, as West Basin had requested a voluntary water usage reduction of 30 percent. She stated that the fact that COVID-19 cases had increased was affirmation meetings should be held remotely. She stated she looked forward to meeting Assistant City Manager Toney in the coming weeks. She stated in recent weeks she attended the Contract Cities annual municipal seminar and stated their motto was “Strength through Collaboration.” She stated she attended a panel discussion with two Los Angeles County Supervisors, Janice Hahn and Kathryn Barger, a Ventura County Supervisor, and a City Councilmember from one of the cities in Riverside County. She stated she attended presentations from Los Angeles County Department of Public Works, Los Angeles County Fire and Sheriff’s Departments, and presentations on the topics of housing and workforce development and retention. She stated she attended the May 17, 2022 COG meeting and the May 18, 2022 Los Angeles County Library Commission meeting.

## **ITEM 2.A. PUBLIC COMMENTS (Continued)**

Scott Dittrich announced the Citizen Emergency Response Team, in conjunction with the City would hold a Safety Expo on June 4, 2022 and information could be found on the City’s website.

Norm Haynie stated he agreed on the value of involvement with the Smart Coast California organization, and that he attended the entire conference.

Ryan Embree suggested the City engage a professional public grant writer and consider filling that position with a capital campaign fundraising professional. He stated the City should explore further land acquisition as land values were increasing and he had ideas on how land could be acquired at less than full value. He stated the City already had Certificates of Participation out on other land and those were at relatively low and competitive interest rates and if they were to send out for certificates in the future, they would likely have to pay higher percentage rates. He stated the Memorandum of Understanding the City had with Caltrans required the City cover costs associated with maintenance, repair, and the electricity to operate the traffic signals along the State highway. He stated there were improvements and signals that were imposed upon the City and there were more planned such as an electrified crosswalk which would affect traffic flow. He stated that it was an optional agreement and the obligation to be responsible for replacement and upgrades was added later and not a part of the original agreement. He stated an audit was listed on the warrant register and he would like to know if the audit that had taken place previously was a performance or a financial audit.

Joel Schulman suggested the meeting call-in number appear prominently on the virtual meeting page for the public to be made aware there was an alternative to computer participation.

### **ITEM 3      CONSENT CALENDAR**

Item Nos. 3.B.2. and 3.B.12. were pulled by the public.

**MOTION**      Councilmember Pierson moved, and Councilmember Uhring seconded a motion to approve the Consent Calendar pulling Item Nos. 3.B.2. and 3.B.12. The question was called, and the motion carried 3-0, Mayor Pro Tem Silverstein and Mayor Grisanti absent.

#### **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.
3.      Approval of Minutes  
Recommended Action: Approve the minutes for the September 27, 2021 Malibu City Council Regular meeting and October 5, 2021 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. 22-15, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.
5.      Amendment to Agreement with Rincon Consultants, Inc to Provide On-Call Consulting Services

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Agreement with Rincon Consultants, Inc. to increase the total agreement compensation from \$40,000 to \$190,000.

6. Amendments to Agreements with Solid Waste Solutions, Inc. and SCS Engineers to Provide Solid Waste Consulting Services

Recommended Action: 1) Authorize the Mayor to execute Amendment No. 2 to Agreement with Solid Waste Solutions, Inc. as a primary consultant to allow for a one-year extension of the existing agreement through June 30, 2023, and to update the scope of work; and 2) Authorize the Mayor to execute Amendment No. 2 to Agreement with SCS Engineers as a secondary consultant and to allow for a one-year extension of the existing agreement through June 30, 2023, and to update the scope of work.

7. Amendment to Agreement with Rincon Consultants, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to Agreement with Rincon Consultants, Inc. to allow for a one-year extension of the existing agreement through June 30, 2023 with a corresponding compensation for the additional year of service.

8. Professional Services Agreement with CPARS Consulting, Inc.

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with CPARS Consulting, Inc for the creation and implementation of an earthquake tabletop exercise, and the creation of an earthquake response playbook in an amount not to exceed \$46,172.

9. Award Point Dume Walkway Repairs Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with JTEC Corporation in the amount of \$96,525 for the Point Dume Walkway Repairs Project, Specification No. 2094; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of contract.

10. Amendment to Professional Services Agreement with Moffatt & Nichol

Recommended Action: Authorize the Mayor to execute Amendment No. 8 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$20,000 for professional engineering services to prepare additional responses to Federal Emergency Management Agency (FEMA) comments and analysis of the City's FEMA Letter of Map Revision and comparison to the draft Flood Insurance Study and draft Flood Insurance Rate Map and extend the term of the agreement.

11. Amendment to Professional Services Agreement with American Guard Services, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with American Guard Services, Inc. to correct the compensation schedule.

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

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 65818-65954 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. 704 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$567,409.73. City of Malibu payroll check numbers 5225-5226 and ACH deposits were issued in the amount of \$230,836.75.

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

Councilmember Farrer opened the floor for public comment.

Speaker: Ryan Embree

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

MOTION

Councilmember Uhring moved, and Councilmember Pierson seconded a motion to allow and approve warrant demand numbers 65818-65954 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. 704 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$567,409.73. City of Malibu payroll check numbers 5225-5226 and ACH deposits were issued in the amount of \$230,836.75. The question was called, and the motion carried 3-0, Mayor Pro Tem Silverstein and Mayor Grisanti absent.

12. Fiscal Year 2021-22 Third Quarter Financial Report

Recommended Action: Approve Fiscal Year 2021-22 Third Quarter financial information.

Councilmember Farrer opened the floor for public comment.

Speaker: Ryan Embree

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

Interim Assistant City Manager/City Treasurer Quinto provided a response to public comment.

MOTION

Councilmember Uhring moved, and Councilmember Pierson seconded a motion to approve Fiscal Year 2021-22 Third Quarter financial information. The question was called, and the motion carried 3-0, Mayor Pro Tem Silverstein and Mayor Grisanti absent.

**ITEM 4      ORDINANCES AND PUBLIC HEARINGS**

A.      Proposed Budget for Fiscal Year 2022-23

Recommended Action: 1) Conduct the Public Hearing; and 2) Provide direction to staff on the Proposed Budget and Annual Work Plan for Fiscal Year 2022-23.

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

Councilmember Farrer opened the floor for public comment.

Speakers: Jo Drummond and Ryan Embree

Pamela Conley-Ulich was not present at the time of the hearing.

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

The Council directed discussed the item and questions to staff.

MOTION      Councilmember Farrer moved, and Councilmember Uhring seconded a motion to receive and file the Proposed Budget and Annual Work Plan for Fiscal Year 2022-23. The question was called, and the motion carried 3-0, Mayor Pro Tem Silverstein and Mayor Grisanti absent.

RECESS      At 8:32 p.m., Councilmember Farrer recessed the meeting. The meeting resumed at 8:39 p.m. with Mayor Pro Tem Silverstein and Mayor Grisanti absent.

B.      Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 22-18 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

Environmental Sustainability Director Bundy presented the staff report.

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

The Council discussed the item and directed questions to staff.

**MOTION** Councilmember Pierson moved, and Councilmember Uhring seconded a motion to adopt Resolution No. 22-18 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30. The question was called, and the motion carried 3-0, Mayor Pro Tem Silverstein and Mayor Grisanti absent.

**ITEM 5 OLD BUSINESS**

**A. Potential Tax Measures and Other Potential Measures**

Recommended Action: 1) Receive report on potential tax measures requested 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.

Deputy City Manager Shavelson presented the staff report.

Councilmember Farrer opened the floor for public comment.

Speakers: Ryan Embree, Jo Drummond, and Norm Haynie.

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

The Council directed questions to staff and discussed the item.

The Council received the report and provided direction to staff.

**ITEM 6 NEW BUSINESS**

**A. Malibu Library Set Aside Fund for Fiscal Year 2022-2023**

Recommended Action: Approve the use of Set Aside Funds for the Malibu Library for Fiscal Year 2022-2023.

Deputy City Manager Shavelson presented the staff report.

Councilmember Farrer opened the floor for public comment.

Speakers: Laura Rosenthal, John Erickson, Laura Bollinger, Jefferson Wagner, Theresa Earle, Katherine Hennigan, Ryan Embree, and Jo Drummond.

Pamela Conley-Uhlich was not present at the time of the hearing.

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

The Council discussed the item and directed questions to staff, Los Angeles County Administrative Deputy Grace Reyes, and Laura Rosenthal.

**MOTION** Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the use of Set Aside Funds for the Malibu Library for Fiscal Year 2022-2023 as recommended by the Library Subcommittee and including the endowment for the Los Angeles County Library Foundation. The question was called, and the motion carried 2-1, Councilmember Uhring opposed and Mayor Pro Tem Silverstein and Mayor Grisanti absent.

**ITEM 7 COUNCIL ITEMS**

None.

**ADJOURNMENT**

At 10:15 p.m. Councilmember Farrer adjourned the meeting.

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

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
MAY 27, 2022  
TELECONFERENCED - VARIOUS LOCATIONS  
2:00 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 2:00 p.m.

**ROLL CALL**

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

PRESENT: Mayor Paul Grisanti and Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

ABSENT: Mayor Pro Tem Bruce Silverstein

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 2:01 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 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



**Conference with Legal Counsel – Anticipated Litigation**

1. Pursuant to Government Code section 54956.9(d)(4)  
Initiation of litigation: One matter

At 2:26 p.m., Mayor Grisanti called the meeting back to order with Mayor Pro Tem Silverstein absent.

**CLOSED SESSION REPORT**

Interim City Attorney Cotti reported that the meeting convened at 2:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54957, 54957.6, and 54956.9(d)(4) with all Councilmembers present. He stated the Council discussed terms of the City Manager's agreement, and that an item would appear on the next City Council Regular meeting agenda for consideration by the Council at a public meeting as was required. He stated on the matter of potential anticipated litigation, the Council heard from attorney Steve Taber and decided to take no action.

**ADJOURNMENT**

MOTION At 2:29 p.m., Councilmember Pierson moved, and Councilmember Farrer seconded a motion to adjourn the meeting. The question was called and the motion carried 4-0, Mayor Pro Tem Silverstein absent.

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

\_\_\_\_\_  
BRUCE SILVERSTEIN, Mayor

ATTEST:

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