



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: August 16, 2023 Meeting date: August 28, 2023

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the August 8, 2022 Malibu City Council Regular meeting, August 22, 2022 Malibu City Council Regular meeting, September 27, 2022 Malibu City Council Regular 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 August 8, 2022, August 22, 2022, and September 27, 2022.

ATTACHMENTS:

August 8, 2022 Regular meeting
August 22, 2022 Regular meeting
September 27, 2022 Regular meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
AUGUST 8, 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

Mayor Grisanti 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: 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.

Speakers: None.

RECESS TO CLOSED SESSION

At 5:32 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

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

1. Jason Riddick et al. v. City of Malibu, LASC Case No. 21SMCP00655

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: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Kelsey Pettijohn, City Clerk; Elizabeth Shavelson, Deputy City Manager; Kristin Riesgo, Community Services Deputy Director; Raneika Brooks, Senior Planner; Tyler Eaton, Associate Planner; Adrian Fernandez, Assistant Planning Director; and Luis Flores, Public Safety Liaison

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 5:30 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9 and 54956.9(d)(1) with all Councilmembers present. He stated the Council discussed the items pertaining to anticipated litigation and took no reportable action. He stated on the matter of Jason Riddick et al. v. City of Malibu, LASC Case No. 21SMCP00655 which involved a challenge to the City's decision regarding the Riddick's accessory dwelling unit project, Mayor Pro Tem Silverstein and Councilmember Pierson recused themselves and Councilmembers Farrer and Uhring and Mayor Grisanti directed the City Attorney to seek appellate review of the decision in Jason Riddick et al. v. City of Malibu, LASC Case No. 21SMCP00655.

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 July 29, 2022, with the amended agenda posted on August 4, 2022 and the seconded amended agenda posted on August 5, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Rosemarie Ihde introduced a video which outlined a timeline on the fire rebuild project at 6244 Busch Drive.

Betty Keefe used her time to present the next portion of the video introduced by Ms. Ihde.

Rosemary Sampson presented the remainder of the video introduced by Ms. Ihde.

Bill Sampson stated that the hosted short-term rental (STR) ordinance California Coastal Commission hearing scheduled for Friday, August 12, 2022 was avoidable had the City enforced the existing codes and not allowed short-term. He stated that he read Steve Lopez' column the Saturday edition of the Los Angeles Times about a vehicular incident in Los Angeles at La Brea and Slauson and encouraged the Council to address traffic safety.

Kraig Hill encouraged the Council to allow the deferral of speakers' time in virtual meetings as it worked well at the Planning Commission meetings. He stated the mission of the Mountains Recreation and Conservation Authority (MRCA) had changed and they were aggressively territorial with their projects. He stated near Nicholas Beach a private developer had teamed up with the MRCA to provide a private vertical access easement over several private properties where the deeds expressly did not allow public access.

Jefferson Wagner stated that because there were no infractions or violations found when his home and business were raided by the Los Angeles County District Attorney's Office and two Federal agencies a few years prior, refunds were returned to the contributors to his legal defense fund and he thanked the public.

Ryan Embree commented on the antenna tower at 23555 West Civic Center Way and stated that it was not built to code or camouflaged and was an eyesore that reduced nearby residents' home values. He encouraged the City to have legal action brought about against the property's owner. He stated that a policy that allowed the deferral of speakers' time should be instituted as consolidated presentations would reduce meeting time.

Dorian Whitney stated that he was an area resident and frequent visitor to Malibu and encouraged the Council to address pedestrian safety on Pacific Coast Highway (PCH). He discussed the lack of crosswalks and suggested a minimum of ten additional crosswalk be installed along PCH as Malibu was very geographically spread out.

Georgia Goldfarb, Terry Lucoff, and Hashi Clark were not present at the time of the hearing.

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

City Manager McClary stated the temporary day-use tow yard pilot program was working well, and that 167 vehicles were towed through the weekend prior to last. He announced the Homeless Connect Day event would be held on Thursday, September 22, 2022 at the former Malibu courthouse next to the library in the Civic Center. He stated the California Coastal Commission (CCC) meeting would be held at the King Gillette Ranch on Friday, August 12, 2022, with a local government workshop on sea-level rise in the morning with the hearing for the City's hosted short-term rental ordinance in the afternoon. He provided an update on the City Hall COVID-19 outbreak, stating that indoor mask use was recommended but optional. He reported that COVID-19 numbers in the City were in the County's medium community transmission level with steady declines week to week. He stated there were just under 6400 new cases, with a drop in the seven-day average of 5900 from 6700. He stated that hospitalizations were down, with the majority not COVID-19 related and the seven-day average test positivity rate was 15 percent compared to the state's 16 and the nationwide rate of 17. He stated throughout the County, worksite clusters had decreased from 429 to 399 and that the BA.5 variant accounted for 71 percent of reported cases. He stated he had attended an update on the Santa Monica College Malibu Campus and the community interest survey was still open and could be completed at the college's website, smc.edu/malibusurvey. He stated that a potential spring 2023 schedule had been developed in addition to tentative events planned at the campus. He stated they were still on track for a November or December 2022 construction completion date with the Sheriff's Department substation portion scheduled to be staffed and operational by July 1, 2023. He stated that he attended an informational briefing on the Topanga Lagoon restoration project which would not likely commence until 2026 or later and discussed the tentative plans for the project. He stated the license plate reader cameras were ordered and that the Public Works Department would work with the Sheriff's Department to have them installed. He reported there was another significant SCE outage on Saturday on the Cuthbert circuit from 1:00 to 4:00 p.m. which impacted 2300 residents and was caused by a tree branch that fell on a powerline by tree trimming activity being conducted by a tree-trimming service. In response to Mayor Pro Tem Silverstein, he stated he would find out if the tree trimming service was hired by SCE or a homeowner. He stated that he checked and drip pans were being used at the tow yard, and staff would make statistics available to the public and the Council on the number of cars that were left overnight, retrieved by owners, and towed to the other site.

In response to Mayor Pro Tem Silverstein, Mayor Grisanti discussed the tow yard update provided at the Public Safety Commission meeting. He stated no cars had been unclaimed by days end at the temporary tow yard, and none had been towed across the hill. He discussed the tow fees and what portion of the fees were received by the City.

Lieutenant Dustin Carr, Los Angeles County Sheriff's Department, announced that he as recently appointed as City's lieutenant, and was enthusiastic to work in the community. He stated the illegally parked motorhomes along PCH across from

Broad Beach had been addressed. He discussed how illegally parked vehicles in the Civic Center were being addressed. He stated vehicles racing on PCH were using the Paradise Cove stop light as a starting point to race across the City and that their units were briefed and worked on an operation of maximum enforcement. He stated that in crime statistics for the month of July, they had five less vehicle burglaries than they did in the month of June, which represented an approximately 31 percent reduction. He stated that statistics for June were released to the City and represented a year-over-year crime reduction of about .8 percent. He stated that serious crime from June to July was not up and that crime seemed to be consistent with the summer months and high tourism. He reported there were no fatal collisions during the month of July and that 1,002 citations were issued, 498 of which were for speeding and other hazardous driving behavior, 504 were non-hazardous citations, and four were seatbelt violations. He stated that there were six driving under the influence incidents, two of which were a result of collisions. He stated there were 41 total traffic collisions within the City, and speeding was the largest factor in the collisions. He provided an update of the beach team statistics, as of July 26, 2022, 1,420 parking citations were issued, 348 for possession of alcohol, two for having dogs on the beach and three for smoking. He stated there were four hazardous vehicle violations, two non-hazardous violations, and three miscellaneous citations issued. He stated there were seven warrant arrests, which included three misdemeanor arrests and one felony arrest.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Uhring stated that he had watched the Lindsey Horvath and Robert Hertzberg debate for County Supervisor. He stated that in prior weeks he received numerous calls about unauthorized events, one of which included a tent with overnight accommodations. He stated he received calls regarding potentially illegal construction. He stated that he participated in a conversation with Planning Director Mollica and Assistant City Manager Toney and that he felt that persons who held repeatedly held unpermitted events were disrespectful and wasted staff's time and that there needed to be a deterrent. He stated there was an article in the New York Post promoting a Pacaso timeshare house in Malibu and should be addressed to avoid the same difficulties there were with short-term rentals. He stated that he agreed with public speaker Mr. Hill that the MRCA did not take into consideration the City's concerns, and that should be addressed. He stated that he agreed with Mr. Whitney, that traffic was hazardous for pedestrians who tried to cross PCH. He commended Lieutenant Carr for his report. He stated that residents had concerns images captured by license plate readers would be handled. He stated the procurement of National Oceanic and Atmospheric Administration radios should be explored for use during a disaster.

Councilmember Pierson stated that pedestrian safety on PCH was an ongoing concern and that the highway was not on City property and Caltrans was responsible for matters regarding PCH. He stated that he was relieved the Sheriff Department's monthly report noted there were no fatalities, because all too often there were. He thanked Lieutenant Carr for his report and congratulated him on his

appointment. He requested an update regarding the communications tower on the Santa Monica College (SMC) property. He stated that Planning staff sent him the original 2016 Planning Commission item for the SMC project and that the drawings provided showed the tower but that it seemed more understated on the plans than it turned out to be once constructed. He stated that he agreed that timeshare homes like Pacaso were problematic. He stated that he found it unfortunate that so many speakers spent so much time lining up to go after someone, and that a lot of other residents were caught in what appeared to be something politically motivated. He stated that the upcoming CCC hearing on the City's hosted STR ordinance was important, and that he hoped for participation from the Council and the public.

Mayor Pro Tem Silverstein stated that the upcoming CCC hearing on the City's hosted STR ordinance was important and that he had encouraged residents to send in their written comments. He stated that he provided written comments to the CCC and he saw comments from some residents and on social media about protesters who planned on lining the road holding signs about the negative impacts of short-term rentals. He stated that his position on timeshare homes like Pacaso was that a business should not be run in a residential neighborhood. He stated that time deferrals should be allowed during virtual meetings since the virtual platform did not appear to be temporary. He stated that he and Mayor Grisanti met with California Strategies and one of the issues they talked about was the absence of California Highway Patrol (CHP) on PCH. He stated that the City currently had the ability to have the CHP patrol in Malibu, but they would need to enter into a contract to pay them and he felt the City should not need to incur the cost. He stated that more crosswalks that stopped traffic on PCH was not the answer to pedestrian safety and underground walkways would be a better solution. He stated that about one month prior they had an application to approve two homes on the beach that were denied for legitimate reasons and the owners of those properties offered the MRCA access to those properties to build a public walkway to the beach across private easements. In response to public speaker Mr. Wagner, he stated that he was in good company as the Federal Bureau of Investigation (FBI) raided Mar-a-Lago and if that could be done to a president of the United States it could be done to a Councilmember in Malibu. He stated that from his research the tower at SMC was built to plans approved by the Planning Commission and the appeal period had long-since passed. He stated that the jazz festival that had occurred the weekend prior was problematic and he felt that the City's official statement issued on August 1, 2022, was not entirely accurate as it overlooked the fact that the event was held on City property and that the City should have taken more accountability. He discussed the jazz festivals permit revocation and reissuance. He stated that he thought a jazz concert was a fabulous type of event. He questioned if residents wanted tourist-focused events and whether they were consistent with the City's Mission and Vision statements. He stated events such as Chumash Days were great and concerts were not what Malibu was about.

Councilmember Farrer reported that she attended a School District Separation Ad Hoc Committee meeting, a School District mediation meeting, and a Library Subcommittee meeting, and that the Council of Governments did not meet during

the month of July. She commented on the Woolsey Fire Rebuild Option 4 matter and deferred any questions regarding wrongdoing by the City to the City Attorney and City staff. She stated that the matter should be addressed and resolved. In response to speaker Mr. Whitney, she stated that highway safety was an ongoing concern and that she had lived on PCH for more than nine years near the La Costa crosswalk. She stated that the City did not have jurisdiction on PCH and it depended on another agency for highway safety concerns.

Interim City Attorney Rusin stated that Option 4 was one of the options the previous Planning Director put forward and the CCC provided their interpretation that the policy was not authorized under the City's LCP, and the Council took the step at the previous meeting have it phased out. He stated that the City reached out to Jack Ainsworth, Executive Director and Steve Hudson, District Director of the CCC in an effort to set up a meeting to discuss the matter.

Environmental Sustainability Director Bundy stated that she was a licensed professional engineer registered by the State of California and had worked for nearly 18 years in that capacity. She stated that as the Environmental Sustainability Director she was responsible for enforcement of the state law and the City ordinance. She stated that she and other City staff members held public safety and service to the community as the highest priority and treated everyone fairly and equally. She stated that under her supervision during the more than three years she worked for the City, approximately 8,000 plan checks and 30,000 inspections had been conducted. She stated that she wanted it to be clear to the public that no corruption or malfeasance occurred and that she treated people with compassion, integrity, and fairness and welcomed any questions regarding their professional reviews and determinations by the public.

Mayor Grisanti stated that during the meeting between Los Angeles County Supervisor candidates Hertzberg and Horvath, Lieutenant Carr assisted them with interactions with protesters. He inquired where the timeshare Pacaso home was located if it had any construction violations. He stated that earlier in the day he participated in one of the meetings hosted by Charles Lester, Director of the Ocean and Coastal Policy Center at the University of California Santa Barbara which imagined the future of sea level rise. He stated he would attend the hosted STR ordinance hearing at the Friday and would inquire the reason the hotel project the Council had recently approved had not yet been heard as the hotel project would help alleviate the shortage of lodging the CCC was concerned about as it pertained to the ordinance.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.5., 3.B.6., and 3.B.7. were pulled by the public.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to approve the Consent Calendar pulling Item Nos. 3.B.5, 3.B.6., and 3.5.7. 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 66409-66704 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. 708 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$3,698,254.72. City of Malibu payroll check number 5232-5238 and ACH deposits were issued in the amount of \$631,614.08.
3. Approval of Minutes
Recommended Action: Approve the minutes for the November 8, 2021 Malibu City Council Regular meeting and the November 30, 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. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.
8. Amendment to Professional Services Agreement with Managed Career Solutions
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Managed Career Solutions, Social Purpose Corporation, DBA Managed Career Solutions Rehab & FTI-LA & American Medical Careers to continue trail clearance and remediation work at Charmlee Wilderness Park.
9. Amendment to Professional Services Agreement with Stoel Rives LLP
Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Stoel Rives LLP for a total contract amount not to exceed \$100,000.
10. Professional Services Agreement with CliffordMoss LLC
Recommended Action: If the Council adopts a resolution calling for the placement of a Transactions and Use Tax (TUT) measure on the ballot for the November 8, 2022 General Municipal Election: 1) Authorize the City Manager to execute the Professional Services Agreement with CliffordMoss LLC to develop informational materials to educate Malibu residents regarding the proposed local general TUT; and 2) Appropriate \$24,900 from the General Fund Undesignated Reserve.

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

5. Amendment No. 6 to Agreement with Turbo Data Systems

Recommended Action: Authorize the City Manager to execute Amendment No. 6 to the Professional Services agreement with Turbo Data Systems for Parking Citation Processing Services.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

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

Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to authorize the City Manager to execute Amendment No. 6 to the Professional Services agreement with Turbo Data Systems for Parking Citation Processing Services. The question was called, and the motion carried unanimously.

6. School Safety Ad Hoc Committee Update

Recommended Action: Receive and File an update from the School Safety Ad Hoc Committee.

Mayor Grisanti opened the floor for public comment.

Speaker: Marc Coopwood

The Council discussed the item and directed questions to staff.

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

Mayor Pro Tem Silverstein moved, and Mayor Grisanti seconded a motion to receive and file an update from the School Safety Ad Hoc Committee. The question was called, and the motion carried unanimously.

7. Amendment to Professional Services Agreement with American Guard Services Inc. for Security Services at City Parks

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with American Guard Services Inc., extending the term of the Agreement for security services at Trancas Canyon Park, Las Flores Creek Park, Malibu Equestrian Park, and Charmlee Wilderness Park through August 22, 2023.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

Sean Ben Menahem and Rick Curiel 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.

MOTION

Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to execute Amendment No. 2 to the Professional Services Agreement with American Guard Services Inc., extending the term of the Agreement for security services at Trancas Canyon Park, Las Flores Creek Park, Malibu Equestrian Park, and Charmlee Wilderness Park through August 22, 2023. The question was called, and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Zoning Text Amendment No. 22-001 – Amendments to the Malibu Municipal Code Dark Sky Ordinance to Update Light Trespass for Service Stations

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 502 determining the amendment is exempt from the California Environmental Quality Act (CEQA), and approving Zoning Text Amendment (ZTA) No. 22-001 amending Malibu Municipal Code (MMC) Section 17.41.050(G) of Chapter 17.41 (Malibu Dark Sky) regarding allowable light trespass from service station properties onto the public right-of-way; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 502 for the August 22, 2022 Regular City Council meeting.

Associate Planner Eaton presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Bill Samspon, Cami Winikoff, and Ryan Embree

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

The Council discussed the item.

MOTION

Councilmember Pierson moved, and Councilmember Farrer seconded a motion to: 1) introduce on first reading Ordinance No. 502 determining the amendment is exempt from the California Environmental Quality Act (CEQA), and approving

Zoning Text Amendment (ZTA) No. 22-001 amending Malibu Municipal Code (MMC) Section 17.41.050(G) of Chapter 17.41 (Malibu Dark Sky) regarding allowable light trespass from service station properties onto the public right-of-way; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 502 for the August 22, 2022 Regular City Council meeting.

The Council discussed the item and directed questions to staff.

Interim City Attorney Rusin read the title of the ordinance.

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

RECESS At 8:44 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 8:55 p.m. with all Councilmembers present.

- B. Malibu Middle and High School Specific Plan - Local Coastal Program Amendment No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 - An application to redevelop and modernize the existing Malibu Middle and High School campus and former Juan Cabrillo Elementary School campus

Recommended Action: 1) After the City Attorney reads the title of the ordinance, re-introduce on first reading after alteration Ordinance No. 501 approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 to: a) add Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the MMHS Campus Specific Plan into the LIP, b) exempt the Malibu Middle and High School (MMHS) from the prohibition of electronic message center signs required by LIP Section 3.15.3, c) amend Malibu Municipal Code (MMC) Section 17.42.020 to add subsection "M." to incorporate the MMHS Campus Specific Plan into the MMC consistent with the proposed LCPA language, d) exempt the MMHS from the prohibition of EMC signs required by MMC Section 17.52.040, e) amend LCP Zoning Map No. 2 to add a boundary line around the MMHS Campus Specific Plan area, denoting the boundaries of the MMHS Campus Specific Plan area for three parcels (Assessor's Parcel Map Numbers [APNs] 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive, f) add MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3 to the Malibu LIP, g) add the Proposed Site Plan for the MMHS Campus Specific Plan to the Malibu LIP, and h) amend the MMC Zoning Map consistent with the update to LCP Zoning Map No. 2;

2) Adopt Resolution No. 22-33 re-approving the Malibu Middle and High School Campus Specific Plan, Local Coastal Program Amendment (LCPA) No. 21-002, and General Plan Map Amendment (GPMA) No. 21-001 to: a) amend the LCP Land Use Plan (LUP) to add a new Environmental Sensitive Habitat Area (ESHA) Policy 3.24 and b) amend the City of Malibu General Plan Land Use Policy Map (Section 3) to revise the land use designation for three parcels (APNs 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive.

- 3) Direct staff to schedule a public hearing and the second reading and adoption of Ordinance No. 501 for the September 12, 2022 Regular City Council meeting; and
- 4) Direct staff to submit the LCP amendment to the California Coastal Commission for certification review.

Senior Planner Brooks presented the staff report.

Disclosures: Councilmember Uhring, Mayor Pro Tem Silverstein, and Mayor Grisanti

The Council directed questions to staff.

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

Speakers: Stan Barankiewicz, Elliott Kahn, Jessica Mark, Ryan Embree, and Howard Rudzki

Mr. Barankiewicz and Craig Foster provided rebuttal to public comment.

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 and Mr. Barankiewicz.

MOTION

Mayor Grisanti moved, and Councilmember Farrer seconded a motion to:

1) re-introduce on first reading after alteration Ordinance No. 501, as amended to modify Exhibit A section A.5.b to clarify that the illuminated signs must be turned off within one-half hour of the end of all school events, approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 to: a) add Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the MMHS Campus Specific Plan into the LIP, b) exempt the Malibu Middle and High School (MMHS) from the prohibition of electronic message center signs required by LIP Section 3.15.3, c) amend Malibu Municipal Code (MMC) Section 17.42.020 to add subsection "M." to incorporate the MMHS Campus Specific Plan into the MMC consistent with the proposed LCPA language, d) exempt the MMHS from the prohibition of EMC signs required by MMC Section 17.52.040, e) amend LCP Zoning Map No. 2 to add a boundary line around the MMHS Campus Specific Plan area, denoting the boundaries of the MMHS Campus Specific Plan area for three parcels (Assessor's Parcel Map Numbers [APNs] 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive, f) add MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3 to the Malibu LIP, g) add the Proposed Site Plan for the MMHS Campus Specific Plan to the Malibu LIP, and h) amend the MMC Zoning Map consistent with the update to LCP Zoning Map No. 2;

- 2) Adopt Resolution No. 22-33 re-approving the Malibu Middle and High School Campus Specific Plan, Local Coastal Program Amendment (LCPA) No. 21-002, and General Plan Map Amendment (GPMA) No. 21-001 to: a) amend the LCP Land Use Plan (LUP) to add a new Environmental Sensitive Habitat Area (ESHA) Policy 3.24 and b) amend the City of Malibu General Plan Land Use Policy Map (Section 3) to revise the land use designation for three parcels (APNs 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive.
- 3) Directed staff to schedule a public hearing and the second reading and adoption of Ordinance No. 501 for the September 12, 2022 Regular City Council meeting; and
- 4) Directed staff to submit the LCP amendment to the California Coastal Commission for certification review.

FRIENDLY AMENDMENT

Councilmember Uhring moved to amend the motion to require a site plan review be approved by the Planning Commission for construction over 28 feet in height.

The Council discussed the amendment.

The amendment was accepted by the maker.

The Council directed questions to staff and Mr. Foster.

The amendment was not accepted by the seconder.

FRIENDLY AMENDMENT

Mayor Pro Tem Silverstein moved to amend the motion to have the bus barn location to be determined later.

The amendment was not accepted.

The Council discussed the motion and directed questions to staff.

Interim City Attorney Rusin read the title of the ordinance.

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

ITEM 5 OLD BUSINESS

A. Consideration of the Resumption of In-Person Meetings

Recommended Action: 1) Receive an update on the current State and County public health regulations; and 2) Consider options for the resumption of in-person public meetings and give direction to staff as needed.

City Manager McClary presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Norm Haynie

Lonnie Gordon 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.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to direct the City Manager to monitor COVID-19 conditions and developments and bring back an item to discuss the resumption of in-person meetings when appropriate. The question was called and the motion carried unanimously.

ITEM 6 NEW BUSINESS

- A. Homelessness Task Force Recommendation for Securing Beds
Recommended Action: 1) Review the recommendation by the Homelessness Task Force to secure beds at an existing facility outside of the City; and 2) Provide direction to staff.

Public Safety Liason Flores 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.

The Council discussed the item.

MOTION Mayor Pro Tem Silverstein moved to direct staff to follow the Homelessness Task Force recommendation to spend \$24,000 per year per year for the purposes of providing beds for unhoused persons outside of the Malibu jurisdiction to help enforce the City's camping laws provided it was compliant with the Martin v Boise court ruling.

Councilmember Farrer seconded the motion and clarified that the expense would be \$2,400 per month as was stated in the staff report rather than \$24, 000 per year.

The Council discussed the item and directed questions to staff.

Mayor Pro Tem Silverstein withdrew the motion.

MOTION Mayor Pro Tem Silverstein moved to direct staff to bring back an item with a proposal to secure up to three homeless shelter beds from The People Concern or a similar organization.

FRIENDLY AMENDMENT

Councilmember Farrer seconded and made a motion to amend have the amount not exceed \$100,000 per year.

The amendment was accepted by the maker of the motion.

The Council discussed the motion.

The question was called and the amended motion carried unanimously.

B. Boys & Girls Club of Malibu Event Fee Waiver

Recommended Action: Consider whether to approve the request from the Boys & Girls Club of Malibu to waive facility use fees and staffing costs for the Chili Cook-Off event at the Ioki Property.

Community Services Director Bobbett presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Kasey Earnest, Ashlen Kernes, and Norm Haynie

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 approve the request from the Boys & Girls Club of Malibu to waive facility use fees and staffing costs for the Chili Cook-Off event at the Ioki Property.

The Council directed questions to Ms. Earnest.

The question was called and the motion carried unanimously.

RECESS At 10:31 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 10:39 p.m. with all Councilmembers present.

MOTION Councilmember Farrer moved, and Councilmember Pierson seconded a motion to hear Item No. 6.C. after 10:30 p.m. The question was called and the motion carried unanimously.

C. Submission of a Proposed Measure to the Voters to Impose a One-Half Cent ($\frac{1}{2}$ ¢) Transactions and Use Tax

Recommended Action: 1) Adopt Resolution No. 22-34 ordering the submission of a proposed measure that would impose a one-half cent ($\frac{1}{2}$ ¢) Transactions and Use Tax at the General Municipal Election to be held on Tuesday, November 8, 2022, and directing the City Attorney to prepare an impartial analysis; 2) Adopt Resolution No. 22-35 consolidating a general municipal election to be held on November 8, 2022 with the statewide general election to be held on that date; 3) Adopt Resolution No. 22-36 setting priorities for filing written arguments regarding the submission of a proposed measure that would impose a one-half cent ($\frac{1}{2}$ ¢) Transactions and Use Tax at the General Municipal Election to be held on Tuesday, November 8, 2022; and 4) Consider whether to authorize up to two Councilmembers to author an argument in support of the proposed measure (and rebuttal arguments) on behalf of the Council on their personal time.

Deputy City Manager Shavelson presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

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

The Council discussed the item.

MOTION Mayor Pro Tem Silverstein moved and Councilmember Farrer seconded a motion to: 1) adopt Resolution No. 22-34 ordering the submission of a proposed measure that would impose a one-half cent ($\frac{1}{2}$ ¢) Transactions and Use Tax at the General Municipal Election to be held on Tuesday, November 8, 2022, and directing the City Attorney to prepare an impartial analysis; 2) adopt Resolution No. 22-35 consolidating a general municipal election to be held on November 8, 2022 with the statewide general election to be held on that date; and 3) adopt Resolution No. 22-36 setting priorities for filing written arguments regarding the submission of a proposed measure that would impose a one-half cent ($\frac{1}{2}$ ¢) Transactions and Use Tax at the General Municipal Election to be held on Tuesday, November 8, 2022.

The Council discussed the item.

FRIENDLY AMENDMENT

Mayor Pro Tem amended the motion to designate Mayor Grisanti and Mayor Pro Tem Silverstein to author arguments in support of the proposed measure (and rebuttal arguments) on behalf of the Council on their personal time.
The amendment was accepted by the seconder.

The question was called and the amended motion carried unanimously.

MOTION Councilmember Farrer moved and Mayor Grisanti seconded a motion to hear Item No. 7.A. after 10:30 p.m. The question was called and the motion failed 3-2, Councilmember Uhring and Mayor Pro Tem Silverstein dissenting.

ITEM 7 COUNCIL ITEMS

A. Amendment to May 23, 2022, Council action regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23 (Councilmember Uhring and Mayor Pro Tem Silverstein) (Continued from July 11, 2022)

Recommended Action: At the request of Councilmember Uhring and Mayor Pro Tem Silverstein, approve amending the Council action of May 23, 2022, regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23, to rescind approval of the \$500,000 endowment for the Los Angeles County Library Foundation.

This item was continued to the August 22, 2022 Regular City Council meeting.

ADJOURNMENT

At 11:00 p.m., Mayor Grisanti adjourned the meeting in memory of Olivia Newton-John.

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
AUGUST 22, 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

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 Mikke Pierson and Steve Uhring

ABSENT: Councilmember Karen Farrer

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; 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; Todd Leishmann, BB&K; Elizabeth Shavelson, Deputy City Manager; T'Ana Christiansen, Deputy City Clerk; Tyler Eaton, Associate Planner

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Pierson moved, and Councilmember Uhring seconded a motion to approve the agenda. The question was called, and the motion carried 4-0, Councilmember Farrer absent.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on August 15, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Mayor Grisanti opened the floor to public comment and reminded the public that there was currently no process to yield one's time to another speaker.

Rosemarie Ihde, Gerhard Ihde, and Hashi Clark stated they intended to yield their time to another speaker and declined the opportunity to speak.

Jo Drummond addressed alleged building permit violation allegations against Councilmember Farrer.

Javier Naples requested assistance obtaining arrest records from an incident involving a hate crime.

Doug Stewart described Malibu's hosted short-term rental ordinance item taken to the California Coastal Commission (CCC) on August 12, 2022 and commented on the meeting facilitation and the demeanor of the commissioners. He provided suggestions on actions the City could take to move forward after the ordinance was rejected by the CCC.

Kraig Hill expressed concerns related to heavy traffic on Pacific Coast Highway (PCH) at the pedestrian crosswalk in front of Malibu Beach Inn. He suggested working with Cal Trans to lower the speed limit to 35 miles per hour.

Bill Sampson discussed an article published by the Malibu Times regarding Malibu's hosted short-term rental ordinance item taken to the CCC. He provided clarification on speakers who spoke on behalf of the City of Malibu and in which capacity. He expressed concern with how the meeting was facilitated and the demeanor of the commissioners.

Walter Zeltman and Georgia Goldfarb were not present at the time of the hearing.

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

City Manager McClary read a prepared statement regarding COVID-19 on behalf of Councilmember Farrer.

He stated there had been a decline in COVID-19 cases and hospital admissions had leveled off. He stated, according to the Los Angeles County Department of Public Health (LADPH), there were just under 4,000 confirmed positive cases, 1,065 hospitalizations, 19 new deaths, the seven-day positivity rate was at 11.1%, and the community transmission level decreased from high to medium. He reported that LADPH encouraged vaccination as unvaccinated people were twice as likely to be hospitalized and more than five times more likely to die from COVID-19. He stated the Johnson and Johnson vaccine was no longer recommended.

He stated, on August 12, 2022, the CCC held a public hearing where the City's Local Coastal Program Amendment (LCPA) Hosted Short-Term Rental Ordinance was denied. He stated CCC encouraged the City to work with its staff to pursue amendments or modifications in order to reach a mutually agreeable resolution and return to the CCC with a revised ordinance. He stated City staff would return to the City Council with an item in the near future for discussion and direction for the ordinance. He stated City staff attended the Workshop on Sea Level Rise alongside other agencies that had gone through the process of amending coastal plans through the CCC and briefly discussed key takeaways. He stated the City's consultant, Environmental Science Associates, had prepared a coastal vulnerability assessment to evaluate the susceptibility of the local coastline to potential adverse effects of climate change, including beach erosion. He stated the assessment was under review by staff to present to Council and community outreach was anticipated to begin by Spring 2023. He discussed the temporary day-use impound yard at Heathercliff and PCH. He stated four vehicles were towed on the weekend of August 13th-14th, and 17 vehicles were towed the weekend of August 20th-21st, which brought the total vehicles towed to date to 215. He stated the total number of unclaimed vehicles to date was 19 and no vehicles were left overnight at the Heathercliff lot. He discussed City Hall staffing and reported that vacancies were filled for the positions of Account Clerk, Deputy City Clerk, Permit Services Technician, Public Works Engineer (2), and Environmental Sustainability Analyst. He discussed the National Oceanic and Atmospheric Administration (NOAA) weather radio giveaway on August 18, 2022 and commended those who were involved in the event. He announced two Dark Sky Ordinance Workshops scheduled for August 30, 2022 and August 31, 2022 to help residents and business owners comply with the Dark Sky Ordinance by October 15, 2022. He announced a new procedure for Plan Review for Tenant Improvement projects to streamline the Plan Review process for smaller, less complex Tenant Improvement projects. He stated the nomination period for the November 8, 2022, Malibu General Municipal Election had closed and there were six candidates who qualified for the two available City Council seats. He stated the City's Transaction and Use (Sales) Tax measure would appear on the November 8, 2022 ballot as Measure MC. He clarified that the power outage in western Malibu on August 6, 2022, was the result of a third-party tree trimming service that had not been contracted with Southern California Edison.

Lieutenant Dustin Carr, Los Angeles County Sheriff's Department, provided a report on quality of life issues. He reported that the parking issues on Civic Center Drive had been resolved and that the remaining cars were associated with the ongoing Santa Monica College construction work. He stated he met with a Public Safety Commissioner who helped identify several areas of concern regarding motorhomes on PCH which would be targeted for enforcement. He stated deputies were excited about implementing the new electronic ticket writers. He discussed incidents of speeding on PCH and encouraged members of the public call the station if speeding was observed. He stated at the time of the mid-month August report, there had been no increase in crime and significantly less traffic collisions. He stated a full report on traffic collisions would be available at the end of August.

He introduced Sergeant Bill Velek, who was transitioning to School Safety Sergeant after running the summer beach team. He stated an additional sergeant, and several deputies were assigned to schools from the Malibu-Lost Hills Station and would be available to the schools for safety, counseling, and support.

The Council directed questions to Lieutenant Carr regarding the number of unclaimed vehicles towed from the day use impound lot.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Uhring acknowledged the six candidates running for election. He reported he attended a Santa Monica Bay Restoration Commission meeting and discussed the agenda items. He thanked and congratulated Dawn Ericson, Cami Winikoff, Jim Benya, and Environmental Sustainability Director Bundy for their work on the creation of flyers for the City's Dark Sky Ordinance, funded by the General Fund Grant Program. He discussed a project by Pepperdine student Kayla Nia regarding potential strategies for school safety, such as an in-class emergency button and providing more information to students and parents regarding school safety.

Councilmember Pierson addressed Mr. Hill's comments on traffic accidents and commended City Manager McClary on the fulfillment of job vacancies. He discussed the workshop on Sea Level Rise and the challenges smaller cities like Malibu face when amending the Local Coastal Program. He thanked Lieutenant Carr for addressing school safety. He discussed deliberation of the Hosted Short-Term Rental Ordinance LCPA at the CCC meeting and the Commission's decision. He addressed fire preparation and encouraged residents to have a fire risk assessment performed. He stated he had personally observed an increase in COVID-19 cases among his acquaintances and a more relaxed atmosphere in public with regard to wearing face masks.

Mayor Pro Tem Silverstein showed support for Councilmember Farrer's COVID-19 statement and concurred with Councilmember Pierson's observation of a lack of masks worn in public. He indicated agreement with Councilmember Pierson's statements regarding the Hosted Short-Term Rental Ordinance LCPA at the CCC meeting. He discussed the suggestions from the Commission regarding collaboration between the Commission and City staff when making amendments. He addressed the behavior of the Commissioners during public comment portion of the hearing and the overall meeting facilitation. He acknowledged Mr. Napoles request during public comment and advised him to reach out to the American Civil Liberties Union (ACLU) for assistance. He addressed Mr. Stewart's public comments and stated the reasoning behind his stance on the short-term rental ordinance as well as public meeting procedure constraints. He indicated support for Mr. Hill's public comment regarding lowering the speed limit on PCH and acknowledged the extensive nature of the process. He discussed overnight camping and expressed concern that there was an over emphasis on the oversized vehicle ordinance as the primary enforcement tool. He clarified the process on deferring

one's time to another speaker during public comment. He thanked Councilmember Uhrling for addressing school safety strategies. He discussed options for election reform in Malibu.

Mayor Grisanti stated he attended Charles Lester's Sessions on Sea Level Rise event where the topic of community interests and kelp restoration was discussed. He discussed the CCC's decision on the City's Hosted Short-term Rental Ordinance and the overall commission behavior as well as how the meeting was conducted.

ITEM 3 CONSENT CALENDAR

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

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar, except for Item No. 3.B.5. The question was called, and the motion carried 4-0, Councilmember Farrer absent.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
 - A. Second Reading and Adoption of Ordinance No. 502
Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 502, determining the amendment is exempt from the California Environmental Quality Act, and approving Zoning Text Amendment No. 22-001 amending Malibu Municipal Code Section 17.41.050(G) of Chapter 17.41 (Malibu Dark Sky) regarding allowable light trespass from service station properties onto the public right-of-way.
- 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 66705-66876 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. 709 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,946,213.65. City of Malibu payroll check number 5239-5243 and ACH deposits were issued in the amount of \$257,367.32.
 - 3. Approval of Minutes
Recommended Action: Approve the minutes for the November 30, 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. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

6. Fiscal Year 2022-2023 Capital Improvement Projects Update

Recommended Action: Receive and file an update on the Fiscal Year 2022-2023 Capital Improvement Projects.

7. 2022-2027 Capital Improvement Plan

Recommended Action: Approve the Fiscal Year 2022-2027 Capital Improvement Plan.

8. City's Conflict of Interest Code

Recommended Action: Adopt Resolution No. 22-38 adopting the City's Conflict of Interest Code and repealing Resolution No. 19-35.

The following item was pulled from the Consent Calendar for individual consideration:

5. Approval of Final Parcel Map No. 82454

Recommended Action: 1) Adopt Resolution No. 22-37 approving the Final Parcel Map No. 82454, Assessor Parcel Number 4468-008-001 at 29200 Larkspur Lane, for recordation; and 2) Authorize the City Manager to execute the Subdivision Agreement for Parcel Map No. 82454.

Public Works Director DuBoux presented the staff report and discussed a typographical error in the Subdivision Agreement.

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

The Council discussed the item and directed questions to staff.

MOTION

Mayor Grisanti moved, and Councilmember Pierson seconded a motion to: 1) adopt Resolution No. 22-37 approving the Final Parcel Map No. 82454, Assessor Parcel Number 4468-008-001 at 29200 Larkspur Lane, for recordation; and 2) authorize the City Manager to execute the Subdivision Agreement, as amended to correct the date the parcel map was conditionally approved by the Malibu Planning Commission from April 5, 2022 to April 5, 2021, for Parcel Map No. 82454. The question was called, and the motion carried 4-0, Councilmember Farrer absent.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Appeal No. 21-016 - Appeal of Planning Commission Resolution No. 21-11 (18868 Pacific Coast Highway; Owner/Appellant, Farshid Etaat)

Recommended Action: Continue this item to the September 12, 2022, Regular City Council meeting.

This item was continued upon approval of the agenda.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Allied Artists Event Fee Waiver and Donation

Recommended Action: 1) Consider whether to approve the request from Allied Artists of the Santa Monica Mountains and Seashore, Inc. (Allied Artists) to waive facility use fees, staffing costs, and permit fees for an Art Show event at Malibu Bluffs Park; and 2) Accept a donation from Allied Artists for park conservation.

Community Services Director Bobbett presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Barbara Freund.

Lotte Cherin 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 Uhring moved, and Mayor Pro Tem Silverstein seconded a motion to: 1) approve the request from Allied Artists of the Santa Monica Mountains and Seashore, Inc. (Allied Artists) to waive facility use fees, staffing costs, and permit fees for an Art Show event at Malibu Bluffs Park; and 2) accept a donation from Allied Artists for park conservation. The question was called, and the motion carried 4-0, Councilmember Farrer absent.

B. Malibu Arts Association Event 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 at Legacy Park.

Community Services Director Bobbett presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Barbara Freund.

Lotte Cherin 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 and Ms. Freund.

MOTION Councilmember Uhring moved, and Councilmember Pierson 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 at Legacy Park. The question was called, and the motion carried 4-0, Councilmember Farrer absent.

RECESS At 8:01 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 8:11 p.m. with Councilmembers Pierson and Uhring, Mayor Pro Tem Silverstein, and Mayor Grisanti present.

C. Accessory Dwelling Unit Discussion - Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004

Recommended Action: Provide direction to staff on the proposed accessory dwelling unit (ADU) ordinance including on Planning Commission requests for additional studies and referrals related to adopting the draft ADU ordinance and whether to provide additional/alternative direction on the content of the ADU ordinance.

Planning Director Mollica, Associate Planner Eaton, and Contract Planner Parker-Bozylinski presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Mark Baute, Cynthia Martin, Scott Dittrich, Kraig Hill, Marianne Riggins, Jo Drummond, and Don Schmitz.

Travis Parker, Julie Diep, Gigi Birchfield, and Sara Laws 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.

MOTION Councilmember Uhring moved, and Mayor Grisanti seconded a motion to directed staff to: 1) in order to protect sensitive coastal resources and public access to the coast, minimize substantive changes in the Local Coastal Program (LCP) for the proposed Accessory Dwelling Unit (ADU) LCP amendment and to bring forward a municipal code ADU ordinance which complies with state law; and 2) bring the item back to the Planning Commission without the studies requested. The question was called, and the motion carried 4-0, Councilmember Farrer absent.

ITEM 7 COUNCIL ITEMS

- A. Amendment to May 23, 2022, Council action regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23 (Councilmember Uhring and Mayor Pro Tem Silverstein) (Continued from August 8, 2022)

Recommended Action: At the request of Councilmember Uhring and Mayor Pro Tem Silverstein, approve amending the Council action of May 23, 2022, regarding Malibu Library Set Aside Fund for Fiscal Year 2022-23, to rescind approval of the \$500,000 endowment for the Los Angeles County Library Foundation.

Councilmember Uhring and Mayor Pro Tem Silverstein presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Skye Patrick, Scott Dittrich, Ryan Embree, Kraig Hill, Jo Drummond, and Marianne Riggins

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 Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to approve amending the Council action of May 23, 2022 regarding the Malibu Library Set Aside Fund for Fiscal Year 2022-23 to rescind the recommendation to the County of Los Angeles to fund a \$500,000 endowment for the Los Angeles County Library Foundation. The question was called, and the motion carried 3-1-0, Councilmember Pierson dissenting and Councilmember Farrer absent.

- B. Misappropriated Malibu Library Set Aside Funds (Mayor Pro Tem Silverstein and Councilmember Uhring)

Recommended Action: At the request of Mayor Pro Tem Silverstein and Councilmember Uhring, direct the City Manager to send a letter to the Los Angeles County Library requesting that Malibu Library Set Aside Funds allocated for uses not permitted in the Memorandum of Understanding between the City and County be cancelled and/or returned to the Set Aside Fund.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to continue the item to a date uncertain. The question was called, and the motion failed 2-2-0, Councilmember Pierson and Mayor Grisanti dissenting, and Councilmember Farrer absent.

Councilmember Uhring and Mayor Pro Tem Silverstein presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Skye Patrick, Jo Drummond, Laura Rosenthal, Ryan Embree, Scott Dittrich, and Marianne Riggins.

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

The Council discussed the item.

MOTION Mayor Pro Tem Silverstein moved to direct the City Manager to send a letter to the Los Angeles County Library requesting Malibu Library Set Aside Funds allocated for uses not permitted in the Memorandum of Understanding between the City and County be cancelled and/or returned to the Set Aside Fund.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Pierson moved, and Mayor Grisanti seconded a motion to deny the recommended action. The question was called, and the motion failed 2-2-0, Councilmember Uhring and Mayor Pro Tem Silverstein dissenting, and Councilmember Farrer absent.

ADJOURNMENT

At 10:48 p.m., Mayor Grisanti adjourned the meeting.

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

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

MINUTES
MALIBU CITY COUNCIL
ADJOURNED REGULAR MEETING
SEPTEMBER 27, 2022
TELECONFERENCED - VARIOUS LOCATIONS
6:00 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 6:00 p.m.

PUBLIC COMMENT ON CLOSED SESSION

Mayor Grisanti opened the floor to public comment.

Debra Bianco, Marilyn Cosentino, and Sherman Sherman were not present at the time of the hearing.

RECESS TO CLOSED SESSION

At 6:04 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. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
Denial of Appeal Nos. 21-017 and 21-018 regarding 33386 PCH and 33398 PCH
Number of Cases: 1

ADJOURNED 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: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Elizabeth Shavelson, Deputy City Manager; T'Ana Christiansen,

Deputy City Clerk; Kate Gallo, Recreation Manager; Kristin Riesgo, Deputy Community Services Director; Raneika Brooks, Senior Planner; Adrian Fernandez, Assistant Planning Director; Adam Pisarkiewicz, Contract Planner; and Luis Flores, Public Safety Liaison

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 6:00 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 listed on the closed session agenda with no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Farrer moved to approve the agenda.

FRIENDLY AMENDMENT

Councilmember Uhring moved to amend the motion to adjourn the meeting in memory of Sara Wan.

The amendment was accepted by the maker.

Mayor Pro Tem Silverstein seconded the motion to approve the agenda and adjourn the meeting in memory of Sarah Wan.

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 September 15, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Proclamation Declaring September 2022 as Childhood Cancer Awareness Month

Mayor Grisanti presented the proclamation.

At 6:36 p.m. Mayor Grisanti left the meeting.

At 6:37 p.m. Mayor Grisanti returned to the meeting.

Dr. Amy Firestein, Clinical Services Director, Kids Cancer Connection, accepted the proclamation and thanked the Council for their recognition.

ITEM 2.A. PUBLIC COMMENTS

Marilyn Cosentino read an excerpt from the February 29, 2016 Planning Commission meeting transcript regarding the Cornucopia Farmers Market.

Debra Bianco commented on the Cornucopia Farmers' Market and requested the Council direct staff to develop a short-term parking solution, to aid in the continuation of the farmers' market during construction of the Santa Monica College (SMC) campus.

Patt Healy requested the Council authorize a letter of support to state legislatures for the acquisition of properties, referred to as The Edge's properties, by the National Park Service, State Parks System, or Mountains Recreation and Conservation Authority (MRCA) for designation as open space.

Bill Sampson thanked City Clerk Pettijohn for her assistance with the election process during his candidacy for City Council. He requested the Council ask the Sheriff's Department, in addition to the no parking signs, to enforce the camping ordinance as it related to, not the homeless population, but permanent overnight campers. He stated the communications tower on Civic Center Way was unsightly and illegally constructed. He stated that the annual Malibu Triathlon caused traffic difficulties that confined residents to their homes for the duration of the event and questioned how much of the proceeds of the charitable event actually went to the beneficiary.

Kian Schulman discussed the devastating impact of pesticides on wildlife and requested an item be placed on the Council's agenda to address the City's Local Coastal Plan (LCP) Local Implementation Plan (LIP) to implement Integrated Pest Management strategies. She acknowledged Sara Wan and her work with Poison Free Malibu.

Sanjay Gaur discussed the seriousness of the drought, water resource management, and advocated for his candidacy as the Division Four Board of Director of the West Basin Municipal Water District.

Scott Tallal discussed ongoing permitting challenges that faced the Malibu Film Society's attempt to host film screenings for the community.

Hans Liang, President of Los Angeles County Probation Officers Union (AFSCME) Local 685, explained potential safety concerns that impacted deputy probation officers, youth offenders, and the community due to Senate Bill No. 92 and requested the Council urge the County to suspend the transfer of youth offenders to Campus Kilpatrick until a safety plan could be developed.

John Mazza stated that was a Planning Commissioner during the approval hearing for the SMC project and had advocated for accommodation for the Farmers' Market

during construction, but ultimately, that was not included in the approval. He stated that the market was valuable as a meeting place for the community and he thought the County should help make provisions for its continuance. He stated that the pesticide prohibition should be implemented as much money and effort was expended toward it. He stated that the land referenced by public speaker Ms. Healy was not suitable for home construction and he supported its use for open space, as should the land above Serra Retreat, provided it could be kept fire free and manageable and State funding should be explored.

Jo Drummond stated that she thought there was already a serial temporary use permit process in place to accommodate the Malibu Film Society screenings. She suggested that the matter of the communications tower be included in the Public Works Commission workplan.

Ryan Embree requested the City's vacant lot on Civic Center Way be used as parking for the farmers' market. He stated that the height of the communications tower on Civic Center Way was misrepresented on the application and that it was in violation of the City's code. He recommended establishing an Environmental Commission.

Shermann Sherman discussed the valuable role of the farmers' market and small businesses in the community and requested solutions be found to assist the continuation of the farmers' market.

Elizabeth Ryder read a letter of support on behalf of the Malibu Farmer's Market that was sent to the City Council the day prior which detailed parking challenges and safety concerns.

Claire Brown, Department of Probation, commented on employee and community safety concerns in the decision to have youth convicted of serious violent crimes housed at Campus Kilpatrick rather than the rehabilitation of low-level justice-involved youth it was designed to. She requested the Council urge the County to stop the relocation of these youth to Campus Kilpatrick until appropriate security measures were put in place.

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

City Manager McClary commented on the cancellation of the previous City Council meeting due to the power outage and stated that there would be an item before the Council at an October meeting to address how best to handle those situations in the future. He stated that in July, during the Trancas Bridge replacement project, historic railroad materials were unearthed and were properly processed by Caltrans. He stated that Adamson House and Pepperdine University expressed their desire to have the items displayed at their locations. He reported an ongoing decline in COVID-19 cases and stated as of September 23, 2022, the County had reported 1,641 new cases, averaging under 1,400 new cases per day, hospitalizations declined to an average of 96 admissions per day, and they were at low community

transmission level and mask usage was recommended but not required at City Hall. He stated the County expected an increase in flu cases this fall and winter due to lessening of social distancing and other measures. He stated he attended the League of California Cities conference in Long Beach earlier in September. He stated he joined Captain Jennifer Seetoo and Lieutenant Dustin Carr at the Coffee with a Cop event held at the farmers' market on September 18, 2022. He reported use of the temporary day use impound yard would stop at end of September and to date 293 vehicles were towed to the yard with 30 left unclaimed but none left overnight. He stated he met with some of the homeowners' associations (HOA) and invited other HOAs to schedule a meeting with him for him to better understand the needs of the community. He reported that the homeless count numbers declined and stated that this year there were 81 persons experiencing homelessness in the City of Malibu, a decline from 239 in 2020 and 157 counted in 2021. He stated the compliance deadline for the Malibu Dark Sky ordinance for businesses and residents was October 15, 2022, and the City was working to have their facilities brought into compliance. He announced that there would be virtual outreach sessions on September 29, 2022, at 11:00 a.m. for residents, and at 4:00 p.m. for commercial and multi-family housing, and that details were available on the City's website. He stated that the City continued to closely monitor the activity at Campus Kilpatrick and that a letter was submitted to the County opposed to the placement of any youth at the facility on grounds that they had not completed a California Environmental Quality Act (CEQA) review and safety analyses. He stated that the City continued its efforts for a solution to help the farmers' market. He stated that he, Planning Director Mollica, Mayor Grisanti, and Councilmember Uhring met with the California Coastal Commission (CCC) on September 15, 2022.

Planning Director Mollica provided a recap of the meeting with the CCC executive director and South-Central Coast district manager regarding Woolsey Fire Rebuild Option 4 and they suggested that the City pursue a Local Coastal Program (LCP) amendment.

Lieutenant Dustin Carr, Los Angeles County Sheriff's Department, reported that on the evening of August 26, 2022, explosions were heard in Malibu that were later identified as fireworks. He stated that the homeless count illustrated some of the successes with several people being helped. He reported on crime statistics for the month of August which showed decreases in residential and vehicular burglary and no fatalities. He reported there were 38 vehicle collisions including four that involved pedestrians, one of which was a hit and run. He stated the primary collision factor was excessive speed and the secondary factor was unsafe turns. He stated the beach team ended their duties on Labor Day, and the final statistics for the season were 4,822 parking citations, and of those, 1,290 citations were for possession of alcohol on the beach, 42 citations for animals on the beach, seven citations for use of tobacco, two for use of narcotics, 378 hazardous citations, and 8 arrests were. He provided an update on incidents near Legacy Park that involved vandalism to the animal hospital and the harassment of animal hospital staff at Legacy Park and stated patrols had increased and encouraged anyone with information to report it to the Sheriff's Department. He stated there were homes on

PCH that were subject to criminal trespass with trespassers arrested in both cases due to the public reporting of the crimes. He stated the electronic ticket writers were in use and citations were written along PCH. He thanked participants of the Coffee with a Cop event. In response to Mayor Pro Tem Silverstein, he stated that he would research the number of citations that were issued to residents and those issued to individuals experiencing homelessness.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Farrer stated that she attended a Library Subcommittee meeting. She stated she and Mayor Pro Tem Silverstein, in conjunction with City Manager McClary, attended a meeting on Camp Kilpatrick and she agreed that there should not be violent crime youth offenders housed there. She stated that efforts should be made to remove storage containers from the farmers' market site. In response to public speaker Ms. Healy, she stated that ways to make good use of The Edge properties should be explored. In response to public speaker Ms. Shulman, she stated that it was painful to learn about the death of wildlife due to pesticide use and other factors and requested an update on the status of the LCP amendment to enforce the prohibition of the use of pesticides. In response to public speaker Mr. Tallal, she stated that measures needed to be put into place to accommodate the Malibu Film Society's screenings. She stated that the tow yard seemed well worth the effort, despite the controversy it caused, and that it was a one-season pilot program, and a permanent or new temporary solution would be explored. She thanked the Sheriff's Department for their response to the vandalism and harassment incidents at Legacy Park and stated that she missed the Coffee with a Cop event and hoped she would be available for participation in the future.

Councilmember Uhring stated he attended the candidates' forum by the Democratic Club and his suggestion was to limit the quantity of questions to have the candidates' position on issues understood more in-depth. He suggested better outreach for the cooling centers. He commented on Labor Day holiday traffic and stated the disaster evacuation plan needed to be examined by the Public Safety Commission. He stated that he visited the farmers' market at Legacy Park and inquired if the unpermitted Labor Exchange trailer in the library parking lot might be moved to accommodate the farmers' market's needs. He stated that matters that impact the entire City, such as the pesticide prohibition ordinance, needed to be handled in an expeditious manner. In response to public speaker Ms. Healy, he stated that the State should be encouraged to purchase The Edge property for public benefit. He stated that he was made aware that Craig Foster of Santa Monica-Malibu Unified School District spoke to the media and suggested that all the Malibu City Councilmembers had agreed to work with him in opposition to the bond measure for Santa Monica College. He stated that he had not made any such agreement and that he did not know enough about the bond measure to oppose it. He stated Mr. Foster refused to issue a statement that would have made it clear to the public that he did not endorse Mr. Foster's position. He stated that there was misinformation circulating due to election season.

Councilmember Pierson stated he was not aware of the difficulties at the farmers' market and stated that they should be addressed. In response to public speaker Ms. Healy, he stated that he supported state acquisition of the land provided there was no negative impact to the neighborhood. In response to public speaker Ms. Schulman, he stated that he hoped the pesticide prohibition LCP amendment would be placed on the Council's agenda soon. In response to Mr. Gaur, he stated he agreed water resources were imperative and the drought continued to be challenging in California. In response to public speaker Mr. Tallal, he stated that efforts to accommodate the Malibu Film Society's needs continued, an item was on the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) agenda, and the matter would then be heard by the Council. He thanked the public speakers for their comments about Campus Kilpatrick.

Mayor Pro Tem Silverstein thanked the public speakers for their input. He reported he and Councilmember Farrer attended a meeting on Camp Kilpatrick and they were working with special counsel. He stated that the City opposed the relocation of violent youth offenders to the facility. He stated that he and Mayor Grisanti met with staff regarding school safety matters. He stated that he, Mayor Grisanti, and City Manager McClary met with a representative from the California State Parks Department and discussed matters relevant to Malibu such as the Adamson House and the Malibu Pier. He stated that he put together some thoughts of what type of STR ordinance might be accepted by the CCC and that the courts would sustain, and that the Council should work on the matter as soon as the election was over. He stated there was a public meeting coordinated by a private developer representative to discuss what was perceived as a lack of efficiency in the City's Planning Department and that he would be in attendance. He commented on the SMC bond measure and stated that it meant taxation of the Malibu community for the benefit of the college and that he was opposed to it.

Mayor Grisanti stated he was opposed to the bond measure as it would not benefit the Malibu community. He stated that he spent September 7, 8, and 9, 2022 at the League of California Cities Conference held in Long Beach. He stated that he attended the candidates' forum hosted by the Malibu Library and it was informative. He stated on September 20, 2022, he introduced Nagin Cox, who worked on the Mars rover projects, at the Malibu Library Speaker Series event and she was interesting and there were fascinating speakers in the series, and he urged the community to attend the events. He stated that on September 22, 2022, he attended the first four hours of the Coastal Conservancy meeting, and he did not hear anything that directly affected Malibu. He stated that he attended the investiture of Richard Yao as president of the California State University, Channel Islands. He invited the community to the October 1, 2022, art exhibit opening, at City Hall.

Planning Director Mollica provided an update on the pesticides ban. He stated that a staff report was being prepared for the matter to be discussed at the next City Council meeting.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.7. and 3.B.8. were pulled by the public.

MOTION Councilmember Farrer moved, and Councilmember Uhring seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.7. and 3.B.8. 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 66877-67123 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. 710 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$3,040,885.38. City of Malibu payroll check number 5244-5256 and ACH deposits were issued in the amount of \$768,356.22.
3. Approval of Minutes
Recommended Action: Approve the minutes for the December 10, 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. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.
5. Amendment to Professional Services Agreement with Yunex LLC
Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Yunex LLC in the amount of \$25,000 for a total not to exceed \$49,500 for traffic signal maintenance services and extend the term of the agreement for one year.
6. Integrated Regional Water Management Implementation Grant
Recommended Action: Adopt Resolution No. 22-40 authorizing the submission of an application for a Round 2 Integrated Regional Water Management Implementation Grant, authorizing the Mayor to enter into an agreement to receive a grant for the Civic Center Water Treatment Facility, Phase Two, and authorizing the City Manager or designee to prepare the application to the California Department of Water Resources.
9. State of California Department of Parks and Recreation Per Capita Program Grant
Recommended Action: Adopt Resolution No. 22-41, approving the blanket authority to file an application for grant funds through the State of

California Department of Parks and Recreation for Per Capita Program grant.

10. Master Facility Use Agreement with Santa Monica-Malibu Unified School District

Recommended Action: Authorize the City Manager to execute a two-year Master Facility Use Agreement with the Santa Monica-Malibu Unified School District through September 30, 2024.

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

7. Santa Monica Mountains Conservancy Hazard Tree Grant Acceptance

Recommended Action: 1) Authorize the Mayor to enter into a Grant agreement with the Santa Monica Mountains Conservancy for the continuation of grant funds for fire prevention and resiliency projects; and 2) Authorize the Mayor to execute Amendment No. 1 to the Agreement with Newbury Park Tree Services increasing the compensation for services by \$350,000 and extending the term through December 31, 2023, or until grant services are completed.

Mayor Grisanti opened the floor for public comment.

Speaker: Patt Healy

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

The Council discussed the matter and directed questions to staff and Ms. Healy.

MOTION

Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to authorize the Mayor to enter into a Grant agreement with the Santa Monica Mountains Conservancy for the continuation of grant funds for fire prevention and resiliency projects; and 2) authorize the Mayor to execute Amendment No. 1, as amended, to add a term specifying that Newbury Park Tree Services warrants that it is familiar with and can identify trees infected with the shothole borer beetle, and will remove and dispose of dead and invasive shothole borer beetle heavily infested trees, limbs, and associated debris in a safe manner and will dispose of these trees only at an approved dumpsite, to the Agreement with Newbury Park Tree Services increasing the compensation for services by \$350,000 and extending the term through December 31, 2023, or until grant services are completed.

The Council discussed the motion.

The question was called and the motion carried unanimously.

8. Amendment No. 2 to Professional Services Agreement with Iris Consulting
Recommended Action: Authorize the Mayor to execute the Professional Services Agreement Amendment No. 2 with Iris Consulting for software development and system integration.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

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

The Council discussed the matter and directed questions to staff.

MOTION

Councilmember Uhring moved, and Councilmember Farrer seconded a motion to authorize the Mayor to execute the Professional Services Agreement Amendment No. 2 with Iris Consulting for software development and system integration.

The Council discussed the motion.

The question was called and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Appeal No. 21-016 - Appeal of Planning Commission Resolution No. 21-02 (18868 Pacific Coast Highway; Owner/Appellant, Farshid Etaat) (Continued from September 12, 2022)

Recommended Action: Adopt Resolution No. 22-39, determining the project is categorically exempt from the California Environmental Quality Act, upholding Appeal No. 21-016 and approving Coastal Development Permit No. 17-075 for the construction of a 3,778 square foot, two-story, single-family beachfront residence with attached garage, decks, retractable beach stairs, onsite wastewater treatment system, grading, retaining walls, hardscape, and seawall; including Variance (VAR) No. 17-024 for the single-family residence to extend seaward of the building stringline, VAR No. 18-022 for the first and second floor decks to extend seaward of the deck stringline, and VAR No. 20-042 for a greater than 50 percent reduction of the front yard setback, and Offer-To-Dedicate No. 21-002 for a lateral access easement across the property located in the Single-Family Medium Density (SFM) zoning district at 18868 Pacific Coast Highway (Etaat).

Planning Director Mollica and Contract Planner Adam Pisarkiewicz presented the staff report.

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

Mayor Grisanti opened the floor for public comment:

Speakers: Fred Gaines, Anne Madden, Jason Ventress, Lloyd Ahern, Frank Damavandi, and Tracy Lovric

Mr. Gaines provided rebuttal to public comment.

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

MOTION: Councilmember Farrer moved to have the project remanded back to the Planning Commission for consideration.

The motion died due to the lack of a second.

MOTION: Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to direct staff to bring back a resolution denying Appeal No. 21-016 - Appeal of Planning Commission Resolution No. 21-02, and denying Coastal Development Permit No. 17-075 for the construction of a 3,778 square foot, two-story, single-family beachfront residence with attached garage, decks, retractable beach stairs, onsite wastewater treatment system, grading, retaining walls, hardscape, and seawall; including Variance (VAR) No. 17-024 for the single-family residence to extend seaward of the building stringline, VAR No. 18-022 for the first and second floor decks to extend seaward of the deck stringline, and VAR No. 20-042 for a greater than 50 percent reduction of the front yard setback, and Offer-To-Dedicate No. 21-002 for a lateral access easement across the property located in the Single-Family Medium Density zoning district at 18868 Pacific Coast Highway (Farshid Etaat), on the basis that the following findings could not be made:

Section 5. LIP Findings:

A. Coastal Development Permit (LIP Chapter 13)

Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

Finding 3. The project is the least environmentally damaging alternative.

B. VAR No. 17-024 for single-family residence to extend seaward of the required building stringline (LIP Section 13.26.5)

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, topography, location or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Finding 2. The granting of such variance or modification will not be detrimental to the public interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

Finding 8. The subject site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of State and local law.

C. VAR No. 18-022 for the first and second floor decks to extend seaward of the deck stingline (LIP Section 13.26.5)

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, topography, location or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Finding 2. The granting of such variance or modification will not be detrimental to the public interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

Finding 8. The subject site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of State and local law.

D. VAR No. 20-042 for a greater than 50 percent reduction of the front yard setback (LIP Section 13.26.5)

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, topography, location or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Finding 2. The granting of such variance or modification will not be detrimental to the public interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

Finding 8. The subject site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of State and local law.

E. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

Finding 4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

F. Hazards (LIP Chapter 9)

Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

Finding 3. The project, as proposed, or as conditioned, is the least environmentally damaging alternative.

Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

G. Shoreline and Bluff Development (LIP Chapter 10)

Finding 1. The project, as proposed, will have no significant adverse impacts on public access, shoreline sand supply or other resources due to project design, location on the site or other reasons.

Finding 2. The project, as conditioned, will not have significant adverse impacts on public access, shoreline sand supply or other resources due to required project modifications or other conditions.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

Finding 4. There are no alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.

Finding 5. The shoreline protective device is designed or conditioned to be sited as far landward as feasible to eliminate or mitigate to the maximum feasible extent adverse impacts on local shoreline sand supply and public access, and there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and it is the least environmentally damaging alternative.

The question was called, and the motion carried unanimously.

RECESS At 10:04 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 10:15 p.m. with all Councilmembers present.

B. Second Reading and Adoption of Ordinance No. 501(Continued from September 12, 2022)

Recommended Action: 1) Conduct the Public Hearing; and 2) After the City Attorney reads the title of the ordinance, adopt Ordinance No. 501 approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 to: a) add Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the Malibu Middle and High School (MMHS) Campus Specific Plan into the LIP, b) exempt the MMHS from the prohibition of Electronic Message Center (EMC) signs required by LIP Section 3.15.3, c) amend Malibu Municipal Code (MMC) Section 17.42.020 to add subsection “M.” to incorporate the MMHS Campus Specific Plan into the MMC consistent with the proposed LCPA language, d) exempt the MMHS from the prohibition of EMC signs required by MMC Section 17.52.040, e) amend LCP Zoning Map No. 2 to add a boundary line around the MMHS Campus Specific Plan area, denoting the boundaries of the MMHS Campus Specific Plan area for three parcels (Assessor’s Parcel Map Numbers [APNs] 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive, f) add MMHS Campus Specific Plan Environmental Sensitive Habitat Area Restoration Map Nos. 1, 2, and 3 to the LIP, g) add the Proposed Site Plan for the MMHS Campus Specific Plan to the LIP, and h) amend the MMC Zoning Map consistent with the update to LCP Zoning Map No. 2 located at 30215 Morning View Drive (Santa Monica-Malibu Unified School District).

Senior Planner Brooks presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Carey Upton

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.

MOTION Councilmember Farrer moved, and Mayor Grisanti seconded a motion to: 1) adopt Ordinance No. 501 approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 to: a) add Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the Malibu Middle and High School (MMHS) Campus Specific Plan into the LIP, b) exempt the MMHS from the prohibition of Electronic Message Center (EMC) signs required by LIP Section 3.15.3, c) amend Malibu Municipal Code (MMC) Section 17.42.020 to add subsection “M.” to incorporate the MMHS Campus Specific Plan into the MMC consistent with the proposed LCPA language, d) exempt the MMHS from the prohibition of EMC signs required by MMC Section 17.52.040, e) amend LCP Zoning Map No. 2 to add a boundary line around the MMHS Campus Specific Plan area, denoting the boundaries of the MMHS Campus Specific Plan area for three parcels (Assessor’s Parcel Map Numbers [APNs] 4469-017-900, 4469-018-903, and 4469-018-904) located at 30215 Morning View Drive, f) add MMHS Campus Specific Plan Environmental Sensitive Habitat Area Restoration Map Nos. 1, 2, and 3 to the LIP, g) add the Proposed Site Plan for the MMHS Campus Specific Plan to the LIP, and h) amend the MMC Zoning Map consistent with the update to LCP Zoning Map No. 2 located at 30215 Morning View Drive (Santa Monica-Malibu Unified School District).

The Council discussed the motion.

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

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. KnoxBox Education Campaign

Recommended Action: 1) Review the recommendation by the Public Safety Commission to provide Los Angeles County Sheriff Deputies access to gated

communities through the installation of emergency key systems; and 2) Provide direction to staff and, if appropriate, direct staff to add the KnoxBox Education Campaign to the Fiscal Year 2022-2023 Work Plan.

Public Safety Liaison Flores presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

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 Farrer moved, and Councilmember Pierson seconded a motion to direct staff to add the KnoxBox Education Campaign to the Fiscal Year 2022-2023 Work Plan. The question was called, and the motion carried unanimously.

B. Film Permit Services Review

Recommended Action: 1) Receive report on the film permit services; and 2) Direct staff to issue a Request for Proposal for film permit services.

Assistant City Manager Toney presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Kimberly Nilsson and Ryan Embree

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

Councilmember Pierson was absent from the meeting at 11:02 p.m.

The Council discussed the item and directed questions to staff and Ms. Nilsson.

MOTION Councilmember Farrer moved, and Mayor Pro Tem Silverstein seconded a motion to direct staff to issue a Request for Proposal for film permit services.

Mayor recognized public speaker Marianne Riggins.

The Council discussed the motion.

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

C. Recommendation of Change to LADYJ Departure Procedure from LAX

Recommended Action: Direct staff to inform Los Angeles World Airports that the City supports the implementation of the Option 1 (CASTA Hybrid) departure flight procedure to replace the current LADYJ departure procedure.

City Manager McClary, Interim City Attorney Rusin, and Steven Taber, Specialized Federal Aviation Administration Counsel, presented the staff report.

The Council directed questions to staff, Timi Romolini of Quiet Skies Woodland Hills, David Chan of Los Angeles World Airports, and Mr. Taber.

Mayor Grisanti opened the floor for public comment.

Speakers: Ms. Romolini, Gary Hoffman, Julie Carmen, Rick Mullen, and Ryan Embree

E. Barry Halderman 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, Mr. Taber, and Mr. Chan.

MOTION Mayor Pro Tem Silverstein moved to send a formal response to Los Angeles World Airports (LAWA) with reasons for opposition to both options presented to change to LADYJ departure procedure from the Los Angeles International Airport (LAX).

The motion died due to the lack of a second.

The Council discussed the motion and directed questions to Ms. Romolini.

Mayor Grisanti recognized public speakers E. Barry Halderman and John Johannessen.

MOTION Councilmember Uhring moved to abstain from issuing a recommendation of change to LADYJ departure procedure from LAX until information could be provided to the public regarding the options.

The motion died due to the lack of a second.

The Council directed questions to Mr. Taber and Ms. Romolini.

MOTION Mayor Grisanti moved to send a recommendation in favor of the CASTA Hybrid procedure which was similar to the route that was used before the NextGen changes were implemented.

The motion died due to the lack of a second.

The Council directed questions to Mr. Chan and Ms. Romolini.

MOTION Mayor Grisanti moved, and Councilmember Farrer seconded a motion to continue consideration of recommendation of change to LADYJ departure procedure from LAX to a date uncertain. The question was called, and the motion carried 4-0, Councilmember Pierson absent.

- D. Resolution Declaring the Existence of a Local Emergency and Initiating a Program for Reducing the Risk of Fires Associated with Individuals Living Unhoused and Otherwise Engaged in Unpermitted and Regulated Camping
Recommended Action: Adopt Resolution No. 22-42, declaring the existence of a local emergency and initiating a program for reducing the risk of fires associated with individuals living unhoused and otherwise engaged in unpermitted and unregulated camping.

Assistant City Manager Toney presented the report.

The Council directed questions to staff.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

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 Farrer moved, and Councilmember Uhring seconded a motion to adopt Resolution No. 22-42, as amended to correct Recital 1.P. to state the number of fires experienced in 2021 was 23, declaring the existence of a local emergency and initiating a program for reducing the risk of fires associated with individuals living unhoused and otherwise engaged in unpermitted and unregulated camping. The question was called, and the motion carried 4-0, Councilmember Pierson absent.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

At 12:30 a.m. on September 28, 2022, Mayor Grisanti adjourned the meeting in memory of Sara Wan.

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

BRUSE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)