



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: October 11, 2023 Meeting date: October 23, 2023

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the January 23, 2023 Malibu City Council Regular meeting, and February 13, 2023 Malibu City Council Regular meeting.

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

STRATEGIC PRIORITY: This item is part of the day-to-day operations identified in the Adopted FY 2023-24 Strategic Priority Project List.

DISCUSSION: Staff has prepared draft minutes for the Council meetings of January 23, 2023, and February 13, 2023.

ATTACHMENTS:

January 23, 2023 Regular meeting
February 13, 2023 Regular meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JANUARY 23, 2023
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 Silverstein called the meeting to order at 5:31 p.m.

ROLL CALL

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

PRESENT: Mayor Bruce Silverstein; Mayor Pro Tem Steve Uhring (arrived at 5:32 p.m.) and Councilmembers Paul Grisanti, Marianne Riggins, and Doug Stewart

PUBLIC COMMENT ON CLOSED SESSION

Mayor Pro Tem Uhring arrived at 5:32 pm.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, he read a written comment from Mari Stanley and returned the matter to the table for discussion.

RECESS TO CLOSED SESSION

At 5:34 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated litigation

1. Initiation of litigation pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: 2

REGULAR SESSION CALL TO ORDER

Mayor Silverstein called the meeting to order at 6:37 p.m.

ROLL CALL

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

PRESENT: Mayor Bruce Silverstein; Mayor Pro Tem Steve Uhring (arrived at 6:49 p.m.); and Councilmembers Paul Grisanti, Marianne Riggins, and Doug Stewart

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Acting Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Manager; Rob DuBoux, Public Works Director; and T'Ana Christiansen, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Councilmember 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 Section 54956.9(d)(2), with all Councilmembers present. He stated the Council discussed the item on the Closed Session agenda with no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to approve the agenda. The question was called, and the motion carried 4-0, Mayor Pro Tem Uhring absent.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on January 13, 2023, with the amended agenda posted on January 20, 2023.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

E. Barry Haldeman commented on his opposition to the Mountains Recreation and Conservation Authority (MRCA) proposed project that would allow camping in environmentally sensitive habitat areas (ESHA). He requested that the Council help in any way they could, which included meeting with Los Angeles County Board of Supervisors representative Sheila Kuehl and the California Coastal Commission (CCC).

Jo Drummond displayed a slide of a recent fire that occurred in Tuna Canyon on a property that was reportedly occupied by individuals experiencing homelessness. She stated the property owner should be required to reimburse the cost of the

emergency response and resources for the fire to be extinguished. She commented on the lack of safety enforcement at homeless encampments. She displayed a slide of a vista point near Big Rock and stated that brush clearance in the view corridor was not maintained by the MRCA for fire safety. She stated that there would be a discussion on beautification and landscaping on City easement properties at the upcoming Public Works Commission meeting.

Mayor Pro Tem Uhring was present in the meeting at 6:49 p.m.

Josh Spiegel congratulated the new Councilmembers. He stated that he agreed with Ms. Drummond about the recent fire at the Tuna Canyon property and that nuisance laws should be enforced. He stated that better progress should be made by the City for the establishment of community parks and requested the requested Council provide clear direction to the Parks and Recreation Commission. He stated that he was disappointed that there was no movement on the snack shack project at Bluffs Park and encouraged the Council to do whatever it took to make that happen.

Alicia Peak thanked the Councilmembers for their service. She stated that the City should hire a planner dedicated to City projects or develop a system to prioritize projects that provide a community benefit. She stated the installation of the new blue shade structures at Bluffs Park took six years. She stated that the snack shack needed to be finished and that the community needed an aquatics center, as well as other recreational facilities.

Jefferson Wagner expressed his opposition to camping in ESHA and stated that it was dangerous and problematic.

Rick Mullen congratulated the new Councilmembers and thanked all the Councilmembers for their service. He commented on the City's Mission and Vision Statements and emphasized the importance of land acquisition in the preservation of Malibu's natural beauty and resources. He stated that he fully supported the newly formed ad hoc committee that seemed to be geared toward land acquisition as well as a full-time grants writer so funding opportunities would not be missed.

Colin Drummond encouraged the community's input on the neighborhood beautification program that would be discussed at the January 25, 2023 Public Works Commission Special meeting.

Julie Carmen indicated her support for an ad hoc committee focused on the protection of open space She suggested ways be found for the public to enjoy the area in a safe manner.

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

Scott Dittrich, Homelessness Task Force, discussed a presentation from the City of Santa Barbara that outlined their approach to homelessness with a combination of outreach and enforcement, which included support from Santa Barbara County.

He stated they had success in helping resistant individuals.

City Manager McClary reported that the week prior he attended a meeting that provided an update on the Santa Monica College (SMC) Malibu Campus. He stated that the first classes were scheduled to be held starting February 13, 2023, and tours and a grand opening event would be held sometime during the spring. He reported that on January 19, 2023, the City conducted a multi-agency emergency exercise at City Hall based on a 7.8 magnitude San Andreas Fault earthquake scenario and there was a very good turnout and collaboration. He stated that he attended the annual organizational meeting of the Las Virgenes-Malibu Council of Governments (COG). He stated that the City submitted a letter to the CCC the prior week regarding the low-impact camping plan. He stated that the letter requested the prohibition of camping on red-flag warning days, a requirement for daily campsite inspections, prohibition of construction of camping facilities, and 100-foot setbacks from ESHA observed. He stated that the project was scheduled for consideration at the CCC's February 8, 2023 meeting as well as the Sea View Hotel project. He reported that Westward Beach incurred significant storm damage and Los Angeles County Department of Beaches and Harbors was conducting emergency repairs in close coordination with the CCC. He confirmed that there was a fire on the afternoon of Saturday, January 21, 2023 that was believed to have originated at an illegal encampment occupied by persons experiencing homelessness. He stated that options were being explored by the City which included code enforcement action against the property owner. He announced the annual homeless count would be conducted on January 25, 2023. In response to Mayor Silverstein, he stated that the Sea View Hotel project report would be posted on the CCC's website when it was available.

Lieutenant Dustin Carr, Los Angeles County Sheriff Department, stated that crime trends were well within the five-year trend margin. He stated that the traffic report for the month of December 2022 was issued on January 12, 2023. He reported a total of three fatal collisions for the year, which declined by five from the eight there were the year before last. He stated that speeding and unsafe turning were the main factors in traffic collisions and that most fatalities involved pedestrians. He stated a large factor in the reduction of fatal traffic collisions was the City's efforts in outreach and providing resources to individuals experiencing homelessness. He stated that the fire in Tuna Canyon on Saturday was less than an acre in size and the person believed to have caused it had fled. He stated that the host team had contact with four persons camping on the property in September 2022 and services were offered at that time. He stated more attention would be given to such encampments. He thanked the public for their contact with him about recreational vehicles illegally parked and stated the situation would be addressed.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Riggins requested that the meeting be adjourned in memory of the lives lost in Monterey Park on Saturday. She stated that she walked to Westward Beach Road and saw the commendable restroom and roadway protection efforts

from the county and noted that there was a large amount of sand moved around, in addition to the sand that was removed during the Beaches and Harbors dune restoration project. She thanked public speakers Mr. Spiegel and Ms. Peak for their comments on the snack shack and projects that benefited the community and indicated support for the creation of recreational and arts projects on City owned land. She commented on the trash left at Surfrider Beach and stated that arrangements should be made to have it cleaned up. She stated that at the recent Planning Commission meeting, Planning Commissioner Jeff Jennings stated that the fire rebuilds had a five-year window to rebuild and keep their previous tax rate and she would like more information on that to ensure that any residents who had not been able to get their work done were protected. She commented on the rough road conditions at the Trancas bridge area that made it tough for both motorists and bicyclists and suggested the City's Public Works Department work with Caltrans to remedy the situation. She thanked the Public Works Department for its efforts to repair the potholes on PCH and stated there was still work to be done. She thanked staff in every department and acknowledged how hard everyone worked to have the residents taken care of.

Councilmember Grisanti stated that he attended the COG meeting. He stated that he walked the Westward Beach Road site and saw the placement of rocks and stated that it looked like it would be a long while before the road would be reopened. He reported that he completed the Arts Commission survey on community needs for an arts center and encouraged members of the public to complete the survey. He stated the survey would be open through the upcoming Saturday. He stated that he was glad that there were some changes to the nuisance laws that would enable the City to pursue action to have property declared an attractive nuisance.

In response to Councilmember Riggins, Public Works Director DuBoux stated that the City was in talks with Caltrans to have that rough area of roadway in the Trancas Bridge area repaved.

Councilmember Stewart stated that he attended the COG meeting as an alternate. He requested that an Administration and Finance Subcommittee meeting should be scheduled as soon as possible. He stated that measures should be taken for relief to be provided to people trying to rebuild their fire-affected homes as the five-year deadline referenced by Councilmember Riggins approached. He commented on his experience during his time on the Public Safety Commission, when he visited properties up in the canyons, that it was amazing how many people lived up there even past the Malibu City limits. He stated that property owners needed to take responsibility for their property so that the trash did not end up washing into the ocean after storms. In response to public speakers Mr. Spiegel and Ms. Peak, he stated that a parks plan needed to be put in place to put vacant land owned by the City and land the City would own in the future into use as parkland. He acknowledged the numerous public speakers who were concerned about the acquisition and use of open space.

Mayor Pro Tem Uhring stated that he attended the meeting at the SMC Malibu

Campus and that the college would have classes and educational programs and for all different age groups. He encouraged the community to take advantage of the educational opportunities offered. He commented on the multi-agency emergency preparedness drill and stated that he was glad the City took steps for protection of the community and helped the community to be prepared. He commented on the impressive efforts by the City to help keep various locations within the City clean. He recognized the Volunteers on Patrol for their hard work. He requested an update on school safety efforts, especially considering the recent shootings in Monterey Park.

Mayor Silverstein discussed his attendance at the California Contract Cities conference. He stated he was seated with Los Angeles County Supervisors Janice Hahn and Lindsey Horvath and that Supervisor Horvath stated she would attend a City Council meeting once the Council returned to live meetings, and he discussed homelessness issues with Supervisor Hahn. He stated that he attended a California Strategies meeting and that Mayor Pro Tem Uhring was also in attendance. He stated that he believed that the City was always in a state of emergency since it was in the high fire severity zone. He commented on the letter sent to the CCC regarding the camping plan and stated that the submission of letters did not influence the CCC's decisions and that legal action may be taken by the Ramirez Canyon group. He stated that the City needed to take enforcement action using the nuisance laws against property owners who allowed unregulated encampments on their properties which posed a safety risk, specifically the Tuna Cayon area property.

In response to Mayor Pro Tem Uhring, Assistant City Manager Toney stated that school security efforts were fully underway with the City working with the Santa Monica-Malibu Unified School District.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem Uhring moved, and Councilmember Grisanti seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.3. and 3.B.6. 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 68031-68114 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. 717 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount

of \$461,838.12. City of Malibu payroll check number 53045306 and ACH deposits were issued in the amount of \$247,669.60.

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

Recommended Action: Consider a motion to reaffirm Resolution No. 21-64, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

5. Acceptance of Broad Beach Road Biofiltration Repair Project

Recommended Action: 1) Accept the work performed by JTEC Corporation, Inc. for the Broad Beach Road Biofiltration Repair Project, Specification No. 2091 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 24, 2022 Malibu City Council Regular meeting.

MOTION

Councilmember Grisanti moved, and Mayor Pro Tem Silverstein seconded a motion to approve the minutes for the January 24, 2022 Malibu City Council Regular meeting. The question was called and the motion carried 3-0, Councilmembers Riggins and Stewart abstained.

6. Professional Services Agreement with 4Leaf, Inc. for Expedited Woolsey Fire Consulting Services

Recommended Action: Authorize the Mayor to execute a two-year professional services agreement with 4Leaf, Inc. for contract planning services in an amount not to exceed \$600,000.

The Council discussed the item and directed questions to staff.

MOTION

Councilmember Grisanti moved, and Mayor Silverstein seconded a motion to authorize the Mayor to execute a two-year professional services agreement with 4Leaf, Inc. for contract planning services in an amount not to exceed \$600,000. The question was called and the motion carried unanimously.

RECESS

At 7:49 p.m., Mayor Silverstein recessed the meeting. The meeting resumed at 8:01 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Appeal No. 21-011 - Appeal of Planning Commission Resolution No. 21-53 (23325 Malibu Colony Drive; Owner, Axel 23324, LLC; Appellant, Judith Israel)

Recommended Action: Adopt Resolution No. 23-02, determining the project is categorically exempt from the California Environmental Quality Act, denying

Appeal No. 21-011 and approving Coastal Development Permit No. 18-035 for the demolition of a one-story single-family residence and associated development, totaling 2,963 square feet, and construction of a new 5,146 square foot, two-story single-family residence, swimming pool, decks, permeable driveway and other associated development, and replacement of the onsite wastewater treatment system; including Variance No. 19-062 to allow encroachment into the 100-foot buffer from an Environmentally Sensitive Habitat Area (Malibu Lagoon) and Demolition No. 18-010 for the demolition of the existing residence and associated development located in the Single-Family Medium Density zoning district within the Malibu Colony Overlay District at 23325 Malibu Colony Drive (Axel 23324, LLC).

Senior Planner Brooks presented the staff report.

The Council directed questions to staff.

Disclosures: Councilmembers Grisanti, Riggins, and Stewart and Mayor Pro Tem Uhring

Mayor Silverstein opened the floor to public comment.

Speakers: Jackson McNeill, Victor De la Cruz, and Jo Drummond

Jackson McNeill provided rebuttal to public comment.

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

The Council discussed the item and directed questions to staff, Mr. McNeill, and Mr. De la Cruz.

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to adopt Resolution No. 23-02, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 21-011 and approving Coastal Development Permit No. 18-035 for the demolition of a one-story single-family residence and associated development, totaling 2,963 square feet, and construction of a new 5,146 square foot, two-story single-family residence, swimming pool, decks, permeable driveway and other associated development, and replacement of the onsite wastewater treatment system; including Variance No. 19-062 to allow encroachment into the 100-foot buffer from an Environmentally Sensitive Habitat Area (Malibu Lagoon) and Demolition No. 18-010 for the demolition of the existing residence and associated development located in the Single-Family Medium Density zoning district within the Malibu Colony Overlay District at 23325 Malibu Colony Drive (Axel 23324, LLC).

The Council discussed the motion and directed questions to staff.

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

B. Approval of Use of Community Development Block Grant (CDBG) funds for Fiscal Year 2023-2024

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 23-03 authorizing and approving the use of \$9,900 in CDBG funds for the Malibu Community Labor Exchange and the use of \$56,100 in CDBG funds for the permanent trailer project or for the construction of an office for the Day Labor Exchange Program.

Assistant Manager Toney presented the staff report.

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

The Council directed questions to staff.

MOTION Councilmember Stewart moved, and Mayor Pro Tem Uhring seconded a motion to adopt Resolution No. 23-03 authorizing and approving the use of \$9,900 in CDBG funds for the Malibu Community Labor Exchange and the use of \$56,100 in CDBG funds for the permanent trailer project or for the construction of an office for the Day Labor Exchange Program. The question was called, and the motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Hybrid Meetings Proposal and Transition Plan

Recommended Action: 1) Consider a proposal for hybrid meetings; and 2) Provide direction on the meeting format for Commission, Committee, and Board meetings

City Clerk Pettijohn presented the staff report.

City Manager McClary addressed the Council about staffing issues.

The Council directed questions to staff.

Mayor Silverstein opened the floor to public comment.

Speaker: Jo Drummond

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

MOTION Mayor Silverstein moved to direct that the Council will return to in-person meetings on March 27, 2023, which would be conducted in the following manner: a) the Council will hold meetings in person but also allow remote participation pursuant

to AB 361, but encourage city council members to appear in person; b) members of the public will be able to participate in-person or via Zoom, and Zoom participants will be able to appear on camera; c) members of the public must sign-up to speak prior to the beginning of the item being called by the Mayor; d) allowing time deferrals any individual, up to 5 extra minutes; and e) meetings will be canceled if the City is unable to broadcast.

FRIENDLY AMENDMENT

Mayor Pro Tem Uhring seconded the motion and moved to: a) not allow time deferrals; and b) to cancel meetings if there is a power outage or other disruption that would prevent half or more of the City from being able to participate via Zoom.

The amendment was accepted by the maker of the motion.

The Council discussed the amended motion.

FRIENDLY AMENDMENT

Councilmember Grisanti moved to have members of the public participating via Zoom not shown on camera.

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

FRIENDLY AMENDMENT

Councilmember Stewart moved to: a) have the pilot program start with the City Council starting second meeting of March; and b) direct all other Commissions and Committees to continue meeting virtually pursuant to AB 361.

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

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

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

MOTION Mayor Silverstein moved, and Mayor Pro Tem Uhring seconded a motion to hear Item Nos. 6.A. and 6.B. past 10:30 p.m.

FRIENDLY AMENDMENT

Councilmember Riggins moved to amend the motion to also hear Item No. 7.B. past 10:30 p.m.

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

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

ITEM 6 NEW BUSINESS

A. Malibu Farmers Market Fee Waiver

Recommended Action: Consider whether to approve the request from the Cornucopia Foundation to waive the facility use and permit fees for the Malibu Farmers Market at Legacy Park.

Acting Community Services Director Riesgo presented the staff report.

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

The Council discussed the item.

MOTION Mayor Pro Tem Uhring moved, and Councilmember Stewart seconded a motion to approve the request from the Cornucopia Foundation to waive the facility use and permit fees for the Malibu Farmers Market at Legacy Park.

FRIENDLY AMENDMENT

Councilmember Grisanti moved to waive only half of the facility use permit fee for the Malibu Farmers Market at Legacy Park.

The amendment was not accepted by the maker of the motion.

The Council discussed the motion and directed questions to staff.

FRIENDLY AMENDMENT

Mayor Pro Tem Uhring moved that any additional requests for fee waivers must include a copy of the Cornucopia Foundation's tax returns.

The amendment was accepted by the seconder of the motion.

The question was called and the amended motion carried unanimously.

B. Resolution Ratifying the Director of Emergency Services' Proclamation of Existence of a Local Emergency

Recommended Action: Adopt Resolution No. 23-04 ratifying the proclamation of existence of a local emergency by the Director of Emergency Services.

City Manager McClary provided the staff report.

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

MOTION Councilmember Riggins moved, and Mayor Silverstein seconded a motion to adopt Resolution No. 23-04 ratifying the proclamation of existence of a local emergency by the Director of Emergency Services. The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- B. City Council Library Subcommittee Appointments
Recommended Action: Affirm or modify appointments to the Library Subcommittee.

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

- MOTION Mayor Silverstein moved, and Mayor Pro Tem Uhring seconded a motion to appoint Mayor Silverstein to the Library Subcommittee.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

- MOTION Councilmember Riggins moved, and Mayor Silverstein seconded a motion to hear Item No. 7.A. after 10:30 p.m. The question was called and the motion failed 4-1, Councilmember Grisanti opposed.

- A. Proposed Elimination of the Fee for an Appeal to the City Council from a Decision of the Planning Commission that Would be Appealable Directly to the California Coastal Commission if There Were a Fee for an Appeal to the City Council (Mayor Silverstein and Councilmember Stewart) (Continued from January 9, 2023)

Recommended Action: At the request of Mayor Silverstein and Councilmember Stewart, consider eliminating the fee for an appeal to the City Council from a decision of the Planning Commission that would be appealable directly to the California Coastal Commission if there were a fee for an appeal to the City Council.

This item was continued to the February 13, 2023 Regular City Council meeting.

ADJOURNMENT

Mayor Silverstein adjourned the meeting at 11:11 p.m. in memory of the victims of the Monterey Park shooting.

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

STEVE UHRING, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk

(seal)

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 13, 2023
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 Silverstein called the meeting to order at 5:00 p.m.

ROLL CALL

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

PRESENT: Mayor Bruce Silverstein; Mayor Pro Tem Steve Uhring; and Councilmembers Paul Grisanti, Marianne Riggins (arrived at 5:01 p.m.) and Doug Stewart

REPORT ON POSTING OF AGENDA

Councilmember Riggins arrived at 5:01 p.m.

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on February 2, 2023.

PUBLIC COMMENT ON CLOSED SESSION

Mayor Silverstein opened the floor to public comment.

Speakers: None

RECESS TO CLOSED SESSION

At 5:03 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Legal Counsel – Existing Litigation

1. Pursuant to Government Code Section 54956.9(d)(1)
Jason Riddick et al. v. City of Malibu, LASC Case No. 21SMCP00655

Conference with Legal Counsel – Anticipated litigation

2. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: 1

Letter from Marshall Camp dated January 24, 2023, re: Aviator Nation
CUPA/JUPA

Conference with Real Property Negotiators

1. Properties: APN 4453-005-013
APN 4453-005-018
APN 4453-005-111
APN 4453-005-114
APN 4453-005-117
APN 4453-005-118
APN 4459-004-001
APN 4459-004-004
APN 4459-005-003
APN 4459-005-013
APN 4459-005-001

Agency Negotiator: Councilmembers Marianne Riggins and Doug Stewart
Negotiating Parties: EQ Property Holdings LLLP
Under Negotiation: Price and terms of payment

REGULAR SESSION CALL TO ORDER

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

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Acting Community Services Director; and Richard Mollica, Planning Director

PLEDGE OF ALLEGIANCE

Councilmember Grisanti led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 5:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(1) and 54956.9(d)(2), with all Councilmembers present and discussed the items listed on the closed session agenda. He stated the Council discussed the items on the Closed Session agenda with no reportable action.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on February 2, 2023.

APPROVAL OF AGENDA

MOTION Mayor Pro Tem Uhring moved, and Councilmember Riggins seconded a motion to approve the agenda and to adjourn the meeting in memory of Guy Weston Embree. The question was called, and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Brian Manor discussed the temporary restaurant recovery program, which allowed outdoor dining and requested an extension of the program to have the needs of the community met. He stated that many communities allowed outdoor dining and shopping because they served as opportunities that brought people together.

Jo Drummond discussed the variances required for construction of small structures, such as decks, fences, or sheds in geologically hazardous areas. She stated that for almost 30 years, the community of Big Rock had no variances applied in their landslide area for even large additions and dangerous excavations. She stated that the pursuit of a variance for small projects was cost prohibitive and tedious to homeowners and discouraged property improvements. She discussed the deck she wanted to build on her property. She stated that variances and slope stability studies should only be required for projects above ten percent total development square footage increases in size. She requested to have the matter addressed at an upcoming City Council meeting.

Mario Sandoval, Mountains Recreation and Conservation Authority (MRCA) Project and Coastal Planner, provided an update on the Malibu Lower Cost Accommodations Public Works Plan. He stated the MRCA initiated a Notice of Preparation and a public scoping period from October 17, 2022, through December 16, 2022. He stated that they received more than 260 public comments during the 60-day public scoping period, which was 30 days beyond the legal requirement. He reported that the public scoping meeting held on October 27, 2022, was well-attended by local residents. He stated that the comments would be included in the public scoping summary report that would be an Exhibit to the draft of the Environmental Impact Report which would enter a public review period toward the end of 2023 or the beginning of 2024.

Lloyd Ahern , President of the Las Tunas Homeowners Association, requested that

an update on the California Coastal Commission (CCC) meeting held on February 8, 2023, from Planning Director Mollica. He commented on an article that appeared on the front page of The Malibu Times newspaper on the problems in Tuna Canyon. He stated when the area was affected by fires the City and first responders did a commendable job. He stated fire safety vigilance was important because despite the eight inches of rain the area received in recent months there was an unseasonably early fire in February. He requested an update from Interim City Attorney Rusin about legislation to address the shared homeownership company Pacaso.

Scott Tallal requested that Malibu Film Society screenings be allowed in Malibu. He stated that 18 months prior, the City's Planning Department informed the Malibu Jewish Center and Synagogue (MJCS) they would be cited for code violations unless they stopped hosting events at their facility and several months later, they informed the Malibu Pacific Church the same. He stated he had correspondence from former City Manager Jim Thorsen confirming the former City Council implicitly approved their screenings at MJCS and approved their general funds grants in 2009 and again in 2010. He discussed how Malibu Film Society events held outside the City did not benefit the Malibu community. He stated the Malibu Pacific Church was specifically designed to accommodate events like theirs, and therefore a temporary use permit was not needed. He requested the matter be addressed at the next meeting.

Bill Sampson stated that shared homeownership company Pacaso should be addressed before the matter became problematic like Airbnb. He stated that former City Attorney John Cotti had worked on the issue. He stated that he had previously sent the City Council his remarks on Policy 43 and that he hoped that the matter would be revisited. He commented on the increased number of homes in his neighborhood that were used as short-term rentals. He stated that he thought it was not coincidental that the Sea View Hotel project was heard by the CCC after the City's hosted STR ordinance. He stated that if the hotel were allowed, the lack of accommodations the CCC based their objections on the hosted portion of the City's STR proposal would have been alleviated. He stated that the construction of the hotel should be allowed and that STRs should not.

Norm Haynie stated that he thought that the CCC would have the final version of the Sea View Hotel approval to the City by the end of the week and that it would be appreciated if the matter was placed on the City Council meeting's Consent Calendar as soon as possible. He stated that some wordsmithing was done, but there were no changes in intent for the project that the City approved over one year prior.

Amy Oosterhouse stated that she lived up Carbon Canyon, on Carbon Mesa Road and that she recently received a notice in the mail for an application for the placement of wireless 5G mobile antenna right next to her house. She stated that she had sensitivities to antennas that caused her health issues and discussed the potential health impacts of 5G. She stated that she left a message for the City's case planner for the project, Brian Martinez.

Tim Pera , MRCA Supervisory Agent for the Coastal Region in Malibu, introduced himself. He provided an update on the activities of the rangers in Malibu. He stated that additional patrols were added for safety and fire prevention and that more officers and trash cans were added for the public parks to be kept clean and safe. He stated that they received one service call about a disabled vehicle parked along the road in Tuna Canyon for three days. He stated that after they met with City staff, they were given permission for the addition of two trash cans at the Carbon La Costa beach accessway and that cameras would be installed. He stated that they had a total of 50 trash cans at 18 parks and beach accessways which helped them be kept clean.

Kraig Hill commented on uses for the City's vacant parcels. He stated that the Malibu Arts Commission was interested in an Arts Center and the Parks and Recreation Commission was interested in parks, and that each brought their own perspective. He recommended the City for a committee with community members and other interested parties to recommend how the land should be used, rather than hiring a consultant. He suggested low-cost uses or use as open space in the short-term until the long-term more elaborate projects were implemented. He stated that codes that prevented smaller projects from being built without a variance should be addressed by the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES). He requested an update on the shared homeownership matter from Interim City Attorney Rusin and expressed his support for film screenings in Malibu.

Vanessa Garcia was not present at the time of the hearing.

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

City Manager McClary reported that COVID-19 numbers declined since their peak in November and December of 2022, with a decrease in test positivity, death, and hospitalization rates. He stated that the seven-day average testing positivity rate was down to 5.15 percent and that they remained at the low transmission rate. He stated that he attended the City Managers Conference in Carlsbad, California. He stated that he attended the Council of Governments Technical Advisory Committee meeting and reviewed some of the year's goals. He reported that he attended a meeting of the Clean Power Alliance, and their competitiveness in the marketplace was discussed. He stated that the City's Public Safety staff attended a meeting at the King Gillette Ranch on wildfire resiliency which remained an ongoing topic of concern for the City, despite the eight inches of rain received in recent months.

Planning Director Mollica discussed the actions taken by the California Coastal Commission (CCC) the week prior at the hearing and highlighted some of the comments the City made at the meeting. He stated that the Los Angeles County camping Local Coastal Program Amendment (LCPA) was received and filed, despite the City's verbal and written objection. He stated that when the CCC approved the LCPA, they removed the fire and safety provisions, such as no camping on red flag days, daily campsite inspections, prohibition of cooking

facilities, and the 100-foot setback from environmentally sensitive habitat areas (ESHA). He stated that he provided verbal comments on the City's Wireless LCPA and Sign LCPA. He stated that both LCPA submissions were deemed complete in November 2022 and the City awaited comments and recommendations from the CCC. He stated that the LCPA for the Sea View Hotel which were approved by the CCC with the suggested modifications made by City staff and that it would be brought back to the City Council for certification. He discussed next steps for the LCPA.

City Manager McClary stated that a discussion on outdoor restaurant seating options would be on the March 13, 2023 City Council meeting agenda.

Lieutenant Dustin Carr, Los Angeles County Sheriff Department, stated that most crime was down on a year-over-year basis, and they were in line with the pre-COVID-19 five-year trend. He stated that their traffic and ticket-reporting programs had some errors and that he hoped to have those numbers by the next meeting. He stated that the host team worked with the Los Angeles County Department of Beaches and Harbors at Surfrider Beach and cleared out the illegal encampments. He stated that the Thursday prior, the host team went through Zuma Beach and the Point Dume area on all-terrain vehicles and contacted several people experiencing homelessness and offered them information on services. He stated that the Crime Impact Team continued their citation issuance program, and the open position on that team was filled. He stated that the prior Monday, he met with the Sheriff Department Facilities Management Bureau at the new Santa Monica College (SMC) Malibu Campus substation site and worked on technology infrastructure and the project was on schedule. He reported that there was a family disturbance that involved a firearm in the 29000 block of Bluewater Road where a helicopter circled the area for an extended period, but the incident ended peacefully without injury.

In response to Mayor Pro Tem Uhring, Lieutenant Carr stated that the early car program was effective by virtue of the improvements seen in the reduction of illegally parked recreational vehicles along PCH and that Sheriff cars in the area during the early morning hours provided a reduction in response times, a presence in the community, education to the public, and enforcement of parking and other laws. He stated that the number of citations issued and the criteria for effectiveness evaluation and whether fulfillment of the mission of the car set forth by the City could be provided.

Lieutenant Carr introduced Sargeant William Velek and stated that he wanted the Councilmembers and the community to get to know him and his role in Malibu.

Sargeant William Velek, Los Angeles County Sheriff Department Juvenile Team and Summer Beach Team, stated that he worked on school campus safety. He stated that they conducted campus walk-throughs at all the Malibu schools and reviewed suggested improvements with the school's administration at each site and discussed their visitor policies. He discussed recent lock-down drills at the Middle and High

Schools and table-top drills conducted with school staff on a lockdown active shooter sniper scenario. He stated that a meeting was held that evening at the High School and two members of the Sheriff Department were on a panel social media safety for students.

In response to Mayor Silverstein, he stated that school staff responded well to the drills and were receptive to suggestions to improve security. He stated some terminology was changed so that it matched what was used by the Sheriff Department for the same language to be used by all of the schools. He stated that plain English rather than codes for lockdowns were used, for understanding, coordination, and communication. He stated that they collected school emergency plans for Sheriff Emergency Operations Center use should a response become necessary. He stated that there were no threats to the campuses during their threat assessment and if a student posted something of concern on social media, a house check would be conducted and followed up. He stated that there were no incidents in Malibu, but there was a potential incident in another city, which turned out to be a non-threat, but they went through their process, and everything went well.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Stewart stated that he met with the Baker Tilly consultants. He stated that he attended a Library Speaker Series event on ocean health and encouraged the public's attendance at the series. He stated that he attended the League of California Cities New Mayors and Council Members Academy and found the information on the Brown Act very beneficial. He stated that he reviewed the legislative actions that were pending and in process and found it informative, and of particular interest was a business roundtable initiative. He stated that he attended a session on municipal and government accounting and revenue management. He stated that out of the 350 attendees, only three indicated their meetings were not held in person and two of those were himself and Councilmember Riggins. He stated that he viewed the CCC hearings on the Sea View Hotel and the County's camping proposal.

Councilmember Riggins stated that she attended a Development Services Ad Hoc Committee meeting and a School District Separation Ad Hoc Committee meeting. She stated she attended the League of California Cities New Mayors and Council Members Academy and found it interesting, and she met a lot of colleagues from around the state. She encouraged attendance at any of their conferences because they were very informative. She stated that she participated as a judge for the Boys and Girls Club Youth of the Year program where Anthony was selected for the local club. She stated that the four candidates were all very remarkable and encouraged everyone to learn more about the Boys and Girls Club and their impact on the community's youth. She stated that she introduced Dr. Douglas McCauley at the Library Speaker Series event on ocean health and found it amazing and an exciting subject. She thanked the City's Public Safety Department, the Los Angeles County Sheriff Department, and the Los Angeles County Department of Beaches and Harbors for the assistance they provided the people on Surfrider Beach and the

cleanup involved. She stated that she also noticed that the Department of Beaches and Harbors opened the road to the Westward Beach parking lot for Point Dume State Beach and was interested in the emergency steps they took in road and restroom protection and their future plans. She stated that she wanted to ask her fellow Councilmembers about extending an invitation to their state leaders and other people around the state to visit the Malibu community so they could see the great environmental work, the number of visitors to the city, and the access provided to the beaches and State Parks.

Councilmember Grisanti stated that he was interviewed for the Baker Tilly consultants' report and that he looked forward to the finished product. He stated that he attended Dr. Amarjit Singh Marwah's 97th birthday celebration which was attended mostly by doctors since he was associated with UCLA's medical school for a long time. He stated that he attended the CCC hearing on the Sea View Hotel and testified in support of the project, and he looked forward to it coming back to the City Council for certification. He stated that he attended the School Separation Ad Hoc Committee meeting, and that he felt that there was progress made and hoped for a big announcement soon. He stated that he attended the Library Speaker Series event on ocean health and a classical guitar student concert at the library. He stated that he looked forward to the opening of the SMC Malibu Campus and hoped to tour the campus.

Mayor Pro Tem Uhring, in response to Mr. Manor, stated that there was a newspaper article the week prior that discussed the public benefit of al fresco dining and that he thought that the matter would move forward. In response to Mr. Tallal, he stated that the Malibu Film Society was offered the City Hall theater for their film screenings, and they declined the offer. In response to Mr. Haynie, he stated that he listened to the CCC hearing on the Sea View Hotel and commented that he was amazed about the CCC's demand for \$800,000 from Mr. Haynie. He requested Mr. Pera provide contact information for the public to request trash can placement in areas the MRCA was responsible for. He thanked the Malibu Country Mart and Michael Koss for the removal of the lights that were along the top of the buildings so they were more compliant with the Dark Sky Ordinance. He stated that he heard from the public that the SMC had lighting that was not Dark Sky compliant, and he spoke to Planning Director Mollica about having that addressed. He stated that he had received email messages from residents who requested that the farmers' market remain in Legacy Park and that he would like that option explored. He stated that he thought an item on shared homeownership was supposed to be on the agenda.

In response to Mayor Pro Tem Uhring, Planning Director Mollica stated that a report on shared homeownership was in progress, and they awaited a meeting with the CCC's new attorney assigned to the area. He stated that they wanted to be certain that no modifications were necessary to the City's Local Coastal Program and that it could be done strictly through the Malibu Municipal Code.

In response to Mayor Pro Tem Uhring, Interim City Attorney Rusin stated that the shared homeownership discussion should not be opened, but stated that they wanted

to be certain that the City was on the same page as the CCC about the process that the City outlined. He stated that they had a good conversation with the CCC but wanted that conversation to be continued with their attorney.

In response to Mayor Pro Tem Uhring, Planning Director Mollica provided a timeline for the shared homeownership matter and stated it would be discussed by the City Council prior to the Planning Commission discussion. He stated that the report would be provided to City Manager McClary for his review, which would put the item on one of the March City Council meeting agendas.

Mayor Pro Tem Uhring stated that he attended the weekly meetings with the California Strategies consultants that were very helpful and felt the City received value for their money as there were many entities that the City worked with, including the MRCA and the CCC. He commented on the Development Services Ad Hoc Committee meetings with the Baker Tilly consultants. He stated that he believed in order for the correct answer to be arrived at, the consultants needed to learn how Malibu worked as a City, as a community, and as the municipal government. He stated he received an email from the consultant which informed him that the City Manager negotiated an agreement that restricted any oversight by the City Council or any City Council subcommittee. He stated that the consultant informed him that they rarely worked with a City Council subcommittee and the requirement of subcommittee interface was not specified in the City's request for proposals. He discussed his efforts to get the subcommittee working. He stated that he would bring forward a motion for the dissolution of the subcommittee and the City Manager would be relied upon for information on the progress of the consultants.

Councilmember Riggins stated that she was disappointed in the assertions that there was some type of inappropriate behavior by the City Manager with regards to the consultants. She stated that she thought the reports would have suggestions from Councilmembers incorporated and that the process needed to be allowed to go a little bit further. She suggested if Mayor Pro Tem Uhring wanted to step down from the Development Services Ad Hoc Committee, interest from other Councilmembers could be sought, but she thought dissolution was not appropriate and it was too early to warrant that type of move.

Mayor Silverstein thanked the public speakers, as well as persons who submitted written comments. He stated that over the past two weeks he participated on calls with Mayor Pro Tem Uhring and California Strategies representatives, and that multiple matter were worked on that could not yet be publicly discussed, but more information would be forthcoming, some of which would hopefully have relief provided to those who lost their homes in the Woolsey Fire who had experienced delays. He stated that he was interviewed by representatives from Baker Tilly. He stated that he attended a Southern California Mayors leadership conference at Claremont Graduate University's Drucker School of Management about leadership and entrepreneurship of cities. He stated that it was interesting and confirmed to him that Malibu was very different in that most cities were heavily focused on the

creation of more development and business, and how to make money, and Malibu was focused on maintaining the rural beauty of the city. He stated that he accepted an invitation from the Pepperdine Caruso School of Law to attend their upcoming third annual Belonging Awards ceremony that celebrated social justice, equity, and inclusion. He stated that at their request, he provided them with a letter, and it could be obtained through a request to the City. He stated that he read the CCC's staff reports about all the subjects. He discussed the County's decision to accept the conditions on the ESHA camping LCPA and the CCC Executive Director's report. He commented that there would be a conversation on the outdoor dining matter and that he had suggested a 90-day grace period for restaurants to make arrangements and for the City to develop an ordinance. He discussed the impacts on parking, septic capacity, and other community impacts. In response to Ms. Drummond, he stated that he thought that matter was a topic that was appropriate for ZORACES to consider and that it would work its way up to the City Council level. He stated that he appreciated the report from MRCA and that it was requested they be made a regular part of the Council meeting agenda. In response to Mr. Ahern, he stated that the requested explanation was provided by Planning Director Mollica, and the requested report from Interim City Attorney Rusin on Pacaso, would be forthcoming. In response to Mr. Tallal, he stated that the prospect of using the newly finished Santa Monica College might suffice as an appropriate venue for the Malibu Film Society's screenings. In response to Mr. Sampson, he stated that the STRs needed to be dealt with. In response to Ms. Oosterhouse, he suggested she contact Lonnie Gordon and the group of people she worked with as they were very in tune with the 5G issue and worked to keep the equipment away from homes. In response to Mr. Hill, he stated that he agreed that a robust process for usage of the City's vacant land should be implemented. He expressed concern that the Chili Cookoff site was covered with gravel by Southern California Edison (SCE) and the City excused them of the obligation to have it restored. He stated that there would be a full City Council hearing on the Sea View Hotel project and not be placed on the Consent Calendar. He stated that the LCPA submitted by the City had been denied and the CCC was recommending a different LCPA. He discussed whether the \$800,000 fee imposed by the CCC should have been directed to the City or the CCC and expressed concern regarding how the funding may be used. He stated that the farmers' market held at Legacy Park could pose a health code issue as there were pets allowed in the park and the intent was for the farmers' market to return to the SMC parking lot once construction was concluded.

ITEM 3 CONSENT CALENDAR

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

MOTION Councilmember Grisanti moved, and Mayor Pro Tem 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, Councilmembers Riggins' and Stewart's abstaining from Item No. 3.B.3.

The Consent Calendar consisted of the following items:

B. New Items

1. Waive Further Reading
Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
2. Approve Warrants
Recommended Action: Allow and approve warrant demand numbers 68115-68277 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. 718 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,643,829.76. City of Malibu payroll check number 5307-5313 and ACH deposits were issued in the amount of \$501,634.40.
3. Approval of Minutes
Recommended Action: Approve the minutes for the February 4, 2022 Malibu City Council Special meeting.
4. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361
Recommended Action: Consider a motion to reaffirm Resolution No. 22-25, reauthorizing remote teleconferencing/virtual meetings pursuant to AB 361.
5. Professional Services Agreement with Pro Sound Inc.
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Pro Sound Inc. for replacement of the Council Chambers lighting dimmer system.
6. Integrated Regional Water Management Implementation Grant
Recommended Action: Adopt Resolution No. 23-06 approving the adoption of the 2017 Updated Greater Los Angeles County Integrated Regional Water Management Plan.

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

7. Annual Comprehensive Financial Report and Management Letter for Fiscal Year 2021-2022
Recommended Action: Receive and file the Annual Comprehensive Financial Report for Fiscal Year 2021-2022.
Assistant City Manager Toney presented the staff report.

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

The Council discussed the item and directed questions to staff.

The Council received and filed the Annual Comprehensive Financial Report for Fiscal Year 2021-2022.

8. Amendment to Professional Services Agreement with California Skateparks

Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with California Skateparks.

Acting Community Services Director Riesgo presented the staff report.

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

The Council discussed the item and directed questions to staff.

MOTION

Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with California Skateparks. The question was called, and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

None.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

A. Proposed Elimination of the Fee for an Appeal to the City Council from a Decision of the Planning Commission that Would be Appealable Directly to the California Coastal Commission if There Were a Fee for an Appeal to the City Council (Mayor Silverstein and Councilmember Stewart)

Recommended Action: At the request of Mayor Silverstein and Councilmember Stewart, consider eliminating the fee for an appeal to the City Council from a decision of the Planning Commission that would be appealable directly to the California Coastal Commission if there were a fee for an appeal to the City Council.

Mayor Silverstein presented the report and opened the floor to public comment.

Speakers: Cynthia Martin, Ken Kearsley, Evan Contino, and Howard Rudzki

M. Ford , Nino Posella, and Michelle Calvert were not present at the time of the

hearing.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Stewart moved, and Councilmember Grisanti seconded a motion to continue to the item to a date uncertain.

The Council discussed the motion.

FRIENDLY AMENDMENT

Mayor Pro Tem Uhring moved to have the matter returned to the Council for discussion 30 days after the completion of the consultant's report the item.

The amendment was not accepted by the maker of the seconder of the motion.

The Council discussed the motion.

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

RECESS At 9:09 p.m., Mayor Silverstein recessed the meeting. The meeting resumed at 9:20 p.m. with all Councilmembers present.

B. Designation of Voting Delegate and Alternate Voting Delegate(s) for the 2023 Southern California Association of Governments (SCAG) Annual Regional Conference and General Assembly

Recommended Action: Designate the City's voting delegate and alternate voting delegate for the Southern California Association of Governments 2023 Annual Regional Conference and General Assembly scheduled for May 4-5, 2023 in Palm Desert.

City Manager McClary presented the staff report.

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

The Council discussed the item.

MOTION Mayor Silverstein moved, and Councilmember Stewart seconded a motion to designate Councilmember Riggins as the voting delegate and Councilmember Grisanti as the alternate voting delegate for the Southern California Association of Governments 2023 Annual Regional Conference and General Assembly scheduled for May 4-5, 2023 in Palm Desert. The question was called, and the motion carried unanimously.

- C. Council Appointment to the Public Works Commission
Recommended Action: Councilmember Grisanti may make a new appointment to the Public Works Commission

Councilmember Grisanti appointed Don Maclay to the Public Works Commission.

Mayor Silverstein opened the floor to public comment.

Speaker: Jo Drummond

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

The Council discussed the appointment.

ADJOURNMENT

At 9:28 p.m., Mayor Pro Tem Uhring moved, and Councilmember Riggins seconded a motion to adjourn the meeting in memory of Guy Weston Embree. The question was called, and the motion carried unanimously.

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

STEVE UHRING, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)