



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, Interim City Manager

Date prepared: August 20, 2021 Meeting date: September 13, 2021

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the February 11, 2021 Malibu City Council Special meeting and the February 24, 2021 Malibu City Council Adjourned 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 2020-2021. This is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meetings of February 11, 2021 and February 24, 2021.

ATTACHMENTS:

1. February 11, 2021 Malibu City Council Special meeting
2. February 24, 2021 Malibu City Council Adjourned Regular meeting

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
FEBRUARY 11, 2021
TELECONFERENCED - VARIOUS LOCATIONS
3:00 P.M.

The following meeting was held pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

MEETING CALL TO ORDER

Mayor Pierson called the meeting to order at 3:00 p.m.

ROLL CALL

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

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

ALSO PRESENT: John Cotti, Interim City Attorney; Reva Feldman, City Manager; and Kelsey Pettijohn, Deputy City Clerk

PUBLIC COMMENT ON CLOSED SESSION

Mari Stanley, Sebastian Sandoval, and Elena Eger were not present at the time of the hearing.

RECESS TO CLOSED SESSION

At 3:05 p.m., on the advice of counsel and based on existing facts and circumstances, the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated litigation

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

Personnel Matters pursuant to Government Code Section 54957:

1. Public Employee Performance Evaluation
Title: City Manager
2. Public Employee Discipline/Dismissal/Release

CLOSED SESSION REPORT

Interim City Attorney Cotti reported that the Special meeting convened at 3:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(2) and 54957, with all Councilmembers present. He stated the Council took no reportable action.

ADJOURNMENT

MOTION At 3:50 p.m., Councilmember Farrer moved, and Councilmember Uhring seconded a motion to adjourn the meeting. The question was called, and the motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on _____, 2021.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

MINUTES
MALIBU CITY COUNCIL
ADJOURNED REGULAR MEETING
FEBRUARY 24, 2021
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

MEETING CALL TO ORDER

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

PUBLIC COMMENT ON CLOSED SESSION

Speaker: Howard Rudzki

Pamela Van Ireland was not present at the time of the hearing.

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 – Anticipated litigation

1. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: 1
Letter from Therese Y. Cannata on behalf of Reva Feldman dated January 16, 2021, addressing Ms. Feldman’s employment status

Personnel Matters pursuant to Government Code Section 54957:

1. Public Employee Performance Evaluation
Title: City Manager
2. Public Employee Discipline/Dismissal/Release

REGULAR SESSION CALL TO ORDER

Mayor Pierson called the meeting to order at 6:31 p.m.

ROLL CALL

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

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

ALSO PRESENT: John Cotti, Interim City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Manager; Rob DuBoux, Public Works Director; Christine Wood, Deputy City Attorney; Kelsey Pettijohn, Deputy City Clerk; Chris Dean, Contract Geologist; Lauren Doyel, Contract Geotechnical Engineer; Mark Johnson, Environmental Programs Coordinator; Michael Phipps, Contract Geologist/Coastal Consultant; Kathleen Stecko, Administrative Assistant; and Arthur Aladjajian, Public Works Superintendent

PLEDGE OF ALLEGIANCE

Mayor Pierson led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Cotti reported that the Regular meeting convened at 5:00 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(2) and 54957, with all Councilmembers present. He stated the Council discussed the items listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Farrer moved and Councilmember Silverstein seconded a motion to approve the agenda, adjourning in memory of the 500,000 victims of the COVID-19 pandemic in the United States. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on February 11, 2021, with the amended agenda posted on February 19, 2021 and the Notice of Adjournment posted on February 22, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Terry Davis stated she had submitted her public comment via email and thanked the Councilmembers for their service.

Doug Stewart discussed the City's ordinances limiting overnight parking. He discussed accusations of corruption and harassment in City Hall. He encouraged the Council to investigate the allegations and take corrective actions.

Dana Graulich encouraged the Council to hire an outside firm to investigate the allegations in the Wagner Affidavit and City Manager Feldman's allegations of a hostile work environment.

Chris Frost thanked staff for its work on Ordinance No. 427. He thanked the Volunteers on Patrol (VOPs) for enforcing the City's parking restrictions.

Howard Rudzki thanked staff for its work on Ordinance No. 427.

Lloyd Ahern discussed Councilmember Silverstein's departure from his former law firm. He requested Councilmember Silverstein release his former law firm from any non-disclosure agreements and that he participate in an interview regarding the sunken treasure fraud case.

Marissa Coughlan questioned why Councilmember Silverstein did not recite the pledge of allegiance. She discussed Councilmember Silverstein's oath of office. She stated it was important to let the business of the City move forward during this difficult time.

Mark Baute was not present at the time of the hearing.

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

Suzanne Guldemann discussed the repairs to Charmlee Wilderness Park since the Woolsey Fire. She stated the Senior Center was offering phone assistance to help senior residents schedule a COVID-19 vaccine appointment. She stated the Parks and Recreation Commission had decided not to recommend a dog park at Las Flores Creek Park. She requested the Council budget funds for the Parks and Recreation Commission to begin considering how to use the City's vacant land.

City Manager Feldman stated Los Angeles County had 2,157 new cases of COVID-19 and the testing positivity rate was 4.4%. She stated Malibu had 345 positive cases and the City was assisting qualified residents with scheduling COVID-19 vaccination appointments. She stated Los Angeles County planned to open the next tier of vaccine eligibility on March 15, 2021. She stated 295 Woolsey Fire rebuilds

had been approved by the Planning Department, 169 building permits had been issued, and 22 homes had been completed. She reminded the public to sign up for emergency alerts. She stated there would be a Special City Council meeting on February 25, 2021 to discuss issues related to homelessness. She thanked the VOPs for their service.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Mayor Pro Tem Grisanti discussed the environmental impact report for Los Angeles County Waterworks District No. 29's improvement project. He encouraged the City to help permit the improvement project quickly.

Councilmember Silverstein discussed the City's lobbyist firm, California Strategies, and recommended exploring if that firm could have a role in the disputes with the Mountains Recreation and Conservation Authority. He stated his former law firm was not bound to any non-disclosure agreement regarding his departure. He stated he would be happy to participate in an interview on the sunken treasure fraud case with a neutral party or interested parties could read the court transcripts. He stated he took his oath of office very seriously and the United States Supreme Court had held that the Pledge of Allegiance could not be required. He stated he ran for City Council because he believed the Council at the time had been manipulated by the City Manager and City Attorney and he believed there was need for a Councilmember who was a lawyer. He stated over 2,400 residents agreed with his objectives and voted for him in the election. He stated the majority of the Council and a number of residents had disregarded and denigrated his legal experience. He stated he had been shut out of City Council Subcommittees and Ad Hoc Committees. He discussed the intent of the Brown Act to bring the deliberations of elected officials into the public eye. He stated even as a Councilmember he was unable to understand how and why Council decisions were made because he did not receive the same information as other Councilmembers. He stated he had learned the search for a law firm to investigate the Wagner Affidavit was ongoing, but he had not been provided any details. He discussed the letter sent on behalf of City Manager Feldman by Therese Cannata and indicated support for providing notice to terminate her contract. He stated closed sessions were too secretive and the public should have more explanation of what the Council was doing in closed session. He stated someone was disclosing the closed session discussions to some members of the public.

Councilmember Farrer stated she attended a School District Separation Ad Hoc Committee meeting and planning meeting for the February 25, 2021 Special meeting on homelessness. She stated she meet Los Angeles County Supervisor Sheila Kuehl's new homelessness deputy. She stated she attended a Las Virgenes-Malibu Council of Governments meeting, a Los Angeles County Library Commission meeting, a City Council Policy Review Ad Hoc Committee meeting,

and a League of California Cities Los Angeles County Division Legislative Committee meeting. She discussed Ms. Davis's correspondence. She thanked everyone who worked on Ordinance No. 427. She indicated support for investigating the allegations in the letter sent on behalf of City Manager Feldman. She thanked the VOPs for their service. She stated Charmlee Wilderness Park was in better condition than it was before the Woolsey Fire. She encouraged residents to reach out to the Senior Center if they needed assistance scheduling a COVID-19 vaccine appointment.

Councilmember Uhring stated he would like to discuss what the Parks and Recreation Commission needed to begin considering how to use the City's vacant land. He stated he had discussed the Special meeting on homelessness issues with several residents. He expressed concern that when the COVID-19 eviction moratorium was lifted there would be an increase in homelessness. He discussed Ms. Davis's correspondence and the typical length of a Council meeting. He recommended the Councilmembers avoid criticizing each other during meetings.

Mayor Pierson recommended people visit Charmlee Wilderness Park. He thanked everyone who worked on Ordinance No. 427. He stated the City was taking on a lot of challenging projects. He stated he attended a Santa Monica Bay Restoration Commission meeting.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.A.1. and 3.B.4. were pulled by the public. Item Nos. 3.B.2., 3.B.5., and 3.B.6. were pulled by the Council.

MOTION Councilmember Uhring moved, and Mayor Pro Tem Grisanti seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.A.1., 3.B.2., 3.B.4., 3.B.5., 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.

3. Approval of Minutes

Recommended Action: Approve the minutes for the December 9, 2020 Malibu City Council Special meeting, the December 14, 2020 Malibu City Council Regular meeting, and the December 16, 2020 Malibu City Council Regular meeting.

The following items were pulled from the Consent Calendar for individual consideration:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 481

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 481 amending Chapter 15.20 of Title 15 of the Malibu Municipal Code to make technical amendments to the floodplain management ordinance and finding the same exempt from the California Environmental Quality Act.

Mayor Pierson opened the floor for public comment.

Speaker: Marissa Coughlan

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

MOTION

Councilmember Uhring moved, and Mayor Pro Tem Grisanti seconded a motion to adopt Ordinance No. 481 amending Chapter 15.20 of Title 15 of the Malibu Municipal Code to make technical amendments to the floodplain management ordinance and finding the same exempt from the California Environmental Quality Act. The question was called, and the motion carried unanimously.

B. New Items

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 62375-62485 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. 676 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,618,245.46. City of Malibu payroll check numbers 5149-5152 and ACH deposits were issued in the amount of \$208,423.63.

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

The Council directed questions to staff.

MOTION

Councilmember Uhring moved, and Mayor Pro Tem Grisanti seconded a motion to allow and approve warrant demand numbers 62375-62485 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. 676 in

the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,618,245.46. City of Malibu payroll check numbers 5149-5152 and ACH deposits were issued in the amount of \$208,423.63. The question was called, and the motion carried 4-1, Councilmember Silverstein abstaining.

4. Comprehensive Annual Financial Report and Management Letter for Fiscal Year 2019-2020

Recommended Action: Receive and file the Comprehensive Annual Financial Report for Fiscal Year 2019-2020.

Mayor Pierson opened the floor for public comment.

Howard Rudzki declined to comment.

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

MOTION

Mayor Pro Tem Grisanti moved, and Mayor Pierson seconded a motion to receive and file the Comprehensive Annual Financial Report for Fiscal Year 2019-2020.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

5. Professional Services Agreement and Memorandum of Understanding to Update the Enhanced Watershed Management Program and Reasonable Assurance Analysis

Recommended Action: 1) Authorize the Mayor to execute a Professional Services Agreement with Larry Walker Associates in an amount not to exceed \$535,633 to update the North Santa Monica Bay Coastal Watershed (NSMBCW) Enhanced Watershed Management Program (EWMP) and Reasonable Assurance Analysis (RAA); and 2) Authorize the Mayor to execute a Memorandum of Understanding between the City of Malibu, Los Angeles County Flood Control District and the County of Los Angeles for the development and cost sharing of the update to the NSMBCW EWMP and RAA.

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

The Council directed questions to staff.

MOTION Mayor Pro Tem Grisanti moved, and Councilmember Farrer seconded a motion to: 1) authorize the Mayor to execute a Professional Services Agreement with Larry Walker Associates in an amount not to exceed \$535,633 to update the North Santa Monica Bay Coastal Watershed (NSMBCW) Enhanced Watershed Management Program (EWMP) and Reasonable Assurance Analysis (RAA); and 2) authorize the Mayor to execute a Memorandum of Understanding between the City of Malibu, Los Angeles County Flood Control District and the County of Los Angeles for the development and cost sharing of the update to the NSMBCW EWMP and RAA. The question was called, and the motion carried unanimously.

6. Amendments to Professional Services Agreements for School District Separation Consultant Services

Recommended Action: 1) Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with STLR Corp, dba Ryland School Business Consulting; and 2) Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Kirk-Carter and Associates.

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

The Council directed questions to staff.

MOTION Mayor Pro Tem Grisanti moved, and Councilmember Uhring seconded a motion to: 1) Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with STLR Corp, dba Ryland School Business Consulting; and 2) authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Kirk-Carter and Associates. receive and file the Comprehensive Annual Financial Report for Fiscal Year 2019-2020. The question was called, and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Appeal No. 19-010 - Appeal of Planning Commission Resolution No. 19-25 (20238 Piedra Chica Road; Appellants: Colin Drummond; Applicant: Sakahara Allen Architects; Property Owners: Reza Nebavi and Maryam Akbar)
Recommended Action: Continue the item to a date uncertain.

This item was continued to a date uncertain upon approval of the agenda.

B. Approval of Use of Community Development Block Grant funds for Fiscal Year 2021-2022

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 21-07 authorizing and approving the Fiscal Year 2021-2022 use of \$20,000 in Community Development Block Grant (CDBG) funds for the Malibu Community Labor Exchange and the transfer of \$48,000 in CDBG funds to the CDBG Revolving Grant Fund.

Assistant City Manager Soghor presented the staff report.

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

The Council directed questions to staff.

MOTION Councilmember Uhring moved, and Councilmember Silverstein seconded a motion to adopt Resolution No. 21-07 authorizing and approving the Fiscal Year 2021-2022 use of \$20,000 in Community Development Block Grant (CDBG) funds for the Malibu Community Labor Exchange and the transfer of \$48,000 in CDBG funds to the CDBG Revolving Grant Fund. The question was called, and the motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Woolsey Fire Fee Waiver Program

Recommended Action: Consider whether to extend the fee waiver deadlines for residents rebuilding property damaged or destroyed by the Woolsey Fire.

Assistant City Manager Soghor presented the staff report.

Mayor Pierson opened the floor for public comment.

Speakers: Howard Rudzki and Marissa Coughlan

Dana Graulich was not present at the time of the hearing.

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

The Council directed questions to staff.

MOTION Mayor Pro Tem Grisanti moved, and Councilmember Farrer seconded a motion to direct staff to bring back a resolution to extend the Woolsey Fire Fee Waiver Program deadlines to June 30, 2021 and December 31, 2021.

FRIENDLY AMENDMENT

Mayor Pierson recommended the deadlines be extended to December 31, 2021 and June 30, 2022. The maker and seconder accepted the amendment.

The Council discussed the motion.

FRIENDLY AMENDMENT

Councilmember Uhring moved to include in the resolution allowance of serial development. The amendment was not accepted by the maker and the seconder.

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

RECESS

At 8:50 p.m., Mayor Pierson recessed the meeting. The meeting reconvened at 9:01 p.m. with all Councilmembers present.

ITEM 6 NEW BUSINESS

A. Big Rock Mesa Landslide, Status and Development Review

Recommended Action: Receive and file report on Big Rock Mesa Landslide Assessment District related capital improvement options with the Big Rock community.

Environmental Sustainability Director Bundy presented the staff report.

Mayor Pierson opened the floor for public comment.

Speakers: Don Michael, Marilou Hamill, Dee Dee Graves, Rosemarie Ihde, Jimi Petulla, Hak Wong, Georgia Goldfarb, Don Kowalewsky, Christopher Cunningham, Eric Sosa, Jo Drummond, Colin Drummond, Norman Haynie, Scott Dittrich, Jon Congdon, Kraig Hill, Reza Nabavi, Maryam Akbar, Jared Cohen, Marissa Coughlan, Nora Cohen, and Michael Paul

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

The Council directed questions to staff.

MOTION

Mayor Pierson moved and Councilmember Silverstein seconded a motion to receive and file the report on Big Rock Mesa Landslide Assessment District related capital improvement options with the Big Rock community.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Voting Delegate and Alternate for the SCAG Annual General Assembly
Recommended Action: 1) Appoint a Delegate and Alternative Representative to the Southern California Association of Governments (SCAG) Annual General Assembly scheduled to be held on May 6, 2021; and 2) Authorize the delegate to submit proposed resolutions and/or SCAG bylaw revisions, if any, by the deadline on Friday, March 5, 2021.

City Manager Feldman presented the staff report.

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

The Council directed questions to staff.

MOTION Councilmember Silverstein moved, and Councilmember Uhring seconded a motion to appoint Councilmember Farrer as Delegate and Mayor Pro Tem Grisanti as Alternate Representative to the Southern California Association of Governments (SCAG) Annual General Assembly scheduled to be held on May 6, 2021; and 2) authorized the delegate to submit proposed resolutions and/or SCAG bylaw revisions, if any, by the deadline on Friday, March 5, 2021 and/or SCAG bylaw revisions, if any, by the deadline on Friday, March 5, 2021. The question was called, and the motion carried unanimously.

- B. Young Actors Project Grant Request (Councilmember Farrer)
Recommended Action: At the request of Councilmember Farrer, award a Fiscal Year 2020-2021 General Fund Grant to Young Actors Project in the amount of \$4,000.

Mayor Pierson opened the floor for public comment.

Speakers: Shoshana Kuttner

Nichole McGinley was not present at the time of the hearing.

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

The Council directed questions to staff.

MOTION Councilmember Farrer moved, and Mayor Pro Tem Grisanti seconded a motion to award a Fiscal Year 2020-2021 General Fund Grant to Young Actors Project in the amount of \$4,000. The question was called, and the motion carried unanimously.

C. Malibu Farmers Market Parking (Mayor Pierson and Councilmember Uhring)
Recommended Action: At the request of Mayor Pierson and Councilmember Uhring, consider whether to waive permit fees for the use of the City's Sycamore Village property for parking for the weekly Malibu Farmers Market.

Councilmember Uhring presented the report.

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

MOTION Councilmember Uhring moved, and Mayor Pro Tem Grisanti seconded a motion to waive permit fees for the use of the City's Sycamore Village property for parking for the weekly Malibu Farmers Market.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

ADJOURNMENT

MOTION At 12:09 a.m. on Thursday, February 25, 2021, Councilmember Uhring moved, and Councilmember Silverstein seconded a motion to adjourn in memory of the 500,000 victims of the COVID-19 pandemic in the United States. The question was called, and the motion carried unanimously.

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

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)