



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: September 28, 2021 Meeting date: October 11, 2021

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the March 8, 2021 Malibu City Council Regular meeting and the March 10, 2021 Malibu City Council Special meeting.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021. This is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meetings of March 8, 2021 and March 10, 2021.

ATTACHMENTS:

1. March 8, 2021 Malibu City Council Regular meeting
2. March 10, 2021 Malibu City Council Special meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MARCH 8, 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 6:30 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; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Christine Wood, Deputy City Attorney; Susan Dueñas, Public Safety Manager; Elizabeth Shavelson, Assistant to the City Manager; and Kelsey Pettijohn, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Mayor Pierson led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Farrer moved and Mayor Pro Tem Grisanti seconded a motion to approve the agenda. 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 26, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Update on School District Separation

Deputy City Attorney Wood presented an update on efforts to separate from the Santa Monica-Malibu Unified School District and the City's petition to the Los Angeles County Office of Education.

Terri Ryland, Ryland School Business Consulting, presented information on school district funding in California and how the Malibu Unified School District and Santa Monica Unified School District (SMUSD) would be funded.

LaTanya Kirk-Carter, Kirk Carter & Associates, presented information on local revenue sources for SMUSD and discussed the importance of local control in district formation.

The Council directed questions to staff.

ITEM 2.A. PUBLIC COMMENTS

Los Angeles County Fire Department Assistant Fire Chief Drew Smith discussed the fires at Malibu Knolls and Serra Retreat on February 28, 2021. He discussed the coordinated response to the fires and efforts to prevent structure damage.

The Council directed questions to Assistant Fire Chief Smith.

Mark Baute discussed Mayor Pierson's and Councilmember Farrer's meeting with Judge David Carter on homelessness. He indicated support for using the parking lot behind City Hall as an alternative sleeping location for people experiencing homelessness. He stated the Councilmembers needed to work together as a team. He expressed concern Councilmember Silverstein may get the City involved in more litigation.

Scott Dittrich stated personal attacks did not have any place in Malibu. He stated the voters overwhelmingly supported the effort of Councilmember Silverstein and Councilmember Uhring to remove City Manager Feldman and former City Attorney Hogin. He stated City Manager Feldman had failed the community.

Lloyd Ahern discussed the potential for the Sheriff's Department to patrol private property above the City.

Scott Jacobs thanked everyone involved with installing speed humps in Point Dume. He stated he collected signatures for a petition to place speed humps on Birdview Avenue. He expressed hope the additional speed humps could be installed by summer.

Lonnie Gordon, on behalf of Malibu for Safe Tech, stated small cell sites had been

scientifically proven to negatively affect communities. She stated an update to the wireless telecommunication facilities ordinance needed to be considered by the Council at its March 22, 2021 meeting.

Jo Drummond thanked Assistant Fire Chief Smith for his update. She questioned when the Council would allow time deferrals in virtual meetings. She stated she hoped the Council could continue to work well together for the good of Malibu. She thanked Mayor Pierson for meeting with the Pathways to Housing CEO.

Melanie Goudzwaard thanked all involved in school district separation. She discussed the importance of local control.

Stacy Rouse was not present at the time of the hearing.

David Kramer read the letter he submitted to the public record for the meeting regarding school district separation.

Howard Rudzki thanked the fire department for its work. He stated conflicts with the Mountains Recreation Conservation Authority (MRCA) were a citywide issue. He discussed the law enforcement costs to the City when MRCA did not patrol its property.

Arnold Bernstein stated he had a home on Las Tunas Beach. He discussed the public safety risks created by homelessness. He discussed damage done to his property by people experiencing homelessness. He stated vacant properties were an attractive nuisance and recommended an ordinance requiring property owners to hire private security to patrol their property.

Bill Sampson discussed the Malibu Autobahn event. He recommended Mayor Pierson request Galpin Motors quit sponsoring car racing in Malibu.

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

City Manager Feldman stated Malibu had 376 positive cases of COVID-19 and seven deaths. She stated Los Angeles County had 880 new cases and the testing positivity rate was 2.4%. She encouraged the community to schedule appointments to get vaccinated if they were qualified. She stated City staff could help people schedule appointments. She stated 297 Woolsey Fire rebuilds had been approved by Planning, 170 building permits had been issued, and 24 homes had been completed. She encouraged the community to contact her with any questions regarding school district separation. She stated she was in continual contact with the Sheriff's Department about car clubs in Malibu and stated the City had not permitted any car events. She announced a Wildfire Protection Plan community meeting on March 10, 2021 and a joint Public Safety Commission and Public Works Commission meeting on March 11, 2021.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Uhring stated the CVS in Malibu was offering COVID-19 vaccinations. He stated he attended a Clean Power Alliance (CPA) meeting.

In response to Councilmember Uhring, City Manager Feldman stated the California Coastal Commission (CCC) had requested a significant amount of supplemental information regarding short-term rentals.

Councilmember Uhring stated permit numbers appeared to be missing from some short-term rental listings.

Planning Director Mollica stated the CCC had requested a consistency analysis and data on the existing short-term rentals in the City. He stated staff was compiling the requested information from the short-term rental permit records.

Councilmember Uhring stated he spoke with Los Angeles County Sheriff's Department Lieutenant James Braden regarding private property. He stated he would like to get information from the Sheriff's Department on the effectiveness of the third evening patrol car.

City Manager Feldman stated Los Angeles County Sheriff's Department Captain Chuck Becerra would provide reports on the additional patrol car.

Councilmember Farrer thanked the Malibu/Lost Hills Sheriff's Station, the Volunteers on Patrol, City Manager Feldman and the Media staff who responded to the February 28, 2021 fires. She thanked the school district separation team for its work. She stated she attended a City Council Policy Review Ad Hoc Committee meeting, a Los Angeles County Division Conference for the League of California Cities meeting, the Harry Barovsky Memorial Youth Commission Government Summit, a League of California Cities General Membership meeting, and School District Separation Ad Hoc Committee meeting.

In response to Councilmember Farrer, City Manager Feldman stated the City needed to conduct a traffic study before adding speed bumps to Birdview Avenue. She stated Public Works staff was looking into what could be accomplished in the current fiscal year budget and would add the study to the next fiscal year, if necessary.

Councilmember Farrer thanked Mr. Rudzki. She stated MRCA public access points created an impact on the City.

In response to Councilmember Farrer, City Manager Feldman stated the City invoiced property owners after the City did an encampment cleanup on private property.

Councilmember Silverstein stated public safety and telecommunication concerns were the most vocalized concerns in the City. He stated there needed to be a legislative solution to address dangers posed by homeless encampments on private property. He discussed speeding on Pacific Coast Highway (PCH). He stated he would speak with Captain Becerra and Lieutenant Braden on public safety issues, including speeding and the no camping ordinance. He stated he had been invited to tour Big Rock Mesa and see cracking in the streets caused by the landslide. He stated the City need to follow-up and see if the City's, lobbyist California Strategies, could help address issues with MRCA. He stated he had received questions on why City Manager Feldman continued to work in her position after the letter sent on her behalf by Therese Cannata. He discussed Assembly Bill 1372 and stated it would apply to every city in the State, regardless of their other efforts to address homelessness. He stated he had a meeting with the City's independent auditors. He stated he had been told at the last Regular City Council meeting that the auditors did look at the contracts on a random basis and confirmed the payments were consistent with the contracts. He stated the auditors told him they only reviewed invoices to confirm the amount paid was the amount invoiced. He stated the auditors had no way of testing if any employee received kick-backs. He discussed the Wagner affidavit and stated Jefferson Wagner confirmed he was told while he was in office that a City employee received a kick-back and that employee was terminated. He asked if a member of staff had been discharged after being found to engage in impropriety and why that was not disclosed to the auditors.

Mayor Pro Tem Grisanti expressed appreciation for the presentation on school district separation. He stated he attended an Arson Watch meeting and learned about a program the Sheriff's Department was working on to give Arson Watch access to police radios to better assist law enforcement. He stated he attended a CPA meeting and advised that a 30% fee increase may be coming before the summer.

Mayor Pierson thanked the public speakers. He indicated agreement with a need for speed humps on Birdview Avenue. He stated he would meet with the wildland interface fire-follower advisory group and fire chiefs regarding a pilot program in Malibu. He stated he attended a Topanga Lagoon restoration meeting. He stated he attended a PCH Task Force meeting.

Lieutenant Braden stated private property owners were responsible for patrolling their lands to ensure there was no potential problems that would affect the community. He stated Public Safety Commission Chair Chris Frost and Vice Chair Doug Stewart and gone out with the deputies to see how they were enforcing overnight parking restrictions. He stated enforcement of the overnight parking restrictions had been effective. He stated he would report back in April 2021 on the activities of the temporary third patrol car.

Councilmember Uhring stated Chris Frost had reported on how successful parking restriction enforcement was after his ride along.

Lieutenant Braden encouraged the community to report racing on PCH to the Sheriff's Department. He stated he had statistics on PCH activities for anyone who wanted to see them.

Councilmember Uhring stated the CPA price increase had not yet been determined.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.6. was pulled by the public. Item No. 3.B.2. was pulled by the Council.

MOTION Councilmember Farrer moved and Mayor Pro Tem Grisanti seconded a motion to approve the Consent Calendar, except for Item Nos. 3.B.2. and 3.B.6. The question was called, and the motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- 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. Amendment to Professional Services Agreement with Karasch & Associates
Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Karasch & Associates for closed captioning services.
 - 4. Amendment to Professional Services Agreement with Kimley Horn and Associates, Inc.
Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$846,760 of Measure R funds for a total not to exceed \$2,777,260 for additional engineering design services for the Pacific Coast Highway Signal Synchronization Project.
 - 5. Amendment to Professional Services Agreement with Moffatt & Nichol
Recommended Action: Authorize the Mayor to execute Amendment No. 5 to the Professional Services Agreement with Moffatt & Nichol for professional engineering services to extend the term of the agreement and prepare an additional response regarding the Federal Emergency Management Agency (FEMA) Preliminary Coastal Flood Maps.
 - 7. Office Trailer Rental Lease Extension for Malibu Community Labor Exchange
Recommended Action: Authorize the Mayor to execute the rental lease extension for the office trailer for the Malibu Community Labor Exchange.

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

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 62486-62572 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. 677 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,135,155.73. City of Malibu payroll check numbers 5153-5154 and ACH deposits were issued in the amount of \$211,677.94.

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 62486-62572 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. 677 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,135,155.73. City of Malibu payroll check numbers 5153-5154 and ACH deposits were issued in the amount of \$211,677.94. The question was called, and the motion carried 4-1, Councilmember Silverstein abstaining.

6. Authorization of Judicial Foreclosure for Civic Center Wastewater Treatment Facility Phase One Assessment District No. 2015-1

Recommended Action: Adopt Resolution No. 21-09 ordering judicial foreclosure of delinquent special assessments relating to the City of Malibu Civic Center Wastewater Treatment Facility Phase One Assessment District No. 2015-1.

Mayor Pierson opened the floor for public comment.

Speaker: Kraig Hill

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

The Council discussed the item and directed questions to staff.

MOTION

Councilmember Uhring moved, and Councilmember Silverstein seconded a motion to adopt Resolution No. 21-09 ordering judicial foreclosure of delinquent special assessments relating to the City of Malibu Civic Center Wastewater Treatment Facility Phase One Assessment District No. 2015-1. The question was called, and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Los Angeles County Fire Code

Recommended Action: 1) Conduct the Public Hearing; and 2) Conduct second reading, unless waived, and adopt Ordinance No. 480 adopting by Reference Title 32 of the Los Angeles County Code, which incorporates the 2019 Edition of the California Fire Code, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act.

Environmental Sustainability Director Bundy presented the staff report.

Mayor Pierson opened the floor for public comment.

Georgia Goldfarb 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.

MOTION Councilmember Farrer moved to adopt Ordinance No. 480 adopting by Reference Title 32 of the Los Angeles County Code, which incorporates the 2019 Edition of the California Fire Code, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act.

Interim City Attorney Cotti read the title of the ordinance.

Mayor Pro Tem Grisanti seconded the motion. The question was called, and the motion carried unanimously.

B. Community Development Block Grant – Disaster Recovery

Recommended Action: 1) Adopt Resolution 21-08 approving the allocation of \$18,602,848 in Community Development Block Grant Disaster Recovery funding and the execution of a grant agreement; 2) Direct staff to work with Department of Housing and Community Development of California staff to complete the required due diligence process and develop the grant agreement; and 3) Bring back the grant agreement to City Council for review and approval.

Assistant City Manager Soghor 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 discussed the item and directed questions to staff.

MOTION Councilmember Farrer moved, and Mayor Pro Tem Grisanti seconded a motion to: 1) adopt Resolution 21-08 approving the allocation of \$18,602,848 in Community Development Block Grant Disaster Recovery funding and the execution of a grant agreement; 2) direct staff to work with Department of Housing and Community Development of California staff to complete the required due diligence process and develop the grant agreement; and 3) bring back the grant agreement to City Council for review and approval. The question was called, and the motion carried unanimously.

RECESS At 8:42 p.m., Mayor Pierson recessed the meeting. The meeting reconvened at 8:51 p.m. with all Councilmembers present.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Proposals for Legal Services Related to the Investigation of Allegations Set Forth in an Affidavit filed by Former Malibu City Councilmember, Jefferson Wagner
Recommended Action: Review the proposals for Legal Services related to the investigation of allegations set forth in the Affidavit of former Malibu City Councilmember Jefferson Wagner and provide direction to staff.

Interim City Attorney Cotti presented the staff report.

Speakers: Mark Baute, E. Barry Haldeman, Lloyd Ahern, Howard Rudzki, and Lynn Norton

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

The Council discussed the item.

MOTION Councilmember Uhring moved, and Councilmember Silverstein seconded a motion to appoint Mayor Pro Tem Grisanti and Councilmember Silverstein to: 1) interview law firms that submitted proposals for Legal Services related to the investigation of allegations set forth in the Affidavit of former Malibu City Councilmember Jefferson Wagner; and 2) bring their selection recommendation back to the Council.

The Council discussed the motion.

The question was called, and the motion failed 2-3, Councilmember Farrer, Mayor Pro Tem Grisanti, and Mayor Pierson dissenting.

MOTION Councilmember Silverstein moved to appoint Mayor Pro Tem Grisanti and Councilmember Uhring to: 1) interview law firms that submitted proposals for Legal Services related to the investigation of allegations set forth in the Affidavit of former Malibu City Councilmember Jefferson Wagner; and 2) bring their selection recommendation back to the Council.

The Council discussed the motion.

Councilmember Silverstein withdrew his motion.

MOTION Councilmember Uhring moved, and Councilmember Silverstein seconded a motion to direct Councilmember Silverstein and Interim City Attorney Cotti to: 1) interview law firms that submitted proposals for Legal Services related to the investigation of allegations set forth in the Affidavit of former Malibu City Councilmember Jefferson Wagner; and 2) bring their selection recommendation back to the Council.

The Council discussed the motion.

AMENDMENT

Councilmember Uhring amended his motion to add Councilmember Farrer.

The seconder accepted the amendment.

The Council discussed the amended motion.

The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Investigation of Allegations in January 16, 2021 Letter from Cannata, O'Toole, Fickes & Olson (Mayor Pierson and Councilmember Farrer)

Recommended Action: At the request of Mayor Pierson and Councilmember Farrer, consider whether to hire an outside firm to investigate the allegations of harassment contained in the January 16, 2021 letter from Cannata, O'Toole, Fickes & Olson.

At 9:41 p.m., Councilmember Silverstein recused himself and left the meeting.

Mayor Pierson opened the floor for public comment.

Speakers: Mark Baute, E. Barry Haldeman, Jo Drummond, Lloyd Ahern, Hak Wong, Howard Rudzki, Lynn Norton, and Georgia Goldfarb

Rosemarie Ihde 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 discussed the item.

MOTION Councilmember Farrer moved, and Mayor Pro Tem Grisanti seconded a motion to direct the City's Human Resources Department to search for an independent investigator to investigate the allegations of harassment contained in the January 16, 2021 letter from Cannata, O'Toole, Fickes & Olson. The question was called, and the motion carried 3-1-0, Councilmember Uhring dissenting and Councilmember Silverstein absent.

B. Council Policies (Mayor Pro Tem Grisanti and Councilmember Farrer)
Recommended Action: At the request of the City Council Policy Review Ad Hoc Committee, schedule a City Council Special Study Session on Monday, March 22, 2021, to discuss potential changes to the City Council Policies.

At 10:15 p.m., Councilmember Silverstein returned to the meeting.

Councilmember Farrer presented the report.

Speakers: Mark Baute and Howard Rudzki

Drew Smith was not present at the time of the hearing.

The Council discussed the item and directed questions to staff.

MOTION Councilmember Silverstein moved, and Mayor Pierson seconded a motion to schedule a City Council Special Study Session on Monday, March 22, 2021, at 4:00 p.m. to discuss potential changes to the City Council Policies. The question was called, and the motion carried unanimously.

ADJOURNMENT

At 10:31 p.m., Mayor Pierson 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
SPECIAL MEETING
MARCH 10, 2021
TELECONFERENCED - VARIOUS LOCATIONS
4:00 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 4:00 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

None.

The Council discussed the items on the Closed Session agenda.

RECESS TO CLOSED SESSION

At 4:03 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
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 Appointment
Title: Interim City Manager

CLOSED SESSION REPORT

Interim City Attorney Cotti reported that the Special meeting convened at 4:00 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 only discussed the first item at length. He stated the Council took no reportable action.

ADJOURNMENT

MOTION At 4:48 p.m., Councilmember Silverstein moved, and Mayor Pro Tem Grisanti 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)