



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: June 30, 2022 Meeting date: July 11, 2022

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the November 2, 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 2021-2022. This is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meetings of November 2, 2021.

ATTACHMENTS:

1. November 2, 2021 Adjourned Regular meeting

MINUTES
MALIBU CITY COUNCIL
ADJOURNED REGULAR MEETING
NOVEMBER 2, 2021
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor's AB361 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

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

ROLL CALL

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

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

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, City Manager; Lisa Soghor, Assistant City Manager; Kelsey Pettijohn, City Clerk; Jesse Bobbett, Community Services Director; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Gail Karish, Best, Best & Krieger; Christine Wood, Deputy City Attorney; Julie Stuva, Deputy City Clerk; Susan Dueñas, Public Safety Manager; Adrian Fernandez, Assistant Planning Director; Tyler Eaton, Assistant Planner; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the agenda and adjourn in memory of Dashel Blake.

FRIENDLY AMENDMENT

Councilmember Uhring moved to adjourn the meeting in memory of Richard Carrigan.

The maker and the seconder accepted the amendment.

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

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on October 27, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Update on School District Separation

Deputy City Attorney Christine Wood presented an update on school district separation. She discussed the visioning process that included community surveys and meeting with stakeholder groups. She stated the next Los Angeles County Office of Education County Committee virtual public hearing on the City's petition was scheduled for Wednesday, November 10, 2021 at 6:00 p.m.

The Council directed questions to staff.

ITEM 2.A. PUBLIC COMMENTS

Scott Dittrich showed a video taken on October 16, 2021, showing vehicles parked illegally on Pacific Coast Highway between 2:00 a.m. and 4:30 a.m. He discussed the environmental impacts of people living out of their vehicles.

Nichole McGinley discussed wireless communication facility (WCF) applications that were deemed complete before the new WCF ordinances went into effect. She discussed the different requirements for WCF projects in the public right-of-way versus private property. She stated requirements for projects in the public right-of-way should be updated to match the requirements for projects on private property.

Hamish Patterson discussed the COVID-19 vaccine mandate being considered for public schools.

Jenny Rusinko stated parents had a right to decide if their children should be vaccinated.

Jake Lingo discussed the potential side effects of the COVID-19 vaccines. He questioned why students with COVID-19 antibodies would be required to be vaccinated to attend school. He stated medical decisions for children should be left up to their doctors and parents.

Nick Shapiro indicated opposition to COVID-19 vaccine mandates. He discussed the effects of COVID-19 on children. He discussed the importance of freedom of choice and trust between a government and its citizens.

Ryan Embree discussed the City's noticing procedures for WCF project hearings. He stated recent hearings had not been noticed at the project site. He discussed the

site notices required by other jurisdictions. He stated it was important that WCF project sites include the pole number if it would be installed on a power pole.

Marianne Bema indicated opposition to a COVID-19 vaccine mandate. She discussed confusing messaging on the effects of COVID-19.

Kraig Hill discussed the Westward Beach Road improvement project and stated the project would need a wave uprush study, a sea rise study, and a CEQA study. He discussed reports of erosion and flooding near Westward Beach Road. He recommended the City ask the California Coastal Commission to weigh-in on the project. He stated the Government Code required the Planning Commission to complete an annual review of the Capital Improvements Program for consistency with the General Plan and that review had not been completed.

Carmen Tonarelli she discussed concerns about COVID-19 vaccine mandates and concerns among parents about being labeled an anti-vaccer. She requested the Council oppose vaccine mandates. She discussed children who had been injured by the COVID-19 vaccine.

Ryan Morelli indicated opposition to vaccine mandates. He discussed children who had been injured by the COVID-19 vaccine. He expressed concern that the long-term effects of the COVID-19 vaccines were unknown. He stated masks did not eliminate the risk of contracting diseases and the most common COVID-19 test was inaccurate. He stated he knew several adults that had been injured by the COVID-19 vaccines. He requested the Council oppose vaccine mandates.

Nicole Pearce indicated opposition to COVID-19 vaccine mandates for students.

Heather Gardner indicated opposition to COVID-19 vaccines. She requested the Council oppose vaccine mandates.

Jessica Mark discussed her autoimmune issues and reaction to the COVID-19 vaccine. She indicated opposition to COVID-19 vaccine mandates for students and requested the Council oppose vaccine mandates.

Laura Saint John was not present at the time of the hearing.

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

Scott Dittrich stated the Public Works Commission requested the Council return the Westward Beach Road project to the Commission for further review.

Interim City Manager Steve McClary thanked the school district separation team for their hard work. He stated the recent rainstorm brought the live fuel moisture level up to 61%. He stated he attended the California Contract Cities Association City Manager's Summit with Assistant City Manager Soghor. He stated he attended a Las Virgenes-Malibu Council of Governments (COG) meeting where the COG

voted unanimously to support the City of Malibu's request to the County of Los Angeles to open their winter shelters during red flag events. He announced a Planning Commission hearing for the City's Housing Element on November 15, 2021. He announced the City had begun offering emergency text alerts in Spanish as well as English in October 2021. He stated users could subscribe to Spanish emergency alerts via the Nixle system by texting "alerta" to 888-777. He stated the City partnered with the Malibu Foundation and the Malibu Community Labor Exchange to host an emergency preparedness training in Spanish on September 11, 2021 and registered attendees to receive emergency alerts. He stated staff was working with the Sheriff Department's Homeless Outreach Services Team (HOST) to remove illegal encampments at Zuma Beach and some smaller encampments in eastern Malibu. He stated the City had heard concerns about the Westward Beach Road Improvements project and would bring that item back to Council for further direction.

Lieutenant Jim Braden, Los Angeles County Sheriff's Department, discussed the murder that occurred on May 21, 2021 and stated a search warrant had been served and someone had been placed in custody. He discussed enforcement on the overnight parking restrictions on Pacific Coast Highway. He stated the number of people experiencing homelessness may increase significantly if a recession is caused by the COVID-19 pandemic. He stated he planned to meet with Interim City Attorney Cotti, Public Safety Manager Dueñas and Interim City Manager McClary regarding implementation of the very high fire hazard severity zone camping ordinance. He stated the victim of the machete attack at Dan Blocker Beach and the Doctor that stopped to help him received awards from the City of Hidden Hills.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Farer stated she had spent many hours working on school district separation. She stated the school district could have been less rigid on a vaccine mandate. She stated she and Councilmember Pierson had meetings on affordable workforce housing. She stated she participated in a survey with Las Virgenes-Triunfo Joint Power Authority on their Pure Water Project, a project to treat wastewater into drinking water.

Councilmember Pierson stated he and Councilmember Farrer continued to work on school district separation every day. He stated the Westward Beach Improvements Project began before the current Council was elected. He discussed the live fuel moisture level and stated the City was not out of the woods when it came to fire danger. He stated the homeless situation was getting worse but the City continued to work with the Sheriff's Department to address it. He stated he attended a Santa Monica Bay Restoration Commission meeting, an Administration and Finance Subcommittee meeting, and a COG meeting.

Councilmember Uhring questioned if the City could do anything about the vaccine mandate for students. He stated he attended an Administration and Finance Subcommittee meeting and participated in a tour of the Adamson House. He stated

he was glad the Westward Beach Road Improvements Project was coming back to Council for further review.

Mayor Pro Tem Silverstein stated it was nearly the three-year anniversary of the Woolsey Fire and the deadline to apply to rebuild existing non-conforming structures. He thanked the public speakers and stated if they felt their constitutional rights were being violated they could assert their claim through the Federal Courts. He expressed concern that people were not just parking overnight, but they were sleeping in their cars and illegally camping. He stated he was working with the City's lobbyist firm California Strategies to see what the City could do to get the cargo ships that had recently been hovering near the shore to move further away. He stated he was working with Councilmember Pierson on the City Manager recruitment. He stated he was working with Councilmember Farrer on the investigation into the Wagner Affidavit. He stated recently multiple cars had gotten stuck in the runaway truck lane on Kanan Road. He stated there was a rockslide over the weekend on Cliffside Drive. He suggested removing the appeal fee for appeals of Planning Commission decisions.

Mayor Grisanti stated he attended a tour of the Adamson House, the installation dinner for the Pepperdine Ambassadors Council, and the Fulbright Scholars luncheon. He stated he attended the opening of a net-zero carbon house near Yerba Buena Road. He discussed the low carbon concrete used in the project. He stated he looked forward to reviewing the Westward Beach Improvements Project and stated he hoped the California Coastal Commission appeal would be withdrawn.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember Pierson moved, and Mayor Pro Tem Silverstein seconded a motion to approve the Consent Calendar. The question was called, and the motion carried 5-0.

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.
 - 2. Approve Warrants
Recommended Action: Allow and approve warrant demand numbers 64270-64385 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. 691 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,918,362.08. City of Malibu payroll check numbers 5192-

- 5193 and ACH deposits were issued in the amount of \$229,222.21.
3. Approval of Minutes
Recommended Action: Approve the minutes for the March 22, 2021 Malibu City Council Special meeting and the March 22, 2021 Malibu City Council Regular meeting.
 4. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361
Recommended Action: It is recommended that the City Council adopt Resolution No. 21- 61, making findings and determinations under AB 361 for the continuation of virtual meetings and authorizing virtual City Council, Commission, Board, and other City meetings pursuant to AB 361.
 5. Professional Services Agreement for Printing and Mailing Services of the Quarterly Recreation Guide and City Newsletter
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Southwest Offset Printing Co., Inc. for printing and mailing of the Recreation Guide and City Newsletter.
 6. Professional Services Agreement for Budgeting Software and Support Services
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Questica Ltd. to provide a comprehensive budgeting software system and ongoing support services.
 7. Redistricting
Recommended Action: 1) Receive update on the current redistricting processes currently being conducted on the County and State levels; 2) Direct the Mayor to submit a letter to the Citizens Redistricting Commission identifying the Las Virgenes-Malibu Council of Governments cities and the unincorporated area from Topanga to the Ventura County line as a community of interest and requesting that it remain together in one supervisorial district; and 3) Direct the Mayor to submit a letter to the California Redistricting Commission identifying the Las Virgenes-Malibu Council of Governments cities and the unincorporated area from Topanga to the Ventura County line as a community of interest and requesting that it be included in the same district for congressional and state representation.
 8. Amendment No. 2 to Contract for Special Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. to Address Aviation Noise Generated from Changes Los Angeles International Airport Flight Paths
Recommended Action: Authorize the Mayor to execute a second amendment to the Agreement for Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. and Steven Taber of the firm.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

The Council discussed hearing Item Nos. 4.A. and 4.B. concurrently and directed questions to Interim City Attorney Cotti.

MOTION Mayor Grisanti moved, and Councilmember Farrer seconded a motion to hear Item Nos. 4.A. and 4.B. concurrently. The question was called, and the motion carried unanimously.

- A. Appeal No. 21-009 - Appeal of Planning Commission Resolution No. 21-48 (31557.5 Pacific Coast Highway; Appellant: Lonnie Gordon; Applicant: Zacharia Ghanem of Motive on behalf of Verizon Wireless; Property Owner: California Department of Transportation) (Continued from October 11, 2021)

Recommended Action: Adopt Resolution No. 21-57, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 21-009 and approving Coastal Development Permit No. 20-028 and Wireless Communications Facility No. 20-010 for Verizon Wireless to install two replacement wireless communications antennas at a height of 34 feet, 9 inches and electrical support equipment mounted on a replacement wooden utility pole, including Variance No. 20-017 to permit an upgrade to an existing wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-041 to install and operate a wireless communications facility within the public right-of-way located at 31557.5 Pacific Coast Highway.

- B. Appeal No. 21-014 - Appeal of Planning Commission Resolution No. 21-49 (6213.5 Kanan Dume Road; Appellant: Lonnie Gordon; Applicant: Zacharia Ghanem of Motive on behalf of Verizon Wireless; Property Owner: City of Malibu) (Continued from October 11, 2021)

Recommended Action: Adopt Resolution No. 21-58, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 21-014 and approving Coastal Development Permit No. 20-029 and Wireless Communications Facility No. 20-011 for Verizon Wireless to install two replacement wireless communications antennas at a height of 34 feet, 9 inches and electrical support equipment mounted on a replacement wooden utility pole, including Variance No. 20-018 to permit an upgraded wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-040 to install and operate a wireless communications facility within the public right-of-way located at 6213.5 Kanan Dume Road.

Assistant Planner Eaton presented the staff report.

Disclosures: Mayor Grisanti, Mayor Pro Tem Silverstein

The Council directed questions to staff.

Mayor Grisanti opened the floor for the public comment portion of the public hearing.

Speakers: Lonnie Gordon, Scott McCollough, Susan Foster, Daisy M Uy Kimpang, Jenny Rusinko, Ryan Embree, Robert Ross

Jeff Louks was not present at the time of the hearing.

RECESS At 9:15 p.m., Mayor Grisanti recessed the meeting. The meeting reconvened at 9:25 p.m. with all Councilmembers present.

Mr. McCollough and Ms. Kimpang provided rebuttal.

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

The Council discussed the item and directed questions to staff, Robert Ross, Ms. Kimpang, Kevin Sullivan, and Mr. McCollough.

MOTION Mayor Grisanti moved to: 1) adopt Resolution No. 21-57, as amended to: a) add a condition stating “The utility pole replacement must be Class 3,” and b) add a condition stating “Structural and electrical documents, and City review comments must be shared with the public immediately upon submittal and/or preparation,” determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 21-009 and approving Coastal Development Permit No. 20-028 and Wireless Communications Facility No. 20-010 for Verizon Wireless to install two replacement wireless communications antennas at a height of 34 feet, 9 inches and electrical support equipment mounted on a replacement wooden utility pole, including Variance No. 20-017 to permit an upgrade to an existing wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-041 to install and operate a wireless communications facility within the public right-of-way located at 31557.5 Pacific Coast Highway; and 2) adopt Resolution No. 21-58, as amended to: a) add a condition stating “The utility pole replacement must be Class 3,” and b) add a condition stating “Structural and electrical documents, and City review comments must be shared with the public immediately upon submittal and/or preparation,” determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 21-014 and approving Coastal Development Permit No. 20-029 and Wireless Communications Facility No. 20-011 for Verizon Wireless to install two replacement wireless communications antennas at a height of 34 feet, 9 inches and electrical support equipment mounted on a replacement wooden utility pole, including Variance No. 20-018 to permit an upgraded wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-040 to install and operate a wireless communications facility within the public right-of-way located at 6213.5 Kanan Dume Road.

The Council discussed the item and directed questions to staff.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to bring back resolutions denying Coastal Development Permit No. 20-028 and Wireless Communications Facility No. 20-010 for Verizon Wireless to install two replacement wireless communications antennas at a height of 34 feet, 9 inches and electrical support equipment mounted on a replacement wooden utility pole, including Variance No. 20-017 to permit an upgrade to an existing wireless communications facility mounted over 28 feet in height and Site Plan Review No.

20-041 to install and operate a wireless communications facility within the public right-of-way located at 31557.5 Pacific Coast Highway, and Coastal Development Permit No. 20-029 and Wireless Communications Facility No. 20-011 for Verizon Wireless to install two replacement wireless communications antennas at a height of 34 feet, 9 inches and electrical support equipment mounted on a replacement wooden utility pole, including Variance No. 20-018 to permit an upgraded wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-040 to install and operate a wireless communications facility within the public right-of-way located at 6213.5 Kanan Dume Road.

Councilmember Farrer seconded Mayor Grisanti's motion.

Mayor Pro Tem Silverstein withdrew his motion.

The Council discussed the motion and directed questions to staff.

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

- C. Appeal No. 21-006 - Appeal of Planning Commission Resolution No. 21-37 (22967.5 Pacific Coast Highway; Appellant: Steven Hakim; Applicant: Rob Searcy of Fulsang Architecture on behalf of Verizon Wireless; Property Owner: California Department of Transportation) (Continued from October 11, 2021)

Recommended Action: Adopt Resolution No. 21-59, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 21-006 and approving Coastal Development Permit No. 20-043 and Wireless Communications Facility No. 20-022 for Verizon Wireless to install an omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 34 feet, 9 inches and electrical support equipment six feet west of the originally approved location in Planning Commission Resolution No. 21-37, including Variance No. 20-028 to permit a streetlight pole over 28 feet in height and Site Plan Review No. 20-059 to install and operate a wireless communications facility within the public right-of-way located at 22967.5 Pacific Coast Highway.

Assistant Planner Eaton presented the staff report.

Disclosures: Mayor Pro Tem Silverstein

Mayor Grisanti opened the floor for the public comment portion of the public hearing.

Speakers: Steven Hakim, Daisy M Uy Kimpang, Rob Cersey, Ryan Embree

Mr. Hakim, Ms. Kimpang and Mr. Sullivan provided rebuttal.

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

The Council discussed the item and directed questions to staff, Mr. Sullivan, Ms. Kimpang, and Mr. Ross.

MOTION Councilmember Pierson moved, and Mayor Pro Tem Silverstein seconded a motion to directing staff to bring back a resolution denying Coastal Development Permit No. 20-043 and Wireless Communications Facility No. 20-022 for Verizon Wireless to install an omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 34 feet, 9 inches and electrical support equipment six feet west of the originally approved location in Planning Commission Resolution No. 21-37, including Variance No. 20-028 to permit a streetlight pole over 28 feet in height and Site Plan Review No. 20-059 to install and operate a wireless communications facility within the public right-of-way located at 22967.5 Pacific Coast Highway. The question was called, and the motion carried 4-1, with Councilmember Farrer abstained.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Los Angeles County Measure R and M Transportation Funding Update
Recommended Action: 1) Receive an update on Los Angeles County Measure R and Measure M Transportation Funding; and 2) Provide direction to staff on future projects using Los Angeles County Measure R and Measure M transportation funds.

MOTION Mayor Grisanti moved, and Councilmember Pierson seconded a motion to continue this item to the November 8, 2021 Regular meeting. The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Council Appointment to the Planning Commission
Recommended Action: Councilmember Pierson to make his appointment to the Planning Commission.

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

Councilmember Pierson appointed Mark Wetton to the Planning Commission.

- B. Ban on Outdoor Smoking (Mayor Pro Tem Silverstein and Councilmember Pierson)
Recommended Action: At the request of Mayor Pro Tem Silverstein and Councilmember Pierson, direct staff to bring back an ordinance amending Malibu Municipal Code Chapter 9.34 Smoking Regulations to ban smoking in all outdoor public spaces

Mayor Pro Tem Silverstein presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Ryan Embree

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Pierson moved, and Mayor Pro Tem Silverstein seconded a motion to direct staff to bring back an ordinance amending Malibu Municipal Code Chapter 9.34 Smoking Regulations to ban smoking in all outdoor public spaces. The question was called, and the motion carried unanimously.

C Public Hearings for Coastal Development Permits (CDP) under Senate Bills (SB) 9 and 10 (Mayor Grisanti and Mayor Pro Tem Silverstein)

Recommended Action: At the request of Mayor Grisanti and Mayor Pro Tem Silverstein, direct the City Attorney to bring back an item with a new a City Council policy rejecting the invitation to forego public hearings and to reaffirm the City's existing process for considering Coastal Development Permits despite the permissibility of easing that process pursuant to Senate Bills 9 and 10.

Mayor Grisanti and Mayor Pro Tem Silverstein presented the report.

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

MOTION Mayor Grisanti moved, and Mayor Pro Tem Silverstein seconded a motion to direct the City Attorney to bring back an item with a new a City Council policy rejecting the invitation to forego public hearings and to reaffirm the City's existing process for considering Coastal Development Permits despite the permissibility of easing that process pursuant to Senate Bills 9 and 10. The question was called, and the motion carried unanimously.

ADJOURNMENT

At 12:45 a.m., Mayor Grisanti adjourned the meeting in memory of Dashed Blake and Richard Carrigan.

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

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk