



# Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: January 10, 2023 Meeting date: January 23, 2023

Subject: Approval of Minutes

---

RECOMMENDED ACTION: Approve the minutes for the January 24, 2022 Malibu City Council Regular meeting.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023. This is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meeting of January 24, 2022.

ATTACHMENTS:  
January 24, 2022 Regular meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
JANUARY 24, 2022  
TELECONFERENCED - VARIOUS LOCATIONS  
6:30 P.M.

**The following meeting was held pursuant to AB 361 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.**

**MEETING CALL TO ORDER**

Mayor Grisanti called the meeting to order at 6:00 p.m.

**PUBLIC COMMENT ON CLOSED SESSION**

Speaker: None.

**RECESS TO CLOSED SESSION**

At 6:00 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

**Personnel Matters pursuant to Government Code Section 54957(b):**

1. Public Employee Appointment  
Title: City Manager

**REGULAR SESSION CALL TO ORDER**

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

**ROLL CALL**

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

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

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, Interim City Manager; Ruth Quinto, Interim Assistant City Manager/City Treasurer; Kelsey Pettijohn, City Clerk; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Elizabeth Shavelson, Assistant to the City Manager; and Chris Brossard, Fire Safety Liaison

**PLEDGE OF ALLEGIANCE**

Mayor Grisanti led the Pledge of Allegiance.

## **CLOSED SESSION REPORT**

Interim City Attorney Cotti reported that the meeting convened at 6:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54957(b), with all Councilmembers present. He stated the Council took no reportable action

## **APPROVAL OF AGENDA**

**MOTION** Councilmember Farrer moved to approve the agenda.

The Council discussed reordering the agenda to hear Item No. 5.A. after the Consent Calendar.

Mayor Pro Tem Silverstein seconded the motion.

## **FRIENDLY AMENDMENT**

Councilmember Uhring moved to hear Item No. 5.A. after the Consent Calendar.

The maker and the seconder accepted the friendly amendment.

The Council discussed the motion.

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 January 14, 2022, with the amended agenda posted on January 20, 2022.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

## **ITEM 2.A. PUBLIC COMMENTS**

Bill Sampson discussed the Vision Statement and the rural character of the City. He expressed concern development of additional hotels was not consistent with the Vision Statement.

John Johannessen discussed the need for a performing arts center. He requested the Council donate land for the development of a performing arts center.

Jeremy Walker discussed the letter he submitted. He discussed federal funding available to cities and the City's budget surplus. He recommended the City procure goats to clear brush around properties.

Norm Haynie stated he intended to address the Planning Commission and request they hear a presentation on sea level rise from Reg Brown and suggested the Council may also want to hear the presentation.

Scott Dittrich discussed the stress City staff was under and social media posts criticizing staff. He encouraged people to contact staff directly for assistance.

Ryan Embree discussed rents from the Malibu Lumber Yard property and the purchase of the Legacy Park property. He stated City Hall was originally a performing arts center and the Council Chambers should be available for performing events. He requested the City audit the space rents from the City's commercial property holdings.

Lynn Norton encouraged the Council move up Item No. 5A.

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

Lance Simmens, Public Works Commission, discussed the Special joint Public Works Commission and Public Safety Commission meeting on the Westward Beach Improvements project. He thanked the public for participating in the meeting. He stated the Commissions had identified several pieces of the project to revisit based on community input.

Interim City Manager McClary stated Los Angeles County was reporting a 3,000% increase new cases of COVID-19 since December 2021 and there were 102 deaths due to COVID-19 last week. He stated 90% of new cases were likely from the omicron variant. He stated the variant was highly transmissible and the transmission rate in Los Angeles County was high. He stated the variant could still have significant health impacts, mostly for those unvaccinated. He stated City Hall remains closed through January 28, 2022 and staff would reassess this week to determine if the closure needed to be extended. He stated the homeless count had been rescheduled to February 23, 2022 due to COVID-19. He announced a COVID-19 testing site at City Hall on January 29, 2022. He thanked Malibu Medical Group, Community Emergency Response Team (CERT), and Public Safety staff for running the event. He discussed the Malibu High School environmental impact report (EIR) and stated the Santa Monica-Malibu Unified School District had addressed the City's questions about the EIR. He stated he attended a Las Virgenes-Malibu Council of Governments meeting and a Pacific Coast Highway (PCH) Task Force meeting.

Lieutenant Jim Braden, Los Angeles County Sheriff's Department, stated he was on leave with an injury and Lieutenant Chad Watters had been temporarily assigned to replace him.

#### **ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS**

Councilmember Farrer stated she was having technical difficulties. She indicated

support for a performing arts center. She stated the City was only able to use goats for brush removal on City property. She expressed interest in hearing the Reg Brown's presentation on sea level rise.

Councilmember Farrer left the meeting at 7:05 p.m.

Councilmember Uhring stated he attended an Administration and Finance Subcommittee meeting. He indicated support for a performing arts center. He discussed the importance of prioritizing Woolsey Fire rebuild projects. He requested staff investigate the feasibility of expediting processing of Woolsey Fire rebuild permits.

Councilmember Pierson discussed the need for a performing arts center. He indicated support for adding exploration of a performing arts center to the Malibu Arts Commission work plan.

In response to Councilmember Pierson, City Clerk Pettijohn stated review of the mid-year Commission activity reports was included on the agenda as Item No. 6.B.

Councilmember Pierson expressed interest in using goats for brush clearance. He expressed interest in hearing the Reg Brown's presentation on sea level rise. He stated the Malibu Lumber Yard had faced significant financial challenges and there was public documentation available on the Malibu Lumber Yard finances. He stated he attended a Los Angeles County Office of Education meeting. He stated he attended a fire brigade training with Mayor Grisanti. He stated he attended a PCH Task Force meeting.

Councilmember Farrer joined the meeting at 7:13 p.m.

Mayor Pro Tem Silverstein discussed a recent armed robbery in the Whole Foods parking lot. He thanked Interim City Manager McClary and Interim City Attorney Cotti for their continued services in their interim roles. He discussed the PCH Task Force meeting and Federal and State funding for infrastructure improvements. He stated he participated in a call with the City's lobbyist, California Strategies, and he watched recordings of Planning Commission and Homelessness Task Force meetings. He stated he had been working on City Manager recruitment. He stated he had some discussions about the accessory dwelling unit ordinance. He indicated support for finding opportunities for primary residence Woolsey Fire rebuilds to be prioritized over other projects. He discussed the Mission and Vision Statements and stated they should be used to inform interpretations of the Malibu Municipal Code and the Local Coastal Program. He indicated support for a performing arts center.

Mayor Grisanti indicated support for conducting public outreach to determine how to use the City's vacant land. He expressed interest in using goats for brush clearance. He expressed interest in hearing the Reg Brown's presentation on sea level rise. He stated the Woolsey Fire and the COVID-19 pandemic had a negative

impact on retail and any reductions in rent at the Malibu Lumber Yard were necessary to help the shopping center function.

### **ITEM 3      CONSENT CALENDAR**

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

**MOTION**      Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.6. and 3.B.7. The question was called, and the motion carried unanimously.

The Consent Calendar consisted of the following items:

#### **B.      New Items**

1.      Waive Further Reading  
Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
2.      Approve Warrants  
Recommended Action: Allow and approve warrant demand numbers 64949-65010 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. 696 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$321,272.33. City of Malibu payroll check numbers 5205 and ACH deposits were issued in the amount of \$222,765.70.
3.      Approval of Minutes  
Recommended Action: Approve the minutes for the May 24, 2021 Malibu City Council Regular meeting.
4.      Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361  
Recommended Action: Consider a motion to reaffirm Resolution No. 21-64, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.
5.      Los Angeles County Measure R Transportation Funding Agreement Amendment for PCH Median Improvements Project  
Recommended Action: 1) Authorize the Mayor to execute the Measure R Funding Agreement Amendment No. 2 with Los Angeles County Metropolitan Transportation Authority for the Pacific Coast Highway Median Improvements project.
8.      Acceptance of Malibu Park Drainage Improvements Project  
Recommended Action: 1) Accept the work performed by J & H Engineering General Contractors, Inc. for the Malibu Park Drainage Improvements Project, Specification No. 2086 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.
9.      Acceptance of Civic Center Stormwater Diversion Structure Project

Recommended Action: 1) Accept the work performed by Burns Pacific Construction, Inc. for the Civic Center Stormwater Diversion Structure Project, Specification No. 2057 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

10. Acceptance of 2021 Annual Street Maintenance Project

Recommended Action: 1) Accept the work performed by Pavement Coatings Co. for the 2021 Annual Street Maintenance Project, Specification No. 2083 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

11. Amendment to Agreement with Integrated Performance Consultants, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Integrated Performance Consultants, Inc. for operation and maintenance services of the Civic Center Water Treatment Facility extending the term of the Agreement for an additional four years

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

6. Los Angeles County Measure R Transportation Funding Agreement Amendment for Civic Center Way Improvements Project

Recommended Action: 1) Authorize the Mayor to execute the Measure R Funding Agreement Amendment No. 4 with Los Angeles County Metropolitan Transportation Authority for the Civic Center Way Improvements project.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

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

The Council discussed the item and directed questions to staff.

MOTION

Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to authorize the Mayor to execute the Measure R Funding Agreement Amendment No. 4 with Los Angeles County Metropolitan Transportation Authority for the Civic Center Way Improvements project. The question was called, and the motion carried unanimously.

7. Cooperative Agreement with the State of California for the Pacific Coast Highway Signal Synchronization Project

Recommended Action: Authorize the Mayor to execute the Cooperative Agreements with the State of California for the construction of the PCH Signal Synchronization Project.

Mayor Grisanti opened the floor for public comment.

Speakers: Kraig Hill, Scott Dittrich, and Jo Drummond

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

The Council discussed the item and directed questions to staff.

MOTION Mayor Grisanti moved, and Mayor Pro Tem Silverstein seconded a motion to authorize the Mayor to execute the Cooperative Agreements with the State of California for the construction of the PCH Signal Synchronization Project. The question was called, and the motion carried unanimously.

## ITEM 5 OLD BUSINESS

- A. Consider the Release of Information Protected by the Attorney-Client Privilege Relating to a Report Prepared by Outside Counsel Re Personnel Matter  
Recommended Action: Discuss whether to waive any attorney-client privilege protection afforded Attorney Leslie Ellis' final investigation report to the City Council and whether to authorize its release and discuss whether to divulge confidential closed session discussions surrounding the Council's approval of the Separation Agreement with former City Manager Reva Feldman.

Mayor Pro Tem Silverstein recused himself and left the meeting at 7:45 p.m.

Interim City Attorney Cotti presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Bill Sampson, Suzanne Guldinmann, Rosemarie Ihde, Jo Drummond, Georgia Goldfarb, Scott Dittrich, Ryan Embree, John Mazza, Howard Rudzki, and Lynn Norton

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

The Council discussed the item.

MOTION Councilmember Pierson moved, and Councilmember Farrer seconded a motion to waive any attorney-client privilege protection afforded Attorney Leslie Ellis' final investigation report to the City Council and to authorize its release.

The Council discussed the motion and directed questions to staff.

The questions was called, and the motion carried 4-0, Mayor Pro Tem Silverstein absent.

The Council discussed the item.



**MOTION** Councilmember Uhring moved, and Councilmember Pierson seconded a motion to direct the City Attorney to prepare and release a summary of the legal advice provided to the Council regarding the allegations contained in the January 16, 2021 letter from Therese Cannata to the City raising allegations of workplace harassment and gender discrimination. The questions was called, and the motion carried 4-0, Mayor Pro Tem Silverstein absent.

At 8:28 Mayor Pro Tem Silverstein joined the meeting.

**RECESS** At 8:29 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 8:40 p.m. with all Councilmembers present.

**ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

- A. Coastal Development Permit No. 17-089, General Plan Map Amendment No. 21-002, Local Coastal Program Amendment No. 17-004, Zoning Map Amendment No. 17-005, Lot Line Adjustment No. 17-002, Conditional Use Permit No. 17-011, Variance Nos. 18-038, 20-034 and 21-010, Site Plan Review No. 19-008, Minor Modification No. 19-007, Demolition Permit No. 20-026, and Code Violation No. 17-011 – An application for a lot line adjustment to expand the lot into the adjacent mobile home park, and replacement of the existing restaurant and permit previously unpermitted expansion of the restaurant and ground-floor decking attached to the restaurant

Recommended Action: 1) Adopt Resolution No. 22-04 determining the project and proposed map amendments are exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 17-089, Lot Line Adjustment No. 17-002, and Demolition Permit No. 20-026 to increase the lot area of the Malibu Country Inn lot with land from the Point Dume Club mobile home park, replace the existing restaurant, approve after-the-fact decking attached to the restaurant and replace a 200 square foot unpermitted storage shed with a 100 square foot storage shed; including Conditional Use Permit No. 17-011 for the hotel and restaurant uses and sale of alcohol for room service and restaurant; Variance (VAR) No. 18-038 for construction on a slope steeper than 2.5 to 1; VAR No. 20-034 for legal, non-conforming parking spaces in terms of size, number and aisle width to remain; VAR No. 21-010 from the City's geotechnical standards for factor of safety; Site Plan Review No. 19-008 for the reconstruction of the restaurant in excess of 18 feet; and Minor Modification No. 19-007 for the replacement restaurant to provide a 50 percent reduction of the required front yard setback, located at 6506 Westward Beach Road and 29500 Heathercliff Road (Malibu Country Inn, Corp, and Point Dume, LTD); 2) Adopt Resolution No. 22-05 for approval of General Plan Map Amendment No. 21-002 to change the land use designation for the area transferred, through Lot Line Adjustment No. 17-002, from 29500 Heathercliff Road to 6506 Westward Beach Road, from Mobile Home Residential to Commercial Visitor Serving (CV); 3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 497 for Zone Map Amendment No. 17-011 and Local Coastal Program Amendment 17-004 to

amend the Local Coastal Program Land Use and Zoning maps, and Malibu Municipal Code Zoning Map to change the Zoning Map for the lot located at 6506 Westward Beach Road from Commercial Visitor Serving-1 (CV-1) to Commercial Visitor Serving-2 (CV-2) and to change Zoning Map for the area transferred, through lot line adjustment, from 29500 Heathercliff Road to 6506 Westward Beach Road from MH to CV-2; and 4) Direct staff to schedule second reading and adoption of Ordinance No. 497 for the February 14, 2022 Regular City Council meeting.

Assistant Planning Director Fernandez presented the staff report.

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

Speakers: Lynn Heacox

Disclosures: Grisanti; Uhring, Pierson, Farrer, Silverstein

Speakers: Bill Sampson, Suzanne Guldemann, Jo Drummond, Salvatore Fish, Georgia Goldfarb, Patt Healy, Scott Dittrich, Ryan Embree, and John Mazza

Lynn Heacox 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 question to staff.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to direction staff to bring back a resolution denying Coastal Development Permit No. 17-089, General Plan Map Amendment No. 21-002, Local Coastal Program Amendment No. 17-004, Zoning Map Amendment No. 17-005, Lot Line Adjustment No. 17-002, Conditional Use Permit No. 17-011, Variance Nos. 18-038, 20-034 and 21-010, Site Plan Review No. 19-008, Minor Modification No. 19-007, Demolition Permit No. 20-026, and Code Violation No. 17-011 – An application for a lot line adjustment to expand the lot into the adjacent mobile home park, and replacement of the existing restaurant and permit previously unpermitted expansion of the restaurant and ground-floor decking attached to the restaurant.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

B. Approval of Use of Community Development Block Grant (CDBG) funds for Fiscal Year 2022-2023

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 22-06 authorizing and approving the use of \$15,000 in CDBG funds for the Malibu Community Labor Exchange (MCLE) and the use of \$98,000 in CDBG

funds for a permanent trailer for MCLE.

Elizabeth Shavelson presented the staff report.

Mayor Grisanti opened the floor for public comment.

Kay Gabbard was not present at the time of the hearing.

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

The Council discussed the item and directed questions to staff.

**MOTION** Councilmember Pierson moved to adopt Resolution No. 22-06 authorizing and approving the use of \$15,000 in CDBG funds for the Malibu Community Labor Exchange (MCLE) and the use of \$98,000 in CDBG funds for a permanent trailer for MCLE.

The Council discussed the item and directed questions to staff.

Councilmember Farrer seconded the motion.

The Council discussed the motion and directed questions to staff and Stephanie Cupp, Labor Exchange Treasurer.

The question was called, and the motion carried unanimously.

## **ITEM 6 NEW BUSINESS**

**A. Fiscal Year 2021-2022 Second Quarter Financial Report and Mid-Year Budget Amendments**

Recommended Action: 1) Receive and file Fiscal Year 2021-2022 Second Quarter Financial Report; 2) Provide direction on Fiscal Year 2021-2022 City Council Priorities and Departmental Tasks including Capital Improvement Projects; and 3) Adopt Resolution No. 22-07 amending the annual budget for Fiscal Year 2021-2022.

Interim Assistant City Manager/City Treasurer Quinto presented the staff report.

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

The Council discussed the item and directed questions to staff.

**MOTION** Councilmember Pierson moved, and Mayor Pro Tem Silverstein seconded a motion to: 1) receive and file Fiscal Year 2021-2022 Second Quarter Financial Report; 2) direct staff to add Dark Sky Ordinance Implementation and Permitting Software

Procurement to the Fiscal Year 2021-2022 City Council Priorities and Departmental Tasks; and 3) adopt Resolution No. 22-07, as amended to include \$100,000 for permitting software procurement, amending the annual budget for Fiscal Year 2021-2022. The question was called, and the motion carried unanimously.

**B. Mid-Year Commission Activity Reports**

Recommended Action: 1) Receive and file mid-year activity reports from the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission, and Public Works Commission; and 2) Amend Commission assignments for Fiscal Year 2021-2022, if appropriate.

Interim City Manager McClary presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Lotte Cherin

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

The Council discussed the item and directed questions to staff.

**MOTION** Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to: 1) receive and file mid-year activity reports from the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission, and Public Works Commission; and 2) amend Malibu Arts Commission assignment for Fiscal Year 2021-2022 to include exploring a performing arts center, artist in residence, professional arts consultant. The question was called, and the motion carried unanimously.

**ITEM 7 COUNCIL ITEMS**

None.

**ADJOURNMENT**

At 11:55 p.m., Councilmember Uhring moved, and Mayor Pro Tem Silverstein 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 \_\_\_\_\_.

---

BRUCE SILVERSTEIN, Mayor

ATTEST:

---

KELSEY PETTIJOHN, City Clerk  
(seal)