



# 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: February 15, 2023 Meeting date: February 27, 2023

Subject: Approval of Minutes

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RECOMMENDED ACTION: Approve the minutes for the February 14, 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 February 14, 2022.

ATTACHMENTS:  
February 14, 2022 Regular meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 14, 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 5:30 p.m.

**PUBLIC COMMENT ON CLOSED SESSION**

Speakers: None.

**RECESS TO CLOSED SESSION**

At 5:32 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
2. Public Employee Appointment  
Title: Interim 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 Assistance City Manager/City Treasurer; Jesse Bobbett, Community Services Director; Richard Mollica, Planning Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Kelsey Pettijohn, City Clerk; 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 5:30 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, and Councilmember Pierson seconded a motion to hear public comment on Item Nos. 1.C.3. and 1.C.4.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

**MOTION** Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to approve the agenda as modified. The question was called, and the motion carried unanimously.

## **REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on February 3, 2022, with the amended agenda posted on February 10, 2022.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

### **A. Update on Malibu Community Labor Exchange Activities**

Kay Gabbard, Malibu Community Labor Exchange President, presented an update on the daily activities of the Malibu Community Labor Exchange and statistics on the number of day laborers served and the number of jobs found.

Oscar Mondragón, Malibu Community Labor Exchange Center Director, thanked the City for its support of the Malibu Community Labor Exchange.

### **B. Caltrans' Clean California Program - PCH at Solstice Canyon Creek**

Hammer Sui, Caltrans Clean California Program Manager, presented on the Clean California Program the Solstice Canyon Creek Public Art Proposal.

The Council directed questions about the Solstice Canyon Creek Public Art Proposal to Mr. Sui, Caltrans Senior Landscape Architect Keith Sellers, and Public Works Director DuBoux.

C. City Council Reorganization

1. Presentations to Outgoing Mayor

Mayor Pro Tem Silverstein thanked Mayor Grisanti for his contributions and presented him with the outgoing Mayor award.

Jo Drummond, Joseph Patterson, Josh Spiegel, Georgia Goldfarb, Scott Dittrich, Rick Mullen, and Jayden Soneji thanked Mayor Grisanti for his service.

Dave Porter was not present at the time of the hearing.

2. Remarks by Outgoing Mayor

Mayor Grisanti thanked the Councilmembers for their service and thanked his wife and the other Councilmembers' families for supporting their service. He recommended the City explore code changes including adding an institutional zone for projects like the Santa Monica College Satellite Campus and the Malibu High School Campus project, and ways to more easily permit remodeling existing buildings so they can come into compliance with modern safety and ADA standards. He stated he appreciated the opportunity to be the Mayor and talk to the public about their concerns.

3. Election of Mayor

Mayor Grisanti opened the floor for public comment.

Speakers: Lloyd Ahern, Bill Sampson, Ryan Embree, Rosemarie Ihde, Jo Drummond, Burt Ross, Gerhard Ihde, Doug Stewart, Josh Spiegel, Georgia Goldfarb, Terry Davis, Walter Zelman, Andrew Weyman, Lonnie Gordon, Joseph Patterson, Rick Mullen, John Mazza, E Barry Haldeman, Scott Dittrich, Mark Baute, and Louis Silverstein

Dave Porter, George Hennen, Alexander Stein, and Colleen Baum were 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.

MOTION Councilmember Uhring nominated Mayor Pro Tem Silverstein as Mayor.

MOTION Councilmember Farrer nominated Councilmember Uhring as Mayor.

The Council discussed the nominations.

The question was called, and Councilmembers Farrer and Pierson and Mayor Grisanti voted for Councilmember Uhring, Councilmember Uhring voted for Mayor Pro Tem Silverstein, and Mayor Pro Tem Silverstein abstained. Councilmember Uhring was elected to serve as Mayor.

Councilmember Uhring declined to serve as Mayor.

The Council discussed the item.

MOTION Councilmember Farrer moved to nominate Mayor Grisanti as Mayor.

MOTION Mayor Grisanti moved to nominate Councilmember Uhring as Mayor.

Councilmember Uhring indicated he would decline the position.

The Council discussed the nominations.

The question was called, and Councilmembers Farrer and Pierson voted for Mayor Grisanti, Mayor Grisanti and Mayor Pro Tem Silverstein voted for Councilmember Uhring, and Councilmember Uhring abstained. The motion failed.

MOTION Councilmember Uhring moved to nominate Mayor Pro Tem Silverstein as Mayor.

MOTION Councilmember Farrer moved to nominate Mayor Grisanti as Mayor.

The question was called, and Councilmembers Farrer and Pierson and Mayor Grisanti voted for Mayor Grisanti, Councilmember Uhring and Mayor Pro Tem Silverstein voted for Mayor Pro Tem Silverstein. Mayor Grisanti was elected to serve as Mayor.

4. Election of Mayor Pro Tem

Mayor Grisanti opened the floor for public comment.

Speakers: Bill Sampson, Ryan Embree, Alexander, Jo Drummond, Scott Dittrich, John Mazza, Burt Ross, Kraig Hill

Dave Porter, Louis Silverstein, and George Hennen were 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.

MOTION Councilmember Pierson moved to nominate Mayor Pro Tem Silverstein as Mayor Pro Tem.

The Council discussed the nomination.

The question was called, and the motion carried unanimously. Mayor Pro Tem Silverstein was elected to serve as Mayor Pro Tem

5. Administration of Oath of Office to Newly Elected Mayor and Mayor Pro Tem

City Clerk Pettijohn administered the Oath of Office to Mayor Grisanti.

Louis Silverstein administered the Oath of Office to Mayor Pro Tem Silverstein.

6. Remarks by Newly Elected Mayor

Mayor Grisanti did not have any additional remarks.

RECESS At 9:10 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 9:20 p.m. with all Councilmembers present.

**ITEM 2.A. PUBLIC COMMENTS**

Bill Sampson discussed the City's Mission Statement. He discussed Assistant Planning Director Fernandez's comments at the last City Council meeting. He suggested the Council find a way to recognize Walt and Lucille Keller's contributions to the City.

Ryan Embree discussed the Los Angeles County Fire Developer Fee.

Alexander Stein stated he attended many City Council meetings and trolled elected officials. He discussed the election of the Mayor and Mayor Pro Tem and stated public officials needed to let go of their egos.

Kraig Hill discussed dangers on Pacific Coast Highway (PCH). He recommended the Council identify more resources to support law enforcement on PCH.

Lance Simmens discussed potential Federal and State funding for infrastructure projects and recommended the City support redesigning PCH. He discussed his proposal to turn PCH into a boulevard.

Norm Haynie discussed Mayor Grisanti's service as Mayor and commended him for his service. He discussed the long commute many City staff members had and recommended raising staff salaries.

Lonnie Gordon discussed high electric bills from Sothern California Edison (SCE) and electricity costs from the Clean Power Alliance (CPA). She discussed the City's Wireless Telecommunications Facility Ordinance and improvements that needed to be made to the ordinance.

Scott Dittrich discussed why California Highway Patrol (CHP) did not patrol PCH in Malibu. He recommended the City rent goats for brush clearance in the City and discussed fire danger.

Jefferson Wagner discussed a recent fire at the Soho House on Pacific Coast Highway.

John Mazza discussed a recent fire at the Soho House on Pacific Coast Highway. He discussed dangers on PCH.

Jo Drummond discussed her letter to the editor in The Malibu Times. She discussed development on Big Rock and the Big Rock landslide.

E. Barry Haldeman, Mark Baute, Bryan Wellington, and Jayden Soneji were not present at the time of the hearing.

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

Interim City Manager McClary discussed the recent fire at the Soho House on Pacific Coast Highway and stated Building staff had assessed the damage to the building. He stated he attended the League of California Cities City Manager conference and discussed the sessions he attended. He stated COVID-19 cases and hospitalizations were down and Los Angeles County was nearing the threshold to lift the outdoor masking requirements. He stated City Hall was open by appointment only due to the COVID-19 Omicron surge. He discussed how much he had appreciated working with the Malibu community and City staff over the last nine months.

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

Councilmember Pierson stated he would take a close look at the Los Angeles County Fire Developer Fee. He stated there may be grant funds available to use goats for brush clearance. He stated he had been talking to Senator Henry Stern about the CHP patrolling PCH. He thanked staff for its service through the Woolsey Fire and COVID-19 pandemic. He explained how electricity costs came from the CPS and SCE and discussed the recent billing issues. He clarified that his CPA Board Member position was unpaid. He stated he attended a meeting with Senator Stern and Jerry West, Los Angeles County Beaches and Harbors, and

discussed delays to the Point Dume Headlands stairway project. He stated Senator Stern was working on a bill for additional funds to stop illegal racing and car shows. He stated the City needed to work on establishing a temporary tow-yard for Summer 2022. He stated he attended a CPA meeting. He stated he attended a Los Angeles County Office of Education (LACOE) meeting with Councilmember Farrer to advocate for school district separation.

Councilmember Farrer thanked Ms. Gabbard and Mr. Mondragón for their work with the Malibu Community Labor Exchange. She discussed the Point Dume Headlands stairway project. She stated she had received many emails about SCE bills and had been forwarding those questions to SCE. She thanked everyone who participated in the recent LACOE meeting. She stated the Santa Monica-Malibu Unified School District (SMMUSD) and the City had agreed on a mediator and the first mediation meeting had been scheduled. She discussed a recent pedestrian fatality on PCH near Moonshadows. She discussed the recent fire at Soho House. She thanked Interim City Manager McClary for his service. She thanked City staff for its service and stated she wanted to help staff help the City.

Councilmember Uhring thanked Interim City Manager McClary for his update. He stated he attended a Malibu School Leadership Council meeting. He discussed recent speeding on PCH and stated he met with the Sheriff's Department, two Public Safety Commissioners, and Public Safety Manager Dueñas to discuss unpermitted car shows and speeding. He discussed unpermitted car shows in the Civic Center area and asked what steps could be taken to prevent them. He stated he met with some members of the Homelessness Task Force and that body was finalizing a report for the Council on how the City could get dedicated beds in a facility for individuals experiencing homelessness. He discussed the recent fire at Soho House. He indicated support for honoring Walt and Lucille Keller.

In response to Councilmember Uhring, Interim City Manager McClary stated the City had worked with the Sheriff's Department to put out extra resources over the weekend to address the car shows and speeding on PCH. He stated the City was working with the property owners on how to address the unpermitted car shows.

Mayor Pro Tem Silverstein thanked Interim City Manager McClary for his update. He stated he had a phone call with Planning Director Mollica and Assistant Planning Director Fernandez and made suggestions on how staff could present discretionary decisions to the Council. He thanked Mr. Stein for his comments. He indicated support for exploring redesigning PCH. He discussed the role of Code Enforcement and the tools available to the City to enforce the code. He stated some of the commitments he made during his campaign had cause controversy and he was not proud of the controversy, but he was proud of honoring his commitments to the community. He stated he accepted the Mayor Pro Tem position to continue to fight for what the residents want.

Mayor Grisanti stated he planned to meet with City Manager McClary to discuss how to address the unpermitted car shows in the City. He stated he attended an



event at a Sikh temple honoring Marwah Singh and his charitable works. He recommended the City consider honoring Mr. Singh. He stated he attended an event on mediation at the Straus Institute. He stated he met with the Consul General of the State of Qatar and discussed Qatar's partnerships with some California municipalities. He stated he attended a charity flag football game at Pepperdine University and saw the Consul General of the State of Qatar at that event as well.

### **ITEM 3      CONSENT CALENDAR**

Item Nos. 3.B.4. was pulled by the public.

City Clerk Pettijohn stated Jayden Sonji had signed up to speak on every item on the Consent Calendar but they were no longer present in the meeting.

**MOTION**      Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.4. 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 65011-65147 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. 697 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,037,752.76. City of Malibu payroll check numbers 5206-5208 and ACH deposits were issued in the amount of \$505,357.88.
3.      Approval of Minutes  
Recommended Action: Approve the minutes for the June 14, 2021 Malibu City Council Regular meeting and June 23, 2021 Malibu City Council Special meeting.
5.      Comprehensive Annual Financial Report and Management Letter for Fiscal Year 2020-2021  
Recommended Action Receive and file the Annual Comprehensive Financial Report for Fiscal Year 2020-2021.

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

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.

Mayor Grisanti opened the floor for public comment.

Speaker: Norm Haynie

Jayden Soneji 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.

MOTION Mayor Grisanti moved, and Councilmember Pierson seconded a motion to reaffirm Resolution No. 21-64, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361. The question was called, and the motion carried unanimously.

#### **ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

A. Adopt Urgency Ordinance No. 498U Amending Ordinance No. 465U (Temporary Restaurant Recovery Program)

Recommended Action: Adopted Urgency Ordinance No. 498U, amending the vacation clause contained in Ordinance No. 465U (Temporary Restaurant Recovery Program), finding the action exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; a four-fifths vote of the City Council is required and, if approved, it will take effect immediately.

Planning Director Mollica presented the staff report.

Mayor Grisanti opened the floor for public comment.

Jayden Soneji 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 Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to adopt Urgency Ordinance No. 498U, as amended to require the Temporary Restaurant Seating Area to be vacated and returned to its original stated within ninety (90) days, amending the vacation clause contained in Ordinance No. 465U (Temporary Restaurant Recovery Program), finding the action exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency.

The Council discussed the motion and directed questions to staff.

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

- B. Appeal No. 21-019 - Appeal of Planning Commission Resolution No. 21-68 (6968 Dume Drive; Neighbor/Appellant, John Roesler MD) (Continued from January 10, 2022)

Recommended Action: Continue this item to the March 14, 2022 Regular City Council meeting.

Planning Director Mollica recommended continuing this item to a date uncertain.

The Council directed questions to Planning Director Mollica.

MOTION Mayor Grisanti moved, and Councilmember Farrer seconded a motion to continue this item to a date uncertain. The question was called, and the motion carried unanimously.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

None.

**ADJOURNMENT**

At 11:05 p.m., Mayor Pro Tem Silverstein moved, and Mayor 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 \_\_\_\_\_.

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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(seal)