



# 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: April 12, 2023 Meeting date: April 24, 2023

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the March 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 March 14, 2022.

**ATTACHMENTS:**  
March 14, 2022 Regular meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MARCH 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 6:00 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

**PUBLIC COMMENT ON CLOSED SESSION**

Speaker: None.

**RECESS TO CLOSED SESSION**

At 6:01 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

**Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1):**

1. Mani MBI (DE), LLC, et al. v. City of Malibu, et al.  
Los Angeles Superior Court Case No. 22STCP00213

**REGULAR SESSION CALL TO ORDER**

Mayor Grisanti called the meeting to order at 6:37 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; Jesse Bobbett, Community Services Director; Richard Mollica, Planning Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Kelsey Pettijohn, Acting City Clerk; Christine Wood, Deputy City Attorney; Susan Dueñas, Public Safety Manager; 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 54956.9(d)(1), with all Councilmembers present. He stated the Council took no reportable action and recessed at 6:20 p.m. until the beginning of the Regular Session.

## **APPROVAL OF AGENDA**

**MOTION** Mayor Grisanti moved, and Councilmember Farrer seconded a motion to hear Item No. 2.A. after Item No. 7.C.

The Council discussed the motion and directed questions to staff.

Mayor Grisanti withdrew the motion.

**MOTION** Councilmember Pierson moved, and Councilmember Uhring seconded a motion to approve the agenda, removing Item No. 7.A. The question was called, and the motion carried unanimously.

Councilmember Uhring suggested adjourning in memory of Johnny Fain.

## **REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on December 30, 2021, with the amended agenda posted on January 3, 2022.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Proclamation Declaring March 2022 as American Red Cross Month

Mayor Grisanti presented the proclamation to American Red Cross Board Member Neil Goldberg.

Mr. Goldberg thanked the Council for the proclamation and discussed the American

Red Cross's work in the City and worldwide.

**ITEM 2.A. PUBLIC COMMENTS**

Bill Sampson discussed Item No. 7.A. and stated he had heard accusations that the proposed removal of Georgia Goldfarb from her position on the Parks and Recreation Commission was based on her gender and that political attacks against Mayor Pro Tem Silverstein were antisemitic. He requested the Council honor Walt and Lucille Keller. He discussed Pacaso properties and requested the Council address fractional ownership properties.

Jo Drummond discussed Mayor Grisanti's meeting with the Consul General of the State of Qatar, that Mayor Grisanti had not appointed any female Commissioners, and Mayor Grisanti's vote to appoint a man to the Santa Monica Mountains Conservancy Advisory Committee over Patt Healy. She stated Mayor Grisanti's first real estate transaction took advantage of an elderly woman and discussed his vote to appoint himself Mayor over Mayor Pro Tem Silverstein. She stated Councilmember Pierson was trying to appoint a younger man over Georgia Goldfarb. She stated Mayor Grisanti should step down or be removed from the Mayor position.

Rosemarie Ihde discussed Mayor Grisanti's meeting with the Consul General of the State of Qatar. She discussed her neighbor's difficulties in obtaining a permit from the City.

Scott Good stated he was in Maine and discussed shipping lobsters to Malibu.

Suzanne Guldemann stated Commissioners served at the Council's will, but discrimination based on age and gender was illegal. She stated Georgia Goldfarb was told she was being replaced by a younger man who had young children. She discussed Ms. Goldfarb's service on the Parks and Recreation Commission.

Georgia Goldfarb stated she has not resigned from the Parks and Recreation Commission and she would like to continue to serve. She stated Councilmember Pierson had not expressed dissatisfaction with her service until she supported the tradition rotation of the Mayorship. She discussed the parks and recreation priorities she shared with Councilmember Pierson.

John Mazza thanked the Council for recognizing Johnny Fain. He discussed Mr. Fain's legacy.

Ryan Embree discussed Item No. 7.A. and recommended Councilmember Pierson reconsider removing his Commissioner.

Alex Stein discussed Mayor Grisanti's real estate transactions and the election of the Mayor. He discussed transgender rights. He stated he would campaign against Mayor Grisanti, Councilmember Pierson, and Councilmember Farrer.

Braxton Foley discussed misogyny and lizards in Malibu.

Bryan Wellington was not present at the time of the hearing.

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

Lance Simmens, Public Works Commission, discussed the Public Works Commission and Public Safety Commission joint meeting to consider the Westward Beach Improvement project. He stated the Commissions had reached consensus on almost all of the issues and the project would return to the Council with the Commissions' recommendations on March 28, 2022.

Interim City Manager McClary stated masks were no longer required at City Hall but were strongly recommended. He stated the City continued to follow all guidance from the Los Angeles County Public Health Department. He stated he participated in mediation with the Santa Monica-Malibu Unified School District (SM-MUSD) and the full school district separation team. He stated he attended a Business Roundtable meeting. He stated there would be a Special meeting on March 24, 2022 to hear recommendations from the Homelessness Task Force on alternative sleeping locations. He stated the Westward Beach Improvement Project would be brought back at the March 28, 2022 Regular meeting. He announced a Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting on March 31, 2022. He discussed solar permitting and stated many solar permits could be approved same day.

Captain Joseph Fender, Los Angeles County Sheriff's Department, discussed the DUI accident in the early morning on March 14, 2022. He discussed efforts to address speeding and stated the traffic deputies recently wrote 87 citations in one weekend for egregious speeding in and around Malibu.

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

Mayor Pro Tem Silverstein discussed gender equity and stated he did not know who had decided to proclaim March as Red Cross Awareness Month when it was also Women's History Month. He discussed letters in The Malibu Times deriding Councilmember Pierson's intention to replace his Parks and Recreation Commissioner. He discussed the investigation into the false allegations that he was guilty of gender based treatment of the former City Manager. He stated Councilmember Uhring and he were the only Councilmember's who had appointed more than one female Commissioner. He stated he intended to appoint Jo Drummond to the Public Works Commission to replace Jim Palmer in order to help with the gender equity divide. He called on his fellow Councilmembers to appoint more female Commissioners. He discussed resident objections to using the City's Heathercliff lot as a temporary day use impound yard. He discussed Mayor Grisanti's meeting with the Consul General of the State of Qatar and Jo Drummond's public records request for all records related to that meeting. He

discussed school district separation and questioned why he was not on the School District Separation Ad Hoc Committee when school district separation efforts were likely to result in litigation and he could bring expertise as a lawyer.

Councilmember Farrer thanked Mr. Goldberg and the American Red Cross. She thanked Captain Fender and Mr. Simmens for their reports. She stated she had appointed two female Commissioners. She stated she had heard from many residents who wanted the Malibu Film Society events to be allowed to continue. She discussed staff turnover in the Planning Department. She stated she attended the weekly School District Separation team meeting and mediation with SM-MUSD. She stated the City had Deputy City Attorney Christine Wood representing the City in school district separation efforts. She stated she had been working on school district separation for many years and Councilmember Pierson had attended Malibu schools and sent his own children to Malibu schools. She stated she attended the Malibu High School talent show Masque as a judge. She stated she had been working with the Las Virgenes-Malibu Council of Governments (COG) Executive Director Terry Dipple as the COG President.

Councilmember Pierson discussed the accusations of sexism, ageism, antisemitism, and ageism. He stated he had a long talk with Georgia Goldfarb and had left her a message asking to talk again. He stated he attended a Clean Power Alliance (CPA) meeting, mediation with SM-MUSD, and an Administration and Finance Subcommittee meeting. He stated he attended the Malibu High School talent show Masque as a judge. He discussed his efforts to support revising the temporary use permit ordinance to allow more community events, like the Malibu Film Society screenings. He stated he spoke with Captain Fender and looked forward to working with him. He stated he attended the California Contract Cities Legislative Tour and discussed the speakers at the event.

Councilmember Uhring stated he was gathering proposals for ways to recognize Walt and Lucille Keller's contributions to the City. He discussed Jim Palmer's decision to resign from the Public Works Commission to allow Mayor Pro Tem Silverstein to appoint a woman.

In response to Councilmember Uhring, Interim City Attorney Cotti stated staff was working on an ordinance to address fractional ownership properties.

Councilmember Uhring stated he hoped Councilmember Pierson and Georgia Goldfarb could reconcile.

Mayor Grisanti stated he attended the Malibu High School talent show Masque as a judge. He stated he attended a League of California Cities meeting. He stated he submitted a complaint to the California Department of Real Estate reporting fraction ownership properties as time shares. He stated he was a member of Smart Coast California and he had offered to donate a membership for the City of Malibu. He stated he had not had any further contact with any representatives of Qatar and he had reported on his previous meeting under Item No. 2.C. since Councilmembers

are meant to report on their meeting attendance.

**ITEM 3 CONSENT CALENDAR**

Item No. 3.B.5. was pulled by the Council.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar, pulling Item No. 3.B.5. 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 65253-65346 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. 699 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,643,954.31. City of Malibu payroll check numbers 5213-5214 and ACH deposits were issued in the amount of \$242,156.42.
3. Approval of Minutes  
Recommended Action: Approve the minutes for the July 21, 2021 Malibu City Council Special 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.
6. Lease Agreement and Joint Powers Agreement between California Department of Parks and Recreation and the City of Malibu for Law Enforcement at Charmlee Wilderness Park  
Recommended Action: Authorize the Mayor to execute the Lease Agreement and Joint Powers Agreement with California Department of State Parks for law enforcement at Charmlee Wilderness Park.

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

5. Construction Management Services for the Pacific Coast Highway Median Improvement Project and Pacific Coast Highway Signal Synchronization Project  
Recommended Action: Authorize the Mayor to execute Professional Services Agreement with NV5, Inc. in the amount of \$1,072,404.14 to perform construction management services for the Pacific Coast Highway

(PCH) Median Improvement Project and PCH Signal Synchronization Project.

The Council discussed the item and directed questions to staff.

MOTION Councilmember Uhring moved, and Mayor Grisanti seconded a motion to authorize the Mayor to execute Professional Services Agreement with NV5, Inc. in the amount of \$1,072,404.14 to perform construction management services for the Pacific Coast Highway (PCH) Median Improvement Project and PCH Signal Synchronization Project. The question was called and the motion carried unanimously.

**ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

None.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

- A. Clean Power Alliance  
Recommended Action: Receive and file a presentation from the Clean Power Alliance regarding electricity service provided to Malibu, including customer participation, rates, and billing practices.

Ted Bardacke, Clean Power Alliance Director, presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Ryan Embree, Bobby, Stone Deprado, and Lonnie Gordon

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 and Mr. Bardacke.

**ITEM 7 COUNCIL ITEMS**

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

Item No. 7.A. was removed from the agenda upon approval of the agenda.

- B. City Council Facilitator (Councilmember Pierson)

Recommended Action: At the request of Councilmember Pierson, direct the City Manager to solicit proposals for an outside facilitator to assist the City Council by conducting a team building workshop or retreat for City Councilmembers, the City Manager, and key City staff.

Councilmember Pierson presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Jo Drummond, Bill Sampson, Alex Stein, Jefferson Wagner, Ryan Embree, Dominic Brockhaus, and Rosemarie Ihde

Suzanne Guldemann, Bryan Wellington, John Beart, and Stone Deprado 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 and directed questions to staff.

Councilmember Pierson withdrew the item.

C. Camp Kilpatrick (Councilmember Farrer)

Recommended Action: At the request of Councilmember Farrer, authorize the Mayor to send a letter to the Los Angeles County Board of Supervisors (BOS) in opposition to its plan to relocate secure track juvenile offenders, youth found to have committed serious offenses, from Barry J Nidorf Juvenile Hall to Camp Kilpatrick in Malibu.

Councilmember Farrer presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Bill Sampson, Alex Stein, Jay Knight, and Derek

John Beart, Stone Deprado, Dominic Brockhaus, Don Juan, and Colby Jack 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 and directed questions to staff.

MOTION Councilmember Farrer moved, and Mayor Grisanti seconded a motion to authorize the Mayor to send a letter to the Los Angeles County Board of Supervisors (BOS) in opposition to its plan to relocate secure track juvenile offenders, youth found to

have committed serious offenses, from Barry J Nidorf Juvenile Hall to Camp Kilpatrick in Malibu.

The Council discussed the motion.

The question was called, and the motion failed 2-1-2, Councilmember Pierson abstained and Councilmember Uhring and Mayor Pro Tem Silverstein opposed.

#### **ADJOURNMENT**

At 11:05 p.m., Councilmember Uhring moved and Mayor Pro Tem Silverstein seconded a motion to adjourn the meeting in memory of Johnny Fain. 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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KELSEY PETTIJOHN, City Clerk  
(seal)