

3. Approval of Minutes

Recommended Action: Approve the minutes for the May 28, 2024 Regular Meeting and May 28, 2024 Special Meeting.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228



# Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: June 27, 2024 Meeting date: July 8, 2024

Subject: Approval of Minutes

---

**RECOMMENDED ACTION:** Approve the minutes for the May 28, 2024 Regular Meeting and May 28, 2024 Special Meeting.

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

**STRATEGIC PRIORITY:** This item is part of the day-to-day operations identified in the Adopted FY 2023-24 Strategic Priority Project List.

**DISCUSSION:** Staff has prepared draft minutes for the Council meetings on May 28, 2024.

**ATTACHMENTS:**

May 28, 2024 Regular Meeting

May 28, 2024 Special Meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MAY 28, 2024  
COUNCIL CHAMBERS  
6:30 P.M.

**MEETING CALL TO ORDER**

Mayor Uhring called the meeting to order at 6:42 p.m.

**ROLL CALL**

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

PRESENT: Mayor Steve Uhring; Mayor Pro Tem Doug Stewart; and Councilmembers Marianne Riggins, and Bruce Silverstein

ABSENT: Councilmember Paul Grisanti

ALSO PRESENT: Kellan Martz, Deputy City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Alexis Brown, Deputy City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Parker Davis, Media Technician; Renee Neermann, Finance Manager; Jason Lawrence, Deputy City Clerk; and Tracey Rossine, Environmental Programs Manager

**PLEDGE OF ALLEGIANCE**

Norm Haynie led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on May 17, 2024, with the amended agenda posted on May 23, 2024.

**APPROVAL OF AGENDA**

MOTION Councilmember Riggins moved, and Mayor Pro Tem Stewart seconded a motion to approve the agenda.

**FRIENDLY AMENDMENT**

Mayor Uhring moved to continue Item No. 4.B. to the June 10, 2024 meeting.

The amendment was accepted by the maker and the seconder.

The motion carried 4-0, Councilmember Grisanti absent.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Recognition of Hunter Blaze Pearson, Alyssa Crosby, and Tracy Park for a Pacific Coast Highway Safety Awareness Campaign and Event

Mayor Uhring recognized Hunter Blaze Pearson, Alyssa Crosby, and Tracy Park and announced the Pacific Coast Highway (PCH) Safety awareness event they were hosting at the Tracy Park Gallery.

Ms. Crosby discussed her involvement in the t-shirt design for the campaign.

Ms. Park announced the event on Thursday at the Tracey Park Gallery.

**ITEM 2.A. PUBLIC COMMENTS**

Alyssa Crosby declined the opportunity to speak.

Tracy Park declined the opportunity to speak.

Norm Haynie discussed a fire hazard in Lower Encinal Canyon. He suggested allowing small steel water barrels in Lower Encinal Canyon to provide additional water flow for structure fires. He stated property owners in Lower Encinal Canyon were willing to pay for the steel barrels. He stated he had met with Supervisor Lindsey Horvath's field deputy and he was looking for the City's support.

Steven and Alex Hakim discussed the Surfrider Plaza LLC application for the Malibu Inn Motel. They discussed their work with the community and staff on the project. They requested the Council allow the project to be redesigned and go back to the Planning Commission.

Howard Rudzki stated the way Assistant Planning Director Fernandez, Planning Director Mollica, and Environmental Sustainability Director Bundy were spoken to at the last meeting was inappropriate. He discussed the impact this treatment of staff had on the City's reputation. He stated the City Manager and Councilmembers should step in when behavior becomes inappropriate at a meeting. He discussed the importance of staff retention to accomplish the City's goals.

Helen C. asked if the City had plans to address the turn from PCH to Winding Way. She stated it was a dangerous turn with a high volume of visitors going to Escondido Falls. She stated she would like to learn more about how to make PCH safer.

Bill Sampson discussed first amendment rights and Mr. Rudzki's comments. He stated Assistant Planning Director Fernandez evaded questions during the last City Council meeting. He discussed Councilmember Riggins comments criticizing Jo Drummond.

Douglas Burdge stated he was the architect for the Malibu Inn Motel project. He stated in the past applicants were asked if they wanted to submit a redesigned

project. He stated the public comments were heard and asked that the applicant be able to redesign the project.

Scott Tallal stated Malibu Film Society had been offered the use of the City Hall Theater/Council Chambers for film screenings in the past. He suggested partnering with the City to host a series of special events at City Hall. He stated he had sent a proposal to the Councilmembers and requested it be added to the Council's agenda.

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

City Manager McClary reminded the public that the brush clearance deadline was June 1, 2024. He suggested the public schedule home wildfire inspections with the City's Fire Safety Liaisons. He stated Los Angeles Sheriff's Department's Beach Team was operating between Memorial Day and Labor Day. He discussed PCH safety bills and announced SB 1297 had passed out of the Senate and would be going to the Assembly, and SB 1509 also passed. He stated the community land outreach event last Tuesday had 100 participants. He stated a community land outreach workshop was held at the Senior Center last week as well. He announced the next event at Duke's restaurant tomorrow, a June 8, 2024 pop-up event at Legacy Park, and an event on June 13, 2024 at Malibu West Beach Club. He stated he attended a Las Virgenes-Malibu Council of Governments (COG) meeting, and they received an update on the broadband loop system that would connect the COG cities. He stated the State was creating a network down Topanga Canyon that the City could connect to. He stated he attended a school separation mediation meeting.

Sergeant Chris Soderlund, Los Angeles County Sheriff Department, reported that there were no major issues over Memorial Day weekend. He reported that the following citations were issued: 40 alcohol on the beach citations, one smoking on the beach citation, one misdemeanor arrest, 55 traffic citations, and 210 parking citations. He stated the Volunteers on Patrol issued over 500 parking citations. He stated 46 vehicles were towed to temporary yard at Malibu High School. He stated the Beach Team assisted lifeguard with capturing an injured seal. He stated on Saturday, motorist parked on the hiking trail up Winding Way and numerous cars were towed. He discussed an incident on Sunday, bikers got into a fight at PCH and Encinal, and a helicopter used to locate the suspects on the road.

Mayor Pro Tem Stewart thanked the Beach Team for their work.

In response to Mayor Pro Tem Stewart, City Manager McClary stated the parking enforcement contract would come back at the June 10, 2024 meeting.

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

Councilmember Riggins stated she attended a school district separation mediation meeting. She recommended Mr. Haynie work with staff on his project. She asked if the Council was interested in allowing Surfrider Plaza to submit a redesigned project.

Councilmember Silverstein stated he did not believe the action could be modified, unless the Council held another public hearing.

Councilmember Riggins addressed Mr. Rudzki and Mr. Sampson and stated the City's employees were people first and should be treated as professionals. She stated the Council and Planning Commission needed to set a professional tone for public meetings. She addressed Helen C. and stated Winding Way is a problem and staff tries to work with the Mountains Recreation Conservation Authority. She inquired if the Malibu Film Society events could be incorporated into the Library Speaker Series or another program. She stated the City Manager had informed her that brush clearance dumpsters previously offered to the public were discontinued due to lack of public use. She encouraged any residents interested in brush clearance dumpsters to notify the City. She expressed interest in the upcoming fiber optics projects.

Councilmember Silverstein stated he attended an Administration and Finance Subcommittee meeting to consider the General Fund Grant Program applications. He requested consensus to bring back the item on June 10, 2024 agenda to consider the Malibu Film Society proposal.

In response to Mayor Pro Tem Stewart, City Manager McClary stated the June 10, 2024 agenda packet would be posted this week and adding this item would be challenging.

Councilmember Silverstein suggested he could prepare the report for the June 10, 2024 agenda packet.

#### CONSENSUS

By consensus, the Council authorized Councilmember Silverstein to bring back a Councilmember item on an amended agenda for the June 10, 2024 meeting to discuss the Malibu Film Society's programming proposal.

Councilmember Silverstein inquired when the next PCH Safety item would be on the agenda.

City Manager McClary stated that item was scheduled for June 10, 2024.

Councilmember Silverstein discussed legal dismissals with or without prejudice and compared it to the Malibu Inn Motel decision. He stated the Council approved a motion to approve the appeal and deny the application. He stated a friendly amendment was proposed to deny the application without prejudice, but it was not accepted.

Mayor Pro Tem Stewart recommended Mr. Haynie work with staff on his project.

In response to Mayor Pro Tem Stewart, Deputy City Attorney Martz stated the

Council would still need to vote on the resolution for the Malibu Inn Motel decision. He stated the Council could amend the resolution to make corrections before approving it.

In response to Mayor Pro Tem Stewart and Mayor Uhring, Deputy City Attorney Martz stated the Council could not make substantive changes to the resolution without a public hearing.

Mayor Pro Tem Stewart discussed the Senate's approval of the PCH Safety bills. He discussed the Council's Rules of Procedure and Decorum in Resolution No. 98-083 a letter to the editor he submitted to The Malibu Times.

Mayor Uhring requested Helen C. contact him. He stated he watched the community lands outreach meeting. He stated the problem at the last City Council meeting was that the staff report did not represent the work that he expected from the Planning Department and discussed the defects in the report. He stated errors needed to be pointed out to be corrected.

Councilmember Riggins stated it was not appropriate to publicly rebuke staff. She stated Councilmembers could address their concerns with the City Manager.

Mayor Uhring stated he had raised his concerns with Assistant Planning Director Fernandez before the meeting and they were not addressed.

Mayor Pro Tem Stewart stated Councilmembers and Commissioners needed to maintain an appropriate demeanor during public meetings.

Councilmember Silverstein addressed Mr. Rudzki and stated he did not recall any criticism of Environmental Sustainability Director Bundy during the May 13, 2024 meeting. He stated the only comment regarding Planning Director Mollica he recalled was that the Mayor had hoped the Planning Director would be present.

### **ITEM 3      CONSENT CALENDAR**

Item Nos. 3.B.10. was pulled by the public. Item Nos. 3.B.6., 3.B.11., 3.B.12., and 3.B.14 were pulled by the Council.

**MOTION**      Councilmember Silverstein moved, and Councilmember Riggins seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.6., 3.B.10., 3.B.11., 3.B.12., and 3.B.14. The motion carried 4-0, Councilmember Grisanti absent.

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 72461-72583 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. 747 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$ 1,938,862.77. City of Malibu payroll check number 5470-5472 and ACH deposits were issued in the amount of \$417,206.95.

3. Approval of Minutes

Recommended Action: Approve the minutes for the March 27, 2024 Special Meeting, and April 8, 2024 Regular Meeting.

4. Community Facilities District No. 2006-1 (Carbon Beach Utility Undergrounding) – Levy of Special Tax for Fiscal Year 2024-2025

Recommended Action: Adopt Resolution No. 24-23 of the City Council of the City of Malibu acting in its capacity as the legislative body of Community Facilities District (CFD) No. 2006-1 of the City of Malibu (Carbon Beach Utility Undergrounding) authorizing the levy of a special tax for Fiscal Year (FY) 2024-2025.

5. Award Morning View Drive Rehabilitation and Drainage Improvements

Recommended Action: 1) Approve the award and authorize the Mayor to execute a construction contract with Toro Enterprises, Inc. in the amount of \$1,131,333.25 for the construction of the Morning View Drive Rehabilitation and Drainage Improvements, Specification No. 2104; and 2) Authorize the Public Works Director to approve any potential change orders up to 15% of the contract amount.

7. State Senate Bill 1 (SB 1) Road Maintenance and Rehabilitation Account (RMRA) Funding and Project List

Recommended Action: Adopt Resolution No. 24-24 approving the Fiscal Year 2024-2025 project list for Senate Bill (SB 1) (Road Rehabilitation and Accountability Act of 2017) Road Maintenance and Rehabilitation Account (RMRA) funding.

8. Professional Services Agreement for On Call Environmental Consulting Services

Recommended Action: Authorize the Mayor to execute a professional services agreement with Rincon Consultants, Inc. to provide on-call environmental consulting services.

9. Professional Services Agreement for Plan Check Consulting Services

Recommended Action: 1) Authorize the Mayor to execute a professional services agreement with True North Compliance Services to provide primary plan check consulting services; and 2) Authorize the Mayor to execute a professional services agreement with CSG Consultants as a secondary consultant.

13. Amendment to Professional Services Agreement with Michael Matthews for Consulting Services Related to School Separation



Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Michael Matthews for consulting services related to mediation, separation and the establishment of the Malibu Unified School District for a total contract amount of \$115,000.

15. Investment Report for the Month Ending April 30, 2024

Recommended Action: Receive the Investment Report for the month ending April 30, 2024.

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

6. Los Angeles County Measure M Transportation Funding Agreement

Recommended Action: Authorize the Mayor to execute the Los Angeles County Measure M Funding Agreement for the Pacific Coast Highway Crosswalk Improvements at Big Rock Drive and 20326 Pacific Coast Highway (PCH).

The Council discussed the item and directed questions to staff.

MOTION

Councilmember Riggins moved, and Councilmember Silverstein seconded a motion to authorize the Mayor to execute the Los Angeles County Measure M Funding Agreement for the Pacific Coast Highway Crosswalk Improvements at Big Rock Drive and 20326 Pacific Coast Highway (PCH). The motion carried 4-0, Councilmember Grisanti absent.

10. Professional Services Agreement for Geotechnical, Coastal Engineering, and Environmental Health Consulting Services

Recommended Action: Authorize the Mayor to execute a professional services agreement with Cotton, Shires & Associates, Inc. to provide geotechnical, coastal engineering, and environmental health consulting services.

Mayor Uhring opened the floor to public comment.

Speakers: Marissa Coughlan, Reg Browne, and Norm Haynie

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

The Council discussed the item and directed questions to staff.

MOTION

Mayor Pro Tem Stewart moved, and Councilmember Riggins seconded a motion to authorize the Mayor to execute a professional services agreement with Cotton, Shires & Associates, Inc. to provide geotechnical, coastal engineering, and environmental health consulting services. The motion carried 3-1-0, Councilmember Silverstein opposed and Councilmember Grisanti absent.

11. California State Senate Bill (SB) 379: Online Solar Permitting Platform for Residential Projects

Recommended Action: 1) Authorize the Mayor to execute a professional services agreement with Symbium Corporation in the amount of \$30,000 to prepare an online, automated solar permitting platform for residential projects.

The Council discussed the item and directed questions to staff.

MOTION

Councilmember Riggins moved, and Councilmember Silverstein seconded, a motion to authorize the Mayor to execute a professional services agreement with Symbium Corporation in the amount of \$30,000 to prepare an online, automated solar permitting platform for residential projects. The motion carried 4-0, Councilmember Grisanti absent.

12. Professional Services Agreement with Granicus LLC

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Granicus LLC for short-term rental administration.

The Council discussed the item and directed questions to staff.

MOTION

Mayor Pro Tem Stewart moved, and Councilmember Riggins seconded a motion to Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Granicus LLC for short-term rental administration. The motion carried 4-0, Councilmember Grisanti absent.

14. Amendment to Professional Services Agreement with SDI Presence (Continued from May 13, 2024)

Recommended Action: Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with SDI Presence LLC.

The Council discussed the item and directed questions to staff.

MOTION

Mayor Pro Tem Stewart moved, and Mayor Uhring seconded a motion continue to the item to the June 10, 2024 meeting.

The Council discussed the motion.

The motion carried 4-0, Councilmember Grisanti absent.

**ITEM 4      ORDINANCES AND PUBLIC HEARINGS**

A. Collection of Fees for the Implementation of the California Integrated Waste Management Act within the Malibu Garbage Disposal District

Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 24-25 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30.

Environmental Sustainability Director Bundy presented the staff report.

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

The Council discussed the item and directed questions to staff.

MOTION Mayor Pro Tem Stewart moved, and Councilmember Riggins seconded a motion to adopt Resolution No. 24-25 authorizing collection on the County Tax Roll of a fee from residential and commercial premises for the cost of preparing, adopting and implementing the City's Source Reduction and Recycling Element and Household Hazardous Waste Element imposed by Resolution No. 03-30. The motion carried 4-0, Councilmember Grisanti absent.

B. Amendment to Malibu Municipal Code Chapters 15.40, 15.42, and 15.44 To Require Additional Onsite Wastewater Treatment Systems (OWTS) Requirements for Home Occupation Uses that Place Additional Strain on the OWTS

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 517 determining the project is categorically exempt from the California Environmental Quality Act and amending Chapters 15.40, 15.42 and 15.44 of the Malibu Municipal Code (MMC); and 2) Direct staff to schedule second reading and adoption of Ordinance No. 517 for the June 10, 2024 City Council meeting.

This item was continued to the June 10, 2024 meeting upon approval of the agenda.

C. Proposed Budget for Fiscal Year 2024-25

Recommended Action: 1) Conduct the Public Hearing; and 2) Provide direction to staff on the Proposed Budget for Fiscal Year (FY) 2024-25.

Assistance City Manager Toney and City Manager McClary presented the staff report.

Mayor Uhring opened the floor to public comment.

Speakers: Karin Al-Hardan, and Howard Rudzki

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

The Council discussed the item and directed questions to staff. The Council provided direction to staff on the Proposed Budget for Fiscal Year 2024-25.

**ITEM 5 OLD BUSINESS**

- A. Zuma Foundation Inc. Road Race Agreement (Continued from May 13, 2024)  
Recommended Action: 1) Review the status of the Zuma Foundation Inc. 2024 Triathlon event; 2) Consider modifications to the draft Road Race Agreement with Zuma Foundation Inc.; and 3) Provide direction to staff regarding the 2024-2028 Road Race Agreement.

Community Services Director Riesgo presented the staff report.

Mayor Uhring opened the floor to public comment.

Speaker: Brennan Lindner, and Michael Epstein

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

The Council discussed the item and directed questions to staff.

- MOTION Councilmember Silverstein moved, and Mayor Uhring second the motion to relieve the City Manager of the direction and obligation to execute the agreement with Zuma Foundation Inc. The motion carried 4-0, Councilmember Grisanti absent.

The Council discussed the item.

- MOTION Councilmember Riggins moved, and Councilmember Silverstein seconded the motion to direct staff to reopen the Road Race request for proposals and directed the Road Race Ad Hoc Committee to review the proposals. The motion carried 4-0, Councilmember Grisanti absent.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

None.

**ADJOURNMENT**

Mayor Uhring adjourned the meeting at 10:35 p.m.

Approved and adopted by the City Council of the  
City of Malibu on \_\_\_\_\_.

---

STEVE UHRING, Mayor

ATTEST:

---

KELSEY PETTIJOHN, City Clerk  
(seal)

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
MAY 28, 2024  
COUNCIL CHAMBERS  
4:30 P.M.

**MEETING CALL TO ORDER**

Mayor Uhring called the meeting to order at 4:30 p.m.

**ROLL CALL**

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

PRESENT: Mayor Steve Uhring; Mayor Pro Tem Doug Stewart; and Councilmembers Marianne Riggins, and Bruce Silverstein

ABSENT: Councilmember Paul Grisanti

ALSO PRESENT: Kellan Martz, Deputy City Attorney; Steve McClary, City Manager; and Kelsey Pettijohn, City Clerk

**REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on May 23, 2024.

**APPROVAL OF AGENDA**

MOTION Councilmember Riggins moved, and Mayor Pro Tem Stewart seconded a motion to approve the agenda. The motion carried 4-0, Councilmember Grisanti absent.

**RECESS TO CLOSED SESSION**

At 4:31 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

**Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8**

1. Property Known as The Malibu Lumber Yard (3939 Cross Creek Road APN 4458-020-903)  
City Negotiator: City Manager Steve McClary or his Designee.  
Negotiating Parties: WPG Malibu LLC, AJS Lumberyard LLC, 9308 Civic Center Drive LLC  
Under Negotiation: Price and Terms

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

1. Case Name: City's Petition to Form Malibu USD from Territory in the Santa Monica-Malibu USD

The Council reconvened at 6:42 p.m. with Mayor Uhring, Mayor Pro Tem Stewart, and Councilmembers Riggins and Silverstein present.

### **CLOSED SESSION REPORT**

Deputy City Attorney Martz reported that the meeting convened at 4:30 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(2), with Mayor Uhring, Mayor Pro Tem Stewart, and Councilmembers Riggins and Silverstein present. He stated the Council discussed the items listed on the Closed Session agenda and took no reportable action on the real property negotiation item. He reported that Council directed the School District Separation Ad Hoc Committee to request the Los Angeles County Committee on School District Organization schedule a hearing on the City's petition as soon as possible.

### **ADJOURNMENT**

Mayor Uhring adjourned the meeting at 6:42 p.m.

Approved and adopted by the City Council of the  
City of Malibu on \_\_\_\_\_.

---

STEVE UHRING, Mayor

ATTEST:

---

KELSEY PETTIJOHN, City Clerk  
(seal)