



# Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, Interim City Manager

Date prepared: January 13, 2022 Meeting date: January 24, 2022

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the May 24, 2021 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 2021-2022. This is part of normal staff operations.

**DISCUSSION:** Staff has prepared draft minutes for the Council meetings of May 24, 2021.

**ATTACHMENTS:**

1. May 24, 2021 Malibu City Council Regular meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MAY 24, 2021  
TELECONFERENCED - VARIOUS LOCATIONS  
6:30 P.M.

**The following meeting was held pursuant to the Governor's Executive Orders N-25-20 and N-29-20 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 6:31 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; Lisa Soghor, Assistant City Manager; Kelsey Pettijohn, Acting City Clerk; Jesse Bobbett, Community Services Director; Richard Mollica, Planning Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Christine Wood, Deputy City Attorney; Susan Dueñas, Public Safety Manager; Elizabeth Shavelson, Assistant to the City Manager; Chris Brossard, Fire Safety Liaison; Julie Bauer, Senior Permit Services Technician; Marianne Riggins, Senior Permit Services Technician; 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. The question was called, and the motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

Acting City Clerk Pettijohn reported that the agenda for the meeting was properly posted on May 14, 2021.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Proclamation Declaring May 2021 as Building Safety Month

Mayor Grisanti presented the proclamation to Senior Permit Services Technicians Julie Bauer and Marianne Riggins, accepting for the Building Safety Division of the Environmental Sustainability Department.

B. Update on School District Separation

Deputy City Attorney Wood provided an update. She stated three finance experts from the City met with the Santa Monica-Malibu Unified School District's (SMMUSD) finance expert on May 13, 2021 to review proposals and discuss the analysis of financial terms of each proposal. She stated Cathy Dominico would provide a written summary of the meeting in a memo to the School District Separation Ad Hoc Committee.

Cathy Dominico provided an overview of financial information presented. She discussed the City's most recent proposal to SMMUSD that explained the City's intent and methodology used for allocation of funding two separate districts. She stated the proposal included a split of property tax based on geography. She stated SMMUSD's interpretation was not what the City intended. She explained how the Local Control Funding Formula (LCFF) was calculated. She stated there was a significant disagreement between the City and SMMUSD regarding distribution of property taxes. She stated the parties agreed on redevelopment funding. She discussed the Serrano v. Priest court decision. She discussed misstatements in SMMUSD's public comments and a recent ad. She stated the City requested SMMUSD provide details for how they came up with amounts claimed. She stated the memo to the School District Separation Ad Hoc Committee would provide more detail.

Mayor Grisanti thanked Ms. Dominico for the overview and for presenting the City's position.

Councilmember Farrer thanked Ms. Dominico for her expertise and patience.

In response to Councilmember Uhring, Deputy City Attorney Wood explained the meeting was for negotiations and would not impact the Los Angeles County Office of Education's (LACOE) decision-making process. She stated School Services of California (SSC) was hired by LACOE to conduct a feasibility assessment.

In response to Mayor Grisanti, Deputy City Attorney Wood stated SSC would not talk to the City or SMMUSD unless they had specific questions.

La Tanya Kirk-Carter stated the City and District worked with SSC before and knew its expertise. She stated SSC would present an independent assessment of the viability of the two separate districts.

In response to Councilmember Farrer, Deputy City Attorney Wood stated the LACOE Committee was not likely to impose a third-party mediator.

Ms. Kirk-Carter stated a separation agreement would benefit Santa Monica, but LACOE was not responsible for making the parties agree.

**ITEM 2.A. PUBLIC COMMENTS**

Jamie Tierney discussed a recent article about erosion at Surfrider Beach. He stated a tractor used to be used to move sand and make a breach in Malibu Lagoon. He stated the water was now nearing the parking lot and wall near Adamson House. He stated there was danger of taking out the lifeguard station. He suggested using tractors again.

Judith Israel displayed photos of Malibu Lagoon. On behalf of Ms. Israel, Brett discussed dangers of Malibu Lagoon breaching. He discussed red flagging of Surfrider Beach for two months in 2020. He asked when the City would conduct a Lagoon engineering study. He requested the City ask State Parks to maintain the Lagoon. Ms. Israel displayed a tide chart for late May and early June 2021. She discussed the impact on wildlife.

John Mazza, on behalf of Adamson House Foundation, announced a soft opening last week with the grounds and museum now open. He stated Adamson House was not yet open. He stated the Foundation funded an \$80,000 study with the State to study hydrology around the Adamson House, which was losing its front and side yards. He stated the City Council approved a hydrology study a few years ago. He suggested funds be allocated to start the study before Pacific Coast Highway (PCH) was lost. He stated it was necessary to get the water flowing in the right direction. He stated a serious storm like in 1983 could destroy the Adamson House and Malibu Pier.

Terry Davis was not present at the time of the hearing.

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

Interim City Manager McClary discussed the fence at La Costa Beach. He stated staff reached out to Mountains Recreation Conservation Authority (MRCA) and California Coastal Commission staff and discussed the City's concerns about issues near La Costa Beach. He encouraged the public to report crime problems in this area to Sheriff and other issues to the MRCA or State Parks. He discussed a small fire in the Palisades area. He stated he met with the Los Angeles County Sheriff's Department at Lost Hills and met with the Los Angeles County Fire Department and the City was in good hands. He stated he was working on plan for reopening City Hall and conducting public meetings moving forward as COVID-19 restrictions were relaxed.

Lieutenant Jim Braden, Los Angeles County Sheriff's Department, discussed the

investigation of a murder in the Winding Way area last Friday. He requested anyone with information could call the Homicide Bureau at 323-890-5500. He discussed status of individual arrested in April 2021 with weapons at Zuma Beach.

Mayor Grisanti thanked Lieutenant Braden. In response to Mayor Grisanti, Lieutenant Braden stated the Sheriff's Department continued efforts to stop unauthorized car shows. He stated organizers would be held liable for costs related to enforcement of these large events. He discussed how the Sheriff's Department monitored the internet for possible events.

Mayor Pro Tem Silverstein thanked Lieutenant Braden.

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

Councilmember Farrer stated she attended a monthly Las Virgenes-Malibu Council of Governments meeting and a Special meeting on Property Tax Funding for the school district. She recommended residents watch the video of the Special meeting at [MalibuCity.org/AgendaCenter](http://MalibuCity.org/AgendaCenter) to find the link. She stated she attended the ribbon cutting for the new Malibu High School administration, classroom, and library building.

Councilmember Pierson stated he attended a MRCA grant meeting. He stated Arson Watch received grant for the purchase of radios. He stated Senator Stern stated fire preparation funding would be ongoing. He stated Fire Brigades were being established in various neighborhoods. He stated he attended a virtual meeting with Assemblymember Richard Bloom where he discussed the challenges for small cities dealing with homelessness. He stated he attended the ribbon cutting for the new Malibu High School administration, classroom, and library building. He stated he and Mayor Pro Tem Silverstein had started process to find a recruiting firm for the City Manager recruitment.

Councilmember Uhring discussed calls from La Costa and Carbon Beach residents. He asked if MRCA indicated any willingness to fix the problem.

In response to Councilmember Uhring, Interim City Manager McClary stated the MRCA had made no commitment.

In response to Councilmember Uhring, Councilmember Pierson stated he had not discussed the La Costa issues with Senator Stern yet. Councilmember Uhring stated the problem could be very dangerous and the City should try to do something to alert visitors of potential dangers.

## **ITEM 2.A. PUBLIC COMMENTS (Continued)**

Terry Davis discussed the steps taken by the Big Rock Mesa Property Owners Association's for fire prevention. She suggested updating some City codes to address absentee homeowners.

**ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS (Continued)**

Mayor Pro Tem Silverstein recommended everyone get a COVID-19 vaccine. He stated he met with Interim City Manager McClary and Assistant City Manager Soghor to get educated on budget. He stated he participated in a weekly call with California Strategies. He stated he attended a Special meeting on school separation and the ribbon cutting for the new Malibu High School administration, classroom, and library building. He stated he spoke with residents about various issues, including fence at La Costa and Carbon Beach. He discussed residents' concerns about community safety related to homelessness.

Mayor Grisanti stated he attended the ribbon cutting for the new Malibu High School administration, classroom, and library building. He stated he spoke to many homeowners in the La Costa area with great ideas to address safety issues, including Notice of Infective or Dangerous Condition to advise the property owner that they would be responsible for claims related to the problem. He stated he participated in a weekly call with California Strategies.

**ITEM 3 CONSENT CALENDAR**

Item Nos. 3.B.5., 3.B.8. and 3.B.10. were pulled by the public. The Council pulled Item Nos. 3.B.4. and 3.B.7.

**MOTION** Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.4., 3.B.5., 3.B.7., 3.B.8. and 3.B.10. The question was called, and the motion carried unanimously.

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 63027-63133 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. 682 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$780,227.35. City of Malibu payroll check numbers 5165-5171 and ACH deposits were issued in the amount of \$367,916.40.

3. Professional Services Agreements for On-Call Publishing, Printing, and Mailing Services

- Recommended Action: Authorize the Mayor to: 1) Execute an agreement with Totalgraphics for sign and banner printing services; and 2) Execute an agreement with CR Print, Inc. for publishing, printing, and mailing services.
6. Professional Services Agreement with Governmental Financial Services  
Recommended Action: Authorize the Mayor to execute an agreement with Governmental Financial Services for assistance with audit preparation and bookkeeping and accounting services, including preparation of the Comprehensive Annual Financial Report and State Controller's Report of Financial Transactions.
9. Fiscal Year 2020-2021 Third Quarter Financial Report  
Recommended Action: Receive and file the Fiscal Year 2020-2021 Third Quarter financial information.

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

4. Amendment to Agreement with California Strategies & Advocacy, LLC  
Recommended Action: Authorize the Mayor to execute Amendment No. 3 to Agreement with California Strategies and Advocacy, LLC extending the term of agreement for one additional year to expire June 30, 2022.

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 Amendment No. 3 to Agreement with California Strategies and Advocacy, LLC extending the term of agreement for one additional year to expire June 30, 2022. The question was called, and the motion carried unanimously.

5. Amendment to Professional Services Agreement with California Skateparks  
Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with California Skateparks in the amount of \$50,150.

Mayor Grisanti opened the floor for public comment.

Speaker: Hamish Patterson

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

MOTION

Councilmember Uhring moved, and Mayor Grisanti seconded a motion to authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with California Skateparks in the amount of \$50,150.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

7. Award Malibu Park Drainage Improvements Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with J & H Engineering General Contractors, Inc. in the amount \$311,651.00 for the Malibu Park Drainage Improvements Project, Specification No. 2086; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of Agreement contract.

The Council discussed the item and directed questions to staff.

MOTION

Mayor Pro Tem Silverstein moved, and Mayor Grisanti seconded a motion to: 1) authorize the Mayor to execute a construction contract with J & H Engineering General Contractors, Inc. in the amount \$311,651.00 for the Malibu Park Drainage Improvements Project, Specification No. 2086; and 2) authorize the Public Works Director to approve potential change orders up to 15% of Agreement contract.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

8. Agreement with Malibu Race Series

Recommended Action: Authorize the Interim City Manager to execute a three-year Agreement with Malibu Race Series LLC to host the Malibu Half Marathon and 5K through November 2023.

Mayor Grisanti opened the floor for public comment.

Speaker: John Mazza

Bill Sampson 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; Erica Segel, Malibu Race Series LLC; and Kasey Earnest, Malibu Boys and Girls Club.

MOTION

Mayor Grisanti moved and Councilmember Farrer seconded a motion to authorize the Interim City Manager to execute a three-year Agreement with Malibu Race Series LLC to host the Malibu Half Marathon and 5K through November 2023. The question was called, and the motion carried 4-0, Councilmember Uhring abstaining.



10. Commission Work Assignments for Fiscal Year 2021-2022  
Recommended Action: Approve work assignments for the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission and Public Works Commission for Fiscal Year 2021-2022.

Mayor Grisanti opened the floor for public comment.

Speakers: John Mazza and Ryan Embree

The Council discussed the item and directed questions to staff.

**MOTION**

Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to approve work assignments for the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission (as amended to add “and potential future” before City Parks in Assignment No. 9), Public Safety Commission (as amended to remove Assignment No. 2), and Public Works Commission (as amended to add an assignment to explore dark skies projects) for Fiscal Year 2021-2022.

**FRIENDLY AMENDMENT**

Councilmember Uhring moved to add a milkweed planting project to the Harry Barovsky Memorial Youth Commission. The amendment was accepted by the maker.

The Council discussed the motion and directed questions to staff and Lieutenant Braden.

Mayor Pro Tem Silverstein withdrew his motion.

**MOTION**

Mayor Pro Tem Silverstein moved and Councilmember Uhring seconded a motion to approve work assignments for the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission (as amended to add “and potential future” before City Parks in Assignment No. 9), Public Safety Commission (as amended to remove Assignment No. 2), and Public Works Commission (as amended to add an assignment to explore dark skies projects) for Fiscal Year 2021-2022. The question was called, and the motion carried unanimously.

**RECESS**

At 9:05 p.m., Mayor Grisanti recessed the meeting. The meeting reconvened at 9:14 p.m. with all Councilmembers present.

**ITEM 4      ORDINANCES AND PUBLIC HEARINGS**

- A. Proposed Budget for Fiscal Year 2021-2022  
Recommended Action: 1) Conduct the Public Hearing; and 2) Provide direction to staff on the Proposed Budget and Annual Work Plan for Fiscal Year 2021-2022.

Assistant City Manager Soghor presented the staff report.

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

Speakers: John Mazza, Doug Stewart, and Ryan Embree

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.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

None.

**ADJOURNMENT**

At 11:00 p.m., Mayor Pro Tem Silverstein moved and Councilmember Pierson 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 \_\_\_\_\_.

\_\_\_\_\_  
PAUL GRISANTI, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)