



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: March 30, 2022 Meeting date: April 11, 2022

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the August 19, 2021 Malibu City Council Adjourned Regular meeting and August 23, 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 August 19, 2021 and August 23, 2021.

ATTACHMENTS:

1. August 19, 2021 Malibu City Council Adjourned Regular meeting
2. August 23, 2021 Malibu City Council Regular Meeting

MINUTES
MALIBU CITY COUNCIL
ADJOURNED REGULAR MEETING
AUGUST 19, 2021
TELECONFERENCED - VARIOUS LOCATIONS
6:00 P.M.

The following meeting was held pursuant to the Governor’s Executive Order N-08-21 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 6:01 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: Trevor Rusin, Assistant City Attorney; Steve McClary, Interim City Manager; Lisa Soghor, Assistant City Manager; Kelsey Pettijohn, Acting City Clerk; Julie Stuva, Deputy City Clerk; Adrian Fernandez, Assistant Planning Director; David Eng, Assistant Planner; and Philip Coronel, Assistant Planner

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 unanimously.

REPORT ON POSTING OF AGENDA

Acting City Clerk Pettijohn reported that the agenda for the meeting was properly posted on August 16, 2021.

Councilmember Farrer recommended adjourning in memory of Billy Wilson.

CONSENSUS

By consensus, the Council agreed to adjourn in memory of Billy Wilson.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to continue Item No. 1.A. to a date uncertain.

The Council discussed the motion.

Mayor Pro Tem Silverstein withdrew the motion.

ITEM 1 ORDINANCES AND PUBLIC HEARINGS

- A. Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, General Plan Amendment No. 21-001, General Plan Map Amendment No. 17-002, Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, Development Agreement No. 21-001, Lot Merger No. 20-002, Demolition Permit No. 20-19, Initial Study No. 21-001, and Mitigated Negative Declaration No. 21-001 – An application for the conversion of an existing office building and gas station into a hotel, including new development.

Recommended Action: 1) Adopt Resolution No. 21-45 for the adoption of Initial Study No. 21-001 and Mitigated Negative Declaration No. 21-001 prepared for the project pursuant to the California Environmental Quality Act and approval of Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, Lot Merger No. 20-002, and Demolition Permit No. 20-19 to change the land use designation of the properties from Community Commercial (CC) to Commercial Visitor Serving-2 (CV-2) and a new 26,734 square foot, 39-room hotel, involving the remodel of an existing four-story, 15,392 square foot commercial building and a 9,500 square foot parking level at 22741 Pacific Coast Highway (PCH) and construction of a new two-story, 11,342 square foot addition plus a basement on an adjacent parcel at 22729 PCH, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use. The project includes a restaurant/bar, spa, rooftop deck, swimming pool, new surface parking lot, hardscape, landscaping, grading, retaining wall, lighting, utilities, and an upgrade and expansion of the existing onsite wastewater treatment system and associated lot merger of the two involved in the CC zoning district at 22741 and 22729 Pacific Coast Highway (Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC); 2) Adopt Resolution No. 21-46 for approval of General Plan Amendment No. 21-001 and General Plan Map Amendment No. 17-002; 3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 491 for Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, and Development Agreement No. 21-001 to rezone the properties from Community Commercial (CC) to Commercial Visitor Serving-Two (CV-2), a new Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project for the Sea View Hotel Overlay District; 4) Direct staff to schedule second reading and adoption of Ordinance No. 491 for the September 13, 2021 Regular City Council meeting.

Assistant City Attorney Rusin recommended the Council reopen the public hearing and hear public comment on the changes presented by staff.

The Council discussed the public hearing process.

Assistant Planning Director Fernandez and Assistant City Attorney Rusin presented the staff report.

The Council discussed reopening public comment or continuing the item.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to continue this item to the September 13, 2021 Regular meeting.

- B. Appeal No. 21-007 - Appeal of Planning Commission Resolution No. 21-46 (24266 Malibu Road; Owner/Appellant, Malibu Road #3, LLC/ Lester Tobias)
Recommended Action: Adopt Resolution No. 21-44, determining the project is categorically exempt from the California Environmental Quality Act; and denying Appeal No. 21-007 and approving Coastal Development Permit No. 16-066 to allow for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with an attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, and onsite wastewater treatment system, including Variance No. 16-066 for construction on steep slopes, Demolition Permit No. 21-009 for the removal of wood retaining walls, and Offer-to-Dedicate No. 21-003 for public lateral access on the beach located in the Single-Family Medium (SFM) zoning district at 24266 Malibu Road (Malibu Road #3, LLC).

Assistant Planning Director Fernandez presented the staff report.

Disclosures: Mayor Grisanti, Mayor Pro Tem Silverstein, and Councilmembers Farrer, Pierson and Uhring

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

Speakers: Lester Tobias and Don Schmitz

James Sandefer was not present at the time of the hearing.

Lester Tobias and Don Schmitz 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 questions to staff.

MOTION Councilmember Farrer moved, and Councilmember Pierson seconded a motion to adopt Resolution No. 21-44, determining the project is categorically exempt from the California Environmental Quality Act; and denying Appeal No. 21-007 and approving Coastal Development Permit No. 16-066 to allow for the construction of

a new 4,722 square foot, two-story, beachfront single-family residence with an attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, and onsite wastewater treatment system, including Variance No. 16-066 for construction on steep slopes, Demolition Permit No. 21-009 for the removal of wood retaining walls, and Offer-to-Dedicate No. 21-003 for public lateral access on the beach located in the Single-Family Medium (SFM) zoning district at 24266 Malibu Road (Malibu Road #3, LLC).

The Council discussed the motion and directed questions to staff.

FRIENDLY AMENDMENT

Mayor Pro Tem Silverstein moved to direct staff to bring back a revised version of Resolution No. 21-44 denying Appeal No. 21-007 and approving Coastal Development Permit No. 16-066 (Planning) and work with Mayor Pro Tem Silverstein to revise the resolution in line with the Council's direction.

The Council discussed the amendment

The maker and the seconder accepted the amendment.

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

At 8:45 p.m., Mayor Pro Tem Silverstein recused himself based on his business dealings with Jason Riddick and left the meeting.

At 8:46 p.m., Councilmember Pierson recused himself based on his home's proximity to the project location and left the meeting.

RECESS At 8:46 p.m., Mayor Grisanti recessed the meeting. The meeting reconvened at 8:57 p.m. with Mayor Grisanti and Councilmembers Farrer and Uhring present.

C. Appeal No. 21-008 - Appeal of Planning Commission Resolution No. 21-051 (6255 Paseo Canyon Drive; Appellants: Elizabeth and Jason Riddick; Applicants and Property Owners: Elizabeth and Jason Riddick)

Recommended Action: Adopt Resolution No. 21-47, determining the project is categorically exempt from the California Environmental Quality Act; and denying Appeal No. 21-008; and denying Request for Reasonable Accommodation No. 21-001 pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.30 to allow relief from the zoning provisions of the LIP, as they currently apply to an application for a new attached accessory dwelling unit and additions to an existing single-family residence; and also denying Coastal Development Permit No. 20-034 which would allow the aforementioned development to encroach into the rear and side yard setbacks and exceed the maximum allowed total development square footage and total impervious lot coverage for the parcel, located in the Single Family (SF-L) Zoning District at 6255 Paseo Canyon Drive (Riddick).

Assistant City Attorney Trevor Rusin advised Council that Mayor Pro Tem Silverstein and Councilmember Pierson had recused themselves from the item.

Assistant Planner Eng presented the staff report.

Disclosures: Mayor Grisanti and Councilmembers Uhring and Farrer

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

Speakers: Renee Sperling, Elizabeth Riddick, David Deerson, Josh Spiegel

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.

MOTION Councilmember Uhring moved, and Councilmember Farrer seconded a motion to adopt Resolution No. 21-47, determining the project is categorically exempt from the California Environmental Quality Act; and denying. The question was called, and the motion carried 3-0, Councilmember Pierson and Mayor Pro Tem Silverstein absent.

ADJOURNMENT

At 9:51 p.m., Mayor Grisanti adjourned the meeting in memory of Billy Wilson.

Approved and adopted by the City Council of the
City of Malibu on _____.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PEETIJOHN, City Clerk
(seal)

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
AUGUST 23, 2021
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor's Executive Order N-08-21 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 6:03 p.m., on the advice of counsel and based on existing facts and circumstances, the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated litigation

1. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
Number of potential cases: 1

REGULAR SESSION CALL TO ORDER

Mayor Grisanti called the meeting to order at 6:32 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; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Christine Wood, Deputy City Attorney; Susan Dueñas, Public Safety Manager; Julie Stuva, Deputy City Clerk; Raneika Brooks, Associate Planner; Adrian Fernandez, Assistant Planning Director; Justine Kendall, Associate Planner; Patricia Salazar, Administrative Analyst; Chris Brossard, Fire Safety Liaison; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Cotti reported the Council recessed to a Closed Session pursuant to Council Government Code Section 54956.9(d) and the Council authorized the initiation of litigation pursuant to the Public Records Act if the potential defendant continues to deny the City's requests. He stated if litigation was initiated the complaint would be made available for public review in the City Clerk's Office.

APPROVAL OF AGENDA

Mayor Grisanti recommended adjourning the meeting in memory of Peter Banner.

MOTION Councilmember Farrer moved, and Councilmember Uhring seconded a motion to approve the agenda.

Interim City Manager McClary recommended continuing Item No. 4.A. because Geotechnical staff was not available to answer questions tonight.

FRIENDLY AMENDMENT

Mayor Pro Tem Silverstein moved to table Item No. 4.A. until the end of the meeting and considering continuation then.

The Council discussed the amendment and directed questions to staff, Mr. Norm Haynie, Mr. Fred Gaines and Mr. Johnathen Day regarding rescheduling.

Mayor Pro Tem Silverstein withdrew his amendment.

FRIENDLY AMENDMENT

Mayor Pro Tem Bruce Silverstein moved to continue Item No. 4.A. to the September 13, 2021 Regular meeting and to direct staff to schedule a Special meeting on September 13, 2021 to consider the Camping Ordinance, if the Council chooses to schedule the first reading of the ordinance after hearing Item No. 4.C.

The maker and the seconder accepted the amendment.

The question was called, and the amended motion carried unanimously.

REPORT ON POSTING OF AGENDA

Acting City Clerk Pettijohn reported that the agenda for the meeting was properly posted on August 13, 2021, with the amended agenda posted on August 20, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Proclamation Declaring September 2021 as Childhood Cancer Awareness Month

Mayor Grisanti presented the proclamation to Kids Cancer Connection.

ITEM 2.A. PUBLIC COMMENTS

Bill Sampson requested an update on the hosted short-term rental ordinance. He discussed road closures caused by events on Pacific Coast Highway, including the upcoming Malibu Triathlon. He questioned if former-City Manager Reva Feldman received the second \$150,000 payment outlined in her separation agreement with the City. He thanked Mayor Pro Tem Silverstein and Councilmember Uhring for their work on Item No. 4.C.

Tim Horton, Community Emergence Response Team (CERT) member, discussed Peter Banner's contributions to the C.E.R.T. Team.

Lester Saft discussed Peter Banner's contributions to the C.E.R.T. Team and the Malibu community.

Scott Dittrich indicated support for Mr. Horton and Mr. Saft's comments. He thanked the Councilmembers for their service. He discussed the fire danger posed by above ground utility lines and questioned if Southern California Edison would begin undergrounding power lines.

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

Interim City Manager McClary confirmed four City Hall employees tested positive for COVID-19 over the past month. He stated the Building Safety and Planning counters remained open. He stated staff was working with Los Angeles County Beaches and Harbors to address damage to Westward Beach Road after recent high tides. He announced an Administration and Finance Subcommittee meeting on August 24, 2021.

Lieutenant Jim Braden, Los Angeles County Sheriff's Department, stated the Sheriff's Department had been working with Beaches and Harbor to keep people out of the Westward Beach area. He stated there had been an arrest for an armed robbery at Tuna Canyon and an arson arrest behind CVS last week. He stated he had been working with Mayor Pro Tem Silverstein and Councilmember Pierson on Item No.

4.C.

In response to Mayor Pro Tem Silverstein, Lieutenant Braden discussed circumstances regarding the arsonist and robbery suspects.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Pierson thanked Mr. Horton, Mr. Saft, and Mr. Dittrich for their comments on Peter Banner. He stated the current short-term rental ordinance had ended the problems with party houses. He stated the California Coastal Commission had requested a lot of information from the City for the hosted short-term rental ordinance. He stated the last Malibu Triathlon event had a big impact on the neighbors and he hoped to see the impacts minimized this year. He stated the damage to Westward Beach Road demonstrated the effects of rising sea levels. He stated he attended a microgrid incentive program meeting, a homelessness funding webinar, and Santa Monica Bay Restoration Commission Proposition 50 workshop. He stated he participated in a virtual evacuation drill for Topanga Canyon. He thanked Councilmember Uhring for attending the regular Santa Monica Bay Restoration Commission meeting in his absence. He stated he attended a School District Separation Ad Hoc Committee meeting regarding a video released by the Santa Monica- Malibu Unified School District (SM-MUSD). He stated he participated in a California Mayor's Coalition Call where Senator Becker spoke on the SB 640 bill for State funding on road projects. He stated he attended a community fire brigade meeting.

Councilmember Uhring thanked Lieutenant Braden. He stated he attended a Santa Monica Bay Restoration Commission meeting. He stated the 2020 census showed a population drop in Malibu. He discussed the high assessment estimates for Phase 2 of the Civic Center Water Treatment Facility. He requested an update on the hosted short-term rental ordinance. He questioned if the August 26, 2021 Planning Commission hearing for the Malibu Inn Motel had been advertised enough.

Councilmember Farrer thanked Mr. Horton and Mr. Saft for their comments on Peter Banner. She stated the damage to Westward Beach Road demonstrated the effects of climate change. She thanked Lieutenant Braden. She stated she attended the SM-MUSD Convocation. She stated after the convocation she received an inflammatory video from SM-MUSD on the school district separation efforts. She stated she spoke about the video with other Malibu residents at the August 19, 2021 SM-MUSD Board meeting.

Mayor Pro Tem Silverstein stated he had been working with Interim City Attorney Cotti, Interim City Manager McClary and City staff to improve the approval documents for the Seaview Hotel project. He stated he had also been working with Councilmember Pierson, Interim City Manager McClary, Interim City Attorney Cotti, Public Safety Manager Dueñas, Lieutenant Braden, Sheriff Captain Chuck Becerra, members of the Homelessness Task Force, and various residents to craft the emergency resolution and Camping Ordinance that will be considered under

Item No. 4.C. He stated he had researched the legal issues related to Item No. 4.A. and had provided his questions and comments to staff. He stated the Brown Act precluded distributing his comments to the other Councilmembers in advance of the meeting. He stated he had been involved in conversations about the Westward Beach Road erosion and the fence that was removed at La Costa Beach. He stated he watched the inaugural meeting of the Homelessness Task Force and multiple Planning Commission meetings. He discussed his concern that there was a bias toward approving development in the City. He discussed the rural character of the City and the slow growth approach built into the Malibu Municipal Code, Local Implementation Plan and Local Coastal Program. He stated he watched the Planning Commission hearing on the Malibu Jewish Center and Synagogue and he was surprised when one Commissioner was cut off from asking more questions and another Commissioner tried to make a motion to approve the project before public comment.

Mayor Grisanti stated he and Interim City Manager McClary met with Joe Edmiston and La Costa residents to discuss the appropriate type of beach entrance at La Costa Beach. He thanked Lieutenant Braden for his comment and for helping a woman experiencing homelessness who was staying in front of Starbucks.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.6 was pulled by the public.

Mayor Pro Tem Silverstein stated he supported Item No. 3.B.5.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to approve the Consent Calendar, pulling Item No. 3.B.6. 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 63797-63941 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. 687 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,686,419.26. City of Malibu payroll check numbers 5182-5183 and ACH deposits were issued in the amount of \$226,130.35.

3. Malibu Poet Laureate Appointment
Recommended Action: At the recommendation of the Malibu Arts Commission, approve the nomination of Ann Buxie to serve a two-year term as the Malibu Poet Laureate beginning September 1, 2021.
4. Award City Hall HVAC System Cleaning Project
Recommended Action: 1) Approve the award and authorize the Mayor to execute a construction contract with Western Indoor Environmental Services in the amount of \$53,990 for the City Hall HVAC System Cleaning Project, Specification No. 2090; and 2) Authorize the Public Works Director to approve any potential change orders up to 10% of the contract amount.
5. Action Minutes
Recommended Action: Approve transitioning to action minutes as the City Council's official minutes.
7. Amendment No. 2 to Agreement with Stone Environmental, Inc.
Recommended Action: Authorize the Mayor to execute Amendment No. 2 to Professional Services Agreement with Stone Environmental, Inc. to extend the contract for services.

The following item was pulled for individual consideration:

6. Amendment to Agreement with Malibu Triathlon Productions (Continued from August 9, 2021)
Recommended Action: Authorize the Interim City Manager to execute Amendment No. 1 to the Agreement with Malibu Triathlon Productions LLC, a Subsidiary of USA Sports and Entertainment, transferring its interest in the Agreement to host the Malibu Triathlon to Super League Holdings PTE LTD, a Singapore private company limited by shares.

Mayor Grisanti opened the floor for public comment.

Speaker: Bill Sampson

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. Brennan Lindner (Malibu Triathlon Productions).

MOTION

Mayor Pro Tem Silverstein moved, and Mayor Grisanti seconded a motion to authorize the Interim City Manager to execute Amendment No. 1 to the Agreement with Malibu Triathlon Productions LLC, a Subsidiary of USA Sports and Entertainment, transferring its interest in the Agreement to host the Malibu Triathlon to Super League Holdings PTE LTD, a Singapore private company limited by shares. The question was called, and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Appeal No. 21-002 - Appeal of Planning Commission Resolution No. 21-01 (20272 Inland Lane; Appellant: Hak Wong; Applicant: Johnathen Day; Property Owner: The Jonathan L. Congdon Revocable Trust)

Recommended Action: Adopt Resolution No. 21-48, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 21-002 and approving Coastal Development Permit No. 19-001 for the construction of a new 4,838 square foot, two- story single-family residence, including a 602 square foot attached two-car garage with storage, plus a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance No. 19-001 from the City’s geotechnical standards for factor of safety, Site Plan Review No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification No. 19-001 for the reduction of the required side yard setback, located in the Single-Family Low Density (SFL) zoning district at 20272 Inland Lane.

This item was continued to the September 13, 2021 Regular meeting.

- B. 2021-2029 Housing Element Draft Update Study Session

Recommended Action: 1) Receive staff’s presentation, 2) Receive public comments; and 3) Provide comments to staff on the draft Housing Element, as appropriate.

Associate Planner Kendall and Housing Element Consultant John Douglas presented staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Terry Davis and Jamie Francis

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. Douglas.

MOTION Councilmember Farrer moved, and Councilmember Pierson seconded a motion to: 1) receive and file the Draft Housing Element; and 2) direct staff to submit the Draft Housing Element to the California Department of Housing and Community Development. The question was called, and the motion carried unanimously.

RECESS At 8:42 p.m., Mayor Grisanti recessed the meeting. The meeting reconvened at 8:52 p.m. with all Councilmembers present.

- C. Resolution Declaring the Existence of a Local Emergency and Establishing a Program for Reducing the Risk of Fires Associated with Individuals Living

Unhoused and Otherwise Engaged in Unpermitted and Unregulated Camping
Recommended Action:

It is recommended that the City Council: 1) Adopt Resolution No. 21-49 Declaring the Existence of a Local Emergency and Establishing a Program for Reducing the Risk of Fires Associated with Individuals Living Unhoused and Otherwise Engaged in Unpermitted and Unregulated Camping; and 2) Discuss and consider the proposed Camping Ordinance and provide direction to City staff.

Public Safety Manager Dueñas presented staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Kaye Gabbard, Scott Dittrich, Jo Drummond, and Jefferson Wagner

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 and Lieutenant Braden.

MOTION

Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to: 1) adopt Resolution No. 21-49 declaring the Existence of a Local Emergency and Establishing a Program for Reducing the Risk of Fires Associated with Individuals Living Unhoused and Otherwise Engaged in Unpermitted and Unregulated Camping; and 2) direct staff to complete the work described in the staff report and bring Ordinance No. 492 back for introduction on first reading at a Special meeting on September 13, 2021. The question was called, and the motion carried unanimously.

ITEM 5

OLD BUSINESS

A. Woolsey Fire Fee Waiver Program Deadlines (Continued from August 9, 2021)

Recommended Action: 1) Discuss the existing deadlines in place for homeowners to be eligible to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence; and 2) Provide direction to staff regarding any proposed revisions to the fee waiver program.

Assistant City Manager Soghor presented staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Vince Muselli

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 Councilmembers Pierson moved, and Councilmember Farrer seconded a motion to direct staff to bring back an item to: 1) extend the Woolsey Fire fee waiver program deadlines an additional 18 months; and 2) modify the program to require all planning and building permit fees to be paid if the property owner submits an application for additional square footage beyond the initial 10 percent increase before receiving a certificate of occupancy. The question was called, and the motion carried unanimously.

- B. Consideration of the Resumption of In-Person Meetings
Recommended Action: 1) Receive an update on the current State and County public health regulations; and 2) Consider options for the resumption of in-person public meetings, and give direction to staff as needed.

Interim City Manager McClary presented staff report.

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

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to bring this item back at the September 13, 2021 Regular meeting. The question was called, and the motion carried unanimously.

ITEM 6 NEW BUSINESS

- A. Boys & Girls Club of Malibu Event Fee Waiver
Recommended Action: Consider whether to approve the request from the Boys & Girls Club of Malibu to waive facility use fees and staffing costs for the Chili Cook-Off event at the Ioki Property.

Community Services Director Bobbett presented staff report.

Mayor Grisanti opened the floor for public comment. 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 and Ms. Kasey Earnest (Boys and Girls Club).

MOTION Councilmember Pierson moved, and Councilmember Uhring seconded a motion to waive facility use fees and staffing costs for the Chili Cook-Off event at the Ioki Property. The question was called, and the motion carried unanimously.

The Council discussed the item.

MOTION Mayor Pro Tem Silverstein moved, and Mayor Grisanti seconded a motion to approve reimbursing the Boys & Girls Club of Malibu entrance fees waived for those who receive a COVID-19 vaccine at the event. The question was called, and the motion carried unanimously.

- B. Public Speaker Video (Continued from August 9, 2021)
Recommended Action: Consider whether to direct staff to allow members of the public to be displayed with video while speaking at the City's public meetings.

Interim City Manager McClary presented staff report.

Mayor Grisanti opened the floor for public comment. 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 to allow members of the public to be displayed with video and allow time deferrals during virtual public meetings.

The motion died on the floor due to lack of a second.

The Council discussed the item.

MOTION Councilmembers Farrer moved to continue the practice of allowing the public to appear virtually with the video function disabled at public meetings.

FRIENDLY AMENDMENT

Councilmember Pierson moved to bring back an item to consider allowing time deferrals during virtual public meetings.

The maker accepted the amendment.

Councilmember Uhring seconded the amended motion.

The question was called, and the amended motion carried 4-1, Mayor Pro Tem Silverstein abstaining.

ITEM 7 COUNCIL ITEMS

- A. Proposed Parking Management Plan Along Trancas Canyon Road from Pacific Coast Highway to Tapia Drive (Mayor Grisanti and Councilmember Farrer)
(Continued from August 9, 2021)

Recommended Action: At the request of Mayor Grisanti and Councilmember Farrer, direct staff to process an ordinance to implement a Parking Management Plan along the west side of Trancas Canyon Road from Pacific Coast Highway to Tapia Drive.

Assistant Planning Director Fernandez presented staff report.

Mayor Grisanti opened the floor for public comment.

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.

MOTION Mayor Grisanti moved, and Councilmember Farrer seconded a motion to direct staff to process an ordinance to implement a Parking Management Plan along the west side of Trancas Canyon Road from Pacific Coast Highway to Tapia Drive. The question was called, and the motion carried unanimously.

B. Cars and Coffee (Councilmember Uhring)

Recommended Action: At the request of Councilmember Uhring, consider whether the City should continue to offer the Cars and Coffee event at Malibu Bluffs Park.

Community Services Director Bobbett presented staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Armando Petretti

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.

MOTION Councilmember Pierson moved, and Mayor Grisanti seconded a motion to direct staff to continue coordinating the Cars and Coffee event. The question was called, and the motion carried 4-1 with Councilmember Uhring abstaining.

C. Wildlife Conversation Board Grant for Liberty Canyon Wildlife Crossing Project (Mayor Grisanti and Mayor Pro Tem Silverstein)

Recommended Action: At the request of Mayor Grisanti and Mayor Pro Tem Silverstein, authorize the Mayor to submit a letter to the Wildlife Conservation Board in support of allocating \$20 million in grant funding to the National Wildlife Federation for the Liberty Canyon Wildlife Crossing Project.

Mayor Grisanti presented the report.

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

The Council discussed the item.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded the motion to authorize the Mayor to submit a letter to the Wildlife Conservation Board in support of allocating \$20 million in grant funding to the National Wildlife Federation for the Liberty Canyon Wildlife Crossing Project. The question was called, and the motion carried unanimously.

ADJOURNMENT

At 11:45 p.m., Mayor Grisanti adjourned the meeting in honor of Peter Banner.

Approved and adopted by the City Council of the
City of Malibu on _____.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)