



# 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: May 11, 2022 Meeting date: May 23, 2022

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the September 27, 2021 Malibu City Council Regular meeting and October 5, 2021 Malibu City Council Special 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 September 27, 2021 and October 5, 2021.

**ATTACHMENTS:**

1. September 27, 2021 Regular meeting
2. October 5, 2021 Special meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 27, 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 5:45 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, and Steve Uhring

ABSENT: Councilmember Mikke Pierson

**PUBLIC COMMENT ON CLOSED SESSION**

Helen Wheeler was not present at the time of the hearing.

**RECESS TO CLOSED SESSION**

At 5:48 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**

1. SIGNIFICANT EXPOSURE TO LITIGATION, pursuant to Government Code section 54956.9(d)(2) – One (1) potential case.
2. INITIATION OF LITIGATION, pursuant to Government Code section 54956.9(d)(4) - One (1) potential case.

**REGULAR SESSION 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, and Steve Uhring

ABSENT: Councilmember Mikke Pierson

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, City Manager; Lisa Soghor; Kelsey Pettijohn, City Clerk; Yolanda Bundy, Environmental Sustainability Director/Building Official; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Christine Wood, Deputy City Attorney, Mary Linden, Executive Assistant; Julie Stuva, Deputy City Clerk, Susan Dueñas, Public Safety Manager; and Chris Brossard, Fire Safety Liaison

### **PLEDGE OF ALLEGIANCE**

Mayor Grisanti led the Pledge of Allegiance.

### **CLOSED SESSION REPORT**

Interim City Attorney John Cotti reported that the meeting convened at 5:45 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d). He stated the first item on the Closed Session agenda involved the City's ongoing dispute with Santa Monica-Malibu Unified School District and the Los Angeles County Office of Education (LACOE) Committee's decision to put the City's school district unification petition into the regular review process. He stated the item was discussed and the Council took no reportable action. He stated the Council discussed the second item on the agenda and by a vote of 4-0, Councilmember Pierson absent, authorized initiation of litigation pursuant to the Public Records Act.

### **APPROVAL OF AGENDA**

MOTION Mayor Pro Tem Silverstein moved, and Mayor Grisanti seconded a motion to approve the agenda, continuing Item No. 4.A. to the November 8, 2021 Regular meeting and Item No. 4.B. to the October 5, 2021 Special meeting at 2:00 p.m. The question was called, and the motion carried 4-0, Councilmember Pierson absent.

### **REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on September 16, 2021, with the amended agenda posted on September 23, 2021.

### **ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Update on School District Separation

Deputy City Attorney Wood presented an update on school district separation. She stated on September 18, 2021 the LACOE Committee decided to move the City's petition forward into the regular process. She stated City staff and consultants were working on the feasibility study to demonstrate that the new Malibu Unified School District would meet the nine legal criteria to unify. She stated the school district separation team was confident the City's petition would meet the criteria.

**ITEM 2.A. PUBLIC COMMENTS**

Forest Curtis, Heal the Bay, discussed the damaged stairway at Point Dume and the damaged pedestrian access from the Point Dume Headlands Trails to Westward Beach Road. She stated these damaged accessways prevented the public and scientists accessing the beach.

Terry Davis invited the Councilmembers to the next Homeless Connect Day on October 7, 2022 outside the former Malibu Courthouse. She expressed concern that there was not adequate follow-up to Fire Department citations for failure to complete brush clearance.

Jo Drummond discussed the California Coastal Commission's (CCC) Critical Infrastructure At-Risk Sea Level Rise Planning Guidance. She asked when the Malibu living shoreline project would move forward.

Michael Dulss was not present at the time of the hearing.

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

Interim City Manager McClary announced that City of Malibu was recently certified as a Blue City by nonprofit organization Project O. He announced that for the 20<sup>th</sup> consecutive year the City received an award for transparency and excellency in financial reporting from the Government Finance Officers Association (GFOA) for the City's Annual Comprehensive Financial Report. He announced the Public Safety Expo on October 2, 2022 at City Hall. He stated he attended the League of California's Cities Annual Conference in Sacramento, California. He stated approval of the policies for implementation of automatic license plate reads had been scheduled for the October 25, 2022 Regular meeting.

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

Councilmember Farrer stated maintenance of the beach access ways fell under the jurisdiction of California State Parks and Los Angeles County Beaches and Harbors. She thanked Environmental Sustainability Director Bundy and Environmental Sustainability staff for their work on the Blue City certification. She stated it was noteworthy that this was the 20<sup>th</sup> year the City had been recognized for transparency in financial reporting. She discussed the work that went into preparing for the LACOE Committee hearing. She stated the City's petition met the sufficiency requirements and would be moved into the regular process. She stated she attended

a Los Angeles County Library Commission meeting. She stated she attended the California Contract Cities Fall Educational Summit and the League of California Cities Annual Conference. She stated she attended sessions on climate change adaptation and wildfire mitigation, changing the wildfire prevention paradigm, and the democratic lottery/citizens assembly/deliberative model.

Councilmember Uhring stated he received calls from residents with concerns that some Woolsey Fire rebuilding projects did not comply with the rebuilding permit rules. He thanked Planning Director Mollica for performing site visits to follow-up on these concerns. He discussed an article in The Malibu Times about 54 students who had been infected or exposed to COVID-19. He discussed an unpermitted product promotion party in Big Rock. He stated the profit from the party likely exceeded the fines and recommended the fine amounts be discussed at a future Administration and Finance Subcommittee meeting. He discussed the Planning Commission meeting where the Westward Beach improvement project was considered.

In response to Councilmember Uhring, Planning Director Mollica stated the Westward Beach project would not be presented to the City Council unless the Planning Commission's decision was appealed.

Councilmember Silverstein stated it seemed unlikely Heal the Bay had been unable to access the beach for science. He suggested exploring if the City's nuisance abatement procedures could be used clear brush on private property after the Fire Department issued a citation. He stated he watched the LACOE meeting. He stated he spoke to members of the public about the Camping Ordinance and Pacasso properties. He stated some cities were requiring their employees to be vaccinated against COVID-19 or tested regularly and he recommended the City consider a similar policy.

Mayor Grisanti stated he attended the League of California Cities Annual Conference. He stated he spoke with Smart Coast California at the conference and met two California Coastal Commission representatives. He stated he appreciated the opportunity to interact with members of the public and continued to reply to all the emails he received. He stated he was grateful the City received the award from GFOA. He requested Ms. Curtis contact him in the future if she had issues with a beach access way and he could tell her which entity owned the property. He encouraged the public to attend the Public Safety Expo.

### **ITEM 3      CONSENT CALENDAR**

Item Nos. 3.A.1, 3.B.6 and 3.B.8 were pulled by the public. Item Nos.3.B.7 and 3.B.9 was pulled by Council.

**MOTION**      Councilmember Farrer moved, and Mayor Grisanti seconded a motion to approve the Consent Calendar, except Item No.3.A.1, 3.B.6, 3.B.8, 3.B7 and 3.B.9. The question was called, and the motion carried 4-0, Councilmember Pierson absent.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

2. Second Reading and Adoption of Ordinance No. 492

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 492 amending sections 9.08.030 (Sitting or lying on public ways) and 9.08.090 (Camping, lodging, sleeping overnight on public property) of the Malibu Municipal Code (MMC), enacting amended and supplemental camping regulation as Chapter 8.36 of Title 8 of the MMC; and finding the same exempt from the provisions of the California Environmental Quality Act.

3. Second Reading and Adoption of Ordinance No. 493

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 493 determining the project is categorically exempt from the California Environmental Quality Act and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking), Title 10 (Vehicles and Traffic) of the Malibu Municipal Code to prohibit parking on the west side of Trancas Canyon Road between Pacific Coast Highway and Tapia Drive between the hours of 12:00 am and 3:00 am daily.

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 64101-64186 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. 689 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$424,349.78. City of Malibu payroll check numbers 5188-5189 and ACH deposits were issued in the amount of \$ 228,736.30.

3. Approval of Minutes

Recommended Action: Approve the minutes for the February 25, 2021 Malibu City Council Special meeting and the March 1, 2021 Malibu City Council Special meeting.

4. Certificate of Deposit

Recommended Action: Adopt Resolution No. 21-51 approving the purchase of a Certificate of Deposit with JP Morgan Chase Bank NA for a term of five years and seven months.

5. Amendment to Professional Services Agreement with Moffatt & Nichol

Recommended Action: 1) Authorize the Mayor to execute Amendment No. 8 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$25,000 for professional engineering services to prepare additional engineering calculations regarding the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Maps to

support the City's FEMA Letter of Map Revision; and 2) Appropriate \$25,000 from the General Fund Undesignated Reserve to Account No 100-3008-5100 (Public Works – Professional Services).

Lieutenant Jim Braden, Los Angeles County Sheriff's Department, discussed the Malibu Triathlon event over the weekend. He stated there were minor injuries from two accidents during the triathlon. He discussed three fatal accidents on Pacific Coast Highway involving pedestrians. He discussed an incident the public reported to him of people camping on vacant land near Trancas Park. He encouraged the public to report any incidents they see to the Sheriff's Department. He stated the Sheriff's Department had sent officers out to clean up homeless encampments at Dan Blocker Beach. He discussed an operation of the Taskforce for Regional Auto Theft (TRAP) and reported the operation resulted in six arrests and the location of one stolen vehicle. He stated he would present a report at the next Public Safety Commission meeting on Sheriff Department activities and beach team operations.

Mayor Pro Tem Silverstein discussed the small-town nature of Malibu and the type of attention the City and the Sheriff's Department can devote to resident's issues. He thanked Lieutenant Braden for the updated.

In response to Councilmember Farrer, Lieutenant Braden stated he would make sure the Deputies address the oversized vehicles near Carbon Beach and cite them appropriately. He stated the oversized situation had been improved since last year, but there were some holdouts. He suggested the City consider an ordinance prohibiting motorhomes in the City at certain times at night unless they are owned by residents. He stated people knew the rules for overnight parking and the oversized vehicle ordinance and worked around them.

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

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 491

Recommended Action: Conduct second reading, unless waived, and adopt 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.

The Council discussed the number of speakers and considered limiting the amount of time each speaker would have.

Mayor Grisanti announced each speaker would have two minutes to speak and opened the floor for public.

Speakers: Norm Haynie, Priscila Velasquez, Rene Trotter, Graciela Gomes, Aura Garcia, Yajaira Zelaya, Mildred Florez, Maria del Carmen Trujillo, Cecilia Alvarado, Freyda Natzmer, and Jo Drummond

Claudia Monroy, Yesenia Delgado, and Teresa Sanchez 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

Mayor Pro Tem Silverstein moved, and Mayor Grisanti seconded a motion to adopt 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. The question was called, and the motion carried 3-1-0, with Mayor Pro Tem Silverstein opposed and Councilmember Pierson absent.

B. New Items

6. Professional Services Agreement with CJ Biomonitoring, LLC for Biological Consulting Services

Recommended Action: Authorize the Mayor to execute a two-year Professional Services Agreement with CJ Biomonitoring, LLC for biological consulting services.

Mayor Grisanti opened the floor for public comment.

Speaker: David Crawford

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 authorize the Mayor to execute a two-year Professional Services Agreement with CJ Biomonitoring, LLC for biological consulting services. The question was called, and the motion carried 4-0, with Councilmember Pierson absent.

7. Amendment No. 1 to Professional Services Agreement with Iris Consulting



Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Iris Consulting for software development and system integration.

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. 1 to the Professional Services Agreement with Iris Consulting for software development and system integration. The question was called, and the motion carried 4-0, with Councilmember Pierson absent.

8. 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).

Mayor Grisanti opened the floor for public comment.

Speakers: Scott Gillen and Don Schmitz

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 continue this item to the October 11, 2021 Regular City Council meeting. The question was called, and the motion carried 4-0, with Councilmember Pierson absent.

9. Letter to Los Angeles County Board of Supervisors Urging the Opening of Emergency Shelters during Fire Season  
Recommended Action: At the recommendation of the Homelessness Task Force, send a letter to the Los Angeles County Board of Supervisors urging that it authorize the opening of emergency shelters during high fire season.

The Council discussed the item.

MOTION Councilmember Uhring moved, and Mayor Grisanti seconded a motion to send a letter to the Los Angeles County Board of Supervisors urging that it authorize the opening of emergency shelters during high fire season. The question was called, and the motion carried 4-0, with Councilmember Pierson absent.

**ITEM 4 ORDINANCES AND PUBLIC HEARINGS**

- A. Approval of participation in the Los Angeles County Permanent Local Housing Allocation Program and use of PLHA Grant Funds  
Recommended Action: 1) Conduct the Public Hearing; and 2) Adopt Resolution No. 21-50 approving participation in the Los Angeles Urban County Permanent Local Housing Allocation Program by authorizing the Mayor, or his designee, to sign a reimbursable contract with the Los Angeles County Development Authority acting on behalf of the County.

This item was continued upon approval of the agenda.

- B. Appeal No. 21-012 - Appeal of Planning Commission Resolution No. 21-63 (28990.5 Pacific Coast Highway; Appellants: Verizon Wireless and Lonnie Gordon; Applicant: Chris Colten of Spectrum Services on behalf of Verizon Wireless; Property Owner: 28990 W. Pacific Coast Highway, LLC.)  
Recommended Action: Adopt Resolution No. 21-53, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal Nos. 21-012 and 21-015 and approving Wireless Permit No. 21-002 and Coastal Development Permit No. 20-035 for Verizon Wireless to install a macro wireless communications facility located on the rooftop of Building B and a ground-mounted backup generator, including Waiver No. 21-001 and Variance No. 20-023 to permit a rooftop wireless communications facility more than three feet above the roof parapet and Site Plan Review No. 20-045 to install and operate a wireless communications facility in the Commercial Neighborhood zoning district located at 28990.5 Pacific Coast Highway.

This item was continued upon approval of the agenda.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

- A. Community Wildfire Protection Plan  
Recommended Action: Adopt Resolution No. 21-52 adopting the 2021 City of Malibu Community Wildfire Protection Plan.

Fire Safety Liaison Chris Brossard presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Patt Healy

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 Uhring moved, and Mayor Grisanti seconded a motion to continue this item to the October 11, 2021 Regular meeting.

The Council discussed the motion.

Mayor Grisanti withdrew his second. The motion died on the floor due to lack of a second.

MOTION Mayor Grisanti moved, and Councilmember Farrer seconded a motion to adopt Resolution No. 21-52 adopting the 2021 City of Malibu Community Wildfire Protection Plan. The question was called, and the motion carried 4-0, with Councilmember Pierson absent.

B. Public Speaker Time Deferrals

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.

City Clerk Pettijohn presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Patt Healy and Ryan Embree

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

MOTION Mayor Pro Tem Silverstein moved to allow members of the public to defer their time to another speaker during virtual meetings.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Farrer moved, and Mayor Grisanti seconded a motion to consider whether to direct staff to continue current practices for public speaker sign-ups and time allotment in virtual meetings.

The Council discussed the motion.

The question was called, and the motion carried 3-1-0, with Mayor Pro Tem Silverstein opposed and Councilmember Pierson absent.

C. Initiate Amendments to the Dark Sky Ordinance

Recommended Action: 1) Adopt Resolution No. 21-54 initiating amendments to Malibu Municipal Code Chapter 17.41 (Dark Sky Ordinance); and 2) Direct the Planning Commission to schedule a public hearing to consider amendments to MMC Chapter 17.41.

Planning Director Mollica presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Patt Healy, Cami Winikoff, and Ryan Embree

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

The Council discussed the item and directed questions to staff.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to take no action.

The Council discussed the motion and directed questions to staff.

FRIENDLY AMENDMENT

Mayor Grisanti moved to: 1) adopt Resolution No. 21-54, as amended to specify that the commercial and residential deadlines will be extended to October 15, 2022, initiating amendments to Malibu Municipal Code Chapter 17.41 (Dark Sky Ordinance); 2) direct the Planning Commission to schedule a public hearing to consider amendments to MMC Chapter 17.41.

The maker and the seconder accept the friendly amendment.

FRIENDLY AMENDMENT

Mayor Pro Tem Silverstein moved to direct staff to bring back an item discussing increased fines within the next three months.

The seconder accepted the amendment.

The Council discussed the amended motion.

The question was called, and the amended motion carried 4-0, Councilmember Pierson absent.

- D. Initiate Amendments to Ordinance No. 456 to Extend Temporary Parking in the City's Chili Cook-Off Site for the Farmers Market  
Recommended Action: 1) Adopt Resolution No. 21-55 initiating an amendment to Malibu Municipal Code Chapter 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking for the Farmers Market; and 2) Direct the Planning Commission to schedule a public hearing to consider amendments to MMC Chapter 17.68.040.

Planning Director Mollica presented the 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 Councilmembers Farrer moved, and Councilmember Uhring seconded a motion to: 1) adopt Resolution No. 21-55 initiating an amendment to Malibu Municipal Code Chapter 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking for the Farmers Market; and 2) direct the Planning Commission to schedule a public hearing to consider amendments to MMC Chapter 17.68.040. The question was called, and the motion carried 4-0, with Councilmember Pierson absent.

The Council discussed the motion.

The question was called, and the motion carried 4-0, Councilmember Pierson absent.

## ITEM 7 COUNCIL ITEMS

- A. Cleanup of Santa Susana Field Laboratories (Mayor Grisanti)  
Recommended Action: At the request of Mayor Grisanti, authorize the Mayor to sign a letter to California Environmental Protection Agency (EPA) Secretary Blumenfeld prepared by the Ventura County Board of Supervisors, joining other area elected officials in requesting that the EPA hasten the cleanup of Santa Susana Field Laboratories, in Simi Hills, and authorizing the use of the City logo for promotion of the request, if needed.

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.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to authorize the Mayor to sign a letter to California Environmental Protection Agency (EPA) Secretary Blumenfeld prepared by the Ventura County Board of Supervisors, joining other area elected officials in requesting that the EPA hasten the cleanup of Santa Susana Field Laboratories, in Simi Hills, and authorizing the

use of the City logo for promotion of the request, if needed. The question was called, and the motion carried 4-0, with Councilmember Pierson absent.

**ADJOURNMENT**

At 9:42 p.m., Mayor Grisanti adjourned the meeting.

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

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
OCTOBER 5, 2021  
TELECONFERENCED - VARIOUS LOCATIONS  
2:00 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 2:00 p.m.

**ROLL CALL**

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

PRESENT: Mayor 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; Gail Karish, Best, Best, Krieger; Yolanda Bundy, Environmental Services Director/Building Official; Richard Mollica, Planning Director; Tyler Easton, Assistant Planner; and Kelsey Pettijohn, City Clerk, and Julie Stuva, Deputy City Clerk

**PLEDGE OF ALLEGIANCE**

Mayor Grisanti led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Councilmembers 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**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on October 1, 2021.

**ITEM 1 ORDINANCES AND PUBLIC HEARINGS**

- A. Appeal No. 21-012 - Appeal of Planning Commission Resolution No. 21-63 (28990.5 Pacific Coast Highway; Appellants: Verizon Wireless and Lonnie Gordon; Applicant: Chris Colten of Spectrum Services on behalf of Verizon Wireless; Property Owner: 28990 W. Pacific Coast Highway, LLC) (Continued from September 27, 2021)  
Recommended Action: Adopt Resolution No. 21-53, determining the project is categorically exempt from the California Environmental Quality Act, denying

Appeal Nos. 21-012 and 21-015 and approving Wireless Permit No. 21-002 and Coastal Development Permit No. 20-035 for Verizon Wireless to install a macro wireless communications facility located on the rooftop of Building B and a ground-mounted backup generator, including Waiver No. 21-001 and Variance No. 20-023 to permit a rooftop wireless communications facility more than three feet above the roof parapet and Site Plan Review No. 20-045 to install and operate a wireless communications facility in the Commercial Neighborhood zoning district located at 28990.5 Pacific Coast.

Assistant Planner Easton presented the staff report.

Disclosures: Councilmember Pierson

Mayor Grisanti opened the floor for public comment.

Speakers: W. Scott McCollough, Susan Foster, Jessica Isles, Stephanie Sunwoo, Jeff Louks, Arianna Grindle, Jenny Rusinko, Beth Dorn, Nichole McGinley, Clytie Lane, Kerry Clasby, Scott Halley, Tim Corliss, Paula Murphy, Kelly Meyer, Ryan Embree, and Linda Gibbs

As there were no other speakers present, Mayor Grisanti returned the matter to the Appellant.

The Council discussed the item and directed questions to staff and Mr. McCollough.

MOTION Mayor Pro Tem Silverstein moved to continue this item to the October 11, 2021 Regular meeting.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmembers Pierson moved, and Councilmember Uhring second a motion to adopt Resolution No. 21-53, as amended to revise Condition 30 to add "Failure to maintain insurance consistent with this Condition shall automatically void the permit, and the permittee shall immediately deenergize and remove the facility from operation. The policy shall not have a pollution or other exclusion which excludes injuries or damages from EMF/RF exposures.", determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal Nos. 21-012 and 21-015 and approving Wireless Permit No. 21-002 and Coastal Development Permit No. 20-035 for Verizon Wireless to install a macro wireless communications facility located on the rooftop of Building B and a ground-mounted backup generator, including Waiver No. 21-001 and Variance No. 20-023 to permit a rooftop wireless communications facility more than three feet above the roof parapet and Site Plan Review No. 20-045 to install and operate



a wireless communications facility in the Commercial Neighborhood zoning district located at 28990.5 Pacific Coast Highway.

Councilmember Uhring withdrew his second.

Mayor Grisanti seconded the motion.

The question was called, and the motion carried 3-2, with Mayor Pro Tem Silverstein and Councilmember opposed.

### **ADJOURNMENT**

At 5:01 p.m., Mayor Grisanti adjourned the meeting.

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

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)