



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: August 10, 2022 Meeting date: August 22, 2022

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the November 30, 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 2022-2023. This is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meeting of November 30, 2021.

ATTACHMENTS:

1. November 30, 2021 Regular meeting

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

The following meeting was held pursuant to the Governor's AB361 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

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, City Clerk; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Susan Dueñas, Public Safety Manager; Julie Stuva, Deputy City Clerk; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

The Council discussed the motion.

FRIENDLY AMENDMENT

Mayor Grisanti moved to hear Item No. 2.C. after Item No. 6.B.

The maker and the seconder accepted the amendment.

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 November 24, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. NOAA Radio Fire Alert Program Presentation

Jeanne O'Donnell, County of Los Angeles Office of Emergency Management, discussed the County's new ability to send non-weather emergency alerts through the NOAA broadcast system. She discussed how this system worked with other emergency alert systems local agencies used. She discussed plans to distribute NOAA weather radios to residents in need.

The Council directed questions to Ms. O'Donnell and Hans Laetz.

B. School District Separation Update

Councilmembers Farrer and Pierson presented an update on school district separation. Councilmember Farrer discussed the recent Los Angeles County Office of Education (LACOE) hearing. She discussed the nine criteria for separation and the requirement to create an education plan for the new school district.

Councilmember Pierson discussed the school district separation team's efforts to respond to the nine criteria for separation.

The Council directed questions to the School District Separation Ad Hoc Committee.

C. Southern California Edison Update on Recent Public Safety Power Shutoffs

Rochelle Silsbee, Southern California Edison (SCE) Government Relations Manager, introduced Jill Anderson.

Jill Anderson, SCE Executive Vice President of Operations, discussed the public safety power shut-off (PSPS) over the Thanksgiving weekend. She discussed the purpose of PSPS events and protocols to reenergize the systems after a PSPS.

Terry Ohanian, SCE, discussed the weather conditions that lead to the PSPS event over Thanksgiving weekend. He discussed mitigation plans that had been put in place based on 2020 weather events. He stated SCE was committed to learning and finding ways to reduce PSPS events.

Jill Anderson discussed customer resources during PSPS events and the Thanksgiving weekend PSPS specifically.

The Council discussed the Thanksgiving weekend PSPS event and directed questions to Mr. Ohanian, Ms. Anderson, and Public Works Director DuBoux.

ITEM 2.A. PUBLIC COMMENTS AND CEREMONIAL/PRESENTATIONS ITEM 1.C.

Mayor Grisanti requested members of the public who had signed up to speak on Item No. 2.A. and wished to discuss the SCE presentation raise their hand to be recognized. He opened the floor for public comment.

Speakers: Ryan Embree, Tracey Weirick, Scott Dittrich, Cassandra Riera, E. Barry Haldeman, Kraig Hill, Ara Ohanian, Arman Ohanian, Howard Rudzki, Lance Simmens, Jo Drummond, Marissa Coughlan, Norm Haynie, Dana Graulich, Andy Lyon, Walter Zelman, Georgia Goldfarb, and Hans Laetz

Hamish Patterson, Joey Amini, and Armaiti May requested the Council hear Item No. 6.A. soon.

Laura St. John, Nick Shapiro, Josh Alpert, Troy Schmidt, Carmen Tonarello, Clytie Lane, and Scott St. John stated they intended to speak on Item No. 6.A.

Ms. Anderson and Mr. Ohanian responded to questions from the public.

Susan A. and Robert M. Harris, were not present at the time of the hearing.

The Council discussed reordering the agenda.

MOTION Councilmember Farrer moved, and Mayor Grisanti seconded a motion to hear Item No. 6.A. before the Consent Calendar and limit speakers on Item No. 6.A. to one minute each. The question was called, and the motion carried 4-1, Mayor Pro Tem Silverstein opposed.

RECESS At 9:13 p.m., Mayor Grisanti recessed the meeting. The meeting reconvened at 9:23 p.m. with all Councilmembers present.

ITEM 6 NEW BUSINESS

A. Vaccine Mandate in Locale Public Schools

Recommended Action: Authorize the Mayor to send a letter to the Santa Monica-Malibu Unified School District (SMMUSD) Board of Education in support of or opposition to a vaccine mandate for students in SMMUSD local public schools.

The Council discussed the amount of time each speaker would have to speak and directed questions to Hamish Patterson.

Mayor Grisanti opened the floor for public comment.

Speakers: Hamish Patterson, Brittany Teague, Brian Goldberg, Marni Kamins, Andy Lyon, Dana Graulich, Joey Amini, Eveline Amini, Heather Alfano, Rowan Storm, Karla Luna, Allea Bonetti, Drew Leonard, Katherine Strange, Armaiti May, Laura St. John, Jenny Rusinko, Diana Hinek, Katherine Sutter, Jessica Caforio, Yelena Palant, Josh Alpert, Scott Dittrich, Cristina Anderlini, Marianne Bema, Nelly

Fay, Samantha Binah, David Olson, Melissa Solano, Alicia Peak, Nicole Garcia, Elizabeth Benichou, Robyn Dunbar, Jean Preat, Charles Kotliar, Troy Schmidt, Nick Shapiro, Carmen Tonarelli, Denise O'Connor, Rina Nehdar, Clytie Lane, Mike Moss, Tara Haggiag, Natalie Likavec, Darojka Monti, Jake Lingo, Katie Day, Jessica Isles, Jill Hawkins, Joy Wilcox, Heather Nevell, Kim Ford, Sally Maslon, Claude Knafo, Kimberly Prescott, Nancy To, Kraig Hill, Juliana Reis, Amber B, Houman Hemmati, David Nevell, Melissa Bowden, Lyuba C Harris, Julie Tobias, Dana Bird, Clayton Smith, Hobie Beman, Sandra Lubin, Jennifer Posey, Joseph Hanovnikian, Marceol, Julie Merkell, Carie Swanson, Marike le Roux, and Jo Drummond

Ian Jameson, Charlotte Solomon, Linda Kovacs, Marelene Suzuki, Barbara Stoy, Consuelo M., Mick Green, Kathleen Hallal, Stella Rowe, Ula Jones, John Alfano, Amy Lingo, Christian Shubin, Milena Krause, Jessica Taggart, Melissa Toomin, Alexandra Ellis, and Scott St. John were not present at the time of the hearing.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Pierson moved, and Mayor Grisanti seconded a motion to authorize the Mayor to send a letter, as drafted by Hamish Patterson, to the Santa Monica-Malibu Unified School District Board of Education and Governor Newsom in opposition to a vaccine mandate for students.

The Council discussed the motion.

The question was called, and the motion failed 2-3 with Councilmembers Farrer, Uhring and Mayor Pro Tem Silverstein opposed.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to: 1) authorize the Mayor to send a letter to the Santa Monica-Malibu Unified School District, Governor Gavin Newsom, and other decision makers describing the public input received by the City Council regarding a vaccine mandate for students in public schools, and 2) designate Mayor Grisanti and Councilmember Farrer to review the draft letter prepared by staff. The question was called, and the motion carried 4-1 with Councilmember Pierson opposed.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar. The question was called, and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 494

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 494 adding Section 17.53.100 to title 17 of the Malibu Municipal Code Chapter 17.53 (Landscape Water Conservation and Fire Protection) regarding compliance with the State Model Water Efficient Landscape Ordinance and finding the action exempt for the California Environmental Quality Act.

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.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. An Amendment to Title 17 of the Malibu Municipal Code to Extend Temporary Parking in the City's Chili Cook-Off Site for the Farmers Market

Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 495, adopting Zoning Text Amendment No. 21-004 amending Malibu Municipal Code Section 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking in the City's Chili Cook-Off Site for the Farmers Market and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule a public hearing and the second reading and adoption of Ordinance No. 495 for the December 13, 2021 Regular City Council meeting.

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.

MOTION

Councilmember Farrer moved, and Mayor Grisanti seconded a motion to approve the 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 495, adopting Zoning Text Amendment No. 21-004 amending Malibu Municipal Code Section 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking in the City's Chili Cook-Off Site for the Farmers Market and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule a public hearing and the second reading and adoption of Ordinance No. 495 for the December 13, 2021 Regular City Council meeting.

Interim City Attorney Cotti read the title of the ordinance.

The question was called, and the motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Wagner Affidavit Investigation – Consider the Release of Information Protected by the Attorney – Client Privilege and Work Product Doctrine

Recommended Action: Discuss whether to waive any attorney client or work product protection afforded the final investigation report and authorize its release.

Interim City Attorney Cotti presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speaker: Josh Spiegel, Drew Leonard, Dana Graulich, E Barry Haldeman, Lloyd Ahern, Marissa Coughlan, Doug Stewart, Ann Doneen, and Ryan Embree

Norm Haynie, Dean Graulich, Chris Frost, John Mazza, Howard Rudzki, and Bradley Bermont were not present at the time of the hearing.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Pierson moved, and Councilmember Uhring seconded a motion to waive the attorney client privilege and work product doctrine to release the entirety of the cover letter, investigative report and related work product materials from the investigation of the Wagner Affidavit and directed staff to redact personal identify information of witnesses. The question was called, and the motion carried unanimously.

ITEM 6 NEW BUSINESS (CONTINUED)

B. Westward Beach Improvements Project Update

Recommended Action: 1) Receive an update on the Westward Beach Improvements Project; and 2) Provide direction to staff.

The Council discussed continuing the item and directed questions to staff about the timeline for the California Coastal Commission appeal.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to continue the item to December 13, 2021. The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

None.

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

Scott Dittrich, Public Works Commission, stated he was available for any questions regarding the Westward Beach Improvements Project. He stated the beach had changed since the project was initially considered in 2017.

Lance Simmens, Public Works Commission, recommended remanding the Westward Beach Improvements Project back to the Public Works Commission.

Interim City Manager McClary discussed the City's response to the extreme weather conditions and PSPS event over Thanksgiving weekend. He stated the City was working with partner agencies on an after-action plan and identifying areas for improvement, including back-up power for cell towers. He stated Environmental Sustainability Director Bundy would present an update on Woolsey Fire rebuilding efforts at the December 13, 2021 Regular meeting. He stated the City planned to bring on additional contract staff to speed up the rebuilding process.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Mayor Pro Tem Silverstein stated he had discussions with many members of the public on all the items discussed tonight and the Westward Beach Improvements Project that had been continued.

Councilmember Pierson discussed the cellphone services outages experienced during the PSPS event over Thanksgiving weekend.

In response to Councilmember Pierson, Interim City Manager McClary stated he would follow-up and provide more information on why some cellphone providers were able to provide service during the PSPS event.

Councilmember Uhring announced The Adamson House was running a fundraiser from December 1 through December 31, 2021, to raise funds for repairs to the property. He announced the Malibu Library would sell cookbooks on December 3, 2021.

Councilmember Farrer stated she attended a Las Virgenes-Malibu Council of Governments (COG) meeting and a Los Angeles County Library Commission meeting. She stated she attended an SCE Government Advisory Panel meeting before the Thanksgiving weekend PSPS. She stated she attended a School District Separation Stakeholders meeting for four hours on a Saturday.

Mayor Grisanti stated he worked on arson watched during the Thanksgiving weekend and discussed the hazardous weather conditions. He discussed the cellphone services outages experienced during the PSPS. He discussed a car accident on Civic Center Way.

ADJOURNMENT

At 12:44 a.m., on December 1, 2021, Mayor Grisanti adjourned the meeting.

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

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk