



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: March 1, 2023 Meeting date: March 13, 2023

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the February 28, 2022 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 February 28, 2022.

ATTACHMENTS:
February 28, 2022 Regular meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 28, 2022
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to AB 361 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

Mayor Grisanti called the meeting to order at 6:30 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; Ruth Quinto, Interim Assistant City Manager/City Treasurer; Kelsey Pettijohn, City Clerk; Jesse Bobbett, Community Services Director; Richard Mollica, Planning Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Susan Dueñas, Public Safety Manager; Elizabeth Shavelson, Assistant to the City Manager; Christine Shen, Environmental Sustainability Analyst; Adrian Fernandez, Assistant Planning Director; and Tyler Eaton, Senior Planner

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

The Council held a moment of silence for the residents of Ukraine.

FRIENDLY AMENDMENT

Mayor Grisanti moved to adjourn the meeting in memory of Carlye Rudkin.

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 February 17, 2022, with the amended agenda posted on February 24, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation on Community Composting Programs

Cecilie Stuart, Full Circle Compost, presented information on Full Circle Compost's composting projects in the Malibu community.

ITEM 2.A. PUBLIC COMMENTS

Jan Stevens requested the Council allow additional filming days to be permitted this year since much filming was cancelled during the COVID-19 pandemic and after the Woolsey Fire.

Steve Graham indicated support for Jan Stevens' comments. He stated people were excited to return to filming in Malibu.

Bill Sampson discussed Pacaso properties. He stated these businesses did not contribute to the community and attempted to circumvent zoning regulations.

Alex Stein discussed his plans to create online content targeting the Councilmembers.

Scott Hillman presented a video about the Malibu Film Society. He discussed his service on the Malibu Film Society Board and the Film Society's role in the community. He asked the Council to support the permitting of Malibu Film Society events.

Karen York discussed the founding of the Malibu Film Society. She requested the Council support Malibu Film Society events.

David Reznick discussed his service on the Malibu Film Society Board. He stated there had been discussions about the creation of a performing arts center in Malibu. He stated without a performing arts center there were very few venues in the City for film events. He stated religious institutions were often a good fit for their events.

Donald Tannenbaum discussed his service on the Malibu Film Society Board and his work in the film industry.

Paula Mae Schwartz discussed her appreciation for the arts. She requested the City help find a venue for Malibu Film Society events.

John Johannessen discussed his involvement with the Malibu Film Society. He stated the Malibu Film Society had begun scheduling screenings again as the COVID-19 pandemic ended but their event was cancelled by the City.

Bianca Torrence discussed her involvement with the Malibu Film Society. She

requested the Council support the permitting of Malibu Film Society events.

Andy VomSteege, Malibu Pacific Church, discussed the importance of serving the community with the church's space. He stated he welcomed the Malibu Film Society using the space.

E. Barry Haldeman discussed his service on the Malibu Film Society Board. He discussed the Film Society's role in the community. He asked the Council to support the permitting of Malibu Film Society events.

Scott Tallal discussed the Malibu Film Society events that could not be held this year. He stated the Malibu Film Society was founded to build community.

Jo Drummond indicated support for the Malibu Film Society. She recommended the Council adopt an urgency ordinance addressing time shares and fractional ownership structures. She stated three car show rooms would be opening soon and discussed regulations prohibiting car show rooms in the City.

Alan Mirman expressed concern that one group could dominate a meeting with public comment.

Kraig Hill indicated support for film events. He stated the Planning Commission followed the existing law when considering the Malibu Synagogue's Conditional Use Permit (CUP).

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

Interim City Manager McClary discussed dropping COVID-19 rates. He stated City Hall reopened last Tuesday and face masks were required. He stated he attended the Malibu Chamber of Commerce's State of the City event and the installation of a fire beacon box on Big Rock Drive. He stated he was preparing a report on the fire developer fees collected in the City. He thanked Los Angeles County Sheriff's Department Captain Chuck Becerra for his service and wished him well in his next position. He stated Joseph Fender had been appointed as the Acting Captain.

Public Safety Manager Dueñas discussed staff's efforts to identify a location to be used as a day use impound yard in the City during the summer. She stated the City's property at Heathercliff Road and Pacific Coast Highway (PCH) may be used as a day use impound yard. She stated the Public Safety Commission would discuss this proposal on March 2, 2022.

Acting Captain Fender, Los Angeles County Sheriff's Department, stated he was thankful for the opportunity to serve and discussed his background with the Lost Hills Sheriff Station. He stated he anticipated a permanent captain would be appointed in June or July 2022.

Assistant Fire Chief Drew Smith, Los Angeles County Fire Department, stated he looked forward to working with Acting Captain Fender. He reported there had not been a reduction in staffing at the stations in and around Malibu during the COVID-19 pandemic. He discussed recent fire responses and praised the firefighters for their work. He discussed that City's Fire Safety Liaison and praised how that role improved the City's fire preparedness and supported the City's relationship with the Fire Department.

Acting Lieutenant Chad Watters, Los Angeles County Sheriff's Department, discussed the monthly crime report. He discussed an operation last Saturday targeting people racing in the canyons and on PCH. He stated six illegally parked motor homes had left the area over the last week.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Farrer stated she had participated in many Malibu Film Society events. She questioned what changed in the permitting of Malibu Film Society events. She thanked the representatives from the Fire Department and Sheriff's Department representatives for their updates. She stated she participated in the State of the City event and thanked the Malibu Chamber of Commerce for organizing the event.

Councilmember Pierson stated he did not know enough about the film permitting program to suggest a solution. He stated the Temporary Use Permit system need to be updated to consider the scale and time of the event. He questioned what changed in the permitting of Malibu Film Society events. He indicated support for building a performing arts center. He welcomed Acting Captain Fender and Acting Lieutenant Watters to Malibu and thanked Assistant Chief Smith for his update. He stated he has been working on the Community Fire Brigade and attended a Community Fire Brigade training in Big Rock Mesa. He requested anyone who had issues with their Woolsey Fire rebuild email him. He stated he had been contacted about working on a streamlined permitting process for solar projects. He stated he attended the installation of a fire beacon box on Big Rock Drive.

Councilmember Uhring stated his heart went out to people in Ukraine. He thanked Acting Captain Fender, Acting Lieutenant Watters, and Assistant Chief Smith for their updates. He stated he attended a Santa Monica Bay Restoration Commission meeting and discussed that organization's projects.

In response to Councilmember Uhring, Public Safety Manager Dueñas stated would schedule a Special City Council meeting for the Council to discuss the Homelessness Task Force's report.

Councilmember Uhring requested residents suggest ways to recognize Walt and Lucille Keller's contributions to the City. He discussed the accident on Malibu Canyon on Saturday and the dangers of speeding. He stated he had received complaints about the unpermitted car shows in the City. He suggested the City

explore technological solutions to enforce speed limits, such as license plate readers. He stated he had heard from some realtors that many of the properties being sold in the City were being turned into rentals. He recommended the City do something to address fractional ownership. He apologized to the public for how the last City Council meeting was conducted.

Mayor Pro Tem Silverstein stated the Malibu Film Society was a cultural asset to the City. He discussed the Malibu Synagogue's CUP hearing at the Planning Commission. He stated the Planning Commission decision had been appealed and may still come before the Council. He discussed concerns about film events from neighbors near the Malibu Pacific Church. He stated he and his wife were once denied entry to a Malibu Film Society event because they had a service dog with them. He indicated support for permitting replacement filming dates if possible. He stated he had discussed several issues with members of the public including the Mission and Vision Statements, the Westward Beach Improvement Project, Pacaso properties, the City Manager Recruitment, the election of the Mayor, and Mayor Grisanti's meeting with the Consul General of the State of Qatar. He discussed the Mission and Vision Statements in the Malibu Municipal Code. He stated he was opposed to any project that was not in harmony with the Mission and Vision Statements. He discussed fractional ownership and stated he had raised the issue a year ago. He expressed concern that confidential information regarding the City Manager recruitment had been shared with the public. He discussed the election of the Mayor and comments he had heard from the public regarding the election. He discussed the concerns he had heard regarding Mayor Grisanti's meeting with the Consul General of the State of Qatar. He indicated support for acknowledging the written public comments submitted before the meeting.

Mayor Grisanti discussed Pacaso and stated fractional ownership was a type of timeshare. He stated he had filed a formal complaint with the Department of Real Estate regarding fraction ownership properties that did not comply with subdivision regulations. He discussed the origins of the limitation on the number of film days. He stated the Council would need to consider public comment from neighbors before allowing additional filming days. He questioned when it was determined Malibu Film Society events needed a TUP. He thanked the Fire Department and Sheriff's Department representatives for their updates.

Interim City Manager McClary stated staff had been working on a TUP report for ZORACES. He stated staff would prepare a report on the Malibu Film Society. He stated staff was not able to allow additional filming days and would need direction from Council to bring back an item.

Mayor Pro Tem Silverstein suggested hosting Malibu Film Society events at City Hall until a performing arts center was opened.

Councilmember Uhring indicated support for Mayor Pro Tem Silverstein's suggestion.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember Pierson moved, and Mayor Pro Tem Silverstein 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:

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 65148-65252 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. 698 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$766,807.87. City of Malibu payroll check numbers 5209-5212 and ACH deposits were issued in the amount of \$ 229,645.55.

3. Approval of Minutes

Recommended Action: Approve the minutes for the June 28, 2021 Malibu City Council Regular meeting and July 12, 2021 Malibu City Council Regular meeting.

4. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361

Recommended Action: Consider a motion to reaffirm Resolution No. 21-64, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

5. Amendments to Professional Services Agreement with Ultimate Maintenance Services

Recommended Action: 1) Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Ultimate Maintenance Services Inc. (UMS) to continue custodial service at City parks; and 2) Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with UMS to continue custodial service at City Hall.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

None.

ITEM 5 OLD BUSINESS

A. Dark Sky Ordinance Program

Recommended Action: 1) Direct staff to move forward with the proposed strategy for implementing the Dark Sky Ordinance; 2) Provide direction to staff regarding

the implementation of the Dark Sky Ordinance as it pertains to service station compliance; 3) Provide direction to staff on how to proceed with enforcement of the ordinance; and 4) Provide direction to staff if Administrative Citation fine amounts should be amended.

Environmental Sustainability Director Bundy and Associate Planner Eaton presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Bill Sampson, Cami Winikoff, Patt Healy, Kraig Hill, and Jo Drummond

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

The Council discussed the item.

MOTION Councilmember Uhring moved, and Councilmember Pierson seconded a motion to direct staff to process an ordinance revising the Dark Sky regulations for gas stations and commercial driveways.

The Council discussed the motion and directed question to staff and the City's lighting consultant Jim Benya.

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

The Council discussed the item.

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 the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Lonnie Gordon and Norm Haynie

Colleen Baum 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.

RECESS At 10:22 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 10:32 p.m. with all Councilmembers present.

ITEM 6 NEW BUSINESS

- A. Civic Center Water Treatment Facility Phase Two Update
Recommended Action: 1) Receive an update on the Civic Center Water Treatment Facility Phase Two project; and 2) Provide direction regarding the implementation schedule.

Public Works Director DuBoux presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Don Schmitz, Jeff Follert, Marissa Coughlan, Ryan Embree, Jo Drummond, and Reinard

Yusuf Broachwala 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 request an extension to the deadlines for the Civic Center Water Treatment Facility Phase Two implementation timeline. The question was called, and the motion carried unanimously.

- B. First Amended Employment Agreement for Interim City Manager Services between the City of Malibu and Steven L. McClary
Recommended Action: Approve the first amended employment agreement for Interim City Manager Services between the City of Malibu and Steven L. McClary.

Interim City Attorney Cotti 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 Uhring moved, and Councilmember Pierson seconded a motion to approve the first amended employment agreement for Interim City Manager Services between the City of Malibu and Steven L. McClary.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

A. Appointments to the Public Safety Subcommittee and Malibu Public Facilities Authority

Recommended Action: 1) Appoint two Councilmembers to the Public Safety Subcommittee and direct the Subcommittee to provide recommendations to the City Council regarding the new Malibu Sheriff's Substation; and 2) Appoint the same Councilmembers as the Council's representatives on the Malibu Public Facilities Authority.

Interim City Manager McClary 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.

MOTION Councilmember Pierson moved and Councilmember Uhring seconded a motion to appoint the Mayor and Mayor Pro Tem to the Public Safety Subcommittee and as the Council's representatives on the Malibu Public Facilities Authority. The question was called, and the motion carried unanimously.

ADJOURNMENT

At 11:32 p.m., Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to adjourn the meeting in memory of Carlye Rudkin. 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:

(seal)