



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: May 1, 2023

Meeting date: May 22, 2023

Subject: Approval of Minutes

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

ATTACHMENTS:
March 28, 2022 Regular meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MARCH 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.

REGULAR SESSION 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: Trevor Rusin, Assistant City Attorney; Steve McClary, Interim City Manager; Ruth Quinto, Interim Assistant City Manager; Jesse Bobbett, Community Services Director; Richard Mollica, Planning Director; Yolanda Bundy, Environmental Sustainability Director; Rob DuBoux, Public Works Director; Kelsey Pettijohn, City Clerk; Susan Dueñas, Public Safety Manager; Elizabeth Shavelson, Assistant to the City Manager; and Adrian Fernandez, Assistant Planning Director

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the agenda. The question was called, and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on March 18, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation by The Malibu Foundation - Our Climate Crisis: A Guide for SoCal Communities in the Wildland Urban Interface

Shea Cunningham and Dean Kubani, The Malibu Foundation, presented the *Our Climate Crisis* report.

Councilmember Uhring and Councilmember Pierson discussed their meeting with The Malibu Foundation.

ITEM 2.A. PUBLIC COMMENTS

Bill Sampson discussed his comments and the Council's action at the March 24, 2022 Special meeting. He indicated opposition to establishing a homeless shelter in Malibu. He stated homelessness was a national problem.

Scott Morris discussed a low carbon concrete initiative. He requested the Council direct staff to bring back a plan to implement a low carbon concrete ordinance.

Doug Burdge discussed efforts to rebuild Malibu better after the Woolsey Fire. He stated Merin County had adopted a low carbon concrete initiative.

Jo Drummond thanked The Malibu Foundation for its presentation. She questioned why Mayor Grisanti had not appointed any female Commissioners. She recommended a Councilmember appoint a woman to the Planning Commission. She stated only two Malibu Mayors had been of Jewish descent.

Madelyn Glickfeld discussed water access problems related to climate change. She discussed recent limits to water supplies. She requested the City work with Los Angeles County Water District No. 29 to improve water conservation and increase the local supply of water.

Lloyd Ahern, Malibu's delegate to the Santa Monica Mountains Conservancy Advisory Committee, discussed the Mountains Recreation Conservation Authority (MRCA) Ranger patrols. He recommended the MRCA Rangers and Sheriff's Department Deputies attend a Public Safety Commission meeting to discuss safety issues. He discussed how fire safety issues outside the City could impact the City.

Josh Spiegel discussed street racing on Pacific Coast Highway and the associated dangers. He requested the City provide the Sheriff's Department with whatever resources it can to address dangers on the roads. He discussed the Public Safety Commission's recommendation for a temporary impound yard.

Scott Dittrich indicated support for Mr. Spiegel's comments. He indicated opposition to establishing an alternative sleeping location in Malibu.

Lotte Cherin discussed efforts to build an arts center in the City. She stated the Malibu Arts Commission would like to send out a survey to confirm the community's interest in an arts center. She stated the City needed to send out a survey on the potential uses of the City's undeveloped parcels.

Marianne Riggins discussed the accusations of racism and misogyny against the Councilmembers. She discussed the impact these accusations had on the City.

John Mazza discussed the Public Safety Commission's recommendation for a temporary impound yard. He discussed the high volume of illegally parked cars and unsafe driving on Pacific Coast Highway. He recommended the California Highway Patrol (CHP) patrol Pacific Coast Highway in the City.

Ryan Embree commended Los Angeles County Sheriff's Department Acting Captain Joe Fender for making a difference in traffic problems in the City. He stated development projects should comply with the code before they were presented to the Planning Commission or City Council.

Alex Stein discussed the recent election of the Mayor and the November 8, 2022 General Municipal Election.

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

Lance Simmens, Public Works Commission, discussed his term as Chair of the Public Works Commission. He thanked Jim Palmer for his service on the Public Works Commission. He indicated support for in-person meetings. He encouraged the public to avoid attacking other members of the Malibu community.

Interim City Manager McClary stated the Los Angeles County Regional Water Quality Control Board (RWQCB) had responded to the City's letter requesting modifications to the scheduled for phase two of the Civic Center Water Treatment Facility and the RWQCB would hold a meeting to discuss the schedule. He announced construction for the Trancas Canyon Bridge Replacement Project had begun. He stated the Malibu Public Facilities Authority (MPFA) had a meeting on March 16, 2022 and heard an update on Santa Monica College (SMC) Malibu Campus construction project. He announced a community survey on programming for the SMC Malibu Campus. He stated he met with the Los Angeles County Sheriff's Department to discuss staffing options for the Malibu Substation. He stated COVID-19 cases and hospitalizations continued to drop in Los Angeles County. He announced the new Southern California Edison Government Affairs Manager was Andrew Thomas. He announced a Zoning Ordinance Revisions and Code Enforcement Subcommittee meeting on March 30, 2022. He stated no issues had been reported due to the recent rainfall. He stated he was coordinating a meeting with Westlake and Calabasas on climate change. He stated an item on a temporary impound yard would be brought back in April 2022.

Acting Captain Joe Fender, Los Angeles County Sheriff's Department, thanked speakers for supportive comments of Sheriff's Department's efforts to enforce speeding and racing violations. He stated the Sheriff's Department was still writing impactful citations and towing cars. He stated Sheriff's Department Deputies were reporting less speeding and racing and would continue to enforce traffic regulations. He stated he met with Sunset Mesa residents to discuss recent burglary issues. He stated he had been working with Los Angeles County Probation Department to prepare action plans to respond to potential events at Camp Kilpatrick.

Lieutenant Chad Watters, Los Angeles County Sheriff's Department, discussed a recent DUI checkpoint. He discussed the Sheriff's Department's tracking of social media advertisements of illegal racing events. He stated the Sheriff's Department was working on stopping unpermitted car shows on Sundays. He reminded the public to lock their cars and front doors to prevent burglaries. He stated a temporary impound yard was an important resource for the summer months.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Farrer stated she attended the Las Virgenes-Malibu Council of Governments (COG) meeting on March 15, 2022 where the COG voted to oppose the Los Angeles County motion to relocate the most secure offenders to Camp Kilpatrick. She stated COG Executive Director Terry Dipple reported the COG action during the March 15, 2022 Los Angeles County Board of Supervisors meeting. She stated the COG would be discussing this issue again. She thanked Captain Fender for his work on Camp Kilpatrick plans. She stated an inmate had recently escaped from a Santa Barbara County facility in Santa Barbara. She expressed concern that the Los Angeles County Board of Supervisors had rushed the decision to put the most secure inmates in camp facility. She stated she attended a Los Angeles County Library Commission meeting on March 16, 2023. She expressed regret that she was unable to attend the March 24, 2022 Special meeting. She stated the former Malibu Courthouse had become an eyesore in the Civic Center. She stated she and Interim City Manager McClary were in contact with the County to determine if there were plans for the building. She discussed the anniversary of the City's incorporation and thanked the founding Councilmembers for their service. She acknowledged the public speakers.

Councilmember Pierson acknowledged the public speakers. He stated he attended a COG meeting. He stated he met with Melina Watts, Watershed Coordinator North Santa Monica Bay. He stated he attended the Sunset Mesa public safety meeting. He stated he met with the new Beach Team Lieutenant.

Councilmember Uhring acknowledged the public speakers. He stated he attended a Santa Monica Bay Restoration Foundation dune restoration demonstration. He discussed unpermitted car shows in the Civic Center area. He discussed the Planning Director's report on staffing and department caseload at the last Planning Commission meeting.

Mayor Pro Tem Silverstein acknowledged the public speakers. He stated he attended a MPFA meeting. He stated no new progress had been made on the City Manager recruitment. He discussed the March 24, 2023 Special meeting.

City Manager McClary stated staff was working diligently to address issues in the Planning Department and would bring a plan forward at the budget workshop.

Mayor Grisanti stated he attended a MPFC meeting. He stated the City has had more than two Mayors of Jewish heritage. He stated the Planning Department

needed to hire more people and the Council should consider that a priority during the budget process. He discussed the cement creation process and the carbon impacts. He acknowledged the public speakers.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.5. and 3.B.6. were pulled by the public.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.5. and 3.B.6. 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.
1. Approve Warrants
Recommended Action: Allow and approve warrant demand numbers 65347-65481 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. 700 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$813,512.21. City of Malibu payroll check numbers 5215-5216 and ACH deposits were issued in the amount of \$229,367.08.
2. Approval of Minutes
Recommended Action: Approve the minutes for the August 9, 2022 Malibu City Council Regular meeting.
3. 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.
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.

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

5. Initiate Amendments to Malibu Municipal Code Chapter 17.41 (Malibu Dark Sky)
Recommended Action: 1) Adopt Resolution No. 22-08 initiating an amendment to Malibu Municipal Code (MMC) Chapter 17.41 (Malibu Dark Sky); and 2) Direct staff to schedule a Planning Commission 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: Cami Winikoff, Scott Dittrich, and Alex Stein

Ryan Embree asked questions regarding Item No. 3.B.2.

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

The Council discussed the item.

MOTION

Mayor Grisanti moved, and Councilmember Farrer seconded a motion to: 1) adopt Resolution No. 22-08 initiating an amendment to Malibu Municipal Code (MMC) Chapter 17.41 (Malibu Dark Sky); and 2) direct staff to schedule a Planning Commission hearing to consider amendments to MMC Chapter 17.41. The question was called, and the motion carried 4-1, Mayor Pro Tem Silverstein opposed.

6. Coastal Development Permit No. 17-089, General Plan Map Amendment No. 21-002, Local Coastal Program Amendment No. 17-004, Zoning Map Amendment No. 17-005, Lot Line Adjustment No. 17-002, Conditional Use Permit No. 17-011, Variance Nos. 18-038, 20-034 and 21-010, Site Plan Review No. 19-008, Minor Modification No. 19-007, Demolition Permit No. 20-026, and Code Violation No. 17-011 – An application for a lot line adjustment to expand the lot into the adjacent mobile home park, and replacement of the existing restaurant and permit previously unpermitted expansion of the restaurant and ground-floor decking attached to the restaurant

Recommended Action: Adopt Resolution No. 22-10 denying Coastal Development Permit No. 17-089, Lot Line Adjustment No. 17-002, Demolition Permit No. 20-026, General Plan Map Amendment No. 21-002, Zone Map Amendment No. 17-011 and Local Coastal Program Amendment No. 17-004 to increase the lot area of the Malibu Country Inn lot with land from the Point Dume Club mobile home park, change the General Plan land use designation, Zoning Map and Local Coastal Program maps from Commercial Visitor Serving-1 (CV-1) to Commercial Visitor Serving-2 (CV-2) and the increased Malibu Country Inn lot area from Mobilehome Residential (MH) to CV-2, replace the existing restaurant, after-the-fact approval of a deck attached to the restaurant and replace a 200 square foot unpermitted storage shed with a 100 square foot storage shed; including Conditional Use Permit No. 17-011 for the hotel and restaurant uses and sale of alcohol for room service and restaurant; Variance (VAR) No. 18-038 for construction of Fire Department stairs on slope steeper than 2.5 to

1; VAR No. 20-034 for legal, non-conforming parking spaces in terms of size, number and aisle width to remain; VAR No. 21-010 from the City's geotechnical standards for factor of safety; Site Plan Review No. 19-008 for the reconstruction of the restaurant in excess of 18 feet; and Minor Modification No. 19-007 for the replacement restaurant to provide a 50 percent reduction of the required front yard setback, located at 6506 Westward Beach Road and 29500 Heathercliff Road (Malibu Country Inn, Corp and Corp, and Point Dume, LTD).

Assistant Planning Director Fernandez presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Scott Dittrich, Lynn Heacox, Kara Grant, John Mazza, and Jo Drummond

Alex Stein 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.

MOTION

Mayor Pro Tem Silverstein moved to continue the item.

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

The Council discussed the item.

MOTION

Councilmember Uhring moved, and Mayor Pro Tem Silverstein seconded a motion to adopt Resolution No. 22-10 denying Coastal Development Permit No. 17-089, Lot Line Adjustment No. 17-002, Demolition Permit No. 20-026, General Plan Map Amendment No. 21-002, Zone Map Amendment No. 17-011 and Local Coastal Program Amendment No. 17-004 to increase the lot area of the Malibu Country Inn lot with land from the Point Dume Club mobile home park, change the General Plan land use designation, Zoning Map and Local Coastal Program maps from Commercial Visitor Serving-1 (CV-1) to Commercial Visitor Serving-2 (CV-2) and the increased Malibu Country Inn lot area from Mobilehome Residential (MH) to CV-2, replace the existing restaurant, after-the-fact approval of a deck attached to the restaurant and replace a 200 square foot unpermitted storage shed with a 100 square foot storage shed; including Conditional Use Permit No. 17-011 for the hotel and restaurant uses and sale of alcohol for room service and restaurant; Variance (VAR) No. 18-038 for construction of Fire Department stairs on slope steeper than 2.5 to 1; VAR No. 20-034 for legal, non-conforming parking spaces in terms of size, number and aisle width to remain; VAR No. 21-010 from the City's

geotechnical standards for factor of safety; Site Plan Review No. 19-008 for the reconstruction of the restaurant in excess of 18 feet; and Minor Modification No. 19-007 for the replacement restaurant to provide a 50 percent reduction of the required front yard setback, located at 6506 Westward Beach Road and 29500 Heathercliff Road (Malibu Country Inn, Corp and Corp, and Point Dume, LTD).

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried 4-1, Councilmember Farrer opposed.

RECESS At 9:14 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 9:25 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Updated Developer Fee Program for the Benefit of the Consolidated Fire Protection District of Los Angeles County
Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 22-09, adopting the updated developer fee and fire station plan for the benefit of the Consolidated Fire Protection District of Los Angeles County and rescinding Resolution No. 21-11.

Environmental Sustainability Director Bundy presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Ryan Embree 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 and directed questions to staff.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Uhring seconded a motion to adopt Resolution No. 22-09, adopting the updated developer fee and fire station plan for the benefit of the Consolidated Fire Protection District of Los Angeles County and rescinding Resolution No. 21-11. The question was called, and the motion carried unanimously.

ITEM 5 OLD BUSINESS

- A. Westward Beach Road Improvements Project Update
Recommended Action: 1) Receive an update on the Westward Beach Improvements Project; and 2) Provide direction to staff on any design modifications.

Public Works Director DuBoux presented the staff report.

The Council directed questions to staff.

Mayor Grisanti opened the floor for public comment.

Speakers: Philippe Browning, Jo Drummond, Kraig Hill, Chris Frost, Scott Dittrich, Ryan Embree, Marianne Riggins, and Mark Olsen

John Mazza and Suzanne Guldemann 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 to direct staff to: 1) work with Los Angeles County Beaches and Harbors to relocate the parking payment kiosk at Westward Beach; 2) repair the existing road, if necessary; 3) explore and bring back more information on: a) installing a floating walkway, b) installing better signage, c) converting existing parking spaces into either permitted spaces, paid spaces, or handicap spaces

The Council discussed the motion.

Councilmember Pierson seconded the motion.

FRIENDLY AMENDMENT

Councilmember Farrer moved to direct staff to bring back more information on public safety incidents in the Westward Beach area.

The amendment was accepted by the maker and second.

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

B. Los Angeles County Measure R and M Transportation Funding and Federal Infrastructure Grants Update

Recommended Action: 1) Receive an update on Los Angeles County Measure R and Measure M Transportation Funding, and Federal Infrastructure Investment and Jobs Act grants; 2) Review the Safety Project List developed by the Public Safety and Public Works Commission and amend as appropriate; and 3) Provide direction to staff on future projects using these funds.

Interim City Manager McClary suggested continuing this item to allow time to hear more time-sensitive items.

MOTION Mayor Grisanti moved, and Councilmember Farrer seconded a motion to continue Los Angeles County Measure R and M Transportation Funding and Federal Infrastructure Grants Update to the April 11, 2022 Regular City Council meeting. The question was called and the motion carried unanimously.

C. Consideration of Hybrid Meetings or the Resumption of In-Person Meetings
Recommended Action: 1) Receive an update on the current State and County public health regulations; and 2) Provide direction to staff on whether to resume in-person meetings or pursue a hybrid option.

City Clerk Pettijohn presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Scott Dittrich and Marianne Riggins

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 Mayor Pro Tem Silverstein seconded a motion to determine the City Council would return to in-person meetings beginning at the May 9, 2022 Regular City Council meeting.

The Council discussed motion and directed questions to staff.

The question was called, and the motion carried unanimously.

MOTION Councilmember Farrer moved, Mayor Grisanti seconded a motion to direct the City's Commissions, Committees, and Boards to return to in-person meetings at their next regular meeting after May 9, 2022.

The Council discussed the motion and directed questions to Scott Dittrich and Kraig Hill.

The question was called, and the motion carried unanimously.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

- A. Council Appointment to the Public Works Commission
Recommended Action: Mayor Pro Tem Silverstein may make a new appointment to the Public Works Commission.

Mayor Pro Tem Silverstein presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Jo Drummond

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

Mayor Pro Tem Silverstein appointed Jo Drummond to the Public Works Commission.

- B. Council Appointment to the Parks and Recreation Commission
Recommended Action: 1) Councilmember Pierson may announce his decision to remove his appointee to the Parks and Recreation Commission pursuant to Malibu Municipal Code 2.32.040; and 2) Councilmember Pierson may make a new appointment to the Parks and Recreation Commission.

Councilmember Pierson presented the report.

Mayor Grisanti opened the floor for public comment.

Speakers: Jo Drummond, Georgia Goldfarb, Ryan Embree, and Josh Spiegel

Bill Sampson, Suzanne Guldemann 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.

Councilmember Pierson removed Georgia Goldfarb from the Parks and Recreation Commission and appointed Cayley Jenner.

The Council discussed the item.

ADJOURNMENT

At 11:55 p.m., Mayor Pro Tem Silverstein moved and Mayor Grisanti seconded a motion to adjourn the meeting. The question was called, and the motion carried unanimously.

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

PAUL GRISANTI, Mayor

ATTEST:

(seal)