



# 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 31, 2023 Meeting date: June 12, 2023

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the April 11, 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 April 11, 2022.

**ATTACHMENTS:**  
April 11, 2022 Regular meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
APRIL 11, 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: John Cotti, Interim City Attorney; Steve McClary, Interim City Manager; Ruth Quinto, Interim Assistant City Manager/City Treasurer; 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; and Elizabeth Shavelson, Assistant to the City Manager

**PLEDGE OF ALLEGIANCE**

Mayor Grisanti led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Councilmember Farrer moved to approve the agenda.

**FRIENDLY AMENDMENT**

Councilmember Pierson seconded the motion and moved to adjourn the meeting in memory of Helene Pierson.

**FRIENDLY AMENDMENT**

Councilmember Farrer accepted the amendment and moved to also adjourn in memory of Trancas Country Market security guard Inge Baumbach.

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

## REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on April 1, 2022.

### ITEM 1 CEREMONIAL/PRESENTATIONS

#### A. Proclamation Declaring April 2022 as National Donate Life Month in Malibu

Mayor Grisanti presented the proclamation to One Life Legacy Ambassador Bob Thompson.

### ITEM 2.A. PUBLIC COMMENTS

Avideh Haghighi, member of the American Institute of Architects (AIA) Climate Action Committee, discussed low carbon concrete and AIA's letter sent to the Council. She encouraged the Council to adopt low carbon concrete legislation and offered her organization's assistance.

Scott Morris discussed his presentation on the low carbon initiative Zero Can't Wait which outlined a review process requiring minimal additional staff time. He requested a motion be made by the Council by Earth Day, April 22, 2022, instructing staff to report back within 90 days with a plan for implementation of a low carbon concrete code.

Ellie Somerfield discussed Burt Ross's column in The Malibu Times and how she found it humorous and felt those who didn't appreciate the column's humor shouldn't attack the author.

Loretta Weinberg, retired New Jersey Senate majority leader, attested to Burt Ross's integrity and condemned Mayor Pro Tem Silverstein's comments questioning Mr. Ross's integrity.

Brian Reyes, Sustainability Planner for Marin County, discussed Marin County's low carbon concrete ordinance developed in 2019, encouraged engagement with stakeholders and local concrete suppliers, emphasized minimal impact to staff time, and encouraged the Council to adopt a low carbon concrete ordinance.

Doug Stewart, a 22-year resident of Malibu, read into the record a section from Malibu resident Lance Simmens' letter to the editor that appeared in the April 11, 2022 edition of The Malibu Times.

Juan Gonzalez, Manager of Sustainability for Central Concrete Supply and Ready Mix in the San Francisco Bay area, discussed the Marin County low carbon concrete code and encouraged Malibu to engage local concrete producers and other stakeholders during development of a code.

Rosemarie Ihde introduced a video. She stated the video showed the abuse of the fire rebuilds by exceeding the allowable ten percent increase.

Gerhard Ihde presented the rest of the video introduced by Ms. Ihde.

Jo Drummond stated staff was enforcing fire rebuild rules that were not part of the Council's intent of Ordinance No. 445. She stated Section 13.4.1 limited like-for-like rebuilds to a ten percent limit and by that limit being exceeded, it would no longer allow the neighborhood to offer affordable family options. She spoke about the unfairness of favoritism being shown to some who's permits were being fast-tracked and not processed in the order received.

Joan Ross discussed Mayor Pro Tem Silverstein's derogatory comments on her husband Burt Ross. She discussed Mr. Ross's contributions to the Malibu community and his humor column in The Malibu Times. She discussed Mayor Pro Tem Silverstein's accusations of wrongdoing against others and requested he either back up his accusations with facts or apologize.

Burt Ross discussed Mayor Pro Tem Silverstein's accusations against other Councilmembers. He stated Mayor Pro Tem Silverstein was spreading falsehoods about him. He stated he had not misused his humor column to further a self-serving political agenda and requested he provide evidence. He stated that Mayor Pro Tem Silverstein was elected to represent all of the citizens of Malibu and not just the ones who voted for him.

Jim Braden discussed the upcoming election for Los Angeles County Sheriff. He discussed his personal connections to the Malibu community and Los Angeles County. He encouraged everyone to research the Sheriff candidates to determine who was most qualified. He stated Eli Vera stood out to him as a qualified candidate and provided information on Mr. Vera's background and experience in law enforcement.

Brad Smith stated his appreciation for Burt Ross' humor and suggested that the City direct its energy toward matters such as a detention center being proposed to be located in area without input from the community.

Jeff Peterson, Cal-Pointe Builders, stated he worked on the completed Zero One project and was working on the under-construction Zero Two project. He stated a no-carbon or low-carbon concrete mix were being implemented and were working to demonstrate the performance met or exceeded standard concrete mixes and believed in the future it would become the industry standard.

Cindy McLaughlin, Head of Product for Carbon Built, discussed the technology her company used to make low carbon pre-cast concrete products. She offered the pro-bono assistance of her policy team.

Ryan Henkensiefken, Vice President of business development for Concrete AI and an engineer licensed by the State of California, discussed technical aspects of formulating low carbon concrete and how durability and strength could be achieved for environments with corrosive elements.

Alicia Peak thanked the Council for making school district separation a priority. She requested the Council exhibit civility and common decency toward one another and focus on achieving community goals.

Howard Rudzki stated the priorities of the City needed to be fire rebuilds, public safety, safety along Pacific Coast Highway (PCH) and maintaining Malibu's way of life. He stated the City could not accomplish business without City staff and discussed vacancies and interim positions in the City. He stated the city and public needed to be more civil and stop attacking each other.

Eric Preven stated it was important to give the public a chance to visit the City. He discussed long lines for parking during the summer. He discussed confrontations with his neighbor including an illegally constructed gate in the common area of his property and requested assistance from the City regarding that matter.

Ryan Embree stated the City needed to hire temporary Planning staff. He stated the Council needed to provide interpretations of the code related to total development square footage for staff to follow rather than staff allowing more development and fee waivers in rebuilding. He discussed the Joint Use Parking Agreement No. 4 and the proposed hotels and existing hotels request to use the inland side of PCH for parking. He stated that Malibu would benefit from a Sheriff that would support local control and the right to regulate oversized vehicle parking and no camping or sleeping in public.

Colin Drummond offered condolences to Councilmember Pierson on the passing of Helene Pierson. He stated people should focus on the abundant work there was to do in Malibu such as fire resilience, over-building, sea-rise and minibikes, and stop attacking one another. He requested Mayor Pro Tem Silverstein not address the evening's comments on perceived attacks and instead have business attended to. He stated his appreciation for all of the Council's work.

Will Wright stated he worked for the Los Angeles chapter of American Institute of Architects and was thankful for the leadership of this City Council. He offered his organization as a resource during the process to develop a low-carbon concrete ordinance and recommended the professional input of as many architects and engineers as possible be utilized. In addition, he stated he would also welcome other opportunities for embodied carbon policies that the City of Malibu could advance and would like to help with the transition to a green economy.

Garrett Mills was not present at the time of the hearing.

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

Interim City Manager McClary reported the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting was rescheduled for Thursday, April 14, 2023 and announced ZORACES would discuss the City's pesticide regulations and Temporary Use Permit policy. He stated two School District Separation meetings have been held, mediation had progressed, and a third meeting was scheduled. He stated beginning this month, as part of new employee orientation, a copy of the City's Mission and Vision Statement would be provided to staff. He stated he would be providing a memo to the Council from the City's Planning Director regarding the hosted short-term rental Local Coastal Program amendment being reviewed by California Coastal Commission (CCC) staff who were leaning toward denial of the proposed amendment amid concerns the hosted requirement would reduce available short-term rentals in Malibu. He stated CCC staff would consider modifications and would need to address the changes at their October meeting due to their November deadline. He stated staff would bring the matter back to the Council as any changes required direction from the Council. He reported COVID-19 numbers were fairly good in terms of the threat to the community, although the County did report a slight increase in numbers and were concerned with the new BA.2 variant. He reported on the recruitment for a permanent Assistant City Manager, an offer was made to a candidate and they were awaiting a response. He reported a strong stance was taken to address the car shows and other illegal gatherings occurring in the Cross Creek area and downtown, with the Sheriff's Department giving a high level of attention to that and also illegal street racing and general safety along PCH. He added if the Council would like a report provided on the Sheriff's Department's activity, the captain and lieutenant were in attendance in the evening's meeting. He stated in-person City Council meetings were scheduled to resume May 9, 2022 with in-person Commission and Committee meetings to follow shortly thereafter.

Acting Captain Joseph Fender, Los Angeles County Sheriff's Department, reported the Lost Hills Sheriff's Station was fully staffed and had addressed the illegal car shows. He stated the past weekend they completed their annual Baker to Vegas relay race, placing eleventh out of 24 teams demonstrating Sheriff's Department staff were fit and ready for duty. He stated he attended the annual Chumash Day event on Saturday and was impressed by the Native American communities that participated. He stated following the event, he spoke at a community meeting in the Big Rock area and encouraged other community members to have representatives from the Sheriff's Department participate in their meetings to answer questions and to possibly get neighborhood watch groups revitalized.

Lieutenant Chad Watters stated the Sheriff's Department had a presence at the car show gathering and patrolling PCH and the Cross Creek area and wrote approximately 42 citations within a five-hour period as well as several vehicles towed and sent some to the State Referees for noise violations and modified exhaust systems. He stated they took an aggressive stance to let people know if they were going to congregate, the Sheriff's Department was going to insure it was done in a

safe manner and deter racing. He stated they actively checked for oversized vehicles and overnight camping and were going to patrol to address burglary as well. He stated over the weekend one person was found near Malibu Creek who may have passed away due to an overdose.

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

Councilmember Uhring discussed Southern California Edison (SCE) arborist and biologist activities for tree trimming in Serra Canyon and stated they were mindful of bird nests and wildlife impact. He stated he attended Chumash Day and thanked staff for its work. He stated he attended the Administration and Finance Subcommittee meeting. He stated he was at Cross Creek on Saturday and saw the Sheriff's Department activities. He stated he was not aware that the City had put the City Manager search on hiatus and would like to resume the recruitment. He discussed heavy traffic on Civic Center Way and commented the traffic impacts of the La Paz development and the Santa Monica College campus dramatically changed the character of the City. In reaction to viewing the video supplied by Jo Drummond he questioned how they went from allowing a person to add a basement to allowing a 40 percent increase, and inquired if that were a staff determination or if approval from City Council would be necessary.

Mayor Grisanti stated he attended Chumash Day and found it an uplifting event. He stated he attended the neighborhood meeting in the Big Rock area featuring Acting Captain Fender and found the three hours informative. He stated he had heard from residents in Serra Retreat that they had seen mountain lions at dawn and at dusk and would like someone from National Parks to provide information at a future meeting on how to stay safe. He thanked Councilmembers Farrer and Pierson for their memorial adjournment suggestions and stated there was a Go Fund Me page set up for the family of Mr. Baumbach.

Councilmember Pierson discussed potential changes from the CCC for the hosted short-term rental ordinance, and stated he was glad for the permit system put in place because he felt it had helped the situation. He discussed the importance of civility and expressed hope the Council and community could move forward in a positive light. He indicated support for the concept of low carbon concrete but expressed concern the City did not have the bandwidth to take on the project at the current time considering the Woolsey Fire, the COVID-19 pandemic, the loss of City staff, and the loss of leadership.

In response to Councilmember Pierson's inquiry regarding the logistics of implementing low carbon concrete legislation once brought forward by the Council, Environmental Sustainability Department (ESD) Director Bundy stated she followed the priorities of the City Council which were public safety, Woolsey Fire rebuilds, and school district separation. She discussed the number of homes that were being rebuilt from the Woolsey Fire and stated only 73 families had finished rebuilding their homes, which constituted only 14 percent of the total lost. She stated there were 156 homes under construction, 120 under review, and 140

that were about to come in. She discussed the large umbrella that ESD projects encompassed, which included Environmental Programs, Environmental Health, and Building Safety. She stated she would align her priorities with the Council's dictates, and as much as low carbon concrete had merit, she did not currently have the capacity to undertake it unless priorities were to shift.

Interim City Attorney Cotti cautioned that further discussion on the topic was not advisable because it was not an item placed on the agenda.

Councilmember Pierson reiterated that it was an important issue, appreciated everyone's efforts and input, but the reality was that it would not be solved overnight.

Mayor Pro Tem Silverstein stated it was important to focus on Woolsey Fire rebuilds. He stated he watched the White House reception for Supreme Court nominee Ketanji Brown Jackson. He stated he attended Chumash Day and that while he enjoyed the event he stated Native Americans were under-represented in government. He offered Councilmember Pierson his condolences on his recent loss of Helene Pierson. He stated he had watched the entirety of the February 2019 meeting that Jo Drummond excerpted and he had tried to understand the two-step process where a person rebuilt in-kind plus or minus ten percent and then ended up with a house that was 140 or 150 percent bigger than the house that burned, and there were instances where the person was an investor and not the person who lost the house. He understood allowance of a garage, a pool, but not another floor of a house, and that was a lot of what was going on. He stated he had requested data on rebuilds; how many rebuilds had taken advantage of that and how many had not, and he had not received the information, but he understood that staff was very busy. He stated the City's existing zoning law that prohibited running a business in a residential area, which was what short-term rentals were, should be enforced. He stated he was working with the City Attorney's Office on a lawsuit from Mani Brothers, the owners of the Malibu Beach Hotel. He stated they did not receive approval for offsite parking from the City and were trying to obtain it from the Superior Court. He questioned if there were studies and data to support the value of the low carbon concrete initiative and stated they needed to hear arguments from both sides in order to pass legislation. He commented on the remarks made regarding Burt Ross' and Lance Simmens' letters to the editor in the newspaper and stated his comments were mischaracterized and that he did not intend to imply that democracy or the City Council needed to be torn down; he said that was in response to the loss of the City Manager and the City Attorney, and whether we were better or worse off today than we were then. He said he did not say or write corrupt motives about Burt Ross. He stated he would like to have civil meetings as well.

Councilmember Farrer stated she attended a school district separation mediation meeting. She thanked Deputy City Attorney Christine Wood and the separation team for their work. She stated she attended the first in-person library speakers series event in three years featuring author and professor Elizabeth Rush. She thanked Library staff, Pepperdine for hosting, Community Services Deputy



Director Kristin Riesgo, Environmental Sustainability Analyst Christine Shen, and the Environmental Sustainability Department. She stated she attended Chumash Day and thanked Community Services staff for their work. She stated she attended the Big Rock community meeting and encouraged residents to consider hosting such a meeting in their communities.

In response to Councilmember Farrer, Acting Captain Fender stated he believed the recreational vehicles (RV) that were towed may have been within the County area but that he would check.

In response to Councilmember Farrer, Planning Director Mollica stated staff was glad to investigate any accusation about Planning staff conduct. Environmental Sustainability Director Bundy stated staff stayed within the code and the local and the State regulations and that she would be happy to conduct any research requested by the Council.

Acting Captain Fender confirmed the RVs towed were illegally parked within the Malibu City limits.

### **ITEM 3      CONSENT CALENDAR**

Item No. 3.B.2. was pulled by the public.

MOTION      Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar, pulling Item No. 3.B.2. 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.

3.      Approval of Minutes

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

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 item was pulled from the consent calendar for individual consideration:

2.      Approve Warrants

Recommended Action: Allow and approve warrant demand numbers

65382-65584 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. 701 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,342,773.68. City of Malibu payroll check numbers 5217-5220 and ACH deposits were issued in the amount of \$233,210.09.

Mayor Grisanti opened the floor for public comment.

Speaker: Ryan Embree

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, and Councilmember Pierson seconded a motion to approve warrant demand numbers 65382-65584 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. 701 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,342,773.68. City of Malibu payroll check numbers 5217-5220 and ACH deposits were issued in the amount of \$233,210.09, subject to Assistant City Manager Quinto's satisfaction after investigating check 65487 within the next 48 hours that the payment was appropriate. The question was called, and the motion carried unanimously.

#### ITEM 4      **ORDINANCES AND PUBLIC HEARINGS**

##### A.      Parking Citation Fines

Recommended Action: 1) Conduct the Public Hearing; 2) Review the Public Safety Commission's recommendation for increasing parking citation fines and establishing fines for violations of Malibu Municipal Code 10.18 (Oversized Vehicles); and 3) Adopt Resolution No. 22-11 amending the City's Schedule of Parking Citation Penalties and finding the action to be exempt from the California Environmental Quality Act.

Public Safety Manager Dueñas presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Chris Frost, Eric Preven, Howard Rudzki, Josh Spiegel, Ryan Embree, and Bill Sampson

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

The Council discussed the item and directed questions to staff.

**MOTION** Councilmember Farrer moved to adopt Resolution No. 22-11 amending the City's Schedule of Parking Citation Penalties and finding the action to be exempt from the California Environmental Quality Act.

**FRIENDLY AMENDMENT**

Councilmember Pierson seconded the motion and moved to direct staff to bring back recommendations for improved signage.

The amendment was accepted by the maker.

The Council discussed the item.

**FRIENDLY AMENDMENT**

Mayor Pro Tem Silverstein moved to leave the \$38 fines the same and increase other fines.

The amendment was not accepted by the maker.

The Council discussed the item.

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

**RECESS** At 9:13 p.m., Mayor Grisanti recessed the meeting. The meeting resumed at 9:22 p.m. with all Councilmembers present.

**ITEM 5 OLD BUSINESS**

A. 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.

Public Works Director DuBoux presented the staff report.

Mayor Grisanti opened the floor for public comment.

Speakers: Ryan Embree, Alex Stein, Bill Sampson, 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** Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the ranking of the top five projects from the Safety Priority Project List: Pacific Coast Highway (PCH) Utility Undergrounding; PCH at Las Flores and Rambla Pacifico Intersection Improvements; PCH Improvements from City Limits to Cross Creek Road; PCH Improvements from City Limits to Cross Creek Road; and Pedestrian Signal at 22523 PCH.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

A. Opposition to County Ordinance Allowing Low-Impact Camping in Environmentally Sensitive Habitat Areas

Recommended Action: Authorize the Mayor to send a letter to the Los Angeles County Board of Supervisors opposing the proposed Local Coastal Program amendment that would allow camping in environmentally sensitive habitat areas.

Planning Director Mollica presented the staff report.

Speakers: E. Barry Haldeman, Lloyd Ahern, Rick Mullen, Doug Stewart, Alex Stein, Ryan, Ted Vaill, Howard Rudzki, and Bill Sampson

The Council discussed the item.

**MOTION** Councilmember Farrer moved, and Councilmember Pierson seconded a motion to: 1) direct staff to work with Rick Mullen to draft a letter opposing the proposed Local Coastal Program amendment that would allow camping in environmentally sensitive habitat areas, and 2) authorize the Mayor to send the letter to the Los Angeles County Board of Supervisors.

The Council discussed the motion and directed questions to Mr. Mullen and Mr. Haldeman.

The question was called and the motion carried unanimously.

**ADJOURNMENT**

At 10:38 p.m., Mayor Grisanti adjourned the meeting in memory of Helene Pierson and Inge Baumbach. The motion carried unanimously.

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

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)