



# Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

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

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the February 27, 2023 Malibu City Council Regular meeting, March 13, 2023 Malibu City Council Regular meeting, and March 22, 2023 Malibu City Council Special meeting.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**STRATEGIC PRIORITY:** This item is part of the day-to-day operations identified in the Adopted FY 2023-24 Strategic Priority Project List.

**DISCUSSION:** Staff has prepared draft minutes for the Council meetings of February 27, 2023, March 13, 2023, and March 22, 2023.

**ATTACHMENTS:**

February 27, 2023 Regular meeting  
March 13, 2023 Regular meeting  
March 22, 2023 Special meeting

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 27, 2023  
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.**

**MEETING CALL TO ORDER**

Mayor Silverstein 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 Bruce Silverstein; Mayor Pro Tem Steve Uhring; and Councilmembers Paul Grisanti, Marianne Riggins, and Doug Stewart

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Acting Community Services Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Manager; Rob DuBoux, Public Works Director; Tracey Rossine, Environmental Programs Manager; Joyce Parker-Bozylinski, Contract Planner; and Adam Pisarkiewicz, Contract Planner

**PLEDGE OF ALLEGIANCE**

Councilmember Riggins led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Mayor Pro Tem Uhring moved, and Councilmember Grisanti 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 February 17, 2023.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

A. FEMA Floodplain Map Update

Public Works Director DuBoux provided a presentation on the updated FEMA Floodplain Maps.

The Council directed questions to staff.

**ITEM 2.A. PUBLIC COMMENTS**

Sheila Morovati, Habits of Waste, discussed the impact of balloons on the environment, discussed the City's plastic straw ban, and recommended the City adopt a balloon ban ordinance.

Alicia Peak discussed the former snack shack at Malibu Bluffs Park and the zoning issues that prevented the snack shack from being replaced. She requested the Council amend the code to allow a concession stand.

City Clerk Pettijohn read the names of those who used the raised hands feature on Zoom to show their support for the snack shack at Bluffs Park: John Alfano, Linda Seltzer, Edward, Mike Uznis, Pantelis Calas, Professor Pamila Ulich, Ali Moses, Erin Garner, Joel Dunn, Jenny Rusinko, Caileen Uznis, T. Jennings, Laura Rosenthal, Juan Carlos Lugo, Heather Pitz, Amy Lingo, Shannon Ravenshear, Karin Al-Hardan, unknown iPhone, Susan Downey, Tyler Muir, Brittany Teague, Rhonda Scott, Jake Lingo, Wade Major, Howard Rudzki, John Ransier, Dane Skophammer, Melissa Solano, Josh Spiegel, and Maggie Castle.

Juan Carlos Lugo stated that the Local Coastal Program should be amended to allow the snack shack at Bluffs Park because kids needed a place to congregate, interact, and be part of the community.

Ali Moses stated her support for the re-establishment of the Little League snack shack.

John Alfano stated his support for Malibu Little League and the snack shack at Bluffs Park as a league coach.

Gianni Alfano stated his support for Malibu Little League and the snack shack at Bluffs Park as a member of the league.

Jake Lingo stated his support for sports facilities and the snack shack at Bluffs Park.

Pamela Conley Ulich stated her support for the Bluffs Park snack shack. She stated that Malibu Urgent Care served a vital function in the community and needed support and that she was working with Friends of Malibu Urgent Care on a million-dollar fundraising event.

Susan Downey stated her support for the snack shack and that having Little League in Malibu had changed the community for the better. She stated that both of her sons were participating in Little League.

Shannon Ravenshear stated that as the mother of two Little Leaguers she was in support of re-establishment of the snack shack.

Melissa Solano stated that the snack shack at Bluffs Park and so many other community needs should be established.

Amy Lingo stated that she was there to support the parents and children in the community in their pursuit to have the snack shack re-established.

Linda Seltzer stated that she was a mother with a child in Little League and agreed with the other public speakers that the snack shack should be brought back.

Caileen Uznis stated that she had a long history since childhood with Little League and felt it was an important institution in the community.

Nick Shurgot, President of Malibu Little League, emphasized the importance of the snack shack as the number of children was growing following the fire and the pandemic and it would be a great amenity for the City for the skate park and the soccer facility as well.

Norman Haynie thanked the Councilmembers for their service to the City. He stated he supported the snack shack and that there should be a way to interpret the recreational standards that would allow a snack shack. He commented on Ordinance No. 491 which was specifically approved for the Sea View Hotel project. He stated that the ordinance stated that should the CCC make any modifications to the project, it would be brought back before the City Council at the earliest possible date. He requested a City Council hearing be held in March 2023.

Josh Spiegel commented on the contributions made to the community by Meril May. He requested that the City Council facilitate the placement of a temporary snack shack in time for summer 2023 while a permanent structure was pursued.

Dane Skophammer stated that he was a Parks and Recreation Commissioner, a father, and a coach, and voiced his support for a snack shack.

Timothy Keenan stated he was a lifelong Malibu resident and that his experience with the snack shack was amazing and voiced his support for having it back at Bluffs Park.

Howard Rudzki stated that Malibu was a creative community and that there should be a way to have the snack shack.

Jenny Rusinko stated her support for having the snack shack brought back. She stated that she was in support of a balloon ban.

Scott Dittrich discussed Malibu's vision statement, that clearly stated that the community gave up amenities that would be common in other cities to preserve Malibu's character. He suggested a mobile cooking unit to provide food in the interim until a permanent snack shack could be re-established. He stated that a total ban on balloons was extreme and that they could ban multiple releases of balloons

and might consider the ban of mylar balloons.

Laura Angotti stated that she runs Malibu Little League softball and stated that she supported amending the Local Coastal Program to allow the snack shack.

Jaymen stated that he agreed that having the snack shack was important to the community.

Heather Pitz stated that the snack shack provided a magical experience for the community.

Maggie Castle stated that her son participated in the Little League and stated her support for the snack shack for the local residents and youth.

Bill Sampson stated that the MRCA should be responsible for picking up the trash left by the visitors they encouraged to visit Malibu. He stated that he might have a food trailer that could be used by the Little League and that he would reach out to them directly. He commented on the 2022 City Council election candidates. He commented on interactions between Councilmembers. He commented on the activity of subcommittee members and City staff.

Laura Rosenthal declined to speak.

Brittany Teague, Tyler Muir, Wade Major, M. Skelton, Karin Al-Hardan, Amora Magna, Paul Clarke, Rhonda Scott, Mike Uznis, Bracken Carter-Webb, Phaedra Panutsos, Time Pera, Tina Jennings, Anna Gorby, Erin Garner, John Ransier, Edward, and Pantelis Calas were not present at the time of the hearing.

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

Dane Skophammer, Parks and Recreation Commission, provided an update on items the Commission worked on over the past several months. He requested that the replacement of the snack shack at Bluffs Park be placed on the Commission's FY 2023-24 workplan. He stated that they had discussed a potential aquatics and recreation center, a multi-generational facility which would include a library and a swimming pool using library set-aside funds at the Heathercliff Road property and requested the item be added to the Commission's FY 2023-24 workplan. He stated that the Commission received the Earth-Friendly Management Policy quarterly report. He stated that two Commissioners met monthly to discuss the policy, outreach opportunities, and website updates and that the Council would receive updates on their activities at future Council meetings. He stated that the Commission recommended Sara Wan as the recipient of the 2023 Jake Kuredjian Citizenship Award. He stated that nature cameras were installed at Charmlee Wilderness Park and Legacy Park and that wildlife videos were on the City's social media and website. He stated that the Commission's work included park safety, public education, native habitats, field space options, and recreation options for the City.

City Manager McClary announced that Los Angeles County Fire Chief Drew Smith would provide a presentation on changes to fire safety brush clearance enforcement at the next Council meeting. He stated that the new State Fire Hazard Severity Zone Maps would be released during the spring and that there were no changes expected to any of the areas within the City of Malibu's designation, which were in the high fire severity zone. He stated that there were no major changes in the COVID-19 statistics, he stated that the seven-day average for new cases was just over 1,000 which contrasted to the 4,000 new cases per day average in December of 2022. He stated the testing positivity rate had slowly increased to 6.5 percent but had been 14 percent in December of 2022. He stated that there were no significant issues from the recent storm except for the rockslide that occurred on Saturday, February 25, 2023, which involved one vehicle and a lane closure, but was rapidly attended to. He requested that the Council allow a series of short presentations at the Council meetings from the Environmental Sustainability Department that highlighted their accomplishments. He stated that the City's FY 2023-24 budget preparations had begun.

Captain Jennifer Seetoo, Los Angeles County Sheriff Department, provided an update on the priorities her department worked on. She commented on emergency preparedness, and stated that the Emergency Operations Center neared completion. She stated that they were meeting and coordinating efforts with Fire Department Chief Drew Smith and the Office of Emergency Management's Kevin McGowan. She commented on the use of technology, specifically drones, for assistance during emergencies. She stated that recreational vehicles used by individuals experiencing homelessness had decreased to seven from approximately 200 from a few years prior and that they worked to find real solutions and housing for those individuals. She commented on highway safety on Pacific Coast Highway (PCH) and stated that there was a reduction in fatalities in recent years. She thanked Michel Shane for the documentary he produced called *21 Miles in Malibu* that brought awareness to the dangers of PCH. She commented on the work done to improve safety and security in the schools. She stated that burglaries were less of an occurrence in Malibu than inland, but that a part-time Burglary Task Force was created to examine crime trends and decide how they could best be addressed. She stated they just received electric mountain bikes and dirt bikes to have the open space areas patrolled by deputies and for arson watch, homelessness outreach, and crime suppression. She addressed Mayor Pro Tem Uhring's inquiry from a past meeting about the value for the early mornings car patrol and stated that it was difficult to measure something that was prevented and the reduction in recreational vehicles would yield a decline in citations, so she wanted to work with the Council to develop a measurement methodology. She stated that high visibility of the patrol car resulted in speed reduction. She stated that it was always their goal to have a permanent solution provided for individuals experiencing homelessness when they conducted outreach and education and connection to resources.

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

Councilmember Grisanti commented on the importance of the snack shack at Bluffs Park. He thanked Ms. Morovati for her comments on the importance of a balloon ban.

Councilmember Riggins stated that she attended a Clean Power Alliance (CPA) meeting, a School District Separation Ad Hoc Committee meeting, and an Environmental Sustainability Subcommittee meeting and encouraged the community to visit the City's website to learn of upcoming events such as Earth Day. She thanked the public speakers and stated that a solution should be able to be found for the snack shack and that it would be great for the community to have it back at Bluffs Park. She stated that the balloon ban solutions for the community should be revisited.

Councilmember Stewart reported that he attended an Administration and Finance Subcommittee meeting and a Malibu Association of Realtors Directors Lunch. He reported that he attended a Las Virgenes-Malibu Council of Governments meeting as an alternate. He stated that he attended a Verizon Resiliency Review and encouraged the other Councilmembers to participate should they be invited because it was a good opportunity to learn what they had as a backup plan. He thanked the Malibu Public Works and Public Safety Departments, the utility companies, the Fire Department, and the Sheriff Department for helping the community through the recent storm without major incidences. He encouraged the City to explore temporary options such as a snack shack on wheels to get the community through the summer in the short term until a long term solution was implemented. He commented on the enforcement of the nuisance laws passed in 2021 as it pertained to the problems experienced in the eastern area of Malibu, and if the laws were not sufficient, adjustments to the laws should be explored. He commented on improved strategies to receive a higher yield on the \$91,000,000 reserves the City currently held that was discussed at the Administration and Finance Subcommittee meeting. He requested a monthly report to the Council on the performance of the City's investment strategies.

Mayor Pro Tem Uhring commended City Clerk Pettijohn on her management of the public speakers. He stated that he thought a balloon ban would be good for the environment. He stated that he attended the Santa Monica Bay Restoration Committee meeting and the Environmental Sustainability Subcommittee meeting. He commented on traffic issues that occurred on Cliffside Drive and stated that the City's Public Safety Department was looking into the problem. He stated that he received an email message from MRCA Ranger Pera who provided his contact information for the public and he had spoken to City Manager McClary about having the information posted on the City's website. He stated that he had submitted letters to the Malibu Times newspaper with the recommendation that the farmers' market continue to be held at Legacy Park.

Mayor Silverstein thanked the public speakers and those who submitted written comments. He complimented the City for how well the recent major storm was handled. He stated that he attended the Administration and Finance Subcommittee

meeting and participated in calls with the California Strategies representatives. He stated that he attended an event at Pepperdine University for the Women. Life. Freedom. movement that honored efforts for Iranian civil rights which was an international issue. He stated that he thought the matter of a balloon ban should be discussed by the Council. He commented on the fact that although there was affluence among the Malibu population, most of the tax revenue goes to the County, State, and Federal government which may be why there was frustration in the community about things not getting done despite being what was described as one of the wealthiest zip codes. He stated that he hoped the Sea View Hotel item would be placed on a Council agenda in March 2023. He stated that he hoped that the two MRCA members who provided reports at the previous City Council meeting would provide regular reports on a recurring basis. He stated he did not understand why the snack shack at Bluffs Park required a Local Coastal Program Amendment (LCPA). He stated that he would like staff to creatively come up with a solution to enable the operation of the snack shack while a LCPA was pursued since it was such an important thing for the community. He commended the community activism which surrounded the support for the snack shack.

**CONSENSUS**

By consensus, the Council directed staff to bring back an item by the March 27, 2023 Regular meeting on options to replace the snack shack at Bluffs Park.

**CONSENSUS**

By consensus, the Council directed staff to bring back an item to consider banning balloons in the City.

**CONSENSUS**

By consensus, the Council directed Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) to examine the LCP provisions related to low-cost visitor serving accommodation, and provide any recommendations to the City Council regarding potential changes to same including: 1) increasing the in-lieu fee for hotels that do not include low-cost accommodations; 2) requiring the City Council to approve use of the in-lieu fee; and 3) exploring options to facilitate the creation of low-cost visitor serving accommodations.

**ITEM 3      CONSENT CALENDAR**

Item Nos. 3.B.4. and 3.B.7. were pulled by the public. Item No. 3.B.6. was pulled by the Council.

**MOTION**

Mayor Pro Tem Uhring moved, and Councilmember Riggins seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.4., 3.B.6., and 3.B.7. The question was called, and the motion carried unanimously, Councilmember Stewart abstaining from Item No. 3.B.3.

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 68278-68394 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. 719 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,056,903.58. City of Malibu payroll check number 5314-5319 and ACH deposits were issued in the amount of \$266,556.98.
3. Approval of Minutes  
Recommended Action: Approve the minutes for the February 14, 2022 Malibu City Council Regular meeting.
5. Amendment to Professional Services Agreement with NextRequest  
Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Professional Services Agreement with NextRequest for a platform through which the City may manage public records requests.
8. Amendment No. 2 to Agreement with Rincon Consultants, Inc  
Recommended Action: Authorize the Mayor to execute Amendment No. 2 to Agreement with Rincon Consultants, Inc. to increase the total agreement compensation from \$190,000 to \$340,000 and extend the term of the agreement one-year so that it will now expire June 30, 2024.

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

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.

City Clerk Pettijohn introduced the item and stated that she and Interim City Attorney Rusin were available for questions.

Mayor Silverstein opened the floor to public comment.

Speaker: Pamela Conley Ulich

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

The Council discussed the item.

MOTION

Mayor Pro Tem Uhring moved, and Councilmember Grisanti seconded a motion to reaffirm Resolution No. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361. The question was called, and the motion carried unanimously.

6. Classification and Compensation Study

Recommended Action: Authorize the Mayor to execute the Professional Services Agreement with Gallagher Benefit Services, Inc., for Classification and Compensation Study.

The Council directed questions to staff and Georg Krammer.

MOTION

Mayor Silverstein moved, and Councilmember Grisanti seconded a motion to: 1) authorize the Mayor to execute the Professional Services Agreement with Gallagher Benefit Services, Inc., for Classification and Compensation Study; and 2) direct staff to work with the consultant to potentially: a) shorten the timeframe for the study, and b) keep the staff's survey responses confidential from their supervisor.

FRIENDLY AMENDMENT

Councilmember Riggins moved to amend the motion to include that staff work with the consultant to potentially identify staff at all levels in the organization to work on the project team.

The Council directed questions to Mr. Krammer.

The amendment was accepted by the maker and the seconder.

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

7. Pacific Coast Highway Signal Synchronization System Improvements Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with GMZ Engineering, Inc in the amount of \$9,776,991 for the Pacific Coast Highway (PCH) Signal Synchronization System Improvements Project Specification No. 2064; 2) Authorize the Public Works Director to approve potential change orders up to \$1,900,000; and 3) Authorize the Mayor to execute the Cooperative Agreement Replacement with the State of California (Caltrans) for the construction of the PCH Signal Synchronization System Improvements Project.

Public Works Director DuBoux presented the staff report.

Mayor Silverstein opened the floor to public comment.

Speaker: Scott Dittrich

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

The Council discussed the item and directed questions to staff.

**MOTION** Councilmember Grisanti moved, and Councilmember Riggins seconded a motion to: 1) authorize the Mayor to execute a construction contract with GMZ Engineering, Inc in the amount of \$9,776,991 for the Pacific Coast Highway (PCH) Signal Synchronization System Improvements Project Specification No. 2064; 2) authorize the Public Works Director to approve potential change orders up to \$1,900,000; and 3) authorize the Mayor to execute the Cooperative Agreement Replacement with the State of California (Caltrans) for the construction of the PCH Signal Synchronization System Improvements Project The question was called, and the motion carried unanimously.

**RECESS** At 9:12 p.m., Mayor Silverstein recessed the meeting. The meeting resumed at 9:25 p.m. with all Councilmembers present.

**MOTION** Mayor Silverstein moved, and Mayor Pro Tem Uhring seconded a motion to continue all remaining items except for Item Nos. 4.A. and 6.C.

The motion was withdrawn.

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

- A. Appeal No. 22-007- Appeal of Planning Commission Resolution No. 22-44 (31113 Bailard Road; Owner: Ellis and Williams Ellis; Appellant: Debra Decray)  
Recommended Action: Adopt Resolution No. 23-09, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 22-007 and approving Coastal Development Permit-Woolsey Fire No. 22-006 to allow the reconstruction of an existing driveway and construction of new retaining walls; including Variance (VAR) No. 21-013 for the replacement driveway, the two-car garage, and decking for fire department access on slopes steeper than 2.5 to 1, VAR No. 21-014 for height of retaining walls over six feet in height but not to exceed 24 feet, seven inches and a combined height up to 32 feet, one inch, and VAR No. 22-008 for non-exempt grading over 1,000 cubic yards, not to exceed 2,130 cubic yards, for a property effected by the 2018 Woolsey Fire, located in the Rural Residential, Five-Acre (RR-5) zoning district at 31113 Bailard Road (Ellis and Williams Ellis).

Contract Planner Pisarkiewicz and Planning Director Mollica presented the staff report.

Disclosures: Councilmembers Grisanti, Riggins, and Stewart, Mayor Pro Tem Uhring, and Mayor Silverstein

Mayor Silverstein opened the floor to public comment.

Speakers: Debra DeCray, David Ellis, Trisha Coffey, Susan Villain, Johnathen Day, and Patt Healy

Ms. DeCray, Ms. Coffey, Ms. Villain, and Mr. Ellis provided rebuttal to public comment.

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

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

**MOTION** Councilmember Grisanti moved, and Mayor Silverstein seconded a motion to adopt Resolution No. 23-09, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 22-007 and approving Coastal Development Permit-Woolsey Fire No. 22-006 to allow the reconstruction of an existing driveway and construction of new retaining walls; including Variance (VAR) No. 21-013 for the replacement driveway, the two-car garage, and decking for fire department access on slopes steeper than 2.5 to 1, VAR No. 21-014 for height of retaining walls over six feet in height but not to exceed 24 feet, seven inches and a combined height up to 32 feet, one inch, and VAR No. 22-008 for non-exempt grading over 1,000 cubic yards, not to exceed 2,130 cubic yards, for a property effected by the 2018 Woolsey Fire, located in the Rural Residential, Five-Acre (RR-5) zoning district at 31113 Bailard Road (Ellis and Williams Ellis)

The Council discussed the motion and directed questions to staff.

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

**MOTION** Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to hear Item No. 6.A. after 10:30 p.m.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

**ITEM 5 OLD BUSINESS**

None.

**ITEM 6 NEW BUSINESS**

- A. Fiscal Year 2022-23 Second Quarter Financial Report and Mid-Year Budget Amendments  
Recommended Action: 1) Receive and file Fiscal Year 2022-23 Second Quarter

Financial Report; 2) Provide direction on Fiscal Year 2022-23 City Council Priorities and Departmental Tasks in the Work Plan; 3) Adopt Resolution No. 23-07 amending the annual budget for Fiscal Year 2022-23; and 4) Adopt Resolution No. 23-08 amending the Authorized Positions and Salary Ranges for Fiscal Year 2022-23 and approving Assistant City Clerk job specification.

Assistant City Manager Toney presented the staff report.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, Mayor Silverstein returned the matter to the table for discussion.

The Council discussed the item.

**MOTION** Councilmember Grisanti moved, and Councilmember Stewart seconded a motion to: 1) receive and file Fiscal Year 2022-23 Second Quarter Financial Report; 2) adopt Resolution No. 23-07 amending the annual budget for Fiscal Year 2022-23; and 3) adopt Resolution No. 23-08 amending the Authorized Positions and Salary Ranges for Fiscal Year 2022-23 and approving Assistant City Clerk job specification.

**FRIENDLY AMENDMENT**

Councilmember Riggins moved to amend the motion to add to the Fiscal Year 2022-23 City Council Priorities and Departmental Tasks in the Work Plan options for replacement of the snack shack at Bluffs Park.

The amendment was accepted by the maker and the seconder of the motion.

**FRIENDLY AMENDMENT**

Mayor Silverstein moved to amend the amended motion to add to the Fiscal Year 2022-23 City Council Priorities and Departmental Tasks in the Work Plan ZORACES's study of the LCP provisions regarding low-cost visitor serving accommodations.

The amendment was accepted by the maker and the seconder of the motion.

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

**MOTION** Councilmember Grisanti moved, and Councilmember Riggins seconded a motion to hear Item No. 6.B. after 10:30 p.m. The question was called, and the motion carried unanimously.

**B. Mid-Year Commission Activity Reports**

Recommended Action: 1) Receive and file mid-year activity reports from the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission, and Public Works Commission; and 2) Amend Commission assignments for Fiscal Year 2022-2023, if appropriate.

City Manager McClary presented the staff report.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, Mayor Silverstein returned the matter to the table for discussion.

The Council discussed the item.

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to receive and file mid-year activity reports from the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission, and Public Works Commission. The question was called, and the motion carried unanimously.

MOTION Councilmember Riggins moved, and Councilmember Stewart seconded a motion to hear Item No. 6.C. after 10:30 p.m. The question was called and the motion carried unanimously.

C. Southern California Edison Vegetation Management Program  
Recommended Action: 1) Receive an update on the Southern California Edison (SCE) Vegetation Management Program; and 2) Direct the Planning Director to send a letter to SCE Vegetation Management revising the terms to remove the requirement to report heavy trimming (branches greater than 7 inches) or removal of non-native trees unless the work constitutes major vegetation removal as determined by the City's contract biologist.

Contract Planner Parker-Bozylinski presented the staff report.

Mayor Silverstein opened the floor to public comment.

Speaker: Patt Healy

Max Greene was not present at the time of the hearing.

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

The Council discussed the item and directed questions to staff.

MOTION Mayor Silverstein moved, and Councilmember Stewart seconded a motion to: 1) receive and file an update on the Southern California Edison (SCE) Vegetation Management Program; and 2) direct the Planning Director to send a letter to SCE Vegetation Management revising the terms to require all tree inspectors and tree trimming companies working for SCE in Malibu to attend a training program to identify and properly dispose of trees infested with the shot hole borer beetle.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

**MOTION** Mayor Silverstein moved, and Councilmember Riggins seconded a motion to hear Item No. 6.D. after 10:30 p.m. The question was called and the motion carried unanimously.

D. Grant Writer  
Recommended Action: Direct staff to issue a Request for Proposals for contract grant writer services.

Assistant City Manager Toney presented the staff report.

Mayor Silverstein opened the floor to public comment.

Speakers: Ryan Embree and Howard Rudzki

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

**MOTION** Councilmember Riggins moved, and Mayor Silverstein seconded a motion to direct staff to issue a Request for Proposals (RFP) for contract grant writer services.

The Council discussed the motion.

**FRIENDLY AMENDMENT**

Mayor Silverstein amended the motion to have RFP submissions include creative ways for them to receive compensation, potentially a percentage based upon their success at acquiring the grant rather than an hourly rate.

The amendment was accepted by the maker of the motion.

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

**ITEM 7 COUNCIL ITEMS**

None.

**ADJOURNMENT**

Mayor Silverstein adjourned the meeting at 11:41 p.m.

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

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STEVE UHRING, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)



MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
MARCH 13, 2023  
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.**

**MEETING CALL TO ORDER**

Mayor Silverstein called the meeting to order at 5:30 p.m.

**ROLL CALL**

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

PRESENT: Mayor Bruce Silverstein; Mayor Pro Tem Steve Uhring; and Councilmembers Paul Grisanti, Marianne Riggins, and Doug Stewart

**PUBLIC COMMENT ON CLOSED SESSION**

Mayor Silverstein opened the floor to public comment.

Speaker: Tim Pera indicated he would speak during the Regular session.

**RECESS TO CLOSED SESSION**

At 5:03 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

**Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1)**

1. Case Name: City's Petition to Form Malibu USD from Territory in the Santa Monica-Malibu Unified School District

**REGULAR SESSION CALL TO ORDER**

Mayor Silverstein 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 Bruce Silverstein; Mayor Pro Tem Steve Uhring; and Councilmembers Paul Grisanti, Marianne Riggins, and Doug Stewart

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Kelsey Pettijohn, City Clerk; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Rob Houston, Interim Deputy City Manager; and Adrian Fernandez, Assistant Planning Director

## **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Uhring led the Pledge of Allegiance.

## **CLOSED SESSION REPORT**

Interim City Attorney Rusin reported that the meeting convened at 5:30 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(1), with all Councilmembers present. He stated there was no reportable action.

## **REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on March 2, 2023, with the amended agenda posted on March 9, 2023.

## **APPROVAL OF AGENDA**

**MOTION** Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to approve the agenda. The question was called, and the motion carried unanimously.

## **ITEM 1 CEREMONIAL/PRESENTATIONS**

**B.** Presentation on Public Participation Options for Hybrid City Council Meetings

City Clerk Pettijohn provided a presentation on public participation options for hybrid City Council meetings.

The Council directed questions to staff.

**C.** Update Regarding Separation from Santa Monica-Malibu Unified School District

Deputy City Attorney Christine Wood provided an update regarding separation from Santa Monica-Malibu Unified School District.

**A.** Presentation on Los Angeles County Fire Department's New Zone Zero Defensible Space Requirement

Forestry Division Chief Ron Durbin provided a presentation on Los Angeles County Fire Department's new Zone Zero Defensible Space requirement.

The Council directed questions to Forestry Division Chief Durbin.

**ITEM 2.A. PUBLIC COMMENTS**

Tim Pera, Mountains Recreation and Conservation Authority (MRCA) Ranger, provided an update for the prior two weeks. He stated that they completed a major graffiti removal at the Cliffside staircase at the Escondido Beach access area and a homeless encampment along the Sara Wan trail at Corral Canyon was cleared. He reported that they conducted daily patrols at Malibu Bluffs to check for possible new encampments and none were observed. He reported additional ranger patrols were implemented during the weekend. He stated that officers were added for parking enforcement and maintenance duties and there were no service calls or incidents reported. He stated that all beach accessways were patrolled daily.

Bill Sampson reported that arrangements for a trailer for use by the Little League as a temporary snack shack were being explored. He stated that he heard the MRCA removed mailboxes and other items from Winding Way and he requested the broken glass be removed. He stated that the Lechuza Beach accessway was open 24 hours per day, unlit, and unsafe and the dangerous situation needed to be remedied. He commented on mismanagement of money by Silicon Valley banks and stated that it affected Malibu because the prior City Manager made some questionable banking deposits and he hoped that it would be carefully examined by the finance staff at the City.

Ryan Embree commented on the School District Separation presentation and stated that the presentation referenced that the joint powers authority (JPA) was identified but not discussed by the two entities. He stated that the draft document released the previous year indicated that under the operational terms there would be a seven-member board and three positions were left open and undesignated with no proposed process of how the positions would be filled or the qualifications of those members. He stated that he attended the most recent Public Safety Commission meeting he was happy illegal parking was addressed and that all the applicable codes should be utilized. He stated that that Malibu approved an increase in sales tax in November 2022 and it should be used for law enforcement of the mailbox thefts, night prowlers, the car burglaries.

Kraig Hill commented on the zone zero defensible space issue that was part of the Fire Department's presentation, and inquired if public input could be submitted and added into the policy. He inquired if there would be grandfathering for existing structures that were as old as 75 years that were possibly non-compliant and requested more information on aspects of the policy that did not involve vegetation.

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

City Manager McClary stated that the interim shelter beds provided by The People Concern were currently in use and prioritization was given to those who had housing vouchers and were ready for permanent housing once it was secured. He

stated that City staff and The People Concern met with the Sheriff's Department to coordinate weekly reports to help facilitate the enforcement of the City's camping ordinance. He stated that he attended a presentation from Los Angeles County Sheriff Robert Luna at the Contract Law Enforcement Bureau meeting and that there would be an increase in officer staffing levels as they were down approximately 1,100 sworn officers. He reported that they had 8 to 10 academy classes scheduled, with approximately 100 attendees per class. He stated that the Short-Term Rental Ad Hoc Committee met and there would be follow up meetings with the California Coastal Commission (CCC). He announced that City Council meetings would shift to a hybrid-meeting format at the next meeting, Monday, March 27, 2023. He stated that at the suggestion of the Mayor, a reception for the public would precede the meeting by 30 minutes, beginning at 6:00 p.m. He stated that COVID-19 information was issued by Los Angeles County early in the month and at that time there were 882 new cases, 15 new deaths, and their per-day new case average was 1,015. He stated that the numbers remained stable and the wastewater testing indicated the County was over 30 percent down from the winter peak surge. He stated that current rates were not driving up hospitalizations and there were no known new variants of COVID-19. He stated that the County had planned to end their COVID-19 state of emergency at the end of March. He reported that 81 percent of Los Angeles County residents had received at least one dose of a COVID-19 vaccine and 73 percent had completed their primary series. He reported that the City met with Los Angeles County Department of Beaches and Harbors about the emergency work at Westward Beach in response to the landslide, which included rock revetment at the restroom and there were plans for dune restoration. He stated that two to three inches of rain was expected during the upcoming storm, and that the situation would be monitored closely due to the current saturation. He advised the public to stay off the road during the storm period if at all possible. He reported that in response to the number of illegally parked vehicles along Cliffside Drive on the decomposed granite walkway there near the Point Dume Headlands, 18-inch-high delineators on the top of the wooden curb would be installed by the Public Works Department. He stated that the area was already posted with "No Parking Tow-Away" signs.

In response to Mayor Silverstein, Public Safety Director Dueñas stated that the three interim shelter beds were funded by a grant from Measure H. She stated that there were funds available if additional beds became available.

Mayor Silverstein inquired if the newest camping ordinance could be enforced without regard to whether there were shelter beds available since the ordinance limited when and where camping was allowed, and it was not entirely prohibited.

In response to Mayor Silverstein, Public Safety Director Dueñas stated that particular camping ordinance was not used but other parts of the Code were used to deal with encampments. She stated that Public Safety Liaison Luis Flores was out in the community frequently with Deputy Frank Espinoza and that there were individuals and not many group encampments. She attributed the reduction to enforcement and housing being provided. She stated that the appropriate code used

for enforcement was in part dependent upon where the illegal activity took place, when it occurred on private property, the nuisance ordinance applied. She stated that the recently developed camping ordinance was not applied because the instances they had encountered were either the jurisdiction of another agency, or factors dictated that a different Malibu code was more appropriate to facilitate enforcement, and when the circumstances dictated, the camping ordinance would be used.

Lieutenant Dustin Carr, Los Angeles County Sheriff Department, reported that crime decreased across the board year-over-year. He reported that traffic collisions had decreased from this time last year. He stated that there were seven recreational vehicles parked illegally in Malibu, and that number remained steady. He stated that parking for personnel of the new Sheriff substation was secured behind the former County Courthouse building and would be shared with other agencies and an access pathway for deputies was being worked on. He announced that full-time Sergeant Chris Soderlund was assigned to Malibu and that he would try to have him introduced at the next City Council meeting. He cautioned the community about potential rockslides as the next storm approached.

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

Councilmember Grisanti reported that he attended an event on February 28, 2023 at Pepperdine University which featured a principal scientist from Hughes Research Laboratory on the topic of innovation particularly in the medical field. He stated that he attended a League of Cities meeting. He stated that he went on a morning hike at Charmlee Wilderness Park with the Chamber of Commerce in between rainstorms and he encouraged the public to enjoy the park. He stated that he was very proud of what the City's park and trail improvements. He stated that he attended the Little League opening where Councilmember Riggins gave a speech. He stated the event included a tribute to Doug O'Brien who was tremendously important in Little League in his own life and impacted many other lives. He stated on March 7, 2023, he participated in a radio call-in shift for arson watch and the Community Emergency Response Team (CERT), but due to atmospheric conditions he had no success calling in.

Councilmember Stewart encouraged the public to contribute to The People Concern to assist individuals experiencing homelessness because donations would be matched up to \$250,000 by Malibu residents Joan and Burt Ross. He commented on the importance of the City's investment policy and stated that he worked with City staff to ensure that the policy was enforced. He stated that they checked to ensure that all deposits in a bank were collateralized with government securities and that the City's civic deposits were not subject to a \$250,000 limit. He stated that he attended the Library Speaker Series event on Citizen Kane and a Business Roundtable meeting. He stated that he watched the Half-Moon Bay short-term rental presentation at the CCC's meeting and encouraged the people who worked on the City of Malibu's short-term rental ordinance to watch that presentation. He stated that he watched the Malibu Planning Commission meeting on March 6, 2023.

He congratulated City Clerk Pettijohn who was featured on the front page of the Malibu Times and stated that she was a real asset to the City Council and thanked her for her service.

Councilmember Riggins stated that she attended a Short-Term Rental Ad Hoc Committee meeting and had regularly attended the School District Separation Ad Hoc Committee meetings. She stated that she introduced Harlan Lebo at the Library Speaker Series, who was the author of “Citizen Kane: A Filmmaker’s Journey.” She stated that she attended the opening of the Little League and presented a plaque to Doug O’Brien’s family for his contributions to the community, recreation, and Little League. She thanked Mr. Sampson and confirmed that she was one of the people who looked into the use of the optimist trailer for a temporary snack shack. She stated that she watched the Public Safety Commission meeting on the curbside delineators along Cliffside Drive and she hoped that people would be directed down toward Westward Beach where the parking lot for Point Dume State Beach was located.

Mayor Pro Tem Uhring stated that he attended the Santa Monica Bay Restoration Commission meeting, and that they had many projects in the works. He stated that he attended the California Strategies meeting along with Mayor Silverstein. He stated that he attended a Las Virgenes Homeowners Association meeting which was a salute to the Los Angeles County Supervisor Lindsey Horvath. He stated that he had a conversation with her about quarterly visits to speak with Malibu residents and business owners and then attend a City Council meeting in the evening. He stated that she seemed very receptive to that suggestion and requested that Mayor Silverstein and City Manager McClary have a discussion with her. He stated that he would like to be involved with an outline for the format of the visit that could then be presented to the City Council. He stated that he hoped that there would also be a discussion about Camp Kilpatrick with Supervisor Horvath. He discussed the most recent budget meeting and stated that metrics of the improvements to the Planning Department should be posted on the City’s website. He thanked public speaker Mr. Sampson for his help with arrangements for the possibility of the use of the trailer by the Little League at Bluffs Park. He commented on the Mayor of Huntington Beach who was concerned about the loss of local control and reportedly stated that he had no interest to follow the State’s housing element law. He expressed concern that there was something wrong with the process where residents had worked and saved for years to live in a beach community and then after decades something different was imposed upon them. He commented on the CCC’s position about short-term rentals in the community of Half Moon Bay and the loss of local control and stated concerns of loss of local control in Malibu.

Mayor Silverstein thanked the public speakers and those who submitted written comments. He commented on the snack shack and hoped for an item on the next City Council meeting agenda and encouraged out of the box solutions. He reported that he participated in the Short-Term Rental Ad Hoc Committee meeting with Councilmember Riggins. He stated that he attended weekly California Strategies meetings with Mayor Pro Tem Uhring and City Manager McClary. He commented

on the Los Angeles County Board of Supervisors plan to expedite the relocation of violent offenders to Camp Kilpatrick which the City opposed. He stated that he had a conversation with Supervisor Horvath who listened to his concerns and followed up with him and informed him that the decision had been delayed until Malibu's concerns were better understood. In response to Mr. Embree, he discussed the importance of the JPA agreement. He stated that he was cautiously optimistic about the School Board memorandum of understanding, and it seemed progress was made. He stated that he spent significant time in preparation for the Item 4.A. hearing.

### **ITEM 3      CONSENT CALENDAR**

**MOTION**      Mayor Pro Tem Uhring moved, and Councilmember Stewart seconded a motion to approve the Consent Calendar. The question was called, and the motion carried unanimously, Councilmembers Riggins' and Stewart's abstaining from Item No. 3.B.3.

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 68395-68489 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. 720 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,690,271.22. City of Malibu payroll check number 5320-5322 and ACH deposits were issued in the amount of \$246,626.43.
3.      Approval of Minutes  
Recommended Action: Approve the minutes for the February 28, 2022 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.      Delegation of Staff to Execute Federal and State Documents  
Recommended Action: Adopt Resolution No. 23-10 authorizing the City Manager, the Assistant City Manager and the Public Works Director to execute documents pertaining to federal and state disaster documents, including applications with the State of California Office of Emergency Services and Federal Emergency Management Agency on behalf of the City of Malibu.

6. Professional Services Agreement with Ultimate Maintenance Services Inc.  
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Ultimate Maintenance Service Inc. for custodial services at Malibu City Hall and City parks.
7. Resolution Extending the Declaration of a Local Emergency  
Recommended Action: Adopt Resolution No. 23-13 extending the declaration of the existence of a local emergency.

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

- A. Appeal No. 21-019 - Appeal of Planning Commission Resolution No. 21-68 (6968 Dume Drive; Owner, Highlands Investment Group LLC; Neighbor/Appellant, John Roesler)

Recommended Action: Adopt Resolution No. 23-11, determining that the California Environmental Quality Act does not apply to the project; upholding Appeal No. 21-019, and denying Coastal Development Permit No. 17-088 for the construction of a new 7,472 square foot, two-story single-family residence with a 999 square foot basement, swimming pool, onsite wastewater treatment system, associated development, and after-the-fact retaining walls, grading and front yard gates, including Site Plan Review No. 19-030 for construction in excess of 18 feet in height, up to 28 feet for a pitched roof, and Demolition Permit No. 19- 023 for the demolition of the existing 2,257 square foot, single-story single-family residence and onsite development located in the Rural Residential, One-Acre (RR-1) zoning district at 6968 Dume Drive (Highlands Investment Group LLC).

Assistant Planning Director Fernandez presented the staff report.

Disclosures: Councilmembers Grisanti, Riggins, and Stewart, Mayor Pro Tem Uhring, and Mayor Silverstein

Mayor Silverstein opened the floor to public comment.

Speakers: John Roesler, Don Schmitz, and Stan Lamport.

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

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

**MOTION** Mayor Silverstein moved, and Mayor Pro Tem Uhring seconded a motion to have staff return with a resolution memorializing the Council's reasoning for determining that the California Environmental Quality Act does not apply to the project; upholding Appeal No. 21-019, and denying Coastal Development Permit No. 17-088 for the construction of a new 7,472 square foot, two-story single-family residence with a 999 square foot basement, swimming pool, onsite wastewater treatment system, associated development, and after-the-fact retaining walls, grading and front yard gates, including Site Plan Review No. 19-030 for



construction in excess of 18 feet in height, up to 28 feet for a pitched roof, and Demolition Permit No. 19- 023 for the demolition of the existing 2,257 square foot, single-story single-family residence and onsite development located in the Rural Residential, One-Acre (RR-1) zoning district at 6968 Dume Drive.

The Council discussed the motion and directed questions to staff and Mr. Schmitz.

The motion was withdrawn.

MOTION Councilmember Stewart moved, and Mayor Silverstein seconded a motion to allow the applicant (6968 Dume Drive; Owner, Highlands Investment Group LLC) to return to the Planning Department with a redesigned project so that no portion over 18 feet in height exists in a primary view corridor, with the application not treated as a new application for purposes of fees; and 2) that if the applicant failed to redesign the project within one year staff shall return to the City Council with a resolution denying the project and granting the appeal.

The Council discussed the motion and directed questions to staff.

The question was called, and the motion carried 3-2, Councilmembers Grisanti and Riggins opposed.

RECESS At 9:48 p.m., Mayor Silverstein recessed the meeting. The meeting resumed at 10:00 p.m. with all Councilmembers present.

B. Adoption of Ordinance No. 504 - Los Angeles County Fire Code  
Recommended Action: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 504, adopting by reference Title 32 of the Los Angeles County Code, which incorporates the California Fire Code, 2022 Edition, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule a Public Hearing for the second reading and adoption of Ordinance No. 504 for the April 10, 2023 City Council Regular meeting.

Environmental Sustainability Director Bundy presented the staff report.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, Mayor Silverstein returned the matter to the table for discussion.

MOTION Councilmember Grisanti moved, and Councilmember Riggins seconded a motion to: 1) introduce on first reading Ordinance No. 504, adopting by reference Title 32 of the Los Angeles County Code, which incorporates the California Fire Code, 2022 Edition, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the

California Environmental Quality Act; and 2) direct staff to schedule a Public Hearing for the second reading and adoption of Ordinance No. 504 for the April 10, 2023 City Council Regular meeting.

Interim City Attorney Rusin read into the record the title of Ordinance No. 504.

The question was called, and the motion carried unanimously.

C. 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. 23-12, 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. 22-09.

Environmental Sustainability Director Bundy presented the staff report.

The Council directed questions to staff.

Mayor Silverstein opened the floor to public comment.

Speaker: Norm Haynie

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

**MOTION** Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to adopt Resolution No. 23-12, 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. 22-09. The question was called, and the motion carried unanimously.

**ITEM 5 OLD BUSINESS**

A. Malibu Community Labor Exchange Office Update

Recommended Action: Receive and file an update on Malibu Community Labor Exchange office project.

Interim Deputy City Manager Houston presented the staff report.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, Mayor Silverstein returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff.

The Council received and filed an update on Malibu Community Labor Exchange office project.

B. Permanent Outdoor Seating Areas

Recommended Action: 1) Receive a presentation on the status of outdoor dining and the current application process and consideration for approval of permanent outdoor dining; and 2) Provide guidance to staff on whether to process amendments to the City's Ordinances pertaining to the operation of restaurants.

Planning Director Mollica presented the staff report.

Mayor Silverstein opened the floor to public comment.

Speakers: Howard Rudzki and Jo Drummond

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

The Council discussed the item and directed questions to staff.

**CONSENSUS**

By consensus, the Council directed staff to work with the Zoning Ordinance Revisions and Code Enforcement Subcommittee on code amendments to allow additional outdoor seating similar to the seating permitted under the Temporary Restaurant Recovery Program, specifically considering parking requirements, a streamlined permitting process, and how parking and wastewater requirements could be calculated using service area, total number of seats, or occupancy load.

**ITEM 6 NEW BUSINESS**

None.

**MOTION** Mayor Silverstein moved, and Councilmember Riggins seconded a motion to hear Item No. 7.A. after 10:30 p.m. The question was called, and the motion carried unanimously.

**ITEM 7 COUNCIL ITEMS**

A. Recommended Alternate Appointment to Santa Monica Bay Restoration Commission

Recommended Action: Provide a recommendation to the Las Virgenes-Malibu Council of Governments (COG) for appointment as the COG's Alternate to the Santa Monica Bay Restoration Commission Governing Board.

City Manager McClary presented the staff report.

Mayor Silverstein opened the floor to public comment. As there were no speakers present, Mayor Silverstein returned the matter to the table for discussion.

The Council discussed the item.

**MOTION** Mayor Silverstein moved, and Councilmember Stewart seconded a motion to recommend the Las Virgenes-Malibu Council of Governments (COG) appoint Councilmember Paul Grisanti as the COG's Alternate to the Santa Monica Bay Restoration Commission Governing Board.

The Council discussed the motion and directed questions to staff.

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

**ADJOURNMENT**

At 11:07 p.m., Councilmember Riggins moved, and Councilmember Stewart 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 \_\_\_\_\_.

\_\_\_\_\_  
STEVE UHRING, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
MARCH 22, 2023  
COUNCIL CHAMBERS  
8:30 A.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 Pro Tem Uhring called the meeting to order at 8:30 a.m.

**ROLL CALL**

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

PRESENT: Mayor Pro Tem Steve Uhring and Councilmembers Paul Grisanti and Doug Stewart

ABSENT: Councilmember Marianne Riggins and Mayor Bruce Silverstein

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Rob DuBoux, Public Works Director; and Kelsey Pettijohn, City Clerk

Mayor Pro Tem Uhring announced that Councilmember Riggins and Mayor Silverstein were sick and unable to attend the meeting.

**PLEDGE OF ALLEGIANCE**

Public Works Director DuBoux led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on March 16, 2023.

**APPROVAL OF AGENDA**

MOTION Councilmember Stewart moved, and Councilmember Grisanti seconded a motion to approve the agenda. The question was called, and the motion carried 3-0, Councilmember Riggins and Mayor Silverstein absent.

**FISCAL YEAR 2023-2024 WORK PLAN WORKSHOP**

Mayor Pro Tem Uhring announced that the workshop would be rescheduled when all five Councilmembers were available.

Mayor Pro Tem Uhring opened the floor to public comment. As there were no

speakers present, Mayor Pro Tem Uhring returned the matter to the table.

**ADJOURNMENT**

At 8:34 a.m., Mayor Pro Tem Uhring adjourned the meeting.

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

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STEVE UHRING, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)