



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: March 13, 2024 Meeting date: March 25, 2024

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the October 12, 2023 Malibu City Council Special meeting, October 23, 2023 Malibu City Council Regular meeting, November 13, 2023 Malibu City Council Regular meeting, November 27, 2023 Malibu City Council Regular meeting, and December 11, 2023 Malibu City Council Regular 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 October 12, 2023, October 23, 2023, November 13, 2023, November 27, 2023, and December 11, 2023.

ATTACHMENTS:

- October 12, 2023 Special meeting
- October 23, 2023 Regular meeting
- November 13, 2023 Regular meeting
- November 27, 2023 Regular meeting
- December 11, 2023 Regular meeting

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
OCTOBER 12, 2023
COUNCIL CHAMBERS
9:30 A.M.

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

MEETING CALL TO ORDER

Mayor Uhring called the meeting to order at 9:30 a.m.

ROLL CALL

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

PRESENT: Mayor Steve Uhring, Mayor Pro Tem Doug Stewart (arrived at 9:37 a.m.), and Councilmembers Paul Grisanti, Marianne Riggins (via teleconference), and Bruce Silverstein

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Kelsey Pettijohn, City Clerk; and Christina Muñoz, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Commissioner Grisanti led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Muñoz reported that the agenda for the meeting was properly posted on October 11, 2023.

APPROVAL OF AGENDA

MOTION Commissioner Silverstein moved, and Councilmember Grisanti seconded a motion to approve the agenda. The question was called, and the motion carried 4-0, Mayor Pro Tem Stewart absent.

PUBLIC COMMENT ON CLOSED SESSION

Mayor Uhring opened the floor to public comment.

Speaker: Jo Drummond

RECESS TO CLOSED SESSION

At 9:36 a.m., on the advice of counsel and based on existing facts and circumstances, the Council recessed to the Council Chambers for the Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated Litigation

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) & (3)
Allegations contained in complaint/attachment of Ann Ravel forwarded by James Lindsey of the FPPC in letter dated October 3, 2023
Number of potential cases: (1)

Mayor Pro Tem Doug Stewart arrived at 9:37 a.m.

The Council reconvened at 10:08 a.m. with all Councilmembers present.

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 9:30 a.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(2) & (3), with all Councilmembers present. He stated that by a vote of 3-2, Councilmember Silverstein and Mayor Uhring opposed, the Council authorized the City Attorney to submit a response to the Fair Political Practices Commission regarding the inquiry received on October 3, 2023 in a form approved by the City Attorney and City Manager, which by unanimous vote of the Council will be released to the public after submittal.

ADJOURNMENT

Mayor Uhring adjourned the meeting at 10:10 a.m.

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
REGULAR MEETING
OCTOBER 23, 2023
COUNCIL CHAMBERS
5:30 P.M.

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

MEETING CALL TO ORDER

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

ROLL CALL

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

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

PUBLIC COMMENT ON CLOSED SESSION

Mayor Uhring opened the floor to public comment.

Speakers: None.

RECESS TO CLOSED SESSION

At 5:31 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated Litigation

1. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
Number of potential cases: (1)
2. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Communication from California Department of Housing and Community Development Regarding Noncompliance with Housing Element Deadlines
Number of potential cases: (1)

REGULAR SESSION CALL TO ORDER

Mayor Uhring called the meeting to order at 6:33 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Alexis Brown, Deputy City Manager; Rob Houston, Interim Deputy City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Community Services Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Jason Lawrence, Deputy City Clerk; and Tyler Eaton, Senior Planner

PLEDGE OF ALLEGIANCE

Scott Dittrich 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)(2), with all Councilmembers present. He stated the Council discussed the items listed on the closed session agenda and took no reportable action. He reported separately that there were two recent decisions by the California Coastal Commission upholding Local Coastal Program Amendments that prohibit the timeshare proposition put forth by Pacaso and more information would be forthcoming.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on October 13, 2023.

APPROVAL OF AGENDA

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to approve the agenda.

FRIENDLY AMENDMENT

Mayor Pro Tem Stewart moved to continue Item No. 1.A. to a date uncertain and adjourn in memory of Pepperdine students Niamh Rolston, Peyton Stewart, Asha Weir, and Deslyn Williams; Luis Gonzalez; and Mayor Walt Keller.

The Council observed a moment of silence in their memory.

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

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

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Update on Slope Failure 2023

This item was continued upon approval of the agenda.

ITEM 2.A. PUBLIC COMMENTS

City Manager McClary commented on the recent tragic vehicle incident that resulted in the death of four Pepperdine University students and conveyed the devastation felt throughout the community. He stated that the City was doing everything possible to prevent future fatalities, minimize injuries, and make Pacific Coast Highway (PCH) safer for the community and visitors. He stated that City staff was working with the Mayor Uhring and reported that local lawmakers reached out to the Governor's office, California Highway Patrol (CHP), Caltrans, and many other local officials. He reported that Caltrans was pursuing increased CHP coverage of PCH, particularly at night to address speeding and racing. He stated that the City supported legislation recently signed into law that would open the door for speed cameras in California and the City was pushing to get those deployed as soon as possible. He stated that community safety was the City's number one priority. He announced the availability of the PCH Safety Fact Sheet at City Hall and on the City's Public Safety webpage.

Supervisor Lindsay Horvath, Los Angeles County Board of Supervisors, discussed the tragic deaths of the four Pepperdine students in the traffic incident on PCH and discussed the importance of the community coming together. She stated that she was devastated for the families of the four young women and she joined Malibu and the Pepperdine community in grieving the loss of precious lives cut far too short. She stated that the students were engaged in helping to build and better and safer Malibu and worked with the Chamber of Commerce as they studied and planned for a better future. She stated that it was a time for mourning and action. She stated that safety along the 21 mile stretch of PCH in Malibu was a problem for far too long. She stated that she was committed to identifying and finding solutions in partnership with the City and State agencies that held authority over the roadways. She stated that she was in contact with Senator Ben Allen, Assemblymember Jacqui Irwin, and Governor Gavin Newsome, and requested the recently approved speed camera pilot program be considered for Malibu immediately. She stated that there was a collective desire for all agencies be on the same page with real solutions for the high-volume highway. She thanked Captain Jennifer Seetoo and the Sheriff's Department for their leadership and partnership. She discussed commitment to partnership with agencies on all levels and would not let boundaries and bureaucracy inhibit action. She discussed working with Caltrans within existing laws to reduce speed limits, and provide CHP enforcement. She stated that she addressed the undersecretary of the California State Transportation Agency that oversaw both Caltrans and CHP to request their personal support in

reducing speed limits. She stated that she called for an emergency meeting of the PCH Task Force in November. She announced an emergency preparedness and resiliency event scheduled for Thursday, October 26, 2023, at 6:00 p.m. at Lindero Middle School in Agoura Hills. She stated that Malibu had undivided attention and commitment to PCH safety improvement.

Captain Jennifer Seetoo, Los Angeles County Sheriff Department, discussed the many fatalities that occurred on PCH since 2012 and the need for substantive change. She stated that prior to the Council meeting she met with three of the families of the victims of the incident and that it was one of the hardest things she had to do. She stated that her focus was on education, enforcement, and engineering. She reported that a grassroots group was assembling which included Michal Shein, Keenan Gibbs, Chris Frost, Chris Wizner, Dermott Stoker, Kathy Eldon, and Damian Kevitt. She discussed a meeting with elected officials tentatively scheduled for November 8, 2023, to formulate a plan of action. She discussed having the 21 Miles in Malibu documentary shown in all the schools, including Pepperdine. She stated that a highway running through a residential and college town did not make sense. She discussed reduced staffing challenges. She reported a driver was recently pulled over for speeding at 109 miles per hour who was aware of their speed and the recent fatalities. She referenced the 2015 PCH Safety report and stated that it needed to be reviewed to identify what recommendations were implemented. In response to Councilmember Grisanti, she stated that the driver traveling at 109 miles per hour was dealt with appropriately. In response to Mayor Pro Tem Stewart, she stated that speed cameras and enforcement reduced fatalities, injuries, and non-injury collisions.

Traffic Sergeant James Aarons, Los Angeles County Sheriff Department, stated that he supervised detectives investigating the fatal crash, but as part of an ongoing investigation, he could not provide detailed information. He stated that the investigation would continue until a proper case was presented to the District Attorney's office.

Seargent Chris Soderland, Los Angeles County Sheriff Department, provided statistics year-to-date, and reported there were 6,183 citations issued, with 3009 for excessive speed. He reported that two nights prior, at 1:23 a.m., a deputy monitoring traffic at PCH and Webb Way observed a vehicle traveling westbound at 109 miles per hour and he caught up to the driver at Zumirez Drive. He stated that the driver was 18 years old and unlicensed, and she was arrested, and her car impounded for 30 days. In response to Councilmember Grisanti, he stated that for the vehicle to be crushed there needed to be a law passed. In response to Mayor Pro Tem Stewart, he stated having four additional Lidar guns would be helpful.

In response to Councilmember Silverstein, Captain Seetoo stated that in 2019, the year that did not have a fatality traffic incident, they met with community members to understand PCH difficulties, which included restaurant valets crossing and driving on PCH unsafely and vehicles at restaurants causing congestion. She stated that \$500,000 in funds from the Third District were allocated and PCH was divided

into four sections, and they provided high visibility and a rapid response. She stated that funding was transferred to the City of West Hollywood.

Joel Price, Communications Director, Assemblymember Jacqui Irwin's office, discussed his background in law enforcement with the Los Angeles Police Department. He agreed with Captain Seetoo that education, enforcement, and engineering were vital. He stated that Assemblymember Irwin grieved along with the families and community and was committed to safety improvement programs.

Channing Frykman discussed the October 17, 2023 fatal vehicle incident on PCH. She discussed the tragedy and how it brought the community together. She discussed her personal experience with loss and the dangers of PCH.

Senator Ben Allen expressed his deep sorrow over the lives that were lost and the dangers of PCH. He discussed collaboration with City staff for CHP patrols to PCH. He discussed legislation that needed to be written for speed cameras on the State highway. He stated that signal synchronization was critical to making PCH safer and discussed lowering the speed limit. He stated that he spoke to the Governor he hoped the incident would galvanize people into action. He discussed rethinking PCH as a boulevard rather than a high-speed highway, as it was designed when Malibu was a much smaller city. He discussed changing rules and fundamental changes to PCH. He expressed his condolences to those affected by the incident.

Michel Shane discussed the traffic incident on PCH that killed his 13-year-old daughter Emily Shane in 2010 and the impact it had on his family's lives. He discussed efforts to make PCH safer and stated more measures and accountability by governmental agencies were needed. He discussed his documentary *21 Miles in Malibu* for education and inspiration for a transformation that placed human life above all else.

Joshua Hoffman stated that his heart and prayers went out to the parents that lost their children in the incident. He discussed racing, speeding, and other hazards on PCH. He suggested more signage that reminded drivers to slow down, curbs adjacent to driveways painted red, better bicycle lanes, and more sidewalks.

Ted Vaill stated he was a 49-year resident who was nearly killed on PCH several times. He suggested speed cameras, a lowered speed limit, and more law enforcement on PCH to protect residents and visitors. He discussed the unused Sheriff substation at Santa Monica College, Malibu campus. He stated that the carnage on PCH was the fault of other bureaucrats that deal with the City.

Tina Segel stated her family lived in Malibu for over 50 years and was a small town with a big following. She discussed the number of visitors to the City each year and hazards on PCH. She discussed racing on PCH and discussed concerns that there were not enough Sheriff deputies, and they were located too far away to be effective when called. She discussed the recent deaths and encouraged action by the City.

Chris Wizner stated that he lived and worked on PCH for twenty years. He shared his vision of PCH, where it was safe to walk, bike, run, and drive. He suggested increased patrols, speed cameras, bollards, slower speeds, much stricter tickets, a continual and diverse educational campaign, and drones. He suggested it be called Pacific Coast Roadway instead of Highway. He shared that he knew Ms. Weir as an exemplary human being who was scheduled to babysit his child and worked for him at the Chamber of Commerce and his marketing agency. He discussed the many deaths on PCH over the years and stated Caltrans should be held accountable.

Jefferson Wagner discussed his experience as a former Councilmember and reserve Sheriff Deputy, and saw the issue from both a law enforcement and municipal perspective. He recommended the City work with Pepperdine and the Las Virgenes-Malibu Council of Governments (COG). He discussed the importance of more law enforcement coverage with the right officers in the field. He discussed education and social media to make PCH safer. He suggested Pepperdine join the City in advocating for funding currently going to the County to be given to the City.

Jennifer deNicola discussed her efforts as part of the PCH Safety Task Force. She commented that she lived near the scene of the accident and discussed prior accidents in the area. She thanked the Council for their efforts and commended Supervisor Horvath for attending the meeting and saying what needed to be said. She commended Captain Seetoo and Senator Allen for their support and was glad that everyone was proactive and ready to have positive changes made.

Hap Henry deferred time to Mr. Simmens.

Lance Simmens stated that he was a former Public Works Commissioner and avid cyclist, who lived on PCH on the eastern end of Malibu and discussed suggestions he had for safety improvement. He displayed a presentation on a proposed road design. He discussed funding and a recent Federal infrastructure bill for road projects and suggested the City partner with State and Federal governments for long-term solutions.

Burt Ross stated that he lived in Malibu for almost 12 years. He stated public safety was the number one issue for elected officials. He discussed the lack of law enforcement on PCH due lack of staff and not a lack of money. He discussed the petition he submitted to the City.

Kevin Shenkman discussed traffic accidents involving his car and motorcycle. He discussed structural flaws on PCH and discussed removal of parallel parking. He discussed the importance of working with State agencies and that it took the recent deaths to get the City to do something.

Susan Saul stated that she agreed with the previous comments made by the public speakers. She stated that she was a friend of Emily Shane and that it was tragic what the families were going through. She inquired why it took such a tragedy for something to be done about public safety on PCH. She stated that there was funding

to make the necessary changes that should have been done years prior.

Jessica Horwath stated that she lived on Las Flores Canyon Road and that she called the police on many occasions for racing. She commented that there were suggestions to make PCH safer for many years and she did not understand why it took so long. She stated that there should be public facing goals and timelines for accountability. She requested in addition to speed regulation, a red-light camera at the intersection of PCH, Las Flores Canyon Road and Rambla Pacifico Street.

Tina Oervantes deferred time to Ms. Horwath.

Damian Kevitt discussed his organization Streets are for Everyone (SAFE). He stated that he did not live in Malibu but understood the issues of traffic violence as he was involved in a serious accident on his bicycle. He discussed collaboration with State agencies and offered his organization's assistance to the City. He stated that PCH was not designed for the current development and activities.

Norm Haynie deferred time to Mr. Dittrich.

Scott Dittrich discussed the recent tragedy and the impact it had on the community and that he prayed for all those affected. He commented on the prominence of PCH through Malibu and the number of residents and visitors to the area. He commented on the need for more law enforcement on PCH and the number of drivers speeding on PCH. He requested that PCH safety be made a priority.

Linda Budge deferred time to Ms. Russell.

Karen Russell discussed her son's death in Malibu Canyon one year prior and the poetry Ms. Weir planned on contributing to a tribute book for her son. She discussed off-campus college parties and stated that partygoers used PCH, Malibu Canyon Road, and Kanan Dume Road. She stated that her son's life might have been spared had there been a guardrail along the side of the road.

Crystal Hoang stated that she represented Crystal Falls Malibu, the future horse hotel located above Escondido Falls. She commented on pedestrians crossing PCH dangerously. She discussed conversations with Ms. Rolston about horses just 24 hours before her passing. She discussed her mountain lion encounter. She discussed communities with roundabouts, parks that spanned over highways, parking structures in Italy that blended with the hillsides, trolley systems, efficient public transportation, and pedestrian walkways as solutions to pedestrian safety.

Elsa Conrad expressed her condolences to the families of those who were lost in the traffic incident. She stated she wanted to make sure the road was safe for her and her brother. She discussed the lack of law enforcement on PCH and redesigning PCH should be considered. She requested changes and discussed the recent death of a motorcyclist and racing on PCH.

Jane Albrecht thanked the Council, Supervisor Horvath, Assemblymember Irwin, and Senator Ben Allen for their ideas and commitment. She recommended the Council hold dedicated meetings on PCH safety every 3 months to get feedback from the community. She indicated support for speed cameras on PCH. She requested the safety fence at Deadman's Curve be put back up by the Mountains Recreation and Conservation Authority (MRCA), or the City use emergency powers to have it reinstalled. She discussed guardrails on the canyon roads. She expressed hope that Pepperdine and the City would work closely together.

Barbara Fish stated that she was a Malibu resident for 51 years living on PCH and Bonsall Drive. She stated that she and her husband called 911 multiple times in response to highway accidents. She discussed the dangers of the intersection of Westward Beach Road and Busch Drive where they could no longer go under the highway to access Zuma Beach. She commented on public participation after the tragic deaths. She discussed Caltrans, the Sheriff Department, and Pepperdine collaboratively finding solutions.

Jo Drummond discussed the Pepperdine students, their backgrounds, interests, and aspirations. She discussed past fatalities on PCH and the role of development on making the highway unsafe. She discussed speed cameras and the need for increased law enforcement. She discussed the many visitors to Malibu.

Julie Bacino discussed the recent fatalities and stated that the lives lost should not be in vain. She stated that her father fought for 70 years to change the highway and discussed her family's experience in helping accident victims. She advocated for improvements to PCH that would save lives and an increased CHP presence.

Francis Appiah stated that representatives from Caltrans should be involved in public meetings. He expressed his condolences to the families of those who were lost. He stated that he was a frequent visitor to Malibu and enjoyed its features and obeyed the rules but had seen people die because of unsafe highways. He encouraged leaders to take measures that would improve safety in Malibu.

Becky Hartung-Morrow stated that she was an adjunct lecturer in public speaking at Pepperdine for three years. She discussed the impact of the recent deaths on her former students. She discussed negligent driving and State, County, and City officials who allowed unsafe highways. She stated that their thoughts and prayers must become action. She expressed her support for the speed camera bill and better street design that served everyone, not just vehicles. She requested temporary barriers at the crash site to protect those who paid tribute in the area.

Bill Sampson commented on Mayor Uhring's KNX AM Radio interview that morning. He discussed a vehicle accident on PCH that occurred shortly after he moved into his Cottontail Lane home in 1980, and safety had not improved. He suggested immediate CHP patrols. He discussed Walt Keller's contributions to the City and the previous request for recognition during his lifetime, and now that he passed, he requested the Council honor Walt and Lucille Keller. He expressed

condolences to the families of those killed on PCH.

Matt DeNicola, Barabara Brudelin, Red Chief Hunt, and Howard Rudzki were not present at the time of the hearing.

Mayor Silverstein encouraged the community to stay involved in effecting change in Malibu and contact elected officials for help.

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

Fireball Lawrence, Malibu Arts Commission, discussed the Art Talk Series at Santa Monica College Malibu Campus beginning January 19, 2024, with a screening of *21 Miles in Malibu*. He stated that there might be a screening of the documentary at Pepperdine. He commented on the current City Art Gallery exhibit, Vistas, featuring the art of Wes Van Dyke. He announced the upcoming Dick Van Dyke photograph exhibit scheduled to open November 19, 2023. He announced the new Poet Laureate Nathan Hassal would host The Caffeinated Verse event on November 19, 2023 at 12:00 noon. He reported that two new poetry stones by former Poet Laureates Dr. John Struloeff and Ann Buxie would be installed in Legacy Park.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Grisanti stated that the week was the worst he could remember in Malibu and the communications from the community were heartbreaking. He stated that the best memorial to those killed on PCH was for pressure for the changes discussed that evening be kept strong and contact with the elected officials for follow through of solutions suggested during the meeting.

Councilmember Riggins stated that the tragic loss of the students was devastating. She stated that the current Council worked hard on the issue. She suggested that the entire community contact their elected representatives to encourage change to make PCH safer.

In response to Councilmember Riggins, Sergeant Soderlund confirmed the program Every 15 Minutes was currently used in schools.

Councilmember Riggins conveyed the effectiveness of the program in instilling the seriousness of vehicle safety in students.

Councilmember Silverstein stated if measures to make PCH safer could have been taken by the State, County, or City, but were not, they should be ashamed. He shared that a couple years prior, while driving on Malibu Canyon Road, he encountered a fatal accident and stated that those were not rare occurrences. He discussed the research he conducted during the past week to determine how the number of fatal crashes and the number of fatalities, including pedestrians in Malibu, compared to the same occurrences in other cities in California. He concluded that the deadliest road in the state traveled through Malibu. He suggested

the declaration of a local emergency which opened a degree of police powers not otherwise available in ordinary circumstances and might open a source of Federal, State, and Local funding to find and implement long-term solutions. He asked for consensus to direct staff to bring back a resolution for the Council's consideration, declaring a local emergency, stemming from dangerous conditions created by lawless motorists on PCH. He suggested speed limit reduction, temporary traffic signals located where they did not currently exist, and temporary speed bumps that could be removed to accommodate emergency responders. He stated that funds needed to be allocated immediately, which could potentially be recouped from the State. He discussed CHP and Sheriff Department patrols. He suggested PCH lane closures on evenings and weekends for routine maintenance, events, and sobriety checkpoints to slow traffic. He discussed slow traffic through Malibu and encouraged drivers to use Highway 101 instead.

Councilmember Grisanti indicated support for directing the City Attorney to bring back a report on the feasibility of declaring a local state of emergency.

Councilmember Silverstein stated that there were a lot of things the City could do, that conservative City attorneys advised them that they could not do.

Mayor Pro Tem Stewart stated that Mayor Silverstein's proposal was novel and aggressive. He indicated support for working with other elected officials and supporting the process and whatever the City Attorney advised could be done, should be done with cooperation from those who supported them.

Councilmember Riggins indicated support for Mayor Pro Tem Stewart's comments.

Mayor Uhring stated that over the past 30 years the City sent a delegation to Sacramento to discuss CHP coverage in Malibu and was turned down repeatedly. He stated that they needed to get their attention and requested the City Attorney return with analysis of any risks to declaring a state of emergency. He stated that he would speak to the newly elected officials about their plans, and if they came back with some significant reasons why it should not be done, they could rethink the proposal. He stated that they understood and might be on the same side as the City.

Councilmember Silverstein stated that officials talked and the Council had the power to do something immediately.

Councilmember Grisanti stated that the new County Supervisor listened and was willing to work with the City. He suggested giving the newly elected officials a chance, and if they failed to act, then further action could be considered.

Councilmember Silverstein expressed gratitude for Supervisor Horvath's support. He stated that taking matters into their own hands immediately was not an insult to those trying to help, but supplemented help that was provided.

Mayor Uhring stated that he would like to talk to the three newly elected officials and have them say yes or no before the matter was pursued.

Councilmember Grisanti stated that he supported the proposal provided Mayor Uhring spoke to the elected officials. He emphasized that he wanted their good rapport preserved and suggested asking them if this plan was helpful.

Councilmember Riggins stated that she was in favor of taking decisive action and changes. She stated that she wanted practical items included on the list, with exactly what changes were proposed, and timelines for when they were to be done. She stated that her biggest concern was they would go through the emergency action, but there was no substance behind it of exactly what was to be done. She requested that when the matter returned for discussion, with three to five practical items and a timeline of implementation was provided, so residents were shown the implementation of those changes immediately.

Councilmember Silverstein reiterated his proposals: speed limit reduction, temporary traffic signals, and removable speed bumps.

CONSENSUS

By consensus, the Council directed staff to bring back an item to consider declaring a local emergency due to dangerous conditions on PCH, as well as options for related actions.

Mayor Pro Tem Stewart discussed fire safety and the citizens volunteer fire brigade program. He thanked Keegan Gibbs, Brett Woodworth, and the command staff of the Los Angeles County Fire Department for their support of the fire brigade program. He stated that before the fatal incident on PCH, he met with Supervisor Horvath and her staff to discuss speed cameras and Sheriff Department staffing. He stated that a Sheriff Department year-to-date statistic report was provided to representatives in Sacramento and that PCH safety in Malibu was now a high priority. He stated that greater law enforcement presence made a difference in traffic safety. He urged the public to observe the speed limit which caused other drivers to drive the speed limit.

Mayor Uhring thanked everyone for their input and stated that the Council was elected to help the public and improve the quality of life for Malibu residents and they had started on that path.

RECESS At 9:07 p.m., Mayor Uhring recessed the meeting. The meeting resumed at 9:15 p.m. with all Councilmembers present.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.4. and 3.B.8. were pulled by the Council.

Councilmember Grisanti requested Item No. 3.B.5. have the mayor's name corrected on the signature page.

MOTION Mayor Pro Tem Stewart moved, and Councilmember Grisanti seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.4. and 3.B.8. The question was called, and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 512

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 512, an ordinance of the City of Malibu amending LCPA No. 21-002, Zoning Text Amendment (ZTA) No. 22-002, and Zoning Map Amendment (ZMA) No. 22-001, as adopted by Ordinance No. 501 and pursuant to the conditional certification action taken by the CCC on September 8, 2023 in order to obtain final certification of the submitted LCPA application for the MMHS Campus Specific Plan Overlay District, and finding the action to be exempt from the California Environmental Quality Act and consistent with the EIR for the project with no further environmental review under CEQA required.

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 70479-70591 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. 734 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,810,470.94. City of Malibu payroll check number 5377-5381 and ACH deposits were issued in the amount of \$575,804.12.

3. Approval of Minutes

Recommended Action: Approve the minutes for the January 23, 2023 Malibu City Council Regular meeting, and February 13, 2023 Malibu City Council Regular meeting.

5. Amendment to Agreement with Fox Weather, LLC

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to Professional Services Agreement with Fox Weather, LLC to allow for a two-year extension for quantitative weather forecasting services.

6. Award Trancas Canyon Park Upper and Lower Slopes Repair Project

Recommended Action: 1) Authorize the Mayor to execute a construction contract with GMZ Engineering, Inc. in the amount of \$1,599,001 for the Trancas Canyon Park Upper and Lower Slopes Repair Project, Specification No. 2092; 2) Authorize the Public Works Director to approve

- potential change orders up to 15% of the contract; and 3) Appropriate \$1,117,655 in Account No. 102-9209-5100 (Trancas Canyon Park Repairs).
7. Amendment to Professional Services Agreement with 30 Three Sixty Public Finance, Inc.
Recommended Action: Authorize the Mayor to execute Amendment No. 1 to Professional Services Agreement with 30 Three Sixty Public Finance, Inc. to allow for a two-year extension of the existing agreement through October 12, 2025, for Assessment Engineering Services for the formation and administration of an assessment district for Civic Center Water Treatment Facility Phase Two (CCWTF Phase Two).
9. CalTrans Solstice Canyon Creek Beautification Project
Recommended Action: Approve the recommendation from the Malibu Arts Commission to withdraw the City's involvement with the California Department of Public Transportation Solstice Canyon Creek Beautification Project.
10. Information Technology Strategic Plan Consultant Award
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with SDI Presence LLC for information technology administrative services in an amount not to exceed \$85,780.
11. Agreement for Video Broadcast Services
Recommended Action: 1) Authorize the Mayor to execute Professional Services Agreement with Pegasus Studios to provide Video Broadcast Services for City meetings and other City events in the amount of \$150,000; and 2) Appropriate \$115,500 from the General Fund Undesignated Reserve to Account Number 100-7002-5100 (Media Operations, Professional Services).
12. Agreement for Human Resources Support Services
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Municipal Resource Group, LLC. to assist the City of Malibu with various human resource organization and operations, including strategy, recruitment, retention, training and HR Information Systems improvement.
13. Community Development Block Grant – Disaster Recovery MHP Program Funding
Recommended Action: Receive an update on the Community Development Block Grant – Disaster Recovery (CDBG-DR) Multifamily Housing Project (MHP) program funding and consent to termination of the Master Standard Agreement between the City and the Department of Housing and Community Development (HCD).

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

Item Nos. 3.B.4. and 3.B.9. were heard concurrently.

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. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

8. Resolution Extending the Declaration of the COVID-19 Local Emergency
Recommended Action: Adopt Resolution No. 23-49 extending the declaration of the existence of a local emergency.

The Council discussed the item and directed questions to staff.

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to reaffirm Resolution No. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361. The question was called, and the motion carried 4-1, Councilmember Silverstein opposed.

MOTION Councilmember moved, and Mayor Uhring second a motion to terminate the COVID-19 Local Emergency.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

MOTION Councilmember Riggins moved to hear Item Nos. 6.C., 6.D., and 7.B. after the Consent Calendar.

FRIENDLY AMENDMENT

Councilmember Silverstein seconded and moved to also hear Item No. 6.A. after the Consent Calendar.

The amendment was accepted by the maker of the motion.

FRIENDLY AMENDMENT

Mayor Pro Tem Stewart moved to hear Item No. 6.B. after Item No. 6.A.

The Council discussed the motion.

The amendment was not accepted by the maker or the seconder of the motion.

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

ITEM 6 NEW BUSINESS

- A. Malibu Community Labor Exchange Permanent Office Project Update
Recommended Action: Receive and file an update on the Malibu Community Labor Exchange Permanent Office Project.

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

Without objection, Mayor Uhring received and filed the update on the Malibu Community Labor Exchange Permanent Office Project.

Item No. 6.C. and 6.D. were heard concurrently.

- C. Veterans Day Recognition Ceremony Fee Waiver
Recommended Action: Consider whether to approve the request from The Navy League to waive the facility use and staffing fees and incur event costs for the Veterans Day Recognition Ceremony.

- D. Community Christmas Tree Lot Fee Waiver
Recommended Action: Consider whether to approve the request from the Malibu High School Athletic Booster Club to waive the facility use and staffing fees for the Ioki Property for the Annual Community Christmas Tree Lot.

Mayor Uhring opened the floor to public comment.

Speakers: Annie Demirjian, and Katherine Alice

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

The Council discussed the item.

MOTION Mayor Uhring moved, and Councilmember Riggins seconded a motion to: 1) approve the request from The Navy League to waive the facility use and staffing fees and incur event costs for the Veterans Day Recognition Ceremony; and 2) approve the request from the Malibu High School Athletic Booster Club to waive the facility use and staffing fees for the Ioki Property for the Annual Community Christmas Tree Lot. The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- B. Council Appointment to the Planning Commission
Recommended Action: Councilmember Stewart may make a new appointment to the Planning Commission.

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

Mayor Pro Tem Stewart appointed Drew Leonard to the Planning Commission.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Coastal Development Permit No. 20-068, Site Plan Review No. 21-009, and Demolition Permit No. 20-028 – An application to demolish an existing single-family residence and construct a new single-family residence, second unit and associated development (6734 Zumirez Drive; Owner: IBN Properties, LLC) (Continued from October 9, 2023)

Recommended Action: Adopt Resolution No. 23-45 determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 20-068 and Demolition Permit (DP) No. 20-028 for the demolition of an existing single-family residence and construction of a new 6,284 square foot single-family residence, 986 square foot basement, 510 square foot attached garage, 462 square foot detached garage, 471 square foot detached second unit, swimming pool, two spas, onsite wastewater treatment system (OWTS) and associated development; including Site Plan Review (SPR) No. 21-009 for construction up to 24 feet in height for a flat roof, located in the Rural Residential, One-Acre (RR-1) zoning district at 6734 Zumirez Drive (IBN Properties, LLC).

Senior Planner Eaton presented the staff report.

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

The Council discussed the matter and directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speakers: Don Schmitz, Mark Johnson (Casandra Ross, Patt Healy, Janet Friesen, and Jo Drummond deferred time to Mr. Ross), Ginetta Giovinco, Cooper Kass, and Edith Read

Mr. Schmitz and Jake Holt provided rebuttal.

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

The Council discussed the item and directed questions to staff, Mr. Schmitz, Mr. Holt, and Matthew Hinks.

MOTION Councilmember Silverstein moved, and Mayor Uhring seconded a motion determining that the matter of Coastal Development Permit No. 20-068, Site Plan Review No. 21-009, and Demolition Permit No. 20-028 – An application to demolish an existing single-family residence and construct a new single-family residence, second unit and associated development (6734 Zumirez Drive; Owner: IBN Properties, LLC) remains before the Planning Commission.

The Council discussed the motion and directed questions to staff.

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

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to hear Item No. 6.B. 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 (continued)

B. MOU and License Agreement with Zuma Beach FM Emergency and Community Broadcasting, Inc. (KBUU) for a Booster Antenna at Malibu Bluffs Park

Recommended Action: Authorize the Mayor to enter into a License Agreement and Memorandum of Understanding (MOU) with Zuma Beach FM Emergency and Community Broadcasting, Inc. (KBUU) to utilize Malibu Bluffs Park as the location for an FM booster station.

Public Safety Director Dueñas presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speaker: Hans Laetz

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

The Council discussed the item.

This item was continued to the November 13, 2023 meeting upon adjournment of the meeting.

E. Consideration of Gift of Smart Coast California Membership Fees from Councilmember Grisanti

Recommended Action: Determine whether to accept a gift from Councilmember Grisanti to underwrite the cost of the City joining the Smart Coast California Municipal Collective for each year that he is on the City Council.

This item was continued to the November 13, 2023 City Council Regular meeting.

ITEM 7 COUNCIL ITEMS (continued)

- A. Smart Coast California Presentation (Councilmember Grisanti)
Recommended Action: At the request of Councilmember Grisanti, receive a presentation from Smart Coast California describing the organization’s purpose and their efforts to facilitate collaboration between local municipalities and state agencies, and determine whether to join the Smart Coast Municipal Collective group.

This item was continued to the November 13, 2023 City Council Regular meeting.

ADJOURNMENT

Mayor Uhring adjourned the meeting at 11:57 p.m. in memory of Niamh Rolston, Peyton Stewart, Asha Weir, Deslyn Williams, Luis Gonzalez, and Walt Keller.

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
REGULAR MEETING
NOVEMBER 13, 2023
COUNCIL CHAMBERS
6:00 P.M.

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

MEETING CALL TO ORDER

Mayor Uhring called the meeting to order at 6:00 p.m.

ROLL CALL

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

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

PUBLIC COMMENT ON CLOSED SESSION

Mayor Uhring opened the floor to public comment.

Speakers: None.

RECESS TO CLOSED SESSION

At 6:01 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated Litigation

1. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
Number of potential cases: 1

REGULAR SESSION CALL TO ORDER

Mayor Uhring called the meeting to order at 6:42 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Alexis Brown, Deputy City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Community Services Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Parker Davis, Media Technician; and Christina Muñoz, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Norm Haynie led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 6:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(4), with all Councilmembers present. He stated the Council discussed the item listed on the Closed Session agenda and took no reportable action.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on November 3, 2023.

APPROVAL OF AGENDA

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

FRIENDLY AMENDMENT

Mayor Uhring moved to amend the agenda to continue Item No. 1.A. to the November 7, 2023 Regular City Council meeting.

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

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

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Proclamation Declaring December 13, 2023 Dick Van Dyke Day

This item was continued upon approval of the agenda.

ITEM 2.A. PUBLIC COMMENTS

Jill Hawkins discussed children who were not allowed to attend public schools because they were not vaccinated and were discriminated against due to their vaccine status. She discussed her concerns about vaccines.

Keegan Gibbs discussed a motorcycle accident that involved two of his friends approximately 20 years prior. He announced a memorial on Webb Way and Pacific Coast Highway (PCH) would be held on November 14, 2023 at 5:00 p.m. and November 19, 2023 at 9:00 a.m. in memory of all the people who died on PCH since Emily Shane's death in 2010 at the age of 13. He announced white "ghost" tires would be placed for everyone who died on PCH. He thanked City staff and Captain Jennifer Seetoo for their efforts in helping to make the memorial possible.

Tim Pera, Mountains Recreation and Conservation Authority (MRCA), provided the October 2023 ranger activity report. He reported a total of 15 citations were issued, 10 of which were at La Chuza Beach for dogs on the beach, possession of alcohol, and smoking violations, and four were at Escondido Trail for dogs off leash and illegal trail use. He reported that fire patrols were deployed overnight during the Red Flag wind event and no fires occurred. He reported additional rangers were staffed on busy weekends and no homeless encampments were observed in any parks. He reported a total of 249 parking citations were issued. In response to Councilmember Riggins, he stated that during Red Flag events, five extra overnight foot and vehicle patrol rangers were brought in. In response to Mayor Pro Tem Stewart, he stated that the five extra rangers, in addition to patrolling Malibu, patrolled the hills outside of the city. In response to Councilmember Silverstein, he stated that the citations he reported were issued on MRCA property.

Tina Segel thanked the Council for its work to improve safety PCH. She commented on changes over the years and the increased noise. She discussed the crash on PCH that killed four Pepperdine students and expressed her sorrow at their loss and the ghost tire memorial. She thanked all involved in making the memorial possible. She requested Caltrans take action to make PCH safe.

Josh Spiegel discussed the City's priorities including public safety, schools, parks, and the environment. He stated that the City had not made progress on parks and questioned the City conducting another community survey on how to use the City's vacant land. He questioned the story poles placed for the permanent Skate Park. He expressed concern that there was insufficient parking at Bluffs Park.

Ann Doneen deferred time to Ms. Drummond.

Jo Drummond encouraged people to attend the PCH Task Force meeting on November 14, 2023. She encouraged Mayor Pro Tem Stewart to replace his Planning Commission appointee Drew Leonard. She discussed Mr. Leonard's fire rebuild projects, despite not being a homeowner affected by the 2018 Woolsey Fire. She stated that he was not allowed to join his own neighborhood homeowner's association board because they did not want the neighborhood's rural character changed. She commented that she heard he was unwilling to disclose his financial holdings. She discussed the Ann Ravel letter and that Mr. Leonard's appointment to the Planning Commission made three local contractors currently seated on the Commission. She requested his removal based upon complaints and his character

issues.

Lloyd Ahern, Malibu appointee to the Santa Monica Mountains Conservancy, likened Ms. Drummond to Sam Hall Kaplan. He stated Joe Edmiston instructed him to notify the City he would bring two fire engines to Bluffs Park.

Jenny Rusinko discussed the City's wireless ordinance and a letter from Scott McCollough to the City. She stated her concerns that the wireless ordinance was not being applied properly, particularly fire safety protocol. She requested an update to the ordinance to match the non-public right-of-way ordinance. She stated that she represented more than 200 concerned residents. She voiced her concerns about a planned cell tower installation near her home.

Lonnie Gordon indicated support for Ms. Rusinko's comments.

Jenny Root stated her daughter was a Pepperdine student and she wanted her to be safe. She stated that she supported speed cameras, but also proposed measures like speed bumps to slow down traffic to prevent accidents.

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

City Manager McClary announced the Zuma Beach underpass would be cleared of debris by Caltrans after the Corral Canyon cleanup was completed. He reported the City held evacuation drills for staff in conjunction with Sheriff's Department and Fire Department staff. He stated he attended the groundbreaking for the Malibu Middle and High School (MMHS) project and stated that he appreciated their acknowledgement of the City's work with the school district to move the project ahead. He stated he attended a Business Roundtable meeting the prior Friday and PCH safety was discussed. He stated the Public Safety Department hosted an open house at City Hall in recognition of the five-year anniversary of the Woolsey Fire and Malibu's annual day of preparedness. He provided an update on Woolsey Fire rebuilds and stated 275 permits for single-family homes were issued, 146 single-family dwellings were completed, 18 permits were issued for multi-family units, and 12 multi-family units were completed. He announced coastal vulnerability assessments would be hosted by the City on November 13, 14, and 16, 2023. He announced the PCH Safety Task Force meeting was scheduled for 10:00 a.m. November 14, 2023, at City Hall. He reported that he worked on proposals for CHP patrols of PCH. He announced the Ghost Tire Memorial installation event would be held November 14, 2023, at 5:00 p.m. and a dedication of the full memorial on November 19, 2023, at 9:00 a.m. at Webb Way and PCH to honor those who lost their lives on PCH. He announced the next City Council meeting would be held after the Thanksgiving holiday closure, on Monday, November 27, 2023.

Mayor Uhring announced California State Senator Ben Allen and Assemblymember Jacqui Irwin, Los Angeles County Supervisor Lindsey Horvath, Los Angeles County Sheriff Robert Luna and Captain Seetoo, and representatives from Caltrans and CHP would attend the PCH Task Force meeting.

Sergeant Chris Soderlund, Los Angeles County Sheriff Department, provided crime statistics for October 2023. He reported year-to-date there were 390 part one crimes, compared to 438 the year prior at the same time, representing an 11 percent decrease. He discussed PCH safety and reported that on November 7, 2023, six deputies from the Lost Hills Sheriff station conducted operation Safe Canyons with patrols from late evening to early morning, which yielded 35 citations, 25 of those for speeding. He stated that a traffic enforcement operation on PCH was planned for that week. He discussed recent accidents near Neptune's Net, Decker Canyon, and PCH caused by speeding and inattention. He reported a student was speeding at 100 miles per hour was arrested the week prior on PCH at Webb Way. He stated that the Sheriff Department was collaborating with Pepperdine on a safe driving campaign. He discussed additional deputies funded by the City yielded 12 speeding citations, two unlicensed drivers, one suspended license, with three cars towed. He reported the arrest for reckless driving of an intoxicated unlicensed driver speeding at 80 miles per hour in a 45 mile per hour zone near the fatal crash site and stated their car was impounded. He reported a recreational vehicle was towed. He announced the Coffee with a Cop event was scheduled for 1:00 to 3:00 p.m. on November 14, 2023, in the courtyard at Malibu Country Mart near Cross Creek Road.

In response to Councilmember Riggins, Sergeant Soderlund stated from his observation speeding drivers were in the 20- to 30-year-old age group. In response to Councilmember Grisanti, he stated individuals arrested for reckless driving had a court case and an administrative Department of Motor Vehicles (DMV) hearing to determine the penalty. He stated that the DMV automatically suspended licenses of those convicted of driving while intoxicated. He stated that the DMV examined the license which was separate from the criminal proceedings. He stated that suspension of a license could be imposed by the court for reckless driving. In response to Councilmember Silverstein, he explained if a driver refused a chemical test, they automatically lost their license for a minimum of one year. He stated that those who submitted to a chemical test had their license suspended, pending a DMV hearing where their license could be suspended or restricted. In response to Mayor Pro Tem Stewart, he stated that the District Attorney instructed that unlicensed drivers or those driving on a suspended license were treated as a misdemeanor infraction.

Mayor Uhring thanked Sergeant Soderlund for his service and commented that their efforts made a positive impact.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Riggins reported she attended the MMHS groundbreaking, Malibu Half Marathon and 5K, and Assemblymember Irwin's event at the 69 Bravo helicopter pad and discussed the improved public safety it provided. She reported she attended a County Community Resilience meeting with LA County Supervisor Lindsey in Agoura Hills and encouraged the community to avail themselves of the resources provided. She reported she attended a Clean Power Alliance board

meeting. She reported she attended the Optimist Club Youth Appreciation event honoring students on community spirit and read their credo for community inspiration. She encouraged drivers to focus on driving and refrain from multi-tasking.

Councilmember Grisanti reported he attended the MMHS groundbreaking, Business Roundtable meeting, and Malibu Half Marathon and 5K. He stated that he directed people to use the crosswalk at the half marathon rather than jaywalking. He stated he and Councilmember Riggins attended school district separation team meetings. He stated he attended the community safety meeting in Agoura Hills. He stated he planned to attend State of the City events for Calabasas and Agoura Hills.

Councilmember Silverstein stated he did not attend many events and focused on research and answering questions from the public. He stated he attended an Administration and Finance Subcommittee meeting. He stated he hoped the PCH Task Force meeting resulted in action. He discussed Public Safety Power Shutoff (PSPS) events and stated that they inordinately impacted specific segments of the population but benefited the entire population. He recommended the City explore ways to support residents who repeatedly lost power. He suggested the City lobby the State to adopt legislation that imposed a fine or fee on power companies for PSPS events based on the number of households and hours without power to fund solutions and mitigation of the negative effects.

Mayor Pro Tem Stewart suggested more research on how PSPS events and Southern California Edison (SCE) operated before fines and mitigation solutions were proposed.

Mayor Uhring stated he would like an explanation and additional information from SCE about their operation.

Councilmember Grisanti pointed out that under SCE's license to operate in the State of California, they were guaranteed a profit and when they lost litigation, they received permission to have costs passed on to the customers.

Councilmember Silverstein stated that SCE was a for profit organization that had no incentive to spend money to harden areas unless legislatively required or the cost of not doing so was greater.

Mayor Pro Tem Stewart stated he attended the 69 Bravo event, Assemblymember Horvath's presentation, the Malibu Half Marathon and 5K, and the Business Roundtable.

Mayor Pro Tem Stewart requested a consensus to direct staff to bring back an item to allow each Councilmember to have the option to appoint an alternate planning commissioner to serve in the event of recusal, or medical, travel, or business reasons. He requested the City Attorney prepare a memo outlining how that might be accomplished. He stated that this had never been done in California before and

they would be setting a new standard. He suggested a meeting to discuss the proposal once the City Attorney prepared a memo and there was a better understanding of the proposal.

Councilmember Grisanti stated that he was in favor of the City Attorney providing the information needed for them to make an informed decision.

Councilmember Riggins indicated agreement with Councilmember Grisanti.

Mayor Uhring stated that during the four years he served on the Planning Commission, there was only one occasion where there was a tie vote, and that was due to a Planning Commissioner recusal. He voiced concern that Planning Commissioners needed to fully understand and apply the rules and an alternate Commissioner might not be called upon for years and questioned their effectiveness. He stated that he did not see the matter as an enormous problem.

Councilmember Silverstein stated that he supported bringing the matter back for discussion, because he supported bringing back anything that anyone on the Council felt was important to discuss. He stated that he was inclined to be opposed to the proposal itself but would wait to hear more information. He stated that a two-two tie vote was a rejection. He stated that it was not a problem when there was an occasional two-two tie, it was just another way to get a no. He stated that projects that were not objectionable, did not end up with a no vote. He stated that objectionable projects often ended up with a yes vote.

Mayor Pro Tem Stewart clarified that it was not about breaking the two-two ties as much as ensuring everyone on the Council had a representative at the Planning Commission meetings. He stated that the commitment to 24 meetings per year was a deterrent for potential commissioners and splitting up duties amongst people was beneficial. He stated that bringing it back for discussion was worthwhile.

Councilmember Silverstein stated that the Council could do many things by adopting ordinances, which included the matter at hand. He stated that the Council did not need the City Attorney to tell them whether they could do it.

In response to Councilmember Silverstein, Interim City Attorney Rusin stated that assertion depended upon whether it conflicted with State law. He stated that the Council had police power and ability to regulate things not controlled by the State or County. He stated the Avalon had one alternate Planning Commissioner and was not aware of a one-to-one type of replacement but could research the matter.

CONSENSUS

By consensus, the Council directed staff to bring back a report on feasibility and actions needed for appointment of an alternate Planning Commission by each Councilmember.

Mayor Pro Tem Stewart commended City staff's performance when fire broke out

just after 1:00 a.m. in Topanga on November 9, 2023. He stated that there were marked improvements from the City's understaffed response to the 2018 Woolsey Fire. He reported that he attended the Veterans Day ceremony in the Council Chambers, and it was an honor to be in the presence of the heroes and remember those who were no longer with them. He emphasized the importance of the PCH Task Force meeting. He reported that he attended the November 6, 2023, swearing in of his appointee on the Planning Commission. He stated that over the past eight months, he interviewed seven candidates potential commissioner candidates, three of whom were women. He stated that all but one of the seven very qualified people expressed concerns about the unwarranted comments on social media and elsewhere and how it would affect their professional careers and their reputations even more than the time commitment. He discussed the damage uninformed social media posts had on recruitment of qualified commissioners. He urged the community to set the pace on PCH by observing the speed limit.

Mayor Uhring reported that he, Councilmember Riggins, Environmental Sustainability Director Bundy, and Dark Sky Ordinance consultants toured commercial properties to see compliance progress. He announced an Environmental Sustainability Subcommittee meeting would be held November 15, 2023, for discussion on changes to the ordinance that allowed for quicker implementation. He reported that he attended the Veterans Day ceremony.

Councilmember Grisanti stated that he attended the Veterans Day ceremony and commended Mayor Uhring's introduction and representation of the City.

CONSENSUS

By consensus, the Council directed staff to invite a representative from Southern California Edison to provide an update on Public Safety Power Shutoffs.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.8. was pulled by the Council.

MOTION Mayor Uhring moved, and Councilmember Grisanti seconded a motion to approve the Consent Calendar, pulling Item No. 3.B.8. The question was called, and the motion carried unanimously, Councilmember Silverstein opposed Item No. 3.B.4.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

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 70592-70814 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. 735 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$ 5,059,745.94. City of Malibu payroll check number 5382-5384 and ACH deposits were issued in the amount of \$722,284.47.

3. Approval of Minutes

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.

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. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

5. Award Malibu Park Resurfacing Project

Recommended Action: 1) Approve the award and authorize the Mayor to execute a construction contract with J & H Engineering General Contractors, Inc. in the amount of \$658,817 for the construction of the Malibu Park Resurfacing Project, Specification No. 2107; and 2) Authorize the Public Works Director to approve any potential change orders up to 19% of the contract amount.

6. Westward Beach Road Shoulder Repair Project

Recommended Action: 1) Approve the award and authorize the Mayor to execute a construction contract with J & H Engineering General Contractors, Inc. (J&H) in the amount of \$64,363.50 for the construction of the Westward Beach Road Shoulder Repair Project, Specification No. 2070; and 2) Authorize the Public Works Director to approve any potential change orders up to 15% of the contract amount.

7. Award Professional Services Agreement with Water Resources Economics, LLC

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Water Resources Economics, LLC to prepare the 2024 Wastewater and Recycled Water Rates Update for the Civic Center Water Treatment Facility (CCWTF) – Phase One.

9. Investment Report for the Month Ending September 30, 2023

Recommended Action: Receive the Investment Report for the month ending September 30, 2023.

10. Fee Study Professional Services Agreement

Recommended Action: Authorize the Mayor to execute the Professional Services Agreement with Matrix Consulting Group, Ltd., for conducting a Fee Study.

11. Amendment to Professional Services Agreement with Stoel Rives LLP

Recommended Action: Authorize the Mayor to execute Amendment No. 3 to the Professional Services Agreement with Stoel Rives LLP for a total contract amount not-to-exceed \$175,000.

The following item was pulled from the consent calendar for individual consideration:

8. Rejection of Bids for the Legacy Park Benches and Arbors Renovations Project

Recommended Action: 1) Reject all bids received for the Legacy Parks Benches and Arbors Renovations Project, Specification 2105 and 2) Direct staff to split up the project into two separate projects and rebid the bench renovations portion of the project.

The Council directed questions to staff.

Public Works Director DuBoux presented the staff report.

The Council discussed the item and directed questions to staff.

MOTION

Councilmember Silverstein moved, and Mayor Pro Tem Stewart seconded a motion to: 1) reject all bids received for the Legacy Parks Benches and Arbors Renovations Project, Specification 2105 and 2) direct staff to split up the project into two separate projects and rebid the bench renovations portion of the project. The question was called, and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. An amendment to Title 17 (Zoning) of the Malibu Municipal Code (MMC) and the Local Coastal Program to Update Regulations Related to Accessory Dwelling Units
Recommended Action: Continue this item to the November 27, 2023 City Council Meeting.

This item was continued to the November 27, 2023 City Council meeting upon approval of the agenda.

ITEM 5 OLD BUSINESS

A. Woolsey Fire Fee Waiver Program
Recommended Action: Adopt Resolution No. 23-50 superseding and replacing Resolution No. 23-40, directing the City Manager to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence, and finding the action to be exempt from the California Environmental Quality Act.

Planning Director Mollica presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speaker: Norm Haynie

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

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

MOTION Mayor Uhring moved, and Councilmember Riggins seconded a motion to: 1) adopt Resolution No. 23-50 superseding and replacing Resolution No. 23-40, directing the City Manager to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence, and finding the action to be exempt from the California Environmental Quality Act; 2) direct staff to bring back an item to discuss Ordinance No. 450 (Primary View Moratorium in Disaster Areas). The question was called, and the motion carried 4-1, Councilmember Silverstein opposed.

B. Initiate Code Amendments to Address Home-Sharing
Recommended Action: 1) Receive a report from staff; and 2) Adopt Resolution No. 23-16 initiating an amendment to the Malibu Municipal Code (MMC) and initiating an amendment to the Local Coastal Program Local Implementation Plan confirming that timeshare use in the City is prohibited and finding the action exempt from the California Environmental Quality Act.

Planning Director Mollica presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speaker: Jo Drummond

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Grisanti moved to adopt Resolution No. 23-16 initiating an amendment to the Malibu Municipal Code (MMC) and initiating an amendment to the Local Coastal Program Local Implementation Plan confirming that timeshare use in the City is prohibited and finding the action exempt from the California Environmental Quality Act.

FRIENDLY AMENDMENT

Councilmember Riggins seconded the motion and moved to direct the Planning Commission to schedule a public hearing to consider a Zoning Text Amendment and Local Coastal Program Amendment clarifying the timeshare prohibition.

The amendment was accepted by the maker of the motion.

The Council discussed the amended motion and directed questions to staff.

FRIENDLY AMENDMENT

Councilmember Silverstein moved to amend the amended motion to instruct the Planning Commission to not address existing timeshares.

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

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

ITEM 6 NEW BUSINESS

- A. MOU and License Agreement with Zuma Beach FM Emergency and Community Broadcasting, Inc. (KBUU) for a Booster Antenna at Malibu Bluffs Park (Continued from October 23, 2023)

Recommended Action: Authorize the Mayor to enter into a License Agreement and Memorandum of Understanding with Zuma Beach FM Emergency and Community Broadcasting, Inc. to utilize Malibu Bluffs Park as the location for an FM booster station.

In response to Interim City Attorney Rusin, Councilmembers Grisanti and Riggins and Mayor Pro Tem Stewart stated any donation they had made to KBUU was not donated for the project being discussed.

Public Safety Director Dueñas presented the staff report.

Mayor Uhring opened the floor to public comment.

Speaker: Hans Laetz

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

- MOTION** Mayor Pro Tem Stewart moved, and Councilmember Grisanti seconded a motion to authorize the Mayor to enter into a License Agreement and Memorandum of Understanding with Zuma Beach FM Emergency and Community Broadcasting, Inc. to utilize Malibu Bluffs Park as the location for an FM booster station. The question was called, and the motion carried unanimously.

- B. Resolution No. 23-51 Authorizing One-Time Winter Closure of City Hall

Recommended Action: Adopt Resolution No. 23-51 authorizing the one-time closure of City Hall for the designated period of Friday, December 22, 2023, through Monday, January 1, 2024.

Deputy City Manager Brown presented the staff report.

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

The Council discussed the item.

MOTION Councilmember Riggins moved, and Mayor Pro Tem Stewart seconded a motion to adopt Resolution No. 23-51 authorizing the one-time closure of City Hall for the designated period of Friday, December 22, 2023, through Monday, January 1, 2024. The question was called, and the motion carried unanimously.

RECESS At 8:45 p.m., Mayor Uhring recessed the meeting. The meeting resumed at 8:56 p.m. with all Councilmembers present.

C. Consideration of Declaration of Emergency Regarding Conditions on PCH
Recommended Action: Adopt Resolution No. 23-52 declaring the existence of a local emergency.

Interim City Attorney Rusin presented the staff report.

Mayor Uhring opened the floor to public comment.

Speakers: Jo Drummond and Ryan Embree

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Silverstein moved, and Mayor Pro Tem Stewart seconded a motion to adopt Resolution No. 23-52 declaring the existence of a local emergency.

The Council discussed the motion and directed questions to staff.

FRIENDLY AMENDMENT

Councilmember Riggins moved to amend the language in Recital F from “noticed” to “tragically aware.”

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

The Council discussed the item and directed questions to staff.

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

MOTION Councilmember Riggins moved, and Mayor Pro Tem Stewart seconded a motion to hear Item No. 7.A. before 6.D.

The Council discussed the motion.

The question was called, and the motion carried 3-2, Councilmember Silverstein and Mayor Uhring opposed.

ITEM 7 COUNCIL ITEMS

A. Smart Coast California Presentation (Councilmember Grisanti) (Continued from October 23, 2023)

Recommended Action: At the request of Councilmember Grisanti, receive a presentation from Smart Coast California describing the organization’s purpose and their efforts to facilitate collaboration between local municipalities and state agencies, and determine whether to join the Smart Coast Municipal Collective group.

Councilmember Grisanti presented the staff report.

Mayor Uhring opened the floor to public comment.

Speakers: Marta Brown, Howard Rudzki, Jo Drummond, Norm Haynie, and Ryan Embree

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

The Council discussed the item and directed questions to staff and Ms. Brown.

MOTION Mayor Pro Tem Stewart moved, and Councilmember Riggins seconded a motion to table for one year consideration of joining the Smart Coast Municipal Collective group.

The Council discussed the motion.

The question was called, and the motion carried unanimously.

ITEM 6 NEW BUSINESS (Continued)

D. Consideration of Gift of Smart Coast California Membership Fees from Councilmember Grisanti (Continued from October 23, 2023)

Recommended Action: Determine whether to accept a gift from Councilmember Grisanti to underwrite the cost of the City joining the Smart Coast California Municipal Collective for each year that he is on the City Council.

MOTION Councilmember Riggins moved, and Mayor Pro Tem Stewart seconded a motion to postpone for one year the determination of whether to accept a gift from Councilmember Grisanti to underwrite the cost of the City joining the Smart Coast California Municipal Collective for each year that he was on the City Council.

The question was called, and the motion failed, 2-2-1, Councilmember Silverstein and Mayor Uhring opposed, and Councilmember Grisanti abstained.

MOTION Councilmember Silverstein moved, and Councilmember Riggins seconded a motion to remove from the agenda consideration of the gift of Smart Coast California membership fees from Councilmember Grisanti. The question was called and the motion carried 4-1, Councilmember Grisanti abstained.

ITEM 7 COUNCIL ITEMS (Continued)

- B. Proposed 2024 Calendar of City Council Meetings
Recommended Action: Approve the proposed 2024 Calendar of City Council meetings.

City Clerk Pettijohn presented the staff report.

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

MOTION Councilmember Riggins moved, and Councilmember Silverstein seconded a motion to approve the proposed 2024 Calendar of City Council meetings. The question was called, and the motion carried unanimously.

ADJOURNMENT

Mayor Uhring adjourned the meeting at 10:19 p.m.

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
REGULAR MEETING
NOVEMBER 27, 2023
COUNCIL CHAMBERS
5:15 P.M.

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

MEETING CALL TO ORDER

Mayor Uhring called the meeting to order at 5:15 p.m.

ROLL CALL

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

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

PUBLIC COMMENT ON CLOSED SESSION

Mayor Uhring opened the floor to public comment.

Speakers: None.

RECESS TO CLOSED SESSION

At 5:16 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 USD

Conference with Legal Counsel – Anticipated Litigation

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Communication from California Department of Housing and Community Development Regarding Noncompliance with Housing Element Deadlines
Number of potential cases: (1)

REGULAR SESSION CALL TO ORDER

Mayor Uhring called the meeting to order at 6:40 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Alexis Brown, Deputy City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Director; Rob DuBoux, Public Works Director; Todd Leishman, Deputy City Attorney; Jason Lawrence, Deputy City Clerk; Solishia Andico, Environmental Sustainability Analyst; Tyler Eaton, Senior Planner; and Joyce Parker Bozylinski, Contract Planner

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 5:15 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(1) and 54956.9(d)(2), with all Councilmembers present. He stated the Council discussed the items on the Closed Session agenda and took no reportable action.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on November 17, 2023, with the amended agenda posted on November 22, 2023.

PLEDGE OF ALLEGIANCE

Sherman Baylin led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Mayor Pro Tem Stewart moved, and Councilmember Riggins seconded a motion to approve the agenda, continuing Item No. 1.A. to the December 11, 2023 meeting. The question was called, and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Proclamation Declaring December 13, 2023 Dick Van Dyke Day

This item was continued upon approval of the agenda.

B. Update on Slope Failure 2023

Environmental Sustainability Director Bundy and Environmental Sustainability

Analyst Andico presented an update on 2023 slope failures.

C. Update on Civic Center Water Treatment Facility Phase II

Public Works Director DuBoux presented an update on the Civic Center Water Treatment Facility Phase II.

ITEM 2.A. PUBLIC COMMENTS

Jill Hawkins discussed her concerns about vaccine safety and discrimination experienced by unvaccinated individuals.

Norm Haynie discussed the four-year moratorium on new primary view determinations and delays to rebuild projects after the Woolsey Fire. He stated that a three-year extension of the moratorium should be granted.

Jo Drummond discussed Pacific Coast Highway (PCH) safety, and the Councilmembers' participation in the Ghost Tires memorial ceremony. She suggested a redesign of PCH. She discussed Interim City Attorney Rusin's direction on recusal criteria as it pertained to Councilmember Grisanti on the Smart Coast California Item No. 7.A. on the November 13, 2023 City Council agenda. She questioned the Interim City Attorney's interpretation of what vote count constituted a denial of Planning Commission projects. She discussed Councilmember Riggins climate change comments. She discussed solutions for the Farmers' Market.

Lee LaPlante introduced a video presentation on the Farmers' Market.

Ingrid Jenson discussed the advantages of keeping the Farmers' Market at Legacy Park. She asked those in the audience to stand in support of the Farmers' Market.

Sherman Baylin discussed the lengthy process that the Farmers' Market went through with multiple governmental agencies for approval and the recent \$6,460 fine levied against them.

Caroline Artiss introduced a video presentation on the Farmers' Market.

Mel Sobolewski discussed the Farmers' Market reduced space available for the market since the completion of Santa Monica College Malibu campus.

Veronica Trentadue indicated support for making PCH safer. She discussed her support for the Farmers' Market to be allowed at Legacy Park.

Debra Bianco discussed the Farmers' Market and the market's contribution to the community. She discussed the Facebook page Transparency Malibu and stated all her communications with the City were posted there.

Margo Romdo stated she intended to present a video. Media Technician Davis clarified that the video was not received by the deadline for presentation materials.

Annie Ellis discussed her support for allowing the Farmers' Market to be held at Legacy Park and changes made in the city over the 65 years she resided in Malibu. She stated that it was not safe to walk her dog in Legacy Park due to homeless encampments.

John G. commented on the community benefit of the Farmers' Market and advocated for it to be held at Legacy Park.

Alexander Gellis discussed the benefits of having the Farmers' Market at Legacy Park.

Luis Rincon Jr. voiced his support for the Farmers' Market.

Kathryn Yarnell discussed the Farmers' Market and the donation she made to have a plaque displayed in Legacy Park.

Jefferson Wagner discussed solutions for the Farmers' Market.

Tina Segel stated her family were Malibu homeowners for more than 50 years. She discussed the PCH memorial and offered the community's support in the City working with Caltrans to improve highway safety. She stated that increased enforcement was helpful, but more measures were needed.

Barry Stewart stated he was father of Peyton Stewart, one of four Pepperdine students killed on PCH in October 2023. He discussed PCH safety efforts by the organizations Streets Are For Everyone (SAFE) and Fix PCH. He commended the Council's efforts to implement immediate measures to improve highway safety. He requested the following measures were taken by the City unilaterally: speed limit reduction to 35 miles per hour, traffic calming barriers, speed cameras, and increased penalties on the four mile stretch of PCH where most of deaths occurred.

Georgia Goldfarb stated she participated in the Farmers' Market regularly and supported it be held in Legacy Park or moved to the Ioki parcel.

Bill Sampson stated he recently saw a car pulled over for speeding and reckless driving. He agreed with the comments made by Mr. Stewart about PCH safety. He stated that he and his wife did not frequent the Farmers' Market because of traffic, and, if the Farmers' Market was important to the community, he suggested a solution be found.

Damian Kevitt stated that SAFE was part of a Caltrans advisory committee that considered all modes of transportation. He stated at the committee meeting held that day a topic of discussion was the minimum of seven to eight years it took Caltrans to redesign roads without the Governor stepping in and removing some of

the bureaucracy.

Keegan Bells commented on challenges experienced during his military service and funding for the Farmers' Market.

David Rolston discussed his daughter Niamh Rolston's death on PCH and the students' enjoyment of the Farmers' Market. He commented on the length of time the signal synchronization project had taken and the lack of prioritization by Caltrans. He voiced his support for the declaration of the State of Emergency and for PCH measures implemented immediately.

Todd Thompson read a statement on behalf of Mr. Stewart that indicated his support for working at his own expense to help make PCH safer. He discussed his daughter Bridgette Thompson and her friendship with the Pepperdine students who died on PCH and the impact it had on her. He stated that he spoke for all the parents of the students who died on PCH who lived on the east coast and could not attend the meeting. He thanked the City and Pepperdine for their efforts during the tragedy.

Woulani O'Herlihy, Wilham Miller, Sanaz Aghachi, Michael Granelly, Nikki Corzine, Melissa, Veronica Trentada, and Ryan Embree were not available at the time of the hearing.

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

City Manager McClary discussed the Farmers' Market and stated that the City made efforts to help the market with relocation and waivers of fees. He stated that the difficulties with keeping the market at Legacy Park were deed restrictions and zoning. He clarified that the City did not permit Nobu's July Fourth event and they were subject to a citation and fine. He stated that the Farmers' Market was held eight times in Legacy Park after the expiration of their temporary use permit (TUP). He stated that the City was willing to work with the organizers of the market on solutions. He stated a PCH Task Force meeting was held at City Hall on November 14, 2023 with law enforcement partners, government officials, and Caltrans. He stated a video of the meeting was available on the City's website and a PCH Safety information webpage was in development. He commented on efforts for a California Highway Patrol (CHP) presence on PCH. He stated that Southern California Edison would provide a presentation on Public Safety Power Shutoffs (PSPS) at a future Council meeting. He discussed the recent Coastal Vulnerability Workshops and stated that a frequently asked questions worksheet would be available on the City's website. He discussed a rain barrel giveaway event on November 18, 2023 and stated that more than 150 barrels were distributed. He reported that he attended the two Ghost Tire dedication events held on November 14 and 19, 2023 and thanked those involved in the very moving events. He reported that he attended a mediation for school district separation and planned to attend another that was scheduled for later in the week. He reported that he attended the first City Council Policy Review Ad Hoc committee meeting to discuss workplace

culture. He acknowledged the Public Works staff for their work on PSPS response, PCH safety, Ghost Tire Memorial, PCH Signal Synchronization project, and Civic Center Wastewater Treatment Facility Phase II. He thanked Interim Deputy City Manager Rob Houston for his service and congratulated him on his appointment to a new City Manager position in Los Angeles County.

In response to Councilmember Silverstein, City Manager McClary stated that an urgency ordinance was adopted for temporary permitting of the Farmers' Market at Legacy Park and in informal conversations with the deed owner there were no concerns for short term use by the Farmers' Market.

Sergeant Chris Soderlund, Los Angeles County Sheriff's Department, reported that 120 citations were issued, the majority for speeding, ten arrests, and towed seven vehicles. He reported that a street racing operation was held on November 14, 2023, which yielded 33 citations, 31 of which were for speeding, two drivers had suspended licenses, and one individual was arrested for driving under the influence (DUI) with two outstanding warrants for DUI. He stated that two 20-year-old individuals were arrested for reckless driving and racing on PCH near Topanga Canyon, with both vehicles impounded for 30 days. He stated that deputies were attending LiDar training and requested the City provide additional LiDar handheld units. He stated that the Sheriff's Department, the City, Caltrans, and stakeholders were scheduled to meet that week to assess PCH safety. He discussed an incident where a deputy was hit by a passing vehicle's sideview mirror while he pulled over a vehicle on PCH for speeding and fortunately was not seriously injured. He discussed the move over law, which required passing vehicles to move over one lane away from a stopped emergency vehicle or slow down if there was not room to move over. He encouraged the public to refrain from drinking and driving during the holiday season.

Councilmember Grisanti stated that he set the cruise control on his vehicle to the speed limit while driving. He stated he had seen vehicles pulled over by law enforcement where he had not before.

In response to Councilmember Silverstein, Sergeant Soderlund stated that multiple factors including enforcement, education, and engineering were useful in slowing drivers. He stated that individuals arrested for DUI were not released from custody until they were sober enough to drive.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Grisanti stated he had a good holiday. He stated that he attended multiple meetings related to school district separation. He stated that he was grateful to live in Malibu. He stated that he drove the speed limit from Malibu to Santa Monica and did not hit a single red light and encouraged the public to drive the speed limit.

Councilmember Riggins thanked the public speakers. She urged the public to

contact Governor Gavin Newsom to reduce speed limits on PCH. She stated that the speed limit should be reduced from the eastern City limits to Webb Way and from Kanan Dume Drive to Trancas Canyon Road. She thanked City staff and those involved in getting the California Highway Patrol (CHP) back into Malibu. She requested primary view determinations be researched as they pertained to impacts of the Woolsey Fire. She commented on the Farmers' Market and the fact that more leaders were not at the Council meeting and suggested consensus on a discussion at a future Council meeting. She reported that school district separation meetings were continuing. She wished the community a safe and happy holiday season.

Councilmember Silverstein discussed the City's powers and the PCH emergency declaration. He stated that he would continue to speak on the matter until effective measures were taken. He requested consensus that a further declaration be brought back, an urgency ordinance, or some other resolution that would have the effect of creating traffic calming measures on PCH.

Mayor Pro Tem Stewart stated that the existing laws needed to be enforced.

Mayor Uhring indicated support for a discussion on Councilmember Silverstein's comments.

Councilmember Riggins indicated opposition to Councilmember Silverstein's proposed item because there were measures that were already planned and it was unclear who would implement additional changes.

Councilmember Grisanti stated enforcement of current laws was most effective in preventing speeding and encouraged driving the speed limit to help slow traffic.

Councilmember Silverstein stated he would bring the matter up at future meetings.

Councilmember Silverstein commended the public speakers for their comments on the Farmers' Market. He stated he could not advocate for something he believed to be unlawful so he could not advocate for the Farmers' Market to be at Legacy Park when the deed restrictions required the consent of multiple parties who had not consented.

CONSENSUS

By consensus, the Council directed staff to bring back a report with options to approve alternative operation setups for the Farmers' Market.

Mayor Pro Tem Stewart stated he attended a City Council Policy Review Ad Hoc meeting where they worked on Commissioner and Councilmember code of conduct. He reported that he attended the PCH Safety Task Force meeting. He stated that he attended the Ghost Tire ceremonies on November 14 and 18, 2023. He stated that he attended the Coffee with a Deputy event. He wished Dick Van Dyke good health and hoped he would be able to attend the next Council meeting. He commended everyone involved in getting the CHP patrols back on PCH. He

stated the City Manager could approve additional funding for LiDAR units. He stated the number of cars racing on PCH was greatly reduced. He commended outgoing Interim Deputy City Manager Houston for his service. In response to public comment about the Farmers' Market, he stated that he liked the Legacy Park location, but uses were deed restricted and there was a zoning restriction. He encouraged everyone to observe the speed limit and set the pace on PCH.

In response to Councilmember Silverstein, Interim City Attorney Rusin stated there were State regulations regarding self-driving cars.

Mayor Uhring stated he attended the rain barrel giveaway event but they had run out and he was pleased with the community's participation. He stated he attended the PCH Safety Task Force meeting and the PCH Ghost Tire memorial. He stated he was disappointed Councilmember Silverstein's proposed PCH discussion item did not reach consensus. He discussed the Farmers' Market and stated that he did not believe there was a deed restriction. He suggested the City and the County discuss solutions.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.5., 3.B.6. and 3.B.7. were pulled by the public. Item Nos. 3.B.8. was pulled by the Council.

MOTION Councilmember Grisanti moved, and Councilmember Riggins seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.5., 3.B.6. 3.B.7. and 3.B.8. The question was called, and the motion carried unanimously, Councilmember Silverstein opposed Item No. 3.B.4.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- 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 70815-70943 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. 736 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$872,291.93. City of Malibu payroll check number 5385-5391 and ACH deposits were issued in the amount of \$424,968.57.
 - 3. Approval of Minutes

- Recommended Action: Approve the minutes for the March 27, 2023 Malibu City Council Regular meeting, April 10, 2023 Malibu City Council Regular meeting, and April 20, 2023 Malibu City Council Special 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. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

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

5. Contract with California Highway Patrol
Recommended Action: Receive and file a report on an emergency contract with the California Highway Patrol for traffic enforcement services.

City Manager McClary presented the staff report.

Mayor Uhring opened the floor to public comment.

Speaker: Jo Drummond

Ryan Embree was not available at the time of the hearing.

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

The Council discussed the item.

Without objection, Mayor Uhring received and filed a report on an emergency contract with the California Highway Patrol for traffic enforcement services.

6. Los Angeles County Measure M Transportation Funding Agreement
Recommended Action: Authorize the Mayor to execute the Los Angeles County Measure M Amended and Restated Funding Agreement for the Pacific Coast Highway Median Improvements – Paradise Cove to Zuma Project.

Mayor Uhring opened the floor to public comment.

Speaker: Ryan Embree

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Silverstein moved, and Mayor Pro Tem Stewart seconded a motion to authorize the Mayor to execute the Los Angeles County Measure M Amended and Restated Funding Agreement for the Pacific Coast Highway Median Improvements – Paradise Cove to Zuma Project. The question was called, and the motion carried unanimously.

7. 2023-2028 Capital Improvement Plan
Recommended Action: Approve the Fiscal Year 2023-2028 Capital Improvement Plan.

Mayor Uhring opened the floor to public comment.

Speaker: Jo Drummond

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

MOTION Mayor Pro Tem Stewart moved, and Councilmember Silverstein seconded a motion to approve the Fiscal Year 2023-2028 Capital Improvement Plan. The question was called, and the motion carried unanimously.

8. Film Society Grant Update
Recommended Action: Receive and file an update on the proposed Film Society grant.

The Council discussed the item and directed questions to staff.

Without objection, Mayor Uhring received and filed an update on the proposed Film Society Grant.

RECESS At 9:40 p.m., Mayor Uhring recessed the meeting. The meeting resumed at 9:50 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. An amendment to Title 17 (Zoning) of the Malibu Municipal Code and the Local Coastal Program to Update Regulations Related to Accessory Dwelling Units (Continued from November 13, 2023)

Recommended Action: 1) Adopt Resolution No. 23-43 determining Local Coastal Program Amendment (LCPA) No. 18-002 is exempt from the California Environmental Quality Act (CEQA) and amending Chapter 3 (Marine and Land Resources) and Chapter 5 (New Development) of the land use plan pertaining to accessory dwelling units; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 510, approving LCPA No. 18-002, an amendment to the Local Coastal Program (LCP) to update ADU regulations and determining the amendments are exempt from the CEQA; 3) After the City

Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 511, approving Zoning Text Amendment No. 18-004 an amendment to Title 17 (Zoning) of the MMC to update ADU regulations and determining the amendments are exempt from CEQA; 4) Direct staff to schedule second reading and adoption of Ordinance No. 510 and Ordinance No. 511 for the December 11, 2023 City Council Regular meeting.

Contract Planner Parker-Bozylinski, and Senior Planner Eaton presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speakers: Helmut Meissner, Yun Kim, Anna Nicolas, Mark Baute, Jo Drummond, and Ryan Embree

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

The Council discussed the item and directed questions to staff, Mr. Meissner, Ms. Kim, and Mr. Baute.

MOTION Councilmember Grisanti moved, and Councilmember Riggins seconded a motion to: 1) adopt Resolution No. 23-43 determining Local Coastal Program Amendment (LCPA) No. 18-002 is exempt from the California Environmental Quality Act (CEQA) and amending Chapter 3 (Marine and Land Resources) and Chapter 5 (New Development) of the land use plan pertaining to accessory dwelling units; 2) after the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 510, approving LCPA No. 18-002, an amendment to the Local Coastal Program (LCP) to update ADU regulations and determining the amendments are exempt from the CEQA; 3) after the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 511, approving Zoning Text Amendment No. 18-004 an amendment to Title 17 (Zoning) of the MMC to update ADU regulations and determining the amendments are exempt from CEQA; and 4) direct staff to schedule second reading and adoption of Ordinance No. 510 and Ordinance No. 511 for the December 11, 2023 City Council Regular meeting.

The Council discussed the motion.

FRIENDLY AMENDMENT

Councilmember Silverstein moved to amend the motion to leave out the requirement for two entrances if the square footage of the ADU was not increased to 1,200 square feet and was limited to 900 square feet.

The amendment was not accepted by the maker of the motion.

The Council discussed the motion.

The motion was withdrawn.

MOTION Councilmember Silverstein moved, and Mayor Pro Tem Stewart seconded a motion to continue to the December 11, 2023 meeting an amendment to Title 17 (Zoning) of the Malibu Municipal Code and the Local Coastal Program to Update Regulations Related to Accessory Dwelling Units.

FRIENDLY AMENDMENT

Councilmember Grisanti moved to amend the motion to direct staff to schedule the hearing before Item No. 2.A. on the December 11, 2023 agenda.

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

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

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

MOTION Councilmember Riggins moved, and Mayor Pro Tem Stewart seconded a motion to hear Item No. 6.A. after 10:30 p.m. The question was called, and the motion failed 3-2, Councilmember Silverstein and Mayor Uhring opposed.

MOTION Councilmember Silverstein moved, and Mayor Uhring seconded a motion to hear Item Nos. 6.A. and 7.A. after 10:30 p.m. The question was called, and the motion carried 4-1, Councilmember Grisanti opposed.

A. Parking Enforcement
Recommended Action: 1) Receive a report on current parking enforcement operations; 2) Review options for increased parking enforcement; and 3) Provide direction to staff if appropriate.

Public Safety Director Dueñas presented the staff report.

Mayor Uhring opened the floor to public comment.

Speaker: Ryan Embree

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

The Council discussed the item and directed questions to staff.

MOTION Mayor Pro Tem Stewart moved, and Councilmember Silverstein seconded a motion to direct staff to issue an RFP for parking enforcement services. The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Charmlee Wilderness Park Nature Center Name Change (Mayor Uhring)
Recommended Action: At the request of Mayor Uhring: 1) Consider a Charmlee Wilderness Park nature center name change in honor of Walt and Lucille Keller; and 2) Provide direction to staff, as needed, to conduct additional research on the feasibility of this project.

Mayor Uhring presented the report.

Mayor Uhring opened the floor to public comment.

Speaker: Jo Drummond

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

The Council discussed the item.

MOTION Councilmember Riggins moved, and Councilmember Silverstein seconded a motion to 1) rename the Charmlee Wilderness Park Nature Center in honor of Walt and Lucille Keller; and 2) direct staff to bring back any additional items necessary to memorialize this change.

FRIENDLY AMENDMENT

Mayor Pro Tem Stewart moved to amend the motion to direct staff to conduct additional research on the feasibility of renaming the building and come back with something the Council could approve.

The amendment was not accepted by the maker and the seconder of the motion.

The question was called and the motion carried unanimously.

ADJOURNMENT

Mayor Uhring adjourned the meeting at 12:30 a.m., on November 28, 2023

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
REGULAR MEETING
DECEMBER 11, 2023
COUNCIL CHAMBERS
5:30 P.M.

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

MEETING CALL TO ORDER

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

ROLL CALL

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

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

PUBLIC COMMENT ON CLOSED SESSION

Mayor Uhring opened the floor to public comment.

Speakers: None.

RECESS TO CLOSED SESSION

At 5:30 p.m., the Council recessed to Closed Session to discuss the following items listed on the Closed Session agenda:

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8

1. Properties: APN 4453-005-013
APN 4453-005-018
APN 4453-005-111
APN 4453-005-114
APN 4453-005-117
APN 4453-005-118
APN 4459-004-001
APN 4459-004-004
APN 4459-005-003
APN 4459-005-013
APN 4459-005-001

Agency Negotiators: Councilmember Marianne Riggins and Mayor Pro Tem Doug Stewart

Negotiating Parties: EQ Property Holdings LLLP

Under Negotiation: Price and terms of payment

Conference with Legal Counsel – Anticipated Litigation

1. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
Number of potential cases: (1)

REGULAR SESSION CALL TO ORDER

Mayor Uhring called the meeting to order at 6:35 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Todd Leishman, Deputy City Attorney; Steve McClary, City Manager; Joseph Toney, Assistant City Manager; Alexis Brown, Deputy City Manager; Kelsey Pettijohn, City Clerk; Kristin Riesgo, Community Services Director; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director; Parker Davis, Media Technician; Christina Muñoz, Deputy City Clerk; Tyler Eaton, Senior Planner; Adrian Fernandez, Assistant Planning Director; and Joyce Parker Bozylinski, Contract Planner

PLEDGE OF ALLEGIANCE

Graeme Clifford 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 Sections 54969.8 and 54956.9(d)(4), with all Councilmembers present. He stated the Council discussed the items listed on the Closed Session agenda and took no reportable action.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on December 1, 2023, with the amended agenda posted on December 8, 2023.

APPROVAL OF AGENDA

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

FRIENDLY AMENDMENT

Councilmember Riggins moved to adjourn in memory of Carl Volante.

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

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

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Proclamation Declaring December 13, 2023 Dick Van Dyke Day

Mayor Uhring presented the proclamation to Dick Van Dyke.

Mr. Van Dyke discussed his life in Malibu and thanked the Council for the proclamation.

B. Presentation of City Tile to Jeff Jennings for his service on the Planning Commission

Mayor Pro Tem Stewart presented a City Tile to Jeff Jennings for his service on the Planning Commission.

Mr. Jennings commented on his time with the City and stated it was a privilege to serve Malibu.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. An amendment to Title 17 (Zoning) of the Malibu Municipal Code (MMC) and the Local Coastal Program to Update Regulations Related to Accessory Dwelling Units (Continued from November 27, 2023)

Recommended Action: 1) Adopt Resolution No. 23-43 approving LCP Amendment (LCPA) No. 18-002, amendments to Chapter 3 (Marine and Land Resources) and Chapter 5 (New Development) of the Local Coastal Program (LCP) Land Use Plan pertaining to accessory dwelling units (ADU), and finding the amendments exempt from the California Environmental Quality Act (CEQA); 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 510, approving LCPA No. 18-002, an amendment to the LCP to update ADU regulations, and Zoning Text Amendment (ZTA) No. 18-004, an amendment to Title 17 (Zoning) of the Malibu Municipal Code (MMC) related to definitions, guest homes and changing the term second units to accessory dwelling units (ADUs), and finding the amendments exempt from CEQA; 3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 511, approving ZTA No. 18-004 an amendment to Title 17 (Zoning) of the MMC to update ADU regulations and finding the amendments exempt from CEQA; 4) Direct staff to schedule second reading and adoption of Ordinance No. 510 and Ordinance No. 511 for the January 8, 2023 City Council Regular meeting.

Contract Planner Parker Bozylinski presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speakers: Colin Drummond, Jo Drummond, Jaime Francis, and Ryan Embree

As there were no other speakers present, Mayor Uhring 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) adopt Resolution No. 23-43 approving LCP Amendment (LCPA) No. 18-002, amendments to Chapter 3 (Marine and Land Resources) and Chapter 5 (New Development) of the Local Coastal Program (LCP) Land Use Plan pertaining to accessory dwelling units (ADU), and finding the amendments exempt from the California Environmental Quality Act (CEQA); 2) introduce on first reading Ordinance No. 510, as amended, clarifying the definition of guest house to include “no kitchen” approving LCPA No. 18-002, an amendment to the LCP to update ADU regulations, and Zoning Text Amendment (ZTA) No. 18-004, an amendment to Title 17 (Zoning) of the Malibu Municipal Code (MMC) related to definitions, guest homes and changing the term second units to accessory dwelling units (ADUs), and finding the amendments exempt from CEQA; 3) introduce on first reading Ordinance No. 511, as amended to remove the owner occupancy requirements, approving ZTA No. 18-004 an amendment to Title 17 (Zoning) of the MMC to update ADU regulations and finding the amendments exempt from CEQA; and 4) direct staff to schedule second reading and adoption of Ordinance No. 510 and Ordinance No. 511 for the January 8, 2023 City Council Regular meeting.

The Council discussed the motion and directed questions to staff.

FRIENDLY AMENDMENT

Mayor Pro Tem Stewart moved to amend the motion to: a) reduce the maximum square footage of an ADU to 1,000 square feet; and b) add Section 5 LIP Section(H)(1)(e) “Properties impacted by the 2018 Woolsey Fire that received a City permit for a temporary housing structure pursuant to LIP Section 3.6(M) (or MMC Section 17.40.040[A][18]) may convert the existing legally established temporary housing to an ADU even if the temporary housing exceeds the square footage limits established by this Chapter. However, (1) such an ADU cannot exceed 1,200 square feet and (2) the building permit for, and construction of, the temporary housing must have occurred before December 12, 2023.”

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

The Council discussed the amended motion.

Interim City Attorney Rusin read the titles of Ordinance Nos. 510 and 511.

The question was called, and the motion carried 3-2, Councilmember Silverstein and Mayor Uhring opposed.

The Council discussed the matter and directed questions to staff.

CONSENSUS

By consensus, the Council directed staff to add further consideration of ADU regulations as a potential project to be considered at the March 20, 2024 Strategic Priority meeting.

ITEM 2.A. PUBLIC COMMENTS

Tim Pera, Mountains Recreation and Conservation Authority (MRCA), provided the November 2023 Ranger activity report. He stated that three administrative citations were issued for smoking in the backcountry on Escondido Trail and four citations issued for dogs on La Chuza Beach. He reported that there were no homeless encampments observed. He reported that 247 parking citations were issued, and no service calls were generated. He stated that there were continuous patrols for the busy weekends. In response to Councilmember Silverstein, he stated that parking citations were issued adjacent to MRCA properties as well as on their properties. He stated that he would provide the statute that permitted MRCA Rangers to issue citations at a future meeting. In response to Councilmember Riggins, he stated that clarification on citation revenue allocation to entities other than the MRCA would be provided at a future meeting. He provided information on staffing, duties, and trash pickup.

Norm Haynie discussed the four-year primary view determination disaster moratorium and recommended the Council add an agenda item to discuss extending the moratorium.

Graeme Clifford discussed traffic and accidents on Pacific Coast Highway (PCH). He requested more enforcement and consequences as a deterrent to speeding and recommended adding speed cameras on PCH and exploration of self-driving cars.

Jo Drummond discussed ADUs and CEQA. She requested brush clearance by the MRCA at the Big Rock and PCH view corridor. She discussed using an urgency ordinance for the installation of medians on PCH until Caltrans was able to address PCH safety. She suggested the Chili Cookoff site for the Farmers' Market if Legacy Park could not be used. She suggested removing individuals experiencing homelessness from Legacy Park.

Pamela Conley Ulich wished everyone happy holidays and stated that she served

for eight years on the Malibu City Council. She discussed the global public mental health crisis and community involvement to address the problem locally. She thanked those who helped with the Malibu Half Marathon and the Triathlon. She discussed the importance of community facilities for youth and seniors, programs and events. She suggested Councilmembers engage in community activities and serve as role models for mental health and wellness.

Stephanie Sunwoo stated she represented more than 200 residents who wanted a robust wireless safety protocol. She discussed the importance of fire safety. She requested transparency by the City on the update to the wireless ordinance and permit applications.

Lonnie Gordon, Malibu for Safe Tech, questioned if the Environmental Sustainability Department reviewed engineering documents required for wireless communication facilities. She discussed fire safety protocols for wireless facilities.

Jaime Francis discussed the housing element, affordable housing, and housing discrimination.

Ryan Embree discussed his recommendation that the City apply for State and Federal traffic enforcement safety grants. He discussed speed limits imposed on State highways and requested someone be assigned to ensure opportunities for the City's input were not lost. He stated that the cost of the California Highway Patrol (CHP) to ensure adequate enforcement coverage should be the burden of the State.

Red Chief Hunt and Colin Drummond were not present at the time of the hearing.

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

City Manager McClary announced a virtual PCH Task Force meeting on December 13, 2023 with an update on PCH safety progress. He announced information was available on the newly launched PCH Highway Safety web page, malibucity.org/pchsafety. He stated that a long-term contract for CHP traffic enforcement services was in progress. He announced the PCH signal synchronization project had begun. He stated that legislation would be introduced for expansion of the speed camera pilot project to include PCH through Malibu. He stated the City communicated concerns and recommended modifications to Caltrans on improvements at Corral Canyon. He discussed Public Safety Power Shutoff warnings the past weekend due to the Red Flag wind conditions and confirmed that no shutoffs were imposed. He stated topics for the January 8, 2024 Council meeting included the Southern California Edison update, options for Farmers' Market locations, and a recommendation for awarding a contract for the vacant land use consultant. He discussed the \$60 billion State budget deficit with a \$30 billion rainy day fund, and stated that it was unknown how that would affect Malibu. He stated that the City received an appeal of the Planning Commission's

approval of the skate park project and a Council hearing would be scheduled. He reminded everyone of the City Hall winter closure from December 22, 2023, through January 1, 2024, with limited services including code enforcement and building inspections. He stated the application filing deadline for special event permits and temporary use permits was December 21, 2023. He stated that County emergency services would be operating and City Public Safety staff would be monitoring conditions.

In response to Councilmember Silverstein, Public Works Director DuBoux stated he expressed concerns to Caltrans about the turn lane at Corral Canyon Road and the issue was being studied for solutions.

Councilmember Silverstein commented on the danger posed by drivers speeding in construction zones.

In response to Councilmember Riggins, Public Works Director DuBoux discussed the temporary cross walk at Corral Canyon and stated Caltrans was studying options to relocate it.

Councilmember Grisanti discussed traffic dangers at the Trancas Bridge construction site and stated there was not a quick way to build a bridge.

Sergeant Chris Soderlund, Los Angeles County Sheriff Department, provided crime statistics for November 2023. He reported there were 35 part one crimes, 12 of which were burglaries of locked vehicles, five were grand theft, and five were petty theft. He reported that year-to-date there were 425 part one crimes compared to 461 at the same time in 2022. He reported the arrest of an individual on December 1, 2023 for being drunk in public on Morningview Drive who was further charged with battery for spitting on the deputy during transport. He reported an arrest on Cross Creek Road for attempting to cash a fictitious check with counterfeit identification. He reported on November 3, 2023, Sephora on Cross Creek Road was the victim of an organized retail theft ring. He stated that the suspects were identified, and warrants issued for their arrest. He reported a mountain lion sighting was reported earlier in the day near a trash dumpster behind Malibu Seafood and reminded the public to remain aware. He reported that earlier in the day, the Sheriff's Department toured PCH with Caltrans personnel. He discussed a December 3, 2023 incident at PCH and Webb Way, where a driver, while traveling at a high rate of speed, hit a parked vehicle and a marked Sheriff vehicle, injuring a community service officer. In response to Mayor Uhring, he stated that the driver was 53 years old. In response to Councilmember Grisanti, he stated that the driver's vehicle was a total loss.

In response to Councilmember Silverstein, Sergeant Soderlund stated the drunk and disorderly individual had a Malibu address. He stated he discussed the residential burglary in West Malibu at the previous Council meeting. In response to Mayor Pro Tem Stewart, he stated that the reduction in citations for speeding, was in part because of a Deputy being out on leave. In response to

Councilmember Riggins, he stated that he did not know if the mountain lion was the same one that was seen in Solstice Canyon.

Mayor Uhring stated that the community recognized and appreciated law enforcement efforts along PCH.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Silverstein requested a consensus to bring back a discussion item to consider unilateral actions the Council could take under the declaration of local emergency for safety on PCH. He discussed traffic calming measures that did not involve enforcement including electronic warning message signs, flashing red or yellow lights, lane separators, K-Rails, and closing lanes periodically. He suggested obtaining more decoy law enforcement vehicles, investigating the use of self-driving cars to calm traffic, closing middle turn lanes, blocking parking spaces with barriers, and other safety measures.

Councilmember Grisanti stated he would like Caltrans to present their list of projects at the December 13, 2023 PCH Task Force meeting before considering further action.

Councilmember Silverstein stated that his proposed discussion item would take place at the next Council meeting which was after the PCH Task Force meeting.

Councilmember Riggins stated that Senator Ben Allen, Assemblymember Jacqui Irwin, and County Supervisor Lindsey Horvath would attend the PCH Task Force meeting and were invested in creating legislation to support enforcement.

Councilmember Silverstein reiterated that his proposed discussion item would be on a Council meeting agenda scheduled after the PCH Task Force meeting and that no legislation would be adopted soon.

Mayor Pro Tem Stewart indicated support for bringing a PCH discussion item back. He suggested tracking legislation progress. He stated that the emergency ordinance was set to expire on January 13, 2024, and needed to be on the January 8, 2024 meeting agenda for a 60-day extension. He recommended scheduling an item for January 22, 2024, for a thorough review of projects in progress. He stated that the City needed to cooperate with elected officials and outside agencies.

Councilmember Silverstein recommended bringing both items back at the January 8, 2024 City Council meeting.

Councilmember Riggins indicated support for Mayor Pro Tem Stewart's timeline.

Mayor Uhring indicated support for Councilmember Silverstein's suggestion to have the discussion item and the extension of the declaration of a local emergency on the January 8, 2024 meeting agenda.

Councilmember Silverstein clarified that his proposal was to have an item on the January 8, 2024 meeting agenda to consider whether to affirmatively enact unilateral actions that would make PCH safer pursuant to the City's declaration of a local emergency.

Councilmember Grisanti questioned if the discussion was appropriate under Item No. 2.C.

Councilmember Silverstein stated that over the past two weeks he spent time in discussions with residents looking for options and sought consensus to have a discussion with possible action on unilateral measures they could take to improve safety on PCH. He stated that if there was no consensus, that concluded his report.

CONSENSUS

By consensus, the Council directed staff to: 1) bring back an item at the January 8, 2024 meeting extending the declaration of the existence of a local emergency regarding conditions on PCH; and 2) bring back a report at the January 22, 2024 meeting on PCH safety.

Councilmember Grisanti reported that the prior Thursday he attended the Southern California Association of Governments economic forecast which was brighter than he had anticipated. He reported that over the past weekend he attended the Big Rock holiday party and the memorial service for Carl Volante.

Councilmember Riggins reported that she attended school district separation meetings.

In response to Councilmember Riggins, Planning Director Mollica stated there were differences between the right-of-way and the private property wireless ordinances. He stated that the fire issue that was of concern to the public speakers was only on the private property wireless ordinance checklist and the public's request centered on amending the right-of-way ordinance to match the private property ordinance. He stated that the Local Coastal Program Amendment (LCPA) had been sent to the California Coastal Commission (CCC), and the one-year extension for comments would expire in February 2024. He stated that come February the options were for the CCC to take action, or the City could waive its right to have it processed in a timely manner. He stated that he expected the CCC would schedule a February 2024 hearing. He stated that posting requirements for proposed wireless sites were being observed and that the City received comments from the public.

Mayor Pro Tem Stewart stated that he attended the Business Roundtable meeting, opening of the Malibu High School tree lot, City Council Policy Review Ad Hoc Committee meeting, and Supervisor Horvath's open house. He reported that he attended the First Bank Toys for Tots with the Navy League and the Big Rock Homeowners Association holiday event. In response to Mr. Embree, he stated that

they were resource constraints and not cash constraints for law enforcement. In response to the public speakers, he stated that he personally checked on requests for documents related to wireless applications and was told that the public was given all available documents requested, but applications in process were not available.

Mayor Uhring stated that he attended many events. He discussed the fairness of the most recent election of the Planning Commission Chair. He stated it had been 55 days since the vehicle accident that resulted in the death of four Pepperdine students and that Caltrans had yet to take safety measures. He stated that the Council should do anything and everything to improve safety on PCH, including having a discussion on the matter.

Mayor Pro Tem Stewart commented on view determination time limits. He stated that during a City Council appeal hearing, an architect stated that when the notice goes out about a hearing on a property, that you only had so many days to file your primary view determination as opposed to waiting until the day before an appeal was heard at City Council. He stated that he would appreciate it if those two items were brought back together.

ITEM 3 CONSENT CALENDAR

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

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- 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 70944-70990 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. 737 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$333,863.08. City of Malibu payroll check number 5392-5393 and ACH deposits were issued in the amount of \$583,397.20.
 - 3. Approval of Minutes
Recommended Action: Approve the minutes for the April 24, 2023 Malibu City Council Regular meeting, April 26, 2023 Malibu City Council Special meeting, and May 8, 2023 Malibu City Council Regular meeting.

4. Investment Report for the Month Ending October 31, 2023
Recommended Action: Receive the Investment Report for the month ending October 31, 2023.

RECESS At 9:57 p.m., Mayor Uhring recessed the meeting. The meeting resumed at 10:10 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- B. Code Amendment to Extend Deadlines for Nonconforming In-kind Disaster Rebuild Projects

Recommended Action: 1) Adopt Ordinance No. 513 adopting Zoning Text Amendment (ZTA) No. 23-003 to amend Malibu Municipal Code (MMC) Section 17.60.020(C) to add three years to the deadline to initiate the planning application process and obtain building permits to rebuild a nonconforming structure that was damaged or destroyed in the Woolsey Fire and finding the action exempt for from the California Environmental Quality Act (CEQA); and 2) Direct staff to schedule a public hearing, second reading of the ordinance, and adoption Ordinance No. 513 on the January 8, 2024 Regular City Council meeting.

Planning Director Mollica presented the staff report.

The Council directed questions to staff.

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

The Council discussed the item and directed questions to staff.

MOTION Councilmember Silverstein moved, and Councilmember Grisanti seconded a motion to: 1) adopt Ordinance No. 513 adopting Zoning Text Amendment (ZTA) No. 23-003 to amend Malibu Municipal Code (MMC) Section 17.60.020(C) to add three years to the deadline to initiate the planning application process and obtain building permits to rebuild a nonconforming structure that was damaged or destroyed in the Woolsey Fire and finding the action exempt for from the California Environmental Quality Act (CEQA); and 2) direct staff to schedule a public hearing, second reading of the ordinance, and adoption Ordinance No. 513 on the January 8, 2024 Regular City Council meeting.

Interim City Attorney Rusin read the title of Ordinance No. 513.

The question was called, and the motion carried unanimously.

- C. An Amendment to Title 17 (Zoning) of the Malibu Municipal Code to Update Regulations Related to Temporary Use Permits

Recommended Action: Continue the item to the January 8, 2024 Regular City Council Meeting.

This item was continued upon approval of the agenda.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Strategic Plan Project Update

Recommended Action: Receive and file a progress report on the Strategic Plan Projects.

City Manager McClary presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speakers: Jo Drummond, Ryan Embree, and Pamela Conley Ulich

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

The Council discussed the item and directed questions to staff.

Without objection, Mayor Uhring received and filed the progress report on the Strategic Plan Projects.

MOTION Councilmember Riggins moved, and Mayor Pro Tem Stewart seconded a motion to hear Item No. 6.C. after 10:30 p.m. The question was called and the motion failed 3-2, Councilmember Silverstein and Mayor Uhring opposed.

CONSENSUS

By consensus, the Council: 1) Continued Item No. 6.C. to the January 8, 2024 meeting; and 2) directed staff to schedule the item before Item No. 2.A. on the January 8, 2024 agenda.

B. Reorganization of City Council Agenda Format for Regular City Council Meetings

Recommended Action: Adopt Resolution No. 23-53 superseding and replacing Resolution No. 99-007 and Section 1 (VI)(A) of Resolution No. 98-083 to establish the start time and format for Regular City Council Meetings.

This item was continued to the January 8, 2024 Regular City Council meeting.

C. Road Race Agreement

Recommended Action: At the recommendation of the Road Race Ad Hoc Committee, approve the Agreements with Malibu Race Series LLC and Zuma Foundation Inc. for the two allowable Road Race Temporary Use Permits.

This item was continued to the January 8, 2024 Regular City Council meeting.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

At 10:52 p.m., Councilmember Riggins moved, and Mayor Uhring seconded a motion to adjourn the meeting in memory of Carl Volante. 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)