



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: April 9, 2024 Meeting date: April 22, 2024

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the February 14, 2024 Malibu City Council Special meeting, February 22, 2024 Malibu City Council Special meeting, February 26, 2024 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 February 12, 2024, February 22, 2024, and February 26, 2024.

ATTACHMENTS:

February 14, 2024 Special meeting

February 22, 2024 Special meeting

February 26, 2024 Regular meeting

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
FEBRUARY 14, 2024
COUNCIL CHAMBERS
6:30 P.M.

MEETING CALL TO ORDER

Mayor Uhring called the meeting to order at 4:00 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 (arrived at 4:03 p.m.), Marianne Riggins, and Bruce Silverstein

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Steve McClary, City Manager; Kelsey Pettijohn, City Clerk; Parker Davis, Media Technician; and Jason Lawrence, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Andy Lyon led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Silverstein moved, and Councilmember Riggins seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Lawrence reported that the agenda for the meeting was properly posted on February 13, 2024.

PUBLIC COMMENT ON CLOSED SESSION

Mayor Uhring opened the floor to public comment.

Speakers: Andy Lyon

Councilmember Grisanti arrived at 4:03 p.m.

Continued Speakers: Glider Lyon, Josh Spiegel, Robert Gold, Jo Drummond, and Hamish Patterson

The Council discussed the agenda and directed questions to staff.

RECESS TO CLOSED SESSION

At 4:20 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. Significant exposure to litigation pursuant to Government Code 54956.9(d)(5) (one case):
Threat of litigation from Scott Gillen made at the Malibu Planning Commission meeting on November 20, 2023 related to the proposed skate park project located at Bluffs Park located at 24250 Pacific Coast Highway.

The Council reconvened at 5:43 p.m. with all Councilmembers present.

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 4:00 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(5), with all Councilmembers present. He stated the Council discussed the item on the Closed Session agenda and took no reportable action.

ADJOURNMENT

Mayor Uhring adjourned the meeting at 5:43 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
SPECIAL MEETING
FEBRUARY 22, 2024
COUNCIL CHAMBERS
11:00 A.M.

MEETING CALL TO ORDER

Mayor Uhring called the meeting to order at 11:10 a.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; Kelsey Pettijohn, City Clerk; Parker Davis, Media Technician; and Jason Lawrence, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Robert Gold led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Lawrence reported that the agenda for the meeting was properly posted on February 21, 2024.

APPROVAL OF AGENDA

MOTION Mayor Pro Tem Stewart moved, and Councilmember Riggins seconded a motion to approve the agenda. The motion carried 4-1, Councilmember Silverstein opposed.

PUBLIC COMMENT ON CLOSED SESSION

Mayor Uhring opened the floor to public comment.

Speakers: Robert Gold, Hamish Patterson, and Jo Drummond

The Council discussed the agenda and directed questions to staff and Mr. Gold.

MOTION

Councilmember Grisanti moved, and Mayor Pro Tem Stewart seconded a motion to recess to Closed Session.

The Council discussed the agenda and directed questions to staff.

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

RECESS TO CLOSED SESSION

At 11:37 a.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. Case Name: Significant exposure to litigation pursuant to Government Code 54956.9(d)(2) (one case):
Threat of litigation from Scott Gillen made at the Malibu Planning Commission meeting on November 20, 2023 related to the proposed skate park project located at Bluffs Park located at 24250 Pacific Coast Highway.

At 11:37 a.m., Councilmember Silverstein left the meeting.

The Council reconvened at 1:13 p.m. with Mayor Uhring, Mayor Pro Tem Stewart, and Councilmembers Grisanti and Riggins present.

CLOSED SESSION REPORT

Interim City Attorney Rusin reported that the meeting convened at 11:10 a.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.9(d)(2), with Councilmember Silverstein absent from the Closed Session. He stated no settlement was reached. He stated the Council authorized him to disclose a potential settlement will be put forward at the February 26, 2024 Regular meeting. He stated the details of the proposed settlement will be published in a staff report today or tomorrow. He stated the settlement would include consideration of an alternative design for one element of the skate park design, additional landscaping, shifting of the skate park 10 feet away from the Case property. He stated the terms of the settlement agreement will be posted after the initial staff report. He stated the skate park appeal will be recommended by staff to be heard at the March 11, 2024 Regular meeting.

ADJOURNMENT

Mayor Uhring adjourned the meeting at 1:14 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
FEBRUARY 26, 2024
COUNCIL CHAMBERS
6:30 P.M.

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 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

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; 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; Parker Davis, Media Technician; Jason Lawrence, Deputy City Clerk; Kate Manisco, Recreation Manager; and Brandie Ayala, Administrative Analyst

PLEDGE OF ALLEGIANCE

Andy Lyon led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

City Clerk Pettijohn reported that the agenda for the meeting was properly posted on February 16, 2024, with the amended agenda posted on February 23, 2024.

CLOSED SESSION REPORT

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

APPROVAL OF AGENDA

In response to Councilmember Silverstein, Interim City Attorney Rusin explained that Item No. 4.A. would be continued upon approval of the agenda. He stated the Council could choose to consider that item separately.

MOTION Councilmember Silverstein moved to approve the agenda and consider Item No. 4.A. separately.

FRIENDLY AMENDMENT

Councilmember Grisanti moved to hear Item No. 6.D. after the Consent Calendar.

The Council discussed the amendment and directed questions regarding Item No. 6.D. to Interim City Attorney Rusin.

The motion was withdrawn.

MOTION Councilmember Silverstein moved to approve the agenda and hear Item Nos. 4.A. and 6.D. concurrently after the Consent Calendar.

The Council discussed the motion and directed questions to Interim City Attorney Rusin.

FRIENDLY AMENDMENT

Councilmember Silverstein moved to approve the agenda, hearing Item No. 6.D after the Consent Calendar and considering Item No. 4.A. separately.

Councilmember Grisanti seconded the motion.

The motion carried unanimously.

MOTION Mayor Pro Tem Stewart moved, and Mayor Uhring seconded a motion to adjourn the meeting in memory of Jose Alfonso. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

- A. Presentation of Commendations to Los Angeles County Sheriff's Deputies Francisco Espinoza, Jake Lobato, Daniel Bautista, and Rick Vigil for their Rescue of a Drowning Individual

Mayor Uhring and Public Safety Director Dueñas presented the commendations to Los Angeles County Sheriff's Deputies Francisco Espinoza, Jake Lobato, Daniel Bautista, and Rick Vigil.

ITEM 2.A. PUBLIC COMMENTS

Tim Pera, Mountains Recreation and Conservation Authority Ranger, provided the January 2024 Ranger activity report. He reported there were 361 citations issued and illegal signs were removed at a Malibu Road beach accessway. He reported that they implemented beach and road closures at all access points during the recent rain events. He reported extended ranger patrols were conducted for public safety and illegal parking issues and no service calls were generated. He reported two citations were issued for dogs on Lechuza Beach, eight citations for illegal off trail use at Escondido Trail, and two for dogs off leash.

Norm Haynie discussed an incident the past Sunday afternoon while traveling eastbound on Pacific Coast Highway (PCH) past Kanan Dume Drive. He stated that a large motorcyclist group was speeding and splitting lanes, posing danger had any of the cars changed lanes abruptly.

Jill Hawkins presented a video on vaccines. She discussed vaccine mandates for schools, vaccine status discrimination, and her concerns about the safety of vaccines and advocated for natural immunity.

Greg Bonann stated that he was a 50-year Los Angeles County lifeguard and a junior lifeguard instructor for the past ten years. He discussed the Malibu Marlins and Malibu Seawolves swim teams. He discussed Coach Erik Ran's separation from the Malibu Seawolves and stated he supported the Malibu Marlins and Coach Ran. He stated that the Malibu Marlins were more democratic, and the members and parents had more influence in decision making rather than having a board of directors like the Seawolves had. He stated he would only support a merger of the two teams if the resulting entity was democratic. He commented on the need for swim lanes for the Marlins.

Leslie Lehman, Shannon Ravenshear, Steve Sturdivant, Kristin Murray, John Paul Peratis, and Robert Baldwin deferred time to Coach Ran.

Erik Ran introduced himself as the former coach of the Seawolves and current coach of the Marlins at Malibu High School in the mornings. He stated that he was overwhelmed by the support of the community. He provided a summary of his career as a competitive swimmer and his accomplishments. He stated 95 percent of the total Malibu swim community was happy with his efforts and the success they had as a team under his leadership. He stated that he grew the program significantly since he was hired by the Seawolves more than four years prior. He discussed sharing the pool with other participants from the community and treating them with respect. He discussed his support for the community and the Marlins swim team and requested afternoon pool time for the Marlins. He offered to share the early morning pool time with the Seawolves.

Jennifer Gonzalez indicated agreement with Coach Ran's comments and discussed her experience as a high school teacher for 30 years. She stated that some of the students who swam at 6:30 a.m. having a hard time staying awake in class. She stated that sharing lanes was a simple solution. She stated that Malibu Middle and High Schools had changed their start time to align with State law for students to get more sleep. She stated that there were empty swim lanes in the afternoon and recommended lane sharing.

Olea Brinkmann discussed her experience as a member of the Malibu Marlins swim club and stated that she was formerly a member of the Seawolves, but transitioned to the Marlins after Coach Ran was let go. She stated that she swam at 6:30 a.m., got up at 5:30 a.m., and then hurried home to get ready to arrive at school on time. She stated she wanted to swim with Coach Ran and requested afternoon pool access.

Lesley Budacz discussed her son's experience with Coach Ran and stated he joined the Marlins to continue his training under Coach. She stated that the early morning swim time was a hardship and requested afternoon pool access.

Roko Belic discussed his daughter's participation in the Seawolves as a blue team captain and that she felt responsible to her teammates for the impact of losing Coach Ran. He stated the Malibu Aquatics Foundation board of directors was against meaningful community input. He stated that being provided with swim lanes in the afternoon would be helpful, but he was most concerned that the City supported the non-democratic organization Seawolves.

Viva Belic stated she was a current member of the Malibu Seawolves. She discussed her positive experience with Coach Ran and how his separation was shared with the team after the fact negatively impacted her and her teammates. She stated she preferred to swim with the Marlins if they could get afternoon pool time because the 6:30 a.m. start-time was too early. She stated the Seawolves' board did not listen to program participants, and requested they become a

democratic organization.

Scott Hubbell discussed his extensive participation in swimming. He stated that when he did his morning laps, he saw Coach Ran's coaching style and how it empowered youth.

Taylor Murray discussed her and her brother's experience swimming with Coach Ran. She stated that the Marlins swim team was formed after Coach Ran was let go from the Seawolves. She discussed the hardships of getting up early for swim lane access and stated her brother could no longer attend the morning swim sessions because his elementary school start time conflicted. She requested afternoon pool time for the Malibu Marlins.

Jason Petta discussed his four daughters, two of which were swimmers. He stated that it was unprofessional and disruptive to change a coach mid-season.

Robert Jordan stated he was a former Seawolves coach and discussed his positive experiences living in Malibu. He stated that he was impressed by the community participation and the dedication demonstrated by the Marlins members starting their swimming so early and requested granting afternoon pool time.

Lawrence Myers discussed how sports fields were shared between Malibu Little League and Pony League. He discussed annual community meetings held by Malibu Little League that were noticed in the local newspaper, where public input was accepted, and a board of directors was selected. He stated that monthly meetings were public and posted in advance. He stated that City resources should be directed to organizations that operated in that manner. He discussed the hardship swimming in the mornings was for his daughter and requested afternoon pool access for the Marlins.

Marshall discussed his experience with Coach Ran and the impressive progress he made during that time. He discussed the importance of sleep for growing youth and stated he was not able to participate in the Malibu Marlins because of the early start time and requested afternoon pool access.

Ani Dermejian discussed Coach Ran's coaching of her sons and stated that his coaching style struck a perfect balance of coaching, mentoring, humor, and fostering open communication with parents regarding their children's progress. She stated that it was disappointing to hear of his sudden departure and the lack of professionalism surrounding his dismissal. She requested the Seawolves' board of directors engage parents with transparency in their decision-making process like the Marlins did. She requested the teams be brought back together, or afternoon pool time be provided for the Marlins.

Robert Shorr discussed the value of the pool to the community. He discussed Coach Ran's dedication and positive impact on his daughter and other swimmers. He requested support for Coach Ran. He discussed the prior week's cancellation

of the Parks and Recreation Commission meeting.

Charmaine Mark, Dawn Ericson, and Ingrid Shoshan deferred time to Mr. Brinkmann

Robert Brinkmann discussed his interactions with the Malibu Aquatics Foundation when he learned Coach Ran was terminated and stated that was the reason the Malibu Marlins swim team was founded. He stated that the Marlins organization was designed democratically and transparently. He commented on the Parks and Recreation Commission meeting cancellations and the Marlins' limited opportunities to provide input to the City. He discussed problems associated with combining the two swim clubs, because it would still be run undemocratically. He discussed reasons provided for Coach Ran's termination centered around one parent who felt her children were not being pushed enough. He stated that the Marlins obtained their early morning pool time directly from the school district. He stated that the Seawolves terminated a second coach due to lack of funds caused by the split in the swim teams. He discussed the Marlins' attempts to obtain pool access through interactions with City staff and requested the Council's assistance.

In response to the audience, Mayor Uhring reminded speakers that their slips needed to be submitted before the item was called.

Christopher Dermejian discussed Erik Ran's coaching and the positive impact he had on his swimming and life. He requested more access to swimming pool lanes in the afternoons for the Marlins.

Macloud Shoshan discussed his love of swimming and the challenges of waking up at 5:00 a.m. to attend the 6:30 a.m. swim sessions with the Marlins.

David Shoshan discussed Coach Ran's dedication, reliability, and support of the community's youth. He requested Marlins' access to the pool in the afternoons for his younger children to be able to start swimming.

Benjamin stated that he lived near the beach public access on Malibu Road and witnessed many individuals sleeping in their cars on Malibu Road. He suggested parking restrictions including the installation of parking prohibition signage and permitted parking.

Don Schmitz discussed Sea Level Drive storm damage and discussed the emergency coastal development permits (CDP) issued by the City. He commended staff on their work on the emergency CDPs.

Nelly discussed her daughter's participation in the Seawolves because the Marlins start time was too early. She stated that the Seawolves had run out of money and let one of their coaches go and she was considering outlying communities for her daughter to swim. She stated that there was much community support for Coach

Ran and that a merger should be considered.

Amora Magna discussed American Youth Soccer Organization and Malibu Little League and scheduling conflicts for field space with outside organizations. She discussed the limited resources and facilities available for youth sports in the City. She expressed her support for the Marlins obtaining afternoon pool lane use. She discussed the positive impact that sports had on her five children.

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

Dane Skophammer, Parks and Recreation Commissioner, apologized for the cancellation of the last Parks and Recreation Commission meeting. He discussed the formation of the Independent Contract Ad Hoc Committee and their work reviewing the City's recreation program contacts, the pool schedule, and regulations regarding the maximum number of swimmers allowed per lane. He stated the Commission had discussed giving the two swim groups time to resolve their issues independently. He stated the Independent Contract Ad Hoc Committee had set up a meeting with both swim club presidents on March 4, 2024. He stated a deadline had been set to open a Request for Qualifications (RFQ) if the swim clubs did not reach a resolution.

In response to Councilmember Riggins, Commissioner Skophammer stated the RFQ would be opened after the March 19, 2024 Parks and Recreation Commission meeting.

In response to Councilmember Riggins, Community Services Director Riesgo stated staff would plan to release the RFQ on April 1, 2024 and it would be open for 4-6 weeks. She stated a panel would review the proposals and provide feedback to staff.

In response to Mayor Pro Tem Stewart, Commissioner Skophammer stated the City had a contract with the Malibu Aquatics Foundation and it had been continuously renewed over the years. He stated the Independent Contract Ad Hoc Committee would recommend a narrower timeframe in the future.

Councilmember Riggins stated the agreement was quarterly, but the swim program typically lasted a year.

In response to Councilmember Silverstein, Commissioner Skophammer stated it was an at-will contract. He stated offering the two programs at the same time would require additional staff on the pool deck and separating the swimmers by lane.

In response to Councilmember Silverstein, Community Services Director Reiso explained that the contract was quarterly and could only be terminated early if the program did not meet the minimum enrollment requirement.

Councilmember Silverstein stated all the contracts for the City he had seen had a termination provision and it was typically one month.

In response to Councilmember Silverstein, Community Services Director Riesgo confirmed that the swim program contract had a three-month termination. She explained that the pool was only open two and a half to three hours Monday-Friday.

Commissioner Skophammer stated there may be a resolution to the swim issue by the end of the month.

City Manager McClary discussed the recent storm events and staff response. He stated Malibu Canyon had reopened and repairs had been completed near Sycamore Canyon. He discussed the lane closure and traffic signal issues last week near Corral Canyon. He stated staff worked with the Sheriff's Department to arrange traffic control and Caltrans repaired the signal on Friday. He stated some property owners had damage from the storms and discussed assistance available from the City and Los Angeles County. He stated he had reached out to California Coastal Commission staff to discuss their concerns regarding some improperly installed coastal access signs that had been removed from the City's right-of-way the previous year. He stated staff had scheduled a kick-off meeting for the vacant land outreach project. He announced Senator Ben Allen had introduced a bill to allow speed cameras on PCH and it was supported by Assemblymember Jacqui Irwin. He stated CHP and the Sheriff's Department continued to increase enforcement on PCH. He stated CHP had issued 226 citations since his last report, 220 were for speeding and one driver was pulled over for driving over 100 mph. He stated a Special Planning Commission meeting was scheduled for March 8, 2024 to consider the crosswalk project continued at the last Planning Commission meeting. He announced the General Fund Grant program application period would close on March 29, 2024. He announced that the City's Draft Housing Element was submitted to HCD for review on February 7, 2024. He stated if HCD found the Housing Element to be in compliance, public hearings would be scheduled for the Planning Commission and City Council. He stated the Farmers Market has resumed operating in the Malibu Library parking lot. He announced the City had launched a new queuing system for counter services. He stated he attended a Las Virgenes-Malibu Council of Governments meeting with Councilmember Grisanti and Mayor Pro Tem Stewart. He stated he met with the Marine Mammal Care Center. He stated he attended the placement of another tire at the ghost tire memorial for Jose Alfonso. He stated staff planned to meet with the new District Superintendent for State Parks.

Sergeant Chris Soderlund, Los Angeles County Sheriff Department, discussed an accident on February 13, 2024 involving a car and a big-rig trailer on PCH west of Decker Canyon. He discussed two locals who were able to rescue the driver and passenger from the ensuing car fire. He discussed another accident on February 22, 2024 on PCH was of Trancas Canyon. He stated one of the drivers

was arrested for reckless driving and DUI. He discussed the recent storms and road closures on Malibu Canyon, PCH, Corral Canyon, and Las Flores. He commended Caltrans and Public Works crews for their work clearing debris. He encouraged everyone to drive slowly through the rain and keep their headlights on.

In response to Mayor Pro Tem Stewart, Sergeant Soderlund stated the accident near Decker Canyon was caused by inattention.

In response to Mayor Uhring, Sergeant Soderlund stated deputies routinely patrolled near Trancas and Las Tunas for vehicles violating overnight parking ordinances and he would add Malibu Road to the patrol.

Councilmember Silverstein stated the City had a no camping ordinance that could be enforced.

Sergeant Soderlund encouraged the residents to report concerns in their neighborhood.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Grisanti stated he attended a COG meeting with Mayor Pro Tem Stewart and City Manager McClary. He stated he attended a hearing in Santa Monica with the Draft EIR Committee for the Topanga Lagoon Restoration project. He stated another meeting would be held at Topanga, but there would not be any hearings in Malibu. He stated when the EIR was complete the City would receive copies and would be part of the approval process for the EIR. He discussed the significant scope of the project.

Councilmember Riggins stated she attended the ghost tire installation. She stated she hoped all the swim groups would stay engaged with the City's outreach on potential uses for the vacant land. She discussed the public interest in hiking to Escondido Falls in the spring and summer after heavy rains and requested MRCA prepare for the crowds. She stated she understood the challenge of early swim times and she had participated in early zero-period swim team during school. She stated she hoped the Ad Hoc Committee could help the community reach a resolution.

Councilmember Silverstein thanked the speakers and those who submitted written comments. He discussed the Special Planning Commission meeting on March 8, 2024 and stated he had watched the first hearing and expressed concern that the crosswalk was not approved considering the public safety issues on PCH. He stated he had been contacted by an attorney representing the Trancas Market regarding their CUP application for events. He stated the Planning Commission had not approved the CUP because the Council would be considering an unrelated Temporary Use Permit Ordinance and expressed concern that it was tone-deaf. In response to Benjamin, he expressed sympathy and stated the City's ordinance

needed to be given force. He thanked the public speakers from the swim groups for participating in the meeting. He discussed a letter shared by the Seawolves after Coach Ran was let go and discussed the values of the two swim programs. He discussed the importance of swimming and stated there needed to be a way to allow both groups to swim in the afternoon. He stated he hoped an item would be brought before the Council. He discussed the importance of following the rules and procedures of the meeting. He encouraged the swim teams to compromise.

Mayor Pro Tem Stewart discussed the commendations presented tonight and the deputies' heroic actions. He discussed how the CCC needed to approve parking signs on PCH and other streets in the City. He discussed his experience with swimming and the Malibu Education Foundation grant for a school athletics pathway. He discussed outreach for vacant land to identify the most needed facilities. He stated the pool was owned by the school and the City had limited hours. He stated he attended a COG meeting and served as a judge for Boys and Girls Club Youth of the Year scholarship. He commended Public Works and Caltrans for their response to the recent storm events and discussed the mud and rockslides. He discussed the new ghost tire for Jose Alfonso and devastating impact these deaths had on families. He indicated support for Councilmember Silverstein's comments on the PC crosswalk hearing. He encouraged the public to set the pace on PCH.

Mayor Uhring thanked the speakers and expressed concern that students were getting up so early for swim practice. He commended Caltrans, Public Works, and Los Angeles County for storm response and repairs. He stated there was another rainstorm forecasted for this weekend and cautioned the public to drive carefully. He stated he attended the ghost tire installation and stated the City needed to take action on PCH safety. He stated it was important to involve the Pepperdine community in PCH safety efforts. He discussed a potential bond measure for school improvements and stated there would be a survey soon. He discussed Los Angeles County's no-bail policy and stated he had a call with a District Attorney candidate.

Interim City Attorney Rusin cautioned the Councilmembers that they could not make political endorsements during the meeting. He explained that City resources could not be used for political endorsements.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.6. and 3.B.7. were pulled by the public. Item Nos. 3.B.6., 3.B.9., 3.B.12. were pulled by the Council.

MOTION Councilmember Silverstein moved, and Mayor Pro Tem Stewart seconded a motion to approve the Consent Calendar, pulling Item Nos 3.B.6., 3.B.7., 3.B.9., and 3.B.12. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 515

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 515 determining the project is categorically exempt from the California Environmental Quality Act and adding Chapter 15.30 to Title 15 of the Malibu Municipal Code (MMC) to create a process to regulate exterior elevated elements within the City.

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 71512-71653 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. 741 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,405,039.46. City of Malibu payroll check number 5407-5410 and ACH deposits were issued in the amount of \$409,692.21.

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 16, 2023 Malibu City Council Special meeting, August 28, 2023 Malibu City Council Regular meeting, and September 11, 2023 Malibu City Council Regular meeting.

4. Initiate Amendments to Malibu Municipal Code Chapter 17.41 (Malibu Dark Sky)

Recommended Action: 1) Adopt Resolution No. 24-06 initiating an amendment to Malibu Municipal Code (MMC) Chapter 17.41 (Malibu Dark Sky); and 2) Direct staff to schedule a Planning Commission hearing to consider amendments to MMC Chapter 17.41.

5. Approval of Final Parcel Map No. 82250

Recommended Action: Adopt Resolution No. 24-07 approving the Final Parcel Map No. 82250, Assessor Parcel Number 4450-005-024 at 20550 Pacific Coast Highway, for recordation.

8. Memorandum of Understanding with Los Angeles County Flood Control District

Recommended Action: Authorize the Mayor to execute a Memorandum of Understanding with Los Angeles County Flood Control District in the amount of \$500,000 for the Civic Center Water Treatment Facility – Phase 2.

10. Investment Report for the Month Ending January 31, 2024

Recommended Action: Receive the Investment Report for the month ending January 31, 2024.

11. Amendment to Professional Services Agreement with Civic Solutions, Inc.

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to Agreement with Civic Solutions, Inc. for planning contract services to

extend the term of the agreement, amend the schedule of fees, and to increase the total compensation.

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

6. Professional Services Agreement for City Hall Solar Power Project
Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Kimley-Horn in the amount not to exceed \$290,320 for engineering design services for the City Hall Solar Power Project.

Public Works Director DuBoux presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speakers: 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 Grisanti seconded a motion to authorize the Mayor to execute a Professional Services Agreement with Kimley-Horn in the amount not to exceed \$290,320 for engineering design services for the City Hall Solar Power Project.

The Council discussed the motion.

Mayor Pro Tem Stewart withdrew the motion.

MOTION

Councilmember Silverstein moved, and Councilmember Riggins seconded a motion to direct staff to prepare a feasibility analysis of the City Hall Solar Power Project. The motion carried unanimously.

7. Los Angeles County Measure M Transportation Funding Agreement
Recommended Action: Authorize the Mayor to execute the Los Angeles County Measure M Funding Agreement for the Pacific Coast Highway Pedestrian Undercrossing at Malibu Seafood Project.

Mayor Uhring opened the floor to public comment.

Speakers: 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 Mayor Pro Tem Stewart seconded a motion to authorize the Mayor to execute the Los Angeles County Measure M Funding Agreement for the Pacific Coast Highway Pedestrian Undercrossing at Malibu Seafood Project. The motion carried 4-1, Councilmember Silverstein opposed.

9. Resolution Extending the Declaration of the Existence of a Local Emergency Regarding Conditions on Pacific Coast Highway (PCH)
Recommended Action: Adopt Resolution No. 24-08 extending the declaration of the existence of a local emergency related to the increase of reckless and illegal driving on Pacific Coast Highway and directing staff to coordinate efforts with other governmental agencies to increase attention and create programs to reduce the risk and danger associated with Pacific Coast Highway in the City.

The Council discussed the item and directed questions to staff.

MOTION

Councilmember Silverstein moved, and Councilmember Grisanti seconded a motion to adopt Resolution No. 24-08 extending the declaration of the existence of a local emergency related to the increase of reckless and illegal driving on Pacific Coast Highway and directing staff to coordinate efforts with other governmental agencies to increase attention and create programs to reduce the risk and danger associated with Pacific Coast Highway in the City. The motion carried unanimously.

12. Report on Planning Clearances Issued for Formula Retail Businesses within Cross Creek Ranch Shopping Center (Location: 23465 Civic Center Way) pursuant to Settlement Agreement between City of Malibu and Cross Creek Ranch Malibu, LLC
Recommended Action: Receive and file the Planning Director's report on planning clearances issued for formula retail businesses Kith, Kith Treats, Le Labo, Ray-Ban, and Pura Vida Miami to the City Council, pursuant to the Settlement Agreement between the City of Malibu and Cross Creek Ranch Malibu, LLC.

The Council discussed the item and directed questions to staff.

Without objection, Mayor Uhring received and filed the Planning Director's report on planning clearances issued for formula retail businesses Kith, Kith Treats, Le Labo, Ray-Ban, and Pura Vida Miami to the City Council, pursuant to the Settlement Agreement between the City of Malibu and Cross Creek Ranch Malibu, LLC.

ITEM 6 NEW BUSINESS

- D. Potential Settlement Agreement Regarding Dispute with Owner of Adjacent Property (600 Spring LLC) Related to Proposed Skatepark located at 24250 Pacific Coast Highway

Recommended Action: Consider proposed settlement agreement and approve the agreement (with or without modifications), decline to enter the agreement, or provide further direction to staff.

Interim City Attorney Rusin, Community Services Director Riesgo, Planning Director Mollica, and Jaxon Statzell (California Skateparks) presented the staff report.

The Council directed questions to staff.

Mayor Uhring opened the floor to public comment.

Speaker: Jason Petta, Robert Gold (Mitch Menzer and Scott Gillen deferred time to Mr. Gold), Andy Lyon (Glider Lyon deferred time to Mr. Lyon), Jo Drummond, Heather Gardner, Billie McGinley, Finn Murphy, Alicia Peak, Damon Way, Howard Rudzki, Hamish Patterson, Regan Schaar, Josh Spiegel, and Ryan Embree

Samantha Arcese and Robert Jordan were not present 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 and directed questions to staff.

- MOTION Councilmember Silverstein moved to direct staff to: 1) bring back a settlement agreement including the following terms: a) Mr. Gillen will indemnify the City from any cost from against any objection by a third part, b) any further delays to the project would void the settlement agreement, c) a substantial payment to build the skatepark; and 2) publish the staff report for the appeal for the March 11, 2024 Regular meeting.

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

FRIENDLY AMENDMENT

Mayor Uhring seconded the motion and moved to hear the appeal before considering the settlement agreement.

The amendment was accepted by the maker of the motion.

SUBSTITUTE MOTION

Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to direct staff to schedule a Special meeting on March 4, 2024 at 6:30 p.m. to consider a potential settlement agreement regarding a dispute with the owner of the adjacent property (600 Spring LLC) related to the proposed skatepark located at 24250 Pacific Coast Highway.

The Council discussed the item and directed questions to staff.

At 11:13 p.m. Councilmember Grisanti left the dais.

RECESS At 11:13 p.m., Mayor Uhring recessed the meeting. The meeting resumed at 11:20 p.m. with all Councilmembers present.

The Council discussed the item and directed questions to staff.

FRIENDLY AMENDMENT

Councilmember Riggins made a friendly amendment to her motion and moved to include the following in the settlement agreement language: a) instead of recording the agreement against the properties, \$150,000 would be due up front and Mr. Gillen would be personally responsible for the financial commitments in the agreement, b) if the trees planted pursuant to the agreement die, the City has an obligation to replace them for only the first 10 years after the skate park opens, c) trees will not be installed until after construction, and d) add a provision requiring 600 Spring to indemnify and hold the City harmless against third party challenges to the settlement.

The amendment was accepted by the seconder of the motion.

FRIENDLY AMENDMENT

Councilmember Silverstein made a friendly amendment to Councilmember Riggins's motion and moved to consider the settlement at the March 11, 2024 Regular meeting before appeal.

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

The question was called to consider the substitute motion before the original motion and it carried 3-2, Councilmember Silverstein and Mayor Uhring opposed.

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

The Council discussed the agenda.

City Clerk Pettijohn clarified that the Council would need to continue Item No.4.A. to the March 11, 2024 meeting to avoid re-noticing the public hearing.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Appeal No. 23-008 - Appeal of Planning Commission Resolution No. 23-52 (Skatepark at 24250 Pacific Coast Highway; Appellant, 600 Spring LLC)
Recommended Action: Continue the item to the March 11, 2024 City Council meeting.

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to continue the item to the March 11, 2024 City Council meeting.

The Council discussed the motion and directed questions to staff.

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

MOTION Councilmember Riggins moved, and Councilmember Grisanti seconded a motion to hear Item No. 4.B. after 10:30 p.m. The motion carried unanimously.

- B. Approval of Use of Community Development Block Grant (CDBG) funds for Fiscal Year 2023-2024
Recommended Action: 1) Conduct the public hearing; and 2) Adopt Resolution No. 24-09 authorizing and approving the use of \$9,791 in CDBG Funds for Malibu Community Labor Exchange (MCLE) and the use of \$55,485 in CDBG Funds for a permanent trailer for MCLE.

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 and directed questions to staff.

MOTION Councilmember Grisanti moved, and Councilmember Silverstein seconded a motion to adopt Resolution No. 24-09 authorizing and approving the use of \$9,791 in CDBG Funds for Malibu Community Labor Exchange and the use of \$55,485 in CDBG Funds for a permanent trailer for MCLE. The motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS (Continued)

- A. Strategic Plan Project Update (Continued from February 12, 2024)
Recommended Action: Receive and file a progress report on the Strategic Plan Projects.

This item was continued to the March 11, 2024 Regular meeting.

The Council discussed the agenda.

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

- B. Wastewater and Recycled Water Rate Study and Proposed Rates
Recommended Action: 1) Receive presentation on the 2024 Wastewater and Recycled Water Rate Study; 2) Authorize the mailing of the Proposition 218 notices to the affected property owners; and 3) Direct staff to schedule a Public Hearing for the April 22, 2024 City Council meeting to establish wastewater and recycled water service rates for Fiscal Years 2024-25, 2025-26, 2026-27, and 2027-28.

This item was continued to the March 4, 2024 Special meeting.

- C. Mid-Year Commission Activity Reports
Recommended Action: 1) Receive and file mid-year activity reports from the Harry Barovsky Memorial Youth Commission, Malibu Arts Commission, Parks and Recreation Commission, Public Safety Commission, and Public Works Commission; and 2) Amend Commission assignments for Fiscal Year 2023-2024, if appropriate.

This item was continued to the March 11, 2024 Regular meeting.

ITEM 7 COUNCIL ITEMS

- A. Proposed Advocacy for Changes to the California State Vehicle Code to Deter Excessive Speeding on PCH (Mayor Pro Tem Stewart and Councilmember Grisanti) (Continued from February 12, 2024)
Recommended Action: At the request of Mayor Pro Tem Stewart and Councilmember Grisanti: 1) Consider advocating for proposed changes to the California State Vehicle Code to deter excessive speeding on PCH; and 2) Provide direction to staff, as needed, to come back at a future date with a resolution advocating for changes or a letter to California state officials.

This item was continued to the March 11, 2024 Regular meeting.

ADJOURNMENT

Mayor Uhring adjourned the meeting at 11:57 p.m. in memory of Jose Alfonso.

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

STEVE UHRING, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)