The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

Chair Frost called the meeting to order at 5:06 p.m.

ROLL CALL

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

PRESENT: Chair Chris Frost; Vice Chair Doug Stewart; and Commissioners Keegan Gibbs, Fred Roberts, and Dane Skophammer

ALSO PRESENT: Susan Dueñas, Public Safety Manager; Jerry Vandermeulen, Fire Safety Liaison; Rob DuBoux, Public Works Director; Arthur Aladjadjian, Public Works Superintendent; Brandie Ayala, Senior Administrative Assistant; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Chair Frost led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Commissioner Gibbs moved and Vice Chair Stewart seconded a motion to approve the agenda with Item No. 3.A. continued to a future date. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Executive Assistant Linden reported that the agenda for the meeting was properly posted on December 30, 2020.

ITEM 1.A. PUBLIC COMMENTS

Hans Laetz was not present at the time of the hearing.
ITEM 1.B. STAFF UPDATES

Public Safety Manager Dueñas stated staff continued to put out COVID-19 messaging. She stated drive-through testing at City Hall would probably resume in upcoming weeks. She stated the City was in communication with Malibu Medical Group on a vaccine site and thanked Vice Chair Stewart for taking the lead on that. She stated CERT had been mostly on hold due to COVID-19, but a new virtual CERT class would be rolled out for the community in upcoming months.

Fire Safety Liaison Vandermeulen reported 126 home ignition zone assessments were completed in 2019 and 140 in 2020 for a total of 266 assessments to date. He discussed documentation he was working on to provide a history of his work for reference and a smooth transition for his replacement. He indicated he planned to stay with the City to help with the transition. He discussed Assembly Bill (AB) 3074 that was signed by the Governor in September 2020. He explained that while the City program was voluntary, AB 3074 would require a five-foot ember-resistant zone around all homes that fall under defensible space already in existence. He stated the Los Angeles County Fire Department would have enforcement jurisdiction and that CalFire has until January 1, 2023 to determine how AB 3074 will be implemented.

In response to Vice Chair Stewart, Fire Safety Liaison Vandermeulen confirmed all of Malibu was in a very high fire severity zone. He stated any house that received a notice for defensible space would be required to comply with AB 3074.

Public Works Director DuBoux stated he, the City Manager and other City staff met with the new Caltrans District 7 director and other Caltrans staff to discuss current projects and communication. He stated the City requested projects affecting public safety be brought to the Commission, including improvements for the intersection of Pacific Coast Highway (PCH) and Las Flores Canyon Road, which would be followed by a public meeting. He stated the County was replacing parking restriction signs recently damaged or removed. He stated the City’s contract weather consultant expected this January to have fewer storms than in the past.

In response to Chair Frost, Public Works Director DuBoux stated the proposed Corral Canyon signal was not brought up by Caltrans during the meeting. He stated City approval was required for that project and had not been issued.

ITEM 1.C. COMMISSIONER COMMENTS

Commissioner Skophammer discussed the violence at the US Capitol today. He suggested security be increased at City Hall, starting with metal detectors at the front doors to protect elected officials, City staff and residents doing business there.

Vice Chair Stewart discussed an ordinance regarding oversized vehicles going to the Planning Commission. He stated the ordinance would require vehicles to move 1,000 feet
to be in compliance. He commended Public Safety Manager Dueñas and City Manager Feldman for their assistance with planning for vaccination distribution in Malibu. He stated several local doctors agreed to join a conference call to plan for a mass vaccination program. He stated 7,000 doses were requested for Malibu. He requested updates on Beacon Boxes, the status of homeless individuals removed from Las Tunas, homeless signs for red flags, and letters of agency. He requested additional information about automatic license plate readers (ALPR) be provided at the next meeting.

Public Works Director DuBoux stated he and Public Safety Manager Dueñas were working on determining the cost for Beacon Boxes, which would be submitted for inclusion in the mid-year budget and added to the Fiscal Year 2020-2021 Work Plan. Public Safety Manager Dueñas stated half would be proposed at the mid-year budget with the remainder to be included in the proposed budget for Fiscal Year 2021-2022.

Public Safety Manager Dueñas stated staff was preparing a map of homes with letters of agency on file and identifying properties where the City could post red flag warning signs. She stated staff continued to monitor the Tuna Canyon location where another encampment appeared to be in progress and would be addressed.

In response to Chair Frost, Public Safety Manager Dueñas stated staff needed to work with the Sheriff’s Department to see if the term of the Letters of Agency, currently one year, could be extended. She stated Public Safety staff were being proactive and was requesting Letters of Agency be turned in to the City to add to the City’s records before submitting to the Sheriff’s Department.

Commissioner Roberts discussed drive-thru testing at City Hall. He stated he got through in approximately 30 minutes, but several other residents stated it was taking too long. He commended Public Works Director DuBoux and Public Works staff for their assistance with a project he was working on. He stated all departments were doing very well online. He stated campers on PCH in western Malibu appeared to be moving further westward. He questioned whether this was due to a lack of parking restrictions or less enforcement. Public Works Director DuBoux stated the Volunteers on Patrol (VOP) and Sheriff’s deputies continued sweeps of the area.

Mark Russo confirmed VOPs continued to do sweeps and had reported damaged signs to the County.

Chair Frost agreed with Commissioner Skophammer about increasing safety at City Hall.

CONSENSUS
By consensus, the Commission requested increased security at City Hall be added to a future agenda.

Chair Frost discussed using lidar to clock speeding vehicles. He discussed the cost of citations and getting vehicles out of impound. He commended Vice Chair Stewart and local
medical professionals for working together to develop a vaccination plan. He stated the
campment at Tuna Canyon was back again and the City should not have to pay to manage
it on private property. He stated it should be tagged as an attractive nuisance and the
property owner should have to implement deterrents.

ITEM 3 OLD BUSINESS

A. Automatic License Plate Readers (continued from December 2, 2020)
Recommended Action: Provide a recommendation to the City Council regarding
the installation of additional Automatic License Plate Readers (ALPRs) for use by
the Sheriff’s Department and suggested locations, as appropriate.

This item was continued on approval of the agenda.

ITEM 4 NEW BUSINESS

A. Public Safety Power Shut-Off Standard Operating Procedures
Recommended Action: Receive a report on the City’s Public Safety Power Shut
Off (PSPS) Standard Operating Procedures and provide feedback to staff.

Public Safety Manager Dueñas presented the report. She stated the Standard
Operating Procedures (SOP) were implemented in 2018. She discussed Southern
California Edison’s (SCE) notification policy.

Ryan Embree asked if essential facilities were exempted. He stated federal policy
allowed for exemption if applied for in advance. He suggested the City apply for
exemption for City Hall and the Civic Center Water Treatment Facility (CCWTF).
He stated Pepperdine was designated as exempt.

Public Safety Manager Dueñas stated the City had inquired about that exemption
and was told it did not qualify. She discussed changes to PSPS that allowed for only
partial circuits to be shut off. She discussed backup power for City Hall. Public
Works Director DuBoux stated the CCWTF had fully automated emergency
backup power that could power the facility for several days.

Chair Frost stated he discussed with a SCE representative why certain areas in
partial circuits were shut off when weather did not indicate a threat. He stated he
inquired why PSPS were not implemented closer to the 101 Freeway where fires
might start.

Public Safety Manager Dueñas stated she was on a statewide PSPS board where
she asked the same question as Chair Frost and was provided the same answer. She
stated SCE claims it does not distinguish between different areas based on the
potential for larger fires and acts to prevent any fires.
Vice Chair Stewart asked why backup generators for traffic signals were not included in the SOP. Public Safety Manager Dueñas stated generators were intended for evacuations.

In response to Vice Chair Stewart, Public Works Director DuBoux stated backup power was discussed in the meeting with Caltrans. He stated the City requested Caltrans dispatch workers immediately to provide backup power to traffic signals impacted by PSPS. He stated Caltrans was looking into upgrading signals to avoid malfunctions and reduce downtime. He discussed a project to upgrade traffic signals from Topanga Canyon to John Tyler Drive.

Chair Frost stated the key was to have every signal on PCH automatically switch over to a backup system when power went out. He stated backup power must last at least two to three hours. In response to Public Safety Manager Dueñas, he stated the Caltrans agreement did not restrict backup power to evacuations.

Public Safety Manager Dueñas clarified the SOP being discussed was only for PSPS.

In response to Commissioner Skophammer, Public Works Director DuBoux provided an update on who could operate keys to turn on signals.

Commissioner Gibbs agreed with Commissioner Skophammer that the City needed the capability of turning signals back on. In response to Commissioner Gibbs, Public Works Director DuBoux stated all 19 signals within the city limits had battery backup. He discussed power generated by battery backup and generators. Commissioner Gibbs stated integrated battery backup and generators with longer life would be better. Public Works Director DuBoux agreed and discussed the use of solar panels.

Commissioner Skophammer asked why the PSPS SOP did not include moving generators to failed signals. Public Safety Manager Dueñas stated the policy was that the City did not pre-stage generators for PSPS. Commissioner Skophammer expressed disagreement with that policy.

Chair Frost agreed with Commissioner Skophammer. He stated there should be no reason preventing a City contractor or CERT Team from moving generators to the signals.

Public Works Director DuBoux stated deploying generators during an emergency would be necessary for evacuations. He stated it was difficult to time when to deploy during a PSPS, but a procedure could be developed to use the temporary generators. He discussed the manpower and resources required for deploying generators.
Chair Frost stated one person could carry the generator. He stated the generators needed to be in place if Caltrans did not have adequate battery backup. He stated it should not be as difficult as was being described.

Vice Chair Stewart agreed with Commissioner Skophammer and Commissioner Gibbs. He stated the Caltrans agreement allowed for generators to be used during PSPS. He suggested a cost analysis be conducted.

Public Safety Manager Dueñas discussed liability related to using generators.

In response to Vice Chair Stewart, Public Works Director DuBoux stated the generators did not necessarily charge the battery backup. Vice Chair Stewart suggested bringing the item back after a cost analysis was completed.

Public Safety Manager Dueñas stated last month’s CERT Team training included deployment of generators.

Commissioner Gibbs suggested more details of the capability of the generators and what was necessary to use them during PSPS be brought back.

Commissioner Skophammer stated deputies would also be deployed to help direct traffic.

Chair Frost stated deputies and VOP were not always available to provide traffic control. He stated a seamless transition to battery power was absolutely necessary.

Commissioner Gibbs agreed with Chair Frost.

Commissioner Skophammer asked what was stopping the Commission from recommending the change to the SOP.

Vice Chair Stewart stated there was more involved than was being discussed.

Chair Frost stated the battery backup was a Caltrans responsibility. He stated the Commission did not need to consider cost.

Public Works Director DuBoux agreed with Chair Frost that the Commission could make a recommendation to the City Council and the Council could direct staff to determine costs.

**MOTION** Vice Chair Stewart moved and Commissioner Gibbs seconded a motion to provide a recommendation to the City Council to amend the City’s Public Safety Power Shut-Off (PSPS) Standard Operating Procedures to include deployment of backup generators and power supplies for immediate implementation when traffic signals
in Malibu were impacted by PSPS or other power failure. The question was called and the motion carried 4-1, Commissioner Roberts dissenting.

Commissioner Roberts stated it was necessary to determine who would deploy the generators.

ITEM 2 CONSENT CALENDAR

Item No. 2.B.1. was pulled by the public.

Ryan Embree requested the minutes for the December 2, 2020 meeting be amended to add the word “signal” to his comment at the end of the first paragraph on page nine.

MOTION Vice Chair Stewart moved and Chair Frost seconded a motion to approve the Consent Calendar as corrected. 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. Approval of Minutes – December 2, 2020
      Staff recommendation: Approve minutes of the Public Safety Commission Regular meeting of December 2, 2020.

ITEM 1.A. PUBLIC COMMENTS (continued)

Hans Laetz stated he was adding a booster to extend KBUU to eastern Malibu. He discussed improvements, including four digital radio stations, one of which was offered to the City. He stated the main station would still share City information, such as traffic advisories and emergency warnings. He stated cable received in error was donated to CERT to use at the new Castro Peak repeater.

ITEM 4 NEW BUSINESS (continued)

B. Parking Restrictions Along Pacific Coast Highway
   Recommended Action: Receive and file report on the status of the City’s current efforts on parking restrictions along Pacific Coast Highway (PCH) and provide feedback to staff for locations for additional parking restrictions.

Public Works Director DuBoux presented the report. He discussed the success of restrictions implemented at Las Tunas Beach in March 2020. He stated similar restrictions at Corral Canyon were successful in October 2020. He discussed
different restrictions at Zuma Beach due to existing no parking zones on the land side of PCH. He stated staggered restrictions were established on the ocean side requiring vehicles to move between those zones. He commended VOPs and Sheriff’s deputies for enforcing with sweeps and citations. He stated, in response to the County of Los Angeles Safer at Home Order issued in November 2020, the City requested Coastal Commission approval for reinstating parking restrictions implemented earlier in the pandemic between Corral Canyon and Puerco Canyon. He stated staff requested suggestions from the Commission about other areas to consider for permanent parking restrictions. He suggested the area from Corral Canyon to Latigo Canyon where numerous campers had been parking.

Commissioner Roberts suggested adding Trancas Canyon to the hill going up to Heathercliff, Latigo Canyon to Puerco Canyon, Corral Canyon and Las Tunas, and the intersection by Maestro’s Restaurant to Coastline Drive.

In response to Commissioner Roberts, Chair Frost indicated the last location he suggested was outside the city limits.

Commissioner Roberts suggested including Trancas Canyon west to Broad Beach Road and the ocean side of PCH near the Malibu Riding and Tennis Club by Point Zero.

Chair Frost agreed with Commissioner Roberts about Trancas Canyon to Broad Beach Road. He stated nighttime restrictions would not affect beachgoers. He also agreed with Corral Canyon to Latigo Canyon. He expressed concern about getting Coastal Commission approval for so many areas.

Commissioner Roberts stated some areas along PCH did not need restrictions due to difficulties parking large vehicles in areas with narrow shoulders.

Chair Frost stated two or three no parking signs near Legacy Park were missing.

Vice Chair Stewart stated 12:00 to 5:00 a.m. were good hours for restricting parking. He agreed with restricting parking at Dan Blocker Beach and Trancas Canyon to Broad Beach. He stated there was no reason for parking overnight except for camping.

Public Works Director DuBoux stated it would be possible to implement temporary no parking signs at locations recommended by Commissioner Roberts. He agreed with including Corral Canyon to Latigo Canyon and Trancas Canyon to Broad Beach Road. He asked if Webb Way to Cross Creek Road should be considered. Chair Frost agreed with including Webb Way to Cross Creek Road. He stated the Coastal Commission should be agreeable to nighttime-only restrictions because they would not impact public access to beaches. He stated the restrictions were
necessary to protect public health by preventing illegal waste discharge from motorhomes.

Commissioner Gibbs discussed campers that just moved to new areas when parking restrictions were implemented. He stated it might be a futile effort. He discussed a rise in homeless individuals living out of their cars in Malibu. He stated the City should find a better way to address the issue. He suggested finding an effective way to create an enforceable law regulating egregious overnight car camping.

In response to Commissioner Gibbs, Chair Frost confirmed the City has an ordinance prohibiting sleeping in vehicles overnight, but it was not enforced. In response to Chair Frost, Public Safety Manager Dueñas confirmed the County had directed the Sheriff's Department to not cite for sleeping in vehicles. Public Works Director DuBoux discussed how the Martin v. Boise decision resulted in citations failing in court. He stated the proposed parking restrictions bypassed that issue.

Commissioner Gibbs asked what the City was trying to achieve. Public Safety Manager Dueñas stated the City was trying to address complaints about long-term parked vehicles and hazardous dumping of waste along PCH and at the beach.

Commissioner Gibbs asked if new parking restrictions would actually achieve those goals. Public Safety Manager Dueñas stated it would reduce the problems. She discussed circumstances that led to individuals losing their homes and ending up living out of their vehicles. Commissioner Gibbs suggested it was not necessarily the right path to solving the problem.

Chair Frost stated there was no downside to implementing the parking restrictions and moving forward with the ordinance going to the Planning Commission to restrict parking of oversized vehicles.

Vice Chair Stewart stated overnight parking was only for camping. He stated the restrictions would require individuals to move to a location fit for their vehicle that would also provide a safe, legal outlet for disposing of sewage waste.

Commissioner Gibbs stated it would not stop vehicles from moving then returning to the same location to remain parked all day.

Chair Frost stated Malibu Seafood owners told him they were losing business because there was no parking available to customers due to vehicles camping out. He agreed with Commissioner Gibbs that restrictions did not solve the problem but were a good first step.

Commissioner Gibbs stated he was looking for a better path forward that would address the problem humanely and with compassion. He thanked Mark Russo and the VOP for their efforts.
Chair Frost agreed with Commissioner Gibbs that the City needed to continue to work toward a plan that would help the homeless.

Public Safety Manager Dueñas suggested considering this not as a homeless issue but rather a way to restrict opportunists who considered PCH a weekend home.

Commissioner Skophammer stated the restrictions had resulted in approximately 90% of the vehicles formerly parked along PCH to no longer be parked there. He expressed concern that the Coastal Commission might deny a request for too many restrictions and could possibly reverse previous approval of restrictions. In response to Commissioner Gibbs, he stated this was an effective way to deal with a problem until a better solution was found.

Public Works Director DuBoux stated the City was submitting requests in groups to increase the likelihood of Coastal Commission approval. In response to Commissioner Skophammer, he stated the Coastal Commission could not retroactively reverse a previously approved CDP.

**MOTION** Chair Frost moved to recommend that staggered no parking restrictions during night hours be considered for the areas on PCH from Trancas Canyon Road to Broad Beach Road, Corral Canyon to Latigo Canyon, and Webb Way to Cross Creek Road.

Commissioner Skophammer suggested adding East Winding Way to Paradise Cove. Public Works Director DuBoux stated that area did not pose an issue. He stated it was on his list to be considered in the future, if needed.

Mark Russo stated most motorhomes found during sweeps were set up for long-term parking. He discussed furniture, barbecues and other personal items set up and stated owners were often not in the vehicle. He stated the restrictions were having the effect of putting them on notice. He stated deputies were identifying motorists and determining their reason for being there. He stated it was very effective and the number of motorhomes had greatly decreased. He stated VOP and Sheriff’s Deputies fully supported the restrictions and supported expanding the locations. He suggested including PCH between Heathercliff Road and Portshead Road, and sections of Carbon Canyon Road.

Chair Frost withdrew his motion.

**MOTION** Vice Chair Stewart moved and Chair Frost seconded a motion to recommend that staggered no parking restrictions during night hours be considered for the areas on PCH from Trancas Canyon Road to Broad Beach Road, Corral Canyon Road to Latigo Canyon Road, Webb Way to Cross Creek Road, and Heathercliff Road to
Portshead Road, with priority given to the locations in the order presented. The question was called and the motion carried 4-0-1, Commissioner Gibbs abstaining.

Commissioner Gibbs clarified that he agreed the parking restrictions were effective, but he was just not sure it was a better choice for addressing the issue of homeless individuals living in their vehicles.

C. Impound Fees
Recommended Action: Review current impound fees and, if appropriate, provide a recommendation to the City Council for any suggested changes to the fees.

Public Safety Manager Dueñas presented the report. She stated the ordinance regulating impound fees was last updated nearly 30 years ago. She stated fees acted as a deterrent. She discussed changes in how parking was enforced in the City and increases in associated costs. She stated the minimum cost for impounding a vehicle at current rates was over $139.

Ryan Embree stated the impound fee was intended for cost recovery. He suggested not exempting corporate-owned vehicles. He stated many impounded vehicles were overdue rental cars recognized by ALPR. He stated car rental companies should not be considered victims.

Chair Frost stated stolen vehicles and those involved in accidents were excluded from fees. He stated rented vehicles would not be excluded. He stated no fees had been collected since Sierra Towing was contracted. He stated the City of Thousand Oaks charged $180 that must be paid at the police department before picking up the vehicle. The total fee should be collected by Sierra Towing and cover both the City’s and Sierra Towing’s cost. He suggested the fee should be $150.

Vice Chair Stewart stated the fee should offset the actual expense as opposed to a fine. He agreed with Chair Frost about increasing the fee to $150. In response to Mr. Embree, he stated it was difficult to differentiate between a stolen vehicle and a rental car covered by insurance.

MOTION
Chair Frost moved and Commissioner Gibbs seconded a motion to recommend that the City’s resolution regulating fees for the release of impounded vehicles be amended to increase the City impound fees to $150. The question was called and the motion carried unanimously.

D. Public Safety Agency Activity
Recommended Action: Discuss recent Public Safety Agency activities and receive and file monthly activity reports from the County of Los Angeles Sheriff’s Department, Fire Department and Lifeguards.

Commissioner Skophammer asked if there was any action taken about linking
LexisNexis on the City website to provide access to crime data for residents.

Commissioner Gibbs agreed with Commissioner Skophammer that it would be good for the community.

Commissioner Skophammer stated Lieutenant Braden had indicated he would look into whether the Sheriff’s Department could create the link to be added to the City website. Executive Assistant Linden stated she and Public Safety Manager Dueñas would work with Lieutenant Braden and report back to the Commission.

Chair Frost thanked all the commissioners for their work. He stated he would like to see all the commissioners reappointed. He stated this Commission had gotten stronger every year.

Vice Chair Stewart stated he agreed with Chair Frost and it was a pleasure and honor to work with this group.

Commissioner Skophammer stated it had been his pleasure and honor. He stated he appreciated the support.

Commissioner Gibbs thanked the Commissioners and staff.

ADJOURNMENT

MOTION At 8:14 p.m., Chair Frost adjourned the meeting.

Approved and adopted by the Public Safety Commission of the City of Malibu on February 3, 2021.

CHRIS FROST, Chair

MARY LINDEN, Executive Assistant