

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
JANUARY 29, 2020  
COUNCIL CHAMBERS  
6:00 P.M.

**MEETING CALL TO ORDER**

Mayor Farrer called the meeting to order at 6:01 p.m.

**ROLL CALL**

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

PRESENT: Mayor Karen Farrer; Mayor Pro Tem Mikke Pierson; and Councilmembers Rick Mullen, Skylar Peak, and Jefferson Wagner

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Susan Duenas, Public Safety Manager; Sarah Kaplan, Public Safety Specialist; Jerry Vandermeulen, Fire Safety Liaison; Matt Myerhoff, Media Information Officer; Kelsey Pettijohn, Deputy City Clerk; and Joyce Parker-Bozylinski, Contract Planner

**PLEDGE OF ALLEGIANCE**

David Wilde led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on January 23, 2020.

**APPROVAL OF AGENDA**

MOTION Councilmember Peak moved and Councilmember Wagner seconded a motion to approve the agenda and adjourn in memory of Michael Zakian and Mark Jason. The motion carried unanimously.

**ITEM 1 NEW BUSINESS**

A. Addressing Homelessness in Malibu  
Recommended Action: 1) Receive an update on the City's response to individuals experiencing homelessness; and 2) Provide direction to staff.

Public Safety Manager Duenas presented the staff report. She introduced subject matter experts from The People Concern, Los Angeles County Sheriff's Department, Supervisor Sheila Kuehl's Office, Community Assistance Resource Team (CART), and Los Angeles County Department of Mental Health.

S. Harrison deferred his time to William Winokur.

William Winokur stated nobly motivated actions had the unintended consequence of prolonging the cycle of addiction, mental illness, and chronic homelessness. He stated the 9th Circuit Court ruled that sleeping in public was not a crime but did not condone other behavior that was criminal. He stated the community was compassionate towards people experiencing homelessness. He thanked the Council for looking after the well-being of the entire community.

Susan Malzone deferred her time to Kelly Pessis.

Kelly Pessis, on behalf of the Malibu Safety Coalition, requested the Council enforce Health and Safety codes and other codes that ensured public safety. She stated the City needed more legal guidance on how codes could be enforced after *Martin v. City of Boise*. She discussed Los Angeles Municipal Code 56.11 and 85.02. She recommended the City set up a task force of stakeholders and partner agencies to address homelessness.

Kay Gabbard discussed Arnold York's opinion piece regarding homelessness in the December 12, 2019 issue of The Malibu Times. She discussed the importance of having multiple treatment options to assist people with mental illnesses. She stated it was important to build personal relationships with people experiencing homelessness to help them find treatment, housing, and work. She suggested services that could assist people experiencing homelessness.

Bruce Silverstein stated the recent structure fire on Harbor Vista was dealt with very quickly by the Fire Department. He stated it was important to help people experiencing homelessness and support the housed residents of the City. He stated most of the people experiencing homelessness in the City were not from Malibu. He stated more people would choose to relocate to the City as more services were offered. He stated homelessness was a national problem. He stated the decision in *Martin v. City of Boise* restricted but did not prohibit all regulations regarding people sleeping in their cars.

Keegan Gibbs discussed the number of people experiencing homelessness in the City and Los Angeles County. He stated people did not want to live on the street. He stated affluent communities had a higher rate of homelessness. He stated the City had a duty to address homelessness.

Kimberly Doeblair stated she grew up in Malibu and was experiencing homelessness after having left Laguna Niguel. She stated not everyone experiencing homelessness had drug or mental health problems. She stated Malibu was a very safe place for people experiencing homelessness. She stated it was important to treat people experiencing homelessness as people and help them.

Mariya Bauer stated she lived in the City and worked as a social worker in correctional facilities in Los Angeles County. She discussed the resources available to people experiencing homelessness who had been incarcerated.

Lea Johnson deferred her time to Scott Dittrich.

Scott Dittrich stated the number of people experiencing homelessness was increasing in spite of the City's programs and community groups. He discussed fire danger. He stated some recreational vehicles (RVs) parked along Pacific Coast Highway (PCH) were available as short-term rentals and some were used for prostitution. He stated some of the RVs frequently parked along PCH were expensive. He expressed concern some programs were enabling some people to continue living out of their vehicles. He discussed the number of housing vouchers given out that were not actually used.

Bianca Torrence deferred her time to Carol Moss.

Rob Bruce deferred his time to Carol Moss.

Carol Moss stated Los Angeles County and the City were doing their best to deal with the homelessness crisis. She discussed how the meal program could help people. She discussed the importance of offering mental health services.

Marni Kamins, Malibu Safety Coalition, stated she was assaulted by a homeless person in a park two years ago. She stated her friend was threatened by a person with a chainsaw in Legacy Park. She requested the Council keep the roads and parks safe for residents. She stated parks were public spaces and not storage spaces.

Don Schmitz discussed the procedures required to clear a homeless encampment. He discussed his client's property with a large homeless encampment. He stated the total cost to clean the property was \$28,000.

Paul Arello, Malibu Safety Coalition, stated many people experiencing homelessness in the City were living in unsafe conditions and had mental health problems. He discussed the cost incurred to the public as a result of people experiencing homelessness.

Mayor Pro Tem Pierson thanked the public and encouraged everyone to share any ideas they had with the Council. He discussed the statistics of people experiencing homelessness in California and Los Angeles County. He stated experiencing homelessness could cause mental health problems. He stated suffering domestic abuse, imprisonment, or time in foster care could contribute to someone experiencing homelessness. He discussed the Strategic Plan for Homelessness. He stated the County could not address homelessness alone and every City needed to participate. He stated Supervisor Kuehl had suggested

considering an affordable housing project in Malibu. He stated he met with Deputy Cabinet Secretary Mark Tollefson in Sacramento. He stated California Governor Gavin Newsom was very serious about addressing homelessness. He stated it was important to act soon, and Malibu should be a model City for addressing homelessness. He recommended developing a Safe Parking Program for overnight parking so the City could enforce other parking regulations. He recommended considering creating bridge housing with mental health services. He stated Supervisor Kuehl had offered Los Angeles County resources to support a Safe Parking Program. He suggested the former courthouse building and City-owned property as potential locations for services. He questioned whether the City needed additional staff to address homelessness and affordable housing, whether the City should hire a security company, and whether the City should start the process of identifying uses for its vacant land. He stated it was important to identify options for affordable housing before there was a State mandate. He stated 80 cities in the country had ended homelessness for veterans and four cities had ended homelessness entirely. He stated a Housing First approach through a public-private partnership seemed to be the most successful strategy.

Councilmember Mullen discussed the City's work with The People Concern. He stated the homeless situation had changed dramatically in three years and the number of RVs in the City had increased.

In response to Councilmember Mullen, John Maceri, Chief Executive Officer of The People Concern, stated homelessness was the number one issue facing the State. He stated it was important for every community to address homelessness. He stated the City's outreach efforts with The People Concern were working. He discussed the meal program administered by CART and the importance of building relationships with people experiencing homelessness. He stated it was important to support people even once they were housed in a Housing First approach. He stated there needed to be housing options for the homeless. He stated Malibu could not be responsible for housing all people experiencing homelessness on the west side. He stated there were some citizens in Malibu ready to contribute funds to build housing if the City could identify land. He stated it was a privilege to work in the City.

In response to Councilmember Mullen, Alex Gittinger on behalf of The People Concern, stated every person experiencing homelessness had experienced trauma in one form or another. He stated it took time to build relationships with people experiencing homelessness. He discussed the Venice Family Clinic. He stated The People Concern had moved 120 people off the streets in the City. He stated it took time to help individuals find housing. He stated the decision in *Martin v. City of Boise* increased the number of people experiencing homelessness and increased the number of people living in RVs. He stated outreach workers were examining what type of people were living in RVs and if they need help.

Councilmember Mullen stated the increased number of RVs inflated the number of people experiencing homelessness in the City. He stated the City was making progress on homelessness, but the decision in *Martin v. City of Boise* had complicated things.

Councilmember Wagner discussed a Safe Parking location in the City of San Clemente. He stated people experiencing homelessness had different needs and abilities. He stated not every person experiencing homelessness had mental health problems. He read from the decision in *Martin v. City of Boise*. He stated some people living in RVs were spilling sewage into drains that led to the ocean, which was a violation of health codes. He discussed porta potties that were being provided for people experiencing homelessness. He stated Federal funding for mental health services had been cut. He stated it was important to categorize people experiencing homelessness so their different needs could be addressed and those that needed the most assistance could be helped first.

In response to Councilmember Peak, Molly Rysman, Housing and Homelessness Deputy to Supervisor Kuehl, stated Los Angeles County Measure H funds could be used for Safe Parking. She stated Safe Parking locations were open at night and closed during the day. She stated Dan Blocker Beach had been considered for Safe Parking. She stated she was interested in any other suggested locations for Safe Parking.

Councilmember Mullen suggested directing staff to identify locations for Safe Parking and work with County staff. He stated Safe Parking was an immediate need and affordable housing would be a long-term plan.

In response to City Manager Feldman and Councilmember Peak, Ms. Rysman stated the City did not need be limited by the current request for proposals (RFP), and the County would work with the City regardless of the timing. She stated most Safe Parking Programs started with a very limited number as a pilot program. She stated the RFP had several locations and asked service providers if they were interested in operating at those locations. She stated the County and City could proactively work with a service provider on a specific location.

In response to Councilmember Peak, City Manager Feldman stated staff could bring potential locations for Safe Parking back to the Council and work with the County.

Mayor Farrer stated it was difficult to find locations for facilities and services. She stated she and Mayor Pro Tem Pierson met with Supervisor Kuehl to discuss options for locations to provide facilities and services. She stated the Council had not identified properties for affordable housing yet. She stated private property may be a better option for Safe Parking because trespassing laws could be enforced. She stated the City would need to partner with the County.

In response to Mayor Farrer, Los Angeles County Sheriff's Department Sergeant Jim Braden stated the volume of calls for mental health issues had increased somewhat over the 20 years he had served the community. He stated enforcement of restrictions on sleeping overnight in any public park, public beach or public street (including in a vehicle parked on a public street) used to prevent RVs from parking overnight in the City. He stated the City of Los Angeles had been sued several times over aggressive enforcement of regulations that prevented people from dwelling in their cars. He stated the City of Los Angeles had designated areas where people were not allowed to sleep in their cars. He stated Volunteers on Patrol recently tagged 75 vehicles and all had moved within 72 hours. He stated the Sheriff's Department needed legal grounds for any enforcement. He stated it was important to have a Safe Parking location to enforce other parking restrictions. He stated an influx of RVs was being experienced along the entire California coast. He stated there needed to be more mental health services that could help people long-term. He discussed State conservatorship for people with mental health problems.

Los Angeles County Sheriff's Department Deputy Mike Treinen stated everyone experiencing homelessness was different and had different needs. He stated a few people experiencing homelessness could create big impacts on the community. He stated many crimes committed by people experiencing homelessness were misdemeanors and people could be released in a few hours. He stated The People Concern and Venice Health Clinic had made a big impact on the mental health of people experiencing homelessness.

Sergeant Braden stated many crimes were downgraded to misdemeanors and people used to be offered the choice of State prison or rehab programs when the crimes committed were felonies. He discussed an incident where an RV was robbed. He discussed the importance of building relationships and commended Deputy Treinen for connecting with the community.

Mayor Farrer discussed local community members who had become homeless. She discussed the public health and environmental impact of people experiencing homelessness. She discussed public safety concerns. She suggested the Council identify what programs it would like to pursue.

Councilmember Wagner suggested creating a categorization program for the types of people experiencing homelessness. He stated some people experiencing homelessness could be violent and needed immediate assistance.

In response to Mayor Pro Tem Pierson, Mr. Gittinger stated The People Concern utilized the Vulnerability Index - Service Prioritization Decision Assistance Tool to assess the vulnerability score of an individual based on their age, mental health, physical health, and history of substance abuse. He stated that just because someone scored higher did not mean they were ready for housing.

In response to Councilmember Wagner, Mr. Gittinger suggested people could be categorized based on how ready they are for housing and services. He stated The People Concern categorized clients based on how engaged they were. He discussed the number of RVs he recently counted on PCH from Trancas to Las Tunas. He stated it was important to identify the type of people living in RVs in the City.

Councilmember Mullen stated The People Concern was assessing people experiencing homelessness, but that was not an action item for the Council.

Councilmember Wagner suggested educating people on the ways to categorize people experiencing homelessness.

Councilmember Peak questioned if the former courthouse location should be considered for a shelter.

Mayor Pro Tem Pierson suggested exploring with the County what locations could be used for services.

In response to Councilmember Mullen, Mayor Pro Tem Pierson indicated support for considering City and State properties as well.

Councilmember Mullen suggested looking beyond the City limits.

In response to Councilmember Mullen, City Manager Feldman stated Los Angeles County Safe Parking locations were managed by a professional organization. She stated an item could be brought back to the Council to consider hiring additional security to supplement the Sheriff's Department services.

Assistant City Attorney Rusin stated staff could bring back an item to discuss how the Los Angeles County Safe Parking Program worked. He expressed reservations regarding the City supplementing the Sheriff's Department services with private security.

In response to Councilmember Mullen, City Manager Feldman stated a Safe Parking location operated by a service provider would have its own security. She discussed additional security to assist with non-law enforcement issues in the City.

Mayor Pro Tem Pierson stated a security company may help make people feel safer in the City.

Mayor Farrer stated the community was promised many opportunities for input on the use of the City properties and she was still committed to that.

Councilmember Mullen suggested excluding City-owned properties so the City could move forward with Safe Parking more quickly.

Mayor Pro Tem Pierson suggested fast tracking public input on City-owned property.

Councilmember Wagner recommended reaching out to the City of San Clemente.

Mayor Farrer stated she would be part of a trip with City staff to visit a shelter in Laguna Beach and suggested they stop in San Clemente.

Mayor Pro Tem Pierson stated Laguna Beach opened a shelter after being sued for not providing services.

Mayor Farrer suggested pursuing Safe Parking locations with the County

CONSENSUS

By consensus, the Council directed staff to return with a report exploring options for Safe Parking areas in the City, including all property.

In response to Mayor Farrer, City Manager Feldman stated the former courthouse location was mostly owned by the State.

CONSENSUS

By consensus, the Council directed staff to explore creating a temporary homeless shelter at the former courthouse.

Mayor Farrer stated she and Mayor Pro Tem Pierson were still working towards affordable housing.

Mayor Pro Tem Pierson suggested directing staff to analyze whether additional staff was necessary to support efforts to address homelessness. He stated existing Public Safety staff needed to focus on other public safety issues.

Mayor Farrer stated it was important to work with partners and monitor the budget.

Mayor Pro Tem Pierson suggested staff explore outside sources for funding.

CONSENSUS

By consensus, the Council directed staff to return with an analysis of potential staffing needs to support programs addressing homelessness and explore outside sources of funding to support programs addressing homelessness.

MOTION

Mayor Farrer moved and Councilmember Mullen seconded a motion to direct staff to return with a report: 1) exploring options for Safe Parking areas in the

City, including all property; 2) exploring creating a temporary homeless shelter at the former courthouse; 3) analysis of potential staffing needs to support programs addressing homelessness; 4) exploring outside sources of funding to support programs addressing homelessness; and 5) reporting on San Clemente, Laguna Beach, and any other successful approaches to addressing homelessness. The motion carried unanimously.

#### ADJOURNMENT

At 8:32 p.m., Councilmember Peak moved and Councilmember Wagner seconded a motion to adjourn in memory of Mark Jason and Michael Zakian. The motion carried unanimously.

Approved and adopted by the City Council of the  
City of Malibu on March 9, 2020.



KAREN FARRER, Mayor

ATTEST:

  
HEATHER GLASER, City Clerk  
(seal)