

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
MARCH 16, 2020
COUNCIL CHAMBERS
1:00 P.M.

MEETING CALL TO ORDER

Mayor Farrer called the meeting to order at 1:00 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: Christi Hogin, City Attorney; Reva Feldman, City Manager; Heather Glaser, City Clerk; and Yolanda Bundy, Environmental Sustainability Manager

PLEDGE OF ALLEGIANCE

Norm Haynie led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved and Councilmember Peak seconded a motion to approve the agenda. The motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on March 15, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Jeff Peterson stated it was important to get clear direction for the businesses in the City. He expressed concern about visitors in the City.

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

None.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

None.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to approve the Consent Calendar. The motion carried unanimously.

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 59718-59859 listed 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. 656 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$890,664.76. City of Malibu payroll check numbers 5085-5088 and ACH deposits were issued in the amount of \$234,911.13.

3. Approval of Minutes

Recommended Action: Approve the minutes for the February 10, 2020 and February 24, 2020 Malibu City Council Regular meetings.

4. Professional Services Agreement with Ultimate Maintenance Services, Inc.

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Ultimate Maintenance Service, Inc. for custodial services at City parks.

5. Amendment to Professional Services Agreement with Raftelis Financial Consultants, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Raftelis Financial Consultants, Inc. to review and update the wastewater and recycled water service rates and to extend the term of the agreement.

6. Professional Services Agreement with Lance, Soll & Lunghard, LLP

Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Lance, Soll & Lunghard LLP (LSL) for financial auditing services.

7. Award Temporary Skate Park Surfacing Project

Recommended Action: 1) Approve the award and authorize the City Manager to execute a construction contract with Superior Paving Company dba United Paving Co., in the amount of \$244,412.51 for the Temporary Skate Park Surfacing Project, Specification No. 2079, and 2) Authorize the

Public Works Director to approve potential change orders up to 25% of the Agreement amount.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

None.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Adoption of Resolution No. 20-14, Ratifying the Director of Emergency Services' Proclamation of Existence of a Local Emergency
Recommended Action: Adopt Resolution No. 20-14 ratifying the proclamation of existence of a local emergency by the Director of Emergency Services.

City Manager presented the staff report. She stated since the posting of the agenda, Governor Newsom had closed certain businesses and limited gatherings. She stated the City of Los Angeles had issued an order closing all restaurants except for takeout and delivery and closing gyms. She stated she was in contact with the City Managers of Santa Monica, Beverly Hill, Culver City, and West Hollywood and they were all recommending their City Councils also order closures in line with the City of Los Angeles. She suggested limiting coffee houses to pickup or delivery only. She announced all City facilities and parks had been closed, including restrooms. She recommended requesting Los Angeles County close beaches in its jurisdiction. She announced State Parks facilities were closed. She stated Emergency Operations Center (EOC) operations were active and City Hall phones were being answered 24 hours a day. She stated she had requested the State Insurance Commissioner and the City's lobbyist work on extensions for those rebuilding after the Woolsey Fire. She stated staff was working on tolling agreements and extensions for all projects in the development queue. She suggested considering extending the Woolsey Fire fee waiver program. She stated the City of Los Angeles had placed a moratorium on evictions for people who could demonstrate they lost their income due to the coronavirus (COVID-19) emergency. She suggested the Council discuss a possible moratorium on evictions for commercial and residential rentals.

Dr. Dan Katz, Malibu Urgent Care, stated those well with COVID-19 should stay home if not short of breath or vomiting. He stated there was not capacity for adequate care for COVID-19 patients in Malibu. He stated only testing would accurately tell if someone was infected and needed to quarantine. He stated testing availability was very limited. He recommended setting up a testing tent with necessary equipment when testing became more readily available. He stated medical professionals in Malibu needed to stay healthy and active to treat those that had other common ailments.

Tim Morris, Paradise Cove Beach Café, stated the Café was happy to distribute food to anyone in need.

Mike Anderson, CrossFit Malibu, recommended not closing beaches and trails so people could safely be outside and maintain social distancing of at least six feet.

Dr. Lisa Benya indicated support for Dr. Katz comments. She stated community fear needed to be managed. She suggested setting up a phone bank to screen potential COVID-19 cases. She stated her office could offer home visits to those in need.

Reni Williams stated local businesses were concerned they would need to close. She stated insurance brokers needed additional information to provide their clients.

Mayor Pro Tem Pierson stated Malibu was a popular destination and it was very likely there was already community spread in Malibu. He stated Malibu needed to follow in the footsteps of the City of Los Angeles. He recommended local businesses close. He stated employees and business owners needed resources to get through this difficult time. He stated all basic City services needed to be halted to keep City staff healthy. He indicated support for a moratorium on evictions for commercial and residential properties. He stated residents still needed to enjoy the outdoors but indicated support for limiting all large gatherings outside. He recommended all household help be asked to stay home with pay. He stated extreme measures were necessary to slow down the spread of COVID-19. He stated it was important to stay active while social distancing. He stated restaurants needed to arrange for delivery and safe pickup. He stated markets, gas stations, and pharmacies needed to stay open. He stated local medical professionals needed to plan for things to get worse. He discussed the importance of continuing to keep tabs on vulnerable populations. He stated it was important to plan ahead. He indicated support for asking all non-essential local business to close.

City Attorney Hogin stated the City Manager was looking for direction to impose the same restrictions as the City of Los Angeles and the other westside cities.

Mayor Pro Tem Pierson stated local businesses needed to close.

City Attorney Hogin stated the City could encourage business to maintain social distancing and there were legal implications in shutting down a business.

Councilmember Mullen stated City Manager Feldman had been calm during this crisis and communicated well with the public. He stated the declaration of an emergency gave the City Manager the flexibility to respond to an emergency. He stated specifics did not need to be tackled at the moment as she would act in consultation with the Council. He stated caution was warranted and it was better to take strong actions that could be seen as an overreaction in the hindsight, but specifics did not need to be outlined at the moment. He thanked staff for providing clear information to the public.

MOTION Councilmember Peak and Mayor Pro Tem Pierson seconded a motion to adopt Resolution No. 20-14 ratifying the proclamation of existence of a local emergency by the Director of Emergency Services.

Councilmember Peak indicated support for the comments of the Council and taking actions consistent with the westside and neighboring cities.

Councilmember Wagner stated he was alarmed by the behavior he saw at Ralphs market. He stated guidelines needed to be set for the City. He encouraged people to take care of their neighbors. He discussed fiat money and seigniorage. He discussed financial and health ramifications of this emergency.

In response to Councilmember Peak, City Manager Feldman stated she had no insurance information to provide.

The motion carried unanimously.

In response to City Attorney Hogin, Councilmember Mullen stated the City Manager should be able to take actions as necessary to protect public health during this emergency.

City Attorney Hogin stated this emergency required extreme measures and the City Manager was requesting the Council authorize her to order closures consistent with the City of Los Angeles.

CONSENSUS

By consensus, the Council: 1) expressed support for the City Manager imposing restrictions that mirror the restrictions imposed by the City of Los Angeles; and 2) directed staff to continue coordination with other agencies.

Councilmember Wagner stated Los Angeles County may not want to close beaches.

Councilmember Peak stated beaches and parks should not be closed.

City Attorney stated the City of Hermosa Beach was considering prohibiting pick-up games during this emergency.

City Manager Feldman stated she was concerned about the cleanliness of park restrooms and playgrounds. She expressed concern for the ease of maintaining social distancing while at a park. She stated some other cities were taking similar actions.

Mayor Farrer stated nonessential meetings had been cancelled and City Hall was closed to the public. She stated the beaches were not run by the City.

Mayor Pro Tem Pierson stated San Francisco was sheltering in place for three weeks. He indicated support for strong measures to prevent the spread of COVID-19.

Councilmember Wagner stated all agencies were responsible for making the wisest decisions possible within their purview.

In response to Councilmember Wagner, Dr. Katz stated there were bacteria that thrived in saltwater. He stated he was unsure whether COVID-19 would survive in saltwater.

Councilmember Mullen stated the Council was behind the City Manager.

In response to Mayor Farrer, City Attorney Hogin stated staff would come to the Council again when there were new questions regarding fee waivers and development projects.

B. Emergency Staffing Procedures and Employee Classifications

Recommended Action: 1) Discuss continuity of essential and non-essential City services during the Coronavirus emergency; 2) Identify essential and non-essential personnel needed for Emergency Operations Center operations, storm response and rebuilding efforts; 3) Authorize paid administrative leave for non-essential personnel; and 4) Authorize a temporary 5% pay increase to essential personnel during the local emergency.

City Manager Feldman presented the staff report. She stated 30-40 staff members were set up to work remotely. She stated she was requesting paid administrative leave for staff members that had a job that could not be done remotely. She stated she was requesting a temporary 5% salary increase for staff working through the pandemic. She stated this temporary salary increase would cost approximately \$15,000 per month. She stated the temporary increase would be reimbursed by the Federal Emergency Management Agency (FEMA). She stated the City was posting a 10:00 a.m. and 4:00 p.m. update for the community each day. She encouraged the public to sign up for alerts. She stated the Community Emergency Response Team (CERT) was active identifying those elderly or ill in the community and those who may need assistance during this emergency. She stated she was coordinating with grocery stores and had Los Angeles County Sheriff Department Deputies performing foot patrols at grocery stores. She stated staff was working on finding a location for a disaster assistance center.

MOTION

Councilmember Peak moved to: 1) authorize the City Manager to identify essential and non-essential personnel needed for Emergency Operations Center operations, storm response and rebuilding efforts; 2) authorize paid administrative leave for non-essential personnel; and 3) authorize a temporary 5% pay increase to essential personnel during the local emergency.

City Manager Feldman requested direction from the Council on how to prioritize Woolsey Fire rebuilding activities. She stated Building Inspectors were necessary for continued building efforts in the City.

Councilmember Peak stated it would be appropriate to pause building during this emergency.

In response to Councilmember Mullen, City Manager Feldman stated construction required Building Inspectors and Building Safety support staff. She stated devoting staff to rebuilding would limit the resources available to respond to the emergency. She stated mutual aid was not available during this emergency.

Mayor Pro Tem Pierson indicated support for Councilmember Peak's comments.

City Manager Feldman stated staff will continue working on rebuild projects as feasible.

Councilmember Mullen suggested suspending building activities for a specific time period.

Councilmember Wagner indicated support for Councilmember Mullen's comments.

Councilmember Peak suggested giving people a few days of notice before suspending building activities.

Environmental Sustainability Director Bundy stated caution was required and revisiting the decision often was advisable. She stated she was asking staff to practice social distancing. She stated Building Safety received around 12 requests for inspections per day. She requested the Council allow staff to use good judgement.

Councilmember Peak stated public health needed to be the priority.

City Manager Feldman stated staff would work on doing as much rebuilding work as possible while maintaining a safe environment for staff.

Environmental Sustainability Director Bundy stated staff needed the support of the Council to suspend building activities as necessary. She stated she was trying to avoid unnecessary public contact.

Councilmember Mullen stated it was important to triage which rebuilding activities were most important.

Environmental Sustainability Director Yolanda stated she was encouraging applicants to stay home and she was committed to working with applicants and property owners remotely.

Mayor Pro Tem Pierson stated commended Environmental Sustainability Director Yolanda for her work. He stated the situation was fluid and it was important to be flexible.

Councilmember Peak indicated support for considering extending fee waiver program for Woolsey Fire rebuild projects.

City Manager Feldman stated staff would continue working on rebuild projects as feasible but all other regular City business would be paused.

Councilmember Mullen seconded the motion. The motion carried unanimously.

Councilmember Mullen thanked everyone for attending the meeting and providing input.

In response to Councilmember Wagner, Mayor Farrer stated it was important to stay nimble.

City Attorney Hogin stated the Council would need to make other decisions during this emergency.

ITEM 7 COUNCIL ITEMS

None.

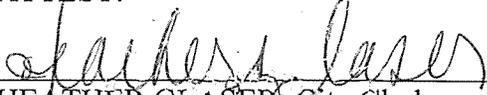
ADJOURNMENT

MOTION At 1:59 p.m., Councilmember Mullen moved and Councilmember Wagner seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the City Council of the
City of Malibu on April 13, 2020.


KAREN FARRER, Mayor

ATTEST:


HEATHER GLASER, City Clerk
(seal)