

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
APRIL 13, 2020
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

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.

MEETING CALL TO ORDER

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

PUBLIC COMMENT ON CLOSED SESSION

None.

RECESS TO CLOSED SESSION

At 6:01 p.m., on the advice of counsel and based on existing facts and circumstances, the Council recessed to Closed Session to discuss the following item listed on the Closed Session agenda:

Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(d)(1):

1. Third Point Land Company LLC v. City of Malibu
Los Angeles County Superior Court Case No. 198MCP00565

REGULAR SESSION CALL TO ORDER

Mayor Farrer called the meeting to order at 6:38 p.m.

ROLL CALL

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

PRESENT: Mayor Karen Farrer; Mayor Pro Tem Mikke Pierson; and Councilmembers Rick Mullen; Skylar Peak; and Jefferson Wagner (arrived at 6:48 p.m.)

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Bonnie Blue, Planning Director; Rob DuBoux, Public Works Director; Trevor Rusin, Assistant City Attorney; Kelsey Pettijohn, Deputy City Clerk; Susan Dueñas, Public Safety Manager; and Kristin Riesgo, Community Services Deputy Director

CLOSED SESSION REPORT

Assistant City Attorney Rusin reported that the Regular meeting convened at 6:01 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(1), with all Councilmembers present. He stated the Council discussed the item listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved and Mayor Pro Tem Pierson seconded a motion to approve the agenda. The question was called and the motion carried 4-0, Councilmember Wagner absent.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on April 10, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on COVID-19

City Manager Feldman stated City Hall had been closed to the public for one month due to the COVID-19 pandemic. She stated the City was taking direction from the State of California and the County of Los Angeles to respond to the disaster. She stated stay-at-home orders had been issued by the Los Angeles County Department of Public Health and the State of California. She announced the Los Angeles County Department of Public Health had issued an order that by midnight April 15, 2020, essential businesses must provide employees with face masks and customers must wear face masks to enter essential businesses. She stated staff was working on messaging for businesses and the public regarding the new mask requirements. She stated the Los Angeles County Sheriff's Department was enforcing emergency orders. She stated the City's main phone line was being answered every day and could be answered remotely. She stated the majority of staff was working remotely and the Emergency Operations Center (EOC) was operating remotely. She stated the City was pushing out emergency messaging at 10:00 a.m. and 4:00 p.m. Monday through Friday and at 10:00 a.m. on Saturday and Sunday. She stated the City had pushed out over 2,000 messages since early March 2020. She stated the Wireless Emergency Alert (WEA) system had been used once. She stated the WEA system was only used for critical messaging because it was able to reach the City's visitor population. She stated the Community Emergency Response Team (CERT) had provided over 250 hours of volunteer services during the COVID-19 pandemic. She stated CERT posted physical notices at various locations in the City and provided traffic direction at the drive-up COVID-19 testing site at City Hall, which was hosted through a partnership of the City, Community Organized Relief Effort (CORE), and Malibu Medical Group. She stated 23 cases of COVID-19 had been diagnosed so far through the drive-up testing site, of which nine were Malibu

residents.

Councilmember Wagner joined the meeting at 6:48 p.m.

City Manager Feldman stated the availability of the COVID-19 antibody test was limited and staff was working on coordinating a drive-up testing site in the future. She stated she participated in regular briefings with all levels of government, other Westside cities, and Las Virgenes-Malibu Council of Governments (COG) cities.

ITEM 2.A. PUBLIC COMMENTS

Norm Haynie discussed his project to build a hotel. He stated the project would provide many benefits to the City including aesthetic visual improvements, improvements to public safety, transient occupancy tax revenue, and property tax revenue. He requested his project be considered at the next Council meeting.

Hamish Patterson commended the Council and City staff for its work during the COVID-19 pandemic. He recommended changing the language regarding maintaining distance from other people to prevent the spread of COVID-19 from social distancing to physical distancing.

Scott Dittrich commended the staff for its work supporting COVID-19 drive-up testing. He indicated support for the Council hearing Mr. Haynie's project proposal. He indicated support for lifting some of the restrictions in the State of California and Los Angeles County stay-at-home orders.

Barry Haldeman commended the Council and Citystaff for its work during the COVID-19 pandemic. He stated the Santa Monica Mountains Conservancy (SMMC) met at an emergency meeting April 6, 2020 and approved emergency executive powers for Joe Edmiston. He expressed concern those emergency powers may not be used appropriately.

Carrie Kim was not present at the time of the hearing.

Kraig Hill stated social distancing measures need to be maintained for several months. He expressed concern that lifting restrictions too quickly would lead to spikes in COVID-19 outbreaks. He recommended working with local non-profits and celebrities on messaging the importance of maintaining social distancing.

Marni Kamins expressed concern there were many people experiencing homelessness living close together during the COVID-19 pandemic. She expressed concern that Community Assistance Resource Team (CART) was providing meals to people experiencing homelessness, which were drawing more people to the City. She questioned why signage restricting overnight parking on Pacific Coast Highway (PCH) had not been posted.

Michael Lustig indicated support for the Council hearing Mr. Haynie's project

proposal. He discussed short-term rentals and questioned when a draft ordinance similar to the Santa Monica ordinance would be presented to the City Council.

Chris Frost commended the Council and City staff for its work during the COVID-19 pandemic. He indicated support for Mr. Patterson's comments. He read a letter on behalf of Dr. Chris Harris, which indicated support for restricting parking on PCH and encouraged the community to wear face masks in public. He expressed concern people were not respecting parking restrictions and the closure of the beaches.

Laura Eaton was not present at the time of the hearing.

Howard Rudzki commended the Council and City staff for its work during the COVID-19 pandemic. He commended grocery store employees and other essential workers for working during the COVID-19 pandemic.

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

City Manager Feldman commended staff for its work during the COVID-19 pandemic. She stated the agenda for the meeting was intentionally light since it was the first all teleconferenced City Council meeting. She stated it would be best to hear items that required a large number of public speakers once social distancing restrictions were lifted and meetings could be held in person. She stated The People Concern outreach workers and Los Angeles County Sheriff's Department Deputies were encouraging people experiencing homelessness to stay in emergency shelters. She stated she requested the Los Angeles County Sheriff's Department to perform frequent patrols in the Malibu Library parking lot. She stated signs restricting overnight parking along sections of PCH needed a Coastal Development Permit (CDP) and the California Coastal Commission (CCC) hearing on the CDP had been delayed due to the COVID-19 pandemic. She discussed staff operations. She stated Planning Department staff was working remotely on rebuild projects and projects in the queue. She stated Code Enforcement staff was performing field work, including public education on social distancing and wearing masks. She stated water quality monitoring and solid waste recycling functions were continuing. She stated Environmental Health staff was continuing work related to onsite wastewater treatment. She stated Public Works Department staff continued managing City facilities and infrastructure and responding to rain events. She stated Planning Commission and City Council meetings would continue to be held via teleconference during stay-at-home orders and all other public meetings were cancelled. She stated the Community Services Department offered virtual recreation programs online and on Channel 3 and continued reaching out to seniors to see if they needed assistance during the COVID-19 pandemic. She stated the Civic Center Way Storm Drain project had been completed. She stated the temporary skate park surface project began April 13, 2020. She stated people could request home fire insurance deadlines be extended an additional 12 months due to the COVID-19 pandemic. She stated 223 rebuild permits had been approved by the Planning Department. She stated 11 new building permits had been issued

while working remotely. She stated Building Safety staff was available by appointment at City Hall to issue permits and building inspectors were working in the field. She discussed the budget process for Fiscal Year 2020-2021. She stated revenues would be down in Fiscal Year 2019-2020 and Fiscal Year 2020-2021 due to the COVID-19 pandemic and staff was working to present a balanced budget at the Council Special meeting on April 29, 2020.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Mullen indicated support for adjourning the meeting in memory of John Bell. He commended staff for its work on the drive-up COVID-19 testing at City Hall. He stated it was important that the public be able to easily comment on significant agenda items. He commended City Manager Feldman and City staff.

Councilmember Peak extended condolences to the family of John Bell. He thanked the community for following stay-at-home orders. He commended City staff and Dr. Benya for work on the drive-up COVID-19 testing.

City Manager Feldman thanked Public Safety Manager Dueñas for her work.

Mayor Pro Tem Pierson thanked the public for their comments and emails. He thanked the community for following stay-at-home orders.

Councilmember Wagner encouraged people to respect speed limits. He indicated support for hearing Mr. Haynie's hotel project proposal soon. He expressed concern that people experiencing homelessness were not practicing social distancing.

Mayor Pro Tem Pierson stated the Los Angeles County Sheriff's Department Deputies were doing regular patrols and doing their best to enforce social distancing. He encouraged everyone to take care of themselves. He stated there would be significant financial impacts from the COVID-19 pandemic. He indicated support for considering whether to extend the rebuild fee waiver program. He thanked Los Angeles County Sheriff's Department Deputies, Volunteers on Patrol, CERT, health care workers and grocery store workers for their service. He commended City Manager Feldman for her work. He encouraged everyone to continue following stay-at-home orders.

Mayor Farrer thanked the community for practicing physical distancing and obeying the stay-at-home orders. She commended City Manager Feldman and staff, including Public Safety Manager Dueñas, Fire Safety Liaison Vandermuelen, Media Information Officer Myerhoff, Executive Assistant Linden, Assistant to the City Manager Shavelson and the media team. She stated the Los Angeles County Sheriff's Department Deputies were working to enforce the stay-at-home orders. She discussed new restrictions from the Los Angeles County Department of Public Health regarding face masks and stated employers were required to provide face masks to essential workers. She commended CERT for its work supporting drive-

up COVID-19 testing at City Hall. She thanked Community Services Director Bobbett and Community Services staff for providing the virtual recreation center. She indicated support for hearing Mr. Haynie's hotel project soon. She stated there would be major budget impacts from the COVID-19 pandemic. She extended condolences to the family of John Bell.

Councilmember Peak stated CORE was accepting donations at www.coreresponse.org.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.A.2. and 3.B.5. were pulled by the public.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to approve the Consent Calendar, except for Item Nos. 3.A.2. and 3.B.5. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 461

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 461 determining Zoning Text Amendment No. 19-004 to be categorically exempt from the California Environmental Quality Act and amending the Local Coastal Program Local Implementation Plan Chapter 3 (Zoning Designations and Permitted Uses) and Chapter 2 (Definitions) and Malibu Municipal Code Title 17 (Zoning) to foster the creation of fire-resistant landscapes and repealing Ordinance Nos. 343 and 356, deleting Malibu Municipal Code Chapter 9.22 (Landscape Water Conservation), establishing Malibu Municipal Code Chapter 17.53 (Landscape Water Conservation and Fire Protection) and amending Malibu Municipal Code Section 16.24.020 to eliminate reference to Malibu Municipal Code Chapter 9.22 (citywide).

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 59860-60042 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. 657 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,415,951.49. City of Malibu payroll check numbers 5089-5095 and ACH deposits were issued in the amount of \$463,917.64.

3. Approval of Minutes
Recommended Action: Approve the minutes for the March 9, 2020 Malibu City Council Regular meeting and the March 12, 2020 and March 16, 2020 Malibu City Council Special meetings.
4. Delegation of Staff to Execute Federal and State Documents
Recommended Action: Adopt Resolution No. 20-16 authorizing the City Manager, the Assistant City Manager and the Public Works Director to execute documents pertaining to Federal and State disaster documents, including applications with the State of California Office of Emergency (Cal OES) and Federal Emergency Management Agency (FEMA) on behalf of the City of Malibu.

The following items were pulled from the Consent Calendar for individual consideration:

A. Previously Discussed Items

2. Second Reading and Adoption of Ordinance No. 462

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 462 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Sections 8.32.020 (Definitions), 8.32.600 (Containers For Garbage, Market Refuse, and Rendering Waste), 8.32.660 (Containers-Commercial and Industrial), and 8.32.720 (Violation-Penalty) and adding Section 8.32.665 (Implementation) to Chapter 8.32 (Solid Waste And Recyclable Materials) in Title 8 (Health And Safety) to require commercial/industrial property occupants to lock solid waste containers, bins and other equipment.

Joel Schulman stated the teleconference software used in this meeting worked well. He stated the motion from the Council when the item was last heard included requiring quarterly inspections.

Assistant City Attorney Rusin stated the number of inspections was direction to staff and did not need to be included in the ordinance.

MOTION

Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to adopt Ordinance No. 462 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Sections 8.32.020 (Definitions), 8.32.600 (Containers For Garbage, Market Refuse, and Rendering Waste), 8.32.660 (Containers-Commercial and Industrial), and 8.32.720 (Violation-Penalty) and adding Section 8.32.665 (Implementation) to Chapter 8.32 (Solid Waste And Recyclable Materials) in Title 8 (Health And Safety) to require commercial/industrial property occupants to lock solid waste containers, bins and other equipment.

In response to Mayor Pro Tem Pierson, City Manager Feldman stated the administrative fines were included in the Malibu Municipal Code (MMC) and did not need to be listed in the ordinance.

The question was called and the motion carried unanimously.

B. New Items

5. Award Temporary Skate Park Equipment Installation Project

Recommended Action: 1) Approve the award and authorize the City Manager to execute a construction contract with California Skateparks, in the amount of \$269,301 for the Temporary Skate Park Equipment Installation Project, Specification No. 2079; 2) Authorize the Public Works Director to approve potential change orders up to 20% of the Agreement amount; and 3) Appropriate an additional \$350,000 from the \$1 million Case/Crummer Designated Reserve to Account No. 310-9089 for the Temporary Skate Park.

Hamish Patterson indicated support for the recommended action to get the temporary skate park in place as soon as possible. He stated the additional funds being appropriated came from a designated fund. He stated the project gave the community something to look forward to during stay-at-home orders. He commended Community Services Director Bobbett and Community Services Deputy Director Riesgo for their work.

Layla Polito suggested the developer of the Case/Crummer Property donate funds towards the temporary skate park. She stated the skating community was very social and social distancing had been hard. She stated the skate park was something to look forward to. She indicated support for appropriating additional funding to maintain all of the features in the design. She stated community fundraising could help fund the permanent skate park.

Finn Murphy indicated support for approving the recommended action. He stated California Skateparks built elements for the Vans Park Series and the Olympics. He stated many kids were looking forward to the temporary skate park during stay-at-home orders. He indicated support for appropriating additional funding to maintain all of the features in the design.

Paula Murphy was not present at the time of the hearing.

Judy Villablanca indicated support for the temporary skate park and the contract with California Skateparks. She stated \$23,000 had been donated for a skate park. She stated community fund raising could help raise money for the permanent skate park.

Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to: 1) approve the award and authorize the City Manager to execute a construction contract with California Skateparks, in the amount of \$269,301 for the Temporary Skate Park Equipment Installation Project, Specification No. 2079; 2) authorize the Public Works Director to approve potential change orders up to 20% of the Agreement amount; and 3)

appropriate an additional \$350,000 from the \$1 million Case/Crummer Designated Reserve to Account No. 310-9089 for the Temporary Skate Park.

In response to Mayor Pro Tem Pierson, Community Services Director Bobbett stated there was a five to six-week delay in the production of the Skatelite material needed for the skate elements. He stated as much work would be completed on the park as possible until the Skatelite was available. He stated staff was estimating a six to eight-week delay for the project completion.

The question was called and the motion carried unanimously.

ITEM 4 **ORDINANCES AND PUBLIC HEARINGS**

A. Temporary Moratorium on Foreclosures and Residential and Commercial Evictions for Nonpayment of Rent During COVID-19 Pandemic

Recommended Action: Adopt Ordinance No. 463U enacting a temporary moratorium on foreclosures and evictions due to nonpayment of rent by residential and commercial tenants impacted by the COVID-19 virus, finding the same exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; a four-fifths vote of the City Council is required and, if approved, it will take effect immediately.

Assistant City Attorney Rusin presented the staff report.

Mayor Pro Tem Pierson stated it would be challenging for businesses to pay back rent within six months once the state of emergency was lifted. He recommended businesses look into all resources available including disaster loans and make a plan for repayment with their landlord. He stated residential renters should work with their landlords on a repayment plan.

City Attorney Hogin stated the purpose of the urgency ordinance was to keep everyone in place. She stated the City had limited ability to help with the economic impacts of the COVID-19 pandemic. She stated the City could not interfere with rental or mortgage contracts but creating the six-month repayment provision in the ordinance allowed some flexibility. She stated the City was encouraging people to work with their landlords and make a repayment plan.

Mayor Pro Tem Pierson stated the City and the Malibu Chamber of Commerce had information about resources for businesses.

Councilmember Wagner discussed Economic Injury Disaster Loans and the Paycheck Protection Program.

MOTION

Councilmember Peak moved and Councilmember Mullen seconded a motion to adopt Ordinance No. 463U enacting a temporary moratorium on foreclosures and

evictions due to nonpayment of rent by residential and commercial tenants impacted by the COVID-19 virus, finding the same exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; a four-fifths vote of the City Council is required and, if approved, it will take effect immediately.

Councilmember Mullen thanked Mayor Pro Tem Pierson and Councilmember Wagner for their comments as experienced small business owners.

The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Malibu Community Assistance Resource Team (CART) General Fund Grant
Recommended Action: Consider whether to allow a change of scope for the Fiscal Year 2019-2020 General Fund Grant to Malibu CART.

City Manager Feldman presented the report.

MOTION Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to allow a change of scope for the Fiscal Year 2019-2020 General Fund Grant to Malibu CART.

In response to Councilmember Peak, City Manager Feldman stated staff would work with CART and monitor the situation with meal deliveries to people experiencing homelessness during the COVID-19 pandemic.

The question was called and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

- A. Census 2020 – Support (Mayor Farrer)
Recommended Action: At the request of Mayor Farrer, 1) Adopt Resolution No. 20-15 recognizing the importance of the 2020 U.S. Census and supporting helping to ensure a complete, fair, and accurate count of all Californians; and 2) Direct staff to use the City’s communications network to urge residents to complete the Census online according to the instructions provided in the Census 2020 questionnaire that was mailed to each Malibu residence by the U.S. Census Bureau.

Mayor Farrer presented the report. She stated Census field work was suspended due to the COVID-19 pandemic.

Ben Suber thanked Mayor Farrer for bringing the item forward. He stated he was

working with Ventura County on its complete count project. He expressed concern the current response rate in Malibu was very low. He stated the response rate in west Malibu was especially low. He encouraged the City look at the response rate by tract and the hard to count maps to identify neighborhoods that needed more outreach.

Councilmember Peak thanked Mayor Farrer for bringing the item forward.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to:1) adopt Resolution No. 20-15 recognizing the importance of the 2020 U.S. Census and supporting helping to ensure a complete, fair, and accurate count of all Californians; and 2) direct staff to use the City's communications network to urge residents to complete the Census online according to the instructions provided in the Census 2020 questionnaire that was mailed to each Malibu residence by the U.S. Census Bureau.

Mayor Pro Tem Pierson questioned if reporting was low in west Malibu because so many houses were destroyed by the Woolsey Fire.

Councilmember Wagner stated the Census was quick and easy and encouraged everyone to be counted.

The question was called and the motion carried unanimously.

B. Support for State Funding for the Purchase of Triangle Ranch Property at US-101 and Kanan Dume Road (Councilmember Wagner)

Recommended Action: At the request of Councilmember Wagner, authorize the Mayor to send a letter to Senator Henry Stern and Assemblymember Richard Bloom in support of their request for a General Fund budget item of \$14,500,000 to the Santa Monica Mountains Conservancy for the purchase of 150 remaining acres of the Triangle Ranch property located at the US-101 and Kanan Dume Road corridor.

Councilmember Wagner presented the report.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to authorize the Mayor to send a letter to Senator Henry Stern and Assemblymember Richard Bloom in support of their request for a General Fund budget item of \$14,500,000 to the Santa Monica Mountains Conservancy for the purchase of 150 remaining acres of the Triangle Ranch property located at the US-101 and Kanan Dume Road corridor.

In response to Mayor Pro Tem Pierson, Councilmember Wagner stated the letter encouraged the State Senate and State Assembly to allocate funding for the purchase of the Triangle Ranch Property. He stated the other COG cities were also considering sending letters.

City Manager Feldman stated funding was originally scheduled to be considered for appropriation as part of the next State budget. She stated the State budget was being revised due to the COVID-19 pandemic and would be available in a few weeks.

The question was called and the motion carried unanimously.

ADJOURNMENT


At 8:26 p.m., Mayor Farrer adjourned the meeting in memory of John Bell.

Approved and adopted by the City Council of the
City of Malibu on May 11, 2020.



KAREN FARRER, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)