

MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
MAY 29, 2020
TELECONFERENCED - VARIOUS LOCATIONS
3:00 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 3:01 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

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Heather Glaser, City Clerk; and Kelsey Pettijohn, Deputy City Clerk; and Patricia Salazar, Senior Administrative Analyst

APPROVAL OF AGENDA

MOTION Mayor Pro Tem Pierson moved and Councilmember Peak seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on May 28, 2020.

ITEM 1 NEW BUSINESS

- A. Extension of Temporary Moratorium on Foreclosures and Residential and Commercial Evictions for Nonpayment of Rent During COVID-19 Pandemic
Recommended Action: Adopt Urgency Ordinance No. 464U extending the 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.

City Attorney Hogin presented the staff report.

In response to Councilmember Mullen, City Attorney Hogin stated under the City ordinance the tenant would have six months after the termination of the local emergency to pay back any unpaid rent.

Bruce Silverstein stated there was a bull dozer on the Smith property removing the top surface of the land.

Paul Grisanti questioned what the benefit was of the City having its own ordinance. He stated courts were closed so eviction proceedings were not possible. He stated the ordinance enacted by Los Angeles County seemed more generous than the ordinance enacted by the City.

In response to Mayor Farrer, City Attorney Hogin stated the Los Angeles County ordinance did not address foreclosures while the City ordinance did. She stated the Los Angeles County ordinance had a longer repayment period. She stated both ordinances created a legal defense for tenants who were unable to pay their rent due to COVID-19. She stated courts were currently closed but soon they would begin hearing cases remotely.

In response to Councilmember Mullen, City Attorney Hogin discussed the differences between the Los Angeles County ordinance and the City ordinance. She stated the repayment period under the Los Angeles County ordinance was a year for residential or commercial tenants with less than 10 employees. She stated tenants should work their landlord on a repayment plan. She stated most cities she worked with that had enacted a moratorium had chosen to extend their ordinance.

In response to Mayor Pro Tem Pierson, City Attorney Hogin stated she did not know how many residents or commercial tenants were not paying rent. She stated the protection against foreclosure was the major difference between the Los Angeles County ordinance and the City ordinance.

Mayor Pro Tem Pierson stated he was tempted to just stick with the Los Angeles County ordinance.

In response to Councilmember Mullen, City Attorney Hogin stated new policies at the state level were going through the legislature. She stated Malibu would be subject to the Los Angeles County's ordinance in the absence of the City extending its own ordinance. She stated the Los Angeles County ordinance gave some more time to residents to payback rent but did not cover foreclosures. She stated Los Angeles County's moratorium was set to expire on June 30, 2020.

Councilmember Peak stated it was important to recognize late rent payments also created a burden on the property owner.

MOTION

Councilmember Peak moved and Mayor Pro Tem Pierson seconded a motion to allow the City's ordinance to expire.

Councilmember Wagner discussed his experience as a small business owner. He stated restaurants were the hardest hit businesses and he knew of some that were having a very difficult time continuing to pay their lease.

Mayor Farrer stated she would like to extend the moratorium to protect commercial tenants. She stated there was an impact to landlords but it was important to protect businesses.

Councilmember Mullen stated the Los Angeles County ordinance allowed more time for repayment.

Mayor Pro Tem Pierson stated the financials of paying rent back in six months was very challenging. He stated the paycheck protection program loan period was coming to an end and the financial situation for many businesses would get even tougher. He stated it was important for tenants to negotiate with their landlords.

The question was called and the motion carried unanimously.

ADJOURNMENT

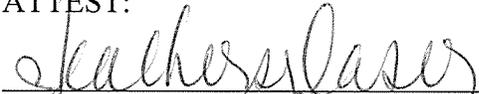
At 3:30 p.m., Mayor Farrer moved adjourned the meeting.

Approved and adopted by the City Council of the
City of Malibu on June 22, 2020.



KAREN FARRER, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)