



Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: August 10, 2020 Meeting date: August 24, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the July 13, 2020 Malibu City Council Regular meeting.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021. This project is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the meeting of July 13, 2020.

ATTACHMENTS: July 13, 2020 Malibu City Council Regular meeting minutes

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JULY 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 5:31 p.m.

PUBLIC COMMENT ON CLOSED SESSION

None.

RECESS TO CLOSED SESSION

At 5:35 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 – Anticipated litigation

1. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
Number of Cases: 1
Letter dated October 25, 2019, from Milton Grimes regarding threat of litigation under California Voting Rights Act of 2001

REGULAR SESSION CALL TO ORDER

Mayor Farrer called the meeting to order at 6:30 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; Lisa Soghor, Assistant 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 Lilly Rudolph, Contract Planner

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 5:30 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code 54956.9(d)(2), with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda and took no reportable action. She discussed the intent of the California Voting Rights Act (CVRA) to prevent discriminatory voting practices. She stated the CVRA favored voting districts to prevent vote dilution. She stated some cities were not well suited to districts and had demographics where switching to districts would not benefit a protected class. She stated until recently arguments that district based elections would not allow for more participation had been ignored in court. She stated many cities had been sued or threatened with suit to switch to district elections. She stated the appeal decision in the case *Pico Neighborhood Association and Maria Loya v. City of Santa Monica* suit changed the legal landscape of these cases. She stated after the City had received a letter from Milton Grimes challenging the at-large voting system the City had taken action to study the claim and created draft district maps. She stated the community conversation over the draft maps and district elections had been disrupted by the COVID-19 pandemic. She stated district maps had to be based on census data and the next census would come out soon. She stated the City would not put a measure regarding district elections on the November 2020 ballot.

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 unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on July 2, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. City Council Reorganization

1. Presentations to Outgoing Mayor

Mayor Pro Tem Pierson thanked Mayor Farrer for her service on the Public Safety Subcommittee, Library Subcommittee, California Contract Cities Association, Las Virgenes-Malibu Council of Governments (COG), League of California Cities Woolsey Taskforce, Santa Monica College Joint Powers Association, and Los Angeles County Library Commission. He thanked her for working so closely with him on issues important to the Malibu community. He asked Cameron Farrer to present Mayor Farrer with a

Malibu Wave Award.

Councilmember Mullen thanked Mayor Farrer for her service and her expertise in school district separation.

2. Remarks by Outgoing Mayor

Mayor Farrer stated it was an honor to serve as Mayor. She stated there were challenges but she appreciated the teamwork shown by the community while rebuilding from the Woolsey Fire and responding to the COVID-19 pandemic. She thanked City staff for their work and professionalism. She thanked the Commissioners for their dedication and expertise. She thanked Jeff Jennings for his dedication to serving on the Planning Commission even after losing his own home in the Woolsey Fire. She thanked her fellow Councilmembers, City Attorney Hugin, and City Manager Feldman for working with her on issues important to the community. She stated City Manager Feldman did a lot for the City that was not always recognized. She stated the number one priority for the City was always public safety.

3. Election of Mayor

MOTION

Councilmember Mullen moved and Councilmember Wagner seconded a motion to nominate Mayor Pro Tem Pierson as Mayor. The question called and the motion carried unanimously.

4. Election of Mayor Pro Tem

MOTION

Councilmember Wagner moved and Councilmember Mullen seconded the motion to nominate Councilmember Peak as Mayor Pro Tem. The question was called and the motion carried unanimously.

5. Administration of Oath of Office to Newly Elected Mayor and Mayor Pro Tem

Maggie Pierson swore in Mikke Pierson as Mayor.

City Clerk Glaser swore in Skylar Peak as Mayor Pro Tem.

Mayor Pro Tem Peak thanked Councilmember Farrer for her service.

6. Remarks by Newly Elected Mayor

Mayor Pierson stated the City had accomplished a lot during emergencies the last two years but there was more to do. He stated the City needed to protect citizens during COVID-19, support students, parents and teachers during the 2020-2021 academic year, and rally around small businesses. He stated it was important to prepare to respond to increasing danger from

wildfires and rising sea levels. He stated the City needed to maintain the fiscal health of the City, address homelessness programs, and create environmental programs. He stated Pacific Coast Highway (PCH) and crowds were still big issues for residents. He stated the City had limited staff resources. He thanked City Manager Feldman and staff for their work.

ITEM 2.A. PUBLIC COMMENTS

Jo Drummond requested the View Preservation Permit – Planning Commission fee be reduced. She discussed the City staff interpretation of gross floor area. She expressed concern the Malibu Municipal Code (MMC) and Los Angeles County Building Code were not consistent.

Colin Drummond stated the Los Angeles County definition for gross floor area included residential and commercial development.

Lynn Norton requested the Council direct Planning staff to move forward with Norm Haynie’s hotel project. She stated the hotel would replace some transient occupancy tax revenue lost from restricting short-term rentals. She stated the hotel project would also improve water infrastructure in area. She stated for every month the project was delayed the City lost \$90,000 in transient occupancy tax revenue.

Vicki D questioned why residents in her community had seen an increase in property taxes after the Woolsey Fire. She questioned if Mayor Pierson had reviewed the draft plan for Community Development Block Grant (CDBG) funds.

Scott Dittrich indicated support for a measure to consider having a directly elected Mayor. He questioned how quickly the Los Angeles County Waterworks District No. 29 (District 29) study identifying locations for backup generators would be completed and when generators could be installed.

Norman Haynie stated he had been working on a hotel project and thought it was ready to go to the Planning Commission. He stated he came to the Council two and a half months ago for feedback on additional benefits for the development agreement. He stated he wanted his project to be approved by the City Council before the November 2020 General Municipal Election. He stated he met with City staff to negotiate additional public benefits for a development agreement. He stated he had been told the outcome of those negotiations needed to come back to the City Council and would not be heard until August 2020.

Kraig Hill congratulated Mayor Pierson. He stated the Big Rock neighborhood needed more information on why District 29 needed to complete a study before installing generators. He indicated support for bringing back Mr. Haynie’s hotel project quickly. He stated the development agreement should provide some type of ongoing public benefit.

Ann Doneen expressed concern the beaches had been overcrowded in recent weeks.

She stated Malibu Road was very congested with cars that were driving dangerously and erratically. She expressed concern a new hotel would increase traffic and the number of people on the beaches.

Steven O'Neill thanked Councilmember Farrer for her service and congratulated Mayor Pierson. He thanked the Council for its work supporting Woolsey Fire rebuilding. He stated there were contradictions between the water volume of toilets allowed by the California Plumbing Code and the number of fixtures allowed for an onsite wastewater treatment system (OWTS).

Barbara O'Neill Ferris congratulated Mayor Pierson and thanked Councilmember Farrer for her service. She stated it was important to update regulations for fixture count limitations to consider new toilet regulations and technology. She stated she and her husband were rebuilding from the Woolsey Fire. She stated rebuilds were limited to the number of fixtures included in the original home. She stated some rebuilding from the Woolsey Fire may live in an accessory dwelling unit (ADU) while rebuilding but may not be able to maintain fixtures in that ADU without upgrading their OWTS.

Kania W questioned why land on the Point Dume preserve was being developed. She questioned why her property taxes had increased since the Woolsey Fire. She stated the City should be able to close the beaches during the COVID-19 pandemic. She congratulated Mayor Pierson. She stated the community should be more involved in the election of the Mayor.

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

City Manager Feldman congratulated Mayor Pierson and Mayor Pro Tem Peak and thanked Councilmember Farrer for her service. She stated there had been a one-acre fire in Carbon Canyon during the day that was quickly contained and the site was being monitored by the Los Angeles County Fire Department. She stated Los Angeles County had 129,000 total cases and 3,575 deaths and Malibu had 65 total cases and two deaths of COVID-19. She stated Governor Newsom announced new COVID-19 restrictions that had been pushed out to subscribers through the City's notification system. She reported 242 single-family homes and one multi-family property had approved through Planning and 122 building permits had been issued and five homes had been completed for Woolsey Fire rebuilds. She stated the Malibu Emergency Survival Guide was complete and had been printed but had not been distributed due to COVID-19. She stated people could request a copy from Public Safety Specialist Sarah Kaplan. She stated the nomination period for the November 3, 2020 General Municipal Election opened and would close August 7, 2020, or August 12, 2020 if the incumbent did not file. She stated the annual street maintenance project had begun. She stated the Civic Center Way Improvement Project had been approved by the California Coastal Commission (CCC) after having been appealed. She stated the fire-resistant landscape Local Coastal Program Amendment (LCPA) and pesticide prohibition LCPA were pending with the CCC. She stated the City had worked with the Caltrans to add a right turn lane

on PCH at Trancas Canyon as part of the Trancas Creek Bridge Replacement Project. She stated construction of the right turn lane would be paid for with the City's portion of Los Angeles County Measure R funds. She announced Caltrans would hold a virtual public meeting regarding the project on July 15, 2020. She stated Bluffs Park and the temporary skate park had been closed because people were not complying with COVID-19 regulations. She stated the community pool at Malibu High School (MHS) had been reopened and reservations were required due to COVID-19 regulations. She announced the Planning Commission would hold a hearing for the short-term rental home sharing LCPA on July 29, 2020. She stated the interim short-term rental ordinance would be heard by the Council on August 10, 2020. She stated 44 commercial properties were in compliance with locking dumpster lid ordinance. She stated Southern California Edison (SCE) had released more information on the Public Safety Power Shutoff (PSPS) plan and new maps were available on the SCE website. She announced the second City Council meeting in July would be dark and the next City Council Regular meeting would be held on August 10, 2020. She stated Mr. Haynie's hotel project would be brought back to the Council on August 10, 2020. She stated Los Angeles County Public Works Director Mark Pestrella would be reaching out to the Big Rock area about the study regarding generators, which had begun and would be complete in a few weeks. She stated District 29 would fully fund the recommendations of the study. She announced Planning Director Blue would be leaving the City in the fall of 2020.

Environmental Sustainability Director Bundy stated the definition Mr. O'Neill referred to was for the water meter sizing, not the drainage fixture units. She stated the City used the California Plumbing Code information regarding drainage fixtures unit values. She stated California Building Codes were the minimum code requirements and the City could not amend it to be less restrictive. She stated the size of an existing OWTS system limited the number of allowed fixture units for some fire rebuilds. She stated the California Green Building Code had been integrated into the California Plumbing Code and limited the maximum flow of a toilet to 1.28 gallons per flush. She stated the City could write a letter to the State commission requesting the number of drainage fixture units be allowed to increase based on the new flow restrictions.

Mayor Pierson thanked City Manager Feldman for her update and Environmental Sustainability Director Bundy for the information she reported. He thanked Planning Director Blue for her service and wished her luck on her next steps.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Farrer stated she and Mayor Pierson participated in a Mayor and Councilmembers executive forum. She stated she participated in Los Angeles County Public Health Department updates. She stated she attended the opening of the temporary skate park, which had to be closed due to COVID-19. She stated she looked forward to people being able to use the skate park once it was safe. She stated she attended a webinar on wildfire preparedness sponsored by the League of

California Cities. She stated she received an update from the California Governor's Office of Emergency Services (Cal OES). She stated it was important that the community complete the 2020 Census. She expressed concern census response numbers in the City were low. She thanked Planning Director Blue for her service. She stated she was optimistic that the District 29 generator project would move forward quickly. She stated she would like to see Mr. Haynie's project move forward quickly. She stated the City did not have control over enforcement of mask and social distancing requirements on the beaches. She stated the City was in communication with the County regarding enforcement. She thanked Environmental Sustainability Director Bundy for explanation of fixture unit requirements. She stated property taxes were not assessed by the City. She stated rebuilding from the Woolsey Fire remained a priority. She stated she looked forward to the Civic Center Improvement Project moving forward.

Councilmember Mullen expressed concern Malibu was becoming a destination for impromptu car shows.

In response to Councilmember Mullen, City Manager Feldman stated she had been in touch with California Highway Patrol (CHP) about road racing and car clubs in the area and had directed staff to look into what the City could do.

Councilmember Mullen stated he understood Los Angeles County Public Works Director Pestrella was looking into generators for Big Rock and would follow through on the project. He stated back up power was needed for emergencies other than a PSPS.

In response to Councilmember Mullen, Planning Director Blue stated the Building Code and Zoning Code had different purposes. She stated when a project on Piedra Chica was before the Planning Commission the Building Code provision regarding the size of an addition that could be allowed in a landslide hazard zone was brought up. She stated the square footage limits in the Zoning Code were to address an aesthetic concern and not related to health and safety. She stated Zoning Code language did not align with the Los Angeles County Building code because they were unrelated.

Councilmember Mullen thanked Planning Director Blue for her service. He stated the stairway to the beach on Point Dume was being replaced. He stated the City did not have jurisdiction over the beaches. He stated the number of visitors to the City was increasing. He stated the Mayor was elected by the Councilmembers but was just one voting member of the Council.

Councilmember Wagner stated there was community interest in Mr. Haynie's hotel project and questioned why the project had to come back to Council again before going to Planning Commission. He stated Mr. Haynie made valuable contributions to the Malibu community. He stated Mr. Haynie's property would be hosting a blood donation drive. He stated some of the visitors to the City were committing Health Code violations including littering.

Mayor Pro Tem Peak stated he participated in a Clean Power Alliance meeting. He thanked Councilmember Farrer for her leadership. He thanked Councilmember Farrer and Mayor Pierson for their service after the Woolsey Fire. He thanked people for following COVID-19 restrictions.

Mayor Pierson stated he was interested in reconsidering the View Preservation Permit – Planning Commission fee.

In response to Mayor Pro Tem Peak, City Manager Feldman stated staff could bring back the fee schedule as part of the budget review in August 2020.

In response to Mayor Pierson, City Manager Feldman stated to her knowledge the View Preservation Permit – Planning Commission fee had never been paid and neighbors had resolved their issues amicably.

Mayor Pierson stated these were very unstable and stressful times. He stated the City was overrun by visitors some weekends. He stated the City was working closely with other agencies on COVID-19 response but followed orders from the Los Angeles County Department of Public Health. He expressed disappointment the temporary skate park had to be closed. He stated he listened to the Santa Monica-Malibu Unified School District (SMMUSD) town hall meeting on the 2020-2021 academic year plan. He stated it was important to prepare for fire season. He stated people needed to make a commitment to fire safety. He stated PCH was still a priority for the City. He stated the Los Angeles County Sheriff's Department was doing what it could for enforcement of COVID-19 regulations. He stated Zuma Beach was very crowded on Friday of the previous week. He encouraged people to complete the 2020 Census. He stated a report on 5G would be presented at the August 10, 2020 meeting. He stated he was participating in weekly calls with the California Coalition of Mayors and other cities were dealing with similar issues. He stated he was working with the Malibu Chamber of Commerce on 0% loans for small businesses.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to approve the consent calendar. 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. 466

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 466 amending Malibu Municipal Code Title 9 (Public Peace and Welfare) Chapter 9.34 (Smoking Regulations) to regulate smoking in the City, repealing Malibu Municipal Code Sections 9.04.010 and

12.08.035 (Ordinance No. 265), and finding the same exempt from the California Environmental Quality Act.

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 60758-60924 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. 663 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,092,145.88. City of Malibu payroll check number 5107-5108 and ACH deposits were issued in the amount of \$213,350.10.

3. Approval of Minutes

Recommended Action: Approve the minutes for the June 8, 2020 Malibu City Council Regular meeting.

4. Submission of a Proposed Measure to the Voters to Increase Transient Occupancy Tax

Recommended Action: 1) Adopt Resolution No. 20-37 ordering the submission of a proposed measure that would increase the City's Transient Occupancy Tax from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020, as called by Resolution No. 20-27; and 2) Adopt Resolution No. 20-38 setting priorities for filing written arguments regarding the submission of a proposed measure that would increase the City's Transient Occupancy Tax from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020, as called by Resolution No. 20-27 and directing the City Attorney to prepare an impartial analysis.

5. Acceptance of the Temporary Skate Park Surfacing Project

Recommended Action: 1) Accept the work performed by Superior Paving Company dba United Paving Co., for the Temporary Skate Park Surfacing Project (Specification No. 2079) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

6. Acceptance of the Temporary Skate Park Equipment Installation Project

Recommended Action: 1) Accept the work performed by California Skateparks for the Temporary Skate Park Equipment Installation Project (Specification No. 2085) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

7. Acceptance of the Charmlee Park Fence Replacement Project

Recommended Action: 1) Accept the work performed by Dash Construction Company for the Charmlee Park Fence Replacement Project (Specification No. 2081) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

8. Amendment to Professional Services Agreement with 30 Three Sixty Public Finance, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with 30 Three Sixty Public Finance, Inc. extending the term of the agreement for two additional years to expire on July 23, 2022.

9. Amendment to Professional Services Agreement with Questa Engineering Corp.

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Questa Engineering Corp. to allow for a one-year extension of the existing agreement through June 30, 2021.

10. Amendment to Professional Services Agreement with STLR Corp, dba Ryland School Business Consulting

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with STLR Corp, dba Ryland School Business Consulting.

11. Fiscal Year 2020-2021 General Fund Grant Program

Recommended Action: Approve the recipients and amounts for the Fiscal Year 2020-2021 General Fund Grant Program.

12. Transfer Agreement for Receiving Safe, Clean Water Program- Municipal Program Funds

Recommended Action: Authorize the City Manager to execute a Transfer Agreement with the Los Angeles County Flood Control District to receive Safe, Clean Water funds.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Appeal No. 20-003 - Appeal of Planning Commission Resolution No. 20-11 (33608 Pacific Coast Highway; Appellant: Michael Price; Applicant: Burdge and Associates Architects, Inc.; Property Owner: Michael Price)

Recommended Action: Adopt Resolution No. 20-39, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 20-003 and approving Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and additions to, an existing two-story, single-family residence; including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway (Price).

Planning Director Blue presented the staff report. She stated the Building Code definition and Zoning Code definitions for square footage were unrelated. She stated the Planning Commission's final decision was memorialized in the resolution. She stated Mr. Hill's correspondence incorrectly referenced the wrong lot size. She stated the property complied with total development square footage (TDSF). She stated a survey was completed to determine the lot size because the Los Angeles County Assessor's parcel size calculations differed from the calculations needed for zoning. She stated a revetment was a shoreline protection device and the area it sat on should still be included in the lot area.

Councilmember Farrer disclosed she had a phone call with Doug Burdge and received correspondence also distributed to the Council. She stated she did not learn anything that was not included in the staff report.

Councilmember Mullen disclosed he had a phone call with Doug Burdge and received correspondence also distributed to the Council. He stated he spoke with Planning Commissioners Steve Uhring, John Mazza, and Chris Marx and former Planning Commissioner Kraig Hill. He stated he did not learn anything that was not included in the staff report or correspondence distributed to the Council.

Councilmember Wagner disclosed he visited the site and took pictures. He stated he did not learn anything that was not included in the staff report.

Councilmember Mullen stated he viewed the site from the public right-of-way.

Mayor Pro Tem Peak disclosed he spoke with the project architect and Planning Commissioner John Mazza. He stated he was familiar with the property. He stated he did not learn anything that was not included in the staff report.

Mayor Pierson disclosed he met with James Arnone, Doug Burdge, and Planning Commissioner John Mazza. He stated he did not learn anything that was not included in the staff report.

Jim Arnone stated the property owner and Doug Burdge had worked with staff to permit a minor remodel and were surprised the project was denied by the Planning Commission. He stated the project was consistent with the historic interpretation of the two-thirds rule. He stated the Planning Commission had analyzed the two-thirds rule using the gross floor area, which was a different development standard from TDSF. He stated the project would in with the neighborhood character and would not be visible from public viewpoints. He stated the Los Angeles County Assessor's habitable area calculation was different from TDSF and the two should not be compared. He stated the habitable area of the project would be comparable to neighboring properties.

Doug Burdge stated he was the architect for the project and was the architect for the original construction. He stated he understood the rules when developing this project and worked within them. He stated the neighborhood was eclectic. He stated the project did not add any new bedrooms or bathrooms. He stated the project was in character with the neighborhood and did not interrupt any views.

Mr. Arnone stated the staff report was very detailed and correctly analyzed the two-thirds rule.

Jo Drummond discussed MMC 17.40.040. She stated the City Council should clarify the two-thirds rule should be analyzed using gross floor area. She stated gross floor area calculations should be used for commercial and residential projects.

Colin Drummond discussed MMC 17.02.020. He stated gross floor area was used to calculate an addition's size in a geologically hazardous area. He stated Los Angeles County used gross floor area for residential properties. He stated building and zoning codes should be consistent.

Kraig Hill requested Mayor Pierson recuse himself because Mayor Pierson dismissed him from his Planning Commission position over his vote on this project. He stated he referenced the wrong assessor information in his letter. He stated the revetment was a significant change to the topography of the land and should be subtracted from the lot size for TDSF calculations. He stated the MMC did not specify what floor calculation should be used. He stated the interpretation of the two-thirds rule using TDSF would allow abuse. He stated the gross floor area ratio should be used. He stated the mean size of neighboring properties was smaller.

John Mazza stated he submitted correspondence on the item. He stated the conclusions in his letter were based on information in the staff report. He stated the two-thirds rule existed to address bulk and mass. He stated the Planning Commission closely studied all the rules and made decisions based on the MMC.

Norman Haynie stated the property should be zoned beachfront. He stated the project was consistent with the historic interpretation of the code. He stated a project could not have an impact on the neighborhood when it could not be seen by the neighbors.

Mr. Arnone stated the revetment slope was 1 to 1.5, but it was incorrectly presented to the Planning Commission as 1 to 1 slope. He stated it had not been City policy to delete revetments from the lot area. He stated in the interest of fairness, homeowners should be able to rely on long-standing code interpretations. He stated if rules were going to change it should be part of a public process. He stated this project complied with the rules.

In response to Mayor Pierson, Assistant City Attorney Rusin stated Mayor Pierson did not have a conflict just because he chose to replace his appointment to the Planning Commission.

Councilmember Wagner stated this was a complex issue. He stated it was important to address any deficiencies in the code. He stated interpretations of the code were fluid.

Councilmember Mullen stated it was important to clarify grey areas in the code.

In response to Councilmember Mullen, Planning Director Blue stated a covered patio was a structure and contributed to the visual massing of the building. She stated some patios were bulky and substantial and there was push back from allowing these outside of TDSF. She stated it was a standard interpretation that patios over six feet would be counted toward TDSF. She stated an update to this part of the code was intended to be part of a major overhaul that did not go forward.

She stated the patio could be enclosed but the applicant team may want to weigh-in on design choices. She stated the addition of patios had been used to comply with the two-thirds rule before and had not been scrutinized. She stated many applicants who had available TDSF would choose to add enclosed space.

Councilmember Mullen stated the two-thirds rule was intended to prevent boxy buildings and the project looked boxy. He stated the additions were towards the front of the property and would not been very visible from the ocean.

In response to Councilmember Mullen, Planning Director Blue stated the long-standing practice of applying non-beachfront standards to all rural residential properties was being clarified in a code amendment that was on the Zoning Ordinance and Code Enforcement Subcommittee (ZORACES) work plan. She stated most rural residential properties that touched the shoreline were on bluffs and if they had beachfront development standards like unrestricted TDSF and smaller setbacks it would lead to a visually massive development.

In response to Councilmember Mullen, Mr. Arnone stated an extreme flooding event could impact the property and make further enclosed additions to the first floor challenging.

Councilmember Mullen suggested beginning the process for a code amendment or other clarification of two-thirds rule.

Mayor Pro Tem Peak stated he believed the property and neighboring properties were true beachfront properties.

In response to Mayor Pro Tem Peak, Planning Director Blue stated the City zoning of rural residential was intended to encourage some pockets of smaller properties to merge and over time become larger.

Councilmember Farrer stated the project was consistent with development standards. She stated discrepancies in the code should be studied but stated it was not fair to change the rules on a project. She expressed concern that there was uncertainty for people in the development process regarding what the rules were.

Mayor Pierson stated the rules were vague. He stated the text of the code, interpretation of the code, and intent of the code had to be considered. He stated there was an established interpretation of the two-thirds rule.

In response to Mayor Pierson, Planning Director Blue stated the MMC and Local Implementation Plan (LIP) needed to be updated together to be consistent.

Mayor Pierson stated the Council could change the code but standing interpretations could not be changed on the fly by the Planning Commission. He stated the Planning Commission was rejecting projects on the neighborhood character finding when the project was widely supported by the neighbors. He

stated parts of the code needed to be fixed. He encouraged the Planning Commissioners to approach their appointing Councilmembers with proposals to fix the code. He stated the project fit into the neighborhood. He stated the Planning Commission should help residents build homes. He stated delays and uncertainties made it so only the very rich could afford build.

Councilmember Mullen stated the project appeared to fit into the neighborhood character and did not change the visual impact of the house very much. He stated sometimes the way things had always been done needed to change. He stated in this case the code was vague. He stated this project was not out of line. He stated the Planning Commissioners had a hard job and needed to bring their best judgement to each case. He stated he appreciated the Planning Commission's work and stated he did not generally like to overturn a Planning Commission decision. He stated this project tried to follow all the rules.

Mayor Pierson stated Planning Commissioner's had a hard job. He stated the history of code interpretation was important and fixing the code had to be done the right way.

Councilmember Farrer agreed that sometimes the way things had always been done needed to change. She stated new regulations should not be cobbled together on individual projects. She stated appeals were a drain on City resources.

Councilmember Wagner stated the project was in the CCC appeal zone. He expressed concern that the CCC would demand the City clean up the code if questionable projects continued to be permitted.

MOTION Mayor Pro Tem Peak moved and Councilmember Farrer seconded a motion to adopt Resolution No. 20-39, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 20-003 and approving Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and additions to, an existing two-story, single-family residence; including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway (Price).

In response to Mayor Pierson, Planning Director Blue stated staff could update an interpretation quickly. She stated the interpretation would first go to ZORACES and then be published in the interpretation manual. She stated, in the long-term, code amendments to MMC and LCP could be processed.

Mayor Pierson stated there was a printed and standing interpretation of the code that should be considered.

In response to Assistant City Attorney Rusin, Mayor Pierson stated he had noted MMC 17.40.040 seemed vague. He stated he wanted feedback from staff on how best to clarify the issue.

Assistant City Attorney Rusin stated clarifying the standard interpretation that floor area in MMC 17.40.040 referred to TDSF was an easy change. He stated changing how covered patios were interpreted under TDSF would be more complicated.

Councilmember Mullen stated an item should be brought before ZORACES for robust public discussion. He stated it was important to consider unintended consequences.

Mayor Pierson stated the issue needed more discussion at a future meeting.

Mayor Pro Tem Peak stated the Council needed to make a decision on the project based on the existing code.

In response to Mayor Pro Tem Peak, Planning Director Blue stated this was an area of the code that could use clarification.

Assistant City Attorney Rusin stated this could be clarified with other issues like the classification of rural residential beachfront properties.

City Manager Feldman stated she would work with Planning Director Blue on scheduling an item to go to ZORACES.

The question was called and the motion carried 4-1, Councilmember Wagner dissenting.

RECESS Mayor Pierson recessed the meeting 9:57 p.m. The meeting reconvened at 10:03 p.m. with all Councilmembers present.

B. An Ordinance Amending Section 2.52.040 Malibu Municipal Code Chapter 2.52 (Emergency Services Organization)

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 467 Amending Section 2.52.040 (Disaster Council Powers and Duties) in Chapter 2.52 (Emergency Services Organization) of Title 2 (Administration and Personnel) of the Malibu Municipal Code to Require the Disaster Council to Comply with the California Emergency Services Act and to Meet at Least Once Annually and finding the same exempt from the provisions of the California Environmental Quality Act; 2) Direct staff to schedule the second reading and adoption of Ordinance No.467 for the August 10, 2020 Regular City Council Meeting; and 3) Adopt Resolution 20-40 agreeing to the rules and regulations established by the California Governor's Office of Emergency Services pursuant to the provisions of government code section 8585.5 relating to relative to workers' compensation benefits for registered disaster service worker volunteers; and repealing Resolution No. 91-85.

Public Safety Manager Dueñas presented the staff report.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1)

introduce on first reading Ordinance No. 467 Amending Section 2.52.040 (Disaster Council Powers and Duties) in Chapter 2.52 (Emergency Services Organization) of Title 2 (Administration and Personnel) of the Malibu Municipal Code to Require the Disaster Council to Comply with the California Emergency Services Act and to Meet at Least Once Annually and finding the same exempt from the provisions of the California Environmental Quality Act; 2) direct staff to schedule the second reading and adoption of Ordinance No.467 for the August 10, 2020 Regular City Council Meeting; and 3) adopt Resolution 20-40 agreeing to the rules and regulations established by the California Governor's Office of Emergency Services pursuant to the provisions of government code section 8585.5 relating to relative to workers' compensation benefits for registered disaster service worker volunteers; and repealing Resolution No. 91-85.

Assistant City Attorney Rusin read the title of the ordinance.

In response to Councilmember Wagner, City Manager Feldman stated Volunteers on Patrol were classified as disaster service workers with the Los Angeles County Sheriff's Department

The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

- A. Cliffside Drive Proposed Utility Underground Assessment District
Recommended Action: 1) Accept a deposit in the amount of \$200,000 from homeowners on Cliffside Drive; and 2) Provide direction to staff on forming a utility underground assessment district for Cliffside Drive.

Public Works Director DuBoux presented the staff report.

Mark DiPaola stated he bought his property 10 years ago and built a house six years ago. He stated he was aware of fire danger. He stated undergrounding utilities would contribute to fire safety and the rural beauty of the neighborhood.

Councilmember Mullen thanked Mr. DiPaola for participating in the meeting and organizing his neighbors. He stated undergrounding utilities would contribute to fire safety and aesthetic beauty. He stated he was impressed by the neighborhood stepping up.

Councilmember Wagner encouraged the people west of Fernhill to underground their utilities.

In response to Mayor Pro Tem Peak, Mr. DiPaola stated he had approached a few neighbors on the other block of Cliffside Drive to see if they would like to lead undergrounding efforts for their block. He stated it would save money to underground as a larger group but they were not interested.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1) accept a deposit in the amount of \$200,000 from homeowners on Cliffside Drive; and 2) direct staff to begin work to form a utility underground assessment district for Cliffside Drive.

Mayor Pierson thanked Mr. DiPaola for his efforts.

City Manager Feldman stated the estimated staff costs of \$25,000 would be paid for from the deposit. She stated staff would inform the Council and the property owners if consultant costs would exceed the deposit.

The question was called and the motion carried unanimously.

- B. Dume Drive and Fernhill Drive Speed Humps
Recommended Action: 1) Receive recommendation from the Public Safety Commission on placing speed humps on Dume Drive and on Fernhill Drive between Grayfox Street and Cliffside Drive; and 2) Provide direction to staff and if, the direction is to proceed with the placement of speed humps on Dume Drive and on Fernhill Drive between Grayfox and Cliffside Drive, add this project to the Work Plan for Fiscal Year 2020-2021.

Public Works Director DuBoux presented the staff report.

John Mazza stated a condition of the Conditional Use Permit (CUP) for Malibu Elementary School was to mitigate traffic issues. He stated he heard at a Public Safety Commission meeting that speed humps could not be placed on a street as steep as Grayfox Street. He encouraged reassessing the height of speed humps on Zumirez Drive. He indicated support for approving the speed humps.

Jane Albrecht stated Dume Drive and Fernhill Drive were critical routes for the Los Angeles County Fire Department. She stated Point Dume residents were not involved in this process. She stated when speed humps were previous considered each resident received a mailer and the Los Angeles County Fire Department had been concerned about response time. She stated some speed humps had been added on Point Dume where people wanted them. She stated there was additional signage to slow people down.

Councilmember Mullen stated Ms. Albrecht made compelling arguments about first responders. He stated he was interested in hearing from the Councilmembers who lived in Point Dume.

Councilmember Farrer stated she had speed humps on her street that had helped slow down cars, but stated it was not a thoroughfare like Dume Drive. She expressed concern about speeds and driving maneuvers on Dume Drive and stated it could benefit from speed humps. She stated she did not believe speed humps would have made a difference to first responders during the Woolsey Fire.

In response to Councilmember Farrer, Public Works Director Duboux stated speed tables were the same height as speed humps but speed tables were longer. He stated he did not know exactly what impact speed tables would have versus speed humps.

Councilmember Farrer discussed the need for people to drive responsibly. She stated enforcement could help but it was hard to maintain a high level of enforcement. She stated the Council had received correspondence in favor of speed humps.

Mayor Pro Tem Peak stated he just looked up speed tables and it appeared people may be able to drive over them faster. He stated in 2012 he received petitions for speed humps for specific streets but there were also a few people on these streets who were very vocally opposed. He stated the number of students at the school and construction workers rebuilding from the Woolsey Fire may have changed things. He stated he was alarmed by how quickly people were driving on Dume Drive. He stated he had heard from discussions with the Los Angeles County Fire Department that speed humps would not significantly slow down emergency response because they could be driven over safely when driving the speed limit. He stated speed humps could be removed but in most places they were installed the neighbors usually grew to like them.

Councilmember Wagner stated it was important to carefully consider the height of speed humps. He stated fire trucks would handle driving over speed humps. He stated visible striping encouraged people to notice speed humps and slow down.

Councilmember Mullen stated everyone in the Ramirez Canyon neighborhood he lived in liked speed humps. He stated speed humps did not provide a hindrance for emergency response.

In response to Mayor Pro Tem Peak, Public Works Director DuBoux stated the speed limit would not be modified based on the most recent speed survey. He stated having speed humps may modify the results of the next speed survey.

Councilmember Wagner stated speed humps could reduce the number of people speeding through Point Dume when PCH was congested.

Mayor Pro Tem Peak stated if residents on other streets in Point Dume wanted to add speed humps they should contact the Council. He stated he had heard complaints about speeding on Birdview Avenue and Cliffside Drive.

Mayor Pierson his neighborhood had speed humps that helped slow down most people.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1) receive recommendation from the Public Safety Commission on placing speed humps on Dume Drive and on Fernhill Drive between Grayfox Street and Cliffside Drive; and 2) direct staff to add this project to the Work Plan for Fiscal Year 2020-2021. The question was called and the motion carried unanimously.

C. Procedures Required for Election of a Directly Elected Mayor or Strong Mayor
Recommended Action: Receive report and provide desired direction, if any.

Assistant City Attorney Rusin presented the staff report.

Jo Drummond indicated support for a strong mayor.

Lance Simmens indicated opposition to district elections. He stated lawyers should not be able to bully cities into changing the form of government when there was not racially discriminatory voting in the City. He discussed his service as the Assistant Executive Director of the U.S. Conference of Mayors. He stated changing the form of government had far reaching impacts. He recommended delaying consideration of this item until after the November 3, 2020 General Municipal Election.

Vicki D was not present at the time of the hearing.

Kraig Hill recommended the Council begin the process to create a City charter. He stated there were hybrid city structures available to a charter city. He stated a charter city could allow more compensation for Councilmembers and require a certain percentage of employees live in the City. He indicated support for a directly elected Mayor. He stated new district maps should not to be drawn unless the district efforts moved forward.

Councilmember Mullen stated the Council's actions should be needs-driven. He stated he did not see a need to change the City's form of government, especially when resources were already taxed.

Councilmember Farrer stated she began researching this issue after she was elected to learn more. She stated she found good information from the International City/County Management Association. She stated of the 482 cities in California, 477 used the Council-manager form of government. She stated the cities that did not use that form of government were among the largest cities. She stated Malibu did not have the pool of candidates necessary to elect a qualified strong mayor. She stated efforts to change the form of government would be a drain on resources. She stated waiving permit fees was important for rebuilding but had significant impacts on the budget. She stated there were budget constraints caused by the Woolsey Fire and COVID-19.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to receive and file a report on procedures required for election of a directly elected mayor or strong mayor.

Councilmember Wagner thanked Assistant City Attorney Rusin for preparing a balanced report. He stated 125 cities in California were charter cities. He stated a number of community members had expressed interest in a directly elected mayor. He stated switching to a directly elected mayor would not seriously disrupt City operations. He indicated support for proceeding with creating a charter commission.

Mayor Pierson expressed concern the City did not have the bandwidth to begin the charter city process. He stated he had some concerns regarding a directly elected mayor and wanted to maintain diversity in representation. He stated he had not had many people approach him about changing the City's form of government. He expressed concern this type of item would need more public participation. He stated if there were significant public interest, residents should bring forward a petition.

Councilmember Mullen stated it was challenging to find qualified candidates for City Council and that it was a part-time job. He stated the City had a small pool of people to pull from for candidates. He stated he was in favor of an elected representative who did not rely on their elected position for their primary income. He stated some charter cities had a Council-manager form of government. He stated becoming a charter city had been proposed as part of a school district separation effort. He stated significant changes to the form of government should be considered at an in-person meetings. He stated if there were significant public interest, residents should bring forward a petition.

Councilmember Farrer stated only five cities in California elected a strong mayor.

Councilmember Wagner indicated support for a directly elected mayor.

Mayor Pierson stated this was not the time to form a charter committee.

The motion carried 4-1, Councilmember Wagner dissenting.

ITEM 7 COUNCIL ITEMS

- A. Los Angeles County Sheriff's Department's Use of Force
Recommended Action: 1) Discuss the Los Angeles County Sheriff's Department's use of force; and 2) Consider authorizing the Mayor to send a letter to the Los Angeles County Board of Supervisors and Sheriff Alex Villanueva regarding the Los Angeles County Sheriff's Department's use of force policy.

City Manager Feldman stated staff was seeking direction on if and how staff should draft a letter.

Clinton Brown was not present at the time of the hearing.

Mayor Pro Tem Peak indicated support for sending a letter that encouraged the Los Angeles County Sheriff's Department to give officers proper use of force training and expressed that the City did not want to see violent incidents like those recently seen around the country.

In response to Mayor Pierson, Mayor Pro Tem Peak stated he had seen good restraint of force during recent protests but sometimes tensions had gotten out of hand. He stated more experienced law enforcement officers were better at de-escalating situations.

Councilmember Wagner stated he had served a Reserve Deputy Sheriff. He stated existing training prepared officers for scenarios where de-escalation was needed. He stated some Sheriff's Deputies received special training for situations that would need de-escalation, such as spousal abuse and responding to incidents with people experiencing homelessness. He stated the Los Angeles County Sheriff's Department had around 10,000 Deputies. He stated one bad officer may not represent an entire department. He stated it was important that specially trained Deputies be deployed for the right situations.

Councilmember Farrer stated Deputies faced challenging situations in the field and there were special teams for unique challenges such as the Mental Evaluation Team, teams responding to incidents with people experiencing homelessness, and juvenile teams. She indicated support for sending a letter expressing support for the Los Angeles County Sheriff's Department and stressing the importance common sense restraint in the use of force. She stated she believed the Los Angeles County Sheriff's Department was working on appropriate use of force and the proposed letter was not a response to specific concerns in the Malibu area.

Councilmember Mullen stated he often worked with law enforcement officers in his role as a firefighter. He stated recent protests had been sparked by an incident in another state when a person in custody lost his life. He stated people were talking about defunding police agencies and there had been riots around the country. He stated law enforcement officers had a very challenging job. He stated the law enforcement officers he worked with were very professional and very careful with their actions. He expressed concern a world without law enforcement professionals would be less safe. He stated training was important and officers could receive even more training to prevent tragic incidents. He indicated support for sending a letter expressing support for law enforcement officers and appropriate training.

Mayor Pierson stated a few weeks ago he had a conversation with a law enforcement officer who was upset with officers in other areas that had killed people unnecessarily and demeaned a profession dedicated to serving the public. He stated it was challenging for large organizations to locate and address problematic individuals. He stated Deputies serving the Malibu area seemed to do a good job helping the community. He indicated support for sending a letter

expressing support for the Los Angeles County Sheriff's Department and expressing the importance of training.

Mayor Pro Tem Peak indicated support for sending a letter to the Los Angeles County Sheriff Alex Villanueva and the Los Angeles County Board of Supervisors expressing support for the Los Angeles County Sheriff's Department and encouraging proper use of force training for their difficult jobs.

Councilmember Mullen indicated support Mayor Pro Tem Peak's comments.

Councilmember Wagner stated it was important to specifically support the Deputies during the COVID-19 emergency.

CONSENSUS

By consensus, the Council authorized the Mayor to send a letter to the Los Angeles County Board of Supervisors and Los Angeles County Sheriff Alex Villanueva expressing appreciation for the Los Angeles County Sheriff's Department and its work during the COVID-19 pandemic and encouraging specialized training on the use of force for all Deputies to assist them in their dedicated service to the community.

B. Legislation Position Letters – Assembly Bills 2167 and AB 2178, and Senate Bills 378, SB 801 and SB 862 (Mayor Farrer)

Recommended Action: At the request of Mayor Farrer, 1) authorize the Mayor to send the following legislature position letters: A) In opposition to Assembly Bill (AB) 2167, legislation intended to address problems associated with insurance availability and pricing in fire-prone areas; B) In support of AB 2178, which would add Power Safety Shut-Offs (PSPS) as a cause for declaring a state of emergency, potentially providing a source of funding for costs accrued during these events; C) In support of Senate Bill (SB) 378, which would require numerous provisions related to an electrical investor-owned utility's (IOU) decision to proactively shut off power; D) In support of SB 801, which would establish new requirements on electrical corporations regarding deployment of backup electrical resources to customers receiving medical baseline allowance and living in a high fire-threat district and would require the corporation's program to provide backup electrical resources in consultation with local disability rights advocates; and E) In support of SB 862, which adds PSPS as a cause for declaring a state of emergency and requires coordination with local governments; and 2) Direct the City's lobbyist to closely monitor these legislation and report to the City on the bill's status or any significant modifications.

Councilmember Farrer presented the staff report.

Clinton Brown was not present at the time of the hearing.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1) authorize the Mayor to send the following legislature position letters: A) in

opposition to Assembly Bill (AB) 2167, legislation intended to address problems associated with insurance availability and pricing in fire-prone areas; B) in support of AB 2178, which would add Power Safety Shut-Offs (PSPS) as a cause for declaring a state of emergency, potentially providing a source of funding for costs accrued during these events; C) in support of Senate Bill (SB) 378, which would require numerous provisions related to an electrical investor-owned utility's (IOU) decision to proactively shut off power; D) in support of SB 801, which would establish new requirements on electrical corporations regarding deployment of backup electrical resources to customers receiving medical baseline allowance and living in a high fire-threat district and would require the corporation's program to provide backup electrical resources in consultation with local disability rights advocates; and E) in support of SB 862, which adds PSPS as a cause for declaring a state of emergency and requires coordination with local governments; and 2) direct the City's lobbyist to closely monitor these legislation and report to the City on the bill's status or any significant modifications.

Councilmember Farrer stated the City's lobbyist would keep staff informed as these items moved forward.

The question was called and the motion carried unanimously.

C. COVID SMART – Support (Mayor Pro Tem Pierson)

Recommended Action: At the request of Mayor Pro Tem Pierson, authorize the Mayor to submit a letter endorsing the COVID SMART program for Malibu businesses, encouraging restaurants and businesses in Malibu to participate and become certified in the program, and permitting the COVID SMART organization to use the City of Malibu name and logo in its promotional materials.

Mayor Pierson presented the report. He stated he was very concerned about small businesses surviving COVID-19.

Steve Uhring questioned if the training program had been studied and would really create a COVID-19 safe environment. He expressed concern even the discounted pricing would be cost prohibitive for local businesses. He stated City sponsorship was a valuable commodity.

Kraig Hill questioned what the City's role would be with the business. He stated other companies offered similar services and the City should consider taking it out to bid. He stated the City had a program for using the City logo. He expressed concern that advertising the City as COVID SMART may draw more visitors to the City.

John Mazza was not present at the time of the hearing.

Suzanne Zimmer was not present at the time of the hearing.

Mayor Pierson stated the program did not provide a guarantee that people would not get COVID-19 but would provide reassurance that businesses were doing everything they could to be safe. He stated the program was backed by the Association of Professionals in Infection Control and Epidemiology. He stated Kathy Eldon had brought the program to his attention. He stated the company behind the program was trying to help teach people how to be safe and clean. He stated he read Mr. Mazza's letter and the response from Robert Tercek.

Councilmember Mullen commended the entrepreneurs for coming up with a program to help businesses respond to COVID-19. He expressed concern that businesses might feel obligated to pay for this training. He stated it may be more appropriate for this to be discussed and sponsored by the Malibu Chamber of Commerce.

Mayor Pierson stated the Malibu Chamber of Commerce was in support of the item and had asked him to bring it to the Council. He stated people were scared to go in businesses and that was hurting businesses. He stated training and consistent signage could help people feel more confident in shopping.

Councilmember Wagner stated businesses could find free information online to implement safety measures. He expressed concern people might avoid businesses that could not afford the program. He stated he had once brought forward an opportunity from a company providing free storm drains but it was considered a project that should go out to bid. He stated COVID SMART was already using the name Malibu in its advertising.

Mayor Pierson stated the program for Malibu businesses was \$20 per employee, not \$30,000.

Councilmember Farrer stated there was free information online about safety measures. She stated this program had uniform messaging and logos but stated there was also information was available on the County's website. She stated it was up to businesses to determine if they thought the program had value. She stated it would be more appropriate for the Malibu Chamber of Commerce to endorse the program.

Mayor Pro Tem Peak stated he was not convinced the City should endorse the program.

MOTION Mayor Pro Tem Peak moved and Councilmember Wagner seconded a motion to table endorsing the COVID SMART program for Malibu businesses. The question was called and the motion carried 4-1, Mayor Pierson dissenting.

D. Horizon Hills Fire Safe Council (Councilmember Mullen)

Recommended Action: At the request of Councilmember Mullen, authorize the Mayor to provide a letter to the Horizon Hills Fire Safe Council pledging support and guidance from the City in the Fire Safe Council's fuel reduction and outreach

efforts in the Horizon Hills area of Malibu.

Councilmember Mullen presented the report.

Councilmember Wagner stated it would be a valuable resource.

Councilmember Mullen stated fire preparedness needed to be supported by small community groups.

MOTION Councilmember Wagner moved and Councilmember Mullen seconded a motion to authorize the Mayor to provide a letter to the Horizon Hills Fire Safe Council pledging support and guidance from the City in the Fire Safe Council's fuel reduction and outreach efforts in the Horizon Hills area of Malibu. The question was called and the motion carried unanimously.

ADJOURNMENT

At 11:57 p.m., Mayor Pierson adjourned the meeting.

Approved and adopted by the City Council of the
City of Malibu on _____.

KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)