



Council Agenda Report

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

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: May 26, 2020 Meeting date: June 8, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the May 11, 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 2019-2020. This project is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the meeting of May 11, 2020.

ATTACHMENT: May 11, 2020 Malibu City Council Regular meeting minutes

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
MAY 11, 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 6:35 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: Trevor Rusin, Assistant 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; Rob DuBoux, Public Works Director; Kelsey Pettijohn, Deputy City Clerk; Susan Dueñas, Public Safety Manager; and Richard Mollica, Assistant Planning Director

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved and Mayor Pro Tem Pierson seconded a motion to approve the agenda.

FRIENDLY AMENDMENT

Mayor Pro Tem Pierson amended the motion to continue Item No. 3.B.7. to a date uncertain.

The maker of the motion accepted the amendment.

Councilmember Wagner stated it was important the public know why Item No. 3.B.7. was being continued.

City Manager Feldman stated she could discuss the continuation of Item No. 3.B.7. during her City Manager update.

Councilmember Mullen stated Item No. 3.B.7. was being continued so the public would have the opportunity to comment on the item at a future in-person meeting.

Mayor Pro Tem Pierson stated items that generated a significant amount of public input should be discussed at an in-person meeting.

Mayor Farrer indicated support for Councilmember Mullen's and Mayor Pro Tem Pierson's comments.

Councilmember Wagner stated he would appreciate an update on Item No. 3.B.7. during the City Manager update.

The question was called and the amended motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on May 8, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on COVID-19

City Manager Feldman stated staff was primarily working remotely. She stated select Public Works, Code Enforcement, and Parks Maintenance staff members were working in the office and the field as necessary. She stated plans and applications were being accepted at City Hall by appointment. She stated plans could also be accepted electronically and building permits were being issued electronically. She stated the Emergency Operations Center (EOC) was operating remotely and had cut back regular messaging to once a day on week days and as needed for emergent news. She stated per the Los Angeles County Department of Public Health (County Public Health) there were 32 cases of COVID-19 in Malibu. She stated the City was coordinating with Community Organized Relief Effort (CORE) and Malibu Medical Group to host drive-thru COVID-19 testing. She stated so far 3,300 tests had been administered at City Hall and 56 individuals had tested positive for COVID-19, many of which were asymptomatic. She stated COVID-19 testing was open to everyone, not just residents of the City. She stated staff was working on bringing anti-body testing to the City. She stated the County of Los Angeles had reopened hiking trails on May 9, 2020 and was expected to make an announcement during the week regarding reopening beaches for active recreation. She stated the City had hired private security for the weekend trails were reopened to assist with crowd control. She stated County Public Health had ordered shared pools and fitness centers in apartments, condominiums and homeowners associations (HOA) be closed. She stated staff was developing a return to work plan to maintain a healthy environment for staff and the public.

ITEM 2.A. PUBLIC COMMENTS

Judy Villablanca requested the City Commissions resume their regular meeting schedule. She indicated support for creating an Environmental Sustainability Commission. She expressed disappointment the dumpster lid ordinance implementation was being delayed.

Diane Carter thanked the Council for its service. She stated David Dreier was a valued neighbor and full-time resident of the City during the Woolsey Fire. She stated Mr. Dreier's mail was not delivered to his home because of security threats. She stated Mr. Dreier should be eligible for the Woolsey Fire rebuild fee waiver program.

David Dreier thanked the Council for its service. He read from his correspondence to the Council. He stated his mail was not delivered to his home due to security concerns. He stated he was regularly cited as a Malibu resident in the news. He stated he should be eligible for the Woolsey Fire rebuild fee waiver program. He thanked the Council and staff for work on rebuilding after the Woolsey Fire.

Jo Drummond questioned if the fee for the view preservation permit could be reduced due to an uncooperative neighbor. She stated her neighbors were pooling funds to afford this fee for one of the neighbors.

Colin Drummond questioned if the fee for the view preservation permit could be reduced due to an uncooperative neighbor. He expressed concern the high fee prevented the average resident from filing the application.

Kian Schulman indicated support for funding implementation of the dumpster lid ordinance in Fiscal Year 2020-2021. She suggested using the SeeClickFix website and app to allow citizens to report violations and save staff time. She recommended entering into a franchise agreement with a waste hauler.

Edward Menavsky stated he was a neighbor to Mr. and Mrs. Drummond. He stated he did not want to cut down his tree.

Jennifer Engel indicated opposition to creating a homeless shelter in the former courthouse location next to the Malibu Library. She stated Malibu did not have the resources necessary to help people experiencing homelessness find new housing.

Olivia Riley indicated opposition to creating a homeless shelter in the former courthouse location next to the Malibu Library. She stated a homeless shelter would attract people experiencing homelessness from all over Los Angeles.

Joseph Patterson discussed the importance of creating a safe parking program to allow enforcement of stricter parking regulations on public roads. He stated the safe parking program would need significant public input.

Kevin Zinger was not present at the time of the hearing.

Howard Rudzki commended the Council for its work. He stated Mr. Dreier was a valued neighbor who should be eligible for the Woolsey Fire rebuild fee waiver program.

E. Barry Haldeman discussed Senate Bill (SB) 1090, which would change regulations for permitting seawalls.

Hamish Patterson expressed concern the Council did not provide clear direction at its April 27, 2020 meeting on development agreement negotiations with Norm Haynie. He indicated opposition to the continued Los Angeles County Safer at Home order. He stated the County Public Health Officer was not an elected official.

Scott Engel indicated opposition to creating a homeless shelter in the former courthouse location next to the Malibu Library. He recommended creating a task force to identify a location for a homeless shelter.

Burt Ross stated Mr. Dreier was a valued neighbor who should be eligible for the Woolsey Fire rebuild fee waiver program.

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

City Manager Feldman discussed Item No. 3.B.7. She stated the Council held a Special meeting on January 29, 2020, at which it had directed staff to identify potential locations for a safe parking program and a homeless shelter. She stated parking on Pacific Coast Highway (PCH) had been restricted since the County Public Health Stay at Home order had been put in place and many people living out of their vehicles in the City had relocated. She stated was trying to prepare for the County Public Health Stay at Home order to be lifted by discussing locations for a Safe Parking Program. She stated the County of Los Angeles had identified a section of the Zuma Beach parking lot as a potential location for a Safe Parking Program. She stated a Safe Parking Program had specific facility and participant requirements and the chosen location was typically locked and had staff onsite. She stated the participants must be enrolled in services to help them find permanent housing and had to leave the safe parking location every morning. She stated staff was trying to prepare the Council to more easily and quickly permit a Safe Parking Program once it selected a location. She stated California Coastal Commission (CCC) staff had provided direction that the City would need to create a Safe Parking Program before the CCC would approve the coastal development permit (CDP) for signs on PCH restricting overnight parking. She stated a discussion on locations for a Safe Parking Program would be brought back when Council meetings could be held in-person. She stated the resolution creating the Woolsey Fire fee waiver program required specific documentation for the owner to be eligible. She stated staff had to follow the Council policy unless given new direction. She stated the Proposed Budget for Fiscal Year 2020-2021 would be considered again June 8, 2020 and the Council could provide further direction on budget priorities at that

meeting. She stated all voters in County of Los Angeles would receive a Vote by Mail ballot for the November 3, 2020 election. She stated Fire Safety Liaison Vandermuelen was available to conduct home ignition zone assessments with social distancing. She stated the Planning Department had accepted 22 new Woolsey Fire rebuild applications and issued 24 approvals since the stay at home orders had been issued. She stated since the Woolsey Fire 500 rebuild applications had been approved through Planning and 100 building permits had been issued. She stated Caltrans was beginning a surfacing project along sections of the shoulder on PCH but there would not be any lane closures. She stated Southern California Edison (SCE) was beginning a project starting May 15, 2020 to coat metal utility poles in Malibu Canyon. She stated Los Angeles County Public Works was beginning a water system improvement project in Encinal Canyon to improve fire-flow and facilitate rebuilding. She stated the asphalt had been laid for the temporary skate park, which was expected to open in early summer.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Mullen stated he received hundreds of unique emails on Item No. 3.B.7. He thanked the public for sending thoughtful correspondence. He thanked Mr. Haldeman for directing attention to SB 1090.

In response to Councilmember Mullen and Councilmember Peak, City Manager Feldman stated the former courthouse location had been discussed in previous public meetings as a potential location for an overnight shelter for people experiencing homelessness. She stated upgrades to the building would be required before it could be used as a shelter and the Proposed Budget for Fiscal Year 2020-2021 did not include funding for those upgrades. She stated staff was still gathering information on all options to address homelessness and would bring an item back to the Council.

Councilmember Peak stated he attended a Clean Power Alliance (CPA) meeting. He stated he received hundreds of emails and several phone calls on Item No. 3.B.7. He stated the Council should consider alternative locations for a Safe Parking Program. He stated it was important to be able to implement new parking restrictions and the priority of the Council was to keep residents safe.

Councilmember Wagner stated an Environmental Sustainability Commission would be beneficial. He stated an ombudsman could help mediate disputes over view restoration. He stated he received hundreds of unique emails on Item No. 3.B.7. He suggested considering a property near Topanga Canyon Boulevard for a Safe Parking Program.

In response to Councilmember Wagner, City Manager Feldman stated California State Parks (State Parks) had indicated it was not interested in using the property outside the City limits for a Safe Parking Program at this time.

Mayor Pro Tem Pierson suggested bringing back an item to modify the Woolsey

Fire fee waiver program to accommodate some residents who could not provide the documentation outlined in the original resolution. He stated he would like to discuss the view preservation permit fee with staff. He thanked Mr. Hamish Patterson for his comments and stated the County Public Health Officer served the elected Los Angeles County Board of Supervisors. He discussed the importance of helping people move out of homelessness and protecting the Malibu community. He stated creating a plan to address homelessness was complex and needed significant public input and education. He suggested temporarily easing outdoor dining restrictions to allow for more socially distant dining as some business were allowed to reopen. He expressed concern a few short-term rentals were advertising as group escapes during the County Public Health Stay at Home order.

In response to Mayor Pro Tem Pierson, City Manager Feldman stated she discussed short-term rentals during the COVID-19 pandemic with CCC staff. She stated CCC staff responded that Stay at Home orders did not prohibit short-term rentals but that it was an allowed activity and any permanent or temporary ban would have to go to the CCC for approval. She stated any activity taken by an agency that limited or prevented coastal access during the COVID-19 pandemic had to be sent in writing as a request to the CCC. She requested the public contact her if they witnessed any short-term rental being used for parties. She stated a short-term rental could not have more than 15 guests. She stated the Los Angeles County Sheriff's Department could be called to enforce the City's noise ordinance and residents could use the One Call to City Hall phone line to report any other problems 24/7.

Mayor Pro Tem Pierson indicated support for continuing the conversation on homelessness.

Mayor Farrer stated she received hundreds of unique email on Item No. 3.B.7. She stated it would be important to hold a meeting in-person regarding homelessness. She suggested holding a town hall meeting or a conducting a survey on options to address homelessness. She stated she had been monitoring updates from the State of California and the County of Los Angeles and had participated in forums with City of Los Angeles Mayor Garcetti. She thanked Mr. Haldeman for directing attention to SB 1090. She stated cities were being expected to find solutions for homelessness within their own boundaries. She stated the location for a Safe Parking Program needed to be safe for the participants. She stated placement of one at the State-owned lots near Topanga Canyon Boulevard was deemed unsafe due to the threat of boulders falling down.

In response to Mayor Farrer, City Manager Feldman stated the State of California and the County of Los Angeles had laid out phased stages for reopening during the COVID-19 pandemic. She stated the County of Los Angeles was beginning to implement stage two. She stated the timeline for implementing stages would be dependent on the results of COVID-19 testing. She stated she was discussing with other agencies when and how the emergency PCH parking restrictions should be lifted.

Councilmember Peak stated it would be important to open up parking on PCH with the opening of beaches.

City Manager Feldman stated it was important for people to be able to access the beaches safely once they were reopened.

In response to Mayor Farrer, City Manager Feldman stated she was in discussions with the County of Los Angeles and State Parks to determine how the emergency parking restrictions on the individual sections of PCH would be lifted.

In response to Mayor Farrer, City Manager Feldman stated the beach parking lots would likely only reopen with a percentage of their original capacity available to limit the number of people on the beaches at one time.

Councilmember Peak indicated support for reopening beach parking lots as soon as feasible. He expressed concern people may park in neighborhoods to walk to the beach if lot parking was not available.

Mayor Pro Tem Pierson suggested bringing back a resolution to modify the fee waiver program.

CONSENSUS

By consensus, the Council directed staff to bring back a resolution amending the proof of residency documents acceptable to the City for Woolsey Fire fee waivers.

ITEM 3 **CONSENT CALENDAR**

Item Nos. 3.B.4., 3.B.5., and 3.B.6. were pulled by the public. Item No. 3.B.7. was continued to a date uncertain upon approval of the agenda.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to approve Item Nos. 3.B.2. and 3.B.3. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

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

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 60163-60199 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. 659 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$796,452.73. City of Malibu payroll check number 6100 and ACH deposits were issued in the amount of \$211,738.69.

3. Approval of Minutes

Recommended Action: Approve the minutes for the April 13, 2020 Malibu City Council Regular meeting.

Continued to a date uncertain upon approval of the agenda:

7. Initiate Zoning Text Amendment Pertaining to Temporary Use Permits for Safe Parking Programs for People Experiencing Homelessness

Recommended Action: 1) Adopt Resolution No. 20-19 a resolution of the City Council of the City of Malibu initiating a zoning text amendment to Title 17 of the Malibu Municipal Code pertaining to temporary use permits and other related sections as necessary for safe parking programs for people experiencing homelessness; 2) Direct the Planning Commission to schedule a public hearing regarding the same; and 3) Direct staff whether to present the item for comment to the Zoning Ordinance Revision and Code Enforcement Subcommittee.

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

4. Los Angeles County Measure R Funds

Recommended Action: Authorize the City Manager to take all actions necessary to cancel the Pacific Coast Highway Message System Project and amend certain agreements with Los Angeles County Metropolitan Transportation Authority.

City Manager Feldman presented the staff report.

Kevin Zinger was not present at the time of the hearing.

MOTION

Councilmember Peak moved and Councilmember Mullen seconded a motion to authorize the City Manager to take all actions necessary to cancel the Pacific Coast Highway Message System Project and amend certain agreements with Los Angeles County Metropolitan Transportation Authority. The question was called and the motion carried unanimously.

5. Amendments to the Funding Agreements with Los Angeles County Metropolitan Transportation Authority and Los Angeles County

Recommended Action: 1) Authorize the City Manager to execute the amendment to the Funding Agreement with Los Angeles County Metropolitan Transportation Authority (Metro) and Los Angeles County for the purchase of vacant land for park and ride lots on Civic Center Way and Webb Way (APN 4458-020-015), at 23575 Civic Center Way (APN 4458-022-011) and Pacific Coast Highway and Heathercliff Road (APN 4466-

021-028); and 2) Authorize the Mayor to execute the amendment to the Funding Agreement with Los Angeles County and authorize the City Manager to take all actions necessary to finalize the amendment.

City Manager Feldman presented the staff report.

Kevin Zinger was not present at the time of the hearing.

MOTION

Councilmember Peak moved and Councilmember Mullen seconded a motion to: 1) authorize the City Manager to execute the amendment to the Funding Agreement with Los Angeles County Metropolitan Transportation Authority (Metro) and Los Angeles County for the purchase of vacant land for park and ride lots on Civic Center Way and Webb Way (APN 4458-020-015), at 23575 Civic Center Way (APN 4458-022-011) and Pacific Coast Highway and Heathercliff Road (APN 4466-021-028); and 2) authorize the Mayor to execute the amendment to the Funding Agreement with Los Angeles County and authorize the City Manager to take all actions necessary to finalize the amendment. The question was called and the motion carried unanimously.

6. Malibu Library Set Aside Funds for Fiscal Year 2020-2021

Recommended Action: 1) Approve the use of Set Aside Funds for the Malibu Library for Fiscal Year 2020-2021; and 2) Approve the use of \$12,000 from the Fiscal Year 2019-2020 Set Aside Funds to public schools in Malibu for library-related expenses in Fiscal Year 2019-2020.

Assistant City Manager Soghor presented the staff report.

John Mazza stated the recommendations for the use of Set Aside Funds were made before the County Public Health Stay at Home order. He stated some items such as extending library hours, funding security guards, the Library Speaker Series, and an outreach librarian were not useful during the COVID-19 pandemic.

Assistant City Manager Soghor stated library staff was still working in the Malibu Library building during the County Public Health Stay at Home order. She stated if some events and programs were not implemented due to the County Public Health Stay at Home order, the allocated funding for those events and programs would not be spent and would instead be carried over into future years.

City Manager Feldman stated the funding amounts being authorized were maximums and did not have to be spent. She stated staff could bring an item back to the Library Subcommittee to reassess funding allocations once the County Public Health Stay at Home order had been lifted. She stated the City was required to approve the use of Set Aside Funds every year to

comply with the memorandum of understanding with the County of Los Angeles.

In response to Mayor Farrer, City Manager Feldman stated the Set Aside Funds could not be rolled into the City's General Fund. She stated the Malibu Library Set Aside Funds were collected in a specific County of Los Angeles fund and their use was approved by the City. She stated any unspent funds would remain in the Set Aside Fund for future services.

Councilmember Wagner stated unspent funds would remain in the Set Aside Fund for the future. He stated the Set Aside Fund balance continued to grow and could potentially be used to build a branch library on the west side of the City. He stated the Library Subcommittee could request an update on the funds spent at its next subcommittee meeting.

MOTION

Mayor Farrer moved and Councilmember Mullen seconded a motion to: 1) approve the use of Set Aside Funds for the Malibu Library for Fiscal Year 2020-2021; and 2) approve the use of \$12,000 from the Fiscal Year 2019-2020 Set Aside Funds to public schools in Malibu for library-related expenses in Fiscal Year 2019-2020.

Councilmember Peak indicated opposition to funding security guards while the Malibu Library was closed during the County Public Health Stay at Home order.

City Manager Feldman stated the County of Los Angeles had a contract with the security guards. She stated homeless individuals had been congregating near the Malibu Library and the Malibu Community Labor Exchange was still operating. She stated she could reach out to the County of Los Angeles to see if the security guard presence was still necessary while the Malibu Library was closed to the public.

Assistant City Manager Soghor stated the Council was approving the use of Set Aside Funds for the next fiscal year and it was expected the library would reopen during Fiscal Year 2020-2021.

Councilmember Wagner stated unspent funds would remain in the Set Aside Fund.

The question was called and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Approval of Use of Community Development Block Grant (CDBG) Funds for the CDBG Revolving Grant Fund

Recommended Action: Continue the item to a date uncertain.

This item was continued to a date uncertain upon approval of the agenda.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Wastewater and Recycled Water Rates Study and Proposed Revised Rates

Recommended Action: 1) Receive presentation on the 2020 Wastewater and Recycled Water Rates; 2) Provide staff with direction on whether to proceed with revising the wastewater and recycled water service rates; 3) If proceeding with revising the rates, authorize the mailing of the Proposition 218 notices to the affected property owners; and 4) Direct staff to schedule a Public Hearing for the July 13, 2020 City Council meeting to establish wastewater and recycled water service charges for Fiscal Year 2020-2021, Fiscal Year 2021-2022, and Fiscal Year 2022-2023.

Public Works Director DuBoux introduced Sanjay Guar from Raftelis to present.

Mr. Guar presented the staff report.

Drew Newman was not present at the time of the hearing.

Councilmember Peak stated the City should not be in the business of giving loans.

In response to Councilmember Peak, City Manager Feldman stated the item would not have a significant impact on the Fiscal Year 2020-2021 budget. She stated the initial service rates were calculated with expense estimates. She stated service rates would decrease as fixed expenses were spread out over more properties during Civic Center Water Treatment Facility (CCWTF) Phase Two.

In response to Councilmember Peak, City Manager Feldman and Public Works Director DuBoux stated they had not heard from any property owners regarding the item.

Mayor Farrer indicated support for option one in the staff report.

In response to Councilmember Mullen, Public Works Director DuBoux stated staff was looking for direction from the Council on which option was the most appropriate in light of the COVID-19 pandemic.

In response to Councilmember Peak, Mr. Guar stated the fee increases would go on the County tax roll.

Councilmember Peak indicated support for option one with repayment over three years.

In response to Councilmember Mullen, City Manager Feldman stated staff could work with all options presented by Mr. Guar and none would have a significant impact to the Fiscal Year 2020-2021 budget. She stated commercial properties had been closed for two months due the County Public Health Stay at Home order and any additional financial burden could be challenging.

Assistant City Manager Soghor stated after two years of operation there was a better understanding of the operating expenses of the CCWTF. She stated there was no urgency to repay the General Fund loan. She stated when additional properties tied into the CCWTF, the rates would go down. She stated deferring rate increases would increase the General Fund loan, but it would be manageable.

In response to Councilmember Wagner, Assistant City Attorney Rusin stated the rates being discussed would only apply to properties in CCWTF Phase One. He stated Councilmember Wagner did not need to recuse himself because his property in CCWTF Phase Two would not be impacted.

Councilmember Peak suggested considering option two to reduce the burden on commercial property owners in light of the COVID-19 pandemic.

MOTION Councilmember Peak moved and Councilmember Mullen seconded a motion to direct staff to defer revising the wastewater and recycled water service rates for one year with repayment over three years. The question was called and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

At 8:55 p.m., Mayor Farrer adjourned the meeting in memory of Ellen Reich.

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

KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)