



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, Acting City Clerk

Approved by: Steve McClary, Interim City Manager

Date prepared: June 16, 2021 Meeting date: June 28, 2021

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the February 8, 2021 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 is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meeting of February 8, 2021.

ATTACHMENTS:
February 8, 2021 Malibu City Council Regular meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
FEBRUARY 8, 2021
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 Pierson called the meeting to order at 5:01 p.m.

ROLL CALL

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

PRESENT: Mayor Mikke Pierson; Mayor Pro Tem Paul Grisanti; and Councilmembers Karen Farrer, Bruce Silverstein, and Steve Uhring

PUBLIC COMMENT ON CLOSED SESSION

Sharon Barovsky was not present at the time of the hearing.

H Hgf was not present at the time of the hearing.

Elizabeth Robinson was not present at the time of the hearing.

Cheryl Calbert was not present at the time of the hearing.

Jennifer DeNicola was not present at the time of the hearing.

RECESS TO CLOSED SESSION

At 5:03 p.m., the Council recessed to Closed Session to discuss the following items 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

Personnel Matters pursuant to Government Code Section 54957:

1. Public Employee Performance Evaluation
Title: City Manager
2. Public Employee Discipline/Dismissal/Release

REGULAR SESSION CALL TO ORDER

Mayor Pierson called the meeting to order at 6:32 p.m.

ROLL CALL

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

PRESENT: Mayor Mikke Pierson; Mayor Pro Tem Paul Grisanti; and Councilmembers Karen Farrer, Bruce Silverstein, and Steve Uhring

ALSO PRESENT: John Cotti, Interim 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; Richard Mollica, Planning Director; Susan Dueñas, Public Safety Manager; Rob DuBoux, Public Works Director; Trevor Rusin, Assistant City Attorney; Kelsey Pettijohn, Deputy City Clerk; Raneika Brooks, Associate Planner; Jessica Thompson, Associate Planner; and Jerry Vandermeulen, Fire Safety Liaison

PLEDGE OF ALLEGIANCE

Mayor Pierson led the Pledge of Allegiance.

CLOSED SESSION REPORT

Interim City Attorney Cotti reported that the meeting convened at 5:01 p.m., after which time the City Council recessed to a Closed Session pursuant to Government Code Sections 54956.9(d)(2) and 54957, with all Councilmembers present. He stated the Council took no reportable action and recessed at 6:00 p.m. until the beginning of the Regular Session.

APPROVAL OF AGENDA

MOTION Councilmember Farrer moved, and Councilmember Silverstein seconded a motion to approve the agenda.

FRIENDLY AMENDMENT

Mayor Pierson moved to adjourn in memory of Paul Burns. The maker and seconder accepted the amendment.

The question was called, and the amended motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on January 28, 2021, with the amended agenda posted on February 2, 2021, and the second amended agenda posted on February 4, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Update on Recent Fires in Malibu by Los Angeles County Fire Department Battalion Chief Smith

Los Angeles County Fire Department Battalion Chief Drew Smith stated the Department had completed its second round of the COVID-19 vaccine with 75 percent compliance. He stated the vaccine had significantly reduced the number of COVID-19 cases within the Fire Department. He stated there were 23 fires over the past year in the Santa Monica Mountains area, 15 of which were in or adjacent to Malibu. He stated four fires had involved persons experiencing homelessness. He stated most fires were less than five acres, and the average fire was approximately one acre. He stated Los Angeles County had the largest initial attack fire organization. He stated prime time for fires was between late September or early October through December. He discussed rain totals impacting fire season.

At 6:37 p.m., Mayor Pro Tem Grisanti left the meeting.

Battalion Chief Smith discussed his work as a fire brigade analyst at the local, regional and national levels.

At 6:39 p.m., Mayor Pro Tem Grisanti returned to the meeting.

In response to Councilmember Silverstein, Battalion Chief Smith stated Santa Ana wind season had the highest probability for fire growth. He discussed changes in fire risk due to high winds and temperatures. He stated large fires were more likely to occur on high-risk days. He discussed augmented work forces in place during high-risk days. He stated higher levels of available fire fuel produced a lot more heat energy. He stated small fires could be beneficial when they occurred outside high wind events.

In response to Councilmember Uhring, Battalion Chief Smith discussed control burns. He stated there were three ways to manage land, including using land mammals, fuel modification, and prescribed fire. He stated chemicals were no longer used. He described conditions necessary for a prescribed fire. He discussed impacts and origins of non-native and invasive plants.

Mayor Pro Tem Grisanti thanked Battalion Chief Smith for explaining the benefits of prescribed fires. In response to Mayor Pro Tem Grisanti, Battalion Chief Smith stated goats were very helpful in reducing energy release and improving life safety and structure defense. He stated tactical opportunities decreased as fuel energy increased. He discussed fire mitigation conducted in Malibu Canyon.

In response to Councilmember Silverstein, Battalion Chief Smith stated he would check if fires in the City had started from non-undergrounded utilities. He stated the legal process for prescribed fires allowed for training and clearing public lands if approved through the California Environmental Quality Act (CEQA) process. He stated political pushback surrounding prescribed fire was the major impediment to prescribed burns. He stated he would provide the latest national and State plans.

In response to Mayor Pierson, Battalion Chief Smith stated there was a benefit to early warning sirens. He stated there needed to be a public education component. He stated there were other tools to add to enhance effectiveness. He offered to work with the City on its siren system project.

In response to Councilmember Silverstein, Battalion Chief Smith stated the concept of beacon boxes was good. He stated a QR code could be pushed to mobile phones or tablets and provide information for outside agencies. He suggested the City work with the Fire Department on the rollout.

Mayor Pierson stated all beacon boxes had QR codes and were designed for use by outside agencies. He thanked Battalion Chief Smith for attending and for his service to the Malibu community.

ITEM 2.A. PUBLIC COMMENTS

Burt Ross addressed Councilmember Silverstein about statements on Nextdoor. He expressed support for City Manager Feldman.

Bill Sampson responded to Mr. Ross in support of Councilmember Silverstein. He stated the community had been let down by the Council electing Paul Grisanti as Mayor Pro Tem. He stated the Council had an opportunity tonight to make it right.

Mark Baute thanked City Manager Feldman and three Councilmembers for working together. He discussed a legal case in Florida. He thanked City Manager Feldman for 16 years of service. He thanked Interim City Attorney Cotti for his continued service while having been reported to the State Bar of California by Councilmember Silverstein. He cautioned Councilmember Uhring to distance himself from Councilmember Silverstein. He stated the proposed camping ordinance was unenforceable.

Robert Brinkmann stated the tone of comments about Councilmember Silverstein was objectionable and a waste of time. He suggested putting accusations aside and work together on the City's business.

Craig Gold requested the City help residents deal with outside agencies. He discussed claims by the Mountains Recreation and Conservation Authority (MRCA) that it could access private roads for public hiking trails. He discussed lawsuits between the residents and MRCA. He stated the MRCA presented twisted facts to the California Coastal Commission (CCC) to oppose the residents' application for a gate. He stated the MRCA recently purchased a lot in Escondido Beach and requested the CCC remove encroachments. He requested the Council hire someone to specifically monitor outside agencies, such as MRCA, Santa Monica Mountains Conservancy (SMMC), and CCC attempting to make changes to the City without its cooperation.

Ken Kearsley discussed his home in Sycamore Park. He discussed his participation in key moments in Malibu's history. He stated the MRCA purchased a residential lot in Sycamore Park five years ago and declared it a public park with hiking trails. He stated residents were afraid for their future and further legal costs. He stated Sycamore Park residents filed a class action suit against the MRCA and SMMC. He requested the City provide legal assistance.

Lloyd Ahern thanked the Council for his appointment to the SMMC Advisory Committee. He stated he would attend both SMMC and MRCA meetings and report to the Council. He stated any outside agency needed to be monitored to keep up with what they were doing that affected Malibu. He agreed with Mr. Gold and Mr. Kearsley and indicated support for the future comments of Howard Rudski.

Laura Rosenthal read a letter to the editor she and nine other former Mayors submitted to The Malibu Times in support of City Manager Feldman.

Anne Payne discussed an increase in dry brush along Malibu Creek to Malibu Lagoon. She stated three of four neighbors along Malibu Creek negotiated for the use of goats for brush clearance. She stated the City of Hidden Hills had contracted for all available goats in the area. She stated her group contracted with a Ventura group to provide goats in September 2020. She stated it would have been more successful if they had been used earlier. She requested the Council work with Senator Henry Stern to facilitate using goats for brush clearance in Malibu.

Kasey Earnest thanked the Councilmembers for their service. She discussed her work with the Boys and Girls Club and City Manager Feldman for 16 years. She stated she had been proud to work with and be aligned with the City. She stated the City operated at the highest standard of transparency of any government

agency she worked with. She thanked City staff for its work. She stated the next generation was watching the community, Councilmembers, and leaders. She stated youth needed to be fostered and stewarded in positive and meaningful ways.

Jennifer DeNicola agreed with Ms. Earnest. She stated all five Councilmembers were beholden to the community and were elected to work together. She indicated support for Mr. Gold's idea. She stated the Planning Department required plan checks even when a permit was not required. She questioned the Planning Department's authority to require a plan check when it was not listed in the Malibu Municipal Code (MMC). She requested the Council direct the Planning Department to stop this practice and require plan checks only for work that requires a permit.

Kimmie Wong stated she lost her home in the Woolsey Fire. She commended City Manager Feldman for her assistance and support. She stated City staff had been generous with its time under City Manager Feldman's guidance.

Nino Posella indicated support for a plan to be presented by Howard Rudzki. He stated residents were bullied by MRCA and SMMC. He stated Joe Edmiston was using taxpayer money on litigation being used to put pressure on Malibu residents. He expressed support for City Manager Feldman.

Howard Rudzki discussed how Malibu residents were treated by MRCA and its Executive Director, including lawsuits and fines. He discussed MRCA's purchase of a lot in Sycamore Park and subsequent declaration that the lot was a public park. He stated homeowners who objected were fined \$15,000 per day with no oversight or review. He discussed MRCA's request for \$2.5 million to go away. He proposed the Council add an item to a future agenda to consider hiring a land use firm to legally preserve Malibu's rights.

Matt Eskan stated every neighborhood was being negatively impacted by lack of oversight by the MRCA. He stated MRCA's accessway on Malibu Road was out of control. He stated MRCA rangers did not oversee the accessway. He requested the City hire a special attorney to represent all residents to get Mr. Edmiston to comply with his obligations.

Dana Graulich expressed appreciation for the Fire Department's report and indicated support for using goats for brush clearance. She thanked Ms. Earnest for her comments and work with youth. She agreed with Ms. Wong and stated City Manager Feldman and City staff had also been supportive and accessible to her during her rebuild. She stated a transformer blew on Cuthbert Road about one year prior to the Woolsey Fire and the fire department put the fire out right away. She indicated support for undergrounding utilities. She questioned how the February 25, 2021 meeting on homelessness would be presented. She thanked Councilmembers Silverstein and Uhring for getting the ball rolling.

Ryan Embree thanked City Clerk Glaser for her help on making City's records accessible. He stated permanent records should always be searchable electronic documents. He thanked Assistant City Manager Soghor and City Clerk Glaser for their assistance. He discussed an MRCA invoice paid by the City for an in-lieu fee for cutting down trees to build the Civic Center Water Treatment Facility (CCWTF).

Elizabeth Robinson, a Sycamore Park resident, discussed numerous issues with several outside agencies interfering with private properties. She discussed MRCA's actions after buying a lot and opening it to the public. She indicated support for the City helping to monitor and oversee outside agencies.

Cheryl Calvert stated she lived next door to the MRCA lot in Sycamore Park. She discussed egregious activity and trespassing on her property by members of the public accessing their neighborhood. She requested the City provide legal support to any community under siege by the MRCA.

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

City Manager Feldman stated the latest COVID-19 update showed 319 positive cases and six deaths in Malibu. She stated Los Angeles County's positivity rate continued to decline and was 9.6% as of today. She provided information on scheduling a vaccination appointment for those in Phase 1A and Tier 1 of Phase 1B. She stated the County was not receiving sufficient doses to increase distribution of first doses. She stated 295 Woolsey Fire rebuilds were approved through Planning, with 168 building permits issued and 21 homes completed. She announced a \$900,000 Federal Emergency Management Agency (FEMA) grant received for design and permitting of a warning siren system. She announced the application period for membership on the Harry Barovsky Memorial Youth Commission was open through March 26, 2021. She stated applications for Fiscal Year 2021-2022 General Fund Grants would be accepted through March 31, 2021. She announced a Valentine's Day drive-through for seniors on February 9, 2021, at Bluffs Park from 10:00 a.m. to 12:00 p.m., a virtual poetry event on Saturday, February 13, 2021, at 11:00 a.m., and an e-waste and household hazardous waste collection event on Saturday, February 20, 2021, in the City Hall upper parking lot. She announced City Hall would be closed on Monday, February 15, 2021, for the holiday. She offered condolences to the family of Paul Burns and thanked Burns Pacific for its work for the City.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Uhring stated he attended an Administration and Finance Subcommittee meeting and a Clean Power Alliance meeting. He stated he was informed there was no indication when vaccines would be available in Malibu. He requested an update on how the new parking restrictions were working. In

response to Councilmember Uhring, City Manager Feldman stated the Council would consider installation of sirens again and the public could provide additional feedback. She stated limited supplies of vaccines were initially being disbursed to larger medical providers.

Mayor Pro Tem Grisanti stated the State was not receiving enough vaccines from the Federal government to satisfy the demand in the County of Los Angeles.

Councilmember Silverstein stated the actions of the MRCA in Sycamore Park were appalling. He stated assisting those residents seemed a better use of City funds. In response to Ms. DeNicola, he stated he was awaiting a response from the Assistant City Attorney about the Planning Department's actions. He stated he hoped the homelessness meeting on February 25, 2021, would be an open community discussion. He stated some residents feared retribution if they spoke out publicly about concerns with the City government. He stated residents were concerned City Manager Feldman was still working for the City after claiming she was unable to perform her duties and threatened to sue the City. He suggested changing the agenda posting process to allow staff more time to adequately prepare. He requested a discussion of Zoom protocols. He expressed concern that the Council's ad hoc committees violated the Brown Act. He suggested they may need to be changed to Subcommittees.

Mayor Pierson stated Councilmember Silverstein could put his suggested items on future agendas.

Councilmember Farrer agreed residents' tax dollars were being used against them. She thanked Mr. Ahern for his commitment to attend and report back on SMMC and MRCA meetings. In response to Councilmember Silverstein, she stated City Manager Feldman had claimed harassment not an inability to do her job. She stated she was working with the Homelessness Working Group and attended a Los Angeles County Office of Education (LACOE) Committee a meeting to discuss school district separation. She stated school district separation efforts would not continue indefinitely. She stated she accepted an invitation from Rudy Gonzales, Southern California Edison (SCE) liaison, to serve on the SCE Government Advisory Panel that would gather input from the community on what SCE could do better. She discussed the work of the Malibu Boys and Girls Club and thanked Ms. Earnest.

Mayor Pierson thanked all the speakers. He stated there would need to be multiple meetings regarding homelessness. He stated he and Councilmember Uhring had their first Administration and Finance Subcommittee meeting regarding the mid-year budget. He stated he and Councilmember Uhring attended a Clean Power Alliance (CPA) meeting. He stated the CPA was the fifth largest energy provider in California.

In response to Councilmember Uhring, Los Angeles County Sheriff's Department Lieutenant James Braden discussed parking restrictions on Pacific Coast Highway (PCH). He stated it was a continuous process, but the restrictions have been successful in minimizing the number of motorhomes on PCH. He stated the restrictions in combination with the outcome from the homeless meeting on February 25, 2021 could be effective in minimizing homeless encampments and people staying in one place in Malibu.

In response to Councilmember Silverstein, Lieutenant Braden stated the parking restrictions were more effective than he had expected. He discussed arrests made and citations issued as a result of the new restrictions.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.7. was pulled by the public. Item Nos. 3.B.2. and 3.B.6. were pulled by the Council.

MOTION Councilmember Uhring moved and Councilmember Silverstein seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.2., 3.B.6., and 3.B.7. 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.
 - 3. Approval of Minutes
Recommended Action: Approve the minutes for the November 9, 2020 Malibu City Council Regular meeting and the November 23, 2020 Malibu City Council Regular meeting.
 - 4. Amendments to Agreements for Wireless Communication Facility Application Review Services
Recommended Action: Authorize the Mayor to: 1) Execute Amendment No. 1 to Agreement with Center for Municipal Solutions for wireless communication facility application review services; and 2) Execute Amendment No. 1 to Agreement with HR Green Pacific, Inc. for wireless communication facility application review services.
 - 5. Acceptance of the Dume Drive and Fernhill Drive Speed Hump Project
Recommended Action: 1) Accept the work performed by J & H Engineering General Contractors, Inc. for the Dume Drive and Fernhill Drive Speed Hump Project, Specification No. 2089 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of

Completion.

The following items were pulled from the consent calendar for individual consideration:

B. New Items

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 62288-62374 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. 675 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,773,524.81. City of Malibu payroll check number 5148 and ACH deposits were issued in the amount of \$217,619.92.

Councilmember Silverstein questioned the legality of the warrant register. He expressed concern that an affidavit from the officer submitting the demands certifying the accuracy of the demands and availability of funds had not been included in the submission of demands. He stated an unsigned certification was not the same as an affidavit. He stated the Interim City Attorney advised him it should be looked into. He stated he could not approve the warrant register since it did not appear to be in proper legal form.

Mayor Pro Tem Grisanti stated he reviewed the warrant register presented at each meeting and had his questions answered sufficiently by staff each time. He stated he had not found any mistakes yet.

Interim City Attorney Cotti confirmed he would look into Councilmember Silverstein's technical questions.

In response to Mayor Pierson, City Manager Feldman confirmed this information was included in the City's audit.

Councilmember Silverstein stated only the line items were included in the audit, not whether the statutes were being complied with.

MOTION

Mayor Pierson moved, and Mayor Pro Tem Grisanti seconded a motion to allow and approve warrant demand numbers 62288-62374 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. 675 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,773,524.81. City of Malibu payroll check number 5148 and ACH deposits were issued in the amount of \$217,619.92. The question was called, and the motion carried 4-1, Councilmember Silverstein abstaining.

6. Utility Easement Acceptance

Recommended Action: 1) Adopt Resolution No. 21-01 authorizing the granting of utility easements to Southern California Gas Company and Southern California Edison Company and finding the same exempt from the California Environmental Quality Act; and 2) Direct staff to record a certified copy of the resolution and easement in the Office of the County Recorder.

Jim Arnone stated he and Brian Gordon were available to answer questions.

In response to Councilmember Silverstein, Assistant City Attorney Rusin confirmed Mr. Gordon was the developer of the project and Mr. Arnone was his legal representative.

Councilmember Silverstein disclosed he had discussed the project with Assistant City Attorney Rusin. He stated he previously asked if this was legally mandated or a discretionary matter. He stated he had economic questions if the City was not legally obliged to sign the easement agreement.

Assistant City Attorney Rusin discussed the details of the easement agreement in place with the La Paz group.

Councilmember Silverstein stated he had not yet received the cost-benefit analysis he requested. He stated staff estimated the cost would be approximately \$200,000 and the work would cost the City \$100,000 if done in the future, plus the cost to repair the lane. He questioned what value was being added to the project or lost by installing the utilities on City property. He questioned what alternate location could be used. He suggested leasing the lane.

Mr. Arnone discussed options for locating utilities. He discussed negotiations with the City to allow the easement and the City's access to the utilities. He stated the Planning Commission required and the City Council approved that all utilities be placed in the shared roadway. He stated SCE and SoCalGas required the utilities be in their own names.

Public Works Director DuBoux stated SCE required the easement be in its name because it was a shared utility within the City's property.

Councilmember Silverstein stated it was a legal business matter that was substantially valuable to the developer. He stated the City should investigate any further benefit.

MOTION

Mayor Pro Tem Grisanti moved, and Councilmember Farrer seconded a

motion to: 1) adopt Resolution No. 21-01 authorizing the granting of utility easements to Southern California Gas Company and Southern California Edison Company and finding the same exempt from the California Environmental Quality Act; and 2) direct staff to record a certified copy of the resolution and easement in the Office of the County Recorder.

In response to Councilmember Uhring, Councilmember Silverstein stated the potential value to the City should be discussed by the Council in closed session.

In response to Mayor Pro Tem Grisanti, Assistant City Attorney Rusin stated an easement was not a quasi-judiciary decision and would not require Councilmember Uhring to recuse himself.

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

7. Compliance Agreement with Airbnb

Recommended Action: Approve compliance agreement with Airbnb, Inc.

Ryan Embree requested to be heard following presentation of the report.

Assistant City Attorney Rusin presented the staff report. He explained the City's ordinance allowed online platforms to post rental properties not registered with the City but prohibited the booking of those properties. He stated Airbnb was proposing a compliance agreement with a system similar to ones in Santa Monica, Los Angeles and other cities. He explained the new system would ensure only legal listings were booked. He stated the system would: 1) require property owners to enter a City-issued short-term rental (STR) permit number; 2) pull down listings without an STR permit number; and 3) provide the City access to information about rentals to aid the City's enforcement. He stated Host Compliance would also be able to identify listings not in compliance with the City's ordinance and have them removed.

In response to Mayor Pierson, Assistant City Attorney Rusin clarified the agreement would allow listings to be taken down and not advertised if the property was not in compliance.

Councilmember Uhring stated the agreement gave the City more control over what Airbnb was doing and provided a basis for negotiating similar terms with other hosting platforms.

Ryan Embree indicated concern that an old agreement was being perpetuated in the new agreement. He questioned who would attest that

everything owed was being paid. He stated he did not see the City's benefit.

Mayor Pierson stated it looked like the agreement made it easier for staff to identify issues more quickly.

In response to Councilmember Uhring, City Manager Feldman stated the Planning Department was compiling STR data requested by the CCC.

MOTION

Councilmember Uhring moved, and Councilmember Farrer seconded a motion to approve a compliance agreement with Airbnb, Inc.

In response to Councilmember Silverstein, Assistant City Attorney Rusin stated the agreement could be terminated at any time. Councilmember Silverstein asked what the benefit to Airbnb was in this agreement.

Mayor Pro Tem Grisanti stated Airbnb had given Santa Monica virtually the same agreement as what the City was considering.

Mayor Pierson stated Airbnb was seeking to be a good partner in a difficult situation.

The question was called, and the motion carried unanimously.

RECESS

At 8:56 p.m., Mayor Pierson recessed the meeting. The meeting reconvened at 9:05 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Los Angeles County Fire Code

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 480 adopting by Reference Title 32 of the Los Angeles County Code, which incorporates the 2019 Edition of the California Fire Code, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act; and 2) Direct staff to schedule a Public Hearing for the second reading and adoption of Ordinance No. 480 for the March 8, 2021 Regular City Council meeting.

Environmental Sustainability Director Bundy presented the staff report.

In response to Councilmember Silverstein, Environmental Sustainability Director Bundy stated this ordinance had no impact on Woolsey Fire rebuilds.

MOTION Councilmember Uhring moved, and Councilmember Farrer seconded a motion to: 1) introduce on first reading Ordinance No. 480 adopting by Reference Title 32 of the Los Angeles County Code, which incorporates the 2019 Edition of the California Fire Code, as amended; adopting local amendments to said code; ratifying the Consolidated Fire Protection District of Los Angeles County's Building Standards contained in Title 32, as amended; and finding the action exempt from the California Environmental Quality Act; and 2) direct staff to schedule a Public Hearing for the second reading and adoption of Ordinance No. 480 for the March 8, 2021 Regular City Council meeting.

Assistant City Attorney Rusin read the title of the ordinance.

The question was called, and the motion carried unanimously.

B. Floodplain Management Ordinance

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 481 making minor technical amendments to Chapter 15.20 Floodplain Management of the Malibu Municipal Code and finding the same exempt from the California Environmental Quality Act; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 481 for the February 22, 2021 City Council Meeting.

Public Works Director DuBoux presented the staff report. He discussed FEMA's proposed changes to the floodplain maps and the City's comments submitted to FEMA about those changes. He explained the proposed revisions to the Floodplain Ordinance.

Kraig Hill stated the staff report and presentation were incomplete. He suggested the item be continued so a redline could be provided showing the actual proposed changes. He questioned what the status was of the updated FEMA flood maps. He questioned if the new maps should be incorporated before changing the floodplain ordinance. He requested clarification of the City's requirement to maintain records of variances.

In response to Mayor Pro Tem Grisanti, Public Works Director DuBoux confirmed he was the City's floodplain administrator.

In response to Councilmember Uhring, Public Works Director DuBoux confirmed FEMA required the proposed changes. Councilmember Uhring stated what was presented was more restrictive than what he was used to seeing as a Planning Commissioner. He stated it was not a simple program. He questioned how it would be explained to other staff and the public.

Public Works Director DuBoux stated he would put together an information package for the community to better understand what was allowed and not

allowed. He stated he was waiting for the new maps. He suggested a community meeting may also be scheduled.

In response to Mayor Pro Tem Grisanti, Public Works Director DuBoux stated FEMA had been very generous in allowing the City extra time following the Woolsey Fire, subsequent storms, and the COVID-19 pandemic.

In response to Councilmember Uhring, Environmental Sustainability Director Bundy stated she was involved in implementing a similar program with the Public Works Department in her previous employment. She stated floodplain procedures were also included in the Building Code. She stated it was a coordinated effort.

Councilmember Silverstein thanked Public Works Director DuBoux for an informative presentation. He asked about the City Attorney's involvement in the process and whether the ordinance had to go to the CCC. He asked how many private properties were implicated and whether they had been notified.

Public Works Director DuBoux stated FEMA provided the model ordinance that the City reviewed for potential changes. He discussed the process, including coordination with the City Attorney's office. He stated most of the regulations would have no impact on the majority of private property owners except change of elevation of development within a flood map zone. He stated the old standard would apply to projects currently in plan check.

In response to Councilmember Silverstein, Mayor Pro Tem Grisanti stated coastal homeowners were aware of FEMA's proposed changes. He stated the maps were far more impactful than this ordinance.

In response to Mayor Pierson, Public Works Director DuBoux confirmed flood insurance would not be available to homeowners if this ordinance was not adopted.

In response to Mr. Hill, Mayor Pro Tem Grisanti stated the CCC had never objected to FEMA actions in the past.

MOTION

Councilmember Silverstein moved and Mayor Pro Tem Grisanti seconded a motion to: 1) introduce on first reading Ordinance No. 481 making minor technical amendments to Chapter 15.20 Floodplain Management of the Malibu Municipal Code and finding the same exempt from the California Environmental Quality Act; and 2) direct staff to schedule second reading and adoption of Ordinance No. 481 for the February 22, 2021 City Council Meeting.

Assistant City Attorney Rusin read the title of the ordinance.

The question was called, and the motion carried unanimously.

At 9:38 p.m., Councilmembers Silverstein and Uhring recused themselves from Item No. 4.C. and left the meeting.

- C. Appeal No. 20-008 - Appeal of Planning Commission Resolution No. 20-58 (Appellant Stacy Clunies-Ross) (Continued from January 25, 2021)
Recommended Action: Adopt Resolution No. 21-03, determining the project is categorically exempt from the California Environmental Quality Act; denying Appeal No. 20-008 and approving Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify an in-kind fire rebuild of a previously approved residence destroyed by the Woolsey Fire, including a second-story addition, new subterranean garage, new swimming pool and pool deck, and a new driveway, including a site plan review to allow construction above 18 feet, not to exceed 24 feet for a flat roof located in the Rural Residential-Two acre zoning district at 5936 Filaree Heights Avenue (Denker Family Trust).

Planning Director Mollica stated Planning Department staff was available for questions.

Mayor Pro Tem Grisanti stated he received phone calls from neighbors that he did not take.

Councilmember Farrer stated she had received a text invitation from the appellant to view the property, which she declined.

Mayor Pierson disclosed he visited the Clunies-Ross property to see the view. He stated he did not discuss the matter with the appellant. He stated he had a phone call with Steve Glenn regarding changes to modular homes. He stated he learned the changes would not be a minor endeavor. He stated he got a better view of the Denker home during his visit to the Clunies-Ross property.

Robert Brinkmann stated he felt the neighbors directly affected were not being considered. He stated the Denkers' solution to the Fire Department's requirement of a turnaround was to move their second story and then they increased the size. He stated neighbors did not know of the plan until it was approved.

Mark Baute stated this home should be approved. He discussed neighborhood standards within the General Plan. He stated there were no neighborhood standards after the Woolsey Fire due to the severity of the destruction. He stated the proposed home complied in every way with the General Plan.

Terry Lucoff stated the house would not have been approved if there had not been a fire. He stated the City bypassed the process by granting administrative approval. He stated neighbors were forced to appeal. He stated the increased size of the second floor exceeded the 10% rebuild allowance. He stated a variance

from the Planning Commission was necessary. He discussed alternative options to meet the Fire Department's turnaround requirement.

Craig Clunies-Ross clarified Councilmember Farrer indicated she would accept the invitation to view the property but only if she were alone, so the invitation was rescinded. He stated it was necessary to set a precedent to protect neighbors of fire rebuilds. He requested the Council consider Mr. Lucoff's alternatives. He expressed agreement with Mr. Brinkmann.

Jen Denker stated Mayor Pierson had agreed to come up with a simple solution.

Richard Carter, on behalf of the applicant, expressed support of the Planning Commission's decision. He stated Mr. Lucoff was not an appellant and only the appellant's position that their view had been compromised by the project could be considered. He stated the Clunies-Ross home was still under construction and the law stated no primary view corridor could be established.

Mayor Pro Tem Grisanti stated the like for like plus 10% for fire rebuilds was not a new provision. He stated the rules on where the plus 10% could be placed were significant if the two-thirds rule had been observed. He stated there appeared to be no standing to deny the project.

Planning Director Mollica stated the plus 10% was not designated to a specific portion of the home. He stated this project was less than the plus 10% allowed.

Mayor Pro Tem Grisanti stated the visual appearance would be nearly the same as the previously sited second story from the Clunies-Ross property. He stated no new view obstruction was being proposed.

Councilmember Farrer agreed with Mayor Pro Tem Grisanti. She stated where the additional 10% was distributed was irrelevant. She stated she was sorry to see animosity between neighbors. She stated she saw no option other than to approve the project.

In response to Mayor Pierson, Assistant City Attorney Rusin confirmed it took three affirmative votes to adopt a resolution. He clarified action could be taken by minute order if there were fewer than three affirmative votes.

Mayor Pierson discussed the trauma caused to the area during the Woolsey Fire. He discussed the Clunies-Ross construction plans in process before the fire. He stated no one could have foreseen that a fire would occur and an adjacent rebuild would include a repositioned second story. He requested the height of trees be limited to a maximum of 10 feet in height in the space between the east side of the Denkers' home and the property line near the Lucoff residence to create a new view corridor for the Clunies-Ross home.

Mayor Pro Tem Grisanti stated he had no problem with Mayor Pierson's suggested modification.

In response to Mayor Pierson, Mr. and Mrs. Denker questioned the extent of the opening being considered along the shared property line. Mrs. Denker asked if the appellants would need to approve the modification.

Mayor Pierson stated he suggested east to west from the Denker building to the property line with the Lucoffs. He stated he was asking the Council to approve a landscape plan compromise that opened up a view corridor for neighbors.

In response to Mr. Denker, Mayor Pierson clarified his recommendation of the landscape restriction area and new view corridor that would be produced.

In response to Ms. Denker, Assistant City Attorney Rusin stated landscape would be six feet at the property line. He clarified the condition being discussed set a maximum height of new landscaping between the home and property line to 10 feet in height.

In response to Ms. Denker, Mayor Pierson stated no landscaping that survived the fire would have to change.

Mr. Denker stated he could accept creating a view corridor.

In response to Mrs. Denker, Assistant City Attorney Rusin stated the restrictions would remain with the Denker property regardless of ownership of the Clunies-Ross property.

Mr. Denker thanked Mayor Pierson for his efforts. He stated they hoped the Clunies-Ross family would be flexible with them on the landscaping. He stated they were okay with going forward with this.

Mayor Pierson stated his idea was to eliminate any view blockage.

In response to Assistant City Attorney Rusin, Mayor Pierson confirmed the requested condition would be new landscaping be limited to 10 feet but it did not apply to existing landscaping.

Mayor Pro Tem Grisanti suggested drawing the line from the northeast corner of the home true east to the property line. Planning Director Mollica displayed a drawing of the property with the conditioned view corridor area clearly identified.

Ms. Denker stated the identified corridor did not match the angle of the Clunies-Ross's house. Planning Director Mollica rotated the visual to display the new view corridor.

Planning Director Mollica requested the width of the view corridor be identified. He suggested it be a 50-foot wide corridor.

MOTION Mayor Pierson moved, and Mayor Pro Tem Grisanti seconded a motion to adopt Resolution No. 21-03, as amended to add a condition limiting new landscaping within a 50-foot view corridor to no more than 10 feet in height, determining the project is categorically exempt from the California Environmental Quality Act; denying Appeal No. 20-008 and approving Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify an in-kind fire rebuild of a previously approved residence destroyed by the Woolsey Fire, including a second-story addition, new subterranean garage, new swimming pool and pool deck, and a new driveway, including a site plan review to allow construction above 18 feet, not to exceed 24 feet for a flat roof located in the Rural Residential-Two acre zoning district at 5936 Filaree Heights Avenue (Denker Family Trust). The question was called, and the motion carried 3-0, Councilmembers Silverstein and Uhring absent.

Mayor Pierson thanked the Council, property owners, appellants and the public for their patience.

At 10:32 p.m., Councilmember Silverstein returned to the meeting. Councilmember Uhring remained recused and absent for Item No. 5.A.

ITEM 5 OLD BUSINESS

A. Appeal No. 19-002 and Coastal Development Permit No. 17-043 and Associated Entitlements (29043 Grayfox Street; Owners/Appellants, John and Tatiana Atwill)

Recommended Action: 1) Adopt Resolution 21-02 determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and granting Appeal No. 19-002, approving Coastal Development Permit (CDP) No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system (OWTS), including Demolition Permit (DP) No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review (SPR) No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre (RR-1) zoning district at 29043 Grayfox Street (Atwill); or 2) Alternatively, the Council may adopt the findings in the staff report, determine the project is categorically exempt from the California Environmental Quality Act (CEQA), and grant Appeal No. 19-002, approving Coastal Development Permit (CDP) No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new

5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system (OWTS), including Demolition Permit (DP) No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review (SPR) No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre (RR-1) zoning district at 29043 Grayfox Street (Atwill).

Mayor Pierson disclosed he had a phone call with Don Schmitz but did not discuss the item.

Assistant City Attorney Rusin stated the public hearing would be reopened.

Mark Baute stated process-related objections from Councilmember Silverstein should not be allowed to impede progress.

Don Schmitz, on behalf of the applicant, stated the project had already been vetted seven times over four years. He stated the resolution accurately reflected the conditions and standards of the project. He stated the size of the second story was reduced to the size of other second stories in the neighborhood. He thanked Councilmember Silverstein for his comments at the previous hearing.

Councilmember Silverstein requested clarification of the legality of the minute order versus the resolution.

Assistant City Attorney Rusin stated approving a resolution required three affirmative votes. He stated the code did not require adoption of a resolution and a minute order could be used to approve the project.

In response to Mayor Pro Tem Grisanti, Assistant City Attorney Rusin explained a resolution was the regular practice to approve a project. He stated a minute order was less desirable but could be done.

Councilmember Silverstein requested clarification of the detriments of a minute order. Assistant City Attorney Rusin stated a minute order was not as clear or concise as a resolution.

In response to Mayor Pro Tem Grisanti, Councilmember Silverstein stated Council had agreed to the form of the resolution. He stated he and Assistant City Attorney Rusin had discussed proposed changes to the resolution.

MOTION Mayor Pro Tem Grisanti moved, and Councilmember Farrer seconded a motion to adopt Resolution 21-02 determining the project is categorically exempt from the California Environmental Quality Act and granting Appeal No. 19-002, approving

Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre (RR-1) zoning district at 29043 Grayfox Street (Atwill) (Planning).

Councilmember Silverstein stated the Council needed to make findings that the project did not adversely affect neighborhood character and that it complied with the Malibu Municipal Code (MMC). He stated there was no analysis of the neighborhood. He stated the vision and mission statements were part of the zoning provisions of the MMC. He expressed concern that the project was not in compliance with the mission statement.

The question was called.

Mayor Pierson stated he was disheartened by another neighborhood dispute leading to a four-year wait. He discussed the history of attempts for resolution. He stated the second story was within the average for the neighborhood.

The motion carried 3-1-0, Councilmember Silverstein dissenting and Councilmember Uhring absent.

At 10:51 p.m., Councilmember Uhring returned to the meeting.

B. Election of Mayor Pro Tem

Recommended Action: Council to elect a Mayor Pro Tem.

Assistant City Attorney Rusin explained the item was brought back at the request of Councilmember Silverstein.

Councilmember Uhring stated the previous election was held prior to the new Councilmembers taking the oath of office.

Councilmember Silverstein stated he had not requested the item be re-heard.

Bill Sampson was not present at the time of the hearing.

Mark Baute cautioned the Council that there would be no sense in changing the vote in any way. He stated the Council needed to stick with its decision.

Lloyd Ahern stated trust was the currency of politics. He recommended the Council reelect Councilmember Grisanti as Mayor Pro Tem.

Anne Payne was not present at the time of the hearing.

E. Barry Haldeman indicated support for confirming the previous election of Mayor Pro Tem Grisanti. He stated Councilmember Silverstein had indicated he could not work with City Manager Feldman and continued to malign her. He indicated support for an investigation of the allegations of a hostile work environment. He stated there should be an intermediary set up between City Manager Silverstein and City Manager Feldman.

MOTION Councilmember Farrer nominated Mayor Pro Tem Grisanti as Mayor Pro Tem. Mayor Pro Tem Grisanti seconded the nomination.

In response to Councilmember Silverstein, Mr. Baute stated he stood by his statement regarding Councilmember Silverstein.

Councilmember Uhring stated it was the job of the Council to identify its talents to make the City better.

MOTION Councilmember Uhring nominated Councilmember Silverstein as Mayor Pro Tem. Councilmember Silverstein seconded the nomination.

Mayor Pierson thanked Councilmember Uhring for his comments. He stated he could not see someone taking to social media to make personal attacks on the City Manager and other Councilmembers as being in line to be Mayor. He stated he hoped the Council continued to move forward on a healing path.

Councilmember Uhring stated there had been movement toward the Council working better together.

Councilmember Farrer thanked Councilmember Uhring for his comments. She stated it was hard to start healing when there was still harmful communication going out consistently from one of the Councilmembers.

Councilmember Uhring stated the Council needed to move forward.

Councilmember Silverstein thanked Mayor Pierson for his comments. He discussed the traditional selection of Mayor Pro Tem based on election results. He stated the honor comes from the electorate. He committed to voting in 2022 for whoever receives the most votes in the November election.

The question was called, and Councilmembers Farrer and Grisanti and Mayor Pierson voted for Councilmember Grisanti and Councilmembers Silverstein and

Uhring voted for Councilmember Silverstein. Councilmember Grisanti was elected to serve as Mayor Pro Tem.

ITEM 6 NEW BUSINESS

A. Fiscal Year 2020-2021 Second Quarter Financial Report and Mid-Year Budget Amendments

Recommended Action: 1) Receive and file Fiscal Year 2020-2021 Second Quarter Financial Report; 2) Provide direction on Fiscal Year 2020-2021 City Council Priorities and Departmental Tasks including Capital Improvement Projects; 3) Adopt Resolution No. 21-04 amending the annual budget for Fiscal Year 2020-2021; and 4) Adopt Resolution No. 21-05 rescinding Section 5 of Resolution No. 20-47, approving the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021, and approving the Code Enforcement Manager, Media Analyst, and Public Safety Liaison Job Specifications.

Assistant City Manager Soghor presented the staff report. She requested the Council provide direction regarding the Administration and Finance Subcommittee's recommendation to add \$2.5 million to the General Fund Designated Reserve for Fiscal Year 2021-2022.

City Manager Feldman thanked Assistant City Manager Soghor and the Department Heads for their work on the budget. She stated the City was in much better fiscal shape than many other municipalities.

Jo Drummond reiterated a previous request for a reduction in the view preservation permit fee from \$2,500 to \$750.

Doug Stewart, on behalf of the Public Safety Commission, thanked City staff and the Administration and Finance Subcommittee. He discussed the Commission's recommendations for critical items including funding for homeless encampment cleanup, beacon boxes, an additional Sheriff's vehicle for traffic enforcement, and an additional Volunteer on Patrol (VOP) vehicle. He stated surge traffic enforcement for holidays would be discussed at a future meeting. He indicated support for the additional of Public Safety Liaison for homelessness issues.

Ryan Embree stated City Treasurer Quinto had not spoken at any Council meeting since her installment. He requested confirmation she had reviewed the budget. He stated he wanted to review the City Treasurer contract. He suggested increasing administrative penalties for traffic infractions. He suggested the City work with State elected officials regarding California Vehicle Code 2400.6.

Mayor Pierson stated City Treasurer Quinto introduced herself in public when she was appointed. He stated traffic fines had recently been increased.

Councilmember Uhring thanked City Manager Feldman and Assistant City Manager Soghor for reviewing the proposed budget with him prior to the meeting. He stated he hoped to get a better idea of how the budget came together over the next few months. He discussed the role of the Administration and Finance Subcommittee in reviewing the budget. He stated the budget was solid but not great. He stated he and Mayor Pierson agreed on most of the points brought out in the staff report. He explained how some residents were taking advantage of the Woolsey Fire fee waiver program. He stated it may have cost the City about \$900,000. He questioned whether the process should continue. He stated subsequent to the Administration and Finance Subcommittee meeting he received requests from the Public Safety Commission regarding the need for an additional patrol vehicle. He discussed various opinions in the community about how to move forward with homelessness issues. He stated he wanted to wait until the homelessness community meeting to decide on the new Public Safety Liaison position.

In response to Mayor Pro Tem Grisanti, Councilmember Uhring stated some proposals had fees waived and then within a week applied for additional square footage to the home. He stated the Planning Commission did not review the rebuild projects.

City Manager Feldman stated staff was conducting additional analysis of those rebuild issues, as requested by the Administration and Finance Subcommittee. She stated staff would report back at the next Council meeting.

In response to Mayor Pro Tem Grisanti, Planning Director Mollica stated changes to the original project presented were considered new development.

Councilmember Uhring discussed a project for which fees were waived and days later added square footage that would have made the project ineligible for a fee waiver if in the original presentation. In response to Councilmember Uhring, Planning Director Mollica stated the addition he described only required a site plan review.

Councilmember Uhring stated the guidelines set by the Council were made with an expected cost. He stated changes made afterwards were not good business.

Councilmember Silverstein stated Councilmember Uhring had perhaps identified a loophole in the fee waiver. He suggested changes that could close the loophole.

In response to Mayor Pro Tem Grisanti, Planning Director Mollica confirmed the types of changes described by Councilmember Uhring, if done one year later, would be processed as new development.

Mayor Pierson asked how the age of the home factored into the rebuilds. In response to Mayor Pierson, Councilmember Uhring stated residents and architects had figured out how to game the system.

Assistant City Attorney Rusin suggested this issue be discussed as a separate item on a future agenda.

In response to Councilmember Silverstein, Assistant City Manager Soghor stated costs to the City, including estimated fee waivers, were recovered with the SCE settlement, but the settlement did not cover 100% of the City's claims.

Councilmember Silverstein indicated support for spending on public safety. He stated he remembered when City Treasurer Quinto was introduced and questioned why she was not part of the budget process. He requested clarification of the cost to the City for adding certain positions listed as having no fiscal impact. He declined the allocation to provide him with a City cell phone or computer. He discussed school separation professional services costs. He indicated agreement with Councilmember Uhring regarding holding off on decisions about homeless outreach and support until after the community meeting. In response to Mr. Stewart, he agreed the cost of homeless encampment cleanups to reduce public danger on private property should be reimbursed by the property owner. He discussed funding for filming.

In response to Councilmember Silverstein, City Manager Feldman stated the film permit expense was only paid if revenue was collected.

Mayor Pro Tem Grisanti stated the film permit consultant basically worked on commission. City Manager Feldman confirmed the consultant was paid 75% of the fee collected.

Assistant City Manager Soghor stated the consultant did all the work related to film permitting, including responding to all inquiries, site monitoring and coordination with the fire department.

Councilmember Silverstein discussed beacon boxes. He stated it seemed a good idea in concept. He questioned whether it would have changed the Woolsey Fire response.

In response to Councilmember Silverstein, Mayor Pierson discussed a situation during the Woolsey Fire that would have been better with the information included in beacon boxes.

City Manager Feldman described other information included in the beacon boxes.

Councilmember Silverstein asked if the Fire Department signed off on the value of the beacon boxes.

Mayor Pierson stated the Fire Department was involved in the development of the beacon boxes.

In response to Councilmember Silverstein, City Manager Feldman stated there were two line items for homelessness and one was for encampment cleanup. Assistant City Manager Soghor stated the other was an outreach line item for carryover funds unspent in the previous fiscal year.

In response to Councilmember Silverstein, City Manager Feldman and Assistant City Manager Soghor discussed the timing of expenses related to vacant land.

Councilmember Uhring recommended adding a new Sheriff's vehicle immediately.

Mayor Pierson and Mayor Pro Tem Grisanti indicated support for adding a new Sheriff's vehicle immediately.

Councilmember Uhring reiterated his suggestion that no action be taken on the proposed new Public Safety Liaison position to deal with homeless issues until after the public meeting on February 25, 2021.

Assistant City Manager Soghor asked for clarification of whether the new Sheriff's vehicle would be a three-month trial or permanent.

Mayor Pierson suggested the new Sheriff's vehicle be a three-month trial with statistics provided to the City Council.

City Manager Feldman stated the proposal had been for a three-month trial in April through June and that could be changed to add a fourth month to start in March.

Councilmember Uhring suggested the Public Safety Commission receive the statistics and provide feedback to the Council.

In response to Councilmember Farrer, Assistant City Attorney Rusin stated Councilmember Uhring's suggestions could be incorporated into the staff recommendation.

Councilmember Farrer thanked staff for its work on the budget. She stated she appreciated the conservative projections. She expressed support for an additional VOP car.

City Manager Feldman discussed the status of VOP vehicles and revenues produced by the VOP program.

Councilmember Silverstein suggested the City investigate automated systems for agendas and public records requests.

MOTION Councilmember Uhring moved, and Mayor Pierson seconded a motion to: 1) receive and file Fiscal Year 2020-2021 Second Quarter Financial Report; 2) adopt Resolution No. 21-04, as amended to: a) allocate additional funds for a four-month trial during March through June 2021 for two additional Los Angeles County Sheriff's Deputies during the nighttime patrol period of 9:00 p.m. to 5:00 a.m. and requested statistics on the impact of the addition; b) remove the proposed addition of a Public Safety Liaison; and c) allocate \$2.5 million to the Designated Reserve for Fiscal Year 2021-2022 Operating Expenditure to establish a \$6.5 million reserve for the next fiscal year, amending the annual budget for Fiscal Year 2020-2021; and 3) adopt Resolution No. 21-05, as amended to remove the job specification for the Public Safety Liaison, rescinding Section 5 of Resolution No. 20-47, approving the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021, and approving the Code Enforcement Manager and Media Analyst Job Specifications. The question was called, and the motion carried unanimously.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

MOTION At 12:17 a.m., on Tuesday, February 9, 2021, Councilmember Uhring moved, and Mayor Pro Tem Grisanti seconded a motion to adjourn the meeting in memory of Paul Burns. The question was called, and the motion carried unanimously.

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

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, Acting City Clerk
(seal)