

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular Meeting – June 18, 2019

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

A Special Meeting of the San Clemente City Council was called to order on June 18, 2019 at 4:33 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Pro Tem Bane.

PRESENT FERGUSON, HAMM*, WARD**, MAYOR PRO TEM BANE

* Arrived at 4:34 p.m. and left at 9:20 p.m.

**Left at 9:40 p.m.

ABSENT NONE

STAFF PRESENT James Makshanoff, City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk.

CLOSED SESSION (SPECIAL MEETING)

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 4:33 p.m. to discuss the following:

A. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957

Title: City Manager

B. **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor

Unrepresented employee: City Manager

C. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 6

Case Name: MemorialCare Services, et al. v. City of San Clemente

Case Number: 8:16-CV-00852 DOC-JCG

Closed Session items continued on next page

Case Name: Housing is a Human Right Orange County, et al v. County of Orange et al.

Case Number: USDC 8:19-CV-00388 DOC-KES

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange

Case Number: OCSC 30-2017-00934703-CU-PT-CXC

Case Name: Anthem Sales Management, LLC et al. v. City of San Clemente et al.

Case Number: OCSC 30-2019-01063861-CU-WM-CJC

Case Name: Capistrano Shores, Inc. v. City of San Clemente

Case Number: OCSC 30-2014-007099897-CU-EI-CXC

Case Name: Malamud, et al. v. City of San Clemente, et al.

Case Number: USDC 8:19-CV-00855

D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 3

E. LIABILITY CLAIMS

Pursuant to Government Code section 54956.95

Number of claims: 1

Claimant: Seabreeze Vacation Rental Management

Agency claimed against: City of San Clemente

F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 2.2 acre section of and 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa

APN: 678-163-01

Agency negotiator: Assistant City Manager

Negotiating parties: n/a

Under Negotiation: Terms for future purchase or lease of surplus property

BUSINESS MEETING CONVENED (REGULAR MEETING)

The City Council Business Meeting of June 18, 2019 convened at 6:00 p.m., with all members present.

INVOCATION

Don Kappauf, Chaplain with the Orange County Sheriff's Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bane led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS**A. Toll Road Update**

Jim Bieber, San Clemente, spoke concerning matters relating to Councilmember Ward and the Transportation Corridor Agencies.

Mayor Pro Tem Bane provided an update concerning litigation issues relating to the Transportation Corridor Agencies, noting that the Motion for Summary Judgment filed by the City and Reserve Maintenance Corporation, which seeks a determination as to whether the TCA has the legislative authority to construct a toll road through San Clemente, will be heard by the court on August 15, 2019; explained that Motions for Judgment related to three causes of action brought by The Reserve and the City will be heard on October 18, 2019; explained that in his capacity as a member of the San Joaquin Hills TCA Board, he voted to approve the budget for the Agency, but stated that the extension of SR 241 was not a part of that budget, nor were any loans to the Foothill/Eastern TCA; explained that Councilmember Ferguson could not attend the last meeting of the Foothill/Eastern TCA, and even though he is her alternate, he could not substitute for her at that meeting because of assertions that he has a conflict of interest due to his lawsuit against the toll road; stated that he is awaiting a response from the Fair Political Practices Commission as to whether he has a conflict of interest.

City Attorney Smith stated that one element of the City's lawsuit against the TCA challenges the continuation of development impact fees; stated that a hearing occurred yesterday on a pre-trial motion by the TCA to dismiss those causes of action; explained that the court ruled that the causes of action were timely, but held that a party with greater injury is needed to invalidate those fees; urged persons who paid fees for toll roads to join the City in the challenge.

B. Update on Homeless Issue

Jordan Barton, San Clemente, stated that he is living at the Pico campground; spoke on the need to establish regulations to maintain a safe lot and prevent drug use.

Rick Loeffler, San Clemente, spoke on the need for management and security at the Pico campground.

Jim Bieber, San Clemente, stated that Councilmember Ward incorrectly asserted to the John and Ken Show on KFI that the Sheriffs stopped enforcing City ordinances, as opposed to not being able to enforce City ordinances.

Kirstie O'Neil, San Clemente, described difficulties she encountered in finding assistance for a homeless battered woman and her two children; asserted that the system is broken.

Susan Smith, San Clemente, stated that SB2 overlay zones must be located away from residential neighborhoods, schools and parks.

Donna Vidrine, San Clemente, spoke on the need for leadership and structure to provide services to help the less fortunate.

James Bartlett, San Clemente, identified nuisances that he experienced at his home in Sea Summit due to the Pico campground; addressed the need for a permanent shelter and assistance for homeless persons.

Michelle Carney, San Juan Capistrano, spoke on the difficulty of solving the homeless problem and expressed gratitude to the City for addressing the situation; commented on the need for affordable housing.

Steve Aman, San Clemente, stated he resides across the street from the Pico campground and has heard inappropriate language and witnessed fighting.

City Attorney Smith provided a litigation update, noting that the City experienced two interim victories; explained that the motion by the plaintiffs to disqualify the joint defense counsel, Jones Day, was defeated and that the City's motion to disqualify Judge Carter was upheld.

Mayor Pro Tem Bane reported on the town hall on homelessness that was held on June 12, 2019.

City Manager Makshanoff reported on law enforcement capability at the Pico campground and outreach services available to homeless persons.

C. **Commendation Presentation - Neil Barbanell**

Mayor Pro Tem Bane presented a commendation to Neil Barbanell in recognition and appreciation for 28 years of exemplary service as a Retired Senior Volunteer Patrol (RSVP) member.

D. **Certificate of Recognition - Hannah Carter**

Mayor Pro Tem Bane presented a Certificate of Recognition to Hannah Carter in recognition of achieving the Girl Scout Gold Award for implementing a recycling program at Shorecliffs Middle School.

E. **Wyland National Mayor's Challenge for Water Conservation and Wyland Foundation Orange County Breakaway Competition**

Megan Yoo Schneider, Municipal Water District of Orange County (MWDOC), and Steve Creech, Wyland Foundation, commended the City for its outstanding participation in the 2019 Wyland National Mayor's Challenge for Water Conservation and Wyland Foundation's Orange County Breakaway Competition.

F. **Southern California Edison Presentation Concerning the San Onofre Nuclear Generating Station (SONGS)**

Tom Palmisano, of Southern California Edison, narrated a PowerPoint presentation entitled "San Onofre Decommissioning Update". A hard copy of Mr. Palmisano's presentation is on file with the City Clerk.

Gary Headrick, San Clemente Green, spoke on the benefits of thick-walled nuclear waste canisters, as opposed to the thin-walled canisters currently in use at SONGS.

Jordan Barton, San Clemente, opined that extra coatings are needed on SONGS' canisters to provide protection in the event of an earthquake.

2. **ORAL COMMUNICATIONS (PART 1)**

Request for Additional Sheriff Deputies

Brad Malamud, San Clemente, asserted that the City has experienced a significant increase in crime; suggested that additional deputies are needed and suggested possible funding mechanisms.

Homeless Issue

Douglas Schaat, San Clemente, cited safety and security concerns associated with the Pico campground and suggested that property crimes within Sea Summit are a likely consequence.

Susan Schissler, San Clemente, explained nuisances she experienced with campers who reside at the Pico campground; spoke on the need for campground supervision and a permanent shelter.

Gene James, San Clemente, urged the City to issue a Request for Proposals for shelter operations and voiced concern with Friendship Shelter and a member of its executive staff.

Marci Skinner, San Clemente, voiced concern that all benches within Sea Summit are being used by homeless persons; urged Council to pay the increased cost for Sea Summit's security; urged that the Pico campground be relocated earlier than the one year currently proposed.

Darryl McFann, San Clemente, stated that inadequate resources are needed for persons in crisis; explained the challenges he experienced in finding shelter for a woman in need.

Jinhy Yoon, San Clemente, stated that she and her five-year-old daughter have stopped using Sea Summit trails and the park because of the Pico campground; identified threats posed by campers and urged Council to relocate the campground.

George Gregory, San Clemente, suggested that small homeless facilities should be spaced throughout the City, as opposed to a single large facility.

Kim Nicholson, San Clemente, spoke in opposition to the placement of a campground next to a residential neighborhood, school or park.

City Litigation Costs

Jim Bieber, San Clemente, narrated a PowerPoint presentation concerning City litigation costs, which is on file with the City Clerk; opined that Best, Best & Krieger should pay for the lawsuit that Brad Malamud filed against the City instead of the taxpayers.

5G Cell Towers

Jeff Perkin, San Clemente, voiced concern with the effect of radiation from 5G cell towers on public health.

3. MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

4. **CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION**

None.

5. **CLOSED SESSION REPORT - CITY ATTORNEY**

Gary Lovrien v. City of San Clemente - Workers Compensation Appeals Board Case Number ANA0303676

City Attorney Smith reported on the settlement of the above-identified workers compensation case, noting that the case appeared on the City Council Closed Session agenda of March 19, 2019; explained that the City was able to settle the case with its carrier and the Workers Compensation Board and reported that the case is settled as of March 19, 2019.

MemorialCare Services, et al. v. City of San Clemente - Case Number 8:16-CV-00852 DOC-JCG

City Attorney Smith advised that no reportable action occurred during this evening's Closed Session, but noted that Council settled one of the lawsuits listed on the Closed Session agenda; advised that the settlement needs to be approved by the opposing party, but announced that members of the public can request information concerning the settlement as soon as it is finalized. *[Note: Subsequent to this meeting, the agreement was finalized and it was announced that the case settled was MemorialCare Services, et al. v. City of San Clemente.]*

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve the Consent Calendar, with the removal of Item 6-R.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve the following:

- (1) City Council Adjourned Regular Meeting minutes of May 22, 2019 and June 4, 2019.

B. MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to receive and file the following:

- (1) Planning Commission Adjourned Regular Meeting Minutes of June 5, 2019.
- (2) Design Review Subcommittee Regular Meeting Minutes of April 24, 2019.
- (3) Human Affairs Committee Regular Meeting Minutes of April 9, 2019.

C. **Warrant Register**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve the following:

Wire Transfers Nos. 2042 through 2049 and Warrant Nos. 559002 through 559168, paid on 6-7-19, in the amount of.....	\$4,379,665.98
TOTAL WARRANT REGISTER.....	\$4,379,665.98

Payroll Register

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve the following:

Warrant Nos. 727 through 728
 and Automatic Deposit Advises
 56610 through 56917, for the period
 5-20-19 through 6-2-19, paid on
 6-7-19, in the amount of.....\$ 470,053.66

TOTAL PAYROLL REGISTER.....\$ 470,053.66

D. Purchase of Skate Park Lighting

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve the conceptual design plans for the lighting at Ralphs Skate Court, Project No. 18511.
2. Approve the purchase and installation of the Skate Park Court Lighting from Musco Sports Lighting, LLC, in the amount of \$134,970, under the National Purchasing Cooperative (dba Buyboard) Agreement, Project No. 18511.

E. Notice of Completion - Beach Trail Fence Replacement

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Accept the Beach Trail north of the Pier, Project No. 29802, from the contractor, Valley Cities/Gonzales Fence.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the replacement of the Beach Trail fence north of the Pier, Project No. 29802.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Maintenance Division that no liens have been levied against Valley Cities/Gonzales Fence.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

F. **Release of Performance and Labor and Material Bonds - Marblehead Coastal Development North El Camino Real Street and Storm Drain Improvements and the Backbone Storm Drain Improvements in Tract 8817**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to adopt Resolution No. 19-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT NORTH EL CAMINO REAL STREET AND STORM DRAIN IMPROVEMENTS AND BACKBONE STORM DRAIN IMPROVEMENTS IN TRACT 8817.

G. **Contract Award - Crossing Guard Services**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve, and authorize the City Manager to execute, Contract C19-53, by and between the City of San Clemente and All City Management Services, Inc., providing for school crossing guard services for FY 2020, in an amount not to exceed \$144,100.
2. Approve a supplemental appropriation of \$14,100 from the General Fund undesignated fund balance to Account 001-218-43624-000-00000.

H. **Contract Award - Via Cascadita Street Rehabilitation**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve the plans and specifications for the Via Cascadita Street Rehabilitation Project, Project No. 17345.
2. Approve, and authorize the City Manager to execute, Contract C19-41, by and between the City of San Clemente and Hardy and Harper, Inc., providing for the rehabilitation of Via Cascadita, in the amount of \$149,000.

I. Contract Award - Sewer Line Point Repairs

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve the specifications for the Sewer Line Point Repair, Project No. 29205.
2. Approve, and authorize the City Manager to execute, Contract C19-42, by and between the City of San Clemente and O'Connell Engineering and Construction, providing for the Sewer Line Point Repair, in the amount of \$137,880.

J. Bid Rejection - Water Reclamation Plant Security Gates

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Reject the only submitted bid from Minaka America Corporation, dba Minco Construction, for the City of San Clemente Reclamation Plant Security Gates, Project No. 18203, pursuant to Section 20166 of the Public Contract Code.
2. Authorize Staff to revise the bid package and re-bid the City of San Clemente Reclamation Plant Security Gates, Project No. 18203.

K. Contract Award - FY 2019 Street Improvement Project and Slurry Seal Program

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve the plans and specifications for the FY 2019 Street Improvement Project and Slurry Seal Program, Project Nos. 19321 and 29306.
2. Approve a supplemental appropriation of \$85,000 to the FY 2019 Street Improvement Project from the undesignated fund balance of the Street Improvement Fund.
3. Approve a transfer of \$40,000 from Account 019-819-43690-000-39807 to Account 042-848-45300-000-19321.
4. Approve a transfer of \$40,000 from Account 042-848-43420-000-27306 to Account 042-848-45300-000-19321.
5. Approve, and authorize the City Manager to execute, Contract C19-43, by and between the City of San Clemente and R.J. Noble Company, providing for the FY 2019 Street Improvement Project and Slurry Seal Program, in the amount of \$1,512,170.45.

L. **Contract Amendment - Annual Cathodic Protection System Testing and Evaluation**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C18-65, by and between the City of San Clemente and Universal Corrosion Services, LLC, providing for engineering services for Annual Cathodic Protection System Testing and Evaluation. This Amendment increases the contract amount from \$178,352 to an amount not to exceed \$253,826 (an increase of \$75,474).

M. **Equipment Purchase - Water Meters for FY 2020**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve the purchase of water meters from Ferguson Waterworks and Metron-Farnier for Fiscal Year 2020 based on the fixed price quotes contained in the Administrative Report, dated June 18, 2019 and on file with the City Clerk, for an amount not to exceed \$120,000.

N. **Contract Award - On-Call Laboratory Services**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve, and authorize the Mayor to execute, Contract C19-44, by and between the City of San Clemente and Sierra Analytical Laboratories, Inc., providing for on-call laboratory services for the period July 1, 2019 through June 30, 2022, in an amount not to exceed \$540,000.
2. Authorize the Mayor to approve future amendments to Contract C19-44 not to exceed \$180,000 per fiscal year for a maximum of three additional years.

O. **Contract Award - On-Call Sewer Rehabilitation and Storm Drain Video Inspection**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve the specifications for the On-Call Sewer Rehabilitation (CIPP), Project No. 28206 and Storm Drain Video Inspection.
2. Approve, and authorize the Mayor to execute, Contract C19-45 by and between the City of San Clemente and Sancon Technologies, Inc., providing for On-Call Sewer Rehabilitation and Storm Drain Video Inspection, for a one-year period, in the amount of \$360,000.
3. Authorize the City Manager to approve up to two one-year extensions of Contract C19-45 with Sancon Technologies, Inc., in an amount not to exceed \$200,000 per year for on-call sewer rehabilitation and storm drain video inspection, provided that sufficient funding is available in the Sewer Depreciation Fund approved budget.

P. **Increase to Contract Contingency for 910 Calle Negocio Building First Floor Remodel**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve and authorize the Public Works Director to increase the construction contract contingency for the 910 Calle Negocio Building First Floor Remodel Project No. 18804 up to \$200,000 if needed, funds for which are included in the adopted FY 2020 budget.

Q. **Contract Award - Via Montego/Via Cascadita Storm Drain Improvements**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve the plans and specifications for the Via Montego/Via Cascadita Storm Drain Improvements, Project No. 13017.
2. Approve a supplemental appropriation in the amount of \$456,000 from the Storm Drain Fund Depreciation Reserve to Account 059-553-45300-000-13017.

Action continued on next page

3. Approve, and authorize the Mayor to execute, Contract C19-46, by and between the City of San Clemente and GRFCO, Inc., providing for construction of the Via Montego/Via Cascadita Storm Drain Improvements, Project No. 13017, in the amount of \$785,650.
4. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C16-53, by and between the City of San Clemente and Stantec, providing for additional design services associated with the Via Montego/Via Cascadita Storm Drain Improvements. This Amendment increases the contract amount from \$97,380 to \$101,380.

S. **Contract Award - Street Rehabilitation of Calle De Los Molinos, Calle De Industrias, and Avenida Navarro**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve the plans and specifications for the Calle De Los Molinos, Calle De Industrias, and Avenida Navarro Street Rehabilitation Project, Project Nos. 16352 and 16353.
2. Approve a supplemental appropriation of \$566,620 to the Calle De Los Molinos, Calle De Industrias, and Avenida Navarro Street Rehabilitation Project from the Street Improvement Fund undesignated fund balance.
3. Approve, and authorize the City Manager to execute, Contract C19-47 by and between the City of San Clemente and EBS General Engineering, Inc., providing for the rehabilitation of Calle De Los Molinos, Calle De Industrias, and Avenida Navarro Street Rehabilitation Project, in the amount of \$1,062,211.

T. **Contract Amendment - ADA Component of the SCRIDES Program**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to the Agreement with Butterfli for the SCRIDES Program, providing for various contract modifications for the period from July 1, 2019 through June 30, 2023, in an amount not to exceed \$80,000.
2. Approve, and authorize the City Manager to execute, a separate OCTA grant funding agreement to provide requirements and 100% funding related to ADA transportation services related to the

SCRIDES program as described in the Administrative Report, dated June 18, 2019, which is on file with the City Clerk.

3. Accept revenue from OCTA in an estimated amount up to \$80,000 for ADA transportation services related to the SCRIDES Program, to be received into Account 001-000-33790-000-00000, Other County Grants.
4. Approve an appropriation of \$80,000 from the General Fund undesignated fund balance to Account 001-413-43890-000-00000 for ADA transportation services related to the SCRIDES program.

U. **Contract Award - Legal Services with Jones Day**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to authorize the City Manager to engage the law firm of Jones Day in an amount not to exceed \$100,000 and authorize an additional designation of legal fees in the FY 2019-20 budget of that amount.

V. **Contract Award – Security Guard Services Related to the City’s Designated Camping Area**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve, and authorize the City Manager to execute, Contract C19-48, by and between the City of San Clemente and Secure Guard Security Services, providing for the provision of unarmed security guard services to be performed at the City’s Designated Camping Area (380 Avenida Pico) for an initial term of 6 months, with an option to the City Manager to renew the contract for 2 additional 3 month terms.
2. Approve a supplemental budget appropriation for FY2019-20 in the amount of \$193,536 to Account 038-809-43890 (Low/Moderate Income Housing Fund – Other Contractual Services).

W. **Citizens Option for Public Safety Program (COPS)**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve the use of COPS Grant funds for a portion of two patrol deputy positions for FY2019-20.

X. **Exclusive Listing Agreement – Southwest Corner of Avenida Vista Hermosa and Avenida La Pata**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve, and authorize the Mayor or designee to execute, Contract C19-49, an exclusive sales/lease listing agreement by and between the City of San Clemente and CBRE, Inc.
2. Approve, and authorize the Mayor or designee to execute, Contract C19-49, by and between the City of San Clemente and CBRE, Inc.

Y. **Lease Agreement – North Beach Concession**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to approve, and authorize the City Manager to execute, Contract C19-51, a lease agreement by and between the City of San Clemente and Reef Point Company, to operate the North Beach Concession.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

R. **Designation of City of San Clemente Patriarch**

Larry Culbertson, San Clemente Historical Society, recommended that Council designate Rick Divel as City Patriarch and reviewed the reasons that the Historical Society recommends Mr. Divel for the Patriarch designation.

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY MAYOR PRO TEM BANE, CARRIED 4-0, to adopt Resolution No. 19-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING RICK DIVEL AS PATRIARCH OF THE CITY OF SAN CLEMENTE.

7. **PUBLIC HEARINGS**

None.

8. UNFINISHED BUSINESS**A. Initiation of Changes to Metered Parking Hours of Operation**

Report from the Public Works Director concerning initiation of changes to metered parking hours of operation.

Public Works Director Bonigut reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 4-0, to adopt Resolution No. 19-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE CALIFORNIA COASTAL COMMISSION TO PERMIT CHANGES TO METERED PARKING HOURS OF OPERATION, with the modification that the hours of operation for City parking meters be established as 9:00 a.m. to 10:00 p.m.

B. Proposed Modifications to City Council Agenda Template and Policy and Procedure 1201-11 Relating to City Council Meeting and Operating Procedures (Including Determination Relative to City Policy Concerning Oral Communications Practices)

Subsequent to the posting of the original agenda, but before the revised agenda was posted, this item was removed from the June 18, 2019 agenda.

C. Proposed Modifications to Records Management Program Policy 104-1 and City of San Clemente Records Retention Schedule

Subsequent to the posting of the original agenda, but before the revised agenda was posted, this item was removed from the June 18, 2019 agenda.

D. Consideration of Ordinances Amending Ordinances Permitting Limited Public Camping on the City Public Works Yard to Expire on June 30, 2020

Report from the City Attorney concerning Ordinances to amend Ordinances permitting limited public camping on the City Public Works Yard to expire on June 30, 2020.

City Attorney Smith reviewed the contents of the Administrative Report.

Susan Smith, San Clemente, voiced concern that the Pico campground is affecting property values and questioned why persons from outside San

Clemente are being allowed to camp in San Clemente; urged that the campground be replaced with an indoor shelter within six months.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Adopt Ordinance No. 1675 entitled AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 1673 OF THE CITY OF SAN CLEMENTE FINDING THAT EXIGENT CIRCUMSTANCES RELATING TO IMMEDIATE THREATS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE AMENDMENT TO ORDINANCE NO. 1673 RELATING TO ENFORCEMENT OF THE PROVISIONS OF SAN CLEMENTE MUNICIPAL CODE CHAPTER 8.86 PROHIBITING CAMPING ON PUBLIC PROPERTY, EXCEPT AS PERMITTED HEREIN.

2. Introduce Ordinance No. 1676 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE AMENDING ORDINANCE NO. 1674 FINDING THAT EXIGENT CIRCUMSTANCES RELATING TO IMMEDIATE THREATS TO THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRE AMENDMENT TO ORDINANCE NO. 1673 RELATING TO ENFORCEMENT OF THE PROVISIONS OF SAN CLEMENTE MUNICIPAL CODE CHAPTER 8.86 PROHIBITING CAMPING ON PUBLIC PROPERTY, EXCEPT AS PERMITTED HEREIN.

E. **Update on the City's Vehicle Use Policy**

Report from the City Manager concerning an update to the City's Vehicle Use Policy.

Management Analyst Johnston reviewed the contents of the Administrative Report and responded to Council inquiries.

Council received and filed the Administrative Report, dated June 18, 2019, which is on file with the City Clerk.

F. Update on City Commissions and Committees

Report from the Assistant City Manager concerning an update on City Commissions and Committees.

Management Analyst Johnston reviewed the contents of the Administrative Report and responded to Council inquiries.

Susan Ambrose, Chair of the Coastal Advisory Committee, conveyed concern with the proposal to redesignate the Committee as an ad hoc committee; urged that Council authorize the Committee to meet six times per year with the ability to call special meetings.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BANE, CARRIED 4-0, to direct the City Clerk to draft an Ordinance for future Council consideration which incorporates the following provisions into the Municipal Code sections relating to City Commissions and Committees:

Beaches, Parks and Recreation Commission

- The Commission shall develop an annual work plan with specific goals and objectives for the year.
- The finalized work plan with recommendations shall be taken to the Council for approval.
- Amendments to the work plan shall require Council approval.
- The membership of the Beaches, Parks and Recreation Commission shall reduce from 7 to 5 members.
- Appointments to the Beaches, Parks and Recreation Commission shall be made by the Council as a body and members shall serve two-year staggered terms.
- Regular Meetings shall be held bi-monthly.
- Meetings shall be limited to two hours unless otherwise approved by a majority vote of the Commission and primary staff support to the Commission.

Coastal Advisory Committee

- The Committee shall develop an annual work plan with specific goals and objectives for the year.
- The finalized work plan with recommendations shall be taken to the Council for approval.
- Amendments to the work plan shall require Council approval.
- The membership of the Coastal Advisory Committee shall reduce from 7 to 5 members. The position of Beaches, Parks and Recreation Commission representative to the Committee shall be eliminated.
- Appointments to the Coastal Advisory Committee shall be made by the Council as a body and members shall serve two-year staggered terms.
- Regular Meetings shall be held bi-monthly.
- Meetings shall be limited to two hours unless otherwise approved by a majority vote of the Committee and primary staff support to the Committee.

Golf Course Committee

- The Committee shall develop an annual work plan with specific goals and objectives for the year.
- The finalized work plan with recommendations shall be taken to the Council for approval.
- Amendments to the work plan shall require Council approval.
- The membership of the Golf Course Committee shall reduce from 7 to 5 members.
- Appointments to the Golf Course Committee shall be made by the Council as a body and members shall serve two-year staggered terms.
- Regular Meetings shall be held quarterly.
- Meetings shall be limited to two hours unless otherwise approved by a majority vote of the Committee and primary staff support to the Committee.

Human Affairs Committee

- The Committee shall develop an annual work plan with specific goals and objectives for the year.
- The finalized work plan with recommendations shall be taken to the Council for approval.
- Amendments to the work plan shall require Council approval.
- The membership of the Human Affairs Committee shall reduce from 7 to 5 members.
- Appointments to the Human Affairs Committee shall be made by the Council as a body and members shall serve two-year staggered terms.
- Regular Meetings shall be held bi-monthly.
- Meetings shall be limited to two hours unless otherwise approved by a majority vote of the Committee and primary staff support to the Committee.

Investment Advisory Committee

- The Committee shall develop an annual work plan with specific goals and objectives for the year.
- The finalized work plan with recommendations shall be taken to the Council for approval.
- Amendments to the work plan shall require Council approval.
- The membership of the Investment Advisory Committee shall expand to 7 members. Each member of Council shall appoint 1 member and each person so appointed shall serve at the pleasure of their appointing Councilmember. Other members to serve on the Investment Advisory Committee shall include the City Treasurer, and 1 Industry Specialist who shall be appointed by the City Treasurer.
- Regular Meetings shall be held quarterly.
- Meetings shall be limited to two hours unless otherwise approved by a majority vote of the Committee and primary staff support to the Committee.

Planning Commission

- Develop annual work plan with specific goals and objectives for the year.
- The finalized work plan with recommendations shall be taken to the Council for approval.
- Amendments to the work plan shall require Council approval.
- The membership of the Planning Commission shall remain at 7 members. Each member of Council shall appoint 1 member and each person so appointed shall serve at the pleasure of their appointing Councilmember. The City Council as a body shall appoint two at-large members to serve two-year staggered terms.
- Regular Meetings shall be held twice per month.

Public Safety Committee (New)

- Develop annual work plan with specific goals and objectives for the year.
- The finalized work plan with recommendations shall be taken to the Council for approval.
- Amendments to the work plan shall require Council approval.
- The Public Safety Committee shall serve as an ad-hoc committee and shall consist of technical professionals, such as retired chiefs, officers, lifeguards, etc.
- The charge of the Committee shall be to review performance measures and make recommendations.
- The Committee shall consist of 7 members. Each member of Council shall appoint 1 member and each person so appointed shall serve at the pleasure of their appointing Councilmember. The City Council as a body shall appoint one representative from the Orange County Sheriff's Department and 1 industry expert.
- Meetings shall be limited to two hours unless otherwise approved by a majority vote of the Committee and primary staff support to the Committee.
- Staff shall complete the legal noticing to invite applications for the Public Safety Committee in time for Councilmembers to begin making appointments in November 2019.

MEETING RECESSED

Council recessed at 9:00 p.m. and reconvened at 9:10 p.m., with all members present.

9. **NEW BUSINESS**

A. **Consideration of Ordinance Relating to Rules for Transitional Camps**

Report from the City Attorney concerning consideration of an ordinance relating to rules for transitional camps.

City Attorney Smith reviewed the contents of the Administrative Report.

Maura Mikulec, Capistrano Beach, opined that actions that are legal outside the Pico campground should not be illegal inside the Pico campground; suggested that some aspects of the proposed Ordinance, such as the

prohibition against lighters within the camp area, are inappropriate; stated that the campground needs shade and water.

Jim Bieber, San Clemente, commented on communications that he said were submitted by Councilmember Ward to the John and Ken Show.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BANE, CARRIED 3-1 (COUNCILMEMBER FERGUSON VOTING NOE), to introduce Ordinance No. 1677 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE ADDING SECTION 8.86.050 TO THE SAN CLEMENTE MUNICIPAL CODE RELATING TO RULES FOR TRANSITIONAL CAMPS, with the modification that Sections C and E be revised to read in their entirety as follows:

C. The following items are prohibited on the property and will be confiscated:

1. Weapons of any kind.
2. Alcohol.
3. Drugs or drug paraphernalia not prescribed to the occupant.
4. Illegal substances of any kind.
5. Dangerous tools or personal items that can present hazards to fellow occupants.

E. The following site use regulations apply:

1. Designated camping spaces are for tent camping only.
2. Tents may be erected between the hours of 5 p.m. and 10 a.m., daily.
3. Bicycles are permitted and limited to one per camper. Any additional bicycles will be stored offsite by the City.

*Councilmember Hamm left the meeting at 9:20 p.m.

B. FY 2019-20 Police Services Contract

Report from the Assistant City Manager concerning the proposed Police Services contract for FY 2019-20.

Management Analyst Johnston reviewed the contents of the Administrative Report.

Tony Rubolino, San Clemente, narrated a PowerPoint presentation entitled "Public Safety Plan", which is on file with the City Clerk; voiced concern that Transient Occupancy Tax funds are proposed as the means to pay for future deputies, even though measures to increase the tax failed at two previous elections; commented on the need for a back-up funding plan.

Gene James, San Clemente, asserted that the City is facing a public safety crisis that could transition into a public health crisis; spoke in support of budget cuts to fund deputies and a homeless shelter.

Brad Malamud, San Clemente, suggested departmental budget cuts of 5% or more across-the-board to fund at least six additional deputies.

Jim Bieber, San Clemente, suggested that additional deputies could be funded through reductions in City management.

MOTION BY COUNCILMEMBER FERGUSON to adopt the Police Services contract for FY 2019-20, with a modification to the staff recommendation to direct the City Manager to return to Council in August with 5% cuts across the board...

At this point in the motion, Councilmember Ward expressed her opinion that a change in the previously-approved budget should not be considered when a full Council is not present; left the meeting at 9:40 p.m.

Because a quorum no longer existed, the meeting was adjourned at 9:40 p.m.



MAYOR PRO TEM of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California