

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting – September 18, 2019

These minutes reflect the order in which items appeared on the meeting agenda for the Regular City Council Meeting of September 17, 2019 and do not necessarily reflect the order in which items were actually considered.

NOTE: The Regular City Council meeting of September 17, 2019 was adjourned due to lack of quorum. The City Clerk adjourned the September 17, 2019 Regular City Council Meeting to an Adjourned Regular City Council Meeting to be held on September 18, 2019. All items, including the Public Hearing items, from the City Council Regular Meeting agenda of September 17, 2019 were continued to the Adjourned Regular City Council Meeting of September 18, 2019.

An Adjourned Regular Meeting of the San Clemente City Council was called to order on September 18, 2019 at 5:03 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Pro Tem Bane.

PRESENT HAMM, WARD, MAYOR PRO TEM BANE

ABSENT FERGUSON

STAFF PRESENT James Makshanoff, City Manager; Mal Richardson, Assistant City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk.

CLOSED SESSION

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BANE, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to recess to Closed Session at 5:03 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 4

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: Malamud, et al. v. City of San Clemente, et al.
Case Number: USDC 8:19-CV-00855

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: Emergency Shelter Coalition v. City of San Clemente
Case Number: 30-2019-01080355-CU-WM-CXC

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 654 Camino de Los Mares (San Clemente hospital)

Agency Negotiator: City Manager, Assistant City Manager, City Attorney, and
Steven Ruosso

Negotiating Parties: City of San Clemente and Memorial Health Services and
Saddleback Memorial Medical Center and/or their authorized agent(s)

Under Negotiation: Interim or Long Term Acquisition or Lease

BUSINESS MEETING CONVENED

The City Council Business Meeting of September 18, 2019 convened at 6:03 p.m., with
all members present, with the exception of Councilmember Ferguson who was absent.

INVOCATION

Roger Gale, Pastor, Heritage Christian Fellowship, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bane led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. Toll Road Update

Mayor Pro Tem Bane reported that no TCA meetings were held within the
last month; explained that briefs for the toll road litigation cases will be filed
this week and that a hearing is expected to be held in early November 2019.

B. Update on Homeless Issue

Assistant City Manager Sund provided an update on the Pico camp site, noting that there are currently 27 campers at the lot; reported on efforts to inform campers of available services; advised that prior campers can retrieve their property on a weekly basis, with the next property retrieval effort scheduled for September 23, 2019.

Rick Loeffler, San Clemente, complimented the improved appearance of the Pico camp site; voiced concern that dogs are running loose at the camp site and Pico Park and urged Council to direct Animal Services to patrol the areas on a regular basis.

William Kreutinger, San Clemente, voiced concern that temperatures within tents in the Pico camp site can reach nearly 110 degrees; requested that the City provide cooling equipment at the camp or allow him to install a small cooler and canopy at the site for heat relief. A hard copy of Mr. Kreutinger's PowerPoint presentation is on file with the City Clerk.

C. Presentation of Proclamation – Constitution Week

Mayor Pro Tem Bane presented a Proclamation to Pat Mueller and Bertie Lloyd, Daughters of the American Revolution, proclaiming September 17-23, 2019 as Constitution Week.

D. PierPride Month

Mikii Rathmann narrated a PowerPoint presentation, entitled "PierPride Update", concerning PierPride Month activities and fundraising progress. A hard copy of Ms. Rathmann's presentation is on file with the City Clerk.

2. ORAL COMMUNICATIONS (PART 1)**City-Wide Parking Enforcement**

Ken Nielsen, San Clemente, urged that the City utilize additional Community Services Officers (CSOs) or RSVPs to enforce parking throughout the City, noting that parking fines will help offset the cost of the CSO positions.

Repeal of Propositions 47 and 57 (Decriminalization of Various Crimes and Penalty Reductions)

Rick Loeffler, San Clemente, urged Council to agendize the possibility of taking a position in support of a repeal of Propositions 47 and 57 (which decriminalized certain crimes and reduced penalties for violations).

Current City Issues

Dee Coleman, San Clemente, commented on his goals if elected to the City Council; opined the most significant issues in the City are homelessness, police funding and public safety. A hard copy of Mr. Coleman's statement is on file with the City Clerk.

San Onofre Nuclear Generating Station (SONGS)

Jackson Hinkle, San Clemente, conveyed support for SB 465 (Bates) to ensure continued funding for emergency preparedness associated with SONGS; urged the retainer of a full-time Nuclear Regulatory Commission (NRC) Officer to oversee the decommissioning process.

Electric Bicycles on the Beach Trail

Paul Buck, San Clemente, stated that electric bicycles on the beach trail create a safety hazard and urged that they be controlled or banned.

Coastal Clean Up Day

Susan Ambrose, Chair of the Coastal Advisory Committee, noted that California Coastal Clean Up Day will be observed in San Clemente on September 21, 2019; explained that information concerning the event can be found on the City's website.

Smoking Ban/Gas-Powered Leaf Blowers

Hoiyin Ip, San Clemente, noted that the City of Irvine is drafting a City-wide smoking ban ordinance; explained that the City of Newport Beach banned gas-powered leaf blowers years ago in residential areas; voiced concern with the harmful emissions of gas-powered leaf blowers.

Relocation of Homeless Camp to Rancho San Clemente

Kortney Morrow, San Clemente, urged Council to not relocate the homeless camp from Pico to the Rancho San Clemente industrial zone due to her concerns with the area's proximity to residences, the threat to public safety, and the danger associated with placing an encampment in a severe fire danger zone.

Robbery Intervention/Camping in Recreational Vehicles/Oral Communications

Martina (last name not provided) commended Owen O'Neill for thwarting a robbery attempt by a homeless person; voiced concern that individuals are camping in recreational vehicles in the alley behind El Camino Real; disagreed with Council's decision to limit the number of times that people can address Council during Oral Communications.

3. MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), 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**

Assistant City Attorney Richardson announced that no reportable action was taken during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to approve the Consent Calendar, with the removal of Items 6-L and 6-M.

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to:

- (1) Approve the City Council Adjourned Regular Meeting minutes of September 3, 2019.

B. Commission/Committee Minutes

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to receive and file:

- (1) Design Review Subcommittee Regular Meeting Minutes of August 14, 2019.
- (2) Zoning Administrator Regular Meeting minutes of September 5, 2019.

C. Warrant Register

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to:

Approve Wire Transfers Nos. 2092 through 2098 and Warrant Nos. 561181 through 561357, paid on 8-30-19, in the amount of.....\$4,607,790.78

Approve Wire Transfers Nos. 2099 through 2100 and Warrant Nos. 561358 through 561515, paid on 9-6-19, in the amount of.....\$ 910,456.28

TOTAL WARRANT REGISTER.....\$5,518,247.06

Payroll Register

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to:

Approve Warrant Nos. 747 through 748 and Automatic Deposit Advises 58578 through 58908, for the period 8-12-19 through 8-25-19, paid on 8-30-19, in the amount of.....\$ 501,608.70

TOTAL PAYROLL REGISTER.....\$ 501,608.70

D. **Revised City Policy and Procedure No. 1201-10 (Distribution, Use and Reporting of Tickets and Passes Controlled by the City)**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 19-29 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE AMENDING ITS TICKET DISTRIBUTION POLICY TO CONFORM WITH SECTION 18944.1 OF TITLE 2, CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION.

E. **Contract Amendment – Water Reclamation Plant Security Gates**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Mayor Pro Tem to execute, Amendment No. 2 to Contract C17-42, by and between the City of San Clemente and Square [1] Design Group, providing for Water Reclamation Plant Security Gates. This Amendment increases the contract amount from \$61,915 to \$71,665, an increase of \$9,750.

F. **Contract Contingency Increase – South La Esperanza Street Rehabilitation Project**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to approve an increase to the contingency in the amount of \$65,000 from the Street Improvement – Water Replacement Fund, Account 042-848-43420-000-24400, for the South La Esperanza Street Rehabilitation Project No. 17343.

G. **Contract Awards – As-Needed Geotechnical and Related Services**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to:

1. Approve, and authorize the City Manager to execute, Contract C19-65, by and between the City of San Clemente and LGC Geotechnical, Inc., providing for as-needed Geotechnical and Related Services.
2. Approve, and authorize the City Manager to execute, Contract C19-66, by and between the City of San Clemente and Geo-Logic Associates, Inc., providing for as-needed Geotechnical and Related Services.

Action continued on next page

3. Approve, and authorize the City Manager to execute, Contract C19-67, by and between the City of San Clemente and Ninyo & Moore Geotechnical & Environmental Science Consultants, providing for as-needed Geotechnical and Related Services.
4. Approve, and authorize the Public Works Director/City Engineer to execute, As-Needed Geotechnical and Related Services task authorizations under the approved master agreements, not to exceed \$200,000 total per fiscal year for each master consultant agreement, provided funds are available in prior City Council-approved project budgets.

H. **Increase to Contract Amount – Emergency Repairs of the Recycled Water Filter Backwash Force Main at the Water Reclamation Plant**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to approve an increase of \$4,500 to Contract C19-58, the Emergency Construction Contract with Gwinco Construction and Engineering, Inc., providing for the Emergency Repairs of the Recycled Water Filter Backwash Force Main, at the Water Reclamation Plant (Project No. 24401).

I. **Notice of Completion – Linda Lane Pump Station Protection**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to:

1. Accept the Linda Lane Pump Station Protection, Project No. 16209, from the contractor, Wright Constructing Engineering Corporation.
2. Approve a supplemental appropriation in the amount of \$25,000 to Account 054-476-45300-000-16209 from the Sewer Fund Depreciation Reserve.
3. Authorize the Mayor to execute and City Clerk to record, the Notice of Completion for Linda Lane Pump Station Protection.
4. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion, upon verification with the Engineering Division that no liens have been levied against Wright Constructing Engineering Corporation.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

J. **Declaration of Surplus and Disposition of Pier Interpretive Signs**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to declare the pier interpretive signs identified in Attachment #1 of the Administrative Report, dated September 17, 2019, as surplus and approve and authorize PierPride to sell the signs as a fundraising opportunity.

K. **Initiation of Amendment to Municipal Code Title 17 (Zoning) to Further Clarify the Application of Title 17's Nonconformance Provisions to Mobile Homes**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to direct the Planning Commission to initiate the necessary Zoning Amendment to clarify the application of the Zoning Code's nonconformance provisions.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

L. **Barbecue for 2nd Battalion, 4th Marine Regiment - Budget Appropriation**

Assistant City Manager Sund reviewed the contents of the Administrative Report and responded to Council inquiries.

Council took a straw poll to determine Councilmembers' preliminary sentiments concerning the level of barbecue funding to be provided by the City for the marine barbeque, which revealed that all Councilmembers present support full funding of the event.

Rick Loeffler, San Clemente, spoke in support of funding 100% of the Marine barbecue, but suggested that future events be paid from money raised via private fundraisers.

Wayne Eggleston, San Clemente, noted that the City adopted the 2nd Battalion, 4th Marines and that the City subsequently requested that the San Clemente Chamber of Commerce serve as a liaison; thanked the City for agreeing to fund the barbeque and noted the ways that the marines contribute to the community.

Jim Wynne, San Clemente Chamber of Commerce, reported that the subject barbecue will feed over 1,000 Marines and their families; noted that the staff of the Chamber of Commerce plans and attends the event without compensation; urged Council to approve full funding of the barbecue.

Chuck Narey, San Clemente Chamber of Commerce, reported that the Chamber does not charge any staff time for the subject event; stated that 100% of the funds provided by the City will go directly to the barbecue.

Bill Hart, San Clemente, spoke in support of the City fully funding the barbecue; noted the Watershed Task Force provides a holiday dinner and gifts for the Marines each year and also assists in other community events for the Marines.

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BANE, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to:

1. Fund the full cost of the barbecue for the 2nd Battalion, 4th Marine Regiment.
2. Approve a budget appropriation for FY2019-20 in the amount of \$6,850 to Account 001-202-44756, with \$4,720 transferred from Account 001-203-44900 (Council Contingency).
3. Approve a supplemental appropriation of \$2,130 from the unassigned fund balance.

M. **Coastal Animal Services Authority Amended Joint Powers Authority Agreement**

Assistant City Manager Sund reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to approve the Amended and Restated Joint Powers Agreement of the Coastal Animal Services Authority, with the notation that the Joint Powers Agreement can be expanded at a later date.

7. PUBLIC HEARINGS**A. Appeal of Conditional Use Permit 18-534, AT&T Small Cell (MSVJO 014) in Public Right-of-Way at 3018 Camino Vera Cruz CS**

Public Hearing to consider an appeal of Conditional Use Permit 18-534, AT&T Small Cell (MSVJO 014) in the public right-of-way at 3018 Camino Vera Cruz CS.

Assistant City Attorney Richardson announced that the Public Hearing on CUP 18-534 will be continued to the Council meeting of October 1, 2019; noted the reasons for the continuance as follows: 1) the Applicant has requested that the Public Hearing be deferred; 2) Best Best & Krieger participated as City legal counsel for the item at the Planning Commission level and hence separate legal counsel will need to serve as City legal counsel for the appeal; and 3) Mayor Pro Tem Bane has a conflict of interest with regard to this item, which leaves less than a quorum of Council available to hear the item.

MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to continue the Public Hearing on CUP 18-534 to the City Council meeting of October 1, 2019.

B. Appeal of Conditional Use Permit 18-535, AT&T Small Cell (MSVJO 016) in Public Right-of-Way at 1101 Calle Del Cerro CS

Public Hearing to consider an appeal of Conditional Use Permit 18-535, AT&T Small Cell (MSVJO 016) in the public right-of-way at 1101 Calle Del Cerro CS.

Assistant City Attorney Richardson announced that the Public Hearing on CUP 18-535 will be continued to the Council meeting of October 1, 2019; noted the reasons for the continuance as follows: 1) the Applicant has requested that the Public Hearing be deferred; and 2) Best Best & Krieger participated as City legal counsel for the item at the Planning Commission level and hence separate legal counsel will need to serve as City legal counsel for the appeal.

MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to continue the Public Hearing on CUP 18-535 to the City Council meeting of October 1, 2019.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Letter of Support – Senate Bill 465 - San Onofre Nuclear Generating Station (SONGS)**

Report from the Public Works Director/City Engineer concerning a possible letter of support for Senate Bill 465 regarding the San Onofre Nuclear Generating Station (SONGS).

Public Works Director/City Engineer Bonigut reviewed the contents of the Administrative Report and responded to Council inquiries.

Manuel Camargo, Principal Manager of Decommissioning for SONGS (Southern California Edison (SCE)), stated that SCE shares San Clemente's goals for safety and relocation of the spent fuel from SONGS as soon as practical; stated that SCE is committed to continued funding for San Clemente and other agencies currently being compensated for off-site emergency planning support and have demonstrated that commitment by providing approximately \$10 million to local governments since 2015 when funding was no longer mandated by law; opined that future funding should be commensurate with the reduced risk associated with the fact that SONGS is no longer an operating plant.

During the ensuing discussion, Mr. Bonigut paraphrased points raised in a letter received from SCE and provided Staff responses to those points. A hard copy of SCE's communication, dated September 18, 2019, is on file with the City Clerk. Mr. Bonigut opined that the need for emergency funding remains as long as fuel is stored at SONGS.

Gary Headrick, San Clemente Green, urged Council to support SB 465; spoke in support of continued funding and suggested that the City should do more to prepare the public with regard to sheltering in place; voiced concern that no recourse exists to address a damaged or leaking canister; asserted that more should be done to aid in emergency preparedness.

MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Mayor Pro Tem to execute, a letter expressing the City's support of Senate Bill 465 (Bates), with authorization to Staff to modify the letter as it deems appropriate.

B. **Suspension of Opportunistic Sand Replenishment Program and Letter of Support for Corps of Engineers Funding**

Report from the Public Works Director/City Engineer concerning possible suspension of the Opportunistic Sand Replenishment Program and a Letter of Support for Corps of Engineers funding.

Public Works Director/City Engineer Bonigut reviewed the contents of the Administrative Report and responded to Council inquiries; advised that the City Manager entered into a limited-term contract with a federal lobbyist with expertise in beach restoration, noting that the lobbyist was able to achieve favorable language in a Senate appropriations bill to provide sufficient funding for the Corps for previously-authorized projects.

Ken Nielsen, San Clemente, expressed pessimism that the Corps of Engineers sand replenishment project will come to fruition; urged that the opportunistic sand replenishment program be retained or, alternatively, that the City be prepared to act on sand replenishment opportunities in a timely manner; pointed out that the City's second sand replenishment effort was successful; spoke in support of pushing sand to high elevations.

Bill Hart, San Clemente, stated that the Corps of Engineers sand replenishment project is in a perpetual planning and design phase; noted that sand replenishment does make a difference; concurred with suspending the sand replenishment program if it can be re-established quickly if an opportunity for sand arises.

Susan Ambrose, Chair of the Coastal Advisory Committee, reported that the Coastal Advisory Committee supports suspending the sand replenishment project and reviewing it on an annual basis.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to:

1. Suspend the Opportunistic Sand Replenishment Program and focus on the proposed Corps of Engineers sand replenishment project, but continue to monitor for potential sand replenishment opportunities on an annual basis.
2. Approve, and authorize the Mayor Pro Tem to execute, a letter urging the City's Congressional representatives to support Federal funding to the Corps of Engineers for the San Clemente Sand Replenishment project.

C. **Fees for City Hall Electric Vehicle (EV) Charging Stations**

Report from the Public Works Director/City Engineer concerning fees for use of the new EV charging stations, located at City Hall (910 Calle Negocio).

Public Works Director/City Engineer Bonigut offered to respond to Council inquiries.

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BANE, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 19-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FEE SCHEDULE FOR ELECTRIC VEHICLE CHARGING STATIONS.

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

Speaker Restrictions at Council Meetings

Brad Malamud, San Clemente, voiced concern that Council voted to allow speakers to speak one time during Oral Communications Part 1 or Part 2, but not both; suggested that Staff, persons speaking under Special Presentations, and Councilmembers should also be limited to three minutes.

Alleged Misuse of Public Funds and Position of Authority

Tony Rubolino, San Clemente, asserted that a Council candidate was photographed with Orange County Fire Authority (OCFA) equipment/resources and inappropriately used the OCFA logo for campaign purposes. A hard copy of Mr. Rubolino's presentation is on file with the City Clerk.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. City Attorney

None.

D. Council Members**Repeal of Propositions 47 and 57 (Decriminalization of Various Crimes and Penalty Reductions)**

Council requested that Staff contact the County of Orange about the form of action that it recommends that Council take (e.g., resolution, etc.) to recommend the revocation of Propositions 47 and 57.

Sand Pushing

In response to Council inquiry relative to whether sand could be pushed to higher elevations in the winter, City Manager Makshanoff stated that he believes sand pushing is governed by the City's beach management policies and that the City is limited as to the number of times it can push sand each year; stated that he will confirm his understanding and report back to Council.

12. **RESOLUTIONS/ORDINANCES**A. **Ordinance No. 1679 (Second Reading) – Park Ranger Enforcement Authority**

Rick Loeffler, San Clemente, requested and received clarification relative to the duties that Park Rangers will perform.

MOTION BY MAYOR PRO TEM BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Ordinance No. 1679 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 1 OF THE SAN CLEMENTE MUNICIPAL CODE TO ESTABLISH ENFORCEMENT AUTHORITY FOR PARK RANGERS.

B. Ordinance No. 1680 (Second Reading) – Sidewalk Vending Regulations

Hoiyin Ip, San Clemente, opined that the proposed Ordinance relating to sidewalk vending regulations is good, but more needs to be done; urged Council to update the City's polystyrene ordinance and consider banning single-use plastic products.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BANE, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Ordinance No. 1680 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADDING MUNICIPAL CODE TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.50, SIDEWALK VENDING, AND AMEND TITLES 8, HEALTH AND SAFETY, 9, PUBLIC PEACE, MORALS AND WELFARE, AND 12, STREETS, SIDEWALKS, AND PUBLIC PLACES, OF THE CODE, RELATING TO SIDEWALK VENDING REGULATIONS IN COMPLIANCE WITH SENATE BILL 946.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM BANE, CARRIED 3-0 (COUNCILMEMBER FERGUSON ABSENT), to adjourn at 7:51 p.m. The next Regular Council Meeting will be held on October 1, 2019 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. and the regular business meeting will take place at 6:00 p.m.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California