

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular Meeting – April 21, 2020

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 and Regular Meeting of the San Clemente City Council was called to order on April 21, 2020 at 4:31 p.m. by Mayor Bane.

PRESENT FERGUSON, HAMM, JAMES, WARD, MAYOR BANE (all Councilmembers participated in meeting via teleconference)

ABSENT NONE

STAFF PRESENT Robert Dunek*, Interim City Manager; Scott Smith, City Attorney; Erik Sund, Assistant City Manager; Laura Campagnolo, Deputy City Clerk; Megan Jimenez, Records Management Coordinator

*Participated in meeting via teleconference

CLOSED SESSION

City Attorney Smith reported that Closed Session Item C consists of two cases, i.e., the possibility of initiating lawsuits against the property owners of 181 Avenida Cornelio and 126 Avenida Cordoba.

MOTION BY MAYOR BANE, SECOND BY MAYOR PRO TEM FERGUSON, CARRIED 5-0, to recess to Closed Session at 4:31 p.m. to discuss the following:

A. THREAT TO PUBLIC SERVICES

Pursuant to Government Code Section 54957
Consultation with City Manager and City Attorney

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 2

Case Name: San Clemente Coastal Access Alliance, et al. v. City of San Clemente, et al.
Case Number: 30-2018-01034124-CU-WM-CJC

Closed Session continued on following page

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor
Agency and County of Orange
Case Number: 30-2017-00934703-CU-PT-CXC

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 2

D. 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, Assessor's Parcel Number 678-163-01
Agency Negotiators: City Manager and Assistant City Manager
Negotiating Parties: City of San Clemente, proposing parties and/or their
authorized agent(s)
Under Negotiation: Consideration of proposals for acquisition or lease of surplus
property

Property: 100 Avenida Presidio, Assessor's Parcel Number 692-012-01
Agency Negotiator: City Manager and Assistant City Manager
Negotiating Parties: City of San Clemente and HTL Hospitality Advisors, LLC
Under Negotiation: Price and terms for potential acquisition or lease

E. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957
Title: City Manager

BUSINESS MEETING CONVENED

The City Council Business Meeting of April 21, 2020 convened at 6:28 p.m., with all
Councilmembers participating via teleconference.

PLEDGE OF ALLEGIANCE

Assistant City Manager Sund led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. Toll Road Update

None.

B. Update on Homeless Issue

Brad Fieldhouse, President and Executive Director of CityNet, provided an overview of CityNet's efforts with regard to homeless outreach in San Clemente; noted that CityNet currently has a caseload of 30 homeless individuals in San Clemente, which includes individuals that are living on the street as well as those that have been recently housed; thanked Deputy Duran for his efforts in working together with CityNet on homeless issues; explained that the RoomKey project is still unfolding amidst the COVID-19 pandemic.

The following individuals emailed comments to the City Clerk, which were read at the meeting. Hard copies of all emails are on file with the City Clerk:

Donna Vidrine, email dated April 21, 2020
Maura Mikulec, email dated April 21, 2020
Cathy Domenichini, email dated April 21, 2020

2. ORAL COMMUNICATIONS (PART 1)

The following individuals emailed comments to the City Clerk, which were read at the meeting. Hard copies of all emails are on file with the City Clerk:

- Eric Ward, email dated April 7, 2020, relating to development at La Pata/Vista Hermosa
- Brad Malamud, email dated April 20, 2020, relating to budget reductions
- Susan Nespor, email dated April 21, 2020, questioning why the mayoral election is on this agenda
- Martina McBurney-Wheeler, email dated April 21, 2020, relating to eminent domain and timing of the mayoral election
- Nicole Josse, email dated April 21, 2020, relating to beach closure
- Toni Occhipinti, email dated April 21, 2020, relating to eminent domain
- Anonymous, email dated April 21, 2020, relating to the skate park closure
- Jacky Trani, email dated April 21, 2020, relating to eminent domain
- Marissa Padilla-Williams, email dated April 21, 2020, relating to COVID-19 protests
- Warren Vidrine, email dated April 21, 2020, relating to COVID-19

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

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

Councilmember Hamm requested that the possibility of sending a letter to Governor Newsom with regard to reopening San Clemente Hospital be added to the agenda for this evening's Council meeting; noted that the need to take action arose after the posting of the agenda and action needs to take place prior to the May 5, 2020 Council meeting. A hard copy of the proposed letter to Governor Newsom is on file with the City Clerk.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0-1 (MAYOR BANE RECUSING*), to add to the agenda the possibility of sending a letter to Governor Newsom concerning re-opening San Clemente Hospital during the COVID-19 crisis. *Mayor Bane recused himself from this item because his employer, Sheppard Mullen, represents Memorial Care.

Dane Bane, speaking as a member of the public, questioned and received clarification that the re-opening of San Clemente Hospital would be to serve non-COVID-19 patients.

Brad Malamud emailed a comment to the City Clerk, which was read at the meeting. A hard copy of Mr. Malamud's email is on file with the City Clerk.

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0-2 (MAYOR PRO TEM FERGUSON ABSTAINING AND MAYOR BANE RECUSING), to approve the letter to Governor Newsom as read into the record, with the removal of reference to Mayor Bane and Mayor Pro Tem Ferguson from the letterhead. *Mayor Pro Tem Ferguson abstained from voting on the motion inasmuch as she felt that the failure to place the item on the agenda and provided to the public in advance of the meeting constitutes a Brown Act violation.

A letter from the public was received via email immediately after Council concluded deliberations on this item.

MOTION BY MAYOR PRO TEM FERGUSON to hear the public comment. The motion died for lack of a second.

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

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

City Attorney Smith reported that he recused himself from the portion of the Closed Session relating to his possible representation of The Reserve, in addition to the City, in the TCA litigation, and Mayor Bane recused himself from the Closed Session concerning the TCA litigation; advised that the following action was taken during Closed Session:

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-1-1 (MAYOR PRO TEM FERGUSON VOTING NOE AND MAYOR BANE RECUSING), to direct the City Attorney to 1) not renew the contracts with Englander, Knobe and Associates (experts with regard to the TCA matter) that are due to expire on June 30, 2020; 2) submit legal expert contracts with small dollar amounts that can be signed under the City Manager's contract authority; and 3) re-retain Subcontractors IBI and Stan Ofelie, upon the expiration of their contracts, to provide as-needed expert services on an hourly basis. (*Note: Mayor Pro Tem Ferguson supported not renewing the contracts with Englander, Knobe and Associates.)

Re-Ordering of Agenda

MOTION BY MAYOR BANE, SECOND BY MAYOR PRO TEM FERGUSON, CARRIED 5-0, to consider Public Hearing Item 7-A prior to the Consent Calendar.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6-C and 6-F.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to approve the City Council Regular Meeting minutes of April 7, 2020.

B. **Commission/Committee Minutes**

None.

D. **Notice of Completion – Arterial Street Pavement Maintenance Project for Avenida Pico, Street Rehabilitation Project for Avenida Vista Hermosa, Pavement Repairs for the Water Division, and As-Needed Pavement Repairs and Crack Sealing**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to:

1. Accept the Arterial Street Pavement Maintenance for Avenida Pico, Project No. 18321, Street Rehabilitation for Avenida Vista Hermosa, Project No. 18322, Pavement Repairs for the Water Division, Project No. 24400, and As-Needed Pavement Repairs and Crack Sealing, Project No. 27306, from the contractor, All American Asphalt.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Arterial Street Pavement Maintenance for Avenida Pico, Street Rehabilitation for Avenida Vista Hermosa, Pavement Repairs for the Water Division, and As-Needed Pavement Repairs and Crack-Sealing.
3. 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 the contractor, All American Asphalt.
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.

E. **Security Information and Event Management Services from Managed Security Services Provider**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract C20-21, by and between the City of San Clemente and Savant Solutions, Inc. in an amount not to exceed \$181,945 which includes \$156,945 for the purchase, implementation, and three-year subscription to the Arctic Wolf Networks Managed Detection and Response and Managed Risk Services, plus \$25,000 for a one-time vulnerability assessment and network penetration test.

Action continued on next page

2. Approve, and authorize the Mayor to execute, a Master Solutions Agreement with Arctic Wolf Networks, Inc. for Managed Detection and Response and Managed Risk Services. (Contract C20-25)

G. **Contract Award – FY 2019 Parking Lot Maintenance and Street Maintenance for Campo Raso**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to:

1. Approve the plans and specifications for FY 2019 Parking Lot Maintenance, Project No. 29304, and Street Maintenance for Campo Raso, Project No. 27306.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-23, by and between the City of San Clemente and Horizons Construction Company International, Inc. in the amount of \$447,300, for FY 2019 Parking Lot Maintenance, Project No. 29304 and Street Maintenance for Campo Raso, Project No. 27306.

H. **Housing Element Update – Initiation of General Plan Amendment, Contract Award, Appropriation Request, Grant Application**

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to:

1. As authorized by Municipal Code Section 17.16.020(C)(1), initiate a General Plan Amendment to update the Housing Element.
2. Approve, and authorize the City Manager to execute, Contract C20-24 by and between the City of San Clemente and RECON Environmental, Inc., providing for professional consultant services in connection with the 6th Cycle Housing Element Update, in the amount of \$256,000.
3. Accept grant revenues of \$46,000 from the State Department of Housing and Community Development (SB 2 Grant Funds) to Account 001-000-33490.

Action continued on next page

- 4. Authorize a related budget appropriation in the amount of \$46,000 to Professional Services Account 001-431-43890.
- 5. Authorize a budget appropriation in the amount of \$164,600 to Professional Services Account 001-431-43890.
- 6. Authorize application for and receipt of AB 101 / LEAP grant program funds (Attachment 4 of the Administrative Report, dated April 21, 2020, and on file with the City Clerk).

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

C. **Warrant Register**

Assistant City Manager Sund referenced the Warrant Register, dated April 17, 2020; advised that Wire Transfers totaling \$132,919.76 were inadvertently left off the total Warrant Register amount on Page 1 of the Warrant Register, but the correct Warrant Register amount of \$2,418,617.87 is reflected on the last page of the Warrant Register.

Staff will provide Council with an identification of the expenditures which encompassed Wire Transfers totaling \$132,919.76.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0-1 (MAYOR BANE ABSTAINING), to move the Warrant Register from the Consent Calendar to New Business on future meeting agendas.

MOTION BY MAYOR BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to:

Approve Wire Transfers Nos. 2218 through 2221, and Warrant Nos. 565962 through 566078, paid on 4/10/20, in the amount of.....\$ 1,729,002.90

Approve Wire Transfers Nos. 2222 through 2225, and Warrant Nos. 566079 through 566225, paid on 4/17/20, in the amount of.....\$ 2,418,617.87

TOTAL WARRANT REGISTER.....\$ 4,147,620.77

Payroll Register

MOTION BY MAYOR BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to approve the following:

Automatic Deposit Advises 63250 through 63477,
for the period of 3/23/20 through 4/5/20,
paid on 4/10/20, in the amount of.....\$ 451,643.89

TOTAL PAYROLL REGISTER.....\$ 451,643.89

F. **Contract Award – Annual Tree Maintenance Services**

The following individuals emailed comments to the City Clerk, which were read at the meeting. Hard copies of all emails are on file with the City Clerk:

- Richard Rodriguez, email dated April 17, 2020
- Jim Dahl, email dated April 16, 2020
- Jim Gularte, email dated April 20, 2020
- Brad Malamud, email dated April 21, 2020
- Anonymous, email dated April 21, 2020
- Susan Nelson, email dated April 21, 2020
- Michelle Goossen, email dated April 21, 2020

Public Works Director/City Engineer Bonigut responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to reject all bids.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0-1 (MAYOR BANE ABSTAINING), to rebid Annual Tree Maintenance Services for a 5-year contract.

7. **PUBLIC HEARINGS**

A. **Consideration of a Resolution that would Authorize the City to Acquire Property Located Along Avenida Pico adjacent to the Rancho San Clemente Business Park (Assessor's Parcel Nos. 688-011-01 and 688-011-02) by Eminent Domain for use Consistent with the Property's General Plan and Zoning Designation, Including Preservation of Open Space, Habitat Conservation and Mitigation Banking**

Continued Public Hearing to consider a Resolution that would authorize the City to acquire property located along Avenida Pico adjacent to the Rancho San Clemente Business Park (Assessor's Parcel Nos. 688-011-01 and 688-011-02) by eminent domain for use consistent with the property's general plan and zoning designation, including preservation of open space, habitat conservation and mitigation banking ("Project").

Mayor Bane invited the Continued Public Hearing to commence.

Ed Connor, Emergency Shelter Coalition (ESC) Pro Bono Counsel, stated that he has submitted a supplemental letter and appendix to the City, dated April 21, 2020, which is on file with the City Clerk; asserted that San Clemente needs a homeless shelter and ESC is willing to build it.

Laura Lee Blake, ESC General Counsel, urged Councilmembers to consider their legacies; commented on the lengthy litigation process and significant costs that will occur if the City pursues the subject eminent domain action; spoke on the benefits of a homeless shelter and urged Council to oppose the Resolution of Necessity.

The following individuals submitted emails to the City Clerk, which were read at the meeting. Hard copies of all emails are on file with the City Clerk:

- Brad Malamud, email dated April 21, 2020
- Glenn Walker, email dated April 20, 2020
- Dale Lyon, Olen Properties, email dated April 21, 2020
- Ariana Hawbecker, email dated April 21, 2020
- Sarah Spinuzzi, email dated April 15, 2020
- Steve Jahan, email dated April 16, 2020
- Julie Ault, email dated April 20, 2020
- William Kreutinger, email dated April 21, 2020
- Dale Lyon, email dated April 21, 2020
- Wendy Shrove, email dated April 21, 2020
- Cathy Domenichini, email dated April 21, 2020
- Maura Mikulec, email dated April 21, 2020
- Amy Abshier, email dated April 21, 2020

There being no additional comments, Mayor Bane closed the Public Hearing.

City Attorney Smith and Attorney Gilpin responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-1 (MAYOR PRO TEM FERGUSON VOTING NOE), to adopt Resolution No. 20-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING THAT THE ACQUISITION OF TWO UNDEVELOPED OPEN SPACE PARCELS LOCATED SOUTHEAST OF AVENIDA PICO, ASSESSOR'S PARCEL NUMBERS 688-011-01 AND 688-011-02, BY EMINENT DOMAIN IS NECESSARY FOR USE CONSISTENT WITH THE PROPERTY'S GENERAL PLAN AND ZONING DESIGNATION, INCLUDING OPEN SPACE PRESERVATION, HABITAT CONSERVATION AND MITIGATION BANKING.

A. **Establishment of a Fee for Required Inspections and Ongoing Monitoring for Properties Subject to Historic Property Preservation Agreements with the City**

Continued Public Hearing to consider the establishment of fees to cover costs incurred by the City in conducting the mandatory five-year inspections of historic properties that have entered into Historic Property Preservation (Mills Act) Agreements with the City.

Community Development Director Gallardo-Daly reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Bane opened the Public Hearing.

The following individuals submitted emails to the City Clerk, which were read at the meeting. Hard copies of all emails are on file with the City Clerk:

Brett Myhren, email dated April 20, 2020
Kent Adamson, St. Clement's By the Sea Episcopal Church, email dated April 17, 2020
Robert Schoner, email dated April 16, 2020
Larry Culbertson, San Clemente Historical Society, email dated April 21, 2020
Gerry and Patricia Pardoen, email dated April 21, 2020
Nesa Anderson, email dated April 21, 2020

There being no further comments, Mayor Bane closed the Public Hearing.

MEETING RECESSED

Council recessed at 9:01 p.m. and reconvened at 9:10 p.m., with all members participating via teleconference.

Following discussion, MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-1-1 (MAYOR PRO TEM FERGUSON VOTING NOE AND MAYOR BANE ABSTAINING) to adopt Resolution No. 20-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FEE FOR INSPECTIONS AND ONGOING MONITORING FOR PROPERTIES SUBJECT TO A HISTORIC PROPERTY PRESERVATION AGREEMENT WITH THE CITY, with the caveat that Staff confirm that the Historic Property Preservation Agreement with each individual property owner of a Mills Act property allows the subject inspection/monitoring fee to be imposed. If a fee cannot be charged, Staff will not impose the new fee.

8. **UNFINISHED BUSINESS**

A. **Settlement Agreement – Coastal Access Alliance et al. v. City of San Clemente**

Report from the City Attorney concerning a proposed Settlement Agreement by and between the City of San Clemente and the Coastal Access Alliance.

City Attorney Smith reviewed the contents of the Administrative Report and responded to Council inquiries.

City Clerk staff read a comment that was received via email from Livia Borak Beaudin, dated April 20, 2020. A hard copy of Ms. Beaudin's email is on file with the City Clerk.

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES, CARRIED 5-0, to approve, and authorize the Mayor to execute, the Settlement Agreement by and between the City of San Clemente and the San Clemente Coastal Access Alliance (Contract # C20-20).

B. Supplement to City Council Proclamation of a Local Emergency Regarding Novel Coronavirus (COVID-19)

Report from the City Manager to supplement City Council's Proclamation of a Local Emergency Regarding Novel Coronavirus (COVID-19).

Interim City Manager Dunek reviewed the contents of the Administrative Report and responded to Council inquiries.

City Attorney Smith reported that Councilmember Hamm will recuse himself from discussions relating to the Municipal Golf Course because his wife's business has a financial interest in that facility. Council agreed to bifurcate discussions relating to the Municipal Golf Course, and the vote on Section 5 of the Resolution, to enable Councilmember Hamm to participate in other aspects of this agenda item.

The following individuals sent emails to the City Clerk, which were read at the meeting. Hard copies of all emails are on file with the City Clerk:

"True Sounds of Liberty", blue comment card left outside Council Chambers, dated April 21, 2020

Amy Osmond Cook, email dated April 17, 2020

Kelsey Matthes, email dated April 21, 2020

Kevin Schulz, email dated April 21, 2020

Brad Malamud, email dated April 21, 2020

Jim Dahl, email dated April 21, 2020

Paige Dunbar, email dated April 21, 2020

Christy MacBride-Hart, email dated April 21, 2020

Anonymous, email dated April 21, 2020

Martin Berube, email dated April 20, 2020

Allison Russell, email dated April 20, 2020

Norm Petersen, email dated April 21, 2020

Joe Mouawad, email dated April 21, 2020

Paul Jones, email dated April 20, 2020

Jennifer Stevens, email dated April 20, 2020

Hope Gonzalez, email dated April 21, 2020

David Sager, email dated April 21, 2020

Trever Austin, email dated April 13, 2020

Derek Johnson, email dated April 14, 2020

Jeff Berg, email dated April 21, 2020

Heike Howard, email dated April 21, 2020

Tara Hamilton, email dated April 21, 2020

Rick Loeffler, email dated April 21, 2020

Kristina Krich, email dated April 21, 2020

Kent Stafford, email dated April 21, 2020

Beth Ann Gonzalez, email dated April 21, 2020
Tiffany Carrillo, email dated April 21, 2020
Melissa Nielsen, email dated April 21, 2020
Victor Lundquist, email dated April 21, 2020
Ariana Hawbecker, email dated April 21, 2020
Stephanie Aguilar, email dated April 21, 2020
Brandon Matthews, email dated April 20, 2020
Jay Reale, email dated April 21, 2020
Parker Miles, email dated April 19, 2020
Chris Vidauri, email dated April 21, 2020
Ryan Kloostra, email dated April 20, 2020
Paula Wojtaszek, email dated April 21, 2020
Kristy Khachigian, email dated April 21, 2020
Stephanie Moss, email dated April 21, 2020

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR BANE, CARRIED 5-0, to revise Section 4 of Resolution No. 20-30 as follows:

1. Section 4 of the Resolution shall be modified to read in its entirety as follows:

Section 4. Beach and Coastal Trails

All beaches and related parking within the City, and all trails west of Interstate 5, including the San Clemente Beach Trail and Sea Summit trails, shall be closed, but reopened as safely practicable in accordance with the Beach/Beach Trail Re-Opening Details described in Attachment 1. When reopened, the use of the beach shall be restricted to limited-term active recreation following social distancing guidelines, and passive recreation shall be prohibited."

- 2) An Attachment 1 is to be added to Resolution No. 20-30 to read in its entirety as follows:

"Beach/Beach Trail Re-Opening Details Per April 21 City Council Direction

Following summarizes direction provided by Council re: beach opening. Following become effective Saturday, April 25.

Poche: close metered parking on Camino Capistrano.

North Beach:

- Keep current closed parking closed
- Close all parking on Calle Deshecha, includes section between Miramar and Casino Buildings.
- Close parking along Boca de La Playa cul-de-sac, Ole Hanson Beach Club side.
- Close parking both sides of West Ave. Pico (El Camino Real to Boca de la Playa).
- Keep North Beach trail and beach accesses closed.
- Path from Boca de la Playa cul-de-sac to North beach lot stays closed.

Dije access: open it

El Portal access: open it

Note: both stairways from Beach Trail to beach have large drop offs and are therefore closed. Public can access beach via the train trestle underpass just south of El Portal.

Mariposa:

- Open this access
- Close parking up ocean side Mariposa to La Paloma.

Linda Lane:

- Open access to trail and beach.
- Keep current closed parking closed
- Close rest of Linda Lane parking lot (upper area), and all the way to Encino Lane.

Corto Lane access: keep closed.

Pier Bowl:

- Keep current closed parking areas closed. Fencing installed around upper and lower parking lots.
- Close additional parking: Del Mar from Seville to Pier both sides.
- Close Community Center parking.
- Close Victoria on-street parking to Pasadena Ct.
- Open Pier tunnel and at-grade crossing access.

T-Street:

- Keep current closed parking areas closed
- Close parking on Cristobal / Esplanade up to La Rambla.
- Open T-Street access

Boca Del Canon access points: open both

Lost Winds access: keep closed.

Riviera:

- Open the access
- Close all street parking in Riviera district. Parking prohibited from 7AM to 9PM in this neighborhood.

Calafia: Close all on-street parking both sides from Del Presidente to Calafia State Beach entrance.

Municipal Pier: stays closed.

Beach restrooms: re-open Saturday per prior normal daily open/close schedule.

Beach Trail: open, except Mariposa boardwalk (still closed due to damage), and certain access points closed as noted above.

City Beach and Ocean Waters: Open for active, not passive, use.

Rules for beach conduct:

- Open the water and beach for active use such as surfing, running, walking. Prohibit stationary activities to reduce the potential for crowding and social distancing issues.
 - Keep playground/swings closed. Close off picnic tables/pavilions, BBQs, fire pits.
 - Keep beach and base of Pier restrooms closed.
 - Keep volleyball courts closed.
 - Prohibit sitting in place, picnics, setting up chairs, placing beach towels, blankets etc. for sitting in place, loitering.
 - Prohibit large groups (e.g. 10 or more).
 - Enforceable under SCMC 8.12.090"
3. Agendize for the May 5, 2020 Council meeting consideration of reopening all other facilities that are closed.
4. Draft letter to California State Parks to inform them of Council's motion to reopen active use of beaches and beach trails in the city and coordinate a future date to reopen passive use of facilities.

MOTION BY MAYOR BANE, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0-1 (COUNCILMEMBER HAMM RECUSING), to modify Section 5 of Resolution No. 20-30 to read in its entirety as follows:

"Section 5. Golf Courses

All golf courses and their ancillary use areas, which include but are not limited to parking areas, clubhouses, and any indoor or outdoor food and beverage service areas, in the City of San Clemente shall be closed, but reopened as soon as safely practicable, pursuant to the guidelines issued by the County, the Southern California Golf Association, and the California Department of Health Services. Driving ranges and practice putting greens shall remain closed until further notice in order to maintain social distancing measures."

MOTION BY MAYOR BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0* (**See Note Below*), to adopt Resolution No. 20-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPLEMENTING ITS PROCLAMATION OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19), with the incorporation of the revised verbiage for Sections 4 and 5, pursuant to the above actions. **Note: Councilmember Hamm recused himself from Section 5 of Resolution No. 20-30.*

CONSIDERATION OF CONTINUING MEETING AFTER 11:00 P.M.

MOTION MAYOR BANE, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to continue the Council meeting past 11:00 p.m.

C. Consideration of Ordinances Amending Section 8.12.090 of the San Clemente Municipal Code to Include Violations of Public Health Orders as Citable Offenses and Amending Section 9.24.030 to Prohibit Trespass on Public Property

Report from the City Manager concerning consideration of Ordinances amending Section 8.12.090 of the San Clemente Municipal Code to include violations of Public Health Orders as citable offenses and amending Section 9.24.030 to prohibit trespass on public property.

City Attorney Smith summarized the Administrative Report and responded to Council inquiries.

The following individuals sent emails to the City Clerk, which were read at the meeting. Hard copies of all emails are on file with the City Clerk:

William Kreutinger, email dated April 21, 2020
Alison Kathleen, email dated April 21, 2020
Maura Mikulec, email dated April 21, 2020
Jeff Perkin, email dated April 21, 2020
Monica Draghici, email dated April 21, 2020
Brad Malamud, email dated April 21, 2020
Jim Dahl, email dated April 21, 2020

Following discussion, MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-1 (MAYOR PRO TEM FERGUSON VOTING NOE), to:

1. Adopt Urgency Ordinance No. 1698 entitled AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE AMENDING SECTION 8.12.090 OF THE SAN CLEMENTE MUNICIPAL CODE TO INCLUDE VIOLATIONS OF PUBLIC HEALTH ORDERS AS CITABLE OFFENSES AND AMENDING SECTION 9.24.030 TO PROHIBIT TRESPASS ON PUBLIC PROPERTY.
2. Introduce Ordinance No. 1699 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING 8.12.090 OF THE SAN CLEMENTE MUNICIPAL CODE TO INCLUDE VIOLATIONS OF PUBLIC HEALTH ORDERS AS CITABLE OFFENSES AND AMENDING SECTION 9.24.030 TO PROHIBIT TRESPASS ON PUBLIC PROPERTY.

CONTINUATION OF REMAINING AGENDA ITEMS TO THE COUNCIL MEETING OF MAY 5, 2020

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue the remainder of the items on the agenda to the Regular City Council meeting of May 5, 2020.

D. Update on Proposed Changes to Metered Parking Hours of Operation

Report from the Community Development Director and Public Works Director/City Engineer regarding proposed changes to metered parking hours of operation.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue this item to the Regular City Council Meeting of May 5, 2020.

9. NEW BUSINESS

A. Proposed Parking Restriction and Hotel/Motel Parking Program for Alley East of S. El Camino Real, Between E. Avenida San Gabriel and E. Avenida Magdalena

Report from the Public Works Director concerning proposed parking restriction and Hotel/Motel Parking Program for Alley East of S. El Camino Real, Between E. Avenida San Gabriel and E. Avenida Magdalena.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue this item to the Regular City Council Meeting of May 5, 2020.

B. North El Camino Real Lane Reconfiguration and Addition of Class II Bicycle Lanes

Report from the Public Works Director/City Engineer concerning North El Camino Real lane reconfiguration and addition of Class II Bicycle Lanes.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue this item to the Regular City Council Meeting of May 5, 2020.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

(1) **Term Expirations on City Commissions and Committees as well as the Talega Representative to the Friends of the Reserve Commission**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue this item to the Regular City Council Meeting of May 5, 2020.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

None.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1694 (Second Reading) – Regulations Governing Access to Short Term Lodging Units (STLU)**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue this item to the Regular City Council Meeting of May 5, 2020.

B. **Ordinance No. 1696 (Second Reading) – Permissible Hours for Erection of Camping Facilities in Circumstances where Public Camping is Permitted**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue this item to the Regular City Council Meeting of May 5, 2020.

13. **Election of Mayor**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to continue this item to the Regular City Council Meeting of May 5, 2020.

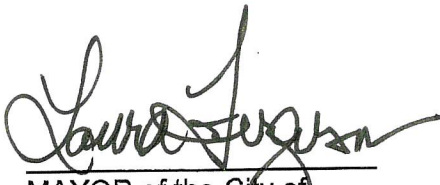
14. **Recognition of Out-Going Councilmember Dan Bane**

Mayor Bane expressed appreciation to the people of San Clemente and thanked his Council colleagues and City Staff for their efforts on behalf of the City.

Mayor Pro Tem Ferguson expressed gratitude to Mayor Bane for his City service and advised that plaques of appreciation will be provided to him on behalf of the City of San Clemente.

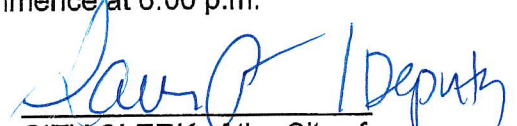
15. **Adjournment**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adjourn at 11:37 p.m. to an Adjourned Regular Council Meeting to take place on May 5, 2020. Closed Session items will be considered at 4:30 p.m. and the Regular Business Meeting will commence at 6:00 p.m.



MAYOR of the City of
San Clemente, California

/Pro Tem



CITY CLERK of the City of
San Clemente, California