

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – June 2, 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 Regular San Clemente City Council meeting was called to order on June 2, 2020 at 5:00 p.m. by Mayor Pro Tem Ferguson. This meeting was conducted via teleconference.

PRESENT HAMM, JAMES, WARD, MAYOR PRO TEM FERGUSON

ABSENT NONE

STAFF PRESENT Erik Sund, Assistant City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to recess to Closed Session at 5:06 p.m. to discuss the following:

A. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code section 54957
Title: Interim City Manager

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

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

Case Name: Housing is a Human Right et al. v. County of Orange and City of San Clemente
Case Number: 30-2019-0198573-CU-WM-CJC

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: 1030 Calle Negocio, San Clemente; Approx. 9,000 sq. foot industrial building

Agency negotiator: City Manager and Assistant City Manager

Negotiating parties: City of San Clemente and John Hook/Johnston Pacific Commercial Real Estate, Inc.

Under Negotiation: Price and terms of purchase offer

Property: 2.29 acre section of an 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: 654 Camino de los Mares (San Clemente hospital)

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

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

Under Negotiation: Consideration of Proposals for Interim or Long Term Acquisition or Lease

D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

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

Number of potential cases: 1

E. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)

Number of potential cases: 1

F. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Assistant City Manager

Unrepresented employees: All Employees

Employee organization: San Clemente City Employees Association

G. THREAT TO PUBLIC SERVICES

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

BUSINESS MEETING CONVENED

The Business Meeting convened at 6:03 p.m., with all members participating via teleconference.

PLEDGE OF ALLEGIANCE

Councilmember James led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. Toll Road Update

Councilmember Ward reported that the Transportation Committee unanimously advanced Senate Bill 1373 to the Appropriations Committee. This bill, which was introduced by Senator Bates and co-authored by Assembly Member Brough, proposes to delete from the state highway system the portion of State Route 241 located from State Route 5 south of the City of San Clemente to Oso Parkway east of the City of Mission Viejo. The City of San Clemente supports SB 1373.

City Clerk Department staff read the following email, which is on file with the City Clerk:

Michelle Schumacher, email dated May 18, 2020

B. Update on Homeless Issue

Assistant City Manager Sund reported that City Net and Code Enforcement secured beds for five homeless individuals at County facilities.

City Attorney Smith reported that during this evening's Closed Session, Council discussed a lawsuit that was brought by the Emergency Shelter Coalition; explained that several South Orange County cities will consider assisting in the joint defense of this lawsuit.

City Clerk Department staff read the following email, which is on file with the City Clerk:

Warren and Donna Vidrine, email dated June 2, 2020

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

City Clerk Department staff read the following emails, which are on file with the City Clerk:

- Lynne Spiegel, email dated May 30, 2020, relating to opening the dog park.
- Denise McDonald, email dated May 30, 2020, relating to opening the dog park.
- Marge Sosa, email dated May 30, 2020, relating to opening the dog park.
- Steve and Dale Scibelli, email dated May 31, 2020, relating to vandalism on Avenida Del Mar.
- Ann Bailey, email dated June 1, 2020, concerning 4th of July fireworks and plans to maintain social distancing.
- Debbie Gallimore, email dated June 2, 2020, concerning opening the Aquatics Center.
- JT Parr, email dated May 22, 2020, concerning renaming the International Space Station.
- Chad (last name not provided), email dated May 22, 2020, concerning renaming the International Space Station.
- Jim Dahl, email dated June 2, 2020, relating to 4th of July fireworks.
- Donna Vidrine, email dated June 2, 2020, urging Council to resume the conduct of Council meetings in the Council Chambers.
- Ryan Bourque, email dated June 2, 2020, concerning Council decorum and mutual respect.
- Camille Wyatt, email dated June 2, 2020, urging Council to open the beaches for passive use.

3. MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, 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

City Attorney Smith reported that during this evening's Closed Session, Council took the following actions:

Settlement Agreement with EBS Engineering

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM FERGUSON, CARRIED 4-0, to approve a settlement agreement with EBS Engineering. The Settlement Agreement is public and available upon request.

Extension of Contract with Interim City Manager

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 3-1 (MAYOR PRO TEM FERGUSON VOTING NOE), to authorize the Mayor Pro Tem to present an offer to Interim City Manager Dunek to extend his contract. If the Interim City Manager accepts the terms of the agreement, the Contract Amendment will be agendized for the Council meeting of June 16, 2020 during the public Business Meeting for formal approval.

Mayor Pro Tem Ferguson made a Substitute Motion during the Closed Session to present different terms to Interim City Manager Dunek; however, that Substitute Motion died for lack of a second.

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

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM FERGUSON, CARRIED 4-0, to update the settlement proposal for the case entitled City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange. The updated proposal will be presented to the Transportation Corridor Agency as part of confidential settlement negotiations.

City Attorney Smith reported that Council will reconvene in Closed Session at the end of the Business Meeting to consider the remaining items on the Closed Session agenda.

6. CONSENT CALENDAR

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to approve the Consent Calendar, with the removal of Items A(1) and D.

B. Commission/Committee Minutes

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to receive and file:

- (1) Planning Commission Regular Study Session Minutes of May 20, 2020.
- (2) Planning Commission Regular Meeting Minutes of May 20, 2020.
- (3) Zoning Administrator Adjourned Regular Meeting Minutes of May 21, 2020.

C. Contract Award – FY 2020 Arenoso Lane Sewer Line Rehabilitation

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

1. Approve the plans and specifications for FY 2020 Arenoso Lane Sewer Line Rehabilitation, Project No. 10207.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-26, by and between the City of San Clemente and GBRCON, Inc., providing for the FY 2020 Arenoso Lane Sewer Line Rehabilitation, in the amount of \$99,730.

E. Notice of Completion – Camino Del Rio Wall

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

1. Authorize the transfer of \$18,100 from the Sewer Depreciation Fund to Account 012-861-45300-000-18316.
2. Accept the Camino Del Rio Wall, from the contractor, O'Connell Engineering and Construction, Inc., Project No. 18316.

Action continued on next page

3. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Camino Del Rio Wall.
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 the contractor, O'Connell Engineering and Construction, Inc.
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.

F. **Contingency Increase for Pier Bird Deterrent Netting**

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

1. Approve a supplemental appropriation in the amount of \$15,472 from the Clean Ocean Improvement Reserve to Account 057-543-45300-000-18810.
2. Approve a \$15,472 increase in construction contingency for the Pier Bird Deterrent Netting, Project No. 18810.

G. **Notice of Completion – Via Montego/Via Cascadita Storm Drain Improvements**

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

1. Accept the Via Montego / Via Cascadita Storm Drain Improvements, from the contractor, Howard Ridley Co., Inc. Project No. 13017.
2. Authorize the Public Works Director to execute, and the City Clerk to record, the Notice of Completion for the Via Montego / Via Cascadita Storm Drain Improvements.
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 Howard Ridley Co. Inc.
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.

H. **Notice of Completion – Bonito Canyon Park and Vista Bahia Park Restroom Replacement Project**

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

1. Accept the Bonito Canyon Park Project No. 17511 and Vista Bahia Park Project No. 17512 Restroom Replacement Project, from the contractor, Zimprich Engineering, Inc.
2. Authorize the Public Works Director/City Engineer to execute, and record, the Notice of Completion for the Bonito Canyon Park Project and Vista Bahia Park Restroom Replacement Project, from Zimprich Engineering, Inc.
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, Zimprich Engineering, Inc.
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.

I. **Contract Renewal - Farmers Market on Avenida Del Mar**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to approve, and authorize the City Manager to execute, Contract C20-28, by and between the City of San Clemente and Introductions Unlimited, Inc., for ongoing weekly Farmers Market Services.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A(1). **City Council Regular Meeting Minutes of May 19, 2020**

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, approve the City Council Regular Meeting minutes of May 19, 2020 with the following modifications:

- *Closed Session Item D, relating to the size of the parcel of land on the southwest corner of Avenida La Pata and Vista Hermosa, is to be corrected to read 2.29 acres.*
- *The spelling of Denise Colbert's name under "Toll Road Update" is to be corrected.*

D. Contract Award – Annual Tree Maintenance Services

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

City Clerk Department staff read the following emails, which are on file with the City Clerk:

Victor Gonzalez, West Coast Arborists, email dated June 1, 2020
Richard Rodriguez, Rod's Tree Service, email dated May 29, 2020
Mark Burton, email dated May 29, 2020
David and Tina Creswell, email dated May 31, 2020
Claudia Pedersen, email dated May 31, 2020
Kimberly Paddock, email dated May 31, 2020
Karlana Rannals, email dated May 31, 2020
Maricela Aguirre, email dated June 1, 2020
Amelia Menzel, West Coast Arborists, email dated June 1, 2020
Christine McCarthy, West Coast Arborists, email dated June 1, 2020
Linda Culberson, email dated June 1, 2020
Gillian Martin, Tree Care for Birds and other Wildlife Project, email dated June 1, 2020
David Lockwood, email dated June 1, 2020
Susan Morris, email dated June 1, 2020
Robbie Love, email dated June 1, 2020
Kristina Hawfield, email dated June 1, 2020
Tony Rubolino, email dated June 1, 2020
Jodi Walshe, email dated June 2, 2020
Mitchel Bohi, email dated June 2, 2020
Caitlin Lawler Kast, email dated June 2, 2020
Wayne Eggleston, email dated June 2, 2020
Austin Clinkenbeard, email dated June 2, 2020
Daniella Gilman, email dated June 2, 2020
Daniella McCormick, email dated June 2, 2020
Scott Goebel, email dated June 2, 2020
Kurt Saunders, email dated June 2, 2020
Annie and Joe Jorgensen, email dated June 2, 2020
Kevin Benton, email dated June 2, 2020
Whitney Smith, email dated June 2, 2020
Steve Zdrakas, email dated June 2, 2020
Larry Culbertson, email dated June 2, 2020
Kellyna Fox, email dated June 2, 2020
Rick Delanty, email dated June 2, 2020
Susan Nelson, email dated June 2, 2020
Michelle June Lee, email dated June 2, 2020
Robert Ryley, email dated June 2, 2020

Connor Tobia, email dated June 2, 2020
Shiloh Gaskin, email dated June 2, 2020
Kimberly Benton, email dated June 2, 2020
Jeremee Berube, email dated June 2, 2020
Tosha Sanchez, email dated June 2, 2020
Adrian Esparza, Local Union 652, email dated June 2, 2020
Nick Goebel, email dated June 2, 2020
Anonymous, email dated June 2, 2020
Holly Monson, email dated June 2, 2020
Candace Haggard, email dated June 2, 2020
Christine Ferrara, email dated June 2, 2020
Summer Hagen, email dated June 2, 2020
Nick Hagen, email dated June 2, 2020
Joseph Rodriguez, email dated June 2, 2020
Walter Aron Kast, email dated June 2, 2020
Brandi Cumin Baksic, email dated June 2, 2020
David Brown, email dated June 2, 2020
Sue Tobia, email dated June 2, 2020
Jim Gularte, email dated June 2, 2020
Keith Spann, email dated June 2, 2020
Kris Burbidge, email dated June 2, 2020
Jim Dahl, email dated June 2, 2020
Ryan Bourque, email dated June 2, 2020
Jolynn Mahoney, email dated June 2, 2020
Debbie Foster, email dated June 2, 2020

MOTION BY COUNCILMEMBER JAMES, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to 1) reject all bids; 2) direct Staff to negotiate a temporary short-term contract with Rod's Tree Service (the current tree maintenance services contractor); and 3) direct Staff to return to Council at its meeting of August 18, 2020 or September 1, 2020 with a professional services contract for tree maintenance services for Council's consideration.

7. **PUBLIC HEARINGS**

A. **Code Amendment – Regulation of Leaf Blowers**

Public Hearing to consider a City-initiated amendment to Title 8, Health and Safety, of the San Clemente Municipal Code to establish a leaf blower ordinance for residential areas west of Interstate 5, as a one-year sunset provision.

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to table this item to a future date to enable the public to provide input in person at a City Council meeting.

B. **Substantial Amendment to the FY 2019-2020 Annual Action Plan to Add Community Development Block Grant – Corona Virus (CDBG-CV) Funds**

Public Hearing to consider an amendment to the FY 2019-2020 Annual Action Plan to add Community Development Block Grant – Corona Virus Funds.

Mayor Pro Tem Ferguson opened the Public Hearing.

City Clerk Department staff read the following email, which is on file with the City Clerk:

Eric Ward, email dated June 2, 2020

There being no other comments, the Public Hearing was closed.

Community Development Director Gallardo-Daly and Mike Linares, CDBG Consultant, provided an overview of the Administrative Report and responded to Council inquiries.

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

1. Approve and adopt the Substantial Amendment to the FY 2019-2020 Annual Action Plan for use of Community Development Block Grant-CV funds.
2. Authorize the City Manager to submit the Substantial Amendment to the FY 2019-2020 Annual Action Plan to HUD.

8. **UNFINISHED BUSINESS**

A. **Adoption of Fiscal Year 2020-21 Budget**

Report from the Assistant City Manager concerning the adoption of the Fiscal Year 2020-21 Budget.

City Clerk Department staff read the following emails, which are on file with the City Clerk:

Boog Rose, email dated May 29, 2019
Kaleigh Anderson, email dated May 29, 2020
Megan Roby, email dated May 29, 2020
Carson Bayless, email dated May 29, 2020
Laura Schuberg, email dated June 1, 2020
Nick Maule, email dated June 1, 2020
Lori Lanphere, email dated June 1, 2020
Cindy Lawson, email dated June 1, 2020
Erin Rowe, email dated June 1, 2020
Delia Robbins, email dated June 2, 2020
Scott and Tish Loosley, email dated June 2, 2020
Lisa Scheel, email dated June 2, 2020
Greg Hulsizer, email dated June 2, 2020
San Clemente Surf Lifesaving Association Executive Board, email dated June 2, 2020
Norman Scheel, email dated June 2, 2020
Sawyer Labbe, email dated June 2, 2020
San Clemente State Lifeguard Association, email dated June 2, 2020
Alleanna Clark, email dated June 2, 2020
Brett Wishart, email dated June 2, 2020
John Clark, email dated June 2, 2020
Juliette Clark, email dated June 2, 2020
Scott Goldman, email dated June 2, 2020
Ellen Duffy, email dated June 2, 2020
Tyler Bauer, email dated June 2, 2020
Sam Liimatainen, email dated June 2, 2020
Manya Clark, email dated June 2, 2020

During the course of discussion, Staff responded to Council inquiries.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD to adopt Resolution No. 20-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2020-21 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.

SUBSTITUTE MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES to adopt and approve a budget that does not impact Public Safety and direct Staff to return to Council with contingency budget reductions of 10%, 15% and 20% for future implementation if needed.

SECOND SUBSTITUTE MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, **FAILED 2-2** (COUNCILMEMBER JAMES AND MAYOR PRO TEM FERGUSON VOTING NOE), to adopt Resolution No. 20-38 with the inclusion of the Marine Safety Chief position. For ease of reference, the title of Resolution No. 20-38 was "*A Resolution of the City Council of the City of San Clemente, California, adopting and approving the budget at the fund level for the City of San Clemente for the 2020-21 fiscal year and the commitment of fund balance.*"

THE ORIGINAL SUBSTITUTE MOTION (WHICH WAS MADE BY MAYOR PRO TEM FERGUSON AND SECONDED BY COUNCILMEMBER JAMES), was voted on and **FAILED 2-2** (COUNCILMEMBER HAMM AND COUNCILMEMBER WARD VOTING NOE).

By virtue of the failure of any of the above motions to pass, a City budget was not adopted for FY 20/21.

9. **NEW BUSINESS**

A. **Warrant Register**

Following clarification relative to the status of the Elite Enforcement Security contract, MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to:

Approve Wire Transfers Nos. 2241 through 2244, and Warrant Nos. 566776 through 566956, paid on 5/22/20, in the amount of.....\$ 2,502,014.29

Approve Wire Transfers Nos. 2245 through 2246, and Warrant Nos. 566957 through 567110, paid on 5/29/20, in the amount of.....\$ 1,730,865.91

TOTAL WARRANT REGISTER....\$ 4,232,880.20

Payroll Register

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to:

Approve Warrant No. 784, Automatic Deposit Advises 63959 through 64244, for the period of 5/4/20 through 5/17/20, paid on 5/22/20, in the amount of.....\$ 475,274.54

TOTAL PAYROLL REGISTER.....\$ 475,274.54

B. **Proposed Radiological Emergency Planning and Response Memorandum of Understanding (MOU) Related to the San Onofre Nuclear Generating Station (SONGS)**

Report from the Public Works Director concerning the proposed Radiological Emergency Planning and Response Memorandum of Understanding (MOU) Related to 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.

City Clerk Department staff read the following emails, which are on file with the City Clerk:

Chelsi Sparti, Samuel Lawrence Foundation, email dated June 1, 2020
Gary Headrick, email dated June 1, 2020
Donna Gilmore, email dated June 1, 2020
Dave Rice, email dated June 2, 2020
Roger Johnson, email dated June 1, 2020

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-0, to approve, and authorize the Public Works Director/City Engineer to execute, the amended San Onofre Nuclear Generating Station (SONGS) Memorandum of Understanding (MOU).

C. **Consideration of a Resolution Proclaiming an End to the Local Emergency Regarding Novel Coronavirus (COVID-19)**

Report from the City Manager and City Attorney concerning consideration of a Resolution proclaiming an end to the Local Emergency Regarding Novel Coronavirus (COVID-19).

Assistant City Manager Sund and City Attorney Smith reviewed the contents of the Administrative Report, dated June 2, 2020 and on file with the City Clerk, and responded to Council inquiries.

City Clerk Department staff read the following emails, which are on file with the City Clerk:

Josh Hansen, email dated June 2, 2020
Kris Hostetter, email dated June 2, 2020

Following discussion, MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to take no action on this item. *By virtue of Council's action to take no action on this item, the Local Emergency regarding novel Coronavirus (COVID-19) remains in effect.*

D. **Consideration of a Resolution Amending the City Council's Proclamation of a Local Emergency Regarding Novel Coronavirus (COVID-19)**

Report from the City Manager and City Attorney concerning consideration of a Resolution amending the City Council's Proclamation of a Local Emergency regarding Novel Coronavirus (COVID-19).

Assistant City Manager Sund and City Attorney Smith reviewed the contents of the Administrative Report, dated June 2, 2020 and on file with the City Clerk, and responded to Council inquiries.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-0, to adopt Resolution No. 20-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ITS PROCLAMATION OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19).

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

1. Loosen restrictions in an expeditious fashion as the Governor authorizes the State to transition into Stage 3 and 4 of the COVID-19 order.
2. Authorize Staff to submit a request to Governor Newsom to allow passive use of the beaches in coordination with County and State beaches. *It was noted that this direction may become moot if the Governor promptly authorizes Stage 3 to commence.*

E. Zoning Related Small Business Assistance Strategies to Overcome Impacts Related to Novel Coronavirus (COVID-19)

Report from the Community Development Director concerning Zoning Related Small Business Assistance Strategies to Overcome Impacts Related to Novel Coronavirus (COVID-19).

City Planner Perez and Community Development Director Gallardo-Daly reviewed the contents of the Administrative Report, dated June 2, 2020 and on file with the City Clerk, and responded to Council inquiries.

City Clerk Department staff read the following emails, which are on file with the City Clerk:

Hoiyin Ip, email dated May 29, 2020

Tim Thralls, Lost Winds Brewing Company, email dated May 29, 2020

Ryan Bourque, email dated June 2, 2020

Chris Aitken, email dated June 1, 2020

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to adopt Resolution No. 20-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE DIRECTOR OF EMERGENCY SERVICES TO IMPLEMENT CERTAIN ZONING-RELATED SMALL BUSINESS ASSISTANCE STRATEGIES, with the stipulation that Section 1 (Temporary Outdoor Dining and Retail) be expanded to read in its entirety as follows:

“The City Council hereby authorizes and directs the Director of Emergency Services to implement a program allowing more temporary outdoor dining and retail on public and private property as appropriate. ***Bars and breweries are also eligible for the program for temporary outdoor dining and require enhanced review when the use is located adjacent to residential uses.*** Further, the City Council hereby authorizes and directs the Director of Emergency Services to implement a program closing Avenida Del Mar for traffic on Sundays to allow use of the street for outdoor dining, retail, and other activities.”

*Note: Bold and italicized verbiage represents added language.

F. **Establishing Appropriations Limit for Fiscal Year 2020-21**

Report from the Assistant City Manager concerning establishing an appropriations limit for the Fiscal Year 2020-21.

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

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to adopt Resolution No. 20-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

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

City Clerk staff read the following email, which is on file with the City Clerk:

Duane Paul Murphy, email dated June 2, 2020, relating to the protest that took place in San Clemente on May 31, 2020.

11. **REPORTS**

A. **Commissions and Committees**

Orange County Fire Authority (OCFA)

Councilmember Ward, Council's representative to the OCFA Board, reported that the OCFA board approved the FY 2020-21 OCFA budget at its meeting of June 1, 2020. The budget adoption includes an option for the cash contract cities to delay payment of some costs if they are facing budgetary constraints.

Downtown Business Association (DBA)

Councilmember Hamm, Council's representative to the DBA, reported that he has communicated with the DBA and several local businesses concerning the City's efforts to assist businesses during the COVID-19 emergency; noted the businesses are appreciative of the City's efforts.

Protests in San Clemente

Councilmember Hamm thanked Public Safety staff for protecting local businesses during the recent protests.

B. City Manager**(1) Covid-19 Update**

Assistant City Manager Sund reported as follows: 1) the City's skate park has reopened; 2) the on-line reservation system for the Municipal Golf Course is being refined; 3) the annual 4th of July fireworks display will not take place at the pier, but alternative venues for the fireworks display are being assessed; and 4) Jonathan Lightfoot is now dedicated to economic development.

City Clerk staff received the following emails; however, they were not read at this meeting due to the lateness of the hour. Per Council direction, however, the emails were sent to Council following the meeting:

Marie Wilson, email dated June 2, 2020
Nicole Stoner, email dated June 2, 2020
Joy Toal, email dated June 2, 2020

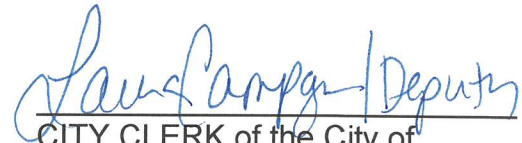
CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES, **FAILED 2-2** (COUNCILMEMBER HAMM AND COUNCILMEMBER WARD VOTING NOE), to continue the meeting past 11:00 p.m. for the purposes of hearing public comments on Item 11B(1) and returning to Closed Session.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, **FAILED 2-2** (COUNCILMEMBER JAMES AND MAYOR PRO TEM FERGUSON VOTING NOE), to adjourn at 11:03 p.m. The next Regular Council Meeting is scheduled to take place on June 16, 2020. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m., via teleconference.


MAYOR PRO TEM of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California