



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: August 18, 2020

Agenda Item 9D
Approvals:
City Manager CS
Dept. Head CS
Attorney _____
Finance JW

Department: Community Development Department
Prepared By: Jonathan Lightfoot, Economic Development Officer

Subject: *EXPANSION OF SMALL BUSINESS ASSISTANCE STRATEGIES TO OVERCOME IMPACTS RELATED TO NOVEL CORONAVIRUS (COVID-19)*

Fiscal Impact: Yes. The continuation and expansion of small business assistance strategies will have a positive fiscal effect by providing more opportunities for small businesses to recover from the impacts of COVID-19 with increased revenue and added jobs.

Summary: Staff recommends that Council consider extending and expanding the Outdoor Operations program to assist local small businesses in the recovery from the economic impacts of COVID-19 and the related regulations and health orders that have impacted the business community.

Background: On March 4, 2020, Governor Newsom declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19. On March 17, the City Council adopted a resolution proclaiming a local emergency and making certain orders, which the Council supplemented on March 30 and April 21. On March 19, Governor Newsom issued the statewide stay-at-home order. While restaurants were able to reopen with reduced occupancy on May 8, they were again required to close indoor operations on July 1. Soon after, on July 13, additional sectors – including salons, fitness facilities, and churches – were also required to cease their indoor operations.

The City Council voted to support local businesses at the June 2 meeting, allowing temporary signage and temporary outdoor operations for restaurants and retail businesses. The resolution stated, "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." The Council discussed September 30th as the ending timeline for the program; the resolution more broadly indicated an allowance through the duration of the local emergency.

Discussion: With Council's approval, staff created a no-cost application for outdoor dining and retail, which staff reviews and permits administratively. Staff received about sixty (60) applications for the outdoor operations program, the majority of which have been restaurants. Business owners have indicated that the program has not only allowed them to remain open, but to break even. A few letters from the business community are provided as Attachment 2. The program participants have widely requested an extension beyond September 30th.

Because of the health orders affecting Counties on the state's watch list (including Orange County), additional business sectors have also been relegated to outdoor operations only, including salons, churches, fitness facilities, and others. Multiple businesses in these sectors have requested to participate in the outdoor operations program. Staff is supportive of this request, and recommends that the former supplement to the Emergency Order be repealed and replaced with language that allows staff to adjust the program to be reflexive to the changing state and county health standards. While the current program allows businesses to operate within the right of way and within private parking areas, the program currently limits use to 50% of private parking. Staff has found this standard to be unnecessarily restrictive for many of the small businesses. For instance, a business with 5 parking stalls can only utilize two parking spaces for their outdoor set up. Staff recommends removing this standard from the program for any businesses with less than 10 on-site parking spaces.

In addition to permitting temporary outdoor dining and retail, the Council discussed opportunities for temporarily closing Avenida Del Mar on Sundays to vehicle traffic. The street closure would provide greater opportunities for outdoor dining and retail in the Downtown and create more public space for outdoor activities, while maintaining social distancing. This effort (referred to as the "Promenade on Del Mar") was put on hold while the County's health data indicated a surge in cases during July; however, staff is resuming discussions with the Downtown Business Association (DBA) about plans to implement the Promenade.

Implementation

Under the City's declaration of a local emergency, the City Council or the City Manager as Director of Emergency Services for the City through Executive Order, may authorize variances or exceptions to local laws. This includes the ability to waive normal processes for interim zoning regulations such as temporary business activities.

While Council can approve temporary relief from zoning ordinance regulations, these support efforts would end at the closure of the City's local emergency. Staff recommends allowing the continuation of outdoor operations through the end of the year. If Council anticipates ending the local emergency order before December 31, 2020, they could initiate an amendment to the zoning ordinance to achieve the same results on an ongoing basis. However, that process involves environmental review, a Planning Commission public hearing, and City Council public hearing and approval. This process could take up to four months. Staff has been in communication with the DBA and the Chamber of Commerce, and those organizations have expressed an interest in pursuing long term strategies to allow for continued outdoor operations.

Recommended

Actions:

STAFF RECOMMENDS THAT the City Council take the following actions:

1. Provide input and direction on removing the 50% usage limitation for private parking areas.

2. Provide input and direction on expanding the outdoor operations program to incorporate any local businesses impacted by County and State health orders.
3. Consider initiating a Zoning Amendment to allow for outdoor operations in some capacity beyond the closure of the local emergency.
4. Adopt a resolution directing the City Manager, as Director of Emergency Services, to expand the temporary outdoor operations program to support local businesses affected by State or County health regulations that have limited their ability to maintain normal indoor operations.

Attachments:

1. Resolution
2. Letters from the Business Community
3. Excerpt of Minutes from 6/2/20 City Council Meeting

ATTACHMENT 1

RESOLUTION NO. _____

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

WHEREAS, on March 17, 2020, as empowered by California Government Code section 8630 and San Clemente Municipal Code chapter 8.12, the City Council adopted Resolution No. 20-13 proclaiming a local emergency regarding novel coronavirus (COVID-19); and

WHEREAS, with Resolution No. 20-13 section 3, the City Council authorized the City Manager, as Director of Emergency Services, to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code section 8634, to enter into agreements and to take all actions necessary to obtain State emergency assistance to implement preventive measures to protect and preserve the residents of the City within the scope of the local emergency; and

WHEREAS, on March 30, the City Council adopted Resolution No. 20-24 and, on April 21, the City Council adopted Resolution No. 20-30, which both supplement its proclamation to further address the local emergency; and

WHEREAS, the imminent and proximate threat of introduction of COVID-19 in the City of San Clemente continues to threaten the safety and health of City residents;

WHEREAS, on June 2, the City Council adopted Resolution 20-41, directing the Director of Emergency Services to implement certain zoning-related small business assistance strategies; and

WHEREAS, this Resolution repeals and replaces Resolution 20-41 and authorizes and directs the Director of Emergency Services to expand outdoor business and organization operations, close Avenida Del Mar for traffic in a collaborative effort with the Downtown Business Association, and allow continued use commercial banner signs without a permit in order to help businesses and organizations to operate safely and successfully following social distancing and other guidelines;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Clemente, California resolves as follows:

Section 1. Temporary Outdoor Operations

The City Council hereby authorizes and directs the Director of Emergency Services to implement a program allowing temporary outdoor business and organization operations on public and private property as appropriate and in response to business and organization sectors affected by state and/or county health orders. Bars, breweries, and other uses may be administratively conditioned to operate within certain hours or other constraints if the Development Management Team (DMT) determines that there are likely impacts on neighboring 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.

Section 2. Commercial Banner Signs

The City Council hereby authorizes and directs the Director of Emergency services to implement a program allowing commercial banner signs without a permit.

Section 3. Duration

The City Council's authorization and direction to the Director of Emergency Services shall last for the duration of the local emergency, or until terminated by the City Council. Any action taken by the Director pursuant to this authorization and direction shall last for the duration of the local emergency, or until terminated by the Director or City Council.

Section 4. Powers of Government

During the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City of San Clemente.

Section 5. Certification

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the 18th day of August, 2020, by the following vote:

AYES:

NOES:

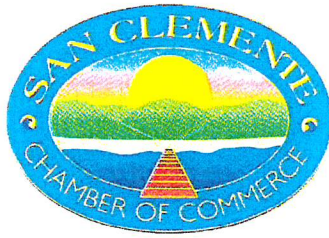
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney



ATTACHMENT 2

August 10, 2020

Dear San Clemente City Councilmembers,

The San Clemente Chamber of Commerce wishes to thank you for your urgency and flexibility in assisting our businesses during this transitional period.

Based upon the positive feedback from an overwhelming majority of member businesses and community members, our Board of Directors is in full support of extending the open-air dining accommodations (Outdoor Operations Program) from 9/30/20 through 12/31/20.

Assuming this extension through year's end, the Chamber recommends a status review by City Council prior to 12/31/20, to discuss another possible extension through Q1 2021 or until the State's emergency order is lifted.

We do have a comment regarding a concern for safety, with dining tables often positioned close to high-traffic areas, and barriers lacking some durability. Perhaps the Council may look at other cities' accommodations (such as Laguna Beach) for ideas to assist in the safest and most cost-effective practices possible at this time.

We look forward to your response on this important matter and thank you again for your continued leadership and support of the economic recovery efforts in San Clemente.

In health and community,

Burton Brown
Chairman of the Board
San Clemente Chamber of Commerce

From: [Chris Aitken](#)
To: [James, Gene](#); [Ferguson, Laura](#); [Hamm, Chris](#); [Ward, Kathy](#); [Lightfoot, Jonathan](#)
Cc: [Campagnolo, Laura](#)
Subject: Extending of Open Air Dining in San Clemente (SCDBA & H.H. Cottons) & The Promenade (For August City Council Meeting)
Date: Monday, August 10, 2020 1:29:00 PM

Councilmembers:

As the present chair of the San Clemente Downtown Business Association (“SCDBA”), and as a part owner of H.H. Cottons, a restaurant in the heart of our downtown, I am writing this email in support of an extension of the open air dining experience in our downtown to the end of this calendar year, but ideally until next summer. I believe the San Clemente community has overwhelmingly, and positively, embraced the open air dining experience which not only provides a safe dining experience during COVID but also makes the downtown a “destination” to support not only the restaurants, but the retail and service sectors as well. We have received terrific response through the SCDBA and appreciation from all these sectors due to the foot traffic brought to Del Mar. In many cases, such as shown in the restaurant sector, it has led to the very survival of these businesses during this very challenging environment.

First, as it pertains to the experience itself, I can personally attest that our patrons have been overwhelming positive about the ability to eat outdoors. In many cases, due to the safety provided by outdoor dining (and compliance with the state safety guidelines) it makes the difference of patrons eating out at all. The extension of our outdoor footprint has led to sales that, while may not be the same as last year without COVID, is approximately up 75% from when we were forced to only provide “take out” services during the recent shutdowns. Economically, the outdoor dining footprint has generated an increase in sales to our restaurant that cannot be understated and has been very successful, for which we are grateful. Further, as it pertains to the SCDBA, we have received various comments in support of open air dining from both our retail and service sectors. In sum, the increase in foot traffic and making the downtown a “destination” has brought an increase of sales throughout the downtown community created, in large part, by the attraction of open air dining. We would request the longest extension that can be given due to these facts.

Additionally, the businesses understand the typical complaint given for a program like this is parking. We have *not* found parking to be an issue or personally heard many, if at all, complaints through the SCDBA. I believe that our residents have the basic understanding that the open air dining is critical for our downtown businesses and support it, accordingly. There has been some education put forth through our organization, and the City, that the library parking availability more than *doubles* what is being taken away due to the open air dining expansion. We believe the continuing education, and signage if needed, of the San Clemente community would be welcome to proactively address any issues therein. We will continue to do so through our website and communication channels of the SCDBA.

Further, we also believe that a longer extension is feasible in the winter months if the restaurants are given the commitment to do so. The weather, in our winter months, is not typically an issue to begin with but the restaurant sector can work with the City to safely bring heating devices for the comfort of their patrons. We believe a longer extension will bring greater investment from the

restaurant sector as they obviously need to make their own personal economic decisions as part of this process. The restaurant sector will make it work and we believe will partner with the City to do so.

Finally, we also understand that the emergency order will have bearing on the open air dining footprint longevity. As such, while we are asking for the longest extension possible, we believe that this is the time to look at other options for our downtown such as *The Promenade on Del Mar* which was developed through the efforts of the SCDBA, and Jonathan Lightfoot from the City (who has been terrific in his new role, in our opinion) prior to the most recent rollbacks. We do understand that the Promenade needs to be opened safely, and we do support that, but with the numbers trending down we would like the opportunity to revisit this for opening in August. The original target date for the opening was Mid July but it was understood that this was not feasible due to the rising numbers at that time. The *Promenade on Del Mar* brings the opportunity for all sectors to come out on the street, at least one day a week initially (Sunday), to promote downtown business and, again, make our downtown an "experience" which we believe is needed especially during this difficult time.

Thank you again for your support of the open air dining experience, and the Promenade, and we appreciate all the efforts that Jonathan in particular has done in this process.

Christopher Aitken, Chair



San Clemente Downtown Business Association

215 Avenida Del Mar, Suite H | San Clemente, CA 92672

Office 949.218.5378 | Fax 949.481.0656

Email info@scdba.org | Web www.scdba.org

shop, dine, service, stay & play local

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To: Jonathan Lightfoot

10 Aug 2020

From: Jeff Provance

Mulligans Sports Bar

RE: Outdoor Patio Variance

Hi, I received your preliminary report regarding my outside seating request. I fully understand the issue with the sidewalk bar I proposed and will not pursue that area. As far as the idea of the grassy area in front of the bar, I think that would be too hard to manage regarding alcohol and the tear down every evening. I understand I can not use the ADA spot in front of the bar but would like a variance so I can use the other 3 spaces in front of the bar. If I just used the 2, it would not be feasible to open this space up. With the 3rd spot, I could open, which would allow me to hire back some of my employees so they can start earning a wage.

Please consider my request for the variance on the one additional space. Parking in the street and across at the park would be sufficient for the few people I could fit on the extended patio.

Thanks for your time,

Jeff Provance

Mulligans Sports Bar

949-697-9570



August 12, 2020

Jonathon,

I wanted to reach out and let you know of our success with San Clemente's outdoor dining project.

We have been largely sold out each evening for several hours with guests stating how much they love the experience. They mention that they found us (and others) specifically because they were exploring the new concept and hope it continues.

I also have heard from our retail neighbor The Cove, that they are enjoying their best sales period ever. That the increased foot traffic has brought in new customers they might never have had. I heard similar stories from other retail stores on Del Mar as my wife and I wandered the area last weekend.

Thanks for making this all possible, and if there is any way of prolonging or even making this a permanent feature of Del Mar we are in favor. If so, we would gladly upgrade our spot on the street to be more inline with those found on the streets of Florence, Italy or Nice France.

Sincerely yours,

Kyle Franson

From: [John McKinley](#)
To: [CityCouncil Mail](#)
Cc: [Campagnolo, Laura](#); [Lightfoot, Jonathan](#); [Mark McGuire](#); [info@scdba.org](#); [alba_seahorseresort.com](#); [John McKinley](#); [Erin McKinley](#)
Subject: Council Meeting August 18,2020 Outdoor Dining / In-Lieu Parking
Date: Tuesday, August 11, 2020 3:46:29 PM

August 11, 2020

Honorable Mayor Ferguson
and Members of the City Council:

Subject RE: Please Keep In-lieu Parking on Radar / Outdoor Dining

La Galette Creperie
612 Avenida Victoria
San Clemente, CA 92672
(located at the base of San Clemente pier)

San Clemente is known for its fabulous outdoor weather “World’s Best Climate”, and today the City of San Clemente has a unique opportunity to become known as a destination for its outdoor dining experiences.

I of course, support the City’s current position on outdoor dining until September 30th as well as the current request for consideration of extending that to December 31, 2020.

At this time the Downtown Business Association is asking you to consider extending outdoor dining through the summer of 2021. This, I feel, is vital to the continued well being of the restaurants in San Clemente due to the COVID-19 pandemic.

However, I am going to take a slightly different position today. I am proposing that the City Council approve an extension until the end of the year and direct staff to work on a plan that would permanently allow the restaurants to continue outdoor dining. This would be a great stride forward in the City’s stated goal of promoting the growth of existing local business. I believe this has been and will continue to be an incredible step forward in supporting the local businesses that helps create the City we all know and love.

Now is the time to be creative and form those partnerships between business and the City that will keep San Clemente a vibrant unique town for both residents and visitors.

The City should take the lead to promote the idea of permanent outdoor dining with creative solutions that overcome all barriers to allow these types of uses to exist.

The following would be some things to consider:

1. Lower the speed limit to 15 mph on Del Mar and the 600 block of Avenida Victoria at the pier.
2. Expand the widths of the sidewalks with bulb-outs for restaurant seating as well as street landscaping for 600 Block of Victoria and Del Mar.

From: [Joey Abi-Loutfi](#)
To: [Lightfoot, Jonathan](#)
Cc: [Campagnolo, Laura](#)
Subject: Please extend open air dining in San Clemente
Date: Sunday, August 9, 2020 11:51:34 AM

Hi,

Joey Abi-Loutfi here, owner of SC Cafe in San Clemente, CA. I am writing in regards to the proposal for extending the open air dining in town through December.

The open air dining has not only been successful for our business, it has been vital. Without it, we would not be able to sustain our normal business model, let alone thrive during this crisis. With such uncertainty lingering about COVID-19, and the ramifications it is having on businesses, I would hope our city would keep this open air dining option available through next summer.

We are fortunate to live in a climate where we can have our business operate outdoors most of the year, and we should band together to embrace that as a community. Even through our winter, having the option to have a covered patio with heaters would keep our business going strong. Parking has not been a problem for us, and overall, our customers love our new patio seating. Our neighboring businesses have embraced our new look as well.

Thank you for your consideration, and together we can get through this crisis if we use the assets we are blessed to have, and the common sense we choose to embrace for a better tomorrow.

Sincerely,
Joey Abi-Loutfi
949.842.6425

From: [Tim Thralls](#)
To: [Lightfoot, Jonathan](#)
Cc: [Campagnolo, Laura](#); [Perez, Gabriel](#)
Subject: RE: Outdoor Operations Update
Date: Monday, August 10, 2020 11:15:06 AM
Attachments: [image001.png](#)

Hi Jonathan,

I wanted to follow up with you regarding a possible extension of our outdoor operations program. The ability to have an outdoor program has been a great success and has been crucial to allowing Lost Winds Brewing Company to stay in business. While we are still open 7 days each week, we only have the outdoor service Thursday through Sunday. The revenue on "To Go" only days of Monday - Wednesday has fallen off significantly, and Thursday-Sunday now accounts for 91% of our revenue. Without the outdoor seating & service available, and if the ban on indoor service continues, I fear that Lost Winds will lose the ability to stay solvent.

I received an email informing that you will be proposing an extension of the outdoor dining program at the next City Council meeting. I support this proposal strongly, and would benefit greatly if the extension went through next summer. With winter weather and the continuance of no indoor seating, the level of business in the upcoming season is completely unknown.

Thank you again for granting Lost Winds Brewing Company the outdoor permit. Our customers have expressed their enjoyment of the outdoor area and hopes that it will continue. Your consideration of proposing the extension go through next summer is greatly appreciated.

Cheers,

Tim Thralls
Lost Winds Brewing Company
924 Calle Negocio, Ste C
San Clemente, CA 92673
(949) 244-4288

From: Lightfoot, Jonathan <LightfootJ@san-clemente.org>
Sent: Thursday, July 30, 2020 1:42 PM
Cc: Perez, Gabriel <PerezG@san-clemente.org>; Atamian, Adam <AtamianA@san-clemente.org>
Subject: Outdoor Operations Update

Hello San Clemente "Outdoor" Businesses,

Thank you for participating in our Outdoor Operations program! I wanted to take a second to send a couple of reminders and requests to all of our participants. Please note that the program is currently scheduled to end September 30th. There have been multiple requests to extend the program, which I will relay to City Council. For those businesses on Ave. Del Mar, please note that there is a planned

resurfacing project in January 2021. Even if Council extends the program, all improvements in the right of way will have to be removed prior to January 2. I will, of course, share with you any news on an extension allowance beyond 9/30.

- **The City will conduct periodic inspections to ensure that the spirit of the program is being maintained. That means:**
 - Tables should be spaced;
 - Outdoor areas are not crowded with people sitting or standing;
 - Sidewalks should be easily passable;
 - Dining areas are being cleaned and maintained;
 - Do not block adjacent parking stalls / keep barricades inside the lines of public parking stalls.

- **If you have not yet signed and returned the standard acknowledgment form (attached), please send that to me.**

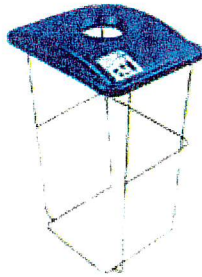
- **Speaking of the acknowledgment form, here are a few standards as a reminder:**
 - BE A GOOD NEIGHBOR. Ensure your business operations for the Temporary Emergency Outdoor Operating Permit do not result in a negative impact to adjacent residents, businesses, pedestrians, and patrons.
 - Support each other! If your set up is in front of another store, consider cross-promoting your neighbor (banner, fliers, etc).
 - Outdoor dining areas located on the sidewalk and/or in the Public Right-of-Way shall not obstruct pedestrian traffic or ADA access (minimum 4 feet clear from obstructions) and shall be kept free of debris.
 - The outdoor dining area shall provide social distancing for patrons with a minimum 6' separation between tables.
 - Temporary railings shall be adequately braced and anchored to withstand the elements of weather and/or collapse.
 - Clearance around fire protection equipment shall be maintained. (Fire hydrants, Fire department connections, and Outside Stem & Yolk's)
 - Trash, debris, food residue and other wastes must be removed at the conclusion of each day.

- **Request: Consolidate dining areas while not in use:**
 - If you are not operating on a given day (e.g. Monday), please consolidate your barriers and furniture indoors or into a single parking stall.
 - If you are only operating in the mornings, please consolidate into a single parking stall when you close. This will open more public parking for the remainder of the day.
 - *Note: if you have not provided your insurance certificate and endorsement, you should not have any set up on the sidewalk or public parking areas.*

The City is looking into the following additional support elements; I will provide more info as it becomes available:

- Providing more barricades. There is an order in place, and these additional barricades will be

- available on a first come, first serve use in about 10 days. Email me your requests for use.
- Providing trash containers. I can loan these wire containers (see below), courtesy of our utilities division. Email me your requests for use.
 - Providing barricade sleeves or other elements to improve the aesthetic quality of the dining set ups.
 - Providing hand sanitizer stations in high traffic areas.
 - Potentially contracting for additional cleaning services for the sidewalks and other areas.



Jonathan Lightfoot | City of San Clemente

Economic Development Officer

Lightfootj@san-clemente.org | 949-361-8254

910 Calle Negocio, Ste. 100 CA 92673

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

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

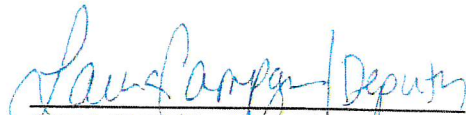
CONTINUATION OF MEETING PAST 11:00 P.M.

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