

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – August 18, 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 August 18, 2020 at 5:07 p.m. by Mayor Pro Tem Ferguson. The meeting was conducted via teleconference.

PRESENT HAMM, JAMES, WARD, MAYOR PRO TEM FERGUSON

ABSENT NONE

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

CLOSED SESSION

City Clerk staff read the following emails concerning the real property located at 715 Avenida Columbo (which will be considered during Closed Session as part of Item D). The subject emails are on file with the City Clerk:

Corrine Perkins, email dated August 18, 2020

Holly Veale, email dated August 17, 2020

Bob and Chris Lenz, email dated August 17, 2020

Richard Veale, email dated August 17, 2020

Veneta and Gil Moreno, email dated August 18, 2020

Jane Zeek, email dated August 18, 2020

MOTION BY COUNCILMEMBER JAMES, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-0, to recess to Closed Session at 5:21 p.m. to discuss the following:

A. 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

Closed Session items continued on next page

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

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

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 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

D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

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

E. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

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

BUSINESS MEETING CONVENED

The Regular Business Meeting convened at 6:13 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**

Interim City Manager Sund reported that Senate Bill 1373 (Bates) was continued to the Legislative Calendar for 2021.

Council noted that San Clemente is the only City not represented on a Transportation Corridor Agency (TCA) committee and pointed out that the TCA, in a recent Closed Session, approved a \$650,000 appropriation to be used in legal fees against the City of San Clemente.

MOTION BY COUNCILMEMBER JAMES, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-1 (MAYOR PRO TEM FERGUSON VOTING NOE) to agendaize for the September 1, 2020 Council meeting, consideration of impounding all future development impact fees slated to be paid to the Transportation Corridor Agency.

B. Update on City Net/Homeless Issue

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

Rebecca Newman, President, League of Women Voters Orange Coast, letter dated August 5, 2020

Donna Vidrine, email dated August 18, 2020

Jacky Trani, email dated August 18, 2020

Interim City Manager Sund reported that a representative from City Net will provide a homeless update at the September 1, 2020 Council meeting; noted that the performance metrics prepared by City Net have been posted to the City's website per Council request, and that City Net's contract will be posted to the City's website after it has been executed.

C. Monthly Financial Report – June 2020

Financial Services Officer Rahn summarized the June 2020 Monthly Financial Update, noting that Staff has no major concerns with early end-of-year projections; responded to Council inquiries. A hard copy of the June 2020 Monthly Financial Report is on file with the City Clerk.

Council requested that Staff provide a year-over-year comparison (June 2019 - June 2020) of revenues in all major categories.

D. **Economic Development Update**

Council determined to consider this item concurrently with Agenda Item 9-D. Please refer to Page 19 of these minutes for a summary of that discussion.

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

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

Scott Anderson, email dated August 17, 2020, concerning blocking off parking spaces on Avenida Del Mar in front of the post office.

Todd Sinclair, email dated August 17, 2020, concerning blocking off parking spaces on Avenida Del Mar in front of the post office.

Vonne Barnes, Rancho San Clemente Community Association Board President, email dated August 18, 2020, concerning fire hazards in the Rancho San Clemente community.

Paula Kohl, Chair of the Coastal Advisory Committee, email dated August 18, 2020, concerning social services grants.

Anonymous, email dated August 18, 2020, concerning issues with City management.

James Hogan, email dated August 18, 2020, expressing support for Mayor Pro Tem Ferguson.

Camille Wyatt, email dated August 18, 2020, expressing support for Mayor Pro Tem Ferguson.

Gina Borchers, email dated August 18, 2020, expressing support for Mayor Pro Tem Ferguson.

Susan Smith, email dated August 18, 2020, objecting to proposed Verizon Macro Cell Tower(s) at 380 W. Pico.

Steven Marshall, email dated July 8, 2020, expressing support for Councilmember James and urging the resignation of Mayor Pro Tem Ferguson.

Anonymous, email dated August 18, 2020, urging Councilmember James to be transparent in City matters.

3. MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER WARD, 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 announced that no reportable actions were taken during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to approve the Consent Calendar, with the removal of Items 6B(5), H, K and O.

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

- (1) Approve the City Council Special and Regular Meeting Minutes of July 7, 2020.

B. **Commission/Committee Minutes**

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

- (1) Design Review Subcommittee Regular Meeting Minutes of May 13, 2020.
- (2) Design Review Subcommittee Regular Meeting Minutes of June 10, 2020.
- (3) Planning Commission Adjourned Regular Meeting Minutes of July 8, 2020.
- (4) Planning Commission Study Session Adjourned Regular Meeting Minutes of July 22, 2020.
- (6) Zoning Administrator Regular Meeting Minutes of July 23, 2020.
- (7) Planning Commission Study Session Adjourned Regular Meeting Minutes of August 5, 2020.

C. **Notice of Completion – Avenida Presidio Street Rehabilitation (S. El Camino Real to N. Avenida La Esperanza)**

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

1. Accept the Avenida Presidio Street Rehabilitation (S. El Camino Real to N. Avenida La Esperanza) project from the contractor, Hardy & Harper, Inc., Project No. 14331.
2. Authorize the Public Works Director to execute, and the City Clerk to record, the Notice of Completion for the Avenida Presidio Street Rehabilitation (S. El Camino Real to N. Avenida La Esperanza) Project.
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 Hardy & Harper, 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.

D. **Notice of Completion – Via Cascadita Street Rehabilitation Project**

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

1. Accept the Via Cascadita Street Rehabilitation Project from the contractor, Hardy & Harper, Inc., Project No. 17345.
2. Authorize the Public Works Director to execute, and the City Clerk to record, the Notice of Completion for the Via Cascadita Street Rehabilitation Project.
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 Hardy & Harper, 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.

E. **Contract Award – Street Rehabilitation for Via Pico Plaza; Calle de Industrias and Avenida Navarro; Calle de los Molinos; and Avenida Pico**

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

1. Approve the plans and specifications for the Street Rehabilitation for Via Pico Plaza, Project No. 13315; Calle De Industrias and Avenida Navarro Project No. 16352; Calle De Los Molinos, Project No. 16353; and Avenida Pico, Project 17329.
2. Approve a supplemental appropriation of \$247,153 to the Via Pico Plaza, Project Account 042-848-45300-000-13315; \$98,208 to the Calle De Industrias and Avenida Navarro Project Account 042-848-45300-000-16352; \$325,493 to the Calle De Los Molinos Project Account 042-848-45300-16353 from the undesignated fund balance.
3. Approve a supplemental appropriation and transfer of \$16,951 to the Avenida Pico Project Account 012-861-45300-17329 from the Street Improvement Fund undesignated fund.
4. Approve, and authorize the Public Works Director to execute, Contract C20-40, by and between the City of San Clemente and All American Asphalt, in the amount of \$1,990,098.13, for the Street Rehabilitation of Via Pico Plaza, Calle De Industrias and Avenida Navarro, Calle De Los Molinos, and Avenida Pico.

F. **Release of Performance and Labor & Material Bonds Related to the Marblehead Coastal Development Monumentation Improvements for Tract 8817**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to adopt Resolution No. 20-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE MARBLEHEAD COASTAL DEVELOPMENT MONUMENTATION IMPROVEMENTS IN TRACT 8817.

G. Final Parcel Map 2017-184, Casa Victoria Triplex at 136 Avenida Pico

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

1. Accept on behalf of the City of San Clemente the water rights as dedicated.
2. Accept on behalf of the City of San Clemente the easement for sidewalk and public access purposes as dedicated.
3. Approve the Final Parcel Map 2017-184 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
4. Authorize the Public Works Director / City Engineer to execute the Final Parcel Map.
5. Authorize the City Clerk to execute and submit the Final Parcel Map for recordation with the County of Orange Recorder's Office.

H. Contract Amendments – As-Needed Building Code Inspection Services

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

1. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract AC-826, by and between the City of San Clemente and West Coast Code Consultants, providing as-needed building code inspection services. This amendment extends the term of the agreement until June 30, 2021. The existing contract amount is \$130,000 and no change to that amount was requested at this time.
2. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract AC-827, by and between the City of San Clemente and Interwest Consulting Group providing as-needed building code inspection services. This amendment extends the term of the agreement until June 30, 2021. The existing contract amount is \$30,000 and no change to that amount was requested at this time.

I. **Contract Amendments – As-Needed Building Plan Check Services**

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

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract AC-828, by and between the City of San Clemente and Scott Fazekas & Associates, Inc. This amendment extends the term of the agreement to June 30, 2021.
2. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract AC-824, by and between the City of San Clemente and EsGil, LLC. This amendment extends the term of the agreement to June 30, 2021.

J. **Contract Award – North El Camino Real Storm Damage Repair**

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

1. Approve the Plans and Specifications for the North El Camino Real Storm Damage Repair project.
2. Approve a supplemental appropriation of \$386,000 from the Developer Improvement Fund undesignated fund balance to Account 037-867-43890-000-00000 for the North El Camino Real Storm Damage Repair project.
3. Approve, and authorize the Public Works Director to execute, Contract C20-41, by and between the City of San Clemente and GCI Construction, Inc., providing for construction of the North El Camino Real Storm Damage Repair Project, in the amount of \$393,803.

L. **Contract Amendment - Extension to the Short-Term Wastewater Services Agreement with Santa Margarita Water District (SMWD)**

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

Approve, and authorize the City Manager to execute, Amendment No. 9 to Contract C17-55, by and between the City of San Clemente and SMWD. This contract amendment extends the contract to treat wastewater flows from Talega through December 31, 2020.

M. **Notice of Completion - Water Reclamation Plant Solids Handling Storage Tank, Progressive Cavity Pump Replacements and Digester No. 1 Structural and Mechanical Improvements**

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

1. Accept the Water Reclamation Plant Solids Handling Storage Tank, Progressive Cavity Pump Replacements, and Digester No. 1 Structural and Mechanical Improvements, Project Nos. 14205, 23202 and 15204.
2. Authorize the Utilities Director to execute, and the City Clerk to record, the Notice of Completion for the Water Reclamation Plant Solids Handling Storage Tank, Progressive Cavity Pump Replacements, and Digester No. 1 Structural and Mechanical 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 Utilities Department that no liens have been levied against Newest Construction Company, 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.

N. **Notice of Completion – Pier Understory Bird Deterrent Netting**

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

1. Accept the Pier Understory Bird Deterrent Netting, Project No. 18810, from the contractor, Bird Solutions International.
2. Authorize the Public Works Director to execute, and the City Clerk to record, the Notice of Completion for the Pier Understory Bird Deterrent Netting.
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 Bird Solutions International.
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.

P. **National Pollutant Discharge Elimination System (NPDES) Stormwater Program Shared Costs Budget for Fiscal Year 2020-21**

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

1. Approve the proposed NPDES Stormwater Program Shared Costs Budget for Fiscal Year 2020-21.
2. Authorize the Utilities Director to execute the City's Budget Approval Confirmation letter to the County of Orange.

Q. **Contract Award – FY 2021 Arterial Street Pavement Maintenance for Camino Vera Cruz, Avenida Pico and Avenida Vista Hermosa and Pavement Repairs for the Water Division**

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

1. Approve the plans and specifications for the FY 2021 Arterial Street Pavement Maintenance (Project No. 11307) and Pavement Repairs for the Water Division (Project No. 24400).
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-43, by and between the City of San Clemente and Hardy & Harper, Inc., providing for the FY 2021 Arterial Street Pavement Maintenance and Pavement Repairs for the Water Division, in the amount of \$660,000.

R. **Contract Award – FY 2020 Reservoir 9 Storm Damage Repair Project**

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

1. Approve the plans and specifications for FY 2020 Reservoir 9 Storm Damage Repair, Project No. 28401.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-44, by and between the City of San Clemente and Engineering and Environmental Construction, providing for the FY 2020 Reservoir 9 Storm Damage Repair, in the amount of \$561,343.

S. Contract Amendment – Graffiti Removal Services

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to approve, and authorize the Public Works Director/City Engineer to execute, Amendment No. 1 to Contract C17-58, by and between the City of San Clemente and Ed Steward and Associates, providing for graffiti removal services, at a maximum cost of \$95,200 for the period of July 1, 2020 through June 30, 2021.

T. Contract Award – Well Filter Plant Rehabilitation, Chemical Storage Building

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

1. Approve the Plans and Specifications for the Well Filter Plant Rehabilitation Chemical Storage Building, Project No. 16408.
2. Approve a supplemental appropriation in the amount of \$355,270 from the Water Fund Depreciation Reserve to Account 052-466-45300-000-16408.
3. Approve, and authorize the Mayor to execute, Contract C20-45, by and between the City of San Clemente and SCW Contracting Corp., providing for construction of the Well Filter Plant Rehabilitation Chemical Storage Building, in the amount of \$1,359,000.
4. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C18-67, by and between the City of San Clemente and AKM, to increase the contract amount from \$126,853 to \$179,985, an increase of \$53,132.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**B(5). Planning Commission Regular Meeting Minutes of July 22, 2020.**

Councilmember Ward announced that she had ex parte communications with members of the Rancho San Clemente Business Park with regard to Item 8-A on the Planning Commission Regular Meeting Minutes of July 22, 2020 relating to CUP 20-124/Special Activities Permit 20-164 (San Clemente Christian School – 1020 Calle Recodo).

City Clerk staff read the following emails concerning the San Clemente Christian School project, which are on file with the City Clerk.

Linda Sweginnis, email dated August 18, 2020

Brock Stryker, email dated August 18, 2020

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to not call up CUP 20-124/SAP 20-164 (San Clemente Christian School – 1020 Calle Recodo), but to direct that Staff return to Council with a side agreement to provide that the CUP will expire in the event San Clemente Christian School leaves its location at 1020 Calle Recodo, and to require any other school that proposes to locate at the 1020 Calle Recodo site to obtain a new CUP.

H. Contract Amendments – As-Needed Building Code Inspection Services

MOTION BY MAYOR PRO TEM FERGUSON to direct that the signature authority on the proposed contract amendments be changed to the Mayor Pro Tem, rather than the City Manager, to be consistent with previous contracts. **The motion died for lack of a second.**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-1 (MAYOR PRO TEM FERGUSON VOTING NOE), to:

1. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract AC-826, by and between the City of San Clemente and West Coast Code Consultants, providing as-needed building code inspection services. This amendment extends the term of the agreement until June 30, 2021. The existing contract amount is \$130,000 and no change to that amount was requested at this time.
2. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract AC-827, by and between the City of San Clemente and Interwest Consulting Group, providing as-needed building code inspection services. This amendment extends the term of the agreement until June 30, 2021. The existing contract amount is \$30,000 and no change to that amount was requested at this time.

K. **Authorization of Funding for COVID-19 Response**

Financial Services Officer Rahn provided an update concerning COVID-19 grant revenues received to date.

Council directed that mid-year budget adjustments be agendized for Council consideration in early 2021.

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

1. Accept grant revenues in the amount of \$570,770 to Other County Grants (Account 016-000-33790) and grant revenues of \$797,390 to Other State Grant (Account 016-000-33490).
2. Approve a supplemental appropriation of \$1,368,160 in the Fund 016 – Disaster Relief Fund expenditures to fund costs related to the COVID-19 Emergency.

O. **Contract Award – Temporary Environmental Planning Services for the Lodge at the San Clemente Rooftop Venue Project**

Following clarification that the contract under consideration relates to environmental planning services for the Lodge at the San Clemente Rooftop venue project, and does not imply City concurrence with the proposed height of the development, MOTION BY COUNCILMEMBER JAMES, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to:

1. Approve, and authorize the City Manager to execute, Contract C20-42, by and between the City of San Clemente and Terra Nova Planning and Research, Inc., providing for environmental planning services for the Lodge at San Clemente Rooftop Venue project. The contract fees will be paid by the developer through a deposit account held by the City.
2. Include Marblehead and Sea Summit neighborhoods in noticing of scoping meetings and comment opportunities for this project.

7. PUBLIC HEARINGS

A. Zoning Amendment 20-069 – Amending Provisions for Massage Establishments

Public Hearing to consider a City-initiated proposal to amend the City's Massage Ordinance. This project would amend San Clemente Municipal Code Title 5 and Title 17, San Clemente Zoning Ordinance, to deter human trafficking activity, clarify existing provisions, and correct erroneous text.

Mayor Pro Tem Ferguson opened the Public Hearing.

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

Ashly Fox, email dated August 18, 2020

Julie A., email dated August 18, 2020

Brenda Wells, i-5 Freedom Network, email dated August 18, 2020

Bill Hart, email dated August 18, 2020

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

Senior Planner Savage reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Direct Staff to notify all licensed establishments of the changes when the Ordinance is adopted.
2. Direct Staff to return to Council at its meeting of September 1, 2020 with an additional Ordinance for Council consideration that would accomplish the following:
 - A. Require operators of massage establishments to conspicuously post and display notices containing information related to slavery and human trafficking in the establishment's main lobby and private massage rooms.
 - B. Require operators to obtain and require patrons to provide a copy of their driver's license or other state-issued picture identification.

Action continued on next page

3. Find and determine that the proposed amendments are not a project as defined by the State CEQA Guidelines sections 15378(b)(2) and 15378(b)(5).
4. Introduce Ordinance No. 1702 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 5 AND 17 OF THE SAN CLEMENTE MUNICIPAL CODE (ZONING AMENDMENT 20-069) TO DETER HUMAN TRAFFICKING ACTIVITY, CLARIFY EXISTING PROVISIONS, AND CORRECT ERRONEOUS TEXT, with the following modification:

Section I, **Inspection by Government Officials**, shall read in its entirety as follows: *“The City Manager, or designee, shall have the right to enter massage establishments or businesses anytime, unannounced, for the purposes of making reasonable inspections to observe and enforce compliance with this section and all laws of the City and State of California.”*

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Warrant Register**

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

Approve Wire Transfers Nos. 2259 through 2261, and Warrant Nos. 567491 through 567645, paid on 6/26/20, in the amount of.....\$ 2,016,802.84

Approve Wire Transfers Nos. 2262 through 2265, and Warrant Nos. 567646 through 567811, paid on 7/3/20, in the amount of.....\$ 2,819,903.98

Approve Wire Transfers Nos. 2266 through 2270, and Warrant Nos. 567812 through 567904, paid on 7/10/20, in the amount of.....\$ 1,985,559.63

Approve Wire Transfers Nos. 2271 through 2274 and Warrant Nos. 567905 through 568079, paid on 7/17/20, in the amount of.....\$ 1,132,932.25

Warrant Register items continued on next page

Approve Wire Transfers No. 2275 and Warrant Nos. 568080 through 568246, paid on 7/2/20, in the amount of.....\$ 2,353,696.17

Approve Wire Transfers Nos. 2276 through 2281, and Warrant Nos. 568247 through 568369, paid on 7/31/20, in the amount of.....\$ 1,989,910.85

Approve Wire Transfers Nos. 2282 through 2285, and Warrant Nos. 568370 through 568556, paid on 8/7/20, in the amount of.....\$ 3,437,814.97

TOTAL WARRANT REGISTER...\$ 15,736,620.69

Payroll Register

Approve Warrant No. 789, Automatic Deposit Advises 64847 through 65160, for the period of 6/15/20 through 6/28/20, paid on 7/3/20, in the amount of.....\$ 494,292.02

Approve Warrant Nos. 790 through 791, Automatic Deposit Advises 65161 through 65474, for the period of 6/29/20 through 7/12/20, paid on 7/17/20, in the amount of.....\$ 527,253.02

Approve Warrant No. 792, Automatic Deposit Advises 65475 through 65791, for the period of 7/13/20 through 7/26/20, paid on 7/31/20, in the amount of.....\$ 502,816.15

TOTAL PAYROLL REGISTER.....\$ 1,524,361.19

B. Consideration of a Joint Study Session of the City Council and Planning Commission Relating to the Inclusionary Housing In-Lieu Fee

Report from the Community Development Director concerning consideration of a Joint City Council and Planning Commission Study Session relating to the Inclusionary Housing In-Lieu Fee.

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

Denise Obrero, email dated August 18, 2020

City Planner Perez reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to meet in Joint Session with the Planning Commission concerning the Inclusionary Housing In-Lieu Fee on September 2, 2020 at 6:00 p.m. (i.e., the time of the Regular Planning Commission Study Session).

C. **Purchase and Lease Proposals for the Parcel at the Southwest Corner of Avenida Vista Hermosa and Avenida La Pata**

Report from the Interim City Manager concerning purchase and lease proposals for the parcel at the southwest corner of Avenida Vista Hermosa and Avenida La Pata.

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

Eric Ward, email dated August 17, 2020
Susan Hennebry, email dated August 18, 2020
Terry Dauplaise, email dated August 17, 2020
Noam Duzman, email dated August 17, 2020
Barry Abelson, email dated August 18, 2020
Joshua and Denise Snyder, email dated August 18, 2020
Keith Kamano, email dated August 18, 2020
Lori Foster, email dated August 18, 2020
Marilyn Hanney, email dated August 18, 2020
Shauna Hunt, email dated August 18, 2020
Brett Allen, email dated August 18, 2020
Beth Jansen, email dated August 18, 2020
Susannah Mason, email dated August 18, 2020

Economic Development Officer Lightfoot reviewed the contents of the Administrative Report and responded to Council inquiries.

The following developers narrated PowerPoint presentations describing their proposals to develop the property at the southwest corner of Avenida La Pata/Avenida Vista Hermosa. Copies of the subject PowerPoints are on file with the City Clerk.

Michael DiGangi and Brian Johnson
Property Nine Development

Casey McKeon
Heslin Holdings

Greg Fick
Cadence Acquisitions LLC

Ryan Blanchard, Sara Sibia, and Brett Blanchard
Cypress Express Partners, LLC

Craig Smith and David Delrahim
Fountainhead Development

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0, to table this issue to the Regular Council Meeting of January 19, 2021.

D. **Expansion of Small Business Assistance Strategies to Overcome Impacts Related to Novel Coronavirus (COVID-19)**

and

Economic Development Update (Continued from the Special Presentations portion of this meeting)

Report from the Interim City Manager concerning expansion of small business assistance strategies to overcome impacts related to Novel Coronavirus (COVID-19).

Council considered Agenda Item 9-D and Special Presentations Item 1-D concurrently because of their relationship.

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

Kathy Owens, email dated August 18, 2020

Bill Hart, email dated August 18, 2020

Vicky Wilson, email dated August 18, 2020

Economic Development Officer Lightfoot reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Remove the 50% usage limitation for private parking areas.
2. Expand the outdoor operations program to incorporate any local businesses impacted by County and State health orders.

Action continued on next page

3. Initiate a Zoning Amendment to allow for outdoor operations in some capacity to June 30, 2021.
4. Adopt Resolution No. 20-52 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.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to direct Staff to return to Council with the following:

1. Clear construction standards for outdoor dining and retail on Avenida Del Mar and the T Zone.
2. Plan to convert outdoor dining on Avenida Victoria to a full-time venue with permanent bulb-outs and landscaping.
3. Plan to implement one-way traffic on Avenida Del Mar on the 100 and 200 blocks, with the understanding that Staff may adjust the boundaries if deemed appropriate.
4. Plan to allow businesses to utilize the bulb-outs with mosaics for outdoor dining and retail sales.
5. Plan to allow businesses to use appropriate neighboring patios, pass-throughs and alleys for dining and retail purposes.
6. Plan to increase bicycle parking areas along Avenida Del Mar.

E. **Amended Contract with the California Public Employees' Retirement System (CalPERS)**

Report from the Interim City Manager concerning consideration of an amended contract with the California Public Employees Retirement System (CalPERS).

Human Resources Manager Lowe reviewed the contents of the Administrative Report.

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

1. Adopt Resolution No. 20-51 entitled A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE.
2. Introduce Ordinance No. 1703 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

(1) **Resignation of John McGuigan from the Coastal Advisory Committee**

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

1. Accept the resignation of John McGuigan from the Coastal Advisory Committee, with regret.
2. Direct the City Clerk to defer recruitment efforts to fill the vacancy until May 2021 to coincide with the recruitment efforts for all City Commissions and Committees.

B. City Manager**(1) COVID-19 Update****Municipal Golf Course**

Interim City Manager Sund reported that the San Clemente Municipal Golf Course will begin taking online reservations for the back 9 holes and that all golfers will receive an email notifying them of the full opening of the course.

In-Person City Council Meetings in the Community Center Auditorium

Interim City Manager Sund reported that Staff is working to enable the September 1, 2020 Council meeting to be held in the Community Center auditorium.

C. City Attorney**International Association of Lawyers Presentation Concerning COVID-19 Strategies**

City Attorney Smith reported that Assistant City Attorney Richardson and he have been asked to present a paper to the International Association of Lawyers in September concerning COVID-19 strategies; noted that many of the strategies were created by the San Clemente City Council.

D. Council Members**(1) League of California Cities Annual Conference (Virtual) – Designation of Voting Delegate and Alternate(s)**

MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to appoint Mayor Pro Tem Ferguson as the City's voting delegate and Councilmember Ward as the Alternate at the League of California Cities Annual Conference General Assembly to be held on October 9, 2020.

(2) Request for Proposal/Hospital Facility Partnership Update

Councilmember Hamm, with the support of Councilmember James, requested that Staff bring back a staff report that addresses the possibility of allocating funding to poll residents to determine support for revenue sources to facilitate a hospital in San Clemente.

Public Safety Committee – Addition of Orange County Fire Authority Representative

Councilmember Ward, with the support of Councilmember James, requested that Staff agendaize the addition of a representative from the Orange County Fire Authority (OCFA) to participate as an ex-officio, non-voting member of the Public Safety Committee.

Southern California Edison Reef Project

Council requested that Staff contact Southern California Edison to inquire about the lack of kelp on the new reef and measures being undertaken to remedy the situation.

Reinstatement of Toll Road Sub-Committee

Councilmember James, with the support of Councilmember Ward, requested that the possibility of reinstating Council's Toll Road Sub-Committee be agendaized for the Council meeting of September 1, 2020.

Recognition of Retiring Staff Members

Mayor Pro Tem Ferguson recognized the following long-term Staff members who have announced their retirements:

Stephanie Jones and Laurie McGarry - San Clemente Police Department and Orange County Sheriff Department

Gus Nelson, San Clemente Municipal Golf Course Manager.

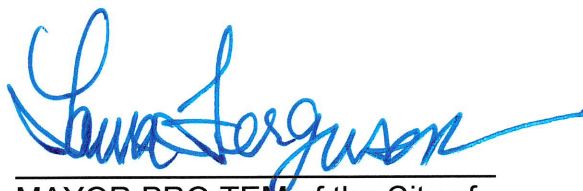
12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1701 (Second Reading) - Repeal of Chapter 15.64 of the San Clemente Municipal Code Concerning the Avenida La Pata Supplementary Road Fee Program**

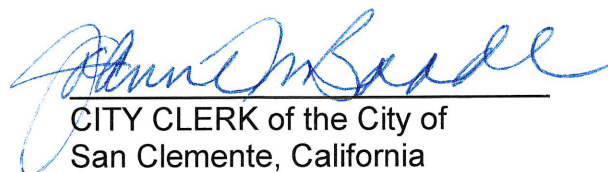
MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER JAMES, CARRIED 4-0, to adopt Ordinance No. 1701 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO END THE AVENIDA LA PATA SUPPLEMENTARY ROAD FEE PROGRAM AND REPEAL CHAPTER 15.64 OF THE SAN CLEMENTE MUNICIPAL CODE.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER JAMES, SECOND BY COUNCILMEMBER HAMM, CARRIED 4-0, to adjourn at 10:16 p.m. in memory of Bob Carrick, Sr. The next Regular Council Meeting is scheduled to take place on September 1, 2020. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m.



MAYOR PRO TEM of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California