

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – October 20, 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 October 20, 2020 at 5:03 p.m. by Mayor Pro Tem Ferguson. The meeting was conducted via teleconference.

PRESENT JAMES, WARD, MAYOR PRO TEM FERGUSON

ABSENT HAMM

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

CLOSED SESSION

City Attorney Smith advised that all necessary disclosures concerning this evening's Closed Session were published with the agenda.

MOTION BY COUNCILMEMBER JAMES, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 5:04 p.m. to discuss the following:

A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 4

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

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

Case Name: City of San Clemente v. Emergency Shelter Coalition, et al.
Case Number: 2020-01153535-CU-EI-CXC

Case Name: Arriola v. City of San Clemente, et al.
Case Number: 30-2011-00450299

Closed Session items continued on following page

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code section 54956.8
Property: 654 Camino de los Mares (San Clemente hospital)
Agency Negotiator: Interim City Manager, City Attorney, Councilmember Hamm, Councilmember James
Negotiating Parties: City of San Clemente and Candor Health Care and/or their authorized agent(s); MemorialCare Health System, its counsel, and/or their authorized agent(s); Palomar Hospital District and/or their authorized agent(s)
Under Negotiation: Consideration of potential proposal for interim or long term acquisition or lease
- 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: 1

BUSINESS MEETING CONVENED

The Regular Business Meeting convened at 6:04 p.m., with all members participating via teleconference, except Councilmember Hamm who was absent.

PLEDGE OF ALLEGIANCE

Councilmember James led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Toll Road Update**

Councilmember James reported that the City will host a Toll Road Virtual Town Hall on November 5, 2020 at 5:30 p.m.

Councilmember Ward, with the support of Mayor Pro Tem Ferguson, requested that Staff prepare an updated Resolution in opposition to a toll road through San Clemente for the Council meeting of November 17, 2020. The resolution is to include the following:

- 1) Reference to the two previous resolutions that Council adopted in 2010 and 2016 to oppose a toll road through San Clemente.
- 2) Reassertion that the data does not warrant any toll road expansion through the City of San Clemente.
- 3) Notation that traffic relief can come via the Orange County Transportation Authority's (OCTA) M2 improvements.
- 4) Notation that the quality of life for San Clemente residents needs to be protected.
- 5) Notation that San Clemente does not support any toll road expansion through the City of San Clemente.

B. **CityNet Update/Homeless Issue**

Matt Bates, CityNet, provided an update on San Clemente's homeless issue, focusing on CityNet's activities, engagement and outreach efforts; responded to Council inquiries.

Council requested that a description of the services provided by CityNet be posted to the City's website.

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

Donna Vidrine, email dated October 20, 2020.

C. **Monthly Financial Report – September 2020**

Interim City Manager Sund and Financial Services Officer Rahn summarized the General Fund final year-end report for FY 2019/20, noting that the City ended the year with \$1 million more in the Unassigned Fund Balance than was projected in the budget; responded to Council inquiries.

It was agreed that Councilmember James and Mayor Pro Tem Ferguson will meet with Finance staff to receive expanded financial data.

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

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

Sandra Sturla, email dated October 16, 2020, concerning cleanliness of beach restrooms.

Emily Livermore, email dated October 20, 2020, expressing Brown Act concerns with the online public comment portal.

Sharon Williams, email dated October 20, 2020, concerning a downtown holiday art faire and market.

Tony Rubolino, email dated October 20, 2020, concerning City Council candidate Tyler Boden.

Collen Reilly, email dated October 20, 2020, concerning the need for sidewalk cleaning on Avenida Del Mar.

Aaron Washington, email dated October 20, 2020, concerning use of the City-owned property on the southwest corner of Avenida La Pata and Avenida Vista Hermosa.

Mikii Rathmann, email dated October 20, 2020, expressing support for a Holiday Market and Village Art Faire with social distancing.

No name provided, email dated October 19, 2020, expressing concern with people not wearing face masks and practicing social distancing.

Donna Vidrine, email dated October 20, 2020, advocating for a hospital in San Clemente.

3. MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to waive reading in full of all Resolutions and Ordinances.

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

Protection of Commercial Tenants from Eviction

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to add to this meeting's agenda, under New Business, consideration of the Governor's Order N-80-20 which extends protections of commercial tenants from eviction through March 30, 2021, based on the fact that the need for action came to the City's attention after the agenda was posted and the matter can't wait until the next Council meeting because some businesses may not be able to stay in business until the next meeting.

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

City Attorney Smith advised that no reportable action was taken during this evening's Closed Session; noted that Council will recess back to Closed Session at the end of the business meeting to finish discussion on the remainder of the agenda'd Closed Session items.

Mayor Pro Tem Ferguson reported that she made a motion during Closed Session, which died for lack of a second, to pursue abatement by demolition of the property located at 715 Avenida Columbo.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to approve the Consent Calendar, with the removal of Items A, C, D, E, G, H, I and J.

B. **Commission/Committee Minutes**

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

1. Coastal Advisory Committee Regular Meeting Minutes of August 13, 2020.
2. Planning Commission Regular Meeting Minutes of October 7, 2020.
3. Zoning Administrator Regular Meeting Minutes of October 8, 2020.

F. **2019-20 Consolidated Annual Performance Evaluation Report (CAPER) for Expenditure of Community Development Block Grant (CDBG) Funds**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to approve and adopt the 2019-20 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A(1). City Council Regular Meeting Minutes of October 6, 2020

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to approve the City Council Regular Meeting Minutes of October 6, 2020 with the modification that the 6th bullet point on Page 12 be modified to read in its entirety as follows:

- Directed that all stakeholders (e.g., residents, businesses, Downtown Business Association, Chamber of Commerce and a group of Pier Bowl businesses) be provided the opportunity to engage with regard to the proposed changes.

C. Contract Award – North Beach Electrical and Parking Lot Lights

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

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

1. Approve the specifications for the North Beach Electrical and Parking Lot Lights (Project No. 11811).
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-56, by and between the City of San Clemente and Huntington Beach Electric, providing for the North Beach Electrical and Parking Lot Lights, in the amount of \$151,240.

D. Coastal Advisory Committee Fiscal Year 2020-21 Annual Work Plan

Coastal Advisory Committee Chair Ambrose responded to Council inquiries.

During the course of review, individual Councilmembers provided input with regard to the Coastal Advisory Committee's work plan. The following comments were provided by at least one Councilmember and do not necessarily reflect Council consensus: 1) The Coastal Advisory Committee should remain sensitive to the aesthetics/locations of the bottle refill stations; 2) The Coastal Advisory Committee should avoid the creation of clutter and/or signage proliferation if donor plaques are utilized for the bottle refill stations; and 3) The Coastal Advisory Committee should consider funding options to pay for the bottle refill stations.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to approve the Coastal Advisory Committee's Fiscal Year 2020-21 Annual Work Plan.

E. **Beaches, Parks and Recreation Commission Fiscal Year 2020-21 Annual Work Plan**

Beaches, Parks and Recreation Commission Chair Streger responded to Council inquiries.

During the course of discussion, individual Councilmembers provided input with regard to the Beaches, Parks and Recreation Commission's work plan. The following comments were provided by at least one Councilmember and do not necessarily reflect Council consensus: 1) The hygiene aspect of dog access to beaches and public spaces requires thorough evaluation; 2) ebike usage on City trails should be assessed, but allowing the use of Class 3 ebikes (which are already prohibited on City trails) poses a concern; 3) Consideration should be given to educating the public on the prohibition of Class 3 ebikes; 4) Consideration should be given to reducing the speed limit of ebikes on the beach trail from its current limit of 10 MPH; 5) Consideration should be given to installing signage in narrow areas of the beach trail; 6) Consideration should be given to increasing enforcement of violations; and 7) To avoid duplication of efforts, the Beaches, Parks and Recreation Commission should appoint a subcommittee to attend Coastal Advisory Committee meetings when discussions of sand replenishment are on the agenda.

It was agreed that Public Works Director Bonigut will provide status updates concerning sand replenishment projects to both the Beaches, Parks and Recreation Commission and Coastal Advisory Committee.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to approve the Beaches, Parks and Recreation Commission's Fiscal Year 2020-21 Annual Work Plan.

G. **Public Safety Committee Fiscal Year 2020-21 Annual Work Plan**

Public Safety Committee Chair Berkuta responded to Council inquiries.

During deliberations, individual Councilmembers provided input with regard to the Public Safety Committee's work plan. The following comments were provided by at least one Councilmember and do not necessarily reflect Council consensus: 1) It would be beneficial to improve the connection that deputies have with the community through a community-policing

environment; 2) It would be of value to expand the City's Neighborhood Watch program to additional neighborhoods; and 3) the Public Safety Committee should determine whether the City or Orange County Sheriff's Department should pay for the technology review portion of its work plan.

It was agreed that the Public Works Director will give a presentation to the Public Safety Committee concerning the City's disaster preparedness program and evacuation plans.

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

1. Approve the Public Safety Committee's Fiscal Year 2020-21 Annual Work Plan.
2. Approve the Public Safety Committee's proposed Mission Statement document.
3. Approve the Public Safety Committee's request to convert the committee from an ad hoc to a regular committee, and direct Staff to return to Council with an Ordinance for that purpose which specifies that Regular Public Safety Committee meetings will occur monthly.
4. Approve the Public Safety Committee's request to alter the composition of the committee by adding an additional non-voting seat for a representative from the City's Marine Safety Division.
5. Direct that the Public Safety Committee return to Council for direction on issues related to technology updates.

H. **Amendment to Exclusive Listing Agreement with CBRE, Inc. – Term Extensions**

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

1. Approve, and authorize the Mayor Pro Tem, or designee, to execute Amendment No. 2 to Contract C19-49, an exclusive sales/lease listing agreement by and between the City of San Clemente and CBRE, Inc., relating to City-owned property at the southwest corner of Avenida Vista Hermosa and Avenida La Pata and 100 Avenida Presidio, for a one-year term with a further one-year renewal option to be approved by Council.

Action continued on next page

2. Approve, and authorize the Mayor Pro Tem, or designee, to execute Amendment No. 2 to Contract C19-83, by and between the City of San Clemente and CBRE, Inc. relating to the sale/lease of the City-owned property at the southwest corner of Avenida Vista Hermosa and Avenida La Pata and 100 Avenida Presidio, for a one-year term with a further one-year renewal option to be approved by Council.

I. **Planning Commission Fiscal Year 2020-21 Annual Work Plan**

Planning Commission Chair Ruehlin responded to Council inquiries.

During the course of discussion, City Planner Perez noted that Council will consider changes to the Accessory Dwelling Units Ordinance in December 2020, thereby providing an opportunity to consider a permit-ready Accessory Dwelling Unit program.

MOTION BY COUNCILMEMBER JAMES, SECOND BY MAYOR PRO TEM FERGUSON, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to approve the Planning Commission's Fiscal Year 2020/21 Annual Work Plan.

J. **Replacement of Golf Course Fleet Fairway Mowers**

Following discussion, MOTION BY MAYOR PRO TEM FERGUSON, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to:

1. Approve the purchase of two LM2700 fairway mowers from Alliance Turf Products from the Golf Depreciation Fund for replacement of golf maintenance vehicles numbers 10041/134 and 10023/122.
2. Authorize a supplemental appropriation in the amount of \$109,610 to the Golf Course Maintenance Machinery & Equipment Account 056-666-45500 from the Golf Course Depreciation Fund balance.
3. Declare two fairway mowers, Tag #10023/122 and Tag #10041/134 as surplus and authorize for public auction.

7. **PUBLIC HEARINGS**

A. **Verizon Macro Cellular Facility at City-Owned Property at 380 Avenida Pico**

Public Hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit 19-334 and Minor Architectural Permit 20-115, which approved a Verizon Macro Cellular Facility at the City-owned property located at 380 Avenida Pico.

Mayor Pro Tem Ferguson announced that Verizon formally withdrew its project prior to this City Council meeting. Consequently, the appeal and application were considered moot and the Public Hearing was not held.

8. **UNFINISHED BUSINESS**

A. **El Camino Real/Esplanade Intersection Safety Improvements**

Report from the Public Works Director/City Engineer concerning safety improvements at the intersection of El Camino Real and Esplanade.

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

Bob Conrad, email dated October 20, 2020.

Cay Varholick, email dated October 20, 2020.

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

Council directed Staff to include hyperlinks to public comments received in future Administrative Reports.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to approve Alternative 2, as described in the Administrative Report dated October 20, 2020 and on file with the City Clerk, for the installation of centerline delineation on El Camino Real at its intersection with Esplanade, with the direction that Staff report back to Council in one year concerning the project's workability and possible permanent solutions.

9. **NEW BUSINESS**

A. **Warrant Register**

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

Approve Wire Transfers Nos. 2319 through 2322, and Warrant Nos. 569707 through 569790, paid on 10/9/20, in the amount of.....\$ 2,757,878.79

Approve Wire Transfers Nos. 2323 through 2324, and Warrant Nos. 569791 through 569957, paid on 10/16/20, in the amount of.....\$ 1,228,536.87

TOTAL WARRANT REGISTER.....\$ 3,986,415.66

Payroll Register

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

Approve Bank Adjustment Replacement Check 806, Warrant No. 805, and Automatic Deposit Advises 67021 through 67297, for the period of 9/21/20 through 10/4/20, paid on 10/9/20, in the amount of.....\$ 464,726.55

TOTAL PAYROLL REGISTER.....\$ 464,726.55

B. **Casa Romantica Parking Lot Funding Approach**

Report from the Public Works Director/City Engineer concerning the Casa Romantica parking lot funding approach.

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

MOTION BY COUNCILMEMBER JAMES, SECOND BY MAYOR PRO TEM FERGUSON, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to direct staff to prepare a third amendment to the lease with the Casa Romantica Cultural Center to update the funding costs and approach for the parking lot improvement project, and present the third amendment to the City Council on November 17, 2020 for consideration.

C. Use and Regulation of Electric Bikes on City Trails

Report from the Interim City Manager concerning the use and regulation of electric bikes on City trails.

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

Professor John Martinez, email dated October 20, 2020.

Shari Grace, email dated October 20, 2020.

Jim Grace, email dated October 20, 2020.

Mel P-h, email dated October 20, 2020.

Recreation Manager Wylie reviewed the contents of the Administrative Report and responded to Council inquiries.

During the course of deliberations, Council referred the issue of use and regulation of ebikes on City trails to the Beaches, Parks and Recreation Commission with the directive that it collaborate with the Public Safety Committee to develop a recommendation for Council consideration. The following comments were provided by at least one Councilmember and do not necessarily reflect Council consensus: 1) Consideration should be given to the possibility that stores in San Clemente are selling Class 3 ebikes even though they are not permitted on City trails; 2) Consideration should be given to the possibility of lowering the speed limit of ebikes on the beach trail (which is currently set at 10 MPH); 3) Consideration should be given to best practices utilized by other cities with regard to ebike usage; 4) Consideration should be given to methods to disseminate the rules for ebike operations to the public; 5) Consideration should be given to the possibility of Park Rangers providing a presence on the beach trail; and 6) Consideration should be given to the feasibility of using volunteers to monitor trails and educate the public with regard to ebike usage.

Council requested an update at its November 17, 2020 meeting concerning the Beaches, Parks and Recreation Commission's and Public Safety Committee's progress on this issue.

D. **FY 2020/21 Memorandum of Understanding (MOU) Between the City of San Clemente and the San Clemente City Employees Association (SCCEA)**

Report from the Interim City Manager concerning approval of the FY 2020/21 Memorandum of Understanding between the City of San Clemente and the San Clemente City Employees Association.

Human Resources Manager Lowe reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Approve the MOU by and between the City of San Clemente and SCCEA.
2. Approve all provision changes described in the Administrative Report, dated October 20, 2020 and on file with the City Clerk, for the Executive, Mid-Management and Confidential employee groups as well as the City Manager.
3. Adopt Resolution No. 20-60 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND AMENDING RESOLUTION NO. 19-22 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

E. **Classification and Compensation Adjustments for Marine Safety and Golf Positions**

Report from the Interim City Manager concerning classification and compensation adjustments for Marine Safety and Golf positions.

In response to Council inquiry, Interim City Manager Sund explained that the Marine Safety Lieutenant position is not subject to meet-and-confer requirements because the position is currently vacant.

Human Resources Manager Lowe reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 2-1* (See note below) (MAYOR PRO TEM FERGUSON VOTING NAY AND COUNCILMEMBER HAMM ABSENT), to adopt Resolution No. 20-61 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND UPDATED JOB DESCRIPTIONS AND AMENDING RESOLUTION NO. 17-15 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

***Note:** The above Resolution was announced as carried at the meeting; however, Staff recalled after the meeting that GC 36936 requires that Resolutions receive a majority vote of the total membership of the City Council to pass. Consequently, this Resolution failed and will be reagendaized for Council consideration at its meeting of November 17, 2020.

F. **Possible Protections for Commercial Tenants from Evictions through March 31, 2021 (Governor Order N-80-20)**

This item was added to the agenda earlier in the meeting. Please refer to Page 4 of these minutes for a summary of that action.

Following discussion, Council directed City Attorney Smith to prepare a white paper on the range of possibilities with regard to the City protecting commercial tenants from evictions as well as potential risks.

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

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

Rick Loeffler, email dated October 20, 2020, concerning a City Council candidate who expressed support for defunding the police.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

(1) **Announcement of Housing Element Virtual Community Workshop**

Interim City Manager Sund reported that the City is hosting a Housing Element Virtual Community Workshop on October 22, 2020 at 5:30 p.m.

C. **City Attorney**

None.

D. **Council Members**

Holiday Celebration/Shopping Event

Council directed Staff to research the feasibility of allowing a winter art event and holiday celebration/shopping opportunity that comply with State COVID-19 guidelines.

Possible Addition of the North Beach Historic District to the National Register of Historic Places

Mayor Pro Tem Ferguson announced that the State Historical Resource Commission, at its meeting of November 6, 2020, will consider adding the North Beach Historic District to the National Register of Historic Places.

San Clemente Open Space

Councilmember Ward, with the support of Mayor Pro Tem Ferguson, requested a report and action plan resolution for Council's consideration that addresses San Clemente's open space. The Resolution is to include the following:

- 1) Inventory of habitats.
- 2) Listing of open space preservation agreements that would be impaired by a freeway extension through San Clemente. This listing is to identify the original purposes of the open space preservation agreements, the habitat and open space protected, and the parties that entered into the agreements.

Listing continued on next page

- 3) Inventory of open space that was vested under Measure V.
- 4) a recommitment to the open space and habitat-protection principles in the 2018 Pico Canyon Conservation Easement entered into with the Marblehead Community Association.

Cleaning of Sidewalks in the Downtown T-Zone

Council requested that Staff submit an email to Council that addresses the frequency of power washing of the downtown T-Zone sidewalks; the responsibility of adjacent businesses with regard to sidewalk cleaning, and availability of COVID-19 funds to offset sidewalk-cleaning costs from a disinfection standpoint.

12. **RESOLUTIONS/ORDINANCES**

- A. **Ordinance No. 1705 (Second Reading) – Authorizing an Amendment to the Contract Between the City of San Clemente and the Board of Administration of the California Public Employees Retirement System**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to adopt Ordinance No. 1705 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND REPEALING ORDINANCE #1703.

RECESS TO CLOSED SESSION

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER JAMES, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 10:37 p.m. to discuss the following:

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 4

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

Closed Session items continued on following page

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

Case Name: City of San Clemente v. Emergency Shelter Coalition, et al.
Case Number: 2020-01153535-CU-EI-CXC

Case Name: Arriola v. City of San Clemente, et al.
Case Number: 30-2011-00450299

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

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

Agency Negotiator: Interim City Manager, City Attorney, Councilmember Hamm, Councilmember James

Negotiating Parties: City of San Clemente and Candor Health Care and/or their authorized agent(s); MemorialCare Health System, its counsel, and/or their authorized agent(s); Palomar Hospital District and/or their authorized agent(s)

Under Negotiation: Consideration of potential proposal for interim or long term acquisition or lease

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: 1

MEETING RECONVENED

Council reconvened at 11:07 p.m. with all members present, except Councilmember Hamm who was absent.

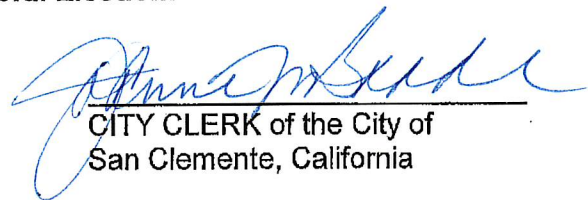
13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER JAMES, SECOND BY COUNCILMEMBER WARD, CARRIED 3-0 (COUNCILMEMBER HAMM ABSENT) to adjourn at 11:07 p.m. The next Regular Council Meeting is scheduled to take place on **November 17, 2020**. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m. The meeting will take place via teleconference.

The Regular City Council meeting of November 3, 2020 was previously cancelled due to the Presidential General Election.



MAYOR PRO TEM of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California