

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – February 2, 2021

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 February 2, 2021 at 5:00 p.m. by Mayor Ward. The meeting was conducted via teleconference.

PRESENT DUNCAN, FERGUSON, JAMES, KNOBLOCK, MAYOR WARD

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 Attorney Smith reported that Closed Session Item B relates to a potential claim by Councilmember Ferguson, adding that relevant correspondence was linked to the agenda.

Councilmember Ferguson reported that she will recuse herself from Closed Session Item B.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess to Closed Session at 5:02 p.m. to discuss the following:

- A. **PUBLIC EMPLOYEE APPOINTMENT**
Pursuant to Government Code section 54957
Title: City Manager
- B. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 1

Closed Session items continued on following page

C. 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

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

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

Agency Negotiators: Interim City Manager, City Attorney, Councilmember Duncan, Mayor Pro Tem James

Negotiating Parties: City of San Clemente, Candor Health Care, Palomar Hospital District, MemorialCare Health System, their counsel, and/or their authorized agents

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

E. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation (respondent's amicus request) pursuant to Government Code section 54956.9(d)(4)

Number of potential cases: 1

BUSINESS MEETING CONVENED

The Regular Business Meeting convened at 6:09 p.m., with all members participating via teleconference.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem James led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. Toll Road Update

Interim City Manager Sund reported that a Public Hearing will be held at the February 16, 2021 City Council meeting to consider a General Plan Amendment relating to the Los Patrones Parkway extension.

Council directed Staff to expedite updating the Toll Road page on the City's website.

B. Homeless Issue

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

Donna Vidrine, communication dated February 2, 2021.

Interim City Manager Sund provided a status report on filling the City's Homeless Liaison position.

C. Report from Dave Rebensdorf, Utilities Director, Concerning the Emergency Repair of the Via Santa Maria Waterline

Utilities Director Rebensdorf narrated a Power Point presentation entitled "Emergency Repair of Via Santa Maria Waterline". A hard copy of Mr. Rebensdorf's presentation is on file with the City Clerk.

2. ORAL COMMUNICATIONS (PART 1)

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

Joseph D. (Jody) Giles, communication dated February 2, 2021, concerning T-Street beach parking enforcement and overnight camping.

Darren and Patty Rude, communication dated February 2, 2021, concerning criminal activity at T-Street.

Lisa Edone, communication dated February 1, 2021, requesting armrests on City benches to prevent their use for sleeping purposes.

Michelle Alexander, communication dated February 1, 2021, concerning homeless individuals camping on Del Mar.

Bill Hart, communication dated February 2, 2021, concerning the possibility of installing partitions on City benches.

Tatiana (last name not provided), communication dated February 2, 2021, concerning enforcement of golf carts driven on City streets.

Michelle Brooks, communication dated February 1, 2021, expressing support for the installation of partitions on City benches.

Steven Marshall, communication dated February 2, 2021, suggesting that the public be allowed to submit comments for Council meetings via email even when Council begins to meet in person.

Ann and John Simonson, communication dated February 1, 2021, recommending an increase in Sheriff patrols at T-Street beach.

Nyla Stickle, communication dated February 2, 2021, recommending that armrests be installed on City benches and that a regular maintenance schedule be developed for their upkeep.

Sara Allen Peterson, communication dated February 2, 2021, urging Council to support local businesses, especially when considering development of the City property at La Pata and Vista Hermosa.

Kylie Beauchemin, communication dated February 2, 2021, urging Council to support local businesses.

Ken Salter, communication dated February 2, 2021, concerning the recent successful inspection of the Pedestrian Audible Warning System by the Federal Railroad Administration.

Donna Vidrine, communication dated February 2, 2021, urging Council to remain vigilant in facilitating a hospital for San Clemente.

Anonymous, email dated February 2, 2021, urging Mayor Ward to respect the public's time by conducting efficient Council meetings.

3. MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, 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 action was taken during this evening's Closed Session; noted that Councilmember Ferguson recused herself from Closed Session Item B.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items A(2), B(1), G, H, L.

- A. **City Council Minutes**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to:

(1) Approve the City Council Special Meeting minutes of January 15, 2021.

(3) Approve the City Council Adjourned Regular Meeting minutes of January 23, 2021.

B. Commission/Committee Minutes

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to receive and file the following:

- (2) Beaches, Parks and Recreation Commission Regular Meeting minutes of October 13, 2020.
- (3) Golf Course Committee Regular Meeting minutes of November 5, 2020.
- (4) Beaches, Parks and Recreation Commission Regular Meeting minutes of December 8, 2020.
- (5) Beaches, Parks and Recreation Commission and Public Safety Committee Special Meeting minutes of December 17, 2020.

C. Notice of Completion – N. El Camino Real Storm Damage Repair

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to:

1. Accept the North El Camino Real Storm Damage Repair, from the contractor, GCI Construction, Inc. (Contract C20-41).
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for the North El Camino Real Storm Damage Repair.
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 GCI Construction, 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. **Final Parcel Map 2019-121 – Serra Duplex Condominium Map, Parcel Map at 108 Avenida Serra**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, 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 pedestrian access and sidewalk purposes as dedicated.
3. Approve Final Parcel Map 2019-121 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.

E. **Grant Funding Application – Beach Sand Replenishment Project (California Division of Boating and Waterways)**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to adopt Resolution No. 21-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE APPLICATION FOR ADDITIONAL GRANT FUNDS UNDER THE CALIFORNIA DIVISION OF BOATING AND WATERWAYS PUBLIC BEACH RESTORATION PROGRAM FOR CONSTRUCTION OF THE U.S. ARMY CORPS OF ENGINEERS BEACH SAND REPLENISHMENT PROJECT.

F. **Ratification of Emergency Contract – Emergency Repairs for Via Santa Maria Waterline**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to:

1. Make a finding that an emergency existed due to the need to repair the Via Santa Maria Waterline to protect property, health and safety.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public needs and interest.
3. Ratify the Emergency Construction Contract (Contract C21-02) approved by the Interim City Manager, by and between the City of San Clemente and Ferreira Construction Company, Inc., providing for emergency repairs to the waterline on Via Santa Maria, in an amount not to exceed \$690,000 (Project No. 11448).
4. Approve an appropriation in the amount of \$750,000 from the Water Fund Depreciation Reserve to Account 052-466-45300-000-11448.

I. **Contract Award - Site Specific Parks and Recreation Master Plan Updates**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C21-03 by and between the City of San Clemente and SWA, providing for the preparation of site-specific park master plan updates for five parks (i.e., Bonito Canyon Park, Linda Lane Park, Richard T. Steed Memorial Park, San Gorgonio Park and San Luis Rey Park) for an amount not to exceed \$50,000.

J. **First Amendment - Sports Partnership Agreement with Elite Soccer League**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C19-17, by and between the City of San Clemente and Elite Soccer League, extending the partnership agreement to October 31, 2021.

K. Purchase of Golf Maintenance Electric Cart

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to:

1. Approve the purchase of a Club Car, Carryall 700 electric at a cost not to exceed \$14,085.
2. Approve a supplemental appropriation from the Golf Course Depreciation Fund balance to the Golf Course Maintenance Machinery & Equipment Account 056-666-45500 in the amount of \$14,085 for the purchase of an electric golf maintenance cart.
3. Accept grant revenues of \$10,000 to Grant Revenues Account 056-000-33490.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A(2). City Council Regular Meeting Minutes of January 19, 2021

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve the Regular City Council Meeting minutes of January 19, 2021, with the following modifications:

- 1) Page 2, third paragraph under "Toll Road Update" shall read in its entirety as follows: *"Mayor Ward reported that the Grand Jury investigation concerning the TCA was not completed due to the COVID-19 pandemic"*.
- 2) Page 13, third paragraph under "Consideration of Opening City Council Meetings to the Public" shall read in its entirety as follows: *"Following discussion, MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 4-1 (MAYOR WARD VOTING NOE), to conduct the February 16, 2021 City Council meeting in the Community Center, with the understanding that an audience will not be allowed until such time as an assessment by the California Joint Powers Insurance Authority determines that it would be safe to allow an audience."*

B(1). **Planning Commission Adjourned Regular Meeting Minutes of January 20, 2021**

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

Larry Culbertson, San Clemente Historical Society, communication dated January 27, 2021.

MOTION BY MAYOR WARD to call up CUP 20-243 and MCHP 20-244 (Publik House at 1531 North El Camino Real) for review. **The motion died for lack of a second.**

During the course of discussion, Council noted that the speed cushions on the 100 block of Esplanade (Item 7-B on the Planning Commission minutes of January 20, 2021) will be agendaized for Council consideration in the normal course without the need for Council call-up.

Following discussion, MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR WARD, CARRIED 5-0, to receive and file the Planning Commission Adjourned Regular Meeting minutes of January 20, 2021.

G. **License Agreement Extensions – Three Ballot Drop Box Locations in the City**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY MAYOR WARD, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to continue this item to the Council meeting of February 16, 2021 to enable Staff to communicate with the County of Orange relative to the possibility of the City removing the ballot drop boxes when not in use and storing them at the City Yard or, alternatively, relocating the boxes to less-impactful locations.

H. **Contract Amendment – Geotechnical Design Services Related to Slope Rehabilitation Adjacent to the Linda Lane Pump Station**

Following commentary, MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C20-61, by and between the City of San Clemente and Peter and Associates, providing for geotechnical services for Slope Rehabilitation adjacent to the Linda Lane Pump Station. This Amendment increases the contract from \$108,904 to an amount not to exceed \$155,111 (an increase of \$46,207).

Action continued on next page

2. Approve a supplemental appropriation from the Sewer Fund Depreciation Reserve in the amount of \$46,207 to Account 054-476-45300-000-21208.

L. **City Contract Templates**

Following commentary, MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the six contract templates and direct Staff to implement into all City-related transactions, where applicable.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to direct Staff to report back to Council at its Regular Meeting of March 16, 2021 relative to the feasibility of creating a Purchasing and Contract Officer position without adding Staff. The Administrative Report is to include cost information as well as an overview of the effectiveness of similar positions in other cities.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **Reconsideration of the 24 Carrots Lease Amendment for Operations at the Ole Hanson Beach Club**

Report from the Interim City Manager concerning reconsideration of the 24 Carrots Lease Amendment for operations at the Ole Hanson Beach Club.

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

Anonymous, communication dated February 2, 2021.

Steven Marshall, communication dated February 2, 2021.

During the course of deliberations, Interim City Manager Sund, Economic Development Officer Lightfoot, and Lynn Wagoner with 24 Carrots responded to Council inquiries. Additionally, Ms. Wagoner narrated a PowerPoint presentation entitled "Ole Hanson Beach Club", which is on file with the City Clerk.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, to:

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to the 24 Carrots lease at the Ole Hanson Beach Club (Contract C16-32). The Lease Amendment incorporates partial rent abatement, including six months of full rent abatement, due to the Covid-19 pandemic.
2. Approve a one-year extension to the 24 Carrots lease to expire September 30, 2022.

SUBSTITUTE MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR WARD, **FAILED 2-3** (COUNCILMEMBERS FERGUSON, KNOBLOCK, AND MAYOR PRO TEM JAMES VOTING NOE) to:

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to the 24 Carrots lease at the Ole Hanson Beach Club. The Lease Amendment incorporates partial rent abatement, including six months of full rent abatement, due to the Covid-19 pandemic.
2. Approve a five-year extension to the 24 Carrots lease to expire September 30, 2026.

THE ORIGINAL MOTION WAS VOTED ON AND CARRIED 3-2 (COUNCILMEMBER DUNCAN AND MAYOR WARD VOTING NOE).

Council directed Staff to return to Council in October 2021 to obtain direction as to whether Council intends to pursue an RFP for operations at the Ole Hanson Beach Club or whether it is interested in pursuing an extension of 24 Carrots lease beyond the September 30, 2022 termination date.

B. Pension Funding Considerations

Report from the Financial Services Officer concerning pension funding considerations.

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

Karen Loeffler, communication dated February 2, 2021.

Rick Loeffler, communication dated February 2, 2021.

Financial Services Officer Rahn reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0 to 1) direct Staff to request pension funding scenarios from CalPERS to be considered as part of the Long Term Financial Plan; and 2) direct Staff to propose a plan for the use of proceeds from the sale of City property.

9. **NEW BUSINESS**

A. **Warrant Register**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

Approve Wire Transfers Nos. 2371 through 2374, paid on 1-15-21, and Warrant Nos. 571334 through 571458, paid on 1-15-21, in the amount of.....\$3,553,339.58

TOTAL WARRANT REGISTER.....\$3,553,339.58

Payroll Register

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

Approve Automatic Deposit Advises 68901 through 69151 for the period 12-28-20 through 1-10-21, paid on 1-15-21, in the amount of.....\$ 457,002.20

TOTAL PAYROLL REGISTER.....\$ 457,002.20

B. **Consideration of Directing the Beaches, Parks and Recreation Commission to Reconsider Netting on the Avenida Vista Hermosa Side of the Jim Johnson Memorial Sports Park** (Agendized by Councilmember Duncan and Mayor Pro Tem James at the City Council Meeting of January 19, 2021.)

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to direct the Beaches, Parks and Recreation Commission to reconsider netting on the Avenida Vista Hermosa side of the Jim Johnson Memorial Sports Park and report back to Council.

C. **Use of Electric Bicycles on Beach Trail, Inland Trails and Parks**

Report from the Beaches, Parks and Recreation Manager concerning use of electric bicycles on the beach trail, inland trails and parks.

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

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

- Paul Haveruk, communication dated February 2, 2021.
- Glen Griffith, communication dated February 2, 2021.
- Randall Holman, communication dated February 2, 2021.
- George Wilson, communication dated February 2, 2021.
- Beth Beeman, communication dated February 2, 2021.
- Kirk Morgan, communication dated February 2, 2021.
- Sharon Diener, communication dated February 2, 2021.
- Serafina Benjamin, communication dated February 2, 2021.
- Graham Holmes, communication dated February 2, 2021.
- John Dettoni, communication dated February 2, 2021.
- Anonymous, communication dated February 2, 2021.
- Christopher Butler, communication dated February 2, 2021.
- Bill (last name not provided), communication dated February 2, 2021.
- Cheryl Kelly, communication dated February 1, 2021.
- Cindy Lewis, communication dated February 2, 2021.
- Joel Grospe, communication dated February 2, 2021.
- Vonne Barnes, communication dated February 2, 2021.
- Barbara Fox, communication dated February 2, 2021.
- Bob Lutz, communication dated February 2, 2021.
- Amy (last name not provided), communication dated February 2, 2021.
- Karen (last name not provided), communication dated February 2, 2021.
- Rebecca Farrow, communication dated February 2, 2021.
- Sandy Exelby, communication dated February 2, 2021.
- Cheryl (last name not provided), communication dated February 2, 2021.
- Shari Grace, communication dated February 2, 2021.
- Martin Goggins, communication dated February 2, 2021.
- Tricia Mading, communication dated February 2, 2021.
- Steven Gelb, communication dated February 2, 2021.

During the ensuing discussion, Council determined as follows:

1. The use of bicycles on turf within parks is to be prohibited.
2. No changes are to be made with regard to e-Bike operations on inland trails.
3. The speed limit on the beach trail is to remain at 10 MPH.
4. Bicycles need to be walked on the Mariposa Bridge.
5. Bicycles need to yield to pedestrians on the beach trail.
6. E-Bikes will be included in the City Code addressing the use of bicycles.

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Approve the prohibition on the use of bicycles on turf within parks.
2. Introduce Ordinance No. 1711 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, AND CLASS 3, OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL, with the removal of the sentence in Section 1, Part B, that states *“Bicycles may be ridden at a maximum speed of five (5) mph on all portions of the beach and beach trail.”**

*(*Note: The removal of the sentence relating to a maximum 5 MPH speed limit on the beach and beach trail results in the current speed limit of 10 MPH remaining in effect.)*

Following discussion, MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to:

1. Direct Staff to develop an “education blitz” concerning e-Bike safety, to include working with School Resource Officers, the San Clemente Times, and the San Clemente Journal.
2. Direct Staff to film an Around Town concerning e-Bike safety.
3. Direct Staff to establish a reporting hotline/City website link to enable the public to report e-Bike incidents, which include an option to attach photographs and that allows submitters to remain anonymous.
4. Direct Staff to report to Council in six months concerning incident data.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

USA Surfing Mural Request

Interim City Manager Sund reported that Recreation Manager Wylie and he met with Kim Tilly of USA Surfing concerning its request for a surfing mural; noted that USA Surfing will work with private businesses to request a mural on private property, while simultaneously submitting an application to the City for a public mural.

Federal Railroad Administration (FRA) Inspection

Interim City Manager Sund reported that the City passed its FRA inspection of the Pedestrian Audible Warning System (PAWS); stated that an FRA Safety Board meeting will now be scheduled, adding that a City Press Release will be issued after the date/time/location of the meeting are known.

In-Person City Council Meetings

Interim City Manager Sund reported that the City Council meeting of February 16, 2021 will be held in the auditorium at the Community Center; explained that the meeting will not be open to the public at this time, that Council/Staff will be required to wear masks, and that the public will be able to submit comments via email or the City's online portal; explained that meetings will gradually be opened to the public as Covid-19 conditions improve.

C. **City Attorney**

None.

D. **Council Members**

Installation of Armrests on City Benches

Mayor Pro Tem James, with the support of Councilmembers Knoblock and Duncan, directed Staff to agendize and prepare an Administrative Report addressing the possibility of installing armrests on City benches to prevent people from reclining on the benches.

City Concession Profitability

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0 to direct Staff to return to Council in March 2021 with a report that addresses methodologies to maximize profitability of City concessions (including the bike shop at North Beach, and the snack stands at North Beach, T-Street, pier and athletic fields). Staff is to prepare an Administrative Report that includes the history of past concessions as well as the full study from the City's consultant relating to City concessions.

Memorandum of Understanding (MOU)/Labor Negotiations

Mayor Pro Tem James requested that Council consider agendizing for a future Closed Session the possibility of appointing a subcommittee to act on behalf of the Council during the labor negotiation process and a Councilmember to serve as the City's labor negotiator (as opposed to the Interim City Manager). City Attorney Smith advised that Council can consider negotiation processes and parameters during any Closed Session at which labor negotiations is agendized.

Council Policy 1201-12 – City Council Access to Confidential Documents

Councilmember Knoblock, with the support of Mayor Pro Tem James, requested that Policy 1201-12 (City Council Access to Confidential Documents) be agendized for discussion and possible modifications.

Council Policy 1201-11 – City Council Meeting and Operating Procedures

Councilmember Ferguson, with the support of Councilmember Knoblock, requested that Policy 1201-11 (City Council Meeting and Operating Procedures) be agendized for discussion and possible modifications.

CONTINUATION OF COUNCIL MEETING PAST 11:00 P.M.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to continue the meeting past 11:00 p.m.

12. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1707 (Second Reading) – Zoning Ordinance Amendments

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

Mark and Wendy Morgan, communication dated February 2, 2021.
Susan Smith and Ken Orr, communication dated February 2, 2021.
James Bartlett, The Pennacle Group, communication dated February 2, 2021.

During the course of deliberations, Community Development Director Gallardo-Daly stated that the California Coastal Commission will not deem an application for a Coastal Development Permit complete until the City has issued all of its approvals; stressed that there is nothing in the proposed Code amendments that would circumvent the Coastal Act.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY MAYOR WARD, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to adopt Ordinance No. 1707 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE FOR A CITY-INITIATED AMENDMENT (ZA 20-035) TO THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 17, ZONING TO UPDATE ERRONEOUS TEXT, AMBIGUOUS DEFINITIONS AND STANDARDS; AND MODIFICATIONS FOR CONSISTENCY WITH THE GENERAL PLAN AND STATE AND FEDERAL LAW.

B. Ordinance No. 1710 (Second Reading) – Investment Advisory Committee

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adopt Ordinance No. 1710 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.43 OF THE CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE INVESTMENT ADVISORY COMMITTEE, to become effective on July 1, 2021.

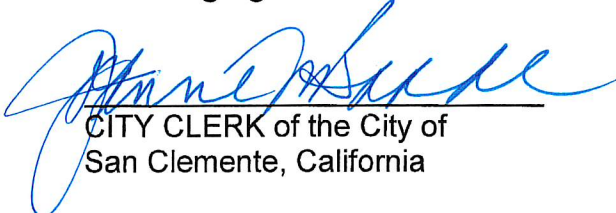
13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn at 11:32 p.m. to an Adjourned Regular Meeting to be held on February 16, 2021 in the Community Center Auditorium, located at 100 N. Seville, San Clemente. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will begin at 6:00 p.m.

To help prevent the spread of the coronavirus, the public may not physically attend the Council meeting of February 16, 2021, but may participate in the meeting via other means as identified on the meeting agenda.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California