

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting – February 16, 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.

An Adjourned Regular Meeting of the San Clemente City Council was called to order on February 16, 2021 at 5:05 p.m. by Mayor Ward. The meeting was conducted via teleconference as well as in-person for Council and Staff at the Community Center Auditorium, located at 100 N. Seville, San Clemente.

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

INVOCATION

Councilmember Knoblock gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Duncan led the Pledge of Allegiance.

CLOSED SESSION

Councilmember Ferguson announced that she will recuse herself from the portion of Closed Session Item B relating to the case entitled Anthem Sales and Management, LLC, et al. v. City of San Clemente, as well as Closed Session Item F.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to recess to Closed Session at 5:05 p.m. to discuss the following:

- A. PUBLIC EMPLOYEE APPOINTMENT
Pursuant to Government Code section 54957
Title: City Manager

Closed Session items continued on next page

- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 2

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

Case Name: Anthem Sales and Management, LLC, et al. v. City of San
Clemente
Case Number: OCSC 30-2019-01063861-CU-WM-CJC

- C. LIABILITY CLAIMS
Pursuant to Government Code section 54956.95
Claimant: John Brierton
Agency claimed against: City of San Clemente

- 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 pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1

- F. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code section
54956.9(d)(2)
Number of potential cases: 1

Upon conclusion of the Closed Session, Mayor Ward requested that all meeting
attendees wear a mask while in the Community Center. Councilmember Ferguson
declined to do so, citing her position that adequate health and safety protocols were in
place.

Council added the below Closed Session to the agenda based on the fact that the need for action came to the City's attention subsequent to the posting of the agenda and that action is needed before the next Council meeting:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Number of Potential Cases: 1

Councilmember Ferguson announced that she would recuse herself from participation in the Closed Session on the newly agendaized item.

Council recessed back to Closed Session at 6:17 p.m. to discuss the following:

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 6:26 p.m., with all members present.

RELOCATION OF CITY COUNCIL MEETING/MEETING RECESSED

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE), to recess the meeting at 6:30 p.m. until 7:15 p.m., to allow Councilmembers and Staff time to relocate from the Community Center auditorium to their homes or offices and participate in the meeting via teleconference.

MEETING RECONVENED

Council reconvened at 7:15 p.m., with all members participating via teleconference.

1. **SPECIAL PRESENTATIONS**

A. **Toll Road Update**

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

Susan Smith, communication dated February 16, 2021.

In response to Council inquiry, Interim City Manager Sund advised that the toll road information page on the City's website will be updated by the end of February 2021.

Mayor Pro Tem James summarized the TCA's last Board meeting, noting that the TCA is seeking to become more involved in community mobility projects -- one of which being the Los Patrones Parkway extension; expressed concern that the TCA intends to provide funding and expertise for the Los Patrones Parkway extension.

B. Homeless Issue/City Net Update

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

Kathy Esfahani, communication dated February 16, 2021.

Ryan Lenney, communication dated February 16, 2021.

Cynthia O'Neill, communication dated February 16, 2021.

Elizabeth Hinds, communication dated February 16, 2021.

Denise Fleury and Rick DiBello, communication dated February 16, 2021.

Paula Kohl, Chairperson, Human Affairs Committee, communication dated February 16, 2021.

Anne Farrell, communication dated February 16, 2021.

Maura Mikulec, communication dated February 16, 2021.

Reverend Kent Doss, communication dated February 16, 2021.

C. Financial Report - FY 2020-21 Through December 31, 2020

Financial Services Officer Rahn provided an overview of the City's Financial Report for FY 2020-21 through December 31, 2020 and responded to Council inquiries.

D. North Beach Historic District

Jonathan Lightfoot, Economic Development Officer, and Larry Culbertson, President of the San Clemente Historical Society, narrated a PowerPoint presentation entitled "North Beach Historic District", concerning the inclusion of the North Beach Historic District on the National Register of Historic Places. A hard copy of the PowerPoint presentation, dated February 16, 2021, is on file with the City Clerk.

E. Senate Bill 1383 – Short-Lived Climate Pollutant Regulations

Jeffrey Taylor Sr., Senior Environmental Scientist, CalRecycle, narrated a PowerPoint presentation entitled "SB 1383, Reducing Short-Lived Climate

Pollutants in California". Mr. Taylor and Cara Morgan, Branch Chief with CalRecycle, responded to Council inquiries. A hard copy of Mr. Taylor's PowerPoint 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:

Jonathan Hawes, communication dated February 2, 2021, concerning alleged embezzlement from the El Monte Promise Foundation scholarship fund.

Christi (no last name provided), communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Anonymous, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Anonymous, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Gerald Mirsky, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Gail Huber, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Melanie Hertig, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Cord Bauer, communication dated February 16, 2021, concerning the City's unfunded pension liability.

Anonymous, communication dated February 15, 2021, expressing concerns with regard to coyotes in San Clemente.

Parent, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Nancy and Matthew Egan, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Warren Vidrine, communication dated February 16, 2021, concerning the General Plan and hospital zoning.

Margaret Zeibak, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Donna Vidrine, communication dated February 16, 2021, concerning the death of a homeless person in San Clemente.

Cheryl Lundstrom, communication dated February 16, 2021, expressing concerns with regard to coyotes in San Clemente.

Camille Wyatt, communication dated February 16, 2021, urging that the chat feature be enabled on the City's YouTube channel during Council meetings.

3. MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, 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 the portion of Closed Session Item B(1) relating to the case entitled Anthem Sales and Management, LLC, et al. v. City of San Clemente, as well as Item F.

Additionally, City Attorney Smith announced that Council added the below item to the agenda on a 4/5 vote and that Councilmember Ferguson recused herself from participation in the Closed Session on this item:

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 1

City Attorney Smith advised that he will not announce the risks that gave rise to the potential for litigation because they may not be apparent to the potential claimant(s).

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items A(1) and B(2).

B. **Commission/Committee Minutes**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to receive and file the following:

- (1) Planning Commission Regular Study Session minutes of February 3, 2021.

C. **Notice of Completion – 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 MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Accept the FY 2021 Arterial Street Pavement Maintenance for Camino Vera Cruz, Avenida Pico and Avenida Vista Hermosa (PN 11307) and pavement repairs for the Water Division (PN 24400), from the contractor, Hardy & Harper, Inc.
2. Adopt Resolution No. 21-02, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON CAMINO VERA CRUZ.
3. Authorize the Public Works Director to execute, and the City Clerk to record, the Notice of Completion for the FY 2021 Arterial Street Pavement Maintenance for Camino Vera Cruz, Avenida Pico and Avenida Vista Hermosa and pavement repairs for the Water Division.
4. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Hardy & Harper, Inc.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A(1). **City Council Regular Meeting Minutes of February 2, 2021**

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

Anonymous, communication dated February 16, 2021, requesting that Ordinance No. 1707 (Item 12A from the City Council minutes of February 2, 2021), relating to Zoning Ordinance amendments, be reauthorized and modified to comply with the Coastal Act and Coastal Commission policies.

City Planner Perez responded to Council inquiries.

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to approve the City Council Regular Meeting minutes of February 2, 2021.

B(2). Planning Commission Regular Meeting Minutes of February 3, 2021

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

Anonymous, communication dated February 16, 2021, alleging that the Planning Commission and Staff do not understand the Coastal Act.

City Planner Perez and Community Development Director Gallardo-Daly responded to Council inquiries.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to receive and file the Planning Commission Regular Meeting minutes of February 3, 2021.

7. PUBLIC HEARINGS

A. General Plan Amendment 20-011, Roadway Systems Update

Public Hearing to consider the adoption of City-initiated General Plan amendments that involve:

- 1) Updating roadway classifications on the General Plan Mobility Element Roadway System Map (Figure M-1) to reflect existing conditions and the County of Orange planned Los Patrones Parkway extension into the City, for consistency with the Orange County Master Plan of Arterial Highways (MPAH) required to maintain the City's eligibility for regional transportation funding.
- 2) Removing General Plan references to the toll road and State Route 241 (SR-241) extension alignment initially designed to skirt the eastern perimeter of San Clemente, but not encroach into San Clemente open spaces. The alignment is no longer proposed.

Associate Planner Wright reviewed the contents of the Administrative Report.

During the ensuing discussion, Associate Planner Wright, together with the below individuals, responded to Council inquiries:

Public Works Director/City Engineer Bonigut
Nicole Walsh, County Counsel
Nardy Khan, Deputy Director of Infrastructure Programs, Orange County Public Works
Wei Zhu, Traffic Engineer with the County of Orange
Mike Balsamo, Senior Vice President – Government Relations, Rancho Mission Viejo Company
Jeff Thompson, Senior Vice President – Capital Projects, Rancho Mission Viejo Company
Laura Eisenberg, Executive Vice President, Rancho Mission Viejo Company.

Mayor Ward opened the Public Hearing.

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

Samuel Johnson, OCTA, Chief Executive Officer, communication dated February 16, 2021.

John Smith, communication dated February 16, 2021.

Amanda Quintanilla, communication dated February 16, 2021.

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

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

1. Adopt Resolution No. 21-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 20-011, ROADWAY SYSTEM UPDATE; AN UPDATE TO ROADWAY CLASSIFICATIONS FOR CONSISTENCY WITH THE ORANGE COUNTY MASTER PLAN OF ARTERIAL HIGHWAYS AND REMOVAL OF REFERENCES TO THE ABANDONED STATE ROUTE 241 TOLL ROAD EXTENSION, AND MAKING ASSOCIATED CEQA FINDINGS.
2. Direct Staff to update EIR Figure 5.14-4, Future Roadway Map, for consistency with the amended General Plan Roadway System Map in Attachment 1, Exhibit B of the Administrative Report, dated February 16, 2021.

8. **UNFINISHED BUSINESS**

A. **Joint Homeless Subcommittee FY 2020-2021 Annual Work Plan**

Report from the Joint Homeless Subcommittee concerning its FY 2020-2021 Annual Work Plan.

Gary Walsh, representing the Joint Homeless Subcommittee, reviewed the contents of the Administrative Report and, along with Code Compliance Manager Atamian, responded to Council inquiries.

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

Rick Loeffler, communication dated February 16, 2021.

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Joint Homeless Subcommittee's 2020-2021 Annual Work Plan.

MEETING RECESSED

Council recessed at 10:13 p.m. and reconvened at 10:18 p.m., with all members participating via teleconference.

B. **License Agreements – Three Ballot Drop Boxes in the City**

Report from the City Clerk concerning potential five-year License Agreements with the County of Orange to allow the placement of three Ballot Drop Boxes in the City.

City Clerk Baade reviewed the contents of the Administrative Report and, together with Neal Kelley, Orange County Registrar of Voters, responded to Council inquiries.

Council requested that the template for the County License Agreements that were included in the Administrative Report for this item be added to the City's inventory of model agreements for future City use.

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

1. Approve, and authorize the Mayor to execute, Contract C19-90, a License Agreement by and between the County of Orange and City of San Clemente, providing for the placement of a ballot drop box at the Municipal Golf Course parking lot for a five-year period.
2. Approve, and authorize the Mayor to execute, Contract C19-91, a License Agreement by and between the County of Orange and City of San Clemente, providing for the placement of a ballot drop box at the Jim Johnson Memorial Sports Park for a five-year period.
3. Approve, and authorize the Mayor to execute, Contract C19-92, a License Agreement by and between the County of Orange and City of San Clemente, providing for the placement of a Drive-Thru Only ballot drop box in the planter area of City Hall at 910 Calle Negocio for a five-year period.
4. Approve a supplemental appropriation of \$1,000 from the General Fund Undesignated Fund Balance to Account 001-617-43890 (Other Contractual Services) to fund needed modifications to the planter area to support the box.

C. Creation of New Position Classification – Community Outreach Worker

Report from the Human Resources Manager concerning the creation of a Community Outreach Worker position.

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

Maura Mikulec, communication dated February 16, 2021.

Human Resources Manager Lowe responded to Council inquiries.

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to adopt Resolution No. 21-04 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND NEW JOB DESCRIPTION AND AMENDING RESOLUTION NO. 20-61 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH, with the modification that Section 1 be modified to read as follows: "*Resolution No. 20-61 is hereby amended to add the new **Limited Term** position of Community Outreach Worker.*" *Note: Newly added verbiage is highlighted in bold type.

9. **NEW BUSINESS**

A. **Warrant Register**

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

Approve Wire Transfers Nos. 2375 through 2378, and Warrant Nos. 571459 through 571612, paid on 1-22-21, in the amount of.....\$ 1,138,825.29

Approve Wire Transfers Nos. 2379 through 2382, and Warrant Nos. 571613 through 571694, paid on 1-29-21, in the amount of.....\$ 613,159.12

Approve Wire Transfers Nos. 2383 through 2387, and Warrant Nos. 571695 through 571827, paid on 2-5-21, in the amount of.....\$ 1,409,080.26

Approve Wire Transfers Nos. 2388 through 2391, and Warrant Nos. 571828 through 571970, paid on 2-12-21, in the amount of.....\$ 4,143,865.81

TOTAL WARRANT REGISTER.....\$ 7,304,930.48

Payroll Register

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

Approve Warrant Nos. 816 through 817, Automatic Deposit Advises 69152 through 69422 for the period 1-11-21 through 1-24-21, paid on 1-29-21, in the amount of.....\$ 457,613.34

Approve Warrant Nos. 818 through 819, Automatic Deposit Advises 69423 through 69686 for the period 1-25-21 through 2-7-21, paid on 2-12-21, in the amount of.....\$ 432,065.02

TOTAL PAYROLL REGISTER.....\$ 889,678.36

B. **Mariposa Beach Trail Bridge Replacement – Confirmation of Approach**

Report from the Public Works Director/City Engineer concerning the approach for the replacement of the Mariposa Beach Trail Bridge.

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

Eric Ward, communication dated February 13, 2021.

Public Works Director/City Engineer Bonigut reviewed the contents of the Administrative Report and, together with Deputy Public Works Director Mazboudi, responded to Council inquiries.

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.

Following deliberations, Council directed Staff to seek a consultant to conduct a structural evaluation to determine the anticipated remaining lifespan of the Mariposa Bridge and to return to Council for direction on the next steps. Additionally, Staff is to research treatments that could make an aluminum bridge an acceptable alternative.

C. **Update and Adjustment to the City's SC RIDES Program**

Report from the Public Works Director/City Engineer concerning an update and adjustment to the City's SC RIDES Program.

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

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

1. Approve, and authorize the Public Works Director/City Engineer to execute, Amendment No. 3 to Contract C16-71, the Cooperative Agreement by and between the City of San Clemente and OCTA (OCTA Agreement No. C-6-1301), providing for program adjustments concerning the SC RIDES fare and subsidy structure as outlined in the Administrative Report, dated February 16, 2021.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Amendment No. 2 to Contract AC-755, the agreement by and between the City of San Clemente and Lyft, the vendor service provider

for the program, providing for program adjustments concerning the fare and subsidy structure as outlined in the Administrative Report, dated February 16, 2021.

3. Approve a supplemental appropriation of \$56,000 from the General Fund Undesignated Fund Balance to Account 001-413-43890-000-00000 (Other Contractual Services) to continue the SC RIDES program through Fiscal Year 2021.
4. Accept anticipated grant revenue of up to \$50,400 to General Fund Account 001-000-33790 (Other County Grants) from OCTA for the SC RIDES program.

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

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

Amanda Quintanilla, communication dated February 16, 2021, expressing concerns with the reading of her comments concerning General Plan Amendment 20-011 (Roadway Systems Update), which appears on this agenda as Item 7A.

Martina (no last name provided), communication dated February 16, 2021, concerning limiting public participation in City Council meetings.

Tony Rubolino, communication dated February 16, 2021, voicing concern that the chat function on the City's YouTube channel was disabled.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

Installation of Dividers on City Benches in the T-Zone

Interim City Manager Sund reported that per Council direction, Staff is in the process of installing dividers on City benches in the T-Zone; explained that the work can be accomplished under the City Manager's authority and existing budget.

Proposed Waiver of the Pedestrian Audible Warning System (PAWS)

Interim City Manager Sund reported that the Federal Railroad Administration (FRA) determined that the City's docket for a waiver of the Pedestrian Audible Warning System (PAWS) is required to go through a 30-day public comment period (i.e., from February 11, 2021 through March 11, 2021); advised that the City anticipates that the FRA Safety Committee will consider this matter in March 2021.

C. **City Attorney**

None.

D. **Council Members**

Municipal Water District Orange County (MWDOC) – Appointment of New Board Member

Councilmember Knoblock reported that Dennis Erdman, current director with the South Coast Water District, has been appointed to fill a vacancy on the Board of the Municipal Water District of Orange County (MWDOC).

Possibility of Capping Fees Paid by Restaurants to Third-Party Food Delivery Providers and Requiring Food Delivery Drivers to Receive all Tips

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to direct Staff to review Ordinances from various cities which cap fees that restaurants pay to third-party delivery providers and require that the food delivery drivers receive all tips. Staff is to report its findings to Council in 30 days.

Covid-19 Relief and Government Spending Legislation

Councilmember Duncan reported that Congressman Levin helped to spearhead a provision in a House bill concerning Covid-19 relief that aims to provide money directly to cities; pointed out that San Clemente is slated to receive approximately \$8 million if the bill passes.

- (1) Policy and Procedure 1201-11 – City Council Meetings and Operating Procedures (Agendized by Councilmember Ferguson and Councilmember Knoblock at the Council Meeting of February 2, 2021)

AND

- (2) Policy and Procedure 1201-12 – City Council Access to Confidential Documents (Agendized by Councilmember Knoblock and Mayor Pro Tem James at the Council Meeting of February 2, 2021)

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue Item 11D(1), relating to Policy and Procedure 1201-11, and Item 11D(2), relating to Policy and Procedure 1201-12, to a Special Council Meeting to be held on March 1, 2021 (time to be determined). The agenda is to also include consideration of City Council leadership decisions and protocol.

Coyote Education Program

Councilmember Ferguson, with the support of Councilmember Duncan, requested that Staff help publicize the California Department of Fish and Wildlife's educational program relating to coyotes, via inclusion in the City magazine, City website, etc.

Hospital Cost-Sharing Agreement – Request to Agendize to Consider Options to Avoid City Monthly Payments

Councilmember Ferguson explained that the current standstill agreement with Memorial Care is due to expire in mid-March 2021, at which time a cost-sharing agreement for security and landscaping of the shuttered hospital will go into effect; noted that the City's share of the cost will be \$15,000 per month. Councilmember Ferguson proposed, and Councilmember Duncan supported, agendizing this item to inform the public of the matter and to enable Council to discuss options (such as changing the property zoning) to avoid paying \$15,000 per month.

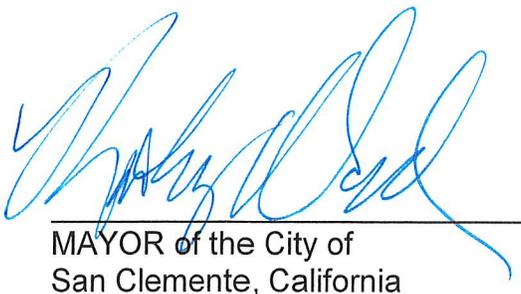
12. RESOLUTIONS/ORDINANCES

A. Ordinance No. 1711 (Second Reading) – 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

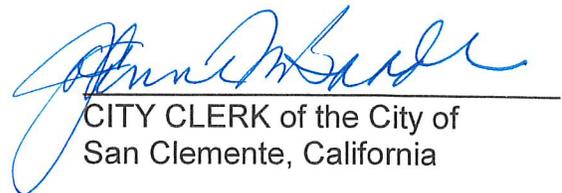
Due to the lateness of the hour, Council deferred this item to the Council meeting of March 2, 2021.

13. ADJOURNMENT

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adjourn at 12:20 a.m. to an Adjourned Regular Meeting to be held on February 27, 2021 at 11:00 a.m. in the Community Center Auditorium, located at 100 N. Seville, San Clemente, for the purpose of continuing Closed Session Item A (Public Employee Appointment). The public portions of the meeting will also be conducted via teleconference.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California