

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – March 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 Meeting of the San Clemente City Council was called to order on March 2, 2021 at 5:00 p.m. by Mayor Ward. Members of the City Council met via teleconference and/or in person 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

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#### **CONSIDERATION OF AUTHORIZING LETTERS OF SUPPORT FOR SB 760 (BATES) AND SB 761 (BATES) – ACTION TO ADD TO AGENDA**

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to add the below item 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 action is needed prior to the next Council meeting:

Consideration of authorizing letters of support to SB 760 (Bates), which relates to State Highways, and SB 761 (Bates), which relates to public resources. This item will be considered as part of the Toll Road Update portion of this evening's agenda.

Please refer to Page 4 of these minutes for a summary of Council's action on the subject bills.

#### **CLOSED SESSION**

Councilmember Ferguson announced as follows:

- She will recuse herself from the portion of Closed Session Item C relating to the case entitled Anthem Sales and Management, LLC, et al. v. City of San Clemente.
- She will discuss in open session the portion of Closed Session Item D (Conference with Real Property Negotiators) that pertains to the \$15,000 per month that the

City will need to pay toward maintenance costs for the hospital property after the hospital standstill agreement ends on March 15, 2021; suggested that Council consider options (such as rezoning the hospital property) to avoid the \$15,000 per month funding obligation.

- She proposes to bifurcate Closed Session Item H (Conference with Legal Counsel – Anticipated Litigation) to enable her to participate in the portion of the discussion that relates to possible removal of her censure, but not the portion of the discussion relating to legal fees due to her financial interest in that part of the item. City Attorney Smith stated that he will determine if Closed Session Item H can be bifurcated.

City Attorney Smith reported that Memorial Care Hospital is the potential respondent to the anticipated litigation item to be discussed under Closed Session Item E; noted that the Closed Session discussion will concern the possibility, that was envisioned in the Settlement Agreement, of initiating condemnation action and pointed out that the discussion could also be part and parcel with Closed Session Item D; stated that the Settlement Agreement contains a standstill agreement that expires this spring and that Councilmembers Ferguson and Duncan desire to discuss in open session issues relating to the expiration of the standstill agreement; noted that the public discussion is permissible to the extent it doesn't disclose the City's negotiating strategy; advised that the settlement agreement was linked to the March 2, 2021 Council agenda.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess to Closed Session at 5:13 p.m. to discuss the following:

**A. PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code section 54957  
Title: City Manager

**B. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code section 54957.6  
Agency Designated Representatives: Mayor Ward, Mayor Pro Tem James, and Gary Phillips  
Unrepresented Employee: City Manager

**C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Existing litigation pursuant to Government Code section 54956.9(d)(1)  
Number of Cases: 3

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

*Closed Session items continued on the next page*

Case Name: Housing is a Human Right Orange County, et al. v. County of Orange, et al.

Case Number: OCSC 30-2019-01098573-CU-WM-CJC

**D. 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 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957

Title: City Attorney

**G. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency designated representative: Assistant City Manager or contract agent

Unrepresented employees: All Employees

Employee organization: San Clemente City Employees Association

**H. 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 6:10 p.m., with all members participating.

**PLEDGE OF ALLEGIANCE**

Councilmember Duncan led the Pledge of Allegiance.

**INVOCATION**

Councilmember Knoblock gave the invocation.

1. **SPECIAL PRESENTATIONS**

A. **Toll Road Update and Consideration of Authorizing Letters of Support for SB 760 (Bates), Relating to State Highways, and SB 761 (Bates) Relating to Public Resources**

The possibility of authorizing letters of support for SB 760 (Bates) and SB 761 (Bates) were added to this meeting's agenda by a four-fifths vote that occurred earlier in this meeting. Please refer to Page 1 of these minutes for a summary of that action.

Councilmember Ferguson noted that this meeting's public agenda failed to include the standstill agreement with Memorial Care that Councilmember Duncan and she directed be agendaized for this meeting; noted that the expiration of the standstill agreement on March 15, 2021 will trigger the requirement for the City to pay \$15,000 per month toward maintenance costs for the hospital property; reported that a health care facility, which proposes to operate at the San Clemente Outlets, is currently in the permitting process, adding that it would be able to handle approximately 80% of the cases that would normally be admitted to an emergency room; suggested that Council consider options to avoid the \$15,000 monthly payment obligation, explaining that she favors reverting the property zoning back to C3.

Councilmember Duncan stated that Mayor Pro Tem James and he serve on the Hospital Subcommittee and are exploring all possible options before the City determines how to proceed; opined that options should not be discussed at this time since it would reveal confidential information about the City's efforts.

City Attorney Smith noted that Interim City Manager Sund provided an Administrative Report relating to SB 760 and SB 761 to Council this afternoon; stated that members of the public can access the content of the bills from the California Legislative Information website.

Interim City Manager Sund reviewed the contents of the Administrative Report.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to authorize the Mayor to send letters in support of Senate Bill 760 (Bates), which relates to State Highways, and Senate Bill 761 (Bates), which relates to public resources.

Mayor Pro Tem James reported that the TCA External Affairs Committee voted unanimously to oppose SB 760 and SB 761, which would protect the City of San Clemente's open space and preclude a toll road from being built through the City. Mayor Pro Tem James further stated that Mayor Ward and he met with Orange County Supervisor Bartlett who expressed her support for ending the litigation with the TCA and agreed that San Clemente must be protected from a toll road.

Mayor Pro Tem James proposed, and Mayor Ward supported, adding the following to the Council meeting agenda of April 6, 2021:

Consideration of directing Staff to commence the process needed to allow Council to consider a General Plan Amendment to remove the Los Patrones Parkway from the Circulation Element.

Mayor Pro Tem James stated that if all conditions outlined below are met by April 6, 2021, he will withdraw his request that Council consider a General Plan Amendment to remove the Los Patrones Parkway extension from the Circulation Element:

1. That Rancho Mission Viejo issues a letter of support for Senate Bill 760 and Senate Bill 761.
2. That Supervisor Bartlett convinces the TCA Board to adopt a Resolution stating that it will not build or consider a toll road south of Oso Parkway in the foreseeable future.
3. That the TCA agrees to enter into discussions with the City's Toll Road Subcommittee, without attorneys.

City Clerk Staff read the following communication that is on file with the City Clerk:

Amanda Quintanilla, communication dated March 2, 2021.

**B. Homeless Issue/City Net Update**

Brian Fieldhouse, City Net, provided an overview of City Net's homeless outreach efforts and responded to Council inquiries.

City Clerk Staff read the following communication that is on file with the City Clerk:

Rick Loeffler, communication dated March 2, 2021.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to direct Staff to communicate with the Cities of San Juan Capistrano and Dana Point to determine their interest in partnering with the City of San Clemente to address the homeless situation and possible establishment of an emergency homeless shelter.

C. **Annual Crime Statistics Review**

Captain Manhart narrated a PowerPoint presentation entitled "Orange County Sheriff's Department, San Clemente Police Services", and responded to Council inquiries. A hard copy of Captain Manhart's PowerPoint is on file with the City Clerk.

Council requested that Captain Manhart work with Interim City Manager Sund to prepare a Decision Package for Council's consideration during the FY 2021/22 budget process that would fund an additional Community Services Officer (CSO) position.

Council directed Staff to evaluate options for an OCSD Citizens Academy, either as an academy specific to San Clemente that takes into consideration budget constraints, or through partnership with other cities. Staff is to prepare a Decision Package for Council consideration during the FY 2021/22 budget process.

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

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

Jason Mitchell, communication dated February 26, 2021, concerning the face mask requirement for persons attending Council meetings.

Greg Hulsizer, communication dated February 27, 2021, concerning e-Bikes.

"Let Them Play", communication dated March 1, 2021, concerning the closure of the Steed Park baseball fields.

Donald (no last name provided), communication dated March 1, 2021, concerning Councilmember conduct during meetings.

Karen Loeffler, communication dated March 2, 2021, urging Councilmember Ferguson to work with other Councilmembers for the betterment of the City.

Anonymous, communication dated March 2, 2021, concerning the closure of the Steed Park baseball fields.

Brad Malamud, communication dated March 2, 2021, concerning his California Public Records Act requests.

Tony Rubolino, communication dated March 2, 2021, concerning opening City Council meetings to the public.

Donna Vidrine, communication dated March 2, 2021, concerning the San Clemente Hospital site.

Amanda Quintanilla, communication dated March 2, 2021, concerning Senate Bills 760 and 761.

3. MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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

A. **SB 760 (Bates) and SB 761 (Bates) – Added to this Agenda Earlier in the Meeting**

At the beginning of this meeting, Council added the below item to the agenda. Please refer to Page 1 of these minutes for a summary of the action to agendize and Page 4 for a summary of the disposition of the item:

Consideration of authorizing letters of support to SB 760 (Bates), which relates to State Highways, and SB 761 (Bates), which relates to public resources.

B. **Consideration of Inappropriate Chat Comments on this Meeting's YouTube Livestream**

Mayor Pro Tem James and Staff reported that they received multiple complaints that racist/violent Chat comments are being posted in rapid succession on this meeting's YouTube livestream. Staff explained that the chat room has been hijacked and requested Council direction on how it wishes to address the situation.

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to add the below item to the agenda based on the fact that the need for action just came to the City's attention and action is needed prior to the next meeting:

Consideration of Inappropriate Chat Comments on this Meeting's YouTube Livestream

Following discussion, MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to disable Chat functionality on the YouTube livestream for this meeting only.

**MEETING RECESSED**

Council recessed at 8:01 p.m. and reconvened at 8:10 p.m., with all members participating either in person or via teleconference.

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

City Attorney Smith noted that no reportable action was taken during this evening's Closed Session; stated that Council did not finish Closed Session Item B (Labor Negotiations), Item C (portion relating to Anthem Sales and Management, LLC, et al. v. City of San Clemente), Closed Session Item E (Anticipated Litigation), and Closed Session Item F (Public Employee Performance Evaluation – City Attorney); advised that Council will recess back to Closed Session at the end of this Business Meeting to discuss the unfinished items.

6. **CONSENT CALENDAR**

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

B. **Commission/Committee Minutes**

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

- (1) Design Review Subcommittee Regular Meeting minutes of October 28, 2020.



- (2) Design Review Subcommittee Regular Meeting minutes of December 23, 2020.
- (3) Coastal Advisory Committee Regular Meeting minutes of December 10, 2020.
- (4) Coastal Advisory Committee Regular Meeting minutes of January 14, 2021.
- (5) Planning Commission Adjourned Regular Meeting minutes of February 17, 2021.
- (6) Zoning Administrator Regular Meeting minutes of February 18, 2021.

C. **Final Parcel Map 2018-113, La Paloma Triplex at 203 La Paloma**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, 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 sidewalk and pedestrian access purposes as dedicated.
3. Approve Final Parcel Map 2018-113 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. Contract Award – Fiscal Year 2021 Sidewalk Repair Program**

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

1. Approve the specifications for the FY 2021 Sidewalk Repair Program, Project No. 21305.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C21-05, by and between the City of San Clemente and Towo Enterprise, Inc., providing for the FY 2021 Sidewalk Repair Program, in the amount of \$83,110.

**G. Operating Standards and Regulations for Play Upon the Municipal Golf Course**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adopt Resolution No. 20-71 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN OPERATING STANDARDS AND REGULATIONS FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 15-42.

**H. Park Master Plan Amendment – Installation of Errant Ball Netting at the Jim Johnson Memorial Sports Park**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to amend the Jim Johnson Memorial Sports Park site master plan to include errant ball netting at the artificial turf field paralleling West Avenida Vista Hermosa.

**I. Contract Award – Vista Hermosa Sports Park Soccer Fields Fence Replacement**

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

1. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C21-07, by and between the City of San Clemente and Red Hawk Services, Inc., providing for replacement of the perimeter fencing at the Vista Hermosa Sports Park soccer fields, in the amount of \$64,800.
2. Approve the use of \$2,100 from Account 001-617-45000-000-21802 to supplement the existing available project budget.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

A(1). **City Council Adjourned Regular Meeting Minutes of February 16, 2021**

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the City Council Adjourned Regular Meeting minutes of February 16, 2021, with the correction that the last paragraph on Page 16, under Councilmember comments, be amended to read in its entirety as follows:

**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.

D. **Landscape Maintenance Agreement - State Highway Right of Way on Interstate 5 Within the City of San Clemente**

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

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Director of Public Works/City Engineer to execute, Contract C21-04, a Freeway Maintenance Agreement, by and between the City of San Clemente and State of California, acting by and through the Department of Transportation (Caltrans), providing for maintenance of selected portions of Interstate 5 facilities within the City of San Clemente.

F. **Contract Award - Business and Residential Organics Diversion Implementation**

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

Hoiyin Ip, communication dated March 1, 2021.

Utilities Director Rebensdorf and Environmental Programs Supervisor Mallett responded to Council inquiries:

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR WARD, CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE), to:

1. Approve a supplemental appropriation in the amount of \$93,055 from the Solid Waste Management Fund to Account 058-518-43690.
2. Approve, and authorize the City Manager to execute, Contract C21-06 by and between the City of San Clemente and Action Research, providing for implementation of a business and residential recycling and organics diversion program, for a two-year term, in an amount not to exceed \$93,055.

**J. Contract Amendment – Homeless Outreach Services**

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

Tony Rubolino, communication dated March 2, 2021.

Donna Vidrine, communication dated March 2, 2021.

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR WARD, **FAILED 2-3** (COUNCILMEMBERS FERGUSON AND KNOBLOCK AND MAYOR PRO TEM JAMES VOTING NOE), to approve, and authorize the City Manager to execute, Amendment No. 3 to Contract AC-870, by and between the City of San Clemente and Kingdom Causes, Inc. (dba as City Net), providing for homeless outreach services. This Amendment, if adopted, would have extended the term of the agreement until March 31, 2021. *(Note: By virtue of the failure of this motion to pass, the City's contract with City Net was not extended.)*

Community Development Director Gallardo-Daly advised that the public can call 211 if there is an issue or concern related to homelessness until such time as the City has filled its homeless outreach position.

**K. Fiscal Year 2020-21 Mid-Year Budget Adjustments**

Interim City Manager Sund and Financial Services Officer Rahn responded to Council inquiries.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve and authorize the mid-year budget adjustments identified in Attachment A of the Administrative Report, dated March 2, 2021, which is on file with the City Clerk.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Warrant Register**

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

Approve Wire Transfers No. 2392 through 2393 and Warrant Nos. 571971 through 572082, paid on 2-19-21, in the amount of.....\$ 873,775.60

TOTAL WARRANT REGISTER.....\$ 873,775.60

**Payroll Register**

None.

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

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

Debbie Flowers, communication dated March 2, 2021, concerning the ability of Staff to activate/deactivate Chat functionality on the YouTube livestream broadcast of Council meetings.

Steve Marshall, communication dated March 2, 2021, concerning Chat comments on the YouTube livestream broadcast of Council meetings.

11. **REPORTS**

A. **Commissions and Committees**

None.

**B. City Manager**

**E-Bike Report Online Portal**

Interim City Manager Sund reported that per City Council direction, Staff implemented an online portal for the public to report e-Bike concerns and violations.

**CDBG Small Business Grants**

Interim City Manager Sund reported that awardees of the City's \$265,000 allocation for CDBG small business grants have been notified and Staff is in the process of obtaining signatures on the grant agreements.

**Continuation of Outdoor Dining**

Interim City Manager Sund reported that the City is collaborating with restaurants to create a long-term plan to allow restaurants to continue outdoor dining after the Covid-19 pandemic is over; noted that the issue will be agendized for Council consideration after Staff completes its analysis.

**C. City Attorney**

**Confidentiality of Best Best and Krieger (BBK) Legal Bills**

Mayor Pro Tem James requested that City Attorney Smith respond to the comments from Brad Malamud, which were read during the Oral Communications portion of this meeting, which alleged that BBK billing information that was provided to Management Partners is public information.

City Attorney Smith explained that Management Partners has a confidentiality agreement with the City for review of BBK's legal bills and conveyed that the information remains privileged.

**D. Council Members**

**Pilot Program to Allow Dog Access on a Designated Section of the City's Beach**

Councilmember Knoblock proposed, and Councilmember Ferguson supported, agendizing for Council consideration at its meeting of March 16, 2021, the possibility of designating a portion of the City's beach (e.g., 500' or 600') on which dogs would be permitted for a one-year trial period.

**Opposition to Bills Relating to the State's Housing Crisis and City Intention to Explore Ways to Maintain Local Control over Zoning Matters**

Mayor Pro Tem James proposed, and Councilmember Knoblock supported, agendaing for Council consideration at its meeting of March 16, 2021, the possibility of submitting letter(s) of opposition to bills relating to the State's housing crisis and to convey the City's intention to explore ways to maintain local control over zoning matters. Staff is to prepare a draft letter of opposition for inclusion in the March 16, 2021 Council packet.

**Pedestrian Audible Warning System (PAWS) and Federal Renewal Process**

Councilmember Duncan reported that the comment period for the train horn relief issue concludes on March 12, 2021; urged members of the public to comment and emphasize the safety of the Pedestrian Audible Warning System.

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**

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

**RECESS TO CLOSED SESSION**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess back to Closed Session at 9:16 p.m. to discuss the following items that were not finished during the Closed Session that occurred earlier in this meeting. The below items appeared on the Closed Session agenda as Items B, C, E and F, respectively:

- **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to Government Code section 54957.6  
Agency Designated Representatives: Mayor Ward, Mayor Pro Tem James, and Gary Phillips  
Unrepresented Employee: City Manager
  
- **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Existing litigation pursuant to Government Code section 54956.9(d)(1)  
Number of Cases: 1  
  
Case Name: Anthem Sales and Management, LLC, et al. v. City of San Clemente  
Case Number: OCSC 30-2019-01063861-CU-WM-CJC
  
- **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 1
  
- **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code section 54957  
Title: City Attorney

**MEETING RECONVENED**

Council reconvened at 10:23 p.m., with all members participating, with the exception of Councilmember Ferguson.

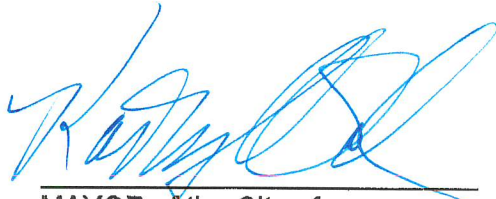
**CLOSED SESSION REPORT**

City Attorney Smith announced that no reportable action was taken during the Closed Session.

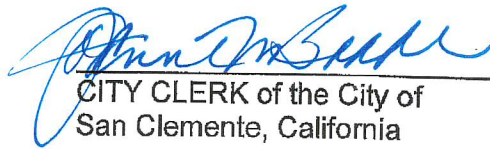


13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adjourn at 10:23 p.m. The next Regular Council Meeting is scheduled to take place on March 16, 2021. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m. Members of the City Council will participate in the meeting via teleconference and/or in person in the Community Center Auditorium, located at 100 N. Seville, San Clemente.



MAYOR of the City of  
San Clemente, California

  
CITY CLERK of the City of  
San Clemente, California