

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – April 20, 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 April 20, 2021 at 5:00 p.m. by Mayor Ward. The meeting was conducted at the San Clemente Community Center, 100 N. Calle 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

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### **CLOSED SESSION**

City Attorney Smith announced the following anticipated litigation items, noting that the information is disclosable because the potential defendants know about the facts, circumstances and theories that give rise to litigation:

1. One of the cases to be discussed as part of Closed Session Item A relates to potential litigation against Memorial Care and an eminent domain action with regard to the current hospital site.
2. Another case to be discussed as part of Closed Session Item A relates to the California Joint Powers Insurance Authority's determination not to accept the tender and defense of the lawsuit entitled Bieber v James; stated that if the City desires to pursue redress, it needs to do so through a binding arbitration action.

Councilmember Ferguson stated that Government Code Section 36814 requires that the clerk keep a correct record of Council proceedings and requested that Closed Session minutes commence this evening.

City Attorney Smith responded that the Brown Act contains more-specific information with regard to Closed Session minutes. Specifically, City Attorney Smith advised that the Brown Act allows Council to determine whether it wishes to apply Government Code Section 36814 to Closed Session minutes and also gives courts the ability to impose remedies that require the recording of Closed Session minutes; opined that the Brown Act provision relating to courts having the latitude to require minutes would be superfluous if Government Code Section 36814 required Closed Session minutes to be recorded.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess to Closed Session at 5:06 p.m. to discuss the following:

- A. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 3
  
- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2).  
Number of potential cases: 2
  
- 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. **PUBLIC EMPLOYEE APPOINTMENT**  
Pursuant to Government Code section 54957  
Title: City Manager
  
- E. **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  
  
Agency Designated Representative: Interim City Manager  
Represented Employees: All Employees  
Employee Organization: San Clemente City Employees Association
  
- F. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Pursuant to Government Code section 54956.8  
  
Property: 2.2 acre section of and 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa, Assessor's Parcel Number 678-163-01  
Agency Negotiators: City Manager and Assistant City Manager  
Negotiating Parties: City of San Clemente, proposing parties and/or their authorized agent(s)  
Under Negotiation: Price and terms for potential acquisition or lease

*Closed Session items continued on next page*

Property: 100 Avenida Presidio, Assessor's Parcel Number 692-012-01  
Agency Negotiator: City Manager and Assistant City Manager  
Negotiating Parties: City of San Clemente, proposing parties and/or their authorized agent(s)  
Under Negotiation: Price and terms for potential acquisition or lease

**G. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957  
Title: City Attorney

**BUSINESS MEETING CONVENED**

The Regular Business Meeting convened at 6:09 p.m.

**INVOCATION**

Councilmember Knoblock gave the invocation.

**PLEDGE OF ALLEGIANCE**

Councilmember Knoblock led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS**

**A. Toll Road Update**

Interim City Manager Sund reviewed the contents of the City's press release concerning a special meeting of the Foothill/Eastern Transportation Corridor Agency Board that will take place on April 22, 2021; noted that the purpose of the meeting is to consider a "Project Planning Policy" and summarized the City's concerns with the document; reported that the City will continue to work with Supervisor Bartlett's office and other affected agencies on a potential cooperative agreement.

**B. Update on Homeless Issue**

Donna Vidrine, San Clemente, offered suggestions to address the homeless issue, which included pursuing safe shelter options.

Interim City Manager Sund reported that the City will conduct interviews for its Community Outreach Worker next week; stated that Mercy House is open to the possibility of authorizing additional work hours for its current staff to serve San Clemente's homeless population until the City's Community Outreach Worker assumes his/her duties; stated that Public Works will add a second divider to one of the City's benches to test if that prevents persons from using the benches for sleeping purposes and/or storage of personal belongings; indicated that if the addition of a second divider is successful, dividers will be added to other City benches.

C. **Recognition of Tom Bonigut, Public Works Director/City Engineer**

Don Brown, San Clemente, speaking on behalf of Bill Hart, Ken Nielsen and himself (original Coastal Advisory Committee members), reflected on Tom Bonigut's successful career with the City and wished him well in his future endeavors.

A video was played that recognized Public Works Director/City Engineer Bonigut for over 16 years of exemplary service to the City of San Clemente.

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

**Opposition to San Clemente Becoming a 2<sup>nd</sup> Amendment Sanctuary City**

Carol Montgomery, San Clemente, stated that she represents over 200 San Clemente members of "Moms Demand Action for Gun Sense"; spoke in opposition to the designation of San Clemente as a 2<sup>nd</sup> Amendment sanctuary city.

**Public Comment Opportunities During Council Meetings**

Martina (last name not provided), San Clemente, suggested that the public should not be required to physically attend a Council meeting to address Council and asserted that the public should be allowed to call in comments or submit comments to be read verbally.

**T-Street Beach Hours and Request for Overnight Parking Restrictions**

Jody Giles, San Clemente, referenced a letter he sent to the City on February 1, 2021 which included a petition signed by 66 residents; urged the City to close T-Street beaches at 10:00 p.m. to align with other beaches in the County and to prohibit overnight parking in the T-Street area and in front of residences.

3. **WAIVER TO READING IN FULL OF ALL RESOLUTIONS AND ORDINANCES**

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**

None.

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

City Attorney Smith reported that Councilmember Ferguson, Councilmember Knoblock and Mayor Pro Tem James recused themselves from portions of this evening's Closed Session relating to one item under Closed Session Item A and one item under Closed Session Item B.

City Attorney Smith advised that Council will recess back to Closed Session at the end of this meeting to enable unfinished Closed Session items to be addressed.

**Extension of Standstill Agreement with Memorial Care**

City Attorney Smith announced that the following action was taken during the portion of this evening's Closed Session relating to Item A:

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to extend the 2019 standstill agreement with Memorial Care through June 14, 2021. Once executed, the agreement will be available for public inspection.

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 Item E.

A. **City Council Minutes**

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

- (1) Approve the City Council Regular Meeting minutes of March 16, 2021.
- (2) Approve the City Council Adjourned Regular Meeting minutes of April 6, 2021.

**B. Commission/Committee Minutes**

None.

**C. State Grant Funding for Emergency Generator for Orange County Sheriff's Department (OCSD) Substation**

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

1. Receive State grant funds in the amount of \$300,000 for an emergency generator for the OCSD Substation project to General Fund Account 030-000-33490-000-00000 (Other State Grants).
2. Approve a supplemental appropriation in the amount of \$300,000 from the Public Facilities Construction fund balance to Account 030-818-45300-000-10546 (OCSD Substation Project No. 10546).

**D. Notice of Completion – Playground Equipment Replacement at Mira Costa and Verde Park**

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

1. Accept the Playground Equipment Replacement at Mira Costa and Verde Park from the contractor, Landscape Structures, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Playground Equipment Replacement at Mira Costa and Verde Park (Project 10111).
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 Landscape Structures, 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.

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

**E. Contract Award – Annual Tree Maintenance Services**

Following discussion, MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to:

1. Approve, and authorize the Public Works Director/City Engineer, to execute Contract C21-10, by and between the City of San Clemente and West Coast Arborists, Inc., providing for tree-trimming services for the period of April 20, 2021 through June 30, 2025, with a base contract amount not to exceed \$1,305,000.
2. Authorize the Public Works Director/City Engineer to approve annual increases to the proposed unit rates and fees not to exceed the Consumer Price Index adjustment per Exhibit "E" of the agreement.

Council requested that the City's arborist inspect the palm trees in the T-Zone area to determine if any of the trees are in need of service. Interim City Manager Sund will update Council on the arborist's findings at its May 4, 2021 meeting under City Manager reports.

**7. PUBLIC HEARINGS**

**A. Zoning Amendment PLN19-032 Inclusionary Housing Program Update and In-Lieu Fee Update**

Public Hearing to consider the analysis and update of the City's Inclusionary Housing Program and Inclusionary Housing In-Lieu fee.

Mayor Ward opened the Public Hearing.

Fr. Bill Barman, Our Lady of Fatima Catholic Church, spoke on the need for affordable housing to enable workers to reside in the City and for senior citizens to remain in their homes; urged that San Clemente's inclusionary housing requirements be increased.

Judy Jones, San Clemente, read a letter from the League of Women Voters of Orange Coast, urging that San Clemente's inclusionary housing requirement be established at 15% and that in-lieu fees be set at \$10 to \$15 per square foot, or \$10,000 to \$15,000 per unit.

Donna Vidrine, San Clemente, spoke in support of the recommendations presented by Staff and the Planning Commission.

Denise Fleury, San Clemente, on behalf of the San Clemente Affordable Housing Coalition, recommended that San Clemente establish a 15% inclusionary housing requirement, with 7.5% dedicated for low-income housing and 7.5% dedicated for very low income housing; urged that in lieu fees be established at \$10 to \$15 per square foot or \$10,000 to \$15,000 per unit.

Steve LaMotte, Building Industry Association, urged that the inclusionary housing requirement remain at 4%; stated that increasing fees will add to the price of homes and possibly stifle development, thereby worsening the housing supply crisis.

Bill Kreutinger, San Clemente, conveyed his experience finding affordable housing and stated that people in San Clemente are in desperate need of affordable housing; opined that the existing 4% inclusionary housing requirement is inadequate.

Kathy Esfahani, San Clemente Affordable Housing Coalition, asserted that the 4% inclusionary housing requirement is too low and that the market can bear a 15% requirement.

There being no others desiring to speak on this issue, the Public Hearing was closed.

Senior Planner Savage narrated a PowerPoint presentation entitled "Inclusionary Housing Program", a hard copy of which is on file with the City Clerk. During the ensuing discussion, Senior Planner Savage, together with Darin Smith and Julie Cooper, of Economic and Planning Systems, responded to Council inquiries.

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

1. Determine the project is Categorically Exempt from the requirements of the CEQA and/or not subject to further environmental review pursuant to Sections 15060(c), 15061(b)(3), and 15378. It is not possible to predict which properties in the City, if any, may be proposed to be developed with a project that is subject to the IHP, whether any development or density will result from the proposed changes, whether any development or density will result that would not already have occurred under the existing IHP or Zoning Ordinance, whether any project may elect to submit inclusionary housing in-lieu fees in lieu of constructing affordable housing units



onsite, or any possible significant environmental impacts peculiar to the adoption of the IHP update, including the associated in-lieu calculation modification and Zoning Ordinance updates, therefore, this action (1) will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)); (2) can be seen with certainty based on review of the facts to have no possible significant effect on the environment, including impacts to water or traffic (CEQA Guidelines Section 15061(b)(3)); and (3) do not constitute a project under CEQA (CEQA Guidelines Section 15378). Any development project subject to the IHP will be subject to environmental review under CEQA.

2. Introduce Ordinance No. 1712 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING UPDATES TO THE CITY'S INCLUSIONARY HOUSING PROGRAM AND AMENDMENTS TO THE CITY'S ZONING ORDINANCE SECTION 17.24.120 INCLUSIONARY HOUSING, with the following modifications:

- The affordable residential unit requirement for new development shall be reduced from 4% to 2%.
- The fees in lieu of providing affordable housing on site shall not be increased.
- That Section C.2 of the Inclusionary Housing Program, paragraph entitled "Who Participates", shall be amended to read in its entirety as follows:

***"Who Participates:*** *The program shall apply to new developments of 6 or more dwelling units, or existing development adding 6 or more units, intended to be built as a single project. This program applies to a variety of projects including for-rent, for-sale and mixed-use projects."*

3. Adopt Resolution No. 21-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CITY'S DEVELOPMENT PROCESSING FEE SCHEDULE, with the modification that the fees in lieu of providing affordable housing on site shall not be increased.

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

1. Determine the project is Categorically Exempt from the requirements of the CEQA and/or not subject to further environmental review pursuant to Sections 15060(c), 15061(b)(3), and 15378. It is not possible to predict which properties in the City, if any, may be proposed to be developed with a project that is subject to the IHP, whether any development or density will result from the proposed changes, whether any development or density will result that would not already have occurred under the existing IHP or Zoning Ordinance, whether any project may elect to submit inclusionary housing in-lieu fees in lieu of constructing affordable housing units onsite, or any possible significant environmental impacts peculiar to the adoption of the IHP update, including the associated in-lieu calculation modification and Zoning Ordinance updates, therefore, this action (1) will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)); (2) can be seen with certainty based on review of the facts to have no possible significant effect on the environment, including impacts to water or traffic (CEQA Guidelines Section 15061(b)(3)); and (3) do not constitute a project under CEQA (CEQA Guidelines Section 15378). Any development project subject to the IHP will be subject to environmental review under CEQA.
2. Introduce Ordinance No. 1712 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING UPDATES TO THE CITY'S INCLUSIONARY HOUSING PROGRAM AND AMENDMENTS TO THE CITY'S ZONING ORDINANCE SECTION 17.24.120 INCLUSIONARY HOUSING, with the following notations and/or modifications:
  - The affordable residential unit requirement for new development shall remain at 4%.
  - The fees in lieu of providing affordable housing on site shall be established at \$7.36 per square foot.
  - That Section C.2 of the Inclusionary Housing Program, paragraph entitled "Who Participates", shall be amended to read in its entirety as follows:

**"Who Participates:** *The program shall apply to new developments of 6 or more dwelling units, or existing development adding 6 or more units, intended to be built as a single project. This program*

*applies to a variety of projects including for-rent, for-sale and mixed-use projects.”*

3. Adopt Resolution No. 21-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CITY'S DEVELOPMENT PROCESSING FEE SCHEDULE, with the inclusion of a \$7.36 square foot fee in lieu of providing affordable housing on site.

THE ORIGINAL MOTION WAS VOTED ON AND CARRIED 3-2 (COUNCILMEMBER DUNCAN AND MAYOR WARD VOTING NOE). For ease of reference, the action taken was as follows:

1. Determine the project is Categorically Exempt from the requirements of the CEQA and/or not subject to further environmental review pursuant to Sections 15060(c), 15061(b)(3), and 15378. It is not possible to predict which properties in the City, if any, may be proposed to be developed with a project that is subject to the IHP, whether any development or density will result from the proposed changes, whether any development or density will result that would not already have occurred under the existing IHP or Zoning Ordinance, whether any project may elect to submit inclusionary housing in-lieu fees in lieu of constructing affordable housing units onsite, or any possible significant environmental impacts peculiar to the adoption of the IHP update, including the associated in-lieu calculation modification and Zoning Ordinance updates, therefore, this action (1) will not result in any direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)); (2) can be seen with certainty based on review of the facts to have no possible significant effect on the environment, including impacts to water or traffic (CEQA Guidelines Section 15061(b)(3)); and (3) do not constitute a project under CEQA (CEQA Guidelines Section 15378). Any development project subject to the IHP will be subject to environmental review under CEQA.
2. Introduce Ordinance No. 1712 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING UPDATES TO THE CITY'S INCLUSIONARY HOUSING PROGRAM AND AMENDMENTS TO THE CITY'S ZONING ORDINANCE SECTION 17.24.120 INCLUSIONARY HOUSING, with the following modifications:
  - The affordable residential unit requirement for new development shall be reduced from 4% to 2%.
  - The fees in lieu of providing affordable housing on site shall not be increased.

*Action continued on next page*

- That Section C.2 of the Inclusionary Housing Program, paragraph entitled "Who Participates", shall be amended to read in its entirety as follows:

***Who Participates:** The program shall apply to new developments of 6 or more dwelling units, or existing development adding 6 or more units, intended to be built as a single project. This program applies to a variety of projects including for-rent, for-sale and mixed-use projects."*

3. Adopt Resolution No. 21-09 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE CITY'S DEVELOPMENT PROCESSING FEE SCHEDULE, with the modification that the fees in lieu of providing affordable housing on site shall not be increased.

8. **UNFINISHED BUSINESS**

A. **Approach for Summer 2021 San Clemente Trolley Service**

Report from the Public Works Director/City Engineer concerning the approach for the Summer 2021 San Clemente Trolley Service.

Deputy Public Works Director Mazboudi reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to add two additional weekends for the San Clemente Trolley Service to include Friday, May 14 through Sunday, May 16 and Friday, May 21 through Sunday, May 23.

9. **NEW BUSINESS**

A. **Warrant Register**

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

Wire Transfers No. 2417  
through 2419 and Warrant Nos.  
572685 through 572870, paid  
on 4-2-21, in the amount of.....\$2,868,537.36

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to approve the following:

Wire Transfers No. 2420 through 2425 and Warrant Nos. 572871 through 572995, paid on 4-9-21, in the amount of.....\$2,594,492.12

**Payroll Register**

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

Warrant Nos. 825 through 826, Automatic Deposit Advises 70504 through 70775 for the period 3-22-21 through 4-4-21, paid on 4-9-21, in the amount of.....\$ 439,277.04

TOTAL PAYROLL REGISTER.....\$ 439,277.04

**B. Citywide Concession Operations – Strategic Plan**

Report from the Beaches, Parks and Recreation Manager concerning the Strategic Plan for Citywide Concession Operations.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue this item to the Council meeting of May 4, 2021 and to direct Staff to also include the bicycle concession at North Beach in its analysis.

**C. Possible Changes to the Structure and Composition of City Commissions and Committees**

Report from the City Clerk concerning the possibility of repealing Ordinances Nos. 1684, 1697 and 1710, which enact changes to the City's Commissions and Committees effective July 1, 2021, to allow a further review of the structure and composition of City Commissions and Committees to be conducted before the City Code is amended.

Don Brown, San Clemente, reviewed the reasons for the Planning Commission's current membership of seven members and encouraged that the current complement of Planning Commission members be retained.

City Clerk Baade reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to introduce Ordinance No. 1713 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REPEALING ORDINANCES NOS. 1684, 1697 AND 1710 RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION, PLANNING COMMISSION, GOLF COURSE COMMITTEE, HUMAN AFFAIRS COMMITTEE, COASTAL ADVISORY COMMITTEE, AND/OR THE INVESTMENT ADVISORY COMMITTEE.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

**4<sup>th</sup> of July Celebration Update**

Interim City Manager Sund provided an update on the City's 4<sup>th</sup> of July celebration, noting that plans for a fireworks display at the end of the pier are on track.

**Outdoor Dining**

Economic Development Officer Lightfoot provided an update on outdoor dining, noting that it is currently slated to extend until the end of the City's emergency order with regard to Covid-19; explained that Staff is examining, with the participation of the City's business community, the possibility of the City adopting a permanent parklet program.

Council requested that Staff agendize for Council consideration a letter of support for SB 314 (Wiener) relating to expanded opportunities for outdoor dining.

C. **City Attorney**

None.

D. **Council Members**

**Crime Victims' Rights Week**

Councilmember Knoblock reported on his attendance at District Attorney Todd Spitzer's Victims' and Survivors' Ceremony, noting that April 18-24, 2021 is National Crime Victims' Rights Week.

**Earth Day**

Councilmember Knoblock noted that April 22, 2021 is Earth Day and advised that Prager University has information available on line relating to climate issues.

**Recognition of San Clemente High School Triton Football Team**

Councilmember Duncan and Mayor Ward congratulated the San Clemente High School Triton Football team on its victory over Mission Viejo High School on April 16, 2021 and commended the Tritons for earning the distinction of South Coast League champions.

**Youth Job Fair**

Councilmember Ferguson announced that a Youth Job Fair will take place on May 18, 2021 at the San Clemente Outlets.

**Council Policy 1201-11 (City Council Meetings and Operating Procedures) – Proposal to Amend to Provide for Minutes to be Taken During Closed Sessions**

Councilmember Ferguson, with the support of Councilmember Knoblock, proposed that Policy and Procedure 1201-11 (City Council Meetings and Operating Procedures) be amended for the Council meeting of May 4, 2021 to enable Council to consider expanding the Policy to specify that minutes will be taken during Closed Sessions. During the ensuing discussion, Council noted that it previously considered this issue and determined not to authorize minutes to be recorded during Closed Sessions. Council requested that Staff research Council's past action and Council Policy to determine if the proposed direction by Councilmember Ferguson and Councilmember Knoblock conforms with Council Policy as it applies to reconsideration of prior actions.

**Council Policy 1201-12 (City Council Access to Confidential Documents)**  
**– Proposal to Amend to Extend the Policy’s Applicability to Staff Members**  
**That Access Confidential Documents**

Councilmember Ferguson, with the support of Councilmember Knoblock, directed that Council Policy 1201-12 (City Council Access to Confidential Documents) be agendaized for the Council meeting of May 4, 2021 to enable Council to consider extending the Policy’s applicability to Staff members that access confidential documents.

12. **RESOLUTIONS/ORDINANCES**

None.

**RETURN TO CLOSED SESSION**

City Attorney Smith announced that no reportable action is expected to be taken during the continued Closed Session.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess back to Closed Session at 9:02 p.m. to discuss the following:

- A. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 3
  
- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)  
Number of potential cases: 2
  
- 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. **PUBLIC EMPLOYEE APPOINTMENT**  
Pursuant to Government Code section 54957  
Title: City Manager

*Closed Session items continued on next page*



**E. 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

Agency Designated Representative: Interim City Manager

Represented Employees: All Employees

Employee Organization: San Clemente City Employees Association

**F. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code section 54956.8

Property: 2.2 acre section of and 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa, Assessor's Parcel Number 678-163-01

Agency Negotiators: City Manager and Assistant City Manager

Negotiating Parties: City of San Clemente, proposing parties and/or their authorized agent(s)

Under Negotiation: Price and terms for potential acquisition or lease

Property: 100 Avenida Presidio, Assessor's Parcel Number 692-012-01

Agency Negotiator: City Manager and Assistant City Manager

Negotiating Parties: City of San Clemente, proposing parties and/or their authorized agent(s)

Under Negotiation: Price and terms for potential acquisition or lease

**G. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957

Title: City Attorney

**MEETING RECONVENED**

Council reconvened at 10:03 p.m., with all members present except Councilmember Ferguson.

**13. ADJOURNMENT**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adjourn to an Adjourned Regular Meeting to be held on April 22, 2021 at 4:00 p.m. for the purpose of considering the Long Term Financial Plan. The meeting will take place via teleconference.

A subsequent Adjourned Regular City Council Meeting will be held on April 27, 2021 at 6:00 p.m. for the purpose of receiving AB 1234 training. The meeting will take place via teleconference.

The next Regular Council Meeting is scheduled to take place on May 4, 2021 in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m.

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CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California