

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – March 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.*

A Regular Meeting of the San Clemente City Council was called to order on March 16, 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  
\*Joined the meeting at 5:01 p.m.

**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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### **CLOSED SESSION**

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

SC Cares, communication dated March 16, 2021, concerning the City Manager recruitment.

Mary Lou Smith, communication dated March 16, 2021, questioning public reporting requirements following Closed Sessions.

Councilmember Ferguson reported that she will recuse herself from Closed Session Item C related to the case entitled Anthem Sales and Management, LLC, et al. v. City of San Clemente.

City Attorney Smith noted that Closed Session Item F is a litigation threat that was received from the Construction Industry Force Account Council (CIFAC); advised that the correspondence from CIFAC that threatened litigation was linked to the agenda for this meeting.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, 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
  
- 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  
  
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. **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 6:05 p.m., with all members participating.

**INVOCATION**

Councilmember Knoblock gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Ward led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Toll Road Update**

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

Amanda Quintanilla, communication dated March 16, 2021.

Mayor Ward reported that at the March 11, 2021 TCA meeting, the Board took an “oppose unless amended” vote on SB 760 (Bates) and SB 761 (Bates); conveyed that Supervisor Bartlett suggested that a toll road stakeholder meeting, consisting of the TCA, OCTA, San Clemente and its neighbors, be scheduled to seek resolution to the toll road extension issue.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to hold a Special Meeting of the City Council on March 23, 2021 at 6:00 p.m. to evaluate the outcome of the toll road stakeholder meeting and formulate the City’s response to that meeting.

B. **Housing Sites Survey**

Jennifer Savage, Senior Planner, narrated a PowerPoint presentation entitled “Housing Sites Survey”; requested public participation in the draft housing sites survey, noting that the results will inform the Housing Element Update. A hard copy of Ms. Savage’s presentation, dated March 16, 2021, is on file with the City Clerk.

Council directed that the Homeless Update be included on future Council agendas under Special Presentations.

**Possibility of Renewing the City Net Contract on an Interim Basis**

Councilmember Duncan proposed, and Councilmember Knoblock supported, agendaing the possibility of renewing the City Net contract until the City's Community Outreach Worker assumes his/her duties.

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

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

Lisa Edone, communication dated March 8, 2021, opposing development of a gas station/car wash at La Pata and Vista Hermosa.

Collen Reilly, communication dated March 15, 2021, concerning parking spaces occupied by H.H. Cottons for outdoor dining that do not appear to be in use.

Vonne Barnes, Rancho San Clemente Community Association Board President, communication dated March 16, 2021, recommending that the public comment portal enable photos and diagrams to be attached for public viewing while comments are being read at Council meetings.

Anonymous, communication dated March 16, 2021, urging that a City Manager be hired.

Anne Caney, communication dated March 16, 2021, asserting that e-Bikes on sidewalks pose dangers to the public.

Donna Vidrine, communication dated March 16, 2021, requesting that Homeless Updates be included on all Council agendas and urging that outreach services be provided to the City's homeless population.

Tony Rubolino, communication dated March 16, 2021, concerning opening Council meetings to the public.

Judy Jones, League of Women Voters of Orange Coast, communication dated March 16, 2021, supporting Inclusionary Housing. (*Mayor Pro Tem James opined that because the League of Women Voters of Orange Coast is a 501(c)(4), it should not take positions on City-related matters.*)

Bill Kreutinger, communication dated March 16, 2021, urging that the City continue the services of City Net until the City's Homeless Outreach Worker assumes his/her duties.

Matt Hoover, communication dated March 16, 2021, concerning Code violations at 715 Avenida Columbo and recommending a public presentation thereon.

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**

None.

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

**Extension of Standstill Agreement – Memorial Care**

City Attorney Smith reported that Council took the following action during the Closed Session portion of its March 2, 2021 meeting:

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to approve an extension to the Standstill Agreement which was part of the litigation settlement with Memorial Care.

City Attorney Smith advised that the agreement was approved in part by Memorial Care and a 30-day extension to the Standstill Agreement was approved in email form from the attorney representing Memorial Care; stated that the email is a public record and available from the City Clerk's Office.

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 D, E, G, H and I.

A. **City Council Minutes**

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

- (1) Approve the City Council Adjourned Regular Meeting minutes of February 27, 2021.
- (2) Approve the City Council Special Meeting minutes of March 1, 2021.
- (3) Approve the City Council Regular Meeting minutes of March 2, 2021.
- (4) Approve the City Council Special Meeting minutes of March 9, 2021.

**B. Commission/Committee Minutes**

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

- (1) Human Affairs Committee Regular Meeting minutes of December 8, 2020.
- (2) Joint Homeless Subcommittee Special Meeting minutes of August 27, 2020.
- (3) Joint Homeless Subcommittee Special Meeting minutes of October 5, 2020.
- (4) Public Safety Committee Special Meeting minutes of October 7, 2020.
- (5) Public Safety Committee Special Meeting minutes of November 10, 2020.
- (6) Public Safety Committee Special Meeting minutes of December 17, 2020.
- (7) Joint Homeless Subcommittee Special Meeting minutes of January 7, 2021.
- (8) Public Safety Committee Special Meeting minutes of January 26, 2021.
- (9) Planning Commission Regular Study Session minutes of March 3, 2021.
- (10) Planning Commission Regular Meeting minutes of March 3, 2021.
- (11) Zoning Administrator Regular Meeting minutes of March 4, 2021.

**C. Plan Design for Park Monument Sign Replacements**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to receive and file the Administrative Report, dated March 16, 2021, which confirms the approach for replacement of park monument signs consistent with the City Council approved Master Wayfinding Sign Program.

F. Policy and Procedure 1201-11 – City Council Meetings and Operating Procedures

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adopt revised Policy and Procedure 1201-11 (City Council Meetings and Operating Procedures), effective March 16, 2021.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

D. Contract Award – FY 2021 Major Street Maintenance

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

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

1. Approve the plans and specifications for FY 2021 Major Street Maintenance, Project No. 21302.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C21-08, by and between the City of San Clemente and Hardy & Harper, Inc., providing for FY 2021 Major Street Maintenance, in the amount of \$455,000.
3. Amend the last three sentences of Section 2 on Page 1 of the contract to read as follows:

*“Further, prior to commencing performance of any work hereunder, Contractor shall cooperate with and assist the City to identify and make any refinements to the description and scope of the work that may be necessary to achieve City’s goals hereunder. **The cost of such refinements to be included in the bid price.** In the event of any doubt or question arising regarding the true meaning of any of the Contract Documents or any portion thereof, reference shall be made to the Engineer whose decision thereon shall be final.”*

**\*The language added by Council is indicated in bolded italicized type.**

E. 2020 General Plan Annual Progress Report

Public Works Director/City Engineer Bonigut and Associate Planner Wright responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK, to:

1. Adopt Resolution No. 21-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE GENERAL PLAN 2020 ANNUAL PROGRESS REPORT.
2. Direct Staff to submit the 2020 General Plan Annual Progress Report to the State as required by law.
3. Direct that Page 128 of the Annual Progress Report of the San Clemente General Plan 2020 Annual Progress Report be expanded to specify that City Management made the decision to allow for only San Clemente residents to utilize the campsite designated for homeless individuals, and to reference the Coastal Commission's letter to the City which advised that a Coastal Development Permit is needed to continue the homeless camp site.

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

1. Adopt Resolution No. 21-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING THE GENERAL PLAN 2020 ANNUAL PROGRESS REPORT.
2. Direct Staff to submit the 2020 General Plan Annual Progress Report to the State as required by law.
3. Direct that Page 128 of the San Clemente General Plan 2020 Annual Progress Report, relating to Program 14: Monitoring of Emergency Shelter Overlay be modified to replace the last sentence in Column 4 (Status of Program Implementation), with the following language:

*"The City chose to close the designated campsite in December of 2019 for two reasons: 1) due to the significantly reduced homeless population in San Clemente, and 2) the California Coastal Commission South Coast District Manager, Amber Dobson, sent a letter dated October 15, 2019 (received by the City on October 21, 2019) notifying the City that the campsite use must cease unless a Coastal Development Permit was obtained."*

\*The language added by Council is indicated in bolded italicized type.



G. **Policy and Procedure 1201-12 – City Council Access to Confidential Documents**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR WARD to adopt revised Policy and Procedure 1201-12 (City Council Access to Confidential Documents), effective March 16, 2021, with the modification that the Policy portion be revised to read in its entirety as follows:

**"POLICY:**

"The following advisement shall accompany the release of confidential, non-public records to City Councilmembers and shall be incorporated into read receipt confirmations for electronic transmittals of said records:

"The information provided herein is to be viewed only by San Clemente City Councilmembers and authorized City staff. Under California Government Code section 54963, it is unlawful to disclose to any person not entitled to receive confidential information provided in connection with a closed session of the City Council without express written authorization of the City Council. Willful violation of these terms may result in disciplinary action and/or, in the case of a City Councilmember, referral to the grand jury. Waiver of the attorney-client privilege or release of attorney work-product may only occur by a majority vote of the City Council.

"[Insert Document Identifications]

"Received by \_\_\_\_\_ Date \_\_\_\_\_"

*"An email from a member of Council that confirms receipt of the advisement language for identified hard-copy confidential materials may be submitted to the City as an acceptable prerequisite to receiving confidential materials."*

SUBSTITUTE MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER FERGUSON, **FAILED 2-3** (COUNCILMEMBER DUNCAN, MAYOR PRO TEM JAMES AND MAYOR WARD VOTING NOE), to adopt revised Policy and Procedure 1201-12 (City Council Access to Confidential Documents), effective March 16, 2021, as submitted in the Administrative Report.

THE ORIGINAL MOTION ON THE FLOOR WAS VOTED ON AND CARRIED 4-0-1 (COUNCILMEMBER FERGUSON ABSTAINING).

H. **Establishment of Weed Abatement Program for 2021**

Code Compliance Manager Atamian, Community Development Director Gallardo-Daly and Interim City Manager Sund responded to Council inquiries.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to agendize for the April 6, 2021 Council meeting, the possibility of directing that remedial efforts be undertaken to improve the condition of the lots located at 1430 South El Camino Real and 1502 South El Camino Real. Concerns for the subject properties include the existence of weeds, poor condition of asphalt, broken fencing, and graffiti on buildings. Council requested that a staff report be prepared for these issues that includes photographs of the subject properties.

Council requested that Staff communicate with the property owners of the two lots to notify them of the need to clean the properties and to encourage them to move forward with their development plans.

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

Vonne Barnes, RSCCA Board President, communication dated March 16, 2021.

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adopt Resolution No. 21-06 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTION 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

I. **Contract Award – Legislative Advocacy Services**

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

Kristina (no last name provided), communication dated March 16, 2021.

Following discussion, MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 3-2 (COUNCILMEMBERS FERGUSON AND KNOBLOCK VOTING NOE), to approve, and authorize the City Manager to execute, Contract C21-09, by and between the City of San Clemente and Aprea & Micheli, providing for legislative advocacy services, for a one-year term for an amount not to exceed \$180,000, with the option to renew the contract for one additional year. Funds are budgeted in Other Professional Services, Account 001-203-43690-000-00000. Funding for future terms will be subject to approval through the annual budget process.

**MEETING RECESSED**

Council recessed at 8:06 p.m. and reconvened at 8:12 p.m., with all members participating either in person or via teleconference.

7. **PUBLIC HEARINGS**

A. **Specific Plan Amendment (SPA) 20-393 – Removal of Toll Road References**

Public Hearing to consider the adoption of City initiated amendments to the Talega Specific Plan, Rancho San Clemente Specific Plan, and Marblehead Coastal Specific Plan. The proposed specific plan amendments involve removing 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. Since the alignment is no longer proposed, the toll road and SR-241 references are outdated and should be removed for document maintenance purposes.

Mayor Ward opened the Public Hearing.

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

Dawn Urbanek, communication dated March 16, 2021.

Martina (no last name provided), communication dated March 16, 2021.

Amanda Quintanilla, communication dated March 16, 2021.

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

Associate Planner Wright, Public Works Director/City Engineer Bonigut and Community Development Director Gallardo-Daly responded to Councilmember inquiries.

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

1. Determine a review of the project has been completed according to the California Environmental Quality Act (CEQA), and find SPA 20-393 does not constitute a "project" subject to CEQA [State CEQA Guidelines, §15060, subd. (c)(2)-(3), 15378(a), (b)(5)], SPA 20-393 is exempt under CEQA's common sense exemption [State CEQA Guidelines, §15061, subd. (b)(3)], and even if SPA 20-393 were a non-exempt project subject to CEQA, environmental review is unnecessary under Public Resources Code section 21166 and State CEQA Guidelines section 15162; for reasons described in the Resolution, Attachment 1 to the Administrative Report, dated March 16, 2021, which is on file with the City Clerk.
2. Adopt Resolution No. 21-07 entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIFIC PLAN AMENDMENT 20-393: REMOVAL OF REFERENCES TO THE STATE ROUTE 241 TOLL ROAD EXTENSION IN THE MARBLEHEAD COASTAL SPECIFIC PLAN, RANCHO SAN CLEMENTE SPECIFIC PLAN, AND TALEGA SPECIFIC PLAN, AND MAKING ASSOCIATED CEQA FINDINGS.

8. **UNFINISHED BUSINESS**

A. **Contract Award - Annual Tree Maintenance Services**

Report from the Public Works Director/City Engineer concerning the City's Annual Tree Maintenance contract.

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

Jim (no last name provided), communication dated March 23, 2021.  
Patrick Mahoney, President, West Coast Arborists, communication dated March 16, 2021.

Richard "Rick" Rodriguez, Matthew Garcia and Jason Garcia, Rod's Tree Service, communication dated March 16, 2021.

Patricia Rascon, Construction Industry Force Account Council, communication dated March 16, 2021.

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to amend the specifications for Annual Tree Maintenance Services, which are a component of the proposed tree maintenance contract, for Council consideration and possible modification after July 1, 2021, with direction that a Staff Report be prepared.

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

1. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C21-10, a Maintenance Services Agreement by and between the City of San Clemente and West Coast Arborists, Inc., providing for tree trimming services for the period from March 17, 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.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to authorize an additional \$25,000 to the as-needed tree service contract with West Coast Arborists to fund emergency tree services for the remainder of the fiscal year. Non-emergency tree services for the remainder of FY 2020-21 will be awarded pursuant to the City's Purchasing Policy (which requires that three quotes be obtained).

9. **NEW BUSINESS**

A. **Warrant Register**

Councilmember Ferguson requested additional information relating to Silver & Wright's charges for Code enforcement matters as well as BBK's charges for legal work relating to Public Records Act requests.

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

Approve Wire Transfers No. 2394 through 2400 and Warrant Nos. 572083 through 572210, paid on 2-26-21, in the amount of.....\$2,330,156.08

Approve Wire Transfers No. 2401 through 2405 and Warrant Nos. 572211 through 572271, paid on 3-5-21, in the amount of.....\$2,542,843.07

TOTAL WARRANT REGISTER.....\$4,872,999.15

**Payroll Register**

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

Approve Warrant Nos. 820 through 821, Automatic Deposit Advises 69687 through 69965 for the period 2-8-21 through 2-21-21, paid on 2-26-21, in the amount of.....\$ 446,504.07

TOTAL PAYROLL REGISTER.....\$ 446,504.07

- B. **Consideration of YouTube Chat Feature** (Agendized by Councilmember Ferguson with the support of Mayor Pro Tem James at the Council Meeting of March 1, 2021)

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

Joe Janis, communication dated March 16, 2021.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-1 (COUNCILMEMBER DUNCAN VOTING NOE), to enable the chat feature on YouTube live broadcasts of City Council meetings, with the understanding that if Council learns that inappropriate comments are being posted, and the existence of the inappropriate posts is confirmed, Council will direct that the chat feature be disabled for that meeting.

- C. **Consideration of Establishing a Portion of the Beach on Which Dogs Would be Allowed for a One-Year Trial Period** (Agendized by Councilmember Knoblock with the support of Councilmember Ferguson at the Council Meeting of March 2, 2021)

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

Todd Sinclair, communication dated March 16, 2021.

William Barnes, communication dated March 13, 2021.

Helen McCue, communication dated March 12, 2021.

Peter Perines, communication dated March 16, 2021.

The Muschenheim Family, communication dated March 11, 2021.

The Simms Family, communication dated March 15, 2021.

Monica (no last name provided), communication dated March 16, 2021.

Arthur Manoogian, communication dated March 16, 2021.

Anonymous, communication dated March 16, 2021.

Louis Pasoz, communication dated March 16, 2021.

Holly (no last name provided), communication dated March 16, 2021.

Donna Vidrine, communication dated March 16, 2021.

Denise Erkeneff, communication dated March 16, 2021.

Kathy Esfahani, communication dated March 16, 2021.

William Stonewerk, communication dated March 16, 2021.

Tyler Boden, communication dated March 16, 2021.

SC Dogs, communication dated March 16, 2021.

Utilities Director Rebensdorf, Environmental Programs Supervisor Mallett and Recreation Manager Wylie responded to Council inquiries.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to refer the possibility of establishing a portion of the beach on which dogs would be permitted to the Beaches, Parks and Recreation Commission for analysis and report back to the Council at its meeting of June 1, 2021. The Commission is to obtain public and staff input to assist in its assessment of a possible dog beach. Issues to be assessed include the following: 1) efficacy of a dog beach, 2) recommended location for a one-year test program, 3) fiscal impact, 4) liability issues, 5) water quality issues, 6) health and safety issues, and 7) the broader issue of an overall plan for dogs and dog access opportunities in the City, such as establishment of possible dog runs at various City parks.

- D. **Consideration of Letter to Oppose Bills Relating to the State's Housing Crisis and Convey the City's Intention to Explore Ways to Maintain Local Control Over Zoning Matters** (Agendized by Mayor Pro Tem James with the support of Councilmember Knoblock at the Council Meeting of March 2, 2021)

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to authorize the Mayor to execute and submit letters to San Clemente's legislative delegation and all cities in California, which express the City's opposition to bills relating to the State's housing crisis and conveying the City's intention to explore ways to maintain local control over zoning matters. A Resolution with similar content is to be agendized for Council consideration at its meeting of April 6, 2021.

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

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

Rick Loeffler, communication dated March 16, 2021, urging that future Council agendas include a Homeless Update.

11. **REPORTS**

A. **Commissions and Committees**

None.



B. **City Manager**

(1) **Plan for the Opening of City Hall and Council Meetings to the Public**

Interim City Manager Sund narrated a PowerPoint presentation entitled “Proposed Plan for Opening City Hall & Council Meetings” and responded to Council inquiries. A hard copy of Mr. Sund’s presentation is on file with the City Clerk.

**Dividers on Public Benches**

Interim City Manager Sund reported that the City has begun the process of installing dividers on City benches and is expecting more dividers to be installed by the end of the month.

**Federal Stimulus Funds**

Interim City Manager Sund reported that the City expects to receive \$8.9 million as part of a federal stimulus package and is working with the Federal Government to understand the guidelines for use of the funds; noted that a proposed expenditure plan will be submitted to Council for consideration during the Long Term Financial Plan and Budget processes.

**Lease Concessions**

Interim City Manager Sund reported that an update concerning City lease concessions will be agendaized for the Council meeting of April 20, 2021.

C. **City Attorney**

(1) **Report from the City Attorney Concerning AB 1234 Training**

Council established April 27, 2021 at 6:00 p.m. as the date and time to receive AB 1234 training. Council expressed interest in possibly receiving harassment training on the same date as an afternoon session.

D. **Council Members**

**Beach Access Improvements (Mariposa and Riviera)**

Councilmember Ferguson proposed, and Mayor Pro Tem James supported, agendaizing for the April 6, 2021 Council meeting, the possibility of directing that the cost to install hand railings at the concrete access path to the beach at Mariposa as well as beach access to Riviera be included in the 2021/22 CIP budget.

**715 Avenida Columbo Property**

Councilmember Ferguson proposed, and Mayor Pro Tem James supported, agendaizing the property at 715 Avenida Columbo for Closed Session on April 6, 2021.

**Support for the Right to Bear Arms**

Mayor Pro Tem James proposed, and Councilmember Knoblock supported, agendaizing for the April 6, 2021 Council meeting, a non-binding resolution in support of the right to bear arms.

**Ordinance(s) to Prohibit Shopping Carts and Storage of Personal Property on Sidewalks, Streets and Public Property**

Mayor Pro Tem James proposed, and Councilmember Knoblock and Mayor Ward supported, directing the Homeless Subcommittee and Public Safety Committee to consider, and submit a recommendation to Council in June/July 2021, relative to the possibility of enacting Ordinance(s) to prohibit shopping carts and storage of personal items on sidewalks, streets and public property.

**Donation to Marine Groups at San Mateo**

Councilmember Knoblock reported that the City donated \$1,000 to Marine groups at San Mateo to fund a cooler for the recreation room.

**Consideration of Repealing Ordinance No. 1655 Relating to Administrative Hearings**

Councilmember Knoblock proposed, and Mayor Pro Tem James supported, agendaizing for the Council meeting of April 6, 2021, the possibility of repealing Ordinance No. 1655, which requires that unsuccessful appellants pay the costs associated with Administrative Hearings.

**Participation in Public Works Class at San Clemente High School**

Councilmember Duncan reported on his participation in a Public Works class at San Clemente High School.

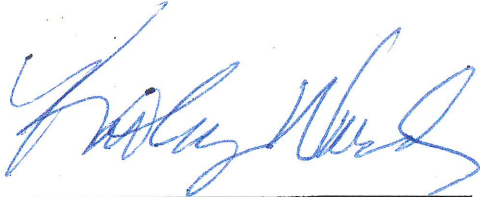
12. **RESOLUTIONS/ORDINANCES**

None.

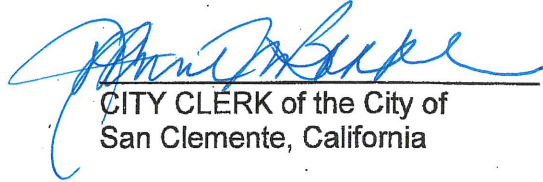
13. **ADJOURNMENT**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0 to adjourn at 11:01 p.m. to a Special Meeting to be held on March 23, 2021 at 6:00 p.m. for the purpose of discussing toll road issues. Councilmembers will meet via teleconference and/or in person at the Community Center Auditorium, located at 100 N. Seville, San Clemente.

The next Regular Council Meeting is scheduled to take place on April 6, 2021. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m. Councilmembers will meet via teleconference and/or in person at 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