

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular Meeting – May 18, 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 Special Meeting of the San Clemente City Council was called to order on May 18, 2021 at 5:06 p.m. in the San Clemente Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

PRESENT DUNCAN, FERGUSON*, JAMES, KNOBLOCK, MAYOR WARD

*Did not participate in the Closed Session, but participated in the Regular Business Meeting, that convened at 6:06 p.m., via teleconference

ABSENT NONE

STAFF PRESENT Erik Sund, City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

City Attorney Smith reported that one case under Closed Session Item B and one case under Closed Session Item C pertain to the TCA and Development Impact Fees.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to recess to Closed Session at 5:07 p.m. to discuss the below and to recess the Regular Business Meeting to 6:00 p.m.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Attorney

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 2

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange

Case Number: 30-2017-00934703-CU-PT-CXC

Closed Session items continued on following page

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

C. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 2

D. **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code section 54957.6
Agency designated representative: City Manager
Represented employees: All Employees
Employee organization: San Clemente City Employees Association

REGULAR BUSINESS MEETING CONVENED

The Regular Business Meeting convened at 6:06 p.m., with all Councilmembers present.

PLEDGE OF ALLEGIANCE

Councilmember Duncan led the Pledge of Allegiance.

RECOGNITION OF BILL HART

Council expressed sadness at the passing of Bill Hart on May 15, 2021, recognized his many contributions to the people and City of San Clemente, and observed a moment of silence in his honor and remembrance.

Mayor Ward presented flowers to Bill's family, and noted that tonight's meeting will be adjourned in his memory.

1. **SPECIAL PRESENTATIONS**

A. **Toll Road Update**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to discuss Item 8B (Withdrawal from the Transportation Corridor Agencies Joint Exercise of Powers Agreement) under the Toll Road Update portion of this meeting. Please refer to Page 10 of these minutes for a summary of Item 8B.

B. **Update on Homeless Issue**

Donna Vidrine, San Clemente, suggested that individuals experiencing homelessness could be housed by securing blocks of rooms at various hotels.

City Manager Sund reported that the City is currently utilizing Mercy House to provide homeless outreach services until such time as the City's Community Outreach Worker commences his/her duties.

C. **PierPride Update**

Mikii Rathmann narrated a PowerPoint presentation entitled "PierPride 2021" concerning PierPride activities. A hard copy of Ms. Rathmann's PowerPoint is on file with the City Clerk.

D. **South Orange County Multimodal Transportation Study – Report by the Orange County Transportation Authority (OCTA)**

Marissa Espino, Community Relations Specialist, and Warren Whiteaker, Principal Transportation Analyst, with OCTA, narrated a PowerPoint presentation entitled "South Orange County Multimodal Transportation Study". A hard copy of the PowerPoint is on file with the City Clerk.

E. **Presentation of Proclamation – National Beach Safety Week**

Mayor Ward presented a Proclamation to Marine Safety Officer Burton, recognizing May 24 - 31, 2021 as National Beach Safety Week.

F. **Bike Safety Awareness – Orange County Sheriff's Department**

Captain Manhart, Chief of San Clemente Police Services, provided a report concerning bike safety and reported that the City and San Clemente Police Services are holding a Bike Rodeo to promote bike safety on May 26, 2021 at the Vista Hermosa Sports Park.

G. **Presentation of Proclamation - National Public Works Week**

Mayor Ward presented a Proclamation to Steve Fritsch, Maintenance Inspector Coordinator, and Tyler Langill, Utilities Mechanic II, proclaiming May 16 - 23, 2021 as National Public Works Week.

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

Bieber v James – Request for Defense and Binding Arbitration

Bill Kreutinger, San Clemente, requested that Council add to this evening's agenda as an emergency item, the Request for Defense and Binding Arbitration in *Bieber v James*.

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**

Bieber v James – Request for Defense and Binding Arbitration

MOTION BY COUNCILMEMBER DUNCAN to add the following item to this evening's agenda: Request for Defense and Binding Arbitration in *Bieber v James*, Case No. 30-2020-01145593-CU-DF-CJC (Orange County Superior Court).

Councilmember Knoblock announced that he will recuse himself from participation on this item because he may be called as a potential witness in the case. Councilmember Ferguson announced that she will recuse herself from participation on this item because she believes that City defense would represent a gift of public funds.

City Attorney Smith advised that given the fact that Councilmembers Ferguson and Knoblock have stated their recusals, a quorum would not be available to consider the *Bieber v James* defense issue; advised further that the subject item would not qualify to be added to this agenda because it did not come to the City's attention subsequent to posting of the agenda.

COUNCILMEMBER DUNCAN WITHDREW HIS MOTION.

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

City Attorney Smith announced that no reportable action was taken during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6A(2), E and J.

A. **City Council Minutes**

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

- (1) City Council Special Meeting minutes of April 29, 2021.

B. **Commission/Committee Minutes**

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

- (1) Public Safety Committee Regular Meeting minutes of March 23, 2021.
- (2) Public Safety Committee Special Meeting minutes of March 25, 2021.
- (3) Planning Commission Adjourned Regular Meeting minutes of May 5, 2021.
- (4) Zoning Administrator Regular Meeting minutes of May 6, 2021.
- (5) Human Affairs Committee Regular Meeting minutes of February 9, 2021.
- (6) Beaches, Parks and Recreation Commission Regular Meeting minutes of April 13, 2021.

C. **Contract Award – Building “N” Repairs and Upgrades**

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

1. Approve the plans and specifications for the Building “N” Repairs and Upgrades, Project Nos. 21206 and 21406.
2. Approve, and authorize the Interim Public Works Director to execute, Contract C21-21, by and between the City of San Clemente and Thomas Solar Energy, providing for the Building “N” Repairs and Upgrades, in the amount of \$74,965.

D. **Contract Award – City-Wide Street Sweeping Services**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C21-22, by and between the City of San Clemente and Cannon Pacific Services, providing for City-wide street sweeping, in the amount of \$1,385,004, for an initial three-year term.

F. **Debt Management Policy, Pursuant to California Government Code Section 8855(i), as Amended and Effective January 1, 2017**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to adopt Resolution No. 21-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A DEBT MANAGEMENT POLICY.

G. **Institution of Proceedings to Refund Outstanding Special Tax Revenue Refunding Bonds of Community Facilities District No. 99-1 of the City of San Clemente**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to adopt Resolution No. 21-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING INSTITUTION OF PROCEEDINGS TO REFUND OUTSTANDING SPECIAL TAX REVENUE REFUNDING BONDS OF COMMUNITY FACILITIES DISTRICT NO. 99-1 OF THE CITY OF SAN CLEMENTE.

H. **Contract Amendment – Communications Site Lease Agreement with CCTM1 (Cordillera Water Tank Site Located at 1001 Calle Cordillera)**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C10-50, the Communications Site Facility Lease by and between the City of San Clemente and CCTM1 LLC, for property located at 1001 Calle Cordillera.

I. **Records Destruction**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to adopt Resolution No. 21-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

6A(2). **City Council Special and Regular Meeting Minutes of May 4, 2021**

MOTION BY COUNCILMEMBER FERGUSON to expand the Council minutes of May 4, 2021 as follows: 1) After Mayor Pro Tem James' comments during the Toll Road Report about inappropriate TCA communications, include her response that elected officials of government public entities, including TCAs, may communicate with whomever they wish; and 2) Identify that the purpose for her recusal on Item 8B (Request for Defense and Binding Arbitration in the *Bieber v James* case) is due to her opinion that City defense would constitute a gift of public funds. **THE MOTION DIED FOR LACK OF A SECOND.**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 3-1-1 (COUNCILMEMBER FERGUSON VOTING NOE AND COUNCILMEMBER KNOBLOCK ABSTAINING BECAUSE HE DID NOT ATTEND THE MAY 4, 2021 COUNCIL MEETING), to approve the City Council Special and Regular Meeting minutes of May 4, 2021 as written.

E. **Contract Amendment – Amendment to Contract for Design and Construction Support for the City Hall Second Floor Sheriff's Department Substation to Also Include Design and Construction Support for a New Council Chambers**

City Manager Sund and Interim Public Works Director Gomez responded to Council inquiries.

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

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C20-12, by and between the City of San Clemente and Gensler, to include design and construction support services for a new Council Chambers on the second floor of City Hall, located at 910 Calle Negocio, with the deletion of an end date to the contract term. This Amendment increases the contract amount from \$265,350 to \$441,350 (an increase of \$176,000).
2. Approve a supplemental appropriation in the amount of \$176,000 to Account 001-203-45800.

J. **Ratification of Emergency Construction Contract - Beach Trail Bridge Shoring**

Interim Public Works Director Gomez responded to Council inquiries.

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

1. Make a finding that an emergency existed due to the severe corrosion of structural members of the Mariposa Beach Trail Bridge, and that the situation required immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health.
3. Ratify emergency Contract C21-20 approved by the City Manager with Jilk Heavy Construction, Inc., in the amount of \$352,485.
4. Direct the City Manager to approve and execute a contract for the geotechnical work for the beach trail bridge project for an amount not to exceed \$50,000.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

A. **Code Changes Related to the Planning Commission**

Report from the City Manager and City Clerk concerning the possibility of amending the Code of the City of San Clemente as it relates to the Planning Commission.

Barton Crandell, San Clemente, cited advantages of maintaining a 7-person Planning Commission.

Don Brown, San Clemente, urged Council to maintain a 7-person Planning Commission.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER FERGUSON to **table** Ordinance No. 1714, entitled an Ordinance of the City Council of the City of San Clemente, California, amending Chapter 2.32 of the Code of the City of San Clemente, relating to the Planning Commission.

SUBSTITUTE MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 3-2 (COUNCILMEMBERS FERGUSON AND KNOBLOCK VOTING NOE), to **decline** to introduce Ordinance No. 1714, entitled an Ordinance of the City Council of the City of San Clemente, California, amending Chapter 2.32 of the Code of the City of San Clemente, relating to the Planning Commission. By virtue of Council's action to not modify the Code language pertaining to the Planning Commission, the current Code language (which does not require preparation of an annual Work Plan) shall remain in effect.

Council requested an update on Planning Commission activities on a quarterly basis.

B. Withdrawal from the Transportation Corridor Agencies (TCAs) Joint Exercise of Powers Agreement (JPA)

Report from the City Manager concerning possible withdrawal of the City from the Transportation Corridor Agencies Joint Exercise of Powers Agreement.

City Manager Sund reviewed the contents of the Administrative Report and, along with City Attorney Smith, responded to Council inquiries.

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to withdraw from the Transportation Corridor Agencies (TCAs) Joint Exercise of Powers Agreement (JPA).

9. NEW BUSINESS

A. Warrant Register

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

Approve Wire Transfers No. 2435 through 2442 and Warrant Nos. 573356 through 573487, paid on 5-7-21, in the amount of.....\$4,223,214.99

Approve Wire Transfers No. 2444* through 2445 and Warrant Nos. 573488 through 573601, paid on 5-14-21, in the amount of.....\$1,097,148.05

*Wire Transfer No. 2443 was accidentally skipped.

TOTAL WARRANT REGISTER.....\$5,320,363.04

Payroll Register

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

Approve Warrant Nos. 829 through 831 and Automatic Deposit Advises 71067 through 71359 for the period 4-19-21 through 5-2-21, paid on 5-7-21, in the amount of.....\$ 453,616.25

TOTAL PAYROLL REGISTER.....\$ 453,616.25

AGENDA REORGANIZATION

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to consider Agenda Item 9E (Consideration of Adopting a Non-Binding Resolution of Support for the Right to Bear Arms) immediately following a recess. Please refer to Page 14 of these minutes for a summary of Item 9E.

MEETING RECESSED

Council recessed at 8:44 p.m. and reconvened at 8:53 p.m., with all members present.

B. SB 389 (Dodd) – Off-Sale Alcohol Privileges

Report from the Economic Development Officer concerning the possibility of issuing a letter of support for SB 389 (Dodd) – Off-Sale Alcohol Privileges. (*Agendized by Council at its meeting of May 4, 2021*)

Economic Development Officer Lightfoot reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, **FAILED 2-3** (COUNCILMEMBERS FERGUSON AND KNOBLOCK AND MAYOR WARD VOTING NOE), to support SB 389 (Dodd) relating to off-sale alcohol privileges, and authorize the Mayor to execute the letter of support, provided as Attachment 1 to the Administrative Report, dated May 18, 2021.

C. Draft Housing Element and Safety Element Updates

Report from the Community Development Director concerning the Draft Housing Element and Safety Element updates.

Judy Jones, League of Women Voters of Orange Coast, read a letter from the League that requested that Council take actions to accommodate an increase in the supply of affordable housing. A hard copy of the League's letter, dated May 18, 2021, is on file with the City Clerk.

Bill Kreutinger, San Clemente, voiced concern that many people are overburdened with housing costs which, in turn, negatively affects the economy due to a decrease in discretionary spending; opined that more affordable housing is needed.

Donna Vidrine, San Clemente, offered suggestions to help facilitate affordable housing as well as emergency shelters for San Clemente's homeless population.

Senior Planner Savage, together with Veronica Tam and Jamie Power of VTA, narrated a PowerPoint presentation entitled "City of San Clemente 2021-2029 Housing Element Update," dated May 5, 2021, which is on file with the City Clerk.

A summary of the discussion that ensued, grouped by topic category, is as follows:

- **Construction of Project by Right if 20% Affordable Units are Provided:** Council noted that a new program is being considered to allow developers to construct a project by right if it provides 20% affordable units, and pointed out the importance of maintaining quality design and adequate parking if "by right" development is implemented. In response, Staff explained as follows: 1) Design standards could be imposed provided the standards are objective as opposed to subjective; 2) Staff is considering codifying design standards so that objective standards can be applied to both discretionary and ministerial development applications; and 3) The Planning Commission expressed an interest in examining alternative ways to make parking for multi-family developments more lenient, such as allowing tandem spaces.
- **Candidate Sites for Rezoning:** In response to Council inquiry, Staff advised that property owners who are interested in having their property considered for inclusion in the Housing Element as a candidate site for rezoning, should contact Staff promptly so that their property can be incorporated into the draft environmental review document that will be released in June 2021. After the Housing Element is approved and the process commences to rezone properties, an additional opportunity will be available to add new sites for possible rezoning. It was noted that the City would need to approve the inclusion of any additional candidate sites. Current candidate sites are identified in the Draft Housing Element document in Table 4-5 entitled "Candidate Sites for Rezoning". In response to Council inquiry, Staff clarified that the Camino Vera Cruz property is no longer included as a candidate site.
- **Regional Housing Needs Assessment (RHNA) Allocations:** In response to Council inquiry, Veronica Tam explained that a formula exists to determine Regional Housing Needs Assessment (RHNA) allocations, noting that surrounding cities have higher allocations than San Clemente, especially Newport Beach. The opportunity to

challenge local RHNA numbers has passed; however, some discussion is underway that could result in a change in the RHNA process in the future, but that would not affect the current process. Council expressed an interest in receiving RHNA credits for its existing affordable units.

- **Housing Element Does Not Require Actual Development of Affordable Units:** Staff clarified that the Housing Element does not require the actual construction of affordable units; rather, the Housing Element sets forth opportunities for a private party developer/owner to potentially develop a project in the future. A suggestion was made that the Draft Housing Element should be expanded to state specifically that cities are not required to build affordable housing units.
- **Educational Video on Affordable Housing and Housing Element:** A suggestion was made that the City's videographer film a program to educate the public about affordable housing and the Housing Element, possibly including examples of affordable housing developments if deemed appropriate. It was ultimately agreed that the City Manager will decide if a program is to be filmed.
- **Accessory Dwelling Units:** In response to Council request, Staff explained its proposed efforts with regard to an Accessory Dwelling Units program. A suggestion was made that Staff review the program utilized by the City of Encinitas.
- **Submittal of Notice of Availability of the City's Surplus Property at 100 Avenida Presidio to the California Department of Housing and Community Development (HCD):** In response to Council inquiry, Staff confirmed that it sent notice of the availability of the City's surplus property at 100 Avenida Presidio for potential private affordable housing development to HCD on May 12, 2021 for listing on its website, pursuant to the Surplus Land Act.

In conclusion, Staff announced that comments on the Draft Housing Element will be accepted until May 31, 2021.

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to continue the meeting past 11:00 p.m., for the purpose of considering the remaining items on this evening's agenda, with the exception of Item 9D (Consideration of Repealing Ordinance No. 1655 that requires unsuccessful appellants to pay costs associated with Administrative Hearings), which will be continued to the Council meeting of June 1, 2021.

- D. **Consideration of Repealing Ordinance No. 1655 that Requires Unsuccessful Appellants to Pay Costs Associated with Administrative Hearings** (Agendized by Councilmember Knoblock with the support of Mayor Pro Tem James at the Council Meeting of March 16, 2021)

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to continue this item to the Regular Council meeting of June 1, 2021.

- E. **Consideration of Adopting a Non-Binding Resolution of Support for the Right to Bear Arms** (Agendized by Mayor Pro Tem James with the support of Councilmember Knoblock at the Council Meeting of March 16, 2021)

Anonymous, dated April 6, 2021, opposed the proposed Resolution due to belief that the topic is outside the realm of the City Council.

Carol Montgomery, representing 200 San Clemente members of Moms Demand Action, expressed concern with gun violence and conveyed opposition to the proposed Resolution.

Jenifer Massey, San Clemente, opined that the Resolution in question is not needed and suggested a gun buy-back program.

Fiona Carroll, volunteer with Moms Demand Action, opined that the proposed Resolution is inappropriate and irresponsible and urged its rejection.

Bill Kreutinger, San Clemente, urged Council to reject the proposed Resolution.

Donna Vidrine, San Clemente, read communications from Lisa Spinelli, Warren Vidrine, and herself, in opposition to the proposed Resolution.

Anonymous, San Clemente, questioned the Resolution proponents' goals in proposing the subject Resolution.

Mayor Pro Tem James read aloud the proposed Resolution in its entirety, and copies were made available to persons in attendance at the meeting. The public was then given a second opportunity to provide comments as follows:

Donna Vidrine, San Clemente, opined that Council does not have the authority to instruct the Orange County Sheriff's Department to not follow State and Federal laws.

Bill Kreutinger, San Clemente, suggested that the proposed Resolution is inconsistent and nonsensical and should not be adopted.

Fiona Carroll noted that Moms Demand Action does not oppose the Second Amendment, but opposes the Resolution under consideration for safety reasons.

Jenifer Massey, San Clemente, urged San Clemente voters to remember Councilmembers' actions on this matter when they seek re-election.

Carol Montgomery, San Clemente, opined that the proposed Resolution is not needed because the Second Amendment is not being threatened.

Anonymous opined that the Resolution, if passed, will invite persons to come to San Clemente with guns; suggested the Resolution will cause a decrease in property values.

Anne (no last name provided) urged Council to continue this issue to the next meeting to enable residents to review the Resolution.

John Montgomery, San Clemente, suggested this item be continued to allow the public to better understand the Resolution.

Diek Van Nort, San Clemente, urged Council to table the issue until the Resolution can be circulated for review.

Judy Jones, San Clemente, requested a copy of the proposed Resolution; opined it is inappropriate to instruct the Orange County Sheriff's Department with regard to which laws to enforce.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to continue the proposed resolution in support for the right to bear arms to the Council meeting of June 1, 2021. Mayor Pro Tem James agreed to condense the Resolution and provide it to the City Clerk for inclusion in the agenda packet for the June 1, 2021 Council meeting.

10. ORAL COMMUNICATIONS (PART 2)

Administrative Hearing Appeals and Defense and Binding Arbitration in *Bieber v James*

Bill Kreutinger, San Clemente, opined that appellants should not have to pay the cost of administrative hearings, but conveyed support for adopting reasonable rules to prevent abuse; questioned why the Councilmembers who are recusing on the issue of defense and binding arbitration in *Bieber v James* are recusing, instead of abstaining.

Censure of Councilmembers

Tony Rubolino, San Clemente, spoke on the topic of censure of Councilmembers and asserted that Mayor Ward engaged in prior improper actions.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

Letter of Support – American Coasts and Oceans Protection Act (Levin)

Councilmember Duncan, with the support of Councilmember Ferguson and Mayor Ward, agendized for the June 1, 2021 Council meeting, the possibility of authorizing a letter of support for Congressman Levin's bill introducing the American Coasts and Oceans Protection Act. Staff is to prepare a report on this issue that includes information as to whether Council has taken a formal position in the past on offshore oil drilling.

National Police Week (May 9-15, 2021)

Councilmember Ferguson reported that National Police Week was May 9-15, 2021 and thanked the Orange County Sheriff's Department for its efforts; requested that Staff prepare a Proclamation to recognize National Police Week in 2022.

Closed Session - May 4, 2021

Mayor Pro Tem James asked Councilmember Ferguson whether her attorney, Brad Malamud, was with her, and privy to Closed Session discussions, during her Zoom participation in the Closed Session on May 4, 2021. Councilmember Ferguson stated that she did not break any laws during the May 4, 2021 Closed Session.

West Coast Arborist Donation of Wooden Etched City Seal

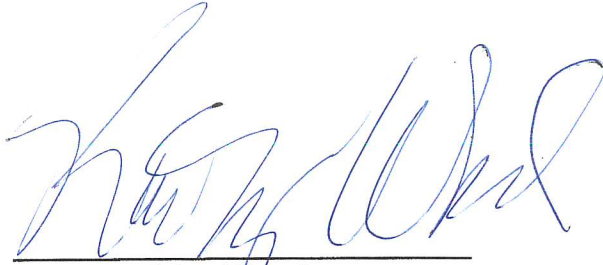
Councilmember Knoblock displayed a wooden etched City seal that West Coast Arborists created and donated to the City.

12. **RESOLUTIONS/ORDINANCES**

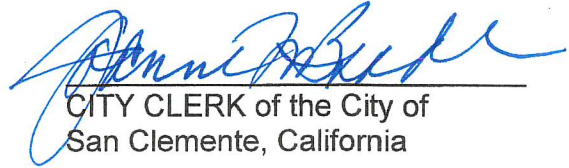
None.

13. **ADJOURNMENT**

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adjourn at 11:15 p.m. in memory of Bill Hart. The next Regular Council Meeting is scheduled to take place on June 1, 2021. Closed Session items will be considered in person at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m. The meeting will take place in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.



MAYOR of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California