

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – July 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 July 20, 2021 at 5:03 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 6:00 p.m.

ABSENT None

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

CLOSED SESSION

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to recess to Closed Session at 5:03 p.m. to discuss the following:

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: 1

Case Name: City of San Clemente v. Lovineh, et al.

Case Number: OCSC 30-2021-01198962-CU-MC-CJC

C. **LIABILITY CLAIMS**

Pursuant to Government Code section 54956.95

Number of claims: 4

Claimants: Cyprus Shore HOA, Judy Beauchamp, Martha K. Birmingham, Timothy C. and Kristine B. Metcalf, their counsel and/or representatives

Agency claimed against: City of San Clemente

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: City-owned surplus land located at 754 Avenida Acapulco

Agency Negotiator: Mayor, City Manager and Senior Planner

Negotiating Parties: City of San Clemente, California Pacific Residential, Juan Hernandez, Adrianna Hernandez, their counsel, and/or their authorized agents

Under Negotiation: Price and terms for potential sale

REGULAR BUSINESS MEETING CONVENED

The Regular Business Meeting convened at 6:02 p.m., with all Councilmembers present.

PLEDGE OF ALLEGIANCE

Councilmember Ferguson led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. Presentation of City Tile to Veronica Ferencz, Retiring Executive Assistant, for 25 Years of Dedicated Service to the City

Mayor Ward presented a City tile to Veronica Ferencz, Executive Assistant, in recognition of 25 years of distinguished service to the City of San Clemente.

B. Update on Homeless Issue

Rick Loeffler, San Clemente, complimented Staff on its efforts to address the homeless situation; recognized new City staff members and expressed optimism that the City's homeless situation will improve.

City Manager Sund reported that Caltrans has delayed eviction efforts for a homeless encampment located south of the Cristianitos northbound offramp; explained that the eviction process will resume in approximately two weeks, following outreach efforts by the Counties of Orange and San Diego to connect the campers with available services.

Code Compliance Manager Atamian and Homeless Outreach Worker Hunter reviewed best practices with regard to interacting with homeless individuals. A hard copy of Staff's brochure entitled "Do's and Don'ts of Responsible Compassion" is on file with the City Clerk.

C. **Family Assistance Ministries (FAM)**

Elizabeth Andrade, FAM Chief Executive Officer, narrated a PowerPoint presentation entitled “Family Assistance Ministries, Hunger & Homeless Prevention”, and responded to Council inquiries. A hard copy of Ms. Andrade’s presentation is on file with the City Clerk.

Council directed Staff to post information relating to FAM’s school supply drive on the City’s website.

Council requested that Staff invite FAM to attend a Council meeting in six months to provide an additional update on its activities.

D. **Introduction of Tony Benfield, San Clemente’s New Chief of Police Services**

City Manager Sund introduced Captain Tony Benfield, the City’s new Chief of Police Services.

E. **Monthly Financial Report – May 2021**

Finance Services Officer Rahn reviewed the May 2021 Monthly Financial Report and responded to Council inquiries. A hard copy of the subject report is on file with the City Clerk.

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

Amazon Development (Project Summer)

Jake Thorworth, San Clemente, asserted that the public should be notified about the potential Amazon project; voiced concern that the Amazon project would negatively affect Calle del Cerro.

Mary Franta, San Clemente, asserted that the proposed Amazon warehouse would negatively affect quality of life, especially in the areas of traffic and noise.

Al Afilleje, San Clemente, spoke in opposition to the proposed Amazon distribution project, noting that his residence backs up to the project site; suggested that Amazon could use its influence to promote the extension of the 241 toll road through San Clemente.

Shelley Moore, speaking on behalf of Vonne Barnes, San Clemente, urged Council to oppose the proposed Amazon project for environmental reasons.

Municipal Golf Course

Doug Barr, Mission Viejo, expressed gratitude that the City donates golf foursome certificates to help Saddleback College scholarship fundraisers; urged that the City resume its prior practice of selling group discount cards for the Municipal Golf Course.

San Clemente Pickleball

Marty Weinberg, USA Pickleball Ambassador for San Clemente, spoke on the increasing popularity of pickleball and the need for additional pickleball courts, as well as lighting to accommodate evening play.

Expedited Permits for Proposition 19 Projects

Tony Louka, San Clemente, referenced Proposition 19 (the Home Protection for Seniors, Severely Disabled, Families, and Victims of Wildfire or Natural Disasters Act) that was approved by the California electorate in November 2020; suggested that building permits should be expedited for persons eligible for Proposition 19 benefits because the base year value transfer, that is allowed by Proposition 19, expires within two years following the sale of a person's primary residence.

Assistance for Persons Experiencing Homelessness

Jacky Trani, San Clemente, voiced concern that inadequate services are available to help persons experiencing homelessness, noting that service providers are overwhelmed.

La Pata/Vista Hermosa Development Proposals

Pamela Roth, representing the La Pata Coalition that consists of approximately 425 persons, stated that members of the Coalition are opposed to gas station development at the property located at the intersection of La Pata and Vista Hermosa; urged Council to oppose the current proposals and allow time for additional development proposals to be submitted.

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

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

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

None.

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

City Attorney Smith announced that Council took the following action during this evening's Closed Session with regard to Closed Session Item C (Liability Claims):

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve a tolling agreement for up to one year with the following claimants: Cyprus Shore HOA, Judy Beauchamp, Martha K. Birmingham, Timothy C. and Kristine B. Metcalf, their counsel and/or representatives.

Additionally, City Attorney Smith announced that Mayor Pro Tem James recused himself from participation on Closed Session Item D, relating to real property negotiations for the property located at 754 Avenida Acapulco, due to the proximity of his residence to the property in question.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6B(8), 6C, 6G, 6H and 6J.

A. **City Council Minutes**

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

- (1) City Council Adjourned Regular Meeting minutes of June 9, 2021.
- (2) City Council Regular Meeting minutes of June 15, 2021.

B. **Commission/Committee Minutes**

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

- (1) Public Safety Committee Regular Meeting minutes of April 27, 2021.
- (2) Design Review Subcommittee Regular Meeting minutes of April 28, 2021.

Items continued on next page

- (3) Joint Homeless Subcommittee Special Meeting minutes of May 11, 2021.
- (4) Design Review Subcommittee Regular Meeting minutes of May 12, 2021.
- (5) Public Safety Committee Regular Meeting minutes of May 25, 2021.
- (6) Design Review Subcommittee Regular Meeting minutes of May 26, 2021.
- (7) Planning Commission Adjourned Regular Meeting minutes of June 16, 2021.
- (9) Planning Commission Special Meeting minutes of June 22, 2021.

D. **Contract Award – FY 2022 Water Reclamation Plant (WRP) Ferric Tank Replacement**

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

1. Approve the plans and specifications for the FY 2022 WRP Ferric Tank Replacement, CIP Project No. 12208.
2. Approve, and authorize the Interim Public Works Director to execute, Contract No. C21-27, by and between the City of San Clemente and Kay Construction, providing for the FY 2022 WRP Ferric Tank Replacement, in the amount of \$91,900.

E. **National Pollutant Discharge Elimination System (NPDES) Stormwater Program Shared Costs Budget for Fiscal Year 2021-22**

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

1. Approve the proposed NPDES Stormwater Program Shared Costs Budget for Fiscal Year 2021-22.
2. Authorize the Utilities Director to execute the City's Budget Approval Confirmation letter to the County of Orange.

F. Equipment Purchase - Water Meters for Fiscal Year 2021-22

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the purchase of water meters from Ferguson Waterworks and Metron-Farnier for Fiscal Year 2021-22 based on the fixed price quotes, provided as Attachments 1 and 2 of the Administrative Report, dated July 20, 2021, in a total amount not to exceed \$105,000.

I. Proposed Tax Liens – 2018-2019 Weed Abatement, 2017-2019 Storm Drain/Clean Ocean Charges and 2019 Sidewalk Repairs

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

1. Adopt Resolution No. 21-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD UNPAID WEED ABATEMENT ASSESSMENTS TO THE FY 2021-22 TAX ROLLS.
2. Adopt Resolution No. 21-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2021-22 TAX ROLLS.
3. Adopt Resolution No. 21-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT SIDEWALK REPAIR FEES AS ASSESSMENTS TO THE FY 2021-22 TAX ROLLS.
4. Direct the City Clerk to file Resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**6B(8). Zoning Administrator Regular Meeting Minutes of June 17, 2021**

Cheryl Bryant, San Clemente, referenced the portion of the Zoning Administrator Regular Meeting minutes of June 17, 2021 relating to the Seacrest Apartments garages project; opined that dangerous items, such as drugs and firearms, could be stored in the garages; voiced concern that project notifications were limited to persons owning property within 300' of the project.

Following discussion, MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to receive and file the Zoning Administrator Regular Meeting minutes of June 17, 2021.

C. Contract Award – Annual Street Maintenance and Slurry Seal Program

Interim Public Works Director Gomez responded to Council inquiries relating to pavement treatments and types/quality of the slurry seal that will be utilized as part of the proposed street maintenance program.

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

1. Approve the plans and specifications for FY 2020 Major Street Maintenance, FY 2021 Slurry Seal Program, FY 2022 Arterial Pavement Maintenance Program and FY 2022 Pavement Preservation Program, CIP Projects No. 20305, 21303, 12302, and 22304.
2. Approve, and authorize the Interim Public Works Director to execute, Contract No. C21-26, by and between the City of San Clemente and All American Asphalt, providing for FY 2020 Major Street Maintenance, the FY 2021 Slurry Seal Program, FY 2022 Arterial Pavement Maintenance Program and FY 2022 Pavement Preservation Program, CIP Projects No. 20305, 21303, 12302, and 22304, in the amount of \$1,884,488.

G. **Contract Award – Fats, Oils and Grease (FOG) Program and National Pollutant Discharge Elimination System (NPDES) MS4 Permit Inspection Services**

Utilities Director Rebensdorf provided an overview of the FOG program and responded to Council inquiries.

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

1. Approve, and authorize the City Manager to execute, Contract C21-28, by and between the City of San Clemente and Environmental Compliance Inspection Services (ECIS) for a three-year period, providing for Fats, Oils and Grease (FOG) Program inspection services and NPDES MS4 Permit Inspection Services, in an amount of \$166,260 with funding from the Sewer Operating Fund line item budget, Account 054-473-43690, in the amount of \$104,100 and from the Clean Ocean Fund, Account 057-541-43894, in the amount of \$62,160.
2. Approve and authorize the City Manager to amend the contract for up to two additional twelve-month extensions.

H. **Contract Award – As-Needed Building Code Inspection, Building Plan Check, and Permit Technician Services**

In response to Council inquiry, Staff explained the need for back-up contractors and pointed out that efforts are currently underway to hire staff to pre-pandemic levels, which will help alleviate the need to use contractors.

Council determined to eliminate the two-year terms on both of the proposed contracts, thereby allowing the contracts to remain active until such time as the funding limit for each contract has been reached.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to approve the following contracts with the removal of the two-year term provisions:

1. Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract AC-826, by and between the City of San Clemente and West Coast Code Consultants, providing for as-needed building code inspection, plan check, and permit technician services. This Amendment increases the contract amount to \$160,000 (a \$30,000 increase).
2. Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract AC-827, by and between the City of San Clemente and Interwest Consulting Group, providing for as-needed building code inspection and plan check services. This Amendment increases the contract amount to \$60,000 (a \$30,000 increase).

J. **Resolution to Support Action for Spent Fuel Solutions Now Coalition**

Ben Boyce, Action for Spent Fuel Solutions Now Coalition, spoke on the Coalition's goal to encourage the federal government to provide off-site storage for spent fuel from the San Onofre Nuclear Generating Station and other nuclear facilities; urged Council to adopt the proposed Resolution.

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

1. Adopt Resolution No. 21-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, IN SUPPORT OF THE ACTION FOR SPENT FUEL SOLUTIONS NOW COALITION.
2. Direct the City Manager to submit the Resolution to the Orange County and San Diego Congressional delegation and U.S. Senators, in addition to Orange County Supervisor Lisa Bartlett and San Diego County Supervisor Jim Desmond.
3. Direct the City Manager to agendize for the Council meeting of August 17, 2021, information concerning Congressman Levin's Task Force on SONGS, together with a proposed resolution of support for Council's consideration.

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

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. 2459 through 2460 and Warrant Nos. 574030 through 574148, paid on 6-11-21, in the amount of.....\$ 3,769,511.98

Approve Wire Transfers No. 2461 through 2464 and Warrant Nos. 574149 through 574350, paid on 6-18-21, in the amount of.....\$ 1,156,552.57

Approve Wire Transfers No. 2465 through 2466 and Warrant Nos. 574351 through 574468, paid on 6-25-21, in the amount of.....\$ 1,417,726.48

Approve Wire Transfers No. 2467 through 2472 and Warrant Nos. 574469 through 574651, paid on 7-2-21; in the amount of.....\$ 4,439,524.95

Approve Wire Transfers No. 2473 through 2477 and Warrant Nos. 574652 through 574754; paid on 7-9-21, in the amount of.....\$ 2,456,239.60

TOTAL WARRANT REGISTER.....\$13,239,555.58

Payroll Register

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

Approve Warrant No. 836 and Automatic Deposit Advises 71919 through 72211 for the period 5-31-21 through 6-13-21, paid on 6-18-21, in the amount of.....\$ 471,111.95

Approve Warrant No. 837 and Automatic Deposit Advises 72212 through 72512 for the period 6-14-21 through 6-27-21, paid on 7-2-21, in the amount of.....\$ 478,459.70

TOTAL PAYROLL REGISTER.....\$ 949,571.65

- B. **Consideration of Terminating the Local Emergency Due to COVID-19**
(Agendized by Councilmember Ferguson, with the support of Councilmembers Knoblock and Duncan, at the Council meeting of June 8, 2021)

Report from the City Manager concerning the possibility of terminating the Local Emergency due to COVID-19.

Economic Development Officer Lightfoot reviewed the history of the City's local emergency that was declared by Council on March 17, 2021 due to Covid-19; recommended that Council discuss the potential implications of rescinding the local health emergency and direct Staff whether and when to return to Council with an associated Resolution for consideration.

Following discussion, MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK, to rescind the local emergency.

SUBSTITUTE MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE), to direct Staff to return to Council at its Regular Meeting of August 17, 2021, with draft Resolutions to approve, or disapprove, terminating the local emergency. Further, if Council determines not to rescind the local emergency, that it consider reaffirming that the City Manager is the local emergency officer.

Council requested that Staff include in its Administrative Report a summary of how other cities and the County are addressing the local emergency.

- C. **Dog Access on City Beaches and Parks**

Report from the Beaches, Parks and Recreation Director concerning dog access on City beaches and parks.

Susan Ambrose, Chair of the Coastal Advisory Committee, spoke in support of the Beaches, Parks and Recreation Commission's recommendation to uphold the current rules and regulations relating to dog access to City beaches.

Bret Frohlich, San Clemente, urged Council to approve a one-year trial period for a dog beach, preferably in North Beach.

Jasmine Towles, San Clemente, spoke in support of a dog beach, suggesting that the impact on bacterial levels would be minimal.

Pamela Roth, San Clemente, urged Council to establish a dog beach for a trial period.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER FERGUSON, **FAILED 2-3** (COUNCILMEMBER DUNCAN, MAYOR PRO TEM JAMES AND MAYOR WARD VOTING NOE), to adopt Resolution No. 21-34 entitled A RESOLUTION OF THE SAN CLEMENTE CITY COUNCIL ALLOWING DOGS ON A PORTION OF BEACH, with the stipulation that dog access be limited to the timeframe from sunrise to 9:00 a.m. and after 6:00 p.m.

- D. **Verbal Report by Staff on Ability of Restaurants to Obtain Staffing for Outdoor Dining** Councilmember Duncan, with the support of Mayor Pro Tem James, agendized this item at the Council meeting of June 15, 2021. The direction to agendize was provided with the understanding that Council may wish to consider reducing the number of days/hours in which outdoor dining must be operational in order to remain compliant with the license agreements.

Economic Development Officer Lightfoot provided an update on outdoor dining operations on Del Mar and responded to Council inquiries.

Wayne Eggleston, San Clemente, urged that the City reclaim parking spots from restaurants who are not using them for outdoor dining six days a week because the parking is needed for other businesses; urged that Council not allow sidewalks to be used for outdoor dining for safety and liability reasons.

Following discussion, Council reaffirmed its actions of June 1, 2021 with regard to outdoor dining, with additional refinements/clarifications as follows:

- If a restaurant does not have the ability to use an adjacent private parking lot or area for outdoor dining, those businesses could enter into an agreement to use a proportional area of sidewalk for dining operations, with the stipulation that the public right-of-way (including trolley stop areas) shall not be blocked. Restaurants using the sidewalk option will be required to pay for such usage, consistent with the requirement imposed on restaurants that use public parking areas for outdoor dining.
- If restaurants don't operate pursuant to the days/hours required in their license agreements, they will lose the privilege to have outdoor dining.
- Only one outdoor dining area is permitted per restaurant.
- Restaurants are currently allowed to operate indoors at full occupancy. If COVID-19 circumstances change such that allowable indoor capacity is reduced, the outdoor dining requirements can be reassessed.

Council directed that Staff provide an update on this issue at its meeting of August 17, 2021, with the understanding that Council will be able to reassess its direction(s) if deemed warranted.

E. Mobile Video Production Studio and Audio System

Report from the Information Technology Manager concerning purchase of a mobile video production studio and audio system.

Information Technology Manager Brower 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:

1. Approve, and authorize the purchase of Mobile/Portable Video Production Studio from Presentation Products, DBA Spinitar, in an amount not to exceed \$206,460, which includes the system, training, and five years of maintenance and support.
2. Approve, and authorize the City Manager to execute, a subscription agreement with EEG Enterprises for closed captioning services in an amount estimated at \$6,300 per year.
3. Authorize a supplemental appropriation in the amount of \$18,846 to Machinery and Equipment Account 018-245-45500 from the Local Cable Infrastructure Fund Balance.

F. Night Surfing at San Clemente Pier

Report from the Beaches, Parks and Recreation Director concerning the possibility of authorizing night surfing at the San Clemente Pier.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to defer this item to the Regular Council meeting of August 17, 2021. Council requested that Staff ascertain other cities' practices with regard to nighttime surfing and also determine whether a coastal permit would be required if Council desires to allow nighttime surfing.

G. **Lease Agreement to Operate T-Street Concession**

Report from the City Manager concerning a possible lease agreement for the operation of the T-Street Concession.

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

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

1. Approve, and authorize the City Manager to execute, Contract C21-29, a lease agreement by and between the City of San Clemente and Organic Concepts LLC, providing for operation of the T-Street concession.
2. Authorize a supplemental appropriation of \$10,000 to Account 001-191-44890 (FAS/Other Operating Expenses) from the General Fund unassigned fund balance.

Councilmember Ferguson, with the support of Mayor Pro Tem James, directed Staff to agendaize for the Regular Council meeting of August 17, 2021, the possibility of waiving the outstanding rent for the current T-Street concessionaire.

H. **Fee for Continued Outdoor Dining Operations on Private Property**

Report from the City Manager concerning a fee for continued outdoor dining operations on private property.

Economic Development Officer Lightfoot responded to Council inquiries.

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

1. Adopt Resolution No. 21-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A FORM AGREEMENT FOR LIMITED TERM PARKING REGULATION RELIEF TO ALLOW FOR THE OPTIONAL CONTINUATION OF EXPANDED OUTDOOR DINING ON PRIVATE PROPERTY WITHIN DEDICATED PARKING AREAS.
2. Authorize the Economic Development Officer to execute the limited term parking relief agreements with participating restaurants in consultation with the City Attorney, with a term beginning on July 20, 2021 and not to extend beyond November 15, 2021.

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

Councilmember Duncan Activities

Tony Rubolino, San Clemente, narrated photographs, which he asserted demonstrate inconsistencies between Councilmember Duncan's public platforms and personal activities. A hard copy of Mr. Rubolino's slide presentation is on file with the City Clerk.

11. **REPORTS**

A. **Commissions and Committees**

(1) **League of California Cities Annual Conference Business Meeting – Designation of Voting Delegate and Alternate(s)**

Report from the City Clerk concerning designation of a voting delegate and alternate(s) to vote on the City's behalf at the Annual Business Meeting of the League of California Cities Annual Conference.

Council appointed Mayor Pro Tem James as the voting delegate, and Councilmember Knoblock and City Manager Sund as alternate voting delegates, to vote on the City's behalf at the Annual Business Meeting of the League of California Cities on September 24, 2021.

B. **City Manager**

Cardboard Recycling

City Manager Sund reported that Staff is currently working with CR&R to establish a location at which members of the public can drop off cardboard for recycling purposes.

C. **City Attorney**

None.

D. **Council Members**

Creation of a Non-Profit Foundation to Fundraise to Help Implement the Parks Master Plan

Mayor Pro Tem James, with the support of Councilmember Duncan and Mayor Ward, directed Staff to agendaize consideration of establishing a non-profit 501(c)(3) foundation to raise funds to assist in the implementation of the Parks Master Plan. Council requested that this item be agendaized for a meeting in September, and that an Administrative Report be prepared which includes a clarification as to the differences and relationship between the proposed foundation and the existing Friends of Beaches, Parks and Recreation Foundation.

Moment of Silence in Remembrance of Martin Hannigan - United States Navy Seaman

At the request of Mayor Pro Tem James, persons in attendance observed a moment of silence in remembrance of Martin Hannigan, who passed away on May 29, 2021 while serving in the United States Navy.

Sand Replenishment Project

Councilmember Duncan reported that Congressman Levin was able to secure funding in the first draft budget for sand replenishment for San Clemente beaches.

Possibility of Supporting Energy Innovation and Carbon Dividend Act of 2021 (HR 2307)

Councilmember Duncan proposed, and Councilmember Knoblock and Mayor Ward supported, agendaizing for a future Council meeting, the possibility of supporting HR 2307. Staff is to determine when Council action is needed and prepare an Administrative Report for a meeting that would accommodate that deadline.

Climate Action Plan

In response to a suggestion by Councilmember Duncan, City Manager Sund agreed to provide Council with a report at a future meeting that addresses the City's Climate Action Plan and identifies whether the City was able to meet the 2020 benchmarks contained in that plan.

Community Choice Energy

Councilmember Duncan, with the support of Mayor Ward, requested a verbal report at the August 17, 2021 Council meeting concerning the cost to obtain a feasibility study that assesses the possibility of converting to Community Choice Energy.

Consideration of Banning Gas-Powered Leaf Blowers in Residential Areas West of the I-5

In response to a question posed by Councilmember Ferguson, City Manager Sund advised that the possibility of banning gas-powered leaf blowers in residential areas west of the I-5 will be agendaized for a Council meeting in August or September.

Pier Bowl Parking Meter Extended Hours of Operation

Councilmember Ferguson commented that the Coastal Commission has approved Council's action to extend the hours of operation of parking meters in the Pier Bowl and requested a status report on the implementation of such direction. City Manager Sund responded that Staff is working on implementation, adding that some businesses have expressed concerns; provided assurance that the hours of authorized operation will not be reduced without Council authorization.

Orange County Grand Jury Report Concerning the Toll Road

Councilmember Knoblock expressed concerns with the press release issued by the City with regard to the Grand Jury report on the Toll Road, indicating that it was accusatory in nature and maligned members of the TCA Board.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1715 (Second Reading) and Adoption of Fee Resolution – Administrative Hearings and Appeals**

Report from the Community Development Director concerning Administrative Hearings and Appeal Fees.

MOTION BY COUNCILMEMBER KNOBLOCK to adopt Ordinance No. 1715 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE CHAPTER 1.22 RELATING TO FEES FOR ADMINISTRATIVE HEARINGS AND APPEALS.

SUBSTITUTE MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN to:

1. Adopt Resolution No. 21-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FIXED FEE FOR APPEALS UNDER CHAPTER 1.22 OF THE SAN CLEMENTE MUNICIPAL CODE.
2. Adopt Ordinance No. 1715 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE CHAPTER 1.22 RELATING TO FEES FOR ADMINISTRATIVE HEARINGS AND APPEALS.

SUBSTITUTE MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 3-2 (COUNCILMEMBER DUNCAN AND MAYOR WARD VOTING NOE), to bifurcate the votes on the proposed Ordinance and Resolution relating to fees for administrative hearings and appeals.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adopt Ordinance No. 1715 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE CHAPTER 1.22 RELATING TO FEES FOR ADMINISTRATIVE HEARINGS AND APPEALS.

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE), to adopt Resolution No. 21-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FIXED FEE FOR APPEALS UNDER CHAPTER 1.22 OF THE SAN CLEMENTE MUNICIPAL CODE.

13. **ADJOURNMENT**

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adjourn at 11:09 p.m., in memory of Navy Seaman Martin Hannigan, to an Adjourned Regular Meeting to be held on July 26, 2021 at 6:00 p.m. for the purpose of providing input on the City's draft Housing Element. This meeting will be held in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

A subsequent Adjourned Regular Meeting will be held on July 27, 2021 at 6:00 p.m. for the purpose of interviewing and appointing persons to serve on the City's Human Affairs Committee, Investment Advisory Committee, and Public Safety Committee. This meeting will be held in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

An additional Adjourned Regular Meeting will be held on July 28, 2021 at 6:00 p.m. for the purpose of interviewing and appointing persons to serve on the City's Golf Course Committee and Beaches, Parks and Recreation Commission. This meeting will be held in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

The next Regular Council Meeting is scheduled to take place on August 17, 2021. Closed Session items will be considered 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.

Note: The Regular City Council meeting of August 3, 2021 was previously cancelled.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California