

# CITY OF SAN CLEMENTE

## City Council Minutes

### Special and Regular Meeting – August 17, 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 and Regular Meeting of the San Clemente City Council was called to order by Mayor Ward on August 17, 2021 at 4:32 p.m. in the San Clemente Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

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

\*Left meeting at 11:21 p.m.

**ABSENT** None

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

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### **CLOSED SESSION**

#### **Allegations of Abuse of Power and Violations of Oaths of Office**

Dawn Urbanek, San Clemente, stated that she filed complaints alleging instances of abuse of power and/or violations of oaths of office against various City officers/employees. A hard copy of Ms. Urbanek's statement is on file with the City Clerk.

#### **Closed Session Agenda Item A – Existing Litigation**

Amanda Quintanilla, San Clemente, spoke in opposition to Los Patrones Parkway Extension Alternative 22.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to recess to Closed Session at 4:40 p.m. to discuss the following:

- A. **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 next page*

Case Name: Housing is a Human Right v. the County of Orange and City of San Clemente

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

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

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 3 (Two potential claims were linked to the agenda.)

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code section 54956.8

Number of items: 2

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

Agency Negotiators: City Manager, Tim McMahon of CBRE and Justin McMahon of JLL

Negotiating Parties: City of San Clemente, Cypress Express Partners, LLC and/or their authorized agent(s)

Under Negotiation: Price and terms for potential acquisition or lease

Property: T-Street Concession Building, located near the T-Street pedestrian bridge access to the beach from W. Paseo de Cristobal

Agency Negotiators: City Manager, Economic Development Officer

Negotiating Parties: City of San Clemente, Organic Concepts LLC

Under Negotiation: Price and terms related to rent relief

**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 6:18 p.m., with all Councilmembers present.

**INVOCATION**

Holland Davis, Senior Pastor, Calvary Chapel San Clemente, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Ward led the Pledge of Allegiance.

## 1. SPECIAL PRESENTATIONS

### A. Update on Homeless Issue

Darryl McFann, San Clemente, suggested that a limit should be placed on the amount of housing provided to homeless individuals.

Rick Loeffler, San Clemente, spoke in support of a homeless shelter being developed on County property outside San Clemente.

Reverend Julie Patton, Christ Lutheran Church, commented that a rally, attended by approximately 75 people, was held on August 6, 2021 at the Community Center, in support of sheltering homeless individuals; suggested the City should seek funds from the County to help provide shelter.

Lise Strom, San Clemente, opined that the City must do its part to facilitate housing for homeless individuals, noting that State, Federal and County funding is available for emergency housing and affordable housing.

Carrie Johnson, San Clemente, stated that the lack of affordable housing leads to homelessness; suggested methods to address the City's homeless issue.

Kathy Esfahani, San Clemente, opined that the City should allow the Emergency Shelter Coalition to build an emergency shelter and affordable rental units on its 10-acre parcel along Avenida Pico.

Leon Wojno, San Clemente, opined that Mayor Pro Tem James engaged in inappropriate conduct at the August 6, 2021 rally to end homelessness.

Fr. Bill Barman, Our Lady of Fatima Catholic Church, urged Council to seek workable solutions to help homeless individuals.

Reverend Kent Doss, Tapestry Unitarian Universalist Congregation, recommended that Council listen to the concerns of its constituents while simultaneously considering research-based solutions to homelessness; opined that a housing-first model appears to be the best means to help people experiencing homelessness.

Stuart Anderson, San Clemente, asserted that the City has legal and moral obligations to provide alternatives for homeless persons; spoke in support of permanent supportive housing.

Paul Koenigshofer, San Clemente, voiced concern that homeless persons from other cities will migrate to San Clemente if housing is provided for the City's homeless population.

Deputy Community Development Director Atamian summarized the July 2021 City Outreach and Engagement Report; noted that the Joint Homeless Subcommittee recently held its final meeting, explaining that its work plan and information developed to date will be provided to the incoming Human Affairs Committee to facilitate a continuation of effort; responded to Council inquiries.

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

**Parking at Max Berg Plaza Park**

Juan M. Luna, San Clemente, voiced concern with the recent nighttime parking restrictions at Max Berg Plaza Park; urged Council to nullify the parking restrictions and work with residents to develop a plan that works for the neighborhood.

Gary Brown, San Clemente, reported on the lack of parking for residents in the vicinity of Max Berg Plaza Park and urged Council to either allow parking or issue resident parking permits.

Scott Garoner, San Clemente, urged Council to allow parking on the public street that surrounds Max Berg Plaza Park; asserted that criminal activity is occurring at the Park.

**Amazon Development (Project Summer)**

Martina (last name not provided), San Clemente, narrated a PowerPoint presentation that urged Council to oppose development of an Amazon warehouse, extension of the Los Patrones Parkway, and gas station development on the City property at the intersection of La Pata and Vista Hermosa. A hard copy of the subject presentation is on file with the City Clerk.

Darryl McFann, San Clemente, spoke in opposition to an Amazon facility being developed in the City, citing his particular concern with the resultant truck traffic.

Paul Koenigshofer, San Clemente, conveyed his opposition to an Amazon facility in the City.

Shelley Moore, San Clemente, voiced concern with the development of an Amazon development in the City; suggested that Amazon may work with the TCA to bring a toll road through San Clemente.

### **Destination Marketing Organization (DMO) – Promotion of San Clemente as a Travel Destination**

Nick Buchanan, representing the San Clemente Chamber of Commerce, explained that the Chamber and Downtown Business Association propose the creation of a Destination Marketing Organization (DMO) to promote San Clemente as a travel destination; stated that an application will be submitted to the City for American Rescue Funds to help bring the DMO to fruition.

Mikii Rathmann, Downtown Business Association, urged Council to utilize some of its disaster relief funds to promote San Clemente as a travel destination via a DMO.

### **Government-Subsidized Public Yacht Grant Program**

Chad Kroger urged Council to provide a government-subsidized public yacht grant program.

JT Parr spoke in support of a government-subsidized public yacht grant program.

### **Pickleball Courts at San Geronio Park**

Marty Weinberg, USA Pickleball Ambassador, reported that his pickleball group will fundraise through the Friends of Beaches, Parks and Recreation Foundation for additional pickleball courts and court lighting.

### **Civil Discourse**

Judy Jones, representing the Orange Coast League of Women Voters, requested civility and respect from Councilmembers and the public to allow problems to be addressed in a democratic manner; voiced concern that basic civility was not displayed at the August 6, 2021 rally concerning homelessness.

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

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

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

None.

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

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to approve a settlement in the potential claim by Nick Buchanan.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6H, 6I and 6J.

A. **City Council Minutes**

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

- (1) City Council Regular Meeting minutes of July 20, 2021.
- (2) City Council Adjourned Regular Meeting minutes of July 26, 2021.
- (3) City Council Adjourned Regular Meeting minutes of July 27, 2021.
- (4) City Council Adjourned Regular Meeting minutes of July 28, 2021.

B. **Commission/Committee Minutes**

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

- (1) Human Affairs Committee Regular Meeting minutes of April 13, 2021.
- (2) Golf Course Committee Regular Meeting minutes of May 6, 2021.
- (3) Planning Commission Adjourned Regular Meeting minutes of July 7, 2021.
- (4) Coastal Advisory Committee Regular Meeting minutes of May 13, 2021.
- (5) Design Review Subcommittee Regular Meeting minutes of June 9, 2021.

C. **Notice of Completion – Street Rehabilitation for Via Pico Plaza, Calle De Los Molinos, Calle de Industrias, Avenida Navarro and Avenida Pico**

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

1. Accept the Rehabilitation for Via Pico Plaza, Project No. 13315; and Street Rehabilitation for Calle De Los Molinos, Calle De Industrias and Avenida Navarro, Project Nos. 16352 and 16353; and for Street Rehabilitation for Avenida Pico, Project No. 17326, from the contractor, All American Asphalt, Inc.
2. Authorize the Interim Public Works Director to execute and record, the Notice of Completion for the Rehabilitation for Via Pico Plaza, Project No. 13315; and Street Rehabilitation for Calle De Los Molinos, Calle De Industrias and Avenida Navarro, Project No. 16352 and 16353; and for Street Rehabilitation for Avenida Pico, Project No. 17326.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against All American Asphalt, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

D. **Notice of Completion – North Beach Electrical and Parking Lot Lights**

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

1. Accept the North Beach Electrical and Parking Lot Lights, Project No. 11811, from the contractor, Huntington Beach Electric, Inc.
2. Authorize the Interim Public Works Director to execute and record, the Notice of Completion for the North Beach Electrical and Parking Lot Lights.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Huntington Beach Electric, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

E. **Notice of Completion – Vista Hermosa Sports Park Soccer Fields Fence Replacement**

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

1. Accept the Vista Hermosa Sports Park Soccer Fields Fence Replacement, Project No. 20803, from the contractor, Red Hawk Services, Inc.
2. Authorize the Interim Public Works Director to execute and record, the Notice of Completion for the Vista Hermosa Sports Park Soccer Fields Fence Replacement.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Maintenance Services Division that no liens have been levied against Red Hawk Services, Inc.
4. Authorize the City Clerk to release the Performance Bond.

F. **Notice of Completion – FY 2021 Major Street Maintenance**

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

1. Accept the FY 2021 Major Street Maintenance, Project No. 21302, from the contractor, Hardy & Harper.
2. Authorize the Interim Public Works Director to execute and record, the Notice of Completion for the FY 2021 Major Street Maintenance.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Hardy & Harper; and
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.



G. **Contract Award – Storm Drain Improvements at N. El Camino Real and Camino San Clemente**

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

1. Approve the Plans and Specifications for the Storm Drain Improvements at N. El Camino Real and Camino San Clemente, CIP Project No. 10016.
2. Approve, and authorize the Interim Public Works Director to execute, Contract C21-30, by and between the City of San Clemente and GCI Construction, Inc., providing for Storm Drain Improvements at N. El Camino Real and Camino San Clemente, in the amount of \$249,750.

K. **Equipment Purchase - Replacement Data Storage Arrays**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to approve and authorize the purchase of two Unity 380 Hybrid DPE Data Storage Arrays from Dell Technologies as specified in Quote No. 300003210881.1, in the amount of \$32,189.12.

L. **Contract Amendment – Contract Planning Services**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to approve, and authorize the City Manager to execute, Amendment No. 1 to Contract AC-986, by and between the City of San Clemente and Civic Solutions, Inc. (CSI), providing for contract planning services. This amendment increases the contract amount from \$25,000 to \$95,000 (an increase of \$70,000), and eliminates the expiration date of the contract.

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

H. **Initiation of Amendments to Specific Plans for Forster Ranch, Marblehead Coastal, Marblehead Inland, Rancho San Clemente and Talega**

Following clarification, MOTION BY COUNCILMEMBER FERGUSON, SECOND BY MAYOR WARD, CARRIED 5-0, to initiate amendments to the Specific Plans for Forster Ranch, Marblehead Coastal, Marblehead Inland, Rancho San Clemente, and Talega, as described in the Administrative Report, dated August 17, 2021, that is on file with the City Clerk.

I. **Speed Cushions on West El Portal, West Esplanade and Avenida La Cuesta**

Helen McCue, San Clemente, spoke in support of the installation of speed cushions on West El Portal.

Interim Public Works Director Gomez and Senior Traffic Engineer Farivar responded to Council inquiries.

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

1. Approve the use of speed cushion traffic calming treatments on the 200 block of West El Portal, and authorize the use of funding from the Traffic Calming Project, CIP No. 39087, to complete the installations.
2. Approve the use of speed cushion traffic calming treatments on the 100 block of West Esplanade and authorize the use of funding from the Traffic Calming Project, CIP No. 39087, to complete the installations.
3. Approve the use of speed cushion traffic calming treatments on Avenida La Cuesta, East El Oriente and Avenida Caballeros, and authorize the use of funding from the Traffic Calming Project, CIP No. 39087, to complete the installations.

J. **H.R. 2307 (Energy Innovation and Carbon Dividend Act of 2021)**

Judy Jones, San Clemente, urged Council to adopt the proposed Resolution to support H.R. 2307 as a means to address climate change.

Tony Hays, San Clemente, urged Council to adopt the proposed Resolution in support of H.R. 2307; spoke on the importance of reducing carbon emissions to slow or stop the change in atmospheric temperature.

Assistant to the City Manager Savage responded to Council inquiries.

MOTION BY COUNCILMEMBER DUNCAN to adopt Resolution No. 21-34 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING H.R. 2307 – ENERGY INNOVATION AND CARBON DIVIDEND ACT OF 2021. **The motion died for lack of a second.**

By virtue of the failure of a motion to pass, no action was taken on this item.

## 7. PUBLIC HEARINGS

- A. Municipal Code Amendment - Leaf Blowers (Agendized by Mayor Pro Tem Ferguson, with the support of Mayor Pro Tem James, at the Council meeting of February 18, 2020.)

Public Hearing to consider a City-initiated amendment to Title 8, Health and Safety, of the City of San Clemente Municipal Code to establish a leaf blower ordinance for residential and mixed-used zoning districts west of Interstate-5 as a pilot program with a one-year sunset provision. This amendment proposes to ban gasoline-powered leaf blowers, add standards for use of battery-powered leaf blowers, and exempt City operations.

Mayor Ward opened the Public Hearing.

Paul Koenigshofer, San Clemente, spoke in support of the proposed ban on gas-powered leaf blowers, noting that battery-powered leaf blowers are as effective as gas-powered leaf blowers.

Brian M. Daeley, San Clemente, urged Council to impose a Citywide ban on gas-powered leaf blowers.

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

Following deliberations, MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to continue the Leaf Blower Ordinance to the Regular City Council meeting of September 7, 2021. The City Attorney is to amend the Ordinance to reflect the following:

- The ban on gas-powered leaf blowers shall apply citywide (as opposed to being limited to residential and mixed-use zoning districts located west of Interstate 5).
- Enforcement of the new leaf blower standards shall be delayed for one year to provide a grace period in which persons can convert from using gas-powered leaf blowers to using electric-powered leaf blowers.
- City operations shall not be exempt from the leaf blower standards; however, the new regulations shall not apply to City landscape providers during the terms of their existing contracts.
- "Electric Leaf Blower" shall be defined as a leaf blower powered by electricity supplied by batteries or a direct wiring connection to electric current.

- Leaf blowers powered by a combustion or gasoline engine shall be prohibited.
- Leaf blowers shall be operated with the attachment of mufflers supplied by the leaf blower manufacturer.
- Reference to a one-year pilot program shall be eliminated.
- The allowable hours of leaf blower operations shall be reiterated in the Leaf Blower Ordinance for clarity and ease of reference.

Council expressed an interest in considering rebate options for citizens who purchase electric leaf blowers to replace existing gas-powered leaf blowers. Staff is to examine the possibility of using grant funds for the subject rebates.

## 8. UNFINISHED BUSINESS

### A. Initiation of General Plan Amendment for the Removal of Los Patrones Parkway from the Roadway System Map

Report from the Community Development Director concerning possible initiation of a General Plan Amendment for the removal of the Los Patrones Parkway from the Roadway System Map.

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to table this item.

Council directed Staff to include background information on the Los Patrones Parkway issue as an attachment to the Staff Report when this item is re-agendized.

### B. Code Amendment – Special Event Permits, Amplified Sound and Excessive Noise in Public Places

Report from the City Manager and Beaches, Parks and Recreation Director concerning the possibility of amending the Code of the City of San Clemente as it relates to Special Event Permits, amplified sound and excessive noise in public places.

Beaches, Parks and Recreation Director Wylie responded to Council inquiries.

MOTION BY COUNCILMEMBER DUNCAN to introduce Ordinance No. 1717 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE CHAPTERS 8.72 AND 12.34 RELATING TO SPECIAL EVENT PERMITS, AND SECTIONS 8.48.080 AND 8.48.090(C) RELATING TO AMPLIFIED SOUND AND EXCESSIVE NOISE IN PUBLIC PLACES; RENUMBERING THE MUNICIPAL CODE ACCORDINGLY; AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, with the incorporation of language in Subsection 12.34.040(C) to exempt any expressive activity on a City street, sidewalk, or park from the requirement to obtain a special event permit.

SUBSTITUTE MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE), to introduce Ordinance No. 1717 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE CHAPTERS 8.72 AND 12.34 RELATING TO SPECIAL EVENT PERMITS, AND SECTIONS 8.48.080 AND 8.48.090(C) RELATING TO AMPLIFIED SOUND AND EXCESSIVE NOISE IN PUBLIC PLACES; RENUMBERING THE MUNICIPAL CODE ACCORDINGLY; AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, with the removal of Subsection 12.34.040(C) relating to expressive activity. By virtue of the elimination of the subject subsection, expressive activity will not be exempted from the requirement to obtain a special event permit.

### **MEETING RECESSED**

Council recessed at 9:35 p.m. and reconvened at 9:45 p.m., with all members present.

#### **C. American Rescue Plan (ARP) Act and Funding**

Report from the City Manager concerning the American Rescue Plan (ARP) Act and funding.

City Manager Sund reviewed the contents of the Administrative Report and responded to Council inquiries.

During the course of discussion, it was noted that social services grant applications will be reviewed to ensure that the use of the requested funds meet all American Rescue Plan requirements (e.g., a nexus to Covid-19).

Council directed that social service grants be limited to San Clemente-based non-profits seeking financial assistance for programs that will exclusively benefit San Clemente.

MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Accept American Rescue Plan Grant Revenues into the Disaster Relief Fund (Account 016-000-33180) in the amount of \$7,491,800.
2. Approve a supplemental appropriation in the amount of \$108,000 in Social Services grants (Account 016-804-44771) to provide FY 2022 and FY 2023 funding to non-profits.
3. Approve a supplemental appropriation in the amount of \$50,000 in Account 016-804-44759 to provide funding for utilities assistance.
4. Approve a supplemental appropriation in the amount of \$370,000 to General Fund salaries and contract costs (\$90,000 to Account 001-171-41010, \$90,000 to Account 001-481-41010, \$120,000 to Account 001-414-41010, and \$70,000 to Account 001-441-43456).
5. Approve a transfer in the amount of \$795,000 to reimburse costs currently funded through the General Fund that are eligible for reimbursement (Account 016-804-47010 and 001-000-39290).
6. Approve a supplemental appropriation in the amount of \$4.6 million for capital projects (Account 016-804-45300) to fund the Council Chambers, Steed Park lighting, and Vista Hermosa Aquatic Center pool replaster capital projects.
7. Approve a supplemental appropriation in the amount of \$310,000 to the Disaster Relief fund (Account 016-804-41010 for \$110,000 and Account 016-804-43890 for \$200,000) for costs to minimize and control the effects of the pandemic.

9. **NEW BUSINESS**

A. **Warrant Register**

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

Approve Wire Transfers No. 2478 through 2482 and Warrant Nos. 574755 through 574874, paid on 7-16-21, in the amount of.....\$2,535,490.17

Approve Wire Transfers No. 2483 through 2484 and Warrant Nos. 574875 through 574998, paid on 7-23-21, in the amount of.....\$2,131,021.06

Approve Wire Transfers No. 2485 through 2489 and Warrant Nos. 574999 through 575234, paid on 7-30-21, in the amount of.....\$2,955,795.13

Approve Wire Transfers No. 2490 through 2493 and Warrant Nos. 575235 through 575462, paid on 8-6-21, in the amount of.....\$2,515,231.90

Approve Wire Transfers No. 2494 through 2497 and Warrant Nos. 575463 through 575570, paid on 8-13-21, in the amount of.....\$2,472,972.73

TOTAL WARRANT REGISTER.....\$12,610,510.99

**Payroll Register**

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

Approve Warrant No. 838 through 839, and Automatic Deposit Advises 72513 through 72812 for the period 6-28-21 through 7-11-21, paid on 7-16-21, in the amount of.....\$ 490,070.11

Automatic Deposit Advises 72813 through 73121 for the period 7-12-21 through 7-25-21, paid on 7-30-21, in the amount of.....\$ 481,000.42

Automatic Deposit Advises 73122 through 73429 for the period 7-26-21 through 8-8-21, paid on 8-13-21, in the amount of.....\$ 504,532.93

TOTAL PAYROLL REGISTER.....\$1,475,603.46

**B. Initiation of Amendments to Update the West Pico Corridor Specific Plan and Expansion of the Architectural Overlay**

Report from the Community Development Director concerning initiation of amendments to update the West Pico Corridor Specific Plan and Expansion of the Architectural Overlay.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to defer this item to the Regular City Council meeting of September 7, 2021.

**C. Verbal Report by Staff Concerning a Possible Community Choice Energy (CCE) Feasibility Study (Councilmember Duncan, with the support of Mayor Ward, agendized this item at the July 20, 2021 Council meeting.)**

Assistant to the City Manager Savage provided information concerning the possibility of the City entering into a contract for a Community Choice Energy Feasibility Study, focusing on the study phases, tasks to be included in each phase, and the associated costs; responded to Council inquiries.

Stuart Anderson, San Clemente, spoke on the importance of clean energy to combat global warming; urged Council to consider Community Choice Energy.



Ryan Galeria, San Clemente, urged that Council demonstrate economic and environmental stewardship by engaging a Community Choice Energy Feasibility study.

Tyler Boden, San Clemente, spoke in support of Community Choice Energy, noting that CCE would provide the City with control over the production of its energy and resilience over grid outages.

Selene Lawrence, San Clemente, reported that many cities in Southern California have converted to Community Choice Energy; urged Council to engage a feasibility study to identify whether CCE would benefit San Clemente.

Jared Bybee, San Clemente, urged Council to retain a CCE feasibility study.

Garret Bean, San Clemente, suggested that Community Choice Energy would protect residents through local control; urged Council to move forward with a feasibility study.

Barry Pellissie, San Clemente, spoke in support of Community Choice Energy and urged Council to investigate partnership opportunities with other municipalities.

Council authorized the City Manager to enter into a contract for \$5,000 for the completion of Phase I of a feasibility study relating to Community Choice Energy. Phase I will identify the benefits and risks of the various CCE options. The consultant will give a presentation to Council following completion of the Phase I analysis in approximately 4-6 weeks.

Council requested information as part of a supplemental to the consultant's report that identifies Orange County and San Diego County cities that utilize CCEs. Moreover, the supplemental report is to identify cities in Southern California, that are comparable in size to San Clemente, that have converted to CCE independently, as opposed to partnering with other jurisdictions.

**D. Consideration of Terminating the Local Emergency Due to COVID-19**

Report from the City Manager concerning the possibility of terminating the local emergency due to COVID-19.

Tony Rubolino, San Clemente, displayed a PowerPoint presentation that alleged inconsistencies between Councilmember Duncan's personal activities and public comments regarding the City's COVID-19 emergency order.

Assistant to the City Manager Savage responded to Council inquiries.

Following discussion, MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, **FAILED 2-3** (COUNCILMEMBER FERGUSON, COUNCILMEMBER KNOBLOCK AND MAYOR PRO TEM JAMES VOTING NOE), to maintain the local emergency due to the COVID-19 pandemic.

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK to rescind the local emergency resolution relating to COVID-19.

SUBSTITUTE MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 3-2 (COUNCILMEMBER DUNCAN AND MAYOR WARD VOTING NOE), to adopt Resolution No. 21-35 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROCLAIMING AN END TO THE LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19) AND REAFFIRMING THE DESIGNATION OF THE CITY MANAGER AS THE DIRECTOR OF EMERGENCY SERVICES.

**CONTINUATION OF MEETING PAST 11:00 P.M.**

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 4-1 (COUNCILMEMBER FERGUSON VOTING NOE), to continue the meeting past 11:00 p.m., for the purpose of considering Item 9G, City Manager Reports and City Council Reports.

- E. **Outdoor Dining Update** (Council agendized this item at its meeting of July 20, 2021.)

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to defer this item to the Regular City Council meeting of September 7, 2021.

- F. **Consideration of Authorizing 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 City Council meeting of September 7, 2021.

G. **Upgrade, Maintenance and Support of Permitting and Licensing Software**

Report from the Information Technology Manager concerning upgrade, maintenance and support of permitting and licensing software.

Information Technology Manager Brower reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to:

1. Approve, and authorize the City Manager to execute, a Solutions Agreement (Contract C21-31), by and between the City of San Clemente and CentralSquare Technologies, LLC, providing for the upgrade, implementation, and ongoing maintenance and support of the CentralSquare Community Development System in an amount not to exceed \$480,495, which includes \$105,495 for the software upgrade, implementation and training in year one, as well as an annual subscription, maintenance and support fee of \$75,000/year for five years.
2. Approve, and authorize the City Manager to execute, Contract C21-32, by and between the City of San Clemente and ClientFirst Consulting Group, LLC, in an amount not to exceed \$70,000, for project management and technical advisory services related to the upgrade of the Trakit System.

H. **Consideration of Waiving the Outstanding Rent for the Current T-Street Concessionaire** (Agendized by Councilmember Ferguson, with the support of Mayor Pro Tem James, at the Council meeting of July 20, 2021.)

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to defer this item to the Regular City Council meeting of September 7, 2021.

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

None.

**11. REPORTS****A. Commissions and Committees**

None.

**B. City Manager****(1) Consideration of Cancelling or Rescheduling the Regular City Council Meeting of September 21, 2021 to allow for Councilmembers and the City Manager to attend the League of California Cities Conference in Sacramento**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to not conduct a Regular Council Meeting on September 21, 2021 to enable members of the City Council and City Manager to attend the League of California Cities Conference. Because the Proposition 218 CR&R rate increase Public Hearing was noticed to occur on September 21, 2021, an agenda for the September 21, 2021 Council meeting will still be prepared to indicate that Councilmembers will not be present, but that the City Clerk will attend to 1) formally continue the CR&R rate increase Public Hearing to an Adjourned Regular Council meeting to be held on September 28, 2021, and 2) adjourn the meeting to an Adjourned Regular Meeting to take place on September 28, 2021.

\*Councilmember Ferguson left the meeting at 11:21 p.m.

**(2) Cardboard Recycling Drop-Off Site**

City Manager Sund reported that the City has implemented a cardboard recycling drop-off site at City Hall, located at 910 Calle Negocio.

**Parking at Max Berg Plaza Park**

City Manager Sund reported that the City will implement a neighborhood parking permit program for residents that live near Max Berg Plaza Park.

**C. City Attorney**

None.

**D. Council Members****Commercial Harbor Craft Regulations**

Mayor Pro Tem James, with the support of Councilmember Knoblock and Mayor Ward, agendaized for the Council meeting of September 7, 2021, the possibility of opposing the California Air Resources Board's (CARB) proposed Commercial Harbor Craft regulations. A staff report is to be prepared that includes a draft letter or Resolution for adoption to be sent to CARB and the Governor by the September 14, 2021 deadline.

**Bipartisan Caucus for Spent Nuclear Fuel Solutions**

Councilmember Duncan, with the support of Mayor Ward and Councilmember Knoblock, directed Staff to add to the staff report that is being prepared for the September 7, 2021 City Council meeting relating to Congressman Levin's Task Force on SONGS, the possibility of also supporting Congressman Levin's bipartisan caucus to explore spent nuclear fuel solutions.

**24 Carrots' Lease**

Councilmember Duncan, with the support of Mayor Ward and Mayor Pro Tem James, agendaized for a future meeting 24 Carrots' request to extend reservations at the Ole Hanson Beach Club beyond its lease term. A staff report is to be prepared.

**12. RESOLUTIONS/ORDINANCES**

None.

**13. ADJOURNMENT**

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adjourn at 11:33 p.m. The next Regular Council Meeting is scheduled to take place on September 7, 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.

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CITY CLERK of the City of  
San Clemente, California

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MAYOR of the City of  
San Clemente, California