

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – October 5, 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 by Mayor Ward on October 5, 2021 at 5:00 p.m. in the San Clemente Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

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

*Arrived 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

Service of Lawsuit Entitled Ferguson v. City of San Clemente, et al. (Orange County Superior Court Case No. 30-2021-01221022-CU-WM-CJC)

Anonymous stated her intention to serve Mayor Ward, Mayor Pro Tem James, City Manager Sund and the City of San Clemente with a lawsuit.

City Attorney Smith explained that the City Clerk can accept service for all of the aforementioned parties as their agent.

Subsequent to Council recessing to Closed Session, copies of the First Amended Summons for the lawsuit entitled Ferguson v. City of San Clemente, et al. were served on City Clerk Baade.

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to recess to Closed Session at 5:05 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: 1

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: 1

- 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. Metcalf, Kristine B. Metcalf, their counsel and/or representatives

Agency claimed against: City of San Clemente

REGULAR BUSINESS MEETING CONVENED

The Regular Business Meeting convened at 6:04 p.m., with all Councilmembers present.

PLEDGE OF ALLEGIANCE

Councilmember Duncan led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

- A. **Update on Homeless Issue (August Report)**

Donna Vidrine, San Clemente, urged Council to develop a strategy to facilitate shelter opportunities for individuals experiencing homelessness.

Deputy Community Development Director Atamian reviewed the August 2021 City Outreach and Engagement Report and responded to Council inquiries. A copy of the subject report is on file with the City Clerk.

B. **Presentation of Commendation – Angelo Vidrine Carney, Eagle Scout**

Councilmember Duncan presented a Commendation to Angelo Vidrine Carney for achieving the rank of Eagle Scout.

C. **Presentation of Proclamation – Hunger Walk**

Mayor Ward presented a Proclamation to Elizabeth Andrade, CEO of Family Assistance Ministries, declaring October 17, 2021 as a day set apart for the 34th annual Hunger Walk.

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

Amazon Distribution Center

Amanda Quintanilla, San Clemente, spoke in opposition to the development of an Amazon Distribution Center in San Clemente due to her belief that it would be detrimental to the environment and health and wellbeing of residents.

Shelley Moore explained her concern that an Amazon Distribution Center would create noise and generate traffic.

Conduct of Mayor Pro Tem James

Martina (last name not provided) voiced concern with Mayor Pro Tem James' in-person conduct as well as statements he posted on social media.

Friends of San Clemente Carnival/Affordable Housing

Rick Loeffler reported that the Friends of San Clemente Carnival will take place on October 14-17, 2021 at the Vista Hermosa Sports Park; conveyed his understanding that properties within homeowners associations are not exempt from State-mandated requirements with regard to affordable housing and accessory dwelling units and urged that Staff remain up to date on such requirements.

Request to Consider Item 9D Earlier in the Meeting than Agendized

Brad Malamud requested that Council consider Agenda Item 9D (Possibility of Removing Mayor Pro Tem James from the Office of Mayor Pro Tem) earlier in the meeting than currently agendized because a significant number of people wish to speak on the matter.

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

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

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

None.

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

City Attorney Smith reported that no action was taken during this evening's Closed Session; advised that Councilmember Ferguson did not attend the Closed Session.

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 6G and 6J.

A. **City Council Minutes**

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

- (1) City Council Regular Meeting minutes of September 7, 2021.
- (2) City Council Special and Adjourned Regular Meeting minutes of September 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) Planning Commission Regular Study Session minutes of September 8, 2021.
- (2) Planning Commission Regular Meeting minutes of September 8, 2021.

Minutes continued on next page

- (3) Zoning Administrator Regular Meeting minutes of September 9, 2021.

C. **Conflict of Interest Code Update**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adopt Resolution No. 21-37 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.

D. **Joint Agreement for the Operations, Maintenance, and Financial Management of the Orange County 800 Megahertz (MHz) Countywide Coordinated Communication System (CCCS)**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to approve, and authorize the City Manager to execute, the Joint Agreement by and between the City of San Clemente, County of Orange and partner agencies, for the Operation, Maintenance and Financial Management of the Orange County 800 MHz Countywide Coordinated Communication System. (Contract C21-40)

E. **Proposed Parking Prohibition on Camino Capistrano at Del Gado**

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

1. Prohibit parking on the north side of Camino Capistrano, from the northeast curb return of Del Gado southerly 40 feet.
2. Adopt Resolution No. 21-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON CAMINO CAPISTRANO.

F. **Proposed Conversion of Parking Prohibition to Restriction on Camino La Pedriza South of Talega Park**

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

1. Approve the conversion of the existing parking prohibition to parking restriction between the hours of 10:00 p.m. and 6:00 a.m. on the west side of Camino La Pedriza from Corte Cristianitos to Avenida Pico.
2. Adopt Resolution No. 21-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'RESTRICTED PARKING AREAS' ON CAMINO LA PEDRIZA.

H. **Update to Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2021-2022 Through 2027-2028**

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to approve the updated Measure M2 Seven-Year Capital Improvement Program list of projects for Fiscal Years 2021-2022 through 2027-2028.

I. **Notice of Completion – Avenida Pico Recycled Water Pipeline Relocation**

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

1. Accept the Avenida Pico Recycled Water Pipeline Relocation from the contractor, Ferreira Construction Company, Project No. 21402.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Avenida Pico Recycled Water Pipeline Relocation.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Utilities Division that no liens have been levied against Ferreira Construction Company, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

G. Camino La Pedriza Striping Plan

Stephen Jones, San Clemente, suggested that the speed limit on Camino La Pedriza should be reduced from 40 MPH to 35 MPH if bike lanes are added to help ensure the safety of bicyclists; concurred with the addition of electronic radar speed signs on Camino La Pedriza.

Senior Traffic Engineer Farivar responded to Council inquiries.

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

1. Approve the restriping of Camino La Pedriza to add bike lanes in both directions as shown in Attachment No. 2 of the Administrative Report, dated October 5, 2021, that is on file with the City Clerk.
2. Authorize staff to start the bidding process to install two electronic radar speed signs on Camino La Pedriza.

J. San Clemente Trolley – Fall Extension of 2021 San Clemente Trolley Service

Mikii Rathmann, San Clemente, spoke in support of extending trolley service to at least November 15, 2021, but preferably through the holiday shopping season if funding allows; concurred with trolley service being limited to Saturdays and Sundays; recommended that Council consider extending trolley service to south San Clemente in 2022.

Economic Development Officer Lightfoot responded to Council inquiries.

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to approve Schedule C (as described in the Administrative Report, dated October 5, 2021, that is on file with the City Clerk). For ease of reference, Schedule C provides for extended trolley service to occur on Saturdays and Sundays from October 1, 2021 through November 15, 2021. It was agreed that City Manager Sund will report on trolley ridership as part of the City Manager Report portion of the Council meeting of November 2, 2021.

REORGANIZATION OF COUNCIL AGENDA

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK, **FAILED 2-3** (COUNCILMEMBER DUNCAN, MAYOR PRO TEM JAMES AND MAYOR WARD VOTING NOE), to consider Agenda Item 9D immediately prior to Agenda Item 7A.

7. **PUBLIC HEARINGS**

A. **Ordinance No. 1718 (Second Reading) - Code Amendments (Local Fire Regulations and Amendments to the 2019 California Fire Code)**

Public Hearing to consider a City-initiated amendment to San Clemente Municipal Code Title 8, Health and Safety, and Title 12, Streets, Sidewalks and Public Places, regarding the 2019 California State Fire Code, local amendments to that code, and related code concerning fires on the beach, to improve fire prevention regulations and enforcement.

Deputy Community Development Director Atamian reviewed the contents of the Administrative Report.

Mayor Ward opened and closed the Public Hearing, there being no one desiring to speak on this issue.

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

1. Adopt Ordinance No. 1718 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTIONS 8.16.050 AND 12.32.050 CONCERNING LOCAL FIRE REGULATIONS AND AMENDMENTS TO THE 2019 CALIFORNIA FIRE CODE (ADOPTED ON DECEMBER 3, 2019) AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.
2. Find that the Ordinance is not subject to the requirements of CEQA for the following reasons:
 - a. The Ordinance does not qualify as a "project" because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §15378. Subd. (a).)

Action continued on next page

- b. The Ordinance falls within the "common sense" exemption set forth in State CEQA Guidelines section 15061, subdivision (b)(3), which exempts activity from CEQA where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

B. Housing Element and Safety Element Updates

Public Hearing to consider a request to adopt environmental findings pursuant to the California Environmental Quality Act, certify the Program Environmental Impact Report (State Clearinghouse No. 2021020256) regarding the Housing Element and Safety Element Updates, adopt a Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program, approve General Plan Amendment PLN20-036 to adopt the Housing Element and Safety Element Updates, and authorize staff to submit the Housing Element Update to the Department of Housing and Community Development.

Mayor Ward opened the Public Hearing.

Donna Vidrine asserted that the 10-acre site on Avenida Pico, that is owned by the Emergency Shelter Coalition, should be added to the inventory of candidate sites for rezoning for affordable housing and that the City's surplus land, including the former City Hall site, should be donated for affordable housing purposes.

Kathy Esfahani, San Clemente Affordable Housing Coalition, suggested that Council allow the candidate rezoning opportunity site at 190 Avenida La Pata to be developed at 45 units per acre, that the former City Hall site be donated for affordable housing purposes, and that the two parcels on Avenida Pico be zoned for high-density residential and included in the SB2 zone; suggested that 15% of new units should be affordable.

Bill Kreutinger urged Council to seek input from the Human Affairs Committee on Housing Element issues that are germane to the Committee.

Cord Bauer, San Clemente, noted that affordable housing in California is a major issue; asserted that the provision of affordable housing will not address the underlying reasons for homelessness.

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

Assistant to the City Manager Savage responded to Council inquiries.

Following discussion, MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to:

1. Adopt Resolution No. 21-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2021020256) REGARDING THE HOUSING ELEMENT AND SAFETY ELEMENT UPDATES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING GENERAL PLAN AMENDMENT PLN20-036 TO ADOPT THE HOUSING ELEMENT AND SAFETY ELEMENT UPDATES ("PROJECT").
2. Authorize staff to provide the adopted Housing Element to the Department of Housing and Community Development.

8. **UNFINISHED BUSINESS**

A. **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 Events Permits, amplified sound and excessive noise in public areas.

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

Following discussion, MOTION BY COUNCILMEMBER DUNCAN, 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.

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. 2506 through 2511 and Warrant Nos. 575872 through 576040, paid on 9-3-21, in the amount of.....\$5,909,163.02

Approve Wire Transfers No. 2512 through 2515 and Warrant Nos. 576041 through 576212, paid on 9-10-21, in the amount of.....\$2,304,621.92

Approve Wire Transfers No. 2516 through 2517 and Warrant Nos. 576213 through 576304, paid on 9-17-21, in the amount of.....\$ 705,705.77

Approve Wire Transfers No. 2518 through 2521 and Warrant Nos. 576305 through 576444, paid on 9-24-21, in the amount of.....\$1,050,919.23

TOTAL WARRANT REGISTER.....\$9,970,409.94

Payroll Register

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

Approve Automatic Deposit Advises 73741 through 74016 for the period 8-23-21 through 9-5-21, paid on 9-10-21, in the amount of.....\$ 441,871.18

Approve Automatic Deposit Advises 74017 through 74293 for the period 9-6-21 through 9-19-21, paid on 9-24-21, in the amount of.....\$ 445,712.70

TOTAL PAYROLL REGISTER.....\$ 887,583.88

PLACEMENT OF WARRANT AND PAYROLL REGISTERS ON FUTURE AGENDAS

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to agendize future Warrant and Payroll Registers under the Consent Calendar.

POINT OF ORDER

City Clerk Baade read a Point of Order Card from Brad (last name not provided) stating that the action to place future Warrant and Payroll Registers on the Consent Calendar does not appear on this evening's agenda.

City Attorney Smith responded that the Brown Act exempts actions to agendize items for future meetings from the requirement that the item be agendized before such direction is provided.

- B. **Consideration of Adopting a Resolution in Support of a Veterans Cemetery in Anaheim Hills** (Agendized by Councilmember Knoblock, with the support of Mayor Pro Tem James, at the September 7, 2021 City Council meeting.)

Bill Cook, Chairman of the Orange County Veterans Memorial Park Foundation, encouraged Council to adopt the proposed Resolution in support of a veterans cemetery being developed in Anaheim Hills; noted that Orange County is home to 130,000 veterans, yet the County lacks a veterans hospital and veterans cemetery.

Wayne Yost, VFW District 2 Senior Vice Commander, spoke on the need for a veterans cemetery in Orange County and identified the sacrifices made by veterans.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to adopt Resolution No. 21-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING THE ORANGE COUNTY VETERANS CEMETERY IN ANAHEIM HILLS.

- C. **Consideration of Establishing an Endowment Fund to Support Parks and Recreation Facilities** (Agendized by Mayor Pro Tem James, with the support of Councilmember Duncan and Mayor Ward, at the July 20, 2021 City Council meeting.)

Report from the Beaches, Parks and Recreation Director concerning the possibility of establishing an endowment fund to support parks and recreation facilities.

Beaches, Parks and Recreation Director Wylie reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to direct Staff to prepare a white paper on the feasibility and possibility of establishing an endowment fund for parks and recreation facilities to be included in the upcoming Long Term Financial Plan.

MEETING RECESSED

Council recessed at 7:51 p.m. and reconvened at 7:56 p.m., with all members present.

- D. **Possibility of Removing Mayor Pro Tem James from the Office of Mayor Pro Tem** (Agendized by Councilmember Knoblock, with the support of Councilmember Ferguson, at the September 28, 2021 City Council meeting.)

City Clerk Baade read two communications, as an accommodation pursuant to federal law, as follows:

Sharon Williams, email dated October 5, 2021, which urged Council to remove Mayor Pro Tem James from the office of Mayor Pro Tem. Ms. Williams' communication is on file with the City Clerk

Michael (Last Name Not Provided), communication dated October 4, 2021, which alleged inappropriate past communications and actions by Mayor Pro Tem James. The subject communication is on file with the City Clerk.

Amanda Quintanilla urged the removal of Mayor Pro Tem James from the position of Mayor Pro Tem due to his disrespect for Deputy Medina and the assault charges filed by Councilmember Knoblock.

Martina (no last name provided) opined that stripping Mayor Pro Tem James of his title is inadequate punishment.

Rick Loeffler stated that Mayor Pro Tem James apologized for his unacceptable behavior; opined that Mayor Pro Tem James should not be removed from the office of Mayor Pro Tem and urged Council to adopt a policy that addresses Councilmember conduct.

Dee Coleman opined that Mayor Pro Tem James treated him in a hostile and threatening manner when they were both seeking election to the Council; urged Council to remove Mayor Pro Tem James from the office of Mayor Pro Tem.

Cord Bauer voiced support for Mayor Pro Tem James and urged Council to repair the City's relationship with the Orange County Sheriff's Department.

Louise Herbert, San Clemente, stated that the incident with Deputy Medina was an embarrassment to the City, but she supports due process; urged Mayor Pro Tem James to make a public apology to the Orange County Sheriff's Department and his fellow Councilmembers.

Shari Grace, San Clemente, spoke in support of Mayor Pro Tem James, pointing out that he is hard working and responsive to the people; urged that his status of Mayor Pro Tem be retained.

Donna Vidrine opined that Mayor Pro Tem James lacks the temperament to represent the citizens of San Clemente and urged that he be removed from the office of Mayor Pro Tem.

Rosemary Salas, San Clemente, spoke in support of Mayor Pro Tem James, noting that he works hard on behalf of San Clemente.

Craig Keshishian spoke in support of Mayor Pro Tem James' efforts on behalf of the City; urged Council to set grudges and personal disagreements aside for the betterment of the City.

Wendy Shrove, San Clemente, noted that many issues in San Clemente require immediate Council attention and urged Council to work together for the betterment of the City; recommended that Council retain Mayor Pro Tem James in his Mayor Pro Tem position.

Wayne Eggleston voiced concern with the division among Councilmembers; urged Council to work together for the wellbeing of the City, regardless of their viewpoints on issues.

BRM, San Clemente, suggested that Mayor Pro Tem James should be removed from the office of Mayor Pro Tem and that Council should appoint Councilmember Duncan to fill the Mayor Pro Tem position.

Following Councilmember commentary, MOTION BY MAYOR WARD, SECOND BY COUNCILMEMBER DUNCAN, to not remove Gene James from the office of Mayor Pro Tem.

SUBSTITUTE MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK, **FAILED 2-3** (COUNCILMEMBER DUNCAN, MAYOR PRO TEM JAMES AND MAYOR WARD VOTING NOE), to remove Gene James from the office of Mayor Pro Tem.

THE ORIGINAL MOTION WAS VOTED ON AND CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE).

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

County-Wide Communications Exercise (Tri Cities RACES (Radio Amateur Civil Emergency Services))

Bill Kreutinger, San Clemente, reported that a County-wide communications exercise took place over the weekend; advised that the organization that serves San Clemente (i.e., Tri Cities RACES) successfully completed all of its assigned tests ahead of schedule.

Vetting of Alleged Assault Incident

Rick Loeffler urged Council to allow the alleged assault case to be vetted in private, rather than in public.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

Oil Spill off the Coast of Huntington Beach

Beaches, Parks and Recreation Director Wylie provided an update on the oil spill off the coast of Huntington Beach, explaining that no oil has reached San Clemente; reported that the most current information can be found on a link entitled "Southern California Spill Response", that is located on the City's website under the 'Latest News' section.

C. **City Attorney**

City Council Meeting Procedures

City Attorney Smith reviewed Council meeting procedures relating to public comments and Closed Session disclosure requirements. A hard copy of City Attorney Smith's slides are on file with the City Clerk.

Introduction of New Attorney at Best, Best & Krieger (BBK)

City Attorney Smith introduced Carl Jones, a new attorney at BBK.

D. **Council Members**

Extended Parking Meter Hours

City Manager Sund reported that the Ordinance to extend parking meter hours in the Pier Bowl will be agendized for the October 19, 2021 City Council meeting. City Attorney Smith agreed to research and inform Council as to whether a change in parking meter hours requires enactment via an Ordinance.

Request for List of Consultants with Their Scope of Services

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK, to agendize for the October 19, 2021 or November 2, 2021 Council meeting, a list of the City's consultants, together with costs and a description of the work each consultant is performing. This proposal **DIED** because a third Councilmember did not support allocating Staff resources to expand the existing list (which includes consultant name and associated cost) to also include their scope of work.

City Manager Sund advised that Staff intends to agendize the 1st Quarter Financial Quarterly Report and pension pay-down possibilities for the Council meeting of October 19, 2021.

City Council Policy 1201-11 (Council Operating Procedures)

Mayor Ward, with the support of Councilmember Duncan and Mayor Pro Tem James, directed that Policy and Procedure 1201-11 (Council Operating Procedures) be agendaized for a future Council meeting to enable Council to consider modifying processes to add items to future agendas.

SB 9 and SB 10 Relating to Housing Development

Mayor Ward, with the support of Councilmember Duncan and Mayor Pro Tem James, directed that a Special Presentation be agendaized for a future Council meeting relative to SB 9 and SB 10 and their effect on San Clemente.

San Clemente High School (SCHS) Homecoming Parade and Football Game

Mayor Ward announced that San Clemente High School held its annual homecoming parade and football game on October 1, 2021; congratulated the SCHS Tritons on its football victory.

Recognition of Griffin Colapinto (Winner of 2021 Men's U.S. Open of Surfing)

Councilmember Duncan reported that Griffin Colapinto of San Clemente won the men's U.S. Open of Surfing that was held in Huntington Beach.

Business Improvement District (BID)

Councilmember Duncan, with the support of Mayor Pro Tem James, agendaized for the Council meeting of October 19, 2021, the possibility of authorizing the City Manager to engage a consultant, for an amount not to exceed \$25,000, to work with the Downtown Business Association to develop a management plan to assist in the formation of a BID. It was noted that this item will not need to be agendaized if the City Manager proceeds with issuing a contract within his signature authority to further a mission already underway.

Job Fair at the Outlets in San Clemente

Council requested that Staff publicize the Job Fair that will be conducted at the Outlets on October 12, 2021 via issuance of a press release and placement on the City's website and social media.

Consideration of Withdrawing from the Orange County Library System

Mayor Pro Tem James, with the support of Mayor Ward, directed that the possibility of the City withdrawing from the Orange County Library System and forming an independent library system be agendaized for a City Council meeting in December 2021 or January 2022. Staff is to provide Council with copies of the study that was previously conducted on this topic.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1716 (Second Reading) – Leaf Blowers**

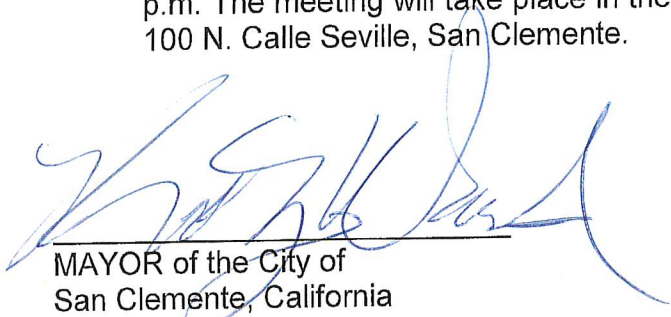
City Clerk Baade read the following communication as an accommodation pursuant to federal law:

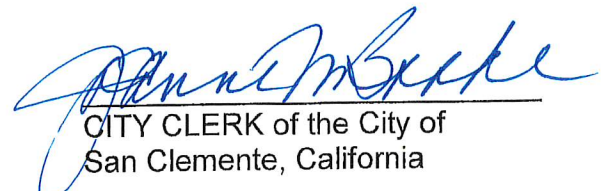
Tom Lorch, communication dated October 5, 2021, which urged that the Council not ban gas-powered leaf blowers and offering alternative suggestions. Mr. Lorch's communication is on file with the City Clerk.

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY MAYOR WARD, CARRIED 4-1 (COUNCILMEMBER KNOBLOCK VOTING NOE), to adopt Ordinance No. 1716 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND AMENDING TITLE 8 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE; TO ESTABLISH A LEAF-BLOWER ORDINANCE THAT BANS USE OF GASOLINE-POWERED LEAF BLOWERS AND ADDS STANDARDS FOR THE USE OF ELECTRIC-POWERED OR BATTERY-POWERED LEAF BLOWERS.

13. **ADJOURNMENT**

MOTION BY MAYOR WARD, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to adjourn at 10:11 p.m. The next Regular Council Meeting is scheduled to take place on October 19, 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.


MAYOR of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California