

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – February 1, 2022

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 James on February 1, 2022 at 5:00 p.m. in the San Clemente Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

PRESENT DUNCAN, KNOBLOCK, WARD, MAYOR JAMES

ABSENT FERGUSON

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

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CLOSED SESSION

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to recess to Closed Session at 5:01 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: OCSC 30-2017-00934703-CU-PT-CXC

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

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

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

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)

Number of potential cases: 2

REGULAR BUSINESS MEETING

The Regular Business Meeting convened at 6:01 p.m., with all Councilmembers present, except Councilmember Ferguson who was absent.

PLEDGE OF ALLEGIANCE

Captain Benfield led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

A. Presentation of Proclamation – PFC Anthony “Tony” Cappa, USMC

Mayor James, along with representatives from Senator Bates’ office and Congressman Levin’s office, recognized Tony Cappa in honor of his 100th birthday.

B. Update on Homeless Issue (January Update to be Provided at February 15, 2022 Council Meeting)

Donna Vidrine, San Clemente, commented on the needs of individuals experiencing homelessness.

Jenifer Massey, San Clemente, spoke on the desirability of the Council helping homeless individuals.

C. 1st Quarter Financial Report

Report from Financial Services Officer Rahn concerning the 1st quarter financial report.

Financial Services Officer Rahn provided an update on the 1st Quarter Financial Report and Human Resources Manager Thordahl provided an update on 1st Quarter staffing levels. A hard copy of Ms. Thordahl’s presentation is on file with the City Clerk.

2. ORAL COMMUNICATIONS (PART 1)

16th Hole at San Clemente Municipal Golf Course

Chad Kroger, San Clemente, spoke in regards to the 16th hole at the Municipal Golf Course.

JT Parr, San Clemente, spoke concerning the 16th hole at the Municipal Golf Course.

Amazon Warehouse

Amanda Quintanilla narrated a PowerPoint entitled "No Amazon Warehouse in San Clemente". A hard copy of Ms. Quintanilla's PowerPoint is on file with the City Clerk.

San Gorgonio Community Park

R. Martin, San Clemente, addressed the impact that activities occurring at San Gorgonio Community Park have on neighbors. A hard copy of Ms. Martin's slide is on file with the City Clerk.

Mayor James' Behavior

Mike (no last name provided), San Clemente, voiced concern with Mayor James' behavior.

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

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), 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 stated that no reportable action was taken during this evening's Closed Session.

AGENDA REORGANIZATION

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABENT), to consider Agenda Item 12A (Second Reading of Ordinance No. 1722) and 12B (Second Reading of Ordinance No. 1725) at this point in the meeting.

Please refer to Page 11 of these minutes for a summary of the action taken concerning Agenda Item 12A (Second Reading of Ordinance No. 1722) and Page 12 for a summary of the action taken concerning 12B (Second Reading of Ordinance No. 1725).

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve the Consent Calendar, with the removal of Items 6A(1), 6A(2) and 6F.

B. **Commission/Committee Minutes**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to receive and file the following:

- (1) Planning Commission Regular Meeting minutes of January 19, 2022.

C. **Warrant Register**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to:

Approve Wire Transfers Nos. 2584 through 2586 and Warrant Nos. 578475 through 578598, paid on 1-21-22, in the amount of.....\$ 913,795.37

Approve Wire Transfers Nos. 2587 through 2590 and Warrant Nos. 578733 through 578734, paid on 1-28-22, in the amount of.....\$ 1,700,923.15

TOTAL WARRANT REGISTER.....\$ 2,614,718.52

Payroll Register

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to:

Approve Automatic Deposit Advises 76326 through 76563, for the period 1-10-22 through 1-23-22, paid on 1-28-22, in the amount of.....\$ 404,580.53

TOTAL PAYROLL REGISTER.....\$ 404,580.53

D. Contract Award – Calle Vista Torito Storm Drain Repair

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to:

1. Approve an appropriation in the amount of \$87,255 from the Storm Drain Fund Depreciation Reserve to Account 059-553-43420-000-22002.
2. Approve the plans and specifications for the Calle Vista Torito Storm Drain Repair; Project No. 22002.
3. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C22-03, by and between the City of San Clemente and O'Connell Engineering & Construction, Inc., providing for the Calle Vista Torito Storm Drain Repair, in the amount of \$53,545.

E. Release of Performance and Labor & Material Bonds Related to the Subdivision Improvements for Parcel Map 2006-287 – Lee Subdivision at 3812 Via del Campo

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 2006-287 – LEE SUBDIVISION AT 3812 VIA DEL CAMPO.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**6A(1). Adjourned Regular City Council Meeting Minutes of January 18, 2022**

Amanda Quintanilla requested additions to the Council meeting minutes of January 18, 2022.

MOTION BY COUNCILMEMBER KNOBLOCK to approve the Adjourned Regular Council meeting minutes of January 18, 2022 as prepared.

SUBSTITUTE MOTION BY COUNCILMEMBER WARD to approve the Adjourned Regular Council meeting minutes of January 18, 2022 with the modification that her motion concerning Item 9C be modified to delete the following language: *“and to direct Staff to return to Council with a policy that*

addresses whether a City employee under the City Manager's jurisdiction can also serve as an elected official of the City."

SUBSTITUTE MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to amend the City Council minutes of January 18, 2022 to reflect Ms. Quintanilla's comments under Item A (Hospital and Health Care: Community Survey Results) to read as follows:

Amanda Quintanilla stated she left San Clemente Hospital after her contract expired because the hospital was understaffed and lacked capabilities; suggested that it would be difficult to recruit quality physicians and surgeons to a San Clemente Hospital, and the City cannot afford the expense.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to amend the action on Item 9C (Ballot Measures Concerning the Possibility of Transitioning the Offices of City Treasurer and City Clerk to Appointive Positions) to read as follows:

Council determined to not add ballot measures to the General Municipal Election ballot of November 8, 2022 or Special Municipal Election ballot of June 7, 2022 to question whether the offices of City Clerk and City Treasurer shall be appointive, and directed Staff to agendize a discussion about a potential policy that addresses whether or not a City employee under the City Manager's jurisdiction can also serve as an elected City official.

During the course of discussion, Council directed that future Council minutes include a more-succinct representation of public comments, basically identifying the topic of their remarks as opposed to the specifics of statements made.

6A(2). **Special City Council Meeting Minutes of January 24, 2022**

R. Martin, San Clemente, requested expansion of the Council meeting minutes of January 24, 2022.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to modify the Special Council Meeting minutes of January 24, 2022 to reflect that Ruth Martin's comments under Oral Communications are to read as follows:

Ruth Martin, San Clemente, raised concerns with Beaches, Parks and Recreation scheduling activities at San Gorgonio Park when those activities are going to exceed available parking, which causes overflow traffic to residential surrounding streets and causes families to walk in the middle of the street to get to the park; urged that activities be scheduled to ensure that parking demand can be accommodated at the park.

F. **Consideration of Grant Application Authorization for PierPride**

MOTION BY MAYOR JAMES, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to defer this item to the Council meeting of February 15, 2022.

7. **PUBLIC HEARINGS**

A. **Billing for 2021 Weed Abatement Program**

Public Hearing to consider objections or protests, if any, to the costs of the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City and to the assignment of these costs to the properties on which the abatement was completed.

Mayor James opened the Public Hearing.

Mike (no last name provided) spoke on the importance of proactive fire suppression efforts to reduce fire insurance rates.

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

Deputy Community Development Director Atamian responded to Council inquiries.

Mayor Pro Tem Duncan, with the support of Mayor James and Councilmember Ward, agendized a Special Presentation by the Orange County Fire Authority concerning fire abatement efforts in City canyons and the potential impact on insurance rates for homeowners.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to:

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report by motion.
3. Authorize the Weed Abatement Contract Administrator to bill the amounts indicated in the report to the appropriate property owners.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **High Quality Transit Area Vision Plan**

Presentation from the Southern California Association of Governments (SCAG) concerning the High Quality Transit Area Vision Plan.

Orlando Gonzalez, on behalf of SCAG, narrated a PowerPoint presentation entitled "San Clemente HQTA Vision Plan" and responded to Council inquiries. A hard copy of Mr. Gonzalez's presentation is on file with the City Clerk.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to receive and file the Administrative Report, dated February 1, 2022, and on file with the City Clerk.

B. **Feasibility of Annexing Planning Area 5** Agendized at the June 15, 2021 City Council meeting (and deferred from the September 7, 2021 Council meeting) by Mayor James, with the support of Councilmember Ward and Mayor Pro Tem Duncan; directed the City Manager and City Attorney to prepare a Staff report.

Report from the Assistant to the City Manager concerning the feasibility of annexing Rancho Mission Viejo Planning Area 5.

Assistant to the City Manager Savage advised that there is currently no opportunity to annex Planning Area 5.

Carolyn Emery, on behalf of LAFCO, responded to Council inquiries.

Council noted the importance of engaging in a dialogue with Rancho Mission Viejo with regard to its development plans for residences, amenities, etc.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY MAYOR JAMES, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to receive and file the Administrative Report, dated February 1, 2022, which is on file with the City Clerk.

- C. **Consideration of Expanding Smoking Ban** Agendized at the November 2, 2021 City Council meeting by Councilmember Duncan, with the support of Mayor James.

Rick Loeffler spoke in support of a smoking ban.

Hoiyin Ip spoke in support of a smoking ban.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY MAYOR JAMES, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to direct Staff to work with Best, Best & Krieger to draft a Code amendment to enact a City-wide ban on smoking and vaping in public areas for Council consideration in May 2022. The draft Ordinance is to be considered by the Human Affairs Committee and Public Safety Committee before being submitted to Council. Council requested that a survey of smoking regulations in place in other cities be compiled.

- D. **RFP for Legal Services** Agendized at the January 18, 2022 City Council meeting by Councilmember Knoblock, with the support of Councilmember Ferguson.

MOTION BY COUNCILMEMBER WARD to take no action.

SUBSTITUTE MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR JAMES, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to direct Staff to commence the City Attorney evaluation process in early March 2022 and that Council expedite its evaluations. Any potential subsequent steps will be discussed in Closed Session.

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

Homelessness

Maura Mikulec disagreed with previous public comments about homeless persons being service resistant.

Rick Loeffler spoke concerning service resistance among homeless persons.

Mayor Pro Tem Duncan's Article "Saving Our Beaches"

Susan Ambrose, San Clemente, commended Mayor Pro Tem James on his recent article entitled "Saving Our Beaches".

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

Announcement of Contracts Approved and Executed by the City Manager (Mitra Automation and Theresa Dobbs)

City Manager Sund reported that he executed the following contracts under his signature authority: 1) contract for \$49,500 with Mitra Automation for on-call electrical and control system engineering for the City's SCADA system; and 2) contract for \$16,000 with Theresa Dobbs for the ARP social services grant program.

Sewer Force Line Break at Cyprus Shores

City Manager Sund reported that a sewer force line break occurred at Cyprus Shores.

C. **City Attorney**

None.

D. **Council Members**

Mariposa Bridge

Councilmember Knoblock, with the support of Mayor James and Councilmember Ward, agendized a discussion of structural conditions associated with the Mariposa Bridge. A staff report is to be prepared.

Legislative Update (Bill to Prohibit Insurance Companies from Redlining Canyons in Urban Areas Where Fire Protection is High)

Council directed that the City's lobbyist (Aprea & Micheli) provide a report at its March 1, 2022 meeting relative to current legislation in which it currently advocates for the City's interests. A segment of that report is to address any existing bills, or possible new bill, to prohibit insurance companies from redlining canyons in urban areas where fire protection is high.

E. **Council Subcommittee Updates**

None.

12. **RESOLUTIONS/ORDINANCES**

A. **Ordinance No. 1722 (Second Reading) – Shopping Carts and Publicly Stored Property**

Donna Vidrine spoke on the need for compassion for the unsheltered. Jenifer Massey, San Clemente, commented on the need for a place for homeless persons to store their belongings.

Judy Jones, San Clemente, urged modifications to Ordinance No. 1722.

Darryl McFann, San Clemente, spoke on the need to address shopping carts and mattresses.

Stuart Anderson, San Clemente, spoke on the need for designated safe spaces for storage of the belongings of the unhoused.

Kent Doss spoke on the importance of homeless persons retaining their belongings for basic survival.

Rona Henry spoke on the importance of dignity for homeless persons.

Bill Kreutinger, San Clemente, explained his belief that Ordinance No. 1722 goes too far.

Kathy Esfahani spoke on the need to make life easier for homeless people until affordable housing is built.

Rick Loeffler spoke in support of Ordinance No. 1722 to preserve quality of life.

Maura Mikulec spoke on the need for affordable housing and a local shelter.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Ordinance No. 1722 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA AMENDING TITLES 8 AND 12 OF THE SAN CLEMENTE MUNICIPAL CODE REGARDING SHOPPING CARTS, CRITICAL INFRASTRUCTURE AND PUBLIC STORAGE OF PERSONAL PROPERTY AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

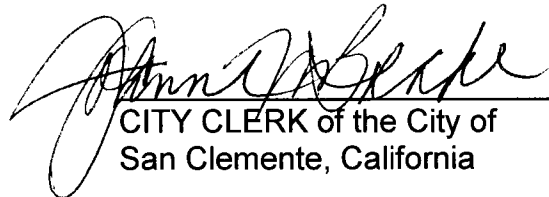
B. Ordinance No. 1725 (Second Reading) – Prohibition of Electric Bicycles on the Beach, Beach Trail and Pier

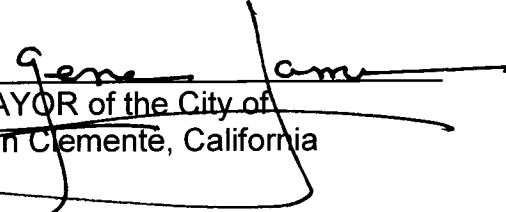
Cheryl Kelly, San Clemente, spoke in support of Ordinance No. 1725 and enforcement thereof.

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK (COUNCILMEMBER FERGUSON ABSENT), to adopt Ordinance No. 1725 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, ELECTRIC BICYCLES, AND OTHER ACTIVITIES ON THE PIER, BEACH, BEACH ACCESS ROAD, AND BEACH TRAIL.

13. ADJOURNMENT

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adjourn at 9:12 p.m. The next Regular Council Meeting is scheduled to take place on February 15, 2022. 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.


CITY CLERK of the City of
San Clemente, California


MAYOR of the City of
San Clemente, California