

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – March 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 March 1, 2022 at 5:00 p.m. in the San Clemente Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

**PRESENT** DUNCAN, FERGUSON\*, KNOBLOCK\*\*, WARD, MAYOR JAMES  
\*Arrived at 6:00 p.m.  
\*\*Arrived at 5:05 p.m.

**ABSENT** NONE

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

\* \* \*

### **CLOSED SESSION**

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to recess to Closed Session at 5:06 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: Housing is a Human Right v. the County of Orange and City of San Clemente  
Case Number: 30-2019-01098573-CU-WM-CJC

- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to Government Code section 54957  
Title: City Attorney

## **REGULAR BUSINESS MEETING**

The Regular Business Meeting convened at 6:00 p.m., with all Councilmembers present.

## **MOMENT OF SILENCE – FREEDOM FIGHTERS IN UKRAINE**

A moment of silence was observed for the freedom fighters in Ukraine.

## **PLEDGE OF ALLEGIANCE**

Deputy Rudy led the Pledge of Allegiance.

## **INVOCATION**

Deacon Carl Swanson, Our Lady of Fatima Church, gave the invocation.

### 1. **SPECIAL PRESENTATIONS**

#### A. **Presentation of City Tile – Lisa Ornelas**

Mayor James presented a City Tile to Lisa Ornelas, Payroll Coordinator, in recognition of her retirement after 33 years of exemplary service to the City of San Clemente.

#### B. **Update on Homeless Issue (February Update to be Provided at March 15, 2022 City Council Meeting)**

Donna Vidrine commented on her interactions with homeless persons during her participation in the Point-in-Time Count.

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

#### **San Clemente Library/San Gorgonio Community Park**

Amanda Quintanilla commented on the services currently provided by the San Clemente Library as well as the conditions of park restrooms.

#### **San Clemente Hospital**

Donna Vidrine commented on the value of San Clemente having a local hospital.

**Fire Insurance Rates**

Mike (no last name provided), San Clemente, requested the City update its Natural Hazard Mitigation Plan to facilitate a reduction in homeowner fire insurance rates.

**San Gorgonio Community Park/Skateboarding on City Streets**

Ruth (no last name provided), San Clemente, voiced concern with pedestrian safety near San Gorgonio Community Park and requested that skateboarding be prohibited on City streets.

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

MOTION BY COUNCILMEMBER WARD, 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 no reportable actions during this evening's Closed Session; advised that Councilmember Ferguson did not participate in the Closed Session.

**6. CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6C and 6E.

**A. City Council Minutes**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, to approve the minutes of the Regular City Council meeting of February 15, 2022.

**B. Commission/Committee Minutes**

None.

**D. Fiscal Year 2021-22 Mid-Year Budget Review**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, to approve, and authorize the mid-year budget adjustments listed in Attachment A of the Administrative Report, dated March 1, 2022.

**F. Fee Waiver Request – Orange County Registrar of Voters 2022 Primary Election Vote Center**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, to approve a fee waiver for the Orange County Registrar of Voters to utilize the Community Center as a Vote Center for the 2022 primary election.

**G. Contract Amendment – Trolley Operations**

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

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C19-35, by and between the City of San Clemente and LAZ Parking, providing for a modification to the schedule of service, clarifying the start and end dates for the 2022 season, and an hourly rate increase from \$52.41 to \$64.40 (an increase of \$9.99 per hour).
2. Authorize a supplemental appropriation of \$173,242 to Account 021-808-43690 (Other Professional Services) for Trolley operations.
3. Direct staff to pursue a scope change request through OCTA's semi-annual review process to get approval for reimbursement of expenses incurred between Labor Day and New Year's Day 2021.

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

**6C. Warrant Register**

In response to Councilmember inquiries, City Attorney Smith agreed to provide additional information to Council on various BBK invoices.

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

Approve Wire Transfer Nos.  
2601 through 2602 and Warrant Nos.  
579027 through 579166, paid on  
2-18-22, in the amount of.....\$ 1,120,771.05

Approve Wire Transfer Nos.  
2603 through 2606 and Warrant Nos.  
579167 through 579269, paid on  
2-25-22, in the amount of.....\$ 679,814.99

TOTAL WARRANT REGISTER.....\$ 1,800,586.04

**Payroll Register**

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

Automatic Deposit Advises 76807  
through 77062, for the period  
2-7-22 through 2-20-22, paid  
on 2-25-22, in the amount of.....\$ 410,417.42

TOTAL PAYROLL REGISTER.....\$ 410,417.42

**E. Contract Amendment - Contract Planning Services**

Following discussion relative to the proposed contract's lack of a termination date, MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE), to approve, and authorize the City Manager to execute, Amendment No. 1 to Contract AC-1031, by and between the City of San Clemente and CSG Consultants, providing for contract planning services. This Amendment increases the contract amount from \$50,000 to \$130,000 (an increase of \$80,000), and eliminates the expiration date of the contract.

7. **PUBLIC HEARINGS**

A. **Site Specific Park Master Plan Updates**

Public Hearing to consider adoption of the 2022 Site Specific Park Master Plan Updates for Bonito Canyon Park, Linda Lane Park, Richard T. Steed Memorial Park, San Gorgonio Park, and San Luis Rey Park.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, to defer this item for approximately two months and direct the City Clerk to re-advertise the public hearing for the future hearing date.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

- A. **Recycled Water Expansion Update** Agendized at the November 16, 2021 City Council Meeting by Mayor James, with the support of Mayor Pro Tem Duncan and Councilmember Ward.

Utilities Director Rebensdorf reviewed the contents of the Administrative Report and responded to Council inquiries. A hard copy of Mr. Rebensdorf's PowerPoint, entitled "Overview" is on file with the City Clerk.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to direct Staff to coordinate with the Rancho San Clemente Master Association and its sub-associations to evaluate future recycled water expansion opportunities, and to update the 2007 Recycled Water Master Plan utilizing funding from Recycled Water Expansion Phase II, Project 17407.

- B. **Consideration of Withdrawing from the Orange County Library System** Agendized at the October 5, 2021 City Council meeting by Mayor James, with the support of Councilmember Ward.

MOTION BY MAYOR JAMES, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to defer this item to a future date.

**C. Code Amendment – Compensation for City Council Members**

Agendized at the February 15, 2022 City Council Meeting by Mayor James with the support of Councilmember Ferguson and Mayor Pro Tem Duncan.

City Attorney Smith reviewed the contents of the Administrative Report and responded to Council inquiries.

Amanda Quintanilla opposed a retroactive increase in Councilmember stipends and recommended that the California Government Code standard baseline method be used to update Council stipends.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY MAYOR JAMES, **FAILED 2-3** (COUNCILMEMBER FERGUSON, COUNCILMEMBER KNOBLOCK, AND COUNCILMEMBER WARD VOTING NOE), to introduce Ordinance No. 1726 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 2.04.040 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO COMPENSATION FOR CITY COUNCIL MEMBERS.\*

*\*By virtue of the failure of the above motion to pass, Council stipends shall remain at \$400 per month.*

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

**San Clemente Library**

Marjorie Sosa, San Clemente, spoke in opposition to the withdrawal of the San Clemente Library from the Orange County Public Library system.

William Jacobs commented on the enhanced benefits that the City experiences as a result of being a part of a larger library system.

Steven Tribucher, San Clemente, voiced concern with the possible ramifications of withdrawing from the Orange County Public Library system.

Linda Williams, San Clemente, commented on the value of the San Clemente Library and its access to resources through the Orange County Public Library system.

## 11. Reports

### A. Commissions and Committees

None.

### C. City Manager

#### Announcement of Contracts Approved and Executed by the City Manager

City Manager Sund reported that he executed the following professional services contracts under his signature authority: 1) contract for \$46,700 with O'Connell Engineering for Capistrano Lane Sanitary Sewer Line Repair; 2) contract for \$50,000 with 4Leaf for Contract Permit Technician services; 3) contract for \$9,900 with Environmental Compliance Experts for as-needed regulatory compliance consulting services; 4) contract for \$2,835 with Environmental Compliance Experts for Hazardous Materials Business Plan (HMBP) and Preparation & Submission for the Wastewater Treatment; 5) contract for \$5,800 with ANB Consulting Engineers for structural Engineering Services for Primary Clarifier No. 5 Interior Concrete Surface Evaluation and the Alessandro Sewer Crossing Field Monitoring Data Review; and 6) contract for \$25,000 with Public Safety Consulting for an Independent Administrative Investigation.

#### Fishing Derby

City Manager Sund recognized Samantha Wylie and the Beaches, Parks and Recreation Department for the success of the Fishing Derby.

#### Orange County Sheriff's Department (OCSD) – Apprehension of Car Vandalism Suspect

City Manager Sund recognized OCSD for its successful investigation and arrest of a suspect for 23+ incidents of car vandalism.

#### City Council Chambers Construction Update

City Manager Sund reported that the anticipated completion of the new Council Chambers is June or July of 2022.



C. **City Attorney**

City Attorney Smith presented photos from his volunteer service in 2020 as a professor for American law and civics in Kharkiv, Ukraine. The photos are on file with the City Clerk.

D. **Council Members**

**Crime Survivors Special Presentation**

Councilmember Ferguson, with the support of Mayor James, agendized a special presentation from Patricia Wenskunas, founder of Crime Survivors.

**Desalination Plant Project**

Councilmember Knoblock, with the support of Mayor Pro Tem Duncan and Mayor James, directed Staff to extend an invitation to the South Coast Water District for a presentation on its proposal to construct a desalination plant.

**Permitting Process**

Councilmember Knoblock, with the support of Councilmember Ferguson and Mayor James, directed Staff to return to Council in approximately one month with potential Code modifications or modified design guidelines to streamline the permitting process.

**Fire Mitigation**

Councilmember Knoblock, with the support of Mayor Pro Tem Duncan, requested that the Orange County Fire Authority provide a status update on the Natural Hazard Mitigation Plan at the Council meeting of March 15, 2022.

**San Onofre Nuclear Generating Station (SONGS)**

Mayor Pro Tem Duncan, with the support of Councilmember Ward and Mayor James, directed Staff to return to Council with a resolution stating the City's opposition to SONGS being utilized as an interim depository for spent nuclear fuel.

**San Clemente Outlets - Project Status**

Mayor James requested that Staff obtain a status update from Craig Realty Group with regard to Phase II of the outlet project as well as the hotel component.

**Memorial Bench to Honor Don Hansen, Dana Wharf Sportfishing**

Mayor James, with the support of Councilmember Ferguson and Councilmember Ward, directed Staff to return to Council with options to install a memorial bench at the pier to honor Don Hansen of Dana Wharf Sportfishing.

**Removal of Face Mask Requirement in San Clemente Schools**

Mayor James, with the support of Councilmember Knoblock, agendized for the March 15, 2022 Council meeting, the possibility of adopting a Resolution in support of the removal of the face mask requirement for San Clemente students.

E. **Council Subcommittee Updates**

**Human Trafficking Subcommittee Report**

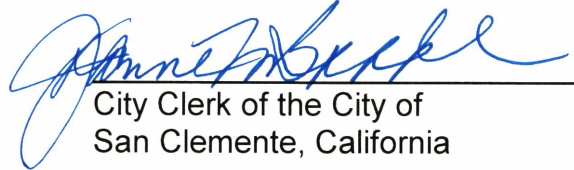
Mayor Pro Tem Duncan reported on the efforts of the Human Trafficking Subcommittee (that consists of Mayor James and himself) to address human trafficking; stated the Public Safety Committee is working with the I-5 Freedom Network and will submit proposals to Council to increase public awareness and enforcement of illicit massage establishments.

12. **RESOLUTIONS/ORDINANCES**

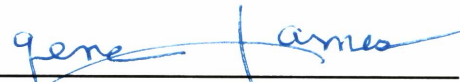
None.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 5-0, to adjourn at 7:45 p.m. The next Regular Council Meeting is scheduled to take place on March 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

