

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – May 3, 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 May 3, 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, MAYOR JAMES

ABSENT WARD

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

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BUSINESS MEETING PART 1

INVOCATION

Pastor Karl Stuckenberg with St. Andrews by the Sea United Methodist Church gave the invocation.

PLEDGE OF ALLEGIANCE

Dennis Camp led the Pledge of Allegiance.

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

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to waive reading in full of all Resolutions and Ordinances.

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

None.

3. **ORAL COMMUNICATIONS**

Designation of Legal Fees

Craig Alexander, attorney representing Councilmember Ferguson in her case entitled Ferguson v. City of San Clemente (Public Records Writ), rebutted statements that were made at the April 19, 2022 City Council Meeting regarding the agenda item relating to Designation of Legal Fees.

Council requested copies of the letters that Craig Alexander referenced in his comments. The letters are from Avi Rutschman of Best Best and Krieger and Craig Alexander to Avi Rutschman.

Councilmember Comments and Agenda Staff Reports

Brad (No last name provided) opined on Mayor Pro Tem Duncan's comments made at the April 19, 2022 City Council Meeting regarding the removal of personal information from the City's website; spoke on the agenda staff report process and substance therein.

Health and Human Services

Adina Verdult, San Clemente, commented on her brother's experience with mental illness, addiction, being unsheltered and his recovery; spoke of the value of services to the homeless population in San Clemente.

Conflict of Interest

Amanda Quintanilla spoke on Councilmember ethics, conflict of interest and privacy rights.

Historic Property Preservation

Larry Culbertson, San Clemente Historical Society, presented historical photographs of the property at 402 Pasadena Court; voiced concern over renovations to the property and identified potential changes the City can implement to protect historical sites. A hard copy of the presentation is on file with the City Clerk.

San Gorgonio Park

Ruth (No last name provided) presented a slide regarding Government Code 3480; played a recording of pickleball lessons at San Gorgonio Park; spoke on quality of life for nearby residents. A hard copy of the presentation is on file with the City Clerk.

Councilmember Ferguson, with the support of Councilmember Knoblock and Mayor James, agendized the consideration of whether pickleball should be continued at San Gorgonio Park through the summer. A staff report is to be prepared that includes previous class/use scheduling.

San Clemente Hospital

Donna Vidrine, San Clemente, commented on the need for a hospital with emergency service in San Clemente.

4. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to approve the Consent Calendar.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to approve the minutes of the Regular City Council meeting of April 19, 2022.

B. **Commission/Committee Minutes**

None.

C. **Warrant Register**

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

Approve Wire Transfer Nos.
2633 through 2638 and Warrant Nos.
580291 through 580432, paid on
4-22-22, in the amount of.....\$1,507,917.84

Approve Wire Transfer Nos.
2639 through 2640 and Warrant Nos.
580433 through 580575, paid on
4-29-22, in the amount of.....\$ 848,348.11

TOTAL WARRANT REGISTER.....\$ 2,356,265.95

Payroll Register

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

Approve Warrant Nos. 862 through 863,
Automatic Deposit Advises 77827
through 78091, for the period
4-4-22 through 4-17-22, paid
on 4-22-22, in the amount of.....\$ 422,744.05

TOTAL PAYROLL REGISTER.....\$ 422,744.05

D. **Notice of Completion – Storm Drain Improvements at North El Camino Real and Camino San Clemente**

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

1. Accept the Storm Drain Improvements at North El Camino Real and Camino San Clemente, from the contractor, GCI Construction, Project No. 10016.
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for Storm Drain Improvements at North El Camino Real and Camino San Clemente.
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 the contractor, GCI Construction, Inc.

E. **Notice of Completion – Well Filter Plant Rehabilitation and Chemical Storage Building**

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

1. Accept the Well Filter Plant Rehabilitation and Chemical Storage Building, from the contractor, SCW Contracting Corporation, Project No. 16408.

Motion continued on following page

2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for the Well Filter Plant Rehabilitation and Chemical Storage Building.
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 the contractor, SCW Contracting Corporation.

F. Contract Amendment – As-Needed Building Plan Check Services

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to approve, and authorize the City Manager to execute, Amendment No. 5 to Contract AC-826, by and between the City of San Clemente and West Coast Code Consultants, providing as-needed building code inspection and plan check services. This amendment increases the contract amount from \$285,000 to \$385,000, an increase of \$100,000.

CLOSED SESSION

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to recess to Closed Session at 6:00 p.m. to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of Cases: 2

BUSINESS MEETING PART 2

The Regular Business Meeting convened at 7:00 p.m., with all Councilmembers present, except Councilmember Ward who was absent.

6. Closed Session Report - City Attorney.

City Attorney Smith announced that Council took no reportable action during this evening's Closed Session.

7. Special Presentations.**A. Presentation by Senator Bates Concerning SB-1224 (Bates):
Watersheds: Wildlife Habitat: Counties of Orange and San Diego**

Mike (No last name provided), San Clemente, voiced concerns regarding fire mitigation and habitat management in open space.

Amanda (No last name provided), spoke on the Transportation Corridor Agency statements at its April 14, 2022 meeting regarding litigation and environmental groups.

Senator Bates presented an overview of her authored bill, SB 1224 (Bates): Watersheds: wildlife habitat: Counties of Orange and San Diego.

City Attorney Smith narrated a PowerPoint presentation entitled "San Clemente Habitat Protection Plan" and announced that Council, during Closed Session, approved a settlement agreement with the Save San Onofre Coalition; identified the major tenets of the settlement and advised that the vote to approve the agreement was made by Councilmember Knoblock, seconded by Mayor James and carried 4-1 (Councilmember Ferguson voting no).

**B. Computerized Maintenance Management Program Presentation
(Agendized at the April 5, 2022 City Council Meeting by Mayor James, with support of Mayor Pro Tem Duncan and Councilmember Ward)**

Public Works Director Koger, together with Public Works staff members, provided an overview of the City's Computerized Maintenance Management Program and responded to Council inquiries. A hard copy of Staff's presentation is on file with the City Clerk.

C. Presentation of Proclamation – Drowning Prevention Awareness Season

Mayor James presented a proclamation to Chief Capobianco, Orange County Fire Authority, proclaiming May through August as "Drowning Prevention Awareness Season."

D. Presentation of Proclamation – Older Americans Month

Mayor James presented a proclamation to Beth Apodaca, Director of the Dorothy Visser Senior Center, designating May as Older Americans Month.

E. **Presentation of Proclamation – San Clemente Elks Club - Youth Week**

Mayor James presented a proclamation to members of the leadership board of the San Clemente Elks Club, proclaiming May 1 – 7 2022, as Youth Week.

F. **Update on Homeless Issue**

The April 2022 update will be provided at the City Council Meeting of May 25, 2022.

8. **PUBLIC HEARINGS**

A. **2022-23 Annual Action Plan for Expenditures of Community Development Block Grant**

Public Hearing relating to the submission of the 2022-2023 Annual Action Plan for expenditures of the Community Development Block Grant.

Mayor James opened the Public Hearing.

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

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

1. Approve, and adopt the Draft 2022-23 Annual Action Plan for the use of Community Development Block Grant Funds (CDBG).
2. Authorize the City Manager to submit the Annual Action Plan to Housing and Urban Development (HUD) to execute the HUD Contract.
3. Accept the grant revenues of \$329,535 from HUD to Account No. 017-000-33712.
4. Authorize a related budget appropriation of \$329,535 to the CDBG fund for the amounts in the 2022-23 Action Plan.

B. **Weed Abatement Program 2022**

Public Hearing to consider all objections or protests, if any, to the proposed abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente.

Mayor James opened the Public Hearing.

Mike (no last name provided) opined that the goal of weed abatement should be fire safety as opposed to aesthetics.

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to adopt Resolution No. 22-17 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING THE WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY AND NOTIFYING THE STATE, COUNTY, OR ANY OTHER PUBLIC AGENCY.

9. **UNFINISHED BUSINESS**

None.

10. **NEW BUSINESS**

- A. **Consideration of a Bike Repair Ordinance** (Agendized at the February 15, 2022 City Council Meeting by Mayor James, with the support of Councilmember Ferguson and Councilmember Ward).

Report from the Community Development Director concerning a potential amendment to the municipal code to regulate bicycle repairs in public.

Deputy Community Development Director Atamian reviewed the contents of the Administrative Report and responded to Council inquiries.

Rick Loeffler presented statistics from the Long Beach Police Department and spoke in support of a bike repair ordinance. A hard copy of the presentation is on file with the City Clerk.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to direct staff to initiate an amendment to the San Clemente Municipal Code to regulate bike repairs in public, to be brought back for Council consideration in June 2022.

- B. **Zoning - Electric Vehicle Dealerships** (Agendized at the April 5, 2022 City Council Meeting by Mayor Pro Tem Duncan, with the support of Councilmember Ward and Councilmember Knoblock).

Report from the Economic Development Officer concerning zoning for electric vehicle dealerships.

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

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to receive and file the administrative report, dated May 3, 2022, which is on file with the City Clerk, and to direct staff to investigate possible locations within the City, including locations outside the Rancho San Clemente Business Park (such as the Outlets), at which electric vehicle showroom/sales/repairs may be appropriate.

- C. **Contract Authority - City Manager** (Agendized at the April 12, 2022 City Council Meeting by Councilmember Ferguson, with the support of Councilmember Knoblock and Mayor James)

Report from the City Manager concerning the City Manager's Contract Authority to execute contracts on behalf of the City not exceeding \$50,000.

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

MOTION BY COUNCILMEMBER FERGUSON, SECOND BY COUNCILMEMBER KNOBLOCK, **FAILED 2-2** (COUNCILMEMBER WARD ABSENT), to:

Motion continued on the following page

1. Direct that any contract must designate what page and line item in the adopted budget describes the approved expenditure along with a description as to why this is necessary.
2. Except in emergency conditions, a term of the written contract, the contract must include a standard provision drafted by the City Attorney that this contract must be approved by the City Council before it becomes operative.
3. Details on selection including:
 - Why the vendor was selected and why this amount.
 - What other vendors were considered and what amounts did those vendors propose.
 - What necessitated the City Manager enter into this contract rather than bring to City Council for approval.

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

D. Call of General Municipal Election of November 8, 2022

Report from the City Clerk concerning the calling of the General Municipal Election of November 8, 2022.

City Clerk Baade reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Adopt Resolution No. 22-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.
2. Adopt Resolution No. 22-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, WITH THE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

3. Adopt Resolution No. 22-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022.
4. Adopt Resolution No. 22-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION.

Councilmember Knoblock, with the support of Mayor James and Councilmember Ferguson, agendized an ordinance and/or City policy to prohibit, the elected City Clerk and City Treasurer from simultaneously holding City staff positions.

11. REPORTS

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

Downtown Area Parking

Mayor James commented on the need for additional parking resources in the downtown area and to evaluate parking time restrictions in the downtown parking lots. City Manager Sund noted that the Senior Center parking lot will be available for parking on evenings and weekends; advised that Community Development will be able to evaluate the public parking lots and provide a recommendation to Council at a future meeting.

National Police Week

Councilmember Ferguson, with the support of Mayor Pro Tem Duncan, recognized San Clemente Police Services/OCSD for National Police Week and requested that information be placed on the City's social media pages.

Desalination Project Support

Mayor James proposed that the support letter for a desalination project, that was approved at the April 19, 2022 Council meeting, be agendized to enable Council to consider holding the letter in abeyance pending a community poll and consideration of rate implications. This item will not be agendized because the proposal failed to receive support by another Councilmember.

Campaign Finance Transparency

Mayor James, with the support of Councilmember Knoblock, agendized the possibility of enacting improvements to the City's website to facilitate transparency of campaign finances. The possibility of making FPPC campaign finance forms searchable is to be specifically addressed.

Double Tracking

Mayor James presented a PowerPoint from the San Diego Association of Governments (SANDAG) entitled "San Diego Pathing Study, Final Report" and voiced concern that the report purports that double tracking is needed in San Clemente to alleviate a bottleneck situation. A hard copy of the presentation is on file with the City Clerk.

It was agreed that City Manager Sund will arrange meetings with sub-groups of the City Council (not to exceed two Councilmembers per meeting) with SANDAG and/or OCTA with regard to the double-tracking issue. Council will determine if a Special Presentation is needed at a Council meeting following the conclusion of the sub-group meetings.

Meeting with County Officials Concerning Vagrancy

Mayor James, with the support of Councilmember Ferguson and Councilmember Knoblock, requested the City Manager schedule a meeting with Sheriff Barnes, County Counsel, District Attorney Spitzer and Supervisor Bartlett to discuss the issue of vagrancy.

E. Council Subcommittee Updates

None.

12. Adjournment.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER WARD ABSENT), to adjourn at 8:52 p.m. in memory of Bob Hayden, to an Adjourned Regular Meeting to be held on May 25, 2022 at 3:00 p.m., for the purpose of conducting a Public Hearing to consider the City of San Clemente proposed FY 2022-2023 budget. Part 1 of the Adjourned Regular Business Meeting will commence at 5:00 p.m. and Closed Session will begin at 6:00 p.m. Part 2 of the Business Meeting will commence at 7:00 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