

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular and Special Meeting – June 7, 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 and Special Meeting of the San Clemente City Council was called to order by Mayor James on June 7, 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; Megan Jimenez, Deputy City Clerk

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### **BUSINESS MEETING PART 1**

#### **INVOCATION**

Seth Ebel with Shoreline Community Church gave the invocation.

#### **PLEDGE OF ALLEGIANCE**

Jayden Smith 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 FERGUSON ABSENT), to waive reading in full of all Resolutions and Ordinances.

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

None.

3. **ORAL COMMUNICATIONS**

**Art with Religious Imagery**

Amanda Quintanilla presented a PowerPoint relating to art with religious imagery. A hard copy of the presentation is on file with the City Clerk.

**Primary Elections/Councilmember Concerns**

Revolutions 78 commented on the primary elections and concerns with Mayor Pro Tem Duncan and Mayor James.

**Rancho San Clemente Tree Removal and Planting**

Robert Carson, San Clemente, commented on the removal of trees in Rancho San Clemente and inquired when the replacement trees will be planted.

*City Manager Sund will provide an update regarding tree planting on Calle Del Cerro to Mr. Carson and the City Council.*

Vonne Barnes, San Clemente resident and Rancho San Clemente Community Association Board President, commented on tree standards within the Rancho San Clemente Specific Plan.

*City Manager Sund is to meet with Ms. Barnes to review the tree standards and the concerns regarding the trees on Calle Del Cerro and provide an update to the City Council.*

Ross Aimer, San Clemente, spoke on the removal of diseased trees on Calle Del Cerro and the potential damage caused by the trees.

**Tree City USA**

Patricia Holloway, San Clemente resident and member of Citizens Climate Education, spoke in support of the City planting new trees each year and the City joining Tree City USA. A hard copy of Ms. Holloway's presentation is on file with the City Clerk.

Judy Jones, San Clemente resident and member of Citizens Climate Education, distributed a letter to Council discussing the benefits of planting trees and encouraged the City to pursue designation as a Tree City USA member. A hard copy of Ms. Jones' letter is on file with the City Clerk.

**402 Pasadena Court**

Jill asserted that aggressive development plans are being made for the property at 402 Pasadena Court and urged the City to keep neighbors informed.

John Borland, San Clemente, commented on code violations at 402 Pasadena Court.

*Staff is to follow up with neighbors' concerns regarding 402 Pasadena Court.*

**Ocean Festival Artist Selection**

Julienne Chené, San Clemente, spoke on the artist selection by the Ocean Festival board and artwork of the selected artist. A hard copy of the artwork referenced is on file with the City Clerk.

**City Coin**

Petia Tzevetanova Lilova Matschke, San Clemente, spoke on the potential of the City pursuing a City coin that would be utilized as bitcoin, urged Council to research the program being utilized in New York and Miami.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve the Consent Calendar, with the removal of Items 4A(1), 4L and 4O.

B. **Commission/Committee Minutes**

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

- (1) Zoning Administrator Regular Meeting minutes of May 5, 2022.
- (2) Public Safety Committee Regular Meeting minutes of February 22, 2022.
- (3) Public Safety Committee Regular Meeting minutes of March 22, 2022.

C. Warrant Register

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

Approve Wire Transfer Nos.  
2650 through 2653 and Warrant Nos.  
580895 through 581002, paid on  
5-20-22, in the amount of.....\$1,900,848.13

Approve Wire Transfer Nos.  
2654 through 2655 and Warrant Nos.  
581003 through 581181, paid on  
5-27-22, in the amount of.....\$1,009,813.65

Approve Wire Transfer Nos.  
2656 through 2661 and Warrant Nos.  
581182 through 581269, paid on  
6-3-22, in the amount of.....\$4,524,231.20

TOTAL WARRANT REGISTER.....\$7,434,892.98

Payroll Register

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

Approve Warrant Nos. 864 through  
865 and Automatic Deposit Advises  
78365 through 78635, for the period  
5-2-22 through 5-15-22, paid  
on 5-20-22, in the amount of.....\$422,608.66

Approve Warrant Nos. 866 through  
867 and Automatic Deposit Advises  
78636 through 78917, for the period  
5-16-22 through 5-29-22, paid  
on 6-3-22, in the amount of.....\$420,802.79

TOTAL PAYROLL REGISTER.....\$843,411.45

D. **Notice of Completion – Water Reclamation Plant Ferric Tank Replacement**

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

1. Accept the Water Reclamation Plant Ferric Tank Replacement, from the contractor, Kay Construction Company, Inc., Project No. 12208.
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for Water Reclamation Plant Ferric Tank 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 Engineering Division that no liens have been levied against the Contractor, Kay Construction Company, Inc.

E. **Contract Award – Landscape Maintenance of City Parks and Facilities East of Interstate 5**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-28, by and between the City of San Clemente and Colts Landscape, Inc., providing for landscape maintenance of City Parks and Facilities east of Interstate 5, in an amount not to exceed \$2,471,032, for a 3-year term.

F. **Contract Award – Maintenance Services for Graffiti Administration and Removal**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-29, by and between the City of San Clemente and Ed Stewart and Associates, Inc., providing for graffiti administration and removal, in an amount not to exceed \$285,600, for a 3-year term.

G. **Contract Award – Maintenance Services for City Trails**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Public Works Director/City Engineer to execute,

*Action continued on following page*

Contract No. C22-30, by and between the City of San Clemente and Real Estate Consulting and Services, Inc., providing for Maintenance Services for City Trails, in an amount not to exceed \$507,000, for a 3-year term.

H. **Contract Award – Maintenance Services for City-Wide Janitorial Services**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-31, by and between the City of San Clemente and Omni Enterprise, providing for City-Wide Janitorial Service, in an amount not to exceed \$1,388,400, for a 3-year term.

I. **Contract Award – Maintenance Services for Beach, Pier and Accesses**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-32, by and between the City of San Clemente and Colts Landscape, providing for Maintenance Services for Beach, Pier and Accesses, in an amount not to exceed \$814,894.20, for a 3-year term.

J. **Contract Award – Maintenance Services for City-Wide Streetscape Maintenance**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-33, by and between the City of San Clemente and Colts Landscape, Inc., providing for Maintenance of 60 City-owned Streetscapes, in an amount not to exceed \$1,053,559.56, for a 3-year term.

K. **Contract Award – Pavement Rehabilitation at Reservoirs 4, 5 and 5A**

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

1. Approve the plans and specifications for Rehabilitation for Reservoirs 4, 5 and 5A, Project No. 21403.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-34, by and between the City of San Clemente and L.C. Paving & Sealing, Inc., providing for Pavement Rehabilitation at Reservoirs 4, 5 and 5A, in the amount of \$259,172.

M. **Renewed Measure M2 Annual Funding Eligibility – Fiscal Year 2022-2023**

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

1. Approve the 2022 Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2022-2023 through 2028-2029.
2. Authorize the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority.

N. **Designation of Fiscal Year 2022-2023 Street Rehabilitation Projects Pursuant to Senate Bill 1 (SB1) the Road Repair and Accountability Act of 2017**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2022-2023 FUNDED BY SENATE BILL 1 (SB1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.

P. **Establish Appropriations Limit for Fiscal Year 2022-23**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIB OF THE CALIFORNIA CONSTITUTION.

Q. **Escheatment and Use of Unclaimed Beach Parking Impact Fee (BPIF) Refunds**

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

1. Adopt Resolution No. 22-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE TRANSFER OF FUNDS FROM THE BEACH PARKING IMPACT FEE FUND TO THE GENERAL FUND.

*Action continued on following page*



2. Approve a supplemental appropriation in the amount of \$1.0 million to a Section 115 Trust (Account No. 001-203-48630).
3. Authorize a transfer of \$600,000 from the General Fund (Account No. 001-203-47231) to the Parks Acquisition and Development Fund (Account No. 031-000-39204).

R. **FY 2022-23 Police Services Contract**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Mayor to execute, Contract No. C22-35, by and between the City of San Clemente and the County of Orange, providing for Police Services for Fiscal Year 2022-23, in the amount of \$18,687,481.

S. **Contract Extension - Comprehensive Ambulance Billing and Collection Services**

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

1. Approve, and authorize the City Manager to execute, Amendment No. 4 to Contract No. C96-75, by and between the City of San Clemente and Wittman Enterprises, LLC., providing for ambulance billing and collection services for fiscal years 2022-23 through 2024-25.
2. Authorize the City Manager to execute future extensions for a period not more than two years.

T. **Contract Extension - Emergency Medical Transport Services**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the City Manager to execute, Amendment No. 2 to Contract No. C17-36, by and between the City of San Clemente and Care Ambulance, providing for Emergency Medical Transport Services. This amendment extends the contract for a five-year term, from July 1, 2022 through June 30, 2027.



U. **One-Time Waiver of Blackball Policy at T-street for Special Event Permit**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve a one-time waiver of the blackball policy at T-Street on Saturday, August 13, 2022, to allow for the Red Bull Foam Wreckers 2022 Tour Surf Contest.

V. **Contract Award – Environmental Consulting Services for Park Master Plan Update**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the City Manager to execute, Contract No. C22-36, by and between the City of San Clemente and UltraSystems Environmental, Inc, providing for professional consultant services in connection with the park master plan update for Richard T. Steed Memorial Park, in the amount of \$51,570.

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

4A(1). **City Council Minutes**

MOTION BY COUNCILMEMBER WARD, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 3-1 (MAYOR PRO TEM DUNCAN VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT), to approve the minutes of the Adjourned Regular City Council Meeting of May 25, 2022 with the modification that the Substitute Motion on page three be modified to read in its entirety as follows:

SUBSTITUTE MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-2 (COUNCILMEMBER FERGUSON AND COUNCILMEMBER KNOBLOCK VOTING NOE), to approve re-evaluating pension strategies and providing recommendations at the 2023 Long Term Financial Plan. With the third quarter budget update to be provided in June 2022, staff is to provide actual and/or projected numbers for the following items:

1. Property tax revenue.
2. 2/3 revenue of the parking meters.
3. 1% of the annual budget funds.
4. Salary savings from vacant positions and evaluate staffing needs.

L. **Speed Cushions - 100 Block of Avenida Barcelona**

Craig Twiss, San Clemente, spoke in support of speed cushions for safety reasons.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve the use of speed cushion traffic calming treatments on the 100 block of Avenida Barcelona and authorize the use of funding from the Traffic Calming Project, Capital Improvement Project No. 39087 to complete the installations.

O. **First Extension to Partnership Agreement - Ocean Festival**

Rick Delanty, San Clemente, spoke in support of artist, Roy Gonzalez, the artist selected for the Ocean Festival t-shirt design as well as continued sponsorship between the City and Ocean Festival.

Amanda Q spoke in support of the selected design for the Ocean Festival t-shirts, citing the importance of separation between church and state.

Rebecca Jaffe, San Clemente, expressed concerns with regard to the artist selected for the t-shirt design for the 2022 Ocean Festival because she believes it is offensive to Christians.

Retired Col. Mike Chené, San Clemente, voiced concerns with the Ocean Festival organizers and the selection of the artist by the Ocean Festival Board.

**MEETING RECESSED**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR JAMES, CARRIED 3-1 (COUNCILMEMBER KNOBLOCK VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT) to recess at 6:03 p.m.

**MEETING RECONVENED**

Council reconvened at 6:09 p.m. with all Councilmembers present except Councilmember Ferguson, who was absent.

Public comment on agenda Item 4O continued as follows:

Katie Arons, San Clemente, expressed her support for the selected artist, Roy Gonzalez.

Grace Blair, San Clemente, conveyed her support for the Ocean Festival artwork design.

Sandra Weaver, San Clemente, spoke in support of the Ocean Festival and the 2022 t-shirt design.

Tim Von Glascoe expressed support for the artist, Roy Gonzalez and the artwork for the Ocean Festival; spoke on the importance of freedom of speech.

Robert Eugene Clark, San Clemente, spoke in support of the artwork for the Ocean Festival.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR JAMES, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to approve, and authorize the Mayor to execute, Extension No. 1 to Contract No. C17-23, a partnership agreement by and between the City of San Clemente and the San Clemente Ocean Festival, providing for the annual Ocean Festival event. The first extension extends the original agreement and any subsequent amendments until June 6, 2027. Additionally, a subcommittee (consisting of two Councilmembers) is to be appointed to act as the City Council liaison to the Ocean Festival Board.

5. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

**County Stakeholder Meeting Concerning Homelessness**

City Manager Sund provided an update regarding the scheduling of a meeting with County stakeholders regarding homelessness.

**Max Berg Plaza Park Sidewalk Repairs**

City Manager Sund reported that he would provide an update for Max Berg Plaza Park sidewalk repairs during City Manager comments when an update is available.

C. **City Attorney**

**Initiation of Litigation – Nuisance Abatement at 422 Avenida De La Estrella**

City Attorney Smith provided an update on nuisance abatement efforts at 422 Ave. De La Estrella (abandoned service station). Council voted 5-0 in Closed Session on May 25, 2022 to retain Matthew Silver of Silver and Wright to initiate litigation.

D. **Council Members**

**Freeway On/Off Ramps Vegetation**

Councilmember Knoblock requested that Public Works coordinate with Caltrans to improve the appearance of the freeway on/off ramps vegetation and provide an update to Council.

**Recognition of Planning Commissioner Karen Prescott-Loeffler**

Mayor Pro Tem Duncan recognized Planning Commissioner Karen Prescott-Loeffler for receiving the Small Business Administration – Anthony Vigil Advocacy Award for her efforts to obtain essential worker designation for commercial electrical contractors during the Covid-19 pandemic shutdown.

**Tree City USA**

Mayor Pro Tem Duncan, with support from Mayor James and Councilmember Ward, agendized the possibility of pursuing a Tree City USA designation for the City. A staff report is to be prepared that includes the City's existing tree policy, process for becoming a Tree City, and potential water impacts in light of the current drought. This report is to be agendized for Council consideration at the end of summer/beginning of fall.

**Orange County Sheriff's Department (OCSD) Additional Financial Information**

Mayor James requested that additional information be provided by OCSD/County of Orange regarding City costs, the OCSD/County of Orange unfunded pension liability, the cost breakdown including employee and County contributions, and the OCSD and OCFA percentage of the unfunded liability.

**E. Council Subcommittee Updates**

None.

**CLOSED SESSION**

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 1030 Calle Negocio, San Clemente; Assessor's Parcel Number 688-142-35

Agency Negotiators: City Manager

Negotiating Parties: City of San Clemente and Family Assistance Ministries

Under Negotiation: Price and terms for potential lease extension

Property: 2.2 acre section of an 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

Negotiating Parties: City of San Clemente, Storgeworks and/or their authorized agent(s)

Under Negotiation: Price and terms of payment re: Unsolicited Offer

Under Negotiation: Consideration of proposals for acquisition or lease of surplus property

Council unanimously agreed to discuss Closed Session Item A related to the potential lease extension at 1030 Calle Negocio with Family Assistance Ministries during Part 2 of the Business Meeting – New Business (see page 21 of these minutes for a summary of the action). Council deferred the unsolicited offer for the 2.2 acre section of the parcel at Avenida La Pata and Avenida Vista Hermosa to the meeting of June 21, 2022.

**BUSINESS MEETING PART 2 (Special Meeting 6:30 p.m.)**

**6. Closed Session Report - City Attorney.**

None.

**7. Special Presentations.**

**A. Update on Homeless Issue**

The May update will be provided at the City Council Meeting of June 21, 2022.

B. **Presentation of the Human Relations Leadership Award**

Mayor James, along with all members of the City Council, and Shari Grace of the Human Affairs Committee, presented the Human Relations Leadership Award to Logan Ruby, San Clemente High School Student, in recognition of his service and dedication to the community.

**MEETING RECESSED**

MOTION BY MAYOR JAMES, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to recess at 7:08 p.m.

**MEETING RECONVENED**

Council reconvened at 7:32 p.m. with all Councilmembers present, with the exception of Councilmember Ferguson who was absent.

8. **PUBLIC HEARINGS**

A. **Code Amendment (Chapter 13.12 Section 13.12.010-13.12.110 ) – Water Conservation and Declaration of a Water Shortage Level 2 Water Alert**

Public Hearing to consider an ordinance establishing water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable methods of use of water within the City of San Clemente in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times. Due to continued drought conditions within the State of California and in response to State Mandates, the City is recommending a Water Shortage Level 2 Water Alert.

Mayor James opened the Public Hearing.

Al Cullen, San Clemente, commented on the urgency of the item and spoke on water conservation.

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

Utilities Director Rebensdorf and Water Conservation Analyst Beach presented a PowerPoint entitled "Water Conservation Ordinance Update

and Level 2 Water Alert” and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

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

1. Introduce Ordinance No. 1731 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING CHAPTER 13.12 SECTION 13.12.010-13.12.110 OF THE MUNICIPAL CODE (“WATER CONSERVATION ORDINANCE”).
2. Adopt Resolution No. 22-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING A WATER SHORTAGE LEVEL 2 WATER ALERT.
3. Direct Staff to implement the following Level 2 Shortage Response Actions from its 2020 Water Shortage Contingency Plan: Expand Public Information Campaign; Implement Demand Management Rates for 11-20% Reduction, Landscape – Limit landscape irrigation to specific days; and Increase Water Waste Patrols.

### **REORGANIZATION OF AGENDA**

MOTION BY MAYOR JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to consider item 10C - Continuation of Pickleball at San Gorgonio Park ahead of Unfinished Business. Please reference page 16 of these minutes for a summary of the action.

### 9. **UNFINISHED BUSINESS**

#### A. **Adoption of Fiscal Year 2022-23 City Budget**

Report from the City Manager concerning adoption of the Fiscal Year 2022-23 Budget.

City Manager Sund and Financial Services Officer Rahn reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER KNOBLOCK to reduce the General Fund budget by \$1 million and allocate the money toward the pension liability. **The motion died for lack of a second.**

*Action continued on following page*



MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR JAMES, to adopt Resolution No. 22-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2022-23 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.

SUBSTITUTE MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR JAMES, **FAILED 2-2** (COUNCILMEMBER WARD AND MAYOR PRO TEM DUNCAN VOTING NOE, AND COUNCILMEMBER FERGUSON ABSENT), to reduce the General Fund budget by 5%.

THE ORIGINAL MOTION ON THE FLOOR WAS VOTED ON AND CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT). For ease of reference, the action taken was as follows:

Council adopted Resolution No. 22-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2022-23 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.

10. **NEW BUSINESS**

A. **Adoption of Fiscal Year 2022-23 Salary Schedules**

Report from the Human Resources Manager concerning adoption of the Fiscal Year 2022-23 Salary Schedules.

Human Resources Manager Thordahl reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND NEW CLASSIFICATIONS AND AMENDING RESOLUTIONS NO. 21-44 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

B. **Code Amendment – Bicycle Repairs in Public**

Report from the Community Development Director concerning an 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.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to introduce Ordinance No. 1732 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 10.54 TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PROHIBITION ON REPAIRS, SALES, AND STORAGE OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

C. **Continuation of Pickleball at San Gorgonio Park** (Agendized at the May 3, 2022 City Council Meeting by Councilmember Ferguson, with the support of Councilmember Knoblock and Mayor James)

Report from the Beaches, Parks and Recreation Director concerning continuation of Pickleball at San Gorgonio Park.

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

City Manager Sund provided an update on the process, timeline and construction of pickleball courts at Steed Park.

Marty Weinberg, San Clemente resident and USA Pickleball Ambassador, commented on pickleball classes at San Gorgonio Park and the community of pickleball.

Marlee Draper, San Clemente, spoke in support of Pickleball and the importance of maintaining a healthy lifestyle.

Phil Dunmeyer, San Clemente, expressed appreciation to the City for supporting pickleball and noted the diversity of players that participate.

Tim Brown, San Clemente, commented on the benefits of pickleball and the players willingness to work with neighbors to reduce impacts.

GiGi Harris, San Clemente resident and USA Pickleball Ambassador, spoke on the need for additional pickleball courts.

Decline, San Clemente, presented a PowerPoint on a petition signed by residents to decommission pickleball courts in residential areas. A hard copy of the presentation is on file with the City Clerk.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0, to receive and file the Administrative Report, dated June 7, 2022, and on file with the City Clerk.

- D. **Staff Authority to Seize Flammable Items from Open Space Areas** (Agendized at the May 25, 2022 by Mayor James, with the support of Mayor Pro Tem Duncan and Councilmember Knoblock).

Report from the Community Development Director concerning staff authority to seize flammable items from open space areas.

Deputy Community Development Director Atamian 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 FERGUSON ABSENT), to receive and file the Administrative Report, dated June 7, 2022, and on file with the City Clerk.

- E. **Revised Calling of General Municipal Election of November 8, 2022 to Include Ballot Measures Relating to Making the City Treasurer and City Clerk Appointive**(Agendized at the May 25, 2022 City Council Meeting by Councilmember Knoblock, with the support of Mayor James and Councilmember Ferguson).

Report from the City Clerk concerning the revised Calling of the General Municipal Election on November 8, 2022.

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

MOTION BY MAYOR JAMES, SECOND BY COUNCILMEMBER WARD, CARRIED 3-1 (COUNCILMEMBER KNOBLOCK VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-18 entitled A **REVISED** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A

*Action continued on following page*

GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND FOR THE SUBMISSION TO THE VOTERS OF MEASURES RELATING TO 1) TRANSITIONING THE CITY TREASURER TO AN APPOINTIVE POSITION, AND 2) TRANSITIONING THE CITY CLERK TO AN APPOINTIVE POSITION, AND REPEALING RESOLUTION NO. 22-13.

MOTION BY MAYOR JAMES, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-1 (COUNCILMEMBER KNOBLOCK VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-19 entitled A **REVISED** 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, AND REPEALING RESOLUTION NO. 22-14.

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-1 (COUNCILMEMBER KNOBLOCK VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING DEADLINES AND PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE TRANSITIONING THE CITY TREASURER TO AN APPOINTIVE POSITION, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, with direction that the names of Mayor Pro Tem Duncan and Councilmember Ward be inserted as the Council Subcommittee members authorized to write an argument in favor of the measure on behalf of the City Council.

MOTION BY MAYOR JAMES, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST A CITY MEASURE TRANSITIONING THE CITY TREASURER TO AN APPOINTIVE POSITION TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022.

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MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 3-1 (COUNCILMEMBER KNOBLOCK VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING DEADLINES AND PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE TRANSITIONING THE CITY CLERK TO AN APPOINTIVE POSITION, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS, with direction that the names of Mayor Pro Tem Duncan and Councilmember Ward be inserted as the Council Subcommittee members authorized to write an argument in favor of the measure on behalf of the City Council.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY COUNCILMEMBER WARD, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adopt Resolution No. 22-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST A CITY MEASURE TRANSITIONING THE CITY CLERK TO AN APPOINTIVE POSITION, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022.

MOTION BY MAYOR PRO TEM DUNCAN, SECOND BY MAYOR JAMES, CARRIED 3-1 (COUNCILMEMBER KNOBLOCK VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT), to approve a supplemental appropriation of \$17,000 to Election Costs (Account 001-133-44510-000-00000).

- F. **Code Amendment - Enacting Local Campaign Contribution Limits and Policy Regarding Contractor Disclosure of Political Contributions** (Agendized at the May 25, 2022 City Council Meeting by Mayor James with the support of Council).

Report from the City Clerk concerning enacting local campaign contribution limits and a policy regarding contractor disclosure of political contributions.

City Clerk Baade, City Manager Sund and IT Manager Brower responded to Council inquiries.

During the course of discussion, Council expressed an interest in considering the following:



- Link on the City's home page to access Form 460 submittals.
- Make Form 460s searchable by name, contributor, and amount, if feasible.
- Staff to publish contributions to candidates in the Public Notices section of an adjudicated newspaper in the City.

Council determined to defer this issue to the Council meeting of June 21, 2022 to enable Staff to complete the following:

- Modify the proposed ordinances to include brackets to enable Council to choose between either a \$500 contribution, or \$1,000 contribution limit, with each option to include a provision allowing Consumer Price Index (CPI) Adjustments.
- Modify the Administrative Report to indicate whether or not contribution limits can be set for different groups, e.g., individual, corporate and PACs.

MOTION BY MAYOR JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT) to defer this item until the June 21, 2022 City Council Meeting.

- G. **Removal of Signs Regarding Face Masks** (Agendized at the May 25, 2022 City Council Meeting by Councilmember Knoblock, with the support of Mayor James).

Mike (no last name provided), San Clemente, opined that mask signs are politically motivated.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR JAMES, **FAILED 2-2** (COUNCILMEMBER WARD AND MAYOR PRO TEM DUNCAN VOTING NOE AND COUNCILMEMBER FERGUSON ABSENT) to remove all signs in City facilities regarding face masks.

City Manager Sund stated that he intends to direct that all signs regarding face masks be removed from City facilities no later than June 10, 2022.

### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Council previously determined to discuss in Part 2 of the Business Meeting the lease agreement for the property at 1030 Calle Negocio with Family Assistance Ministry (FAM). (See page 13 of these minutes for a summary of that discussion)

Following discussion, Councilmember Knoblock, with the support of Council, agendized a staff report that will include contributions and benefits provided to FAM and the City's historical relationship with FAM. This item is to be agendized for a Council Meeting in July or August 2022.

11. **Adjournment.**

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM DUNCAN, CARRIED 4-0 (COUNCILMEMBER FERGUSON ABSENT), to adjourn at 9:59 p.m., to an Adjourned Regular Meeting to be held on June 15, 2022 at 6:00 p.m. for the purpose of conducting Committee and Commission interviews and appointments. The meeting will take place in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

The next Regular Council Meeting is scheduled for June 21, 2022.

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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