

CITY OF SAN CLEMENTE
Tuesday, February 7, 2023 5:00 PM
City Council
Regular Meeting Minutes



910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org
Council Chambers

5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

Mayor Duncan
Mayor Pro Tem Knoblock
Councilmember Cabral
Councilmember Enmeier
Councilmember James

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 Duncan on February 7, 2023 at 5:00 p.m. in the San Clemente City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

PRESENT: Cabral, Enmeier, James, Knoblock and Mayor Duncan

STAFF PRESENT: Sean Joyce, Interim City Manager; Scott Smith, City Attorney; Laura Campagnolo, City Clerk; Megan Jimenez, Deputy City Clerk

CLOSED SESSION

Concerned Resident, San Clemente, narrated a Powerpoint presentation concerning City Attorney Smith. A hard copy of the presentation is on file with the City Clerk.

AQ expressed concern regarding City Attorney Smith and legal interpretations.

City Attorney Smith announced that he will recuse himself on Closed Session Item B due to a financial interest.

Motion by Councilmember James, second by Councilmember Cabral, CARRIED 5-0, to recess at 5:08 p.m. to Closed Session to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9 (d)(1)

Number of Cases: 1

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency, et. al.

Riverside Superior Court Consolidated Case No.: RIC 1800232

CA Court of Appeal Case No.: E078045 (Fourth Appellate District, Division 2)

B. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957

Title: City Attorney

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

BUSINESS MEETING

Council reconvened at 6:02 p.m. with all Councilmembers present.

INVOCATION

Pastor Jared Powell, Paradigm Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Orange County Fire Authority Division Chief Cheyne Maule led the Pledge of Allegiance.

1. Special Presentations

None.

2. Oral Communications (Part 1)

AQ narrated a Powerpoint presentation entitled "Long Range Transportation Plan (LTRP) Draft 2045". A hard copy of the presentation is on file with the City Clerk.

Raf Batista, Circuit Micro-Transit, spoke on an electric vehicle on demand app and available grants for the program.

Rick Loeffler narrated a Powerpoint presentation concerning campaign donations received by Mayor Pro Tem Knoblock. A hard copy of the presentation is on file with the City Clerk.

Cord Bauer spoke on campaign donations received by Mayor Pro Tem Knoblock.

Lisa Edone commented on campaign donations received by Mayor Pro Tem Knoblock and the upcoming vote for Mayor Pro Tem.

Sandra Weaver, San Clemente, spoke on the 70th anniversary of the Cabrillo Playhouse and past productions.

Suzie Whitelaw, Save our Beaches San Clemente, narrated a Powerpoint presentation concerning beach erosion. A hard copy of the presentation is on file with the City Clerk.

George Gregory, San Clemente, opined that the municipal code relating to storage of items in/on vehicles is discriminatory.

Concerned citizen, San Clemente, commented on Council direction regarding the prioritization of pickleball courts at Richard T. Steed Memorial Park.

Juan Gonzalez, So-Cal Gas, spoke on natural gas bills received by the community and resources for payment assistance.

Cabrillo Playhouse Commendation

Motion by Councilmember James, second by Mayor Duncan, CARRIED 5-0, to recognize the Cabrillo Playhouse at the February 21, 2023 City Council meeting with a commendation in celebration of their 70th anniversary.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

Review of Municipal Code - Commercial Vehicle Parking

Mayor Pro Tem Knoblock, with the support of Councilmember Cabral and Councilmember Enmeier, agendized consideration of municipal code section 10.28.230 (Ordinance No. 1483) - Parking time for commercial vehicles, recreational vehicles, trailer and trailer-mounted boats on City streets and alleys subsection A.

3. Motion waiving reading in full of all Resolutions and Ordinances

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

4. Consideration of agendizing items requiring immediate action

None.

5. Closed Session Report - City Attorney

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

6. Consent Calendar

Item 6C(2) was removed from the Consent Calendar for discussion.

A. City Council Minutes

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF JANUARY 17, 2023.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

B. Commission/Committee Minutes

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to receive and file:

- (1) PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF NOVEMBER 22, 2022.
- (2) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF JANUARY 19, 2023.
- (3) PLANNING COMMISSION REGULAR MEETING MINUTES OF JANUARY 18, 2023.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

C. Warrant Register

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

- (1) APPROVE WIRE TRANSFER NOS. 2782 THROUGH 2786 AND WARRANT NOS. 585727 THROUGH 585877, PAID ON 1-13-23, IN THE AMOUNT OF \$5,524,086.15
- (3) APPROVE WIRE TRANSFER NOS. 2787 THROUGH 2790 AND WARRANT NOS. 586001 THROUGH 586126, PAID ON 1-27-23, IN THE AMOUNT OF \$1,013,598.66

TOTAL WARRANT REGISTER \$7,284,523.29(Total includes 6C(2) on page 9.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

Payroll Register

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

AUTOMATIC DEPOSIT ADVISES 83278 THROUGH 83523, FOR THE PERIOD 12-26-22 THROUGH 1-8-23, PAID ON 1-13-23, IN THE AMOUNT OF	\$443,006.48
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WARRANT NO. 894 AND AUTOMATIC DEPOSIT ADVISES 83524 THROUGH 83785, FOR THE PERIOD 1-9-23 THROUGH 1-22-23, PAID ON 1-27-23, IN THE AMOUNT OF	\$449,430.88
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TOTAL PAYROLL REGISTER	\$892,437.36
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AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

D. RESOLUTION TO AMEND GOLF COURSE FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to adopt Resolution No. 23-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING CERTAIN FEES FOR PLAY UPON THE MUNICIPAL GOLF COURSE, AND REPEALING RESOLUTION NO. 20-70.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

E. MEMORANDUM OF UNDERSTANDING (MOU) - GOLF COURSE BLOCK TEE TIME RESERVATION FOR SAN CLEMENTE EXCHANGE CLUB

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to approve, and authorize the Beaches, Parks & Recreation Director to execute, Contract No. C23-04, a Memorandum of Understanding, by and between the City of San Clemente and the San Clemente Exchange Club, providing for tee time block reservations.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

F. FEE WAIVER REQUEST - SAN CLEMENTE WELLNESS AND PREVENTION CENTER FAMILY FEST SPECIAL EVENT PERMIT

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to approve a one-time fee waiver for the Wellness and Prevention Center's 2023 Family Fest event to be held at Jim Johnson Memorial Sports Park in an amount not to exceed \$3,934.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

G. CONTRACT AWARD - AVENIDA MONTALVO CANYON AND TRAIL IMPROVEMENT

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

1. Approve the Plans and Specifications for the Avenida Montalvo Canyon and Trail Improvement, CIP Project No. 16004.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C23-05, by and between the City of San Clemente and Diamond Construction, providing for the Avenida Montalvo Canyon and Trail Improvement, in the amount of \$180,000.
3. Approve, and authorize the Public Works Director/City Engineer to execute, an Agreement (Contract No. C23-06) for Sale of Mitigation Credits, San Luis Rey Mitigation Bank, by and between the City of San Clemente and Wildlands SLR Holdings I, LLC., providing for the sale of mitigation credits for the Avenida Montalvo Canyon and Trail Improvement, in the amount of \$24,600.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

H. CONTRACT AMENDMENT - DELIVERY OF 12.5% SODIUM HYPOCHLORITE.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to approve, and authorize the City Manager to execute, Amendment No. 3 to Contract No. C18-50, by and between the City of San Clemente and Waterline Technologies, Inc., providing for Sodium Hypochlorite deliveries. This contract amendment increases the contract amount from \$72,420 to \$102,420 (an increase of \$30,000).

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

I. NOTICE OF COMPLETION - CYPRUS SHORE SEWER LINING

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

1. Accept the Cyprus Shore Sewer Lining, from the contractor, Sancon Technologies, Inc., Project No. 12209.
2. Authorize the Utilities Director to execute, and the City Clerk to record, the Notice of Completion for the Cyprus Shore Sewer Lining.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Utilities Department that no liens have been levied against the contractor, Sancon Technologies, Inc.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

J. RATIFICATION OF EMERGENCY PURCHASES AND SUPPLEMENTAL FUNDING FOR CYPRUS SHORE PUMP STATION EMERGENCY OPERATION

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

1. Make a finding that an emergency continues to exist due to the potential failure of an existing sewer pump station and storm drain system and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
3. Approve a supplemental appropriation in the amount of \$714,450 to Account Number 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve.
4. Approve, and authorize the Interim City Manager to execute, Change Order No. 06 to Contract No. C21-41, by and between the City of San Clemente and O'Connell Engineering and Construction, Inc., on a time and materials basis for the Cyprus Shore Emergency Pump Station Bypass Operation, in the amount of \$510,000.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

K. ACCEPTANCE OF EMERGENCY ACCESS EASEMENT LOCATED AT 501 AND 515 AVENIDA VAQUERO-SHORECLIFFS SENIOR APARTMENTS AND SHORECLIFFS GOLF COURSE

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

1. Accept the Grant of Easement for Emergency Ingress and Egress from GS-SM San Clemente Owner, LLC and GC-8, LLC.
2. Authorize the Mayor and City Clerk to execute the Grant of Easement for Emergency Ingress and Egress and Certificate of Acceptance.
3. Authorize the City Clerk to record the Grant of Easement for Emergency Ingress and Egress and Certificate of Acceptance with the Orange County Clerk-Recorder.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

L. CONTRACT AWARD - RICHARD T. STEED PARK SLOPE EROSION REPAIRS

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

1. Make a finding that an emergency exists in providing erosion repairs on the slope adjacent to the ball fields at the Richard T. Steed Park to potentially prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. 23-07, by and between the City of San Clemente and O'Connell Engineering and Construction, Inc., providing for the Richard T. Steed Park Slope Erosion Repairs, in the amount of \$98,460.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

6C(2) APPROVE WARRANT NOS.
585878 THROUGH 586000, PAID ON
1-20-23, IN THE AMOUNT OF \$746,838.48

AQ expressed concern on warrant item 585916 related to Mayor Duncan's travel expenses regarding his trip to Washington D.C. to attend the Mayor's Conference.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 5-0, to approve:

Warrant Nos. 585878 through
586000, paid on 1-20-23,
in the amount of \$746,838.48

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

7. Public Hearings

A. APPEAL OF MINOR CONDITIONAL USE PERMIT 22-197, PRIMO FOODS BEER AND WINE, 2801 S. EL CAMINO REAL

Continued Public Hearing to consider a City Council initiated appeal of the Zoning Administrator's approval of Minor Conditional Use Permit 22-197, Primo Foods Beer and Wine, 2801 S. El Camino Real, which approved beer and wine sales at Primo Foods Market and Deli for off-site consumption, with hours of operation from 8:00 a.m. - 8:00 p.m. daily. The project does not propose changes to the existing market.

Councilmember Cabral disclosed prior to the Council initiated review of the Minor Conditional Use Permit 22-197 that he had shopped at Primo Foods Beer and Wine on two occasions.

Councilmember James disclosed that he has been to Primo Foods Beer and Wine; discussed parking concerns with the developer of the adjacent town homes, David Gutierrez; had a meeting with the applicant, applicants counsel and City staff.

Mayor Duncan disclosed that he has not been to the establishment but has driven past Primo Foods Beer and Wine.

Mayor Pro Tem Knoblock disclosed he has not been to Primo Foods Beer and Wine but has driven past the establishment; had a brief conversation with the

adjacent town home developer, David Gutierrez, regarding parking concerns.

Councilmember Enmeier reported that he has not been to Primo Foods Beer and Wine since it has been open.

Assistant Planner Coury narrated a Powerpoint presentation entitled "Primo Foods Beer & Wine MCUP 22-197" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Mayor Duncan opened the Public Hearing.

Joseph Stine, counsel for the applicant, and Sam Assj, owner of Primo Foods Beer and Wine, presented on business operations, sales of beer and wine and concerns relating to parking and responded to Council inquiries.

David Gutierrez, San Clemente, expressed concerns regarding parking, distributed photographs to the Council and responded to Council inquiries. A hard copy of the photographs are on file with the City Clerk.

Karen Conley spoke in support of the Minor Conditional Use Permit for Primo Foods Beer and Wine.

Thor Johnson, San Clemente, spoke in support of Primo Foods Beer and Wine.

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

Following discussion, motion by Mayor Duncan, second by Councilmember Enmeier, FAILED 2-3, to affirm the Zoning Administrator's approval of Minor Conditional Use Permit 22-197, and adopt Resolution No. 23-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING, MINOR CONDITIONAL USE PERMIT 22-197, PRIMO FOOD BEER AND WINE, A REQUEST TO ALLOW BEER AND WINE SALES FOR OFF-SITE CONSUMPTION LOCATED AT 2801 EL CAMINO REAL.

AYE: Enmeier and Mayor Duncan

NOE: Cabral, James and Knoblock

REORGANIZATION OF AGENDA

Motion by Councilmember James, second by Mayor Duncan, CARRIED 5-0, to hear item 9F - Display of Photographs and Other Works at City Hall after 7B - Billing for 2022 Weed Abatement Program. Please see page 17 of these minutes for a summary of the action.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

B. BILLING FOR 2022 WEED ABATEMENT PROGRAM

Public Hearing to consider all 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 of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

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

Mayor Duncan opened the Public Hearing, there being no one desiring to speak, the Public Hearing was closed.

Motion by Mayor Pro Tem Knoblock, second by Mayor Duncan, CARRIED 5-0, to:

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

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

MEETING RECESS

Meeting recessed at 8:02 p.m., Council reconvened at 8:10 p.m. with all Councilmembers present.

8. Unfinished Business**A. CONSIDERATION OF PILOT "GREEN LINE" TROLLEY ROUTE**

Economic Development Officer Lightfoot narrated a Powerpoint presentation entitled "Trolley Pilot: 'Green Line'" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Donna Vidrine, San Clemente, spoke in support of the southern trolley route.

Motion by Councilmember James, second by Councilmember Cabral, CARRIED 5-0, to:

1. Establish the operating timeframe of March 11 through May 21, 2023 on Saturdays and Sundays for the pilot "Green Line" Trolley.
2. Directed staff to pursue the modified (linear) southern route for the pilot "Green Line" Trolley.
3. Direct city staff to collaborate with LAZ to establish the precise curb locations and signage for the temporary pilot route.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

9. New Business**A. PROCEDURES FOR ELECTING COUNCIL OFFICERS AND APPOINTING COMMISSIONERS AND COMMITTEE MEMBERS**

AQ narrated a Powerpoint presentation entitled "Point of Order - Re: Abstention & Quorums". A hard copy of the presentation is on file with the City Clerk.

Concerned resident, San Clemente, spoke on the need for Brown Act training for Commission and Committee members.

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

Motion by Mayor Duncan, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to adopt Resolution No. 23-04 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CITY COUNCIL POLICY AND PROCEDURE 1201-11 (COUNCIL MEETING AND OPERATING PROCEDURES) TO INCLUDE POLICIES FOR THE ELECTION OF MAYOR AND MAYOR PRO TEMPORE AND APPOINTMENTS TO CITY COMMISSIONS AND COMMITTEES and amend Sections 4.2 and 4.8 of Policy 1201-11 concerning Council Election of Mayor and Mayor Pro Tempore and Nominations and Vote on City Council Appointments to Commission and

Committees. With an amendment to section 4.2.1.7 of Policy 1201-11, the amendments to the Policy are as follows:

4.2 **Election of Mayor and Mayor Pro Tempore and Council Appointments and Roles of Those Offices**

4.2.1 At the first Regular City Council meeting in December of each year, the Council shall elect from its members a Mayor and Mayor Pro Tempore. The new Mayor and Mayor Pro Tempore shall assume office immediately upon election. (*Note: Commissions and Committees shall elect from its members a Chairperson and Vice Chair at its first regular meeting occurring after Council completes its annual appointment process for Commission and Committee members and those members assume office.*) The process for electing Mayor and Mayor Pro Tempore and for electing Commission and Committee Chairs and Vice-Chairs shall be as follows:

4.2.1.1 The nomination/election of the Mayor or Chair is conducted by the City Clerk or staff. Once the new Mayor or Chair is elected, that member of the Council or body immediately presides and conducts the vote on Mayor Pro Tempore or Vice-Chair.

4.2.1.2 The method of nomination in this respect is an "open nomination" solely by and from within the membership of the presently-seated City Council or City body. Nomination cannot be accepted from members of the public.

4.2.1.3 No "second" is required for nomination, although sometimes one or more members will "second" a nomination to indicate endorsement.

4.2.1.4 In no event may any one member nominate more persons than there are offices to fill in the respective selection.

4.2.1.5 When it appears that no one else wishes to make a nomination, the chair of the meeting asks one (1) final time if there are additional nominations. If there is a no response, the chair then declares..."the nomination for Mayor or Mayor Pro Tempore, Chair or Vice-Chair as applicable is closed."

4.2.1.6 It is unnecessary to have a motion to officially close the nomination; yet, if such a motion is made, that motion then requires an affirmative 2/3rd vote of the members present [4 or 5]. After nominations are closed, a majority vote is required to re-open it.

- 4.2.1.7 Nominees are voted on in the order in which they are nominated. As soon as one of the nominees receives a majority vote of those members present in the voting, the Mayor or Chair then declares that person elected to that respective office, and no vote is taken on the remaining nominee(s).
- 4.2.1.8 Rounds of voting shall continue in succession until one nominee is elected.
- 4.2.2 The Mayor and Mayor Pro Tempore shall serve a one year term at the pleasure of the Council majority.
- 4.2.3 The Mayor shall act as the primary spokesperson and official representative of the City Council, unless such responsibility is delegated by the Mayor, or otherwise assigned by a majority of the City Council.
- 4.2.4 The Mayor shall preside at all regular, adjourned regular, special and emergency meetings of the City Council, including joint meetings with commissions and committees and closed sessions.

4.8 Nomination and Vote on City Council Appointments to City Commissions and Committees

Council votes on appointments to City Commission and Committees shall be according to the procedure for election of Mayor and Mayor Pro Tempore set forth in Section 4.2 above.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

B. ELECTION OF MAYOR PRO TEM

AQ narrated a Powerpoint presentation entitled "Point of Order - Re: Abstention & Quorums". A hard copy of the presentation is on file with the City Clerk.

Rick Loeffler narrated a Powerpoint presentation concerning campaign donations Mayor Pro Tem Knoblock received. A hard copy of the presentation is on file with the City Clerk.

Councilmember James nominated Councilmember Cabral for Mayor Pro Tem.

Mayor Pro Tem Knoblock nominated himself for Mayor Pro Tem.

Council voted on the appointment to the office of Mayor Pro Tem in the order candidates were nominated.

Councilmember James and Councilmember Cabral voted to appoint Councilmember Cabral to the office of Mayor Pro Tem, FAILED 2-3.

AYE: Cabral and James

NOE: Enmeier, Knoblock and Mayor Duncan

Councilmember Enmeier, Mayor Pro Tem Knoblock and Mayor Duncan voted to appoint Mayor Pro Tem Knoblock to the office of Mayor Pro Tem, CARRIED 3-2.

AYE: Enmeier, Knoblock and Mayor Duncan

NOE: Cabral and James

C. INITIATION OF ZONING AMENDMENT TO CHAPTER 16.50 (STATE-MANDATED SUBDIVISIONS) AND CHAPTER 17.86 (STATE-MANDATED RESIDENTIAL PROJECTS) OF THE SAN CLEMENTE MUNICIPAL CODE TO 1) ADD LANGUAGE FOR NON-CONFORMING URBAN LOT SPLITS AND TWO-UNIT PROJECTS AND DISCRETIONARY APPROVAL, 2) REVISE LANGUAGE FOR VERY HIGH FIRE HAZARD SEVERITY ZONES, 3) REVISE ALLEY SETBACK AREA STANDARDS, IN ACCORDANCE WITH CALIFORNIA SENATE BILL 9

Scott McKhann, San Clemente, supports referring this item to the Planning Commission for consideration.

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to:

1. Add language for non-conforming urban lot splits and two-unit projects and discretionary approval.
2. Revise language for very high fire hazard severity zones.
3. Revise alley setback area standards, in accordance with California Senate Bill 9.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

D. ACTION PLAN REPORT FOR ADDRESSING CITY'S ANTI-CAMPING CODE COMPLIANCE AND ASSOCIATED PUBLIC PROPERTY MAINTENANCE EFFORTS

Rick Loeffler commended the City for its efforts on being proactive and updating the community on steps being undertaken.

Interim City Manager Joyce narrated a Powerpoint presentation concerning illegal camping and associated Municipal Code violations and responded to

Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Captain Patella and Sergeant Critz with the Orange County Sheriff's Department's Behavioral Health Unit discussed their objectives and responded to Council inquiries.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to receive and file the Administrative Report dated February 7, 2023, and on file with the City Clerk.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

E. CONSIDER SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA COASTAL COMMISSION AND THE ARMY CORPS OF ENGINEERS TO AUTHORIZE AN OCEAN CAPABLE DREDGING VESSEL, WITH A TRAILING SUCTION DEVICE, TO DREDGE A SWATH OF APPROPRIATE SAND QUALITY SEABED NEAR THE BEACH, AND SIMULTANEOUSLY SPRAY THE SAND ONTO THE ADJACENT BEACHES

AQ opposed the rainbow dredge due to environmental concerns and potential litigation.

Tim Brown supports efforts for sand replenishment and supports the formation of a subcommittee.

Steve Lang supports efforts to replenish sand on San Clemente beaches.

Susan Ambrose, San Clemente, supports the evaluation of rainbow dredging.

Aaron Washington spoke on the need of establishing more visibility on the City's website concerning sand replenishment efforts and supports the establishment of a subcommittee.

Suzie Whitelaw expressed concerns with rainbow dredging; supports consulting with other municipalities regarding sand replenishment.

Community Development Director Gallardo-Daly reviewed the contents of the Administrative Report and responded to Council inquiries.

Motion by Mayor Duncan, second by Councilmember Cabral, CARRIED 5-0, to:

1. Direct Staff to work with the City of Oceanside to collaborate on sand replenishment project(s).
2. Have staff engage with the California Coastal Commission to determine feasibility of potential solutions/projects relating to sand replenishment on San Clemente beaches.

3. Establish a subcommittee for sand replenishment. Councilmember Cabral and Councilmember Enmeier were selected for the Sand and Beach Nourishment Subcommittee under agenda item 11D(1).

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

F. DISPLAY OF PHOTOGRAPHS AND OTHER WORKS AT CITY HALL

*Please note this item was heard after the Public Hearing portion of the meeting. Please see page 11 of these minutes for the vote to reorganize the agenda.

Norb Garrett, CEO/Founder San Clemente Times, spoke in support of the display of Fred Swegles work at City Hall.

Jonathan Jenkins spoke in support of the display of Fred Swegles work at City Hall.

Greg Cruse, San Clemente, spoke in support of displaying Fred Swegles catalog of work at City Hall.

Barbara Chamberlin, San Clemente, spoke in support of displaying Fred Swegles works at City Hall.

Mike Chamberlin, spoke in support of displaying Fred Swegles work at City Hall.

Tim Brown spoke in support of a dedicatory wall in memory of Fred Swegles that can transition to different art over time.

Motion by Councilmember James, second by Councilmember Cabral, CARRIED 5-0, to direct staff to begin discussions to exhibit Fred Swegles work at City Hall by identifying photographs and writings to be displayed.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

G. CONSIDERATION OF TAKING MINUTES IN CLOSED SESSION

Tim Brown commented on the history of closed session minutes and potential liability to the City.

Motion by Mayor Pro Tem Knoblock **died for a lack of second** to have the City Clerk take minutes in Closed Session.

10. Oral Communications (Part 2)

Aaron Washington opined that homeless individuals are being dropped off at the pier; urged Council to include homeless efforts on the City's website.

11. Reports**A. Commissions and Committees**

None.

B. City Manager

None.

C. City Attorney

None.

D. Council Members

Council requested that Interim City Manager Joyce evaluate strategies to allow the playground near the restrooms at North Beach to be used exclusively by children and their parents/guardians, and report back with a memo to Council. Councilmember Cabral and Councilmember Enmeier reported that they attended the League of California Cities conference; relayed information that would be of benefit to the City.

Mayor Duncan spoke on his attendance at the Mayor's Conference in Washington D.C. and potential benefits for the City.

Continuation of Meeting

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to continue the meeting to 11:15 p.m.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

(1) UPDATE TO COUNCIL APPOINTEES TO REGIONAL COMMITTEES, COMMISSIONS AND CITY COUNCIL SUBCOMMITTEES

Tim Brown suggested that there should be additional direction to staff on how to develop the sand replenishment subcommittee.

Full list of appointees to Regional Committees and Commissions on following page.

2023 COUNCIL APPOINTED REPRESENTATIVES TO COMMITTEES, COMMISSIONS AND BOARDS

Committee/Commission/Board	Location	Meeting Date(s)	Representative(s)	Compensation
Capistrano Unified School District Liaison Committee			Duncan and Enmeier	No
Coastal Animal Services Authority (CASA)	Animal Shelter San Clemente	3 rd Monday, 5:30 p.m. Bi-monthly	James/Enmeier (Alt.)	No
Community Engagement Panel	Varies	Quarterly (dates vary)	Cabral/Enmeier (Alt.)	No
Conservancy (Elected/Appointed Representative to Friends of the Reserve Commission)			Knoblock/Duncan (Alt.) The City's "At Large" position is vacant. The Talega HOA Representative is Laurie Gooch (term expires June 30, 2020). The At-Large and Talega Representative positions will not be filled until CM Knoblock reports to Council with regard to the Friends' inactivity.	No
Chamber of Commerce – Economic Development	City Hall Conference Room	As Set	James/Cabral (Alt.) <i>Note: The Mayor will continue to attend ribbon-cutting ceremonies.</i>	No
Downtown Business Association – Economic Development		As set	Duncan/James (Alt.)	No
Emergency Operational Area Council (Orange County)			Mayor and Mayor Pro Tem	No
Fire Authority (Orange County)	OCFA Boardroom, 1 Fire Authority Road, Irvine	4 th Thursday of every other month at 6:30 p.m.	Duncan	Yes (\$100 per meeting with maximum of \$300 per month). Special notes: This appointment must be made by resolution. Alternates were discontinued in 2015.
Historic Preservation Ad Hoc Committee	TBD	TBD	James/Enmeier (Alt.)	No
Insurance Authority (California Joint Powers Insurance Authority)	La Palma	4 th Wednesday, 4:30 p.m.	Knoblock	Yes, \$100 per year.
Investment Advisory Committee	Ocean View Conf. Room	Quarterly, 6:00 p.m. Last Monday of the month	Cabral	No
Legislative Delegate Program - Representative to Senate District 36			Mayor and Mayor Pro Tem	No

Legislative Delegate Program - Representative to 74 th Assembly District			Mayor and Mayor Pro Tem	No
Library Task Force (Orange County)	Tustin Library	Quarterly, 4 th Thursday, 4:00 p.m.	Enmeier	No
Mayors (South Orange County Association of Mayors)	Rotating Cities	2 nd Thursday, 7:30 a.m.	Mayor	No
U.S. Marine Corps Liaison			James	No
MWDOC Interaction of Elected Officials			Knoblock/Duncan (Alt.)	No
Nine South County Water Agencies (This is the name of a group that consists of nine South Orange County water agencies).	Moulton Niguel Water District Office	No regular meetings, but usually held at noon on Wednesdays (such as the fourth Wednesday of the month).	Knoblock/Duncan (Alt.)	No
SCAG General Assembly		Annual Meeting in May	Knoblock/Cabral	No
Social Service/Community Service Budget Committee			Enmeier	No
South Orange County Watershed Management Area Executive Committee			Knoblock/Rebensdorf (Alt.)	No
Vector (Orange County Mosquito and Vector Control Board)	District Office, Garden Grove	3 rd Thursday, 3:00 p.m.	Knoblock (term expires January 2024)	Yes (\$100 per month)
Wall of Recognition			Duncan	No

UPDATE TO COUNCIL APPOINTEES TO REGIONAL COMMITTEES, COMMISSIONS AND CITY COUNCIL SUBCOMMITTEES

Motion by Mayor Duncan, second by Councilmember James, CARRIED 5-0, to continue the following subcommittees:

Design Review Subcommittee - Members are Planning Commissioners

San Clemente Healthcare Subcommittee - James and Duncan

Transportation Subcommittee - James and Cabral

Amphitheater Citizens Committee - Each Councilmember to appoint one member

Homeless Subcommittee - Cabral and Enmeier

Sand and Beach Nourishment Subcommittee - Cabral and Enmeier

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

(2) **REQUEST TO SUPPORT SB44 (UMBERG): CONTROLLED SUBSTANCES**

Motion by Mayor Duncan, second by Councilmember Enmeier, CARRIED 5-0, to approve Mayor Duncan to send a letter on behalf of the City Council in support of SB 44 (Umberg) Controlled substances.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

E. Council Subcommittee Updates

None.

12. Adjournment

Motion by Mayor Pro Tem Knoblock, second by Mayor Duncan, CARRIED 5-0, to adjourn at 11:16 p.m. The next Regular Meeting will be held on February 21, 2023. Closed Session will begin at 5:00 p.m. The Business Meeting will commence at 6:00 p.m. The meeting will take place at City Hall Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

AYE: Cabral, Enmeier, James, Knoblock and Mayor Duncan

NOE: None

MAYOR of the City of
San Clemente, California

CITY CLERK of the City of
San Clemente, California