

CITY OF SAN CLEMENTE
Tuesday, February 21, 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 21, 2023 at 5:01 p.m. in the San Clemente City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente. This meeting was opened in memory of Gene Stivers.

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

STAFF PRESENT: Andy Hall, City Manager; Scott Smith, City Attorney; Laura Campagnolo, City Clerk; Megan Jimenez, Deputy City Clerk

CLOSED SESSION

AQ narrated a Powerpoint presentation entitled "Concerns", related to the West Pico Corridor Specific Plan. A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to recess to Closed Session at 5:06 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 2

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency, et al.
Riverside Superior Court Consolidated Case No.: RIC 1800232
CA Court of Appeal Case No.: E078045 (Fourth Appellate District, Division 2)

Case Name: City of San Clemente v. Emergency Shelter Coalition, et al.
Orange County Superior Court Case Number: 2020-01153535-CU-EI-CXC

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of Cases: 1

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of Cases: 1

D. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code section 54957

Title: City Attorney

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

NOE: None

BUSINESS MEETING

The meeting reconvened at 6:01 p.m. with all Councilmembers present.

INVOCATION

Lead Pastor Mark Ambrose, Pacific Coast Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Don Brown led the Pledge of Allegiance.

1. Special Presentations

A. January Update on the Homeless Issue

Deputy Community Development Director Atamian narrated a Powerpoint presentation entitled "Community Outreach & Engagement Monthly Report - January 2023" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Recreation Vehicle Parking Enforcement

Councilmember James, with the support of Councilmember Cabral and Mayor Duncan, directed staff to review ordinances related to Recreational Vehicles from other municipalities and refer to the Public Safety Committee to study and make a recommendation to City Council.

B. PierPride - Bird Netting Donation

Amber Gregg, PierPride, narrated a Powerpoint presentation concerning achievements, upcoming events and future goals of PierPride; the PierPride Board of Directors presented the City with a donation for bird deterrent netting for under the pier.

Susan Ambrose recognized PierPride for their success and efforts on maintaining the pier; commended staff on the Nature Based Coastal Resiliency

Plan presented at the Beaches, Parks and Recreation Committee meeting on February 14, 2023.

2. Oral Communications (Part 1)

Paul Simonds, Kurt Pringle and Associates, encouraged Council to pursue a grant application to be submitted by March 1, 2023 for the Clean Mobility Options grant; requested item be agendized at tonight's meeting.

Aaron Washington opined that homeless individuals who refuse assistance can be cited for other violations; requested homeless updates be placed on the City's website.

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

Motion by Mayor Pro Tem Knoblock, second by Councilmember James, 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

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 4-1 (Councilmember James voting Noe), to consider the submittal of a Clean Mobility Options grant application. This was agendized based on the need to take immediate action and the fact that the need for action arose subsequent to the agenda being posted, and action needed to be taken prior to the next Regular Council Meeting

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: James

Clean Mobility Grant Application

Acting Public Works Director/City Engineer Ponsen responded to Council inquiries.

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to direct staff to submit a Clean Mobility Options grant application by March 1, 2023.

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

NOE: None

5. Closed Session Report - City Attorney

Council took no reportable action during this evening's Closed Session. City Attorney Smith announced that he recused himself from Closed Session Item D due to a financial interest.

6. Consent Calendar

The following items were removed from the Consent Calendar for discussion: 6D, 6E and 6K.

A. City Council Minutes

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

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF FEBRUARY 7, 2023.

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

NOE: None

B. Commission/Committee Minutes

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

- (1) HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF JANUARY 24, 2023.

- (2) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF FEBRUARY 9, 2023.

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

NOE: None

C. Warrant Register

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

- (1) APPROVE WIRE TRANSFER NOS.
2791 THROUGH 2795 AND WARRANT NOS.
586127 THROUGH 586286, PAID ON
2-3-23, IN THE AMOUNT OF \$1,939,361.95

- (2) APPROVE WIRE TRANSFER NOS.
2796 THROUGH 2801 AND WARRANT NOS.
586287 THROUGH 586400, PAID ON
2-10-23, IN THE AMOUNT OF \$3,268,767.36

TOTAL WARRANT REGISTER \$5,208,129.31

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

NOE: None

Payroll Register

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

WARRANT NOS. 895 THROUGH 896,
 AUTOMATIC DEPOSIT ADVISES 83786
 THROUGH 84046, FOR THE PERIOD
 1-23-23 THROUGH 2-5-23, PAID
 ON 2-10-23, IN THE AMOUNT OF \$429,059.72

TOTAL PAYROLL REGISTER \$429,059.72

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

NOE: None

F. NOTICE OF COMPLETION - WATER RECLAMATION PLANT (WRP)/SLUICE GATE REPLACEMENT

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

1. Accept the WRP/Sluice Gate Replacement, from the contractor, Innovative Construction Solutions, CIP Project 26212.
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for the WRP/Sluice Gate 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, Innovative Construction Solutions.

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

NOE: None

G. APPROVAL OF AN ADDITIONAL SERVICES AGREEMENT - AUTOMATIC LICENSE PLATE READERS AND SERVICES

Motion by Mayor Pro Tem Knoblock, second by Councilmember James, CARRIED 5-0, to approve, and authorize the City Manager to execute, an Additional Services Agreement (Contract No. C22-37), by and between the City of San Clemente and Flock Group, Inc., providing automatic license plate readers and services, in the amount of \$219,700.

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

NOE: None

H. CONTRACT AWARD - WATER & WATER RECLAMATION ELECTRICAL INFRASTRUCTURE ARC FLASH STUDY

Motion by Mayor Pro Tem Knoblock, second by Councilmember James, CARRIED 5-0, to approve, and authorize the Utilities Director to execute, Contract No. C23-09, by and between the City of San Clemente and Electrical Safety Specialists, LLC., providing for a Water & Water Reclamation Infrastructure Arc Flash Study, in an amount not to exceed \$54,802.

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

NOE: None

I. NOTICE OF COMPLETION - CITYWIDE CATCH BASINS REHABILITATION

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

1. Accept the Citywide Catch Basins Rehabilitation, from the contractor, Cheloletty Engineering, CIP Project No. 21001.
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for the Citywide Catch Basins Rehabilitation.
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, Cheloletty Engineering.

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

NOE: None

J. PURCHASE OF POLICE SERVICES FLEET VEHICLE TO REPLACE FLEET VEHICLE NUMBERS 2010 & 2072

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

1. Approve the purchase of a 2024 Chevrolet Express van from Winner Chevrolet from the Fleet Replacement Reserve for replacement of Fleet vehicle numbers 2010 & 2072.
2. Authorize a supplemental appropriation in the amount of \$12,605 to the Fleet Automotive Equipment Account No. 065-824-45600 from the Fleet Replacement Fund balance.

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

NOE: None

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION

D. CONTRACT AMENDMENT - SENIOR MOBILITY PROGRAM

Acting Public Works Director/City Engineer Ponsen reviewed the contents of the Administrative Report and responded to Council inquiries.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract No.C18-37, by and between the City of San Clemente and California Yellow Cab. This amendment extends the term of the contract for two years, to expire August 21, 2023.

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

NOE: None

E. CONTRACT AMENDMENT AND SUPPLEMENTAL BUDGET APPROPRIATION FOR TREE MAINTENANCE

Maintenance Operations Supervisor Fields reviewed the contents of the Administrative Report and along with Acting Public Works Director/City Engineer Ponsen responded to Council inquiries.

Motion by Councilmember James, second by Councilmember Cabral, FAILED 2-3 (Councilmember Enmeier, Mayor Pro Tem Knoblock and Mayor Duncan voting Noe), to defer this item to the March 7, 2023, City Council Meeting with a more comprehensive administrative report.

AYE: Cabral and James

NOE: Enmeier, Knoblock and Mayor Duncan

Motion by Councilmember Enmeier, second by Mayor Duncan, CARRIED 3-2 (Councilmember Cabral and Councilmember James voting Noe), to:

1. Approve a supplemental budget appropriation in the amount of \$50,000 to the Maintenance of Trees Account No. 001-633-43426.

2. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract C21-10, by and between the City of San Clemente and West Coast Arborists, Inc. This amendment increases the contract amount from \$1,305,000 to \$1,355,000 (an increase of \$50,000).

AYE: Cabral and James

NOE: Enmeier, Knoblock and Mayor Duncan

K. CONTRACT AMENDMENT - MAINTENANCE SERVICES AGREEMENT WITH ED STEWART AND ASSOCIATES FOR INSPECTION AND CLEANUP OF ABANDONED PROPERTY AND REFUSE

Maintenance Operations Supervisor Fields reviewed the contents of the Administrative Report and along with Acting Public Works Director/City Engineer Ponsen responded to Council inquiries.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 5-0, to approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. AC-1126, by and between the City of San Clemente and Ed Stewart and Associates, Inc.

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

NOE: None

7. Public Hearings

None.

8. Unfinished Business

None.

9. New Business

None.

10. Oral Communications (Part 2)

Tawni Burns requested Council ban 5-axle trucks on Avenida Vista Hermosa.

Evaluation of 5-Axel Trucks on Avenida Vista Hermosa

Councilmember James, with the support of Councilmember Knoblock and Councilmember Enmeier directed staff to:

1. Evaluate the feasibility of banning 5-axel trucks (semi-trucks) on Avenida Vista Hermosa.
2. Evaluate bicycle safety on Avenida Vista Hermosa.
3. Police Services is to evaluate the feasibility of potential enforcement on a ban of 5-axel trucks on Avenida Vista Hermosa.

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

None.

B. City Manager**Announcement of Contracts Approved and Executed by the City Manager**

City Manager Hall reported that the following professional services contract was executed by his predecessor (Interim City Manager Joyce): 1) NCE, for the Pavement Management System Update in the amount of \$46,600.

C. City Attorney

None.

D. Council Members**Flower Baskets on Avenida Del Mar**

Councilmember James requested that the City maintain the flower baskets on Avenida Del Mar and/or work with the Downtown Business Association to maintain the flowers.

Las Palmas Elementary

Councilmember Enmeier reported that Las Palmas Elementary is experiencing increased vandalism and noted steps Capistrano Unified School District is taking to try to reduce the number of incidents.

Councilmember James expressed concerns with Las Palmas Elementary School traffic.

Pier Restroom Fire

Councilmember James requested a report to Council (if possible - not to interfere with the investigation) concerning the fire at the pier restroom.

Street/Traffic Concerns

Councilmember Cabral expressed concerns with traffic management during the Avenida Pico closure on February 15, 2023, due to a vehicle accident.

Councilmember Cabral reported vehicles doing donuts/burnouts at the end of Avenida Pico and requested mitigation measures be taken.

San Clemente High School Boys Varsity Soccer

Mayor Duncan recognized the San Clemente High School Boys Varsity soccer team in the Division 2 CIF South finals.

FEMA Forum on Critical Incidents

Mayor Pro Tem Knoblock reported that he attended a FEMA forum on mass shooting/critical incidents on February 16, 2023.

Leadership San Clemente

Mayor Duncan announced that Leadership San Clemente is beginning April 20 - May 25, 2023. Applications will be accepted beginning on Thursday, February 23, 2023.

Council Travel/Conference Budget

Mayor Pro Tem Knoblock with the support of Mayor Duncan and Councilmember Enmeier agendized consideration of reallocation of funds for City Council travel/conference budget.

Mayor's Prayer Breakfast

Councilmember Enmeier reported that the Mayor's Prayer Breakfast is on March 14, 2023, at 7:00 a.m.

Update to Policy 1201-11 (City Council Meeting and Operating Procedure)

Mayor Duncan with the support of Councilmember James and Mayor Pro Tem Knoblock, agendized a review of meeting and operating procedures.

E. Council Subcommittee Updates**Transportation Subcommittee**

Councilmember James and Mayor Duncan reported that they met with the Orange County Transportation Authority concerning the I-5 HOV project.

Sand and Beach Nourishment Subcommittee

Councilmember Cabral and Councilmember Enmeier reported that they have met with several stakeholders and have an upcoming community meeting concerning sand and beach nourishment.

Councilmember Enmeier expressed concern with the Orange County Transportation Authority's use of rip rap to stabilize the train tracks and the impact on sand retention.

Homeless Subcommittee

Councilmember Enmeier and Councilmember Cabral reported they have met with shelter/housing providers concerning upcoming housing projects; announced that they are going to hold a roundtable meeting with the community and stakeholders.

12. Adjournment

Motion by Councilmember James, second by Mayor Duncan, CARRIED 5-0, to adjourn at 7:43 p.m. to an Adjourned Regular Meeting to be held on February 28, 2023 at 4:00 p.m. for the purpose of conducting the Long Term Financial Plan Workshop. The next Regular Meeting will be held on March 7, 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. This meeting was adjourned in memory of Henry Hank Snider.

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