

CITY OF SAN CLEMENTE
Tuesday, April 4, 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 April 4, 2023 at 5:00 p.m. in the San Clemente City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

PRESENT: Cabral, James, Knoblock and Mayor Duncan

ABSENT: Enmeier

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

CLOSED SESSION

AQ recognized City Attorney Mitchell for listing all of the case titles for Closed Session.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to recess to Closed Session at 5:01 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Existing litigation pursuant to Government Code section 54956.9(a),(d)(1)
Number of Cases: 4

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

Case Name: MDL No. 2804 National Prescription Opiate Litigation
Proposed Opioid Settlement - Teva, Allergan, Walmart, Walgreens and CVS

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

Council concluded Closed Session at 5:42 p.m.

BUSINESS MEETING

The meeting reconvened at 6:00 p.m. with all Councilmembers present, with the exception of Councilmember Enmeier, who was absent.

INVOCATION

Senior Pastor Holland Davis, Calvary Chapel San Clemente, gave the invocation.

PLEDGE OF ALLEGIANCE

Dan Feinberg led the Pledge of Allegiance.

1. Special Presentations

A. Friends of the San Clemente Beaches and Parks Foundation

Rick Loeffler, President and CEO, along with John Dorey, Director, Friends of the San Clemente Beaches and Parks Foundation, narrated a PowerPoint presentation entitled "Friends of San Clemente" which provided an overview of the Friends Foundation organization; presented a donation to the City. A hard copy of the presentation is on file with the City Clerk.

B. Presentation of Proclamation – National Public Safety Telecommunicators Week

Mayor Duncan presented a Proclamation to Orange County Fire Authority Division Chief Maule, proclaiming April 9-15 2023, as National Public Safety Telecommunicators Week.

2. Oral Communications (Part 1)

Ken Poczekaj, San Clemente, narrated a PowerPoint presentation concerning Save our Beaches, San Clemente; expressed safety concerns regarding North Beach. A hard copy of the presentation is on file with the City Clerk.

Susan Ambrose, San Clemente, commented on the need for sand replenishment on San Clemente beaches; urged the City to participate in the Sand Compatibility and Opportunistic Use Program that is being considered in other coastal municipalities.

AQ expressed concerns regarding the Special Public Safety Committee meeting of March 27, 2023 regarding discussion and recommendations relating to recreational vehicles parking on city streets.

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

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to waive reading in full of all Resolutions and Ordinances.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

4. Consideration of agendizing items requiring immediate action

None.

5. Closed Session Report - City Attorney

City Attorney Mitchell announced that the following action was taken in Closed Session:

Council gave direction; no reportable action concerning:

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)

Council gave direction; no reportable action concerning:

Case Name: City of San Clemente v. Emergency Shelter Coalition, et al.
Orange County

Superior Court Case Number: 2020-01153535-CU-EI-CXC

Council approved the settlement agreement, CARRIED 4-0 (Councilmember Enmeier absent), and is available for public review at nationalopioidsettlement.com, concerning:

Case Name: MDL No. 2804 National Prescription Opiate Litigation
Proposed Opioid Settlement - Teva, Allergan, Walmart, Walgreens and CVS

6. Consent Calendar

Items 6A(1), 6A(2), 6B(2), 6D and 6F were removed from the Consent Calendar for discussion.

B. Commission/Committee Minutes

Motion by Mayor Pro Tem Knoblock, second by Councilmember James, CARRIED 4-0 (Councilmember Enmeier absent), to receive and file the following:

- (1) DESIGN REVIEW SUBCOMMITTEE MEETING MINUTES OF MARCH 15, 2023.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

C. Warrant Register

Motion by Mayor Pro Tem Knoblock, second by Councilmember James, CARRIED 4-0 (Councilmember Enmeier absent), to:

- (1) APPROVE WARRANT NOS. 587005
THROUGH 587153, PAID ON
3-17-23, IN THE AMOUNT OF \$1,289,660.67

TOTAL WARRANT REGISTER \$1,289,660.67

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

E. RESOLUTION 23-11 RATIFYING THE CITY COUNCIL DECISION OF THE CONLEY APPEAL OF ADMINISTRATIVE ENCROACHMENT PERMIT E22-0112

Motion by Mayor Pro Tem Knoblock, second by Councilmember James, CARRIED 4-0 (Councilmember Enmeier absent), to Adopt Resolution No. 23-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE APPLICANT'S APPEAL AND REVERSING THE REVOCATION OF ADMINISTRATIVE ENCROACHMENT PERMIT E22-0112 LOCATED AT 4055 VIA MANZANA.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

A. City Council Minutes

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF MARCH 21, 2023.

AQ spoke on the submittal of a Point of Order card at the March 21, 2023 City Council meeting concerning the PowerPoint presentation given by Councilmember Enmeier; inquired why her Point of Order had not been addressed.

Point of Order

City Attorney Mitchell responded to Council inquiries concerning the procedure for points of order.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to approve the City Council Regular meeting minutes of March 21, 2023 with the amendment that the minutes reflect the submittal of the Point of Order card.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

- (2) APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF MARCH 27, 2023.

AQ requested that her comments made concerning a contract with Gatekeepers Security Services, Inc. be amended in the minutes.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to approve the City Council Special Meeting minutes of March 27, 2023.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

Commission/Committee Minutes

- (2) PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF FEBRUARY 28, 2023.

Lois McNicoll opined that the City should utilize the Public Safety Committee regarding the consideration of private security at North Beach.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to receive and file the Public Safety Committee Regular meeting minutes of February 28, 2023.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

D. NOTICE OF COMPLETION - RICHARD T. STEED PARK SLOPE EROSION REPAIRS

Lois McNicoll opined that the City did not need a request for proposal (RFP) for this contract and that the City does not need a RFP for a contract for private security.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to:

1. Accept the Richard T. Steed Park Slope Erosion Repairs, from the contractor, O'Connell Engineering and Construction, Inc., Project No. 12161.
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for the Richard T. Steed Park Slope Erosion Repairs.

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, O'Connell Engineering and Construction, Inc. and no stop notices have been filed.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

F. LETTER OF SUPPORT FOR ASSEMBLY BILL 1708 (MURATSUCHI) - THEFT; LETTER OF OPPOSITION SENATE BILL 423 (WIENER) - STREAMLINES HOUSING APPROVALS SB 35

George Gregory, San Clemente, expressed support concerning Senate Bill 423; urged Council to streamline housing and consider alternatives for variances.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 3-1 (Councilmember James voting NOE and Councilmember Enmeier absent), to approve, and authorize the Mayor to execute, the letter of support for Assembly Bill 1708, provided as Attachment 1 of the Administrative Report dated April 4, 2023, and on file with the City Clerk.

AYE: Cabral, Knoblock and Mayor Duncan

NOE: James

ABSENT: Enmeier

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to approve, and authorize the Mayor to execute, the letter of opposition for Senate Bill 423, provided as attachment 3 of the Administrative Report dated April 4, 2023, and on file with the City Clerk.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

7. Public Hearings

A. ADOPTION OF THE DRAFT 2023-2024 ANNUAL ACTION PLAN FOR EXPENDITURES OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Public Hearing to consider the proposed submission of the 2023-24 Annual Action Plan for the Community Development Block Grant.

Mayor Duncan opened the Public Hearing.

Community Development Director Gallardo-Daly and Community Development Block Grant Consultant Mike Linares reviewed the contents of the Administrative Report and responded to Council inquiries.

Lois McNicoll questioned if Family Assistance Ministries (FAM) was one of the recipients of Community Development Block Grant funds; stated that many comments at the March 27, 2023, Special City Council meeting expressed concerns regarding FAM as it relates to food distribution at North Beach.

There being no others desiring to speak, and no additional inquiries by Council, the Public Hearing was closed.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, to approve, staff recommendation as follows:

1. Approve, and adopt the draft 2023-24 Annual Action Plan for the use of Community Development Block Grant Funds, with the amendment to Public Service section under the Family Assistance Ministries allocation in the amount of \$10,815 to remove "or homeless" from the language.
2. Authorize the City Manager to submit the Annual Action Plan to HUD to execute the HUD contract.
3. Accept grant revenues of \$314,259 from HUD to Miscellaneous Grants Fund (Fund 017).
4. Authorize a related budget appropriation of \$314,259 to the CDBG fund for the amounts in the 2023-24 Action Plan.

Mayor Duncan reopened the Public Hearing and once there were no additional inquiries by Council, the Public Hearing was closed.

This motion was withdrawn by Councilmember Cabral.

Motion by Councilmember James, second by Councilmember Cabral, CARRIED 4-0 (Councilmember Enmeier absent), to take the following action:

1. Approve, and adopt the draft 2023-24 Annual Action Plan for the use of Community Development Block Grant Funds, with the modification concerning public services funding allocation to Family Assistance Ministries (\$10,815) instead, be distributed to the Boys and Girls Club to provide funding to families at risk of homelessness, with the submittal of a timely and complete application. If the Boys and Girls Club does not submit a complete and timely application, funds are to be rolled over to next years CDBG grant fund.
2. Authorize the City Manager to submit the Annual Action Plan to HUD to execute the HUD contract.
3. Accept grant revenues of \$314,259 from HUD to Miscellaneous Grants Fund (Fund 017).
4. Authorize a related budget appropriation of \$314,259 to the CDBG fund for the amounts in the 2023-24 Action Plan.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

B. REGISTRATION FEES AND POLICIES FOR THE SAN CLEMENTE JUNIOR LIFEGUARD PROGRAM

Public Hearing to consider a City-initiated proposal to amend the parks and recreation program fee associated with the San Clemente City Junior Lifeguard program.

Mayor Duncan opened the Public Hearing.

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

Louise Herbert spoke on the potential revenue impacts of lowering costs of the Junior Lifeguard Program for residents; spoke in support of early enrollment for the Junior Lifeguard program for residents and increasing costs of the Junior Lifeguard Program for non-residents.

There being no others desiring to speak, and no additional inquiries by Council, the Public Hearing was closed.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to:

1. Adopt Resolution No. 23-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADJUSTING THE FEE FOR PARTICIPATION IN THE JUNIOR LIFEGUARD PROGRAM AND RESCINDING RESOLUTION NO. 16-24.

2. Return to Council next year with a report which evaluates the fee schedule on non-resident rates.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

8. Unfinished Business

None.

9. New Business

A. PART-TIME CLASSIFICATION AND COMPENSATION STUDY FINDINGS AND RECOMMENDATIONS

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

Jan Brennan, MGT Consulting, narrated a PowerPoint presentation entitled "CLASSIFICATION AND COMPENSATION STUDY Hourly Part-Time Employees". A hard copy of the presentation is on file with the City Clerk.

City Manager Hall responded to Council inquiries.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to adopt Resolution No. 23-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING SPECIFIED PAY GRADE CHANGES FOR HOURLY PART-TIME CLASSIFICATIONS AND ADOPTION OF REVISED HOURLY PART-TIME SALARY SCHEDULE AND AMENDING RESOLUTION NO. 22-41 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

B. CONSIDERATION OF CITY COUNCIL POLICY UPDATES

City Manager Hall requested Council continue this item to the April 18, 2023 City Council meeting.

AQ narrated a PowerPoint presentation entitled "Letters from Council Members & Travel Expenses". A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 3-1 (Mayor Duncan voting NOE and Councilmember Enmeier absent), to table consideration of revised Policy and Procedure 1201-11 - City Council meeting and operating procedures.

AYE: Cabral, James and Knoblock

NOE: Mayor Duncan

ABSENT: Enmeier

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 3-1 (Mayor Duncan voting NOE and Councilmember Enmeier absent), to table consideration of revised Policy and Procedure 1201-13 - Use of City of San Clemente Letterhead and Stationary.

AYE: Cabral, James and Knoblock

NOE: Mayor Duncan

ABSENT: Enmeier

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to continue to April 18, 2023 City Council meeting consideration of Policy and Procedure 1201-8 - Legislative Body Reimbursement.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

C. CONSIDERATION OF A LOCAL VENDOR PREFERENCE ORDINANCE

George Gregory spoke in support of the local vendor preference.

Motion by Councilmember James, second by Mayor Pro Tem Knoblock, CARRIED 4-0 (Councilmember Enmeier absent), to approve a Local Vendor Preference for professional and other contractual services, and direct staff to prepare an Ordinance updating the San Clemente Municipal Code, Title 3 Revenue and Finance, Chapter 3.40, and update the applicable City of San Clemente's Policies and Procedures.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

D. CONSIDERATION OF ADOPTING A RESOLUTION IN OPPOSITION TO CALIFORNIA ASSEMBLY BILL (AB) 1078

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 4-0 (Councilmember Enmeier absent), to continue to the April 18, 2023 City Council meeting with the understanding if AB 1078 is withdrawn in the State Assembly, that the Resolution will not return to Council for consideration.

AYE: Cabral, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

10. Oral Communications (Part 2)

Lois McNicoll opined that Council should not use abbreviations or acronyms to allow the public to better understand discussions.

Linda Williams expressed concerns regarding the Community Development Block Grant deliberations and vote.

11. Items for Future Agendas**Sand and Beach Nourishment**

Councilmember Cabral, with the support of Council, directed the City Manager to provide a report at the May 2, 2023 City Council meeting concerning the following:

1. An update on creation of a Coastal Zone Manager position and include the progress on drafting of the job description; meeting with Oceanside Coastal Zone Manager, and update on budget inclusion or vacant position reallocation.
2. A public communication plan concerning the Army Corps of Engineers Sand Replenishment project, educate the public on the process and ongoing efforts, including messaging, closures, signage and publications.

Contract Over-runs

Councilmember James requested an update on the status concerning the contract over-runs Administrative Report.

Commercial Vehicle Parking

Mayor Pro Tem Knoblock requested an update on the status of the Commercial Vehicle Parking Administrative Report.

12. Reports**A. Commissions and Committees****Orange County Fire Authority Board**

Mayor Duncan announced that the Orange County Fire Authority Board has mutually agreed to a new employment contract with the Orange County Fire Authority Firefighters; Mayor Duncan to provide contract details to Council.

SONGS

Councilmember Cabral provided an update concerning the SONGS Committee and efforts to relocate nuclear waste.

B. Council Subcommittee Updates**Sand and Beach Nourishment Subcommittee**

Councilmember Cabral provided an update concerning the subcommittee efforts regarding sand and beach erosion.

Mayor Pro Tem Knoblock requested that San Mateo Creek be evaluated as it relates to sand replenishment.

C. Council Members**Police Services Presence at North Beach**

Councilmember James recognized San Clemente Police Services for their ongoing enforcement efforts at North Beach.

Councilmember Cabral recognized the enforcement efforts by San Clemente Police Services and expressed that Council is willing to collaborate on a solution.

Senior Apartment Traffic Conditions

Councilmember Cabral announced that he met with residents, along with City Manager Hall, regarding traffic safety concerns on Avenida Presidio.

Panhe Festival

Councilmember Cabral announced that he attended the Panhe Festival; spoke to the importance of Council/City supporting the local Native American Tribe and urged others to take advantage of opportunities to educate on traditions and culture.

Meetings with Local Stakeholders

Councilmember Cabral announced meetings with Assemblymember Davies, Senator Nguyen and Supervisor Foley concerning sand and beach nourishment, homelessness and San Onofre.

Friendship House Laguna Beach Site Visit

Councilmember Cabral and Councilmember Enmeier visited the Friendship House in Laguna Beach concerning their approach to homelessness.

Mayor's Conference in Washington D.C.

Mayor Duncan discussed the Mayor's Conference he attended in Washington D.C.; noted the discussions he participated in concerning homelessness, coastal erosion, pickleball and potential benefits for the City of San Clemente.

Richard T. Steed Memorial Park Pickleball Design

Mayor Duncan, with the support of Councilmember Cabral and Mayor Pro Tem Knoblock to agendaize at the May 2, 2023 City Council meeting consideration of designing 24 courts for pickleball at Richard T. Steed Memorial Park with the potential for private funding. To be considered with the City Managers recommendations regarding temporary solutions or alternatives for pickleball.

Naming of Vista Hermosa Sports Park

Mayor Duncan, with the support of Councilmember James and Mayor Pro Tem Knoblock, referred to the Beaches, Parks and Recreation Commission consideration of renaming Vista Hermosa Sports Park in memory of fallen Los Angeles County Firefighter Jonathan Flagler, noted that the Commission should consider all options including corporate partnerships.

Council Schedule

Councilmember Cabral, with the support of Council agendaized review of the City Council meeting schedule in conjunction with the Capistrano Unified School District.

Passover and Easter

Councilmember James acknowledged those that celebrate Passover and Easter.

D. City Attorney

City Attorney Mitchell acknowledged the City and Council for the opportunity to serve as City Attorney.

E. City Manager**Announcement of Contract Approved and Executed by the City Manager**

City Manager Hall reported that the following professional services contract was executed under his signature authority: 1) Bickmore Actuarial providing for the self-insured option review in the amount of \$7,400.

Pickleball

City Manager Hall reported that he is working with Beaches, Parks, and Recreation Director Wylie concerning alternatives for pickleball expediting the future courts at Richard T. Steed Memorial Park; noted staff will return to Council when more information is available.

13. Adjournment

Motion by Councilmember James, second by Councilmember Cabral, CARRIED 4-0 (Councilmember Enmeier absent), to adjourn at 9:26 p.m. The next Regular Meeting will be held on April 18, 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, James, Knoblock and Mayor Duncan

NOE: None

ABSENT: Enmeier

MAYOR of the City of
San Clemente, California

CITY CLERK of the City of
San Clemente, California