

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – May 2, 2023

*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 May 2, 2023 at 6:41 p.m. in the City Council Chambers, located at 910 Calle Negocio, 2<sup>nd</sup> Floor, San Clemente.

**PRESENT** CABRAL, ENMEIER, KNOBLOCK, MAYOR DUNCAN

**ABSENT** None.

**STAFF PRESENT** Andy Hall, City Manager; Elizabeth Mitchell, City Attorney; Laura Campagnolo, City Clerk; Janet Batchelor, Acting Assistant to the City Manager

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### **BUSINESS MEETING**

The Regular Business Meeting convened at 6:41 p.m., with all Councilmembers present.

### **PLEDGE OF ALLEGIANCE**

Andy Flores, City of San Clemente Employee of the Year, led the Pledge of Allegiance.

### 1. **SPECIAL PRESENTATIONS**

#### A. **Employee Service Awards**

City Manager Hall recognized Andy Flores, Andrew Vick, Ryan Peralta, Scott Pierce and Megan Jimenez as the 2023 Core Values Award Recipients and Andy Flores as the 2023 Employee of the Year, and recognized Larry Isaac for 45 years of service to the City.

#### B. **Presentation of Proclamation - Drowning Prevention Awareness**

Mayor Duncan presented a Proclamation to Orange County Fire Authority Division Chief Maule, setting apart May through August 2023 as Drowning Prevention Awareness Season.

C. **Army Corps of Engineers - Sand Replenishment**

Doland Cheung, Project Manager, Programs and Project Management Division, narrated a PowerPoint presentation entitled "San Clemente Shoreline" concerning the upcoming San Clemente Sand Nourishment Project and, along with Public Works Director/City Engineer Koger, responded to Council inquiries. A hard copy of Mr. Cheung's presentation is on file with the City Clerk.

Don Brown, San Clemente, reported that he was involved in the original Army Corps of Engineers study; urged Council and the Army Corps of Engineers to be aware of the quality of sand as they move forward with the project.

Tim Brown, urged Council to research the possibility of a concurrent sand replenishment project for beaches to the north and south of T-Street.

2. **ORAL COMMUNICATIONS (PART 1)**

**Bluff Failures**

John Machuzick, San Clemente, narrated a PowerPoint presentation concerning bluff failure at his home on La Paloma. A hard copy of Mr. Machuzick's presentation is on file with the City Clerk.

**Homelessness**

Lois McNicol, voiced concern that homelessness has increased; opined that many homeless individuals are service resistant.

**Green Line Trolley**

Mikii Rathmann, San Clemente, spoke in support of the Green Line Trolley; urged Council to continue the Green Line Trolley through the summer months.

**Three-Way Stop Sign at Calle Del Cerro**

Jim Sands, San Clemente, voiced concern with the three way stop sign that was recently approved by City Council on Calle del Cerro and Avenida Vista Montana; opined the stop sign will create a traffic backup and line of sight issue.

**Appreciation of Former Councilmember James and Homelessness**

Brian Demsey thanked former Councilmember James on the behalf of Rabbi and Tzippy Slavin; narrated a PowerPoint presentation concerning homelessness. A hard copy of Mr. Demsey's presentation is on file with the City Clerk.

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

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

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

None.

5. **CLOSED SESSION REPORT – CITY ATTORNEY**

None.

6. **STAFF COMMUNICATIONS**

None.

7. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER CABRAL, SECOND BY MAYOR PRO TEM KNOBLOCK, CARRIED 4-0, to approve the Consent Calendar.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER CABRAL, SECOND BY MAYOR PRO TEM KNOBLOCK, CARRIED 4-0, to:

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF APRIL 18, 2023.
- (2) APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF APRIL 24, 2023 (AB- 1234 TRAINING).
- (3) APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF APRIL 24, 2023.

B. **Commission/Committee Minutes**

None.

C. **Warrant Register**

MOTION BY COUNCILMEMBER CABRAL, SECOND BY MAYOR PRO TEM KNOBLOCK, CARRIED 4-0, to:

(1)	APPROVE WIRE TRANSFER NOS. 2833 THROUGH 2834 AND WARRANT NOS. 587571 THROUGH 587723, PAID ON 4-14-23, IN THE AMOUNT OF	\$1,261,718.65
(2)	APPROVE WIRE TRANSFER NOS. 2835 THROUGH 2840 AND WARRANT NOS. 587724 THROUGH 587883, PAID ON 4-21-23, IN THE AMOUNT OF	\$2,029,730.89
	TOTAL WARRANT REGISTER	\$3,291,449.54

**Payroll Register**

WARRANT NO. 901, AUTOMATIC DEPOSIT ADVISES 85176 THROUGH 85464, FOR THE PERIOD 4-3-23 THROUGH 4-16-23, PAID ON 4-21-23, IN THE AMOUNT OF	\$448,930.58
TOTAL PAYROLL REGISTER	\$448,930.58

**D RATIFICATION OF EMERGENCY CONTRACT - REPLACEMENT OF INDUSTRIAL DUTY DOOR AT WATER RECLAMATION PLANT**

MOTION BY COUNCILMEMBER CABRAL, SECOND BY MAYOR PRO TEM KNOBLOCK, CARRIED 4-0, to:

1. Make a finding that an emergency existed due to the failure of the industrial duty rolling steel door and operator at the Water Reclamation Plant which required immediate action to protect public health and safety by maintaining permit compliance, that might have otherwise occurred if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health.
3. Adopt Resolution No. 23-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RATIFYING EMERGENCY CONSTRUCTION CONTRACT WITH VORTEX INDUSTRIES, LLC. FOR REPLACEMENT OF INDUSTRIAL DOOR AND OPERATOR

AT WATER RECLAMATION PLANT.

4. Approve, and authorize the City Manager to execute, Contract No. C23-19, by and between the City of San Clemente and Vortex Industries LLC., providing for replacement of industrial duty door at the Water Reclamation Plant, in an amount not to exceed \$23,700.

**MEETING RECESSED**

Mayor Duncan recessed the meeting at 7:54 p.m. The meeting reconvened at 8:00 p.m. with all members of the City Council present.

8. **PUBLIC HEARINGS**

**A. WEED ABATEMENT 2023 - ORDER TO ABATE NUISANCES BY HAVING WEEDS, RUBBISH, AND REFUSE, REMOVED FROM VACANT AND UNOCCUPIED, DEVELOPED PROPERTIES AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTIONS 15301, 15308, AND 15321 OF THE CEQA GUIDELINES**

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

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

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

MOTION BY MAYOR PRO TEM KNOBLOCK, SECOND BY COUNCILMEMBER ENMEIER, CARRIED 4-0, to adopt Resolution No. 23-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY, NOTIFYING THE STATE, COUNTY, OR ANY OTHER PUBLIC AGENCY AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTIONS 15301,

15308, AND 15321 OF THE CEQA GUIDELINES (14 CCR § 15301(h), CLASS 1: EXISTING FACILITIES, 15308, CLASS 8: ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT, AND 15321, CLASS 21: ENFORCEMENT ACTIONS BY REGULATORY AGENCIES).

**B. CODE AMENDMENT - LOCAL VENDOR PREFERENCE**

Public Hearing concerning consideration of adopting a Local Vendor Preference Ordinance, which would establish a local vendor preference of seven percent for professional and other contractual services.

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

MOTION BY COUNCILMEMBER CABRAL, SECOND BY COUNCILMEMBER ENMEIER, CARRIED 4-0, to introduce Ordinance No. 1750 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING AND REPLACING SAN CLEMENTE MUNICIPAL CODE TITLE 3 REVENUE AND FINANCE, CHAPTER 3.40, SECTION 3.40.030 RELATING TO A LOCAL VENDOR PREFERENCE.

**C. RICHARD T. STEED MEMORIAL PARK/BARON VON WILLARD DOG PARK MASTER PLAN UPDATE, CERTIFICATION OF INITIAL STUDY AND ADOPTION OF MITIGATED NEGATIVE DECLARATION AND MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE PROJECT**

Public Hearing to consider the adoption of a site-specific master plan update to Richard T. Steed Memorial Park, certification of the Initial Study and adoption of a Mitigated Negative Declaration, Monitoring and Reporting Program.

Beaches, Parks and Recreation Director Wylie narrated a PowerPoint presentation entitled Richard T. Steed Memorial Park/Baron Von Willard Master Plan Update and responded to Council inquiries. A hard copy of Ms. Wylie's presentation is on file with the City Clerk.

Mayor Duncan opened the Public Hearing.

Vern West, San Clemente, spoke in support of pickleball; urged Council to adopt the Master Plan.

David Browning, Orange County Mountain Bike Association, spoke in support of the master plan and mountain bike hub.

Steve Larson; Orange County Mountain Bike Association spoke in support of the master plan and mountain bike hub.

AQ opined that there was no parking study associated with the environmental study on this project; voiced concern with the cost of the project.

Linda Williams, San Clemente, spoke in support of pickleball and the Steed Park Master Plan.

Concerned Resident, opined that the Beaches, Parks and Recreation Commission did not have the opportunity to review the CEQA findings for the Steed Park Master Plan until after the comment period expired.

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

MOTION BY MAYOR PRO TEM KNOBLOCK, SECOND BY COUNCILMEMBER ENMEIER, CARRIED 4-0, to:

1. Approve the update to the Richard T. Steed Memorial Park Master Plan with the modification that lights be considered at the pickleball courts in future development.
2. Adopt Resolution No. 23-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING AN INITIAL STUDY, ADOPTING A MITIGATED NEGATIVE DECLARATION AND ADOPTING A MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE RICHARD T. STEED MEMORIAL PARK/BARON VON WILLARD DOG PARK MASTER PLAN UPDATE.
3. Adopt Resolution No. 23-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE RICHARD T. STEED MEMORIAL PARK MASTER PLAN, MAKING A FINDING OF COMPLIANCE WITH THE SAN CLEMENTE CENTENNIAL GENERAL PLAN AND AMENDING RESOLUTION NO. 03-32.

**9. UNFINISHED BUSINESS**

**A. APPROVAL OF A FIRST AMENDMENT TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH PRECISION CIVIL ENGINEERING, INC. FOR THE HOUSING ELEMENT REZONING PROGRAM**

Senior Planner Toma reviewed the contents of the Administrative Report.

Lois McNicol, spoke concerning the cost of a consultant versus the cost to conduct a Special Election.

MOTION BY COUNCILMEMBER CABRAL, SECOND BY MAYOR PRO TEM KNOBLOCK, CARRIED 4-0, to:

1. Adopt Resolution No. 23-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO PREPARE AND EXECUTE THE FIRST AMENDMENT TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT BETWEEN PRECISION CIVIL ENGINEERING, INC. AND THE CITY OF SAN CLEMENTE FOR PLANNING CONSULTING SERVICES TO IMPLEMENT THE HOUSING ELEMENT REZONING PROGRAM.
2. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. AC-1099, by and between the City of San Clemente and Precision Civil Engineering, Inc., providing for the Housing Element Rezoning Program. This amendment increases the contract amount from \$50,000 to an amount not to exceed \$104,000 (an increase of \$54,000).

10. **NEW BUSINESS**

**A. CONSIDERATION OF PARK LEASE AGREEMENT FOR MINI GOLF FACILITY - VISTA HERMOSA SPORTS PARK LEASE LAND**

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

Rick Loeffler spoke in support of the proposed miniature golf facility; noted that the Friends of San Clemente Foundation also supports the miniature golf facility.

Jeff Moore, San Clemente, reported that he is one of the developers for the project and urged Council to vote in support of the miniature golf course.

Marcus Vanneman, San Clemente, noted that he is one of the developers on the project; spoke in support of the lease.

Andrew Street, noted he is a developer for the project; urged Council to move forward with the lease.



MOTION BY MAYOR PRO TEM KNOBLOCK, SECOND BY COUNCILMEMBER CABRAL, CARRIED 4-0, to adopt Resolution No. 23-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING EXCLUSIVE NEGOTIATIONS WITH SALTY TURF LLC FOR THE DEVELOPMENT AND LEASE OF CITY PROPERTY AT 987 AVENIDA VISTA HERMOSA.

**B. CONSIDERATION OF WASTEWATER (SEWER) UTILITY COST OF SERVICE STUDY AND SCHEDULING OF A PUBLIC HEARING ON SEWER RATES**

Financial Services Officer Rahn narrated a PowerPoint presentation entitled "City of San Clemente Wastewater Rate Study – Results" and responded to Council inquiries.

MOTION BY COUNCILMEMBER CARBRAL, SECOND BY COUNCILMEMBER ENMEIER, CARRIED 3-1 (MAYOR PRO TEM KNOBLOCK VOTING NOE), to:

1. Direct staff to revise and finalize the Cost of Service Study utilizing option 2, and approve the final study as so revised for public review.
2. Direct staff to proceed with the Public Hearing Notice (Proposition 218 Notice) and scheduling of such hearing.
3. Adopt Resolution No. 23-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING CITY STAFF TO SEND A NOTICE OF PUBLIC HEARING PURSUANT TO PROPOSITION 218 AND SCHEDULING A PUBLIC HEARING ON SEWER RATES.

**C. UPDATE ON COASTAL ADMINISTRATOR POSITION**

(Agendized at the April 4, 2023 City Council meeting by Councilmember Cabral, with the support of Council.)

City Manager Hall reported that he and Councilmember Cabral met with the Coastal Administrator in Oceanside to determine the model for the newly created position; noted that this position will be included in the upcoming budget.

Lois McNicol, spoke concerning the cost of a Coastal Administrator versus the cost of a Special Election.

MOTION BY MAYOR PRO TEM KNOBLOCK, SECOND BY COUNCILMEMBER CABRAL, CARRIED 4-0, to:

1. Direct the City Manager to complete the creation of the job description for the Coastal Administrator position and begin the recruitment process to allow the new employee to be hired shortly after adoption of the Municipal Budget.
2. Receive and file the Administrative Report dated May 2, 2023 and on file with the City Clerk.

11. **ORAL COMMUNICATIONS (PART 2)**

**Safety Concerns on Via San Gorgonio**

Concerned Resident, narrated a PowerPoint presentation describing safety concerns on Via San Gorgonio. A hard copy of the presentation is on file with the City Clerk.

**San Clemente Police Services**

Rick Loeffler provided an update on recent San Clemente Police Services incidents.

**US Conference of Mayors**

Tony Rubolino requested an update on the unredacted emails where Mayor Duncan communicated with Staff concerning his trip to the US Conference of Mayors; voiced concern with Mayor Duncan's use of social media.

12. **Future Agenda Items**

**Green Line Trolley**

Councilmember Enmeier, with the support of Mayor Duncan and Mayor Pro Tem Knoblock, agendized an update on the Green Line Trolley for consideration of continuing it through the summer months.

**Public Portable Restrooms**

Councilmember Enmeier suggested the installation of public portable restrooms through the City.

**Project Homeward Bound**

Councilmember Enmeier, with the support of Mayor Duncan agendized consideration of the Human Affairs Committee reviewing the benefits of Project Homeward Bound.

### **Private Security Contract**

Councilmember Cabral, with the support of Mayor Pro Tem Knoblock and Mayor Duncan, agendized for the May 16, 2023 meeting consideration of a Private Security contract.

## **13. Reports**

### **A. Commissions and Committees**

#### **(1) RESIGNATION OF ANGELINE JOHNSON FROM THE HUMAN AFFAIRS COMMITTEE**

City Clerk Campagnolo reviewed the contents of the Administrative Report.

MOTION BY COUNCILMEMBER CABRAL, SECOND BY MAYOR PRO TEM KNOBLOCK, CARRIED 4-0, to:

1. Accept the resignation of Angeline Johnson from the Human Affairs Committee, with regret.
2. Provide direction to Staff to solicit applications to fill the remainder of Ms. Johnson's term (June 2024).

### **B. Council Subcommittee Updates**

#### **Beach Nourishment Subcommittee**

Councilmember Cabral noted that he and Councilmember Enmeier met with the Coastal Commission and Army Corps of Engineers.

#### **Homeless Subcommittee**

Councilmember Enmeier noted that the Homeless Subcommittee has had productive meetings concerning the best way to respond to homelessness within the City. Councilmember Cabral thanked Deputy Garcia for her efforts related to participation in the Homeless Subcommittee and her efforts to improve North Beach.

### **C. Council Members**

#### **Southern California Association of Governments 2023 Regional Conference and General Assembly**

Councilmember Cabral reported that he is scheduled to attend the Southern California Association of Governments 2023 Regional Conference and General Assembly.

#### **Cinco de Mayo Event at Max Berg Park**

Councilmember Cabral invited the community to attend the Cinco de Mayo

event at Max Berg Park on Saturday, May 6, 2023.

**Family Fest Event**

Councilmember Enmeier reported on the success of the Family Fest event; encouraged residents to attend future events.

**Lifeguard Foundation Event**

Mayor Duncan reported on his attendance at the Lifeguard Foundation event which featured the winner of the Eddie Aikau big wave contest.

**Orange County Fire Authority Best and Bravest Awards**

Mayor Duncan, Councilmember Cabral and Councilmember Enmeier noted their attendance at the Orange County Fire Authority Best and Bravest awards.

**D. City Attorney**


Reported that she is thankful to serve the City of San Clemente.

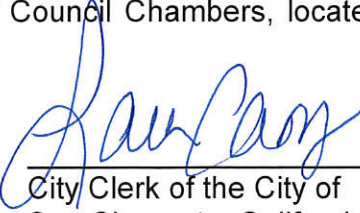
**E. City Manager**

None.

**14. ADJOURNMENT**

MOTION BY COUNCILMEMBER ENMEIER, SECOND BY MAYOR PRO TEM KNOBLOCK, CARRIED 4-0, to adjourn at 10:00 p.m. The next Regular Council Meeting is scheduled to take place on May 16, 2023. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m. The meeting will take place in the City Council Chambers, located at 910 Calle Negocio, 2<sup>nd</sup> Floor, San Clemente.

  
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MAYOR of the City of  
San Clemente, California

  
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City Clerk of the City of  
San Clemente, California