

CITY OF SAN CLEMENTE
Tuesday, May 16, 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

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 16, 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, Knoblock and Mayor Duncan

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

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Existing litigation pursuant to Government Code Section 54956.9(d)(1)
Number of Cases: 3

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

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

BUSINESS MEETING

The meeting reconvened at 6:07 p.m. with all Councilmembers present.

INVOCATION

Remi Shahriary, San Clemente Baha'i Community, gave the invocation.

PLEDGE OF ALLEGIANCE

Tom Streeter led the Pledge of Allegiance.

1. Special Presentations**A. April Update on the Homeless Issue**

Deputy Community Development Director Atamian and Code Enforcement Manager Sorahan narrated a PowerPoint presentation entitled "Community Outreach and Engagement Monthly Report April 2023" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Lois McNicoll opined on the importance of metrics to reflect the number of homeless individuals who have been placed in housing but ultimately end up unhoused.

B. Presentation of Proclamation - National Beach Safety Week

Mayor Duncan presented a proclamation to Marine Safety Officer Mellot and Ocean Lifeguard Supervisor Blanc-Hall, designating May 22- May 29, 2023 as National Beach Safety Week.

C. Presentation of Commendation - San Clemente Educational Foundation

Mayor Duncan presented a commendation to Linda Verraster and Jim Sigafos in recognition of the San Clemente Educational Foundation's 25th Anniversary.

Linda Verraster narrated a PowerPoint Presentation outlining the work of the San Clemente Educational Foundation. A hard copy of the presentation is on file with the City Clerk.

San Clemente Police Services

Captain Christian of San Clemente Police Services introduced Commander Asuncion who manages the Southwest Operations for the Orange County Sheriff's Department and manages seven contract cities in South Orange County.

2. Oral Communications (Part 1)

Concerned resident, San Clemente, narrated a video displaying traffic conditions at San Gorgonio Park.

Lois McNicoll spoke on the number of legislative bills on the agenda; opined on

the importance of Senate Constitutional Amendment No. 2 (Allen): Public Housing Projects, as it relates to local control and California discussing the possibility of reparations.

George Gregory, San Clemente, opined on the financial impact of projects in the City such as pickleball courts and repairs to Casa Romantica; encouraged Council to be fiscally conservative.

Bill Kreutinger commented on the successful test of the auxiliary emergency communications system by Tri-Cities RACES.

Charles Bolt, San Clemente, encouraged Council to pursue installation/construction of a miniature golf course at Vista Hermosa Sports Park.

Amanda Q narrated a PowerPoint presentation entitled "2045 Long Range Transportation Plan (LRTP)". A hard copy of the presentation is on file with the City Clerk.

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

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

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

4. Consideration of agenda 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)

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

6. Staff Communications

Public Works Director/City Engineer Koger provided an update on mitigation efforts at Casa Romantica, the impact to nearby properties and responded to Council inquiries.

7. Consent Calendar

Items 6E, 6F, 6G, 6H, 6I and 6K were removed from the Consent Calendar for discussion.

A. City Council Minutes

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

- (1) APPROVE THE SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 2, 2023.
- (2) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF MAY 2, 2023.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

B. Commission/Committee Minutes

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

- (1) PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF MARCH 28, 2023.
- (2) INVESTMENT ADVISORY COMMITTEE REGULAR MEETING MINUTES OF JANUARY 23, 2023.
- (3) DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF APRIL 12, 2023.
- (4) DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF MARCH 29, 2023.
- (5) PLANNING COMMISSION REGULAR MEETING MINUTES OF APRIL 19, 2023.
- (6) PLANNING COMMISSION REGULAR MEETING MINUTES OF MAY 3, 2023.
- (7) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF APRIL 20, 2023.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

C. Warrant Register

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

- (1) APPROVE WIRE TRANSFER NOS.
2841 THROUGH 2842 AND WARRANT NOS.
587884 THROUGH 588047 PAID ON
4-28-23, IN THE AMOUNT OF \$1,051,050.66

TOTAL WARRANT REGISTER \$1,051,050.66

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

D. ORDINANCE 1750 (SECOND READING) - LOCAL VENDOR PREFERENCE

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 4-0, to adopt 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.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

J. APPROVAL OF TRAINING - MAYOR PRO TEMPORE KNOBLOCK AND COUNCILMEMBER CABRAL ATTENDANCE AT SMART COAST CALIFORNIA'S 2ND ANNUAL POLICY SUMMIT

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 4-0, to approve, and authorize the Mayor Pro Tempore Knoblock and Councilmember Cabral to attend Smart Coast California's 2nd Annual Smart Coast Policy Summit May 18-19, 2023.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**E. CONSIDERATION OF SUPPORTING CALIFORNIA ASSEMBLY BILL (AB) 882 (DAVIES) COASTAL RESOURCES: STATE COASTAL CONSERVANCY: ADVANCE PAYMENTS**

Amanda Q narrated a PowerPoint presentation entitled "AB 882". A hard copy of the presentation is on file with the City Clerk.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 4-0, to authorize the Mayor to execute a letter of support on behalf of the City Council.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

F. CONSIDERATION OF SUPPORTING CALIFORNIA ASSEMBLY BILL (AB) 966 (DAVIES) SHORELINE EROSION CONTROL

Amanda Q narrated a PowerPoint presentation entitled "AB 966 Amending Harbor and Navigation Code §67.5". A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 4-0, to authorize the Mayor to execute a letter of support on behalf of the City Council.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

G. CONSIDERATION OF PROVIDING A LETTER OF SUPPORT FOR CALIFORNIA SENATE BILL (SB) 337 (MIN) LAND AND COASTAL WATERS CONSERVATION GOAL

Amanda Q expressed concerns regarding support for SB 337.

Don Brown urged caution with support for SB 337; opined that Council should oppose SB 337.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, to table the approval and authorization of the Mayor to execute a letter of support for SB 337.

Substitute motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, FAILED 2-2 (Duncan and Enmeier voting Noe), to authorize the Mayor to execute a letter of opposition to SB 337.

AYE: Cabral and Knoblock

NOE: Enmeier and Mayor Duncan

The original motion on the floor by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, was voted on and CARRIED 4-0, to table a letter of support for SB 337.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

H. APPROVAL OF A LICENSE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR CONTINUED USE OF THE SAN CLEMENTE PEDESTRIAN BEACH TRAIL AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS I (EXISTING FACILITIES, 14 CCR 15301) OF THE CEQA GUIDELINES

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 4-0, to direct staff to renegotiate the license agreement with the Orange County Transportation Authority for continued use of the San Clemente Beach Trail for a term of 5-7 years.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

I. ADOPTION OF RESOLUTION NO. 23-30, APPROVING A LICENSE AGREEMENT WITH ABOUND FOOD CARE FOR EMERGENCY MEAL STORAGE

Lois McNicoll requested additional information on the type of emergency meals being stored; expressed concerns regarding emergency meal distribution as it relates to North Beach.

Public Works Director/City Engineer Koger and Kate Albrecht, Abound Food Care, responded to Council inquiries.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, to direct staff to return to Council with further analysis concerning where the expiring food is donated, what County oversight there is on the program and what is the protocol for the program.

Substitute motion by Mayor Duncan, second by Councilmember Enmeier, FAILED 2-2 (Knoblock and Cabral voting Noe), to:

1. Adopt Resolution No. 23-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A LICENSE AGREEMENT WITH ABOUND FOOD CARE.

2. Approve, and authorize the City Manager to execute, Contract No. C23-22, a License Agreement, by and between the City of San Clemente and Abound Food Care, allowing for use of space in a material storage yard at the City's Water Reclamation Plant located at 30 Avenida Pico to place and operate one solar powered cold storage unit with solar panels.

AYE: Enmeier and Mayor Duncan

NOE: Cabral and Knoblock

The original motion on the floor by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 3-1(Duncan voting Noe), to direct staff to return to Council with further analysis concerning where the expiring food is donated, what County oversight there is on the program and what is the protocol for the program.

AYE: Cabral, Enmeier and Knoblock

NOE: Mayor Duncan

K. ADOPTION OF RESOLUTION NO. 23-31, AWARDED A MAINTENANCE SERVICES AGREEMENT TO ACCESS CONTROL SECURITY, INC. TO PROVIDE PARKING ENFORCEMENT SERVICES DURING STREET SWEEPING OPERATIONS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 (EXISTING FACILITIES, 14 CCR SECTION 15301) OF THE STATE CEQA GUIDELINES

Amanda Q expressed concerns regarding parking enforcement and effectiveness of the selected firm relating to ticketing.

City Manager Hall requested that this item be continued in order to evaluate different options for parking enforcement services during street sweeping, including the possibility of utilizing City staff.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 4-0, to continue this item.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

8. Public Hearings

None.

9. Unfinished Business

None.

10. New Business**Reorganization of Agenda**

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 4-0, to move Item 10C - Consideration of the Design of 24 Pickleball Courts at Steed Park and Options for Construction of Temporary Pickleball Courts, to the beginning of the New Business section of the agenda. Please refer to page 11 of these minutes for a summary of action.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

Meeting Recessed

The meeting was recessed at 8:14 p.m. and reconvened at 8:22 p.m. with all Councilmembers present.

A. CONSIDERATION OF PROCEDURES TO APPOINT A COUNCILMEMBER TO FILL THE UNEXPIRED TERM OF FORMER COUNCILMEMBER GENE JAMES (NOVEMBER 2024)

City Clerk Campagnolo narrated a PowerPoint presentation entitled "City Council Candidate Appointment" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Bridget Callanan, San Clemente, spoke in support of Donna Vidrine for appointment to City Council.

Julie Patten, opined that all candidates should be allotted 3 minutes to address Council; spoke in support of Donna Vidrine.

Amanda Q commented on the split vote when replacing the late Mayor Swartz and Mayor Bane; does not support a ranking system.

Louise Herbert opined that applicants should be vetted; suggested that each candidate submit a 5-minute video responding to questions.

Tim Brown, San Clemente, recommended that each candidate should present their interest at tonight's meeting.

Concerned resident, San Clemente, opined that Council should give each candidate 3 minutes and limit question and response time to narrow the field of candidates.

Susan Ambrose, San Clemente, opined that the Council should utilize a similar process as the City's Commissions and Committee interviews.

Tony Rubolino opined that Council should inquire with each candidate on

information concerning their views on issues affecting San Clemente, but separate than what was provided on the application.

Linda Williams, San Clemente, opined that each candidate should be allowed 3 minutes to address Council; supported a motion of support from two Councilmembers to further interview candidates.

Motion by Mayor Duncan, second by Councilmember Cabral, CARRIED 4-0, to schedule a Special Meeting for Tuesday, May 23, 2023 at 4:00 p.m. and invite all candidates to interview. The order in which candidates will be interviewed will be selected at random at the meeting and each candidate will be given 3 minutes in which to provide comments. Following deliberations, Council will narrow the pool of applicants to move to the next round of interviews. Each Councilmember will use a ranking sheet to identify five candidate they would like to move forward in the interview process. Council would then make motions on the candidates that receive multiple nominations to move them to the next round of interviews. Each Councilmember will be allotted two questions to ask each finalist. The finalists will have one minute each to answer each question. Council may determine to make an appointment at the conclusion of the Council meeting. If not, a second Special Meeting has been scheduled for 6:00 p.m. on Wednesday, May 24, 2023.

B. 2023 TROLLEY UPDATE, LETTER TO ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA), AND CONSIDERATION OF CONTINUATION OF THE GREEN LINE TROLLEY

Economic Development Officer Lightfoot and Assistant City Engineer Ponsen reviewed the contents of the Administrative Report and responded to Council inquiries.

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

1. Receive and file the Administrative Report dated May 16, 2023, and on file with the City Clerk.
2. Authorize the City Manager to execute and send the Letter of Interest provided in Attachment 1 of the Administrative Report to the Orange County Transportation Authority.
3. Direct staff to report back on the estimated cost of continuing the Green Line Trolley.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

C. **CONSIDERATION OF THE DESIGN OF 24 PICKLEBALL COURTS AT STEED PARK AND OPTIONS FOR CONSTRUCTION OF TEMPORARY PICKLEBALL COURTS**

This item was heard earlier in the meeting, for a summary of action please reference page 9 of these minutes.

Public Works Director/City Engineer Koger and Beaches, Parks and Recreation Director Wylie narrated a PowerPoint presentation entitled "Consideration of the Design of 24 Pickleball Courts at Steed Park and Options for Construction of Temporary Pickleball Courts" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Marty Weinberg, USA Pickleball Ambassador, commented on the timeline of pickleball in San Clemente; urged Council to approve the project at Richard T. Steed Memorial Park.

Linda Williams, San Clemente, reported that the picklball community is willing to fundraise to help build courts at Richard T. Steed Memorial Park.

Matt Young, representing Glaukos Corporation, expressed interest in sponsorship and project design features for Richard T. Steed Memorial Park.

Buz Buster, San Clemente, expressed support for pickleball courts at Richard T. Steed Memorial Park.

Amanda Q expressed concerns regarding changes in the plans and procedures concerning the pickleball courts; opined that the project should be heard by the Planning Commission.

Marvin Dennis, San Clemente, opined that the City should capitalize on the potential revenue that building 24 pickleball courts can generate.

Tim Brown, San Clemente, opined on a phased approach concerning the building of pickleball courts at Richard T. Steed Memorial Park as it relates to partnerships for funding.

Concerned resident, San Clemente, requested that Council provide peaceful enjoyment of her home.

Motion by Councilmember Cabral, second by Councilmember Enmeier, CARRIED 4-0, to amend the design contract to increase the number of pickleball courts to 24 and to expedite the temporary pickleball courts to be built at Richard T. Steed Memorial Park and provide a status update at the June 6, 2023 City Council meeting.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

D. PRIVATE SECURITY SUBCOMMITTEE REPORT

City Manager Hall narrated a PowerPoint presentation entitled "Private Security Subcommittee Report" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Diane Harkey, Dana Point, commented on the quality of services provided by Orange County Sheriff's Department; opined that San Clemente Police Services is understaffed.

Amanda Q spoke in support of private security at North Beach and on Avenida Del Mar.

Concerned resident, San Clemente, spoke on safety concerns at San Gorgonio Park.

Lois McNicoll opined that San Clemente needs private security in North Beach, especially along the beach trail.

Captain Christian, San Clemente Police Services, reviewed the Orange County Sheriff's Department proposal and responded to Council inquiries.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 4-0, to approve four additional Orange County Sheriff's Deputies at a cost of \$305,347 per Deputy or \$1,221,458 for 4 Deputies per year. First year only cost of \$229,975 for equipment (nominal maintenance cost afterward) for a total monthly cost of \$120,953 for the first year and \$101,788 plus additional maintenance costs thereafter.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

E. PROJECT HOMEWARD BOUND

Amanda Q expressed concerns regarding the Human Affairs Committee researching the benefits of working with Project Homeward Bound.

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 4-0, to direct the Human Affairs Committee to research the benefits of working with Project Homeward Bound and how the City can augment its current services with Project Homeward Bound.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

11. Oral Communications (Part 2)

Tony Rubolino narrated a PowerPoint presentation entitled "Privileged Duncan". A hard copy of the presentation is on file with the City Clerk.

12. Future Agenda Items

Councilmember Knoblock requested that the Regional Commission and Committee vacancies be updated with the resignation of Councilmember James.

13. Reports**A. Commissions and Committees****San Onofre Nuclear Generation Station (SONGS)**

Councilmember Enmeier announced that he toured SONGS and learned about the decommissioning process.

Southern California Association of Governments (SCAG)

Councilmember Cabral reported that he attended the SCAG 2023 Regional Conference and Assembly; noted that he will provide the City Manager with pertinent information from the conference.

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

Mayor Duncan reported on the Contract execution concerning sand and beach nourishment.

Recycling Program

Councilmember Cabral reported on a recycling company that donated to non-profits in the community.

D. City Attorney

None.

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

City Manager Hall announced a contract executed under his signature authority with Underground Solutions providing for Recycled Water Quality Improvement Project for \$38,425.

14. Adjournment

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 4-0, to adjourn at 10:21p.m. in memory of Richard 'Rod' Rodriguez to an Adjourned Regular Meeting to be held on May 23, 2023 at 1:30 p.m. for the purpose of conducting the Budget Workshop. The meeting will take place in the Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

The next Regular Council Meeting is scheduled to take place on June 6, 2023. Closed Session will begin at 5:00 p.m. and the Regular Business Meeting will begin at 6:00 p.m. The meeting will take place in the Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

AYE: Cabral, Enmeier, Knoblock and Mayor Duncan

NOE: None

MAYOR of the City of
San Clemente, California

CITY CLERK of the City of
San Clemente, California