



4:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

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

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 Special and Regular Meeting of the San Clemente City Council was called to order by Mayor Duncan on July 18, 2023 at 4:00 p.m. in the San Clemente City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

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

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

CLOSED SESSION

Amanda Q narrated a PowerPoint presentation concerning the City of San Clemente v. Foothill/Eastern Transportation Corridor Agency. A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to recess to Closed Session at 4:03 p.m. to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Number of Cases: 1

Facts and Circumstances per Government Code section 54956.9(e)(2):
Allegations under the California Voting Rights Act of 2001

B. 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: Ferguson v. San Clemente, et al.

Orange County Superior Court Case No. 30-2021-01221022-CU-WM-CJC

C. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Whether to initiate litigation pursuant to Government Code section 54956.9(d)(4)

Number of Cases: 1

Case Name: Southern California Edison Company v. California State Board of Equalization

Orange County Superior Court Case No: 30-2023-01328239-CU-MC-CXC

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

NOE: None

Closed Session concluded at 5:59 p.m.

BUSINESS MEETING

Council reconvened at 6:03 p.m. with all Councilmembers present.

INVOCATION

Jean Quinn, Local Spiritual Assembly of the Baha'is of San Clemente, gave the invocation.

PLEDGE OF ALLEGIANCE

Nelson Coburn led the Pledge of Allegiance.

1. Special Presentations

A. Homeless Update

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

Donna Vidrine opined on the importance of the homeless task force as it relates to community involvement.

Kathy Esfahani, San Clemente Affordable Housing Coalition, spoke on the complaint submitted to the California Department of Housing and Community Development regarding SB2 zoning; urged Council to utilize available funding to address housing needs.

Lois McNicoll opined on the information provided in the June 2023 Outreach and Engagement report.

B. Recognition of San Clemente High School Boys Track State Champions

Mayor Duncan recognized Pierce Clark, Jackson Brownell, Brett Ephraim and Taj Clark on their Boys Track State Championship.

2. Oral Communications (Part 1)**Marine and Veteran Services**

Nelson Coburn, San Clemente, requested that Council designate a location within the City to provide local service members and veterans a community center.

Wayne Eggleston narrated a PowerPoint presentation concerning building a relationship with local Marines. A hard copy of the presentation is on file with the City Clerk.

Rick Rodriguez opined that when the City replaces a playground, it should be replaced with a military themed playground.

Community Concerns

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

Lois McNicoll opined on the potential impacts of Senate Bill 553 (Kalra) Occupational Safety: workplace violence: restraining orders and workplace violence prevention plan, as it relates to shoplifting.

Reorganization of Agenda

Motion by Councilmember Loeffler, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to consider item 9B prior to the Consent Calendar.

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

NOE: None

Please reference page 18 of these minutes for a summary of action.

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

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

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

NOE: None

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:

No reportable action concerning:

Facts and Circumstances per Government Code section 54956.9(e)(2):
Allegations under the California Voting Rights Act of 2001

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)

Case Name: Ferguson v. San Clemente, et al.
Orange County Superior Court Case No. 30-2021-01221022-CU-WM-CJC

Council gave direction; no reportable action concerning:

Case Name: Southern California Edison Company v. California State Board
of Equalization
Orange County Superior Court Case No: 30-2023-01328239-CU-MC-CXC

6. Consent Calendar

Items D, E and F were removed from the Consent Calendar for discussion.

A. City Council Minutes

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

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF JUNE 20, 2023.
- (2) APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF JUNE 22, 2023.

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

NOE: None

B. Commission/Committee Minutes

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

- (1) PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF APRIL 25, 2023.
- (2) PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF MAY 23, 2023.
- (3) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF JUNE 22, 2023.
- (4) PLANNING COMMISSION REGULAR STUDY SESSION MINUTES OF JUNE 21, 2023.
- (5) PLANNING COMMISSION REGULAR MEETING MINUTES OF JUNE 21, 2023.

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

NOE: None

C. Warrant Register

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

- | | | |
|-----|---|-----------------------|
| (1) | APPROVE WIRE TRANSFER NOS.
2866 THROUGH 2869 AND WARRANT NOS.
589046 THROUGH 589171, PAID ON
6-16-23, IN THE AMOUNT OF | \$1,361,196.24 |
| (2) | APPROVE WIRE TRANSFER NOS.
2870 THROUGH 2871 AND WARRANT NOS.
589172 THROUGH 589311, PAID ON
6-23-23, IN THE AMOUNT OF | \$883,280.90 |
| (3) | APPROVE WIRE TRANSFER NOS.
2872 THROUGH 2875 AND WARRANT NOS.
589312 THROUGH 589478, PAID ON
6-30-23, IN THE AMOUNT OF | \$923,840.26 |
| (4) | APPROVE WIRE TRANSFER NOS.
2876 THROUGH 2880 AND WARRANT NOS.
589479 THROUGH 589706, PAID ON
7-7-23, IN THE AMOUNT OF | \$5,509,110.73 |
| | TOTAL WARRANT REGISTER | \$8,677,428.13 |

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

NOE: None

Payroll Register

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

WARRANT NO. 903, AUTOMATIC DEPOSIT
ADVISES 86377 THROUGH 86706,
FOR THE PERIOD 5-29-23 THROUGH
6-11-23, PAID ON 6-16-23, IN THE
AMOUNT OF \$515,661.84

WARRANT NOS. 904 THROUGH 907
AUTOMATIC DEPOSIT ADVISES 86707
THROUGH 87063, FOR THE PERIOD
6-12-23 THROUGH 6-25-23, PAID
ON 6-30-23, IN THE AMOUNT OF \$538,807.40

TOTAL PAYROLL REGISTER \$1,054,469.24

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

NOE: None

G. CONSIDERATION OF WAIVING THE BLACKBALL POLICY AT T-STREET FOR SPECIAL EVENT PERMIT - ANNUAL RED BULL FOAM WRECKERS TOUR AND DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 1 (EXISTING FACILITIES)

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

Adopt Resolution No. 23-64, which will:

1. Determine that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the state CEQA guidelines.

2. Approve a waiver of the blackball policy at T-Street for up to three years for one day in August, to allow for the setup and operation of the Red Bull Foam Wreckers Tour surf contest.

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

NOE: None

H. **CONTRACT AWARD - FY 2023-2024 STREET IMPROVEMENT PROGRAM AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

Adopt Resolution No. 23-65, which will:

1. Find the FY 2023-24 Street Improvement Program, Project No. 14337 categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Award the FY 2023-24 Street Improvement Program to Roy Allan Slurry Seal, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C23-39, by and between the City of San Clemente and Roy Allan Slurry Seal, Inc., providing for the FY 2023-24 Street Improvement Program, in an amount not to exceed \$2,754,072, plus a 10% project contingency of \$275,407, in a form substantially similar to Contract No. C23-39 (Attachment 4).

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

NOE: None

I. **CONSIDERATION OF UPDATING THE SPILL EMERGENCY RESPONSE PLAN SECTION OF THE CITY OF SAN CLEMENTE SANITARY SEWER MANAGEMENT PLAN AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE ENVIRONMENTAL QUALITY ACT UNDER CLASS 8**

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

Adopt Resolution No. 23-66, which will:

1. Determine that the Project is categorically exempt from CEQA under Class 8 (Actions by Regulatory Agencies for Protection of the Environment, 14 CCR section 15308), of the State CEQA Guidelines.
2. Approve, and authorize the City Manager and Utilities Manager to execute, the Spill Emergency Response Plan (Contract No. C23-41).
3. Authorize the City Manager and Utilities Manager to approve the Spill Emergency Response Plan Amendment, and any future minor updates mandated by the State Water Resources Control Board regarding the Sanitary Sewer Management Plan, Sanitary Sewer Overflow Prevention Plan and Sanitary Sewer Overflow Emergency Response Plan.

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

NOE: None

J. CONTRACT AWARD - PURCHASE OF COHESITY DATA PROTECTION SYSTEM

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

Adopt Resolution No. 23-67, which will:

1. Award Bid IT-036 to Savant Solutions, Inc.

2. Approve, and authorize the City Manager to execute, Contract No. C23-40, by and between the City of San Clemente and Savant Solutions, Inc., providing for Cohesity Data Protection Solution under the terms of the State of California SLP-21-70-0276D, in an amount not to exceed \$137,011, which includes \$124,511 for the equipment and software purchase, training, three years of service, maintenance and support, as well as a contingency of \$12,500 for increased data capacity as needed over the three-year term.

3. Authorize City Staff to accept the Cohesity End User License Agreement and Cohesity Software-as-a-Service (SAAS) Terms of Service.

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

NOE: None

K. CONSIDERATION OF APPROVING THE STRATEGIC IMPLEMENTATION PROGRAM FOR FISCAL YEAR 2023-2024

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to adopt Resolution No. 23-68, which will approve the General Plan Strategic Implementation Program for Fiscal Year 2023-24.

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

NOE: None

L. CONSIDERATION OF DELEGATING BANKING AND CUSTODIAL AUTHORITY

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to adopt Resolution No. 23-69, which will delegate banking and custodial authority to the Mayor, City Manager and City Treasurer as representatives of the City to approve and authorize banking and custodial documents.

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

NOE: None

M. CONSIDERATION OF APPROVING A CONTRACT CHANGE ORDER TO CONTINUE EMERGENCY PUMP WATCH SERVICES AND APPROPRIATING SUPPLEMENTAL FUNDING FOR CYPRUS SHORE PUMP STATION EMERGENCY OPERATION

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

Adopt Resolution No. 23-70, which will:

1. Find that an emergency exists 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 \$340,960 to Account Number 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve to fund emergency wastewater operations through March 2024.
4. Approve, and authorize the City Manager to execute, Change Order No. 7 to Contract No. C21-41, by and between the City of San Clemente and O'Connell Engineering and Construction, Inc., providing for Cyprus Shore Emergency Pump Station Bypass Operation, Project No. 12209, through September 30, 2023, on a time and materials basis in the amount of \$183,360.

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

NOE: None

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

D. ORDINANCE NO. 1753 (SECOND READING) - THE COASTAL ADVISORY COMMITTEE

Amanda Q spoke in support of Council re-instating the Coastal Advisory Committee.

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

1. Adopt Ordinance No. 1753 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 2.29 TO THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO CREATE A COASTAL ADVISORY COMMITTEE.
2. Upon adoption of Ordinance No. 1753, direct the City Clerk to recruit to fill 5

vacancies on the newly created Coastal Advisory Committee, and set a meeting date to interview and appoint committee members.

3. Direct staff to return at the August 15, 2023 City Council meeting with an amendment to the ordinance to include in the mission section an emphasis that the primary mission of the Coastal Advisory Committee is sand replenishment and preservation.

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

NOE: None

E. CONSIDERATION OF APPROVAL FOR TRAINING - MAYOR PRO TEMPORE KNOBLOCK ATTENDANCE AT CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (JPIA) RISK MANAGEMENT EDUCATIONAL FORUM

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to table this item due to the fact that no expenses will be incurred as a result of Mayor Pro Tem Knoblock's attendance at the California Joint Powers Insurance Authority Risk Management Educational Forum.

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

NOE: None

F. CONSIDERATION OF APPROVAL FOR TRAVEL - MAYOR DUNCAN ATTENDANCE AT COMMANDANT'S NATIONAL SECURITY PROGRAM (CNSP)

Amanda spoke in opposition of reimbursement of Mayor Duncan's travel expenses; opined the the Comandant's National Security Program is not related to City business.

Motion by Mayor Duncan, second by Councilmember Enmeier, CARRIED 3-2 (Councilmember Cabral and Mayor Pro Tem Knoblock voting NOE), to approve the Mayor's request for reimbursement of \$1,242 for roundtrip airfare from Los Angeles to Harrisburg, Pennsylvania to participate in the Commandant's National Security Program.

AYE: Enmeier, Loeffler and Mayor Duncan

NOE: Cabral and Knoblock

7. Public Hearings

A. BY-DISTRICT ELECTIONS - CONTINUATION OF PUBLIC HEARING

Public Hearing pursuant to Elections Code Section 10010(a)(1) for the purpose of inviting and receiving public input regarding the composition of districts before and inform the drawing of a draft map or maps of the proposed boundaries of districts. If the Council passes a resolution of intention outlining its intention to transition from at-large to district based

elections under Government Code Section 34886 effective for the November 2024 General Municipal Election.

Mayor Duncan opened the Public Hearing.

Amanda commented on the demand letter sent to the City by the law offices of Mitchell Jackson, esq.; opined that the electorate has already decided this issue.

Decline, San Clemente, requested that Council provide information to residents concerning options to respond to the demand letter.

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

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to continue the Public Hearing to the Regular City Council meeting of August 15, 2023 and direct the City Clerk to re-advertise the Public Hearing.

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

NOE: None

B. CONSIDERATION OF ADOPTING AN UPDATED RECREATION FEE SCHEDULE AND REPEALING AND REPLACING POLICY AND PROCEDURE 702-5 RECREATION SPORTS PARTNERSHIPS

Public Hearing to consider a City-initiated proposal to amend the parks and recreation fee schedule associated with the discount given to youth sports organizations with approved sport partnerships pursuant to Chapter 66018(a) of the California Government Code.

Mayor Duncan opened the Public Hearing.

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

Decline, San Clemente, expressed concerns regarding enforcement of violations of recreation sports partners as it relates to potential impacts on the San Geronio Park neighborhood.

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

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

1. Adopt Resolution No. 23-71, which will repeal and replace Policy and

Procedure 702-5 Youth Field Sports Recreation Partnership.

2. Adopt Resolution No. 23-72, which will amend the recreation fee schedule and repeal Resolution No. 16-23.

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

NOE: None

Council requested that the City Clerk provide documentation that states that San Geronio is restricted to residents only and provide any restrictions regarding non-residents.

C. PUBLIC HEARING AND INTRODUCTION (FIRST READING) OF AN ORDINANCE AMENDING CHAPTER 13.29.190 SUBSECTION (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Public Hearing to consider a proposal to amend the City of San Clemente Municipal Code Section 13.24 regarding proposed rate modification for the Sewer Utility.

Mayor Duncan opened the Public Hearing.

Financial Services Officer Rahn and Utilities Director Rebensdorf narrated a PowerPoint presentation entitled "City of San Clemente Wastewater Rate Study" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

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

Motion by Councilmember Cabral, second by Councilmember Loeffler, CARRIED 4-1 (Mayor Pro Tem Knoblock voting NOE), to:

1. Hear the public protests and count the protests. It was read into the record that the City received two written protests out of 16,652 active parcels receiving wastewater service.

2. Because the City did not receive protests from a majority of parcels receiving wastewater service, the City Council introduced and conducted the first reading of Ordinance No. 1754 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190 SUBSECTIONS (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

AYE: Cabral, Enmeier, Loeffler and Mayor Duncan

NOE: Knoblock

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

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 a.m. - 8 p.m. daily.

Mayor Pro Tem Knoblock disclosed conversations he had concerning Primo Foods Beer and Wine with David Gutierrez.

Mayor Duncan disclosed conversations he had concerning Primo Foods Beer and Wine with David Gutierrez.

Councilmember Cabral disclosed conversations he had concerning Primo Foods Beer and Wine with David Gutierrez.

Councilmember Loeffler reported that his wife is on the Planning Commission, but noted he did not discuss this project with her.

City Attorney Mitchell opined that Councilmember Loeffler does not have a conflict, and therefore can vote on this matter.

Mayor Duncan opened the Public Hearing.

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

Sam Assi (Applicant) and Joseph Stine (Counsel for Applicant) provided examples of how Primo Foods Beer and Wine has worked to address Council and community concerns.

Stan Schrofer spoke in opposition to the approval of Minor Conditional Use Permit 22-197.

Bob Cooper, San Clemente, spoke in opposition to the approval of Minor Conditional Use Permit 22-197.

Donna Vidrine, San Clemente, spoke in support of the approval of Minor

Conditional Use Permit 22-197.

Joseph Stine (Counsel for the Applicant) addressed the comments and concerns raised in the public comments.

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

Motion by Councilmember Loeffler, second by Councilmember Enmeier, CARRIED 5-0, to:

1. 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 and affirm the Zoning Administrator's approval of Minor Conditional Use Permit 22-197.

2. Approve an additional condition of approval which reads as follows: Parking in the vicinity of the project shall be reviewed by the City Planner and Director of Public Works six (6) months and twelve (12) months after the commencement of this permit. At either review, if the City Planner or Director of Public Works, in their discretion, determines that parking issues are negatively affecting the project site, adjacent properties, or the surrounding street network, the permit shall be reviewed in a public hearing by the Zoning Administrator to determine if modification or revocation of the permit is necessary to address such parking issues. The applicant shall be responsible for submitting an amendment of the permit, and all costs associated with it, to facilitate the Zoning Administrator's review.

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

NOE: None

E. CONSIDERATION OF APPROVING THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE) COASTAL STORM DAMAGE REDUCTION PROJECT; ADOPTING THE FINAL FEASIBILITY STUDY AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)/ FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (SEA) AND FINDING OF NO SIGNIFICANT IMPACT (FONSI); ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND AUTHORIZING ENTRY INTO A STATE LANDS LEASE

Public Hearing to consider the San Clemente and United States Army Corps of Engineers Coastal Storm Damage Reduction Project (Proposed Project); certify the Final Environmental Impact Statement/Environmental

Impact Report (EIS/EIR); adopt a Mitigation Monitoring and Reporting Program and Findings of Fact; and file a Notice of Determination.

Mayor Duncan opened the Public Hearing.

Public Works Director/City Engineer Koger and City consultant Leslea Meyerhoff, Summit Environmental Group, Inc., reviewed the contents of the Administrative Report and responded to Council inquiries.

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

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

Adopt Resolution No. 23-74, which will:

1. Approve the Project which will implement public beach restoration activities placing 251,000 cubic yards of sand on the City's beaches in 2023 with eight future beach sand replenishment events over the next 50 years (through 2073/2074).
2. Adopt the Final Feasibility Study and certify the Final Environmental Impact Statement (FEIS)/Final Environmental Impact Report (FEIR) and Supplemental Environmental Assessment (SEA)/Finding of No Significant Impact (FONSI).
3. Adopt the Mitigation Monitoring and Reporting Program.
4. Adopt the Findings of Fact and Statement of Overriding Considerations.
5. Direct the Public Works Director/City Engineer to file the California Environmental Quality Act (CEQA) Notice of Determination with the County Clerk.
6. Authorize City Manager to enter into a State Lands Lease with the California State Lands Commission in support of the Project.

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

NOE: None

F. CODE AMENDMENT - COMMERCIAL AND RECREATIONAL VEHICLE PARKING AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Public Hearing for the City Council to consider a recommendation of the Public Safety Committee to adopt a proposed ordinance to amend various provisions to Title 10, Vehicles and Traffic, of the San Clemente Municipal Code (SCMC) to modify regulations related to the parking of commercial,

recreational, and oversize vehicles on public property, including streets.

Mayor Duncan opened the Public Hearing.

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

Amanda narrated a PowerPoint presentation entitled "Commercial and RV Code Changes". A hard copy of the presentation is on file with the City Clerk.

George Gregory, San Clemente, opined that the current Municipal Code negatively impacts businesses.

Donna Vidrine, San Clemente, expressed concerns regarding the recommended changes as it relates to individuals living in their vehicles and family and friends visiting San Clemente residents.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 5-0, to temporarily suspend this item.

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

NOE: None

City Manager Hall requested a continuation of this item to clarify enforcement and language in the ordinance.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, to remove section three from the ordinance regarding pick-up trucks and utility racks as it relates to the definition of commercial vehicles and storage of items on the utility racks and items that extend beyond the vehicle length. **This motion was withdrawn.**

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to continue the Public Hearing to the Regular City Council meeting of August 15, 2023. Council requested that alternatives be provided for section three of the ordinance regarding pick-up trucks and utility racks as it relates to the definition of commercial vehicles and storage of items on the utility racks and items that extend beyond the vehicle length. Staff is also to address the "sprinter van" and similar size vehicles in the ordinance.

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

NOE: None

8. Unfinished Business

None.

9. New Business**A. CODE AMENDMENT - RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND HUMAN AFFAIRS COMMITTEE, RESPECTIVELY, ADDING CHAPTER 2.45, ESTABLISHING AN ARTS AND CULTURE COMMITTEE; AND CONSIDERATION OF A RESOLUTION REGARDING COMPENSATION FOR MEMBERS OF THE ARTS AND CULTURE COMMITTEE AND COASTAL ADVISORY COMMITTEE**

Councilmember Loeffler, with the support of Councilmember Cabral and Mayor Pro Tem Knoblock, directed the City Clerk to return to Council with a Resolution for compensation of \$55.00 per meeting for Public Safety and Investment Advisory committee members.

Councilmember Loeffler, with the support of Councilmember Enmeier and Mayor Duncan, directed the City Clerk to re-advertise for the vacancy on the Public Safety Committee.

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

1. Introduce Ordinance No. 1756 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 2.28 AND 2.40 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND HUMAN AFFAIRS COMMITTEE, RESPECTIVELY, ADDING CHAPTER 2.45 ESTABLISHING AN ARTS AND CULTURE COMMITTEE.
2. Adopt Resolution No. 23-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELATING TO COMPENSATION PAID TO MEMBERS OF THE ARTS AND CULTURE COMMITTEE AND COASTAL ADVISORY COMMITTEE.
3. Upon adoption of Ordinance No. 1756, direct staff to recruit to fill five vacancies on the newly created Arts and Culture Committee and set a meeting date to interview and appoint committee members.
4. Receive and file the Administrative Report, dated July 18, 2023, which is on file with the City Clerk.

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

NOE: None

B. CONSIDERATION OF DIRECTING FUTURE REPAIRS AT CASA ROMANTICA, FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROPRIATING \$8,583,560 IN FUNDING

This item was considered earlier in the meeting, please reference page 3 for a summary of action.

Public Works Director/City Engineer Koger and Kevin Colson, LGC Geotechnical, narrated a PowerPoint presentation entitled "Future Repairs at Casa Romantica Landslide" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

City Manager Hall announced that the City will post weekly updates on the City's website to update the community on the mitigation efforts.

Mark Lauria, San Clemente, commented on the impact of the landslide at Casa Romantica on the neighboring Reef Gate Community.

Chuck Hartman, San Clemente, commented on the impact of the Casa Romantica landslide on the Reef Gate Community.

David Peter, San Clemente, spoke on the urgency of the repairs at Casa Romantica and the effected slope; spoke in support of the mitigation measures.

John Sullivan, San Clemente, commented on the impact of the landslide at Casa Romantica on the Reef Gate Community; spoke in support of the repairs and urged Council to expedite the project.

Storme Switzer, San Clemente, spoke on the impact of the landslide at Casa Romantica on the Reef Gate Community; urged Council to support the repair project.

Amy Flores, San Clemente, spoke on the impact of the landslide at Casa Romantica on the Reef Gate Community as it relates to security; opined that the Reef Gate Community should have input regarding the future slope landscaping plan.

Ernie Garcia, San Clemente, spoke in support of the repair project at Casa Romantica; opined that the City should provide input to Casa Romantica relating to issues of non-compliance with their operations.

Walter Switzer, San Clemente, spoke in support of the repair project at Casa Romantica.

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

Adopt Resolution No. 23-76, which will:

1. Find the project exempt from the California Environmental Quality Act pursuant to Section 15269(c) of the State CEQA Guidelines.
2. Find that an emergency exists due to the potential failure of an existing slope 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 analysis and competitive bidding process.
3. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
4. Approve a supplemental appropriation in the amount of \$8,583,560 to Account Number 001-481-43470-000-23502 from the Capital Reserve Fund balance.
5. Authorize and direct staff to take such actions as are necessary and proper to start immediately on the emergency slope stabilization repairs at Casa Romantica, including entering into a contract and bringing a future agenda item to City Council to ratify an Emergency Construction Contract with Alliance Diversified Enterprises, Inc. on a time and materials basis for an amount not to exceed \$7,800,000.
6. Authorize and direct staff to enter into a contract and bring a future agenda item to City Council to ratify an Emergency Professional Consultant Services Agreement with LGC Geotechnical, Inc. on a time and materials basis for an amount not to exceed \$783,560 for geotechnical design and consulting, construction oversight, testing and inspection as well as the subcontracted work to include surveying and civil site design.

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

NOE: None

C. I-5 FREEDOM NETWORK/THE LEVI PROJECT REQUEST FOR USE OF CITY LETTERHEAD

Motion by Councilmember Loeffler, second by Councilmember Enmeier, CARRIED 5-0, to approve use of the City Letterhead for the i-5 Freedom Network/The Levi Project.

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

NOE: None

D. **AGREEMENT BETWEEN THE CITY OF SAN CLEMENTE, THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE ORANGE COUNTY TRANSPORTATION AUTHORITY**

City Manager Hall reviewed the contents of the Administrative report and responded to Council inquiries.

Amanda Q expressed concerns regarding transparency as it related to Council's approval of the agreement with the California Department of Transportation and The Orange County Transportation Authority.

Anonymous read a statement on behalf of Laura Smith regarding the agreement with the California Department of Transportation and The Orange County Transportation Authority.

No action was taken by Council on this item.

10. **Oral Communications (Part 2)**

Recognition of City Manager Hall

Decline recognized City Manager Hall and his efforts for the community and its residents.

11. **Future Agenda Items**

Be Well Orange County

Mayor Pro Tem Knoblock, with the support of Councilmember Cabral and Councilmember Loeffler, directed staff to pursue the Be Well Orange County to service the City of San Clemente and obtain the costs and scope of services.

Fairview Development Center (FDC) in Costa Mesa

Mayor Pro Tem Knoblock, with the support of Councilmember Loeffler and Councilmember Cabral, directed staff to draft a letter to be considered by Council and executed by the Mayor for the August 15, 2023 meeting regarding the possibility of FDC as a homeless shelter/services to be sent to the State and County.

12. **Reports**

A. **Commissions and Committees**

None.

B. **Council Subcommittee Updates**

None.

C. Council Members**Regional Homeless Meeting**

Councilmember Loeffler reported a conversation he had with Mayor Hart, San Juan Capistrano, concerning potential regional solutions for homelessness.

Site Visit - Pallet Homes Chula Vista

Councilmember Enmeier requested an update on scheduling Council to tour pallet homes in Chula Vista.

Recognition of City Staff

Mayor Duncan presented a PowerPoint presentation recognizing Building Official Ferguson and Golf Course Manager Gilmore for their exemplary work. Recognized Beaches, Parks and Recreation staff on the success of the Ocean Games on July 15, 2023. A hard copy of the presentation is on file with the City Clerk.

(1) DESIGNATION OF VOTING DELEGATE AND ALTERNATE(S) TO REPRESENT SAN CLEMENTE AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 5-0, to appoint Councilmember Cabral as the voting delegate and Councilmember Enmeier as the alternate voting delegate.

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

NOE: None

D. City Attorney

None.

E. City Manager**Contracts Executed under the City Manager's Authority**

City Manager Hall reported that he executed under his signature authority the following contracts: 1. Diamond Construction providing for the Municipal Golf Course Storm Drain Repair in the amount of \$42,338, 2. Aqua Staffing providing for On-Call Licensed Temporary Staffing in the amount of \$49,500 and 3. NBS Government Finance Group providing for Medical Ground Ambulance Data Collection System in the amount of \$7,500

13. Adjournment

Motion by Councilmember Cabral, second by Councilmember Loeffler, CARRIED 5-0, to adjourn at 10:59 p.m. in memory of Dena Van Slyke. The next Regular Meeting will be held on August 15, 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, Knoblock, Loeffler and Mayor Duncan

NOE: None



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California