

CITY OF SAN CLEMENTE  
Tuesday, September 5, 2023  
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 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 Regular Meeting of the San Clemente City Council was called to order by Mayor Duncan on September 5, 2023 at 5:01 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  
\*arrived at 5:03 p.m.

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

**CLOSED SESSION**

**Closed Session Item B - Conference with Legal Counsel - Anticipated Litigation**

Thor Johnson expressed concerns regarding the potential cost to the City of San Clemente related to the James Bieber v. Gene James case.

**Closed Session Item C - Conference With Real Property Negotiators**

Amanda Q narrated a PowerPoint presentation entitled "Three Parcels for Sale or Lease?". A hard copy of the presentation is on file with the City Clerk.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 5-0, to recess to Closed Session at 5:07 p.m. to discuss the following:

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Existing litigation pursuant to Government Code Section 54956.9(d)(1) Number of Cases: 2

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

**B. 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): Demand by former City Councilmember Gene James that the City reimburse him for his attorney fees incurred in defending James Bieber v. Gene James, OCSC Case No. 30-2020-01145593-CU-DF-CJC.

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Discussion concerning real property transactions in compliance with Government Code section 54956.8 regarding:

Real Property Negotiations: APN 679-152-03, APN 678-163-01 and part of APN 678-163-01

Property: 2.7-acre undeveloped area on the west side of Vista Hermosa Park, 3.3-acre undeveloped lot at the southeast corner of Avenida Vista Hermosa and Camino Vera Cruz, and 2.3-acre undeveloped area at the southwest Avenida Vista Hermosa and La Pata

City Negotiators: Andy Hall, City Manager, Cecilia Gallardo Daly, Community Development Director and Jonathan Lightfoot, Economic Development Officer

Negotiating Parties: Orange County Fire Authority

Under Negotiation: Price and terms

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

**NOE:** None

**BUSINESS MEETING**

Council reconvened at 6:15 p.m. with all Councilmembers present.

**INVOCATION**

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

**PLEDGE OF ALLEGIANCE**

Beth Apodaca led the Pledge of Allegiance.

**1. Special Presentations****A. Presentation of Proclamation - Hunger Action Month**

Mayor Duncan presented a proclamation to Rachel Parris, Abound Food Care, proclaiming September as Hunger Action Month.

**B. Presentation of Proclamation - Service Club Month**

Mayor Duncan presented a proclamation to San Clemente Service Clubs proclaiming September as Service Club Month.

**C. Presentation of Proclamation - Constitution Week**

Mayor Duncan presented a proclamation to Pat Mueller and Mary Dahm, San Clemente Island Daughters of the American Revolution, setting apart September 17-23, 2023 as Constitution Week.

**D. Introduction of Contract Coastal Administrator - US Army Corps of Engineers San Replenishment Project Update**

Suzie Whitelaw, Save our Beaches San Clemente, spoke in support of the appointment of Leslea Meyerhoff as the contract Coastal Administrator.

City Manager Hall narrated a PowerPoint to introduce Leslea Meyerhoff as the contract Coastal Administrator. A hard copy of the presentation is on file with the City Clerk.

Contract Coastal Administrator Meyerhoff narrated a PowerPoint presentation entitled "Project Update" concerning the US Army Corps of Engineers Beach Nourishment Project. A hard copy of the presentation is on file with the City Clerk.

**2. Oral Communications (Part 1)**

William Reynolds, San Clemente, invited the community to an upcoming event at Capo Beach Church concerning fentanyl addiction; urged Council to participate and educate the community on the potential dangers. A hard copy of the flier is on file with the City Clerk.

Hoiyin Ip urged Council to update the City's single use plastics ban; requested that the Coastal Advisory Committee also address climate change issues.

Ken Poczakaj spoke in support of the improvements at North Beach; urged Council to pursue the North Beach Placemaking Plan.

Diane Harkey, Dana Point, acknowledged the City's progress in North Beach; commented on the CARES Act and Orange County being a trial county for the program.

Donna Vidrine, San Clemente, requested that the City update its Climate Action Plan.

Patricia Holloway, San Clemente, urged Council to update the City's Climate Action Plan to access grant funds.

Tony Hays urged council to update its Climate action plan; pursue additional funding opportunities for green energy such as solar panels.

Nicole Mervis, San Clemente, urged Council to update its Climate Action Plan.

Danny Gray, Capo Beach, urged Council to update and audit the City's Climate Action Plan.

Tyler Boden, Citizen's Climate Lobby, spoke in support of the City updating its Climate Action Plan.

Gary Headrick, San Clemente, requested that Council update the City's Climate Action Plan.

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

Motion by Councilmember Enmeier, second by Mayor Pro Tem Knoblock, 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 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:

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:

Facts and circumstances per Government Code section 54956.9(e)(2): Demand by former City Councilmember Gene James that the City reimburse him for his attorney fees incurred in defending James Bieber v. Gene James, OCSC Case No. 30-2020-01145593-CU-DF-CJC.

No reportable action concerning:

Real Property Negotiations: APN 679-152-03, APN 678-163-01 and part of APN 678-163-01

Property: 2.7-acre undeveloped area on the west side of Vista Hermosa Park, 3.3-acre undeveloped lot at the southeast corner of Avenida Vista Hermosa and Camino Vera Cruz, and 2.3-acre undeveloped area at the southwest Avenida Vista Hermosa and La Pata

City Negotiators: Andy Hall, City Manager, Cecilia Gallardo Daly, Community Development Director and Jonathan Lightfoot, Economic Development Officer

Negotiating Parties: Orange County Fire Authority

Under Negotiation: Price and terms

## 6. Staff Communications

None.

## 7. Consent Calendar

Items 7D, 7F, 7G and 7H were removed from the Consent Calendar for discussion.

### A. City Council Minutes

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

- (1) APPROVE THE CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES OF AUGUST 15, 2023.

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

**NOE:** None

### B. Commission/Committee Minutes

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

- (1) PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF JULY 25, 2023.

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

**NOE:** None

**C. Warrant Register**

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

- (1) APPROVE WIRE TRANSFER NOS. 2895 THROUGH 2896 AND WARRANT NOS. 590276 THROUGH 590405, PAID ON 8-4-23, IN THE AMOUNT OF \$2,036,664.03
  - (2) APPROVE WIRE TRANSFER NOS. 2897 THROUGH 2902 AND WARRANT NOS. 590406 THROUGH 590595, PAID ON 8-11-23, IN THE AMOUNT OF \$2,892,064.03
  - (3) APPROVE HANDWRITE NO. 590725; WIRE TRANSFER NOS. 2903 THROUGH 2905 AND WARRANT NOS. 590596 THROUGH 590724, PAID ON 8-18-23, IN THE AMOUNT OF \$1,471,452.55
- TOTAL WARRANT REGISTER \$6,400,180.61

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

**NOE:** None

**Payroll Register**

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

WARRANT NOS. 908 THROUGH 910  
 AUTOMATIC DEPOSIT ADVISES 87757  
 THROUGH 88119, FOR THE PERIOD  
 7-24-23 THROUGH 8-6-23, PAID  
 ON 8-11-23, IN THE AMOUNT OF \$541,045.58

TOTAL PAYROLL REGISTER \$541,045.58

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

**NOE:** None

**E. ORDINANCE 1758 (SECOND READING) - MODIFYING THE COASTAL ADVISORY COMMITTEE’S MISSION STATEMENT**

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 5-0, to adopt Ordinance No. 1758 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.29.015 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE REGARDING THE COASTAL ADVISORY COMMITTEE'S MISSION STATEMENT.

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

**NOE:** None

**I. CONSIDERATION OF A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION AGREEMENT WITH GCI CONSTRUCTION, INC. FOR THE SAN CLEMENTE VILLAS BY THE SEA STORM DRAIN REPAIRS; PROJECT NO. 26001**

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

Adopt Resolution No. 23-92, which will:

1. Make a finding that an emergency existed due to the potential failure of the slope where the damaged storm drain is located and that the situation required immediate action to prevent or mitigate impairment to property and public services that might otherwise occur if the City were required to incur delays attributed to the typical engineering analysis and competitive bidding process.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health.
3. Ratify Contract No. C23-49, by and between the City of San Clemente and GCI Construction, Inc., providing for the emergency repairs for the San Clemente Villas by the Sea Storm Drain Repairs, Project No. 26001, that have already been performed, in an amount not to exceed \$95,500.

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

**NOE:** None

**ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION**

**D. ORDINANCE NO. 1755 (SECOND READING) - TO MODIFY THE DEFINITION OF "COMMERCIAL VEHICLE" AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 4-1(Mayor Duncan voting Noe), to adopt Ordinance No. 1755 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 10.04.010(B)(1) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE DEFINITION OF "COMMERCIAL VEHICLE" AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**AYE:** Cabral, Enmeier, Knoblock and Loeffler

**NOE:** Mayor Duncan

**F. CONSIDERATION OF A RESOLUTION AWARDING A CONTRACT FOR PRINTING SERVICES FOR THE QUARTERLY CITY RECREATION MAGAZINE TO WESTAMERICA COMMUNICATIONS, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO-YEAR CONTRACT NOT TO EXCEED \$120,304 PER YEAR**

City Manager Hall reviewed the contents of the Administrative Report dated September 5, 2023, and on file with the City Clerk and responded to Council inquiries.

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

Adopt Resolution No. 23-90, which will:

1. Award a professional services contract to WestAmerica Communications, Inc. for printing services for the quarterly recreation magazine.
2. Approve, and authorize the City Manager to execute, Contract No. C23-48, by and between the City of San Clemente and WestAmerica Communications, Inc., providing for printing services for the quarterly recreation magazine for a term of two (2) years, in an amount not to exceed \$114,576, plus a 5% contingency of \$5,728, per year, for a total not to exceed contract amount of \$120,304 annually.

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

**NOE:** None



**G. CONSIDERATION OF PARTICIPATION IN SANDAG REGIONAL BEACH SAND PROJECT III**

Susan Ambrose, San Clemente, spoke in support of the City's participation in the SANDAG Regional Beach Sand Project III.

Suzie Whitelaw, Save our Beaches San Clemente, spoke in support of the City's participation in the SANDAG Regional Beach Sand Project III.

Contract Coastal Administrator Meyerhoff reviewed the contents of the Administrative Report dated September 5, 2023, and on file with the City Clerk and responded to Council inquiries.

Motion by Councilmember Cabral, second by Councilmember Enmeier, CARRIED 5-0, to authorize the Mayor to execute, and staff to submit, a letter to the San Diego Association of Governments (SANDAG) requesting that the City of San Clemente, as a member City in the Oceanside Littoral Cell, have the opportunity to participate in the Phase I planning tasks of the Regional Beach Sand Project (RBSP) III, which supports continued San Clemente Coastal Resiliency Plan implementation goals of establishing a citywide comprehensive beach restoration program.

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

**NOE:** None

**H. CONSIDERATION OF AUTHORIZING A GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION FOR IDENTIFICATION OF OFFSHORE SAND SOURCES**

Susan Ambrose, San Clemente, spoke in support of the grant application.

Suzie Whitelaw, Save our Beaches San Clemente, spoke in support of the grant application.

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

Adopt Resolution No. 23-91, which will:

1. Authorize the submittal of an application to the California Coastal Commission for a Local Coastal Program Grant to fund an offshore borrow site investigation to find additional sand sources that can be used to develop additional beach nourishment projects in San Clemente and pursue additional grant funding opportunities to support coastal resiliency plan implementation.

2. Find the project that the grant funding would be used for is categorically exempt under Class 6 (Information Collection, 14 CCR 15306), Section 15306 of

the state CEQA Guidelines.

3. Authorize the City Manager to execute the grant agreement, if awarded.

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

**NOE:** None

### **Meeting Recess**

The meeting was recessed at 7:40 p.m. and reconvened at 7:49 p.m. with all Councilmembers present.

## **8. Public Hearings**

### **A. PUBLIC HEARING #2 REQUESTING PUBLIC INPUT REGARDING THE COMPOSITION OF POTENTIAL COUNCIL ELECTION DISTRICTS**

Mayor Duncan opened the Public Hearing.

City Manager Hall and City Clerk Campagnolo narrated a PowerPoint presentation entitled "Transition from At-Large to District Elections" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Dr. Justin Levitt, NDC, narrated a PowerPoint Presentation entitled "San Clemente Introduction to Districting" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Petti Van Rekum, San Clemente, opined on the district boundaries; commented on the possibility of proportional rank elections.

Bruce Jamieson, San Clemente, opined that socio-economic status should be considered when drafting district maps.

Wayne Eggleston, San Clemente, opined on the number of districts and keeping a rotating mayor; urged council to keep the districts as simple as possible for residents.

Donna Vidrine, San Clemente, encouraged Councilmembers to maintain transparency during the transition to district elections.

Tim Brown, San Clemente, opined that Council should have five districts with a rotating mayor.

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

Council provided direction to NDC to move forward with preparing district maps with four districts and an elected at-large Mayor, with consideration of the Mayor holding a 2-year term.

**B. INTRODUCTION (FIRST READING) OF ZONING AMENDMENT 22-366, AN ORDINANCE RELATED TO ZONING PERMIT STREAMLINING**

Mayor Duncan opened the Public Hearing.

Associate Planner II Wright narrated a PowerPoint Presentation entitled "Zoning Permit Streamlining Item 8B, ZA 22-366" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Mark McGuire, San Clemente, commented on a specific project and how streamlining would be helpful to the applicant.

Wayne Eggleston, opined on the appeals fee; urged Council to require that complex projects are reviewed by staff and an additional decision making body.

Mayor Duncan, with the support of Mayor Pro Tem Knoblock and Councilmember Loeffler, to consider increasing the number of special events permits at the continued Public Hearing on October 3, 2023.

If Council would like a briefing on this matter, contact the City Managers office for scheduling.

Motion by Councilmember Cabral, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to continue the Public Hearing to the Adjourned Regular meeting of September 14, 2023.

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

**NOE:** None

**9. Unfinished Business**

None.

**10. New Business**

**A. REVIEW OF THE ADMINISTRATIVE HEARINGS AND APPEALS FEE**

Deputy Community Development Director Atamian responded to Council inquiries.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, FAILED 2-3 (Mayor Duncan, Councilmember Cabral and Councilmember Enmeier voting NOE) to eliminate the fee for Administrative Hearings.

**AYE:** Knoblock and Loeffler

**NOE:** Cabral, Enmeier and Mayor Duncan

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

Tony Rubolino, San Clemente, narrated a PowerPoint presentation entitled "Chris Duncan: Campaigning off the Vista Del Mar Lockdown". A hard copy of the presentation is on file with the City Clerk.

**12. Future Agenda Items****Climate Action Plan**

Councilmember Loeffler, with the support of Council, directed staff to update the City's Climate action plan and include a potential ban on single use plastics and community choice energy.

**Moms Demand Action and Safe Gun Storage**

Councilmember Loeffler, with the support of Mayor Duncan and Councilmember Enmeier, directed the Public Safety Committee to review the letter of support concerning Moms Demand Action related to safe gun storage.

**E-Bike Safety**

Councilmember Cabral, with the support of Councilmember Loeffler and Councilmember Enmeier, directed the Public Safety Committee to evaluate and make recommendations to Council concerning E-Bike safety.

**13. Reports****A. Commissions and Committees**

None.

**B. Council Subcommittee Updates**

None.

**C. Council Members****Pet Project Foundation Gala**

Councilmember Enmeier announced the Pet Project Foundation Gala, Tails of Furever, will be held on Sunday September 10, 2023.

**World Surf League**

Mayor Duncan provided an update on the World Surf League.

**D. City Attorney**

City Attorney Mitchell announced her firm, Burke, Williams and Sorensen, are sponsors for the Pet Project Foundation Gala, Tails of Furever, and that she would be in attendance.

**E. City Manager**

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

City Manager Hall reported that the following contracts were executed under his authority:

- 1) Bob Hall and Associates providing for recruitment assistance \$15,000.
- 2) Ventura Directional Drilling - Linda Lane Pump Station Hydro Auger \$49,421.
- 3) 34th Street Consulting providing for Conflict Resolution and Team Building \$10,000
- 4) Mike Linares providing for CDBG Administration \$32,000
- 5) Underground Solutions - Standby Generator Addition and Electrical Distribution System Upgrade \$8,117.

**14. Adjournment**

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to adjourn at 10:07 p.m. to an Adjourned Regular Meeting to be held on September 14, 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