

CITY OF SAN CLEMENTE
Tuesday, October 3, 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 October 3, 2023 at 5:02 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

Closed Session Item A(1) Property Negotiations for 1030 Calle Negocio

Delia VanKampen, Family Assistance Ministries (FAM), commented on the positive impacts FAM has on the community.

Amanda expressed concerns regarding Family Assistance Ministries (FAM) and the leased facility at 1030 Calle Negocio; opined that FAM should find another facility or pay market rate.

Tawni Burns expressed concerns with Family Assistance Ministries providing food to the homeless as it relates to fire danger in Marblehead Canyon.

Closed Session Item A(2) Real Property Negotiations APN 678-163-01 and Part of APN 678-163-01

Amanda opined that the City should offer a lease to the Orange County Fire Authority concerning the 2.3 acre area on Avenida La Pata and Avenida Vista Hermosa.

City Clerk Campagnolo announced for Closed Session item A(2) Real Property Negotiations with Orange County Fire Authority that APN 679-152-03 a 3.3 acre undeveloped lot at the southeast corner of Avenida Vista Hermosa and Camino Vera Cruz was removed from Closed Session discussion.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Enmeier, CARRIED 5-0, to recess to Closed Session at 5:14 p.m. to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

1. Real Property Negotiations: APN 688-142-35
Property: Lease of an approximate 8,934 sq. ft. freestanding office/warehouse building located at 1030 Calle Negocio
City Negotiators: Andy Hall, City Manager
Negotiating Parties: Family Assistance Ministries
Under Negotiation: Price and terms

2. Real Property Negotiations: 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 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

3. Real Property Negotiations: APN 678-163-01
Property: 1.1-acre undeveloped area west of Courtney's Sandcastle Playground of Vista Hermosa Sports Park
City Negotiators: Andy Hall, City Manager and Samantha Wylie, Director of Beaches, Parks and Recreation
Negotiating Parties: Salty Turf
Under Negotiation: Price and terms

B. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Whether to initiate litigation pursuant to Government Code section 54956.9(d)(4)
Number of Cases: 1

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

NOE: None

BUSINESS MEETING

Council reconvened at 6:10 p.m. with all Councilmembers present.

INVOCATION

Mayor Pro Tem Knoblock gave the invocation.

PLEDGE OF ALLEGIANCE

Dennis Grimes led the Pledge of Allegiance.

1. Special Presentations**A. Presentation of Proclamation(s) – California Native American Day and Indigenous People’s Day**

Councilmember Cabral presented proclamations to Sean Acuna, Tribal Chair, Juaneño Band of Mission Indians, Acjachamen Nation 84B, proclaiming September 22, 2023 as California Native American Day and October 9, 2023 as Indigenous People's Day.

B. Orange County Fire Prevention Week

Mayor Duncan presented a proclamation to Cheyne Maule, Division Chief, Orange County Fire Authority, setting apart October 8-14, 2023 as Fire Prevention Week.

C. Presentation of Commendation Honoring San Clemente Fire Department Chief Ron Coleman

Mayor Duncan presented a commendation to Cheyne Maule, Division Chief, Orange County Fire Authority, in remembrance of San Clemente Fire Department's beloved Fire Chief Ron "Ronny" Coleman.

2. Oral Communications (Part 1)

Suzana Corritori, San Clemente, expressed concerns regarding the American Cell Tower permit at Harbor Ridge/Harbor View.

Kortney Morrow, San Clemente, expressed concerns regarding the American Cell Tower permit and potential installation in Harbor Ridge/Harbor View.

Steven Lawson spoke in opposition to the installation of the American Cell Tower at Harbor Ridge/Harbor View.

Bert Levesque, San Clemente, requested that Council delay the permit approval for the American Cell Tower to allow the Harbor Ridge/Harbor View Homeowners Association to engage with Counsel.

Cameron Bothwell, San Clemente, expressed concerns regarding the American Cell Tower as it relates to proximity to homes in Harbor Ridge/Harbor View.

Amber Gorbett spoke in opposition to the installation of the American Cell Tower as it relates to property values and health for the Harbor Ridge/Harbor View residents.

Norm Petersen spoke in opposition to the American Cell Tower in Harbor Ridge/Harbor View.

David Shick, San Clemente, expressed concerns regarding the American Cell Tower at Harbor Ridge/Harbor View.

Lois McNicoll, spoke on legislation that other cities have enacted in their municipalities; requested Council take action for homelessness at Trestles and E-Bikes on the beach trail.

Andrew Morrow, San Clemente, expressed safety concerns regarding the American Cell Tower in Harbor Ridge/Harbor View.

Claudia Lavenant, San Clemente, opined that the permitting process for American Cell Tower should be transparent for the residents in Harbor Ridge/Harbor View.

Jose Lavenant, San Clemente, expressed concerns regarding health impacts of the American Cell Tower installation at Harbor Ridge/Harbor View.

Lyndie O'Toole, San Clemente, expressed concerns regarding the safety of the American Cell Tower and the impacts to the Harbor Ridge/Harbor View residents.

Kristy Neuhausen, San Clemente, spoke in opposition to the conditional use permit for the American Cell Tower installation in Harbor Ridge/Harbor View due to potential health concerns.

Brandon Riggs, San Clemente, expressed concerns regarding safety and health impacts of the American Cell Tower installation on the Harbor Ridge/Harbor View residents.

Abby Krogh, San Clemente, spoke on the wood chips at San Gorgonio Park as it relates to usability for park goers.

Suzie Whitelaw, Save our Beaches San Clemente, narrated a PowerPoint presentation concerning offshore reefs. A hard copy of the presentation is on file with the City Clerk.

Louise Herbert, San Clemente, commented on parking issues at the San Clemente library.

George Gregory, opined that the trolley should have surf racks on the back.

City Manager Hall announced the intent for the City to hold a community meeting to address concerns regarding the installation of cell towers within the City and committed that the City will not proceed with approval of the permit for American Cell Tower until the community meeting is held.

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

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

Council gave direction; no reportable action concerning:

Real Property Negotiations: APN 688-142-35

Property: Lease of an approximate 8,934 sq. ft. freestanding office/warehouse building located at 1030 Calle Negocio

City Negotiators: Andy Hall, City Manager

Negotiating Parties: Family Assistance Ministries

Under Negotiation: Price and terms

Council gave direction; no reportable action concerning:

Real Property Negotiations: 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 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

Council gave direction; no reportable action concerning:

Real Property Negotiations: APN 678-163-01

Property: 1.1-acre undeveloped area west of Courtney's Sandcastle Playground of Vista Hermosa Sports Park

City Negotiators: Andy Hall, City Manager and Samantha Wylie, Director of Beaches, Parks and Recreation

Negotiating Parties: Salty Turf

Under Negotiation: Price and terms

No reportable action concerning:

Whether to initiate litigation pursuant to Government Code section 54956.9(d)(4)
Number of Cases: 1

6. Staff Communications

None.

Reorganization of Agenda

Motion by Councilmember Loeffler, second by Mayor Pro Tem Knoblock, to consider item 10C - Discussion of a Prohibition on Covid-19 mask and vaccine mandates in San Clemente before the Consent Calendar.

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

NOE: None

Please reference page 17 for a summary of action.

7. Consent Calendar

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

A. City Council Minutes

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

APPROVE THE CITY COUNCIL ADJOURNED REGULAR MEETING MINUTES OF SEPTEMBER 14, 2023.

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

NOE: None

B. Commission/Committee Minutes

None.

C. Warrant Register

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

- (1) APPROVE WIRE TRANSFER NOS.
2911 THROUGH 2916 AND WARRANT NOS.
590925 THROUGH 591086, PAID ON
9-1-23, IN THE AMOUNT OF \$2,785,287.93
- (2) APPROVE WIRE TRANSFER NOS.
2917 THROUGH 2920 AND WARRANT NOS.
591087 THROUGH 591242, PAID ON

	9-8-23, IN THE AMOUNT OF	\$5,114,847.56
(3)	APPROVE WIRE TRANSFER NOS. 2921 THROUGH 2922 AND WARRANT NOS. 591243 THROUGH 591358, PAID ON 9-15-23, IN THE AMOUNT OF	\$1,910,802.23
(4)	APPROVE WIRE TRANSFER NOS. 2923 THROUGH 2926 AND WARRANT NOS. 591359 THROUGH 591549, PAID ON 9-22-23, IN THE AMOUNT OF	\$1,871,446.43
	TOTAL WARRANT REGISTER	\$11,682,384.15
AYE:	Cabral, Enmeier, Knoblock, Loeffler and Mayor Duncan	
NOE:	None	

Payroll Register

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

WARRANT NO. 914, AUTOMATIC DEPOSIT ADVISES 88468 THROUGH 88785, FOR THE PERIOD 8-21-23 THROUGH 9-3-23, PAID ON 9-8-23, IN THE AMOUNT OF	\$475,868.06
WARRANT NO. 915, AUTOMATIC DEPOSIT ADVISES 88786 THROUGH 89092, FOR THE PERIOD 9-4-23 THROUGH 9-17-23, PAID ON 9-22-23, IN THE AMOUNT OF	\$491,437.23
TOTAL PAYROLL REGISTER	\$967,305.29

AYE: Cabral, Enmeier, Knoblock, Loeffler and Mayor Duncan
NOE: None

D. ORDINANCE 1759 (SECOND READING) - ZONING AMENDMENT 22-366, AN ORDINANCE RELATED TO ZONING PERMIT STREAMLINING

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to adopt Ordinance No. 1759 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 22-366 AMENDING CERTAIN SECTIONS AND TABLES OF TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE TO CLARIFY, STREAMLINE, AND CONSOLIDATE PERMIT PROCEDURES, WHILE MAINTAINING ADEQUATE REVIEW OF PROPOSALS THAT ARE REGULARLY WITHOUT SIGNIFICANT IMPACTS AND PUBLIC CONCERNS.

AYE: Cabral, Enmeier, Knoblock, Loeffler and Mayor Duncan
NOE: None.

I. CONTRACT AWARD - CORONADO LANE/ AVENIDA VICTORIA STORM DRAIN IMPROVEMENTS AND APPROVING A SUPPLEMENTAL APPROPRIATION

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

Adopt Resolution No. 23-108, which will:

1. Approve a supplemental appropriation in the amount of \$137,000 from the Storm Drain Fund Depreciation Reserve into Account No. 059-553-43420-000-26001.
2. Award the Coronado Lane/Avenida Victoria Storm Drain Improvements, CIP Project No. 26001, construction contract to GCI Construction, Inc. as the lowest responsible and responsive bidder.
3. Approve, and authorize the City Manager to execute, Contract No. C23-57, by and between the City of San Clemente and GCI Construction, Inc., providing for Coronado Lane/Avenida Victoria Storm Drain Improvements, in an amount of \$95,800, in a form substantially similar to Contract No. C23-57.
4. Approve a 19% project contingency of \$18,200.

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

NOE: None

K. CONSIDERATION OF APPROVING TEMPORARY BEER SALES AT THE FRIENDS OF SAN CLEMENTE BEACHES, PARKS AND RECREATION FOUNDATION CARNIVAL COLOSSAL

Councilmember Loeffler disclosed that he is the non-compensated Chief Executive Officer of the Friends of San Clemente Beaches, Parks and Recreation Foundation.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to adopt Resolution No. 23-110 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE TEMPORARY SALE OF BEER AT THE CARNIVAL COLOSSAL SPECIAL EVENT AT THE VISTA HERMOSA SPORTS PARK HOSTED BY THE FRIENDS OF SAN CLEMENTE BEACHES, PARKS AND RECREATION FOUNDATION.

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

NOE: None

L. CONSIDERATION TO SUBMIT A GRANT FUNDING APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE 2023 ORANGE COUNTY COMPLETE STREETS PROGRAM

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to adopt Resolution No. 23-111 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING THAT THE CITY OF SAN CLEMENTE HAS AUTHORIZED THE PROJECT LIST SUBMITTAL FOR FUNDING THROUGH THE ORANGE COUNTY TRANSPORTATION AUTHORITY 2023 COMPLETE STREETS PROGRAM.

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

NOE: None

M. CONTRACT AWARD - PARK MONUMENT SIGN REPLACEMENT PROGRAM

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

Adopt Resolution No. 23-112, which will:

1. Award the Park Monument Sign Replacement Program (August 2023), CIP Project No. 29103, construction contract to A&D Signs Corp dba America's Instant Signs as the lowest responsible and responsive bidder.

2. Approve, and authorize the City Manager to execute, Contract No. C23-58, by and between the City of San Clemente and A&D Signs Corp dba America's Instant Signs, providing for the Park Monument Sign Replacement Program, in an amount not to exceed \$62,790, in a form substantially similar to C23-58

3. Approve a 10% project contingency of \$6,300.

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

NOE: None

N. CONSIDERATION OF REJECTING ALL BIDS FOR THE MONTALVO AND RIVIERA PEDESTRIAN BRIDGES COATING REPLACEMENT

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

Adopt Resolution No. 23-113, which will:

1. Reject all bids received on July 27, 2023 for the Montalvo and Riviera Pedestrian Bridges Coating Replacement Project, CIP Project No. 23802.

2. Authorize staff to revise the bid package and re-bid the Montalvo and Riviera Pedestrian Bridges Coating Replacement Project, CIP Project No. 23802.

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

NOE: None

O. CONSIDERATION OF REJECTING ALL BIDS FOR THE MARINE SAFETY HEADQUARTERS BUILDING CONCRETE REPAIRS

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

Adopt Resolution No. 23-114, which will:

1. Reject all bids received on July 26, 2023 for the Marine Safety Headquarters Building Concrete Repairs Project, CIP Project No. 24805.
2. Authorize staff to revise the bid package and re-bid the Marine Safety Headquarters Building Concrete Repairs Project, CIP Project No. 24805.

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

NOE: None

Items Removed From the Consent Calendar for Discussion

E. NOTICE OF COMPLETION - STORM DRAIN IMPROVEMENTS AT 1601 CALLE LAS BOLAS

George Gregory, San Clemente, opined that the catch basin adjacent to his property is a nuisance due to its size and frequency of cleaning; urged the Council to take action to mitigate the impact of the catch basin on residents.

Public Works Director/City Engineer Rebensdorf to communicate with Mr. Gregory regarding his concerns with the catch basin adjacent to his property.

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

Adopt Resolution No. 23-104, which would:

1. Accept the Storm Drain Improvements at 1601 Calle Las Bolas, CIP Project No. 10015, from the contractor, 3Sixty Innovation, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Storm Drain Improvements.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the contractor, 3Sixty Innovation, Inc.

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

NOE: None

F. CONTRACT AWARD - COASTAL ADMINISTRATOR SERVICES

Amanda Q spoke in opposition to the contract for Coastal Administrator services.

Suzie Whitelaw, Save our Beaches San Clemente, spoke in support of the Coastal Administrator position; opined that the City needs a full-time employee.

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

Adopt Resolution No. 23-105, which will:

1. Award a professional services agreement to Summit Environmental Group, Inc. for contract Coastal Administrator services.
2. Approve, and authorize the City Manager to execute, Contract No. C23-56, by and between the City of San Clemente and Summit Environmental Group, Inc., providing for contract Coastal Administrator services, for a term of three (3) years in an amount not to exceed \$165,000 annually.

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

NOE: None

G. CONSIDERATION OF APPROVING THE PURCHASE OF WATER METERS FOR FISCAL YEAR 2023-24 AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Public Works Director/City Engineer Rebensdorf responded to Council inquiries.

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

Adopt Resolution No. 23-106, which will:

1. Find the project categorically exempt from California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve the purchase of water meters from Ferguson Waterworks based on the fixed price quote in attachment 2 of the Administrative Report dated October 3, 2023 and on file with the City Clerk.

3. Approve the purchase of water meters from Metron-Farnier based on the

fixed price quote in attachment 3 of the Administrative Report dated October 3, 2023 and on file with the City Clerk.

4. Approve the expenditure for water meter purchases for Fiscal Year 2023-24 for a total amount not to exceed \$122,000.

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

NOE: None

H. CONSIDERATION OF AUTHORIZING ENTRY FOR CONSTRUCTION - SAN CLEMENTE SHORELINE COASTAL STORM DAMAGE REDUCTION PROJECT

Lois McNicoll opined on the agenda and City website as it relates to ease of use and understanding.

Motion by Councilmember Cabral, second by Councilmember Loeffler, CARRIED 5-0, to adopt Resolution No. 23-107 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY MANAGER AND/OR PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE AUTHORIZATION FOR ENTRY FOR CONSTRUCTION AND OTHER SUCH DOCUMENTS AS ARE NECESSARY AND PROPER TO CONSTRUCT THE SAN CLEMENTE SHORELINE COASTAL STORM DAMAGE REDUCTION PROJECT.

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

NOE: None

J. APPROVAL OF THE FY 2023-24 BEACHES, PARKS & RECREATION COMMISSION WORK PLAN

Suzie Whitelaw, Save our Beaches San Clemente, spoke in support of beach issues being delegated to the Coastal Advisory Committee; opined that the Coastal Advisory Committee should review/approve the Beaches, Parks and Recreation work plan.

Patricia Holloway, San Clemente, opined that trees should be added to the Beaches, Parks and Recreation Commission work plan item number 1.

Motion by Councilmember Loeffler, second by Mayor Pro Tem Knoblock, CARRIED 5-0, to adopt Resolution No. 23-109 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE FY 2023-24 BEACHES, PARKS AND RECREATION COMMISSION WORK PLAN with the modification that work plan number 1 include trees.

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

NOE: None.

Meeting Recess

The meeting recessed at 8:48 p.m. and reconvened at 8:57 p.m. with all Councilmembers present.

8. Public Hearings**A. PUBLIC HEARING #3 TO RECEIVE INPUT ON DRAFT MAPS AND POTENTIAL ELECTION SEQUENCING FOR BY-DISTRICT ELECTIONS**

Public Hearing to solicit public input on the composition of draft maps and potential sequence of elections in preparation for the transition from at-large to district based elections for City Council pursuant to Elections Code section 10010 and Government Code section 34886, effective for the November 2024 General Municipal Election.

Mayor Duncan opened the Public Hearing.

City Clerk Campagnolo reviewed the contents of the Administrative Report and responded to Council inquiries.

Dr. Justin Levitt, National Demographic Consultants (NDC), narrated a PowerPoint presentation entitled "San Clemente Draft Plan Presentation" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Bruce Jamieson, San Clemente, opined on proposed district map 102; spoke on the importance of keeping neighborhoods together.

Amanda Q narrated a PowerPoint presentation, on behalf of Tom and Vonnie Barnes, entitled "San Clemente Voting Districts". A hard copy of the presentation is on file with the City Clerk.

Shelley Moore opined that homeowner associations should not be divided and Council should not consider districts where homeowner associations are divided.

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

Council designated maps 109, 111 and 112 as focus maps and requested that NDC create a new map by combining maps 109 and 111 for public review on the City's website on October 10, 2023 and for Council consideration at the October 17, 2023 Public Hearing.

Council agreed that the mayor will be elected at-large beginning in 2026 and will hold a two-year term and have a three-term limit (six years). Following the

elected mayor's 3 terms, they will not be eligible to run for the mayoral seat again, however they will be eligible to run as a councilmember in their respective district.

B. INTRODUCTION (FIRST READING) PROPOSED ORDINANCE AMENDING SECTION 12.28.030 OF THE MUNICIPAL CODE REGARDING TENTS IN CITY PARKS AND BEACHES, AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Continued Public Hearing to consider a proposed ordinance to amend Section 12.28.030 (Tents in City Parks) of the San Clemente Municipal Code to include beaches under its jurisdiction, ensuring that regulations governing the use of such structures in parks are uniformly applicable to beaches.

Code Compliance Manager Sorahan reviewed the contents of the Administrative Report and responded to Council inquiries.

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

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

1. Find the Ordinance exempt from CEQA.

2. Introduce Ordinance No. 1760 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING SECTION 12.28.030 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO TENTS IN CITY PARKS AND BEACHES AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

NOE: None

C. CONSIDERATION OF APPROVING THE 2022-2023 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Public Hearing regarding the 2022-23 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG).

Mayor Duncan opened the Public Hearing.

Assistant City Manager Gallardo-Daly narrated a PowerPoint presentation entitled, "CAPER FY 2022-23 Expenditure of CDBG Funds". 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 5-0, to adopt Resolution No. 23-115 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING THE 2022-2023 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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

NOE: None

9. Unfinished Business

None.

10. New Business

A. INTRODUCTION (FIRST READING) OF CODE AMENDMENT TO CHANGE THE ARTS AND CULTURE COMMITTEE FROM FIVE TO SEVEN MEMBERS AND UPDATING THE DUTIES OF THE BEACHES, PARKS AND RECREATION COMMISSION

City Clerk Campagnolo reviewed the contents of the Administrative report and responded to Council inquiries.

Patricia Holloway, San Clemente, opined that the City should have a review board for tree removal and plantings since it is being removed from the Beaches, Parks and Recreation Commission duties.

Motion by Councilmember Cabral, second by Councilmember Loeffler, CARRIED 5-0, to introduce Ordinance No. 1761 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.28 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND CHAPTER 2.45 RELATING TO THE ARTS AND CULTURE COMMITTEE.

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

NOE: None

B. CITY COUNCIL CORRESPONDENCE WITH ORANGE COUNTY SUPERVISOR FOLEY

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

Motion by Councilmember Cabral, second by Councilmember Loeffler,

CARRIED 3-2 (Mayor Duncan and Councilmember Enmeier voting NOE), to continue this item to the October 17, 2023 City Council meeting to allow Councilmember Cabral and Councilmember Loeffler to convene and edit the proposed letter for Council consideration.

AYE: Cabral, Knoblock and Loeffler

NOE: Enmeier and Mayor Duncan

C. DISCUSSION OF A PROHIBITION ON COVID-19 MASK AND VACCINE MANDATES IN SAN CLEMENTE

This item was heard earlier in the meeting please reference page 6 for a summary of action.

Catherine Hall, San Clemente, spoke in opposition to a prohibition on COVID-19 mask and vaccine mandates.

Pete S45 opined on the efficacy of masks.

Dennis Grimes, opined that wearing masks should be a personal choice.

Suzanne Ruiz opined on the science of masks and vaccines; provided documents to Council. A hard copy of the documents are on file with the City Clerk.

Frances Marshall spoke in opposition to mask and vaccine mandates.

Lois McNicoll spoke in opposition to mask and vaccine mandates.

Louise Herbert, San Clemente, opined that City Council does not have the expertise to speak on mask and vaccine mandates; spoke in opposition to the prohibition on COVID-19 mask and vaccine mandates.

Linda Verraster, San Clemente, opined that City Council does not have medical expertise and should not prohibit mask and vaccine mandates; commented that Council should focus on City issues.

Daniel Schop commented on the politicization of pharmaceuticals and the efficacy of the COVID-19 vaccine.

Jay Hedjazi spoke in support of the prohibition of COVID-19 mask and vaccine mandates.

Donna McGuire, Seal Beach, spoke in support of the prohibition of COVID-19 mask and vaccine mandates.

Suzanne M. commented on state bills concerning vaccine requirements in schools.

Michelle Morgan spoke in support of the prohibition of COVID-19 mask and vaccine mandates; provided a document to Council. A hard copy of the document is on file with the City Clerk.

Bill Kreutinger, San Clemente, spoke in opposition to a prohibition of COVID-19 mask and vaccine mandates.

Lisa H. opined on the efficacy of masks; spoke in support of the prohibition of COVID-19 mask and vaccine mandates.

Suzana Corritori commented on vaccine efficacy; urged Council to educate residents about the importance of a healthy lifestyle.

Thor Johnson spoke in support of the prohibition on COVID-19 mask and vaccine mandates.

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 3-2 (Mayor Duncan and Councilmember Enmeier voting NOE) to direct the City Manager to agendize any future mandates or decisions regarding COVID-19 for Council consideration.

AYE: Cabral, Knoblock and Loeffler

NOE: Enmeier and Mayor Duncan

Continuation of Meeting

Motion by Mayor Pro Tem Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to continue the meeting to 11:15 p.m.

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

NOE: None

11. Oral Communications (Part 2)

Bill Kreutinger, San Clemente, updated the Council on Tri-Cities RACES actions as it relates to emergency preparedness.

Amanda Q commented on the proposals presented at the Coastal Resiliency meeting; expressed concerns regarding the Brown Act as it relates to Coastal Advisory Committee attendance at the Coastal Resiliency meeting.

Tony Rubolino commented on the potential lease extension with Family Assistance Ministries concerning 1030 Calle Negocio.

Shelley Moore opined on the cost of City projects and benefits to the residents.

12. Future Agenda Items**American Cell Tower**

Councilmember Cabral, with the support of Councilmember Enmeier, Mayor Duncan and Mayor Pro Tem Knoblock, agendized for the October 17, 2023 Council meeting, a staff report concerning the American Cell Tower application in Harbor View/Harbor Ridge community including the 1994 contract.

Open Space Zoning

Councilmember Knoblock, with the support of Councilmember Loeffler, agendized consideration of the City's open space zoning ordinance and the definition of "utilities".

Continuation of Meeting

Motion by Councilmember Enmeier, second by Councilmember Loeffler, CARRIED 5-0, to continue the meeting to 11:30 p.m.

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

NOE: None

San Gorgonio Park Playground Substrate

Councilmember Enmeier, with the support of Mayor Duncan and Councilmember Cabral, agendized consideration of modifying the substrate (wood chips) at the San Gorgonio playground.

Public Safety Work Plan - E-Bike Safety

Councilmember Enmeier requested that the Public Safety Committee make recommendations to Council concerning E-Bike safety.

Human Affairs Committee Work Plan - Addressing Homelessness

Councilmember Enmeier, with the support of Councilmember Loeffler and Mayor Duncan, directed the Human Affairs Committee to include in its work plan solutions to address homelessness.

San Clemente Trolley

Mayor Pro Tem Knoblock requested that the City Manager evaluate the feasibility of adding a surf board rack to the back of the San Clemente Trolleys and provide a memo to Council.

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

None.

B. Council Subcommittee Updates

None.

C. Council Members**League of California Cities Annual Conference**

Mayor Duncan reported that he, Councilmember Cabral and Councilmember Enmeier attended the League of California Cities annual conference in Sacramento.

D. City Attorney

None.

E. City Manager

City Manager Hall announced that he executed under his signature authority a contract with Summit Environmental for the preparation of needed documents and support for the California State Lands Lease Proposal in the amount of \$14,400.

14. Adjournment

Motion by Mayor Pro Tem Knoblock, second by Councilmember Cabral, CARRIED 5-0, to adjourn in memory of San Clemente Fire Chief Ron Coleman at 11:26 p.m. The next Regular Meeting will be held on October 17, 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