



4:30 p.m. - Closed Session
6:00 p.m. - Business Meeting

Mayor Cabral
Mayor Pro Tem Enmeier
Councilmember Duncan
Councilmember Knoblock
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 Cabral on January 16, 2024 at 4:31 p.m. in the San Clemente City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

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

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(1)

Larry Culbertson, San Clemente Historical Society, spoke in support of the lease at the Community Center; commented on the work and value the historical society brings to San Clemente.

Jackie Dooley, San Clemente Historical Society, spoke in support of the lease at the Community Center.

Closed Session Item B(2)

Amanda Quintanilla commented on the Transportation Corridor Agency and the proposed battery storage facility; expressed concerns regarding potential litigation.

Closed Session Item B(3)

Sandra Weaver, Cabrillo Playhouse, commented on the history of the Cabrillo Playhouse; requested that Council consider potential impacts to the Cabrillo Playhouse when making decisions concerning a potential lease to Camino Real Playhouse.

Lee Tilles, Cabrillo Playhouse, expressed concerns regarding the Camino Real

Playhouse as it relates to funding by the City.

Michael Lopez, Cabrillo Playhouse, expressed concerns regarding the potential of Camino Real Playhouse being funded by the City.

Amanda Quintanilla encouraged Cabrillo Playhouse and Camino Real Playhouse to work collaboratively.

Tom Marshall opined that the City of San Clemente should release a Request for Proposals for all interested performing arts programs to apply.

Motion by Councilmember Enmeier, second by Mayor Duncan, CARRIED 5-0, to recess to Closed Session at 4:49 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: 3

1. Facts and Circumstances: American Tower Corporation alleges breach of Contract against the City for pursuing what is alleged to be enforcement action.
2. Facts and Circumstances: Notice of Intent to File Suit under the California Environmental Quality Act by Harbor View Estates Homeowners Association
3. Facts and circumstances not yet known to a potential plaintiff.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

1. Real Property Negotiations: APN 058-111-55 Property: 100 Calle Seville, San Clemente, CA 92672
City Negotiators: Andy Hall, City Manager and Samantha Wylie, Beaches, Parks and Recreation Director
Negotiating Parties: San Clemente Historical Society
Under Negotiations: Price and terms
2. Real Property Negotiations: APN 701-041-62, 124-101-38, 701-041-55 and 701-041-57
Property: 1400 East Avenida Pico, San Clemente, CA 92672
City Negotiators: Andy Hall, City Manager
Negotiating Parties: Foothill/Eastern Transportation Corridor Agency
3. Real Property Negotiations: APN 688-142-35
Property: 1030 Calle Negocio, San Clemente, CA 92672 City Negotiators: Andy

Hall, City Manager

Negotiating Parties: Camino Real Playhouse

Under Negotiations: Price and terms

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

NOE: None

Closed Session concluded at 5:54 p.m.

BUSINESS MEETING

The meeting reconvened at 6:04 p.m. with all Councilmembers present.

INVOCATION

Pastor John Randall, Calvary South Orange County, gave the invocation.

PLEDGE OF ALLEGIANCE

Amanda Quintanilla led the Pledge of Allegiance.

1. Special Presentations

A. Introduction of Mayor Cabral and Mayor Pro Tem Enmeier

Mayor Cabral presented out-going Mayor Duncan with a gavel in recognition of his service as Mayor. Mayor Pro Tem Enmeier presented out-going Mayor Pro Tem Knoblock with a plaque in recognition of his service as Mayor Pro Tem. Mayor Pro Tem Enmeier expressed gratitude to his family, friends and community for the opportunity to serve San Clemente. Mayor Cabral spoke on his goals for the next year as Mayor.

B. United States Army Corps of Engineers Beach Sand Project

Don Brown, San Clemente, expressed concerns regarding the sand project borrow site; urged Council to wait for beach quality sand.

Suzie Whitelaw, Save our Beaches San Clemente, commented on the sand borrow site and the quality of the sand.

Coastal Zone Administrator Meyerhoff provided an update on the project under staff communications, which can be found on page 6 of these minutes.

Reorganization of Agenda

Motion by Councilmember Duncan, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to consider items 8A - Consideration of Adoption of Ordinance No. 1770 Amending Section 2.04.011 of the San Clemente Municipal Code to make modifications to the By- District Election Map and Introduction of Ordinance No. 1771 concerning Election Sequencing and 8C - Public Hearing to consider Changing or Revoking Conditional Permit 1021/Voluntary Compliance

Agreement/ and Wireless Screening Form WMS 23-231 Related to the Property Located at 616 Del Dios, Assessors Parcel Number 690-552-05 and finding the project categorically exempt from the California Environmental Quality Act before consideration of the Consent Calendar. Please reference page 13 for a summary of action.

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

NOE: None

2. Oral Communications (Part 1)

Brad Malamud, commented on Councilmember Duncan wife's actions regarding utilizing a motorized vehicle on the beach trail and commented on Councilmember Duncan's conduct; opined that the Public should be allowed the opportunity to speak on all items on the agenda.

Dawn Urbanek spoke in opposition to Agenda Item 10C.

Amanda Hicks, San Clemente, spoke on her efforts and fundraising for accessible playground for Lobo Elementary; encouraged the City and residents to get involved or contribute.

Donovan Hicks spoke on the value of an accessible playground at Lobo Elementary.

Kylee Hicks spoke on the value of an accessible playground at Lobo Elementary.

Warren Vidrine, San Clemente, spoke in opposition of Camino Real Playhouse relocating to 1030 Calle Negocio and displacing Family Assistance Ministries.

Mikii Rathmann expressed gratitude to the City regarding efforts to support small businesses in San Clemente.

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

Lois McNicoll commented on the City Council agendas as it relates to meeting length.

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

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

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

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:

A(1) Facts and Circumstances: American Tower Corporation alleges breach of Contract against the City for pursuing what is alleged to be enforcement action.

No reportable action concerning:

A(2) Facts and Circumstances: Notice of Intent to File Suit under the California Environmental Quality Act by Harbor View Estates Homeowners Association.

No reportable action concerning:

A(3) Facts and circumstances not yet known to a potential plaintiff.

Council gave direction; no reportable action concerning:

B(1) Real Property Negotiations: APN 058-111-55 Property: 100 Calle Seville, San Clemente, CA 92672
City Negotiators: Andy Hall, City Manager and Samantha Wylie, Beaches, Parks and Recreation Director
Negotiating Parties: San Clemente Historical Society
Under Negotiations: Price and terms

Council gave direction; no reportable action concerning:

B(2) Real Property Negotiations: APN 701-041-62, 124-101-38, 701-041-55 and 701-041-57
Property: 1400 East Avenida Pico, San Clemente, CA 92672
City Negotiators: Andy Hall, City Manager
Negotiating Parties: Foothill/Eastern Transportation Corridor Agency

Council gave direction; no reportable action concerning:

B(3) Real Property Negotiations: APN 688-142-35
Property: 1030 Calle Negocio, San Clemente, CA 92672
City Negotiators: Andy Hall, City Manager

Negotiating Parties: Camino Real Playhouse
Under Negotiations: Price and terms

6. Staff Communications

Beach Sand Project Update

Coastal Zone Administrator Meyerhoff provided an update on the beach sand project and responded to Council inquiries regarding concerns of cobble and gravel being deposited onto the beach. An update will be provided once a determination on the project is made by the Army Corps of Engineers.

Mariposa Beach Trail Bridge Update

Public Works Director Rebensdorf narrated a PowerPoint presentation concerning the landslide impacting the Mariposa Beach Trail Bridge and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

7. Consent Calendar

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

A. City Council Minutes

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

- (1) APPROVE THE CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES OF DECEMBER 5, 2023.
- (2) APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF DECEMBER 18, 2023.

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

NOE: None

B. Commission/Committee Minutes

Motion by Councilmember Loeffler, second by Councilmember Knoblock, CARRIED 5-0, to receive and file the following:

- (1) GOLF COURSE COMMITTEE REGULAR MEETING MINUTES OF AUGUST 3, 2023.
- (2) BEACHES, PARKS & RECREATION COMMISSION REGULAR MEETING MINUTES OF OCTOBER 10, 2023.
- (3) INVESTMENT ADVISORY COMMITTEE REGULAR MEETING MINUTES OF OCTOBER 23, 2023.
- (4) PLANNING COMMISSION REGULAR MEETING MINUTES OF DECEMBER 6, 2023.
- (5) STUDY SESSION OF THE PLANNING COMMISSION MINUTES OF

DECEMBER 6, 2023.

(6) HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF DECEMBER 12, 2023.

(7) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF DECEMBER 21, 2023.

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

NOE: None

C. Warrant Register

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

- | | | |
|-----|---|----------------|
| (1) | APPROVE WARRANT NOS. 592885 THROUGH 593015, PAID ON 11-24-23, IN THE AMOUNT OF | \$994,011.21 |
| (2) | APPROVE HANDWRITE NO. 593016, WIRE TRANSFER NOS. 2957 THROUGH 2962 AND WARRANT NOS. 593017 THROUGH 593161, PAID ON 12-1-23, IN THE AMOUNT OF | \$4,690,379.04 |
| (3) | APPROVE WIRE TRANSFER NOS. 2963 THROUGH 2964 AND WARRANT NOS. 593162 THROUGH 593325, PAID ON 12-8-23, IN THE AMOUNT OF | \$3,910,492.11 |
| (4) | APPROVE HANDWRITE NOS. 593465 THROUGH 593465, WIRE TRANSFER NOS. 2965 THROUGH 2970 AND WARRANT NOS. 593326 THROUGH 593463, PAID ON 12-15-23, IN THE AMOUNT OF | \$3,231,502.82 |
| (5) | APPROVE WIRE TRANSFER NOS. 2971 THROUGH 2976 AND WARRANT NOS. 593466 THROUGH 593663, PAID ON 12-22-23, IN THE AMOUNT OF | \$2,586,885.43 |

TOTAL WARRANT REGISTER \$15,413,270.61

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

NOE: None

Payroll Register

Motion by Councilmember Loeffler, second by Councilmember Knoblock, CARRIED 5-0, to approve the following:

WARRANT NO. 919, AUTOMATIC DEPOSIT ADVISES 90296 THROUGH 90601, FOR THE PERIOD 11-13-23 THROUGH 11-26-23, PAID ON 12-1-23, IN THE AMOUNT OF \$590,765.75

AUTOMATIC DEPOSIT ADVISES 90602 THROUGH 90907, FOR THE PERIOD 11-27-23 THROUGH 12-10-23, PAID ON 12-15-23, IN THE AMOUNT OF \$486,058.73

WARRANT NO. 920 AND AUTOMATIC DEPOSIT ADVISES 90908 THROUGH 91197, FOR THE PERIOD 12-11-23 THROUGH 12-24-23, PAID ON 12-29-23, IN THE AMOUNT OF \$448,816.68

TOTAL PAYROLL REGISTER \$1,525,641.16

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

NOE: None

D. NOTICE OF COMPLETION - CORONADO LANE / AVENIDA VICTORIA STORM DRAIN IMPROVEMENTS

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

Adopt Resolution No. 24-01, which will:

1. Accept the Coronado Lane/Avenida Victoria Storm Drain Improvements, CIP Project No. 26001, from the contractor, GCI Construction, Inc.

2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Coronado Lane/Avenida Victoria 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, GCI Construction, Inc.

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

NOE: None

E. NOTICE OF COMPLETION - SEWER LINE POINT REPAIRS AND LINING

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

Adopt Resolution No. 24-02, which will:

1. Accept Sewer Line Point Repairs and Lining, CIP Project No. 28206, from the contractor, Insituform Technologies, LLC.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Sewer Line Point Repairs and Lining.
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, Insituform Technologies, LLC.

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

NOE: None

H. CONTRACT AWARD - MULTI-FUNCTIONAL COPIER DEVICE LEASE AND SERVICE AGREEMENT FOR ALL CITY OFFICES, AND DECLARING EXISTING COPIERS SURPLUS UPON REPLACEMENT

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

Adopt Resolution No. 23-148, which will:

1. Award a sixty (60) month lease and service agreement for Sharp multi-function copier devices to CBE at a total cost of approximately \$36,150 annually, plus \$.0049 for black and white prints and \$.049 for color prints.
2. Approve, and authorize the City Manager to execute, Contract No. C24- 04, contract documents based on State of California Participating Addendum No. 7-19-70-46-07 to the NASPO ValuePoint Master Agreement Number 140603, by and between the City of San Clemente and CBE Office Solutions, providing for a lease of Sharp multi-function copier devices, in an approximate amount of \$36,150 annually plus \$.0049 for black and white prints and \$.049 for color prints.
3. Declare that, effective upon the replacements becoming operational, the existing copiers shall constitute surplus and are authorized for disposal pursuant to Policy No. 201-2-4.

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

NOE: None

L. CONSIDERATION OF APPROVING A REVISED HOURLY PART-TIME SALARY SCHEDULE TO INCLUDE OCEAN LIFEGUARD I/II AND PARK RANGER I/II CLASSIFICATIONS

Motion by Councilmember Loeffler, second by Councilmember Knoblock, CARRIED 5-0, to adopt Resolution No. 24-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED HOURLY PART-TIME SALARY SCHEDULE TO INCLUDE OCEAN LIFEGUARD I/II AND PARK RANGER I/II AND AMENDING RESOLUTION NO. 23-157 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

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

NOE: None

M. CONSIDERATION OF COUNCILMEMBER TRAVEL AND TRAINING EXPENSES

Motion by Councilmember Loeffler, second by Councilmember Knoblock, CARRIED 5-0, to authorize an expenditure not to exceed \$4,400 related to City Councilmembers' attendance at the League of California Cities Mayors and Councilmembers Academy.

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

NOE: None

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

F. CONTRACT AWARD - PURCHASE AND INSTALLATION/REPLACEMENT OF 11 VENSTATION XC PAY STATIONS, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Lois McNicoll expressed concerns regarding the contract award for pay stations as it relates to the City budget and the expenditure of funds for projects.

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

Adopt Resolution No. 24-03, which will:

1. Find the project categorically exempt from CEQA under Class 2 (Replacement or Reconstruction, 14 CCR section 15302) of the State CEQA Guidelines.

2. Award a sole source contract to Pacific Parking Systems, Inc. for the purchase and installation of eleven (11) venSTATION XC Multi Rate Pay by Space Automated Multi-Space Pay Station Machines in an amount not to

exceed \$120,000 based on the fixed price quote (Attachment 2 of the Administrative Report dated January 16, 2024).

3. Approve, and authorize the City Manager to execute, Contract No. C24- 01, by and between the City of San Clemente and Pacific Parking Systems, Inc., providing for the purchase and installation of eleven (11) venSTATION XC Multi Rate Pay by Space Automated Multi-Space Pay Station Machines, in an amount not to exceed \$120,000.

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

NOE: None

G. CONTRACT AWARD - AS-NEEDED BUILDING PLAN REVIEW SERVICES

Lois McNicoll requested clarification on the scope of work.

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

Adopt Resolution No, 24-04, which will:

1. Award a professional services agreement to West Coast Code Consultants and award a professional services agreement to VCA Code for on-call building plan check services

2. Approve, and authorize the City Manager to execute, Contract No. C24-02, by and between the City of San Clemente and West Coast Code Consultants, providing for on-call building plan check services, for a term of three (3) years, in an amount not to exceed \$85,000 annually.

3. Approve, and authorize the City Manager to execute, Contract No. C24-03, by and between the City of San Clemente and VCA Code, providing for on-call building plan check services, for a term of three (3) years, in an amount not to exceed \$85,000 annually.

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

NOE: None

I. CONSTRUCTION AND REHABILITATION OF BEACH TRAIL FENCING, AN APPROPRIATION OF FUNDING IN THE AMOUNT OF \$250,000 TO CONTINUE PEDESTRIAN AUDIBLE WARNING SYSTEM, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 1

Lois McNicoll requested clarification on the project.

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

Adopt Resolution No. 24-05, which will:

1. Find the project is categorically exempt from CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines section 15301.
2. Appropriate funds in the amount of \$250,000 to Account Number 001-631-45700 for the procurement of materials and labor for the rehabilitation of the Beach Trail fencing together with associated permitting costs.
3. Authorize the City Manager, or his designee, to purchase all required materials for the project up to \$120,000 following applicable procurement policy and procedure.
4. Direct staff to procure a contract for the associated labor for the project following applicable procurement policy and procedure.

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

NOE: None

J. CONSIDERATION OF APPROVING A PROJECT V GRANT SUBMITTAL TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE CONTINUATION OF TROLLEY SERVICES AND SC RIDES

Mikii Rathmann, San Clemente, spoke in support of the trolley; commented on the positive impacts of the trolley on small businesses.

Motion by Councilmember Loeffler, second by Councilmember Knoblock, CARRIED 5-0, to adopt Resolution No. 24-06 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE CITY COUNCIL APPROVING THE SUBMITTAL OF THE SAN CLEMENTE TROLLEY SERVICES AND SC RIDES APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM.

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

NOE: None

K. CONSIDERATION OF AMENDING POLICY 1201-11 (CITY COUNCIL MEETING AND OPERATING PROCEDURES) CHANGING THE MAYOR AND MAYOR PRO TEMPORE TERM TO BE EFFECTIVE IMMEDIATELY AFTER THE ADJOURNMENT OF THE CITY COUNCIL MEETING AT WHICH THEY WERE SELECTED

Tony spoke in opposition to changing the policy.

Amanda Q commented on councilmembers ballot designations.

Kathy Ward opined that there is no need to change Policy 1201-11.

Motion by Councilmember Loeffler, second by Councilmember Knoblock, CARRIED 5-0, to not amend Policy 1201-11 and not adopt Resolution 24-07; which will NOT change the current policy related to the Mayor and Mayor Pro Tem terms.

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

NOE: None

8. **Public Hearings**

A. CONSIDERATION OF ADOPTION (SECOND READING) OF ORDINANCE NO. 1770 AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO MAKE MODIFICATIONS TO THE DISTRICT MAP AND INTRODUCTION (FIRST READING) OF ORDINANCE NO. 1771 REGARDING ELECTION SEQUENCING

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

Mayor Cabral opened the Public Hearing.

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

The following individuals spoke in support of By-District Election Map 109/120:

Sarah Schneider, Southwest San Clemente Alliance, narrated a PowerPoint presentation entitled "Southwest San Clemente Alliance". A hard copy is on file with the City Clerk.

Cheryl Moe, Southwest San Clemente Alliance, narrated a PowerPoint presentation concerning map 109/120 and map 111. A hard copy is on file with the City Clerk.

John Moe, Southwest San Clemente Alliance, narrated a PowerPoint

presentation concerning map 109/120 and map 111. A hard copy is on file with the City Clerk.

Adrienne Metz, Southwest San Clemente Alliance

Monica Morgan, Southwest San Clemente Alliance

Michelle Riem

Diane Coffin, Southwest San Clemente Alliance

Gigi Niemann, Southwest San Clemente Alliance

Andrea Brown, Southwest San Clemente Alliance

Annika Lawrence

Zhen Wu narrated a PowerPoint presentation concerning map 120 and map 111. A hard copy is on file with the City Clerk.

Patricia Corless, Southwest San Clemente Alliance

Joe Janis

Marcy Koning

Todd Koning

Corin Bemus, Southwest San Clemente Alliance

Sarah Bemus, Southwest San Clemente Alliance

Jodi Dewey, Southwest San Clemente Alliance

Ryan Fitzpatrick

Candice Lazar, Southwest San Clemente Alliance

Kathy Thompson, Southwest San Clemente Alliance

Jack Overman, Southwest San Clemente Alliance

Kathy Ward, Southwest San Clemente Alliance

Brett Lawrence

Sandra Hill

Pete Van Nuys, on behalf of Riviera Home Owners

Amanda Q

Spoke in support of By-District Election Map 111

Jenifer Massey, San Clemente

Warren Vidrine

Bruce Jamieson

Additional Comments Related to By-District Election Maps

A.G."Skip" Melville, San Clemente, spoke in support of five districts, supports map 113; expressed support for restarting the districting process.

John Parry, Rancho San Clemente Business Park Association, spoke on amending any map boundary to ensure that the Rancho San Clemente Business Park remain in one district.

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

Meeting Recessed

The meeting recessed at 8:16 p.m. and reconvened at 8:22 p.m. with all Councilmembers present.

Mayor Cabral displayed Government Code Section 21605 which outlines the requirements for redistricting. A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember Knoblock, second by Councilmember Loeffler, to deny adoption of Ordinance No. 1770; not introduce Ordinance No. 1771; and take no action.

Substitute motion by Mayor Pro Tem Enmeier, second by Councilmember Duncan, FAILED 2-3 (Councilmember Knoblock, Councilmember Loeffler and Mayor Cabral voting NOE) to create a redistricting commission to evaluate and potentially redraw districts.

AYE: Duncan and Enmeier

NOE: Knoblock, Loeffler and Mayor Cabral

The original motion by Councilmember Knoblock, second by Councilmember Loeffler, was considered and CARRIED 3-2 (Councilmember Duncan and Mayor Pro Tem Enmeier voting NOE), to deny adoption of Ordinance No. 1770 and not introduce Ordinance No. 1771. **By taking no action at tonight's meeting, previously adopted Ordinance No. 1762 and map 109 will remain the current district elections ordinance.**

AYE: Knoblock, Loeffler and Mayor Cabral

NOE: Duncan and Enmeier

B. INTRODUCTION (FIRST READING) OF COMMERCIAL AND RECREATIONAL VEHICLE PARKING ORDINANCE AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Mayor Cabral opened the Public Hearing.

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

Amanda Quintanilla commented on language within the ordinance.

George Gregory commented on storage of items in commercial vehicles.

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

Motion by Mayor Pro Tem Enmeier, second by Councilmember Loeffler, CARRIED 4-1 (Councilmember Knoblock voting NOE) to introduce Ordinance No. 1763 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 10.04 AND 10.28 OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PARKING OF COMMERCIAL, RECREATIONAL, AND WIDE VEHICLES AND TRAILERS ON PUBLIC PROPERTY AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

AYE: Duncan, Enmeier, Loeffler and Mayor Cabral

NOE: Knoblock

C. PUBLIC HEARING TO CONSIDER CHANGING OR REVOKING CONDITIONAL PERMIT 1021/ VOLUNTARY COMPLIANCE AGREEMENT/ AND WIRELESS SCREENING FORM WMS 23-231 RELATED TO THE PROPERTY LOCATED AT 616 DEL DIOS, ASSESSOR'S PARCEL NUMBER 690-552-05 AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Mayor Cabral opened the Public Hearing.

Councilmembers disclosed the following ex-parte communications:

Councilmember Duncan disclosed that he received a number of emails concerning the property at 616 Del Dios that were similar to the emails received with the Administrative Report materials; he also disclosed a conversation with Andrew Morrow concerning the property at 616 Del Dios.

Councilmember Loeffler disclosed that he received a number of emails concerning the property at 616 Del Dios that were similar to the emails received with the Administrative Report material, disclosed a conversation with Andrew and Kortney Morrow concerning the property at 616 Del Dios; noted his attendance at the City Council/Planning Commission Joint Study Session.

Councilmember Knoblock disclosed that he received a number of emails concerning the property at 616 Del Dios that were similar to the emails received with the Administrative Report material; reported his attendance at the City Council/Planning Commission Joint Study Session.

Mayor Pro Tem Enmeier disclosed that he received a number of emails concerning the property at 616 Del Dios that were similar to the emails received with the Administrative Report material, disclosed a conversation he had with Kortney Morrow concerning the property at 616 Del Dios; reported his attendance at the City Council/Planning Commission Joint Study Session.

Mayor Cabral disclosed that he received a number of emails concerning the property at 616 Del Dios that were similar to the emails received with the Administrative Report material.

Community Development Director Atamian and City Planner Lightfoot narrated a PowerPoint presentation entitled "Public Hearing to Consider Changing or Revoking Conditional Permit 1021/Voluntary Compliance Agreement/ and Wireless Screening Form WMS 23-231 Related to the Property Located at 616 Del Dios, Assessor's Parcel Number 690-552-05" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Emily Murray, Counsel for American Tower Corporation, narrated a PowerPoint presentation entitled "American Tower Presentation to San Clemente City Council". A hard copy of the presentation is on file with the City Clerk.

Spoke in Support of the Revocation of Conditional Permit 1021/ Voluntary Compliance Agreement/ and Wireless Screening Form WMS 23-231 Related to the Property at 616 Del Dios.

Vonne Barnes narrated a PowerPoint presentation entitled "American Tower Non Compliance Access Easement". A hard copy of the presentation is on file with the City Clerk.

Amanda Quintanilla narrated a PowerPoint presentation entitled "American Tower Non Compliance Access Easement". A hard copy of the presentation is on file with the City Clerk.

Suzana Corritori, San Clemente narrated a PowerPoint presentation entitled "Electromagnetic Radiation Due to Wireless Cell Towers and Harmful Effects on Human Health". A hard copy of the presentation is on file with the City Clerk.

Carla Dack, San Clemente, narrated a PowerPoint presentation entitled "American Tower Non Compliance Chain Link Fence". A hard copy of the presentation is on file with the City Clerk.

Lyndie O'Toole, San Clemente, narrated a PowerPoint presentation entitled "American Tower Non Compliance Chain Link Fence". A hard copy of the presentation is on file with the City Clerk.

Joel Rumerman, San Clemente, narrated a PowerPoint presentation entitled "American Tower Non Compliance Crushed Rock". A hard copy of the presentation is on file with the City Clerk.

Perry Foskett, San Clemente, narrated a PowerPoint presentation entitled "American Tower Non Compliance Access Road Maintenance". A hard copy of the presentation is on file with the City Clerk.

Beth Foskett, San Clemente

Kristi Neuhausen narrated a PowerPoint presentation entitled "Attractive Nuisance". A hard copy of the presentation is on file with the City Clerk.

Kortney Morrow narrated a PowerPoint presentation entitled "Attractive Nuisance". A hard copy of the presentation is on file with the City Clerk.

David Armstrong, San Clemente, narrated a PowerPoint presentation concerning no electrical box at the site. A hard copy of the presentation is on file with the City Clerk.

Steve Lawson, San Clemente
Bert Levesque, San Clemente
Marty Dack, San Clemente
Norm Peterson, San Clemente
Mark Moran, San Clemente
Kathy Ward, San Clemente
David Schick, San Clemente
Shelley M
Henry Libdell, San Clemente

MEETING RECESSED

Council recessed the meeting at 10:16 p.m. and reconvened at 10:23 p.m. with all Councilmembers present.

Emily Murray, Counsel for American Tower Corporation, responded to public comments and Council inquiries.

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

CONTINUATION OF MEETING PAST 11:00 P.M.

Motion by Councilmember Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to continue the meeting until 12:00 a.m.

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

NOE: None

Motion by Councilmember Knoblock, DIED for a lack of second to table the item until a current status is provided to the City concerning the pending litigation.

The motion was withdrawn.

Motion by Councilmember Duncan, second by Councilmember Loeffler, CARRIED 5-0, to find that American Tower Corporation (ATC) has not been in continual compliance with the Conditional Use Permit 1021 (CUP) and warrants revocation of the CUP. Hold the revocation in abeyance for 60 days to allow

ATC, the City and Harborview Homeowners Association to work to resolve issues and report back to Council no later than 60 days.

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

NOE: None

CONTINUATION OF MEETING PAST 12:00 A.M.

Motion by Councilmember Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to continue the meeting to 12:30 a.m.

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

NOE: None

D. INTRODUCTION (FIRST READING) OF ZONING TEXT AMENDMENT TO SAN CLEMENTE MUNICIPAL CODE SECTION 17.28.206 - TEMPORARY PARKLET DINING, CONSIDERATION OF A RESOLUTION CONTINUING THE PARTICIPATION FEE AND FINDING THE ACTIONS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Mayor Cabral opened the Public Hearing.

Councilmember Loeffler disclosed that his wife is on the Planning Commission and that this item was considered by Planning Commission; noted that they did not discuss the continuation of the parklet program.

City Planner Lightfoot reviewed the contents of the Administrative Report and responded to Council inquiries.

Mikii Rathmann, San Clemente, spoke in support of the parklets during the Covid-19 pandemic; expressed concerns regarding the parklets impacts on parking and small businesses.

Kathy Ward, San Clemente, expressed concerns regarding parklets and the continuation of the program until 2026; spoke in opposition to continuing the parklet program.

Amanda Q spoke in opposition to continuing the parklet program.

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

POINT OF ORDER

A point of order card was received questioning if the City had notified businesses that they were able to continue to utilize the parklets after December 31, 2023.

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

1. Determine Zoning Amendment 23-424 is consistent with the intent of the state enabling legislation (Assembly Bill 1217) because it establishes a temporary parklet program that regulates the time, place, and manner of temporary outdoor dining facilities as encouraged by the State of California and is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities); Section 15303(e) (14 CCR § 15303(e), Class 3: New Construction or Conversion of Small Structures); Section 15304(e) (14 CCR § 15304(e), Class 4: Minor Alterations to Land); Section 15305(b) (14 CCR § 15305(b), Class 5: Minor Alterations in Land Use Limitations); and Section 15311 (14 CCR § 15311, Class 11: Accessory Structures).

2. Introduce Ordinance No. 1772 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 17.28.206 OF THE SAN CLEMENTE MUNICIPAL CODE, REGULATING TEMPORARY PARKLET DINING WHICH ESTABLISHED STANDARDS FOR OUTDOOR DINING AREAS AND SUNSETS ON JULY 1, 2026.

3. Adopt Resolution No. 24-10, which would establish a participation fee of four dollars (\$4) per square foot per month for parklets on public property and one dollar (\$1) per square foot per month for parklets on private property to be incorporated within the updated Limited Term Parking Relief Agreement. These fee amounts would be unchanged from the rates applied between 2021-2023.

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

NOE: None

9. Unfinished Business

None.

10. New Business

A. CONSIDERATION OF A RESOLUTION IN OPPOSITION TO PROPOSITION 1

Kathy Ward, San Clemente, expressed concerns regarding Proposition 1.

Tom Streeter expressed concerns regarding Proposition 1.

Tony spoke in support of the resolution in opposition to Proposition 1.

Motion by Councilmember Knoblock, second by Mayor Cabral, CARRIED 3-2 (Councilmember Duncan and Mayor Pro Tem Enmeier voting NOE) to adopt Resolution No. 24-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING PROPOSITION 1.

AYE: Knoblock, Loeffler and Mayor Cabral

NOE: Duncan and Enmeier

CONTINUATION OF MEETING PAST 12:30 A.M.

Motion by Councilmember Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to continue the meeting to 1:00 a.m.

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

NOE: None

B. CONSIDERATION OF A RESOLUTION ADOPTING A STATEMENT OF INTENT FOR EACH COUNCILMEMBER TO ACT IN THE BEST INTERESTS OF THE ENTIRE CITY FOLLOWING THE IMPLEMENTATION OF COUNCIL ELECTION DISTRICTS

Amanda Q spoke in opposition to the resolution.

Motion by Councilmember Knoblock, second by Councilmember Duncan, CARRIED 5-0, to adopt Resolution No. 24-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A STATEMENT OF INTENT FOR EACH COUNCILMEMBER TO ACT IN THE BEST INTERESTS OF THE ENTIRE CITY FOLLOWING THE IMPLEMENTATION OF COUNCIL ELECTION DISTRICTS.

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

NOE: None

C. CONSIDERATION OF AMENDING POLICY 1201-11 (CITY COUNCIL MEETING AND OPERATING PROCEDURES) CONCERNING ALLOWING PUBLIC COMMENTS ON THE CONSENT CALENDAR PRIOR TO CITY COUNCIL VOTING ON THE CONSENT CALENDAR

City Attorney Mitchell narrated a PowerPoint presentation entitled " Item 10C Consideration of Amending City Council Policy 1201-11 Regarding the Consent Calendar." A hard copy of the presentation is on file with the City Clerk.

Amanda spoke in opposition to the change in policy.

Motion by Councilmember Knoblock, second by Councilmember Duncan, CARRIED 3-2 (Councilmember Loeffler and Councilmember Knoblock voting NOE), to adopt Resolution No. 24-13, which would modify Sections 4.4.4 and 4.5.1 of City Council Meeting and Operating Procedures Policy 1201-11 to clarify that the public shall be allowed a total of three (3) minutes to comment on the Consent Calendar as one agenda item prior to the City Council voting on the Consent Calendar as a whole and that if a member of the City Council or staff pulls a matter off the Consent Calendar, the matter would be treated as a separate agenda item with additional public comment.

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

Note: the above action is the vote of reconsideration. Councilmember Knoblock requested that item 10C be reconsidered, and Council agreed to reconsider this item. Upon reconsideration Councilmember Knoblock changed his AYE vote to a NOE vote. No other Councilmembers changed their votes and the motion did not change upon reconsideration.

The original motion and vote was as follows:

Motion by Councilmember Knoblock, second by Councilmember Duncan, CARRIED 4-1 (Councilmember Loeffler voting NOE), to adopt Resolution No. 24-13, which would modify Sections 4.4.4 and 4.5.1 of City Council Meeting and Operating Procedures Policy 1201-11 to clarify that the public shall be allowed a total of three (3) minutes to comment on the Consent Calendar as one agenda item prior to the City Council voting on the Consent Calendar as a whole and that if a member of the City Council or staff pulls a matter off the Consent Calendar, the matter would be treated as a separate agenda item with additional public comment.

CONTINUATION OF MEETING PAST 1:00 A.M.

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to continue the meeting to 1:30 a.m.

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

D. RECOMMENDATION FROM THE BEACHES, PARKS & RECREATION COMMISSION TO CONSIDER ALLOWING DOGS ON THE BEACH AND PRIORITIZE FUNDING FOR OFF-LEASH DOG PARKS AT SAN LUIS REY AND SAN GORGONIO PARKS

Beaches, Parks and Recreation Director Wylie narrated a PowerPoint presentation entitled "BPR Commission Recommendation: Dog Access on Beach & Off-Leash Dog Park Expansion" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Amanda Q spoke in opposition to dog access on beaches due to cleanliness issues.

Tom Streeter, San Clemente, spoke on potential impacts of allowing dogs on the beach as it relates to water quality.

Debra Pardee, San Clemente, spoke in support of dogs on the beach and

additional dog parks.

Louis D'Angelo, San Clemente, spoke in support of dogs on the beach.

Bret Frohlich, San Clemente, spoke in support of dogs on the beach.

M. Aguilar, San Clemente, spoke in support of dogs on the beach.

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to direct staff to take the next steps to move forward with two new dog parks at San Luis Rey and San Gorgonio Parks. Staff is to determine the best locations for a dog park at San Gorgonio Park.

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

NOE: None

Motion by Councilmember Knoblock, second by Councilmember Duncan, CARRIED 5-0, to direct staff and the Beaches, Parks & Recreation Commission to recommend a pilot program allowing for dog access on the beach which will include seeking all required regulatory input (ie. Coastal Commission and environmental findings) to determine the impacts of a dog beach; to evaluate the best time(s) and location(s) for dog access on the beach(es); and determine whether dogs should be on-leash while accessing the beach.

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

NOE: None

CONTINUATION OF MEETING PAST 1:30 A.M.

Motion by Councilmember Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to continue the meeting to 2:00 a.m.

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

NOE: None

11. Oral Communications (Part 2)

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

12. Future Agenda Items

Mayor Pro Tem Enmeier, with the support of Councilmember Duncan and Councilmember Loeffler, agendized consideration of reviewing current campaign contribution limits and potential changes to San Clemente campaign finance requirements; and requested information on what other Orange County cities do it terms of campaign contributions limits.

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

None.

B. Council Subcommittee Updates

None.

C. Council Members**San Onofre Nuclear Generating Station (SONGS)**

Mayor Cabral reported that he attended the Community Engagement Panel Meeting at San Onofre Nuclear Generating Station.

Sober Living Homes

Mayor Cabral reported that he attended a meeting concerning sober living homes.

Mayor Pro Tem Enmeier reported that he attended a meeting concerning sober living homes.

D. City Attorney

None.

E. City Manager

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

1. Trauma Intervention Programs - Professional, emotional and practical support services for traumatic events \$8,085.
2. LGC Geotechnical, Inc. - As-Needed Geotechnical & Related \$50,000.
3. Counts Unlimited - FY 2023-24 Citywide Traffic Data Collection Services \$25,000.
4. Powerhouse Combustion & Mechanical Corp. - Flare Emissions Source Testing \$9,937.50.

14. Adjournment

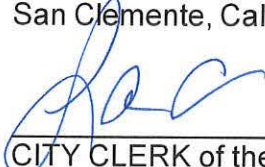
Motion by Mayor Pro Tem Enmeier, second by Councilmember Duncan, CARRIED 5-0, to adjourn in memory of Dr. Catherine "Cat" Nolan, Assistant Principal of Guidance, San Clemente High School at 1:40 a.m. The next Regular Meeting will be held on February 6, 2024. Closed Session will begin at 5:00 p.m. The 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: Duncan, Enmeier, Knoblock, Loeffler and Mayor Cabral

NOE: None



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California

