

CITY OF SAN CLEMENTE
Tuesday, March 5, 2024
City Council
Special and Regular Meeting Minutes



910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org
Council Chambers

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

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

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 March 5, 2024 at 4:30 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

*Participated via teleconference due to Just Cause under the Brown Act, joined the meeting at 4:38 p.m.

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

CLOSED SESSION

Motion by Mayor Pro Tem Enmeier, second by Councilmember Duncan, CARRIED 4-0 (Councilmember Knoblock Absent), to recess to Closed Session at 4:32 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

1. Case Name: Harbor View Estates Homeowners Association v. City of San Clemente, Orange County Superior Court Case No. 30-2024-01371169 -CU-WM-CXC

2. Case Name: George Zeber, et al. vs. City of San Clemente, Orange County Superior Court Case No. 30-2021-01191580-CU-EI-CXC

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

1. Facts and Circumstances per Government Code section 54956.9(e)(1): Facts and circumstances that might result in litigation against the City that the City believes are not yet known to a potential plaintiff or plaintiffs.

AYE: Duncan, Enmeier, Loeffler and Mayor Cabral

NOE: None

ABSENT: Knoblock

Closed Session concluded at 5:59 p.m.

BUSINESS MEETING

Council reconvened at 6:02 p.m. with all Councilmembers present, including Councilmember Knoblock who participated via zoom due to Just Cause under the Brown Act.

INVOCATION

Margaret Hill, San Clemente Stake Young Women's President, Church of Jesus Christ of Latter-day Saints, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Cabral led the Pledge of Allegiance.

1. Special Presentations

A. Community Outreach Program Update

Community Development Director Atamian, Community Outreach Worker Hunter and Community Outreach Worker Shenker narrated a PowerPoint presentation entitled "Community Outreach Program Update" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Maura Mikulec spoke on a specific incident regarding a homeless woman; urged Council to take additional action concerning homeless individuals in San Clemente.

Donna Vidrine, San Clemente, commented on the Amicus Brief (City of Grants Pass, Oregon v. Gloria Johnson, et. al. United States Supreme Court Case No. 23-175) initiated by Council; spoke on Council's action concerning homelessness.

Nancy McIntyre, iHOPE OC, Inc., commented on the work of iHOPE OC in the community.

2. Oral Communications (Part 1)

Gary Headrick, San Clemente Green, commented on the threat of sea level rise on the San Onofre Nuclear Generating Station.

Amanda Q narrated a PowerPoint presentation entitled "Nature-Based Coastal Resiliency Concepts". A hard copy of the presentation is on file with the City Clerk.

Wayne Eggleston narrated a PowerPoint presentation concerning Park Semper Fi as it relates to upcoming events. A hard copy of the presentation is on file with the City Clerk.

Donna Vidrine, San Clemente, commented on the Council's discussion concerning the Amicus Brief - City of Grants Pass, Oregon v. Gloria Johnson, et. al. United States Supreme Court Case No. 23-175.

Suzie Lantz, San Clemente Chamber of Commerce, provided an update on the San Clemente Chamber of Commerce concerning workforce development.

Blank commented that a member of the public called the employer of a public speaker at the February 20, 2024 City Council meeting concerning their comments related to the Second Amendment.

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

Motion by Mayor Pro Tem Enmeier, 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 agendizing items requiring immediate action

None.

5. Closed Session Report - City Attorney

City Attorney Mitchell announced that the following action was taken in Closed Session:

No reportable action concerning:

Case Name: Harbor View Estates Homeowners Association v. City of San Clemente, Orange County Superior Court Case No. 30-2024-01371169-CU-WM-CXC

Case Name: George Zeber, et al. vs. City of San Clemente, Orange County Superior Court Case No. 30-2021-01191580-CU-EI-CXC

Direction given, no reportable action concerning:

Facts and Circumstances per Government Code section 54956.9(e)(1): Facts and circumstances that might result in litigation against the City that the City believes are not yet known to a potential plaintiff or plaintiffs.

6. Staff Communications

None.

7. Public Hearings

None.

8. Unfinished Business

8A. ADOPT ORDINANCE NO. 1773 (SECOND READING) - SAFE GUN STORAGE

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

Amanda narrated a PowerPoint presentation entitled "Support letter vs. Ordinance". A hard copy of the presentation is on file with the City Clerk.

George Morrison, San Clemente, spoke in support of the Second Amendment; provided a hard copy of his comments to the City Council. A hard copy of the comments are on file with the City Clerk.

Tom Streeter, San Clemente, spoke in support of a compromise regarding language in the Ordinance.

Motion by Mayor Pro Tem Enmeier, second by Councilmember Duncan, CARRIED 3-2 (Councilmember Knoblock and Mayor Cabral voting NOE), to adopt Ordinance No. 1773 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 9.04 - OFFENSES AGAINST PUBLIC PEACE AND DECENCY, OF THE SAN CLEMENTE MUNICIPAL CODE TO ADD NEW SECTION 9.04.045, RELATING TO SAFE STORAGE OF FIREARMS, AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

AYE: Duncan, Enmeier and Loeffler

NOE: Knoblock and Mayor Cabral

8B. CONSIDERATION OF AUTHORIZING A GRANT IMPLEMENTATION AGREEMENT WITH THE COUNTY OF ORANGE FOR THE SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT GRANT PROPOSITION 1 ROUND 2 GRANT FUNDING PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE RECYCLED WATER QUALITY IMPROVEMENT PROJECT

Public Works Director/City Engineer Rebensdorf narrated a PowerPoint presentation entitled "Recycled Water Quality Improvement Project" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

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

Adopt Resolution No. 24-28, which will:

1. Approve, and authorize the City Manager to execute, Contract No. C24- 12, a Grant Implementation Agreement by and between the City of San Clemente and the County of Orange, to receive the South Orange County Integrated Regional Water Management (IRWM) Grant Proposition 1 Round 2 grant funding, in the amount of \$700,000, for the Recycled Water Quality Improvement Project and documents related thereto.
2. Authorize the City Manager or his/her designee to accept and deposit the grant funding reimbursement (\$700,000) into the Sewer Connection Fee Reserve Fund, Account No. 054-477-45300-000-13203.

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

NOE: None

8C. CONTINUANCE OF NO ACTION ON CONDITIONAL PERMIT 1021 RELATED TO THE PROPERTY LOCATED AT 616 DEL DIOS, ASSESSOR'S PARCEL NUMBER 690-552-05

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

Bert Levesque, Harborview Homeowners Association, provided an update on meetings between Harborview and American Tower Corporation.

Tony Rubolino spoke on comments made by Councilmember Duncan.

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to continue the abeyance of the revocation of Conditional Permit 1021 until September 3, 2024, which would maintain the status quo until that date.

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

NOE: None

8D. CONSIDERATION OF COUNCILMEMBER TRAVEL AND TRAINING EXPENSES

Amanda narrated a PowerPoint presentation entitled "Duncan's DC Trip". A hard copy of the presentation is on file with the City Clerk.

Tony Rubolino narrated a PowerPoint presentation entitled "Oh, You Don't Say". A hard copy of the presentation is on file with the City Clerk.

Motion by Mayor Pro Tem Enmeier, second by Councilmember Loeffler, CARRIED 5-0, to authorize an expenditure of up to \$110 related to City Councilmember Duncan's mileage reimbursement to attend at the 2024 March Cal Cities Governance, Transparency and Labor Relations Policy Committee Meeting.

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

NOE: None

9. New Business

9A. CONSIDERATION OF ITEMS FOR ESTABLISHING THE ARTS & CULTURE COMMITTEE 2024 WORK PLAN

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

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

Motion by Mayor Pro Tem Enmeier, second by Councilmember Loeffler, CARRIED 4-1 (Councilmember Duncan voting NOE) to adopt Resolution No. 24-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE ARTS AND CULTURE COMMITTEE 2024 WORK PLAN, with the addition of surf culture where appropriate.

AYE: Enmeier, Knoblock, Loeffler and Mayor Cabral

NOE: Duncan

9B. CONSIDERATION OF AUTHORIZING A LEASE WITH THE STATE LANDS COMMISSION FOR USE AND MAINTENANCE OF PUBLIC BEACH ACCESS FACILITIES AT LINDA LANE, EL PORTAL AND MARIPOSA AND FINDING THE PROJECT CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CLASS 1

Public Works Director/City Engineer Rebensdorf reviewed the contents of the Administrative Report and responded to Council inquiries.

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

Adopt Resolution No. 24-30, which will:

1. Find the project categorically exempt under the California Environmental Quality Act (CEQA) under Class 1, Section 15301 of the state CEQA Guidelines (Existing Facilities, 14 CCR 15301).
2. Approve, and authorize the City Manager to execute, Contract No. C24- 13, a Lease agreement, by and between the City of San Clemente and the State Lands Commission, for the use and maintenance of public beach access facilities at Linda Lane, El Portal and Mariposa.

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

NOE: None

MEETING RECESS

The meeting was recessed at 8:11 p.m. and reconvened at 8:16 p.m. with all Councilmembers present; including Councilmember Knoblock who participated via zoom due to Just Cause under the Brown Act.

9C. CONSIDERATION OF AMENDING THE TERM SHEET FOR SALTY TURF LLC RELATED TO THE DEVELOPMENT OF A MINIATURE GOLF FACILITY AT VISTA HERMOSA SPORTS PARK; AND FINDING THAT THE MINIATURE GOLF PROJECT IS CATEGORICALLY EXEMPT FROM (14 CCR 15301 AND 15303) AND/OR THAT NO SUPPLEMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IS NECESSARY (14 CCR 15162 AND 15164)

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

Amanda spoke in opposition to the City awarding exclusive contracts for public facilities.

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

Adopt Resolution No. 24-31, which will:

1. Find that the miniature golf project is categorically exempt under Sections 15301 and 15303 and/or that no supplemental review is necessary under Sections 15162 and 15164 of the California Environmental Quality Act (“CEQA”) Guidelines (14 CCR 15162 and 15164).

2. Authorize the City Manager to execute an amendment to the Term Sheet with Salty Turf LLC to include a decrease in the Gross Percentage of Sales and incorporate a maximum amount of rent.

3. Authorize the City Manager to finalize negotiations and execute a Lease Agreement with Salty Turf, LLC for the development of a 36-hole miniature golf facility for public recreation purposes at the Vista Hermosa Sports Park in the 1.2 -acre area designated as lease space within the La Pata/Vista Hermosa Master Plan in a form approved by the City Attorney and consistent with the amended Term Sheet.

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

NOE: None

9D. CONSIDERATION OF A RESOLUTION IN SUPPORT OF AB 2081 - ALCOHOL AND DRUG ABUSE TREATMENT FACILITIES

Sarah Schneider spoke in support of Resolution No. 24-32.

Kathy Thompson, San Clemente, spoke in support of Resolution No. 24-32.

Tony Rubolino narrated a PowerPoint presentation concerning AB 2081. A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to adopt Resolution No. 24-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING LEGISLATION, ASSEMBLY BILL 2081, RELATING TO ALCOHOL AND DRUG ABUSE TREATMENT FACILITIES.

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

NOE: None

9E. CITY MANAGER COMPENSATION REVIEW AND CONSIDERATION OF AUTHORIZING A FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CITY MANAGER ANDY HALL IMPLEMENTING AN EXECUTIVE LEVEL SALARY ADJUSTMENT

City Manager Hall left the Council Chambers at 8:37 p.m.

City Attorney Mitchell reviewed the contents of the Administrative Report and responded to Council inquiries.

Sarah Schneider spoke in support of a salary increase for City Manager Hall.

Amanda spoke in opposition to a salary increase for City Manager Hall.

Concerned Resident, San Clemente, spoke in support of a salary increase for City Manager Hall.

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

- 1. Adopt Resolution No. 24-33, which will approve a 2.99% salary increase for the City Manager effective February 20, 2024.
- 2. Modify the City Managers evaluation schedule from annual to semi-annual.

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

NOE: None

City Manager Hall returned to the dais at 8:49 p.m.

10. Consent Calendar

10A. City Council Minutes

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

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF FEBRUARY 20, 2024.

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

NOE: None

10B. Commission/Committee Minutes

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

- (1) BEACHES, PARKS & RECREATION COMMISSION REGULAR MEETING MINUTES OF DECEMBER 12, 2023.
- (2) BEACHES, PARKS & RECREATION COMMISSION SPECIAL MEETING MINUTES OF JANUARY 22, 2024.
- (3) ARTS AND CULTURE COMMITTEE SPECIAL MEETING MINUTES OF JANUARY 22, 2024.
- (4) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF FEBRUARY 8, 2024.
- (5) ARTS AND CULTURE COMMITTEE SPECIAL JOINT MEETING MINUTES OF FEBRUARY 12, 2024.
- (6) HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF FEBRUARY 13, 2024.
- (7) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF FEBRUARY 22, 2024.

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

NOE: None

10C. Warrant Register

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

- (1) APPROVE WIRE TRANSFER NOS. 2986 THROUGH 2991 AND WARRANT NOS. 594004 THROUGH 594169, PAID ON 1-26-24, IN THE AMOUNT OF \$861,233.08
 - (2) APPROVE WIRE TRANSFER NOS. 2992 THROUGH 2998 AND WARRANT NOS. 594170 THROUGH 594373, PAID ON 2-2-24, IN THE AMOUNT OF \$4,505,314.44
 - (3) APPROVE HANDWRITE NO. 594546, WIRE TRANSFER NOS. 2999 THROUGH 3002 AND WARRANT NOS. 594374 THROUGH 594545, PAID ON 2-9-24, IN THE AMOUNT OF \$2,659,134.95
 - (4) APPROVE WIRE TRANSFER NOS. 3003 THROUGH 3004 AND WARRANT NOS. 594547 THROUGH 594700, PAID ON 2-16-24, IN THE AMOUNT OF \$952,448.49
- TOTAL WARRANT REGISTER \$8,978,170.96

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

NOE: None

Payroll Register

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

WARRANT NO. 922 AND AUTOMATIC DEPOSIT ADVISES 91469 THROUGH 91772, FOR THE PERIOD 3-21-22 THROUGH 4-3-22, PAID ON 4-8-22, IN THE AMOUNT OF	\$479,666.26
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WARRANT NO. 923 AND AUTOMATIC DEPOSIT ADVISES 91773 THROUGH 92076, FOR THE PERIOD 1-22-24 THROUGH 2-4-24, PAID ON 2-9-24, IN THE AMOUNT OF	\$485,402.57
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TOTAL PAYROLL REGISTER	\$965,068.83
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AYE: Duncan, Enmeier, Knoblock, Loeffler and Mayor Cabral

NOE: None

10D. CONSIDERATION OF A RESOLUTION TO ACCEPT AND FILE NOTICE OF COMPLETION FOR THE CYPRUS SHORE SEWER PUMP STATION RELOCATION, PROJECT NO. 12210

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

Adopt Resolution No. 24-34, which will:

1. Accept the Cyprus Shore Sewer Pump Station Relocation, Project No. 12210, from the contractor, O’Connell Engineering and Construction, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Cyprus Shore Storm Drain Emergency Relocation.
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, O’Connell Engineering and Construction, Inc.

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

NOE: None

10E. NOTICE OF COMPLETION - AQUATIC CENTER MAIN POOL REPLASTER

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

Adopt Resolution No. 24-35, which will:

1. Accept Aquatic Center Main Pool Replaster, Project No. 12808, from the contractor, Condor, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Aquatic Center Main Pool Replaster.
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, Condor, Inc.

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

NOE: None

11. Oral Communications (Part 2)

Concerned Resident, San Clemente, commented on pickleball at San Gorgonio Park.

Tony Rubolino narrated a PowerPoint presentation concerning Councilmember Duncan. A hard copy of the presentation is on file with the City Clerk.

12. Future Agenda Items**Letter of Support for Assembly Bill 2574**

Mayor Pro Tem Enmeier, with the support of Councilmember Duncan, agendized consideration of a letter of support for AB 2574 - Amend Section 11834.23 of the Health and Safety Code, relating to alcohol and drug programs.

Policy Concerning Individual City Councilmember Support for Proposed State and Federal Legislation

Mayor Pro Tem Enmeier, with the support of Councilmember Duncan, agendized consideration of a policy to require any support/ opposition for federal and state legislation come from an individual Councilmember on their personal letterhead.

13. Reports**A. Commissions and Committees****Orange County Fire Authority**

Councilmember Duncan reported that the Orange County Fire Authority is working on obtaining additional wildfire resources.

B. Council Subcommittee Updates**Homeless Subcommittee**

Mayor Pro Tem Enmeier reported on the positive steps the Homeless Subcommittee is making; noted he will provide an update at an upcoming City Council meeting.

C. Council Members**Chamber of Commerce Luncheon**

Councilmember Loeffler reported on the Chamber of Commerce Annual Awards Luncheon.

D. City Attorney

None.

E. City Manager**City Manager Executed Contracts**

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

1. WSP Environment & Infrastructure Inc. providing for Pier Bacteria Source Characterization Study in the amount of \$9,000.
2. Geosyntec providing for As-Needed Water Quality Management Plan WQMP Review in the amount of \$9,995.
3. Diamond Construction providing for Cyprus Shore Hauling HDPE Pipes and Bends in the amount of \$27,500.
4. Kimley Horn Professional Historic Resource Analysis Report Peer Review in the amount of \$5,880.
5. VCA Consultants, Inc. providing for Permit Technician in the amount of \$50,000.
6. Ninyo and Moore Geotechnical & Environmental Science Consultants

providing for as-needed geotechnical & related in the amount of \$50,000.

7. GeoLogic Associates, Inc. providing for as-needed geotechnical and related in the amount of \$50,000.
8. Linkture - Forensic Investigation of the Shorted Bus Duct at the Power Distribution Center at the City of San Clemente Water Reclamation Plant in the amount of \$17,200.
9. Duncan Engineering - Marine Safety Headquarters structural assessment in the amount of \$9,250.

14. Adjournment

Motion by Mayor Pro Tem Enmeier, second by Councilmember Duncan, CARRIED 5-0, to adjourn at 9:10 p.m. in memory of Neil Barbanell. The next Regular Meeting will be held on March 19, 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