

CITY OF SAN CLEMENTE
Tuesday, June 18, 2024
City Council
Adjourned 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

1:00 p.m. - Commission and Committee Interviews
5:00 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.

An Adjourned Regular Meeting of the San Clemente City Council was called to order by Mayor Cabral on June 18, 2024 at 1:05 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

COMMISSION AND COMMITTEE INTERVIEWS AND APPOINTMENTS

A. PLANNING COMMISSION

The City Council interviewed the following candidates:

- Cameron Cosgrove
- Brett Freeman
- Gary McCaughan
- Scott McKhann
- Paul Parsons
- Karen Prescott-Loeffler

Councilmember Loeffler recused himself due to a common law conflict of interest concerning consideration of appointing Karen Prescott-Loeffler to the Planning Commission. Councilmember Loeffler left the room during the interview and deliberations concerning Karen Prescott-Loeffler.

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 4-0 (Councilmember Loeffler RECUSED) to appoint Karen Prescott-Loeffler to the Planning Commission for a term set to expire June 30, 2026.

AYE: Duncan, Enmeier, Knoblock and Mayor Cabral

NOE: None

RECUSED: Loeffler

Councilmember Loeffler returned to the dais.

Councilmembers cast written ballots to fill three vacancies on the Planning Commission, which were announced verbally by City Clerk Campagnolo as follows:

DUNCAN: Cosgrove, Freeman, Parsons

ENMEIER: Cosgrove, McCaughan, McKhann

KNOBLOCK: Cosgrove, Freeman, McKhann

LOEFFLER: Cosgrove, McCaughan, McKhann

CABRAL: Cosgrove, McCaughan, McKhann

Motion by Mayor Cabral, second by Councilmember Knoblock, CARRIED 5-0, to appoint Cameron Cosgrove, Gary McCaughan and Scott McKhann to the Planning Commission for terms set to expire June 30, 2026.

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

NOE: None

B. INVESTMENT ADVISORY COMMITTEE

The City Council interviewed the following candidates:

Matthew Koelliker

Monique Runge (Not present to interview)

Councilmembers cast written ballots to fill one vacancy on the Investment Advisory Committee, which were announced verbally by City Clerk Campagnolo as follows:

DUNCAN: Koelliker

ENMEIER: Koelliker

KNOBLOCK: Koelliker

LOEFFLER: Runge

CABRAL: Koelliker

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to appoint Matthew Koelliker to the Investment Advisory Committee for a term set to expire June 30, 2026.

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

NOE: None

C. BEACHES, PARKS AND RECREATION

The City Council interviewed the following candidates:

- Jennifer Elliott
- Shauna Garcia
- Shari Grace
- Linda Hernandez Williams
- Douglas Juvinall
- Teddy Kahn
- Richard D. Kay
- Alyssa McCanne
- Teri Rousseau

Councilmembers cast written ballots to fill four vacancies on the Beaches, Parks and Recreation Commission which were announced verbally by City Clerk Campagnolo as follows:

- DUNCAN: Garcia, Hernandez Williams, Kay, McCanne
- ENMEIER: Garcia, Hernandez Williams, Kay, McCanne
- KNOBLOCK: Garcia, Grace, Kahn, Kay
- LOEFFLER: Elliott, Grace, Kahn, Rousseau
- CABRAL: Elliott, Grace, Kay, Rousseau

Motion by Councilmember Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to appoint Shauna Garcia, Shari Grace and Richard Kay to the Beaches, Parks and Recreation Commission for a term set to expire June 30, 2026.

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

NOE: None

Councilmembers cast additional written ballots for the remaining vacancy which were announced verbally by City Clerk Campagnolo as follows:

- DUNCAN: McCanne
- ENMEIER: McCanne
- KNOBLOCK: Kahn
- LOEFFLER: Rousseau
- CABRAL: Elliott

Motion by Mayor Pro Tem Enmeier, second by Councilmember Duncan, CARRIED 5-0, to appoint Alyssa McCanne to the Beaches, Parks and

Recreation Commission for a term set to expire June 30, 2026.

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

NOE: None

D. COASTAL ADVISORY COMMITTEE

Amanda Quintanilla narrated a PowerPoint presentation concerning the meeting schedule for the Coastal Advisory Committee. A hard copy of the presentation is on file with the City Clerk.

Following deliberations, the City Council considered the following candidates:

Richard Ayer (Not present to interview)

John Dolegowski

Matthew Schmitt

Diek Van Nort

Motion by Councilmember Loeffler, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to appoint Richard Ayer to the Coastal Advisory Committee for a term set to expire June 30, 2025 and John Dolegowski, Matthew Schmitt and Diek Van Nort to the Coastal Advisory Committee for terms set to expire June 30, 2026.

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

NOE: None

E. GOLF COURSE COMMITTEE

The City Council interviewed the following candidates:

Mandy Hamilton

Kurt Luebke

Ben Page

Paul Perrotta

Tony Smith

Robert Zumberge

Councilmembers cast written ballots to fill three vacancies on the Golf Course Committee which were announced verbally by City Clerk Campagnolo as follows:

DUNCAN: Hamilton, Page, Zumberge

ENMEIER: Hamilton, Page, Zumberge

KNOBLOCK: Page, Smith, Zumberge

LOEFFLER: Hamilton, Page, Smith

CABRAL: Hamilton, Page, Zumberge

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to appoint Mandy Hamilton, Ben Page and Robert Zumberge to the Golf Course Committee for terms set to expire June 30, 2026.

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

NOE: None

F. PUBLIC SAFETY COMMITTEE

Following deliberations, the City Council considered the following candidates:

Michael Greenwald
Tom Hazelton
Seth Neri

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to appoint Michael Greenwald, Tom Hazelton and Seth Neri to the Public Safety Committee for terms set to expire June 30, 2026.

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

NOE: None

G. HUMAN AFFAIRS COMMITTEE

Following deliberations, the City Council considered the following candidates:

Stuart Anderson (Not present to interview)
Michelle Brooks
Rosemary Salas
Dick Veale (Not present to interview)
Dawn Vogelsang (Withdrew Application)

Motion by Councilmember Knoblock, second by Councilmember Loeffler, CARRIED 5-0, to appoint Stuart Anderson, Michelle Brooks, Rosemary Salas and Dick Veale to the Human Affairs Committee for terms set to expire June 30, 2026.

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

NOE: None

Meeting Recessed

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to recess at 3:01 p.m. until the start of Closed Session at 5:00 p.m.

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

NOE: None

CLOSED SESSION

The meeting reconvened at 5:00 p.m. with all Councilmembers present.

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to recess to Closed Session at 5:01 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: MDL No. 2804 National Prescription Opiate Litigation Proposed Opioid Settlement Kroger Co.

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6 Agency designated representative: Administrative Services Director

Unrepresented employees: All Employees

Employee Organization: San Clemente City Employees Association

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

NOE: None

Closed Session concluded at 5:56 p.m.

BUSINESS MEETING

The meeting reconvened at 6:01 p.m. with all Councilmembers present.

INVOCATION

Stan Mathis, Member of the Elders Quorum Presidency, Ola Vista Ward, Church of Jesus Christ of Latter-day Saints, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Cabral led the Pledge of Allegiance.

1. Special Presentations

None.

2. Council Member Reports

Mayor Cabral reported:

- Attended the North Beach Community Association Town Hall Meeting on June 11, 2024 at The Casino.
- Reported he attended a meeting and toured the Miramar Theater on June 13, 2024.
- Reported on contact and assistance to homeless individual.
- Hosted Marine Corps dinner to bid farewell to Brigadier General Woodworth of the 2nd Battalion 4th Marines at Marine Corps Base Camp Pendleton on June 12, 2024.
- Participated in a shake table test at the University of California at San Diego to simulate an earthquake and test the nuclear waste storage containers durability under earthquake conditions on June 12, 2024.
- Had a meeting with Assistant Secretary Paul Murray with the Department of Energy to discuss long term storage of spent nuclear fuel June 13, 2024.
- Announced that the City has secured waiver from the California Coastal Commission to place sand at North Beach.
- Announced the Army Corps of Engineers approval concerning sand placement at North Beach.
- Toured the Capistrano Unified School District Emergency Operations Center on June 10, 2024.
- Sent a letter on behalf of the San Onofre Community Engagement Panel to the assembly requesting assistance with disposing of nuclear waste in a timely manner.

Councilmember Loeffler reported:

- Toured the Capistrano Unified School District Emergency Operations Center on June 10, 2024.
- Meeting and Tour of Miramar Theater on June 13, 2024.
- Contact and assistance to homeless individuals.
- Attended the Junior Lifeguard Kickoff on June 10, 2024.

Mayor Pro Tem Enmeier reported:

- Visited the Normandy D-Day Memorial and shared quotes from the memorial.

Councilmember Duncan reported:

- Attended the San Clemente's Downtown Business Association 28th Annual Car Show on June 8, 2024 and distributed awards to the winners.
- Attended Supervisor Foley's Flag Day & Army Birthday Celebration event on June 14, 2024 at Baby Beach in Dana Point
- Acknowledged Father's Day, June 16, 2024.
- Announced that the World Surf League 2024 finals to be held in San Clemente, September 6-14, 2024.
- Announced that the Blackball policy will be adjusted at T-Street for surfing.
- Acknowledged the passing of Willie Mays.

Councilmember Knoblock reported:

- Attended the Orange County Alzheimer's Associations South OC Mixer event at The Casino on June 6, 2024.

3. Oral Communications (Part 1)

Daniel Gulbranson, Big Bear Lake, distributed documents and commented on former City Manager Sund. A hard copy of the documents are on file with the City Clerk.

Joe Wilson, Save our Beaches San Clemente, urged the City Council to appoint a member to be a liaison to the Orange County Transportation Authority concerning armoring San Clemente beaches to protect the railway.

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

Mike Kay urged the City and its residents to be prepared for wildfires.

Suzanne Ruiz expressed concerns regarding pop-up food vendors without proper permits or health and safety precautions; commented on the dangers of fentanyl.

Lois McNicoll narrated a PowerPoint presentation entitled "Sand Restoration: Natural, Effective, Less Expensive". A hard copy of the presentation is on file with the City Clerk.

Susie Lantz, San Clemente Chamber of Commerce, displayed a photograph and announced upcoming events for the Chamber of Commerce. A hard copy of the photograph is on file with the City Clerk.

George Gregory expressed concerns regarding sand placement in North Beach; spoke in opposition to a new tax measure, urged the city to focus on development to generate revenue.

Suzanne Mooneyham expressed concerns regarding chemicals found in water; voiced concerns regarding pop-up food vendors as it relates to fentanyl.

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

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

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

NOE: None

5. Consideration of agenda items requiring immediate action

None.

6. Closed Session Report - City Attorney

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

Direction given; 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

The City Council voted, CARRIED 5-0, to authorize the City Manager to execute a Settlement Agreement with Kroger Co. and make elections regarding distributions regarding the following case:

Case Name: MDL No. 2804 National Prescription Opiate Litigation Proposed Opioid Settlement - Kroger Co.

No reportable action concerning:

Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6
Agency designated representative: Administrative Services Director
Unrepresented employees: All Employees
Employee Organization: San Clemente City Employees Association

7. Staff Communications

None.

8. Public Hearings**8A. PARK MASTER PLAN AMENDMENT OF RICHARD T. STEED MEMORIAL PARK/BARON VON WILLARD DOG PARK AND ADOPTION OF AN ADDENDUM TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Mayor Cabral opened the Public Hearing.

Beaches, Parks and Recreation Director Wylie narrated a PowerPoint presentation entitled "Park Master Plan Amendment - Richard T. Steed Memorial Park" and responded to City Council inquiries. A hard copy of the presentation is on file with the City Clerk.

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

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

1. Adopt Resolution No. 24-88, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION NO. 23-24 FOR RICHARD T. STEED MEMORIAL PARK/BARON VON WILLARD DOG PARK MASTER PLAN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, AND ADOPTING AN ADDENDUM TO THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FINDING THAT THE MODIFICATIONS POSE NO SIGNIFICANT CHANGES TO THE ORIGINAL ENVIRONMENTAL ANALYSIS.

2. Adopt Resolution No. 24-89, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RICHARD T. STEED MEMORIAL PARK/BARON VON WILLARD DOG PARK MASTER PLAN RESOLUTION NO. 23-25, TO INCORPORATE EIGHT ADDITIONAL PICKLEBALL COURTS FOR A TOTAL OF 24 PICKLEBALL COURTS.

3. Approve Design Option C for the 24 court pickleball facility.

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

NOE: None

8B. DE NOVO APPEAL HEARING OF DEVELOPMENT PERMIT 24-027, A REQUEST TO CONSTRUCT A TWO-STORY, SINGLE-FAMILY RESIDENCE ON A VACANT LOT AT 239 AVENIDA LA CUESTA ABUTTING TWO HISTORIC RESOURCES (233 AVENIDA LA CUESTA AND 243 AVENIDA LA CUESTA), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15303 (CLASS 3: NEW CONSTRUCTION AND CONVERSION OF SMALL STRUCTURES, 14 CCR §15303)

Mayor Cabral opened the Public Hearing.

Mayor Cabral disclosed the following ex-parte communications:

- Communications from the applicant.
- Received emails regarding the proposed project.
- Site visit to the neighborhood.

Councilmember Loeffler disclosed the following ex-parte communications:

- Viewed the Planning Commission meeting of May 8, 2024.
- Disclosed a friend lives in close proximity to the project.

Councilmember Duncan disclosed the following ex-parte communications:

- Received emails regarding the proposed project.

- Previously toured the Goldschmidt House.

Mayor Pro Tem Enmeier disclosed the following ex-parte communications:

- Previously toured the Goldschmidt House.

Associate Planner Carrillo, City Planner Lightfoot and Community Development Director Atamian narrated a PowerPoint presentation entitled "Moses Residence DP24-027" and responded to City Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Dustin Morris, Applicant, narrated a PowerPoint presentation entitled "Moses Residence: City Council Hearing 6-18-24". A hard copy of the presentation is on file with the City Clerk.

MEETING RECESSED

The meeting was recessed at 7:36 p.m. and reconvened at 7:43 p.m. with all Councilmembers present.

Vasko Mitzev, counsel for the appellant, narrated a PowerPoint presentation concerning the proposed project. A hard copy of the presentation is on file with the City Clerk.

Suzi Klickstein, San Clemente Historical Society, requested that the City Council increase the project setback by 15 feet.

Rick Delanty, San Clemente, commented on Ole Hanson's vision for San Clemente.

Lee Van Slyke, San Clemente Historical Society, commented on the neighboring historic Goldschmidt House and the historical importance of the architect, Paul Williams.

Christine Lampert, San Clemente, requested the City Council increase the setback by 15 feet.

Jim Hamilton, San Clemente Historical Society, commented on the setback of the project.

Alex Verdegen, Counsel for the Goldschmidt House and Campbell House, commented on the California Environmental Quality Act (CEQA) requirements and mitigation measures of the proposed project on the neighboring historic properties.

Steve Helfrich commented on potential impacts to the Goldschmidt House due to the proposed construction.

Catherine Hall, Owner of the Goldschmidt House, requested the City Council increase the project setback.

Don Wentzel, Owner of the Goldschmidt House, requested the City Council increase the project setback.

Brian Dick, Owner of the Campbell House, requested the City Council increase the project setback.

Matthew Miller, San Clemente, commented on the impacts of the proposed Moses development on the community.

Larry Culbertson, San Clemente Historical Society, displayed page 163 of the Administrative Report, commented on the original design intended for lots this area; opined that the home should be smaller and the setback be increased.

Mary Ann Comes, San Clemente Historical Society, commented on the importance of the Goldschmidt House for the community; opined that the view of the house should not be impacted.

Amanda Quintanilla spoke in opposition to the Moses project.

John Moses, Applicant, commented on the proposed project.

Michael Liefer, Counsel for the Moses, submitted information concerning proposed alterations at the Goldschmidt House as it relates to the California Environmental Quality Act (CEQA); all documents submitted at the meeting are on file with the City Clerk.

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

Motion by Councilmember Knoblock, second by Councilmember Loeffler, to:

Adopt Resolution No. 24-90, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures).
2. Deny the Appeal and approve Development Permit 24-027, Moses Residence, to allow the construction of a two story, single family residence on a vacant lot abutting two historic resources (233 Avenida La Cuesta and 243 Avenida La Cuesta).

Substitute Motion by Councilmember Duncan, second by Mayor Pro Tem Enmeier, FAILED 2-3 (COUNCILMEMBER KNOBLOCK, COUNCILMEMBER LOEFFLER AND MAYOR CABRAL VOTING NOE), to:

Require that the proposed project, Moses Residence, setback be increased by nine feet and adopt Resolution No. 24-90, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures).

2. Deny the Appeal and approve Development Permit 24-027, Moses Residence, to allow the construction of a two story, single family residence on a vacant lot abutting two historic resources (233 Avenida La Cuesta and 243 Avenida La Cuesta).

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:

Adopt Resolution No. 24-90, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures).

2. Deny the Appeal and approve Development Permit 24 027, Moses Residence, to allow the construction of a two story, single family residence on a vacant lot abutting two historic resources (233 Avenida La Cuesta and 243 Avenida La Cuesta).

AYE: Knoblock, Loeffler and Mayor Cabral

NOE: Duncan and Enmeier

Meeting Recessed

Meeting recessed at 9:11 p.m. and reconvened at 9:17 p.m. with all Councilmembers present.

9. Unfinished Business

None.

10. New Business**10A. ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD NOVEMBER 5, 2024**

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

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to adopt Resolution No. 24-91 entitled RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AT THE MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2024.

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

NOE: None

10B. FY 2024-25 CONTRACT BETWEEN THE CITY OF SAN CLEMENTE AND THE COUNTY OF ORANGE FOR POLICE SERVICES

Administrative Services Director Brower and Finance Manager Rahn reviewed the contents of the Administrative Report and responded to City Council inquiries.

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

Adopt Resolution No. 24-92, which will:

1. Approve, and authorize the City Manager to execute, Contract No. C24-30, by and between the City of San Clemente and the County of Orange, for FY 2024-25 police services, in the amount of \$21,700,000.

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

NOE: None

10C. CONSIDERATION OF A REVISED PURCHASING POLICY AND INTRODUCING AND CONDUCTING A FIRST READING OF ORDINANCE NO. 1776 AMENDING AND REPLACING SECTIONS OF SAN CLEMENTE CODE TITLE 3 REVENUE AND FINANCE

Administrative Services Director Brower and Finance Manager Rahn reviewed the contents of the Administrative Report and responded to City Council inquiries.

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

1. Revise the Purchasing Policy per staff recommendation to take effect when Ordinance No. 1776 is adopted.
2. Introduce and conduct a first reading of Ordinance No. 1776 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTIONS 3.40.010, 3.40.040, AND 3.40.050 AND ADDING SECTION 3.40.080, ALL RELATING TO PURCHASING PROCEDURES.

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

NOE: None

10D. CONSIDERATION OF A RESOLUTION FINDING THAT AN EMERGENCY EXISTS DUE TO SAND EROSION AND IMMEDIATE NEED OF SAND PLACEMENT AT NORTH BEACH, AWARDING A CONSTRUCTION CONTRACT TO GCI CONSTRUCTION, INC. FOR THE NORTH BEACH EMERGENCY SAND PLACEMENT PROJECT, PROJECT NO. 14901, IN AN AMOUNT NOT TO EXCEED \$1,726,000, APPROVING A SUPPLEMENTAL APPROPRIATION FROM GENERAL FUND UNASSIGNED FUND BALANCE, AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Coastal Administrator Meyerhoff and Principal Civil Engineer Ilkhanipour narrated a PowerPoint presentation entitled "North Beach Emergency Sand Project Contract Award" and responded to City Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Lois McNicoll commented on the quality of the sand from the Santa Ana riverbed.

Mike Kay commented on utilizing local contractors; opined on the methods and types of contracts the City is entering into.

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

Adopt Resolution No. 24-93, which would:

1. Declare that an emergency exists due to sand erosion and immediate need of sand placement at North Beach.
2. Find the project categorically exempt from the California Environmental Quality Act under state CEQA Guidelines Section 15269.

3. Approve a supplemental appropriation in the amount of \$536,680 to the project Account No. 001-636-45300-000-14901 from the General Fund Unassigned Fund Balance.

4. Approve transfer of funds to the project Account No. 001-636-45300-000-14901 from the following accounts:

001-636-45300-000-19907 Army Corps Sand Project \$750,000

001-636-45300-000-14809 North Beach Concession Building \$300,000

001-636-45300-000-14193 North Beach Playground \$150,000

001-416-45710-000-22307 Avenida Victoria Sidewalk Widening \$300,000

Total: \$1,500,000

5. Award the North Beach Emergency Sand Placement, Project No. 14901, contract to GCI Construction, Inc.

6. Approve, and authorize the City Manager to execute, Contract No. C24-38, by and between the City of San Clemente and GCI Construction, Inc., providing for the North Beach Emergency Sand Placement, in an amount of not to exceed \$1,726,000, in a form substantially similar to attached construction contract (Attachment 2).

7. Approve a 10% construction contingency of \$172,600 for this project.

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

NOE: None

10E. CONSIDERATION OF JULY 2024 AND DECEMBER 2024 CITY COUNCIL MEETING SCHEDULE MODIFICATIONS

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

Motion by Councilmember Knoblock, second by Mayor Cabral, CARRIED 5-0, to cancel the December 3, 2024 and December 17, 2024 City Council Meetings and schedule a meeting on December 10, 2024 and change the Regular City Council Meeting of July 16, 2024 to July 17, 2024.

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

NOE: None

11. Consent Calendar

The following Item has been removed from the Consent Calendar for discussion:
11E

A. City Council Minutes

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

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF JUNE 4, 2024.

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

NOE: None

B. Commission/Committee Minutes

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

- (1) ARTS AND CULTURE REGULAR MEETING MINUTES OF MARCH 25, 2024.

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

NOE: None

C. Warrant Register

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

- | | | |
|-----|--|----------------|
| (1) | APPROVE WIRE TRANSFER NOS.
3040 THROUGH 3041 AND WARRANT NOS.
595987 THROUGH 596154, PAID ON
4-26-24, IN THE AMOUNT OF | \$945,258.69 |
| (2) | APPROVE WIRE TRANSFER NOS.
3050 THROUGH 3053 AND WARRANT NOS.
596471 THROUGH 596691, PAID ON
5-17-24, IN THE AMOUNT OF | \$1,454,629.35 |
| (3) | APPROVE HANDWRITE NO. 596900,
WIRE TRANSFER NOS. 3054 THROUGH
3055 AND WARRANT NOS. 596692
THROUGH 596899, PAID ON 5-24-24,
IN THE AMOUNT OF | \$950,921.99 |
| (4) | APPROVE WIRE TRANSFER NOS.
3056 THROUGH 3059 AND WARRANT NOS.
596901 THROUGH 597071, PAID ON
5-31-24, IN THE AMOUNT OF | \$1,818,427.52 |
| | TOTAL WARRANT REGISTER | \$5,169,237.55 |

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

NOE: None

Payroll Register

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

WARRANT NO. 933, AUTOMATIC DEPOSIT ADVISES 94010 THROUGH 94367, FOR THE PERIOD 4-29-24 THROUGH 5-12-24, PAID ON 5-17-24, IN THE AMOUNT OF \$520,404.67

WARRANT NOS. 934 THROUGH 936 AND AUTOMATIC DEPOSIT ADVISES 94368 THROUGH 94734, FOR THE PERIOD 5-13-24 THROUGH 5-26-24, PAID ON 5-31-24, IN THE AMOUNT OF \$495,678.49

TOTAL PAYROLL REGISTER \$1,016,083.16

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

NOE: None

11D. CONSIDERATION OF A RESOLUTION APPROVING REVISED SALARY SCHEDULE AND STAFFING CHANGES WITH THE ADOPTED FISCAL YEARS 2024-25 AND 2025-26 BUDGET

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to adopt Resolution No. 24-94 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 24-22 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

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

NOE: None

11F. DECLARATION OF SURPLUS AND DISPOSITION OF RETIRED FLEET EQUIPMENT & VEHICLES

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

Adopt Resolution No 24-96, which will:

1. Declare the vehicles and equipment listed on Attachment 1 to the Administrative Report dated June 18, 2024, as surplus.
2. Authorize the disposition of surplus property using Ken Porter Auctions pursuant to Policy No. 201-2-4.

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

NOE: None

11G. CONSIDERATION OF A RESOLUTION APPROVING OCEAN PROTECTION COUNCIL SB1 ADAPTATION PLANNING GRANT APPLICATION TO SUPPORT IMPLEMENTATION OF COASTAL RESILIENCY PLAN AND LOCAL COASTAL PROGRAM

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to adopt Resolution No. 24-97 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA OCEAN PROTECTION COUNCIL FOR A SB1 ADAPTATION PLANNING GRANT TO SUPPORT IMPLEMENTATION OF THE CITY'S COASTAL RESILIENCY PLAN AND LOCAL COASTAL PROGRAM.

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

NOE: None

11H. CONSIDERATION OF A RESOLUTION AUTHORIZING A PROJECT X TIER 2 GRANT SUBMITTAL TO ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to adopt Resolution No. 24-98 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE POCHE BEACH WATER RECLAMATION PROJECT.

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

NOE: None

11I. CONTRACT AMENDMENT - DEFINED BENEFIT SERVICES

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

Adopt Resolution 24-99, which will:

1. Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract No. C17-35, by and between the City of San Clemente and Milliman, Inc., extending the services for one (1) year for defined benefit services, in an amount not exceed \$35,200.

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

NOE: None

11J. CONTRACT AMENDMENT - ONE-YEAR EXTENSION TO THE SCRIDES AGREEMENTS WITH LYFT AND BUTTERFLI AND FINDING THE PROJECT STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Adopt Resolution No. 24-100, which will:

1. Find the project statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code section 21080(b)(10).
2. Approve, and authorize the City Manager to execute, Contract AC-775, by and between the City of San Clemente and Lyft, to extend the SCRides Program for an additional year through June 30, 2025.
3. Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract AC-775, by and between the City of San Clemente and Butterfli, to extend the SCRides Program for an additional year through June 30, 2025.

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

NOE: None

11K. CONSIDERATION OF A RESOLUTION APPROVING A FIVE YEAR LEASE FOR THE CITY OWNED COMMERCIAL BUILDING LOCATED AT 1100 N. EL CAMINO REAL (APN 692-393-01)

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

Adopt Resolution No. 24-101, which will:

1. Approve five year lease agreement, provided as Attachment 2 to the Administrative Report dated June 18, 2024, for the lease by and between the City of San Clemente and Trestles Property Management, LLC.
2. Approve, and authorize the City Manager to execute, Contract No. C24-31, by and between the City of San Clemente and Trestles Property Management, LLC., for a 5 year lease agreement for a base rent of \$3,724 per month, with 3% increases annually, and including the commission for consultant real estate services not to exceed 6% of gross lease.

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

NOE: None

11L. CONTRACT AWARD - LEASE OF 1030 CALLE NEGOCIO (APN - 688-142-35)

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

Adopt Resolution No. 24-102, which will:

1. Award the Professional Services Agreement, provided as Attachment 2 to the Administrative Report dated June 18, 2024, for Commercial Real Estate Consulting services with Wynne CRE, Inc.

2. Approve, and authorize the City Manager to execute, Contract No. C24-32, by and between the City of San Clemente and Wynne CRE, Inc., provided as Attachment 2 to the Administrative Report dated June 18, 2024, for an amount not to exceed 6% of total rent for the length of the lease term.

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

NOE: None

11M. CONTRACT AWARD - TROLLEY OPERATION SERVICES, IN A COMBINED AMOUNT NOT TO EXCEED \$2,416,757.88 FOR THREE YEARS AND FINDING THE PROJECT STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Adopt Resolution 24-103, which will:

1. Find the project statutorily exempt from the California Environmental Quality Act (CEQA) under Public Resources Code section 21080(b)(10).

2. Approve, and authorize the City Manager to execute, Contract No. C24-33, by and between the City of San Clemente and LAZ Parking California LLC, providing for Red & Blue Line Operations, in an amount not to exceed a total of \$1,871,665.80 for three years.

3. Approve, and authorize the City Manager to execute, Contract No. C24-34, by and between the City of San Clemente and LAZ Parking California LLC, providing for Green Line Operations in an amount not to exceed a total of \$545,092.08 for three years.

4. Authorize the City Manager to execute two (2) one year optional extensions.

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

NOE: None

11N. CONTRACT AWARD - CONTINUE SOLID WASTE HANDLING SERVICES FOR FOUR MONTHS WHILE AN AMENDED AND RESTATED AGREEMENT IS BEING FINALIZED

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

Adopt Resolution No. 24-104, which will:

1. Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract No. C87-62, by and between the City of San Clemente and CR&R Incorporated, to continue Solid Waste Handling services for four months while an Amended and Restated Agreement is finalized.

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

NOE: None

110. CONTRACT AWARD - PAVEMENT PRESERVATION PROGRAM - UTILITY ADJUSTMENTS AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Adopt Resolution No. 24-105, which will:

1. Find the Pavement Preservation Program Utility Adjustments, CIP Project No. 13321, categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.

2. Award the Pavement Preservation Program Utility Adjustments, contract to EBS Utilities Adjusting, Inc.

3. Approve, and authorize the City Manager to execute, Contract No. C24-35, by and between the City of San Clemente and EBS Utilities Adjusting, Inc., providing for the Pavement Preservation Program Utility Adjustments, in an amount not to exceed \$74,185, in a form substantially similar to Contract No. 24-35(Attachment 3).

4. Approve a 10% construction contingency of \$7,418 for this project.

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

NOE: None

11P. CONTRACT AWARD - PURCHASE AND INSTALLATION OF STORM DRAIN TRASH CAPTURE DEVICES FOR THE AVENIDA PICO AND SAN CLEMENTE OUTLETS CORRIDOR RUNOFF TREATMENT PROJECT AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Adopt Resolution No. 24-106, which will:

1. Find the Avenida Pico and San Clemente Outlets Corridor Runoff Treatment Project, Project No. 23805, categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing facilities, 14 CCR Section 15301) of the State CEQA Guidelines.

2. Award the Avenida Pico and San Clemente Outlets Corridor Runoff Treatment Project, contract to G2 Construction, Inc.

3. Approve, and authorize the City Manager to execute, Contract No. C24-36, by and between the City of San Clemente and G2 Construction, Inc., providing for the Avenida Pico and San Clemente Outlets Corridor Runoff Treatment Project, in an amount not to exceed \$410,000, in a form substantially similar to Contract No. C24-36 (Attachment 6).

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

NOE: None

11Q. CONTRACT AWARD - CITY HALL STANDBY GENERATOR ADDITION AND ELECTRICAL DISTRIBUTION SYSTEM UPGRADE AND APPROVING A 15% PROJECT CONTINGENCY

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

Adopt Resolution No. 24-107, which will:

1. Demand strict compliance with the bid documents and reject the bid submitted by Potential Electrical Design Services, Inc. as non responsive.

2. Award the City Hall Standby Generator Addition and Electrical Distribution System Upgrade, CIP Project No. 14812, construction contract to ACE Capital Engineering, Inc., as the lowest responsible and responsive bidder.

3. Approve, and authorize the City Manager to execute, Contract No. C24-37, by and between the City of San Clemente and ACE Capital Engineering, Inc., providing for the City Hall Standby Generator Addition and Electrical Distribution System Upgrade, in the amount of \$551,994, in a form substantially similar to Contract No. C24-37 (Attachment 3).

4. Approve a 15% project contingency in the amount of \$82,800.

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

NOE: None

ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION

11E. CONSIDERATION OF AMENDMENTS TO REGULATORY AGREEMENTS AND DECLARATION OF COVENANTS AND RESTRICTIONS, SUBORDINATIONS TO NEW TAX EXEMPT BONDS, AND RESUBORDINATIONS RELATED TO EXISTING LOANS WITH RESPECT TO THE MENDOCINO AT TALEGA I AND II APARTMENTS AFFORDABLE HOUSING PROJECT

Administrative Services Director Brower reviewed the contents of the Administrative Report and, along with Vicki Rodriguez with Jamboree Housing, responded to City Council inquiries.

Motion by Councilmember Duncan, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to adopt Resolution No. 24-95, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE PROPOSED RESYNDICATION PLAN FOR MENDOCINO AT TALEGA I AND II APARTMENTS AFFORDABLE HOUSING PROJECT.

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

NOE: None

12. Oral Communications (Part 2)

None.

13. Future Agenda Items

None.

14. Reports

A. Commissions and Committees

None.

B. Council Subcommittee Updates

None.

C. City Attorney

None.

D. City Manager

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

1. California Consulting providing for Grant Writing and Grant Management in the amount of \$25,000
2. O'Connell Engineering and Construction providing for the Orange County Sheriff's Department Secure Parking in the amount of \$49,875.
3. 34th Street Inc. DBA 34th Street Consulting providing for Conflict Resolution and Team Building in the amount of \$10,000.

15. Adjournment

By Council consensus, CARRIED 5-0, to adjourn in memory of Janet Dunford, Orange County Sheriffs Department Crime Prevention Specialist, to an Adjourned Regular City Council Meeting to be held on July 17, 2024. Closed Session will begin at 5:00 p.m. and the Regular Business Meeting will begin at 6:00 p.m. The meeting will take place in the Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

MAYOR of the City of
San Clemente, California

CITY CLERK of the City of
San Clemente, California