

CITY OF SAN CLEMENTE  
Tuesday, August 20, 2024 5:00 PM  
City Council  
Regular Meeting Minutes



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

5:00 p.m. - Closed Session  
6:00 p.m. - Business Meeting

Mayor 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 Regular Meeting of the San Clemente City Council was called to order by Mayor Cabral on August 20, 2024 at 5:00 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**

Motion by Councilmember Knoblock, second by Mayor Pro Tem Enmeier, CARRIED 5-0, to recess to Closed Session at 5:00 p.m. to discuss the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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. Gene James v. City of San Clemente, Orange County Superior Court Case No. 30-2024-0143140-CU-OE-CJC.

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

**NOE:** None

Closed Session concluded at 5:50 p.m.

**BUSINESS MEETING**

The Regular Business meeting reconvened at 6:00 p.m. with all Councilmembers present.

**INVOCATION**

Pastor John Randall, Calvary South OC, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Cabral led the Pledge of Allegiance.

**1. Special Presentations****A. Humanitarian Award**

The City Council with Tyler Boden, Human Affairs Committee, presented San Clemente High School students Grace Pratt and Kylie Marcisz with the Humanitarian Award in recognition of their service and dedication to the community.

**B. Civica Law Group Update**

Matt Silver, City Prosecutor, Civica Law Group, narrated a PowerPoint presentation entitled "Code Compliance and Orange County Sheriff's Department Legal Support Report- 2023/2024" and responded to City Council inquiries. A hard copy of the presentation is on file with the City Clerk.

**2. Council Member Reports****Mayor Pro Tem Enmeier reported:**

- Welcomed students back on the first day of school at San Clemente High School, August 20, 2024.
- Attended the San Clemente Beach Concert on August 8, 2024.
- Attended the Junior Lifeguard Award Ceremony on August 9, 2024.
- Participated in the Junior Lifeguard pier jump; did a boat tour with the State Lifeguards on August 9, 2024.
- Attended the San Clemente Homeless Collaborative meeting on August 12, 2024 with the iHope organization.

**Councilmember Knoblock reported:**

- Announced that the OC Vector Control District is reporting that the County of Orange is faring well regarding the control of the mosquito population and associated diseases.
- Attended the Junior Lifeguard Award Ceremony on August 9, 2024.
- Attended Assemblywoman Davies event to recognize first responders.

**Councilmember Loeffler reported:**

- Commented on the Success of the Chamber of Commerce 69th Annual Fiesta Music Festival held on August 11, 2024.
- Attended the Junior Lifeguard Award Ceremony on August 9, 2024.
- Participated in the Junior Lifeguard pier jump; did a boat tour with the State Lifeguards on August 9, 2024.

- Attended the San Clemente Homeless Collaborative meeting on August 12, 2024 with the iHope organization.
- Recognized the Park Rangers for their hard work and observation in interrupting a possible crime in progress.

**Councilmember Duncan reported:**

- Announced that the Orange County Fire Authority received two new Fire Hawk helicopters which will aid in fighting wildfires within the County.

**Mayor Cabral reported:**

- Announced an upcoming meeting with the Orange County Transportation Authority concerning the potential expansion of the toll road through San Clemente, expanding Los Patrones Parkway and sand replenishment on City beaches.
- Met with Ken Calvert, Congressman and Chairman of the Defense Appropriations Subcommittee, concerning projects in San Clemente.
- Met with the University of California, Irvine's Magnus Egerstedt, Dean of Engineering, and Brett Sanders, Chancellor's Professor, regarding potential student projects to assist the City of San Clemente with sand replenishment.
- Attended the Junior Lifeguard Award Ceremony on August 9, 2024.
- Attended Assemblywoman Davies First Responders and Law Enforcement Appreciation Celebration on August 9, 2024.
- Announced that he did not attend Senator Nguyen's California Surf Day event on August 12, 2024, which was previously agendaized for approval of travel.

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

Amanda Quintanilla commented on the Orange County Transportation Authority (OCTA) regarding toll roads through San Clemente and HOV lanes on Interstate 5; opined that the City needs a transportation subcommittee.

Nancy McIntyre, iHope, commented on the services iHope offers the community; urged the City to provide additional resources to address homelessness.

Suzie Lantz, San Clemente Chamber of Commerce, provided an update on upcoming Chamber of Commerce events, including a barbecue hosted for the City's adopted Marine Corps Unit 2nd Battalion 4th Marines.

David McCombs, San Clemente, expressed concerns regarding the overgrowth of thistle in San Clemente open space as it relates to Coyotes encroaching on neighborhoods.

Warren Vidrine, San Clemente, commented on the actions taken by Grants Pass, Oregon to address homelessness; urged the City Council to take similar action to Grants Pass, Oregon to address homelessness in San Clemente.

Angela Watts expressed concerns regarding the stabbing incident at Max Berg

Plaza Park; urged the City Council to take additional steps to address gang related violence.

Donna Vidrine, Citizens Climate Lobby, opined on the potential health and monetary benefits for residents by converting appliances and vehicles to electric.

Lois McNicoll suggested that the City Council should engage with residents at the City Council meetings; expressed concerns regarding access to the San Onofre beach.

Louise Herbert commented that Councilmember Loeffler had previously indicated that he did not intend to run for a seat on the City Council when he was appointed to the City Council and is now a candidate for the City Council for District 3.

Brian Pitt, San Clemente, expressed concerns regarding Catarina's restaurant; urged the City to enforce the Conditional Use Permit for Caterina's restaurant.

#### **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**

Motion by Councilmember Loeffler, second by Councilmember Knoblock, CARRIED 5-0, to discuss the following in Closed Session:

Case Name: Zhen Wu v. Bob Page, Orange County Registrar of Voters; Laura Camapagnolo, San Clemente City Clerk, Orange County Superior Court Case No. 90-2024-01419457-CU-WM-CJC.

The City Council placed this item on the agenda as item 14B(2). This was agendaized based on the need to take immediate action and the fact that the need for action arose subsequent to the agenda being posted.

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

**NOE:** None

For a summary of action on this item please reference page 15.

#### **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.

Direction given; no reportable action concerning:

Gene James v. City of San Clemente, Orange County Superior Court Case No. 30-2024-0143140-CU-OE-CJC.

**7. Staff Communications**

None.

**8. Public Hearings**

None.

**9. Unfinished Business**

None.

**10. New Business**

**10A. SIDEWALK VENDING ENFORCEMENT AND IMPOUNDMENT PRACTICES REVIEW**

Code Compliance Manager Sorahan and Community Development Director Atamian narrated a PowerPoint presentation entitled "Sidewalk Vending Enforcement and Impoundment Practices Review" and responded to City Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Matt Silver, City Prosecutor, Civica Law Group, responded to City Council inquiries.

Suzanne Ruiz expressed concerns regarding health and safety of sidewalk vending.

Louise Herbert expressed concerns regarding political pop-up sidewalk vendors; opined that the vendors should be required to remit taxes to the City on their sales.

Motion by Councilmember Knoblock, second by Councilmember Duncan, CARRIED 5-0, to continue enforcement practices and continue to monitor sidewalk vendors and report back to the City Council in two months.

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

**NOE:** None

**Meeting Recessed**

Meeting recessed at 7:50 p.m. and reconvened at 7:56 with all Councilmembers present.

**10B. INTRODUCTION (FIRST READING) OF AN ORDINANCE REGULATING THE OPERATION AND USE OF ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION DEVICES AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Code Compliance Manager Sorahan and Community Development Director Atamian reviewed the contents of the Administrative Report and responded to City Council inquiries.

Police Services Captain Christian responded to City Council inquiries.

Matt Silver, City Prosecutor, Civica Law Group, responded to City Council inquiries.

Sarah Schneider opined that the City should have a "Scared Straight" style of video for electric bicycles; suggested that the City distribute informational fliers through the schools.

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to introduce Ordinance No. 1778 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE TITLE 10 - VEHICLES AND TRAFFIC, ADDING CHAPTER 10.62 TO ESTABLISH REGULATIONS FOR THE OPERATION AND USE OF ELECTRIC BICYCLES AND OTHER FORMS OF ELECTRIC TRANSPORTATION AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; with the following modification to **Section 10.62.040 - Enforcement and Penalties subsection A. Responsibility of Parent**, to read as follows: *A. Responsibility of Parent. Each parent or legal guardian having custody and control of a minor who violates this Chapter shall be jointly and severally liable with such minor for such violation.*

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

**NOE:** None

**10C. INTRODUCE (FIRST READING) AN ORDINANCE TO AMEND CHAPTERS 8.86 AND 12.18 OF THE SAN CLEMENTE MUNICIPAL CODE (RELATING TO PUBLIC CAMPING AND PUBLIC STORAGE OF PERSONAL PROPERTY) TO ADDRESS CHANGES IN LAW BROUGHT ABOUT BY CITY OF GRANTS PASS, OREGON V. JOHNSON, ET AL**

Community Development Director Atamian and Matt Silver, City Prosecutor, Civica Law Group, reviewed the contents of the Administrative Report and responded to City Council inquiries.

Amanda Quintanilla spoke in support of Ordinance No. 1779.

Tom Streeter opined that the City should allow a location for homeless individuals to sleep overnight.

Lois McNicoll opined on the resources available to homeless individuals; spoke in support of Ordinance No. 1779.

Sarah Schneider spoke in support of Ordinance No. 1779; opined that additional long term services should be made available to homeless individuals.

Donna Vidrine, San Clemente Homeless Collaborative, commented on service resistant homeless individuals.

Motion by Mayor Cabral, second by Councilmember Duncan, CARRIED 5-0, to introduce Ordinance No. 1779 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, CALIFORNIA, AMENDING CHAPTERS 8.86 AND 12.18 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO PUBLIC CAMPING AND PUBLIC STORAGE OF PERSONAL PROPERTY TO ADDRESS CHANGES IN LAW BROUGHT ABOUT BY CITY OF GRANTS PASS, OREGON V. JOHNSON, ET AL. (2024) 144 S.Ct. 2202 AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

**NOE:** None

**10D. CONSIDERATION OF A RESOLUTION APPROVING AND ADOPTING THE 2024-2028 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN CLEMENTE AND THE SAN CLEMENTE CITY EMPLOYEES ASSOCIATION FOR FULL-TIME BENEFITED EMPLOYEES AND ADOPTION OF REVISED CITY OF SAN CLEMENTE EMPLOYEE SALARY SCHEDULE**

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

Mayor Cabral made the following disclosure:

If adopted, Resolutions Nos. 24-127 and 24-128 would approve annual salary increases of 3.5%, 3%, 3%, and 2.5% over the four-year period beginning with FY 2024-25 and would provide for fringe benefits in the form of a monthly City contribution amount based on 85% of the average of health plans CalPERS makes available to the City, at the appropriate level of coverage selected by the employee, for all benefitted full time City employees, including the executive management team and the City Manager, as well as approving a revised salary schedule related thereto, all effective September 2, 2024.

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

1. Adopt Resolution No. 24-127 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING, ADOPTING, AND AUTHORIZING THE MAYOR TO EXECUTE THE 2024-2028 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN CLEMENTE AND THE SAN CLEMENTE CITY EMPLOYEES ASSOCIATION FOR THE CITY OF SAN CLEMENTE FULL-TIME BENEFITED EMPLOYEES AND APPROVING THE SAME LEVEL OF SALARY INCREASES AND BENEFITS FOR NON-REPRESENTED EXECUTIVE, MID-MANAGER, AND CONFIDENTIAL EMPLOYEE GROUPS.

2. Adopt Resolution No. 24-128 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE WHICH INCLUDES IMPLEMENTATION OF EXECUTIVE LEVEL SALARY INCREASES AND AMENDING RESOLUTION NO. 24-94 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

3. Approve, and authorize the Mayor to execute, Contract No. C24-48, the 2024 -2028 Memorandum of Understanding (MOU), and adopting a revised salary schedule.

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

**NOE:** None



**11. Consent Calendar**

**A. City Council Minutes**

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

- (1) APPROVE THE SPECIAL AND REGULAR CITY COUNCIL MEETING MINUTES OF AUGUST 6, 2024.

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

**NOE:** None

**B. Commission/Committee Minutes**

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

- (1) COASTAL ADVISORY COMMITTEE SPECIAL MEETING MINUTES OF JANUARY 18, 2024.
- (2) COASTAL ADVISORY COMMITTEE ADJOURNED REGULAR MEETING MINUTES OF MARCH 21, 2024.
- (3) INVESTMENT ADVISORY COMMITTEE REGULAR MEETING MINUTES OF APRIL 29, 2024.
- (4) COASTAL ADVISORY COMMITTEE ADJOURNED REGULAR MEETING MINUTES OF MAY 16, 2024.
- (5) BEACHES, PARKS AND RECREATION COMMISSION REGULAR MEETING MINUTES OF JUNE 11, 2024.
- (6) PLANNING COMMISSION SPECIAL MEETING MINUTES OF JULY 24, 2024.
- (7) GOLF COURSE COMMITTEE REGULAR MEETING MINUTES OF AUGUST 1, 2024.

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

**NOE:** None

**C. Warrant Register**

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

- (1) APPROVE WIRE TRANSFER NOS.  
3087 THROUGH 3090 AND WARRANT NOS.  
589234 THROUGH 589398, PAID ON  
7-26-24, IN THE AMOUNT OF \$5,216,984.13

TOTAL WARRANT REGISTER \$5,216,984.13

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

**NOE:** None

**Payroll Register**

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

WARRANT NOS. 940 THROUGH 943 AND  
AUTOMATIC DEPOSIT ADVISES 95886  
THROUGH 96279, FOR THE PERIOD

7-8-24 THROUGH 7-21-24, PAID  
ON 7-26-24, IN THE AMOUNT OF \$590,767.37

TOTAL PAYROLL REGISTER \$590,767.37

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

**NOE:** None

**11D. CONSIDERATION OF A RESOLUTION APPROVING A SECOND AMENDMENT TO A LEASE WITH TWO OPTIONS WITH GLAUKOS CORPORATION FOR THE CITY OWNED LAND LOCATED ON AVENIDA FABRICANTE (APN 690-661-09)**

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

Adopt Resolution No. 24-129, which will:

1. Approve the Second Amendment to the Standard Industrial/Commercial Land Lease Agreement - Gross Between City and Glaukos Corporation, provided as Attachment 1, Exhibit A, for the lease of the unimproved land located at Avenida Fabricante (APN 690-661-09).

2. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract No. C15-67, the lease agreement, by and between the City of San Clemente and Glaukos Corporation, for the lease of the unimproved land located at Avenida Fabricante (APN 690-661-09).

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

**NOE:** None

**11E. CONSIDERATION OF A RESOLUTION APPROVING A FIVE-YEAR LEASE WITH TWO THREE-YEAR OPTIONS FOR THE CITY OWNED COMMERCIAL BUILDING LOCATED AT 1030 CALLE NEGOCIO (APN 688-142-35) AND APPROVING A SUPPLEMENTAL APPROPRIATION FOR BROKER COMMISSIONS**

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

Adopt Resolution No. 24-130, which will:

1. Approve the five-year lease agreement, provided as Exhibit A of Attachment 1, for the lease to XLR8 EMS, LLC of 1030 Calle Negocio.
2. Approve, and authorize the City Manager to execute, Contract No. C24-45, the lease agreement, by and between the City of San Clemente and XLR8 EMS, LLC, for the lease of 1030 Calle Negocio, for a base rent of \$16,081 per month for the first year, with 3% increases annually, and two three-year options to renew at market rental rate, and including the commission for consultant real estate services not to exceed 6% of the gross lease revenues.
3. Accept revenues in the amount of \$112,567 for FY 2025 in Account No. 001-000-36253 - Negocio Lease Revenues.
4. Approve a supplemental appropriation in the amount of \$61,470 to Account No. 001-151-43605 - Broker Commissions.

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

**NOE:** None

**11F. CONSIDERATION OF A RESOLUTION APPROVING THE PURCHASE OF WATER METERS FOR FISCAL YEAR 2025 FROM FERGUSON WATERWORKS AND METRON-FARNIER AS SOLE SOURCE VENDORS, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

Adopt Resolution No. 24-131, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve the purchase of water meters from Ferguson Waterworks as a sole source vendor based on the attached fixed price quote.
3. Approve the purchase of water meters from Metron-Farnier as a sole source

vendor based on the attached fixed price quote.

4. Approve the expenditure for water meter purchases for Fiscal Year 2024-25 for a total amount not to exceed \$122,070.

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

**NOE:** None

**11G. CONSIDERATION OF A RESOLUTION AWARDING A CONTRACT TO CABCO YELLOW, INC. FOR SENIOR MOBILITY PROGRAM TRANSPORTATION SERVICES, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

Adopt Resolution No. 24-132, which will:

1. Award a Professional Services Agreement to Cabco Yellow, Inc. dba California Yellow Cab (CYC).

2. Approve, and authorize the City Manager to execute, Contract No. C24-46, by and between the City of San Clemente and Cabco Yellow, Inc., providing for the Senior Mobility Program Transportation Services, in an amount not to exceed \$300,000, with two optional one year extensions not to exceed \$100,000, exercisable by the City Manager's discretion.

3. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the state CEQA Guidelines (Existing Facilities, 14 CCR Section 15301).

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

**NOE:** None

Councilmember Loeffler returned to the dais at 9:08 p.m.

**11I. RESPONSE TO 2023-2024 ORANGE COUNTY GRAND JURY REPORT  
“TALKING TRASH: RECYCLABLES AND ORGANIC WASTE”**

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

1. Adopt Resolution No. 24-134 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING RESPONSE TO FINDINGS AND RECOMMENDATIONS IN THE REPORT OF THE ORANGE COUNTY GRAND JURY - ‘TALKING TRASH: RECYCLABLES AND ORGANIC WASTE’.

2. Authorize the Mayor to execute, and direct staff to submit a letter in response to the findings and recommendations noted in the report by submitting a letter to the Presiding Judge of the Superior Court by September 8, 2024 in substantially the same form as attached to the Resolution as Exhibit A.

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

**NOE:** None

**11J. RESPONSE TO 2023-2024 ORANGE COUNTY GRAND JURY REPORT  
“EMERGING OPPORTUNITIES IN SOUTH COUNTY WATER/WASTEWATER  
SYSTEMS”**

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

1. Adopt Resolution No. 24-135, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING RESPONSE TO FINDINGS AND RECOMMENDATIONS IN THE REPORT OF THE ORANGE COUNTY GRAND JURY - ‘EMERGING OPPORTUNITIES IN SOUTH COUNTY WATER/WASTEWATER SYSTEMS’.

2. Authorize the Mayor to execute, and direct staff to submit a letter in response to the findings and recommendations noted in the report by submitting a letter to the Presiding Judge of the Superior Court by September 19, 2024 in substantially the same form as attached to the Resolution as Exhibit A.

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

**NOE:** None

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**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

**11H. CONSIDERATION OF A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BEAR ELECTRICAL SOLUTIONS, INC. FOR CAMINO CAPISTRANO CROSSWALK IMPROVEMENTS, CIP PROJECT NO. 15321, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Councilmember Loeffler recused on this item due to living within 500 feet of the project and left the dais and exited the room at 9:05 p.m.

Motion by Mayor Pro Tem Enmeier, second by Councilmember Duncan, CARRIED 4-0 (Councilmember Loeffler Recused), to:

Adopt Resolution No. 24-133, which will:

1. Find the Camino Capistrano Crosswalk Improvements, CIP Project No. 15321, 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 Camino Capistrano Crosswalk Improvements, CIP Project No. 15321, contract to Bear Electrical Solutions, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-47, by and between the City of San Clemente and Bear Electrical Solutions, Inc., providing for the Camino Capistrano Crosswalk Improvements, in an amount not to exceed \$74,338, in a form substantially similar to Contract No. C24-47 (Attachment 3).
4. Approve a 15% construction contingency of \$11,150.70 for this project.

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

**NOE:** None

**RECUSED:** Loeffler

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

None.

**13. Future Agenda Items**

The City Council requested confidential memos concerning the following items:

1. Max Berg Plaza Park safety and crime reduction.
2. Security concerns at Old City Hall (100 Avenida Presidio)
3. Procedure update on Caterina's (restaurant in the Pier Bowl).

**14. Reports****A. Commissions and Committees**

None.

**B. Council Subcommittee Updates**

None.

**B(2). Writ of Mandate (Agendized Item Requiring Immediate Action)**

This item was previously agendized please reference page 4 for a summary of action.

Zhen Wu commented on the writ of mandate he filed against the City concerning Sarah Schneider's ballot designation.

Sarah Schneider commented on the writ of mandate filed regarding her ballot designation.

Motion to recess to Closed Session at 9:16 p.m. to discuss the following:

Case Name: Zhen Wu v. Bob Page, Orange County Registrar of Voters; Laura Camapagnolo, San Clemente City Clerk, Orange County Superior Court Case No. 90-2024-01419457-CU-WM-CJC.

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

**NOE:** None

Closed Session concluded at 9:27 p.m. and the Regular Business meeting reconvened with all Councilmembers present.

**C. City Attorney**

City Attorney Mitchell reported that the City Council gave direction to file an appropriate response with the court concerning:

Case Name: Zhen Wu v. Bob Page, Orange County Registrar of Voters; Laura Camapagnolo, San Clemente City Clerk, Orange County Superior Court Case No. 90-2024-01419457-CU-WM-CJC.

**D. City Manager**

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

1. Chambers Group, Inc. providing for the North Beach Opportunistic Sand in the amount of \$15,943.
2. Hinderliter, De Llamas and Associates providing for Sales Tax Auditing in the amount of \$6,000.

**15. Adjournment**

Motion by Mayor Pro Tem Enmeier, second by Councilmember Knoblock, CARRIED 5-0, to adjourn at 9:30 p.m. The next Regular Meeting will be held on September 3, 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

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MAYOR of the City of  
San Clemente, California

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CITY CLERK of the City of  
San Clemente, California