



3:00 p.m. – Closed Session  
5:00 p.m. – Business Meeting I  
6:00 p.m. – Closed Session  
7:00 p.m. – Business Meeting II

Mayor James  
Mayor Pro Tem Duncan  
Councilmember Ferguson  
Councilmember Knoblock  
Councilmember Ward

---

*Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.*

### ***RULES FOR ADDRESSING COUNCIL***

- **Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.**
- **If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and turn it in to the City Clerk or Deputy City Clerk.**
- **Persons wishing to address Council concerning an agenda item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a non-agenda item will be invited to address Council during the “Oral Communications” portion of the meeting.**
- **When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Please limit your presentation to three minutes.**

### ***MISSION STATEMENT***

*The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:*

*Maintaining a safe, healthy atmosphere in which to live, work and play;*

*Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;*

*Providing for the City’s long-term stability through promotion of economic vitality and diversity...*

*Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow’s needs.*

**CLOSED SESSION (3:00 P.M.)**

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957  
Title: City Attorney

**B. PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code section 54957  
Title: City Attorney

**C. PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code section 54957  
Title: City Manager

**D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 1

**E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code section 54956.8  
Number of items:1

Property: 199.24 acres of open space north and south of Camino del Rio, 92673  
Assessor's Parcel Numbers: 678-091-07, 678-092-06, 679-242-06  
Agency Negotiator: City Manager  
Negotiating Parties: City of San Clemente, 88 Pacific, LLC. and/or their authorized agents or representatives  
Under Negotiation: Price and terms of payment

**BUSINESS MEETING PART 1 (5:00 P.M.)**

**CALL TO ORDER**

**INVOCATION – Dusty Davis, Director of Operations, Shoreline Community Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

- 1. Motion waiving reading in full of all Resolutions and Ordinances**
- 2. Consideration of agenda items requiring immediate action**

Any items agenda items will be considered under New Business, unless otherwise determined by a majority vote of the City Council.

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

Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. Speakers may address Council once during either Oral Communications Part 1 or Part 2. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 12. When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

**4. Consent Calendar**

All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.

**A. City Council Minutes**Staff Recommendation

- 1) [APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 20, 2022.](#)

**B. Commission/Committee Minutes**Staff Recommendation

Receive and file the following:

- 1) [DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF AUGUST 10, 2022](#)
- 2) [INVESTMENT ADVISORY COMMITTEE REGULAR MEETING MINUTES OF APRIL 25, 2022](#)
- 3) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF AUGUST 23, 2022](#)
- 4) [HUMAN AFFAIRS COMMITTEE SPECIAL MEETING MINUTES OF SEPTEMBER 13, 2022](#)

**C. Warrant Register**

1) Approve Wire Transfer Nos. 2718 through 2722 and Warrant Nos. 583590 through 583750, paid on 9-23-22, in the amount of.....\$1,867,444.30

2) Approve Warrant Nos. 583751 through 583917, paid on 9-30-22, in the amount of .....\$ 1,319,200.20

TOTAL WARRANT REGISTER.....\$ 3,186,644.50

**Payroll Register**

Warrant Nos. 881 through 884  
Automatic Deposit Advises 81064  
through 81366, for the period  
9-5-22 through 9-18-22, paid  
on 9-23-22, in the amount of..... \$529,481.83

TOTAL PAYROLL REGISTER..... \$529,481.83

**D. RESOLUTION DESIGNATING CITY AUTHORIZED REPRESENTATIVES TO OBTAIN FEMA AND CAL OES PUBLIC DISASTER ASSISTANCE**

**Staff Recommendation**

Adopt Resolution No. 22-37, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING THE CITY MANAGER, PUBLIC WORKS DIRECTOR/CITY ENGINEER AND/OR UTILITIES DIRECTOR AS THE CITY'S AUTHORIZED REPRESENTATIVE(S) TO OBTAIN FEDERAL AND STATE FINANCIAL ASSISTANCE.

**E. CONTRACT AWARD - PLAYGROUND EQUIPMENT REPLACEMENT AT SAN GORGONIO PARK AND RICHARD T. STEED MEMORIAL PARK**

**Staff and the Beaches, Parks and Recreation Commission Recommendation**

1. Approve the conceptual design plans for the playground equipment replacement at San Gorgonio Park (Project No. 11148) and Richard T. Steed Memorial Park (Project No. 12107).
2. Determine that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, Sections 15302 [Replacement of existing structures where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity] of California CEQA Guidelines and direct staff to file a Notice of Exemption (NOE) with the State Clearinghouse; and Approve the purchase and installation of playground equipment from Kompan Inc. for \$766,783 utilizing the

Omnia Partners National Purchasing Cooperative Contract No. 2017001135.

3. Approve, and authorize the Public Works Director to execute, Contract No. C22-59, by and between the City of San Clemente and Kompan Inc., providing for playground replacements at San Gorgonio Park and Richard T. Steed Memorial Park, in the amount of \$766,783.
4. Accept grant revenues of \$220,000 to 014-000-33490 (State Grant) from Prop 68.
5. Approve a supplemental appropriation of \$220,000 to Account # 014-820-45300-000-11148.

**F. CONTRACT AWARD - BEACH TRUNK SANITARY SEWER LINE REHABILITATION**

Staff Recommendation

1. Make a finding that an emergency exists due to the potential failure of an existing sewer line and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur is required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-60, by and between the City of San Clemente and Sancon Technology, Inc., providing for the Beach Trunk Sanitary Sewer Line Rehabilitation, CIP Project No. 28206, in the amount of \$63,613.

**G. NOTICE OF COMPLETION - AVENIDA PICO RECYCLED WATER PIPELINE RELOCATION**

Staff Recommendation

1. Accept the Avenida Pico Recycled Water Pipeline Relocation, Project No. 21402 from the Contractor, Mike Prlich and Sons, Inc.
2. Authorize the Utilities Director to execute and the City Clerk to record the Notice of Completion for the Avenida Pico Recycled Water Pipeline Relocation.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation for the Notice of Completion upon verification with the Utilities Department that no liens have been levied against Mike Prlich and Sons, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

**H. INSTALLATION OF A PLAQUE AT COURTNEY'S SANDCASTLE PLAYGROUND HONORING NAMESAKE COURTNEY FAYE SMITH**

Staff Recommendation

Accept a plaque donation recognizing the life of Courtney Faye Smith; and approve the installation of the plaque and monument at Courtney's SandCastle Playground.

**I. CONTRACT AWARD - RECYCLED WATER QUALITY IMPROVEMENTS PROJECT**

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$495,207 from the Sewer Connection Fee Reserve Fund to Account No. 054-477-45300-000-13203.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-61, by and between the City of San Clemente and Lee+Ro, Inc., providing for the Recycled Water Quality improvements Project, in the amount of \$905,207.

**5. Reports**

- A. Commissions and Committees**
- B. City Manager**
- C. City Attorney**
- D. Council Members**
- E. Council Subcommittee Updates**

**CLOSED SESSION (6:00 P.M.) CONTINUED FROM 3:00 P.M.**

**BUSINESS MEETING PART 2 (7:00 P.M.)**

**6. Closed Session Report - City Attorney**

**7. Special Presentations****A. Alzheimer's Association Orange County Chapter - Walk to End Alzheimer's**

Presentation by Sindy Thomas, Relationship Events Manager, and Michelle Pichardo, Engagement Manager, representing the Alzheimer Association Orange County Chapter, concerning the Walk to End Alzheimer's on Sunday, October 23, 2022, at the Outlets at San Clemente.

**B. Fire Prevention Week Proclamation**

Presentation of Proclamation to Baryic Hunter, Division Chief, Orange County Fire Authority, declaring October 9-15, 2022 as Fire Prevention Week.

**C. HOMELESS UPDATE**

The September update will be provided at the October 18, 2022 meeting.

**8. Public Hearings**

None.

**9. Unfinished Business**

None.

**10. New Business****A. [STATUS UPDATE ON SAN CLEMENTE POLICE SERVICES ENFORCEMENT EFFORTS AT MAX BERG PLAZA PARK](#) (Agendized at the August 16, 2022 City Council Meeting by Mayor Pro Tem Duncan, with the support of Mayor James and Councilmember Knoblock)****Staff Recommendation**

No action at this time as it pertains to increasing police service resources specific to Max Berg Plaza Park and allow time to gauge the effectiveness of park improvements and crime mitigation efforts.

**B. [VIEW PROTECTION ORDINANCE REVIEW](#) (Agendized at the September 6, 2022 City Council Meeting by Mayor James, with the support of Councilmember Knoblock and Mayor Pro Tem Duncan.)****Staff Recommendation**

Receive and file the Administrative Report dated October 4, 2022, and on file with the City Clerk.

**C. [PUBLISHING OF CLOSED SESSION ITEMS](#) (Agendized at the September 20, 2022 City Council Meeting by Councilmember Ferguson with the support of Councilmember Knoblock)**

- D. [SECTION 115 PREFUNDING TRUST](#) (Agendized at the August 16, 2022 City Council Meeting by Councilmember Knoblock, with the support of Mayor James and Councilmember Ferguson)

Staff Recommendation

Direct staff to pursue option 1 for the solicitation and creation of a Section 115 trust.

- E. [LETTER OF SUPPORT TO THE CALIFORNIA COASTAL COMMISSION \(CCC\) FOR THE SOUTH COAST WATER DISTRICT \(SCWD\) DOHENY DESALINATION PROJECT](#) (Directed by Council at the April 19, 2022 City Council Meeting)

Staff Recommendation

Authorize the Mayor to sign a letter of support to the California Coastal Commission for the South Coast Water District Doheny Desalination Project.

**11. Reports (continued from Business Meeting Part 1)**

- A. **Commissions and Committees**
- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**
- E. **Council Subcommittee Updates**

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

Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation, not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

**13. Adjournment**

The next Regular Council Meeting is scheduled to take place on October 18, 2022. Part 1 of the Regular Business Meeting will commence at 5:00 p.m. and Closed Session will begin at 6:00 p.m. Part 2 of the Business Meeting will commence at 7:00 p.m. The meeting will take place in the Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.



**Items to be Considered at a Future Meeting**

NOVEMBER 1, 2022: TRANSIENT OCCUPANCY TAX REVIEW

NOVEMBER 15, 2022 : REVIEW OF BEST BEST AND KRIEGER CONTRACT

NOVEMBER 15, 2022 : CONSIDERATION OF NIGHT SURFING

## **CITY COUNCIL MEETING PROCEDURES**

### **PRESENTATION OF WRITTEN MATERIALS TO COUNCIL**

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

### **MEETINGS RECORDED AND TELEVISED**

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 854. Meetings are also available for live-stream or post meeting viewing from the City's website. Meetings are also recorded via audio CD and/or DVD and retained as a City record in accordance with the City's records retention schedule.

### **USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS**

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

### **LENGTH OF MEETINGS**

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

### **AMERICANS WITH DISABILITIES ACT**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

### **COMMUNICATION DEVICES**

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

### **MEETING SCHEDULE**

Regular Council Meetings are held on the first and third Tuesdays of each month in the Council Chambers, located at 910 Calle Negocio, 2nd floor, San Clemente. Part 1 of the Business Meeting will begin at 5:00 p.m. and Closed Session begins at 6:00 p.m. Part 2 of the Business Meeting will commence at 7:00 p.m. Additional meetings of the City Council may be called as needed.

### **AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS**

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Department as soon as agendas are posted (a minimum of 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at [www.san-clemente.org](http://www.san-clemente.org). An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Department, located at 910 Calle Negocio, San Clemente, during normal business hours.

The City Clerk's Department offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, register at <http://san-clemente.org/enotification>.