



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

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

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 James on October 4, 2022 at 3:00 p.m. in the San Clemente City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

PRESENT: Duncan, Ferguson, Mayor James, Knoblock, and Ward

STAFF PRESENT: Sean Joyce, Interim City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Legislative Administrator; Megan Jimenez, Deputy City Clerk

CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Brad Malamud opined that the Public Employee Performance Evaluation should be held in open session and the code section cited does not qualify for Closed Session.

B. Public Employee Appointment

Brad Malamud opined that the Public Employee Appointment cannot be discussed in Closed Session and that City Attorney Smith should recuse himself on this item.

City Attorney Smith announced that he will recuse himself from Item B in Closed Session.

E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Amanda Q conveyed her support for the purchase of parcels off of Camino Del Rio.

Motion by Councilmember Ward, second by Mayor Pro Tem Duncan, CARRIED to recess to Closed Session at 3:17 p.m. to discuss the following:

- 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 Negotiators: 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

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

BUSINESS MEETING PART 1

Council reconvened at 5:00 p.m., with all Councilmembers present.

INVOCATION

Seth Ebel, Shoreline Community Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Trevor Hart led the Pledge of Allegiance.

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

Motion by Mayor James, second by Councilmember Knoblock, CARRIED to waive reading in full of all Resolutions and Ordinances.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

2. Consideration of agendizing items requiring immediate action

Motion by Mayor Pro Tem Duncan, second by Mayor James, CARRIED to broaden the discussion of agenda item 10 A - Status Update on San Clemente Police Services Enforcement Efforts at Max Berg Park, to include the increase of crime within the City. This was agendized 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, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

3. Oral Communications (Part 1)

Brad Malamud commented on the transparency of noticing agenda items and the Interim City Manager recruitment.

Elizabeth Egan, San Clemente, commented on the pool closures and the aquatics classes held at the Ole Hanson Beach Club.

Nancy Stoll, San Clemente, commented on the pool closures, safety concerns and aquatics classes being held at Ole Hanson Beach Club.

Victor Cabral, San Clemente, commented on the increase in crime in San Clemente and encouraged the City to improve communications with the community.

Kim Hart, speaking on behalf of San Clemente Water Polo, addressed the City pool closures and the impacts of the closures on the San Clemente Water Polo Club and other aquatics programs.

David Abernathy, San Clemente, commented on the proposed Memorial Care housing project located at 654 Camino de los Mares.

Martina commented on the agendizing of the legal services contract review and the urgency item by Mayor Pro Tem Duncan; encouraged the City to increase wages for lifeguards.

Jon Conk, San Clemente, expressed concerns over the proposed Memorial Care housing project located at 654 Camino de los Mares; encouraged the Council to delay its review of the project to allow additional time for public review.

Richard Palis, San Clemente, spoke in opposition to the proposed Memorial Care

housing project and urged Council to use caution when reviewing the project.

Richard Monks, San Clemente, spoke in opposition to the proposed Memorial Care housing project and encouraged Council to require story polls.

Ken Rogers, San Clemente, spoke in opposition to the proposed Memorial Care housing project due to safety concerns and encouraged story polls.

Jolene Kahn, San Clemente, conveyed support for senior housing but expressed concerns regarding the proposed Memorial Care senior housing project due to safety and parking concerns.

Linda Rogers spoke in opposition to the proposed Memorial Care housing project as presented due to the size and impacts to the neighborhood.

4. Consent Calendar

The following items were removed from the Consent Calendar for discussion: 4A(1), 4E and 4H.

B. Commission/Committee Minutes

Motion by Councilmember Ward, second by Mayor James, CARRIED to receive and file:

(1) DESIGN REVIEW SUBCOMMITTEE MEETING MINUTES FROM 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

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

C. Warrant Register

Motion by Councilmember Ward, second by Mayor James, CARRIED to:

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

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

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

Payroll Register

Motion by Councilmember Ward, second by Mayor James, CARRIED to:

Approve 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

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

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

Motion by Councilmember Ward, second by Mayor James, CARRIED to 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.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

F. CONTRACT AWARD - BEACH TRUNK SANITARY SEWER LINE REHABILITATION

Motion by Councilmember Ward, second by Mayor James, CARRIED to:

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 if 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.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

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

Motion by Councilmember Ward, second by Mayor James, CARRIED to:

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 of 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.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

I. CONTRACT AWARD - RECYCLED WATER QUALITY IMPROVEMENTS PROJECT

Motion by Councilmember Ward, second by Mayor James, CARRIED to:

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.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

4A(1). City Council Minutes

Concerned Resident, San Clemente, narrated a Powerpoint presentation concerning statements made by City Attorney Smith at the September 20, 2022 City Council Meeting with regard to pickleball and requested they be included in the minutes. A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember Ward, second by Mayor Pro Tem Duncan, CARRIED to:

(1) APPROVE THE MINUTES OF THE REGULAR AND SPECIAL COUNCIL MEETING OF SEPTEMBER 20, 2022.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

4E. CONTRACT AWARD - PLAYGROUND EQUIPMENT REPLACEMENT AT SAN GORGONIO PARK AND RICHARD T. STEED MEMORIAL PARK

Amanda Q spoke in support of the playground equipment replacement at Richard T. Steed and San Gorgonio Parks.

Motion by Mayor Pro Tem Duncan, second by Councilmember Knoblock, CARRIED to:

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 Account No. 014-000-33490 (State Grant) from Prop 68.

5. Approve a supplemental appropriation of \$220,000 to Account No. 014-820-45300-000-11148.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

4H. INSTALLATION OF A PLAQUE AT COURTNEY'S SANDCASTLE PLAYGROUND HONORING NAMESAKE COURTNEY FAYE SMITH

Motion by Mayor James, second by Councilmember Knoblock, CARRIED to 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 with the amendment that the City will fund up to \$2,000 for the purchase and installation of the memorial plaque.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

5. Reports

A. Commissions and Committees

None.

B. City Manager

Train Service

Interim City Manager Joyce reported on the suspension of train service through San Clemente and emergency slope and track stabilization work that will commence in the Cyprus Shores area; conveyed that emergency repair is expected to take 30-45 days to complete and train service will be suspended during the emergency construction.

Announcement of Contracts Approved and Executed by the City Manager

Interim City Manager Joyce reported that the following professional services contract was executed under his signature authority: 1) Ferreira Coastal Construction for 216 La Cuesta Sewer Repair and Manhole Construction in the amount of \$43,199.02.

Aquatics Center Hours

Interim City Manager Joyce provided an update to Council concerning pool operations and the steps being taken to increase the public hours at the aquatics center; reported that efforts are being made to hire additional lifeguards and have them begin working as soon as possible.

C. City Attorney**Assembly Bill 2449**

City Attorney Smith announced that the Governor has signed AB 2449 - Open Meetings:Local Agencies: Teleconference which will allow the Councilmembers to participate in meetings remotely as long as the public could participate remotely. City Attorney Smith will return to Council with a report detailing guidelines for implementation.

D. Council Members**Recognition of Jesse Strike McClelland**

Mayor James reported that he attended the 100th birthday of Jesse Strike McClelland, San Clemente resident and member of the women's auxiliary of the Royal Australian Airforce.

Crime in San Clemente

Mayor James spoke on increased crime in San Clemente and voiced concern that members of the community do not feel safe in their homes.

CalTrans Construction

Mayor James expressed concerns over the CalTrans construction at Vista Hermosa and I-5, noting that the City was not notified of the construction; encouraged the Interim City Manager and Public Works Director/City Engineer to work with CalTrans to improve communication.

Resignation of City Clerk and City Treasurer

Mayor James announced the resignation of Joanne Baade, City Clerk and Mark Taylor, City Treasurer, and recognized both for their years of service to the City.

Mayor James, with the support of Councilmember Ward and Councilmember Knoblock agendized for the October 18, 2022 City Council meeting, the process to fill the unexpired City Clerk and City Treasurer terms.

E. Council Subcommittee Updates

None.

CLOSED SESSION CONTINUED FROM 3:00 P.M.

Concerned Resident, San Clemente, narrated a Powerpoint concerning city and state laws as they relate to pickleball. A hard copy of the presentation is on file with the City Clerk.

Dawn Urbanek urged Council to terminate City Attorney Smith and replace Best Best and Krieger as the City's legal counsel; spoke on voting integrity.

Motion by Mayor Pro Tem Duncan, second by Councilmember Ward, CARRIED to recess to Closed Session at 6:12 p.m. to discuss the following:

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 Negotiators: 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

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

BUSINESS MEETING PART 2

Council reconvened at 7:00 p.m., with all Councilmembers present.

6. Closed Session Report - City Attorney

No reportable action.

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

Sindy Thomas, Relationship Events Manager with the Alzheimer's Association Orange County Chapter, presented on the upcoming Walk to End Alzheimer's on Sunday, October 23, 2022 at the Outlets at San Clemente and encouraged the community to participate.

B. Fire Prevention Week Proclamation

Mayor James, presented a Proclamation to Orange County Fire Authority Battalion Chief Matt Schuetz, proclaiming October 9-15 2022, as Fire Prevention Week.

C. HOMELESS UPDATE

Homeless update will be provided at the October 18, 2022 City Council 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)**

Amanda Q narrated a Powerpoint presentation entitled "Max Berg Park" and spoke in support of the changes. A hard copy of the presentation is on file with the City Clerk.

Rick Loeffler spoke on the costs associated with adding deputy Sheriffs; encouraged Council to add additional TRIP team members to minimize cost and increase the effectiveness.

Susan Ambrose, San Clemente, commented on Neighborhood Watch participation in the area of Max Berg Plaza Park.

Michael Snow, San Clemente, expressed concern over the increased crime in the Talega area.

Captain Benfield of San Clemente Police Services and Public Works Director/City Engineer Koger narrated a PowerPoint presentation entitled "Improvements at Max Berg Plaza Park" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Motion by Mayor Pro Tem Duncan, with the support of Council, authorized the City Manager to provide additional resources, as needed, to Police Services to reduce crime in the City.

Motion by Mayor James, second by Mayor Pro Tem Duncan, CARRIED to schedule a Town Hall meeting the last week of October to address community concerns regarding recent crimes and to provide advise to the community to improve security at their homes.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

- 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.)

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

Motion by Mayor Pro Tem Duncan, second by Councilmember Knoblock, CARRIED to receive and file the Administrative Report dated October 4, 2022, that is on file with the City Clerk.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

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

Anonymous requested that Closed Session descriptions be expanded so that the public will know whether they wish to address Council on this item.

Mayor James, with the support of Councilmember Knoblock and Councilmember Ferguson, agendized an Administrative Report to address the possibility of expanding Closed Session descriptions on agendas (to include example descriptions) and an amendment to Policy 1201-11 to include a section defining the same.

- 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)

Financial Services Officer Rahn reviewed the contents of the Administrative Report and responded to Council inquiries.

Motion by Councilmember Knoblock, second by Mayor James, CARRIED to apply the \$1 million allocated for a Section 115 Prefunding Trust toward the pension debt paydown.

AYE: Ferguson, Mayor James, and Knoblock

NOE: Duncan, and Ward

Councilmember Ward, with the support of Mayor James and Councilmember Knoblock, directed that a white paper be included in the Long Term Financial Plan concerning the allocation of the \$1 million toward the unfunded pension liability.

- 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)

Utilities Director Rebensdorf presented on the Doheny Desalination Project and responded to Council inquiries.

Rick Shintaku, General Manager for the South Coast Water District, discussed the Doheny Desalination Project and responded to Council inquiries.

Motion by Councilmember Knoblock, second by Councilmember Ferguson, CARRIED to authorize the Mayor to sign a letter of support to the California Coastal Commission for the South Coast Water District Doheny Desalination Project.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None

11. Reports

The Reports portion of the agenda was considered during Part 1 of the meeting. Please refer to page 8 of these minutes for a summary of that discussion.

12. Oral Communications (Part 2)

Rick Loeffler spoke on behalf of the Friends of San Clemente on upcoming events such as the Carnival October that will be held on 13-16, 2022 and the Monster Dash 5K.


Concerned Resident spoke on the comments made about safety concerns within the City as they relate to safety concerns at San Gorgonio Park.

13. Adjournment


Motion by Councilmember Ward, second by Mayor James, CARRIED, to adjourn at 8:57 p.m. The next Regular Meeting will be held 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 at City Hall Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward

NOE: None



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California