



5:00 p.m. - Business Meeting

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

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*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 and Special Meeting of the San Clemente City Council was called to order by Mayor James November 15, 2022 at 5:01 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

\*Mayor Pro Tem Duncan participated via teleconference

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

## **BUSINESS MEETING**

### **INVOCATION**

Katie Nichol, Stake Communication Director, Church of Jesus Christ of Latter-Day Saints gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Victor Cabral led the Pledge of Allegiance.

### **REORGANIZATION OF AGENDA**

Motion by Mayor James, second by Councilmember Ward, CARRIED 3-2, to consider Item 4D - Ordinance No. 1737(Second Reading) 654 Camino de los Mares - Senior Housing and Medical Office after 7:00 p.m. (after Special Presentations).

**AYE:** Duncan, Mayor James, and Ward

**NOE:** Ferguson, and Knoblock

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

Motion by Mayor James, second by Councilmember Ward, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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

**NOE:** None

**2. Consideration of agenda items requiring immediate action**

None.

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

Amanda Q narrated a Powerpoint presentation entitled "Please Support Alternative No. 1 No Build Alternative". A hard copy of the presentation is on file with the City Clerk.

Dawn Urbanek commented on a Notice of Complaint filed against her; announced that she is filing a complaint with the California State Bar alleging attorney misconduct. A hard copy of the complaint is on file with the City Clerk.

Sharon Diener voiced concerns regarding a short term lodging unit (STLU) located at 2813 La Ventana and non-compliance issues.

Scott Diener voiced concern with wedding ceremonies and parties at a STLU at 2813 La Ventana as it relates to non-compliance.

**Short Term Lodging Unit (STLU) at 2813 La Ventana**

Mayor James requested a meeting with the City Attorney, the Diener's and other interested neighbors on La Ventana to discuss their concerns.

City Attorney Smith will provide the full City Council with a summary of the meeting.

4. Consent Calendar

The following Items were removed from the Consent Calendar for discussion: 4B(3), 4D and 4E.

A. City Council Minutes

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

- (1) APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF OCTOBER 26, 2022.
- (2) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF NOVEMBER 1, 2022.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward  
 NOE: None

B. Commission/Committee Minutes

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

- (1) BEACHES, PARKS AND RECREATION COMMISSION REGULAR MEETING MINUTES OF AUGUST 9, 2022.
- (2) GOLF COURSE COMMITTEE REGULAR MEETING MINUTES OF AUGUST 4, 2022.
- (4) PLANNING COMMISSION REGULAR MEETING MINUTES OF NOVEMBER 2, 2022.

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward  
 NOE: None

C. Warrant Register

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

- (1) APPROVE WIRE TRANSFER NOS. 2738 THROUGH 2745 AND WARRANT NOS. 584491 THROUGH 584641, PAID ON 11-4-22, IN THE AMOUNT OF **\$2,430,579.40**
- TOTAL WARRANT REGISTER.....\$ 2,430,579.40

AYE: Duncan, Ferguson, Mayor James, Knoblock, and Ward  
 NOE: None

**Payroll Register**

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

**APPROVE WARRANT NO. 888 AND  
AUTOMATIC DEPOSIT ADVISES 81916  
THROUGH 82190, FOR THE PERIOD  
10-17-22 THROUGH 10-30-22, PAID ON  
11-4-22, IN THE AMOUNT OF**

**\$424,772.45**

TOTAL PAYROLL REGISTER.....\$ 424,772.45

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

**NOE:** None

**F. CONTRACT AWARD - WATER RECLAMATION PLANT (WRP) SLUICE GATES REPLACEMENT (PHASE 2)**

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

1. Approve the plans and specifications for the WRP Gates Replacement (Project No. 2), CIP Project No. 26212.

2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-68, by and between the City of San Clemente and Jennette Company, Inc., providing for WRP Sluice Gate Replacement (Project No. 2), in the amount of \$193,000.

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

**NOE:** None

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

**4B(3) ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF NOVEMBER 3, 2022.**

Council appealed Minor Conditional Use Permit 22-197, Primo Foods Beer and Wine, 2801 S. El. Camino Real (an item that was heard at the November 3, 2022 Zoning Administrator Meeting) and requested the item be brought to Council for consideration at a Public Hearing to be held at the December 6, 2022 City Council Meeting. (Due to noticing requirements this item will be considered at a Public Hearing at the City Council Meeting on December 20, 2022.)

D. **ORDINANCE NO. 1737 (SECOND READING) - 654 CAMINO DE LOS MARES - SENIOR HOUSING AND MEDICAL OFFICE**

Council made a motion to remove this Item from the Consent Calendar and consider it after 7:00 p.m. See page 1 of these minutes for a summary of the action.

Amanda Q narrated a Powerpoint presentation entitled "Recuse?". A hard copy of the presentation is on file with the City Clerk.

Greg Sanders, Counsel for Memorial Care, commented on conversations he had with City Attorney Smith concerning legal challenges to the proposed senior housing and medical office project; noted he is available to respond to legal questions related to the senior housing and medical office project located at 654 Camino de los Mares.

Aaron Washington urged Council to oppose the proposed senior housing and medical office project due to the size and scope.

Beverly Wiesen, San Clemente, spoke in opposition to the project and on the organization of a referendum.

William Boezinger, San Clemente, urged Council to side with concerned citizens and oppose the proposed project.

Kathy Esfahani, Chair of the San Clemente Affordable Housing Coalition, spoke in support of the proposed project and spoke on comments made in support of the proposed project at the November 1, 2022 City Council Meeting.

Denise Fleury, San Clemente, spoke in support of the proposed senior housing and medical office project.

Rona Henry spoke in support of the proposed project as it relates to potential impacts on the City and the 'builders remedy'.

Stuart Anderson, San Clemente, spoke in favor of the proposed project and potential impacts to the City if the project is denied.

Jacky Trani, San Clemente, spoke in support of the proposed project.

Ken Rogers, San Clemente, spoke in opposition to the proposed project; the need for story polls and potential impacts to the City.

Linda Rogers, San Clemente, spoke in opposition to the proposed project due to size, scope and safety concerns.

James Watkins, San Clemente, spoke in support of the proposed project.

Grace Todd, San Clemente, spoke in support of the proposed project.

Connor Medina, Orange County Business Council, spoke in support of the proposed project and the need for additional housing in Orange County.

Diane Scott, San Clemente, spoke in support of the proposed project and the need for additional senior housing.

Judy Jones, San Clemente, spoke in support of the proposed project as it relates to benefits to the City.

Anna Davis, San Clemente, spoke in support of the proposed project.

Jon Conk spoke in opposition to the proposed project and urged Mayor Pro Tem Duncan to disclose ex-parte communications.

James Jo spoke in support of the proposed project and the need for additional senior housing.

Tom Leary, Vice President of Memorial Care, spoke on the origins of the proposed project and the relationship with the City.

Wayne Eggleston, San Clemente, spoke in opposition of the proposed project and the perception of a conflict of interest; opined the proposed project needs additional study and suggested putting this project on the ballot.

Motion by Councilmember Knoblock, second by Councilmember Ferguson, to adopt Ordinance No. 1737 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING AND ADOPTING AN ADDENDUM TO THE SAN CLEMENTE HOUSING AND SAFETY ELEMENTS UPDATE PEIR UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING GENERAL PLAN AMENDMENT (GPA) 22-097, ZONING AMENDMENT (ZA) 22-098, AND DEVELOPMENT AGREEMENT FOR A MIXED-USE PROJECT WITH 250 FOR-RENT SENIOR RESIDENTIAL UNITS AND A 7,500 SQUARE FOOT MEDICAL OFFICE; TO SUBDIVIDE ONE LOT INTO TWO LOTS; TO REZONE THE PROPERTY FROM REGIONAL MEDICAL FACILITIES 1 (RMF1) TO COMMUNITY COMMERCIAL 4 (CC4); AND TO CHANGE THE GENERAL PLAN DESIGNATION FROM RMF TO CC, LOCATED AT 654 CAMINO DE LOS MARES.

Substitute motion by Mayor James, second by Councilmember Ward, FAILED 2-3, to re-zone the property and have the City conduct it's own studies concerning environmental impacts and parking.

**AYE:** Mayor James, and Ward

**NOE:** Duncan, Ferguson, and Knoblock

The original motion on the floor was voted on and CARRIED 3-2. For ease of reference, the action taken was as follows:

Adopt Ordinance No. 1737 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING AND ADOPTING AN ADDENDUM TO THE SAN CLEMENTE HOUSING AND SAFETY ELEMENTS UPDATE PEIR UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING GENERAL PLAN AMENDMENT (GPA) 22-097, ZONING AMENDMENT (ZA) 22-098, AND DEVELOPMENT AGREEMENT FOR A MIXED-USE PROJECT WITH 250 FOR-RENT SENIOR RESIDENTIAL UNITS AND A 7,500 SQUARE FOOT MEDICAL OFFICE; TO SUBDIVIDE ONE LOT INTO TWO LOTS; TO REZONE THE PROPERTY FROM REGIONAL MEDICAL FACILITIES 1 (RMF1) TO COMMUNITY COMMERCIAL 4 (CC4); AND TO CHANGE THE GENERAL PLAN DESIGNATION FROM RMF TO CC, LOCATED AT 654 CAMINO DE LOS MARES.

**AYE:** Duncan, Ferguson, and Knoblock

**NOE:** Mayor James, and Ward

**E. CONTRACT AWARD - RICHARD T. STEED MEMORIAL PARK PICKLEBALL DESIGN**

Amanda Q voiced concern on the proposed project design at Richard T. Steed Park; opined the project is proceeding without Beaches, Parks and Recreation Commission review.

Concerned Resident, San Clemente, displayed a slide concerning tax dollars being spent on the proposed project; opined the project is proceeding without proper procedure. A hard copy of the presentation is on file with the City Clerk.

Marty Weinberg, USA Pickleball Ambassador, spoke in favor of the City building new pickleball courts at Richard T. Steed Park; opined that pickleball has outgrown San Gorgonio Park.

Brad Malamud, thanked Joanne Baade for her efforts as City Clerk; opined that this project did not go through the correct committee; urged Council to continue this item to allow the new Council to consider the project.

Motion by Councilmember Knoblock, second by Councilmember Ward, CARRIED 4-1, to approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-67, by and between the City of San Clemente and RJM Design Group, Inc., providing for engineering design services for the Richard T. Steed Memorial Park pickleball courts, in the amount of \$404,550 with the amendment that the contract term be extended until the assigned duties are completed or until terminated by the City whichever comes first.

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

**NOE:** Ferguson

**5. Reports****A. Commissions and Committees**

None.

**B. City Manager****Announcement of Contracts Approved and Executed by the City Manager**

Interim City Manager Joyce reported that the following professional service contracts were executed under his signature authority: 1) Lisa Pope, providing for commission and committee meeting minutes, in the amount of \$13,500. 2) KAAM Group, third amendment to furnish and deliver 19% aqua ammonia for water treatment, in the amount of \$30,000 (an increase of \$10,000).

**C. City Attorney****American's With Disabilities Act Accommodation**

City Attorney Smith announced that Mayor Pro Tem Duncan is participating in the meeting this evening via teleconference due to an accommodation permitted under the American's with Disabilities Act. The accommodation is on file with the City Clerk.

**D. Council Members****Orange County Fire Authority Community Education Outreach**

Councilmember Ward reviewed the contents of the of the Orange County Fire Authority outreach flyer and requested that the flyer be posted on the City's website. A hard copy of the flyer is on file with the City Clerk.

**Recognition of Orange County Sheriffs Department - Fire in Marblehead**

Mayor James and Mayor Pro Tem Duncan recognized the efforts by Orange County Sheriffs Deputies for their quick response to a fire in Marblehead.

**E. Council Subcommittee Updates**

None.

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

None.



**7. Special Presentations****A. Flying Leatherneck Historical Foundation**

Michael Aguilar, Brigadier General, United States Marine Corps (Retired) narrated a Powerpoint entitled "Great Park Cultural Terrace: Flying Leatherneck Aviation Museum", and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember Ferguson, second by Councilmember Knoblock, CARRIED 5-0, to agendize consideration of a monetary donation to the Flying Leatherneck Historical Foundation.

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

**NOE:** None

**B. October Update on the Homeless Issue**

Deputy Community Development Director Atamian and Code Compliance Manager Torrico presented the City's Outreach and Engagement Report for October 2022 and responded to Council inquiries. A hard copy of the October 2022 Outreach and Engagement Report is on file with the City Clerk.

Council requested that the service resistant individuals as well as the individuals that are placed in housing but return to the streets be included in the Outreach and Engagement Report.

**8. Public Hearings**

None.

**9. Unfinished Business****A. CONSIDERATION OF ESTABLISHING A POLICY FOR NIGHT SURFING AT THE SAN CLEMENTE PIER**

Motion by Councilmember Ward, second by Councilmember Knoblock, CARRIED 5-0, to take no further action on the implementation of night surfing at the San Clemente Pier.

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

**NOE:** None

**10. New Business****A. LETTER TO THE ORANGE COUNTY BOARD OF SUPERVISORS CONCERNING ELECTION CONTRIBUTIONS BY UNIONS AND THE IMPACT OF INCREASES TO OCSD COSTS/BUDGET**

Mayor James withdrew the request to issue a letter to the Orange County Board of Supervisors concerning election contributions by unions and the impact of increases to San Clemente Police Services costs/budget.

**MEETING RECESSED**

Council recessed at 6:37 p.m. and reconvened at 7:00 p.m. with all Councilmembers present.

**B. BICYCLE PARKING AT RIVIERA BEACH ACCESS**

Motion by Councilmember Knoblock, second by Mayor James, CARRIED 5-0, to include this project on the FY 2023-24 Budget as part of the Capital Improvement Program due to the costs needed for construction and possible permitting, which could be \$200,000 or higher depending on the improvements to the area.

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

**NOE:** None

**C. UPDATE ON PARKING VIOLATION REDUCTION AND TRAFFIC SAFETY IMPROVEMENT PLANS ON VIA SAN GORGONIO**

Amanda Q narrated a Powerpoint presentation entitled "San Gorgonio Park - Traffic Sign Additions". A hard copy of the presentation is on file with the City Clerk.

Aaron Washington spoke in support of the Staff recommendation; opined on the need for speed bumps to reduce the speed of the traffic.

Concerned Resident, San Clemente, narrated a video of traffic conditions on Via San Gorgonio and requested Beaches, Parks and Recreation reduce the overlapping of events at San Gorgonio Park.

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

1. Authorize San Clemente Police Services to increase parking enforcement in and around San Gorgonio Park when patrol services are available.

2. Authorize installing "Pedestrian Crossing" warning signs and "Side Roadway" signs on Via San Gorgonio for a cost of approximately \$1,000 from the Public Works - Maintenance Division operation budget.

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

**NOE:** None

**D. TRAFFIC ANALYSIS FOR AVENIDA PALIZADA CORRIDOR**

Amanda Q narrated a PowerPoint concerning traffic conditions at the Avenida Palizada corridor. A hard copy of the presentation is on file with the City Clerk.

Motion by Councilmember Knoblock, second by Mayor James, CARRIED 5-0, to include Traffic Operation Analysis for Traffic Signal Synchronization and Implementation in the upcoming FY 2023-24 Capital Improvement Project Budget.

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

**NOE:** None

**E. RESOLUTION AUTHORIZING SPECIFIED PAY GRADE CHANGES FOR HOURLY PART-TIME AQUATICS CLASSIFICATIONS AND ADOPTION OF REVISED HOURLY PART-TIME SALARY SCHEDULE**

Jayne DeBussey spoke in support of increased lifeguard pay.

Marianne Johnston spoke in support of a pay increase for lifeguards.

Jane Burke, San Clemente, spoke in support of pay increase for lifeguards.

Motion by Councilmember Ward, second by Mayor James, CARRIED 5-0, to:

1. Adopt Resolution No. 22-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING SPECIFIED PAY GRADE CHANGES FOR HOURLY PART-TIME AQUATICS CLASSIFICATIONS AND ADOPTION OF REVISED HOURLY PART-TIME SALARY SCHEDULE AND UPDATED JOB DESCRIPTIONS AND AMENDING RESOLUTION NO. 22-29 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

2. Authorize the City Manager to establish an hourly part-time shift premium of up to 25% of the hourly rate of pay for employees working in the classification of Pool Lifeguard, Water Safety Instructor, and Head Lifeguard.

3. Fund an additional Recreation Specialist position and approve a supplemental appropriation for an additional Recreation Specialist in the amount of \$62,500 to account # 001-625-41010 Salaries, Regular Full Time.

4. Approve a supplemental appropriation for pay changes to pool lifeguard positions in the amount of \$107,550 to account # 001-625-41030 Salaries, Hourly Part-Time.

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

**NOE:** None

**F. CODE AMENDMENT - PARKING RECREATIONAL VEHICLES ON CITY STREETS AND ALLEYS**

Amanda Q voiced support for the proposed code amendment; opined that the amendment should only allow four extensions and not six.

Motion by Councilmember Ferguson, second by Councilmember Knoblock, CARRIED 5-0, to introduce Ordinance No. 1739 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 10.28.230(B) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO PARKING RECREATIONAL VEHICLES ON CITY STREETS AND ALLEYS.

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

**NOE:** None

**11. Reports**

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

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

Rick Loeffler narrated a Powerpoint presentation on communications with Mayor Pro Tem Duncan and refuted public comments made at the November 1, 2022 City Council Meeting.

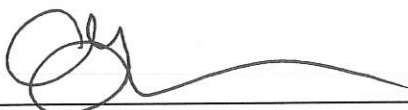
Concerned Resident urged Council to stop pickleball at San Gorgonio Park and questioned the procedure of installing Pickleball courts at San Gorgonio Park.

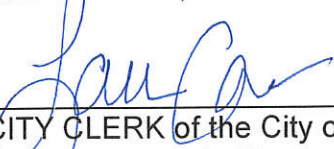
**13. Adjournment**

Motion by Mayor James, second by Councilmember Knoblock, CARRIED 5-0, to adjourn at 9:45 to an Adjourned Regular meeting to be held on November 17, 2022 at 4:00 p.m. for the purpose of conducting interviews for the City Clerk. The next Regular Meeting to be held on December 6, 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

  
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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