



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

Meeting Date: June 2, 2020

Meeting Time: 5:00 p.m. – Closed Session

6:00 p.m. - Business Meeting

THIS CITY COUNCIL MEETING WILL BE CONDUCTED VIA TELECONFERENCE.

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

Public Participation in City Council Meeting During Coronavirus Pandemic

To help prevent the spread of the coronavirus, this meeting will be held via teleconference, pursuant to the Governor's Executive Orders N-25-20 and N-29-20. All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING:

Citizens are invited to view to the meeting via live stream from the City's YouTube channel at www.san-clemente.org/live or live on Cox Communications Local Access Channel 854.

HOW TO PARTICIPATE BEFORE AND DURING THE MEETING:

Citizens can submit their comments on agenda items to Council electronically. Material may be emailed to Campagnolol@san-clemente.org Transmittal by 4:00 p.m. on Council meeting days is recommended. Comments must indicate by item title or number the agenda item to which they apply, or indicate that they are to be read during the general "oral communications" portion of the meeting. Emails lacking that indication will be forwarded to the City Council's general email accounts. Depending on the number of comments submitted on a particular item and the total amount of time allocated for the Council meeting, the Council may, at the beginning of its deliberation of an item, limit equally the time allocated for each comment.

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

A. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code section 54957
Title: Interim City Manager

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 2

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange
Case Number: 30-2017-00934703-CU-PT-CXC

Case Name: Housing is a Human Right et al. v. County of Orange and City of San Clemente
Case Number: 30-2019-0198573-CU-WM-CJC

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: 1030 Calle Negocio, San Clemente; Approx. 9,000 sq. foot industrial building

Agency negotiator: City Manager and Assistant City Manager

Negotiating parties: City of San Clemente and John Hook/Johnston Pacific Commercial Real Estate, Inc.

Under Negotiation: Price and terms of purchase offer

Property: 2.2 acre section of and 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa, Assessor's Parcel Number 678-163-01

Agency Negotiators: City Manager and Assistant City Manager

Negotiating Parties: City of San Clemente, proposing parties and/or their authorized agent(s)

Under Negotiation: Consideration of proposals for acquisition or lease of surplus property

Property: 654 Camino de los Mares (San Clemente hospital)

Agency Negotiator: City Manager, Assistant City Manager, City Attorney, and Steven Rousso

Negotiating Parties: City of San Clemente and Memorial Health Services and Saddleback Memorial Medical Center and/or their authorized agent(s)

Under Negotiation: Consideration of Proposals for Interim or Long Term Acquisition or Lease

(Settlement Agreement is linked to agenda.)

<https://www.san-clemente.org/Home/ShowDocument?id=57761>

D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

(EBS response letter to notice of contract termination of 4/21/20 is linked to agenda) <https://www.san-clemente.org/Home/ShowDocument?id=57759>

E. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)

Number of potential cases: 1

<https://www.san-clemente.org/Home/ShowDocument?id=57761>

F. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Assistant City Manager

Unrepresented employees: All Employees

Employee organization: San Clemente City Employees Association

G. THREAT TO PUBLIC SERVICES

Pursuant to Government Code section 54957

Consultation with City Manager and City Attorney

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**
 - A. **Toll Road Update**
 - B. **Update on Homeless Issue**
2. **Oral Communications (Part 1).** Members of the public who wish to provide comments to Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may email their comments to Campagnolol@san-clemente.org for reading during the Oral Communications portion of the agenda. Transmittal by 4:00 p.m. on Council meeting days is recommended. Emails will be read publicly at the meeting up to the allotted time limit of 3 minutes per person. Individuals may provide comments to be read during either Oral Communications Part 1 or Part 2.
3. **Motion waiving reading in full of all Resolutions and Ordinances.**
4. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.
5. **Closed Session Report - City Attorney.**
6. **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**
 - (1) [Approve the City Council Regular Meeting Minutes of May 19, 2020.](#)
 - B. **Commission/Committee Minutes**
 - (1) [Planning Commission Regular Study Session Minutes of May 20, 2020.](#)
 - (2) [Planning Commission Regular Meeting Minutes of May 20, 2020.](#)
 - (3) [Zoning Administrator Adjourned Regular Meeting Minutes of May 21, 2020.](#)
 - C. **Contract Award – FY 2020 Arenoso Lane Sewer Line Rehabilitation**
Pages 6C-1 through 6C-163

Staff Recommendation
 1. Approve the plans and specifications for FY 2020 Arenoso Lane Sewer Line Rehabilitation, Project No. 10207.

2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-26, by and between the City of San Clemente and GBRCO, Inc. providing for the FY 2020 Arenoso Lane Sewer Line Rehabilitation, in the amount of \$99,730.

D. [Contract Award – Annual Tree Maintenance Services](#) Pages 6D-1 through 6D-76

Staff Recommendation

1. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-27, by and between the City of San Clemente and West Coast Arborists, Inc., providing for tree trimming services for a five-year term from July 1, 2020 through June 30, 2025, with the first-year contract amount not to exceed \$274,560.
2. Authorize a contract contingency of \$55,440 for the first year of the contract (Fiscal Year 2020-2021) with future contract year contingency amounts to be approved by the City Council during the annual budget approval process.
3. Authorize the Public Works Director/City Engineer to approve annual increases to the contract cost not to exceed the Consumer Price Index adjustment per Exhibit E of the approved contract, and on file with the City Clerk.

E. [Notice of Completion – Camino Del Rio Wall](#) Pages 6E-1 through 6E-6

Staff Recommendation

1. Authorize the transfer of \$18,100 from the Sewer Depreciation Fund to Account 012-861-45300-000-18316.
2. Accept the Camino Del Rio Wall, from the contractor, O’Connell Engineering and Construction, Inc., Project No. 18316.
3. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Camino Del Rio Wall.
4. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the contractor, O’Connell Engineering and Construction, Inc.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

- F. [Contingency Increase for Pier Bird Deterrent Netting](#) Pages 6F-1 through 6F-165

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$15,472 from the Clean Ocean Improvement Reserve to Account 057-543-45300-000-18810.
2. Approve a \$15,472 increase in construction contingency for the Pier Bird Deterrent Netting, Project No. 18810.

- G. [Notice of Completion – Via Montego/Via Cascadita Storm Drain Improvements](#) Pages 6G-1 through 6G-45

Staff Recommendation

1. Accept the Via Montego / Via Cascadita Storm Drain Improvements, from the contractor, Howard Ridley Co., Inc. Project No. 13017.
2. Authorize the Public Works Director to execute, and the City Clerk to record, the Notice of Completion for the Via Montego / Via Cascadita Storm Drain Improvements.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against Howard Ridley Co. 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. [Notice of Completion – Bonito Canyon Park and Vista Bahia Park Restroom Replacement Project](#) Pages 6H-1 through 6H-7

Staff Recommendation

1. Accept the Bonito Canyon Park Project No. 17511 and Vista Bahia Park Project No. 17512 Restroom Replacement Project, from the contractor, Zimprich Engineering, Inc.
2. Authorize the Public Works Director/City Engineer to execute, and record, the Notice of Completion for the Bonito Canyon Park Project and Vista Bahia Park Restroom Replacement Project, from Zimprich Engineering, Inc.

Staff Recommendation continued on following page

3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the contractor, Zimprich Engineering, 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.

I. [Contract Renewal - Farmers Market on Avenida Del Mar](#) Pages 6I-1 through 6I-11

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C20-28, by and between the City of San Clemente and Introductions Unlimited, Inc., for ongoing weekly Farmers Market Services.

7. **Public Hearings.** The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony (not to exceed three minutes per speaker). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

A. [Code Amendment – Regulation of Leaf Blowers](#) Page 7A-1

Public Hearing to consider a City-initiated amendment to Title 8, Health and Safety, of the San Clemente Municipal Code to establish a leaf blower ordinance for residential areas west of Interstate 5, as a one-year sunset provision.

Staff Recommendation

Table the item to a future date when the public may be present to provide input.

B. [Substantial Amendment to the FY 2019-2020 Annual Action Plan to Add Community Development Block Grant – Corona Virus \(CDBG-CV\) Funds](#) Pages 7B-1 through 7B-49

Public Hearing to consider an amendment to the FY 2019-2020 Annual Action Plan to add Community Development Block Grant – Corona Virus Funds.

Staff Recommendation

- 1. Approve and adopt the Substantial Amendment to the FY 2019-2020 Annual Action Plan for use of Community Development Block Grant-CV funds.
- 2. Authorize the City Manager to submit the Substantial Amendment to the FY 2019-2020 Annual Action Plan to HUD.

8. **Unfinished Business.**

A. [Adoption of Fiscal Year 2020-21 Budget](#) Pages 8A-1 through 8A-6

Report from the Assistant City Manager concerning the adoption of the Fiscal Year 2020-21 Budget.

Staff Recommendation

Adopt Resolution No. 20-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2020-21 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.

9. **New Business.**

A. **Warrant Register**

[Approve Wire Transfers Nos. 2241 through 2244, and Warrant Nos. 566776 through 566956, paid on 5/22/20, in the amount of.....\\$ 2,502,014.29](#)

[Approve Wire Transfers Nos. 2245 through 2246, and Warrant Nos. 566957 through 567110, paid on 5/29/20, in the amount of.....\\$ 1,730,865.91](#)

TOTAL WARRANT REGISTER....\$ 4,232,880.20

Payroll Register

Warrant No. 784, Automatic Deposit
Advises 63959 through 64244,
for the period of 5/4/20 through 5/17/20,
paid on 5/22/20, in the amount of.....\$ 475,274.54

TOTAL PAYROLL REGISTER.....\$ 475,274.54

- B. [Proposed Radiological Emergency Planning and Response Memorandum of Understanding \(MOU\) Related to the San Onofre Nuclear Generating Station \(SONGS\)](#) Pages 9B-1 through 9B-23

Report from the Public Works Director concerning the proposed Radiological Emergency Planning and Response Memorandum of Understanding (MOU) Related to the San Onofre Nuclear Generating Station (SONGS).

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, the amended SONGS MOU.

- C. [Consideration of a Resolution Proclaiming an End to the Local Emergency Regarding Novel Coronavirus \(COVID-19\)](#) Pages 9C-1 through 9C-5

Report from the City Manager and City Attorney concerning consideration of a Resolution proclaiming an end to the Local Emergency Regarding Novel Coronavirus (COVID-19).

Staff Recommendation

Consider adopting Resolution No. 20-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROCLAIMING AN END TO THE LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19).

- D. [Consideration of a Resolution Amending the City Council's Proclamation of a Local Emergency Regarding Novel Coronavirus \(COVID-19\)](#) Pages 9D-1 through 9D-5

Report from the City Manager and City Attorney concerning consideration of a Resolution amending the City Council's Proclamation of a Local Emergency regarding Novel Coronavirus (COVID-19).

Staff Recommendation

Consider adopting Resolution No. 20-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ITS PROCLAMATION OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19).

- E. [Zoning Related Small Business Assistance Strategies to Overcome Impacts Related to Novel Coronavirus \(COVID-19\)](#) Pages 9E-1 through 9E-13

Report from the Community Development Director concerning Zoning Related Small Business Assistance Strategies to Overcome Impacts Related to Novel Coronavirus (COVID-19)

Staff Recommendation

1. Provide input and direction on small business assistance strategies.
2. Provide input and direction for the temporary closure of Avenida Del Mar.
3. Adopt Resolution 20-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE DIRECTOR OF EMERGENCY SERVICES TO IMPLEMENT CERTAIN ZONING-RELATED SMALL BUSINESS ASSISTANCE STRATEGIES.

- F. [Establishing Appropriations Limit for Fiscal Year 2020-21](#) Pages 9F-1 through 9F-5

Report from the Assistant City Manager concerning establishing appropriations limits for the Fiscal Year 2020-21.

Staff Recommendation

Adopt Resolution 20-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

10. **Oral Communications (Part 2).** Members of the public who wish to provide comments to Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may email their comments to Campagnolol@san-clemente.org for reading during the Oral Communications portion of the agenda. Transmittal by 4:00 p.m. on Council meeting days is recommended. Emails will be read publicly at the meeting up to the allotted time limit of 3 minutes per person. Individuals may provide comments to be read during either Oral Communications Part 1 or Part 2.

11. **Reports.**

A. **Commissions and Committees**

B. **City Manager**

(1) [Covid-19 Update](#) Pages 11B(1)-1 through 11B(1)-4

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on June 16, 2020. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m., via teleconference.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL Citizens can submit their comments on agenda items to Council electronically. Material may be emailed to Campagnolol@san-clemente.org Transmittal by 4:00 p.m. on Council meeting days is recommended. Comments must indicate by item title or number the agenda item to which they apply, or indicate that they are to be read during the general “oral communications” portion of the meeting. Emails lacking that indication will be forwarded to the City Council’s general email accounts. Depending on the number of comments submitted on a particular item and the total amount of time allocated for the Council meeting, the Council may, at the beginning of its deliberation of an item, limit equally the time allocated for each comment.

MEETINGS RECORDED AND TELEVISED

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 854. 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.

LENGTH OF MEETINGS

At 11:00 p.m. at each meeting, the City Council, by majority vote, will determine whether to continue the meeting or adjourn.

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.

MEETING SCHEDULE

Regular Council Meetings are held on the first and third Tuesdays of each month via teleconference, with Closed Session beginning at 5:00 p.m. and the Business Meeting beginning at 6:00 p.m. Additional meetings of the City Council may be called as needed.

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

Agendas and Administrative Reports can be viewed by accessing the City’s website at www.san-clemente.org or by calling the City Clerk’s Office at (949) 361-8200. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection by contacting the City Clerk’s Department (949) 361-8200, during normal business hours.

The City Clerk’s Department also 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, please send an email to cityclerk@san-clemente.org or call 949-361-8200.