



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

Meeting Date: June 16, 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. 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

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

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

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange

Case Number: 30-2017-00934703-CU-PT-CXC

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

Closed Session continued on following page

Property: 2.29 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.](#))

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 LEGAL COUNSEL- ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(d)(2)
Significant Exposure to Litigation
Number of potential cases: 2

F. THREAT TO PUBLIC SERVICES

Pursuant to Government Code Section 54957
Consultation with City Manager and City Attorney

G. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code section 54957
Titles: Interim City Manager and City Manager

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**
 - C. **Fiscal Year 2020-21 Financial Update** Pages 1C-1 through 1C-2
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 Adjourned Regular Meeting Minutes of May 27, 2020.](#)
 - B. **Commission/Committee Minutes**

Receive and file:

 - (1) [Design Review Subcommittee Regular Meeting Minutes of April 15, 2020.](#)
 - (2) [Planning Commission Adjourned Regular Study Session Minutes of June 3, 2020.](#)
 - (3) [Planning Commission Adjourned Regular Meeting of June 3, 2020.](#)

- C. [Regional Contract Award – Supply and Delivery of Sodium Hypochlorite \(Bleach\) – South Orange County Wastewater Authority \(SOCWA\) and Olin Corporation](#) Pages 6C-1 through 6C-32

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C20-30, a joint contract through South Orange County Wastewater Authority and Olin Corporation, providing for supply and delivery of Sodium Hypochlorite.
2. Authorize the City Manager to approve up to three, one-year extensions to Contract C20-30 if SOCWA and the City make a determination to extend the contract after the initial two-year period.
3. Appropriate \$98,600 to Account 052-465-42150 for supply and delivery of Sodium Hypochlorite by Olin Corporation for Fiscal Year 2020-21.

- D. [Regional Contract Award – Grit and Screenings Services – South Orange County Wastewater Authority \(SOCWA\) and Athens Services, Inc.](#) Pages 6D-1 through 6D-32

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C20-31, a joint contract through South Orange County Wastewater Authority and Athens Services, Inc., providing for Grit and Screenings Services.
2. Authorize the City Manager to approve up to three, one-year extensions to Contract C20-31 if SOCWA and the City make a determination to extend the contract after the initial two-year period.
3. Appropriate \$27,300 to Account 054-472-43370 for Grit and Screenings Services with Athens Services, Inc. for Fiscal Year 2020-21.

- E. [Renewed Measure M2 Annual Funding Eligibility – Fiscal Year 2020-2021](#) Pages 6E-1 through 6E-47

Staff Recommendation

1. Approve the Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2020-2021 through 2026-2027.

Staff Recommendation continued on following page

2. Adopt Resolution No. 20-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE CONCERNING THE UPDATE OF THE LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE MEASURE M (M2) PROGRAM.
3. Authorize the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority.

F. [Notice of Completion – Aquatics Center Dry Storage Roof](#) Pages 6F-1 through 6F-7

Staff Recommendation

1. Accept the construction of the Aquatics Center Dry Storage Roof, from the contractor, Gardner Outdoor and Pool Remodeling; Project No. 19514.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Aquatics Center Dry Storage Roof.
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 Gardner Outdoor and Pool Remodeling.
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.

G. [Notice of Completion – Replacement of Existing Primary Clarifier, Distribution Box and Grit Chamber Covers and Effluent Channel Gratings](#) Pages 6G-1 through 6G-8

Staff Recommendation

1. Accept the Replacement of Existing Primary Clarifier, Distribution Box and Grit Chamber Covers and Effluent Channel Gratings, from the contractor, Environmental Construction, Inc.; Project Nos. 25206 and 17205.
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for the Replacement of Existing Primary Clarifier, Distribution Box and Grit Chamber Covers and Effluent Channel Gratings.

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 Environmental Construction, 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. [Bond Release – Carillon Talega Development Grading, Sidewalk and Parkway Improvements](#) Pages 6H-1 through 6H-5

Staff Recommendation

Adopt Resolution No. 20-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE CARILLON TALEGA DEVELOPMENT GRADING, SIDEWALK, AND PARKWAY IMPROVEMENTS IN TRACT 16336.

I. [Bond Release – Alta Talega Development Grading, Sidewalk, and Parkway Improvements for Tract 16630](#) Pages 6I-1 through 6I-5

Staff Recommendation

Adopt Resolution No. 20-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF PERFORMANCE AND LABOR & MATERIAL BONDS RELATED TO THE ALTA TALEGA DEVELOPMENT GRADING, SIDEWALK, AND PARKWAY IMPROVEMENTS IN TRACT 16630.

J. [Citizens Option for Public Safety Program \(COPS\)](#) Pages 6J-1 through 6J-2

Staff Recommendation

1. Appropriate \$155,000 in the Police Services Grant Fund, Account 002-217-43625 for the Police Contract.
2. Accept revenues in the amount of \$155,000 in State COPS Grant Revenue (Account 002-000-33585).

- K. [Contract Amendment - Homeless Outreach Services](#) Pages 6K-1 through 6K-27

Staff Recommendation

- 1. Approve, and authorize the City Manager to execute Amendment No. 2 to Contract AC-870, by and between the City of San Clemente and Kingdom Causes, Inc. (DBA City Net) providing for homeless outreach services. This amendment extends the terms of the contract until February 28, 2021, and increases the contract amount from \$62,494 to \$137,494, an increase of \$75,000.
 - 2. Approve a supplemental appropriation in the amount of \$75,000 to account 017-906-43890 (contract services) and CDBG-CV grant revenues for \$75,000 to Account 017-000-33712.
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.

None.

- 8. **Unfinished Business.**

None.

- 9. **New Business.**

A. Warrant Register

[Approve Wire Transfers Nos. 2247 through 2252, and Warrant Nos. 567111 through 567214, paid on 6/5/20, in the amount of.....\\$ 1,083,453.34](#)

[Approve Wire Transfers Nos. 2253 through 2254, and Warrant Nos. 567215 through 567389, paid on 6/12/20, in the amount of.....\\$ 2,939,872.38](#)

TOTAL WARRANT REGISTER....\$ 4,023,325.72

Payroll Register

Warrant No. 785 through 786, Automatic Deposit
Advises 64245 through 64533,
for the period of 5/18/20 through 5/31/20,
paid on 6/5/20, in the amount of.....\$ 490,302.22

TOTAL PAYROLL REGISTER.....\$ 490,302.22

- B. **Fiscal Year 2020-21 Continuing Resolution (Interim Expenditures Prior to Budget Adoption of the Budget for Fiscal Year 2020-21)** Pages 9B-1 through 9B-4

Report from the Assistant City Manager concerning the Fiscal Year 2020-21 continuing Resolution (Interim Expenditures Prior to Budget Adoption of the Budget for Fiscal Year 2020-21).

Staff Recommendation

Adopt Resolution 20-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING INTERIM EXPENDITURES PRIOR TO ADOPTION OF THE BUDGET FOR FISCAL YEAR 2020-21.

- C. **Fiscal Year 2020-21 Police Services Contract** Pages 9C-1 through 9C-46

Report from the Assistant City Manager concerning the Fiscal Year 2020-21 Police Services Contract.

Staff Recommendation

1. Approve, and authorize the Mayor Pro Tem to execute, Contract C20-32, by and between the City of San Clemente and the County of Orange, providing for Police Services for FY 2020-21.
2. Appropriate \$16,990,470 in the General Fund, Account 001-218-43625, to fund costs for the Police contract.

- D. **Contract Amendment - Interim City Manager** Pages 9D-1 through 9D-18

Report from the City Attorney concerning the First Amendment to an employment agreement with the Interim City Manager.

Staff Recommendation continued on following page

Staff Recommendation

Adopt Resolution 20-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE POSITION OF INTERIM CITY MANAGER BETWEEN THE CITY AND ROBERT C. DUNEK AND AUTHORIZING MAYOR PRO TEM FERGUSON TO EXECUTE THE SAME ON BEHALF OF THE CITY.

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 Campagnol@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](#) Page 11B(1)

C. **City Attorney**

- (1) [Status Report - TCA-Related Expert Services](#) Pages 11C(1)-1 through 11C(2)-2

Staff Recommendation

Receive and file Administrative Report dated June 16, 2020, which is on file with the City Clerk.

D. **Council Members**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on July 7, 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.