



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

Meeting Date: September 1, 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 (5:00 P.M.)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

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

[\(Settlement Agreement is linked to agenda.\)](#)

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)

Number of Cases: 1

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 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

D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

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

Number of potential cases: 2

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. **Toll Road Update**

B. **City Net Update/Homeless Issue**

C. **Monthly Financial Report – July 2020**

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 Campagnolo@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 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.

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**

None.

B. Commission/Committee Minutes

Receive and file:

- (1) [Planning Commission Study Session Regular Meeting Minutes of August 19, 2020.](#)
- (2) [Planning Commission Regular Meeting Minutes of August 19, 2020.](#)

C. Contract Award – Pavement Management System Update Pages 6C-1 through 6C-29

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-46, by and between the City of San Clemente and NCE, providing for a Pavement Management System Update and inventory the City's street signs, sidewalks and striping and pavement markings, in the amount of \$115,000.

D. Contract Award - Legal Services Page 6D-1

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C20-47, by and between the City of San Clemente and Public Safety Consulting, providing for legal services, in an amount not to exceed \$50,000 and authorize an additional designation of legal fees in the FY 2020-21 budget of that amount.

E. Entitlement Agreement - Private School at 1020 Calle Recodo (San Clemente Christian School) Pages 6E-1 through 6E-8

Staff Recommendation

1. Approve, and authorize the Mayor Pro Tem to execute, the Entitlement Agreement by and between the City of San Clemente and The Private School at 1020 Calle Recodo (San Clemente Christian School), et. Al. (Contract C20-48).
2. Direct Staff to work with other parties to the agreement towards approval.

- F. [**Aquatics Partnership Application – San Clemente Water Polo**](#) Pages 6F-1 through 6F-29

Staff Recommendation

1. Grant Junior Partnership status to the San Clemente Water Polo Club with a two-year agreement.
2. Approve, and authorize the Mayor to execute, a Junior Partnership Agreement by and between the City of San Clemente and San Clemente Water Polo Club for a two-year term. (Contract C20-49)

- G. [**Funding Allocation – Hospital Survey**](#) Pages 6G-1 through 6G-21

Staff Recommendation

1. Approve, and authorize the City Manager to execute, a Survey Services Professional Services Agreement (Consultant to be selected by the City in collaboration with Palomar Health), for a total amount not to exceed \$45,000.
2. Approve a \$35,000 budget transfer from Council Contingency (Account 001-203-44900) expenditure account to Other Professional Services (Account 001-203-43690).

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. [**Zoning Amendment 20-069 – Amending Provisions for Massage Establishments**](#) Pages 7A-1 through 7A-6

Public Hearing to consider a City-initiated proposal to amend the City's Massage Ordinance. This project would amend San Clemente Municipal Code Title 5 and Title 17, San Clemente Zoning Ordinance, to deter human trafficking activity, clarify existing provisions, and correct erroneous text.

Staff Recommendation

1. Find and determine that the proposed amendments are not a project as defined by the State CEQA Guidelines sections 15378(b)(2) and 15378(b)(5).

Staff Recommendation continued on following page

- 2. Introduce Ordinance No. 1704 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 17.28.185 OF THE SAN CLEMENTE MUNICIPAL CODE (RELATING TO MASSAGE ESTABLISHMENTS) AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

8. **Unfinished Business.**

- A. **Contract Award – Annual Tree Maintenance Services** Pages 8A-1 through 8A-71

Report from the Public Works Director/City Engineer concerning a contract award for Annual Tree Maintenance Services.

Staff Recommendation

- 1. Approve, and authorize, the Public Works Director/City Engineer to execute Contract C20-50, by and between the City of San Clemente and West Coast Arborists, Inc., to provide tree trimming services for a five-year term from October 1, 2020 through June 30, 2025, with the first-year contract amount not to exceed \$219,200.
- 2. Authorize a contract contingency of \$12,000 for the first year of the contract (Fiscal Year 2020-2021) with future contract year contingency amounts to be as 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 agreement cost not to exceed the Consumer Price Index adjustment per Exhibit “E” of the approved agreement, dated September 1, 2020, which is on file with the City Clerk.

9. **New Business.**

- A. **Warrant Register**

Approve Wire Transfers Nos. 2286 through 2291, and Warrant Nos. 568557 through 568681, paid on 8/14/20, in the amount of.....\$ 2,942,647.44

Approve Wire Transfers Nos. 2292 through 2293, and Warrant Nos. 568682 through 568886, paid on 8/21/20, in the amount of.....\$ 1,758,899.11

Approve Wire Transfers Nos. 2294 through 2297, and Warrant Nos. 568887 through 569005, paid on 8/28/20, in the amount of.....\$ 2,207,090.00

TOTAL WARRANT REGISTER...\$ 6,908,636.55

Payroll Register

Approve Warrant Nos. 793 through 795,
Automatic Deposit Advises 65792 through 66108,
for the period of 7/27/20 through 8/9/20,
paid on 8/14/20, in the amount of.....\$ 556,704.65

Approve Warrant Nos. 796 through 798,
Automatic Deposit Advises 66109 through 66423,
for the period of 8/10/20 through 8/23/20,
paid on 8/28/20, in the amount of.....\$ 482,527.83

TOTAL PAYROLL REGISTER.....\$ 1,039,232.48

B. **Code Amendment – Special Event Permits** Pages 9B-1 through 9B-35

Report from the Interim City Manager concerning an amendment to Chapter 8.72 of the San Clemente Municipal Code related to special event permits.

Staff Recommendation

Introduce Ordinance No. 1705 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 8.72 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SPECIAL EVENTS AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

C. **AB 571 Local Campaign Contribution Limits** Pages 9C-1 through 9C-13

Report from the City Clerk and City Attorney concerning AB 571 – Local Campaign Contribution Limits.

Staff Recommendation

By no later than December 31, 2020, determine a course of action with regard to local campaign contribution limits for elective City office candidates – i.e., either do nothing and rely on the State default restrictions or establish limitations that are higher or lower than the State default amounts.

D. **[Initiation of Action to Protest and Impound Transportation Corridor Agencies \(TCA\) Development Impact Fees \(DIF's\)](#)** Pages 9D-1 through 9D-35

Report from the City Attorney concerning consideration of initiation of action to Protest and Impound Transportation Corridor Agencies (TCA) Development Impact Fees (DIF's).

Staff Recommendation

1. Authorize the City Attorney to send TCA written notification of its breach of the JPA Agreement.
 2. Authorize staff to solicit proposals from professional consultants to conduct a nexus study calculating a fair share reduction in San Clemente DIF's corresponding to the reduction in project infrastructure benefits to the City and bring back a professional services agreement to Council for consideration.
 3. Initiate an amendment to San Clemente's TCA Development Impact Fee Ordinance.
 4. Consider seeking a judicial decree finding TCA in breach of the JPA Agreement and authorizing a reduction in San Clemente's TCA DIFs. Seek an interim order for the City to escrow the excess until the court rules on the validity of the current fees.
 5. Provide San Clemente permittees information on how to protest TCA's imposition of DIFs in the meantime.
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 Campagnolo@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**

C. **City Attorney**

D. **Council Members**

- (1) [Public Safety Committee \(Consideration of Expanding Membership to Include a Representative of the Orange County Fire Authority\)](#) Pages 11D(1)-1 through 11D(1)-3

Staff Recommendation

Approve a modification to the Public Safety Committee's operating regulations to include a representative of the Orange County Fire Authority to serve as an ex-officio, non-voting member of the Public Safety Committee.

- (2) [City Position on Resolution Being Considered by the League of California Cities at the 2020 Annual Conference](#) Pages 11D(2)-1 through 11D(2)-22

Staff Recommendation

Determine whether or not to support the following resolution that will be considered by the League of California Cities at its General Assembly Meeting on October 9, 2020:

A Resolution of the General Assembly of the League of California Cities calling for an amendment of Section 230 of the Communications Decency Act of 1996 to require social media companies to remove materials which promote criminal activities.

- (3) [Toll Road Subcommittee](#) Page 11D(3)-1

Staff Recommendation

Determine whether to reinstate the Toll Road Subcommittee, and if reinstatement is desired, appoint no more than two Council representatives to serve on the Subcommittee.

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1702 \(Second Reading\) – Amending Title 5 and 17 of the San Clemente Municipal Code \(Zoning Amendment 20-069\) to Deter Human Trafficking Activity, Clarify Existing Provisions and Correct Erroneous Text](#) Pages 12A- 1 through 12A-25

Staff Recommendation

Adopt Ordinance No. 1702 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING TITLE 5 AND 17 OF THE SAN CLEMENTE MUNICIPAL CODE (ZONING AMENDMENT 20-069) TO DETER HUMAN TRAFFICKING ACTIVITY, CLARIFY EXISTING PROVISIONS, AND CORRECT ERRONEOUS TEXT.

- B. [Ordinance No. 1703 \(Second Reading\) – Authorizing an Amendment to the Contract Between the City of San Clemente and the Board of Administration of the California Public Employees Retirement System](#) Pages 12B-1 through 12B-2

Staff Recommendation

Adopt Ordinance No. 1703 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on September 2, 2020 at 6:00 p.m. for the purpose of meeting in Joint Study Session with the Planning Commission. The meeting will take place via teleconference.

The next Regular Council Meeting is scheduled to take place on September 15, 2020. Closed Session items will be considered at 5:00 p.m. and the Regular Business Meeting will commence at 6:00 p.m. The meeting will take place 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.