



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

Meeting Date: September 15, 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

Number of items: 2

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

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

Property: 380 E. Avenida Pico

Agency Negotiator: Acting City Manager and City Attorney

Negotiating Parties: City of San Clemente and Rachael Davidson, Project Manager, Jacobs Telecommunications on behalf of Verizon Wireless and/or their authorized agent(s)

Under Negotiation: Price and Terms for Lease

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: City of San Clemente v. Emergency Shelter Coalition, et al.

Case Number: 2020-01153535-CU-EI-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. **Monthly Financial Report – August 2020** Page1B-1

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**

1. [Approve the Regular City Council Meeting Minutes of August 18, 2020.](#)
2. [Approve the Regular City Council Meeting Minutes of September 1, 2020.](#)
3. [Approve the Adjourned Regular Meeting Minutes of the Joint Council/Planning Commission Meeting of September 2, 2020.](#)

B. **Commission/Committee Minutes**

Receive and file:

- (1) [Coastal Advisory Committee Regular Meeting Minutes of December 12, 2019.](#)
- (2) [Coastal Advisory Committee Regular Meeting Minutes of January 9, 2020.](#)
- (3) [Coastal Advisory Committee Regular Meeting Minutes of February 13, 2020.](#)
- (4) [Golf Course Committee Regular Meeting Minutes of August 6, 2020.](#)
- (5) [Beaches, Parks and Recreation Commission Regular Meeting Minutes of August 11, 2020.](#)

C. **Orange County Operational Area Agreement** Pages 6C-1 through 6C-30

Staff Recommendation

Approve, and authorize the Mayor to execute, the Orange County Operational Area (OA) Agreement (Contract C20-57), of the County of Orange and its Political Subdivisions.

- D. [Conversion of Parking Restriction to Parking Prohibition on North End of Avenida San Pablo](#) Pages 6D-1 through 6D-20

Staff Recommendation

1. Prohibit parking on the west side of Avenida San Pablo from the cul-de-sac tangent southerly for a distance of 1,120 feet, along the cul-de-sac to Avenida Acapulco, and on the east side of Avenida San Pablo from the beginning of the curb return at Avenida Acapulco southerly for a distance of 350 feet.
2. Adopt Resolution No. 20-53 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA SAN PABLO.

- E. [Contract Award – Design and Construction Support for the Replacement of the Mariposa Beach Trail Bridge](#) Pages 6E-1 through 6E-32

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-52, by and between the City of San Clemente and KPFF, providing for design and construction support services for the Mariposa Beach Trail Bridge Replacement Project (Project No. 11810), in the amount of \$327,000.

- F. [Contract Award – Citywide Culverts Structural Assessment](#) Pages 6F-1 through 6F-83

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-53, by and between the City of San Clemente and TranSystems, providing for providing for design services of the Citywide Culverts Structural Assessment (Project No. 20002), in the amount of \$131,870.

- G. [Human Affairs Committee FY 2020-21 Annual Work Plan](#) Pages 6G-1 through 6G-6

Staff Recommendation

Approve the Human Affairs Committee FY 2020-21 Work Plan.

- H. [Golf Course Committee FY 2020-21 Annual Work Plan](#) Pages 6H-1 through 6H-3

Staff Recommendation

Approve the Golf Course Committee FY 2020-21 Work Plan.

- I. [Temporary Strategies Related to Novel Coronavirus Regarding Evening Ballfield and Tennis Court Operations and Allowing Commercial, Religious and Cultural Gatherings in Public Open Space](#) Pages 6I-1 through 6I-11

Staff Recommendation

Adopt Resolution No. 20-54 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DIRECTING THE DIRECTOR OF EMERGENCY SERVICES TO IMPLEMENT CERTAIN METHODS TO SUPPORT RELIGIOUS AND CULTURAL GATHERINGS AND COMMERCIAL USE IN PUBLIC OPEN SPACE; AND EVENING PLAY AT BALLFIELDS AND TENNIS COURTS.

- 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.**

- A. [Temporary Outdoor Operations: Implementation Standards](#) Pages 8A-1 through 8A-21

Report from the Interim City Manager concerning implementation standards for temporary outdoor dining operations.

Staff Recommendation

Provide input and direction to Staff on the following:

1. Design standards of outdoor operations spaces.
2. Use of the "Landmarks" bulb outs on Avenida Del Mar.
3. Bicycle parking options along Avenida Del Mar.
4. Use of alleys at the top of Avenida Del Mar.

9. **New Business.**

A. **Warrant Register**

Approve Wire Transfers Nos. 2298 through 2305, and Warrant Nos. 569006 through 569125, paid on 9/4/20, in the amount of.....\$ 6,836,436.19

TOTAL WARRANT REGISTER...\$ 6,836,436.19

Payroll Register

None.

B. **El Camino Real/Esplanade Intersection Safety Improvement** Pages 9B-1 through 9B-19

Report from the Public Works Director/City Engineer concerning El Camino Real/Esplanade Intersection Safety Improvement.

Staff Recommendation

1. Approve the installation of centerline delineation on El Camino Real at its intersection with Esplanade in order to remove left turn conflict points.
2. Adopt Resolution No. 20-58 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA SANTIAGO.

C. **Request for Audit of Legal Bills** Pages 9C-1 through 9C-2

Report from the Interim City Manager concerning Council's request for an audit of legal bills.

Staff Recommendation

1. Authorize staff to proceed with soliciting proposals from the three consultants for a legal analysis of Best, Best Krieger's Legal Services bills.
2. Designate two City Council members to serve on a subcommittee to evaluate and recommend a proposal to the City Council.

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**
- C. **City Attorney**
- D. **Council Members**

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1704 \(Second Reading\) – Massage Establishments](#)
Pages 12A-1 through 12A-4

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on October 6, 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.