



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

Meeting Date: October 6, 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 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 LEGAL COUNSEL – EXISTING LITIGATION

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

Number of Cases: 3

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: Emergency Shelter Coalition v. City of San Clemente

Case Number: 30-2019-01080355-CU-WM-CXC

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

Case Number: 2020-01153535-CU-EI-CXC

B. 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: Interim City Manager, City Attorney, Councilmember Hamm, Councilmember James

Negotiating Parties: City of San Clemente and Candor Health Care and/or their authorized agent(s); MemorialCare Health System, its counsel, and/or their authorized agent(s); Palomar Hospital District and/or their authorized agent(s)

Under Negotiation: Consideration of potential proposal for interim or long term acquisition or lease

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

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

D. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 1

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Toll Road Update

B. TrakIt Presentation Concerning Possible Electronic Processing of Plans and Issuance of Permits

Presentation by Information Technology and Community Development staff regarding the possibility of enhancing the City's TrakIt program to provide for electronic processing of plans and issuance of permits.

C. City Net Update/Homeless Issue

The monthly CityNet Update will be provided at the Regular City Council meeting of October 20, 2020.

D. Annual Employee Service Awards

Report from Samantha Wylie, Recreation Manager, concerning the City's Annual Employee Service Awards and recognizing Josh Pillow for receiving the "Core Values" Award and Paul Pye for being named the "2019 Employee of the Year".

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 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 September 15, 2020.](#)
 2. [Approve the City Council Emergency Meeting Minutes of September 24, 2020.](#)
 3. [Approve the City Council Special Meeting Minutes of September 25, 2020.](#)
 - B. **Commission/Committee Minutes**

None.

C. [Notice of Completion – Negocio Building First Floor Renovation](#)
Pages 6C-1 through 6C-11

Staff Recommendation

1. Accept the construction of the Negocio Building First Floor Renovation (Project No. 18804), from the contractor, PCN3, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Negocio Building First Floor Renovation.
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.
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.

D. [Conflict of Interest Code Biennial Update](#) Pages 6D-1 through 6D-20

Staff Recommendation

Adopt Resolution No. 20-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.

E. [Proposed Parking Prohibition on El Camino Real](#) Pages 6E-1 through 6E-4

Staff Recommendation

1. Prohibit parking on the west side of El Camino Real, from Esplanade to Avenida Santiago.
2. Adopt Resolution No. 20-57 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 EL CAMINO REAL.

- F. [Final Parcel Map 2017-143 – 323 West Paseo de Cristobal](#) Pages 6F-1 through 6F-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente, the water rights as dedicated.
2. Accept on behalf of the City of San Clemente, the sidewalk easement as dedicated.
3. Approve Final Parcel Map 2017-143 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
4. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map.
5. Authorize the City Clerk to execute and submit Final Parcel Map 2017-143 to the County of Orange Recorder's Office for recordation.

- G. [Purchase of Water Meters for Fiscal Year 2020-21](#) Pages 6G-1 through 6G-4

Staff Recommendation

Approve the purchase of water meters from Ferguson Waterworks and Metron-Farnier for Fiscal Year 2020-21 based on the fixed price quotes as described on Attachments 1 and 2 of the Administrative Report dated October 6, 2020, for a total amount not to exceed \$107,500.

- H. [Contract Award – On-Call Street Maintenance & Asphalt Repair Services and Pavement Repair Services for the Water and Sewer Divisions](#) Pages 6H-1 through 6H-97

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-54, by and between the City of San Clemente and A&Y, Inc., providing for On-Call Street Maintenance and Asphalt Repair Services, and Pavement Repair Services for the Water and Sewer Divisions (Project No. 21304), in the amount of \$500,000.

- I. [Beaches, Parks and Recreation Commission - Work Plan for FY 2020/21](#) Pages 6I-1 through 6I-6

Staff Recommendation

Approve the FY 2020-21 Annual Work Plan as presented by the Beaches, Parks and Recreation Commission.

- J. [San Clemente Youth Rugby – Sports Partnership Agreement Amendment No. 1](#) Pages 6J-1 through 6J-5

Approve, and authorize the Mayor Pro Tem to execute, Amendment No. 1 to Contract C19-32, by and between the City of San Clemente and San Clemente Youth Rugby, providing for a one-year extension to the partnership agreement.

- K. [Communications Site Lease Agreement – Verizon Monopalm at City Yard Located at 380 E. Avenida Pico](#) Pages 6K-1 through 6K-21

Staff Recommendation

Approve, and authorize the Mayor Pro Tem to execute, Contract C20-55, a Communications Site Lease Agreement, by and between the City of San Clemente and Verizon Wireless, providing for placement of a Verizon Monopalm at the City Yard located at 380 E. Avenida Pico.

- L. [Donation of Surplus Office Equipment to City Partners](#) Page 6L-1

Staff Recommendation

Authorize the donation of all declared surplus office equipment to designated City partners.

- M. [Community Facilities District No. 2006-01 \(Marblehead Coastal\) Local Agency Special Tax and Bond Accountability Act Report \(SB 165\) for Fiscal Year Ended June 30, 2020](#) Pages 6M-1 through 6M-11

Staff Recommendation

Accept and file the Community Facilities District No. 2006-1 (Marblehead Coastal) Local Agency Special Tax and Bond Accountability Act Report (SB 165) for the fiscal year ended June 30, 2020.

- N. [Contract Contingency Increase – Street Rehabilitation for Via Pico Plaza, Calle de Industrias and Avenida Navarro, Calle de los Molinos and Avenida Pico](#) Pages 6N-1 through 6N-31

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$87,000 from the Water Operating Fund to Account No. 052-463-43890.
2. Approve an \$87,000 increase in construction contingency for Via Pico Plaza (Project No. 13315); Calle de Industrias and Avenida Navarro (Project No. 16352); Calle de los Molinos (Project No. 16353) and Avenida Pico (Project No. 17329).

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. [Human Affairs Committee FY 2020-21 Annual Work Plan](#) Pages 8A-1 through 8A-6

Report concerning the Human Affairs Committee's Fiscal Year 2020/21 Work Plan.

Staff Recommendation

Approve the Human Affairs Committee's Fiscal Year 2020/21 Annual Work Plan.

- B. [Amended Contract with the California Public Employees' Retirement System \(CalPERS\)](#) Pages 8B-1 through 8B-9

Report from the Interim City Manager concerning an amended contract with CalPERS.

Staff Recommendation

Introduce Ordinance No. 1705 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND REPEALING ORDINANCE #1703.

C. Conceptual Modifications to Avenida Del Mar and Avenida Victoria
Pages 8C-1 through 8C-9

Report from the Interim City Manager concerning conceptual modifications to Avenida Del Mar and Avenida Victoria.

Staff Recommendation

That the City Council consider:

1. Implementing a temporary one-way traffic pattern for Avenida Del Mar during the local emergency in response to Covid-19 and provide direction to staff on the duration of the temporary alignment.
2. Directing Staff to incorporate any of the capital improvements mentioned in the Administrative Report into the formal CIP process for future budget consideration and planning.
3. Initiating action on either of the additional alternatives as referenced in the staff report.

9. **New Business.**

A. Warrant Register

Approve Wire Transfers Nos. 2306 through 2309, and Warrant Nos. 569126 through 569378, paid on 9/11/20, in the amount of.....\$ 1,609,782.51

Approve Wire Transfers Nos. 2310 through 2312, and Warrant Nos. 569379 through 569465, paid on 9/18/20, in the amount of.....\$ 958,286.68

Approve Wire Transfers Nos. 2313 through 2316, and Warrant Nos. 569466 through 569590, paid on 9/25/20, in the amount of.....\$ 1,064,072.04

Approve Wire Transfers Nos. 2317 through 2318, and Warrant Nos. 569591 through 569706, paid on 10/2/20, in the amount of.....\$ 1,181,321.03

TOTAL WARRANT REGISTER...\$ 4,813,462.26

Payroll Register

Approve Warrant Nos. 799 through 801,
Automatic Deposit Advises 66424 through 66724,
for the period of 8/24/20 through 9/6/20,
paid on 9/11/20, in the amount of.....\$ 483,266.50

Approve Warrant Nos. 802 through 804,
Automatic Deposit Advises 66725 through 67020,
for the period of 9/7/20 through 9/20/20,
paid on 9/25/20, in the amount of.....\$ 472,345.59

TOTAL PAYROLL REGISTER.....\$ 955,612.09

- B. [Establishment of Temporary Procedures for Receipt of Public Comments During the Covid-19 Emergency for City Council, Commission and Committee Meeting Agenda Items](#) Pages 9B-1 through 9B-4

Report from the City Clerk concerning the possibility of approving temporary procedures for receipt of public comments during the Covid-19 emergency for City Council, Commission and Committee Meeting agenda items.

Staff Recommendation

- 1. Approve the utilization of an on-line Public Comment Submittal portal for public comments relating to City Council, Commission and Committee meeting agenda items.
 - 2. Approve a modification to the templates for City body agendas during the Covid-19 emergency to include language pertaining to the on-line submittal of public comments.
-
- 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**
- C. **City Attorney**
- D. **Council Members**

- (1) [Consideration of authorizing the Mayor Pro Tem to join other Orange County cities in submitting a letter to the Southern California Association of Governments objecting to Regional Housing Needs Assessment \(RHNA\) allocations.](#)

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on October 20, 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.

Please note that the Regular City Council meeting of November 3, 2020 was previously cancelled due to the Presidential General Election.

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.