



# CITY OF SAN CLEMENTE

## REGULAR CITY COUNCIL

### MEETING AGENDA

Meeting Date: October 20, 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](http://www.san-clemente.org/live) or live on Cox Communications Local Access Channel 854.

#### **HOW TO PARTICIPATE BEFORE AND DURING THE MEETING:**

The public is invited to provide comments to the City Council concerning items appearing on Council meeting agendas, as well as issues not appearing on the agenda during either Oral Communications Part 1 or Part 2. Members of the public are requested to submit their comments by completing the Public Comment Submittal form available from the City's website at [www.san-clemente.org/ccpubliccomment](http://www.san-clemente.org/ccpubliccomment). Users of the on-line portal must indicate whether they wish their comments to be read aloud at a Council meeting, or forwarded to Councilmembers via email. All comments become part of the public record. Comments to be read at Council meetings are limited to a maximum of three minutes per speaker per item and will only be read if they are received prior to the commencement of Council's deliberations on the item to which the comment pertains. Comments received after Council deliberations begin will not be read at the meeting, but will be emailed to Councilmembers after the meeting. Transmittal by 4:00 p.m. on Council meeting days is recommended.

**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: 4

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

Case Name: Arriola v. City of San Clemente, et al.  
Case Number: 30-2011-00450299

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code section 54956.8  
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.)

*Closed Session Items continued on following page*

**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

**E. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

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

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. **City Net Update/Homeless Issue**

C. **Monthly Financial Report – September 2020** Page 1C-1

**2. Oral Communications (Part 1).** Members of the public who wish to provide comments to be read at Council meetings on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may complete the Public Comment Submittal form available on the City's website at [www.san-clemente.org/ccpubliccomment](http://www.san-clemente.org/ccpubliccomment). All comments become part of the public record. Transmittal by 4:00 p.m. on Council meeting days is recommended. Comments 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 October 6, 2020.](#)

B. **Commission/Committee Minutes**

Receive and file:

1. [Coastal Advisory Committee Regular Meeting Minutes of August 13, 2020.](#)
2. [Planning Commission Regular Meeting Minutes of October 7, 2020.](#)
3. [Zoning Administrator Regular Meeting Minutes of October 8, 2020.](#)

- C. **Contract Award – North Beach Electrical and Parking Lot Lights** Pages 6C-1 through 6C-18

Staff Recommendation

1. Approve the specifications for the North Beach Electrical and Parking Lot Lights (Project No. 11811).
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C20-56, by and between the City of San Clemente and Huntington Beach Electric, providing for the North Beach Electrical and Parking Lot Lights, in the amount of \$151,240.

- D. **Coastal Advisory Committee Fiscal Year 2020-21 Annual Work Plan** Pages 6D-1 through 6D-8

Staff Recommendation

Approve the Coastal Advisory Committee's Fiscal Year 2020-21 Annual Work Plan.

- E. [Beaches, Parks and Recreation Commission Fiscal Year 2020-21 Annual Work Plan](#) Pages 6E-1 through 6E-6

Beaches, Parks and Recreation Commission Recommendation

Approve the Beaches, Parks and Recreation Commission's Fiscal Year 2020-21 Annual Work Plan.

- F. [2019-20 Consolidated Annual Performance Evaluation Report \(CAPER\) for Expenditure of Community Development Block Grant \(CDBG\) Funds](#) Pages 6F-1 through 6F-54

Staff Recommendation

Approve and adopt the 2019-20 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

- G [Public Safety Committee Fiscal Year 2020-21 Annual Work Plan](#) Pages 6G-1 through 6G-8

Staff Recommendation

1. Approve the Public Safety Committee's Fiscal Year 2020-21 Annual Work Plan.
2. Approve the Public Safety Committee's proposed Mission Statement document.
3. Approve the Public Safety Committee's request to convert the committee from an ad hoc to a regular committee, and direct Staff to return to Council with an Ordinance for that purpose.
4. Approve the Public Safety Committee's request to alter the composition of the committee by adding an additional non-voting seat for a representative from the City's Marine Safety Division.

H. [Amendment to Exclusive Listing Agreement with CBRE, Inc. – Term Extensions](#) Pages 6H-1 through 6H-33

Staff Recommendation

1. Approve, and authorize the Mayor Pro Tem, or designee, to execute Amendment No. 2 to Contract C19-49, an exclusive sales/lease listing agreement by and between the City of San Clemente and CBRE, Inc., relating to City-owned property at the southwest corner of Avenida Vista Hermosa and Avenida La Pata and 100 Avenida Presidio.
2. Approve, and authorize the Mayor Pro Tem, or designee, to execute Amendment No. 2 to Contract C19-83, by and between the City of San Clemente and CBRE, Inc. relating to the sale/lease of the City-owned property at the southwest corner of Avenida Vista Hermosa and Avenida La Pata and 100 Avenida Presidio.

I. [Planning Commission Fiscal Year 2020-21 Annual Work Plan](#) Pages 6I-1 through 6I-4

Staff Recommendation

Approve the Planning Commission’s Fiscal Year 2020/21 Annual Work Plan.

J. [Replacement of Golf Course Fleet Fairway Mowers](#) Pages 6J-1 and 6J-2

Staff Recommendation

1. Approve the purchase of two LM2700 fairway mowers from Alliance Turf Products from the Golf Depreciation Fund for replacement of golf maintenance vehicles numbers 10041/134 and 10023/122.
2. Authorize a supplemental appropriation in the amount of \$109,610 to the Golf Course Maintenance Machinery & Equipment Account 056-666-45500 from the Golf Course Depreciation Fund balance.

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. [Verizon Macro Cellular Facility at City-Owned Property at 380 Avenida Pico](#) Pages 7A-1 through 7A-55

Public Hearing to consider an appeal of the Planning Commission's approval of Conditional Use Permit 19-334 and Minor Architectural Permit 20-115, which approved a Verizon Macro Cellular Facility at the City-owned property located at 380 Avenida Pico.

Staff Recommendation

Adopt Resolution No. 20-59 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, GRANTING THE APPEAL (AP CUP 20-001) AND REVERSING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT 19-334 AND MINOR ARCHITECTURAL PERMIT 20-115 FOR A VERIZON MACRO CELLULAR FACILITY AT THE CITY OWNED PROPERTY AT 380 AVENIDA PICO.

8. **Unfinished Business.**

- A. [El Camino Real/Esplanade Intersection Safety Improvements](#) Pages 8A-1 through 8A-23

Report from the Public Works Director/City Engineer concerning safety improvements at the intersection of El Camino Real and Esplanade.

Staff Recommendation

Take one of the below actions:

1. Determine to not implement any changes at this time, and instead present recommendations at the conclusion of the Local Road Safety Program (LSRP) assessment.
2. Approve Alternative 1 for the installation of left-turn pockets on El Camino Real, and 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.
3. Approve Alternative 2 for the installation of centerline delineation on El Camino Real at its intersection with Esplanade.

9. **New Business.**

A. **Warrant Register**

Approve Wire Transfers Nos. 2319 through 2322, and Warrant Nos. 569707 through 569790, paid on 10/9/20, in the amount of.....\$ 2,757,878.79

Approve Wire Transfers Nos. 2323 through 2324, and Warrant Nos. 569791 through 569957, paid on 10/16/20, in the amount of.....\$ 1,228,536.87

TOTAL WARRANT REGISTER...\$ 3,986,415.66

**Payroll Register**

Approve Bank Adjustment Replacement Check 806, Warrant No. 805, and Automatic Deposit Advises 67021 through 67297, for the period of 9/21/20 through 10/4/20, paid on 10/9/20, in the amount of.....\$ 464,726.55

TOTAL PAYROLL REGISTER.....\$ 464,726.55

B. **Casa Romantica Parking Lot Funding Approach** Pages 9B-1 through 9B-4

Report from the Public Works Director/City Engineer concerning the Casa Romantica parking lot funding approach.

Staff Recommendation

Direct staff to prepare a third amendment to the lease with the Casa Romantica Cultural Center to update the funding costs and approach for the parking lot improvement project, and present the third amendment to the City Council on November 17, 2020 for consideration.

C. **Use and Regulation of Electric Bikes on City Trails** Pages 9C-1 through 9C-30

Report from the Interim City Manager concerning the use and regulation of electric bikes on City trails.

Staff Recommendation

Provide direction on the expanded use and regulation of electric bikes on City-wide trails and beaches.



D. [FY 2020/21 Memorandum of Understanding \(MOU\) Between the City of San Clemente and the San Clemente City Employees Association \(SCCEA\)](#) Pages 9D-1 through 9D-46

Report from the Interim City Manager concerning approval of the FY 2020/21 Memorandum of Understanding between the City of San Clemente and the San Clemente City Employees Association.

Staff Recommendation

1. Approve the MOU by and between the City of San Clemente and SCCEA.
2. Approve all provision changes described in the Administrative Report, dated October 20, 2020 and on file with the City Clerk, for the Executive, Mid-Management and Confidential employee groups as well as the City Manager.
3. Adopt Resolution No. 20-60 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND AMENDING RESOLUTION NO. 19-22 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

E. [Classification and Compensation Adjustments for Marine Safety and Golf Positions](#) Pages 9E-1 through 9E-22

Report from the Interim City Manager concerning classification and compensation adjustments for Marine Safety and Golf positions.

Staff Recommendation

Adopt Resolution No. 20-61 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND UPDATED JOB DESCRIPTIONS AND AMENDING RESOLUTION NO. 17-15 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

10. **Oral Communications (Part 2).** Members of the public who wish to provide comments to be read at Council meetings on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may complete the Public Comment Submittal form available on the City's website at [www.san-clemente.org/ccpubliccomment](http://www.san-clemente.org/ccpubliccomment). All comments become part of the public record. Transmittal by 4:00 p.m. on Council meeting days is recommended. Comments 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) [Announcement of Housing Element Virtual Community Workshop on October 22, 2020 at 5:30 p.m.](#) Page 11B(1)-1

C. **City Attorney**

D. **Council Members**

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1705 \(Second Reading\) – 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 12A-1 through 12A-2

Staff Recommendation

Adopt 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.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on **November 17, 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** The public is invited to provide comments to the City Council concerning items appearing on Council meeting agendas, as well as issues not appearing on the agenda during either Oral Communications Part 1 or Part 2. Members of the public are requested to submit their comments by completing the Public Comment Submittal form available from the City's website at [www.san-clemente.org/ccpubliccomment](http://www.san-clemente.org/ccpubliccomment). Users of the on-line portal must indicate whether they wish their comments to be read aloud at a Council meeting, or forwarded to Councilmembers via email. All comments become part of the public record. Comments to be read at Council meetings are limited to a maximum of three minutes per speaker per item and will only be read if they are received prior to the commencement of Council's deliberations on the item to which the comment pertains. Comments received after Council deliberations begin will not be read at the meeting, but will be emailed to Councilmembers after the meeting. Transmittal by 4:00 p.m. on Council meeting days is recommended.

### **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](http://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 at (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](mailto:cityclerk@san-clemente.org) or call 949-361-8200.