



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

San Clemente Community Center
100 N. Calle Seville
San Clemente, California
www.san-clemente.org

June 15, 2021
5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

Councilmembers will participate in the Closed Session portion of the meeting in person only, and will participate in the Business Meeting portion via either in person or teleconference.

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Community Center and submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the "Oral Communications" portion of the meeting.
- When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Please limit your presentation to three minutes.

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- ANTICIPATED LITIGATION**
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)
Number of potential cases: 2

B. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) and (3)
Number of potential cases: 3

C. **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

D. **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, City Attorney, Councilmember Duncan, Mayor Pro Tem James
Negotiating Parties: City of San Clemente, MemorialCare Health System, their counsel, and/or their authorized agents
Under Negotiation: Consideration of potential proposal for interim or long term acquisition or lease

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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Don Kappauf, Chaplain – Orange County Sheriff Department

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Update on Homeless Issue

B. Bike Rodeo Presentation

Presentation by Recreation Manager Wylie concerning the success of the City's first annual Bike Rodeo.

C. Human Affairs Committee Report/Presentation of Student Leadership Awards

Presentation by Paul Kohl, Chair of the Human Affairs Committee, to Nancy Polanco and Nathan Alonso, recipients of the Human Affairs Committee Student Leadership Awards.

D. Eagle Scout Proclamation – Zachary Sloss

Presentation of a proclamation to Zachary Sloss in recognition of achieving the rank of Eagle Scout.

E. Report on the Orange County Sheriff Department Behavioral Health Bureau

Presentation by Captain Nate Wilson concerning the Orange County Sheriff Department Behavioral Health Bureau.

F. Recognition of the City's 2021 Employee of the Year and Winner of the City's Core Values Award

Recognition of the City's 2021 Employee of the Year Recipient and Winner of the City's Core Values Award.

2. **Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. Speakers may address Council once during either Oral Communications Part 1 or Part 2. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

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**

Staff Recommendation

Approve the following:

- (1) [City Council Regular Meeting minutes of June 1, 2021.](#)
- (2) [City Council Adjourned Regular Meeting minutes of June 8, 2021.](#)

B. **Commission/Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) [Planning Commission Adjourned Regular Meeting minutes of June 2, 2021.](#)
- (2) [Zoning Administrator Regular Meeting minutes of June 3, 2021.](#)

C. **Notice of Completion – Arenoso Lane Sewer Line Rehabilitation Project** Pages 6C-1 through 6C-6

Staff Recommendation

1. Accept the Arenoso Lane Sewer Line Rehabilitation Project from the contractor, GRBCON, Inc.
2. Authorize the Interim Public Works Director to execute and record, the Notice of Completion for the Arenoso Lane Sewer Line Rehabilitation Project.
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 GRBCON, 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.

D. **Replacement of Fleet Vehicle Number 1137** Pages 6D-1 through 6D-2

Staff Recommendation

1. Approve the purchase of one 2022 Ford F350 from Fairview Ford at a cost of \$48,495 from the Fleet Replacement Reserve to replace Fleet Vehicle Number 1137.
2. Authorize a supplemental appropriation in the amount of \$7,405 to Fleet Automotive Account 065-824-45600 from the Fleet Replacement Fund balance.

E. [Citizens Option for Public Safety Program \(COPS\)](#) Page 6E-1

Staff Recommendation

Approve the use of COPS grant funds for a portion of two patrol deputy positions for FY 2021-22.

F. [Request for One-Time Waiver of the Blackball Policy at T-Street for Special Event](#) Page 6F-1

Staff Recommendation

Approve a one-time waiver of the blackball policy at T-Street on Saturday, August 14, 2021 to allow for the Red Bull Foam Wreckers 2021 Tour surf contest.

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. [City of San Clemente 2020 Urban Water Management Plan, 2020 Water Shortage Contingency Plan and Addendum to the 2015 Urban Water Management Plan](#) Pages 7A-1 through 7A-495

[Link to Part 2 of Agenda Report](#)

Public Hearing to consider adopting the 2020 Urban Water Management Plan, the 2020 Water Shortage Contingency Plan, and an Addendum to the 2015 Urban Water Management Plan.

Staff Recommendation

1. Adopt Resolution No. 21-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN.
2. Adopt Resolution No. 21-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE 2020 WATER SHORTAGE CONTINGENCY PLAN.
3. Adopt Resolution No. 21-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AN ADDENDUM TO THE 2015 URBAN WATER MANAGEMENT PLAN.

B. PUBLIC HEARING - Solid Waste Collection Rate Adjustments Due To Consumer Price Index (CPI) and Landfill Disposal Cost Increase

NOTE – THIS PUBLIC HEARING HAS BEEN CANCELLED AND WILL BE RESCHEDULED AND NOTICED AT A LATER DATE.

8. Unfinished Business.

None.

9. New Business.

A. Warrant Register

Approve Wire Transfers No. 2452 through 2458 and Warrant Nos. 573860 through 574029, paid on 6-4-21, in the amount of.....\$ 1,652,516.05

TOTAL WARRANT REGISTER.....\$ 1,652,516.05

Payroll Register

Approve Warrant No. 835 and Automatic Deposit Advises 71633 through 71918 for the period 5-17-21 through 5-30-21, paid on 6-4-21, in the amount of.....\$ 435,797.67

TOTAL PAYROLL REGISTER.....\$ 435,797.67

B. Code Amendment – Establishing a Fixed Fee for Appeals and Administrative Hearings (Agendized by Councilmember Knoblock with the support of Mayor Pro Tem James at the Council Meeting of March 16, 2021) Pages 9B-1 through 9B-20

Report from the City Attorney and Community Development Director concerning the possibility of amending the Code of the City of San Clemente to establish a fixed fee for Appeals and Administrative Hearings.

Staff Recommendation

1. Consider introducing Ordinance No. 1715 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE CHAPTER 1.22 RELATING TO FEES FOR ADMINISTRATIVE HEARINGS AND APPEALS.
2. Provide Staff direction on the possibility of bringing back a Resolution establishing an appeals fee pursuant to the Ordinance.

- C. [Parking Enforcement Methods Around Max Berg Park](#) (Agendized by then-Councilmember James with the support of then-Councilmember Ward at the Council Meeting of November 17, 2020 City Council meeting) Pages 9C-1 through 9C-3

Report from the Community Development Director concerning parking enforcement methods around Max Berg Park.

Staff Recommendation

1. Designate the curbs immediately adjacent to Max Berg Park as parking for the park.
2. Direct Staff to install the appropriate signage.
3. Direct Staff to mail notices to property owners and residents surrounding Max Berg Park to inform them of the proposed change, prior to implementation.

- D. [Consideration of a Bronze Plaque to Name the Visionaries/Founders of Courtney's Sandcastle](#) (agendized by Councilmember Ferguson with the support of Mayor Pro Tem James at the June 1, 2021 City Council meeting).

- E. [Consideration of Authorizing the Purchase of a Memorial Bench for Bill Hart to be Placed on the Beach Trail](#) (agendized by Mayor Pro Tem James with the support of Councilmember Knoblock at the June 1, 2021 City Council meeting). Pages 9E-1 through 9E-3

Report from the Beaches, Parks and Recreation Department concerning consideration of authorizing the purchase of a memorial bench for Bill Hart to be placed on the beach trail.

Staff Recommendation

1. Approve the installation of a memorial bench on the Beach Trail in the Riviera area honoring Bill Hart.
2. Approve a supplemental appropriation from the Unassigned Fund Balance Account 001-000-23430-000-00000 to Account 001-000-21563 Wishbook/C.A.R.E. Memorial Bench Program.

- F. [Request for Defense and Binding Arbitration in *Bieber v James*, Case No. 30-2020-01145593-CU-DF-CJC \(Orange County Superior Court\)](#) (Re-agendized by Councilmember Duncan with the support of Mayor Ward at the June 1, 2021 City Council meeting. This item was originally agendized for the Council meeting of May 4, 2021). Pages 9F-1 through 9F-37

Report from the City Attorney regarding a request for defense and binding arbitration in *Bieber v James*, Case No. 30-2020-01145593-CU-DF-CJC (Orange County Superior Court).

Staff Recommendation

1. Provide direction to staff on whether to waive the attorney-client privilege for the limited purpose of receiving advice on issues 2 and 3 below.
2. Receive oral presentation from special counsel.
3. Provide direction to staff on whether and what further action to seek reconsideration and/or binding arbitration of the JPIA's decision.
4. Provide direction to staff on whether to accept Councilmember James' request for defense in the lawsuit pursuant to Government Code section 995 independent of the JPIA's determination, with or without reservation of rights.

- G. [Possible Initiation of Code Amendments - Shopping Carts and Storage of Personal Property on Public Property](#) Pages 9G-1 through 9G-17

Report from the Community Development Director concerning possible modifications to the Code of the City of San Clemente, as recommended by the Public Safety Committee and Joint Homeless Subcommittee, relating to shopping carts and the storage of personal property on public property.

Staff Recommendation

Provide direction to Staff on whether to initiate amendments to San Clemente Municipal Code Chapter 8.60 - Shopping Carts, Section 8.86.030 - Camping Procedures, Removal and Recovery of Personal Property, and policies in Resolution No. 18-01 related to exigent circumstances.

- H. [Establishment of Appropriations Limit for Fiscal Year \(FY\) 2021-22](#)
Pages 9H-1 through 9H-5

Report from the City Manager concerning establishment of an appropriations limit for Fiscal Year (FY) 2021-22.

Staff Recommendation

Adopt Resolution No. 21-24 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

- I. [Issuance of Special Tax Refunding Bonds of Community Facilities District No. 99-1, Approving the Form of a Fiscal Agent Agreement, Escrow Deposit and Trust Agreement, Bond Purchase Agreement, Preliminary Official Statement, and Continuing Disclosure Agreement, and Authorizing Other Actions in Connection Therewith](#) Pages 9I-1 through 9I-172

Report from the City Manager concerning the issuance of Special Tax Refunding Bonds of Community Facilities District No. 99-1, approving the form of a Fiscal Agent Agreement, Escrow Deposit and Trust Agreement, Bond Purchase Agreement, Preliminary Official Statement, and Continuing Disclosure Agreement, and authorizing other actions in connection therewith.

Staff Recommendation

Adopt Resolution No. 21-25 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACTING FOR ITSELF AND AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 99-1 OF THE CITY OF SAN CLEMENTE, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SPECIAL TAX REFUNDING BONDS OF COMMUNITY FACILITIES DISTRICT NO. 99-1, APPROVING THE FORM OF A FISCAL AGENT AGREEMENT, ESCROW DEPOSIT AND TRUST AGREEMENT, BOND PURCHASE AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, AND CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH.

J. [Adoption of Fiscal Year 2021-22 City Budget](#) Pates 9J-1 through 9J-5

Report from the City Manager concerning adoption of the Fiscal Year 2021-22 Budget.

Staff Recommendation

Adopt Resolution No. 21-26 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE FOR THE 2021-22 FISCAL YEAR AND THE COMMITMENT OF FUND BALANCE.

K. [FY 2021-22 Police Services Contract](#) Pages 9K-1 through 9K-55

Report from the City Manager concerning the possibility of approving the FY 2021-22 Police Services Contract.

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C21-25, by and between the City of San Clemente and the County of Orange, providing for Police Services for the 2021-22 fiscal year, in the amount of \$18,059,144.

L. [Report of Assessment of Legal Services from Management Partners](#)
Pages 9L-1 through 9L-26

Report from the City Manager concerning an audit and assessment of legal bills conducted by Management Partners.

Staff Recommendation

Receive and file the report from Management Partners, dated May 25, 2021, for the audit of legal bills.

M. [Consideration of Terminating the Local Emergency Due to COVID-19](#)
Pages 9M-1 through 9M-2

Report from the City Manager concerning the possibility of terminating the Local Emergency due to COVID-19.

Staff Recommendation

Discuss the potential implications of rescinding the local health emergency due to COVID-19 and direct Staff whether and when to return to Council with an associated Resolution for consideration.

N. [Fiscal Year 2021-22 Staffing Changes](#) Pages 9N-1 through 9N-40

Report from the Human Resources Manager concerning FY 2021-22 staffing changes.

Staff Recommendation

Adopt Resolution No. 21-27 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULES AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 21-04 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

10. **Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation, not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

11. **Reports.**

A. **Commissions and Committees**

- (1) [Recruitment for Members of the Beaches, Parks and Recreation Commission, Golf Course Committee, Human Affairs Committee, Public Safety Committee, and Investment Advisory Committee and Establishment of Dates/Times for Interviews and Appointments](#)
Page 11A(1)

Report from the City Clerk seeking authorization to recruit applicants for the Beaches, Parks and Recreation Commission, Golf Course Committee, Human Affairs Committee, Public Safety Committee, and Investment Advisory Committee and requesting that Council establish dates/times for interviews and appointments.

Staff Recommendation

1. Authorize the City Clerk to recruit to fill upcoming vacancies on the City's Beaches, Parks and Recreation Commission, Golf Course Committee, Human Affairs Committee, Public Safety Committee and Investment Advisory Committee.
2. Establish two dates/times in August 2021 for Council to interview and make appointments to the above-referenced City bodies.

- B. City Manager
- C. City Attorney
- D. Council Members

12. Resolutions/Ordinances.

- A. [Ordinance No. 1714 \(Second Reading\) – Code Changes Relating to the Beaches, Parks and Recreation Commission, Golf Course Committee, Human Affairs Committee, and Investment Advisory Committee and Disbandment of the Coastal Advisory Committee](#) Pages 12A-1 through 12A-12

Staff Recommendation

Adopt Ordinance No. 1714 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 2.28, 2.36, 2.40 AND 2.43 OF THE CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION, GOLF COURSE COMMITTEE, HUMAN AFFAIRS COMMITTEE, AND INVESTMENT ADVISORY COMMITTEE, RESPECTIVELY, AND REPEALING CHAPTER 2.42, RELATING TO THE COASTAL ADVISORY COMMITTEE.

13. Adjournment.

The next Regular Council Meeting is scheduled to take place on July 20, 2021. 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 in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

NOTE: The Regular City Council meeting of July 6, 2021 was previously cancelled.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

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.

USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

LENGTH OF MEETINGS

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

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.

COMMUNICATION DEVICES

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular Council Meetings are held on the first and third Tuesdays of each month in the Community Center Auditorium, located at 100 North Calle Seville, San Clemente. Closed Session items are considered at 5:00 p.m. and the Business Meeting begins 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 are available for review and/or copying at the City Clerk's Department as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at www.san-clemente.org. An "Inspection Copy" of agenda materials is also located at the entrance to the Community Center during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Department, located at 910 Calle Negocio, San Clemente, during normal business hours. Persons wishing to enter City Hall during the Covid-19 emergency may call the City Clerk's Office at 949.361.8301.

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.