



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

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

July 20, 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 Auditorium and deposit it in the speaker box.
- 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957

Title: City Attorney

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. Lovineh, et al.

Case Number: OCSC 30-2021-01198962-CU-MC-CJC

C. LIABILITY CLAIMS

Pursuant to Government Code section 54956.95

Number of claims: 4

Claimants: Cyprus Shore HOA, Judy Beauchamp, Martha K. Birmingham, Timothy C. and Kristine B. Metcalf, their counsel and/or representatives

Agency claimed against: City of San Clemente

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: City-owned surplus land located at 754 Avenida Acapulco

Agency Negotiator: Mayor, City Manager and Senior Planner

Negotiating Parties: City of San Clemente, California Pacific Residential, Juan Hernandez, Adrianna Hernandez, their counsel, and/or their authorized agents

Under Negotiation: Price and terms for potential sale

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Presentation of City Tile to Veronica Ferencz, Retiring Executive Assistant, for 25 Years of Dedicated Service to the City

Presentation of City Tile to Veronica Ferencz, Executive Assistant, in recognition 25 years of distinguished service to the City of San Clemente.

B. Update on Homeless Issue

- Do's and Dont's – Interacting with Homeless Persons

C. Family Assistance Ministries (FAM)

Presentation by Elizabeth Andrade, FAM Chief Executive Officer, concerning Family Assistance Ministries.

D. Introduction of Tony Benfield, San Clemente's New Chief of Police Services

Introduction by City Manager Sund of Captain Tony Benfield, the City's new Chief of Police Services.

E. Monthly Financial Report – May 2021

- 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 Adjourned Regular Meeting minutes of June 9, 2021.](#)
- (2) [City Council Regular Meeting minutes of June 15, 2021.](#)

B. **Commission/Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) [Public Safety Committee Regular Meeting minutes of April 27, 2021.](#)
- (2) [Design Review Subcommittee Regular Meeting minutes of April 28, 2021.](#)
- (3) [Joint Homeless Subcommittee Special Meeting minutes of May 11, 2021.](#)
- (4) [Design Review Subcommittee Regular Meeting minutes of May 12, 2021.](#)
- (5) [Public Safety Committee Regular Meeting minutes of May 25, 2021.](#)
- (6) [Design Review Subcommittee Regular Meeting minutes of May 26, 2021.](#)

Minutes continued on next page

- (7) [Planning Commission Adjourned Regular Meeting minutes of June 16, 2021.](#)
- (8) [Zoning Administrator Regular Meeting minutes of June 17, 2021.](#)
- (9) [Planning Commission Special Meeting minutes of June 22, 2021.](#)

C. [**Contract Award – Annual Street Maintenance and Slurry Seal Program**](#)
Pages 6C-1 through 6C-7

Staff Recommendation

- 1. Approve the plans and specifications for FY 2020 Major Street Maintenance, FY 2021 Slurry Seal Program, FY 2022 Arterial Pavement Maintenance Program and FY 2022 Pavement Preservation Program, CIP Projects No. 20305, 21303, 12302, and 22304.
- 2. Approve, and authorize the Interim Public Works Director to execute, Contract No. C21-26, by and between the City of San Clemente and All American Asphalt, providing for FY 2020 Major Street Maintenance, the FY 2021 Slurry Seal Program, FY 2022 Arterial Pavement Maintenance Program and FY 2022 Pavement Preservation Program, CIP Projects No. 20305, 21303, 12302, and 22304, in the amount of \$1,884,488.

D. [**Contract Award – FY 2022 Water Reclamation Plant \(WRP\) Ferric Tank Replacement**](#) Pages 6D-1 through 6D-7

Staff Recommendation

- 1. Approve the plans and specifications for the FY 2022 WRP Ferric Tank Replacement, CIP Project No. 12208.
- 2. Approve, and authorize the Interim Public Works Director to execute, Contract No. C21-27, by and between the City of San Clemente and Kay Construction, providing for the FY 2022 WRP Ferric Tank Replacement, in the amount of \$91,900.

E. [**National Pollutant Discharge Elimination System \(NPDES\) Stormwater Program Shared Costs Budget for Fiscal Year 2021-22**](#) Pages 6E-1 through 6E-32

Staff Recommendation

- 1. Approve the proposed NPDES Stormwater Program Shared Costs Budget for Fiscal Year 2021-22.
- 2. Authorize the Utilities Director to execute the City's Budget Approval Confirmation letter to the County of Orange.

- F. [Equipment Purchase - Water Meters for Fiscal Year 2021-22](#) Pages 6F-1 through 6F-16

Staff Recommendation

Approve the purchase of water meters from Ferguson Waterworks and Metron-Farnier for Fiscal Year 2021-22 based on the fixed price quotes, provided as Attachments 1 and 2 of the Administrative Report, dated July 20, 2021, in a total amount not to exceed \$105,000.

- G. [Contract Award – Fats, Oils and Grease \(FOG\) Program and National Pollutant Discharge Elimination System \(NPDES\) MS4 Permit Inspection Services](#) Pages 6G-1 through 6G-69

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract C21-28, by and between the City of San Clemente and Environmental Compliance Inspection Services (ECIS) for a three-year period, providing for Fats, Oils and Grease (FOG) Program inspection services and NPDES MS4 Permit Inspection Services, in an amount of \$166,260 with funding from the Sewer Operating Fund line item budget, Account 054-473-43690 in the amount of \$104,100 and from the Clean Ocean Fund, Account 057-541-43894 in the amount of \$62,160.
2. Approve and authorize the City Manager to amend the contract for up to two additional twelve-month extensions.

- H. [Contract Award – As-Needed Building Code Inspection, Building Plan Check, and Permit Technician Services](#) Pages 6H-1 through 6H-56

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract AC-826, by and between the City of San Clemente and West Coast Code Consultants, providing for as-needed building code inspection, plan check, and permit technician services. This Amendment extends the terms of the agreement to June 30, 2022 and increases the contract amount to \$160,000 (a \$30,000 increase).
2. Approve, and authorize the City Manager to execute, Amendment No. 3 to Contract AC-827, by and between the City of San Clemente and Interwest Consulting Group, providing for as-needed building code inspection and plan check services. This Amendment extends the terms of the agreement to June 30, 2022 and increases the contract amount to \$60,000 (a \$30,000 increase).

- I. [Proposed Tax Liens – 2018-2019 Weed Abatement, 2017-2019 Storm Drain/Clean Ocean Charges and 2019 Sidewalk Repairs](#) Pages 6I-1 through 6I-15

Staff Recommendation

1. Adopt Resolution No. 21-28 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD UNPAID WEED ABATEMENT ASSESSMENTS TO THE FY 2021-22 TAX ROLLS.
2. Adopt Resolution No. 21-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2021-22 TAX ROLLS.
3. Adopt Resolution No. 21-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT SIDEWALK REPAIR FEES AS ASSESSMENTS TO THE FY 2021-22 TAX ROLLS.
4. Direct the City Clerk to file Resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

- J. [Resolution to Support Action for Spent Fuel Now Coalition](#) Pages 6J-1 through 6J-4

Staff Recommendation

1. Adopt Resolution No. 21-31 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, IN SUPPORT OF THE ACTION FOR SPENT FUEL NOW COALITION.
2. Direct the City Manager to transmit the Resolution to co-chairs Orange County Supervisor Lisa Bartlett and San Diego County Supervisor Jim Desmond.

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.**

None.

9. **New Business.**

A. **Warrant Register**

Approve Wire Transfers No. 2459 through 2460 and Warrant Nos. 574030 through 574148, paid on 6-11-21, in the amount of.....\$3,769,511.98

Approve Wire Transfers No. 2461 through 2464 and Warrant Nos. 574149 through 574350, paid on 6-18-21, in the amount of.....\$1,156,552.57

Approve Wire Transfers No. 2465 through 2466 and Warrant Nos. 574351 through 574468, paid on 6-25-21, in the amount of.....\$1,417,726.48

Approve Wire Transfers No. 2467 through 2472 and Warrant Nos. 574469 through 574651, paid on 7-2-21, in the amount of.....\$4,439,524.95

Approve Wire Transfers No. 2473 through 2477 and Warrant Nos. 574652 through 574754, paid on 7-9-21, in the amount of.....\$2,456,239.60

TOTAL WARRANT REGISTER.....\$13,239,555.58

Payroll Register

Approve Warrant No. 836 and Automatic Deposit Advises 71919 through 72211 for the period 5-31-21 through 6-13-21, paid on 6-18-21, in the amount of.....\$ 471,111.95

Approve Warrant No. 837 and Automatic Deposit Advises 72212 through 72512 for the period 6-14-21 through 6-27-21, paid on 7-2-21, in the amount of.....\$ 478,459.70

TOTAL PAYROLL REGISTER.....\$ 949,571.65

- B. [Consideration of Terminating the Local Emergency Due to COVID-19](#)
(Agendized by Councilmember Ferguson, with the support of Councilmembers Knoblock and Duncan, at the Council meeting of June 8, 2021) Pages 9B-1 through 9B-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.

- C. [Dog Access on City Beaches and Parks](#) Pages 9C-1 through 9C-67

Report from the Beaches, Parks and Recreation Director concerning dog access on City beaches and parks.

Beaches, Parks and Recreation Commission Recommendation

That the City Council:

1. Uphold the current rules and regulations surrounding dog access on San Clemente beaches and do not recommend any location for on- or off-leash dog access to City beaches.
2. Direct Staff to earmark funding for off-leash dog access improvements through the site-specific park master plan updates.

AND/OR

3. Direct Staff to return to Council with cost details for approval of a temporary off-leash dog access solution ahead of completing the site-specific park master plan updates.

- D. [Verbal Report by Staff on Ability of Restaurants to Obtain Staffing for Outdoor Dining](#) Councilmember Duncan, with the support of Mayor Pro Tem James, agendized this item at the Council meeting of June 15, 2021. The direction to agendize was provided with the understanding that Council may wish to consider lowering the number of days/hours in which outdoor dining must be operational in order to remain compliant with the license agreements.

- E. [Mobile Video Production Studio and Audio System](#) Pages 9E-1 through 9E-38

Report from the Information Technology Manager concerning purchase of a mobile video production studio and audio system.

Staff Recommendation

1. Approve, and authorize the purchase of Mobile/Portable Video Production Studio from Presentation Products, DBA Spinitar, in an amount not to exceed \$206,460, which includes the system, training, and five years of maintenance and support.
2. Approve, and authorize the City Manager to execute, a subscription agreement with EEG Enterprises for closed captioning services in an amount estimated at \$6,300 per year.
3. Authorize a supplemental appropriation in the amount of \$18,846 to Machinery and Equipment Account 018-245-45500 from the Local Cable Infrastructure Fund Balance.

F. [Night Surfing at San Clemente Pier](#) Pages 9F-1 through 9F-2

Report from the Beaches, Parks and Recreation Director concerning the possibility of authorizing night surfing at the San Clemente Pier.

Staff Recommendation

Provide direction on establishing infrastructure and policies for night surfing at the pier.

G. [Lease Agreement to Operate T-Street Concession](#) Pages 9G-1 through 9G-45

Report from the City Manager concerning consideration of a lease agreement to operate the T-Street Concession.

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Contract --, a lease agreement by and between the City of San Clemente and Organic Concepts LLC, providing for operation of the T-Street concession.
2. Authorize a supplemental appropriation of \$10,000 to Account 001-191-44890 (FAS/Other Operating Expenses) from the General Fund unassigned fund balance.

H. [Fee for Continued Outdoor Dining Operations on Private Property](#)
Pages 9H-1 through 9H-17

Report from the City Manager concerning a fee for continued outdoor dining operations on private property.

Staff Recommendation

1. Adopt Resolution No. 21-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A FORM AGREEMENT FOR LIMITED TERM PARKING REGULATION RELIEF TO ALLOW FOR THE OPTIONAL CONTINUATION OF EXPANDED OUTDOOR DINING ON PRIVATE PROPERTY WITHIN DEDICATED PARKING AREAS.
 2. Authorize the Economic Development Officer to execute the limited term parking relief agreements with participating restaurants in consultation with the City Attorney, with a term beginning on July 20, 2021 and not to extend beyond November 15, 2021.
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) [League of California Cities Annual Conference Business Meeting – Designation of Voting Delegate and Alternate\(s\)](#)
Pages 11A(1)-1 through 11A(1)-5

Report from the City Clerk concerning designation of a voting delegate and alternate(s) to vote on the City's behalf at the Annual Business Meeting of the League of California Cities Annual Conference.

Staff Recommendation

Appoint a voting delegate and one or two alternate voting delegates to vote on the City's behalf at the Annual Business Meeting of the League of California Cities on September 24, 2021.

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

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1715 \(Second Reading\) and Adoption of Fee Resolution – Administrative Hearings and Appeals](#) Pages 12A-1 through 12A-31

Report from the Community Development Director concerning Administrative Hearings and Appeal Fees.

Staff Recommendation

1. Adopt Resolution 21-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING A FIXED FEE FOR APPEALS UNDER CHAPTER 1.22 OF THE SAN CLEMENTE MUNICIPAL CODE.
2. Adopt 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.

13. **Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on July 22, 2021 at 6:00 p.m. for discussing the Housing Element. This meeting will be held in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

A subsequent Adjourned Regular Meeting will be held on July 27, 2021 at 6:00 p.m. for the purpose of interviewing and appointing persons to serve on the City's Human Affairs Committee, Investment Advisory Committee, and Public Safety Committee. This meeting will be held in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

An additional Adjourned Regular Meeting will be held on July 28, 2021 at 6:00 p.m. for the purpose of interviewing and appointing persons to serve on the City's Golf Course Committee and Beaches, Parks and Recreation Commission. This meeting will be held in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

The next Regular Council Meeting is scheduled to take place on August 17, 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 August 3, 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 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, register at <http://san-clemente.org/enotification>.