



# CITY OF SAN CLEMENTE

## SPECIAL AND ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

San Clemente Community Center Auditorium  
100 N. Calle Seville  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

September 28, 2021  
4:30 p.m. – Closed Session  
6:00 p.m. – Business Meeting

*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 - 4:30 P.M. (SPECIAL CITY COUNCIL MEETING)**

#### **A. 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: OCSC 30-2017-00934703-CU-PT-CXC

Case Name: Laura Ferguson v. City of San Clemente, et al.

Case Number: OCSC 30-2021-01221022-CU-WM-CJC

#### **B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

Number of potential cases: 1

#### **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. Metcalf, Kristine B. Metcalf, their counsel and/or representatives

Agency claimed against: City of San Clemente

**BUSINESS MEETING - 6:00 P.M. (ADJOURNED REGULAR CITY COUNCIL MEETING)**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE**

1. **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. **Proposed Increase to Solid Waste Collection Service Rates** Pages 1A-1 through 1A-121

Continued Public Hearing to consider approving increases to the rates for collection, handling, and disposal of solid waste, including garbage, green waste, organics and recycling within the City (collectively, "solid waste services") and approving Amendment No. 2 to Franchise Agreement with CR&R, Inc.

**Staff Recommendation**

1. If there is no majority protest, adopt Resolution No. 21-36 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SOLID WASTE COLLECTION RATE ADJUSTMENTS DUE TO CHANGES IN CONSUMER PRICE INDEX (CPI) AND LANDFILL DISPOSAL AND PROCESSING COSTS AND RATE INCREASES TO IMPLEMENT SB 1383 SERVICES, AND APPROVING AMENDMENT NO. 2 TO FRANCHISE AGREEMENT WITH CR&R, INC.
  2. Approve, and authorize the City Manager to execute, Amendment No. 2 to the Franchise Agreement, by and between the City of San Clemente and CR&R (Contract #C87-62).
2. **2020-2021 Consolidated Annual Performance and Evaluation Report (CAPER) for Expenditure of Community Development Block Grant Funds**  
Pages 2-1 through 2-66

Report from the Community Development Director concerning the proposed submission of the 2020-2021 Consolidated Annual Performance and Evaluation Report for the expenditure of Community Development Block Grant Funds.

**Staff Recommendation**

Approve and adopt the 2020-21 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

3. [Resumption of Local Coastal Program Planning Efforts](#) Pages 3-1 through 3-2

Report from the Community Development Director concerning the possibility of resuming efforts to update and complete the Local Coastal Program.

Staff Recommendation

Direct Staff to proceed with the Local Coastal Program certification.

4. [South County Traffic Relief Cooperative Agreement](#) Pages 4-1 through 4-15

Report from the City Manager concerning the possibility of approving the South County Traffic Relief Cooperative Agreement.

Staff Recommendation

Approve, and authorize the Mayor to execute, the South County Traffic Relief Cooperative Agreement, by and between the City of San Clemente, County of Orange and Orange County Transportation Authority. (Contract C21-39)

5. [Oral Communications](#)

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.

6. [Adjournment](#)

The next Regular Council Meeting is scheduled to take place on October 5, 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.

## **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 available for live-stream or post meeting viewing from the City's website. 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](http://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>.