



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

October 5, 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. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 1

Case Name: Housing is a Human Right v. the County of Orange and City of San Clemente
Case Number: 30-2019-01098573-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.)

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. **Update on Homeless Issue (October Report)**

B. **Presentation of Commendation – Eagle Scout Angelo Vidrine Carney**

Presentation of Commendation to Angelo Vidrine Carney for achieving the rank of Eagle Scout.

C. **Presentation of Proclamation – Hunger Walk**

Presentation of Proclamation to Elizabeth Andrade, CEO of Family Assistance Ministries, declaring October 17, 2021 as a day set apart for the 34th annual Hunger Walk.

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 September 7, 2021.](#)
- (2) [City Council Special and Adjourned Regular Meeting minutes of September 28, 2021.](#)

B. **Commission/Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) [Planning Commission Regular Study Session minutes of September 8, 2021.](#)
- (2) [Planning Commission Regular Meeting minutes of September 8, 2021.](#)
- (3) [Zoning Administrator Regular Meeting minutes of September 9, 2021.](#)

C. **Conflict of Interest Code Update** Pages 6C-1 through 6C-20

Staff Recommendation

Adopt Resolution No. 21-37 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.

- D. [Joint Agreement for the Operations, Maintenance, and Financial Management of the Orange County 800 Megahertz \(MHz\) Countywide Coordinated Communication System \(CCCS\)](#) Pages 6D-1 through 6D-87

Staff Recommendation

Approve, and authorize the City Manager to execute, the Joint Agreement by and between the City of San Clemente, County of Orange and partner agencies, for the Operation, Maintenance and Financial Management of the Orange County 800 MHz Countywide Coordinated Communication System. (Contract C21-40)

- E. [Proposed Parking Prohibition on Camino Capistrano at Del Gado](#) Pages 6E-1 through 6E-5

Staff Recommendation

1. Prohibit parking on the north side of Camino Capistrano, from the northeast curb return of Del Gado southerly 40 feet.
2. Adopt Resolution No. 21-38 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 CAMINO CAPISTRANO.

- F. [Proposed Conversion of Parking Prohibition to Restriction on Camino La Pedriza South of Talega Park](#) Pages 6F-1 through 6F-5

Staff Recommendation

1. Approve the conversion of the existing parking prohibition to parking restriction between the hours of 10:00 p.m. and 6:00 a.m. on the west side of Camino La Pedriza from Corte Cristianitos to Avenida Pico.
2. Adopt Resolution No. 21-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'RESTRICTED PARKING AREAS' ON CAMINO LA PEDRIZA.

G. [Camino La Pedriza Striping Plan](#) Pages 6G-1 through 6G-10

Planning Commission and Staff Recommendation

1. Approve the restriping of Camino La Pedriza to add bike lanes in both directions as shown in Attachment No. 2 of the Administrative Report, dated October 5, 2021, that is on file with the City Clerk.
2. Authorize staff to start the bidding process to install two electronic radar speed signs on Camino La Pedriza.

H. [Update to Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2021-2022 Through 2027-2028](#) Pages 6H-1 through 6H-20

Staff Recommendation

Approve the updated Measure M2 Seven-Year Capital Improvement Program list of projects for Fiscal Years 2021-2022 through 2027-2028.

I. [Notice of Completion – Avenida Pico Recycled Water Pipeline Relocation](#) Pages 6I-1 through 6I-6

Staff Recommendation

1. Accept the Avenida Pico Recycled Water Pipeline Relocation from the contractor, Ferreira Construction Company, Project No. 21402.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Avenida Pico Recycled Water Pipeline Relocation.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Utilities Division that no liens have been levied against Ferreira Construction Company, 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.

J. [San Clemente Trolley – Fall Extension of 2021 San Clemente Trolley Service](#) Pages 6J-1 through 6J-28

Staff Recommendation

Approve an extension of the 2021 San Clemente Trolley service with Friday-through-Sunday operations until November 15, 2021.

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. [Ordinance No. 1718 \(Second Reading\) - Code Amendments \(Local Fire Regulations and Amendments to the 2019 California Fire Code\)](#)
Pages 7A-1 through 7A-14

Public Hearing to consider a City-initiated amendment to San Clemente Municipal Code Title 8, Health and Safety, and Title 12, Streets, Sidewalks and Public Places, regarding the 2019 California State Fire Code, local amendments to that code, and related code concerning fires on the beach, to improve fire prevention regulations and enforcement.

Staff Recommendation

1. Adopt Ordinance No. 1718 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTIONS 8.16.050 AND 12.32.050 CONCERNING LOCAL FIRE REGULATIONS AND AMENDMENTS TO THE 2019 CALIFORNIA FIRE CODE (ADOPTED ON DECEMBER 3, 2019) AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.
2. Find that the Ordinance is not subject to the requirements of CEQA for the following reasons:
 - a. The Ordinance does not qualify as a “project” because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State CEQA Guidelines, §15378. Subd. (a).)
 - b. The Ordinance falls within the “common sense” exemption set forth in State CEQA Guidelines section 15061, subdivision (b)(3), which exempts activity from CEQA where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

- B. [Housing Element and Safety Element Updates](#) Pages 7A-1 - 7A-1000
[PART 2 of Agenda Report](#) [PART 3 of Agenda Report](#)

Public Hearing to consider a request to adopt environmental findings pursuant to the California Environmental Quality Act, certify the Program Environmental Impact Report (State Clearinghouse No. 2021020256) regarding the Housing Element and Safety Element Updates, adopt a Statement of Overriding Considerations, adopt the Mitigation Monitoring and Reporting Program, approve General Plan Amendment PLN20-036 to adopt the Housing Element and Safety Element Updates, and authorize staff to submit the Housing Element Update to the Department of Housing and Community Development.

Planning Commission Recommendation

1. Adopt Resolution No. 21-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2021020256) REGARDING THE HOUSING ELEMENT AND SAFETY ELEMENT UPDATES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING GENERAL PLAN AMENDMENT PLN20-036 TO ADOPT THE HOUSING ELEMENT AND SAFETY ELEMENT UPDATES ("PROJECT").
2. Authorize staff to provide the adopted Housing Element to the Department of Housing and Community Development.

8. **Unfinished Business.**

- A. [Special Event Permits, Amplified Sound and Excessive Noise in Public Places](#) Pages 8A-1 through 8A-69

Report from the City Manager and Beaches, Parks and Recreation Director concerning the possibility of amending the Code of the City of San Clemente as it relates to Special Events Permits, amplified sound and excessive noise in public areas.

Staff Recommendation

Introduce Ordinance No. 1717 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE CHAPTERS 8.72 AND 12.34 RELATING TO SPECIAL EVENT PERMITS, AND SECTIONS 8.48.080 AND 8.48.090(C) RELATING TO AMPLIFIED SOUND AND EXCESSIVE NOISE IN PUBLIC PLACES; RENUMBERING THE MUNICIPAL CODE ACCORDINGLY; AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

9. **New Business.**

A. **Warrant Register**

Approve Wire Transfers No. 2506 through 2511 and Warrant Nos. 575872 through 576040, paid on 9-3-21, in the amount of.....\$5,909,163.02

Approve Wire Transfers No. 2512 through 2515 and Warrant Nos. 576041 through 576212, paid on 9-10-21, in the amount of.....\$2,304,621.92

Approve Wire Transfers No. 2516 through 2517 and Warrant Nos. 576213 through 576304, paid on 9-17-21, in the amount of.....\$ 705,705.77

Approve Wire Transfers No. 2518 through 2521 and Warrant Nos. 576305 through 576444, paid on 9-24-21, in the amount of.....\$1,050,919.23

TOTAL WARRANT REGISTER.....\$9,970,409.94

Payroll Register

Automatic Deposit Advises 73741 through 74016 for the period 8-23-21 through 9-5-21, paid on 9-10-21, in the amount of.....\$ 441,871.18

Automatic Deposit Advises 74017 through 74293 for the period 9-6-21 through 9-19-21, paid on 9-24-21, in the amount of.....\$ 445,712.70

TOTAL PAYROLL REGISTER.....\$ 887,583.88

- B. [Consideration of Adopting a Resolution in Support of a Veterans Cemetery in Anaheim Hills](#) (Agendized by Councilmember Knoblock, with the support of Mayor Pro Tem James, at the September 7, 2021 City Council meeting.) Pages 9B-1 through 9B-3

For Council Consideration

Adopt Resolution No. 21-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING THE ORANGE COUNTY VETERANS CEMETERY IN ANAHEIM HILLS.

- C. [Consideration of Establishing an Endowment Fund to Support Parks and Recreation Facilities](#) (Agendized by Mayor Pro Tem James, with the support of Councilmember Duncan and Mayor Ward, at the July 20, 2021 City Council meeting.)

Report from the Beaches, Parks and Recreation Director concerning the possibility of establishing an endowment fund to support parks and recreation facilities.

Staff Recommendation

Direct Staff to prepare a white paper on the feasibility and possibility of establishing an endowment fund for parks and recreation facilities to be included in the upcoming Long Term Financial Plan.

- D. [Possibility of Removing Mayor Pro Tem James from the Office of Mayor Pro Tem](#) (Agendized by Councilmember Knoblock, with the support of Councilmember Ferguson, at the September 28, 2021 City Council meeting.)

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

12. **Resolutions/Ordinances.**

- A. [Ordinance No. 1716 \(Second Reading\) – Leaf Blowers](#) Pages 12A-1 through 12A-6

Staff Recommendation

Adopt Ordinance No. 1716 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, MAKING CEQA FINDINGS AND AMENDING TITLE 8 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE; TO ESTABLISH A LEAF-BLOWER ORDINANCE THAT BANS USE OF GASOLINE-POWERED LEAF BLOWERS AND ADDS STANDARDS FOR THE USE OF ELECTRIC-POWERED OR BATTERY-POWERED LEAF BLOWERS.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on October 19, 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. 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>.