



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

November 2, 2021
5:00 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 (5:00 P.M.)

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code section 54957.6
Agency designated representative: City Manager
Represented employees: All Employees
Employee organization: San Clemente City Employees Association

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8

Property: 4159.5 Costero Risco, by City-owned water tower in Forster Ranch
Agency Negotiators: City Manager and City Attorney
Negotiating Parties: City of San Clemente, AT&T Mono Eucalyptus and/or their authorized representatives
Under Negotiation: Price and terms for potential acquisition or lease

Property: 2916 Via San Gorgonio, AT&T Lightpole at San Gorgonio Park
Agency Negotiators: City Manager and City Attorney
Negotiating Parties: City of San Clemente, AT&T and/or their authorized representatives
Under Negotiation: Price and terms for potential acquisition or lease

Property: 2.2 acre section of and 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa, Assessor's Parcel Number 678-163-01
Agency Negotiators: City Manager, Tim McMahon of CBRE and Justin McMahon of JLL
Negotiating Parties: City of San Clemente, Cypress Express Partners, LLC and/or their authorized agent(s)
Under Negotiation: Price and terms for potential acquisition or lease

Closed Session items continued on following page

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

D. 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

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Jim Davis, Chaplain, Orange County Sheriff-Coroner

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. Wellness and Prevention Center San Clemente

Presentation by Susan Parmalee and Lauren Gallegos, Wellness and Prevention Center San Clemente, regarding past-year accomplishments of the program and current challenges facing youth, families and community.

- 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 agenda items requiring immediate action.** Any items agenda items 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 Regular Meeting Minutes of October 19, 2021 and Responses to Points of Order Cards Received with Regard to that Meeting** Pages 6A(1)a-1 through 6A(1)a-3, as well as Pages 6A(1)b-1 through 6A(1)b-14

Staff Recommendation

- (1a.) [Receive and file the City Attorney's Memorandum of October 22, 2021 that responds to Points of Order cards received in connection with the City Council meeting of October 19, 2021.](#)
- (1b.) [Approve the minutes of the Regular City Council Meeting of October 19, 2021.](#)

B. Commission/Committee Minutes

Staff Recommendation

Receive and file the following:

- (1) [Joint Homeless Subcommittee Special Meeting minutes of June 9, 2021.](#)
- (2) [Joint Homeless Subcommittee Special Meeting minutes of August 11, 2021.](#)
- (3) [Human Affairs Committee Special Meeting minutes of September 22, 2021.](#)
- (4) [Human Affairs Committee Regular Meeting minutes of October 12, 2021.](#)
- (5) [Golf Course Committee Regular Meeting minutes of August 5, 2021.](#)

Minutes continued on following page

- (6) [Beaches, Parks and Recreation Commission Special Meeting minutes of August 26, 2021.](#)
- (7) [Beaches, Parks and Recreation Commission Special Meeting minutes of September 2, 2021.](#)
- (8) [Zoning Administrator Regular Meeting minutes of October 21, 2021.](#)

C. Warrant Register

[Approve Wire Transfers No. 2530 and 2531 and Warrant Nos. 576670 through 576812, paid on 10-15-21, in the amount of.....](#)\$2,214,855.73

[Approve Wire Transfers No. 2532 through 2536 and Warrant Nos. 576813 through 576902, paid on 10-22-21, in the amount of.....](#)\$1,817,439.08

[Approve Wire Transfers Nos. 2537 through 2538 and Warrant Nos. 576903 through 577164, paid on 10-19-21, in the amount of.....](#)\$1,636,383.77

TOTAL WARRANT REGISTER.....\$5,668,678.58

Payroll Register

Approve Warrant Nos. 845 through 847, Automatic Deposit Advises 74567 through 74832 for the period 10-4-21 through 10-17-21, paid on 10-22-21, in the amount of.....\$ 427,119.65

TOTAL PAYROLL REGISTER.....\$ 427,119.65

D. Contract Award – Jim Johnson Memorial Sports Park Errant Ball Nets
Pages 6D-1 through 6D-19

Staff Recommendation

1. Approve the plans and specifications for the Jim Johnson Memorial Sports Park Errant Ball Nets, CIP Project 12108.
2. Approve, and authorize the Public Works Director to execute, Contract C21-44, by and between the City of San Clemente and Judge Netting, Inc., providing for the installation of errant ball nets at the Jim Johnson Memorial Sports Park, in an amount not to exceed \$89,320.

- E. [Contract Award – Pressure Washing Services in the Downtown Area](#)
Pages 6E-1 through 6E-29

Staff Recommendation

1. Approve a supplemental appropriation of \$11,695 to Account 001-634-43893.
2. Approve, and authorize the Public Works Director to execute, Contract C21-45, by and between the City of San Clemente and Powerclean, providing for pressure washing services in the downtown area for a seven-month trial period, in an amount not to exceed \$37,695.

- F. [Lease Agreement – End of Pier Concession Operations](#) Pages 6F-1 through 6F-43

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract C21-46, by and between the City of San Clemente and Rebecca Genszler, providing for continued operation of the end of pier concession.

- 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.**

- A. [Updates on Economic Recovery, Outdoor Dining and Trolley Operations](#) Pages 8A-1 through 8A-3

Report from the Economic Development Officer concerning updates on economic recovery, outdoor dining and trolley operations.

Staff Recommendation

Receive and file the Administrative Report, dated November 2, 2021, and provide further direction to Staff as appropriate.

9. **New Business.**

- A. [Consideration of Amending Policy and Procedure 1201-11 \(Council Operating Procedures\)](#) (Agendized at the October 5, 2021 Council meeting by Mayor Ward, with the support of Councilmember Duncan and Mayor Pro Tem James).
- B. [2021-2024 Memorandum of Understanding Between the City of San Clemente and the San Clemente City Employees Association for Full-Time Benefitted City of San Clemente Employees, and Adoption of Revised City of San Clemente Employees Salary Schedule](#) Pages 9B-1 through 9B-33

Report from the Human Resources Manager and Assistant to the City Manager concerning the 2021-2024 Memorandum of Understanding between the City of San Clemente and the San Clemente City Employees Association for full-time benefitted City of San Clemente employees, and adoption of revised City of San Clemente Employees Salary Schedule.

Staff Recommendation

1. Adopt Resolution No. 21-43 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE 2021-2024 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN CLEMENTE AND THE SAN CLEMENTE CITY EMPLOYEES ASSOCIATION FOR THE CITY OF SAN CLEMENTE FULL-TIME BENEFITTED EMPLOYEES AND APPROVING THE SAME LEVEL OF BENEFITS FOR NON-REPRESENTED EXECUTIVE, MID-MANAGER, AND CONFIDENTIAL EMPLOYEE GROUPS.
 2. Adopt Resolution No. 21-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE AND AMENDING RESOLUTION NO. 21-27 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.
- C. [Commercial Vehicle Parking Ordinance](#) (Agendized at the October 19, 2021 Council meeting by Councilmember Knoblock, with the support of Councilmember Ferguson and Councilmember Duncan).

Report from the Assistant to the City Manager concerning the commercial vehicle parking ordinance.

Staff Recommendation

Direct Staff *not* to pursue changes to the existing commercial vehicle parking regulations.

- D. [Consideration of Proposed Changes to Policy and Procedure 1201-7 Regarding City Council Requests for Staff Assistance](#) Pages 9D-1 through 9D-7

Report from the City Attorney concerning the possibility of amending Policy and Procedure 1201-7 regarding City Council requests for Staff assistance.

Staff Recommendation

Approve and adopt amended City of San Clemente Policy and Procedure 1201-7, City Council Requests for Staff Assistance, effective November 16, 2021.

- E. **City Manager Spending Authority** (Agendized at the October 19, 2021 City Council meeting by Councilmember Ferguson with the support of Councilmember Knoblock).

- 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. 1719 \(Second Reading\) - Proposed Changes to Metered Parking Hours of Operation](#) Pages 12A-1 through 12A-5

Staff Recommendation

Adopt Ordinance No. 1719 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 10.40 PARKING METERS.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on November 16, 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.

A subsequent Adjourned Regular Council meeting will take place on November 30, 2021 at 7:00 p.m. in the Municipal Golf Course banquet room, located at 150 Avenida Magdalena, San Clemente, for the purpose of meeting in joint session with City Commissions and Committees.

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 a Regular Meeting and 24 hours prior to a Special 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.

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>.