



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

February 15, 2022
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 LEGAL COUNSEL – EXISTING LITIGATION

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

Case Name: Anthem Sales and Management, LLC, et al. v. City of San Clemente
Case Number: OCSC 30-2019-01063861-CU-WM-CJC

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code section 54956.8
Number of items: 3

Property: 100 Avenida Presidio, Assessor's Parcel Number 692-012-01
Agency Negotiators: City Manager and City Attorney
Negotiating Parties: City of San Clemente and various interested developers
Under Negotiation: Price and terms for potential acquisition or lease

Property: Undesignated vacant parcel located near 431 Avenida Fabricante
Assessor's Parcel Number 692-012-01
Agency Negotiators: City Manager and City Attorney
Negotiating Parties: City of San Clemente and Stream Realty Acquisition, LLC
Under Negotiation: Price and terms for potential acquisition or lease

Property: 611 Avenida Victoria (The Fisherman's restaurant and Oyster Bar Kitchen)
Assessor's Parcel Number 058-240-15
Agency Negotiators: City Manager and City Attorney
Negotiating Parties: City of San Clemente and H.E.G. Enterprises
Under Negotiation: Price and terms for potential lease amendment

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Martin Garff, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations.

A. **Update on Homeless Issue (January Update)**

B. **Presentation of Proclamation – American Red Cross**

Presentation of Proclamation to Becky Firey, Executive Director, American Red Cross, proclaiming March 2022 and American Red Cross Month.

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 Minutes**

Staff Recommendation

- (1) [Approve the minutes of the Regular City Council meeting of February 1, 2022.](#)

B. **Commission/Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) [Beaches, Parks and Recreation Commission Regular Meeting minutes of October 12, 2021.](#)
- (2) [Golf Course Committee Regular Meeting minutes of November 4, 2021.](#)
- (3) [Beaches, Parks and Recreation Commission Regular Meeting minutes of December 14, 2021.](#)
- (4) [Zoning Administrator Regular Meeting minutes of December 23, 2021.](#)

C. **Warrant Register**

[Approve Handwrite Nos. 578733 through 578734, Wire Transfer Nos. 2587 through 2590 and Warrant Nos. 578599 through 578732, paid on 1-28-22, in the amount of.....\\$ 1,700,923.15](#)

[Approve Wire Transfer Nos. 2591 through 2596 and Warrant Nos. 578735 through 578897, paid on 2-4-22, in the amount of.....\\$ 1,485,514.13](#)

[Approve Wire Transfer Nos. 2597 through 2600 and Warrant Nos. 578898 through 579026, paid on 2-11-22, in the amount of.....\\$ 2,524,021.96](#)

TOTAL WARRANT REGISTER.....\$ 5,710,459.24

Payroll Register

Automatic Deposit Advises 76564
 through 76806, for the period
 1-24-22 through 2-6-22, paid
 on 2-11-22, in the amount of.....\$ 395,088.60
 TOTAL PAYROLL REGISTER.....\$ 395,088.60

D. **Contract Award – Water Reclamation Plant (WRP)/Sluice Gate Replacement** Pages 6D-1 through 6D-7

Staff Recommendation

1. Approve the plans and specifications for the WRP/Sluice Gate Replacement; Project No. 26212.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C22-04, by and between the City of San Clemente and Innovative Construction Solutions, providing for the WRP/Sluice Gate Replacement, in the amount of \$70,000.

E. **Contract Award – FY 2021 Street Improvement Program and FY 2022 Major Street Maintenance** Pages 6E-1 through 6E-8

Staff Recommendation

1. Approve the plans and specifications for the FY 2021 Street Improvement Program and FY 2022 Major Street Maintenance Program; CIP Project Nos. 11306 and 22303.
2. Approve and authorize the Public Works Director/City Engineer to execute, Contract No. C22-05, by and between the City of San Clemente and Roy Allan Slurry Seal, Inc., providing for FY 2021 Street Improvement Program and FY 2022 Major Street Maintenance, in the amount of \$1,139,616.

F. **Contract Award – Shorecliffs Golf Course Storm Drain Repair** Pages 6F-1 through 6F-32

Staff Recommendation

1. Accept the Storm Drain Easement from GC 8, LLC, for the Shorecliffs Golf Course Storm Drain Repair, and authorize the Utilities Director to execute the Shorecliffs Golf Course Storm Drain Easement Agreement and Grant of Easement.

Staff Recommendation continued on following page

2. Authorize the City Clerk to submit the Shorecliffs Golf Course Storm Drain Easement Agreement and Grant of Easement to the Orange County Recorder for recordation.
3. Approve the Plans and Specifications for the Shorecliffs Golf Course Storm Drain Repair; Project No. 12609.
4. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C22-06, by and between the City of San Clemente and Cheloletty Engineering, providing for the Shorecliffs Golf Course Storm Drain Repair, in the amount of \$99,453.20.

- G. [Grant Application – Orange County Transportation Authority for the 2021 Pavement Management Relief Funding Program](#) Pages 6G-1 through 6G-5

Staff Recommendation

Adopt Resolution No. 22-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING THAT THE CITY OF SAN CLEMENTE HAS AUTHORIZED THE PROJECT LIST SUBMITTAL FOR CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) FUNDING THROUGH THE ORANGE COUNTY TRANSPORTATION AUTHORITY 2021 PAVEMENT MANAGEMENT RELIEF FUNDING PROGRAM.

- H. [Contract Award – Sidewalk Improvements for Avenida Cabrillo](#) Pages 6H-1 through 6H-7

Staff Recommendation

1. Approve the plans and specifications for the sidewalk improvements for Avenida Cabrillo; Project No. 10317.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract C22-07, by and between the City of San Clemente and LC Paving and Sealing, providing for sidewalk improvements for Avenida Cabrillo, in the amount of \$681,231.88.

- I. [Resolution Authorizing the Public Works Director/City Engineer to Execute Right-of Way Certifications, Applications, and Agreements Necessary to Process Projects Abutting CalTrans Property and/or Involving Federal and/or State Funding](#) Pages 6I-1 through 6I-3

Staff Recommendation

Adopt Resolution No. 22-04 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING THAT THE CITY OF SAN CLEMENTE HAS AUTHORIZED THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE RIGHT-OF-WAY CERTIFICATIONS, FORMS, APPLICATIONS AND AGREEMENTS NECESSARY TO IMPLEMENT FEDERAL AND/OR STATE FUNDED LOCAL PUBLIC TRANSPORTATION PROJECTS.

- J. [Ratification of Emergency Purchases and Supplemental Funding for Cyprus Shore Pump Station Emergency Operation and Cyprus Shore Storm Drain Emergency Relocation](#) Pages 6J-1 through 6J-11

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$354,000 to Account No. 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve.
2. Authorize the City Manager to approve a change order to Contract C21-41 by and between the City of San Clemente and O'Connell Engineering and Construction, Inc., on a time and materials basis, for up to \$354,000 for Cyprus Shore Emergency Pump Station Bypass Operation.

- K. [Replacement of Existing Vector Truck Mounted Combination Sewer Cleaning Unit](#) Pages 6K-1 through 6K-2

Staff Recommendation

1. Approve the purchase of a new Vector 2100i Combination Sewer Cleaning Unit from Haaker Equipment Company from Fleet Replacement Reserve for the replacement of the Fleet vehicle number 1135.
2. Declare existing Unit 1135 surplus and authorize staff to trade it in for credit toward the purchase of the new vehicle.
3. Authorize a supplemental appropriation in the amount of \$90,140 to the Fleet Automotive Account No. 065-824-45600, from the Fleet Replacement Reserve Fund balance and recognize revenues in the Fleet Replacement Reserve fund of \$40,000 to Account No. 065-000-39110.

- L. [Contract Award – Avenida Pico Recycled Water Pipeline Relocation](#)
Pages 6L-1 through 6L-7

Staff Recommendation

1. Approve the Plans and Specifications for Avenida Pico Recycled Water Pipeline Relocation (permanent pipeline); Project No. 21402.
2. Approve a supplemental appropriation in the amount of \$26,510 to Account No. 052-466-43420-000-21402 from the Water Fund Depreciation Reserve.
3. Approve, and authorize the Utilities Director to execute, Contract C22-08, by and between the City of San Clemente and Mike Prlich and Sons, Inc., providing for the Avenida Pico Recycled Water Pipeline Relocation (permanent pipeline), in the amount of \$144,100.

- M. [Replacement of the Existing Water Reclamation Plant \(WRP\) Truck Weighing Scales for Dewatered Biosolids](#) Pages 6M-1 through 6M-3

Staff Recommendation

Approve a purchase order with Fairbanks Scales, in the amount of \$81,048, from Account No. 054-476-43000-000-24200, for the replacement of the two truck weighing scales.

- N. [Notice of Completion – Camino de los Mares and Camino de Estrella Median and Pavement Improvement Project from Calle Vista Hermosa to Avenida Vaquero](#) Pages 6N-1 through 6N-4

Staff Recommendation

1. Accept the Camino de los Mares and Camino de Estrella Median and Pavement Improvement Project from Calle Hermosa to Avenida Vaquero, from the contractor, Excel Paving Company, DBA Palp, Inc.; Project No. 19318.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for Camino de los Mares and Camino de Estrella Median and Pavement Improvement Project from Calle Hermosa to Avenida Vaquero.
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 the Contractor.
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.

- O. [Contract Award – City Tree and Palm Planting on Calle del Cerro and Avenida Vista Montana](#) Pages 6O-1 through 6O-7

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract C22-09, by and between the City of San Clemente and Marina Landscape, Inc., providing for tree and palm planting on Calle del Cerro and Vista Montana, in the amount of \$426,259.

- P. [Consideration of Grant Application Authorization for PierPride Foundation](#) Pages 6P-1 through 6P-2

Staff Recommendation

Authorize PierPride to apply for California Coastal Conservancy Grant.

- Q. [California Coastal Commission Grant for Coastal Resiliency](#) Pages 6Q-1 through 6Q-6

Staff Recommendation

Adopt Resolution No. 22-05 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA COASTAL COMMISSION FOR A LOCAL COASTAL PROGRAM GRANT TO SUPPORT COASTAL RESILENCY PLAN IMPLEMENTATION.

- R. [Acceptance of Pedestal Clock Tower Donation for the Municipal Golf Course from San Clemente Men’s Golf Club](#) Pages 6R-1 through 6R-8

Staff Recommendation

Accept the donation of a pedestal clock per Policy No. 204-5, and approve its installation at the San Clemente Municipal Golf Course.

- S. [San Clemente Men’s Golf Club – Memorandum of Understanding](#) Pages 6S-1 through 6S-7

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C22-10, a Memorandum of Understanding by and between the City of San Clemente and the San Clemente Men’s Golf Club.

- 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. [Municipal Golf Course Hole #16 Blue Tees](#) Pages 8A-1 through 8A-4

- Report from the Beaches, Parks and Recreation Director concerning Municipal Golf Course Hole #16 Blue Tees.

- Staff Recommendation

- Approve a supplemental appropriation in the amount of \$25,000 to Golf Course Maintenance Account No. 056-661-43426 (Maintenance of Trees) for the purchase and installation of a tree on the blue tees at Hole #16.

- 9. **New Business.**

- A. [Via San Gorgonio Traffic Analysis](#) Agendized at the November 2, 2021 City Council meeting by Councilmember Ferguson, with the support of Mayor James and Mayor Pro Tem Duncan. Pages 9A-1 through 9A-7

- Report from the Public Works Director/City Engineer concerning a traffic analysis for Via San Gorgonio.

- Staff Recommendation

- 1. Approve staff recommendation on traffic calming measure on Via San Gorgonio.
 - 2. Prohibit parking on the south side of San Gorgonio Park entrance, from the curb return easterly 138 feet; and on the north side from the curb return easterly 44 feet.
 - 3. Prohibit parking on the east side of Via San Gorgonio, from the northeast curb return of the park entrance northerly 20 feet; and from southeast curb return of the park entrance southerly 20 feet.

Staff Recommendation continued on following page

4. Adopt Resolution No. 22-06 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 SAN GORGONIO PARK ENTRANCE.

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**
- E. **Council Subcommittee Updates**

12. **Resolutions/Ordinances.**

None.

13. **Adjournment.**

The next Regular Council Meeting is scheduled to take place on March 1, 2022. 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.

Items to be Considered at a Future Meeting

| Agenda Item | Tentative Meeting Date |
|--|-------------------------------|
| Site Specific Master Plan Update | March 1, 2022 |
| Recycled Water Expansion | March 1, 2022 |
| Consideration of Withdrawing from the Orange County Library System | March 1, 2022 |
| Mariposa Bridge Update | March 15, 2022 |

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>.