



CITY OF SAN CLEMENTE

REGULAR CITY COUNCIL

MEETING AGENDA

SCAN QR CODE FOR FULL AGENDA PACKET



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

May 3, 2022
5:00 p.m. – Business Meeting I
6:00 p.m. – Closed Session
7:00 p.m. – Business Meeting II

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 turn it in to the City Clerk or Deputy City Clerk.
- 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.

BUSINESS MEETING PART 1 (5:00 P.M.)

CALL TO ORDER

INVOCATION – Pastor Karl Stuckenberg, St. Andrews by the Sea United Methodist Church.

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Motion waiving reading in full of all Resolutions and Ordinances.**
2. **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.
3. **Oral Communications (30 Minutes).** 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 Oral Communications, 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. 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.

4. **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 April 19, 2022.](#)

B. **Commission/Committee Minutes**

None.

C. **Warrant Register**

[Approve Wire Transfer Nos. 2633 through 2638 and Warrant Nos. 580291 through 580432, paid on 4-22-22, in the amount of.....\\$1,507,917.84](#)

[Approve Wire Transfer Nos. 2639 through 2640 and Warrant Nos. 580433 through 580575, paid on 4-29-22, in the amount of.....\\$ 848,348.11](#)

TOTAL WARRANT REGISTER.....\$ 2,356,265.95

Payroll Register

Approve Warrant Nos. 862 through 863, Automatic Deposit Advises 77827 through 78091, for the period 4-4-22 through 4-17-22, paid on 4-22-22, in the amount of.....\$ 422,744.05

TOTAL PAYROLL REGISTER.....\$ 422,744.05

D. **Notice of Completion – Storm Drain Improvements at North El Camino Real and Camino San Clemente** Pages 4D-1 through 4D-6

Staff Recommendation

1. Accept the Storm Drain Improvements at North El Camino Real and Camino San Clemente, from the contractor, GCI Construction, Project No. 10016.

Staff Recommendation Continued on Next Page

2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for Storm Drain Improvements at North El Camino Real and Camino San Clemente.
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, GCI Construction, Inc.

E. [Notice of Completion – Well Filter Plant Rehabilitation and Chemical Storage Building](#) Pages 4E-1 through 4E-7

Staff Recommendation

1. Accept the Well Filter Plant Rehabilitation and Chemical Storage Building, from the contractor SCW Contracting Corporation, Project No. 16408.
2. Authorize the Public Works Director/ City Engineer to execute and record, the Notice of Completion for the Well Filter Plant Rehabilitation and Chemical Storage Building.
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, SCW Contracting Corporation.

F. [Contract Amendment – As-Needed Building Plan Check Services](#) Pages 4F-1 through 4F-34

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 5 to Contract AC-826, by and between the City of San Clemente and West Coast Code Consultants, providing as-needed building code inspection and plan check services. This amendment increases the contract amount to \$385,000, an increase of \$100,000.

5. **Reports.**

- A. **Commissions and Committees**
- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**
- E. **Council Subcommittee Updates**

CLOSED SESSION (6:00 P.M.)

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)

Number of Cases: 2

BUSINESS MEETING PART 2 (7:00 P.M.)

6. Closed Session Report - City Attorney.

7. Special Presentations.

**A. Presentation by Senator Bates Concerning SB-1224 (Bates):
Watersheds: Wildlife Habitat: Counties of Orange and San Diego**

Presentation by Senator Bates concerning SB 1224 (Bates): Watersheds: wildlife habitat: Counties of Orange and San Diego.

**B. Computerized Maintenance Management Program Presentation
(Agendized at the April 5, 2022 City Council Meeting by Mayor James, with support of Mayor Pro Tem Duncan and Councilmember Ward)**

Presentation by Public Works Director Koger concerning the City's Computerized Maintenance Management Program.

C. Presentation of Proclamation – Drowning Prevention Awareness Season

Presentation of Proclamation to Chief Capobianco, Orange County Fire Authority, proclaiming May through August as "Drowning Prevention Awareness Season."

D. Presentation of Proclamation – Older Americans Month

Presentation of Proclamation to Beth Apodaca, Director of the Dorothy Visser Senior Center, proclaiming May as Older Americans Month.

E. Presentation of Proclamation – San Clemente Elks Club - Youth Week

Presentation of Proclamation to San Clemente Elks Club, proclaiming May 1 – 7 2022, as Youth Week.

F. Update on Homeless Issue (April Update to be provided at May 25, 2022 Meeting)

8. **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.

7:30 p.m.

- A. **2022-23 Annual Action Plan for Expenditures of Community Development Block Grant** Pages 8A-1 through 8A-46

Public Hearing relating to the submission of the 2022-2023 Annual Action Plan for expenditures of the Community Development Block Grant.

Staff Recommendation

1. Approve, and adopt the Draft 2022-23 Annual Action Plan for the use of Community Development Block Grant Funds (CDBG).
2. Authorize the City Manager to submit the Annual Action Plan to Housing and Urban Development (HUD) to execute the HUD Contract.
3. Accept the grant revenues of \$329,535 from HUD to Account No. 017-000-33712.
4. Authorize a related budget appropriation of \$329,535 to the CDBG fund for the amounts in the 2022-23 Action Plan.

- B. **Weed Abatement Program 2022** Pages 8B-1 through 8B-8

Public Hearing to consider all objections or protests, if any, to the proposed abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente.

Staff Recommendation

Adopt a Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ORDERING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO ABATE THE NUISANCES BY HAVING THE WEEDS, RUBBISH, REFUSE AND DIRT REMOVED FROM VACANT PROPERTIES AND UNOCCUPIED, DEVELOPED PROPERTIES WITHIN THE CITY AND NOTIFYING THE STATE, COUNTY, OR ANY OTHER PUBLIC AGENCY.

9. **Unfinished Business.**

None.

10. **New Business.**

- A. **Consideration of a Bike Repair Ordinance** (Agendized at the February 15, 2022 City Council Meeting by Mayor James, with support of Councilmember Ferguson and Councilmember Ward). Pages 10A-1 through 10A-5

Report from the Community Development Director concerning a potential amendment to the municipal code to regulate bicycle repairs in public.

Staff Recommendation

Provide direction to staff whether to initiate an amendment to the San Clemente Municipal Code to regulate bicycle repairs in public.

- B. **Zoning - Electric Vehicle Dealerships** (Agendized at the April 5, 2022 City Council Meeting by Mayor Pro Tem Duncan, with support of Councilmember Ward and Councilmember Knoblock). Pages 10B-1 through 10B-8

Report from the Economic Development Officer concerning zoning for electric vehicle dealerships.

Staff Recommendation

Receive and file the Administrative Report, dated May 3, 2022, and on file with the City Clerk.

- C. **Contract Authority - City Manager** (Agendized at the April 12, 2022 City Council Meeting by Councilmember Ferguson, with support of Councilmember Knoblock and Mayor James) Pages 10C-1 through 10C-21

Report from the City Manager concerning the City Manager's Contract Authority to execute contracts on behalf of the City not exceeding \$50,000.

Staff Recommendation

Receive and file the Administrative Report, dated May 3, 2022, and on file with the City Clerk.

- D. [Call of General Municipal Election of November 8, 2022](#) Pages 10-D1 through 10D-13

Report from the City Clerk concerning the Calling of the General Municipal Election on November 8, 2022.

Staff Recommendation

1. Adopt Resolution No. 22-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.
2. Adopt Resolution No. 22-14 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, WITH THE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.
3. Adopt Resolution No. 22-15 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022.
4. Determine whether to adopt the optional Resolution No. 22-16 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION.

11. **Reports (continued from Business Meeting Part 1).**

- A. **Commissions and Committees**
- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**
- E. **Council Subcommittee Updates**

12. Adjournment.

Adjourn to an Adjourned Regular Meeting to be held on May 25, 2022 at 3:00 p.m. for the purpose of conducting a Public Hearing to consider the proposed 2022/2023 Budget. Part 1 of the Adjourned Regular Business Meeting will commence at 5:00 p.m. and Closed Session will begin at 6:00 p.m. Part 2 of the Adjourned Regular Business Meeting will commence at 7:00 p.m. The meeting will take place in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

Note: The Regular scheduled meeting of May 17, 2022 has been cancelled.

Items to be Considered at a Future Meeting

Agenda Item	Tentative Meeting Date
Permit Streamlining	May 25, 2022
Outlets Conditional Use Permit	May 25, 2022
Human Trafficking/Massage Parlors	May 25, 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. Part 1 of the Business Meeting will begin at 5:00 p.m. and Closed Session begins at 6:00 p.m. Part 2 of the Business Meeting will commence at 7:00 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>.