



5:00 p.m. – Business Meeting I
6:00 p.m. – Closed Session
6:30 p.m. – Business Meeting II

Mayor James
Mayor Pro Tem Duncan
Councilmember Ferguson
Councilmember Knoblock
Councilmember Ward

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 agenda 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-agenda item 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 – Michael Holmes, Student Director, Shoreline Community 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 agendaized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.

- 3. 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.

- 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 AND SPECIAL COUNCIL MEETING OF AUGUST 16, 2022.](#)**
- (2) [APPROVE THE MINUTES OF THE JOINT CITY COUNCIL MEETING OF AUGUST 30, 2022.](#)**

B. Commission/Committee Minutes

Staff Recommendation

Receive and file the following:

- (1) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF MAY 24, 2022.](#)
- (2) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF JUNE 28, 2022.](#)
- (3) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF AUGUST 4, 2022.](#)
- (4) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF AUGUST 18, 2022.](#)
- (5) [PUBLIC SAFETY COMMITTEE REULAR MEETING MINUTES OF JULY 26, 2022.](#)
- (6) [HUMAN AFFAIRS COMMITTEE SPECIAL MEETING MINUTES OF AUGUST 16, 2022.](#)

C. Warrant Register

- (1) [Approve Wire Transfer Nos. 2699 through 2701 and Warrant Nos. 582951 through 583061, paid on 8-19-22, in the amount of.....](#) \$ 648,171.86
 - (2) [Approve Wire Transfer Nos. 2702 through 2706 and Warrant Nos. 583062 through 583175, paid on 8-26-22, in the amount of.....](#) \$ 6,376,489.40
- TOTAL WARRANT REGISTER.....\$ 7,024,661.26

Payroll Register

Warrant Nos. 875 through 877
 Automatic Deposit Advises 80452
 through 80774, for the period
 8-8-22 through 8-21-22, paid
 on 8-26-22, in the amount of.....\$ 485,946.05

TOTAL PAYROLL REGISTER... \$ 485,946.05

D. [ORDINANCE NO. 1733 \(SECOND READING\) - PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS](#)

Staff Recommendation

Adopt Ordinance No. 1733 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADDING CHAPTER 10.54 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) OF TITLE 10 (VEHICLES AND TRAFFIC) TO THE SAN CLEMENTE MUNICIPAL CODE ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS.

E. [NOTICE OF COMPLETION - FY 2021 STREET IMPROVEMENT PROGRAM AND FY 2022 MAJOR STREET MAINTENANCE](#)

Staff Recommendation

1. Accept the FY 2021 Street Improvement Program and FY 2022 Major Street Maintenance, from the contractor Roy Allan Slurry Seal, Inc., CIP Project Nos. 11306 and 22303.

2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for FY 2021 Street Improvement Program and FY 2022 Major Street Maintenance.

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, Roy Allan Slurry Seal, Inc.; and

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.

F. [CONTRACT AWARD - FY 2023 PAVEMENT PRESERVATION PROGRAM](#)

Staff Recommendation

1. Approve the plans and specifications for FY 2023 Pavement Preservation Program, Project No. 23303.

2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No.C22-51, by and between the City of San Clemente and Palp Inc. DBA Excel Paving Company, providing for FY 2023 Pavement Preservation Program, in the amount of \$238,550.

G. [SUPPLEMENTAL APPROPRIATION FOR SLOPE ANALYSIS AT 100 AVENIDA PRESIDIO](#)

Staff Recommendation

Approve an appropriation of \$110,000.00 from the General Fund Unassigned Fund Balance into account 001-411-43690-000-00000, Development Engineering – Other Professional Services and authorize the Public Works Director/City Engineer to execute Contract No. C22-52 with the selected firm to perform the scope of services as depicted in their proposal and pursuant to their existing Professional Services Agreement.

H. [CONTRACT AWARD - WORKERS' COMPENSATION THIRD PARTY ADMINISTRATIVE SERVICES AGREEMENT](#)

Staff Recommendation

Approve, and authorize the City Manager to execute, Contract C22-53, by and between the City of San Clemente and AdminSure, Inc., providing for Workers' Compensation Claims Administration Services, for a period of five years, in an amount not to exceed \$190,000.

I. [RECOMMENDATION OF THE PUBLIC SAFETY COMMITTEE TO CONSIDER SITE AT 380 AVENIDA PICO \(THE CITY'S WATER RECLAMATION PLANT PROPERTY\) AS A POTENTIAL LOCATION FOR AN EMERGENCY FOOD STORAGE UNIT](#)

Public Safety Committee Recommendation

Approve the Public Safety Committee's recommendation to allow a portion of the City's Water Reclamation Plant property to be used for the placement of an emergency food-storage unit.

J. [UPDATE TO POLICY AND PROCEDURE 601-8-19 \(USE OF INFORMATION TECHNOLOGY\)](#)

Staff Recommendation

Approve Policy and Procedure 601-8-19 (Use of Information Technology), effective September 6, 2022 and authorize the City Manager to update as needed.

K. [PURCHASE OF WATER METERS FOR FISCAL YEAR 2022-23.](#)

Staff Recommendation

Approve the purchase of water meters from Ferguson Waterworks and Metron-Farnier for Fiscal Year 2022-23 based on the fixed price quotes for a total amount not to exceed \$102,000.

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 – EXISTING LITIGATION**

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

Case Name: City of San Clemente v. Urban Development Corp, et al.
Case Number: OCSC 30-2022-01261890-CU-OR-CJC

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
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
Negotiating Parties: City of San Clemente, Pacific Medical Buildings on behalf of Hoag
Under Negotiation: Price and terms of payment

BUSINESS MEETING PART 2 (6:30 P.M.)**6. Closed Session Report - City Attorney****7. Special Presentations****A. Presentation of Commendation to City Manager Sund**

Presentation of Commendation to City Manager Sund in recognition of his exemplary service to the City of San Clemente.

B. Recognition of Out-Going Commission and Committee Members

Presentation of City tiles to the following out-going members of the City's Commissions and Committees:

Joe Janis
Public Safety Committee

John Bandaruk
Beaches, Parks and Recreation Commission

Vincent Hennessy
Beaches, Parks and Recreation Commission

Aaron Washington
Beaches, Parks and Recreation Commission

Shari Grace
Human Affairs Committee

William Kreutinger
Human Affairs Committee

Thomas Olds
Human Affairs Committee and Investment Advisory Committee

C. Update on Homeless Issue (August Update to be Provided at September 20, 2022 Council 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.

None.

9. Unfinished Business

None.

10. New Business**A. [ESTABLISHMENT OF A CITIZENS SUBCOMMITTEE TO FURTHER ANALYZE THE FEASIBILITY OF AN AMPHITHEATER \(Agendized by Council at the August 16, 2022 City Council Meeting\)](#)**

Staff Recommendation

1. Staff Recommends that Council take one of the following actions:

a. Authorize the Legislative Administrator to advertise to fill 5 vacancies on the newly formed Amphitheater Citizens Committee and schedule a meeting to interview and appoint five committee members.

OR

b. Determine to have each Councilmember provide a recommended candidate to the Legislative Administrator to create the newly formed Amphitheater Citizens Committee.

AND

2. Determine whether to set term dates, or to have the Committee sunset after a period of two years.

B. [REVIEW OF THE CITY'S CR&R SOLID WASTE AND RECYCLING AGREEMENT BY MSW CONSULTANTS](#)

Staff Recommendation

1. Authorize the City Manager to issue CR&R a notice of termination of the automatic renewal of the Franchise Agreement prior to September 30, 2022. This will result in the Franchise Agreement termination on June 30, 2024;

2. Direct City staff to:

a. Enter into negotiations with CR&R for a period not to exceed four months; and,

b. If an agreement is not reached within four months, issue a Request for Proposals and solicit firms for a new solid waste and recycling Franchise Agreement;

3. Include an analysis for Street Sweeping services or revenue as part of recommended action number two; and

4. Approve and authorize the City Manager to execute, Amendment No. 1 to Contract AC-1046, by and between the City of San Clemente and MSW Consultants, providing for solid waste and recycling negotiations. This Amendment increases the contract from \$25,000 to an amount not to exceed \$65,000 (an increase of \$40,000).

C. [APPROVAL OF LONG-TERM WASTEWATER SERVICES AGREEMENT WITH SANTA MARGARITA WATER DISTRICT \(SMWD\)](#)

Staff Recommendation

1. Approve, and authorize the City Manager to execute Contract No.C22-54, by and between the City of San Clemente and the Santa Margarita Water District, providing for wastewater treatment services and recycled water purchases from July 1, 2022 through June 30, 2052.
2. Transfer \$11,800 from account no. 054-447-47250-000-12605 to account no. 054-477-45300-000-12206.
3. Authorize expenditures in the amount of \$3,100,000 from account no. 054- 477-45300-000-12207 for Trampas Regional Recycled Water Reservoir and \$611,800 for Pico Recycled Water Pump Station from account no. 054-477-45300-000-12206.

D. [POLICY AND PROCEDURE 1201-13 RELATING TO CITY COUNCIL USE OF LETTERHEAD AND STATIONARY \(Agendized at the August 16, 2022 City Council Meeting by Mayor James, with support of Councilmember Ward and Councilmember Knoblock\)](#)

Staff Recommendation

Approve Policy and Procedure 1201-13 (Use of City of San Clemente Letterhead and Stationary).

E. [APPOINTMENT OF SEAN JOYCE AS INTERIM CITY MANAGER](#)

Interim City Manager Subcommittee Recommendation

1. Adopt Resolution No. 22-35 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE APPOINTMENT OF SEAN JOYCE AS INTERIM CITY MANAGER AND APPROVING AN EMPLOYMENT AGREEMENT IN CONNECTION THEREWITH.
2. Approve, and authorize the Mayor to execute, Contract No. C22-55, by and between the City of San Clemente and Sean Joyce, providing for Interim City Manager Services, at the rate of \$133.70/hour.

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. 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.

13. Adjournment

The next Regular Council Meeting is scheduled to take place on September 20, 2022. Part 1 of the Regular Business Meeting will commence at 5:00 p.m. and Closed Session will begin at 6:00 p.m. Part 2 of the Regular Business Meeting will commence at 7:00 p.m. The meeting will take place in the Council Chambers, located at 910 Calle Negocio, 2nd Floor, 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 Council Chambers, located at 910 Calle Negocio, 2nd floor, 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>.