



5:00 p.m. – Business Meeting I
6:00 p.m. – Closed Session
7:00 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-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 George Hulse, 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 CITY COUNCIL MEETING OF SEPTEMBER 6, 2022.](#)**

B. Commission/Committee Minutes

Staff Recommendation

Receive and file the following:

- 1) [PLANNING COMMISSION REGULAR MEETING MINUTES OF AUGUST 3, 2022](#)
- 2) [PLANNING COMMISSION STUDY SESSION MEETING MINUTES OF AUGUST 3, 2022](#)
- 3) [HUMAN AFFAIRS COMMITTEE SPECIAL MEETING OF AUGUST 16, 2022](#)

C. Warrant Register

- 1) [Approve Wire Transfer Nos. 2707 through 2709 and Warrant Nos. 583176 through 583362, paid on 9-2-22, in the amount of](#) [\\$ 4,473,476.76](#)
 - 2) [Approve Wire Transfer Nos. 2710 through 2715 and Warrant Nos. 583363 through 583488, paid on 9-9-22, in the amount of](#) [\\$ 3,220,641.04](#)
 - 3) [Approve Wire Transfer Nos. 2716 through 2717 and Warrant Nos. 583489 through 583589, paid on 9-16-22, in the amount of](#) [\\$ 1,214,508.07](#)
- TOTAL WARRANT REGISTER..... [\\$ 8,908,625.87](#)

Payroll Register

Warrant Nos. 878 through 880
 Automatic Deposit Advises 80775
 through 81063, for the period
 8-22-22 through 9-4-22, paid
 on 9-9-22, in the amount of..... [\\$ 440,018.11](#)

TOTAL PAYROLL REGISTER..... [\\$ 440,018.11](#)

D. [CONTRACT AWARD - PURCHASE AND INSTALLATION OF STORM DRAIN TRASH CAPTURE DEVICES FOR THE SAN CLEMENTE PIER AND PICO CORRIDOR PROJECT AREA](#)

Staff Recommendation

1. Approve a supplemental appropriation in the amount of \$243,240 from the Clean Ocean Fund Reserve to Account No. 057-543-43690-000-28305.
2. Approve, and authorize the Utilities Director to execute, Contract No.C22-56, by and between the City of San Clemente and G2 Construction, Inc, providing for the San Clemente Pier and Pico Corridor runoff treatment, in the amount of \$300,000, Project No. 28305.

E. [NOTICE OF COMPLETION - PARK MONUMENT SIGN REPLACEMENT PROGRAM](#)

Staff Recommendation

1. Accept the Park Monument Sign Replacement Program, from the contractor Speedy Fix, Inc., CIP Project No. 29103.
2. Authorize the Public Works Director/City Engineer to execute and record, the Notice of Completion for the Park Monument Sign Replacement Program.
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, Speedy Fix.

F. [CONTRACT AWARD - CITYWIDE CATCH BASINS REHABILITATION](#)

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-57, by and between the City of San Clemente and Cheloletty Engineering, providing for Citywide Catch Basin Rehabilitation, in the amount of \$148,600, CIP Project No. 21001.

G. [RATIFICATION OF EMERGENCY PURCHASES AND SUPPLEMENTAL FUNDING FOR CYPRUS SHORE PUMP STATION EMERGENCY OPERATION](#)

Staff Recommendation

1. Make a finding that an emergency exists due to the potential failure of an existing sewer pump station and storm drain system and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process.
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
3. Approve a supplemental appropriation in the amount of \$714,450 to Account 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve .
4. Ratify a change order with O'Connell Engineering and Construction, Inc. on a time and materials basis for \$510,000 for Cyprus Shore Emergency Pump Station Bypass Operation, Project No. 12209.

H. [BEACHES, PARKS & RECREATION COMMISSION - WORK PLAN FY 2022-23](#)

Staff and the Beaches, Parks & Recreation Commission Recommendation

Approve the FY 2022-23 Work Plan as presented by the Beaches, Parks and Recreation Commission.

I. [GOLF COURSE COMMITTEE - WORK PLAN FY 2022-23](#)

Staff and the Golf Course Committee Recommendation

Approve the FY 2022-23 Work Plan as presented by the Golf Course Committee.

5. Reports**A. Commissions and Committees**

- 1) [PUBLIC SAFETY COMMITTEE UPDATE OF SEPTEMBER 20, 2022](#)
- 2) [SCHEDULE MEETING FOR PUBLIC SAFETY COMMITTEE INTERVIEWS AND APPOINTMENTS](#)

Staff Recommendation

Schedule a date to conduct interviews and appoint one member to the Public Safety Committee for a two-year term.

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**

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
Number of potential cases: 2

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Number of cases: 1
Name of case: San Clemente v. Emergency Shelter Coalition
Case No. 30-2014-0075880-CU-WM-CJC

BUSINESS MEETING PART 2 (7:00 P.M.)**6. Closed Session Report - City Attorney****7. Special Presentations****A. HUNGER MONTH PROCLAMATION**

Presentation of Proclamation to Malia Cary, OC Hunger Alliance, proclaiming September as Hunger Month.

B. AUGUST UPDATE ON HOMELESS ISSUE

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.

A. [2021-2022 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT \(CAPER\) FOR EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.](#)

Public Hearing to consider the proposed submission of the 2021-22 Consolidated Annual Performance and Evaluation Report (CAPER). The 15 day comment period was from September 2, 2022 through September 16, 2022.

Staff Recommendation

Approve and adopt the 2021-22 Consolidated Annual Performance Evaluation Report (CAPER) for submittal to the U.S. Department of Housing and Urban Development.

B. [PUBLIC HEARING TO CONSIDER RESOLUTION TO ADOPT THE REVISED HOUSING ELEMENT UPDATE](#)

Public Hearing to consider a Resolution to adopt the revised Housing Element update.

Staff Recommendation

1. Adopt Resolution No. 22-36 entitled "APPROVING GENERAL PLAN AMENDMENT PLN20-03 TO ADOPT THE REVISED HOUSING ELEMENT UPDATE."

2. Authorize staff to submit the revised Housing Element Update to the Department of Housing and Community Development.

9. Unfinished Business

None.

10. New Business**A. [CAPISTRANO SHORES MOBILE HOME PARK - LETTER OF SUPPORT FOR HEIGHT OF REPLACEMENT COACHES](#) (Agendized at the September 6, 2022 City Council Meeting by Councilmember Knoblock, with the support of Mayor James and Mayor Pro Tem Duncan).**

Staff Recommendation

Authorize the Mayor to execute a letter of support to the California Coastal Commission regarding the height of replacement coaches at Capistrano Shores Mobile Home Park. A sample letter is attached for Council consideration.

- B.** [CITY OF SAN CLEMENTE EFFORTS REGARDING E-BIKE SAFETY](#) (Agendized at the September 6, 2022 City Council Meeting by Mayor James, with the support of Councilmember Knoblock and Mayor Pro Tem Duncan)

Staff Recommendation

Receive and file the Administrative Report dated September 20, 2022, and on file with the City Clerk.

- C.** [EXCLUSIVE NEGOTIATING AGREEMENT \(ENA\) WITH PACIFIC MEDICAL BUILDINGS \(PMB\) REGARDING THE PARCEL AT THE SOUTHWEST CORNER OF AVENIDA VISTA HERMOSA AND AVENIDA LA PATA](#)

Staff Recommendation

Approve, and authorize the Interim City Manager to execute, Contract No.C22-58, an Exclusive Negotiating Agreement by and between the City of San Clemente and Pacific Medical Buildings, LLC., for the City-owned parcel at the southwest corner of Avenida Vista Hermosa and Avenida La Pata.

11. Reports (continued from Business Meeting Part 1)

A. Commissions and Committees

- 1) [PUBLIC SAFETY COMMITTEE UPDATE OF SEPTEMBER 20, 2022](#)
- 2) [SCHEDULE MEETING FOR PUBLIC SAFETY COMMITTEE INTERVIEWS AND APPOINTMENTS](#)

Staff Recommendation

Schedule a date to conduct interviews and appoint one member to the Public Safety Committee for a two-year term.

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

Adjourn to an Adjourned Regular Meeting to be held on October 4, 2022 at 3:00 p.m. for the purpose of meeting in Closed Session to review City Attorney Services. 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>.