



5:00 p.m. - Business Meeting Part 1
6:00 p.m. - Closed Session
7:00 p.m. - Business Meeting Part 2

Mayor Duncan
Mayor Pro Tem Knoblock
Councilmember Cabral
Councilmember Enmeier
Councilmember James

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 Council Chambers 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.)**Holiday Serenade - Las Palmas Elementary and Concordia Elementary School Choirs**

Holiday serenade by the Las Palmas Elementary and Concordia Elementary School Choirs, under the direction of Sharon Evans.

CALL TO ORDER**INVOCATION – Senior Pastor Holland Davis, Calvary Chapel San Clemente****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 (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. 12. 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:

- (1a.) [RESPONSE TO POINT OF ORDER DATED DECEMBER 14, 2022.](#)

Staff Recommendation

Recommend that the City Council deny the appeal and uphold the point of order decision from the meeting of December 6, 2022.

- (1b.) [APPROVE THE CITY COUNCIL REGULAR AND SPECIAL MEETING MINUTES OF DECEMBER 6, 2022.](#)
- (2) [APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF DECEMBER 13, 2022.](#)
- (3) [APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF DECEMBER 15, 2022.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [BEACHES, PARKS AND RECREATION COMMISSION REGULAR MEETING MINUTES OF OCTOBER 11, 2022.](#)
- (2) [DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF OCTOBER 26, 2022.](#)
- (3) [DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF NOVEMBER 9, 2022.](#)
- (4) [PLANNING COMMISSION REGULAR MEETING MINUTES OF DECEMBER 7, 2022.](#)

C. Warrant Register

- (1) APPROVE WIRE TRANSFER NOS. 2756 THROUGH 2765 AND WARRANT NOS. 585060 THROUGH 585187, PAID ON 12-2-22, IN THE AMOUNT OF \$2,447,393.66
 - (2) APPROVE WIRE TRANSFER NOS. 2766 THROUGH 2767 AND WARRANT NOS. 585188 THROUGH 585316, PAID ON 12-9-22, IN THE AMOUNT OF \$6,060,492.47
 - (3) APPROVE WIRE TRANSFER NOS. 2768 THROUGH 2771 AND WARRANT NOS. 585317 THROUGH 585453, PAID ON 12-16-22, IN THE AMOUNT OF \$1,797,256.16
- TOTAL WARRANT REGISTER.....\$10,305,142.29

Payroll Register

- Warrant Nos. 891 and Automatic Deposit Advises 82472 through 82737, for the period 11-14-22 through 11-27-22, paid on 12-2-22, in the amount of..... \$537,383.76
 - Automatic Deposit Advises 82738 through 83005, for the period 11-28-22 through 12-11-22, paid on 12-16-22, in the amount of..... \$440,359.16
- TOTAL PAYROLL REGISTER... \$977,742.92

D. CITY OF SAN CLEMENTE FISCAL YEAR 2021-2022, MEASURE M2 EXPENDITURE REPORT

Staff Recommendation

Adopt Resolution No. 22-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2021-2022 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

E. [ORDINANCE NOS. 1740, 1741, 1742, 1743, 1744 AND 1745 \(SECOND READING\) - IMPLEMENTING THE CITY'S SIXTH CYCLE HOUSING ELEMENT](#)

Staff Recommendation

1. Adopt Ordinance No. 1740 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 17.24.070 OF THE SAN CLEMENTE MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER AFFORDABLE HOUSING INCENTIVES REQUIRED BY STATE LAW AND FINDING THE ACTION TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).
2. Adopt Ordinance No. 1741 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 17.56.100 OF THE SAN CLEMENTE MUNICIPAL CODE TO COMPLY WITH ASSEMBLY BILL 139 REGARDING PARKING REQUIREMENTS FOR EMERGENCY SHELTERS AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).
3. Adopt Ordinance No. 1742 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 17.28.270 OF THE SAN CLEMENTE MUNICIPAL CODE GOVERNING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH CHANGES IN STATE LAW AND FINDING THE ACTION TO BE EXEMPT FROM CEQA (CEQA).
4. Adopt Ordinance No. 1743 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING VARIOUS PROVISIONS OF THE SAN CLEMENTE MUNICIPAL CODE TO ENSURE CONSISTENCY WITH STATE LAW REGARDING LOW BARRIER NAVIGATION CENTERS AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).
5. Adopt Ordinance No. 1744 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA AMENDING VARIOUS PROVISIONS OF THE SAN CLEMENTE MUNICIPAL CODE TO ENSURE CONSISTENCY WITH STATE LAW REGARDING SUPPORTIVE AND TRANSITIONAL HOUSING AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

6. Adopt Ordinance No. 1745 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE, CALIFORNIA AMENDING VARIOUS PROVISIONS OF THE SAN CLEMENTE MUNICIPAL CODE REGARDING RESIDENTIAL CARE FACILITIES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

F. ADOPTION OF CITY INVESTMENT POLICY 202-1

Staff Recommendation

Adopt Investment Policy 202-1, effective December 21, 2022.

G. RATIFICATION OF EMERGENCY PURCHASES AND CONSTRUCTION CONTRACTS FOR CYPRUS SHORE SEWER LINING

Staff Recommendation

1. Make a finding that an emergency exists due to the potential failure of an existing sewer line 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 \$127,000 to Account No. 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve .
4. Ratify a Construction Contract with Sancon Technologies, Inc. providing for Cyprus Shore Emergency Sewer Lining, in the amount of \$80,940.
5. Ratify a Construction Contract with Xylem Dewatering Solutions, Inc. on a time and materials basis for up to \$18,850 for Cyprus Shore Emergency Sewer Lining.

H. CONTRACT AMENDMENT - MARINE SAFETY HEADQUARTERS RELOCATION STUDY

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Amendment No. 1 to Contract No. C21-24, by and between the City of San Clemente and HMC Architects, providing for the Marine Safety Headquarters Relocation Study. This amendment increases the contract amount from \$87,500 to \$122,500 (an increase of \$35,000).

I. PROPOSED MODIFICATIONS TO CITY COUNCIL AGENDA TEMPLATEStaff Recommendation

1. Approve the agenda template changes as outlined in Attachment 1 of the Administrative Report, dated December 20, 2022, and on file with the City Clerk.
2. Adopt Resolution No. 22-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE DATE, TIME AND LOCATION OF CITY COUNCIL MEETINGS AND RESCINDING RESOLUTION NO. 22-10.

5. Reports**A. Commissions and Committees****B. City Manager**

Update on trains idling at T-Street.

C. City Attorney**D. Council Members****(1) UPDATE TO COUNCIL APPOINTEES TO REGIONAL COMMITTEES, COMMISSIONS AND BOARDS AND CITY COUNCIL SUBCOMMITTEES**Staff Recommendation

1. Update Councilmember appointments to various regional committees, commissions and boards.
2. Determine the Councilmember who will serve as the City's representative to the Orange County Fire Authority Board of Directors and adopt Resolution No. 22-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the name of the City's new Director be inserted.
3. Determine whether or not to establish a citizen's subcommittee to further analyze the feasibility of an amphitheater. If it is determined to establish a citizen's subcommittee, each councilmember will appoint a citizen, and notify the City Clerk of that appointment.
4. Update Councilmember appointments to various City Council subcommittees.

(2) **ESTABLISHMENT OF COUNCIL MEETING SCHEDULE FOR 2023 AND EARLY 2024**

Staff Recommendation

1. Council cancel its meetings of July 4, 2023 and August 1, 2023 to accommodate Council and staff vacations.
2. Schedule the Long Term Financial Plan Meeting for February 28, 2023 at 4:00 p.m.
3. Schedule the Budget Workshop for May 23, 2023 at 4:00 p.m.
4. Cancel the City Council meeting of January 2, 2024.

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. Foothill/Eastern Transportation Corridor Agency, et al.

Riverside Superior Court Consolidated Case No.: RIC 1800232

CA Court of Appeal Case No.: E078045 (Fourth Appellate District, Division 2)

B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)

Number of potential cases: 1

C. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957

Title: Chief of Police Services (advisory to Sheriff)

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

6. Closed Session Report - City Attorney

7. Special Presentations

A. Recognition of Senator Bates

Presentation of commendation to Senator Bates for her unwavering dedication to the City of San Clemente and its residents.

B. November Update on the Homeless Issue

C. Fiscal State of the City - Fiscal Year Ending June 30, 2022 and FY 2022 4th Quarter Financial Report and FY 2023 1st Quarter Financial Report

[\(Link 1\)](#) [\(Link 2\)](#) [\(Link 3\)](#)

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. CONTINUANCE OF APPEAL OF MINOR CONDITIONAL USE PERMIT 22-197, PRIMO FOODS BEER AND WINE, 2801 S. EL CAMINO REAL

Scheduled to be heard at 7:30 p.m.

Public Hearing to consider a City Council initiated appeal of the Zoning Administrator's approval of Minor Conditional Use Permit 22-197, Primo Foods Beer and Wine, 2801 S. El Camino Real, which approved beer and wine sales at Primo Foods Market and Deli for off-site consumption, with hours of operation from 8:00 a.m. to 8:00 p.m. daily. The project does not propose changes to the existing market.

Staff Recommendation

Continue the Public Hearing to the Regular City Council meeting of February 7, 2023, per the request of the applicant.

B. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING CHAPTER 16.50 (STATE-MANDATED SUBDIVISIONS) AND CHAPTER 17.86 (STATE-MANDATED RESIDENTIAL PROJECTS) OF THE SAN CLEMENTE MUNICIPAL CODE TO ESTABLISH OBJECTIVE DESIGN, DEVELOPMENT AND SUBDIVISION STANDARDS REGULATING URBAN LOT SPLIT AND TWO-UNIT PROJECTS IN ACCORDANCE WITH CALIFORNIA SENATE BILL 9; (PROJECT NO. ZONING AMENDMENT 22-395)

Scheduled to be heard at 7:45 p.m.

Public Hearing to consider Amendments to Chapter 16.50 (State-Mandated Subdivisions) and Chapter 17.86 (State-Mandated Residential Projects) of the San Clemente Municipal Code to establish objective design standards, development and subdivision standards regulating urban lot splits and two-unit housing projects in accordance with California Senate Bill 9 (SB 9).

Staff Recommendation

Introduce Ordinance No. 1748 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING CHAPTERS 16.50 AND 17.86 AND AMENDING SECTION 17.52.020 TO THE SAN CLEMENTE MUNICIPAL CODE TO REGULATE URBAN LOT SPLITS AND TWO-UNIT

PROJECTS UNDER SB 9; AND FINDING THE ACTION TO BE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

9. Unfinished Business

A. CONSIDERATION OF TRAFFIC CALMING IN THE COAST NEIGHBORHOOD - CALLE FRONTERA, CALLE JUAREZ, AND CALLE VALLARTA

Staff and the Planning Commission Recommendation

1. Install electronic speed feedback signs, advisory speed signs and edge lines as illustrated in Attachment 5 of the Administrative Report, dated December 20, 2022, and on file with the City Clerk.
2. Appropriate the required funds from the Traffic Calming Project, CIP No. 39807.

10. New Business

A. PROJECT PARTNERSHIP AGREEMENT - U.S. ARMY CORPS OF ENGINEERS FOR THE SAN CLEMENTE SHORELINE PROJECT

Staff Recommendation

Approve, and authorize the Interim City Manager to execute, Contract No. C22-70, a project partnership agreement by and between the City of San Clemente and the U.S. Army Corps of Engineers for the San Clemente Shoreline Project.

B. STAY OF ACTION PENDING COUNCIL APPEAL REGARDING REVOCATION OF CONLEY ADMINISTRATIVE ENCROACHMENT PERMIT SUMMARY

(Agendized at the December 6, 2022 City Council Meeting by Council.)

Staff Recommendation

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

C. RECONSIDERATION OF THE CONTRACT AWARD FOR THE DESIGN OF RICHARD T. STEED MEMORIAL SPORTS PARK PICKLEBALL COURTS

(Agendized at the December 6, 2022 City Council Meeting by Councilmember James with the support of, Mayor Duncan and Mayor Pro Tem Knoblock.)

Staff Recommendation

City Council provide direction on the contract award for the design of pickleball courts at Richard T. Steed Memorial Sports Park.

D. WEEKEND TROLLEY SERVICE EXTENSION

Staff Recommendation

1. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract No. C19-35, by and between the City of San Clemente and LAZ Parking, extending the term of the contract through December 31, 2023 and providing for additional trolley service days (Saturdays and Sundays) during the months of January through March 2023.
2. Authorize a supplemental appropriation of \$59,230 to Account No. 021-808-43690 (Other Professional Services) for Trolley operations on the downtown (Red Line) route on Saturdays. Sundays and two holidays in January through March of 2023 and approve a funding transfer from the General Fund unassigned fund balance in the amount of \$59, 230 to the Local Transit Fund (Account No. 021-000-39204) **OR**

Authorize a supplemental appropriation of \$93,230 to Account No. 021-808-43690 (Other Professional Services) for Trolley operations between January and March 2023 with three trolleys on the red line and two trolleys designated for a pilot route as directed by the City Council and approve a funding transfer from the General Fund unassigned fund balance in the amount of \$93,230 to the Local Transit Fund (Account No. 021-000-39204.

3. Direct staff to pursue a scope change request through OCTA’s semiannual review process to seek approval for any desired changes to the seasonal schedule of the Trolley. (OCTA has already approved extended weekend service in the months of April, May, and October-December for 2023. OCTA has not yet reviewed or approved any expanded service beyond 2023.)

11. Reports (continued from Business Meeting Part 1)

A. Commissions and Committees

B. City Manager

Update on trains idling at T-Street.

C. City Attorney

D. Council Members

(1) UPDATE TO COUNCIL APPOINTEES TO REGIONAL COMMITTEES, COMMISSIONS AND BOARDS AND CITY COUNCIL SUBCOMMITTEES

Staff Recommendation

1. Update Councilmember appointments to various regional committees, commissions and boards.

2. Determine the Councilmember who will serve as the City's representative to the Orange County Fire Authority Board of Directors and adopt Resolution 22-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the name of the City's new Director be inserted.
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E. Council Subcommittee Updates

12. Oral Communications (Part 2)

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13. Adjournment

The next Regular City Council Meeting is scheduled to take place on January 17, 2023. The meeting will take place in the City Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

Note: The meeting of January 3, 2023 was previously cancelled.

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, 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 Council Chambers 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>.