

**NOTICE AND CALL OF SPECIAL MEETING OF THE  
SAN CLEMENTE CITY COUNCIL**

TO MEMBERS OF THE SAN CLEMENTE CITY COUNCIL:

NOTICE IS HEREBY GIVEN that a Special Meeting is hereby called by Mayor Duncan to be held on May 2, 2023 at 5:00 p.m. This meeting is being called to discuss the items on the attached agenda.

Chris Duncan, Mayor  
City of San Clemente

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# CITY OF SAN CLEMENTE

## SPECIAL CITY COUNCIL MEETING AGENDA

City Council Chambers  
910 Calle Negocio, 2<sup>nd</sup> Floor  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

May 2, 2023  
5:00 p.m. – Special Meeting

*Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.*

### CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act ("CEQA") is the state law that requires the City to evaluate and document the potential environmental consequences of discretionary decision. (See, California Public Resources Code Sections 21000-21189.3; and the "CEQA Guidelines" at California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000-15387). For each item that requires a CEQA determination by the City Council, there is a reference to that determination on this agenda, and more information regarding the CEQA analysis is included in the documents that accompany this agenda. To the extent that City staff determines that particular items are not subject to CEQA, there will be no indication of a CEQA action on 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.*

- CALL TO ORDER**
- PLEDGE OF ALLEGIANCE**
- ROLL CALL**

**1. CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Existing litigation pursuant to Government Code Section 54956.9(d)(1)  
Number of Cases: 2

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)

**2. CLOSED SESSION REPORT – CITY ATTORNEY**

**3. FILLING OF COUNCILMEMBER VACANCY**

Staff Recommendation

- 1. Determine whether Council wishes to consider appointing a person to fill the unexpired vacancy on the City Council (November 2024). If an appointment is to be pursued, determine whether or not to direct the City Clerk to invite San Clemente registered voters to submit letters of qualifications and decide whether to schedule a date to interview candidates and make an appointment. If Council chooses to appoint an interim Councilmember, it must do so within 60 days of April 29, 2023, which represents the date that the vacancy commenced.

OR

2. Schedule a Special Election to be held on March 5, 2024.
4. **UPDATE AND DISCUSSION REGARDING THE SLOPE FAILURE AT CASA ROMANTICA**
5. **ADJOURNMENT**

The next Regular Council Meeting is scheduled to take place on May 2, 2023 at 6:00 p.m. The meeting will take place in the Council Chambers, located at 910 Calle Negocio, 2<sup>nd</sup> 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 City Council Chambers, located at 910 Calle Negocio, 2<sup>nd</sup> Floor, San Clemente. Closed Session will begin 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 be viewed by accessing the City's website at [www.san-clemente.org](http://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>.