



4:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

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

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.

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.

CLOSED SESSION (4:00 P.M.)**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

Number of Cases: 1

Facts and Circumstances per Government Code section 54956.9(e)(2): Allegations under the California Voting Rights Act of 2001

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Existing litigation pursuant to Government Code Section 54956.9(d)(1)

Number of Cases: 3

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)

Case Name: *Ferguson v. San Clemente, et al.*

Orange County Superior Court Case No. 30-2021-01221022-CU-WM-CJC

C. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Whether to initiate litigation pursuant to Government Code section 54956.9(d)(4)

Number of Cases: 1

Case Name: *Southern California Edison Company v. California State Board of Equalization*

Orange County Superior Court Case No: 30-2023-01328239-CU-MC-CXC

BUSINESS MEETING (6:00 P.M.)**CALL TO ORDER**

INVOCATION – Jean Quinn, Local Spiritual Assembly of the Baha'is of San Clemente

PLEDGE OF ALLEGIANCE**ROLL CALL****1. Special Presentations****A. Homeless Update****B. Recognition of San Clemente High School Boys Track State Champions**

Recognition of Pierce Clark, Jackson Brownell, Brett Ephraim and Taj Clark on their Boys Track State Championship.

2. 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. Under the Ralph M. Brown Act, the City Council cannot act on items raised during public comment but may respond briefly to statements made or questions posed, request clarification or refer the item to staff.

3. Motion waiving reading in full of all Resolutions and Ordinances**4. 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.

5. Closed Session Report - City Attorney**6. 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 CITY COUNCIL REGULAR MEETING MINUTES OF JUNE 20, 2023.](#)
- (2) [APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF JUNE 22, 2023.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF APRIL 25, 2023.](#)
- (2) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF MAY 23, 2023.](#)

- (3) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF JUNE 22, 2023.](#)
- (4) [PLANNING COMMISSION REGULAR STUDY SESSION MINUTES OF JUNE 21, 2023.](#)
- (5) [PLANNING COMMISSION REGULAR MEETING MINUTES OF JUNE 21, 2023.](#)

C. Warrant Register

- | | | |
|-----|---|---------------------------------------|
| (1) | <u>APPROVE WIRE TRANSFER NOS. 2866 THROUGH 2869 AND WARRANT NOS. 589046 THROUGH 589171, PAID ON 6-16-23, IN THE AMOUNT OF</u> | <u>\$1,361,196.24</u> |
| (2) | <u>APPROVE WIRE TRANSFER NOS. 2870 THROUGH 2871 AND WARRANT NOS. 589172 THROUGH 589311, PAID ON 6-23-23, IN THE AMOUNT OF</u> | <u>\$883,280.90</u> |
| (3) | <u>APPROVE WIRE TRANSFER NOS. 2872 THROUGH 2875 AND WARRANT NOS. 589312 THROUGH 589478, PAID ON 6-30-23, IN THE AMOUNT OF</u> | <u>\$923,840.26</u> |
| (4) | <u>APPROVE WIRE TRANSFER NOS. 2876 THROUGH 2880 AND WARRANT NOS. 589479 THROUGH 589706, PAID ON 7-7-23, IN THE AMOUNT OF</u> | <u>\$5,509,110.73</u> |
| | TOTAL WARRANT REGISTER | \$8,677,428.13 |

Payroll Register

- | | |
|---|----------------|
| WARRANT NO. 903, AUTOMATIC DEPOSIT ADVISES 86377 THROUGH 86706, FOR THE PERIOD 5-29-23 THROUGH 6-11-23, PAID ON 6-16-23, IN THE AMOUNT OF | \$515,661.84 |
| WARRANT NOS. 904 THROUGH 907 AUTOMATIC DEPOSIT ADVISES 86707 THROUGH 87063, FOR THE PERIOD 6-12-23 THROUGH 6-25-23, PAID ON 6-30-23, IN THE AMOUNT OF | \$538,807.40 |
| TOTAL PAYROLL REGISTER | \$1,054,469.24 |

D. ORDINANCE NO. 1753 (SECOND READING) - THE COASTAL ADVISORY COMMITTEE

Staff Recommendation

1. Adopt Ordinance No. 1753 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 2.29 TO THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO CREATE A COASTAL ADVISORY COMMITTEE.
2. Upon adoption of Ordinance No. 1753, direct the City Clerk to recruit to fill 5 vacancies on the newly created Coastal Advisory Committee, and set a meeting date to interview and appoint committee members.

E. CONSIDERATION OF APPROVAL FOR TRAINING - MAYOR PRO TEMPORE KNOBLOCK ATTENDANCE AT CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (JPIA) RISK MANAGEMENT EDUCATIONAL FORUM

Staff Recommendation

Approve training request for Mayor Pro Tem Knoblock in the amount of \$700 to attend the California JPIA Risk Management Educational Forum.

F. CONSIDERATION OF APPROVAL FOR TRAVEL - MAYOR DUNCAN ATTENDANCE AT COMMANDANT'S NATIONAL SECURITY PROGRAM (CNSP)

Staff Recommendation

Approve the Mayor's request for reimbursement of \$425 for roundtrip airfare from Los Angeles to Harrisburg, Virginia to participate in the Commandant's National Security Program.

G. CONSIDERATION OF WAIVING THE BLACKBALL POLICY AT T-STREET FOR SPECIAL EVENT PERMIT - ANNUAL RED BULL FOAM WRECKERS TOUR AND DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 1 (EXISTING FACILITIES)

Staff Recommendation

Adopt Resolution No. 23-64, which will:

1. Determine that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the state CEQA guidelines.
2. Approve a waiver of the blackball policy at T-Street for up to three years for one day in August, to allow for the setup and operation of the Red Bull Foam Wreckers Tour surf contest.

H. **CONTRACT AWARD - FY 2023-2024 STREET IMPROVEMENT PROGRAM AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 23-65, which will:

1. Find the FY 2023-24 Street Improvement Program, Project No. 14337 categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Award the FY 2023-24 Street Improvement Program to Roy Allan Slurry Seal, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C23-39, by and between the City of San Clemente and Roy Allan Slurry Seal, Inc., providing for the FY 2023-24 Street Improvement Program, in an amount not to exceed \$2,754,072, plus a 10% project contingency of \$275,407, in a form substantially similar to Contract No. C23-39 (Attachment 4).

I. **CONSIDERATION OF UPDATING THE SPILL EMERGENCY RESPONSE PLAN SECTION OF THE CITY OF SAN CLEMENTE SANITARY SEWER MANAGEMENT PLAN AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE ENVIRONMENTAL QUALITY ACT UNDER CLASS 8**

Staff Recommendation

Adopt Resolution No. 23-66, which will:

1. Determine that the Project is categorically exempt from CEQA under Class 8 (Actions by Regulatory Agencies for Protection of the Environment, 14 CCR section 15308), of the State CEQA Guidelines.
2. Approve, and authorize the City Manager and Utilities Manager to execute, the Spill Emergency Response Plan (Contract No. C23-41).
3. Authorize the City Manager and Utilities Manager to approve the Spill Emergency Response Plan Amendment, and any future minor updates mandated by the State Water Resources Control Board regarding the Sanitary Sewer Management Plan, Sanitary Sewer Overflow Prevention Plan and Sanitary Sewer Overflow Emergency Response Plan.

J. CONTRACT AWARD - PURCHASE OF COHESITY DATA PROTECTION SYSTEM

Staff Recommendation

Adopt Resolution No. 23-67, which will:

1. Award Bid IT-036 to Savant Solutions, Inc.
2. Approve, and authorize the City Manager to execute, Contract No. C23-40, by and between the City of San Clemente and Savant Solutions, Inc., providing for Cohesity Data Protection Solution under the terms of the State of California SLP-21-70-0276D, in an amount not to exceed \$137,011, which includes \$124,511 for the equipment and software purchase, training, three years of service, maintenance and support, as well as a contingency of \$12,500 for increased data capacity as needed over the three-year term.
3. Authorize City Staff to accept the Cohesity End User License Agreement and Cohesity Software-as-a-Service (SAAS) Terms of Service.

K. CONSIDERATION OF APPROVING THE STRATEGIC IMPLEMENTATION PROGRAM FOR FISCAL YEAR 2023-2024

Planning Commission Recommendation

Adopt Resolution No. 23-68, which will approve the General Plan Strategic Implementation Program for Fiscal Year 2023-24.

L. CONSIDERATION OF DELEGATING BANKING AND CUSTODIAL AUTHORITY

Staff Recommendation

Adopt Resolution No. 23-69, which will delegate banking and custodial authority to the Mayor, City Manager and City Treasurer as representatives of the City to approve and authorize banking and custodial documents.

M. CONSIDERATION OF APPROVING A CONTRACT CHANGE ORDER TO CONTINUE EMERGENCY PUMP WATCH SERVICES AND APPROPRIATING SUPPLEMENTAL FUNDING FOR CYPRUS SHORE PUMP STATION EMERGENCY OPERATION

Staff Recommendation

Adopt Resolution No. 23-70, which will:

1. Find 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 \$340,960 to Account Number 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve to fund emergency wastewater operations through March 2024.
4. Approve, and authorize the City Manager to execute, Change Order No. 7 to Contract No. C21-41, by and between the City of San Clemente and O'Connell Engineering and Construction, Inc., providing for Cyprus Shore Emergency Pump Station Bypass Operation, Project No. 12209, through September 30, 2023, on a time and materials basis in the amount of \$183,360.

7. 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. BY-DISTRICT ELECTIONS - CONTINUATION OF PUBLIC HEARING

Public Hearing pursuant to Elections Code Section 10010(a)(1) for the purpose of inviting and receiving public input regarding the composition of districts before and the inform the drawing of a draft map or maps of the proposed boundaries of districts. if the Council passes a resolution of intention outlining its intention to transition from at-large to district based elections under Government Code Section 34886 effective for the November 2024 General Municipal Election.

Staff Recommendation

Continue the Public Hearing to the Regular City Council meeting of August 15, 2023 and direct the City Clerk to re-advertise the Public Hearing.

B. CONSIDERATION OF ADOPTING AN UPDATED RECREATION FEE SCHEDULE AND REPEALING AND REPLACING POLICY AND PROCEDURE 702-5 RECREATION SPORTS PARTNERSHIPS

Public Hearing to consider a City-initiated proposal to amend the parks and recreation fee schedule associated with the discount given to youth sports organizations with approved sport partnerships pursuant to Chapter 66018(a) of the California Government Code.

Staff and the Beaches, Parks and Recreation Commission Recommendation

1. Adopt Resolution No. 23-71, which will repeal and replace Policy and Procedure 702-5 Youth Field Sports Recreation Partnership.
2. Adopt Resolution No. 23-72, which will amend the recreation fee schedule and repeal Resolution No. 16-23.

C. PUBLIC HEARING AND INTRODUCTION (FIRST READING) OF AN ORDINANCE AMENDING CHAPTER 13.29.190 SUBSECTION (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Public Hearing to consider a proposal to amend the City of San Clemente Municipal Code Section 13.24 regarding proposed rate modification for the Sewer Utility.

Staff Recommendation

1. The public protest hearing be held and protests be counted.
2. If protests are not received from a majority of parcels receiving wastewater service, introduce and conduct the first reading of Ordinance No. 1754 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 13.24.190 SUBSECTIONS (D) AND (E) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO SANITARY SEWER RATES AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

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

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 a.m. - 8 p.m. daily.

Staff Recommendation

Adopt Resolution No. 23-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 22-197, PRIMO FOOD BEER AND WINE, A REQUEST TO ALLOW BEER AND WINE SALES FOR OFF SITE CONSUMPTION LOCATED AT 2801 EL CAMINO REAL and affirm the Zoning Administrator's approval of Minor Conditional Use Permit 22-197.

E. CONSIDERATION OF APPROVING THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE) COASTAL STORM DAMAGE REDUCTION PROJECT; ADOPTING THE FINAL FEASIBILITY STUDY AND CERTIFYING THE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)/ FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) AND SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (SEA) AND FINDING OF NO SIGNIFICANT IMPACT (FONSI); ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND AUTHORIZING ENTRY INTO A STATE LANDS LEASE

Public Hearing to consider the San Clemente and United States Army Corps of Engineers Coastal Storm Damage Reduction Project (Proposed Project); certify the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR); adopt a Mitigation Monitoring and Reporting Program and Findings of Fact; and file a Notice of Determination.

Staff Recommendation

Adopt Resolution No. 23-74, which will:

1. Approve the Project which will implement public beach restoration activities placing 251,000 cubic yards of sand on the City's beaches in 2023 with eight future beach sand replenishment events over the next 50 years (through 2073/2074).
2. Adopt the Final Feasibility Study and certify the Final Environmental Impact Statement (FEIS)/Final Environmental Impact Report (FEIR) and Supplemental Environmental Assessment (SEA)/Finding of No Significant Impact (FONSI).
3. Adopt the Mitigation Monitoring and Reporting Program.
4. Adopt the Findings of Fact and Statement of Overriding Considerations.
5. Direct the Public Works Director/City Engineer to file the California Environmental Quality Act (CEQA) Notice of Determination with the County Clerk.
6. Authorize City Manager to enter into a State Lands Lease with the California State Lands Commission in support of the Project.

F. [CODE AMENDMENT - COMMERCIAL AND RECREATIONAL VEHICLE PARKING AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT](#)

(Agendized by Councilmember James, with the support of Councilmember Cabral and Mayor Duncan at the February 21, 2023 Regular City Council meeting.)

Public Hearing for the City Council to consider a recommendation of the Public Safety Committee to adopt a proposed ordinance to amend various provisions to Title 10, Vehicles and Traffic, of the San Clemente Municipal Code (SCMC) to modify regulations related to the parking of commercial, recreational, and oversize vehicles on public property, including streets.

Staff and Public Safety Committee Recommendation

Introduce Ordinance No. 1755 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 10.04, 10.28 OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PARKING OF COMMERCIAL, RECREATIONAL, AND WIDE VEHICLES AND TRAILERS ON PUBLIC PROPERTY AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

8. **Unfinished Business**

None.

9. **New Business**

A. [CODE AMENDMENT - RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND HUMAN AFFAIRS COMMITTEE, RESPECTIVELY, ADDING CHAPTER 2.45, ESTABLISHING AN ARTS AND CULTURE COMMITTEE; AND CONSIDERATION OF A RESOLUTION REGARDING COMPENSATION FOR MEMBERS OF THE ARTS AND CULTURE COMMITTEE AND COASTAL ADVISORY COMMITTEE](#)

(Agendized by Council at the June 20, 2023 Regular City Council meeting.)

Staff Recommendation

1. Introduce Ordinance No. 1756 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 2.28 AND 2.40 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND HUMAN AFFAIRS COMMITTEE, RESPECTIVELY, ADDING CHAPTER 2.45 ESTABLISHING AN ARTS AND CULTURE COMMITTEE.

2. Adopt Resolution No. 23-75 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RELATING TO COMPENSATION PAID TO MEMBERS OF THE ARTS AND CULTURE COMMITTEE AND COASTAL ADVISORY COMMITTEE.
3. Upon adoption of Ordinance No. 1756, direct staff to recruit to fill five vacancies on the newly created Arts and Culture Committee and set a meeting date to interview and appoint committee members.
4. Receive and file the Administrative Report, dated July 18, 2023, which is on file with the City Clerk.

B. CONSIDERATION OF DIRECTING FUTURE REPAIRS AT CASA ROMANTICA, FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROPRIATING \$8,583,560 IN FUNDING

Staff Recommendation

Adopt Resolution No. 23-76, which will:

1. Find the project exempt from the California Environmental Quality Act pursuant to Section 15269(c) of the State CEQA Guidelines.
2. Find that an emergency exists due to the potential failure of an existing slope 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 analysis and competitive bidding process.
3. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health.
4. Approve a supplemental appropriation in the amount of \$8,583,560 to Account Number 001-481-43470-000-23502 from the Capital Reserve Fund balance.
5. Authorize and direct staff to take such actions as are necessary and proper to start immediately on the emergency slope stabilization repairs at Casa Romantica, including entering into a contract and bringing a future agenda item to City Council to ratify an Emergency Construction Contract with Alliance Diversified Enterprises, Inc. on a time and materials basis for an amount not to exceed \$7,800,000.
6. Authorize and direct staff to enter into a contract and bring a future agenda item to City Council to ratify an Emergency Professional Consultant Services Agreement with LGC Geotechnical, Inc. on a time and materials basis for an amount not to exceed \$783,560 for geotechnical design and consulting,

construction oversight, testing and inspection as well as the subcontracted work to include surveying and civil site design.

C. I-5 FREEDOM NETWORK/THE LEVI PROJECT REQUEST FOR USE OF CITY LETTERHEAD

Staff Recommendation

Approve use of the City Letterhead for the i-5 Freedom Network/The Levi Project.

D. AGREEMENT BETWEEN THE CITY OF SAN CLEMENTE, THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE ORANGE COUNTY TRANSPORTATION AUTHORITY

Staff Recommendation

There is no staff recommendation for this item.

10. 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.. Under the Ralph M. Brown Act, the City Council cannot act on items raised during public comment but may respond briefly to statements made or questions posed, request clarification or refer the item to staff.

11. Future Agenda Items

12. Reports

A. Commissions and Committees

B. Council Subcommittee Updates

C. Council Members

(1) DESIGNATION OF VOTING DELEGATE AND ALTERNATE(S) TO REPRESENT SAN CLEMENTE AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

Staff Recommendation

Determine whether or not to appoint a voting delegate to represent the City at the Annual Business Meeting of the League of California Cities Annual Conference on September 22, 2023, and also determine whether or not to appoint an alternate(s) to vote on the City's behalf in the event the voting delegate is unable to vote at the Annual Business Meeting.

D. City Attorney

E. City Manager

13. Adjournment

Tonight's meeting is adjourned in memory of Dena Van Slyke.

The next Regular Council Meeting is scheduled to take place on August 15, 2023. Closed Session will begin at 5:00 p.m. and the Regular Business Meeting will begin at 6:00 p.m. The meeting will take place in the Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente.

Note: The City Council Regular Meeting of August 1, 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. Closed Session are considered 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, 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>.