



5:00 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 (5:00 P.M.)**A. 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)

B. 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): Demand by former City Councilmember Gene James that the City reimburse him for his attorney fees incurred in defending *James Bieber v. Gene James*, OCSC Case No. 30-2020-01145593-CU-DF-CJC .

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Discussion concerning real property transactions in compliance with Government Code section 54956.8 regarding:

Real Property Negotiations: APN 679-152-03, APN 678-163-01 and part of APN 678-163-01

Property: 2.7-acre undeveloped area on the west side of Vista Hermosa Park, 3.3-acre undeveloped lot at the southeast corner of Avenida Vista Hermosa and Camino Vera Cruz, and 2.3-acre undeveloped area at the southwest Avenida Vista Hermosa and La Pata

City Negotiators: Andy Hall, City Manager, Cecilia Gallardo Daly, Community Development Director and Jonathan Lightfoot, Economic Development Officer

Negotiating Parties: Orange County Fire Authority

Under Negotiation: Price and terms

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Senior Pastor Holland Davis, Calvary Chapel San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations**A. Presentation of Proclamation - Hunger Action Month**

Presentation of Proclamation to Malia Cary with Second Harvest Food Bank of Orange County, proclaiming September as Hunger Action Month.

B. Presentation of Proclamation - Service Club Month

Presentation of Proclamation to San Clemente Service Clubs, proclaiming September as Service Club Month.

C. Presentation of Proclamation - Constitution Week

Presentation of Proclamation to Pat Mueller and Mary Dahm, San Clemente Island Daughters of the American Revolution, setting apart September 17-23, 2023 as Constitution Week.

D. Introduction of Contract Coastal Administrator - US Army Corps of Engineers San Replenishment Project Update

Introduction of Contract Coastal Administrator, Leslea Meyerhoff, and update on the US Army Corps of Engineers Sand Replenishment Project.

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. Staff Communications****7. 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 SPECIAL AND REGULAR MEETING MINUTES OF AUGUST 15, 2023.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF JULY 25, 2023.](#)

C. Warrant Register

- | | | |
|-----|---|---------------------------------------|
| (1) | <u>APPROVE WIRE TRANSFER NOS. 2895 THROUGH 2896 AND WARRANT NOS. 590276 THROUGH 590405, PAID ON 8-4-23, IN THE AMOUNT OF</u> | <u>\$2,036,664.03</u> |
| (2) | <u>APPROVE WIRE TRANSFER NOS. 2897 THROUGH 2902 AND WARRANT NOS. 590406 THROUGH 590595, PAID ON 8-11-23, IN THE AMOUNT OF</u> | <u>\$2,892,064.03</u> |
| (3) | <u>APPROVE HANDWRITE NO. 590725; WIRE TRANSFER NOS. 2903 THROUGH 2905 AND WARRANT NOS. 590596 THROUGH 590724, PAID ON 8-18-23, IN THE AMOUNT OF</u> | <u>\$1,471,452.55</u> |
| | TOTAL WARRANT REGISTER | \$6,400,180.61 |

Payroll Register

WARRANT NOS. 908 THROUGH 910 AUTOMATIC DEPOSIT ADVISES 87757 THROUGH 88119, FOR THE PERIOD 7-24-23 THROUGH 8-6-23, PAID ON 8-11-23, IN THE AMOUNT OF	\$541,045.58
TOTAL PAYROLL REGISTER	\$541,045.58

D. **ORDINANCE NO. 1755 (SECOND READING) - TO MODIFY THE DEFINITION OF "COMMERCIAL VEHICLE" AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Ordinance No. 1755 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 10.04.010(B)(1) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE DEFINITION OF "COMMERCIAL VEHICLE" AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

E. **ORDINANCE 1758 (SECOND READING) - MODIFYING THE COASTAL ADVISORY COMMITTEE'S MISSION STATEMENT**

Staff Recommendation

Adopt Ordinance No. 1758 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.29.015 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE REGARDING THE COASTAL ADVISORY COMMITTEE'S MISSION STATEMENT.

F. **CONSIDERATION OF A RESOLUTION AWARDING A CONTRACT FOR PRINTING SERVICES FOR THE QUARTERLY CITY RECREATION MAGAZINE TO WESTAMERICA COMMUNICATIONS, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TWO-YEAR CONTRACT NOT TO EXCEED \$120,304 PER YEAR**

Staff Recommendation

Adopt Resolution No. 23-90, which will:

1. Award a professional services contract to WestAmerica Communications, Inc. for printing services for the quarterly recreation magazine.
2. Approve, and authorize the City Manager to execute, Contract No. C23-48, by and between the City of San Clemente and WestAmerica Communications, Inc., providing for printing services for the quarterly recreation magazine for a term of two (2) years, in an amount not to exceed \$114,576, plus a 5% contingency of \$5,728, per year, for a total not to exceed contract amount of \$120,304 annually.

G. CONSIDERATION OF PARTICIPATION IN SANDAG REGIONAL BEACH SAND PROJECT III

Staff Recommendation

Authorize the Mayor to execute, and staff to submit, a letter to the San Diego Association of Governments (SANDAG) requesting that the City of San Clemente, as a member City in the Oceanside Littoral Cell, have the opportunity to participate in the Phase I planning tasks of the Regional Beach Sand Project (RBSP) III, which supports continued San Clemente Coastal Resiliency Plan implementation goals of establishing a citywide comprehensive beach restoration program.

H. CONSIDERATION OF AUTHORIZING A GRANT APPLICATION TO THE CALIFORNIA COASTAL COMMISSION FOR IDENTIFICATION OF OFFSHORE SAND SOURCES

Staff Recommendation

Adopt Resolution No. 23-91, which will:

1. Authorize the submittal of an application to the California Coastal Commission for a Local Coastal Program Grant to fund an offshore borrow site investigation to find additional sand sources that can be used to develop additional beach nourishment projects in San Clemente and pursue additional grant funding opportunities to support coastal resiliency plan implementation.
2. Find the project that the grant funding would be used for is categorically exempt under Class 6 (Information Collection, 14 CCR 15306), Section 15306 of the state CEQA Guidelines.
3. Authorize the City Manager to execute the grant agreement, if awarded.

I. **CONSIDERATION OF A RESOLUTION RATIFYING AN EMERGENCY CONSTRUCTION AGREEMENT WITH GCI CONSTRUCTION, INC. FOR THE SAN CLEMENTE VILLAS BY THE SEA STORM DRAIN REPAIRS; PROJECT NO. 26001**

Staff Recommendation

Adopt Resolution No. 23-92, which will:

1. Make a finding that an emergency existed due to the potential failure of the slope where the damaged storm drain is located and that the situation required immediate action to prevent or mitigate impairment to property and public services that might otherwise occur if the City were required to incur delays attributed to the typical engineering analysis and competitive bidding process.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health.
3. Ratify Contract No. C23-49, by and between the City of San Clemente and GCI Construction, Inc., providing for the emergency repairs for the San Clemente Villas by the Sea Storm Drain Repairs, Project No. 26001, that have already been performed, in an amount not to exceed \$95,500.

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. **PUBLIC HEARING #2 REQUESTING PUBLIC INPUT REGARDING THE COMPOSITION OF POTENTIAL COUNCIL ELECTION DISTRICTS**

Public Hearing to solicit public input on the composition of the districts in preparation for the transition from at-large to district-based elections for City Council pursuant to Elections Code Section 10010 and Government Code Section 34886, effective for the November 2024 General Municipal Election.

Staff Recommendation

1. Conduct the public hearing and receive public input regarding the composition of the potential Council election districts.
2. Provide direction to NDC on the Council's preference for 5 Council districts with a rotating Mayor, or for 4 Council districts with a citywide-elected Mayor. If 4 districts with a Citywide-elected Mayor is preferred, provide guidance on

whether the Mayoral term should be 2 years or 4 years.

B. INTRODUCTION (FIRST READING) OF ZONING AMENDMENT 22-366, AN ORDINANCE RELATED TO ZONING PERMIT STREAMLINING

Public Hearing to consider a City-initiated amendment to Title 17 (Zoning) of the San Clemente Municipal Code to update the staff-level approval process for minor architectural changes; consolidate planning applications to make it easier for the public to understand which zoning permits are required and reduce staff time on report writing, shortening the timeline between application submittal and decisions; reduce the level of public hearing decisions for several planning application types; clarify planning permit review procedures to facilitate staff and public understanding and implementation.

Planning Commission Recommendation

1. Introduce Ordinance No. 1759 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 22-366 AMENDING CERTAIN SECTIONS AND TABLES OF TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE; TO CLARIFY, STREAMLINE, AND CONSOLIDATE PERMIT PROCEDURES, WHILE MAINTAINING ADEQUATE REVIEW OF PROPOSALS THAT ARE REGULARLY WITHOUT SIGNIFICANT IMPACTS AND PUBLIC CONCERNS.
2. Designate the Planning Commission as the appeals body for the Zoning Administrator.
3. Reduce the appeals fee to \$100.

Staff Recommendation

1. Introduce Ordinance No. 1759 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 22-366 AMENDING CERTAIN SECTIONS AND TABLES OF TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE; TO CLARIFY, STREAMLINE, AND CONSOLIDATE PERMIT PROCEDURES, WHILE MAINTAINING ADEQUATE REVIEW OF PROPOSALS THAT ARE REGULARLY WITHOUT SIGNIFICANT IMPACTS AND PUBLIC CONCERNS.
2. Adopt Resolution No. 23-93 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING THE FEE SCHEDULE TO REFLECT ZONING ORDINANCE AMENDMENTS THAT CONSOLIDATE AND MODIFY SEVERAL PLANNING APPLICATIONS.

3. Maintain the current permit appeals process and fee.

9. Unfinished Business

None.

10. New Business

A. REVIEW OF THE ADMINISTRATIVE HEARINGS AND APPEALS FEE

(Agendized by Mayor Pro Tem Knoblock, with the support of Councilmember Loeffler at the August 15, 2023 City Council meeting.)

11. 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.

12. Future Agenda Items

13. Reports

- A. Commissions and Committees**
- B. Council Subcommittee Updates**
- C. Council Members**
- D. City Attorney**
- E. City Manager**

14. Adjournment

Adjourn to an Adjourned Regular Council Meeting to be held on September 14, 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.

Please note that the Regular City Council meeting of September 19, 2023 was rescheduled to September 14, 2023.

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>.