



5:00 p.m. - Closed Session
6:00 p.m. - Business Meeting

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

****Revised to Include Closed Session Item
B - Existing Litigation**

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 - INITIATION OF LITIGATION**

Whether to initiate litigation pursuant to Government Code section 54956.9(d)(4) in the form of joining an amicus curiae brief

Number of Cases: 1

Case Name: *Johnson, et. al v. City of Grants Pass*

United States Court of Appeals for the Ninth Circuit Docket Nos.: 20-35881

B. 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)

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

INVOCATION – Associate Pastor Jared Powell, Paradigm Church

PLEDGE OF ALLEGIANCE**ROLL CALL****1. Special Presentations****A. Recognition of PierPride**

Presentation of commendation to PierPride presented by Assemblywoman Davies and Senator Nguyen in recognition of PierPride's contributions to San Clemente.

Presentation of Commendation by Mayor Duncan presented to PierPride recognizing October as PierPride month.

Presentation by Amber Gregg, Vice President, PierPride, concerning an update on PierPride activities and accomplishments.

B. Presentation of Proclamation - World Alzheimer's Month

Presentation of proclamation to World Alzheimer's Association, proclaiming September as World Alzheimer's Month.

C. Recognition of Local Men and Women Competing in the World Surf League

Presentation of commendations to our San Clemente men and women surfers in recognition of their participation in the World Surf League (WSL).

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**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 MEETING MINUTES OF SEPTEMBER 5, 2023.](#)
- (2) [APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF SEPTEMBER 5, 2023.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [CITIZENS AMPHITHEATER COMMITTEE REGULAR MEETING MINUTES OF JULY 24, 2023.](#)
- (2) [HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF AUGUST 8, 2023.](#)

C. Warrant Register

(1) APPROVE WIRE TRANSFER NOS. 2906 THROUGH 2910 AND WARRANT NOS. 590726 THROUGH 590924, PAID ON 8-25-23, IN THE AMOUNT OF \$4,379,897.56

TOTAL WARRANT REGISTER \$4,379,897.56

Payroll Register

APPROVE WARRANT NOS. 911 THROUGH 913, AUTOMATIC DEPOSIT ADVISES 88120 THROUGH 88467, FOR THE PERIOD 8-7-23 THROUGH 8-20-23, PAID ON 8-25-23, IN THE AMOUNT OF \$508,823.57

TOTAL PAYROLL REGISTER \$508,823.57

D. ORDINANCE 1757 (SECOND READING) - AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

Staff Recommendation

Adopt Ordinance No. 1757 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

E. CONSIDERATION OF RED CURB INSTALLATION ON WEST AVENIDA CORNELIO AT AVENIDA DEL PRESIDENTE, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 (EXISTING FACILITIES, 14 CCR SECTION 15301) OF THE STATE CEQA GUIDELINES

Planning Commission and Staff Recommendation

Adopt Resolution No. 23-94, which will:

1. Find the project categorically exempt from CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve the red curb installation on West Avenida Cornelio at Avenida Del Presidente as illustrated in Attachment 1 of the Administrative Report dated September 14, 2023.

F. CONSIDERATION OF RED CURB INSTALLATION ON CAMINO FARO AT VIA CHALUPA, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 (EXISTING FACILITIES, 14 CCR SECTION 15301) OF THE STATE CEQA GUIDELINES

Planning Commission and Staff Recommendation

Adopt Resolution No. 23-95, which will:

1. Find the project categorically exempt from CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve the red curb installation on Camino Faro at Via Chalupa as illustrated in Attachment 2 of the Administrative Report dated September 14, 2023.

G. CONSIDERATION OF RED CURB INSTALLATION AT 366 CAMINO DE ESTRELLA NEAR THE NORTHERLY DRIVEWAY OF VINTAGE SHORES SENIOR APARTMENTS, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 (EXISTING FACILITIES, 14 CCR SECTION 15301) OF THE STATE CEQA GUIDELINES

Planning Commission and Staff Recommendation

Adopt Resolution No. 23-96, which will:

1. Find the project categorically exempt from CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve the red curb installation at 366 Camino de Estrella near the northerly driveway of Vintage Shores Senior Apartments as illustrated in Attachment 1 of the Administrative Report dated September 14, 2023.

H. CONSIDERATION OF A COOPERATIVE AGREEMENT FOR COUNTYWIDE SIGNAL SYNCHRONIZATION BASELINE PROJECT

Staff Recommendation

Adopt Resolution No. 23-97, which will authorize the City Manager to execute, Contract No. 23-50, a cooperative agreement (C-3-2431), by and between the City of San Clemente and the Orange County Transportation Authority, providing for Countywide Signal Synchronization Baseline Project

I. **CONTRACT AWARD - WORKERS' COMPENSATION THIRD PARTY ADMINISTRATIVE SERVICES**

Staff Recommendation

Adopt Resolution No. 23-98, which will approve, and authorize the City Manager to execute, Contract No. 23-52, by and between the City of San Clemente and AdminSure, Inc., providing for Workers' Compensation Third Party Administrative Services, in an amount not to exceed \$100,000 cumulatively, with the option for two one-year extensions in an amount not to exceed \$ 38,000 per option year.

J. **CONTRACT AWARD - SEWER LINE POINT REPAIRS AND LINING**

Staff Recommendation

Adopt Resolution No. 23-99, which will:

1. Approve a supplemental appropriation in the amount of \$126,000 from the Sewer Fund Depreciation Reserve to Account No. 054-476-43420-000-28206.
2. Award the Sewer Line Point Repairs and Lining (CIPP), CIP Project No. 28206, construction contract to Insituform Technologies, LLC as the lowest responsible and responsive bidder.
3. Approve, and authorize the City Manager to execute, Contract No. C23-53, by and between the City of San Clemente and Insituform Technologies, LLC, providing for Sewer Line Point Repairs and Lining, in an amount not to exceed \$307,595, in a form substantially similar to Contract No. C23-53 (Attachment 3).
4. Approve a 10% project contingency of \$31,000.

K. **CONSIDERATION OF APPROVING FLEET REPLACEMENT FOR COMBINATION JET/VAC SEWER CLEANING UNIT 1134 AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION**

Staff Recommendation

Adopt Resolution No. 23-100, which will:

1. Approve, and authorize the City Manager to execute the purchase of a 2024 MC1510-3S3S Combination Jet/Vac Sewer Cleaning Unit from Plumbers Depot, Inc. for the replacement of the fleet vehicle number 1134 in the amount of \$703,380.

2. Authorize a supplemental appropriation in the amount of \$703,380 to the Fleet Automotive Account #065-824-45600 from the Fleet Replacement Fund balance.

L. CONSIDERATION TO ACCEPT THE COMPLETED PAVEMENT REHABILITATION ON ACCESS ROADS FOR RESERVOIRS 4, 5 AND 5A

Staff Recommendation

Adopt Resolution No. 23-101, which will:

1. Accept the Pavement Rehabilitation for Reservoirs 4, 5 and 5A, CIP Project No. 21403, from the contractor L.C. Paving and Sealing, Inc.
2. Authorize the Public Works Director/City Engineer to execute, and record the Notice of Completion for Pavement Rehabilitation for Reservoirs 4, 5, and 5A.
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, L.C. Paving and Sealing, Inc.
4. Authorize the City Clerk to release the performance bond upon receipt of a warranty bond in a form acceptable to the Public Works Director/City Engineer in the amount of 25% of the construction cost.

M. CONTRACT AWARD - ENGINEERING CONSULTING SERVICES IN CONNECTION WITH THE AERATION BLOWER IMPROVEMENT PROJECT

Staff Recommendation

Adopt Resolution No. 23-102, which will:

1. Award a Professional Consultant Services Agreement to Trussell Technologies, Inc. for engineering consulting services in connection with the Aeration Blower Improvement Project.
2. Approve, and authorize the City Manager to execute, Contract No. C23-54, by and between the City of San Clemente and Trussell Technologies, Inc., providing for engineering consulting services in connection with the Aeration Blower Improvement Project, in an amount not to exceed \$149,735.

N. CONTRACT AWARD - ENGINEERING CONSULTING SERVICES FOR THE HEADWORKS GRIT CYCLONE REPLACEMENT PROJECT

Staff Recommendation

Adopt Resolution No. 23-103, which will approve, and authorize the City Manager to execute, Contract No. C23-55, by and between the City of San Clemente and Pacific Advanced Civil Engineering, Inc., providing for engineering consulting services for the Headworks Grit Cyclone Replacement Project, CIP Project 13202, in an amount not to exceed \$151,665.

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

Continued 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 an 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 Zoning Administrator.
3. Reduce the appeals fee to \$100.

Staff Recommendation

1. Introduce an 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.

B. CONTINUATION OF PUBLIC HEARING - PROPOSED AMENDMENT TO SECTION 12.28.030 OF THE MUNICIPAL CODE REGARDING TENTS IN CITY PARKS AND BEACHES

Public Hearing to consider a proposed ordinance to amend Section 12.28.030 (Tents in City Parks) of the San Clemente Municipal Code to include beaches under its jurisdiction, ensuring that regulations governing the use of such structures in parks are uniformly applicable to beaches.

Staff Recommendation

Continue the Public Hearing to the Regular City Council meeting of October 3, 2023.

9. Unfinished Business

None.

10. New Business

A. CITIZENS AMPHITHEATER COMMITTEE PROGRESS UPDATE

Staff Recommendation

City Council to provide direction to the Citizens Amphitheater Committee on how to proceed with its research of an outdoor amphitheater and/or performing arts center.

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

The next Regular Council Meeting is scheduled to take place on October 3, 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.

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>.