



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 - INITIATION OF LITIGATION**

Whether to initiate litigation pursuant to Government Code section 54956.9(d)(4)
Number of Cases: 1

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

INVOCATION – Reverend Jesse Lund, Pastor, San Clemente Presbyterian Church

PLEDGE OF ALLEGIANCE**ROLL CALL****1. Special Presentations****A. October is Breast Cancer Awareness Month**

In honor of Breast Cancer Awareness month, we encourage our residents to prioritize their health by scheduling an appointment for early detection.

B. Community Outreach Quarterly Update

Presentation by Danielle Sorahan, Code Compliance Manager, concerning a quarterly update on outreach and security efforts in San Clemente to address homelessness.

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 REGULAR MEETING MINUTES OF OCTOBER 3, 2023.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [PLANNING COMMISSION REGULAR MEETING MINUTES OF AUGUST 16, 2023.](#)
- (2) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF AUGUST 17, 2023.](#)
- (3) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF AUGUST 22, 2023.](#)
- (4) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF SEPTEMBER 21, 2023.](#)
- (5) [BEACHES, PARKS AND RECREATION COMMISSION REGULAR MEETING MINUTES OF JUNE 13, 2023.](#)

C. Warrant Register

(1)	<u>APPROVE HANDWRITE NO. 591550, WIRE TRANSFER NOS. 2927 THROUGH 2928 AND WARRANT NOS. 591551 THROUGH 591747, PAID ON 9-29-23, IN THE AMOUNT OF</u>	<u>\$2,599,967.39</u>
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TOTAL WARRANT REGISTER	\$2,599,967.39
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Payroll Register

None.

D. ORDINANCE 1760 (SECOND READING) - AMENDING SECTION 12.28.030 OF THE MUNICIPAL CODE REGARDING TENTS IN CITY PARKS AND BEACHES, AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Ordinance No. 1760 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.28.030 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO TENTS IN CITY PARKS AND BEACHES, AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

E. ORDINANCE NO. 1761 (SECOND READING) - CODE AMENDMENT TO CHANGE THE ARTS AND CULTURE COMMITTEE FROM FIVE TO SEVEN MEMBERS AND UPDATING THE DUTIES OF THE BEACHES, PARKS AND RECREATION COMMISSION

Staff Recommendation

Adopt Ordinance No. 1761 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.28 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE BEACHES, PARKS AND RECREATION COMMISSION AND CHAPTER 2.45 RELATING TO THE ARTS AND CULTURE COMMITTEE.

F. CONSIDERATION OF APPROVING THE HUMAN AFFAIRS COMMITTEE FISCAL YEAR 2023-2024 WORK PLAN, APPROVING A SUPPLEMENTAL APPROPRIATION OF \$7,000, AND DETERMINING THAT THE WORK PLAN ACTIVITIES ARE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Human Affairs Committee Recommendation

Adopt Resolution No. 23-116, which will:

1. Determine that the FY 2023-24 Work Plan Items are exempt from the California Environmental Quality Act.
2. Approve the FY 2023-24 Work Plan as presented by the Human Affairs Committee, and include in the plan solutions to address homelessness.
3. Approve a supplemental appropriation of \$7,000 to Account No. 001-435-44420.

G. NOTICE OF COMPLETION - T-STREET PEDESTRIAN OVERPASS CONCRETE REHABILITATION

Staff Recommendation

Adopt Resolution No. 23-117, which will:

1. Accept the T-Street Pedestrian Overpass Concrete Rehabilitation, CIP Project No. 23804, from the contractor, Harbor Coating & Restoration, Inc. as complete.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed concrete rehabilitation.
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, Harbor Coating & Restoration, Inc.

H. **CONSIDERATION OF RATIFYING AN EMERGENCY CONSTRUCTION CONTRACT FOR THE RESERVOIR 13 ISOLATION VALVE REPLACEMENT**

Staff Recommendation

Adopt Resolution No. 23-118, which will:

1. Make a finding that an emergency existed to protect public health and safety due to the loss of redundancy in the water distribution system which required immediate action to replace isolation valves and restore normal operation of the Reservoir 13 water storage reservoir to maintain system integrity and an abundant supply of readily available potable water and 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 competitive bidding process.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health.
3. Ratify and authorize the City Manager's execution of, Contract No. C23-59, by and between the City of San Clemente and O'Connell Engineering & Construction, Inc., providing for the needed emergency repairs for the Reservoir 13 Isolation Valve Replacement that have already commenced, in an amount not to exceed \$96,800.
4. Approve a 15% project contingency of \$14,520.

I. **CONTRACT AWARD - STREET PAVEMENT MAINTENANCE FOR AVENIDA VAQUERO (VIA CASCADITA TO CAMINO DE LOS MARES); AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 23-119, which will:

1. Find the Street Pavement Maintenance for Avenida Vaquero, Project No. 13321 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 Street Pavement Maintenance for Avenida Vaquero, to Roy Allan Slurry Seal, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C23-60, by and between the City of San Clemente and Roy Allan Slurry Seal, Inc., providing for the Street Pavement Maintenance for Avenida Vaquero, in an amount not to exceed \$480,993, in a form substantially similar to Contract

No. C23-60.

4. Approve a 10% project contingency of \$48,100.
- J. **CONTRACT AWARD - FURNISH AND DELIVER 19% AQUA AMMONIA TO CITY RESERVOIRS 5A, 10, AND 14, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 23-120, which will:

1. Find the project categorically exempt from California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
 2. Approve the Purchase Contract with KAAM Group, Inc. to furnish and deliver 19% Aqua Ammonia to City reservoirs 5A, 10, and 14 for a two-year period.
 3. Approve and authorize the City Manager, to execute Contract No. C23-61, by and between the City of San Clemente and KAAM Group, Inc., to furnish and deliver 19% Aqua Ammonia for a two-year period, in an amount not to exceed \$50,000, and to authorize the City Manager to approve up to three, one-year extensions to the Contract for amounts not to exceed the approved budget amounts for this chemical in each appropriate fiscal year.
- K. **CONTRACT AWARD - DELIVERY AND SUPPLY OF FERRIC CHLORIDE TO THE WATER RECLAMATION PLANT FOR WASTEWATER TREATMENT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 23-121, which will:

1. Find the project categorically exempt from California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve and authorize the City Manager to execute, Contract No. C23-62, a regional contract, by and between the City of San Clemente SOCWA, Miles Chemical, and SOCWA entities, for the delivery and supply of Ferric Chloride to the City's Water Reclamation Plant for a one-year term.
3. Approve and authorize the Public Works Director/City Engineer to approve up to four annual renewals to the contract for amounts not to exceed the approved budget amounts for this chemical in each appropriate fiscal year.

L. **CONSIDERATION OF TERM SHEET WITH SALTY TURF LLC FOR MINIATURE GOLF DEVELOPMENT AT VISTA HERMOSA SPORTS PARK**

Staff Recommendation

Adopt Resolution No 23-122 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND AUTHORIZING THE EXECUTION OF A TERM SHEET WITH SALTY TURF, LLC FOR THE DEVELOPMENT OF A MINIATURE GOLF COURSE AT THE VISTA HERMOSA SPORTS PARK.

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 #4 TO RECEIVE INPUT ON DRAFT MAPS AND POTENTIAL ELECTION SEQUENCING FOR BY-DISTRICT ELECTIONS**

Public Hearing related to the transition from at-large to district-based elections for City Council pursuant to Elections Code section 10010 and Government Code section 34886 to solicit input on composition of draft maps and potential sequence of elections effective for the November 2024 General Municipal Election.

Staff Recommendation

1. Open and conduct a fourth public hearing.
2. Receive a report from National Demographics Corporation (“NDC”), the demographic consultant, concerning the draft maps proposed, as well as the process for obtaining public input on the draft maps of potential voting districts and potential election sequencing for by-district elections pursuant to Elections Code § 10010.
3. Invite members of the public to provide feedback on the draft maps and potential election sequencing presented.
4. Provide direction regarding selection of a final district map.
5. Provide direction regarding sequencing of the elections.

B. PUBLIC HEARING #5 TO INTRODUCE FOR FIRST READING AN ORDINANCE ADDING SECTIONS 2.04.010 THROUGH 2.04.012 TO THE SAN CLEMENTE MUNICIPAL CODE TO TRANSITION TO BY-DISTRICT ELECTIONS AND SETTING MAYORAL TERM LIMITS

Public Hearing to introduce an Ordinance establishing district-based elections for City Council effective for the November 2024 General Municipal Election.

Staff Recommendation

1. Open a public hearing and invite members of the public to provide feedback on the proposed Ordinance.
2. Introduce Ordinance No. 1762 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING SECTIONS 2.04.010 THROUGH 2.04.012 TO THE SAN CLEMENTE MUNICIPAL CODE, ESTABLISHING A BY- DISTRICT ELECTION PROCESS IN FOUR COUNCIL DISTRICTS WITH AN ELECTIVE OFFICE OF MAYOR PURSUANT TO CALIFORNIA ELECTIONS CODE§ 10010 & CALIFORNIA GOVERNMENT CODE §§ 34871(C) & 34886 AND SETTING MAYORAL TERM LIMITS.

9. Unfinished Business

None.

10. New Business

A. CITY COUNCIL CORRESPONDENCE WITH ORANGE COUNTY SUPERVISOR FOLEY

(Agendized by Councilmember Cabral, with the support of Mayor Pro Tem Knoblock and Councilmember Loeffler, at the September 14, 2023 City Council meeting.)

Staff Recommendation

1. Provide direction in relation to correspondence with Supervisor Foley regarding housing projects.
2. Provide direction in relation to correspondence with Supervisor Foley regarding potential placement of sand on San Clemente beaches.

B. REGULATING UTILITIES WITHIN OPEN SPACE ZONING DISTRICTSStaff Recommendation

Receive and file the Administrative Report dated October 17, 2023, and on file with the City Clerk.

C. WIRELESS COMMUNICATIONS FACILITY LOCATED AT 616 DEL DIOS

(Agendized by Councilmember Cabral, with the support of Councilmember Enmeier, Mayor Duncan and Mayor Pro Tem Knoblock.)

Staff Recommendation

Receive and file the Administrative Report dated October 17, 2023, and on file with the City Clerk.

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****(1) INTERVIEWS AND APPOINTMENT OF BEACHES, PARKS AND RECREATION COMMISSION, COASTAL ADVISORY COMMITTEE AND ARTS AND CULTURE COMMITTEE MEMBERS**Staff Recommendation

Select two dates to interview applicants and make appointments for vacancies on the Beaches, Parks and Recreation Commission, Coastal Advisory Committee and Arts and Culture Committee.

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 November 7, 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>.