



4:30 p.m. - Closed Session  
6:00 p.m. - Business Meeting

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

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*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 (4:30 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

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code section 54956.9(a)(d)  
(2)  
Number of Cases: 2

1. Facts and Circumstances per Government Code section 54956.9(e)(2): Demand by The Law Office of Michelle R. Jackson for payment under the California Voting Rights Act of 2001.
2. 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:

1. 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, Adam Atamian, Community Development Director and Jonathan Lightfoot, City Planner  
Negotiating Parties: Orange County Fire Authority  
Under Negotiation: Price and terms
2. Real Property Negotiations: APN 058-111-55  
Property: 100 Calle Seville, San Clemente, CA 92672  
City Negotiators: Andy Hall, City Manager and Samantha Wylie, Beaches, Parks and Recreation Director  
Negotiating Parties: San Clemente Historical Society and Camino Real Playhouse  
Under Negotiations: Price and terms

**BUSINESS MEETING (6:00 P.M.)****Holiday Serenade - San Clemente High School Madrigals**

Holiday Serenade by the San Clemente High School Madrigals, under the direction of Alexandra Ustick.

**CALL TO ORDER**

**INVOCATION – Lead Pastor Holland David, Calvary Chapel San Clemente**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL****A. ELECTION OF MAYOR AND MAYOR PRO TEMPORE**

The City Clerk will facilitate the election for Mayor and Mayor Pro Tempore.

**B. CONSIDERATION OF MAKING THE MAYOR AND MAYOR PRO TEMPORE TERM EFFECTIVE JANUARY 1 THROUGH DECEMBER 31 OF EACH CALENDAR YEAR**

Staff Recommendation

This item has no staff recommendation.

If the City Council moves to change the Mayor and Mayor Pro Tempore term to be effective January 1 through December 31 of each year, the City Council should direct the City Clerk to update Section 4.2.1 of Policy and Procedure 1201-11 (City Council Meeting and Operating Procedures) to reflect the change.

**1. Special Presentations****A. Presentation of Commendation(s) - San Clemente High School Boys Cross Country CIF Division 1 Champions**

Presentation of Commendation(s) to the San Clemente High School Boys Cross Country Team in recognition of their CIF Division 1 Championship win.

**B. Presentation of Commendation(s) – San Clemente High School Triton Football Team**

Presentation of Commendation(s) to the San Clemente High School Triton Football team in recognition of winning the final South Coast League Championship.

**C. Update on the Sand and Beach Nourishment Project**

Presentation by Leslea Meyerhoff, Coastal Zone Administrator, concerning an update on the Sand and Beach Nourishment 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 REGULAR MEETING MINUTES OF NOVEMBER 7, 2023.](#)
- (2) [APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF NOVEMBER 9, 2023 \(2:00 P.M.\).](#)
- (3) [APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF NOVEMBER 9, 2023 \(4:30 P.M.\).](#)

**B. Commission/Committee Minutes**

Staff Recommendation:

Receive and file the following:

- (1) [INVESTMENT ADVISORY COMMITTEE REGULAR MEETING MINUTES OF JULY 24, 2023.](#)
- (2) [HUMAN AFFAIRS COMMITTEE SPECIAL MEETING MINUTES OF OCTOBER 24, 2023.](#)
- (3) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF OCTOBER 24, 2023.](#)
- (4) [PLANNING COMMISSION/CITY COUNCIL JOINT STUDY SESSION OF NOVEMBER 8, 2023.](#)
- (5) [PLANNING COMMISSION REGULAR MEETING MINUTES OF NOVEMBER 8, 2023.](#)
- (6) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF NOVEMBER 9, 2023.](#)

**C. Warrant Register**

- (1) [APPROVE WIRE TRANSFER NOS. 2944 THROUGH 2949 AND WARRANT NOS. 592338 THROUGH 592513, PAID ON 11-3-23, IN THE AMOUNT OF](#) [\\$1,226,704.28](#)
- (2) [APPROVE WIRE TRANSFER NOS. 2950 THROUGH 2951 AND WARRANT NOS. 592514 THROUGH 592651, PAID ON 11-10-23, IN THE AMOUNT OF](#) [\\$2,404,558.02](#)
- (3) [APPROVE WIRE TRANSFER NOS. 2952 THROUGH 2956 AND WARRANT NOS. 592652 THROUGH 592884, PAID ON 11-17-23, IN THE AMOUNT OF](#) [\\$2,883,784.33](#)
- TOTAL WARRANT REGISTER \$6,515,046.63

**Payroll Register**

WARRANT NO. 917, AUTOMATIC DEPOSIT  
ADVISES 89694 THROUGH 89998,  
FOR THE PERIOD 10-16-23 THROUGH  
10-29-23, PAID ON 11-3-23, IN THE  
AMOUNT OF \$483,384.39

WARRANT NO. 918, AUTOMATIC DEPOSIT  
ADVISES 89999 THROUGH 90295,  
FOR THE PERIOD 10-30-23 THROUGH  
11-12-23, PAID ON 11-17-23,  
IN THE AMOUNT OF \$483,085.72

TOTAL PAYROLL REGISTER \$966,470.11

**D. ORDINANCE 1764 (SECOND READING) - PROHIBITING BICYCLES AND ELECTRIC BICYCLES AT THE MUNICIPAL GOLF COURSE**

Staff Recommendation

Adopt Ordinance No. 1764 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.28.020 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PROHIBITION OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, ON THE SAN CLEMENTE MUNICIPAL GOLF COURSE.

**E. ORDINANCE 1765 (SECOND READING) - CIVIC CENTER LOCATION**

Staff Recommendation

Adopt Ordinance No. 1765 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 1.04.070 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO THE CIVIC CENTER LOCATED AT 910 CALLE NEGOCIO, SAN CLEMENTE, CALIFORNIA 92673.

**F. ORDINANCE 1766 (SECOND READING) - DESIGNATING PUBLIC PLACES FOR POSTING OFFICIAL CITY DOCUMENTS**

Staff Recommendation

Adopt Ordinance No. 1766 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 1.04.080 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO DESIGNATING PUBLIC PLACES FOR POSTING OFFICIAL CITY DOCUMENTS AND REPEALING ORDINANCE NO. 93.

**G. ORDINANCE 1767 (SECOND READING) - LOCATION OF CITY COUNCIL MEETINGS**

Staff Recommendation

Adopt Ordinance No. 1767 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.04.020 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE, RELATING TO LOCATION OF CITY COUNCIL MEETINGS AND REPEALING ORDINANCE NO. 411.

**H. ORDINANCE 1768 (SECOND READING) - INCREASE THE COASTAL ADVISORY COMMITTEE FROM FIVE TO SEVEN MEMBERS**

Staff Recommendation

Adopt Ordinance No. 1768 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.29.010 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO CHANGE THE COASTAL ADVISORY COMMITTEE FROM A FIVE MEMBER COMMITTEE TO A SEVEN MEMBER COMMITTEE.

**I. RATIFICATION OF GRANT SUBMITTAL FOR ORANGE COUNTY TRANSPORTATION AUTHORITY MEASURE M2 REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM (PROJECT P)**

Staff Recommendation

Adopt Resolution No. 23-134 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RATIFYING AND APPROVING THE SUBMITTAL OF EL CAMINO REAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPETITIVE MEASURE M2 REGIONAL TRANSPORTATION SIGNAL SYNCHRONIZATION PROGRAM.

**J. CITY OF SAN CLEMENTE FISCAL YEAR 2022-2023, MEASURE M2 EXPENDITURE REPORT**

Staff Recommendation

Adopt Resolution No. 23-135 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2022-2023 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

**K. CONSIDERATION OF AFFIRMING THE CITY'S COMMITMENT TO IMPLEMENT PROJECTS IN THE FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM (FTIP)**

Staff Recommendation

Adopt Resolution No. 23-136 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING THAT THE CITY OF SAN CLEMENTE HAS THE RESOURCES TO FUND CITY PROJECTS IN THE FEDERAL FISCAL YEAR 2024/2025 -2029/2030 TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMING THE CITY'S COMMITMENT TO IMPLEMENT ALL PROJECTS IN THE PROGRAM.

**L. CONSIDERATION OF A RESOLUTION APPROVING THE PUBLIC SAFETY COMMITTEE'S FISCAL YEAR 2023-2024 WORK PLAN, AND DETERMINING THAT THE WORK PLAN ACTIVITIES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Public Safety Committee Recommendation

Adopt Resolution No. 23-137, which will:

1. Approve the FY 2023-24 Work Plan as presented by the Public Safety Committee.
2. Determine that the FY 2023-24 Work Plan Items are categorically exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15060(c)(2) and 15378.

**M. CONSIDERATION OF A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR REGIONAL BEACH SAND PROJECT III, PHASE 1 AND FINDING THE PROJECT STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 23-138, which will:

1. Find the project statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15262 of the State CEQA Guidelines (Feasibility and Planning Studies, 14 CCR section 15262).
2. Authorize the City Manager to enter into a Memorandum of Understanding, Contract No. C23-73, with the San Diego Association of Governments (SANDAG) for the Regional Beach Sand Project (RBSP) III, Phase I activities.
3. Authorize payment of the requested amount to San Diego Association of



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Governments (SANDAG) in the amount of \$109,511.85.

**N. NOTICE OF COMPLETION - CYPRUS SHORE EMERGENCY PUMP STATION MONITORING**

Staff Recommendation

Adopt Resolution No. 23-139, which will:

1. Accept the Cyprus Shore Emergency Pump Station Monitoring, Project No. 12209 from the Contractor, O'Connell Engineering & Construction, Inc. as complete.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Cyprus Shore Emergency Pump Station Monitoring.
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, O'Connell Engineering & Construction, Inc.

**O. NOTICE OF COMPLETION - EMERGENCY RESERVOIR 13 ISOLATION VALVE REPLACEMENT**

Staff Recommendation

Adopt Resolution No. 23-140, which will:

1. Accept Reservoir 13 Isolation Valve Replacement, Project No. 24405 from the Contractor, O'Connell Engineering & Construction as complete.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Reservoir 13 Isolation Valve Replacement project.
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, O'Connell Engineering & Construction.

**P. NOTICE OF COMPLETION - CALLE REAL WATERLINE IMPROVEMENTS, AND APPROVE A CONTINGENCY INCREASE IN THE AMOUNT OF \$30,412**

Staff Recommendation

Adopt Resolution No. 23-141, which will:

1. Accept the Calle Real Waterline Improvements, CIP Project No. 19516, from Diamond Construction & Design.
2. Approve an increase to the project contingency in the amount of \$30,412.
3. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Calle Real Waterline Improvements.
4. 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, Diamond Construction & Design.

**Q. NOTICE OF COMPLETION - STREET IMPROVEMENTS FOR CALLE DEL CERRO FROM AVENIDA PICO TO AVENIDA LA PATA**

Staff Recommendation

Adopt Resolution No. 23-142, which will:

1. Accept the Street Improvement for Calle Del Cerro from Avenida Pico to Avenida La Pata, CIP Project No. 12306, 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 Street Improvement for Calle Del Cerro, CIP Project No. 12306.
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 for this project upon receipt of a warranty bond in a form acceptable to the Public Works Director in the amount of 25% of the total construction cost.

R. **NOTICE OF COMPLETION - AVENIDA MONTALVO CANYON AND TRAIL IMPROVEMENT; AND RATIFY AN EMERGENCY CONSTRUCTION CONTRACT WITH DIAMOND CONSTRUCTION & DESIGN**

Staff Recommendation

Adopt Resolution No. 23-143, which will:

1. Making a finding that an emergency existed due to the potential failure of the bluff where the installation of the gabion baskets and construction of the sidewalk at the Montalvo Canyon was occurring that required immediate action to prevent or mitigate impairment to property and public safety that might otherwise occur if the City had been required to incur delays attributed to typical competitive bidding process for the additional work.
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 to execute, Contract No. C23-68, by and between the City of San Clemente and Diamond Construction & Design for the Avenida Montalvo Canyon and Trail Improvement, that have already been performed in the amount of \$59,194.
4. Accept the Avenida Montalvo Canyon and Trail Improvement, CIP Project No. 16004, from the Contractor, Diamond Construction & Design.
5. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Avenida Montalvo Canyon and Trail, CIP Project No. 16004.
6. 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, Diamond Construction & Design.

S. **CONTRACT AWARD - MARINE SAFETY HEADQUARTER BUILDING CONCRETE REPAIRS**

Staff Recommendation

Adopt Resolution No. 23-144, which will:

1. Award the Marine Safety Headquarters Building Concrete Repairs Project, CIP Project No. 24805, construction contract to Harbor Coating & Restoration, as the lowest responsible and responsive bidder.
2. Approve, and authorize the City Manager to execute, Contract No. C23-69, by and between the City of San Clemente and Harbor Coating & Restoration, providing for the Marine Safety Headquarters Building Concrete Repairs, in an amount not to exceed \$101,750, and a 19% project contingency in the amount of \$19,333, in a form substantially similar to Contract No. C23-69 (Attachment 4).
3. Approve a 19% project contingency of \$19,333.

T. **CONTRACT AWARD - FURNISH AND DELIVER 12.5% SODIUM HYPOCHLORITE TO CITY RESERVOIRS 5A, 10, AND 14, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 1**

Staff Recommendation

Adopt Resolution No. 23-145, 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, and authorize the City Manager to execute, Contract No. C23-70, a Purchase Contract, by and between the City of San Clemente and HASA, Inc., to furnish and deliver 12.5% Sodium Hypochlorite to City Reservoirs 5A, 10, and 14, for a two-year period, in an amount not to exceed \$80,000.
3. 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.

**U. PURCHASE OF A HYDRO-EXCAVATOR AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$721,618**

Staff Recommendation

Adopt Resolution No. 23-146, which will:

1. Approve, and authorize the City Manager to execute, Contract No. C23-71, by and between the City of San Clemente and Plumbers Depot, Inc., providing for a 2023 VHX42 Hydro-Excavator Unit, in the amount of \$721,617.03.
2. Authorize a supplemental appropriation in the amount of \$721,618 to the Fleet Automotive Account #065-824-45600 from the Water Fund balance.

**V. CONTRACT AWARD - BID IT-039 FOR THE PURCHASE OF PURE STORAGE FLASH ARRAY SYSTEM**

Staff Recommendation

Adopt Resolution No. 23-147, which will:

1. Award Bid IT-039 to ePlus Technology, Inc.
2. Approve, and authorize the City Manager to execute, Contract No. C23-72, by and between the City of San Clemente and ePlus Technology, providing for the purchase of the Pure Storage Flash Array system, under substantially the same terms and conditions of NASPO Valuepoint Master Agreement 23020, in an amount not to exceed \$183,061.83, for the equipment and software purchase, training, technical service, maintenance, and support for a three-year term.
3. Authorize City staff to accept the Pure Storage End User Agreement.

**W. LEASE OF MULTI-FUNCTIONAL COPIER DEVICES FOR ALL CITY OFFICES**

Staff Recommendation

Adopt Resolution No. 23-148 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE PARTICIPATION IN THE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO) VALUEPOINT MASTER AGREEMENT NUMBER 140603 AND DECLARE SURPLUS OF EXISTING COPIERS.

**X. CONSIDERATION OF REJECTING ALL BIDS FOR FY 2024 AS-NEEDED PAVEMENT REPAIRS**Staff Recommendation

Adopt Resolution No. 23-149, which will:

1. Reject all bids received on October 5, 2023, for the FY 2024 As-Needed Pavement Repairs, CIP Project No. 24306, pursuant to Section 20166 of the Public Contract Code.
2. Authorize staff to re-scope the bid package and bid the FY 2024 As-Needed Pavement Repairs, CIP Project No. 24306, with a revised project scope.

**Y. ADOPTION OF CITY INVESTMENT POLICY**Staff Recommendation

Adopt Investment Policy Number 201-1, effective December 5, 2023.

**Z. CONSIDERATION OF ACCEPTING EASEMENTS FOR THE AVENIDA PICO RECYCLED WATER PIPELINE RELOCATION**Staff Recommendation

Adopt Resolution No. 23-150, which will:

1. Accept the granting of the Easement Deed from McDonald's Corporation and the Modification to the Easement Deed from SC Bucks, LLC for the Avenida Pico Recycled Water Pipeline.
2. Authorize the City Clerk to execute the Easement Deed from McDonald's Corporation and the Modification to Easement Deed from SC Bucks, LLC for the Avenida Pico Recycled Water Pipeline.
3. Authorize City Clerk to submit the Easement Deed from McDonald's Corporation and the Modification to Easement Deed from SC Bucks, LLC for the Avenida Pico Recycled Water Pipeline to the Orange County Recorder for recordation.

**AA. CONSIDERATION OF APPROVING A CROSSING AGREEMENT AND ACCEPTANCE OF UTILITY AND PEDESTRIAN EASEMENTS LOCATED AT 501 AND 515 AVENIDA VAQUERO-SHORECLIFFS SENIOR APARTMENTS AND SHORECLIFFS GOLF COURSE**

Staff Recommendation

Adopt Resolution No. 23-151 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE CROSSING AGREEMENT AND ACCEPTANCE OF THE UTILITY AND PEDESTRIAN EASEMENTS, AND AUTHORIZING THE CITY MANAGER AND/OR PUBLIC WORKS DIRECTOR/CITY ENGINEER TO EXECUTE THE UTILITY EASEMENT QUITCLAIM AND OTHER SUCH DOCUMENTS AS ARE NECESSARY AND PROPER TO COMPLETE THE PROJECT.

**BB. CONSIDERATION OF ACCEPTING A COMMITMENT OF A DONATION FROM THE SAN CLEMENTE AQUATICS TEAM, AUTHORIZING THE REPLACEMENT OF THE SCOREBOARD AT THE SAN CLEMENTE AQUATICS CENTER AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 2**

Staff Recommendation

Adopt Resolution No. 23-152, which will:

1. Authorize the replacement of the San Clemente Aquatics Center scoreboard with an LED panel display system.
2. Accept a commitment of a donation from the San Clemente Aquatics Team up to \$90,000 for the project.
3. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under 14 CCR Section 15302 (Class 2: Replacement or Reconstruction) of the State CEQA Guidelines.

**CC. CONSIDERATION OF ACCEPTING A DONATION FROM FRIENDS OF SAN CLEMENTE BEACHES, PARKS AND RECREATION FOUNDATION FOR PALAPA STRUCTURES AT LASUENS BEACH AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 23-153 which will:

1. Accept a donation of two palapa structures from the Friends of San Clemente Beaches, Parks & Recreation Foundation to be installed at Lasuens Beach.
2. Find the project categorically exempt from CEQA under 14 CCR Section 15303 (Class 3: New Construction or Conversion of Small Structures) of the State CEQA Guidelines.

**DD. CONSIDERATION OF INSTALLATION OF CROSSWALK IMPROVEMENTS, SPEED FEEDBACK SIGNS, AND RED CURBS ON CAMINO CAPISTRANO, VIA BREVE, AND MONTE VISTA, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 1**

Planning Commission Recommendation

Adopt Resolution No. 23-154, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve a new marked crosswalk, flashing signs at the crosswalk, in-roadway warning lights, advance flashing warning signs, in-roadway markings, speed feedback signs, and the 42-foot red curb on the north side of Camino Capistrano.

Staff Recommendation

1. Adopt Resolution No. 23-154, which will:
  1. Find 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.
  2. Approve a new marked crosswalk, flashing signs at the crosswalk,



in-roadway warning lights, advance flashing warning signs, in-roadway markings, speed feedback signs, and the 42-foot red curb on the north side of Camino Capistrano.

AND

2. Adopt Resolution No. 23-155 , which will:

1. Find 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.
2. Amend Master Traffic Resolution No 1846 establishing no parking areas on Camino Capistrano, Via Breve and Monte Vista with a 5-foot red curb.

**EE. CONSIDERATION OF AUTHORIZING THE REPLACEMENT OF SUBSTRATE SURFACING AT SAN GORGONIO PARK PLAYGROUND, APPROPRIATING \$130,000 FOR THE PROJECT, ACCEPTING A \$20,000 DONATION FROM THE FRIENDS OF THE SAN CLEMENTE BEACHES, PARKS & RECREATION FOUNDATION AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 2**

Staff Recommendation

Adopt Resolution No. 23-160, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under 14 CCR Section 15302 (Class 2: Replacement or Reconstruction) of the State CEQA Guidelines.
2. Authorize the replacement of the engineered wood fiber substrate surface at the San Gorgonio Park playground with a poured-in-place rubber surface.
3. Approve a supplemental appropriation of \$130,000 from the Reserve Capital Fund Balance to Park Asset Replacement Account 014-820-45300 -000-11148.
4. Accept a donation of \$20,000 from the Friends of San Clemente Beaches, Parks & Recreation Foundation to be allocated to the substrate replacement project (014-000-36780).

**FF. CONSIDERATION OF LETTER ON CITY COUNCIL LETTERHEAD THANKING FISHERMAN'S RESTAURANT FOR THEIR GENEROUS DONATION OF THANKSGIVING MEALS TO THE CITY'S ADOPTED MARINE UNIT, 2ND BATTALION 4TH MARINES (2/4)**

Staff Recommendation

Approve, and authorize use of the City Council letterhead to allow all five Councilmembers to execute the letter to Fisherman's Restaurant.

**GG. CITY COUNCIL DIRECTION TO ADDRESS THE IMPACT OF SOBER LIVING FACILITIES ON RESIDENTIAL NEIGHBORHOODS IN THE CITY OF SAN CLEMENTE**

Staff Recommendation

Provide direction to the City Manager to implement the provisions identified in the staff report and send the attached correspondence to the office of Governor Newsom.

**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 AN ORDINANCE AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO MAKE MODIFICATIONS TO THE ADOPTED DISTRICT MAP**

Public Hearing to consider amending Ordinance No. 1762 to modify the district elections map.

Staff Recommendation

1. Open the Public Hearing, hear public testimony, and close the Public Hearing.
2. If Council chooses to adopt Map 120, introduce and conduct the first reading of Ordinance No. 1769 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO REVISE THE DISTRICT ELECTION MAP.

OR

3. If Council chooses to adopt an alternative map that has already been published, identify the alternative map by number and introduce and conduct the first reading of Ordinance No. 1770 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO REVISE THE DISTRICT ELECTION MAP with the appropriate map number inserted.

**B. ANNUAL REPORT CONCERNING THE MITIGATION FEE ACT FOR FISCAL YEAR 2022-23 FOR THE CITY OF SAN CLEMENTE**

Public Hearing to consider the City of San Clemente's Annual Report for Fiscal Year 2023 on Mitigation Fees.

Staff Recommendation

Adopt Resolution No. 23-156 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECEIVING AND FILING THE CITY OF SAN CLEMENTE'S ANNUAL REPORT CONCERNING THE MITIGATION FEE ACT FOR THE FISCAL YEAR ENDED JUNE 30, 2023.

**C. INTRODUCTION (FIRST READING) OF COMMERCIAL AND RECREATIONAL VEHICLE PARKING ORDINANCE AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

A continued public hearing for the City Council to consider a recommendation of the Public Safety Committee to adopt a proposed ordinance to amend various provisions of 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.

Public Safety Committee and Staff Recommendation

Introduce Ordinance No. 1763 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 10.04 AND 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.

**9. Unfinished Business**

None.

**10. New Business****A. PRESENTATION OF THE FULL-TIME CLASSIFICATION AND COMPENSATION STUDY FINDINGS AND RECOMMENDATIONS AND CONSIDERATION OF A RESOLUTION APPROVING THE RECOMMENDED CHANGES AND REVISED SALARY SCHEDULE**

Staff Recommendation

Adopt Resolution No. 23-157 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULE AND NEW CLASSIFICATIONS AND AMENDING RESOLUTION NO. 23-57 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

**B. CONSIDERATION OF INITIATING AND SETTING A PUBLIC HEARING TO CONSIDER CHANGING OR REVOKING CONDITIONAL PERMIT 1021/ VOLUNTARY COMPLIANCE AGREEMENT/ AND WIRELESS SCREENING FORM WMS 23-231 RELATED TO THE PROPERTY LOCATED AT 616 DEL DIOS, ASSESSOR'S PARCEL NUMBER 690-552-05**

Staff Recommendation

1. Receive public comment on the issue of whether and when to set a public hearing.
2. Adopt Resolution No. 23-159 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, INITIATING A PUBLIC HEARING TO CONSIDER A CHANGE OR REVOCATION TO CONDITIONAL PERMIT 1021 (1962), WHICH PERMITTED A MICROWAVE RELAY STATION IN CONNECTION WITH A PUBLIC TELEPHONE SERVICE AT 616 DEL DIOS, ASSESSOR'S PARCEL NUMBER 690-552-05, THE VOLUNTARY COMPLIANCE AGREEMENT BETWEEN AMERICAN TOWER CORPORATION AND THE CITY EXECUTED ON, OR ABOUT, JULY 6, 2023, AND WIRELESS SCREENING FORM WMS 23-231, AND SETTING THE PUBLIC HEARING FOR JANUARY 16, 2024.

C. **CREATION AND FUNDING OF AN EMERGENCY OPERATIONS COORDINATOR/PUBLIC INFORMATION OFFICER POSITION**

The Public Safety Committee Recommendation

The Public Safety Committee recommends that the City Council direct staff to initiate a timely process to create and fund an Emergency Operations Coordinator/Public Information Officer position prior to next year's budget process.

Staff Recommendation

Accept the Public Safety Committee's recommendation that an Emergency Operations Coordinator/Public Information Officer position be created, but direct that staff present a decision package during next year's proposed budget for further Council review and action.

D. **APPOINTMENT OF TWO COASTAL ADVISORY COMMITTEE MEMBERS FROM ELIGIBILITY LIST**

Staff Recommendation

If Ordinance 1768 was adopted, appoint two candidates to fill the open seats on the Coastal Advisory Committee, with terms to expire on June 30, 2024 and June 30, 2025.

E. **UPDATE TO COUNCIL APPOINTEES TO REGIONAL COMMITTEES, COMMISSIONS AND BOARDS**

Staff Recommendation

1. Update Councilmember appointments to various regional committees, commissions and boards.
2. Determine the Councilmember who will serve as the City's representative to the Orange County Fire Authority Board of Directors. If Council selects a Councilmember other than Mayor Duncan (who is the City's current Orange County Fire Authority representative), adopt Resolution No. 23-161 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY'S BOARD OF DIRECTORS, with the direction that the name of the City's new Director be inserted.

**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 December 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.

## **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](http://www.san-clemente.org). An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Department, located at 910 Calle Negocio, San Clemente, during normal business hours.

The City Clerk's Department offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, register at <http://san-clemente.org/enotification>.