

**NOTICE AND CALL OF SPECIAL MEETING OF THE
SAN CLEMENTE CITY COUNCIL**

TO MEMBERS OF THE SAN CLEMENTE CITY COUNCIL:

NOTICE IS HEREBY GIVEN that a Special Meeting is hereby called by Mayor Cabral to be held at 4:30 p.m. on January 16, 2024 for the purpose of beginning Closed Session at 4:30 p.m. The meeting will be held in Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente. This meeting is being called to discuss the items on the attached agenda.

Victor Cabral, Mayor
City of San Clemente

[City Council Special Meeting Agenda of January 16, 2024 on next page]



4:30 p.m. - Closed Session
6:00 p.m. - Business Meeting
**Revised Agenda to reflect the addition of Special Presentation
Item B - United States Army Corps of Engineers Update on
Beach Sand Project.*

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

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and turn it in to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an agenda item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a non-agenda item will be invited to address Council during the "Oral Communications" portion of the meeting.
- When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Please limit your presentation to three minutes.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act ("CEQA") is the state law that requires the City to evaluate and document the potential environmental consequences of discretionary decision. (See, California Public Resources Code Sections 21000-21189.3; and the "CEQA Guidelines" at California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000-15387). For each item that requires a CEQA determination by the City Council, there is a reference to that determination on this agenda, and more information regarding the CEQA analysis is included in the documents that accompany this agenda. To the extent that City staff determines that particular items are not subject to CEQA, there will be no indication of a CEQA action on this agenda.

CLOSED SESSION (4:30 P.M.)**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

Number of Cases: 3

1. Facts and Circumstances: American Tower Corporation alleges breach of Contract against the City for pursuing what is alleged to be enforcement action.
2. [Facts and Circumstances: Notice of Intent to File Suit under the California Environmental Quality Act by Harbor View Estates Homeowners Association \(attached\).](#)
3. Facts and circumstances not yet known to a potential plaintiff.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

1. 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
Under Negotiations: Price and terms
2. Real Property Negotiations: APN 701-041-62, 124-101-38, 701-041-55 and 701-041-57
Property: 1400 East Avenida Pico, San Clemente, CA 92672
City Negotiators: Andy Hall, City Manager
Negotiating Parties: Foothill/Eastern Transportation Corridor Agency
3. Real Property Negotiations: APN 688-142-35
Property: 1030 Calle Negocio, San Clemente, CA 92672
City Negotiators: Andy Hall, City Manager
Negotiating Parties: Camino Real Playhouse
Under Negotiations: Price and terms

BUSINESS MEETING (6:00 P.M.)**CALL TO ORDER****INVOCATION – Pastor John Randall, Calvary South Orange County****PLEDGE OF ALLEGIANCE****ROLL CALL****1. Special Presentations****A. Introduction of Mayor Cabral and Mayor Pro Tem Enmeier*****B. United States Army Corps of Engineers Beach Sand Project**

Presentation by Donald Chueng, Project Manager, Los Angeles District Army Corps of Engineers, concerning an update on the beach sand 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 agendizing items requiring immediate action**

Any items agendized 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 DECEMBER 5, 2023.](#)
- (2) [APPROVE THE CITY COUNCIL SPECIAL MEETING MINUTES OF DECEMBER 18, 2023.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [GOLF COURSE COMMITTEE REGULAR MEETING MINUTES OF AUGUST 3, 2023.](#)
- (2) [BEACHES, PARKS & RECREATION COMMISSION REGULAR MEETING MINUTES OF OCTOBER 10, 2023.](#)
- (3) [INVESTMENT ADVISORY COMMITTEE REGULAR MEETING MINUTES OF OCTOBER 23, 2023.](#)
- (4) [PLANNING COMMISSION REGULAR MEETING MINUTES OF DECEMBER 6, 2023.](#)
- (5) [STUDY SESSION OF THE PLANNING COMMISSION MINUTES OF DECEMBER 6, 2023.](#)
- (6) [HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF DECEMBER 12, 2023.](#)
- (7) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF DECEMBER 21, 2023.](#)

C. Warrant Register

(1)	<u>APPROVE WARRANT NOS. 592885 THROUGH 593015, PAID ON 11-24-23, IN THE AMOUNT OF</u>	<u>\$994,011.21</u>
(2)	<u>APPROVE HANDWRITE NO. 593016, WIRE TRANSFER NOS. 2957 THROUGH 2962 AND WARRANT NOS. 593017 THROUGH 593161, PAID ON 12-1-23, IN THE AMOUNT OF</u>	<u>\$4,690,379.04</u>
(3)	<u>APPROVE WIRE TRANSFER NOS. 2963 THROUGH 2964 AND WARRANT NOS. 593162 THROUGH 593325, PAID ON 12-8-23, IN THE AMOUNT OF</u>	<u>\$3,910,492.11</u>
(4)	<u>APPROVE HANDWRITE NOS. 593465 THROUGH 593465, WIRE TRANSFER NOS. 2965 THROUGH 2970 AND WARRANT NOS. 593326 THROUGH 593463, PAID ON 12-15-23, IN THE AMOUNT OF</u>	<u>\$3,231,502.82</u>
(5)	<u>APPROVE WIRE TRANSFER NOS. 2971 THROUGH 2976 AND WARRANT NOS. 593466 THROUGH 593663, PAID ON 12-22-23, IN THE AMOUNT OF</u>	<u>\$2,586,885.43</u>
	TOTAL WARRANT REGISTER	\$15,413,270.61

Payroll Register

	<u>WARRANT NO. 919, AUTOMATIC DEPOSIT ADVISES 90296 THROUGH 90601, FOR THE PERIOD 11-13-23 THROUGH 11-26-23, PAID ON 12-1-23, IN THE AMOUNT OF</u>	<u>\$590,765.75</u>
	<u>AUTOMATIC DEPOSIT ADVISES 90602 THROUGH 90907, FOR THE PERIOD 11-27-23 THROUGH 12-10-23, PAID ON 12-15-23, IN THE AMOUNT OF</u>	<u>\$486,058.73</u>
	<u>WARRANT NO. 920 AND AUTOMATIC DEPOSIT ADVISES 90908 THROUGH 91197, FOR THE PERIOD 12-11-23 THROUGH 12-24-23, PAID ON 12-29-23, IN THE AMOUNT OF</u>	<u>\$448,816.68</u>
	TOTAL PAYROLL REGISTER	\$1,525,641.16

D. NOTICE OF COMPLETION - CORONADO LANE / AVENIDA VICTORIA STORM DRAIN IMPROVEMENTSStaff Recommendation

Adopt Resolution No. 24-01, which will:

1. Accept the Coronado Lane/Avenida Victoria Storm Drain Improvements, CIP Project No. 26001, from the contractor, GCI Construction, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Coronado Lane/Avenida Victoria Storm Drain Improvements.
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, GCI Construction, Inc.

E. NOTICE OF COMPLETION - SEWER LINE POINT REPAIRS AND LININGStaff Recommendation

Adopt Resolution No. 24-02, which will:

1. Accept Sewer Line Point Repairs and Lining, CIP Project No. 28206, from the contractor, Insituform Technologies, LLC.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Sewer Line Point Repairs and Lining.
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, Insituform Technologies, LLC.

F. CONTRACT AWARD - PURCHASE AND INSTALLATION/REPLACEMENT OF 11 VENSTATION XC PAY STATIONS, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-03, which will:

1. Find the project categorically exempt from CEQA under Class 2 (Replacement or Reconstruction, 14 CCR section 15302) of the State CEQA Guidelines.
2. Award a sole source contract to Pacific Parking Systems, Inc. for the purchase and installation of eleven (11) venSTATION XC Multi Rate Pay by Space Automated Multi-Space Pay Station Machines in an amount not to exceed \$120,000 based on the fixed price quote (Attachment 2).
3. Approve, and authorize the City Manager to execute, Contract No. C24-01, by and between the City of San Clemente and Pacific Parking Systems, Inc., providing for the purchase and installation of eleven (11) venSTATION XC Multi Rate Pay by Space Automated Multi-Space Pay Station Machines, in an amount not to exceed \$120,000.

G. CONTRACT AWARD - AS-NEEDED BUILDING PLAN REVIEW SERVICES

Staff Recommendation

Adopt Resolution No, 24-04, which will:

1. Award a professional services agreement to West Coast Code Consultants and award a professional services agreement to VCA Code for on-call building plan check services.
2. Approve, and authorize the City Manager to execute, Contract No. C24-02, by and between the City of San Clemente and West Coast Code Consultants, providing for on-call building plan check services, for a term of three (3) years, in an amount not to exceed \$85,000 annually.
3. Approve, and authorize the City Manager to execute, Contract No. C24-03, by and between the City of San Clemente and VCA Code, providing for on-call building plan check services, for a term of three (3) years, in an amount not to exceed \$85,000 annually.

H. **CONTRACT AWARD - MULTI-FUNCTIONAL COPIER DEVICE LEASE AND SERVICE AGREEMENT FOR ALL CITY OFFICES, AND DECLARING EXISTING COPIERS SURPLUS UPON REPLACEMENT**

Staff Recommendation

Adopt Resolution No. 23-148, which will:

1. Award a sixty (60) month lease and service agreement for Sharp multi-function copier devices to CBE at a total cost of approximately \$36,150 annually, plus \$.0049 for black and white prints and \$.049 for color prints.
2. Approve, and authorize the City Manager to execute, Contract No. C24-04, contract documents based on State of California Participating Addendum No. 7-19-70-46-07 to the NASPO ValuePoint Master Agreement Number 140603, by and between the City of San Clemente and CBE Office Solutions, providing for a lease of Sharp multi-function copier devices, in an approximate amount of \$36,150 annually plus \$.0049 for black and white prints and \$.049 for color prints.
3. Declare that, effective upon the replacements becoming operational, the existing copiers shall constitute surplus and are authorized for disposal pursuant to Policy No. 201-2-4.

I. **CONSTRUCTION AND REHABILITATION OF BEACH TRAIL FENCING, AN APPROPRIATION OF FUNDING IN THE AMOUNT OF \$250,000 TO CONTINUE PEDESTRIAN AUDIBLE WARNING SYSTEM, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 1**

Staff Recommendation

Adopt Resolution No. 24-05, which will:

1. Find the project is categorically exempt from CEQA under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines section 15301.
2. Appropriate funds in the amount of \$250,000 to Account Number 001-631-45700 for the procurement of materials and labor for the rehabilitation of the Beach Trail fencing together with associated permitting costs.
3. Authorize the City Manager, or his designee, to purchase all required materials for the project up to \$120,000 following applicable procurement policy and procedure.

4. Direct staff to procure a contract for the associated labor for the project following applicable procurement policy and procedure.
- J. **CONSIDERATION OF APPROVING A PROJECT V GRANT SUBMITTAL TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE CONTINUATION OF TROLLEY SERVICES AND SC RIDES**

Staff Recommendation

Adopt Resolution No. 24-06 entitled A RESOLUTION OF THE CITY OF SAN CLEMENTE CITY COUNCIL APPROVING THE SUBMITTAL OF THE SAN CLEMENTE TROLLEY SERVICES AND SC RIDES APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE PROJECT V COMMUNITY-BASED TRANSIT/CIRCULATORS PROGRAM.

- K. **CONSIDERATION OF AMENDING POLICY 1201-11 (CITY COUNCIL MEETING AND OPERATING PROCEDURES) CHANGING THE MAYOR AND MAYOR PRO TEMPORE TERM TO BE EFFECTIVE IMMEDIATELY AFTER THE ADJOURNMENT OF THE CITY COUNCIL MEETING AT WHICH THEY WERE SELECTED**

Staff Recommendation

Adopt Resolution No. 24-07, which would modify Section 4.2.1 of City Council Meeting and Operating Procedures Policy 1201-11 to reflect the recent changes related to the Mayor and Mayor Pro Tempore terms.

- L. **CONSIDERATION OF APPROVING A REVISED HOURLY PART-TIME SALARY SCHEDULE TO INCLUDE OCEAN LIFEGUARD I/II AND PARK RANGER I/II CLASSIFICATIONS**

Staff Recommendation

Adopt Resolution No. 24-08 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED HOURLY PART-TIME SALARY SCHEDULE TO INCLUDE OCEAN LIFEGUARD I/II AND PARK RANGER I/II AND AMENDING RESOLUTION NO. 23-157 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

- M. **CONSIDERATION OF COUNCILMEMBER TRAVEL AND TRAINING EXPENSES**

Staff Recommendation

Authorize an expenditure not to exceed \$4,400 related to City Councilmembers' attendance at the League of California Cities Mayors and Councilmembers

Academy.

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. **CONSIDERATION OF ADOPTION (SECOND READING) OF ORDINANCE NO. 1770 AMENDING SECTION 2.04.011 OF THE SAN CLEMENTE MUNICIPAL CODE TO MAKE MODIFICATIONS TO THE DISTRICT MAP AND INTRODUCTION (FIRST READING) OF ORDINANCE NO. 1771 REGARDING ELECTION SEQUENCING**

Public Hearing to consider amending Ordinance No. 1762 to modify the district elections map and/or other modification(s).

Staff Recommendation

1. Conduct a second reading of and adopt 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," which has Map 111 as Exhibit A to the Ordinance.

and

2. Introduce and conduct the first reading of Ordinance No. 1771 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.04.012 RELATED TO DISTRICT ELECTION SEQUENCING.

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

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.

C. 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 AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Part 1) (Part 2)

Public Hearing to consider whether to make changes to or revoke approved applications related to a telecommunications facility located at 616 Del Dios, including a Conditional Permit issued by the County of Orange in 1962 (as thereafter modified and approved by the City), Voluntary Compliance Agreement between American Tower Corporation and the City dated on or about July 6, 2023, and Wireless Communications Facilities Application Screening Form WMS 23-231 filed by Dish Wireless, LLC, a Colorado limited liability company, and may consider initiating litigation related to the same. The City Council will also consider whether any action that it takes that qualifies as a project is exempt from the California Environmental Quality Act, including, but not limited to, pursuant to State CEQA Guidelines Sections 15301, 15302, 15303, 15304, 15305 and 15321.

Staff Recommendation

Adopt Resolution No. 24-09, which will find the project categorically exempt under Classes 1, 2 and 3, would make public nuisance findings and would modify the entitlement (CP 1021) to incorporate the following conditions of

approval:

1. The Owner, its tenants, and any contractors, shall access the property only by means of Avenida Salvador easement - unless they can demonstrate easement rights via Del Dios.
2. The Owner, their tenants, and any contractors shall require escorted access for any vehicles other than light duty pickup trucks. Any damage to the Ridgeline trail observed by City staff to have occurred as a result of access by Owner, their tenants, and any contractors shall be repaired by a contractor of the City's choosing within one (1) month of noticed damage.
3. The Owner and/or their tenant(s) shall permanently solve ongoing safety issues at the site by preventing persons from climbing the tower, which may be accomplished by replacing the lattice tower with a new monopole tower meeting the general design goals of the City's Wireless Master Plan or other feasible solution approved by the City.
4. The Owner and/or its tenant(s) shall repair and/or replace the fence with a material and style supported by the City's Code Compliance Manager and the City's police services Captain or designee for the purpose of mitigating the issue of ongoing trespass.
5. The Owner and/or its tenant(s) shall install security cameras on the Property to alert the Owner of trespass and safety issues and the Owner shall take proactive responsibility for mitigating and preventing the issue of ongoing trespass.
6. The Owner and its tenants shall operate and maintain the site in a manner that complies with all applicable laws and regulations.
7. The Owner shall defend and indemnify the City.

D. INTRODUCTION (FIRST READING) OF ZONING TEXT AMENDMENT TO SAN CLEMENTE MUNICIPAL CODE SECTION 17.28.206 - TEMPORARY PARKLET DINING, CONSIDERATION OF A RESOLUTION CONTINUING THE PARTICIPATION FEE AND FINDING THE ACTIONS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Public Hearing to consider a zoning text amendment to San Clemente Municipal Code (SCMC) Section 17.28.206 - Temporary Parklet Dining - which establishes permitting and licensing guidelines for temporary outdoor dining facilities. The proposed amendment would extend the "Parklet Program" under this Section to July 1, 2026 in accordance with Assembly Bill 1217. The City Council will consider whether the project be found Categorically Exempt from the California Environmental Quality Act (CEQA), including under CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities); Section 15303(e) (14 CCR 15303(e), Class 3: New Construction or Conversion of Small Structures); Section 15304(e) (14 CCR § 15304(e), Class 4: Minor Alterations to Land); Section 15305(b) (14 CCR § 15305(b), Class 5: Minor Alterations in Land Use Limitations); and Section 15311 (14 CCR § 15311, Class 11: Accessory Structures).

Staff Recommendation

1. Open the public hearing, receive the staff report and public comments and testimony, and close the public hearing.
2. Determine Zoning Amendment 23-424 is consistent with the intent of the state enabling legislation (Assembly Bill 1217) because it establishes a temporary parklet program that regulates the time, place, and manner of temporary outdoor dining facilities as encouraged by the State of California and is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities); Section 15303(e) (14 CCR § 15303(e), Class 3: New Construction or Conversion of Small Structures); Section 15304(e) (14 CCR § 15304(e), Class 4: Minor Alterations to Land); Section 15305(b) (14 CCR § 15305(b), Class 5: Minor Alterations in Land Use Limitations); and Section 15311 (14 CCR § 15311, Class 11: Accessory Structures).
3. Introduce Ordinance No. 1772 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 17.28.206 OF THE SAN CLEMENTE MUNICIPAL CODE, REGULATING TEMPORARY PARKLET DINING WHICH ESTABLISHED STANDARDS FOR OUTDOOR DINING AREAS AND SUNSETS ON JULY 1, 2026.
4. Adopt Resolution No. 24-10, which would establish a participation fee of

four dollars (\$4) per square foot per month for parklets on public property and one dollar (\$1) per square foot per month for parklets on private property to be incorporated within the updated Limited Term Parking Relief Agreement. These fee amounts would be unchanged from the rates applied between 2021-2023.

9. Unfinished Business

None.

10. New Business

A. CONSIDERATION OF A RESOLUTION IN OPPOSITION TO PROPOSITION 1

(Agendized by Councilmember Knoblock, with the support of Councilmember Loeffler at the December 18, 2023 Special City Council Meeting.)

Staff Recommendation

Determine whether to adopt Resolution No. 24-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING PROPOSITION 1.

B. CONSIDERATION OF A RESOLUTION ADOPTING A STATEMENT OF INTENT FOR EACH COUNCILMEMBER TO ACT IN THE BEST INTERESTS OF THE ENTIRE CITY FOLLOWING THE IMPLEMENTATION OF COUNCIL ELECTION DISTRICTS

(Agendized by Mayor Cabral, with the support of Councilmember Loeffler at the December 5, 2023 City Council meeting.)

Staff Recommendation

Determine whether to adopt Resolution No. 24-12 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A STATEMENT OF INTENT FOR EACH COUNCILMEMBER TO ACT IN THE BEST INTERESTS OF THE ENTIRE CITY FOLLOWING THE IMPLEMENTATION OF COUNCIL ELECTION DISTRICTS.

C. [CONSIDERATION OF AMENDING POLICY 1201-11 \(CITY COUNCIL MEETING AND OPERATING PROCEDURES\) CONCERNING ALLOWING PUBLIC COMMENTS ON THE CONSENT CALENDAR PRIOR TO CITY COUNCIL VOTING ON THE CONSENT CALENDAR](#)

Staff Recommendation

Adopt Resolution No. 24-13, which would modify Sections 4.4.4 and 4.5.1 of City Council Meeting and Operating Procedures Policy 1201-11 to clarify that the public shall be allowed a total of three (3) minutes to comment on the Consent Calendar as one agenda item prior to the City Council voting on the Consent Calendar as a whole and that if a member of the City Council or staff pulls a matter off the Consent Calendar, the matter would be treated as a separate agenda item with additional public comment.

D. [RECOMMENDATION FROM THE BEACHES, PARKS & RECREATION COMMISSION TO CONSIDER ALLOWING DOGS ON THE BEACH AND PRIORITIZE FUNDING FOR OFF-LEASH DOG PARKS AT SAN LUIS REY AND SAN GORGONIO PARKS](#)

Staff Recommendation

Provide direction to the City Manager, or the Beaches Parks & Recreation Commission, regarding whether to take the next steps toward considering allowing dogs on the beach and off-leash dog parks at San Luis Rey and San Gorgonio Parks and provide related parameters.

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 February 6, 2024. 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.

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