



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

*\*Revised Agenda to reflect the addition of Closed Session Item  
D(2) Real Property Negotiations concerning 1030 Calle  
Negocio, San Clemente, CA 92672*

Mayor Cabral  
Mayor Pro Tem Enmeier  
Councilmember Duncan  
Councilmember Knoblock  
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 (5:00 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: 1

Facts and Circumstances: American Tower Corporation alleges breach of contract against the City for pursuing what is alleged to be enforcement action.

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

Existing litigation pursuant to Government Code Section 54956.9(d)(1)

Number of Cases: 1

Case Name: Harbor View Estates Homeowners Ass'n v. City of San Clemente  
Orange County Superior Court Case No. 30-2024-01371169-CU-WM-CXC.

**C. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**

Whether to initiate litigation pursuant to Government Code Section 54956.9(d)(4)

Number of Cases: 1

Case Name: City of Grants Pass, Oregon v. Gloria Johnson, et. al.  
United States Supreme Court Case No. 23-175.

**D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

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

1. Real Property Negotiations: APN 678-163-01

Property: 1.1-acre undeveloped area west of Courtney's Sandcastle Playground of Vista Hermosa Sports Park

City Negotiators: Andy Hall, City Manager and Samantha Wylie, Director of Beaches, Parks and Recreation

Negotiating Parties: Salty Turf

Under Negotiation: Price and terms

\*2. 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

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**BUSINESS MEETING (6:00 P.M.)****CALL TO ORDER****INVOCATION – Communications Director, Becki Owens, Church of Jesus Christ of Latter-Day Saints****PLEDGE OF ALLEGIANCE****ROLL CALL****1. Special Presentations****A. United States Army Corps of Engineers Beach Sand Project**

Presentation by Colonel Mike Helton, 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 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 or Staff requests removal of an item for separate discussion and action.

**A. City Council Minutes**

Staff Recommendation:

- (1) [APPROVE THE SPECIAL AND REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 16, 2024.](#)

**B. Commission/Committee Minutes**

Staff Recommendation:

Receive and file the following:

- (1) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF NOVEMBER 28, 2023.](#)
- (2) [HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF JANUARY 9, 2024.](#)
- (3) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF JANUARY 18, 2024.](#)

**C. Warrant Register**

[APPROVE WIRE TRANSFER NOS. 2977 THROUGH 2981 AND WARRANT NOS. 593664 THROUGH 593747, PAID ON 1-5-24, IN THE AMOUNT OF](#) [\\$3,480,049.28](#)

[APPROVE WIRE TRANSFER NOS. 2982 THROUGH 2985 AND WARRANT NOS. 593748 THROUGH 593867, PAID ON 1-12-24, IN THE AMOUNT OF](#) [\\$1,081,398.88](#)

[APPROVE WARRANT NOS. 593868 THROUGH 594003, PAID ON 1-19-24, IN THE AMOUNT OF](#) [\\$1,190,825.17](#)

TOTAL WARRANT REGISTER \$5,752.273.33

**Payroll Register**

[WARRANT NO. 921 AND AUTOMATIC DEPOSIT ADVISES 91198 THROUGH 91468, FOR THE PERIOD 12-24-23 THROUGH 1-7-24, PAID ON 1-12-24, IN THE AMOUNT OF](#) [\\$470,465.68](#)

TOTAL PAYROLL REGISTER \$470,465.68

D. **ORDINANCE NO. 1763 (SECOND READING) - COMMERCIAL AND RECREATIONAL VEHICLE PARKING AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt 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.

E. **ORDINANCE NO. 1772 (SECOND READING) - REGULATING TEMPORARY PARKLET DINING WHICH ESTABLISHES STANDARDS FOR OUTDOOR DINING AND SUNSETS ON JULY 1, 2026**

Staff Recommendation

Adopt 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 ESTABLISHES STANDARDS FOR OUTDOOR DINING AREAS AND SUNSETS ON JULY 1, 2026.

F. **NOTICE OF COMPLETION - WATER RECLAMATION PLANT SLUICE GATES REPLACEMENT (PHASE 2)**

Staff Recommendation

Adopt Resolution No. 24-14, which will:

1. Accept the Water Reclamation Plant Sluice Gates Replacement (Phase 2), CIP Project No. 26212, from the contractor, Jennette Company, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Water Reclamation Plant Sluice Gates Replacement (Phase 2).
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, Jennette Company, Inc.

**G. CONTRACT AWARD - FY 2024 PAVEMENT PRESERVATION PROGRAM, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 24-15 which will:

1. Find the FY 2024 Pavement Preservation Program, Project No. 24303 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 FY 2024 Pavement Preservation Program contract to Prestige Paving Company, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-05, by and between the City of San Clemente and Prestige Paving Company, Inc., providing for the FY 2024 Pavement Preservation Program, in an amount not to exceed \$144,956, plus a 10% project contingency of \$14,496, in a form substantially similar to Contract No. C24-05 (Attachment 4).

**H. CONTRACT AWARD - FY 2024 AS-NEEDED ASPHALT PAVEMENT REPAIRS, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 24-16 which will:

1. Find the FY 2024 As-Needed Asphalt Pavement Repairs, Project No. 24306 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 FY 2024 As-Needed Asphalt Pavement Repairs contract to L.C. Paving & Sealing, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-06, by and between the City of San Clemente and L.C. Paving & Sealing, Inc., providing for FY 2024 As-Needed Asphalt Pavement Repairs, in an amount not to exceed \$550,000 per fiscal year, in a form substantially similar to Contract No. C24-06 (Attachment 3).

I. **PURCHASE OF A VALVE MAINTENANCE UNIT AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$34,055**

Staff Recommendation

Adopt Resolution No. 24-17, which will:

1. Approve the purchase of a 2024 LX VMS 750 Valve Maintenance Unit from Plumber Depot, Inc. in the amount of \$132,050.59.
2. Authorize the City Manager to execute such document and take such actions necessary to complete such purchase of a 2024 LX VMS 750 Valve Maintenance Unit.
3. Authorize a supplemental appropriation in the amount of \$34,055 to the Water Operating Fund, Account Number 052-463-45500 from the Water Fund balance to fund the purchase.

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. **BILLING FOR 2023 WEED ABATEMENT PROGRAM**

Public Hearing to consider all objections or protests, if any, to the costs of the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Staff Recommendation

Adopt Resolution No. 24-18, which will:

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report.
3. Authorize the Weed Abatement Contract Administrator to bill the amounts indicated in the report to the appropriate property owners.

**9. Unfinished Business****A. REVIEW OF THE CITY'S SELF-INSURED LIABILITY PROGRAM REPORT WITH INFORMATION ON VARIOUS SELF-INSURED RETENTION LEVELS**Staff Recommendation

Receive and file the Administrative Report dated February 6, 2024 and on file with the City Clerk.

**B. CONSIDERATION OF AFFIRMING PREVIOUS AMENDMENTS TO 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 AND CONSIDERATION OF MOVING THE CONSENT CALENDAR**Staff Recommendation

1. Adopt Resolution No. 24-13, which would affirm modifications to 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.

and

2. Authorize, and direct staff to administratively change Policy 1201-11 so that the Consent Calendar is heard at the end of the meeting, instead of the beginning, and to publish the updated Policy on the City's website without the need for staff to return to City Council with a formal resolution.

**10. New Business****A. CONTRACT AWARD - MONTALVO AND RIVIERA PEDESTRIAN BRIDGES COATING REPLACEMENT**Staff Recommendation

Adopt Resolution No. 24-19, which will:

1. Award the Montalvo and Riviera Pedestrian Bridges Coating Replacement Project, CIP Project No. 23802, construction contract to Harbor Coating & Restoration, as the lowest responsible and responsive bidder.
2. Approve, and authorize the City Manager to execute, Contract No. C24-07, by and between the City of San Clemente and Harbor Coating & Restoration,



providing for the Montalvo and Riviera Pedestrian Bridges Coating Replacement, in the amount of \$539,890, and a 15% project contingency of \$81,000, in a form substantially similar to Contract No. C24-07 (Attachment 4).

3. Approve a 15% project contingency of \$81,000.

**B. CONSIDERATION OF A RESOLUTION IN OPPOSITION TO ASSEMBLY CONSTITUTIONAL AMENDMENT 13 REGARDING VOTING THRESHOLDS**

(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. 24-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING ASSEMBLY CONSTITUTIONAL AMENDMENT 13 (VOTING THRESHOLDS).

**C. CONSIDERATION OF A RESOLUTION IN OPPOSITION TO ASSEMBLY CONSTITUTIONAL AMENDMENT 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. 24-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, OPPOSING ASSEMBLY CONSTITUTIONAL AMENDMENT 1.

**D. CAMPAIGN CONTRIBUTION LIMITS**

(Agendized by Mayor Pro Tem Enmeier, with the support of Councilmember Duncan and Councilmember Loeffler at the January 16, 2024 City Council meeting.)

Staff Recommendation

No later than February 20, 2024 determine a course of action with regard to local campaign contribution limits for elective City office candidates - i.e., either take no action and continue to rely on the State default restrictions or establish limitations that are higher or lower than the State default amounts.

**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) VACANCY ON THE HUMAN AFFAIRS COMMITTEE**Staff Recommendation

1. Accept Jill Schachter's resignation with regret.

and

2. Authorize the City Clerk to advertise to fill 1 vacancy on the Human Affairs Committee with a term to expire on June 30, 2024.

OR

3. Direct Staff to advertise for the vacancy on the Human Affairs Committee when the City advertises for vacancies on all Commissions and Committees in May of this year.

**B. Council Subcommittee Updates****C. Council Members****D. City Attorney****E. City Manager****14. Adjournment**

The next Regular City Council Meeting is scheduled to take place on February 20, 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](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>.