



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

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code section 54957

Title: City Manager

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

**INVOCATION – Lead Pastor Mark Ambrose, Pacific Coast Church**

**PLEDGE OF ALLEGIANCE****ROLL CALL****1. Special Presentations**

None.

**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. 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.

None.

**8. Unfinished Business**

None.

**9. New Business****A. PUBLIC SAFETY COMMITTEE EVALUATION OF THE SAFE GUN STORAGE ORDINANCE PROPOSAL BY MOMS DEMAND ACTION AND INTRODUCTION (FIRST READING) OF RESIDENTIAL SAFE STORAGE OF FIREARMS ORDINANCE AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT****Public Safety Committee Recommendation**

The Public Safety Committee recommends that the City Council choose not to introduce the ordinance proposed by Moms Demand Action (Attachment 2).

**Staff Recommendation**

If the City Council would like to introduce a residential safe storage of firearms ordinance, staff recommends that the City Council introduce Ordinance No. 1773 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 9.04 - OFFENSES AGAINST PUBLIC PEACE AND DECENCY, OF THE SAN CLEMENTE MUNICIPAL CODE TO ADD NEW SECTION 9.04.045, RELATING TO SAFE STORAGE OF FIREARMS, AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**B. CONSIDERATION OF REESTABLISHING A SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM (SCOUP) IN SAN CLEMENTE****Staff Recommendation**

Provide specific direction to the Coastal Administrator regarding Sand Compatibility and Opportunistic Use Program (SCOUP). Because this has been identified as a high priority for the community, staff additionally recommends that a SCOUP Permit will provide an additional opportunity to

protect the San Clemente shoreline.

C. **REQUEST TO INTRODUCE (FIRST READING) AN ORDINANCE MODIFYING THE COASTAL ADVISORY COMMITTEE MEETING SCHEDULE; AND CONSIDERATION OF AD HOC SUBCOMMITTEES**

(Agendized by Mayor Pro Tem Enmeier, with the support of Councilmember Loeffler and Councilmember Duncan, at the February 6, 2024 City Council meeting.)

Staff Recommendation

1. If the City Council desires to modify the Coastal Advisory Committee meeting schedule, the City Council should introduce and conduct a first reading of Ordinance No. 1774 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 2.29.040 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO CHANGE THE COASTAL ADVISORY COMMITTEE MEETING SCHEDULE FROM BI-MONTHLY TO MONTHLY.

and/or

2. Provide direction to the Coastal Advisory Committee (CAC) that after their 2024 work plan is approved by the City Council, if the CAC finds it necessary and proper, the CAC may establish ad hoc subcommittees related to specific tasks in the approved 2024 work plan, and further direct the CAC to determine start dates and sunset dates for any ad hoc subcommittee(s) when they select the subcommittee members.
3. If the City Council finds that the current meeting schedule is appropriate, no further action is needed.

D. **DIRECTION FROM THE CITY COUNCIL IN THE CREATION OF THE COASTAL ADVISORY COMMITTEE 2024 WORK PLAN**

Staff Recommendation

Provide direction to staff to provide to the Coastal Advisory Committee that will allow the committee to create the 2024 Work Plan for consideration of adoption by the City Council.

E. **CONSIDERATION OF A RESOLUTION APPROVING CLASSIFICATION CHANGES SUPPORTING CITY MANAGER OPERATIONS AND CITY ADMINISTRATION AND REVISED SALARY SCHEDULE**

Staff Recommendation

Adopt Resolution No. 24-22 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. 23-157 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

F. **SAN GORGONIO PARK COMMUNICATIONS SITE LEASE AGREEMENT**

Staff Recommendation

Adopt Resolution No. 24-23, which will approve, and authorize the City Manager to execute, Contract No. C24-11, a Communications Site Lease Agreement, by and between the City of San Clemente and DISH Wireless for a facility at San Gorgonio Park.

10. **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 CITY COUNCIL REGULAR MEETING MINUTES OF FEBRUARY 6, 2024.](#)**

B. **Commission/Committee Minutes**

None.

C. **Warrant Register**

None.

**Payroll Register**

None.

**D. CONTRACT AWARD - FOUR LIFEGUARD TOWERS REPLACEMENT (2024), AND APPROVING A SUPPLEMENTAL APPROPRIATION RELATED THERETO**

Staff Recommendation

Adopt Resolution No. 24-24, which will:

1. Approve a supplemental appropriation in the amount of \$86,533 from the General Fund into Account No. 001-641-45700-000-22104.
2. Award the Lifeguard Towers Replacement (2024), CIP Project No. 22104, construction contract to U.S. Builders and Consultants, Inc. as the lowest responsible and responsive bidder.
3. Approve, and authorize the City Manager to execute, Contract No. C24-08, by and between the City of San Clemente and U.S. Builders and Consultants, Inc., providing for Lifeguard Towers Replacement, in the amount of \$288,800, in a form substantially similar to Contract No. C24-08 (Attachment 3).
4. Approve a 10% project contingency of \$28,900.

**E. RATIFICATION OF AN EMERGENCY CONSTRUCTION CONTRACT FOR BRIDGE DEMOLITION AND REMOVAL FROM METROLINK YARD; RATIFICATION OF AN EMERGENCY PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR INSPECTION AND STRUCTURAL EVALUATION SERVICES DURING BRIDGE REMOVAL; AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$69,037**

Staff Recommendation

Adopt Resolution No. 24-25, which will:

1. Make a finding that an emergency existed due to the need for immediate disposal of the damaged two bridge spans of the Pedestrian Beach Trail from the Metrolink Yard due to its limited capacity and required immediate action to protect public health and safety, which might not have been possible to maintain if delays attributable to the typical public competitive bidding process had been incurred.
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health.
3. Ratify an emergency construction contract with Diamond Construction & Design for the pedestrian bridge demolition and removal from Metrolink's yard in the amount of \$60,078.

4. Ratify an emergency Professional Consultant Services Agreement with KPFF Consulting Engineers for inspection and structural evaluation services during the bridge removal in the amount of \$8,959.
  5. Approve a supplemental appropriation in the amount of \$69,037 from the General Fund is requested into Account No. 014-811-45300-000-11810.
- F. **RATIFICATION OF AN EMERGENCY CONSTRUCTION CONTRACT FOR PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA PROJECT; APPROVING A PROJECT CONTINGENCY; AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$99,585**

Staff Recommendation

Adopt Resolution No. 24-26, which will:

1. Make a finding that an emergency existed due to the need for immediate channel and slope stabilization and required immediate action to protect public health and safety, which might not have been possible if delays attributable to the typical public competitive bidding process had been incurred.
  2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health.
  3. Approve a supplemental appropriation in the amount of \$99,585 to Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista.
  4. Ratify the Construction Contract with Diamond Construction & Design for an amount not to exceed \$77,215 for the stabilization of the M01 channel wall and its adjacent slope.
  5. Approve a 19% project contingency of \$14,670.
- G. **CONSIDERATION OF COUNCILMEMBER TRAVEL AND TRAINING EXPENSES**

Staff Recommendation

Authorize an expenditure of up to \$550 related to City Councilmember Duncan's attendance at the 2024 March Policy Committee Meeting.

H. **CONSIDERATION OF COUNCILMEMBER TRAVEL AND TRAINING EXPENSES**

Staff Recommendation

Authorize an expenditure of up to \$4,450 related to City Councilmember Duncan's and Mayor Pro Tem Enmeier's attendance at the League of California Cities, City Leaders Summit in April 2024.

I. **CONTRACT AWARD - COMPLETION OF LEAD AND COPPER RULE REVISIONS LEAD SERVICE LINE INVENTORY AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 9**

Staff Recommendation

Adopt Resolution 24-27, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 9 (Inspections) of the state CEQA Guidelines section 15309.
2. Approve, and authorize the City Manager to execute, Contract No. C24-10, shared services consultant agreement, by and between the City of San Clemente and Metropolitan Water District of Orange County and Hazen and Sawyer, providing for the completion of Lead and Copper Rule Revisions Lead Service Line Inventory, in the amount of \$74,288.

J. **ADOPTION OF CITY INVESTMENT POLICY MODIFICATION (CITY'S IP SECTION 4.6 AND APPLICABLE DEFINITIONS)**

Staff Recommendation

Adopt the Proposed Investment Policy No. 201-1 with modifications to Section 4.6 and applicable definitions, effective February 20, 2024.

**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**

Adjourn to an Adjourned Regular Meeting scheduled to take place on March 5, 2024 at 4:00 p.m. for the purpose of conducting the Long Term Financial Plan. 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>.