

**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 March 5, 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. The Regular Business meeting will begin at 6:00 p.m. This meeting is being called to discuss the items on the attached agenda.

Victor Cabral, Mayor
City of San Clemente

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4:30 p.m. - Closed Session (Special Meeting)
6:00 p.m. - Business Meeting (Regular Meeting)

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.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Pursuant to Government Code § 84308, City Council Members are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the City Council Member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the City's decision on the agenda item since January 1, 2023. Members of the City Council who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a City Council Member since January 1, 2023, are required to disclose that fact for the official record of the subject proceedings. Disclosures must include the amount of the campaign contribution and identify the recipient City Council Member and may be made either in writing to the City Clerk before the agenda item or by verbal disclosure during consideration.

CLOSED SESSION (4:30 P.M.) (Special Meeting)

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Number of Cases: 2

1. Case Name: *Harbor View Estates Homeowners Association v. City of San Clemente*, Orange County Superior Court Case No. 30-2024-01371169-CU-WM-CXC
2. Case Name: *George Zeber, et al. vs. City of San Clemente*, Orange County Superior Court Case No. 30-2021-01191580-CU-EI-CXC

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Number of Cases:1

1. Facts and Circumstances per Government Code section 54956.9(e)(1): Facts and circumstances that might result in litigation against the City that the City believes are not yet known to a potential plaintiff or plaintiffs.

BUSINESS MEETING (6:00 P.M.) (Regular Meeting)

CALL TO ORDER

**INVOCATION – Margaret Hill, San Clemente Stake Young Women's President,
Church of Jesus Christ of Latter-day Saints**

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations

A. Community Outreach Program Update

Presentation by Community Development Director Atamian concerning an update on the Community Outreach Program.

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**8A. [ADOPT ORDINANCE NO. 1773 \(SECOND READING\) - SAFE GUN STORAGE](#)**Staff Recommendation

Adopt 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.

8B. CONSIDERATION OF AUTHORIZING A GRANT IMPLEMENTATION AGREEMENT WITH THE COUNTY OF ORANGE FOR THE SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT GRANT PROPOSITION 1 ROUND 2 GRANT FUNDING PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE RECYCLED WATER QUALITY IMPROVEMENT PROJECT

Staff Recommendation

Adopt Resolution No. 24-28, which will:

1. Approve, and authorize the City Manager to execute, Contract No. C24-12, a Grant Implementation Agreement by and between the City of San Clemente and the County of Orange, to receive the South Orange County Integrated Regional Water Management (IRWM) Grant Proposition 1 Round 2 grant funding, in the amount of \$700,000, for the Recycled Water Quality Improvement Project and documents related thereto.
2. Authorize the City Manager or his/her designee to accept and deposit the grant funding reimbursement (\$700,000) into the Sewer Connection Fee Reserve Fund, Account No. 054-477-45300-000-13203.

8C. CONTINUANCE OF NO ACTION ON CONDITIONAL PERMIT 1021 RELATED TO THE PROPERTY LOCATED AT 616 DEL DIOS, ASSESSOR'S PARCEL NUMBER 690-552-05

Staff Recommendation

Continue the abeyance of the revocation of Conditional Permit 1021 until July 31, 2024, which would maintain the status quo until that date.

8D. CONSIDERATION OF COUNCILMEMBER TRAVEL AND TRAINING EXPENSES

Staff Recommendation

Authorize an expenditure of up to \$110 related to City Councilmember Duncan's mileage reimbursement to attend at the 2024 March Cal Cities Governance, Transparency and Labor Relations Policy Committee Meeting.

9. New Business

9A. CONSIDERATION OF ITEMS FOR ESTABLISHING THE ARTS & CULTURE COMMITTEE 2024 WORK PLAN

Staff and the Arts and Culture Committee Recommendation

Adopt Resolution No. 24-29 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE ARTS AND CULTURE COMMITTEE 2024 WORK PLAN.

9B. CONSIDERATION OF AUTHORIZING A LEASE WITH THE STATE LANDS COMMISSION FOR USE AND MAINTENANCE OF PUBLIC BEACH ACCESS FACILITIES AT LINDA LANE, EL PORTAL AND MARIPOSA AND FINDING THE PROJECT CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CLASS 1

Staff Recommendation

Adopt Resolution No. 24-30, which will:

1. Find the project categorically exempt under the California Environmental Quality Act (CEQA) under Class 1, Section 15301 of the state CEQA Guidelines (Existing Facilities, 14 CCR 15301).
2. Approve, and authorize the City Manager to execute, Contract No. C24-13, a Lease agreement, by and between the City of San Clemente and the State Lands Commission, for the use and maintenance of public beach access facilities at Linda Lane, El Portal and Mariposa.

9C. CONSIDERATION OF AMENDING THE TERM SHEET FOR SALTY TURF LLC RELATED TO THE DEVELOPMENT OF A MINIATURE GOLF FACILITY AT VISTA HERMOSA SPORTS PARK; AND FINDING THAT THE MINIATURE GOLF PROJECT IS CATEGORICALLY EXEMPT FROM (14 CCR 15301 AND 15303) AND/OR THAT NO SUPPLEMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IS NECESSARY (14 CCR 15162 AND 15164)

Staff Recommendation

Adopt Resolution No. 24-31, which will:

1. Find that the miniature golf project is categorically exempt under Sections 15301 and 15303 and/or that no supplemental review is necessary under Sections 15162 and 15164 of the California Environmental Quality Act ("CEQA") Guidelines (14 CCR 15162 and 15164).
2. Authorize the City Manager to execute an amendment to the Term Sheet with Salty Turf LLC to include a decrease in the Gross Percentage of Sales and incorporate a maximum amount of rent.
3. Authorize the City Manager to finalize negotiations and execute a Lease Agreement with Salty Turf, LLC for the development of a 36-hole miniature golf facility for public recreation purposes at the Vista Hermosa Sports Park in the 1.2-acre area designated as lease space within the La Pata/Vista Hermosa Master Plan in a form approved by the City Attorney and consistent with the amended Term Sheet.

9D. CONSIDERATION OF A RESOLUTION IN SUPPORT OF AB 2081 - ALCOHOL AND DRUG ABUSE TREATMENT FACILITIES

(Councilmember Knoblock with the support of Councilmember Loeffler, agendized at the February 20, 2024 City Council meeting.)

Staff Recommendation

Consideration of adopting Resolution No. 24-32 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SUPPORTING LEGISLATION, ASSEMBLY BILL 2081, RELATING TO ALCOHOL AND DRUG ABUSE TREATMENT FACILITIES.

9E. CITY MANAGER COMPENSATION REVIEW AND CONSIDERATION OF AUTHORIZING A FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT WITH CITY MANAGER ANDY HALL IMPLEMENTING AN EXECUTIVE LEVEL SALARY ADJUSTMENT

(Councilmember Knoblock, with the support of Mayor Pro Tem Enmeier and Councilmember Duncan, agendized at the February 20, 2024 City Council meeting.)

Staff Recommendation

Provide direction to staff, make an oral report summarizing the proposed action, and, if desired, consider Resolution No. 24-33, which, if adopted, would approve a 2.99% salary increase for the City Manager effective February 20, 2024.

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.

10A. City Council Minutes

Staff Recommendation:

- (1) APPROVE THE CITY COUNCIL REGULAR MEETING MINUTES OF FEBRUARY 20, 2024.

10B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) BEACHES, PARKS & RECREATION COMMISSION REGULAR MEETING MINUTES OF DECEMBER 12, 2023.
- (2) BEACHES, PARKS & RECREATION COMMISSION SPECIAL MEETING MINUTES OF JANUARY 22, 2024.

- (3) [ARTS AND CULTURE COMMITTEE SPECIAL MEETING MINUTES OF JANUARY 22, 2024.](#)
- (4) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF FEBRUARY 8, 2024.](#)
- (5) [ARTS AND CULTURE COMMITTEE SPECIAL JOINT MEETING MINUTES OF FEBRUARY 12, 2024.](#)
- (6) [HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF FEBRUARY 13, 2024.](#)
- (7) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF FEBRUARY 22, 2024.](#)

10C. Warrant Register

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|-----|--|---------------------------------------|
| (1) | <u>APPROVE WIRE TRANSFER NOS. 2986 THROUGH 2991 AND WARRANT NOS. 594004 THROUGH 594169, PAID ON 1-26-24, IN THE AMOUNT OF</u> | <u>\$861,233.08</u> |
| (2) | <u>APPROVE WIRE TRANSFER NOS. 2992 THROUGH 2998 AND WARRANT NOS. 594170 THROUGH 594373, PAID ON 2-2-24, IN THE AMOUNT OF</u> | <u>\$4,505,314.44</u> |
| (3) | <u>APPROVE HANDWRITE NO. 594546, WIRE TRANSFER NOS. 2999 THROUGH 3002 AND WARRANT NOS. 594374 THROUGH 594545, PAID ON 2-9-24, IN THE AMOUNT OF</u> | <u>\$2,659,134.95</u> |
| (4) | <u>APPROVE WIRE TRANSFER NOS. 3003 THROUGH 3004 AND WARRANT NOS. 594547 THROUGH 594700, PAID ON 2-16-24, IN THE AMOUNT OF</u> | <u>\$952,448.49</u> |
| | TOTAL WARRANT REGISTER | \$8,978,170.96 |

Payroll Register

<u>WARRANT NO. 922 AND AUTOMATIC DEPOSIT ADVISES 91469 THROUGH 91772, FOR THE PERIOD 3-21-22 THROUGH 4-3-22, PAID ON 4-8-22, IN THE AMOUNT OF</u>	<u>\$479,666.26</u>
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WARRANT NO. 923 AND AUTOMATIC
DEPOSIT ADVISES 91773 THROUGH
92076, FOR THE PERIOD 1-22-24
THROUGH 2-4-24, PAID ON 2-9-24,
IN THE AMOUNT OF

\$485,402.57

TOTAL PAYROLL REGISTER

\$965,068.83

10D. CONSIDERATION OF A RESOLUTION TO ACCEPT AND FILE NOTICE OF COMPLETION FOR THE CYPRUS SHORE SEWER PUMP STATION RELOCATION, PROJECT NO. 12210

Staff Recommendation

Adopt Resolution No. 24-34, which will:

1. Accept the Cyprus Shore Sewer Pump Station Relocation, Project No. 12210, from the contractor, O'Connell Engineering and Construction, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Cyprus Shore Storm Drain Emergency Relocation.
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 and Construction, Inc.

10E. NOTICE OF COMPLETION - AQUATIC CENTER MAIN POOL REPLASTER

Staff Recommendation

Adopt Resolution No. 24-35, which will:

1. Accept Aquatic Center Main Pool Replaster, Project No. 12808, from the contractor, Condor, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Aquatic Center Main Pool Replaster.
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, Condor, Inc.

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 City Council Meeting is scheduled to take place on March 19, 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.

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>.