

**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 4:00 p.m. on March 19, 2024 for the presentation of the Long Term Financial Plan. The meeting will be held in Council Chambers, located at 910 Calle Negocio, 2nd Floor, San Clemente. Closed Session will begin at 5:00 p.m. and 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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4:00 p.m. - Long Term Financial Plan(Special Meeting)
5:00 p.m. - Closed Session (Regular Meeting)
6:00 p.m. - Business 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 agendized 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-agendized issue 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.

LONG TERM FINANCIAL PLAN (4:00 P.M.)(Special Meeting)

A. LONG TERM FINANCIAL PLAN PRESENTATION

Report from the Financial Services Officer concerning the presentation of the 2024 Long Term Financial Plan.

Staff Recommendation

TRENDS

No recommendations.

FORECAST

Direct staff to explore revenue sources to replace lost revenues from the dissolution of the Redevelopment Agency and the expiration of the Clean Ocean fee to maintain existing service levels and to fund new programs and capital projects.

RESERVE

- Transfer an amount of \$400,000 from the General Fund to the Facilities Maintenance Reserve in FY 2024-25 and FY 2025-26.
- Transfer a one-time amount of \$100,000 from the General Fund to the Park Asset Reserve in FY 2024-25.
- Transfer an annual amount of \$300,000 from the Sewer Operating Fund in FY 2024-25 and FY 2025-26 to fund sewer asset replacement in the Sewer Depreciation Reserve.
- Prioritize capital projects until the implementation of a Clean Ocean measure or long-term alternative funding is available for storm drains.
- Transfer a one-time amount of \$200,000 from the General Fund to the Accrued Leave Reserve in FY 2024-25.

FISCAL POLICY

No recommendations.

B. OVERVIEW OF THE STRATEGIC IMPLEMENTATION PROGRAM (SIP)

Staff Recommendation

Receive and file the Administrative Report dated March 19, 2024, and on file with the City Clerk.

CLOSED SESSION (5:00 P.M.)(Regular Meeting)

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Number of Cases:2

1. Facts and circumstances per Government Code section 54956.9(e)(2): Demand by former City Councilmember Gene James that the City reimburse him for his attorney fees incurred in defending James Bieber v. Gene James, OCSC Case No. 30-2020-01145593-CU-DF-CJC .
2. 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.

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Number of Cases: 1

Case Name: George Zeber, et al. vs. City of San Clemente, Orange County Superior Court Case No. 30-2021-01191580-CU-EI-CXC

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Pastor Jared Powell, Paradigm Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations

A. 2023 WALL OF RECOGNITION HONOREE

Staff Recommendation

Adopt Resolution No. 24-36 which will:

1. Approve the selection for the 2023 Wall of Recognition recipient, Beth Apodaca.
2. Authorize the Mayor to present the honoree with a certificate of recognition.

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.

7A. CONSIDERATION OF APPROVING A MODIFICATION TO THE APPROVED UNITED STATES ARMY CORPS OF ENGINEERS (USACE) SHORELINE PROTECTION PROJECT IN SAN CLEMENTE TO INCLUDE A SECOND BORROW SITE AT SURFSIDE SUNSET; ADOPTING AN ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT / FINAL ENVIRONMENTAL IMPACT REPORT; AND AUTHORIZING ENTRY INTO A STATE LANDS LEASE AMENDMENT TO SUPPORT THE USE OF A SECOND BORROW SITE

Public hearing to consider whether to approve a modification to the San Clemente & USACE Shoreline Protection Project (Modified Project) to support use of a second borrow site located offshore in Orange County at Surfside Sunset, adopt an Addendum to the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) regarding the modification and authorize the City Manager to sign an Amendment to the City's existing California State Lands Lease for the Project.

Staff Recommendation

Conduct the public hearing: Open the public hearing; report any disclosures; receive staff and public comment; close the public hearing.

Following the public hearing, adopt Resolution No. 24-37, which will:

1. Approve the Modified Project which includes use of a second borrow site at Surfside Sunset in order to restart public beach restoration activities that were initiated in December 2023 in the City placing 251,000 cubic yards of sand on the City's beaches in 2024 with future beach sand replenishment events over the next 50 years (through 2074).
2. Adopt the Addendum to the Final Environmental Impact Statement and Environmental Impact Report (FEIS/FEIR).
3. Authorize staff to file the California Environmental Quality Act (CEQA) Notice of Determination with the County Clerk and Office of Planning and Research.
4. Authorize the City Manager to execute, Amendment No.1 to Contract No. C23-74, by and between the City of San Clemente and California State Lands Commission in support of the Project.

8. Unfinished Business**8A. [TRAFFIC ANALYSIS FOR AVENIDA PALIZADA CORRIDOR AT AVENIDA DE LA ESTRELLA](#)**Staff Recommendation

1. Direct staff to continue the processing of synchronization of the Palizada corridor with the potential for striping modifications.
2. Authorize the City Manager to prepare and submit a letter to Caltrans asking for an expedited Caltrans project to widen the southbound I-5 offramp at Palizada, and to expedite processing of City permitting for striping and signal synchronization modifications along Avenida Palizada.

9. New Business**9A. SOUTH EL CAMINO REAL AND ESPLANADE INTERSECTION SAFETY IMPROVEMENTS**Staff Recommendation

Receive and file the Administrative Report dated March 19, 2024, and on file with the City Clerk, and maintains the current status of the intersection.

9B. CONSIDERATION OF ADOPTING POLICY NO. 702-7 ENTITLED "GUIDELINES FOR NAMING BEACHES, PARKS AND RECREATION FACILITIES"Staff and the Beaches, Parks and Recreation Commission Recommendation

Adopt Resolution No. 24-38 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING POLICY NO. 702-7 "GUIDELINES FOR NAMING BEACHES, PARKS AND RECREATION FACILITIES".

9C. CONSIDERATION OF PROVIDING DIRECTION ON ESTABLISHING FEES FOR PLAY UPON PICKLEBALL COURTSStaff Recommendation

Direct the Beaches, Parks & Recreation Commission to review the possibility of establishing fees for play upon the pickleball courts and report back to the City Council with its findings and recommendations.

9D. DRAFT SAN CLEMENTE COASTAL STRATEGIC PLANStaff Recommendation

Receive and file the Administrative Report dated March 19, 2024, and on file with the City Clerk.

9E. **CONSIDERATION OF SUPPORT FOR ASSEMBLY BILL 2574 (VALENCIA) - ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITIES**

(Agendized By Mayor Pro Tem Enmeier, with the support of Councilmember Duncan, at the March 5, 2024 City Council meeting.)

Staff Recommendation

Consider the proposed correspondence in support of Assembly Bill 2574 (Valencia) - Alcoholism or Drug Abuse Recovery or Treatment Facilities , provide direction to complete any modifications, authorize the Mayor to execute the letter and direct staff to submit the letter.

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 SPECIAL AND REGULAR CITY COUNCIL MEETING MINUTES OF MARCH 5, 2024.](#)

B. **Commission/Committee Minutes**

Staff Recommendation:

Receive and file the following:

- (1) [PUBLIC SAFETY COMMITTEE SPECIAL MEETING MINUTES OF JANUARY 11, 2024.](#)
- (2) [PUBLIC SAFETY COMMITTEE JOINT COMMISSION COMMITTEE MINUTES JANUARY 22, 2024.](#)
- (3) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF JANUARY 23, 2024.](#)
- (4) [PUBLIC SAFETY COMMITTEE JOINT COMMISSION COMMITTEE MEETING MINUTES OF FEBRUARY 12, 2024.](#)

C. **Warrant Register**

- (1) [APPROVE WIRE TRANSFER NOS. 3005 THROUGH 3008 AND WARRANT NOS. 594701 THROUGH 594798, PAID ON 2-23-24, IN THE AMOUNT OF](#) [\\$741,098.89](#)

(2) [APPROVE WIRE TRANSFER NOS. 3009 THROUGH 3010 AND WARRANT NOS. 594799 THROUGH 594917, PAID ON 3-1-24, IN THE AMOUNT OF](#) [\\$4,054,413.05](#)

TOTAL WARRANT REGISTER \$4,795,511.94

Payroll Register

[WARRANT NOS. 924 THROUGH 927, AUTOMATIC DEPOSIT ADVISES 92077 THROUGH 92389, FOR THE PERIOD 2-5-24 THROUGH 2-18-24, PAID ON 2-23-24, IN THE AMOUNT OF](#) [\\$484,094.84](#)

TOTAL PAYROLL REGISTER \$484,094.84

10D. 2023 GENERAL PLAN ANNUAL PROGRESS REPORT

Staff Recommendation

Adopt Resolution No. 24-39, which will:

1. Approve the 2023 General Plan Annual Progress Report.
2. Direct staff to submit the 2023 Annual Progress Report to the State as required by law.

10E. ESTABLISHMENT OF WEED ABATEMENT PROGRAM FOR 2024

Staff Recommendation

Adopt Resolution No. 24-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTION 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE, AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

10F. NOTICE OF COMPLETION - BRIDGE DEMOLITION AND REMOVAL FROM METROLINK YARDStaff Recommendation

Adopt Resolution No. 24-41, which will:

1. Accept the Bridge Demolition and Removal from Metrolink Yard, Project No. 11810, from the contractor, Diamond Construction & Design.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Bridge Demolition and Removal from Metrolink Yard.
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, Diamond Construction & Design.

10G. NOTICE OF COMPLETION - PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA; AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$35,000 FOR DESIGN SERVICES TO REBUILD THE CHANNEL WALLStaff Recommendation

Adopt Resolution No. 24-42, which will:

1. Accept Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, CIP Project No. 26001, from the contractor, Diamond Construction & Design.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista.
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, Diamond Construction & Design.
4. Approve a supplemental appropriation in the amount of \$35,000 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 for design services.

10H. NOTICE OF COMPLETION - FY 2023 AS-NEEDED PAVEMENT REPAIRS (TRACT 852), CIP PROJECT NO. 23306Staff Recommendation

Adopt Resolution No. 24-43, which will:

1. Accept the FY 2023 As-Needed Pavement Repairs (Tract 852), CIP Project No. 23306, from the contractor, ONYX Paving Company, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the FY 2023 As-Needed Pavement Repairs (Tract 852).
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, ONYX Paving Company, Inc.

10I. CONTRACT AWARD - GOLF COURSE MASTER PLAN UPDATEStaff Recommendation

Adopt Resolution No. 24-44, which will:

1. Approve, and authorize the City Manager to execute, Contract No. C24-14, by and between the City of San Clemente and THK Associates, Inc., providing for the preparation of an update to the San Clemente Municipal Golf Course Master Plan, in the amount of \$56,120.

10J. CONSIDERATION OF APPROVING FINAL PARCEL MAP 2021-116, A COMMERCIAL CONDOMINIUM CONVERSION TO ALLOW FOR INDIVIDUAL OWNERSHIP OF FOUR COMMERCIAL SUITES, LOCATED AT 1050 CALLE AMANECERStaff Recommendation

Adopt Resolution No. 24-45, which will:

1. Approve the Final Parcel Map 2021-116 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
2. Accept on behalf of the City of San Clemente the water rights as dedicated.
3. Authorize and direct the Public Works Director/City Engineer to execute the Final Parcel Map.

4. Authorize and direct the City Clerk to execute and submit the Final Parcel Map for recordation with the County of Orange Recorder's Office.

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 COASTAL ADVISORY COMMITTEE

Staff Recommendation

Direct Staff to advertise to fill Dr. Whitelaw's vacancy on the Coastal Advisory Committee with a term to expire on June 30, 2025 when the City Council recruits for open positions on all City Commissions and Committees in May.

(2) CONSIDERATION OF AMENDMENT TO SECTION 4.8 OF CITY COUNCIL POLICY 1201-11 (CITY COUNCIL MEETING AND OPERATING PROCEDURES) ASSIGNING A MEMBER OF THE CITY COUNCIL AS A LIAISON TO EACH CITY COMMISSION OR COMMITTEE

Staff Recommendation

Adopt amended City Council Policy 1201-11, City Council Meeting and Operating Procedures, assigning a City Councilmember as a liaison to each City Commission and Committee.

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 April 16, 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.

Please note the Regular City Council Meeting of April 2, 2024 was previously cancelled.

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>.