



4:00 p.m. - Budget Workshop (Special Meeting)
5:00 p.m. - Closed Session
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.

BUDGET WORKSHOP (4:00 P.M.) Special Meeting

A. FISCAL YEARS 2024-2025 and 2025-2026 CITY BUDGET WORKSHOP

Presentation by Financial Services Officer Rahn and Administrative Services Director Brower concerning the City of San Clemente proposed Fiscal Years 2024-2025 and 2025-2026 budgets.

Staff Recommendation

Provide staff with direction related to the City of San Clemente's proposed Fiscal Year 2024-25 and 2025-26 budgets. The public hearing on the proposed Fiscal Year 2024-2025 and 2025-2026 budgets will take place on June 4, 2024.

CLOSED SESSION (5:00)

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Existing litigation pursuant to Government Code Section 54956.9(d)(1)
Number of Cases: 8

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: Ruth Martin v. City of San Clemente, Orange County Superior Court Case No. 30-2023-01332706-CU-MC-CXC.
3. Case Name: City of San Clemente v. Alfie Shahid, et al., Orange County Superior Court Case No. 30-2024-01381591-CU-MC-CJC.
4. Case Name: Freda Philomena D'Souza v. City of San Clemente, et al., U.S. District Court, Central District of California, Case No. 8:20-CV-01863 -JVS-DFM.
5. Case Name: Peggy Burke v. City of San Clemente, et al., Orange County Superior Court Case No. 30-2023-01303894-CU-PO-CJC.
6. Case Name: Priscilla Mejia v. City of San Clemente, et al., Orange County

Superior Court Case No. 30-2023-01343945-CU-PO-CJC.

7. Case Name: Kenneth Elsner v. City of San Clemente, Chad Biggs, et al., Orange County Superior Court Case No. 30-2023-01344114-CU-PA-CJC.
8. Case Name: Lawrence Brotman v. City of San Clemente, et al., Orange County Superior Court Case No. 30-2022-01275173-CU-WT-NJC.

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

CALL TO ORDER

INVOCATION – Catherine Bingham, San Clemente Stake Relief Society President, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE - Flag Ceremony presented by the San Clemente High School Army Junior Reserve Officers Training Corps (JROTC)

ROLL CALL

1. Special Presentations

A. Presentation of Commendation - Aaron Letwin

Presentation of Commendation to Aaron Letwin in recognition of achieving the rank of Eagle Scout and being admitted to the United States Military Academy at West Point.

B. Presentation of Commendation - San Clemente High School Dance Team

Presentation of Commendation to the San Clemente High School Dance Team in recognition of their achievement at the United Spirit Association Dance Nationals.

C. San Clemente Chamber of Commerce Food to Fuel Recycling Program

Presentation by Susie Lantz, Chief Executive Officer, San Clemente Chamber of Commerce, and Sara Peterson, Zebra House Coffee, concerning the environmental education program 'Food to Fuel' in which local businesses recycle organics into clean transportation fuel.

D. Presentation of Proclamation - National Beach Safety Week: May 20 - 27, 2024

Presentation of Proclamation to San Clemente Marine Safety Chief Mellott, and Marine Safety Lieutenant Staudenbaur, setting apart May 20-27, 2024 as National Beach Safety Week.

E. Orange County 2024 Point-in-Time Count

Presentation by Community Development Director Atamian concerning the 2024 Point-in-Time count.

2. Council Members Reports

3. 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. 12. 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.

4. Motion waiving reading in full of all Resolutions and Ordinances**5. 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.

6. Closed Session Report - City Attorney**7. Staff Communications****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.

8A. PUBLIC HEARING ON CONDUIT FINANCING FOR THE MENDOCINO AT TALEGA I APARTMENTS AFFORDABLE HOUSING PROJECT

Public Hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), will be held with respect to a proposed plan of financing providing for the issuance by the California Municipal Finance Authority (the "Authority") of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, in an amount not to exceed \$25,000,000 in aggregate principal amount (the "Bonds"). The proceeds of the Bonds will be used to: (1) finance or refinance the acquisition, rehabilitation, improvement and equipping of Mendocino at Talega I, a multifamily rental housing project located at 123 Calle Amistad, San Clemente, California; and (2) pay certain expenses incurred in connection with the issuance of the Bonds. The facilities are to be owned by Amistad

Housing Partners I LP (the "Borrower") or a partnership of which Jamboree Housing Corporation (the "Developer") or a related person to the Developer is the general partner.

Staff Recommendation

1. Conduct the public hearing under the requirements of Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of 1986, as amended, hear public testimony and comment, and close the public hearing.
2. Adopt Resolution No. 24-66 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF MENDOCINO AT TALEGA I AND CERTAIN OTHER MATTERS RELATING THERETO.

8B. PUBLIC HEARING ON CONDUIT FINANCING FOR THE MENDOCINO AT TALEGA II APARTMENTS AFFORDABLE HOUSING PROJECT

Public Hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), will be held with respect to a proposed plan of financing providing for the issuance by the California Municipal Finance Authority (the "Authority") of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, in an amount not to exceed \$15,000,000 in aggregate principal amount (the "Bonds"). The proceeds of the Bonds will be used to: (1) finance or refinance the acquisition, rehabilitation, improvement and equipping of Mendocino at Talega II, a multifamily rental housing project located at 123 Calle Amistad, San Clemente, California; and (2) pay certain expenses incurred in connection with the issuance of the Bonds. The facilities are to be owned by Amistad Housing Partners II LP (the "Borrower") or a partnership of which Jamboree Housing Corporation (the "Developer") or a related person to the Developer is the general partner.

Staff Recommendation

1. Conduct the public hearing under the requirements of the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code of

1986, as amended, hear public testimony and comment, and close the public hearing.

2. Adopt Resolution No. 24-67 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, REHABILITATION, IMPROVEMENT AND EQUIPPING OF MENDOCINO AT TALEGA II AND CERTAIN OTHER MATTERS RELATING THERETO.

8C. BID PROTEST HEARING FOR THE CYPRUS SHORE GRADING, STORM DRAIN, AND SEWER LIFT STATION AND FORCE MAIN IMPROVEMENTS, CIP PROJECT NOS. 12004 & 12210, AND CONSIDERATION OF A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR THE PROJECT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, APPROVING SUPPLEMENTAL APPROPRIATIONS FROM THE STORM DRAIN FUND DEPRECIATION RESERVE, THE SEWER FUND CONNECTION FEE RESERVE AND THE SEWER FUND DEPRECIATION RESERVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT

Staff Recommendation

1. Conduct a bid protest hearing, open the hearing, hear public testimony and comments, and close the hearing.

AND adopt Resolution No. 24-72, which will:

2. Deny the bid protest submitted by Kay Construction Company, Inc. and waive strict compliance with the bid documents with respect to the inconsequential and immaterial deviation in the bid submitted by GMZ Engineering, Inc.
3. Award the Cyprus Shore Grading, Storm Drain and Sewer Lift Station Improvements, CIP Project No. 12004 & 12210, construction contract to GMZ Engineering, Inc. as the lowest responsible and responsive bidder.
4. Approve, and authorize the City Manager to execute, Contract No. C24-23, by and between the City of San Clemente and GMZ Engineering, Inc., providing for the Cyprus Shore Grading, Storm Drain and Sewer Lift Station Improvements, in an amount of \$4,145,075, in a form substantially similar to Contract No. C24-23 (Attachment 2).
5. Approve a 19% project contingency of \$787,500.

6. Approve a supplemental appropriation in the amount of \$735,479 to account #059-553-45300-000-12004 from the Storm Drain Fund Depreciation Reserve and a supplementation appropriation of \$2,619,657 to account #054-477-45300-000-12210 with \$300,000 from the Sewer Fund Connection Fee Reserve and \$2,319,657 from the Sewer Fund Depreciation Reserve.

9. Unfinished Business

None.

10. New Business

None.

11. 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 MAY 7, 2024.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [GOLF COURSE COMMITTEE SPECIAL MEETING MINUTES OF NOVEMBER 30, 2023.](#)
- (2) [GOLF COURSE COMMITTEE JOINT MEETING MINUTES OF JANUARY 22, 2024.](#)
- (3) [GOLF COURSE COMMITTEE JOINT MEETING MINUTES OF FEBRUARY 12, 2024.](#)
- (4) [PLANNING COMMISSION REGULAR MEETING MINUTES OF MAY 8, 2024.](#)

C. Warrant Register

None.

Payroll Register

None.

11D. NOTICE OF COMPLETION - FY 2024 PAVEMENT PRESERVATION PROGRAMStaff Recommendation

Adopt Resolution No. 24-73, which will:

1. Accept the FY 2024 Pavement Preservation Program, CIP Project No. 24303, from the contractor, Prestige Paving Company, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the FY 2024 Pavement Preservation Program.
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, Prestige Paving Company, Inc.
4. Authorize the City Clerk to release the performance bond for this project upon receipt of a warranty bond in a form acceptable to the Public Works Director/City Engineer in the amount of 25% of the total construction cost.

11E. NOTICE OF COMPLETION - CALAFIA PUMP STATION FLOW METER AND VAULT REPLACEMENTStaff Recommendation

Adopt Resolution No. 24-74, which will:

1. Accept the Calafia Pump Station Flow Meter and Vault Replacement, CIP Project No. 24401, from the contractor, Vicon Enterprise, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Calafia Pump Station Flow Meter and Vault Replacement.
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, Vicon Enterprise, Inc.
4. Authorize the City Clerk to release the performance bond for this project upon receipt of a warranty bond in a form acceptable to the Public Works Director/City Engineer in the amount of 25% of the total construction cost.

11F. CONTRACT AWARD - RESERVOIRS 5A AND 10 CHEMICAL LINES IMPROVEMENT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-75, which will:

1. Find the Reservoir 5A and 10 Chemical Lines Improvement, CIP Project No. 24404, 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 Reservoir 5A and 10 Chemical Lines Improvement contract to Jennette Company, Inc. including the bid alternate.
3. Approve, and authorize the City Manager to execute, Contract No. C24-24, by and between the City of San Clemente and Jennette Company, Inc., providing for the Reservoir 5A and 10 Chemical Lines Improvement, in an amount not to exceed \$130,300, in a form substantially similar to Contract No. C24-24 (Attachment 2).
4. Approve a 15% construction contingency of \$19,545 for this project.

11G. CONSIDERATION OF A RESOLUTION APPROVING THE PURCHASE OF TWO PROGRAMMABLE LOGIC CONTROLLERS AND INSTALLATION MATERIALS, FOR REPLACEMENT AT THE CITY'S WATER RECLAMATION PLANT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-76, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 2 (Replacement or Reconstruction, 14 CCR Section 15302) of the State CEQA Guidelines.
2. Approve the expenditure for Programmable Logic Controllers (PLCs) for Fiscal Year 2023-24 for a total amount not to exceed \$122,794.
3. Approve the purchase of two (2) replacement Programmable Logic Controllers (PLCs) and installation materials from OneSource Distributors, as a sole source vendor for Allen Bradley components, and low bidder on other materials, based on the attached fixed price quotes.

11H. REQUEST FOR SPECIAL EVENT PARTNERSHIP AGREEMENT WITH THE HAWAIIAN SURF CLUB OF SAN ONOFRE FOR THE ANNUAL POLYNESIAN FESTIVAL

Staff and the Beaches, Parks and Recreation Commission Recommendation

Adopt Resolution No. 24-77, which will approve, and authorize the City Manager to execute, Contract No C24-25, a Partnership Agreement, by and between the City of San Clemente and the Hawaiian Surf Club of San Onofre for the waiver of all rental fees, not to exceed \$2,175 annually.

12. 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.

13. Future Agenda Items

14. Reports

- A. Commissions and Committees**
- B. Council Subcommittee Updates**
- C. City Attorney**
- D. City Manager**

15. Adjournment

The next Regular City Council Meeting is scheduled to take place on June 4, 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>.