

**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 on June 4, 2024 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

[City Council REVISED Regular and Special Meeting Agenda of June 4, 2024 on next page]



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

Mayor Cabral
Mayor Pro Tem Enmeier
Councilmember Duncan
Councilmember Knoblock
Councilmember Loeffler

* The meeting agenda has been revised to reflect the addition of item 10B - REQUEST FOR ALLOCATION OF FUNDING FOR BEACH NOURISHMENT AT NORTH BEACH

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 (5:00 P.M.)

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

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.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

1. Property: 100 Avenida Presidio, San Clemente, Assessor Parcel Number (APN): 690-012-01 and 690-012-02
City Negotiators: Andy Hall, City Manager
Negotiating Parties: West Development Ventures, LLC
Under Negotiations: Price and terms
2. Property: 1100 North El Camino Real, San Clemente, Assessor Parcel Number (APN): 988-393-01 and 692-393-01
City Negotiators: Andy Hall, City Manager
Negotiating Parties: Novella Royale
Under Negotiations: Price and terms

C. 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.) (SPECIAL MEETING)**CALL TO ORDER****INVOCATION****PLEDGE OF ALLEGIANCE****ROLL CALL****1. Special Presentations****A. Presentation of Proclamation Proclaiming May through August 2024 as Drowning Prevention Awareness Season and Orange County Fire Authority Quarterly Size Up Presentation**

Presentation of Proclamation presented to Orange County Fire Authority Division Chief Maule proclaiming May through August 2024 as Drowning Prevention and Awareness Season and Orange County Fire Authority Quarterly Size Up presentation by Division Chief Maule.

B. Stars, Stripes and Slip & Slides 4th of July Event

Presentation by Beaches, Parks and Recreation Director Wylie concerning the 4th of July Stars, Stripes & Slip and Slides event.

2. Council Member 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 agendizing items requiring immediate action**

Any items agendized 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 TO CONSIDER THE ADOPTION OF THE BUDGET FOR FISCAL YEAR 2024-25 AND FISCAL YEAR 2025-26

Public Hearing to consider adopting the City of San Clemente proposed budget for FY 2024-25 and FY 2025-26.

Staff Recommendation

1. Adopt Resolution No. 24-78 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AND APPROVING THE BUDGET AT THE FUND LEVEL FOR THE CITY OF SAN CLEMENTE MUNICIPAL BUDGET FOR FISCAL YEARS 2024-25 AND 2025-26 AND THE COMMITMENT OF FUND BALANCE.
2. Direct the City Manager to prepare an Agenda Report addressing the Emergency Services position with recommendations to best meet the service needs related to this position.
3. Direct the City Manager to prepare an Agenda Report in conjunction with the City Treasurer for the consideration of participation in a Section 115 Trust for the funding of future pension contributions.

9. Unfinished Business

None.

10. New Business**10A. CONSIDERATION OF A RESOLUTION TO APPROVE A COOPERATIVE SERVICES AGREEMENT WITH THE COUNTY OF ORANGE FOR UNMANNED AVIATION SYSTEMS (DRONE) SERVICES TO INSPECT OPEN SPACE AREAS FOR FIRE HAZARDS AND SLOPE MONITORING**Staff Recommendation

Adopt Resolution No. 24-79, which will:

1. Determine the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15307 (Class 7: Actions By Regulatory Agencies For Protection Of Natural Resources).
2. Approve the Cooperative Services Agreement with the County of Orange for Unmanned Aviation Systems (Drone) Services to inspect open spaces.
3. Approve, and authorize the City Manager to execute, Contract No. C24-26, by and between the City of San Clemente and the County of Orange, providing for Unmanned Aviation Systems (Drone) Services to inspect open spaces, for a term of three years, in the amount of \$150,000, not to exceed \$50,000 per year.

10B. REQUEST FOR ALLOCATION OF FUNDING FOR BEACH NOURISHMENT AT NORTH BEACH*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 MinutesStaff Recommendation:

- (1) APPROVE THE SPECIAL AND REGULAR CITY COUNCIL MEETING MINUTES OF MAY 21, 2024.

B. Commission/Committee MinutesStaff Recommendation:

Receive and file the following:

- (1) PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF APRIL 23, 2024.

- (2) [HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF MAY 14, 2024.](#)
- (3) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF MAY 23, 2024.](#)

C. Warrant Register

[APPROVE WIRE TRANSFER NOS. 3042 THROUGH 3047 AND WARRANT NOS. 596155 THROUGH 596359, PAID ON 5-3-24, IN THE AMOUNT OF](#) [\\$1,217,585.34](#)

[APPROVE WIRE TRANSFER NOS. 3048 THROUGH 3049 AND WARRANT NOS. 596360 THROUGH 596470, PAID ON 5-10-24, IN THE AMOUNT OF](#) [\\$4,274,487.90](#)

TOTAL WARRANT REGISTER \$5,492,073.24

Payroll Register

WARRANT NO. 932, AUTOMATIC DEPOSIT ADVISES 93671 THROUGH 94009, FOR THE PERIOD 4-15-24 THROUGH 4-28-24, PAID ON 5-3-24, IN THE AMOUNT OF \$493,573.25

TOTAL PAYROLL REGISTER \$493,573.25

11D. CONTRACT AWARD - UPDATE OF THE CITY'S LOCAL HAZARD MITIGATION PLAN (LHMP), AND APPROVING AN APPROPRIATION IN THE AMOUNT OF \$98,750

Staff Recommendation

Adopt Resolution No. 24-80, which will:

1. Award the Professional Services Agreement, provided as Attachment 2 of the Administrative Report dated June 4, 2024, for the Local Hazard Mitigation Plan Update to Michael Baker International.
2. Authorize an appropriation, not to exceed \$98,750, to Account No. 001-441-43695-000-00000 for Fiscal Year 2023-24.
3. Approve, and authorize the City Manager to execute, Contract No. C24-27, by and between the City of San Clemente and Michael Baker International, providing for the Local Hazard Mitigation Plan Update, in an amount not to exceed \$98,750.

11E. CONTRACT AMENDMENT - FLEET MAINTENANCE SERVICESStaff Recommendation

Adopt Resolution 24-81 which will:

1. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. C14-22, by and between the City of San Clemente and First Vehicle Services, formally exercising the five (5)-year extension option, with an annual cost for FY 2023-24 of \$570,000 with future years adjusted by the consumer price index per the terms of the Agreement.
2. Approve, and authorize the City Manager to exercise future options with pricing not to exceed the annual consumer price index (CPI) adjustment.

11F. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A REGIONAL CONTRACT BETWEEN THE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA), POLYDYNE, INC., AND SOCWA ENTITIES FOR SUPPLY OF POLYMER TO THE WATER RECLAMATION PLANT FOR WASTEWATER TREATMENT AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACTStaff Recommendation

Adopt Resolution No. 24-82, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR Section 15301) and Class 7 (Actions by Regulatory Agencies for Protection of Natural Resources, 14 CCR section 15307) of the State CEQA Guidelines.
2. Approve, and authorize the City Manager to execute, Contract No. C24-28, a regional contract, by and between the City of San Clemente and the South Orange County Wastewater Authority (SOCWA), Polydyne, Inc., and the South Orange County Wastewater Authority (SOCWA) entities for a one-year term for the supply of Polymer to the City's Water Reclamation Plant (WRP), in an amount not to exceed \$230,000.
3. Authorize the Public Works Director/City Engineer to approve up to four one-year renewals to the contract for amounts not to exceed the approved budget amounts for this chemical in each appropriate fiscal year.

11G. NOTICE OF COMPLETION - MARINE SAFETY HEADQUARTERS (HQ) BUILDING CONCRETE REPAIRSStaff Recommendation

Adopt Resolution No. 24-83, which will:

1. Accept the Marine Safety Headquarters Building Concrete Repairs, CIP Project No. 24805, from the contractor, Harbor Coating & Restoration.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Marine Safety Headquarters Building Concrete Repairs.
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, Harbor Coating & Restoration.

11H. NOTICE OF COMPLETION - CITY HALL COUNCIL CHAMBERS TENANT IMPROVEMENTStaff Recommendation

Adopt Resolution No. 24-84, which will:

1. Accept the City Hall Council Chambers Tenant Improvements, Project No. 12563, from the contractor, Thomco Construction, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the City Hall Council Chambers Tenant Improvements.
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, Thomco Construction, Inc.

11I. ESTABLISHING APPROPRIATIONS LIMIT (GANN) FOR FISCAL YEAR (FY) 2024-25Staff Recommendation

Adopt Resolution No. 24-85 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION.

11J. CONSIDERATION OF A RESOLUTION TO DESIGNATE FISCAL YEAR (FY) 2024-2025 STREET REHABILITATION PROJECTS PURSUANT TO SENATE BILL 1 (SB1) THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 AND FINDING THE PROJECTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACTStaff Recommendation

Adopt Resolution No. 24-86 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2024-2025 FUNDED BY SENATE BILL 1 (SB 1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 AND FINDING THE PROJECTS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 (EXISTING FACILITIES, 14 CCR SECTION 15301), AND CLASS 2 (REPLACEMENT OR RECONSTRUCTION, 14 CCR SECTION 15302) OF THE STATE CEQA GUIDELINES.

11K. CONSIDERATION OF A RESOLUTION FOR RENEWED MEASURE M2 ANNUAL FUNDING ELIGIBILITY - FISCAL YEAR 2024-2025Staff Recommendation

Adopt Resolution No. 24-87, which will:

1. Approve and adopt the 2024 Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2024-25 through 2030-2031.
2. Authorize and direct the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority and take all actions necessary and proper to obtain Measure M2 funding for Fiscal Year 2024-2025.

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

Adjourn to an Adjourned Regular City Council Meeting to be held on June 18, 2024 at 1:00 p.m. for the purpose of conducting City Commission and Committee interviews. 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>.