



5:30 p.m. - Closed Session (Special Meeting)  
6:00 p.m. - Business Meeting (Adjourned Regular 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.

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***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 (5:30 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: 1

1. Case Name: *Brian Dick, et al. v. City of San Clemente, et al.* Orange County Superior Court Case No.: 30-2024-01406991-CU-WM-CXC

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

**INVOCATION – Assistant Pastor Matt Levchak, Calvary Chapel, San Clemente**

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

None.

**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.

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**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.

**9. Unfinished Business****10. New Business****10A. CONSIDERATION OF A RESOLUTION, CALLING AN ELECTION IN THE CITY OF SAN CLEMENTE TO BE CONSOLIDATED WITH THE CITY'S NEXT GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024, SUBMITTING TO THE ELECTORS A BALLOT MEASURE TO INCREASE THE CITY'S SALES AND USE TAX ("SALES TAX") BY ONE CENT BY AMENDING SECTION 3.20.050 (RATE) OF CHAPTER 3.20 (SALES AND USE TAX) OF TITLE 3 OF SAN CLEMENTE MUNICIPAL CODE, ESTABLISHING THE POLICIES AND PROCEDURES FOR SUCH AN ELECTION, REQUESTING THAT ORANGE COUNTY PROVIDE ELECTION SERVICES, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND AUTHORIZING THE FILING OF REBUTTAL ARGUMENT; AND CONSIDERATION OF A RESOLUTION ADOPTING ADVISORY SPENDING GUIDELINES FOR THE MEASURE ACCORDING TO RESIDENT IDENTIFIED PRIORITIES**Staff Recommendation

1. Adopt Resolution No. 24-111 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADOPTING SPENDING PRIORITIES FOR THE SAN CLEMENTE PUBLIC SAFETY, BEACH MAINTENANCE AND CITY SERVICES MEASURE.
2. Adopt Resolution No. 24-112 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALLING AN ELECTION IN THE CITY OF SAN CLEMENTE TO BE CONSOLIDATED WITH THE CITY'S NEXT GENERAL MUNICIPAL ELECTION ON NOVEMBER 5, 2024, SUBMITTING TO THE ELECTORS A BALLOT MEASURE TO INCREASE THE CITY'S SALES AND USE TAX ("SALES TAX") BY ONE CENT BY AMENDING SAN CLEMENTE MUNICIPAL CODE SECTION 3.20.050,

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ESTABLISHING THE POLICIES AND PROCEDURES FOR SUCH AN ELECTION, REQUESTING THAT ORANGE COUNTY PROVIDE ELECTION SERVICES, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND AUTHORIZING THE FILING OF REBUTTAL ARGUMENT.

**10B. CALLING THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2024**

Staff Recommendation

1. Resolution Calling the Election (Attachment 1)

Adopt Resolution No. 24-108 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

2. Resolution Requesting Election Consolidation (Attachment 2)

Adopt Resolution No. 24-109 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE.

AND

3. Determine whether to adopt the following optional resolution:

Resolution Providing for a Special Runoff Election in the Event of a Tie Vote (Attachment 3)

Resolution No. 24-110 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION.

**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 ADJOURNED REGULAR CITY COUNCIL MEETING MINUTES OF JUNE 18, 2024.](#)

**B. Commission/Committee Minutes**

Staff Recommendation:

Receive and file the following:

- (1) [BEACHES, PARKS & RECREATION COMMISSION REGULAR MEETING MINUTES OF APRIL 9, 2024.](#)
- (2) [DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF APRIL 24, 2024.](#)
- (3) [PLANNING COMMISSION REGULAR MEETING MINUTES OF MAY 22, 2024.](#)
- (4) [PLANNING COMMISSION REGULAR STUDY SESSION MINUTES OF MAY 22, 2024.](#)
- (5) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF MAY 28, 2024.](#)
- (6) [DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF MAY 29, 2024.](#)
- (7) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF JUNE 6, 2024.](#)
- (8) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF JUNE 20, 2024.](#)

**C. Warrant Register**

(1)	<u>APPROVE WIRE TRANSFER NOS. 3060 THROUGH 3061 AND WARRANT NOS. 597072 THROUGH 597188, PAID ON 6-7-24, IN THE AMOUNT OF</u>	<u>\$5,102,693.31</u>
(2)	<u>APPROVE WIRE TRANSFER NOS. 3062 THROUGH 3067 AND WARRANT NOS. 597189 THROUGH 597385, PAID ON 6-14-24, IN THE AMOUNT OF</u>	<u>\$890,524.22</u>
(3)	<u>APPROVE WARRANT NOS. 597386 THROUGH 597544, PAID ON 6-21-24, IN THE AMOUNT OF</u>	<u>\$990,772.71</u>
	TOTAL WARRANT REGISTER	\$6,983,990.24

**Payroll Register**

<u>WARRANT NO. 937, AUTOMATIC DEPOSIT ADVISES 94735 THROUGH 95116, FOR THE PERIOD 5-27-24 THROUGH 6-9-24, PAID ON 6-14-24, IN THE AMOUNT OF</u>	<u>\$576,675.92</u>
TOTAL PAYROLL REGISTER	\$576,675.92

**11D. ADOPT ORDINANCE NO. 1776 (SECOND READING) - PURCHASING PROCEDURES**

Staff Recommendation

Adopt Ordinance No. 1776 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE SECTIONS 3.40.010, 3.40.040, AND 3.40.050 AND ADDING SECTION 3.40.080, ALL RELATING TO PURCHASING PROCEDURES.

**11E. NOTICE OF COMPLETION - SIDEWALK REPAIRS AND IMPROVEMENTS**Staff Recommendation

Adopt Resolution No. 24-114, which will:

1. Accept the Sidewalk Repairs and Improvements, CIP Project Nos. 24304 and 22305, from the contractor, CJ Concrete Construction, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Sidewalk Repairs and Improvements, CIP Project Nos. 24304 and 22305.
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, CJ Concrete Construction, 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 in the amount of 25% of the total construction cost.

**11F. CONSIDERATION OF RATIFYING AMENDMENTS TO A PROFESSIONAL SERVICES AGREEMENT WITH COASTAL FRONTIERS CORPORATION APPROVED ON MAY 7, 2024 FOR PHASE 1 OF REESTABLISHING A SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM (SCOUP)**Staff Recommendation

Adopt Resolution No. 24-115, which will ratify the professional services agreement (C24-22), by and between the City of San Clemente and Coastal Frontiers Corporation, to provide technical assistance to the City in support of the re-establishment of the Sand Compatibility and Opportunistic Use Program (SCOUP) Phase 1 in its amended form, as executed by the City Manager.

**11G. CONTRACT AWARD - GEOTECHNICAL SUPPORT SERVICES FOR THE CYPRUS SHORE GRADING, STORM DRAIN AND SEWER LIFT STATION IMPROVEMENTS**Staff Recommendation

Adopt Resolution No. 24-116, which will:

1. Award a Professional Services Agreement to LGC Geotechnical, Inc. for geotechnical support services for the Cyprus Shore Grading, Storm Drain and Sewer Lift Station Improvements.
2. Approve, and authorize the City Manager to execute, Contract No C24-40, by and between the City of San Clemente and LGC Geotechnical, Inc., providing for geotechnical support services for the Cyprus Shore Grading, Storm Drain and Sewer Lift Station Improvements, in an amount not to exceed \$88,000.

**11H. CONTRACT AWARD - DIGESTER NO. 2 CLEANING, RESIDUAL DISPOSAL AND INSPECTION AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**Staff Recommendation

Adopt Resolution No. 24-117, which will:

1. Find Digester No. 2 Cleaning, Residual Disposal & Inspection, CIP Project No. 21203 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 Digester No. 2 Cleaning, Residual Disposal & Inspection, contract to M.P. Environmental Services, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-41, by and between the City of San Clemente and M.P. Environmental Services, Inc., providing for the Digester No. 2 Cleaning, Residual Disposal & Inspection, in an amount not to exceed \$887,340 in a form substantially similar to Contract No. C24-41(Attachment 2).
4. Approve a 10% construction contingency of \$88,734.



**11I. CONTRACT AWARD - PREPARATION OF THE 2025-2029 CONSOLIDATED PLAN AND CONTINUED COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTRATION SERVICES**Staff Recommendation

Adopt Resolution No. 24-118, which will:

1. Find Mike Linares, Inc. has unique familiarity with the project, subject area or possesses other attributes making them uniquely qualified to provide the 2025-2029 Consolidated Plan, 2025-2026 Annual Action Plan, and Community Development Block Grant Administration Services (CDBG) that the City needs.
2. Award the Professional Services Agreement, as provided as Attachment 2, for the preparation of the 2025-2029 Consolidated Plan, 2024-2025 Annual Action Plan, and Community Development Block Grant Administration Services (CDBG) with Mike Linares, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-42, by and between the City of San Clemente and Mike Linares, Inc., providing for the preparation of the 2025-2029 Consolidated Plan, 2024-2025 Annual Action Plan, and Community Development Block Grant Administration Services (CDBG), in an amount not to exceed \$97,500.

**11J. CONTRACT AWARD - WATER RECLAMATION PLANT SOLIDS HANDLING BUILDING CENTRIFUGE CONVEYOR MODIFICATIONS AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**Staff Recommendation

Adopt Resolution No. 24-119, which will:

1. Award the Water Reclamation Plant Solids Handling Building Centrifuge Conveyor Modifications, CIP Project No. 23203, construction contract to Jennette Company, Inc. as the lowest responsive and responsible bidder.
2. Approve, and authorize the City Manager to execute, Contract No. C24-43, by and between the City of San Clemente and Jennette Company, Inc., providing for the Water Reclamation Plant Solids Handling Building Centrifuge Conveyor Modifications in the amount of \$156,800, in a form substantially similar to Contract No. C24-43 (Attachment 2).
3. Approve a 10% project contingency of \$15,700.

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**11K. CONTRACT AMENDMENT - STREET SWEEPING SERVICES AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT****Staff Recommendation**

Adopt Resolution No. 24-120, which will approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. C21-22, by and between the City of San Clemente and Sweeping Corporation of America to continue Street Sweeping Services, in an amount not to exceed \$580,716, for a one-year term.

**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****(1) RESIGNATION OF RICHARD KAY FROM THE BEACHES, PARKS AND RECREATION COMMISSION****Staff Recommendation**

1. Accept the resignation of Richard from the Beaches, Parks and Recreation Commission, with regret.
2. Select an applicant from the June 18, 2024 applicant pool, using the same voting method as was done at the interviews on June 18, 2024.

**B. Council Subcommittee Updates****C. City Attorney****D. City Manager**

**15. Adjournment**

The next Regular City Council Meeting is scheduled to take place on August 20, 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 that the Regular City Council Meeting of August 6, 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](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>.