



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

Councilmember Duncan will be participating
remotely from the following location:
123 Nassau St. New York, NY 10038

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

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and turn it in to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an agenda item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a non-agenda item will be invited to address Council during the “Oral Communications” portion of the meeting.
- When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Please limit your presentation to three minutes.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City’s long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow’s needs.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (“CEQA”) is the state law that requires the City to evaluate and document the potential environmental consequences of discretionary decision. (See, California Public Resources Code Sections 21000-21189.3; and the “CEQA Guidelines” at California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000-15387). For each item that requires a CEQA determination by the City Council, there is a reference to that determination on this agenda, and more information regarding the CEQA analysis is included in the documents that accompany this agenda. To the extent that City staff determines that particular items are not subject to CEQA, there will be no indication of a CEQA action on this agenda.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

CLOSED SESSION (5:30 P.M. Special Meeting)

A. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Administrative Services Director

Unrepresented employees: All Employees

Employee Organization: San Clemente City Employees Association

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

CALL TO ORDER

INVOCATION – Senior Pastor, Holland Davis, Calvary Chapel San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations

A. Recognition of San Clemente High School State Champion 4x800 Track Relay Team

Recognition of the San Clemente High School State Champion 4x800 Track Relay Team.

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**

Per Government Code section 54954.2(b) and 54956.5. 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. 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 ESTABLISH A THREE-QUARTERS OF ONE CENT (0.75¢) SPECIAL PURPOSE TRANSACTIONS AND USE (SALES) TAX, 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

(Agendized by Mayor Cabral, with the support of Councilmember Loeffler and Mayor Pro Tem Enmeier, at the July 17, 2024 City Council meeting.)

The City Council will consider whether to place a three-quarters of one

percent (0.75%) special purpose transaction and use (sales) tax on the ballot for the voters to vote on at the general municipal election on November 5, 2024. Under the proposed measure, all funds would be dedicated to resident identified priorities of maintaining local beaches and beach access for residents, keeping sand on local San Clemente beaches, reducing beach erosion, protecting ocean water quality, protecting surfing and ocean swimming locations, and restoring and maintaining the beach trail and the City pier, all of which will help protect San Clemente's local beach economy. The City Council will also consider making changes to the proposed measure.

Staff Recommendation

Adopt Resolution No. 24-125 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 ESTABLISH A THREE-QUARTERS OF ONE CENT (0.75¢) SPECIAL PURPOSE TRANSACTIONS AND USE (SALES) TAX, 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.

OR

Adopt Resolution No. 24-126 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 ESTABLISH A ONE HALF CENT (1/2¢) SPECIAL PURPOSE TRANSACTIONS AND USE (SALES) TAX, 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.

9. Unfinished Business

None.

10. New Business**10A. [DESIGNATION OF VOTING DELEGATE AND ALTERNATE\(S\) TO REPRESENT SAN CLEMENTE AT THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING](#)**Staff Recommendation

Determine whether or not to appoint a voting delegate to represent the City at the Annual Business Meeting of the League of California Cities Annual Conference on October 18, 2024, and also determine whether or not to appoint an alternate(s) to vote on the City's behalf in the event the voting delegate is unable to vote at the Annual Business Meeting.

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 ADJOURNED REGULAR MEETING MINUTES OF JULY 17, 2024.](#)

B. Commission/Committee MinutesStaff Recommendation:

Receive and file the following:

- (1) [ARTS AND CULTURE REGULAR MEETING MINUTES OF MAY 20, 2024.](#)
- (2) [PLANNING COMMISSION REGULAR STUDY SESSION MINUTES OF MAY 22, 2024.](#)
- (3) [PLANNING COMMISSION REGULAR MEETING MINUTES OF MAY 22, 2024.](#)
- (4) [PLANNING COMMISSION REGULAR MEETING MINUTES OF JUNE 5, 2024.](#)
- (5) [PLANNING COMMISSION SPECIAL MEETING MINUTES OF JUNE 26, 2024.](#)
- (6) [HUMAN AFFAIRS COMMITTEE REGULAR MEETING MINUTES OF JULY 9, 2024.](#)
- (7) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF JULY 18, 2024.](#)

C. Warrant Register

(1)	<u>APPROVE WIRE TRANSFER NOS. 3068 THROUGH 3073 AND WARRANT NOS. 597545 THROUGH 597748, PAID ON 6-28-24, IN THE AMOUNT OF</u>	<u>\$1,127,393.42</u>
(2)	<u>APPROVE WIRE TRANSFER NOS. 3074 THROUGH 3075 AND WARRANT NOS. 597749 THROUGH 597904, PAID ON 7-5-24, IN THE AMOUNT OF</u>	<u>\$4,332,970.62</u>
(3)	<u>APPROVE HANDWRITE NO. 598028, WIRE TRANSFER NOS. 3076 THROUGH 3083 AND WARRANT NOS. 597905 THROUGH 598027, PAID ON 7-12-24, IN THE AMOUNT OF</u>	<u>\$3,302,333.57</u>
(4)	<u>APPROVE WIRE TRANSFER NOS. 3084 THROUGH 3086 AND WARRANT NOS. 598029 THROUGH 598233, PAID ON 7-19-24, IN THE AMOUNT OF</u>	<u>\$3,708,385.02</u>
	TOTAL WARRANT REGISTER	\$12,471,082.63

Payroll Register

	<u>WARRANT NO. 938 AND AUTOMATIC DEPOSIT ADVISES 95117 THROUGH 95499, FOR THE PERIOD 6-10-24 THROUGH 6-23-24, PAID ON 6-28-24, IN THE AMOUNT OF</u>	<u>\$572,917.17</u>
	<u>WARRANT NO. 939 AND AUTOMATIC DEPOSIT ADVISES 95500 THROUGH 95885, FOR THE PERIOD 6-24-24 THROUGH 7-7-24, PAID ON 7-12-24, IN THE AMOUNT OF</u>	<u>\$589,545.83</u>
	TOTAL PAYROLL REGISTER	\$1,162,463.00

11D. CONSIDERATION OF APPROVAL OF A LETTER OF OPPOSITION TO ASSEMBLY BILL 2560 REQUIRING LOCAL COASTAL PROGRAMS TO INCLUDE HOUSING PROVISIONS, INCLUDING DENSITY BONUSES, AND REDUCING LOCAL CONTROL OF HOUSING BY GIVING OVERSIGHT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE CALIFORNIA COASTAL COMMISSION

Staff Recommendation

If the City Council concludes that the provisions of Assembly Bill (AB) 2560 are inconsistent with the land use policies and priorities of the community then:

Adopt Resolution No. 24-121 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE A LETTER IN OPPOSITION TO ASSEMBLY BILL 2560 (ALVAREZ) AND CAUSE THE DELIVERY OF SAID LETTER TO THE CHAIR OF THE CALIFORNIA STATE ASSEMBLY'S LOCAL GOVERNMENT COMMITTEE.

11E. CONSIDERATION TO SUBMIT A LETTER OF OPPOSITION FOR ASSEMBLY BILL 2557 IMPACTING THE COSTS FOR PROVIDING CONTRACT SERVICES TO MUNICIPALITIES

Staff Recommendation

If the City Council concludes that the provisions of Assembly Bill (AB) 2557 are inconsistent with the responsible expenditure of tax payer dollars then:

Adopt Resolution No. 24-122 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE A LETTER IN OPPOSITION TO ASSEMBLY BILL 2557 (ORTEGA) AND CAUSE THE DELIVERY OF SAID LETTER TO THE CHAIR OF THE CALIFORNIA STATE ASSEMBLY'S LOCAL GOVERNMENT COMMITTEE.

11F. CONSIDERATION OF MAYOR CABRAL'S TRAVEL EXPENSES

Staff Recommendation

Authorize an expenditure of up to \$550 related to Mayor Cabral's attendance at Senator Nguyen's California Surf Day event.

11G. CONSIDERATION OF A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO ONYX PAVING COMPANY, INC. FOR FY 2025 ARTERIAL AND LOCAL STREET IMPROVEMENT PROGRAM, CIP PROJECT NOS. 15317 AND 15322, IN AN AMOUNT NOT TO EXCEED \$1,639,000, AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-123, which will:

1. Find the FY 2025 Arterial and Local Street Improvement Program, CIP Project Nos. 15317 and 15322, 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 FY 2025 Arterial and Local Street Improvement Program, CIP Project Nos. 15317 and 15322, contract to ONYX Paving Company, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-44, by and between the City of San Clemente and ONYX Paving Company, Inc., providing for the FY 2025 Arterial and Local Street Improvement Program, in an amount not to exceed \$1,639,000, in a form substantially similar to Contract No. 24-44 (Attachment 3).
4. Approve a 10% construction contingency of \$163,900 for this project.

11H. RESPONSE TO 2023-2024 ORANGE COUNTY GRAND JURY REPORT "E-BIKES FRIEND OR FOE"

Staff Recommendation

1. Adopt Resolution No. 24-124, entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING RESPONSE TO FINDINGS AND RECOMMENDATIONS IN THE REPORT OF THE ORANGE COUNTY GRAND JURY - 'E-BIKES FRIEND OR FOE'.
2. Authorize the Mayor to execute, and direct staff to submit a letter in response to the findings and recommendations noted in the Administrative Report dated August 6, 2024, and on file with the City Clerk, to the Presiding Judge of the Superior Court by September 19, 2024 in substantially the same form as attached to the Resolution as Exhibit A.

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 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.

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>.