



5:00 p.m. - Closed Session
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 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: 2

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. *Gene James v. City of San Clemente*, Orange County Superior Court Case No. 30-2024-0143140-CU-OE-CJC.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Pastor John Randall, Calvary South OC

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations

A. Human Relations Leadership Awards

Presentation of the Human Relations Leadership Award to San Clemente High School students Grace Pratt and Kylie Marcisz in recognition of their service and dedication to the community.

B. Civica Law Group Update

Presentation by Matt Silver concerning Civica Law Group's work for Code Compliance and Orange County Sheriff Department.

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**

None.

9. Unfinished Business

None.

10. New Business**10A. SIDEWALK VENDING ENFORCEMENT AND IMPOUNDMENT PRACTICES REVIEW**

(Agendized by Councilmember Knoblock, with the support of Mayor Cabral and Mayor Pro Tem Enmeier).

Staff Recommendation

Receive and file the Administrative Report dated August 20, 2024, and on file with the City Clerk.

10B. INTRODUCTION (FIRST READING) OF AN ORDINANCE REGULATING THE OPERATION AND USE OF ELECTRIC BICYCLES AND OTHER ELECTRIC TRANSPORTATION DEVICES AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Introduce and conduct a first reading of Ordinance No. 1778 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE TITLE 10 - VEHICLES AND TRAFFIC, ADDING CHAPTER 10.62 TO ESTABLISH REGULATIONS FOR THE OPERATION AND USE OF ELECTRIC BICYCLES AND OTHER FORMS OF ELECTRIC TRANSPORTATION AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

10C. INTRODUCE (FIRST READING) AN ORDINANCE TO AMEND CHAPTERS 8.86 AND 12.18 OF THE SAN CLEMENTE MUNICIPAL CODE (RELATING TO PUBLIC CAMPING AND PUBLIC STORAGE OF PERSONAL PROPERTY) TO ADDRESS CHANGES IN LAW BROUGHT ABOUT BY CITY OF GRANTS PASS, OREGON V. JOHNSON, ET AL

Staff Recommendation

Introduce and conduct the first reading of Ordinance No. 1779 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, CALIFORNIA, AMENDING CHAPTERS 8.86 AND 12.18 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO PUBLIC CAMPING AND PUBLIC STORAGE OF PERSONAL PROPERTY TO ADDRESS CHANGES IN LAW BROUGHT ABOUT BY CITY OF GRANTS PASS, OREGON V. JOHNSON, ET AL. (2024) 144 S.Ct. 2202 (2024) AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

10D. CONSIDERATION OF A RESOLUTION APPROVING AND ADOPTING THE 2024-2028 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN CLEMENTE AND THE SAN CLEMENTE CITY EMPLOYEES ASSOCIATION FOR FULL-TIME BENEFITED EMPLOYEES AND ADOPTION OF REVISED CITY OF SAN CLEMENTE EMPLOYEE SALARY SCHEDULE

Staff Recommendation

1. Make an oral report summarizing the proposed final actions on the salaries, salary schedule and compensation paid in the form of fringe benefits to local agency executives, namely that, if adopted, Resolutions Nos. 24-127 and 24-128 would approve annual salary increases of 3.5%, 3%, 3%, and 2.5% over the four-year period beginning with FY 2024-25 and would provide for fringe benefits in the form of a monthly City contribution amount based on 85% of the average of health plans CalPERS makes available to the City, at the appropriate level of coverage selected by the employee, for all benefitted full time City employees, including the executive management team and the City Manager, as well as approving a revised salary schedule related thereto, all effective September 2, 2024.
2. Adopt Resolution No. 24-127 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING, ADOPTING, AND AUTHORIZING THE MAYOR TO EXECUTE THE 2024-2028 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN CLEMENTE AND THE SAN CLEMENTE CITY EMPLOYEES ASSOCIATION FOR THE CITY OF SAN CLEMENTE FULL-TIME BENEFITED EMPLOYEES AND APPROVING THE SAME LEVEL OF SALARY INCREASES AND BENEFITS FOR NON-REPRESENTED EXECUTIVE, MID-MANAGER, AND CONFIDENTIAL EMPLOYEE GROUPS.
3. Adopt Resolution No. 24-128 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED SALARY SCHEDULE WHICH INCLUDES IMPLEMENTATION OF EXECUTIVE LEVEL SALARY INCREASES AND AMENDING RESOLUTION NO. 24-94 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.
4. Approve, and authorize the Mayor to execute, Contract No. C24-48, the 2024-2028 Memorandum of Understanding (MOU), and adopting a revised salary schedule.

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 SPECIAL AND REGULAR CITY COUNCIL MEETING MINUTES OF AUGUST 6, 2024.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [COASTAL ADVISORY COMMITTEE SPECIAL MEETING MINUTES OF JANUARY 18, 2024.](#)
- (2) [COASTAL ADVISORY COMMITTEE ADJOURNED REGULAR MEETING MINUTES OF MARCH 21, 2024.](#)
- (3) [INVESTMENT ADVISORY COMMITTEE REGULAR MEETING MINUTES OF APRIL 29, 2024.](#)
- (4) [COASTAL ADVISORY COMMITTEE ADJOURNED REGULAR MEETING MINUTES OF MAY 16, 2024.](#)
- (5) [BEACHES, PARKS AND RECREATION COMMISSION REGULAR MEETING MINUTES OF JUNE 11, 2024.](#)
- (6) [PLANNING COMMISSION SPECIAL MEETING MINUTES OF JULY 24, 2024.](#)
- (7) [GOLF COURSE COMMITTEE REGULAR MEETING MINUTES OF AUGUST 1, 2024.](#)

C. Warrant Register

- (1) [APPROVE WIRE TRANSFER NOS. 3087 THROUGH 3090 AND WARRANT NOS. 589234 THROUGH 589398, PAID ON 7-26-24, IN THE AMOUNT OF](#) [\\$5,216,984.13](#)
- TOTAL WARRANT REGISTER \$5,216,984.13

Payroll Register

| | |
|---|---------------------|
| <u>WARRANT NOS. 940 THROUGH 943 AND AUTOMATIC DEPOSIT ADVISES 95886 THROUGH 96279, FOR THE PERIOD 7-8-24 THROUGH 7-21-24, PAID ON 7-26-24, IN THE AMOUNT OF</u> | <u>\$590,767.37</u> |
|---|---------------------|

| | |
|------------------------|--------------|
| TOTAL PAYROLL REGISTER | \$590,767.37 |
|------------------------|--------------|

11D. CONSIDERATION OF A RESOLUTION APPROVING A SECOND AMENDMENT TO A LEASE WITH TWO OPTIONS WITH GLAUKOS CORPORATION FOR THE CITY OWNED LAND LOCATED ON AVENIDA FABRICANTE (APN 690-661-09)

Staff Recommendation

Adopt Resolution No. 24-129, which will:

1. Approve the Second Amendment to the Standard Industrial/Commercial Land Lease Agreement - Gross Between City and Glaukos Corporation, provided as Attachment 1, Exhibit A, for the lease of the unimproved land located at Avenida Fabricante (APN 690-661-09).
2. Approve, and authorize the City Manager to execute, Amendment No. 2 to Contract No. C15-67, the lease agreement, by and between the City of San Clemente and Glaukos Corporation, for the lease of the unimproved land located at Avenida Fabricante (APN 690-661-09).

11E. CONSIDERATION OF A RESOLUTION APPROVING A FIVE-YEAR LEASE WITH TWO THREE-YEAR OPTIONS FOR THE CITY OWNED COMMERCIAL BUILDING LOCATED AT 1030 CALLE NEGOCIO (APN 688-142-35) AND APPROVING A SUPPLEMENTAL APPROPRIATION FOR BROKER COMMISSIONS

Staff Recommendation

Adopt Resolution No. 24-130, which will:

1. Approve the five-year lease agreement, provided as Exhibit A of Attachment 1, for the lease to XLR8 EMS, LLC of 1030 Calle Negocio.
2. Approve, and authorize the City Manager to execute, Contract No. C24-45, the lease agreement, by and between the City of San Clemente and XLR8 EMS, LLC, for the lease of 1030 Calle Negocio, for a base rent of \$16,081 per month for the first year, with 3% increases annually, and two three-year options to renew at market rental rate, and including the commission for consultant real estate services not to exceed 6% of the

gross lease revenues.

3. Accept revenues in the amount of \$112,567 for FY 2025 in Account No. 001-000-36253 - Negocio Lease Revenues.
4. Approve a supplemental appropriation in the amount of \$61,470 to Account No. 001-151-43605 - Broker Commissions.

11F. CONSIDERATION OF A RESOLUTION APPROVING THE PURCHASE OF WATER METERS FOR FISCAL YEAR 2025 FROM FERGUSON WATERWORKS AND METRON-FARNIER AS SOLE SOURCE VENDORS, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-131, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.
2. Approve the purchase of water meters from Ferguson Waterworks as a sole source vendor based on the attached fixed price quote.
3. Approve the purchase of water meters from Metron-Farnier as a sole source vendor based on the attached fixed price quote.
4. Approve the expenditure for water meter purchases for Fiscal Year 2024-25 for a total amount not to exceed \$122,070.

11G. CONSIDERATION OF A RESOLUTION AWARDING A CONTRACT TO CABCO YELLOW, INC. FOR SENIOR MOBILITY PROGRAM TRANSPORTATION SERVICES, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-132, which will:

1. Award a Professional Services Agreement to Cabco Yellow, Inc. dba California Yellow Cab (CYC).
2. Approve, and authorize the City Manager to execute, Contract No. C24-46, by and between the City of San Clemente and Cabco Yellow, Inc., providing for the Senior Mobility Program Transportation Services, in an amount not to exceed \$300,00, with two optional one year extensions not to exceed

\$100,000, exercisable by the City Manager's discretion.

3. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 of the state CEQA Guidelines (Existing Facilities, 14 CCR Section 15301).

11H. CONSIDERATION OF A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BEAR ELECTRICAL SOLUTIONS, INC. FOR CAMINO CAPISTRANO CROSSWALK IMPROVEMENTS, CIP PROJECT NO. 15321, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-133, which will:

1. Find the Camino Capistrano Crosswalk Improvements, CIP Project No. 15321, 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 Camino Capistrano Crosswalk Improvements, CIP Project No. 15321, contract to Bear Electrical Solutions, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-47, by and between the City of San Clemente and Bear Electrical Solutions, Inc., providing for the Camino Capistrano Crosswalk Improvements, in an amount not to exceed \$74,338, in a form substantially similar to Contract No. C24-47 (Attachment 3).
4. Approve a 15% construction contingency of \$11,150.70 for this project.

11I. RESPONSE TO 2023-2024 ORANGE COUNTY GRAND JURY REPORT "TALKING TRASH: RECYCLABLES AND ORGANIC WASTE"

Staff Recommendation

1. Adopt Resolution No. 24-134 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 - 'TALKING TRASH: RECYCLABLES AND ORGANIC WASTE'.
2. Authorize the Mayor to execute, and direct staff to submit a letter in response to the findings and recommendations noted in the report by submitting a letter to the Presiding Judge of the Superior Court by September 8, 2024 in substantially the same form as attached to the Resolution as Exhibit A.

11J. **RESPONSE TO 2023-2024 ORANGE COUNTY GRAND JURY REPORT
“EMERGING OPPORTUNITIES IN SOUTH COUNTY WATER/WASTEWATER
SYSTEMS”**

Staff Recommendation

1. Adopt Resolution No. 24-135, 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 - ‘EMERGING OPPORTUNITIES IN SOUTH COUNTY WATER/WASTEWATER SYSTEMS’.
2. Authorize the Mayor to execute, and direct staff to submit a letter in response to the findings and recommendations noted in the report by submitting a letter 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 September 3, 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>.