



5:00 p.m. - Closed Session  
6:00 p.m. - Business 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.

## ***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 - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code section 54956.9(a)&(d)(2)

Number of Cases: 2

1. [Facts and circumstances per Government Code section 54956.9\(e\)\(2\): Alleged violation of the Ralph M. Brown Act as set forth in the August 21, 2024 letter from Edward R. Kweskin.](#)
2. 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.

#### **B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Existing litigation pursuant to Government Code Section 54956.9(d)(1)

Number of Cases: 12

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.
2. Case Name: *Harbor View Estates Homeowners Association v. City of San Clemente*, Orange County Superior Court Case No. 30-2024-01371169-CU-WM-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: *Ruth Martin v. City of San Clemente*, Orange County Superior Court Case No. 30-2023-01332706-CU-MC-CXC.
5. 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.
6. Case Name: *Peggy Burke v. City of San Clemente, et al.*, Orange County

Superior Court Case No. 30-2023-01303894-CU-PO-CJC.

7. Case Name: *Priscilla Mejia v. City of San Clemente, et al.*, Orange County Superior Court Case No. 30-2023-01343945-CU-PO-CJC.
8. 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.
9. Case Name: *Sarah Altuwajri v. Capistrano Unif. School Dist., et al.*, Orange County Superior Court Case No. 30-2024-01406593-CU-PO-NJC.
10. Case Name: *Scott Smith v. City of San Clemente*, Orange County Superior Court Case No. 30-2024-01409991.
11. Case Name: *Gene James v. City of San Clemente*, Orange County Superior Court Case No. 30-2024-0143140-CU-OE-CJC.
12. Case Name: *Kristen Nelson v. GC-8, LLC, et al.*, Orange County Superior Court Case No. 30-2023-01334251-CU-OR-CJC.

## **BUSINESS MEETING (6:00 P.M.)**

### **CALL TO ORDER**

**INVOCATION – Assistant Pastor Steve Pascoe, Calvary Chapel San Clemente**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

## **1. Special Presentations**

### **A. City of San Clemente Blue City Certification**

Presentation by Ashley Pries, Chief City Liason, Blue City Network, in recognition of the City of San Clemente being named a Certified Blue City, Tier 2 Ocean Champion, for its commitment to healthy waterways and oceans.

### **B. San Clemente Water Polo Club Junior Olympics Medalists**

Presentation of Commendation to the San Clemente Water Polo Club Junior Olympics Medalists in recognition of the 10U Boys Team winning the Gold Medal and 10U Girls Team winning the Silver Medal.

## **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 agenda items requiring immediate action**

Per Government Code section 54954.2(b) and 54956.5. 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. CONSIDERATION OF A RESOLUTION REVISING AMBULANCE TRANSPORT FEE RATE AND ADOPTION SCHEDULE**

Public Hearing to consider amending the City's ambulance transport fee rate and adoption schedule. The proposed resolution aligns ambulance transport fees and adoption cycle with that of the Orange County Health Care Agency (OCHCA).

**Staff Recommendation**

Adopt Resolution No. 24-136 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A REVISED AMBULANCE TRANSPORT FEE RATE AND ADOPTION SCHEDULE AND REPEALING RESOLUTION NO. 16-31, AS IT RELATES TO AMBULANCE TRANSPORT FEES.

**8B. CONTINUANCE OF NO ACTION ON CONDITIONAL PERMIT 1021 RELATED TO THE PROPERTY LOCATED AT 616 DEL DIOS, ASSESSOR'S PARCEL NUMBER 690-552-05**

Public Hearing to consider whether to make changes to or revoke approved applications related to a telecommunications facility located at 616 Del Dios, including a Conditional Permit issued by the County of Orange in 1962 (as thereafter modified and approved by the City), Voluntary Compliance Agreement between American Tower Corporation and the City dated on or about July 6, 2023, and Wireless Communications Facilities Application Screening Form WMS 23-231 filed by Dish Wireless, LLC, a Colorado limited liability company, and may consider initiating litigation related to the same. The City Council will also consider whether any action that it takes that qualifies as a project is exempt from the California Environmental Quality Act, including, but not limited to, pursuant to State CEQA Guidelines Sections 15301, 15302, 15303, 15304, 15305 and 15321.

Staff Recommendation

Continue the abeyance of the revocation of Conditional Permit 1021 until November 19, 2024, which would maintain the status quo until that date.

**9. Unfinished Business**

None.

**10. New Business**

**10A. CONSIDERATION OF A RESOLUTION AWARDING SPORTS PARTNERSHIP STATUS FOR THE FALL/WINTER PRIMARY SEASON SPORTS**

Staff and the Beaches, Parks and Recreation Recommendation

Adopt Resolution No. 24-137, which will:

1. Grant Tier II Recreational Sports Partnership Status to American Youth Soccer Organization Region 111 for a two-year term with an option to re-quality for Tier I after year 1 of the Agreement.
2. Grant Tier I Recreational Sports Partnership Status to Elite Soccer League for a three-year term.
3. Grant Tier I Recreational Sports Partnership Status to South Coast Youth Football for a three-year term.
4. Approve, and authorize the Beaches, Parks & Recreation Director to execute, Contract No. C24-49, Recreation Sports Partnership Agreement, by and between the City of San Clemente and American Youth Soccer Organization Region 111, Tier II Recreational Sports Partnership Status, for a two-year term with an option to re-quality for a Tier I after year 1 of the

Agreement.

5. Approve, and authorize the Beaches, Parks & Recreation Director to execute, Contract No. C24-50, Recreation Sports Partnership Agreement, by and between the City of San Clemente and Elite Soccer League, Tier I Recreational Sports Partnership Status, for a three-year term.
6. Approve, and authorize the Beaches, Parks & Recreation Director to execute, Contract No. C24-51, Recreation Sports Partnership Agreement, by and between the City of San Clemente and South Coast Youth Football, Tier II Recreational Sports Partnership Status, for a three-year term.

**10B. CONSIDERATION OF RESOLUTION AWARDING AQUATICS PARTNERSHIP STATUS**

Staff and the Beaches, Parks and Recreation Commission Recommendation

Adopt Resolution No. 24-138, which will:

1. Establish general guidelines for the allocation and management of municipal pools concerning the partnerships.
2. Approve an exception to Aquatics Partnership Policy to allow for the San Clemente Aquatic Team to maintain its Senior Partner status granted in 2022 for an additional two years, expiring in December 2025.
3. Approve, and authorize the Beaches, Parks & Recreation Director to execute, a Junior Partnership Agreement (Contract No. C24-52), by and between the City of San Clemente and the San Clemente Water Polo Club, for a term of two years.
4. Direct the Beaches, Parks & Recreation Commission to review and update the Aquatics Partnership Policy as part of its 2024-25 Work Plan.

**10C. CONSIDERATION OF PUBLIC ART INSTALLATION - SAN CLEMENTE LIFEGUARD MONUMENT AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CLASS 3**

Staff Recommendation

1. Discuss the project generally, the proposed location of the statue and provide specific direction to the City Manager regarding the ongoing maintenance and care of the statue.
2. If the City Council wants to proceed with the project, adopt an appropriate resolution. If adopted, Resolution No. 24-139 would:
  - a. Find the project categorically exempt from the California Environmental Quality Act ("CEQA") under Class 3, Section 15303 of the state CEQA Guidelines (14 CCR 15303).
  - b. Conditionally approve the installation of the San Clemente Lifeguard monument in the Parque Del Mar/Pier Bowl area, noted in Exhibit A, subject to the approval of or waiver from the California Coastal Commission and entry into an installation and maintenance agreement with the San Clemente Lifeguard and Junior Lifeguard Foundation.
  - c. Direct staff to proceed with an application to the California Coastal Commission; and
  - d. Direct and authorize the City Manager to negotiate and execute an installation and maintenance agreement with the San Clemente Lifeguard and Junior Lifeguard Foundation in a form approved by the City Attorney that provides for the installation and ongoing care and maintenance of the monument to be provided by the San Clemente Lifeguard and Junior Lifeguard Foundation at no cost to the City.

**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 AUGUST 20, 2024.

**B. Commission/Committee Minutes**

Staff Recommendation:

Receive and file the following:

- (1) [PLANNING COMMISSION REGULAR MEETING MINUTES OF AUGUST 21, 2024.](#)
- (2) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF AUGUST 22, 2024.](#)

**C. Warrant Register**

- (1) [APPROVE WIRE TRANSFER NOS. 3091 THROUGH 3095 AND WARRANT NOS. 598399 THROUGH 598577, PAID ON 8-2-24, IN THE AMOUNT OF](#) [\\$1,655,721.29](#)
  - (2) [APPROVE WIRE TRANSFER NOS. 3096 THROUGH 3099 AND WARRANT NOS. 598578 THROUGH 598738, PAID ON 8-9-24, IN THE AMOUNT OF](#) [\\$4,358,302.92](#)
  - (3) [APPROVE WIRE TRANSFER NOS. 3100 THROUGH 3101 AND WARRANT NOS. 598739 THROUGH 598909, PAID ON 8-16-24, IN THE AMOUNT OF](#) [\\$1,031,103.05](#)
- TOTAL WARRANT REGISTER \$7,045,127.26

**Payroll Register**

[WARRANT NOS. 944 THROUGH 945 AND AUTOMATIC DEPOSIT ADVISES 96280 THROUGH 96672, FOR THE PERIOD 7-22-24 THROUGH 8-4-24, PAID ON 8-9-24, IN THE AMOUNT OF](#) [\\$586,342.60](#)

TOTAL PAYROLL REGISTER \$586,342.60



**11D. ADOPT ORDINANCE NO. 1778 (SECOND READING) - 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

Adopt 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.

**11E. ADOPT ORDINANCE NO. 1779 (SECOND READING) - 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**

Staff Recommendation

Adopt 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., 144 S.Ct. 2202 (2024) AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**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 17, 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](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>.