



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.)

None.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Pastor Briann Knutson, San Clemente Presbyterian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations

A. Presentation of Proclamation - Service Club Month

Presentation of Proclamation to San Clemente Service Clubs, proclaiming September as Service Club Month.

B. Presentation of Proclamation(s) - Indigenous People's Day and California Native American Day

Presentation of Proclamation to Sean Acuna, Tribal Chair, Juaneño Band of Mission Indians, Acjachemen Nation 84B, proclaiming September 27, 2024 as California Native American Day and October 14, 2024 as Indigenous People's Day.

C. Presentation of Proclamation - Constitution Week

Presentation of Proclamation presented to Mary Dahm, representing the San Clemente Island Chapter of the Daughters of the American Revolution, setting apart September 17 - 24, 2024 as Constitution Week.

D. PierPride

Presentation by Amber Gregg, representing PierPride, concerning an update on PierPride events and achievements.

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 APPROVING THE 2023-2024 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

A Public Hearing regarding the 2023-2024 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG).

Staff Recommendation

1. Open the public hearing, hear public comment and testimony, and close the public hearing.
2. Following the public hearing, Adopt Resolution No. 24-141 entitled A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING THE 2023-2024 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR SUBMITTAL TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

9. Unfinished Business

9A. CONSIDERATION OF A RESOLUTION TO INCREASE THE AMOUNT OF SAND BEING PLACED ON NORTH BEACH DUE TO COST SAVINGS WITHIN THE NORTH BEACH EMERGENCY SAND PLACEMENT PROJECT, CIP PROJECT NUMBER 14901, AND REALLOCATING THESE SAVINGS TO INCREASE THE CONSTRUCTION CONTINGENCY FROM 10% TO 19%

Staff Recommendation

Adopt Resolution No. 24-142 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING FUNDING REALLOCATION WITHIN THE EXISTING BUDGET FOR THE NORTH BEACH EMERGENCY SAND PLACEMENT PROJECT, CIP PROJECT NUMBER 14901 AND AN INCREASE IN THE CONSTRUCTION CONTINGENCY FROM 10% TO 19%.

10. New Business

10A. UPDATE ON THE UNITED STATES ARMY CORPS OF ENGINEERS SHORELINE PROTECTION PROJECT, NEXT STEPS IN THE PROCESS, AND CONSIDERATION OF ADDITIONAL FINANCIAL COMMITMENT TO COMPLETE THE INITIAL PHASE OF THE PROJECT

Staff Recommendation

Authorize the City Manager to send a letter to the United States Army Corps of Engineers (USACE) indicating its desire to complete the initial event as soon as possible and contribute the non-federal cost share in an estimated amount of \$2.6 million.

10B. CONFLICT OF INTEREST CODE UPDATE AND INTRODUCTION (FIRST READING) OF AN ORDINANCE RELATED TO FUTURE UPDATES

Staff Recommendation

1. Introduce and conduct the first reading of Ordinance No. 1781 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.24 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO ADD SECTION 2.24.010, RELATING TO THE CONFLICT OF INTEREST CODE.

2. Adopt Resolution No. 24-143 entitled A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974 AND REPEALING RESOLUTION NO. 21-37.

10C. INTRODUCTION (FIRST READING) OF AN ORDINANCE ESTABLISHING CITYWIDE POSTED SPEED LIMITS AND FINDING THE ORDINANCE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Planning Commission and Staff Recommendation

Introduce and conduct the first reading of Ordinance No. 1780 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SAN CLEMENTE MUNICIPAL CODE TITLE 10 - VEHICLES AND TRAFFIC, CHAPTER 10.16 TO ESTABLISH CITYWIDE POSTED SPEED LIMITS AND FINDING THE ACTION CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, which would maintain all current speed limits.

10D. CONSIDERATION OF A RESOLUTION TO INITIATE A ZONING AMENDMENT TO THE SAN CLEMENTE MUNICIPAL CODE TO ENHANCE DEVELOPMENT STANDARDS RELATED TO VISITOR-SERVING COMMERCIAL USES TO ENCOURAGE DEVELOPMENT THAT SUPPORTS THE ECONOMIC DEVELOPMENT GOALS OF THE GENERAL PLAN

Staff Recommendation

Adopt Resolution No. 24-144, which will:

1. Initiate an amendment to the Zoning Ordinance to establish enhanced development standards related to visitor-serving commercial uses, including roof-top decks, and other accessory structures, to encourage development that supports the economic development goals of the General Plan in certain areas that can be demonstrated to have a low-impact on residential neighborhoods.
2. Authorize a supplemental appropriation from the General Fund unassigned fund balance to Account No. 001-433-43890 (other contractual services), in the amount of \$55,000, to cover the costs for staff and legal counsel review, and processing of required California Environmental Quality Act (CEQA) analysis.

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 SEPTEMBER 3, 2024.](#)

B. **Commission/Committee Minutes**

Staff Recommendation:

Receive and file the following:

- (1) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF JUNE 25, 2024.](#)
- (2) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF JULY 23, 2024.](#)

C. **Warrant Register**

- (1) [APPROVE WIRE TRANSFER NOS. 3102 THROUGH 3106 AND WARRANT NOS. 598910 THROUGH 599051, PAID ON 8-23-24, IN THE AMOUNT OF](#) [\\$7,249,205.97](#)
- (2) [APPROVE WIRE TRANSFER NOS. 3107 THROUGH 3110 AND WARRANT NOS. 599052 THROUGH 599207, PAID ON 8-30-24, IN THE AMOUNT OF](#) [\\$2,554,875.87](#)
- TOTAL WARRANT REGISTER \$9,804,081.84

Payroll Register

- [WARRANT NOS. 946 THROUGH 948 AND AUTOMATIC DEPOSIT ADVISES 96673 THROUGH 97050, FOR THE PERIOD 8-5-24 THROUGH 8-18-24, PAID ON 8-23-24, IN THE AMOUNT OF](#) [\\$565,223.43](#)
- TOTAL PAYROLL REGISTER \$565,223.43

11D. CONSIDERATION OF A RESOLUTION REJECTING ALL BIDS FOR THE LIFEGUARD TOWERS REPLACEMENT (2024), CIP PROJECT NO. 22104

Staff Recommendation

Adopt Resolution No. 24-145, which will:

1. Reject all bids received on November 16, 2023 for the Lifeguard Towers Replacement Project, CIP Project No. 22104, pursuant to Section 20166 of the Public Contract Code.
2. Authorize staff to revise the bid package and re-bid the Lifeguard Towers Replacement Project, CIP Project No. 22104, with a revised project scope.

11E. CONSIDERATION OF A RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR THE PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA, PROJECT NO. 15007; APPROVING FUNDING IN THE AMOUNT OF \$2,301,000 FROM THE STORM DRAIN FUND DEPRECIATION RESERVE, DISASTER RELIEF FUND AND THE ANTICIPATED \$1,000,000 REIMBURSEMENT FROM CALIFORNIA JOINT POWERS INSURANCE AUTHORITY; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-146, which will:

1. Accept the anticipated insurance reimbursement (068-000-39550) of \$1,000,000 from the California Joint Powers Insurance Authority (CJPIA).
2. Approve an appropriation in the amount of \$1,501,000 from the Storm Drain Fund Depreciation Reserve into Account No. 059-553-45300-000-15007.
3. Approve a transfer of funds in the amount of \$400,000 from E. Ave. Cordoba Drainage into Account No. 059-553-45300-000-15007.
4. Approve an appropriation in the amount \$400,000 from the Disaster Relief Fund into Account No. 059-553-45300-000-15007.
5. Award a contract to Bosco Constructors, Inc., as the lowest responsible bidder, for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 15007.
6. Approve, and authorize the City Manager to execute, Contract No. C24-54, by and between the City of San Clemente and Bosco Constructors, Inc., providing for the Prima Deshecha Canada Channel (Facility No. M01) Wall

Stabilization at Grande Vista, in an amount not to exceed \$1,886,336, in a form substantially similar to Contract No. C24-54 (Attachment 2).

7. Approve a 14% construction contingency in the amount of \$256,674 for this project.
8. Find the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 15007, is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR section 15301) of the State CEQA Guidelines.

11F. NOTICE OF COMPLETION - PAVEMENT PRESERVATION PROGRAM - UTILITY ADJUSTMENTS

Staff Recommendation

Adopt Resolution No. 24-147, which will:

1. Accept the Pavement Preservation Program - Utility Adjustments, CIP Project No. 13321, from the contractor, EBS Utility Adjusting, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Pavement Preservation Program - Utility Adjustments.
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, EBS Utility Adjusting, 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.

11G. NOTICE OF COMPLETION - AVENIDA PICO AND SAN CLEMENTE OUTLETS CORRIDOR RUNOFF TREATMENT PROJECT, PHASE 3

Staff Recommendation

Adopt Resolution No. 24-148, which will:

1. Accept the Avenida Pico and San Clemente Outlets Corridor Runoff Treatment Project, Phase 3, CIP Project No. 23805, from the contractor, G2 Construction, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the Avenida Pico and San Clemente Outlets Corridor Runoff Treatment Project, Phase 3.

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, G2 Construction, Inc.

11H. CONSIDERATION OF A RESOLUTION APPROVING AND ADOPTING COMPENSATION CHANGES FOR CERTAIN CLASSIFICATIONS BASED ON CITY MANAGER CLASSIFICATION AND COMPENSATION “DESK AUDIT” FINDINGS AND ADOPTION OF A REVISED SALARY SCHEDULE

Staff Recommendation

Adopt Resolution No. 24-149 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING REVISED SALARY SCHEDULE AND CLASSIFICATION CHANGES AND AMENDING RESOLUTION NO. 24-128 AND ANY OTHER RESOLUTIONS IN CONFLICT THEREWITH.

11I. CONSIDERATION OF A RESOLUTION AWARDING A THREE-YEAR LICENSE AGREEMENT FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE

Staff Recommendation

Adopt Resolution No. 24-150 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AWARDING A THREE-YEAR LICENSE AGREEMENT TO ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR GIS MAPPING SOFTWARE AND SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

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 October 1, 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>.