



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

* Please note that items 1A - Registrar of Voters -Voter Integrity Presentation and 10A - Consideration of a Resolution Affirming Voting Integrity for Elections have been removed from the agenda and will not be considered.

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

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: 1

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

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Discussion concerning real property transactions in compliance with Government Code section

54956.8 regarding:

1. Real Property Negotiations: 150 Avenida Magdalena (APN 060-101-05) and 721 Avenida Salvador (APN 690-502-16)
Property: Wireless tower facilities located on City properties at the Municipal Golf Course site and at the Salvador Water Reservoir (aka Crown Castle Sites 823239 and 879058)
City Negotiators: Andy Hall, City Manager and Jonathan Lightfoot, City Planner
Negotiating Parties: Crown Castle and MD7
Under Negotiation: Price and terms

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION – Reverend Dale Rosenberger, San Clemente Presbyterian Church

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Special Presentations

A. Registrar of Voters - Voter Integrity

This item has been removed from the agenda.

B. Presentation of Proclamation - Code Enforcement Officer Appreciation Week

Presentation of Proclamation to Danielle Sorahan, Code Compliance Manager, proclaiming October 6-12, 2024 as Code Enforcement Officer Appreciation Week.

C. Presentation of Proclamation - Wildfire Awareness Season

Presentation of Proclamation to Orange County Fire Authority Division Chief Maule proclaiming Mid-Summer through Early Autumn 2024 as Wildfire Awareness and Prevention Season.

D. Presentation of Proclamation - Fire Prevention Week

Presentation of Proclamation to Orange County Fire Authority Division Chief Maule proclaiming October 6-12, 2024 as Fire Prevention Week.

E. Hispanic Heritage Month

Recognition of Hispanic Heritage Month, September 15 to October 15, 2024, in celebration of Hispanic and Latino history, culture and legacies that enrich our community.

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

None.

9. Unfinished Business

None.

10. New Business**10A. CONSIDERATION OF A RESOLUTION AFFIRMING VOTING INTEGRITY FOR ELECTIONS**

This item has been removed from the agenda and will not be considered.

10B. CONTRACT AMENDMENT - SOLID WASTE HANDLING SERVICES FOR TWO MONTHS, SETTING A PROPOSITION 218 HEARING FOR NOVEMBER 19, 2024 TO SET RATES, AND FINDING THE CONTRACT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**Staff Recommendation**

Adopt Resolution No. 24-152, which will:

1. Find the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR 15301) of the state CEQA Guidelines.
2. Approve Amendment No. 4 to the Agreement with CR&R Incorporated to continue Solid Waste Handling services for two months.
3. Approve, and authorize the City Manager to execute, Amendment No. 4 to Contract No. C87-62, by and between the City of San Clemente and CR&R Incorporated, to continue Solid Waste Handling services for two months.
4. Setting a Proposition 218 Hearing for November 19, 2024 to review the Cost-of-Service Study, hear any protests and set rates.

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 17, 2024.](#)

B. Commission/Committee Minutes

Staff Recommendation:

Receive and file the following:

- (1) [COASTAL ADVISORY COMMITTEE REGULAR MEETING MINUTES OF JULY 18, 2024.](#)
- (2) [PLANNING COMMISSION SPECIAL MEETING MINUTES OF AUGUST 21, 2024.](#)
- (3) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF AUGUST 27, 2024.](#)
- (4) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF SEPTEMBER 5, 2024.](#)

C. Warrant Register

- | | | |
|-----|---|---------------------------------------|
| (1) | <u>APPROVE WIRE TRANSFER NOS. 3111 THROUGH 3115 AND WARRANT NOS. 599208 THROUGH 599340, PAID ON 9-6-24, IN THE AMOUNT OF</u> | <u>\$2,813,581.99</u> |
| (2) | <u>APPROVE WIRE TRANSFER NOS. 3116 THROUGH 3117 AND WARRANT NOS. 599341 THROUGH 599499, PAID ON 9-13-24, IN THE AMOUNT OF</u> | <u>\$3,143,217.56</u> |
| (3) | <u>APPROVE WIRE TRANSFER NOS. 3118 THROUGH 3121 AND WARRANT NOS. 599500 THROUGH 599626, PAID ON 9-20-24, IN THE AMOUNT OF</u> | <u>\$1,984,696.44</u> |
| | TOTAL WARRANT REGISTER | \$7,941,495.99 |

Payroll Register

<u>WARRANT NO. 949 AND AUTOMATIC DEPOSIT ADVISES 97051 THROUGH 97396, FOR THE PERIOD 8-19-24 THROUGH 9-1-24, PAID ON 9-6-24, IN THE AMOUNT OF</u>	<u>\$514,393.07</u>
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<u>WARRANT NOS. 950 THROUGH 952 AND AUTOMATIC DEPOSIT ADVISES 97397 THROUGH 97737, FOR THE PERIOD 9-2-24 THROUGH 9-15-24, PAID ON 9-20-24, IN THE AMOUNT OF</u>	<u>\$521,175.25</u>
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TOTAL PAYROLL REGISTER	\$1,035,568.32
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11D. ADOPT ORDINANCE NO. 1780 (SECOND READING) - ESTABLISHING CITYWIDE POSTED SPEED LIMITS AND FINDING THE ORDINANCE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt 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.

11E. ADOPT ORDINANCE NO. 1781 (SECOND READING) - CONFLICT OF INTEREST CODE

Staff Recommendation

Adopt 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.

11F. **CONTRACT AMENDMENT - MUNICIPAL CITATION LEGAL SERVICES AND CODE ENFORCEMENT LEGAL SERVICES**

Staff Recommendation

Adopt Resolution No. 24-153, which will:

1. Approve the first amendment to the Municipal Citation Legal Services agreement with Civica Law Group, APC, in an amount not to exceed \$144,000 for FY 2024-25 and FY 2025-26.
2. Approve an additional appropriation in the amount of \$44,400 for the first amendment to the Municipal Citation Legal Services agreement with Civica Law Group, APC.
3. Approve the first amendment to the Code Enforcement Legal Services agreement with Civica Law Group, APC, and its updated rate schedule, with attorney/legal fees not to exceed \$186,000 per fiscal year.
4. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. C24-11, by and between the City of San Clemente and Civica Law Group, APC, providing for Municipal Citation Legal Services, in an amount not to exceed \$144,000 for FY 2024-25 and FY 2025-26.
5. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. C24-10, by and between the City of San Clemente and Civica Law Group, APC, providing for Code Enforcement Legal Services, in an amount not to exceed \$186,000 per fiscal year.

11G. CONTRACT AWARD - COMPLETION OF THE FEDERALLY MANDATED AMERICAN WATER INFRASTRUCTURE ACT OF 2018 (AWIA) PROJECT UPDATES, INCLUDING THE RISK AND RESILIENCY ASSESSMENT (RRA) AND THE EMERGENCY RESPONSE PLAN (ERP); AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-154, which will:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 9 (Inspections, 14 CCR section 15309 of the State CEQA Guidelines).
2. Approve the agreement for sharing consultant costs with Metropolitan Water District of Orange County and Herndon Solutions Group for the federally required America's Water Infrastructure Act AWIA updates.
3. Approve, and authorize the City Manager to execute, Contract No. C24-55, a shared services consultant agreement, by and between the City of San Clemente and Metropolitan Water District of Orange County and Herndon Solutions Group, for sharing consultant costs with for the Federally required America's Water Infrastructure Act (AWIA) updates, in an amount not to exceed \$66,700.

11H. CONTRACT AWARD - STORM DRAIN GRAVITY MAIN SWGM-16135 REPAIRS; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$735,000 FROM THE STORM DRAIN FUND; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-155, which will:

1. Approve a supplemental appropriation in the amount of \$735,000 from the Storm Drain Fund into Account No. 059-553-43420-000-26001, which will be by a loan from the Local Drainage Fund in an amount up to \$735,000 from the Catch Basin and Storm Drain projects.
2. Award a contract to Diamond Construction & Design, as the lowest responsible and responsive bidder, for the Storm Drain Gravity Main SWGM-16135 Repairs, Project No. 26001.
3. Approve, and authorize the City Manager to execute, Contract No. C24-

56, by and between the City of San Clemente and Diamond Construction & Design, providing for the Storm Drain Gravity Main SWGM-16135 Repairs, in an amount not to exceed \$573,637 in a form substantially similar to Contract No. C24-56 (Attachment 2).

4. Approve a 19% construction contingency of \$109,000 for this Project.
 5. Find the Storm Drain Gravity Main SWGM-16135 Repairs, Project No. 26001, categorically exempt from the California Environmental Quality Act (CEQA) under Class 2 (Replacement or Reconstruction, 14 CCR section 15302) of the State CEQA Guidelines.
- 11I. **CONTRACT AWARD - PAVEMENT PRESERVATION PROGRAM - CRACK FILLING; AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 24-156, which will:

1. Find the Pavement Preservation Program - Crack Filling, CIP Project No. 25304, 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 Pavement Preservation Program - Crack Filling, CIP Project No. 25304, contract to Roy Allan Slurry Seal, Inc.
 3. Approve, and authorize the City Manager to execute, Contract No. C24-57, by and between the City of San Clemente and Roy Allan Slurry Seal, Inc., providing for the Pavement Preservation Program - Crack Filling, in an amount not to exceed \$125,595, in a form substantially similar to Contract No. C24-57 (Attachment 3).
 4. Approve a 15% construction contingency of \$18,840 for this project.
- 11J. **CONSIDERATION OF THE FY 2024-25 BEACHES, PARKS & RECREATION COMMISSION WORK PLAN**

Staff and the Beaches, Parks and Recreation Commission Recommendation

Adopt Resolution No. 24-157 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING THE BEACHES, PARKS AND RECREATION COMMISSION FY 2024-25 WORK PLAN.

11K. CONSIDERATION OF COUNCILMEMBER TRAVEL AND TRAINING EXPENSESStaff Recommendation

Authorize an expenditure of up to \$3,150 related to City Councilmembers' attendance at the League of California Cities 2024 Annual Conference and Expo.

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) CONSIDERATION OF ESTABLISHING A CITY COUNCIL SUBCOMMITTEE TO OVERSEE SELECTION OF MULTI-YEAR TREE TRIMMING CONTRACTOR**Staff Recommendation

Appoint a two-person City Council subcommittee to participate in the bid opening process for the City's multi-year tree trimming contract.

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 15, 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>.