

**NOTICE AND CALL OF SPECIAL MEETING OF THE  
SAN CLEMENTE CITY COUNCIL**

TO MEMBERS OF THE SAN CLEMENTE CITY COUNCIL:

NOTICE IS HEREBY GIVEN that a Special Meeting is hereby called by Mayor Cabral to be held at 5:30 p.m. on October 15, 2024 for the purpose of beginning Closed Session at 5:30 p.m. The meeting will be held in Council Chambers, located at 910 Calle Negocio, 2<sup>nd</sup> Floor, San Clemente. This meeting is being called to discuss the items on the attached agenda. The Regular Business meeting will begin at 6:00 p.m.

Victor Cabral, Mayor  
City of San Clemente

[City Council Special and Regular Business Meeting Agenda of October 15, 2024 on next page]



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

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

Revised agenda to reflect the addition of Closed Session Item A - Real Property Negotiations concerning a 0.8 acre area of Richard T. Steed Memorial Park.

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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 (5:30 P.M.) (Special Meeting)**

#### **A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Discussion concerning real property transactions in compliance with Government Code section 54956.8 regarding:

1. Real Property Negotiations: 690-552-06  
Property: A 0.8-acre area of the Richard T. Steed Memorial Park property at the intersection of Avenida La Pata and Calle Extremo, currently established as the Baron Von Willard Dog Park  
City Negotiators: Andy Hall, City Manager and Samantha Wylie, Director of Beaches, Parks and Recreation  
Negotiating Parties: David Browning, Orange County Mountain Bike Association  
Under Negotiation: Price and terms

### **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. Breast Cancer Awareness Month**

In honor of Breast Cancer Awareness month, we encourage our residents to prioritize their health by scheduling an appointment for early detection.

#### **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. [DE NOVO APPEAL AND PUBLIC HEARING ON PROJECT \(PHP\) 23-262, HOTEL CLEMENTE & LORETTA'S RESTAURANT, A REQUEST TO CONSTRUCT A 28-UNIT BOUTIQUE HOTEL AND A RESTAURANT WITH OUTDOOR SEATING, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT](#)**Staff Recommendation

Conduct a de novo public hearing, hear and consider all public testimony and comments, close the public hearing, and adopt Resolution No. 24-158, which will:

1. Find the Project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331 (Class 31: Historical Resource Restoration/Rehabilitation) and Section 15332

(Class 32: In-Fill Development Projects), and direct staff to file a Notice of Exemption.

2. Deny the appeal and approve with conditions Project 23-262, consisting of Cultural Heritage Permit 23-263, Development Permit 24-258, Conditional Use Permit 23-264, and Minor Conditional Use Permit 24-260, Hotel Clemente and Loretta's Restaurant, for the demolition of a duplex, rehabilitation and adaptive reuse of a historic resource at 232 Avenida Granada, construction of two new buildings to establish a 28-room boutique hotel, with a roof-top deck and architectural elements and elevator towers encroaching above the maximum height for the zoning district, and specialty restaurant with indoor and outdoor seating. The project will merge the five lots into one parcel for the development and include sale of on-site full-service alcohol, outdoor courtyard seating, indoor amplified music, valet parking service, the use of vehicle lifts, and parking demand modifications with shared parking.

## 9. Unfinished Business

### 9A. UPDATE ON SIDEWALK VENDING ENFORCEMENT

#### Staff Recommendation

Receive and file the Administrative Report dated October 15, 2024, and on file with the City Clerk.

## 10. New Business

None.

## 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 OCTOBER 1, 2024.](#)

### B. Commission/Committee Minutes

#### Staff Recommendation:

Receive and file the following:

- (1) [PLANNING COMMISSION ADJOURNED MEETING OF SEPTEMBER 18, 2024.](#)

(2) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF SEPTEMBER 19, 2024.](#)

(3) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF OCTOBER 3, 2024.](#)

**C. Warrant Register**

(1) [APPROVE WIRE TRANSFER NOS. 3122 THROUGH 3123 AND WARRANT NOS. 599627 THROUGH 599787, PAID ON 9-27-24, IN THE AMOUNT OF](#) [\\$1,870,089.10](#)

**Payroll Register**

None.

**11D. CONTRACT AWARD - PEDESTRIAN AUDIBLE WARNING SYSTEM (PAWS) REHABILITATION, AUTHORIZING A 10% PROJECT CONTINGENCY, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 24-159, which will:

1. Determine that the project is categorically exempt from the California Environmental Quality Act under Class 2 (Replacement or Reconstruction, 14 CCR 15302), Section 15302 of the state CEQA Guidelines.
2. Award a professional consultant services agreement to Pacific Railway Enterprises, Inc. for the Pedestrian Audible Warning System Rehabilitation, CIP Project No. 25505.
3. Approve, and authorize the City Manager to execute, Contract No. C24-58, by and between the City of San Clemente and Pacific Railway Enterprises, Inc., providing for the Pedestrian Audible Warning System Rehabilitation, in an amount not to exceed \$248,481, in a form substantially similar to Contract No. C24-58 (Attachment 2).
4. Approve a 10% project contingency.

**11E. CONTRACT AWARD - PICO/PRESIDIO DIP REPLACEMENT, APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$140,000 FROM THE WATER FUND DEPRECIATION RESERVE, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 24-160, which will:

1. Find the Pico/Presidio DIP Replacement Project Repairs, Project No. 13411, categorically exempt from the California Environmental Quality Act (CEQA) under Class 2 (Replacement or Reconstruction, 14 CCR section 15302) of the State CEQA Guidelines.
2. Approve a supplemental appropriation of \$140,000 from the Water Fund Depreciation Reserve into Account No. 052-466-45300-000-13411.
3. Award a contract to Diamond Construction & Design, as the lowest responsible and responsive bidder, for the Pico/Presidio DIP Replacement Project Repairs, Project No. 13411.
4. Approve, and authorize the City Manager to execute, Contract No. C24-59, by and between the City of San Clemente and Diamond Construction & Design, providing for the Pico/Presidio DIP Replacement project, in an amount not to exceed \$1,189,310 in a form substantially similar to Contract No. 24-59 (Attachment 2).
5. Approve a 15% construction contingency of \$178,397 for this project.

**11F. CONTRACT AWARD - AVENIDA MONTALVO CANYON AND TRAIL IMPROVEMENTS HABITAT RESTORATION, CIP PROJECT NOS. 22001 & 16004 AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 24-161, which will:

1. Award a contract to Habitat Restoration Science, Inc., as the lowest responsible and responsive bidder, for the Avenida Montalvo Canyon and Trail Improvement Habitat Restoration, CIP Project Nos. 22001 & 16004.
2. Approve, and authorize the City Manager to execute, Contract No. C24-60, by and between the City of San Clemente and Habitat Restoration Science, Inc., providing for the Avenida Montalvo Canyon and Trail Improvement Habitat Restoration, in an amount not to exceed \$223,299 in

a form substantially similar to Contract No. 24-60 (Attachment 2).

3. Approve a 15% construction contingency of \$33,495 for this Project.
  4. Find the Avenida Montalvo Canyon and Trail Improvement Habitat Restoration, CIP Project Nos. 22001 & 16004, categorically exempt from the CEQA under Class 2 (Replacement or Reconstruction, 14 CCR section 15302) of the State CEQA Guidelines.
- 11G. CONTRACT AWARD - OFFSHORE SAND SOURCE INVESTIGATION, ACCEPTING RELATED GRANT FUNDING, MAKING A SUPPLEMENTAL APPROPRIATION, AND FINDING THE PROJECT STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Staff Recommendation

Adopt Resolution No. 24-162, which will:

1. Find the project statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15262 (Feasibility and Planning Studies) of the state CEQA Guidelines.
2. Award a professional consulting services agreement to Coastal Frontiers Corporation for offshore sand source investigation.
3. Approve, and authorize the City Manager to execute, Contract No. C24-61, by and between the City of San Clemente and Coastal Frontiers Corporation, providing for the offshore sand source investigation, in an amount not to exceed \$796,266.
4. Accept grant revenues in the amount of \$800,000 to Account No. 001-000-33446 (Coastal Grant Revenue).
5. Make a supplemental appropriation of \$800,000 to Account No. 001-433-43695 (Professional Studies).



**11H. CONSIDERATION OF A RESOLUTION APPROVING THE PUBLIC SAFETY COMMITTEE'S FISCAL YEAR 2024-2025 WORK PLAN, AND DETERMINING THAT THE WORK PLAN ACTIVITIES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Public Safety Committee and Staff Recommendation

Adopt Resolution No. 24-163, which will:

1. Determine that the FY 2024-25 Work Plan Items are exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Sections 15060(c)(2) and 15378.
2. Approve the FY 2024-25 Work Plan as presented by the Public Safety Committee.
3. Appropriate \$18,500 from the General Fund to Account No. 001-451-43890-000-0000 for the Human Trafficking project (\$3,500) and the Neighborhood Watch program project (\$15,000), as outlined in the Work Plan.

**11I. CONSIDERATION OF A RESOLUTION APPROVING THE HUMAN AFFAIRS COMMITTEE FISCAL YEAR 2024-2025 WORK PLAN, AND DETERMINING THAT THE WORK PLAN ACTIVITIES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Human Affairs Committee and Staff Recommendation

Adopt Resolution No. 24-164, which will:

1. Determine that the FY 2024-25 Work Plan Items are exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Sections 15060(c)(2) and 15378.
2. Approve the FY 2024-25 Work Plan as presented by the Human Affairs Committee.
3. Appropriate \$7,050 for these five projects from the City's General Fund to Account No. 001-435-44420-000-00000 for the Fee Supplement for Underprivileged Volunteers (\$1,500), Updating Resource Registry (\$2,500), San Clemente High School Humanitarian Award and Support (\$550), and Community Resource Fair (\$2,500) projects, as outlined in the Work Plan.

**11J. CONSIDERATION OF A RESOLUTION APPROVING THE COASTAL ADVISORY COMMITTEE FISCAL YEAR 2024-2025 WORK PLAN, AND DETERMINING THAT THE WORK PLAN ACTIVITIES ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Coastal Advisory Committee and Staff Recommendation

Adopt Resolution No. 24-165 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE FY 2024-25 COASTAL ADVISORY COMMITTEE WORK PLAN AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**11K. CONSIDERATION OF THE FY 2024-25 GOLF COURSE COMMITTEE WORK PLAN**

Golf Course Committee and Staff Recommendation

Adopt Resolution No. 24-166 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE FY 2024-25 GOLF COURSE COMMITTEE WORK PLAN.

**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 November 19, 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.

Please note the November 5, 2024 Regular City Council meeting was previously canceled.

## **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>.