



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: 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

B. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Whether to initiate litigation pursuant to Government Code section 54956.9(d)(4) Number of Cases: 1

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

Continued 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 public hearing indefinitely and extend the abeyance of the revocation of Conditional Permit 1021 indefinitely.

8B. INTRODUCTION (FIRST READING) OF AN ORDINANCE APPROVING ZONING AMENDMENT ZA24-193 TO TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE TO ADD CHAPTER 17.26 OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL AND RESIDENTIAL MIXED-USE DEVELOPMENT, AMENDING SECTION 17.32.030 RESIDENTIAL ZONE USES, AMENDING SECTION 17.36.020 COMMERCIAL ZONE USES, AMENDING SECTION 17.40.030 MIXED-USE ZONE USES, AND AMENDING SECTION 17.56.090 HOUSING OVERLAY TO ADD CERTAIN SITES PREVIOUSLY IDENTIFIED IN THE HOUSING ELEMENT, IN ACCORDANCE WITH CALIFORNIA HOUSING LAWS AND THE CITY OF SAN CLEMENTE'S CERTIFIED HOUSING ELEMENT; AND FINDING THAT THE ZONING AMENDMENT IS EXEMPT FROM CEQA PER THE COMMUNITY PLAN EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21083.3 AND CEQA GUIDELINES SECTIONS 15183, 15060(C) AND 15061(B)(3)

Public Hearing for the City Council to consider an Ordinance approving Zoning Amendment ZA24-193 to Title 17 (Zoning) of the San Clemente Municipal Code to add Chapter 17.26 Objective Design Standards for Multi-Family Residential and Residential Mixed-Use Development, amending Section 17.32.030 Residential Zone Uses, Amending Section 17.36.020 Commercial Zone Uses, Amending Section 17.40.030 Mixed-Use Zone Uses, and Amending Section 17.56.090 Housing Overlay to add certain sites previously identified in the Housing Element, in accordance with California housing laws and the City of San Clemente's certified Housing Element; and finding that the zoning amendment is exempt from CEQA per the Community Plan exemption pursuant to PRC Sec. 21083.3 and Guidelines Sections 15183, 15060(C) and 15061(B)(3).

Staff Recommendation

1. Determine that the zoning amendment is exempt from the California Environmental Quality Act (CEQA) per the Community Plan exemption pursuant to the Public Resources Code (PRC) Section 21083.3 and CEQA Guidelines Sections 15183, 15060(C) and 15061(B)(3).
2. Introduce and conduct the first reading of Ordinance No. 1784 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT ZA24-193 TO TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE TO ADD CHAPTER 17.26 OBJECTIVE DESIGN STANDARDS FOR MULTI-FAMILY RESIDENTIAL AND RESIDENTIAL MIXED-USE DEVELOPMENT, AMENDING SECTION 17.32.030 RESIDENTIAL ZONE USES, AMENDING SECTION 17.36.020 COMMERCIAL ZONE USES, AMENDING SECTION 17.40.030 MIXED-USE ZONE USES, AND AMENDING SECTION 17.56.090 HOUSING OVERLAY TO ADD CERTAIN SITES PREVIOUSLY IDENTIFIED IN THE HOUSING ELEMENT, IN ACCORDANCE WITH CALIFORNIA

HOUSING LAWS AND THE CITY OF SAN CLEMENTE'S CERTIFIED HOUSING ELEMENT; AND FINDING THAT THE ZONING AMENDMENT IS EXEMPT FROM CEQA PER THE COMMUNITY PLAN EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21083.3 AND CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15183, 15060(C) AND 15061(B)(3).

8C. PROPOSITION 218 HEARING AND CONSIDERATION OF A RESOLUTION APPROVING THE COST-OF-SERVICE STUDY, ADOPTING AND SETTING SOLID WASTE COLLECTION RATES, APPROVING AND AWARDED A SECOND AMENDED AND RESTATED AGREEMENT TO CR&R INCORPORATED FOR SOLID WASTE HANDLING SERVICES, AND FINDING THE CONTRACT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Public Hearing to consider adopting revised rates for collection, handling, and disposal of solid waste, including garbage, green waste, organics and recycling within the City (collectively, "solid waste services").

Staff Recommendation

Conduct the Proposition 218 Hearing, and if there is no majority protest, adopt Resolution No. 24-167, 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 and adopt the Cost-of-Service Study (Attachment 3).
3. Set and adopt the Solid Waste and Recycling Rates as proposed (Exhibit A and Attachment A to Attachment 1).
4. If the rates are approved, award and authorize the City Manager to execute, Contract No. C24-65, a Second Amended and Restated Agreement, by and between the City of San Clemente and CR&R Incorporated, providing for Solid Waste Handling Services (Attachment 2).

8D. CONSIDERATION OF A RESOLUTION AMENDING THE EXISTING DEL MAR/DOWNTOWN AREA UNDERGROUND UTILITY DISTRICT 02-01, CANCELING DISTRICT 02-02 AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Public Hearing to consider the Del Mar Phase 1 and Phase 2 Underground Utility Districts No. 02-01 and 02-02 were established to convert overhead utilities within the public right-of-way to underground facilities within the area generally bounded by Avenida Cabrillo, Avenida Del Mar, Avenida Granada, the Community Center and El Camino Real. The utility undergrounding is being designed by and will be conducted by San Diego Gas & Electric (SDG&E) under California Public Utilities Commission Rule 20A. At the public hearing, the City Council will consider removing several blocks from the district including Avenida Granada, the alley and easement north-northwest of Avenida Del Mar, and the alley east of Avenida Granada to address funding discrepancies connected with undergrounding of existing utilities in the original district area and allow the project to move forward. The City Council will also consider whether and to what extent the cost of installation of potential upgrades to customer service meter panels to accept underground service should be included in the undergrounding project.

Staff Recommendation

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) under Class 2 (Replacement or Reconstruction, 14 CCR Section 15302(d)) of the State CEQA Guidelines.
2. Approve the amendment to reduce the Underground Utility District (UDD) 02-01 to the area as shown in Attachment 4.
3. Remove the Underground Utility District (UDD) 02-01 funding for upgrading private utility panels unless additional savings can be found during final construction.
4. Formally cancel the Underground Utility District (UDD) 02-02 for future consideration of undergrounding of overhead utility in the Avenida Granada utility easement.

8E. PUBLIC HEARING AND CONSIDERATION OF RESOLUTION NO. 24-169, APPROVING A REVISED ADMINISTRATIVE FEE FOR VEHICLE REMOVAL, IMPOUND, STORAGE OR RELEASE BY THE ORANGE COUNTY SHERIFF'S DEPARTMENT FOR THE TRAFFIC VIOLATOR APPREHENSION PROGRAM (TVAP)

Public Hearing to consider amending the City's Traffic Violator Apprehension Program vehicle impound rates with an annual adjustment.

Staff Recommendation

1. Open the public hearing, hear all public input and close the public hearing.
2. Following the public hearing, adopt Resolution No. 24-169 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A REVISED ADMINISTRATIVE FEE FOR VEHICLE REMOVAL, IMPOUND, STORAGE OR RELEASE BY THE ORANGE COUNTY SHERIFF'S DEPARTMENT FOR THE TRAFFIC VIOLATOR APPREHENSION PROGRAM (TVAP) IN THE CITY OF SAN CLEMENTE.
3. Repeal Resolution No. 21-11.

8F. PUBLIC HEARING REGARDING THE FAILURE OF BROADMOOR SAN CLEMENTE COMMUNITY ASSOCIATION TO ENFORCE CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS)

Public Hearing to review the Covenants, Conditions and Restriction (CC&R) violations and determine whether the City of San Clemente shall assume enforcement duties as permitted under Article XII of the Broadmoor Homeowners Association Covenants, Conditions and Restriction (CC&Rs). Should the City take on enforcement responsibilities, the reasonable costs incurred, including reasonable attorney fees, may be assessed to the Homeowners Association, potentially leading to a uniform assessment against each lot within Broadmoor San Clemente.

Staff Recommendation

1. Open the public hearing, receive public testimony and comment, close the public hearing.
2. Determine that the Broadmoor Community Association has failed to enforce its covenants, conditions and restrictions (CC&Rs) and has failed to cure such non-performance and adopt Resolution No. 24-173 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN

CLEMENTE, CALIFORNIA, DETERMINING THAT THE BROADMOOR SAN CLEMENTE COMMUNITY ASSOCIATION HAS FAILED IN ITS ENFORCEMENT DUTIES UNDER THE ASSOCIATION'S COVENANTS, CONDITIONS, AND RESTRICTIONS AND FAILED TO CURE SUCH FAILURE, AND ASSUMING AND ASSIGNING THE CITY'S ENFORCEMENT AUTHORITY OF THE HEIGHT LIMITS FOR TREES ON PROPERTIES LOCATED BETWEEN 201 AND 327 CALLE DELICADA, SAN CLEMENTE, CA 92672 TO THE OWNERS OF PROPERTIES LOCATED BETWEEN 201 AND 337 CALLE FELICIDAD, SAN CLEMENTE, CA 92672.

9. Unfinished Business

None.

10. New Business

10A. APPOINTMENT OF THE CITY CLERK AND CITY TREASURER, AND INTRODUCTION (FIRST READING) OF ORDINANCES MAKING THE CITY TREASURER AND CITY CLERK POSITIONS APPOINTED BY THE CITY MANAGER

Staff Recommendation

1. Adopt Resolution 24-170 appointing Laura Campagnolo to the office of City Clerk in accordance to Chapter 2.10 of the Municipal Code of the City of San Clemente.
2. Introduce and conduct the first reading of Ordinance No. 1783 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 2.10 OF THE MUNICIPAL CODE OF THE CITY OF SAN CLEMENTE TO MODIFY SECTIONS 2.10.010 AND 2.08.090, VESTING AUTHORITY IN THE CITY MANAGER TO APPOINT THE CITY CLERK, and direct the City Manager to make such future appointments going forward.
3. Adopt Resolution 24-171 appointing Charlie Smith to the office of City Treasurer in accordance to Chapter 2.14 of the Municipal Code of the City of San Clemente.

10B. INTRODUCTION (FIRST READING) OF AN ORDINANCE, AMENDING MUNICIPAL CODE SECTIONS 8.48.070, 8.48.090, 12.34.020 AND 12.34.040 RELATED TO AMPLIFIED SOUND AND SPECIAL EVENT PERMITS, AND FINDING THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Introduce and conduct a first reading of Ordinance No. 1785 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MUNICIPAL CODE SECTIONS 8.48.070, 8.48.090, 12.34.020 AND 12.34.040 RELATING TO REQUIRING A SPECIAL EVENT PERMIT TO ALLOW AMPLIFIED SOUND IN PUBLIC SPACES AND MAKING RELATED MINOR CODE CLARIFICATIONS RELATING TO SPECIAL EVENT PERMITS AND NOISE REQUIREMENTS, AND FINDING THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

10C. CONSIDERATION OF ACCEPTING A DONATION FOR THE CONSTRUCTION OF A PUMP TRACK AT RICHARD T. STEED MEMORIAL PARK, AMENDING THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM, AND OPTIONS FOR PROJECT SCOPE, AND MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

1. City Council to provide direction to staff concerning the size and development of a pump track at Richard T. Steed Memorial Park.
2. Adopt Resolution No. 24-172, which will:
 - a. Accept a donation of \$200,000 from Shimano Inc., a donation of \$100,000 from the Friends of San Clemente Beaches, Parks & Recreation Foundation, and a donation of \$20,000 from the Orange County Mountain Bike Association to revenue Account No. 031-000-36790.
 - b. Approve, and authorize the City Manager to execute, Contract No. C24-66, a Funding Agreement, by and between the City of San Clemente, Shimano Inc., the Friends of San Clemente Beaches, Parks & Recreation Foundation, and Orange County Mountain Bike Association, that provides for Shimano's signature blue stripe to be painted along the edge of the asphalt track, permission for Shimano to feature the project as part of its community engagement marketing series, and recognition of Shimano, Orange County Mountain Bike Association and the Friends of San Clemente Beaches Parks and Recreation with a plaque at the site.
 - c. Approve an amendment to the FY 2024-25 Capital Improvement Program to include a project for the design and construction of a pump track

recreation facility at Richard T. Steed Memorial Park at 18,000 square feet.

- d. Determine that the project is consistent with the Steed Park Master Plan and is consistent with the environmental findings established in the IS/MND previously certified by the City Council.
- e. Approve a supplemental appropriation of \$100,000 from the Parks Acquisition Fund and \$200,000 from CIP Project No. 15108, "Vista Hermosa Sports Park (VHSP) Meadows Development", to Account No. 031-862-45300-000 (Parks Acquisition & Development) for the Richard T. Steed Memorial Park Pump Track.
- f. Direct staff to pursue additional funding sources through the Land and Water Conservation Fund for its next immediate funding cycle beginning in 2025.

10D. CONSIDERATION OF A RESOLUTION AWARDING A THREE-YEAR MAINTENANCE SERVICES AGREEMENT WITH TWO OPTIONAL ONE-YEAR EXTENSIONS TO GREAT SCOTT TREE SERVICE, INC., AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-174, which will:

1. Determine that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities, 14 CCR 15301), Section 15301 of the state CEQA Guidelines.
2. Award a Three-Year Maintenance Services Agreement, with two optional one-year renewals exercisable under the City Manager's discretion, to Great Scott Tree Service, Inc.
3. Approve, and authorize the City Manager to execute, Contract No. C24-67, by and between the City of San Clemente and Great Scott Tree Service, Inc., providing for tree trimming services, in the amount of \$310,619 for year one, \$319,937.57 for year two and \$329,535.70 for year three with up to an annual \$60,000 per year supplement for emergency services.

10E. CONSIDERATION OF REVISING POLICY AND PROCEDURE 1201-8 RELATING TO LEGISLATIVE BODY REIMBURSEMENT

Staff Recommendation

Repeal Policy and Procedure 1208-1 Legislative Body Reimbursement (dated April 18, 2023) and adopt a new Policy and Procedure 1201-8 Legislative Body Reimbursement.

10F. ESTABLISHMENT OF CITY COUNCIL MEETING SCHEDULE FOR 2025 AND EARLY 2026 AND CONSIDERATION OF ADOPTING A RESOLUTION MODIFYING THE START TIME OF CITY COUNCIL MEETINGS

Staff Recommendation

1. Cancel the City Council meetings of July 1, 2025 and July 15, 2025 as a regular legislative break.
2. Reschedule the January 21, 2025 City Council meeting to January 14, 2025.
3. Cancel the December 2, 2025 and December 16, 2025 City Council meetings and hold one meeting on December 9, 2025 to allow for the Mayor to serve a full year and participate in the City tree lighting ceremony in 2025.
4. Cancel the City Council meeting of January 6, 2026.
5. Adopt Resolution No. 24-175 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING THE DATE, TIME AND LOCATION OF CITY COUNCIL MEETINGS AND RESCINDING RESOLUTION NO. 22-48.

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 SPECIAL AND REGULAR MEETING MINUTES OF OCTOBER 15, 2024.

B. Commission/Committee MinutesStaff Recommendation:

Receive and file the following:

- (1) [INVESTMENT ADVISORY COMMITTEE SPECIAL MEETING MINUTES OF AUGUST 5, 2024.](#)
- (2) [BEACHES, PARKS AND RECREATION COMMISSION REGULAR MEETING MINUTES OF AUGUST 13, 2024.](#)
- (3) [PUBLIC SAFETY COMMITTEE REGULAR MEETING MINUTES OF SEPTEMBER 24, 2024.](#)
- (4) [PLANNING COMMISSION REGULAR MEETING MINUTES OF OCTOBER 2, 2024.](#)
- (5) [ZONING ADMINISTRATOR REGULAR MEETING MINUTES OF OCTOBER 17, 2024.](#)
- (6) [DESIGN REVIEW SUBCOMMITTEE REGULAR MEETING MINUTES OF OCTOBER 23, 2024.](#)

C. Warrant Register

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| (1) | <u>APPROVE WIRE TRANSFER NOS. 3124 THROUGH 3129 AND WARRANT NOS. 599788 THROUGH 599920, PAID ON 10-4-24, IN THE AMOUNT OF</u> | <u>\$1,704,844.30</u> |
| (2) | <u>APPROVE HANDWRITE NOS. 600096 THROUGH 600097, AND WIRE TRANSFER NOS. 3130 THROUGH 3131 AND WARRANT NOS. 599921 THROUGH 600095, PAID ON 10-11-24, IN THE AMOUNT OF</u> | <u>\$3,927,779.27</u> |
| (3) | <u>APPROVE WIRE TRANSFER NOS. 3132 THROUGH 3136 AND WARRANT NOS. 600098 THROUGH 600309, PAID ON 10-18-24, IN THE AMOUNT OF</u> | <u>\$4,747,973.56</u> |
| (4) | <u>APPROVE WARRANT NOS. 600310 THROUGH 600536, PAID ON 10-25-24, IN THE AMOUNT OF</u> | <u>\$1,784,011.75</u> |
| (5) | <u>APPROVE WIRE TRANSFER NOS. 3137 THROUGH 3142 AND WARRANT NOS. 600537 THROUGH 600639, PAID ON 11-1-24, IN THE AMOUNT OF</u> | <u>\$1,520,359.93</u> |

(6)	<u>APPROVE WIRE TRANSFER NOS. 3143 THROUGH 3144 AND WARRANT NOS. 600640 THROUGH 600822, PAID ON 11-8-24, IN THE AMOUNT OF</u>	<u>\$3,482,887.46</u>
	TOTAL WARRANT REGISTER	\$17,167,856.27

Payroll Register

<u>WARRANT NOS. 953 THROUGH 954, AND AUTOMATIC DEPOSIT ADVISES 97738 THROUGH 98078, FOR THE PERIOD 9-16-24 THROUGH 9-29-24, PAID ON 10-4-24, IN THE AMOUNT OF</u>	<u>\$519,285.96</u>
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<u>WARRANT NOS. 955 THROUGH 956, AND AUTOMATIC DEPOSIT ADVISES 98079 THROUGH 98411, FOR THE PERIOD 9-30-24 THROUGH 10-13-24, PAID ON 10-18-24, IN THE AMOUNT OF</u>	<u>\$523,053.60</u>
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<u>WARRANT NO. 957, AND AUTOMATIC DEPOSIT ADVISES 98412 THROUGH 98736, FOR THE PERIOD 10-14-24 THROUGH 10-27-24, PAID ON 11-1-24, IN THE AMOUNT OF</u>	<u>\$522,227.75</u>
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TOTAL PAYROLL REGISTER	\$1,564,567.31
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11D. CONSIDERATION OF APPROVING PARKING MODIFICATIONS TO CREATE DESIGNATED PASSENGER AND SCHOOL BUS LOADING ZONES FOR LAS PALMAS ELEMENTARY SCHOOL AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Planning Commission and Staff Recommendation

Adopt Resolution No. 24-176, 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 parking modifications as illustrated in Attachment 2 as follows:
 - a. Convert the current temporary passenger loading zone into a permanent one on the south side of Avenida Aragon up to 134 feet in length.
 - b. Convert the current 130-ft 1-hour parking zone into a school bus loading

zone marked by yellow curb on the west side of Calle Puente.

11E. CONSIDERATION OF A RESOLUTION TO APPROVE AN AFFORDABLE HOUSING PROJECT, THAT INCLUDES AN AFFORDABLE HOUSING AGREEMENT WITH FRIENDSHIP SHELTER INC, AN ANNUAL MONITORING FEE, AND ZONING CONCESSIONS AND WAIVERS PURSUANT TO STATE DENSITY BONUS LAW, AND TO DETERMINE THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-177, which will:

1. Determine that the affordable housing project and agreement are exempt from the California Environmental Quality Act (CEQA) under California Public Resources Code (PRC) Section 21080.50 and direct staff to file a notice of exemption.
2. Approve the Project, including the three concessions/waivers requested under the State Density Bonus Law.
3. Approve, and authorize the City Manager to execute, Contract No. C24-68, the Affordable Housing Agreement, by and between the City of San Clemente and Friendship Shelter Inc., included as Exhibit A of Resolution No. 24-177.

11F. COMMUNITY FACILITIES DISTRICT NO. 2006-01 (MARBLEHEAD COASTAL) LOCAL AGENCY SPECIAL TAX AND BOND ACCOUNTABILITY ACT REPORT (SB 165) FOR FISCAL YEAR ENDED JUNE 30, 2024

Staff Recommendation

Adopt Resolution No. 24-178 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AND RECEIVING THE CITY OF SAN CLEMENTE COMMUNITY FACILITIES DISTRICT NO. 2006-1 LOCAL AGENCY SPECIAL TAX AND BOND ACCOUNTABILITY ACT COMPLIANCE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2024.

11G. CONSIDERATION OF A RESOLUTION ADOPTING FISCAL YEAR 2023-2024 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE

Staff Recommendation

Adopt Resolution No. 24-179 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2023-2024 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

11H. CONSIDERATION OF A RESOLUTION AWARDING SPORTS PARTNERSHIP STATUS FOR THE SPRING PRIMARY SEASON SPORTS

Beaches, Parks and Recreation Commission and Staff Recommendation

1. Adopt Resolution No. 24-180 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AWARDING RECREATIONAL YOUTH SPORTS PARTNERSHIP STATUS TO SAN CLEMENTE LITTLE LEAGUE AND SAN CLEMENTE GIRLS SOFTBALL.
2. Approve, and authorize the Beaches, Parks and Recreation Director to execute, Contract No. C24-69, Recreation Sports Partnership Agreement, by and between the City of San Clemente and San Clemente Little League, Tier I Sports Partnership Status, for a three-year term.
3. Approve, and authorize the Beaches, Parks and Recreation Director to execute, Contract No. C24-70, Recreation Sports Partnership Agreement, by and between the City of San Clemente and San Clemente Girls Softball, Tier I Sports Partnership Status, for a three-year term.

11I. CONTRACT AWARD - LIFEGUARD TOWERS REPLACEMENT (2024), AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Staff Recommendation

Adopt Resolution No. 24-181, which will:

1. Find the Lifeguard Towers Replacement (2024), CIP Project No. 22104, categorically exempt from the California Environmental Quality Act (CEQA) under Class 2 of the State CEQA Guidelines, Section 15302.
2. Award the Lifeguard Towers Replacement (2024), CIP Project No. 22104, construction contract to Pantheon Diversified, Inc. as the lowest responsible and responsive bidder.
3. Approve, and authorize the City Manager to execute, Contract No. C24-71, by and between the City of San Clemente and Pantheon Diversified, Inc., providing for Lifeguard Towers Replacement, in the amount of \$115,000, in a form substantially similar to Contract No. C24-71 (Attachment 2).
4. Approve a 15% project contingency of \$17,250.

11J. CONTRACT AWARD - COMPLETION OF A PARKING AND TRANSPORTATION DEMAND MANAGEMENT ANALYSIS AND POLICY DEVELOPMENT FOR LOCAL COASTAL PROGRAM, 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. 24-182, which will:

1. Find the project statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15262 (Feasibility and Planning Studies) and 15378 (No Potential for Impact) of the state CEQA Guidelines.
2. Award a professional consulting services agreement to Chen Ryan Associates, Inc., to conduct a parking and transportation demand management analysis for the downtown, North Beach, Pier Bowl, and other coastal areas.
3. Approve, and authorize the City Manager to execute, Contract No. C24-72, by and between the City of San Clemente and Chen Ryan Associates, Inc., providing for a parking and transportation demand management analysis for the downtown, North Beach, Pier Bowl, and other coastal areas, in an in an amount not to exceed \$250,000.
4. Accept grant revenues in the amount of \$250,000 to Account No. 001-000-33446 (Coastal Grant Revenue).
5. Approve a supplemental appropriation of \$250,000 to Account No. 001-433-43695 (Professional Studies).

11K. CONTRACT AWARD - BIOLOGICAL MONITORING AND INSPECTION SERVICES FOR THE AVENIDA MONTALVO CANYON AND TRAIL IMPROVEMENTS HABITAT RESTORATION, AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$30,000

Staff Recommendation

Adopt Resolution No. 24-183, which will:

1. Approve a supplemental appropriation in the amount of \$30,000 from the Local Drainage Facilities Fund into Account No. 033-832-45300-000-16004.
2. Award a Professional Services Agreement to SWCA Environmental Consultants for monitoring and inspection services for the Avenida Montalvo Canyon and Trail Improvements Habitat Restoration, CIP Project No. 16004.
3. Approve, and authorize the City Manager to execute, Contract No. C24-73, by and between the City of San Clemente and SWCA Environmental Consultants, providing for monitoring and inspection services for the Avenida Montalvo Canyon and Trail Improvements Habitat Restoration, in an amount not to exceed \$89,828.

11L. CONTRACT AMENDMENTS - AS NEEDED BUILDING PLAN REVIEW SERVICES

Staff Recommendation

Adopt Resolution No, 24-184, which will:

1. Approve the first amendment to the Professional Consulting Services Agreement with VCA Consultants, Inc. for Building Plan Review Services in an amount not to exceed \$150,000.
2. Approve the first amendment to the Professional Consulting Services Agreement with West Coast Code Consultants, Inc. for Building Plan Review Services in an amount not to exceed \$150,000.
3. Approve a supplemental appropriation in the amount of \$130,000 to Account No. 001-421-43890-000-0000 and accept additional building revenues of \$130,000 to Account No. 001-000-32210-000-00000.
4. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. C24-03, by and between the City of San Clemente and with VCA Consultants, Inc., providing for Building Plan Review Services, in an

amount not to exceed \$150,000.

5. Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. C24-02, by and between the City of San Clemente and with West Coast Code Consultants, Inc., providing for Building Plan Review Services, in an amount not to exceed \$150,000.

11M. CONSIDERATION OF APPROVING THE SAN CLEMENTE LAND OUTFALL (PC 10) ASSET TRANSFER AND DISSOLUTION AGREEMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Staff Recommendation

Adopt Resolution No. 24-185, which will:

1. Approve, and authorize the City Manager to execute, Contract No. 24-74, San Clemente Land Outfall (PC 10) Asset Transfer and Dissolution Agreement.

11N. CONSIDERATION OF APPROVING FIVE SOUTH ORANGE COUNTY WASTEWATER AUTHORITY (SOCWA) REORGANIZATION AGREEMENTS

Staff Recommendation

Adopt Resolution No. 24-186, which will:

1. Approve Amendment No. 1 to Joint Powers Agreement, Asset and Capacity Transfer Agreement (Agreement No. 1)(C24-75).
2. Moulton Niguel Water District - South Orange County Wastewater Authority Withdrawal Agreement (Agreement No. 4)(C24-76).
3. Assignment and Assumption Agreement (PC 5, Agreement No. 6)(C24-77).
4. Transfer Price Allocation Memorandum of Understanding (C24-78).
5. Approve, and authorize the City Manager to execute said agreements.

11O. CONSIDERATION OF RESOLUTION NO. 24-187 AUTHORIZING AN EXEMPTION TO THE FORMAL SOLICITATION PROCESS FOR THE PURCHASE OF DELL SERVERS FROM SIDEPATH, INC. IN AN AMOUNT NOT TO EXCEED \$72,175

Staff Recommendation

Adopt Resolution No. 24-187, which will:

Approve, and authorize the City Manager to execute, Contract No. C24-79, by and between the City of San Clemente and Sidepath, Inc., providing for the purchase of the Dell Servers under substantially the same terms and conditions of NASPO Contract No. 23026 and California State Participating Addendum No. 7-23-70-55-01, in an amount not to exceed \$72,175, which includes four Dell servers and three years of maintenance and support.

11P. NOTICE OF COMPLETION - SAN CLEMENTE VILLAS BY THE SEA STORM DRAIN REPAIR

Staff Recommendation

Adopt Resolution No. 24-188, which will:

1. Accept San Clemente Villas by the Sea Storm Drain Repair, Project No. 26001, from the contractor, GCI Construction, Inc.
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed San Clemente Villas by the Sea Storm Drain Repair.
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, GCI Construction, Inc.

11Q. CONSIDERATION OF RETURNING AN OVERPAYMENT OF BUSINESS LICENSE TAX TO VILLA SAN CLEMENTE, LLC IN THE AMOUNT OF \$87,359

Staff Recommendation

Adopt Resolution No. 24-189 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RETURN OF OVERPAYMENT OF BUSINESS LICENSE TAXES TO VILLA SAN CLEMENTE, LLC IN THE AMOUNT OF \$87,359.

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 December 10, 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.

Note: The City Council meeting of December 3, 2024 was previously rescheduled to December 10, 2024.

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>.