



# CITY OF SAN CLEMENTE

## REGULAR CITY COUNCIL

### AGENDA

City Council Chambers  
San Clemente Civic Center  
100 Avenida Presidio  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

June 21, 2016  
5:00 p.m. - Closed Session  
6:00 p.m. - Business Meeting

*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 submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** 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-agendized** issue will be invited to address Council during the "Oral Communications" portion of the meeting.
- When the Mayor calls your name, please step to the podium, state your name and your city of residence, and then give 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...*

**5:00 P.M. CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

Number of Cases: 10

Case Name: Brault v. City of San Clemente

Case Number: OCSC 30-2016-00843347-CL-MC-CJC

Case Name: Memorial Health Services, et al. v. City of San Clemente

Case Number: OCSC 30-2016-00845211 CU-WM-CJC

Case Name: City of San Clemente v Sobertec LLC (1)

Case Number: 30-2015-00805227

Case Name: City of San Clemente v Sobertec LLC (2)

Case Number: 30-2015-00805234

Case Name: City of San Clemente v 449 Recovery, Inc.

Case Number: 30-2015-00805270

Case Name: City of San Clemente v A Mission For Michael, Inc.

Case Number: 30-2015-00806046

Case Name: City of San Clemente v William W. Martin, PHD

Case Number: 30-2015-00806055

Case Name: City of San Clemente v Coast To Coast Referral Center, Inc.

Case Number: 30-2015-00806052

*Closed Session continued on following page*

Case Name: City of San Clemente v. Dual Diagnosis Treatment Center, Inc.  
Case Number: OCSC 30-2015-00805214

Case Name: Dual Diagnosis Treatment Center, Inc. v. City of San Clemente  
Case Number: USDC 8:15-cv-01611CJC-JCG

**B. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**

Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)  
Number of Potential Cases: 3

**6:00 P.M. BUSINESS MEETING**

**CALL TO ORDER**

**INVOCATION – Mike Fanning, Pastor, Heritage Christian Fellowship**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. Special Presentations.**

**A. Employee of the Year – Larry Isaac**

Certificate of Recognition presented to Larry Isaac, Plant Operator III, in honor of being recognized as the 2015 City of San Clemente Employee of the Year.

- 2. 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. 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. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

**3. Motion waiving reading in full of all Resolutions and Ordinances.**

4. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.

5. **Closed Session Report - City Attorney.**

6. **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, Staff, or the public requests removal of an item for separate discussion and action.

A. **City Council Minutes**

1. [Approve the Minutes of the Adjourned Regular City Council Meeting of May 24, 2016.](#)

B. **Receive and file:**

1. [Minutes of the Regular Zoning Administrator Meeting of June 8, 2016.](#)

2. [Minutes of the Adjourned Regular Planning Commission Meeting of June 8, 2016.](#)

C. **Warrant Register**

[Warrant Nos. 533200 through 533380  
paid on 6/3/2016, in the amount of ..... \\$2,589,452.88](#)

[Wire Transfer Nos. 1519 through 1522 and  
Warrant Nos. 533381 through 533525  
paid on 6/10/2016, in the amount of .....\\$ 586,799.95](#)

TOTAL WARRANT REGISTER ...\$ 3,176,252.83

**Payroll Register**

Warrant Nos. 498 through 499 and  
Automatic Deposit Advises 32718 through 33028  
for the period of 5/23/2016 through 6/5/2016,  
paid on 6/10/2016, in the amount of ..... \$ 410,100.16

TOTAL WARRANT REGISTER ....\$ 410,100.16

- D. [Conflict of Interest Code – Biennial Update](#) Pages 6-D-1 through 6-D-2

Staff Recommendation

Direct the City Clerk, in coordination with the City Attorney and Human Resources Manager, to review the City's Conflict of Interest Code to determine if changes to the Code are needed. The results of this analysis are to be reported to Council prior to October 2016.

- E. [Contract Amendment – Beach Trail Fencing](#) Pages 6-E-1 through 6-E-4

Staff Recommendation

Approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C15-72, by and between the City of San Clemente and Orange County Transportation Authority (OCTA), providing for construction of Beach Trail Fencing. This contract amendment extends the term of the agreement to September 30, 2016.

- F. [Other Post Employment Benefits \(OPEB\) – Irrevocable Trust Agreement with California Employers' Retirement Benefit Trust \(CERBT\)](#) Pages 6-F-1 through 6-F-23

Staff Recommendation

1. Adopt Resolution No. 16-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE AGREEMENT AND ELECTION TO PREFUND OTHER POST-EMPLOYMENT BENEFITS (OPEB) WITH THE CALIFORNIA EMPLOYERS' RETIREMENT BENEFIT TRUST FUND (CERBT) ADMINISTERED THROUGH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) AND APPROVE THE DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS.
2. Approve an additional FY 2016 appropriation of \$700,000 to Account 066-814-44061 in the Employee Medical Self Insurance Fund to provide initial funding for an Other Post Employment Benefits (OPEB) Irrevocable Trust.

- G. [Renewed Measure M2 Annual Funding Eligibility – Fiscal Year 2016-2017](#) Pages 6-G-1 through 6-G-48

Staff Recommendation

1. Approve the Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2016-2017 through 2022-2023.
2. Authorize the Public Works Director/City Engineer to submit Measure M2 funding eligibility requirements on behalf of the City of San Clemente to the Orange County Transportation Authority.

7. **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.

- A. [Establishment of Fees for Short-Term Lodging Unit Zoning Permits and Short-Term Apartment Rental Permits](#) Pages 7-A-1 through 7-A-6

Public Hearing to consider the adoption of a processing fee for Short-Term Lodging Unit (STLU) permits and Short-Term Apartment Rental (STAR) permits.

Staff Recommendation

Adopt Resolution No. 16-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ESTABLISHING FEES FOR SHORT-TERM LODGING UNIT ZONING PERMITS AND SHORT-TERM APARTMENT RENTAL PERMITS.

- B. [Community Development Block Grant \(CDBG\) Application – Consolidated Plan 2016-2019 and Annual Action Plan 2016-2017](#) Pages 7-B-1 through 7-B-216

Public Hearing to consider the 2016-2019 CDBG Consolidated Plan and 2016-2017 Annual Action Plan.

Staff Recommendation

1. Approve and adopt the FY 2016-2019 Consolidated Plan.
2. Approve and adopt the FY 2017 Annual Action Plan for use of Community Development Block Grant (CDBG) Funds.
3. Authorize the City Manager to submit the Consolidated Plan and Action Plan to HUD

8. **Unfinished Business.**

None.

9. **New Business.**

A. **[Water Conservation Declaration Change from Level 3 Water Warning to Level 2 Water Alert](#)** Pages 9-A-1 through 9-A-6

Report from the Public Works Director/City Engineer concerning a Water Conservation Declaration change from a Level 3 Water Warning to a Level 2 Water Alert.

Staff Recommendation

Adopt Resolution No. 16-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DECLARING A WATER CONSERVATION CHANGE FROM A LEVEL 3 WATER WARNING TO A LEVEL 2 WATER ALERT.

B. **[City Pension Plans – Payment Recommendation](#)** Pages 9-B-1 through 9-B-2

Report from the Assistant City Manager concerning payment recommendations for City pension plans.

Staff Recommendation

1. Approve a FY 2016 supplemental appropriation of \$500,000 to Account 001-641-41971 from the General Fund Pension Reserve Fund Balance.
2. Authorize Staff to request a change of amortization from 30 years to 20 years on the CalPERS Marine Safety and Miscellaneous retirement plans.

10. **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 the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

**11. Reports.**

- A. **Commissions and Committees**
- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**

**12. Resolutions/Ordinances.**

None.

**13. Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on June 29, 2016 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California for the purpose of interviewing and making appointments to various City Commissions and Committees.

The next Regular City Council Meeting will be held on July 5, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular Business Meeting will commence at 6:00 p.m.



## **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 30 (or Channel 854 for high-definition televisions). Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

### **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 100 Avenida Presidio, San Clemente. Closed Session items 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 Office as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or 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 Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office also 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, please send an email to [cityclerk@san-clemente.org](mailto:cityclerk@san-clemente.org) or call 949-361-8200.