



# CITY OF SAN CLEMENTE ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

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

August 30, 2016  
8:00 p.m.

*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...*

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Motion waiving reading in full of all Resolutions and Ordinances.**
5. **Closed Session**
  - A. **LIABILITY CLAIMS**  
Pursuant to Government Code section 54956.95  
Claimant: Paul W. Rosenfield, Esq.  
Agency claimed against: City of San Clemente
  - B. **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 1
6. **Closed Session Report – City Attorney**

7. [Elections Code 9212 Report Concerning Initiative Petition for Election of City Council Members by District](#)

Report from the City Clerk concerning the EC 9212 report relating to the initiative petition for election of City Council members by district, which Council requested be prepared at its meeting of August 2, 2016.

Staff Recommendation

Receive and file the EC 9212 report contained within the Administrative Report, dated August 30, 2016, that is on file with the City Clerk. The subject report relates to the initiative petition for election of City Council members by district, which was prepared in response to Council direction at its meeting of August 2, 2016.

8. [Initiative Petition for Election of City Council Members by District](#)

Report from the City Clerk concerning the initiative petition for election of City Council members by district.

Staff Recommendation

Take action, pursuant to EC 9215 , to either adopt the initiative ordinance within 10 days or schedule the initiative for voter determination at the General Municipal Election of November 6, 2018. The actions necessary to enact the two cited options are identified below:

Option 1

1. Adopt the following Ordinance within 10 days, without alteration:

Ordinance No. 1629 entitled AN ORDINANCE OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO CHANGE CITY COUNCIL ELECTIONS FROM "AT LARGE" TO "BY DISTRICT," TO ESTABLISH A TASK FORCE TO RECOMMEND DISTRICT BOUNDARIES, AND TO REQUIRE A SPECIAL ELECTION IF THE CITY COUNCIL DOES NOT ADOPT THE TASK FORCE'S RECOMMENDATION.

Option 2

Schedule the initiative for voter determination at the General Municipal Election of November 6, 2018 by taking the below actions:

1. Adopt Resolution No. 16-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW

CITIES, AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT.

2. Adopt Resolution No. 16-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, WITH THE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.
  
3. State Law (Elections Code 9282) provides that the persons filing an initiative petition may file a written argument in favor of the measure, and the legislative body may submit an argument against the measure. If Council wishes to submit an argument against the measure, Staff recommends that Council appoint a subcommittee, consisting of no more than two Councilmembers, to compose the argument to be signed by specific Councilmember(s) as authorized by Council this evening. After this decision is made, Staff recommends that Council adopt Resolution 3(a) below if Council wishes to direct the City Attorney to prepare an Impartial Analysis to be printed in the Sample Ballot, or Resolution 3(b) if an Impartial Analysis is not desired:
  - 3(a) Resolution No. 16-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

OR

- 3(b) Resolution No. 16-51 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018.
  
4. If Council desires to allow rebuttals to arguments filed with regard to the measure concerning election of City Council members by district, Staff recommends that Council take action as follows:
  1. Adopt Resolution No. 16-56 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE CONCERNING ELECTION OF CITY COUNCIL

MEMBERS BY DISTRICT, TO BE SUBMITTED TO CITY VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018.

2. If Council adopts Resolution No. 16-56 to allow rebuttals, State law (Elections Code 9285) allows the author or a majority of the authors of a direct argument relating to a city measure to prepare and submit a rebuttal argument or to authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. If Council authorizes members of its body to submit a direct argument against the subject measure, Staff recommends that Council appoint a subcommittee, consisting of no more than two Councilmembers, to compose the rebuttal to be signed by a majority of the Councilmembers who signed the direct argument, or alternatively, to notify the City Clerk in writing (to be signed by a majority of the Councilmembers who signed the direct argument), of the names of a maximum of five other persons who are authorized to prepare, submit, or sign the rebuttal argument.
  3. If Council does not wish to delegate the decision to a subcommittee as to the persons that can prepare, submit, or sign the rebuttal argument, Council can take action at this time to either require that the rebuttal be signed by the same Councilmembers that signed the direct argument, or to name a maximum of five other persons who are authorized to prepare, submit or sign the rebuttal argument.
9. **Oral Communications.** 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. 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.
10. **Adjournment.**  
  
Adjourn to an Adjourned Regular Meeting to be held on September 6, 2016 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 4:30 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.