

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular City Council Meeting – December 6, 2016

*These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.*

A Regular Meeting of the San Clemente City Council was called to order on December 6, 2016 at 5:02 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

**PRESENT** BROWN, DONCHAK, HAMM\*, WARD, MAYOR BAKER  
\*Arrived at 5:08 p.m. and left meeting at 9:52 p.m.

**ABSENT** NONE

**STAFF PRESENT** James Makshanoff, City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

\* \* \*

### **CLOSED SESSION**

MOTION BY MAYOR BAKER, SECOND BY MAYOR PRO TEM WARD, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to recess to Closed Session at 5:02 p.m. to discuss the following:

**A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Existing litigation pursuant to Government Code section 54956.9(d)(1)  
Number of Cases: 6

Case Name: City of San Clemente v Sobertec LLC (1)  
Case Number: OCSC 30-2015-00805227

Case Name: City of San Clemente v Coast To Coast Referral Center, Inc.  
Case Number: OCSC 30-2015-00806052

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

*Closed Session items continued on next page*

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

Case Name: Joanne Baade v. Board of Supervisors for Orange County  
Case Number: OCSC 30-2016-00878657

Case Name: Daniel Walker v. City of San Clemente  
Case Numbers: OCSC 30-2012-00591239-CU-WM-CJC; 9th District Court of Appeal G050552, G050987; Supreme Court S229788 and S229789

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

Initiation of litigation pursuant to Government Code section 54956.9(d)(4)  
Number of potential cases: 1

**C. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6  
Agency designated representative: Assistant City Manager  
Employee Organization: SCCEA - San Clemente City Employees Association

In attendance for the full Closed Session were all members of the City Council, City Manager Makshanoff, Assistant City Manager Sund and City Attorney Smith. Attorney Jeff Dunn with Best Best & Krieger was in attendance for Item A, and Community Development Director Gallardo-Daly, and Attorneys Jeff Dunn and Michelle Ouellette with Best Best & Krieger were in attendance for Item B.

**MEETING RECONVENED**

Council reconvened at 6:10 p.m., with all members present.

**INVOCATION**

Mahdad Manavi, Baha'i Faith Community, gave the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Baker led the Pledge of Allegiance.

**1. SPECIAL PRESENTATIONS****A. Holiday Serenade – San Clemente High School Madrigals**

The San Clemente High School Madrigals performed a holiday serenade under the direction of Choir Director Caitlen (CJ) Kemble.

**B. San Clemente High School Update**

San Clemente High School students Sara Barnes and Brigham Maready narrated a PowerPoint presentation concerning campus activities. A hard copy of the PowerPoint is on file with the City Clerk.

**C. Presentation of City Tile – Jim Pechous (Former City Planner)**

Mayor Baker presented a City Tile to former City Planner Pechous in recognition of 31 years of exemplary service to the City of San Clemente.

John Dorey, San Clemente, commended Mr. Pechous on his successful tenure with the City and thanked him for his help in bringing the beach trail to fruition.

**D. City Fiscal Reports**

Assistant City Manager Sund narrated a PowerPoint presentation concerning the Fiscal State of the City for the period ending June 30, 2016, Fiscal Year (FY) 2016 4<sup>th</sup> Quarter Financial Report, and FY 2017 1<sup>st</sup> Quarter Financial Report. A hard copy of Mr. Sund's presentation is on file with the City Clerk.

**2. ORAL COMMUNICATIONS (PART 1)****Santa Margarita Water District Rate Restructuring**

Jim Leach, representing the Santa Margarita Water District, reported that notices of rate restructuring have been mailed to affected residents in Talega and noted that the Water District is holding workshops to educate the public on the new rate structure.

**3. MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.**

**4. CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION****Measure OO – Increase in “Hotel” Guest Tax**

Councilmember Hamm requested that the November 8, 2016 election results as they relate to Measure OO, Increase in “Hotel” Guest Tax, be added to this evening’s agenda under New Business.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to agendize Measure OO Election Results under New Business, due to the need for immediate action and the fact that the need for action came to the City’s attention subsequent to the agenda being posted.

**5. CLOSED SESSION REPORT – CITY ATTORNEY****SR 241 Extension**

City Attorney Smith stated that by unanimous consensus, Council requested that Best, Best and Krieger write a letter to the Transportation Corridor Agencies (TCA) raising concerns with the TCA’s actions contemplated for its meeting on December 8, 2016 with regard to studying the possible extension of SR 241.

**6. CONSENT CALENDAR**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve the Consent Calendar, with the removal of Items 6B-1, 6-J, 6-O and 6-R.

**A. City Council Minutes**

1. MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve the minutes of the Regular City Council Meeting of November 15, 2016.

**B. Receive and file:**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to receive and file the following:

- 2. Minutes of the Special Meeting of the Beaches, Parks and Recreation Commission of October 26, 2016.
- 3. Minutes of the Regular Zoning Administrator Meeting of November 16, 2016.
- 4. Minutes of the Adjourned Regular Planning Commission Meeting of November 16, 2016.

**C. Warrant Register**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve:

Wire Transfer Nos. 1571 through 1574 and  
Warrant Nos. 537113 through 537293  
paid on 11/10/2016, in the amount of .....\$3,364,881.45

Warrant Nos. 537294 through 537492  
paid on 11/18/2016, in the amount of .....\$1,042,799.29

Wire Transfer Nos. 1575 through 1579 and  
Warrant Nos. 537493 through 537634  
paid on 11/25/2016, in the amount of .....\$3,598,803.76

TOTAL WARRANT REGISTER ....\$8,006,484.50

**Payroll Register**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve:

Warrant Nos. 540 through 541 and  
Automatic Deposit Advises 36194 through 36488  
for the period 10/24/16 through 11/6/16,  
paid on 11/10/2016, in the amount of ..... \$421,834.25

Warrant Nos. 542 through 545 and  
Automatic Deposit Advises 36489 through 36786  
for the period 11/7/16 through 11/20/16,  
paid on 11/25/2016, in the amount of ..... \$464,354.27

TOTAL PAYROLL REGISTER ..... \$886,188.52

D. **FY 2015-2016 Measure M2 Expenditure Report**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to adopt Resolution No. 16-69 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2015-2016 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

E. **City Investment Policy – Policy and Procedure 202-1**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to adopt Investment Policy 202-1, effective December 6, 2016.

F. **Contract Award – Prima Deshecha Canada Channel (Flood Control Facility No. M01)/Avenida Vaquero Culvert Assessment and Design**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C16-72, by and between the City of San Clemente and South Coast Engineering Services, providing for engineering and design services for the Prima Deshecha Canada Channel (Flood Control Facility No. M01)/Avenida Vaquero culvert assessment, design and preparation of a bid package, in the amount of \$81,420.

G. **LED Street Light Conversion – Revised Approach**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to:

1. Confirm the use of “warmer” 3000 Kelvin LED light fixtures for the City's initial conversion of street lights under City Project No. 16505.
2. Implement the initial conversion of City street lights under City Project No. 16505 without use of SDG&E's On-Bill Financing program.

**H. Contract Award – Temporary Planning Staff Augmentation**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to:

1. Approve a budget transfer in the amount of \$60,000 from Account 001-433-41010-000-00000 (Salaries, Full Time) to Account 001-431-43890-000-00000 (Contractual Services).
2. Approve, and authorize the Mayor to execute, Contract C16-73, by and between the City of San Clemente and Lilley Planning, providing for temporary contract services within the Planning Division, in an amount not to exceed \$35,000.
3. Approve, and authorize the Mayor to execute, Contract C16-74, by and between the City of San Clemente and Summit Environmental Group, providing for temporary as-needed services to assist the Planning Division with the Local Coastal Program, in an amount not to exceed \$25,000.

**I. Notice of Completion – Cathodic Protection Rectifier Stations and Reservoir No. 8 Cathodic Protection System**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to:

1. Accept the Cathodic Protection Rectifier Stations and Reservoir No. 8 Cathodic Protection System, Project Nos. 26402 and 19405, from the contractor, Corrpro.
2. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for Cathodic Protection Rectifier Stations and Reservoir No. 8 Cathodic Protection System.
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 Corrpro.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

K. **Contract Award – Camino Del Rio Rehabilitation and Intersection Improvements and Camino De Los Mares Rehabilitation and Slurry Seal**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to:

1. Approve the plans and specifications for the Camino Del Rio Rehabilitation and Intersection Improvements, Project Nos. 16347 and 16350 and Camino De Los Mares Rehabilitation and Slurry Seal, Project No. 17331.
2. Approve, and authorize the Mayor to execute, Contract C16-75, by and between the City of San Clemente and All American Asphalt, providing for the Camino Del Rio Rehabilitation and Intersection Improvements and the Camino De Los Mares Rehabilitation and Slurry Seal, in the amount of \$1,627,627.

L. **Contract Award – Community Development Block Grant (CDBG) Calle Puente Sidewalk Improvements**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to:

1. Approve the plans and specifications for the CDBG Calle Puente Sidewalk Improvements, Project No. 17336.
2. Approve, and authorize the Mayor to execute, Contract C16-76, by and between the City of San Clemente and Nobest, Inc., providing for the CDBG Calle Puente Sidewalk Improvements, in the amount of \$139,955.
3. Approve a supplemental appropriation of \$21,001 from the fund balance in the CDBG Public Facilities/Infrastructure Program to Account 017-896-45300-000-17336.
4. Accept revenue in the form of unspent CDBG funds in the amount of \$21,001 to Account 017-000-33171.



M. **Amendment to Concession Agreement – Golf Course Pro Shop at the San Clemente Municipal Golf Course**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C87-04, by and between the City of San Clemente and Dave Cook (Golf Professional), providing for the operation of the Golf Pro Shop Concession at the San Clemente Municipal Golf Course.

N. **Notice of Completion – La Esperanza Pressure Reducing Station Rehabilitation**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to:

1. Approve a supplemental appropriation in the amount of \$12,860 from the Water Fund Depreciation Reserve to Account 052-466-45300-15405.
2. Accept the La Esperanza Pressure Reducing Station Rehabilitation, Project No. 15405, from the contractor, O'Connell Engineering & Construction, Inc.
3. Authorize the Mayor to execute, and City Clerk to record, the Notice of Completion for the La Esperanza Pressure Reducing Station Rehabilitation.
4. 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 O'Connell Engineering & Construction, Inc.
5. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

P. **Contract Amendment – On-Call Building Plan Check Services (Fazekas & Associates)**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C08-34, relating to on-call building plan check services, by and between the City of San Clemente and Scott Fazekas & Associates, Inc., extending the contract term through December 31, 2017, including options for four additional one-year extensions.

Q. **Contract Amendment – On-Call Building Plan Check Services (VCA Code Group)**

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 1 to Contract C10-37, relating to on-call building plan check services, by and between the City of San Clemente and VCA Code Group, extending the contract term through December 31, 2017, including options for four additional one-year extensions.

**ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**

B1. **Minutes of the Adjourned Regular Planning Commission Meeting of August 3, 2016**

Council referenced Item 10-A on the Planning Commission minutes of August 3, 2016 that related to the maintenance of trees at Reservoir #1 and Verde Park; questioned and received clarification that the item will be agendized for Council consideration at its meeting of January 17, 2017.

MOTION BY MAYOR PRO TEM WARD, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to receive and file the minutes of the Adjourned Regular Planning Commission meeting of August 3, 2016.

J. **Mobility Task Force – Final Report**

Council thanked the Mobility Task Force for its efforts and noted its accomplishments over the past two years.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to sunset the Mobility Task Force.

O. **Contract Amendment – Code Compliance Temporary Contract Services**

Council questioned whether Anderson Penna's code compliance contractors could work on weekends.

Doug Leeper, speaking on behalf of Anderson Penna, indicated that Council's request for weekend code enforcement can be accommodated and stated that he will determine the availability of the two contractors who provide code enforcement services to the City.

It was agreed that a 3<sup>rd</sup> Contract Amendment will be agendized for Council consideration after the terms of weekend services are determined.

MOTION BY MAYOR PRO TEM WARD, SECOND BY MAYOR BAKER, CARRIED 5-0, to:

1. Authorize a supplemental appropriation in the amount of \$96,880 to Other Contractual Services Account 001-451-43890 from the General Fund Unassigned Fund balance.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C16-10, by and between the City of San Clemente and Anderson Penna, providing for temporary staffing services in the Code Compliance Division. This contract amendment increases the contract amount from \$161,481 to \$258,361, an increase of \$96,880, and extends the term of the contract through June 30, 2017, or until services are no longer needed.
3. Request that the code compliance contractors work on weekends as deemed necessary by Staff and that the weekend work start as soon as possible.

R. **Ambulance Services Review**

Charles Barfield, San Clemente, urged Council to utilize the Orange County Fire Authority (OCFA) for ambulance services; suggested that if Council decides to outsource ambulance services, that it keep open the possibility of returning service to the OCFA if costs increase or service levels decrease.

Assistant City Manager Sund reviewed the contents of the Administrative Report, and along with OCFA Battalion Chief Lockhart, responded to Council inquiries.

City Attorney Smith confirmed that the City is prepared to retain its 201 rights, which allow the City to oversee its ambulance services.

Brad Malamud, San Clemente, opined that Councilmember Hamm should not participate in discussions concerning ambulance services and the RFP because he is an employee of the Orange County Fire Authority.

MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve the continuation of a second full-time ambulance in the City.

MOTION BY COUNCILMEMBER BROWN to direct Staff to prepare an RFP to pursue an ambulance provider to furnish the City with the services of two full-time ambulances, along with ambulance overflow services on an as-needed basis, and allow Councilmember Hamm to provide input into development of the RFP. Further, to direct Staff to agendize the RFP for Council approval before it goes out to bid.

**THE MOTION ON THE FLOOR DIED FOR LACK OF A SECOND.**

**MEETING RECESSED**

Council recessed at 7:41 p.m. to allow time for the City Attorney to research whether or not Councilmember Hamm may participate in the development of the RFP for ambulance services.

The meeting reconvened at 7:55 p.m. with all members present.

City Attorney Smith reported that while Councilmember Hamm cannot participate in contract discussions that affect his employment with OCFA, he is eligible to participate in the subject discussion because he is not a paramedic or assigned to the unit affected by the discussion; reported however, that in an abundance of caution, Councilmember Hamm will only be involved in discussing the RFP at a public Council meeting.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to direct Staff to prepare an RFP to pursue an ambulance provider to furnish the City with the services of two full-time ambulances, along with ambulance overflow services on an as-needed basis. This action was taken with the caveat that Staff will return to Council with a skeletal RFP that will be used by Council in drafting an RFP. The RFP as drafted will be agendized for Council approval at a subsequent meeting before issuance.

**7. PUBLIC HEARINGS****A. Reserve Community Landscape Amendment (Amendment to Site Plan Permit 98-63 and Amendment to Tentative Tract Map 15718)**

Continued Public Hearing to consider a proposed modification to the Reserve community's landscape, located in the general area between Avenida Vista Hermosa and Costero Risco.

Associate Planner Jones narrated a PowerPoint presentation entitled "Reserve Landscape Amendment, AM SPP 98-63 and AM TTM 15718", and along with City Landscape Architect Pat Murphy, responded to Council inquiries. A hard copy of Mr. Jones' presentation is on file with the City Clerk.

Mayor Baker opened the Public Hearing.

Matt Davenport, Arborist representing the Reserve, narrated a PowerPoint presentation, entitled "How We Got to Now" and responded to Council inquiries. A hard copy of Mr. Davenport's presentation is on file with the City Clerk.

Cyndy Stauffer, representing The Reserve Homeowners Association, urged Council to allow the Association to maintain the common area trees without seeking City approval, with the exception of skyline trees.

Stacy Tran, San Clemente, thanked City Staff for working closely with the Reserve Board; noted that the Reserve has formed a tree committee to help ensure compliance with the CC&Rs.

Debra Bledsoe, San Clemente, explained that the concrete at her home and her pool filtration system were damaged from needles from pine trees located on the slopes that abut her residence; urged Council to allow the Reserve Homeowners Association to make decisions on tree removal as opposed to requiring City approval.

There being no others desiring to speak, the Public Hearing was closed.

Following deliberations, MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 16-70 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO APPROVE AMENDMENTS TO SITE PLAN PERMIT 98-63 AND TENTATIVE TRACT MAP 15718, RESERVE LANDSCAPE AMENDMENT, A REQUEST TO ALLOW THE MODIFICATION OF THE APPROVED LANDSCAPE PLAN AND THE REQUIREMENTS LIMITING THE REMOVAL OF TREES FOR

THE RESERVE COMMUNITY, LOCATED IN THE RESERVE COMMUNITY IN THE GENERAL AREA BETWEEN AVENIDA VISTA HERMOSA AND COSTERO RISCO, including Staff's recommendation to require City oversight for the removal of all skyline trees and require the applicant to modify the CC&Rs to mirror the tree removal requirements and procedures identified in the Tree Maintenance Plan with the following modifications:

1. The word "removal" is to be replaced with the word "replacement" throughout the Resolution.

2. Condition No. 8 was modified to read in its entirety as follows:

"8. Tree Replacement requests reviewed and supported by an arborist and the landscape maintenance company that qualify for removal for: 1) skyline trees; and 2) trees along Avenida Vista Hermosa, Avenida Vera Cruz, and Costero Risco, (as stated above) shall provide a submittal package to the City that includes the following information for review:

- Map identifying the tree location
- Description and condition of the tree, including photographs
- Criteria justifying the removal of the tree
- Proposal for replacement tree including location, type and size. If a replacement is not proposed then the justification shall be provided

"Tree replacement requests shall be reviewed by the City Planning Division and the City's Landscape Architect to ensure the request complies with the removal criteria and the replacement is in compliance with the approved landscape concept plan to ensure the landscape design remains in compliance with the HDO. Tree replacement requests that do not meet the criteria shall be subject to City Planner review. The City Planner has the discretion to elevate the tree replacement decision to the Planning Commission."

3. Council directed Staff to meet with the Reserve Board to reach an appropriate settlement amount for the fines.

**B. Billing for 2016 Weed Abatement Program**

Public Hearing to consider all objections or protests, if any, to the costs of the abatement of weeds, rubbish, refuse and dirt upon streets, sidewalks, parkways and private property within the City of San Clemente and to the assignment of these costs to the properties on which the abatement was completed.

Interim Code Compliance Supervisor Atamian reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Baker opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to:

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report.
3. Authorize the Weed Abatement Contract Administrator to bill the amounts indicated in the report to the appropriate property owners.

C. **Historic Property Preservation Agreement 16-228, Stewart Residence – 137 Avenida Serra**

Public Hearing to consider approving Historic Property Preservation Agreement 16-228, for the historic residence located at 137 Avenida Serra.

Associate Planner Jones narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 16-228, Stewart Residence" and responded to Council inquiries. A hard copy of Mr. Jones' presentation is on file with the City Clerk.

Mayor Baker opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to adopt Resolution No. 16-71 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 16-228 FOR THE PROPERTY LOCATED AT 137 AVENIDA SERRA.

D. **Historic Property Preservation Agreement 16-311, Mohr Residence – 120 Avenida San Pablo**

Public Hearing to consider approving Historic Property Preservation Agreement 16-311, for the historic residence located at 120 Avenida San Pablo.

Associate Planner Jones narrated a PowerPoint presentation entitled "Historic Property Preservation Agreement 16-311, Mohr Residence" and responded to Council inquiries. A hard copy of Mr. Jones' presentation is on file with the City Clerk.

Mayor Baker opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 5-0, to adopt Resolution No. 16-72 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 16-311 FOR THE PROPERTY LOCATED AT 120 AVENIDA SAN PABLO.

E. **Historic Property Preservation Agreement 16-322, Wach Residence – 204 West Marquita**

Public Hearing to consider approving Historic Property Preservation Agreement 16-322, for the historic residence located at 204 West Marquita.

Associate Planner Jones narrated a PowerPoint presentation entitled “Historic Property Preservation Agreement 16-322, Wach Residence” and responded to Council inquiries. A hard copy of Mr. Jones’ presentation is on file with the City Clerk.

Mayor Baker opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER HAMM, SECOND BY MAYOR PRO TEM WARD, CARRIED 5-0, to adopt Resolution No. 16-73 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 16-322 FOR THE PROPERTY LOCATED AT 204 WEST MARQUITA.

8. **UNFINISHED BUSINESS**

None.



**9. NEW BUSINESS****A. Update of Solar Permit Fees to Align with State Recommendations**

Report from the Community Development Director concerning an update to Solar Permit Fees to align with State recommendations.

Deputy Community Development Director King narrated a PowerPoint presentation entitled "Renewal of Solar Permit Fee Waiver Program" and responded to Council inquiries. A hard copy of Mr. King's PowerPoint is on file with the City Clerk.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to:

1. Update the waiver for fees for Solar Permits effective January 1, 2017 to the levels established in Government Code Section 66015 as follows:
  - a. For residential solar electric and solar water heating systems, set a total permit fee of \$500 for systems up to 15 KW with an additional \$15 for each KW over 15 KW.
  - b. For commercial solar electric and solar water heating systems, set a total permit fee of \$1,000 for systems up to 50 KW with an additional \$7 for each KW over 50 KW up to 250 KW and an additional \$5 for each KW over 250 KW.
2. Reevaluate the Solar Permit Fee Waiver Program annually.

**B. Election Results - Measure OO "Hotel" Tax**

*This item was added to the agenda earlier in the meeting. Please refer to Page 4 of these Minutes for that action.*

In response to Council inquiry, City Clerk Baade reported that Measure OO, received 15,035 Yes votes and 15,043 No votes at the November 8, 2016 election; responded to Council inquiries relating to the process involved in a recount of ballots cast.

Following discussion, MOTION BY COUNCILMEMBER HAMM, SECOND BY COUNCILMEMBER BROWN, CARRIED 3-1-1 (COUNCILMEMBER DONCHAK VOTING NOE AND MAYOR BAKER ABSTAINING), to pursue a recount of the vote on Measure OO and to authorize an expenditure up to a maximum of \$18,000. It was noted that the City Manager may authorize a greater expenditure if needed.

Councilmember Hamm left the meeting at 9:42 p.m.

10. **ORAL COMMUNICATIONS (PART 2)**

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

**Sunset Hike**

Councilmember Donchak reported that the City is hosting a hike to the peak of the San Clemente Summit trail on December 9, 2016 at 4:00 p.m.

**Pearl Harbor Day**

Mayor Baker displayed a video of an interview with Retired Colonel Robert Thacker, a San Clemente resident, who flew a plane over Pearl Harbor on the morning of December 7, 1941.

**Mayor Baker's Leaving Office Address**

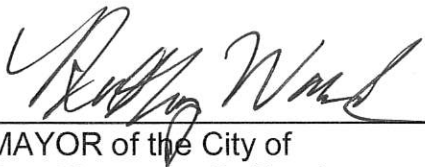
Mayor Baker stated that it has been an honor to serve on the City Council for the past eight years; expressed gratitude to his family and supporters; noted City accomplishments during his two terms on Council; complimented San Clemente youth, City staff, the Orange County Sheriff's Department, the Orange County Fire Authority, and the Marine Corps; stressed the importance of keeping San Clemente residents first.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY MAYOR BAKER, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER HAMM ABSENT), to adjourn at 9:53 p.m. The next Regular City Council Meeting will be held on December 20, 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.



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MAYOR of the City of  
San Clemente, California



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CITY CLERK of the City of  
San Clemente, California