

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular City Council Meeting – March 6, 2018

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 Special and Regular Meeting of the San Clemente City Council was called to order on March 6, 2018 at 4:35 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

PRESENT DONCHAK, HAMM, SWARTZ, WARD, MAYOR BROWN

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 COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to recess to Closed Session at 4:35 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: 4

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor Agency and County of Orange
Case Number: OCSC 30-2017-00934703-CU-PT-CXC

Case Name: San Clemente Vacation Rental Alliance v. City of San Clemente
Case Number: OCSC 30-2016-00858999-CU-WM-CJC

Case Name: MemorialCare Services, et al. v. City of San Clemente
Case Number: USDC 8:16-cv-00852 DOC-JCG

Case Name: Villa San Clemente, LLC v. City of San Clemente
Case Number: USDC 8:17-cv-1484

Closed Session items continued on next page

- 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 REAL PROPERTY NEGOTIATORS**
Pursuant to Government Code Section 54956.8
Property: 1 Acre Vacant Land Parcel North of the Northeast Corner of Avenida Fabricante and Calle Extremo, APN # 690-661-09
Agency Negotiator: Erik Sund, Assistant City Manager
Negotiating Parties: City of San Clemente and Glaukos Corporation
Under Negotiation: Price and Terms of Payment for Purchase

REGULAR BUSINESS MEETING CONVENED

The Regular Business Meeting of March 6, 2018 convened at 6:00 p.m., with all members present.

INVOCATION

James "Jim" Davis, Senior Chaplain, Orange County Sheriffs Department, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Donchak led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

- A. **Toll Road Update (Including the Arterial and Mobility Study that appears on this agenda as Item 9-B)**

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to consider Agenda Item 9-B (Arterial and Mobility Study) in consolidation with the Toll Road Update.

Eva O'Keefe, San Clemente, thanked the City for commissioning the IBI Group report that found that it does not make sense to extend SR-241 through San Clemente.

Assistant City Manager Sund reviewed the background of the Arterial and Mobility Study.

Dave Chew and Mike Arizabal, of IBI Group, narrated a PowerPoint presentation entitled "San Clemente Arterial and Mobility Study", focusing on the project's goals and findings.

MOTION BY COUNCILMEMBER SWARTZ, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to approve and authorize the City Manager to submit Package 3 to the Orange County Transportation Authority (OCTA) for submittal in the 2018 update of the Long Range Transportation Plan.

B. **Relocation of Homeless Persons to the City of San Clemente by the County of Orange**

- Letter from Frank Kim, County Executive Officer, dated February 28, 2018.
- Office of Care Coordination Newsletter February 2018, concerning Santa Ana Riverbed Trail/Flood Control Channel Update.
- Letter from Mary Gray Perdue, Executive Director of Family Assistance Ministries (FAM), requesting funding to support one professional case manager for 30 days to assist FAM in assessing and creating a go-forward plan for homeless persons relocated to the City of San Clemente.

Tony Griswold Rubolino, San Clemente, narrated a PowerPoint, which is on file with the City Clerk, that included photographs of transients engaging in criminal or inappropriate activity; voiced concern that transients were relocated from the Santa Ana Riverbed to San Clemente.

Dennis Ettlin, San Juan Capistrano, urged the City to become involved in solving the homeless problem, noting that the County has a plan for homeless people after the 30-day motel stay expires.

Gene James, San Clemente, commented on the blight caused by transients and the associated negative effect on small businesses.

Cord Bauer, San Clemente, narrated a PowerPoint entitled "San Clemente Cares", which is on file with the City Clerk; urged Council to be proactive in addressing the homeless problem.

Bobbie Carey, San Clemente, questioned whether the relocated homeless persons were subjected to background checks; described threatening encounters that she and her children had with homeless individuals.

Michelle Brooks, San Clemente, spoke on safety and hygiene issues associated with transients, the likelihood that the backgrounds of the relocated persons were not checked, and the need for increased deputies and school security; urged Council to adopt a 'No Smoking' Ordinance.

Jackson Henkle, San Clemente, noted that homeless persons have Constitutional rights and deserve to be treated with dignity; stated that homelessness is not a crime, but is an issue; urged formation of a Homelessness Task Force.

Jim Dahl, San Clemente, voiced concern that the County did not inform the City of San Clemente prior to relocating homeless people from the Santa Ana Riverbed to San Clemente; conveyed concern that the transients' backgrounds are not known and spoke on the need for more deputies.

Eva O'Keefe, San Clemente, narrated a PowerPoint presentation entitled "Smoke Free San Clemente", which is on file with the City Clerk; urged that San Clemente join other California cities in becoming smoke free.

City Manager Makshanoff advised that homeless persons from the Santa Ana Riverbed were relocated to San Clemente without prior notification to the City; stated that it is unknown how many transients were relocated to San Clemente or where they are staying; advised that the City is working with Family Assistance Ministries on a Homeward Bound program; stated that the County is attempting to locate the transients into available shelters within 30 days, but noted that the transients have the right to decline being placed in a shelter; advised that deputies cite when they witness crimes and urged citizens to call the Orange County Sheriff's Department when they view a problem; explained that the County's CEO indicated that the County is implementing a task force to address the housing problem.

Chief Mike Peters described problems being encountered with regard to the homeless situation, the negative effects of the passage of Propositions 47 and 57, enforcement efforts, and how criminal activity/response has changed over the years.

MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve Family Assistance Ministries' request for funding to support one professional case manager for 30 days.

MEETING RECESSED

Council recessed at 7:30 p.m. and reconvened at 7:39 p.m., with all members present.

C. **FY 2017-18 2nd Quarter Report and Mid-Year Budget Adjustments**

Assistant City Manager Sund narrated a PowerPoint presentation entitled "Mid-Year Financial Report FY 2017-18 as of December 31, 2017", which is on file with the City Clerk.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 5-0, to:

1. Approve the FY 2017-18 2nd Quarter Report.
2. Approve and authorize the mid-year adjustments as set forth in Attachment A of the Administrative Report, dated March 6, 2018, which is on file with the City Clerk.

2. **ORAL COMMUNICATIONS (PART 1)**

Orange County Fire Authority Call Center Staffing

Jon Dumitru, Orange, stated he works in the Orange County Fire Authority (OCFA) call center; stated that the OCFA Board is considering changing the current 24-hour staffing to 12-hour staffing, which would negatively affect services; distributed handouts which are on file with the City Clerk.

Cabrillo Playhouse Upcoming Performance

Sandra Weaver, Cabrillo Playhouse, reviewed the Playhouse's upcoming feature "Don't Dress for Dinner."

Friends of San Clemente Foundation - Presentation of Check

John Dorey, President of the Friends of San Clemente Foundation, presented a \$2,000 check to the City to help fund the Spring Spectacular.

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

4. **CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION**

None.

5. **CLOSED SESSION REPORT - CITY ATTORNEY**

City Attorney Smith announced that no reportable action was taken during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item H.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve the Regular City Council Meeting minutes of February 20, 2018.

B. MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to receive and file:

- (1) Design Review Subcommittee minutes of February 14, 2018.
- (2) Beaches, Parks and Recreation Commission Regular Meeting minutes of January 9, 2018 and February 13, 2018.
- (3) Golf Course Committee Regular Meeting minutes of January 4, 2018.
- (4) Planning Commission Adjourned Regular Meeting minutes of February 21, 2018.
- (5) Zoning Administrator Regular Meeting minutes of February 21, 2018.
- (6) Human Affairs Committee Special Meeting minutes of February 13, 2018.

C. **Warrant Register**

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

Wire Transfers Nos. 1782 through 1787
 and Warrant Nos. 548000 through 548146,
 paid on 2/16/18, in the amount of.....\$1,736,046.55

Warrant Nos. 548147 through 548307
 paid on 2/23/18, in the amount of.....\$3,950,464.93

TOTAL WARRANT REGISTER.....\$5,686,511.48

Payroll Register

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

Warrant No. 653 and Automatic
Deposit Advises 46207 through 46485,
for the period 1/29/18 through 2/11/18,
paid on 2/16/18, in the amount of.....\$ 446,232.65

TOTAL PAYROLL REGISTER.....\$ 446,232.65

D. Lease Renewal - San Clemente Art Association Art Gallery

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C18-11 by and between the City of San Clemente and San Clemente Art Association, providing for non-exclusive use of the Art Gallery at the Community Center, for a lease period of five years, with two possible five-year extensions.

E. Fee Waiver Request - Orange County Sheriff to Use City Fields

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to waive the park rental and special event fees associated with the Orange County Sheriff GRIP Soccer Camp and helicopter landing at the Vista Hermosa Sports Park on April 3-5, 2018, in an amount not to exceed \$1,922.

F. Partnership Agreement - San Clemente Public Library Summer Reading Program

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve, and authorize the Mayor to execute, a Partnership Agreement (Contract C18-09), by and between the City of San Clemente and the San Clemente Public Library, relating to the Library's annual Summer Reading Program, including waiver of the rental fees and deposit for the use of the Community Center Auditorium.

G. **Contract Award - Street Rehabilitation for Avenida Palizada, and Avenida Presidio, Calle Miguel and Avenida Salvador**

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

1. Approve the plans and specifications for the following street rehabilitation projects: Avenida Palizada (Project No. 17340), and Avenida Presidio, Calle Miguel and Avenida Salvador (Project No. 17341).
2. Approve, and authorize the Mayor to execute, Contract C18-10, by and between the City of San Clemente and Palp, Inc., dba Excel Paving Company, providing for the rehabilitation of Avenida Palizada (Project No. 17340), and Avenida Presidio, Calle Miguel and Avenida Salvador (Project No. 17341), in an amount not to exceed \$736,431.16.

I. **Contract Amendments - Legal Services**

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

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract C17-07, by and between the City of San Clemente and Silver & Wright, LLP, relating to City Attorney services.
2. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract AC-734, by and between the City of San Clemente and Harper & Burns, LLP, relating to City Attorney services.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

H. **Proposed Parking Prohibitions off Avenida Del Presidente**

Public Works Director Bonigut referenced an email that was received from Ron and Rhonda Rodriguez that opposed the addition of 16 feet of red curbing on the north side of Avenida Cornelio near its intersection with Avenida Del Presidente because it would hinder parking for their disabled son; relayed that Staff believes it can maintain appropriate ingress and egress without the red curbing and recommended that Council adopt the proposed Resolution with the elimination of the subject red curbing.

Jim Dahl, San Clemente, voiced concern that the contractor for the Safe Routes to School improvement project needs to address grade separation and curb problems; asserted that the bulb-out at Calafia is poorly designed and is causing traffic problems.

Mary Lou Smith, San Clemente, opined that the centerline on Avenida West Lobos Marinos needs to be re-striped to prevent cars from swerving into another lane.

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

1. Prohibit parking in areas off Avenida Del Presidente, as specified in the eight Location Maps, included in Attachment 2 to the Administrative Report, dated March 6, 2018, which is on file with the City Clerk, with the modification that red curbing not be installed on Avenida Cornelio near Avenida Del Presidente for a distance of 16 feet on the north side.
2. Adopt Resolution No. 18-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING MASTER TRAFFIC RESOLUTION NO. 1846, ESTABLISHING 'NO PARKING AREAS' ON AVENIDA PRINCESA, AVENIDA DE LOS LOBOS MARINOS, AVENIDA SAN ANTONIO, AVENIDA ALESSANDRO, AVENIDA RAMONA, AVENIDA CORNELIO, AVENIDA JUNIPERO, AND AVENIDA MAGDALENA, with the modification that the portion relating to red curbing on Avenida Cornelio be modified as follows:

Cornelio, Avenida, from Avenida Del Presidente curb return in a southwesterly direction for a distance of ~~16 feet on the north side~~ and 42 feet on the south side. (Strike-out type indicates deleted language.)

7. PUBLIC HEARINGS**A. Outlets at San Clemente Freeway-Oriented Signs - 101 West Avenida Vista Hermosa (Sign Exception Permit 15-423 and Amendment to Discretionary Sign Permit 05-176)**

Public Hearing to consider certification of a final supplemental environmental impact report, SCH. No. 2017031063, entitled "The Outlets at San Clemente," to the Marblehead Coastal Final Environmental Impact Report, SCH No. 95091037 and addenda no. 1 through 5, pursuant to the California Environmental Quality Act, Public Resources Code sections 21081 and 21000 et seq. and applicable CEQA Guidelines, followed by consideration of 1) an amendment to a previously-approved Discretionary Sign Permit to allow 35 freeway-oriented signs comprised of 26 tenant signs, four project identification signs and five hotel signs; and 2) a Sign Exception Permit to allow freeway-oriented signs, signs to exceed 64 square feet, and sign areas in excess of one square foot per lineal foot of building frontage proposed at 101 West Avenida Vista Hermosa within the Marblehead Coastal Specific Plan zoning designation. The site's legal description is Lot 327 of Tract 8817. The Assessor's Parcel Number is 691-422-13.

City Attorney Smith reported that he is unable to represent the Council on this agenda item because his firm (Best Best & Krieger) previously represented the Applicant; stated that Omar Sandoval will serve as special counsel.

Councilmember Donchak referenced an email from Benjamin Doren that was received today that asserted that she should recuse herself from participation in this item because her prior interest in exploring the Sign Ordinance for the temporary signs indicates that she is biased; provided assurance that she does not have a bias, that she does not make decisions until all evidence is presented, and that she does not intend to recuse.

Mr. Sandoval informed Council concerning fair hearing standards that apply to the subject hearing.

Councilmembers reported ex parte communications as follows:

Councilmember Swartz stated that he was also mentioned in the email from Benjamin Doren as supporting temporary signs; stated that he will make his decision based on the evidence presented this evening.

Councilmember Ward stated that she visited the site today to gain insight about the height of the tower; reported that she also drove the I-5 between Avenida Vista Hermosa and Avenida Pico.

Contract Planner Vazquez narrated a PowerPoint presentation entitled "Outlets at San Clemente Freeway-Oriented Signs" and responded to Council inquiries. A hard copy of Ms. Vazquez' PowerPoint is on file with the City Clerk.

Christopher Garrett, Latham & Watkins LLP, speaking on behalf of the Applicant, presented a letter, dated March 6, 2018, which is on file with the City Clerk; urged Council to revise the SEIR as there is no evidence in the record to support the conclusions that the project's signage and illumination constitute significant impacts under CEQA; stated that the Outlets have a vested right to a center and appropriate signage, adding that bronze signs do not provide adequate signage.

Louis Troiani, building and sign designer for the project, urged Council to approve the sign proposal as submitted; noted that larger signs are needed to be in scale with the large buildings; asserted that reverse channel halo lighting is subtle.

Madison Spach, attorney on behalf of the Applicant, related that the Applicant has vested rights beyond the scope of the development agreement; stated that federal law prohibits the modification of trademarks; pointed out that the signage will result in increased sales and revenue to the City.

In response to Council inquiry, Attorney Sandoval disagreed that the Applicant has a vested right to display freeway-oriented signs and further opined that the Applicant does not have the right to display a trademark as a sign.

Mayor Brown opened the Public Hearing.

Susan Jennrich, General Manager of the Outlets at San Clemente, spoke on the importance of signage for business; urged Council to approve the Master Sign Program.

Steve Ynzunza, San Clemente, commented that the Outlets need adequate signage to survive.

Lew Avera, San Clemente, opined that businesses need identity and urged approval of the sign package.

John Hourian, San Clemente, explained his support for the Outlet mall, noting that it is attractive and needs signage.

Jennifer Massey, San Clemente, spoke about San Clemente's small town charm and expressed her opposition to bright lights on the Outlet's signage.

Jim Dahl, San Clemente, stated that he supports the Outlet mall and believes that it needs signage.

Jason Chase, Customer Service Manager for the Outlets, opined that signage is needed for identification and wayfinding; urged Council to approve the sign application, including the monument signs.

Karen Newe, San Clemente, opined that the proposed signage does not fit in San Clemente; suggested that one or two signs would be appropriate, but no more; urged Council to keep the City low key.

Myrna Erway, San Clemente, conveyed support for the proposed signage; noted that sales tax revenue will help fund City services.

Abigail Gazda, representing the Chamber of Commerce, opined that the proposed Outlet signage, including the four color exceptions, is important and will benefit businesses and the local economy.

Philip Alongi, San Clemente resident and Western Regional Director for the Prime Group (developer of the Lodge at San Clemente, a 130-room luxury hotel and conference center), noted the hotel's benefits to the community and commented on the importance of freeway-oriented signage.

Ben Doran, San Clemente, stated he resides in Faire Harbor and is negatively affected by lighted signage at the Outlet Mall; narrated a PowerPoint presentation entitled "Outlet Mall Proposed View from City's Website Versus Actual View", which is on file with the City Clerk; spoke in opposition to the sign program and tower.

Laura Reilly, San Clemente, member of the California Sign Association, supported both the colored and monotone sign packages; stressed the importance that the Outlets be successful.

Tom Levy, San Clemente, stated that he resides in Marblehead Inland and voiced concern that signage at the Outlets will ruin the view for Marblehead Inland residents; suggested that discount malls are out of date.

Lynn Sobel, San Clemente, stated that she opposes both sign packages; noted that the Carlsbad Outlet Mall doesn't have freeway signage; asserted that the Outlets need a better mix of tenants to increase business.

Derek Cahill, San Clemente, stated that he opposes all towers and signage; stated that extra sales tax is not needed and opined that the hotel signage is excessive.

Kathleen Armenteros, San Clemente, spoke in opposition to both sign packages.

Kelly Cosenza, San Juan Capistrano, stated that she is the owner of a business in the Outlets at San Clemente; explained that the temporary signage and trolley positively affected her business and urged that the permanent signage be approved.

MEETING RECESSED

Council recessed at 9:10 p.m. and reconvened at 9:19 p.m., with all members present.

Vickie McMurchie, Marketing and Special Events Manager for the Outlets at San Clemente, conveyed support for the original signage program; cited the Outlets' contributions to the community.

Gail Hiduke, San Clemente, opined that the proposed signage is excessive and will devalue her home; asserted that the proposed signage is not needed for wayfinding.

Rino LaRosa, San Clemente resident and employee of the Craig Realty Group, stated that the Craig Realty Group was asked to come to the City; stated that halo lit signs are subtle and will help attract a better mix of tenants; urged Council to approve the signage as proposed.

Paul Simonds, Chair of the South Orange County Economic Coalition, noted that sales tax revenue is vital to a City and noted that the Outlets serve as an economic engine.

Chris Ahola, San Clemente, spoke in opposition to both sign packages, but indicated that he would support one project identification sign; pointed out that the Carlsbad Outlets do not have freeway signs; urged that the City not approve a sign exception.

Karen Ahola, San Clemente, objected to both sign packages and urged Council to protect the integrity of the town and rights of citizens.

Taiga Takahashi, attorney representing the Applicant, reviewed the history of the signage issue; stated that signage is necessary, noting that the proposed signage has been significantly reduced since 1998; stated that

other freeway-oriented signs in the City use a business's logo and colors and there is no rational basis for not allowing the Outlets to do the same.

Keil Maberry, traffic engineer for the Outlet project, reviewed the results of his traffic analyses, noting that the proposed signage and tower could improve traffic flow.

Rick Tavares, Investigative Science and Engineering, stated that he prepared the photometric analysis for the project; explained that the project will not have lighting impacts and distributed an analysis entitled "1 Footcandle = 1 lumen/ft²" which is on file with the City Clerk; stated that the hotel will have five signs, but no light spillage.

Ray Taylor, Professor of Marketing at Villanova University, explained the value of signage and branding for the Outlet mall and its individual stores; stated that 35% of sales come from signage.

Mike Singleton, San Diego, stated that he is an expert in visual studies; explained his analysis of the project and his determination that the project will not have a negative aesthetic impact.

Ken Nielsen, San Clemente, conveyed support for tasteful signage; stated that the former City Manager estimated that the Outlet project would bring \$3 million to \$4 million to the City in sales tax revenue.

Diane Armstrong, San Clemente, objected to any signage at the Outlets due to her belief that it will negatively impact the view from her home in Marblehead Inland.

Steve Knoblock, San Clemente, spoke in support of the sign package as submitted; suggested that signs are needed to avoid a stark wall; commented that the signs should be in scale with the structures; stated that lawsuits could stop if the City recognizes the Applicant's vested rights.

Nicky See, Marketing Director at the Outlets at San Clemente, suggested that the halo lights will be subtle and will complement the Outlet's Spanish architecture; noted the project will bring revenue to the City and asserted that more businesses will open in the Outlets if the signage is approved.

Kristy Trenary, San Clemente, spoke in opposition to the signage proposal and urged that Council maintain Ole Hanson's vision and the City's charm.

Amie Austin, San Clemente, urged Council to adhere to the Sign Code and not approve exceptions.

Charles Mann, San Clemente, asserted that 17 signs are excessive and would represent sign pollution; opined that Steve Craig has acted as a bully.

Richard Boyer, San Clemente, stated that he is the president of the citizens group that sued the City three times over the Outlet signage and prevailed each time; reviewed the history of the signage issue.

Bob Baker, San Clemente, spoke in opposition to the sign proposal.

Brad Malamud, San Clemente, stated that the court did not overturn the Master Sign Program; stated that Council approved 35 signs in 2007 by a 3-2 vote and Council does not have the right to overturn that action at this time.

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

Following deliberations, MOTION BY MAYOR BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to certify the final supplemental environmental impact report by adopting Resolution No. 18-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO APPROVE AND ADOPT A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT IN CONJUNCTION WITH AN AMENDMENT TO DISCRETIONARY SIGN PERMIT (DSP) 05-176 AND SIGN EXCEPTION PERMIT 15-423, A REQUEST TO AMEND A PREVIOUSLY-APPROVED MASTER SIGN PROGRAM TO ALLOW FREEWAY-ORIENTED SIGNS FOR THE OUTLETS AT SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER SWARTZ, CARRIED 5-0, to approve and adopt Resolution No. 18-04 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO DISCRETIONARY SIGN PERMIT (DSP) 05-176 AND SIGN EXCEPTION PERMIT 15-423, A REQUEST TO AMEND A PREVIOUSLY-APPROVED MASTER SIGN PROGRAM TO ALLOW FREEWAY-ORIENTED SIGNS FOR THE OUTLETS AT SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA, with provisions as follows:

1. 17 tenant signs shall be permitted (10 on the east elevation), with the proviso that no more than 7 signs shall be allowed for Phase I. The remaining 3 signs shall be permitted when Phase II is constructed.

Action continued on next page

2. The maximum size of tenant signs shall be 64 sq. ft.
3. Four Outlet identification signs shall be permitted (2 on the tower and 2 on the building).
4. No tenant signs shall be permitted on the icon tower.
5. 5 hotel signs shall be permitted. The two hotel signs that face east will be held to the same standards as the rest of the Outlet mall in terms of limited hours for sign illumination.
6. All freeway-oriented signs shall be dark bronze.
7. Limited hours shall apply for sign illumination, including any lighting for the towers.
8. The last sentence of Condition No. 15 (which reads "Deviations from colors, materials or locations shall be reviewed and approved by the Community Development Director or designee.") shall be eliminated.

***NOTE: The City Council added an additional Condition of Approval to the Outlets at San Clemente freeway-oriented signage project at its meeting of April 17, 2018. Please refer to Page 8 of the City Council minutes of April 17, 2018 for information concerning the additional condition.**

CONTINUATION OF COUNCIL MEETING PAST 11:00 P.M.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM HAMM, CARRIED 5-0, to continue the Council meeting past 11:00 p.m.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Contract Amendment - City Manager Employment Agreement**

Report from the Assistant City Manager concerning the possibility of amending the City Manager's employment agreement as it relates to severance provisions.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Amendment No. 3 to Contract C14-36, the employment agreement by and between the City of San Clemente and James Makshanoff.

B. **Arterial and Mobility Study**

Report from the Assistant City Manager concerning the Arterial and Mobility Study that was prepared by IBI Group.

This agenda item was considered earlier in this meeting as part of the Toll Road Update. Please refer to Page 2 of these minutes for a summary of that discussion.

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

None.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

Prayer Breakfast

Mayor Brown expressed gratitude to the Kiwanis Club, faith leaders, and others who participated in this morning's Prayer Breakfast.

12. **RESOLUTIONS/ORDINANCES**

None.

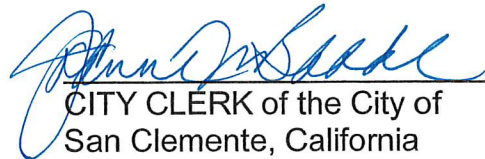
13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adjourn at 11:40 p.m. to an Adjourned Regular Council meeting to be held on Monday, March 12, 2018 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of conducting a workshop on the Long Term Financial Plan.

The next Regular Council Meeting will be held on March 20, 2018 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.



MAYOR of the City of
San Clemente, California



CITY CLERK of the City of
San Clemente, California