

CITY OF SAN CLEMENTE

City Council Minutes

Regular City Council Meeting – February 4, 2014

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 February 4, 2014 at 5:03 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

PRESENT BAKER, DONCHAK, EVERT, HAMM, MAYOR BROWN

ABSENT NONE

STAFF PRESENT Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Executive Assistant

CLOSED SESSION

City Attorney Goldfarb requested a Closed Session to discuss the items on the Closed Session agenda.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR BROWN, CARRIED 5-0 to recess to Closed Session to discuss the following:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Sections 54956.9(a) and 54956.9(b).

South Orange County Wastewater Authority v. Michael Demaree, Does 1 through 25, related cross complaint (Orange County Superior Court).

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: Vista Hermosa Sports Park, 987 Avenida Vista Hermosa, San Clemente

Agency Negotiator: Pall Gudgeirsson, City Manager

Negotiating Parties: City of San Clemente and Scott Melcher, on behalf of Surf N' Turf Paradiso, LLC

Under Negotiation: Price and terms of payment

Closed Session items continued on next page

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: 910 Calle Negocio, San Clemente, Suites 205 and 210 of the 2nd floor

Agency Negotiator: Erik Sund, Assistant City Manager

Negotiating Parties: Rob Johnston of Johnston Pacific on behalf of the City of San Clemente, and Garrett Ellis of CBRE on behalf of Capistrano Connections Academy, Inc.

Under Negotiation: Price and terms of payment

- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a):

Joseph A. Arriola v. L.H.C. Investments LLC, et al., OCSC 30-2011-00450299-CU-CD-CXC

- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a)

Daniel Walker, as Trustee for the 1997 Walker Family Trust v. City of San Clemente, Orange County Superior Court Case No. 30-2012-00591239-CU-WM-CJC

- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One potential case.

In attendance for the full Closed Session were all members of the City Council, City Manager Gudgeirsson, City Attorney Goldfarb, Assistant City Manager Sund, Community Development Director Holloway, Public Works Director/City Engineer Cameron, and City Clerk Baade. Beaches, Parks and Recreation Director Heider was in attendance for Closed Session Item B only. Building Official Jorgensen was in attendance for Closed Session Item F only.

Note: Council recessed back to Closed Session at the conclusion of the public business meeting. Please refer to Page 15 of these minutes for that action.

MEETING RECONVENED

Council reconvened at 6:05 p.m., with all members present.

INVOCATION

Farhad Shahriary, of Baha'i Faith Community, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Hamm led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Certificate of Recognition - John Owens**

Mayor Brown presented a Certificate of Recognition to John Owens, San Clemente High School Varsity Assistant Wrestling Coach, in acknowledgment of being inducted into the National Wrestling Hall of Fame.

B. **Presentation of Proclamation - Blue Ribbon Week**

Mayor Brown presented a proclamation to Janet Dunford, Crime Prevention Specialist, proclaiming February 7-14, 2014 as Blue Ribbon Week in San Clemente.

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

Beach Parking Impact Fee (BPIF) Lawsuit

Robert Thompson, San Clemente, stated that he is a retired attorney; commented that the City lost the BPIF lawsuit and is unlikely to prevail on appeal; noted the costs associated with litigation and urged that the City return the funds to the people.

Capistrano Shores Mobile Home Park

Niels Pearson, San Clemente, stated that he resides at the Capistrano Shores Mobile Home Park; related that the Park has 60-year-old gas lines and an outdated oil transformer that pose a fire and explosion risk; stated that the California Coastal Commission approved the replacement of the utilities last year, but the City has not issued a permit even though it received an application four months ago; opined that the City's nonconforming use ordinance should not be a factor in determining whether a utilities permit should be approved because the ordinance does not apply when major alterations are needed for safety reasons.

Building Official Jorgensen provided an update on the utilities permit issue, explaining that the original applications from the Capistrano Shores Mobile Home Park were incomplete and vague, but the last re-submittal contains additional detail; estimated that Staff will complete its technical review of the application by early next week.

Trevor Dodson, of Fuscoe Engineering, Inc., stated that he is the project engineer for Capistrano Shores Mobile Home Park's maintenance and repair plan; provided an overview of the current condition of the Park's utilities and summarized the replacement proposal; opined that the replacement plan is necessary for health, safety and welfare purposes.

Jack Kerin, representing the Capistrano Shores Mobile Home Park, stated that he is an expert in California mobile home park law; noted that the City assumed the role of enforcement under the Mobile Home Park Act and, as such, is obligated to enforce the terms of the Act; asserted that the City is acting contrary to local and federal law and State policy; stated that the City is remiss in issuing permits as the enforcement agency and is basing requirements on local ordinances as opposed to those that apply at the State level; stated that placing a new home in an existing mobile home park does not constitute a new development and remodeling an existing mobile home is preempted by State and federal law.

Steve Samuelian, San Clemente, resident and Board Member of the Capistrano Shores Mobile Home Park, voiced concern with the condition of the Park's existing infrastructure; urged that the City recognize its obligation to process the Park's application for infrastructure improvements.

3. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, 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**

None.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the Consent Calendar with the removal of Items E and I.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve the City Council minutes of January 21, 2014.

B. MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to receive and file:

- (1) Zoning Administrator Regular Meeting minutes of January 22, 2014.
- (2) Planning Commission Regular Meeting minutes of January 22, 2014 and Regular Study Session Meeting minutes of January 22, 2014.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 513581 through 513841, paid on 1-17-14, in the amount of \$1,856,797.09; approve Wire Transfers Nos. 1215 through 1218 and Warrant Nos. 513842 through 513993, paid on 1-24-14, in the amount of \$1,997,991.93; approve Wire Transfer No. 1219, paid on 1-31-14, and Warrant Nos. 513994 through 514101, paid on 1-31-14, in the amount of \$1,180,368.82; for a total Warrant Register of \$5,035,157.84.

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve Warrant Nos. 276 through 279 and Automatic Deposit Advises 13228 through 13506 for the period 1-6-14 through 1-19-14 paid on 1-24-14, in the amount of \$437,954.18; for a total Payroll Register in the amount of \$437,954.18.

D. **Contract Amendment - Design Services Related to the Base of the Pier Restroom**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to approve, and authorize the Mayor to execute, the First Amendment to Contract AC-537, by and between the City of San Clemente and RRM Design Group, providing for additional design services related to changes in the Base of the Pier Restroom scope of work, for an amount not to exceed \$47,500.

F. **Notice of Completion - W5 and W6 Water System SCADA, Project No. 13501**

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

1. Accept the W5 and W6 Water System SCADA, Project No. 13501, from the contractor, Technical Systems, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for W5 and W6 Water System SCADA, Project No. 13501. (Contract C10-19)
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 Technical Systems, Inc.
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.

G. **Notice of Completion - Sewer Manhole Rehabilitation FY 2013, Project No. 24200**

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

1. Accept the Sewer Manhole Rehabilitation FY 2013, Project No. 24200, from the contractor, SoCal Pacific Construction Corporation.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Sewer Manhole Rehabilitation FY 2013, Project No. 24200. (Contract C13-25)
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 SoCal Pacific Construction Corporation.
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.

H. **Notice of Completion - Prima Deshecha Canada MO1 Channel Rehabilitation, Project No. 10013**

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

1. Accept the Prima Deshecha Canada MO1 Channel Rehabilitation, Project No. 10013, from the contractor, Earth Construction & Mining.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Prima Deshecha Canada MO1 Channel Rehabilitation, Project No. 10013. (Contract C13-07)
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 Earth Construction & Mining.
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.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION**E. Transfer of Operations of North Beach Concession**

In response to Council inquiry, Assistant City Manager Sund explained that the proposed new concessionaire has extensive experience in the hospitality and restaurant business and has good plans for the facility that Staff hopes will come to fruition.

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

1. Approve the transfer of the North Beach concession operations to Hearties, LLC, represented by Sunny Mehta.
2. Direct Staff to prepare, and the Mayor to execute, an amendment to the lease agreement for the North Beach Concession to remove Marty Foxman and name Hearties, LLC, represented by Sunny Mehta, as the new tenant, subject to approval by the City Attorney and the Director of Beaches, Parks and Recreation of an acceptable Assignment and Assumption Agreement. (Contract C87-51)

I. Deposit and Reimbursement Agreement for Payment of City Expenses in Connection with Proceedings to Amend Community Facilities District (CFD) No. 2006-1 (Marblehead Coastal) and the Associated Acquisition Agreement

Council requested that a representative from Lehman Holdings attend a future Council meeting to provide an update on the residential component of the Marblehead Coastal project.

Jim Fabian, Fieldman Rolapp & Associates (the City's financial advisor with regard to the formation of the CFD for Marblehead Coastal), narrated a PowerPoint presentation entitled "*Overview of Community Facilities District ("CFD") No. 2006-1 (Marblehead Coastal)*" and responded to Council inquiries. A hard copy of Mr. Fabian's presentation, dated February 4, 2014, is on file with the City Clerk.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-1 (MAYOR PRO TEM HAMM VOTING NOE), to approve, and authorize the Mayor to execute, the Deposit and Reimbursement Agreement (Contract C05-18), by and between the City of San Clemente and LV Marblehead LLC, providing for payment of City expenses in connection with proceedings to amend Community Facilities District No. 2006-1 (Marblehead Coastal) and the associated Acquisition Agreement.

7. **PUBLIC HEARINGS**A. **Land Use Designation of a Portion of the Shorecliffs Golf Course and Adoption of Centennial General Plan, Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan**

Public Hearing to consider 1) the implications of changing the Land Use Designation of a portion of the Shorecliffs Golf Course from Coastal Recreation-Serving Commercial (CVC) to Residential, High Density (RH); and 2) Resolutions approving the Centennial General Plan, Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan.

Principal Planner Hook narrated a PowerPoint presentation entitled "*City Council Meeting February 4, 2014 - 1) Shorecliffs Golf Course: Consider Possible Land Use Change as Part of New General Plan, 2) Centennial General Plan: Consider Final Adoption*". During the course of his presentation, Mr. Hook proposed an additional Staff Recommendation to those contained in the Administrative Report as follows: That the following Implementation Measure be added to the Land Use Element: "*Shorecliffs Golf Course: 26. Amend the Forster Ranch Specific Plan to change the zoning of the former hotel site from CRC2 to RH and to require the property be used for senior housing*"; responded to Council inquiries. A hard copy of Mr. Hook's PowerPoint is on file with the City Clerk.

Mayor Brown opened the Public Hearing.

Mark McGuire, speaking on behalf of the owners of the Shorecliffs Golf Course, related that the property owners believe that a policy decision on their land use proposal is appropriate as part of the new General Plan; noted that the property owners do not have a project proposal at this point; indicated that project parameters will be refined in the context of the Specific Plan; suggested that the Applicants may wish to make a case for a development in between Residential, Medium Density (that carries a maximum height limit of two stories), and Residential, High Density (that carries a height limit of no more than 45'); noted that if there is concern that the loss of the CRC2 zoning may complicate the City's efforts to achieve a Local Coastal Program, the City could white hole the subject property, and certify the remainder of the Local Coastal Program, thereby requiring the project to be approved by both the Council and the California Coastal Commission; opined that an active senior residential use on the property is more appropriate than a hotel/timeshare use; concurred with Staff's recommendation. In response to Council comment earlier in the meeting, Mr. McGuire indicated that the property owners will meet or exceed their fair

share of affordable housing, but oppose a requirement that the full senior housing project be affordable since such a restriction would limit their options.

Council discussed the possibility of expanding BPR-5.04 to include verbiage to ensure that the Shorecliffs Golf Course not be downsized inasmuch as it is an important recreational amenity.

Mr. McGuire responded that he does not object to the addition of the subject language, but pointed out that a challenge exists on Holes 5 and 6, due to landslide conditions that may necessitate reconfiguration of the course's layout; noted that a proposal exists to improve the drainage in the vicinity of Holes 5 and 6 that may enable the course to be retained in its current configuration; explained that 8-1/2 acres of the Shorecliffs Golf Course was redesignated to hotel/timeshare use as part of a commitment to upgrade the primary channel through the course; explained that the hotel/timeshare acreage was reduced to 6 acres in 1993, without notice to the property owners; stated that the property owners are not objecting to the reduction in acreage dedicated to hotel/timeshare use and explained that this historical reference is being mentioned because it explains why there is a discrepancy between the Forster Ranch Specific Plan and the current General Plan.

Steve Samuelian, resident and Board Member of the Capistrano Shores Mobile Home Park, urged Council to correct the improper zoning change for the Park property that occurred in 1993; stated that the prior zoning enabled Park residents to maintain and improve their property; stated that the Board of the Park submitted to Council its requested revisions to the General Plan and Coastal Element.

City Attorney Goldfarb reported that Measure V, which was adopted by the San Clemente electorate in 2008, requires that no open space parcel in excess of one acre be redesignated to non-open space use without a vote of the people.

Sue Loftin, representing Capistrano Shores, Inc., stated that the 1993 rezone of the Park is void and invalid and, as such, a vote of the people is not necessary to correct the Park's zoning; voiced concern that various sections of the EIR and General Plan are flawed and urged that they not be adopted.

Niels Pearson, Capistrano Shores Mobile Home Park, stated that a primary goal of the new General Plan is to retain and enhance residential neighborhoods; explained that the Park has been a residential neighborhood in the City since 1959; opined that the open space zoning is void, preempted by State and Federal law, and inconsistent with the new General Plan; urged Council to work with the Park.

In response to Council inquiry, City Attorney Goldfarb clarified that the Capistrano Shores Mobile Home Park issue is a zoning matter, and not a General Plan issue; explained that the land use designation of the Park is not proposed to change in the new General Plan.

MEETING RECESSED

Council recessed at 8:00 p.m. and reconvened at 8:15 p.m., with all members present.

Brian Judd, The Planning Center, narrated a PowerPoint presentation entitled “*City Council Hearing: Centennial General Plan, EIR, Climate Action Plan & Bicycle & Pedestrian Master Plan*”. A hard copy of Mr. Judd’s PowerPoint, dated February 4, 2014, is on file with the City Clerk.

The Public Hearing resumed as follows:

Brenda Miller, San Clemente, stated that the City can be proud of its Bicycle and Pedestrian Master Plan and Mobility and Complete Streets Element; opined that the City created a legacy document and commended those responsible for bringing the plan to fruition.

Barry Wood, San Clemente, commended the Bicycle and Pedestrian Master Plan and Mobility and Complete Streets Element, noting their vital contributions to the City’s future.

Don Kunze, San Clemente, noted the importance of the General Plan and posed questions relating to the Beaches, Parks and Recreation Element.

Pete van Nuys, San Clemente, stated that San Clemente has taken a leadership role in Orange County with regard to bicycle issues; suggested that successful implementation of the Bicycle and Pedestrian Master Plan will depend on insight, understanding and courage; recommended that Council establish a Mobility Committee.

Mark McGuire, San Clemente, thanked Council, Planning Commission and the General Plan Advisory Committee for their work on the General Plan and commended Brenda Miller and Pete van Nuys for their efforts with respect to the Bicycle and Pedestrian Master Plan and Mobility and Complete Streets Element.

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

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

1. Add a Policy BPR-5.04 to the Centennial General Plan Beaches, Parks and Recreation Element, to read as follows:

“BPR-5.04. Shorecliffs Golf Course. Land uses in the Shorecliffs Golf Course property shall be consistent with Forster Ranch Specific Plan policies to provide and maintain open space and recreational amenities in the OSC zone. We will require any development submittal to enhance the entrance, parking and clubhouse facilities and the Course design to promote the ongoing successful operations of the Shorecliffs Golf Course as an 18-hole championship golf course.”

2. Adopt Resolution No.14-01 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVING THE FINAL HEARING DRAFT CENTENNIAL GENERAL PLAN, PLANNING APPLICATIONS GPA 13-043 AND DHP 13-045.
3. Adopt Resolution No. 14-02 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE DRAFT BICYCLE AND PEDESTRIAN MASTER PLAN, APPLICATION NO. GPA 13-043.
4. Adopt Resolution No. 14-03 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE DRAFT CLIMATE ACTION PLAN.
5. Add the following Implementation Measure to the Land Use Element:

“Shorecliffs Golf Course: 26. Amend the Forster Ranch Specific Plan to change the zoning of the former hotel site from CRC2 to RH and to require the property be used for senior housing.”

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Fast Tracking Rehabilitation of Remaining Five Beach Restrooms**

Report from the Director of Beaches, Parks and Recreation concerning the rehabilitation of the remaining five beach restrooms.

Councilmember Baker recused himself from participation, and left the Chambers at 8:56 p.m., because he owns property within 500' of the T-Street restroom that is a topic of consideration.

Beaches, Parks and Recreation Director Heider reviewed the contents of the Administrative Report.

During the course of discussion, Council questioned why the proposed contract with RRM Design Group is for an amount not to exceed \$100,000 when RRM's fee is \$67,569. Ms. Heider responded that Staff will hold RRM to the \$67,569 fee for the conceptual design; explained that the remaining money, that is already budgeted, will only be paid to RRM if the conceptual design is accepted by Council and the scope of work is expanded to include working drawings.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER EVERT, CARRIED 4-0-1 (COUNCILMEMBER BAKER ABSTAINING), to:

1. Approve, and authorize the Mayor to execute, Contract C16-06 by and between the City of San Clemente and RRM Design Group, providing for the conceptual design of the Boca del Canon and T-Street beach restrooms, subject to final contract language approval by the City Attorney and the Director of Beaches, Parks and Recreation, for an amount not to exceed \$68,000. This contract is to be funded from the \$100,000 that is currently budgeted for beach restroom conceptual design services.
2. Direct Staff to return to Council for direction regarding options for construction of the Boca del Canon and T-Street restrooms.

Councilmember Baker returned to the dais at 9:11 p.m.

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

Beach Parking Impact Fund (BPIF)

George Gregory, San Clemente, voiced concern that the return of Beach Parking Impact Fund (BPIF) monies will result in beach visitors parking in residential areas; recommended that Council either appeal the court's decision or transfer \$10 million from the General Fund to the BPIF to fund beach parking.

11. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

City Manager Gudgeirsson reported that the latest City Manager Report is now posted on the City's website.

C. **City Attorney**

None.

D. **Council Members**

French Soccer Institute Event

Mayor Brown reviewed, and displayed photographs of, the free soccer event that was sponsored by the French Soccer Institute; noted that the event took place on January 27, 2014 at Liberty Park.

Camp Pendleton Readiness Event

Mayor Brown announced that he will participate in an event at Camp Pendleton on February 8, 2014 to help prepare marines for possible encounters in Afghanistan.

Grand Opening of Naval Hospital at Camp Pendleton

Councilmember Baker reported on his attendance at the grand opening of the naval hospital at Camp Pendleton that occurred on January 31, 2014.

Disposal of Mylar Balloons

In recognition of the upcoming Valentine's Day holiday, Councilmember Baker requested that Code Enforcement staff suggest that businesses that sell Mylar balloons inform purchasers of proper balloon disposal practices.

Our Lady of Fatima School - Third Grade Class Visit to City Hall

Councilmember Baker reported that he participated in a tour of City Hall for the third grade class at Our Lady of Fatima School.

12. **RESOLUTIONS/ORDINANCES**

None.

CLOSED SESSION (PART 2)

Council recessed back to Closed Session at 9:25 p.m. to discuss the following:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Sections 54956.9(a) and 54956.9(b).

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Negotiating Parties: Rob Johnston of Johnston Pacific on behalf of the City of San Clemente, and Garrett Ellis of CBRE on behalf of Capistrano Connections Academy, Inc.

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- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, pursuant to Government Code Section 54956.9(a)

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- F. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation, pursuant to Government Code Section 54956.9(b): One potential case.

In attendance at the full Closed Session were all members of the Council, City Manager Gudgeirsson, Assistant City Manager Sund, Public Works Director/City Engineer Cameron, Community Development Director Holloway, Building Official Jorgensen, and City Clerk Baade.

MEETING RECONVENED

Council reconvened at 10:30 p.m., with all members present.

13. **ADJOURNMENT**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to adjourn at 10:30 p.m.

The next Regular Council Meeting will be held on Tuesday, February 18, 2014 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.

A subsequent Adjourned Regular Council Meeting will be held on Tuesday, February 25, 2014 at 4:00 p.m. in the Ole Hanson Room of the Community Center, located at 100 N. Seville, San Clemente, California, for the purpose of considering the Long Term Financial Plan.



MAYOR of the City of
San Clemente, California


CITY CLERK of the City of
San Clemente, California