

# CITY OF SAN CLEMENTE

## City Council Minutes

### Regular Meeting – March 17, 1999

A Regular Meeting of the San Clemente City Council was called to order on March 17, 1999 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

**PRESENT** DAHL, DIEHL, EGGLESTON, RITSCHER, MAYOR BERG

**ABSENT** NONE

**STAFF PRESENT** Mike Parness, City Manager; Jeff Oderman, City Attorney; Myrna Erway, City Clerk; Joanne Baade, Deputy City Clerk.

### **INVOCATION**

Al Sloan, Director of Ministry of San Clemente Presbyterian Church, gave the invocation.

### **PLEDGE OF ALLEGIANCE**

Councilmember Eggleston led the Pledge of Allegiance.

### 1. **SPECIAL PRESENTATIONS**

#### A. **Certificate of Recognition – Teachers of the Month**

Mayor Berg presented Certificates of Recognition to the following Teachers of the Month:

Lisa Yancey, Home Economics Teacher, San Clemente High School

Tom Morales – 6<sup>th</sup> Grade Science, Math and Physical Education Teacher, Shorecliffs Middle School.

#### B. **Buddy Poppy Days Proclamation**

Mayor Berg presented a proclamation to Bruce Foreman, Buddy Poppy Chairman, from Veterans of Foreign Wars Post 7142 declaring May 28, 29 and 30 and November 5, 6 and 7 as Buddy Poppy Days.

C. Y2K Municipal Agency Preparedness – Progress Report

Public Works/Economic Development Director Lund reviewed the contents of the Administrative Report; advised that Staff will report to Council in November 1999 with its final status report.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to receive and file the Y2K Municipal Agency Preparedness progress report, dated March 17, 1999.

2. MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM RITSCHER, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

3. PUBLIC HEARINGS

A. Talega Area Plan and Related Entitlement Actions

(1) Area Plan (ARP) 98-82, Talega Area Plan

Public Hearing to consider a request by Talega Associates, LLC for an Area Plan for Planning Areas B, C, G, H and I and portions of Planning Areas D and E of the Talega Specific Plan. The Area Plan provides more detailed development criteria for residential, commercial, recreational and business park land uses in a 713-acre portion of the plan. The Talega project is located northeasterly of the intersection of Avenida Pico and Avenida La Pata.

(2) Tentative Tract Map (TTM) 15764, Talega Upper Golf Subdivision

Public Hearing to consider a request by Talega Associates, LLC for a vesting tentative map to create four lots (including two golf course lots, one retention area/potential school lot and one potential park lot). The 108.3-acre subdivision is located generally northeast of the intersection of Avenida Vista Hermosa and Avenida Talega.

(3) Site Plan Permit (SPP) 98-112, Talega Golf Course

Public Hearing to consider a request by Talega Associates, LLC for a site plan for the Talega project. SPP 98-112 covers the entire golf course in Talega (approximately 208 acres) and provides grading,

drainage, access and landscape information for the golf course links, the driving range and the clubhouse lot. Architectural details for the clubhouse and driving range buildings will be submitted as a later Site Plan application.

(4) **TTM 15766/SPP 98-114, 27-Unit Residential Subdivision**

Public Hearing to consider a request by Talega Associates, LLC for an approximately 10-acre vesting tentative map to create 27 conventional subdivision lots. The project is located generally northeast of the intersection of Avenida Pico and Avenida La Pata.

(5) **TTM 15765/SPP 98-113, 78-Unit Residential Subdivision**

Public Hearing to consider a request by Talega Associates, LLC for a 22.8-acre vesting tentative map to create 78 residential lots under the conventional subdivision standards. The project is located generally northwest of the intersection of Avenida Vista Hermosa and Avenida Talega.

Mary May, Lettieri-McIntyre & Associates, acting as an extension of staff on the Talega projects, reviewed the contents of the Administrative Reports.

Mayor Berg opened the Public Hearings on Items 3-A(1) through 3-A(5).

Brian Austin, Talega Associates, conveyed appreciation to City Staff, the Planning Commission and the Design Review Subcommittee for their assistance and provided a general overview of the project. In response to Council inquiries, Mr. Austin reviewed the various features associated with the Village Center, identified the major modifications that were made to the Village Center plan since its original submittal and provided an overview of the Talega reserve.

Don Kunze, San Clemente, stated that California State Law mandates that conservation of the environment and open space land be addressed; questioned whether the Army Corps of Engineers and U.S. Fish and Wildlife have approved the grading of the property; requested a copy of the City memo relating to early grading of the project, noting that he has requested the subject document two times previously to no avail; stated that the Environmental Impact Report was prepared in 1984 and opined that an updated report should be prepared; questioned the status of the O'Neill trail easement that was granted to the City in 1981 as well as the status of the Master Parks Plan for the area; questioned who will be responsible for

extending Avenida La Pata since Talega is not responsible for this endeavor; suggested that grading be stopped on Talega, particularly in the northeast and southeast quadrants.

Tom Padberg, San Clemente, voiced concern that there are no plans to extend Avenida La Pata to connect with Ortega and Antonio Parkway; recommended that right-of-way be set aside for an extension of Avenida La Pata regardless of whether the tollroad is eventually built; stated the size of the Talega development demands that attention be given to adequate arterial traffic flow.

Staff and Mr. Austin responded to questions raised during the Public Hearing.

There being no others desiring to speak to this issue, Mayor Berg closed the Public Hearings on all items except TTM 15765 and SPP 98-113 (i.e., Agenda Item 3-A(5)).

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Find that previous environmental documentation prepared for the Talega Specific Plan sufficiently addresses the proposed project.
2. Adopt Resolution No. 99-19 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AREA PLAN ARP 98-82 IN PLANNING AREAS B, C, G, H AND I AND PORTIONS OF PLANNING AREAS D AND E OF THE TALEGA SPECIFIC PLAN.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Find that previous environmental documentation prepared for the Talega Specific Plan sufficiently addresses the proposed project.
2. Adopt Resolution No. 99-20 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE MAP 15764 IN PLANNING AREAS B, C, AND E OF THE TALEGA SPECIFIC PLAN.\*

*\*Note: The Council authorized modifications to Resolution No. 99-20 later in the meeting. See Page 7 of these minutes for a summary of that action. The modifications made to Resolution No. 99-20 are as follows:*

1. Condition 1, Page 3-A(2)-7: Third line, change "(certified January, 1999)" to "(certified March, 1999)"; delete entire rest of condition (change accurately reflects fact that the 3<sup>rd</sup> addendum prepared for the Area Plan addresses the subsequent maps and site plans within the boundaries of the Area Plan).
2. Condition 10, Page 3-A(2)-8: First line, delete word "acre" (typographical error).
3. Condition 30E, Page 3-A(2)-13: Delete entire Paragraph "E" regarding trail undercrossing at Avenida Vista Hermosa (based on Planning Commission direction on similar matter at hearing of 3/16/99).
4. Condition 41.A, Page 3-A(2)-16: At end of first sentence, add "or within an easement accepted by the Orange County Flood Control District (OCFCD)." (Engineering Division refinement)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Find that previous environmental documentation prepared for the Talega Specific Plan sufficiently addresses the proposed project.
2. Adopt Resolution No. 99-21 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN SP 98-112 IN PLANNING AREAS B, C, E, G AND H OF THE TALEGA SPECIFIC PLAN.\*

*\*Note: The Council authorized modifications to Resolution No. 99-21 later in the meeting. See Page 7 of these minutes for a summary of that action. The modifications made to Resolution No. 99-21 are as follows:*

1. Add a new condition, as Condition #1: "This project is subject to the provisions of Final Environmental Impact Report (FEIR) 84-02 (certified in 1988), 1<sup>st</sup> Addendum (certified March, 1998), 2<sup>nd</sup> Addendum (certified August, 1998) and 3<sup>rd</sup> Addendum (certified March, 1999).

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM RITSCHER, CARRIED 5-0, to:

1. Find that previous environmental documentation prepared for the Talega Specific Plan sufficiently addresses the proposed project.
2. Adopt Resolution No. 99-22 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING TENTATIVE TRACT MAP 15766 AND SITE PLAN PERMIT SPP 98-114 IN PLANNING AREA G-2 OF THE TALEGA SPECIFIC PLAN.\*

*\*Note: The Council authorized modifications to Resolution No. 99-22 later in the meeting. See Page 7 of these minutes for a summary of that action. The modifications made to Resolution No. 99-22 are as follows:*

1. Condition 1, Page 3-A(4)-8: Third line, change "(certified January, 1999)" to "(certified March, 1999)"; delete entire rest of condition (change accurately reflects fact that the 3<sup>rd</sup> addendum prepared for the Area Plan addresses the subsequent maps and site plans within the boundaries of the Area Plan).
2. Condition 23, Pages 3-A(4)-12 and 13: Third line, delete "public street lights" and "reciprocal access"; delete entire sentence beginning "storm drain facilities less than 54"...". (Engineering Division refinements)

Mary May advised that she prepared a memorandum earlier today that recommends various corrections to the proposed Conditions of Approval for Agenda Items 3-A(2), 3-A(3) and 3-A(4); apologized for not bringing this matter to Council's attention earlier; read the proposed revisions into the record. A hard copy of Ms. May's memorandum is on file with the City Clerk.

Council re-opened Agenda Items 3-A(2), 3-A(3) and 3-A(4).

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve the changes to Resolutions Nos. 99-20, 99-21 and 99-22 as recommended in Ms. May's memorandum, dated March 17, 1999, which is on file with the City Clerk.
2. Continue the Public Hearing on TTM 15765/SPP 98-113, 78-Unit Residential Subdivision, to the Council Meeting of April 7, 1999.

**MEETING RECESSED**

Council recessed at 8:40 p.m. and reconvened at 8:53 p.m., with all members present.

4. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the Consent Calendar with the removal of Item 4-D.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the City Council minutes of February 20, 1999, February 24, 1999 and March 3, 1999.

B. MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

- (1) Planning Commission minutes of March 2, 1999.
- (2) Parks and Recreation Commission minutes of February 9, 1999.
- (3) Zoning Administrator minutes of March 9, 1999.

C. Warrant Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Handwrite Nos. 715838 through 715839, Wire Transfer No. 22699 and Warrant Nos. 715631 through 715837 for the period 2-8-99 through 2-19-99 in the amount of \$2,159,336.76; approve Warrant Nos. 715840 through 715979 for the period 2-22-99 through 2-26-99 in the amount of \$483,360.02; for a total Warrant Register of \$2,642,696.78.

Payroll Register

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve Warrant Nos. 304149 through 304196 (Automatic Deposit Advises 108029 through 108169) for the period 2-8-99 through 2-21-99 in the amount of \$189,129.56; for a total Payroll Register of \$189,129.56.

E. Contract Award – Pier Pile Repair

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve the plans and specifications for Pier Pile Repair, Project No. 19003.
2. Approve, and authorize the Mayor to execute, Contract No. C99-12 by and between the City of San Clemente and John S. Meek, Inc., providing for the Pier Pile Repair project in the amount of \$112,286.
3. Approve, and authorize Staff to execute, Change Order No. 1 to the contract with John S. Meek, Inc. in an amount that when included with other project expenditures will not exceed the budgeted amount of \$150,000.



F. Contract Award – Water Reclamation Plant Primary and Secondary Tank Rehabilitation

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract No. C99-09 by and between the City of San Clemente and Margate Construction Inc., providing for Water Reclamation Plant Primary and Secondary Tank Rehabilitation Project No. 19605, in the amount of \$453,400.
2. Approve a supplemental appropriation of \$349,000 to Account 054-476-45300-19605, Sewer Fund Depreciation Reserve, Improvements Other Than Buildings, Primary and Secondary Tank Rehabilitations within the Sewer Fund.

G. Notice of Completion – Storm Drain Rehabilitation for 204 Avenida San Carlos, 106 Calle Balboa, and 1214 Avenida Buena Suerte

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Accept the Storm Drain Rehabilitation for 204 Avenida San Carlos, Project No. 18302; 106 Calle Balboa, project No. 19101; and 1214 Avenida Buena Suerte, Project No. 13342 from the contractor, ZZ Liner, Inc., dba U-Liner West.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the Storm Drain Rehabilitation for 204 Avenida San Carlos, Project No. 18302; 106 Calle Balboa, project No. 19101; and 1214 Avenida Buena Suerte, Project No. 13342. (Contract No. C98-58)

**F. Contract Award – Calle Delicada Storm Drain**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve the plans and specifications for the Calle Delicada Storm Drain, City Project No. 17131.
2. Approve, and authorize the mayor to execute, Contract No. C99-10 by and between the City of San Clemente and David T. Wasden, Inc., providing for the Calle Delicada Storm Drain, City Project No. 17131, in the amount of \$53,095.
3. Approve a supplemental appropriation of \$50,374 to Account 012-861-45300-17131 Gas Tax Fund, Improvements Other Than Buildings, within the Gas Tax Fund.

**I. Rescission of Vehicular Access Rights to Lot 9, Tract 8187 – 700 Avenida San Pablo**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, an agreement with the owner of Lot 9, Tract 8187 that will rescind the City's acceptance of all vehicular access rights from Lot 9 to Avenida San Pablo. (AC-95)

**J. Contract Award – Reservoir Safety Improvements**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C99-11 by and between the City of San Clemente and SS Mechanical Corporation, providing for Reservoir Safety Improvements for Reservoir No. 5 (Project No. 19508) in the amount of \$15,550.

**K. Request for Shot Gun Start Golf Tournament (San Clemente Little League)**

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve the request from the San Clemente Little League to conduct a shot gun start tournament at the Municipal Golf Course on Friday, October 1, 1999.

L. Establishment of Weed Abatement Program for 1999

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to adopt Resolution no. 99-23 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PURSUANT TO SECTION 39561 AND 39562 OF THE CALIFORNIA GOVERNMENT CODE DECLARING WEEDS, RUBBISH, REFUSE AND DIRT UPON STREETS, SIDEWALKS, PARKWAYS, AND PRIVATE PROPERTY TO BE PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF.

M. Los Alamos Underground Assessment District

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract No. C99-13 by and between the City of San Clemente and Berryman & Henigar, providing for Assessment Engineering services in connection with the proposed Los Alamos underground assessment district in the amount of \$12,000, contingent upon the Assessment District being formed.

N. Subordination Agreement – Re-Financing of City Manager’s Residence

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to authorize the Mayor to execute Subordination Agreement No. C89-52 for the residence occupied by the City Manager.

O. T-Street Overpass Renovation, Grant Funding and Change Orders

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Approve Change Order Nos. 1, 2 and 3 for the T-Street Overpass Renovation Project in the amount of \$16,950.
2. Authorize Staff to approve additional change order expenditures not to exceed \$20,000 through completion of the project.
3. Approve a supplemental appropriation in the amount of \$36,950 to Account 041-633-45300-000-12056.
4. Accept grant funding in the amount of \$75,000 from the California State Coastal Conservancy to Account 041-000-33446.

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

**D. Equipment Purchase – Laptop Computers**

Tom Padberg, San Clemente, opined that \$15,365.35 for the purchase of five laptop computers seems to be high and questioned the reason therefor.

Information Services Manager Moore acknowledged that laptop computers can be purchased for a lesser amount, but explained that the proposed cost is at the low end of the price range given the standards, features and licenses associated with the proposed laptop computers; pointed out that the laptop computers are limited to use by Councilmembers acting in their official capacity only and may not be used for personal use; noted that the proposed laptops meet the City's minimum standards for professional use and may, therefore, be used by Staff in the event Councilmembers elect to not utilize the computers.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to:

1. Authorize the purchase of five laptop computers at a cost of \$15,365.35.
2. Approve a supplemental appropriation of \$15,365.35 from the General Fund Balance to Account 001-111-43454.

**5. ORAL COMMUNICATIONS**

None.

6. UNFINISHED BUSINESS

A. Beach Ad Hoc Committee

Report from the City Clerk regarding appointments to the Beach Ad Hoc Committee.

City Clerk Erway reviewed the contents of the Administrative Report.

Council determined to utilize the appointment procedure described in Alternative 2 of the Administrative Report, i.e., appoint the eight applicants receiving the most votes on the initial Council selection to the Beach Ad Hoc Committee and appoint one additional person to the Committee to represent the Chamber of Commerce.

Council determined that it would select the ninth member to the Beach Ad Hoc Committee from the following two individuals who applied under the Chamber of Commerce category: Richard H. Lee and Jerry Quinlan.

Tom Padberg, San Clemente, conveyed his understanding that one individual applied for a position on the Beach Ad Hoc Committee under various categories and yet is not a member of those categories; voiced concern that if an individual is appointed to the Committee under the Chamber of Commerce category and yet is not a Chamber member that such a situation may be unfair to other candidates who did not list the Chamber as a potential category because they are not members of that organization.

Mayor Berg clarified that there is no requirement that persons applying for appointment to the Beach Ad Hoc Committee under the Chamber of Commerce category actually be a member of the Chamber.

Councilmembers cast written ballots to determine the ninth member to the Beach Ad Hoc Committee as follows:

BERG:	Richard Lee
DAHL:	Richard Lee
EGGLESTON:	Jerry Quinlan
RITSCHER:	Richard Lee
DIEHL:	Richard Lee

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM RITSCHER, CARRIED 5-0, to appoint Richard Lee (representing Chamber of Commerce) to the Beach Ad Hoc Committee in addition to the persons previously selected. For ease of reference, the Committee will consist of the following:

- |                    |                                                    |
|--------------------|----------------------------------------------------|
| Melissa Gordon     | Surfrider Foundation                               |
| Stephanie Dorey    | DeRail the Trail                                   |
| Mark Cousineau     | Inland Northern – Pico North, Freeway East         |
| Greg Hulsizer      | Inland Southern – Pico South, Freeway East         |
| Michelle Gillen    | Coastal Northern – Del Mar North, Freeway West     |
| William Hart       | Coastal Southern – Del Mar South, Freeway West     |
| Richard Lee        | Chamber of Commerce                                |
| Robert Joseph      | General Position (No Specific Geographic Location) |
| Nesa Ortega        | General Position (No Specific Geographic Location) |
| Susan Ritschel     | Chair                                              |
| Mary Sykes-Rushing | Vice-Chair                                         |

7. **NEW BUSINESS**

None.

8. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. City Attorney

(1) Consideration of Further Amendment to the Fisherman's Restaurant Lease dealing with the Permanent Concession Building

City Attorney Oderman reviewed the contents of the Administrative Report; noted that this item is also listed as a Closed Session (real estate negotiations) as Item 8-C(2) of this evening's agenda.

Council agreed to defer action on this item under after the Closed Session. See Page 18 for a continuation of this item.

(2) Request for Closed Session

City Attorney Oderman requested a Closed Session to discuss the following:

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

Property: Permanent concession building adjacent to the Municipal Pier

Negotiating Parties: City Manager and City Attorney;  
Hal E. Griffith

Under Negotiation: Price and Terms of Payment

D. Council Members

(1) Orange County Division - California League of Cities

None.

(2) Consideration of Council Position on Legislative Issues

A. SB 215 (Dunn)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to support SB 215, which would reinstate single-county transit districts' full retention of their property tax.

B. SB 15 (Polanco)

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER DAHL, CARRIED 5-0, to support SB 15 (Polanco) relating to firearms.

(3) Orange County Fire Authority Status Update

Mayor Pro Tem Ritschel explained that a presentation will be given at the Council Meeting of April 7, 1999 either by the consultant who prepared the equity study or by OCFA staff; noted that a letter was received from the OCFA, dated March 10, 1999, that indicates actions taken to date by other cities on the equity issue; stated the next OCFA Board Meeting will take place on March 25, 1999.

(4) Coastal Animal Services Authority Status Update

Councilmember Dahl reported on animals available for adoption at the animal shelter, expressed appreciation to the shelter volunteers and reported on the Wag-a-Thon that took place last week in Dana Point.

(5) Transportation Corridor Agencies Status Report

None.

(6) Councilmember Items

Councilmember Eggleston reminded citizens that shops and restaurants on Avenida Del Mar are open on Thursday evenings and encouraged residents to patronize these businesses.

9. RESOLUTIONS/ORDINANCES

None.



**CLOSED SESSION**

MOTION BY COUNCILMEMBER DAHL, SECOND BY MAYOR PRO TEM RITSCHER, CARRIED 5-0, to recess to Closed Session at 9:23 p.m. to discuss the following:

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

Property: Permanent concession building adjacent to the Municipal Pier

Negotiating Parties: City Manager and City Attorney; Hal E. Griffith

Under Negotiation: Price and Terms of Payment

The City Manager, City Attorney, Beaches, Parks and Recreation Director and City Clerk were in attendance.

**MEETING RECONVENED**

Council reconvened at 9:43 p.m., with all members present.

C. City Attorney - (Continued from Page 16)

- (1) Consideration of Further Amendment to the Fisherman's Restaurant Lease dealing with the Permanent Concession Building

MOTION BY COUNCILMEMBER DIEHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to authorize the City Manager and City Attorney to include an addition in Amendment #11 to the lease between the City and Hal Griffith dealing with the base of the pier concession that would specify that in the event the necessary approvals cannot be obtained for the expansion of the concession, the City would allow the lease to apply to an improvement to the existing concession building to the maximum extent for which approvals can be obtained.

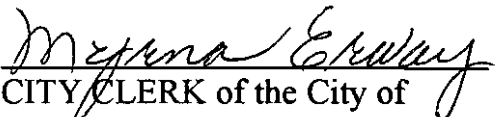
**ADJOURNMENT**

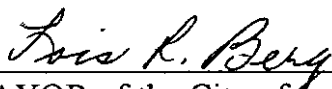
MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM RITSCHER, CARRIED 5-0, to adjourn to an Adjourned Regular Meeting to be held on Monday, March 22, 1999 at 11:30 a.m. in the Pendleton Room, San Luis Rey Officers' Club, Camp Pendleton, for the purpose of meeting with Major General Edward Hanlon, Jr.

A subsequent Adjourned Regular Meeting will be held on March 24, 1999 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

A Joint City Council, Commissions and Committees meeting will be held on March 31, 1999 at 7:00 p.m. at the Community Center, Ole Hanson Room, located at 100 N. Seville, San Clemente, California.

The next Regular Meeting will be held on April 7, 1999 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

  
CITY CLERK of the City of  
San Clemente, California

  
MAYOR of the City of  
San Clemente, California

CITY OF SAN CLEMENTE  
AFFIDAVIT OF POSTING ORDER  
OF ADJOURNMENT OF MEETING

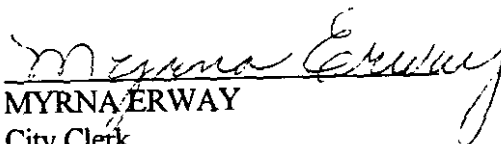
STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS.  
CITY OF SAN CLEMENTE )

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at a Regular Meeting of the San Clemente City Council held on March 17, 1999, said meeting was adjourned to the time and place specified in the Notice of Adjournment attached hereto; and that on March 18, 1999, at the hour of 9:00 a.m., a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 18, 1999 at San Clemente, California.

  
MYRNA ERWAY  
City Clerk

**NOTICE OF ADJOURNMENT**  
**EXCERPT FROM THE MINUTES OF THE CITY COUNCIL**  
**MEETING OF MARCH 17, 1999**

A Regular City Council meeting was held in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California on March 17, 1999.

ROLL CALL PRESENT: DAHL, DIEHL, EGGLESTON, RITSCHER, CHAIRMAN BERG

ROLL CALL ABSENT: NONE

**Adjournment**

The City Council adjourned to an Adjourned Regular Meeting to be held on Wednesday, March 22, 1999 at 11:30 a.m. in the Pendleton Room, San Luis Rey Officers' Club, Camp Pendleton, for the purpose of meeting with Major General Edward Hanlon, Jr.

The next Regular Meeting will be held on Wednesday, April 7, 1999 at 7:00 p.m. in the Council Chambers.

  
MYRNA ERWAY  
City Clerk