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**CITY COUNCIL  
REGULAR MEETING**



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**October 28, 2009  
7:00 P.M.**

**REGULAR MEETING AGENDA**

**Location: Rancho Santa Margarita City Hall, Council Chamber  
22112 El Paseo, Rancho Santa Margarita, California 92688**

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Any person wishing to address the City Council on any matter, whether or not it appears on this Agenda, is asked to complete a "Speaker Request Form" available at the side table. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council.

There will be a time limitation of three minutes per person, and a time limit of thirty minutes for the Public Comments portion of the Agenda. If you are commenting on an Agenda Item, your comments will be heard at the time that item is scheduled on the Agenda. If you are addressing the City Council on items not on the agenda, the City Council is prohibited by law to take any action on that item.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF CITY COUNCIL MEMBERS:**

L. Anthony Beall, Council Member  
Neil C. Blais, Council Member  
James M. Thor, Council Member  
Jerry Holloway, Mayor Pro Tempore  
Gary Thompson, Mayor

**1. PRESENTATIONS**

- 1.1 ORANGE COUNTY TRANSPORTATION AUTHORITY – BUS SERVICE LEVEL REDUCTION STRATEGIES
- 1.2 2009 COMMUNITY EMERGENCY PREPAREDNESS ACADEMY CERTIFICATES OF RECOGNITION FOR PARTICIPANTS AND SPONSOR
- 1.3 PROCLAIMING NOVEMBER 7, 2009 THROUGH NOVEMBER 14, 2009 AS SCOUTING FOR FOOD WEEK

**2. SCHEDULE OF FUTURE EVENTS**

- 2.1 NOVEMBER 11, 2009 – VETERANS DAY - CITY HALL CLOSED

2.2 NOVEMBER 18, 2009:

- CITY COUNCIL MEETING - STUDY SESSION - 5:30 P.M.
- CITY COUNCIL MEETING - REGULAR SESSION – 7:00 P.M.

2.3 NOVEMBER 21, 2009 – FREE COMPOST GIVE-A-WAY EVENT, COX COMMUNICATIONS, 29947 AVENIDA DE LAS BANDERAS, RANCHO SANTA MARGARITA

**3. CONSENT CALENDAR**

(All matters on the Consent Calendar are to be approved in one motion unless a Council Member, or a member of the public, requests a separate action on a specific item on the Consent Calendar.)

3.1 MOTION WAIVING THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS. TITLES FOR ORDINANCES AND RESOLUTIONS WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED

RECOMMENDATION: That the City Council waive reading of Ordinances and Resolutions.

3.2 [APPROVAL OF CERTIFICATES OF RECOGNITION AND PROCLAMATIONS](#) (McLaughlin)

RECOMMENDATION: That the City Council approve the following:

1) Certificates of Recognition:

- 2009 Community Emergency Preparedness Academy - Participants and Sponsor

2) Proclamations:

- Scouting for Food Week – November 7 through 14, 2009
- America Recycles Day – November 15, 2009

3.3 [APPROVAL OF MINUTES](#) (McLaughlin)

RECOMMENDATION: That the City Council approve the minutes of the October 14, 2009 City Council Regular meeting.

3.4 [APPROVAL OF WARRANT REGISTERS FOR PERIOD ENDED OCTOBER 28, 2009](#) (Boyer)

RECOMMENDATION: That the City Council approve the warrant registers in the amount of \$898,511.82.

- 3.5 [AWARD OF "ON CALL" AGREEMENT FOR PROFESSIONAL SERVICES TO LIM AND NASCIMENTO ENGINEERING FOR STRUCTURAL ENGINEERING](#)  
(Wieske)

RECOMMENDATION: That the City Council:

- 1) Award a Professional Services Agreement for "On Call" Structural Engineering Services to Lim and Nascimento Engineering.
- 2) Authorize the City Manager to execute said agreement.

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

#### **4. PUBLIC HEARING ITEMS**

- 4.1 [EXTENSION OF INTERIM URGENCY ORDINANCE NOS. 08-04 AND 08-05 ESTABLISHING TEMPORARY RESTRICTIONS ON THE USES OF PROPERTIES DESIGNATED OR ESTABLISHED FOR RETAIL AUTOMOTIVE SALES FOR A PERIOD OF ONE YEAR](#) (Haton/Farnsworth)

RECOMMENDATION: That the City Council:

- 1) Open the public hearing.
- 2) Receive staff report.
- 3) Council comments and questions.
- 4) Receive public input.
- 5) Close the public hearing.
- 6) Adopt, by a fourth-fifths (4/5) vote, an ordinance entitled:

AN INTERIM URGENCY ORDINANCE OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NOS. 08-04 AND 08-05, ESTABLISHING TEMPORARY RESTRICTIONS ON THE USES OF PROPERTIES DESIGNATED OR ESTABLISHED FOR RETAIL AUTOMOTIVE SALES AND SERVICES, FOR AN ADDITIONAL PERIOD OF ONE YEAR PENDING A STUDY OF ZONING REGULATIONS

#### **5. CONTINUED ITEMS**

#### **6. NEW BUSINESS**

- 6.1 [CONSIDERATION OF DESIGN FOR MELINDA ROAD AND LOS ALISOS BOULEVARD PAVEMENT REHABILITATION PROJECTS](#) (Wieske)

RECOMMENDATION: That the City Council appropriates an additional \$10,000 of Gas Tax revenues for the Melinda Road Rehabilitation and Los Alisos Boulevard Rehabilitation projects in Fiscal Year 2009/10 to allow staff to begin with a slurry seal design.

#### **7. PUBLIC COMMENTS**

This is the time to address the City Council on any matter not on this Agenda.

**8. CITY MANAGER REPORTS**

**9. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS**

9.1 COMMITTEE ASSIGNMENT REPORTS

RECOMMENDATION: That the City Council receive Oral Reports on the following City Council Committee Assignments:

ORANGE COUNTY FIRE AUTHORITY (Council Member Blais)

9.2 COUNCIL MEMBER REPORT/COMMENTS

**10. CLOSED SESSION**

10.1 CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION  
(Subdivision (c) of Government Code Section 54956.9): One (1) potential case)

10.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Subdivision (a) of Government Code Section 54956.9)

Name of Case: City of Rancho Santa Margarita v. Capistrano Unified School District; Orange County Superior Court – Central Justice Center; Case No. 00207543

**ADJOURNMENT**

The next City Council Meeting (Study Session) will be held November 18, 2009, 5:30 p.m. in the EOC Conference Room located at City Hall, 22112 El Paseo, Rancho Santa Margarita, California.

The next City Council Meeting (Regular Session) will be held November 18, 2009, 7:00 p.m., in the City Council Chamber, located at 22112 El Paseo, Rancho Santa Margarita, California.

**CERTIFICATION**

I, MOLLY MCLAUGHLIN, City Clerk of the City of Rancho Santa Margarita, do hereby certify that a copy of the foregoing Agenda was posted at Rancho Santa Margarita City Hall, Fire Station No. 45, and Trabuco Canyon Water District on October 23, 2009, by 6:00 p.m.

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MOLLY MCLAUGHLIN, CMC, CITY CLERK

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DATE

***In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 635-1800. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.***

**Staff Reports**

***Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 22112 El Paseo, Rancho Santa Margarita, California, during normal business hours.***