
**CITY COUNCIL
ADJOURNED REGULAR
MEETING**



**November 18, 2009
7:00 P.M.**

ADJOURNED REGULAR MEETING AGENDA

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

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

Presentation of Colors – Brownie Troop 970

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 AND CERTIFICATES

- 1.1 UPDATE ON OSO RESERVOIR ODOR MITIGATION – MAYOR GARY THOMPSON
- 1.2 RECOGNITION OF THE 2009 RELAY FOR LIFE IN THE CITY OF RANCHO SANTA MARGARITA – AWARD ANNOUNCEMENT
- 1.3 UPDATE ON THE LA PATA AVENUE GAP CLOSURE AND CAMINO DEL RIO EXTENSION
- 1.4 RECOGNITION OF LT. CHUCK WILMOT, CHIEF OF POLICE SERVICES AND D. SCOTT BROWN, ORANGE COUNTY FIRE AUTHORITY BATTALION CHIEF

2. SCHEDULE OF FUTURE EVENTS

- 2.1 NOVEMBER 21, 2009 – FREE COMPOST GIVE-A-WAY EVENT, COX COMMUNICATIONS, 29947 AVENIDA DE LAS BANDERAS, RANCHO SANTA MARGARITA
- 2.2 THANKSGIVING DAY – CITY HALL CLOSED NOVEMBER 26TH – 27TH, 2009

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 [RATIFICATION OF CERTIFICATE OF RECOGNITION](#) (McLaughlin)

RECOMMENDATION: That the City Council:

- 1) Ratify the following Certificate of Recognition:

- Ruby's Diner – Ribbon Cutting, Grand Re-Opening, November 1, 2009

- 3.3 [APPROVAL OF WARRANT REGISTERS FOR PERIOD ENDED NOVEMBER 18, 2009](#) (Boyer)

RECOMMENDATION: That the City Council approve the warrant registers in the amount of \$312,007.59.

- 3.4 [INVESTMENT REPORT FOR THE MONTH OF SEPTEMBER 2009](#) (Boyer)

RECOMMENDATION: That the City Council receive and file the Investment Report for the month of September 2009.

- 3.5 [JOINT COOPERATIVE AGREEMENT WITH THE CITY OF SAN CLEMENTE FOR A PILOT COMMERCIAL FOOD WASTE GRANT PROGRAM](#) (Wieske)

RECOMMENDATION: That the City Council:

- 1) Approve the Joint Cooperative Agreement with the City of San Clemente for a Pilot Commercial Food Waste Diversion Project.
- 2) Authorize the Mayor to act as a signatory on the Joint Cooperative Agreement, including any non-substantive edits as may be required by parties to the Joint Cooperative Agreement, or to the Funding Assistance

Agreement, or to the CR&R Services Agreement, and pending final execution of the Funding Assistance Agreement by the City of San Clemente and the County of Orange.

3.6 [PROPOSED AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH KDM MERIDIAN FOR ENGINEERING STAFF AUGMENTATION SERVICES](#) (Wieske)

RECOMMENDATION: That the City Council:

1. Approve Amendment No. 1 to the current Professional Services Agreement with KDM Meridian, Inc., in the amount of \$62,400, to provide for additional staff augmentation services, specifically related to the duties of the City's assistant city engineer position, which position is now vacant.
2. Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with KDM Meridian, Inc.

3.7 [REVISION TO ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS](#) (Wilmot)

RECOMMENDATION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, APPROVING REVISIONS TO THE ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS AS REQUIRED OF EACH MEMBER AGENCY PURSUANT TO SECTION 13.2 OF THOSE REGULATIONS

ITEMS REMOVED FROM THE CONSENT CALENDAR

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

RECOMMENDATION: That the City Council approve the minutes of the October 28, 2009 City Council Regular meeting.

4. PUBLIC HEARING ITEMS

4.1 [ZONING CODE AMENDMENT CA 09-002 TO MODIFY THE ZONING CODE RELATED TO PROHIBITED LAND USES](#) (Haton)

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) Introduce for first reading an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT CA 09-002 TO THE RANCHO SANTA MARGARITA ZONING CODE RELATING TO USES PROHIBITED BY LOCAL, STATE AND FEDERAL LAW

4.2 [ZONING CODE TEXT AMENDMENT NO. 09-003 WATER EFFICIENT LANDSCAPE ORDINANCE](#) (Wieske)

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) Introduce for first reading an ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADOPTING ZONING CODE TEXT AMENDMENT CA 09-003 TO THE RANCHO SANTA MARGARITA ZONING CODE RELATING TO LANDSCAPE WATER EFFICIENCY

- 7) Adopt Guidelines for implementation of the City of Rancho Santa Margarita Water Efficient Landscape Ordinance.

5. CONTINUED ITEMS

5.1 [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.

6. NEW BUSINESS

6.1 [RESERVES POLICY ANNUAL REVIEW](#) (Boyer)

RECOMMENDATION: That the City Council:

- 1) Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, AMENDING RESOLUTION 08-06-25-07 FOR THE PURPOSE OF ADJUSTING ESTABLISHED DESIGNATIONS OF AVAILABLE GENERAL FUND BALANCE

- 2) Direct staff to record the amended fund balance designations adopted in the resolution, in the City's financial records and reports.

6.2 [CONSIDERATION OF BUS SERVICE LEVEL REDUCTION STRATEGIES](#)
(Wieske)

RECOMMENDATION: That the City Council adopt a Resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, OPPOSING THE ADOPTION AND IMPLEMENTATION OF ORANGE COUNTY TRANSPORTATION AUTHORITY BUS SERVICE REDUCTION STRATEGY A

6.3 [APPOINTMENT OF LABOR NEGOTIATOR](#) (Simonian)

RECOMMENDATION: That the City Council:

Pursuant to Government Code Section §54957.6, select and appoint one member of the City Council to serve as its designated representative for purpose of (a) facilitating the annual performance evaluation of the City Manager and (b) conducting a closed session meeting with its authorized labor negotiator to discuss compensation of the City Manager, an unrepresented employee. Historically, the City Council has assigned responsibility for facilitating the annual performance evaluation to the Mayor Pro Tem.

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:

COMMUNITY ASSOCIATION OF RANCHO (CAR) (Mayor Pro Tempore Holloway)

ECONOMIC DEVELOPMENT COMMITTEE (Council Member Blais)

FOOTHILL EASTERN TRANSPORTATION CORRIDOR AGENCY (Council Member Thor)

9.2 COUNCIL MEMBER REPORT/COMMENTS

RECESS

The Mayor will recess the City Council Regular meeting to Closed Session

10. CLOSED SESSION

- 10.1 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

- 10.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957(b)(1)
Public Employee Title: City Manager

- 10.3 CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code Section 54957.6
Agency Negotiator: Name City Council Designee
Unrepresented Employee: City Manager

RECOVENE AND REPORT

The Mayor will reconvene the City Council Regular meeting and report out any actions taken during Closed Session.

ADJOURNMENT

The next Regular Meeting of the City Council will be held December 9, 2010, 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 November 13, 2009, by 6:00 p.m.

MOLLY MCLAUGHLIN, CMC, CITY CLERK

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.