



CITY OF RANCHO SANTA MARGARITA
CITY COUNCIL REGULAR MEETING MINUTES
September 13, 2023

The meeting was called to order at 7:06 p.m. in the Council Chambers. **Present:** Mayor Jerry Holloway, Mayor Pro Tempore Carol A. Gamble, Council Members L. Anthony Beall, Anne D. Figueroa and Bradley J. McGirr (5). **Absent:** None (0). The Salute to the Flag was led by Council Member McGirr.

Staff Present: Jennifer M. Cervantez, City Manager; Gregory E. Simonian, City Attorney; Cheryl Kuta, Assistant City Manager/Development Services Director; Brendan Dugan, Public Works Director/City Engineer; Stefanie Turner, Finance Director; Mihaela Kennedy, Captain; Amy Diaz, City Clerk.

1. SCHEDULE OF FUTURE EVENTS – None.

2. PRESENTATIONS AND PROCLAMATIONS

Mayor Holloway invited Mayor Pro Tempore Gamble forward to present the following:

2.1 CERTIFICATE OF RECOGNITION – BUSINESS RECOGNITION TO FANTASY DESIGNS

2.2 PROCLAMATION – WORLD ALZHEIMER'S AWARENESS MONTH, SEPTEMBER 2023

3. PUBLIC COMMENTS

The following individuals submitted eComments on matters within the jurisdiction of the City Council:

Rick Reiss, City of Temecula resident, offered his sincere condolences to the City and the entire community on the passing of Richard Reese.

Craig Conners, City of Rancho Santa Margarita resident, requested that the City Council ban COVID-19 mandates in the City, such as the City of Huntington Beach.

4. CONSENT CALENDAR

Mayor Holloway removed Agenda Item No. 4.7 for further discussion. Mayor Pro Tempore Gamble moved, seconded by Council Member McGirr to approve the Consent Calendar (Item Nos. 4.1 through 4.6).

The motion was approved by the following vote:

AYES: Council Members Beall, Figueroa, McGirr, Mayor Pro Tempore Gamble and Mayor Holloway (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

4.1 WAIVE READING IN FULL OF ALL ORDINANCES ON THE AGENDA

Waived reading in full of all ordinances on the agenda and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

4.2 APPROVAL OF A CERTIFICATE OF RECOGNITION AND PROCLAMATION

Approved the following:

- 1) Certificate of Recognition – Business Recognition to Fantasy Designs; and
- 2) Proclamation – World Alzheimer’s Awareness Month, September 2023.

4.3 APPROVAL OF MINUTES

Approved the following:

- 1) August 16, 2023 City Council Special meeting minutes; and
- 2) August 23, 2023 City Council Regular meeting minutes; and
- 3) August 28, 2023 City Council Special meeting minutes.

4.4 APPROVAL OF WARRANT REGISTERS DATED AUGUST 21, 2023 THROUGH SEPTEMBER 5, 2023

Approved the warrant registers totaling \$1,628,925.84.

4.5 REJECTION OF BIDS FOR THE FISCAL YEAR 2022/23 ANTONIO PARKWAY PAVEMENT REHABILITATION PROJECT

- 1) Rejected all bids received for the Fiscal Year 2022/23 Antonio Parkway Pavement Rehabilitation Project; and
- 2) Released the Contractor’s bid bonds received for the Project.

4.6 RECOMMENDATION TO RESCIND THE RESOLUTION EXTENDING THE TEMPORARY OUTDOOR DINING PROGRAM

Adopted Resolution No. 23-09-13-01 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, RESCINDING RESOLUTION NO. 21-06-09-10 WHICH EXTENDED THE TEMPORARY OUTDOOR DINING PROGRAM AND WAIVER OF SITE DEVELOPMENT PERMIT APPLICATION FEES IN ORDER TO FURTHER ASSIST LOCAL RESTAURANTS OPERATE IN A SAFE MANNER WHERE SOCIAL AND PHYSICAL DISTANCING IS RECOMMENDED BY STATE AND/OR LOCAL HEALTH OFFICIALS AS A RESULT OF THE COVID-19 PANDEMIC

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.7 CITY REPRESENTATIVE REPORT FOR THE ORANGE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT

Mayor Holloway invited April Josephson, City representative for the Orange County Mosquito and Vector Control District (OCMVCD), forward to address the City Council.

April Josephson, City representative for the OCMVCD, announced the District will not be meeting in September; addressed her report regarding OC Waste & Recycling and shared that they claim the rodent problem is not under their purview; OC Waste & Recycling's organic waste has been shipped out to Los Angeles County; shared an update on the Flea-borne Typhus epidemic and noted that the district submitted instructions to Animal Control agencies on how to address feral cats.

Mayor Holloway thanked Ms. Josephson for all her work and dedication to the OCMVCD.

Council Member McGirr moved, seconded by Council Member Figueroa to approve the following staff recommendation:

Received and filed the report submitted by the City Council's appointed representative to the Orange County Mosquito and Vector Control District.

The motion was approved by the following vote:

AYES: Council Members Beall, Figueroa, McGirr, Mayor Pro Tempore Gamble and Mayor Holloway (5)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: None (0)

5. PUBLIC HEARING ITEMS

5.1 THIRD PUBLIC HEARING TO CONSIDER COMPOSITION OF DISTRICTS FOR CONTINUING THE PROCESS TO TRANSITION TO BY-DISTRICT ELECTIONS

Mayor Holloway introduced Gregory E. Simonian, City Attorney, who provided a brief overview of the staff report, and invited Dr. Justin Levitt, Vice President of National Demographics Corporation (NDC), to provide a brief PowerPoint presentation and report.

Mayor Holloway opened the item to City Council questions of staff.

Council Member Beall inquired if the seventeen maps, other than map no. 103, are in compliance with the districting rules and goals summarized on page 4 of the PowerPoint presentation.

Council Member Figueroa inquired which of the maps the City received got the most feedback. Council Member Figueroa asked if it is preferable to maintain the maps with the lowest population deviation.

Council Member McGirr asked for clarification that the Council be obligated to follow the Federal Voting Rights Act of 1965 in addition to the California Voting Rights Act; and one

of the elements is that there cannot be any racial gerrymandering. Council Member McGirr asked for clarification that each elected official, although elected by their district, would represent the entire City.

Mayor Pro Tempore Gamble noted she is focusing on the percentage of the deviation and is opposed to any map that has a five percent or more population deviation for the likelihood of substantial changes in the future.

Mayor Holloway stated that voting in a district, for a district, or within a district, is not the overriding issue for an elected official in a district; it is the best interest of all the residents and not just a particular district.

Mayor Holloway opened the public hearing.

The following individuals submitted eComments on matters within the jurisdiction of the City Council:

Rhonda Lundberg, City of Rancho Santa Margarita resident, noted she is opposed to the City Council's decision to restructure the City into a district election system per her previously submitted comments; however, is in favor for a four district plus a directly elected at-large Mayor since it will give the RSM elector two voting opportunities, noted her preference for map no. 113 because the minority population is more balanced with a population deviation of 3.72 or lower.

Beth Heard, City of Rancho Santa Margarita resident, also noted she is opposed to the City Council's decision to restructure the City into a district election system per her previously submitted comments; however, is in favor for a four district plus a directly elected at-large Mayor since it will give the RSM elector two voting opportunities, noted her preference for map no. 113 because the minority population is more balanced with a population deviation of 3.72 or lower.

Keri Lynn Baert, City of Rancho Santa Margarita resident, expressed her support for a five-district map and is opposed to four districts plus a directly elected at-large Mayor; and expressed her concerns regarding map nos. 114-117 because they appear to have been drawn for the continuity of office rather than neighborhoods and natural boundaries.

Chris McLaughlin, City of Rancho Santa Margarita resident, expressed his opposition to a four districts plus a directly elected at-large Mayor since he feels it is intended to preserve as many sitting Council Members and doesn't believe the current structure should be changed.

The following individual addressed the Council on matters within the jurisdiction of the City Council:

Chris McLaughlin, City of Rancho Santa Margarita resident, stated he would be ok if the City Council did not transition into districts, since it is based on a flawed law and creates more problems and does not solve anything; prefers map no. 112; and expressed his opposition to a four district plus a directly elected at-large Mayor.

Mayor Holloway closed the public hearing.

Mayor Holloway opened the item to Council discussion and deliberation.

Council Member Beall thanked all the residents who participated in the drawing map process, and for sharing their thoughts and comments to the City Council. Council Member Beall noted he agrees with the sentiments submitted by Ms. Lundberg and Ms. Heard; his strong preference would be to retain the status quo with respect to the way elections are held; he does not feel there has been any racially polarized voting; and does not feel the CVRA statute fits the City's needs. Council Member Beall stated he believes the best solution is to go to four districts plus a directly elected at-large Mayor because every voter in the City gets an opportunity to directly vote for two City Council Members; and in a five district scenario they only get to vote for one. Council Member Beall acknowledged he has always opposed the idea of the City changing the way its elections are held, from at-large to by-district, or having a directly elected Mayor. However, the City is now having to make a choice for the best interest of the City. Council Member Beall noted his preference for a four district plus a directly elected at-large Mayor, map nos. 113 and 114; he feels map no. 113 has the smallest percentage deviation of any of the maps. Council Member Beall noted that with respect to a five district map, if the Council was to go in that direction, then he prefers map nos. 117 and possibly 116.

Council Member Figueroa concurred with Council Member Beall's comments. Council Member Figueroa stated that this is not what the Council wanted or sought out but the financial exposure to the City is too great. Council Member Figueroa stated that she is open to five districts; however, her preference is four districts plus a directly elected at-large Mayor. Council Member Figueroa also noted how important it is to her to maintain the districts similar in size and is hesitant to choose a map with a population deviation of 7.5 or greater. Council Member Figueroa stated that if the Council decides to move forward with five districts then she prefers map no. 117 since it has a 5 percent deviation; and if the Council decides to move forward with four districts plus a directly elected at-large Mayor, then she prefers map nos. 113 and 114 since they have the lowest population deviations. Council Member Figueroa thanked all the residents for researching and their dedicated time on the process.

Council Member McGirr thanked the members of the public and the retained demographer for producing all the maps and for participating in the districting process. Council Member McGirr believes the CVRA diminishes voting power for all the residents; because not everyone will be voting for an entire Council with a district map in place; noted that there is no evidence that the City has ever been engaged in racially polarized voting. Council Member McGirr is strongly in favor of the four districts plus a directly elected at-large Mayor, since at the very least the residents can vote for two Council Members. Council Member McGirr noted his criteria for selecting a map; there are three levels of local government that everyone lives under, 1) City Council, 2) master and sub-associations, and 3) Water Districts. Council Member McGirr noted that in reference to selecting a map he is looking for a low population deviation, with respect to master HOAs, and also to keep in mind the Water Districts; feels very strongly about four districts plus a directly elected at-large Mayor; prefers map no. 113, and his second choice would be map no. 114; if the Council decides to choose a five district map then he would choose map no. 116, although he would be unhappy with five districts.

Mayor Pro Tempore Gamble stated that whether or not the cities have been found to have racially polarized voting, all the cities that have fought this have lost; and when they lose they not only have to pay their own legal fees but also the legal fees of the entity that accused them of racially polarized voting. Mayor Pro Tempore Gamble noted that the most polarizing issues that the City has dealt with were Regional Housing Needs

Allocation and Districting; both came from the legislature in Sacramento and encouraged voters to vote differently on the State level if they do not like them. Mayor Pro Tempore Gamble feels strongly about four districts plus a directly elected at-large Mayor, prefers map nos. 113 and 114; tends to gravitate to a map that takes everything from Alicia Parkway and Marguerite Parkway into consideration, into one district, and for that reason she prefers map no. 113 for future evaluation. Mayor Pro Tempore Gamble would like to keep the communities in Plano Trabuco, Robinson Ranch and Dove Canyon as one district because they have similar attributes. Mayor Pro Tempore Gamble noted she prefers map nos. 113 and 114. Mayor Pro Tempore Gamble stated she is not in favor of five districts but if she had to select a map then she would select either map nos. 116 or 117. Mayor Pro Tempore Gamble applauded all the residents for their efforts in the districting process.

Mayor Holloway noted he agrees with most of the reasons as to the disdain he has to the State for putting the City in this position and does not believe the City has racially polarized voting. Mayor Holloway noted his map preference for a four districts plus a directly elected at-large Mayor, map nos. 113 and 114; his map preference for five districts is map no. 116. Mayor Holloway stated that he thinks all the options are towards one goal, to continue to provide the residents with the best possible quality City government.

City Manager Cervantez asked for clarification regarding the following maps to move forward; there were five Council Members that suggested map nos. 113 and 114, three Council Members that suggested map no. 116; and two Council Members suggested map no. 117. City Manager Cervantez asked of the Council if it is the intention that all four maps move on for future consideration or if they would like to narrow it down to three maps.

Council Member Beall suggested moving all four maps forward for consideration.

Mayor Holloway suggested moving all four maps forward for consideration.

Council Member McGirr suggested moving all four maps forward for consideration.

Council Member Figueroa suggested moving all four maps forward for consideration.

Mayor Pro Tempore Gamble inquired if the Council would like to make a decision regarding four districts plus a directly elected at-large Mayor versus five districts; since she is an advocate for four districts plus a directly elected at-large Mayor.

Council Member Beall stated he would prefer four districts and an elected Mayor.

The City Council asked staff to move forward with all four maps: map nos. 113, 114, 116 and 117 for future consideration.

6. **CONTINUED ITEMS** – None.
7. **NEW BUSINESS** – None.
8. **PUBLIC COMMENTS** – None.
9. **CITY MANAGER REPORT** – None.

10. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

10.1 COMMITTEE ASSIGNMENT REPORTS – None.

10.2 COUNCIL MEMBER REPORT/COMMENT

Council Member McGirr shared a few words regarding Richard Reese and his involvement with the development of the City; was honored to rename El Portal to Richard Reese Way; stated Mr. Reese is a renaissance man, and not just a City Planner, he was a poet, a writer, an artist, and a wonderful man. Council Member McGirr noted that he is going to miss him for the kind of man he was, a gentleman.

Mayor Holloway noted that it is the City Council's honor to dedicate and close the Rancho Santa Margarita Council meeting in memory of Richard Reese; so many people in the community have such fond memories of Mr. Reese, and his role as the Master Planner of Rancho Santa Margarita; thoughts and prayers are with his wife and children and family; his legacy will remain as long as the City of Rancho Santa Margarita.

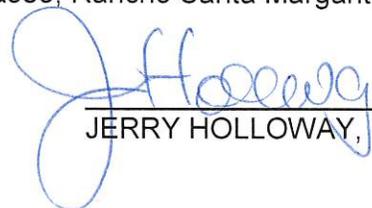
Mayor Pro Tempore Gamble shared a story of Richard Reese that his biggest concern was that he was going to lay out a beautiful community and that no one would show up; his personal great joy was that people filled the City.

Council Member Beall stated that Rancho Santa Margarita is a master planned community and it was led by Richard Reese. Council Member Beall said people took note of Mr. Reese' master plan, including Barbara Walters. Council Member Beall is thankful that he had the opportunity to let him know how grateful he was of him. Council Member Beall stated that everyone owes Mr. Reese a great debt of gratitude for the tremendous community we have and quality of life everyone enjoys. Council Member Beall noted that until this day, every vote he makes, he asks himself if it protects or enhances the original vision of the planned community because it gives everyone the special quality of life. Council Member Beall's hope is that those that serve on the City Council in the future will know and protect the master planned community. Council Member Beall stated that Mr. Reese chose to live by the lake in Rancho Santa Margarita because he considered this community his masterpiece.

Council Member Figueroa stated the City owes Mr. Reese everything because everything was thought out very carefully; everything centered around the lake; expressed how thankful she is of Mr. Reese.

ADJOURNMENT

Mayor Holloway adjourned the meeting at 8:37 p.m. in memory of Richard Reese, to the next regularly scheduled meeting of the City Council to be held on Wednesday, September 27, 2023, at 7:00 p.m., in the City Council Chambers, City Hall, located at 22112 El Paseo, Rancho Santa Margarita, California.



JERRY HOLLOWAY, MAYOR

PREPARED BY:



AMY DIAZ, CITY CLERK

Approved: September 27, 2023