



CITY OF RANCHO SANTA MARGARITA  
CITY COUNCIL REGULAR MEETING MINUTES  
October 11, 2023

The meeting was called to order at 7:00 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 Mayor Pro Tempore Gamble.

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

**1. SCHEDULE OF FUTURE EVENTS**

Jennifer M. Cervantez, City Manager, announced the following:

- 1.1 ELECTRONIC WASTE DISPOSAL AND DOCUMENT SHREDDING EVENT – SATURDAY, OCTOBER 14, 2023, FROM 8:00 A.M. TO 12:00 P.M., LOCATED AT APPLIED MEDICAL'S R100 BUILDING PARKING LOT
- 1.2 HALLOWEEN FAMILY FESTIVAL – TUESDAY, OCTOBER 31, 2023, FROM 2:00 TO 5:00 P.M., LOCATED AT CENTRAL PARK

**2. PRESENTATIONS AND PROCLAMATIONS**

Mayor Holloway invited Jason Ivins, Orange County Sheriff's Department Sergeant, and Dustin Fike, Orange County Sheriff's Department Sergeant, forward to present the following:

- 2.1 ORANGE COUNTY SHERIFF'S DEPARTMENT BEHAVIORAL HEALTH BUREAU PRESENTATION

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

- 2.2 CERTIFICATE OF RECOGNITION – BUSINESS RECOGNITION TO LATTE DA BAGELRY & GRILL
- 2.3 PROCLAMATION – NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH, OCTOBER 2023
- 2.4 PROCLAMATION – ORANGE COUNTY FIRE AUTHORITY "FIRE PREVENTION WEEK", OCTOBER 8-14, 2023

**3. PUBLIC COMMENTS – None.**

**4. CONSENT CALENDAR**

Council Member McGirr moved, seconded by Council Member Figueroa 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 PROCLAMATIONS**

Approved the following:

- 1) Certificate of Recognition – Business Recognition to Latte Da Bagelry & Grill; and
- 2) Proclamation – National Domestic Violence Awareness Month, October 2023; and
- 3) Proclamation – Orange County Fire Authority “Fire Prevention Week”, October 8-14, 2023.

**4.3 APPROVAL OF MINUTES**

Approved the September 27, 2023 City Council Regular meeting minutes.

**4.4 APPROVAL OF WARRANT REGISTERS DATED SEPTEMBER 25, 2023 AND OCTOBER 2, 2023**

Approved the warrant registers totaling \$469,620.07.

**4.5 AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT FOR THE W/B SANTA MARGARITA PARKWAY BRIDGE GUARDRAIL REPAIR TO C & W CONSTRUCTION SPECIALTIES, INC. IN THE AMOUNT OF \$37,433.00**

- 1) Approved the plans and specifications for the W/B Santa Margarita Parkway Bridge Guardrail Repair Project; and
- 2) Found that the Project is categorically exempt from the California Environmental Quality Act (CEQA), as a Class 1 Existing Facilities, pursuant to CEQA Guidelines, Section 15301; and

- 3) Awarded a Public Works Construction Contract to the lowest responsive, responsible bidder C & W Construction Specialties, Inc. of Ventura, California, in the amount of \$37,433.00, and reject all other bids; and
  - 4) Authorized the Mayor to execute the proposed Public Works Construction Contract.
- 4.6 APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH JACOB GREEN AND ASSOCIATES, INC. FOR PUBLIC WORKS MANAGEMENT CONSULTING SERVICES
- 1) Approved a proposed Professional Services Agreement with Jacob Green and Associates, Inc. for public works management consulting services, with a six-month term in the total maximum not-to-exceed contract amount of \$90,000; and
  - 2) Authorized the City Manager to execute the proposed Professional Services Agreement with Jacob Green and Associates, Inc. for public works management consulting services.

**ITEMS REMOVED FROM THE CONSENT CALENDAR – None.**

**5. PUBLIC HEARING ITEMS**

- 5.1 FIFTH PUBLIC HEARING AND SECOND READING AND ADOPTION OF ORDINANCE NO. 23-02 ADDING SECTIONS 2.01.080 AND 2.01.090 TO CHAPTER 2.01 OF TITLE 2 OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE IMPLEMENTING BY-DISTRICT ELECTIONS OF COUNCIL MEMBERS FROM FOUR COUNCIL DISTRICTS, ESTABLISHING BOUNDARY LINES THEREFOR, WITH THE MAYOR ELECTED AT-LARGE

Mayor Holloway introduced Gregory E. Simonian, City Attorney, who provided a brief overview of the staff report.

Mayor Holloway opened the item to City Council questions of staff; there were none.

Mayor Holloway opened the public hearing.

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

Beth Heard, City of Rancho Santa Margarita resident, noted that although she opposes the City being divided into districts, she expressed her sincere gratitude to the City Council for selecting map no. 113 since it allows for each RSM voter to have at least two voting opportunities; commended the City Council's diligence and transparency shown throughout the process; urged the Council to form an alliance to oppose the poorly written and implemented California Voting Rights Act (CVRA); noted that if the City of Santa Monica prevails in their fight against district elections, then she urged the Council to reverse the use of the district election system and return to an at-large election system.

Betty Remington, City of Rancho Santa Margarita resident, noted that although she is opposed to districting, she supports the adoption of map no. 113 with four districts plus a directly elected at-large Mayor.

Russ Khouri, City of Rancho Santa Margarita resident, noted that although he is opposed to district voting, he is in favor of map no. 113.

Kelly Lundberg, City of Rancho Santa Margarita resident, noted she supports the adoption of map no. 113 with four districts plus a directly elected at-large Mayor.

Kevin Shaw, Dove Canyon resident, noted that the decision to select a map rests with the Council Members; despite his opposition to the drastic change in the City's governance, he is impressed by the methodology used to select the map from among several alternatives submitted by City respondents; he noted he respects and supports the Council's decision and hopes that others will follow suit.

Rhonda Lundberg, City of Rancho Santa Margarita resident, noted that although she is opposed to districting, she supports the Council selecting map no. 113 with four districts plus a directly elected at-large Mayor.

Dan Lundberg, City of Rancho Santa Margarita resident, noted that although he is against districting, he understands why the City Council must adopt Ordinance No. 23-02; noted his support for map no. 113, which allows residents two voting opportunities, with four districts plus a directly elected at-large Mayor.

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

Chris McLaughlin, City of Rancho Santa Margarita resident, noted that when he questions the demographer about the legality of the map, the response is that it doesn't divide any sub homeowners associations (sub HOAs) and therefore it is legal; noted he feels the Council is not respecting the geographic integrity of school districts, elementary school boundaries, water districts, zip codes, and paint villages; mentioned sub paragraph 3 in the Fair Maps Act, where it states boundaries need to be easily identifiable, the streets are not listed on the map; noted the demographer has stated the map is not legal, it is defensible.

Mayor Holloway closed the public hearing.

Mayor Holloway opened the item to Council discussion and deliberation.

Council Member Beall pointed out that on the record, and at all the prior meetings, the City Council Members, staff and the retained experts, have explained in great detail and at length, the rationale supporting map no. 113 and how and why it makes sense. Council Member Beall stated he takes issue with the statements made by the public speaker because its contrary to what is already on the record and in detail in the prior meetings.

Mayor Holloway stated he is impressed by the process that was undertaken by staff and all the information provided and received from the public.

Council Member Figueroa noted that the districting process was not on the City's to-do list but commended the City staff for all their work on the process.

Council Member Beall asked if the City's demographer can explain the basis by which map no. 113 was selected and why it makes sense under the requirements the City needs to follow.

Mayor Holloway re-opened the public hearing to hear from the City's retained demographer.

Dr. Justin Levitt, NDC Consultant, explained the legal basis for map no. 113 and noted that the map was neither drawn by the consultant or the City but rather a resident from the community. Dr. Levitt explained that he does believe map no. 113 is a legal map and the rationale for that is that it starts with the rank order list of criteria in the Fair Maps Act that they have to comply with, it is as follows:

- Must be Equal Population;
- Must follow the requirements of the Federal Voting Rights Act:
  - Geographically contiguous, the map has one outside boundary;
  - Undivided neighborhoods and communities of interest, there is a wide range for Council discretion on this criteria;
  - Easily identifiable boundaries; and compactness. Noted that they are not looking at compactness or boundaries before they consider neighborhoods and communities of interest.

Dr. Levitt noted that there is no perfect map to satisfy everyone; there is a wide range for Council discretion on that question; this is why they gave a recommendation that the map is legally defensible.

Mayor Holloway noted that throughout the process, the retained demographer has been continuously asked about the legality of the maps, and noted the Council is basing the decision on map no. 113 to avoid a lawsuit; feels good about the process and appreciates the time and energy that the demographer, the City Attorney's Office, and the City Manager's office have spent on the issue.

Mayor Holloway closed the public hearing.

Mayor Holloway re-opened the public hearing to hear from one more public speaker.

Ric Heard, City of Rancho Santa Margarita resident, stated he heard concerns about the legality of the map the City selected and discussion regarding the assembly; he spoke regarding the vast areas and boundaries legally established for the assembly and state senate maps; when comparing the City map with the standard, the City map passes with flying colors.

Mayor Holloway closed the public hearing.

Council Member Beall moved, seconded by Mayor Pro Tempore Gamble to approve the following recommendations:

Approved second reading and adopted Ordinance No. 23-02, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADDING SECTIONS 2.01.080 AND 2.01.090 TO CHAPTER 2.01 OF TITLE 2 OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE IMPLEMENTING BY-DISTRICT ELECTIONS OF COUNCIL MEMBERS FROM FOUR COUNCIL DISTRICTS, ESTABLISHING BOUNDARY LINES THEREFOR, WITH THE MAYOR ELECTED AT-LARGE

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)

**6. CONTINUED ITEMS**

**6.1 APPROVAL OF PROPOSED AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GLENN A. RICK ENGINEERING AND DEVELOPMENT CO., FOR PROFESSIONAL CIVIL ENGINEERING AND LANDSCAPING ARCHITECTURAL DESIGN CONSULTING SERVICES RELATED TO THE ANTONIO PARKWAY GATEWAY IMPROVEMENTS PROJECT AND DESIGN REVIEW FOR THE ANTONIO PARKWAY GATEWAY IMPROVEMENTS PROJECT**

Mayor Holloway introduced City Manager Cervantez who provided a brief overview of the staff report and introduced Tri Nguyen, Acting City Engineer, who provided a PowerPoint presentation.

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

Council Member Beall inquired how long staff anticipates the actual construction will take; asked if the Council will have an opportunity to discuss the color of the woodcrete split-rail fence; noted he believes there is similar fencing outside the City boundary which is white.

Council Member Figueroa inquired regarding the total budget for the project.

Council Member McGirr clarified that the parkway improvements are being deferred beyond the next fiscal year; inquired regarding the monument and median construction timeline of March and April of 2024.

Mayor Pro Tempore Gamble noted it would be helpful for Rick Engineering to complete the design documents for the project and take the monument sign and the median and have them as a primary bid package, then use the parkway improvements as an alternate. Mayor Pro Tempore Gamble noted that she thought the woodcrete split-rail fence was only going on one side of the parkway towards Tijeras Creek; proposed that the fence be placed only on the Tijeras Creek Golf Course side and maintain the woodcrete split-rail fence on that side and believes there should be remediated planting on the opposite side of the parkway where the monument will be. Mayor Pro Tempore Gamble noted that the current pricing will be less than what is noted on the chart because she is proposing fencing on 2/3 of the space and enhanced planting on the side that has no plants.

City Manager Cervantez inquired if Mayor Pro Tempore Gamble intended planting and irrigation to be on the Tijeras Creek side with the woodcrete split-rail fencing.

Mayor Pro Tempore Gamble stated she prefers the look of the decomposed granite and the fence because of how difficult it is to grow landscaping in these areas; noted she is opposed to placing planting and irrigation on the Tijeras Creek side and would prefer to

have a clean look. Mayor Pro Tempore Gamble noted she prefers the fence and color of the wood on the plans because it is different from the neighboring city.

Council Member McGirr added that the fencing at the Tijeras Creek Golf Course is also the brown wood.

Council Member Beall noted he did not recall ever having a conversation regarding the color of the fence; he does not have a strong feeling one way or another.

City Manager Cervantez asked for point of clarification, if the idea is to include pilasters with the woodcrete fencing along the side of Tijeras Creek.

Council Member McGirr inquired if pilasters were included in the median. City Manager Cervantez noted that the pilasters have been removed from the median.

Mayor Holloway inquired if there would be a delay for the designer to work on the parkway on the Tijeras Creek side.

Council Member Figueroa clarified Mayor Pro Tempore Gambles suggestion to only include fencing on the Tijeras Creek side in the project design and not on the other side due to project costs. Council Member Figueroa is in favor of combining projects for economies of scale and also on additional landscaping at the location of the monument.

City Manager Cervantez asked for point of clarification: at the last meeting, Council consensus was to remove the uplighting from the median and inquired if it is the Council's intention to remove the uplighting from the pilasters in the parkway.

Council Member Beall recalled that the reason why the Council removed uplighting from the median was that none of the other landscaped medians in the City has uplighting. Council Member McGirr inquired if the uplighting total cost is \$400,000; and suggested not having any uplighting in the parkway since it will not be in the medians.

Council Member Figueroa inquired if the median stamped concrete was going to be the same size as a similar median north of the location discussed.

Council Member McGirr recalls the median stamped concrete being reduced to two feet to make it consistent with other medians throughout the City.

Acting City Engineer Nguyen noted that he believes the median stamped concrete was approved for three feet.

Council Member Figueroa stated she does not think lighting is necessary on the parkway, however, noted she would like lighting in the median.

City Manager Cervantez clarified that the City Clerk confirmed that the previous Council meeting minutes noted the Council approved the median at three feet with stamped concrete.

Council Member McGirr clarified that he is in favor with lighting in the median although no other medians in the City have lighting.

Mayor Pro Tempore Gamble noted that other medians in the City do not have lighting.

Mayor Holloway inquired regarding the \$400,000 line item for uplighting and asked if the cost is for the entire monument or just portions of the project.

City Manager Cervantez clarified that the \$400,000 uplighting is on the pilasters on the parkway on the Tijeras Creek side; the uplighting on the monument is on the monument section of the project and there was no uplighting recommended for the median.

Mayor Holloway stated that it is difficult to vote for uplighting on the parkway due to the cost but is open to reviewing solar options.

Council Member Beall expressed his support for uplighting and believes there is a safety element when pedestrians walk at night; inquired if the current up lighting cost is for full voltage lighting and asked to see other uplighting options.

Mayor Holloway asked the City Attorney if there is a legal or safety issue with the lighting.

City Attorney Simonian noted there is no legal issue with the uplighting.

Mayor Pro Tempore Gamble inquired if the uplighting costs include cutting and patching the street.

Mayor Holloway asked staff to provide the Council with additional cost reduction options for uplighting.

Mayor Pro Tempore Gamble asked if the item could be added as an ad-alternate bid item and have an ad-alternate for uplighting within that.

City Manager Cervantez suggested the following recommendation, to allow Rick Engineering to complete final design with options for uplighting that would be put out to bid as an alternate bid item to include a couple different options.

Mayor Pro Tempore Gamble stated that she would like the design criteria to include that all of the lights turn on and off at the same time.

City Manager Cervantez reviewed the following for clarification: fencing and pilaster with alternate bid items related to uplighting for the parkway on the Tijeras Creek side only, and irrigation and landscaping on the Chiquita Ridge side.

Acting City Engineer Nguyen asked for clarification as to whether the decomposed granite is only for the Tijeras Creek side.

Mayor Pro Tempore Gamble suggested decomposed granite only on the Tijeras Creek side and nice planting on the Chiquita Ridge side.

Council Member Beall expressed his concern regarding the decomposed granite in the event the granite gets on the roadway causing damage to vehicles, suggested an enhanced wider concrete sidewalk.

Mayor Pro Tempore Gamble stated the decomposed granite is like sand.

Council Member McGirr moved, seconded by Council Member Figueroa to approve the following staff recommendations, including the decision points related to the parkway:



- 1) Approved proposed Amendment No. 2 to the current Professional Services Agreement with Glenn A. Rick Engineering and Development Co., to provide for additional work and services, and to increase the total contract amount by \$29,640.00 from \$102,433.00 to \$132,073.00 in order to provide for additional services and continued civil engineering and landscape architectural design and as-needed construction support services necessary for the proposed Antonio Parkway Gateway Improvements Project; and
- 2) Authorized the Mayor to execute the proposed Amendment No. 2 to the Professional Services Agreement with Glenn A. Rick Engineering and Development Co.; and
- 3) Provided input and policy direction regarding the final parkway design: fencing and pilaster with alternate bid items related to uplighting for the parkway on the Tijeras Creek side only, and irrigation and landscaping on the Chiquita Ridge side.

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)

7. **NEW BUSINESS** – None.

8. **PUBLIC COMMENTS** – None.

9. **CITY MANAGER REPORT**

City Manager Cervantez announced Mr. Jim Ross in attendance this evening. Mr. Ross will be assisting the Public Works Department with consulting services.

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

10.1 **COMMITTEE ASSIGNMENT REPORTS**

Received an Oral Report on the following City Council Committee Assignment:

1) **ORANGE COUNTY FIRE AUTHORITY**

Mayor Pro Tempore Gamble reported she attended the Orange County Fire Authority (OCFA) meeting held on September 28, 2023. Mayor Pro Tempore Gamble announced the September 2023 traffic report and statistics; OCFA received 19,236 calls pertaining to 14,560 incidents for an average of 485 incidents per day, a 6.9 percent increase from the previous year. OCFA dispatched the appropriate response in an average of 66 seconds. Mayor Pro Tempore Gamble reported she is proud of the statistics and thanked the men and women of OCFA for their heroism and dedication to their craft.

10.2 COUNCIL MEMBER REPORT/COMMENT

Council Member Figueroa commended the RSM Chamber of Commerce and everyone involved in the Rancho Family Fest.

Council Member McGirr thanked the Rancho Family Fest committee, RSM Chamber of Commerce, Congresswoman Young Kim, Assemblywoman Kate Sanchez, Supervisor Don Wagner and the Office of Senator Blakespear for a successful Rancho Family Fest. Council Member McGirr also thanked all the volunteers who assisted with the Zero Trash program.


Mayor Pro Tempore Gamble assisted in the Beer and Wine garden at Rancho Family Fest and noted that many inquired on how they can volunteer for the Rancho Family Fest. Mayor Pro Tempore Gamble suggested having signage on how to volunteer at future Rancho Family Fests. Mayor Pro Tempore Gamble also thanked the residents for attending the event.

Mayor Holloway stated he is amazed at the organization of the Rancho Family Fest. Mayor Holloway announced that the Orange County Sheriff's Department (OCSD) recently released a video regarding the shooting at Cook's Corner. Mayor Holloway commended the OCFA for their response time. Mayor Holloway asked Captain Mihaela Kennedy to share regarding the reaction the OCFA is receiving from the public.

Captain Kennedy shared that the public's response has been positive regarding the Cook's Corner video.

**ADJOURNMENT**

Mayor Holloway adjourned the meeting at 8:50 p.m., to the next regularly scheduled meeting of the City Council to be held on Wednesday, November 8, 2023, at 7:00 p.m., in the City Council Chambers, City Hall, located at 22112 El Paseo, Rancho Santa Margarita, California.

  
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JERRY HOLLOWAY, MAYOR

PREPARED BY:

  
\_\_\_\_\_  
AMY DIAZ, CITY CLERK

Approved: November 8, 2023