



# MINUTES

## CITY COUNCIL REGULAR MEETING AND REGULAR JOINT MEETING WITH THE CITY OF IRVINE AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY

December 8, 2020  
City Council Chamber  
One Civic Center Plaza  
Irvine, CA 92606

### CALL TO ORDER

The regular meeting of the Irvine City Council and regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency was called to order at 4:12 p.m. on December 8, 2020, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor/Chairwoman Khan presiding.

### ROLL CALL

Present: 5 Councilmember/Boardmember: Larry Agran  
Councilmember/Boardmember: Tammy Kim  
Councilmember/Boardmember: Anthony Kuo  
Vice Mayor/Vice Chairman: Mike Carroll  
Mayor/Chairwoman Farrah N. Khan

Mayor/Chairwoman Khan announced that the meeting was broadcast live on Cox Communications Local Access Channel 30 and AT&T U-Verse Channel 99, and livestreamed online at [cityofirvine.org](http://cityofirvine.org); and that in an effort to protect public health and prevent the spread of COVID-19, the e-comment feature had been extended for all agenda items, which allowed members of the public the ability to submit e-comments through the public comment portion of each item and would be included as part of the official record and uploaded to the City's website. She also assured the community that the City of Irvine was adhering to the Governor's Executive Order in the Council Chamber and throughout City Hall by sanitizing surfaces and equipment, as well as wearing face masks.

Mayor/Chairwoman Khan also announced that general public comments for the City Council on items not on the agenda would be considered at approximately 6:30 p.m., which had been standard practice prior to the COVID-19 pandemic, and expressed her appreciation for everyone's patience and understanding as the City continued to make adjustments to meeting protocols as needed.

**1. CLOSED SESSION**

City Attorney Melching announced that since distribution of the supplemental agenda, Closed Session Item No 1.4 pertaining to Austin vs. the City of Irvine had been resolved and no longer required Closed Session consideration; and announced the following Closed Session item:

**1.1 THREAT TO PUBLIC SERVICES OR FACILITIES (Gov. Code Section 54957): Consultation with Chief of Police and City Attorney (COVID-19)**

Molly Perry, City Clerk, noted the following e-comments had been received:

- Carroll Burns, Irvine resident, who asked if the City Attorney could provide a brief summary of Closed Session Item 1.4 prior to or at the conclusion of Closed Session.
- Sue Kim and Edan Wells, Irvine residents, who questioned why the Closed Session item related to All American Asphalt had been removed from the agenda.

**RECESS**

Mayor Khan recessed the City Council meeting to Closed Session at 4:17 p.m.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Khan reconvened the meeting at 5 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session

**PLEDGE OF ALLEGIANCE**

Councilmember Kim led the Pledge of Allegiance.

**INTERIM CITY MANAGER'S REPORT**

There was no report.

## **ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

Mayor Khan made the following announcements:

- The Irvine 2/11 Marine Adoption Committee's annual Holiday Toy Drive supports the families of Irvine's adopted 2/11 Marine Battalion. Members of the community can still help bring joy to these families during the holidays by donating an unwrapped gift suitable for an infant or child age 12 or younger. Donations will be accepted through December 14 at City Hall, the Irvine Police Department, and the Orange County Great Park Visitor Center. There will also be a drive-thru, drop-off event on Saturday, December 12 from 9 a.m. to noon at the Irvine Civic Center. Monetary donations and donations through AmazonSmile are also being accepted. To donate online and for more information, visit [cityofirvine.org/211](http://cityofirvine.org/211).
- In observance of the Christmas holiday, non-emergency City services will be closed Thursday, December 24 and Friday, December 25. There will be limited staffing for services December 21 through December 23. Non-emergency City services will also be closed Friday, January 1, for New Year's Day.
- Kamlesh "Kam" Chitalia, Chief Building Official, would be retiring after 31 years of service to our City. In addition, Molly Perry, City Clerk, would be retiring after six years as City Clerk and 22 years in public service.

## **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

## **CONVENE TO THE REGULAR JOINT MEETING**

Mayor/Chairwoman Khan convened to the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency at 5:05 p.m.

## **2. CONSENT CALENDAR – CITY COUNCIL**

Prior to consideration of the Consent Calendar, City Clerk Perry noted that an e-comment had been received on Item 2.7 from Christine Knowland, Irvine Resident, on behalf of Lisa Tucker, Director, Irvine Child Development Center, who expressed appreciation to Mayor Khan, the City Council, Irvine Child Development Center's Board of Directors, and staff for their continued support.

**ACTION: Moved by Councilmember/Boardmember Kuo, seconded by Vice Mayor/Vice Chairman Carroll, and unanimously carried to approve City Council Consent Calendar Item Nos. 2.1 through 2.8, and Successor Agency Consent Calendar Item No. 3.1.**

**2.1 MINUTES**

**ACTION:**

- 1) Approved the minutes of a special meeting of the Irvine City Council held on November 10, 2020.
- 2) Approved the minutes of a regular meeting of the Irvine City Council held on November 10, 2020.

**2.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted Resolution No. 20-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**2.3 ADOPTION OF AMENDMENTS TO CITY OF IRVINE CONFLICT OF INTEREST CODE AND ADOPT THE SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY'S 2020 BIENNIAL NOTICE**

**ACTION:**

- 1) Adopted Resolution No. 20-99 RESOLUTION NO. – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE AND LIST OF DESIGNATED EMPLOYEES
- 2) Adopted the Successor Agency to the Dissolved Irvine Redevelopment Agency's 2020 Biennial Notice.

**2.4 TREASURER'S REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2020**

**ACTION:**

Received and filed the Treasurer's Report for the quarter ended September 30, 2020.

**2.5 CITY OF IRVINE INVESTMENT POLICY FOR CALENDAR YEAR 2021**

**ACTION:**

Adopted Resolution No. 20-100 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING THE CITY'S ANNUAL INVESTMENT POLICY FOR CALENDAR YEAR 2020

**2.6 CITY TREASURER APPOINTMENT**

**ACTION:**

Adopted Resolution No. 20-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DESIGNATING DON COLLINS AS CITY TREASURER

**2.7 LEASE AGREEMENT WITH THE IRVINE CHILD DEVELOPMENT CENTER OPERATING CORPORATION**

**ACTION:**

- 1) Approved a Commercial Property Lease (Lease) with the Irvine Child Development Center Operating Corporation. (**Contract No. 11229**)
- 2) Authorized the Interim City Manager or her designee to execute the attached Lease.

**2.8 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

Approved Councilmember Kuo's request for Community Partnership Fund Grant Nominations to the following organizations in support of program costs:

- a) Newport-Mesa-Irvine Interfaith Council (\$500)
- b) Kiwanis Club of Greater Irvine (\$250)

**3. CONSENT CALENDAR - SUCCESSOR AGENCY**

**3.1 WARRANT AND WIRE TRANSFER RESOLUTION – CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY**

**ACTION:**

Adopted Resolution No. 20-04 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY ALLOWING CERTAIN CLAIMS AND DEMANDS OF THE CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**PUBLIC COMMENT - SUCCESSOR AGENCY**

There were no public comments.

**ADJOURNMENT - REGULAR JOINT MEETING**

Moved by Vice Mayor/Vice Chairman Carroll, seconded by Councilmember/Boardmember Kuo, and unanimously carried to adjourn the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency at 5:07 p.m.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Khan reconvened the City Council meeting at 5:08 p.m.

**4. COUNCIL BUSINESS**

**4.1 COVID-19 SITUATIONAL UPDATE AND DIRECTION TO DIRECTOR OF EMERGENCY SERVICES ON RELEVANT ACTION ITEMS, INCLUDING EXTENSION OF CITY ORDERS**

Michelle Grettenberg, Assistant City Manager, presented the staff report.

There was no City Council discussion.

There were no e-comments received.

**ACTION: By consensus, received and filed.**

**4.2 CONSIDERATION OF A REQUEST BY MAYOR KHAN AND COUNCILMEMBER KUO REGARDING REVISIONS TO THE CITY COUNCIL POLICY/PROCEDURE CONCERNING CITY COUNCIL INITIATED AGENDA ITEMS**

This item was agendized at the request of Mayor Khan and Councilmember Kuo, who suggested a revision to the City Council Policy/Procedure regarding City Council-initiated agenda items be made to remove the sunset clause of January 2021, thereby making the policy permanent.

City Attorney Melching provided a brief summary related to the Ralph M. Brown Act (Brown Act) and procedures for Roberts Rules of Order, and how they impact the existing policy/procedure; and responded to City Council questions.

Council discussion included: noting that the policy/procedure allowed for Councilmembers to work more efficiently; reiterated that the existing policy/procedure was compliant with the Brown Act; clarified that Councilmembers could request support to agendize items under "Announcements" at City Council meetings; reiterated unanimous support by the City Council in the past related to social justice matters;

expressed concern about a Councilmember's inability to agendaize matters that may be of importance to community members; noted the opportunity that existed for the Mayor to work closely with the City Manager to shape the agenda, and suggested that the same opportunity be extended to all Councilmembers; and expressed concern about the influence of special interests if the policy/procedure was sunset.

Molly Perry, City Clerk, stated that 91 e-comments had been received, of which those received prior to 2 p.m. had been provided to the City Council on the dais, and noted that the following e-comments had been received after 2 p.m.:

- Anonymous Resident, who expressed support, but suggested that the Mayor also be required to seek support from a colleague to ensure an equitable policy.
- Ling Wang, who expressed opposition.
- Irvine Taxpayer, who hoped the City Council's protocol would be refined with new leadership and Councilmembers; and expressed appreciation to the City Council for refining its work to better serve the community.
- Ashok Tahilramani, Irvine resident, who expressed opposition to the item, noting the item restricts freedom of speech, is open to manipulation and is the opposite of transparency.
- Rita Cheng, who expressed opposition.
- Lesley Tan, who expressed opposition, noting that one Councilmember's ability to agendaize a matter reaching should be sufficient enough for further discussion at a City Council meeting.
- Fang Yuan, who expressed opposition.
- Kathleen Tahilramani, who expressed opposition, noting that the policy was an unnecessary impediment to moving forward items that require City Council attention and action.
- MaryAnn Gaido, Irvine resident, who expressed opposition, and urged the City Council to allow the policy to sunset, noting that the spirit of respect and equity should be carried out throughout the tenure of the new City Council to model an exemplary form of democratic public participation.

- Gene Kaplan, Irvine resident, who expressed opposition, who suggested that the policy could prevent the discussion of good ideas from being brought forward to the City Council, disenfranchises constituents from being heard, and could represent collusion that may border on the intent of the Brown Act.
- Mary Stephens, Irvine resident, who suggested reconsideration of the policy and allowing Councilmembers the ability to bring focus to their own concerns as well as those of their particular constituents.
- Thomas Wang, who expressed opposition.
- Branda Lin, who expressed opposition in an effort to promote a more open, inclusive, and accessible government for the residents.
- Jack Lerner, who expressed opposition, noting that the policy was not necessary as it places a stranglehold on City Council meetings.
- Arti Aggarwal, who expressed opposition, noting that minorities' voices have been suppressed, and suggested that the City Council lead the way to create change by withdrawing the request for consideration.
- Lina Chu and Ying Chen, who expressed opposition, noting that Councilmembers should have the ability to bring any topic forward for discussion if beneficial to residents.
- James Linhart, who expressed opposition, noting that Councilmembers should have the right to introduce and argue any issue to City Councilmembers.
- Chuck Heath, Irvine resident, who expressed opposition, noting that the City Council should return to what Irvine constituents have relied on for many years, and that voices must be maintained if only through one Councilmember.
- Cheryl Herbstman, who expressed opposition, noting that the policy curtails residents' rights to free speech.
- Jazz Lien, who expressed opposition, noting that democracy is lost when discourse is shut down before it gets to a public forum.

- Beverly Jacobs, who expressed opposition, noting concern that the policy suppresses the minority and appears shortsighted to putting controversial items into law.
- Maggie Ma, who expressed opposition.
- Maryam Larijani, who expressed opposition, noting that one Councilmember should have the ability to assist with concern related to freeway expansion near her neighborhood.
- Kasia Lien, Irvine resident, who expressed opposition, noting that government needs to be open and transparent with integrity and honor, elected officials must be subject to public scrutiny and oversight, and that there needs to be a viable method for discovery and open discourse.
- Kyle Lien, Irvine resident, who expressed opposition, noting that it was imperative that the government maintain open lines of communication with the public, and empowering each Councilmember the right to introduce agenda items was key to in turn empowering the public.
- Joannie SunMD, Irvine resident, who expressed opposition, noting that Councilmembers are the citizens' conduits for political engagement and must have the power to introduce an agenda item at the behest of his/her constituents.
- Steve Berger, who expressed opposition, noting that all matters proposed by Councilmembers should rise or fall on their own merit.
- Kevin LienMD, Irvine resident, who expressed opposition, noting that each Councilmember represents constituents of Irvine and should be given equal power to introduce agenda items for political discourse.
- Ed McNew, who expressed opposition, noting that the policy sends a bad message to citizens that the City Council wants to reduce its work, while the County and State government only requires one member to place an item on an agenda.
- Tom Chomyn, who expressed opposition, noting concerns that constituents may not have their voices heard, and that single lawmakers on the State level have the ability to agendize items.

- Payam Larijani who expressed opposition, noting that it would be unfair and undemocratic to pass the item as one Councilmember should be able bring forward important agenda items at City Council meetings.
- Michele Garcia, who expressed opposition, noting that the policy makes it harder for minority voices to be heard.
- Jenny Guo, who expressed opposition, noting that the ruling had no place in Irvine.
- Jake Jacobs, who expressed opposition, noting that the continued policy would destroy democratic representation.
- Don Geller, who expressed opposition, noting that while City Council meetings should run as efficiently as possible, it should not be at the expense of proposals or comments that a Councilmember may want to bring forth to the public or other Councilmembers.
- Carrie Atikian O'Malley, Irvine resident, who expressed opposition, noting that the policy undermines the democratic process and that it was imperative that each Councilmember is able to represent the residents.
- Sharon Toranto, Irvine resident, expressed opposition, noting that the policy restricts serving parts the community and free speech.
- Michelle Johnson, who expressed opposition, noting that every Councilmember should be heard to ensure a more inclusive/transparent process.
- Darnell Earley, Irvine resident, who expressed opposition, noting the policy would protect developers and not Irvine residents.
- Resident One, who expressed opposition and suggested that it should be up to the people to decide.

Additional City Council discussion included: clarifying that the City was not divided into districts; questioned whether the policy/procedure was adopted by ordinance; and inquired about whether the policy/procedure could be amended by the majority of the City Council.

**ACTION: Moved by Councilmember Kuo, seconded by Vice Mayor Carroll to:**

Modify the City Council Policy/Procedure regarding City Council-initiated agenda items that requires a written memorandum signed by either at least two members of the City Council, or the Mayor, by removing the sunset clause of January 2021, thereby making the policy/procedure permanent.

**The motion carried as follows:**

AYES: 4 COUNCILMEMBERS: Carroll, Kim, Kuo and Khan  
NOES: 1 COUNCILMEMBERS: Agran  
ABSENT: 0 COUNCILMEMBERS: None

**4.3 CITY COUNCIL REORGANIZATION - SELECTION OF VICE MAYOR AND INTERIM MAYOR**

Molly Perry, City Clerk, noted that the following e-comments had been received:

- Anon and “Concerned Resident,” who expressed opposition to selecting Councilmember Carroll as Vice Chair, and in support of selecting Councilmember Agran as Vice Chair.
- Dee Fox, Irvine resident, who expressed opposition to selecting Councilmember Carroll as Vice Chair; and in support of selecting Councilmember Agran as Vice Chair, and Councilmember Kim as Interim Mayor.
- Jonathan Beer, Irvine resident, who expressed support to select Tammy Kim as Vice Mayor based on her acquiring the highest number of votes.
- Anonymous Resident, who spoke in support of selecting Councilmember Kuo as Vice Mayor, mirroring the Orange County Great Park Board leadership and recognizing his seniority on the City Council; and Councilmember Kim as Interim Mayor based on recognizing her receipt of the highest number of votes and allowing her the opportunity to lead in her first term.
- Bill Park, Irvine resident, expressed appreciation to Councilmember Carroll for his service as Vice Mayor and strong leadership during the Coronavirus pandemic.

- Irvine Taxpayer and Jenny Guo, who expressed opposition to selecting Councilmember Carroll as Vice Mayor.

Mayor Khan thanked Vice Mayor Carroll for his service as Vice Mayor over the last year.

Vice Mayor Carroll expressed his appreciation, noting that it was an honor to have served as Vice Mayor, and expressed his support rotate the position; and nominated Councilmember Kim to serve as Vice Mayor for the ensuing year.

There were no other nominations received for the Vice Mayor position.

**ACTION: Moved by Vice Mayor Carroll, seconded by Mayor Khan, and unanimously carried to close nominations and select Councilmember Kim to serve as Vice Mayor for the ensuing year.**

Following selection of Vice Mayor, Mayor Khan opened the floor for nominations for the selection of Interim Mayor for the ensuing year.

Mayor Khan nominated Councilmember Agran to serve as Interim Mayor.

There were no other nominations.

**ACTION: Moved by Mayor Khan, seconded by Vice Mayor Kim, and unanimously carried to close nominations and select Councilmember Agran to serve as Interim Mayor for the ensuing year.**

Following the selection of Interim Mayor, Mayor Khan noted that although it was not typically the custom to present videos submitted from members of the community, this City Council meeting was unique and special in nature, and presented video announcements from California Lieutenant Governor Eleni Kounalakis, who congratulated Mayor Khan on a successful and historical election by being the first woman of color to be elected Irvine Mayor and fist Muslim woman to be elected to a major California city seat; and California Assemblywoman Cottie Petrie-Norris, who expressed appreciation to outgoing Mayor Shea and Councilmember Fox for their service; and congratulated Mayor Khan on her election as Mayor, and Councilmembers Kim and Agran on the successful election.

**PUBLIC COMMENTS**

Molly Perry, City Clerk, noted that the following e-comments had been received:

- Meng Chen, Danny Wu, Dennis Lu, Beth Lu, John Lee, Lesley Tan, Matt Lu, Cort Arnold, Drake Arnold, Jenny Chiu, Sunny Chiu, Jason Chiu, Anna Su, Mike Sun, David Tsai, Tom Arnold, Betty Tsai, Christina Lien, Kasia Lien, Kyle Lien, John Lien, Ken LienMD, Kevin LienMD, Feny Yo, Christina Wu, Joannie SunMD, Howard Croft, Darnell Earley, Chung Lee, Walter Choi, Jazz Lien, Sue Kim, Kevin Lien, and Jule Tsai , who expressed opposition to All American Asphalt (AAA) and associated health and safety impacts in their neighborhoods.
- Irvine Taxpayer who congratulated Mayor Khan on a successful election and commended her on displaying strong leadership skills during her time as a Councilmember.
- Jason B, Irvine resident, who expressed opposition to Vice Mayor Carroll’s use of taxpayer money for personal advertising and not recusing himself from the vote on a prior agenda item.
- Beverly Jacobs, Irvine resident, who expressed concern about the absence of wearing masks by elected officials and others in attendance at the last City Council meeting, noting that it was not necessary to meet in person with current technology.
- STAP Team who noted that Mayor-elect Khan, Director of Community Development Carmichael, Neighborhood Services Administrator Bullock, and consultants had participated in a call with the UC Irvine team to listen to the AAA assessment; and inquired as to why Councilmembers Carroll and Kuo did not participate, further noting that former Mayor Shea had been the only elected official to respond to an email regarding a study session, and that current elected officials had been recently emailed with no responses received.

**ADJOURNMENT**

**Moved by Councilmember Kuo, seconded by Councilmember Carroll, and unanimously carried to adjourn at 6:17 p.m.**

MAYOR OF THE CITY OF IRVINE

INTERIM CITY CLERK OF THE CITY OF IRVINE

January 26, 2021