



MINUTES

CITY COUNCIL REGULAR MEETING

May 12, 2020
City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

The regular meeting of the Irvine City Council was called to order at 4:55 p.m. on May 12, 2020, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Shea presiding.

ROLL CALL

Present:	5	Councilmember:	Melissa Fox*
		Councilmember:	Farrah N. Khan
		Councilmember:	Anthony Kuo
		Vice Mayor:	Mike Carroll
		Mayor:	Christina Shea

* via teleconference

Prior to the Pledge of Allegiance, Mayor Shea 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; 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. 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.

1. CLOSED SESSION

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

Closed Session Item 1.1 was removed from the agenda and moved to the special City Council meeting that was held at 3 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shea led the Pledge of Allegiance.

INVOCATION

Councilmember Kuo provided the invocation.

2. CITY COUNCIL RECOGNITION

2.1 Irvine Rotary Club and Newport-Irvine Rotary Club

Mayor Shea presented a commendation to Irvine Rotary Club and Newport Irvine Rotary Club for their collaboration with South Coast Chinese Cultural Center/Irvine Chinese School in making and delivering over 7,500 face shields to local businesses, first responders, health care workers in Irvine, and the City's public safety personnel.

2.2 South Coast Chinese Cultural Center/Irvine Chinese School

Mayor Shea presented a commendation to South Coast Chinese Cultural Center/Irvine Chinese School for their collaboration with Irvine Rotary Club and Newport Irvine Rotary Club in making and delivering over 7,500 face shields to local businesses, first responders, health care workers in Irvine, and the City's public safety personnel.

2.3 IvyMax Academy

Mayor Shea presented a commendation to the IvyMax Academy for its generous monetary donation of \$2,000, as well as its donation and delivery of 1,683 face masks, two bottles of disinfectant spray, 16 protection suits, and 200 pairs of nitrile gloves to the City's police department.

3. PRESENTATIONS

3.1 *Community Choice Energy Status Update*

Mark Steuer, Director of Public Works and Transportation, provided a brief update on the Community Choice Energy (CCE) program. Jeff Melching, City Attorney, also provided a brief status on the formation of a Joint Powers Authority (JPA).

City Council discussion included: inquiring about acquired data regarding the underestimation of JPA costs as well as overestimated Southern California Edison (SCE) energy costs; questioned whether the peer review would be reviewed by the City Council prior to sharing with other interested cities; reiterated delays due to the global pandemic; questioned whether the Green Ribbon Environmental Committee had recently discussed CCE; and requested a timeline for review of CCE next steps.

Molly Perry, City Clerk, noted that the following individuals submitted e-comments in support of Community Choice Energy:

Tammy Kim, Irvine resident
Patty Yoo
Senait Forthal, Irvine resident
Linda Kraemer, Costa Mesa
Keith Linker, Irvine resident
Craig Preston, Costa Mesa resident
Kari Dietrich, Irvine resident
Anja Clarke, Irvine resident
Debbie Liu, Newport Beach resident
Olga Razorenova, Irvine resident
Ayn Craciun, Irvine resident
Jose Trinidad Castaneda
Monica Daley, Irvine resident
Diane Newton
Breanne Eagleson, Laguna Niguel resident
Steven Allison, Irvine resident
Cascade Sorte, Irvine resident
Diane Perkin, Laguna Beach resident
Sarah Cline, Irvine resident
Theresa Stephens, Irvine resident
Tristan Miller
Debbie Salahi, Laguna Niguel resident
David Salahi, Laguna Niguel resident
Steven Shepherd, Huntington Beach resident
Denise Erkeneff, Dana Point resident
Kathleen Treseder, Irvine resident

Felissa Silva, Mission Viejo resident
Melissa Waters, Laguna Niguel resident
Julie McAlpine, Irvine resident
Marie Luebbers, Tustin resident

Russell Baldwin submitted an e-comment in opposition to Community Choice Energy.

By consensus, received and filed the Community Choice Energy Status Update.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Shea made the following announcements:

- The Great Plates Delivered Program, a new home-delivered meal program from the State of California, ensures that qualifying older adults can receive three free nutritious meals a day while providing essential economic stimulus to local restaurants and workers struggling to stay afloat during the COVID-19 crisis. City staff will begin reaching out to Irvine restaurants and meal providers who may be interested in being part of this program. Age Well Senior Services will be the City's program administrator, and businesses can learn more or apply online at myagewell.org. Older adults must meet certain criteria. Staff at the City Senior and Community Hotline at 949-724-6926 can help seniors and Irvine restaurants determine whether they qualify for the program, and can also provide assistance with applications.
- The City's traditional Memorial Day events have been modified this year to allow the community to honor our fallen service men and women while still maintaining critical health and safety precautions to prevent the spread of COVID-19. The Northwood Candle Lighting Ceremony will take place over two days. Residents are encouraged to visit the memorial on Saturday, May 23 from 9 a.m. to 6 p.m., and Sunday, May 24, from noon to 8 p.m. to pay their respects to the fallen. Staff will be on-site to assist and ensure guests are spaced six feet apart per social distancing guidelines. On Monday, May 25, Memorial Day will be presented online. Mayor Shea will also be taking part in a prerecorded video presentation featuring tributes to military fallen by commanding officers from Irvine's adopted 2/11 Marine Battalion and presentations from former ceremonies, which will be available online at cityofirvine.org. For information, call 949-724-6606.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

4. CONSENT CALENDAR

City Clerk Perry noted that Item 4.2 included proclamations that were very important to members of the community, and unfortunately, due to the pandemic, the City Council was unable to recognize them personally, which included Orange County Fire Authority's "Wildfire Awareness and Prevention Season" and "Food Allergy Awareness Week."

Moved by Vice Mayor Carroll, seconded by Councilmember Khan, and unanimously carried to approve Consent Calendar Item Nos. 4.1 through 4.3.

4.1 MINUTES

ACTION:

Approved the minutes of a special meeting of the Irvine City Council held on April 10, 2020.

4.2 PROCLAMATIONS

ACTION:

- 1) Proclaimed Orange County Fire Authority's "Wildfire Awareness and Prevention Season."
- 2) Proclaimed May 10-16, 2020, as "Food Allergy Awareness Week."

4.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopt RESOLUTION NO. 20-38 - 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

5. COUNCIL BUSINESS

5.1 PUBLIC SAFETY COVID-19 UPDATE

Marianna Marysheva, Assistant City Manager, provided brief opening remarks, and introduced the following individuals, who provided updates with respect to recreational activities, outdoor dining, senior care facilities, the City's Emergency Operations Center, FEMA reimbursements, and cooling centers:

Laurie Hoffman, Director of Community Services
Pete Carmichael, Director of Community Development
Mike Hamel, Director of Public Safety/Chief of Police
Bobby Simmons, Emergency Management Administrator

Mike Hamel, Director of Public Safety/Chief of Police, also provided information on antigen and antibody testing for Irvine residents.

Cammy Babaie, M.D., MPH, Medical Director, and B.C. Solomon, Office Manager, U.S. Health Clinics, responded to City Council questions.

City Council discussion included: inquiring about time, logistics, informed consent and liability waivers, and any special protocols for seniors and disabled individuals associated with drive-through COVID-19 testing; inquired about differences in outdoor dining and picnic areas, including golf course dining options; questioned certain data related to senior care facilities, including number of COVID-19 cases and protocols in place; questioned whether the City Council could mandate senior care facility closures; inquired about mandatory face masks at gas stations; reiterated prioritizing the use of smaller restaurants as part of the Great Plates Delivered Program; expressed concern about how COVID-19 data is reported by the County; inquired about how residents could get information related to COVID-19 matters, including testing; discussed the value of antibody and antigen testing, accuracy rates, and whether either were approved by the FDA; discussed whether to impose a fee for antigen and/or antibody testing; inquired about the re-opening of recreational pools; and reiterated that the Stay-At-Home Order was a State directive.

Jeff Melching, City Attorney, strongly suggested that informed consent and liability waivers be required if antibody testing was conducted; and reiterated that the re-opening of recreational pools would be the decision of the State as part of a later phase given that they were not considered "essential services."

Molly Perry, City Clerk, noted that the following individuals provided e-comments on this agenda item. All e-comments in their entirety are available online at cityofirvine.org/ictv.

- Marie King
- Elizabeth Howard, Irvine resident
- Courtney Echols
- Ken Coleman, Irvine resident
- Melanie Masud
- David Park, Irvine resident
- Nalya Rodriguez
- Lynsey Monterastelli
- Ryan Cummins
- Kamal Masud
- Sara Manalac
- Jim Roeder, Irvine resident
- Scott Fessenden, Newport Beach resident
- Cherry Lai
- Alison Tomko, Irvine resident
- Patti Ross, Irvine resident
- MaryAnne Foo, Irvine resident
- Denise Bernier, Tustin resident
- Lisa Meller, Irvine resident
- George Malouf, Irvine resident
- Nicole Tsaconas, Irvine resident
- Jenna Gotte
- Julia C.
- Justin Fong, Irvine resident
- Ryan Choura, Torrance resident and CEO
- Luis Espino
- Feyintoluwa Ekisola, Irvine resident
- Ambereen Siddiqui, Irvine resident
- Fatima Charara
- Charlene Denning, Irvine resident
- Cesar C, Irvine resident
- Eileen Chen, Irvine resident
- Sichen Ma, Irvine resident
- Joseph Matos, Irvine resident
- M.N., Irvine resident
- Jasmine C, Moreno Valley resident
- Ariel Le
- Betty Feng
- Isabelle A.
- Kara Pedregosa

ACTION: Moved by Vice Mayor Carroll, seconded by Councilmember Kuo, and unanimously carried to:

Approve an agreement with US Health Fairs (USHF) in the amount of \$95,000 to provide drive-through COVID-19 testing for City of Irvine residents at the Orange County Great Park, employing two lanes staffed by two USHF nurses per lane at approximately 48 tests per hour, or 380 tests per day; and authorize staff to increase to a four-lane model at approximately 96 tests per hour, or 760 tests per day, if needed.

ACTION: Moved by Vice Mayor Carroll, seconded by Councilmember Kuo, and unanimously carried to:

Approve an add-on feature to the agreement with US Health Fairs (USHF) to purchase 1,000 antibody tests in the amount of \$10,000 as part of the drive-through COVID-19 testing process for City of Irvine residents, and implemented a fee of \$10 per resident for optional antibody testing.

ACTION: Moved by Councilmember Khan, seconded by Vice Mayor Carroll, to approve amendments to the Emergency Order with respect to golf courses as follows:

- 1) Members of the same household may share a cart.
- 2) Paying customers may use the restroom, one person at a time; and restrooms must be wiped down every hour.
- 3) "To go" food and beverage items may be consumed at outdoor tables, with tables spaced 10-12 feet apart with social distancing observed at each table, and tables must be wiped down after each use.
- 4) Beverage and pre-packaged food carts (pre-packaged food only) allowed with safety guidelines (i.e., operator to wear protective mask and gloves, customers provided with antiseptic wipes, individually pre-wrapped cups if use required).
- 5) Range ball baskets now permitted, but must be sanitized before distribution to guests. Staff handling baskets must wear protective globes. Ball dispensing machines must be sanitized every 30 minutes.

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Carroll, Fox, Khan, and Shea

NOES: 1 COUNCILMEMBERS: Kuo

ABSENT: 0 COUNCILMEMBERS: None

ACTION: Moved by Councilmember Khan, seconded by Councilmember Kuo, and unanimously carried to:

- 1) Approve the reopening of City tennis and pickleball courts during regular operating hours beginning Friday, May 15 for singles play and one-on-one City-led instruction with safety guidelines in place, following guidelines established by the State’s Resilience Roadmap.
- 2) Adopt guidelines suggested by the United States Tennis Association and USA Pickleball Association for safe play to mitigate the spread of COVID-19 as follows:
 - a) Practice social distancing measures, including standing six feet from court entrances and exits while waiting to play and not congregate on the court before or after play.
 - b) Play with a new ball and rotate new ones into play whenever possible.
 - c) Do not share personal equipment or racquets.
 - d) Avoid changing court sides during play.
 - e) Avoid physical contact with others and do not touch gates, fences, benches, and other court amenities.
 - f) Paying customers may use the restroom, one person at a time; and restrooms must be wiped down every hour.
 - g) “To go” food and beverage items may be consumed at outdoor tables, with tables spaced 10-12 feet apart with social distancing observed at each table, and tables must be wiped down after each use.
 - h) Beverage and pre-packaged food carts (pre-packaged food only) allowed with safety guidelines (i.e., operator to wear protective mask and gloves, customers provided with antiseptic wipes, individually pre-wrapped cups if use required).
 - i) Range ball baskets now permitted, but must be sanitized before distribution to guests. Staff handling baskets must wear protective gloves. Ball dispensing machines must be sanitized every 30 minutes.

ACTION: Moved by Vice Mayor Carroll, seconded by Councilmember Khan, to approve amendments to the Emergency Order to expand outdoor dining for restaurants as follows:

Assist Reopening of Restaurants with the following:

- a) Maximizing social distancing in open air environment.
- b) Dispersing seating and queuing through the appropriate expanded use of patios, common areas, and parking areas.

Expedited Permitting Process:

- a) Implementing a streamlined version of the City’s existing Special Event Permit process; waiving the standard submittal and processing timelines and allowing for a 45-day permit validity period with administrative renewals.
- b) Implementing the expedited permitting process upon reopening guidance from the State and County.

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Carroll, Fox, Khan, and Shea

NOES: 1 COUNCILMEMBERS: Kuo

ABSENT: 0 COUNCILMEMBERS: None

Councilmember Fox also inquired about the City’s ability to enforce certain restrictions with respect to senior care facilities, and asked that staff contact senior living facilities in the City of Irvine to determine which of the following precautionary measures have been implemented:

- 1) Limiting entry to the facility.
- 2) Prohibiting employees who have tested positive for COVID-19 from returning to work until they have fulfilled the Center for Disease Control (CDC) criteria to return to work.
- 3) Suspension of communal dining and activities.
- 4) Providing separate areas for staff with COVID-19 positive tests.
- 5) Requiring staff to wear surgical masks within the facility.
- 6) Requiring staff to follow the infection prevention guidance from the Center for Medicare, Medicaid, and the CDC.
- 7) Requiring residents and patients to wear surgical masks or clean face coverings when outside their rooms so that COVID-19 is not spread.

- 8) Requiring symptoms screening for all.
- 9) Requiring daily temperature checks.

Councilmember Khan suggested that in order to avoid potential redundancy, staff contact the Orange County Health Care Agency prior to obtaining data from each facility to see what types of programs and potential regulations already may have in place.

Vice Mayor Carroll also asked that staff contact the City of Mission Viejo to see what dispensation it received from the State of California and Governor Newsom with respect to its reopening of recreational pools.

5.2 CERTIFY THE SUFFICIENCY OF THE INITIATIVE MEASURE TO REMOVE CEMETERY, MAUSOLEUM, CREMATORY, FUNERAL HOME, AND MORTUARY USES (“CEMETERY USES”) FROM THE LIST OF ALLOWABLE USES WITHIN THE ORANGE COUNTY GREAT PARK AND MOST OF THE SURROUNDING LAND, AND TO CREATE A NEW ZONING DESIGNATION FOR THE APPROXIMATELY 125.5 ACRES OF CITY-OWNED LAND NEAR THE INTERSECTION OF PUSAN AND IRVINE BOULEVARD WHERE CEMETERY USES WILL BE PERMITTED; AND CONSIDER ACTIONS (1) TO ADOPT THE INITIATIVE ORDINANCE, (2) TO ADOPT RESOLUTIONS SUBMITTING THE INITIATIVE ORDINANCE TO THE VOTERS AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION, OR (3) ORDER A REPORT ON THE EFFECT OF THE PROPOSED ORDINANCE ON MUNICIPAL OPERATIONS; * AND CONSIDERATION OF A REQUEST BY MAYOR SHEA TO DISCUSS A CITY COUNCIL SPONSORED INITIATIVE MEASURE AFFIRMING VETERANS CEMETERY SITE SELECTION

Molly Perry, City Clerk, presented the staff report and responded to questions. Jeff Melching, City Attorney, also provided a brief presentation on the intent of the measure and responded to legal questions.

City Council discussion included: reiterating the intention of Measure B; inquired about the intent of the proposed ordinance; questioned the number of signatures verified and costs associated with placing the ordinance on the November 3, 2020, ballot; inquired about what a report on the effect of the proposed ordinance on municipal operations would include; discussed costs to develop both sites; expressed concern about State funding due to the existing pandemic; and suggested placing both the ARDA and golf course sites on the ballot.

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

- Norman Abbod, Lake Forest resident, and Jack Fancher, Irvine resident, in support of a Veterans Cemetery on the golf course site.
- Dee Fox, Irvine resident, in support of the ARDA site.
- Scott Hansen, Irvine resident, in support of a 10-acre memorial at the Great Park, and a Veterans Cemetery at the Anaheim Hills site.
- Mark Newgent, Irvine site, in support of submitting site selections to the voters.
- Don Gellar, Irvine resident, in support of language that preserves the ARDA site against future large development.
- Susan Sayre, Irvine resident, expressed concern about a competing initiative on the ballot at a considerable cost, and noted that should the City's initiative restrict zoning code land uses and be approved by the voters, future City Councils could not amend the approved land use restrictions, which would have to go back to the voters for approval.

Video testimonials were submitted in support of adopting the Ordinance by the following individuals (available online at cityofirvine.org):

- Larry Agran, Irvine resident
- Jane Roschmann, Irvine resident
- Steve Berger, Irvine resident
- Ed McNew, Irvine resident
- Tom Chomyn, Irvine resident
- Michelle Johnson, Irvine resident

Molly Perry, City Clerk, noted that email correspondence had also been received from the following individuals in opposition to the proposed ordinance and in support of the golf course site:

- Steve Greenberg, Chair, Transportation Commission and Boardmember, Colony Homeowners Association
- Bill Cook, Chairman, Orange County Veterans Memorial Park Foundation

- Nick Berardino, President, VALOR (Veterans Alliance of Orange County)
- Robert M. Brower, Southern California Legislative Commissioner for The American Legion

ACTION: Moved by Mayor Shea, seconded by Councilmember Kuo, and unanimously carried to:

Approve Certificate of Sufficiency of Initiative Petition executed by the City Clerk for the Initiative Petition to Rezone the Amended and Restated Development Agreement Site for Cemetery Uses.

ACTION: Moved by Mayor Shea to:

- 1) Submit the initiative ordinance, without alteration, to the voters at the November 3, 2020 General Municipal Election and adopt the following resolutions:
 - (i) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CITY CHARTER AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE REMOVAL OF CEMETERY USES FROM THE LIST OF ALLOWABLE USES WITHIN THE ORANGE COUNTY GREAT PARK AND MOST OF THE SURROUNDING LAND, AND CREATION OF A NEW ZONING DESIGNATION FOR THE APPROXIMATELY 125.5 ACRES OF CITY-OWNED LAND NEAR THE INTERSECTION OF PUSAN AND IRVINE BOULEVARD WHERE CEMETERY USES WILL BE PERMITTED
 - (ii) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

- (iii) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS
- (iv) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

2) Direct a City Council sponsored initiative measure to be prepared and submitted to the voters at the same Municipal Election confirming the golf course site as the location for the Veterans Cemetery, and that the City Council would also reaffirm the City’s recent zoning of the ARDA site to protect residents in the Great Park community which now allows only for parkland, open space, and limited small scale retail to occur on the ARDA site.

The motion failed for lack of second.

ACTION: Moved by Councilmember Khan, seconded by Councilmember Fox, to:

Adopt the initiative ordinance, without alteration, entitled: ORDINANCE NO. 20-05 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING AN INITIATIVE PETITION THAT WILL REMOVE CEMETERY USES FROM THE LIST OF ALLOWABLE USES WITHIN THE ORANGE COUNTY GREAT PARK AND MOST OF THE SURROUNDING LAND, AND CREATE A NEW ZONING DESIGNATION FOR THE APPROXIMATELY 125.5 ACRES OF CITY-OWNED LAND NEAR THE INTERSECTION OF PUSAN AND IRVINE BOULEVARD WHERE CEMETERY USES WILL BE PERMITTED

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Carroll, Fox, Khan, and Kuo
 NOES: 1 COUNCILMEMBERS: Shea
 ABSENT: 0 COUNCILMEMBERS: None

Following the vote, Mayor Shea suggested that one of her City Council colleagues reach out to FivePoint Communities to see if there would be interest in transferring its contribution to the ARDA site due to concern that State funding may no longer be available; and also suggested that a Councilmember coordinate a dedication ceremony.


PUBLIC COMMENTS

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

- “Anonymous” inquired about how the City would address the increased percentage of drivers violating rules of the road as a result of emptier roadways due to the Stay-at-Home order.
- Claudia Fessenden, noted support for amending rules for golf courses: 1) allowing married couples to share a cart, 2) permit use of restrooms, and 3) availability of hydration stations.
- Dee Fox, referenced an automobile incident involving Councilmember Kuo in 1999.

ADJOURNMENT

Moved by Vice Mayor Carroll, seconded by Councilmember Kuo, and unanimously carried to adjourn the City Council meeting at 9 p.m.


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

June 9, 2020