



MINUTES

CITY COUNCIL SPECIAL MEETING

December 29, 2022
City Council Chamber
1 Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

The special meeting of the City Council was called to order at 8:02 a.m. on December 29, 2022, in the City Council Chamber, Irvine Civic Center, 1 Civic Center Plaza, Irvine, California; Mayor Khan presiding.

ROLL CALL

Present: 5 Councilmember:	Larry Agran*
Councilmember:	Mike Carroll*
Councilmember:	Kathleen Treseder
Vice Mayor:	Tammy Kim
Mayor:	Farrah Khan

* Councilmembers Agran and Carroll participated virtually.

Mayor Khan noted additional opportunities to participate in the meeting virtually; and encouraged those providing public comments to be civil, polite, and courteous when addressing one another, City staff, and members of the public.

In addition, Carl Petersen, City Clerk, provided instructions on how to participate in the meeting; and noted that the e-comment feature had been extended, which allowed members of the public the ability to submit e-comments on all agenda items, which would be included as part of the official record and uploaded to the City's website.

1. CLOSED SESSION

City Attorney Melching announced the following Closed Session item:

1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant Exposure to Litigation (Gov. Code Section 54956.9(d)(2) or (3)): One Case

Prior to convening to Closed Session, Susan Sayre, Irvine resident, spoke in opposition to the lack transparency related to the Closed Session title.

The following individuals spoke in support of withdrawing from the Orange County Power Authority (OCPA):

- Harvey Liss, Irvine resident
- Don Geller, Irvine resident
- Dee Fox, Irvine resident

The following individuals spoke in opposition to withdrawal:

- Ayn Craciun, Irvine resident
- Sabine Kunrath
- Hoyin Ip, Irvine resident
- Julie Tapp, Irvine resident

RECESS

Mayor Khan recessed the City Council meeting to Closed Session at 8:26 a.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Khan reconvened the City Council meeting at 10:25 a.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

PUBLIC COMMENTS - AGENDIZED ITEMS

Susan Sayre, Irvine resident, suggested that Mayor Khan and Councilmember recuse themselves from any discussion or decisions related to the Orange County Power Authority; and provided suggestions for improvements should the City choose to remain with OCPA.

The following individuals spoke in support of withdrawing from the Orange County Power Authority (OCPA):

- Michelle Johnson, Irvine resident
- Harvey Liss, Irvine resident
- Doug Elliott, Irvine resident
- Dee Fox, Irvine resident
- Eric Nashanian, Irvine resident
- Amira Mansour, Irvine resident
- Don Geller, Irvine resident
- Gil Nelsen, Irvine resident

The following individuals spoke in opposition to withdrawal:

- Julie Tapp, Irvine resident
- Linda Kraemer, Irvine resident
- Margo Finlayson, Lake Forest resident
- Danny Gray, Capistrano Beach resident
- Tomas Castro, Irvine resident
- Nancy Colocino, Irvine resident
- Tristan Miller, Irvine resident
- Jake Comer
- Josh Brock, Vice President, CCA Commercial Operations, Calpine Energy Solutions
- Jaclyn Harr, OCPA Client Service Manager
- Kirby Dusel
- Sabine Kunrath, Irvine resident
- Senait Forthal, Irvine resident
- Max Wang, Irvine resident
- Katherine Chang, Irvine resident
- Walter Nobrega
- Jose Trinidad Castenada, Buena Park Councilmember
- Magda, Irvine resident
- Hoyin Ip, Irvine resident

2. COUNCIL BUSINESS

2.1 CONSIDERATION AND DIRECTION REGARDING WITHDRAWAL AND CONDITIONS FOR CONTINUED PARTICIPATION IN THE ORANGE COUNTY POWER AUTHORITY

Oliver Chi, City Manager, and Jeff Melching, City Attorney, provided the staff presentation and responded to questions.

City Council discussion included: noting the potential impacts related to the County's decision to withdraw; reiterated the power of choice for energy; noted the City's environmental goals; suggested continued collaboration to ensure OCPA's success; noted concerns related to transparency by OCPA; discussed financial impacts if the City of Irvine withdrew from OCPA; suggested delaying a decision to withdrawal until June to see if existing concerns could be resolved; discussed changes in City representation to the OCPA Board; suggested new leadership and legal counsel for OCPA; noted the no confidence vote by the Huntington Beach City Council with respect to OCPA leadership; discussed the City's audit; noted concerns raised by the Orange County Grand Jury and the Orange County Board of Supervisors; suggested submitting a Notice of Intent to Withdrawal with the intent of rescinding the notice if restructuring efforts were made; reiterated the financial investment made by the City of Irvine; expressed concern that the City of Irvine's interests were not considered by the County when it made its decision to withdrawal from OCPA; noted that a recent audit did not account for the County's withdrawal; suggested that the City ask the Board of Supervisors to reconsider its decision to withdrawal; and discussed various options for the City of Irvine to stay or withdrawal from OCPA.

ACTION: Moved by Councilmember Agran, seconded by Vice Mayor Kim, to:

- 1) Submit a notice of the City of Irvine's intent to withdraw from the Orange County Power Authority, and that the notice be given to the OCPA and all of its members by the close of business on December 29, 2022.
- 2) Initiate nonbinding mediation under Section 7.1 of the Orange County Power Authority Joint Powers Agreement.
- 3) Express in the City of Irvine's Notice of Intent to Withdraw its willingness to reconsider and rescind its notice if OCPA provides assurances to the City Council that it will:
 - a. Demonstrate its ongoing viability and ability to meet its core objectives regarding the cost of electricity, provision of green energy options and program, and local control of those issues.
 - b. Increase transparency with regard to the business operations and decision-making process of the Orange County Power Authority.
 - c. Modify the executive team, including the Chief Executive Officer, to provide a more experienced and capable management structure.

ACTION: A substitute motion was made by Mayor Khan, seconded by Vice Mayor Kim, to:

Commit to staying with the Orange County Power Authority, and ask the City's two new soon-to-be appointed OCPA Directors to work with OCPA Directors from other member agencies to remedy the issues that have been identified with OCPA.

ACTION: A friendly amendment was made by Councilmember Treseder, accepted by Mayor Khan as the maker, to:

- 1) Commit to staying with the Orange County Power Authority, and ask the City's two new soon-to-be appointed OCPA Directors to work with OCPA Directors from other member agencies to remedy the issues that have been identified with OCPA.
- 2) Return to the City Council in June to reconsider withdrawal and conditions for continued participation in the Orange County Power Authority.

ACTION: An additional friendly amendment was made by Councilmember Carroll to:

- 1) Commit to staying with the Orange County Power Authority, and ask the City's two new soon-to-be appointed OCPA Directors to work with OCPA Directors from other member agencies to remedy the issues that have been identified with OCPA.
- 2) Return to the City Council in June to reconsider withdrawal and conditions for continued participation in the Orange County Power Authority.
- 3) Authorize the Mayor to send a formal letter to the Orange County Board of Supervisors expressing the City's disappointment with the County's withdrawal from OCPA and strongly urging it to rescind its withdrawal; and cite that its withdrawal subjects the City of Irvine to potential financial risk.

Following discussion, Mayor Khan further amended Councilmember Carroll's friendly amendment, suggesting that the City not include a citation in its correspondence with the County that the City of Irvine would be subject to potential financial risk.

ACTION: Moved by Mayor Khan, seconded by Vice Mayor Kim, to:

- 1) Commit to staying with the Orange County Power Authority, and ask the City's two new soon-to-be appointed OCPA Directors to work with OCPA Directors from other member agencies to remedy the issues that have been identified with OCPA.
- 2) Return to the City Council in June to reconsider withdrawal and conditions for continued participation in the Orange County Power Authority.
- 3) Authorize the Mayor to send a formal letter to the Orange County Board of Supervisors expressing the City's disappointment with the County's withdrawal from OCPA and strongly urging it to rescind its withdrawal.

The motion carried as follows:

AYES:	3	COUNCILMEMBERS	Kim, Treseder, and Khan
NOES:	2	COUNCILMEMBERS:	Agran and Carroll
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

ADJOURNMENT

Moved by Vice Mayor Kim, seconded by Councilmember Treseder, and unanimously carried to adjourn the special City Council meeting at 12:34 p.m.



 MAYOR OF THE CITY OF IRVINE



 CITY CLERK OF THE CITY OF IRVINE

 February 14, 2023