



MINUTES

CITY COUNCIL REGULAR MEETING

September 28, 2021
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 6:05 p.m. on September 28, 2021, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Khan presiding.

ROLL CALL

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

Mayor Khan announced that City Hall was now open to the public, allowing members of the public to physically attend and participate in City Council meetings, and noted the current guidelines for face coverings. She also noted that 1) 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; 2) members of the public would continue to have the ability to provide live comments on agenda items via Zoom; and 3) the City of Irvine continued to sanitize surfaces and equipment in the Council Chamber and throughout City Hall.

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.

Mayor 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.

PLEDGE OF ALLEGIANCE

Councilmember Carroll led the Pledge of Allegiance.

INVOCATION

Councilmember Kuo provided the invocation.

1. PRESENTATIONS

1.1 *Commend Chief of Police Mike Hamel in Recognition of His Service to the City of Irvine*

Mayor Khan presented a commendation to Chief of Police Mike Hamel in recognition of his service to the City of Irvine, and congratulated him on his upcoming retirement.

1.2 *Tustin Unified School District Presentation*

Dr. Maggie Villegas, Assistant Superintendent, Educational Services, Tustin Unified School District (TUSD), provided a brief presentation on TUSD's background, notable accomplishments, health and safety measures during the COVID-19 pandemic, and economic status; and expressed appreciation to the City Council for its continued support.

1.3 *Pavement Management Program*

Mark Steuer, Director of Public Works and Transportation, provided a brief presentation and responded to questions.

City Council discussion included: questioning the percentage of backlog and identification of any streets under 70 PSI; questioned the backlog of any streets under 70 PCI (Pavement Condition Index) ; inquired about the types of vehicles that would operate as part of the ROVER application; questioned the pavement standards that other agencies are subject to when performing construction on existing roads; questioned whether multiple agencies coordinate construction projects on streets; inquired about number of miles of paved roads within the City; questioned if any pavement products were provided by All American Asphalt; inquired about various pavement products on City roads; questioned the requirement for rubber; inquired about slurry seal versus a complete rehabilitation; questioned what proactive steps the City was taking to prevent additional backloging of roads; and inquired about pavement rehabilitation on Trabuco Road.

1.4 Presentation of the Citywide Strategic Priorities and Corresponding Priority Projects

Marianna Marysheva, Interim City Manager, and Barbara Arenado, Deputy Director of Financial Management & Strategic Planning, provided a brief presentation and responded to questions.

City Council discussion included: inquired about the status of unfunded pension liability and suggested target percentage; noted investments made in environmental sustainability; inquired about the potential financial impact of Great Park projects; and suggested that the presentation be showcased through the City's social media platforms.

INTERIM CITY MANAGER'S REPORT

Interim City Manager Marysheva provided a brief update on the City's Mentorship Program.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Kuo provided a brief update on his recent trip to the League of California Cities Conference and Expo in Sacramento and his recent participation in Irvine Feeds the World program with Shepherd's Grove Church. He also recognized Irvine student Aminah Rangwala, who was recently recognized by the Orange County Sanitation District for producing a stop motion Public Service Announcement about the proper disposal of Fats, Oils, and Grease; and offered his thoughts and prayers to the families of Kyu Che, who was tragically killed in a traffic collision, and asked for the public's assistance in identifying witnesses to the accident.

Vice Mayor Kim also provided a brief update on her recent trip to the League of California Cities Conference and Expo in Sacramento; and congratulated Mayor Khan for being elected to the Asian Pacific Islander Caucus. She also announced a recent trip to Alakazam Comics in Irvine on National Comic Book Day; and provided an update on behalf of the Orange County Mosquito and Vector Control District on the first confirmed case of the West Nile Virus in the City of Buena Park.

Councilmember Agran reiterated his prior request for support to agendize a proclamation for Children's Environmental Health Month.

Mayor Khan made the following announcements:

- The City of Irvine's strategic priorities continue to focus on five areas of importance to the community including Quality of Life, Traffic and Mobility, Natural Environment, Fiscal Strength, and Organizational Excellence. Initiatives in alignment with these strategic priorities include: 1) a web-based, all-hazard, real time evacuation zone map designed to get visual emergency information to community members during times of disaster, established by the Office of

Emergency Management, 2) a free Green Business Assistance Program to help businesses operate sustainably and receive public recognition for their efforts, 3) installation of pothole inspection equipment in City vehicles, 4) a number of technology solutions for residents, and 5) fostering an environment that is inclusive of all cultures, backgrounds, races, and ethnicities as part of the Diversity, Equity, and Inclusion initiative.

- Irvine is once again the Safest City of its size for violent crime, recording the lowest per capita violent crime rate for all cities in the U.S. with a population over 250,000, according to FBI data just released for calendar year 2020. It is the 16th consecutive year Irvine has recorded the lowest per capita violent crime rate for a city its size. Ensuring the safety of residents and visitors, and preserving the quality of life for all who come to Irvine, has always been a top priority for the City Council. As the City has grown, the City has maintained the highest level of public safety that continues to make Irvine an outstanding community to live, work and play.
- After a relatively quiet 2021 concert season at FivePoint Amphitheatre, the City recently saw a spike in noise complaints earlier in the month, with 80% of complaints tied to two concerts in particular. The City has been working closely with Live Nation, the operator of the venue, to implement changes as soon as possible to better control noise levels in the community, which includes adjusting placement and direction of amphitheater speakers, enhancing monitoring of the speakers and soundboard during concerns, and installing sound absorption blankets on the back of and between bleachers. In addition, the City is also reviewing its noise ordinance to ensure that the low-end bass tones that have generated many of the complaints are properly regulated. Should community members experience further noise or disruption during concerts at the amphitheater, call the Irvine Police Department Dispatch at 949-724-7000. For general information, call Code Enforcement at 949-724-6326.
- The 20th annual Irvine Global Village Festival will be held on Saturday, October 9 from 10 a.m. to 7 p.m. at Great Park. The City's signature event features international cuisine, live entertainment, a Kids Village with crafts and activities, cultural and religious exhibits, and an international marketplace. Attendees are invited to bring canned food donations for OC Food Bank and UCI Health will be providing free flu shots, COVID-19 vaccines, and COVID Boosters while supplies last. Those eligible for the COVID Booster will need to bring their vaccine card. To volunteer, shifts are available 7:30 a.m. to 9 p.m. Friday, October 8, through Sunday, October 10. Volunteers must be at least 14 years old. Irvine Global Village Festival is presented by UC Irvine and UCI Health. Festival admission and parking are free. For more information about the event or to sign up to volunteer, visit irvinefestival.org.
- The City of Irvine has once again been voted "Best City to Live In" in Orange County. This is the sixth consecutive year that the City has received this honor in *The Orange County Register's* annual "Best of OC" selections. Winners are determined by *Register* readers, so this recognition is particularly meaningful

because many community members took the time to vote for Irvine. The City's schools; public safety; recreation programs; parks and trails; dining and shopping; and diversity all provide an unmatched quality of life. As the City commemorates its 50th anniversary this year, this recognition offers one more reason to celebrate Irvine.

- The City of Irvine was one of 11 cities to receive Helen Putnam Awards for Excellence from the League of California Cities at its Annual Conference and Expo last week. The City received two awards for its efforts to improve the quality of life in Irvine and ensure efficient and effective delivery of services. The wildfire preparedness efforts, specifically the updated all-hazard evacuation map, was recognized as well as IrvineREADY!, the City's web-based platform that allows planning, building, and engineering applications to be submitted online.

Tony Cardenas, Public Affairs Regional Manager with the League of California Cities, presented the Helen Putnam Awards to the City Council on behalf of the League of California Cities.

ADDITIONS AND DELETIONS

There were no additions or deletions, however, Interim City Manager Marysheva announced that the Great Park Board of Directors took separate action on Consent Calendar Items 2.4 and 2.6 at its meeting earlier in the day, noting that the Board added a third action for Item 2.4 to direct staff to further negotiate pricing with IBI Group, Inc.; and that Item 2.6 was continued to the next Great Park Board meeting and corresponding City Council meeting on October 26.

2. CONSENT CALENDAR

ACTION: Moved by Councilmember Carroll, seconded by Councilmember Kuo, and unanimously carried to approve City Council Consent Calendar Item Nos. 2.1, 2.2, 2.4, 2.7, 2.9, and 2.10. City Council Consent Calendar Item Nos. 2.3, 2.5, and 2.8 were removed for separate discussion.

2.1 MINUTES

ACTION:

- 1) Approved the minutes of the special meeting of the Irvine City Council held on August 10, 2021.
- 2) Approved the minutes of the regular meeting of the Irvine City Council, regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency, and special joint meeting with Great Park Board held on August 10, 2021.

2.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 21-57 - 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 COMMENDATIONS/PROCLAMATIONS

This item was removed for separate discussion at the request of Councilmember Agran, who requested that the City Council consider a proclamation for Children’s Environmental Health month, to which Mayor Khan noted that she would be willing to review the proclamation for placement on the next City Council meeting agenda.

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

- 1) Commend Yasmin Fukuskima for Achieving the Rank of Eagle Scout.
- 2) Proclaim October 2021 as "Domestic Violence Awareness Month."
- 3) Proclaim October 2021 as "Down Syndrome Awareness Month."
- 4) Proclaim October 3-9, 2021, as "Fire Prevention Week."
- 5) Proclaim October 9, 2021 as "Hangul Day."
- 6) Proclaim October 11, 2021, as "Indigenous Peoples' Day."

2.4 AWARD OF CONTRACT AND BUDGET APPROPRIATION FOR ARCHITECTURE AND ENGINEERING FOR CULTURAL TERRACE FACILITY REUSE

Prior to approval of the Consent Calendar, Mike Aguilar spoke in support of the Cultural Terrace facility reuse and the Flying Leatherneck Museum.

ACTION:

- 1) Awarded and authorize the Mayor to execute a contract for a not-to-exceed amount of \$7,236,935 to IBI Group for Architecture and Engineering Services for Great Park Cultural Terrace Reuse.
- 2) Approved a budget appropriation in the amount of \$7,236,935 from the Cultural Terrace allocated balance within the Department of Finance Settlement Fund (Fund 181) and create a corresponding Capital Improvement Project to receive the allocation.

As amended to*:

- 3) Directed staff to review the pricing of the contract and further negotiate a price with IBI Group, Inc.

* See Additions and Deletions, page 5.

2.5 LEASE AGREEMENT WITH STRAWBERRY FARMS GOLF CLUB, LLC

This item was removed for separate discussion at the request of Vice Mayor Kim, who requested clarification on the proposed term of the lease agreement, and questioned whether the City was obligated to pay for any capital improvements. Councilmember Carroll also requested clarification on the location of the designated Planning Area.

Joel Belding, Deputy Director of Great Park Planning & Development, responded to questions.

City Council discussion included: expressing concern about the term and monthly lease rate reflected in the proposed agreement; questioned whether the City Council had the authority to modify land use; expressed concern about the affordable housing shortage; questioned whether the Golf Club was a non-profit entity and provided a public benefit; inquired about how many unbuilt units were available in Planning Area 21; questioned whether the golf course was within County of Orange jurisdiction or Irvine Ranch Water District; inquired about the process to overturn designated open space; and inquired about the 30-day termination clause.

Jeff Melching, City Attorney, clarified that land use could be overturned through an initiative; however, a separate component included a real property deed restriction, and the restriction would have a contractual right to require the City to honor it. He also clarified that the right to terminate allows for termination on a 10-day notice if the lessee lost the ability to operate the golf course; however, if the lease was not renewed and at the conclusion of the 10-year term, the agreement would become terminable on a 30-day notice.

ACTION: Moved by Councilmember Kuo, seconded by Mayor Khan, to:

Approve a Lease Agreement with Strawberry Farms Golf Club, LLC and authorize the Interim City Manager or designee to execute the Lease Agreement with Strawberry Farms Golf Club, LLC. **(Contract No. 11386)**

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Carroll, Kuo and Khan

NOES: 1 COUNCILMEMBERS: Kim

ABSENT: 0 COUNCILMEMBERS: None

2.6 SPONSORSHIP AGREEMENT WITH UNIVERSITY OF CALIFORNIA IRVINE, UC IRVINE MEDICAL CENTER FOR PRESENTING SPONSORSHIP OF GREAT PARK

This item was continued to the October 26, 2021, Great Park Board and City Council meeting per Great Park Board action earlier in the day. See Additions and Deletions (Page 5).

2.7 NOTICE OF REVIEW FOR A TRACT MAP IN GREAT PARK NEIGHBORHOODS

ACTION:
Received and filed.

2.8 BUDGET ADJUSTMENT AND AWARD OF CONSTRUCTION CONTRACT FOR VENTA SPUR/STATE ROUTE 133 BICYCLE-PEDESTRIAN BRIDGE (VENTA SPUR BRIDGE) PROJECT, CIP 321701

This item was removed for separate discussion at the request of Councilmember Kuo, who asked for clarification on the rationale to fund the pedestrian bridge with System Development Charge (SDC) non-circulation funds.

Steve Carrillo, Manager of Engineering/City Engineer, responded to questions.

City Council discussion included: expressing concern with the use of SDC to fund a mobility bridge; and noted that the SDC fund was set-up prior to Proposition 13 to benefit City projects over the years.

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

- 1) Award a construction contract in the amount of \$4,202,104 for the Venta Spur/State Route 133 Bicycle-Pedestrian Bridge, Capital Improvements Project 321701 to the lowest responsive and responsible bidder, MCM Construction, Inc.
- 2) Approve the Project Funding Summary and corresponding budget adjustment of \$1,464,538 based on construction bid results and updated Developer contributions.

The motion failed as follows:

AYES: 2 COUNCILMEMBERS: Agran and Kim

NOES: 3 COUNCILMEMBERS: Carroll, Kuo, and Khan

ABSENT: 0 COUNCILMEMBERS: None

ACTION: Moved by Councilmember Kuo to:

Direct staff to submit the item to the Finance Commission to identify alternative sources of funding.

ACTION: A friendly amendment was made by Councilmember Carroll, accepted by Councilmember Kuo as the maker of the motion, seconded by Mayor Khan, to:

Direct staff to submit the item to the Finance and Transportation Commissions to identify alternative sources of funding.

Continued City Council discussion included: questioning the timeframe for City Council approval; and inquired about possible alternatives, such as an extension, without potentially losing developer funding.

City Attorney Melching noted that a consumer cost index was on the horizon, and in order to secure an extension from the developers, the City may need to secure a commitment that the City would not impose the consumer cost index adjustment to increase the developer's funding obligation.

Following discussion, Councilmember Kuo amended his motion.

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

- 1) Award a construction contract in the amount of \$4,202,104 for the Venta Spur/State Route 133 Bicycle-Pedestrian Bridge, Capital Improvements Project 321701 to the lowest responsive and responsible bidder, MCM Construction, Inc.
- 2) Approve the Project Funding Summary and corresponding budget adjustment of \$1,464,538 based on construction bid results and updated Developer contributions.
- 3) Direct staff to request a funding obligation extension from Irvine Company and Heritage Fields.
- 4) Direct staff to identify an alternative funding plan that will replenish the funds from the System Development Charge.

2.9 SECOND READING AND ADOPTION OF ORDINANCE NO. 21-08 APPROVING A GENERAL PLAN AMENDMENT AND ZONE CHANGE TO SHIFT DEVELOPMENT INTENSITY AND CHANGE LAND USE AND ZONING DESIGNATIONS WITHIN PORTIONS OF PLANNING AREA 34 (IRVINE SPECTRUM 5)

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 21-08 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00793817-PZC TO AMEND MAPS, EXHIBITS, TABLES, AND TEXT OF CHAPTER 9-34 OF THE IRVINE ZONING ORDINANCE TO REFLECT A TRANSFER OF SQUARE FOOTAGE FROM THE 4.2D COMMUNITY COMMERCIAL ZONE TO THE 5.4A GENERAL INDUSTRIAL ZONE, AND RE-ZONE THE PROPERTIES LOCATED AT 9829 AND 9853 RESEARCH DRIVE FROM 4.2D COMMUNITY COMMERCIAL TO 5.4A GENERAL INDUSTRIAL LOCATED IN PLANNING AREA 34 (IRVINE SPECTRUM 5); FILED BY IRVINE COMPANY

2.10 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

Approved Mayor Khan's request for Community Partnership Fund Grant Nomination to Alzheimer's Association Orange County Chapter in the amount of \$500 in honor of World Alzheimer's Day on September 21, 2021.

3. PUBLIC HEARINGS

3.1 CONSIDERATION TO INCREASE CONTRACT TOW AND STORAGE FEES

Mayor Khan opened the public hearing at 8:42 p.m.

Matthew McLaughlin, Lieutenant, and Jessica Moore, Traffic Program Supervisor, presented the staff report and responded to questions.

City Council discussion included: questioning whether the contract term could be extended similar to other municipalities; inquired about the frequency of reviewing fees; questioned Public Safety's Tow Committee's responsibility with respect to reviewing fees; inquired about other municipality fees and when those fees were adopted; questioned whether Irvine's average fees would be considered below average; and inquired about whether the Orange County Sheriff's Department represented Lake Forest, Laguna Hills, and North Tustin.

There were no requests to speak.

ACTION: Moved by Councilmember Carroll, seconded by Councilmember Kuo, and unanimously carried to close the public hearing at 8:57 p.m.

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

- 1) Adopted RESOLUTION NO. 21-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, TO UPDATE THE "TOW AGENCY FEES"
- 2) Direct staff to extend the term of the agreements with the two independent tow vendors for 36 months, and include a Cost of Living Adjustment.

4. COUNCIL BUSINESS

4.1 COVID-19 SITUATIONAL UPDATE AND DIRECTION TO DIRECTOR OF EMERGENCY SERVICES ON RELEVANT ACTION ITEMS

Melissa Haley, Deputy City Manager, and Brian King, Deputy Director of Human Resources and Innovation, presented the staff report and responded to questions.

City Council discussion included: requesting clarification on the local emergency declaration powers; questioned whether the existing two executive orders could be continued if the local emergency declaration was lifted; inquired about the trend of COVID-19 cases over the last two weeks; questioned the impacts of removing the local emergency; and inquired about the vaccination rate among City employees.

Jeff Melching, City Attorney, noted if the local emergency declaration was lifted, the two executive orders could be adopted by urgency ordinance.

There were no requests to speak.

ACTION: Moved by Councilmember Kuo, seconded by Councilmember Carroll, to:

- 1) Direct staff to return to the City Council on October 26, 2021 with a resolution rescinding the local emergency.
- 2) Direct staff to return to the City Council on October 26, 2021 with an urgency ordinance that would encapsulate the two executive orders for a 45-day period a) requiring visitors to wear face coverings in City facilities; and b) requiring proof of vaccination for participation in the City's in-person congregate meal program located in City facilities.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Carroll, and Kuo

NOES: 2 COUNCILMEMBERS: Kim and Khan

ABSENT: 0 COUNCILMEMBERS: None

4.2 APPROVAL OF PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS FOR THE TURTLE ROCK COMMUNITY PARK PARKING LOT REHABILITATION PROJECT

Steven Carrillo, Manager of Engineering/City Engineer, presented the staff report.

Priya Shrivastava, Irvine resident, suggested replacing the trees in the community center parking lot.

There was no City Council discussion.

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

- 1) Approve the plans, specifications, and contract documents for the Turtle Rock Community Park Parking Lot Rehabilitation Project 362008, 362102, and 362005.
- 2) Approve the Engineer’s Estimate, Construction Contingency, and Funding Summary.
- 3) Authorize staff to solicit competitive bids and award the construction contract to the lowest responsive and responsible bidder in accordance with the City’s purchasing policies and procedures, within the approved project budget.
- 4) Authorize staff to execute project specific Addendum to the Master Reimbursement Agreement with Irvine Ranch Water District for adjustment of water valves within the project area.

4.3 2020 GENERAL PLAN ANNUAL PROGRESS REPORT

Justin Equina, Senior Planner, presented the staff report and responded to questions.

There was no City Council discussion.

There were no requests to speak.

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

Authorize submission of the 2020 General Plan Annual Progress Report to the Governor's Office of Planning and Research; filed by the City of Irvine Community Development Department.

4.4 STRATEGIES TO ENCOURAGE WORKFORCE HOUSING

Lisa Varon, Housing Manager, and Kerwin Lau, Manager of Planning Services, presented the staff report and responded to questions.

City Council discussion included: requesting clarification of the goals of workforce housing; expressed concern that the City fell short on housing programs for mid-income professionals; inquired about funding opportunities available for workforce housing; expressed concern about attracting new economic development opportunities if workforce housing did not exist; noted high rental costs in the City; suggested partnering with the Orange County Business Council to advocate housing and workforce development; inquired about options the City had to promote local preference for workforce housing; and noted developer commitments for additive housing, and suggested that staff follow-up with the developer on the status of those units.

Jeff Melching, City Attorney, noted that some challenges and limitations were identified with respect to local preference, and his office would work with staff to update those guidelines.

Boris Gresely and John Hanna spoke in support of workforce housing and living wages for construction workers.

ACTION: Moved by Vice Mayor Kim, seconded by Mayor Khan, and unanimously carried to:

Direct staff to return to the City Council with tangible action items to assist with workforce housing, which includes funding sources, collaboration with outside agencies, and researching how the City could keep its employees working and living in the City of Irvine.

4.5 CONSIDERATION OF A REQUEST BY MAYOR KHAN AND VICE MAYOR KIM TO DISCUSS COMMUNITY FACILITIES DISTRICTS IN GREAT PARK NEIGHBORHOODS

This item was agendaized at the request of Mayor Khan and Vice Mayor Kim, who requested City Council discussion related to community facilities districts (CFD) in Great Park Neighborhoods.

Jeff Melching, City Attorney, presented the staff report and responded to questions.

City Council discussion included: suggesting greater involvement by Great Park Neighborhood residents in projects of interest; questioned whether disclosures could be required on housing previously approved and under construction; inquired about why these types of CFD disclosures were not provided by Irvine Company; questioned the notation of perpetuity of taxes on the disclosures; inquired about Great Park Neighborhoods voters and the number of votes per property; suggested the disclosures be reformatted with respect to Great Park funding; questioned whether the disclosures would be for any new and resale homes; inquired about whether residency status would be a conflict in voting for CFD removal; suggested disclosures be provided in multiple languages; questioned whether new homes under construction fall under the CFD tax and same expiration date as existing homes; inquired about whether the City Council could eliminate the CFD taxes for future developments; and suggested that the City advise future homeowners of the opportunity to vote out the tax upon expiration.

Harvey Liss, Irvine resident, expressed concern about infrastructure, and who determines whether costs are paid through the Great Park CFD or the developer.

ACTION: Moved by Mayor Khan, seconded by Vice Mayor Kim, and unanimously carried to:

- 1) Direct staff to develop a plan to conduct outreach to Great Park Neighborhoods residents about Community Facilities District funded features that residents would like to see built and to prioritize those features and return to the City Council at the October 26, 2021 meeting for approval.
- 2) Direct staff to return to the City Council with an ordinance on disclosures related to Community Facilities District in the Great Park Neighborhoods at its October 26, 2021 meeting.

4.6 CONSIDERATION OF A REQUEST BY MAYOR KHAN AND COUNCILMEMBER CARROLL TO DISCUSS COMMERCIAL TRUCKS USING CITY OF IRVINE ROADS

This item was agendaized at the request of Mayor Khan and Councilmember Carroll, who expressed concern about commercial trucks using City of Irvine roads.

Jeff Melching, City Attorney, presented the staff report and responded to questions.

City Council discussion included: questioning whether a separate City policy existed that exempts garbage trucks in neighborhoods; inquired about the Air Quality Management District's (AQMD) ability to regulate truck coverings based on the California Vehicle Code; questioned why the City must permit a commercial truck to enter the City of Irvine; inquired about available options, if any, to restrict asphalt trucks from using the public right-of-way; questioned whether parking restrictions for commercial trucks could be included in an ordinance; inquired about whether the City had the authority to designate truck routes; questioned whether Code Enforcement could monitor the loading and unloading of trucks; inquired about setting up a viable check-point; suggested a Code Enforcement hotline be established; inquired about a complaint process on behalf of Irvine residents to AQMD; and questioned whether the City could restrict or regulate specific chemicals.

The following individuals spoke in opposition to emissions generated from commercial trucks using City of Irvine roads:

- 1) Tom Hazard, Irvine resident
- 2) Lesley Tan, Irvine resident
- 3) Kim Konte, Irvine resident
- 4) Priya Shrivastava, Irvine resident

Harvey Liss, Irvine resident, spoke in support of mandatory routes for covered commercial trucks.

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

- 1) Review and expand restricted routes that would include parking restrictions for commercial vehicles.
- 2) Direct staff to return to the City Council with an ordinance on disclosures, including new sale, resale, and rental homes.
- 3) Through the settlement agreement, require all commercial trucks to be covered, and set-up a mechanism to enforce ticket violations.
- 4) Prepare a letter on behalf of the City Council to California State Senator David Min seeking assistance with a list of requests related to State legislation to assist the City with this matter, and engage with Townsend Public Affairs to strategize further development.
- 5) Explore the possible relocation of the All American Asphalt plant if the City's options are limited.

ACTION: A friendly amendment was made by Councilmember Agran, to:

- 1) Review and expand restricted routes that would include parking restrictions for commercial vehicles.
- 2) Direct staff to return to the City Council with an ordinance on disclosures, including new sale, resale, and rental homes.
- 3) Through the settlement agreement, require all commercial trucks to be covered, and set-up a mechanism to enforce ticket violations.
- 4) Prepare a letter on behalf of the City Council to California State Senator David Min seeking assistance with a list of requests related to State legislation to assist the City with this matter, and engage with Townsend Public Affairs to strategize further development.
- 5) Explore the possible relocation of the All American Asphalt plant if the City's options are limited.
- 6) Direct the City Attorney to report back to the City Council regarding the efficacy of check points, whether the City could create a hotline for complaints, if the City could be an advocate and file complaints with AQMD on behalf of residents, and whether the City had the ability to target individual chemicals, specifically, benzene, formaldehyde, and other carcinogens.

Following discussion, Mayor Khan amended her motion.

ACTION: Moved by Mayor Khan, seconded by Vice Mayor Kim, and unanimously carried to:

- 1) Review and expand restricted routes that would include parking restrictions for commercial vehicles.
- 2) Direct staff to return to the City Council with an ordinance on disclosures, including new sale, resale, and rental homes.
- 3) Through the settlement agreement, require all commercial trucks to be covered, and set-up a mechanism to enforce ticket violations.
- 4) Prepare a letter on behalf of the City Council to California State Senator David Min seeking assistance with a list of requests related to State legislation to assist the City with this matter, and engage with Townsend Public Affairs to strategize further development.
- 5) Explore the possible relocation of the All American Asphalt plant if the City's options are limited.
- 6) Direct the City Attorney to report back to the City Council regarding the efficacy of check points; and whether the City could create a hotline for complaints, which would include a cost analysis for creating the hotline.

PUBLIC COMMENTS

Bobby MacDonald, on behalf of Orange County Supervisor Donald Wagner, provided an update on the Anaheim Hills Gypsum Canyon cemetery site.

Jane Roschman, Irvine resident, spoke in support of a veteran’s cemetery at the Amended and Restated Development Agreement (ARDA) site and in opposition to the Gypsum Canyon cemetery site.

Alan Meyerson, Irvine resident, spoke in opposition to the City Council Policy requiring concurrence by two Councilmembers to place an item on the agenda.

Steve Berger, Irvine resident, spoke in support of the action taken on the All American Asphalt plant, and in support of a veteran’s memorial park and museum at the ARDA site.

Ed McNew, Irvine resident, spoke in support to a veteran’s cemetery at the ARDA site.

David Lingerfelt, Irvine resident, spoke in opposition to a veteran’s cemetery at the ARDA site.

The following individuals spoke in opposition to the All American Asphalt facility and associated impacts to air quality in their community:

- Trevor Konte, Irvine resident
- Dennis Wu, Irvine resident
- Lesley Tan, Irvine resident
- Priya Shrivastava, Irvine resident

ADJOURNMENT

Moved by Councilmember Kuo, seconded by Councilmember Carroll, and unanimously carried to adjourn the meeting at 11:32 p.m.


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

October 26, 2021