



MINUTES

CITY COUNCIL ADJOURNED REGULAR MEETING

October 11, 2022
City Council Chamber
1 Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

The adjourned regular meeting of the City Council was called to order at 6:03 p.m. on October 11, 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:	Tammy Kim
	Vice Mayor:	Anthony Kuo
	Mayor:	Farrah N. Khan

* Councilmember 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.

PLEDGE OF ALLEGIANCE

Councilmember Kim led the Pledge of Allegiance.

INVOCATION

Bishop Abel Aguilar from Arise Church provided the invocation.

1. PRESENTATIONS

1.1 ***Bob Page, Orange County Registrar of Voters***

Mayor Khan introduced Bob Page, Orange County Registrar of Voters, who provided a brief presentation about the upcoming November General Election and Election security measures.

1.2 ***Federal Legislative Advocate Quarterly Update***

Mayor Khan introduced Laura Morgan-Kessler and Channon Hanna from Carpi & Clay, who provided a federal legislative quarterly update.

1.3 ***Citywide Active Transportation Efforts***

Jaimee Bourgeois, Director of Public Works and Transportation, provided a brief presentation on citywide active transportation efforts.

City Council discussion included: questioning the City's definition of "walkability" and how we can improve; inquired about crosswalk and lighting safety; noted lighting with motion detectors used along the Venta Spur Trail; and inquired about protected bike lanes.

Received and filed.

Following Presentation Item No. 1.3, Mayor Khan noted attendance by members of the Hindu community and reordered the agenda to present the proclamation recognizing October, 2022, as "Hindu Heritage Month (Item No. 2.2, Action Item No. 3)."

2.2 ***Proclaim October 2022, as "Hindu Heritage Month"***

Mayor Khan introduced members from the Hindu community, and presented a proclamation recognizing October 2022, as "Hindu Heritage Month."

The following individuals spoke in support of the proclamation:

Divya Prabha
Mary Cameron
Aarti Chopra

PUBLIC COMMENTS - AGENDIZED ITEMS

Item No. 2.5

Gil Nelsen, Irvine resident, spoke in opposition to the proposed Great Park Framework Plan Implementation Agreement.

Item No. 3.1

Dee Fox, Irvine resident, spoke in opposition to the proposed ordinance establishing an expedited permitting process for electric vehicle charging stations, as well as the existing contracts with CASCO and Noodoe.

Item No. 4.1

Doug Elliott, Irvine resident, spoke in opposition to the proposed one-time reimbursement of Utility Users Tax funds to local taxpayers.

Item No. 4.2

Joe Rangal, Union Local 12, spoke in support of the proposed approach and settlement agreement with All American Asphalt.

The following individuals spoke in opposition:

- Lesley Tan, Irvine resident
- Emma Zhang, Irvine resident
- Zeyi Liu, Irvine resident
- Brian Yu, Irvine resident
- Leo Liao, Irvine resident
- Katherine Liao, Irvine resident
- Marissa Wang, Irvine resident
- Soha Alchabaoun, Irvine resident
- Dennis Lo, Irvine resident
- Jack Wakeham, Irvine resident
- Sharon Pan, Irvine resident
- Lina Chu, Irvine resident
- Caden Carpenter, Irvine resident
- David Yang, Irvine resident
- Helen He, Irvine resident
- Tom Hazard, Irvine resident

- Preya Shrivastava, Irvine resident
- Gil Nelsen, Irvine resident
- Rana, Irvine resident
- Doug Elliott, Irvine resident
- Joe Rangel, Irvine resident
- Chithy, Irvine resident
- Ayisha, Irvine resident
- Branda Lin, Irvine resident
- Dee Fox, Irvine resident
- James Konte
- Kim Konte

Item No. 4.3

J.R. Owens spoke in support of membership in the Orange County Housing Finance Trust.

Dee Fox, Irvine resident, spoke in opposition.

PUBLIC COMMENTS – NON-AGENDIZED ITEMS

Mary Cameron and Aarti Chopra spoke in opposition to the appointment of James Mai to the Irvine Child Care Committee and hate incidents against the Hindu community.

Gil Nelsen, Irvine resident, noted a recent incident between Mayor Khan and an individual related to the installation of political signs in Woodbridge.

Jay O'Sea, representing Central Planning, spoke in support of City spending for purposes of planning and carbon neutrality, and expressed his appreciation to the City Council for its efforts.

Doug Elliott, Irvine resident, spoke in opposition to certain political mailers in opposition to Councilmember Agran and its funding source.

Dee Fox, Irvine resident, spoke in opposition to political advertisements from Mayor Khan.

Branda Lin, Irvine resident, spoke in support of prohibiting the use of cell phones and other electronic devices at the dais during City Council meetings.

Sean (949-***-*835), Irvine resident, spoke in opposition to comments by Mary Cameron, or Bettina, against James Mai.

Tiffany I, Irvine resident, spoke in support of open and honest political advertisements.

CITY MANAGER REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTSMayor Khan

- Claire Chong, Jeffrey Trail Middle School student, was recognized by Mayor Khan for “plogging,” or picking up litter in her community while walking or jogging. She also separates litter by landfill, recyclables, and cigarettes for proper disposal. Both she and her mother document photos of the trash collected for posting on Instagram. Claire hopes to encourage others to care for their communities as well. To learn more about Claire’s plogging journey, visit her Instagram page at [plogger_usa](#).
- Members of the community are invited to join Mayor Khan on Saturday, October 15 from 9 to 11 a.m. to participate in the Walk for Global Hope to help end childhood marriage and human trafficking. For information, visit [globalhope365.org](#).
- At the September 27 City Council meeting, several hotel workers spoke about threats and harassment they face. Mayor Khan had the opportunity to speak with industry leaders who have responded to the situation. Several letters have been received by many hotels in the City, noting that emergency panic devices have been distributed to all guest-facing staff and additional on-site security has been implemented. In addition, industry leaders are interested in holding discussions with Irvine Police Department for additional support and training.
- The City has launched the South Yale Corridor Improvements Project to evaluate how Yale Avenue between the 405 Freeway and University Drive can better serve the needs of the community. Community input is an essential part of the project, and the City want to hear from residents to ensure project concepts align with residents’ needs. A brief, anonymous survey has launched that will be open through November 4. An in-person community workshop will also be held to share information about the project and gather input on Saturday, October 22 between 11 a.m. and 2 p.m. at University Community Center. For information and to take the survey, visit [cityofirvine.org/sharestheway](#).
- All registered voters will begin receiving vote-by-mail ballots this week for the upcoming General Election on November 8. There are several ways to cast a ballot, including at a Vote Center, a ballot drop box, or by mail. Two Vote Centers will open in Irvine on Saturday, October 29 at City Hall (which also includes a drive-thru ballot drop-off option), and Los Olivos Community Center. Twelve additional Vote Centers will open Saturday, November 5. In lieu of voting in person, voters can drop off their completed ballots at a secured ballot drop box in Orange County, with ten locations in Irvine, or any U.S. mailbox. For information on voting options, Vote Center locations, and additional Election resources, visit [cityofirvien.org/election](#) or [ocvote.gov](#).

- The community is invited to dress in their spooky-best and visit the William J. Woollett Jr. Aquatics Center to celebrate Halloween during the Monster Splash event on Saturday, October 15. In addition to trick-or-treating around the pool decks, a floating pumpkin patch and decorating station will be available. Swimming in the heated pool and a walk through of the floating obstacle course will also be available, along with bounce houses and food for purchase. Registration is required. For information, visit cityofirvine.org/monstersplash.
- The Fair Housing Foundation, a non-profit partner of the City dedicated to eliminating housing discrimination and promoting equal access to housing, is hosting a free workshop on Wednesday, October 26 from 2:30 – 4:30 p.m. at Lakeview Senior Center. The workshop is open to tenants, landlords, managers, property owners, and other interested parties. The workshop will have a focus on senior renters and will cover information on COVID-19, new state and federal housing laws, eviction processes, rent increases, housing discrimination, and more. For information about the workshop and to register, visit FHFA.org and click on Events and Trainings, or call 800-446-3247.
- The City of Irvine continues to be recognized as one of the best places to live. Irvine was recently voted “Best City to Live in” for the seventh consecutive year by The Orange County Register readers. In addition, the Great Park Farmers Market and FivePoint Amphitheatre were among more than 50 Irvine businesses featured in the Register’s 29th annual Best of Orange County publication, an insider’s guide to residents’ favorite places to go and things to do. Irvine was also ranked 13th on Money’s “50 Best Places to Live in the U.S.,” which explores economic opportunities, quality of life, diversity, and where the best futures lie. Irvine is home to 23,000 businesses and 275,000 jobs across a wide variety of industries. Schools, public safety, recreation programs, parks and trails, dining and shopping, and diversity all provide an unmatched quality of life.

Vice Mayor Kuo

- Vice Mayor Kuo expressed his appreciation to staff and the many volunteers for another successful 21st Annual Irvine Global Village Festival event at Great Park.
- Vice Mayor Kuo also expressed his appreciation to the Irvine Jesus Christ of Latter Day Saints, as well as Portola High’s Water Polo Team, for allowing him and his staff to join in serving at the Double R Ranch in an unincorporated area of Orange County as part of a service project associated with the Orange County Rescue Mission.
- Members of the community are invited to Orange County Fire Authority (OCFA) Fire Stations 4 (California Avenue near UC Irvine), 26 (El Camino Real – Walnut/Yale), 27 (Portola Springs), and 36 (Woodbridge – East Yale Loop) on Saturday, October 15 from 9 a.m. to noon, 9-12 for the annual Open House events.

Councilmember Kim

- Councilmember Kim also expressed her appreciation to staff and the many volunteers for another successful 21st Annual Irvine Global Village Festival event at Great Park.
- Children ages 4 through 12 are invited to participate in a reading challenge hosted by the Orange County Public Library System and In n Out Burger. Children who read five books will be receive a Certificate of Achievement, which can be presented at any In n Out Burger location for a free hamburger or cheeseburger.

ADDITIONS AND DELETIONS

City Manager Chi noted staff's request for continuance on Public Hearing Item No. 3.1 (Ordinance Establishing an Expedited Permitting Process for Electric Vehicle Charging Stations).

2. CONSENT CALENDAR

Moved by Vice Mayor Kuo, seconded by Councilmember Kim, and unanimously carried to approve City Council Consent Calendar Item Nos. 2.1 through 2.8, with the exception of Item No. 2.5, which was removed for separate discussion.

2.1 MINUTES

ACTION:

- 1) Approved the minutes of a special meeting of the Irvine City Council held on September 13, 2022.
- 2) Approved the minutes of an adjourned regular meeting of the Irvine City Council held on September 13, 2022.

2.2 PROCLAMATIONS

ACTION:

- 1) Proclaimed September 15 - October 15, 2022, as "National Hispanic Heritage Month."
- 2) Proclaimed October 2022, as "Filipino American History Month."
- 3) Proclaimed October 2022, as "Hindu Heritage Month."

2.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 22-77 - 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

2.4 FINDINGS ALLOWING FOR REMOTE PARTICIPATION IN PUBLIC MEETINGS (ASSEMBLY BILL 361)

ACTION:

Declared that the findings made in RESOLUTION NO. 21-68 - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, MAKING FINDINGS NECESSARY FOR REMOTE PARTICIPATION IN PUBLIC MEETINGS OF LEGISLATIVE BODIES OF THE CITY OF IRVINE, AS AUTHORIZED BY ASSEMBLY BILL 361" remained valid and applicable, so as to allow for remote participation in public meetings for the next 30 days.

2.5 CONSIDERATION OF GREAT PARK FRAMEWORK PLAN IMPLEMENTATION AGREEMENT

This item was removed from the Consent Calendar for separate discussion at the request of Councilmember Agran, who noted opposition and dissenting vote at the Great Park Board meeting earlier in the day; and noted his prior request for a continuance of the item to a later date.

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

- 1) Approve the Great Park Framework Plan Implementation Agreement, subject to corrections and revisions approved by the City Manager, and authorize the City Manager to execute upon finalization. **(Contract No. 11516)**
- 2) Direct the preparation of a Resolution of Intention and associated exhibits for the formation on an overlay community facilities district as envisioned in the Great Park Framework Plan Implementation Agreement.
- 3) Authorize the City Manager to take such steps as are necessary to implement the Great Park Framework Plan Implementing Agreement.

The motion carried as follows:

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

2.6 NOTICE OF REVIEW FOR A TRACT MAP IN PLANNING AREA 51

ACTION:
Received and filed.

2.7 MEASURE M2 COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM GRANT APPLICATIONS

ACTION:
Adopted RESOLUTION NO. 22-78 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE SUBMITTAL OF GRANT APPLICATIONS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAMS

2.8 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Councilmember Carroll's request for Community Partnership Fund Grant Nominations to the following organizations in support of program costs:
 - a) Irvine Historical Society (\$5,000) (Contract No. 11517)
 - b) Families Forward (\$1,250) (Contract No. 11518)
 - c) South Coast Chinese Cultural Association (\$1,250) (Contract No. 11519)
- 2) Authorized the City Manager to prepare and sign funding agreements for individual awards of a \$1,000 or more.

3. PUBLIC HEARINGS

3.1 ORDINANCE ESTABLISHING AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

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

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

Continue the public hearing to October 25, 2022, at 5 p.m. or soon thereafter.

4. COUNCIL BUSINESS

4.1 OPTIONS ON THE USE OF SURPLUS DOLLARS TO FUND A ONE-TIME REIMBURSEMENT OF UTILITY USERS TAX FUNDS TO LOCAL TAXPAYERS

Oliver Chi, City Manager, presented the staff report and responded to questions.

City Council discussion included: questioning whether the proposed reimbursement only applied to businesses; suggested the same refund to all recipients; inquired about the approximate allocation per business; expressed concern about businesses leasing executive suites who may not be eligible for a reimbursement; questioned whether staff would be reporting back to the City Council on program implementation; inquired about a budget adjustment and what would ensue if a budget adjustment was not approved at a subsequent City Council meeting; suggested that program implementation be kept simple; and inquired about administrative costs to implement the program.

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

- 1) Establish a reimbursement process to reimburse Irvine based businesses the amount of Utility User's Tax (UUT) that was paid to the City in Fiscal Year 2021-22, with the total reimbursement estimated to be \$4.7 million.
- 2) Direct staff to develop program guidelines and return to the City Council with a budget adjustment allocating \$4.7 million from General Fund Reserves for approval within 30 days.

Following discussion, Vice Mayor Kuo amended his motion.

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

- 1) Establish a reimbursement process to reimburse Irvine based businesses the amount of Utility User's Tax (UUT) that was paid to the City in Fiscal Year 2021-22, with the total reimbursement estimated to be \$4.7 million.
- 2) Approve a budget adjustment in the amount of \$4.7 million from General Fund Reserves for program reimbursement, and an additional amount not-to-exceed \$50,000 from the General Fund for administrative costs to implement the reimbursement program.

4.2 ALL AMERICAN ASPHALT APPROACH AND SETTLEMENT AGREEMENT

Oliver Chi, City Manager; Pete Carmichael, Executive Director, Great Park; and Jeff Melching, City Attorney, presented the staff report and responded to questions.

City Council discussion included: inquiring about when the report on additional mitigation options by the City's expert would be available; questioning whether enclosure of the plant was a consideration; inquired about whether resident groups were involved in discussions, and if so, why so much disagreement has ensued by residents; questioned who developed the proposed settlement agreement; inquired about cost estimates; questioned whether a potential correlation between the All American Asphalt (AAA) plant and cancer cases had been explored; noted the balance between public health and jobs; suggested that AAA workers be part of a settlement agreement; discussed additional options such as condemnation and pursuing the existing lawsuit; inquired about whether all three options could be pursued at once; noted the merit of the existing lawsuit and questioned why the trial date was continued to May 2023; suggested including Irvine Company in discussions for cost recovery; suggested the removal of the "with prejudice" provision of the proposed settlement agreement; suggested the creation of a gateway, conference and training center, extension of Jeffrey Road, and open space if condemnation was approved; inquired about the arbitration process and associated timeline; questioned the status of obtaining special independent counsel; inquired about the role of special independent counsel, and suggested it review all three approaches and report back to the City Council by the first meeting in December.

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

- 1) Tighten up the settlement agreement.
- 2) Complete the engagement of special counsel and have it review the overall strategy and the settlement agreement.

Following discussion, Councilmember Kim amended her motion.

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

- 1) Tighten up the settlement agreement.
- 2) Complete the engagement of special counsel and have it review the overall strategy and the settlement agreement.
- 3) Direct staff to return to the City Council as soon as possible but no later than December 13, 2022.

4.3 CITY OF IRVINE MEMBERSHIP IN THE ORANGE COUNTY HOUSING FINANCE TRUST, A JOINT POWERS AUTHORITY

Lisa Varon, Manager of Housing, presented the staff report and responded to questions. Tim Gehrich, Director of Community Development, and Adam Eliason, Manager, Orange County Housing Finance Trust (OCHFT), were also available for questions.

City Council discussion included: noting availability of federal and state funds available for affordable housing opportunities; inquired about how membership and available funding would impact the Irvine Community Land Trust (ICLT); questioned whether existing development partners could also access these funds; noted the need to create solutions for middle income families; inquired about whether funds were restricted to low and very-low income housing units; questioned whether the City's seat on the Board of Directors would be held in perpetuity; inquired about whether additional housing trusts existed in Orange County; inquired about potential benefits between now and June when a seat on the Board would become available; questioned whether the ICLT supported the City's membership; inquired about potential reasons why the City should not join the OCHFT; and questioned what types of penalties could ensue if the City chose to end its membership at any point in the future.

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

- 1) Adopt RESOLUTION NO. 22-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING, AUTHORIZING AND DIRECTING CITY EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT RELATING TO MEMBERSHIP IN THE ORANGE COUNTY HOUSING FINANCE TRUST
- 2) Authorize the Mayor to execute the Orange County Housing Finance Trust Joint Exercise of Powers Agreement. **(Contract No. 11520)**

ADJOURNMENT

Moved by Vice Mayor Kuo, seconded by Councilmember Kim, and unanimously carried to adjourn the City Council meeting at 10:19 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

November 8, 2022