



MINUTES

CITY COUNCIL SPECIAL MEETING

October 16, 2020
City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

The special meeting of the Irvine City Council was called to order at 3 p.m. on October 16, 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

** arrived at 3:04 p.m. via teleconference

Prior to convening the meeting to Closed Session, 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.

Mayor Shea also noted that the first order of business must be to address compliance with the Sunshine Ordinance, which requires five days prior notice of a special meeting; however, if two-thirds (2/3) of the Councilmembers present agreed that there would be substantial impact that would occur if the meeting were delayed, the special meeting could proceed.

ACTION: Moved by Mayor Shea, seconded by Councilmember Fox, and unanimously carried by a roll call vote to:

Approve the finding presented by Mayor Shea to hold a special meeting.

1. CLOSED SESSION

City Attorney Melching announced Closed Session Item Nos. 1.1 and 1.2.

1.1 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1): one case - City of Irvine vs. All American Asphalt, Orange County Superior Court Case No. 30-2020-01153015-CU-MC-CJC**

Molly Perry, City Clerk, noted there were a voluminous amount of e-comments received for this item and would read the e-comments aloud that had been received in the past two hours. All e-comments are retained in the permanent record of the meeting.

The following individuals expressed opposition to the continued operation of All American Asphalt in their community:

- Lesley Tan, Irvine resident
- Jia Liu, Irvine resident
- Zhuyi Wang, Irvine resident
- Ming Su, Irvine resident

1.2 **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant Exposure to Litigation (Gov. Code Section 54956.9): One Case**

Molly Perry, City Clerk, noted there were a voluminous amount of e-comments received for this item and would read the e-comments aloud that had been received in the past two hours. All e-comments are retained in the permanent record of the meeting.

The following individuals expressed opposition to the continued operation of All American Asphalt in their community:

- Lesley Tan, Irvine resident
- Ming Su, Irvine resident

RECESS

Mayor Shea recessed the City Council meeting to Closed Session at 3:20 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Shea reconvened the City Council meeting at 3:43 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

2. CITY COUNCIL BUSINESS

2.1 DISCUSSION AND DIRECTION REGARDING ILLEGAL ACTIVITIES AT ALL AMERICAN ASPHALT FACILITY

Mayor Shea provided introductory comments and that All American Asphalt (AAA) continued to be a growing immediate concern. Additional concerns included the lack of governance by the Air Quality Management District (AQMD); the facility had been permitted by the County of Orange in the early 1990's; the City's filing of a lawsuit; a letter had been sent to residents in an effort to explain actions being taken on this matter; the City had learned that AAA did not have the permits to operate two portions of its plant; and explained that the Police Chief, through the Irvine Municipal Code, had the authority to revoke a business license and requested of her colleagues to initiate the business license revocation process.

City Attorney Melching explained the business license revocation process.

Councilmember discussion included: reviewing historical concerns related to AAA; inquired about whether AAA was continuing manufacturing without a proper permit; questioned whether AAA would cease operations; inquired about the authority that would continue air monitoring; noted that the City does not own the land, and did not have the historical records, provide the permits, or manage air quality; inquired about whether the City was working with the University of California, Irvine, (UCI) on air quality; and questioned steps being taken by staff to proceed with testing of air quality.

Pete Carmichael, Director of Community Development, noted that a consultant would verify compliance by AAA, who would also conduct air sampling; and that staff would reach out to the University of California, Irvine (UCI) to assist in this matter.

Molly Perry, City Clerk, noted there were a voluminous amount of e-comments received for this item and would read the e-comments aloud that had been received in the past two hours. All e-comments are retained in the permanent record of the meeting.

The following individuals expressed opposition to the continued operation of All American Asphalt in their community:

- John Lien, Irvine resident
- Christina Lien, Irvine resident
- Joannie Sun, MD, Irvine resident
- Kevin Lien, MD, Irvine resident
- Ming Su, Irvine resident
- Jia Liu, Irvine resident

ACTION: Moved by Mayor Shea, seconded by Councilmember Fox, and unanimously carried by a roll call vote to:

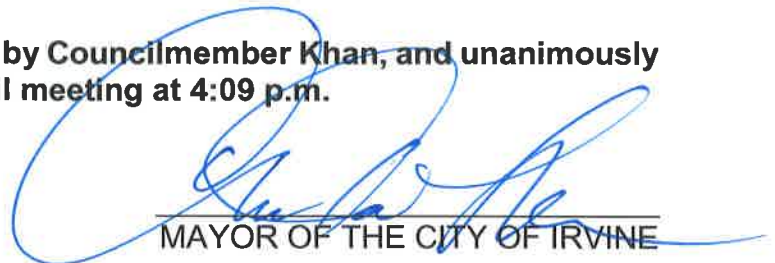
- 1) Direct the Police Chief to initiate the process for revoking All American Asphalt's business license, and that the process be completed as quickly as possible; and
- 2) Direct staff to determine whether a basis exists to initiate the process for revoking All American Asphalt's land use permit and, if so, initiate that process as well.

ADJOURNMENT

Moved by Councilmember Fox, seconded by Councilmember Khan, and unanimously carried to adjourn the special City Council meeting at 4:09 p.m.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

November 10, 2020