



MINUTES

CITY COUNCIL REGULAR MEETING

August 11, 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 4:02 p.m. on August 11, 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

Prior to convening 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 and uploaded to the City's website. 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

City Attorney Melching announced the following Closed Session items:

- 1.1 THREAT TO PUBLIC SERVICES OR FACILITIES (Gov. Code Section 54957): Consultation with Chief of Police and City Attorney (COVID-19)**
- 1.2 PUBLIC EMPLOYEE APPOINTMENT: Government Code Section 54957 - Title: Interim City Manager**
- 1.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant Exposure to Litigation (Gov. Code Section 54956.9): One Case**

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

Item 1.1:

- Anonymous Resident, who expressed support for remaining vigilant and careful with decisions related to COVID-19 matters, and ensuring that the state and County do not reallocate or request a return of the City's CARES Act funding due to negligence to protect the community.

Item 1.2:

- Tony Corona, Allen Levy, and Anonymous Resident, who expressed support for appointing Marianna Marysheva as the Interim City Manager.

RECESS

Mayor Shea recessed the City Council meeting to Closed Session at 4:09 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Shea reconvened the City Council meeting at 5:40 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Vice Mayor Carroll led the Pledge of Allegiance.

INVOCATION

Pastor Jason Aguilar from Resound Church in Irvine provided the invocation.

2. CITY COUNCIL RECOGNITIONS

2.1 * Moved to Item 3.3

2.2 Wall of Recognition Honorees

Mayor Shea, Vice Mayor Carroll, and Councilmembers Fox, Khan, and Kuo recognized the City of Irvine's 2019-20 Wall of Recognition Honorees, and expressed their appreciation for their contributions to the community. Mayor Shea also recognized Vice Mayor Carroll, Councilmembers Khan and Kuo, and City Manager Russo as Perpetual Plaque Honorees, noting that she and Councilmember Fox had also been previously honored with such plaques.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Shea made the following announcements:

- Approximately 70 percent of residents have completed the 2020 Census. The deadline to complete the Census is September 30, 2020. Census takers are following up with households that have not yet responded and can be identified by a valid government identification badge that includes a photo, a U.S. Department of Commerce watermark, and an expiration date. For every resident not counted, funding is lost for schools, healthcare, emergency preparedness and response, programs for children and seniors, roads, parks, and much more. To complete the Census, visit my2020Census.gov, call 844-330-2020, or mail in the form.
- The 2020 National Mayor's Challenge for Water Conservation is underway, and community members are invited to join the Mayor in pledging to conserve water and other natural resources. This annual challenge, sponsored by the Wyland Foundation in Irvine, is a friendly competition among cities to see which can be the most water wise. Residents and businesses can join the competition taking place through August 31 by pledging to conserve water and other resources at mywaterpledge.com. The cities in each population category with the most pledges will win the competition. For information, visit cityofirvine.org.

- The County of Orange launched a new COVID-19 Safe Restaurant Campaign last week supporting restaurants that follow California Department of Public Health guidance to keep employees and customers safe. Through SafeDineOC, restaurant owners can apply for a \$1,000 grant for taking steps to create a COVID-safe environment. The grant will reimburse restaurants for purchases such as personal protective equipment including face masks, cleaning products, employee training, and costs for physical distancing of tables and chairs. Owners can apply for multiple grants for each location in Orange County. Restaurants that apply and are approved will be added to a list of COVID-safe eateries that will be available to consumers on the SafeDineOC website. The application period for the grant program began August 6 and ends 60 days following that date or whenever funding is fully allocated, whichever occurs first. For information about the program or to apply, visit safedineoc.com.
- On Saturday, August 8, Mayor Shea, along with Councilmembers Khan and Kuo, were at the Irvine Civic Center helping to distribute 120,000 masks to community members. Approximately 2,400 cars drove through the event with each car receiving a box of 50 disposable masks. The event was an opportunity to safeguard the health and safety of residents, made possible by private partner FivePoint.

Councilmember Fox, as the City Council's liaison to the Irvine Child Care Project, noted concerns about the loss of childcare opportunities in the City due to COVID-19 and the associated loss in revenue faced by these organizations.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

ACTION: Moved by Vice Mayor Carroll, seconded by Councilmember Kuo, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.7, with the exception of Item No. 3.3, which was removed for separate discussion.

3.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on July 14, 2020.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 20-67 - 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

3.3 PROCLAMATIONS/COMMENDATIONS

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

- Cherry Lai, who noted that a proclamation was nothing but empty words unless followed up by real actions, which the City had not put into practice based on proclamations issued in the past.
- Allen Levy, who expressed opposition to the commendation for FivePoint Communities.

There was no City Council discussion.

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

- 1) In recognition of the 400 Years of African American History Commission.
- 2) Commend FivePoint Holdings, LLC, on its One Million Face Masks Donation.

3.4 2019 GENERAL PLAN ANNUAL PROGRESS REPORT

ACTION:

Authorized submission of the 2019 General Plan Annual Progress Report to the Governor's Office of Planning and Research; filed by the City of Irvine Community Development Department.

3.5 APPROVAL OF PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS FOR BARRANCA PARKWAY PAVEMENT REHABILITATION

ACTION:

- 1) Approved the construction plans, specifications, and contract documents for the Barranca Parkway Pavement Rehabilitation, CIP 311509.

- 2) Approved the Engineer's Estimate, Construction Contingency, and Project Funding Summary.
- 3) Authorized staff to solicit competitive bids and award the construction contract to the lowest responsive and responsible bidder in accordance with the City's financial policies and purchasing procedures, within the approved project budget.
(Contract No. 11145 – IRWD Reimbursement Agreement)

3.6 ACCEPTANCE OF SOUTHERN CALIFORNIA INCENTIVE PROJECT GRANT AND APPROVAL OF SPECIFICATIONS, CONTRACT DOCUMENTS AND FUNDING FOR ELECTRIC VEHICLE CHARGER INSTALLATION AT IRVINE CIVIC CENTER

ACTION:

- 1) Approved the construction specifications and contract documents for Electric Vehicle Charger Installation at Irvine Civic Center Capital Improvement Project, 361908.
- 2) Authorized the Director of Public Works and Transportation to approve and accept a Southern California Incentive Project grant award in the amount of \$140,000.

- 3) Approved a budget adjustment appropriating \$140,000 in Southern California Incentive Project grant funds and \$106,000 of Air Quality Management District AB 2766 funds, to the Electric Vehicle Charger Installation at Irvine Civic Center Capital Improvement Project 361908, for two DC fast chargers at Irvine Civic Center.
- 4) Authorized 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.

3.7 APPROVAL OF PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS FOR BOMMER CANYON COMMUNITY PARK REHABILITATION

ACTION:

- 1) Approved the construction plans, specifications, and contract documents for the Bommer Canyon Community Park Rehabilitation, CIP 371801.
- 2) Approved the Engineer's Estimate, Construction Contingency, and Project Funding Summary.
- 3) Authorized staff to solicit competitive bids and award 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. PUBLIC HEARINGS

4.1 ZONING ORDINANCE UPDATE – ACCESSORY DWELLING UNITS

Mayor Shea noted that staff was requesting that this item be continued to the September 8, 2020, City Council meeting.

There was no City Council discussion.

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

Continue the public hearing to the September 8, 2020, 2020 City Council meeting.

5. COUNCIL BUSINESS

5.1 COVID-19 SITUATIONAL UPDATE AND DIRECTION TO DIRECTOR OF EMERGENCY SERVICES ON RELEVANT ACTION ITEMS, INCLUDING EXTENSION OF CITY ORDERS AND ACCEPTANCE OF STATE CARES FUNDING

Marianna Marysheva, Assistant City Manager, presented the staff report and responded to questions. Mike Hamel, Director of Public Safety/Chief of Police, also provided information on the number of positive cases per capita in the City of Irvine in comparison to surrounding cities and those of similar size.

City Council discussion included: questioning whether staff had reached out to all user groups regarding regulations for outdoor sports activities; noting the strong response by the City of Irvine to the COVID-19 pandemic, including the safe restarting of youth sports, drive-in movies and concerts, the recent drive-through mask giveaway, COVID-19 testing at the Orange County Great Park, Meals on Wheels Program, Rental Assistance Program, and Small Business Grant Program; suggested that efforts made by the community to comply with COVID-19 regulations were working based on the per capita rate of COVID-19 cases; reiterated that the State could withhold CARES Act funding for cities not in compliance; and noted that strike teams inspecting businesses for compliance were represented by the State and not affiliated with the City of Irvine.

Molly Perry, City Clerk, noted that e-comments were received from the following individuals:

- Anonymous Resident, who spoke in support of the early implementation of mask requirements in Irvine, and expressed appreciation to Vice Mayor Carroll and the Irvine resident who assisted in making the Quail Hill Trailhead a safe, alternative one-way trail to help residents socially distance.
- John Smith, who inquired about why the City Manager stated that the \$3 million would be allocated in installments while HUD had stated that all funding had been received.
- Pamela Wykoff, who spoke in opposition to Governor Newsom's order for a public and job shutdown.
- Chelsea Boyle, who spoke in support of cancelling rent during the pandemic and providing more COVID-19 testing.
- Jonathan Beer, who spoke in support of extending all City COVID-19 policies.

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

- 1) Extend all orders and resolutions through at least September 9, 2020.
- 2) Authorize the acceptance of Coronavirus Relief funding in the amount of \$3,478,274 from the State of California for the City of Irvine Rental Assistance Program and COVID-19 related expenditures.
- 3) Approve a Budget Adjustment to increase revenues and expenditures in the amount of \$3,478,274 in Fiscal Year 2020-21.

5.2 DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2020 ANNUAL CONFERENCE

Mayor Shea introduced the item, noting that at the request of the City Clerk, the City Council was asked to appoint a member of the City Council to serve as the voting delegate, and up to two alternates, for the Annual Business Meeting at the League of California Cities 2020 Annual Conference (Conference); and also noted that the Conference would be held virtually this year due to the COVID-19 pandemic.

Mayor Shea expressed interest in serving as the voting delegate, and Councilmember Kuo expressed interest in serving as an alternate.

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

Appoint Mayor Christina Shea as the voting delegate for the Annual Business Meeting at the League of California Cities 2020 Annual Conference.

No action was taken on the motion.

ACTION: Moved by Mayor Shea, seconded by Vice Mayor Carroll, to:

Appoint Councilmember Anthony Kuo as the alternate for the Annual Business Meeting at the League of California Cities 2020 Annual Conference.

No action was taken on the motion.

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

- Anonymous Resident, who expressed support of Councilmember Kuo serving as the voting delegate given that he was the only Councilmember that did not have a term expiring or was not currently running for office; and suggested that Mayor Shea serve as the alternate.
- John Smith, who expressed support of appointing Councilmembers that were elected into their current positions as delegates/alternates, and in opposition to Mayor Shea and Vice Mayor Carroll serving in these capacities.

Following e-comments, Mayor Shea concurred that Councilmember Kuo should serve as the delegate, and suggested that she serve as the alternate.

ACTION: A substitute motion was made by Mayor Shea, seconded by Vice Mayor Carroll, and unanimously carried to:

Appoint Councilmember Anthony Kuo to serve as the voting delegate, and Mayor Christina Shea to serve as the alternate, for the Annual Business Meeting at the League of California Cities 2020 Annual Conference.

5.3 CONSIDERATION OF A REQUEST BY VICE MAYOR CARROLL AND COUNCILMEMBER KUO TO ADOPT A RESOLUTION IN SUPPORT OF HOAG MEMORIAL HOSPITAL PRESBYTERIAN

This item was agendaized at the request of Councilmember Kuo and Vice Mayor Carroll, who asked for City Council consideration to adopt a resolution in support of Hoag Memorial Hospital Presbyterian (Hoag Hospital). Councilmember Kuo provided amended language to the proposed resolution and read the proposed resolution with amendments into the record.

Erik Wexler, Southern California Regional CEO, Providence – St. Joseph Health, spoke in opposition to the proposed resolution.

The following individuals spoke in support of the proposed resolution:

- Robert Braitwaite, Hoag Hospital President and CEO
- Dr. Michael Hurwitz, Chief of Staff, Hoag Hospital
- Dr. Miles Chang, Hoag Hospital
- Dr. Patty Huang, Hoag Hospital

City Council discussion included: expressing concern about the pending litigation and the perception of involving the City in a business dispute; reiterated that the proposed resolution was related to patient care and not about the existing litigation; noted Hoag's continued partnership with the City of Irvine; inquired about the role of the City Council and whether a precedent could ensue for similar disputes in the future; suggested that interested Councilmembers submit letters of support independently; noted the large amount of support by the community in support of Hoag Hospital's request to become independent from Providence – St. Joseph Health; suggested a resolution in support of Hoag Hospital, Kaiser Permanente, and University of California, Irvine Medical Center; and suggested additional revisions to the proposed resolution that reflected the

community's desire for Hoag Hospital seeking independence as opposed to the City Council.

City Attorney Melching noted that adoption of the proposed resolution would not bind the City Council to any future course of action, and that he was not aware of any similar instances in the past; and provided suggested edits to Section 3 of the proposed resolution that would reflect the community's desire for Hoag Hospital's independence.

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

- John Smith, who expressed opposition to the resolution and supporting one hospital over another.
- Anonymous Resident and Allen Levy, who expressed opposition to the resolution based on the item not being a municipal matter and not within the City's jurisdiction.
- Brendan Lloyd, who expressed opposition to the resolution, and expressed concern that the resolution would jeopardize the relationship between Hoag Hospital and Providence St. Joseph Health, which could limit access to healthcare.
- Burak Ozgur, who expressed support of the proposed resolution and Hoag Hospital's independence.
- Michael Gilbert, who expressed opposition to the proposed resolution and urged the City Council to not take sides in the current dispute.
- Barry Ross, who expressed opposition to the proposed resolution and in support of the continued partnership between Hoag Hospital and Providence – St. Joseph Health.

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

Adopt RESOLUTION NO. 20-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, IN SUPPORT OF HOAG MEMORIAL HOSPITAL PRESBYTERIAN **as amended** by Councilmember Kuo, as well as the following amendment to Section 3 as follows:

*“SECTION 3. The City of Irvine believes Hoag to be integral to meet the health care needs of Irvine's ~~residents~~ **community**, **which** ~~and thereby~~ supports Hoag Memorial Hospital Presbyterian in their **its** effort to become independent based on the judgment of Hoag's medical staff and Board that independence serve the best interests of Hoag's patients and the communities Hoag serves.”*

5.4 CONSIDERATION OF A REQUEST BY COUNCILMEMBER KHAN AND COUNCILMEMBER FOX TO ADOPT A RESOLUTION TO END CHILD MARRIAGE

This item was agendaized at the request of Councilmembers Khan and Fox, who asked for City Council consideration to adopt a resolution in opposition to child marriage in California.

City Council discussion included: questioning why the matter had not been considered and dispensed with at the state level; questioned whether calling on the state legislature to enact legislation to end child marriage would be included as part of the City's legislative platform; suggested that California Counties and County Clerk-Recorders, who typically perform marriages, adopt resolutions showing their commitment to end child marriage; and questioned whether adopting the proposed resolution was within the City Council's purview and/or if it would potentially conflict with state law.

City Attorney Melching noted that while the proposed resolution would not modify the City's legislative platform, it did constitute support for specific legislation; and noted that Section 3 could include the addition of California Counties and County Clerk-Recorders.

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

Adopt RESOLUTION NO. 20-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, (1) ANNOUNCING ITS COMMITMENT TO END CHILD MARRIAGE BY CALLING FOR AN "18 NO EXCEPTIONS" LAW; AND (2) AUTHORIZING THE CITY MANAGER AND AUTHORIZED CITY PERSONNEL TO PUBLISH ON THE CITY'S WEBSITE AND SOCIAL MEDIA PLATFORMS NECESSARY INFORMATION PERTAINING TO ENDING CHILD MARRIAGE **as amended** to include revisions to Section 3 as follows:

*"3. The City Council hereby calls on other California municipalities, **California Counties, and County Clerk Recorders** to pass resolutions showing their commitment to end Child Marriage."*

5.5 CONSIDERATION OF A REQUEST BY COUNCILMEMBER FOX AND COUNCILMEMBER KHAN TO DISCUSS PUBLIC PARTICIPATION IN IRVINE CITY COUNCIL MEETINGS DURING SOCIAL DISTANCING

This item was agendaized at the request Councilmembers Fox and Khan, who requested City Council discussion regarding the accessibility of public participation in City Council meetings during the COVID-19 pandemic.

City Council discussion included: suggesting the exploration of additional mechanisms and access for full public participation on all agenda items for City Council and Commission meetings due to the extended closure of City Hall; expressed concern about the limitation of characters with the e-comment feature; reiterated the need to analyze options that maintain the safety of staff and members of the public; suggested researching other cities and their respective mechanisms for public participation at public meetings; expressed concern about ADA compliance; noted the potential for technical difficulties with phone-in options; suggested allowing members of the public an opportunity to provide comments outside the main entrance to City Hall; reiterated that the potential for long meetings should not be a deterrent for providing additional options for public participation; and inquired about whether implementation of certain mechanisms could be temporary until City Hall was reopened.

City Manager Russo expressed concern about certain phone-in options, and suggested that 1) the City Council assume that the closure of City Hall would continue through the end of the calendar year, and 2) whatever system was put into place would most likely be permanent.

Molly Perry, City Clerk, provided a brief summary of the findings of policies and best practices of other neighboring cities to date, and that she, along with the Chief Information Officer, would conduct additional research on options for public participation at City Council and Commission meetings; confirmed instances where e-comments were summarized based on the amount received after consulting with the City Attorney to ensure compliance with open meeting laws; and noted that the following e-comments had been received:

- John Smith, who inquired about whether speaker cards could be submitted to the City Clerk prior to the 2 p.m. deadline for participation via Zoom or WebEx.
- Courtney Echols, Rachel Waymack, Nalya R., and Lizzy H., who expressed support of additional options for public participation, including Zoom.
- Anonymous Resident, who suggested that additional options be limited to the duration of the COVID-19 emergency and reviewed monthly.
- Cherry Lai, who expressed support, noting the limitation of the 500-character of e-comment was too restrictive.
- Justin Fong, who expressed support of increasing the e-comment character limit.
- Jeanie Toscano, who suggested a more democratic process.
- Jack Fancher, who expressed support, noting that reliance on social media by Councilmembers and “ex parte” communications were not acceptable, and expressed opposition to the 500-character limit with e-comment.
- Chelsea Boyle, who suggested phone-in options and an ASL interpreter.
- Jonathan Beer, who expressed support, noting multiple options provided by other cities, and suggested increasing the e-comment character limit.
- Susan Sayre, who spoke in support of robust public participation in the decision making process based on the City’s General Plan, and in support of reading all e-comments aloud.

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

Direct staff to return to the City Council in September with a comprehensive review and program for additional opportunities for public comments at City Council and Commission meetings during the COVID-19 pandemic.

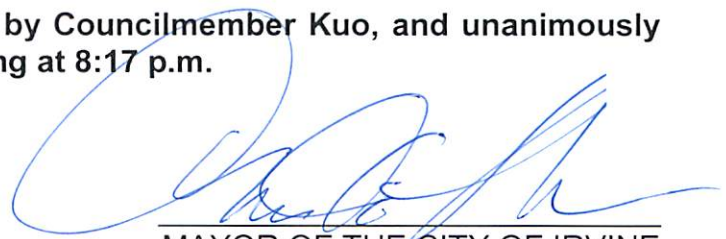
PUBLIC COMMENTS

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

- Steven Greenberg, who expressed opposition to comments made in a local newspaper regarding the lack of leadership concerning COVID-19.
- Jack Fancher, who suggested that the City Council reaffirm to the State that the City of Irvine will provide whichever site that the State chose, either the Amended and Restated Development Agreement (ARDA) or the Golf Course site.
- Chelsea Boyle, who spoke in support of Mayor Shea’s resignation and defunding the police.
- Susan Sayre, who spoke in support of televising Planning Commission meetings to enhance transparency and public participation in the decision-making process.

ADJOURNMENT

Moved by Vice Mayor Carroll, seconded by Councilmember Kuo, and unanimously carried to adjourn the City Council meeting at 8:17 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

September 22, 2020