



# MINUTES

## CITY COUNCIL SPECIAL MEETING

**February 21, 2023**  
**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 6:41 p.m. on February 21, 2023, 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 N. Khan    |

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. COUNCIL BUSINESS**

**1.1 AMPHITHEATER STATUS UPDATE – OVERVIEW OF CURRENT DISCUSSIONS WITH LIVE NATION AND REVIEW OF SMALLER LIVE MUSIC VENUE OPTIONS AT THE GREAT PARK**

Pete Carmichael, Assistant City Manager, presented the staff report and responded to questions. Steve Torelli, Manager of Great Park Administration & Operations, and representatives from Live Nation, were also available for questions.

Prior to City Council discussion, Councilmember Carroll noted the large number of individuals who spoke at the February 14 City Council meeting on this topic, and asked Mayor Khan to consider consolidating public comments in conformance with City Council Policies & Procedures via a representative from each group, to which Mayor Khan suggested that members of the public who wished to speak be limited to five people in favor of a larger live music venue (Option 1), five people in favor of a smaller live music venue (Option 2), and five people who were neutral on the matter. Both Vice Mayor Kim and Councilmember Treseder suggested that all those who wished to speak be allowed to do so.

**ACTION:** Moved by Mayor Khan, seconded by Councilmember Carroll, to:

Consolidate public comments limited to five people in favor of a larger live music venue (Option 1), five people in favor of a smaller live music venue (Option 2), and five people who were neutral on the matter.

Councilmember Agran suggested engaging in one round of City Council deliberations prior to considering public testimony; and Councilmember Carroll noted prior action taken by the City Council on February 14 to continue this item to the February 28 City Council meeting until a special meeting was called by three other members of the City Council.

**ACTION: A substitute motion was made by Councilmember Agran, seconded by Mayor Khan, and unanimously carried to:**

Adopt a procedure for this item to include one round of City Council comments directed at staff and the larger audience, followed by public comments, additional City Council discussion, and a vote on the matter.

City Council discussion included: inquiring about why the subcommittee had not reviewed the redlined version by Live Nation of the Design, Construction, and Operation Agreement (DCOA) that was previously approved by the City Council; inquired about why the City Council was not informed about concerns related to negotiations with Live Nation; questioned the process of hiring a consultant to review a smaller venue; expressed concern about changes to certain features and costs associated with a smaller venue without community input; inquired about when staff responded to the redlined DCOA by Live Nation; questioned the open venue concept; inquired about who typically operates these types of venues; questioned whether venue operators could ensure fair hiring practices, including wages, local hire, and union workers; inquired about whether Patrick Strader (Starpointe Ventures) was involved in any discussions related to the amphitheater; inquired about whether certain amenities would still be included with a smaller venue; noted concerns about a larger and open venue related to noise issues by local residents; noted the fiduciary responsibility to Irvine residents; inquired about parking accommodations for both the larger and smaller venue and whether Live Nation would bear associated costs related to a larger venue; expressed concern about ingress/egress and related air pollution; noted potential noise and traffic concerns; noted the need for additional time to review the redlined DCOA; noted prior action taken by the City Council on September 27, 2022; noted proposed sound/noise mitigation measures; and noted the prior history of Irvine Meadows and its closure.

The following individuals spoke in support of a larger venue (Option 1):

- Austin Lynch, Unite Here Local 11
- Bret Gallagher, Live Nation
- John Hanna, Southern California Regional Carpenters
- Andy Kinnon, Stage Manager, FivePoint Amphitheater
- David Codiga, Live Nation
- Kristin Gruttadauia
- James Parris
- Ana Vega, Irvine resident
- Wing Lam (via video)
- John Hernandez (via video)
- Casey Roryer, Orange County resident
- Tommy Lee (via video)
- Raquel Figlo
- Rick Allen (via video)
- Jeff Holmes, Orange County resident
- Dave Elefson (via video)
- Larry Morgia, Irvine resident
- Ruth Bruno, Irvine resident

- Crazy Tomes
- Brad Marlowe, Local 504
- Martin Rabe, Local 504
- Jarrad Hirschman, Irvine resident
- Byron Brainard
- Joel Block, Orange County resident
- Shane Hirschman
- Daniel Barba
- Rob Britton, NPO Group
- Dave Earick, Local 504
- Marc Boyle, Local 504
- Gregory Cervantes, Local 504
- O'Niel Pavia, Orange County Labor Federation
- Ada Briseño, Unite Here Local 11
- Sam Bowers
- Jose Gonzalez
- Carmen Aragon
- Rick Cutler, Local 504
- Senorina Estrada, Unite Here Local 11
- Betzabe Martinez, Unite Here Local 11
- Elena Hernandez
- Jim Parker
- Scott Baca
- Bill Fagin
- Marlene Bronson, Irvine resident
- David Lingerfelt, Irvine resident
- Florice Hoffman
- Maricela Gomez
- JC Rosales
- Debora Kreimer, Irvine resident
- Parissa, Irvine resident
- Scott, Orange County resident

The following individuals spoke in support of a smaller venue (Option 2):

- Sheldon Duncan, Irvine resident
- Andrew Franceschini, Irvine resident
- Raj Bhatia, Irvine resident
- Alan Meyerson, Irvine resident
- Gil Nelsen, Irvine resident
- John Loper, Irvine resident
- Ed McNew, Irvine resident
- Harvey Liss, Irvine resident
- Camiar Ojadi, Irvine resident

- Daniel Hsu, Irvine resident
- Tom Chomyn, Irvine resident
- Jeremy Ficarola, Irvine resident
- Steve Berger, Irvine resident
- Doug Elliott, Irvine resident
- Ruth Anderson, Irvine resident
- Melisa Masri, Irvine resident
- Kian Falah
- Dee Fox, Irvine resident
- Don Geller, Irvine resident
- Suparna, Irvine resident
- Kris, Irvine resident
- Tiffany Im, Irvine resident
- Max Wang, Irvine resident
- Rus Phanvong

Robert Ruiz, Irvine resident, spoke in support of the Los Angeles Orange County Building and Construction Trades Council and the carpenters for either option.

Susan Sayre, Irvine resident, spoke in opposition to the short notice on the special meeting; in support of Commission/Committee review prior to City Council review; and in opposition to Option 1.

Carlos Juarez, Glendale resident, spoke in support of safety measures for either Option 1 or 2.

John Forsythe, Pacific Symphony, spoke in support of an expanded season and partnership with the venue operator.

Eric Nashanian, Irvine resident, spoke in opposition to Option 2.

Jane Roschmann, Irvine resident, spoke in opposition to Live Nation as the venue operator.

Opshawn Tupleez, Irvine resident, spoke in opposition to an amphitheater at Great Park.

Additional City Council discussion included: noting the need for creative revenue streams; inquired about potential compromises for community shows and noise mitigation; questioned whether Live Nation was negotiating in good faith; expressed concern about additional funding sought by Live Nation; discussed certain proposed changes to provisions in the redlined DCOA; inquired about attracting certain levels of talent and the variety of acts between a smaller and larger venue; suggested further analysis of the redlined DCOA by legal counsel; questioned the City's

overall financial responsibility; inquired about whether additional negotiations would ensue if Option 1 was adopted by the City Council; questioned whether a construction firm would be hired prior to venue design; inquired about the RFP selection process for a construction contractor; expressed concern that this item had not been vetted through the appropriate Commissions and Committees; expressed concern about the potential impacts on quality of life for nearby Irvine residents and the need to balance and protect those interests; suggested ensuring community based programming; inquired about the current seating at FivePoint Amphitheater; whether Live Nation included the costs furniture, fixtures, and equipment (FF&E) in the requested \$20 million; noted the challenges faced by labor union workers to live in Irvine based on affordability; suggested Full control by the City to mitigate sound and traffic concerns; referenced an investigation by the Department of Justice of Live Nation of its practices; and suggested a compromise of 10-13,000 seats including lawn and bleacher seating.

**ACTION:** Moved by Councilmember Carroll, seconded by Mayor Khan, to:

- 1) Proceed with Option 1, and continue negotiations with joint venture partner, Live Nation.
- 2) Direct the City Manager to finalize the plans and the selection of a contractor, with a construction contract to come before the City Council no later than May 10, 2023, built with a construction contract that includes the Los Angeles Orange County Building Trades and Construction Council and the carpenters.

**ACTION:** A substitute motion was made by Councilmember Agran, seconded by Councilmember Treseder, to:

Reject Option 1, and pursue Option 2 as a scaled down amphitheater consisting of 4,500 to 8,000 seats, which would provide for increased City operational control, mitigation of community impacts, and prioritized integration of the amphitheater facility into Great Park.

**ACTION:** A second substitute motion was made by Vice Mayor Kim, seconded by Councilmember Agran, to:

- 1) Pursue an 8,000 seat amphitheater project at Great Park based on the concept plans identified in Option 2.
- 2) Direct the Amphitheater Subcommittee to work with staff within the next 60 days to engage Live Nation in the process of designing and operating the proposed amphitheater project at Great Park with the ability for additional promoters outside of Live Nation to book acts in the amphitheater, and plans to mitigate noise issues.

**ACTION:** A friendly amendment to the second substitute motion was made by Mayor Khan to:

- 1) Pursue Option 1 while addressing the needs from residents, and negotiate to the point that the City Council and residents are satisfied.
- 2) Direct the Amphitheater Subcommittee to work with staff within the next 60 days to engage Live Nation in the process of designing and operating the proposed amphitheater project at Great Park with the ability for additional promoters outside of Live Nation to book acts in the amphitheater, and plans to mitigate noise issues.

The friendly amendment was not accepted by Vice Mayor Kim.

**ACTION:** An amendment to the second substitute motion was made by Vice Mayor Kim, and accepted by Councilmember Agran as the seconder, to:

- 1) Pursue an 8,000 seat amphitheater project at Great Park based on the concept plans identified in Option 2.
- 2) Direct the Amphitheater Subcommittee to work with staff within the next 60 days to engage Live Nation in the process of designing and operating the proposed amphitheater project at Great Park with the ability for additional promoters outside of Live Nation to book acts in the amphitheater, and plans to mitigate noise issues that includes an in-house speaker sound system.

The motion failed as follows:

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

Following the vote on the second substitute motion, a vote was taken on the first substitute motion.

**ACTION:** A substitute motion was made by Councilmember Agran, seconded by Councilmember Treseder, to:

Reject Option 1, and pursue Option 2 as a scaled down amphitheater consisting of 6,000 to 8,000 seats, which would provide for increased City operational control, mitigation of community impacts, and prioritized integration of the amphitheater facility into Great Park.

The motion failed as follows:

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

Following the vote on the first substitute motion, a vote was taken on the main motion.

**ACTION: Moved by Councilmember Carroll, seconded by Mayor Khan, to:**

- 1) Proceed with Option 1, and continue negotiations with joint venture partner, Live Nation.
- 2) Direct the City Manager to finalize the plans and the selection of a contractor, with a construction contract to come before the City Council no later than May 10, 2023, built with a construction contract that includes the Los Angeles Orange County Building Trades and Construction Council and the carpenters.

**The motion carried as follows:**

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

**RECESS**

Mayor Khan recessed the City Council meeting at 12:02 a.m.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Khan reconvened the City Council meeting at 12:20 a.m.

**1. COUNCIL BUSINESS (CONTINUED)**

**1.2 CONSIDERATION OF A REQUEST BY VICE MAYOR KIM TO ESTABLISH AN INDEPENDENT DISTRICTING ADVISORY COMMISSION**

This item was agendized at the request of Vice Mayor Kim, who asked for City Council consideration of an independent districting advisory commission. Dr. Justin Levitt and Dr. Doug Johnson from National Demographics Corporation (NDC) were also available for questions.

The following individuals spoke in support of an independent districting advisory commission:

- Victor Villadares, OC Action
- Kayla Asato

The following individuals spoke in opposition to an independent districting advisory commission as proposed:

- Susan Sayre, Irvine resident
- Alan Meyerson, Irvine resident
- Gil Nelsen, Irvine resident
- Harvey Liss, Irvine resident
- Eric Nashanian, Irvine resident
- Carolyn Inmon, Irvine resident
- Melisa Masri, Irvine resident

City Council discussion included: summarizing the actions taken at the February 7, 2023, meeting of the Council Expansion/Districting Subcommittee; expressed concern about City Council oversight of the proposed advisory committee, and suggested a fully independent committee to maintain public trust; inquired about options for the May 2024 and November 2024 elections; inquired about whether public hearings would be integrated with City Council meetings; suggested that two final maps from the proposed advisory commission would be put before the City Council for a final selection; inquired about whether a ballot measure would consist of two separate questions or be consolidated into a unified measure; questioned who would have the ability to create proposed district maps; inquired about whether more than the required two public hearings could be held; questioned the selection process for commissioners; and inquired about Orange County Registrar of Voters deadlines.

**ACTION:** Moved by Councilmember Carroll, seconded by Councilmember Agran, to:

- 1) Move forward with transitioning/merging what occurred at the February 7, 2023, Council Expansion/Districting Subcommittee meeting back to the City Council, and thereby dissolve the Council Expansion/Districting Subcommittee.
- 2) Direct the City Manager to continue working with National Demographics Corporation (NDC) and the City Attorney.
- 3) Direct staff to return to the City Council within ten (10) days with the preparation of a plan and a timeline of the measures that are anticipated for the March 2024 Election that would expand the City Council to seven (7) members consisting of a Mayor elected at large, and six (6) Councilmembers elected in respective geographic districts as part of a fully transparent process that includes multiple public hearings, organized and publicized, to encourage direct citizen participation in the entire process, with the first public hearing taking place at the April 11, 2023, City Council meeting.

**ACTION:** A substitute motion was made by Vice Mayor Kim, seconded by Councilmember Treseder, to:

Establish and independent districting commission consisting of 13 members who will be free of City Councilmember control in the manner set forth in the draft resolution titled – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ESTABLISHING AN INDEPENDENT DISTRICT ADVISORY COMMISSION

Prior to a vote on the substitute motion, Councilmember Treseder called for the previous question.

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

Call the previous question and close debate.

Following close of debate, a vote was taken on the substitute motion.

**ACTION:** A substitute motion was made by Vice Mayor Kim, seconded by Councilmember Treseder, to:

Establish and independent districting commission consisting of 13 members who will be free of City Councilmember control in the manner set forth in the draft resolution titled – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ESTABLISHING AN INDEPENDENT DISTRICT ADVISORY COMMISSION

The motion failed as follows:

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

Following the vote on the substitute motion, a vote was taken on the main motion.

**ACTION: Moved by Councilmember Carroll, seconded by Councilmember Agran, to:**

- 1) Move forward with transitioning/merging what occurred at the February 7, 2023, Council Expansion/Districting Subcommittee meeting back to the City Council, and thereby dissolve the Council Expansion/Districting Subcommittee.
- 2) Direct the City Manager to continue working with National Demographics Corporation (NDC) and the City Attorney.
- 3) Direct staff to return to the City Council within ten (10) days with the preparation of a plan and a timeline of the measures that are anticipated for the March 2024 Election that would expand the City Council to seven (7) members consisting of a Mayor elected at large, and six (6) Councilmembers elected in respective geographic districts as part of a fully transparent process that includes multiple public hearings, organized and publicized, to encourage direct citizen participation in the entire process, with the first public hearing taking place at the April 11, 2023, City Council meeting.

The motion carried as follows:

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

**ADJOURNMENT**

**Moved by Vice Mayor Kim, seconded by Councilmember Carroll, and unanimously carried to adjourn the special City Council meeting at 1:12 a.m.**

  
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 MAYOR, CITY OF IRVINE

  
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 CITY CLERK OF THE CITY OF IRVINE

\_\_\_\_\_  
 March 28, 2023