



MINUTES

CITY COUNCIL REGULAR MEETING

May 26, 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 4:55 p.m. on May 26, 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

Prior to the Pledge of Allegiance, 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.

PLEDGE OF ALLEGIANCE

Mayor Shea led the Pledge of Allegiance.

INVOCATION

Pastor Graham McGuinness from Woodbridge Community Church in Irvine provided the invocation.

1. CITY COUNCIL RECOGNITION

1.1 *Commend Tanaka Farms for Outstanding Community Service*

Mayor Shea presented, a commendation to Tanaka Farms for contributing to local farmers and donating thousands of pounds of fresh produce to South County Outreach and Irvine's Families Forward. Councilmember Fox also provided a brief history on Tanaka Farms and expressed her appreciation for its outstanding community service.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Khan made the following announcements:

- On Memorial Day, M.T.O. Shahmaghsoudi School of Islamic Sufism Center in Irvine honored veterans by preparing and delivering 600 grocery bags with food items and care packages to the V.A. Center.
- The Smiles Project in Irvine, which has been making cards for seniors, health care workers, and teachers, will now be collecting feminine hygiene products for women in need on Friday, June 5 from 3 to 4 p.m. at Heritage and University Park Libraries. Naturalena Brands, a local business in Irvine that manufactures feminine hygiene products, will also be joining the effort. Monetary donations can be made to the Smiles Project through its Facebook or Instagram pages.
- The Orange County Mosquito and Vector Control District (District) in which Councilmember Khan serves as the City's liaison, recently held its first virtual meeting to discuss services offered by the District.

Councilmember Kuo expressed his appreciation to Mayor Shea for representing the City of Irvine by attending the Orange County Board of Supervisors' meeting earlier in the day; and also expressed his appreciation to Senior Public Safety Assistant Christine Tully, City Manager Russo, Public Safety staff, members of the Irvine Community Emergency

Response Team, and others, who helped assemble and distribute hand sanitizer to over 500 families.

Vice Mayor Carroll announced that Mr. and Mrs. Wing Chow had graciously donated \$200 to the City of Irvine's General Fund to offset the projected \$22 million deficit due to the COVID-19 pandemic, and expressed his appreciation for their thoughtfulness and generosity.

Mayor Shea made the following announcements:

- Noted her attendance at the Orange County Board of Supervisors meeting to advocate for funding for small businesses in Irvine, requesting that the County provide \$75 million in CARES Act funding to support a Business Recovery Grant program as proposed by Supervisors Donald P. Wagner and Michelle Steel. The proposal would have provided direct funding to all Orange County cities to quickly provide much needed funds to small businesses; however, the Board decided to vote in a different direction and created a program to be administered by a third party. Supervisor Wagner stated that he would split funding in the Third District based on population for small businesses. Additional information will be provided later in the week by Supervisor Wagner.
- Irvine's parks have been ranked the best in California and seventh best in the country by the Trust for Public Land. The Trust for Public Land's "ParkScore Index" is the most comprehensive evaluation of park access and quality in the 100 largest cities in America. This year marks the fifth consecutive year that Irvine's park system has ranked among the top ten. Irvine earned perfect scores in park spending per resident and basketball hoops per 10,000 residents, with high marks also earned in community centers and playgrounds. The ParkScore Index noted that 82% of Irvine parks are within a ten-minute walk of each residence, well above the national median of 72%. To find a complete list of City parks, visit cityofirvine.org/parks.
- The community is invited to participate in an "Irvine Neighbors Helping Irvine Neighbors" drive-through food collection event benefitting Families Forward on Saturday, June 6 from 9 a.m. to noon at the Orange County Great Park, Lot 2. Since social distancing measures went into effect in March, Families Forward has served more than 20,000 individuals with its Drive-Thru Food Assistance Program, which would not be possible without support from the community. For information and a list of items that are most in need, visit families-forward.org.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

2. CONSENT CALENDAR

City Clerk Perry noted that Item 2.2 included proclamations that were very important to members of the community, and unfortunately, due to the pandemic, the City Council was unable to recognize them personally, which included "Armenian Independence Day" and "Men's Health Month."

ACTION: Moved by Councilmember Kuo, seconded by Councilmember Khan, and unanimously carried to approve Consent Calendar Item Nos. 2.3 and 2.7. Consent Calendar Item Nos. 2.1, 2.2, 2.4, and 2.5 were removed to consider e-comments submitted by members of the public. Consent Calendar Item No. 2.6 was removed for separate discussion.

Following discussion of each removed item, Molly Perry, City Clerk, conducted one roll call vote at Mayor Shea's request to approve the balance of the Consent Calendar.

ACTION: Moved by Councilmember Kuo, seconded by Vice Mayor Carroll, and unanimously carried to approve Consent Calendar Item Nos. 2.1, 2.2, 2.4, 2.5, and 2.6.

2.1 MINUTES

Chelsea Boyle, Irvine resident, submitted an e-comment expressing opposition to invocations at City Council meetings.

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on April 28, 2020.

2.2 PROCLAMATIONS

Although an e-comment was submitted on this item, it was deemed by the City Attorney to be irrelevant to the agendaized subject matter, and therefore, not read by the City Clerk.

ACTION:

- 1) Proclaimed May 28, 2020, as "Armenian Independence Day."
- 2) Proclaimed June 2020 as "Men's Health Month."

2.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 20-39 - 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 BUDGET ADJUSTMENTS TO CONTRACTED SERVICES FOR THE ORANGE COUNTY GREAT PARK

Susan Sayre, Irvine resident, submitted an e-comment requesting clarification between “contracted legal services” and “special legal services,” and questioned whether the budget adjustment was a pay increase for the City Attorney.

Mayor Shea noted for the record that that the budget adjustment would not result in a salary adjustment, and that the item was simply a reallocation of funds, and no increase in contract amount was proposed.

ACTION:

- 1) Approved a budget adjustment (increase) in the amount of \$45,000 to the contract line for City Attorney Services.
- 2) Approved a budget adjustment (decrease) of \$45,000 for the contract line for Special Legal Services.

2.5 SENATE BILL 2 GRANTS PROGRAM – PERMANENT LOCAL FUNDING ALLOCATION APPLICATION

Susan Sayre, Irvine resident, submitted an e-comment in support, suggesting that the grants and the programs and services, as well as the programs that they will be used for, be presented and discussed due to increased public interest in affordable housing and housing assistance services.

ACTION:

Adopted RESOLUTION NO. 20-40 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR PROJECTS UTILIZING THE SENATE BILL 2 PERMANENT LOCAL HOUSING ALLOCATION FUNDING

2.6 DESIGNATION OF AGENT TO EXECUTE CONTRACTS FOR GRANTS ADMINISTERED BY THE COUNTY OF ORANGE OFFICE ON AGING

This item was removed for separate discussion at the request of Councilmember Khan, who inquired about whether the City Council would have the ability to approve such contracts for grants based on language in the resolution designating signature authority to the City Manager.

Sheila Driscoll, Community Services Manager, responded to questions.

City Council discussion included requesting that contracts for such grants be brought before the City Council for final approval prior to execution.

ACTION:

- 1) Adopted RESOLUTION NO. 20-41 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DESIGNATING AGENT FOR THE PURPOSES OF EXECUTING CONTRACTS FOR COUNTY, STATE, AND FEDERAL GRANTS FOR PROGRAMS FOR OLDER ADULTS **as amended** to revise Sections 1 and 2 of the resolution as follows:

SECTION 1. In accordance with the City's financial policies, the City Council of the City of Irvine authorizes the City Manager or designee to execute contracts and subsequent contract amendments, as well as any other related documents, with the County of Orange ~~and/or any of its departments, including but not limited to the~~ Office of Aging, to receive grant funding on behalf of the City related to older adults.

SECTION 2. The City Council of the City of Irvine authorizes the City Manager or designee to take all actions necessary pertaining to grant funding for programs and services for older adults administered through the County of Orange ~~and/or any of its departments, including but not limited to the~~ Office of Aging.

- 2) Authorized the City Manager or designee to execute documents needed to accept county, state, and federal grants administered by the County of Orange Office on Aging.

2.7 NOTICE OF REVIEW FOR TRACT MAPS IN ORCHARD HILLS

ACTION:

Received and filed.

3. PUBLIC HEARINGS

3.1 APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, AND EMERGENCY SOLUTIONS GRANT 2020-2021 ACTION PLAN FUNDING RECOMMENDATIONS AND THE 2020-2024 CONSOLIDATED PLAN, CITIZEN PARTICIPATION PLAN AND ORANGE COUNTY ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Mayor Shea opened the public hearing at 5:35 p.m.

Steve Holtz, Manager of Neighborhood Services, and Charles Kovac, Housing Administrator, presented the staff report and responded to questions. Kevin Trussell, Community Services Commission Chairman, also responded to questions and provided a summary of the methodology for funding recommendations by the Community Services Commission.

City Council discussion included: inquiring about qualifications for Community Housing Development Organizations (CHDO) funding; expressed concern about why certain organizations were overfunded while others were underfunded based on their requests; suggested that Irvine based organizations be prioritized; discussed the development of funding criteria; and inquired about whether all funding recommendations were unanimous amongst the Community Services Commission members.

Councilmember Kuo noted for the record that he was a Boardmember of the Irvine Children's Fund.

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

- Stephanie Schneider, on behalf of StandUp for Kids, expressed appreciation for the City Council's support through CDBG funding over the years and consideration of additional funding.

ACTION: Moved by Vice Mayor Carroll, seconded by Councilmember Khan, and unanimously carried to close the public hearing at 6:02 p.m.

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

Adopt RESOLUTION NO. 20-42 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE 2020-2024 CONSOLIDATED PLAN, 2020-2021 ACTION PLAN, CITIZEN PARTICIPATION PLAN, AND ORANGE COUNTY ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, AND EMERGENCY SOLUTIONS GRANT ENTITLEMENT PROGRAMS

3.2 APPEALS OF THE PLANNING COMMISSION’S APPROVAL OF A COMMERCIAL MASTER PLAN (00790906-PMPC) AND TRANSFER OF DEVELOPMENT RIGHTS AT 2400 BARRANCA PARKWAY IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)

Mayor Shea opened the public hearing at 6:05 p.m.

City Council discussion included: questioning why the item was recommended for continuance; and inquired about any potential consequences that could ensue as a result of a continuance.

Tim Gehrich, Deputy Director of Community Development, explained the need for the continuance and was available to respond to City Council questions.

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

Continue the public hearing to the June 9, 2020 City Council meeting at 4 p.m. or soon thereafter.

4. COUNCIL BUSINESS

4.1 COVID-19 UPDATE

Mayor Shea noted for the record that she had submitted a memo requesting that the City Council consider the cancellation of the City’s plan to make drive-through antibody testing available to the public due to its lack of Federal Drug Administration (FDA) approval, and the potential for false positive results based on its reliability rate.

The following individuals presented the staff report and responded to questions; and provided updates on senior residential facilities, a summary of the Governor's "Stage 2" phase, the reopening of Orange County, and a fiscal update on City finances:

- Marianna Marysheva, Assistant City Manager
- Pete Carmichael, Director of Community Development
- Jeff Melching, City Attorney
- Mike Hamel, Director of Public Safety/Chief of Police

City Council discussion included: questioning approximate savings due to certain non-essential projects being deferred; inquired about the wearing of masks and whether the City's existing order aligned with the County's order; suggested amending the existing order to allow for certain exceptions to wearing masks, such as mental and health related conditions, as well as the ability to use a face shield in lieu of; suggested the use of social media and other communication channels to alleviate confusion with respect to the mask requirement; inquired about whether the state had an emergency order in place; questioned whether the Irvine Police Department would be enforcing the mask requirement; discussed alternatives for COVID-19 testing in the County; questioned the reopening of recreational pools and playgrounds, and whether an allowance was available for certain types of uses; expressed concern about antibody testing and the U.S. Health Fairs' inability to administer such testing; inquired about whether UC Irvine and the Irvine Company fell within the umbrella of the City's existing emergency order with respect to rent increases and evictions; suggested that those impacted by on-campus housing contact the Chancellor's office directly; clarified appropriate uses of City parks and open space; encouraged dine-in and other businesses to familiarize themselves with the guidelines that must be adhered to for reopening; and suggested that the City seek specific data with respect to COVID-19 deaths in the City of Irvine.

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

- Courtney Echols, who spoke in opposition to lease break fees by the Irvine Company and student housing rent increases by UC Irvine.
- Nalya Rodriguez, who spoke in support of a ban on rent increases, lease breakage fees, evictions, and foreclosures.
- Christine Marx, who spoke in support of COVID-19 antigen testing and immunity testing at the Orange County Great Park.

- Johnny R, who spoke in support of a rent freeze.
- Susan Sayre, who spoke in opposition to a contract with U.S. Health Fair due to its business practices, and suggested seeking a service provider through the competitive bidding process; and in support of providing COVID-19 updates on the City’s website.
- Cherry Lai, who spoke in support of the City Council’s decision to make COVID-19 testing available to all residents who wish to get tested in coordination with the Orange County Health Agency.
- Brian Jaus, who spoke in opposition to the requirement for face masks by those who are disabled.

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

Amend the City’s Emergency Order on Facial Coverings to conform to the State of California and the County of Orange with respect to facial masks in public areas **as amended** to add a provision assuring individuals could use another type of face shield if were unable to wear a facial mask.

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Carroll, Fox, Khan, and Shea

NOES: 1 COUNCILMEMBERS: Kuo

ABSENT: 0 COUNCILMEMBERS: None

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

Rescind the decision to approve a contract with U.S. Health Fairs for public COVID-19 antigen and antibody testing approved by the City Council at its May 12, 2020 City Council meeting, and direct staff to continue to explore all options to bring public COVID-19 testing to City of Irvine.

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

Expand the use of tennis facilities in the City of Irvine to include doubles play for individuals playing from the same household unit.

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

Extend the deadline with respect to evictions and rent increases through the end of June.

Additional City Council discussion included: differentiating between the existing resolution and a moratorium on evictions and rent increases; and whether an ordinance would apply to on-campus housing at UC Irvine.

ACTION: A substitute was made by Councilmember Fox, seconded by Councilmember Khan, to:

Approve the adoption of an ordinance establishing a moratorium on evictions and rent increases.

The motion failed as follows:

AYES: 2 COUNCILMEMBERS: Fox and Khan

NOES: 3 COUNCILMEMBERS: Carroll, Kuo, and Shea

ABSENT: 0 COUNCILMEMBERS: None

Following the vote, the main motion was reconsidered for adoption.

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

Extend the deadline with respect to evictions and rent increases through the end of June.

The motion carried as follows:

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

NOES: 1 COUNCILMEMBERS: Fox

ABSENT: 0 COUNCILMEMBERS: None

4.2 CITY TREASURER TEMPORARY REAPPOINTMENT AND CONDUCTING AN OPEN SEARCH FOR A CANDIDATE

Kristin Griffith, Director of Financial Management and Strategic Planning, presented the staff report and responded to questions.

City Council discussion included: clarifying the recruitment process; questioned whether the City's requirements for qualifications aligned with similar requirements by the County of Orange; inquired about whether the Request for Proposals (RFP) would come before the City Council at a later date; questioned the number of times that the existing contract could be extended; and inquired about whether the City's existing treasurer, Don Collins, was eligible to submit a response to the RFP.

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

- 1) Reappoint the City Treasurer until December 31, 2020 to Conduct a Request for Proposals.
- 2) Adopt RESOLUTION NO. 20-43 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DESIGNATING DON COLLINS AS CITY TREASURER

PUBLIC COMMENTS

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

- Jenna Gotte, who expressed concern about rent increases for students and the grievance procedure through UC Irvine; and inquired about whether the City Council's resolution was non-binding.
- Courtney Echols, who spoke in opposition to the omission of her previous comments on other agenda items, noting a violation of first amendment and free speech rights under the Brown Act.
- Cherry Lai, who spoke in support of the recommendation/requirement for wearing face masks outdoors.
- Nalya Rodriguez, who spoke in opposition to the omission of her previous comments on the suspension of rent, noting a violation of first amendment and free speech rights under the Brown Act.
- Jack Fancher, who expressed concern about the Orange County Great Park Board's failure to explain about the study of the golf course site as a State Veterans Cemetery.

- Dee Fox, who spoke in support of continued updates by the City Council on its upcoming plans for a Veterans Cemetery, and suggested seeking government grants to assist with funding.
- Tomisona Oyebolu, Zahara Keulen, Julissa Gutierrez, Daniel Hodge, Raymond Fang, Xingchen Liu, and Ambereen Siddiqui, who spoke in support of the suspension of rent due to COVID-19.
- Lucy P, who spoke in support of an immediate moratorium on rent increases, evictions, and foreclosures.
- Susan Sayre, Irvine resident, who spoke in support of all e-comments and submitted public comments being read into the record in their entirety.
- Ruth Goldstein, who spoke in support of renters' rights and omitting fees for breaking lease agreements due to COVID-19.
- Catherine Liu and Talan Abadian, who spoke in support of suspending rent, rent increases, and evictions for UC Irvine students.
- Ralph Gibson, who spoke in support of UCI4COLA and the lease cancellation fees for UC Irvine students due to COVID-19.

ADJOURNMENT

Moved by Councilmember Kuo, seconded by Councilmember Khan, and unanimously carried to adjourn the City Council meeting at 7:51 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

June 23, 2020