

CITY OF TUSTIN REGULAR MEETING
AND PUBLIC HEARING OF THE CITY
COUNCIL



OCTOBER 25, 2021
300 CENTENNIAL WAY, TUSTIN
COUNCIL CHAMBER AND
VIDEO CONFERENCE

Austin Lombard, Mayor Pro Tem
Barry W. Cooper, Council Member
Rebecca Gomez, Council Member
Ryan Gallagher, Council Member

Letitia Clark, Mayor

Matthew S. West, City Manager
Erica N. Yasuda, City Clerk
David E. Kendig, City Attorney

NOTICE REGARDING PUBLIC PARTICIPATION

To watch the meeting, the public may observe the meeting in person in the Council Chamber or via the City's Granicus service at: <https://www.tustinca.org/282/Meetings-Agendas> or on the local Cox Channel 851.

To participate and/or comment on one or more items, do the following:

1. PARTICIPATING DURING A MEETING

Community members who wish to address the City Council during a public meeting may attend the meeting in person or join through Zoom. By joining the meeting through Zoom, you will be able to speak but your video will not be enabled. Please see further instructions below.

HOW TO CONNECT TO THE ZOOM WEB CONFERENCE BY COMPUTER OR SMART DEVICE

Community members may provide live public comments via Zoom during City Council meetings. To join the meeting, click here and use the passcode below. You can also join via the Zoom app on your smartphone or tablet, or in a web browser at <https://zoom.us/join>, by entering the Meeting ID and Passcode below.

Meeting ID: 940 8640 1921

Passcode: 600222

Please provide your name in the Zoom application to allow the City Clerk to identify you when it is your time to speak. We suggest installing and testing the Zoom software on your device prior to the commencement of the meeting.

HOW TO CONNECT TO THE ZOOM WEB CONFERENCE BY TELEPHONE

To join to the Zoom web conference from any phone (landline or wireless), dial

669-900-6833.

When prompted use the below Meeting ID and Passcode.

Meeting ID: 940 8640 1921

Passcode: 600222

The City Clerk will identify you by the last 4 digits of your phone when it is your time to speak.

When requested by the City Clerk, call-in users can unmute and mute their phones by pressing *6.

Call-in users can raise their hand by pressing *9 but may not lower their hand once raised.

2. PROVIDE WRITTEN COMMENTS THROUGH THE E-COMMENT SYSTEM

1. Proceed to the SpeakUp comment system:

- A. To submit an e-comment on an upcoming meeting agenda go to <https://tustin.granicusideas.com/meetings?scope=upcoming> and select the agenda item.
- B. Follow the links to type and submit your comment(s) on one or more items:
 - a. The items may be on the agenda or not on the agenda.
 - b. Your comments will be forwarded electronically and immediately to the members of the City Council.
 - c. Comments related to a particular agenda item will only be considered prior to the close of public comments on that item
 - d. Comments on matters that are not on the agenda may be submitted only until the "Public Comment" portion of the agenda is concluded.

For Individuals with Disabilities: The City is dedicated to ensuring accessibility to the meetings for those individuals with disabilities, so the City has established a process to request a reasonable modification or accommodation consistent with the Americans with Disabilities Act (ADA). If you would like to request a modification or accommodation due to a disability, **please call (714) 573-3025 as soon as is feasible, and identify the need and the requested modification or accommodation.** The City's ADA Coordinator or her designee will receive the request and communicate in response to the request.

Items Distributed To The City Council Less Than 72 Hours Prior To Meeting: Pursuant to Government Code section 54957.5, non-exempt public records that relate to one or more open session agenda items and that are distributed to a majority of the City Council less than seventy-two (72) hours prior to the meeting will be available for public inspection on the electronic posting board located at 300 Centennial Way, Tustin, CA 92780.

REGULAR MEETING OF THE CITY COUNCIL AT 6:30 P.M.

PUBLIC HEARING #4 REGARDING PROPOSED TRANSITION TO DISTRICT ELECTIONS AT 7:00 P.M.

CALL TO ORDER – #3008

ATTENDANCE – City Clerk

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Lumbard

PUBLIC INPUT – At this time, any member of the public may address the Council on matters which are not on today’s agenda, provided the matter is within the subject matter jurisdiction of the City Council.

CONSENT CALENDAR ITEMS All matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion without discussion. Persons wishing to speak regarding Consent Calendar matters should file a “Request to Speak” form with the City Clerk. (Agenda Item 1)

1. FINDINGS REQUIRED BY AB 361 FOR THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS

In order for the Council to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Council to make specified findings at least every thirty (30) days.

Recommendation: Make the following findings by majority vote of the Council:

- A. A state of emergency has been proclaimed by California’s Governor due to the COVID-19 pandemic and continues in effect; and
- B. The Council has reconsidered the circumstances of the state of emergency; and
- C. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

OTHER BUSINESS/CITY MANAGER AND CITY ATTORNEY

COUNCIL MEMBER COMMENTS AND REPORTS

PUBLIC HEARING ITEM NO. 2

2. **FOURTH PUBLIC HEARING TO RECEIVE INPUT FROM THE COMMUNITY REGARDING THE TRANSITION FROM AT-LARGE TO DISTRICT ELECTIONS, SELECTION OF A DISTRICT MAP, SELECTION OF THE SEQUENCE OF DISTRICT ELECTIONS, AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSTIN, ADDING SECTION 1309 TO CHAPTER 3 OF ARTICLE 1 OF THE TUSTIN CITY CODE IMPLEMENTING BY-DISTRICT ELECTIONS OF FOUR COUNCIL MEMBERS AND ESTABLISHING THE OFFICE OF THE MAYOR TO BE ELECTED AT-LARGE**

The City received a letter from the Mexican American Legal Defense and Education Fund (MALDEF) asserting that the City's at-large election system violates the California Voting Rights Act (CVRA). MALDEF threatens litigation if the City declines to voluntarily convert to district-based elections. On August 3, 2021 the City Council adopted Resolution 21-64 declaring its intention to transition from at-large to district-based elections, and to complete the transition in time for the 2022 General Municipal Election. By voluntarily proceeding to transition to district-based elections, the City benefits from a "safe harbor" provision in the CVRA that maximizes community control and self-determination over the process of establishing districts and district boundaries. The district transition process required two public hearings be held prior to consideration of any draft maps. The first two public hearings occurred on September 7th and September 17th. Additionally, two community workshops occurred on August 31st and September 22nd. A third public hearing on the draft maps was held 10:00 a.m. on Saturday, October 9th and a fifth public hearing is scheduled for 7:00 p.m. on November 1st.

During this fourth public hearing, the public is invited to provide input regarding selection of one of the proposed district maps labeled 101 through 121 as posted on DrawTustin.org (see **Attachment 1**) and regarding the proposed sequence of district elections. After receiving community input, the City Council will consider selection of one of the population-balanced proposed maps. Following selection of a district map and sequencing of district elections, the City Council will consider introduction and first reading of Ordinance No. 1518 (see **Attachment 2**) implementing a transition from at-large to district-based elections for four Council Members and the Mayor elected at-large.

Recommendation:

It is recommended that the City Council:

1. Receive a report on the districting process and permissible criteria to be considered to create district boundaries and determine sequence of district elections; and
2. Conduct a public hearing to receive public input regarding selection of a district map and the sequence of district elections; and

It is further recommended, following input received during the public hearing, that the City Council take the following actions in the following sequence:

3. Approve a motion to select a district map and determine the sequence of district elections; and then
4. Approve a motion to introduce and have first reading of Ordinance No. 1518, An Ordinance of the City Council of the City of Tustin, California, Adding Section 1309 to Chapter 3 (City Council) of Article 1 (Administration) of the Tustin City Code Implementing By-District Elections of Four Council Members and Establishing the Office of the Mayor to be Elected At-Large.

ORDINANCE NO. 1518

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, ADDING SECTION 1309 TO CHAPTER 3 (CITY COUNCIL) OF ARTICLE 1 (ADMINISTRATION) OF THE TUSTIN CITY CODE IMPLEMENTING BY-DISTRICT ELECTIONS OF FOUR COUNCIL MEMBERS AND ESTABLISHING THE OFFICE OF THE MAYOR TO BE ELECTED AT-LARGE

ADJOURNMENT - The next meeting is scheduled on Monday, November 1, 2021 for the Closed Session Meeting at 5:00 p.m., the Regular Business Meeting at 6:30 p.m and the Public Hearing regarding the transition to district elections at 7:00 p.m.