

CITY OF TUSTIN REGULAR
MEETING OF THE CITY COUNCIL



NOVEMBER 1, 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
6:30 P.M.**

**PUBLIC HEARING AND ADOPTION OF ORDINANCE TO TRANSITION TO DISTRICT
ELECTIONS AT 7:00 P.M.**

CALL TO ORDER – #3009

INVOCATION – Pastor Fred Snider, Grace Harbor Church

PLEDGE OF ALLEGIANCE – Council Member Cooper

PUBLIC INPUT – At this time, any member of the public may address the Council on matters which are not on this evening'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 Items 1 through 2)

1. WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

Recommendation: That the City Council waive reading in full of all ordinances and resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

2. 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.

REGULAR BUSINESS ITEM 3

3. VOLUNTARY WORKFORCE HOUSING INCENTIVE PROGRAM ORDINANCE AND IN-LIEU FEE

Ordinance No. 1491 was adopted in September of 2018 by adding Chapter 9B to the Tustin City Code entitled "Voluntary Workforce Housing Incentive Program". The Ordinance and In-Lieu Fee are applicable only if a developer proposes to "up zone" property using the "Residential Allocation Reservation" process to add residential units on property not currently zoned for residential uses within the Downtown Commercial Core Specific Plan and the Red Hill Specific Plan areas.

At its August 17, 2021 meeting, the City Council requested that staff return to the October 5, 2021 meeting for the Council to discuss potential policy direction options regarding the City's Voluntary Workforce Housing Incentive Program Ordinance and In-Lieu Fee. During that meeting, it was moved by Mayor Pro Tem Lumbard and seconded by Council Member Gallagher to continue the item to the October 19, 2021 Council meeting. At the October 19, 2021 meeting, the item was continued again.

Recommendation: Direct staff to do one of the following:

1. Prepare a draft ordinance revision for Council consideration at a future meeting (and provide specific direction on what the revisions should/should not include); or
2. Prepare a draft temporary moratorium on the current ordinance for Council consideration at a future meeting (and clarify whether the City should continue to allow "up-zoning" to residential uses via the Residential Allocation Reservation process while the moratorium is in effect); or
3. Prepare a repeal of the current ordinance for council consideration at a future meeting; or
4. Take no action; or
5. Provide alternative direction at the pleasure of the City Council.

PUBLIC HEARING ITEM 4

4. FIFTH PUBLIC HEARING TO RECEIVE INPUT FROM THE COMMUNITY REGARDING THE TRANSITION FROM AT-LARGE TO DISTRICT ELECTIONS AND SECOND READING AND ADOPTION 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

On October 25, 2021, the City Council conducted the first reading of Ordinance No. 1518, adding Section 1309 to Chapter 3 of Article 1 of the Tustin City Code implementing a transition from at-large to district-based elections for four Council Members and establishing the Office of the Mayor to be elected at-large.

Recommendation: That the City Council:

1. Conduct the public hearing,
2. Waive full reading and read by title only Ordinance No. 1518, and
3. Adopt Ordinance No. 1518.

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

OTHER BUSINESS/CITY MANAGER AND CITY ATTORNEY

COUNCIL MEMBER COMMENTS AND REPORTS

ADJOURNMENT - The next meeting is scheduled on Tuesday, November 16, 2021 for the Closed Session Meeting at 5:00 p.m. and the Regular Business Meeting at 6:30 p.m.