



MINUTES

CITY COUNCIL REGULAR MEETING

January 8, 2019
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 4:05 p.m. on January 8, 2019 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Wagner presiding.

ROLL CALL

Present:	5	Councilmember:	Melissa Fox*
		Councilmember:	Farrah N. Khan
		Councilmember:	Anthony Kuo
		Mayor Pro Tempore:	Christina Shea
		Mayor:	Donald P. Wagner

* Councilmember Fox arrived at 4:06 p.m.

1. CLOSED SESSION

City Attorney Melching announced the following Closed Session items:

- 1.1 ***CONFERENCE WITH REAL PROPERTY NEGOTIATORS: (Government Code § 54956.8); Property: Portion of APN No.: 580-761-007; Agency Negotiators: John Russo, City Manager; Pete Carmichael, Director of Community Development/Interim Director, Orange County Great Park; Chris Koster, Manager of Great Park Planning & Development; Kaitlyn Nguyen, Manager, Economic Development; and Allison Lemoine-Bui, Rutan & Tucker; Negotiating Parties: City of Irvine; Pretend City, Children's Museum of Orange County; Under Negotiation: Price and Terms of Payment***

- 1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: (Government Code § 54956.8); Property: Portion of APN Nos.: 580-761-009, 013, 014 & 015; Agency Negotiators: John Russo, City Manager; Pete Carmichael, Director of Community Development/Interim Director, Orange County Great Park; Chris Koster, Manager of Great Park Planning & Development; Kaitlyn Nguyen, Manager, Economic Development; and Allison Lemoine-Bui, Rutan & Tucker; Negotiating Parties: City of Irvine; USA Water Polo, Inc.; Under Negotiation: Price and Terms of Payment**

- 1.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): one potential case**

- 1.4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: (Government Code § 54956.8); Property: APN No. 58076135; Agency Negotiators: John Russo, City Manager; Pete Carmichael, Director of Community Development/Interim Director, Orange County Great Park; Chris Koster, Manager of Great Park Planning & Development; Kaitlyn Nguyen, Manager, Economic Development; Wil Soholt, Kosmont Companies; and Allison Lemoine-Bui, Rutan & Tucker; Negotiating Parties: City of Irvine; Wild Rivers Irvine, LLC; and EPR Irvine, LLC; Under Negotiation: Price and Terms of Payment**

- 1.5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: (Gov Code § 54956.8); Property: Approximately 3.19 acre property at 17353 Derian Ave; Agency Negotiators: Marianna Marysheva, Assistant City Manager; Laurie Hoffman, Director of Community Services; Pete Carmichael, Director of Community Development/Interim Director Orange County Great Park; and Darlene Nicandro, Project Development Administrator; Negotiating Parties: City of Irvine and Group Effort 6 LLC; Under Negotiation: Price and Terms of Payment**

RECESS

Mayor Wagner convened the regular City Council meeting to Closed Session at 4:07 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Wagner reconvened the regular City Council meeting at 5:09 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Councilmember Khan led the Pledge of Allegiance.

INVOCATION

Rabbi Yisroel Ciner from Beth Jacob Congregation in Irvine, provided the invocation, accompanied by the following individuals:

- Sheikh Atef Magroub, Islamic Center of Orange County
- Pastor Jason Aguilar, Resound Church
- Alison Edwards, Orange County Human Relations
- Pastor Mark Whitlock, Christ Our Redeemer Church

2. PRESENTATIONS

2.1 Proclaim January 13, 2019 as "Korean American Day"

Mayor Wagner introduced the following individuals and presented a proclamation recognizing January 13, 2019 as "Korean American Day":

- Juweon Yun, President, Orange County Korean Cultural Center and the Irvine Korean Cultural Festival, and his wife Grace
- Representatives from the office of Assemblyman Steven Choi
- Samuel Han, California Director, Freedom Foundation
- John Kim, President, Korean American Federation of Orange County
- Juneu Kim President, Irvine Korean Evergreen Association
- Michelle Kim, President, Irvine Korean Parent Association
- Tammy Kim, Managing Director, Korean American Center
- Migyung Lee, Chief Instructor, King Sejong Institute

Esther Koh, on behalf of Assemblymember Steven Choi, expressed her appreciation to the City Council for recognizing and proclaiming Korean American Day.

2.2 Proclaim January 21, 2019 as "Dr. Martin Luther King, Jr. Day"

Mayor Wagner introduced the following individuals and presented a proclamation recognizing January 21, 2019 as "Dr. Martin Luther King, Jr. Day":

- Estuardo Ponciano, Director of Admissions, University of California, Irvine Law School
- Bobby MacDonald, President and CEO, Black Chamber of Commerce of Orange County

2.3 Irvine Global Village Sponsor Recognition

Mayor Wagner introduced the sponsors of the Irvine Global Village Festival and presented them with Certificates of Recognition for their support.

CITY MANAGER'S REPORT

City Manager Russo introduced Mike Hamel, Director of Public Safety/Chief of Police, who provided a brief summary of how the Irvine Police Department recently solved a related string of crimes in Orange County, one of which took place in the City of Irvine.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Kuo announced the launching of his "Irvine 100" initiative, wherein he has or will be visiting a local nonprofit, small business, or special attraction in Irvine each day for his first 100 days in office that highlight the different programs, locations, and services in the City. To date, visits include the Orange County Great Park and Big Wheel Park in Woodbridge, as well as his recent participation in a police ride-along.

Mayor Wagner noted the many steps taken to improve traffic safety at the intersection of Canyonwood and Arborwood and throughout the City; and made the following announcements:

- The City of Irvine is implementing a new type of traffic signal this year that increases the efficiency of left turns and improves traffic flow. The flashing yellow arrow indicator accommodates left turns at selected signalized intersections, which will permit motorists to turn left while yielding to oncoming traffic, bicyclists, and pedestrians. The first five of the new signals will be operational this month and the first part of February at the following locations:
 - Tesla at Irvine Center Drive
 - Oldfield at Rockfield Boulevard
 - Odyssey at Irvine Center Drive

- Towngate at Sand Canyon Avenue
- Florence at Culver Drive
- The City is conducting a public survey about recreational activities to assess how well the community's needs are being met, and to learn how future needs can be accommodated. The online survey includes questions about recreational activities that members of the community may have participated in, and what residents would like to see offered in the future. To take the survey, please visit cityofirvine.org/activitysurvey.
- The City of Irvine is the safest big city in America. In addition, according to Numbeo, a global database of user data focused on cities and countries, Irvine is the 10th safest city in the world. In the list of safest 50 cities in the world, Irvine is the only one from California and the safest big American city on this list as well.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried to approve City Council Consent Calendar Item Nos. 3.1 through 3.6, with the exception of Consent Calendar Item Nos. 3.2 and 3.4, which were removed for separate discussion.

3.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council and regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency held on November 27, 2018.

Councilmembers Khan and Kuo abstained.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

This item was removed for separate discussion at the request of community member Ilya Tseglin, who suggested the establishment of a special fund for legal representation for citizens of Irvine.

There was no City Council discussion.

ACTION: Moved by Councilmember Khan, seconded by Mayor Pro Tempore Shea, and unanimously carried to:

Adopt RESOLUTION NO. 19-01 - 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 RESOLUTIONS OF INTENTION TO INITIATE CHANGE PROCEEDINGS AND DESIGNATE COMMUNITY FACILITIES DISTRICT NO. 2013-3 IMPROVEMENT AREA NO. 10, AUTHORIZE LEVY OF SPECIAL TAXES, AND INCUR BONDED INDEBTEDNESS

ACTION:

- 1) Adopted RESOLUTION NO. 19-02 - A RESOLUTION OF CONSIDERATION AND INTENTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), TO CHANGE AND MODIFY AN EXISTING IMPROVEMENT AREA AND THEREBY DESIGNATE AN ADDITIONAL IMPROVEMENT AREA, IMPROVEMENT AREA NO. 10, WITHIN CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES
- 2) Adopted RESOLUTION NO. 19-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DECLARING ITS INTENTION TO INCUR BONDED INDEBTEDNESS FOR IMPROVEMENT AREA NO. 10 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)

3.4 APPROVAL OF APPOINTMENTS OF CITY COUNCIL REPRESENTATIVES TO CITY ADVISORY COMMITTEES AND GOVERNMENTAL AGENCIES

This item was removed for separate discussion at the request of Councilmember Kuo, who noted a preference that a Councilmember serve on the Hotel Improvement District (HID) committee.

City Council discussion included: noting that the One Water One Watershed (OWOW) committee no longer included a representative from Irvine; and questioned a former Councilmember's representation on the Orange County Mosquito and Vector Control District (OCMVCD) Board and suggested replacement with an existing Councilmember.

Marianna Marysheva, Assistant City Manager, noted staff's concurrence with City Council representation on the HID committee, and suggested that the City Council appoint a Councilmember to replace Michelle Grettenberg, Deputy City Manager, as a delegate.

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

- 1) Appoint City Council delegates and alternates to outside governmental agencies on which the City has representation for the 2019 calendar year **as amended** to:
 - a) Replace Michelle Grettenberg, Deputy City Manager, with Mayor Pro Tempore Shea on the Hotel Improvement District (HID) Committee;
 - b) Appoint Councilmember Khan to replace former Councilmember Lynn Schott on the Orange County Mosquito and Vector Control District (OCMVCD) Board; and
 - c) Remove the One Water One Watershed (OWOW) Committee as the City no longer has representation on that committee.
- 2) Appoint City Council representatives and approve staff appointments to various City of Irvine advisory Commissions, Committees and Task Forces for the 2019 calendar year.
- 3) Adopt Fair Political Practices Commission Public Official Appointment Form 806 and direct the City Clerk to post an amended form to the City website to report any change in appointments to the governmental agencies providing stipends as determined by the City Council.

3.5 NOTICE OF REVIEW AND PENDING APPROVAL FOR TRACT MAPS IN THE IRVINE BUSINESS COMPLEX AND PORTOLA SPRINGS

ACTION:
Received and filed.

3.6 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Mayor Pro Tempore Shea's request for Community Partnership Fund Grant nomination to Boy Scouts of America, Orange County Council in support of program costs for Irvine Troop 622 (\$500). **(Contract No. 10490)**
- 2) Authorized the City Manager to prepare and sign the funding agreement listed in Action 1.

4. COUNCIL BUSINESS

4.1 CONSIDERATION OF MAYOR PRO TEMPORE SHEA'S REQUEST FOR MODIFICATIONS TO CONFLICT OF INTEREST PROVISIONS IN CITY CONTRACTS

This item was agendized at the request of Mayor Pro Tempore Shea, who suggested modifications be made to the City's standard contractual provisions regarding conflicts of interest, which would prohibit City contractors from asking for or receiving services from City officials during the term of City-approved contracts.

The following individuals spoke in support of the proposed modifications, as well as in support of additional measures to address potential conflict-of-interest matters in other areas:

Jack Fancher, Irvine resident
Robin Gurian, Irvine resident
Susan Sayre, Irvine resident

City Council discussion included: addressing additional areas of concern where a conflict of interest could ensue at a future City Council meeting; referenced the provisions of the Ethics Ordinance, including enforcement and unintended consequences discovered in prior years; questioned the City's ability to void a contract if conflicts of interest are discovered; noted a preference to ensure that certain language be modified in the Ethics Ordinance to protect public officials in certain circumstances; and questioned whether the City could seek damages for contracts terminated with cause.

City Attorney Melching provided a summary of proposed modifications to Section 3.17(A) of City contracts to address the conflict-of-interest concerns raised by Mayor Pro Tempore Shea; noted that City contracts have another provision that allows it to terminate a contract with our without cause; and reiterated that the City's Ethics Ordinance was a voter initiative, which directed the City Attorney to enforce and address any violations of the Ordinance.

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Khan, and unanimously carried to modify Section 3.17(A) of City contracts as follows:

3.17 Conflicts of Interest

- A.“Contractor shall not employ, contract for, or receive consulting services from any such person, whether for compensation or not, while this Agreement is in effect.”

PUBLIC COMMENTS

Brigitte spoke about recent actions taken by the Orange County Board of Supervisors.

Susan Sayre and Jane Olinger, Irvine residents, spoke about the importance of ethics with respect to public officials.

Brad Fieldhouse, Executive Director of Citynet, spoke about a project in Orange County that reaches out and counts the homeless population, and encouraged others to volunteer their time to support its cause. Mayor Wagner also reiterated recent efforts by the City to address homelessness, and encouraged the community to sign up to volunteer at *everyonecountsoc.org*.

Jack Fancher, Irvine resident, spoke in support of a Veterans Cemetery at the Orange County Great Park.

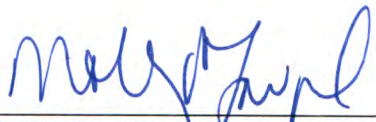
Ilya Tseglin reiterated a domestic issue related to his autistic son.

Ryan Farsaii spoke about the nation's election process and national debt.

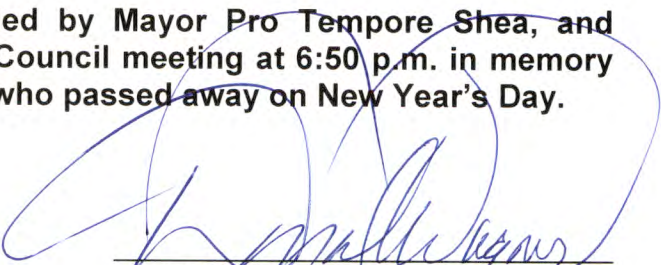
Robin Gurian, Irvine resident, submitted a Request to Speak but did not speak.

ADJOURNMENT

Moved by Councilmember Kuo, seconded by Mayor Pro Tempore Shea, and unanimously carried to adjourn the City Council meeting at 6:50 p.m. in memory of Elizabeth Kojian, Executive Secretary, who passed away on New Year's Day.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

February 12, 2019