



## **MINUTES**

# **CITY COUNCIL REGULAR MEETING AND REGULAR JOINT MEETING WITH THE CITY OF IRVINE AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY**

**January 14, 2020  
City Council Chamber  
One Civic Center Plaza  
Irvine, CA 92606**

### **CALL TO ORDER**

The 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 was called to order at 4:04 p.m. on January 14, 2020, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor/Chairwoman Shea presiding.

### **ROLL CALL**

Present:	5	Councilmember/Boardmember:	Melissa Fox
		Councilmember/Boardmember:	Farrah N. Khan
		Councilmember/Boardmember:	Anthony Kuo
		Mayor Pro Tempore/Vice Chairman:	Mike Carroll
		Mayor/Chairwoman:	Christina Shea

Following Roll Call, Mayor Shea reordered to the agenda to consider Additions and Deletions prior to convening to Closed Session. See page 4.

**1. CLOSED SESSION**

City Attorney Melching announced the following Closed Session items:

- 1.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: (Government Code § 54956.8); Property: APN No. 58076135; Agency Negotiators: John Russo, City Manager/Executive Director, Orange County Great Park; Pete Carmichael, Director of Community Development; Rebecca Bridgeford, Manager of Great Park; 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**
  
- 1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8); Property: 17861 Cartwright Road, Irvine CA; Agency Negotiators: John Russo, City Manager; Peter Carmichael, Director of Community Development; Steve Holtz, Manager of Neighborhood Services; Allison LeMoine-Bui, Rutan & Tucker; and Julie Romey, Keyser Marston; Negotiating Parties: City of Irvine; Todd Cottle, C&C Development; and Sean Rawson, Waterford Group; Under Negotiation: Price and Terms of Payment**
  
- 1.3 PUBLIC EMPLOYEE DISCIPLINE/ DISMISSAL/ RELEASE — Pursuant to Government Code Section 54957\***

\* Closed Session Item No. 1.3 was removed from the agenda. See Additions and Deletions for formal action.

There were no requests to speak.

**RECESS**

Mayor Shea recessed the City Council meeting to Closed Session at 4:07 p.m.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Shea reconvened the City Council meeting at 5:04 p.m. City Attorney Melching, on behalf of the City Council, announced that 1) with respect to Closed Session Item 1.1, the City Council authorized a brief report by the City Manager (See City Manager’s Report); and 2) that there was no reportable action taken on Closed Session Item No. 1.2.

**PLEDGE OF ALLEGIANCE**

Councilmember Fox led the Pledge of Allegiance.

## **MOMENT OF SILENCE**

Mayor Shea asked for a moment of silence in memory of the 176 people who died in the Ukrainian plane crash on January 8.

## **INVOCATION**

Pastor Lee Yi from Saddleback Church in Irvine provided the invocation.

## **2. PRESENTATIONS**

### **2.1 Proclaim January 13, 2020 as "Korean American Day"**

Mayor Shea introduced the following individuals and presented a proclamation recognizing January 13, 2020 as "Korean American Day":

- Juweon Yun, President, Orange County Korean Cultural Center and his wife Grace
- Diane Kim, OC Korean Cultural Center
- Esther Koh, on behalf of Assemblyman Steven Choi
- Juneu Kim, President, Irvine Korean Evergreen Association
- Tammy Kim, Korean American Center
- Migyung Lee, King Sejong Institute
- Lawrence Lim and Naki Park, Reporters, Korea Daily

### **2.2 Proclaim January 20, 2020 as "Dr. Martin Luther King, Jr. Day"**

Mayor Shea introduced Bobby MacDonald, President and CEO, Black Chamber of Commerce of Orange County, and presented a proclamation recognizing January 20, 2020 as "Dr. Martin Luther King, Jr. Day."

## **CITY MANAGER'S REPORT**

- City Manager Russo, on behalf of the City Council, announced that the City of Irvine had reached an agreement in general with Wild Rivers Irvine, LLC with respect to price and terms for the construction of a water park at the Orange County Great Park, and anticipates having the agreement before the Orange County Great Park Board and City Council on February 25.
- Chief Hamel noted a recently executed Memorandum of Understanding between the cities of Irvine, Laguna Beach, and Newport Beach that would enhance the City of Irvine's ability to respond and recover from wild land fires and other natural disasters.

- Kristin Griffith, Director of Financial Management and Strategic Planning, provided an update on the Fiscal Year 2018-19 General Fund Year-End report.

### **ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

- Councilmember Carroll provided background and other information on the recently established Ad Hoc Safe Community Task Force Meeting, and announced an upcoming meeting scheduled on February 4, 2020.
- Councilmember Khan announced an upcoming town hall meeting that she will be hosting on Friday, January 31, 2020 at 4 p.m. in light of recent events and concerns raised by the Iranian community. Additional information will be forthcoming.

Mayor Shea made the following announcements:

- The City of Irvine is installing a new traffic control device to help make crossing busy streets easier for pedestrians. The first device has been activated on Alton Parkway adjacent to the Edwards Lifesciences Corporate Campus. The new device, called a Pedestrian Hybrid Beacon, or PHB, provides safety enhancements to crosswalks, especially in mid-block locations that are heavily traveled by pedestrians. Drivers experience minimal delays as the devices are only activated when a pedestrian is present. PHBs have been used in various agencies throughout the country to improve service for pedestrians. For information, visit [cityofirvine.org](http://cityofirvine.org).
- Since fire season began in September, more than 14 million acres have been scorched in Australia, roughly the size of West Virginia. At least 26 people have died, 2,000 homes have been destroyed, and approximately one billion animals have been killed.

### **ADDITIONS AND DELETIONS**

Mayor Shea requested that Closed Session Item 1.3 be removed from the agenda.

**ACTION: Moved by Mayor Shea, seconded by Councilmember Kuo, to:**

Remove Closed Session Item No. 1.3 from the agenda.

**The motion carried as follows:**

AYES: 4 COUNCILMEMBERS: Carroll, Fox, Kuo and Shea  
 NOES: 1 COUNCILMEMBERS: Khan  
 ABSENT: 0 COUNCILMEMBERS: None

**CONVENE TO THE JOINT MEETING WITH THE SUCCESSOR AGENCY**

Mayor/Chairwoman Shea convened to the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency at 5:25 p.m.

**3. CONSENT CALENDAR - CITY COUNCIL**

**ACTION:** Moved by Mayor Pro Tempore / Vice Chairman Carroll, seconded by Councilmember / Boardmember Khan, and unanimously carried to approve City Council Consent Calendar Item Nos. 3.1 through 3.7, and Successor Agency Consent Calendar Item Nos. 4.1 and 4.2, with the exception of City Council Consent Calendar Item Nos. 3.4 and 3.5, which were removed for separate discussion.

**3.1 MINUTES**

**ACTION:**

- 1) Approved the minutes of a special meeting of the Irvine City Council held on November 26, 2019.
- 2) 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 26, 2019.

**3.2 PROCLAMATIONS/COMMENDATIONS**

**ACTION:**

- 1) Commended Dr. Glenn Roquemore, Former President, Irvine Valley College.
- 2) Ratified and commended Julia Engen, Assistant Chief of Police, Irvine Police Department.

**3.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 20-01 - 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

**3.4 SECOND READING OF ORDINANCE NO. 19-19 TO AMEND CHAPTERS 9-1, 9-6, 9-9, AND 9-40 OF THE ZONING ORDINANCE RELATED TO THE TRANSFER OF UNBUILT RESIDENTIAL DWELLING UNITS FROM PLANNING AREAS 9 (WOODBURY) AND 40 (CYPRESS VILLAGE) TO PLANNING AREAS 1 (ORCHARD HILLS) AND 6 (PORTOLA SPRINGS)**

This item was removed for separate discussion at the request of Jeff Davis, the Irvine Company, who spoke in support of the revised ordinance, and noted a written request by the Irvine Company to eliminate any reference to Portola Springs in the proposed ordinance.

Ali Kakar, Irvine resident, spoke in opposition to the proposed ordinance.

City Council discussion included: providing a chronology and history related to the approval of the first reading of the ordinance; noted compliance with the City's General Plan; referenced concerns raised by nearby residents regarding intensity and impacts to schools; noted the overall reduction from the original plan as well as the elimination of apartment homes; discussed rights-of-way and traffic concerns; discussed retail center accessibility for Portola Springs residents; and questioned affordable housing obligations.

Jeff Melching, City Attorney, noted that the Ordinance would need to be re-introduced for first reading subject to the proposed revisions.

**ACTION: Moved by Councilmember Fox, seconded by Councilmember Kuo, to:**

Introduce for first reading and read by title only ORDINANCE NO. 19-19 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00779239-PZC TO AMEND CHAPTERS 9-1, 9-6, 9-9, AND 9-40 OF THE IRVINE ZONING ORDINANCE SPECIFIC TO MAXIMUM RESIDENTIAL UNITS FOR PLANNING AREAS 1 (ORCHARD HILLS) AND 6 (PORTOLA SPRINGS), ALLOWING REQUESTS TO TRANSFER UNBUILT DWELLING UNITS FROM PLANNING AREAS 9 (WOODBURY) AND 40 (CYPRESS VILLAGE) TO PLANNING AREAS 1 AND 6; FILED BY IRVINE COMPANY **as amended** to remove all references to the transfer of residential units from Planning Areas 9 (Woodbury) and 40 (Cypress Village) to Planning Area 6 (Portola Springs)

**The motion carried as follows:**

AYES:	4	COUNCILMEMBERS:	Carroll, Fox, Khan and Kuo
NOES:	1	COUNCILMEMBERS:	Shea
ABSENT:	0	COUNCILMEMBERS:	None

**3.5 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 that he was not currently serving on any regional boards; and asked for City Council consideration to allow him to serve on the Orange County Fire Authority Board of Directors.

Councilmember Fox expressed a desire to continue serving as the City’s representative to the Orange County Fire Authority based on her familiarity with complex issues and pending items in progress.

**ACTION: Moved by Mayor Shea, seconded by Councilmember Kuo, to:**

- 1) Appoint City Council delegates and alternates to outside governmental agencies on which the City has representation for the 2020 calendar year **as amended** to set aside approval of the appointment to the Orange County Fire Authority and approving resolution.
- 2) Appoint City Council representatives and approve staff appointments to various City of Irvine advisory Commissions, Committees and Task Forces for the 2020 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.

**The motion carried as follows:**

AYES: 4 COUNCILMEMBERS: Carroll, Khan, Kuo, and Shea  
 NOES: 1 COUNCILMEMBERS: Fox  
 ABSENT: 0 COUNCILMEMBERS: None

**ACTION: Moved by Councilmember Kuo, seconded by Mayor Pro Tempore Carroll, to:**

Adopt RESOLUTION NO. 20-02 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DESIGNATING AND APPOINTING ITS REPRESENTATIVE TO THE ORANGE COUNTY FIRE AUTHORITY’S BOARD OF DIRECTORS **as amended** to appoint Councilmember Anthony Kuo as the City’s representative.

**The motion carried as follows:**

AYES: 4 COUNCILMEMBERS: Carroll, Khan, Kuo, and Shea  
 NOES: 1 COUNCILMEMBERS: Fox  
 ABSENT: 0 COUNCILMEMBERS: None

**3.6 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

1) Approved Councilmember Kuo's request for Community Partnership Fund Grant Nominations to the following organizations in support of program costs:

- a) Working Wardrobes (\$500)
- b) South Coast Chinese Cultural Association (\$500)
- c) Woodbridge High PTSA (\$500)

2) Approved Mayor Pro Tempore Carroll's request for Community Partnership Fund Grant Nominations to the following organizations in support of program costs:

- a) Human Options Inc. (\$250)
- b) The Children's School (\$250)

**3.7 NOTICE OF PENDING APPROVAL OF FINAL PARCEL MAP 2019-146**

**ACTION:**

Received and filed.

**4. CONSENT CALENDAR - SUCCESSOR AGENCY**

**4.1 MINUTES**

**ACTION:**

Approved the minutes of a regular joint meeting of the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency with the Irvine City Council held on November 26, 2019.

**4.2 WARRANT AND WIRE TRANSFER RESOLUTION – CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY**

**ACTION:**

Adopted RESOLUTION NO. 20-01 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY ALLOWING CERTAIN CLAIMS AND DEMANDS OF THE CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**PUBLIC COMMENT - SUCCESSOR AGENCY**

There were no public comments.

**ADJOURNMENT - JOINT MEETING WITH THE SUCCESSOR AGENCY**

**Moved by Councilmember/Boardmember Kuo, seconded by Mayor Pro Tempore/Vice Chairman Carroll, and unanimously carried to adjourn the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency at 6:04 p.m.**

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Shea reconvened the regular City Council meeting at 6:05 p.m.

**5. COUNCIL BUSINESS**

**5.1 AFFORDABLE HOUSING AGREEMENT FOR THE ACQUISITION AND DEVELOPMENT OF A PROPOSED 60-UNIT AFFORDABLE HOUSING PROJECT LOCATED AT 17861 CARTWRIGHT ROAD**

Steve Holtz, Manager of Neighborhood Services, and Charles Kovak, Housing Administrator, presented the staff report and responded to questions.

Todd Cottle, on behalf of the applicant, spoke in support of the proposed agreement.

City Council discussion included: questioning whether a preference existed for Irvine residents and/or those who are employed in the City, and how that preference would be met; inquired about reserved units for veterans and those who were disabled; expressed support for negotiated terms; and noted current market rates for one-bedroom apartment homes.

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

- 1) Approve the Affordable Housing Agreement by and between the City of Irvine and C&C Development and the Waterford Group substantially in the form approved by City Legal Counsel. **(Contract No. 10967)**
- 2) Authorize the City Manager and City Legal Counsel to finalize and execute the Affordable Housing Agreement attached hereto and any other documents necessary to implement said Agreement.

- 3) Authorize payments totaling \$9,450,000 from the Affordable Housing In-Lieu Fee Fund (Sub-Fund 113007; \$3,802,914) and Park Place Settlement Agreement Fund (Sub-Fund 113005; \$5,647,086) to pay a portion of costs associated with the acquisition and development of the proposed Cartwright Road apartment project.

**5.2 CONSIDERATION OF A REQUEST BY MAYOR SHEA AND MAYOR PRO TEMPORE CARROLL TO ADOPT A RESOLUTION OPPOSING THE MODIFIED REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION METHODOLOGY**

This item was agendaized at the request of Mayor Shea and Mayor Pro Tempore Carroll, who asked for City Council consideration to adopt a resolution opposing the modified Regional Housing Needs Assessment (RHNA) allocation methodology.

Marika Poynter, Principal Planner, responded to City Council questions. Kerwin Lau, Manager of Planning Services, was also available for questions.

Susan Sayre, Irvine resident, spoke in support of the proposed resolution, expressing concern about the modified allocation.

City Council discussion included: expressing concern about the current methodology for allocating units; questioned where the approximate 22,000 units would be built; inquired about the allocation of units during the previous two cycles and how many of those units were built; questioned whether punitive damages would ensue; reiterated that the proposed resolution was more focused on the process/methodology as opposed to the modified number of units; inquired about the legal intention of the proposed resolution; expressed concern related to increases in traffic; and noted that the 5,000 unit cap had been reached in the Irvine Business Complex.

City Manager Russo noted that staff would reach out to other nearby cities to reiterate the City of Irvine's opposition to the modified allocation of units.

**ACTION: Moved by Mayor Shea, seconded by Mayor Pro Tempore Carroll, to:**

Adopt RESOLUTION NO. 20-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, OPPOSING THE MODIFIED REGIONAL HOUSING NEEDS ASSESSMENT ALLOCATION METHODOLOGY APPROVED BY THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL COUNCIL AND REQUESTING CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT INTERVENTION

**The motion carried as follows:**

AYES: 4	COUNCILMEMBERS: Carroll, Khan, Kuo and Shea
NOES: 1	COUNCILMEMBERS: Fox
ABSENT: 0	COUNCILMEMBERS: None

**5.2 CONSIDERATION OF A REQUEST BY MAYOR SHEA AND COUNCILMEMBER KHAN TO ADOPT AN ORDINANCE ESTABLISHING REGULATIONS PROHIBITING THE SALE AND USE OF FLAVORED TOBACCO PRODUCTS**

This item was agendaized at the request of Mayor Shea and Councilmember Khan, who asked for City Council consideration to adopt an ordinance establishing regulations prohibiting the sale and use of flavored tobacco products.

Jeff Melching, City Attorney, presented the staff report and responded to questions.

The following individuals spoke in support of the proposed ordinance:

Susan Sayre, Irvine resident  
 Valerie Nguyen  
 Iyad Afalga  
 Bora and Arda Bulut, Irvine residents  
 Tammy Kim, Irvine resident

The following individuals spoke in opposition to the proposed ordinance:

Cherry Lai, Irvine resident  
 Jay Oku, Five Pawns 1111  
 Yatrik Bhatt, Hookah Chamber  
 Chris Wheeler, Savage Enterprises  
 Brittany Warner, Irvine resident  
 Matt Muratet, Irvine resident  
 Alfredo Gomez, Irvine resident  
 Gerianne Kassoff, Irvine resident  
 John Naddour  
 Austin Hopper, Smoke Free Alternative Trade Association  
 Shane Simpson, VTA  
 Melinda Kirby  
 Esther Lee, American Lung Association

The following individuals submitted a request to speak but did not speak:

Marshall Getto  
Nicholas Bull, Irvine resident  
Nicholas DeNuccio, Irvine resident  
Chris Youde, Cosmetic Fog Vapors Manufacturing  
Katheryn, Irvine resident  
Jeffrey Nelson, Irvine resident  
Shaun Providence, Streamline  
George Jonson, Hookah Chamber of Commerce

City Council discussion included: questioning whether the proposed ordinance was applicable to hookah use; inquired about the age of statistical information provided in the staff report; expressed concern about how the products are marketed to children; suggested shifting enforcement to those selling the product; inquired about concerns raised by the American Lung Association; suggested collaboration with Irvine schools to address the problem; inquired about the legal age to acquire tobacco products; questioned enforcement for retailers who sell to those who are underage; suggested that staff return to the City Council with sales of flavored tobacco products in the City, including how much revenue is generated, and a method to audit retailers to allow inspections; and suggested a study of other enforcement mechanisms.

Jeff Melching, City Attorney, noted that language in the ordinance could be amended to 1) exclude hookah as a prohibited use, and 2) be limited to enforcement to minors; and 3) remove the provision that prohibits retailers from selling flavored tobacco products.

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

Introduce for first reading and read by title only - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING TO CHAPTER 6 OF DIVISION 10 OF TITLE 4 OF THE IRVINE MUNICIPAL CODE ESTABLISHING REGULATIONS PROHIBITING THE SALE AND USE OF FLAVORED TOBACCO PRODUCTS **as amended** with the following modifications:

- 1) Prohibiting the use of flavored tobacco products applies to minors under the age of 21.
- 2) Remove Section 4-10-603(A) in its entirety as follows:

~~*“The sale or offer for sale, by any person or tobacco retailer of any flavored tobacco product, is prohibited and no person or*~~

~~tobacco retailer shall sell, or offer for sale, any flavored tobacco product.”~~

- 3) Sections 4-10-603(B) and 4-10-603(C) become Sections 4-10-603(A) and 4-10-603(B), respectively.
- 4) The newly redesignated Section 4-10-603(A) (formerly Section 4-10-603(B)) is amended to read as follows:

*“The use of any flavored tobacco product by minors is prohibited and no person shall use or attempt to use any flavored tobacco product.”*

- 5) A new Section 4-10-603(C) exempting hookah products as a prohibited use was added as follows:

*“Notwithstanding subparts A-C of this Section 4-10-603, the sale or offer for sale of hookah products and the use of flavored tobacco for hookah uses is not prohibited by this Section 4-10-603.”*

#### **PUBLIC COMMENT-CITY COUNCIL**

Bill Sandlin, American Legion and Irvine resident, asked for City support for a concert around Memorial Day.

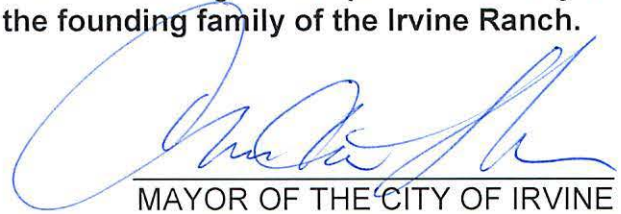
Steven Greenberg, Jane Roschmann, and Ray Roschmann, Irvine residents, provided perspectives related to a recent incident.

Alan Meyerson, Irvine resident, spoke in opposition to the recent mayoral and councilmember appointment process.

**ADJOURNMENT-CITY COUNCIL**

**Moved by Councilmember Kuo, seconded by Mayor Pro Tempore Carroll, and unanimously carried to adjourn the City Council meeting at 8:39 p.m. in memory of Joan Irvine Smith, who was a member of the founding family of the Irvine Ranch.**

  
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CITY CLERK OF THE CITY OF IRVINE

  
\_\_\_\_\_  
MAYOR OF THE CITY OF IRVINE

\_\_\_\_\_  
February 11, 2020