



MINUTES

CITY COUNCIL REGULAR MEETING

**November 12, 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 November 12, 2019, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Shea presiding.

ROLL CALL

Present: 5 Councilmember:	Michael C. Carroll
Councilmember:	Melissa Fox
Councilmember:	Farrah N. Khan
Mayor Pro Tempore:	Anthony Kuo
Mayor:	Christina Shea

John Russo, City Manager, noted that Public Hearing Item No. 4.2 (ZONE CHANGE (00793363-PZC) TO AMEND THE ZONING ORDINANCE TO PROHIBIT RESIDENTIAL AND HOTEL USES ON THAT PORTION OF THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT (ARDA) TRANSFER SITE GENERALLY LOCATED NORTH OF CADENCE AND TO CHANGE THE ZONING DESIGNATION FROM 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT TO 1.9 ORANGE COUNTY GREAT PARK ON THAT PORTION OF THE ARDA TRANSFER SITE GENERALLY LOCATED SOUTH OF CADENCE WITHIN PLANNING AREA 51) would be continued to November 26, 2019 due to technical changes that were required.

1. CLOSED SESSION

City Attorney Melching announced the following Closed Session items:

- 1.1 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; and Steve Holtz, Manager of Neighborhood Services; Negotiating Parties: City of Irvine; Mark Asturias, Irvine Community Land Trust; Todd Cottle, C&C Development; and Sean Rawson, Waterford Group; Under Negotiation: Price and Terms of Payment**

- 1.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Government Code Section 54956.9(d)(1) — City of Irvine v. Purdue Pharma, et al.– San Francisco County Superior Court Case No. CGC–19-574866**

- 1.3 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 Bridgford, 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**

There were no requests to speak.

RECESS

Mayor Shea recessed the City Council meeting to Closed Session at 4:10 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Shea reconvened the City Council meeting at 5:37 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Kuo led the Pledge of Allegiance.

INVOCATION

Pastor Mike Anderson from Good Shepherd Lutheran Church in Irvine provided the invocation.

2. PRESENTATIONS

2.1 *Proclaim Sikh Awareness and Appreciation Month*

Mayor Shea introduced Avinder Chawla, Transportation Commissioner, and Councilmember Khan presented him with a proclamation recognizing November 2019 as “Sikh Awareness and Appreciation Month.”

2.2 *Evacuation Plan Overview*

Bobby Simmons, Emergency Management Administrator, provided an overview of the City’s Evacuation Plan.

City Council discussion included: expressing concern related to evacuation management during the 1993 Laguna Canyon Fire; referenced the recent power outage at a Southern California Edison substation on Jamboree and Michelson and related communication concerns; questioned why the University of California, Irvine (UCI) was exempted from Irvine’s evacuation zones; and inquired about how the City would coordinate with UCI during an emergency evacuation.

2.3 *Drone Team Update*

Mayor Shea introduced Tim Schilling, Police Lieutenant, and Chris Bees, Police Sergeant, who provided an update on the Irvine Police Department’s Drone Team.

City Council discussion included: questioning whether a drone would perform similarly to Orange County Fire Authority’s emergency helicopter but at a significant cost reduction; and inquired about how City of Irvine drones would be used for emergency events outside of the City.

2.4 Implementation of Senate Bill 245

Mayor Shea introduced Mike Cribbin, Manager of Community Services, who provided an update on the implementation of Senate Bill 245 (“Pets for Vets Act”).

City Council discussion included: questioning types of acceptable identification other than a driver’s license to verify the identity of veterans; and inquired about the Irvine Animal Care Center’s upcoming “Home for the Holidays” event.

CITY MANAGER'S REPORT

John Russo, City Manager, turned to Mike Hamel, Police Chief, who introduced Orange County Fire Authority’s new Division Chief, Shane Sherwood.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Carroll, as the City’s delegate to the Southern California Association of Governments (SCAG) Board of Directors, provided a brief update on the most recent Board meeting, noting last-minute changes that were reviewed and approved by the Board with respect to the allocation of Regional Housing Needs Assessment (RHNA) units.

Councilmember Khan expressed her appreciation to the City Council, staff, residents, and organizations that attended the last City Council meeting to support the adoption of the City’s updated Smoking Ordinance; and made the following announcements:

- The Make A Wish Foundation recently welcomed its new President and Chief Executive Officer, Gloria Crockett, at an event in which Councilmember Khan attended, and at the event, attendees were asked to write letters from Santa, to be delivered to the Foundation or Macy’s as each letter would generate a contribution of \$1 by Macy’s. Community members are also invited to participate. Letters can be dropped off at Macy’s or the Make A Wish Foundation.
- On Friday, November 16 at 9 a.m., Chairwoman Khan, along with the Orange County Great Park Board of Directors, will be attending the opening of the new playground at the Great Park next to the Visitors Center.

Mayor Shea made the following announcements:

- The community is invited to join the City of Irvine and the Irvine 2/11 Marine Adoption Committee in brightening the season for military families by participating in the annual Holiday Toy Drive underway now through December 13. This community effort supports the families of Irvine's adopted 2/11 Marine Battalion. Donation bins for unwrapped gifts suitable for infants or children up to 12 years of age are located at City Hall, the Irvine Police Department, and the Orange County Great Park Visitors Center.
- In order to better prepare in advance of a natural disaster, the City is developing a Local Hazard Mitigation Plan, which will help identify those situations, assess the City's current provisions, and outline a strategy to lessen the vulnerability and severity of future disasters. The City is asking the community to help by completing a brief Local Hazard Mitigation Plan survey available on the City's website at cityofirvine.org.
- The Institute for Local Government selected the City of Irvine as a 2019 Beacon Sustainability Spotlight award winner. The Beacon Program supports and recognizes voluntary action by local governments throughout California to address climate change, promote energy innovation, and create more sustainable communities. The City of Irvine received the award for efforts to reduce electricity and natural gas consumption at the City's municipal facilities, and also received the top platinum level award in the Sustainability Best Practices category in recognition of the City's robust environmental programs that have been incorporated agency wide.
- The community is invited to attend the 38th Annual Irvine Community Thanksgiving Prayer Breakfast on Thursday, November 21, at the Irvine Marriott Hotel. The keynote speaker will be former LA Rams football player Reggie Doss. He and his wife, Tamara, are founders of Amazing Life Ministries, which advocates for fostering and adopting at-risk children. Tickets are \$50, with proceeds benefitting The Raise Foundation, which is dedicated to preventing and stopping the cycle of child abuse.
- *Parenting OC* magazine readers named Heritage Community Park "Best Playground" for the sixth consecutive year. Last month, the State Auditor's Office created a comprehensive ranking of California cities based on fiscal health and Irvine was assessed as "low risk." In comparison, many neighboring cities in Orange County were listed as "moderate risk." City of Irvine residents have given Irvine very high marks in a recent Quality of Life survey sponsored by the Greater Irvine Chamber.

- On November 1, a banner messaging “Reclaim America” was placed on a California Interstate 405 overpass by an organization known as “Patriot Front,” a Neo-Nazi organization. Mike Hamel, Chief of Police, was contacted and the Irvine Police Department took immediate action in removing the sign. The City Council has made it clear that Irvine does not want nor tolerate this type of banner, or any type of discrimination, in the City.

ADDITIONS AND DELETIONS

City Manager reiterated that Public Hearing Item No. 4.2 (ZONE CHANGE (00793363-PZC) TO AMEND THE ZONING ORDINANCE TO PROHIBIT RESIDENTIAL AND HOTEL USES ON THAT PORTION OF THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT (ARDA) TRANSFER SITE GENERALLY LOCATED NORTH OF CADENCE AND TO CHANGE THE ZONING DESIGNATION FROM 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT TO 1.9 ORANGE COUNTY GREAT PARK ON THAT PORTION OF THE ARDA TRANSFER SITE GENERALLY LOCATED SOUTH OF CADENCE WITHIN PLANNING AREA 51) would be continued to November 26, 2019 due to technical changes that were required.

3. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore Kuo, seconded by Councilmember Carroll, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.12, with the exception of Item No. 3.11, which was removed for separate discussion.

3.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on October 10, 2019.

3.2 PROCLAMATIONS

ACTION:

Proclaimed November 10-16, 2019, as "National Nurse Practitioner Week."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 19-100 - 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 PROFESSIONAL SERVICES AGREEMENT FOR EXPANDED SCOPE OF WORK FOR THE COMPREHENSIVE GENERAL PLAN UPDATE

ACTION:

Authorized the Mayor to execute a new Agreement for Professional Consulting Services with PlaceWorks, Inc., expanding the scope of work for the Comprehensive General Plan Update to include (1) City of Irvine California Environmental Quality Act (CEQA) Manual update; (2) Climate Change Adaptation and Resiliency Strategy; (3) Housing Element update; and, (4) a new Environmental Protection and Climate Action element, which was recently directed for inclusion by the City Council. The additional work totals \$811,300 for a total project not-to-exceed amount of \$2,431,480. **(Contract No. 10901)**

3.5 2019 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SENATE BILL 2 PLANNING GRANTS PROGRAM

ACTION:

Adopted RESOLUTION NO. 19-101 – 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 THE SENATE BILL 2 PLANNING GRANTS PROGRAM

3.6 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM FOR FEDERAL FISCAL YEAR 2020-21 THROUGH 2025-26

ACTION:

Adopted RESOLUTION NO. 19-102 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF IRVINE HAS THE RESOURCES TO FUND THE PROJECTS IN THE FEDERAL FISCAL YEAR 2020-21 THROUGH 2025-26 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT ALL PROJECTS IN THE PROGRAM

3.7 VENTA SPUR TRAIL AND STATE ROUTE 133 BICYCLE AND PEDESTRIAN BRIDGE PROJECT

ACTION:

- 1) Received and filed the preliminary design plans and profile, a Permit Engineering Evaluation Report, and Categorical Exemption for the Venta Spur Trail and State Route 133 Bicycle and Pedestrian Bridge, approved by California Department of Transportation, District 12.
- 2) Directed staff to proceed with the final design and right-of-way phase.

3.8 SECOND READING OF ORDINANCE NO. 19-14 AMENDING CHAPTERS 1, 2, 3, 4 AND 5 OF DIVISION 9 OF SECTION 5 OF THE IRVINE MUNICIPAL CODE PERTAINING TO BUILDING AND FIRE CODE REGULATIONS

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-14 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4 AND 5 OF DIVISION 9 OF SECTION 5 OF THE IRVINE MUNICIPAL CODE PERTAINING TO BUILDING AND FIRE CODE REGULATIONS

3.9 SECOND READING OF ORDINANCE NO. 19-15 APPROVING DEVELOPMENT AGREEMENT 00771503-PDA WITH ELEMENTS 1 LEASEHOLD LLC, FOR A RESIDENTIAL MIXED-USE PROJECT IN PLANNING AREA 36

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-15 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT 00771503-PDA WITH ELEMENTS 1 LEASEHOLD LLC, FOR ELEMENTS RESIDENTIAL MIXED-USE PROJECT LOCATED NORTH OF CAMPUS DRIVE BETWEEN BARDEEN AVENUE AND JAMBOREE ROAD IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)

3.10 SECOND READING OF ORDINANCE NO. 19-16 APPROVING DEVELOPMENT AGREEMENT 00771507-PDA WITH J&R MAIN STREET LLC, FOR 15 DEGREES SOUTH RESIDENTIAL PROJECT IN PLANNING AREA 36

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-16 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT 00771507-PDA WITH J&R MAIN STREET LLC, FOR 15 DEGREES SOUTH RESIDENTIAL PROJECT LOCATED AT THE NORTHEAST CORNER OF MAIN STREET AND CARTWRIGHT ROAD IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)

3.11 SECOND READING OF ORDINANCE NO. 19-17 AMENDING CHAPTER 5 OF DIVISION 10 OF TITLE 4 OF THE MUNICIPAL CODE RELATING TO THE REGULATION AND PROHIBITION OF SMOKING

This item was removed from the Consent Calendar at the request of Esther Woo, Irvine resident, who spoke in support of the Ordinance.

There was no City Council discussion.

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

Read by title only, second reading and adoption of ORDINANCE NO. 19-17 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTER 5 OF DIVISION 10 OF TITLE 4 OF THE IRVINE MUNICIPAL CODE RELATING TO THE REGULATION AND PROHIBITION OF SMOKING

3.12 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Mayor Shea's request for Community Partnership Fund Grant Nomination to the Ektaa Center in the amount of \$1,500 in support of program costs. **(Contract No. 10919)**
- 2) Approved Mayor Pro Tem Kuo's request for Community Partnership Fund Grant Nomination to the New Horizon School in the amount of \$500 in support of program costs.
- 3) Authorized the City Manager to prepare and sign the funding agreement for individual awards of \$1,000 or more.

4. PUBLIC HEARINGS

4.1 ON-DEMAND MOBILE FUELING OPERATIONS UPDATE AND PROPOSED MUNICIPAL CODE AMENDMENTS

Mayor Shea opened the public hearing at 7:17p p.m.

Kyle Turner, Police Lieutenant, and Jennifer Bower, Orange County Fire Authority Deputy Fire Marshal, presented the staff report and responded to questions.

City Council discussion included: inquiring about whether business licenses for this type of program would be limited; questioned whether we could require Booster to be based in Irvine to capture sales tax revenue; inquired about whether sales tax would be based on point of generation; questioned whether any incidents have occurred as part of the pilot program similar to other areas; expressed concern about unlocked fuel tanks in vehicles and potential vandalism that could ensue, and whether any technology existed to avoid such vandalism; questioned whether diesel fuel was an option; suggested more frequent updates regarding status of the program; inquired about other jurisdictions in which Booster has delivered to; and questioned whether mobile fueling was limited to personal vehicles or included commercial/fleet mobile fuel delivery.

Taylor Henderson, representing Booster Fuels, provided a brief overview of the services provided, and spoke in support of the Ordinance.

ACTION: Moved by Mayor Shea, seconded by Mayor Pro Tempore Kuo, and unanimously carried to close the public hearing at 7:31 p.m.

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

Introduce for first reading and read by title only ORDINANCE NO. 19-18 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING SECTION 5-9-408 OF CHAPTER 4 OF DIVISION 9 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE RELATING TO REGULATION OF ON-DEMAND MOBILE FUELING OPERATIONS

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

Direct staff to continue monitoring mobile fueling activity and provide a written update to City Council in 24 months.

Discussion ensued related to suggesting more frequent updates to the City Council on mobile fueling activity.

ACTION: A friendly amendment was made by Mayor Shea, and accepted by Mayor Pro Tempore Kuo as the maker of the motion and Councilmember Khan as the seconder, and unanimously carried to:

Direct staff to continue monitoring mobile fueling activity and provide a written update to City Council in 6, 12, and 24 month increments.

4.2 ZONE CHANGE (00793363-PZC) TO AMEND THE ZONING ORDINANCE TO PROHIBIT RESIDENTIAL AND HOTEL USES ON THAT PORTION OF THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT (ARDA) TRANSFER SITE GENERALLY LOCATED NORTH OF CADENCE AND TO CHANGE THE ZONING DESIGNATION FROM 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT TO 1.9 ORANGE COUNTY GREAT PARK ON THAT PORTION OF THE ARDA TRANSFER SITE GENERALLY LOCATED SOUTH OF CADENCE WITHIN PLANNING AREA 51

This item was continued to the November 26, 2019 City Council meeting at the request of City Manager Russo. See Additions and Deletions.

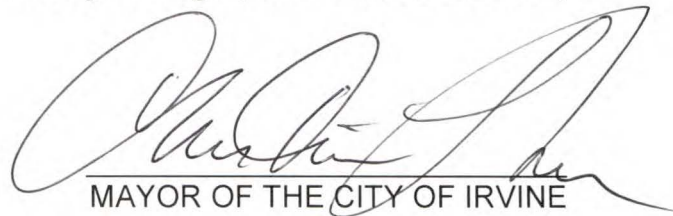
PUBLIC COMMENT

Susan Sayre, Irvine resident, expressed concern with regards to the distribution of the Regional Housing Needs Assessment (RHNA) numbers.

Steve Greenberg and Parissa Yazdandi, Irvine residents, spoke in opposition to misinformation related to a Veterans Cemetery at the Amended and Restated Development Agreement (ARDA) site adjacent to the Orange County Great Park.

ADJOURNMENT

Moved by Councilmember Carroll, seconded by Councilmember Khan, and unanimously carried to adjourn the City Council meeting at 7:38 p.m. in memory of William Woollett Jr., Irvine resident and former City Manager, and Nikki Knezovich, Community Services Specialist.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

December 10, 2019