



MINUTES

CITY COUNCIL REGULAR MEETING

March 26, 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 4:17 p.m. on March 26, 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

* Mayor Pro Tempore Shea arrived at 4:20 p.m.

1. CLOSED SESSION

City Attorney Melching announced the following Closed Session items:

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

- 1.2 **CONFERENCE WITH LABOR NEGOTIATORS** (*Pursuant to Government Code Section 54957.6*) Agency Negotiators: John Russo, City Manager; Michelle Grettenberg, Deputy City Manager; Jimmee Medina, Director of Human Resources & Innovation; Brian King, Manager of Human Resources; Kristin Griffith, Director of Financial Management & Strategic Planning; Mike Hamel, Director of Public Safety/Chief of Police; Employee Organizations: Associated Supervisory/ Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); Irvine Professional Employees Association (IPEA); Irvine Police Association (IPA); and Irvine Police Management Association (IPMA)

- 1.3 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -** *Pursuant to Government Code Section 54956.9(d)(1) — Woodcliff Corporation v. City of Irvine, Orange County Superior Court Case No.30-2018-01036250-CU-BC-CJC*

- 1.4 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -** *Pursuant to Government Code Section 54956.9(d)(1) — Machowski, et al. v. City of Irvine, et. al, United States District Court, Central District of California Case No. 2:19-cv-01014*

RECESS

Mayor Wagner recessed the City Council meeting to Closed Session at 4:19 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Wagner reconvened the City Council meeting at 5:36 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 Wagner led the Pledge of Allegiance.

INVOCATION

Pastor Lynn Linis from Free Chapel Church in Irvine provided the invocation.

MOMENT OF SILENCE

Mayor Wagner asked for a moment of silence for the 50 people killed, their families and friends, and those who were wounded in two mosque shootings in Christchurch, New Zealand earlier in the month.

PRESENTATIONS

2.1 Proclaim April 2019 as "National Child Abuse Prevention Month"

Mayor Wagner introduced Exchange Club of Irvine representative Carlos Carney, who presented a donation check based on proceeds from the 2018 Thanksgiving Prayer Breakfast to Eldon Baber, Executive Director of The Raise Foundation, for continued efforts in preventing child abuse. Also in attendance were Lianna Zhao, President, Exchange Club of Irvine; Whit Peterson, Director of Government Affairs and Economic Development, Irvine Chamber of Commerce; and Tim Jaeger, Executive Vice President, Concordia University.

Councilmember Kuo, as a Member of the Exchange Club of Irvine, also provided brief comments; and Mike Hamel, Director of Public Safety/Chief of Police, provided a brief report on how the City prevents and addresses child abuse. Following remarks, Councilmember Kuo, on behalf of Mayor Wagner, presented a proclamation to The Raise Foundation recognizing April 2019 as "National Child Abuse Prevention Month."

2.2 Proclaim April 7-13, 2019 as Office of Justice Programs' "National Crime Victims' Rights Week"

Mayor Wagner, joined by Councilmember Kuo as the requestor of the presentation, introduced Patricia Wenskunas, Founder and CEO, Crime Survivors, Inc., and presented a proclamation recognizing April 7-13, 2019 as "National Crime Victims' Rights Week."

2.3 Proclaim April 2019 as South Orange County Community College District's "Community College Awareness Month"

Mayor Wagner introduced Letitia Clark, District Director of Public Affairs and Government Relations, South Orange County Community College District; and Dr. Glenn Roquemore, President, Irvine Valley College, and presented a proclamation recognizing April 2019 as "Community College Awareness Month."

CITY MANAGER'S REPORT

City Manager Russo turned to Mayor Pro Tempore Shea, who recognized Mayor Wagner for his service to the community since 2016, and congratulated him on behalf of the City Council on his successful election to the Orange County Board of Supervisors as the Third District Supervisor, to which Mayor Wagner expressed his appreciation to the City Council and the community for their continued support.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Khan noted her recent attendance, along with other City Council colleagues, Police Chief Hamel, and Irvine Police Officers, at the Islamic Center of Irvine's Interfaith Vigil on Sunday, March 17, which was held in response to recent attacks at their Christ Church mosque; and expressed her appreciation to organizers of the Holy and Nowruz Celebrations that occurred last weekend.

Mayor Wagner made the following announcements:

- The City of Irvine, in partnership with the Irvine Prevention Coalition, invites community members to join a discussion on teenagers' mental health and well-being. "Staying Connected to Today's Teen: The Foundation of Better Mental Health and Well-being" will be held on Wednesday, March 27 from 6 to 8 p.m. at the Irvine Civic Center. This free event is intended for parents of teenage children. Well-known adolescent psychologist Dr. Jerry Weichman will discuss the impact positive social relationships have on a teenager's mental health and physical well-being. Discussion topics include: 1) The newest trends and behaviors facing teens; 2) How to identify a teen in trouble and the best ways to support them; 3) Effective mental health tools you can teach students and children; and more. This event is presented with the support of the Irvine Public Schools Foundation, Irvine Unified School District, and Parent Teacher Association. No RSVP is needed. For information, call 949-724-6749.
- The City of Irvine has been recognized as the second Happiest City in America by personal finance website WalletHub. To compile the ranking, WalletHub compared more than 180 of the largest U.S. cities across three key dimensions, which include: 1) Emotional & Physical Well-Being; 2) Income & Employment; and 3) Community & Environment. The City received especially high marks for low unemployment, a strong sports participation rate, and a low separation and divorce rate. Safety and having access to parks and open space, bike trails, and excellent schools, play a big part in residents' happiness.
- Last week, the City of Irvine received the 2018 California Park & Recreation Society Marketing and Communications Award of Excellence for the "Your Irvine" marketing campaign. This statewide award represents the highest achievement in promoting and increasing public awareness of parks, facilities, recreation, and leisure services programs. It also recognizes the City's comprehensive marketing and public outreach campaign for the online registration and reservations software system that launched in February 2018. City staff developed the "Your Irvine" brand identity and created the logo, website, and digital and print collateral in-house using only internal resources. This award recognizes the hard work of City staff who are dedicated to making life easier and better for Irvine citizens.

- The Irvine Animal Care Center invites all runners, walkers, and animal-lovers to take part in its Virtual 5K April 1-30, 2019 to support animals in need. There is no set location for the Virtual 5K, as you can walk or run anywhere you choose. Register and complete your race by April 30 to receive an exclusive medal and certificate of completion. Community members can enter their four-legged friend to participate with them in the Virtual 5K, who will also receive their very own medal for completing the race. Register and submit the \$35 entry fee at irvineanimals.org/5k. Proceeds go toward shelter and care for animals at the center, which offers services including licensing for Irvine residents, pet adoptions, and events. For information, visit irvineanimals.org/5k or call 949-724-7740.

ADDITIONS AND DELETIONS

City Manager Russo requested that Item No. 3.11 (Second reading of Ordinance No. 19-03 Amending Section 1-2-1 of the City’s Zoning Ordinance Related to the Definition of a “Boarding House”) be removed from the agenda due to recent inquiries from the State of California and noted that the item may return in September.

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 3.16, with the exception of Consent Calendar Item Nos. 3.5, 3.10 and 3.13, which were removed for separate discussion; and Item No. 3.11, which was removed from the agenda.

3.1 MINUTES

ACTION:
Approved the minutes of a regular meeting of the Irvine City Council held on February 26, 2019.

3.2 PROCLAMATIONS

- ACTION:**
- 1) Proclaimed April 2019 as "DMV/Donate Life California Month."
 - 2) Proclaimed April 2019 as Fair Housing Foundation's "Fair Housing Month."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:
Adopted RESOLUTION NO. 19-21 - 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 REVISION TO AGREEMENT WITH EDWARDS LIFESCIENCES FOR EXEMPTION OF EMPLOYEE AMENITY AREAS FROM IRVINE BUSINESS COMPLEX TRAFFIC IMPROVEMENT FEES

ACTION:

Authorized the City Manager to sign an Agreement for Partial Waiver of Irvine Business Complex Traffic Improvement Fees for the Edwards Lifesciences campus. **(Contract No. 10564)**

3.5 FIFTH AMENDMENT TO THE DENSITY BONUS AGREEMENT BY AND BETWEEN CITY OF IRVINE AND HERITAGE FIELDS EL TORO, LLC REGARDING DEVELOPMENT IMPLEMENTATION OF THE GREAT PARK NEIGHBORHOODS (PA 51)

This item was removed for separate discussion at the request of Jack Fancher, Irvine resident, who spoke in support of postponing approval by the City Council of the Amendment.

Joel Belding, Principal Planner, and Bill Rodrigues, Senior Planner, presented the staff report and responded to questions.

Judith Gass, Irvine resident, and Stephen Berger, also spoke in opposition to the proposed Amendment.

Patrick Strader, Starpointe Ventures on behalf of Heritage Fields El Toro, LLC, spoke in support and responded to City Council questions.

City Council discussion included: questioning density bonus credits and “additive” units for developers and benefits in return, if any, to the City; noted the importance of providing affordable workforce housing; inquired about when the Environmental Impact Report was certified and how many units were analyzed; discussed existing affordable housing shortage and meeting those needs; inquired about whether certain professions could be a priority for housing; noted that the item was reviewed by the Transportation Commission; and summarized several traffic improvements over the last couple of years.

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

Adopt RESOLUTION NO. 19-22 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE FIFTH AMENDMENT TO THE DENSITY BONUS AGREEMENT BY AND BETWEEN CITY OF IRVINE, A CALIFORNIA MUNICIPAL CORPORATION, AND HERITAGE FIELDS EL TORO, LLC, A DELAWARE LIMITED LIABILITY COMPANY **(Contract No. 6298E)**

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Fox, Khan, Kuo, and Wagner

NOES: 1 COUNCILMEMBERS: Shea

ABSENT: 0 COUNCILMEMBERS: None

3.6 TREASURER’S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2018

ACTION:

Received and filed the Treasurer’s Report for the quarter ended December 31, 2018.

3.7 FISCAL YEAR 2018-19 SECOND QUARTER BUDGET UPDATE

ACTION:

Received and filed the Fiscal Year 2018-19 Second Quarter Budget Update.

3.8 AWARD OF FINAL DESIGN CONTRACT FOR THE JEFFREY OPEN SPACE TRAIL AND INTERSTATE 5 BICYCLE AND PEDESTRIAN BRIDGE (JOST I-5 BRIDGE) PROJECT

ACTION:

Approved and authorized the Mayor to execute a professional services contract with T.Y. Lin International in the amount not-to-exceed \$1,261,197.98 for preparation of construction documents for the JOST I-5 Bridge, CIP 341502. **(Contract No. 10560)**

3.9 PARTICIPATION IN INSTITUTE FOR LOCAL GOVERNMENT’S BEACON PROGRAM

ACTION:

Adopted RESOLUTION NO. 19-23 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT’S BEACON PROGRAM

3.10 APPROVAL OF PROJECT REPORT AND ENVIRONMENTAL DOCUMENT FOR THE JEFFREY OPEN SPACE TRAIL EXTENSION PROJECT FROM BARRANCA TO WALNUT

This item was removed for separate discussion at the request of Andy Zelinko, Irvine resident, who spoke in support of securing an estimate for an overcrossing from the Venta Spur Trail to the Jeffrey Open Space Trail.

City Council discussion included: continuing the item for further discussion at the April 9 or 23, 2019 City Council meeting.

City Manager Russo noted that a presentation would be made available when the item was reagendaized.

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

Continue the item to the April 23, 2019 City Council meeting.

3.11 SECOND READING OF ORDINANCE NO. 19-03 AMENDING SECTION 1-2-1 OF THE CITY'S ZONING ORDINANCE RELATED TO THE DEFINITION OF A "BOARDING HOUSE"

This item was removed from the agenda at the request of City Manager Russo. See Additions and Deletions.

3.12 SECOND READING OF ORDINANCE 19-04 AMENDING PORTIONS OF THE IRVINE MUNICIPAL CODE RELATING TO PROCEDURES FOR AWARD OF PUBLIC WORKS CONTRACTS

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING PORTIONS OF THE IRVINE MUNICIPAL CODE RELATING TO PROCEDURES FOR AWARD OF PUBLIC WORKS CONTRACTS

(Unless otherwise directed by a Member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember was absent at first reading, his or her vote cast at second reading will be reflected. If a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.)

Approved 5-0.

3.13 SECOND READING OF ORDINANCE NO. 19-05 AMENDING THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE: SECTION 1-3-204, "POWER OF APPOINTMENT AND REMOVAL," SECTION 1-3-301, "OFFICE ESTABLISHED," SECTION 2-4-102, "METHOD OF APPOINTMENT," SECTION 3-2-101, "OFFICE ESTABLISHED," SECTION 4-2-101, "OFFICE ESTABLISHED," SECTION 5-2-101, "OFFICE ESTABLISHED," AND SECTION 6-2-101, "OFFICE ESTABLISHED"

This item was removed for separate discussion at the request of Ilya Tseglin, community member, who spoke in support City Attorney assistance for Irvine residents, and asked for assistance with a domestic issue related to his autistic son.

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

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-05 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING AMENDMENTS TO THE FOLLOWING SECTIONS OF THE IRVINE MUNICIPAL CODE: SECTION 1-3-204, "POWER OF APPOINTMENT AND REMOVAL," SECTION 1-3-301, "OFFICE ESTABLISHED," SECTION 2-4-102, "METHOD OF APPOINTMENT," SECTION 3-2-101, "OFFICE ESTABLISHED," SECTION 4-2-101, "OFFICE ESTABLISHED," SECTION 5-2-101, "OFFICE ESTABLISHED," AND SECTION 6-2-101, "OFFICE ESTABLISHED."

3.14 AMICABLE TERMINATION OF CONTRACT WITH XG COMMUNITIES

ACTION:

Approved and authorize the City Manager to execute the proposed Settlement and Mutual Release Agreement with XG Communities, LLC. **(Contract No. 10561)**

3.15 AMICABLE TERMINATION OF CONTRACT WITH XG COMMUNITIES FOR SERVICES AT THE ORANGE COUNTY GREAT PARK

ACTION:

Approved and authorize the Executive Director, Orange County Great Park to execute the proposed Settlement and Mutual Release Agreement with XG Communities, LLC **(Contract No. 10562)**

(Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each Councilmember when he or she sat and voted as a member of the Board of Directors of the Orange County Great Park Corporation. However, if a Councilmember is not present at the City Council meeting, his or her vote will be reflected as absent.)

Approved 5-0.

3.16 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Councilmember Kuo's request for Community Partnership Fund Grant nomination to Irvine Children's Fund in the amount of \$500 in support of the 2019 Irvine Junior Games. **(Contract No. 10563)**
- 2) Authorized the City Manager to prepare and sign the funding agreement listed in Action 1.

4. COUNCIL BUSINESS

4.1 ADDITIVE INTENSITY DISCUSSION AND DIRECTION TO STAFF

Joel Belding, Principal Planner, and Bill Rodrigues, Senior Planner, presented the staff report and responded to questions.

Harvey Liss, Irvine resident, spoke in opposition to the proposed amendments.

Stephen Berger submitted a request to speak but did not speak.

City Council discussion included: noting the existing provision in the General Plan and what "additive intensity" allows; suggested that the existing provisions promote affordable housing; reiterated the City's limited control over State density bonus credits; noted impacts, including surrounding infrastructure, due to additive intensity; suggested review of "additive intensity" by all Commissions; expressed concern about "additive intensity" requests after applications have already been submitted, noting such requests should be made at time of application submittal; suggested that "additive intensity" was duplicative of State density bonus credits; and inquired about how many additive proposals for institutional use have been submitted over the years, including recently.

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

Direct staff to make amendments to the Additive Intensity provisions contained in General Plan Land Use Objective A-4 and Zoning Ordinance Section 9-0-3.C, prohibiting retroactive determinations and the combination of Density Bonus and Additive benefits.

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Khan, Kuo, Shea and Wagner

NOES: 1 COUNCILMEMBERS: Fox

ABSENT: 0 COUNCILMEMBERS: None

PUBLIC COMMENTS

Jane Olinger spoke in support of transparency in government and in opposition of affordable housing created by investors.

Brigitte spoke in support of her friend, Ilya Tseglin, related to a domestic issue with his autistic son.

Nathan Searcy, on behalf of Assemblymember Cottie Petrie-Norris, invited the community to attend an Interfaith event at 1 p.m. on March 30, 2019 at Christ our Redeemer AME Church in Irvine.

Andy Zelinko, Irvine resident, spoke in support of resolving concerns by the State of California with the recently proposed ordinance to amend definitions of a "Boarding House"; and in support of prohibiting the use of real estate signs.

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

The following individuals spoke in support of a recent proposal to amend the City's Zoning Ordinance to change the definition of a "Boarding House":

- Hoan Vo, Irvine resident
- Heather Vo, Irvine resident
- Scott Couchman, Irvine resident
- Kamran, Irvine resident

The following individuals spoke in opposition to a recent proposal to amend the City's Zoning Ordinance to change the definition of a "Boarding House":

- Connor Strobel, Irvine resident
- David Gregory, Irvine resident
- Dashay, Irvine resident
- Liam Withrow, Irvine resident
- Bryant Gunaman, Irvine resident
- Julie Tapp, Irvine resident
- Neil Kaplan Kelly, Irvine resident

Alex Carubis and Carson Capps, University of California, Irvine law students, spoke in support of assisting homeless individuals with pets.

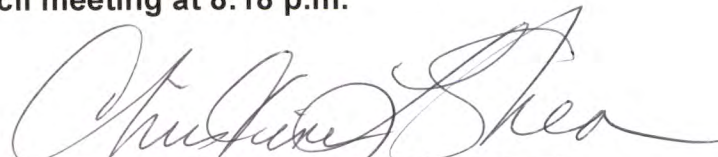
Ilya Tseglin spoke about a domestic issue related to his autistic son.

City Manager Russo reiterated that Item 3.11 (Second reading of Ordinance No. 19-03 Amending Section 1-2-1 of the City's Zoning Ordinance Related to the Definition of a "Boarding House") was removed from the agenda based on concerns raised by the State of California, and that once the letter is received from the State, it will be posted to the City's website.

ADJOURNMENT

Prior to adjournment, Mayor Wagner reiterated his appreciation to the community for the opportunity to serve as the Mayor of the City of Irvine.

Moved by Councilmember Kuo, seconded by Mayor Pro Tempore Shea, and unanimously carried to adjourn the City Council meeting at 8:18 p.m.



 MAYOR OF THE CITY OF IRVINE



 CITY CLERK OF THE CITY OF IRVINE

April 23, 2019