



MINUTES

CITY COUNCIL SPECIAL MEETING

January 24, 2023
City Council Chamber
1 Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

The special meeting of the City Council was called to order at 3:05 p.m. on January 24, 2023, in the City Council Chamber, Irvine Civic Center, 1 Civic Center Plaza, Irvine, California; Mayor Khan presiding.

ROLL CALL

Present:	5 Councilmember	Larry Agran
	Councilmember	Mike Carroll
	Councilmember	Kathleen Treseder
	Vice Mayor	Tammy Kim
	Mayor	Farrah N. Khan

1. CLOSED SESSION

City Attorney Melching announced the following Closed Session items:

- 1.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8) - Property: 8000 Great Park Blvd, Irvine, CA 92618; Agency Negotiators: Oliver Chi, City Manager; Pete Carmichael, Executive Director Great Park; Jeffrey Melching, City Attorney; Negotiating Parties: City of Irvine; Michael Aguilar, Chief Executive Officer, Flying Leathernecks Historical Foundation/Flying Leathernecks Aviation Museum; Under Negotiation: Price and Terms of Payment**

- 1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8) - Property: 8000 Great Park Blvd, Irvine, CA 92618; Agency Negotiators: Oliver Chi, City Manager; Pete Carmichael, Executive Director Great Park; Jeffrey Melching, City Attorney; Negotiating Parties: City of Irvine; Ellen Pais, Executive Director, Pretend City Children’s Museum; Under Negotiation: Price and Terms of Payment**
- 1.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8) - Property: 8000 Great Park Blvd, Irvine, CA 92618; Agency Negotiators: Oliver Chi, City Manager; Pete Carmichael, Executive Director Great Park; Jeffrey Melching, City Attorney; Negotiating Parties: City of Irvine; Douglas Freeman, Chief Executive Officer, OC Music and Dance: Under Negotiation: Price and Terms of Payment**
- 1.4 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8) - Property: 8065 Marine Way, Irvine, CA 92618; Agency Negotiators: Oliver Chi, City Manager; Pete Carmichael, Executive Director Great Park; Jeffrey Melching, City Attorney; Negotiating Parties: City of Irvine; Arthur Kazarian, Chief Executive Officer, Tierra Verde Industries: Under Negotiation: Price and Terms of Payment**
- 1.5 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8) - Property: 10671 Jeffrey Rd., Irvine, CA 92602; Agency Negotiators: Oliver Chi, City Manager; Pete Carmichael, Executive Director Great Park; Jeffrey Melching, City Attorney; Negotiating Parties: City of Irvine; Mark Leur, Chief Executive Officer, All American Asphalt: Under Negotiation: Price and Terms of Payment**
- 1.6 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1): two cases – (1) City of Irvine vs. All American Asphalt (AAA), Orange County Superior Court Case No. 30-2020-01153015-CU-MC-CJC (All American Asphalt Litigation); and (2) Alliance for Constitutional Sex Offense Laws, Inc. v. City of Irvine, Orange County Superior Court Case No. 30-2020-01156612**

1.7 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Significant Exposure to Litigation (Gov. Code Section 54956.9(d)(2) or (3)): One Case

There were no requests to speak.

RECESS

Mayor Khan recessed the special City Council meeting to Closed Session at 3:14 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Khan reconvened the special City Council meeting at 5:19 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

RECESS

Mayor Khan recessed the Special City Council meeting at 5:19 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Khan reconvened the special City Council meeting at 7:44 p.m.

PUBLIC COMMENTS - AGENDIZED ITEMS

Item 2.1

The following individuals spoke in support of an independent investigation related to the Melahat Rafiei matter:

- Susan Sayre, Irvine resident
- Branda Lin, Irvine resident
- Christina Shea, Irvine resident
- Eric Nashanian, Irvine resident
- Doug Elliott, Irvine resident
- (909) ***-*666

The following individuals spoke in opposition to an independent investigation related to the Melahat Rafiei matter using public funds:

- Alan Meyerson, Irvine resident
- Dee Fox, Irvine resident

2. COUNCIL BUSINESS

2.1 DISCUSSION AND DIRECTION REGARDING PLEA AGREEMENT IN THE CASE, UNITED STATES OF AMERICA V. MELAHAT RAFIEI

Oliver Chi, City Manager, provided a brief report related to the plea agreement details related to Irvine in the above-referenced case, and official actions taken in 2018 related to cannabis.

City Council discussion included: noting the allegations listed in the plea deal by Ms. Rafiei; reiterated the necessity for an internal investigation related to actions taken by the City Council in 2018 and Ms. Rafiei's engagement with staff; noted staffing challenges by the Federal Bureau of Investigation (FBI); reiterated actions taken by current Councilmembers who previously retained the services of Ms. Rafiei; discussed the length of time and potential costs for an internal investigation; suggested deferring an internal investigation until the FBI concluded its own investigation; referenced a prior investigation of misconduct by a Councilmember, its outcome, associated impacts, and related expenses; questioned who would conduct an internal investigation; inquired about municipal subpoena authority; reiterated the responsibility to cooperate fully with an FBI investigation; expressed concern about public opinion if the City Council chose not to initiate an internal investigation; discussed the deferment of an investigation by six months; and suggested the preservation of evidence and potential witnesses if an investigation was deferred by six months.

ACTION: Moved by Councilmember Treseder, seconded by Vice Mayor Kim, to:

Conduct an independent investigation into the actions of Melahat Rafiei, especially concerning her actions 2018 and surrounding times to assess if criminal misconduct occurred, constrained by a timeframe of 30 days.

Following discussion, Councilmember Treseder amended her motion.

ACTION: Moved by Councilmember Treseder to:

Conduct an independent investigation into the actions of Melahat Rafiei, especially concerning her actions 2018 and surrounding times to assess if criminal misconduct occurred, with such investigation commencing in six (6) months.

After additional discussion ensued, Councilmember Treseder withdrew her amendment and asked for City Council consideration of her prior motion.

ACTION: Moved by Councilmember Treseder, seconded by Vice Mayor Kim, to:

Conduct an independent investigation into the actions of Melahat Rafiei, especially concerning her actions 2018 and surrounding times to assess if criminal misconduct occurred, constrained by a timeframe of 30 days.

The motion failed as follows:

AYES:	2	COUNCILMEMBERS:	Kim and Treseder
NOES:	3	COUNCILMEMBERS:	Agran, Carroll, and Khan
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

No action was taken.

ADJOURNMENT

Moved by Vice Mayor Kim, seconded by Councilmember Carroll, and unanimously carried by to adjourn the special City Council meeting at 8:58 p.m.



MAYOR, CITY OF IRVINE



CITY CLERK

February 28, 2023