



MINUTES

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

January 9, 2018
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 4:05 p.m. on January 9, 2018 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor/Chairman Wagner presiding.

ROLL CALL

Present:	5	Councilmember/Boardmember:	Melissa Fox
		Councilmember/Boardmember:	Jeffrey Lalloway
		Councilmember/Boardmember:	Lynn Schott
		Mayor Pro Tempore/Vice Chairwoman:	Christina Shea
		Mayor/Chairman:	Donald P. Wagner

1. CLOSED SESSION

City Attorney Melching announced the following Closed Session items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1) – County of Orange v. City of Irvine, Orange County Superior Court Case No. 30-2017-00959467-CU-MC-CJC**
- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1) – City of Irvine v. County of Orange, Orange County Superior Court Case No. 30-2017-00961107-CU-WM-CXC**
- 1.3 PUBLIC EMPLOYEE APPOINTMENT APPROVALS (ALL CITY OFFICERS, DEPARTMENT HEADS, AND ASSISTANT CITY MANAGERS) – Pursuant to Government Code section 54957**
- 1.4 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Government Code Section 54957 - Title: City Attorney**

RECESS

Mayor Wagner convened the City Council meeting to Closed Session at 4:06 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Wagner reconvened the City Council meeting at 6:12 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable actions were taken on Closed Session Item Nos. 1.1, 1.2 and 1.4; and noted the following actions taken with respect to Closed Session Item No. 1.3:

- 1) By a unanimous vote, the City Council confirmed the appointments of the following positions:

- Assistant City Manager - Special Projects
- Director of Administrative Services
- Director of Community Services
- Director of Public Affairs and Communications
- Director of Public Safety/Chief of Police
- Director of Public Works
- Director of Transportation
- Manager – City Engineer

- 2) By a vote of 3 to 2 (Councilmember Fox and Mayor Pro Tempore Shea dissenting), the City Council confirmed the position of the Assistant City Manager.
- 3) By a vote of 3 to 2 (Councilmember Fox and Mayor Pro Tempore Shea dissenting), the City Council confirmed the appointment of the Director of Community Development.
- 4) By a vote of 3 to 2 (Councilmember Schott and Mayor Pro Tempore Shea dissenting), the City Council confirmed the appointment of Director, Orange County Great Park, through December 18, 2017.

PLEDGE OF ALLEGIANCE

Councilmember Lalloway led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Wagner requested a moment of silence in memory of those whose lives were lost as a result of the recent storm in the Montecito neighborhoods of Santa Barbara County.

INVOCATION

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

2. PRESENTATIONS

2.1 Proclaim January 13, 2018 as "Korean American Day"

Mayor Wagner introduced the following individuals and presented a proclamation recognizing January 13, 2018 as "Korean American Day":

- Juweon Yun, President, Orange County Korean Cultural Center and the Irvine Korean Cultural Festival
- Grace Yun; Diane Kim, President, UCI Korean American Alumni Chapter
- Elizabeth Rho, President, Irvine Korean Parent Association
- Juneu Kim, President Irvine Korean Evergreen Association
- Samuel Han, California Director, Freedom Foundation

2.2 Proclaim January 15, 2018 as "Dr. Martin Luther King, Jr. Day"

Ilya and Robert Tseglin spoke in support of proclaiming January 15, 2018 as "Dr. Martin Luther King, Jr. Day," and reiterated a domestic issue with respect to an autistic family member.

Mayor Wagner introduced the following individuals and presented a proclamation recognizing January 15, 2018 as "Dr. Martin Luther King, Jr. Day":

- Thomas Parham, Vice Chancellor, Student Affairs, University of California
- Bobby McDonald, President, Black Chamber of Orange County
- Nadeeka Karunaratne, Student Development Coordinator, UC Irvine Cross-Cultural Center
- Daniel Park, Assistant Director, UC Irvine Cross-Cultural Center

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Lalloway requested the public's assistance in locating 19-year-old Blaze Bernstein, who recently went missing in the City of Lake Forest.

Councilmember Schott invited residents to attend upcoming events at the Irvine Barclay Theater, which include *See Jane Sing*, starring Jane Lynch from the television show "Glee" on January 12, and *Diavolo*, a dance musical, on January 19. For information on upcoming performances or to purchase tickets, visit thebarclay.org.

Mayor Wagner made the following announcements:

- The community is invited to attend the opening reception of "LAND" at the Irvine Fine Arts Center on Saturday, January 20, from 4 to 6 p.m. The exhibition focuses on works that seek to understand, highlight, and critique our connection to land from environmental issues to cultivation, development, and mapping, and traces the change in that relationship over time. Admission and parking are free. The exhibition runs through March 10. For information, visit irvinefinearts.org.
- The City of Irvine has been named the 2017 Parks and Rec Agency of the Year by *Tennis Industry Magazine*, which is recognized as the largest tennis trade publication in the world. In the January issue, the magazine makes note of the City's 91 lighted public tennis courts at 19 locations, including the new Tennis Center at the Great Park Sports Complex. The award also recognizes Program

Coordinator Steve Riggs and the full-time teaching pros who make the tennis program successful. For information on City facilities and tennis classes for all ages and abilities, visit cityofirvine.org/tennis.

- The public is invited to attend the annual State of the City address in the Council Chamber on Tuesday, February 27, at which time accomplishments of the past year and plans for 2018 will be shared. The event begins at 5 p.m. with a free, public reception in the Civic Center lobby, followed by the State of the City address at 6 p.m. No RSVP is required.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

CONVENE TO THE REGULAR JOINT MEETING

Mayor/Chairman Wagner convened to the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency at 6:37 p.m.

3. CONSENT CALENDAR - CITY COUNCIL

ACTION: Moved by Mayor Pro Tempore/Vice Chairwoman Shea, seconded by Councilmember/Boardmember Lalloway, and unanimously carried to approve City Council Consent Calendar Item Nos. 3.1 through 3.6, and Successor Agency Consent Calendar Item Nos. 4.1 and 4.2.

3.1 MINUTES

ACTION:

Approved the minutes of an adjourned regular meeting of the Irvine City Council and adjourned regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency held on December 11, 2017.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 18-01 - 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 PROCLAMATIONS

ACTION:

Proclaimed January 2018 as "National Slavery and Human Trafficking Prevention Month."

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

ACTION:

- 1) Appointed City Council delegates and alternates to outside governmental agencies on which the City has representation for the 2018 calendar year.
- 2) Appointed City Council representatives and approve staff appointments to various City of Irvine advisory Commissions, Committees and Task Forces for the 2018 calendar year.
- 3) Adopted RESOLUTION NO. 18-02 - 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
- 4) Adopted 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 ACCEPTANCE OF FUNDS FROM THE ORANGE COUNTY FIRE AUTHORITY FOR EQUIPMENT UPGRADES FOR PUBLIC SAFETY COMMUNICATION VEHICLES AND BI-DIRECTIONAL AMPLIFIERS FOR AVENUE ONE CONDOMINIUM COMMUNITY

ACTION:

- 1) Accepted \$500,000 in funds from the Orange County Fire Authority.
- 2) Approved a budget adjustment appropriating \$500,000, reflecting an increase in revenues and appropriations in support of emergency communication upgrades related to public safety.

3.6 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM FOR FISCAL YEAR 2018-19 THROUGH FISCAL YEAR 2023-24

ACTION:

Adopted RESOLUTION NO. 18-03 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY IRVINE, CALIFORNIA, WHICH CERTIFIES THAT THE CITY OF IRVINE HAS THE RESOURCES TO FUND THE PROJECTS IN THE FEDERAL FISCAL YEAR 2018-19 THROUGH 2023-2024 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT ALL PROJECTS IN THE PROGRAM

4. CONSENT CALENDAR - SUCCESSOR AGENCY

4.1 MINUTES

ACTION:

Approved the minutes of an adjourned regular meeting of the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency with the Irvine City Council held on December 11, 2017.

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

ACTION:

Adopted RESOLUTION NO. 18-01 - 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 - REGULAR JOINT MEETING

Moved by Mayor Pro Tempore/Vice Chairwoman Shea, seconded by Councilmember/Boardmember Lalloway, and unanimously carried to adjourn the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency at 6:38 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Wagner reconvened the regular City Council meeting at 6:39 p.m.

5. PUBLIC HEARINGS

5.1 ZONE CHANGE TO AMEND IRVINE'S SIGN CODE TO ALLOW OFF-PREMISES ADVERTISING ON THE EXISTING ELECTRONIC FREEWAY SIGN LOCATED IN THE IRVINE AUTO CENTER AT 30 AUTO CENTER DRIVE IN PLANNING AREA 35 (IRVINE SPECTRUM 2)

Mayor Wagner opened the public hearing at 6:40 p.m. There were no requests to speak.

ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Schott, and unanimously carried to:

Continue the public hearing to January 23, 2018.

6. COUNCIL BUSINESS

6.1 CERTIFICATION OF SUFFICIENCY FOR REFERENDUM PETITION AGAINST ORDINANCE NO. 17-08 AND DISCUSSION OF CORRESPONDING CITY COUNCIL ELECTION ACTIONS RELATED THERETO

Molly McLaughlin, City Clerk, presented the staff report and responded to questions.

The following individuals spoke in support of repealing Ordinance No. 17-08:

- Eric Hildebrand, Irvine resident
- William Bell, Irvine resident
- Ed Pope, Irvine resident
- Harvey Liss, Irvine resident
- Angelo Vassos, Irvine resident
- Alan Meyerson, Irvine resident
- Mary J. Edmons
- Henry King
- Tom Robb, Irvine resident
- Susan Sayre, Irvine resident
- Bobby Dunham
- Jane Olinger, Irvine resident
- Gil Nelsen
- Johanna Ramsay
- Avram Grossman, Irvine resident
- Sam Castelo
- Carl Mariz, Irvine resident
- Jack Fancher, Irvine resident

Stephen Berger
Thomas Snyder, Irvine resident
Larry Agran, Irvine resident
Harris Kershner
David Carlson

The following individuals spoke in support of adopting Ordinance No. 17-08:

William Lewis
Carl Taylor
Martha Huff
Anita Burkett Nagahisa
Alex Diaz
Robert Chimits
Zeke Hernandez
Steve Greenberg
Bill Cook
Michelle De la Cruz
Ron Bengochea
Mike Padian, Rancho Santa Margarita resident
Robert Brower
Ken George, on behalf of District 29 American Legion
Max Fox, Irvine resident
Bill Sandlin, VFW American Legion

Mike Fox, Irvine resident, spoke in support of Councilmember Fox.

Judy Chimits submitted a Request to Speak card but did not speak.

Mayor Wagner also noted correspondence received in support of the land exchange.

City Council discussion included: questioning whether changes could be made to the proposed ballot measure question; discussed whether to repeal the ordinance or place the ordinance on the ballot at an upcoming election; discussed construction cost estimates and funding options for both sites, including available Federal and State funds; referenced number of signatures collected on the referendum petitions; expressed concern about the impacts on the City's Master Plan if the land exchange ensued; expressed concern about the proposed amendment to the ballot question; discussed remediation requirements for both sites; inquired about whether CalVet's report on developing the Strawberry Fields site would be received in time for a June election; and questioned requirements for ballot arguments/rebuttals and who could author such arguments, including veterans groups and other bona fide organizations.

Jeff Melching, City Attorney, responded to questions related to election administration, as well as parameters from the Elections Code related to arguments and ballot measure questions.

ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Schott, to:

- 1) Repeal Ordinance No. 17-08 entitled, "AN ORDINANCE OF THE CITY COUNCIL FO THE CITY OF IRVINE, CALIFORNIA, APPROVING A CITY-INITIATED ZONE CHANGE (00719550-PZC) TO COMPREHENSIVELY AMEND APPLICABLE SECTIONS OF THE ZONING ORDINANCE (SECTIONS 3-3-1 AND 3-37-39 RELATING TO THE TRAILS AND TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT, AND PARTS OF CHAPTER 9-51 RELATING TO THE ORANGE COUNTY GREAT PARK) TO REFLECT A LAND EXCHANGE OF THE EXISTING AMENDED AND RESTATED DEVELOPMENT AGREEMENT TRANSFER SITE (TO BE RENAMED AS DEVELOPMENT DISTRICT 9) WITH A PORTION OF DEVELOPMENT DISTRICT 2 WITHIN PLANNING AREA 51 (ORANGE COUNTY GREAT PARK)"
- 2) Direct staff to move forward with plans to build a Veterans Cemetery at the original site.

The motion failed as follows:

AYES: 2 COUNCILMEMBERS: Lalloway and Schott
 NOES: 3 COUNCILMEMBERS: Fox, Shea and Wagner
 ABSENT: 0 COUNCILMEMBERS: None

Additional City Council discussion included: reviewing the resolutions pertaining to the ballot argument following the selection of an election date.

ACTION: Moved by Councilmember Schott, seconded by Councilmember Lalloway, to:

- 1) Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF

CALIFORNIA RELATING TO CHARTER CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE REFERENDUM PETITION AGAINST ORDINANCE NO. 17-08

- 2) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE

The motion failed as follows:

AYES: 2 COUNCILMEMBERS: Lalloway and Schott

NOES: 3 COUNCILMEMBERS: Fox, Shea and Wagner

ABSENT: 0 COUNCILMEMBERS: None

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

- 1) Adopt RESOLUTION NO. 18-04 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 5, 2018, FOR THE SUBMISSION TO THE QUALIFIED VOTERS A REFERENDUM
- 2) Adopt RESOLUTION NO. 18-05 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2018, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE

Following discussion, a motion was made to amend the ballot measure question to the voters.

ACTION: Moved by Councilmember Fox, seconded by Mayor Wagner, to:

Revise the question related to the ballot measure as follows:

“Shall Ordinance No. 17-08, approving zone text amendments that facilitate the public acquisition and development of the State-approved Bake Parkway site, commonly known as Strawberry Fields and located in proximity to the Interstate 5 and 405 intersection, for the Southern California Veterans Cemetery, be adopted?”

The motion carried as follows:

AYES:	3	COUNCILMEMBERS:	Fox, Shea and Wagner
NOES:	2	COUNCILMEMBERS:	Lalloway and Schott
ABSENT:	0	COUNCILMEMBERS:	None

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

- 1) Adopt RESOLUTION NO. 18-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, SETTING PRIORITIES FOR FILING OF WRITTEN ARGUMENT(S) REGARDING A CITY REFERENDUM AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS **as amended** to authorize the Mayor to author and sign the direct argument, and to the extent otherwise permissible, the Mayor may authorize additional individuals or bona fide associations to participate in the argument against the repeal of Ordinance No. 17-08; and authorize the City Attorney to amend language in the resolution reflecting the City Council’s position to be in favor of adoption of Ordinance No. 17-08.
- 2) Adopt RESOLUTION NO. 18-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY REFERENDUMS SUBMITTED AT MUNICIPAL ELECTIONS

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Fox, Shea and Wagner
 NOES: 2 COUNCILMEMBERS: Lalloway and Schott
 ABSENT: 0 COUNCILMEMBERS: None

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

- 1) Receive and file Certification of Sufficiency of Referendum, entitled "Referendum Petition Against Ordinance No. 17-08."
- 2) Direct staff to return with a budget amendment to the Fiscal Year 2017-18 Budget to allocate funds for a special election, to be paid from the General Fund Balance Contingency Reserve, for a June Special Election.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Fox, Shea and Wagner
 NOES: 2 COUNCILMEMBERS: Lalloway and Schott
 ABSENT: 0 COUNCILMEMBERS: None

Councilmember Lalloway left the meeting at 9:42 p.m.

6.2 CONSIDERATION OF COUNCILMEMBER FOX'S REQUEST FOR AN UPDATE ON THE CITY OF IRVINE'S DEVELOPMENT REVIEW AND NEW CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

At the request of Councilmember Fox, and by consensus of those members present (Councilmember Lalloway absent), this item was continued to a date uncertain.

6.3 CONSIDERATION OF COUNCILMEMBER FOX'S REQUEST FOR DISCUSSION OF ORANGE COUNTY GREAT PARK WESTERN SECTOR ROADWAY CONSTRUCTION – REFERRAL TO TRANSPORTATION COMMISSION

At the request of Councilmember Fox, and by consensus of those members present (Councilmember Lalloway absent), this item was continued to the February 13, 2018 City Council meeting.

PUBLIC COMMENT-CITY COUNCIL

Judith Gass spoke about censorship of social media by City Councilmembers.

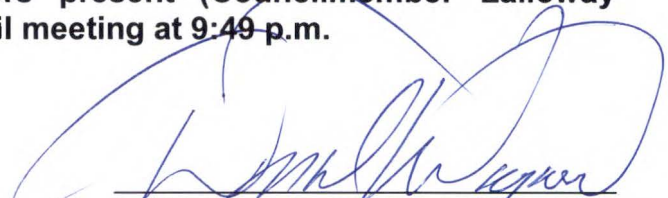
William Lewis spoke in favor of a veterans cemetery at the Strawberry Fields site.

ADJOURNMENT-CITY COUNCIL

Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried by those members present (Councilmember Lalloway absent) to adjourn the regular City Council meeting at 9:49 p.m.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

January 23, 2018