



MINUTES

CITY COUNCIL REGULAR MEETING

October 22, 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 4:09 p.m. on October 10, 2019, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Shea presiding.

ROLL CALL

Present:	4	Councilmember:	Michael C. Carroll
		Councilmember:	Farah N. Khan
		Mayor Pro Tempore:	Anthony Kuo
		Mayor:	Christina Shea
Absent:	1	Councilmember:	Melissa Fox

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; 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

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 5:04 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Councilmember Carroll led the Pledge of Allegiance.

INVOCATION

Rabbi Richard Steinberg from Congregation Shir Ha-Ma'a lot provided the invocation.

2. PRESENTATIONS

2.1 Commendation of Richard Hauser

Mayor Shea introduced Richard Hauser, and presented a proclamation recognizing his efforts in containing a small fire until Orange County Fire Authority personnel arrived.

2.2 Proclaim October 21-25, 2019 as Red Ribbon Week

Mayor Shea introduced Wendy Bokota and other representatives from the Irvine Prevention Coalition, and presented a proclamation recognizing October 21-25, 2019 as "Red Ribbon Week."

2.3 Irvine Valley College and Irvine Valley College Foundation

Mayor Shea introduced Dr. Glenn Roquemore, President of Irvine Valley College, who provided an update on the programs provided by Irvine Valley College and available services supported by Irvine Valley College Foundation.

CITY MANAGER'S REPORT

John Russo, City Manager, introduced Jaimee Bourgeois, Acting Director of Transportation, who provided information regarding a State mandated autonomous vehicle pilot program administered by Hyundai in limited areas within the City.

City Council discussion included: expressing concern with possible cell tower service interruption, and suggested that Community Development staff work with cell phone providers to determine possible impacts; questioned the number of vehicles expected to be on City streets; expressed concern regarding the safety of autonomous vehicles; requested advanced notification of projects that involve for-profit companies impacting City infrastructure; and inquired about the long-term goals of the program.

City Manager Russo reiterated that the City had no permitting authority given that this pilot program was a State-mandated program.

Councilmember Carroll noted that he would be submitting a request to agendize the matter for City Council discussion.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Shea made the following announcements:

- The annual Fall Food Drive kicked off at the Irvine Global Village Festival earlier this month at the Great Park. Donations of non-perishable food items can be dropped off at the Great Park Visitors Center during regular business hours until October 31. For more information, visit ocgp.org.
- The City is preparing the 2020-2024 Consolidated Plan, and Irvine residents are encouraged to be a part of this important process. Federal regulations require cities receiving federal funds, such as Community Development Block Grant, to adopt a Consolidated Plan every five years. The Consolidated Plan assesses community needs to determine how these funds will be spent. During the month of November, City staff will conduct a survey and hold two community meetings to solicit feedback from Irvine residents, volunteer groups, community-based organizations, and local nonprofit organizations. Residents are encouraged to fill out a survey at cityofirvine.org or attend one of our meetings.

- The Anaheim Ducks are officially declaring October 29 as “Irvine Night” at the Honda Center. Join friends and family in celebrating the City and cheering on the Ducks as they face off against the Winnipeg Jets. The Irvine Police Honor Guard will open the game with the presentation of colors, and all attendees will receive a Ducks pennant with the City logo. Discounted tickets are available at anaheimducks.com/Irvine.
- The community is invited to join the honoring of veterans and their families at a special Veterans Day Ceremony on Monday, November 11, from 11 a.m. to 12:30 p.m. in the formal garden area at Colonel Bill Barber Marine Corps Memorial Park to pay tribute to our nation’s troops, past and present, and honor local veterans, veterans groups, and military organizations. For information, visit cityofirvine.org.
- The Irvine Fine Arts Center will host its 37th annual Holiday Faire on Friday, November 8 and Saturday, November 9. This year’s Faire continues a tradition of supporting and celebrating the local community, featuring dozens of artisans and showcasing unique handmade gifts for purchase including holiday decorations, hand-blown glass, ceramics, jewelry, folk crafts, clothing, and more. Guests can enjoy a festive atmosphere, which features holiday music and selected food items for purchase in collectible ceramic bowls. For more information, visit irvinefinearts.org or call 949-724-6880.
- The folks at the Lakeview Senior Center are inviting little ghouls and goblins to join them for a morning of trick-or-treat stations, snacks, and activities on Friday, October 25. Registration is recommended by visiting yourirvine.org.

Councilmember Khan announced that on October 4, the Irvine Barclay Theatre hosted a free event for Advance Jazz students with the Chick Corea Trilogy as part of the Theatre’s Art Reach Event program. Students were able to watch the trio set-up, rehearse, and converse with the artists. The community is invited to attend the MOMIX Dance Company performance on Thursday, October 25, and Hamlet with Benedict Cumberbatch on Wednesday, October 30. For tickets and show times, visit thebarclay.org.

ADDITIONS AND DELETIONS

There were none.

3. CONSENT CALENDAR

ACTION: Moved by Councilmember Carroll, seconded by Mayor Pro Tempore Kuo, and unanimously carried by those members present (Councilmember Fox), to approve Consent Calendar Item Nos. 3.1 through 3.9, with the exception of Item Nos. 3.6 and 3.8, which were removed for separate discussion.

3.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on September 24, 2019.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 19-89 - 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 COMMENDATION

ACTION:

Commended Wolfe & Wyman, LLP on its 25th Anniversary.

3.4 AGREEMENT FOR FUNDING, DESIGN, CONSTRUCTION, AND MANAGEMENT OF WATER POLO, INDOOR VOLLEYBALL / BASKETBALL, AND PARKING STRUCTURE FACILITIES IN THE WESTERN SECTOR OF THE ORANGE COUNTY GREAT PARK, AND FOR FUNDING TOWARD DESIGN AND CONSTRUCTION OF SOUTHERN CALIFORNIA VETERANS CEMETERY ON GOLF COURSE SITE

ACTION:

Authorized the Mayor to execute the Second Amendment to the Second Agreement with City of Irvine as Adjacent Landowner, providing for the funding, design, and construction and management of water polo, indoor volleyball/basketball, and parking structure facilities in the Western Sector of the Orange County Great Park, and which provides funding toward the design and construction of the Southern California Veterans Cemetery on the Golf Course Site in the Orange County Great Park. **(Contract No. 8191C)**

3.5 GREAT PARK BALLOON SPONSORSHIP AGREEMENT WITH HERITAGE FIELDS EL TORO, LLC

ACTION:

- 1) Authorized the City Manager to execute the sponsorship agreement, in a form consistent with the term sheet attached to the staff report, between Heritage Fields El Toro, LLC and the City of Irvine. **(Contract No. 10904)**
- 2) Approved a sole source contract with Aerophile California, LLC for an additional not to exceed amount of \$1,850,000 for the operation, maintenance, and equipment replacement for the Great Park Balloon through the end of Fiscal Year 2020-21. **(Contract No. 9816D)**

- 3) Approved a budget adjustment to increase revenues and expenditures by \$1,250,000 in Fiscal Year 2019-20 and by \$600,000 in Fiscal Year 2020-21 for operation, maintenance, and equipment replacement for the Great Park Balloon.

3.6 UPDATES TO THE PERSONNEL RULES AND PROCEDURES AND EMPLOYMENT RESOLUTIONS TO REFLECT CURRENT LAW AND PRACTICE

This item was removed for separate discussion at the request of Councilmember Khan, who requested clarification of the proposed modifications to the Personnel Rules and Procedures.

Brian King, Manager of Human Resources, provided a brief overview of the updates and responded to questions.

City Council discussion included: questioning impacts to staff and services based on the proposed changes; requested clarification of how “best practices” was determined; questioned differences between City Council and City Manager authority with respect to approval of new positions; and inquired about why the proposed changes were not submitted as part of the annual budget.

ACTION: Moved by Mayor Shea, seconded by Councilmember Khan, and unanimously carried by those members present (Councilmember Fox absent), to

- 1) Adopt RESOLUTION NO. 19-90 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES
- 2) Adopt RESOLUTION NO. 19-91 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE IRVINE POLICE ASSOCIATION (IPA), AND SUPERSEDING ALL PREVIOUS IPA MEMORANDUMS OF UNDERSTANDING, EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2019

- 3) Adopt RESOLUTION NO. 19-92 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE IRVINE POLICE MANAGEMENT ASSOCIATION (IPMA), AND SUPERSEDING ALL PREVIOUS IPMA MEMORANDUMS OF UNDERSTANDING, EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2019
- 4) Adopt RESOLUTION NO. 19-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE ASSOCIATED SUPERVISORY/ADMINISTRATIVE PERSONNEL (ASAP), AND SUPERSEDING ALL PREVIOUS ASAP MEMORANDUMS OF UNDERSTANDING, EFFECTIVE THE PAY PERIOD THAT INCLUDES OCTOBER 22, 2019
- 5) Adopt RESOLUTION NO. 19-94 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE IRVINE CITY EMPLOYEES ASSOCIATION (ICEA), AND SUPERSEDING ALL PREVIOUS ICEA MEMORANDUMS OF UNDERSTANDING, EFFECTIVE THE PAY PERIOD THAT INCLUDES OCTOBER 22, 2019
- 6) Adopt RESOLUTION NO. 19-95 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR PART-TIME EMPLOYEES OF THE CITY OF IRVINE, AND SUPERSEDING RESOLUTION NO. 19-47 EFFECTIVE THE PAY PERIOD THAT INCLUDES OCTOBER 22, 2019
- 7) Adopt RESOLUTION NO. 19-96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR MANAGEMENT AND NON-REPRESENTED EMPLOYEES (EXEMPT) OF THE CITY OF IRVINE, AND SUPERSEDING RESOLUTION NO. 19-46 EFFECTIVE THE PAY PERIOD THAT INCLUDES OCTOBER 22, 2019

- 8) Adopt RESOLUTION NO. 19-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ESTABLISHING THE SALARY GRADE ORDER STRUCTURE AND SALARY RANGES FOR EMPLOYEES OF THE CITY OF IRVINE, AND SUPERSEDING RESOLUTION NO. 19-74, WHICH IS INCONSISTENT THEREWITH
- 9) Adopt RESOLUTION NO. 19-98 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AUTHORIZING FULL-TIME POSITIONS IN ACCORDANCE WITH THE PROVISIONS OF COMPENSATION RESOLUTIONS AND THE OPERATING BUDGET FOR THE BIENNIAL 2019-21 FISCAL YEAR, AND SUPERSEDING RESOLUTION NO. 19-55, WHICH IS INCONSISTENT THEREWITH

3.7 JOINT USE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR UNDERGROUNDING OVERHEAD ELECTRICAL FACILITIES ON JAMBOREE ROAD

ACTION:

Authorized the Mayor to execute a Joint Use Agreement with Southern California Edison for the conversion of electrical facilities from overhead to underground on Jamboree Road from Dupont Drive to Campus Drive. (**Contract No. 10905**)

3.8 NOTICE OF PENDING APPROVAL FOR A TRACT MAP IN GREAT PARK NEIGHBORHOODS (HERITAGE FIELDS EL TORO, LLC)

This item was removed for separate discussion at the request of Susan Sayre, Irvine resident, who expressed concern about the type of mixed use commercial centers proposed within Great Park Neighborhoods.

Mayor Shea reiterated that the City Council had just approved a retail center at the top of the Amended and Restated Development Agreement (ARDA) site.

ACTION: Moved by Mayor Shea, seconded by Councilmember Carroll, and unanimously carried by those members present (Councilmember Fox absent), to:

Receive and file.

3.9 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

Approved Councilmember Carroll's request for Community Partnership Fund Grant Nominations to the following organizations:

- a) Ryan Lemmon Foundation (\$500)
- b) South Coast Chinese Cultural Association (\$500)
- c) Working Wardrobes (\$250)

4. PUBLIC HEARINGS

4.1 BUILDING AND FIRE CODE ADOPTION

Mayor Shea opened the public hearing at 6:05 p.m.

Kamlesh Chitalia, Chief Building Official, and Vahid Toossi, Fire Safety Engineer with the Orange County Fire Authority, presented the staff report and responded to questions.

City Council discussion included: questioning whether there was a mechanism to ensure older structures were in compliance with the new Code.

Pete Carmichael, Director of Community Development, noted that compliance with new code standards is required when the remodel of a home or commercial building exceeds a certain financial threshold.

ACTION: Moved by Mayor Pro Tempore Kuo, seconded by Councilmember Carroll, and unanimously carried, by those members present (Councilmember Fox absent) to close the public hearing at 6:17 p.m.

ACTION: Moved by Mayor Pro Tempore Kuo, seconded by Councilmember Khan, and unanimously carried, by those members present (Councilmember Fox absent) to:

- 1) Adopt RESOLUTION NO. 19-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS THAT REQUIRE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING STANDARDS CODE REASONABLY NECESSARY FOR BUILDING OCCUPANCIES IN THE CITY OF IRVINE

- 2) Introduce for first reading and read by title only 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

4.2 TWO DEVELOPMENT AGREEMENTS LOCATED IN THE IRVINE BUSINESS COMPLEX, PLANNING AREA 36

Mayor Shea opened the public hearing at 6:20 p.m.

Stacy Tran, Senior Planner, and Stephen Higa, Principal Planner, presented the staff report and responded to questions.

City Council discussion included: noting the overall benefits to the City, which included improvements within the Irvine Business Complex (IBC).

Tim Strader Jr, Start Point Ventures spoke in support, and provided a brief overview of the project. Jim Hannah, Southwest Carpenters Union, also spoke in support.

ACTION: Moved by Councilmember Carroll, seconded by Mayor Pro Tempore Kuo, and unanimously carried, by those members present (Councilmember Fox absent), to close the public hearing at 6:34 p.m.

ACTION: Moved by Mayor Pro Tempore Kuo, seconded by Mayor Shea, and unanimously carried by those members present (Councilmember Fox absent) to:

Introduce for first reading and read by title only 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)

ACTION: Moved by Mayor Pro Tempore Kuo, seconded by Councilmember Carroll, and unanimously carried by those members present (Councilmember Fox absent), to:

Introduce for first reading and read by title only 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)

5. COUNCIL BUSINESS

5.1 * ORDINANCE MODIFYING AND UPDATING SMOKING REGULATIONS

Jeffrey Melching, City Attorney, and Matt McLaughlin, Police Lieutenant, presented the staff report and responded to questions.

Sora Tanjasiri, resident and UC Irvine School of Medicine Professor and Researcher, spoke in support and suggested that the City Council consider banning smoking in multi-unit areas and public places, as well as removing exemptions from close and separately accessible indoor and outdoor areas of commercial buildings and hotels.

Jordan Abushawish, Director of Advocacy for the American Lung Association for Los Angeles and Orange County, spoke in support and suggested that smoking be banned in common areas shared by residents in multi-unit housing properties and places of employment.

The following individuals spoke in favor of the item:

Rhonda Fullsom, Irvine resident.

Wendy Bakoka, Executive Director of the Irvine Prevention Coalition and Irvine resident

Terry Olsuki Kwa, Surf Riders South Orange County Chapter.

Deniz Drik, Irvine resident

Sukanna, Irvine resident

Hoiyin Ip, Clean-Up Volunteer with the Sierra Club, presented a PowerPoint.

Richa Mukherjee, resident and Gbl Training & Development Manager at Edwards Lifesciences Corporation

Whit Petersen, Director of Government Affairs and Economic Development, Greater Irvine Chamber of Commerce

Rena Mamoun, American Lung Association and Cal State Fullerton

Abigail Fang, Irvine resident and Northwood High School student

Zeynep Arslan, Irvine resident and Irvine High School student
Shayan Khorramshahi, Arnold O'Beckman High School student
Claire Braeburn, Executive Director and Co-Founder of America on Track

Council discussion included: requesting the addition of outdoor balconies and patios in multi-unit residential developments be added to the list of prohibited smoking areas; questioned if banning flavored vaping products was feasible; and reiterated that the ordinance was meant to protect the rights of others from second hand smoke and related illnesses.

ACTION: Moved by Councilmember Khan, seconded by Mayor Pro Tempore Kuo, and unanimously carried by those members present (Councilmember Fox absent), to:

Introduce for first reading and read by title only 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 **as amended** 1) per the errata memo dated October 22, 2019, and 2) to specify outdoor patios and balconies in multi-unit residence as prohibited smoking areas.

PUBLIC COMMENT

Dr. Thao Phung, and Emmy and Audrey Phung, residents, spoke against the use of pesticides at Irvine Farms and Orchards Hills, to which Mayor Shea noted that the Irvine Company adopted the City's non-pesticides policy and would no longer use non-organic pesticides effective November 1, 2019.

Terry Olsuki Kwa, South Orange County Community Choice Alliance, spoke in favor of Community Choice Energy.

Amy Abshier, UCI student, expressed concern with lack of affordable pet-friendly housing, and urged the City to adopt an ordinance that restricts housing discrimination on the basis of pet ownership.

Jillian Dale, Irvine resident, expressed appreciation for the City's organically driven landscaping policy and suggested prohibition of all non-organic pesticides and herbicides in the Irvine.

Kathleen Treseder, Irvine resident, and Hoiyin Ip, OC Clean-Up Power Coalition expressed appreciation for the City's organically driven landscaping policy, and spoke in support of Community Choice Energy .

James Krense, Irvine resident, spoke in opposition of the use of non-organic pesticides.

Jeanne Baran, Irvine resident, expressed concern with the autonomous vehicle pilot program in Irvine.

Steven Greenberg, Irvine resident, spoke in support of the Great Park Balloon Sponsorship, and in opposition to recent comments in the Irvine Community News and Views.

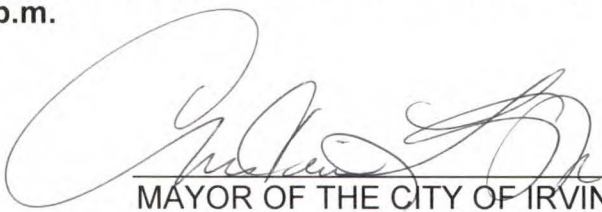
Jose Castaneda and Beverly Jacobs submitted a Request to Speak but did not speak.

ADJOURNMENT

Moved by Councilmember Carroll, seconded by Councilmember Khan, and unanimously carried by those members present (Councilmember Fox absent), to adjourn the City Council meeting at 8:03 p.m.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

November 26, 2019