



MINUTES

CITY COUNCIL REGULAR MEETING

May 9, 2017
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 4:07 p.m. on May 9, 2017 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:	Jeffrey Lalloway
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Lynn Schott
		Mayor:	Donald P. Wagner

1. CLOSED SESSION

City Attorney Melching announced the following Closed Session items:

- 1.1 a) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Potential initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 potential case (Safari Substation/Southern California Edison)**
- b) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 1 potential case (Safari Substation/Southern California Edison)**

1.2 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) Agency Negotiators: Sean Joyce, City Manager; Grace Leung, Assistant City Manager; Michelle Grettenberg, Assistant to the City Manager; Jimmee Medina, Manager of Human Resources; Brian King, Human Resources Administrator; Peter Brown, Liebert, Cassidy, Whitmore; Employee Organizations: Associated Supervisory/Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); Irvine Professional Employees Association (IPEA); Irvine Police Association (IPA); Irvine Police Management Association (IPMA); Management and Non-Represented Employees; Confidential Employees; and Part-Time Employees

RECESS

Mayor Wagner convened the City Council meeting to Closed Session at 4:08 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Wagner reconvened the regular City Council meeting at 5:24 p.m. City Attorney Melching, on behalf of the City Council, announced that with respect to Item No. 1.1, the City Council reconsidered its prior authorization to commence a proceeding in front of the California Utilities Public Commission (CPUC) concerning the Safari Substation, and voted unanimously (5-0) to withdraw the prior motion and the effort to proceed in front of the CPUC; and also announced that no reportable action was taken on Item No.1.2.

PLEDGE OF ALLEGIANCE

Mayor Wagner invited Orange County Supervisor Todd Spitzer to lead the Pledge of Allegiance.

INVOCATION

Mayor Wagner invited Pastor Graham McGuinness from Woodbridge Community Church in Irvine to provide the invocation.

2. PRESENTATIONS

2.1 Irvine 2/11 Marine Adoption Committee Annual Report

Mayor Wagner introduced individuals from the Irvine 2/11 Marine Adoption Committee, who provided an update on the Committee's activities and accomplishments over this past year. Mayor Pro Tempore Schott also announced that the Barclay Theatre would be donating tickets to the Irvine 2/11 Marine Battalion for the "United States Air Force Band of the Golden West: Solute to Veterans" musical on May 22; and that she would be committing \$1,000 from her Community Partnership Fund Grant funding to the Irvine 2/11 Marine Battalion.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Fox provided a brief update on her recent League of California Cities Advocacy conference in Sacramento in mid-April.

Mayor Wagner made the following announcements:

- The City of Irvine is hosting two Memorial Day events. The first is a candle lighting ceremony on Sunday, May 28 at 4 p.m. at the Northwood Gratitude and Honor Memorial, which includes a dedication ceremony for the expansion of the memorial site and presentations by Gold Star families. The second event is the City's annual Memorial Day Ceremony on Monday, May 29 at 10 a.m. at Colonel Bill Barber Marine Corps Memorial Park. Cards will be available for well-wishers to send a message of appreciation to Irvine's adopted 2/11 Marine Battalion. For information, visit cityofirvine.org/specialevents.
- Irvine has been ranked 10th on the list of 100 Best Cities to Live in America, according to Niche.com, a website that provides research and reviews on K-12 schools, colleges, and neighborhoods. More than 225 cities with populations of 100,000 or more were analyzed based on several factors.
- The latest issue of Inside Irvine is now available, and features ways to help make the most of this summer. Updates on sports facilities at the Orange County Great Park are included, as well as information on upcoming activities such as the Sizzlin' Summer Concert series, family-friendly outings in the Irvine Open Space Preserve, summer camps, and classes for all interests and ages. Inside Irvine has been mailed to all homes and is also available at cityofirvine.org.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Shea, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.8, with the exception of Item No. 3.7, which was removed for separate discussion and moved to the end of the agenda at the request of Mayor Wagner due to a conflict-of-interest. Councilmember Lalloway abstained on Item No. 3.1.

3.1 MINUTES

Prior to the vote, Anne Redcross Beehler, representing Bryan Cave, LLP on behalf of Connected Nation Exchange, spoke in opposition to City Council action taken on April 25, 2017, at which time Mayor Wagner asked that she speak to the specific item under Public Comments.

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on April 25, 2017.

Councilmember Lalloway abstained.

3.2 PROCLAMATIONS

ACTION:

Proclaimed May 20, 2017 as "Kids to Parks Day."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 17-30 - 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 MEASURE M2 WATER QUALITY GRANT PROGRAM APPLICATION

ACTION:

Adopted RESOLUTION NO. 17-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE MEASURE M2 TIER 1 ENVIRONMENTAL CLEANUP PROGRAM

3.5 ANNUAL MEASURE M2 ELIGIBILITY SUBMITTAL

ACTION:

- 1) Approved and authorized staff to submit to the Orange County Transportation Authority the Measure M2 Seven-Year Capital Improvement Program for Fiscal Years 2017-18 through 2023-24 to comply with Measure M2 eligibility criteria.
- 2) Adopted RESOLUTION NO. 17-32 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CERTIFYING COMPLIANCE WITH THE COUNTYWIDE MEASURE M2 PROGRAM

3.6 APPROVAL OF PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE LAKEVIEW SENIOR CENTER OUTDOOR PATIO AND ROSE GARDEN REHABILITATION

ACTION:

- 1) Approved the construction plans, specifications and contract documents for the Lakeview Senior Center Rehabilitation, Capital Improvement Project 361733.
- 2) Approved the Engineer’s Estimate, Construction Contingency and Project Funding Summary.
- 3) Authorized staff to solicit competitive bids and award the construction contract to the lowest responsive and responsible bidder, in accordance with the City’s purchasing policies and procedures, within the approved project budget.

3.7 MEMORANDUM OF UNDERSTANDING WITH CONCORDIA UNIVERSITY FOR CAMPUS BUILD-OUT PROJECT AT 1530 CONCORDIA WEST, PLANNING AREA 21 (TURTLE ROCK), AND SECOND READING AND ADOPTION OF ORDINANCE NO. 17-05 REVISING SPECIAL DEVELOPMENT REQUIREMENTS IN ZONING ORDINANCE SECTION 9-21-7

This item was removed for separate discussion and considered at the end of the agenda at the request of Mayor Wagner, who noted a conflict-of-interest and left the meeting at 8:56 p.m. Mayor Pro Tempore Schott assumed the role of presiding officer in his absence.

Ron Van Blarcom, General Counsel representing Concordia University, spoke in support of the proposed Memorandum of Understanding (MOU) and second reading of the proposed ordinance.

The following individuals spoke in opposition to the proposed project based on traffic and/or other concerns:

Karen Jaffe, Irvine resident
Cristina Thomas, Irvine resident
Joe Martinez, Irvine resident
Aaron Ehrlich, Irvine resident
Geri Zollinger, Irvine resident

City Council discussion included: expressing concern about overall safety and the need for an evacuation plan in Turtle Rock in the event of fire or earthquake; allocating funding in the budget for the implementation of a safety program for Turtle Rock residents; questioned whether correspondence received from Concordia University, which included information on enrollment and events, could be added as an addendum to the MOU; suggested entering negotiations with Concordia University to terminate a joint use agreement, which requires joint use for City events, in order to reduce traffic in and around the campus; including a representative from the Turtle Rock Homeowners Association for purposes of seeking input on the construction management plans required by Condition 2.33 to Planning Commission Resolution 17-3598; noted the enforceability of the proposed MOU; suggested that traffic concerns are part of a larger regional issue; noted the need to balance the needs of both residents and Concordia University; suggested reaching out to religious and other organizations to assist with hosting certain events; and encouraged Concordia University to create a webpage for the public to include all anticipated events that would impact local traffic.

Mike Hamel, Police Chief, noted that there was an existing evacuation plan for the area of Turtle Rock, and that public safety staff would increase communication efforts to inform residents.

Jeffrey Melching, City Attorney, noted that while the MOU was not dependent on student enrollment, the letter from Concordia University could be included in the MOU as an exhibit; and provided a summary of the rights, options, and remedies available to the City in the event of Concordia University's non-compliance with the MOU.

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

- 1) Direct staff to add a Turtle Rock resident, as well as the previously approved Homeowners Association representative, to be informed on discussions related to Construction and Staging Management Plans.

- 2) Direct staff to start negotiations with Concordia to terminate the 1992 joint use agreement on terms that would allow for the reduction in the 4,732 Average Daily Trips (ADT) cap called for under the MOU to provide further traffic relief in the area around Concordia University. Negotiations should also include an analysis of available alternative sites for those youth in the city using Concordia's facility.
- 3) Authorize Mayor Pro Tem Schott to sign a Memorandum of Understanding and Covenants between the City of Irvine and Concordia University for Concordia University's Campus Master Build-Out Plan Update associated with Conditional Use Permit Modification 00612052-PCPU, Zone Change 00629029-PZC and Final Environmental Impact Report SCH No. 2015091023/File No. 00618828-PCLE. **(Contract No. 9764).**

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

Read by title only, second reading and adoption of ORDINANCE NO. 17-05 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00629029-PZC TO REVISE ZONING ORDINANCE SECTION 9-21-7.B, SPECIAL DEVELOPMENT REQUIREMENTS FOR CONCORDIA UNIVERSITY (CHRIST COLLEGE IRVINE); PLANNING AREA 21, (TURTLE ROCK); FILED BY CONCORDIA UNIVERSITY

3.8 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Councilmember Lalloway's request for Community Partnership Fund Grant nomination to Myford Elementary School Parent Teacher Organization in the amount of \$500 in support of program costs. **(Contract No. 9773)**
- 2) Approved Mayor Wagner's request for Community Partnership Fund Grant nomination to the American Red Cross in the amount of \$500 in support of the American Red Cross Orange County Heroes Luncheon. **(Contract NO. 9774)**
- 3) Authorized the City Manager to prepare and sign the funding agreements listed in Actions 1 and 2.

4. COUNCIL BUSINESS

Mayor Wagner noted his preference to further reorder the agenda and asked that Item 4.4 be considered prior to Item No. 4.1.

4.1 CONSIDERATION OF A REQUEST BY MAYOR PRO TEMPORE SCHOTT AND COUNCILMEMBER LALLOWAY FOR PUBLIC DISCUSSION OF SITING OF SAFARI SUBSTATION IN THE SPECTRUM BUSINESS CENTER AND FOR RECONSIDERATION OF DECISION TO INITIATE A PROCEEDING WITH THE CALIFORNIA PUBLIC UTILITIES COMMISSION CONCERNING SAME

This item was agendized at the request of Mayor Pro Tempore Schott and Councilmember Lalloway, who provided a brief history of the concerns brought forward by surrounding business owners, and asked for City Council consideration to reconsider the reversal of the City Council's March 14, 2017 decision to initiate a proceeding with the California Public Utilities Commission (CPUC) over the proposed Safari Substation on Wald Street.

Michael Aguirre, representing Aguirre and Severson, and Courtney Santos, Irvine resident, spoke in support of the City Council withdrawing its prior decision to refer the matter to the California Public Utilities Commission.

The following individuals submitted a Request to Speak card but did not speak:

- Jane Klassen
- Bill Klassen
- Doug Bender
- Zeki Kayiran
- Paul Wang
- Daniel Kim
- John Roehrick
- Mike Wimbrow

City Council discussion included: reiterating the City Council's desire to try and mitigate concerns brought forward by nearby business owners; expressed concern with the proximity of the Safari Substation (Substation) to surrounding businesses; noted a desire to identify an alternative site for the Substation; clarified the City Council's intent when the matter was referred to the CPUC; and requested clarification from Mr. Aguirre and his clients of their concerns and suggestions.

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

- 1) Direct staff to return to the City Council at the first meeting in June identifying best alternative sites for the Southern California Safari Substation; and work with Mr. Aguirre and his clients on suggestions, opportunities, and other issues that may arise based on content in his forthcoming correspondence, to further the City Council's interests in looking at alternative sites and alternatives for the Safari Substation in general.
- 2) Direct staff to invite all interested stakeholders to attend the June 13, 2017 City Council meeting.

RECESS

Following Public Comments, Mayor Wagner called a recess at 7:15 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Wagner reconvened the City Council meeting at 7:25 p.m.

4.2 PARKS MASTER PLAN

Darlene Nicandro, Principal Planner; Kathleen Haton, Senior Planner; and Cindy Mendoza, representing M.I.G., presented the staff report and responded to questions. Laurie Hoffman, Director of Community Services, also provided a brief report with respect to implementation of the Parks Master Plan.

The following individuals spoke in support of cycling within the Parks Master Plan:

Steve Larson
Blake Woodward
Paul Blaze

City Council discussion included: reiterating the level of open space in the City and working with the Irvine Ranch Conservancy to provide additional access to open space areas; expressed interest in extending bike trails through open space areas; questioned pickle ball; requested additional swings and outdoor fitness systems; questioned the use of the skate park at Harvard Community Park and whether marketing efforts could increase its usage; noted the lack of parks in the Irvine Business Complex (IBC) and students' desire to live elsewhere as a result; noted the lack of a gymnasium in the City as recommended in the needs assessment; expressed a desire to include arts in the parks; noted that the upcoming

Gateway Park would have a natural feel and include an 18-hole disc golf course; expressed concern about the necessity for additional child care at community parks; noted the need for more outdoor programs and other opportunities for seniors; reiterated the need to integrate Americans with Disabilities Act (ADA) needs within the park system and seeking input from the Irvine Residents with Disabilities Advisory Board (IRDAB); noted that swimming ranked in the top five preferences based on recent public outreach; questioned the difference between a dog park and a dog run and reiterated the popularity of Central Bark; inquired about potential locations for additional dog parks in the City; identifying adequate park space in the IBC; suggested a pedestrian bridge over San Diego Creek that could also accommodate a dog run; and requested that staff return with a revised Park Master Plan at a future meeting that incorporating the suggestions made by the City Council.

City Manager Joyce noted that staff would make the recommended necessary adjustments to the Parks Master Plan and return to the City Council for final approval.

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

Direct staff to incorporate suggestions and stated priorities made by the City Council and return at a date to be determined with an updated Parks Master Plan for final approval, including the following:

- 1) Identification and evaluation of opportunities to build new aquatics facilities in the City and potential available sites at the Great Park; and
- 2) Prioritizing swings in local parks, outdoor fitness equipment, a park in the Irvine Business Complex, art in the parks or art space, and dog parks.

4.3 A RESOLUTION OF INTENT TO CONSIDER GRANTING NONEXCLUSIVE FRANCHISE AGREEMENTS FOR COMMERCIAL WASTE COLLECTION AND RECYCLING SERVICES

Manuel Gomez, Director of Public Works, and Mike Byrne, Senior Management Analyst, presented the staff report and responded to questions.

Chip Monaco, representing Waste Management, spoke in opposition to the proposed changes to the exclusive and non-exclusive service areas, noting that the proposed map would not be a benefit to the community.

City Council discussion included: questioning the specific concerns raised by Waste Management and whether the adjustments were acceptable to

all stakeholders; suggested extending the nonexclusive franchise agreement for an additional year; questioned whether the parties were at an impasse; noted that any changes to the nonexclusive map should have been made prior to the approval of the exclusive franchise; questioned the number of cities that host a nonexclusive market; expressed concern with additional trucks on the road by nonexclusive waste haulers and their impacts on citywide traffic; questioned the benefits of having a fully exclusive franchise; expressed concern about the length of time of contracts with nonexclusive providers; noted air quality concerns with respect to emissions from trucks belonging to nonexclusive providers; and questioned whether the changes to the exclusive and nonexclusive areas were a like-for-like exchange.

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

Authorize the extension of the existing Nonexclusive Agreement through the end of the year or until new agreements are executed.

4.4 CONSIDERATION OF COUNCILMEMBER FOX'S REQUEST FOR ALLOCATION OF FUNDING TO SUPPORT THE EFFORTS OF THE ORANGE COUNTY TASK FORCE FOR DROWNING PREVENTION

This item was considered prior to Item No. 4.1 at the request of Mayor Wagner; and agendaized at the request of Councilmember Fox, who asked for City Council approval to commit \$50,000 to support the efforts of the Orange County Task Force for Drowning Prevention.

Todd Spitzer, Orange County Supervisor, spoke in support.

City Council discussion included: noting statistics related to the number of drowning fatalities and near deaths in prior years; expressed concern about the dollar amount proposed in comparison to last year; noted the importance of water safety education; reiterated aggressive efforts by the Orange County Fire Authority; suggested seeking financial support from other Orange County cities as well; reiterated financial and in-kind support provided by the City last year; and suggested the allocation of funding to the Orange County Task Force for Drowning Prevention as part of the annual budget process.

ACTION: Moved by Councilmember Fox to:

Allocate funding in the amount of \$50,000 from the General Fund balance to support the efforts of the Orange County Task Force for Drowning Prevention.

ACTION*: A substitute motion was made by Mayor Pro Tempore Schott, seconded by Councilmember Lalloway, to:

Match last year’s contribution and allocate funding in the amount of \$25,000 from the General Fund balance to support the efforts of the Orange County Task Force for Drowning Prevention.

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Lalloway, Schott, Shea and Wagner

NOES: 1 COUNCILMEMBERS: Fox

ABSENT: 0 COUNCILMEMBERS: None

* The amended substitute motion carried and took precedence over the main motion; therefore, a vote was not taken on the main motion.

A reconsideration of the action was requested by Councilmember Fox to allow her an opportunity to cast her vote in the affirmative.

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

Reconsider the action taken with respect to the item.

There was no City Council discussion.

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

Match last year’s contribution and allocate funding in the amount of \$25,000 from the General Fund balance to support the efforts of the Orange County Task Force for Drowning Prevention.

PUBLIC COMMENT

Anne Redcross Beehler, representing Bryan Cave, LLP on behalf of Connected Nation Exchange, spoke in opposition to the City Council’s approval to enter into negotiations with 5 Bars, LLC for wireless services at the Orange County Great Park.

Ilya and Robert Tseglin reiterated a domestic issue related to an autistic family member.

Alan Meyerson, Irvine resident, spoke in opposition to text messaging at the dais, questioned the proposed land exchange for a Veterans Cemetery, and expressed concern about the Concordia University Expansion Plan and its impact on surrounding traffic.

Michael Klubniken spoke in support of his friend, Ilya Tseglin, reiterating a domestic issue related his autistic son.

The following individuals spoke in support of affordable housing for college students:

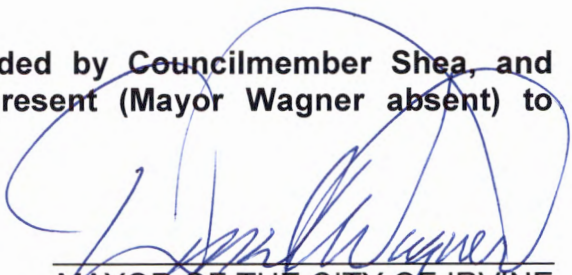
- Cassius "Cash" Rutherford
- Aya Labanieh
- Kevin Pham
- Taylor Chanes
- Nicole Dunger
- Rafael Carrazio-Sanchez
- Leonard Butingan
- Lydia Natoolo
- Nikki Dalupang

ADJOURNMENT

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



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

May 23, 2017
