



MINUTES

CITY COUNCIL REGULAR MEETING

March 27, 2018
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 4:10 p.m. on March 27, 2018 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Wagner presiding.

ROLL CALL

Present:	3	Councilmember:	Melissa Fox
		Mayor Pro Tempore:	Christina Shea
		Mayor:	Donald P. Wagner
Absent:	2	Councilmember:	Jeffrey Lalloway
		Councilmember:	Lynn Schott

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 LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1) – Mary Ann Gaido v. Molly McLaughlin, City Clerk of the City of Irvine, Neal Kelley, Orange County Registrar of Voters, et al., Orange County Superior Court Case No. 30-2018-00972013-CU-JR-CJC**

- 1.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1) – Bill Sandlin and Orange County Veterans Memorial Park Foundation v. Molly McLaughlin, Irvine City Clerk, Neal Kelley, Orange County Registrar of Voters, et al., Orange County Superior Court Case No. 30-2018-00975288-CU-WM-CJC**

- 1.4 PUBLIC EMPLOYEE APPOINTMENT: Government Code Section 54957 - Title: Interim City Manager**

RECESS

Mayor Wagner convened the City Council meeting to Closed Session at 4:11 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Wagner reconvened the City Council meeting at 5:17 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 Fox led the Pledge of Allegiance.

INVOCATION

Pastor Kyung Lee from Saddleback Church of Irvine provided the invocation.

MOMENT OF SILENCE

Mayor Wagner requested a moment of silence in memory of Carolyn McInerney, longtime employee of the County of Orange and community member, who passed away earlier in the month after a battle with cancer.

2. PRESENTATIONS

2.1 Proclaim April 8-14, 2018 as “National Public Safety Telecommunicators Week”

Mayor Wagner introduced Mike Hamel, Police Chief, Mike Hallinan, Police Commander, and members of the Public Safety Dispatch team, and presented a proclamation recognizing April 8-14, 2018 as “National Public Safety Telecommunicators Week.”

2.2 Commend Irvine and Anaheim Police Departments for Heroic Action

Mayor Wagner and Councilmember Fox introduced first responders from Irvine and Anaheim Police Departments and presented a commendation recognizing their efforts in successfully locating a missing 80-year-old resident with dementia.

2.3 Safari Substation Update by Irvine Company and Southern California Edison

Karalee Darnell, Government Affairs Manager on behalf of Southern California Edison (SCE), provided an update on efforts to relocate the proposed Safari Substation in collaboration with the Irvine Company. Jeff Davis, Vice President, Irvine Company, was also available for questions.

Michael Aguirre, Aguirre & Severson, LLP, expressed appreciation to the City Council on behalf of the nearby businesses on Wald Street for working collaboratively with Southern California Edison and the Irvine Company to relocate the proposed Safari Substation.

Mayor Pro Tempore Shea expressed her appreciation to SCE and the Irvine Company for their efforts in resolving this issue.

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

- Daniel Kim
- Maria Severson
- Doug Bender

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Pro Tempore Shea noted the Mayor's attendance at the Orange County Board of Supervisors (Board) meeting earlier in the day and action taken by the Board to rescind its decision to place a homeless shelter on a 100-acre parcel adjacent to the Orange County Great Park, to which Mayor Wagner further noted that all Orange County cities would work collaboratively with the County to explore alternatives.

Mayor Wagner also made the following announcements:

- The community is invited to attend a celebration of the City's open space on Saturday, April 14 at 8 a.m. at the Quail Hill Trailhead for a free pancake breakfast and 1.8-mile hike hosted by Irvine Ranch Conservancy. The event is free; no RSVP needed. For information, visit cityofirvine.org or call 949-724-6077.
- The Irvine Animal Care Center invites all runners, walkers, and animal-lovers to take part in its Virtual 5K from April 1-30 to support animals in need, which can be completed at any location. Register and complete a race by April 30 to receive an exclusive medal and certificate of completion. Four-legged friends can participate as well and will receive their medal for completing the race. For information or to register, visit irvineanimals.org/5k or call 949-724-7740.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

Prior to approval of the Consent Calendar, Mayor Wagner noted that Items 3.4, 3.5 and 3.7 would reflect the action taken earlier in the day by the City Council in its capacity as the Great Park Board of Directors.

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried by those members present (Councilmembers Lalloway and Schott absent) to approve Consent Calendar Item Nos. 3.1 through 3.9.

3.1 MINUTES

ACTION:

- 1) Approved the minutes of a regular meeting of the Irvine City Council held on March 13, 2018.
- 2) Approved the minutes of a special meeting of the Irvine City Council held on March 20, 2018.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 18-25 - 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 TREASURER'S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2017

ACTION:

Received and filed the Treasurer's Report for the quarter ended December 31, 2017.

3.4 EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY OF IRVINE AND WILD RIVERS IRVINE, LLC

ACTION:

- 1) Authorized the Mayor to execute Wild Rivers' requested Amended and Restated Exclusive Negotiating Agreement, allowing Developer to defer its acceptance of site conditions and commence Negotiating Period No. 2. **(Contract No. 10125)**
- 2) Directed staff to move forward immediately on the design and construction process for a parking lot at the designated site that is contemplated for this particular area of the Orange County Great Park **as amended** to clarify that the design process be completed concurrently with the CEQA review process, with construction commencing after the CEQA review process has been completed.

(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 3-0-2 (Directors Lalloway and Schott absent).

3.5 AMENDMENT TO LEASE BETWEEN CITY OF IRVINE AND TIERRA VERDE INDUSTRIES

ACTION:

Approved Amendment No. 1, to Lease between City of Irvine and Tierra Verde Industries providing for a one-year extension beginning May 13, 2018 to include an option for an additional one-year extension based on satisfactory evidence presented by the lessee of viable alternative sites, and authorize the Mayor to execute the Amendment on behalf of the City **as amended** to clarify that an additional one-year extension would be at the discretion of the City Council.

(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 3-0-2 (Directors Lalloway and Schott absent).

3.6 WALL OF RECOGNITION NOMINATIONS

ACTION:

Approved nominations for inclusion on the Wall of Recognition.

3.7 ORANGE COUNTY GREAT PARK WAYFINDING SIGNAGE

ACTION:

- 1) Approved the “Earth-tone” color palette for the Great Park Signage Program.
- 2) Approved the construction contract award in the amount of \$841,620.79 for the Orange County Great Park Wayfinding Signage Project, CIP 361726 to the lowest responsive and responsible bidder, Outdoor Dimensions. **(Contract No. 10126)**

(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 3-0-2 (Directors Lalloway and Schott absent).

3.8 APPROVAL OF PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR MARINE WAY PARKWAY LANDSCAPING

ACTION:

- 1) Approved the construction plans, specifications and contract documents for Marine Way Landscaping, Capital Improvement Project 351603.
- 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.

3.9 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Councilmember Fox's request for Community Partnership Fund Grant nomination to the Irvine Children's Fund in the amount of \$250 in support of the Irvine Junior Games. **(Contract No. 10127)**
- 2) Authorized the City Manager to prepare and sign the funding agreement listed in Action 1.

4. PUBLIC HEARINGS

4.1 ZONING ORDINANCE AND MUNICIPAL CODE TECHNICAL UPDATE

Mayor Wagner opened the public hearing at 5:55 p.m. There were no requests to speak.

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

Continue the public hearing to the April 10, 2018 meeting.

4.2 DESIGNATION OF COMMUNITY FACILITIES DISTRICT NO. 2013-3 IMPROVEMENT AREA NO. 9

Jennifer King, Finance Administrator, presented the staff report and responded to questions.

Mayor Wagner opened the public hearing at 5:57 p.m. There were no requests to speak.

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried by those members present (Councilmembers Lalloway and Schott absent), to close the public hearing at 5:58 p.m.

City Council discussion included: reiterating that the proposed action would not raise taxes, but rather, only create a community facilities district (CFD) to allow the building of new homes in the designated area.

Prior to Mayor Wagner calling for a motion, City Clerk McLaughlin explained the procedural process for consideration of the recommended actions.

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried by those members present (Councilmembers Lalloway and Schott absent), to approve Recommended Action Item Nos. 5 through 7 as follows:

- 5) Adopt RESOLUTION NO. 18-26 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DESIGNATING IMPROVEMENT AREA NO. 9 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID IMPROVEMENT AREA
- 6) Adopt RESOLUTION NO. 18-27 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN IMPROVEMENT AREA NO. 9 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND SUBMITTING A PROPOSITION TO THE QUALIFIED ELECTORS THEREOF

- 7) Adopt RESOLUTION NO. 18-28 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING A SPECIAL TAX IN IMPROVEMENT AREA NO. 9 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), THE ISSUANCE OF BONDS BY SAID IMPROVEMENT AREA OF THE DISTRICT AND ESTABLISHMENT OF AN APPROPRIATIONS LIMIT

Following approval of Recommended Action Item Nos. 5 through 7 above, City Clerk McLaughlin opened the ballot and read the election results from property owner Heritage Fields representing Improvement Area No. 9, which reflected 45 votes attributed to the ballot. She noted that the ballot reflecting all votes were cast in the affirmative.

ACTION: Moved by Councilmember Fox, seconded by Mayor Pro Tempore Shea, and unanimously carried by those members present (Councilmembers Lalloway and Schott absent), to approve Recommended Action Item No. 9 as follows:

- 9) Adopt RESOLUTION NO. 18-29 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DECLARING THE RESULTS OF A SPECIAL ELECTION HELD IN IMPROVEMENT AREA NO. 9 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAX LIEN

Following approval of Recommended Action No. 9 above, City Clerk McLaughlin noted the introduction of the proposed Ordinance and read the title into the record, reflected in Recommended Action Item No. 10.

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried by those members present (Councilmembers Lalloway and Schott absent), to adopt Recommended Action Item No. 10 as follows:

- 10) Introduce for first reading and read by title only ORDINANCE NO. 18-04 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 9 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)

4.3 ZONE CHANGE TO AMEND CHAPTER 9-6 OF THE IRVINE ZONING ORDINANCE RELATED TO THE DISTRIBUTION OF DWELLING UNITS WITHIN PLANNING AREA 6 (PORTOLA SPRINGS)

Mayor Wagner opened the public hearing at 6 p.m. and noted that a request was made by the applicant to continue the public hearing to the April 10, 2018 meeting.

There were no requests to speak.

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

Continue the public hearing to the April 10, 2018 meeting.

4.4 AUTHORIZATION TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, VOLUNTEERS, CONTRACTORS, LICENSING OR CERTIFICATION PURPOSES AND AMENDING THE MASTER FEE SCHEDULE TO INCLUDE THE CANNABIS TESTING LABORATORY APPLICATION FEES

Mike Hallinan, Police Commander, presented the staff report and responded to questions.

Mayor Wagner opened the public hearing at 6:06 p.m.

Jim Fitzpatrick spoke in support, expressing his appreciation to the City Council and staff for establishing a reasonable and streamlined application process.

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried by those members present (Councilmembers Lalloway and Schott absent), to close the public hearing at 6:08 p.m.

City Council discussion included: inquiring about regulations and punitive damages related to illegal possession and/or transportation of cannabis; and reiterated the City's recent adoption of an ordinance related to cannabis regulations.

Mike Hamel, Director of Public Safety/Chief of Police, noted that police officers take appropriate action depending on the different levels of activity, to which Mayor Pro Tempore Shea suggested that staff consult with the City Attorney to provide clarity to the City Council on actions that would be taken based on such activities.

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

- 1) Adopt RESOLUTION NO. 18-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING AN APPLICATION FOR AUTHORIZATION TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT, VOLUNTEERS, CONTRACTORS, LICENSING OR CERTIFICATION PURPOSES
- 2) Adopt RESOLUTION NO. 18-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE MASTER FEE SCHEDULE TO INCLUDE THE CANNABIS TESTING LABORATORY APPLICATION FEES ADOPTED THROUGH ORDINANCE 18-02

PUBLIC COMMENT

Susan Sayre, Irvine resident, spoke about Councilmember and candidate conflicts-of-interest and in support of slow growth.

Joe Ellen Chatham, on behalf of Pacific Symphony, spoke about upcoming activities by the Symphony in the City of Irvine.

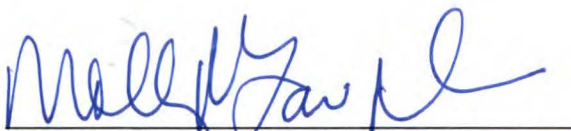
Brigitte spoke about recent actions taken by the Orange County Courts and Orange County Board of Supervisors.

Karen Jaffe, Irvine resident, expressed opposition to past and present actions taken by elected officials with respect to the County's 100-acre property adjacent to the Orange County Great Park and associated proposal for homeless shelter; and spoke in support of slow growth.

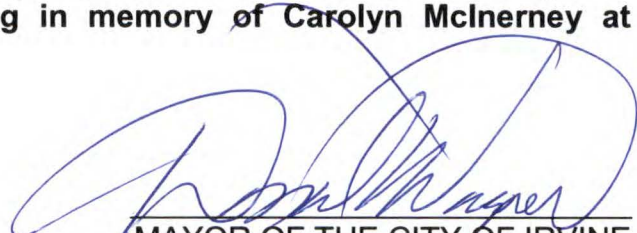
Cleo Olson, representing Orange Financial Center, spoke about a national campaign to promote "Financial Literacy Month."

ADJOURNMENT

Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried by those members present (Councilmembers Lalloway and Schott absent), to adjourn the meeting in memory of Carolyn McInerney at 6:29 p.m.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

April 10, 2018