



## MINUTES

### CITY COUNCIL REGULAR MEETING

September 26, 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 6:15 p.m. on September 26, 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 item:

- 1.1 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1) - City of Irvine v. Michael Cohen, in his official capacity as Director of the Department of Finance for the State of California, et al, Sacramento County Superior Court Case No. 34-2017-80002663**

City Attorney Melching also announced that the following Closed Session item would not be considered by the City Council in Closed Session:

- 1.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Property: (1) *An approximately 125.7 acre property designated “ARDA Transfer Site” in the Amended and Restated Development Agreement between City of Irvine and Heritage Fields El Toro, LLC, and (2) An approximately 124.9 acre site owned by Heritage Fields El Toro, LLC, adjacent to Interstate 5 between Bake Parkway and Alton Parkway; Agency Negotiators: Sean Joyce, City Manager; Jeffrey Melching, City Attorney; Pete Carmichael, Great Park Director; Negotiating Parties: City of Irvine and Heritage Fields El Toro, LLC; Under Negotiation: Price and terms of payment***

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

- Deirdre Kelly
- Jose Guevara on behalf of Congressman Lou Correa
- Jeffrey Harris, Irvine resident

**RECESS**

Mayor Wagner convened the City Council meeting to Closed Session at 6:17 p.m.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Wagner reconvened the City Council meeting at 6:38 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session on Item No. 1.1.

**PLEDGE OF ALLEGIANCE**

Councilmember Shea led the Pledge of Allegiance.

**INVOCATION**

Mayor Wagner provided the invocation.

**CITY MANAGER'S REPORT**

There was no report.

**ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

Councilmember Fox, as the City’s delegate to the Newport Bay Watershed Executive Committee, noted her attendance at its recent meeting, and relayed the approval of the Central Orange County Watershed Management Area Executive Action Plan for 2017-2022; and also noted her attendance and issues discussed related to Senate Bill 649

(wireless small cells) at the League of California Cities Annual Conference in Sacramento from September 13-15..

Mayor Pro Tempore Schott noted her recent attendance at the American Gold Star Mother's Memorial Weekend in Washington D.C., and that she would return at the next City Council meeting with photographs and reflection of the event.

Mayor Wagner made the following announcements:

- Irvine is once again the Safest City of its size for violent crime for the 12<sup>th</sup> consecutive year, according to FBI data just released for calendar year 2016. In 2016, Irvine saw a 3.5 percent drop in Part 1 Crime.
- The City of Irvine continues to remember those in the South and the Caribbean impacted by devastating hurricanes, and those in Mexico affected by recent earthquakes. For those interested in supporting organizations to help with recovery efforts in these areas, visit the Irvine Gives website at [cityofirvine.org/irvinegives](http://cityofirvine.org/irvinegives) and click "Disaster Relief." Residents are also encouraged to take steps during National Preparedness Month to help protect family members and employees for any type of disaster, including earthquakes, fires, floods and utility outages. For tips to help prepare, visit [cityofirvine.org/prepare](http://cityofirvine.org/prepare).
- The Irvine Police Department will host its annual Open House on October 7 from 10 a.m. to 2 p.m. at the Irvine Civic Center. The event will feature tours of the Police Department, police vehicle displays and hands-on activities. Attendees will also have a chance to meet members of the department's new Mounted Unit and interact with Police K9s. For information, visit [cityofirvine.org](http://cityofirvine.org).

## **ADDITIONS AND DELETIONS**

City Manager Joyce requested that Public Hearing Item No. 3.2 (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) be continued to the November 14, 2017 City Council meeting.

## **2. CONSENT CALENDAR**

**ACTION:** Moved by Councilmember Shea, seconded by Councilmember Lalloway, and unanimously carried to approve Consent Calendar Item Nos. 2.1, 2.2, 2.5 and 2.6. Item Nos. 2.3, 2.4, and 2.7 were removed for separate discussion.

**2.1 MINUTES**

**ACTION:**

Approved the minutes of a 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 held on September 12, 2017.

**2.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 17-67 - 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

**2.3 EXTENSION OF INFORMATION SERVICES AGREEMENT**

This item was removed for separate discussion at the request of Councilmember Shea, who expressed concern that the current provider for information technology services did not have the ability to assume the proposed request for services.

Khaled Tawfik, presented the staff report and responded to questions.

City Council discussion included: inquiring about why the current provider had not assumed responsibility for all technology services; questioned the need to issue a request for proposals; whether the current provider was meeting required standards; noted underperformance of the City's prior provider; questioned whether an exit clause was included in the proposed agreement if Conduent Enterprise Solutions, LLC (formerly ACS) did not perform satisfactorily; noted concerns raised by the Finance Commission; suggested that staff return to the City Council at a future meeting with an analysis of in-house versus consultant services for technology services; inquired about approximate staffing level needed to bring services in-house; and questioned other options available if the proposed agreement was not approved.

City Manager Joyce noted that the proposed agreement related to extraordinary circumstances, and clarified that the current provider included ordinary services such as help desk assistance and other day-to-day services.

Assistant City Manager Leung noted that the agreement with the current provider was a performance based contract, and that staff was working through a remediation plan to deal with appropriate consequences. She

also reiterated that the proposed agreement was for older projects that required completion, and that staff was recommending that the City work with the prior service provider given its history and knowledge of these projects.

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

Approve the Tenth Amendment to the Information Services Agreement with Conduent Enterprise Solutions, LLC, extending the current term for as-needed services on a time and materials basis for the period from October 1, 2017 through September 30, 2018. **(Contract No. 4900J)**

**2.4 RESOLUTIONS CONTAINING TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES**

This item was removed for separate discussion at the request of Mayor Pro Tempore Schott, who noted that while she was in support of the proposed salary increases and paid leave during the December holidays for other employee associations, she could not support additional financial compensation as requested by these two Associations.

Councilmember Shea expressed her appreciation to staff, including the police associations, and noted her support for the proposed agreements.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Fox, to:**

- 1) Adopt RESOLUTION NO. 17-68 - 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 AUGUST 11, 2017
- 2) Adopt RESOLUTION NO. 17-69 - 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 AUGUST 11, 2017

- 3) Adopt RESOLUTION NO. 17-70 - 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. 17-66, WHICH IS INCONSISTENT THEREWITH

**The motion carried as follows:**

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

NOES: 1 COUNCILMEMBERS: Schott

ABSENT: 0 COUNCILMEMBERS: None

**2.5 BUDGET ADJUSTMENT FOR IRVINE RANCH WATER DISTRICT RECLAIMED WATER INFRASTRUCTURE COSTS AT THE GREAT PARK**

**ACTION:**

- 1) Authorized a budget adjustment transferring \$5.4 million from the Department of Finance (DOF) Settlement Agreement funds to Capital Improvement Project No. 361732 for reclaimed water infrastructure costs at the Great Park.
- 2) Directed that this \$5.4 million in reserved DOF Settlement Agreement Funds be repaid over a ten-year period commencing with receipt of Secondary Maintenance payments.
- 3) Directed that interest on the \$5.4 million in reserved DOF Settlement Agreement Funds be repaid at the interest rate linked to the Local Agency Investment Fund (LAIF).

(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 5-0.**

**2.6 ACCEPTANCE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT**

**ACTION:**

- 1) Authorized the Director of Public Safety to approve and accept a \$510,000 Selective Traffic Enforcement Program grant award from the State of California, Office of Traffic Safety.
- 2) Approved a budget adjustment appropriating \$510,000 for the California Office of Traffic Safety Selective Traffic Enforcement Program grant.

**2.7 SECOND READING AND ADOPTION OF ORDINANCE NO. 17-07 GRANTING NONEXCLUSIVE FRANCHISES FOR COMMERCIAL SOLID WASTE COLLECTION**

This item was removed for separate discussion at the request of Councilmember Fox, who noted that other cities were accelerating compliance with South Coast Air Quality Management District’s (SCAQMD) Rule 1193 (Clean On-Road Residential and Commercial Refuse Collection Vehicles) by one year, and expressed concern that less efficient vehicles used in these cities could be relocated to Irvine to meet those requirements.

ACTION: Moved by Councilmember Fox, seconded by Councilmember Shea, to:

Read by title only, second reading and adoption of ORDINANCE NO. 17-07 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, GRANTING NONEXCLUSIVE FRANCHISES FOR COMMERCIAL SOLID WASTE COLLECTION AND RECYCLING SERVICES, FOR THE PERIOD OF OCTOBER 27, 2017 THROUGH AUGUST 31, 2026

**As amended** to amend Section 9.3.1 of the Nonexclusive Franchise Agreement for Commercial Solid Waste Collection as follows:

“...Franchisees shall comply with the requirements in the South Coast Air Quality Management District’s (“SCAQMD”) Rule 1193 (Clean On-Road Residential and Commercial Refuse Collection Vehicles) by January 1, 2019, and this requirement shall apply regardless of the franchisee’s vehicle fleet size and the exemption that might otherwise apply to fleets of less than fifteen (15) vehicles as set forth SCAQMD Rule 1193.”

City Council discussion included: clarification of the motion and whether the approach was reasonable; expressed concern about the potential impacts to waste haulers if compliance with SCAQMD Rule 1193 was

accelerated; and suggested a letter be sent to waste haulers requesting that the existing fleet of clean air vehicles remain in use within the City of Irvine.

City Attorney Melching noted that any amendment to the proposed ordinance would require a new first and second reading prior to adoption.

Following discussion, Councilmember Shea withdrew her second.

**ACTION: Moved by Mayor Pro Tempore Schott, seconded by Councilmember Lalloway, to:**

**ACTION:**

Read by title only, second reading and adoption of ORDINANCE NO. 17-07 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, GRANTING NONEXCLUSIVE FRANCHISES FOR COMMERCIAL SOLID WASTE COLLECTION AND RECYCLING SERVICES, FOR THE PERIOD OF OCTOBER 27, 2017 THROUGH AUGUST 31, 2026

**The motion carried as follows:**

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

NOES: 1 COUNCILMEMBERS: Fox

ABSENT: 0 COUNCILMEMBERS: None

**3. PUBLIC HEARINGS**

**3.1 ZONE CHANGE 00719550-PZC TO AMEND THE ZONING ORDINANCE REFLECTING 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)**

Tim Gehrich, Acting Director of Community Development, and Hernan DeSantos, Senior Planner, presented the staff report and responded to questions.

Mayor Wagner opened the public hearing at 7:34 p.m.

The following individuals spoke in support:

Peter Katz, Orange County Veterans Memorial Park  
Patrick Strader, Starpointe Ventures on behalf of Heritage Fields El Toro, LLC

The following individuals spoke in opposition:

Harvey Liss, Irvine resident  
Alan Meyerson, Irvine resident  
Mary Ann Gaido, Irvine resident  
Larry Agran, Irvine resident

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

Sharon Quirk-Silva, California State Assemblymember  
Jose Guevara, on behalf of Congressman Lou Correa  
Kaelin Locker, on behalf of Senator Josh Newman  
Carl Berryman, A.M. Legion  
Bob Holtzclaw  
Thomas Cagley, Lake Forest resident  
Deirdre Kelly, Irvine resident  
Michael Whaling, Laguna Hills resident  
Tyler Holcomb, Irvine resident  
Frank Lez, Laguna Woods resident  
Dick Watson, Irvine resident  
David Marshall, Santa Ana resident  
Sandy Moody, Irvine resident  
Martha Huff, American Legion  
Ed Pope, Irvine resident  
Aurum Grossman, Irvine resident

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Lalloway, and unanimously carried to close the public hearing at 7:58 p.m.**

Mayor Pro Tempore Schott read into the record a statement on behalf of Sandy Moody, Transportation Commissioner, who expressed her opposition.

City Council discussion included: expressing concern that research and development (R&D) zoning would result in increased traffic and trip counts near the Amended and Restated Development Agreement (ARDA) site; noted the impacts on Lake Forest residents by not accelerating enhancements to Marine Way; noted the need for a more comprehensive analysis, including traffic; reiterated that the land exchange was limited to

a transfer of entitlement, and that intensity would be subject to the standard review process; and noted the uniqueness of the Orange County Great Park.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Fox, to:**

Introduce for first reading and read by title only – AN ORDINANCE OF THE CITY COUNCIL OF 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)

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Fox, Shea and Wagner

NOES: 2 COUNCILMEMBERS: Lalloway and Schott

ABSENT: 0 COUNCILMEMBERS: None

**3.2 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)**

This item was continued to November 14, 2017 at the request of City Manager Joyce. See Additions and Deletions.

**4. COUNCIL BUSINESS**

**4.1 PRE-RELEASE POLICY DIRECTION REGARDING REQUEST FOR PROPOSALS FOR TOW SERVICES CONTRACT**

Mike Hamel, Director of Public Safety/Chief of Police, and Matt August, Police Sergeant, presented the staff report and responded to questions.

City Council discussion included: inquiring about a previous bidder that was excluded based on its location outside of the required perimeter;

questioned whether opportunities for additional bids could be lost if the perimeter was not adjusted; suggested weighted scoring if the perimeter was expanded; and expressed concern about changing bid criteria to accommodate additional bidders.

Police Chief Hamel noted that staff would need to verify whether the increase to a six mile radius would capture additional bidders; and stated that expanding the required perimeter could result in increased response time.

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

- 1) Authorize staff to issue a Request for Proposal (RFP) for Towing Services.
- 2) Direct staff to create a selection process that will result in two qualified towing companies being selected at the conclusion of the results of a solicitation of proposals.
- 3) Direct staff to fully evaluate all tow companies responding to the RFP that meet the minimum qualifications.
- 4) Require tow companies to maintain a business office and storage facility of sufficient size not more than six road miles from the City limits as a minimum qualification for responding to the RFP.
- 5) Direct staff to increase towing fees paid by the public directly to the contract tow companies to a fair market value, comparable to other Orange County law enforcement agencies.

**4.2 CONSIDERATION OF MAYOR WAGNER'S REQUEST TO SUBMIT A REQUEST FOR PROPOSAL FOR AMAZON HQ2**

This item was agendaized at the request of Mayor Wagner, who noted potential benefits should Amazon choose the City of Irvine for its second headquarters.

The following individuals spoke in support of the submittal of a proposal:

Linda DiMario, Greater Irvine Chamber  
Harvey Liss, Irvine resident

City Council discussion included: noting the rare opportunity for the Irvine and its unique qualifications; referenced concerns raised by members of the community related to potential population and traffic increases; reiterated opportunities for bringing high technology jobs to the City; noted that sites offered would include those already developed; and discussed next steps if a favorable response from Amazon was received.

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

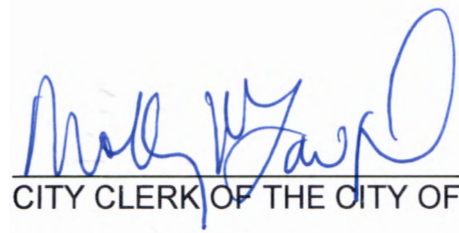
Authorize the City Manager to work with the City's interested landowners to submit a response to the Request for Proposal for Amazon's second corporate headquarters.

**PUBLIC COMMENT**

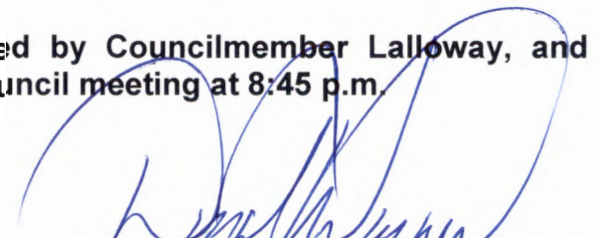
Michael Klubniken spoke about recent actions taken by the Orange County Board of Supervisors.

**ADJOURNMENT**

**Moved by Councilmember Shea, seconded by Councilmember Lalloway, and unanimously carried to adjourn the City Council meeting at 8:45 p.m.**



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CITY CLERK OF THE CITY OF IRVINE



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MAYOR OF THE CITY OF IRVINE

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October 10, 2017