



MINUTES

CITY COUNCIL REGULAR MEETING

Steven Choi
Mayor

Lynn Schott
Mayor Pro Tempore

Beth Krom
Councilmember

Jeffrey Lalloway
Councilmember

Christina Shea
Councilmember

September 13, 2016
4:00 PM

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 p.m. on September 13, 2016 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

ROLL CALL

Present:	5	Councilmember:	Beth Krom
		Councilmember:	Jeffrey Lalloway*
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Lynn Schott
		Mayor:	Steven Choi

* Councilmember Lalloway arrived at 4:03 p.m.

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, subdivision (d)(1) – one case: Wald Street L.L.C., et al. v. City of Irvine, et al., Orange County Superior Court Case No. 30-2016-00861688**

- 1.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Pursuant to Government Code Section 54956.9, subdivision (d)(4) – one case**

Mayor Choi noted that on behalf of those who have expressed concerns, the City continues to develop strategies that would allow the City to withhold issuing permits for the Safari Substation until the City's land use concerns were well discussed and resolved; and In light of pending and threatened litigation in this matter, it was necessary for the City Council to convene to Closed Session to receive advice from the City Attorney.

The following individuals expressed concerns and spoke in opposition to the Southern California Edison Safari Substation on Wald Street:

- Bill Klassen, Irvine resident
- Ari Goldberg
- Betsey A. Lindsay, representing Ultra Systems
- Mike Rogozen, representing Ultra Systems
- Charles Wechsler, representing Ultra Systems
- Dr. Alan Gold, representing Ultra Systems
- Mina Rouhi, representing Ultra Systems
- Doug Bender
- Paul Wang, representing Vizio
- Nick Lowe, representing AKM Consulting
- Zeki Kayiran, representing Kezy LLC
- Rebecca Whiteleather, representing B&C Hardward
- Rajat Khurana, representing West Coast Consulting
- Norman Voo, representing Bestwill
- Michael Aguirre, representing Aguirre & Severson, Attorneys

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

- Jane Klassen
- Dave Ford
- Gary Hobson

RECESS

Mayor Choi recessed the City Council meeting at 4:58 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Choi reconvened the regular City Council meeting at 5:18 p.m. and noted that Closed Session Item Nos. 1.1 and 1.2 would be considered at the conclusion of the meeting.

PLEDGE OF ALLEGIANCE – BOY SCOUT PACK 631

Mayor Choi introduced Boy Scout Pack 631, who led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Choi requested a moment of silence in memory of Staff Sgt. Matthew V. Thompson, a graduate of Concordia University in Irvine, who was killed on August 23 in Afghanistan.

INVOCATION

Mayor Choi invited Pastor Cecily Feldman from Free Chapel in Irvine to provide the Invocation.

MUSICAL PRESENTATION

Mayor Choi introduced the Irvine Canaan Christian Community Church Kids Ministry Choir, who performed “Yankee Doodle” followed by “Seek Ye First.”

2. PRESENTATIONS

2.1 Proclaim September 2016 as “World Alzheimer’s Awareness Month”

Mayor Choi introduced Dan Daley and Mike Borgman from Alzheimer’s Orange County and presented a proclamation recognizing September 2016 as “World Alzheimer’s Awareness Month.”

CITY MANAGER'S REPORT

City Manager Joyce made the following announcements:

- On October 17, 2016, Lieutenant Michael Kent will receive an award from the International Association of Chiefs’ of Police (IACP) at its annual conference in San Diego. Police Chief Hamel further noted that the IACP’s “40 Under 40” award was developed to recognize 40 law enforcement professionals under the

age of 40 from around the world that demonstrate leadership and exemplify commitment to their profession.

- Grace Leung, Director of Administrative Services, has been appointed to the position of Assistant City Manager. Sharon Landers, Assistant City Manager, will take a leadership role in advancing many of the capital projects important to the City Council, and will continue to be vitally important to the Animal Care Subcommittee and the City Council as it pursues advancing improvements to the Animal Care Center.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Pro Tempore Schott made the following announcements:

- In a continued effort to prevent West Nile and Zika viruses, residents are reminded and encouraged to remain vigilant against mosquitos and mosquito bites by repairing window and door screens, wearing insect repellent, and conducting routine property inspections for runoff and any standing water. For information, call the Orange County Mosquito and Vector Control District at 949-654-2421 or visit ocvector.org.
- Residents are invited to attend the Irvine Barclay Theatre's upcoming 2016-17 season that began in September, with the "Rock the Presidents" musical taking place on Saturday, October 8. For information or to obtain a free copy of the Patron Guide, call the box office at 949-854-4646 or visit thebarclay.org.

Mayor Choi made the following announcements:

- The City of Irvine's distinctive display of those killed in the terrorist attacks on September 11 is available for viewing in our Irvine Civic Center lobby through September 16. Residents are encouraged to reflect on the names of those killed in the terrorist attacks on September 11.
- Irvine Global Village Festival, the City's signature event, will celebrate its 15th year on Saturday, September 24 from 10 a.m. to 6 p.m. at Bill Barber Marine Corps Memorial Park. For information, visit irvinefestival.org.
- The University of California, Irvine (UCI) Osher Lifelong Learning Institute has opened its new location at the Irvine Station. The Osher Program, in collaboration with UCI, provides educational courses for adults in the community, serving as an intellectual center for retired, semi-retired and senior learning. For information, visit ce.uci.edu/olli or call the Institute at 949-451-1403.

- Constitution Day and Citizenship Day occurs this week, an American federal observance that recognizes the adoption of the United States Constitution and those who have become U.S. citizens. Normally observed on September 17, the day in 1787 that delegates to the Constitutional Convention signed the document in Philadelphia, the day of observance this year is Friday, September 16. City Hall will be open for normal business hours.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

ACTION: Moved by Councilmember Shea, seconded by Councilmember Lalloway, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.12, with the exception of Item Nos. 3.6, 3.7, 3.9 and 3.10, which were removed for separate discussion. Councilmember Krom abstained on Item No. 3.4.

3.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on August 9, 2016.

3.2 PROCLAMATIONS

ACTION:

Proclaimed September 2016 as "Childhood Cancer Awareness Month."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 16-69 - 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 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION:

Adopted RESOLUTION NO. 16-70 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS OF AT&T AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

Councilmember Krom abstained.

3.5 TREASURER'S REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2016

ACTION:

Received and filed the Treasurer's Report for the fiscal year ended June 30, 2016.

3.6 SPECIAL COUNSEL AGREEMENT WITH LARSON O'BRIEN, LLP

This item was removed for separate discussion at the request of Courtney Santos, Irvine resident, who spoke in opposition to bypassing the competitive bid process through the issuance of a sole source contract.

City Council discussion included: whether a previous contract with Larson O'Brien, LLP existed and if that purchase order was based on a pre-budgeted amount; whether the proposed contract exceeded the City Manager's authority; questioned the scope of services and estimated costs; whether legal fees for this contract could be absorbed within the existing legal services budget; noted that the City Council should be provided with periodic updates on how funds are being used; questioned how the contract could be approved without appropriating funds; noted that fees for legal services may not reach the not-to-exceed amount of the proposed contract; and questioned the current budgeted amount for legal services.

City Manager Joyce reiterated his authority level of \$100,000 and noted that the current contract with Larson O'Brien, LLP had almost reached that limit. He also noted that periodic reports were due to the California State Auditor and that Larson O'Brien, LLP would be providing legal assistance from time to time as needed.

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

- 1) Authorize the City Manager to execute an agreement with the law firm of Larson O'Brien, LLP to assist with matters pertaining to the audit performed by the California State Auditor on a time and materials basis, in an amount not to exceed \$100,000 **as amended** to identify funding within the existing legal services budget.
- 2) Direct staff to provide the City Council with periodic updates on how those funds are being used.

The motion carried as follows:

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

NOES: 1 COUNCILMEMBERS: Choi

ABSENT: 0 COUNCILMEMBERS: None

3.7 INTERIM LEASE AGREEMENT WITH AUTO CENTER COMMUNITY ASSOCIATION

This item was removed for separate discussion at the request of Councilmember Krom, who expressed concern about the proposed lease terms between the City and the Auto Center Community Association.

City Council discussion included: questioning how much Los Angeles Airways was previously charged for access to the land; questioned how the lease rate was determined and why Irvine was not charging the same lease rate as the City of Signal Hill; noted that the land could be used for special event overflow parking if needed; whether the lease went through the competitive bid process or if the offer was unsolicited; noted the rate comparison between the proposed lease and the lease with University of California, Irvine's Osher Lifelong Learning Institute at the Irvine Station; reiterated that the interim lease could be canceled with a 90-day notice; whether there was an immediate need to use the property by the City; noted that the interim lease would generate revenue, and further noted the potential to increase revenue through additional sales tax; noted the shortage of parking space at the Irvine Auto Center; expressed concern that auto dealers were losing sales due to inadequate space for inventory; suggested making the land more marketable in the future; encouraged the increase of marketing efforts to the public for space at the Irvine Station and other City-owned properties to generate revenue; noted the distance between the Irvine Auto Center and the vacant property; and noted that the land was still vacant due to local businesses having an adequate supply of parking.

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

Approve an Interim Lease Agreement with Auto Center Community Association in substantially the form as attached to the staff report, and authorize the City Manager or his designee to execute the Interim Lease Agreement.

3.8 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 \$330,000 Selective Traffic Enforcement Program grant award from the State of California, Office of Traffic Safety.
- 2) Approved a budget adjustment appropriating \$330,000 for the California Office of Traffic Safety Selective Traffic Enforcement Program grant.

3.9 APPROVAL OF PROJECT REPORT AND ENVIRONMENTAL DOCUMENTS FOR THE UNIVERSITY/RIDGELINE INTERSECTION WIDENING PROJECT

This item was removed for separate discussion at the request of Courtney Santos, Irvine resident, who expressed her support for the widening project at University/Ridgeline to alleviate traffic for surrounding neighborhoods and the University of California, Irvine.

There was no City Council discussion.

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

- 1) Adopt RESOLUTION NO. 16-71 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE PROJECT REPORT AND ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE UNIVERSITY DRIVE AND RIDGELINE DRIVE/ROSA DREW LANE INTERSECTION IMPROVEMENT PROJECT
- 2) Authorize staff to proceed with the final design for the Preferred Alternative as described and documented in the Project Report prepared by Kreuzer Consulting and Mitigated Negative Declaration Environmental Document prepared by LSA Associates.

3.10 ENCROACHMENT AGREEMENT WITH O.C. PROPERTY COMPANY LLC (BROADCOM) FOR INSTALLATION OF PRIVATELY OWNED UTILITY INFRASTRUCTURE WITHIN A PORTION OF FUTURE MARINE WAY

This item was removed for separate discussion at the request of Councilmember Krom, who expressed concern about the amount of compensation to the City based on the terms contained the encroachment agreement.

City Council discussion included: clarifying the identification of O.C. Property Company and whether Avago Technologies/Broadcam owned the project; and questioned how the amount of compensation was determined.

City Attorney Melching confirmed that O.C. Property Company, formed by Broadcom, was the property owner.

Manuel Gomez, Director of Public Works, noted that the amount of compensation was based on other encroachment agreements and market assessment. He also noted that the proposed encroachment agreement was similar to another agreement between the City and Hoag Hospital.

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

Authorize the Mayor to execute an Encroachment Agreement with O.C. Property Company LLC, to allow installation of private telecommunications and electrical utilities within the public right-of-way on future Marine Way.

3.11 NOTICE OF REVIEW AND PENDING APPROVAL FOR TRACT MAPS IN GREAT PARK NEIGHBORHOODS (HERITAGE HILLS) AND EASTWOOD

ACTION:
Received and filed.

3.12 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

- ACTION:**
- 1) Approved Councilmember Shea's requests for Community Partnership Fund Grant nominations to the following organizations:
 - a. Alderwood Elementary School Parent Teacher Association in support of program costs (\$250)

- b. New Outlook Center in support of an upcoming collaborative event, "A Night with Rumi" (\$1,000)
 - c. Plaza Vista Elementary School Parent Teacher Association in support of program costs (\$1,000)
- 2) Approved Mayor Choi's request for Community Partnership Fund Grant nomination to the Irvine Korean Evergreen Association in the amount of \$1,000 in support of program costs.
 - 3) Authorized the City Manager to prepare and sign the funding agreements listed in Actions 1 and 2.

4. COUNCIL BUSINESS

4.1 ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS GRANT END-OF-YEAR PROGRESS REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mark Asturias, Manager of Housing, and Clint Whited, Community Development Block Grant (CDBG) Consultant, presented the staff report and responded to questions.

Mayor Choi opened the public hearing at 6:51 p.m.

Courtney Santos, Irvine resident, spoke in support of affordable housing, and expressed concern with a response noted in the draft Consolidated Annual Performance and Evaluation Report (CAPER) with respect to actions taken to remove or reduce the negative effects of public policies that serve as the barriers to affordable housing (as reflected on page 19 of the draft CAPER). She also suggested rezoning areas of the City to allow for higher density housing to accommodate affordable housing.

ACTION: Moved by Councilmember Lalloway, seconded by Mayor Choi, and unanimously carried to close the public hearing at 6:54 p.m.

City Council discussion included: partnerships between the City and developers of affordable housing; provided an overview of the goals and accomplishments of the Irvine Community Land Trust; expressed concern about the potential consequences of increasing housing density; and noted the progress made on the Derian project.

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

Receive and file the Consolidated Annual Performance and Evaluation Report and authorize submission to the U.S. Department

of Housing and Urban Development.

4.2 BUILDING AND FIRE CODE ADOPTION

Joe Kirkpatrick, Chief Building Official, and Vahid Toossi, representing Orange County Fire Authority, presented the staff report and responded to questions.

Mayor Choi opened the public hearing at 7:02 p.m. There were no requests to speak.

ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Shea, and unanimously carried to close the public hearing at 7:03 p.m.

City Council discussion included: inquiring about increased building standards related to earthquakes; whether the number of additional electric vehicle charging stations was based on number of dwellings or population; questioned how consortium members were selected; whether the characterized updates were based on what the State imposed by legislative action; and questioned if the proposed amendments exceeded State requirements.

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

Adopt RESOLUTION NO. 16-72 – 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

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

Introduce for first reading and read by title only ORDINANCE NO. 16-07 – 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 AND CHAPTER 9 OF DIVISION 7 OF SECTION 6 OF THE IRVINE MUNICIPAL CODE PERTAINING TO BUILDING AND FIRE CODE REGULATIONS

5. COUNCIL BUSINESS

5.1 CONSIDERATION OF COUNCILMEMBER LALLOWAY'S REQUEST FOR DISCUSSION OF IRVINE PUBLIC SCHOOLS FOUNDATION REQUEST FOR TEMPORARY CHANGE TO CHALLENGE MATCH GRANT RATIO

This item was agendaized at the request of Councilmember Lalloway, who asked for City Council consideration to adopt a resolution to provide a one-time exception to allow a 2:1 match ratio for a one-month period up to the maximum annual Challenge Match Grant allocation for the Irvine Public Schools Foundation.

There was no City Council discussion.

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

Adopt RESOLUTION NO. 16-73 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, IMPLEMENTING THE CHALLENGE MATCH GRANT PARTNERSHIP FOR EDUCATIONAL EXCELLENCE PROGRAM, AND SUPERSEDING RESOLUTION NO. 16-15 FOR FISCAL YEARS 2016-17 AND 2017-18

PUBLIC COMMENTS

Michael Klubniken spoke in support of the Tseglin family with respect to a domestic issue related to an autistic family member.

Alan Meyerson, Irvine resident, spoke in opposition to time constraints for public comments at City Council meetings; and referenced an article in the Contra Costa Bee regarding the financial status of Lennar and Five Point Communities.

Steven Wontrobski, Mission Viejo resident, expressed concern about the Orange County Fire Authority's unfunded pension liability.

Gang Chen, Irvine resident, suggested the ensuring of adequate space was available for students at neighborhood elementary schools when building surrounding homes, and inquired about a proposed metropolitan library at the Orange County Great Park.

Steve Greenberg, Irvine resident, noted certain content reflected in the recent edition of the Irvine Community News and Views.

Ilya Tseglin reiterated a domestic issue related to his autistic son.

CLOSED SESSION

Mayor Choi convened the City Council meeting to Closed Session at 7:18 p.m.

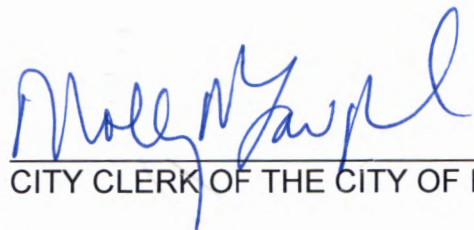
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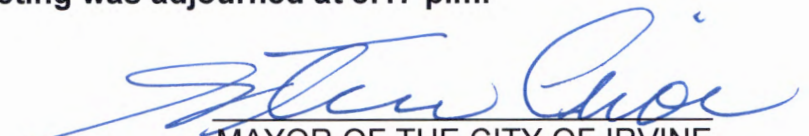
Mayor Choi reconvened the City Council meeting at 8:15 p.m. City Attorney Melching, on behalf of the City Council, announced that with respect to Closed Session Item No. 1.1, the City Council provided direction, by a 5-0 vote, to move forward with a meet-and-confer process with Southern California Edison concerning land use issues as authorized by the Public Utility Commission's general order, and while that meet-and-confer process is going forward, the City will not be issuing permits that are pending for the Safari Substation site. He also noted that there was no reportable action with respect to Closed Session Item No. 1.2.

City Manager Joyce reiterated Mayor Choi's earlier comments that members of the City Council and City staff had held numerous meetings with citizens concerned with the proposed Edison substation on Wald; and on behalf of those who have expressed concerns, the City continues to develop strategies that would allow the City to withhold issuing permits for the Safari Substation until the City's land use concerns were well discussed and resolved.

ADJOURNMENT

By consensus, the City Council meeting was adjourned at 8:17 p.m.


CITY CLERK OF THE CITY OF IRVINE


MAYOR OF THE CITY OF IRVINE

September 27, 2016