



Steven Choi  
Mayor/Chairman

Jeffrey Lalloway  
Mayor Pro Tem/Vice Chairman

Beth Krom  
Councilmember/Boardmember

Lynn Schott  
Councilmember/Boardmember

Christina Shea  
Councilmember/Boardmember

**MINUTES**

**CITY COUNCIL  
ADJOURNED REGULAR  
MEETING  
AND  
ADJOURNED REGULAR  
JOINT MEETING  
WITH THE CITY OF IRVINE AS  
SUCCESSOR AGENCY TO THE  
DISSOLVED IRVINE  
REDEVELOPMENT AGENCY**

**August 11, 2015  
City Council Chamber  
One Civic Center Plaza  
Irvine, CA 92606**

**CALL TO ORDER**

The adjourned 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 was called to order at 5:05 p.m. on August 11, 2015 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor/Chairman Choi presiding.\*

\* The regular meetings of the City Council and Successor Agency were called to order at 4 p.m. by City Clerk McLaughlin. She noted that no Councilmembers or Boardmembers were present and immediately adjourned both meetings to 5 p.m. at which time the posted agenda was considered.

**ROLL CALL**

Present:	4	Councilmember/Boardmember:	Beth Krom
		Councilmember/Boardmember:	Lynn Schott
		Councilmember/Boardmember:	Christina Shea
		Mayor/Chairman:	Steven Choi
Absent:	1	Mayor Pro Tempore/Vice Chair:	Jeffrey Lalloway (excused)

**PLEDGE OF ALLEGIANCE**

Mayor Choi led the Pledge of Allegiance.

**INVOCATION**

Mayor Choi invited Pastor Johnny Montgomery from Saddleback Community Church in Irvine to provide the invocation.

**MUSICAL PRESENTATION**

Mayor Choi introduced Rob Blaney, Director of Vocal Music and Advance Placement Music Theory from Woodbridge High School, who performed “America the Beautiful” followed by “Corner of the Sky.”

**1. PRESENTATIONS**

**1.1 *Presentation by Mayor Choi’s Summer Interns regarding Early Childhood Education (at the request of Mayor Choi)***

Mayor Choi introduced summer interns Debbie Yuen, Axel Stern, Antoinette Bailey and Madeline Loudon, who provided a presentation on the importance of Early Childhood Education.

City Council discussion included: Irvine Child Care Project and other ways in which the City of Irvine contributes to early childhood education; how a living wage recognizes individuals and families at the low end of the economic spectrum; forwarding the findings noted in the presentation to Irvine Unified School District Superintendent Terry Walker; the early childhood center at Irvine Valley College; challenges of finding affordable daycare in the City; appreciation to the Irvine Company for starting the Irvine Child Care Project; success rate of young children exposed to early childhood education between the ages of one and four; and limitations of the Irvine Child Care Project to students in kindergarten through sixth grade.

**CITY MANAGER’S REPORT**

There was no report.

## **ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

Mayor Choi made the following announcements:

- The City of Irvine is hosting a free Affordable Housing Community Forum on Thursday, August 13 from 6 – 8 p.m. at the Irvine Civic Center. An additional forum will be held on Thursday, August 27 from 6 – 8 p.m. at the South Coast Chinese Cultural Center.
- The City of Irvine will be recognized on Thursday, August 13 as part of the Orange County Fair's "City Days." Mayor Choi and Councilmember Krom will participate in a Community Flag Salute in front of the Hangar at 12:30 p.m. Community groups, including the Boys & Girls Clubs and the Northwood High Cheer Team, will also be in attendance. The event is free with paid fair admission.
- The City of Irvine is conducting a comprehensive study on traffic conditions in the City. An online traffic survey is also available through September 3 at [bit.ly/IrvineTrafficSurvey](http://bit.ly/IrvineTrafficSurvey) or online at [cityofirvine.org](http://cityofirvine.org). Results of the study will provide a framework for recommendations on future traffic initiatives.
- The Sizzlin' Summer Concert Series concludes on Sunday, August 16 at 5:30 p.m. at Mike Ward Community Park – Woodbridge. Bella Donna: A Tribute to Fleetwood Mac and Stevie Nicks will be performing. For information, visit [cityofirvine.org](http://cityofirvine.org).

## **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

## **CONVENE TO THE ADJOURNED REGULAR JOINT MEETING**

Mayor Choi convened to the adjourned regular joint meeting with the City of Irvine as Successor Agency to the dissolved Redevelopment Agency at 5:51 p.m.

## **2. CONSENT CALENDAR – CITY COUNCIL**

**ACTION:** Moved by Councilmember/Boardmember Shea, seconded by Councilmember/Boardmember Krom, and unanimously carried by those members present (Mayor Pro Tempore/Vice Chair Lalloway absent) to approve City Council Consent Calendar Item Nos. 2.1 through 2.13 and Successor Agency Consent Calendar Item Nos. 3.1 and 3.2.

City Council Consent Calendar Item Nos. 2.5, 2.6, and 2.7 were removed for separate discussion. Successor Agency Consent Calendar Item No. 3.3 was also removed for separate discussion and considered concurrently with City Council Consent Calendar Item No. 2.7. Councilmember Krom abstained on Item No. 2.3.

**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 July 28, 2015.

**2.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 15-72 - 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 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T**

**ACTION:**

Adopted RESOLUTION NO. 15-73 - 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.

**2.4 AGREEMENT FOR COLLECTION OF SPECIAL TAXES, FEES, CHARGES AND ASSESSMENTS**

**ACTION:**

Authorized the City Manager to execute an agreement with the County of Orange for collection of special taxes, fees, charges and assessments.

**2.5 RESOLUTIONS CONTAINING TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED AND NON-REPRESENTED EMPLOYEES**

This item was removed from the Consent Calendar for separate discussion at the request of Steve Wolf, Police Sergeant, who expressed his appreciation to the City Council for its support and commitment to City employees and the Irvine Police Department.

Ilya Tseglin noted continued legal issues related to his autistic son and the role of the Irvine Police Department, noting that employee contracts should include a provision with respect to institutional behavior and law.

Robert Tseglin submitted a Request to Speak card but did not speak.

City Council discussion included: appreciation to staff for its work on behalf of the community; Irvine as a leader and top city; employee cooperation during the recent recession; and finding a balance between the organization and labor associations.

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

1. Adopt RESOLUTION NO. 15-74- 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 AUGUST 11, 2015
2. Adopt RESOLUTION NO. 15-75 - 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 AUGUST 11, 2015

3. Adopt RESOLUTION NO. 15-76 - 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, 2015
4. Adopt RESOLUTION NO. 15-77 - 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 PROFESSIONAL EMPLOYEES ASSOCIATION (IPEA), AND SUPERSEDING ALL PREVIOUS IPEA MEMORANDUMS OF UNDERSTANDING, EFFECTIVE THE PAY PERIOD THAT INCLUDES AUGUST 11, 2015
5. Adopt RESOLUTION NO. 15-78 - 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, 2015
6. Adopt RESOLUTION NO. 15-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR CONFIDENTIAL EMPLOYEES OF THE CITY OF IRVINE, AND SUPERSEDING RESOLUTION NO. 13-98 EFFECTIVE THE PAY PERIOD THAT INCLUDES AUGUST 11, 2015
7. Adopt RESOLUTION NO. 15-80 - 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. 13-99 EFFECTIVE THE PAY PERIOD THAT INCLUDES AUGUST 11, 2015

- 8. Adopt RESOLUTION NO. 15-81 - 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. 14-74 EFFECTIVE THE PAY PERIOD THAT INCLUDES AUGUST 11, 2015
- 9. Adopt RESOLUTION NO. 15-82 - 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 2015-16 FISCAL YEAR, AND SUPERSEDING RESOLUTION NO. 15-53, WHICH IS INCONSISTENT THEREWITH
- 10. Adopt RESOLUTION NO. 15-83 - 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. 15-54, WHICH IS INCONSISTENT THEREWITH
- 11. Adopt RESOLUTION NO. 15-84 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES
- 12. Appropriate \$1,100,000 from year end fund balance to fund the Fiscal Year 2015-16 increase within the authority provided to negotiators by City Council and authorize corresponding budget adjustments.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Krom, Shea, and Choi  
 NOES: 1 COUNCILMEMBERS: Schott  
 ABSENT: 1 COUNCILMEMBERS: Lalloway

**2.6 SPORTS PARK SUBAREA OF THE ORANGE COUNTY GREAT PARK IMPROVEMENT AREA**

This item was removed for separate discussion at the request of Councilmember Krom, who expressed her opposition to using the amount of Quimby Fees being proposed for enhancements within the Sports Park Subarea of the Orange County Great Park Improvement Area.

City Council discussion included: concern over the incorporation of enhanced spectator seating and other amenities at a cost to the City; noted that Quimby fees were to support community parks citywide and not be limited to the Orange County Great Park.

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

1. Approve the use of Second Adjacent Landowner Agreement Additional Allowance Funds and Quimby Funds for enhancements within the Sports Park Subarea of the Orange County Great Park Improvement Area, as recommended by the Orange County Great Park Board.
2. Approve a budget adjustment appropriating \$4,686,314 of Quimby Park-in-Lieu fees to the Great Park Development Fund to establish a capital improvement project account to reserve funds for enhancements to the Sports Park in excess of the Additional Allowance Fund allocation for the Sports Park.
3. Approve a modified boundary for the 688-acre Great Park Improvement Area, as recommended by the Orange County Great Park Board.

Additional City Council discussion included available options if the City Council vote resulted in a tie and ultimately failing, based on the vote at the Orange County Great Park Board meeting of August 4, 2015 (3-2 with Vice Chair Choi and Director Krom dissenting) and the absence of Mayor Pro Tempore Lalloway. City Attorney Litfin noted that a motion for reconsideration would not be applicable, and therefore, it would be recommended that the matter be continued and re-agendized at a future meeting when the full City Council was present.

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

Continue the item to the next City Council meeting.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Krom, Schott, and Shea

NOES: 1 COUNCILMEMBERS: Choi

ABSENT: 1 COUNCILMEMBERS: Lalloway

**2.7 EXTENSION OF CITY ATTORNEY SERVICES AGREEMENT WITH RUTAN & TUCKER, LLP**

This item was removed for separate discussion at the request of Councilmember Shea and considered concurrently with Successor Agency Consent Calendar Item No. 3.3. City Attorney Litfin left the dais at 6:17 p.m. due to a conflict-of-interest.

City Council discussion included: concern over the proposed limited contract extension; recognizing the strengths of Rutan & Tucker and the accomplishments made by City Attorney Litfin and Assistant City Attorney Melching; consideration of a month-to-month contract and the option to terminate the agreement based on a cancellation provision in the contract; past and continued stability for attorney services based on the last 40 years with Rutan & Tucker; approving a six-month versus a month-to-month extension; concern related to the status of outstanding legal matters; having a back-up plan in the event that a transition is necessary; and concern that a six-month extension did not offer the same flexibility as a month-to-month extension.

**ACTION:** Moved by Councilmember Shea, seconded by Mayor Choi, to:

Authorize the Mayor to execute the letter agreement attached to the staff report for City Attorney Services with the law firm of Rutan & Tucker, LLP extending the terms of the expiring agreement for the same services on a month-to-month basis or until otherwise directed by the City Council.

**ACTION:** A substitute motion was made by Councilmember Schott, seconded by Councilmember Krom, to:

Authorize the Mayor to execute the letter agreement attached to the staff report for City Attorney Services with the law firm of Rutan & Tucker, LLP extending the terms of the expiring agreement for the same services on a six-month basis or until otherwise directed by the City Council.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Krom, Schott, and Shea

NOES: 1 COUNCILMEMBERS: Choi

ABSENT: 1 COUNCILMEMBERS: Lalloway

City Manager Joyce clarified that per the Agreement, the City Council had the ability to terminate the contract with Rutan & Tucker at any time without cause.

City Attorney Litfin returned to the dais at 6:28 p.m.

**2.8 GRANT OF EASEMENTS TO IRVINE RANCH WATER DISTRICT WITHIN THE ORANGE COUNTY GREAT PARK**

**ACTION:**

Authorized the Mayor to execute easement deeds to the Irvine Ranch Water District for a future well, construction and maintenance, and associated pipeline within the Orange County Great Park.

**2.9 ACCEPTANCE OF GRANT FROM U.S. DEPARTMENT OF ENERGY FOR SOLAR DECATHLON 2015**

**ACTION:**

1. Authorized the City Manager to prepare and sign a modification to the grant assistance agreement with the U.S. Department of Energy to accept \$66,870 in additional grant funds from the U.S. Department of Energy in Fund 180 for event promotion for Solar Decathlon 2015 as recommended by the Orange County Great Park Board of Directors.
2. Approved a budget adjustment appropriating \$66,870 in Fund 180 for event promotion for the Solar Decathlon 2015, authorize contracts and expenditures for event promotion prior to receipt of additional U.S. Department of Energy grant funds, and authorized use of City General Funds for Public Safety staffing for traffic control associated with Solar Decathlon 2015, as recommended by the Orange County Great Park Board of Directors.
3. Approved a contract with Momentum Marketing, Inc. for event management services as recommended by the Orange County Great Park Board of Directors.

(Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each City 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 4-0 (Mayor Pro Tempore Lalloway absent)

**2.10 AGREEMENT WITH SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT FOR AN ACCESS ROAD OVER CITY PROPERTY**

**ACTION:**

Approved an agreement with the South Orange County Community College District to provide an easement for constructing a new access road to Irvine Valley College over City property, and authorized the Mayor to execute the agreement and associated deed.

**2.11 NOTICE OF REVIEW AND PENDING APPROVAL FOR TRACT MAPS IN CYPRESS VILLAGE, ORCHARD HILLS, AND GREAT PARK NEIGHBORHOODS**

**ACTION:**

Received and filed.

**2.12 AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY AND SAND CANYON SERVICE STATION**

**ACTION:**

Approved the Settlement Agreement and Waiver of Claims with Orange County Transportation Authority and Sand Canyon Service Station.

**2.13 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

1. Approved Councilmember Krom's request for Community Partnership Fund Grant nomination to Christ Our Redeemer Community Development Corporation in the amount of \$500 in support of the "From Poverty to Empowerment Community and Economic Development Conference."
2. Approved Mayor Choi's request for Community Partnership Fund Grant nominations to Boy Scouts of America Orange County - Friends of Scouting in the amount of \$500 in support of program costs; and Northwood High School Athletic Boosters - Football Booster Club in the amount of \$500 in support of program costs.

3. Authorized the City Manager to prepare and sign the funding agreements listed in Action 1 and 2.

### **3. CONSENT CALENDAR - SUCCESSOR AGENCY**

#### **3.1 MINUTES**

**ACTION:**

Approved the minutes of a regular joint meeting of the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency and the Irvine City Council held on July 28, 2015.

#### **3.2 WARRANT AND WIRE TRANSFER RESOLUTION - CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY**

**ACTION:**

Adopted RESOLUTION NO. 15-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY ALLOWING CERTAIN CLAIMS AND DEMANDS OF THE CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

#### **3.3 EXTENSION OF GENERAL COUNSEL SERVICES AGREEMENT WITH RUTAN & TUCKER, LLP**

This item was removed for separate discussion at the request of Boardmember Shea and considered concurrently with City Council Consent Calendar Item No. 2.6. Board Attorney Litfin left the dais at 6:17 p.m. due to a conflict-of-interest.

Board discussion included: concern over the proposed limited contract extension; recognizing the strengths of Rutan & Tucker and the accomplishments made by City Attorney Litfin and Assistant City Attorney Melching; consideration of a month-to-month contract and the option to terminate the agreement based on a cancellation provision in the contract; past and continued stability for attorney services based on the last 40 years with Rutan & Tucker; approving a six-month versus a month-to-month extension; concern related to the status of outstanding legal matters; having a back-up plan in the event that a transition is necessary; and concern that a six-month extension did not offer the same flexibility as a month-to-month extension.

**ACTION:** Moved by Boardmember Shea, seconded by Chair Choi, to:

Authorize the Chair of the City of Irvine as Successor Agency to the Dissolved Irvine Redevelopment Agency to execute a letter agreement for general counsel services, with the law firm of Rutan & Tucker, LLP extending the terms of the expiring agreement for the same services on a month-to-month basis or until otherwise directed by the Successor Agency.

**ACTION:** A substitute motion was made by Boardmember Schott, seconded by Boardmember Krom, to:

Authorize the Chair of the City of Irvine as Successor Agency to the Dissolved Irvine Redevelopment Agency to execute a letter agreement for general counsel services, with the law firm of Rutan & Tucker, LLP extending the terms of the expiring agreement for the same services on a six-month basis or until otherwise directed by the Successor Agency.

**The motion carried as follows:**

AYES: 3 BOARDMEMBERS: Krom, Schott, and Shea

NOES: 1 BOARDMEMBERS: Choi

ABSENT: 1 BOARDMEMBERS: Lalloway

Executive Director Joyce clarified that the Successor Agency Board had the ability to terminate the contract with Rutan & Tucker at any time without cause.

Board Attorney Litfin returned to the dais at 6:28 p.m.

**PUBLIC COMMENT - SUCCESSOR AGENCY**

There were no public comments.

**ADJOURNMENT – ADJOURNED REGULAR JOINT MEETING**

**By consensus of those members present (Mayor Pro Tempore/Vice Chair Lalloway absent), the adjourned regular joint meeting was adjourned at 6:33 p.m.**

## **CONVENE TO THE ADJOURNED REGULAR JOINT MEETING**

Mayor Choi reconvened the adjourned regular City Council meeting at 6:34 p.m. He then announced the resignation of his Council Executive Assistant Deborah Lin and presented her with a Certificate of Recognition; and introduced her successor, Sungwoo Hong.

### **4. PUBLIC HEARINGS**

#### **4.1 MUNICIPAL CODE AND ZONING ORDINANCE TECHNICAL UPDATE**

Barry Curtis, Manager of Planning Services, and Bill Jacobs, Principal Planner, provided the staff report and responded to questions.

Mayor Choi opened the public hearing at 7:03 p.m. There were no requests to speak.

City Council discussion included: who is authorized to initiate a park plan and the role/responsibility of the Community Services Commission to review park plans; whether the Planning Commission asked for the ability to initiate a park plan; why the transfer of responsibility was occurring from Community Services to Community Development; leaving authorization to initiate a park plan as is, with Community Development as a support; concern that competition would ensue between departments and legislative bodies with respect to park plans rather than working collaboratively; clarification of "Cottage Food Operations," its process, and the type of food prepared by such operations; whether a dedicated staff member would oversee Cottage Food Operations; and why delivery trucks would be prohibited under Cottage Food Operations and how the City would be monitoring this category.

Principal Planner Jacobs noted that all parties, including the Planning Commission, had an interest in park planning and that park planning staff was transferred from Community Services to Community Development. City Manager Joyce and Assistant City Manager Landers further noted that the transition of park planning staff from Community Services to Community Development was to ensure alignment of all planning functions in one department.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried by those members present (Mayor Pro Tempore Lalloway absent) to close the public hearing at 7:18 p.m.**

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

1. Adopt RESOLUTION NO. 15-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING AMENDMENTS (00600760-PZC) TO DIVISION 5, SUBDIVISIONS, OF TITLE 5, PLANNING, OF THE CITY'S MUNICIPAL CODE, RELATED TO PARK PLANNING RESPONSIBILITIES AND TO DIVISION 4, PARKS, OF TITLE 3, COMMUNITY SERVICES RELATED TO PERMITS FOR SALES OF SERVICES IN PUBLIC PARKS; FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT
2. Adopt RESOLUTION NO. 15-86 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING AMENDMENTS (00568862-PZC) TO THE ZONING ORDINANCE BY PROVIDING NEW OR REVISED LAND USE/ZONING PROVISIONS RELATED TO SPECIALIZED HOUSING, PARK PLAN AND PARK DESIGN PROCEDURES, COTTAGE FOOD OPERATORS (CFO), ACCESSORY RETAIL USES, SOLAR ENERGY SYSTEM STANDARDS AND OTHER MISCELLANEOUS STANDARDS; FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT

## **5. COUNCIL BUSINESS**

### **5.1 IRVINE BUSINESS COMPLEX RECOMMENDATIONS**

Barry Curtis, Manager of Planning Services, and Bill Jacobs, Principal Planner, provided the staff report and responded to questions.

City Council discussion included: role and accomplishments of the subcommittee; need and importance of retail and parks within the Irvine Business Complex (IBC); increasing the frequency of a traffic study within the IBC from five to two years; concern over the IBC subcommittee's priorities; number of units remaining under the existing cap and whether existing agreements would be precluded; potential impacts if density was lowered from 30 to 15 units per acre; examining the subcommittee's recommendations into the General Plan update; using the General Plan update as the framework to explore recommendations by the subcommittee and seeking public input; expressed concern about approving certain recommendations outside of the General Plan update process; importance of reinitiating the General Plan process; expediting reduced density and park planning; approximate timeframe for updating

the General Plan; whether opportunities would be afforded to developers if the increased cap was removed; amending park standards to allow credits for additional private park amenities; clarification of increasing credit values for certain amenities by developers; and incentivizing developers to meet the City's vision for the IBC.

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

1. Reinitiate the Comprehensive General Plan Update, which includes evaluation of the larger scale issues that include:
  - Evaluating the means by which development rights are transferred among properties in the IBC (Transfer of Development Rights [TDR] process) and potential streamlining of this process.
  - Evaluating incentives to encourage additional retail in the IBC.
  - Conducting an IBC Resident Satisfaction Survey.
  
2. Direct staff to prepare amendments on other Planning Commission recommendations pertaining to the Irvine Business Complex (outside of the scope of Comprehensive General Plan Update) and return to City Council for future consideration and action, to include the following:
  - Increase the frequency of an IBC Traffic Study to every two years rather than every five years.
  - Amending the IBC public neighborhood park requirements in the IBC in a manner consistent with the requirements applicable in the remainder of the City.
  - Amending park standards to consider allowing credits for additional private park amenities, and increasing credit values for other certain amenities.
  - Decreasing the minimum density in the IBC from 30 dwelling units per acre to 15 dwelling units per acre.

3. Direct staff to proceed with a work program for additional Planning Commission recommendations related to the IBC that can be completed outside the scope of a General Plan Amendment and Zone Change process (including consultant cost estimates), which includes:
  - An update to the IBC Residential/Mixed-Use Design Criteria
  - Prioritizing the undergrounding of power lines in the IBC
  - Preparing an inventory and database of abandoned railroad rights-of-way, and cost estimates to repurpose these facilities as public trails
  - Evaluating a community park site south of the I-405 Freeway.

**ACTION:** A friendly amendment was made by Councilmember Krom to:

Reinitiate the Comprehensive General Plan Update, and within the General Plan Update, evaluate the recommendations by made by the Planning Commission subcommittee.

The friendly amendment failed for lack of second.

**ACTION: A vote was taken on the main motion moved by Councilmember Schott, seconded by Councilmember Shea, to:**

1. Reinitiate the Comprehensive General Plan Update, which includes evaluation of the larger scale issues that include:
  - Evaluating the means by which development rights are transferred among properties in the IBC (Transfer of Development Rights [TDR] process) and potential streamlining of this process.
  - Evaluating incentives to encourage additional retail in the IBC.
  - Conducting an IBC Resident Satisfaction Survey.
2. Direct staff to prepare amendments on other Planning Commission recommendations pertaining to the Irvine Business Complex (outside of the scope of Comprehensive General Plan Update) and return to City Council for future consideration and action, to include the following:

- Increase the frequency of an IBC Traffic Study from five to two years.
  - Amending the IBC public neighborhood park requirements in the IBC in a manner consistent with the requirements applicable in the remainder of the City.
  - Amending park standards to consider allowing credits for additional private park amenities, and increasing credit values for other certain amenities.
  - Decreasing the minimum density in the IBC from 30 dwelling units per acre to 15 dwelling units per acre.
3. Direct staff to proceed with a work program for additional Planning Commission recommendations related to the IBC that can be completed outside the scope of a General Plan Amendment and Zone Change process (including consultant cost estimates), which includes:
- An update to the IBC Residential/Mixed-Use Design Criteria
  - Prioritizing the undergrounding of power lines in the IBC
  - Preparing an inventory and database of abandoned railroad rights-of-way, and cost estimates to repurpose these facilities as public trails
  - Evaluating a community park site south of the I-405 Freeway.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Schott, Shea and Choi  
NOES: 1 COUNCILMEMBERS: Krom  
ABSENT: 1 COUNCILMEMBERS: Lalloway

**5.2 RESOLUTION OF INTENT TO GRANT A FRANCHISE TO WICKLAND PIPELINES, LLC**

Mark Carroll, City Engineer, and Shohreh Dupuis, Deputy Director of Public Works, provided the staff report and responded to questions.

Roy Wickland, representing Wickland Pipelines, LLC (Wickland), also responded to City Council questions, noting that the pipeline was more efficient and cost effective than delivery by truck; that the proposed pipeline meets current standards for safety; and that the pipeline would provide a public benefit to both the City and those utilizing the services of John Wayne Airport. He further noted that the annual franchise fee of \$5,000 per year was set by statute and the same amount was provided to other cities.

City Council discussion included: why Wickland waited so long to initiate the project; whether airline prices would go down based on cost efficiencies associated with the project; expressed concern over safety in the event of a puncture and/or fire from the pipeline; noted the new type of franchise for the City; whether the Public Utilities Commission (PUC) could override the City in this process should the City deny the request for a franchise agreement; granting a franchise agreement that is mutually beneficial; potential to increase the one-time voluntary fee upon execution of the agreement; why the agreement did not go before the Planning Commission; matching the one-time voluntary fee with the City of Tustin; potential impacts to traffic circulation and importance of review by the Planning Commission as the transportation reviewing body; whether the City Council can adjust the length of the franchise agreement from 25 to ten years; whether Tustin already approved its franchise agreement with Wickland; seeking additional one-time funding if the franchise agreement is extended over a 25-year period; noted that the project would allow for the reduction of delivery trucks on City streets, thereby reducing air pollution; whether the \$250,000 bond was sufficient; location of the origin of the pipeline and how fuel would be added; length of the pipeline within Tustin city limits; overall cost of the project; directing staff to continue negotiations; proximity of the pipeline to other utilities and indemnification if the pipeline causes damage; why the Finance Commission did not review prior to the City Council; Finance Commission's role in the process and suggested that it review the fiscal impacts prior to review by the City Council; how 24-hour monitoring of the pipeline would be conducted; Wickland's overall safety record; legal liability, if any, to the City of Irvine in the event of a malfunction; ensuring that staff would continue to negotiate the one-time voluntary fee up to \$250,000; and forwarding to the Planning Commission for its review in addition to the Finance Commission.

City Attorney Litfin noted that the City had the option to either grant or deny the franchise agreement; however, Wickland could pursue other options, including eminent domain or other means through the legal process. He also noted that the City Charter provided the option for the City Council to consider franchise agreements prior to going to its Commissions, and thereby returning the item to the City Council for official consideration.

Director of Public Works Gomez noted that the item was not scheduled to go before the Planning Commission as it was determined that the item was not related to a transportation issue, but rather, as a utility project. He further noted that the City's Purchasing Policy required that the matter be placed before the Finance Commission for its recommendation and approval for the financial matters related to the franchise agreement. Last, he noted that while a ten-year agreement was more in line with precedence, a 25-year agreement was more favorable to Wickland.

**ACTION:** Moved by Councilmember Shea to:

**Adopt RESOLUTION NO. 15-87 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DECLARING ITS INTENT TO GRANT A FRANCHISE TO WICKLAND PIPELINES, LLC, AND SETTING FORTH THE PROPOSED TERMS AND CONDITIONS OF SAID FRANCHISE**

With the understanding that staff continues negotiations on the one-time voluntary fee for an amount up to \$250,000, precluding the one-time payment of \$30,000 for administrative costs and legal fees related to processing of the Franchise, providing the performance bond, and forwarding to the Planning Commission for its review, for a term of 25 years.

**ACTION:** A substitute motion was moved by Councilmember Krom to:

Continue the item and direct staff to continue negotiations with Wickland Pipeline, LLC and return to the City Council on September 22, 2015.

The motion failed for lack of second.

**ACTION: Councilmember Shea amended her motion, seconded by Councilmember Krom, which unanimously carried by those members present (Mayor Pro Tempore Lalloway absent) to:**

Adopt RESOLUTION NO. 15-87 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DECLARING ITS INTENT TO GRANT A FRANCHISE TO WICKLAND PIPELINES, LLC, AND SETTING FORTH THE PROPOSED TERMS AND CONDITIONS OF SAID FRANCHISE

**As amended** to revise the one-time voluntary fee from \$100,000 to \$205,000, which includes the one-time payment of \$30,000 to cover administrative costs, including legal fees related to processing of the Franchise.

It was further noted that the item would return on September 22, 2015 for a public hearing and first reading of an ordinance to grant a franchise agreement.

**PUBLIC COMMENT - CITY COUNCIL**


Michael Klubniken and a gentleman identifying himself as a "U.S. Citizen" reiterated a domestic issue concerning their friend, Ilya Tseglin.

Alan Meyerson, Irvine resident, spoke in opposition to the recent repeal of the Business License Tax and the Living Wage Ordinance.

Ilya and Robert Tseglin spoke on continued legal issues related to a domestic issue concerning a family member. Mayor Choi asked if assistance by the City had been provided to the family, to which City Manager Joyce and City Attorney Litfin noted the matter had been adjudicated and was outside the City's jurisdiction. City Attorney Litfin also noted that a report would be provided to the Mayor outside the meeting given the sensitivity of the matter.

**ADJOURNMENT - CITY COUNCIL**

**Moved by Councilmember Schott, seconded by Councilmember Krom, and unanimously carried by those members present (Mayor Pro Tempore Lalloway absent) to adjourn the meeting at 8:50 p.m.**

  
CITY CLERK OF THE CITY OF IRVINE

  
MAYOR OF THE CITY OF IRVINE

September 8, 2015