



AGENDA

CITY COUNCIL REGULAR MEETING

Donald P. Wagner
Mayor

Christina Shea
Mayor Pro Tempore

Melissa Fox
Councilmember

Farrah N. Khan
Councilmember

Anthony Kuo
Councilmember

March 26, 2019

4:00 PM

City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

Speaker's Card/Request to Speak: If you would like to address the City Council on a scheduled agenda item – including a Consent Calendar item, a Regular Council Business item, a Public Hearing item, or Public Comments – please complete the [Request to Speak Form](#). The card is at the table at the entrance to the City Council Chamber. Please identify on the card your name and the item on which you would like to speak and return to the City Clerk. The [Request to Speak Form](#) assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. It also ensures the accurate identification of meeting participants in the City Council minutes. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to up to three minutes per speaker depending on relevant circumstances (unless the time limit is extended by the Mayor), which includes the presentation of electronic or audio visual information. Speakers may not yield their time to other persons.

Please take notice that the order of scheduled agenda items below and/or the time they are actually heard, considered and decided may be modified by the Mayor or the City Council during the course of the meeting, so please stay alert.

CALL TO ORDER

ROLL CALL

Scan this QR code for an electronic copy of the City Council Agenda and staff reports.



1. CLOSED SESSION

- 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 LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) Agency Negotiators: John Russo, City Manager; Michelle Grettenberg, Deputy City Manager; Jimmee Medina, Director of Human Resources & Innovation; Brian King, Manager of Human Resources; Kristin Griffith, Director of Financial Management & Strategic Planning; Mike Hamel, Director of Public Safety/Chief of Police; Employee Organizations: Associated Supervisory/ Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); Irvine Professional Employees Association (IPEA); Irvine Police Association (IPA); and Irvine Police Management Association (IPMA).**
- 1.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1) — Woodcliff Corporation v. City of Irvine, Orange County Superior Court Case No.30-2018-01036250-CU-BC-CJC**
- 1.4 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1) — Machowski, et al. v. City of Irvine, et. al, United States District Court, Central District of California Case No. 2:19-cv-01014**

RECONVENE TO THE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

INVOCATION

2. PRESENTATIONS

- 2.1 Proclaim April 2019 as "National Child Abuse Prevention Month"**
- 2.2 Proclaim April 7-13, 2019 as Office of Justice Programs' "National Crime Victims' Rights Week"**
- 2.3 Proclaim April 2019 as South Orange County Community College District's "Community College Awareness Month"**
- 2.4 Irvine Business Complex and North Irvine Transportation Mitigation Committee Project Status Update**

2.5 Irvine Adult Day Health Services, Inc.

CITY MANAGER'S REPORT

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Announcements, Committee Reports and Council Comments are for the purpose of presenting brief comments or reports, are subject to California Government Code Section 54954.2 of the Brown Act and are limited to 15 minutes per meeting.

ADDITIONS AND DELETIONS

Additions to the agenda are limited by California Government Code Section 54954.2 of the Brown Act and for those items that arise after the posting of the Agenda and must be acted upon prior to the next City Council meeting.

3. CONSENT CALENDAR

All matters listed under Consent Calendar are considered by the City Manager to be routine and enacted by one roll call vote. There will be no discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion. Any member of the public may address the Council on items on the Consent Calendar. See information for Speaker's Card/Request to Speak on first page.

3.1 MINUTES

ACTION:

Approve the minutes of a regular meeting of the Irvine City Council held on February 26, 2019.

3.2 PROCLAMATIONS

ACTION:

- 1) Proclaim April 2019 as "DMV/Donate Life California Month."
- 2) Proclaim April 2019 as Fair Housing Foundation's "Fair Housing Month."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopt - 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 REVISION TO AGREEMENT WITH EDWARDS LIFESCIENCES FOR EXEMPTION OF EMPLOYEE AMENITY AREAS FROM IRVINE BUSINESS COMPLEX TRAFFIC IMPROVEMENT FEES

ACTION:

Authorize the City Manager to sign an Agreement for Partial Waiver of Irvine Business Complex Traffic Improvement Fees for the Edwards Lifesciences campus.

3.5 FIFTH AMENDMENT TO THE DENSITY BONUS AGREEMENT BY AND BETWEEN CITY OF IRVINE AND HERITAGE FIELDS EL TORO, LLC REGARDING DEVELOPMENT IMPLEMENTATION OF THE GREAT PARK NEIGHBORHOODS (PA 51)

ACTION:

Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE FIFTH AMENDMENT TO THE DENSITY BONUS AGREEMENT BY AND BETWEEN CITY OF IRVINE, A CALIFORNIA MUNICIPAL CORPORATION, AND HERITAGE FIELDS EL TORO, LLC, A DELAWARE LIMITED LIABILITY COMPANY

3.6 TREASURER’S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2018

ACTION:

Receive and file the Treasurer’s Report for the quarter ended December 31, 2018.

3.7 FISCAL YEAR 2018-19 SECOND QUARTER BUDGET UPDATE

ACTION:

Receive and file the Fiscal Year 2018-19 Second Quarter Budget Update.

3.8 AWARD OF FINAL DESIGN CONTRACT FOR THE JEFFREY OPEN SPACE TRAIL AND INTERSTATE 5 BICYCLE AND PEDESTRIAN BRIDGE (JOST I-5 BRIDGE) PROJECT

ACTION:

Approve and authorize the Mayor to execute a professional services contract with T.Y. Lin International in the amount not-to-exceed \$1,261,197.98 for preparation of construction documents for the JOST I-5 Bridge, CIP 341502.

3.9 PARTICIPATION IN INSTITUTE FOR LOCAL GOVERNMENT'S BEACON PROGRAM

ACTION:

Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT'S BEACON PROGRAM

3.10 APPROVAL OF PROJECT REPORT AND ENVIRONMENTAL DOCUMENT FOR THE JEFFREY OPEN SPACE TRAIL EXTENSION PROJECT FROM BARRANCA TO WALNUT

ACTION:

- 1) Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE PROJECT REPORT AND ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE JEFFREY OPEN SPACE TRAIL (JOST) EXTENSION PROJECT FROM BARRANCA TO WALNUT
- 2) Authorize staff to proceed with the final design and right-of-way phase of the preferred trail alignment starting no sooner than July 1, 2019, upon City Council approval of the Capital Improvement Program Budget, with funds allocated for the final design and right-of-way phase in Fiscal Year (FY) 2019-20 (year one), and construction phase in FY 2020-21 (year two).

3.11 SECOND READING OF ORDINANCE NO. 19-03 AMENDING SECTION 1-2-1 OF THE CITY'S ZONING ORDINANCE RELATED TO THE DEFINITION OF A "BOARDING HOUSE"

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING AN AMENDMENT (ZONE CHANGE 00765178-PZC) TO SECTION 1-2-1 OF THE CITY'S ZONING ORDINANCE RELATED TO THE DEFINITION OF A "BOARDING HOUSE"

(Unless otherwise directed by a Member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember was absent at first reading, his or her vote cast at second reading will be reflected. If a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.)

3.12 SECOND READING OF ORDINANCE 19-04 AMENDING PORTIONS OF THE IRVINE MUNICIPAL CODE RELATING TO PROCEDURES FOR AWARD OF PUBLIC WORKS CONTRACTS

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING PORTIONS OF THE IRVINE MUNICIPAL CODE RELATING TO PROCEDURES FOR AWARD OF PUBLIC WORKS CONTRACTS

(Unless otherwise directed by a Member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember was absent at first reading, his or her vote cast at second reading will be reflected. If a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.)

3.13 SECOND READING OF ORDINANCE NO. 19-05 AMENDING THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE: SECTION 1-3-204, "POWER OF APPOINTMENT AND REMOVAL," SECTION 1-3-301, "OFFICE ESTABLISHED," SECTION 2-4-102, "METHOD OF APPOINTMENT," SECTION 3-2-101, "OFFICE ESTABLISHED," SECTION 4-2-101, "OFFICE ESTABLISHED," SECTION 5-2-101, "OFFICE ESTABLISHED," AND SECTION 6-2-101, "OFFICE ESTABLISHED"

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 19-05 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING AMENDMENTS TO THE FOLLOWING SECTIONS OF THE IRVINE MUNICIPAL CODE: SECTION 1-3-204, "POWER OF APPOINTMENT AND REMOVAL," SECTION 1-3-301, "OFFICE ESTABLISHED," SECTION 2-4-102, "METHOD OF APPOINTMENT," SECTION 3-2-101, "OFFICE ESTABLISHED," SECTION 4-2-101, "OFFICE ESTABLISHED," SECTION 5-2-101, "OFFICE ESTABLISHED," AND SECTION 6-2-101, "OFFICE ESTABLISHED."

(Unless otherwise directed by a Member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember was absent at first reading, his or her vote cast at second reading will be reflected. If a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.)

3.14 AMICABLE TERMINATION OF CONTRACT WITH XG COMMUNITIES

ACTION:

Authorize the City Manager to execute the settlement and mutual release agreement terminating the contracts with XG Communities.

4. COUNCIL BUSINESS

4.1 ADDITIVE INTENSITY DISCUSSION AND DIRECTION TO STAFF

ACTION:

Direct staff to make amendments to the Additive Intensity provisions contained in General Plan Land Use Objective A-4 and Zoning Ordinance Section 9-0-3.C, prohibiting retroactive determinations and the combination of Density Bonus and Additive benefits.

4.2 CONSIDERATION OF A DEVELOPMENT AGREEMENT REQUEST AND APPOINTMENT OF NEGOTIATING COMMITTEE FOR ELEMENTS RESIDENTIAL PROJECT GENERALLY LOCATED AT JAMBOREE AND CAMPUS IN THE IRVINE BUSINESS COMPLEX, PLANNING AREA 36

ACTION:

- 1) Authorize the Development Agreement request to proceed.
- 2) Direct staff to initiate negotiations designating the City Manager and his designee(s) as the negotiation committee.
- 3) Establish parameters for the committee.

4.3 CONSIDERATION OF A DEVELOPMENT AGREEMENT REQUEST FOR 15 DEGREES SOUTH RESIDENTIAL PROJECT LOCATED AT 2525 MAIN STREET IN THE IRVINE BUSINESS COMPLEX, PLANNING AREA 36

ACTION:

Deny the request for a Development Agreement.

PUBLIC COMMENTS - Public comments will be heard at approximately 6:30 p.m. or prior to adjournment, whichever occurs earlier.

Any member of the public may address the City Council on items within the City Council's subject matter jurisdiction but which are not listed on this agenda during Public Comments; however, no action may be taken on matters that are not part of the posted agenda. See information for Speaker's Card/Request to Speak on the first page.

ADJOURNMENT

NOTICE TO THE PUBLIC

LIVE BROADCASTING AND REBROADCASTING

Regular City Council meetings are broadcast live every 2nd and 4th Tuesday of the month at 4 p.m. and are replayed on Tuesdays at 4 p.m. (in weeks in which there is not a live City Council meeting), Sundays at 11 a.m., Wednesdays at 7 p.m., and Thursdays at 10 a.m. until the next City Council meeting. All broadcasts can be viewed on Cox Communications Local Access Channel 30 and U-Verse Channel 99. City Council meetings are also available via live webcast and at any time for replaying through the City's ICTV webpage at cityofirvine.org/ictv. For more information, please contact the City Clerk's office at (949) 724-6205.

ADJOURNMENT

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon prior to 12:00 midnight and will continue all other items on which additional time is required until a future City Council meeting. All meetings are scheduled to terminate at 12:00 midnight.

STAFF REPORTS

As a general rule, staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials are on file with the City Clerk and are available for public inspection and copying once the agenda is publicly posted, (at least 12 days prior to a regular City Council meeting). Staff reports can also be downloaded from the City's website at cityofirvine.org at least 12 days prior to the scheduled City Council meeting on Tuesday.

In addition, meetings can be viewed live at the time posted on the agenda and related staff reports can be opened and viewed simultaneously along with the streaming of the meeting. To view the meeting, go to cityofirvine.org/ictv.

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda after the posting of the agenda will be available for public review in the City Clerk's Office, One Civic Center Plaza, Irvine, California, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

SUBMITTAL OF INFORMATION BY MEMBERS OF THE PUBLIC FOR DISSEMINATION OR PRESENTATION AT PUBLIC MEETINGS

Media Types and Guidelines

1. **Written Materials/Handouts:**

Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the City Council. Please provide 15 copies of the information to be submitted and file with the City Clerk at the time of arrival to the meeting. This information will be disseminated to the City Council at the time testimony is given.

2. Large Displays/Maps/Renderings:

Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the City Clerk's Office at (949)724-6205 no later than 12:00 noon on the day of the scheduled meeting so that an easel can be made available, if necessary.

3. Electronic Documents/Audio-Visuals:

Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Public Information Office (PIO) no later than 12:00 noon on the day of the scheduled meeting. To facilitate your request contact the PIO Office at (949)724-6253 or the City Clerk's Office at (949)724-6205.

Information must be provided on CD, DVD, or VHS; or, emailed by 12:00 noon on the day of the scheduled meeting to pio@ci.irvine.ca.us. Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a day time phone number.

The PIO office will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed or if the version provided is incompatible with the City's system. Every effort will be made by City staff to facilitate the presentation.

CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS

It is the intention of the City of Irvine to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (949)724-6205.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

CHALLENGING CITY DECISIONS

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge that is not filed within this 90-day period will be barred.

If a person wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Irvine, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

COMMUNICATION AND ELECTRONIC DEVICES

To minimize distractions, please be sure all personal communication and electronic devices are turned off or on silent mode.

MEETING SCHEDULE

Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 4:00 p.m. Study Sessions and/or Closed Sessions are periodically held prior to the start of the regular meeting. Agendas are available at the following locations:

- City Clerk's Office
- Police Department
- Front Entrance of City Hall
- University Park Center (Culver/Michelson)
- Walnut Village Center (Culver/Walnut)
- Northwood Town Center (Irvine Blvd./Yale)
- City's web page at www.ci.irvine.ca.us

I hereby certify that the agenda for the Regular City Council meeting was posted in accordance with law in the posting book located in the Public Safety Lobby and at the entrance of City Hall, One Civic Center Plaza, Irvine, California on March 14, 2019 by 8:00 pm as well as on the City's web page.



Molly M. Perry, MPA, CMC
City Clerk