



# AGENDA

## CITY COUNCIL REGULAR MEETING

Donald P. Wagner  
Mayor

Christina Shea  
Mayor Pro Tempore

Melissa Fox  
Councilmember

Farrah N. Khan  
Councilmember

Anthony Kuo  
Councilmember

**February 26, 2019  
4:00 PM**

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

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**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.

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### CALL TO ORDER

### ROLL CALL

### CITY MANAGER'S REPORT

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



**ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

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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.

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**ADDITIONS AND DELETIONS**

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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.

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**1. PRESENTATIONS****1.1 *Achievement in Information Technology Practices Award*****2. CONSENT CALENDAR**

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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.

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**2.1 MINUTES****ACTION:**

Approve the minutes of a regular meeting of the Irvine City Council held on January 22, 2019.

**2.2 PROCLAMATIONS****ACTION:**

Proclaim March 14-17, 2019 as the "111th California State Society Daughters of the American of Revolution Conference."

**2.3 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

**2.4 LEASE EXTENSION TO AMENDMENT NO. 1 BETWEEN CITY OF IRVINE AND TIERRA VERDE INDUSTRIES**

**ACTION:**

Approve Tierra Verde Industries' request for an Extension Authorization as defined in Amendment No. 1 to the Lease between City of Irvine and Tierra Verde Industries, providing for a one-year extension beginning May 13, 2019, and authorize the City Manager to execute the extension.

(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.)

**2.5 CONTINUING TEMPORARY SUPPLEMENTAL MILITARY LEAVE BENEFITS FOR CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY**

**ACTION:**

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CONTINUING TEMPORARY SUPPLEMENTAL MILITARY BENEFITS, EFFECTIVE JANUARY 1, 2019, FOR FULL-TIME CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY

**2.6 AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES**

**ACTION:**

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES

**2.7 SECOND READING OF ORDINANCE NO. 19-02 LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 10 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)**

**ACTION:**

Read by title only, second reading and adoption of ORDINANCE NO. 19-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 10 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)

(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.)

**PUBLIC COMMENTS (Limited to 3 minutes per speaker)**

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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.

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**RECESS TO RECEPTION (LOBBY) - 5 P.M.**

**RECONVENE - 6 P.M.**

**PLEDGE OF ALLEGIANCE - IRVINE POLICE COLOR GUARD**

**INVOCATION**

**MUSICAL PRESENTATION**

**STATE OF THE CITY ADDRESS**

**ADJOURNMENT**

**NOTICE TO THE PUBLIC**

**LIVE BROADCASTING AND REBROADCASTING**

Regular City Council meetings are broadcast live every 2<sup>nd</sup> and 4<sup>th</sup> 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](http://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 72



hours prior to a regular City Council meeting). Staff reports can also be downloaded from the City's website at [cityofirvine.org](http://cityofirvine.org) beginning the Friday 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](http://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](mailto: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 90<sup>th</sup> 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](http://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 February 14, 2019 by 8pm as well as on the City's web page.

 ASST CITY CLERK

Molly McLaughlin, MPA  
City Clerk

# PRESENTATIONS

1.1

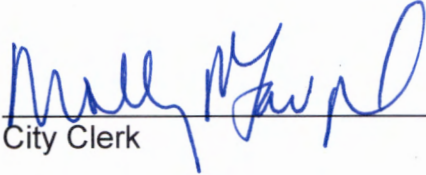
2.1



## REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: FEBRUARY 26, 2019

TITLE: MINUTES

  
\_\_\_\_\_  
City Clerk

### RECOMMENDED ACTION:

Approve the minutes of a regular meeting of the Irvine City Council held on January 22, 2019.



## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

**January 22, 2019**  
**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 4:02 p.m. on January 22, 2019 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:	Farrah N. Khan
		Councilmember:	Anthony Kuo
		Mayor Pro Tempore:	Christina Shea
		Mayor:	Donald P. Wagner

Following roll call, Mayor Wagner reordered the agenda to consider Item Nos. 1.2 (Greater Irvine Chamber of Commerce) and 1.3 (Assumptions and Baseline Projections for Fiscal Year 2019-21 Two-Year Budget and Fiscal Year 2019-24 Five-Year Plan), followed by Item No. 1.1 (Proclaim February 11, 2019 as "Irvine 2/11 Marine Battalion Day"). See Item Nos. 1.1 through 1.3.

#### **INVOCATION**

Pastor Frank Winans from Woodbridge Community Church in Irvine provided the invocation.

## 1. PRESENTATIONS

### 1.1 ***Proclaim February 11, 2019 as "Irvine 2/11 Marine Battalion Day"***

Mayor Wagner introduced members of the Irvine 2/11 Battalion, 11<sup>th</sup> Marine Regiment, 1<sup>st</sup> Marine Division, and presented a proclamation recognizing February 11, 2019 as "Irvine 2/11 Marine Battalion Day."

### 1.2 ***Greater Irvine Chamber of Commerce***

Mayor Wagner introduced Greater Irvine Chamber of Commerce representatives Bryan Starr, President and CEO, and Linda DiMario, Executive Vice President of Economic Development and Tourism, who provided an a brief report on the Greater Irvine Chamber of Commerce and Irvine's economic vitality.

City Council discussion included: providing an overview of the Transient Occupancy Tax (TOT); noted marketing efforts by the Greater Irvine Chamber of Commerce (Chamber) to promote business in the City; questioned the recent increase in TOT; suggested a report provided by the Chamber to assess the needs and challenges faced by local businesses and the Chamber; differentiated between the Chamber and "Destination Irvine;" noted the significance of ribbon-cutting ceremonies; suggested additional efforts be placed on small business retention; and inquired about the Chamber's participation in the Rose Bowl as in past years.

### 1.3 ***Assumptions and Baseline Projections for Fiscal Year 2019-21 Two-Year Budget and Fiscal Year 2019-24 Five-Year Plan***

Kristin Griffith, Director of Administrative Services, and Barbara Arenado, Budget Officer, presented the staff report and responded to questions.

City Council discussion included: reiterating the benefits of a two-year budget cycle and five-year plan; noted that the expansion of the budget process, including public participation and additional time for the City Council to review and mitigate upcoming fiscal challenges; inquired whether budget assumptions at this stage were fluid and in line with the Strategic Business Plan; expressed concern about the proposed increase in development fees and related impacts; and emphasized the importance of being transparent, accountable, and engaging the public in the budget process.

Director of Administrative Services Griffith noted that developer fees had not increased since 2007; and that development fees would still be below average compared to other cities if the proposed increase was adopted.

**Received and filed** assumptions and resulting baseline projections for the Fiscal Year 2019-21 Two-Year Budget and Fiscal Year 2019-24 Five-Year Financial Plan, for the City's General Fund, as well as details on Gas Tax, Building and Safety, and Development Services Funds. The Orange County Great Park fund baseline assumptions will be presented separately in March 2019. No action was taken.

## **CITY MANAGER'S REPORT**

There was no report.

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

Councilmember Khan announced her recent attendance at the Irvine Barclay Board of Directors meeting, and encouraged members of the public to visit [irvinebarclay.org](http://irvinebarclay.org) for information on upcoming performances; as well as her attendance at the Orange County Mosquito and Vector Control District Board meeting, noting that important information will be brought forward in the coming months to encourage residents to stay safe during the upcoming summer season.

Mayor Pro Tempore Shea encouraged members of the community be respectful of signs when fields are closed following rain events.

Councilmember Kuo provided a list of those individuals who he appointed to various City commissions and committees, and noted additional appointments were forthcoming.

Mayor Wagner made the following announcements:

- The community is invited to the grand opening of Portola Springs Community Park, located at 900 Tomato Springs, from 4 to 6 p.m. on Saturday, January 26, which features more than 14,000 square feet with a multipurpose room, expansive patio area, two classrooms, and a Native American Wing. The 32-acre community park includes a nature-themed playground, native garden, lighted softball and soccer fields, a sand volleyball court, lighted pickleball and tennis courts, and a concession building. The dedication event features self-guided tours of the facility, a cultural display in the Native American Wing, light refreshments, pickleball courts open for play, softball demonstrations by Irvine Girls Softball Association, and musical entertainment by Concerts for Charities Club. No RSVP is needed. For information, visit [cityofirvine.org/specialevents](http://cityofirvine.org/specialevents) or call 949-724-6192.



- The City of Irvine has been awarded national and state awards for its budget efforts. The Distinguished Budget Presentation Award by the Government Finance Officers Association of the United States and Canada represents the highest form of recognition in government budgeting for a municipal entity, reflecting the City's commitment to meeting the highest principles of governmental budgeting. In addition, the City received the Excellence Award for Fiscal Year 2018-19 Operating Budget from the California Society of Municipal Finance Officers, which recognizes criteria set by the Society in meeting overall budgeting excellence.
- The City of Irvine has released a newly upgraded version of its mobile application, "Access Irvine," which gives users immediate access to the latest news, events, and alerts. App users can also submit and receive updates for service requests and crime tips. This upgrade ensures compatibility with modern mobile devices, enhances services, and increases engagement with Irvine residents, businesses, and visitors. Additional features will be added in future releases, so residents are encouraged to select automatic updating when the application is downloaded. The "Access Irvine" application is available in the Apple and Google Play stores. For information, visit [cityofirvine.org/accessirvine](http://cityofirvine.org/accessirvine).

## **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

## **2. CONSENT CALENDAR**

**ACTION:** Moved by Mayor Pro Tempore Shea, seconded by Councilmember Khan, and unanimously carried to approve City Council Consent Calendar Item Nos. 2.1 through 2.8, with the exception of Consent Calendar Item Nos. 2.6 and 2.7, which were removed for separate discussion.

### **2.1 MINUTES**

**ACTION:**

Approved the minutes of a regular meeting of the Irvine City Council held on December 11, 2018.

### **2.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 19-04 - 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 2019 CITY COUNCIL MEETING CALENDAR**

**ACTION:**

Approved the proposed 2019 City Council Meeting Calendar.

### **2.4 EXCLUSIVE NEGOTIATING AGREEMENT WITH PRETEND CITY FOR A CHILDREN'S MUSEUM AT THE ORANGE COUNTY GREAT PARK**

**ACTION:**

Approved the Exclusive Negotiating Agreement with Pretend City, Children's Museum of Orange County and authorize the City Manager to execute. **(Contract No. 10504)**

(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.**

### **2.5 RECOMMENDED REALIGNMENT OF DEPARTMENT DIRECTOR POSITIONS TO REFLECT BEST PRACTICES AND ADDRESS INTERNAL EQUITY**

**ACTION:**

- 1) Adopted RESOLUTION NO. 19-05 - 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. 18-59, WHICH IS INCONSISTENT THEREWITH
- 2) Adopted RESOLUTION NO. 19-06 - 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 2018-19 FISCAL YEAR, AND SUPERSEDING RESOLUTION NO. 18-60, WHICH IS INCONSISTENT THEREWITH

- 3) Adopted RESOLUTION NO. 19-07 - 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. 18-61, WHICH IS INCONSISTENT THEREWITH

(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 NOTICE OF REVIEW FOR A TRACT MAP IN THE GREAT PARK NEIGHBORHOODS (HERITAGE FIELDS EL TORO, LLC)**

This item was removed for separate discussion at the request of Susan Sayre, Irvine resident, who expressed concerns about conflicts of interest in the decision making process, and suggested that Mayor Wagner and Mayor Pro Tempore Shea recuse themselves from this project.

City Council discussion included: noting that campaign contributions were irrelevant with respect to tract map approval.

**By consensus**, received and filed.

**2.7 ADOPT A RESOLUTION MODIFYING THE COMPOSITION AND RESPONSIBILITIES OF CIRCULATION PHASING TASK FORCE**

This item was removed at the request of Susan Sayre, Irvine resident, who spoke in support of the task force and its mission; and suggested that the Transparency Portal on the City's website be used as a means for listing current and future circulation projects, as well as an opportunity for interactive communication with members of the public, regarding project concerns and circulation issues.

City Council discussion included: inquiring about the Circulation Phasing Report and why it was prepared on a five-year cycle; questioned the number of task force meetings that would be required; and suggested that each Commission be charged with appointing its own members rather than the proposed resolution requiring chairs to serve as delegates, and vice chairs to serve as alternates.

**ACTION:** Moved by Councilmember Kuo, seconded by Mayor Pro Tempore Shea, and unanimously carried to:

Adopt RESOLUTION NO. 19-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, SUPERSEDING ALL PORTIONS OF PREVIOUS RESOLUTIONS THAT PERTAIN TO THE COMPOSITION AND RESPONSIBILITIES OF THE CITYWIDE CIRCULATION PHASING TECHNICAL ADVISORY COMMITTEE AND TASK FORCE **as amended** to revise Section 2 of the resolution by deleting the requirement for the chair and vice chair of each Commission to serve as designated and alternate members, respectively, thereby providing the opportunity for each Commission to appoint amongst its own membership.

## **2.8 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

- 1) Approved Councilmember Kuo's request for Community Partnership Fund Grant nomination to Irvine Youth Volunteers, Inc. in support of the Irvine Police Explorers (\$500). **(Contract No. 10505)**
- 2) Authorized the City Manager to prepare and sign the funding agreement listed in Action 1.

## **3. COUNCIL BUSINESS**

### **3.1 CONSIDERATION OF COUNCILMEMBER KUO'S REQUEST FOR AMENDMENTS TO SECTIONS 1-2-202 AND 1-2-213 OF THE IRVINE MUNICIPAL CODE**

This item was agendaized at the request of Councilmember Kuo, who expressed concern about the Municipal Code requirements for filling vacancies on the City Council, and suggested amending Sections 1-2-202 and 1-2-213 to reduce the amount of time of vacancies in the office of Mayor or on the City Council by simplifying the timelines for filling such vacancies.

City Council discussion included: noting ambiguities discovered in the Municipal Code when former Mayor Choi resigned and subsequent Code updates.

**ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried to:**

Introduce for first reading and read by title only ORDINANCE NO. 19-01 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING SECTIONS 1-2-202 “METHODS OF FILLING VACANCY” AND 1-2-213 “ORDER OF SUCCESSION” OF CHAPTER 2 OF DIVISION 2 OF TITLE 1 OF THE IRVINE MUNICIPAL CODE

Councilmember Fox left the meeting at 5:40 p.m.

### **PUBLIC COMMENTS**

Susan Sayre and Jane Olinger, Irvine residents, spoke in support of updates to the Irvine Code of Ethics.

Valdis Vitols spoke in support of planting fruit trees to honor the natural environment.

Shawna Martin spoke about her new pet services business, Club Cat.

### **ADJOURNMENT**

Prior to adjournment, Councilmember Kuo asked that the meeting be adjourned in memory of 18-year-old University of California, Irvine student Noah Domingo, who passed away at an off-campus home on January 13, 2019.

**Moved by Mayor Pro Tempore Shea, seconded by Councilmember Khan, and unanimously carried by those members present (Councilmember Fox absent) to adjourn the City Council meeting at 5:51 p.m. in memory of Noah Domingo.**

\_\_\_\_\_  
MAYOR OF THE CITY OF IRVINE

\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

\_\_\_\_\_  
February 26, 2019

2.2



## REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: FEBRUARY 26, 2019

TITLE: PROCLAMATIONS

  
City Clerk

RECOMMENDED ACTION:

Proclaim March 14-17, 2019 as the "111th California State Society Daughters of the American Revolution Conference."



 CITY OF IRVINE 

# *Proclamation*

## **CALIFORNIA STATE SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION MARCH 14-17, 2019**

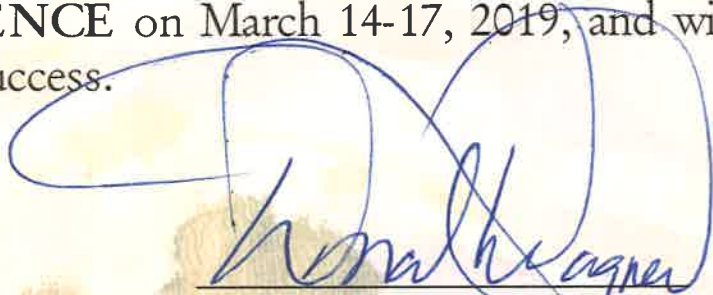
WHEREAS, the National Society Daughters of the American Revolution, founded in 1890, is an organization dedicated to providing service to the nation; and

WHEREAS, the organization is comprised of 3,000 chapters in all fifty states, Washington D.C. and internationally, and 183,000 members; and

WHEREAS, the objectives of the National Society Daughters of the American Revolution include historic preservation, promotion of education, and patriotic endeavors; and

WHEREAS, the 111<sup>th</sup> California Daughters of the American Revolution State Conference will be held in Irvine on March 14-17, 2019 with approximately 500 participants attending.

NOW THEREFORE, the City Council of the City of Irvine DOES HEREBY WELCOME THE 2019 CALIFORNIA STATE SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION CONFERENCE on March 14-17, 2019, and wishes the organization continued success.



DONALD P. WAGNER  
MAYOR OF THE CITY OF IRVINE  
FEBRUARY 26, 2019





2.3



## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** FEBRUARY 26, 2019

**TITLE:** WARRANT AND WIRE TRANSFER RESOLUTION

  
\_\_\_\_\_  
Director of Financial Management  
& Strategic Planning

  
\_\_\_\_\_  
for City Manager

### RECOMMENDED 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

### EXECUTIVE SUMMARY

A detailed register of claims, the Register of Warrants and Wire Transfers, are submitted to the City Council for review and authorization on a weekly basis. Approval of the attached resolution ratifies the disbursement of funds for the period of January 30, 2019 through February 12, 2019 in accordance with Section 2-7-211 of the Irvine Municipal Code.

**ATTACHMENT**      Warrant and Wire Transfer Resolution

CITY COUNCIL RESOLUTION NO. 19-\_\_

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

(SEE ATTACHED)

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular  
meeting held on the 26<sup>th</sup> day of February 2019.

\_\_\_\_\_  
MAYOR OF THE CITY OF IRVINE

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS  
CITY OF IRVINE         )

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY  
that the foregoing resolution was duly adopted at a regular meeting of the City Council  
of the City of Irvine, held on the 26<sup>th</sup> day of February 2019.

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

1/30/2019 through 2/5/2019

## REGISTER OF DEMANDS AND WARRANTS

Fund	Fund Description	Amount
001	GENERAL FUND	734,346.63
004	PAYROLL CLEARING FUND	41,233.96
005	DEVELOPMENT SERVICES FUND	45,225.00
027	DEVELOPMENT ENGINEERING FUND	8,982.75
111	GAS TAX FUND	2,439.45
119	LIGHTING, LANDSCAPE & PARK MNT	86,730.91
125	COMM DEVELOP BLOCK GRANT FUND	1,105.02
128	OFFICE ON AGING PROGRAMS FUND	2,208.73
180	ORANGE COUNTY GREAT PARK	94,056.86
250	CAPITAL IMPROV PROJ FUND - CIR	385.00
260	CAPITAL IMPROV PROJ-NON CIRC	850.00
270	NORTH IRVINE TRANSP MITIGATION	15,640.78
286	GREAT PARK DEVELOPMENT FUND	295,120.99
501	INVENTORY	9,456.30
570	INSURANCE FUND	23,364.06
574	FLEET SERVICES FUND	73,059.39
578	MAIL & PRINT INTERNAL SERVICES	1,051.06
579	STRATEGIC TECHNOLOGY PLAN FUND	187,245.57
580	CIVIC CTR MAINT & OPERATIONS	44,216.78
760	AD87-8 ICD/BAKE PKWY DEBT SVC	5,500.00
GRAND TOTAL		1,672,219.24

2/6/2019 through 2/12/2019

## REGISTER OF DEMANDS AND WARRANTS

Fund	Fund Description	Amount
001	GENERAL FUND	771,301.44
004	PAYROLL CLEARING FUND	987,819.66
005	DEVELOPMENT SERVICES FUND	91,529.00
009	REVENUE CLEARING FUND	34,791.32
111	GAS TAX FUND	9,632.85
114	HOME GRANT	3,756.60
119	LIGHTING, LANDSCAPE & PARK MNT	174,890.50
125	COMM DEVELOP BLOCK GRANT FUND	19,922.89
126	SENIOR SERVICES FUND	916.26
128	OFFICE ON AGING PROGRAMS FUND	9,492.67
154	RENEWED MEASURE M2 FAIR SHARE	3,970.00
180	ORANGE COUNTY GREAT PARK	68,269.29
250	CAPITAL IMPROV PROJ FUND - CIR	131,997.50
260	CAPITAL IMPROV PROJ-NON CIRC	149,536.09
270	NORTH IRVINE TRANSP MITIGATION	299,248.05
286	GREAT PARK DEVELOPMENT FUND	48,019.14
501	INVENTORY	3,201.12
570	INSURANCE FUND	179,374.55
574	FLEET SERVICES FUND	12,974.21
578	MAIL & PRINT INTERNAL SERVICES	42,913.78
579	STRATEGIC TECHNOLOGY PLAN FUND	116,081.03
580	CIVIC CTR MAINT & OPERATIONS	41,890.66
714	REASSESSMENT 12-1 FIXED RATE	5,676.17
715	AD 13-25 FIXED RATE	493.42
716	RAD 13-1 FIXED RATE	1,945.15
717	RAD 04-20 PORTOLA SPR VAR RT A	85.49
718	RAD 05-21 ORCHARD HLS VAR RT	103.62
719	REASSESSMENT 85-7A VARIABLE RT	59.45
721	AD00-18 SHADY CNYN&TURLT ROCK	39.35
723	AD03-19 WOODBURY SER B VAR RT	32.05
724	AD 07-22 STONEGATE VAR RT A	29.47
726	AD10-23 SERIES B FR LAGUNA ALT	161.18
730	11-24 FIXED RT CYPRESS VILLAGE	833.82
731	AD07-22 GROUP 4 FIXED RATE	544.63
732	RAD 04-20 GROUP 3 FIXED RATE	188.67
735	AD03-19 WOODBURY SER A VAR RT	32.05
760	AD87-8 ICD/BAKE PKWY DEBT SVC	34.02
767	AD94-15 WESTPARK II SERIES A	34.02
770	REASSESSMENT DIST 05-21 G2 FR	146.92
771	AD97-16 NORTHWEST IRVINE VARI	36.94
772	RAD 15-1 FIXED RATE	3,103.57
773	RAD 15-2 FIXED RATE	1,213.92
774	AD94-13 VARIABLE RT-OAKCREEK	32.99
775	AD97-17 LOWER PETERS CYN EAST	38.92
776	AD93-14 SPECT 6N/SPECT 7	53.61
777	RAD 05-21 G1 FIXED RATE	917.68
778	RAD 04-20 G4 FIXED RATE	311.19

2/6/2019 through 2/12/2019

### REGISTER OF DEMANDS AND WARRANTS

<b>Fund</b>	<b>Fund Description</b>	<b>Amount</b>
779	RAD 04-20 G5 FIXED RATE	204.42
780	RAD 04-20 G6 FIXED RATE	158.92
	<b>GRAND TOTAL</b>	<b>3,218,040.25</b>

2.4



## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** FEBRUARY 26, 2019

**TITLE:** LEASE EXTENSION TO AMENDMENT NO. 1 BETWEEN CITY OF IRVINE AND TIERRA VERDE INDUSTRIES

  
\_\_\_\_\_  
City Manager

### RECOMMENDED ACTION

Approve Tierra Verde Industries' (TVI) request for an Extension Authorization as defined in Amendment No. 1 to the Lease between City of Irvine and Tierra Verde Industries, providing for a one-year extension beginning May 13, 2019, and authorize the City Manager to execute the extension.

### EXECUTIVE SUMMARY

On April 24, 2018, the City Council approved, and the Mayor executed, Amendment No. 1 to the Lease between the City of Irvine and TVI (Attachment 1). Section 1(a) of Amendment No. 1 provided for the Initial Extension term, starting May 13, 2018 and concluding May 12, 2019. Section 1(b) provides the framework for TVI to request a further extension of the term of the lease for up to one additional year beyond the initial extension (an "Extension Authorization"). The Extension Authorization must be presented at a City Council meeting in either January or February 2019.

TVI is compliant with the terms of the initial one-year extension, which included reducing its leased area by 16 acres to clear space for future waterpark construction, and removing odor-causing materials from the property (see map included as Attachment 2). TVI has requested an additional one-year extension (Attachment 3) as provided for in Amendment No. 1 to allow discussions with adjacent property owners to secure an alternative location outside of the Orange County Great Park.

### COMMISSION/BOARD/COMMITTEE RECOMMENDATIONS

This item is scheduled for consideration by the Orange County Great Park Board of Directors on February 26, 2019.



## **ANALYSIS**

TVI has leased property from the City on the former Marine Corps Air Station, El Toro (Base), in its current Cultural Terrace location since 2010 for purposes of providing a green waste and recycling operation. The recycling facility was always envisioned as an interim use for the property until the Great Park was planned and developed. The lease with TVI for use of 78 acres was due to expire on May 12, 2018. The City provided notice of intent to non-renew one year prior to lease expiration.

The City had been working with a developer/operator to construct a waterpark on a proposed site at the northeast corner of Skyhawk and Marine Way in the Great Park Cultural Terrace area. Prior to the expiration of the lease term, TVI requested an extension to provide more time to find a site for long-term relocation of the facility. On April 24, 2018, the Orange County Great Park Board (Board) and City Council approved Amendment No. 1, providing for a one-year extension of the lease term, to May 12, 2019 with a reduction to the leased area by 16 acres from 78 acres to 62 acres to provide enough space for the proposed waterpark development.

Pursuant to the terms of Amendment No. 1, TVI has requested an additional one-year extension (a "Further Extension Term") from May 13, 2019 to May 12, 2020. TVI is in compliance with the conditions of the initial one-year extension as contained in Amendment No. 1, including adjusting its lease boundary to accommodate the proposed waterpark development, and removing composting materials from the site. Granting the Further Extension Term will not impact future Cultural Terrace development.

Terms of Amendment No. 1 contemplate future adjacent development, and require TVI to submit a screening plan to the City and install the approved improvements along the boundary between the TVI-leased premises and development on the west side of the lease boundary. The City may terminate the lease with 30-day notice for non-compliance with any obligations, and all TVI facilities must be removed prior to expiration of the lease extension. If the Board and City Council approve a Further Extension Term, the City Manager, acting on behalf of the City, will provide written notice to the lessee of the extension term and TVI shall have ten (10) business days to accept.

## **ALTERNATIVES CONSIDERED**

The City Council could choose not to approve a one-year extension to the terms of Amendment No. 1 to the TVI lease. If the extension is not approved, the lease would end on May 12, 2019, and TVI would have to remove all TVI improvements to the leased premises and vacate by the end of term.

## **FINANCIAL IMPACT**

In FY 2017-18, the City received approximately \$850,000 in lease revenue. An Extension Authorization will allow the City to continue to receive this revenue through most of the next fiscal year.

## **REPORT PREPARED BY**

Steve Torelli, Management Analyst II

## **ATTACHMENTS**

1. Amendment No. 1 to the Amended and Restated Lease by and between the City of Irvine and Tierra Verde Industries
2. TVI Lease Area Map
3. Letter from Tierra Verde Industries requesting an Extension Authorization

# LEASES SCAN SHEET

Cabinet: Leases

Revenue/Expense: REVENUE

Lease Type: AMENDMENT

Lessee: TIERRA VERDE INDUSTRIES

Lessor: CITY OF IRVINE

Department: CITY MANAGER

Contract Number: 5247B

Description: AMENDMENT NO. 1 TO  
AMENDED AND RESTATED  
LEASE; MEETING 4/24/18; ITEM  
3.4

APN:

Address: ORANGE COUNTY GREAT PARK

Effective Date: 04/24/2018

Expiration Date:

Amount:

Terms & Conditions:

CPI Adjustment Date:

## AMENDMENT NO. 1 TO AMENDED AND RESTATED LEASE

This AMENDMENT NO. 1 TO AMENDED AND RESTATED LEASE ("Amendment No. 1") is entered into as of this 24<sup>th</sup> day of April, 2018 ("**Amendment Effective Date**") by and between the CITY OF IRVINE, a California charter city ("**Lessor**"), and TIERRA VERDE INDUSTRIES, a California corporation ("**Lessee**").

## RECITALS:

A. On or about May 12, 2010, Lessor and Lessee entered into that certain Amended and Restated Lease identified by Lessor as Contract Number 5247A (the "**Lease**"), pursuant to which Lessor agreed to lease to Lessee certain real property owned by Lessor and referred to in the Lease as the "Leased Premises," and consisting of specific parcels designed in the Lease as "Parcel A," "Parcel B," "Parcel C," "Parcel D," "Parcel E," and "Parcel F" (collectively, the "**Current Leased Premises**"). The Current Leased Premises are depicted on Exhibit A of the Lease.

B. The term of the Lease is eight (8) years, and will expire on May 12, 2018. Lessor and Lessee now wish to extend the term of the Lease with respect to a portion of the Current Leased Premises for one (1) year, and to provide Lessor with an option to authorize a further extension of the term of the Lease for up to one (1) additional year.

## AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by this reference, and the promises and covenants hereinafter contained, and for other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Lease Term Extension.

a. The Term of the Lease is hereby extended for a period of one (1) year (the "**Initial Extension Term**") and, subject to the remainder of this Section 1, shall expire on May 12, 2019.

b. The Irvine City Council (the "**City Council**") may, in its sole and absolute discretion, authorize Lessor to further extend the Term of the Lease, for up to one (1) additional year beyond the Initial Extension, provided Lessee has presented evidence satisfactory to Lessor that Lessee has identified a viable alternative relocation site(s) located outside of the boundaries of the Orange County Great Park for Lessee (any such authorization, an "**Extension Authorization**"). Any Extension Authorization shall be provided by the City Council at a City Council meeting held in January or February of 2019. Lessee shall have ten (10) business days following an Extension Authorization to provide a written notice to Lessor of Lessee's desire to accept the further extension to the Term of the Lease as set forth in the Extension Authorization (such extension, a "**Further Extension Term**"). Except as expressly set forth in this Amendment No. 1, the Initial Extension Term, and if authorized pursuant to an Extension Authorization and timely

agreed to by Lessee, the Further Extension Term (if so authorized and agreed to, an **"Approved Further Extension Term"**), are subject to the same terms as the Lease.

2. Modified Leased Premises. During the Initial Extension Term and (if applicable) an Approved Further Extension Term, the **"Leased Premises"** shall consist of that certain real property in the City of Irvine, County of Orange, State of California, comprising approximately sixty-two and fifty hundredths (62.50) acres, and depicted in Exhibit 1, which exhibit is attached hereto and incorporated herein by this reference. During the Initial Extension Term and (if applicable) an Approved Further Extension Term, (i) the Leased Premises shall no longer be divided into separate parcels, (ii) the portion of the Leased Premises identified in the Lease as "Site AC" shall be assumed to consist of fifty-five and fifty hundredths (55.50) acres, and (iii) Rental for Site AC shall be calculated based on such reduced acreage.

3. Removal of Improvements and Personal Property from Released Premises. The portions of the Current Leased Premises that shall not comprise a portion of the Leased Premises shall hereinafter be referred to as the **"Released Premises."** For purposes of Section 18 of the Lease, as of the first day of the Initial Extension Term, the Lease shall be deemed to have expired with respect to the Released Premises.

4. Screening Requirements; Removal of Compost Windrows.

a. Within forty-five (45) days after an Extension Authorization that (i) authorizes a Further Extension Term of not less than nine (9) months, and (ii) is agreed to by Lessee, Lessee shall submit to Lessor for review and approval plans for screening to be installed within the Leased Premises along the boundary between the Leased Premises and the proposed water park (the **"Screening Improvements"**). The Screening Improvements may consist of fencing, landscaping, one or more berms, and/or other improvements or installations reasonably acceptable to Lessor. Upon Lessor's approval of Lessee's plans for the Screening Improvements, which approval shall not be unreasonably withheld, Lessee shall install the Screening Improvements. Installation of all of the Screening Improvements shall be completed within two (2) months after City approves Lessee's plans for the Screening Improvements.

b. By March 12, 2019, Lessee shall have removed from the Leased Premises and relocated off-site all "compost windrows", and for the remainder of the Initial Extension Term and (if applicable) an Approved Further Extension Term, Lessee shall not actively compost greenwaste by initiating new compost windrows on the Leased Premises.

c. If Lessee has not timely complied with the obligations set forth in paragraphs a and b of this Section 4, Lessor may terminate the Lease by providing to Lessee, in writing, a thirty (30) day notice of termination.

5. Lessor's Request for Removal. For purposes of Section 18(c) of the Lease, this Section 5 shall be deemed to constitute Lessor's request that Lessee remove all of the improvements installed, constructed or existing on the Leased Premises, including



any foundations for building placed on the Leased Premises by Lessee, prior to the expiration of the Lease (e.g., prior to the expiration of the Initial Extension Term or (if applicable) an Approved Further Extension Term), or within thirty (30) days after any earlier termination of the Lease.

6. Acceptance of Solid Waste Generated Within the City of Irvine. During the Initial Extension Term and (if applicable) an Approved Further Extension Term, Lessee shall provide a preference to solid waste generated or accumulated within the territorial boundaries of the City of Irvine, and shall not accept any solid waste generated or accumulated outside of the territorial boundaries of the City of Irvine if such acceptance would preclude Lessee's capacity to accept any solid waste generated or accumulated within the territorial boundaries of the City of Irvine.

7. Interpretation. The terms of this Amendment No. 1 shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Amendment No. 1 or any other rule of construction which might otherwise apply. The section headings are for purposes of convenience only, and shall not be construed to limit or extend the meaning of this Amendment No. 1.

8. Litigation Matters. The Superior Court of the State of California in and for the County of Orange shall have exclusive jurisdiction of any litigation between the parties arising out of or connected to this Amendment No. 1. This Amendment No. 1 shall be governed by and construed under the internal laws of the State of California, without regard to conflict of law principals. If either party to this action is required to initiate or defend, or is made a party to any action or proceeding in any way connected with this Amendment No. 1, the party prevailing in the final judgment in such action or proceeding, in addition to any other relief which may be granted, shall be entitled to reasonable attorney's fees and costs. The term "attorney's fees" shall include reasonable costs for investigating the action, conducting discovery, cost of appeal, costs and fees for expert witnesses, and all other costs the court allows which are incurred in such litigation, whether or not such litigation is prosecuted to final judgment.

9. Counterparts. This Amendment No. 1 may be executed in counterparts, each of which, when all the parties hereto have signed this Amendment No. 1, shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

[End – Signature page follows]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1  
as of the Amendment Effective Date.

"Lessor"

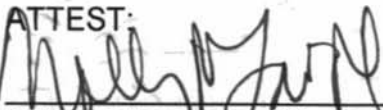
**CITY OF IRVINE,**  
a California charter city

By: 

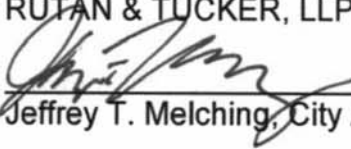
Donald P. Wagner

Its: Mayor

ATTEST:

  
Molly McLaughlin, City Clerk

APPROVED AS TO FORM:  
RUTAN & TUCKER, LLP

  
Jeffrey T. Melching, City Attorney

"Lessee"

**TIERRA VERDE INDUSTRIES,**  
a California corporation

By: 

Arthur Kazarian

Its: President

By: 

Kris Kazarian

Its: Treasurer

**EXHIBIT "A"**

**DEPICTION OF LEASED PREMISES**

(See Attached)



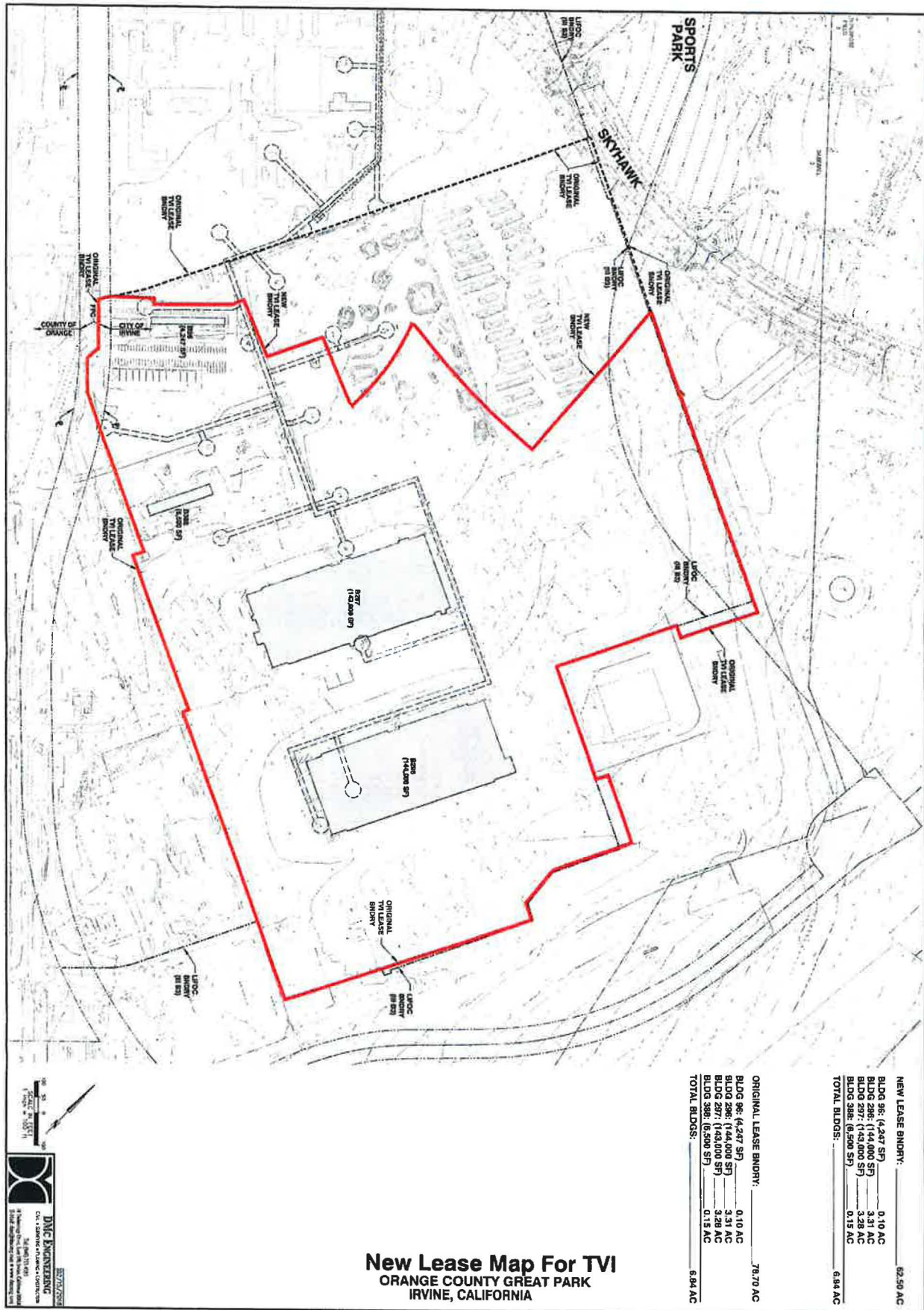


# VICINITY MAP





# SITE MAP





Greenwaste • Woodwaste  
Grinding • Composting  
Soil Amendments  
C & D Processing

OK

February 6, 2019

Mr. John Russo  
City Manager  
City of Irvine  
1 Civic Center Plaza  
P.O. Box 19575  
Irvine, CA 92623-9575

**Hand Delivered**

**Re: Request for Further Extension Term to Amended and Restated Lease - TVI**

Dear Mr. Russo:

In accordance with the current terms of the Amended and Restated Lease between the City of Irvine and Tierra Verde Industries ("TVI"), TVI is requesting consideration for approval of a one-year Further Extension Term.

Over the last several months, we have had conversations with multiple landowners in the Irvine and South County areas. Talks centered around accomplishing our goal of relocating the TVI operations to one or more sites capable of satisfying our capacity requirements. Due to these being sensitive and confidential discussions, we prefer not to state specifics regarding site locations in this letter. Although we have not yet secured a relocation site, we are optimistic that we will be successful in our efforts.

As you know, talks regarding these matters are not usually quickly concluded, so we are requesting the further extension term to provide additional time to secure alternative locations to continue our operations.

TVI looks forward to continuing its positive relationship with the City while providing its necessary and much needed environmental efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur Kazarian", enclosed within a large, loopy oval shape.

Arthur Kazarian

cc: Chris Koster  
Kris Kazarian

**ATTACHMENT 3**

**TIERRA VERDE INDUSTRIES**

Mailing Address: P.O. Box 279 • Irvine, CA 92650-0279  
(949) 551-0363 • (949) 551-1532 Fax

2.5



## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** FEBRUARY 26, 2019

**TITLE:** CONTINUING TEMPORARY SUPPLEMENTAL MILITARY LEAVE BENEFITS FOR CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY

  
Director of Human Resources & Innovation *for*   
City Manager

### RECOMMENDED ACTION

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CONTINUING TEMPORARY SUPPLEMENTAL MILITARY BENEFITS, EFFECTIVE JANUARY 1, 2019, FOR FULL-TIME CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY

### EXECUTIVE SUMMARY

When an eligible employee is called to active military duty, federal and state laws require the City to fully pay for military leave and continue health benefits for a maximum of thirty calendar days per fiscal year. Since 2001, the Irvine City Council has adopted and maintained a resolution to provide supplemental benefits beyond the required 30 days.

This action seeks approval to continue Supplemental Military Leave benefits through December 31, 2021 for employees called into active military duty.

### COMMISSION/BOARD/COMMITTEE RECOMMENDATION

Not applicable.

### ANALYSIS

The Uniformed Services Employment and Reemployment Rights Act and the California Military and Veteran's Code require employers to provide 30 days of paid leave, health and pension benefits to eligible employees called to active duty. The recommended action extends the aforementioned benefits beyond what is required by law through Supplemental Military Leave.

The pay each eligible employee receives under the Supplemental Military Leave benefits is the difference between the base salary they would have earned had they not been called to active military service and the gross pay received from the United States Government, exclusive of any housing allowance. The City also provides health insurance



benefits to the employee and the employee's dependents at the same level of contribution that the employee would have received from the City if he or she had not been called to active military service, provided the dependents were covered for those benefits prior to the employee being called into active military service.

#### **ALTERNATIVES CONSIDERED**

The City Council could reject the recommended action, discontinue Supplemental Military Leave benefits, and provide only those benefits required by law (30 calendar days per fiscal year).

#### **FINANCIAL IMPACT**

The cost of the Supplemental Military Leave benefits is dependent on the salary and benefits received by employees called to active duty. For the last three fiscal years, three employees utilized the benefit at a cost of \$22,901 in FY 2017-18, \$4,243 in FY 2016-17, and \$459 in FY 2015-16. To date in FY 2018-19 one employee has utilized the benefit at a cost of \$9,668.

**REPORT PREPARED BY**            Brian King, Human Resources Manager

**ATTACHMENT**            Supplemental Military Leave Benefits Resolution

## CITY COUNCIL RESOLUTION NO. 19-XX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CONTINUING TEMPORARY SUPPLEMENTAL MILITARY BENEFITS, EFFECTIVE JANUARY 1, 2019, FOR FULL-TIME CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY

WHEREAS, federal and state laws provide for fully paid military leave and continuation of benefits for eligible employees who are ordered to report to active military duty for a maximum of thirty (30) calendar days per fiscal year; and

WHEREAS, City employees may be called into active military service; and

WHEREAS, the City Council of the City of Irvine wishes to alleviate financial hardships, which employees and their families may experience as a result of being called into active duty.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY RESOLVE as follows:

SECTION 1. In addition to the military leave benefits provided by federal and state laws, each full-time employee of the City who has been or is called to active military duty with the Armed Forces of the United States, shall be entitled to temporary partial pay for military leave for the duration of this resolution.

SECTION 2. The amount of pay each such employee shall be entitled to receive from the City for said military leave shall be the difference between the gross pay and all allowances, exclusive of housing allowance, actually received by the employee from the United States for such services and the base salary that said employee would have received from the City if he or she had not been called to active military service, subject to all necessary and appropriate deductions and withholdings. If said employee works for the City during his or her military leave, payment for such services shall be deducted from any supplemental military pay to which the employee is entitled under these provisions.

SECTION 3. The City shall also provide continued health insurance benefits to the employee and the employee's dependents at the same level of contribution that the employee would have received from the City if he or she had not been called to active military service, provided that the dependents were covered for those benefits prior to the employee being called into active military duty. Life insurance, disability benefits and accrued leaves are not included in this provision.

## ATTACHMENT



SECTION 4. The City shall not pay any wage or benefit provided for in this resolution until and unless the employee who requests such payment provides satisfactory proof and documentation of the call to service and eligibility for the payment in accordance with procedures established by the Personnel Officer.

SECTION 5. The pay and benefits authorized by this resolution shall be effective with the first full pay period that includes January 1, 2019, and shall terminate on the first full pay period following December 31, 2021, or otherwise required by law.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 26<sup>th</sup> day of February 2019.

\_\_\_\_\_  
MAYOR OF THE CITY OF IRVINE

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )  
COUNTY OF ORANGE    )  
SS CITY OF IRVINE       )

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 26<sup>th</sup> day of February 2019.

AYES:                   COUNCILMEMBERS:

NOES:                   COUNCILMEMBERS:

ABSENT:                COUNCILMEMBERS:

ABSTAIN:               COUNCILMEMBERS:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

2.6



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** FEBRUARY 26, 2019

**TITLE:** AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES

  
\_\_\_\_\_  
Director of Human Resources & Innovation

  
\_\_\_\_\_  
for City Manager

## RECOMMENDED ACTION

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES

## EXECUTIVE SUMMARY

The Department of Human Resources and Innovation routinely reviews and updates the City's Personnel Rules and Procedures. Revisions to the Personnel Rules and Procedures are made as a result of changes to the law, changes to practice or as a result of the meet and confer process with one or more of the City's labor groups. The policies presented for the City Council's consideration have been reviewed by the City Attorney, department heads and by each of the labor groups.

## COMMISSION/BOARD/COMMITTEE RECOMMENDATION

Not Applicable.

## ANALYSIS

The following policies are being submitted for modification. Included is a brief description of the proposed revisions and/or new content.

### Article 12 – Harassment in the Workplace

The purpose of the policy is to affirm the City's commitment to the prohibition and prevention of harassment and discrimination in the workplace, ensure employees are aware of what may constitute a violation of policy, and to outline the process for reporting and investigating complaints. The revisions are required to ensure City policy remains consistent with state and federal law. Modifications include updated reporting procedures, a broader definition of what constitutes a policy violation, amplification of language related

to the City's existing zero-tolerance policy and clarification of protections against retaliation.

#### Article 13 – Violence in the Workplace

The purpose of the policy is to affirm the City's commitment to a workplace free of violence, ensure employees are aware of what constitutes an act or threat of workplace violence, and to outline the process for reporting and investigating conduct that may violate the policy. The primary modification to the policy was the addition of language delineating department head responsibilities for policy enforcement.

#### Article 15 – Uniforms, Clothing and Safety Equipment

The purpose of the policy is to outline the City's provision of uniforms, clothing and safety equipment for certain classifications and to declare the treatment of provided uniforms as it pertains to pensionable income. Policy modifications were limited to the addition of language reiterating the City's commitment to employee safety.

All recommended changes to Articles 12, 13 and 15 are reflected in Attachments 2, 3 and 4.

### **ALTERNATIVES CONSIDERED**

The City Council could reject the recommended amendments in whole or in part. This is not recommended, as the proposed modifications are reflective of current legislation and best practice.

### **FINANCIAL IMPACT**

There is no financial impact associated with the recommended action.

**REPORT PREPARED BY** Llesena Ontiveras, Human Resources Analyst II

**REPORT REVIEWED BY** Brian King, Manager of Human Resources

### **ATTACHMENTS**

1. Resolution to Amend City of Irvine Personnel Rules and Procedures
2. Amended Personnel Rules and Procedures Article 12-*Policy Against Discrimination, Harassment and Retaliation in the Workplace and Complaint Procedure*
3. Amended Personnel Rules and Procedures Article 13-*Violence in the Workplace*
4. Amended Personnel Rules and Procedures Article 15-*Uniforms, Clothing and Safety Equipment*

CITY COUNCIL RESOLUTION NO. 19-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
IRVINE, CALIFORNIA, ADOPTING AMENDMENTS TO  
THE PERSONNEL RULES AND PROCEDURES

WHEREAS, the City of Irvine Code of Ordinances provides for Personnel Rules and Procedures to effectively and efficiently administer the City's personnel system.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY RESOLVE that Article 12, 13 and 15 of the Personnel Rules and Procedures, attached hereto, is approved and adopted, and thus repeals any previous Article 12, Article 13 and Article 15 of the Personnel Rules and Procedures.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 26<sup>th</sup> day of February 2019.

\_\_\_\_\_  
MAYOR OF THE CITY OF IRVINE

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) SS  
CITY OF IRVINE             )

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 26<sup>th</sup> day of February 2019.

AYES:                   COUNCILMEMBERS:

NOES:                   COUNCILMEMBERS:

ABSENT:                COUNCILMEMBERS:

ABSTAIN:               COUNCILMEMBERS:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

**ARTICLE 12 – POLICY AGAINST DISCRIMINATION, HARASSMENT AND  
RETALIATION IN THE WORKPLACE AND COMPLAINT PROCEDURE**

*Last Revised: February 2019*

## **ARTICLE 12 – POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION IN THE WORKPLACE AND COMPLAINT PROCEDURE**

### **SEC. 1 “Introduction:”**

The City of Irvine (“City”) is strongly committed to prohibiting and preventing harassment, discrimination and retaliation in the workplace, and providing a procedure for investigating and resolving internal complaints regarding such conduct.

### **SEC. 2 “Policy:”**

- A. The City has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. The City encourages all covered individuals to report any conduct that is believed to violate this Policy as soon as possible. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including dismissal.
- B. Harassment, discrimination or retaliation against a covered individual, as defined herein, is prohibited and will not be tolerated. This Policy prohibits harassment and discrimination because: (a) of an individual’s protected classification; (b) of the perception that an individual has a protected classification; or (c) the individual associates with a person who has or is perceived to have a protected classification. Similarly, this policy prohibits retaliation against any individual who files and supports a complaint involving a violation of this Policy, participates in the complaint resolution process, or associates with a person who makes a complaint, or similar protected activity.

Disciplinary action, up to and including dismissal, or other appropriate sanction, will be instituted for any sustained finding of prohibited behavior.

### **SEC. 3 “Covered Individuals and Scope:”**

- A. This Policy applies to all City employees regardless of rank or title, while they are on any City property or premises, and/or while performing services on behalf of or for the City.
- B. This Policy also applies to City elected and appointed officials, job applicants, vendors, contractors, business associates, interns, volunteers, and members of the public, who are on any City property or premises, and/or performing services on behalf of or for the City pursuant to contract or other arrangements. Except where the context requires otherwise, all references to employees in this Policy shall include non-employees specified in this subsection.
- C. This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

## **SEC. 4 “Definitions:”**

### **A. Protected Classification**

This Policy prohibits harassment, discrimination and retaliation because of an individual’s protected classification. “Protected classification” includes race, religious creed, color, national origin, ancestry, citizenship status, sex, gender, gender identity, gender expression, sexual orientation, military or veteran status, marital status, pregnancy, age (40 and over), medical condition, genetic characteristics or information, physical or mental disability and any other statutorily protected classifications.

### **B. Protected Activity**

This Policy prohibits harassment, discrimination and retaliation because of an individual’s protected activity. “Protected activity” includes: making a request for or receiving an accommodation for a disability; making a request for or receiving accommodation for religious beliefs or practices; making or supporting a complaint under this Policy; opposing violations of this Policy; or participating in an investigation pursuant to this Policy.

### **C. Discrimination**

This Policy prohibits treating covered individuals differently because of the individual’s protected classification, actual or perceived; because the individual associates with a person who is an actual or perceived member of a protected classification; or because the individual participates in a protected activity as defined in this Policy.

### **D. Harassment**

“Harassment” includes, but is not limited to, the following types of behavior that is taken because of a covered individual’s actual or perceived membership in a protected classification:

1. Speech, including but not limited to: epithets, derogatory comments or slurs, or propositioning on the basis of a protected classification. This includes inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or racial, sexual, or ethnicity oriented stories or jokes.
2. Physical acts, including but not limited to: assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering or making explicit or implied job threats or promises in return for submission to physical acts.



3. Visual acts, including but not limited to: derogatory gestures, posters, notices, e-mails, bulletins, cartoons, pictures, or drawings related to a protected classification (including social media postings, texts, videos sent via email).
4. Unwanted sexual advances, including but not limited to: requests for sexual favors, or unwelcome/offensive written, verbal, physical and/or visual contact with sexual overtones, when submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile or offensive working environment.

E. Guidelines for Identifying Harassment

1. Harassment includes any conduct which would be "unwelcome" or "offensive" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification. The following are guidelines regarding unwelcome or offensive conduct.
2. It is no defense that the recipient of harassment appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subject to retaliation.
3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude someone from complaining if the conduct is repeated in the future.
4. Even visual, verbal, or physical conduct between two individuals who appear to welcome the conduct can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
5. Conduct can constitute harassment even if the individual engaging in the conduct had no intention to harass (e.g., gifts, over attention, or endearing nicknames). Even well intentioned conduct can violate this Policy if the conduct is directed at or implicates a protected classification, and if a reasonable person of the recipient's same protected classification would find it offensive or unwelcome.

F. Retaliation

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

**SEC. 5 "Responsibilities:"**

A. Directors, managers, supervisors and other City management and supervisory personnel are responsible for compliance with this Policy and each of the following:

1. Informing employees of this Policy.
2. Modeling appropriate behavior in conformity with this Policy.
3. Taking all steps necessary to prevent harassment, discrimination and retaliation from occurring.
4. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
6. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
7. Informing those who complain of harassment and/or discrimination of their option to contact the U.S. Equal Employment Opportunity Commission ("EEOC") or the California Department of Fair Employment and Housing ("DFEH") regarding alleged violations.
8. Assisting, advising or consulting with Human Resources and/or employees of other City department(s) regarding this Policy.
9. Assisting in the investigation of complaints when authorized, and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with the City's Personnel Rules, up to and including dismissal.
10. Implementing appropriate disciplinary and remedial actions.

11. Reporting potential violations of this Policy of which he or she becomes aware to Human Resources, regardless of whether a complaint has been submitted to any City department or management personnel.
12. Participating in periodic training and scheduling employees for training, including training on harassment, discrimination and retaliation.

Supervisory personnel who are aware of ongoing harassment, discrimination and/or retaliation, as defined in this Policy, but do not take responsible appropriate steps, as set forth above, shall be subject to appropriate disciplinary action, up to and including dismissal.

- B. All employees are responsible for compliance with this Policy and for each of the following:
1. Treating all individuals in the workplace or at worksites with respect and consideration.
  2. Modeling appropriate behavior in conformity with this Policy.
  3. Participating in periodic training.
  4. Fully cooperating with the City's investigation by responding fully and truthfully to all questions posed during the investigation.
  5. Taking no actions to influence any potential witness while the investigation is ongoing.
  6. Reporting any act he or she believes in good faith constitutes harassment, discrimination or retaliation as defined in this Policy to his/her supervisor, department head or Human Resources.
- C. While the City vigorously defends an individual's right to work in an environment free of harassment, discrimination and retaliation, the City also recognizes that knowingly false accusations can have serious consequences. Accordingly, any individual who is found, through the City's investigation, to have knowingly and falsely accused another person of harassment, discrimination or retaliation will be subject to appropriate disciplinary action, up to and including dismissal.

#### **SEC. 6 "Complaint Procedure:"**

- A. A covered individual who believes he or she has been subjected to discrimination, harassment or retaliation may make a complaint, orally or in writing, to any of the individuals listed below without regard to any chain of command.
1. Immediate supervisor;

2. Any supervisor or manager within or outside the department;
  3. Department Director;
  4. Personnel Officer or designated representative;
  5. Any analyst in Human Resources; or
  6. Any department liaison to Human Resources.
- B. Any supervisor, manager or director who receives a harassment, discrimination or retaliation complaint shall immediately notify the Personnel Officer. A complaint accusing the Personnel Officer of harassment, discrimination or retaliation shall be reported to the City Manager.
- C. An individual has the option to report harassment, discrimination or retaliation to the DFEH or the EEOC. These administrative agencies offer legal remedies and a complaint process.

The nearest offices are listed on websites of the DFEH and EEOC, or in the government section of the telephone book, or employees can check the posters that are located on the City's bulletin boards for office locations and phone numbers.

**SEC. 7 "Investigation:"**

- A. Upon receipt of notification of a harassment, discrimination or retaliation complaint, the Personnel Officer shall:
1. Authorize and supervise or conduct an investigation of the complaint. The Personnel Officer shall determine who shall conduct the investigation and/or authorize whatever investigation he or she deems necessary in accordance with this Policy. The investigation will generally include interviews with: (a) the complainant; (b) the accused; (c) witnesses; and (d) other persons who may have relevant knowledge concerning the allegations in the complaint.
  2. Review the factual information gathered through the investigation to determine whether the alleged conduct did occur and whether there has been a violation of this Policy. In doing so, the Personnel Officer shall consider all the factual information gathered through the investigation, the totality of the circumstances, the nature of the conduct, and the context in which the alleged incidents occurred.
  3. Report a summary of the determination as to whether this Policy has been violated to appropriate persons. If discipline or sanctions are imposed, the level of discipline or sanctions will not be communicated to the complainant.

4. If it is determined that such conduct in violation of this Policy has occurred, the Personnel Officer shall take or recommend prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
  5. Take reasonable steps to protect the complainant(s), or other individuals involved in the investigation, from harassment, discrimination and retaliation.
- B. If a complaint of harassment, discrimination and/or retaliation is against the Personnel Officer, the City Manager shall be responsible for investigating such complaint in accordance with Paragraph A immediately above.
- C. The City takes a proactive approach to potential violations of this Policy and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination or retaliation may be occurring, regardless of whether a recipient of the conduct (victim) or a third party reports a potential violation.

**SEC. 8 "Confidentiality:"**

- A. Efforts will be made to the greatest extent allowed by law to maintain confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate complaints and take effective remedial action. Disclosure of a completed investigation report may be necessary to support a disciplinary action, to defend the City in adversarial proceedings, to take effective remedial action, or to comply with applicable laws and court orders.
- B. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss his or her interview with a designated representative who is not otherwise a party to the complaint.

**SEC. 9 "Dissemination of Policy:"**

All employees will receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

**ARTICLE 13 – VIOLENCE IN THE WORKPLACE**

*Last Revised: February 2019*

## **ARTICLE 13 - VIOLENCE IN THE WORKPLACE**

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### **SEC. 1 "Policy:"**

- A. The City of Irvine ("City") is committed to providing a safe work environment that is free of acts and threats of violence. The City's top priority is preventing and effectively handling critical workplace incidents, especially those dealing with actual or potential violence.
- B. Acts or threats of violence or other behavior that generates a reasonable concern for safety from violence due to its nature and severity (hereafter, "other behavior"), against or by any employee of the City or any other person) are considered prohibited conduct under this Article, and are unacceptable and not tolerated. The City strictly prohibits employees, consultants, visitors, or anyone else while on City property or premises, and/or performing services on behalf of or for the City, from engaging in acts or threats of violence or other behavior that generates a reasonable concern for safety from violence while on the job or with the use of City resources, including, but not limited to: computers, telephones, fax machines or vehicles. The City has zero tolerance for any such acts or threats of violence or "other behavior", and takes all threats seriously.
- C. The City recognizes the impact of domestic violence on the workplace. The City is committed to heightening awareness of domestic violence, providing support for victims of this violence and providing guidance for employees and management personnel to address the occurrence of domestic violence and its effects on the workplace. The City treats threats coming from an abusive personal relationship as it does all other forms of violence.

### **SEC. 2 "Application:"**

- A. All employees are expected to conduct themselves in accordance with this Article, and all other City policies and administrative regulations, while the employee is on any City property or premises, and/or performing services on behalf of or for the City.
- B. This Article applies to all non-employees, including City elected and appointed officials, job applicants, vendors, contractors, business associates, volunteers, and members of the public, who are on any City property or premises, and/or performing services on behalf of or for the City pursuant to contracts or other arrangements. Except where the context requires otherwise, all references to employees in this Article shall include non-employees specified in this subsection.

### **SEC. 3 "Definitions:"**

- A. "Act of Violence" includes any act or conduct used to: frighten, intimidate, kill and/or injure another person; or to damage or destroy the property of another person or of the City regardless of whether it is intended to do so or actually does so. Violent acts include, but are not limited to:
  - 1. Striking, punching, slapping, or assaulting another person;

2. Fighting or challenging another person to fight;
3. Grabbing, pinching, or touching another person in an unwanted way, whether sexually or otherwise;
4. Engaging in dangerous, threatening or unwanted horseplay;
5. Possession, use, or threat of use of a gun, weapon, or other device, real or perceived, that can cause bodily harm of any kind on City property or premises, including parking lots, other exterior premises, City vehicles, or while performing services for or on behalf of the City in other locations, unless such possession or use is a requirement of the job, or the employee has a lawfully valid concealed weapon permit and valid City authorization pursuant to this Article;
6. Harming another person;
7. Engaging in stalking and harassing conduct;
8. Damaging or destroying the property of another person; and/or
9. Damaging or destroying the property of the City or its vendors, clients, or business associates.

B. "Job-related" includes, but is not limited to:

1. While on City property or premises performing services for or on behalf of the City;
2. While performing services for or on behalf of the City at a site or location that is not City property or premises;
3. While representing the City during a special event, meeting, or seminar/workshop/conference, etc. whether on or off City property/premises;
4. While driving or being transported as a passenger in a City vehicle;
5. While wearing a City uniform.

C. "Threat of Violence" includes a direct or implied expression of intent, either verbally or otherwise, to frighten, intimidate, kill and/or injure another person, or to damage or destroy the property of another person or of the City, regardless of whether there is an intent to carry it out, that a reasonable person would perceive as a threat to physical safety or property. The following are some examples, but not an inclusive list, of behavior that may be considered threats:



1. Verbally spoken or written threats of violence, which include descriptions of what the speaker or writer intends to do.
2. Threatening conduct, such as overt physical intimidation and aggression, showing off or brandishing a weapon to frighten or intimidate another person.
3. Statements, jokes, or other actions which threaten to frighten, intimidate, kill or injure another person, or to damage or destroy the property of another person or of the City regardless of whether there is an intent to carry it out.

D. "Other Behavior" includes but is not limited to:

1. Stalking and harassing conduct.
2. Erratic and bizarre behavior.

E. "Domestic Violence" is defined as abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child, or is having or has had a dating or engagement relationship. (California Penal Code 13700).

#### **SEC. 4 "Employee Responsibility, and Reporting and Response Procedure:"**

##### **A. All Employees**

1. All threats or acts of violence, or "other behavior" must be taken seriously and reported. Any employee who is the victim of any threat and/or act of violence, or is a witness to such behavior, or who has received a report of such conduct, whether the perpetrator is a City employee or a non-employee, shall immediately report the incident to his or her supervisor, or any of the following:

- a. Department director;
- b. Personnel Officer or designee;
- c. Human Resources;
- d. Human Resources liaison;
- e. Threat Management Team Member; or
- f. Call the Safety Hotline at 949-724-RISK (7475)

2. In an emergency, contact the City of Irvine Police Department or call 911.

3. If an individual who has allegedly made a threat and/or engaged in an act of violence or “other behavior” arrives at the workplace, the employee making the observation shall immediately notify his or her supervisor or any of the persons listed in A.1 above, or call local law enforcement if the circumstances warrant immediate intervention.
4. In the event an employee has a restraining order against another person that restricts that person from coming to the employee’s workplace, the employee must report this information to his or her supervisor and the department director, and provide a certified copy of the restraining order to the department director. A description of the individual (photograph if available) against whom the restraining order is filed should be provided to the employee’s supervisor and the department director.
5. Any employee who has a permit to carry a concealed weapon must notify his/her department director of this approval prior to its possession on any City property or premises. Absent documented evidence of legal entitlement to carry a concealed weapon, possessing a weapon on City property or premises shall be considered a violation of this Article.
6. The City prohibits retaliation against any individual who in good faith, initiates a complaint or reports an incident under this Article.

B. Management Personnel. All employees, who are supervisors, managers, directors, or in other management positions with the City must comply with this Article, and upon receiving notice of or becoming aware of a threat or act of violence shall:

1. In the event of risk to the safety of the victim or the safety of others, or if the situation warrants, call law enforcement for assistance. In the event of an emergency, call 911.
2. Immediately take steps appropriate for the situation to prevent harm to person or property.
3. Take reasonable steps to prevent escalation of threats and/or acts of violence, or “other behavior”.
4. Avoid escalating the situation. Do not humiliate or make counter threats to the employee accused of threats and/or acts of violence, or “other behavior”.
5. When appropriate, inform the employee who was threatened that threats and acts of violence, or “other behavior” will not be tolerated and that an investigation will take place.
6. When appropriate, inform the accused employee that threats and acts of violence and retaliation will not be tolerated and disciplinary action may

follow. Employees should be encouraged to access the services of the Employee Assistance Program. Evaluate the need to remove from the workplace the employee who allegedly made the threat(s) and/or committed the act(s) of violence or engaged in “other behavior.”

7. Require the employee who allegedly made a threat and/or engaged in an act of violence, or “other behavior”, and/or who generates a reasonable concern for safety from violence by his/her presence on the job, to leave the workplace immediately.
8. Notify the Human Resources Manager or his or her designee immediately. If the Human Resources Manager or the designee is alleged to have made the threat and/or engaged in an act of violence or engaged in “other behavior”, then immediately notify the City Manager or designee.
9. Contact Human Resources for assistance on appropriate action to take before the employee who allegedly made a threat and/or engaged in an act of violence, or “other behavior” is allowed to return to work.

**SEC. 5 “Investigation:”**

- A. All reports of threats or acts of violence, or “other behavior” will be taken seriously and will be investigated promptly and thoroughly. Upon receiving a report of or becoming aware of a threat, and/or act of violence or “other behavior”, Human Resources shall conduct an investigation or authorize an investigation. If an employee within Human Resources is accused of making a threat and/or engaging in an act of violence, or “other behavior” against another person, the City Manager or his or her designee shall conduct or authorize the investigation.
- B. Prior to beginning any investigation of the act or threat of violence, or “other behavior”, the investigating officer must become aware of the employee’s rights in such circumstances. This shall be done prior to interviewing any witnesses or the accused employee.
- C. The investigating officer shall document the facts, including what was said and what was heard when the alleged threat or act of violence was made, or when the “other behavior” occurred. Include the following:
  1. WHO committed the act or threat of violence or engaged in the “other behavior,” and names of victims and witnesses.
  2. WHAT was said or done; be as exact as possible.
  3. WHEN did the incident take place.
  4. WHERE did the incident take place.
  5. WHY was the act committed, if known.

- D. The investigating officer must: (a) gather information from individuals who were at the scene where the alleged threat and/or act of violence or “other behavior” occurred; (b) collect written or tape-recorded verbal statements from everyone involved; and (c) take pictures of any personal injury or property damage.
- E. As part of any investigation regarding an act and/or threat of violence or “other behavior”, the City reserves the right to search, without notice and without employee consent, all areas and property in which the City maintains control or joint control with the employee. All City offices, workspace, lockers, desks, cabinets, computers, and vehicles are deemed property of the City and are subject to search without the employee’s consent by City management at any time with or without notice. Refusal to cooperate with a search may result in disciplinary action, up to and including dismissal. Unless directed otherwise by Human Resources or the City Manager, employees will be given the opportunity to be present when the search is conducted. City management shall not physically search the person of an employee, nor shall they search the employee’s personal vehicle or other possessions, without the freely given written consent of, and in the presence of, the employee.
- F. A written report covering the investigation of the act and/or threat of violence or “other behavior” and a description of the resolution, if any, shall be issued by the investigating officer to the Personnel Officer. If the Personnel Officer is the person being accused of making a threat and/or committing an act of violence or engaging in “other behavior” the written report of the investigation shall be issued to the City Manager.
- G. To the extent possible, the City will maintain the confidentiality of the reporting party and of the investigation. In appropriate circumstances, however, the City may deem it necessary to disclose the results of the investigation, for example, in order to protect individual safety or when required by law or City policy.

#### **SEC. 6 “Discipline:”**

- A. If a City employee makes a threat or engages in an act of violence in violation of this Article, he/she may be subject to disciplinary action, up to and including dismissal and criminal prosecution, if applicable.
- B. If a non-employee, while on City property or premises, and/or performing services on behalf of or for the City, makes a threat or engages in an act of violence, or “other behavior”, he/she may be subject to criminal prosecution.

#### **SEC. 7 “Enforcement:”**

Each department head has authority to enforce this Article by:

- 1. Educating and training supervisors and subordinates about their responsibilities under this Policy;
- 2. Assuring that reports of workplace violence are accurately and timely documented and addressed;

3. Notifying the Human Resources Manager and/or law enforcement authorities of any incidents;
4. Making all reasonable efforts to maintain a safe and secure workplace; and
5. Maintaining records and follow up actions as to reports of workplace violence.

**ARTICLE 15 – UNIFORMS, CLOTHING AND SAFETY EQUIPMENT**

*Last Revised: February 2019*

## **ARTICLE 15 - UNIFORMS, CLOTHING AND SAFETY EQUIPMENT**

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### **SEC. 1 "Provision of Uniform(s) or Clothing:"**

To ensure the maintenance of high standards of personal presentation and professional image while performing City business, certain employees are required to wear a uniform or clothing particular to their classification. For those employees required to wear a uniform, the City Council may provide for the replacement or reimbursement of the whole or partial cost of repair and replacement of such uniforms, or for the payment of a uniform allowance. The payment and administration of a uniform allowance shall be pursuant to the applicable Memorandum of Understanding between the City and the Recognized Employee Organization.

### **SEC. 2 "Provision of Safety Equipment:"**

To ensure employees are protected from workplace hazards that can cause injury or illness, certain employees may be required to carry or use safety equipment while performing City business. The City will provide such equipment as required by law and as pursuant to the applicable Memorandum of Understanding between the City and the Recognized Employee Organization.

### **SEC. 3 "Reasonable Care:"**

In the event the City provides uniforms, clothing and/or safety equipment to employees, the employees shall be responsible for the reasonable care of such uniforms/equipment. In the event an employee loses or damages his/her uniform or any other item issued by the City as a result of unreasonable neglect or abuse, the employee shall be responsible for replacing the item(s) at his/her own expense. Employees who do not adhere to City or departmental policies regarding the use and wear of clothing and/or safety equipment may be subject to discipline, up to and including dismissal.

### **SEC 4. "Uniform Value:"**

For eligible employees, the value of City-provided uniforms is considered "compensation earnable". The value of City-provided uniforms, as reported to the California Public Employees' Retirement System (CalPERS) for retirement purposes, shall be determined by the City, based upon actual costs to purchase and replace such uniforms.

2.7

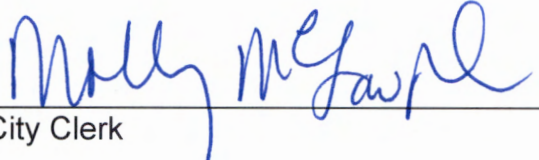




## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** FEBRUARY 26, 2019

**TITLE:** SECOND READING OF ORDINANCE NO. 19-02 LEVYING  
SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 10 OF THE  
CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3  
(GREAT PARK)

  
City Clerk

  
for City Manager

### RECOMMENDED ACTION

Read by title only, second reading and adoption of ORDINANCE NO. 19-02 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 10 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)

### EXECUTIVE SUMMARY

Ordinance No. 19-02 was introduced and first read on February 12, 2019 by the City Council. The vote at the first reading was as follows:

AYES: 5 COUNCILMEMBERS: Fox, Khan, Kuo, Shea, and Wagner

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None

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.

### ATTACHMENT

City Council Ordinance No. 19-02

## CITY COUNCIL ORDINANCE NO. 19-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 10 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)

WHEREAS, on January 8, 2019, this City Council (the "City Council"), acting as the legislative body of City of Irvine Community Facilities District No. 2013-3 (Great Park) (the "Community Facilities District"), adopted Resolution No. 19-02 entitled "A Resolution of Consideration and Intention of the City Council of the City of Irvine, California, as the Legislative Body of City of Irvine Community Facilities District No. 2013-3 (Great Park), to Change and Modify an Existing Improvement Area and Thereby Designate an Additional Improvement Area, Improvement Area No. 10, Within City of Irvine Community Facilities District No. 2013-3 (Great Park) and To Authorize the Levy of Special Taxes" (the "Resolution of Intention") stating its intention to establish and designate Improvement Area No. 10 therein ("Improvement Area No. 10"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311 of the California Government Code, known as the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), to finance certain facilities and services (the "Facilities and Services") as described in the Resolution of Intention; and

WHEREAS, notice was published as required by the Act relative to the intention of this Board to designate Improvement Area No. 10 of the Community Facilities District and to provide for the Facilities and Services; and

WHEREAS, this City Council held a noticed public hearing as required by the Act relative to the determination to proceed with the designation of Improvement Area No. 10 of the Community Facilities District and regarding the rate and method of apportionment of the special tax to be levied within Improvement Area No. 10 of the Community Facilities District to finance the costs of the Facilities and Services; and

WHEREAS, at said hearing all persons desiring to be heard on all matters pertaining to the designation of Improvement Area No. 10 of the Community Facilities District and the levy of said special taxes were heard, substantial evidence was presented and considered by this City Council and a full and fair hearing was held; and

WHEREAS, subsequent to said public hearing the Board adopted its resolutions entitled "Resolution of the City Council of the City of Irvine, California, as the Legislative Body of City of Irvine Community Facilities District No. 2013-3 (Great Park), Designating Improvement Area No. 10 of City of Irvine Community Facilities District No. 2013-3 (Great Park) and Authorizing the Levy of a Special Tax Within Said Improvement Area (the "Resolution of Formation"), "A Resolution of the City Council of the City of Irvine, California, as the Legislative Body of City of Irvine Community Facilities District No. 2013-

3 (Great Park), Determining the Necessity to Incur Bonded Indebtedness Within Improvement Area No. 10 of the City of Irvine Community Facilities District No. 2013-3 (Great Park) and Submitting a Proposition to the Qualified Electors Thereof” (the “Resolution of Necessity”), “A Resolution of the City Council of the City of Irvine, California, As The Legislative Body of the City of Irvine Community Facilities District No. 2013-3 (Great Park), Calling a Special Election for the Purpose of Approving a Special Tax in Improvement Area No. 10 of the City of Irvine Community Facilities District No. 2013-3 (Great Park), the Issuance of Bonds by said Improvement Area of the District and Establishment of an Appropriations Limit,” and “A Resolution of the City Council of the City of Irvine, California, as the Legislative Body of City of Irvine Community Facilities District No. 2013-3 (Great Park), Declaring the Results of a Special Election Held in Improvement Area No. 10 of the City of Irvine Community Facilities District No. 2013-3 (Great Park) and Directing Recording of a Notice of Special Tax Lien,” which resolutions established Improvement Area No. 10 of the Community Facilities District, authorized the levy of special tax within Improvement Area No. 10 of the Community Facilities District and called an election within Improvement Area No. 10 of the Community Facilities District on the propositions of incurring indebtedness, levying a special tax, and establishing an appropriations limit within Improvement Area No. 10 of the Community Facilities District; and

WHEREAS, an election was held within Improvement Area No. 10 of the Community Facilities District in which the eligible landowner electors approved said propositions by more than the two-thirds vote required by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVINE, acting as the legislative body of Improvement Area No. 10 of the Community Facilities District, as follows:

**SECTION 1. Levy of Special Tax.** By the passage of this Ordinance, the City Council authorizes and levies special taxes within Improvement Area No. 10 of the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rates and in accordance with the method of apportionment set forth in Exhibit A (the “Rate & Method of Apportionment”). The special taxes are hereby levied commencing in fiscal year 2019-2020 and in each fiscal year thereafter as provided in the Rate & Method of Apportionment.

**SECTION 2. Annual Levy.** The Director of Administrative Services of the City is hereby further authorized and directed each fiscal year, to determine the specific special tax rates and amounts to be levied for the next ensuing fiscal year for each parcel of real property within Improvement Area No. 10 of the Community Facilities District, in the manner and as provided in the Rate & Method of Apportionment.

**SECTION 3. Property Exempt From Tax.** Subject to California Government Code Sections 53317.3 and 53317.5, properties or entities of the state, federal or local governments shall be exempt from any levy of the special taxes, to the extent set forth in the Rate & Method of Apportionment. In no event shall the special taxes be levied on any

parcel within Improvement Area No. 10 of the Community Facilities District in excess of the maximum tax specified in the Rate & Method of Apportionment.

**SECTION 4. Taxable Property.** No other properties or entities are exempt from the authorized special tax unless the properties or entities are expressly exempted in the Rate & Method of Apportionment.

**SECTION 5. Use of Tax Revenues.** All of the collections of the special tax shall be used as provided for in the Act, the Rate & Method of Apportionment, the Resolution of Formation, the Amended and Restated Development Agreement by and between the City and Heritage Fields El Toro, LLC, and the City (as the successor agency to the Irvine Redevelopment Agency) and Heritage Fields El Toro, LLC, dated December 27, 2010 (as amended, the "ARDA")), the Amended and Restated Master Implementation Agreement, by and between the City and Heritage Fields El Toro, LLC, dated December 27, 2010 (as amended, the "ARMIA"), and the Acquisition Agreement by and between the City and Heritage Fields El Toro, LLC, dated March 26, 2013 (as amended, the "Acquisition Agreement" and together with the ARDA and ARMIA, the "Project Documents"), including, but not limited to, the payment of principal and interest on bonds issued for Improvement Area No. 10 of the Community Facilities District (the "Bonds"), the replenishment of a reserve fund for the Bonds, payment of the costs of the Facilities and Services, the payment of the costs of the District in administering Improvement Area No. 10 of the Community Facilities District and issuing the Bonds and the cost of collection and administering the special taxes.

**SECTION 6. Manner of Tax Collection.** The special taxes shall be collected from time to time as necessary to meet the financial obligations of Improvement Area No. 10 of the Community Facilities District on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected, or other procedures as may be adopted by the City Council. The City's Director of Administrative Services is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Orange and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at times necessary to satisfy the financial obligations of Improvement Area No. 10 of the Community Facilities District in each fiscal year as set forth in the Rate & Method of Apportionment and the Project Documents. The special taxes may be subject to the same penalties and the same procedure, sale, and lien priority in cases of delinquency as provided for ad valorem taxes. Notwithstanding the foregoing, the Director of Administrative Services of the City may collect one or more installments of the special taxes by means of direct billing of the property owners within Improvement Area No. 10 of the Community Facilities District, if, (i) it is required or allowed in the Rate & Method of Apportionment or (ii) in the judgment of the Director of Administrative Services, such means of collection will reduce the administrative burden of the City in administering Improvement Area No. 10 of the Community Facilities District where otherwise appropriate in the circumstances. In such event, the special taxes shall become delinquent if not paid when due as set forth in any such respective billing to the property owners. Regardless of the manner of collection, the special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in

cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent special tax payments.

**SECTION 7. Cumulative Remedies.** The City Council may exercise its rights under Section 53356.1 of the Act.

**SECTION 8. Severability.** If for any reason any portion of this Ordinance is found to be invalid, or if the special taxes are found inapplicable to any particular parcel within Improvement Area No. 10 of the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within Improvement Area No. 10 of the Community Facilities District shall not be affected.

**SECTION 9. Publication of Ordinance.** The Mayor shall sign this Ordinance and the City Clerk shall attest this Ordinance and cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the City.

PASSED and ADOPTED by the City Council of the City of Irvine at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2019.

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MAYOR OF THE CITY OF IRVINE

ATTEST:

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CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS  
CITY OF IRVINE )

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 12th day of February 2019, and duly adopted at a regular meeting of the City Council of the City of Irvine held on the \_\_\_\_ day of \_\_\_\_\_ 2019.

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

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CITY CLERK OF THE CITY OF IRVINE