



MINUTES

Steven Choi
Mayor

Jeffrey Lalloway
Mayor Pro Tempore

Beth Krom
Councilmember

Lynn Schott
Councilmember

Christina Shea
Councilmember

CITY COUNCIL REGULAR MEETING

March 10, 2015
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 4:00 p.m. on March 10, 2015 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

ROLL CALL

Present:	4	Councilmember:	Beth Krom
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Jeffrey Lalloway
		Mayor:	Steven Choi
Absent:		Councilmember:	Lynn Schott (excused)

Mayor Choi noted that Councilmember Schott was attending a League of California Cities Conference and would not be available to attend the City Council meeting.

1. CLOSED SESSION

City Attorney Litfin announced the following Closed Session item:

1.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957; Title: City Manager

There were no requests to speak to the Closed Session items.

RECESS

Mayor Choi convened the City Council meeting to Closed Session at 4:02 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Choi reconvened the City Council meeting at 5:05 p.m. City Attorney Litfin, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

MOMENT OF SILENCE

Mayor Choi called for a Moment of Silence in memory of Lee Brooks, Executive Assistant to Irvine Unified School District Superintendent Terry Walker.

PLEDGE OF ALLEGIANCE

Mayor Choi led the Pledge of Allegiance.

INVOCATION

Mayor Choi invited Pastor Jack West from Mariners Church in Irvine to provide the invocation.

MUSICAL PRESENTATION

Mayor Choi introduced Woodbridge High School student Kelsey Eyre, accompanied by Vocal Music Director Rob Blaney, who performed the National Anthem followed by “Sweet Liberty” from the musical “Jane Eyre.”

2. PRESENTATIONS

2.1 Mothers Against Drunk Driving (MADD) Deuce Awards

Mayor Choi introduced Program Specialist Tiffany Townson from Mothers Against Drunk Driving (MADD), who presented MADD’s “Deuce Awards” to the following officers for making 25 to 99 DUI arrests during 2014:

- Officer Keith Herter
- Officer Justin Ortega
- Officer Jeffrey McGehee
- Officer Bradley Boyer

Officer Haldor Larum was also recognized as one of twelve officers in Orange County for making over 100 DUI arrests in 2014.

CITY MANAGER'S REPORT

City Manager Joyce provided the following Irvine Animal Care Center (IACC) updates:

- IACC Manager Recruitment: Bob Murray & Associates was hired to conduct the recruitment of an Animal Care Center Manager. To lead off the firm's effort, a forum was held with staff and prospective candidates. The recruitment flyer will be published shortly. An "upcoming opportunity notice" has also been posted on the recruiter's web site at *bobmurrayassoc.com*. Notice of this opportunity will also be sent to all of the major animal care groups.
- Shelter Strategies: A report from the City's consultant, JVR, is expected mid-March and will include operational recommendations and initial statistical analysis of shelter operations. Included in the report will be recommendations for enhancing the volunteer program and for how the City can optimally use animal care center space.
- Euthanasia: The shelter is still operating under the publicly adopted moratorium. Future policy recommendations will be brought to the City Council when the report is received from JVR and following consideration by the City Council subcommittee.
- Dog Walking: Dogs are being walked in the morning with a 15-hour window from evening walks on the prior day.
- Third Chance Program: Since Monday, February 23, 24 dogs and 16 cats were received as part of the Third Chance Program, with 15 dogs and five cats adopted and eight (mostly kittens) in foster care due to their young ages.
- Volunteer Numbers: In January, there were 166 active volunteers helping at IACC. "Active volunteers" are those individuals that volunteered no fewer than five hours during the subject reporting month and are part of the overall database of approximately 400 volunteers. An orientation for potential new volunteers was held on March 7 at the Center, with approximately 70 people in attendance. The recommendations provided by JVR, the City's consultant, in its upcoming report will help shape the volunteer program to better meet the needs of the animals.
- Donation Review: A review of the City's practices associated with receipt and expenditures of donations confirmed that donations were used in accordance with applicable stated directive(s). This information was presented to the City Council Subcommittee and Irvine Pet Partners.

- **Communications:** To enhance communication about the Center to staff and volunteers, the Interim Manager has been sending weekly emails to provide updates on Center activities. Another public forum will be held to discuss JVR's findings and operations improvements and changes that will be based on the report. This will be held after the subcommittee and City Council have been advised of the report's contents.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Choi made the following announcements:

- The City, in partnership with the Irvine 2/11 Marine Adoption Committee, is collecting personal items for welcome home packages for Irvine's adopted 2/11 Marines through Friday, May 29. Collection bins are located at the Civic Center and Police Department, or the Great Park Visitor Center. For information, call 949-588-8014 or visit *irvine211marines.org*.
- As part of the Irvine Police Department's commitment to a safe community, the Department produces the "Got-a-Minute" video series. These short videos provide information on timely topics, such as school zone safety, home safety tips, phone scams and more. To view the videos, visit the Police Department's Facebook page at *facebook.com/IrvinePD* or at *youtube.com/irvinepolice*.

ADDITIONS AND DELETIONS

Mayor Choi requested that Public Hearing Item No. 4.1 (General Plan and Municipal Code Amendment to Update Population Generation Factors) be continued. See Item No. 4.1.

2. CONSENT CALENDAR

ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried by those members present (Councilmember Schott absent) to approve Consent Calendar Item Nos. 3.1 through 3.11, with the exception of Item No. 3.2, which was removed for separate discussion by members of the public. Councilmember Krom abstained on Item No. 3.4.

3.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on February 24, 2015.

3.2 PROCLAMATIONS

This item was removed at the request of Irvine residents Shiva Farivar and Michael Cheghini, who expressed their appreciation to the City Council for its continued support of "Nowruz – Persian New Year," and invited members of the community to the Nowruz Festival on March 22.

Councilmember Krom expressed her support of "Nowruz – Persian New Year," and suggested that consideration be given as part of the City's Banner Program next year to recognize diversity in the City of Irvine.

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

- 1) Proclaim March 2 - 8, 2015 as "Multiple Sclerosis Awareness Week."
- 2) Proclaim March 13, 2015 as the "51st Annual Mayors' Prayer Breakfast."
- 3) Proclaim March 20, 2015 as commencement of "Nowruz - Persian New Year."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 15-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION:

Adopted RESOLUTION NO. 15-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS OF AT&T AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

Councilmember Krom abstained.

3.5 TREASURER'S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2014

ACTION:

Received and filed the Treasurer's Report for the quarter ended December 31, 2014.

3.6 TRANSFER OF PROPERTY, GROUND LEASE AND DEVELOPMENT LOCATED AT 17275 DERIAN TO IRVINE COMMUNITY LAND TRUST

ACTION:

Adopted RESOLUTION NO. 15-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE TRANSFER OF PROPERTY, GROUND LEASE AND DEVELOPMENT LOCATED AT 17275 DERIAN TO THE IRVINE COMMUNITY LAND TRUST

3.7 HERITAGE PARK PARKING LOT REHABILITATION

ACTION:

- 1) Approved the plans, specifications and contract documents for the Heritage Park Parking Lot Rehabilitation Capital Improvement Project (CIP) 361504, 361405, 361301 and 381401.
- 2) Approved the Engineer's Estimate, Construction Contingency and Funding Summary.
- 3) Authorized staff to solicit competitive bids and award the construction contract to the lowest responsive bidder in accordance with the City's financial policies and purchasing procedures.

3.8 STREET REHABILITATION AND SLURRY SEAL PROJECT

ACTION:

- 1) Approved specifications and contract documents for the Street Rehabilitation and Slurry Seal Capital Improvement Project (CIP) 311505, 341503 and 361503.
- 2) Approved the Engineer's Estimate, Construction Contingency and Funding Summary.
- 3) Authorized the City Manager to execute the Reimbursement Agreement with Irvine Ranch Water District for installation and adjustment of water district facilities within the project limits.
- 4) Authorized staff to solicit competitive bids and award the construction contract to the lowest responsive bidder in accordance with the City's financial policies and purchasing procedures.

3.9 NOTICE OF REVIEW AND PENDING APPROVAL FOR TRACT MAPS IN HIDDEN CANYON AND CYPRESS VILLAGE

ACTION:

Received and filed.

3.10 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Mayor Choi's request for Community Partnership Fund Grant nominations to the Orange County Korean Cultural Center in the amount of \$1,000 in support of the 6th Annual Irvine Korean Cultural Festival, and Susan G. Komen Orange County in the amount of \$500 in support of venue costs associated with the Pink Tie Ball at the Orange County Great Park.
- 2) Approved Councilmember Krom's request for Community Partnership Fund Grant nomination to Susan G. Komen Orange County in the amount of \$500 in support of the Pink Tie Ball.
- 3) Approved Councilmember Shea's request for Community Partnership Fund Grant nominations to Alderwood Elementary School PTA in the amount of \$250 and Rainbow Rising in the amount of \$250 in support of program costs.
- 4) Authorized the City Manager to prepare and sign funding agreements for each organization listed in Actions 1 - 3.

3.11 APPOINTMENT TO THE BOARD OF DIRECTORS OF THE IRVINE BARCLAY THEATRE OPERATING COMPANY

ACTION:

Appointed Sean Joyce, City Manager, to the Irvine Barclay Theatre Operating Company Board of Directors.

4. PUBLIC HEARINGS

4.1 GENERAL PLAN AND MUNICIPAL CODE AMENDMENT TO UPDATE POPULATION GENERATION FACTORS

Mayor Choi recommended that this item be continued for 30 days.

Mayor Choi opened the public hearing at 5:42 p.m. There were no requests to speak on the item.

ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried by those members present (Councilmember Schott absent, Councilmember Krom absent for vote) to:

Continue the public hearing to the April 14, 2014 City Council meeting.

4.2 APPROVAL OF THE STRATEGIC PLAN COMPONENT OF THE FIVE-YEAR CONSOLIDATED PLAN FOR ENTITLEMENT GRANT PROGRAMS

Mark Asturias, Manager of Housing, presented the staff report and responded to questions.

City Council discussion included: adding a subcategory for veterans housing under Priorities 1 and 3 as referenced in pages 5 and 7 of the 2015-19 Strategic Plan.

Manager of Housing Asturias noted that veterans were also reflected in Priority 5 on page 11 of the 2015-19 Strategic Plan.

Mayor Choi opened the public hearing at 5:51 p.m. There were no requests to speak on the item.

ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried by those members present (Councilmember Schott absent) to close the public hearing at 5:52p.m.

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

Approve the Strategic Plan component of the Five-Year Consolidated Plan.

As amended to include veterans to Priority Needs Tables 1 and 3 of the 2015-19 Strategic Plan.

5. COUNCIL BUSINESS

5.1 CONSIDERATION OF THE ELIMINATION OF BUSINESS LICENSE PROGRAM AND TAX

Mayor Pro Tempore Lalloway read his memo dated March 3, 2015 into the record proposing the elimination of the Business License Program and tax. He also acknowledged letters of support received from the Irvine Chamber of Commerce, and Orange County Supervisors Todd Spitzer and Michelle Steele.

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

Direct the City Manager to take the necessary steps to eliminate the Business License Program, and report back to the City Council within a reasonable time.

City Council discussion included: revenue associated with the tax and cost to administer the Business License Program; current business license process; potential public safety concerns if a database of City businesses is not maintained; noted that the business license database was helpful in the regulation of marijuana dispensaries; business license data provided to the Chamber of Commerce; Hotel Improvement District revenue; Chamber of Commerce membership application fees; comparison of business license and occupancy taxes with neighboring cities; other business-friendly initiatives in the City of Irvine; past restructuring of business license fees from a tiered to flat-rate system; noted alternatives and other resources available for obtaining data on businesses within the City for public safety purposes; protecting personal information on businesses from public disclosure and whether the Public Records Act required such disclosure; maintaining the online registration process while reducing or eliminating the filing fee; waiver of current fee for businesses generating less than \$4,000 in revenue per year; clarification that Hotel Improvement District fees impact hotel guests as opposed to residents; differential between the revenue raised and the cost to administer the Business License Program; rules of decorum with respect to the number of allowable substitute motions; current fees as reasonable; reduction of fee would be symbolic; elimination of the fee would be beneficial to Mom and Pop businesses in the community; business privacy should be a priority; creating a list that would not be available to the public; value of the database to Public Safety; and compromise relative to how much information is on the City's website.

Councilmember Shea questioned the Director of Public Safety / Chief of Police and requested an analysis on potential impacts on public safety if the Business License program was eliminated.

City Manager Joyce noted that the City Attorney analyzed any potential implications should the City Council choose to reduce or eliminate the Business License Program, and an action would be necessary to direct staff to return at a future meeting with the necessary documents to amend the Municipal Code.

City Attorney Litfin further clarified that a reduction or elimination of the Business License Program would be required to go through the ordinance process reflective of the direction provided by the City Council. He also confirmed with the Fair Political Practices Commission (FPPC) that no conflict of interest existed amongst Councilmembers as any reduction or

elimination of the business license tax would be beneficial to the greater community.

ACTION: A substitute motion was moved by Mayor Choi, seconded by Councilmember Krom, to:

Reduce the Business License fee to \$41, continue administration of the current program, and explore opportunities to protect private information from public disclosure.

Additional discussion included: returning with questions presented at the dais; proposals for the City Council review to address database privacy concerns; and how the City can meet the interest in a way that would acknowledge various perspectives.

Following further discussion, Mayor Choi withdrew his substitute motion.

ACTION: A substitute motion was made by Councilmember Krom, seconded by Mayor Choi, to:

Continue the item for 30 to 60 days allowing staff to gather the information which would allow the City Council to make an informed decision on business license policy.

The motion carried as follows*:

AYES: 3 COUNCILMEMBERS: Krom, Shea and Choi

NOES: 1 COUNCILMEMBERS: Lalloway

ABSENT: 1 COUNCILMEMBERS: Schott

* The substitute motion carried and takes precedence over the main motion; therefore, a vote was not taken on the main motion.

Mayor Pro Tempore Lalloway left the meeting at 6:57 p.m. and was not present for Public Comments.

PUBLIC COMMENTS

Michael Klubnikin, Irvine resident, spoke on behalf of his friend, Ilya Tseglin, who continues to seek legal assistance for a domestic issue related to his autistic son.

Ilya Tseglin, Irvine resident, reiterated a domestic issue concerning his autistic son and continued legal issues.

Jane Olinger, Irvine resident, spoke about past comments made by Irvine resident Thomas Pang about his opposition to a Veterans Cemetery adjacent to the Orange County Great Park.

Steve Greenberg, Irvine resident, spoke in support of compelling the deposition of former Councilmember Larry Agran to the Orange County Superior Court for further proceedings, and expressed his opposition to the City reimbursing Mr. Agran for legal fees incurred.

Steve Gao, Irvine resident, expressed his opposition to a Veterans Cemetery adjacent to the Orange County Great Park.

ADJOURNMENT

Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried by those members present (Councilmember Schott and Mayor Pro Tempore Lalloway absent) to adjourn the meeting in memory of Lee Brooks, Executive Assistant to Irvine Unified School District Superintendent Terry Walker, at 7:12 p.m.


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

March 24, 2015