



MINUTES

CITY COUNCIL REGULAR MEETING

February 27, 2018
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 4:05 p.m. on February 27, 2018 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Wagner presiding.

ROLL CALL

Present:	Councilmember:	Melissa Fox
	Councilmember:	Jeffrey Lalloway
	Councilmember:	Lynn Schott
	Mayor Pro Tempore:	Christina Shea
	Mayor:	Donald P. Wagner

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Schott invited residents to attend the upcoming events at the Irvine Barclay Theater, which included “*jAy!*” with Flamingo superstar Eva Yerbabuena, on March 3 and 4; and thanked Dr. Francisco and Hana Ayala for sponsoring the yearly event. On March 10, 8:00 p.m., the *Arturo Sandoval Sextet* starring 10-time Grammy Award winner, internationally acclaimed jazz trumpeter pianist and composer Arturo Sandoval, will be performing; and on April 14 at 8:00 p.m., the Irvine Barclay Theater welcomes the *Branford Marsalis Quartet* starting renowned Grammy Award winner and Tony Award nominee Branford Marsalis. For more information visit thebarclay.org. In

closing, Councilmember Schott noted that due to a health issue, she may need to end her Council term early but would continue to keep the long-term interests of Irvine residents at heart and continue to work with her colleagues.

Mayor Pro Tempore Shea noted last Friday marked the second anniversary of the adoption of the City's organic landscaping policy. The City has become the gold standard for safe landscaping practices and residents have become more aware of issues associated with non-organic pesticides. Cities and school districts that have followed the City's lead include San Juan Capistrano, Burbank, Tustin and Carlsbad, as well as the University of California, Davis. Recently a Sacramento Superior Court Judge issued an injunction against the State Department of Food and Agricultural for indiscriminately using 79 pesticides. Staff is available to assist for those who are interested in adopting an organic first non-toxic landscaping policy.

Mayor Wagner noted his attendance at the U.S. Conference of Mayors in Washington D.C. and travel to the United Kingdom to meet with life science and technology companies interested in expanding to Southern California; and made the following announcements:

- The Irvine Unified School District received two prestigious design and construction awards for Portal High School. The high school was honored with the "Best of the Best K-12" Education Award in California, and in the nation, by Engineering News-Record. The school was also recognized for its adaptive open spaces, collaboration zones, science and innovation labs, Living Green roof, performing arts building, and energy efficient design, among other features.
- The community is invited to attend an opening reception for the Great Park Gallery's newest exhibition, "Golden Parks: Huell Howser," on Sunday, March 4, from 1 to 3 p.m. Tour the State of California through the exhibition, which highlights the Golden Parks that late TV legend Huell Howser documented throughout his career. The exhibit emphasizes the importance of their role in cultivating healthy communities. The exhibit runs through May 13. Exhibit, opening, and parking are free. For more information visit ocgp.org.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

1. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore Shea, seconded by Councilmember Fox, and unanimously carried to approve Consent Calendar Item Nos. 1.1 through 1.5, with the exception of Item Nos. 1.4 and 1.5, which were removed for separate discussion.

1.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council and regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency held on February 13, 2018.

1.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 18-18 - 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

1.3 BOUNDARY MODIFICATION AND PROPERTY EXCHANGE BETWEEN HERITAGE FIELDS AND THE CITY OF IRVINE AT THE ORANGE COUNTY GREAT PARK

ACTION:

- 1) Approved and authorize the Mayor to execute a Letter with Heritage Fields El Toro, LLC for a boundary modification to the Orange County Great Park Improvement Area along the western edge of the Agua Chinon regional drainage facility. **(Contract No. 10086)**
- 2) Approved and authorize the Mayor to execute a Letter Agreement and implementing documents between the City and Heritage Fields El Toro, LLC for a land exchange at the Orange County Great Park involving several parcels along the eastern edge of the Agua Chinon regional drainage facility. **(Contract No. 10087)**

1.4 SECOND READING AND ADOPTION OF ORDINANCE NOS. 18-01 AND 18-02 APPROVING A CITYWIDE ZONE CHANGE TO AMEND APPLICABLE SECTIONS OF ZONING ORDINANCE SECTION 3-39 “CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, DELIVERIES, AND CULTIVATION PROHIBITED” TO ALLOW CANNABIS TESTING LABORATORIES (00728989-PZC)

This item was removed for separate discussion at the request of Councilmember Schott, who noted her opposition to the ordinance as it did not provided a buffer zone from religious facilities.

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

ACTION:

- 1) Read by title only, second reading and adoption of ORDINANCE NO. 18-01 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTER 3-39 OF THE IRVINE ZONING CODE (ENTITLED CANNABIS RELATED USES, COMMERCIAL CANNABIS ACTIVITIES, DELIVERIES, AND CULTIVATION PROHIBITED) AND OTHER RELATED ZONING CODE SECTIONS TO ALLOW CANNABIS TESTING LABORATORIES IN CERTAIN ZONING DISTRICTS (SECTIONS 1-2-1, 3-3-1, 3-37-29, 3-37-33, AND 3-37-34)
- 2) Read by title only, second reading and adoption of ORDINANCE NO. 18-02 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING DIVISION 22 TO TITLE 4 OF THE IRVINE MUNICIPAL CODE PERMITTING CANNABIS TESTING LABORATORIES CONSISTENT WITH THIS DIVISION AND THE CITY’S ZONING CODE

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Fox, Lalloway, Shea and Wagner

NOES: 1 COUNCILMEMBERS: Schott

ABSENT: 0 COUNCILMEMBERS: None

1.5 SECOND READING AND ADOPTION OF ORDINANCE NO. 18-03 APPROVING ZONE CHANGE (00672334-PZC) TO TEMPORARILY SUSPEND CERTAIN PROVISIONS IN DIVISION 7, SIGNS, OF THE ZONING ORDINANCE RELATED TO OFF-PREMISES ADVERTISING ON THE IRVINE AUTO CENTER’S ELECTRONIC FREEWAY SIGN AND ESTABLISHING A PILOT PROGRAM TO ALLOW LIMITED OFF-PREMISES ADVERTISING ON THE IRVINE AUTO CENTER’S ELECTRONIC FREEWAY SIGN, SUBJECT TO APPROVAL OF A TEMPORARY SIGN PERMIT; FILED BY THE AUTO CENTER COMMUNITY ASSOCIATION

This item was removed for separate discussion at the request of Councilmember Schott, who requested her vote be recorded as a “no” vote.

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

Read by title only, second reading and adoption of ORDINANCE NO. 18-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE (00672334-PZC) TO TEMPORARILY SUSPEND CERTAIN PROVISIONS IN DIVISION 7, SIGNS, OF THE ZONING ORDINANCE RELATED TO OFF-PREMISES ADVERTISING ON THE IRVINE AUTO CENTER’S ELECTRONIC FREEWAY SIGN AND ESTABLISHING A PILOT PROGRAM TO ALLOW LIMITED OFF-PREMISES ADVERTISING ON THE IRVINE AUTO CENTER’S ELECTRONIC FREEWAY SIGN, SUBJECT TO APPROVAL OF A TEMPORARY SIGN PERMIT; FILED BY THE AUTO CENTER COMMUNITY ASSOCIATION

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Fox, Shea and Wagner

NOES: 2 COUNCILMEMBERS: Lalloway and Schott

ABSENT: 0 COUNCILMEMBERS: None

2. COUNCIL BUSINESS

2.1 CONSIDERATION OF MAYOR WAGNER'S REQUEST FOR PROPOSED CITY CHARTER AND GENERAL PLAN AMENDMENTS

This item was agendaized at the request of Mayor Wagner, who asked for City Council support of two additional measures to be placed on the June 5, 2018 ballot related to general or special taxes, as well as development projects that provide the City with specified fiscal benefits.

The following spoke in favor of the two proposed initiatives:

Carolyn Caveche
Carrie O'Malley, Irvine Taxpayers Association Chair
Bryan Starr, Greater Irvine Chamber President/Chair
Victor Cao, Irvine Taxpayers Association
Anthony Kuo, resident

The following spoke in opposition to the second proposed initiative:

David Carlson, resident
Karen Jaffe, Irvine for Responsible Growth
Judith Gass, resident
Norma Hardgrour, resident

City Council discussion included: expressing support for both measures; indicated that placing the measures on the ballot allows residents to decide the City's needs; emphasized the importance for residents to be informed; noted the need to allow for the flexibility to vote in the majority; expressed concern with timing of measures; noted the addition of the measure impeded the right of the current slow growth initiative efforts; stressed the appropriateness of adding the measures to the June election; noted allowing for development was crucial to the City's fiscal stability; and stated outcome of the measures will demonstrate the will of the people.

Further Council discussion included: addressing procedural clean up; clarifying the ballot questions; authorization of rebuttal arguments for the measures; and reiterated the need to allow for rebuttal arguments.

Jeff Melching, City Attorney, provided direct and rebuttal argument timelines; and clarified the two-thirds ballot label.

1) **ACTION: Moved by Mayor Wagner, seconded by Mayor Pro Tempore Shea, to:**

- a) Adopt Resolution No. 18-19 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE REQUIRING A 2/3 VOTE OF THE CITY COUNCIL TO PROPOSE TAXES, AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2018, AS CALLED BY RESOLUTION NO. 18-12 **AS AMENDED to revise the ballot label as follows:**

MEASURE ____	
REQUIRE 2/3 VOTE OF THE CITY COUNCIL TO PROPOSE TAXES. Shall Section XXX the measure amending be added to the Irvine City Charter to require at least a two-thirds vote of the total City Council membership in order to place City Council sponsored general or special tax proposals on a ballot for voter consideration, be adopted?	Yes
	No

- b) Adopt Resolution No. 18-20 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A PROPOSED AMENDMENT TO THE CITY CHARTER TO THE ELECTORS OF SAID CITY AT SAID ELECTION (MEASURE NO. ____ – REQUIRE 2/3 VOTE OF THE CITY COUNCIL TO PROPOSE TAXES); AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 5, 2018 **AS AMENDED to revise the ballot label as follows:**

MEASURE ____	
REQUIRE 2/3 VOTE OF THE CITY COUNCIL TO PROPOSE TAXES. Shall Section XXX the measure amending be added to the Irvine City Charter to require at least a two-thirds vote of the total City Council membership in order to place City Council sponsored general or special tax proposals on a ballot for voter consideration, be adopted?	Yes
	No

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Schott, Shea and Wagner

NOES: 2 COUNCILMEMBERS: Fox and Lalloway

ABSENT: 0 COUNCILMEMBERS: None

2) **ACTION: Moved by Mayor Wagner, seconded by Mayor Pro Tempore Shea, to:**

- a) Adopt Resolution No. 18-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO THE PROHIBITION OF THE IMPOSITION OF ADDITIONAL APPROVAL REQUIREMENTS ON FISCALLY BENEFICIAL PROJECTS, AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2018, AS CALLED BY RESOLUTION NO. 18-12 AS **AS AMENDED** to revise the ballot label as follows:

MEASURE__	
<p>PROHIBIT DELAY OF IMPORTANT REVENUES ON FISCALLY BENEFICIAL PROJECTS. Shall Section 1009 be added to the Irvine City Charter which benefits Irvine’s general fund and local taxpayers by requiring to require that no City procedures or requirements shall delay the important revenues streams to the City and its taxpayers from development projects which deemed to provide a fiscal benefit to the City Irvine citizens be adopted?</p>	Yes
	No

- b) Adopt Resolution No. 18-22 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A PROPOSED AMENDMENT TO THE CITY CHARTER TO THE ELECTORS OF SAID CITY AT SAID ELECTION (MEASURE NO. ___ - PROHIBITING THE IMPOSITION OF ADDITIONAL APPROVAL REQUIREMENTS ON FISCALLY BENEFICIAL PROJECTS); AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 5, 2018 **AS AMENDED to revise the ballot label as follows:**

MEASURE__	
PROHIBIT DELAY OF IMPORTANT REVENUES ON FISCALLY BENEFICIAL PROJECTS. Shall Section 1009 be added to the Irvine City Charter which benefits Irvine’s general fund and local taxpayers by requiring to require that no City procedures or requirements shall delay the important revenues streams to the City and its taxpayers from development projects which deemed to provide a fiscal benefit to the City Irvine citizens be adopted?	Yes
	No

- c) Adopt Resolution No. 18-23* - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR THE INITIATIVE MEASURES PRESENTED TO THE VOTERS AT THE JUNE 5, 2018 SPECIAL MUNICIPAL ELECTION

*Authorization for rebuttal arguments are applicable to all submitted ballot measures.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Schott, Shea and Wagner
 NOES: 2 COUNCILMEMBERS: Fox and Lalloway
 ABSENT: 0 COUNCILMEMBERS: None

PUBLIC COMMENT

Andrew O'Connor noted his concern over the hiring of a former Lake Forest Mayor.

Susan Sayre, Irvine resident, noted concerns with lack of affordable housing, overcrowded schools and traffic issues; expressed frustration with lack of communication opportunities with the City Council; and noted tonight's action impeded the democratic right to place the slow growth initiative on the ballot.

Brigitte noted recent actions taken by the Orange County court system and spoke in support of her friend, Ilya Tseglin.

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

Mayor Wagner recessed the meeting to a reception in the Main Lobby at 5:17 p.m.

RECONVENE - 6 P.M.

Mayor Wagner reconvened the meeting at 6:10 p.m.

PLEDGE OF ALLEGIANCE – IRVINE POLICE COLOR GUARD

Mayor Wagner asked Police Chief Hamel to introduce the Irvine Police Color Guard and lead the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Wagner requested a moment of silence in memory of those who died in the recent shooting at Marjory Stoneman Douglas High School in Parkland, Florida and for the parents and for those who were wounded.

INVOCATION

Mayor Wagner invited Rabbi Richard Steinberg from Congregation Shir Ha-Ma'alot in Irvine to provide the invocation.

MUSICAL PRESENTATION

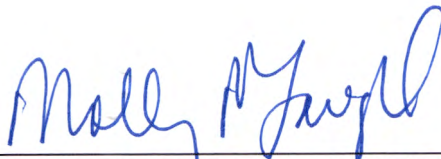
Mayor Wagner introduced Nina Perez, Assistant Music Director from St. Thomas More Catholic Parish, who performed the National Anthem; and members of the Pacific Symphony Youth String Quartet, who performed "Libertango" followed by "All American Medley".

STATE OF THE CITY ADDRESS


Mayor Wagner presented the State of the City Address.

ADJOURNMENT

By consensus, the meeting was adjourned at 7:02 p.m.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

March 13, 2018