



## MINUTES

### CITY COUNCIL REGULAR MEETING

Steven Choi  
Mayor

Lynn Schott  
Mayor Pro Tempore

Beth Krom  
Councilmember

Jeffrey Lalloway  
Councilmember

Christina Shea  
Councilmember

June 28, 2016  
4:00 PM

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 4:39 p.m. on June 28, 2016 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

#### ROLL CALL

Present:	5	Councilmember:	Beth Krom
		Councilmember:	Jeffrey Lalloway
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Lynn Schott
		Mayor:	Steven Choi

#### 1. CLOSED SESSION

- 1.1 *Discussion regarding response to confidential final draft audit report from the Bureau of State Audits, pursuant to California Government Code Section 54956.75*

Mayor Choi announced that discussion regarding Closed Session Item No. 1.1 was no longer necessary, and therefore, the City Council would not be convening to Closed Session.

## **RECESS**

Mayor Choi recessed the City Council meeting at 4:40 p.m.

## **RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Choi reconvened the regular City Council meeting at 5:06 p.m. and noted that Councilmember Lalloway left the meeting due to a personal matter.

## **PLEDGE OF ALLEGIANCE**

Mayor Choi led the Pledge of Allegiance.

## **INVOCATION**

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

## **MUSICAL PRESENTATION**

Mayor Choi introduced Catherine Song, who performed "God Bless America" followed by "Fly Me to the Moon."

## **CITY MANAGER'S REPORT**

City Manager Joyce announced that the City's ICTV Channel 30 Team won three awards from a nonprofit organization that serves the cable franchises of local governments and regional authorities, which included team's two first place awards for its "Solar Decathlon Minute" and the ICTV website; and its second place award for its documentary defining the U.S. Department of Energy's Solar Decathlon competition. He also provided an update on the Southern California Veterans Cemetery adjacent to the Orange County Great Park.

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

Mayor Pro Tempore Schott expressed her appreciation to Police Chief Hamel, Deputy Police Chief Engan, and staff from the Irvine Police Department for their assistance with the traffic safety workshop at the Orange County Chinese Cultural Association; and made the following announcements:

- The exhibit "Found" by artist Debbie Carlson runs through August 20 at the Irvine Fine Arts Center.

- Residents are reminded to remain vigilant against mosquitos and mosquito bites by conducting routine property inspections for any standing water.

Councilmember Shea noted that the Orange County Registrar of Voters had certified the June Primary Election results; and congratulated Mayor Choi on moving forward to the November General Election as a candidate for the California State Assembly.

Mayor Choi provided a brief report on his recent trip to Indianapolis, Indiana for the 84<sup>th</sup> Annual U.S. Conference of Mayors; and made the following announcements:

- The Irvine Police Association is hosting its 32<sup>nd</sup> Annual “Concert on the Green and Fireworks Festival” on July 4 at Irvine High School. Gates open at 3 p.m. with the fireworks show at 9 p.m. For presale tickets, call 949-724-0488. Discount family tickets are available until July 1, with single tickets available at the gate.
- The Sizzlin’ Summer Concerts return to Mike Ward Community Park – Woodbridge with a series of six free family friendly concerts. The first concert, featuring country music by Gold Rush Country, will be held on Sunday, July 10 at 5:30 p.m. For information and the full concert series schedule, visit [cityofirvine.org](http://cityofirvine.org).
- The deadline for the City’s 45<sup>th</sup> Anniversary Photo Contest is Friday, July 1. A Grand Prize winner and winners in five categories will be revealed in the fall issue of *Inside Irvine* magazine. The Grand Prize winner will receive a \$250 gift card to the Irvine Spectrum Center. For information or to enter, visit [cityofirvine.org](http://cityofirvine.org).

## ADDITIONS AND DELETIONS

Closed Session Item No. 1.1 was removed from the agenda as previously noted.

## 2. CONSENT CALENDAR

**ACTION:** Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried by those members present (Councilmember Lalloway absent) to approve Consent Calendar Item Nos. 2.1 through 2.11, with the exception of Item Nos. 2.8 and 2.10, which were removed for separate discussion. Councilmember Krom abstained on Item No. 2.3.

### 2.1 MINUTES

**ACTION:**

Approved the minutes of the regular meeting of the Irvine City Council held on June 14, 2016.

**2.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 16-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**2.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T**

**ACTION:**

Adopted RESOLUTION NO. 16-59 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS OF AT&T AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

Councilmember Krom abstained.

**2.4 TREASURER'S REPORT FOR THE QUARTER ENDED MARCH 31, 2016**

**ACTION:**

Received and filed the Treasurer's Report for the quarter ended March 31, 2016.

**2.5 MAIN AND JAMBOREE APARTMENTS DENSITY BONUS HOUSING AGREEMENT**

**ACTION:**

Adopted RESOLUTION NO. 16-60 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE DENSITY BONUS HOUSING AGREEMENT FOR MAIN AND JAMBOREE APARTMENTS; FILED BY SANDERSON J. RAY JAMBOREE APARTMENTS, LLC

**2.6 AFFORDABLE HOUSING LAND TRANSFER AGREEMENT BY AND BETWEEN THE CITY OF IRVINE AND THE IRVINE COMMUNITY LAND TRUST**

**ACTION:**

- 1) Approved the Affordable Housing Land Transfer Agreement by and between the City of Irvine and the Irvine Community Land Trust.
- 2) Authorized the City Manager and City Attorney to execute all documents necessary to implement the Affordable Housing Land Transfer Agreement.

**2.7 AWARD OF CONSULTANT CONTRACT FOR BUILDING AND SAFETY INSPECTION SERVICES**

**ACTION:**

Approved the award of a consultant services contract to Jason Addison Smith Consulting Services, Inc. DBA JAS Pacific in the amount not to exceed \$2,500,000 to provide building and safety inspection services, and authorize the Mayor to execute the contract.

**2.8 APPROVAL OF ASA HOSPITALITY, LLC (STRAWBERRY CAFÉ) LEASE ASSIGNMENT REQUEST FOR TENANT RETAIL SPACE AT THE IRVINE TRAIN STATION**

This item was removed for separate discussion at the request of Councilmember Krom, who asked for clarification of the terms of the lease assignment.

City Council discussion included: whether the new tenant would be assuming the existing lease; questioned if the current tenant was up-to-date and met all obligations of the lease; noted that the prior lease included zero rent for a period of time based on tenant improvements; whether the new operator had prior experience in restaurant operation and whether a background check was completed to ensure financial stability of the new operator; and if all provisions of the lease were applicable to the new operator.

Manuel Gomez, Director of Public Works, responded to questions related to lease terms.

**ACTION: Moved by Councilmember Krom, seconded by Councilmember Shea, and unanimously carried by those members present (Councilmember Lalloway absent) to:**

**ACTION:**

Approve and authorize the Mayor to execute an Assignment and Assumption of Lease agreement by and among Anis Eugene Aoun, an individual doing business as ASA Hospitality, LLC, Eunsook Kim, an individual doing business as Chun & Kim, Inc., and the City of Irvine.

**2.9 NOTICE OF PENDING APPROVAL FOR TRACT MAP NO. 17756 IN IRVINE BUSINESS COMPLEX**

**ACTION:**

Received and filed.

**2.10 CONSIDERATION OF A RESOLUTION AND POLICY REGARDING THE DISTRIBUTION OF WRITTEN LEGAL OPINIONS REQUESTED BY A MEMBER OF THE CITY COUNCIL**

This item was removed for separate discussion at the request of Councilmember Shea, who asked for clarification about whether all City Attorney written opinions provided to an individual Councilmember would automatically be forwarded to other Councilmembers; and whether the Councilmember requesting the opinion would be notified that the opinion was disseminated to others.

City Attorney Melching noted that all City Councilmembers would receive copies of written opinions requested by a Councilmember in a confidential envelope as part of the proposed policy.

**ACTION: Moved by Councilmember Schott, second by Councilmember Krom, to:**

- 1) Adopt RESOLUTION NO. 16-61 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING A POLICY REGARDING THE DISTRIBUTION OF WRITTEN LEGAL OPINIONS REQUESTED BY A MEMBER OF THE CITY COUNCIL
- 2) Adopt City Council Policy – Distribution of Written Legal Opinions from the City Attorney.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Krom, Schott and Choi

NOES: 1 COUNCILMEMBERS: Shea

ABSENT: 1 COUNCILMEMBER: Lalloway

**2.11 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

- 1) Approved Mayor Choi's request for Community Partnership Fund Grant nominations to the Irvine Swim League in the amount of \$500 to support Woodbury Waves; and US-Korea Law Foundation in the amount of \$1,000 in support of program costs.
- 2) Authorized the City Manager to prepare and sign the funding agreements listed in Action 1.

**3. PUBLIC HEARINGS**

**3.1 CONSIDERATION OF AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT COLLECTION AND RECYCLING, INC. DBA WASTE MANAGEMENT OF ORANGE COUNTY FOR SOLID WASTE HANDLING SERVICES TO RESIDENTIAL AND VILLAGE COMMERCIAL PREMISES**

Manuel Gomez, Director of Public Works, and Mike Byrne, Senior Management Analyst, presented the staff report and responded to questions.

Mayor Choi opened the public hearing at 5:54 p.m.

Ron Saldana, representing Los Angeles County Disposal Association, expressed his support for considering the exclusive and non-exclusive franchise agreements concurrently.

Chip Monaco, representing Waste Management of Orange County, spoke in support for approving the exclusive franchise agreement.

City Council discussion included: noting that waste disposal rates would decrease and be guaranteed as the lowest in Orange County throughout the duration of the agreement; expressed appreciation for the long-standing community partnership between the City and Waste Management and reiterated the advantage of having a long-term relationship; noted the overall importance of going out to bid; reiterated the addition of bulky item pick-up service for multi-family residences; questioned what recourse the City would have if goals and timelines were not met by Waste Management; inquired about the \$2.1 in profit sharing and whether these funds went back to residents in the form of a discount; questioned how organic recycling was being addressed and whether it was required by State law; suggested providing an annual update to the City Council and residents; questioned when the new agreement would take effect; whether the Los Angeles County Disposal Association was comfortable with the proposed exclusive franchise map; why rates varied from city to city; whether education funding was included in the proposed agreement and if residents were familiar with the new terms; suggested a "Did You Know" section in the *Inside Irvine* magazine to include information about the services provided by Waste Management; clarification of the "walk-out service" and how qualified residents would enroll; and inquired about discounts for seniors.

City Manager Joyce noted that an annual survey would be conducted to guarantee that rates would remain the lowest in Orange County per the terms of the proposed agreement.

**ACTION: Moved by Mayor Choi, seconded by Councilmember Shea, and unanimously carried by those members present (Councilmember Lalloway absent) to close the public hearing at 6:24 p.m.**

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

Introduce for first reading and read by title only ORDINANCE NO. 16-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, GRANTING A SOLID WASTE HANDLING FRANCHISE TO WASTE MANAGEMENT COLLECTION AND RECYCLING, INC. DBA WASTE MANAGEMENT OF ORANGE COUNTY, FOR THE PERIOD OF SEPTEMBER 1, 2016 THROUGH AUGUST 31, 2026

#### **4. COUNCIL BUSINESS**

##### **4.1 INTRODUCTION OF ORDINANCE DIRECTING THE AMENDMENTS, BY REFERENCE, TO THE CITY'S MUNICIPAL CODE AND ZONING ORDINANCE, PER SECTION 409 OF THE CITY CHARTER; FILED BY THE CITY CLERK**

Molly McLaughlin, City Clerk, presented the staff report and requested that the proposed amendments to Section 4-7-23 of the Municipal Code be removed to allow police services an opportunity for a more thorough review and analysis. Michelle Molko, Attorney, Rutan & Tucker, was also available for questions.

City Council discussion included: concern with limiting public comments at City Council meetings to less than three minutes; suggested limiting public testimony only for larger crowds or if the number of speakers was greater than ten; suggested providing the presiding officer with the flexibility to limit public testimony to no less than two minutes per speaker; whether limiting public comments on occasions when large crowds are present by a majority vote of the City Council was allowable; noted the code section where the number of animals per household were being further limited and if those with more would be grandfathered; questioned the administrative authority to reduce or waive fees and/or deposits for special events involving free speech or other expressive activities, including what standards would be used; whether the public could request a fee waiver for special events based on financial hardship and what information would be required to prove such hardship; whether a request to waive fees had ever been received by the City in the past; and questioned the interim urgency and extension process and what problem was being solved.

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

- 1) Approve the proposed Municipal Code and Zoning Ordinance amendments as reflected in the Policy/Legal Matrix **as amended** to revise the proposed text revisions to Section 1-2-313(B) (City Council Speaker Comment Time Limit) to limit the amount of reduction that the presiding officer could place on public speech to no less than two minutes; and remove the proposed text revisions to Section 4-7-213 (Use of Motorized Bicycles) of the Municipal Code.
- 2) Introduce for first reading, and read by title only ORDINANCE NO. 16-04 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00670867-PZC; AMENDING AND RECODIFYING, AND ADOPTING BY REFERENCE, THE GENERAL ORDINANCES OF THE CITY, ENTITLED “IRVINE MUNICIPAL CODE,” AND THE ZONING ORDINANCES OF THE CITY, ENTITLED “IRVINE ZONING ORDINANCE”; REPEALING CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS AND MODIFICATIONS; AND PROVIDING FOR A PENALTY FOR VIOLATIONS OF THE MUNICIPAL CODE AND ZONING ORDINANCES
- 3) Direct the City Clerk to schedule a Public Hearing on July 12, 2016, for the Second Reading of the Recodification Ordinance.

City Attorney Melching clarified that the proposed text revisions related to Section 1-2-313(B) (City Council Speaker Comment Time Limit) would read as follows if the motion was adopted:

*“The presiding officer may, at his or her discretion, decrease the public comment time provided in this subsection, but in no event shall speaker time be reduced to less than two minutes.”*

**ACTION:** A substitute motion was made by Mayor Pro Tempore Schott to bifurcate Section 1-2-313(B) (City Council Speaker Comment Time Limit) in Action Item No. 1 for a separate vote as follows:

- 1) Remove proposed text revisions to Section 1-2-313(B) (City Council Speaker Comment Time Limit) of the Municipal Code.

Following discussion, Councilmember Krom agreed to amend her motion to incorporate the changes proposed by Mayor Pro Tempore Schott in her substitute motion.

**ACTION:** An amendment to the main motion was moved by Councilmember Krom, and accepted by Councilmember Shea as the seconder, to:

- 1) Approve the proposed Municipal Code and Zoning Ordinance amendments as reflected in the Policy/Legal Matrix **as amended** to remove the proposed text revisions to Section 1-2-313(B) (City Council Speaker Comment Time Limit) and Section 4-7-213 (Use of Motorized Bicycles) of the Municipal Code.
- 2) Introduce for first reading, and read by title only ORDINANCE NO. 16-04 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00670867-PZC; AMENDING AND RECODIFYING, AND ADOPTING BY REFERENCE, THE GENERAL ORDINANCES OF THE CITY, ENTITLED “IRVINE MUNICIPAL CODE,” AND THE ZONING ORDINANCES OF THE CITY, ENTITLED “IRVINE ZONING ORDINANCE”; REPEALING CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS AND MODIFICATIONS; AND PROVIDING FOR A PENALTY FOR VIOLATIONS OF THE MUNICIPAL CODE AND ZONING ORDINANCES
- 3) Direct the City Clerk to schedule a Public Hearing on July 12, 2016, for the Second Reading of the Recodification Ordinance.

**ACTION:** A substitute motion was made by Mayor Choi, seconded by Councilmember Shea, to bifurcate proposed text revisions related to Section 1-2-313(B) (City Council Speaker Comment Time Limit) for a separate vote to read as follows:

- 1) Revise the proposed text revisions to Section 1-2-313(B) (City Council Speaker Comment Time Limit) to read as follows:

“The presiding officer may, at his or her discretion, increase or decrease the public comment time within 2 to 3 minutes.”

The motion failed as follows:

AYES: 1 COUNCILMEMBER: Choi

NOES: 3 COUNCILMEMBERS: Krom, Schott, and Shea

ABSENT: 1 COUNCILMEMBER: Lalloway

**ACTION:** The amended motion was moved by Councilmember Krom, and accepted by Councilmember Shea as the seconder, and unanimously carried by those members present (Councilmember Lalloway absent) to:

- 1) Receive presentation and approve the proposed Municipal Code and Zoning Ordinance amendments as reflected in the Policy/Legal Matrix **as amended** to remove proposed text revisions to Section 1-2-313(B) (City Council Speaker Comment Time Limit) and Section 4-7-213 (Use of Motorized Bicycles) of the Municipal Code.
- 2) Introduce for first reading, and read by title only ORDINANCE NO. 16-04 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00670867-PZC; AMENDING AND RECODIFYING, AND ADOPTING BY REFERENCE, THE GENERAL ORDINANCES OF THE CITY, ENTITLED “IRVINE MUNICIPAL CODE,” AND THE ZONING ORDINANCES OF THE CITY, ENTITLED “IRVINE ZONING ORDINANCE”; REPEALING CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS AND MODIFICATIONS; AND PROVIDING FOR A PENALTY FOR VIOLATIONS OF THE MUNICIPAL CODE AND ZONING ORDINANCES

- 3) Direct the City Clerk to schedule a Public Hearing on July 12, 2016, for the Second Reading of the Recodification Ordinance.

Mayor Choi noted for the record that while he voted in favor of the motion, he remained in opposition to the removal of the proposed text revisions to Section 1-2-313(B) (City Council Speaker Comment Time Limit) of the Municipal Code.

#### **4.2 CITYWIDE TRAFFIC MANAGEMENT STUDY FINDINGS AND RECOMMENDATIONS**

Manuel Gomez, Director of Public Works, Chalap Sadam and David Roseman, representing Albert Grover and Associates, presented the staff report and responded to questions.

Courtney Santos, Irvine resident, expressed concern that increased traffic in the City was related to commuters and not development in the City.

City Council discussion included: questioning why roundabouts were not recommended as part of the traffic study; mitigating traffic concerns raised by residents; noted that Irvine has become a regular destination in Orange County; addressing traffic concerns at local schools and working with local school districts to minimize traffic impacts during peak hours; looking at traffic synchronization in a more comprehensive manner; questioned proposed locations for implementing flashing yellow arrows and expressed concern that motorists may struggle with this technology; utilizing *Inside Irvine* to educate members of the community on traffic improvements; inquired about the six priority intersections; noted recent meetings with members of the community regarding traffic in the City; questioned structural challenges and geographical constructs; noted the need for dynamic traffic management; benefits of slower-moving traffic within individual villages; ratio of Irvine's major arterials in comparison to other cities; acknowledged Irvine as a job center; reiterated that increasing and encouraging enhancements will not eliminate all traffic concerns; noted results of the recent traffic survey; expressed concern that signals using flashing arrows may increase red light violations; noted that existing infrastructure was not designed to accommodate today's traffic; reiterated that human behavior is a contributing factor to existing traffic issues; making traffic flow a high priority when considering development impacts; questioned proposed subsidy of surrounding toll roads and how it would be managed; utilizing school buses to relieve traffic at local schools; using carryover funds to implement traffic recommendations proposed in the study and being more aggressive in implementation; whether staff monitoring traffic in the City's traffic control center (I-TRAC) could facilitate adjustments during peak traffic times; questioned optical recognition of vehicles at signalized intersections; expressed concern that subsidizing

toll road fees would set a precedence; and suggested promoting the use of toll road transponders.

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

- 1) Direct staff to implement the following traffic study recommendations by no later than June 30, 2017:
  - a. Incorporate protected/permissive left-turn phasing at a minimum of 6 intersections to enhance signal timing and improve traffic flow, and monitor and report effectiveness.
  - b. Implement a citywide signal coordination agreement with Caltrans to improve signal timing and traffic progression at major roadway intersections traversing freeway ramp areas.
  - c. Accelerate planned pedestrian and bicycle detection system improvements.
  - d. Return within 180 days with agreements with the Orange County Transportation Authority (OCTA) necessary to implement two new iShuttle weekday commuter routes to be operated by OCTA as an extension of the existing iShuttle program.
- 2) Direct staff to develop a detailed action plan for funding and implementation of the remaining traffic study recommendations, including those listed as Near Term and Long Term strategies.
- 3) Direct staff to provide the City Council with quarterly updates on the status of implementation of the above recommendations and the status of the traffic study organizational recommendations already underway.

## **PUBLIC COMMENTS**

Michael Klubniken spoke in support of the Tseglin family with respect to a domestic issue related to an autistic family member.

Ilya Tseglin reiterated a domestic issue related to his autistic son.

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

**ADJOURNMENT**

**Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried by those members present (Councilmember Lalloway absent) to adjourn the meeting at 8:45 p.m.**

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

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

\_\_\_\_\_  
July 12, 2016