



Steven Choi  
Mayor

Jeffrey Lalloway  
Mayor Pro Tem

Beth Krom  
Councilmember

Lynn Schott  
Councilmember

Christina Shea  
Councilmember

## MINUTES

### CITY COUNCIL REGULAR MEETING

**April 28, 2015**

**4:00 PM**

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

#### CALL TO ORDER

The regular meeting of the Irvine City Council called to order at 4:05 p.m. on April 28, 2015 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:	Lynn Schott
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Jeffrey Lalloway
		Mayor:	Steven Choi

City Attorney Litfin announced the following Closed Session items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: *Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: six (6) potential cases.***
  
- 1.2 CONFERENCE WITH LABOR NEGOTIATORS *(Pursuant to Government Code Section 54957.6) Agency Negotiators: Ken Brown, Director of Administrative Services, Jan Walden, Manager of Human Resources; Jimmee Medina, Human Resources Administrator; Employee Organizations: Associated Supervisory/ Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); Irvine Professional Employees Association (IPEA); Irvine Police Association (IPA); and Irvine Police Management Association***

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

## **RECESS**

Mayor Choi convened the regular City Council meeting to Closed Session at 4:06 p.m.

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

Mayor Choi reconvened the regular City Council meeting at 5:46 p.m. City Manager Joyce, on behalf of the City Council, announced that there was no reportable action taken in Closed Session.

## **PLEDGE OF ALLEGIANCE**

Mayor Choi requested that Police Chief Maggard introduce the Irvine Police Honor Guard and lead the Pledge of Allegiance.

## **MOMENT OF SILENCE**

Mayor Choi requested a moment of silence for the citizens of Nepal and surrounding areas impacted by the recent major earthquake.

## **INVOCATION**

Mayor Choi invited Pastor Kyle Zimmerman from Mariners Church to provide the invocation.

## MUSICAL PRESENTATION

Mayor Choi introduced students from Karis Language Academy, who performed "God Bless America" followed by "Where are my Friends?" in Chinese.

## 2. PRESENTATIONS

### 2.1 *Young Masters Art Show "2015 Cover Artist"*

Mayor Choi introduced Susan Mehrstens and Mary Ann Breckenridge from the Assistance League of Irvine; and recognized Ashlyn Hoang, sixth grade student from Brywood Elementary, as "2015 Cover Artist" for her winning entry in the Young Masters Art Show.

### 2.2 *Proclaim May 10 - 16, 2015 as "National Police Week"*

Mayor Choi introduced Police Chief Maggard and members of the Irvine Police Honor Guard, and presented a proclamation recognizing May 10-16, 2015 as "National Police Week."

### 2.3 *U.S. Department of Energy Update - Solar Decathlon*

Mayor Choi introduced Richard King, Solar Decathlon Director, U.S. Department of Energy, and Cliff Wallace, Manager of Real Property and Great Park Site Administration, who provided an update on the upcoming Solar Decathlon. Mayor Choi also presented a brief video which highlighted preparations for the event.

Mary Thomas-Vallens, Irvine Unified School District, spoke in support of the City of Irvine hosting the Solar Decathlon on a permanent basis. She also read a statement of support into the record on behalf of Vicky Anthony, Irvine Unified School District.

Harvey Liss, Irvine resident, spoke in support of increasing marketing and outreach efforts in the promotion of the Solar Decathlon.

Dr. Geraldine McNenney, Jacklyn University, expressed her appreciation to the City Council for its support of "Team Orange."

Fred Smoller, Chapman University, suggested that a business/marketing plan be established based on anticipated attendance.

Sanjay Delal, Irvine resident, spoke in support of the upcoming Solar Decathlon 2015 event.

City Council discussion included: location of the Innovation Pavilion; various community partnership opportunities; and approximate release date of the Department of Energy's Request for Proposals for the Solar Decathlon 2017 event.

## **CITY MANAGER'S REPORT**

There was no report.

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

Councilmember Shea announced that on April 24, the City of Irvine, along with its partners, the Irvine Community Land Trust, County of Orange, Bank of America and the California Tax Credit Allocation Committee, received the "Development of the Year" award for Alegre Apartments. The award was presented at the Affordable Housing Awards Breakfast, cohosted by the Kennedy Commission, the Affordable Housing Clearinghouse, and the Orange County Community Housing Corporation.

Mayor Pro Tempore Lalloway made the following announcements:

- On Saturday, May 30 from 10 a.m. to 2 p.m., Mayor Pro Tempore Lalloway will be leading a bike ride along the newly opened section of the Jeffrey Open Space Trail as part of Orange County Transportation Authority's outreach to use bicycles, in which City of Irvine is a partner, and in an effort to promote "National Bike Month." Giveaways, bicycle safety tips and gourmet food trucks will be available. The bike ride begins at 11 a.m. at Cypress Community Park.
- On Thursday, May 7 at 7:30 a.m., Orange County Transportation Authority will be hosting its annual Bike Rally. Participants will meet at the Orange Metrolink Station and bike three miles through Old Town Orange, along the Santiago Creek Trail, and end at the Orange County Transportation Authority headquarters on Main Street. For information, visit [octa.net/bikemonth](http://octa.net/bikemonth).
- The annual "Ride of Silence" that pays tribute to bicyclists killed or injured while riding will be held on Wednesday, May 20 at 6:30 p.m. at the Irvine Civic Center. An "open microphone" begins at 6:30 p.m., with the ride beginning at 7 p.m. For information, visit [cityofirvine.org](http://cityofirvine.org).

Councilmember Krom made the following announcements:

- Farrah Kahn, Irvine resident and former Community Services Commissioner, will be honored with the "Diverse Community Leader Award" by the Orange County Human Relations Commission. Ms. Kahn is the founder of First Drops, a children's interfaith community service organization that teaches children to be compassionate and supportive of hate crime victims and to learn about and appreciate all faiths. She also

serves as the Executive Director of the Newport-Mesa-Irvine Interfaith Council and is a volunteer with the Irvine Global Village Festival.

- The Orange County Human Relations Commission will also present Irvine Police Officer Jenny Lindsey with its “Community Policing Award” which recognizes a department or officer that has tailored creative strategies to provide outstanding service to and build positive relationships with the community. The position of Mental Health Liaison Officer was created by the City of Irvine and Officer Lindsey was appointed. Her mission is to reach out to people in the community with mental health issues and to establish positive relationships to prevent future emergency calls requiring a patrol officer response.

Councilmember Schott made the following announcements:

- Congresswoman Mimi Walters is hosting a Congressional Art Competition, with artwork posted on her Facebook page. Interested members of the public have the opportunity to vote on their favorite pieces. The top three with the most “likes” will become finalists, with Congresswoman Walters choosing the top entry. The winner will be awarded a trip to Washington, D.C. and an opportunity to be recognized in the Nation’s Capitol along with winners from the other congressional districts. The winning pieces of art will be displayed in the Capitol for one year. The reception to announce the winner will be held at the Palm Court Arts Complex at the Orange County Great Park on Saturday, May 2 from 10:30 a.m. to noon.
- On April 18, Councilmember Schott had the opportunity to attend UCI for the unveiling of the first hydrogen fuel cell field bus in the University of California system.

Mayor Choi made the following announcements:

- The City of Irvine, in partnership with the Irvine 2/11 Marine Adoption Committee, is collecting personal items for welcome home packages for the City’s adopted 2/11 Marine Battalion returning home from deployment through Friday, May 29. Items donated will provide welcome home packages for single Marines, many of whom return home to empty barracks without the comfort of family. Donation bins are located at the Irvine Civic Center, Irvine Police Department and the Orange County Great Park Visitors Center. For information, call 949-724-6655 or email [smccauley@cityofirvine.org](mailto:smccauley@cityofirvine.org).

- The Irvine Fine Arts Center will present the annual High School Art Exhibition and countywide Imagination Celebration May 1-30. An opening reception will be held on Friday, May 1 from 4-6 p.m. The High School Art Exhibition is a multimedia show featuring art produced by students from Irvine high schools. Imagination Celebration, an annual partnership between the Irvine Fine Arts Center, Arts Orange County and Orange County Department of Education, features a collection of sculptural art created by artists ages 5-18. Admission, parking and opening reception are free to the public. For information, visit [irvinefinearts.org](http://irvinefinearts.org) or call 949-724-6880.
- The City is hosting a presentation for parents titled "Parents DO Make a Difference" on Thursday, April 30 from 6-9 p.m. at the Irvine Civic Center. Dr. Michele Borba, award-winning author of 22 parenting and educational books, including *Parents DO Make a Difference*, will present educational strategies. Register online at [irvinequickreg.org](http://irvinequickreg.org) or call 949-724-6610. Cost is \$15 per person for Irvine residents and \$20 per person for non-residents. For information, or to apply for payment assistance, call 949-724-6632.
- The Irvine Korean Cultural Festival will take place on Saturday, May 16 from 10 a.m. to 6 p.m. at the Civic Center. The festival celebrates Irvine's diverse cultural heritage, with activities for all ages. Admission and parking are free. For information: [irvinekoreanfestival.com](http://irvinekoreanfestival.com).

## ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

### 3. CONSENT CALENDAR

**ACTION:** Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.11, with the exception of Item Nos. 3.5 and 3.9, which were removed for separate discussion. Councilmember Krom abstained on Item No. 3.4. Prior to the approval of the Consent Calendar, Councilmember Schott noted a scrivener's error in the proposed minutes (Item No. 3.1) and requested correction.

#### 3.1 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 April 14, 2015, as amended to reflect Councilmember Schott as the maker of the motion pertaining to Agenda Item No. 6.3 (Consideration of Matching Sponsorship for Irvine Adult Day Health Services, Inc.).

**3.2 PROCLAMATIONS/COMMENDATIONS**

Ilya Tseglin, Irvine resident, spoke under General Public Comments in support of proclaiming April 2015 as "California Crime Victims' Rights Month" and "National Child Abuse Prevention Month," and commending the Merage Jewish Community Center and the City of Kfar Yona, Israel.

**ACTION:**

Proclaimed the following:

- 1) April 2015 as "California Crime Victims' Rights Month."
- 2) April 2015 as "National Child Abuse Prevention Month."
- 3) May 2015 as "Orange County Community Action Partnership - 50th Anniversary."
- 4) May 3 - 9, 2015 as "Wildfire Awareness Week."
- 5) May 11-17, 2015 as "Women's Lung Health Week."
- 6) May 16, 2015 as "Kids to Parks Day."

Commended the following:

- 7) Merage Jewish Community Center and the City of Kfar Yona, Israel.

Ratified the following:

- 8) April 23, 2015 as the 95th Anniversary of "Turkish Heritage and Children's Day."

**3.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 15-31 - 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. 15-32 - 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 AMENDMENT OF WASTE DISPOSAL AGREEMENT**

This item was removed for separate discussion at the request of Mayor Pro Tempore Lalloway, who expressed concern that a significant disproportionate burden would be placed on the City of Irvine based on the proposed agreement.

Mike Byrne, Senior Management Analyst, and Dori Budde, Manager of Community Services, presented the staff report and responded to questions.

City Council discussion included: allocation distribution among cities in Orange County (County) based on anticipated waste taken into landfills; percentage of overall waste taken in at the Bowerman Landfill in comparison to other County landfills and the added burden placed on the City of Irvine; whether allocation was based on population; questioned the deadline to approve the Agreement; revenue received by the County for electricity generated at the Bowerman Landfill; aesthetics associated with the Bowerman Landfill; and City Council approval of the amended Waste Disposal Agreement contingent upon whether the Bowerman Landfill Agreement could be amended to allow for additional benefits to the City of Irvine.

**ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Mayor Choi, and unanimously carried to:**

Continue the item to a future City Council meeting and direct the City Manager to discuss with the County of Orange any additional benefits that the City of Irvine may achieve either through the Bowerman Landfill Agreement or the Waste Disposal Agreement.

**3.6 ACCEPTANCE OF MARUCHAN, INCORPORATED DONATION**

**ACTION:**

- 1) Accepted a \$100,000 donation from Maruchan, Incorporated:
- 2) Approved a budget adjustment appropriating \$100,000, reflecting an increase in revenues and appropriations.

**3.7 NOTICE OF REVIEW AND PENDING APPROVAL FOR TRACT MAPS IN IRVINE BUSINESS COMPLEX AND CYPRESS VILLAGE**

**ACTION:**

Received and filed.

**3.8 AMENDMENT TO BICYCLE TRAIL AGREEMENTS**

**ACTION:**

- 1) Authorized the Mayor to execute an amendment to the License Agreement with Southern California Edison for the Freeway Trail between Jeffrey and Sand Canyon.
- 2) Authorized the Mayor to execute an amendment to the License Agreement with PDP Shady Creek, LLC for the Sand Canyon Trail between Alton and San Diego Creek.

**3.9 CUSTODIAL MAINTENANCE SERVICES AGREEMENTS**

This item was removed for separate discussion at the request of Mayor Choi, who expressed concern about the impacts of the City's current Living Wage Ordinance on bid results for custodial maintenance services.

**ACTION:** Moved by Mayor Choi, seconded by Councilmember Schott, to:

- 1) Reject all bids and direct staff to solicit new competitive bids.
- 2) Authorize extension of the existing contract with General Building Management Company with the following modifications:
  - a) Increase duration of extension from 60 to 180 days, i.e., through October 31, 2015;
  - b) Correspondingly change proposed contract amounts as follows:
    - \* Great Park Services: \$23,006 to \$69,018
    - \* All Other City Services: \$137,068 to \$411,204
    - \* Funding for Extra Work: \$4,000 to \$12,000
    - \* Total Not-to-Exceed Amount: \$1,139,921 to \$1,468,069
- 3) Reiterate entitlement under existing contract to increase contract amount based on Consumer Price Index.

City Council discussion included: extending the current contract with General Building Management Company from 60 to 180 days to allow sufficient time to solicit new competitive bids; whether the bidders understood the provisions of the City's Living Wage Ordinance (Ordinance); continuing the item for 30 days and extending the current contract through the month of May to allow for additional City Council

discussion at the next City Council meeting; whether the proposed contract extension amount would be equivalent for any new contractor; clarification of the contract extension amounts proposed in Mayor Choi's motion; impacts of the Ordinance on City contractors countywide and cost to Irvine taxpayers; approximate length of time for the Request for Proposals (RFP) process if new bids are solicited; whether the City would be confined to a six-month timeframe if the contract extension was approved with the current vendor; consideration of a transition period between the current and new contractor; length of time current bids were valid; difference in bid amounts between the lowest and second lowest bidders and the second bidder's incorporation of the Ordinance; and significant difference in bid amounts between the second lowest bid and the highest bid.

Following discussion, Councilmember Schott withdrew her second to Mayor Choi's motion, followed by a second offered by Mayor Pro Tempore Lalloway.

**ACTION:** A substitute motion was made by Councilmember Krom to:

- 1) Consent to the request for bid withdrawal received from Priority Building Services, the apparent lowest bidder for the custodial maintenance services contract, and authorize staff to return the corresponding cashier's check provided as bidder's security.
- 2) Authorize the extension of the existing contract with General Building Management Company to June 30, 2015, to provide continued custodial maintenance services that would allow for the transition to Merchants Building Maintenance Company; and authorize the Mayor to execute the contract amendment extending the contract term.

Director of Public Works Gomez noted that a 60-day extension would allow the City Council time to discuss the Living Wage Ordinance, but would not allow for sufficient time to complete the RFP process. He suggested either City Council approval of a six-month contract extension with the current vendor, or staff could return within 60 days with a request for an additional contract extension with the current provider.

Following discussion, Councilmember Krom withdrew her substitute motion.

**ACTION: The main motion was moved by Mayor Choi, seconded by Mayor Pro Tempore Lalloway, to:**

- 1) Reject all bids and direct staff to solicit new competitive bids.
- 2) Authorize extension of the existing contract with General Building Management Company with the following modifications:
  - a) Increase duration of extension from 60 to 180 days, i.e., through October 31, 2015;
  - b) Correspondingly change proposed contract amounts as follows:
    - \* Great Park Services: \$23,006 to \$69,018
    - \* All Other City Services: \$137,068 to \$411,204
    - \* Funding for Extra Work: \$4,000 to \$12,000
    - \* Total Not-to-Exceed Amount: \$1,139,921 to \$1,468,069
- 3) Reiterate entitlement under existing contract to increase contract amount based on Consumer Price Index.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Choi

NOES: 2 COUNCILMEMBERS: Krom and Schott

ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None

**3.10 SECOND READING OF ORDINANCE NO. 15-02 ADOPTING A NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO THE CITY'S MUNICIPAL CODE RELATED TO POPULATION GENERATION FACTORS FOR PARK DEDICATION REQUIREMENTS**

**ACTION:**

Read by title only, second reading and adoption of ORDINANCE NO. 15-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING AN AMENDMENT (00617535-PZC) TO DIVISION 5, SUBDIVISIONS, OF TITLE 5, PLANNING, OF THE CITY'S MUNICIPAL CODE, RELATED TO POPULATION

**GENERATION FACTORS FOR PARK DEDICATION REQUIREMENTS, FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT**

(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.)

Approved 5-0

**3.11 COMMUNITY PARTNERSHIP FUND GRANT NOMINATION**

**ACTION:**

- 1) Approved Mayor Pro Tem Lalloway's request for Community Partnership Fund Grant nomination to the Irvine Girls Softball Association in the amount of \$2,500 in support of program costs.
- 2) Authorized the City Manager to prepare and sign a funding agreement for the organization listed in Action 1.

Councilmember Shea left the meeting at 8:40 p.m.

**4. PUBLIC HEARINGS**

**4.1 APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS 2015-2016 ACTION PLAN FUNDING RECOMMENDATIONS AND THE 2015-2019 CONSOLIDATED PLAN, CITIZEN PARTICIPATION PLAN AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

Steve Holtz, Housing Administrator, and Mark Asturias, Manager of Housing, presented the staff report and responded to questions. Housing Administrator Holtz noted an errata memo that included correspondence received by Irvine Community Drug Prevention requesting to withdrawal its application for funding. He requested City Council direction to reallocate the \$5,349 in available funding.

Mayor Choi opened the public hearing at 8:31 p.m.

Margie Wakeham, Families Forward, expressed her appreciation to the City Council for its continued support and provided a brief overview of transitional housing and mental health services provided by the organization, and announced the upcoming Community Resource Fair at Irvine Valley College on May 2, 2015.

Kimberly Beeson, Irvine Adult Day Health Services, also expressed her appreciation to the City Council for its continued support.

**ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Krom, and unanimously carried by those members present (Councilmember Shea absent) to close the public hearing at 8:37 p.m.**

City Council discussion included: providing an additional \$2,000 to AIDS Services Foundation and \$3,349 to the Irvine Public Schools Foundation; dividing \$3,349 between Irvine Public Schools and Human Options; whether any other applicants other than Human Options work with domestic violence cases; questioned why Laura's House did not apply for funding; whether inquiries are made to other organizations that do not apply for funding; response from Green Pastures noting the significant amount of paperwork involved in the application process; and whether Families Forward worked with individuals of domestic violence.

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

**Adopt RESOLUTION NO. 15-33 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE 2015-2019 CONSOLIDATED PLAN, 2015-2016 ACTION PLAN, CITIZEN PARTICIPATION PLAN AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS ENTITLEMENT GRANT PROGRAMS**

As amended to reallocate Public Services funding in the amount of \$5,349 previously recommended for Irvine Community Drug Prevention as follows:

- a) \$2,000 to AIDS Services Foundation for a total of \$10,000; and
- b) \$3,349 to Irvine Public Schools Foundation for a total amount of \$15,187.

**ACTION:** A friendly amendment was made by Councilmember Krom, and accepted by Councilmember Schott as the maker of the motion, seconded by Mayor Pro Tempore Lalloway, and unanimously carried by those members present, to:

Adopt RESOLUTION NO. 15-33 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE 2015-2019 CONSOLIDATED PLAN, 2015-2016 ACTION PLAN, CITIZEN PARTICIPATION PLAN AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS ENTITLEMENT GRANT PROGRAMS

As amended to reallocate Public Services funding in the amount of \$5,349 previously recommended for Irvine Community Drug Prevention as follows:

- a) \$2,000 for AIDS Services Foundation for a total of \$10,000;
- b) \$1,674 to Irvine Public Schools Foundation for a total amount of \$15,187; and
- c) \$1,675 to Human Options for a total amount of \$13,811.

**The motion carried as follows:**

AYES: 4 COUNCILMEMBERS: Krom, Lalloway, Schott and Choi

NOES: 0 COUNCILMEMBERS: None

ABSENT: 1 COUNCILMEMBERS: Shea

ABSTAIN: 0 COUNCILMEMBERS: None

**4.2 APPEAL OF PLANNING COMMISSION DECISIONS OF MARCH 19, 2015 TO ADOPT RESOLUTIONS APPROVING VESTING TENTATIVE TRACT MAP 17756 (00605219-PTT), AND ASSOCIATED CONDITIONAL USE PERMITS (00608373-PCPU AND 00609365-PCPU) FOR THE DEVELOPMENT OF 318 RESIDENTIAL UNITS ON 16.92 ACRES FOR CENTRAL PARK WEST IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)**

Mayor Choi reiterated that the appeal was withdrawn at the request of the appellant and would therefore not be considered.

**5. COUNCIL BUSINESS**

**5.1 STATUS OF SOIL CONTAMINATION AT PORTOLA HIGH SCHOOL SITE**

This item was agendaized at the request of Councilmember Krom, who asked for a status of soil contamination at the Portola High School site, clarification of the City's role in ensuring that the site is properly managed with respect to toxic contamination, if the City bears any liability, and whether more extensive soil testing should be conducted. She also asked if findings by the City's geotechnical engineer were shared with the City Council and the California Department of Toxic Substances Control (DTSC) and whether his recommendations were followed.

**ACTION:** Moved by Councilmember Krom to:

Direct the City Manager, Irvine Unified School District (IUSD) Superintendent Terry Walker, and representatives from FivePoint Communities return to the next City Council meeting to clarify the obligations each party has to ensure that the soils beneath the Portola High School site are safe. Included in the presentation should be information from the DTSC informing the City of its interests and responsibilities, if any.

Motion failed for lack of second.

The following individuals spoke in support of conducting further analysis of soil contamination at the Portola High School site:

Harvey Liss, Irvine resident  
Isabella Villano, Irvine resident  
Carl Mariz, Irvine resident  
Ed Pope, Irvine resident  
Alan Meyerson, Irvine resident  
Mary Edmonds, Irvine resident  
Jake Jacobs, Irvine resident  
Shirley Lorenz, Irvine resident  
Jean Miller, Irvine resident  
Ken Wyant, Irvine resident

John Jaeger, Irvine resident, spoke in opposition.

Anthony Kuo, Irvine resident and Planning Commissioner, read into the record correspondence received by IUSD Superintendent Terry Walker regarding the status of stained soil in the storm drain adjacent to Portola High School.

City Council discussion included: whether recommendations by the City's geotechnical engineer consultant were implemented; liability, if any, to the City; whether additional testing should have been conducted; the City's prior offering of "Site B" to IUSD; lack of attendance by IUSD officials; not having authority to compel school board members to attend a City Council meeting; IUSD's jurisdictional authority to move forward with the Portola High School project; whether community members are attending IUSD School Board meetings to voice their concerns; additional toxins discovered on adjacent land and the inability to determine the source at this time; concerns related to unsubstantiated fears as a result of the agenda item; whether certain chemicals and toxins were discovered and disclosed to DTSC prior to approval of the site; and whether information contained in the City's geotechnical engineer's report was provided to the City Council and if the City was advised to notify DTSC.

Mayor Pro Tempore Lalloway left the meeting at 9:49 p.m.

City Manager Joyce noted prior communication with the City Council regarding the findings of soil contamination at the Portola High School site and provided a historical perspective of the soil contamination matter.

No action was taken.

## **PUBLIC COMMENTS**

Michael Klubniken spoke about recent actions taken by the Orange County Board of Supervisors.

Jane Olinger, Irvine resident, spoke in opposition to the recent proposal by the County of Orange to develop 100 acres adjacent to the Orange County Great Park.

Ilya Tseglin, Irvine resident, reiterated a domestic issue concerning his autistic son and continued legal issues. He also spoke in support proclaiming April 2015 as "California Crime Victims' Rights Month" and "National Child Abuse Prevention Month;" and commending the Merage Jewish Community Center and the City of Kfar Yona, Israel. See Item No. 3.2.

**ADJOURNMENT**

**Moved by Councilmember Krom, seconded by Councilmember Schott, and unanimously carried by those members present to adjourn the meeting at 9:12 p.m.**



MAYOR OF THE CITY OF IRVINE

  
CITY CLERK OF THE CITY OF IRVINE

April 28, 2015