



Steven Choi
Mayor

Lynn Schott
Mayor Pro Tempore

Beth Krom
Councilmember

Jeffrey Lalloway
Councilmember

Christina Shea
Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

July 12, 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 4:06 p.m. on July 12, 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

*Councilmember Shea arrived at 4:08 p.m. following adoption of the Consent Calendar.

Mayor Choi reordered the agenda to allow for City Council consideration of the Consent Calendar, prior to 5 p.m.

2. CONSENT CALENDAR

ACTION: Moved by Councilmember Krom, seconded by Mayor Pro Tempore Schott, and unanimously carried by those members present (Councilmember Shea absent) to approve Consent Calendar Item Nos. 2.1 through 2.7. Councilmember Krom abstained on Item No. 2.4.

2.1 MINUTES

ACTION:

- 1) Approved the minutes of the special meeting of the Irvine City Council held on June 27, 2016.
- 2) Approved the minutes of the regular meeting of the Irvine City Council held on June 28, 2016.

2.2 PROCLAMATIONS

ACTION:

Proclaimed 2016 as the "40th Anniversary of Concordia University Irvine."

2.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 16-62 - 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 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION:

Adopted RESOLUTION NO. 16-63 - 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.

2.5 EMERGENCY CONTRACT SERVICES

ACTION:

Received and filed.

2.6 SECOND READING AND ADOPTION OF ORDINANCE NO. 16-03 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

ACTION:

Read by title only, second reading and adoption of 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

(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 4-0, Councilmember Shea absent for vote)

2.7 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approve Councilmember Krom's requests for Community Partnership Fund Grant nomination to the Parkinson's Association of Orange County in the amount of \$250 in support of program costs.
- 2) Approve Councilmember Shea's request for Community Partnership Fund Grant nomination to Tender Touch Ministries in the amount of \$1,200 in support of program costs.
- 3) Authorize the City Manager to prepare and sign the funding agreements listed in Actions 1 and 2.

RECESS

Mayor Choi recessed the City Council meeting at 4:16 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Choi reconvened the regular City Council meeting at 5 p.m.

PLEDGE OF ALLEGIANCE

Mayor Choi led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Choi asked for a moment of silence in memory of former state and assembly member Marian Bergeson, who also served on the Oversight Board to the Successor Agency to the dissolved Irvine Redevelopment Agency; and the victims of the recent shooting in Dallas, including those who were killed or injured and their families.

INVOCATION

Mayor Choi invited Pastor Frank Winans from Woodbridge Community Church in Irvine to provide the Invocation.

MUSICAL PRESENTATION

Mayor Choi introduced Payton Aurora Jones, fifth grade student from Myford Elementary, who performed the National Anthem.

1. PRESENTATIONS

1.1 Recognition of American Red Cross Lifesaving Award Recipients

Mayor Choi introduced Linda Voss, American Red Cross Chief Executive Officer, who presented Lifesaving Awards to the following individuals for sustaining the life of a 93 year old patron, who went into cardiac arrest during the Lap Swim Program:

- Jennifer Priest, Aquatics Coordinator
- Melanie Franceschini, Pool Manager
- Daphne Harnisch, Lifeguard

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Shea announced that residents are invited to attend a “thread ceremony” on Thursday, July 14 a 4 p.m. at Christ Our Redeemer AME Church. The ceremony will tie City officials, police officers, and people of different ethnicities, beliefs and cultures with a thread that symbolizes solidarity, unity and being tied together as a community.

Mayor Choi made the following announcements:

- The Sizzlin’ Summer Concerts continue at Mike Ward Community Park – Woodbridge. For information and the full concert series schedule, visit cityofirvine.org.
- For the second consecutive year, the Irvine Animal Care Center is joining a nationwide effort to “Clear the Shelters.” At the July 23 event, sponsored in Southern California by NBC-4 and Telemundo-52, all pet adoptions will be \$20. For information on the event, visit cityofirvine.org/animals.
- The City has begun preparations for the annual Global Village Festival, to be held on Saturday, September 24 at Colonel Bill Barber Marine Corps Memorial Park. Sponsorship opportunities are now available for local businesses and organizations that would like to be a part of the event, which draws 20,000 visitors. For information, call 949-724-6640 or visit irvinefestival.org.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. PUBLIC HEARINGS

3.1 SECOND READING AND ADOPTION OF ORDINANCE NO. 16-04 DIRECTING THE AMENDMENTS, BY REFERENCE, TO THE CITY’S MUNICIPAL CODE AND ZONING ORDINANCE, PER SECTION 409 OF THE CITY CHARTER; AND ADOPTION OF A MASTER FEE SCHEDULE, A MASTER CIVIL AND ADMINISTRATIVE PENALTY SCHEDULE AND A BAIL SCHEDULE FOR MISDEMEANOR AND INFRACTION VIOLATIONS OF THE IRVINE MUNICIPAL CODE; FILED BY THE CITY CLERK

Molly McLaughlin, City Clerk, presented the staff report and responded to questions.

Mayor Choi opened the public hearing at 5:27 p.m. There were no requests to speak.

City Council discussion included: noting that greater transparency to the public would be realized through updating the Master Fee Schedule that would include specific fees that had been removed from the Municipal Code during the Recodification process.

ACTION: Moved by Councilmember Lalloway, seconded by Mayor Pro Tempore Schott, and unanimously carried to close the public hearing at 5:34 p.m.

ACTION: Moved by Councilmember Lalloway, seconded by Mayor Pro Tempore Schott, and unanimously carried to:

Read by title only, second reading and adoption of 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

ACTION: Moved by Councilmember Lalloway, seconded by Mayor Pro Tempore Schott, and unanimously carried to:

Adopt RESOLUTION NO. 16-64 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING A MASTER FEE SCHEDULE, A MASTER CIVIL AND ADMINISTRATIVE PENALTY SCHEDULE AND A BAIL SCHEDULE FOR CRIMINAL MISDEMEANOR AND INFRACTION VIOLATIONS OF THE IRVINE MUNICIPAL CODE

3.2 WIRELESS ORDINANCE UPDATE

Tim Gehrich, Deputy Director of Community Development, and Stephen Higa, Principal Planner, presented the staff report and responded to questions.

Mayor Choi opened the public hearing at 5:42 p.m.

The following individuals spoke in support of the update to the City's Wireless Ordinance:

Paul O'Boyle, representing Crown Castle
Leslie Daigle, representing Verizon Wireless

ACTION: Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried to close the public hearing at 5:49 p.m.

City Council discussion included: noting concerns with wireless services and related equipment in Turtle Rock; need for sufficient phone and data coverage in the City; challenges with issuing permits based on aesthetics,

location, and resident concerns; exercising creativity to integrate today's technology, including antennas that emit strong signals; noted the multi-capacity functionality of today's mobile phones; referenced Irvine as becoming a "tech valley"; questioned whether approval of an application for wireless modification would be automatic at the end of a 60-day timeframe under the streamlined process; whether the City Council would have an opportunity to change the type of classification of equipment types or if a change must be applicant driven; whether the City Council could require vendors to co-locate equipment with other service providers; questioned if new applicants would be subject to City requirements; noted the requirement to comply with Federal law and whether the Ordinance could be expanded in the future; noted Planning Commission approval in October 2015 and questioned the delay in bringing the Ordinance forward to the City Council; whether public outreach to the wireless community and public noticing was conducted; questioned if technology had changed significantly over the last few years; whether proprietary technology, which requires multiple installations, has been a challenge; and whether the recommendation to approve the updated Ordinance was unanimous by the Planning Commission.

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

Introduce for first reading and read by title only
ORDINANCE NO. 16-05 - AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF IRVINE, CALIFORNIA,
APPROVING ZONE CHANGE 00668514-PZC TO
AMEND THE ZONING ORDINANCE AND PROVIDE
NEW CITYWIDE REGULATIONS FOR WIRELESS
FACILITY MODIFICATIONS THAT QUALIFY FOR
PROCESSING UNDER SECTION 6409(A) OF THE 2012
MIDDLE CLASS TAX RELIEF ACT (TRA)

3.3 ZONING ORDINANCE AMENDMENT FOR TEMPORARY SIGNS IN PUBLIC RIGHTS-OF-WAY AND RELATED CONTENT NEUTRAL REGULATIONS

Tim Gehrich, Deputy Director of Community Development, and Joel Belding, Principal Planner, presented the staff report and responded to questions. Mr. Belding also noted that revised language pertaining to the number of signs allowed per intersection was inadvertently omitted from the exhibit of the proposed Ordinance.

Mayor Choi opened the public hearing at 6:17 p.m.

The following individuals spoke in support of allowing placement of political signs to no more than 60 days prior to an election:

Cathy Paxton, Irvine resident
Stephen Kane, Irvine resident
Nancy Hill

A.D. Zelinko, Irvine resident, spoke in support of prohibiting real estate signage.

ACTION: Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried to close the public hearing at 6:30 p.m.

City Council discussion included: noting that the current policy was too liberal, including unlimited display of political signage in the public rights-of-way; expressed concern about Federal regulations and first amendment rights with respect to freedom of speech; and noted that any amendment to the Ordinance would take effect January 1 to avoid any conflict-of-interest for City Councilmembers who may be participating in the 2016 Election.

ACTION: Moved by Mayor Choi to:

Introduce for first reading and read by title only - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE (00665620-PZC) TO AMEND DIVISIONS 1 AND 7 OF THE ZONING ORDINANCE RELATED TO SIGN REGULATIONS; FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT

Limiting signs in public rights-of-way to Wayfinding Signs (Option No. 2 in the staff report).

The motion failed for lack of second.

Jeff Melching, City Attorney, provided a brief summary of each of the options presented and whether each option was defensible. He also noted that in most cases, with the exception of an independent expenditure committee, identification information was not required to be included on temporary signs.

Additional discussion included: a recent Supreme Court case to re-evaluate what is "content neutral"; whether businesses would be applicable to the 60-day timeline restriction under Option No. 4 (Restricted Duration of Event-Related Sign Placement); whether the Ordinance would expand commercial signage; noted the absence of a legal opinion by the

City Attorney; noted that Option No. 1 would ban all types of temporary signage and reiterated legal challenges with Option No. 1 with respect to freedom of speech; questioned the allowance of six-foot signs between intersections and suggested the removal of this provision; implementing a requirement for a sign permit and bond with certain terms that would result in forfeiture of the bond if compliance was not adhered to; whether other cities in Orange County required and charged for sign permits; suggested requiring political signs include identification information; noted discussion by the League of California Cities regarding a limited period of expansion of all signage; whether an expansion of sign types would be applicable to everyone; whether signs could be restricted or eliminated on major arterials to avoid driver distraction; legislative protection for real estate professionals; noted the ability to post signage on private property; complexity of enforcing sign regulations; expressed concern about signage and its impacts on aesthetics; suggested treating commercial and political signs equally; and limiting the expansion of all signs in any number and size to 60 days prior to an election, while implementing restrictions based on number of signs and sign locations during the remaining ten months.

Councilmember Shea noted that a potential conflict-of-interest may exist as a professional realtor and left the dais at 7:22 p.m.

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

Direct staff to return the sign ordinance to the Planning Commission to consider alternative options, including: a) a 60-day reprieve prior to an election, and b) options related to the remaining ten months, including sign locations and number of signs allowed throughout the City.

The motion failed as follows:

AYES: 2 **COUNCILMEMBERS:** Schott and Lalloway

NOES: 2 **COUNCILMEMBERS:** Krom and Choi

ABSENT: 1 **COUNCILMEMBER:** Shea

Further discussion included: clarification of Option No. 3 (Limiting Number of Signs) and number of signs permitted mid-block and at each intersection; noted impacts to the business community and the difficulty for realtors if signage was limited or prohibited; benefits of real estate signage; importance of political signs with respect to name recognition for new candidates; questioned why the Ordinance required modification; questioned why certain modifications would require review by the Planning

Commission; whether the 60-day requirement recommended by the Planning Commission was consistent with Councilmember Lalloway's motion and questioned its advantages; suggested leaving the existing Ordinance as is; clarified the differences between Councilmember Lalloway's motion and the existing Ordinance; sign restriction comparisons between other cities in Orange County; expressed concern that certain action could provide for excessive signage prior to an election; suggested asking staff and the Planning Commission to develop language for City Council approval that would not tamper with freedom of speech rights; questioned whether the existing Ordinance would remain intact if a new Ordinance was not adopted; and suggested the adoption of Option No. 4 (Restricted Duration of Event-Related Sign Placement) without the 60-day timeframe recommended by the Planning Commission.

Eric Tolles, Assistant City Manager, noted that the Ordinance would broaden the ability for temporary signage for businesses.

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

Introduce for first reading and read by title only - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE (00665620-PZC) TO AMEND DIVISIONS 1 AND 7 OF THE ZONING ORDINANCE RELATED TO SIGN REGULATIONS; FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT

Adopt Option No. 4, restricting duration of event-related sign placement excluding the recommendation by the Planning Commission to limit placement of temporary non-commercial signs related to an event to no more than 60 days prior to the related event.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Krom, Lalloway and Schott

NOES: 1 COUNCILMEMBERS: Choi

ABSENT: 1 COUNCILMEMBER: Shea

Councilmember Shea returned to the dais at 8:07 p.m.

4. COUNCIL BUSINESS

4.1 **CONSIDERATION OF MAYOR PRO TEMPORE SCHOTT'S REQUEST FOR ENHANCEMENTS OF THE NORTHWOOD GRATITUDE AND HONOR MEMORIAL**

This item was agendaized at the request of Mayor Pro Tempore Schott, who asked for City Council consideration to consider revision of the project scope to expand the Northwood Gratitude and Honor Memorial at Northwood Community Park, based on Community Services Commission recommendations.

Laurie Hoffman, Director of Community Services, and Mya Sanders, Community Services Superintendent, provided a brief presentation of the existing Memorial and recommendations by the Community Services Commission.

The following individuals spoke in support of the expansion and enhancement of the Northwood Gratitude and Honor Memorial:

Courtney Santos, Irvine resident
Pam Rogan
Sue Pollard
Dale Jelinek
Bill Sandlin
Kevin Trussell, Community Services Commissioner

A.D. Zelinko, Irvine resident, suggested the addition of a plaque to recognize unknown soldiers in other conflicts.

City Council discussion included: proposals in past years to recognize unknown soldiers on the Memorial and finding a solution for inclusivity; installation of plaques for unknown soldiers at Bill Barber Park; noted the two annual Memorial Day ceremonies at Northwood and Bill Barber Parks; proposed using carryover funding if needed to expand the Northwood Memorial; acknowledged the prior efforts of volunteers in the development of the Northwood Memorial; returning to the City Council at a future meeting with recommendations to implement recognition of unknown soldiers in other conflicts; proposed including funding in the amount of \$10,000 for marketing, programming and literature; whether installation of plaques in recognition of unnamed soldiers and other conflicts had been considered within the same general location as the Memorial; noted the uniqueness of the Memorial; and grassroots efforts that led to the development of the Memorial.

Director of Community Services Hoffman noted that the City Council could direct staff to allocate additional funding from the infrastructure fund to revise the scope of the project if needed or preferred.

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

- 1) Approve the extension of the plaza to include the additional four-sided pedestal.
- 2) Approve the etched wording on each side of the pedestal as follows:
 - a) History and statistics of the Northwood Gratitude and Honor Memorial
 - b) Congressional Medal of Honor recipients for Iraq and Afghanistan
 - c) "In Gratitude" poem by Steve Wolford
 - d) Fourth side of the pillar would remain blank reserved to accommodate potential direction from the Department of Defense in recognition of service lives lost in association with the wars, or another use to be decided at a later date.
 - e) Include the addition of two benches.
- 3) Should the current budget allocation of the \$115,000 that has already been approved by the City Council in 2014 not be sufficient to cover the cost of the additional benches, approve additional funding in the amount not-to-exceed \$15,000 to have the additional benches installed.

PUBLIC COMMENTS

Courtney Santos, Irvine resident, spoke in support of first amendment rights and in opposition to police brutality.

A.D. Zelinko, Irvine resident, spoke in support of adding an educational component to the recent Traffic Study Recommendations.

Michael Klubniken spoke on recent actions taken by the Board of Supervisors and public trust of elected officials.

Dr. Ari Grayson expressed his appreciation to Police Chief Hamel and officers from the Irvine Police Department for their attendance at a recent vigil, noting the need for additional programs to promote public safety and inclusion.

Ilya and Robert Tseglin reiterated a domestic issue related to an autistic family member.

Deborah Skurnick spoke about recent interaction amongst Councilmembers.

Prior to adjournment, Councilmember Shea noted the recent installation of the "In God We Trust" and "E Pluribus Unum" mottos above the Freedom Shrine in the Council Chamber, to which Mayor Choi suggested an unveiling ceremony in the near future.

ADJOURNMENT

Moved by Councilmember Lalloway, seconded by Mayor Choi, and unanimously carried to adjourn the meeting at 9:34 p.m.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

July 26, 2016