



## MINUTES

### CITY COUNCIL REGULAR MEETING

Steven Choi  
Mayor

Lynn Schott  
Mayor Pro Tempore

Beth Krom  
Councilmember

Jeffrey Lalloway  
Councilmember

Christina Shea  
Councilmember

**February 23, 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 4:44 p.m. on February 23, 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

City Attorney Melching announced the following Closed Session item:

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

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

## **RECESS**

Mayor Choi reconvened the City Council meeting to Closed Session at 4:45 p.m.

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

Mayor Choi reconvened the regular City Council meeting at 5:16 p.m. City Attorney Melching, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

## **PLEDGE OF ALLEGIANCE**

Mayor Choi led the Pledge of Allegiance.

## **INVOCATION**

Mayor Choi invited representatives from the Newport Mesa Irvine Interfaith Council, which included Pastor Paige Eaves from University United Methodist Church, Rabbi Stacia Deutsch from Shir Ha Ma'a lot Synagogue, and Eman Bermani from Orange County Islamic Education Center, to provide the invocation.

## **MUSICAL PRESENTATION**

Mayor Choi introduced Dr. Tom Mueller and Page McCauley from Concordia University, who performed "God Bless America" followed by "Sure on this Shining Night."

## **CITY MANAGER'S REPORT**

There was no report.

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

Councilmember Shea provided a brief report on the recent City of Irvine/Irvine Unified School District Liaison Committee meeting held February 1, noting that the key topic of discussion was traffic circulation at schools and surrounding neighborhoods. She further noted that the Committee recognized the importance of ongoing dialogue to identify additional ways to improve traffic circulation and that the Committee agreed that all stakeholders would continue to evaluate traffic flow patterns, traffic control devices, and other strategies to improve traffic circulation at schools.

Councilmember Krom provided a brief update on her recent attendance at the New Partners for Smart Growth Conference in Portland, Oregon, which brings policy leaders and planners together to gain knowledge about how to create more sustainable communities.

Mayor Choi made the following announcements:

- A comprehensive update to Irvine’s General Plan is underway, which will serve as the City’s blueprint for the future while also establishing community goals and public policy direction to ensure Irvine’s high quality of life is preserved and enhanced as build-out of the City occurs. City staff will conduct public outreach on the project over the coming months to engage the community during the process. A survey and more details on the process can be found at [cityofirvine.org](http://cityofirvine.org).
- On Saturday, February 21, hundreds of community members attended the Grand Opening of Trabuco Center, the City’s third senior center located along the Jeffrey Open Space Trail. Classes being held include exercise classes, computer instruction and social clubs. For information, visit [cityofirvine.org](http://cityofirvine.org).
- Irvine was named the Best Place for an Active Retirement by Evelo, the electric bicycle company, applauding Irvine for its hundreds of miles of street bike lanes and off-street bike paths. Irvine’s community parks and facilities also helped catapult Irvine to the top spot in the survey.
- The “Ring the Bell” campaign continues, reminding the community to be courteous and safe while enjoying beautiful trails and bikeways in the City. Bicyclists are encouraged to ring their bike bells to alert pedestrians or other cyclists and slowly pass on the left.

## **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda. However, City Manager Joyce noted that in the absence of staff, he would either present Council Business Item No. 4.3 or return with the item at a future meeting at the discretion of the City Council.

## **2. CONSENT CALENDAR**

**ACTION:** Moved by Councilmember Lalloway, seconded by Councilmember Shea, and unanimously carried to approve City Council Calendar Item Nos. 2.1 through 2.10, with the exception of Item Nos. 2.8 and 2.9, which were removed for separate discussion. Councilmember Krom abstained on Item No. 2.4.

### **2.1 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 9, 2016.

**2.2 PROCLAMATIONS**

**ACTION:**

Proclaimed March 4, 2016 as the "52nd Annual Mayors' Prayer Breakfast."

**2.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 16-17 - 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. 16-18 - 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 CONSIDERATION OF LEASE ENABLING CONSTRUCTION AND OPERATION OF ICE FACILITY ON CITY-OWNED PROPERTY AND BUDGET ADJUSTMENT FOR UTILITY AND PUBLIC STREET IMPROVEMENTS**

**ACTION:**

- 1) Approved a lease between the City of Irvine and the Irvine Ice Foundation enabling the construction and operation of an ice rink facility on City-owned property.
- 2) Approved a budget adjustment appropriating funds in the amount of \$336,400 from available Quimby Park-In-Lieu Fund Balance to establish a capital improvement project to provide utility connections to ice rink facility on City-owned property.
- 3) Approved a budget adjustment appropriating funds in the amount of \$285,300 from available Quimby Park-In-Lieu Fund Balance to establish a capital improvement project for the design engineering of a public street providing access to the ice rink facility and other City property at the Great Park.

**As amended** to direct that Systems Development Charges (SDC) funds generated from this project be earmarked to be used for the same purpose as Quimby funds.

(Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each Councilmember when he or she sat and voted as a member of the Board of Directors of the Orange County Great Park Corporation. However, if a Councilmember is not present at the City Council meeting, his or her vote will be reflected as absent.)

(Approved 5-0)

**2.6 ANNUAL CONCRETE INFRASTRUCTURE REPAIR PROJECT**

**ACTION:**

- 1) Approved specifications and contract documents for the Annual Concrete Infrastructure Repair Capital Improvement Project 311605 and 311606.
- 2) Approved the Engineer's Estimate, Construction Contingency and Funding Summary.
- 3) Authorized staff to solicit competitive bids and award the construction contract to the lowest responsive bidder in accordance with the City's financial policies and purchasing procedures.

**2.7 NOTICE OF PENDING APPROVAL FOR TRACT MAPS IN CYPRESS VILLAGE (EAST OF SR-133)**

**ACTION:**

Received and filed.

**2.8 TRANSIT EXPANSION OPTIONS AND MEASURE M2 TRANSIT FUNDING APPLICATIONS**

This item was removed for separate discussion at the request of Councilmember Krom, who asked for a summary and clarification of the item.

Manuel Gomez, Director of Public Works, provided a brief report and responded to questions.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried to:**

- 1) Authorize staff to prepare and submit grant funding applications for the Measure M2 Project V – Community Based Transit/Circulators Program for two new weekday Commuter Service Routes in Irvine Business Complex and Irvine Spectrum.

- 2) Direct staff to continue the refinement of other proposed routes and services identified in the draft transit strategy as part of the citywide traffic management study.
- 3) Adopt RESOLUTION NO. 16-19 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE SUBMITTAL OF GRANT APPLICATIONS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY UNDER THE MEASURE M2 PROJECT V – COMMUNITY BASED TRANSIT/CIRCULATORS PROGRAM

**2.9 AMENDMENT TO COOPERATIVE AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY FOR iSHUTTLE OPERATIONS**

This item was removed for separate discussion at the request of Councilmember Krom, who asked for additional information and clarification on the deal points within the proposed agreement, clarification of the functions remaining under City control and those being transferred to the Orange County Transportation Authority (OCTA), and the City's role related to the iShuttle moving forward.

Shohreh Dupris, Deputy Director of Public Works, presented the staff report and responded to questions.

City Council discussion included: concern related to the City ceding authority to the OCTA; an estimate of anticipated matching funds by the City; necessary steps to take should the City Council choose to expand the iShuttle service in the future; whether utilizing the fleet for Global Village and other large City events would be handled in-house; reiterated concern about the number of bus routes recently eliminated in the City by OCTA; annual savings to the City by transferring service to OCTA; and whether the City could rescind the Agreement at any time to reassume control of the iShuttle operations.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Lalloway, to:**

- 1) Approve and authorize the City Manager to execute Amendment No. 1, and related legal and financial instruments needed to implement the provisions stated in the Amendment, to the Cooperative Agreement with the Orange County Transportation Authority (OCTA) to implement the transfer of iShuttle operations to OCTA.

- 2) Approve and authorize the City Manager to execute Amendment No. 2 to City's funding agreement with Capital Group to reflect the transfer of iShuttle operations to OCTA.

The motion carried as follows:

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

NOES: 1 COUNCILMEMBERS: Krom

ABSENT: 0 COUNCILMEMBERS: None

**2.10 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

- 1) Approved Councilmember Krom's request for Community Partnership Fund Grant nominations to Chamber Music OC in the amount of \$1,000 in support of program costs and to Irvine Community Drug Prevention/Irvine Prevention Coalition in the amount of \$500 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 APPROVAL OF BOND ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR REFINANCING THE COSTS OF STUDENT HOUSING FACILITIES AND OTHER RELATED AND APPURTENANT FACILITIES LOCATED AT THE UNIVERSITY OF CALIFORNIA, IRVINE**

Valaya Chitchakkol, Finance Administrator, presented the staff report and responded to questions.

Mayor Choi opened the public hearing at 5:55 p.m. There were no requests to speak.

**ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Shea, and unanimously carried to close the public hearing at 5:56 p.m.**

There was no City Council discussion.

**ACTION: Moved by Councilmember Lalloway, seconded by Councilmember Shea, and unanimously carried to:**

Adopt RESOLUTION NO. 16-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$350,000,000 FOR THE PURPOSES OF REFINANCING THE COSTS OF STUDENT HOUSING FACILITIES AND OTHER RELATED AND APPURTENANT FACILITIES LOCATED AT THE UNIVERSITY OF CALIFORNIA, IRVINE

**4. COUNCIL BUSINESS**

**4.1 DISCUSSION OF CITY POLICY FOR PESTICIDE USE ON CITY PROPERTY**

This item was agendized at the request of Councilmember Shea, who expressed an interest in developing a policy that would eliminate the use of toxic chemicals on City properties and replace them with organic alternatives.

Michael Apodaca, Manager of Public Services, and Dennis Chiotti, Landscape Maintenance Superintendent, presented the staff report and responded to questions.

The following individuals spoke in support of amending the City's policy for pesticide use on City property:

Kathleen Hallal, Irvine resident  
Dr. Bruce Blumberg, Professor of Developmental and Cell Biology,  
Professor of Pharmaceutical Sciences at University of California, Irvine  
Bob Johnson, Irvine resident representing Non-Toxic Irvine  
Kardena Pariza, representing Non-Toxic Irvine  
James Konte  
Michael Konte  
Thomas Hallal, Irvine resident  
Theo Hallal, Irvine resident  
David Hallal, Irvine resident  
Cheryl Wilen, Ph.D., U.C. Statewide IPM Program  
Anna Johnson, Irvine resident  
Laura Hilgeman  
Charlie Hilgeman  
Laurie Mejia, Irvine resident representing Donovan's Smile  
Kim Konte  
Erin Pysnik

Rebecca Nelson  
Isabella Nelson  
Tawna Renee, Irvine resident  
Ayn Craciun, representing Non-Toxic Irvine  
Alan Meyerson  
Kimberly Connell  
Himanshu Surti, Irvine resident  
Mary Ann Gaido, Irvine resident

Mike Bennett, representing O.C. Agricultural Commission, spoke in support, and urged the City Council to exclude organic pesticide use for crop producers in Irvine.

Tim Isle, Crop Production Services, and Bill Tidwell, Irvine resident, spoke in support, and urged the City Council to evaluate all facets of both toxic and organic pesticide use and move forward cautiously.

Farrah Khan, Irvine resident, spoke in support, and suggested that organic farming be included in the amended policy.

Mare Stephens submitted a Request to Speak but did not speak.

Harvey Liss spoke in support, and expressed concern about toxins discovered near the Portola High School site.

City Council discussion included: importance of community participation; placing the health and welfare of the community as a priority; questioned how a significant insect infestation would be handled if the amended Policy was adopted and whether an escape clause would be incorporated into the Policy if an emergency situation occurred; whether the City would benefit from having its own Hazardous Substance Administrator to evaluate these types of issues; questioned the types of resources available to the City to evaluate the implications of toxic pesticides and similar concerns; questioned if the City was already undertaking these types of measures prior to members of the community bringing forward their concerns; prior contamination on land adjacent to the new Portola High School site; whether Orange County Mosquito and Vector Control District utilized organic pesticides in storm drain channels; impacts of organic pesticides to treat mosquitos and its effectiveness on the Zika virus; and noted the incremental approach being taken by the City to eliminate the use of toxic pesticides while also having the necessary tools to treat emergency situations.

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

- 1) Amend the City's Integrated Pest Management policy for parks, fields and playgrounds as follows:
  - a) When pesticides are needed, use the following prioritized approach: (1) organic pesticides; (2) Water Quality Act Allowed Pesticides; and (3) EPA Level III "caution" labeled pesticides only when deemed necessary to protect public health and economic impact by a licensed pest control adviser.
- 2) And, amend the City's Integrated Pest Management Policy to incorporate the following Guiding Principles:
  - a) Use of organic pesticides in all City properties.
  - b) Limit exposure to any pesticides where children and the general public congregate.
  - c) Incorporate additional guidance on use of pesticides for city rights of way, facilities, and other properties as reflected in the staff report.
  - d) Use EPA Level pesticides in a targeted manner, and only if deemed necessary to protect public health and economic loss by a licensed pest control adviser and City staff, when pests cannot be managed by other methods that we would have.

Additional discussion included: alternatives noted in the staff report to implement the changes to the City's Integrated Pest Management Policy as a pilot program to evaluate the changes to the Policy for effectiveness, and to assist in identifying potential unintended consequences of a complete prohibition of synthetic pesticides.

Mayor Pro Tempore Schott, in speaking to the motion, suggested that staff return within the next 6-12 months to evaluate the outcome of the measure.

**ACTION:** Councilmember Shea amended the motion, accepted by Mayor Choi as the seconder, and was unanimously carried to:

- 1) Amend the City's Integrated Pest Management policy for parks, fields and playgrounds as follows:
  - a) When pesticides are needed, use the following prioritized approach: (1) organic pesticides; (2) Water Quality Act Allowed Pesticides; and (3) EPA

Level III “caution” labeled pesticides only when deemed necessary to protect public health and economic impact by a licensed pest control adviser.

- 2) And, amend the City’s Integrated Pest Management Policy to incorporate the following Guiding Principles:
  - a) Use of organic pesticides in all City properties.
  - b) Limit exposure to any pesticides where children and the general public congregate.
  - c) Incorporate additional guidance on use of pesticides for city rights of way, facilities, and other properties as reflected in the staff report.
  - d) Use EPA Level pesticides in a targeted manner, and only if deemed necessary to protect public health and economic loss by a licensed pest control adviser and City staff, when pests cannot be managed by other methods that we would have.

**As amended** to direct staff to return to the City Council annually with reports evaluating the outcome of the City’s Integrated Pest Management Policy.

Mayor Pro Tempore Schott left the meeting at 8:10 p.m.

**4.2 CONSIDERATION OF REQUEST FOR A DEVELOPMENT AGREEMENT WITH LBA RV-COMPANY X, LP**

Tim Gehrich, Deputy Director of Community Development, and Bill Rodrigues, Senior Planner, presented the staff report and responded to questions. Tim Strader Jr., Starpointe Ventures on behalf of the applicant, was also available for questions.

City Council discussion included: why an urgency existed for a development agreement; timeframe and development rights of the applicant in the absence of a development agreement; noted the citywide traffic study currently underway; whether the applicant was precluded from development without a development agreement; deferring the item for consideration at a future date; noted additional information necessary prior to entering into a development agreement; potential impacts on traffic from the proposed development agreement; differences between the original entitlement vs. the current proposal; and whether the current proposal will have a positive or negative impact on the surrounding area.

ACTION: Moved by Councilmember Lalloway, seconded by Mayor Choi, to:

Provide specific direction to staff to negotiate the terms of the Development Agreement and request that staff return to the City Council with periodic updates.

Additional discussion included: Irvine Business Complex (IBC) traffic study conducted in 2010; anticipated timeframe for final City Council approval if a development agreement was entered into; reiterated the preference of having staff negotiate terms of a development agreement on behalf of the City Council; deferring the item to a future date until the Citywide Traffic Study was completed; questioned the typical timeframe of similar development agreements; suggested appointing a subcommittee to negotiate the terms of a proposed development agreement; and questioned the preference of the applicant for a development agreement if the item was deferred until the citywide traffic study was completed.

ACTION: A substitute motion was made by Councilmember Shea to:

Defer the item to a future City Council meeting following the completion of the Citywide Traffic Study in April.

The motion failed for lack of second.

Following discussion, Mayor Choi withdrew his second to Councilmember Lalloway's motion. The motion failed for lack of second.

City Manager Joyce noted that the citywide traffic study would come before the City Council in April; and further noted that the applicant was not precluded from filing an application at this time.

ACTION: Moved by Mayor Choi, seconded by Councilmember Shea, to:

Appoint a Subcommittee of comprised of Mayor Choi and Councilmember Shea to negotiate terms of a Development Agreement requested by LBA RV-Company X, LP and establish parameters for the Subcommittee.

The motion failed as follows:

AYES: 2 COUNCILMEMBERS: Shea and Choi

NOES: 2 COUNCILMEMBERS: Krom and Lalloway

ABSENT: 1 COUNCILMEMBERS: Schott

**ACTION:** Moved by Councilmember Lalloway to:

Provide specific direction to staff to negotiate the terms of the Development Agreement and request that staff return to the City Council with periodic updates.

The motion failed for lack of second. No further action was taken.

**4.3 DESIGN OF NATIONAL MOTTOS IN THE CITY COUNCIL CHAMBER**

Mayor Choi provided brief opening remarks, noting that this item had come before the City Council at a prior meeting.

Ilya and Robert Tseglin spoke in support of incorporating the national mottos in the Council Chamber.

City Council discussion included: prior selection by the City Council for the two mottos on banners above the Freedom Shrine; and selecting design option D below (two mottos affixed on brick wall with individual brass letters) without the City Seal in the center.

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

Select design option D (reflected in Attachment 4 of the staff report) for the display of the “In God We Trust” and “E Pluribus Unum” mottos above the Freedom Shrine at the rear of the City Council Chamber as follows:

D. Two mottos affixed on brick wall with individual brass letters with the City Seal in the center.

**As amended** to eliminate the City Seal in the center of the two mottos.

**PUBLIC COMMENTS**

Michael Klubniken noted recent actions by the Orange County Board of Supervisors.

Alan Meyerson, Irvine resident, spoke on recent comments made by Councilmember Lalloway at a prior meeting regarding testimony by Harvey Liss related to contaminated soil adjacent to the Portola High School site.

Doug Bender, Zeki Kayiran, and Arie Goldberg spoke in opposition to a proposed Edison substation on Wald.

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

Paul Lam, Irvine resident, spoke on solving the summer learning gap among Irvine students.

**ADJOURNMENT**

**By consensus of the members present (Mayor Pro Tempore Schott absent), the regular City Council meeting was adjourned at 8:52 p.m.**

  
MAYOR OF THE CITY OF IRVINE

  
CITY CLERK OF THE CITY OF IRVINE

March 8, 2016