



Steven Choi
Mayor / Chair

Jeffrey Lalloway
Mayor Pro Tem / Vice Chair

Larry Agran
Councilmember / Boardmember

Beth Krom
Councilmember / Boardmember

Christina Shea
Councilmember / Boardmember

MINUTES

CITY COUNCIL
ADJOURNED REGULAR MEETING
AND
ADJOURNED REGULAR JOINT MEETING
WITH THE CITY OF IRVINE AS
SUCCESSOR AGENCY TO THE
DISSOLVED
IRVINE REDEVELOPMENT AGENCY

October 14, 2014
City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

The adjourned regular meeting of the Irvine City Council and adjourned regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency was called to order at 5:05 p.m. on October 14, 2014 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor / Chair Choi presiding.

ROLL CALL

Present:	5	Councilmember/Boardmember:	Larry Agran
		Councilmember/Boardmember:	Beth Krom
		Councilmember/Boardmember:	Christina Shea
		Mayor Pro Tempore/Vice Chair	Jeffrey Lalloway
		Mayor/Chair:	Steven Choi

PLEDGE OF ALLEGIANCE

Mayor Choi led the Pledge of Allegiance.

INVOCATION

Mayor Choi invited Monsignor Don Romito from St. John Neumann Catholic Church in Irvine to provide the invocation.

MUSICAL PRESENTATION

Mayor Choi introduced the Funtime Montessori School students, who performed "God Bless America" and the "Little Bird Dance."

1. PRESENTATIONS

1.1 *Proclaim October 18-26, 2014 as "Red Ribbon Week"*

Mayor Choi introduced Nancy Colocino and the partners of the Irvine Prevention Coalition, and presented a proclamation recognizing "Red Ribbon Week."

1.2 *Proclaim November 2014 as "Lung Cancer Awareness Month"*

Mayor Choi introduced Amanda Knitter and Krisztina Quick from the American Lung Association of California, and presented them with a proclamation recognizing "Lung Cancer Awareness Month."

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Choi introduced Leo Reble, his new appointee to the Green Ribbon Environmental Committee.

Mayor Choi also made the following announcements:

- On Thursday, October 16 at 10:16 a.m., the City of Irvine will participate in "The Great California ShakeOut," the largest earthquake drill in the United States. For information about how to participate in the event, visit shakeout.org. For information about emergency preparedness, visit cityofirvine.org/em.

- City of Irvine Senior Services will host the Senior Resource expo on Saturday, October 25 from 9 a.m. to noon at Lakeview Senior Center. For information, visit irvineseniors.org or call 949-724-6908.
- The General Municipal Election will be held on November 4 and the registration deadline is October 20. Registration cards are available at all City community centers and at the Irvine Civic Center. For information on registration, to register online or to become a poll worker, call the Registrar of Voters at 714-567-7600 or visit ocvote.com.
- FivePoint Communities hosted a free public celebration at the Orange County Great Park last week, which highlighted the City's unique public-private partnership to build 688 acres of the Great Park over the next five years. Mayor Choi also presented a short video of the event.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

CONVENE TO THE REGULAR JOINT MEETING

Mayor / Chair Choi convened to the regular joint meeting with the Successor Agency at 5:46 p.m.

2. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to approve City Council Consent Calendar Item Nos. 2.1 through 2.11 and Successor Agency Consent Calendar Item Nos. 3.1 and 3.2, with the exception of City Council Consent Calendar Item Nos. 2.8 and 2.10, which were removed for separate discussion.

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 Redevelopment Agency held on September 23, 2014.

2.2 PROCLAMATIONS

ACTION:

Proclaimed October 29, 2014 as the 91st Anniversary of the Republic of Turkey.

2.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION*:

Adopted RESOLUTION NO. 14-112 - 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

* Councilmember Agran voted in the affirmative with the stipulation that he was opposed to the payments made in the amount of \$108,909.94 to HSNO (Warrant No. 472605) and \$64,895.29 to Aleshire & Wynder, LLP (Warrant No. 472708) without additional detail of the services provided in relation to the Orange County Great Park audit.

2.4 WARRANT AND WIRE TRANSFER RESOLUTION – AT&T

ACTION:

Adopted RESOLUTION NO. 14-113 - 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 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION:

Adopted RESOLUTION NO. 14-114 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS OF BANK OF AMERICA AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

Councilmember Agran abstained.

2.6 ACCEPTANCE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT

ACTION:

- 1) Authorized the Director of Public Safety to approve and accept a \$330,746 Selective Traffic Enforcement Program grant award from the State of California, Office of Traffic Safety.
- 2) Approved a budget adjustment appropriating \$330,746 for the California Office of Traffic Safety Selective Traffic Enforcement Program grant.

2.7 RESOLUTION OF THE CITY COUNCIL MAKING FINDINGS RELATED TO APPROVAL OF THE SECOND AMENDMENT TO THE ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AGREEMENT

ACTION:

Adopted RESOLUTION NO. 14-115 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, MAKING FINDINGS RELATED TO THE CITY'S PRIOR APPROVAL OF THE ORANGE COUNTY FIRE AUTHORITY'S SECOND AMENDMENT TO THE AMENDED JOINT POWERS AUTHORITY AGREEMENT

2.8 APPROVAL OF AGREEMENT WITH GIBSON DUNN & CRUTCHER FOR APPELLATE LEGAL SERVICES PERTAINING TO SECOND AMENDMENT TO ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AGREEMENT

This item was removed at the request of Irvine resident Wayne Smith, who inquired about whether the City had an existing contract with the Orange County Fire Authority (OCFA), the term of the contract, and how much was being paid per year for fire protection services. He further asked why a clause was not incorporated into the Second Amendment to the existing agreement that allowed Irvine to withdraw from the OCFA sooner if the terms were not upheld. He also suggested that the City form its own fire department in an effort to save money for Irvine taxpayers.

City Manager Joyce provided a brief explanation of the terms and options of the OCFA contract.

Councilmember Shea explained the current issues related to the Second Amendment and that the City expected to receive approximately \$200 million from the OCFA related to the Second Amendment; and noted opposition from the County of Orange. Mayor Choi reiterated the statements made by Councilmember Shea and expressed his support.

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

Approve legal services agreement with Gibson Dunn & Crutcher for appellate legal services for Orange County Fire Authority appeal.

2.9 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Councilmember Shea's request for Community Partnership Fund Grant nomination to the Be Aware Foundation and Boys Hope Girls Hope of Southern California in support of program costs.
- 2) Authorized the City Manager to prepare and sign funding agreements for organizations listed in Action 1.

2.10 AMENDMENT TO FARMING LEASE AGREEMENT BETWEEN CITY OF IRVINE AND EL TORO FARMS, LLC

This item was removed at the request of Councilmember Shea, who asked the City Manager to provide a brief summary of the interface and potential impacts that the amendment may have on future development and build-out of the Orange County Great Park.

City Manager Joyce stated that the existing agreement consisted of approximately 35.4 acres for agricultural use within the proposed wildlife corridor outside the upcoming 688-acre sports park, and generated approximately \$42,480 per year in revenue. He further mentioned that the amendment allowed for a one-year extension with up to two one-year extensions; and noted that such amendment would not interfere with the construction of the upcoming 688-acre sports park or the wildlife corridor.

Mayor Choi suggested that any future lease agreements be mindful of potential impacts to construction and development of the Orange County Great Park.

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

Approve a one-year extension of the Farming Lease with El Toro Farms, LLC effective July 1, 2014, and authorized the City Manager to enter into up to two further one-year extensions.

2.11 AUTHORIZATION TO APPLY FOR CALRECYCLE GRANTS

ACTION:

Adopted RESOLUTION NO. 14-116 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF IRVINE IS ELIGIBLE

3. CONSENT CALENDAR - SUCCESSOR AGENCY

3.1 MINUTES

ACTION:

Approved the minutes of a regular joint meeting of the City of Irvine as Successor Agency to the dissolved Redevelopment Agency and the Irvine City Council held on September 23, 2014.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION – CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY

ACTION:

Adopted RESOLUTION NO. 14-04 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY ALLOWING CERTAIN CLAIMS AND DEMANDS OF THE CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

PUBLIC COMMENT - SUCCESSOR AGENCY

Tyler Holcomb spoke on comments made in the depositions of Brendan McDevitt, Yehudi Gaffen, and City Manager Joyce with respect to redevelopment funding in the Orange County Great Park audit; and provided video slides of pages from each of the depositions reflecting such comments.

ADJOURNMENT – REGULAR JOINT MEETING

Moved by Councilmember/ Boardmember Shea, seconded by Mayor Pro Tempore / Vice Chair Lalloway, and unanimously carried by those members present (Councilmember / Boardmember Krom absent for vote) to adjourn the adjourned regular joint meeting with the Successor Agency at 6:05 p.m.

RECONVENE TO THE ADJOURNED REGULAR CITY COUNCIL MEETING

Mayor Choi reconvened the adjourned regular City Council meeting at 6:06 p.m.

4.1 COMMUNITY FACILITIES DISTRICT NO. 2013-3 — ADOPT RESOLUTIONS OF CHANGE AND FORMATION FOR IMPROVEMENT AREA NO. 4 — CONDUCT ELECTION —FIRST READING OF ORDINANCE OF LEVY OF SPECIAL TAX

Valaya Chitchakkol, Finance Administrator, presented the staff report. Paul Pender, Fieldman & Rolap, was also present.

Mayor Choi opened the public hearing at 6:08 p.m. There were no public comments.

ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Krom, and unanimously carried by those members present (Councilmember Shea absent for vote) to close the public hearing at 6:09 p.m.

There was no City Council discussion.

Prior to Mayor Choi calling for a motion, City Clerk McLaughlin explained the procedural process for consideration of the recommended actions before the City Council related to this item.

ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to approve Recommended Action Item Nos. 5, 6 and 7 as follows:

- 5) Adopt RESOLUTION NO. 14-117 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DESIGNATING IMPROVEMENT AREA NO. 4 OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN SAID IMPROVEMENT AREA
- 6) Adopt RESOLUTION NO. 14-118 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN IMPROVEMENT AREA NO. 4 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND SUBMITTING A PROPOSITION TO THE QUALIFIED ELECTORS THEREOF

- 7) Adopt RESOLUTION NO. 14-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING A SPECIAL TAX IN IMPROVEMENT AREA NO. 4 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), THE ISSUANCE OF BONDS BY SAID IMPROVEMENT AREA OF THE DISTRICT AND ESTABLISHMENT OF AN APPROPRIATIONS LIMIT

Following approval of Recommended Action Item Nos. 5, 6, and 7 above, City Clerk McLaughlin opened the ballot and read allowed the election results from property owner Heritage Fields representing Improvement Area No. 4, which reflected 219 votes attributed to the ballot and a vote cast in the affirmative.

ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to approve Recommended Action Item No. 9 as follows:

- 9) Adopt RESOLUTION NO. 14-120 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DECLARING THE RESULTS OF A SPECIAL ELECTION HELD IN IMPROVEMENT AREA NO. 4 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND DIRECTING RECORDING OF A NOTICE OF SPECIAL TAX LIEN

Following approval of Recommended Action No. 9 above, City Clerk McLaughlin read into the record for first reading the title of the proposed Ordinance reflected in Recommended Action Item No. 10.

ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to approve Recommended Action Item No. 10 as follows:

- 10) Introduce for first reading and read by title only ORDINANCE NO. 14-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), LEVYING SPECIAL TAXES WITHIN IMPROVEMENT AREA NO. 4 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)

5. COUNCIL BUSINESS

5.1 GREAT PARK AUDIT: STATUS UPDATE

Anthony Taylor, Special Counsel, Aleshire & Wynder, presented the staff report and responded to questions.

Dave Aleshire, Special Counsel, Aleshire & Wyner, noted that all City Councilmembers have been fully informed as to the status of the audit, and the report before the City Council was a status update and not the final comprehensive report. He further noted that what was contained in the status report included information provided in depositions while also highlighting areas that require further research.

City Council discussion included: delivery of the status report in a timely manner; comparisons to the City of Bell; total number of depositions; Forde & Mullrich compliance with their subpoena; District Attorney's request to review materials related to the audit; and non-disclosure of privileged information.

Councilmember Shea read into the record correspondence received by the District Attorney requesting materials related to the audit for review.

Paul Najjar and Alan Ziegus, representing Gafcon, Inc., noted their disappointment by allegations made against Gafcon with respect to the Orange County Great Park audit and that the company had fully cooperated with both past and current audits.

Santiago Ruiz provided the first three minutes of a nine-minute video clip highlighting the history between the Orange County Great Park and Gafcon.

Theresa Hancock, representing Gafcon, Inc., asked to use her time to show the next three minutes of the video presentation provided by Mr. Ruiz to which Mayor Choi declined her request, noting that ceding time to others for purposes of presenting serial videos was not permitted based on City policy. Dave Aleshire, Special Counsel, Aleshire & Wynder, noted that the Mayor, as presiding officer, has the authority to interpret the rules; however, a majority of the City Council may overrule his interpretation.

ACTION: Moved by Councilmember Agran, seconded by Councilmember Krom, to permit Ms. Hancock and subsequent individuals the opportunity to use their three minutes without regard to content in accordance with City ordinances.

ACTION: An amendment to Councilmember Agran’s motion was made by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, to uphold the Mayor’s decision to prohibit members of the public the ability to use their time for purposes of presenting a serial video.

Discussion ensued as to whether the action taken by the Mayor to limit the content of public testimony, to which Mr. Aleshire responded that the Mayor’s interpretation of the rules was not unreasonable.

ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, to approve Councilmember Shea’s request to amend Councilmember Agran’s motion.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Choi

NOES: 2 COUNCILMEMBERS: Agran and Krom

ABSENT: 0 COUNCILMEMBERS: None

ACTION: The amendment to Councilmember Agran’s motion was moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, to*:

Uphold the Mayor’s decision to prohibit members of the public the ability to use their time for purposes of presenting a serial video.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Choi

NOES: 2 COUNCILMEMBERS: Agran and Krom

ABSENT: 0 COUNCILMEMBERS: None

*The substitute motion carried and takes precedence over the main motion; therefore, a vote was not taken on the main motion.

Theresa Hancock, representing Gafcon, Inc., encouraged the City Council and members of the public to visit greatparktruth.com to view the remainder of the video presentation and other information on Gafcon as it relates to the Orange County Great Park audit.

Kristine Legaspi, William Morrison, Yohan Roparatne, and Chris Holloway, representing Gafcon, Inc., submitted speaker slips but withdrew their requests to speak.

Sharon Toji spoke in opposition to FivePoint Management Inc.'s development of the 688 acres of the Orange County Great Park and the limitation of public testimony for presentation of serial videos.

Jackie Woods, Ed Pope and Harvey Liss spoke in opposition to the Orange County Great Park audit.

Shirley Lorenz noted comments made in the deposition of Assistant City Manager Landers.

Tyler Holcomb and Alan Bartlett spoke in support of the Orange County Great Park audit.

City Council discussion included: purpose of audit; qualifications of Ken Smith and Gafcon; content of the video presented by Gafcon; the District Attorney's request to review materials related to the audit; Forde & Mullrich and Gafcon's role in defeating the proposed airport at the former El Toro Marine Corps Air Station; the recent recession and its impact on development of the Great Park; hiring of special counsel and other experts to conduct the audit, whether they were hired by the subcommittee, and if their contracts were sole sourced; findings of the audit thus far; and former City Attorney Kohn's and Sam Allevato's relationships with Forde & Mullrich.

Councilmember Agran read into the record correspondence that he prepared to Attorney General Kamala Harris regarding his concerns on the purpose of the audit.

ACTION: Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried to receive and file the status report provided at the City Council meeting on October 14, 2014.

PUBLIC COMMENTS

Allan Bartlett spoke on content related to the Irvine Community News and Views political advertisement.

John Jaeger noted the impacts of slow growth to businesses, and presented slides of an unoccupied home and recently closed businesses in the City.

Judith d'Albert expressed concern about the excess amount of political signs throughout the City and associated impacts on traffic safety.

Ben Leffel spoke in favor of a sister/friendship city relationship with cities in China.

Ilya Tseglin reiterated a domestic issue concerning his autistic son and continued legal issues.

Michael Klubnikin spoke on behalf of his friend, Ilya Tseglin, who continues to seek legal assistance for a domestic issue related to his autistic son.

Dinah Frieden asked that the City Council consider a moratorium on building and initiate a utility study to determine that the necessary infrastructure exists to accommodate future growth; and spoke in support of reconfiguring the locations of the proposed fifth high school and the Veterans Memorial and Cemetery.

Steve Greenberg spoke about recent comments in certain political advertisements with respect to candidate Melissa Fox.

Ron Ovadia noted past comments concerning friendship/sister city relationships with cities in Pakistan and China.

Winshan Jia suggested that Councilmember Agran be named Father of Modern and Contemporary Irvine given his history on multiculturalism and inclusiveness.

ADJOURNMENT

By consensus, the meeting was adjourned at 9:15 p.m.


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

October 28, 2014