



Steven Choi
Mayor

Jeffrey Lalloway
Mayor Pro Tem

Larry Agran
Councilmember

Beth Krom
Councilmember

Christina Shea
Councilmember

MINUTES

CITY COUNCIL SPECIAL MEETING

August 12, 2014
City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

The special meeting of the Irvine City Council was called to order at 2:05 p.m. on August 12, 2014 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

ROLL CALL

Present:	5	Councilmember:	Larry Agran*
		Councilmember:	Beth Krom
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Jeffrey Lalloway
		Mayor:	Steven Choi

* Councilmember Agran arrived at 2:06 p.m.

PLEDGE OF ALLEGIANCE

Mayor Choi led the Pledge of Allegiance.

1. PRESENTATION

1.1 *Proclaim July 21-24, 2015 as "Irvine Host Town" Days, Los Angeles Special Olympics World Games 2015*

Mayor Choi introduced Josh Levine, Willie Pestolesi, and Joan Klonowski, representatives from the Special Olympics World Games, and presented them with a proclamation recognizing July 21-24, 2015 as "Irvine Host Town Days."

2. PUBLIC HEARINGS

2.1 *APPEAL OF THE SUBDIVISION COMMITTEE'S ACTION APPROVING A VESTING TENTATIVE PARCEL MAP AND THE PLANNING COMMISSION'S ACTION APPROVING A MASTER PLAN FOR THE DEVELOPMENT OF A RESEARCH AND DEVELOPMENT CAMPUS LOCATED WITHIN DEVELOPMENT DISTRICT 3 OF THE GREAT PARK NEIGHBORHOODS (PLANNING AREA 51)*

Eric Tolles, Director of Community Development and Barry Curtis, Manager of Planning, presented the staff report and responded to questions.

City Council discussion included: reason for appeals and whether City Council approval was required for the privately owned grade-separated bridge decks over future Marine Way; impacts of the bridge decks to public right-of-way and whether the bridge decks provided a public benefit; landscape responsibility and requirements underneath and around the bridge decks; square footage of the entire project; and whether potential increased intensity would require a new EIR and/or General Plan Amendment.

Patrick Strader, Starpointe Ventures on behalf of Heritage Fields/Five Point Communities Management, Inc., spoke in opposition to granting the appeals. He also provided an update on the 688-acre development at the Orange County Great Park, an overview of the proposed research and development project, and a summary of the decisions made by the Subdivision Committee and Planning Commission.

Larry Kosmont, Kosmont Company, also provided a presentation on the project background, analysis and summary of findings, which included annual revenues to the City via property, sales, and utility user taxes, job creation, economic output, and special taxes and fees.

Rob Jernigran, Gensler Architects on behalf of OCPC (a subsidiary of Broadcom) provided an architectural overview of the project and artist renderings of the overall design.

Additional City Council discussion included: uniqueness of the project and potential public benefits and/or burdens; whether the granting of the entitlement and any conditions will be specific to Broadcom or if entitlement applies to all future tenants; air rights in the public right-of-way; and parking requirements and parking waivers.

Mayor Choi opened the public hearing at 3:14 p.m.

Harvey Liss, Planning Commissioner, noted that while he voted in favor of the project at the July 3, 2014 Planning Commission meeting, he did express concern over the bridge decks over public right-of-way, lighting underneath and its impacts at different times of day, traffic concerns and liability, and safety concerns with respect to ventilation underneath the bridge.

Anthony Kuo and Lynn Schott, Planning Commissioners, spoke in favor of the project and urged the City Council to consider the economic benefits associated with the project.

Mary Ann Gaido, Planning Commissioner, spoke in opposition to the project, expressing concerns over the waiver to reduce parking requirements by 10% and the applicability of the reduction of parking to all future tenants.

ACTION: Moved by Mayor Choi, seconded by Councilmember Shea, to close the public hearing at 3:25 p.m.

The motion carried as follows:

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

NOES: 1 COUNCILMEMBERS: Agran

ABSENT: 0 COUNCILMEMBERS: None

Additional City Council discussion included: Broadcom's initial concerns over the divided campus and the proposed bridge decks to overcome those concerns; job creation and retention resulting from the project; additional homebuying opportunities; Orange County Transportation Authority (OCTA) review of the proposed bridge decks; encouraging alternative transportation to compensate for 10% parking reduction waiver; potential transportation plan benefitting the entire County; whether the developer would be pursuing additional entitlements; City Council reliance on Planning Commission for its expertise in planning projects; and potential liability exposure to the City resulting from the bridge deck design.

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

- 1) Deny the appeal and uphold the Subdivision Committee's decision and:

Adopt RESOLUTION NO. 14-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA UPHOLDING THE SUBDIVISION COMMITTEE'S DECISION TO APPROVE VESTING TENTATIVE PARCEL MAP 2014-122 (00604519-PTP) TO SUBDIVIDE 78.5 GROSS-ACRES INTO 17 NUMBERED LOTS AND FIVE LETTERED LOTS IN DEVELOPMENT DISTRICT 3 OF THE GREAT PARK NEIGHBORHOODS (PLANNING AREA 51); FILED BY FIVE POINT COMMUNITIES MANAGEMENT, INC.

- 2) Deny the appeal and uphold the Planning Commission's decision and:

Adopt RESOLUTION NO. 14-94 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE MASTER PLAN (00604048-PMP) WITH ADMINISTRATIVE RELIEF FOR PARKING AND ALTERNATIVE SETBACK STANDARDS FOR THE DEVELOPMENT OF A TWO MILLION SQUARE FOOT RESEARCH AND DEVELOPMENT CAMPUS LOCATED WITHIN DEVELOPMENT DISTRICT 3 IN PLANNING AREA 51 (GREAT PARK NEIGHBORHOODS); FILED BY FIVE POINT COMMUNITIES MANAGEMENT, INC.

As amended per the errata memo dated August 12, 2014 to correct the numbering sequence for Conditions of Approval 3.31 through 3.44.

Councilmember Agran expressed concern about future liability exposure and suggested strengthening the indemnification clause (Condition 1.16), to which City Attorney Litfin suggested the following language be added to said condition:

"The agreement, which is the agreement with the property owners, shall also state that the property owners of the structure over Marine Way shall defend, with legal counsel approved by the city, indemnifying hold harmless the city and it's officials and employees from it against any claims, losses or liabilities including any award of attorney's fees assessed or awarded against the city by way of judgment, settlement or stipulation relating to the structure or any accidents or other events on Marine Way relating to the structure."

ACTION: An amendment to Mayor Pro Tempore Lalloway's motion was made by Councilmember Agran to add the additional indemnification clause to Condition No. 1.16 as suggested by the City Attorney.

The amended motion failed for lack of a second.

Councilmember Agran asked whether the City Council could seek an indemnification condition later on, to which City Attorney Litfin suggested that incorporation of the condition as part of the motion would be best as the City is then provided the ability to negotiate with the developer on maintenance and liability of the structure.

ACTION: A vote was taken on the original motion made by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, to:

- 1) Deny the appeal and uphold the Subdivision Committee's decision and:

Adopt RESOLUTION NO. 14-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA UPHOLDING THE SUBDIVISION COMMITTEE'S DECISION TO APPROVE VESTING TENTATIVE PARCEL MAP 2014-122 (00604519-PTP) TO SUBDIVIDE 78.5 GROSS-ACRES INTO 17 NUMBERED LOTS AND FIVE LETTERED LOTS IN DEVELOPMENT DISTRICT 3 OF THE GREAT PARK NEIGHBORHOODS (PLANNING AREA 51); FILED BY FIVE POINT COMMUNITIES MANAGEMENT, INC.

- 2) Deny the appeal and uphold the Planning Commission's decision and:

Adopt RESOLUTION NO. 14-94 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE MASTER PLAN (00604048-PMP) WITH ADMINISTRATIVE RELIEF FOR PARKING AND ALTERNATIVE SETBACK STANDARDS FOR THE DEVELOPMENT OF A TWO MILLION SQUARE FOOT RESEARCH AND DEVELOPMENT CAMPUS LOCATED WITHIN DEVELOPMENT DISTRICT 3 IN PLANNING AREA 51 (GREAT PARK NEIGHBORHOODS); FILED BY FIVE POINT COMMUNITIES MANAGEMENT, INC.

As amended per the errata memo dated August 12, 2014 to correct the numbering sequence for Conditions of Approval 3.31 through 3.44.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Choi

NOES: 2 COUNCILMEMBERS: Agran and Krom

ABSENT: 0 COUNCILMEMBERS: None

A request was made by Councilmember Agran that the City Attorney prepare a memo, to be submitted as part of the record, stating that he believed that the City had ample protection with respect to future exposure of liability without the additional language as proposed in his amended motion.

PUBLIC COMMENTS

There were no public comments.

RECESS

City Attorney Litfin announced the Closed Session item, following which Mayor Choi convened the special City Council meeting to Closed Session at 4:06 p.m.

3. CLOSED SESSION

(Mayor Pro Tempore Lalloway left the meeting at 4:06 p.m. and did not participate in Closed Session).

3.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – ORANGE COUNTY FIRE AUTHORITY AND THE CITY OF IRVINE V. ALL PERSONS INTERESTED [IN SECOND AMENDMENT TO AMENDED JOINT POWERS AUTHORITY AGREEMENT], ORANGE COUNTY SUPERIOR COURT, CASE NO. 30-2013-00694527 (Pursuant to Government Code Section 54956.9(d)(1))

3.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4) (one case)

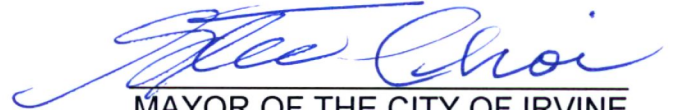
There were no public comments related to the Closed Session item.

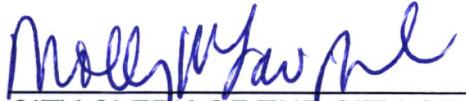
RECONVENE TO THE CITY COUNCIL MEETING

Mayor Choi reconvened the special City Council meeting at 4:37 p.m. City Attorney Litfin, on behalf of the City Council, announced that by a 4-0 vote (Mayor Pro Tempore Lalloway absent), the City Council authorized the initiation of an appeal regarding the Orange County Fire Authority validation action matter.

ADJOURNMENT

By consensus, the special City Council meeting was adjourned at 4:38 p.m.


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

August 26, 2014