



Steven Choi
Mayor

Jeffrey Lalloway
Mayor Pro Tempore

Larry Agran
Councilmember

Beth Krom
Councilmember

Christina Shea
Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

February 11, 2014
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 4:03 p.m. on February 11, 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

1. CLOSED SESSION

**1.1 CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION:
*Significant exposure to litigation pursuant to Government Code
Section 54956.9(d): 1 potential case***

City Attorney Litfin announced the Closed Session item, following which Mayor Choi convened to Closed Session at 4:05 p.m. There were no public comments related to the Closed Session item.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Choi reconvened the City Council meeting at 5:13 p.m. City Attorney Litfin, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Councilmember Agran led the Pledge of Allegiance.

INVOCATION

Mayor Choi invited Pastor Denise Ristenpart from Mariner's Church in Irvine to provide the invocation.

MUSICAL PRESENTATION

Mayor Choi introduced Woodbridge High School student Nicole Gentile, accompanied by Vocal Music Director Rob Blaney, who performed the National Anthem and "Astonishing" from the musical, Little Women.

CITY MANAGER'S REPORT

City Manager Joyce provided a report regarding a reorganization plan for the Orange County Great Park that would best allocate City resources to meet the vision of the City Council, and provide the highest level of support to FivePoint Communities and its five-year plan to build on 688 acres.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Shea announced that the Great Park Audit Sub-Committee had retained recently retired Superior Court Judge Nancy Wieben Stock to serve in the role of Special Master, in association with the Office of Special Counsel.

Mayor Pro Tempore Lalloway announced that Girl Scout Cookies would be on sale from January 26 to March 6, 2014, and introduced Girl Scout Ashley Hendrix from Troop 468, who presented a box of cookies to each City Councilmember.

Mayor Choi made the following announcements:

- The City of Irvine invites the public to attend the annual State of the City Address as part of the City Council meeting on Tuesday, February 25, 2014 at 6:00 p.m., in the Council Chamber. The public is invited to attend both the State of the City Address, as well as a reception that begins in the lobby at 5:00 p.m. For more information, visit *cityofirvine.org*.
- The City of Irvine is conducting a walking and biking survey through February 28, 2013, to better understand how residents, employees, and visitors walk, bike, or get around Irvine. To take the survey or for more information, visit *cityofirvine.org*.
- The City of Irvine, in partnership with the United Way of Orange County, is offering tax preparation services at no cost to taxpayers who earned less than \$58,000 in 2013. Qualifying taxpayers who live, work or attend school in Irvine are eligible to receive help completing and electronically filing their tax returns through April 15, 2014. For more information or to schedule an appointment, call 888-434-8248 or visit *myfreetaxes.com/Irvine*.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

2. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to approve the Consent Calendar Item Nos. 2.1 through 2.14.

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 January 28, 2014.

2.2 PROCLAMATIONS/COMMENDATIONS

ACTION:

- 1) Commended Bradley Ormes - 100th Birthday.
- 2) Proclaimed February 16-22, 2014 as "National Engineers Week."

2.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 14-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE 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. 14-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE 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. 14-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE 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 AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR REIMBURSEMENT OF TRAINING COSTS FOR FISCAL YEAR 2013 URBAN AREAS SECURITY INITIATIVE GRANT

ACTION:

- 1) Authorized the Director of Public Safety to accept the Agreement for Transfer or Purchase of Equipment/Services or for Reimbursement of Training Costs for Fiscal Year 2013 Urban Areas Security Initiative Grant.
- 2) Authorized the Director of Public Safety to accept equipment, technology, services or supplies purchased by the City of Santa Ana and transferred to the City of Irvine to enhance countywide emergency preparedness.
- 3) Approved a budget adjustment request in the amount of \$140,000 in grant revenues and appropriations for training costs and for equipment, supplies or services.

- 4) Authorized the Director of Public Safety to submit for reimbursement up to \$70,000 in training costs and \$70,000 in approved equipment, supplies or services through the Fiscal Year 2013 Urban Areas Security Initiative Grant Program.

2.7 IRVINE CENTER DRIVE REHABILITATION FROM CULVER TO HARVARD

ACTION:

- 1) Approved the plans, specifications and contract documents for Irvine Center Drive Rehabilitation from Culver to Harvard, Capital Improvement Project (CIP) 311414 and 351401.
- 2) Approved the Engineer's Estimate, Construction Contingency, and Funding Summary (Attachment 2 to the staff report), and authorized staff to solicit competitive bids for construction in accordance with the City's purchasing policies and procedures.

2.8 MASTER MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE COUNTY OF ORANGE FOR ENHANCED PUBLIC SAFETY SERVICES RELATED TO PUBLIC SAFETY REALIGNMENT (ASSEMBLY BILL 109) FOR FISCAL YEAR 2013-14

ACTION:

- 1) Authorized the Director of Public Safety to enter into the Master Memorandum of Understanding between the City of Irvine and the County of Orange for enhanced public safety services related to Public Safety Realignment (Assembly Bill 109) for Fiscal Year 2013-14.
- 2) Approved a budget adjustment request in the amount of \$11,570 reflecting \$11,570 in revenues and appropriations for training costs and necessary overtime, equipment and supplies for enhanced public safety services related to Public Safety Realignment (Assembly Bill 109).

2.9 BUDGET ADJUSTMENT TO AUTHORIZE CAPITAL EQUIPMENT PURCHASE TO INSTALL SHADE STRUCTURES AT HERITAGE COMMUNITY PARK TENNIS COURTS

ACTION:

Approved a Budget Adjustment of \$55,127 for the Design, Equipment Purchase, Construction/Installation and Construction Contingency needed for the installation of six permanent shade structures at Heritage Community Park Tennis Courts based on the price quotation received from GameTime Company (Attachment 1 to the staff report) in accordance with the City's purchasing policies and procedures.

2.10 REQUEST TO ORANGE COUNTY TRANSPORTATION AUTHORITY FOR MEASURE M2 GRANT FUNDING DEFERRAL FOR THE PETERS CANYON WASH CHANNEL WATER CAPTURE AND REUSE PROJECT

ACTION:

Authorized the Director of Public Works to submit a request to the Orange County Transportation Authority for a 12-month extension to Fiscal Year 2014-15 for Measure M2 Environmental Cleanup Program Grant of \$3,273,105 for the Peters Canyon Wash Channel Water Capture and Reuse Project.

2.11 CONCRETE INFRASTRUCTURE REPAIR

ACTION:

- 1) Approved specifications and contract documents for Concrete Infrastructure Repair, Capital Improvement Project (CIP) 311303, 311403, and 311404.
- 2) Approved the Engineer's Estimate, Construction Contingency, and Funding Summary (Attachment 2 to the staff report), and authorized staff to solicit competitive bids for construction in accordance with the City's purchasing policies and procedures.

2.12 NOTICE OF REVIEW FOR TRACT MAP IN IRVINE BUSINESS COMPLEX AND PENDING APPROVAL FOR TRACT MAPS IN ORCHARD HILLS AND PORTOLA SPRINGS

ACTION:

Received and filed.

2.13 PUBLIC HEARING FOR ASSESSMENT DISTRICT NO. 13-25 (PLANNING AREA 5B)

ACTION:

- 1) Rescheduled the public hearing for formation of Assessment District No. 13-25 to April 8, 2014.
- 2) Adopted RESOLUTION NO. 14-18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, RESCHEDULING A PUBLIC HEARING FOR PROPOSED ASSESSMENT DISTRICT NO. 13-25

2.14 FISCAL YEAR 2013-14 COMMUNITY DEVELOPMENT MID-YEAR BUDGET ADJUSTMENT FOR ENVIRONMENTAL REVIEW OF ORANGE COUNTY GREAT PARK MASTER PLAN MODIFICATION

ACTION:

Approved a Budget Adjustment to increase Orange County Great Park Fund expenditures in the Community Development Department by \$360,510 for consultant services for the preparation of environmental review documents and a traffic study in support of a modification to the Orange County Great Park Master Plan.

3. COUNCIL BUSINESS

3.1 BOND ISSUANCE FOR REASSESSMENT DISTRICT NO. 05-21

Valaya Chitchakkol, Finance Administrator, provided the staff report. She also introduced Tom Johnson, Financial Advisor with Fieldman, Rolapp and Associates. There was no City Council discussion.

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

Adopt RESOLUTION NO. 14-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$74,860,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE REASSESSMENT DISTRICT NO. 05-21 LIMITED OBLIGATION IMPROVEMENT BONDS, FIXED RATE SERIES BONDS, GROUP ONE, APPROVING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE AND A BOND PURCHASE AGREEMENT

3.2 APPROVAL TO NEGOTIATE AND ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH THE U.S. DEPARTMENT OF ENERGY TO HOST THE SOLAR DECATHLON 2015 EVENT AT THE ORANGE COUNTY GREAT PARK

Cliff Wallace, Great Park Deputy CEO, provided the staff report and responded to questions.

The following individuals spoke in support of hosting the Solar Decathlon 2015 at the Orange County Great Park:

Lela Riley
Harvey Liss
Susan Coons
Doug Sheldon
Melissa Fox

City Council discussion included: assumption of functions by the Department of Energy; potential revenue, economic benefits, and cost to the City, if any; impact on construction at the Great Park; and positive impacts to the community.

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

Authorize the City Manager to negotiate and enter into an amendment to Agreement No. 7296 with the U.S. Department of Energy to host the Solar Decathlon 2015 at the Orange County Great Park at no cost to the City of Irvine.

3.3 DISCUSSION OF MATERIALS REGARDING THE SITING OF FUTURE IRVINE UNIFIED SCHOOL DISTRICT HIGH SCHOOL SITE NO. 5

This item was agendaized by Councilmember Agran, who requested discussion of the siting of Irvine Unified School District High School Site No. 5.

Cliff Wallace, Great Park Deputy CEO, and Eric Tolles, Director of Community Development, responded to questions.

The following individuals spoke in support of alternative Site B:

Carol Leichich-LeMar
Dushan Guna Sekera
Harvey Liss
Carolyn Inmon

Ed Pope and Chris King spoke in support of alternative Site B, and also spoke in support of waiving attorney/client privilege and releasing Special Counsel's recent memorandum regarding IRP Site 3 and Anomaly Area 3.

Garrett Arnold spoke in support of the need to expedite the building of the new high school in order to avoid overcrowding at existing high schools, and in support of Site A.

City Council discussion included: the need for additional information in order to make informed decisions related to both sites; availability of related documents on-line; future jail expansion and proximity of the site to the jail; location of toxic substances and other environmental concerns at both sites; whether or not Site B is included on the Superfund priority list; potential exposure to liability; which entity is currently responsible for the Lease in Furtherance of Conveyance (LIFOC) area; potential traffic impacts from both sites; and the letter of response from Irvine Unified School District Superintendent to Councilmember Agran's letter regarding contamination concerns related to Site A.

ACTION: Moved by Councilmember Agran, seconded by Councilmember Krom, to*:

Direct staff to compile in a user friendly format within the next ten days a comprehensive compendium of information relative to Sites A and B, including items listed in Councilmember Agran's memorandum, and all relative items to the matters of toxic contamination at IRP Site 3 and Anomaly Area 3; and further direct staff to produce, in an appropriate form, an analysis of the City's liability or potential liability as a municipality, in the event that Irvine's new high school is located at Site A, and adverse health effects, possibly even cancer clusters, are later associated with toxins and carcinogens emanating from nearby IRP Site 3, and/or Anomaly Area 3.

ACTION: Following further discussion, a substitute motion was made by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to:

Direct the City Manager to make certain all information requested by Councilmember Agran is available on-line for public review, including any Department of the Navy documents, except any Attorney/Client privilege documents, and not in compilation form.

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

3.4 CONSIDERATION OF PLACING AN ADVISORY MEASURE ON THE JUNE 3RD CONSOLIDATED ELECTION BALLOT

This item was agendized by Councilmember Agran, who requested discussion regarding placing an advisory measure on the June 3rd Consolidated Election Ballot regarding the location of Irvine Unified School District's proposed site for a new high school.

The following individuals spoke in support of placing an advisory measure on the June 3rd ballot:

Carolyn Inmon
Dinah Frieden
Angelo Vassos
Ed Pope
Wendy Bokota
Harvey Liss
Jake Jacobs
Jean Miller

The following individuals spoke in opposition to placing an advisory measure on the June 3rd ballot:

Terry Walker, Superintendent, Irvine Unified School District
Carolyn McInerney
Jennifer King
Jiangdong Li
Scott Hansen
Connie Stone
David Witkin
Kim Axene

Dushan Guna Sekerea spoke in support of working collaboratively to identify the best site for the proposed high school.

Mayor Choi read written statements into the record submitted by Janelle French and Michael Shue expressing opposition to the proposed measure.

City Council discussion included: proposed language for the advisory measure; which agency should be responsible for putting the measure on the ballot; election costs; and overcrowding in high schools.

ACTION: Moved by Councilmember Agran, seconded by Councilmember Krom, to*:

Direct the City Attorney to bring back to the City Council the necessary documents to place an advisory measure regarding the proposed site of Irvine's fifth high school on the June 3, 2014 Consolidated Election ballot.

ACTION: Following further discussion, a substitute motion was made by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, to:

Direct staff to forward the suggested idea of a proposed advisory ballot measure regarding the location of Irvine’s fifth high school at Site A to the Irvine Unified School District Board of Directors as the organization with jurisdictional oversight, and the District Superintendent, to determine whether or not to include the advisory measure on the June 3, 2014 Consolidated Election ballot, and to advise the City Council of its decision.

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.

PUBLIC COMMENTS

Craig Durfey spoke about the need to educate the public regarding the dangers of distracted driving.

Jonathan Gerard and Alexander Hildebrand, Defenders of Adventure Playground, spoke about the use of natural materials vs. rubberized asphalt in the Adventure Playground.

Annelle Arthur, Assistance League of Irvine, thanked the City Council for its support of the Assistance League, and invited the City Council to the League’s Mortgage Burning Ceremony on March 20, 2014 from 5:30 to 7:00 p.m.

Ken Wyant expressed the need for an objective process regarding the findings of the Great Park Audit.

Tyler Holcomb spoke about the cost and findings of the Great Park audit.

ADJOURNMENT

Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to adjourn the meeting at 9:57 p.m. in memory of Christian Rhineer.



MAYOR OF THE CITY OF IRVINE



INTERIM CITY CLERK OF THE CITY OF IRVINE

February 25, 2014