



## MINUTES

### CITY COUNCIL ADJOURNED REGULAR MEETING

Steven Choi  
Mayor

Jeffrey Lalloway  
Mayor Pro Tempore

Larry Agran  
Councilmember

Beth Krom  
Councilmember

Christina Shea  
Councilmember

**March 11, 2014**  
**City Council Chamber**  
**One Civic Center Plaza**  
**Irvine, CA 92606**

#### CALL TO ORDER

The adjourned regular meeting of the Irvine City Council was called to order at 5:05 p.m. on March 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

#### PLEDGE OF ALLEGIANCE

Mayor Choi led the Pledge of Allegiance.

#### INVOCATION

Mayor Choi invited Pastor Frank Winans from Woodbridge Community Church to provide the invocation.

## **MUSICAL PRESENTATION**

Mayor Choi introduced students from the Irvine School of Music, who performed “My America” and “Don’t Stop Believing.”

### **1. PRESENTATIONS**

#### **1.1 Proclaim March 17, 2014 as "Holi" India's Spring Festival of Colors**

Mayor Choi introduced Dr. Seema Choudhary and Ms. Apra Bhandary, and presented them with a proclamation recognizing March 17, 2014 as commencement of “Holi” India’s Spring Festival of Colors.

## **CITY MANAGER’S REPORT**

City Manager Joyce reported that the Department of Public Safety was unveiling its new Wildlife Watch Program, iWILD, designed to increase the public’s knowledge and understanding of wildlife in Irvine. The first training class is open to the public and will be held on March 18, 2014 at 6:30 p.m. at the Conference and Training Center located at Irvine Civic Center.

City Manager Joyce also announced that Police Chief David L. Maggard, Jr. had received the California Police Chiefs Association’s most prestigious award, the Joe Molloy Award, for his dedication and service to law enforcement.

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

Councilmember Krom announced that she had attended the Local Governments Commission “New Partners for Small Growth” Conference in Denver, Colorado, in February. She noted that the conference focused on smart growth and planning, water conservation, energy efficiency, and draught related issues.

Councilmember Shea announced that the California Parks and Recreation Society had recognized the City of Irvine with an *Award of Excellence in Park Planning* for the South Lawn and Timeline at the Orange County Great Park.

Mayor Pro Tempore Lalloway announced that his staff would hold mobile office hours on March 13, 2014 at Paradise Perks Coffee House from 6:00 p.m. to 7:30 p.m., and on March 20, 2014 at Heritage Park Library from 11:00 a.m. to 1:00 p.m.

Mayor Choi announced that he would be attending the U.S. Mayors Conference “Mayors in Education Convening” in Washington D.C., March 13-14, 2014.

Mayor Choi also made the following announcements:

- The City of Irvine invites the public to the premiere of ICTV's documentary on the Solar Decathlon, on Wednesday, March 12, 2014, at 7:30 p.m. in the Council Chamber. "Power Houses" reflects the spirit, energy and inspiration of the event produced by the U.S. Department of Energy and hosted by the City of Irvine at the Orange County Great Park. For more information, visit [cityofirvine.org](http://cityofirvine.org).
- The City of Irvine's 1640 AM radio station provides information during an emergency, which can now be accessed over the Internet by visiting [cityofirvine.org/radio](http://cityofirvine.org/radio). The station broadcasts 24 hours a day, seven days a week and can provide real-time information about emergency services, evacuations, road closures and shelter during an emergency or other major disaster.
- The City of Irvine received an *Award of Excellence in Digital Media* for the City's "Irvine Gives" web page from the California Parks and Recreation Society. The "Irvine Gives" program is a comprehensive online resource that provides information and online donations opportunities to support City recreation programs and links to outside charitable organizations. For more information, visit [cityofirvine.org/irvinegives](http://cityofirvine.org/irvinegives).

## **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

## **2. CONSENT CALENDAR**

**ACTION:** Motion by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried to approve Consent Calendar Item Nos. 2.1 through 2.12, with the exception of Consent Calendar Item Nos. 2.9 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 held on February 25, 2014.

### **2.2 PROCLAMATIONS**

**ACTION:**

- 1) Proclaimed March 14, 2014 as the "50th Anniversary of the Orange Coast Mayors' Prayer Breakfast."
- 2) Proclaimed the City of Irvine as a "Purple Heart City."
- 3) Proclaimed March 20, 2014 as "Great American Meatout Day."

**2.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 14-22 - 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. 14-23 - 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. 14-24 - 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 STREET REHABILITATION AND SLURRY SEAL**

**ACTION:**

- 1) Approved specifications and contract documents for Street Rehabilitation and Slurry Seal, Capital Improvement Project (CIP) 311408 and 341401.
- 2) Approved the Engineer's Estimate, Construction Contingency and Funding Summary, and authorized staff to solicit competitive bids for construction in accordance with the City's purchasing policies and procedures.
- 3) Authorized the City Manager to execute the Reimbursement Agreement with Irvine Ranch Water District for installation and adjustment of water district facilities within the project limits.

**2.7 APPROVAL OF NOMINATIONS TO WALL OF RECOGNITION**

**ACTION:**

Approved nominated individuals and organizations for inclusion on the Wall of Recognition.

**2.8 ALLOCATION OF STATE HOUSING-RELATED PARKS GRANT FUNDS**

**ACTION:**

Adopted RESOLUTION NO. 14-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING AN APPLICATION FOR THE HOUSING-RELATED PARKS PROGRAM GRANT PROVIDED BY THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**2.9 AGREEMENT TO RELOCATE AFFORDABLE HOUSING SITE FROM GREAT PARK NEIGHBORHOODS DISTRICT 1 TO DISTRICT 8; FILED BY HERITAGE FIELDS EL TORO, LLC**

This item was removed at the request of Mayor Pro Tempore Lalloway.

Eric Tolles, Director of Community Development, and Mark Asturias, Manager of Housing, responded to questions.

City Council discussion included: uses for sites replaced by relocation, day care sites, and need for affordable housing.

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

Approve Agreement to Re-Encumber Real Property and Related Implementing Provisions (Agreement) substantially in the form attached to the staff report and authorized the City Manager to finalize and execute the Agreement to relocate affordable housing site from District 1 to District 8 with provisions of Heritage Fields Density Bonus Agreement.

**The motion carried as follows:**

AYES:	4	COUNCILMEMBERS:	Agran, Krom, Shea, Choi
NOES:	1	COUNCILMEMBER:	Lalloway
ABSENT:	0	COUNCILMEMBERS:	None

**2.10 ACCEPTANCE OF AN AFFORDABLE HOUSING SITE IN PORTOLA SPRINGS (PLANNING AREA 6), PURSUANT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE IRVINE LAND COMPANY, LLC DATED SEPTEMBER 29, 2006**

This item was removed for separate discussion at the request of Councilmember Shea, who suggested this item be continued for 30 days to allow other Irvine Community Land Trust Boardmembers an opportunity to review the site and discuss with Irvine Company.

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

Continue the Item 2.10 for 30 days to allow other Boardmembers of the Irvine Community Land Trust an opportunity to review the site and discuss with Irvine Company.

**2.11 TREASURER'S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2013**

**ACTION:**

Received and filed the Treasurer's Report for the quarter ended December 31, 2013.

**2.12 ADDITION OF PETTY OFFICER FIRST CLASS REGAN YOUNG TO THE MILITARY MEMORIAL AT COLONEL BILL BARBER MARINE CORPS PARK**

**ACTION:**

Approved addition of Petty Officer First Class Regan Young to the Military Memorial at Colonel Bill Barber Marine Corps Park.

**3. PUBLIC HEARINGS**

**3.1 APPEAL OF THE PLANNING COMMISSION ACTION APPROVING A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A FAST-FOOD ESTABLISHMENT WITH A DRIVE-THROUGH LOCATED AT 4127 CAMPUS DRIVE WITHIN UNIVERSITY CENTER**

Mayor Choi noted a potential conflict of interest due to the proximity of his business and abstained from discussion. He left the dais at 5:48 p.m., and deferred to Mayor Pro Tempore Lalloway to preside over the meeting.

Tim Gehrich, Deputy Director of Community Development, and Steve Weiss, Principal Planner, provided the staff report and responded to questions.

Mayor Pro Tem Lalloway opened the public hearing at 5:55 p.m. The following individuals spoke in support of upholding the Planning Commission action:

Pete Pirzadeh, Pirzadeh and Associates  
Jennifer Daw, Chick-Fil-A  
Allan Bartlett, Finance Commissioner

**ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried by those members present (Mayor Choi abstained) to close the public hearing at 6:04 p.m.**

City Council discussion included: potential loss of parking spaces; number of vehicles accommodated in drive-thru lane; emissions from idling cars; number of other established fast-food restaurants in University Center; elevation from the street; and comparison to other fast food establishments with drive-thru lanes in other areas of the City.

**ACTION: Moved by Councilmember Krom, seconded by Mayor Pro Tempore Lalloway, and unanimously carried by those members present (Mayor Choi abstained) to reopen the Public Hearing at 6:17 p.m.**

Additional discussion ensued. Pete Pirzadeh, Pirzadeh and Associates, responded to questions on behalf of the applicant.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried by those members present (Mayor Choi abstained) to close the Public Hearing at 6:28 p.m.**

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

Grant an appeal thereby overturning the Planning Commission's decision to approve Conditional Use Permit 00573364-PCPM for the development of a fast-food establishment with a drive-through located at 4127 Campus Drive in Planning Area 24 (University Town Center)

The motion failed as follows\*:

AYES: 2 COUNCILMEMBERS: Krom, Agran

NOES: 2 COUNCILMEMBERS: Shea, Lalloway

ABSTAIN: 1 COUNCILMEMBERS: Choi

\* Failure of the motion to grant an appeal of the Planning Commission's action approving Conditional Use Permit 00573364-PCPM for the development of a fast-food establishment with a drive-through located at 4127 Campus Drive in Planning Area 24 (University Town

Center) upholds the decision of the Planning Commission to approve the Conditional Use Permit by operation of law.

Mayor Choi returned to the dais at 6:34 p.m.

#### 4. COUNCIL BUSINESS

##### 4.1 ***BOND ISSUANCE FOR REASSESSMENT DISTRICT NO. 04-20 GROUP FOUR***

Valaya Chitchakkol, Finance Administrator, provided the staff report. Tom Johnson, Financial Advisor with Fieldman, Rolapp and Associates, was also available to respond to questions.

Council discussion included: variable vs. fixed interest rates; whether or not the reassessment included infrastructure; and whether or not the reassessment was for purposes of refinancing.

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

Adopt RESOLUTION NO. 14-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$14,460,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE REASSESSMENT DISTRICT NO. 04-20 LIMITED OBLIGATION IMPROVEMENT BONDS, GROUP FOUR APPROVING THE EXECUTION AND DELIVERY OF A THIRD SUPPLEMENTAL INDENTURE AND A BOND PURCHASE AGREEMENT

##### 4.2 ***ORDINANCE TO ESTABLISH CHANGES AND ADDITIONS TO POSTED SPEED LIMITS***

Armando Rutledge, Senior Transportation Analyst, and Sergeant Matt August provided the staff report and responded to questions.

Council discussion included: State law impacting speed limits, speed analysis and accident factors, speeding issues around schools, and speed limit enforcement.

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

Introduce for first reading, and read by title only ORDINANCE NO. 14-01 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE DIRECTING AN AMENDMENT TO THE “CITY OF IRVINE ENGINEERING AND TRAFFIC SURVEYS FOR SPEED LIMITS,” AS MAINTAINED BY THE PUBLIC WORKS DEPARTMENT AS THE OFFICIAL DOCUMENTATION OF DECLARED PRIMA FACIE SPEED LIMITS

**4.3 CONSIDERATION OF A RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1453 ESTABLISHING A STATE VETERANS CEMETERY IN ORANGE COUNTY**

This item was agendized by Councilmember Agran, who requested discussion regarding support of AB 1453 for the establishment of a State Veterans Cemetery in Orange County.

The following individuals spoke in support of the establishment of a State Veterans Cemetery in Orange County:

- Benny Diaz
- Robert Kohler, Sr.
- Louis Quezada
- Drew Leavens
- Dave Lopez
- Greg Raths
- Jim Torres
- Isabelle Krasney
- Andy Zelinko
- Peter Katz
- Chase Wickersham
- Bill Sandlin
- Nick Berardino
- Bill Cook
- Sandy Stiasri
- Richard Ramirez
- Zeke Hernandez
- Stan Kay
- Deborah Pauly
- Robert Brower
- Gilbert Flores
- Katherine Daigle
- Tyler Holcomb
- Gary Colletti

Dinah Frieden  
Chris Gonzales  
Laura Dietz  
William Greenleaf  
Melissa Fox  
Josephine Barcelona  
Greg Diamond  
Marti Schrank  
Frank Cook  
Michael Kinslow

City Council discussion included: potential use of 100 acres of Orange County Great Park property for a veterans cemetery; legal restrictions with respect to the Amended and Restated Development Agreement (ARDA) and other agreements with Heritage Fields, LLC / FivePoint Communities; potential use of Federal land; and lack of availability of land in Orange County.

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

**Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE IN SUPPORT OF ASSEMBLY BILL 1453 AND THE ESTABLISHMENT OF THE SOUTHERN CALIFORNIA STATE VETERANS CEMETERY**

To include Section 1 which provides that the City of Irvine support the passage of Assembly Bill 1453 and the establishment of a Southern California Veterans Cemetery in Orange County; and Section 2 that the City of Irvine expresses its strong interest in providing at least 100 acres of land at the Orange County Great Park, formerly the Marine Corps Air Station at El Toro, for purposes of creating a Southern California Veterans Memorial and Cemetery.

**ACTION:** Substitute motion was made by Councilmember Shea, seconded by Mayor Choi, to:

- 1) **Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE IN SUPPORT OF ASSEMBLY BILL 1453 AND THE ESTABLISHMENT OF THE SOUTHERN CALIFORNIA STATE VETERANS CEMETERY**
- 2) Direct staff to conduct a feasibility study to make an informed planning decision, including associated costs to accommodate a veterans cemetery at the Orange County Great Park.

The motion failed as follows:

AYES: 2 COUNCILMEMBERS: Shea and Choi

NOES: 3 COUNCILMEMBERS: Agran, Krom and Lalloway

ABSENT: 0 COUNCILMEMBERS: None

**ACTION:** Following discussion, Councilmember Agran made an amendment to his original motion, seconded by Councilmember Krom, to:

- 1) Adopt RESOLUTION NO. 14-27- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE IN SUPPORT OF ASSEMBLY BILL 1453 AND THE ESTABLISHMENT OF THE SOUTHERN CALIFORNIA STATE VETERANS CEMETERY

To include Section 1 which provides that the City of Irvine support the passage of Assembly Bill 1453 and the establishment of a Southern California Veterans Cemetery in Orange County; and Section 2 that the City of Irvine expresses its strong interest in providing at least 100 acres of land at the Orange County Great Park, formerly the Marine Corps Air Station at El Toro, for purposes of creating a Southern California Veterans Memorial and Cemetery.

- 2) Transmit the adopted resolution to other cities, Assembly Member Sharon Quirk-Silva and appropriate veterans agencies in the State.
- 3) Direct the City's legislative advocate be directed to do anything and everything possible and legal to advance the legislation through the Assembly and the Senate; to passage and signature by the Governor.
- 4) Direct the City Manager to assemble an ad hoc committee within the next 30 days consisting of veterans representatives, FivePoint Communities, and others that he might deem appropriate to sort through some of the issues raised by FivePoint Communities to develop a very specific proposal over the course of the next 30 to 60 days.

**The motion carried as follows:**

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

NOES: 1 COUNCILMEMBERS: Shea

ABSENT: 0 COUNCILMEMBERS: None

**5. CLOSED SESSION**

**5.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – T-MOBILE WEST, LLC V. CITY OF IRVINE, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CASE NO. SACV 13-1652-JVS (DFMx) (Pursuant to Government Code Section 54956.9(a))**

**5.2 PERFORMANCE EVALUATION OF CHIEF EXECUTIVE OFFICER OF THE ORANGE COUNTY GREAT PARK  
Government Code Section 54957**

City Attorney Litfin announced the Closed Session items, following which Mayor Choi convened to Closed Session at 9:28 p.m. There were no public comments related to the Closed Session items.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Choi reconvened the City Council meeting at 10:28 p.m. City Attorney Litfin, on behalf of the City Council, reported that with respect to Item No. 5.1, the City Council (by a 5-0 vote), had authorized the City Attorney's office to move ahead with a potential settlement of which the terms would be finalized once in writing per the Brown Act. There was no reportable action with respect to Item No. 5.2.

**PUBLIC COMMENTS**

Param Shah and Sonali Nayak, Ambassadors for CORD (Chinmaya Organization for Rural Development) provided a brief presentation regarding the organization, and invited the public to attend the CORD Walk-A-Thon on March 16, 2014 in Fountain Valley.

**ADJOURNMENT**

Moved by Mayor Pro Tem Lalloway, seconded by Councilmember Shea, and unanimously carried to adjourn the meeting at 10:29 p.m. to an adjourned regular joint meeting with the Orange County Great Park Board on March 18, 2014 at 2:00 p.m.

  
MAYOR OF THE CITY OF IRVINE

  
INTERIM CITY CLERK OF THE CITY OF IRVINE

March 25, 2014