



## MINUTES

### CITY COUNCIL SPECIAL MEETING

Steven Choi  
Mayor

Jeffrey Lalloway  
Mayor Pro Tempore

Beth Krom  
Councilmember

Lynn Schott  
Councilmember

Christina Shea  
Councilmember

**March 2, 2015**  
**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 3:32 p.m. on March 2, 2015 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:	Lynn Schott
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Jeffrey Lalloway
		Mayor:	Steven Choi

#### PLEDGE OF ALLEGIANCE

Councilmember Schott led the Pledge of Allegiance.

1. COUNCIL BUSINESS

1.1 **DISCUSSION AND DIRECTION FOR A MAJORITY OF THE CITY COUNCIL, PURSUANT TO GOVERNMENT CODE SECTION 37106, ET SEQ., TO DECIDE WHETHER OR NOT TO COMPEL THE DEPOSITION OF LARRY AGRAN AND FOR THE MAYOR TO REPORT THAT DETERMINATION, THROUGH SPECIAL COUNSEL, TO THE ORANGE COUNTY SUPERIOR COURT FOR FURTHER PROCEEDINGS**

Mayor Choi provided an opening report and explained the purpose of the special meeting.

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

The following individuals spoke in support of compelling the deposition of Larry Agran to the Orange County Superior Court for further proceedings:

Ken Wyant, Irvine resident  
John Jaeger, Irvine resident

Mayor Choi also read into the record correspondence received from the following individuals in support:

Jim Carr  
Sergei Chalik  
Phil  
RF Hawk  
Tom Nouri, M.D. MBA  
Jay Stubner  
Richard Horn  
Dennis Yoon  
Sally Burke  
Montie Gardner

The following individuals spoke in opposition to compelling the deposition of Larry Agran to the Orange County Superior Court for further proceedings:

Jake Jacobs, Irvine resident  
Harvey Liss, Irvine resident  
Ed Pope, Irvine resident  
Rebecca Newman, Irvine resident

Mayor Choi also read into the record correspondence received from Ira Lewis in opposition.

City Council discussion included: request from former Councilmember Larry Agran's legal counsel for the City to cover legal fees; clarification of Government Code Section 995.9 as it relates to any obligations of the City, if any, to cover legal fees for former employees or City officials and any exclusions within the code; if others deposed were represented by legal counsel and whether the City covered their legal expenses; prior Great Park Chief Executive Officer recruitment and subsequent litigation; potential misinterpretation of Mr. Agran's non-compliance to the deposition if legal fees incurred were not reimbursed by the City; request for postponement by Mr. Agran's legal counsel to allow additional time to prepare for the deposition; sole source contracts issued to Aleshire & Wynder and Judge Wieben Stock for services related to the Great Park audit; absence of regular updates by the subcommittee to the City Council; notable accomplishments by Forde & Mollrich; non-compliance of deposition subpoenas and the process for compelling compliance through the court system; questioned process used to agendaize the item; and the State's Joint Audit Committee's request for information related to the Great Park audit and whether the Mayor would be attending its upcoming hearing.

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

- 1) Compel the deposition of Larry Agran and authorize special counsel to seek recovery of legal fees and costs incurred by the City because of Mr. Agran's refusal to appear at a deposition on February 25, 2015.
- 2) Authorize the Mayor to report this determination to compel the deposition of Larry Agran to the Presiding Judge of the Orange County Superior Court, pursuant to Government Code Section 31076, for further proceedings.
- 3) Adopt RESOLUTION NO. 15-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, FINDING THAT THE TESTIMONY REQUESTED FROM LARRY AGRAN IS PROPER AND PERTINENT, AND DIRECTING THE MAYOR OF THE CITY OF IRVINE TO REPORT SUCH FACT TO THE PRESIDING JUDGE OF THE ORANGE COUNTY SUPERIOR COURT PURSUANT TO GOVERNMENT CODE SECTION 37106, AND TAKING OTHER ACTIONS RELATED THERETO

**The motion carried as follows:**

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

NOES: 1 COUNCILMEMBERS: Krom

ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None

**PUBLIC COMMENTS**

Jake Jacobs, Irvine resident, spoke about unlawful use of public funds for campaign purposes.

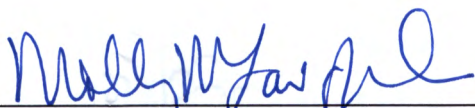
Mary Edmonds, Irvine resident, referenced an article dated February 13, 2015 in the Daily Pilot, noting fines paid by Howard Rich for failing to disclose his identity as a donor to a political action committee during the 2012 Election.

Alan Meyerson noted past comments by Mayor Choi related to his proposal for a metropolitan library and overall spending at the Great Park; and encouraged Councilmembers to be mindful of the desires of City residents.

**ADJOURNMENT**

Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to adjourn the meeting at 4:56 p.m.

  
MAYOR OF THE CITY OF IRVINE

  
CITY CLERK OF THE CITY OF IRVINE

March 24, 2015