

## MINUTES

### CITY COUNCIL REGULAR MEETING September 11, 2012

City Council Chamber  
One Civic Center Plaza  
Irvine, CA 92606

#### CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:06 p.m. on September 11, 2012 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

#### ROLL CALL

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Jeffrey Lalloway
		Mayor Pro Tempore:	Beth Krom
		Mayor:	Sukhee Kang

#### 1. CLOSED SESSION

- 1.1 ***CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Government Code 54956.9(b) (one item): Consideration of facts and circumstances that might result in litigation against the City arising from negotiations between the City and FivePoint Communities.***

City Attorney Kohn announced the Closed Session item, following which Mayor Kang convened to Closed Session at 4:07 p.m.

## **RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Kang reconvened the City Council meeting at 5:12 p.m. City Attorney Kohn, on behalf of the City Council, announced that on a 3-0 vote, with Councilmembers Choi and Lalloway absent, the City Council made the following findings and determinations as follows:

1. Mayor Kang's request on August 15, 2012 that Emile Haddad of Five Point Communities provide a clarification of the size of the parcel to be transferred by the City pursuant to the Great Park Implementation Proposal did not communicate any confidential, closed session, attorney-client privileged information.
2. At the August 14, 2012 Closed Session, Mayor Kang announced his intention to obtain such a clarification from Mr. Haddad, to which there was no objection.
3. Mayor Kang was authorized to contact Mr. Haddad to obtain this clarification or, in the alternative, the request Mayor Kang made of Mr. Haddad is ratified as being a proper exercise of his authority.
4. Mr. Haddad's letter to Mayor Kang dated August 16, 2012 in reply to Mayor Kang's request did not disclose any confidential, closed session, attorney-client privileged information.

## **PLEDGE OF ALLEGIANCE - IRVINE POLICE COLOR GUARD**

Chief David Maggard directed the posting of the colors by the Irvine Police Color Guard and led the Pledge of Allegiance.

## **MOMENT OF SILENCE**

Mayor Kang requested a moment of silence in honor of the victims of the September 11 terrorist attacks.

## **MUSICAL PRESENTATION**

Mayor Kang introduced the Filipino Outreach Group of St. John Neumann Catholic Church, who performed the National Anthem and "God Bless America."

## **2. PRESENTATIONS**

### **2.1 *Irvine Pony League Baseball Teams Recognition - Pony 13U (13 & Under) World Series Champions and 11U (11 & Under) Bronco All Stars***

Mayor Kang introduced the Irvine Pony League's "Pony All-Stars" 13U (13 and under) and "Bronco All-Stars" 11U (11 and under) baseball teams and presented certificates of recognition for their recent accomplishments.

## **CITY MANAGER'S REPORT**

City Manager Joyce announced that this month, Money Magazine published a cover story that ranks Irvine No. 6 among "America's Best Places to Live." He also announced that Forbes Magazine has published an online story that ranks Irvine No. 6 among U.S. cities with the happiest young professionals.

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

Councilmember Choi provided a brief report on his recent attendance at the annual League of California Cities conference in San Diego.

Councilmember Lalloway provided a brief report regarding a recent arrest made in connection with a City ordinance adopted in July 2011 which bans registered sex offenders from Irvine parks.

Mayor Kang made the following report and announcements:

- The Orange County Great Park will host an opening reception for the Farmers to Flyers exhibition on Saturday, September 22 from 7-9 p.m. in the Great Park Gallery at the Palm Court. The exhibition is a project of the Orange County Great Park and the Center for Oral and Public History at California State University, Fullerton. For information, visit [ocgp.org](http://ocgp.org).
- Irvine's annual Global Village Festival will take place on Saturday, September 29 from 10 a.m.-6 p.m. at Bill Barber Park located adjacent to the Civic Center. For information about parking locations and shuttles, visit [irvinefestival.org](http://irvinefestival.org) or call 949-724-6606.
- The City of Irvine's Senior Services will host the Senior Health and Resource Expo on Saturday, October 6<sup>th</sup>, from 9 a.m. to noon at the Lakeview Senior Center. For information, visit [cityofirvine.org](http://cityofirvine.org) or call 949-724-6908.

## **ADDITIONS AND DELETIONS**

There were none.

### **3. CONSENT CALENDAR**

**ACTION:** Moved by Mayor Pro Tempore Krom, seconded by Councilmember Lalloway, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.10.

#### **3.1 MINUTES**

**ACTION:**

Approved the minutes of an adjourned regular meeting of the Irvine City Council and an adjourned regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency held on August 14, 2012.

#### **3.2 PROCLAMATIONS**

**ACTION:**

- 1) Proclaimed September 17-23, 2012 as "Constitution Week."
- 2) Proclaimed September 24, 2012 as "Family Day - A Day to Eat Dinner with Your Children."

#### **3.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 12-116 - 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

#### **3.4 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T**

**ACTION:**

Adopted RESOLUTION NO. 12-117 - 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

Mayor Pro Tem Krom abstained.

**3.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA**

**ACTION:**

Adopted RESOLUTION NO. 12-118 - 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.

**3.6 TREASURER'S ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2012**

**ACTION:**

Received and filed.

**3.7 DEFINED BENEFIT AND DEFINED CONTRIBUTION PENSION PLAN AUDITS FOR THE YEAR ENDED DECEMBER 31, 2011**

**ACTION:**

Received and filed the Defined Benefit Pension Plan and the Defined Contribution Pension Plan audits for the year ended December 31, 2011.

**3.8 NOTICE OF REVIEW FOR FINAL TRACT MAP NOS. 17447 IN STONEGATE, 17467 AND 17468 IN PLANNING AREA 51, AND PENDING APPROVAL FOR FINAL TRACT MAP NOS. 17358 IN UNIVERSITY PARK, AND 17359 IN WOODBRIDGE**

**ACTION:**

Received and filed.

Councilmember Choi abstained.

**3.9 GRANT OF EASEMENTS TO IRVINE RANCH WATER DISTRICT FOR WATER AND SEWER FACILITIES AT OAK CREEK COMMUNITY PARK**

**ACTION:**

Authorized the Mayor to execute easements to Irvine Ranch Water District (IRWD) to install and maintain water and sewer facilities.

**3.10 AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE ZERO EMISSION VEHICLE - NETWORK ENABLED TRANSPORT PROGRAM AT IRVINE STATION**

**ACTION:**

Authorized the City Manager to execute a License Agreement with the Regents of the University of California to allow University of California, Irvine (UCI) the continued use of the Irvine Station for a Zero Emission Vehicle - Network Enabled Transport (ZEV-NET) program.

**4. PUBLIC HEARINGS**

**4.1 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE 2011-12 PROGRAM YEAR AND AMENDMENTS TO THE 2005-06 AND 2011-12 ACTION PLANS FOR FEDERAL ENTITLEMENT GRANT PROGRAMS**

City Manager Joyce introduced Steve Holtz, Housing Administrator, who presented the staff report.

Mayor Kang opened the public hearing at 5:54 p.m. There were no public comments.

**ACTION: Moved by Mayor Pro Tempore Krom, seconded by Mayor Kang, and unanimously carried to close the public hearing at 5:55p.m.**

City Council discussion included clarification on whether the transfer of funding to the Doria project was considered a loan or a grant.

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

**ACTION:**

Adopt RESOLUTION NO. 12-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBMISSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE 2011-12 PROGRAM YEAR AND APPROVING AMENDMENTS TO THE 2005-06 AND 2011-12 ACTION PLANS

**4.2 GENERAL PLAN AMENDMENT AND ZONE CHANGE TO ADD THREE DETACHED SINGLE FAMILY RESIDENTIAL UNITS IN PLANNING AREA 20 (UNIVERSITY PARK)**

City Manager Joyce introduced Tim Gehrich, Deputy Director of Community Development; and Steve Weiss, Principal Planner, who presented the staff report and responded to questions.

Mayor Kang opened the public hearing at 6:04 p.m. The following individuals spoke in support of adding three additional units:

Ken Coulter, William Lyon Homes  
Andy Suzuki, Irvine resident  
Alan Hess, Irvine resident  
John Schumway, Irvine resident  
Michael MacFarland, Irvine resident  
Darren Foster, Irvine resident  
Don Collins, Irvine resident

Mayor Kang noted that Guy Lemmon, Irvine resident, also expressed his support of the proposed project.

**ACTION: Moved by Mayor Pro Tempore Krom, seconded by Mayor Kang, and unanimously carried to close the public hearing at 6:18 p.m.**

City Council discussion included: number of general plan amendments and zone changes associated with proposed project and whether or not the City is limited to a certain amount; whether or not the homeowners association assessments will decrease based on the three additional units; and clarification on why the financial impact would be greater to the City with three additional units.

**ACTION: Moved by Councilmember Lalloway seconded by Councilmember Choi, and unanimously carried to:**

- ACTION:**
- 1) Adopt RESOLUTION NO. 12-120 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING AN ADDENDUM TO CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2010051011, 00549465-PCLE) AND FINDINGS OF FACT TO ADD THREE RESIDENTIAL UNITS TO A BASE OF 55 HOMES RESULTING IN A TOTAL OF 58 SINGLE FAMILY DETACHED HOMES LOCATED AT THE SOUTHWEST CORNER OF MICHELSON DRIVE AND ROSA DREW LANE IN PLANNING AREA 20 (UNIVERSITY PARK)

- 2) Adopt RESOLUTION NO. 12-121 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00548543-PGA TO ADD THREE RESIDENTIAL UNITS TO A BASE OF 55 HOMES RESULTING IN A TOTAL OF 58 UNITS; AND AMEND RELATED TEXT, TABLES, AND EXHIBITS OF THE CITY'S GENERAL PLAN FOR PLANNING AREA 20 (UNIVERSITY PARK)
- 3) Introduce for first reading and read by title only ORDINANCE NO. 12-12 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00548549-PZC TO RESCIND PORTIONS OF ORDINANCE 12-04; ADD THREE RESIDENTIAL UNITS TO A BASE OF 55 HOMES RESULTING IN A TOTAL OF 58 MEDIUM DENSITY UNITS; AND AMEND RELATED MAPS, TEXTS, TABLES, AND EXHIBITS OF THE CITY'S ZONING ORDINANCE FOR PLANNING AREA 20 (UNIVERSITY PARK)

## **5. COUNCIL BUSINESS**

### **5.1 *REQUEST FOR INDEPENDENT INVESTIGATION OF BROWN ACT AND ATTORNEY-CLIENT PRIVILEGE VIOLATION***

This item was agendaized at the request of Councilmember Choi, who expressed concern that confidential information discussed by the City Council in Closed Session had been revealed to a developer while the City was in the midst of negotiations.

Prior to discussion, and at the request of Mayor Kang, City Attorney Kohn again reported the following action was taken in Closed Session earlier in the day:

On a 3-0 vote, with Councilmembers Choi and Lalloway absent, the City Council made the following findings and determinations as follows:

1. Mayor Kang's request on August 15, 2012 that Emile Haddad of Five Point Communities provide a clarification of the size of the parcel to be transferred by the City pursuant to the Great Park Implementation Proposal did not communicate any confidential, closed session, attorney-client privileged information.
2. At the August 14, 2012 Closed Session, Mayor Kang announced his intention to obtain such a clarification from Mr. Haddad, to which there was no objection.
3. Mayor Kang was authorized to contact Mr. Haddad to obtain this clarification or, in the alternative, the request Mayor Kang made of Mr. Haddad is ratified as being a proper exercise of his authority.

- 4. Mr. Haddad's letter to Mayor Kang dated August 16, 2012 in reply to Mayor Kang's request did not disclose any confidential, closed session, attorney-client privileged information.

City Council discussion included: whether or not confidential information was disclosed to Five Point Communities; and whether or not an independent investigation should be conducted to investigate the matter.

**ACTION: Moved by Councilmember Choi, seconded by Councilmember Lalloway, to:**

Authorize the City Manager to research and return in two weeks with five names of independent, third-party firms or individuals to investigate the disclosure of sensitive information by interviewing Mr. Haddad, the City Council, staff and other individuals who may be involved, and determine whether the Brown Act and the City's attorney-client privilege had been breached.

The motion failed by the following vote:

AYES: 2 COUNCILMEMBERS: Choi and Lalloway

NOES: 3 COUNCILMEMBERS: Agran, Krom and Kang

No further action was taken.


**PUBLIC COMMENTS**

Mia Marcantonio expressed concern about police response time and public safety in residential villages, and spoke in support of increasing public safety personnel.

**ADJOURNMENT**

**Moved by Mayor Pro Tempore Krom, seconded by Councilmember Choi, and unanimously carried to adjourn the meeting at 8:09 p.m. in memory of Miriam Jung, mother of Dan Jung, Special Assistant to the Chief of Police, who passed away on August 27, 2012.**

  
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 CITY CLERK OF THE CITY OF IRVINE

  
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 MAYOR OF THE CITY OF IRVINE

September 25, 2012