



Steven Choi  
Mayor

Jeffrey Lalloway  
Mayor Pro Tempore

Beth Krom  
Councilmember

Lynn Schott  
Councilmember

Christina Shea  
Councilmember

## MINUTES

# CITY COUNCIL SPECIAL MEETING AND SPECIAL JOINT MEETING WITH THE ORANGE COUNTY GREAT PARK BOARD

**May 12, 2015**  
City Council Chamber  
One Civic Center Plaza  
Irvine, CA 92606



Christina Shea  
Chair

Steven Choi  
Vice Chair

Beth Krom  
Director

Jeffrey Lalloway  
Director

Lynn Schott  
Director

### CALL TO ORDER

The Special Meeting of the Irvine City Council was called to order at 3:30 p.m. on May 12, 2015 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

### ROLL CALL

Present:	4	Councilmember:	Beth Krom
		Mayor Pro Tempore:	Jeffrey Lalloway
		Councilmember:	Christina Shea
		Mayor:	Steven Choi
Absent:	1	Mayor Pro Tempore:	Lynn Schott (excused)

**1. CLOSED SESSION**

City Attorney Litfin announced the following Closed Session items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION: *Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: six (6) potential cases***
  
- 1.2 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) Agency Negotiators: Ken Brown, Director of Administrative Services, Jan Walden, Manager of Human Resources; Jimmee Medina, Human Resources Administrator; Employee Organizations: Associated Supervisory/ Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); Irvine Professional Employees Association (IPEA); Irvine Police Association (IPA); and Irvine Police Management Association**

There were no requests to speak to the Closed Session item.

**RECESS**

Mayor Choi convened the City Council meeting to Closed Session at 3:33 p.m.

**RECONVENE TO THE SPECIAL CITY COUNCIL MEETING**

Mayor Choi reconvened the City Council meeting at 5:13 p.m. City Manager Joyce, on behalf of the City Council, announced the following:

- 1) By a 3-1-1 vote (Mayor Choi, Mayor Pro Tempore Lalloway and Councilmember Shea voting in favor, Councilmember Krom opposed, and Councilmember Schott absent), the City Council took the following action on Item No. 1.1:
  - a. Extended the time limit for obtaining tolling agreements with Forde & Mollrich, Stu Mollrich, and Gafcon.
  - b. Directed the City Manager to engage special counsel and an experienced litigator to work with existing legal counsel, and to charge all related expenses to the City's general fund for legal services.

No reportable action was taken on Item No. 1.2

At Mayor Choi's request, the City Council reordered the agenda and deferred the convening of the Special Joint Meeting with the Orange County Great Park Board until after consideration of the Consent Calendar.

## **PLEDGE OF ALLEGIANCE**

Mayor Choi led the Pledge of Allegiance.

## **INVOCATION**

Mayor Choi invited Pastor Kevin Nguyen from Saddleback Community Church in Irvine to provide the invocation.

## **MUSICAL PRESENTATION**

Mayor Choi introduced the Irvine Unified School District Elementary Honor Chorus accompanied by Musical Directors Suzie Fulleman, Laura Schultz and Kaii Lee, who performed the National Anthem followed by "Alexander's Ragtime Band."

## **3. PRESENTATIONS**

### ***3.1 Proclaim May 25, 2015 to September 7, 2015 as "Drowning Prevention Awareness, Water Safety Summer"***

Mayor Choi introduced Orange County Fire Authority Division Chief Greg McKeown, who spoke on the importance of water safety and reminded the public of outreach programs that are available to Orange County residents; and presented him with a proclamation.

### ***3.2 Employee Recognition - 25 and 30 Years of Service***

City Manager Joyce recognized Peter Anderson and Dave Flanagan for 25 years of service, Scott Roseberry and Nick Teague for 30 years of service, and presented each with a commendation. Additionally, City Manager Joyce noted that Congresswoman Mimi Walters had also provided certificates of recognition to each of the recognized employees.

### ***3.3 Orange County Human Relations Annual Report***

Mayor Choi introduced Orange County Human Relations Board representative Jim McQueen, who provided a summary of the agency's annual report activities in the City of Irvine over the past year; and presented Mayor Choi with a plaque in recognition of the City Council's continued support.

## **CITY MANAGER'S REPORT**

City Manager Joyce made the following announcements:

- The Government Finance Officers Association awarded the City of Irvine a Certificate of Achievement for Excellence in Financial Reporting for the City's 2014 Comprehensive Annual Financial Report, which is the highest form of recognition in governmental accounting and financial reporting.

- Irvine has been recognized as the most integrated city among America's largest 100 cities based upon data from Brown University's American Communities Project. The report was recently published in FiveThirtyEight, a polling website. According to Nate Silver, founder and editor, "most integrated major city" means Irvine has a diverse population both citywide and throughout its neighborhoods. Mayor Choi noted that a recent survey conducted by the Irvine Unified School District found that there were 65 different languages spoken in homes among families of attending students.

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

Mayor Pro Tempore Lalloway announced the following:

- As part of the Orange County Transportation Authority's outreach, a group bicycle ride along the Jeffrey Open Space Trail will be held on Saturday, May 30<sup>th</sup> from 10:00 a.m. to 2:00 p.m. The bike ride begins at 11:00 a.m. at Cypress Community Park. There will also be giveaways, bicycle safety tips and gourmet food trucks. This is a free event, no need to RSVP.
- On Thursday, May 21<sup>st</sup> from 11:00 a.m. to 1:00 p.m., his staff will be hosting mobile office hours at Heritage Park Library. Irvine residents and business owners who wish to discuss city-related issues, ask questions, or share ideas and concerns can stop by and speak with his staff at that time; and noted his next mobile office hours would be on Thursday, June 18<sup>th</sup> at the University Park Library. For information, call 949-300-8301 or e-mail to [atello@cox.net](mailto:atello@cox.net).
- The annual Ride of Silence will be held on Wednesday, May 20<sup>th</sup> at 6:30 p.m. at the Irvine Civic Center. The group ride begins at 7:00 a.m. The event honors bicyclists who have been killed or injured while riding on public roadways. This is a free event and no RSVP is required.
- Detailed information of the events announced by Mayor Pro Tempore Lalloway can be found at [jefflalloway.com](http://jefflalloway.com).

Mayor Choi made the following announcements:

- The Irvine Korean Cultural Festival will be held on Saturday, May 16<sup>th</sup> from 10:00 a.m. to 6:00 p.m. at the Civic Center Plaza. Admission and parking are free. For more information: [irvinekoreanfestival.com](http://irvinekoreanfestival.com).
- Memorial Day events include: the Northwood Memorial Candle Lighting Ceremony on Sunday, May 24<sup>th</sup> at 4:00 p.m. at the Northwood Gratitude and Honor Memorial. Attendees are encouraged to bring lawn chairs or blankets for seating; and on Monday, May 25<sup>th</sup> from 10:00 a.m. to 11:30 a.m. the annual Memorial Day Ceremony will be held at the Colonel Bill Barber Marine Corps Memorial Park. Both events are hosted by the City and are free and open to the public.

- The City of Irvine's Parks and Facilities Master Plan is in the process of being updated and the public is invited to participate in the community workshop being held on Wednesday, June 3<sup>rd</sup> at 6:00 p.m. to provide input and suggestions. The workshop will be held at the Irvine Civic Center. For more information, visit [cityofirvine.org/parksmasterplan](http://cityofirvine.org/parksmasterplan) or call 949-724-7338.
- The 21st annual Studio Arts Festival will be held at Heritage Park on Saturday, June 6<sup>th</sup>, from 9:00 a.m. to 5:00 p.m. The festival will feature live music and food. For more information, visit [irvinefinearts.org](http://irvinefinearts.org) or call 949-724-6880.

#### **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

#### **4. CONSENT CALENDAR - CITY COUNCIL**

**Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried by those members present (Councilmember Schott absent) to approve Consent Calendar Item Nos. 4.1 through 4.8, with the exception of Item No. 4.7 which was removed for separate discussion. Councilmember Krom abstained on Item No. 4.4**

##### **4.1 MINUTES**

**ACTION:**

Approved the minutes of a regular meeting of the Irvine City Council held on April 28, 2015.

##### **4.2 PROCLAMATIONS**

**ACTION:**

Proclaimed May 28, 2015 as "Azerbaijani Heritage Day."

##### **4.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 15-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

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

**ACTION:**

Adopted RESOLUTION NO. 15-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS OF AT&T AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**4.5 ALTON AND MILLIKAN APARTMENTS REGULATORY AGREEMENT AND DECLARATION OF COVENANTS AND RESTRICTIONS AND AGREEMENT TO TRANSFER AFFORDABLE HOUSING CREDITS**

**ACTION:**

Adopted RESOLUTION NO. 15-36 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING THE AGREEMENT TO TRANSFER AFFORDABLE HOUSING CREDITS FILED BY EQR-MILLIKAN AVENUE, LP A DELAWARE LIMITED PARTNERSHIP AND KELVIN COURT LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP AND RELATED REGULATORY AGREEMENT AND DECLARATION OF COVENANTS AND RESTRICTIONS FOR ALTON & MILLIKAN APARTMENTS; FILED BY EQR-MILLIKAN AVENUE, LP A DELAWARE LIMITED PARTNERSHIP

**4.6 CLARIFICATION TO ALLOCATION OF STATE HOUSING-RELATED PARKS GRANT FUNDS RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 15-37 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AUTHORIZING AN APPLICATION FOR THE HOUSING-RELATED PARKS PROGRAM GRANT PROVIDED BY THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**4.7 RENAME FIELD 2 AT COLONEL BILL BARBER MARINE CORPS MEMORIAL PARK TO DUGARD FIELD AND PLACE A RECOGNITION PLAQUE INCLUDING HIS HISTORY AND BACKSTOP SIGNAGE**

This item was removed for separate discussion at the request of Mayor Pro Tempore Lalloway who recognized Colonel and former Community Services Commissioner Dugard for his service and dedication to the City of Irvine and the community.

There was no additional City Council discussion.

**ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried by those members present (Councilmember Schott and Krom absent) to:**

Approve request to recognize Alan Dugard by renaming Field 2 at Colonel Bill Barber Marine Corps Memorial Park to Dugard Field and placement of a recognition plaque including his history and backstop signage for the field.

An Irvine resident, who did not provide a speaker slip, expressed his appreciation to the City Council for the numerous community events provided for residents and for recognizing Mr. Dugard.

**4.8 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

1. Approved Mayor Pro Tem Lalloway's request for Community Partnership Fund Grant nomination to the Irvine Travel Softball Team in the amount of \$500 in support of program costs.
2. Approved Councilmember Shea's request for Community Partnership Fund Grant nomination to the Orange County Korean Cultural Center in the amount of \$500 in support of the 6th Annual Irvine Korean Cultural Festival.
3. Authorized the City Manager to prepare and sign funding agreements for each organization listed in Actions 1 and 2.

**CONVENE TO THE SPECIAL JOINT MEETING**

Mayor/Vice Chair Choi convened to a special joint meeting with the Orange County Great Park Board at 6:04 p.m. and directed the City Clerk/Clerk of the Board to note that all members of the Great Park Board and City Council were present, with the exception of Councilmember/Director Schott who was absent.

Mayor/Vice Chair Choi noted that Agenda Item 2.1 would be considered by both the Orange County Great Park Board and the City Council. Chair/Councilmember Shea assumed the role of presiding officer as Chair of the Orange County Great Park Board and proceeded with Agenda Item 2.1.

**2. JOINT BUSINESS**

**2.1 BUDGET ADJUSTMENT AND CONTRACT AMENDMENT FOR ALESHIRE & WYNDER**

City Manager Joyce presented the staff report, noted the distributed errata, and responded to questions.

City Council/Board discussion included: concerns over fees previously paid to Aleshire & Wynder; request for additional funds should have been presented at the time original work was authorized; the Subcommittee's direction of Special Counsel without full City Council consideration; potential cost to City related to the State Audit Committee inquiries; authorizing payment of bills without prior review; clarification of recommendations being made; paying fees associated with unanticipated work; questioned authority to increase budget amendment beyond staff's request; authorizing staff to review and pay bills as deemed appropriate; and whether the amount of the proposed budget adjustment represented all outstanding bills associated with the audit.

Anthony Taylor, Special Counsel, Aleshire & Wynder, noted his attendance as a member of the public, and clarified that fees incurred prior to City Council approval were associated with the preparation of an Order to Show Cause Petition as well as work related to Closed Session meetings. Mr. Taylor further explained that work not related to the audit was still being itemized.

City Manager Joyce confirmed that staff would review legal bills for consistency prior to approving for payment and return to the Board upon finding any inconsistencies. City Attorney Liftin noted that providing a specific contract amendment amount ensured compliance with Measure V the "Orange County Great Park Fiscal Transparency and Reforms Act."

**BOARD ACTION: Moved by Vice Chair Choi, seconded by Chair Shea to:**

1. Recommend City Council approve a budget adjustment from the Orange County Great Park Fund 180 balance for the new Special Counsel work effort to prepare tolling agreements and for the work approved prospectively by the City Council at its March 24, 2015 meeting and detailed in this report.
2. Recommend the City Council approve a contract amendment increasing the project scope to encompass the new effort.
3. Recommend that the City Council consider Aleshire & Wynder's request for reimbursement for additional costs incurred prior to the March 24, 2015 City Council authorization to perform research and prepare preliminary drafts for the closed session analysis. Further, all legal work associated with the approved work efforts will require City staff review and approval of all legal invoices; and for an amount up to \$80,000.

**The motion carried as follows:**

AYES: 3 DIRECTORS: Lalloway, Choi and Shea

NOES: 1 DIRECTORS: Krom

ABSENT: 1 DIRECTORS: Schott

ABSTAIN: 0 DIRECTORS: None

Chair/Councilmember Shea turned the gavel over to Vice Chair/Mayor Choi who proceeded with the remainder of the Special Joint Meeting and consideration of Agenda Item No. 2.1 on behalf of the City Council.

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

1. Approve a budget adjustment in an amount deemed appropriate from the Orange County Great Park Fund 180 balance for the new Special Counsel work effort to prepare tolling agreements and for the work approved prospectively by the City Council at its March 24, 2015 meeting and detailed in this report.
2. Approve a contract amendment increasing the project scope to encompass the new effort.
3. Approve Aleshire & Wynder's request for reimbursement for additional costs incurred prior to the March 24, 2015 City Council authorization to perform research and prepare preliminary drafts for the closed session analysis. Further, all legal work associated with the approved work efforts will require City staff review and approval of all legal invoices; and for an amount up to \$80,000.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Choi

NOES: 1 COUNCILMEMBERS: Krom

ABSENT: 1 COUNCILMEMBERS: Schott

ABSTAIN: 0 COUNCILMEMBERS: None

**PUBLIC COMMENT - GREAT PARK BOARD**

Michael Klubnikin, Irvine resident, spoke on the misappropriations of funds by the Orange County Board of Supervisors.

**ADJOURNMENT - SPECIAL JOINT MEETING**

**By consensus of the members present (Director/Councilmember Schott absent), the Special Joint Meeting of the Orange County Great Park Board was adjourned at 6:45 p.m.**

**RECONVENE TO THE SPECIAL CITY COUNCIL MEETING**

Mayor Choi reconvened the Special City Council meeting at 6:45 p.m.

**5. COUNCIL BUSINESS**

**5.1 ORDINANCE TO ESTABLISH CHANGES AND ADDITIONS TO POSTED SPEED LIMITS**

Armando Rutledge, Senior Transportation Analyst, and Matt August, Public Safety Operations Unit Sergeant, presented the staff report and responded to questions.

City Council discussion included: enforcement techniques used to monitor speed limits; timeframe of analysis used to determine proper speed limits; increasing awareness through red light violation education and enforcement; and encouraging the addition of bus bay lanes to decrease traffic interference.

Senior Transportation Analyst Rutledge noted that staff worked closely with various City departments to ensure data was properly analyzed and appropriate measures are being taken when a problem is recognized. Additionally, Sgt. August noted that the City had experienced a 9% reduction in traffic violations; and relayed the positive impacts associated with the creation of the Area Traffic Officer and the traffic and safety educational programs presented at schools and to residents.

**ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried by those members present (Councilmember Schott absent) to:**

Introduce for first reading and read by title only ORDINANCE NO. 15-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, 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

**5.2 AGREEMENT WITH THE NEW IRVINE RANCH CONSERVANCY FOR MANAGEMENT OF THE CITY OF IRVINE OPEN SPACE PRESERVE**

City Manager Joyce presented the staff report and responded to questions.

The Council recognized Irvine Ranch Conservancy and Irvine Company for their many years of dedication and contribution to the City and its residents.

Michael O'Connell, Executive Director of the New Irvine Ranch Conservancy, noted he was pleased to be working with a City Council that shared the same values as the Irvine Ranch Conservatory.

**ACTION: Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and approved by those members present (Councilmember Schott absent) to:**

Authorize the Mayor to execute the Open Space Preserve Management Agreement between the City of Irvine and New Irvine Ranch Conservancy.

### **5.3 DISCUSSION REGARDING THE CITY'S LIVING WAGE ORDINANCE**

Councilmember Shea, presented the item and expressed concern about the confusion of the City's Living Wage Ordinance, noting the high costs to businesses and to the City's taxpayers. She further questioned jurisdictional authority by ordinance and whether this was an appropriate policy.

Ken Brown, Director of Administrative Services, and Tracy Hamilton, Purchasing Agent, provided a PowerPoint presentation and responded to questions.

City Council discussion included: process used to monitor compliance; measures taken when contractors are found to be in violation; whether a future increase in the state minimum wage would affect the ordinance; requirement for contractors to pay living wages outside the City's jurisdiction; contractors were well-versed of the requirements prior to bidding; cited that no adjustments had been made to the ordinance since its adoption; receiving limited number of bids due to the existing ordinance; noted the cost to Irvine taxpayers from subsidizing contracts; questioned past exceptions; questioned whether Great Park farm workers were covered under the ordinance; noted minimum wage thresholds; discussed part-time salaries and benefits of City employees; noted that mandates on businesses increases costs; reiterated that the City was a strong economic engine and able to support a living wage ordinance; noting that this was a practical issue versus a philosophical debate; concerns related to the custodial contract that highlighted a significant cost differential; Irvine as the only city in the County with a living wage ordinance; reviewed whether exceptions occurred and associated process; cost of living concerns in the City; and questioned the \$100,000 threshold.

City Manager Joyce discussed employee salaries and benchmarks used is assessing salary ranges.

Director of Administrative Services Brown noted that enforcement was accomplished through audits, including review of payroll stubs; stated that if noncompliance was found, contractors paid restitution and the contractor is placed on the non-active list for up to three years.

The following Irvine residents spoke in support of the Living Wage Ordinance:

Jane Olinger  
Tim Steed  
Maryann Gaido

The following Irvine residents spoke in opposition to the Living Wage Ordinance:

Steve Greenberg  
Allan Bartlett

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

Direct staff to return at the May 26, 2015 City Council meeting with the Living Wage Ordinance with the intent to repeal.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Mayor Choi

NOES: 1 COUNCILMEMBERS: Krom

ABSENT: 1 COUNCILMEMBERS: Schott

ABSTAIN: 0 COUNCILMEMBERS: None

#### **PUBLIC COMMENT- CITY COUNCIL**

Michael Klubniken, Irvine resident, expressed concerns of the negative effects the City would suffer due to the actions of the Orange County Board of Supervisors and complemented the Board and City Council on their continued good work.

Tanya Pham, Vice President of Development Greater Army Los Angeles Chapter, invited the City Council and residents to the 2015 Army Ball scheduled for May 30 and noted that this year was the 40<sup>th</sup> anniversary of the Fall of Saigon and the anniversary of a major battle that occurred during the Vietnam War.

Ronnie Guyer, representing Development Greater Army Los Angeles Chapter, thanked the City Council for its continued support.

Jane Olinger, Irvine resident, expressed her support of the location of the proposed Veterans Cemetery and noted that any disclosure statements should be provided to prospective home buyers and any legal recourse be taken against the builder.

John Carr, spoke in favor of posting the Nation's motto "In God We Trust" in the Council Chamber, noting that cities in Orange County and throughout the state had committed to the display of the motto.

Ilya Tseglin, Irvine resident, spoke of a domestic issue concerning his autistic son and continued legal issues.

Robert Tseglin, Irvine resident, reiterated a domestic issue involving his brother and continued legal issues.

The following Irvine residents expressed their opposition to the proposed Veterans Cemetery location:

- Qing Zhang
- Dongping Huang
- Joe Yan
- Jianren Wu

Brad Dacus, President and Founder of Pacific Justice Institute, spoke in favor of posting the Nation's motto "In God We Trust" in the Council Chamber, and noted free legal services were provided to cities if challenges arose from the posting of the motto.

Frank Haffner submitted a Request to Speak form but did not speak.

**ADJOURNMENT-CITY COUNCIL**

**Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried by those members present (Councilmember Schott absent), to adjourn the meeting at 9:41 p.m.**

  
 MAYOR OF THE CITY OF IRVINE

  
 CITY CLERK OF THE CITY OF IRVINE

May 26, 2015