



Steven Choi
Mayor / Chair

Jeffrey Lalloway
Mayor Pro Tem / Vice Chair

Larry Agran
Councilmember / Boardmember

Beth Krom
Councilmember / Boardmember

Christina Shea
Councilmember / Boardmember

MINUTES

**CITY COUNCIL
REGULAR MEETING
AND
REGULAR JOINT MEETING
WITH THE CITY OF IRVINE AS
SUCCESSOR AGENCY TO THE
DISSOLVED
IRVINE REDEVELOPMENT AGENCY**

**September 23, 2014
City Council Chamber
One Civic Center Plaza
Irvine, CA 92606**

CALL TO ORDER

The 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 was called to order at 4:06 p.m. on September 23, 2014 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor / Chair Choi presiding.

ROLL CALL

Present:	5	Councilmember/Boardmember:	Larry Agran
		Councilmember/Boardmember:	Beth Krom
		Councilmember/Boardmember:	Christina Shea
		Mayor Pro Tempore/Vice Chair	Jeffrey Lalloway
		Mayor/Chair:	Steven Choi

1. CLOSED SESSION

City Attorney Litfin announced the following Closed Session items:

- 1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Government Code Section 54956.9(a) (one case) (1) City of Irvine v. County of Orange, et al. (Orange County Superior Court Case No. 30-2014-00697611)**
- 1.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Orange County Fire Authority and the City of Irvine v. All Persons Interested [In Second Amendment to Amended Joint Powers Authority Agreement], Orange County Superior Court, Case No. 30-2013-00694527 (Pursuant to Government Code Section 54956.9(d)(1))**
- 1.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - One Case: Ashby vs. City of Irvine, Orange County Superior Court Case No. 30-2013-0064389 (Pursuant to Government Code Section 54956.9, Subdivision (1))**
- 1.4 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Future DB International, Inc. v. City of Irvine, Orange County Superior Court Case No. 30-2014-00743698 (Pursuant to Government Code Section 54956.9(d)(1))**
- 1.5 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4) (one case)**

Bisher Aljazzan, Future DB, spoke on Closed Session Item No. 1.4 regarding the bid process for the Trabuco / Monroe Intersection Improvement Project, and urged the City Council to review all bids prior to awarding construction contracts and award to the lowest responsible bidder.

RECESS

Mayor Choi convened the regular City Council meeting to Closed Session at 4:11 p.m.

RECONVENE

Mayor Choi reconvened the regular City Council meeting at 5:30 p.m.

City Attorney Litfin, on behalf of the City Council, announced that by a 5-0 vote on Closed Session Item No. 1.1 (Musick Jail litigation), the City Council authorized the initiation of an appeal. There was no reportable action on Closed Session Item Nos. 1.2, 1.3 and 1.4.

Anthony Taylor, Special Counsel, Aleshire & Wynder, on behalf of the City Council, announced that on Closed Session Item No. 1.5, the City Council voted 3-2 (Councilmembers Agran and Krom dissenting) to treat the deposition transcript of former City Attorney Phil Kohn like all other deposition transcripts in the Orange County Great Park audit, subject to redactions under the California Public Records Act, and authorized a limited waiver of the attorney/client privilege for that purpose only. He also noted that the Orange County District Attorney requested copies of all deposition transcripts that were conducted in the audit for review.

PLEDGE OF ALLEGIANCE

Councilmember Shea led the Pledge of Allegiance.

INVOCATION

Mayor Choi invited Pastor Jeff Surh from New Life Mission Church of Irvine to provide the invocation.

MUSICAL PRESENTATION

Mayor Choi introduced Gretchen Sheetz, 2014 graduate of Concordia University, who performed the National Anthem followed by "First Arabesque" by Claude Debussy.

2. PRESENTATIONS

2.1 *Introduce Division Chief Greg McKeown and Proclaim October 5-11, 2014 as "Fire Prevention Week"*

Mayor Pro Tempore Lalloway, as the City's appointee to the Orange County Fire Authority Board of Directors, introduced Greg McKeown, the City's New Division Chief, following which Mayor Choi presented Division Chief McKeown with a proclamation recognizing October 5-11, 2014 as "Fire Prevention Week." Division Chief McKeown invited members of the public to attend the Open House at the Orange County Fire Authority Headquarters on Saturday, October 11 from 10 a.m to 3 p.m. Fire Stations 36 (301 E. Yale Loop) and 4 (2 California) would also be holding an Open House as well.

2.2 *Receive an update on the FOR Families Program*

Mayor Choi introduced Community Services Program Specialist Debbie Brunn, Community Services Manager Corinne Schneider-Jones, and Lieutenant John Condon, who provided an update on the FOR Families Program and its partnership with Public Safety.

CITY MANAGER'S REPORT

City Manager Joyce thanked the City Council and staff for their assistance during his recent absence.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Pro Tem Lalloway invited the public to attend the Orange County Fire Authority's Open House on Saturday, October 11 from 10 a.m. to 3 p.m. at its headquarters, located at 1 Fire Authority Road in Irvine.

Mayor Choi made the following announcements:

- The City's 13th annual Global Village Festival will take place on Saturday, September 27 from 10 a.m. to 6 p.m. at Bill Barber Park. For information, visit irvinefestival.org or call 949-724-6606.
- The Irvine Police Department will participate in the National Prescription Drug Take-Back Day on Saturday, September 27 from 10 a.m. to 2 p.m. at Kaiser Permanente, 6670 Alton Parkway. For information, call 949-724-7000.
- NBC4 Southern California will host an informative discussion about the impact of the drought on Saturday, October 11 from 10 a.m. to 1 p.m. at the Irvine Ranch Water District headquarters. Weathercaster Fritz Coleman and Meteorologist Crystal Egger will co-host the discussion. For information, visit nbclosangeles.com.
- For the fourth consecutive year, the City of Irvine was ranked the No. 1 City in California by Money Magazine's Best Places to Live 2014 list.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

CONVENE TO THE REGULAR JOINT MEETING

Mayor / Chair Choi convened to the regular joint meeting with the Successor Agency at 6:12 p.m.

3. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore/Vice Chair Lalloway, seconded by Councilmember/Boardmember Shea, and unanimously carried to approve City Council Consent Calendar Item Nos. 3.1 through 3.7 and Successor Agency Consent Calendar Item Nos. 4.1 and 4.2, with the exception of City Council Consent Calendar Item Nos. 3.3 and 3.6, which were removed for separate discussion.

3.1 MINUTES

ACTION:

Approved the minutes of an adjourned regular meeting of the Irvine City Council held on September 9, 2014.

3.2 PROCLAMATIONS

ACTION:

Proclaimed October 6, 2014 as "World Habitat Day."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

This item was removed for separate discussion by Councilmember Agran, who noted that payment in the amount of \$49,592.27 to Aleshire & Wynder, Special Counsel, was not listed in the warrant register related to work performed in connection with the Orange County Great Park audit. He further expressed his opposition to such payment without the required level of detail of the work performed in the invoice that is expected of others.

Ken Brown, Director of Administrative Services, provided the procedure for the approval of warrants as outlined in Section 2-7-211 of the Irvine Municipal Code. He noted that the invoice from Aleshire & Wynder reflected brief descriptions of the services provided, which was evaluated for consistency by staff, and reviewed and approved by the subcommittee.

City Council discussion included: whether a copy of the invoice in question was distributed to all City Councilmembers or limited to the subcommittee and if the same procedure was followed for any past invoices; Forde & Mollrich's compliance with the subpoena to produce certain records and if what was provided was determined as fully responsive; approval authority for submitted invoices for Aleshire & Wynder and Hagen, Streiff, Newton & Oshiro (HSNO); and the role of the subcommittee.

Assistant City Manager Landers clarified that at the onset of the amended contract after the City Council approved additional funding for the audit, the original purchase order was subsequently amended, and staff worked with Aleshire & Wynder to determine how such funding would be allocated between Special Counsel and HSNO, which was then approved by the subcommittee.

Councilmember Agran asked that staff make a factual determination to see if invoices already provided by Forde & Mollrich contained the necessary level of detail in compliance with the subpoena, as correspondence received from legal representatives on behalf of Ford & Mollrich indicated that compliance had already been met.

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

Adopt RESOLUTION NO. 14-108 - 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

* Councilmember Agran voted in the affirmative with the stipulation that he was opposed to the payment made in the amount of \$49,592.27 to Aleshire & Wynder, which was not reflected in the Warrant Register.

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION:

Adopted RESOLUTION NO. 14-109 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, 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.

3.5 2014 LOCAL AGENCY BIENNIAL NOTICES FOR THE CITY OF IRVINE AND OVERSIGHT BOARD CONFLICT OF INTEREST CODES

ACTION:

Received and filed the Fair Political Practices Commission 2014 Local Agency Biennial Notices regarding:

a) The conflict of interest code for the City of Irvine indicating that amendments are required and directing staff to return with proposed amendments to the City Council within 90 days.

b) The conflict of interest code for the Oversight Board to the Successor Agency to the dissolved Irvine Redevelopment Agency indicating that no amendments are required.

3.6 SETTLEMENT AGREEMENT WITH KISHIMOTO ARCHITECTS, INC.

This item was removed for separate discussion at the request of Mayor Pro Tempore Lalloway, who expressed his support of the proposed agreement.

There was no further City Council discussion.

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

Approve the Settlement Agreement between the City of Irvine and Kishimoto Architects, Inc. for an amount of \$200,000 and authorized the Mayor to execute the Settlement Agreement.

3.7 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

- 1) Approved Councilmember Shea's request for Community Partnership Fund Grant nominations to the Irvine Rotary Foundation in the amount of \$1,000 to support the Kimono Festival.
- 2) Approved Councilmember Shea's request for Community Partnership Fund Grant nominations to the Irvine Community Drug Prevention / Irvine Prevention Coalition in the amount of \$1,000 to support program costs.
- 3) Authorized the City Manager to prepare and sign funding agreements for each organization listed in Action 1.

4. CONSENT CALENDAR - SUCCESSOR AGENCY

4.1 MINUTES

ACTION:

Approved the minutes of a regular joint meeting of the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency and the Irvine City Council held on August 26, 2014.

4.2 2014 LOCAL AGENCY BIENNIAL NOTICE FOR THE SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY

ACTION:

Received and filed the Fair Political Practices Commission 2014 Local Agency Biennial Notice for the conflict of interest code for the Successor Agency to the dissolved Irvine Redevelopment Agency.

PUBLIC COMMENT - SUCCESSOR AGENCY

There were no public comments.

ADJOURNMENT – REGULAR JOINT MEETING

Moved by Mayor / Chair Choi, seconded by Mayor Pro Tempore / Vice Chair Lalloway, and unanimously carried to adjourn the regular joint meeting with the Successor Agency at 6:37 p.m.

RECONVENE TO THE REGULAR CITY COUNCIL MEETING

Mayor Choi reconvened the regular City Council meeting at 6:38 p.m.

5. COUNCIL BUSINESS

5.1 ADOPTION OF RESOLUTIONS OF INTENT TO INITIATE CHANGE PROCEEDING AND FORM COMMUNITY FACILITIES DISTRICT NO. 2013-3 IMPROVEMENT AREA NO. 5, SET TIME AND PLACE FOR PUBLIC HEARING, AND ESTABLISH TIME, PLACE, AND PROCEDURES FOR ELECTION

Valaya Chitchakkol, Finance Administrator, presented the staff report. Paul Pender, Fieldman Rollap, was also present.

Mayor Choi opened the public hearing at 6:50 p.m. There were no public comments.

ACTION: By consensus of the members present (Mayor Pro Tempore Lalloway and Councilmember Krom absent), the public hearing was closed at 6:51 p.m.

There was no City Council discussion.

ACTION: Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried by those members present to:

- 1) Adopt RESOLUTION NO. 14-110 - A RESOLUTION OF CONSIDERATION AND INTENTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), TO CHANGE AND MODIFY AN EXISTING IMPROVEMENT AREA AND THEREBY DESIGNATE AN ADDITIONAL IMPROVEMENT AREA, IMPROVEMENT AREA NO. 5, WITHIN CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES
- 2) Adopt RESOLUTION NO. 14-111 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS THE LEGISLATIVE BODY OF CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK), DECLARING ITS INTENTION TO INCUR BONDED INDEBTEDNESS FOR IMPROVEMENT AREA NO. 5 OF THE CITY OF IRVINE COMMUNITY FACILITIES DISTRICT NO. 2013-3 (GREAT PARK)

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Shea and Choi

NOES: 0 COUNCILMEMBERS: None

ABSENT: 2 COUNCILMEMBERS: Krom and Lalloway (absent for vote)

5.2 CONSIDERATION OF COUNCILMEMBER SHEA'S REQUEST FOR DISCUSSION REGARDING CAMPAIGN ETHICS

This item was agendaized at the request of Councilmember Shea, who expressed concern over some of the practices used in campaigns, and a misleading slate mailer that misrepresents itself as a newspaper, thereby violating the City's Code of Ethics. She also provided some informational slides on Freedom of Speech and the City's Ethics Ordinance.

Steve Greenberg, Ken Wyant, Christopher King, Alan Bartlett, and Tyler Holcomb spoke on concerns related to the Irvine Community News and Views political advertisement.

John Jaeger cited comments made by Councilmember Agran related to slow growth in Irvine.

Ed Pope spoke about past ethics and conduct by several past and current candidates during elections, in support of candidates' ability to express their views in political advertisements, and expressed concern over the cost to conduct the Orange County Great Park audit.

Luis Aleman spoke in support of first amendment rights and urged the City Council to refrain from agendaizing political issues.

City Council discussion included: content of the Irvine Community News and Views political advertisement; the Fair Political Practices Commission (FPPC) Code of Fair Campaign Practices that is required to receive but optional to sign; amending the existing Ethics Ordinance to address the ethical conduct of candidates during elections; freedom of speech rights; past comments made by several candidates in prior elections; current growth and development in Irvine; misinformation provided in the OC Weekly regarding Will Swaim's past appointment to the Planning Commission; comments made by the editor in the Irvine Community News and Views and if it met the legal requirements of a slate mailer; cultural diversity in Irvine; whether the City Council would have the authority to enforce the Ethics Ordinance if there is a violation; and the possibility of limiting the number of political signs and comparing political sign regulations in other cities.

City Attorney Litfin noted that certain allowances and regulations would be permissible by federal and state law to address local election issues without violating first amendment rights.

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

Direct the City Attorney to return to the City Council at future meeting with an analysis of additional regulations that can be incorporated into the City’s existing Ethics Ordinance concerning the conduct of City Council and Mayoral candidates during elections.

PUBLIC COMMENTS

Allan Bartlett spoke on content related to the Irvine Community News and Views political advertisement.

Ilya Tseglin reiterated a domestic issue concerning his autistic son and continued legal issues.

Michael Klubnikin spoke on behalf of his friend, Ilya Tseglin, who continues to seek legal assistance for a domestic issue related to his autistic son.

Dan Chmielewski spoke about first amendment rights with respect to the Irvine Community News and Views political advertisement, as well as comments and actions by City Council candidates during prior elections.

ADJOURNMENT

Moved by Councilmember Krom, seconded by Mayor Pro Tempore Lalloway, and unanimously carried to adjourn the meeting at 8:26 p.m.


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

October 14, 2014