



Steven Choi
Mayor/Chairman

Jeffrey Lalloway
Mayor Pro Tem/Vice Chairman

Beth Krom
Councilmember/Boardmember

Lynn Schott
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**

**March 24, 2015
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 4:03 p.m. on March 24, 2015 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor/Chairman Choi presiding.

ROLL CALL

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

* Councilmember Krom was not present for Roll Call; however, City Attorney Litfin noted for the record that she was present for Closed Session.

1. CLOSED SESSION

City Attorney Litfin announced the following Closed Session item:

1.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957; Title: City Manager

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

RECESS

Mayor Choi convened the City Council meeting to Closed Session at 4:04 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Choi reconvened the City Council meeting at 5:05 p.m. City Attorney Litfin, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Councilmember Schott led the Pledge of Allegiance.

INVOCATION

Mayor Choi invited Pastor Jody Bartell from Free Chapel Orange County in Irvine to provide the invocation.

MUSICAL PRESENTATION

Mayor Choi introduced Albert Wu and Junko Nojima from the Irvine Young Concert Artists, who performed “Yankee Doodle” followed by John Williams’ “Schindler’s List.”

2. PRESENTATIONS

2.1 Irvine 2/11 Marine Adoption Committee Update

Mayor Choi introduced Bill Sandlin, Executive Board Co-Chair, and Lieutenant Colonel Daniel Whitley, Commanding Officer, of the Irvine 2/11 Marine Adoption Committee, who provided an update on the Committee’s activities and accomplishments over the past year. Mr. Sandlin also suggested that the City Council proclaim February 11 as “Irvine 2/11 Marine Day” in the City of Irvine.

Councilmember Krom suggested that the City continue to find additional ways to help support the 2/11 Marines throughout the year.

2.2 Proclaim April 20 - 26, 2015 as "OC Science and Engineering Week"

Mayor Choi introduced Neah Lekan, ninth grade student from University High School and President/Founding Member of Orange County Science, and presented him with a proclamation recognizing April 20-26, 2015 as "OC Science and Engineering Week."

Councilmember Krom suggested that a coordinated effort be made through Mayor Choi, or Councilmember Shea as Chair of the Great Park Board, to introduce Orange County Science students to participants of the upcoming 2015 Solar Decathlon.

CITY MANAGER'S REPORT

City Manager Joyce announced that the City of Irvine had its lowest per capita violent crime rate in the City's history based on 2014 crime statistics. The City also experienced its lowest ever Part 1 crime rate, which includes murder, rape, robbery, aggravated assault, burglary, larceny theft, auto theft and arson.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Shea announced that she, along with Mayor Choi and Councilmember Schott, had an opportunity to attend the "Nowrooz" Persian New Year event at Colonel Bill Barber Park on March 22. Mayor Choi also noted that the upcoming annual Korean Cultural Festival would be held on May 16.

Councilmember Krom provided a brief report on her recent attendance at the Local Government Commission meeting.

Councilmember Schott provided a report on her recent attendance at the League of California Cities meeting in Washington, D.C. She also noted her attendance at a recent vigil held for Irvine resident Erica Melissa Alonso, who was reported missing on February 15, 2015, and urged community members to contact the Irvine Police Department with any information leading to her safe return.

Mayor Choi made the following announcements:

- The City of Irvine has joined the National Mayors Challenge for Water Conservation from April 1 – 30. Irvine residents and businesses are encouraged to join this competition by pledging to conserve water and other resources at mywaterpledge.com. For information, visit cityofirvine.org.

- In connection with April being Earthquake Preparedness Month, the Irvine Police Department's Office of Emergency Management is encouraging Irvine residents to be prepared by making a family plan, stockpiling emergency supplies and knowing how to stay connected to the City. Residents can register home and cell phone numbers with the City's *iAlert* system to receive emergency alerts and information, listen to 1640AM during an emergency for live updates, and follow the City on Twitter and Facebook. For emergency preparedness information, visit cityofirvine.org/prepare.
- The University of California, Irvine (UCI) basketball team qualified for the NCAA tournament for the first time, facing Louisville in its first game.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

CONVENE TO THE REGULAR JOINT MEETING

Mayor Choi convened to the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Redevelopment Agency at 5:58 p.m.

3. CONSENT CALENDAR - CITY COUNCIL

ACTION: Moved by Councilmember/Boardmember Shea, seconded by Councilmember/Boardmember Krom, and unanimously carried by those members present (Mayor Pro Tempore / Vice Chair Lalloway absent) to approve City Council Consent Calendar Item Nos. 3.1 through 3.8 and Successor Agency Consent Calendar Item Nos. 4.1 through 4.2. Councilmember Krom abstained on Item No. 3.4.

3.1 MINUTES

ACTION:

1. Approved the minutes of a special meeting of the Irvine City Council held on March 2, 2015.
2. Approved the minutes of a regular meeting of the Irvine City Council held on March 10, 2015.

3.2 PROCLAMATIONS

ACTION:

Proclaimed March 2015 as "American Red Cross Month."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 15-24 - 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

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION:

Adopted RESOLUTION NO. 15-25 - 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

Councilmember Krom abstained.

3.5 EXTENSION OF AGREEMENT FOR EMPLOYMENT OF THE CITY MANAGER

ACTION:

Extended City Manager's employment agreement for one year on the same terms and conditions as the City Manager's current agreement with the exception of allowing the City Manager the option of receiving a monthly auto allowance of \$550 during the term of the agreement in lieu of the current requirement to provide the City Manager a leased vehicle with all expenses paid by the City.

3.6 EDUCATIONAL PARTNERSHIP FUND APPROVAL OF AMENDMENTS FOR FISCAL YEARS 2013-14 AND 2014-15 AND APPROVAL OF FISCAL YEAR 2015-16 WORK PLANS

ACTION:

1. Approved the following requests to reallocate Fiscal Year 2013-14 funds:
 - a. Irvine Unified School District – Request to reallocate \$2,820 in unspent Category 10 Sports Facilities funds toward a portable lighting unit in Fiscal Year 2014-15 or Fiscal Year 2015-16.
 - b. Tustin Unified School District – Request to reallocate \$7,408 in unspent Category 6 Service Learning funds to provide speakers and trainings/workshops to Beckman High School Students in Fiscal Year 2014-15 or Fiscal Year 2015-16.

2. Approved the following requests for Fiscal Year 2014-15 mid-year amendments:
 - a. Irvine Unified School District – Fiscal Year 2014-15 mid-year amendment request to add the purchase of portable lighting equipment for \$10,132, and to eliminate funding for personnel in Category 10 Sports Facilities.
 - b. Tustin Unified School District – Fiscal Year 2014-15 mid-year amendment request to purchase two portable score boards and one storage unit within the original budget allocation (\$12,000), rather than one portable score board and one storage unit.
3. Approved Fiscal Year 2015-16 work plans and budgets for 12 Educational Partnership Fund program categories as submitted by Irvine Unified School District, Tustin Unified School District, Irvine Valley College Foundation, and City of Irvine Public Safety (Attachments 1 and 2 of the staff report) and authorized the City Manager to execute the respective agreements.

3.7 GRANT APPLICATIONS FOR THE ACTIVE TRANSPORTATION PROGRAM

ACTION:

Authorized staff to prepare and submit grant funding applications for the Active Transportation Program for projects listed in the staff report.

3.8 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS

ACTION:

1. Approved Councilmember Krom's request for Community Partnership Fund Grant nomination to Relay For Life - Irvine in the amount of \$500 in support of the American Cancer Society's annual overnight event.
2. Approved Mayor Pro Tem Lalloway's request for Community Partnership Fund Grant nomination to Charitable Ventures of Orange County in the amount of \$500 in support of the Orange County Crime Victims' Monument.
3. Authorized the City Manager to prepare and sign funding agreements for each organization listed in Actions 1 - 2.

4. CONSENT CALENDAR - SUCCESSOR AGENCY

4.1 MINUTES

ACTION:

1. Approved the minutes of an adjourned regular joint meeting of the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency and the Irvine City Council held on January 27, 2015.
2. 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 February 10, 2015.

4.2 WARRANT AND WIRE TRANSFER RESOLUTION - CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY

ACTION:

Adopted RESOLUTION NO. 15-02 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY ALLOWING CERTAIN CLAIMS AND DEMANDS OF THE CITY COUNCIL AS SUCCESSOR AGENCY TO THE DISSOLVED IRVINE REDEVELOPMENT AGENCY AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

PUBLIC COMMENT - SUCCESSOR AGENCY

There were no public comments.

ADJOURNMENT - REGULAR JOINT MEETING

By consensus of the members present (Mayor Pro Tempore / Vice Chair Lalloway absent), the regular joint meeting with the City of Irvine as Successor Agency to the dissolved Irvine Redevelopment Agency was adjourned at 6:02 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Choi reconvened the regular City Council meeting at 6:03 p.m., and noted that Item No. 5.2 would be considered prior to Item No. 5.1.

5. COUNCIL BUSINESS

5.1 PRESENTATION OF FINAL REPORT BY HSNO AND SPECIAL COUNSEL REPORT FOR GREAT PARK AUDIT; AND 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 LARRY AGRAN TO ANSWER QUESTIONS HE REFUSED TO ANSWER AT HIS DEPOSITION ON MARCH 13, 2015 AND FOR THE MAYOR TO REPORT THAT DETERMINATION, THROUGH SPECIAL COUNSEL, TO THE ORANGE COUNTY SUPERIOR COURT FOR FURTHER PROCEEDINGS

This item was considered after Council Business Item No. 5.2.

City Attorney Litfin noted a conflict-of-interest with respect to this item and left the dais at 6:46 p.m. At the request of Councilmember Krom, David Aleshire, Special Counsel, Aleshire & Wynder, provided further detail of Rutan & Tucker's conflict-of-interest, noting that Rutan & Tucker was the attorney of record during the audit period.

David Aleshire and Anthony Taylor, Special Counsel, Aleshire & Wynder; and Christopher Money, Hagen, Streiff, Newton & Oshiro, PC (HSNO), presented the staff report and responded to questions. Michael Kratcher, Document Manager, Aleshire & Wynder, was also available for questions.

The following individuals spoke in opposition to the Orange County Great Park audit:

Laurel Davila, Irvine resident
Carolyn Inmon, Irvine resident
Harvey Liss, Irvine resident
Ken Wyant, Irvine resident

The following individuals spoke in support of the Orange County Great Park audit:

Steve Greenberg, Irvine resident
Paul Willems, Laguna Niguel resident
Allan Bartlett, Irvine Finance Commissioner
Anthony Kuo, Irvine Planning Commissioner
Michael Klubniken, Irvine resident
Tyler Holcomb, Irvine resident
Ronnie Guyer

City Council discussion included: basis for the Orange County Great Park Audit; need for additional action to be taken to complete the audit; clarification of the \$200 million received by the City from Lennar through the sale of the former El Toro Marine Corps Air Station; status of the real estate market conditions over the years; Lennar/FivePoint Communities' desire for a comprehensive master plan; excavation of a proposed canyon; a review of depositions taken; prior and current composition of the Orange County Great Park Board; City Council approval of the Orange County Great Park Audit in January 2013 and the amount spent on the audit thus far; lack of allotted time provided to Councilmembers to review the audit report; campaign contributions from Great Park consultants; accomplishments by former Councilmember Larry Agran; selection process for a Great Park designer and Ken Smith's background and experience; Great Park consultant participation in former Councilmember Agran's campaigns; prior Great Park audit conducted in 2009; review of line items in Design Studio invoices for reimbursements/rebates; inability to determine definitive findings of duplicate billings; non-conformance of contract standards and whether contracts lacked a certain level of necessary specificity; whether money spent was within industry standards for the types of work performed; further explanation of operation/administrative costs; miscellaneous items billed by consultants unrelated to constructing the Great Park; requiring full disclosure and cooperation with the audit process; outstanding unanswered questions related to the audit; scheduling a Closed Session to discuss appearance of impropriety items, administrative remedies and next steps; distinction between appearance of impropriety and actual impropriety; what constitutes a material breach of a contract; whether certain contract provisions highlighted in the audit were also contained in the contracts for Aleshire & Wynder and Hagen, Streiff, Newton & Oshiro, PC (HSNO), and if both entities could potentially participate in political campaigns and support candidates without that provision; actions taken at prior special meetings; whether contracts for HSNO, Aleshire & Wynder and Judge Wieben Stock were sole source contracts; past Grand Jury reports signed by Judge Wieben Stock; historical review of development options at the Great Park; the challenge of transitioning a decommissioned military base into a major metropolitan park and moving the project forward through the recent economic recession; contentious relationships amongst consultants; Lennar/Five Point Communities' request for conformance of its 688-acre development of the Great Park with the Great Park Master Plan; potential duplicative billings; request that Special Counsel provide "next steps;" and questioned Closed Session options.

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

1. Receive and file the HSNO Report and Report of Special Counsel, Aleshire & Wynder, LLP.

- 2. Direct Special Counsel to prepare a memorandum for Closed Session to discuss appearance of impropriety items and administrative remedies that include statements made at the dais.
- 3. 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 answer all questions at his deposition on March 13, 2015.
- 4. The Mayor report this determination to compel Larry Agran to answer all deposition questions to the Presiding Judge of the Orange County Superior Court, pursuant to Government Code Section 31076, for further proceedings.
- 5. Adopt RESOLUTION NO. 15-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, FINDING THAT THE TESTIMONY REQUESTED FROM LARRY AGRAN IS PROPER AND PERTINENT FOR QUESTIONS THAT LARRY AGRAN REFUSED TO ANSWER AT HIS DEPOSITION ON MARCH 13, 2015, 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: 3 COUNCILMEMBERS: Schott, Shea and Choi

NOES: 1 COUNCILMEMBERS: Krom

ABSENT: 1 COUNCILMEMBERS: Lalloway

ABSTAIN: 0 COUNCILMEMBERS: None

5.2 AWARD OF CONTRACT FOR THE CITYWIDE TRAFFIC MANAGEMENT STUDY

This item was considered prior to Council Business Item No. 5.1.

Shohreh Dupuis, Deputy Director of Public Works, presented the staff report and responded to questions.

City Council discussion included: potential impacts and associated costs to mitigate traffic near the County's 100-acre parcel based on its recent proposal for development adjacent to the Great Park, and whether the scope of the study included the County's proposed development; length of time to complete the

study; providing quarterly status updates to the City Council; short and long-term strategies and benefits of the study; length of time to implement recommendations made in the study; difference between this traffic study with studies done before; approximate funding needed to realize a measurable improvement in the master flow of traffic; traffic signal synchronization; alternatives if study was not undertaken; whether alternative forms of transportation is part of the study and determination if the study was limited to automobiles; process for consultant selection; anticipated costs and realized benefits to improve traffic circulation; and whether completion of the study could be expedited.

Deputy Director of Public Works Dupuis noted that the study did not include potential impacts to traffic circulation based on the County's proposal to develop 100 acres adjacent to the Great Park. However, Director of Public Works Gomez noted that he and Acting Director of Community Development Gehrich would be closely monitoring the County's proposed development, which would require its own traffic study.

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

1. Approve the award of a contract to Albert Grover & Associates in the amount not to exceed \$244,897 to conduct a citywide traffic management study and authorize the City Manager to execute the contract documents and reject all other proposals.
2. Approve a budget adjustment appropriating \$244,897 to fund the traffic study, offset by a corresponding decrease in other budgeted contract service costs within the General Fund.

PUBLIC COMMENT-CITY COUNCIL

Shiva Farivar, Irvine resident, expressed her appreciation to the City Council for its support of the "Nowrooz" Persian New Year event.

Tricia Jin, Michael Baker and Mimi Johnson, Irvine residents, spoke in opposition to a recent Planning Commission decision to approve tentative tract maps on lots 8, 9 and 10 of the Central Park West development project, and asked that the City Council appeal the decision and deny Lennar's application.

Michael Klubniken, Irvine resident, spoke about the Orange County Bankruptcy in 1994, and on behalf of his friend, Ilya Tseglin, who continues to seek legal assistance for a domestic issue related to his autistic son.

John Jaeger, Irvine resident, spoke about traffic congestion associated with the Great Park and related comments made by Councilmember Krom.

Jane Olinger, Irvine resident, spoke in support of a Veterans Cemetery adjacent to the Orange County Great Park.

Ilya Tseglin and Gaines Ding, Irvine residents, submitted Request to Speak slips but did not speak.

ADJOURNMENT-CITY COUNCIL

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


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

April 14, 2015