



Steven Choi  
Mayor

Jeffrey Lalloway  
Mayor Pro Tempore

Larry Agran  
Councilmember

Beth Krom  
Councilmember

Christina Shea  
Councilmember

## MINUTES

### CITY COUNCIL REGULAR MEETING

January 14, 2014  
4:00 PM

City Council Chamber  
One Civic Center Plaza  
Irvine, CA 92606

#### CALL TO ORDER

The regular meeting of the Irvine City Council was called to order at 4:05 p.m. on January 14, 2014 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

#### ROLL CALL

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

#### 1. CLOSED SESSION

**1.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – T-MOBILE WEST, LLC V. CITY OF IRVINE, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CASE NO. SACV 13-1652-JVS (DFMx) (Pursuant to Government Code Section 54956.9(a))**

- 1.2 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – CITY OF IRVINE V. COUNTY OF ORANGE, ORANGE COUNTY SUPERIOR COURT CASE NO. PENDING (ACTION FILED ON JANUARY 8, 2014) (Pursuant to Government Code Section 54956.9(a))**
  
- 1.3 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – CITY OF IRVINE V. COUNTY OF ORANGE., ORANGE COUNTY SUPERIOR COURT CASE NO. 30-2013-00622921 (Pursuant to Government Code Section 54956.9(a))**

City Attorney Litfin announced the Closed Session items, following which Mayor Choi convened to Closed Session at 4:07 p.m. There were no public comments related to the Closed Session item.

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

Mayor Choi reconvened the City Council meeting at 5:09 p.m. City Attorney Litfin, on behalf of the City Council, announced that no reportable action was taken in Closed Session.

### **PLEDGE OF ALLEGIANCE**

Mayor Choi led the Pledge of Allegiance.

### **MOMENT OF SILENCE**

Mayor Choi requested a moment of silence in memory of former Mayor and City Councilmember Mike Ward, who passed away on December 12, 2013, and former City employee Steve Haubert, who passed away on December 11, 2013.

### **INVOCATION**

Mayor Choi invited Pastor Tim Lukei from Mariner's Church in Irvine to provide the invocation.

### **MUSICAL PRESENTATION**

Catherine Song from the Korean American Foundation performed the National Anthem.

## 2. PRESENTATIONS

### 2.1 *Proclaim January 20, 2014 as "Dr. Martin Luther King Jr. Day."*

Mayor Choi introduced Denice Velez, Rashida Blade, and Ayana Baines from UC Irvine, and presented a proclamation recognizing January 20, 2014 as "Dr. Martin Luther King Jr. Day."

### 2.2 *Proclaim January 13, 2014 as "Korean American Day."*

Mayor Choi introduced various members of the Korean American community, and presented a proclamation recognizing January 13, 2014 as "Korean American Day."

### 2.3 *Solar Decathlon 2013 and XPO Post Event Review*

Mayor Choi introduced Richard King, U.S. Department of Energy Solar Decathlon Project Director, who presented a post event review. Mayor Choi then presented Mr. King with a Certificate of Recognition, and recognized all of the sponsors for their support of the Solar Decathlon 2013 and XPO Event.

## ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Lalloway announced that George Lugo, long-time Farmers' Market vendor, had passed away on December 13, 2013.

Mayor Choi introduced Russell Stein, his new appointee to the Finance Commission.

Mayor Choi also made the following announcements:

- The annual "Irvine Has Heart Food Drive," in partnership with Second Harvest Food Bank, will be held February 14, 2014 through March 31, 2014. For information, visit [cityofirvine.org](http://cityofirvine.org).
- The City of Irvine hosted a free community housing forum to receive input regarding housing needs for developmentally disabled Irvine residents on Tuesday, January 21, 2014 from 6:00 to 9:00 p.m. at the Irvine Civic Center.
- The City of Irvine, in partnership with Catholic Charities of Orange County and the Children's Health Initiative of Orange County, will host a free community forum on the Affordable Care Act on Wednesday, January 29, 2014 from 6:00 to 7:15 p.m. at the Irvine Civic Center. For information visit, visit [cityofirvine.org](http://cityofirvine.org).
- Mayor Pro Tem Lalloway has been appointed as the Vice Chair to the Orange County Transit Authority Board of Directors.

**CITY MANAGER'S REPORT**

There was no report.

**ADDITIONS AND DELETIONS**

City Manager Joyce advised that Item No. 6.2 could be held over to the meeting of January 28, should the City Council so desire.

**3. CONSENT CALENDAR**

**ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried to approve City Council Consent Calendar Items Nos. 3.1 through 3.12.**

**3.1 MINUTES**

**ACTION:**

Approved the minutes of an adjourned regular meeting of the Irvine City Council held on December 10, 2013.

**3.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 14-01 – 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

**3.3 WARRANT AND WIRE TRANSFER RESOLUTION – AT&T**

**ACTION:**

Adopted RESOLUTION NO. 14-02 - 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

Councilmember Krom abstained.

**3.4 WARRANT AND WIRE TRANSFER RESOLUTION – BANK OF AMERICA**

**ACTION:**

Adopted RESOLUTION NO. 14-03 - 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.

**3.5 ASSESSMENT DISTRICTS LETTER OF CREDIT SUBSTITUTIONS**

**ACTION:**

- 1) Adopted RESOLUTION NO. 14-04 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBSTITUTION OF AN ALTERNATE LETTER OF CREDIT FOR AN EXISTING LETTER OF CREDIT FOR THE REASSESSMENT DISTRICT NO. 04-20 LIMITED OBLIGATION IMPROVEMENT BONDS, ADJUSTABLE RATE SERIES A, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REIMBURSEMENT, CREDIT AND SECURITY AGREEMENT, A LETTER AGREEMENT, A FIRST AMENDMENT TO PROTOCOL AGREEMENT, AND A THIRD SUPPLEMENTAL INDENTURE APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A REMARKETING MEMORANDUM AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS
- 2) Adopted RESOLUTION NO. 14-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBSTITUTION OF AN ALTERNATE LETTER OF CREDIT FOR AN EXISTING LETTER OF CREDIT FOR THE ASSESSMENT DISTRICT NO. 07-22 LIMITED OBLIGATION IMPROVEMENT BONDS, ADJUSTABLE RATE SERIES A, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REIMBURSEMENT, CREDIT AND SECURITY AGREEMENT, A LETTER AGREEMENT , A FIRST AMENDMENT TO PROTOCOL AGREEMENT AND A SIXTH SUPPLEMENTAL INDENTURE APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A REMARKETING MEMORANDUM AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS

Mayor Pro Tem Lalloway abstained.

**3.6 FEE PROGRAMS FOR THE ORANGE COUNTY GREAT PARK  
BALLOON AND CAROUSEL**

**ACTION:**

Adopted RESOLUTION NO. 14-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING FEES FOR THE BALLOON AND THE CAROUSEL AT THE ORANGE COUNTY GREAT PARK

**3.7 NOTICE OF REVIEW FOR A TRACT MAP IN PORTOLA SPRINGS AND PENDING APPROVAL FOR TRACT MAPS IN ORCHARD HILLS, PORTOLA SPRINGS AND CYPRESS VILLAGE**

**ACTION:**

Received and filed.

Mayor Choi and Mayor Pro Tem Lalloway abstained.

**3.8 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

- 1) Approved Mayor Choi's request for Community Partnership Fund Grant nominations to Irvine Public Schools Foundation and Human Options.
- 2) Approved Councilmember Shea's request for Community Partnership Fund Grant nominations to Children's Hospital of Orange County Foundation and Crime Survivors.
- 3) Approved Councilmember Krom's request for Community Partnership Fund Grant nominations to Friends of Outreach, Orange County Children's Therapeutic Arts Center, Arts Orange County, Orange County Women's Chorus and Irvine 2/11 Marine Adoption Committee.
- 4) Authorized the City Manager to prepare and sign Funding Agreements for each organization listed in Actions 1 through 3.

**3.9 ADOPTION OF REVISIONS TO THE COMMUNITY DEVELOPMENT DEPARTMENT RECORDS RETENTION SCHEDULE**

**ACTION:**

Adopted RESOLUTION NO. 14-07 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING RESOLUTION NO. 01-25 (CITYWIDE RECORDS RETENTION SCHEDULE) BY REVISING THE COMMUNITY DEVELOPMENT DEPARTMENT RECORDS RETENTION SCHEDULE

**3.10 CITY OF IRVINE INVESTMENT POLICY FOR CALENDAR YEAR 2014**

**ACTION:**

Adopted RESOLUTION NO. 14-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE CITY'S ANNUAL INVESTMENT POLICY FOR CALENDAR YEAR 2014

**3.11 ORANGE COUNTY GREAT PARK CORPORATION AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

**ACTION:**

Received and filed.

**3.12 SECOND READING AND ADOPTION OF ORDINANCE NO. 13-08 APPROVING A ZONE CHANGE TO PROHIBIT BATTING CAGE(S) ON RESIDENTIAL LOTS CITYWIDE AND REVISIONS TO CERTAIN DEVELOPMENT STANDARDS IN PLANNING AREA 4 (LOWER PETERS CANYON)**

**ACTION:**

Read by title only, second reading and adoption of ORDINANCE NO. 13-08 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00584720-PZC TO PROHIBIT BATTING CAGE(S) ON RESIDENTIAL LOTS CITYWIDE AND REVISIONS TO CERTAIN DEVELOPMENT STANDARDS IN PLANNING AREA 4 (LOWER PETERS CANYON) FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT

Mayor Pro Tem Lalloway abstained.

**4. COUNCIL BUSINESS**

**4.1 PRESENTATION OF FINDINGS OF THE AUDIT OF THE ORANGE COUNTY GREAT PARK**

Mayor Choi provided a brief introduction of the item, and introduced Christopher Money, HSNO representative, who provided a report of the findings of the audit of the Orange County Great Park. Mr. Money was assisted by Jeff George and Deborah Ford.

Steve Greenberg, Harvey Liss, and Paul Willems spoke in support of further investigation into the issues raised by the audit, and taking steps to correct them.

Allan Bartlett spoke regarding unaccounted expenditures and the lack of cooperation from individuals to speak with the auditors.

City Council discussion included: redevelopment set-aside funds and loss of redevelopment funding; scope of work and budget for the audit; sub-committee updates and overall responsibilities; cooperation by staff and contractors; completed capital improvements; amount of change orders for contracts; history of the Great Park acquisition; processes and procedures regarding award of contracts; possible duplicate billing; fixed contract management; subpoena power

of the City Council; and audit contract extension and development of new scope of work.

**ACTION:** At 11:03 p.m., moved by Councilmember Krom, seconded by Mayor Choi, and unanimously carried to extend the regular City Council meeting to 12:00 midnight.

**ACTION:** Following further discussion, moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, to:

- A) Authorize the existing audit sub-committee to continue working with the auditors, HSNO, to develop a new scope of work to move the existing audit from its current stage, as a preliminary report, to completion.
- B) Direct the sub-committee to return with a new scope of work, and a proposed budget, to the City Council for comments, review, and approval within 45 days.

**The motion carried as follows:**

AYES: 3 COUNCILMEMBERS: Lalloway, Shea and Choi

NOES: 2 COUNCILMEMBERS: Agran and Krom

ABSENT: 0 COUNCILMEMBERS: None

## 5. PUBLIC HEARINGS

### 5.1 ***APPEAL OF THE PLANNING COMMISSION ACTION APPROVING VESTING TENTATIVE TRACT MAP 17612 (00571145-PTT), MASTER PLAN (00571142-PMP) AND PARK PLAN MODIFICATION (00571147-PPK) CYPRESS VILLAGE (PLANNING AREA 40 EAST)***

Mayor Choi noted a potential conflict of interest due to the proximity of his residence and abstained from discussion. He left the dais at 11:52 p.m., and deferred to Mayor Pro Tempore Lalloway to preside over the meeting.

Councilmember Shea suggested that the public hearing be continued to the meeting of January 28, 2014 due to the lateness of the hour.

Mayor Pro Tempore Lalloway opened the public hearing at 11:52 p.m. There were no public comments.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Agran, to continue the public hearing to the meeting of January 28, 2014 at 4:00 p.m.**

**The motion carried as follows:**

AYES: 4 COUNCILMEMBERS: Krom, Lalloway, Shea, Agran

NOES: 0 COUNCILMEMBERS: None

ABSTAIN: 1 COUNCILMEMBERS: Choi

Mayor Choi returned to the dais at 11:54 p.m.

**6. COUNCIL BUSINESS (CONTINUED)**

**6.1 APPROVAL OF APPOINTMENTS OF CITY COUNCIL REPRESENTATIVES TO CITY ADVISORY COMMITTEES AND GOVERNMENTAL AGENCIES**

City Manager Joyce provided the staff report. There was no City Council discussion.

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

- 1) Reappointed City Council delegates and alternates to outside governmental agencies on which the City has representation for the 2014 calendar year, as reflected in Attachments 1 and 2 to the staff report.

Adopted RESOLUTION NO. 14-09 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DESIGNATING AND APPOINTING ITS REPRESENTATIVE AND ALTERNATE TO THE ORANGE COUNTY FIRE AUTHORITY’S BOARD OF DIRECTORS

- 2) Reappointed City Council representatives to various City of Irvine advisory committees and task forces for the 2014 calendar year as reflected in Attachment 3 to the staff report.

As amended per the errata memo dated January 14, 2014 to add the following action item:

- 3) Dissolve the Orange County Great Park 2013 Solar Decathlon Ad Hoc Committee.

**6.2 DISCUSSION OF THE DEVELOPMENT AND ISSUANCE OF A REQUEST FOR PROPOSAL FOR THE RV STORAGE OPERATIONS AT THE ORANGE COUNTY GREAT PARK**

City Manager Joyce suggested that this item be brought back for discussion at the meeting of January 28, 2014.

**ACTION: By consensus, Item No. 6.2 was continued to the meeting of January 28, 2014 at 4:00 p.m.**

**PUBLIC COMMENTS**

The following individuals expressed concern with the increase in coyote aggression in the community:

- Kathy Cochran
- Fran Bakst
- Ilona Pally
- Debbie Doukas

Chris King spoke regarding the need for independent oversight of the Orange County Great Park audit.

**ADJOURNMENT**

Moved by Mayor Pro Tempore Lalloway, seconded by Councilmember Shea, and unanimously carried to adjourn the meeting at 12:00 a.m. in memory of former Mayor and Councilmember Mike Ward, former Irvine employee Steve Haubert, and long-time Farmers' Market vendor George Lugo.

  
 MAYOR OF THE CITY OF IRVINE

  
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 INTERIM CITY CLERK OF THE CITY OF IRVINE

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 January 28, 2014