



## MINUTES

Steven Choi  
Mayor

Jeffrey Lalloway  
Mayor Pro Tem

Larry Agran  
Councilmember

Beth Krom  
Councilmember

Christina Shea  
Councilmember

## CITY COUNCIL SPECIAL MEETING

**October 22, 2014**  
**City Council Chamber**  
**One Civic Center Plaza**  
**Irvine, CA 92606**

### CALL TO ORDER

The special meeting of the Irvine City Council was called to order at 1:07 p.m. on October 22, 2014 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Choi presiding.

### ROLL CALL

Present:	4	Councilmember:	Larry Agran
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Jeffrey Lalloway
		Mayor:	Steven Choi
Absent:	1	Councilmember:	Beth Krom

### PLEDGE OF ALLEGIANCE

Mayor Choi led the Pledge of Allegiance.

**1. COUNCIL BUSINESS**

**1.1 CONSIDERATION OF THE APPOINTMENT OF SPECIAL COUNSEL TO COMPLETE AN ANALYSIS PERTAINING TO AN APPEAL OF A PLANNING COMMISSION DECISION TO APPROVE 280 ATTACHED RESIDENTIAL UNITS FOR 360-FUSION, LLC IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)**

Mayor Choi turned to Mayor Pro Tempore Lalloway, who introduced the item and read his memo into the record requesting an analysis pertaining to the Planning Commission decision on October 16, 2014 to approve the 360-Fusion project in the Irvine Business Complex.

Assistant City Attorney Melching clarified that the item before the City Council was to determine whether special counsel should be appointed to complete an analysis of the basis of the appeal and not a decision of the appeal itself, which would be agendized as a Public Hearing at the November 12, 2014 meeting.

Ed Connor, CFH representing 360 Companies, expressed his opposition to the filing of the appeal and suggested Mayor Pro Tempore Lalloway recuse himself from the matter based on campaign contributions made by Pamela Sapetto of Sapetto Group. He further suggested that Mayor Pro Tempore Lalloway withdraw his appeal, and submitted a declaration from Ms. Sapetto and Jeff Warsaw, Managing Partner with 360-Irvine, LLC.

City Council discussion included: City commissioners taking public positions prior to a public hearing; including the City's Ethics Ordinance as part of the analysis; affirmative vote by a Planning Commissioner to approve the project and conflicting statements made as a City Council candidate in political advertisements promoting slow growth; basis of the appeal and potential liability exposure to the City if the appeal is granted; whether a conflict-of-interest existed if the City Attorney completed the analysis as opposed to Special Counsel; if the appeal could be amended pending further review; political contributions by lobbyists, developers and other entities; points of order; and reporting campaign financing improprieties to the Fair Political Practices Commission (FPPC), District Attorney and/or the Attorney General.

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

- 1) Request the immediate appointment of special counsel from one of the three proposed reputed firms to thoroughly examine the issues related to the appeal of a Planning Commission decision, and present a report at the time of the hearing on November 12, 2014 in order for the City Council to consider the project based on its merits.
- 2) Authorize the City Manager to determine and appoint well-qualified and experienced legal representation to complete the analysis.

By consensus, the City Council further determined that the report should include an examination of a Planning Commissioner’s vote, and consideration of the City’s ethics ordinance as it relates to the issues raised in the appeal and whether to include in the analysis as a remedy.

**The motion carried by the following vote:**

AYES:	3	COUNCILMEMBERS:	Lalloway, Shea and Choi
NOES:	1	COUNCILMEMBERS:	Agran
ABSENT:	1	COUNCILMEMBERS:	Krom

**PUBLIC COMMENTS**

Sourabh Tandon provided a brief PowerPoint presentation on Diwali, India’s New Year and Festival of Lights, commencing on October 23, 2014.

**ADJOURNMENT**

By consensus of the members present (Councilmember Krom absent), the special meeting was adjourned at 2:11 p.m.

  
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 MAYOR OF THE CITY OF IRVINE

  
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 CITY CLERK OF THE CITY OF IRVINE

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 November 12, 2014