



## MINUTES

Steven Choi  
Mayor

Jeffrey Lalloway  
Mayor Pro Tempore

Larry Agran  
Councilmember

Beth Krom  
Councilmember

Christina Shea  
Councilmember

## CITY COUNCIL ADJOURNED REGULAR MEETING

**December 10, 2013**  
**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 5:05 p.m. on December 10, 2013 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

### PLEDGE OF ALLEGIANCE

Councilmember Shea led the Pledge of Allegiance.

### INVOCATION

Mayor Choi invited Pastor Christian Mungai from Mariner's Church to provide the invocation.

## **MUSICAL PRESENTATION**

Students from A Little Dynasty Chinese School performed "America the Beautiful" and "God Bless America."

## **CITY MANAGER'S REPORT**

There was no report.

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

Mayor Pro Tempore Lalloway announced that nominations for the Wall of Recognition at Bill Barber Park could be submitted on-line via the City's website, or during his staff's mobile office hours on December 18 from 11:30 a.m. to 1:00 p.m. at Lakeview Senior Center, and December 19 from 11:30 a.m. to 1:00 p.m. at Heritage Park Library. The deadline to submit nominations is December 30, 2013.

Councilmember Krom requested that the meeting be adjourned in memory of Nelson Mandela.

## **ADDITIONS AND DELETIONS**

City Manager Joyce requested that Item No. 1.7 (City of Irvine Investment Policy for Calendar Year 2014) be removed from the agenda for consideration at a later date.

### **1. CONSENT CALENDAR**

**ACTION:** Moved by Councilmember Shea, seconded by Mayor Pro Tempore Lalloway, and unanimously carried to approve the Consent Calendar, with the exception of Consent Calendar Item Nos. 1.15, 1.16, 1.18, and 1.20, which were removed for separate discussion.

#### **1.1 MINUTES**

**ACTION:**  
Approved the minutes of a regular meeting of the Irvine City Council held on November 26, 2013.

#### **1.2 COMMENDATION**

**ACTION:**  
Commended "Young Ladies with Potential."

**1.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 13-135 – 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

**1.4 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T**

**ACTION:**

Adopted RESOLUTION NO. 13-136 – 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.

**1.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA**

**ACTION:**

Adopted RESOLUTION NO. 13-137 - 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.

**1.6 TREASURER'S REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2013**

**ACTION:**

Received and filed.

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

This item was removed from the agenda at the request of City Manager Joyce. See Additions and Deletions.

**1.8 RESOLUTION OF INTENTION, PRELIMINARY ENGINEER'S REPORT AND SET PUBLIC HEARING FOR ASSESSMENT DISTRICT NO. 13-25 (PLANNING AREA 5B)**

**ACTION:**

- 1) Adopted RESOLUTION NO. 13-138 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING ITS INTENTION TO ORDER THE CONSTRUCTION AND ACQUISITION OF CERTAIN IMPROVEMENTS FOR PROPOSED ASSESSMENT DISTRICT NO. 13-25
- 2) Adopted RESOLUTION NO. 13-139 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE PRELIMINARILY ADOPTING, CONFIRMING, AND APPROVING THE ENGINEER'S REPORT AND SETTING A PUBLIC HEARING FOR PROPOSED ASSESSMENT DISTRICT NO. 13-25

Mayor Choi abstained.

**1.9 LICENSE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON COMPANY AND VERIZON WIRELESS TO ADD CELLULAR EQUIPMENT TO AN EXISTING EDISON TRANSMISSION TOWER ON CITY PROPERTY NEAR SR-133 IN PLANNING AREA 17 (QUAIL HILL)**

**ACTION:**

Authorized the Mayor to execute a License Agreement with Southern California Edison Company (SCE) and Verizon Wireless for installation of a new wireless communication facility.

**1.10 SINGLE AUDIT OF FEDERALLY ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

**ACTION:**

Received and filed.

**1.11 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

**ACTION:**

Received and filed.

**1.12 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013 AND AUDITOR'S OPINION**

**ACTION:**

Received and filed.

**1.13 FISCAL YEAR 2012-13 CAPITAL IMPROVEMENT AND SPECIAL FUNDS YEAR END REPORT**

**ACTION:**

- 1) Approved the continuation of 101 City and 218 Special District capital projects with budgets of \$71.3 million and \$100.1 million, respectively, for a total of \$171.4 million to Fiscal Year 2013-14.
- 2) Approved the closure of 46 completed City and Special District projects, with \$41.7 million in expenditures.
- 3) Appropriated \$0.3 million from existing CIP project closeouts to a new capital improvement project for the design and construction of a left-turn pocket on Alton Parkway into the south entrance of the Civic Center.
- 4) Appropriated \$0.4 million in Infrastructure and Rehabilitation funds to expand the scope of the Irvine Facility Master Plan Evaluation project (CIP 391201) to include a reassessment of citywide park and facilities priorities, playground ADA evaluation, and any required environmental review.
- 5) Approved a modification to the project scope for the Fiscal Year 2013-14 Streetscape Rehabilitation project (CIP 351401), to include portions of Irvine Center Drive between Harvard and Culver.
- 6) Approved the adjustment of inter-fund transfers for capital projects among the General, Infrastructure and Rehabilitation, Measure M Turnback, Gas Tax, Fees and Exactions, System Development Charge, Renewed Measure M2 Fairshare, Community Facility District, and Fleet Service Funds for the fiscal year beginning July 1, 2013.
- 7) Approved funding for outstanding purchase orders and continuing activities in the Special Funds totaling \$3.6 million.

Mayor Choi abstained.

**1.14 RESOLUTIONS AMENDING PERSONNEL RULES AND PROCEDURES; TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES; AND SUPPLEMENTAL MILITARY LEAVE BENEFITS FOR CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY AS A RESULT OF THE WAR ON TERRORISM**

**ACTION:**

- 1) Adopted RESOLUTION NO. 13-140 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING AMENDMENTS TO THE PERSONNEL RULES AND PROCEDURES
- 2) Adopted RESOLUTION NO. 13-141 OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING AN AMENDED ATTACHMENT V TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF IRVINE AND THE IRVINE POLICE ASSOCIATION (IPA), AND SUPERSEDING THE ATTACHMENT V TO THE IPA MOU ADOPTED EFFECTIVE AUGUST 11, 2013

- 3) Adopted RESOLUTION NO. 13-142 OF THE CITY COUNCIL OF THE CITY OF IRVINE CONTINUING AND AMENDING TEMPORARY SUPPLEMENTAL MILITARY BENEFITS, EFFECTIVE JANUARY 1, 2014, FOR FULL-TIME CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY AS A RESULT OF THE WAR ON TERRORISM

**1.15 SECOND READING AND ADOPTION OF ORDINANCE NO. 13-07 APPROVING ZONE CHANGE 00537029-PZC IN PLANNING AREAS 30 AND 51 (GREAT PARK NEIGHBORHOODS)**

This item was removed for separate discussion at the request of Councilmember Agran.

Michael Klubnikin expressed concern with the Five Points agreement to develop a hotel and golf course at the Orange County Great Park. He stated that the agreement over-capitalized the use of the property, and did not seem consistent with park uses.

City Council discussion included: operations, maintenance, staffing, and park design of FivePoint's 688 acre development of the Orange County Great Park; removal of the canyon feature; elimination of redevelopment funding; use of the Cultural Terrace; public/private partnerships; and the size and location of the golf course.

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

Read by title only, second reading and adoption of ORDINANCE NO. 13-07 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE (00537029-PZC) TO REZONE AN 11-ACRE PARCEL AND THE ENTIRE PLANNING AREA 30 TO 8.1/8.1B TRAILS AND TRANSIT ORIENTED DEVELOPMENT DISTRICT AND COMBINE THESE PROPERTIES INTO PLANNING AREA 51; REZONE PROPERTY TO 1.4 PRESERVATION TO ACCOMMODATE THE RELOCATED WILDLIFE CORRIDOR FEATURE FOR SEGMENTS 2 AND 3 AND REZONE THE FORMER LOCATION OF THE WILDLIFE CORRIDOR FEATURE TO 8.1 TRAILS AND TRANSIT ORIENTED DEVELOPMENT DISTRICT; MODIFY THE RESIDENTIAL AND NON-RESIDENTIAL INTENSITY FOR A MAXIMUM 9,500 RESIDENTIAL UNITS AND 6,135,200 SQUARE FEET OF NON-RESIDENTIAL INTENSITY IN PLANNING AREA 51; AND OTHER MINOR AMENDMENTS TO THE ZONING ORDINANCE TO IMPLEMENT THE PROJECT; FILED BY FIVE POINT COMMUNITIES ON BEHALF OF HERITAGE FIELDS EL TORO, LLC FOR THE GREAT PARK NEIGHBORHOODS DEVELOPMENT; LOCATED IN PLANNING AREAS 30 AND 51

**The motion carried as follows:**

- AYES: 3 COUNCILMEMBERS: Lalloway, Shea, and Choi
- NOES: 2 COUNCILMEMBERS: Agran and Krom
- ABSENT: 0 COUNCILMEMBERS: None

**1.16 ORANGE COUNTY GREAT PARK FISCAL YEAR 2012-13 YEAR-END REPORT**

This item was removed for separate discussion in error. No discussion ensued.

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

- 1) Receive and file the year-end budget update report for the fiscal year ended June 30, 2013.
- 2) Approve a budget adjustment in the amount of \$812,698 for unfinished purchase orders and year-end surplus requests in the amount of \$223,777 for expenditures approved in Fiscal Year 2012-13.
- 3) Approve CIP budget adjustments to close one CIP project, and align existing Fiscal Year 2013-14 budgets with the remaining allocation of funds in each CIP project.

**1.17 ORANGE COUNTY GREAT PARK AGREEMENT WITH SECOND HARVEST FOOD BANK OF ORANGE COUNTY TO MANAGE THE INCREDIBLE EDIBLE PARK**

**ACTION:**

- 1) Authorized the Mayor to execute the Agreement with Second Harvest Food Bank of Orange County for the relocation and continued operation of the Incredible Edible Park at the Orange County Great Park, in substantial conformance to the Agreement attached to the staff report.
- 2) Authorized the increase to the Great Park Fiscal Year 2013-14 budget for landscape maintenance for Incredible Edible Park in the amount of \$21,375 (January through June 2014).

**1.18 MEMORANDUM OF UNDERSTANDING WITH HERITAGE FIELDS EL TORO, LLC REGARDING MARINE WAY IMPROVEMENTS**

This item was removed for separate discussion at the request of Councilmember Agran.

Sean Joyce, City Manager, provided a brief report and responded to questions.

City Council discussion included: detailed development schedule for completion; impacts of construction on the use, operation, and access to the park; and the addition of a provision for Marine Way improvements to the Second Adjacent Landowner Agreement between FivePoint Communities and the City of Irvine.

**ACTION: Moved by Mayor Choi, seconded by Mayor Pro Tempore Lalloway, and unanimously carried to:**

Approve a Memorandum of Understanding (MOU) with Heritage Fields El Toro, LLC (Heritage Fields), which will make an additional \$10 million in funding available to the City by the end of 2018 for funding right of way acquisition for the improvement of Marine Way.

**1.19 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS**

**ACTION:**

Approved Mayor Choi's Community Partnership Fund Grant nominations to Innovative Teaching Technology for Autism and the Korean American Federation of Orange County and authorized the City Manager to prepare and execute Funding Agreements for each organization.

**1.20 AUTHORITY TO SELECT AND CONTRACT FOR AMBULANCE SERVICES IN THE CITY OF IRVINE**

This item was removed at the request of Councilmember Agran.

Jim Ruane, Orange County Fire Authority Finance Manager, and Dan Jung, Special Assistant to the Chief of Police, provided a brief report and responded to questions.

City Council discussion included: concern regarding which entity would make the final decision; delegation of authority to the Orange County Fire Authority; bidding process; and history of past selection process.

**ACTION:** Moved by Councilmember Agran, seconded by Councilmember Krom to continue Item No. 1.20 to a date to be determined.

The motion failed as follows:

- AYES: 2 COUNCILMEMBERS: Krom and Agran
- NOES: 3 COUNCILMEMBERS: Lalloway, Shea, and Choi
- ABSENT: 0 COUNCILMEMBERS: None

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

Authorize the Orange County Fire Authority to select and enter into a contract with an ambulance provider on behalf of the City of Irvine.

**The motion carried as follows:**

AYES:	4	COUNCILMEMBERS:	Lalloway, Krom, Shea, and Choi
NOES:	1	COUNCILMEMBERS:	Agran
ABSENT:	0	COUNCILMEMBERS:	None

**2. COUNCIL BUSINESS**

**2.1 CITY COUNCIL REORGANIZATION - SELECTION OF MAYOR PRO TEMPORE**

Mayor Choi opened the floor for nominations for the selection of Mayor Pro Tempore for the ensuing year. Councilmember Shea nominated Mayor Pro Tempore Lalloway. Councilmember Agran nominated Councilmember Krom.

Councilmember Krom expressed her appreciation to Councilmember Agran, but respectfully declined his nomination for her to serve as Mayor Pro Tempore.

**ACTION: By consensus, the City Council unanimously approved the closing of nominations.**

**ACTION: Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried to select Mayor Pro Tempore Lalloway to continue serving as Mayor Pro Tempore for the ensuing year.**

**3. PUBLIC HEARINGS**

**3.1 ZONE CHANGE TO PROHIBIT BATTING CAGE(S) ON RESIDENTIAL LOTS CITYWIDE AND REVISIONS TO CERTAIN DEVELOPMENT STANDARDS IN PLANNING AREA 4 (LOWER PETERS CANYON)**

Mayor Pro Tempore Lalloway abstained, and left the meeting at 6:51 p.m.

Tim Gehrich, Deputy Director of Community Development provided the staff report and responded to questions.

Mayor Choi opened the public hearing at 6:57 p.m.

The following individuals spoke in support of the Zone Change to prohibit batting cages on residential lots:

Chris Flynn  
Andrew Flynn  
Diane Le  
Dick Flynn  
Andrew Oshrin  
Nancy Moore  
Daniel Bies  
Andrew Nguyen  
Mrs. Flynn  
Suzanne Skov  
Thu LeMinh  
Joshua Pham  
Bill Shook

The following individuals spoke in opposition to the Zone Change to prohibit batting cages on residential lots:

Mark Rudisill  
Alf Doberstein

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried by those members present (Mayor Pro Tempore Lalloway absent) to close the public hearing at 7:35 p.m.**

City Council discussion included: current regulations for batting cages; permit process under current regulations and whether or not a Conditional Use Permit is required; the need for consistency in the Zoning Code; suggestion to build non-commercial batting cages in the Great Park; whether or not permanent basketball hoops are permitted; and locations of public batting cages in the City.

**ACTION:** Moved by Mayor Choi, seconded by Councilmember Agran, to:

1. Introduce for first reading and read by title only – 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, as amended to include the following provisions:

- a. Grandfather clause to allow the property owner at 20 Proclamation Way to retain the batting cage;
- b. Requirement of a higher fence around the back yard;
- c. Limitation of use to owner’s children to one hour per day between the hours of 10:00 a.m. and 5:00 p.m. during winter months, and from 10:00 a.m. to 6:00 p.m. during summer months;
- d. Requirement to remove batting cage prior to sale of the property at which time the grandfather clause would expire;
- e. If Conditional Use Permit is violated, a \$500 penalty fee would be imposed.

Following further discussion, the motion was withdrawn by Mayor Choi.

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

Introduce for first reading and read by title only – 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

**The motion carried as follows:**

AYES: 4 COUNCILMEMBERS: Krom, Shea, Agran and Choi

NOES: 0 COUNCILMEMBERS: None

ABSTAIN: 1 COUNCILMEMBER: Lalloway

**PUBLIC COMMENTS**

Scott Ramser, RV Storage Depot, spoke about the RFP process for recreational vehicle storage at the Orange County Great Park and expressed his interest in participating in that process.

Doug Walker, Irvine resident, provided an update on discussions between nearby residents and the Irvine Company regarding the planned 1,900 homes near Jeffrey and Irvine Boulevard in Planning Area 5B.

Carl Mariz, Orange County Chapter of the United Nations, announced that December 10, 2013 was International Human Rights Day, and spoke about the activities of the organization.

Ilya Tseglin, Irvine resident, asked that an investigation be conducted regarding the activities and practices of the Orange County Regional Center. He stated that his family had been unfairly targeted by members of the center.

**ADJOURNMENT**

Moved by Councilmember Shea, seconded by Mayor Choi, and unanimously carried to adjourn the meeting at 8:26 p.m. in memory of Nelson Mandela.

  
MAYOR OF THE CITY OF IRVINE

  
INTERIM CITY CLERK OF THE CITY OF IRVINE

January 14, 2014