



AGENDA

Donald P. Wagner
Mayor

Lynn Schott
Mayor Pro Tempore

Melissa Fox
Councilmember

Jeffrey Lalloway
Councilmember

Christina Shea
Councilmember

CITY COUNCIL SPECIAL MEETING June 6, 2017 4:00 PM

Irvine City Hall
City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

Speaker's Card/Request to Speak: If you would like to address the City Council on a scheduled agenda item – including a Consent Calendar item, a Regular Council Business item, a Public Hearing item, or Public Comments – please complete the [Request to Speak Form](#). The card is at the table at the entrance to the City Council Chamber. Please identify on the card your name and the item on which you would like to speak and return to the City Clerk. The [Request to Speak Form](#) assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. It also ensures the accurate identification of meeting participants in the City Council minutes. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to up to three minutes per speaker depending on relevant circumstances (unless the time limit is extended by the Mayor), which includes the presentation of electronic or audio visual information. Speakers may not yield their time to other persons.

Please take notice that the order of scheduled agenda items below and/or the time they are actually heard, considered and decided may be modified by the Mayor or the City Council during the course of the meeting, so please stay alert.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Scan this QR code for an electronic copy of the
City Council staff reports.



1. COUNCIL BUSINESS

1.1 CONSIDERATION OF A REQUEST FROM MAYOR WAGNER AND COUNCILMEMBER FOX TO CHANGE THE DESIGNATED SITE FOR THE VETERANS CEMETERY

ACTION:

Consider a request from Mayor Wagner and Councilmember Fox to adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, RE-DESIGNATING ITS PREFERRED SITE FOR THE CREATION OF THE SOUTHERN CALIFORNIA VETERANS CEMETERY, EXPRESSING ITS INTENT TO PURSUE A LAND EXCHANGE WITH HERITAGE FIELDS EL TORO LLC THROUGH WHICH THE CITY WILL ACQUIRE THE PREFERRED SITE FOR THE SOUTHERN CALIFORNIA VETERANS CEMETERY, AND EXPRESSING THE INTENT TO CONVEY THE PREFERRED SITE TO THE STATE FOR PURPOSES OF CREATING THE SOUTHERN CALIFORNIA VETERANS CEMETERY

PUBLIC COMMENTS - Public comments will be heard at approximately 6:30 p.m. or prior to adjournment, whichever occurs earlier.

Any member of the public may address the City Council on items within the City Council's subject matter jurisdiction but which are not listed on this agenda during Public Comments; however, no action may be taken on matters that are not part of the posted agenda. See information for Speaker's Card/Request to Speak on the first page.

ADJOURNMENT

NOTICE TO THE PUBLIC

LIVE BROADCASTING AND REBROADCASTING

Regular City Council meetings are broadcast live every 2nd and 4th Tuesday of the month at 4 p.m. and are replayed on Tuesdays at 4 p.m. (in weeks in which there is not a live City Council meeting), Sundays at 11 a.m., Wednesdays at 7 p.m., and Thursdays at 10 a.m. until the next City Council meeting. All broadcasts can be viewed on Cox Communications Local Access Channel 30 and U-Verse Channel 99. City Council meetings are also available via live webcast and at any time for replaying through the City's ICTV webpage at cityofirvine.org/ictv. For more information, please contact the City Clerk's office at (949) 724-6205.

STAFF REPORTS

As a general rule, staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials are on file with the City Clerk and are available for public inspection and copying once the agenda is publicly posted, (at least 72 hours prior to a regular City Council meeting). Staff reports can also be downloaded from the City's website at cityofirvine.org beginning the Friday prior to the scheduled City Council meeting on Tuesday.

In addition, meetings can be viewed live at the time posted on the agenda and related staff reports can be opened and viewed simultaneously along with the streaming of the meeting. To view the meeting, go to cityofirvine.org/ictv.

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda after the posting of the agenda will be available for public review in the City Clerk's Office, One Civic Center Plaza, Irvine, California, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

SUBMITTAL OF INFORMATION BY MEMBERS OF THE PUBLIC FOR DISSEMINATION OR PRESENTATION AT PUBLIC MEETINGS

Media Types and Guidelines

1. Written Materials/Handouts:

Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the City Council. Please provide 15 copies of the information to be submitted and file with the City Clerk at the time of arrival to the meeting. This information will be disseminated to the City Council at the time testimony is given.

2. Large Displays/Maps/Renderings:

Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the City Clerk's Office at (949)724-6205 no later than 12:00 noon on the day of the scheduled meeting so that an easel can be made available, if necessary.

3. Electronic Documents/Audio-Visuals:

Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Public Information Office (PIO) no later than 12:00 noon on the day of the scheduled meeting. To facilitate your request contact the PIO Office at (949)724-6253 or the City Clerk's Office at (949)724-6205.

Information must be provided on CD, DVD, or VHS; or, emailed by 12:00 noon on the day of the scheduled meeting to pio@ci.irvine.ca.us. Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a day time phone number.

The PIO office will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed or if the version provided is incompatible with the City's system. Every effort will be made by City staff to facilitate the presentation.

CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS

It is the intention of the City of Irvine to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Clerk’s Office at (949)724-6205.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

CHALLENGING CITY DECISIONS

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge that is not filed within this 90-day period will be barred.

If a person wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Irvine, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

COMMUNICATION AND ELECTRONIC DEVICES

To minimize distractions, please be sure all personal communication and electronic devices are turned off or on silent mode.

MEETING SCHEDULE

Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 4:00 p.m. Study Sessions and/or Closed Sessions are periodically held prior to the start of the regular meeting. Agendas are available at the following locations:

- City Clerk’s Office
- Police Department
- Front Entrance of City Hall
- University Park Center (Culver/Michelson)
- Walnut Village Center (Culver/Walnut)
- Northwood Town Center (Irvine Blvd./Yale)
- City’s web page at www.ci.irvine.ca.us

I hereby certify that the agenda for the Regular City Council meeting was posted in accordance with law in the posting book located in the Public Safety Lobby and at the entrance of City Hall, One Civic Center Plaza, Irvine, California on June 5, 2017 by 12:00 p.m. as well as on the City’s web page.



Molly McLaughlin, CMC
City Clerk

1.1



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: JUNE 6, 2017

TITLE: CONSIDERATION OF A REQUEST FROM MAYOR WAGNER AND COUNCILMEMBER FOX TO CHANGE THE DESIGNATED SITE FOR THE VETERANS CEMETERY

City Manager

RECOMMENDED ACTION

Consider a request from Mayor Wagner and Councilmember Fox to adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, RE-DESIGNATING ITS PREFERRED SITE FOR THE CREATION OF THE SOUTHERN CALIFORNIA VETERANS CEMETERY, EXPRESSING ITS INTENT TO PURSUE A LAND EXCHANGE WITH HERITAGE FIELDS EL TORO LLC THROUGH WHICH THE CITY WILL ACQUIRE THE PREFERRED SITE FOR THE SOUTHERN CALIFORNIA VETERANS CEMETERY, AND EXPRESSING THE INTENT TO CONVEY THE PREFERRED SITE TO THE STATE FOR PURPOSES OF CREATING THE SOUTHERN CALIFORNIA VETERANS CEMETERY

EXECUTIVE SUMMARY

Mayor Wagner and Councilmember Fox requested a Special Meeting of the City Council the week of June 5, 2017, to consider a change to the designated site for the Veterans Cemetery (Attachment 1). Through their joint memo dated May 30, 2017, Mayor Wagner and Councilmember Fox requested that staff prepare a resolution for City Council consideration (Attachment 2).

The requested resolution would, if adopted, change the City's designation for a Veterans Cemetery from the existing, City-owned ARDA Transfer Site to property in Development District 2 owned by Heritage Fields El Toro, LLC. The draft resolution also references the City's intent to pursue a mutually satisfactory land exchange and expresses the City's intent to convey the Development District 2 site to the State upon completion of a land exchange.

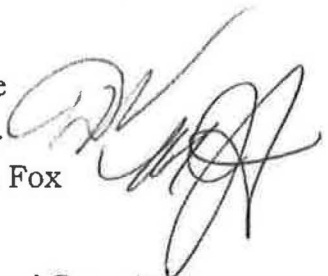
In accordance with previous City Council direction, staff is evaluating the proposed land exchange as provided by Five Point in its letters to the City dated April 19, 2017 and May 23, 2017. Staff's analysis of the proposal will be presented at the June 27, 2017 City Council meeting.

REPORT PREPARED BY Sean Joyce, City Manager

ATTACHMENTS

1. Correspondence from Mayor Wagner and Councilmember Fox to the City Manager
Dated May 30, 2017
2. Draft Resolution No. 17-XX

To: City Manager Sean Joyce
From: Mayor Donald P. Wagner
Council Member Melissa Fox
Date: May 30, 2017
Re: Special Meeting – Veterans’ Cemetery



RECEIVED

MAY 30 2017

CITY OF IRVINE
CITY MANAGER'S OFFICE

Please agendaize a special meeting so that the council can make a final decision regarding the siting of the Orange County Veterans’ Cemetery in light of Assembly Member Sharon Quirk-Silva’s recent letter stating that only \$30 million is available from the state for the cemetery project. In connection with this meeting, please also prepare a council resolution for adoption, if such is the will of a majority of the council, which reflects a change in designations for the cemetery from the old ARDA site to the strawberry fields owned by FivePoint and that are proposed for a land swap.

As you know, the council previously designated the ARDA site as its preferred location for the Veterans’ Cemetery. However, the price tag for the ARDA site is almost \$80 million. The state’s offer of \$30 million, if matched by the city, would still leave the ARDA site and our deserving veterans almost \$20 million short in available funds to actually build and operate the cemetery.

Fortunately, an alternative site – with no out-of-pocket expenses to the city – has potentially become available through an offer of a land swap by FivePoint. The Governor, Assembly Speaker, Ms. Quirk-Silva, and the Mayor recently toured the two sites, as did Council Member Fox, and all came away impressed with the strengths and possibilities of the alternate site. Moreover, the Orange County Veterans Memorial Park committee has fully considered and supports this alternate site.

It is, of course, within the council’s purview to change its designation of preferred sites. We propose that the council do precisely this at a special

ATTACHMENT 1

meeting. We also believe that a special meeting is necessary for several reasons. First, our regular meeting on June 13th is already expected to be quite lengthy as it includes presentation of the budget and a hearing with respect to the proposed Safari Substation. Consideration of the cemetery will further burden the meeting and the members of the public who wish to attend and, perhaps, participate in the decision.

Second, the council planned to take up the matter after knowing whether the needed \$40 million would be in the state budget when it is passed by its June 15 Constitutional deadline. But we now know from Ms. Quirk-Silva ahead of the fifteenth that the full \$40 million will *not* be in the budget. This eliminates the need to wait. Moreover, the sooner the council can make a final decision, the sooner we can give our veterans the cemetery they deserve.

Finally, as Ms. Quirk-Silva mentions in her letter, the state awaits our site decision because of the available \$30 million or an alternate amount for the alternate site. But because of recent changes in state law, June 13th is too late for us to make the final decision. That would not leave time for the budget to satisfy the new "72 hours in print" rule prior to the June 15th deadline. Thus, we must act before June 13 to secure in this fiscal year budget *any* amount for the Orange County Veterans' Cemetery.

We propose the special meeting for June 6 as the next available Tuesday. However, to accommodate our colleagues and their schedules, we would also offer June 8 after 7:30 pm or June 9 after 6:30 pm, depending on which date is the most convenient for the most council members.

CITY COUNCIL RESOLUTION NO. 17-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, RE-DESIGNATING ITS PREFERRED SITE FOR THE CREATION OF THE SOUTHERN CALIFORNIA VETERANS CEMETERY, EXPRESSING ITS INTENT TO PURSUE A LAND EXCHANGE WITH HERITAGE FIELDS EL TORO LLC THROUGH WHICH THE CITY WILL ACQUIRE THE PREFERRED SITE FOR THE SOUTHERN CALIFORNIA VETERANS CEMETERY, AND EXPRESSING THE INTENT TO CONVEY THE PREFERRED SITE TO THE STATE FOR PURPOSES OF CREATING THE SOUTHERN CALIFORNIA VETERANS CEMETERY

WHEREAS, on March 11, 2014, the Irvine City Council adopted Resolution No.14-27, which (1) expressed the Council's support for Assembly Bill 1453 (AB 1453), State Assembly Member Sharon Quirk-Silva's bill establishing a Southern California Veterans Cemetery in Orange County, and (2) expressed the City Council's strong interest in identifying and designating a site at the Orange County Great Park for conveyance to the State for purposes of creating and operating a Southern California Veterans Cemetery; and

WHEREAS, on July 22, 2014, the Irvine City Council adopted Resolution 14-92, expressing its intent to make available up to 125 acres of city-owned property referred to as the "ARDA Transfer Site" for a Southern California Veterans Cemetery; the designated property was labeled the "ARDA Transfer Site" because it was transferred to the City pursuant to an Amended and Restated Development Agreement (ARDA) between the City of Irvine and Heritage Fields El Toro, LLC (Heritage Fields); and

WHEREAS, under the ARDA (1) the ARDA Transfer Site is described as a portion of the "Great Park Property" (ARDA Recital G), and (2) Heritage Fields and the City may mutually agree in writing to modify or adjust the precise location and/or area or the land that comprises the ARDA Transfer Site so long as the replacement land is approximately the same acreage as the original ARDA Transfer Site (ARDA Section 9.2.1.2); and

WHEREAS, on September 27, 2014, Governor Jerry Brown signed AB 1453, with the legislation taking effect on January 1, 2015; and

WHEREAS, among other things, AB 1453 (1) directed that the State Department of Veterans Affairs (CalVet), in voluntary cooperation with local government entities in Orange County, design, develop, construct, and equip a state-owned and state-operated Southern California Veterans Cemetery, at the site of the former Marine Corps Air Station El Toro, on 125 acres known as the Amended and Restated Development Agreement Site in the Great Park in the City of Irvine, and (2) appropriated five hundred thousand dollars (\$500,000) from the State's General Fund to CalVet for completion of the preliminary or conceptual design work; and

ATTACHMENT 2

WHEREAS, CalVet, together with the Department of General Services (DGS), hired design and environmental consultants to evaluate the ARDA Transfer Site for a pre-application requesting Federal cemetery grant funds from the United States Department of Veterans Affairs (USDVA) to develop a state owned and operated Southern California Veterans Cemetery; and

WHEREAS, in June 2016, CalVet submitted its pre-application to the USDVA including a report detailing an estimated \$77.4 million total cost to construct Phase I of the Southern California Veterans Cemetery including, but not limited to, demolition of the entire 125-acre ARDA site, burial sites; landscaping, administration and maintenance buildings; and

WHEREAS, CalVet's June 2016 submittal noted that (1) the ARDA Transfer Site contains more than 70 structures, a former MCAS El Toro control tower and offices, concrete runways, and asphalt roadways, and (2) the estimated costs for the demolition and site preparation segments of Phase I for the entire 125-acre ARDA Transfer Site would be approximately thirty million dollars (\$30,000,000); and

WHEREAS, in April of 2016, and in April of 2017, Heritage Fields expressed its willingness to enter into a land exchange with the City, pending agreed upon terms, whereby the City would take ownership of a site owned by Heritage Fields in Development District 2 of Planning Area 51, adjacent to Interstate 5 between Bake Parkway and Alton Parkway (the "District 2 Site"), and Heritage Fields would take ownership of the ARDA Transfer Site; and

WHEREAS, the District 2 Site is used for agriculture, and it is anticipated it will be less costly to develop for State Veterans Cemetery purposes than the ARDA Transfer Site; and

NOW, THEREFORE, the City Council of the City of Irvine does hereby resolve as follows:

Section 1. That the City Council of the City of Irvine hereby rescinds its July 22, 2014 designation of the ARDA Transfer Site as the best possible site for a State Veterans Cemetery, and re-designates the District 2 Site as the best possible site for a State Veterans Cemetery.

Section 2. That the City of Irvine expresses its intent to pursue a mutually satisfactory land exchange with Heritage Fields of the ARDA Transfer Site for the District 2 Site.

Section 3. That the City of Irvine expresses its intent to, upon completion of a land exchange with Heritage Fields, convey up to 125 acres of the District 2 Site to the State for purposes of creating the Southern California Veterans Cemetery — subject to all necessary and appropriate studies, procedures, and agreements with the State and Federal governments.

PASSED AND ADOPTED by the City Council of the City of Irvine at a special meeting held on the 6th day of June 2017.

MAYOR OF THE CITY OF IRVINE

ATTEST:

CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, MOLLY MCLAUGHLIN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine held on the 6th day of June 2017.

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

CITY CLERK OF THE CITY OF IRVINE