

MINUTES

IRVINE CITY COUNCIL REGULAR MEETING

March 22, 2005

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order on March 22, 2005 at 4:01 p.m., in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California, by Mayor Krom, presiding officer.

ROLL CALL

PRESENT:	5	COUNCILMEMBER:	Larry Agran
		COUNCILMEMBER:	Steven Choi
		COUNCILMEMBER:	Christina Shea
		MAYOR PRO TEM:	Sukhee Kang
		MAYOR:	Beth Krom
ABSENT:	0	COUNCILMEMBER	None

Also present were Assistant City Manager, Sean Joyce; Assistant City Manager, Wally Kreutzen; Deputy City Attorney, Jeff Melching; Director of Public Safety, David L. Maggard, Director of Administrative Services, Rick Paikoff; Director of Public Works, Marty Bryant; Acting Director of Community Services, John McAllister; Director of Community Development, Tina Christiansen; City Clerk, Jeri L. Stately; Deputy City Clerk, Teri Beach; and Sergeant At Arms, David Tran.

STUDY SESSION - STRATEGIC PLAN FOR CHILDREN AND FAMILIES

Mayor Krom introduced Professor Sid Garner and Dr. Lisa Henson who gave a brief report. (Exhibit Nos. 1 and 2 on file in the City Clerk's Department.)

City Council discussion included funding a bi-annual indicator's report to measure the City's progress; need to provide assistance to families to identify earned income tax credits; consideration of increasing staffing level by one full time equivalent person to work year round to ensure benefits from program emerge; need to identify pilot partnership programs with Irvine Unified School District; utilize outside sources to assist with funding of programs; expansion of DARE Program to include junior high and high school age kids; and identify mechanism for funding of strategic partners.

No action was taken on this item.

RECESS

Mayor Krom introduced Deputy City Attorney, Jeff Melching, who cited the Closed Sessions.

Mayor Krom recessed the meeting at 4:47 p.m. to Closed Session.

CLOSED SESSION

10. LIABILITY CLAIMS (Pursuant to Government Code Section 54956.95)

Two Cases: Kim vs. City of Irvine;
Tony Fausto vs. City of Irvine

11. PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section 54957)

Position Title: Acting City Manager

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the meeting to regular session at 5:11 p.m.

Deputy City Attorney, Jeff Melching announced that pursuant to Government Code 54957.1(a)5 and by unanimous vote, the City Council appointed an Acting City Manager.

Mayor Krom announced that the appointment of Acting City Manager was made to Sean Joyce and will be effective June 1, 2005.

PLEDGE OF ALLEGIANCE

Councilmember Choi led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence and suggested that in honor of World Water Day reflection be given to the victims of the tsunami in South Asia.

MUSICAL PRESENTATION

Mayor Krom introduced The Irvine Chinese Chorus who performed, "The Star Spangled Banner" followed by "Impatiens."

PRESENTATIONS

- 1) Mayor Krom recognized the contributors and volunteers of the "Irvine Cares: Music of Love" Fund Raising Event held on February 27, 2005 which benefited victims of the Tsunami in South Asia. (Exhibit No. 3 on file in the City Clerk's Department.)
- 2) Mayor Krom presented Family Friendly Business Awards to the following:
 - Joe DiCorpo, Vice President, Administration - Motorcycle Industry Council.
 - John Hogan, President – Hall & Forman, Inc.
 - Kristina Hiiitgen, Vice President of Associate Services – Option One Mortgage Corporation.
- 3) Mayor Krom introduced Marshall Kaplan, Executive Director of the Merage Foundation who gave a presentation on "Children First." (Exhibit No. 4 on file in the City Clerk's Department)
- 4) Mayor Krom introduced Director of Public Safety/Chief of Police, Dave Maggard; Sergeant Henry Boggs; Sergeant Barry Aninag (Coordinator of Irvine's Explorer Post); Police Officer, Mario Casas; and members of the Irvine Police Department Explorer Post. Sergeant Boggs, representing the Fraternal Order of Police, California State Lodge, presented a grant check Chief of Police, Dave Maggard and Sergeant Barry Aninag who accepted a check in the amount of \$2,000 on behalf of the Irvine Police Explorer Post.

INTRODUCTIONS

Mayor Krom announced that Assistant City Manager Sean Joyce would be assisting the Council at the dais in the absence of City Manager, Allison Hart.

Mayor Krom announced that Deputy City Attorney, Jeff Melching would be assisting the Council at the dais in the absence of City Attorney, Joel Kuperberg.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Shea recognized the following individuals in the community:

- Dr. R. Duncan Luce, research professor at UCI and Emeritus of Cognitive Science was honored at the White House by George W. Bush and received the National Medal of Science; and
- UCI Senior Brittany Sheik; is the University's first recipient of the George Mitchell Scholarship and will be presented a State Assembly Resolution by Chuck Devore on Wednesday; and
- On March 26, the University High School Theatre Guild and Ensemble Choir will host a flea market and carwash in the school's parking lot.

Mayor Pro Tempore Kang recognized Jim Lizzi, Public Works Department, for his assistance to Irvine residents Kevin Chard and Robert Ferman in helping to replace trees along Harvard Avenue.

Councilmember Choi made the following comments:

- Appreciation to City staff for scheduling a meeting to welcome the delegation from Kwangju, South Korea for the purpose of establishing a sister city relationship with South Korea; and
- Appreciation to Chief Dave Maggard for his update on the City's crime statistics; and
- Noted he met with Irvine Division Fire Chief Matt Vadala for an overview on the Fire Authority's role.

Mayor Krom made the following announcements:

- In celebration of the Week of the Child, the Irvine Child Care Committee and the Irvine Child Care Center are hosting a "Day in the Park," on Saturday, April 9, from 10:00 a.m. – 1:00 p.m.
- The City of Irvine will host a Community Forum "Streets and Traffic: Where We Are and Where We Are Going" on Wednesday, April 13, from 6:30 – 7:30 p.m.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

Assistant City Manager, Sean Joyce, noted that Item No. 8 would be continued to a future meeting.

CONSENT CALENDAR

Hearing no objections from other Councilmember's, Mayor Krom removed the following item from the Consent Calendar for separate discussion and action:

- 4.1 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2004 (See Page for action on this item)
- 5.3 PLANNING AREAS 1, 2, AND 9 – ADOPTION OF A RESOLUTION NOTIFYING THE AIRPORT LAND USE COMMISSION OF AN INTENTION TO OVERRIDE AIRPORT LAND USE COMMISSION INCONSISTENCY DETERMINATION (See Page 3 for action on this item)
- 5.5 ANNUAL INVESTMENT POLICY FOR CALENDAR YEAR 2005 (See Page for action on this item)

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar Item Nos. 1 through 5.5, with the exception of Item as noted above.

PUBLIC COMMENTS – CONSENT CALENDAR

There was no public comment on Consent Calendar items.

1.CITY COUNCIL MINUTES

1.1 APPROVAL OF CITY COUNCIL MINUTES (Submitted by City Clerk)

ACTION: Approved the minutes of a regular meeting of the City Council held on March 8, 2005.

2.PROCLAMATIONS/COMMENDATIONS/RATIFICATIONS

2.1 COMMENDED THE FOLLOWING:

- a) In Recognition of the Contributors and Volunteers of the "Irvine Cares: Music of Love" Fund Raising Event

2.2 PROCLAIMED THE FOLLOWING:

- a) Donate Life Month - April 2005
- b) Week of the Young Child - April 3-9, 2005
- c) National Multiple Sclerosis Society 2005 MS Walk - April 10, 2005

2.3 RATIFIED THE FOLLOWING:

- a) Congratulating The Wellness Community, 2nd Annual Gala, March 12, 2005
- b) Welcoming Orange County One-Stop Center - Grand Opening March 24, 2005

3.AGREEMENTS

3.1 AMENDMENT NO. 10 TO MASTER FUNDING AGREEMENT NO. C-95-976 FOR COMBINED TRANSPORTATION FUNDING PROGRAM (CTFP) FUNDED PROJECTS (Submitted by Public Works/Transportation Development)

ACTION: CONTRACT NO. 3130J - Approved Amendment No. 10 to Master Funding Agreement No. C-95-976 and authorized the Mayor to sign the Amendment and the City Clerk to attest the Amendment subject to City Attorney approval as to form.

4.REPORTS

4.1 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2004 (Submitted by Administrative Services/Fiscal Services)

This item was removed from the Consent Calendar at the request of Mayor Pro Tempore Kang who commended staff for their accomplishments on the outcome of the annual financial report.

ACTION: It was moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea, and unanimously carried, to:

Receive and file the City of Irvine's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2004

4.2 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2004 (Submitted by Administrative Services/Fiscal Services)

ACTION: Received and filed the City of Irvine's Air Quality Improvement Special Revenue Fund Audit for the fiscal year ended June 30, 2004.

4.3 SINGLE AUDIT OF FEDERALLY ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2004 (Submitted by Administrative Services/Fiscal Services)

ACTION: Received and filed the City of Irvine's Single Audit of Federally Assisted Grant Programs for the fiscal year ended June 30, 2004.

4.4 TREASURER'S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2004 (Submitted by Administrative Services/Fiscal Services)

ACTION: Received and filed the Treasurer's Report for the Quarter Ended December 31, 2004.

4.5 TRANSPORTATION DEVELOPMENT ACT ARTICLE 4.5 FUNDS PARATRANSIT OPERATING AND CAPITAL PROGRAM AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2004. (Submitted by Administrative Services/Fiscal Services)

ACTION: Received and filed the audit report conducted for the Orange County Transportation Authority on the City of Irvine's Transportation Development Act Article 4.5 Funds for the Paratransit Operating and Capital Program for the Fiscal Year Ended June 30, 2004.

4.6 BUDGET ADJUSTMENT FOR APPROVED AGREEMENT BY AND BETWEEN THE CITY OF IRVINE AND THE IRVINE RANCH LAND RESERVE TRUST (Submitted by Community Services/Business Services)

ACTION: Approved budget adjustment for \$127,625, as detailed in the Irvine Open Space Preserve - South Management Agreement between the City of Irvine and the Irvine Ranch Land Reserve Trust.

5.RESOLUTIONS

5.1 WARRANT AND WIRE TRANSFER RESOLUTION (Submitted by Administrative Services/Fiscal Services)

ACTION: Adopted a Resolution entitled: **RESOLUTION NO. 05-22** - 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.

5.2 APPROVE THE RESOLUTION OF INTENTION, CASH ADVANCE AGREEMENT, AND PRELIMINARY ENGINEER'S REPORT AND SET PUBLIC HEARING FOR ASSESSMENT DISTRICT NO. 04-20 (PORTOLA SPRINGS) PLANNING AREA 6 (Submitted by Public Works/Development Engineering)

ACTION:

- 1) Adopted a resolution entitled:

RESOLUTION NO. 05-23 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING ITS INTENTION TO ORDER THE CONSTRUCTION AND ACQUISITION OF CERTAIN IMPROVEMENTS IN PROPOSED ASSESSMENT DISTRICT NO. 04-20.

- 2) **CONTRACT NO. 4978** - Approved the Cash Advance Agreement for improvements in Assessment District No. 04-20 between the City of Irvine and The Irvine Company subject to approval as to form by the City Attorney.
- 3) Adopted a Resolution entitled: **RESOLUTION NO. 05-24** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE PRELIMINARILY ADOPTING, CONFIRMING, AND APPROVING ENGINEER'S REPORT FOR PROPOSED ASSESSMENT DISTRICT NO. 04-20 AND APPOINTING TIME AND PLACE FOR HEARING PROTEST TO PROPOSED IMPROVEMENTS.

5.3 PLANNING AREAS 1, 2, AND 9 - ADOPTION OF A RESOLUTION NOTIFYING THE AIRPORT LAND USE COMMISSION OF AN INTENTION TO OVERRIDE AIRPORT LAND USE COMMISSION INCONSISTENCY DETERMINATION (Submitted by Community Development/Planning Services)

Councilmember Choi noted he will abstain from action on this item due to a potential economic interest in the Woodbury project. This was deemed to be a true abstention by Deputy City Attorney, Jeff Melching.

Councilmember Choi left the dais at 6:28 p.m.

This item was removed from the Consent Calendar at the request of Councilmember Shea who requested clarification on work force housing to which Glen Worthington, Principal Planner responded.

City Council discussion included clarification of electrical service provided to the areas in question; need to create villages that are energy efficient; whether a visual depiction can be provided to the City Council on the project as various phases are developed; clarification of decreasing water shed as a result of the development and the effect on the preservation of the orchards; and clarification of differences in the amounts of water flowing.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, to:

Adopt a resolution entitled: **RESOLUTION NO. 05-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE NOTIFYING THE AIRPORT LAND USE COMMISSION OF THE CITY'S INTENTION TO ADOPT PROPOSED FINDINGS AND ACTION TO OVERRIDE THE AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE PROPOSED GENERAL PLAN AMENDMENT FOR PLANNING AREA 1 (FORMERLY PLANNING AREAS 1 & 2) AND A PORTION OF PLANNING AREA 9 IS INCONSISTENT WITH THE 1995 MARINE CORPS AIR STATION AT EL TORO AIRPORT ENVIRONS LAND USE PLAN**

The motion carried as follows:

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

Councilmember Choi returned to the dais at 6:40 p.m.

5.4 AMENDMENTS TO THE SALARY GRADE ORDER STRUCTURE, MANAGEMENT CLASSIFICATION AND COMPENSATION, AND FULL-TIME POSITION CONTROL RESOLUTIONS (Submitted by Administrative Services/Human Resources)

ACTION:

- 1) Adopted a Resolution entitled: **RESOLUTION NO. 05-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE SALARY GRADE ORDER STRUCTURE AND SALARY**

RANGES FOR EMPLOYEES OF THE CITY OF IRVINE, AND SUPERSEDING ALL PREVIOUS RESOLUTIONS WHICH ARE INCONSISTENT THEREWITH EFFECTIVE THE PAY PERIOD THAT INCLUDES MARCH 22, 2005 UNLESS OTHERWISE NOTED.

- 2) Adopted a Resolution entitled: **RESOLUTION NO. 05-27** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING A CLASSIFICATION AND COMPENSATION POLICY FOR MANAGEMENT AND NON-REPRESENTED EMPLOYEES (EXEMPT) OF THE CITY OF IRVINE, AND REPEALING ALL PREVIOUS MANAGEMENT AND NON-REPRESENTED EMPLOYEE COMPENSATION RESOLUTIONS, EFFECTIVE THE PAY PERIOD THAT INCLUDES MARCH 22, 2005.
- 3) Adopted a Resolution entitled: **RESOLUTION NO. 05-28** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING FULL-TIME POSITIONS IN ACCORDANCE WITH THE PROVISIONS OF COMPENSATION RESOLUTIONS AND THE OPERATING BUDGET FOR THE 2004-2005 FISCAL YEAR, AND REPEALING ALL PREVIOUS RESOLUTIONS AUTHORIZING FULL-TIME POSITIONS.

5.5 ANNUAL INVESTMENT POLICY FOR CALENDAR YEAR 2005 (Submitted by Administrative Services/Fiscal Services)

This item was removed from the Consent Calendar at the request of Councilmember Shea who questioned whether the Annual Investment Policy had been reviewed by the Investment Advisory Committee prior to submission to the City Council to which Rick Paikoff, Director of Administrative Services responded. She also requested clarification of the addition of corporate bonds, inverse floaters, range notes and interest only strips to which Michele Lund, City Treasurer responded.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Adopt a Resolution entitled: **RESOLUTION NO. 05-29** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE CITY'S ANNUAL INVESTMENT POLICY FOR CALENDAR YEAR 2005.

END OF CONSENT CALENDAR

PUBLIC COMMENTS

Billy C. Hall, Tustin resident, suggested the Orange County Great Park name be changed to "U.S. Marine Corps Memorial Park." (Exhibit No. 5 on file in the City Clerk's Department)

ORDINANCES

6.FIRST READING OF ORDINANCES

6.1 REVISION TO THE TRANSIENT OCCUPANCY TAX CODE (Submitted by Administrative Services/Fiscal Services)

Councilmember Choi requested clarification of governmental exemptions.

ACTION: It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Introduce for first reading and read by title only an ordinance entitled: **ORDINANCE NO. 05-07 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING CHAPTER 4 OF DIVISION 9 OF TITLE 2 OF THE IRVINE MUNICIPAL CODE RELATING TO TRANSIENT OCCUPANCY TAXES.**

PUBLIC HEARINGS

7.PUBLIC HEARING: IRVINE BUSINESS COMPLEX GENERAL PLAN LAND USE TABLE REVISIONS (Submitted by Community Development/Planning Services)

Councilmember Choi noted he will abstain from action on this item due to a potential economic interest in the Irvine Business Complex (IBC). This was deemed to be a true abstention by Deputy City Attorney, Jeff Melching.

Councilmember Choi left the dais at 6:54 p.m.

Mayor Krom opened the public hearing at 6:55 p.m.

Barry Curtis, Principal Planner, presented the staff report.

ACTION: At 6:57 p.m., it was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried by those members present, to close the public hearing.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, to:

Adopt a resolution entitled: RESOLUTION NO. 05-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00383612-PGA, GENERAL PLAN AMENDMENT CYCLE 05-1A, TO AMEND TABLE A-1 OF THE LAND USE ELEMENT OF THE IRVINE GENERAL PLAN TO REFLECT THE ASSIGNMENT OF PREVIOUSLY APPROVED RESIDENTIAL INTENSITY TO SPECIFIC PARCELS WITHIN THE IRVINE BUSINESS COMPLEX (IBC)

As amended .” (Exhibit No. 6 on file in the City Clerk’s Department).

The motion carried as follows:

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

Councilmember Choi returned to the dais at 6:58 p.m.

8.PUBLIC HEARING: GENERAL PLAN AMENDMENT AND ZONE CHANGE TO RECONCILE INTENSITY CAPS WITH EXISTING BUILDING DEVELOPMENT, PLANNING AREA 35 (SPECTRUM) (Submitted by Community Development/Development Services)

ACTION: At 7:24 p.m., it was moved by Mayor Pro Tempore Kang, seconded by Mayor Krom, and unanimously carried, to:

Continue this item to May 24, 2005.

COUNCIL BUSINESS

9.REPORTS

9.1 CASH ADVANCE TO THE ORANGE COUNTY GREAT PARK CORPORATION (Submitted by Administrative Services)

Rick Paikoff, Director of Administrative Services, presented the staff report.

City Council discussion included clarification that City has a practice with respect to financial statements; clarification the City requires assurances that money is being spent correctly; clarification that audited financial statements are not always required; clarification when dealing with restricted funds or other circumstances that apply, that an audited financial statement may be required.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, to:

- 1) Authorize the City to extend to the Orange County Great Park Corporation a cash advance of \$2,122,250 subject to reimbursement upon execution of the Great Park Development Agreement.
- 2) Rescind the following action taken at the November 9, 2004, City Council meeting:
 - a) “The City Council agreed that the City would not exceed the \$250,000 amount of monies allotted to the Great Park Board to be used for doing business with the Great Park Conservancy without an audited financial statement, and that the City would not do any business with the Great Park Conservancy without receiving an audited financial statement.”

By rescission of the above action, the following action replaces the action taken on November 9, 2004:

- b) The City Council agreed that any future allocations of money to any non-profit organization that conducts business with the City will be required to follow the standard City financial practices and/or procedures required of any non-profit organization that requests moneys from the City.

9.2 APPOINTMENTS TO THE BOARD OF DIRECTORS OF THE IRVINE BARCLAY THEATRE OPERATING COMPANY (Submitted by Administrative Services)

Rick Paikoff, Director of Administrative Services, presented the staff report.

ACTION: It was moved by Mayor Krom, seconded by Councilmember Choi and unanimously carried to:

Appoint Sean Joyce, Rick Paikoff, and Mary Ann Gaido to serve on the Irvine Barclay Theatre Operating Company Board of Directors, and extended gratitude to Barbara Weiner for her service on the Board.

ADJOURNMENT

It was moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to adjourn the meeting at 7:25 p.m., to a CITY COUNCIL REGULAR meeting, April 12, 2005, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.

MAYOR OF THE CITY OF IRVINE

CITY CLERK OF THE CITY OF IRVINE

April 12, 2005
DATE APPROVED