



**MINUTES
CITY COUNCIL
REGULAR MEETING
April 22, 2008
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:01 p.m., on April 22, 2008, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Krom presiding.

ROLL CALL

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Christina Shea
		Mayor Pro Tem:	Sukhee Kang
		Mayor:	Beth Krom

1. CLOSED SESSION

Phil Kohn, City Attorney, announced the City Council will recess to Closed Session to discuss the following:

- 1.1 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) Agency Negotiators: Rick Paikoff, Director of Administrative Services; Jan Walden, Manager of Human Resources; and Brian King, Human Resources Administrator Employee Organizations: Associated Supervisory/Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); and Irvine Professional Employees Association (IPEA)**

In addition, City Attorney Phil Kohn requested that the City Council take action to add a second Closed Session item due to recent facts and circumstances relative to James A. Musick Jail that arose after the posting of the Agenda.

ACTION: Moved by Mayor Krom, seconded by Councilmember Shea, and unanimously carried to add the following Closed Session item to the agenda:

- 2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a)): City of Irvine v. County of Orange, U.S. District Court Case No. 30-2008-00062617**

RECESS

The City Council convened to Closed Session at 4:04 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

The City Council reconvened at 5:27 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced that no reportable action was taken during Closed Session on Item No. 1.1; Item No. 1.2 was continued to the end of the meeting.

PLEDGE OF ALLEGIANCE / IRVINE POLICE COLOR GUARD

Chief David Maggard introduced the Irvine Police Color Guard and requested Commander Dave Freedland lead the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence.

MUSICAL PRESENTATION

Mayor Krom introduced Erin Lubitz, a sixth grade student at Canyon View Elementary School who performed the "National Anthem."

2. PRESENTATIONS

The following presentations were made:

- 2.1 Proclaim the week of May 11-17, 2008 as "National Police Week."**
- 2.2 Employee Service Recognition: 30 Years of Service: Dave Freedland, Public Safety; and Tony Dormanesh, Community Development**

2.3 California State University of Fullerton's 50th Anniversary and tribute to "Querer es Poder: 50 Examples Photo Exhibit"

2.4 Young Masters Art Exhibit at City Hall

INTRODUCTIONS

Mayor Pro Tempore Kang and Councilmember Agran introduced Subia Aleem, Council Executive Assistant, who resigned her position with the City and presented her with a commendation for her service to the City Council.

Mayor Pro Tempore Kang introduced Shahrooz Shahandeh, newly appointed Council Executive Assistant.

City Manager Sean Joyce introduced Chandra Krout, newly appointed Environmental Programs Administrator.

CITY MANAGER'S REPORT

There was no City Manager's Report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Krom announced that this morning, the City was presented with a California Resolution in recognition of the 20th Anniversary of the City's Open Space Initiative. The resolution was awarded by the Honorable Tom Harman, 35th Senatorial District; the Honorable Dick Ackerman, 33rd Senatorial District; and the Honorable Todd Spitzer, 71st Assembly District. The Honorable Arnold Schwarzenegger, Governor, also attended the event.

ADDITIONS AND DELETIONS

City Manager Sean Joyce noted that The Irvine Company Apartment Communities has requested continuance of Item No. 4.2, "General Plan Amendment, Zone Change and Development Agreement for the Development of 176 Apartment Units at 2802 Kelvin Avenue in Planning Area 36" to the May 13, 2008 City Council meeting.

3. CONSENT CALENDAR

ACTION: Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.13 with the exception of Item No. 3.1.

3 1 MINUTES

This item was removed from the Consent Calendar at the request of Councilmember Shea who requested clarification of the Irvine Municipal Code Section on disqualification and abstentions with respect to Item No 5 1 in the Minutes to which City Attorney Phil Kohn responded

ACTION Moved by Councilmember Agran, seconded by Mayor Krom, to

Approve the minutes of a regular meeting of the City Council held on April 8 2008

The motion carried as follows

AYES	3	COUNCILMEMBERS	Agran Kang and Krom
NOES	2	COUNCILMEMBERS	Choi and Shea

3 2 PROCLAMATIONS

ACTION

- 1) Proclaimed the month of May 2008 as "Cure Children's Cancer Month "
- 2) Proclaimed the week of May 4-10, 2008 as "California Building Safety Week "
- 3) Proclaimed the month of May 2008 as "ALS Awareness Month "
- 4) Proclaimed the week of May 4-10 2008 as "Municipal Clerks Week "
- 5) Commended State Street Investment Manager Solutions as "2007 Business of the Year "

3 3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION Adopted RESOLUTION NO 08-33 - 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 4 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION Adopted RESOLUTION NO 08-34 - 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

Mayor Krom abstained

3.5 DEVELOPMENT AGREEMENTS STATUS REPORT

ACTION: Received and filed.

3.6 ANNUAL LOCAL STREET REHABILITATION AND SLURRY SEAL PROJECTS - CIP 318140 AND 318200

ACTION: Approved the specifications and contract documents for the Fiscal Year 2007-08 Local Street Rehabilitation and Slurry Seal Projects, Capital Improvement Project (CIP) 318140 and CIP 318200, on file with the Public Works Department.

3.7 RESOLUTION ACCEPTING COUNTY GRANT FUNDS FOR MEDICAL SHARPS WASTE DIVERSION PROJECT

ACTION:

- 1) Adopted RESOLUTION NO. 08-35 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACCEPTING GRANT FUNDS FROM THE COUNTY OF ORANGE TO IMPLEMENT A MEDICAL SHARPS WASTE DIVERSION PROJECT
- 2) Approved a Budget Adjustment increasing grant revenues and related appropriations by \$40,000 for acceptance of County grant funding.

3.8 OFFICE OF TRAFFIC SAFETY SEAT BELT ENFORCEMENT GRANT

ACTION:

- 1) Accepted an Office of Traffic Safety seat belt enforcement grant award, "Click it or Ticket," in the amount of \$16,000.
- 2) Approved a budget adjustment request form in the amount of \$16,000, reflecting \$16,000 in revenues and appropriations.

3.9 AGREEMENT TO TRANSFER PROPERTY OR FUNDS FOR 2007 HOMELAND SECURITY GRANT PROGRAM PURPOSES

ACTION:

- 1) Authorized the Director of Public Safety to accept the Agreement to Transfer Property or Funds for 2007 Homeland Security Grant Program Purposes. **(Contract No. 5449)**
- 2) Approve a budget adjustment request form in the amount of \$175,000 in grant revenues and appropriations for training and equipment.
- 3) Authorize the Director of Public Safety to submit for reimbursement up to \$50,000 in training and \$125,000 in approved equipment through the FY07 Homeland Security Grant Program.

3 10 CALIFORNIA HIGHWAY PATROL GRANT FOR THE EVERY 15 MINUTES PROGRAM

ACTION

- 1) Accepted a California Highway Patrol grant award in the amount of \$9,999 99
- 2) Approved a budget adjustment request form in the amount of \$9,999 99, reflecting \$9,999 99 in revenues and appropriations

3 11 VACATION OF A PORTION OF CRESTED BIRD, WOODBURY (PLANNING AREA 9)

ACTION Adopted RESOLUTION NO 08-36 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE TO ORDER THE VACATION OF A PORTION OF CRESTED BIRD WITHIN WOODBURY (PLANNING AREA 9) PURSUANT TO CHAPTER 4, SUMMARY VACATION STREETS AND HIGHWAYS CODE SECTION 8330 ET SEQ

3 12 ALLOCATION AND DISPOSITION OF UNALLOCATED YEAR-END SURPLUS

ACTION

- 1) Allocated \$250,000 from the Unallocated Year End Surplus and establish a CIP project to provide emergency repairs to a City owned storm water retaining berm at the northwest intersection of the 405 Freeway and Sand Canyon
- 2) Approved the attached Budget Adjustment transferring \$2,200,000 from the Unallocated Year-End Surplus to the Contingency Fund

3 13 APPROVAL OF NEW WATER QUALITY ORDINANCE IMPLEMENTATION AGREEMENT WITH THE ORANGE COUNTY FLOOD CONTROL DISTRICT

ACTION

- 1) Approved the new agreement with the Orange County Flood Control District naming Orange County Flood Control District as an enforcer of the Water Quality Ordinance, authorize the Mayor to execute and City Clerk to attest and approve as to form by the City Attorney **(Contract No 5877)**
- 2) Adopted RESOLUTION NO 08-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE NAMING THE ORANGE COUNTY FLOOD CONTROL DISTRICT AS AN ENFORCER OF THE WATER QUALITY ORDINANCE

END CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 APPROVAL OF THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2008-09 AS THE APPLICATION AND STATEMENT OF PROJECTED USE OF FUNDS FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AND AMERICAN DREAM DOWN PAYMENT INITIATIVE (ADDI) ALLOCATIONS

Mayor Krom declared the public hearing open at 7:30 p.m.

Mark Asturias, Housing Manager; Steve Holtz, Principal Planner; and Tamara Campbell, Senior Planner presented the staff report.

The following individuals spoke in support of the Community Development Block Grant Funding process and thanked the City Council for their support:

Ed Ewart, South County Outreach
Barbara McMahon, Connection House
Margie Wakeham, Families Forward
Vivian Cleclak, Human Options
Kim Beeson, Irvine Adult Day Health Care
Theresa Collins and Sharon Wellikson, Irvine Children's Fund.

City Council discussion included: Clarification of the residential rehabilitation program; clarification of newly funded programs; consideration of funding two vehicles from the capital category or creating a separate category for vehicle funding; and clarification of CEQA requirements as it relates to funding.

ACTION: At 8:35 p.m., it was moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to close the public hearing.

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

- 1) Authorize the City Manager to execute the submitted Annual Action Plan and all documents deemed necessary by HUD to obtain the allocation of federal CDBG, HOME, and ADDI funds, including agreements implementing the funding recommendations.
- 2) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ANNUAL ACTION PLAN WHICH IS PART OF THE CONSOLIDATED PLAN, AND THE PROJECTED USE OF COMMUNITY DEVELOPMENT

BLOCK GRANT (CDBG) HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), AND AMERICAN DREAM DOWN PAYMENT INITIATIVE (ADDI) FUNDS FOR FISCAL YEAR 2008-09

- 3) Allocate \$25,000 each to Families Forward and the Boys and Girls Club from the recommended CDBG Capital Expenditure/HOME allocation to Irvine Community Land Trust (ICLT), reducing the ICLT allocation from \$906,317 to \$856,317 and to be used for the purchase of two vehicles, and direct staff to return with a plan in the future to allocate not only the capital funds but to allow for future opportunities which the Federal Government allows

ACTION A substitute motion was moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang, to

- 1) Approve funding recommendations for Fiscal Year 2008-09 CDBG, HOME, and ADDI funds as follows

Public Services Funding FY 08-09	
Organization	Award
<i>Child Care Services</i>	
Irvine Children's Fund	\$26,863
<i>Senior Services</i>	
Irvine Adult Day health Services	\$16,529
<i>Youth Services</i>	
Assistance League of Irvine	\$19,196
Community Services Program	\$8,000
<i>Homeless Services</i>	
Families Forward Intervention	\$26,463
Connection House	\$12,526
South County Outreach	\$12,196
<i>Health Services</i>	
AIDS Service Foundation	\$15,863
<i>Domestic Violence</i>	
Human Options	\$16,196
Laura's House	\$8,863
<i>Fair Housing Services</i>	
Fair Housing Council	\$16,574
<i>Employment Services</i>	
Jewish Family Services	\$8,000
TOTAL	\$195,269

Distribution of CDBG Administration Funds	
City Costs (staff, consultants, legal, \$1,138 to Fair Housing Council of Orange etc)	\$260,359

Distribution of HOME Administration Funds	
City Costs (staff, consultants, legal, etc.)	\$58,291

Capital Expenditure/HOME/ADDI Funding FY 08-09		
Organization	Award	Source
Assistance League of Irvine	\$550,000	CDBG
City of Irvine	\$14,951	ADDI
City of Irvine	\$610,000	CDBG/HOME
Irvine Community Land Trust	\$906,317	CDBG/HOME
Irvine Unified School District	\$420,674	CDBG
Families Forward	\$72,700	CDBG
City of Irvine	\$177,948	HOME

- 2) Authorize the City Manager to execute the submitted Annual Action Plan and all documents deemed necessary by HUD to obtain the allocation of federal CDBG, HOME, and ADDI funds, including agreements implementing the funding recommendations.
- 3) Adopt RESOLUTION NO. 08-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ANNUAL ACTION PLAN WHICH IS PART OF THE CONSOLIDATED PLAN, AND THE PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), AND AMERICAN DREAM DOWN PAYMENT INITIATIVE (ADDI) FUNDS FOR FISCAL YEAR 2008-09
- 4) Direct staff to return to the City Council at the May 27, 2008 meeting to consider funding options for two vehicles not to exceed \$50,000 (one each for the Boys and Girls Club and Families Forward) from the Community Partnership Project List in the current budget cycle.

The substitute motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Kang, Shea and Krom
 NOES: 1 COUNCILMEMBERS: Choi

*The substitute motion carried and takes precedence over the main motion; therefore, a vote was not taken on the main motion.

4.2 GENERAL PLAN AMENDMENT, ZONE CHANGE AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF 176 APARTMENT UNITS AT 2802 KELVIN AVENUE IN PLANNING AREA 36

ACTION: At 9:00 p.m., it was moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran and unanimously carried to:

ACTION Continue the public hearing to May 13, 2008 at 5 00 p m

5 COUNCIL BUSINESS

5 1 APPOINTMENT OF REPRESENTATIVE FOR DISTRICT 14 FOR SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)

ACTION Moved by Mayor Krom, seconded by Councilmember Agran, to

- 1) Appoint Mayor Krom to SCAG Regional Council and Orange County Council of Governments (OCCOG) Board of Directors

The motion carried as follows

AYES	4	COUNCILMEMBERS	Agran, Choi, Kang, and Krom
NOES	1	COUNCILMEMBERS	Shea

ACTION Moved by Mayor Krom, seconded by Councilmember Agran, and unanimously carried to

- 2) Appoint Councilmember Shea as alternate to OCCOG Board of Directors

5 2 SENIOR FACILITIES IN NORTHERN IRVINE AND IMPLEMENTATION OF THE NORTHERN SPHERE COMMUNITY PARK DESIGN PROCESS

Libby Cowan and Pamela Chana, Community Service Managers and Steve Haubert, Principal Planner presented the staff report

Homer Guimond, Senior Citizens' Councilmember, spoke in support of the proposed Senior Facilities Concept Plan

A D Zelinko, Irvine resident, spoke in support of a library facility in North Irvine

Dave Melvold, Irvine resident, noted concern with staff recommendations on the proposed Senior Facilities Concept Plan

City Council discussion included Zoning designation on location and types of facilities, estimated opening of proposed senior facility sites, whether evening usage exists at the existing senior facilities, cost to purchase land from Latter Day Saints and construct facility in North Irvine and availability of bus transportation

ACTION: Moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, and unanimously carried to:

- 1) Approve the concept plan for senior facilities in northern Irvine.
- 2) Direct staff to implement the park design process with The Irvine Company in accordance with the Northern Sphere Community Park Amenity Program.

5.3 LIBRARY SERVICES ADVISORY COMMITTEE RECOMMENDATIONS

Gina Park, Assistant to the City Manager; and Committee Members Melissa Levine and Don Stewart presented the staff report.

City Council discussion included: Clarification of Katie Wheeler Library average square footage per capita; identifiable funding sources; refining goals; parking allocation; identifying funding sources for improvements at Heritage and University Park Library Branches; relationship with the County of Orange; necessity for cooperation from the County on improvements at Heritage Park and University Park Library branches; importance of understanding available funding options; and levying a library facilities fee on the remaining development in the City.

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

- 1) Adopt a library space ratio of .86 square feet per capita and request that the City Council amend the City's General Plan.
- 2) Approve in concept three new neighborhood libraries with a combined square footage of 70,000 as a priority and allocate the balance of the square footage to the metropolitan library at the Orange County Great Park.
- 3) Authorize staff to explore land acquisition opportunities.
- 4) Direct staff to take the necessary steps to adopt a new library parking standard of one space per 300 square feet.
- 5) Approve the Library Services Advisory Committee's short-, mid-, and long-term goals.

ACTION: A substitute motion was moved by Councilmember Agran, seconded by Councilmember Choi, and unanimously carried to:

Continue to the City Council meeting of May 27, 2008 with direction to the committee to return with funding options to proceed with short-term improvements at both Heritage Park and University Park libraries, and to continue discussions on funding possibilities for remaining committee recommendations.

*The substitute motion carried and takes precedence over the main motion, therefore, a vote was not taken on the main motion

5 4 HERITAGE FIELDS DEVELOPMENT AGREEMENT COMPLIANCE AND PROJECT STATUS REPORT

Sharon Landers Interim CEO Orange County Great Park, Douglas Williford, Director of Community Development, and Jeffrey Melching Assistant City Attorney presented the staff report

Emile Haddad, representing Lennar spoke on the Development Agreement and the status of the project

City Council discussion included Clarification of how backbone infrastructure planning and identification will affect all parties, clarification of revised cost estimates associated with the backbone infrastructure, clarification of runway recycling agreement, Heritage Fields' obligation to complete demolition and recycling in connection with development of Orange County Great Park, expansion of infrastructure and amenities at the Orange County Great Park necessary infrastructure and integration with the involved parties, name change from Heritage Fields to Great Park Neighborhoods, first phases of development in the Lifelong Learning District, appeal of property tax assessment, clarification of necessary infrastructure which includes water, sewer, utilities, etc , backbone infrastructure financing, phased formation of financing districts, clarification of trip capture/reduction update on the golf course and how financial obligations will be handled, use of existing water lines, and clarification of revenue projections from golf course

ACTION Moved by Councilmember Agran, seconded by Mayor Krom, and unanimously carried to

Receive and file

END COUNCIL BUSINESS

PUBLIC COMMENTS

A D Zelinko, Irvine resident, gave an update on the Northwood Gratitude Honor Memorial

Debra Reed, South Coast Air Quality Management District, announced that the SCAQMD is accepting nominations for their 20th Annual Clean Air Award

RECESS

Mayor Krom recessed to Closed Session at 11:33 p.m. to consider Closed Session Item No. 1.2.

RECONVENE

Mayor Krom reconvened the meeting to regular session at 11:46 p.m.

City Attorney Phil Kohn, on behalf of the City Council noted that no reportable action was taken on Closed Session Item No. 1.2.

ADJOURNMENT

Moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to adjourn at 11:46 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

May 13, 2008