

BETH KROM  
Mayor

SUKHEE KANG  
Mayor Pro Tempore

LARRY AGRAN  
Councilmember

STEVEN CHOI  
Councilmember

CHRISTINA SHEA  
Councilmember



# AGENDA

## CITY COUNCIL SPECIAL MEETING

May 13, 2008  
3:30 P.M.  
City Council Chamber  
One Civic Center Plaza

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**Speaker's Card/Request to Speak:** If you would like to address the City Council on a scheduled agenda item, please complete the [Request to Speak Form](#). The card is at the table at the entrance to the Council Chamber. Please identify on the card your name, address, 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 Council are recognized. Your name will be called at the time the matter is heard by the Council.

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### CALL TO ORDER

### ROLL CALL

#### 1. [CLOSED SESSION](#)

- 1.1 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
*(Pursuant to Government Code Section 54956.9(a))*  
***Newpath Networks, LLC v. City of Irvine, U.S. District Court Case No. SACV06-550-JVS***
- 1.2 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
*(Pursuant to Government Code Section 54956.9(a)) - City of Irvine v. Southern California Association of Governments, Orange County Superior Court Case No. 07CC08301*
- 1.3 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
*(Pursuant to Government Code Section 54956.9(a))(four cases):*  
***Cities of Newport Beach and Tustin v. City of Irvine, et al. and Starpointe Ventures, West Millenium Homes, et al, Orange County***

**Superior Court Case No. 07CC01264;  
Allergan, Inc. v. City of Irvine, et al. and Starpointe Ventures, West  
Millenium Homes, et al., Orange County Superior Court Case No.  
07CC01268;  
Cities of Newport Beach and Tustin v. City of Irvine, et al. and  
Starpointe Ventures, Avalonbay Communities, Inc., Alton Associates,  
et al., Orange County Superior Court Case No. 07CC01265; and  
Allergan, Inc. v. City of Irvine, et al. and Starpointe Ventures, Alton  
Associates, et al., Orange County Superior Court Case No.  
07CC01267.**

- 1.4 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  
(James A. Musick Jail)**

**RECESS**

**RECONVENE TO THE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MUSICAL PRESENTATION**

**2. PRESENTATIONS**

- 2.1 Proclaim the week of May 18-24, 2008 as "National Public Works  
Week."**
- 2.2 Proclaim June 1, 2008 as "Israel Expo Day 2008."**
- 2.3 Proclaim May 2008 as "Asian Pacific Islander American Heritage  
Month."**

**INTRODUCTIONS**

**CITY MANAGER'S REPORT**

**ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

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Announcements, Committee Reports and Council Comments are for the purpose of presenting brief comments or reports, are subject to California Government Code Section 54954.2 of the Brown Act and are limited to 15 minutes per meeting.

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**ADDITIONS AND DELETIONS**

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Additions to the agenda are limited by California Government Code Section 54954.2 of the Brown Act and for those items that arise after the posting of the Agenda and must be acted upon prior to the next City Council meeting.

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### 3. CONSENT CALENDAR

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All matters listed under Consent Calendar are considered to be routine and enacted by one roll call vote. There will be no discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion. Any member of the public may address the Council on items on the Consent Calendar. Public comments on any item or items on the consent calendar are limited to three minutes per speaker. If you wish to speak to a particular item or items, please complete a Speakers Form and give it to the City Clerk.

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#### 3.1 MINUTES

**ACTION:** Approve the minutes of a regular meeting of the City Council held on April 22, 2008.

#### 3.2 PROCLAMATIONS

**ACTION:** Proclaim October 4, 2008 as "Irvine Play Day."

#### 3.3 WARRANT AND WIRE TRANSFER RESOLUTION

**ACTION:** Adopt RESOLUTION NO. - 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:** Adopt RESOLUTION NO. - 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

#### 3.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

**ACTION:** Adopt RESOLUTION NO. - 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

**3.6 FISCAL YEAR 2007-08 SAFE ROUTES TO SCHOOL PROGRAM FUNDS**

**ACTION:** Approve a Budget Adjustment to accept \$144,900 from the State of California Safe Routes to School Grant, establish a new Capital Improvement Program (CIP) account, and transfer \$16,100 from the Fiscal Year 2007-08 Curbs/Gutters/Sidewalks (CIP 318130) to the newly established CIP account.

**3.7 FRIENDSHIP CITY AGREEMENTS WITH SEOCHO, REPUBLIC OF KOREA AND NOWON, REPUBLIC OF KOREA**

**ACTION:**

- 1) Approve Friendship City Agreements with Seocho and Nowon, Republic of Korea and authorize the Mayor to sign.
- 2) Approve amended Friendship City Program Policy.

**3.8 ORANGE COUNTY GREAT PARK BUILDING DEMOLITION PROJECT - APPROVAL OF PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS**

**ACTION:** Approve the plans, specifications and contract documents for the Great Park Building Demolition Project on file with the Orange County Great Park Corporation.

**END CONSENT CALENDAR**

**4. PUBLIC HEARINGS**

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Public Hearings are scheduled for a time certain of 4:00 p.m., unless noticed otherwise, or as soon thereafter as possible. Those wishing to address the City Council during the Public Hearing must complete a form and provide it to the City Clerk prior to the hearing.

Notice: Public Hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuation. Any matter not noted for continuance, will be posted separately.

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

**ACTION:**

- 1) Reopen the public hearing.

- 2) Continue to the City Council meeting of June 10, 2008 at 4:00 p.m..

## 5. COUNCIL BUSINESS

### 5.1 **ORDINANCE ADOPTING A 45-DAY MORATORIUM ON WIRELESS TELECOMMUNICATIONS INSTALLATIONS**

**ACTION:** Adopt URGENCY ORDINANCE NO. - AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTED AS AN URGENCY MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES.

### 5.2 **FINANCIAL STATUS OF IRVINE PUBLIC SCHOOLS**

**ACTION:**

- 1) City Council discussion and direction.
- 2) Consider request by Mayor Pro Tem Kang for possible financial assistance to Irvine public schools.

### 5.3 **IRVINE COMMUNITY PARTNERSHIP FUND**

**ACTION:**

- 1) Adopt Resolution No. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING IRVINE COMMUNITY PARTNERSHIP FUND GUIDELINES FOR DISBURSEMENT OF DISCRETIONARY FUNDS FOR QUALIFYING NONPROFIT ORGANIZATIONS.
- 2) Approve FY07-08 budget appropriations for nonprofit financial assistance: A. \$25,000 to Families Forward; B. \$25,000 to Boys and Girls Club; C. \$5,000 to Woodbridge Warrior Boosters Club; D. \$10,000 to Legal Aid Society of Orange County; E. \$1,000 to each of the five public high school Parent Teacher Student Associations in Irvine for the purpose of implementing student "Grad Nite" safety programs.

### 5.4 **ESTABLISHMENT OF GREEN RIBBON ENVIRONMENTAL COMMITTEE**

**ACTION:**

- 1) Adopt RESOLUTION NO. – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE OUTLINING THE POWERS,

DUTIES AND BYLAWS OF THE IRVINE GREEN RIBBON ENVIRONMENTAL COMMITTEE

- 2) Direct staff to publicize opportunities for the public to serve in two positions, nominated by the Mayor and appointed by the City Council, for a two-year term on the Green Ribbon Environmental Committee.
- 3) Return within 60 days for City Council appointment of the two members nominated by the Mayor.
- 4) Direct the Planning Commission to make an appointment to the Green Ribbon Environmental Committee within 60 days.
- 5) City Councilmembers to submit to the City Clerk within 60 days the names of their respective appointments to the Green Ribbon Environmental Committee.

**5.5 CONSIDERATION OF THE ADOPTION OF A RESOLUTION FOR UNITED STATES - KOREA FREE TRADE AGREEMENT (KORUS FTA)**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, URGING THE UNITED STATES CONGRESS TO SUPPORT THE KOREA-U.S. FREE TRADE AGREEMENT (KORUS FTA)

**5.6 CAMPAIGN FINANCE REFORM**

**ACTION:** City Council discussion and direction.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS (Limited to 3 minutes per speaker) - 6:30 P.M.**

**ADJOURNMENT**

**NOTICE TO THE PUBLIC**

**LIVE BROADCASTING**

City Council meetings are broadcasted live every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 4:00 p.m. and are replayed on Sundays at 11:00 a.m., and Thursdays at 7:00 p.m. All broadcasts can be viewed on Cox Communications Local Access Channel 30. City Council meetings are also available via live webcast through the City's website at [www.cityofirvine.org](http://www.cityofirvine.org). For more information, please contact the City Clerk's office at (949)724-6205.

**ADJOURNMENT**

**At 11:00 p.m.**, the City Council will determine which of the remaining agenda items can be considered and acted upon prior to 12:00 midnight and will continue all other items on which additional time is required until a future City Council meeting. All meetings are scheduled to terminate at 12:00 midnight.

**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. Staff reports can also be downloaded from the City's website at [http://www.ci.irvine.ca.us/council/agenda/agenda\\_archive.asp](http://www.ci.irvine.ca.us/council/agenda/agenda_archive.asp) 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 [http://irvine.granicus.com/ViewPublisher.php?view\\_id=6](http://irvine.granicus.com/ViewPublisher.php?view_id=6).

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.

### **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 90<sup>th</sup> day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 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 DEVICES**

To minimize distractions, please be sure all personal communication 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 as follows:

- Police Department
- Local library
- FAX Library System (Dial (949) 724-6210 and request document number 100 anytime after 5:00 p.m. on the Friday prior to a City Council meeting)
- City's web page at [www.ci.irvine.ca.us](http://www.ci.irvine.ca.us)

I hereby certify that the agenda for the Regular City Council meeting was posted in the posting book located in the Public Safety Lobby of City Hall, One Civic Center Plaza, Irvine, California on \_\_\_\_\_ by \_\_\_\_\_ p.m. as well as on the City's web page.

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Sharie Apodaca, CMC  
City Clerk