

SUKHEE KANG
Mayor

LARRY AGRAN
Councilmember

STEVEN CHOI
Councilmember

BETH KROM
Councilmember

CHRISTINA SHEA
Councilmember



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 City 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 City Council are recognized. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

[CALL TO ORDER](#)

[ROLL CALL](#)

1. **SCOPING SESSION**

1.1 [SCOPING SESSION FOR PLANNING AREA 33 \(LOTS 107, 108, 112, AND 113\) GENERAL PLAN AMENDMENT AND ZONE CHANGE](#)

ACTION:

- 1) Receive staff report.
- 2) City Council comments and direction.

2. [CLOSED SESSION](#)

2.1 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** *(Pursuant to Government Code Section 54956.9): City of Tustin and City of Newport Beach v. City of Irvine, City Council of the City of*

Irvine, and Does I-X; Starpointe Ventures, Hines, and Does XI-L (Case # 30-2008-00228855)

**2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a)(4 cases))**

ACTION:

- 1) Allergan, Inc. v. City of Irvine, et al. Orange County Superior Court Case No. 06CC11295
- 2) Allergan, Inc. v. City of Irvine, et al. Orange County Superior Court Case No. 07CC01267
- 3) Allergan, Inc. v. City of Irvine, et al. Orange County Superior Court Case No. 07CC01268
- 4) Allergan, Inc. v. City of Irvine, Orange County Superior Court Case No. 07CC01282

RECESS

RECONVENE TO THE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MUSICAL PRESENTATION

3. PRESENTATIONS

- 3.1 ***Proclaim January 13, 2009 as "Korean American Day"***
- 3.2 ***Proclaim January 19, 2009 as "Martin Luther King Jr. Day"***
- 3.3 ***Employee Service Recognition: 25 Years of Service: William Sellin, Community Services***

INTRODUCTIONS

CITY MANAGER'S REPORT

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

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.

ADDITIONS AND DELETIONS

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.

4. CITY COUNCIL APPOINTMENTS

4.1 CITY COUNCIL REORGANIZATION-SELECTION OF MAYOR PRO TEMPORE

4.2 APPROVAL OF APPOINTMENTS OF CITY COUNCIL DELEGATES AND ALTERNATES TO GOVERNMENTAL AGENCIES AND CITY ADVISORY COMMITTEES

ACTION:

- 1) Appoint City Council delegates and alternates to outside governmental agencies, boards and committees on which the City has representation for the ensuing year.
- 2) Appoint City Council representatives to various City of Irvine advisory committees for the ensuing year.

5. CONSENT CALENDAR

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.

5.1 MINUTES

ACTION: Approve the minutes of a regular meeting of the City Council held on December 9, 2008.

5.2 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

5.3 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

5.4 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

5.5 BUDGET ADJUSTMENT FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM AND GROWTH MANAGEMENT AREA FUNDING ALLOCATIONS

ACTION:

- 1) Accept \$399,150 from the Federal Highway Safety Improvement Program for Fiscal Year 2008-09.
- 2) Accept \$50,000 from the Measure M Growth Management Area Program for Fiscal Year 2008-09.

5.6 EXTENSION TO AGREEMENT FOR BUS SHELTER SERVICES

ACTION:

- 1) Authorize the City Manager to execute the Amendment to the Agreement for Bus Shelter Services with Clear Channel Outdoor, Inc. to extend the agreement for one year.
- 2) Authorize the City Manager to execute future contract Amendments subject to contractor compliance with the terms and conditions contained in the Agreement.

5.7 ORANGE COUNTY GREAT PARK FISCAL YEAR 2008-09 PROGRAM MANAGER SCOPE OF WORK

ACTION:

- 1) Approve a scope of work for the Program Manager, Bovis Lend Lease, to implement the 70% Major Milestone Review conditions of approval and provide extended staff support for the Priority Program Feasibility Studies and Project Implementation Work Program.
- 2) Approve an increase to the Fiscal Year 2008-2009 budget in the amount of \$1,955,090.

5.8 AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR REIMBURSEMENT OF TRAINING COSTS FOR FISCAL YEAR 2008 URBAN AREAS SECURITY INITIATIVE (UASI) GRANT

ACTION:

- 1) Authorize the Director of Public Safety to accept the Agreement for Transfer or Purchase of Equipment/Services or for Reimbursement of Training Costs for Fiscal Year 2008 Urban Areas Security Initiative (UASI) Grant.
- 2) Authorize the Director of Public Safety to accept any equipment, technology or services purchased by the City of Anaheim and transferred to the City of Irvine to enhance countywide emergency preparedness.
- 3) Approve a budget adjustment request in the amount of \$270,000 in grant revenues and appropriations for any training costs, any necessary overtime for backfill, and equipment/services.
- 4) Authorize the Director of Public Safety to submit for reimbursement up to \$70,000 in training and overtime costs, and \$200,000 in approved equipment/services through the Fiscal Year 2008 Urban Areas Security Initiative Grant Program.

5.9 ORANGE COUNTY GREAT PARK COMMUNITY EVENTS, CULTURAL ACTIVITIES, AND PROGRAMMING FOR CALENDAR YEAR 2009

ACTION:

- 1) Approve an increase to the Fiscal Year 08-09 budget in the amount of \$2,000,000 to fund the proposed programs for calendar year 2009.
- 2) Authorize the Chief Executive Officer of the Orange County Great Park Corporation to enter into an agreement at the not-to-exceed amount of \$500,000 with the Irvine Barclay Theatre to secure talent and provide production assistance for the 2009 programming, plus up to an additional \$100,000 of reimbursable expenses.

5.10 ORANGE COUNTY GREAT PARK 2009 CAPITAL IMPROVEMENT PROJECTS

ACTION:

- 1) Approve an increase to the Great Park Fiscal Year 08-09 budget in the amount of \$4,228,500 to provide funding for design and construction of the 2009 Capital Improvement Projects.
- 2) Authorize the Chief Executive Officer to negotiate and execute professional consultant services agreements with the Great Park Design Studio or Consultants on the City's On-Call Consultant Team for the necessary services to implement the Great Park 2009 Capital Improvement Projects.

5.11 EXTENSION OF LEASES WITH ALL STAR SERVICES, INC.

ACTION: Approve a one year extension of the Recreational Vehicle Storage and Building Leases with All Star Services through January 31, 2010.

5.12 FUNDING AGREEMENT WITH CLEARWATER, LLC.

ACTION:

- 1) Approve, in substantial final form, the Feasibility Study Funding Agreement with Clearwater, LLC.
- 2) Authorize the Chief Executive Officer of the Orange County Great Park to execute the Feasibility Study Funding Agreement with Clearwater, LLC.
- 3) Approve a Great Park budget adjustment increasing Fiscal Year 2008-2009 revenues in the amount of \$320,000 and increasing Fiscal Year 2008-2009 expenses in the amount of \$320,000.

5.13 LICENSE AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE IRVINE POLICE DEPARTMENT REGARDING USE OF THE KATELLA TRAINING FACILITY FOR FIREARMS TRAINING

ACTION: Authorize the Director of Public Safety to execute and the City Clerk to attest to a license agreement between the County of Orange and the Irvine Police Department to utilize the Katella Training Facility.

5.14 IRVINE ANIMAL CARE CENTER NAMED AS BENEFICIARY OF THE CODY FAMILY TRUST

ACTION: Authorize the City Manager to sign the “Approval of First and Final Account Current of Trustee Gene L. Ludtke; Waiver of Claim Against Trustee for Breach of Trust” to allow disbursement of funds to the Irvine Animal Care Center from The Cody Family Trust.

5.15 AUTHORIZATION TO NEGOTIATE AND ENTER INTO LAND LEASE AGREEMENTS FOR AUTOMOBILE STORAGE

ACTION: Authorize the Chief Executive Officer of the Orange County Great Park to negotiate and enter into land lease agreements for short-term automobile storage.

END CONSENT CALENDAR

6. PUBLIC HEARINGS

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.

6.1 [COST OF SERVICES ANALYSIS AND RELATED FEE RECOMMENDATIONS FOR PUBLIC SAFETY, CITY CLERK AND DEVELOPMENT-RELATED SERVICES](#)

ACTION:

- 1) Approve the proposed hourly rate calculation methodology for Public Safety, City Clerk, and development-related services.
- 2) Defer approval and implementation of the proposed development-related fee increases until development of the Fiscal Year 2009-2010 Budget at which time the fee increases will be considered.
- 3) Adopt City Clerk Fee Resolution replacing and superseding all previous resolutions that are inconsistent therewith.
Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING FEES FOR SERVICES RELATED TO THE CITY CLERK SECTION
- 4) Adopt Public Safety Fee Resolution replacing and superseding all previous resolutions that are inconsistent therewith.
Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING FEES FOR SERVICES RELATED TO PUBLIC SAFETY

6.2 [CHANGES AND MODIFICATIONS IN THE IMPROVEMENTS FOR VARIOUS ASSESSMENT DISTRICTS](#)

ACTION:

- 1) Open the public hearing, receive staff report, receive public input, Council comments and questions.
- 2) Close the public hearing.
- 3) Adopt a resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ORDERING CHANGES AND MODIFICATIONS IN THE IMPROVEMENTS ORDERED FOR ASSESSMENT DISTRICT NO. 87-8 (SPECTRUM 5), ASSESSMENT DISTRICT NO. 03-19 (NORTHERN SPHERE), ASSESSMENT DISTRICT NO. 05-21 (ORCHARD HILLS), ASSESSMENT DISTRICT NO. 07-22 (STONEGATE AND STONEGATE EAST) AND OTHER MATTERS RELATED THERETO
- 4) Authorize the Mayor to execute agreements to allow for the reimbursement of costs associated with a fire station and various utility improvements within assessment district No. 03-19 (Northern Sphere), No 04-20 (Portola Springs), No. 05-21 (Orchard Hills), and No. 07-22 (Stonegate and Stonegate East).

7. COUNCIL BUSINESS

7.1 [ORDINANCE TO EFFECT CHANGES AND ADDITIONS TO POSTED SPEED LIMITS](#)

ACTION: Introduce for first reading, and read by title only ORDINANCE NO. 09- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE TO DETERMINE AND DECLARE PRIMA FACIE SPEED LIMITS ON VARIOUS STREETS WITHIN THE CITY OF IRVINE, AND OFFICIALLY ESTABLISH THESE DECLARATIONS THROUGH AN AMENDMENT TO THE "CITY OF IRVINE ENGINEERING AND TRAFFIC SURVEYS FOR SPEED LIMITS," AS MAINTAINED BY THE CITY TRAFFIC ENGINEER AS THE OFFICIAL DOCUMENTATION OF DECLARED PRIMA FACIE SPEED LIMITS

7.2 [IRVINE GUIDEWAY DEMONSTRATION PROJECT AND RELATED TRANSIT PROGRAMS](#)

ACTION:

- 1) Authorize the Mayor to execute a Cooperative Agreement with the Orange County Transportation Authority (OCTA) for the transfer of Proposition 116 funds.
- 2) Direct staff to revise the City's Go-Local Report to replace the Irvine Guideway Project with a Citywide Shuttle Transit Program and present the revised report for City Council approval prior to submittal to the OCTA.

7.3 [FISCAL YEAR 2007-2008 GENERAL FUND YEAR-END REPORT](#)

ACTION:

- 1) Receive and file the Budget Update for Fiscal Year ending June 30, 2008.
- 2) Approve a Budget Adjustment for Reservations (Loans, Due To/From Other Funds, Audit Reserve) to transfer \$326,115 to the Development Engineering Fund.
- 3) Approve a Budget Adjustment for Pre-Allocated Year-End Surplus in the amount of \$520,000 that includes a transfer of \$500,000 to the Irvine Educational Partnership Fund and allocation of \$20,000 for the November 4 ballot measures (Measure S - City of Irvine Personal Information Privacy Act and Measure R - Orange County Great Park Ratification and Implementation Act).
- 4) Approve a Budget Adjustment for prior City Council actions/direction allocating \$287,488 for specific projects/programs

previously approved by the City Council in Fiscal Year 2007-08 that were not initiated and/or completed by the end of the fiscal year.

- 5) Approve a Budget Adjustment allocating Year-End Surplus funding for outstanding Purchase Orders in the amount of \$1,066,497.
- 6) Concur with the City Manager recommendation that the remaining \$3,167,286 Unallocated Year-End Surplus balance be reserved until the full impact of the current economic slowdown and the State's budget difficulties on the City of Irvine can be ascertained.

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 2nd and 4th 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. 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 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 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.

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)724-6248 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.

PUBLIC COMMENT

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 Comment; however, no action may be taken on matters that are not part of the posted agenda. If you would like to address the City Council during the Public Comment portion of the Agenda, please complete the Request to Speak Form. The card is at the table at the entrance to the City Council Chamber. Please complete the card with your name, *address, and *phone number (*optional), 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. Your name will be called at the time Public Comment is taken by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

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, 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

I hereby certify that the agenda for the Special 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.

Sharie Apodaca, CMC
City Clerk