



AGENDA

CITY COUNCIL REGULAR MEETING

June 26, 2012

4:00 PM

Sukhee Kang
Mayor

Beth Krom
Mayor Pro Tempore

Larry Agran
Councilmember

Steven Choi
Councilmember

Jeffrey Lalloway
Councilmember

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, 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. 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. CLOSED SESSION

- 1.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Government Code 54956.9(b) (one item): Consideration of facts and circumstances that might result in litigation against the City arising from negotiations between the City and Five Point Communities.**

RECONVENE TO CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MUSICAL PRESENTATION

2. PRESENTATIONS

2.1 "Cans for Cash" Recycling Challenge Award

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.

3. CONSENT CALENDAR

All matters listed under Consent Calendar are considered by the City Manager 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.

3.1 MINUTES

ACTION:

Approve the minutes of a regular meeting of the Irvine City Council held on June 12, 2012.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopt - 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

3.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION:

Adopt - 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

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION:

Adopt - 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

3.5 ANNUAL MEASURE M2 ELIGIBILITY SUBMITTAL

ACTION:

Approve the Measure M2 Seven-Year Capital Improvement Program (CIP) for Fiscal Years 2012-13 through 2018-19.

3.6 RESOLUTIONS CALLING THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 6, 2012; REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION; AND ESTABLISHING REGULATIONS FOR CANDIDATE STATEMENTS OF QUALIFICATIONS AND THE COST THEREOF

ACTION:

- 1) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 6, 2012 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY PROVISIONS OF THE CITY CHARTER
- 2) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION OF SAID CITY TO BE HELD ON TUESDAY, NOVEMBER 6, 2012 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON SAID DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE
- 3) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012
- 4) Receive and file Pledge of Voluntary Political Sign Practices policy.

3.7 SAN DIEGO CREEK CHANNEL IMPROVEMENTS - SAND CANYON TO LAGUNA FREEWAY

ACTION:

Approve the plans, specifications and contract documents for San Diego Creek Channel Improvements - Sand Canyon to Laguna Freeway, Capital Improvement Project (CIP) 321900.

3.8 ACCEPTANCE OF COUNTY OF ORANGE OFFICE ON AGING GRANT

ACTION:

Accept a \$264,556 grant from the County of Orange Office on Aging to fund the Elderly Nutrition Program, Nutrition Transportation, Case Management and In-Home Services.

3.9 AWARD OF CONTRACT FOR PUBLICATION OF LEGAL NOTICES, FISCAL YEAR 2012-13

ACTION:

Award the contract for publication of legal notices for the City of Irvine for Fiscal Year 2012-13 to the Irvine World News and the Orange County Register; and authorize the Mayor to execute the agreements.

3.10 NEWPORT BAY WATERSHED COOPERATIVE AGREEMENT D11-066

ACTION:

- 1) Approve Agreement D11-066 to fund nutrient, fecal coliform and toxics Total Maximum Daily Load programs in the Newport Bay Watershed.
- 2) Authorize the Mayor to sign and the City Clerk to attest to the agreement on behalf of the City, subject to the approval of the City Attorney as to form.

3.11 RESOLUTIONS CONTAINING TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED AND NON-REPRESENTED EMPLOYEES

ACTION:

- 1) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE SIDE LETTER AGREEMENT TITLED PERFORMANCE EVALUATION BETWEEN THE CITY OF IRVINE AND THE IRVINE POLICE ASSOCIATION (IPA), ADOPTED SEPTEMBER 28, 2010
- 2) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

- IRVINE AMENDING THE SIDE LETTER AGREEMENT TITLED PAY PROGRESSION IN A SALARY GRADE BETWEEN THE CITY OF IRVINE AND THE IRVINE POLICE MANAGEMENT ASSOCIATION (IPMA), ADOPTED SEPTEMBER 28, 2010
- 3) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE SIDE LETTER AGREEMENT TITLED PAY PROGRESSION IN A SALARY GRADE BETWEEN THE CITY OF IRVINE AND THE IRVINE CITY EMPLOYEES ASSOCIATION (ICEA), ADOPTED JULY 26, 2011
 - 4) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE SIDE LETTER AGREEMENT TITLED PAY PROGRESSION IN A SALARY GRADE BETWEEN THE CITY OF IRVINE AND THE IRVINE PROFESSIONAL EMPLOYEES ASSOCIATION (IPEA), ADOPTED JULY 26, 2011
 - 5) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE CLASSIFICATION AND COMPENSATION POLICY FOR CONFIDENTIAL EMPLOYEES OF THE CITY OF IRVINE, ADOPTED JULY 26, 2011
 - 6) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE CLASSIFICATION AND COMPENSATION POLICY FOR MANAGEMENT AND NON-REPRESENTED EMPLOYEES (EXEMPT) OF THE CITY OF IRVINE, ADOPTED JULY 26, 2011
 - 7) Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE SIDE LETTER AGREEMENT TITLED PAY PROGRESSION IN A SALARY GRADE BETWEEN THE CITY OF IRVINE AND THE ASSOCIATED SUPERVISORY/ADMINISTRATIVE PERSONNEL (ASAP), ADOPTED MAY 22, 2012
 - 8) Adopt – 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 2012-2013 FISCAL YEAR, AND SUPERSEDING RESOLUTION NO. 12-80 WHICH IS INCONSISTENT THEREWITH
 - 9) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING THE SALARY GRADE ORDER STRUCTURE AND SALARY RANGES FOR EMPLOYEES OF THE CITY OF IRVINE, AND SUPERSEDING RESOLUTION NO. 11-93 WHICH IS INCONSISTENT THEREWITH
 - 10) Allocate \$2.4 million of unappropriated fund balance for the Fiscal Year 2012-2013 implementation of the recommended Merit Increase.

3.12 IRVINE COMMUNITY PARTNERSHIP GRANT NOMINATIONS

ACTION:

- 1) Approve respective City Councilmembers' Irvine Community Partnership Grant award nominations to Arts Orange County; Assistance League of Irvine; American Youth Soccer Organization (North and South Irvine); Chabad of Irvine; CHOC Foundation of Children; Human Options; Irvine Barclay Theatre; Irvine Pony League; Irvine Valley College Foundation; Irvine Public Schools Foundation; Jewish Federation & Family Services; Laura's House; Little League Baseball (Irvine Ranch and Northwood Little Leagues); Orange County Chapter, Alzheimer's Association; Orange County Korean Cultural Center; Ryan Lemmon Foundation; Second Harvest Food Bank of Orange County; and Woodbridge Warrior Athletic Booster Club.
- 2) Authorize the City Manager to prepare and sign Funding Agreements for each organization listed in Action 1.

3.13 NOTICE OF REVIEW FOR TRACT MAP NO. 16955 IN IRVINE BUSINESS COMPLEX

ACTION:

Receive and file.

3.14 SECOND READING AND ADOPTION OF ORDINANCE NO. 12-10 AMENDING CHAPTER 9 OF DIVISION 7 OF SECTION 6 OF THE IRVINE MUNICIPAL CODE PERTAINING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 12-10 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTER 9 OF DIVISION 7 OF SECTION 6 OF THE IRVINE MUNICIPAL CODE PERTAINING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE

Unless otherwise directed by a member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.

3.15 AMENDED LEGAL SERVICES AGREEMENT

ACTION:

Authorize the Mayor to execute the amended legal services agreement with Rutan & Tucker, LLP.

3.16 ORANGE COUNTY GREAT PARK VETERANS AGRICULTURAL LEARNING – OPPORTUNITIES & RESOURCES PROGRAM**ACTION:**

- 1) Approve the proposed Veterans Agricultural Learning – Opportunities & Resources Program.
- 2) Authorize the Chief Executive Officer to enter into a Memorandum of Understanding with the Irvine Ranch Conservancy, the Farmer-Veteran Coalition, the Orange County Farm Bureau, Orange County Harvest, and Brandman University for the Veterans Agricultural Learning – Opportunities & Resources Program, in substantial compliance with the form attached to the staff report.
- 3) Approve a budget adjustment for Fiscal Year 2012-13, increasing revenues and expenditures by \$145,000 for the implementation of this program.

Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each Councilmember when he or she sat and voted as a member of the Board of Directors of the Orange County Great Park Corporation. However, if a Councilmember is not present at the City Council meeting, his or her vote will be reflected as absent.

3.17 ORANGE COUNTY GREAT PARK TREE LEGACY PROGRAM**ACTION:**

- 1) Approve the proposed Tree Legacy Program.
- 2) Approve a budget adjustment for Fiscal Year 2012-13, increasing revenues by \$148,550 and increasing expenditures by \$70,000 for the Tree Legacy Program.

Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each Councilmember when he or she sat and voted as a member of the Board of Directors of the Orange County Great Park Corporation. However, if a Councilmember is not present at the City Council meeting, his or her vote will be reflected as absent.

END CONSENT CALENDAR**4. COUNCIL BUSINESS****4.1 BOND ISSUANCE FOR REASSESSMENT DISTRICT NO. 12-1****ACTION:**

- 1) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

IRVINE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$140,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE LIMITED OBLIGATION IMPROVEMENT BONDS, REASSESSMENT DISTRICT NO. 12-1, APPROVING THE EXECUTION AND DELIVERY OF A FISCAL AGENT AGREEMENT, AN ESCROW AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO

- 2) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE REASSESSMENT REPORT FOR REASSESSMENT DISTRICT NO. 12-1, CONFIRMING AND ORDERING THE REASSESSMENT PURSUANT TO SUMMARY PROCEEDINGS THEREFOR AND DIRECTING ACTIONS WITH RESPECT THERETO
- 3) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING ITS INTENTION TO LEVY REASSESSMENTS AND TO ISSUE REFUNDING BONDS UPON THE SECURITY THEREOF IN REASSESSMENT DISTRICT NO. 12-1

4.2 APPOINTMENT OF COUNCIL SUBCOMMITTEE FOR A PROPOSED DEVELOPMENT AGREEMENT FOR THE IRVINE TECHNOLOGY CENTER PROJECT LOCATED AT JAMBOREE AND CAMPUS IN THE IRVINE BUSINESS COMPLEX, PLANNING AREA 36

ACTION:

- 1) Appoint a Subcommittee of two City Councilmembers to negotiate terms of a Development Agreement requested for the proposed Irvine Technology Center project.
- 2) Establish parameters for the Subcommittee.

4.3 CONSIDERATION OF POLICY INITIATIVE TO PROVIDE CONTINUING SUPPORT FOR EDUCATION

ACTION:

City Council discussion and direction.

4.4 DISCUSSION OF SCHOOL SUPPORT ISSUES AND POLICIES

ACTION:

City Council discussion and direction.

PUBLIC COMMENTS (Limited to 3 minutes per speaker) Public comments will be heard at approximately 6:30 p.m. or prior to adjournment, whichever occurs earlier.

ADJOURNMENT

NOTICE TO THE PUBLIC

LIVE BROADCASTING

Regular 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://www.cityofirvine.org/cityhall/citymanager/pio/ICTV/citycouncil/default.asp>.

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.

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 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-judicative 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-judicative 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:

- City Clerk's Office
- Police Department
- Local library
- 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 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, MMC
City Clerk