

The seal of the City of Irvine, featuring a shield with a sun, a bridge, and a tree, surrounded by the text "CITY OF IRVINE" and the year "1971".

**MINUTES
CITY COUNCIL
REGULAR MEETING**

March 24, 2009
City Council Chamber
One Civic Center Plaza

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:02 p.m., on March 24, 2009, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

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

* Mayor Pro Tempore Agran arrived at 4:03 p.m.

1. CLOSED SESSION

- 1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to subdivision (a) of Government Code Section 54956.9) 2
cases:
Newpath Networks, LLC v. City of Irvine, U.S. District Court Case No.
SACV 06-550 JVS
Newpath Networks, LLC v. City of Irvine, U.S. District Court Case No.
SACV 08-651 JVS

Assistant City Attorney Jeff Melching announced the Closed Session item, following which Mayor Kang convened to Closed Session at 4:04 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Kang reconvened the City Council meeting at 5:01 p.m.

Assistant City Attorney Jeff Melching, on behalf of the City Council, announced no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Mayor Kang introduced Girl Scout Troop 1123, who led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence in honor of four police officers from the City of Oakland, who were killed in the line of duty over the weekend.

MUSICAL PRESENTATION

Mayor Kang introduced the "South Lake Octet," 4th grade music students from Santiago Hills Elementary School, who performed, "America the Beautiful" and "Music Alone Shall Live."

2. PRESENTATIONS

The following presentations were made:

2.1 National Alcohol Awareness Month-Underage Drinking Prevention

Mayor Kang proclaimed the month of March as "National Alcohol Awareness Month."

2.2 Mothers Against Drunk Driving (MADD)

Mayor Kang introduced Marilyn Ellis, a volunteer from Mothers Against Drunk Driving (MADD), who presented "Deuce Awards" to the following police officers for making 25 to 99 DUI arrests during 2009:

- Joseph Holloway
- Giovanni Tapia
- Sean Metevia
- Stephen Meyer (not present)
- Jeff McGehee
- Matthew Yparrea
- Shaheen Jahangard

2.3 Team S.M.I.L.E., Affiliate of United Cerebral Palsy of Orange County re: Orange County Marathon

Mayor Kang introduced Grant Beresford and his daughter Bridget; and Bonner Paddock, Boardmember from United Cerebral Palsy (UCP) of Orange County, who provided the community with information on Team S.M.I.L.E. Team S.M.I.L.E. will be participating in the upcoming Orange County Marathon to raise money for UCP's Early Childcare and Education Center in Orange County.

2.4 Pacifica Institute's "Anatolian Cultures and Food Festival"

Mayor Kang introduced Tezcan Inanlar, Executive Director of the Irvine Branch of the Pacifica Institute, who provided information on the upcoming "Anatolian Cultures and Food Festival" at the Orange County Fairgrounds from April 2-5, 2009.

INTRODUCTIONS

City Manager Joyce introduced Eric Tolles, Deputy Director of Community Development/Chief Building Official, who attended on behalf of Douglas Williford, Director of Community Development.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Kang made the following announcements:

- For the 19th year in a row, the City of Irvine has been named a Tree City USA by the Arbor Day Foundation. For more information on the Tree City USA program, visit www.ArborDay.org.
- The City of Irvine Great Egg Hunt will take place on Saturday, April 11th at Woodbridge Community Park from 10:00 a.m. to 1:00 p.m. The event is open to all children ages 2 to 12. Admission is \$12 per child. Parents and guardians are free. Pre-registration is recommended by calling (949) 724-6111 or visiting www.IrvineQuickReg.org.
- On Saturday, March 28th at 8:30 p.m., residents and businesses are encouraged to participate in Earth Hour, a global climate-change awareness event, by turning off all non-essential lights for one hour. For more information on Earth Hour, and to learn more about energy conservation, visit www.EarthHourUS.org.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

Consent Calendar Items consist of Item Nos. 3.1 through 3.13.

Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.11. Item Nos. 3.12 and 3.13 were removed for separate discussion.

3.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the Irvine City Council held on March 10, 2009.

3.2 PROCLAMATIONS / COMMENDATIONS

ACTION:

- 1) Proclaimed March 28, 2009 as "Earth Hour Day."
- 2) Commended Rabbi Arnold Rachlis, Chair of the Board of Directors of MAZON.
- 3) Proclaimed March 20, 2008 as "Persian New Year, Norooz."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 09-24 - 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. 09-25 - 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

Councilmember Krom abstained.

3.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 09-26 - 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

Mayor Pro Tempore Agran abstained.

3.6 FISCAL YEAR 2009-10 TRANSPORTATION PLANNING GRANTS

ACTION: Adopted RESOLUTION NO. 09-27 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE GRANT APPLICATIONS FOR FISCAL YEAR 2009-10 TRANSPORTATION PLANNING GRANTS

3.7 ANNUAL SLURRY SEAL AND PAVEMENT REHABILITATION PROJECT

ACTION: Approved the specifications and contract documents for the Annual Slurry Seal and Pavement Rehabilitation Project on file with the Public Works Department.

3.8 TREASURER'S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2008

ACTION: Received and filed.

3.9 CITY CO-SPONSORSHIP OF THE AMERICAN CANCER SOCIETY RELAY FOR LIFE, JUNE 6-7, 2009

ACTION: Approved the American Cancer Society request for the City of Irvine to co-sponsor the American Cancer Society's Irvine Relay for Life event at Irvine Valley College on June 6-7, 2009.

3.10 ORANGE COUNTY GREAT PARK 2009 CAPITAL IMPROVEMENT PROJECTS (PREVIEW PARK) APPROVAL OF PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS - CIP 379080

ACTION: Approved the plans, specifications and contract documents for the Orange County Great Park 2009 Capital Improvement Projects on file with the Orange County Great Park Corporation.

3.11 AGREEMENT TO TOLL STATUTE OF LIMITATIONS FOR CLAIMS REGARDING PROPERTY TAX ADMINISTRATION FEE

ACTION: Authorized the City Manager to execute an Agreement to Toll Statute of Limitations for Claims Regarding Property Tax Administration Fee.

3.12 ORDINANCE NO. 09-02, ORDINANCE APPROVING ZONE CHANGES 00463315-PZC AND 0047898-PZC AND TECHNICAL UPDATES TO THE GENERAL PLAN AND ZONING CODE

This item was removed for separate discussion at the request of Councilmember Shea, who requested a brief explanation of correspondence received from Sheppard Mullin, Richter & Hampton, Attorneys at Law, and Marlon G. Boarnet, Planning and Economics Consultant, challenging certain portions of the ordinance.

Assistant City Attorney Melching explained that both letters suggest that accessory retail uses within the City at large, if approved, could result in additional environmental impacts. City staff concluded that no additional environmental impacts would result from such an approval and adopted a categorical exemption based on those grounds.

Assistant City Attorney Melching also noted that both letters expressed concern related to the adequacy of the public noticing. After reviewing both the Planning Commission and City Council meeting public hearing notices, he concluded that both clearly identified the fact that the item would involve providing new or revised land use and zoning provisions relating to accessory retail uses. He recommended that the City Council proceed with approving the adoption of the ordinance.

Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to:

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-02 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGES 00463315-PZC and 00478498-PZC TO REVISE THE ZONING ORDINANCE BY PROPOSING NEW OR REVISED LAND USE/ZONING PROVISIONS; INCORPORATING MINOR “CLEAN-UP” CHANGES; REVISING TEXT AND EXHIBITS FOR BETTER ACCURACY AND READABILITY; AND UPDATING THE ZONING ORDINANCE WITH PREVIOUSLY APPROVED LAND USE DECISIONS; FILED BY CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT

3.13 ADOPT CITY POLICY FOR DISTRIBUTION OF TICKETS AND/OR PASSES TO CONFORM WITH SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

This item was removed for separate discussion by Councilmember Krom, who requested clarification on certain components contained within the proposed resolution and policy.

City Council discussion included: whether or not disclosure of tickets is reportable if they are received but not used; clarification whether disclosure of tickets received for community events that are solely for public benefit or public purposes still applies if it is not for amusement or entertainment purposes; requesting that the City Manager determine, on behalf of the City Council, whether or not tickets received are reportable when distributed to the City Council; and clarification of certain language within the California Government Code by the Fair Political Practices Commission (FPPC).

ACTION: Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to continue the item to the City Council meeting of April 14, 2009.

END CONSENT CALENDAR

4. COUNCIL BUSINESS

4.1 2009 STRATEGIC BUSINESS PLAN

Sean Joyce, City Manager; Wally Kreutzen, Assistant City Manager; and Ken Brown, Strategic Business Plan Administrator presented the staff report.

City Council discussion included: possible use of the entire reserve fund in the event that the economy does not turn around within the next three years; additional contingency options; delaying non-essential Capital Improvement Projects (CIPs); suggestion of salary cuts and the potential impacts on employee morale and productivity; future impacts of lower property tax revenue resulting from short sales and foreclosures; assurance that there will be no interruptions to core City services; positive results from capital investments; future projection of sales tax revenue; working with the Irvine Company to freeze or possibly reduce rents for apartments and retail space at lease renewal; working with the Chamber of Commerce to promote shopping in Irvine; and reaching out to the

community and explaining the benefits of spending money within the City to Irvine residents.

Moved by Mayor Pro Tempore Agran, seconded by Councilmember Krom, and unanimously carried to:

ACTION: Adopt the 2009 Strategic Business Plan, including the recommendation of the Finance Commission to retain an emergency reserve of a minimum of 3% at all times.

END COUNCIL BUSINESS

PUBLIC COMMENTS

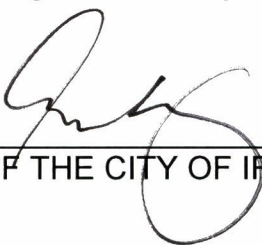
The following individuals representing the Woodbridge Earth Resource Foundation Club spoke about the harmful effects of polystyrene on the environment:

- Stephanie Barger, Irvine Resident
- Daniel Jou, Woodbridge High School Student
- Emily Nguyen-Hoai, Woodbridge High School Student

The above individuals also submitted for the record a petition requesting City Council support to ban polystyrene.

ADJOURNMENT

Moved by Councilmember Krom, seconded by Mayor Pro Tempore Agran, and unanimously carried to adjourn at 7:39 p.m.



 MAYOR OF THE CITY OF IRVINE

Deputy 

 CITY CLERK OF THE CITY OF IRVINE

 April 14, 2009