



CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:03 p.m. on June 10, 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

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(a)): City of Irvine v. County of Orange, Orange County Superior Court Case No. 30-2008-00062617 (James A. Musick Jail)

Mayor Krom convened to Closed Session at 4:21 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the City Council meeting at 5:15 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced no reportable action was taken in Closed Session.

PLEDGE OF ALLEGIANCE

Mayor Krom led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence in honor of the following community members who recently passed away:

- Dylan Bradshaw, a student and defensive lineman at Northwood High School who collapsed at practice with the junior varsity team during football practice on May 28; and
- Fran Lambky, ACE Program Director with Irvine Public Schools Foundation.

MUSICAL PRESENTATION

Mayor Krom introduced the third grade class of Springbrook Elementary, along with their teachers Sharon McCubbin, Janet MacMann, Pamela Ferguson, Sandra Durand, Kim Anthony and Kristen Carberry. The third grade class performed "You're a Grand Old Flag," and "I Love You, California."

1. PRESENTATIONS

Mayor Krom made the following presentation:

1.1 Commendation to Irvine Valley College Men's Volleyball Team State Championship Winners

INTRODUCTIONS

There were no introductions.

CITY MANAGER'S REPORT

City Manager, Sean Joyce reported that ICTV Channel 30 has received top honors at the Annual States of California and Nevada Television Access Recognition Award (STAR). STAR, hosted by the States of California and Nevada Chapter of National Association of Telecommunications Officers and Advisors, recognized the City as follows:

- First Place in News Show category for "Irvine News";
- First Place for Website;
- Second Place in Magazine Format Category for "I on Safety" featuring topics from Orange County Fire Authority and the Irvine Police Department;
- Second Place in the overall Excellence Category; and

- Third Place in the public safety category for its "internal safety" documentary hosted by Steve Wolf from the IPD.

He also reported that the I-Shuttle launched its commuter service on Monday, June 9 in the Irvine Business Complex (IBC) and will service residents, employees and businesses with extended service from the IBC to the Tustin Metrolink Station and John Wayne Airport. He also noted that during peak commuter hours, the I-Shuttle will meet Metrolink trains and transport commuters to and from the IBC, with connecting stops for OCTA passengers along the way.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

- The City of Irvine earned the distinction as the nation's "Safest Big City in America" for a city of its size; this distinction has been given to the City for the fourth consecutive year in a row.
- Mayor Krom gave a brief report on her May trip to Irvine's Sister City in Hermosillo, Mexico at the invitation of Mayor Ernesto Gandara for the purpose of participating in Hermosillo's Annual Cultural Festival.
- Mayor Krom read a letter into the record from Gwen Gross, Superintendent of Irvine Public Schools Foundation, expressing appreciation for the City's \$900,000 matching funds contribution to the schools to preserve smaller class sizes and the City's growing commitment to the schools in Irvine.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

2. CONSENT CALENDAR

Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 2.1 through 2.10, with the exception of Item Nos. 2.4, 2.6 and 2.8 which were removed for separate discussion.

2.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on May 27, 2008.

2.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-51 - 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

2.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION: Adopted RESOLUTION NO. 08-52 - 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.

2.4 FISCAL YEAR 2008-09 MEASURE M ELIGIBILITY

This item was removed from the Consent Calendar at the request of Councilmember Choi who noted his desire to include additional projects to the list to which Director of Public Works Manuel Gomez responded.

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

- 1) Approve the Measure M Seven Year Capital Improvement Program - Fiscal Years 2008-09 through FY 2014-15.
- 2) Adopt RESOLUTION NO. 08-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AFFIRMING CONSISTENCY OF THE CIRCULATION ELEMENT FOR THE CITY OF IRVINE WITH THE MASTER PLAN OF ARTERIAL HIGHWAYS

2.5 RENEW LICENSE AGREEMENT NO. 2197 WITH SOUTHERN CALIFORNIA EDISON COMPANY FOR BIKE TRAIL AND LANDSCAPE PURPOSES, WESTPARK (PLANNING AREA 14)

ACTION: Authorized the Mayor to execute License Agreement No. 2197, between the City of Irvine and Southern California Edison Company. (Contract No. 5912)

2.6 ORANGE COUNTY TRANSPORTATION AUTHORITY SOUTH ORANGE COUNTY MAJOR INVESTMENT STUDY LOCALLY PREFERRED STRATEGY

This item was removed from the Consent Calendar at the request of Mayor Pro Tempore Kang, who provided a brief update on this item.

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

- 1) Select the Locally Preferred Strategy as the City's preferred alternative.

- 2) Adopt RESOLUTION NO. 08-54 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECOMMENDING A LOCALLY PREFERRED STRATEGY FOR THE SOUTH ORANGE COUNTY MAJOR INVESTMENT STUDY PREPARED BY THE ORANGE COUNTY TRANSPORTATION AUTHORITY

2.7 PROPOSITION 1B GRANT APPLICATION FOR SAND CANYON GRADE SEPARATION PROJECT

ACTION: Authorized the Director of Public Works to sign and submit a grant application for the Sand Canyon Grade Separation Project for Proposition 1B funding consideration.

2.8 NONEXCLUSIVE COMMERCIAL WASTE HAULER APPLICANTS

This item was removed from the Consent Calendar at the request of Councilmember Choi who requested clarification on the partial list of haulers included with the report; he questioned why some haulers were missing from the list to which Mike Byrne, Senior Management Analyst responded that the list represents additional haulers that will be added to the existing list.

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

- 1) Adopt RESOLUTION NO. 08-55 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING PARTICIPATION IN THE CITY'S NONEXCLUSIVE FRANCHISE SYSTEM FOR COMMERCIAL SOLID WASTE COLLECTION
- 2) Authorize the Mayor to execute agreements with approved waste haulers.

2.9 FINAL TRACT MAP -- NOTICE OF REVIEW OF TRACT MAP NO. 16816

ACTION: Received and filed.

2.10 WIRELESS MORATORIUM ORDINANCE UPDATE

ACTION: Received and filed.

END CONSENT CALENDAR

3. PUBLIC HEARINGS

**3.1 APPEAL OF PLANNING COMMISSION ACTION TO DENY
CONDITIONAL USE PERMITS FOR TEN WIRELESS
COMMUNICATIONS FACILITIES LOCATED IN THE PUBLIC RIGHTS-
OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN TURTLE ROCK
(PLANNING AREA 21)**

Mayor Krom reopened the public hearing at 6:08 p.m.

ACTION: At 6:09 p.m., moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to continue the public hearing to a date uncertain.

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

Mayor Krom reopened the public hearing at 6:09 p.m.

ACTION: At 6:10 p.m., moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to continue the public hearing to a date uncertain.

**3.3 PUBLIC FACILITIES RESERVATION AND FEE POLICY ANNUAL
REVIEW, AND COMMUNITY SERVICES DEPARTMENT PROPOSED
FEES FOR FY 2008-2009**

Mayor Krom opened the public hearing at 6:10 p.m.

City Manager Sean Joyce introduced Sandy Litzie, Senior Management Analyst, who presented the staff report.

City Council discussion included: Clarification of increased costs; clarification of refund policy; clarification of permitted sound system usage; and clarification of cancellation policy.

ACTION: At 6:21 p.m., moved by Councilmember Choi, seconded by Councilmember Agran, and unanimously carried to close the public hearing.

ACTION: Moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, to:

- 1) Approve proposed changes to the Public Facilities Reservation and Fee Policy for Fiscal Year 2008-2009.
- 2) Adopt RESOLUTION NO. 08-56 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SETTING AN ADJUSTMENT TO FEES CHARGED FOR FACILITY USE
- 3) Adopt RESOLUTION NO. 08-57 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SETTING FEES FOR VARIOUS COMMUNITY SERVICES DEPARTMENT ACTIVITIES FOR THE FISCAL YEAR 2008-2009

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Kang and Krom

NOES: 1 COUNCILMEMBERS: Shea

4. COUNCIL BUSINESS

4.1 PROTECTION OF EMAIL ADDRESSES AND OTHER PERSONAL INFORMATION

Sharie Apodaca, City Clerk, presented the staff report.

City Council discussion included: Concern with release of e-mail addresses through the Public Records Act request process; and the need to create protections for these types of records.

The following individuals spoke in opposition to the release of e-mail addresses:

Elaine Booth, Irvine resident
Harvey Liss, Irvine resident
Todd Gallinger, Attorney and Irvine resident

City Attorney to return to the June 24 City Council meeting as directed on May 27 with a legal analysis and recommended policies and ordinances to ensure that the confidentiality of email addresses is safeguarded and that the privacy interests of citizens communicating with the City are not compromised.

4.2 FISCAL YEAR 2008-2009 LANDSCAPE, LIGHTING AND PARK MAINTENANCE ASSESSMENTS

Donna Mullally, Manager of Fiscal Services; and Mark Risco, District Engineer presented the staff report.

City Council discussion included: Clarification of fee increase based upon Consumer Price Index; clarification of estimated parcel data from the County and how the data will affect new residential development; and clarification of increase in property tax payments based upon new residential units.

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

Adopt RESOLUTION NO. 08-58- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS, APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE IRVINE LANDSCAPE, LIGHTING AND PARK MAINTENANCE ASSESSMENT, FISCAL YEAR 2008-2009

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang and Krom

NOES: 2 COUNCILMEMBERS: Choi and Shea

4.3 CITY OF IRVINE FY 2008-09 BUDGET

Sean Joyce, City Manager; and David Tungate, Manager of Budget and Business Planning presented the staff report.

City Council discussion included: Clarification that the General Fund Transfer-In is ongoing; explanation of Overpayment Rebate fund; clarification that property tax revenue is up; concern with budget process and expenditures at the Great Park; clarification of cost to extend the contract with Affiliated Computer Services (ACS); clarification of costs associated with the funding of the Strategic Technology Plan; whether a fee will be charged to park in the 3-level parking structure to be erected at the Irvine Transportation Center; clarification that there is adequate funding for ongoing litigation; whether adequate funding for two branch libraries has been budgeted; clarification that revenues are projected to increase; staff to return with a report within 45 days identifying the City's special funds with restricted revenues such as the Landscape, Lighting

and Park Maintenance Fund, the Hotel Improvement District and transportation funds, and identifying each special funds' source of revenue, the purposes for which the revenue is generated and the basis of expenditure allocations; and staff returning with consideration of setting aside one percent of the annual budget for special circumstance funding needs.

ACTION: Moved by Mayor Pro Tempore Kang seconded by Councilmember Shea, to:

- 1) Introduce for first reading and read by title only ORDINANCE NO. 08-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING SECTION 1-2-108 OF THE IRVINE MUNICIPAL CODE RELATING TO THE CITY COUNCIL COMPENSATION SCHEDULE IN ACCORDANCE WITH SECTION 36516 OF THE CALIFORNIA GOVERNMENT CODE
- 2) Adopt the FY 2008-09 budget.
- 3) Adopt RESOLUTION NO. 08-59 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING AND APPROVING THE BUDGET AND FINANCIAL POLICIES FOR THE CITY OF IRVINE FOR THE FISCAL YEAR 2008-09
- 4) Adopt RESOLUTION NO. 08-60 - 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 2008-09 FISCAL YEAR AND REPEALING ALL PREVIOUS RESOLUTIONS AUTHORIZING FULL-TIME POSITIONS
- 5) Adopt RESOLUTION NO. 08-61 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR MANAGEMENT AND NON-REPRESENTED EMPLOYEES (EXEMPT) OF THE CITY OF IRVINE, AND REPEALING ALL PREVIOUS MANAGEMENT AND NON-REPRESENTED EMPLOYEE COMPENSATION RESOLUTIONS, EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2008
- 6) Adopt RESOLUTION NO. 08-62 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR CONFIDENTIAL EMPLOYEES OF THE CITY OF IRVINE, AND REPEALING ALL PREVIOUS CONFIDENTIAL EMPLOYEE COMPENSATION RESOLUTIONS, EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2008
- 7) Adopt RESOLUTION NO. 08-63 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR PART-

TIME EMPLOYEES OF THE CITY OF IRVINE, AND REPEALING ALL PREVIOUS PART-TIME EMPLOYEE COMPENSATION RESOLUTIONS, EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2008

- 8) Adopt RESOLUTION NO. 08-64 - 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 ALL PREVIOUS RESOLUTIONS WHICH ARE INCONSISTENT THEREWITH, EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2008
- 9) Adopt RESOLUTION NO. 08-65- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008-09
- 10) Receive and file the Strategic Technology Plan.
- 11) Approve the Fourth Amendment to the Affiliated Computer Services (ACS) Agreement for implementation of the FY 2008-09 Strategic Technology Plan, Duplicating, Convenience Copiers, and Telecommunications services as included in the FY 2008-09 proposed budget.
- 12) Return unspent City Council Executive Assistant funds remaining at the end of the current (2007-08) fiscal year to the General Fund.

A substitute motion was moved by Councilmember Choi, seconded by Councilmember Agran, to approve staff's recommendations, except to withdraw the proposed ordinance increasing compensation for the City Council.

The substitute motion failed as follows:

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

The original motion carried as follows:

AYES: 5 COUNCILMEMBERS: Agran, Choi, Kang, Shea and Krom
 NOES: 0 COUNCILMEMBERS: None

4.4 CITY AUTHORIZATION TO INITIATE A GENERAL PLAN AMENDMENT, ZONE CHANGE AND DEVELOPMENT AGREEMENT AMENDMENT FOR THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC

Douglas Williford, Director of Community Development; and Jeff Melching, Assistant City Attorney presented the staff report.

City Council discussion included: Clarification of number of golf holes to be included with development of a golf course; clarification that briefings will be conducted with the Planning Commission in lieu of a scoping session; and the necessity to conduct a scoping session to give direction to the Planning Commission.

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

- 1) Direct staff to initiate a general plan amendment, zone change and development agreement amendment to allow policy and zoning revisions and clarifications in Planning Areas 30 and 51 and to consider certain land exchanges between the City of Irvine and Heritage Fields El Toro LLC.
- 2) Provide for appropriate briefings and a scoping session at the next City Council meeting.

4.5 IRVINE CHILDREN'S HEALTH PROGRAM IMPLEMENTATION PLAN (I-CHP)

Mayor Pro Tempore Kang briefly introduced the item.

Paula Burrier-Lund, Director of Community Services; and Corinne Schneider-Jones, Manager of Community Health & Human Services, presented the staff report.

City Council discussion included: The necessity to help provide adequate availability of health coverage for uninsured children in Irvine; and the City's role in healthcare assistance and outreach.

Mary Joe Hooper and Amir Markazi spoke in support of the proposed implementation plan.

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

- 1) Approve proposed Irvine Children's Health Program Implementation Plan (I-CHP).

- 2) Authorize the City Manager to enter into a sole source contract in an amount not to exceed \$200,000 (up to \$182,500 from the General Fund, and \$17,500 from a private donation) over a 24 month period with Public Health Foundation Enterprise through its program titled Children's Health Initiative of Orange County (PHFE-CHIOC).

A substitute motion was moved by Councilmember Shea, seconded by Councilmember Choi to:

Allocate \$50,000 to develop an outreach program directing the targeted families of children with no health care coverage to the appropriate agencies.

The motion failed as follows:

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

The original motion carried as follows:

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

4.6 IRVINE ADULT DAY HEALTH SERVICES, INC. (IADHS) FUNDING PROPOSAL/STRATEGIC PLANNING

Councilmember Shea briefly introduced the item.

City Council discussion included: Decreased State funding and delay in Medi-Cal payments to the Irvine Adult Day Health Services (IADHS) Center resulting in budget shortfalls; clarification that the Center reimburses the City monthly for the transportation costs associated with the Center; clarification that the State implemented a moratorium on the Center in 2004; and exploration of bus access service provided by the OCTA.

The following individuals spoke in support of the IADHS funding proposal:

- Joan Dyer, Vice Chair – IADHS Board
- Elise Chu, Irvine resident
- Kali Poling, Irvine resident
- Golnaz Agahi
- Rolf Neuschaffer, Irvine resident

Stephen Ritchie, Irvine resident
Kimberly Beeson, IADHS Executive Director
Doug Rapp, Irvine resident
Patty Vidovich, Irvine resident

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

- 1) Authorize the City Manager to remit to the Irvine Adult Day Health Services the first \$40,000 of the City's \$100,000 FY 2008-09 allocations on or before August 1, 2008 to meet urgent cash flow needs.
- 2) Direct the City Manager to identify and allocate on a one-time basis an additional \$100,000 from the Fiscal Year 2007-08 budget for immediate allocation to the Irvine Adult Day Health Services, Inc.
- 3) Relieve Irvine Adult Day Health Services of the transportation reimbursement obligation to the City in FY 08-09.
- 4) Direct the City Manager to appropriate a loan up to \$260,000 to offset the delay in payments from the State which will be paid back to the City when State funding is made available to the Irvine Adult Day Health Services.
- 5) Direct staff to work with Irvine Adult Day Health Services Board of Directors and its staff and other interested parties to examine means by which near and long-term sustainability of the Adult Day Health Care Center is assured; return to the City Council with a long-term plan.

END COUNCIL BUSINESS

PUBLIC COMMENTS

Donald Kannenberg, Irvine resident, spoke on the lack of cell phone coverage in the Woodbridge Village.

Todd Gallinger spoke on recent public information requests concerning e-mail lists.

ADJOURNMENT

**Moved by Mayor Pro Tempore Kang, seconded by Councilmember Choi, and
unanimously carried to adjourn at 12:55 a.m.**



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

June 24, 2008