

MINUTES
CITY COUNCIL
REGULAR MEETING
November 28, 2006
4:00 P.M.
City Council Chamber
One Civic Center Plaza

ROLL CALL – 4:04 p.m.

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

CLOSED SESSION

- 1.1 WORKERS' COMPENSATION: Government Code Section 54956.95;
Case No. A00557-1, AHM 0125174, AHM 0125175, AHM 0125810**
- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION;
Government Code § 54956.9 (a):**
- (1) Allergan, Inc. v. City of Irvine (Case No. 06CC00172)**
 - (2) Deft, Inc. v. City of Irvine (Case No. 06CC00171)**
 - (3) City of Newport Beach v. City of Irvine (Case No. 06CC10947)**
 - (4) City of Newport Beach v. City of Irvine (Case No. 06CC10948)**
 - (5) Deft, Inc. v. City of Irvine (Case No. 06CC11295)**

City Attorney, Phil Kohn, announced that no action was taken during the Closed Session.

2. CONSENT CALENDAR

ACTION: Moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar items 2.1 through 2.11.

2.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on November 14, 2006.

2.2 PROCLAMATIONS

ACTION: Proclaimed the month of December 2006 as, "Be a Santa to a Senior."

2.3 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted **RESOLUTION NO. 06-137**- 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

Councilmember Agran abstained.

2.4 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted **RESOLUTION NO. 06-138**- 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

Mayor Krom abstained on the portion of the warrant containing AT&T disbursement.

2.5 FISCAL YEAR 2005-06 CAPITAL IMPROVEMENT PROJECTS AND SPECIAL FUNDS CARRYOVER REPORT

ACTION:

- 1) Approved the closure of 37 completed projects, with \$33.3 million in expenditures.
- 2) Approved the continuation to Fiscal Year 2006-07, of 425 capital projects with budgets totaling \$324,987,783 net of \$2,704,154 in project closures, \$2,725,080 of surplus funds from ongoing projects and reallocations, and appropriation of new grants and funding to existing projects of \$30,482,852.
- 3) Approved new grants and funding for outstanding purchase orders and continuing activities from other special funds totaling \$4,610,900, and inter-fund transfers totaling \$1,171,169.
- 4) Approved the adjustment of Infrastructure and Rehabilitation, Gas Tax, Measure M-Turnback and Assessment District 00-18 Shady

Canyon budgeted fund transfers for the fiscal year beginning July 1, 2006.

2.6 MAP, BOND, AND AGREEMENT, FOR PARCEL MAP NO. 2005-245, IRVINE RESEARCH CENTER (PLANNING AREA 34)

ACTION:

- 1) Approved Parcel Map No. 2005-245.
- 2) Authorized the Mayor to execute the agreement and accept the security from Bacchus Commercial LLC, guaranteeing survey monumentation for Parcel Map No. 2005-245.
- 3) Accepted the easements for public street and public utility purposes: Scientific Way and Irvine Center Drive.
- 4) Accepted the dedication of easements for traffic signal maintenance purposes, public utility purposes and emergency and public vehicle ingress and egress purposes as dedicated.

2.7 AGREEMENT BETWEEN THE CITY OF SANTA ANA AND THE CITY OF IRVINE FOR TRANSFER AND USE OF THE CRITICAL INCIDENT RESPONSE TRAILER PURCHASED UNDER THE FY2004 URBAN AREAS SECURITY INITIATIVE GRANT

ACTION: Authorized the City Manager and Director of Public Safety to execute and enter into an agreement transferring a critical incident response trailer from the City of Santa Ana to the City of Irvine. **(Contract No. 5404)**

2.8 BOND AND AGREEMENT FOR MASTER PLAN NO. 00402399-PMP GUARANTEEING STREET IMPROVEMENTS TO ROOSEVELT, NORTHWOOD (PLANNING AREA 8)

ACTION: Authorized the Mayor to execute the agreement and accept the security from Bacchus Commercial LLC, guaranteeing street improvements for Master Plan No. 00402399-PMP. **(Contract No. 5406)**

2.9 AGREEMENT TO TRANSFER FUNDS FOR 2006 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM

ACTION:

- 1) Authorized the Director of Public Safety to accept the Agreement to Transfer Funds for 2006 Emergency Management Performance Grant Program. **(Contract No. 5405)**
- 2) Approve a budget adjustment request form in the amount of \$11,069, reflecting \$11,069 in revenues and appropriations.

2.10 IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2006

ACTION: Adopted **RESOLUTION NO.06-139** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECEIVING, ACCEPTING, AND FILING THE IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR 2005-2006 FOR THE ORANGE COUNTY GREAT PARK REDEVELOPMENT PROJECT AREA

2.11 AMENDMENTS TO THE SALARY GRADE ORDER STRUCTURE, POSITION CONTROL, ASSOCIATED SUPERVISORY/ ADMINISTRATIVE PERSONNEL AND MANAGEMENT RESOLUTION OF THE CITY OF IRVINE

ACTION:

- 1) Adopt **RESOLUTION NO.06-140** - 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. 06-108 WHICH IS INCONSISTENT THEREWITH
- 2) Adopt **RESOLUTION NO.06-141** - 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 2006-2007 FISCAL YEAR, AND REPEALING RESOLUTION NO. 06-03 AUTHORIZING FULL-TIME POSITIONS
- 3) Adopt **RESOLUTION NO.06-142** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE ASSOCIATED SUPERVISORY/ ADMINISTRATIVE PERSONNEL (ASAP), ADOPTED JUNE 27, 2006
- 4) Adopt **RESOLUTION NO.06-143** - 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 SUPERSEDING RESOLUTION NO. 06-78 WHICH IS INCONSISTENT THEREWITH

END OF CONSENT CALENDAR

3. PRESENTATIONS

Mayor Krom made the following presentations:

3.1 *Week of the African Child*

3.2 *Orange County Superior Court -2007-2008 Grand Jury Recruitment*

4. FIRST READING OF ORDINANCES

4.1 *ORDINANCE RELATING TO THE EXERCISE OF THE EMINENT DOMAIN POWER BY THE CITY OF IRVINE AND THE IRVINE REDEVELOPMENT AGENCY*

City Council discussion included clarification of state legislation and impact of Measure A on municipalities who have adopted local ordinances.

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

Introduce for first reading **ORDINANCE NO. 06-19** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING DIVISION 8 TO TITLE 1 OF THE IRVINE MUNICIPAL CODE AND AMENDING SECTION 5-1-101 OF THE IRVINE MUNICIPAL CODE RELATING TO THE EXERCISE OF THE EMINENT DOMAIN POWER BY THE CITY OF IRVINE AND THE IRVINE REDEVELOPMENT AGENCY

As amended to include all City affiliated agencies.

5. PUBLIC HEARINGS

5.1 *ASSESSMENT DISTRICT NO. 04-20, PORTOLA SPRINGS (PLANNING AREA 6)*

Mayor Krom re-opened the public hearing.

Ed Fernandez, Senior Project Manager presented the staff report.

City Council discussion included clarification of process to convert private streets to public streets; inclusion of a supplemental assessment for additional construction costs should conversion take place; necessity for additional funds to maintain streets if converted to public; and clarification assessments will only be assessed on actual improvements.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried, to close the public hearing.

Acting City Clerk, Teri Beach, announced the result of the ballot was affirmative.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, to:

Adopt **RESOLUTION NO.06-144** - A RESOLUTION OF THE CITY COUNCIL OF CITY OF IRVINE CONFIRMING THE SUPPLEMENTAL SPECIAL ASSESSMENTS IN ASSESSMENT DISTRICT NO. 04-20, ORDERING THE IMPROVEMENTS AND ACQUISITIONS TO BE MADE, AND DESIGNATING THE TREASURER TO COLLECT AND RECEIVE RELATED FUNDING

6. COUNCIL BUSINESS

6.1 FISCAL YEAR 2005-2006 GENERAL FUND CARRYOVER

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

City Council discussion included clarification of Irvine Ranch Water District rate increase; solar shade structure for William Woolett Aquatic Center; cash on hand in the Asset Management Plan; status of the Jeffrey Road Project; need for synchronized traffic signals; City Hall space rehabilitation plan; Irvine Educational Partnership Funds; recognizing the City's workforce with a special allocation; future use of Measure M funds for Harvard and Sand Canyon railroad crossings; funds for improvements that may be required as a result of the study being conducted at the Animal Care Center; allocation of funds for a veteran's memorial at Northwood Community Park; concerns regarding multiple memorials in the city; and "Wall of Honor" project at Bill Barber Community Park.

The following individuals spoke on the carryover: Don Dressler, Chair - Finance Commission; Roger Taylor; Andy Zelinko; Pam Gooderham; Clara Honez; Brian Ravenscroft; Margaret Walsh; Terry Kiser; and Mary Wilson.

Moved by Councilmember Shea, seconded by Councilmember Choi to:

- 1) Allocate \$175,000 towards the Gratitude and Honor Monument at Northwood Community Park.

- 2) Allocate \$100,000 to be set aside for future use by the Library Task Force.
- 3) Allocate \$180,000 for Gateway Monument signs.
- 4) Allocate funding for a one-time employee productivity compensation adjustment.

Substitute motion made by Councilmember Agran, seconded by Mayor Pro Tempore Kang to:

- 1) Receive and file the Budget Update for the year ending June 30, 2006.
- 2) Approve a Budget Adjustment allocating carryover funding for outstanding encumbrances and purchase orders in the amount of \$835,261.
- 3) Approve a Budget Adjustment in the amount of \$25,000 for the previously approved allocation to Families Forward program.
- 4) Approve a Budget Adjustment increasing allocations by \$14,176,145 as follows:
 - a) Allocate \$5,200,000 to the Contingency reserve Fund.
 - b) Allocate \$3,450,000 to the Infrastructure and Rehabilitation Fund.
 - c) Allocate \$2,000,000 to the Jeffrey Road Grade Separation Project.
 - d) Allocate \$360,528 to the Irvine Educational Partnership Fund.
 - e) Allocate \$1,202,000 to the Traffic Signal Preemption Project.
 - f) Allocate \$750,000 to the Solar Shade Structure Project at William Woollett Aquatic Center.
 - g) Allocate \$450,000 to the Civic Center Work and Public Space Rehabilitation.
 - h) Allocate \$368,617 to retire the Asset Management Plan loan to the General Fund.
 - i) Allocate \$140,000 to the Council Chamber technology upgrades.
 - j) Allocate \$110,000 to absorb Irvine Ranch Water District rate increase.
 - k) Allocate \$75,000 to restore funding for Special Events.
 - l) Allocate \$30,000 for the "Irvine Vote 2006" Campaign.
 - m) Allocate \$40,000 to the PIER Crisis-Ready Communications System.
- 5) Allocate \$100,000 to increase the Uncompensated Absence Fund.
- 6) Allocate funds for a one-time employee productivity compensation adjustment.

Councilmember Agran modified substitute motion to remove allocation of funding for a one-time employee productivity compensation adjustment.

Mayor Pro Tempore Kang as the second to the motion, agreed to the modified substitute motion.

ACTION: Substitute motion modified by Councilmember Agran, agreed to by Mayor Pro Tempore Kang, and unanimously carried to:

- 1) Receive and file the Budget Update for the year ending June 30, 2006.
- 2) Approve a Budget Adjustment allocating carryover funding for outstanding encumbrances and purchase orders in the amount of \$835,261.
- 3) Approve a Budget Adjustment in the amount of \$25,000 for the previously approved allocation to Families Forward program.
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 - e) Allocate \$1,202,000 to the Traffic Signal Preemption Project.
 - f) Allocate \$750,000 to the Solar Shade Structure Project at William Woollett Aquatics Center.
 - g) Allocate \$450,000 to the Civic Center Work and Public Space Rehabilitation.
 - h) Allocate \$368,617 to retire the Asset Management Plan loan to the General Fund.
 - i) Allocate \$140,000 to the Council Chamber technology upgrades.
 - j) Allocate \$110,000 to absorb Irvine Ranch Water District rate increase.
 - k) Allocate \$75,000 to restore funding for Special Events.
 - l) Allocate \$30,000 for the "Irvine Vote 2006" Campaign.
 - m) Allocate \$40,000 to the PIER Crisis-Ready Communications System.
- 5) Allocate \$100,000 to increase the Uncompensated Absence Fund.

Moved by Councilmember Shea, seconded by Councilmember Agran, to:

Allocate funding for a one-time employee productivity compensation adjustment.

Councilmember Shea withdrew motion.

Moved by Councilmember Shea, seconded by Councilmember Choi to:

- 1) Allocate \$175,000 towards the Gratitude and Honor Monument at Northwood Community Park.
- 2) Allocate \$100,000 to be set aside for future use by the Library Task Force.
- 3) Allocate \$180,000 for Gateway Monument signs.

Moved by Councilmember Shea, seconded by Councilmember Choi, to:

Divide the motion into separate components.

Moved by Councilmember Agran, seconded by Councilmember Choi to:

Table other Carryover funding considerations until the January 9, 2007 City Council meeting.

The motion carried as follow:

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

END OF COUNCIL BUSINESS

PUBLIC COMMENTS

Bruce Tierney, Irvine resident, spoke on the lack of weekend access in the Irvine Open Space. (Council directed staff to agendize this item to the January 9, 2007 City Council meeting.)

ADJOURNMENT

By consensus, the meeting was adjourned at 9:24 p.m. to a Regular Meeting to be held on December 12, 2006, at 4:00 p.m. at the Irvine Civic Center, One Civic Center Plaza, Irvine.



 MAYOR OF THE CITY OF IRVINE



 CITY CLERK OF THE CITY OF IRVINE

December 12, 2006