



## CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:02 p.m. on January 27, 2009, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

## ROLL CALL

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

## 1. CLOSED SESSION

Phil Kohn, City Attorney, announced that the City Council will recess to Closed Session to discuss item 1.1 and 1.2 as follows:

**1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code § 54956.9(b); significant exposure to litigation (one potential case)**

**1.2 PERFORMANCE EVALUATION OF CITY MANAGER Government Code Section 54957**

## RECESS

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 5:12 p.m.

City Attorney Phil Kohn, on behalf of the City Council, made the following announcement with respect to Item 1.1:

The City Council, by unanimous vote, authorized the commencement of legal action against the California State Board of Equalization in connection with a sales tax distribution dispute.

## **PLEDGE OF ALLEGIANCE**

Mayor Kang led the Pledge of Allegiance.

## **MOMENT OF SILENCE**

Mayor Kang requested a moment of silence in honor of Clarence Nedom, a former long-time member of the Senior Citizens Council and active member of the Lakeview Senior Center; and Edward Walter Guillemain, the father of Councilmember Shea.

## **MUSICAL PRESENTATION**

Mayor Kang introduced Alexandra Long, fourth grade student from Vista Verde Elementary School, who performed the Star Spangled Banner and "Honey Bun" from the South Pacific.

## **2. PRESENTATIONS**

### ***2.1 Irvine Chamber of Commerce - 2009 "Shop Irvine"***

Mayor Kang introduced Jacquie Warren, CEO of the Irvine Chamber of Commerce, who gave a brief presentation on the 2009 "Shop Irvine" Reference Guide.

## **INTRODUCTIONS**

There were no introductions.

## **CITY MANAGER'S REPORT**

Sean Joyce, City Manager, announced that, in addition to Mayor Kang and Councilmember Krom attending the 2009 Presidential Inauguration for Barack Obama, Sergeant Jeff Vandersluysveer traveled to Washington, D.C., in partnership with the Metropolitan Police Department. Sergeant Vandersluysveer, along with personnel from

other jurisdictions in our region, provided important support at one of many security centers.

## **ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

Mayor Kang made the following announcements:

- Last week, Mayor Kang had the opportunity to attend the Inauguration of President Barack Obama with Councilmember Krom, where over two million people gathered. He also represented the City of Irvine at the U.S. Conference of Mayors while in Washington, D.C. The focus of the conference was the critical role that local agencies must play in the nation's economic recovery plan.
- The City of Irvine, for the second year in a row, has won the "Cans for Cash" City Recycling Challenge. The City received a \$5,000 award for "Most Innovative Campaign" in its division of similar sized cities. The City will donate the \$5,000 award to the Irvine Public Schools Foundation recycling program.
- The Irvine 2/11 Adoption Committee invites the public to a recognition ceremony on February 3, 2009 at 6:30 p.m. in the Council Chamber, where members of the 2/11 Marines will give a presentation to thank local residents and businesses for their ongoing support. The Marines will also update the community on their work in Iraq.
- Also, in mid-February, 150 2/11 Marines are returning home from Iraq. The committee is holding a "Welcome Home" package drive. The committee is asking for home necessities such as bath towels, wash cloths, etc. Items can be dropped off in the Civic Center lobby during normal business hours until February 13, 2009.
- The community is invited to attend a wonderful exhibition of Korean Brush Painting at the Irvine Fine Arts Center, now through February 28, 2009. The exhibition features art by the highly-respected artist and teacher Soon Ja Choo and the "Soo Mook," a Korean traditional brush painting art group. In addition, a special reception will be held this Friday, January 30<sup>th</sup> from 5:00 to 7:00 p.m. at the Fine Arts Center to honor and thank these talented artists for sharing their great work with the community.

## **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 3.15.

**Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried to approve Consent Calendar Item Nos. 3.2 through 3.15. Item No. 3.1 was removed for separate discussion.**

**3.1 MINUTES**

Jean Miller, Irvine Resident, spoke in opposition to protocol for public testimony.

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

Approve the minutes of a special meeting of the Irvine City Council held on January 13, 2009.

**3.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO. 09-07 - 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:** Adopted RESOLUTION NO. 09-08 - 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.

**3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA**

**ACTION:** Adopted RESOLUTION NO. 09-09 - 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.

**3.5 AGREEMENTS BETWEEN THE COUNTY OF ORANGE AND THE CITY OF IRVINE FOR THE EXTENSION OF ALTON PARKWAY, IRVINE INDUSTRIAL COMPLEX-EAST (PLANNING AREA 35)**

**ACTION:**

- 1) Authorized the Mayor to execute a Sublease Agreement with the County of Orange to transfer the Agricultural/Habitat Mitigation and Alton Parkway extension parcels in accordance with the Property Tax Transfer and Pre-Annexation Agreement. **(Contract No. 6110)**
- 2) Authorized the Mayor to execute a Cooperative Agreement with the County of Orange transferring ownership and maintenance responsibilities for the Alton Parkway extension within City limits. **(Contract No. 6109)**
- 3) Adopted RESOLUTION NO. 09-10 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING A PORTION OF ALTON PARKWAY FROM IRVINE BOULEVARD TO THE CITY OF IRVINE / CITY OF LAKE FOREST BOUNDARY AND A PORTION OF IRVINE BOULEVARD FROM ALTON PARKWAY TO +/- 1,200 FEET NORTH OF ALTON PARKWAY, A COUNTY HIGHWAY FOR PURPOSES OF CONSTRUCTION

**3.6 IRVINE CENTER DRIVE REHABILITATION FROM CULVER TO JEFFREY - CIP 318170**

**ACTION:** Approved the plans, specifications, and contract documents for Irvine Center Drive Rehabilitation from Culver to Jeffrey, Capital Improvement Project (CIP) 318170, on file with the Public Works Department.

**3.7 PEDESTRIAN IMPROVEMENTS - TRABUCO AT REMINGTON AND TREVINO AT CONGRESS PLACE - CIP 318330**

**ACTION:** Approved the specifications and contract documents for Safe Routes to School Program Project on Trabuco at Remington and Trevino at Congress Place, Capital Improvement Project (CIP) 318330, on file with the Public Works Department.

**3.8 ORANGE COUNTY GREAT PARK FISCAL YEAR 2008-09 MID-YEAR BUDGET ADJUSTMENT**

**ACTION:**

- 1) Approved the Orange County Great Park Mid-Year Budget Adjustment for Funds 180, 280, and 286 with a net revenue decrease of \$631,991 a net expenditure decrease of \$4,118,302 and corresponding transfers necessary to complete the authorized adjustments.

- 2) Approved the allocation of funding from the Mid-Year Budget Adjustment noted in Recommended Action 1 above and authorize the Chief Executive Officer of the Orange County Great Park to execute the following sole source contracts:
- a) Townsend Public Affairs - \$45,000 to continue public funding consulting services that are currently a part of the Design Studio contract. This contract is expiring with the Design Studio on January 31, 2009.
  - b) Empower Excel, Inc. – \$38,000 to continue the development of an educational partnership program for the Preview Park. Empower Excel is currently a sub-consultant to the Design Studio.
  - c) Dudek – \$205,000 to continue agricultural and tree relocation services. The Schematic Design Contract will be reduced to fund this contract.
  - d) Aircraft Museum Contracts in the total amount of \$200,000 – includes individual contracts for Tom O'Hara, David Koning, and Michael Sherlock as the aircraft restoration mechanics. The Schematic Design Contract will be reduced to fund these contracts.
  - e) Henry Korn - \$100,000 to provide management, oversight and coordination for the proposed 2009 Programs as well as to provide oversight to the Design Studio for the art and culture aspects of the Schematic Design and Priority Program Feasibility Studies.
  - f) Kevin O'Leary and Dan Carlsson - not to exceed a total of \$75,000 to provide for Public Information Officer services for a period not to exceed six months. **(Contract No. 6111)**
  - g) Great Park Design Studio for services of Duke Dunn - \$75,000 to provide construction and operation support services for Great Park Operations.
  - h) WRNS Studio - \$400,000, \$250,000 of which is to provide architectural peer review for plans, specifications and other documents and \$150,000 of which is a transfer of both the scope of work and funding from the Design Studio to provide the analysis for the Structured Parking Feasibility Study.
  - i) Great Park Design Studio – \$347,765 contract increase to fund change orders related to engineering and analysis of the backbone infrastructure from the Joint Backbone Infrastructure Fund 280.
  - j) Great Park Design Studio - \$700,000 contract increase to fund the extension of the Strategy and Communications portion of the contract (Scope D) from January 1, 2009 through June 30, 2009 including \$100,000 of reimbursable expenses.

**3.9 SINGLE AUDIT OF FEDERALLY ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

**ACTION:** Received and filed.

**3.10 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

**ACTION:** Received and filed.

**3.11 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2008 AND AUDITORS' COMMUNICATION**

**ACTION:**

- 1) Received and filed the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2008.
- 2) Received and filed the Diehl, Evans & Company, LLP Audit Committee correspondence.

**3.12 FISCAL YEAR 2008-09 PROPOSITION 1B LOCAL STREETS AND ROADS IMPROVEMENT, CONGESTION RELIEF, AND TRAFFIC SAFETY ACCOUNT FUNDING PLAN**

**ACTION:**

- 1) Approved use of Fiscal Year 2008-09 Proposition 1B funds and establish a new Capital Improvement Project for the Irvine Business Complex (IBC) Local Street Rehabilitation project (CIP 319160) and for the University Drive Pavement Rehabilitation project (CIP 319170).
- 2) Approved a Budget Adjustment in the total amount of \$3,004,176 to receive \$1,200,000 of Proposition 1B funds into the IBC Local Street Rehabilitation project (CIP 319160) and \$1,804,176 of proposition 1B funds into the University Drive Pavement Rehabilitation project (CIP 319170).

**3.13 CITY OF IRVINE 2009 STATE AND FEDERAL LEGISLATIVE PLATFORM AND 2010 FEDERAL AGENDA**

**ACTION:**

- 1) Adopted and approved the 2009 State and Federal Legislative Platform.
- 2) Adopted and approved the 2010 Federal Agenda.

**3.14 ORDINANCE NO. 09-01, ORDINANCE TO EFFECT CHANGES AND ADDITIONS TO POSTED SPEED LIMITS**

**ACTION:** Read by title only, second reading and adoption of ORDINANCE NO. 09-01 - 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

**3.15 PEDIATRIC CANCER RESEARCH FOUNDATION REQUEST FOR NON-ECONOMIC CITY SUPPORT OF ITS REACHING FOR A CURE HALF-MARATHON EVENT**

**ACTION:** Approved non-economic City support to allow the use of the City logo and name on event promotional materials.

**END CONSENT CALENDAR**

**4. PUBLIC HEARINGS**

**4.1 CITY-INITIATED GENERAL PLAN AMENDMENT, ZONE CHANGE, DEVELOPMENT AGREEMENT AMENDMENT, MASTER IMPLEMENTATION AGREEMENT AMENDMENT (INCLUDING RATE AND METHOD OF APPORTIONMENT), AND TRI-PARTY AGREEMENT AMENDMENT, FOR THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC, LOCATED IN PLANNING AREAS 30 AND 51**

Mayor Kang reopened the public hearing at 5:40 p.m.

**ACTION:** Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried to continue the public hearing to a date uncertain.

**5. COUNCIL BUSINESS**

**5.1 HERITAGE FIELDS DENSITY BONUS AGREEMENT**

**ACTION:** Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried to continue to a date uncertain.

**5.2 CITY OF IRVINE EDUCATIONAL PARTNERSHIP FUND FUNDING LEVELS**

City Manager Joyce introduced Sheila Driscoll, Community Services Superintendent; Corinne Schneider-Jones, Manager of Health and Human

Services; and Gina Park, Assistant to the City Manager, who presented the staff report and responded to questions.

City Council discussion included: current balance of the Educational Partnership Fund (EPF) reserves and whether or not the City's General Fund is a source of funding for the EPF; overall benefits of the program; health benefits and increased attendance resulting from the different health programs funded by the EPF throughout Irvine and Tustin Unified School Districts; how the EPF program relates to the overall strategic plan for the Irvine Children, Youth and Families program; annual review and continued sustainability of the City's current commitment to the EPF considering the current economic climate; use of General Fund monies to support the EPF; and various sources of funding for the current fiscal year.

The following individuals expressed their gratitude for the City's continued support of EPF funding on behalf of needy children:

- Nancy Colocino, Irvine Unified School District
- Pat McKinsey, Irvine Unified School District
- Marcia Noonan, Irvine Unified School District Health Services Coordinator
- Debbie Rugani, Irvine Public Schools Foundation

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

Approve the Educational Partnership Fund Advisory Committee recommendations for program selection and \$516,863 appropriation for the 2009-2010 Educational Partnership Fund Program.

IRVINE UNIFIED SCHOOL DISTRICT (IUSD)			
	Organization (Applicant)	Program	Approved Funding 09/10
1.	Irvine Public Schools Foundation	School Nurses	\$90,000
2.	Irvine Public Schools Foundation	Health Clerks	\$70,000
3.	Irvine Unified School District	High School Project Success	\$77,850
4.	Irvine Unified School District	Middle School Project Success	\$75,330
5.	Irvine Unified School District	4-6 Elementary Guidance Assistant Program	\$78,410
6.	Irvine Unified	K-3 Elementary Guidance Assistant	\$68,410

	School District	Program	
<b>IUSD TOTAL</b>			<b>\$460,000</b>
<b>TUSTIN UNIFIED SCHOOL DISTRICT (TUSD)</b>			
1.	Tustin Unified School District	Meal Vending	\$15,929
2.	Tustin Unified School District	Harvest of the Month	\$2,072
3.	Tustin Unified School District	School Nurses	\$38,862
<b>TUSD TOTAL</b>			<b>\$56,863</b>
<b>GRAND TOTAL</b>			<b>\$516,863</b>

**5.3 RATIFICATION OF PROGRAM MANAGER FOR NEW PUBLIC SAFETY FACILITY - PHASE I**

City Manager Joyce introduced Pamela Baird, Senior Management Analyst; David Maggard, Director of Public Safety/Chief of Police; Henry Boggs, Police Lieutenant; and Wally Kreutzen, Assistant City Manager, who presented the staff report and responded to questions.

City Council discussion included: clarification that the item for approval is for design of the facility and not for construction costs; moving forward with construction of the project during the current economic climate; anticipated schedule from design to completion of construction; completion of new infrastructure to access the new facility upon completion; potential federal funding for infrastructure as a result of the stimulus package proposed by Congress; possibility of accelerating construction process through continuous work shifts; how and why the Program Manager at Risk framework is beneficial to the City; current debt service on the City Hall building; potential bonds for the project and other sources of funding; consideration of a helicopter landing pad on the ground or on the rooftop of the new facility; the capacity that the new facility will serve based on population estimate; utilization of the current public safety facility once vacated and the potential for a public library; amount of police/public safety presence that will remain at the Civic Center; and current debt service on the Civic Center building.

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

- 1) Ratify the Program Manager at Risk for Phase I of the new Public Safety Facility.
- 2) Authorize the Mayor to execute the Program Manager at Risk (PMAR) Professional Services Contract for a new Public Safety Facility with Highland Partnership, Inc. in the amount of \$1,889,000 plus a 10% project contingency.
- 3) Close Project # 399020 - Operational Support Facility (OSF) Expansion and approve a budget adjustment to reallocate the \$1,760,000 to Project # 399010 - Public Safety Construction.

**5.4 EFFECTS OF ORANGE COUNTY SOCIAL SERVICES AGENCY LAYOFFS TO RESIDENTS IN THE CITY OF IRVINE**

This item was agendized at the request of Mayor Pro Tempore Agran, who expressed concern about the layoff of County social services employees and the effects of the reduction of services on Irvine children, senior citizens, disabled adults and families in the City of Irvine.

Tom Mauk, Orange County CEO; Frank Kim, Director of the County Budget Office; and Ingrid Harita, Director of Social Services for the County of Orange, made a brief presentation and provided an overall summary of the current County budget; a summary of projected County budget shortfalls over the next five years; revenue and cash flow impacts; and reductions in services that will directly affect Irvine residents.

Robert Gibson, Orange County Employees' Association, spoke about the effects of the budget cuts and layoffs of employees at the Orange County Probation Department will have on the City of Irvine.

Francis Tu, Orange County Employees' Association and Irvine Resident, spoke about the effects of employee layoffs at the Orange County Social Services Agency and the increase in caseloads on current staff.

Mike Sutton, Orange County Employees' Association and Investigator for the County Attorney's office, spoke about the potential for increased welfare fraud due to recent layoff of investigators.

Maria Elena Jimenez, Human Options, spoke about the effects of the County layoffs have had on her organization in addition to the residents of Irvine.

Margie Wakeham, Families Forward, spoke about the significant increase in phone calls her organization has received from families needing assistance.

Lisa Major, Orange County Employees' Association, commended the City Council for being proactive and addressed the potential impacts that Irvine residents could face as a result of the County's reduction in social services.

City Council discussion included: concerns that social services are decreasing as the need for these services is increasing; adequate staffing for social services resulting from layoffs and furloughs; potential Federal funding to help support social services; implementing furloughs for all County employees rather than limiting them to only social services employees; and identifying other areas that could potentially be reduced instead of social services.

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

Direct the City Manager to provide a detailed analysis of anticipated adverse impacts in the City of Irvine, including budget and social costs, associated with the County of Orange Social Services Agency layoffs and work furloughs, and return to the City Council meeting of February 24, 2009 for further discussion and action.

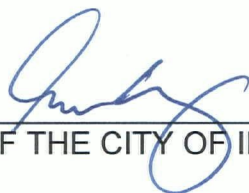
**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

Nick Berardino, Orange County Employees' Association, spoke about the reductions in the County's social services programs and how the reductions will affect all residents, including those in the City of Irvine; and thanked the City Council for its continued support.

**ADJOURNMENT**

**Moved by Councilmember Krom, seconded by Steven Choi, and unanimously carried to adjourn at 8:47 p.m.**

  
MAYOR OF THE CITY OF IRVINE

  
CITY CLERK OF THE CITY OF IRVINE

February 10, 2009