

**MINUTES  
CITY COUNCIL  
REGULAR MEETING  
June 9, 2009  
City Council Chamber  
One Civic Center Plaza**

**CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order at 4:06 p.m., on June 9, 2009, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

**ROLL CALL**

Present:	4	Councilmember:	Steven Choi
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Larry Agran
		Mayor:	Sukhee Kang

Absent:	1	Councilmember:	Beth Krom (excused)
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**CONVENED TO IRVINE REDEVELOPMENT AGENCY MEETING – 4:07 p.m.**

**RECONVENED TO CITY COUNCIL MEETING – 4:09 p.m.**

**1. CLOSED SESSION**

**1.1 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) Agency Negotiators: Rick Paikoff, Director of Administrative Services; Dave Larsen, Rutan & Tucker; Jan Walden, Manager of Human Resources; and Brian King, Human Resources Administrator; Employee Organizations: Associated Supervisory/Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); Irvine Professional Employees Association (IPEA); Irvine Police Association (IPA); Irvine Police**

***Management Association (IPMA); Management and Non-Represented Employees (EXEMPT); and Confidential Employees***

City Attorney Phil Kohn announced the Closed Session item, following which Mayor Kang convened to Closed Session at 4:11 p.m.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Kang reconvened the City Council meeting at 5:03 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 Kang led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Kang requested a moment of silence in memory of Noah Krom, son of former Mayor and Councilmember Beth Krom and her husband Solly, who passed away on Saturday, June 6 due to a tragic accident.

**MUSICAL PRESENTATION**

Mayor Kang introduced Sharon McCubbin's third grade class from Springbrook Elementary, who sang "You're a Grand Old Flag" and "California, Here I Come."

**2. PRESENTATIONS**

The following presentations were made:

**2.1 *Commend Irvine Pony Baseball's 2009 Mustang Division National Championship Winners***

Mayor Kang congratulated the Irvine Pony Baseball's Diamondbacks team for winning the 2009 Mustang Division National Championship and presented them with a commendation. Councilmember Shea presented each player with a certificate of recognition.

**2.2 *Commend Ware Disposal, Inc. and Ricoh Business Solutions for Environmental Conservation***

Mayor Kang introduced Judith Ware, President of Ware Disposal, Inc.; and Mark Flippin, Regional Marketing Director of Ricoh Business Solutions, and presented a commendation recognizing their efforts and

leadership in environmental conservation and sustainability. The Mayor also invited April Barnes from the American Lung Association, who also commended both companies on their environmental efforts.

## **INTRODUCTIONS**

There were no introductions.

## **CITY MANAGER'S REPORT**

There was no report.

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

Councilmember Shea introduced Boy Scout Troop 56, who was attending in pursuit of earning a merit badge in communications.

Mayor Kang made the following announcements:

- The City of Irvine has been named "America's Safest City" for the fifth consecutive year by the FBI. The Year 2008 also marked the lowest violent crime rate in the City's 37-year history.
- The League of American Bicyclists has named the City of Irvine a "Bicycle Friendly Community," the first such distinction given in Orange County and congratulated Public Works staff. Only 13 cities were selected to receive the award this year.
- The City of Irvine is hosting a free foreclosure prevention workshop, presented by the federal Department of Housing and Urban Development and mortgage lenders, at City Hall on Friday, June 12, from 10:00 a.m. to 3:00 p.m. For information and to register, call the Fair Housing Council of Orange County at (714) 569-0823, ext. 225.
- The community is invited to hike the Orchard Hills loop trail with Mayor Kang on Saturday, June 27 at 8:30 a.m. The hike will entail three miles through the Irvine Open Space Preserve. The hike is open to anyone age 10 and over. For more information or to sign up for the hike, visit [www.irconservancy.org](http://www.irconservancy.org) and click "Public Programs & Activities."

## **ADDITIONS AND DELETIONS**

City Manager Joyce requested that Item 5.1 not be heard at this time and be continued to the June 23, 2009 City Council meeting.

**1. CONSENT CALENDAR**

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

**Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried by those members present to approve Consent Calendar Item Nos. 3.1 through 3.13, with the exception of Item Nos. 3.6, 3.11 and 3.12, which were removed for separate discussion.**

**3.1 MINUTES**

**ACTION:** Approved the minutes of an adjourned regular meeting of the Irvine City Council held on May 26, 2009.

**3.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO. 09-48 - 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.09-49 - 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 IRVINE STATION SIGNAGE IMPROVEMENTS - CIP 363000**

**ACTION:** Approved the plans, specifications, and contract documents for Irvine Station Signage Improvements, Capital Improvement Project (CIP) 363000, on file with the Public Works Department.

**3.5 ORANGE COUNTY GREAT PARK INITIATION OF PHASE 1 OF THE PARK DEVELOPMENT PLAN**

**ACTION:**

- 1) Approved an adjustment to the Fiscal Year 2008-09 Budget in the amount of \$4,750,000 to implement Phase I of the Park Development Plan.
- 2) Authorized the Chief Executive Officer to negotiate and execute amendments to the existing professional consultant services agreements with the Great Park Design Studio, Rutan & Tucker

and WRNS Studio to implement Phase I of the Park Development Plan.

**3.6 MARUCHAN, INC. DONATION**

This item was removed for separate discussion at the request of Mayor Kang, who expressed his appreciation to Maruchan, Inc. for providing over \$600,000 in past and present donations to the City of Irvine. Councilmember Choi also expressed his appreciation to Maruchan, Inc.

**Moved by Mayor Kang, seconded by Mayor Pro Tempore Agran, and unanimously carried by those members present to:**

**ACTION:**

- 1) Accept a \$100,000 donation from Maruchan, Inc.
- 2) Approve a budget adjustment request in the amount of \$100,000, reflecting an increase in revenues and appropriations.

**3.7 FISCAL YEAR 2009-2010 LANDSCAPE, LIGHTING AND PARK MAINTENANCE ASSESSMENTS**

**ACTION:** Adopted RESOLUTION NO. 09-50 - 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 2009-2010

**3.8 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**

**ACTION:** Adopted RESOLUTION NO. 09-51 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA ADOPTING A POLICY FOR THE 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

**3.9 APPROVE AGRICULTURAL LEASE WITH TANAKA FARMS LLC**

**ACTION:** Authorized the Mayor to execute and the City Clerk to attest an Agricultural Lease between the City of Irvine and Tanaka Farms, LLC.

**3.10 ORANGE COUNTY GREAT PARK FUNDING AGREEMENT WITH INTERNATIONAL CULTURE FOUNDATION OF KOREA**

**ACTION:**

- 1) Approved, in substantial final form, the Feasibility Study Funding Agreement with International Culture Foundation of Korea.
- 2) Authorized the Chief Executive Officer of the Orange County Great Park and the City Manager to execute the Feasibility Study Funding Agreement.
- 3) Approved a budget adjustment increasing FY 2008-09 revenues in the amount of \$150,000 and increase FY 2008-09 expenses in the amount of \$150,000.

**3.11 ORANGE COUNTY GREAT PARK LETTER OF INTENT TO EXECUTE A LEASE AGREEMENT WITH CIRQUE DU SOLEIL**

This item was removed for separate discussion at the request of Councilmember Choi, who expressed concern that the content of the contract did not reflect any financial benefit to the City; and indicated that he would be voting in opposition to the agreement as he did at the May 21, 2009 Orange County Great Park Board of Directors meeting.

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

**ACTION:**

- 1) Ratify the Letter of Intent with Cirque du Soleil America, Inc. to lease property in the Orange County Great Park.
- 2) Authorize the Orange County Great Park Chief Executive Officer and the City Manager to enter into a lease agreement with Cirque du Soleil based on the terms and conditions stated in the Letter of Intent.

The motion carried as follows:

AYES:	3	COUNCILMEMBERS:	Agran, Shea, and Kang
NOES:	1	COUNCILMEMBERS:	Choi
ABSTAIN:	0	COUNCILMEMBERS:	None
ABSENT	1	COUNCILMEMBERS:	Krom

**3.12 ORANGE COUNTY GREAT PARK AUTHORIZATION TO PURCHASE TWO ADDITIONAL AIRCRAFT FOR THE ORANGE COUNTY GREAT PARK AVIATION COLLECTION**

This item was removed for separate discussion at the request of Councilmember Choi, who expressed concern that although he initially supported the purchase and voted affirmatively at the May 21, 2009 Orange County Great Park Board of Directors meeting, he now has concern about this type of purchase considering the current economic climate, and indicated that he would be voting in opposition to the item.

City Council discussion included: clarification that the purchase would be made using Orange County Great Park funds and not the City's General Fund.

**ACTION: Moved by Mayor Pro Tempore Agran, seconded by Mayor Kang, to:**

- 1) Authorize the Chief Executive Officer to execute a sole source agreement with David Tunno in the amount of \$85,000 to purchase a 1942 N3N-3 aircraft and to incur additional costs of up to \$10,000 for taxes, insurance, inspection reports, delivery costs and escrow related and other miscellaneous fees.
- 2) Authorize the Chief Executive Officer to execute a sole source agreement in the amount of \$159,000 with Wright Aviation, LLC to purchase a 1944 SNJ-5 aircraft and to incur additional costs of up to \$21,000 for taxes, insurance, inspection reports, delivery costs and escrow related and other miscellaneous fees.
- 3) Approve a budget adjustment amount of \$275,000 reallocating a portion of the existing contract services budget for the purchase of the two airplanes described above.

The motion carried as follows:

AYES:	3	COUNCILMEMBERS:	Agran, Shea, and Kang
NOES:	1	COUNCILMEMBERS:	Choi
ABSTAIN:	0	COUNCILMEMBERS:	None
ABSENT	1	COUNCILMEMBERS:	Krom

**3.13 APPROVAL OF THE FEDERAL ENERGY AND CONSERVATION BLOCK GRANT APPLICATION**

**ACTION:**

- 1) Approved project funding recommendations.
- 2) Adopted RESOLUTION NO. 09-52 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE USE OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS

**END CONSENT CALENDAR**

**4. PUBLIC HEARINGS**

**4.1 COMMUNITY SERVICES DEPARTMENT FISCAL YEAR 2009-10 PROPOSED FEES**

City Manager Joyce introduced Mike Cribbin, Senior Management Analyst, who presented the staff report.

Mayor Kang opened the public hearing at 5:54 p.m.

There were no public comments.

**ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Agran, and unanimously carried by those members present to close the public hearing at 5:55 p.m.**

City Council discussion included: clarification that fees are adjusted annually based on cost recovery.

**ACTION: Moved by Councilmember Choi, seconded by Councilmember Shea, and unanimously carried by those members present to:**

**ACTION:** Adopt RESOLUTION NO. 09-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SETTING FEES FOR VARIOUS COMMUNITY SERVICES DEPARTMENT ACTIVITIES FOR THE FISCAL YEAR 2009-10

**4.2 COST OF SERVICES ANALYSIS AND RELATED FEE RECOMMENDATIONS FOR DEVELOPMENT-RELATED SERVICES**

City Manager Joyce introduced David Tungate, Manager of Budget & Business Planning; and Valerie Larenne, Senior Management Analyst, who presented the staff report.

Mayor Kang opened the public hearing at 6:00 p.m.

There were no public comments.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried by those members present to close the public hearing at 6:01 p.m.**

City Council discussion included: clarification whether or not the hourly rate of \$111 for Development Engineering reflects an increased amount or remains the same as last year.

It was noted that correspondence was received from Sheppard Mullin Richter & Hampton LLP on behalf of Allergan, Inc., who expressed concern about an hourly fee schedule for City Attorney services. City Attorney Kohn clarified how attorney services are billed, noting that there is never double-billing.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried by those members present to:**

- ACTION:**
- 1) Adopt RESOLUTION NO.09-54 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE REPLACING RESOLUTION 07-76 AND ESTABLISHING DEVELOPMENT PROCESSING AND INSPECTION FEES
  - 2) Reconsider development fee increases in the context of the preparation of the Fiscal Year 2010-11 annual budget.

**5. COUNCIL BUSINESS**

**5.1 FISCAL YEAR 2009-2010 ANNUAL BUDGET ADOPTION**

City Manager Joyce requested that this item be continued to the June 23, 2009 City Council meeting.

**ACTION: By order of the Mayor, the item was continued to the June 23, 2009 City Council meeting.**

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

There were none.

**ADJOURNMENT**

**Moved by Mayor Pro Tempore Agran, seconded by Councilmember Choi, and unanimously carried to adjourn at 6:16 p.m. in memory of Noah Krom, son of Councilmember Krom and her husband, Solly.**

  
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MAYOR OF THE CITY OF IRVINE

\_\_\_\_\_  
June 23, 2009

  
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CITY CLERK OF THE CITY OF IRVINE