

**1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a)(5 cases))**

CASE NAME AND NUMBER:

- 1) City of Newport Beach and City of Tustin v. City of Irvine (Hines), Orange County Superior Court Case No. 30-2008-00228855-CM-WM-CXC.
- 2) City of Newport Beach and City of Tustin v. City of Irvine (Accessory Retail), Orange County Superior Court Case No. 30-2009-00264696.
- 3) Allergan, Inc. v. City of Irvine (Accessory Retail), Orange County Superior Court Case No. 30-2009-00264668.
- 4) Allergan, Inc. v. City of Irvine (I-Shuttle), Orange County Superior Court Case No. 30-2008-00070690-CU-PT-CXC.
- 5) Allergan, Inc. v. City of Irvine (Civil Rights), Orange County Superior Court Case No. 06CC11295.

**1.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
(Pursuant to Government Code Section 54956.9(b)) significant
exposure to litigation (one potential case)**

Jeff Melching, Assistant City Attorney, explained the need to agendize an additional Closed Session item due to exposure to litigation that arose from communications between the City Manager's office and a principal concerning the negotiation between the City and the 949 Roller Hockey Rink. He also explained that the Government Code procedure requires a two-thirds vote of the complete council body to agendize the item.

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

ACTION: Approve the addition of Closed Session Item 1.3 to the City Council Agenda.

City Attorney Phil Kohn announced the Closed Session items, following which Mayor Kang convened to Closed Session at 4:12 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Kang reconvened the City Council meeting at 5:10 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.

MUSICAL PRESENTATION

Mayor Kang introduced Lindsey Morrison, who performed the "Star Spangled Banner."

2. PRESENTATIONS

The following presentations were made:

2.1 *Employee Service Recognition for 25 Years of Service: Ronald Morgan, Community Services*

City Manager Sean Joyce presented Ron Morgan a commendation for 25 years of service.

2.2 *2009 Excellence in Child Care Planning Award*

Mayor Kang introduced Roseann Andrus, who recognized the City for its Excellence in Child Care Planning and commented on the affordable building for children's development (ABCD) program.

2.3 *Proclaim May 2009 as "Asian Pacific Islander American Heritage Month"*

Mayor Kang presented the proclamation to Jason Lacsamana, Director of Special Projects, Orange County Asian and Pacific Islander Community Alliance (OCAPICA); Community Services Commissioner Tim Cheng; Finance Commissioner Min Chai; City Council Executive Assistant Amy Choo; Miss Taiwan World Jennifer Fan; Miss Taiwan California Heidi Hsu; Miss Teen Taiwan Verlicia Lee; and Jack Liu President of the Miss Taiwan Foundation.

2.4 *Irvine Ranch Water District Water Conservation Programs*

Mayor Kang introduced Paul Jones, Irvine Ranch Water District General Manager, who provided an update on the current water supply and water efficiency programs.

INTRODUCTIONS

There were no introductions.

CITY MANAGER'S REPORT

City Manager Joyce announced for the fifth consecutive year, Irvine has become the safest large city in California.

City Manager Joyce announced that the City of Irvine has received two special awards from the Orange County Chapter of the American Planning Association including: "Innovation in Green Community Planning Award," for the Hines California Green Master Plan in the Irvine Business Complex; and, the "Award of Merit for Best Planning Practices." In keeping with Irvine's history of conservation and environmental leadership, the City's Energy Plan was recognized for its comprehensive strategy toward energy efficiency, renewable energy, greenhouse gas reduction, and a commitment to match or exceed the state's energy and emission reduction goals by the year 2020.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Kang made the following announcements:

- Cirque du Soleil officials announced today that they have selected the Great Park as the official Orange County site for the touring show "Kooza," which will begin a limited-engagement run on January 7.
- The Orange County Fire Authority (OCFA) and the City of Irvine Community Services Department encourage all residents to learn the ABCs of pool safety at a free class on Wednesday, May 20 from 7-8 p.m. at the OCFA Headquarters Facility in Irvine.
- The ceremony, called "A Day of Remembrance," will be held at Colonel Bill Barber Marine Corps Memorial Park on Monday, May 25 at 10 a.m. to honor all the fallen troops.
- Irvine Animal Care Center's third annual Super Adoption Event is Sunday, June 7, from 10 a.m. to 5 p.m. It is a great opportunity to adopt a pet, with more than 40 local rescue groups bringing together more than 700 dogs, cats and rabbits ready for adoption.

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 3.14.

Moved by Mayor Pro Tem Agran, seconded by Councilmember Krom, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.14. Item Nos. 3.5 and 3.13 were removed for separate discussion.

3.1 MINUTES

ACTION: Approved the minutes of a special meeting of the Irvine City Council held on April 28, 2009.

3.2 PROCLAMATIONS

ACTION: Proclaimed July 28, 2009 as "Boy Scouts of America, Orange County Council, Outdoor Education Center Opening Day"

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 09-35 - 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. 09-36 - 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 ONE WATER ONE WATERSHED SANTA ANA RIVER WATERSHED INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN

This item was removed for separate discussion at the request of Councilmember Krom, who spoke in support of the need of a watershed management plan.

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

ACTION: Adopt RESOLUTION NO. 09-37 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECOMMENDING THE ADOPTION OF THE ONE WATER ONE WATERSHED INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN

**3.6 ORANGE COUNTY GREAT PARK EVENTS AND PROGRAMS:
IMPLEMENTATION OF PARKING FEES**

ACTION:

- 1) Authorized the implementation of parking fees in the amount of up to \$8.00 per vehicle for Orange County Great Park sponsored events and programs as reasonably determined by the Orange County Great Park Chief Executive Officer.
- 2) Concurred that the proposed parking fee for the Orange County Great Park events and programs is reasonable, and that the use of the Orange County Great Park property for parking is necessary and convenient for the public and incidental to and in furtherance of the purposes for which the City of Irvine owns the Orange County Great Park property.
- 3) Adopted RESOLUTION NO. 09-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING PARKING FEES FOR EVENTS AND PROGRAMS AT THE ORANGE COUNTY GREAT PARK

**3.7 FINAL TRACT MAP NO. 17114, NOTICE OF PENDING APPROVAL
FOR RESIDENTIAL CONDOMINIUMS, PORTOLA SPRINGS
(PLANNING AREA 6)**

ACTION: Received and filed.

3.8 COUNTY OF ORANGE WASTE DISPOSAL AGREEMENT

ACTION:

- 1) Adopted RESOLUTION NO. 09-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING A SOLID WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE
- 2) Authorized the Mayor to execute the Waste Disposal Agreement.

**3.9 ORANGE COUNTY GREAT PARK 2009/10 PROGRAM
UNDERWRITING PACKAGE**

ACTION:

- 1) Approved the Orange County Great Park 2009/10 Program Underwriting Package.
- 2) Authorized the Chief Executive Officer of the Orange County Great Park Corporation to negotiate and execute Underwriting Agreements for the receipt of donations for Orange County Great Park 2009-10 Programs substantially in accordance with the terms set forth in the Orange County Great Park Program Underwriting Package.

3.10 FINAL TRACT MAP NO. 17302, NOTICE OF REVIEW FOR NON-RESIDENTIAL CONDOMINIUMS, SAN JOAQUIN MARSH (PLANNING AREA 23)

ACTION: Received and filed.

3.11 LICENSE AGREEMENTS WITH SOUTHERN CALIFORNIA EDISON COMPANY FOR LANDSCAPE AND BIKE TRAIL PURPOSES (PLANNING AREAS 38 AND 12)

ACTION: Authorized the Mayor to execute License Agreement Nos. 2120, 2273, and 2445 between the City of Irvine and Southern California Edison Company. **(Contract Nos. 6176, 6177 & 6178)**

3.12 APPROVAL TO PARTICIPATE IN THE COUNTY OF ORANGE 2009 MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM AND AUTHORIZATION TO EXECUTE A COOPERATIVE AGREEMENT

ACTION: Adopted RESOLUTION NO. 09-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING PARTICIPATION IN THE COUNTY OF ORANGE MORTGAGE CREDIT CERTIFICATE PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT

3.13 COMMUNITY PARTNERSHIP GRANT NOMINATION

This item was removed for separate discussion at the request of the public.

The following individuals spoke in support of the proposed community partnership grants:

Charles Cannon, University of California Irvine Law School
Julie Hudash, Team Kids

City Council discussion included: grant funding opportunities by the City; Councilmember Krom recommended a \$1,000 community partnership grant be given to the each of the five Irvine High Schools for Grad Night activities; clarification on the allocations of City Council recommendations for grant funding; and Councilmember Shea recommended the allocation of \$2500 to Crime Survivors, \$2500 to Girls Incorporated and \$1000 for each of the five Irvine High School Grad Night activities.

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

ACTION:

- 1) Approve community partnership grant awards to Team Kids, UCI Foundation, Young Ladies with Potential, Irvine Public Schools Foundation, Irvine High Schools Grad Night Activities, Crime Survivors, and Girls Incorporated.
- 2) Authorize the City Manager to prepare and sign Funding Agreements.

3.14 ORDINANCE NO. 09-05, ORDINANCE RESCINDING TEMPORARY MORATORIUM (I. E. ORDINANCE NO. 08-13) PERTAINING TO APPROVALS OF THE INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-05, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, RESCINDING TEMPORARY MORATORIUM (I. E. ORDINANCE NO. 08-13) PERTAINING TO APPROVALS OF THE INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

END CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 COST OF SERVICES ANALYSIS AND RELATED FEE RECOMMENDATIONS FOR DEVELOPMENT-RELATED SERVICES

City Manager Joyce requested the public hearing be continued to June 9, 2009 at 4:00 p.m.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried to continue the public hearing to June 9, 2009 at 4:00 p.m.

4.2 APPROVAL OF THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2009-2010 AS THE APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND STATEMENT OF PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM, AND AMERICAN DREAM DOWN PAYMENT INITIATIVE FUNDS; APPROVAL OF A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2008-09 ACTION PLAN FOR THE REPROGRAMMING OF \$360,000 OF UNSPENT HOME FUNDS; AND A SUBSTANTIAL AMENDMENT TO THE FISCAL

YEAR 2004-2005 ACTION PLAN FOR REPROGRAMMING OF \$209,141 OF UNSPENT HOME FUNDS

Mark Asturias, Manager of Housing; Tamara Campbell, Senior Planner and Grants Coordinator; and Steve Holtz, Principal Planner; presented the staff report.

Mayor Kang opened the public hearing at 6:27 p.m.

The following individuals spoke in support of the Annual Action Plan:

- Ed Ewart, South County Outreach
- Steve Kight, Families Forward
- Vivian Cleclak, Human Options
- Kimberly Beeson, Irvine Adult Day Health Services
- Sharon Wellikson, Irvine Children's Fund

ACTION: Moved by Councilmember Krom, seconded by Councilmember Shea, and unanimously carried to close the public hearing at 6:38 p.m.

City Council discussion included: clarification of the allocation and administration of funds, roles and services of programs, allocation of remaining \$4145 to the Community Services Program for Youth Services, procedural clarification of incorporating an additional \$5000 of Community Partnership Grant funds for the Community Services Program.

ACTION: Moved by Councilmember Krom, seconded by Mayor Kang, to approve staff recommendation. The maker and seconder of the motion agreed to amend the motion to also allocate the remaining \$4145 to the Community Services Program at the request of Councilmember Shea.

Motion carried unanimously to:

ACTION:

- 1) Approve program funding recommendations for Fiscal Year 2009-10.

2009-10 FISCAL YEAR CDBG PUBLIC SERVICES FUNDING

ORGANIZATION	AWARD
Child Care Services	
Irvine Children's Fund	\$26,070
Senior Services	

Irvine Adult Day Health Services	\$11,700
Youth Services	
Assistance League of Irvine	\$15,420
Community Services Program (Amended)	\$4,145
Homeless Services	
Families Forward Intervention	\$23,820
Connection House	\$11,210
South County Outreach	\$14,710
Health Services	
AIDS Service Foundation	\$17,380
Domestic Violence	
Human Options	\$16,960
Laura's House	\$10,000
Women's Transitional Living Center	\$10,020
Fair Housing Services	
Fair Housing Council	\$16,956
Employment Services	
Jewish Family Services	\$10,510
Disability Services	
Project Independence	\$10,510
TOTAL	\$199,411

**2009-10 FISCAL YEAR
CDBG CAPITAL EXPENDITURE / HOME / ADDI FUNDING**

ORGANIZATION	PROJECT DESCRIPTION	AWARD	SOURCE
City of Irvine	Down Payment Assistance Program	\$14,954	ADDI
City of Irvine	Residential Rehabilitation Program	\$250,000 \$360,000	CDBG/ HOME
Irvine Community Land Trust	Affordable Housing Development	\$45,324 \$673,821	CDBG/ HOME
Irvine Unified School District	Elementary school Improvements for access – Americans with Disabilities (ADA) Compliance	\$550,521	CDBG
Families Forward	Transitional Housing Program Rehabilitation Program	\$86,415	CDBG
Families Forward	Resource Center	\$98,057	CDBG
Connection House	Residential Rehabilitation	\$23,800	CDBG

- 2) Authorize the City Manager to execute the submitted Annual Action Plan and all documents deemed necessary by HUD to obtain the allocation of Federal funds, including agreements implementing the funding recommendations.
- 3) Adopt RESOLUTION NO. 09-41 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ANNUAL ACTION PLAN WHICH IS PART OF THE CONSOLIDATED PLAN, AND THE PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM, AND AMERICAN DREAM DOWN PAYMENT INITIATIVE FUNDS FOR FISCAL YEAR 2009-10 AND APPROVAL OF SUBSTANTIAL AMENDMENTS TO THE 2008-09 AND 2004-05 ACTION PLANS FOR THE REPROGRAMMING OF UNSPENT HOME FUNDS, as amended.

4.3 SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN ALLOWING FOR THE EXPENDITURE OF FEDERAL HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM FUNDS

Mark Asturias, Manager of Housing; Tamara Campbell, Senior Planner and Grants Coordinator; and Steve Holtz, Principal Planner; presented the staff report.

Mayor Kang opened the public hearing at 6:57 p.m.

The following individuals spoke in support of the Annual Action Plan:

Kathy Strong, Women Transitional Living Center
Ed Ewart, South County Outreach
Steve Kight, Families Forward

ACTION: Moved by Councilmember Krom, seconded by Councilmember Shea, and unanimously carried to close the public hearing at 7:02 p.m.

City Council discussion included: comparison of County and City unemployment rates, clarification of program funds and allocation process, current resources available to sustain a community through economic challenges and recovery, ability of community members to contribute to community services, economic development resources available on the City's website, development of community centers to serve as one-stop resource centers for residents, and requirements and oversight of receiving federal funding including required quarterly reports.

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

ACTION:

- 1) Approve funding recommendations for the allocation of the City's Homeless Prevention and Rapid Re-housing Funds.
- 2) Authorize the City Manager to execute the Substantial Amendment and all documents deemed necessary by HUD to obtain the allocation of federal Homelessness Prevention and Rapid Re-housing Program Funds, including agreements implementing the funding recommendations.
- 3) Adopt RESOLUTION NO. 09-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN

5. COUNCIL BUSINESS

5.1 ASSIGNMENT OF THE ROLLER HOCKEY FACILITY GROUND LEASE

City Manager Joyce introduced Sandy Litzie and Mike Cribbin, Senior Management Analysts, who presented the staff report.

The following individuals expressed support for the roller hockey facility:

- | | |
|---------------|---------------------|
| Lisa Choi | Bao Chin |
| Lily Yu | Ty Tsai |
| Yo Yo Chang | Cindy Chien |
| Ann Hwu | Jack Mau |
| Jeremy Mau | Nick Davis |
| Eric Brown | Bryan Timmons |
| Meilien Chao | Joseph Husband |
| Christine Lee | Matthew Adams |
| Dorie Hsu | Michael MccClellan, |

City Council discussion included: clarification of the investment potential of assuming leasehold interest, facility and land inspections included as part of due diligence, clarification of tenant lease terms, timeline of events of the assignment of roller hockey facility, discussions of terms of acquiring the ground lease of the facility, no preclusion of future recreation uses of the property as a result of proposed action, clarification of leasehold provisions, future potential of hockey facility.

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

ACTION:

- 1) Authorize the City Manager to exercise the City's option, as provided in the Irvine Roller Hockey Facility Ground Lease Agreement, to take an assignment of the leasehold interest of HBP Realty, LLC in the facility located at 3150 Barranca Parkway, and to sign the necessary documents to complete the transaction.
- 2) Authorize a loan in an amount not to exceed \$650,000 as payment to HBP Realty, LLC for assigning its roller hockey leasehold interests to the City of Irvine; funds to be allocated from the Asset Management Plan and repaid from hockey center lease revenue.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Krom, and Kang
 NOES: 1 COUNCILMEMBERS: Shea
 ABSENT: 1 COUNCILMEMBERS: Choi

END COUNCIL BUSINESS

PUBLIC COMMENTS

City Manager Sean Joyce and City Attorney Phil Kohn commented on the Brown Act restrictions placed on the City Council to discuss the proposed University High School Stadium and the City's regulatory role in the construction of a public school project.


The following individuals spoke about the proposed University High School Stadium:

- John Rosendahl, resident
- Dan Borland, resident
- Kevin Trussell, resident
- Mike Filia, Irvine Youth Football
- Armann Rowther, student athlete
- Tia Golden, Parent Teacher Student Association President
- Elizabeth Sengoba, Hannah O'Conner and Jennifer Trussell, students
- Nick McCain, ASB President of Woodbridge
- Susanna Wilkinson, resident
- Donald R. McCrea, resident
- Bryan Stanek, resident
- Elain Breen, resident
- Tyler Perkins, student athlete
- Patrice Stanek, resident
- Carole Uhlaner, resident
- Bryan Pione, student athlete

Vivian Klani, resident
Jennifer Kingsland, resident
Nat Adam, resident

ADJOURNMENT

**Moved by Councilmember Krom, seconded by Councilmember Shea, and
unanimously carried to adjourn at 9:38 p.m.**



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

May 26, 2009