

BETH KROM  
Mayor

SUKHEE KANG  
Mayor Pro Tempore

LARRY AGRAN  
Councilmember

STEVEN CHOI  
Councilmember

CHRISTINA SHEA  
Councilmember



# AGENDA

## CITY COUNCIL REGULAR MEETING

November 28, 2006

4:00 P.M.

City Council Chamber  
One Civic Center Plaza

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**Speaker's Card/Request to Speak:** If you would like to address the City Council on a scheduled agenda item, please complete the [Request to Speak Form](#). The card is at the table at the entrance to the Council Chamber. Please identify on the card your name, address, and the item on which you would like to speak and return to the City Clerk. The [Request to Speak Form](#) assists the Mayor in ensuring that all persons wishing to address the Council are recognized. Your name will be called at the time the matter is heard by the Council.

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### ROLL CALL

#### 1. 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)**

#### 2. CONSENT CALENDAR

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All matters listed under Consent Calendar are considered to be routine and all will be enacted by

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one roll call vote. There will be no discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion. Any member of the public may address the Council on items on the Consent Calendar. Public comments on any item or items on the consent calendar are limited to three minutes per speaker. If you wish to speak to a particular item or items, please complete a Speakers Form and give it to the City Clerk. Please see information in Request to Speak section.

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**2.1 MINUTES**

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

**2.2 PROCLAMATIONS**

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

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

**ACTION:** Adopt RESOLUTION NO. - 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

**2.4 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopt RESOLUTION NO. - 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

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

**ACTION:**

- 1) Approve the closure of 37 completed projects, with \$33.3 million in expenditures.
- 2) Approve 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) Approve 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) Approve 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) Approve Parcel Map No. 2005-245.
- 2) Authorize the Mayor to execute the agreement and accept the security from Bacchus Commercial LLC, guaranteeing survey monumentation for Parcel Map No. 2005-245.
- 3) Accept the easements for public street and public utility purposes: Scientific Way and Irvine Center Drive.
- 4) Accept 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:** Authorize 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.

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

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

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

**ACTION:**

- 1) Authorize the Director of Public Safety to accept the Agreement to Transfer Funds for 2006 Emergency Management Performance Grant Program.
- 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:** Adopt RESOLUTION NO. - 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. - 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. - 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. - 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. - 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**

**RECESS**

**RECONVENE TO THE CITY COUNCIL MEETING - 5:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MUSICAL PRESENTATIONS**

**3. PRESENTATIONS**

**3.1 *Week of the African Child***

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

**INTRODUCTIONS**

**CITY MANAGER'S REPORT**

**ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

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Announcements, Committee Reports and Council Comments are for the purpose of presenting brief comments or reports, are subject to California Government Code Section 54954.2 of the Brown Act and are limited to 15-minutes per meeting.

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**ADDITIONS AND DELETIONS**

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Additions to the agenda are limited by California Government Code Section 54954.2 of the Brown Act and for those items that arise after the posting of the Agenda and must be acted upon prior to the next City Council meeting.

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**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***

**ACTION:** Introduce for first reading and read by title only an ordinance entitled: 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

**5. PUBLIC HEARINGS**

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Public Hearings are scheduled for a time certain of 4:00 p.m., unless noticed otherwise, or as soon thereafter as possible. Those wishing to address the City Council during the Public Hearing must complete a Request to Speak form and provide it to the City Clerk prior to the hearing. If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you, or someone else raised orally at the public hearing or in written correspondence received by the City at or before the hearing. Any person seeking to challenge a City Council decision made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to Code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes final.

Notice: Public Hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuation. Any matter not noted for continuance, will be posted separately.

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

#### **ACTION:**

- 1) Proceed with the public hearing, receive public input, City Council comments and questions.
- 2) Close the public hearing.
- 3) Receive and file the City Clerk's declaration of mailing notice and ballot and request City Clerk announce ballot results.
- 4) Adopt RESOLUTION NO. - 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**

#### **ACTION:**

- 1) Receive and review the Carryover Summary.
- 2) Receive and file the Budget Update for the year ending June 30, 2006.
- 3) Approve a Budget Adjustment allocating carryover funding for outstanding encumbrances and purchase orders in the amount of \$835,261.
- 4) Approve a Budget Adjustment in the amount of \$25,000 for the previously approved allocation to Families Forward program.
- 5) Approve a Budget Adjustment increasing allocations by \$14,176,145 as recommended by the City Manager.
- 6) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING GUIDELINES

FOR DISBURSEMENT OF CARRYOVER FUNDS TO NON-PROFIT ORGANIZATIONS

- 7) Give consideration to other Carryover funding requests.

**END OF COUNCIL BUSINESS**

**PUBLIC COMMENTS (Limited to 3 minutes per speaker) - 6:00 P.M.**

**ADJOURNMENT**

Next Meeting: CITY COUNCIL REGULAR meeting, December 12, 2006, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.

**NOTICE TO THE PUBLIC**

**LIVE BROADCASTING**

City Council meetings are broadcasted live every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 4:00 p.m. and are replayed on Sundays at 11:00 a.m., and Thursdays at 7:00 p.m. All broadcasts can be viewed on Cox Communications Local Access Channel 30. City Council meetings are also available via live webcast through the City's website at [www.cityofirvine.org](http://www.cityofirvine.org). For more information, please contact the City Clerk's office at (949)724-6205.

**ADJOURNMENT**

**At 11:00 p.m.**, the City Council will determine which of the remaining agenda items can be considered and acted upon prior to 12:00 midnight and will continue all other items on which additional time is required until a future City Council meeting. All meetings are scheduled to terminate at 12:00 midnight.

**STAFF REPORTS**

As a general rule, staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials are on file with the City Clerk and are available for public inspection and copying. Staff reports can also be downloaded from the City's website at [http://www.ci.irvine.ca.us/council/agenda/agenda\\_archive.asp](http://www.ci.irvine.ca.us/council/agenda/agenda_archive.asp) beginning the Friday prior to the scheduled City Council meeting on Tuesday.

In addition, meetings can be viewed live at the time posted on the agenda and related staff reports can be opened and viewed simultaneously along with the streaming of the meeting. To view the meeting, go to [http://irvine.granicus.com/ViewPublisher.php?view\\_id=6](http://irvine.granicus.com/ViewPublisher.php?view_id=6).

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

**CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS**

It is the intention of the City of Irvine to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (949)724-6205.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

**CHALLENGING CITY DECISIONS**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter

limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90<sup>th</sup> day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

If a person wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Irvine, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

**COMMUNICATION DEVICES**

To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

**MEETING SCHEDULE**

Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 4:00 p.m. Study Sessions and/or Closed Sessions are periodically held prior to the start of the regular meeting. Agendas are available as follows:

- Police Department
- Local library
- FAX Library System (Dial (949) 724-6210 and request document number 100 anytime after 5:00 p.m. on the Friday prior to a City Council meeting)
- City's web page at [www.ci.irvine.ca.us](http://www.ci.irvine.ca.us)

I hereby certify that the agenda for the Regular City Council meeting was posted in the posting book located in the Public Safety Lobby of City Hall, One Civic Center Plaza, Irvine, California on \_\_\_\_\_ by \_\_\_\_\_ p.m. as well as on the City's web page.

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Pamyla Means, MMC  
City Clerk