



CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:02 p.m. on November 25, 2008, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Krom presiding.

ROLL CALL

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

1. CLOSED SESSION

Phil Kohn, City Attorney, announced that the City Council will recess to Closed Session to discuss the following:

- 1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a))
Newpath Networks, LLC v. City of Irvine, U.S. District Court Case No. SACV06-550-JVS**

- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a)(4 cases)):
Allergan, Inc. v. City of Irvine, et al. Orange County Superior Court
Case No. 06CC11295
Allergan, Inc. v. City of Irvine, et al. and Starpointe Ventures, Alton**

Associates, et al., Orange County Superior Court Case No. 07CC01267.

Allergan, Inc. v. City of Irvine, et al. and Starpointe Ventures, West Millenium Homes, et al., Orange County Superior Court Case No. 07CC01268

Allergan, Inc. v. City of Irvine, Orange County Superior Court Case No. 07CC01282

- 1.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(a)(2 cases)):**
Cities of Newport Beach and Tustin v. City of Irvine, et al. and Starpointe Ventures, West Millenium Homes, et al, Orange County Superior Court Case No. 07CC01264
Cities of Newport Beach and Tustin v. City of Irvine, et al. and Starpointe Ventures, Avalonbay Communities, Inc., Alton Associates, et al., Orange County Superior Court Case No. 07CC01265

Mayor Krom convened to Closed Session at 4:04 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the City Council meeting at 5:08 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 Krom led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence.

MUSICAL PRESENTATION

Mayor Krom introduced the Irvine Young Concert Artists (formerly the Irvine Young Artists), who performed John Philip Sousa's "Stars and Stripes Forever," and "Bach Concerto for Two Violins."

2. PRESENTATIONS

2.1 *Presentations to Outgoing Mayor*

- City Manager Sean Joyce presented a video to the City Council which highlighted their accomplishments for the past four years.
- Mayor Pro Tempore Kang called upon the following who recognized and presented commendations to Mayor Krom for her service to the community as Mayor:
 - Supervisor Bill Campbell, 3rd District - Orange County Board of Supervisors,
 - Hasan Ikhata, Executive Director - Southern California Association of Governments
 - Brian Stephens, Division Chief - Orange County Fire Authority
 - Gavin Huntley-Fenner, Board Member/Clerk of the Board – Irvine Unified School District
 - Lynn Davis, Board Member – Tustin Unified School District; Rich Montgomery, Principal-Hicks Canyon Elementary School; and Adele Heuer , Principal-Beckman High School - Irvine
 - Mary Aileen Matheis, Vice President; and Peer Swan, Board Member - Irvine Ranch Water District
 - Bill Burger, Chief of Staff - Transportation Corridor Agencies
 - Jacquie Warren, President; and Steven Churm, Chair-Board of Directors - Chamber of Commerce
 - Joe Adams, President - Discovery Science Center Board of Directors
 - Kristine Thalman - Orange County Building Industry Association
- Mayor Pro Tempore Kang also presented Mayor Krom with a framed gavel.

INTRODUCTIONS

City Manager Sean Joyce introduced Libby Cowan, Community Services Manager, who was attending the meeting in Paula Burrier-Lund's absence.

CITY MANAGER'S REPORT

There was no City Manager's report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Krom made the following announcements:

- The seventh annual “Joyful Jingles Family Holiday Concert” will be held on Saturday, December 13 at the Irvine Valley College Performing Arts Center. “Hand Bells Pre-show” will begin at 9:15 a.m., followed by a concert of seasonal music by a variety of local choral groups at 10:00 a.m.
- The City of Irvine 2/11 Marine Adoption Committee is holding a special toy drive to benefit the children and families of the adopted Marine battalion from Camp Pendleton through December 5 at the Irvine Civic Center.
- The City is hosting a “Healthy Food Drive” for the collection of 2,009 food items for local food pantry programs through Wednesday, December 31 between the hours of 8:00 a.m. – 5:00 p.m. at all City facilities.
- The City is offering fresh pine clippings to residents from Wednesday, December 4 12:00 p.m. through Friday, December 19, 2:00 p.m. at Northwood Community Park, Heritage Community Park, Windrow Athletic Park, University Community Park, and Turtle Rock Community Park.
- The Irvine Animal Care Center is hosting “Home for the Holidays,” a pet adoption event on Sunday, December 7 from 10:00 a.m. – 3:00 p.m. at the Irvine Animal Care Center.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

Consent Calendar Items consisted of Item Nos. 3.1 thru 3.19.

Moved by Councilmember Shea, seconded by Councilmember Kang, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.19, with the exception of Item Nos. 3.7, 3.16, 3.19 which were removed for separate discussion.

3.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on November 12, 2008.

3.2 COMMENDATIONS

ACTION:

- 1) Commended USA Olympic Swimming Team Member Jason Lezak
- 2) Commended USA Olympic Swimming Team Member Aaron Peirsol
- 3) Commended USA Olympic Swimming Team Member Amanda Beard
- 4) Commended USA Olympic Water Polo Team Member Timothy Hutten
- 5) Commended USA Olympic Soccer Team Member Benny Feilhaber

- 6) Commended USA Olympic Badminton Team Member Eva Lee
- 7) Commended USA Olympic Triathlon Team Member Julie Ertel
- 8) Commended USA Olympic Cycling Team Member Amanda Neben
- 9) Commended USA Olympic Men's Volleyball Coach Hugh McCutcheon

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-115- 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. 08-116 - 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

Mayor Krom abstained.

3.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 08-117 - 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.

3.6 AMENDMENTS TO THE SALARY GRADE ORDER STRUCTURE, POSITION CONTROL, ASSOCIATED SUPERVISORY/ ADMINISTRATIVE PERSONNEL, IRVINE CITY EMPLOYEES ASSOCIATION, CONFIDENTIAL, PART-TIME AND MANAGEMENT AND NON-REPRESENTED RESOLUTIONS OF THE CITY OF IRVINE

ACTION:

- 1) Adopted RESOLUTION NO. 08-118 - 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. 08-64 WHICH IS INCONSISTENT THEREWITH

- 2) Adopted RESOLUTION NO. 08-119 - 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 2008-2009 FISCAL YEAR, AND SUPERSEDING RESOLUTION NO. 08-60 WHICH IS INCONSISTENT THEREWITH
- 3) Adopted RESOLUTION NO. 08-120 - 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) Adopted RESOLUTION NO. 08-121 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE IRVINE CITY EMPLOYEES ASSOCIATION (ICEA), ADOPTED JUNE 27, 2006
- 5) Adopted RESOLUTION NO. 08-122 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR THE CONFIDENTIAL EMPLOYEES OF THE CITY OF IRVINE, AND SUPERSEDING RESOLUTION NO. 08-62 WHICH IS INCONSISTENT THEREWITH
- 6) Adopted RESOLUTION NO. 08-123 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING A CLASSIFICATION AND COMPENSATION POLICY FOR PART-TIME EMPLOYEES OF THE CITY OF IRVINE, AND REPEALING ALL PREVIOUS PART-TIME EMPLOYEE COMPENSATION RESOLUTIONS, EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2008
- 7) Adopted RESOLUTION NO. 08-124 - 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. 08-61 WHICH IS INCONSISTENT THEREWITH

**3.7 VACATION OF A PORTION OF WOODFALL, WOODBRIDGE
(PLANNING AREA 15)**

This item was removed from the Consent Calendar to receive public comment.

Thomas Perez, Senior Civil Engineer presented the staff report and answered questions.

Yvonne O'Meara, Irvine resident, spoke in opposition to the vacation.

Irvine residents Mark Toto and Robert Figera spoke in favor of the vacation.

City Council discussion included: Current ownership of the parcel; clarification on ownership of the property once the City vacates the parcel; and impact on surrounding properties.

ACTION: Moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, to:

Adopt RESOLUTION NO. 08-125 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE TO ORDER THE VACATION OF A PORTION OF WOODFALL WITHIN WOODBRIDGE (PLANNING AREA 15) PURSUANT TO CHAPTER 4, SUMMARY VACATION, STREETS AND HIGHWAYS CODE SECTION 8330 ET. SEQ.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang and Krom

NOES: 2 COUNCILMEMBERS: Choi and Shea

3.8 FISCAL YEAR 2007-2008 CAPITAL IMPROVEMENT PROJECTS AND SPECIAL FUNDS CARRYOVER

ACTION:

- 1) Approved the closure of 66 completed projects, with \$46.4 million in expenditures.
- 2) Approved the continuation of 414 capital projects with budgets totaling \$311.5 million net of \$4.6 million in project closures, removal of \$6.2 million surplus funds of on-going projects and reallocations of \$4.4 million to Fiscal Year 2008-09.
- 3) Approved the adjustment of budgeted transfers of General Fund, Infrastructure and Rehabilitation, Gas Tax, Measure M-Turnback, Air Quality Management District, and Orange County Great Park (OCGP) Funds for the Fiscal Year beginning July 1, 2008.
- 4) Approved funding for outstanding purchase orders and continuing activities from other Special Funds totaling \$8.5 million as well as transfers among funds of \$3 million.

3.9 APPROVAL OF A SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT FOR THE GROVES MOBILE HOME PARK BETWEEN THE CITY OF IRVINE, ROYAL STREET COMMUNICATIONS AND THE GROVES HOMEOWNERS ASSOCIATION

ACTION:

- 1) Approved the Subordination, Non-Disturbance and Attornment Agreement between the City of Irvine, the Groves Homeowners Association and Royal Street Communications.
- 2) Authorized the City Manager to execute the Subordination, Non-Disturbance and Attornment Agreement on behalf of the City.

3.10 ALLOCATION OF AVAILABLE STATE WORKFORCE HOUSING GRANT FUNDS TO THE IRVINE COMMUNITY LAND TRUST

ACTION:

- 1) Approved an allocation of \$752,124 of State Workforce Housing Grant Funds to the Irvine Community Land Trust for an affordable home ownership program.
- 2) Authorized the City Manager to execute a grant agreement with the Irvine Community Land Trust on behalf of the City for the use of these funds. **(Contract No. 6013A)**

3.11 TARGET GRANT DONATION

ACTION:

- 1) Accepted a \$1,250 grant donation from Target.
- 2) Approved a budget adjustment request in the amount of \$1,250, reflecting an increase in revenues and appropriations.

3.12 REVISED EXPENDITURE APPROPRIATION FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND

ACTION: Approved a budget adjustment request as required by Government Code Section 30061 to revise the Supplemental Law Enforcement Services Fund expenditure appropriation in accordance with County Oversight Committee approvals.

3.13 ORDINANCE NO. 08-14 AND 08-15, APPROVE ZONE CHANGE 00452724-PZC AND DEVELOPMENT AGREEMENT 00452727-PDA FOR THE DEVELOPMENT OF 785,000 SQUARE FEET OF OFFICE AND 15,500 SQUARE FEET OF RETAIL/RESTAURANT AT 18582 TELLER AVENUE AND 2722 MICHELSON IN PLANNING AREA 36

ACTION:

- 1) Read by title only, second reading and adoption of ORDINANCE NO. 08-14 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00452724-PZC TO CREATE THE 5.1A IBC MULTI-USE ZONE AND REZONE THE HINES OFFICE PROJECT SITE AT 18582 TELLER AVENUE AND 2722 MICHELSON DRIVE AS 5.1A IBC MULTI-USE IN PLANNING AREA 36; FILED BY HINES
- 2) Read by title only, second reading and adoption of ORDINANCE NO. 08-15 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING HCG IRVINE (HINES) DEVELOPMENT AGREEMENT 00452727-PDA FOR THE DEVELOPMENT OF 785,000 SQUARE FEET OF OFFICE AND 15,500 SQUARE FEET OF RETAIL/RESTAURANT AT 18582 TELLER AVENUE AND 2722 MICHELSON DRIVE IN PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF HINES (Contract No. 6042)

3.14 FISCAL AGENT FOR JEWISH FAMILY SERVICES

ACTION:

- 1) Authorized the City Manager to execute a contract enabling the City of Irvine to act as fiscal agent for Jewish Family Services, for the purpose of obtaining and distributing Orange County Transportation Authority (OCTA) Senior Mobility grant funds for December 1, 2008 through June 30, 2011.
- 2) Approved revenue and expenditure budget adjustments of \$60,000 each to accommodate OCTA funding.
- 3) Authorized the City Manager to execute up to five annual contract extensions subject to availability of OCTA funding.

3.15 IRVINE EDUCATIONAL PARTNERSHIP FUND ADVISORY COMMITTEE MEMBER-AT-LARGE APPOINTMENT

ACTION: Reappointed Cynthia Kole for a two-year term as the member-at-large on the Irvine Educational Partnership Fund Advisory Committee.

3.16 SELECT CHORA, LLC, AS THE PRIVATE FUNDRAISING CONSULTANT FOR THE ORANGE COUNTY GREAT PARK AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONSULTING SERVICES CONTRACT IN AN AMOUNT NOT-TO-EXCEED \$285,560 FOR SUCH SERVICES

This item removed from the Consent Calender at the request of Councilmember Choi, who expressed concern over hiring a consultant at this time.

Colleen Clark, Great Park Deputy Chief Executive Officer, presented the staff report and responded to questions.

City Council discussion included: Fiscal impacts to the budget; duplication of fundraising efforts with the Great Park Design Studio and the Great Park Conservancy and long-term benefits of hiring a consultant to increase fundraising efforts.

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

- 1) Select Chora, LLC, as the private fundraising consultant for the Orange County Great Park and authorized the Chief Executive Officer to execute a consulting services contract in an amount not-to-exceed \$285,560 for such services.
- 2) Approve an increase to the Fiscal Year 2008-2009 Budget in the amount of \$285,560.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang and Krom
 NOES: 2 COUNCILMEMBERS: Choi and Shea

3.17 FUNDING AGREEMENT WITH THE FOUNDATION FOR THE GREAT PARK

ACTION:

- 1) Received and filed the Feasibility Study Funding Agreement with the Foundation for the Great Park Conservancy.
- 2) Approved a FY 2008-2009 Budget adjustment increasing revenues by \$100,000 to recognize funding participation from the Foundation for the Great Park and increasing expenditures for the Great Park Design Studio contract by \$100,000 for a Demonstration Garden Feasibility Study.

3.18 AUTHORIZATION TO NEGOTIATE AN AGREEMENT WITH CIRQUE DU SOLEIL

ACTION: Authorized the Chief Executive Officer of the Orange County Great Park to negotiate an agreement with the Cirque du Soleil to establish the Great Park as the Orange County host site location for its regular "touring" show, which would be expected to return to the Great Park during its touring season approximately every second or third year for the foreseeable future.

3.19 NAMING OF LAKEVIEW SENIOR CENTER DINING ROOM AND LIBRARY

This item was removed from the Consent Calendar at the request of Mayor Krom, who requested an amendment to the proposed naming of the dining room at the Lakeview Senior Center.

City Council discussion included appreciation and support of Derrel Kay and Homer W. Guimond.

Homer Guimond thanked the City Council and spoke of his current activities at the Senior Center.

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

- 1) Approve naming the dining room at Lakeview Senior Center the "Pat and Derrel Kay Café."
- 2) Approve the Senior Citizens' Council and the Community Services Commission recommendations to name the library at Lakeview Senior Center the "Homer W. Guimond Studio."

END CONSENT CALENDAR

4. COUNCIL BUSINESS

4.1 HERITAGE FIELDS DENSITY BONUS AGREEMENT

ACTION: Moved by Mayor Krom, seconded by Councilmember Shea, and unanimously carried to continue the item to the meeting of January 27, 2009 at 4:00 p.m.

END COUNCIL BUSINESS

5. PUBLIC HEARINGS

5.1 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

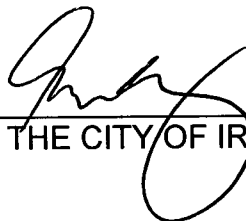
ACTION: At 7:18 p.m., moved by Mayor Krom, seconded by Councilmember Kang, and unanimously carried to continue the public hearing to the meeting of January 27, 2009 at 4:00 p.m.

PUBLIC COMMENTS

Gabriel Ramirez, Board Member Leadership Tomorrow, invited the City Council to identify and nominate civic leaders within the community for Leadership Tomorrow's awards ceremony on February 5, 2009.

ADJOURNMENT

Moved by Councilmember Shea, seconded by Councilmember Kang, and unanimously carried to adjourn at 7:19 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

December 9, 2008
