



**MINUTES
CITY COUNCIL
REGULAR MEETING
November 23, 2010
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:05 p.m. on November 23, 2010, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

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

CONVENE TO THE IRVINE REDEVELOPMENT AGENCY MEETING – 4:06 P.M.

RECONVENE TO THE CITY COUNCIL MEETING – 4:08 P.M.

1. CLOSED SESSION

- 1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to subdivision (a) of Government Code Section 54956.9(a)
one case: *Adams v. City of Irvine*, Orange County Superior Court
Case No. 30-2009-00287122**

City Attorney Phil Kohn announced the Closed Session item following which Mayor Kang convened to Closed Session at 4:09 p.m.

RECONVENE TO THE CITY COUNCIL MEETING – 5:07 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced that no reportable action was taken in Closed Session on Item No. 1.1.

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence in memory of the men and women who have honorably served and continue to serve in the Armed Forces, protecting our freedom.

MUSICAL PRESENTATION

Mayor Kang introduced Beckman High School sophomore Joshua Chou, who performed the "Star Spangled Banner" and "Jingle Jangle Jingle."

2. PRESENTATIONS

2.1 Presentation to Outgoing Councilmember Christina Shea

Mayor Kang commended Councilmember Shea for her 16 years of dedicated service to the Irvine community as Councilmember and former Mayor.

The following individuals also commended Councilmember Shea for her service to the community:

Bill Campbell, Orange County Supervisor, 3rd District

Mark Petracca

Greg Smith

Pat Rodgers

A.D. Zelinko

Ronnie Guyer, on behalf of Assemblyman Van Tran, 68th District

Carol Littschwager

Anthony Kuo, who presented certificates of recognition on behalf of Tom Harman, Senator 35th District; Mimi Walters, Senator 33rd District; and John Campbell, Congressman 48th District.

INTRODUCTIONS

City Manager Joyce introduced Teri Washle, Finance Administrator, who attended on behalf of Donna Mullally, Acting Director of Administrative Services.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Choi made a brief announcement about the Pacific American Volunteer Association (PAVA) event at City Hall.

Mayor Kang made the following announcements:

- The City of Irvine, in partnership with the Irvine 2/11 Marine Adoption Committee, is hosting a special toy drive through December 9 to benefit children and families of Irvine's adopted Marine battalion from Camp Pendleton. For toy drive information, call 949-230-4406.
- The City of Irvine, in partnership with Second Harvest Food Bank, will host a "Healthy Food Drive" from December 1st through January 15th to help feed families and seniors in need. For a complete list of drop-off locations and addresses, visit cityofirvine.org or call Second Harvest Food Bank at 949-653-2900.
- The Irvine Animal Care Center is hosting "Home for the Holidays," a pet adoption fair on Sunday, December 5th from 10 a.m.-3 p.m., to help more than 500 animals find new homes this holiday season. For more information, call 949-724-7740 or visit the Center's website at irvineshelter.org.
- The Orange County Great Park will host a reception for the art exhibition of photographs featuring images created by U.S. Marines at the former Marine Corps Air Station El Toro called "Phantoms Forever" on Thursday, December 9th at 8 p.m. in the Visitors Center. For more information, visit ocgp.org or call 949-724-7420.

ADDITIONS AND DELETIONS

There were none.

3. CONSENT CALENDAR

Consent Calendar Items consisted of Item Nos. 3.1 through 3.16.

ACTION: Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried to approve Consent Calendar Items 3.1 through 3.16, with the exception of Item No. 3.6, which was removed for separate discussion.

3.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on November 9, 2010.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 10-132 - 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. 10-133 - 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. 10-134 - 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 Tem Agran abstained.

3.5 ADOPTION OF AMENDMENTS TO CONFLICT OF INTEREST CODE

ACTION:

Adopted RESOLUTION NO. 10-135 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING APPENDIX A OF IRVINE CITY COUNCIL RESOLUTION NO. 08-113 PERTAINING TO THE CITY OF IRVINE’S CONFLICT OF INTEREST CODE AND LIST OF DESIGNATED EMPLOYEES

3.6 FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT AND SPECIAL FUNDS YEAR END REPORT

This item was removed for separate discussion by City Manager Joyce, for further clarification of Finance Commission recommended actions.

Public comments included: Don Dressler, Finance Commissioner, spoke on the use of System Development Funds.

City Council discussion included: clarification of the policy and use of System Development funds and the proper allocation of those funds.

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

ACTION:

- 1) Approve the continuation of 381 capital projects with budgets totaling \$269.1 million to fiscal year 2010-11.
- 2) Approve the closure of 47 projects, with \$54.5 million in expenditures.
- 3) Allocate \$400,000 to a new capital improvement project to assess the needs of Adventure Playground.
- 4) Approve the adjustment of inter-fund transfers to match the existing and proposed changes to capital project funding.
- 5) Increase the Contingency Reserve Fund by \$2.6 million by transferring \$0.6 million and \$2 million from the General Fund and Telephone, Mail, Duplicating Service Fund, respectively, and adjusting related expenditure, revenue and inter-fund transfers accordingly.
- 6) Approve \$2.6 million in inter-fund transfer and revenue adjustments and \$0.3 million in funding for outstanding purchase orders.

3.7 JAMBOREE/I-5 WIDENING AND INTERCHANGE IMPROVEMENTS - CAPITAL IMPROVEMENT PROJECT (CIP) 317090

ACTION:

- 1) Approved the plans, specifications, and contract documents for the Jamboree/I-5 Widening and Interchange Improvements, Capital Improvement Project (CIP) 317090, on file with the Public Works Department.
- 2) Authorized the Mayor to execute Amendment No. 1 to Cooperative Agreement No. 12-592 with Caltrans for the project design and right-of-way phase.
- 3) Authorized the Mayor to sign Cooperative Agreement No. 12-0628 with Caltrans for the project construction phase.
- 4) Authorized the Mayor to execute Amendment 2 to Freeway

Maintenance Agreement No. ORA-30-8623 with Caltrans for the maintenance of areas within State right-of-way.

- 5) Adopted RESOLUTION NO. 10-136 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE FOR PROPERTY ACQUISITION FOR THE CONSTRUCTION OF THE JAMBOREE/I-5 WIDENING AND INTERCHANGE IMPROVEMENTS

3.8 IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2010

ACTION:

Adopted RESOLUTION NO.10-137 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECEIVING, ACCEPTING, AND FILING THE IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR 2009-10 FOR THE ORANGE COUNTY GREAT PARK REDEVELOPMENT PROJECT AREA

3.9 ROLLER HOCKEY CENTER LEASE AGREEMENT

ACTION:

Terminated the existing Lease expiring December 31, 2010, and approve a nine-month Lease Agreement effective October 1, 2010 between the City of Irvine and 949 Roller Hockey Center (Eddie Limbaga, individual operator) for the operation of the Roller Hockey Center located at 3150 Barranca Parkway, and authorize the City Manager to sign and execute all necessary documents.

3.10 FINAL TRACT MAP NOS. 17179, 17328, 17329, 17371, 17372, 17382, 17383 AND 17394 NOTICE OF PENDING APPROVAL FOR RESIDENTIAL CONDOMINIUMS IN PLANNING AREA 18, STONEGATE, AND PLANNING AREA 40

ACTION:

Received and filed.

3.11 MEMORANDUM OF UNDERSTANDING FOR THE MANAGEMENT OF ROADS, TRAILS, AND FIRE BARRIERS ON SUBJECT LANDS AND URBAN WILDLANDS IN CENTRAL AND COASTAL ORANGE COUNTY

ACTION:

Authorized the Mayor to execute the Memorandum of Understanding among the City of Irvine, Orange County Parks, California Department of Parks and Recreation Orange Coast District, California Department of Fish and Game South Coast Region, the Irvine Company, Orange County Fire Authority, and Southern

California Edison for the management of infrastructure within open space and urban wildlands in central and coastal Orange County.

3.12 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2010 AND AUDITORS' COMMUNICATION

ACTION:

Received and filed.

3.13 SINGLE AUDIT OF FEDERAL AND SELECTED STATE ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2010

ACTION:

Received and filed.

3.14 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2010

ACTION:

Received and filed.

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 ORANGE COUNTY GREAT PARK FISCAL YEAR 2009-10 YEAR-END BUDGET REVIEW, CARRYOVER FUNDING REQUEST, AND CAPITAL IMPROVEMENT PROJECT (CIP) AND FEASIBILITY STUDY FUNDING ADJUSTMENTS

ACTION:

- 1) Received and filed the year-end budget update report for the fiscal year ended June 30, 2010.
- 2) Approved a budget adjustment in the amount of \$2,888,091 for Carryover funding from unfinished purchase orders and year-end surplus requests for expenditures approved in FY 2009-10, and appropriate that funding in FY 2010-11.
- 3) Approved budget adjustments to align the FY 2010-11 budget with the remaining allocation of funds in each CIP project, and remove project savings from certain projects.
- 4) Approved a budget adjustment aligning grant and feasibility study

funding sources for FY 2010-11.

END CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 BUILDING AND FIRE CODE ADOPTION

City Manager Joyce introduced Eric Tolles, Interim Director of Community Development; Joseph Kirkpatrick, Deputy Building Official; and Laura Blaul, Orange County Fire Authority Fire Marshall; who presented the staff report and responded to questions.

Mayor Kang opened the public hearing at 6:48 p.m. There were no public comments.

ACTION: Moved by Mayor Pro Tem Agran, seconded by Councilmember Choi, and unanimously carried to close the public hearing at 6:48 p.m.

City Council discussion included: clarification of wildland and residential building fire prevention tools and the use and operation of sprinklers in homes and businesses.

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

ACTION:

- 1) Adopt RESOLUTION NO. 10-138 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS THAT REQUIRE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING STANDARDS CODE REASONABLY NECESSARY FOR BUILDING OCCUPANCIES IN THE CITY OF IRVINE
- 2) Introduce for first reading and read by title only ORDINANCE NO. – An ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, AND 6 OF DIVISION 9 OF SECTION 5 AND CHAPTER 9 OF DIVISION 7 OF SECTION 6 OF THE IRVINE MUNICIPAL CODE PERTAINING TO BUILDING AND FIRE CODE REGULATIONS

5. COUNCIL BUSINESS

5.1 PROPOSITION 116 OPERATING FUNDS AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY

Mayor Kang read a brief statement into the record about the action made by the Orange County Transportation Authority Board in support of the proposed agreement and action.

City Manager Joyce introduced Shohreh Dupuis, Manager of Transit and Transportation; and Amelia Jennings, Transit Programs Administrator; who provided the staff report and responded to questions.

City Council discussion included: clarification of the implementation of the Proposition 116 funds, current and future management and operation costs of the iShuttle program and future iShuttle transportation routes within the Spectrum and Irvine Business Complex areas.

ACTION: Moved by Councilmember Krom, seconded by Councilmember Choi, to:

ACTION:

Authorize the Mayor to execute Cooperative Agreement C-0-1892 with the Orange County Transportation Authority (OCTA) for implementation of the Proposition 116 fund exchange agreement and direct staff to process the necessary budget adjustment to receive funds for operation of the iShuttle in Fiscal Year 2010-11.

The motion carried as follows:

AYES:	4	COUNCILMEMBERS:	Agran, Choi, Krom and Kang
NOES:	1	COUNCILMEMBERS:	Shea
ABSENT:	0	COUNCILMEMBERS:	None

5.2 FISCAL YEAR 2009-2010 GENERAL FUND YEAR-END REPORT

City Manager Joyce introduced Dave Tungate, Manager of Budget and Business Planning; and Ken Brown, Budget Officer, who provided the staff report and responded to questions.

City Council discussion included: clarification of the current economic environment and future economic forecasts, use of the Contingency Reserve Funds in the current and future fiscal years and the implementation of the Bridge Plan.

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

ACTION:

- 1) Receive and file the Budget Update for Fiscal Year ended June 30, 2010.
- 2) Approve a Budget Adjustment for Pre-Allocated Year-End Surplus to transfer \$23,300 to the Irvine Educational Partnership Fund.
- 3) Approve a Budget Adjustment for Prior City Council Actions/Directions allocating \$17,000 in expenditures for specific projects/programs previously approved by the City Council in FY 2009-10 that were not initiated and/or completed by the end of the fiscal year.
- 4) Approve a Budget Adjustment allocating Year-End Surplus funding for outstanding Purchase Orders in the amount of \$162,750.

PUBLIC COMMENTS

Christopher Pitet of Grobaty & Pitet LLP and representing Chateaux Restaurant & Lounge spoke in support of continuing to conduct business in the City and commented on an agreement between the City and the business.

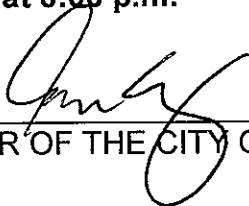
Mayor Kang read into the record a letter written by Irvine resident Susan Fybel in support of cell towers in Turtle Rock.

The following individuals spoke in support of Adventure Playground:

Jonathon Gerrard
Mylinh Nguyen
Alex Hillenbrand

ADJOURNMENT

Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried to adjourn the meeting at 8:06 p.m.



 MAYOR OF THE CITY OF IRVINE



 CITY CLERK OF THE CITY OF IRVINE

December 14, 2010