

SUKHEE KANG  
Mayor

LARRY AGRAN  
Mayor Pro Tempore

STEVEN CHOI  
Councilmember

BETH KROM  
Councilmember

CHRISTINA SHEA  
Councilmember



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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 City 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 City Council are recognized. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

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## **CALL TO ORDER**

## **ROLL CALL**

### **1. [CLOSED SESSION](#)**

- 1.1 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION**  
***Pursuant to Government Code section 54956.9 (a): City of Irvine v. Irvine Unified School District (Orange County Superior Court Case No. 30-2009-00283517)***

## **RECONVENE TO THE CITY COUNCIL MEETING**

## **PLEDGE OF ALLEGIANCE**

## **MOMENT OF SILENCE**

## **MUSICAL PRESENTATION**

**2. PRESENTATIONS**

- 2.1 *Orange County Human Relations Commission Annual Report***
- 2.2 *Proclaim December 1-8, 2009, as "The Week of the African Child."***
- 2.3 *Irvine Public Schools Foundation-Walk to School Event Report***

**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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**3. CONSENT CALENDAR**

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

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**3.1 MINUTES**

**ACTION:** Approve the minutes of a regular meeting of the Irvine City Council held on November 10, 2009.

**3.2 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

**3.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T**

**ACTION:** Adopt RESOLUTION NO. - 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 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

**3.5 CITY COMPLIANCE WITH STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE**

**ACTION:** Adopt RESOLUTION NO.- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE TO FIND THE EXISTING CITY OF IRVINE SUSTAINABILITY IN LANDSCAPING ORDINANCE IS AT LEAST AS EFFECTIVE AS THE STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE

**3.6 FISCAL YEAR 2010-11 BICYCLE TRANSPORTATION ACCOUNT PROGRAM**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE GRANT APPLICATIONS FOR THE FISCAL YEAR 2010-11 BICYCLE TRANSPORTATION ACCOUNT PROGRAM

**3.7 AMENDMENT TO THE PARKING VIOLATION BAIL SCHEDULE INCREASING VEHICLE PARKING PENALTIES**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE CITY'S PARKING VIOLATION BAIL SCHEDULE INCREASING PARKING VIOLATION PENALTIES

**3.8 2009 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

**ACTION:**

- 1) Accept a 2009 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$16,193 as a subgrantee of the County of Orange.

- 2) Authorize the City Manager to approve and execute, and the City Clerk to attest to an Agreement to Transfer Funds associated with the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program between the County of Orange and the City of Irvine.
- 3) Authorize \$1,619 of the Edward Byrne Memorial Justice Assistance Grant to be utilized by the County of Orange to provide partial funding of the Pro-Active Methamphetamine Laboratory Investigative Team and to administer the grant.
- 4) Approve a budget adjustment request in the amount of \$13,117 for revenues and appropriations.

**3.9 FISCAL YEAR 2008-2009 CAPITAL IMPROVEMENT AND SPECIAL FUNDS YEAR-END REPORT**

**ACTION:**

- 1) Approve the continuation of 393 capital projects with budgets totaling \$294.1 million net of \$21.9 million in project closures, removal of \$15.6 million surplus funds of on-going projects and reallocations of \$24.9 million to FY 2009-10.
- 2) Approve the closure of 84 completed projects, with \$87.5 million in expenditures.
- 3) Approve the transfer of \$2.3 million and \$1.2 million from the Infrastructure and Rehabilitation Fund to the Contingency Reserve Fund and General Fund respectively, and \$3.2 million from the Insurance Fund to the Contingency Reserve Fund.
- 4) Approve the adjustment of interfund transfers needed for capital projects among the General Fund, Contingency Reserve, Infrastructure and Rehabilitation, Gas Tax, Measure M-Turnback, System Development (SDC), and Air Quality Management District (AQMD) Funds for the Fiscal Year beginning July 1, 2009.
- 5) Approve funding for outstanding purchase orders and continuing activities from other Special Funds totaling \$5.8 million.

**END CONSENT CALENDAR**

**4. COUNCIL BUSINESS**

**4.1 FISCAL YEAR 2008-2009 GENERAL FUND YEAR-END REPORT**

**ACTION:**

- 1) Receive and file the Budget Update for Fiscal Year ending June 30, 2009.
- 2) Approve a Budget Adjustment for Reservations (Loans, Due To/From Other Funds, Audit Reserve) to transfer \$1,803,308 to the

- Building & Safety Fund (024), and \$314,235 to the Development Engineering Fund (027).
- 3) Approve a Budget Adjustment for Pre-Allocated Year-End Surplus to transfer \$500,000 to the Irvine Educational Partnership Fund.
  - 4) Approve a Budget Adjustment for Prior City Council Actions/Direction allocating \$130,937 in expenditures and \$55,937 in revenues for specific projects/programs previously approved by the City Council in FY 2008-09 that were not initiated and/or completed by the end of the fiscal year.
  - 5) Approve a Budget Adjustment allocating Year-End Surplus funding for outstanding Purchase Orders in the amount of \$379,624.
  - 6) Approve a Budget Adjustment to transfer the remaining \$2,600,398 Unallocated Year-End Surplus balance to the Contingency Reserve Fund (006).
  - 7) Approve a Budget Adjustment to reduce the General Fund budget to implement the Resolution Containing Terms and Conditions of Employment for the Irvine Police Association, which was adopted at the August 11 th City Council meeting with an effective date of July 1, 2009, and transfer the funds to the Contingency Reserve Fund (006).

**4.2 [REQUEST FOR IN-KIND CITY SUPPORT FOR A KOREAN AMERICAN DAY CELEBRATION EVENT SPONSORED BY PACIFIC AMERICAN VOLUNTEER ASSOCIATION \(PAVA\)](#)**

**ACTION:** Consider request to approve non-economic sponsorship of the Pacific American Volunteer Association (PAVA) event at the Civic Center.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS (Limited to 3 minutes per speaker)**

**Public comments will be heard at approximately 6:30 p.m. or prior to adjournment, whichever occurs earlier.**

**ADJOURNMENT**

**NOTICE TO THE PUBLIC**

**LIVE BROADCASTING**

Regular 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 once the agenda is publicly posted, (at least 72 hours prior to a regular City Council meeting). 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.

**SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA**

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda after the posting of the agenda will be available for public review in the City Clerk's Office, One Civic Center Plaza, Irvine, California, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

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.

**SUBMITTAL OF INFORMATION BY MEMBERS OF THE PUBLIC FOR  
DISSEMINATION OR PRESENTATION AT PUBLIC MEETINGS**

Media Types and Guidelines

1. Written Materials/handouts:

Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the City Council. Please provide 15 copies of the information to be submitted and file with the City Clerk at the time of arrival to the meeting. This information will be disseminated to the City Council at the time testimony is given.

2. Large Displays/Maps/Renderings:

Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the City Clerk's Office at (949)724-6205 no later than 12:00 noon on the day of the scheduled meeting so that an easel can be made available, if necessary.

3. Electronic Documents/Audio-visuals:

Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Public Information Office (PIO) no later than 12:00 noon on the day of the scheduled meeting. To facilitate your request contact the PIO Office at (949)724-6248 or the City Clerk's Office at (949)724-6205.

Information must be provided on CD, DVD, or VHS; or, emailed by 12:00 noon on the day of the scheduled meeting to [pio@ci.irvine.ca.us](mailto:pio@ci.irvine.ca.us). Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a day time phone number.

The PIO office will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed or if the version provided is incompatible with the City's system. Every effort will be made by City staff to facilitate the presentation.

### **PUBLIC COMMENT**

Any member of the public may address the City Council on items within the City Council's subject matter jurisdiction but which are not listed on this agenda during Public Comment; however, no action may be taken on matters that are not part of the posted agenda. If you would like to address the City Council during the Public Comment portion of the Agenda, please complete the Request to Speak Form. The card is at the table at the entrance to the City Council Chamber. Please complete the card with your name, \*address, and \*phone number (\*optional), and return to the City Clerk. The Request to Speak Form assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. Your name will be called at the time Public Comment is taken by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

### **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-judicative 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-judicative 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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Sharie Apodaca, MMC  
City Clerk