



AGENDA

CITY COUNCIL REGULAR MEETING

Sukhee Kang
Mayor

Beth Krom
Mayor Pro Tempore

Larry Agran
Councilmember

Steven Choi
Councilmember

Jeffrey Lalloway
Councilmember

**November 13, 2012
4:00 PM**

**City Council Chamber
One Civic Center Plaza
Irvine, CA 92606**

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 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.

CALL TO ORDER

ROLL CALL

1. [CLOSED SESSION](#)

- 1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
pursuant to Government Code section 54956.9(a) -- one case:
*Bergstedt v. City of Irvine, Orange County Superior Court Case Nos.
30-2011-00512439 and 30-2011-00516958 (consolidated).***

[PLEDGE OF ALLEGIANCE](#)

[MOMENT OF SILENCE](#)

MUSICAL PRESENTATION

2. PRESENTATIONS

2.1 *Wall of Recognition Honorees*

2.2 *Irvine 2/11 Committee Update*

2.3 *Waste Management of Orange County "Irvine Recycling Champions" Recognition*

2.4 *Outreach for Hurricane Sandy and New Community-Supported "Irvine Gives" Webpage*

CITY MANAGER'S REPORT

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

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.

ADDITIONS AND DELETIONS

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.

3. CONSENT CALENDAR

All matters listed under Consent Calendar are considered by the City Manager 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.

3.1 MINUTES

ACTION:

Approve the minutes of a special meeting of the Irvine City Council held on October 23, 2012.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopt - 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 - 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:

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 SINGLE AUDIT OF FEDERALLY ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2012

ACTION:

Receive and file.

3.6 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2012

ACTION:

Receive and file.

3.7 FISCAL YEAR 2011-12 CAPITAL IMPROVEMENT AND SPECIAL FUNDS YEAR END REPORT

ACTION:

- 1) Approve the continuation of 353 City and Special District capital projects with budgets totaling \$179.7 million to Fiscal Year 2012-13.
- 2) Approve the closure of 45 completed projects, with \$54.2 million in expenditures.
- 3) Approve the adjustment of inter-fund transfers needed for capital projects among the General, Infrastructure and Rehabilitation, Measure M Turnback, Gas Tax, System Development Charge, Renewed Measure M2 Fairshare, Fees and Exactions, Community Facility District, and Fleet Service Funds for the fiscal year beginning July 1, 2012.

- 4) Approve funding for outstanding purchase orders and continuing activities in the Special Funds totaling \$2.7 million.

3.8 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2012 AND AUDITORS' COMMUNICATION

ACTION:

Receive and file.

3.9 ASSESSMENT DISTRICTS LETTER OF CREDIT SUBSTITUTION

ACTION:

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBSTITUTION OF AN ALTERNATE LETTER OF CREDIT FOR AN EXISTING LETTER OF CREDIT FOR THE ASSESSMENT DISTRICT NO. 93-14 LIMITED OBLIGATION IMPROVEMENT BONDS, ADJUSTABLE RATE SERIES, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REIMBURSEMENT, CREDIT AND SECURITY AGREEMENT, A LETTER AGREEMENT, A SIXTH SUPPLEMENTAL INDENTURE AND A FIRST AMENDMENT TO PROTOCOL AGREEMENT APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A REMARKETING MEMORANDUM AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS

3.10 JAMBOREE PAVEMENT REHABILITATION FROM CAMPUS TO MACARTHUR

ACTION:

Approve the plans, specifications and contract documents for Jamboree Pavement Rehabilitation from Campus to MacArthur, Capital Improvement Project 311301.

3.11 CAMPUS DRIVE PAVEMENT AND LANDSCAPING REHABILITATION FROM CULVER TO UNIVERSITY

ACTION:

Approve the plans, specifications and contract documents for Campus Drive Pavement and Landscaping Rehabilitation from Culver to University, Capital Improvement Projects 311308 and 351202.

3.12 SET PUBLIC HEARING FOR CHANGES AND MODIFICATIONS FOR ASSESSMENT DISTRICT NO. 07-22 (STONEGATE AND STONEGATE

EAST)

ACTION:

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SETTING A PUBLIC HEARING FOR CHANGES AND MODIFICATIONS FOR ASSESSMENT DISTRICT NO. 07-22

3.13 ACCEPTANCE OF 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

ACTION:

- 1) Accept a 2012 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$10,278 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 2012 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program between the County of Orange and the City of Irvine.
- 3) Authorize \$1,953 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 \$10,278, reflecting an increase in revenues and appropriations.

3.14 BUDGET ADJUSTMENT TO ESTABLISH CAPITAL IMPROVEMENT PROJECT FOR PLAZA NEIGHBORHOOD PARK PLAYGROUND REHABILITATION

ACTION:

- 1) Establish a new Capital Improvement Project (CIP 371303) for site survey, utility detection and topographical evaluation for the Plaza Neighborhood Park Playground area.
- 2) Allocate \$40,000 from available fund balance from the closure of Deerfield Community Park Playground Rehabilitation project (CIP 378040) to Plaza Neighborhood Park Rehabilitation project (CIP 371303).

3.15 GRANT FROM MEDICI FOUNDATION AT CANCER CENTER OF IRVINE

ACTION:

Approve a budget adjustment for acceptance of a \$25,000 grant from the Medici Foundation at Cancer Center of Irvine to fund the Irvine Children's Health Program.

END CONSENT CALENDAR

4. PUBLIC HEARINGS

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 are requested to complete a form and provide it to the City Clerk prior to the hearing.
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.

4.1 **APPROVAL OF CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY VARIABLE RATE DEMAND REVENUE BONDS**

ACTION:

- 1) Receive staff report.
- 2) Open the public hearing; receive public input.
- 3) Close the public hearing.
- 4) City Council comments and questions.
- 5) Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE KELVIN COURT APARTMENTS

5. COUNCIL BUSINESS

5.1 **BOND ISSUANCE FOR ASSESSMENT DISTRICT NO. 11-24**

ACTION:

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE NOT TO EXCEED \$38,655,000 OF CITY OF IRVINE ASSESSMENT DISTRICT NO. 11-24 LIMITED OBLIGATION IMPROVEMENT BONDS, SERIES A, APPROVING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND OTHER MATTERS RELATED THERETO

5.2 **FISCAL YEAR 2011-12 GENERAL FUND YEAR-END REPORT**

ACTION:

- 1) Receive and file the Budget Update Report for the fiscal year ended June 30, 2012.
- 2) Approve a budget adjustment for prior City Council actions/direction allocating \$15,500 in expenditures for specific projects/programs previously approved by the City Council in Fiscal Year 2011-12 that were not completed by the end of the fiscal year.
- 3) Approve a budget adjustment allocating \$283,830 of year-end

- General Fund balance for outstanding encumbrances and purchase orders.
- 4) Approve a budget adjustment increasing allocations and transfers by \$1,250,000 for various priority facility maintenance and rehabilitation projects and approve the establishment of new capital improvement projects and other accounts, as necessary, to account for the public facility improvement effort.
 - 5) Approve a budget adjustment increasing allocations and transfers by \$5,125,495 for other programs and projects recommended by the City Manager including the establishment of new capital improvement projects and other accounts, as necessary, to account for adopted City Manager recommendations.
 - 6) Leave for allocation at a later time the remaining Unallocated Year-End Balance to preserve the City Council’s flexibility in determining future funding options for a tenant improvement project at the Irvine Train Station.
 - 7) Consider the Finance Commission’s recommendation that the Contingency Reserve Fund target balance be increased from 15% to 20% over the course of the next three fiscal years.

5.3 CONSIDERATION OF RECOGNITION OF MARY ANN GAIDO

ACTION:

City Council discussion and direction.

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 2nd and 4th 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. 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 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://www.cityofirvine.org/cityhall/citymanager/pio/ICTV/citycouncil/default.asp>.

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)724-6253 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. 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 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-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 90th 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:

- City Clerk's Office
- Police Department
- Local library
- City's web page at 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.

Sharie Apodaca, MMC
City Clerk