



**MINUTES  
CITY COUNCIL  
REGULAR MEETING  
February 12, 2008  
City Council Chamber  
One Civic Center Plaza**

**CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order at 4:03 p.m., on February 12, 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**

The City Council convened in Closed Session at 4:05 p.m.

**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 - ANTICIPATED LITIGATION -  
Government Code § 54956.9(b); significant exposure to litigation  
(one potential case).**

**RECONVENE**

Mayor Krom reconvened the meeting at 5:02 p.m.

Phil Kohn, City Attorney, reported that in the case of Trager v. City of Irvine, the City Council unanimously (5-0 vote) approved a settlement in the amount of \$28,000.00.

## **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 Concordia University students Senzy Khumalo, Portia Xaba, and Brittney Wheeler, who performed "America the Beautiful," "Lift Every Voice and Sing," and "Bayethe."

## **2. PRESENTATIONS**

The following presentations were made:

### ***2.1 Irvine Ranch Water District's Installation of 700 Solar Panels***

Paul Jones of the Irvine Ranch Water District provided information on the District's success on the installation of solar panels at the Sand Canyon Facility.

### ***2.2 Irvine Transit Program***

Manuel Gomez, Director of Public Works, introduced Cindy Krebs, Manager of Transit and Transportation; Katie Berg-Curtis, Project Development Administrator; Jolene Hayes, Supervising Transportation Analyst; and Gary Hewitt, Senior Transportation Analyst; who presented information on the "Go Local" program and updates on various transit programs within the City of Irvine.

## **INTRODUCTIONS**

Councilmember Choi introduced Alireza Jazayeri, Senior Councilmember, who was recently appointed to the Orange County Workforce Investment Board by Orange County Supervisor Bill Campbell.

Councilmember Choi announced that Jeanne Luong, Community Services Commissioner, has submitted her resignation from the Commission effective February 29, 2008. He presented her a Certificate of Recognition and thanked her for her service.

City Manager Sean Joyce introduced Pamela Baird, Senior Management Analyst in the City Manager's Office.

### **CITY MANAGER'S REPORT**

There was no City Manager's Report.

### **ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

The following announcements were made:

- Irvine Tennis Day will take place on Saturday, February 23 from 11:00 a.m. to 4:00 p.m. at Heritage Park. This free community event features a "Meet and greet" with tennis star Michael Chang; on-court lessons with teaching professionals; Mommy, Daddy and Me tennis classes for children ages two through six; a Wilson, Dunlop & Head racket demo clinic; plus heart-pumping cardio tennis, health exhibits and more. Admission is free.
- The first concert of the "Sounds of Spring" concert series will be held on Sunday, February 24 at 4:00 p.m., in Council Chambers at the Irvine Civic Center with a reception to follow. Admission is free. The community is invited to enjoy an afternoon of solo and ensemble chamber music performed by University of California Irvine (UCI) Chamber Fest.
- A reception for the "The Art of Ink: International Contemporary Calligraphy" exhibition will be held on Friday, February 29 from 5:30 p.m. to 7:30 p.m. at the Irvine Fine Arts Center. Using unconventional colors and formats, international artists offer fresh interpretations of Korean character brush paintings and seal carvings. Admission is free. The exhibition continues through March 29.

### **ADDITIONS AND DELETIONS**

City Manager Joyce noted that a request was made to remove Item 4.2 for future consideration.

### **3. CONSENT CALENDAR**

**ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tem Kang, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.12. Item 3.13 was removed for separate discussion as noted below:**

**3.13 AMENDMENT TO THE POSITION CONTROL RESOLUTION OF THE CITY OF IRVINE**

**3.1 MINUTES**

**ACTION:**

- 1) Approved the minutes of a regular meeting of the City Council held on January 22, 2008.
- 2) Approved the minutes of a special meeting of the City Council held on January 29, 2008.

**3.2 PROCLAMATIONS / COMMENDATIONS**

**ACTION:**

- 1) Proclaimed the month of February, 2008 as "American Heart Month."
- 2) Commended the University of California, Irvine 2007 Men's Volleyball Championship.

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

**ACTION:** Adopted RESOLUTION NO. 08-07 - 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.

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

**ACTION:** Adopted RESOLUTION NO. 08-08 - 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.

**3.5 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO. 08-09 - 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

**3.6 VACATION OF A PORTION OF REGAL, WOODBURY (PLANNING AREA 9)**

**ACTION:** Adopted RESOLUTION NO. 08-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE TO ORDER THE VACATION OF A PORTION OF REGAL WITHIN WOODBURY (PLANNING AREA 9) PURSUANT TO CHAPTER 4, SUMMARY VACATION, STREETS AND HIGHWAYS CODE SECTION 8330 ET. SEQ

**3.7 COUNTY OF ORANGE PROPOSITION 42 FUNDING AGREEMENT**

**ACTION:** Authorized the Mayor to execute the City Aid Program Agreement with the County of Orange for participation in the County's Proposition 42 Funding Program. **(Contract No. 5848)**

**3.8 PURCHASE AND SALE AGREEMENT BETWEEN REGENTS OF THE UNIVERSITY OF CALIFORNIA AND THE CITY OF IRVINE (PLANNING AREA 50)**

**ACTION:** Authorized the Mayor to execute a Purchase and Sale Agreement with the Regents of the University of California. **(Contract No. 5849)**

**3.9 FISCAL YEAR 2008-09 THROUGH 2010-11 COMBINED TRANSPORTATION FUNDING PROGRAMS APPLICATIONS**

**ACTION:** Adopted Resolution No. 08-11 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBMITTAL OF FUNDING APPLICATIONS FOR TRANSPORTATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAMS

**3.10 VACATION OF A PORTION OF WARNER AVENUE, IRVINE BUSINESS COMPLEX (PLANNING AREA 36)**

**ACTION:** Adopted RESOLUTION NO. 08-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE TO ORDER THE VACATION OF A PORTION OF WARNER AVENUE WITHIN IRVINE BUSINESS COMPLEX (PLANNING AREA 36) PURSUANT TO CHAPTER 4, SUMMARY VACATION, STREETS AND HIGHWAYS CODE SECTION 8330 ET. SEQ.

**3.11 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND**

**ACTION:**

- 1) Accepted a Supplemental Law Enforcement Services Fund award in the amount of \$10,585.11.
- 2) Approved proposed expenditures and a budget adjustment request form in the amount of \$10,585.11 for Fiscal Year 2007-08, increasing revenues and authorizing appropriation of the award funding.

**3.12 FINAL TRACT MAP - NOTICE OF REVIEW OF TRACT MAP NO. 16852**

**ACTION:** Received and filed.

**3.13 AMENDMENT TO THE POSITION CONTROL RESOLUTION OF THE CITY OF IRVINE**

This item was removed for separate discussion by Councilmember Choi.

City Council discussion included: Whether or not CEO recruitment will continue as a result of the added position; additional high-priority projects at the Orange County Great Park; the necessity of an additional Deputy Chief Executive Officer; why this item was placed on the agenda as a Consent Calendar item rather than under Council Business; whether the interviewee was officially hired during the Closed Session at the OCGP Board Meeting or just merely interviewed; whether or not the position was created in Closed Session at the OCGP Board Meeting and if the intention is for individual to promote to Chief Executive Officer within six months; whether or not a violation of the Brown Act was committed during Closed Session at the OCGP meeting; open discussion of the CEO recruitment; whether or not this additional position is necessary; breaches of confidentiality on items discussed within Closed Sessions; and excerpts from the First Amendment Coalition.

**ACTION:** It was moved by Mayor Krom and seconded by Councilmember Agran to:

- 1) Adopt RESOLUTION NO. 08-13 – 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 2007-2008 FISCAL YEAR, AND SUPERSEDING RESOLUTION NO. 07-119, WHICH IS INCONSISTENT THEREWITH
- 2) Approve a budget adjustment appropriating \$110,000 from the Orange County Great Park fund balance.

**The motion carried as follows:**

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

**END CONSENT CALENDAR**

**4. COUNCIL BUSINESS**

**4.1 CITY OF IRVINE EDUCATIONAL PARTNERSHIP FUND FUNDING LEVELS**

Mayor Pro Tem Kang, who also serves as Chair of the Irvine Educational Partnership Fund (IEPF), introduced the item.

Gina Park, Assistant to the City Manager; and Sheila Driscoll, Community Services Superintendent, presented the staff report.

Marcia Noonan of the Irvine Unified School District spoke in favor of the item and provided information on past accomplishments resulting from the City's financial support.

Debbie Rugani of the Irvine Public Schools Foundation spoke in favor of the item and provided information on the level of health services provided to Irvine Unified School District students as a result of the City's financial support. She also mentioned that Jerry Mandell has been named the new Chief Executive Officer of the Irvine Public Schools Foundation and will assume his new position on February 18th.

Nancy Colocino of the Irvine Unified School District spoke in support of the item and health education at the elementary level.

Riza Querubin of the Tustin Unified School District thanked the City Council for their continued support and generosity for the 2008-09 school year.

City Council discussion included: The positive and successful efforts made by the IEPF; how funding levels are determined for the Tustin Unified School District (TUSD) based on the population of Irvine students; and the current student/nurse ratio and whether or not a possibility exists to utilize retired nurses in the community.

**ACTION:** It was moved by Mayor Krom, seconded by Councilmember Shea, and unanimously carried to:

Approve the Educational Partnership Fund Advisory Committee recommendations for program selection and funding levels for the 2008-2009 Educational Partnership Fund Program.

**IRVINE UNIFIED SCHOOL DISTRICT**

<b>Organization/Applicant</b>	<b>Program</b>	<b>Funding</b>
Irvine Public Schools Foundation	School Nurses	\$90,000
Irvine Public Schools Foundation	Health Clerks	\$70,000
Irvine Unified School District	High School Project Success	\$77,850
Irvine Unified School District	Middle School Project Success	\$65,330
Irvine Unified School District	Elementary Guidance Assistant Program for Grades K-3	\$58,444
Irvine Unified School District	Elementary Guidance Assistant Program for Grades 4-6	\$78,410
Families Forward	School Readiness Program (Multi-Year program – 2 years)	\$0
American Academy of Pediatrics	PE4ME	\$11,166
<b>IUSD TOTAL:</b>		<b>\$451,200</b>

**TUSTIN UNIFIED SCHOOL DISTRICT**

<b>Organization/Applicant</b>	<b>Program</b>	<b>Funding</b>
American Academy of Pediatrics	PE4ME	\$4,908
Tustin Unified School District	School Nurse	\$41,169
Tustin Unified School District	Salad Bar at Hicks Canyon Elementary School	\$7,630
<b>IUSD TOTAL:</b>		<b>\$451,200</b>
<b>TUSD TOTAL:</b>		<b>\$53,707</b>
<b>GRAND TOTAL:</b>		<b>\$504,907</b>

**4.2 CONSIDERATION OF THE ADOPTION OF A RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE KOREA-U.S. FREE TRADE AGREEMENT (KORUS FTA)**

This item was removed from the agenda for future consideration.

**4.3 IRVINE DEMOCRACY PROJECT: VOTE 2008 UPDATE**

Sharie Apodaca, City Clerk; and Teri Beach, Assistant City Clerk, presented the staff report.

City Council discussion included: positive results in voter registration, vote-by-mail and early voting statistics; on-going work in conjunction with the Orange County Registrar of Voters and local high schools; voter turnout in the county and how it compared to the state turnout; low expenditures to date implementing the project; the success of "Irvine Democracy Day"; how high school students can be enlisted to assist with voter outreach efforts; future city-wide mailings; various options for the public to find their polling places; hosting forums for candidates within our district to discuss important issues affecting our municipalities; further outreach efforts utilizing our High School Youth Action Team (HSYAT) and our multicultural affairs organizations; and additional outreach efforts to local nonprofit organizations.

Received and filed.

**4.4 RUNWAY DEMOLITION UPDATE**

This item brought forward by Councilmember Shea.

Sharon Landers, Assistant City Manager and Interim CEO of the Orange County Great Park, provided an update on demolition and recycling of the runway at the former El Toro Marine Base.

City Council discussion included: Whether or not permits were issued by the City to RMC for runway demolition/recycling; financial condition of Heritage Fields and how it affects the agreement made with RMC; whether or not Heritage Fields is in breach of contract for the delay in demolition/recycling; the Orange County Great Park's strategy on how to resolve the issue with Heritage Fields; annual review of the project status; lack of updates by Heritage Fields to the City Council and the public; how the demolition and recycling affects the entire Great Park Project timeline; correspondence between the Mayor and Heritage Fields requesting regular updates; development fees and the dedication of land by Lennar as part of the Development Agreement between the City of Irvine and Heritage Fields; and a suggestion that Heritage Fields provide updates to the City Council and the community at a public meeting rather than in private meetings.

No action was taken.

**4.5 CONSIDERATION OF A BALLOT MEASURE TO BE PLACED ON THE JUNE 3, 2008 PRIMARY ELECTION BALLOT**

This item was brought forward by Mayor Krom.

City Council discussion included: The misunderstanding that the measure may be unconstitutional; inclusion of the entire Ethics Ordinance being part of the measure rather than including only portions of it; obligations of the City Councilmembers with respect to campaign finance; campaign finance at the state and city levels; public officials using their elected positions for financial gain; publicly-financed campaigns; expense of placing this item on the ballot; whether or not certain provisions of the Ethics Ordinance are already prohibited by state law and/or Fair Political Practices Commission (FPPC) regulations; further direction from the City Attorney for a clarified title; extension of the measure to appointed City commissioners; clarification of enforcement mechanisms/provisions outlined; inclusion of the Orange County Great Park Board of Directors as part of the measure; having the ballot measure signed by all councilmembers supporting it; and why the recommendation is to place the measure on the June ballot as opposed to the November ballot.

**ACTION: Original motion moved by Mayor Krom, seconded by Councilmember Shea to:**

Direct the City Attorney to return to the City Council by the February 26, 2008 meeting with appropriate documentation and ballot language to place a measure on the June 3, 2008 ballot prohibiting compensated lobbyist activities by the Mayor, City Council, Council Executive Assistants, and City commissioners during their term of elected or appointed service. In addition, prepare a title and ballot summary.

An amended motion was made by Councilmember Shea and seconded by Councilmember Choi to:

Include the entire Ethics ordinance (Ordinance No. 06-01) as part of the ballot measure.

The amended motion failed as follows:

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

**The original motion carried unanimously.**

## **PUBLIC COMMENTS**

There were no public comments.

## **ADJOURNMENT**

**Moved by Councilmember Shea, seconded by Mayor Pro Tem Kang, and  
unanimously carried to adjourn at 10:16 p.m.**

  
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MAYOR OF THE CITY OF IRVINE

  
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CITY CLERK OF THE CITY OF IRVINE

February 26, 2008