



**CALL TO ORDER – 4:04 p.m.**

A regular meeting of the Irvine City Council was called to order at 4:04 p.m. on November 24, 2009, 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

**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)**

City Attorney Phil Kohn announced the Closed Session item to be discussed, following which Mayor Kang convened to Closed Session at 4:05 p.m.

**RECONVENED TO 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.

## **PLEDGE OF ALLEGIANCE**

Mayor Kang led the Pledge of Allegiance.

## **MOMENT OF SILENCE**

Mayor Kang requested a moment of silence in memory of the Founding Fathers of our great country, our heroes of democracy, and all of the men and women of our military forces, who have made and continue to make, daily sacrifices to protect our freedoms and democratic system.

## **MUSICAL PRESENTATION**

Mayor Kang introduced the Irvine Classical Players Chambers Orchestra, who performed three movements from Bach's Orchestral Suite Number 2 in B minor.

## **2. PRESENTATIONS**

### ***2.1 Orange County Human Relations Commission Annual Report***

Mayor Kang introduced Dr. Ellen Olshansky, Director of the Department of Nursing at University of California, Irvine; Youval Yadlin, Woodbridge High School Student; and Felix Schwarz, representing the Orange County Human Relations Board of Directors, who provided the annual report.

### ***2.2 Proclaim December 1-8, 2009, as "The Week of the African Child."***

Mayor Kang introduced The Africa Project Board of Directors, Youth Action Team Members and Young Professional Board Members who spoke relative to The Africa Project's efforts to fight AIDS/HIV. Mayor Kang presented the group with a proclamation.

### ***2.3 Irvine Public Schools Foundation-Walk to School Event Report***

Mayor Kang introduced Debbie Rugani, Vice President of the Irvine Public Schools Foundation, who presented the report from this year's "Walk to School Day" event.

## **INTRODUCTIONS**

There was none.

## **CITY MANAGER'S REPORT**

There was none.

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

City Councilmembers made the following announcements:

- Councilmember Choi announced that the official Flyaway program inauguration was on Monday at Los Angeles International Airport. A FlyAway bus carrying him and Councilmember Christina Shea arrived at a news conference attended by Los Angeles Mayor Antonio Villaraigosa and Mayor Kang. He suggested increasing efforts to promote the program.
- Councilmember Krom announced she joined Mayor Kang on the City's Trade Mission to Tsukuba, Japan and Seoul, Korea which included reaffirmation of the sister city relationship with Tsukuba and the friendship city relationship with Nowon-gu in Seoul. She noted that Irvine can be instrumental in strengthening global relationships.
- Councilmember Choi attended the Pacific American Volunteer Association's (PAVA) first annual clean-up day at the San Diego Creek in Irvine on November 21, 2009.
- Mayor Pro Tem Agran announced the Purple Stride event held at Mason Park to raise awareness for Pancreatic Cancer.
- Mayor Pro Tem Agran attended the Irvine Korean Parents Association youth festival and concert at Woodbridge High School on November 14th.
- Mayor Pro Tem Agran announced the Orange County Great Park and American Chess Equipment held the 34<sup>th</sup> annual Staser Fall Scholastic Chess Tournament on Saturday, November 21<sup>st</sup> in hangar 241.
- Mayor Pro Tem Agran announced the concluding University of California at Irvine Master Gardener series class was held in the Food and Farm lab at the Orange County Great Park last weekend.

Mayor Kang made the following announcements:

- As 2009 marks the 20<sup>th</sup> anniversary of Irvine's sister city relationship with Tsukuba, Japan, Tsukuba Mayor Ken-ichi Ichihara extended an invitation to exchange official delegations from each of our cities. Irvine received Tsukuba's official delegation surrounding this year's Global Village Festival in October and, in turn, our official delegation travelled last week to Tsukuba. To further capitalize on this opportunity, Irvine's delegation also promoted the City in Seoul, Korea. He cited the purposes of the Trade Mission, including efforts to increase global cooperation and advance business opportunities for the City of Irvine; promote University of California, Irvine; and, reaffirm friendship and sister city

relationships.

- The Irvine Animal Care Center is sponsoring “Home for the Holidays,” a free event featuring more than 500 animals available for adoption, pet-related vendors, and informational booths. The event will be held Sunday, December 6 from 10 a.m. to 3 p.m. at the Irvine Animal Care Center located at 6443 Oak Canyon in Irvine. For more information, call 949-724-7741 or visit [www.irvineshelter.org](http://www.irvineshelter.org).
- The City of Irvine is joining forces with Second Harvest Food Bank to help residents in need by co-hosting a “Healthy Food Drive” from December 1 through January 15. Donation barrels are available at various City facilities, faith-based organizations and Irvine businesses between the hours of 8 a.m. to 5 p.m. Monday through Friday. For additional program information, call Second Harvest Food Bank at 949-653-2900. For a complete list of drop-off locations and addresses, visit [www.cityofirvine.org](http://www.cityofirvine.org).
- The FlyAway nonstop bus service from Irvine Station to LAX, which has been in operation for more than a week, was officially inaugurated yesterday at Los Angeles International Airport. A FlyAway bus that included Councilmembers Christina Shea and Steve Choi arrived at a news conference that included Los Angeles Mayor Antonio Villaraigosa and Mayor Kang. The Los Angeles-operated FlyAway has six roundtrips daily. For additional information on fares and schedules for the FlyAway bus service, visit [www.lawa.org/FlyAway](http://www.lawa.org/FlyAway).
- Settlement Agreement: Mayor Kang announced that the cities of Irvine and Newport Beach have reached a settlement agreement to end litigation initiated by the City of Newport Beach challenging Irvine’s approval of residential and commercial development projects within the Irvine Business Complex (IBC) planning area. He read a complete statement into the record.

## ADDITIONS AND DELETIONS

There were none.

### 3. CONSENT CALENDAR

Consent Calendar Items consist of Item Nos. 3.1 through 3.9.

**ACTION: Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.9 with the exception of Item No. 3.7, 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 10, 2009.

**3.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO.09-111 - 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.09-112 - 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. 09-113 - 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 CITY COMPLIANCE WITH STATE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE**

**ACTION:** Adopted RESOLUTION NO. 09-114 - 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:** Adopted RESOLUTION NO. 09-115 - 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**

This item was removed for separate discussion by Councilmember Choi, who asked for additional clarification of the increase in fees for parking penalties.

Commander Noble provided the staff report.

City Council discussion included: State mandated increases to parking violation fees, increases to the parking violation bail schedule and posting of fines on parking signs.

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

**ACTION:** Adopt RESOLUTION NO. 09-116 - 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) Accepted a 2009 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$16,193 as a subgrantee of the County of Orange.
- 2) Authorized 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) Authorized \$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) Approved 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) Approved 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) Approved the closure of 84 completed projects, with \$87.5 million in expenditures.
- 3) Approved 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) Approved 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) Approved 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**

Mayor Kang made a brief statement regarding the City's year-end budget report and bridge plan.

City Manager Sean Joyce and Dave Tungate, Manager of Budget and Business Planning, presented the staff report.

City Council discussion included: clarification of the bridge plan, budget implications on City services, use of the general and contingency reserve funds, maintaining healthy reserves, determination of essential services, balance of revenue and expenditures, clarification of Great Park funding and expenditures, and clarification of sales and property tax projections.

**ACTION: Moved by Councilmember Krom, seconded by Mayor Pro Tem Agran, and unanimously carried to:**

**ACTION:**

- 1) Receive and filed 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 THE PACIFIC AMERICAN VOLUNTEER ASSOCIATION (PAVA)**

This item was agendized by Councilmember Choi to request in-kind support for Korean American Day Celebration event at City Hall sponsored by the Pacific American Volunteer Association (PAVA).

City Council discussion included: City policy of use and eligibility to use city facilities at no charge or discounted rates, clarification of the proposed event plan, and use of Community Partnership Funds to pay for required Facility Use Fees.

**ACTION: \*Moved by Councilmember Choi, seconded by Councilmember Shea to:**

Approve non-economic sponsorship of the Pacific American Volunteer Association (PAVA) event at the Civic Center.

**ACTION: Substitute motion by Councilmember Shea, seconded by Mayor Pro Tem Agran, and unanimously carried to:**

**ACTION:** Approve the request to sponsor Facility Use Fees for the Pacific American Volunteer Association (PAVA) event at the Civic Center on January 16, 2010 from Councilmember Choi's Community Partnership Fund allocation. Facility Use Fees were estimated at \$1,900. The use of the funds are subject to confirmation by the City Manager and Community Services Department that requirements for the use of Community Partnership Funds are met.

\*The substitute motion carried and takes precedence over the main motion; therefore, a vote was not taken on the main motion.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

A.D. Zelinko, resident, spoke in support of a community Christmas tree lighting program.

**ADJOURNMENT**

**Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to adjourn at 7:50 p.m.**

  
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MAYOR OF THE CITY OF IRVINE

  
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CITY CLERK OF THE CITY OF IRVINE

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December 8, 2009