

SUKHEE KANG
Mayor

LARRY AGRAN
Mayor Pro Tempore

STEVEN CHOI
Councilmember

BETH KROM
Councilmember

CHRISTINA SHEA
Councilmember



AGENDA

CITY COUNCIL REGULAR MEETING November 23, 2010 4:00 PM City Council Chamber One Civic Center Plaza

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 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](#)

[RECONVENE TO THE CITY COUNCIL MEETING](#)

[PLEDGE OF ALLEGIANCE](#)

[MOMENT OF SILENCE](#)

[MUSICAL PRESENTATION](#)

2. PRESENTATIONS

2.1 Presentation to Outgoing Councilmember Christina Shea

INTRODUCTIONS

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

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 ADOPTION OF AMENDMENTS TO CONFLICT OF INTEREST CODE

ACTION:

Adopt RESOLUTION NO. – 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

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 \$7 million by transferring \$5 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) Approve 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) Authorize 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) Authorize the Mayor to sign Cooperative Agreement No. 12-0628 with Caltrans for the project construction phase.
- 4) Authorize 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) Adopt RESOLUTION NO. – 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:

Adopt RESOLUTION NO.– 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:

Terminate 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:

Receive and file.

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:

Authorize 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:

Receive and file.

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

ACTION:

Receive and file.

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

ACTION:

Receive and file.

3.15 IRVINE EDUCATIONAL PARTNERSHIP FUND ADVISORY COMMITTEE MEMBER-AT-LARGE APPOINTMENT

ACTION:

Reappoint 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) Receive and file the year-end budget update report for the fiscal year ended June 30, 2010.
- 2) Approve 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) Approve 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) Approve a budget adjustment aligning grant and feasibility study funding sources for FY 2010-11.

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 must 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 BUILDING AND FIRE CODE ADOPTION

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 RESOLUTION NO. – 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
- 6) 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

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.

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

ACTION:

- 1) Recommend that the City Council receive and file the Budget Update for Fiscal Year ended June 30, 2010.
- 2) Recommend that the City Council approve a Budget Adjustment for Pre-Allocated Year-End Surplus to transfer \$23,300 to the Irvine Educational Partnership Fund.
- 3) Recommend that the City Council 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) Recommend that the City Council approve a Budget Adjustment allocating Year-End Surplus funding for outstanding Purchase Orders in the amount of \$162,750.

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://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)724-6253 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:

- 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

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