



MINUTES

CITY COUNCIL REGULAR MEETING November 13, 2012

City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:06 p.m. on October 23, 2012 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Jeffrey Lalloway
		Mayor Pro Tempore:	Beth Krom
		Mayor:	Sukhee Kang

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).

Assistant City Attorney Melching announced the Closed Session item, following which Mayor Kang convened to Closed Session at 4:07 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Kang reconvened the City Council meeting at 5:05 p.m. Assistant City Attorney Melching, on behalf of the City Council, announced that the City Council took action, by a 5-0 vote, to approve a settlement in the amount of \$151,500 in the case of Bergstedt v. City of Irvine, Case Nos. 30-2011-00512439 and 30-2011-00516958 (consolidated).

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence in honor of those who lost their lives as a result of Hurricane Sandy.

MUSICAL PRESENTATION

Mayor Kang introduced Alejandra Lee and Grace Park, who performed "America the Beautiful" followed by "Wieniawski Etude-Caprice No. 1."

2. PRESENTATIONS

2.1 Wall of Recognition Honorees

Mayor Kang recognized this year's Wall of Recognition honorees and presented the following with a Certificate of Recognition:

Individuals:

- Massy Alavi
- Nancy Cheng
- Don Dressler
- Reginald Durant
- Thelma Frazier
- Homer Guimond
- Al and Dorothy Keen
- Kathryn Lemire
- Clarence Nedom
- Gary Alan Norton
- Jan Owens
- Ken and Grace Rust
- Felix Anton Schwarz

- Justice David Sills
- Sharon Wellikson

Organizations:

- AIDS Services Foundation Orange County
- The Assistance League of Irvine
- Friends of Outreach
- Girl Scouts of Orange County
- Human Options
- Irvine Community Emergency Response Team
- Irvine 2/11 Marine Adoption Committee
- National Charity League

2.2 Irvine 2/11 Committee Update

Mayor Kang introduced Bob Littschwager and Brittany Hale of the Irvine 2/11 Marine Adoption Committee; and 2/11 Major James (Jim) Kidd, who provided an update on the Committee's accomplishments over this past year.

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

Mayor Kang introduced Chrystal Denning, Community Relations and Recycling Coordinator from Waste Management, who recognized the Benson, Santos, Wang and Zhang families as this year's Irvine Recycling Champions.

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

Mayor Kang turned to City Manager Joyce, who introduced Craig Reem, Director of Public Affairs and Communications, and Valerie Murray Larenne, Senior Management Analyst, who spoke about outreach efforts for victims of Hurricane Sandy and the new community-supported "Irvine Gives" webpage.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Choi congratulated the Wall of Recognition honorees, and thanked the community for voting on Election Day.

Mayor Kang made the following announcements:

- The City of Irvine, in partnership with the Irvine 2/11 Marine Adoption Committee, is holding a special toy drive to benefit the children and families of Irvine's adopted Marine battalion from Camp Pendleton from now through December 10. For information, visit cityofirvine.org.
- The Irvine Animal Care Center is hosting the 6th annual Home for the Holidays Pet Adoption Fair on Sunday, December 2 from 10 a.m. – 3 p.m. to help more than 500 animals find new homes this holiday season. For information, call 949-724-7740 or visit the Center's website at irvineshelter.org.
- The City of Irvine's Joyful Jingles holiday concert will be held on Sunday, December 2 from 3 – 5 p.m. at the Irvine Barclay Theatre. For information, visit cityofirvine.org or call 949-724-6606.

ADDITIONS AND DELETIONS

There were none.

3. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore Krom, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.15.

3.1 MINUTES

ACTION:

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

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 12-132 - 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 12-133 - 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 Pro Tempore Krom abstained.

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION:

Adopted RESOLUTION NO. 12-134 - 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 SINGLE AUDIT OF FEDERALLY ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2012

ACTION:

Received and filed.

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

ACTION:

Received and filed.

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

ACTION:

- 1) Approved the continuation of 353 City and Special District capital projects with budgets totaling \$179.7 million to Fiscal Year 2012-13.
- 2) Approved the closure of 45 completed projects, with \$54.2 million in expenditures.

- 3) Approved 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) Approved 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:

Received and filed.

3.9 ASSESSMENT DISTRICTS LETTER OF CREDIT SUBSTITUTION

ACTION:

Adopted RESOLUTION NO. 12-135 - 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:

Approved 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:

Approved 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:

Adopted RESOLUTION NO. 12-136 - 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

Councilmember Choi abstained.

3.13 ACCEPTANCE OF 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

ACTION:

- 1) Accepted a 2012 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$10,278 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 2012 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program between the County of Orange and the City of Irvine.
- 3) Authorized \$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) Approved 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) Established a new Capital Improvement Project (CIP 371303) for site survey, utility detection and topographical evaluation for the Plaza Neighborhood Park Playground area.
- 2) Allocated \$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:

Approved 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.

4. PUBLIC HEARINGS

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

City Manager Joyce introduced Donna Mullally, Manager of Finance, and Valaya Chitchakkol, Finance Administrator, who presented the staff report.

Mayor Kang opened the public hearing at 6:17 p.m. There were no public comments.

ACTION: Moved by Councilmember Choi, seconded by Mayor Kang, and unanimously carried by those members present (Mayor Pro Tempore Krom absent for vote) to close the public hearing at 6:18 p.m.

There was no City Council discussion.

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

ACTION:

Adopt RESOLUTION NO.12-137 - 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

City Manager Joyce introduced Donna Mullally, Manager of Finance; and Valaya Chitchakkol, Finance Administrator, who presented the staff report.

City Council discussion included: whether or not the Assessment District includes a plan for the installation of cell towers. Michael LeBlanc, Senior Vice President of Irvine Company, responded to questions.

Moved by Mayor Pro Tempore Krom, seconded by Councilmember Choi, to:

ACTION:

Adopt RESOLUTION NO. 12-138 - 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

The motion carried as follows:

AYES:	4	COUNCILMEMBERS:	Choi, Krom, Lalloway and Kang
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	1	COUNCILMEMBERS:	Agran (not present at vote)

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

Mayor Kang provided opening remarks highlighting significant accomplishments made during the 2011-12 fiscal year as a result of strategic budgetary planning and deployment of public services. He then turned to City Manager Joyce, who presented the staff report and responded to questions.

City Council discussion included: adopting the Finance Commission's recommendation to increase the Contingency Reserve Fund from 15 to 20 percent over the next three fiscal years and approximate dollar amount to do so; difference in the Insurance Fund at 85 v. 90 percent confidence level and funding levels at other cities; purpose of unallocated year-end balance; and clarification of the level of funding for Irvine Station improvements.

ACTION: Moved by Councilmember Lalloway, seconded by Mayor Pro Tempore Krom, and unanimously carried to:

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) Adopt 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

Mayor Kang turned to Mayor Pro Tempore Krom, who requested that the item be agendaized for discussion.

City Council discussion included: past and present major contributions made to the community by Ms. Gaido, including open space preservation efforts, service as a prior City Councilmember, and current Planning Commissioner and Boardmember of the Irvine Community Land Trust; and potential locations for installation of a recognition plaque at the Bommer Canyon Trail Head or the entry path to the Bommer Canyon Cattle Camp.

ACTION: Moved by Mayor Pro Tempore Krom, seconded by Mayor Kang, and unanimously carried to:

ACTION:

Approve the installation of a plaque or sign to be placed at either the Bommer Canyon Trail Head or at the entry path to the Bommer Canyon Cattle Camp recognizing former Councilmember, current Planning Commissioner and long-time community advocate Mary Ann Gaido for her inspiration and leadership in preserving the Bommer Canyon Cattle Camp and protecting Irvine’s open space. Staff to return at a future meeting with a specific proposal and recommended location.

PUBLIC COMMENTS

Bruce Gary spoke in opposition to the display of political signs during the Election period.

ADJOURNMENT

Moved by Mayor Pro Tempore Krom, seconded by Councilmember Choi, and unanimously carried to adjourn the meeting at 7:34 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

December 11, 2012