

**MINUTES  
CITY COUNCIL  
REGULAR MEETING  
AND  
JOINT REGULAR MEETING WITH THE  
REDEVELOPMENT AGENCY**

**August 14, 2007**

**City Council Chamber  
One Civic Center Plaza**

**CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order at 4:00 p.m., on August 14, 2007, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Krom presiding.

**ROLL CALL**

Present:	5	Councilmember:	Steven Choi
		Councilmember:	Sukhee Kang
		Councilmember:	Christina Shea
		Mayor Pro Tem:	Larry Agran
		Mayor:	Beth Krom

The City Council convened as follows:

**1. CLOSED SESSION**

**1.1 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) - Agency Negotiators: Dave Larsen, Assistant City Attorney - Rutan & Tucker; Rick Paikoff, Director of Administrative Services; Jan Walden, Manager of Human Resources; and Brian King, Senior Management Analyst. Employee Organizations: Irvine Police Association (IPA) and Irvine Police Management Association (IPMA).**

- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
*(Pursuant to Government Code § 54956.9(a)(4 cases):*  
*Allergan, Inc. v. City of Irvine, Orange County Superior Court Case No. 06CC11295;*  
*Allergan, Inc. v. City of Irvine, Orange County Superior Court Case No. 07CC01267;*  
*Allergan, Inc. v. City of Irvine, Orange County Superior Court Case No. 07CC01268;*  
*Allergan, Inc. v. City of Irvine, Orange County Superior Court Case No. 07CC01282*
  
- 1.3 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*

**RECONVENE TO THE CITY COUNCIL MEETING**

The City Council reconvened at 5:22 p.m.; no reportable action was taken in Closed Session.

**PLEDGE OF ALLEGIANCE**

Mayor Krom led the Pledge of Allegiance.

**MOMENT OF SILENCE**

The Mayor requested a moment of silence.

**MUSICAL PRESENTATION**

Mayor Krom introduced Michele Lovenduski who performed, "You're A Grand Old Flag" and "My Father," which she wrote herself.

**2. PRESENTATIONS**

The following presentation was made:

- 2.1 *Donation from Network of Iranian-American Professionals of Orange County to Irvine Police Department***

**INTRODUCTIONS**

Councilmember Kang introduced Council Executive Assistant, Tiffany Liu.

## **CITY MANAGER'S REPORT**

City Manager, Sean Joyce reported on the operation of the Orange County Great Park balloon.

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

The following announcements were made:

- International Walk to School Day on Wednesday, October 3, 2007.
- Update on the Orange County Fire Authority Board of Directors meeting and their action on July 24, to enter into a five-year service contract to provide emergency ambulance service to the City.
- A Youth Skate Jam will be held on Saturday, August 18 from 10:30 a.m. – 2:30 p.m. at Harvard Skate Park; the theme is "Learn to Ride" and is the City's first Youth Skate Jam.
- Sizzling Summer Sundays Concert Series will be on August 19 and 26, at 6:00 – 7:30 p.m. at Woodbridge Community Park; presenting Mili Mili and a Tribute to Johnny Cash, respectively.
- A community information workshop for seniors 50 years and older will be held on Saturday, August 30, at the Woodbury Community Center from 9:30 a.m. – 12:00 p.m.
- The 6<sup>th</sup> Annual Irvine Global Festival will take place on Saturday, September 29 from 10:00 a.m. – 6:00 p.m. at Bill Barber Memorial Park.

## **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

### **3. CONSENT CALENDAR**

**ACTION:** Moved by Councilmember Choi, seconded by Councilmember Kang, and unanimously carried to approve Consent Calendar items 3.1 through 3.13.

#### **3.1 MINUTES**

**ACTION:** Approved the minutes of a special and regular City Council meeting held on July 24, 2007.

#### **3.2 PROCLAMATION**

**ACTION:** Proclaimed the month of September as "Childhood Cancer Awareness Month."

#### **3.3**

**WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO. 07-101 - 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

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

**ACTION:** Adopted RESOLUTION NO. 07-102 - 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 Tempore Agran abstained.

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

**ACTION:** Adopted RESOLUTION NO. 07-103 - 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.

**3.6 IRVINE CENTER DRIVE BUS TURNOUT - CIP 316010**

**ACTION:** Approved the plans, specifications, and contract documents for the Irvine Center Drive Bus Turnout project, Capital Improvement Project (CIP) 316010, on file with the Public Works Department.

**3.7 LANDSCAPE MAINTENANCE AGREEMENT WITH CALTRANS AND THE IRVINE COMPANY, IRVINE RESEARCH CENTER (PLANNING AREA 34)**

**ACTION:**

- 1) Authorized the Mayor to execute a State Highway Planting Maintenance Agreement between the State of California and the City of Irvine. **(Contract No. 5734)**
- 2) Authorize the Mayor to execute a Landscape Maintenance Agreement between The Irvine Company and the City of Irvine. **(Contract No. 5735)**

**3.8 FINAL TRACT MAPS -- NOTICE OF REVIEW AND PENDING APPROVAL / DISAPPROVAL**

**ACTION:** Received and filed.

**3.9 GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY, IRVINE TECHNOLOGY CENTER (PLANNING AREA 32)**

**ACTION:** Authorized the Mayor to execute a Grant of Easement to Southern California Edison Company. (Deed No. 1123)

**3.10 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND**

**ACTION:**

- 1) Accepted a Supplemental Law Enforcement Services Fund award in the amount of \$378,000.
- 2) Approved proposed expenditures and budget adjustment request form in the amount of \$378,000 for Fiscal Year 2007-08, increasing revenues and authorizing appropriation of the award funding.

**3.11 ORANGE COUNTY GRAND JURY RESPONSE LETTERS**

**ACTION:** Approved response letters to Orange County Grand Jury relative to Orange County Rail Crossing Safety and AB939 Waste Diversion.

**3.12 ORDINANCE NO. 07-16, APPROVING ZONE CHANGE 00413547-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING OF THREE PARCELS ON BOOTH CIRCLE FROM 6.1A INSTITUTIONAL TO 3.1F MULTI-USE LOCATED ON THE NORTHEAST CORNER OF YALE AVENUE AND IRVINE CENTER DRIVE; PLANNING AREA 11; FILED BY WERDIN-SAUNDERS, LLC**

**ACTION:** Read by title and adopted ORDINANCE NO. 07-16 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00413547-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING OF THREE PARCELS ON BOOTH CIRCLE FROM 6.1A INSTITUTIONAL TO 3.1F MULTI-USE LOCATED ON THE NORTHEAST CORNER OF YALE AVENUE AND IRVINE CENTER DRIVE; PLANNING AREA 11; FILED BY WERDIN-SAUNDERS, LLC

**3.13 SOUTH BOUND I-5 FREEWAY EXIT RAMP AT CULVER DRIVE - CIP 314230**

**ACTION:** Authorized the Mayor to execute Agreement No. 12-581 between the City of Irvine and Caltrans. **(Contract No. 5736)**

**END OF CONSENT CALENDAR**

**4. PUBLIC HEARINGS**

**4.1 CONSTRUCTION AND DEMOLITION RECYCLING ORDINANCE**

Mayor Krom declared the public hearing open at 6:02 p.m.

**ACTION:** At 6:02 p.m., moved by Councilmember Kang, seconded by Councilmember Choi, and unanimously carried to continue the public hearing to October 23, 2007 at 4:00 p.m.

**CONVENE A JOINT MEETING OF THE IRVINE CITY COUNCIL AND THE IRVINE REDEVELOPMENT AGENCY**

**5. CITY COUNCIL AND REDEVELOPMENT AGENCY BUSINESS**

**5.1 PURCHASE AND SALE AND FINANCING AGREEMENT BETWEEN THE IRVINE REDEVELOPMENT AGENCY AND CITY OF IRVINE**

Mayor Krom declared the joint meeting of the Irvine Redevelopment Agency and the Irvine City Council open at 6:03 p.m. All members were present.

Brian Fisk, Planning and Redevelopment Manager presented the staff report. Also available to respond to City Council and Agency questions were Dan Slater, Legal Counsel to the Redevelopment Agency; and Kathy Rosenow, consultant.

City Council and Redevelopment Agency discussion included: Clarification of modifications made to the agreement including annual review of agreement during the budget process, clearly defining financial transaction and how completion to be accomplished, inclusion of title insurance, and that the agreement was not in violation of existing resolution; clarification that amount of loan to be made has been determined based upon the appraisal; and clarification of rate of interest.

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

- 1) Approve and authorize execution of the Purchase and Sale and Financing Agreement between the Irvine Redevelopment Agency and the City of Irvine. **(Contract No. 5737)**
- 2) Direct City and Redevelopment Agency staff to prepare and process the budget adjustments necessary to complete the transaction.

**The joint meeting of the Irvine City Council and Redevelopment Agency adjourned at 6:40 p.m.**

## **RECONVENE**

The Irvine City Council reconvened to regular session at 6:41 p.m.

## **6. COUNCIL BUSINESS**

### **6.1 IRVINE GUIDEWAY DEMONSTRATION PROJECT - FUNDING PLAN**

Cindy Krebs, Manager of Transit and Transportation, presented the staff report.

City Council discussion included: Clarification of Irvine's portion of funding; importance of working together with the OCTA; timeline of application process; environmental impacts as they relate to technology; clarification that new fees or taxes will not be enacted for the purpose of matching funds for Proposition 116 grants; and clarification that funds will not be used from the General Fund.

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

- 1) Adopt RESOLUTION No. 07-104 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR PROPOSITION 116 FUNDS TO THE STATE OF CALIFORNIA.
- 2) Approve the Five-Year Funding Plan for the Irvine Guideway Demonstration Project.

### **6.2 IRVINE DEMOCRACY PROJECT: VOTE 2008**

Sharie Apodaca, City Clerk presented the staff report.

City Council discussion included: Reemphasis of goal to achieve an 80% voter turnout in the November, 2008 General Election by providing on-going information to encourage voter registration and participation;

importance of encouraging volunteers to work the polls at all three scheduled elections in 2008; clarification of early voting sites; clarification of proposed annual mailing to households; importance partnering with community stakeholders to increase outreach efforts; concern with potential cost associated with presidential visits; concern with cost and benefit of proposed street banners; and concern with parking at UCI during the early voting period.

The following individuals spoke in support of this item: Annie Koh and Anna Miskove, representing Irvine Valley College; Kurt Meyer, Professor – Irvine Valley College; Maxfield Leavy, student at UCI; and Cass Song, senior at Northwood High School.

Moved by Councilmember Shea to:

Approve the recommended scope of work and estimated budget for the Irvine Democracy Project: Vote 2008 with the exception of street banners and Presidential candidate visits and associated funding, such that total projected costs would be \$44,000.

**Motion failed due to lack of a second.**

Following discussion, it was moved by Mayor Pro Tempore Agran, seconded by Councilmember Shea to:

Approve the recommended scope of work and estimated budget as presented by staff and grant the City Manager and the City Clerk the flexibility to redirect funds within the stated scope of work as deemed necessary to increase voter participation and voter registration.

A substitute motion was moved by Councilmember Choi to:

Approve the recommended scope of work and estimated budget for the Irvine Democracy Project: Vote 2008 with the exception of street banners and Presidential candidate visits and associated funding, such that total projected costs would be \$44,000.

**Motion failed due to lack of a second.**

**The motion to** approve the recommended scope of work and estimated budget as presented by staff and grant the City Manager and the City Clerk the flexibility to redirect funds within the stated scope of work as deemed necessary to increase voter participation and voter registration, **carried as follows:**

AYES: 4 COUNCILMEMBERS: Agran, Kang, Shea and Krom  
NOES: 1 COUNCILMEMBERS: Choi

**6.3 CONSIDERATION OF THE RELOCATION OF WILD RIVERS, VERIZON AMPHITHEATER AND CAMP JAMES TO THE ORANGE COUNTY GREAT PARK**

This item was agendized by Councilwoman Shea.

City Council discussion included: Clarification of components of Orange County Great Park Master Plan; concern with including Verizon Amphitheater in proposal during discussions absent a formal expressed interest; clarification that consideration is being given to a water park, and amphitheater and a day camp facility as part of the Great Park features program during the design phase of the schematic plan.

The following individuals spoke in support of Wild Rivers/Camp James: Mike Riedel and Dan Hunter representing Wild Rivers; Garry James, representing Camp James; Beverly Lee, Laguna Niguel resident; Nathan Ong, Aliso Viejo resident; Ellen Garfield; Sera Chalayan; Burke, Rachel and Alan Mucho, Irvine residents; and Kathleen Hallal, Irvine resident.

April Garfield, Irvine resident, spoke in support of relocating Verizon Amphitheater.

Moved by Councilmember Shea, seconded by Councilmember Choi, to:

Direct staff to include consideration of a water park, an amphitheater, and a day camp facility as part of the Great Park Features and Programs during the schematic design phase of the Design Studio Contract.

Direct staff to begin preliminary discussions with Wild Rivers Water Park, Irvine Verizon Amphitheater, and Camp James regarding the potential for a lease, or purchase opportunity, at the Great Park.

**\*ACTION: A substitute motion was moved by Mayor Pro Tempore Agran, seconded by Mayor Krom and unanimously carried to:**

- 1) Direct staff to include consideration of a water park, an amphitheater, and a day camp facility as part of the Great Park Features and Programs during the schematic design phase of the Design Studio Contract.

- 2) Invite the principals of Wild Rivers Water Park and Camp James to submit letters of interest for consideration and evaluation by the Orange County Great Park Corporation and the Great Park Design Studio.

\*Approval of substitute motion takes precedence over original motion.

**6.4 CONSIDERATION OF ESTABLISHING AN ENVIRONMENTAL MANAGEMENT TASK FORCE**

This item was agendized by Mayor Krom.

City Council discussion included: Need to address downsizing development and traffic; need to create a comprehensive inventory of environmental initiatives; review educational resources; support integration of effort on environmental stewardship and sustainability initiatives; gather information on programs and initiatives that have been undertaken nationwide; and clarification of nature and authority associated with the establishment of the task force.

**ACTION: Moved by Mayor Krom, seconded by Mayor Pro Tempore Agran:**

- 1) Establish an Environmental Management Task Force to support the further development of the City's environmental programs and report back to the City Council within 90 days.
- 2) Appoint Mayor Krom and Councilmember Kang to serve on the task force.

**The motion carried as follows:**

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

**END OF COUNCIL BUSINESS**

**PUBLIC COMMENTS**

There were no public comments.

**RECONVENE TO CLOSED SESSION**

Mayor Krom reconvened to Closed Session at 10:36 p.m.

**CONVENE TO THE CITY COUNCIL MEETING**

At the conclusion of Closed Session, the City Council returned to the dais at 11:23 p.m.  
No reportable action was taken in Closed Session.

**ADJOURNMENT**

**Moved by Councilmember Choi, seconded by Councilmember Kang, and  
unanimously carried to adjourn at 11:23 p.m.**

  
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MAYOR OF THE CITY OF IRVINE

  
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CITY CLERK OF THE CITY OF IRVINE

September 11, 2007