



**MINUTES
CITY COUNCIL
REGULAR MEETING
January 12, 2010
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:02 p.m. on January 12, 2010, 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 – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9 (b): 1 item**

CONVENE

City Attorney Phil Kohn announced the Closed Session item to be discussed, following which Mayor Kang convened to Closed Session at 4:03 p.m.

RECONVENE TO THE CITY COUNCIL MEETING – 4:55 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced that no reportable action was taken in Closed Session on Item No. 1.1.

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence in memory of Irvine resident Paul Grefe, who passed away on December 28, 2009 at the age of 101.

MUSICAL PRESENTATION

Mayor Kang introduced Eun Jung Choi and Esther Lee, who performed "The Star Spangled Banner," "Arirang," and "Vivaldi Concerto in G Minor."

2. PRESENTATIONS

2.1 Proclaim January 13, 2010 as "Korean American Day"

Mayor Kang introduced representatives from the Korean American Federation of Orange County, Korean American Center of Los Angeles (KECLA), Pacific American Volunteer Association (PAVA), Korean American Coalition of Orange County, Irvine Korean Parents Association, City of Irvine Finance Commission, and Korean American Foundation of Orange County. The Mayor presented a proclamation on behalf of Korean American Day.

2.2 Proclaim January 18, 2010 as "Martin Luther King, Jr. Day"

Mayor Kang introduced Reverend Mark Whitlock, Christ Our Redeemer African Methodist Episcopal Church; Howard Charlop, Irvine Multicultural Association Boardmember; and Floyd Lai, Assistant Director of the University of Irvine Cross Cultural Center. Mayor Kang presented a proclamation on behalf of Martin Luther King, Jr. Day.

2.3 Federal and State Legislative Advocates Update

Assistant City Manager Wally Kreutzen introduced Jim McConnell and Amanda Wood, The Ferguson Group, who provided a Federal Legislative Update. Chris Kahn, Chris Kahn Consulting and Erin Niemela, Niemela Capitol Concepts, provided the State Legislative Update.

INTRODUCTIONS

City Manager Joyce announced the appointment of Brian Fisk as the new Director of Community Services.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Choi made the following announcements:

- The First Annual Korean American Day Festival will be held on January 16, 2009 at City Hall from 10:30 a.m. to 5:00 p.m. The event is hosted by Pacific American Volunteer Association and the Korean American Foundation Los Angeles.
- On December 11, 2009, Councilmember Choi attended the Martin Luther King, Jr. Library opening in San Jose along with Supervisor Bill Campbell. The King Library boasts a collection of roughly 1.9 million items as well as delightful public art installations.

Mayor Kang made the following announcements:

- The City of Irvine is offering tax preparation services at no cost for taxpayers who earned less than \$58,000 in 2009. Qualifying taxpayers who live, work or attend school in Irvine can receive help filing their taxes from IRS-trained volunteers, who will also assist in applying the Earned Income Tax Credit (EITC) when appropriate. Beginning January 18, assistance will be available Monday through Thursday from 4 to 6 p.m. at the Orange County One Stop Center in Irvine. Assistance will also be available beginning January 23 at the Lakeview Senior Center from 9 a.m. to noon. For more information on the tax assistance program, or to schedule an appointment, call 888-434-8248.
- The City of Irvine is hosting a town hall discussion on Building Healthy Dating and Family Relationships on Wednesday, January 27 from 6:30 to 8:30 p.m. at the Irvine Civic Center. The free symposium will feature guest presenters including City of Irvine FOR Families, Irvine Police Department, CSP Victim Assistance Programs, Human Options Women's Shelter, UCI Campus Assault Resources and Education, Irvine Unified School District Guidance Resources, and Kaiser Permanente Orange County. For more information, call 949-724-6690 or visit our web site at www.cityofirvine.org.

ADDITIONS AND DELETIONS

There were none.

3. CONSENT CALENDAR

Consent Calendar Items consisted of Item Nos. 3.1 through 3.15.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried to approve Consent Calendar Items 3.1 through 3.15, with the exception of Item No. 3.6, which was removed for separate discussion.

3.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the Irvine City Council held on December 8, 2009.

3.2 COMMENDATION

ACTION: Commended Stanbridge College, Accrediting Commission of Career Schools and College of Technology (ACC SCT) "School of Excellence 2008-09" Award Recipient.

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 10-01 - 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 - AT&T

ACTION: Adopted RESOLUTION NO. 10-02- 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.

3.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 10-03- 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.

3.6 SINGLE AUDIT OF FEDERALLY ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2009

This item was removed for separate discussion by Councilmember Choi, who read a statement from the auditor letter with respect to certain vendors who are not submitting invoices for payment in a timely manner.

City Manager Joyce introduced Teri Washle, Finance Administrator and Donna Mullally, Manager of Fiscal Services, who provided a brief summary and responded to City Council questions.

City Council discussion included: standard operating procedures for processing contract invoices and clarification of the administration of the federally assisted grant audit report.

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

ACTION: Receive and file the Single Audit report for the Fiscal Year ended June 30, 2009 and direct the City Attorney as requested by the Finance Commission to look into potential breach of contract by contractors.

***ACTION: Substitute motion made by Councilmember Krom, seconded by Mayor Pro Tem Agran to:**

ACTION: Receive and file.

The substitute motion carried as follows:

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| AYES: | 3 | COUNCILMEMBERS: | Agran, Krom and Kang |
| NOES: | 2 | COUNCILMEMBERS: | Choi, Shea |
| ABSENT: | 0 | COUNCILMEMBERS: | None |

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

3.7 ORANGE COUNTY GREAT PARK CORPORATION AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2009

ACTION: Received and Filed the Orange County Great Park Corporation Financial Statements with Report on Audit by

Independent Certified Public Accountants for the Fiscal Year ended June 30, 2009.

3.8 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2009

ACTION: Received and filed.

3.9 EXTENSION OF GRANT FUNDING AUTHORITY FOR THE JEFFREY GRADE SEPARATION PROJECT – CIP 321210

ACTION: Adopted RESOLUTION NO. 10-04- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE REQUESTING APPROVAL OF AN EXTENSION OF THE FUNDING AUTHORITY FROM THE STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) AND THE CALIFORNIA TRANSPORTATION COMMISSION FOR THE JEFFREY GRADE SEPARATION PROJECT, CIP 321210

3.10 REHABILITATION OF PLAYGROUND EQUIPMENT AT UNIVERSITY COMMUNITY PARK - CAPITAL IMPROVEMENT PROJECT 376010

ACTION: Approved plans, specifications and contract documents for rehabilitation of playground equipment at University Community Park.

3.11 LENNAR HOMES REQUEST FOR AN ENCROACHMENT PERMIT FOR TEMPORARY USE OF THE PUBLIC RIGHT-OF-WAY GENERALLY SOUTHWEST OF GREAT LAWN BETWEEN HALLMARK AND ROYCROFT IN THE VILLAGE OF WOODBURY (PLANNING AREA 9)

ACTION: Adopted RESOLUTION NO. 10-05 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE OF AN ENCROACHMENT PERMIT TO LENNAR HOMES OF CALIFORNIA, INC. FOR A PERIOD EXCEEDING SIX MONTHS FOR THE TEMPORARY USE OF AN EXISTING SIDEWALK AND CONSTRUCTION OF AN INTERIM PUBLIC SIDEWALK, GENERALLY SOUTHWEST OF GREAT LAWN BETWEEN HALLMARK AND ROYCROFT IN THE VILLAGE OF WOODBURY (PLANNING AREA 9); FILED BY LENNAR HOMES OF CALIFORNIA, INC.

3.12 BUDGET ADJUSTMENT TO ALLOW THE RECEIPT AND EXPENDITURE OF FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS IN THE AMOUNT OF \$2,288,000

ACTION: Approved a Budget Adjustment for the receipt and expenditure of federal Energy Efficiency and Conservation Block Grant funding in the amount of \$2,288,000.

3.13 ADOPTION OF A RESOLUTION REQUESTING THAT GOVERNOR SCHWARZENEGGER CANCEL THE PROPOSED SALE OF THE ORANGE COUNTY FAIR AND EVENT CENTER

ACTION: Adopted RESOLUTION NO. 10-06 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE REQUESTING THAT GOVERNOR SCHWARZENEGGER CANCEL THE PROPOSED SALE OF THE ORANGE COUNTY FAIR AND EVENT CENTER

3.14 AMERICAN RECOVERY AND REINVESTMENT ACT-RECOVERY ZONE

ACTION:

- 1) Adopted RESOLUTION NO. 10-07 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DESIGNATING THE IRVINE AUTO CENTER, IRVINE BUSINESS COMPLEX AND HERITAGE FIELDS/GREAT PARK AS RECOVERY ZONES UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODES OF 1986
- 2) Authorized the City Manager, or his designee, to take such other actions as may be necessary to ensure the Irvine Auto Center, the Irvine Business Complex and Heritage Fields/Great Park are designated Recovery Zones.
- 3) Authorized the City Manager, or his designee, to develop criteria for distribution of the Recovery Zone allocations.
- 4) Authorized the City Manager, or his designee, to execute documents associated with the allocation and use of recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds.

3.15 AMENDED COMMUNITY PARTNERSHIP GRANT NOMINATION

ACTION:

- 1) Approved an increased community partnership grant award to the Pacific American Volunteer Association.
- 2) Authorized the City Manager to sign proposed Funding Agreement.

END CONSENT CALENDAR

4. COUNCIL BUSINESS

4.1 APPROVAL OF APPOINTMENTS OF CITY COUNCIL DELEGATES AND ALTERNATES TO GOVERNMENTAL AGENCIES AND CITY ADVISORY COMMITTEES

Mayor Kang presented his recommended appointments of City Council Delegates and Alternates to governmental agencies for year 2010.

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

ACTION:

- 1) Appoint City Council delegates and alternates to outside governmental agencies, boards and committees on which the City has representation for the ensuing year. Current staff assignments to remain the same in 2010 unless otherwise noted.

| | AGENCY | DELEGATES | ALTERNATES |
|----|---|----------------------------|--|
| 1. | Borders Committee with City of Newport Beach | Larry Agran Sukhee Kang | N/A |
| 2. | Coastal Greenbelt Authority | Steven Choi | Stacy Blackwood, Community Services Manager |
| 3. | Community Energy Partnership | Christina Shea | Larry Agran |
| 4. | Discovery Science Center Board of Directors | Beth Krom | N/A |
| 5. | Growth Management Area #4 & #9 | Larry Agran | Steven Choi |
| 6. | Growth Management Area #7 & #8 | Christina Shea | Beth Krom |

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|-----|---|---|---|
| 7. | Irvine Barclay Theatre Operating Company (Board of Directors and Committees) *Replaces City Manager | *Gina Park, Asst. to the City Mgr. Rick Paikoff, Director of Administrative Services Mary Ann Gaido, Planning Commissioner (At-large appointee) | N/A |
| 8. | Irvine Child Care Project (Non-Profit JPA between City and IUSD) | Larry Agran | Christina Shea |
| 9. | Irvine Liaison and Coordinating Committee (IUSD) | Sukhee Kang Larry Agran | N/A |
| 10. | Irvine Liaison and Coordinating Committee (Tustin Unified School District) | Sukhee Kang Beth Krom | N/A |
| 11. | Irvine Public Schools Foundation (Education Leadership Forum (ELF)) | Larry Agran | Steven Choi |
| 12. | Irvine Public Schools Foundation (Educational Leadership Forum Action Team (ELFAT)) | Beth Krom | Christina Shea |
| 13. | Irvine Ranch Water District/City of Irvine Coordinating Committee (ADHOC) | Sukhee Kang (Mayor Required) | N/A |
| 14. | Laguna Canyon Foundation | Beth Krom | Stacy Blackwood, Community Services Mgr. |
| 15. | League of California Cities | Sukhee Kang (Mayor required) | Larry Agran (Mayor Pro Temp required alternate) |
| 16. | Library Advisory Board (LAB) of Orange County Library System | Steven Choi | Larry Agran |
| 17. | National League of Cities | Sukhee Kang (Mayor required) | Larry Agran (Mayor Pro Tem required alternate) |
| 18. | Newport Bay Watershed Executive Committee | Christina Shea | Mike Loving, Water Quality Administrator |

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| 19. | Nature Reserve of Orange County (NROC) | Wally Kreutzen, Assistant City Manager | Brian Fisk, Director of Community Services |
| 20. | Orange County City Selection Committee (Local Agency Formation Commission) | Sukhee Kang (Mayor required) | N/A |
| 21. | Orange County Council of Government | Sukhee Kang** (Appoint to 2-year term eff. 4-1-10) | Christina Shea (Reappoint to 2-year term eff. 4-1-10) |
| 22. | Orange County Fire Authority | Sukhee Kang | Christina Shea |
| 23. | Orange County Housing Authority Advisory Committee | Christina Shea | N/A |
| 24. | Orange County Sanitation Districts #7 & #14 | Christina Shea | Steven Choi |
| 25. | South County Major Investment Study Working Group (OCTA) | Sukhee Kang | N/A |
| 26. | Orange County Vector Control District Board of Trustees | Steven Choi (Appoint to two-year term from 1/1/10 to 12/31/11) | Christina Shea (non-voting) |
| 27. | San Joaquin Marsh Wildlife Sanctuary | Beth Krom | Larry Agran (non-voting) |
| 28. | Santa Ana River Flood Protection Agency Commission | Steven Choi | Christina Shea |
| 29. | Southern California Association of Governments Regional Council (District No. 14) **By virtue of the SCAG bylaws, the Delegate to SCAG automatically serves as the OCCOG Delegate. | Sukhee Kang** (Appoint to 2-year term eff. 4-1-10 to 3/31/12) | N/A (Bylaws do not permit an alternate appointment.) |
| 30. | Transportation Corridor Agency - Foothill/Eastern | Beth Krom | Larry Agran |
| 31. | Transportation Corridor Agency - San Joaquin Hills | Beth Krom | Larry Agran |

| | | | |
|-----|--|-----------|-------------|
| 32. | Transportation Corridor System Board of Directors (Foothill/Eastern and San Joaquin Hills Transportation Corridor Agencies) | Beth Krom | Larry Agran |
|-----|--|-----------|-------------|

- 2) Appoint City Council representatives to various City of Irvine advisory committees and task forces for the ensuing year with all staff appointments remaining the same.

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| 1. | Green Ribbon Committee | Beth Krom Sukhee Kang | |
| 2. | HCG Irvine (Hines) Development Agreement Committee | Larry Agran Sukhee Kang | |
| 3. | IBC Task Force | Larry Agran Sukhee Kang | |
| 4. | Irvine Community Land Trust | Beth Krom Mary Ann Gaido | |
| 5. | Irvine Educational Partnership Fund Advisory Committee | Sukhee Kang Beth Krom | |
| 6. | Library Services Advisory Committee | Steven Choi Christina Shea | |
| 7. | Orange County Great Park Development Agreement Committee | Larry Agran Sukhee Kang | |

- 3) Dissolved the Project Lightspeed AT&T Telecommunications Committee and the Residential Street Parking Task Force.

4.2 ISSUANCE OF FIXED RATE CONVERSION BONDS FOR ASSESSMENT DISTRICT NO. 03-19 (GROUP SIX)

Councilmember Choi declared an abstention on the matter because his residence is located within the Woodbury area.

Councilmember Choi left the meeting at 6:42 p.m.

City Manager Joyce introduced Donna Mullally, Finance Administrator, who provided the staff report.

There was no City Council discussion or questions on this item.

ACTION: Moved by Councilmember Krom, seconded by Mayor Kang to:

- ACTION:**
- 1) Adopt RESOLUTION NO. 10-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE ASSESSMENT DISTRICT NO. 03-19 LIMITED OBLIGATION IMPROVEMENT BONDS, GROUP SIX, APPROVING THE EXECUTION AND DELIVERY OF A SIXTH SUPPLEMENTAL INDENTURE AND A BOND PURCHASE AGREEMENT
 - 2) Approve the City's Assessment District Financing Policy.

The motion carried as follows:

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| AYES: | 4 | COUNCILMEMBERS: | Agran, Krom, Shea and Kang |
| NOES: | 0 | COUNCILMEMBERS: | None |
| ABSENT: | 0 | COUNCILMEMBERS: | None |
| ABSTAIN: | 1 | COUNCILMEMBERS: | Choi |

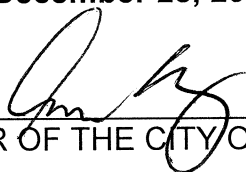
END COUNCIL BUSINESS

PUBLIC COMMENTS

Gabriele Rau, Irvine resident, spoke about permit parking in University Park.

ADJOURNMENT

Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried by those councilmembers present to adjourn at 6:45 p.m. in memory of Paul Grefe, who passed away on December 28, 2009 at the age of 101.



 MAYOR OF THE CITY OF IRVINE



 CITY CLERK OF THE CITY OF IRVINE

 January 26, 2010