



## **CALL TO ORDER**

A special meeting of the Irvine City Council was called to order at 3:30 p.m., on March 25, 2008, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Krom presiding.

## **ROLL CALL**

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

## **1. CLOSED SESSION**

- 1.1 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) Agency Negotiators: Rick Paikoff, Director of Administrative Services; Jan Walden, Manager of Human Resources; and Brian King, Human Resources Administrator  
Employee Organizations: Associated Supervisory/Administrative Personnel (ASAP); Irvine City Employees Association (ICEA); and Irvine Professional Employees Association (IPEA)**
  
- 1.2 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**

**1.3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; initiation of litigation pursuant to Government Code § 54956.9(c): One potential case.**

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Krom reconvened the meeting at 5:01 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced that no reportable action was taken during the Closed Session on Item No. 1.1. He noted that Closed Session Item Nos. 1.2 and 1.3 would be conducted at the conclusion of the meeting.

**PLEDGE OF ALLEGIANCE**

Mayor Krom led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Krom requested a moment of silence.

**MUSICAL PRESENTATION**

Mayor Krom introduced the Fifth Grade Vocal Music Class from Meadowpark Elementary and Sixth Grade Vocal Music Class from Westwood Basics Plus Elementary, led by music teacher Guinevere Morones. The students performed "Surprise Symphony," and "How I Love My America."

**2. STUDY SESSION**

**2.1 Children, Youth and Families - Child Care Study**

Darin Loughrey, and Sheila Driscoll, Community Services Superintendents presented the Study Session report.

Lani Sakoda, Zero to 5 Foundation, spoke on issues relative to child care.

**No action was taken.**

**3. PRESENTATIONS**

**3.1 Proclaimed the month of April, 2008 as "DMV/Donate Life California Month."**

Mayor Krom introduced Marnie Baker-Blakey and her two-year old son, Mitchell who was the recipient of a recent heart transplant.

### **3.2 Southern California Edison "Infrastructure Improvements"**

Mayor Krom introduced Region Manager, Eddie Marquez, who gave a presentation on Southern California Edison's infrastructure improvements.

#### **INTRODUCTIONS**

There were no introductions.

#### **CITY MANAGER'S REPORT**

City Manager Sean Joyce reported that the Irvine "i" Shuttle will begin free midday service through summer in the Irvine Business Complex beginning March 31 from 10:30 a.m. – 2:30 p.m. on weekdays.

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

The following announcements were made:

- Mayor Pro Tempore Kang reported on his attendance at the winter 2008 Aspen Accord meeting; he also noted the attendance of Brian Fisk, Manager of Planning and Development; and
- The California Concert Artists will perform on March 30 at 4:00 p.m. at the Irvine Civic Center during the Sounds of Spring Concert Series; and
- The State of California released its Preliminary Report of Crime in California and noted that Irvine continues to have the lowest per capita rate for violent crime in all of California for cities over 100,000 residents; and
- On April 18, at 7:30 a.m., the Irvine Chamber of Commerce will host a business breakfast at the Marriott Hotel in Irvine; Mayor Krom will give an update on the State of the City at the breakfast.

#### **ADDITIONS AND DELETIONS**

There were no additions or deletions.

### **4. CONSENT CALENDAR**

**ACTION:** Moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea, and unanimously carried to approve Consent Calendar Item Nos. 4.1 through 4.7.

#### **4.1 MINUTES**

**ACTION:**

- 1) Approved the minutes of a special joint meeting of the Irvine City Council and the Orange County Great Park Board of Directors held on March 6, 2008.

- 2) Approved the minutes of a special joint meeting of the Irvine City Council and the Orange County Great Park Board of Directors held on March 11, 2008.
- 3) Approved the minutes of an adjourned regular meeting of the Irvine City Council held on March 11, 2008.

**4.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO. 08-26 - 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

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

**ACTION:** Adopted RESOLUTION NO. 08-27 - 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.

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

**ACTION:** Adopted RESOLUTION NO. 08-28 - 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.

**4.5 CITY CO-SPONSORSHIP OF THE AMERICAN CANCER SOCIETY RELAY FOR LIFE, JUNE 7-8, 2008**

**ACTION:** Approved the American Cancer Society request for the City of Irvine to co-sponsor the American Cancer Society's Relay for Life event at Irvine Valley College on June 7-8, 2008.

**4.6 PHASE 1C PREVIEW PARK**

**ACTION:**

- 1) Directed staff to negotiate a Change Order to the existing contract with the Great Park Design Studio to provide Design Development and Construction Documents for the Phase 1C Preview Park within the existing budget.

- 2) Adopted a Budget Adjustment to reallocate the \$13,905,200 budget as shown on Attachment 4.
- 3) Authorized the CEO to take the actions necessary to expedite transport of the PV 1 Ventura and to advance the elements necessary to establish a maintenance facility, including making non-budgetary modifications to the Design Studio Scope of Work.

**4.7 2008 INFILL INFRASTRUCTURE GRANT PROGRAM APPLICATION**

**ACTION:** Adopted RESOLUTION NO. 08-29 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE HEREBY AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE INFILL INFRASTRUCTURE GRANT PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE INFILL INFRASTRUCTURE GRANT PROGRAM

**END CONSENT CALENDAR**

**5. PUBLIC HEARINGS**

**5.1 APPEAL OF PLANNING COMMISSION ACTION TO DENY CONDITIONAL USE PERMITS FOR TEN WIRELESS COMMUNICATIONS FACILITIES LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN TURTLE ROCK (PLANNING AREA 21) (FILED BY SPRINT PCS)**

Mayor Krom opened the public hearing at 6:36 p.m.

Esat Kadaster, Irvine resident, requested the City Council address the interests of the Turtle Rock community with respect to wireless communication facilities in Turtle Rock.

Dr. Kenneth Moe, Irvine resident, presented a rough schematic for non-obtrusive placement of wireless communication facilities in the Turtle Rock area.

**ACTION: At 6:44 p.m., moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and unanimously carried to:**

Continue the public hearing to June 10, 2008, at 4:00 p.m.

**6. COUNCIL BUSINESS**

**6.1 JAMES A. MUSICK HONOR FARM EXPANSION UPDATE**

Dan Jung, Special Assistant to the Police Chief; and Pamela Baird, Senior Management Analyst presented the staff report.

City Council discussion included justification to expand the jail system in Orange County by more than 100 percent; clarification of increased level of security; clarification of percentage of inmates at medium security level; clarification whether Theo Lacy facility will be used if application for funds is approved; clarification that once funding is secure, the County can use the funding to expand the facility it chooses; clarification of the highest level of felony that will be housed at James A. Musick Honor Farm; and concern that the State's involvement will mean higher level inmates at James A. Musick Honor Farm.

Mike Ward, Irvine resident, spoke in opposition to the proposed expansion of the James A. Musick Jail Honor Farm.

Assistant Sheriff Jack Anderson addressed the City Council on the proposed expansion and responded to questions.

**ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to:**

Adopt RESOLUTION NO. 08-30 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE OPPOSING EXPANSION OF THE JAMES A. MUSICK HONOR FARM

**6.2 COASTLINE COMMUNITY COLLEGE FOUNDATION - 2008 VISIONARY OF THE YEAR AWARD**

**Original motion moved by Mayor Krom, seconded by Councilmember Agran, to:**

Appropriate \$15,000 sponsorship for the Coastline Community College Foundation's 2008 Visionary of the Year Awards program.

City Council discussion included concern over the amount of the proposed sponsorship.

A substitute motion was moved by Councilmember Choi, seconded by Councilmember Shea, to appropriate a \$5,000 sponsorship for the Coastline Community College Foundation's 2008 Visionary of the Year Awards program.

**The substitute motion failed as follows:**

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

**The original motion carried as follows:**

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

**6.3 CONSIDERATION OF CAMPAIGN FINANCE REFORM**

Councilmember Shea introduced the item for discussion.

City Council discussion included current campaign contribution limit; public financing of campaigns; approval by the voters of the campaign contribution limit; slate mailers and independent expenditures; and holding a study session to help educate the public.

Harvey Liss, Irvine resident, spoke on the process in determining who should be permitted to contribute to campaigns.

Steve Spanier, Irvine resident, spoke on matters related to prior campaigns and in support of campaign reform in the City.

Ken Nicolas, Irvine resident, questioned why the City Council would be bringing forward campaign reform during an election period.

Elaine Booth, Irvine resident, spoke on reducing the current campaign contribution limit.

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

- 1) Request the City Attorney to review and report back on the following:
  - a) Provide an explanation and applicability of the Levine Act and whether it should be adopted by the City.
  - b) Provide information regarding public campaign financing and determine feasibility of incorporating into City policy.
  - c) Provide information on the legality of placing restrictions on excessive contributions to slate mailers that seem to create an unfair playing field.

- d) Update the City Council on current Federal and State laws that may require the City Council to add to or revise the City's Campaign Finance Ordinance.
- e) Complete the analysis of the campaign reform items that Councilmember Shea discussed at the February 12 meeting relative to incompatible political solicitation and/or receipt of campaign contributions to local elected officials.
- f) Update and review of independent expenditures in relationship to the City's Campaign Finance Ordinance.

**6.4 DISCUSSION OF DIRECT ARGUMENT IN FAVOR OF BALLOT MEASURE H**

Councilmember Choi introduced the item for discussion.

City Council discussion included concern that the remaining City councilmembers did not have the opportunity to review the argument prior to filing, and the manner in which it was written. Councilmember Agran read the argument in favor of Measure H into the record.

**ACTION:** No action was taken.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

Diane Werthheimer-Gale commented on an e-mail newsletter she received from Councilmember Choi and requested to be removed from the e-mail distribution list for this publication.

Rochelle Rubin spoke on coordinating the creation of a sculpture, which she envisions located in the Orange County Great Park, depicting essential environmental elements and encapsulating an idea conducive to work and play.

**RECESS**

Mayor Krom recessed to Closed Session at 9:59 p.m. to consider Closed Session Item Nos. 1.2 and 1.3.

**RECONVENE**

Mayor Krom reconvened the meeting to regular session at 10:56 p.m.

City Attorney Phil Kohn noted no action was taken on the Newpath Networks Closed Session Item No. 1.2.

He noted the following action was taken on Closed Session Item No. 1.3:

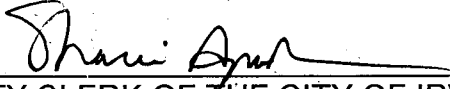
On a unanimous 5-0 vote, the City Council authorized the City Attorney's Office to commence a legal action against the County of Orange challenging the recent determination of the Board of Supervisors to submit a request for proposal to the State of California for funding in the amount of \$100,000,000 to fund the James A. Musick Honor Farm expansion project.

**ADJOURNMENT**

**Moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to adjourn at 10:58 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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April 8, 2008