

**MINUTES  
CITY COUNCIL  
REGULAR MEETING  
May 8, 2007  
City Council Chamber  
One Civic Center Plaza**

**CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order at 4:02 p.m., on May 8, 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 LEGAL COUNSEL - EXISTING LITIGATION  
(Pursuant to subdivision (a) of Government Code Section 54956.9):  
CoxCom, Inc. v. City of Irvine, U.S. District Court Case No. SACV 05-  
1240-JVS**

**RECONVENE TO THE CITY COUNCIL MEETING**

The City Council reconvened at 5:04 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 in remembrance of Elli Khamanian, an 11-year old Woodbridge resident who lost her 18 month battle with Osteosarcoma.

## **MUSICAL PRESENTATION**

The following musical presentations were performed:

- Michele Lovenduski, Senior Management Analyst - Public Works, performed "This Land is Your Land."
- Northwood's Pride from Northwood High School, performed "The Star Spangled Banner," and "Hello Mary Lou."

## **2. PRESENTATIONS**

The following presentations were made:

- 2.1 *Presentation of gifts from Taoyuan, Taiwan.***
- 2.2 *Red Ribbon Pizza Night Check Presentation to the Youth Action Team.***
- 2.3 *Presentation on Alternative Fuel Vehicles.***
- 2.4 *Presentation by Relay For Life.***
- 2.5 *Presentation of Proclamation recognizing the month of May 2007 as "Asian Pacific Islander American Heritage Month."***

## **INTRODUCTIONS**

The following individuals were introduced:

- Nancy Neudorf, newly appointed Planning Commissioner.
- Cameron Cosgrove, former Planning Commissioner.

## **CITY MANAGER'S REPORT**

There was no City Manager's Report.

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

The following announcements were made:

- The Irvine Family Fun Fair will be held at the Irvine Civic Center on Saturday, May 19, from 9:00 a.m. to noon; and
- The Memorial Day Ceremony will be held at Colonel Bill Barber Park on Monday May 28, from 10:00 to 11:30 a.m. to honor fallen service members; and
- The Studio Arts Festival will be held on Saturday, June 2, from 9:00 a.m. to 5:00 p.m. at the Irvine Fine Arts Center located at Heritage Community Park.

### **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

**CONVENE** – The City Council convened to the Redevelopment Agency meeting at 6:39 p.m.

### **RECONVENE TO THE CITY COUNCIL MEETING**

The City Council reconvened at 6:42 p.m.

### **3. CONSENT CALENDAR**

**ACTION:** Moved by Councilmember Shea, seconded by Councilmember Kang, and unanimously carried to approve Consent Calendar items 3.1 through 3.13 with the exception of items noted below which were removed for separate discussion.

3.7 CULVER DRIVE REHABILITATION FROM BARRANCA PARKWAY TO THE I-405 FREEWAY - CIP 317180

3.9 UNIVERSITY DRIVE REHABILITATION FROM HARVARD AVENUE TO THE I-405 FREEWAY - CIP 317270

#### **3.1 MINUTES**

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

#### **3.2 PROCLAMATIONS**

**ACTION:**

- 1) Proclaimed May 8, 2007 as "Arbor Day."
- 2) Proclaimed May 2007 as "Asian Pacific Islander American Heritage Month."

#### **3.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO. 07-59 - 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. 07-60 - 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.

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

**ACTION:** Adopted RESOLUTION NO. 07-61 - 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.

**3.6 BUDGET ADJUSTMENT FOR PLANNING AREA 1 NORTH IRVINE TRANSPORTATION MITIGATION FEES**

**ACTION:** Approved a Budget Adjustment transferring \$814,109 from Assessment District Fund 220 to North Irvine Transportation Mitigation (NITM) Fund 122.

**3.7 CULVER DRIVE REHABILITATION FROM BARRANCA PARKWAY TO THE I-405 FREEWAY - CIP 317180**

This item was removed from the Consent Calendar by Councilmember Choi who noted concern with timing of project and possible traffic impacts associated with overlap of projects in connection with Item No. 3.9, University Drive rehabilitation to which Manuel Gomez, Director of Public Works responded.

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

Approve the plans, specifications, and contract documents for Culver Drive Rehabilitation from Barranca Parkway to the I-405 Freeway, CIP 317180, on file with the Public Works Department.

**3.8 CITY OF IRVINE INVESTMENT POLICY FOR THE CALENDAR YEAR 2007**

**ACTION:**

- 1) Received and filed the City of Irvine Investment Policy for the Calendar Year 2007.
- 2) Adopted RESOLUTION NO. 07-62 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE CITY'S ANNUAL INVESTMENT POLICY FOR CALENDAR YEAR 2007

**3.9 UNIVERSITY DRIVE REHABILITATION FROM HARVARD AVENUE TO THE I-405 FREEWAY - CIP 317270**

This item was removed from the Consent Calendar by Councilmember Choi who noted concern with timing of project and possible traffic impacts associated with overlap of projects in connection with Item No. 3.7, Culver Drive rehabilitation to which Manuel Gomez, Director of Public Works responded.

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

Approve the plans, specifications, and contract documents for University Drive Rehabilitation from Harvard Avenue to the I-405 Freeway, CIP 317270.

**3.10 FINANCING AND COOPERATION AGREEMENT FOR THE GRANITE COURT AFFORDABLE HOUSING PROJECT**

**ACTION:**

- 1) Approved Financing and Cooperation Agreement for the Granite Court Affordable Housing Project. **(Contract No. 5524)**
- 2) Approved Budget Adjustment Request.

**3.11 REDEVELOPMENT FUND BUDGET ADJUSTMENTS**

**ACTION:** Approved the budget adjustments revising tax increment budgeted revenue estimates; appropriating pass-through payments and administrative expenditures; and creating a special fund for such transactions.

**3.12 ORDINANCE NO. 07-12, AUTHORIZING CITY ENGINEER AUTHORITY TO REVIEW AND APPROVE OR DISAPPROVE FINAL TRACT MAPS AND ASSOCIATED BONDS AND AGREEMENTS, AND TO ACCEPT STREETS INTO THE CITY STREET SYSTEM**

**ACTION:** Read by title and adopted ORDINANCE NO. 07-12 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTERS 1, 7, AND 12, OF DIVISION 5 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE RELATING TO SUBDIVISIONS AND AMENDING CHAPTER 2 OF DIVISION 3 OF TITLE 6 OF THE IRVINE MUNICIPAL CODE RELATING TO TRANSPORTATION

**3.13 BUDGET ADJUSTMENT AND CLOSURE - ROCKFIELD AND OLDFIELD TRAFFIC SIGNAL INSTALLATION – CAPITAL IMPROVEMENT PROJECT (CIP) 311810**

**ACTION:**

- 1) Approved a budget adjustment increasing revenues and corresponding appropriations in the amount of \$82,652 from Hazard Elimination Safety grant (HES) and Transfer-In from Gas Tax in the amount of \$8,310 to the Rockfield and Oldfield Traffic Signal Installation project, CIP 311810.
- 2) Approved the closure of Rockfield and Oldfield Traffic Signal Installation project, CIP 311810, with \$383,100 in total expenditures.

**END OF CONSENT CALENDAR**

**4. FIRST READING OF ORDINANCES**

**4.1 ORDINANCE TO CONFORM TO THE REQUIREMENTS OF SENATE BILL 53, TO DESCRIBE THE IRVINE REDEVELOPMENT AGENCY PROVISIONS AND LIMITATIONS FOR EMINENT DOMAIN**

Brian Fisk, Manager of Redevelopment, presented the staff report.

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

Introduce for first reading and read by title only ORDINANCE NO. 07-13 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE CONFORMING TO THE REQUIREMENTS OF SENATE BILL 53, CHAPTER 591 OF STATUTES OF 2006, AS CODIFIED IN CALIFORNIA HEALTH AND SAFETY CODE SECTION 33342.7, TO DESCRIBE THE IRVINE REDEVELOPMENT AGENCY'S PROVISIONS AND LIMITATIONS FOR REAL PROPERTY ACQUISITION BY EMINENT DOMAIN

**5. PUBLIC HEARINGS**

**5.1 ORDINANCE RELATING TO STATE AND LOCAL FRANCHISES FOR CABLE COMMUNICATIONS AND FRANCHISE AGREEMENT WITH COX COMMUNICATIONS**

Mayor Krom declared the public hearing open at 6:51 p.m.

Sean Joyce, City Manager, presented the staff report.

Jim Leach, Cox Communications, spoke on this item.

**ACTION: At 6:57 p.m., moved by Councilmember Shea, seconded by Councilmember Kang, and unanimously carried to close the public hearing.**

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

- 1) Introduce for first reading and read by title only ORDINANCE NO. 07-14- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE RELATING TO STATE AND LOCAL FRANCHISES FOR CABLE COMMUNICATIONS SYSTEMS AND GRANTING A FRANCHISE TO COXCOM, INC. DBA COX COMMUNICATIONS
- 2) Approve a budget adjustment to receive \$929,860 of the Cox Settlement Agreement Payment into the General Fund Strategic Surplus (Fund Balance).
- 3) Approve a budget adjustment to transfer \$3,070,140 of the Cox Franchise Agreement Grant Payment to the Technology Fund (Fund 579).

**6. COUNCIL BUSINESS**

**6.1 2007 STRATEGIC BUSINESS PLAN**

Sean Joyce, City Manager and Ken Brown, Strategic Business Plan Administrator, presented the staff report.

City Council discussion included: Integration of the City's Strategic Business Plan with the Orange County Great Park Strategic Business Plan; funding for the Public Safety component at the Orange County Great Park including staffing costs and construction of a Public Safety facility; clarification of budget surplus as presented in the Strategic Business Plan vs. City's budget; clarification of plan for transit systems as it relates to cost to construct; importance of presenting a balanced annual operating budget every year; need to mitigate traffic; need for a complete traffic model study; necessity to focus on transportation improvements;

clarification of how the Public Safety factor will be funded as the Orange County Great Park is developed; clarification of funding for Public Safety support; and the need to ensure the City's financial position is clearly reported.

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

Adopt the 2007 Strategic Business Plan.

**6.2 CONSIDERATION OF PARKING REQUIREMENTS IN COMMERCIAL CENTERS**

Councilmember Choi presented the item.

John Ernst, Principal Planner and Tim Gehrich, Manager of Planning and Development Services, were present and responded to questions.

City Council discussion included: Clarification of parking requirements and ratios of parking when developing shopping centers; clarification that parking requirements for a stand alone building in a shopping center is based on the free-standing parking ratio; clarification that parking requirements for commercial centers in Irvine are determined by whether the center is located in a Multi-Use Zone of a Commercial Zone; and concern with shortage of parking in local shopping centers where restaurants are located.

**ACTION:** By order of the Chair, Staff was directed to prepare a TW2 memo update to City Council on potential parking plan alternatives in the Irvine Business Complex and Great Park.

**6.3 ORANGE COUNTY GREAT PARK CORPORATION BALLOON PROJECT BID, ADD ALTERNATES, AND PROPOSED BUDGET ADJUSTMENT**

Colleen Clark, Deputy Chief Executive Officer - Orange County Great Park and Kurt Mowery, Manager of Finance - Orange County Great Park, presented the staff report.

City Council discussion included: Exploring mechanisms to recoup costs associated with the balloon; need to develop a comprehensive plan; clarification of cost to rent tent; feasibility of purchasing tent vs. renting tent; return with concepts of commercial vendors at site to recoup some of the costs; build in a cost percentage to take into account improvements that may be necessary to further the project; clarification of location of boxed trees; and pricing schedule for the balloon ride.

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

- 1) Approve a budget adjustment to the Fiscal Year 2006-2007 Great Park budget reducing the anticipated contribution from Heritage Fields by \$155,700.
- 2) Approve an increase to the Orange County Great Park Balloon Project Budget (CIP No. 377040) by \$179,300 to reestablish the project contingency.
- 3) Approve adding all of the following options to the Orange County Great Park Balloon Project (CIP No. 377040):
  - Option 1:** Asphalt roadway with wood header edges that connects Marine Way to the balloon site, and asphalt paving extension on the east side of the parking lot, and bus parking lot paint lines (\$154,688).
  - Option 2:** Timeline painting mock-up and the timeline painting (\$10,224).
  - Option 3:** 47-36" box citrus trees with irrigation and mulch for ground cover (\$18,286).
  - Option 4:** Planting of areas outside of the balloon berm, installation of irrigation, and hydro seed (\$61,695).
  - Option 5:** Center paint line and orange dots for entire length of entrance drive from the entry guard shack to the balloon parking lot (\$14,376).
- 4) Provide direction to staff to purchase the visitors center tent at an additional project cost of \$244,000.
- 5) Approve a budget adjustment allocating funds from the OCGP Fund 180 fund balance in the amount identified in recommendations 1 and 2, and any option(s) directed from recommendation 3 and 4 above.

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

- 6) Direct staff to develop and return to the Orange County Great Park Corporation Board and the City Council within 45 days with an alternative cost-recovery and pricing analysis for the passenger balloon feature of the Great Park; that such analysis shall emphasize potential revenues derived from exclusive group use, sponsorships, and other sources that staff may identify and recommend; but that individuals and families will not be charged as passengers on the Orange County Great Park balloon during an introductory period through the balance of the calendar year 2007.

**The motion carried as follows:**

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

**6.4 ORANGE COUNTY GREAT PARK CORPORATION CONTRACT EXTENSION AND BUDGET AMENDMENT REQUEST**

Marty Bryant, Chief Executive Officer - Orange County Great Park; Colleen Clark, Deputy Chief Executive Officer - Orange County Great Park; and Kurt Mowery, Manager of Finance - Orange County Great Park, presented the staff report.

City Council discussion included: Clarification that the budget adjustment is to accommodate a new contract for the purposes of future planning and design of the Orange County Great Park; clarification requested budget adjustment is to accommodate additional scope of work; concern with approving budget adjustment for new contract and overlapping current contract which has not been exhausted; need to utilize existing resources before utilizing future resources; and clarification that unfinished projects in phase I and II will extend through July.

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

- 1) Approve a budget adjustment increasing the Fiscal Year 2006-2007 Great Park budget for the Great Park Design Studio by \$2,208,039.
- 2) Authorize the City Manager to execute a contract amendment to the Master Designer Agreement incorporating the \$2,208,039 budget increase for Task 7 with the direction that any resources currently allocated under the existing contract are to be fully expended before expending funds from new contract; and any remaining funds under the existing contract will be carried forward to ensure funding is in place for a seamless work effort. **(Contract No. 5309A)**
- 3)

**The motion carried as follows:**

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

**END OF COUNCIL BUSINESS**

**PUBLIC COMMENTS**

A.D. Zelinko, Irvine resident, spoke on the memorial event scheduled at Northwood Community Park honoring the fallen soldiers of Iraq.

**IN MEMORIAM**

Mayor Krom adjourned the meeting in memory of Elli Khamanian, an 11-year old Woodbridge resident who lost her 18 month battle with Osteosarcoma.

**ADJOURNMENT**

**Moved by Councilmember Kang, seconded by Councilmember Shea and unanimously carried to adjourn at 11:07 p.m.** to a Regular Meeting to be held on May 22, 2007, at 4:00 p.m. at the Irvine Civic Center, One Civic Center Plaza, Irvine, California.

  
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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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May 22, 2007