



Sukhee Kang  
Mayor

Beth Krom  
Mayor Pro Tempore

Larry Agran  
Councilmember

Steven Choi  
Councilmember

Jeffrey Lalloway  
Councilmember

# AGENDA

## CITY COUNCIL REGULAR MEETING

May 22, 2012

4:00 PM

City Council Chamber  
One Civic Center Plaza  
Irvine, CA 92606

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**Speaker's Card/Request to Speak:** If you would like to address the City Council on a scheduled agenda item, please complete the [Request to Speak Form](#). The card is at the table at the entrance to the City Council Chamber. Please identify on the card your name and the item on which you would like to speak and return to the City Clerk. The [Request to Speak Form](#) assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

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### CALL TO ORDER

### ROLL CALL

### CLOSED SESSION

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Government Code § 54956.9(c) (one item):** Consideration of whether to initiate Litigation concerning State of California, Department of Finance's actions on Revised Obligation Payment Schedule.

### RECONVENE TO THE CITY COUNCIL MEETING

### PLEDGE OF ALLEGIANCE

**MOMENT OF SILENCE**

**MUSICAL PRESENTATION**

**1. PRESENTATIONS**

**1.1 Youth Action Team Recognition**

**CITY MANAGER'S REPORT**

**ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

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Announcements, Committee Reports and Council Comments are for the purpose of presenting brief comments or reports, are subject to California Government Code Section 54954.2 of the Brown Act and are limited to 15 minutes per meeting.

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**ADDITIONS AND DELETIONS**

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Additions to the agenda are limited by California Government Code Section 54954.2 of the Brown Act and for those items that arise after the posting of the Agenda and must be acted upon prior to the next City Council meeting.

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**2. CONSENT CALENDAR**

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All matters listed under Consent Calendar are considered by the City Manager to be routine and enacted by one roll call vote. There will be no discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion. Any member of the public may address the Council on items on the Consent Calendar. Public comments on any item or items on the consent calendar are limited to three minutes per speaker. If you wish to speak to a particular item or items, please complete a Speakers Form and give it to the City Clerk.

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**2.1 MINUTES**

**ACTION:**

Approve the minutes of a regular meeting of the Irvine City Council held on May 8, 2012.

**2.2 PROCLAMATION**

**ACTION:**

Proclaim June 2012 as "National Scoliosis Awareness Month."

**2.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopt - 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

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

**ACTION:**

Adopt - 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

**2.5 TREASURER'S REPORT FOR THE QUARTER ENDED MARCH 31, 2012**

**ACTION:**

Receive and file.

**2.6 APPROVAL OF THE 2012 SUPPLEMENT TO THE CONSULTANT TEAM**

**ACTION:**

Approve the City's 2012 Supplement to the Consultant Team selection for professional and technical consultant services for a one-year period from July 1, 2012 through June 30, 2013, as set forth in the Consultant Team Recommendations List; and delegate authority to the department directors to execute the final contracts.

**2.7 CIVIC CENTER FUEL STATION UNDERGROUND STORAGE TANK AND DISPENSER ISLAND REPLACEMENT**

**ACTION:**

Approve the plans, specifications, and contract documents for Civic Center Fuel Station Underground Storage Tank and Dispenser Island Replacement, Capital Improvement Project (CIP) 361203.

**2.8 GRANT OF EASEMENT TO AT&T FOR U-VERSE FACILITIES ALONG CULVER DRIVE AT IRVINE BOULEVARD**

**ACTION:**

Authorize the Mayor to execute the easement to Pacific Bell Telephone Company (AT&T) to install and maintain communication facilities.

**2.9 PENDING APPROVAL FOR TRACT MAP NOS. 17444 AND 17451 IN STONEGATE**

**ACTION:**

Receive and file.

**2.10 ORDINANCE NO. 12-09, ORDINANCE APPROVING ZONE CHANGE 00540581-PZC**

**ACTION:**

Read by title only, second reading and adoption of ORDINANCE NO. 12-09 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00540581-PZC TO AMEND THE ZONING ORDINANCE FOR CONSISTENCY WITH PREVIOUSLY APPROVED ZONE CHANGES; CITY COUNCIL DIRECTIVES; INCORPORATING MINOR "CLEAN-UP" CHANGES SUCH AS CORRECTIONS TO SCRIVENER'S ERRORS, REVISING TEXT AND EXHIBITS FOR IMPROVED ACCURACY AND READABILITY; AND PROVIDING NEW OR REVISED LAND USE/ZONING PROVISIONS RELATED TO USE DETERMINATIONS AND LANDSCAPE SETBACKS; FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT

Unless otherwise directed by a member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.

**2.11 COMMUNITY PARTNERSHIP FUND GRANT NOMINATIONS - IRVINE CHILDREN'S FUND**

**ACTION:**

Approve community partnership grant award to Irvine Children's Fund in support of its child care scholarship program.

**2.12 ORANGE COUNTY GREAT PARK APPROVAL OF AGREEMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY TO HOST THE SOLAR DECATHLON 2013**

**ACTION:**

- 1) Accept a grant award from the U.S. Department of Energy in the amount of \$375,000 for Phase 1 planning to host the Solar Decathlon 2013 and XPO.
- 2) Approve the transfer agreement to transfer from the Orange County Great Park Corporation a \$375,000 grant award from the U.S. Department of Energy.
- 3) Approve a sole source agreement with Fred Smoller, Ph.D. as liaison with the higher education community and community meeting facilitator.
- 4) Approve the acceptance and budget adjustments of sponsorships for the Solar Decathlon 2013 and the XPO as pledged and received over the life of the project.

- 5) Approve a budget adjustment for Fiscal Year 2011-2012, increasing revenues by \$92,000 and expenditures by \$50,000; and for Fiscal Year 2012-2013, increasing revenues by \$62,000.

Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each Councilmember when he or she sat and voted as a member of the Board of Directors of the Orange County Great Park Corporation. However, if a Councilmember is not present at the City Council meeting, his or her vote will be reflected as absent.

**2.13 APPROVAL TO ENTER INTO MUTUAL INDEMNIFICATION AGREEMENTS WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA AND ONE OC, FOR A HEALTH PROGRAM AT THE GREAT PARK FARMERS MARKET**

**ACTION:**

- 1) Authorize the Chief Executive Officer to approve a standard mutual indemnification agreement with the Regents of the University of California, on behalf of the University of California, Irvine Nursing Science Program for the Clinic in the Park program, in substantial conformity with the form attached to the staff report dated May 22, 2012.
- 2) Authorize the Chief Executive Officer to approve a standard mutual indemnification agreement with OneOC for the Clinic in the Park program, in substantial conformity with the form attached to the staff report dated May 22, 2012.

Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each Councilmember when he or she sat and voted as a member of the Board of Directors of the Orange County Great Park Corporation. However, if a Councilmember is not present at the City Council meeting, his or her vote will be reflected as absent.

**2.14 RESOLUTION CONTAINING TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES**

**ACTION:**

Adopt - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IRVINE AND THE ASSOCIATED SUPERVISORY/ADMINISTRATIVE PERSONNEL (ASAP), AND SUPERSEDING ALL PREVIOUS ASAP MEMORANDUMS OF UNDERSTANDING, EFFECTIVE THE PAY PERIOD THAT INCLUDES AUGUST 11, 2012

## END CONSENT CALENDAR

**PUBLIC COMMENTS (Limited to 3 minutes per speaker) Public comments will be heard at approximately 6:30 p.m. or prior to adjournment, whichever occurs earlier.**

## ADJOURNMENT

### NOTICE TO THE PUBLIC

#### LIVE BROADCASTING

Regular City Council meetings are broadcasted live every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 4:00 p.m. and are replayed on Sundays at 11:00 a.m., and Thursdays at 7:00 p.m. All broadcasts can be viewed on Cox Communications Local Access Channel 30. City Council meetings are also available via live webcast through the City's website at [www.cityofirvine.org](http://www.cityofirvine.org). For more information, please contact the City Clerk's office at (949)724-6205.

### ADJOURNMENT

**At 11:00 p.m.**, the City Council will determine which of the remaining agenda items can be considered and acted upon prior to 12:00 midnight and will continue all other items on which additional time is required until a future City Council meeting. All meetings are scheduled to terminate at 12:00 midnight.

### STAFF REPORTS

As a general rule, staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials are on file with the City Clerk and are available for public inspection and copying once the agenda is publicly posted, (at least 72 hours prior to a regular City Council meeting). Staff reports can also be downloaded from the City's website at [http://www.ci.irvine.ca.us/council/agenda/agenda\\_archive.asp](http://www.ci.irvine.ca.us/council/agenda/agenda_archive.asp) beginning the Friday prior to the scheduled City Council meeting on Tuesday.

In addition, meetings can be viewed live at the time posted on the agenda and related staff reports can be opened and viewed simultaneously along with the streaming of the meeting. To view the meeting, go to [http://irvine.granicus.com/ViewPublisher.php?view\\_id=6](http://irvine.granicus.com/ViewPublisher.php?view_id=6).

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

### SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda after the posting of the agenda will be available for public review in the City Clerk's Office, One Civic Center Plaza, Irvine, California, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

### SUBMITTAL OF INFORMATION BY MEMBERS OF THE PUBLIC FOR DISSEMINATION OR PRESENTATION AT PUBLIC MEETINGS

#### Media Types and Guidelines

1. Written Materials/handouts:

Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the City Council. Please provide 15 copies of the information to be submitted and file with the City Clerk at the time of arrival to the meeting. This information will be disseminated to the City Council at the time testimony is given.

2. Large Displays/Maps/Renderings:

Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the City Clerk's Office at (949)724-6205 no later than 12:00 noon on the day of the scheduled meeting so that an easel can be made available, if necessary.

3. Electronic Documents/Audio-visuals:

Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Public Information Office (PIO) no later than 12:00 noon on the day of the scheduled meeting. To facilitate your request contact the PIO Office at (949)724-6253 or the City Clerk's Office at (949)724-6205.

Information must be provided on CD, DVD, or VHS; or, emailed by 12:00 noon on the day of the scheduled meeting to [pio@ci.irvine.ca.us](mailto:pio@ci.irvine.ca.us). Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a day time phone number.

The PIO office will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed or if the version provided is incompatible with the City's system. Every effort will be made by City staff to facilitate the presentation.

**PUBLIC COMMENT**

Any member of the public may address the City Council on items within the City Council's subject matter jurisdiction but which are not listed on this agenda during Public Comment; however, no action may be taken on matters that are not part of the posted agenda. If you would like to address the City Council during the Public Comment portion of the Agenda, please complete the Request to Speak Form. The card is at the table at the entrance to the City Council Chamber. Please complete the card with your name and return to the City Clerk. The Request to Speak Form assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. Your name will be called at the time Public Comment is taken by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

**CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS**

It is the intention of the City of Irvine to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (949)724-6205.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

**CHALLENGING CITY DECISIONS**

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90<sup>th</sup> day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

If a person wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Irvine, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

**COMMUNICATION DEVICES**

To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

**MEETING SCHEDULE**

Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 4:00 p.m. Study Sessions and/or Closed Sessions are periodically held prior to the start of the regular meeting. Agendas are available as follows:

- City Clerk's Office
- Police Department
- Local library
- City's web page at [www.ci.irvine.ca.us](http://www.ci.irvine.ca.us)

I hereby certify that the agenda for the Regular City Council meeting was posted in the posting book located in the Public Safety Lobby of City Hall, One Civic Center Plaza, Irvine, California on \_\_\_\_\_ by \_\_\_\_\_ p.m. as well as on the City's web page.

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Sharie Apodaca, MMC  
City Clerk