



**CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order at 4:06 p.m. on March 9, 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

The City Council considered the Consent Calendar at this time (See page 3).

**RECESSED – 5:02 p.m.**

**RECONVENE TO THE CITY COUNCIL MEETING – 5:24 p.m.**

**PLEDGE OF ALLEGIANCE**

Mayor Kang led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Kang requested a moment of silence in honor of the earthquake victims of Chile as well as those who have been instrumental in providing rescue relief.

## **MUSICAL PRESENTATION**

Mayor Kang introduced the South Lake Middle School Chorus and String Orchestra under the direction of Jason Grenier, who performed "America the Beautiful" and "Shenandoah."

### **1. PRESENTATIONS**

#### **1.1 "Cans for Cash" Recycling Challenge Award**

The Mayor introduced representatives from the 2/11 Marine Battalion, 2/11 Marine Adoption Committee and several local businesses and presented the battalion \$5,000 Cash for Cans Award in support of our military servicemen and women.

#### **1.2 2-1-1 Orange County Update**

The Mayor introduced Steve Lemler representing 2-1-1 Orange County, who provided a presentation on the 2-1-1 services available to Irvine residents and answered City Council questions.

## **INTRODUCTIONS**

There were none.

## **CITY MANAGER'S REPORT**

There was no report.

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

Mayor Kang made the following announcements:

- The Orange County Great Park is proud to present a series of gardening education workshops on sustainable home gardening practices led by the University of California Cooperative Extension Master Gardeners of Orange County. The first workshop in the series is Grow it Now: Warm Season Vegetables on March 13 from 10 a.m. to noon.
- The City of Irvine, the Irvine Company and the Irvine Ranch Conservancy will host the Quail Trail Ribbon-Cutting and opening of the City's open access trail network, connecting the Irvine Open Space Preserve to the Laguna Coast Wilderness Park and Crystal Cove State Park trail systems on March 20, 2010.
- In partnership with Chess Palace, the Orange County Great Park will serve as the host site for the Southern California Super State Chess Championship, from March 26-28. This 3-day event will showcase the talent of young students,

grades K-12, who will compete in a rated tournament to determine a champion from each division.

- The City of Irvine's Residential Rehabilitation Program (RRP) offers financial assistance through emergency grants and 3% interest deferred loans to assist low-income homeowners with critical home improvements of health and safety, building code, and accessibility related repairs. For more information about qualifying for assistance, please visit [cityofIrvine.org](http://cityofIrvine.org) or call 949-724-7454.

## **ADDITIONS AND DELETIONS**

There were none.

## **2. CONSENT CALENDAR**

Consent Calendar Items consisted of Item Nos. 2.1 through 2.11.

**ACTION:** Moved by Councilmember Shea, seconded by Councilmember Choi, and carried unanimously to approve Consent Calendar Items 2.1 through 2.9, with the exception of Items 2.10 and 2.11, which were removed for separate discussion.

### **2.1 MINUTES**

**ACTION:**

- 1) Approved the minutes of a regular meeting of the Irvine City Council held on February 23, 2010.
- 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 February 25, 2010.

### **2.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:**

Adopted RESOLUTION NO. 10-23 - 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

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

**ACTION:**

Adopted RESOLUTION NO. 10-24 - 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.

**2.4 COOPERATIVE AGREEMENTS BETWEEN CITY OF IRVINE, IRVINE COMMUNITY DEVELOPMENT COMPANY AND CALTRANS FOR LAGUNA CANYON ROAD (SR-133) WIDENING PROJECT (I-405 TO LAKE FOREST DRIVE)**

**ACTION:**

- 1) Adopted RESOLUTION NO. 10-25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING DISTRICT AGREEMENT NO. 12-576 BETWEEN CALTRANS AND THE CITY OF IRVINE FOR THE CONSTRUCTION OF IMPROVEMENTS TO LAGUNA CANYON ROAD (SR-133) BETWEEN I-405 AND LAKE FOREST DRIVE
- 2) Authorized the Mayor to execute District Agreement No. 12-576 between the City of Irvine and Caltrans for the construction of roadway improvements along Laguna Canyon Road (SR-133) between I-405 and the future Lake Forest Drive intersection.
- 3) Authorized the Mayor to execute an Agreement between the City of Irvine and the Irvine Community Development Company for the construction of roadway improvements along Laguna Canyon Road (SR-133) between I-405 and the future Lake Forest Drive intersection.

**2.5 ACCEPTANCE OF CALIFORNIA HIGHWAY PATROL GRANT FOR THE EVERY 15 MINUTES PROGRAM**

**ACTION:**

- 1) Accepted a California Highway Patrol grant award for the Every 15 Minutes program in the amount of \$9,999.99.
- 2) Approved a budget adjustment request in the amount of \$9,999.99, reflecting \$9,999.99 in revenues and appropriations.

**2.6 ACCEPTANCE OF AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SUPPLIES OR FOR REIMBURSEMENT OF TRAINING COSTS FOR FY09 URBAN AREAS SECURITY INITIATIVE (UASI) GRANT**

**ACTION:**

- 1) Authorized the Director of Public Safety to accept the Agreement for Transfer or Purchase of Equipment/Supplies or for Reimbursement of Training Costs for FY09 Urban Areas Security Initiative (UASI) Grant.
- 2) Authorized the Director of Public Safety to accept any equipment, technology, services or supplies purchased by the City of Santa Ana and transferred to the City of Irvine to enhance countywide emergency preparedness.
- 3) Approved a budget adjustment in the amount of \$270,000 in grant revenues and appropriations for any training costs, any necessary overtime for backfill, equipment, supplies or services.
- 4) Authorized the Director of Public Safety to submit for reimbursement up to \$70,000 in training and overtime costs, and \$200,000 in approved equipment, supplies or services through the FY09 Urban Areas Security Initiative Grant Program.

**2.7 FINAL TRACT MAP NO. 17324 NOTICE OF REVIEW FOR RESIDENTIAL CONDOMINIUMS IN WOODBURY**

**ACTION:**

Received and filed.

**2.8 COOPERATIVE AGREEMENT FOR THE NEWPORT BAY WATERSHED AND THE CENTRAL WATERSHED MANAGEMENT AREA – FOURTH AMENDMENT AND FULL RESTATEMENT OF COOPERATIVE AGREEMENT**

**ACTION:**

Authorized the Mayor to execute Cooperative Agreement D08-104 for the Newport Bay Watershed and the Central Watershed Management Area – Fourth Amendment and Full Restatement of Cooperative Agreement, subject to City Attorney review as to form.

**2.9 FISCAL YEAR 2009-10 PROPOSITION 1B – LOCAL STREETS AND ROADS IMPROVEMENT, CONGESTION RELIEF AND TRAFFIC SAFETY ACCOUNT FUNDING PLAN**

**ACTION:**

- 1) Authorized submittal of a grant application for Fiscal Year 2009-10 Proposition 1B funds and establish a new Capital Improvement

- Project for the Barranca Parkway Rehabilitation Project (CIP 310150).
- 2) Approved a Budget Adjustment in the total amount of \$3,004,176 to receive \$2,460,000 of Proposition 1B funds into the Jamboree/I-5 Interchange Improvement project (CIP 317090) and \$544,176 of Proposition 1B funds into the Barranca Parkway Rehabilitation project (CIP 310150), subject to receipt of funds from the State of California.

**2.10 AMENDMENT TO CONTRACT FOR AGRICULTURAL PROGRAM SERVICES FOR THE ORANGE COUNTY GREAT PARK CORPORATION**

Councilmember Shea removed this item for clarification on the contractual obligations and implications of the proposed contract amendment. Mayor Kang noted that letters from Allan Price, President of the Orange County Farm Bureau and Mark Lowry, Community Action Partnership of Orange County were submitted in favor of approving the proposed recommended actions. (Letters on file in the City Clerk’s Office.)

City Manager Joyce introduced Mike Ellzey, Great Park CEO and Cliff Wallace, Deputy CEO, who provided the staff report.

Public comments included the following individuals who spoke in support of the Orange County Great Park Agricultural Programs:

- Joe Schoeningh, Second Harvest Food Bank
- Teena Spindler, University of California Master Gardeners

Council discussion included: clarification of the budget implications of the contract amendment; clarification of the Great Park Strategic Business Plan in relation to the Western Sector Development Plan; policy and procedures of commission, board and council actions; Measure R requirements and clarification of present and future agricultural program services.

**ACTION: Moved by Mayor Pro Tem Agran, seconded by Councilmember Krom, to:**

- ACTION:**
- 1) Authorize the CEO to prepare a sole source Contract Amendment to Dudek in the not to exceed amount of \$142,000 for additional agricultural program services as detailed in the attached scope and fees.
  - 2) Approve a budget adjustment modifying the Great Park FY 2009-10 budget by allocating existing expenditures to accommodate this request.

**The motion carried as follows:**

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

**2.11 AMENDMENT TO CONTRACT FOR ORANGE COUNTY GREAT PARK ARCHITECT OF RECORD SERVICES**

Councilmember Shea removed this item for clarification on the contractual obligations and liabilities of the proposed amendment.

City Manager Joyce introduced Phil Kohn, City Attorney and Donna Brady, Special Counsel to the Great Park, who provided the staff report and responded to City Council questions.

Council discussion included: clarification of the liability assumption by the City with the contract amendment; application of case law to the current and proposed contractual obligations and indemnification of the WRNS contract; and clarification of professional and contractual negligence and indemnification.

**ACTION: Moved by Mayor Pro Tem Agran, seconded by Councilmember Krom, to:**

**ACTION:**

- 1) Approve and authorized the City Manager to sign the First Amendment to Agreement for Contract Services with WRNS Studio LLP.
- 2) Approve the recommended change to the City's standard consultant agreement with respect to the applicable indemnification language.

**The motion carried as follows:**

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

**END CONSENT CALENDAR**

**3. PUBLIC HEARINGS**

**3.1 APPROVAL OF CALIFORNIA COMMUNITIES STATEWIDE DEVELOPMENT AUTHORITY FIXED RATE TAX EXEMPT REVENUE BONDS**

City Manager Joyce introduced Donna Mullally, Manager of Fiscal Services and Valaya Chitchakkol, Finance Administrator, who presented the staff report and responded to questions.

Mayor Kang opened the public hearing at 7:30 p.m. There were no public comments.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Krom, and unanimously carried by those members present to close the public hearing at 7:31 p.m.**

City Council discussion included the clarification of the non-financial obligation of the proposed recommended action.

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

**ACTION:**  
Adopt RESOLUTION NO. 10-26- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF RECOVERY ZONE FACILITY REVENUE BONDS FOR THE SUNEDISON CALIFORNIA PORTFOLIO

**3.2 ABANDONED SHOPPING CART ORDINANCE**

City Manager Joyce introduced Eric Tolles, Deputy Director of Community Development; and Jan Helf, Code Enforcement Supervisor, who presented the staff report.

Mayor Kang opened the public hearing at 7:43 p.m.

Public comments included:

Isaiah Leslie, Legislative Committee of Irvine Chamber of Commerce, expressed concerns with the ordinance and its financial impacts upon businesses. Michael Le Blanc, the Irvine Company, spoke in support of the ordinance and working with the City and businesses to implement.

**ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to close the public hearing at 7:47 p.m.**

City Council discussion included: concerns of the financial burdens of the proposed ordinance on local businesses, number of carts collected monthly and annually, costs of shopping cart retrieval services and abatement systems and public awareness efforts.

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

**ACTION:**

Introduce for first reading and read by title only ORDINANCE NO.10-02 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADDING CHAPTER 7 TO TITLE 4, DIVISION 11 OF THE IRVINE MUNICIPAL CODE TO ESTABLISH REGULATIONS RELATING TO SHOPPING CARTS as amended to allow existing businesses 180 days to submit a retrieval or containment plan for City review and approval, and an additional 180 days to implement the plan

**The motion carried as follows:**

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

**4. COUNCIL BUSINESS**

**4.1 PROPOSAL TO HOST QUARTERLY "TOWN HALL" STUDY SESSIONS**

City Manager Joyce introduced Gina Park, Assistant to the City Manager, who presented the staff report.

City Council discussion included: clarification of the current practices and opportunities offering public and City Council interaction, and importance of constituent participation in public meetings.

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

**ACTION:**

Receive and file.

**4.2 MAYOR PRO TEMPORE SELECTION**

This item was agendized by Councilmember Choi for clarification of the Mayor Pro Tem selection process.

City Council discussion included: clarification of the role and responsibility of the office of Mayor Pro Tem and working relationship with an elected Mayor, and appointing the Mayor Pro Tem on a rotation basis.

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

**ACTION:**

To modify the process of the selection of Mayor Pro Tem, so that the position rotates according to seniority. If two councilmembers have served the same amount of time, then the city councilmember who received the highest number of votes in the most recent election will serve first and then followed by the other.

**The motion failed as follows:**

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

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

Dave Drake, Ranch Home Owner’s Association, spoke on the Jeffrey/Smoketree intersection signal light.

Eric Nolan, Irvine Valley College Green Team Alliance, spoke in support of banning Styrofoam products from local eateries.

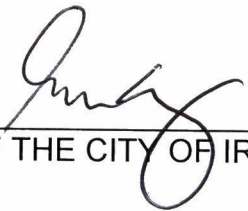
Sherri Loveland, O.C. Interfaith Coalition for the Environment, spoke in support of using environmentally friendly products.


Esther Tse, Northwood High Student, spoke in support of using environmentally friendly products.

Stephanie Barger, Earth Resource, spoke in support of using environmentally friendly products.

**ADJOURNMENT**

**Moved by Councilmember Krom, seconded by Mayor Pro Tem Agran, and  
unanimously carried to adjourn at 9:11 p.m.**

  
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MAYOR OF THE CITY OF IRVINE

  
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CITY CLERK OF THE CITY OF IRVINE

March 23, 2010