MINUTES

CITY COUNCIL REGULAR MEETING AND SPECIAL JOINT MEETING WITH THE IRVINE PUBLIC FACILITIES AND INFRASTRUCTURE AUTHORITY November 22, 2011

City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:05 p.m. on November 22, 2011 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Jeffrey Lalloway
		Mayor Pro Tempore:	Beth Krom
		Mayor:	Sukhee Kang

CONVENE TO SPECIAL JOINT MEETING WITH THE IRVINE PUBLIC FACILITIES AND INFRASTRUCTURE AUTHORITY (IPFIA) – 4:10 p.m.

The City Council convened to a special joint meeting with the Irvine Public Facilities and Infrastructure Authority at 4:10 p.m. to consider Joint Business Item No. 6.1, followed by a regular meeting of the Irvine Redevelopment Agency Meeting at 4:17 p.m. Also refer to November 22, 2011 IPFIA agenda and minutes.

6. JOINT BUSINESS

Councilmember/Boardmember Lalloway made a brief statement about his potential conflict of interest and subsequent abstention from discussion and voting on item 3 before leaving the dais at 4:11 p.m.

6.1 ISSUANCE OF IRVINE PUBLIC FACILITY AND INFRASTRUCTURE AUTHORITY REVENUE BONDS, 2011 SERIES A

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

City Council and Authority discussion included: clarification of the bond interest, ratings, and maturity.

ACTION: Moved by Boardmember Choi, seconded by Vice Chair Krom, to:

BOARD ACTION:
Adopt RESOLUTION NO. 11-01 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRVINE PUBLIC FACILITIES AND INFRASTRUCTURE AUTHORITY AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $40,000,000 AGGREGATE PRINCIPAL AMOUNT OF IRVINE PUBLIC FACILITIES AND INFRASTRUCTURE AUTHORITY REVENUE BONDS, 2011 SERIES A, APPROVING THE EXECUTION AND DELIVERY OF AN INDENTURE, THE CITY PURCHASE AGREEMENT, THE AUTHORITY PURCHASE AGREEMENT AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO

The motion carried as follows:

AYES:	4	BOARDMEMBERS:	Agran, Choi, Krom and Kang
NOES:	0	BOARDMEMBERS:	None
ABSENT:	0	BOARDMEMBERS:	None
ABSTAIN:	1	BOARDMEMBERS:	Lalloway

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

CITY COUNCIL ACTION:
1) Adopt RESOLUTION NO. 11-144 - A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $40,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE LIMITED OBLIGATION IMPROVEMENT BONDS, REASSESSMENT DISTRICT NO. 11-2, APPROVING THE EXECUTION AND DELIVERY OF A FISCAL AGENT AGREEMENT, AN ESCROW AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO

2) Adopt RESOLUTION NO. 11-145 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE REASSESSMENT REPORT FOR REASSESSMENT DISTRICT NO. 11-2, CONFIRMING AND ORDERING THE REASSESSMENT PURSUANT TO SUMMARY PROCEEDINGS THEREFOR AND DIRECTING ACTIONS WITH RESPECT THERETO

3) Adopt RESOLUTION NO. 11-146 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING ITS INTENTION TO LEVY REASSESSMENTS AND TO ISSUE REFUNDING BONDS UPON THE SECURITY THEREOF IN REASSESSMENT DISTRICT NO. 11-2

The motion carried as follows:

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

ADJOURNMENT – SPECIAL JOINT MEETING OF THE IRVINE CITY COUNCIL AND IRVINE PUBLIC FACILITIES AND INFRASTRUCTURE AUTHORITY – 4:16 P.M.

RECONVENE – REGULAR CITY COUNCIL MEETING - 4:19 p.m.

1. CLOSED SESSION

1.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Government Code § 54956.9(c) (one item): Consideration of whether to initiate litigation concerning expansion and operations plans of County of Orange for Musick Jail.

1.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957; Title: City Manager.

City Attorney Kohn announced Closed Session Item No. 1.1 and noted that Item No. 1.2 would be discussed at the end of the City Council regular meeting, following which Mayor Kang convened to Closed Session at 4:20 p.m.

RECONVENE – 5:27 p.m.

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

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MUSICAL PRESENTATION

Mayor Kang introduced the Young Musicians Ensemble comprised of Nicholas Wu, University High School Freshman; Taichiroh Kanauchi, Northwood High School Sophomore; Nina Wang, University High School Freshman; and Nathan Hsu, Woodbridge High School Sophomore. They performed "America the Beautiful" and Scott Joplin's "The Entertainer."

2. PRESENTATIONS

2.1 Inaugural Business/Organization Recognition - Irvine Company

Mayor Kang recognized Mike LeBlanc, Senior Vice President of Irvine Company, and presented him with a Certificate of Recognition as one of Irvine's Inaugural Businesses.

2.2 Waste Management of Orange County "Irvine Recycling Champion" Recognition

Mayor Kang introduced Chrystal Fennel and Michelle Clark from Waste Management of Orange County who presented the "Irvine Recycling Champion Award" to Irvine residents Doug and Lori Suvalle.

2.3 Legislative Update Presentation by the 70th Assembly District Representative Donald Wagner

Mayor Kang introduced Donald Wagner, the 70th Assembly District representative, who provided a legislative report for the upcoming year.

CITY MANAGER'S REPORT

City Manager Joyce made the following announcements:

- The City of Irvine has been awarded the Distinguished Budget Presentation Award by the Government Finance Officers Association of the United States and Canada for the City's Fiscal Year 2011-12 year budget. This award represents the highest form of recognition in government budgeting.

- The City of Irvine received the *Award for Responding to Globalization* from the Orange County Business Council. The award was part of the Business Council's inaugural *Turning Red Tape Into Red Carpet Awards*, highlighting the City Council and its leadership, which has helped transform Irvine into an international community.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Kang made the following announcements:

- The City of Irvine, in partnership with the Irvine 2/11 Marine Adoption Committee, is hosting a special toy drive through December 4, to benefit children and families of Irvine's adopted Marine battalion from Camp Pendleton. Toy collection containers will be available in the lobbies of the Irvine Civic Center and Irvine Police Department, during normal business hours. For information, call 949-230-4406.

- The Joyful Jingles holiday concerts will be held on Saturday, December 3 and Sunday, December 4 at the Irvine Civic Center. For information, visit cityofirvine.org or call 949-724-6606.

- The City of Irvine's 40th Anniversary Celebration will take place on December 13 at 5 p.m. as part of the regular City Council meeting, followed by a reception in the main lobby. This event will recognize UC Irvine as one of Irvine's Inaugural Organizations; the top six 40th Anniversary Photo Contest Winners; and Oral History Project participants. A special screening of the Irvine Oral History Project will also take place. For more information, visit cityofirvine.org or call 949-724-7508.

- The first-ever Orange County Great Park New Year's Eve celebration will be held on Saturday, December 31, from 5-9:30 p.m. This family event will ring in the New Year on New York time and will conclude with the Great Park Balloon descending along with the ball in Times Square. The event is free. Parking is $10. For more information, visit ocgp.org.

ADDITIONS AND DELETIONS

There were none.

3. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tempore Krom, seconded by Councilmember Choi, and unanimously carried, unless otherwise noted below, to approve Consent Calendar Items 3.1 through 3.21.

3.1 MINUTES

ACTION:

1. Approved the minutes of a special joint meeting of the Irvine City Council and Orange County Great Park Board of Directors held on October 20, 2011.
2. Approved the minutes of a regular meeting of the Irvine City Council held on November 8, 2011.

3.2 PROCLAMATION

ACTION:

1. Proclaimed January 11, 2012 as the 50th Anniversary of the City of Villa Park.
2. Commended California State University, Fullerton President Dr. Milton A. Gordon.

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:
Adopted RESOLUTION NO. 11-135 - 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. 11-136 - 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 Pro Tempore Krom abstained.

3.5 WARRANT AND WIRE TRANSFER RESOLUTION – BANK OF AMERICA

ACTION:
Adopted RESOLUTION NO. 11-137 - 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.

3.6 ORDINANCE NO. 11-15, ORDINANCE RELATING TO LOUD PARTIES AND LIABILITY FOR HOSTS CAUSING OR ALLOWING UNDERAGE PERSONS TO BE SERVED, TO POSSESS OR TO CONSUME ALCOHOL AT GATHERINGS

ACTION:
Read by title only, second reading and adoption of ORDINANCE NO. 11-15 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CHAPTER 5, TITLE 4, DIVISION 11 OF THE IRVINE MUNICIPAL CODE RELATING TO LOUD PARTIES AND LIABILITY FOR HOSTS CAUSING OR ALLOWING UNDERAGE PERSONS TO BE SERVED, TO POSSESS OR TO CONSUME ALCOHOL AT GATHERINGS

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. (Approved 5-0)

3.7 STREET LANDSCAPE REHABILITATION - VILLAGES OF OAK CREEK/ ORANGETREE AND NORTHPARK/ NORTHWOOD POINTE

ACTION:
Approved the specifications and contract documents for street landscape improvements in Oak Creek/Orangetree and Northpark/Northwood Pointe, Capital Improvement Projects 351201 and 350010, on file with the Public Works Department.

Councilmember Choi abstained.

3.8 FINAL REPORT AND DECLARATION OF SURPLUS FOR ASSESSMENT DISTRICT NO. 89-9 AND ASSESSMENT DISTRICT NO. 94-15 (WESTPARK II)

ACTION:
1. Received and file the Final Report for Assessment District No. 89-9 and Assessment District No. 94-15 (Westpark II).
2. Adopted RESOLUTION NO. 11-138 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING A SURPLUS IN THE IMPROVEMENT FUND FOR CITY OF IRVINE

ASSESSMENT DISTRICT NOS. 89-9 and 94-15

3.9 SINGLE AUDIT OF FEDERALLY ASSISTED GRANT PROGRAMS FOR THE FISCAL YEAR ENDED JUNE 30, 2011

ACTION:
Received and filed.

3.10 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2011

ACTION:
Received and filed.

3.11 FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT AND SPECIAL FUNDS YEAR END REPORT

ACTION:

1. Approved the continuation of 354 capital projects with budgets totaling $243.1 million to fiscal year 2011-12 (FY 2011-12).
2. Approved the closure of 73 completed projects, with $107.2 million in expenditures.
3. Accepted $0.4 million of State of California Bicycle Transportation grant funding for the FY 2011-12 Off-Street Bike Trail Rehabilitation capital improvement project.
4. Allocated $0.2 million of non-circulation System Development Charge funding for the City of Irvine Building and Facility Master Plan.
5. Approved the adjustment of inter-fund transfers needed for capital projects among the Infrastructure and Rehabilitation, M-Turnback, Gas Tax, System Development Charge, and Renewed Measure M2 Funds for the fiscal year beginning July 1, 2011.
6. Approved funding for outstanding purchase orders and continuing activities from other Special Funds totaling $0.5 million.

3.12 FISCAL YEAR 2010-2011 MEASURE M2 EXPENDITURE REPORT

ACTION:
Adopted RESOLUTION NO. 11-139 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF IRVINE

3.13 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2011 AND AUDITORS' COMMUNICATION

ACTION:
Received and filed.

3.14 ACCEPTANCE OF TARGET CORPORATION PUBLIC SAFETY GRANT

ACTION:
1. Accepted a $1,000 public safety grant from the Target Corporation.
2. Approved a budget adjustment request in the amount of $1,000, reflecting an increase in revenues and appropriations.

3.15 APPROVAL OF PLANS AND SPECIFICATIONS FOR MODERNIZATION AND EXPANSION OF THE COMMUNITY CENTER AT NORTHWOOD COMMUNITY PARK; CAPITAL IMPROVEMENT PROJECT 369030

ACTION:
Approved plans and specifications for modernization and expansion of the community center at Northwood Community Park.

3.16 RENEWED MEASURE M GRANT APPLICATIONS

ACTION:
Adopted RESOLUTION NO. 11-140 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBMITTAL OF FUNDING APPLICATIONS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM

3.17 IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2011

ACTION:
Adopted RESOLUTION NO. 11-141 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECEIVING, ACCEPTING, AND FILING THE IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR 2010-11 FOR THE ORANGE COUNTY GREAT PARK REDEVELOPMENT PROJECT AREA

NOTE: An errata was filed to correct a typographical error on Page 6 of the "Annual Report: Additional Required Information" (Attachment 4 to the staff report). The expiration date for the establishment of loans, advances, and indebtedness to finance the redevelopment project is 2027, not 2017.

3.18 ORANGE COUNTY GREAT PARK FISCAL YEAR 2010-11 YEAR-END BUDGET REVIEW, CARRYOVER FUNDING REQUEST, AND CAPITAL IMPROVEMENT PROJECT (CIP) BUDGET ADJUSTMENTS

ACTION:

1. Received and file the year-end budget update report for the fiscal year ended June 30, 2011.
2. Approved a budget adjustment in the amount of $1,300,678 for Carryover funding from unfinished purchase orders and year-end surplus requests for expenditures approved in FY 2010-11, and appropriate that funding in FY 2011-12.
3. Approved CIP budget adjustments to add existing project staff salaries and benefits to specified CIP projects, and align existing FY 2011-12 budgets with the remaining allocation of funds in each CIP project.

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. (Approved 5-0)

3.19 ORANGE COUNTY GREAT PARK LEASE WITH SOUTHERN CALIFORNIA EDISON FOR CONSTRUCTION OF A ZERO NET ENERGY HOME

ACTION:
Approved a lease, in substantial conformity to the form attached to the staff report, with Southern California Edison for the construction of a Zero Net Energy Home at the Orange County Great Park.

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. (Approved 5-0)

3.20 ORANGE COUNTY GREAT PARK CORPORATION AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2011

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, 2011.

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. (Approved 5-0)

3.21 APPROPRIATION FOR ORANGE COUNTY GREAT PARK "O CLUB" CAPITAL IMPROVEMENT PROJECT

ACTION:
Approved the establishment of a Capital Improvement Project for the O Club, appropriate $380,000 of committed fund balance designated for that purpose and approve an amendment to the WRNS Studio, LLC contract in the amount of $380,000 to prepare: a structural and functional assessment of the O Club; design and construction documents; and provide construction administration to support the project.

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. (Approved 4-1 with Councilmember Choi voting no)

END CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 APPROVAL OF CALIFORNIA MUNICIPAL FINANCING AUTHORITY FIXED RATE TAX EXEMPT REVENUE BONDS- CONCORDIA UNIVERSITY

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

Mayor Kang opened the public hearing at 6:15 p.m. There were no public comments.

ACTION: Moved by Mayor Pro Tem Krom, seconded by Councilmember Lalloway, and unanimously carried to close the public hearing at 6:15 p.m.

There was no City Council discussion on the item.

ACTION: Moved by Mayor Pro Tempore Krom, seconded by Councilmember Lalloway, and unanimously carried to:

ACTION:
Adopt RESOLUTION NO. 11-142 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AMOUNT NOT TO EXCEED $34,000,000 FOR THE PURPOSES OF REFINANCING THE COSTS OF ACQUISITION, CONSTRUCTION, EXPANSION, IMPROVEMENT, RENOVATION, FURNISHING AND EQUIPPING OF CERTAIN EDUCATIONAL FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

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

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

Mayor Kang opened the public hearing at 6:17 p.m. There were no public comments.

ACTION: Moved by Mayor Pro Tem Krom, seconded by Councilmember Lalloway, and unanimously carried to close the public hearing at 6:17 p.m.

There was no City Council discussion on the item.

ACTION: Moved by Councilmember Choi, seconded by Mayor Pro Tempore Krom, and unanimously carried to:

ACTION:
Adopt RESOLUTION NO. 11-143 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES

DEVELOPMENT AUTHORITY IN AN AMOUNT NOT TO EXCEED $110,000,000 FOR THE PURPOSES OF REFINANCING THE COSTS OF ACQUISITION, CONSTRUCTION, EXPANSION, IMPROVEMENT, RENOVATION, FURNISHING AND EQUIPPING OF CERTAIN STUDENT HOUSING FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

5. COUNCIL BUSINESS

5.1 FISCAL YEAR 2010-2011 GENERAL FUND YEAR END REPORT

Mayor Kang read a statement into the record and introduced City Manager Joyce, who presented the staff report and responded to questions.

City Council discussion included: the success of the Bridge Plan to close the budget gap and build the reserve, request vendors to voluntarily discount invoices to the City, clarification of library needs within the City, current and future economic environment, clarification of the variances in revenues and expenditures, allocation of human and capital resources and clarification of the number of sworn officers budgeted and currently employed.

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

ACTION:

1. Receive and file the Budget Update Report for the Fiscal Year Ending June 30, 2011.
2. Approve a Budget Adjustment for Prior City Council Actions/Direction allocating $15,000 in expenditures for specific projects/programs previously approved by the City Council in FY 2010-11 that were not completed by the end of the fiscal year.
3. Approve a Budget Adjustment allocating $42,176 of year-end General Fund balance for outstanding encumbrances and Purchase Orders.
4. Approve a Budget Adjustment increasing allocations and transfers by $13,915,924 for various programs and projects as recommended by the City Manager.
5. Approve an appropriation of $450,000 from the unallocated year-end balance for a one-time employee productivity compensation adjustment to be distributed to current employees as follows:

    - $500 for full-time employees
    - $250 for part-time employees who have recently averaged 10 or more hours per week
    - $100 for part-time employees who have recently averaged less than 10 hours per week

ACTION: Substitute motion by Councilmember Choi, seconded by Councilmember Lalloway, to:

ACTION:

1. Receive and file the Budget Update Report for the Fiscal Year Ending June 30, 2011.
2. Approve a Budget Adjustment for Prior City Council Actions/Direction allocating $15,000 in expenditures for specific projects/programs previously approved by the City Council in FY 2010-11 that were not completed by the end of the fiscal year.
3. Approve a Budget Adjustment allocating $42,176 of year-end General Fund balance for outstanding encumbrances and Purchase Orders.
4. Approve a Budget Adjustment increasing allocations and transfers by $13,915,924 for various programs and projects as recommended by the City Manager.
5. Approve allocation of $454,000 from the unallocated year-end balance into a set-aside reserve fund for future use towards a library capital improvement project.

The substitute motion failed as follows:

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

ACTION: The original motion by Mayor Kang, seconded by Councilmember Agran, was amended following a friendly amendment offered by Mayor Pro Tem Krom to:

ACTION:

1. Receive and file the Budget Update Report for the Fiscal Year Ending June 30, 2011.
2. Approve a Budget Adjustment for Prior City Council Actions/Direction allocating $15,000 in expenditures for specific projects/programs previously approved by the City Council in FY 2010-11 that were not completed by the end of the fiscal year.
3. Approve a Budget Adjustment allocating $42,176 of year-end General Fund balance for outstanding encumbrances and Purchase Orders.
4. Approve a Budget Adjustment increasing allocations and transfers by $13,915,924 for various programs and projects as recommended by the City Manager, less $450,000 per action item number 5.
5. Approve an appropriation of $450,000 from the unallocated year-end balance for a one-time employee productivity compensation adjustment to be distributed to current employees as follows:

- $500 for full-time employees
- $250 for part-time employees who have recently averaged 10 or more hours per week
- $100 for part-time employees who have recently averaged less than 10 hours per week

Decrease the Budget Adjustment to the Contingency Reserve Fund by $450,000 which will remain unallocated in the General Fund.

The original motion as amended carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Krom and Kang

NOES: 2 COUNCILMEMBERS: Choi and Lalloway

5.2 RATIFICATION OF LIMITED AGREEMENT WITH OCCUPY ORANGE COUNTY TO CAMP OVERNIGHT AT CITY HALL FOR SPECIFIED PERIODS OF TIME

City Manager Joyce introduced Sharon Landers, Assistant City Manager, who provided the staff report and responded to questions.

The following individuals offered public comments in support of overnight camping at City Hall by Occupy Orange County:

Trudy Olson
Joey Cadavid
Jessica Elgersma
Jason Garshfield
Linda Swartz
Luette Forrest
Dr. Bill Honigman
Ivar Schoenmeyn
Daniel Wolf
Gary Headrick
Kevin Raffay
Phil Osborn
Joanie Malarkey
Donna Haney
Lynn Davis
Andrew Weber
Carina Rosemarie Lundstrom
Cedric Owens
Greg Diamond
Jenna McCarty
Anastasia W.
Dmarie Mulatteiri
Emahn Novid
Leti Stiles
Peter Bunge
Nancy Rose
Steven Lin
Ron Rosday
Kate Nikolenko
Synthian Sharp

The following individuals offered public comments in opposition to overnight camping at City Hall by Occupy Orange County:

John Jaeger	Dori Dumon
David Chen	Louriana Martinez
Judy Chimits	Robert Chimits

City Council discussion included: use of quiet zones, clarification of food storage and consumption, the requirements for special use permits, update on the grass condition and maintenance, potential impacts of discretionary waiving of park and camping uses and clarification of the agreement with Occupy Orange County.

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

ACTION:

1. Reaffirm the action taken by the City Council on October 25, 2011, authorizing a Subcommittee comprised of Mayor Kang and Councilmember Agran to negotiate and enter into a limited agreement with the Occupy Orange County demonstrators to camp overnight for specified periods on the grass park area in front of City Hall.
2. Direct the Subcommittee to work with staff and to return for further consideration by the City Council as either warranted or requested.

PUBLIC COMMENTS

Melissa Levine spoke in opposition to smart meters.

CLOSED SESSION

The City Council convened to Closed Session at 10:15 p.m. to discuss Item No. 1.2.

RECONVENE

The City Council reconvened at 10:44 p.m. City Attorney Kohn, on behalf of the City Council, announced that no reportable action was taken in Closed Session on Item No. 1.2.

ADJOURNMENT

Moved by Mayor Pro Tem Krom, seconded by Councilmember Choi, and unanimously carried to adjourn the meeting at 10:45 p.m.

MAYOR OF THE CITY OF IRVINE

CITY CLERK OF THE CITY OF IRVINE

December 13, 2011