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# CITY COUNCIL AGENDA

BETH KROM  
Mayor

SUKHEE KANG  
Mayor Pro Tempore

LARRY AGRAN  
Councilmember

STEVEN CHOI  
Councilmember

CHRISTINA SHEA  
Councilmember

## CITY COUNCIL ADJOURNED REGULAR MEETING

November 22, 2005

3:00 P.M.

City Council Chamber  
One Civic Center Plaza

### NOTICE TO THE PUBLIC

**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.

**ADDITIONS AND DELETIONS TO THE AGENDA:** 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.

**ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL COMMENTS:** 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.

**CONSENT CALENDAR ITEMS:** All matters listed under Consent Calendar are considered to be routine and all will be 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 Speaker's Form and give it to the City Clerk. (Please see information in "Request to Speak" section.

**PUBLIC COMMENT:** Any member of the public may address the City Council on items within the Council's subject matter jurisdiction but which are not listed on this agenda during public comments. However, no action may be taken on matters that are not part of the posted agenda. Public comments are scheduled for 30 minutes and are limited to three minutes per person. If you wish to speak, please complete a Speaker's Form and submit to the City Clerk.

CITY COUNCIL – NOTICE TO THE PUBLIC

**SPEAKER’S CARD/REQUEST TO SPEAK:** If you would like to address the City Council on a scheduled agenda item, please complete the speaker’s card. The card is at the table at the entrance to the Council Chamber. Please identify on the card your name, address, and the item on which you would like to speak and return to the City Clerk. The speaker’s card assists the Mayor in ensuring that all persons wishing to address the Council are recognized. Your name will be called at the time the matter is heard by the Council.

**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. 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.

**PUBLIC HEARINGS:** Public Hearings are scheduled for a time certain of 4:00 p.m. (unless noticed otherwise) or as soon thereafter as possible. City Council, when considering the matter scheduled for hearing, will take the following actions: 1) Open the Public Hearing. 2) Receive staff report. 3) Accept public testimony. 4) City Council comments and questions. 5) Take appropriate action. Those wishing to address the City Council during the Public Hearing must complete a “Request to Speak” form and provide it to the City Clerk prior to the hearing. If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing. Any person seeking to challenge a City Council decision made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to Code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes “final.” **Notice:** Public Hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuation. Any matter not noted for continuance, will be posted separately.

**AMERICANS WITH DISABILITIES ACT:** 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 Jeri L. Stately, City Clerk, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at the time if you will need accommodations to attend or participate in meetings on a regular basis.

This agenda was prepared by the City Clerk. Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 4:00 p.m. However, study sessions and/or closed sessions are periodically held prior to the start of the regular meeting. The City Council Agenda is posted in the Police Department and available at your local library. It is also available through our FAX LIBRARY system. Simply dial (949) 724-6210 and request document number 100 anytime after 5:00 p.m. on the Friday prior to a City Council meeting. The Agenda may also be accessed through the City’s web page at [www.ci.irvine.ca.us](http://www.ci.irvine.ca.us)

STATE OF CALIFORNIA            )  
CITY OF IRVINE                    ) SS  
COUNTY OF ORANGE            )

I DECLARE UNDER PENALTY OF PERJURY that I am employed by the City of Irvine, in the City Clerk’s Department; and that I posted this agenda in the posting book located in the Public Safety Lobby of City Hall, One Civic Center Plaza.

Dated/Signed: \_\_\_\_\_

**FINAL  
AGENDA**

**IRVINE CITY COUNCIL  
ADJOURNED REGULAR  
MEETING**

**November 22, 2005**

**CALL TO ORDER**

**3:00 P.M.**

An adjourned regular meeting of the Irvine City Council will be called to order on November 22, 2005 at 3:00 p.m., in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California, by Mayor Krom, presiding officer.

**ROLL CALL**

COUNCILMEMBER:	LARRY AGRAN
COUNCILMEMBER:	STEVEN CHOI
COUNCILMEMBER:	CHRISTINA SHEA
MAYOR PRO TEMPORE:	SUKHEE KANG
MAYOR:	BETH KROM

**RECESS**

**CLOSED SESSION**

1. **PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Government Code Section 54957)**
  - 1.1 **Position Titles: City Clerk, City Manager**

**RECONVENE TO THE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**PRESENTATIONS**

- 1) Orange County Human Relations Commission - Annual Report
- 2) Chamber of Commerce and Destination Irvine: Presentation of the new tourism DVD Launch and status report on Destination Irvine activities.

**INTRODUCTIONS**

**CITY MANAGERS REPORT**

**\*ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

**\*ADDITIONS AND DELETIONS**

**CONSENT CALENDAR (Item Nos. 2 through 5.4)**

**\*PUBLIC COMMENTS (Limited to 3 minutes per speaker)**

**2. CITY COUNCIL MINUTES**

**2.1 APPROVAL OF CITY COUNCIL MINUTES**

**ACTION:** Approve the minutes of a regular meeting of the City Council held on October 25, 2005.

**3. AGREEMENTS**

**3.1 RENEW LICENSE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR PARKS AND PUBLIC RECREATION PURPOSES ON THE NORTH SIDE OF I-405 BETWEEN HARVARD AVENUE AND CULVER DRIVE (PLANNING AREA 14, WESTPARK)**

**ACTION:** Approve License Agreement Account No. 1195 between the City of Irvine and Southern California Edison, and authorize the Mayor to execute and the City Clerk to attest said agreement, subject to the City Attorney approval as to form.

\*Please refer to Notice to the Public, Pages i & ii

**3.2 APPROVE EASEMENT DEED AND MAINTENANCE AGREEMENT FOR CITY STROLL MEDIAN LANDSCAPING (PLANNING AREA 9, WOODBURY)**

**ACTION:** Approve Easement Deed and Maintenance Agreement for City Stroll median landscaping between the City of Irvine, The Irvine Company, and Woodbury Community Association, and authorize the Mayor to execute and the City Clerk to attest said agreement, subject to the City Attorney approval as to form.

**3.3 APPROVAL OF TRACT MAP NO. 16661 (PLANNING AREA 38, WESTPARK II)**

**ACTION:**

- 1) Rescind the action taken on October 11, 2005, to approve Tract Map No. 16661.
- 2) Approve revised Tract Map No. 16661.

**4. REPORTS**

**4.1 2006 CULTURAL ARTS AND ACTIVITIES PROGRAM**

**ACTION:**

- 1) Approve the 2006 Cultural Arts and Activities Program and direct staff to include funding from the Hotel Improvement District during the Fiscal Year 2006/07 budget process.
- 2) Authorize staff to hire a contract fund raiser from 2005/06 Hotel Improvement District funds to solicit underwriting and sponsors, consistent with City policies, for the approved Cultural Arts and Activities Program.

**4.2 CITY ENERGY POLICY**

**ACTION:**

- 1) Approve Planning Commission recommendation as a draft plan to be further developed by City staff.

\*Please refer to Notice to the Public, Pages i & ii

- 2) Allocate \$100,000 to the Community Development Department budget from midyear carryover requests to prepare an energy implementation work plan.
- 3) Direct the City Manager to prepare a budget proposal for fiscal year 2006-07 to complete and implement the energy work plan.

#### **4.3 FISCAL YEAR 2004-2005 CAPITAL IMPROVEMENT PROJECTS AND SPECIAL FUNDS CARRYOVER**

**ACTION:**

- 1) Approve the closure of 53 completed projects, with \$22.8 million in expenditures.
- 2) Approve the continuation, to Fiscal Year 2005-06, of 386 capital projects with budgets totaling \$256,162,770, net of \$2,303,753 in project closures, \$3,638,523 of surplus funds from ongoing projects and reallocations and appropriation of new grants and funding to existing projects of \$8,064,731.
- 3) Approve funding for outstanding purchase orders and continuing activities from other special funds totaling \$839,079 inter-fund transfers totaling \$841,192 and the continuation of capital asset (equipment) purchases totaling \$14,904.
- 4) Approve the adjustment of Infrastructure and Rehabilitation, Gas Tax and Measure M-Turnback budgeted fund transfers for the fiscal year beginning July 1, 2005.

### **5. RESOLUTIONS**

#### **5.1 BUDGET ADJUSTMENT: ASSESSMENT DISTRICT NO. 87-8 (PLANNING AREA 34, SPECTRUM 5)**

**ACTION:**

- 1) Adopt a Resolution entitled: RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE USE OF SURPLUS FUNDS TO PAY THE PURCHASE PRICE OF ADDITIONAL WORK, APPROVING AND ADOPTING THE CHANGES AND MODIFICATIONS ENGINEER'S REPORT AND MODIFYING THE ORIGINAL ENGINEER'S REPORT THEREBY, AND OTHER MATTERS RELATED THERETO IN CONNECTION WITH

\*Please refer to Notice to the Public, Pages i & ii

ASSESSMENT DISTRICT NO. 87-8 (PLANNING AREA 34,  
SPECTRUM 5)

- 2) Approve the attached Budget Adjustment Request in the amount of \$600,000.

**5.2 RESOLUTION OF SUPPORT FOR THE ORANGE COUNTY MARATHON**

**ACTION:** Adopt a resolution entitled: RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECOMMENDING APPROVAL OF RE-ROUTING OF TRAFFIC ONTO AND OVER CITY STREETS FOR THE ORANGE COUNTY MARATHON

**5.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopt a Resolution entitled: RESOLUTION NO. - 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.

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

**ACTION:** Adopt a Resolution entitled: RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ALLOWING CERTAIN CLAIMS AND DEMANDS TO BANK OF AMERICA AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID.

**END OF CONSENT CALENDAR**

**COUNCIL BUSINESS**

**ORDINANCES**

**6. FIRST READING OF ORDINANCES**

\*Please refer to Notice to the Public, Pages i & ii

**6.1 FIRST READING OF ORDINANCE: REVISIONS TO POSTED SPEED LIMITS ON IRVINE STREETS**

**ACTION:** Introduce for first reading, and read by title only, an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE TO: 1) DETERMINE AND DECLARE PRIMA FACIE SPEED LIMITS ON VARIOUS STREETS WITHIN THE CITY OF IRVINE, AND 2) OFFICIALLY ESTABLISH THESE DECLARATIONS THROUGH AN AMENDMENT TO THE "CITY OF IRVINE ENGINEERING AND TRAFFIC SURVEYS FOR SPEED LIMITS," AS MAINTAINED BY THE CITY TRAFFIC ENGINEER AS THE OFFICIAL DOCUMENTATION OF DECLARED PRIMA FACIE SPEED LIMITS

**7. SECOND READING OF ORDINANCES**

**7.1 SECOND READING OF ORDINANCE: POLICY AND STRATEGY ON CITYWIDE RESTRICTIONS ON COMMERCIAL GAMBLING**

**ACTION:** Adopt and read by title only, an ordinance entitled: ORDINANCE NO. 05-24 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTER 2 OF DIVISION 14 OF TITLE 4 OF THE IRVINE MUNICIPAL CODE RELATING TO GAMBLING

**7.2 SECOND READING OF ORDINANCE: LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2005-2 (COLUMBUS GROVE) OF THE CITY OF IRVINE**

**ACTION:** Adopt and read by title only an ordinance entitled: ORDINANCE NO. 05-25 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2005-2 OF THE CITY OF IRVINE, LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2005-2 OF THE CITY OF IRVINE

**8. REPORTS**

**8.1 FISCAL YEAR 2004-2005 GENERAL FUND CARRYOVER**

**ACTION:**

\*Please refer to [Notice to the Public](#), Pages i & ii

- 1) Receive and file the Budget Update for the year ending June 30, 2005.
- 2) Approve a Budget Adjustment in the amount of \$120,000 to fund Pre-Allocated Carryover that was previously approved by the City Council.
- 3) Approve a Budget Adjustment allocating carryover funding for outstanding encumbrances and purchase orders in the amount of \$730,822.
- 4) Approve a Budget Adjustment in the amount of \$250,000 to allocate funds for specific projects/programs previously approved by the City Council in FY 2004-05 that were not initiated and/or completed by the end of FY 2004-05.
- 5) Approve a Budget Adjustment reducing the transfer of Great Park Development Agreement funds to the Great Park Corporation by \$2,994,394 and allocating it for start-up costs for the Great Park Community Facilities District.
- 6) Approve a Budget Adjustment increasing allocations by \$16,306,210 and revenues in the amount of \$5,520,312 as recommended by the Acting City Manager.
- 7) Give consideration to other carryover funding requests.

## **8.2 CONTINGENCY RESERVE POLICY REVISION**

### **ACTION:**

- 1) Increase the Reserve requirement from the current 5.5% of General Fund operational expenditures to fifteen percent (15%).
- 2) Change the name of the Reserve for Economic Uncertainty Fund to the Contingency Reserve Fund to reflect the possible use of the funds for non-economic emergencies.
- 3) Allocate \$4,668,747 from FY 2004-05 carryover to fund 50% of the new reserve requirement (\$9,337,494).
- 4) Revise Financial Policies to include:
  - a) The Contingency Reserve may be used at the discretion of the City Council to:
    - Provide resources to make up for temporarily decreased revenues, such as State subventions.
    - Provide temporary resources in the event of an economic downturn

\*Please refer to Notice to the Public, Pages i & ii

while expenditure reductions are implemented.

- Provide resources to meet emergency expenditures necessitated by natural disasters, such as flood, fire, earthquake or slides.

b) Whenever Contingency Reserve funds are used, the Reserve shall be replenished as soon as possible . Up to 50% of available carryover funds may be allocated to the Contingency Fund annually until the reserve is restored to 15% of Operational Expenditures.

## 9. PUBLIC HEARINGS

### 9.1 PUBLIC HEARING: APPROVAL OF COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY ADJUSTABLE RATE DEMAND REVENUE BONDS.

#### **ACTION:**

- 1) Open the public hearing.
- 2) Receive staff report.
- 3) Receive public input.
- 4) Council comments and questions.
- 5) Close the public hearing.
- 6) Adopt a resolution entitled: RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, APPROVING THE ISSUANCE OF THE COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY ADJUSTABLE RATE DEMAND REVENUE BONDS, SERIES 2005 (CONCORDIA UNIVERSITY IRVINE PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000 TO BE USED TO FINANCE OR REFINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF CERTAIN EDUCATIONAL FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO.

## **END COUNCIL BUSINESS**

### **\*PUBLIC COMMENTS (Limited to 3 minutes per speaker)**

\*Please refer to [Notice to the Public](#), Pages i & ii

**ADJOURNMENT**

Adjourn to a CITY COUNCIL ADJOURNED REGULAR meeting, November 29, 2005, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.

**NOTICE TO THE PUBLIC**

The foregoing does constitute the final agenda.

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