

SUKHEE KANG  
Mayor

LARRY AGRAN  
Mayor Pro Tempore

STEVEN CHOI  
Councilmember

BETH KROM  
Councilmember

CHRISTINA SHEA  
Councilmember



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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, address, 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](#)

### 1. [CLOSED SESSION](#)

1.1 [CONFERENCE WITH LABOR NEGOTIATORS \(Pursuant to Government Code Section 54957.6\) Agency Negotiators: Rick Paikoff, Director of Administrative Services; Dave Larsen, Rutan & Tucker; Jan Walden, Manager of Human Resources; and Brian King, Human Resources Administrator. Employee Organizations: Associated Supervisory/Administrative Personnel \(ASAP\); Irvine City Employees Association \(ICEA\); Irvine Professional Employees Association \(IPEA\); Irvine Police Association \(IPA\); Irvine Police Management Association \(IPMA\); Management and Non-Represented Employees \(EXEMPT\); and Confidential Employees](#)

1.2 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(a)(5 cases))**

**CASE NAME AND NUMBER:**

- 1) City of Newport Beach and City of Tustin v. City of Irvine (Hines), Orange County Superior Court Case No. 30-2008-00228855-CM-WM-CXC.
- 2) City of Newport Beach and City of Tustin v. City of Irvine (Accessory Retail), Orange County Superior Court Case No. 30-2009-00264696.
- 3) Allergan, Inc. v. City of Irvine (Accessory Retail), Orange County Superior Court Case No. 30-2009-00264668.
- 4) Allergan, Inc. v. City of Irvine (I-Shuttle), Orange County Superior Court Case No. 30-2008-00070690-CU-PT-CXC.
- 5) Allergan, Inc. v. City of Irvine (Civil Rights), Orange County Superior Court Case No. 06CC11295.

**RECONVENE TO THE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MUSICAL PRESENTATION**

**2. PRESENTATIONS**

- 2.1 ***Employee Service Recognition for 25 Years of Service: Ronald Morgan, Community Services***
- 2.2 ***2009 Excellence in Child Care Planning Award***
- 2.3 ***Proclaim May 2009 as "Asian Pacific Islander American Heritage Month"***
- 2.4 ***Irvine Ranch Water District Water Conservation Programs***

**INTRODUCTIONS**

**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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### 3. CONSENT CALENDAR

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All matters listed under Consent Calendar are considered 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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#### 3.1 MINUTES

**ACTION:** Approve the minutes of a special meeting of the Irvine City Council held on April 28, 2009.

#### 3.2 PROCLAMATIONS

**ACTION:** Proclaim July 28, 2009 as "Boy Scouts of America, Orange County Council, Outdoor Education Center Opening Day"

#### 3.3 WARRANT AND WIRE TRANSFER RESOLUTION

**ACTION:** Adopt 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

#### 3.4 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

**ACTION:** Adopt RESOLUTION NO. - 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

#### 3.5 ONE WATER ONE WATERSHED SANTA ANA RIVER WATERSHED INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN

**ACTION:** Adopt RESOLUTION NO. – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECOMMENDING THE ADOPTION OF THE ONE WATER ONE WATERSHED INTEGRATED REGIONAL WATERSHED MANAGEMENT PLAN

#### 3.6 ORANGE COUNTY GREAT PARK EVENTS AND PROGRAMS: IMPLEMENTATION OF PARKING FEES

**ACTION:**

- 1) Authorize the implementation of parking fees in the amount of up to \$8.00 per vehicle for Orange County Great Park sponsored events and programs as reasonably determined by the Orange County Great Park Chief Executive Officer.
- 2) Concur that the proposed parking fee for the Orange County Great Park events and programs is reasonable, and that the use of the Orange County Great Park property for parking is necessary and convenient for the public and incidental to and in furtherance of the purposes for which the City of Irvine owns the Orange County Great Park property.
- 3) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING PARKING FEES FOR EVENTS AND PROGRAMS AT THE ORANGE COUNTY GREAT PARK

**3.7 [FINAL TRACT MAP NO. 17114, NOTICE OF PENDING APPROVAL FOR RESIDENTIAL CONDOMINIUMS, PORTOLA SPRINGS \(PLANNING AREA 6\)](#)**

**ACTION:** Receive and file.

**3.8 [COUNTY OF ORANGE WASTE DISPOSAL AGREEMENT](#)**

**ACTION:**

- 1) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING A SOLID WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE
- 2) Authorize the Mayor to execute the Waste Disposal Agreement.

**3.9 [ORANGE COUNTY GREAT PARK 2009/10 PROGRAM UNDERWRITING PACKAGE](#)**

**ACTION:**

- 1) Approve the Orange County Great Park 2009/10 Program Underwriting Package.
- 2) Authorize the Chief Executive Officer of the Orange County Great Park Corporation to negotiate and execute Underwriting Agreements for the receipt of donations for Orange County Great Park 2009-10 Programs substantially in accordance with the terms set forth in the Orange County Great Park Program Underwriting Package.

**3.10 FINAL TRACT MAP NO. 17302, NOTICE OF REVIEW FOR NON-RESIDENTIAL CONDOMINIUMS, SAN JOAQUIN MARSH (PLANNING AREA 23)**

**ACTION:** Receive and file.

**3.11 LICENSE AGREEMENTS WITH SOUTHERN CALIFORNIA EDISON COMPANY FOR LANDSCAPE AND BIKE TRAIL PURPOSES (PLANNING AREAS 38 AND 12)**

**ACTION:** Authorize the Mayor to execute License Agreement Nos. 2120, 2273, and 2445 between the City of Irvine and Southern California Edison Company.

**3.12 APPROVAL TO PARTICIPATE IN THE COUNTY OF ORANGE 2009 MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM AND AUTHORIZATION TO EXECUTE A COOPERATIVE AGREEMENT**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING PARTICIPATION IN THE COUNTY OF ORANGE MORTGAGE CREDIT CERTIFICATE PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT

**3.13 COMMUNITY PARTNERSHIP GRANT NOMINATION**

**ACTION:**

- 1) Approve community partnership grant awards to Team Kids, UCI Foundation, Young Ladies with Potential, and Irvine Public Schools Foundation.
- 2) Authorize the City Manager to prepare and sign Funding Agreements.

**3.14 ORDINANCE NO. 09-05, ORDINANCE RESCINDING TEMPORARY MORATORIUM (I. E. ORDINANCE NO. 08-13) PERTAINING TO APPROVALS OF THE INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES**

**ACTION:** Read by title only, second reading and adoption of ORDINANCE NO. 09-05, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, RESCINDING TEMPORARY MORATORIUM (I. E. ORDINANCE NO. 08-13) PERTAINING TO APPROVALS OF THE INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

**END CONSENT CALENDAR**

#### 4. PUBLIC HEARINGS

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Public Hearings are scheduled for a time certain of 4:00 p.m., unless noticed otherwise, or as soon thereafter as possible. Those wishing to address the City Council during the Public Hearing must complete a form and provide it to the City Clerk prior to the hearing.

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.

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##### **4.1 COST OF SERVICES ANALYSIS AND RELATED FEE RECOMMENDATIONS FOR DEVELOPMENT-RELATED SERVICES**

**ACTION:**

- 1) Receive staff report.
- 2) Open the public hearing, receive public input.
- 3) Close the public hearing.
- 4) City Council comments and questions.
- 5) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE REPLACING RESOLUTION 07-76 AND ESTABLISHING DEVELOPMENT PROCESSING AND INSPECTION FEES
- 6) Reconsider development fee increases in the context of the preparation of the FY 2010-11 annual budget.

##### **4.2 APPROVAL OF THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2009-2010 AS THE APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND STATEMENT OF PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM, AND AMERICAN DREAM DOWN PAYMENT INITIATIVE FUNDS; APPROVAL OF A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2008-09 ACTION PLAN FOR THE REPROGRAMMING OF \$360,000 OF UNSPENT HOME FUNDS; AND A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2004-2005 ACTION PLAN FOR REPROGRAMMING OF \$209,141 OF UNSPENT HOME FUNDS**

**ACTION:**

- 1) Receive staff report.
- 2) Reopen the public hearing, receive public input.
- 3) Close the public hearing.
- 4) City Council comments and questions.
- 5) Approve program funding recommendations for Fiscal Year 2009-10
- 6) Authorize the City Manager to execute the submitted Annual Action Plan and all documents deemed necessary by HUD to obtain the

allocation of Federal funds, including agreements implementing the funding recommendations.

- 7) Adopt RESOLUTION NO. — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ANNUAL ACTION PLAN WHICH IS PART OF THE CONSOLIDATED PLAN, AND THE PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM, AND AMERICAN DREAM DOWN PAYMENT INITIATIVE FUNDS FOR FISCAL YEAR 2009-10 AND APPROVAL OF SUBSTANTIAL AMENDMENTS TO THE 2008-09 AND 2004-05 ACTION PLANS FOR THE REPROGRAMMING OF UNSPENT HOME FUNDS

**4.3 SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN ALLOWING FOR THE EXPENDITURE OF FEDERAL HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM FUNDS**

**ACTION:**

- 1) Receive staff report.
- 2) Open the public hearing; receive public input.
- 3) Close the public hearing.
- 4) City Council comments and questions.
- 5) Approve funding recommendations for the allocation of the City's Homeless Prevention and Rapid Re-housing Funds.
- 6) Authorize the City Manager to execute the Substantial Amendment and all documents deemed necessary by HUD to obtain the allocation of federal Homelessness Prevention and Rapid Re-housing Program Funds, including agreements implementing the funding recommendations.
- 7) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBSTANTIAL AMENDMENT TO THE 2008-09 ANNUAL ACTION PLAN

**5. COUNCIL BUSINESS**

**5.1 ASSIGNMENT OF THE ROLLER HOCKEY FACILITY GROUND LEASE**

**ACTION:**

- 1) Authorize the City Manager to exercise the City's option, as provided in the Irvine Roller Hockey Facility Ground Lease Agreement, to take an assignment of the leasehold interest of HBP Realty, LLC in the facility located at 3150 Barranca Parkway, and to sign the necessary documents to complete the transaction.

- 2) Authorize a loan in an amount not to exceed \$650,000 as payment to HBP Realty, LLC for assigning its roller hockey leasehold interests to the City of Irvine; funds to be allocated from the Asset Management Plan and repaid from hockey center lease revenue.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS (Limited to 3 minutes per speaker) - 6:30 P.M.**

**ADJOURNMENT**

**NOTICE TO THE PUBLIC**

**LIVE BROADCASTING**

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)724-6248 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, \*address, and \*phone number (\*optional), 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:

- Police Department
- Local library
- FAX Library System (Dial (949) 724-6210 and request document number 100 anytime after 5:00 p.m. on the Friday prior to a City Council meeting)
- 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, CMC  
City Clerk