

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 REAL PROPERTY NEGOTIATORS (Pursuant to Government Code section 54956.8). Property: 3150 Barranca Parkway (Irvine Roller Hockey Facility). Agency Negotiators: Sean Joyce, City Manager; Sharon Landers, Assistant City Manager and Wally Kreutzen, Assistant City Manager. Under Negotiation: Price and terms**
- 1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code § 54956.9(b); significant exposure to litigation (one potential case)**
- 1.3 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION (Pursuant to subdivision (a) of Government Code Section 54956.9);**

**One case: Kerry Hwang v. City of Irvine, Orange County Superior Court Case No. 30-2008-00104480**

**RECONVENE TO THE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE / IRVINE POLICE COLOR GUARD**

**MOMENT OF SILENCE**

**MUSICAL PRESENTATION**

**2. PRESENTATIONS**

**2.1 *Proclaim May 10-16, 2009 as "National Police Week"***

**2.2 *2009 Young Masters Art Show Cover Artist***

**2.3 *2010 Census Partner Proclamation***

**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 regular meeting of the Irvine City Council held on April 14, 2009.

**3.2 PROCLAMATIONS**

**ACTION:**

- 1) Proclaim May 3 - 9, 2009 as "Municipal Clerks Week"
- 2) Proclaim May 2009 as "Cure Children's Cancer Month"
- 3) Proclaim May 3 - 9, 2009 as "Arson Awareness Week"

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

**ACTION:** Adopt RESOLUTION NO. - 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

**3.6 IRVINE BUSINESS COMPLEX SIDEWALK ENHANCEMENTS, PHASE 3 - CIP 319120**

**ACTION:** Approve the plans, specifications, and contract documents for the Irvine Business Complex (IBC) Sidewalk Enhancements, Phase 3, Capital Improvement Project (CIP) 319120, on file with the Public Works Department.

**3.7 PORTOLA LANDSCAPE REHABILITATION - CIP 387040**

**ACTION:** Approve the plans, specifications, and contract documents for Portola Landscape Rehabilitation from Culver to State Route (SR) 261, Capital Improvement Project (CIP) 387040, on file with the Public Works Department.

**3.8 AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF IRVINE FOR IMPROVEMENTS ALONG IRVINE BOULEVARD, LOWER PETERS CANYON (PLANNING AREA 4)**

**ACTION:** Authorize the Mayor to execute an Agreement with the County of Orange to improve pedestrian access along Irvine Boulevard at the Irvine Ranch Historic Park.

**3.9 MICHELSON TRAFFIC SIGNAL SYSTEMS UPGRADE - CIP 335070**

**ACTION:** Approve the plans, specifications, and contract documents for Michelson Traffic Signal Systems Upgrade, Capital Improvement Project (CIP) 335070, on file with the Public Works Department.

**3.10 JEFFREY/ I-405 BICYCLE BRIDGE LANDSCAPING ENHANCEMENT - CIP 388030**

**ACTION:** Approve the plans, specifications, and contract documents for Jeffrey/ I-405 Bicycle Bridge Landscaping Enhancement, Capital Improvement Project (CIP) 388030, on file with the Public Works Department.

**3.11 I-5 / JAMBOREE COOPERATIVE AGREEMENT**

**ACTION:**

- 1) Authorize the Mayor to execute Cooperative Agreement No. 12-592 between the State of California Department of Transportation (Caltrans) and the City of Irvine.
- 2) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE COOPERATIVE AGREEMENT BETWEEN CALTRANS AND THE CITY OF IRVINE FOR THE I-5 / JAMBOREE INTERCHANGE IMPROVEMENT PROJECT

**3.12 AGREEMENT TO TRANSFER EQUIPMENT AND TRAINING FUNDS FOR 2008 HOMELAND SECURITY GRANT PROGRAM**

**ACTION:**

- 1) Authorize the Director of Public Safety to accept the Agreement to Transfer Property or Funds for 2008 Homeland Security Grant Program Purposes.
- 2) Authorize the Director of Public Safety to accept any equipment, technology or services purchased by the County of Orange and transferred to the City of Irvine to enhance county-wide emergency preparedness.

- 3) Approve a budget adjustment request in the amount of \$175,000 in grant revenues and appropriations for any training costs, any necessary overtime for backfill, and equipment/services.
- 4) Authorize the Director of Public Safety to submit for reimbursement up to \$25,000 in training and overtime costs and \$150,000 in approved equipment/services through the FY08 Homeland Security Grant Program.

**3.13 MASON REGIONAL PARK HABITAT RESTORATION**

**ACTION:** Approve the plans and special provisions for the construction of Mason Regional Park Habitat Restoration as submitted by the Orange County Flood Control District (OCFCD), on file with the Public Works Department.

**3.14 COUNTY OF ORANGE PROPOSITION 42 CITY AID PROGRAM FUNDING AGREEMENT**

**ACTION:** Authorize the Mayor to execute the City Aid Program Agreement with the County of Orange for participation in the Proposition 42 Funding Program for Fiscal Year 2009-10.

**3.15 CALIFORNIA HIGHWAY PATROL GRANT FOR THE EVERY 15 MINUTES PROGRAM**

**ACTION:**

- 1) Accept a California Highway Patrol grant award in the amount of \$9,999.99.
- 2) Approve a budget adjustment request in the amount of \$9,999.99, reflecting \$9,999.99 in revenues and appropriations.

**3.16 REHABILITATION OF PLAYGROUND EQUIPMENT AT MEADOWOOD NEIGHBORHOOD PARK - CIP 379040**

**ACTION:** Approve the plans, specifications, and contract documents for rehabilitation of playground equipment at Meadowood Neighborhood Park.

**3.17 WILLIAM WOOLLETT JR. AQUATICS CENTER SHADE STRUCTURE; APPROVAL OF PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS - CIP #397200**

**ACTION:**

- 1) Approve the plans, specifications, and contract documents for the shade structure at the William Woollett Jr. Aquatics Center, CIP 397200, on file with the Community Services Department.

- 2) Direct staff to proceed with construction of the base bid comprised of shade structure with metal roofing.

**3.18 ORDINANCE NO. 09-03, ORDINANCE ADOPTING A NEGATIVE DECLARATION AND AMENDING DIVISION 5 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE RELATING TO SUBDIVISIONS**

**ACTION:** Read by title only, second reading and adoption of ORDINANCE NO. 09-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING A NEGATIVE DECLARATION AND AMENDING DIVISION 5 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE RELATING TO SUBDIVISIONS

**3.19 ORDINANCE NO. 09-04, ORDINANCE AMENDING CHAPTER 3 OF THE IRVINE MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS**

**ACTION:** Read by title only, second reading and adoption of ORDINANCE NO. 09-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CHAPTER 3 OF THE IRVINE MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS

**3.20 FEASIBILITY STUDY FOR CENTER FOR COMMUNITY ORGANIZATIONS**

**ACTION:**

- 1) Approve, in substantial final form, the Professional Services Memorandum of Understanding (MOU) between the Children and Families Commission of Orange County and the City of Irvine.
- 2) Authorize the Chief Executive Officer of the Orange County Great Park to execute the MOU.
- 3) Approve of a budget adjustment increasing FY 2008-2009 revenues in the amount of \$317,000 and increasing FY 2008-2009 expenses in the amount of \$317,000.

**3.21 AEROMOBILE CONTRACT AMENDMENT**

**ACTION:** Approve an amendment to the Aeromobile contract in the amount not-to-exceed \$72,000 for the purchase of decorative banners and the expansion of services for the Great Park tethered balloon.

**3.22 AGREEMENT FOR EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER OF THE ORANGE COUNTY GREAT PARK CORPORATION**

**ACTION:** Ratify the Chief Executive Officer Agreement as approved by the Orange County Great Park Board of Directors.

**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 RESCISSION OF TEMPORARY MORATORIUM (ORDINANCE NO. 08-13) PERTAINING TO APPROVALS OF THE INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES**

**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) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA RESCINDING TEMPORARY MORATORIUM (ORDINANCE NO. 08-13) PERTAINING TO APPROVALS OF THE INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

**4.2 PREFERENTIAL PARKING DISTRICTS**

**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) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING CHAPTER OF THE IRVINE MUNICIPAL CODE ESTABLISHING A POLICY FOR THE CREATION OF PREFERENTIAL PARKING DISTRICTS; or
- 6) Adopt a policy, by minute action herewith, to not adopt designated restricted parking districts within the City of Irvine to avoid adverse and disparate impacts to the neighborhoods and communities in which limited parking may from time to time exist.

**4.3 APPROVAL OF THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2009-10 AS THE APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND STATEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), AND AMERICAN DREAM DOWN PAYMENT INITIATIVE (ADDI) 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 2004-05 ACTION PLAN FOR THE REPROGRAMMING OF \$209,141 OF UNSPENT HOME FUNDS**

**ACTION:**

- 1) Open the public hearing.
- 2) Continue the public hearing to May 12, 2009 at 4:00 p.m.

**5. COUNCIL BUSINESS**

**5.1 TRANSIT PROGRAMS UPDATE**

**ACTION:**

- 1) Replace prior "i" Shuttle approval with revised service plan for The "i" Shuttle, and authorize the City Manager to execute an amendment to the contract with MV Transportation, Inc. for the operation and maintenance of the revised service plan.
- 2) Authorize the City Manager to execute a Cooperative Agreement with the Orange County Transportation Authority (OCTA) for accepting up to 16 clean, natural gas fuel vehicles for The "i" Shuttle operation.
- 3) Determine that The "i" Shuttle program is exempt from environmental analysis under the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption (NOE) with respect to all "i" Shuttle approvals to date.
- 4) Approve the Citywide Transit Vision recommendations and incorporate the recommendations into the City's Go Local, Step 1, Report.
- 5) Approve the submittal of the City's Revised Go Local, Step 1, Report to the Orange County Transportation Authority.
- 6) Direct staff to initiate the public hearing notification process needed for revisions to Resolution No. 90-84 which established the Bake/I-5 fee program to change the description of the work and make the fund balance available for the Spectrum shuttle and modify Resolution No. 431 which establishes City policy regarding developer contributions for capital improvements.

**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 Special 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