



**MINUTES  
CITY COUNCIL  
REGULAR MEETING**

**April 8, 2008**  
City Council Chamber  
One Civic Center Plaza

**CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order at 4:03 p.m., on April 8, 2008, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Krom presiding.

**ROLL CALL**

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Christina Shea
		Mayor Pro Tem:	Sukhee Kang
		Mayor:	Beth Krom

**1. STUDY SESSION**

**1.1 *Strategic Plan for Children, Youth and Families - Health and Fitness, Aid to Families In-Need, and Underage Drinking***

Libby Cowan, Community Services Manager; and Darin Loughrey, Community Services Superintendent presented the Study Session report.

City Council discussion included: engaging local community churches as partners; creation of a student committee encouraging students to walk and/or ride a bike to school; integrating healthier foods in schools and at organized sports events and encouraging healthier eating and exercise habits; anti-drug program; outreach to families and community vendors discouraging the sale and consumption of alcoholic beverages to minors; continued partnerships with Irvine Unified School District and Irvine Public Schools Foundation; mental/health care coverage for children; a child

readiness program; the elimination of juvenile drunk driving; and the need for community-wide collaboration to tap available resources.

Margie Wakeham, Families Forward, spoke about resources available at the Family Resource Center and the closing of the center in June as a result of a lack of funding.

**No action was taken.**

## **2. CLOSED SESSION**

City Attorney Phil Kohn announced the following Closed Session item:

### **2.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION; initiation of litigation pursuant to Government Code § 54956.9(c): One potential case.**

City Attorney Phil Kohn requested that the City Council take action to add a second Closed Session item on the basis of recent developments in the Newpath Networks case that have arisen since the posting of the agenda.

**ACTION: Moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, and unanimously carried to add the following Closed Session item to the agenda:**

### **2.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(a)): Newpath Networks, LLC v. City of Irvine, U.S. District Court Case No. SACV06-550-JVS**

Mayor Krom convened the meeting to Closed Session at 4:45 p.m.

## **RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Krom reconvened the meeting at 5:27 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced that no reportable action was taken during Closed Session.

## **PLEDGE OF ALLEGIANCE**

Mayor Krom led the Pledge of Allegiance.

## **MOMENT OF SILENCE**

Mayor Krom requested a moment of silence.

## MUSICAL PRESENTATION

Mayor Krom introduced Lindsey Morrison, Administrative Secretary, who performed "America the Beautiful" and "Dream a Little Dream."

## PRESENTATIONS

### **3.1 *Mothers Against Drunk Driving - Presentation of Deuce Awards to Irvine Police Officers.***

Mayor Krom introduced Sharry Graham and Yvette Shahinian with Mothers Against Drunk Driving (MADD), who presented the following officers with Certificates of Recognition for their outstanding work apprehending impaired drivers during 2007:

- Joseph Holloway
- Shaheen Jahangard
- Steve Meyer
- Giovanni Tapia

Police Chief David Maggard accepted Certificates of Recognition on behalf of the following officers who were not present:

- Edward Kim
- Jeff McGehee
- Jason Renshaw

### **3.2 *Proclaim the Week of April 13-19, 2008 as "Week of the Young Child."***

Mayor Krom introduced Linda Jahneke with the Irvine Child Care Committee and presented her with a proclamation.

### **3.3 *Proclaim the Week of April 13-19, 2008 as "National Public Safety Telecommunicators Week."***

Mayor Krom introduced Police Chief David Maggard; Business Services Manager Vivienne Hedgpeth; Communications Bureau Supervisor Jennifer Kiser; Supervising Dispatcher Jessica Abell; and Public Safety Dispatchers Lindsey Sampson, Mary Carpenter and Michelle Moore and presented them with a proclamation.

## INTRODUCTIONS

City Manager Sean Joyce introduced Michael Apodaca, who was recently promoted to Manager of Public Services in the Public Works Department.

Councilmember Choi introduced Charles Choi, his new appointee to the Senior Citizens Council.

## **CITY MANAGER'S REPORT**

City Manager Sean Joyce reported on the successful launch of the Irvine "i" Shuttle, which began free midday service in the Irvine Business Complex on March 31. Shuttle service runs between the hours of 10:30 a.m. – 2:30 p.m. on weekdays.

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

The following announcements were made:

- Councilmember Shea announced that the Orange County Fire Authority Board of Directors voted to increase staffing in 2009, resulting in six additional firefighters stationed in the City of Irvine. Three firefighters will be placed at Station 47 and three firefighters will be placed at Station 55. An Arson Investigator position will also be added as well, staffed by the Irvine Police Department. Two Fire Prevention Specialist positions will also be funded and will be staffed in the Community Development Department. These positions were added in response to the recent Santiago Fire.
- The "Sounds of Spring" concert finale will take place on Sunday, April 13 at 4:00 p.m. in the City Council Chamber. Admission is free.
- The "Week of the Young Child" celebration will take place at a "Day in the Park" event on Saturday, April 19 from 10:00 a.m. to 1:00 p.m. at Heritage Park. All activities are free.
- A "Discover Irvine Tour" will take place on Saturday, April 19 from 10:00 a.m. to 3:00 p.m. The shuttle departs from the Irvine Civic Center. The cost is \$15.00 and includes transportation, admission/donation charges, and lunch.
- Two "Imagination Celebration" events will take place this month. The first event will take place on Saturday, April 19 from 11:00 a.m. to 3:00 p.m. at the Orange County Great Park and the second event will take place on Friday, April 25 from 6:00 p.m. to 8:30 p.m. at the Irvine Fine Arts Center.
- The Public Works Department will be holding a contest in honor of "National Public Works Week." Winners will be introduced and receive their prizes at the City Council meeting on May 13, 2008.
- California State University, Fullerton will be hosting an art exhibition celebrating their 50 year anniversary entitled "Quereres Poder" beginning April 14 through April 25, 2008, with an opening reception on April 22, 2008 from 5:00 p.m. to 6:00 p.m. at the Irvine Civic Center.
- "Celebrate UCI" will take place on April 19, 2008 from 9:00 a.m. to 5:00 p.m. at the UCI campus. Activities and parking are free.

## **ADDITIONS AND DELETIONS**

During the Closed Session portion of the agenda, City Attorney Phil Kohn stated the necessity to add a Closed Session on Newpath Networks, LLC; see Item No. 2.2.

**4. CONSENT CALENDAR**

**ACTION:** Moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar Item Nos. 4.1 through 4.7.

**4.1 MINUTES**

**ACTION:** Approved the minutes of a special meeting of the Irvine City Council held on March 25, 2008.

**4.2 PROCLAMATIONS**

**ACTION:** Proclaimed the week of April 13-19, 2008 as "National Crime Victims' Rights Week."

**4.3 WARRANT AND WIRE TRANSFER RESOLUTIONS**

**ACTION:** Adopted RESOLUTION NO. 08-31 - 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

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

**ACTION:** Adopted RESOLUTION NO. 08-32 - 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 Krom abstained.

**4.5 FINAL TRACT MAP NO. 17070 -- NOTICE OF PENDING APPROVAL**

**ACTION:** Received and filed.

**4.6 TREASURER'S REPORT FOR THE QUARTER ENDED DECEMBER 31, 2007**

**ACTION:** Received and filed the Treasurer's Report for the Quarter Ended December 31, 2007.

**4.7 INVITATION TO MAYOR TO ATTEND HERMOSILLO'S FIESTAS DEL PITIC**

**ACTION:** Received and filed.

## END CONSENT CALENDAR

### 5. COUNCIL BUSINESS

#### 5.1 **RATIFY APPROVAL OF SETTLEMENT AGREEMENT WITH MAGUIRE PROPERTIES**

Sean Joyce, City Manager introduced the item. Douglas Williford, Director of Community Development; and Jeffrey Melching, Assistant City Attorney were present to respond to questions.

City Council discussion included: potential legal ramifications faced as a result of ratifying or rescinding the previously-signed agreement; the process followed regarding prior approval of the agreement with respect to compliance with the Ralph M. Brown Act; the hiring of third party counsel to ensure the consideration and initial approval of the Settlement Agreement was done properly; geographic restrictions on the use of the \$9.8 million that would be paid by Maguire Properties to the City of Irvine as a result of the Settlement Agreement for funding of IBC infrastructure; proper notification to the public for those residing near or within the project area and ratification through the public review process in an open meeting environment; assertions that staff acted improperly and failed to inform the City Council of negotiations relating to the Settlement Agreement; bringing concerns to the District Attorney and/or the Grand Jury as opposed to an independent counsel; mitigation measures as a result of an Environmental Impact Report from 1989; interpretation of Section 2-19 of the Zoning Code; and circumstances when a settlement agreement would not go through the usual public process.

Edmond M. Connor, Attorney for Maguire Properties, spoke in favor of ratifying the Settlement Agreement and provided a history of the issues raised by Maguire Properties, as well as the previous land owner, over the Park Place development.

Phillip Greer spoke against ratification of the Settlement Agreement and expressed concern that the City Council violated the Brown Act when the Settlement Agreement was originally approved.

**ACTION: Moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, to:**

Ratify the approval of the Settlement Agreement between the City of Irvine and Maguire Properties.

Following discussion, a substitute motion was made by Councilmember Choi to forward the Settlement Agreement to the Planning Commission for a public hearing process. Councilmember Shea seconded the motion, as

amended and agreed to by Councilmember Choi, to rescind the Settlement Agreement and forward the agreement to the Planning Commission for a public hearing and ultimate return to the City Council for a public hearing.

**The substitute motion failed as follows:**

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

Councilmember Choi stated that the City Council was not informed by staff in a timely fashion of the negotiation process between staff and Maguire Properties, and that the Settlement Agreement should have been subject to the public review process. He stated he would not participate in the vote and would be leaving the dais since an abstention would be recorded as a supporting vote. Councilmember Choi then left the dais at 7:50 p.m.

Councilmember Shea stated that the City Council was not properly notified by staff of the negotiations between staff and Maguire Properties relative to the Settlement Agreement. She stated the Settlement Agreement cannot be ratified because it should have been subject to the public review process and not considered in Closed Session. She stated she will be leaving the dais as well, because she cannot vote and abstain. Councilmember Shea then left the dais at 7:54 p.m.

**The original motion carried as follows:**

AYES: 5 COUNCILMEMBERS: Agran, Kang, Krom, Choi\* and Shea\*  
NOES: 0 COUNCILMEMBERS: None

\*Irvine Municipal Code §1-2-311(G) reads: "Disqualification and abstention. Except as otherwise provided by law, no member of the City Council shall be permitted to abstain from voting unless such disqualification shall have been approved by the City Attorney or by unanimous vote of the remainder of the Council present. Unapproved disqualifications and abstentions shall be recorded by the City Clerk as an affirmative vote." Irvine Municipal Code § 1-2-311(I) reads: "Silence constitutes affirmative vote. Unless a member of the Council has been permitted to and abstains from voting or is otherwise prohibited by law from voting, pursuant to subsection G hereof, such member's silence shall be recorded as an affirmative vote." Neither Councilmember Choi nor Councilmember Shea asked that their votes be recorded as approved abstentions.

**RECESS**

Mayor Krom called a recess at 7:56 p.m.

**RECONVENE**

Mayor Krom reconvened the meeting at 8:03 p.m. All councilmembers were present when the meeting reconvened.

**5.2 2008 STRATEGIC BUSINESS PLAN**

Sean Joyce, City Manager presented the staff report. Dave Tungate, Manager of Budget and Business Planning; and Kenneth Brown, Strategic Business Plan Administrator were also present to respond to questions.

City Council discussion included: City's efforts to maintain the City's infrastructure in an excellent manner, including preventative measures to address tagging; landscaping upkeep and maintenance; street maintenance and rehabilitation; responsible financial planning; the significant increase in the contingency reserve; closing the gap between revenues and expenditures; contributions from the Asset Management Plan to the General Fund; overall citizen satisfaction as a result of the survey that was sent out to residents; the cost of service per capita; the strong financial position of the City of Irvine in comparison to other cities of similar size and population in the nation; Measure M funding and how it affects the Strategic Business Plan ("Plan"); the addition of parks and open space in the City's assessed valuation figure; projected population at build-out; Irvine Hotel Improvement District (HID) Funds and whether or not the contribution to the fund is voluntary or mandatory; a Capital Facilities Master Plan; and revenue provided to the Irvine Chamber of Commerce to fund "Destination Irvine" before the HID was in place.

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

Adopt the 2008 Strategic Business Plan.

**5.3 FRIENDSHIP CITY REQUESTS**

Councilmember Choi and Mayor Pro Tempore Kang introduced the item.

Emma Green, Multicultural Affairs Coordinator, presented the staff report.

The following individuals spoke in favor of the item:

- Edward Sohn, Korean American Chamber of Commerce
- Young Kim, Irvine Resident
- Susan Lee, Irvine Resident
- Albert Wu, Irvine Young Concert Artists
- Brian Kim, Irvine Young Concert Artists
- Julie Hwang, Irvine Young Concert Artists

Grace Baek, Irvine Young Concert Artists

City Council discussion included: the formation of relationships between cities around the world and the City of Irvine; existing relationships with other international cities as part of the Sister Cities Program; the benefits of learning about international cultures; and adding hyperlinks to friendship cities on the City of Irvine website.

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

- 1) Direct staff to return with proposed Friendship City Agreements with Seocho, Republic of Korea and Nowon, Republic of Korea.
- 2) Amend the City's Friendship City Program Policy to allow for multiple Friendship Cities per country.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

There were none.

**ADJOURNMENT**

**Moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to adjourn at 10:33 p.m.**

  
\_\_\_\_\_  
MAYOR OF THE CITY OF IRVINE

  
\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

April 22, 2008