



**MINUTES
CITY COUNCIL
SPECIAL MEETING
AND
REGULAR MEETING
July 24, 2007
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER - SPECIAL MEETING

A special meeting of the Irvine City Council was called to order at 3:31 p.m., on July 24, 2007, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Krom presiding.

ROLL CALL

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

The City Council convened as follows:

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) - Agency Negotiators: Dave Larsen, Assistant City Attorney - Rutan & Tucker; Rick Paikoff, Director of Administrative Services; Jan Walden, Manager of Human Resources; and Brian King, Senior Management Analyst. Employee Organizations: Irvine Police Association (IPA) and Irvine Police Management Association (IPMA.)

RECONVENE TO THE REGULAR CITY COUNCIL MEETING

The City Council reconvened to the regular City Council meeting at 4:15 p.m.; no reportable action was taken in 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 Lisa Naulls who performed, "America the Beautiful."

1. PRESENTATIONS

The following presentation was made:

1.1 Commendation to Christine Babcock - California Interscholastic Federation (CIF) and State Track and Cross Country Champion

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

2. CONSENT CALENDAR

ACTION: Moved by Councilmember Shea, seconded by Councilmember Kang, and unanimously carried to approve Consent Calendar items 2.1 through 2.8 with the exception of the item noted below which was removed for separate discussion.

2.7 Selection of a Representative on the Transportation Corridor System (TCS) Board of Directors

2.1 MINUTES

ACTION: Approved the minutes of a regular City Council meeting held on July 10, 2007.

2.2 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION: Adopted RESOLUTION NO. 07-96 - 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.

2.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 07-97 - 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

2.4 BONITA CANYON OFF-STREET BIKE TRAIL

ACTION: Adopted RESOLUTION NO. 07-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING THE MITIGATED NEGATIVE DECLARATION FOR THE BONITA CANYON OFF-STREET BIKE TRAIL PROJECT

2.5 INTERIM LEASE WITH EL TORO FARMS

ACTION: Authorized the City Manager and City Attorney to prepare and execute an interim lease with El Toro Farms for vacant property located near the intersection of Barranca and Alton. **(Contract No.**

2.6 DISPOSITION OF SURPLUS PROPERTY

ACTION: Authorized the demolition of surplus property located at 6412 and 6442 Burt Road.

2.7 SELECTION OF A REPRESENTATIVE ON THE TRANSPORTATION CORRIDOR SYSTEM BOARD OF DIRECTORS

This item was removed from the Consent Calendar at the request of Mayor Krom who acknowledged recommended action to appoint Councilmember Kang as the City's representative.

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

Appoint Councilmember Kang to serve as the representative on the Transportation Corridor System (TCS) Board of Directors.

2.8 PROCLAMATION

ACTION: Recognition of the Merage Jewish Community Center (JCC) as the host of the 25th Annual JCC Maccabi Games, August 12-17, 2007.

END OF CONSENT CALENDAR

3. COUNCIL BUSINESS

3.1 GREAT PARK DESIGN STUDIO CONTRACT FOR SCHEMATIC DESIGN AND RELATED SERVICES

Sharon Landers, Assistant City Manager/Acting CEO Orange County Great Park presented the staff report; Colleen Clark, Deputy CEO Orange County Great Park and Craig Smith, Consultant were also available to respond to questions.

Bill Kogerman, Orange County Great Park Board Member spoke on the lack of a reference for and need to include an aviation museum in the schematic design; he noted necessity to include at least 30,000 square feet of hangar space to display aviation artifacts.

City Council discussion included: Clarification in the discrepancy of acreage referenced in the staff report for the Orange County Great Park; clarification of collaborative effort with UCI; whether a pre-arbitration process exists to diffuse possible disputes that may arise between parties during the arbitration process; whether contingency funds exist for Orangewood Academy and a water park; clarification of adoption of a Master Plan and how the proposed contract will be affected in the interim of the Master Plan's approval; clarification of the schematic design; clarification of penalty clause in contract; clarification of "final design" as referenced in schematic design; cost of liability insurance for contract; clarification of how the "Living Wage Ordinance" will apply to the contract employees on the project; clarification of 12-month performance period; whether opportunities will be available to the Council to respond to the schematic design prior to moving forward; whether the Great Park staff will provide oversight over the contract to ensure all work is approved satisfactorily, on time, and within budget; concern with the lack of a business plan in place for the Orange County Great Park; concern with mass grading in Phase I of park design; clarification of why competitive bidding isn't being conducted on the contracts; concern with number of change orders; update on sources of revenue; the need to effectively collaborate between all stakeholders; brief review of what has been completed on existing contract; confirmation of \$734,688 authorized for the design of the Great Park balloon and clarification of additional cost to accommodate the gift of the balloon by Lennar; clarification of number of times additional funding requested for the operation of the Great Park balloon; projection of costs to operate and maintain the Great balloon; clarification of who will be providing design on graphics and communications; and evaluation of deliverables provided at the various milestone stages of the contract.

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

- 1) Approve and authorize the City Manager to execute the contract (in substantial final form) with the Great Park Design Studio for the next phase of work in the amount of \$27,300,000, which consists of \$25,900,000 for performance of the Scope of Services (based on fixed fee and time and materials) and \$1,400,000 for reimbursable expenses.
- 2) Authorize a contingency in the amount of \$2.6 million (approximately 10% of the contract value, excluding reimbursable expenses) which can be added, in whole or in part, to the contract at the discretion of the Great Park Chief Executive Officer. Use of the contingency is further described in contract Attachment II, the provisions of which are incorporated in this authorization.
- 3) Approve and direct staff to prepare a budget adjustment to the Fiscal Year 2007-2008 Budget increasing expenditures by \$29,900,000 (contract value plus contingency) and authorizing a transfer of funds from the Great Park Fund (180) to the Great Park Development Fund (286).
- 4) Rescind the previous funding authorization of \$2,208,039 for Task 7 of the Great Park Design Studio contract in recognition that the work effort is included as part of the new contract proposed in Recommended Action 1 above. **(This action rescinds Contract No. 5309A)**
- 5) Authorize an increase of \$369,872 to the FY 2007-2008 Budget to provide funding for the Great Park Design Studio Contract - Task 6 - Great Park Balloon Project.

At 6:59 p.m., the City Council postponed further discussion and action on this item to later in the evening to allow staff to gather additional information and to conduct other agenda matters in a timely fashion.

At 12:03 a.m., staff responded to questions and the City Council continued discussion on this item.

Moved by Councilmember Choi, seconded by Councilmember Shea to continue this item to September 11, 2007.

The motion to continue failed to carry as follows:

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

The original motion to approve staff recommendations 1 – 5, carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang and Krom

NOES: 2 COUNCILMEMBERS: Choi and Shea

END OF COUNCIL BUSINESS

4. PUBLIC HEARINGS

4.1 GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE DEVELOPMENT OF A MEDICAL OFFICE AT 4968 BOOTH CIRCLE (PLANNING AREA 11)

Mayor Krom declared the public hearing open at 7:01 p.m.

Tim Gehrich, Manager of Planning and Development Services; Kelly Koldus, Associate Planner; and Stephen Higa, Principal Planner presented the staff report. Jeff Melching, Assistant City Attorney and the City’s traffic consultant also provided input.

Pamela Sapetto, Sapetto Group, representing the applicant spoke in support of staff recommendation and noted mitigated measures put in place to reduce the impacts to the surrounding neighbors.

The following Irvine residents spoke in opposition to the proposed project: Joan Dyer, Rod Brewer, Dennis Bruckler, Bill Matthews, and Patrick Sams.

City Council discussion included: Limiting hours of operation to reduce noise to neighbors; clarification of set back from Irvine Center Drive; clarification of reduction of setback along north property line; clarification of elimination of 30’ setback for landscape around perimeter; clarification of how conditions are imposed on project parcels; clarification of setbacks; survey of accident and data for the proposed project area; reduction of business hours; clarification of condition for sub-letting office space; clarification that trash pick up hours can effectively be enforced by the City and during business hours; number of expected u-turns during peak hours from the proposed project location; clarification that the left turn pocket was lengthened to accommodate additional u-turns at Yale and if vehicles can safely maneuver the u-turn; clarification of parking ratio requirement for proposed project; clarification of number of parking spaces included in proposed project; concern with traffic safety and circulation; the need to include a program for staff to monitor the performance of the traffic issues

over a 6 or 12-month period to assure efficiency and safety; whether other alternatives for ingress and egress were considered; clarification that original zoning for proposed project site is institutional; enforcement issues; timing and completion of construction once proposed project is approved; establishing a task force to explore traffic mitigation issues; clarification whether residential uses exist on Booth; and clarification that conditions made associated with the proposed project will be documented, obligated and honored.

At 8:46 p.m., the City Council postponed action on this item to later in the evening to allow staff to gather additional information for the City Council's consideration.

At 11:10 p.m., the City Council continued discussion on this item.

ACTION: At 11:58 p.m., moved by Councilmember Kang, seconded by Councilmember Choi, and unanimously carried to close the public hearing.

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

- 1) Adopt RESOLUTION NO. 07-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING MITIGATED NEGATIVE DECLARATION (SCH #2007051151) FOR 4968 BOOTH CIRCLE AND ADOPTING A MITIGATION MONITORING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES
- 2) Adopt RESOLUTION NO. 07-100 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00424290-PGA TO AMEND LAND USE TABLE A-1 OF THE GENERAL PLAN AND CHANGE THE GENERAL PLAN DESIGNATION OF THREE PARCELS ON BOOTH CIRCLE FROM INSTITUTIONAL-PUBLIC FACILITIES TO MULTI-USE, LOCATED ON THE NORTHEAST CORNER OF YALE AVENUE AND IRVINE CENTER DRIVE; PLANNING AREA 11; FILED BY WERDIN-SAUNDERS, LLC
- 3) Introduce for first reading and read by title only ORDINANCE NO. 07-16 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00413547-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING OF THREE PARCELS ON BOOTH CIRCLE FROM 6.1A INSTITUTIONAL TO 3.1F MULTI-USE LOCATED ON THE NORTHEAST CORNER OF YALE AVENUE AND IRVINE CENTER DRIVE; PLANNING AREA 11; FILED BY WERDIN-SAUNDERS, LLC

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Kang and Krom

NOES: 1 COUNCILMEMBERS: Shea

4.2 APPEAL OF PLANNING COMMISSION ACTION TO DENY CONDITIONAL USE PERMITS FOR TEN WIRELESS COMMUNICATIONS FACILITIES LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND / OR PUBLIC UTILITY EASEMENTS IN TURTLE ROCK (PLANNING AREA 21)

Mayor Krom declared the public hearing re-opened at 8:47 p.m.

Tim Gehrich, Manager of Planning and Development Services; Bill Rodrigues, Senior Planner; and Stephen Higa, Principal Planner presented the staff report.

The following individuals spoke in support of the proposed project: Courtney Schmidt, representing Sprint; John Flynn, legal counsel for applicant; and Ken Samel, Irvine resident.

The following Irvine residents spoke in opposition to the item: John Encheff; Brooke and Robert Fullmer; Rick Haugen; Jeffrey Stone; Tom Merritt, (representing 8 speakers); Ray Bukaty, (representing 4 speakers); Christopher Kelly, (representing 1 speaker); George Nichols, (representing 1 speaker); Haya Sakadjian; Pam Pham; Beverly Kawamoto; David Chapman; John Pitchess; Chriss Erickson; Renee Nichols; and Mildred Moe.

City Council discussion included: Clarification of output of wattage released from cell tower sites; noise factor; clarification that 'humming' noise does not exceed the City's standard; whether other providers could utilize existing pole sites for their service; directed staff to return with a report on the number of homes with 10 proposed repeater cells and number of homes within 100' and 150' of proposed sites; clarification of whether suitable sites have been identified in Turtle Rock Open Space area; rule out alternative of putting monopoles in the parks and also outside Turtle Rock areas; explore sites inside Turtle Rock Open Space; pursue alternative of monorock; and whether The Irvine Company has considered partnering with the City in placing cell tower sites in the open space.

ACTION: At 11:08 p.m., moved by Councilmember Shea, seconded by Mayor Pro Tempore Agran, and unanimously carried to:

Continue the public hearing to September 11, 2007 to receive additional information about one or more of the presented alternatives and direct staff to conduct appropriate environmental review and public noticing for each.

PUBLIC COMMENTS

There was no public comment.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

The following announcements were made:

- On Saturday, August 4, the Annual Symphony in the City Conference Series will host the Pacific Symphony Orchestra at Heritage Park; the Music Playground will begin at 5:30 p.m., and the concert performance will begin at 7:00 p.m.; and
- Sizzling Summer Sundays will conduct it's concert series on August 12, 19 and 26 at Woodbridge Community Park; performances are scheduled to begin at 6:00 p.m.

ADJOURNMENT

Moved by Councilmember Choi, seconded by Councilmember Shea and unanimously carried to adjourn at 1:09 a.m. to the next Regular Meeting on August 14, 2007, at 4:00 p.m. at the Irvine Civic Center, One Civic Center Plaza, Irvine, California.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

August 14, 2007

