



## CALL TO ORDER

A special meeting of the Irvine City Council was called to order at 3:34 p.m., on May 13, 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. CLOSED SESSION

Phil Kohn, City Attorney, announced the City Council will recess to Closed Session to discuss the following:

### 1. CLOSED SESSION

- 1.1 **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**
  
- 1.2 **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
**(Pursuant to Government Code Section 54956.9(a)) - City of Irvine v. Southern California Association of Governments, Orange County Superior Court Case No. 07CC08301**

- 1.3 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
*(Pursuant to Government Code Section 54956.9(a))(four cases):  
Cities of Newport Beach and Tustin v. City of Irvine, et al. and  
Starpointe Ventures, West Millenium Homes, et al, Orange County  
Superior Court Case No. 07CC01264;  
Allergan, Inc. v. City of Irvine, et al. and Starpointe Ventures, West  
Millenium Homes, et al., Orange County Superior Court Case No.  
07CC01268;  
Cities of Newport Beach and Tustin v. City of Irvine, et al. and  
Starpointe Ventures, Avalonbay Communities, Inc., Alton Associates,  
et al., Orange County Superior Court Case No. 07CC01265; and  
Allergan, Inc. v. City of Irvine, et al. and Starpointe Ventures, Alton  
Associates, et al., Orange County Superior Court Case No.  
07CC01267.*
- 1.4 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
*(Pursuant to Government Code Section 54956.9(a)): City of Irvine v.  
Orange County Superior Court Case No. 30-2008-00062617 (James A.  
Musick Jail)*

**RECONVENE TO THE CITY COUNCIL MEETING**

The City Council reconvened at 5:25 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced the following reportable action was taken during Closed Session:

- With respect to Item No. 1.1, the City Council voted unanimously (5-0) to authorize the withdrawal of the appeal relative to Newpath Networks, LLC.
- With respect to Item No .1.2, the City Council voted unanimously (5-0) to authorize the filing of an appeal in the action brought by the City against SCAG.
- With respect to Item No. 1.3, the City Council voted 4-1, Councilmember Shea dissenting, to pursue an appeal in the four cases involving the IBC.
- With respect to Item No. 1.4, no reportable action was taken.

**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 Gloria Estafan's "Reach."

## 2. PRESENTATIONS

The following presentations were made:

### **2.1 Proclaim the week of May 18-24, 2008 as "National Public Works Week."**

Irvine resident Lisa Oldag and her son Andrew were recognized as winners of the City Roadway Construction Contest.

### **2.2 Proclaim June 1, 2008 as "Israel Expo Day 2008."**

### **2.3 Proclaim May 2008 as "Asian Pacific Islander American Heritage Month."**

## INTRODUCTIONS

City Manager Sean Joyce introduced Corinne Schneider-Jones, Manager Of Community Health & Human Services.

## CITY MANAGER'S REPORT

There was no City Manager's report.

## ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

The following announcements were made:

- May 12-16 is "Bike to Work Week," sponsored by the Orange County Transportation Authority; participants may register on-line with a pledge to bike to work at least one day during the week.
- The Family Entertainment Series will feature *Folk Tales of Norway* by the Patchwork Players on Saturday, May 17, 10:00 – 11:00 a.m.; and *Frog Belly Rat Bone* by Rogue Artists Ensemble on Saturday, May 24, 10:00 – 11:00 a.m. at Bill Barber Park Amphitheater.
- A Memorial Day Ceremony will be held on Monday, May 26, 10:00 – 11:30 a.m. at Bill Barber Marine Corps Memorial Park.
- Voter Registration deadline for the June 3 Election is May 19; in addition, residents may vote early at City Hall from May 19 – 27 during normal business hours.
- Irvine Family Fun Fair on Saturday, May 17, 9:00 a.m. – 1:00 p.m. at the Irvine Civic Center.

- The 21<sup>st</sup> Annual Irvine Junior Games Track and Field Meet is scheduled for Sunday, May 18, 9:30 a.m. to 6:00 p.m. at Irvine Stadium, located behind Irvine High School.

### ADDITIONS AND DELETIONS

City Manager Sean Joyce noted that Item No. 4.1, General Plan Amendment, Zone Change and Development Agreement for the Development of 176 Apartment Units at 2802 Kelvin Avenue in Planning Area 36, will be continued to June 10, 2008 at 4:00 p.m.

In addition, he requested that Item No. 5.6, Campaign Finance Reform, be continued to a future date.

### 3. CONSENT CALENDAR

**Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.8 with the exception of Item No. 3.2.**

#### 3.1 MINUTES

**ACTION:** Approved the minutes of a regular meeting of the City Council held on April 22, 2008.

#### 3.2 PROCLAMATIONS

This item was removed from the Consent Calendar at the request of Councilmember Choi, who requested clarification on the purpose of the Play Commission and questioned if approval of the proclamation would require the City to form a committee to which Community Services Director Paula Burrier-Lund responded that the Community Services Commission would assume the role of Play Commission.

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

Proclaim October 4, 2008 as "Irvine Play Day."

#### 3.3 WARRANT AND WIRE TRANSFER RESOLUTION

**ACTION:** Adopted RESOLUTION NO. 08-39 - 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:** Adopted RESOLUTION NO. 08-40 - 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.

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

**ACTION:** Adopted RESOLUTION NO. 08-41 - 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

Councilmember Agran abstained.

**3.6 FISCAL YEAR 2007-08 SAFE ROUTES TO SCHOOL PROGRAM FUNDS**

**ACTION:** Approved a Budget Adjustment to accept \$144,900 from the State of California Safe Routes to School Grant, establish a new Capital Improvement Program (CIP) account, and transfer \$16,100 from the Fiscal Year 2007-08 Curbs/Gutters/Sidewalks (CIP 318130) to the newly established CIP account.

**3.7 FRIENDSHIP CITY AGREEMENTS WITH SEOCHO, REPUBLIC OF KOREA AND NOWON, REPUBLIC OF KOREA**

**ACTION:**

- 1) Approved Friendship City Agreements with Seocho and Nowon, Republic of Korea and authorize the Mayor to sign.
- 2) Approved amended Friendship City Program Policy.

**3.8 ORANGE COUNTY GREAT PARK BUILDING DEMOLITION PROJECT - APPROVAL OF PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS**

**ACTION:** Approved the plans, specifications and contract documents for the Great Park Building Demolition Project on file with the Orange County Great Park Corporation.

**END CONSENT CALENDAR**

**4. PUBLIC HEARINGS**

**4.1 GENERAL PLAN AMENDMENT, ZONE CHANGE AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF 176 APARTMENT UNITS AT 2802 KELVIN AVENUE IN PLANNING AREA 36**

**ACTION:** At 6:14 p.m., it was moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang and unanimously carried to:

**ACTION:** Continue the public hearing to June 10, 2008 at 4:00 p.m.

**5. COUNCIL BUSINESS**

**5.1 ORDINANCE ADOPTING A 45-DAY MORATORIUM ON WIRELESS TELECOMMUNICATIONS INSTALLATIONS**

Jeff Melching, Assistant City Attorney; and Tim Gehrich, Manager of Planning and Development Services, presented the staff report.

Dean Brown, representing Verizon Wireless, spoke in opposition to the proposed ordinance and retroactive reference to pending applications.

Jamie Hall – Channel Law Group, representing Newpath Networks and AT&T; spoke in opposition to the moratorium and noted that action on the application submitted by Newpath Networks should be processed immediately; he also noted AT&T felt the moratorium cannot retroactively be applied to pending applications.

Sandra Jacobs, SFC Consultant for Metro PCS, spoke in opposition to the moratorium and noted the ordinance should not be applied to pending applications.

Jackie Le, Metro PCS, spoke in opposition to the proposed ordinance.

M. Esat Kadaster, Irvine resident, spoke in support of the proposed ordinance.

Andrew Buchen, representing Crown Castle, USA, spoke in opposition to the proposed moratorium.

Barbara Weiner, Irvine resident, spoke in opposition to the City processing pending applications and in support of the proposed ordinance.

City Council discussion included: Clarification that the proposed ordinance does not affect the acceptance and/or processing of permit

applications; clarification that the City's Telecommunications Ordinance was invalidated by the court; clarification that the moratorium addresses processing of encroachment permits; the public review process that will take place during the moratorium to assist with development of new ordinance; and additional reference in proposed ordinance relative to consistency with the General Plan.

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

Adopt ORDINANCE NO. 08-02 - AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTED AS AN URGENCY MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

(This Urgency Ordinance also calls for a public hearing on June 24, 2008 at 4:00 p.m.)

**5.2 FINANCIAL STATUS OF IRVINE PUBLIC SCHOOLS**

This item was agendized by Mayor Pro Tempore Kang who presented the item and offered the motion noted below.

The following individuals spoke in support of the proposed motion:

Lynn Davis, Tustin Unified School District  
Dr. Gwen Gross, Superintendent – Irvine Unified School District  
Jerry Mandel, Chief Executive Officer - Irvine Public Schools Foundation

City Council discussion included: Impact of proposed motion on FY 08-09 budget and City's reserves; justification for issuing a line of credit to the school district and need for further legal research prior to implementation; clarification of Gift of Public Funds and application to Charter cities; and analysis provided for the proposed motion should mirror the Educational Partnership Fund.

**ACTION: Moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and unanimously carried to:**

- 1) Allocate \$1,000,000 in discretionary franchise fees from the negotiated agreement with Cox Communications to be set aside to assist schools in the Irvine Unified School District (IUSD) and the Tustin Unified School District (TUSD) on a one time basis; these funds should be allocated consistent with the distribution model

created for the Educational Partnership Fund program which dedicates 90.2% to IUSD and 9.8% to TUSD.

- 2) The funds in Action Item No. 1 above should be made available as a dollar for dollar match to funds raised by the Irvine Public School foundation and the Tustin Public Schools Foundation with all funds dedicated to benefit schools within the City of Irvine.
- 3) Direct the City Manager to research the feasibility of quickly creating a line of credit up to \$10,000,000 that could be loaned to the IUSD and TUSD on favorable terms from the City's Asset Management Fund in the event that the impacts of state budget cuts on local schools require additional City support.

### **5.3 IRVINE COMMUNITY PARTNERSHIP FUND**

Moved by Councilmember Shea, seconded by Councilmember Choi, to:

- 1) Adopt Resolution No. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING IRVINE COMMUNITY PARTNERSHIP FUND GUIDELINES FOR DISBURSEMENT OF DISCRETIONARY FUNDS FOR QUALIFYING NONPROFIT ORGANIZATIONS.
- 2) Approve FY 07-08 budget appropriations for nonprofit financial assistance: A. \$25,000 to Families Forward; B. \$25,000 to Boys and Girls Club; C. \$5,000 to Woodbridge Warrior Boosters Club; D. \$10,000 to Legal Aid Society of Orange County; E. \$1,000 to each of the five public high school Parent Teacher Student Associations in Irvine for the purpose of implementing student "Grad Nite" safety programs.

**ACTION: A substitute motion was moved by Mayor Krom, seconded by Councilmember Agran, and unanimously carried to:**

- 1) Adopt Resolution No. 08-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING IRVINE COMMUNITY PARTNERSHIP FUND GUIDELINES FOR DISBURSEMENT OF DISCRETIONARY FUNDS FOR QUALIFYING NONPROFIT ORGANIZATIONS
- 2) Approve FY 07-08 budget appropriations for nonprofit financial assistance as follows: A. \$25,000 to Families Forward; B. \$25,000 to Boys and Girls Club; C. \$5,000 to Woodbridge Warrior Boosters Club; D. \$7,500 to Legal Aid Society of Orange County; E. \$1,000 to each of the five public high school Parent Teacher Student Associations in Irvine for the purpose of implementing student "Grad Nite" safety programs; and F. \$7,500 to the Discovery Science Center to be used to underwrite transportation resources for Irvine children field trips to the Discovery Science Center.

**5.4 ESTABLISHMENT OF GREEN RIBBON ENVIRONMENTAL COMMITTEE**

Brian Fisk, Manager of Planning and Redevelopment; and Chandra Krout, Environmental Programs Administrator presented the staff report.

Sandeep Beweja, Irvine resident spoke in support of the formation of the Green Ribbon Environmental Committee.

City Council discussion included: Composition of the committee; and meeting schedule.

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

- 1) Adopt RESOLUTION NO. 08-43 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE OUTLINING THE POWERS, DUTIES AND BYLAWS OF THE IRVINE GREEN RIBBON ENVIRONMENTAL COMMITTEE  
**As amended.**
- 2) Direct staff to publicize opportunities for the public to serve in two positions, to be appointed by the City Council, for a two-year term on the Green Ribbon Environmental Committee.
- 3) Return within 60 days for City Council appointment of the two members.
- 4) Direct the Planning Commission to make an appointment to the Green Ribbon Environmental Committee within 60 days.
- 5) City Councilmembers to submit to the City Clerk within 60 days the names of their respective appointments to the Green Ribbon Environmental Committee.

**5.5 CONSIDERATION OF THE ADOPTION OF A RESOLUTION FOR UNITED STATES - KOREA FREE TRADE AGREEMENT (KORUS FTA)**

Mayor Krom announced that this item was a non-municipal item and cited City Municipal Code Section 1-2-317.

**ACTION: Moved by Mayor Krom, seconded by Councilmember Agran to:**

Declare this item a non-municipal matter and therefore not consider the matter.

The following individuals noted their belief that this matter is a municipal matter:

Erik Caldwell, Board of Equalization – representing Member Michelle Park Steel  
Peter Kim, Board of Equalization – representing Member Michelle Park Steel  
Charlie Choi, Irvine resident

The following individuals noted their belief that this matter is a non-municipal matter:

Min Chai, Irvine Finance Commissioner  
Richard Choi Bertsch

City Council discussion included: Clarification of a non-municipal matter; and the right of Councilmembers to advocate KORUS FTA on their own accord if they desire to do so.

**The motion carried as follows:**

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

**5.6 CAMPAIGN FINANCE REFORM**

**ACTION:** This item was continued to a future meeting at the request of City Manager Joyce.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

Andrew Yen spoke on the 7.9 magnitude earthquake in China and provided the following information for individuals to contribute to a relief fund: Account Name: SCCCA/South Coast Chinese Cultural Association /Irvine Chinese School; Account Number: 14-020-661 (Cathay Bank)

Allan Bartlett, Irvine resident, spoke in support of Measure H on the June 3, 2008 Special Election ballot.

Lisa Gallegos, Reyna Peñanoza, and Tefere Gebre, spoke on inadequacies in the salaries of Orange County janitors and requested the City Council's support during their contract negotiations. In addition, they commended the City's Living Wage Ordinance.

**ADJOURNMENT**

**Moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea, and  
unanimously carried to adjourn at 10:38 p.m.**

  
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MAYOR OF THE CITY OF IRVINE

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

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May 27, 2008

