

**MINUTES OF A
REGULAR MEETING
OF THE IRVINE CITY COUNCIL HELD**

October 11, 2005

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order on October 11, 2005 at 4:34 p.m., in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California, by Mayor Krom, presiding officer.

ROLL CALL

PRESENT: 5	COUNCILMEMBER:	Larry Agran
	COUNCILMEMBER:	Steven Choi
	COUNCILMEMBER:	Christina Shea
	MAYOR PRO TEM:	Sukhee Kang
	MAYOR:	Beth Krom

ABSENT: 0	COUNCILMEMBER:	None
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Also present were Acting City Manager, Sean Joyce; Chief Executive Officer Great Park Corporation, Wally Kreutzen; City Attorney, Joel Kuperberg; Director of Public Safety/Chief of Police, David L. Maggard; Director of Administrative Services, Rick Paikoff; Deputy Director of Public Works, Manuel Gomez; Director of Community Services, John A. McAllister; Director of Community Development, Tina Christiansen; Deputy City Clerk, Teri Beach, City Clerk Specialist, Gail Frueh; and David Tran, Sgt. At Arms.

RECESS

Mayor Krom recessed the meeting to Closed Session at 4:35 p.m.

CLOSED SESSION

- A) **CONFERENCE WITH LEGAL COUNSEL – PENDING INITIATION OF LITIGATION: (Pursuant to Subdivision (c) of Government Code Section 54956.9). One case.**

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the meeting to regular session at 5:14 p.m.

City Attorney, Joel Kuperberg, announced that during Closed Session the City Council by unanimous vote:

ACTION: Approved the City Manager entering into a tolling agreement with Cox Communications regarding issues relating to cable television.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Krom.

MOMENT OF SILENCE

Mayor Krom asked for a moment of silence and reflection on the continuing relief support of Hurricane Katrina victims and the earthquake in Pakistan.

MUSICAL PRESENTATION

Mayor Krom introduced the Irvine Young Artists who preformed "Antonio Vivaldi Violin Concerto," played by eleven-year-old violin soloists Inje Lee and Eddie Yu in its first movement, and Albert Wu and Yea Na Woo in its last movement.

PRESENTATIONS

- 1) Richard Sandzimier, Project Development Administrator, introduced Tony Rahimian, representing the Orange County Transportation Authority who gave a presentation on alternatives to relieve traffic congestion in the Riverside/Orange County areas.

ACTION: It was moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea and unanimously carried to:

- A) Direct staff to return to the City Council on October 25 with a resolution that includes language to:
 - i) oppose any tunnel alternative thru the Cleveland Nat'l Forest;
 - ii) oppose the corridor linking the I-15 Freeway in Riverside to SR133 tollway in Irvine; and
 - iii) oppose Alternative 1A

- B) Request Supervisor Bill Campbell, as Chairman of the Policy Committee, to oppose the tunnel and work actively with the City of Irvine to eliminate the tunnel from the Committee's final transportation plan.
- 2) Mayor Krom introduced Valerie Waterman, volunteer with the Amyotrophic Lateral Sclerosis (ALS) Association and presented her with a proclamation in recognition of "Walk D'Feet 'ALS' Day, October 15, 2005."
- 3) Mayor Krom introduced members of Irvine Community Drug Prevention, a nonprofit agency consisting of representatives from the City of Irvine Community Services Department, Irvine Police Department, Irvine Unified School District, Orange County Fire Authority, and other community groups and presented them with a proclamation in recognition of "Red Ribbon Week, October 22 – 30, 2005."

INTRODUCTIONS

Mayor Krom introduced her various appointees as follows.

- Council Executive Assistant, Caryn Puma
- Council Executive Assistant, Nancy Neudorf
- Council Executive Assistant, Nadine Durbach
- Council Executive Assistant, Shiva Khamsi-Farivar
- Council Executive Assistant, Lindsey Brock
- Council Executive Assistant, Shaun Kobrin (not present)
- Planning Commissioner, Mary Ann Gaido
- Community Services Commissioner, Cathy Garris
- Finance Commissioner, Don Dressler
- Senior Citizens' Councilmember, Clarence Nedom (not present)
- Brad Eisenstein, Investment Committee representative; and
- Sandra Klein, Child Care Committee member.

PUBLIC COMMENTS

Margie Wakeham, Families Forward, spoke on Hurricane Katrina relief efforts.

Ralph Shapiro, Irvine resident, spoke on the City's sponsored Veterans Day events to be held on November 11 at 10:00 a.m. at Bill Barber Memorial Park.

Warrick Leigh, Irvine resident, spoke on constructing a skateboard park in the Orange County Great Park.

CITY MANAGERS REPORT

Acting City Manager Sean Joyce introduced Adam Buchanan, Community Services Supervisor, who presented a brief video on "America's 100 Best Communities for Young People."

Adam Buchanan introduced Julie Hudash, who gave an update on the "Kids Helping Kids LemonAID Program." She also acknowledged the support of Director of Public Safety/Chief of Police, David L. Maggard and Orange County Fire Authority Chief Matt Vadala. A check was presented to the Orange County Fire Authority with funds collected by the children.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Pro Tempore Kang reported on the League of California Cities Conference in San Francisco, October 5-8 that he and Councilmember Choi attended.

Mayor Krom announced that she attended a Mayor's forum with Senator Dianne Feinstein in attendance to address local issues

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

CONSENT CALENDAR

Hearing no objections from other Councilmember's, Mayor Krom removed the following items from the Consent Calendar for separate discussion and action:

3.1 CITY OF IRVINE TOW SERVICE AGREEMENT

3.4 APPROVAL OF A QUITCLAIM DEED OF DRAINAGE EASEMENT AND SUBORDINATION AGREEMENTS FOR LONG MEADOW AND JEFFREY ROAD BETWEEN IRVINE BOULEVARD AND TRABUCO ROAD (PLANNING AREA 9, WOODBURY)

3.6 TAX YEAR 2005 EARNED INCOME TAX OUTREACH PROGRAM

ACTION: It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar items 1 through 6.1, with the exception of items as noted above.

PUBLIC COMMENTS

Jody Campbell, A & P Towing, spoke on Item 3.1, "City of Irvine Tow Service Agreement."

1. CITY COUNCIL MINUTES

1.1 APPROVAL OF CITY COUNCIL MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on September 27, 2005.

2. PROCLAMATIONS/COMMENDATIONS/RATIFICATIONS

2.1 PROCLAIMED THE FOLLOWING:

ACTION:

- 1) Amyotrophic Lateral Sclerosis (ALS), WALK TO D'FEET 'ALS' DAY - October 15, 2005
- 2) RED RIBBON WEEK - October 22 - 30, 2005

2.2 RATIFIED THE FOLLOWING:

ACTION: Commending the University of California, Irvine (UCI) – 40 Years of Innovation in the Year 2005.

3. AGREEMENTS

3.1 CITY OF IRVINE TOW SERVICE AGREEMENT

This item was removed from the Consent Calendar at the request of Councilmember Shea who requested clarification on the proposed towing agreement and the impact the agreement will have, if any, on the homeowners' associations to which Lieutenant Hume responded. In addition, she requested a letter be sent to homeowner associations regarding the change in the law relative to neighborhood tow vehicle enforcement.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to:

- 1) Approve the modifications to Section IV, Fee Schedule of the Tow Service Agreement
- 2) Authorize the Director of Public Safety to execute the 2005-08 Tow Service Agreement with the following tow companies:
 - a. A&P/Metro Pro Towing
 - b. Lakeside Towing
 - c. West Coast Tow

3.2 COOPERATIVE AGREEMENT WITH CALTRANS FOR THE LAGUNA CANYON/I-405 OVERCROSSING WIDENING PROJECT

ACTION:

- 1) Adopted a Resolution entitled: **RESOLUTION NO. 05-118** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE COOPERATIVE AGREEMENT BETWEEN CALTRANS AND THE CITY OF IRVINE FOR THE LAGUNA CANYON/I-405 OVERCROSSING WIDENING PROJECT
- 2) **CONTRACT NO. 5146** - Approved District Agreement No. 12-523 with Caltrans for the Laguna Canyon/I-405 Overcrossing Widening Project. Authorize the Mayor to execute and the City Clerk to attest the Agreement.

3.3 APPROVAL OF SUBORDINATION AGREEMENT FOR PETERS CANYON WASH BICYCLE TRAIL ADJACENT TO HARVARD PARK (PLANNING AREA 10, WALNUT)

ACTION: **CONTRACT NO. 5147** - Approved Subordination Agreement and authorized the Mayor to execute and the City Clerk to attest the Agreement, subject to City Attorney approval as to form.

3.4 APPROVAL OF A QUITCLAIM DEED OF DRAINAGE EASEMENT AND SUBORDINATION AGREEMENTS FOR LONG MEADOW AND JEFFREY ROAD BETWEEN IRVINE BOULEVARD AND TRABUCO ROAD (PLANNING AREA 9, WOODBURY)

Councilmember Choi announced that due to property ownership within 500' of the proposed project, he would abstain from participation and voting on this item. This was deemed to be a true abstention by the City Attorney.

ACTION: CONTRACT NOS. 5148 & 5149; DEED NO. 1013 - Approved a Quitclaim Deed and Subordination Agreements, and authorize the Mayor to execute and the City Clerk to attest the Agreements, subject to City Attorney approval as to form.

3.5 APPROVAL OF A QUITCLAIM DEED AND A GRANT DEED TO CITRUSGLEN PARK (PLANNING AREA 5, NORTHWOOD POINTE)

ACTION: DEED NO. 1014 & 1015 - Approved a Quitclaim Deed and a Grant Deed and authorize the Mayor to execute and the City Clerk to attest the Deeds, subject to City Attorney approval as to form.

3.6 TAX YEAR 2005 EARNED INCOME TAX OUTREACH PROGRAM

This item was removed from the Consent Calendar at the request of Councilmember Shea who requested a separate vote be taken on this item.

Council discussion included strengths of the VXR Enterprises proposal and current goal of reaching more people.

ACTION: It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang to:

Direct staff to contract with VXR Enterprises for the City of Irvine's Earned Income Tax Credit outreach program.

The motion carried as follows:

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

NOES: 1 COUNCILMEMBERS: Shea

ABSENT: 0 COUNCILMEMBERS: None

3.7 APPROVAL OF MAP, BOND, AND AGREEMENT, FOR TRACT MAP NO. 16661 (PLANNING AREA 38) COLUMBUS GROVE

ACTION:

- 1) Approved Tract Map No. 16661.
- 2) Approved the agreement and accept the security from William Lyon Homes, Inc., guaranteeing improvements for Tract Map No. 16661.

- 3) Accepted the dedication of an easement for emergency access and public service vehicular ingress and egress purposes, as shown on the map.
- 4) Authorized the Mayor to sign the agreement and the City Clerk to attest to the agreement subject to City Attorney approval as to form.

3.8 APPROVAL OF MAP, BONDS, AND AGREEMENTS, FOR TRACT MAP NO. 16662 (PLANNING AREA 38, COLUMBUS GROVE)

ACTION:

- 1) Approved Tract Map No. 16662.
- 2) Approved the agreements and accept the security from Tustin Vistas Partners, LLC, and Lennar Homes of California, Inc., guaranteeing survey monumentation and improvements for Tract Map No. 16662.
- 3) Accepted the dedication of an easement for emergency access and public service vehicular ingress and egress purposes, as shown on the map.
- 4) Authorized the Mayor to sign the agreements and the City Clerk to attest to the agreements subject to City Attorney approval as to form.

3.9 EXTENSION OF TIME: INFRASTRUCTURE AGREEMENT

ACTION: CONTRACT NO. 5151 - Approved a letter of agreement between the City of Irvine and Heritage Fields, LLC, extending the date for completion of an Infrastructure Agreement.

3.10 APPROVAL OF MAP, BONDS, AND AGREEMENTS FOR TRACT MAP NO. 16811 -- ALL OF TENTATIVE TRACT MAP NO. 16811(PLANNING AREA 4, LOWER PETERS CANYON)

ACTION:

- 1) Approved Tract Map No. 16811.

- 2) Approved the agreements and accept the security from California Pacific Homes, guaranteeing improvements and survey monumentation for Tract Map No. 16811.
- 3) Authorized the Mayor to sign the agreements and the City Clerk to attest to the agreements subject to City Attorney approval as to form.
- 4) Accepted the dedication of easements for public street and public utility purposes for the following streets: Inglenook, Masterson, Spyrock, and Longvale, as shown on the map.
- 5) Accepted the dedication of easements for storm drain, sidewalk, and pedestrian purposes, as shown on the map.
- 6) Adopted a Resolution entitled: **RESOLUTION NO. 05-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACCEPTING THE STREETS NAMED: INGLENOK, MASTERSON, SPYROCK, AND LONGVALE, WITHIN TRACT MAP NO. 16811 INTO THE SYSTEM OF CITY STREETS**

4. ALLOCATION OF FUNDS

4.1 CULVER/I-5 SOUNDWALL BUDGET ADJUSTMENT

ACTION: Approved a budget adjustment accepting \$119,025 from The Irvine Company for the Culver/I-5 Soundwall Project.

5. REPORTS

5.1 VETERANS DAY EVENT

ACTION: Received and filed.

6. RESOLUTIONS

6.1 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted a Resolution entitled: **RESOLUTION NO. 05-120- 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.**

END OF CONSENT CALENDAR

COUNCIL BUSINESS

ORDINANCES

7. SECOND READING OF ORDINANCES

- 7.1 SECOND READING OF ORDINANCE: ZONE CHANGE APPLICATION TO AMEND PORTIONS OF THE CITY'S ZONING ORDINANCE TO ALLOW AUTOMATIC UPDATES OF THE IRVINE BUSINESS COMPLEX DEVELOPER FEES TO OCCUR ANNUALLY (00391805-PZC)**

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Adopt and read by title only an ordinance entitled: **ORDINANCE NO. 05-21 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00391805-PZC TO ALLOW AUTOMATIC ANNUAL UPDATES OF THE IRVINE BUSINESS COMPLEX (IBC) DEVELOPMENT FEES**

- 7.2 SECOND READING OF ORDINANCE: ZONE CHANGE FOR CAMPUS CENTER APARTMENTS EXPANSION IN PLANNING AREA 36 (00367058-PZC)**

ACTION: It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Adopt and read by title only an ordinance entitled: **ORDINANCE NO. 05-22 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00367058-PZC TO CHANGE THE ZONING ON LOT 4 OF TRACT 16843 FROM 5.1 IBC MULTI-USE TO 5.3C IBC RESIDENTIAL; AND REVISE THE PLANNING AREA INTENSITY LIMITS LOCATED AT THE SOUTHEAST CORNER OF SCHOLARSHIP AND DIPLOMA; PLANNING AREA 36; FILED BY STARPOINTE VENTURES**

- 7.3 SECOND READING OF ORDINANCE: ZONE CHANGE IN PLANNING AREA 36, 2201 MARTIN; FILED BY KB HOME COASTAL (00377769-PZC)**

ACTION: It was moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried, to:

Adopt and read by title only an ordinance entitled: **ORDINANCE NO. 05-23 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE**

APPROVING ZONE CHANGE 00377769-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING ON LOT 2 OF TRACT 8299, AS SHOWN ON MAP FILED IN BOOK 340, PAGES 44 TO 47, FROM 5.1 IBC MULTI-USE TO 5.3A IBC RESIDENTIAL; LOCATED AT THE NORTHWEST CORNER OF MARTIN AND DOUGLAS; PLANNING AREA 36; FILED BY KB HOME COASTAL

8. REPORTS

8.1 ALTERNATIVE USES FOR PROPOSITION 116 FUNDS

Mayor Krom introduced Manuel Gomez, Deputy Director Public Works and Steve Schibuola, Director of IBI Group, who presented the staff report and answered Council questions.

City Council discussion included: clarification of funding sources at the commencement of construction in the Orange County Great Park; clarification of funding sources for matching funds to support program; clarification of source of funding for \$5.6 million dollar survey; clarification that Redevelopment funding is a valid source of funding; importance of continuing to work with the Orange County Transportation Authority to fund IBC shuttle as part of their revised transit program; use of the value of the right of way to address the issue of matching funds; clarification of degree of difficulty associated with the IBC alternative; consideration of an extension of the alignment up to the ring along the path of the existing runway which will be torn up; and inclusion of noise impacts in the environmental analysis.

ACTION: It was moved by Councilmember Choi, seconded by Councilmember Agran, and unanimously carried, to:

- 1) Direct the Proposition 116 funds to a City-initiated 5.5-mile Great Park "Ring Road" advanced transit guideway project with a link to the Spectrum Entertainment area.
- 2) Direct staff to prepare a \$5.6 million funding plan to advance the detailed project definition study, preliminary engineering, and environmental phase of a Proposition 116 project, subject to Finance Commission, Irvine Redevelopment Agency and Great Park Corporation review as appropriate.

END COUNCIL BUSINESS

ADJOURNMENT

It was moved by Mayor Pro Tempore Kang, seconded by Councilmember Choi, and unanimously carried to adjourn the meeting at 9:41 p.m. to a regular meeting to be held on October 25, 2005, 4:00 p.m., at the City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California



MAYOR OF THE CITY OF IRVINE

ATTEST:



DEPUTY CITY CLERK OF THE CITY OF IRVINE

October 25, 2005

DATE APPROVED