

BETH KROM  
Mayor

SUKHEE KANG  
Mayor Pro Tempore

LARRY AGRAN  
Councilmember

STEVEN CHOI  
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](#)**

**RECESS**

**RECONVENE TO THE CITY COUNCIL MEETING**

**[PLEDGE OF ALLEGIANCE](#)**

**[MOMENT OF SILENCE](#)**

**[MUSICAL PRESENTATION](#)**

**1. [PRESENTATIONS](#)**

**1.1 [Proclaim September 20-27, 2008 as "Dollar Wi\\$e Week"](#)**

**1.2 [Proclaim October 5-11, 2008 as "Fire Prevention Week"](#)**

## 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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## **2. 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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### **2.1 MINUTES**

**ACTION:**

- 1) Approve the minutes of a regular meeting of the City Council held on September 9, 2008.
- 2) Approve the minutes of a special meeting of the City Council held on September 15, 2008.

### **2.2 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

### **2.3 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

**2.4** **PROCLAMATION**

**ACTION:** Proclaim October 4, 2008 as "Multicultural Day."

**2.5** **CONFLICT OF INTEREST CODE – 2008 BIENNIAL NOTICE OF REQUIRED AMENDMENTS**

**ACTION:** Receive and file the Fair Political Practices Commission (FPPC) 2008 Biennial Notice to amend the City of Irvine Conflict of Interest Code in accordance with the Political Reform Act.

**2.6** **ASSIGNMENT OF EASEMENT TO THE COUNTY OF ORANGE, SHADY CANYON (PLANNING AREA 22)**

**ACTION:** Authorize the Mayor to execute the Assignment and Assumption Agreement (Assignment) with the County of Orange for the operation and maintenance of the Shady Canyon Riding and Hiking Trail.

**2.7** **TREASURER’S ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

**ACTION:** Receive and file.

**2.8** **RETIREMENT PLANS - PRE-TAX PAYROLL DEDUCTIONS**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING PRE-TAX PAYROLL DEDUCTIONS FOR EMPLOYEE CONTRIBUTIONS TO RETIREMENT PLANS AND AUTHORIZING THE CITY OF IRVINE TO “PICK-UP” THESE CONTRIBUTIONS FOR TAX PURPOSES IN ACCORDANCE WITH SECTION 414(h)(2) OF THE INTERNAL REVENUE CODE

**2.9 RENEWAL OF TOW SERVICE AGREEMENT**

**ACTION:**

- 1) Authorize the Director of Public Safety to renew the 2005-2008 Tow Service Agreement for one additional three-year period.
- 2) Authorize the Director of Public Safety to execute Amendment Number 1 to the Tow Service Agreement with A&P/MetroPro Road Services, Inc.

**2.10 "AVOID THE 28 - DRIVING UNDER THE INFLUENCE CAMPAIGN PROJECT FOR ORANGE COUNTY" AND THE ABANDONED VEHICLE ABATEMENT PROGRAM**

**ACTION:**

- 1) Accept a \$25,000 grant award from "Avoid the 28 - Driving Under the Influence Campaign Project for Orange County," and approve the budget adjustment request in the amount of \$25,000 to increase revenues and expenditures for the grant award in Special Fund 143.
- 2) Approve participation in and revenue from the Abandoned Vehicle Abatement Program in the amount of \$92,000, and approve the budget adjustment request in the amount of \$92,000 to increase revenues and expenditures for the program in Special Fund 144.

**END CONSENT CALENDAR**

**3. 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 continuance. Any matter not noted for continuance, will be posted separately.

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**3.1 DRAFT CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM, AND AMERICAN DREAM DOWNPAYMENT INITIATIVE FUNDS FOR FISCAL YEAR 2007-08**

**ACTION:**

- 1) Open the public hearing; receive public input; City Council comments and questions.
- 2) Close the public hearing.

- 3) Authorize the City Manager to submit the Consolidated Annual Performance Evaluation Report (CAPER), including public comments received for the Community Development Block Grant (CDBG) and Home Investment Partnership Programs (HOME) to the U.S. Department of Housing and Urban Development.

**3.2 GENERAL PLAN, ZONING CODE, AND DEVELOPMENT AGREEMENT AMENDMENT FOR THE HERITAGE FIELDS EL TORO LLC DEVELOPMENT AGREEMENT IN PLANNING AREAS 30 AND 51**

**ACTION:**

- 1) Reopen the public hearing.
- 2) Continue the public hearing to October 28, 2008 at 4:00 p.m.

**3.3 ORDINANCE EXTENDING THE MORATORIUM ESTABLISHED PURSUANT TO IRVINE ORDINANCE NO. 08-05**

**ACTION:**

- 1) Open the public hearing; receive public input; City Council comments and questions.
- 2) Close the public hearing.
- 3) Adopt, as an urgency measure, the accompanying ORDINANCE NO. - AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, EXTENDING AN INTERIM ZONING ORDINANCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858(a) ESTABLISHING A TEMPORARY MORATORIUM ON INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

**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 Adjourned Regular 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