



## **CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order at 4:01 p.m. on July 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. GREEN RIBBON ENVIRONMENTAL COMMITTEE APPLICANT PRESENTATION**

The following applicants presented their qualifications and experience to the City Council:

Richard Bennett Beck; Elaine Booth; Sandeep Baweja; Brian Anthony Boyd; Steven Shurong Chen; Warren Davies; Hans Giroux; Zen LaBossiense Honeycutt; Margo Stowers on behalf of Kenneth Howe; Sam Hull; Lawrence Jones; Rajeev Kumar Kapur; Shaw Lin; Andrea Moni; Hossein Shahrokni; Susan Coons; Greg Sharp; Diane Smith; Cassie Cherry; Karoleen Alexander; Delilah Snell; Don Terres; and Soha Vazirnia.

**ACTION: By order of the Mayor, the City Council:**

- 1) Directed staff to agendize appointments to the Green Ribbon Environmental Committee on July 22, 2008 for both the two at-large members and the two City Councilmembers.
- 2) Requested that City Councilmembers submit the names of their individual appointments for the Committee to the City Clerk prior to July 22, 2008.

**RECESS**

Mayor Krom recessed the meeting at 5:03 p.m.

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Krom reconvened the meeting at 5:25 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Krom introduced Boy Scout Troop 612 and Scoutmaster Raymond Saito and Assistant Scoutmaster Steve Beckett who led the Pledge of Allegiance

**MOMENT OF SILENCE**

Mayor Krom requested a moment of silence.

**MUSICAL PRESENTATION**

Mayor Krom introduced Lindsay Morrison who performed "The Star Spangled Banner" and Patsy Cline's "Crazy."

**2. PRESENTATIONS**

**2.1 *Orange County Great Park Summer 2008 - Irvine Barclay Theater Update***

Marsha Burgess, Orange County Great Park Corporation Manager of Public Affairs; Doug Rankin, President – Irvine Barclay Theater; and Henry Korn, Executive Director & CEO - Poway Center for the Performing Arts Foundation gave a brief presentation of the Summer 2008 venue.

**INTRODUCTIONS**

There were no introductions.

## **CITY MANAGER'S REPORT**

Assistant City Manager, Wally Kreutzen reported on brochures available to the public relative to the City's environmental programs.

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

- The Orange County Great Park debuts its summer programming schedule and the grand opening of the 27.5-acre Preview Park on July 12 with the "Festival of Flight."
- Turtle Rock Community Park is the setting for Irvine's second annual Shakespeare in the Park series, featuring "Antony and Cleopatra," on Sunday, July 13, and "A Midsummer Night's Dream" on Sunday, July 20.
- Irvine Children's Health Program kick off on July 1 turned up many residents requesting assistance with application process for children's health plan.

## **ADDITIONS AND DELETIONS**

There were no additions or deletions to the agenda.

### **3. CONSENT CALENDAR**

**Consent Calendar Items consist of Item Nos. 3.1 thru 3.9.**

**Moved by Councilmember Choi, seconded by Councilmember Agran, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.8. Item No. 3.9 was removed for separate discussion.**

#### **3.1 MINUTES**

**ACTION:** Approved the minutes of a regular meeting of the City Council held on June 24, 2008.

#### **3.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted RESOLUTION NO. 08-75 - 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

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

**ACTION:** Adopted RESOLUTION NO. 08-76 - 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.

**3.4 HYDROGEN FUEL CELL VEHICLE LOAN AGREEMENT**

**ACTION:**

- 1) Authorized the City Manager to sign the UC Irvine Loan Agreement for the Hydrogen Fuel Cell Program. (Contract No. 5930)
- 2) Authorized the City Manager to approve future amendments.

**3.5 UNIVERSITY COMMUNITY PARK COMMUNITY CENTER EXPANSION AND REHABILITATION, APPROVAL OF PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS - CIP 381590**

**ACTION:** Approved the plans, specifications and contract documents for University Community Park Community Center Expansion and Rehabilitation project, CIP 381590, on file with the Community Services Department.

**3.6 AMENDMENT TO LEASING AGREEMENT BETWEEN CITY OF IRVINE AND EL TORO FARMS, LLC, AND RIGHT-OF-ENTRY PERMIT BETWEEN CITY OF IRVINE AND HERITAGE FIELDS EL TORO, LLC**

**ACTION:**

- 1) Approved a one-year Farming Lease Extension with El Toro Farms, LLC, commencing July 1, 2008. (Contract No. 5756A)
- 2) Approved a Right-of-Entry Permit with Heritage Fields El Toro, LLC ("Heritage Fields") that documents El Toro Farms' permission to access the leased parcel across Heritage Fields' property.

**3.7 ORDINANCE NO. 08-06, ZONE CHANGE FOR AN EXPANSION OF THE EXISTING PUBLIC STORAGE FACILITY LOCATED AT 13241 JEFFREY ROAD IN PLANNING AREA 8**

**ACTION:** Read by title only and adopt ORDINANCE NO. 08-06 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00406833-PZC TO RE-ZONE THE PROPERTY LOCATED AT 13241 JEFFREY ROAD (LOT 01 OF TRACT 124/19-20) FROM 1.1 EXCLUSIVE AGRICULTURE TO 3.1G MULTI-

USE, INCLUDING ALL APPROPRIATE REVISIONS TO THE ZONING CODE TEXT, TABLES AND MAPS; FILED BY PUBLIC STORAGE, INC.

**3.8 PURCHASE OF A TABLE FOR THE JULY 11, 2008 JEWEL OF ORANGE COUNTY FUNDRAISING EVENT**

**ACTION:** Approved the purchase of a table for the July 11, 2008 Jewel of Orange County fundraising event at a total cost of \$5,000.

**3.9 ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 3, 2008 REGARDING MEASURE H**

This item was removed from the Consent Calendar at the request of Mayor Krom who reported on the passage of Measure H.

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

- 1) Receive and file the Certificate of Results of the Special Municipal Election held on June 3, 2008 for Measure H, the Irvine City Council Ethical Public Service Ordinance No. 08-03.
- 2) Adopt RESOLUTION NO. 08-77 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 3, 2008, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW (MEASURE H)

**END CONSENT CALENDAR**

**4. PUBLIC HEARINGS**

**4.1 GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PLANNING AREAS 12 AND 40**

Mayor Krom reopened the public hearing at 6:12 p.m.

**ACTION:** At 6:12 p.m., moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to continue the public hearing to July 22, 2008 at 4:00 p.m.

**5. COUNCIL BUSINESS**

**5.1 CITY OF IRVINE ENERGY PLAN**

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

City Council discussion included: Clarification of rehabilitation on existing buildings and facilities; staffing relative to implementation of program; importance of identifying goals, objective and bylaws for the environmental committee; dependency on personal vehicles; and importance of educating the public and working with other agencies.

Craig Perkins, Energy Coalition, spoke in support of the proposed energy program.

Rajeev Kapur, requested information on the fiscal impact to implement the energy program, the number of jobs projected to be created as a result of implementing the program; and if businesses that provide this type of service will be part of the Great Park development.

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

- 1) Approve and adopt the City of Irvine Energy Plan.
- 2) Direct Staff to prepare a city-wide "Greenhouse Gas Emissions Inventory and Reduction Plan" by 2009.

**5.2 CONDUCT AN OPINION POLL IN REGARDS TO THE RENAMING OF THE IRVINE BUSINESS COMPLEX**

This item was agendized by Councilmember Choi who presented the item.

City Council discussion included: Renaming of the IBC to reflect its mixed use; defer the renaming process to the IBC Task Force; and recent survey conducted by the Irvine Chamber of Commerce.

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

Direct staff to conduct a residential on-line opinion survey or similar low-cost survey for 30 days in the IBC and the Chamber of Commerce to concurrently survey the IBC business community regarding the renaming of the planning area.

**ACTION: A substitute motion was moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, to:**

Continue the renaming of the Irvine Business Complex (IBC) until such time when the IBC visioning process has been completed and defer consideration of the matter to the IBC Task Force and return to the City Council at an appropriate time.

**The substitute motion carried as follows:**

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

NOES: 1 COUNCILMEMBERS: Choi

**5.3 ECONOMIC STIMULUS PROGRAM FOR NEW RESIDENTIAL DEVELOPMENT**

Eric Tolles, Chief Building Official/Deputy Director of Community Development presented the staff report.

Kristine Thalman, Building Industry Association, spoke in support of the proposed program.

City Council discussion included: Impact on City by deferring payment of development impact fees; clarification that development and permit processing fees are not part of the deferral program; clarification that projects pulling permits within the next twelve months will be affected by the proposed ordinance; clarification that deferring development impact fees will have a positive affect on the building industry; need to adjust fees on a rolling three-year average; and clarification that the proposed program includes residential only.

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

- 1) Introduce for first reading and read by title only ORDINANCE NO. 08-07 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE CREATING AN ECONOMIC STIMULUS PROGRAM FOR NEW RESIDENTIAL DEVELOPMENT BY TEMPORARILY SUPERSEDING CERTAIN CITY MUNICIPAL AND ZONING CODE PROVISIONS RELATING TO THE REQUIRED TIME OF PAYMENT OF SPECIFIC DEVELOPMENT IMPACT FEES
- 2) Direct staff to return within 90 days with revisions to Section 9-36-14-1 of the Municipal Code to allow the IBC Fees to be adjusted consistent with changes in the Caltrans Construction Cost Index.

**5.4 PROTECTION OF EMAIL ADDRESSES AND OTHER PERSONAL INFORMATION**

Phil Kohn, City Attorney presented the staff report.

City Council discussion included: Clarification of content of measure that will be presented to the City Council; need to implement a policy on privacy protections for residents; and whether California Attorney General opinion should be solicited on the validity of an initiative.

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

Direct the City Attorney to prepare for City Council consideration on July 22, a ballot measure and any associated instruments for the November 4, 2008 Municipal Election providing for protection of reasonable privacy expectations of those communicating with the City including e-mail addresses and other personal information to the extent permitted by law and consistent with the City Attorney's legal analysis.

**5.5 COUNCIL REVIEW AND DISCUSSION OF POLICIES REGARDING THE GREAT PARK**

This item was agendized by Councilmember Agran who presented the item.

City Council discussion included: Legality of placing a measure on the ballot relative to the voters' ratification of major policies and programs adopted since April 2006 relative to the Orange County Great Park; and concern over possible conflicts with Orange County Great Park Corporation by-laws.

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

Direct the City Attorney to prepare for City Council consideration on July 22, a ballot measure and any associated instruments for the November 4, 2008 Municipal Election ratifying essential elements of City Council Resolution 06-42 and incorporate major policies and programs adopted since April 25, 2006 including but not limited to 1) Identification of higher standards and best practices; 2) Three-way financing plan adopted by City Council; 3) Construction and operation of the Great Park balloon; 4) Preview Park; and 5) Advancement of certain specific priority projects.

A substitute motion was moved by Councilmember Shea, seconded by Councilmember Choi, to include the following in the main motion:

Request that the City Attorney incorporate language that clarifies to the public that we are not going to be using general fund monies in anyway to develop the Great Park per provisions of City Council Resolution No. 06-71.

As the maker of the motion Councilmember Agran noted that he would be willing to incorporate the language into the main motion, and as the second to the motion, Mayor Pro Tempore Kang also noted acceptance of the addition.

**The substitute motion failed as follows:**

AYES: 2 COUNCILMEMBERS: Choi and Shea

NOES: 3 COUNCILMEMBERS: Agran, Kang and Krom

\*Councilmember Agran noted incorporation of the additional language requested by Councilmember Shea in her substitute motion to the main motion.

**The main motion carried as follows:**

**ACTION:** Direct the City Attorney to prepare for City Council consideration on July 22, a ballot measure and any associated instruments for the November 4, 2008 Municipal Election ratifying essential elements of City Council Resolution 06-42 and incorporate major policies and programs adopted since April 25, 2006 including but not limited to 1) Identification of higher standards and best practices; 2) Three-way financing plan adopted by City Council; 3) Construction and operation of the Great Park balloon; 4) Preview Park; 5) Advancement of certain specific priority projects; and 6) Request that the City Attorney incorporate language that clarifies to the public that general fund monies will not be used in anyway to develop the Great Park per provisions of City Council Resolution No. 06-71.

AYES: 5 COUNCILMEMBERS: Agran, Choi, Kang, Shea and Krom

NOES: 0 COUNCILMEMBERS: None

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

Fred Armendariz, CCN USA, spoke relative to his company's network television communication system and its benefits to governmental agencies.

Jackie L. Nutting, Associated Builders and Contractors, spoke on prevailing wage on City projects.

Sandeep Baweja, spoke on the possibility of the City sponsoring a "Taste of Irvine" food event at the Orange County Great Park.

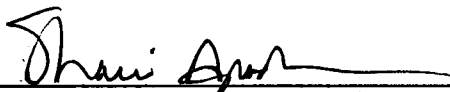
Todd Gallinger, spoke on the rights of the public to speak at City Council meetings without fear of retaliation.

**ADJOURNMENT**

**Moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and unanimously carried to adjourn at 10:40 p.m.**



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MAYOR OF THE CITY OF IRVINE



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CITY CLERK OF THE CITY OF IRVINE

July 22, 2008