



CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:00 p.m. on June 24, 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:

- 1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to Government Code Section 54956.9(a)): Greg Smith, Pat Rodgers v. City of Irvine, Maguire Properties; Orange County Superior Court Case No. 30-2008-00105696

- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Pursuant to Government Code Section 54956.9(a))(one case): Allergan v. City of Irvine, et al. Orange County Superior Court Case No. 06CC11295

Mayor Krom convened to Closed Session at 4:02 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the City Council meeting at 4:30 p.m.

City Attorney Phil Kohn, on behalf of the City Council, announced no reportable action was taken in Closed Session.

2. SCOPING SESSION

1.1 DISCUSSION OF GENERAL PLAN AMENDMENT, ZONE CHANGE, AND DEVELOPMENT AGREEMENT AMENDMENT FOR THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC

Doug Williford, Director of Community Development and Jeff Melching, Deputy City Attorney, presented the Study Session report.

City Council discussion included: timeline of events for General Plan, Zone Change and Development Agreement amendment proposals; financing instruments and model for park development and backbone infrastructure; revision of golf course size; building density clarification; Heritage Fields' request for priority designation of unused water rights; clarification of past amended overlay plan and the current amendment proposals; funding mechanisms for Great Park Maintenance and financial obligations of developer; Irvine Unified School District negotiations with Heritage Fields and potential City implications; and anticipated cost of joint backbone infrastructure and potential cost overrun.

ACTION: The report was received and filed. Staff directed to provide City Council a copy of the Planning Commission staff report with the proposed amendments.

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 the Irvine Girl Scout Daisy Troop 522 and troop leaders Jill Schoener and Karen Pinkerton. The troop performed "America the Beautiful" and "You're a Grand Old Flag".

3. PRESENTATIONS

- 3.1 *Proclaim June 22-29, 2008 as "Amateur Radio Week"***
- 3.2 *Presentation to Orange County Fire Authority Division Chief Matt Vadala***
- 3.3 *Commend University High School Boys' Tennis Team; Woodbridge High School Girls' Track Team; and Christine Babcock, Woodbridge High School; as the 2008 CIF Champions***
- 3.4 *Commend and Recognize the Emeritus Member Nominees of the Irvine Senior Citizens Council***

INTRODUCTIONS

There were no introductions.

CITY MANAGER'S REPORT

City Manager, Sean Joyce reported the successful awarding of three notable grants including: \$53,000 from the California Department of Conservation for public outreach materials regarding recycling and to expand the number of recycling containers in our parks; \$400,000 from the Federal Highway Public Safety and Improvement Program for median and drainage improvements; and \$2 million from Measure M to fund ten capital improvement projects including the Venta Spur trail connection along Jeffrey road, signal coordination project and sidewalk gap closures in the Irvine Business Complex.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

- Kia Motors celebrated the grand opening and dedication of a new headquarters and research and design facility in Irvine.
- Bill Campbell, County Supervisor, announced the adopted 2008-09 budget and an allocation of \$400,000 for the support of Irvine libraries.
- Helen Freid, County Librarian, announced an additional allocation of \$129,000 to Irvine Branch Libraries from the Orange County Public Libraries.
- Orange County Great Park Conservancy will host their annual Jewel of Orange County event on July 11, 2008.
- Mayor Krom announced the Festival of Flight at the Great Park on Saturday, July 12, from 11:00 a.m. to 3:00 p.m. at the Great Park Balloon Site. This event will mark the celebration of the Great Park's Third Anniversary, the Grand Opening of the 27-acre Preview Park, as well as the Great Park Balloon's reopening and introduction of Night Flights and summer programming.
- Carol Wold, Lennar/Great Park Neighborhoods Vice President of Public Affairs, presented an update on Hangar 10 and the upcoming co-event of July 12, 2008.

- 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.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

4. CONSENT CALENDAR

Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 4.1 through 4.10. Item No. 4.11 was removed for separate discussion.

4.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on June 10, 2008.

4.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-66 - 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

4.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION: Adopted RESOLUTION NO. 08-67 - 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.

4.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 08-68 - 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.

4.5 TREASURER'S REPORT FOR THE QUARTER ENDED MARCH 31, 2008

ACTION: Received and filed the Treasurer's Report for the Quarter Ended March 31, 2008.

4.6 APPOINTMENTS OF IRVINE SENIOR CITIZENS COUNCIL EMERITUS

ACTION:

- 1) Adopted Senior Citizens Council recommendation to appoint seven former members of the Senior Council to Emeritus status.
- 2) Adopted City Council RESOLUTION NO. 08-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING APPOINTMENT OF ALL FORMER IRVINE SENIOR CITIZENS COUNCILMEMBERS TO EMERITUS STATUS

4.7 GRANT AGREEMENT - ABILITYFIRST APARTMENTS IRVINE

ACTION:

- 1) Authorized the Mayor to execute a Grant Agreement with AbilityFirst Apartments Irvine. **(Contract No. 5920)**
- 2) Approved the submitted Budget Adjustment.

4.8 CONTRACT FOR LEGAL ADVERTISING – FY 2008-09

ACTION: Awarded the contract for publication of legal notices for the City of Irvine for Fiscal Year 2008-09 to the Irvine World News and the Orange County Register and authorize the Mayor to execute the agreements. **(Contract No. 5919)**

4.9 EARNED INCOME TAX CREDIT OUTREACH PROGRAM - 2007 TAX YEAR

ACTION: Received and filed.

4.10 RESPONSE TO ORANGE COUNTY GRAND JURY REPORT

ACTION: Authorized the Mayor to sign the response letter, on behalf of the City Council, to the Orange County Grand Jury Report on "No County for Old Boomers - When Orange County Baby Boomers Retire, Where Will They Live?" for submittal to the Presiding Judge of the Superior Court of Orange County by the statutory deadline of July 31, 2008.

ACTION: At 6:54 p.m., moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea, and unanimously carried to close the public hearing.

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

Adopt, as an urgency measure, Ordinance No. 08-05 - 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

5.2 GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PLANNING AREAS 12 AND 40

Mayor Krom reopened the public hearing at 6:56 p.m.

ACTION: At 6:56 p.m., moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to continue the public hearing to July 8, 2008 at 4:00 p.m.

5.3 GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR AN EXPANSION OF THE EXISTING PUBLIC STORAGE FACILITY LOCATED AT 13241 JEFFREY ROAD IN PLANNING AREA 8

Mayor Krom opened the public hearing at 6:57 p.m.

City Manager Sean Joyce introduced Stephen Higa, Principal Planner; and Trevor Lottes, Consultant; who presented the staff report.

City Council discussion included: zoning history of the property; need for designation clarification; building remodel to conform to community standards; opportunities for special needs of the community; size of facility and amount of storage units available for use; community outreach by landlord; potential issues with graffiti and landscape plans for the property; easement discussions with adjacent property owners to allow installation of irrigation for graffiti debatement; the need of a deceleration lane for ingress and egress to the property; and the relocation of RV tenants with the proposed design.

Public comments on the proposed amendments and zone change included:

Jim Fitzpatrick-owner representative

Douglas Reigle-Irvine resident and storage tenant

ACTION: At 7:39 p.m., moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and unanimously carried to close the public hearing.

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

- 1) Adopt RESOLUTION NO. 08-70- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH #2007021055) AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PUBLIC STORAGE FACILITY EXPANSION LOCATED AT 13241 JEFFREY ROAD IN PLANNING AREA 8; PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES
- 2) Adopt RESOLUTION NO. 08-71- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00406831-PGA TO ALLOW FOR A CHANGE IN LAND USE FROM NEIGHBORHOOD COMMERCIAL TO MULTI-USE FOR THE EXISTING PUBLIC STORAGE FACILITY LOCATED AT 13241 JEFFREY ROAD IN PLANNING AREA 8, INCLUDING ALL APPROPRIATE AMENDMENTS TO THE GENERAL PLAN TABLES, FIGURES AND TEXT; FILED BY PUBLIC STORAGE, INC.
- 3) Introduce for first reading and read by title only 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.

6. COUNCIL BUSINESS

6.1 *SHORT-TERM LIBRARY IMPROVEMENTS FOR UNIVERSITY PARK AND HERITAGE PARK LIBRARIES*

City Manager Sean Joyce introduced Gina Park, Assistant to the City Manager, who presented the staff report.

City Council discussion included: acquiring an Orange County Board of Supervisors budget approval of \$400,000 for the support of Irvine Branch Libraries and additional allocation of \$129,000 from the Orange County

Public Libraries for deferred maintenance; continuing County discussions on the future needs of the libraries serving the City; methods of financing for public facilities and the ad hoc allocation formula task force; the timeline for library rehabilitation and remodel; capital facilities grant opportunities; consideration of development impact fees as library funding sources; use of general funds for library maintenance; needs of a Friends of the Library space and outdoor area; and potential alternative uses of the University Park Library rehabilitation.

Public comments on Irvine Branch Library improvements included:

David Melvold-Irvine Resident and member of the Library Services Advisory Committee

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

- 1) Approve the Budget Adjustment transferring \$137,600 from the Non-Departmental Budget to the City Manager Department - Contract Services expenditure budget for payment to the County of Orange for short-term library improvements and rehabilitation, including the remodeling of University Park Library, pending the Board of Supervisors' FY08-09 budget appropriation of \$529,000 to Irvine libraries.
- 2) Allow the County of Orange to complete its internal review of the Orange County Public Library System within the next twelve months.
- 3) Direct staff to consider the six preferred financing mechanisms identified by the Library Services Advisory Committee for new library facilities in the context of the public facilities planning process.
- 4) Allow the Friends of the University Park Library to temporarily store collection of book donations on City premises as space and time permit.

6.2 RESOLUTIONS CALLING THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 4, 2008; REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION; AND ESTABLISHING REGULATIONS FOR CANDIDATES FOR MAYOR AND TWO MEMBERS OF THE CITY COUNCIL PERTAINING TO CANDIDATE STATEMENTS OF QUALIFICATIONS AND THE COST THEREOF

City Manager Sean Joyce presented the staff report.

City Council discussion included: clarification of the cost of the candidate statement; adjustment of candidate financial obligation for candidate

statement printing to match the campaign contribution limit of \$410, and the City underwriting the balance of the actual cost; opposition to the use of public funds for the candidate statement printing costs; removing financial barriers for potential candidates for election; and the benefits of voter registration and civic participation.

ACTION: Moved by Mayor Krom, seconded by Councilmember Agran, to approve staff's recommendation, and to amend Section 3 of Resolution No. 08-74, as noted in Action 3 below.

- 1) Adopted RESOLUTION NO. 08-72- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 4, 2008, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY PROVISIONS OF THE CITY CHARTER
- 2) Adopted RESOLUTION NO. 08-73- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION OF SAID CITY TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON SAID DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE
- 3) Adopted RESOLUTION NO. 08-74 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS AND THE COST THEREOF FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 4, 2008

Section 3 of Resolution 08-74 to be amended in its entirety as follows:

Section 3. PAYMENT

The City Clerk shall require each candidate filing a statement to pay in advance to the local agency the sum of \$410 toward the total cost of printing, handling, translating and mailing the candidate statements filed pursuant to the Resolution, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended). The candidates shall not be required to pay additional sums in the event the actual cost exceeds \$410 on a pro data basis.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang and Krom

NOES: 2 COUNCILMEMBERS: Choi and Shea

6.3 DISCUSSION AND DIRECTION ON PREVAILING WAGE AS IT RELATES TO CONTRACTS WITH THE ORANGE COUNTY GREAT PARK

City Manager Sean Joyce introduced Rick Paikoff, Director of Administrative Services, who presented the staff report.

City Council discussion included: legal implications of prevailing wage in general law and charter cities; labor relations implications; clarification of the need of building the park with highly qualified contractors and competitive bidding processes; prevailing wage laws applied to redevelopment funds beginning in 2010; establishment of a prequalification process including labor standards, living wage and prevailing wage standards; high standards and best practices principle for construction of the park; examples of prevailing wage in relation to quality of work; prevailing wage study from 2004 of park development estimates including prevailing wage costs; the City historically excluded itself from the prevailing wage requirements for parks; criteria for invoking prevailing wage for projects; and clarification of Great Park fund balance.

Public comment in support of prevailing wage included:

David Kersh-Carpenters/Contractors Coop Committee
Edward Barnes-State Building and Construction Trade of CA
Jack McMackin-Business Owner
Jim Adams-LA/Orange Counties Building Trades Council
John Schuck-NECA Member
Richard Slawson- LA/Orange Counties Building Trades Council

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

Direct staff to return to City Council Meeting of July 22, 2008 with a recommendation of a citywide prequalification process and include recommendations for any other related processes.

Substitute Motion: Moved by Councilmember Shea, seconded by Councilmember Choi to continue the item for 30 days to allow for

additional study. After further discussion, the substitute motion was withdrawn.

The original motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Kang and Krom
NOES: 1 COUNCILMEMBERS: Shea

6.4 PROTECTION OF EMAIL ADDRESSES AND OTHER PERSONAL INFORMATION

Phil Kohn, City Attorney presented the staff report.

City Council discussion included: framing a City policy and protocol to inhibit the ease of requesting personal information; components of creating protocols to distinguish between public and confidential information; the use of Public Records Act to obtain City compiled lists of personal information; clarification and definition of a public record; educating the public that information registered with the City is susceptible to the Public Records Act; maintaining an open and transparent government; and clarification of Freedom of Information Act and Public Records Act enacted to permit the public the introspective view of government.

Public comment on the protection of email and personal information included:

Todd Gallinger-Irvine resident/attorney

ACTION: The oral report was received and filed. City Attorney directed to return to the July 8 City Council meeting with a legal analysis and recommended policies and ordinances relating to the protection of personal information.

RECESS

Mayor Krom recessed the meeting at 11:07 p.m.

RECONVENE

Mayor Krom reconvened the meeting at 11:15 p.m.

END COUNCIL BUSINESS

PUBLIC COMMENTS

There were none.

ADJOURNMENT

Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang, and unanimously carried to adjourn at 11:40 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

July 8, 2008