



**MINUTES
CITY COUNCIL
REGULAR MEETING
September 9, 2008
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:08 p.m. on September 9, 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 that the City Council will recess to Closed Session to discuss the following:

- 1.1 GENERAL LIABILITY CLAIM (Pursuant to Government Code Section 54956.9(a)): Zelazo v. City of Irvine, Orange County Superior Court Case No. 07CC02149**
- 1.2 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**

Mayor Krom convened to Closed Session at 4:09 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the City Council meeting at 5:02 p.m.

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

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 Junior Girl Scout Troop 420 from Westpark Elementary School, who performed "Family," "You're a Grand Old Flag," and an adaptation of "America the Beautiful."

2. PRESENTATIONS

2.1 Irvine 2/11 Marine Adoption Committee Update

Mayor Krom introduced Brittany Hale and Bob Littschwager, Chair and Vice Chair of the Irvine 2/11 Marine Adoption Committee, who provided an update on some of the Committee's accomplishments over this past year.

2.2 Recognition of Bob Chen, Community Energy Partnership Champion

Mayor Krom recognized Irvine Resident Bob Chen for earning the "Community Energy Partnership Champion" title under the Community Energy Partnership program and presented him with a commendation. Craig Perkins, Executive Director of The Energy Coalition, also recognized Mr. Chen, as well as Shawn Thompson, Energy Coordinator, for her efforts in promoting energy efficiency and disseminating over 60,000 fluorescent light bulbs throughout the community.

INTRODUCTIONS

There were none.

CITY MANAGER'S REPORT

City Manager Joyce announced that the City of Irvine has once again been awarded a Certificate of Achievement in Financial Reporting by the Government Financing Officers Association of the United States and Canada, which is the highest form of recognition of in the area of government accounting and financial reporting. The City of Irvine has received the award each year since 1978.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Krom made the following announcements:

- The City of Irvine has received a "Crescendo Award" from the Pacific Symphony in recognition of the City of Irvine's sponsorship of the fourth annual "Symphony in the Cities" concert in Irvine.
- Musical and dance performances of "Night Flights" at the Orange County Great Park will continue on Friday and Saturday nights through September. Also, the Great Park Balloon has resumed flying with the addition of evening flights on Thursday through Sunday from 7:00 – 10:00 p.m.
- On Saturday, September 13, the City of Irvine Senior Services, in partnership with the Orange County One-Stop Centers and the Employment Development Department, is presenting "Soaring to New Heights," a Senior Job Fair on Saturday, September 13 from 8:30 a.m. to 12:30 p.m. at the Lakeview Senior Center.
- The Wall of Recognition Dedication Ceremony will take place on Sunday, September 14 from 4:00 – 5:30 p.m. at Colonel Bill Barber Marine Corps Memorial Park. Admission is free.
- On Tuesday, September 16 from 5:00 – 9:00 p.m., the City of Irvine is hosting "Twilight at the Net," a four-hour tennis clinic for adults at the tennis courts at Bill Barber Park. Participants will have the opportunity to meet tennis sensation Michael Chang. The event is free and open to the public.
- The Irvine Animal Care Center is set to host "Pet Trek," its seventh annual walkathon on Saturday, September 27 from 8:00 a.m. – Noon at Woodbridge Park.
- The Cans for Cash Recycling Challenge begins October 1 through October 31.
- The Irvine Global Village Festival will take place on Saturday, October 4, 2008 from 10:00 a.m. – 6:00 p.m. at Bill Barber Park. Admission is free.
- The Parking Structure Dedication will take place on Thursday, October 2 from 4:30 – 6:30 p.m. at the Irvine Station.
- The "Discover Irvine Tour" will take place on Saturday, October 11 from 10:00 a.m. to 3:00 p.m. The tour departs from the Irvine Civic Center. Admission is \$15, which includes lunch.

The following announcement was made by the City Council:

- Mayor Pro Tempore Kang provided an update on the Aspen Accord conference, held from August 3 – 7, 2008. Participants included staff from The Energy Coalition, the president of the Public Utilities Commission, and representatives of the four major investor-owned utility companies in California. The City of Irvine's presentation included an update on the recent adoption of an Energy Plan and implementation, the creation of the Green Ribbon Environmental Committee, and a proposal being developed for solar power at City Hall.

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 3.13.

Moved by Councilmember Choi, seconded by Councilwoman Shea, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.13, with the exception of Item No. 3.13, which was removed for separate discussion.

3.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on August 12, 2008.

3.2 PROCLAMATIONS

ACTION:

- 1) Proclaimed September 22, 2008 as "Family Day – A Day to Eat Dinner with Your Children"
- 2) Proclaimed September 17-23, 2008 as "Constitution Week"

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-94 - 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. 08-95 - 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. 08-96 - 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 AMENDMENT TO EXTEND THE TERMS OF THE NEWPORT BAY WATERSHED COOPERATIVE AGREEMENT D99-128

ACTION: Authorized the Mayor to sign Amendment No. 2 of the Newport Bay Watershed Cooperative Agreement D99-128. **(Contract No. 4562B)**

3.7 INSTRUCTIONAL SERVICE AGREEMENT BETWEEN THE RIO HONDO COMMUNITY COLLEGE DISTRICT AND THE CITY OF IRVINE TO SHARE REVENUES GENERATED FOR IN-HOUSE TRAINING OF POLICE PERSONNEL

ACTION:

- 1) Authorized the Director of Public Safety to approve and execute an agreement between the Rio Hondo Community College District and the City of Irvine to share revenue from the State of California for training sponsored by the Irvine Police Department. **(Contract No. 5985)**
- 2) Approved a budget adjustment request form in the amount of \$25,000, reflecting an increase in revenues and appropriations.

3.8 ADOPT A RESOLUTION AUTHORIZING AND ORDERING ACTION TO PROCEED WITH THE COLLECTION PROCESS OF DELINQUENT SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2005-2 (COLUMBUS GROVE)

ACTION:

- 1) Adopted RESOLUTION NO. 08-97- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO.

2005-2 (COLUMBUS GROVE) AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN SAID DISTRICT PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

- 2) Authorized and ordered the City Attorney to prosecute the foreclosure actions and to collect, in the name of the City and on behalf of the owners of the Bonds, all amounts due on account of the delinquent special taxes with respect to the property identified in the submitted resolution.
- 3) Authorized and ordered City personnel, in conjunction with the City Attorney and other City consultants, pursuant to Government Code Section 53356.2: (a) to record notices of intent to remove the delinquent special taxes from the tax rolls, and (b) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

3.9 AIR QUALITY IMPROVEMENT SPECIAL REVENUE FUND AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2007

ACTION: Received and filed the Air Quality Improvement Special Revenue Fund Audit for the fiscal year ended June 30, 2007.

3.10 DEFINED BENEFIT PENSION PLAN AND DEFINED CONTRIBUTION PENSION PLAN AUDITS FOR THE YEAR ENDED DECEMBER 31, 2007 AND THE DEFINED BENEFIT PENSION PLAN ACTUARIAL STUDY DATED JANUARY 1, 2008

ACTION: Received and filed the Defined Benefit and the Defined Contribution Pension Plan audits for the year ended December 31, 2007 and the Defined Benefit Pension Plan Actuarial Study dated January 1, 2008.

3.11 PROJECT IMPLEMENTATION WORK PROGRAM FOR THE GREAT PARK DESIGN STUDIO

ACTION:

- 1) Approved a budget adjustment in the amount of \$1,720,000 to complete tasks (1) through (9) in the Great Park Design Studio work program.
- 2) Directed Great Park Corporation Chief Executive Officer to negotiate and execute change orders to the Design Studio Master Contract as appropriate and necessary to implement the Next Phase Project Implementation Work Program.

3.12 ORDINANCE NO. 08-12, ZONE CHANGE 00434717-PZC TO MODIFY ZONING DESIGNATIONS IN PLANNING AREA 12 AND A MIX OF RESIDENTIAL, MULTI-USE, COMMERCIAL, AND INSTITUTIONAL USES IN PLANNING AREA 40 AND SHIFTING RESIDENTIAL INTENSITY FROM PLANNING AREAS 1 AND 9 TO PLANNING AREA 40; FILED BY THE IRVINE COMMUNITY DEVELOPMENT COMPANY

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 08-12 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00434717-PZC TO MODIFY ZONING DESIGNATIONS TO ALLOW FOR MEDICAL AND SCIENCE DEVELOPMENT IN PLANNING AREA 12 AND A MIX OF RESIDENTIAL, MULTI-USE, COMMERCIAL, AND INSTITUTIONAL USES IN PLANNING AREA 40 AND SHIFTING RESIDENTIAL INTENSITY FROM PLANNING AREAS 1 AND 9 TO PLANNING AREA 40; FILED BY THE IRVINE COMMUNITY DEVELOPMENT COMPANY

3.13 WIRELESS MORATORIUM ORDINANCE UPDATE

This item was removed at the request of Barbara Wiener, Irvine resident, who expressed concern over how the upcoming stakeholders' meetings will be conducted and the amount of involvement the community will have to participate in these meetings; and oversight in research and planning efforts by staff.

Tim Gehrich, Manager of Development Services; Steven Higa, Principal Planner; and Bill Rodrigues, Senior Planner presented the staff report and responded to questions.

City Council discussion included the conducting of upcoming community meetings with all stakeholders and the level of involvement that residents and property owners will have; past elements of old provisions and policies relating to wireless communications throughout the City in the General Plan; the production of a draft ordinance to present to the community; conducting a Study Session to allow stakeholders the opportunity to provide their input and allow staff the opportunity to educate the community and share where they are at in the process; contacting homeowners' associations and conducting smaller community meetings with each residential village to address their specific needs; current legislation and the restrictions it imposes on local government; advancement in technology and how it could potentially allow installations to be less-intrusive within the community; regulations imposed on wireless installations; research and evaluation of other wireless ordinances across the country; making wireless information more easily accessible on the

City's website; extension of the current wireless moratorium; potential legal challenges that a new wireless ordinance could impose; holding a Special Meeting of the City Council rather than a Study Session at a regular meeting; and directing staff to engage all interested individuals and allow them the opportunity to participate in all future meetings related to wireless communications.

ACTION: Moved by Councilwoman Shea, seconded by Mayor Krom, and unanimously carried to receive and file.

END CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 CITY-INITIATED GENERAL PLAN AMENDMENT, ZONE CHANGE, AND DEVELOPMENT AGREEMENT AMENDMENT FOR THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC, LOCATED IN PLANNING AREAS 30 AND 51

Mayor Krom reopened the public hearing at 6:53 p.m.

ACTION: Moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, and unanimously carried to continue the public hearing to September 23, 2008 at 4:00 p.m.

5. COUNCIL BUSINESS

5.1 STATUS OF THE TUSTIN UNIFIED SCHOOL DISTRICT, IRVINE UNIFIED SCHOOL DISTRICT AND THE IRVINE PUBLIC SCHOOLS FOUNDATION ONE-TIME MATCHING CHALLENGE GRANT FOR FISCAL YEAR 2008-2009

This item was agendaized at the request of Councilmembers Shea and Choi, who requested an update on the status of the Challenge Grant that was approved at the May 13, 2008 City Council meeting for the Tustin Unified School District (TUSD), the Irvine Unified School District (IUSD), and the Irvine Public Schools Foundation (IPSF).

Pamela Baird, Senior Management Analyst, presented the staff report and responded to questions.

Lita Robinow, and Debbie Rugani, Irvine Public Schools Foundation, thanked the City Council for their generosity in approving the Challenge Grant and noted that, as a result, fundraising efforts have been very successful.

Brock Wagner, Deputy Superintendent with TUSD, introduced Kathy Nielsen, Chief Academic Officer with TUSD; and expressed appreciation to the City Council on behalf of TUSD for their generosity in approving the Challenge Grant. He also noted that they too are working with their foundation and provided status on fundraising efforts to-date.

City Council discussion included the increase in corporate donations as a result of the matching grant; advancing the remaining allocated amount to IPSF with the understanding that the terms of the grant must remain unchanged; and concern that by advancing the remaining amount of the grant, public contributions may decrease as a result.

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

Forward the remaining challenge grant funds allocated to the Tustin Unified School District, Irvine Unified School District, and the Irvine Public Schools Foundation with the understanding that the terms of the original Challenge Grant remain unchanged and current fundraising efforts continue.

The motion failed as follows:

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

No further action was taken.

END COUNCIL BUSINESS

PUBLIC COMMENTS

Christina Zdenek spoke regarding the banning of single-use to-go styrofoam food containers in restaurants located in the City of Irvine.

Andy Zelinko, Irvine resident, spoke on the Northwood Memorial and the Northwood Gratitude and Honor Memorial remembering 9/11 at Northwood Community Park.

IN MEMORIAM

Mayor Krom adjourned the meeting in memory of Derrel Edward Kay, a long-time resident, community volunteer and former Senior Citizens' Councilmember, who passed away on Wednesday, August 13th.

ADJOURNMENT

Moved by Mayor Pro Tempore Kang, seconded by Mayor Krom, and unanimously carried to adjourn at 7:29 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

September 23, 2008