



CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 5:09 p.m. on July 22, 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

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 Kimberly Cherney, Public Safety Program Specialist, who performed "The Star Spangled Banner" and "With One Look" from the musical "Sunset."

1. PRESENTATIONS

1.1 Orange County Vector Control "West Nile Virus"

Michael Hearst, Orange County Vector Control District Director of Communications, provided an update on the West Nile Virus and recommended precautionary measures.

INTRODUCTIONS

There were no introductions.

CITY MANAGER'S REPORT

City Manager, Sean Joyce reported on a new city-wide sharps disposal program.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

- The City of Irvine was named the fourth Best City to Live in the United States by Money Magazine. In its annual survey of cities, the magazine reviewed cities with populations under 300,000 that featured great schools, low crime rates, bustling economies, and short commutes where residents can find work within the places they live.
- Beginning August 2, 2008, the Great Park will feature free live concerts on Saturday evenings and dance pavilions every Friday night through September. Visitors can stop by the Hangar Café for food and drink and afterward get a whole new perspective of the Great Park and Orange County from aboard a balloon night flight. Visit www.ocgp.org for performance schedule.
- On August 3, 2008, the Irvine Multicultural Association (IMA) in association with the cultural community of Irvine is hosting a 60th Anniversary Celebration of India, Israel, and Korea. The IMA celebrates the diverse cultures in Irvine through a variety of programs and activities, including a mentoring program, multicultural film festivals, and exploring your world monthly social events.
- Woodbridge Community Park is the setting for Irvine's annual Sizzlin' Summer Sunday's series, featuring musical performances by Bobby Cochran on August 3; Reno Jones Band on August 10; and a Bruce Springsteen tribute on August 24.
- The Pacific Symphony Orchestra's 2008 "Symphony in the Cities" concert comes to Irvine's Heritage Park on Saturday, August 16 at 7:00 p.m. Sponsored by TARGET®, the performance highlights a mix of patriotic, pop, and classical selections, and offers something for all ages.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

2. CONSENT CALENDAR

Moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to approve Consent Calendar Item Nos. 2.1 through 2.11.

2.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on July 8, 2008.

2.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-78 - 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: Adopted RESOLUTION NO. 08-79 - 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.

2.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO.08-80 - 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.

2.5 FINAL REPORT FOR ASSESSMENT DISTRICT NO. 95-12 NORTHWOOD, PLANNING AREA 5

ACTION: Received and filed Final Report for Assessment District No. 95-12, Northwood, Planning Area 5.

2.6 PRIORITY PROGRAM FEASIBILITY STUDIES: NEXT PHASE FEASIBILITY ANALYSES AUTHORIZATION FOR BUDGET ADJUSTMENT AND CHANGE ORDERS

ACTION:

- 1) Approved an adjustment to the FY 2008-2009 Budget in the amount of \$1,817,000 to complete the next phase feasibility studies for the Agriculture and Food, Art and Culture Exhibition Space, Aviation Museum, Cultural Terrace, Fire Museum, Sports Park and Visitor Center.
- 2) Directed staff to execute change orders to the Design Studio Contract (**Contract No. 5759-C09**) in a not-to exceed amount of \$1,817,000 to undertake the next phase of feasibility analysis for Agriculture and Food, Sports Park, Art and Culture Exhibition Space, Aviation Museum, Fire Museum, Cultural Terrace and Visitor Center.

2.7 DESIGNATION OF VOTING DELEGATES FOR LEAGUE OF CALIFORNIA CITIES 2008 ANNUAL CONFERENCE

ACTION: Appointed Mayor Krom to serve as the voting delegate and Councilmember Choi to serve as the voting alternate for the Annual Business Meeting at the League of California Cities 2008 Annual Conference.

2.8 CITY'S RESPONSE TO JUNE 3, 2008, ORANGE COUNTY GRAND JURY REPORT - COUNTY SHELTER

ACTION: Recommended City Council approve the draft response to the June 3, 2008, Orange County Grand Jury Report, "Is Orange County Going to the Dogs?"

2.9 AGREEMENTS FOR THE DEVELOPER'S FAIR SHARE ALLOCATIONS FOR PLANNING AREAS 18, 33 (LOT 109), 34 AND 39

ACTION:

- 1) Authorized the Mayor to execute the Traffic Mitigation Agreement Fair Share Deferment between the City of Irvine and the California Department of Transportation (Caltrans) for Planning Areas 18, 33 (Lot 109), 34 and 39.
- 2) Authorized the Mayor to execute the Cooperative Agreement with the City of Laguna Woods, City of Irvine and The Irvine Company for Planning Areas 18, 33 (Lot 109), 34 and 39.
- 3) Authorized the Mayor to execute the Fair Share Agreement between the City of Irvine and The Irvine Company for Planning Areas 18, 33 (Lot 109), 34 and 39.

- 4) Adopted Resolution No.08-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE MODIFYING MITIGATION MEASURES 14-3 AND 14-4 OF ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2005081099) AND ACCOMPANYING MITIGATION MONITORING AND REPORTING PLAN

2.10 ORDINANCE NO. 08-07, ECONOMIC STIMULUS PROGRAM FOR NEW RESIDENTIAL DEVELOPMENT

ACTION: Read by title only and adopted 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

2.11 IRVINE MULTICULTURAL ASSOCIATION REQUEST FOR CITY SUPPORT OF ITS 60TH ANNIVERSARY CELEBRATION

ACTION: Approved City support in the form of facility room sponsorship for the Irvine Multicultural Associations 60th Anniversary Celebration event.

END CONSENT CALENDAR

3. PUBLIC HEARINGS

3.1 GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE DEVELOPMENT OF MEDICAL OFFICE AND RETAIL USES AT THE NORTHWEST CORNER OF ALTON PARKWAY AND SAND CANYON AVENUE IN PLANNING AREA 12 (OAK CREEK)

Councilmember Choi left the dais for the duration of this item citing a conflict of interest with the project due to property he owns in Oakridge Village.

Mayor Krom opened the public hearing at 5:39 p.m.

City Manager Sean Joyce introduced Tim Gehrich, Manager Planning and Development; Bill Rodrigues, Senior Planner; and Steve Weiss, Principal Planner; who presented the staff report.

The following individuals spoke in opposition of the proposed project:

Jim Massey, resident
Marty Colburn, resident
Eric Lord, resident
Isadore Lifshitz, resident

The following individuals spoke in support of the proposed project:

Ben Boyce, resident
Don Mills, Newport Surgical Center
Rick Paicius, Physician
Pamela Sapetto, Sapetto Group, on behalf of the applicant.

City Council discussion included: clarification of permitted and conditional uses of the project site; availability of zoning use designations by conditional use permit; Master Plan determinations of permitted uses; construction traffic circulation; relocation of utility lines below ground; possible alternative locations of cell tower; timeline of project, master plan approvals and construction; mitigation options of dust and noise during construction; evolution of medical practices and built to suit ability of the buildings; inclusion of the class 1 bicycle trail; clarification of drive through services on the project site; application of green building standards of City; use of count –down timer cross walks at intersections; availability and demand of medical office space in the City; pedestrian access points; and landscaping of parking areas.

ACTION: At 7:02 p.m., moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and unanimously carried by those members present, to close the public hearing.

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

- 1) Adopt RESOLUTION NO.08-82 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING ENVIRONMENTAL IMPACT REPORT (SCH #2007011088) FOR THE SHADY CREEK MEDICAL CENTER LOCATED AT THE NORTHWEST CORNER OF ALTON PARKWAY AND SAND CANYON AVENUE IN PLANNING AREA 12 (OAK CREEK); PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CITY OF IRVINE CEQA GUIDELINES
- 2) Adopt RESOLUTION NO. 08-83 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00401064-PGA TO CHANGE THE PROPERTY'S LAND USE DESIGNATION FROM RECREATION

TO RESEARCH AND INDUSTRIAL AND TO AMEND VARIOUS TEXTS, TABLES, AND EXHIBITS OF THE CITY'S GENERAL PLAN IN SUPPORT OF THE PROPOSED PROJECT LOCATED AT THE NORTHWEST CORNER OF ALTON PARKWAY AND SAND CANYON AVENUE IN PLANNING AREA 12 (OAK CREEK); FILED BY CENTRA REALTY CORPORATION

- 3) Introduce for first reading and read by title only ORDINANCE NO.08-08 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00401065-PZC TO ESTABLISH A NEW LETTER DESIGNATION ("H") TO THE 5.5, MEDICAL AND SCIENCE, ZONE WITHIN PLANNING AREA 12; TO REZONE THE SUBJECT PROPERTY FROM 1.5, RECREATION, TO 5.5H, MEDICAL AND SCIENCE; AND, AS NECESSARY, TO AMEND THE VARIOUS TEXTS, TABLES, AND EXHIBITS OF THE CITY'S ZONING ORDINANCE IN SUPPORT OF THE PROPOSED PROJECT LOCATED AT THE NORTHWEST CORNER OF ALTON PARKWAY AND SAND CANYON AVENUE IN PLANNING AREA 12 (OAK CREEK); FILED BY CENTRA REALTY CORPORATION

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Kang, Shea and Krom
 NOES: 0 COUNCILMEMBERS: None
 ABSTAIN: 1 COUNCILMEMBERS: Choi

Councilmember Choi returned to the dais.

3.2 CITY-INITIATED GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE RELOCATION OF THE PLANNED INTERSECTION AT BAKE PARKWAY AND MARINE WAY LOCATED IN PLANNING AREA 30

Mayor Krom opened the public hearing at 7:07 p.m.

City Manager Sean Joyce introduced Barry Curtis, Principal Planner; and Tim Gehrich, Manager of Planning and Development, who presented the staff report.

City Council discussion included: clarification of the cost of relocation of intersection and clarification of Planning Commission comments.

ACTION: At 7:54 p.m., moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to close the public hearing.

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

- 1) Adopt RESOLUTION NO. 08-84 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING CITY-INITIATED GENERAL PLAN AMENDMENT 00468566-PGA TO AMEND APPROPRIATE GENERAL PLAN FIGURES TO REFLECT THE RELOCATION OF THE PLANNED INTERSECTION AT BAKE PARKWAY AND MARINE WAY; LOCATED IN PLANNING AREA 30
- 2) Introduce for first reading and read by title only ORDINANCE NO.08-09 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING CITY-INITIATED ZONE CHANGE 00468567-PZC TO REVISE THE ZONING MAP, PLANNING AREA 30 BASE PLAN AND PLANNING AREA 30 OVERLAY PLAN TO REFLECT THE RELOCATION OF THE PLANNED INTERSECTION AT BAKE PARKWAY AND MARINE WAY; LOCATED IN PLANNING AREA 30

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

Mayor Krom re-opened the public hearing at 7:15 p.m.

ACTION: At 7:15 p.m., moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, and unanimously carried to continue the public hearing to August 12, 2008 at 4:00 p.m.

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

Mayor Krom opened the public hearing at 7:16 p.m.

ACTION: At 7:16 p.m., moved by Mayor Krom, seconded by Councilmember Shea, and unanimously carried to continue the public hearing to August 12, 2008 at 4:00 p.m.

4. COUNCIL BUSINESS

4.1 APPOINTMENTS TO THE GREEN RIBBON ENVIRONMENTAL COMMITTEE

Mayor Krom briefly introduced the item.

Susan D. Sayre spoke in support of the City’s Energy Plan, environmental committee and green building.

City Council discussion included: priority of environmental opportunities and issues within the City; expressed gratitude to the high caliber of candidates who expressed interest in serving on the committee; direct staff to send correspondence to the applicants expressing appreciation for their participation.

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

- 1) Announce the five City Councilmember’s appointments to the Green Ribbon Environmental Committee:

Councilmember Agran	Susan Coons
Councilmember Choi	Douglas Holte
Councilmember Shea	Soha Vazirnia
Mayor Pro Tempore Kang	Sandeep Baweja
Mayor Krom	Rajeev Kumar Kapur

- 2) Appoint Shaw F. Lin and Diane Smith as the at-large members of the Green Ribbon Environmental Committee, for two-year terms.
- 3) Appoint Mayor Pro Tempore Kang and Mayor Krom as the two City Councilmember representatives. Commissioner Doug Sheldon was appointed by the Planning Commission. These are non-voting members of the Green Ribbon Environmental Committee.

4.2 IMPLEMENTATION RESOLUTION FOR THE PURPOSE OF PLACING A MEASURE ON THE NOVEMBER 4, 2008 BALLOT REGARDING EMAIL ADDRESSES AND OTHER PERSONAL INFORMATION

Councilmember Agran briefly introduced the item.

City Council discussion included: the assortment of information vulnerable to public requests for information; clarification on the content of the measure; policy of privacy protections for residents; the availability to the public of voter registration information; clarification of case-by-case determination and interpretation; public information requests administered by the City Clerk; enforcement of privacy statements on city registration documents; manner in which the information is provided to the City or requested by the City; clarification of the difference of a ballot measure versus a City ordinance; power of electorate and measure overturning process; author and signatures of measure arguments; and the withdrawal of Section G from the resolution.

Todd Gallinger spoke in support of the protection of personal information.

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

- 1) Adopt RESOLUTION NO. 08-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SUBMITTING TO THE QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008 A PROPOSAL TO ADOPT AN ORDINANCE GUIDING THE CITY IN ITS DETERMINATIONS ON A CASE-BY-CASE BASIS WHETHER TO DISCLOSE OR TO WITHHOLD INDIVIDUALS' PERSONAL INFORMATION UPON A PUBLIC REQUEST FOR SUCH INFORMATION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND AUTHORIZING AND SETTING DEADLINES FOR THE FILING OF ARGUMENTS FOR OR AGAINST THE BALLOT MEASURE, as amended to delete section 3.G and to add specific language to the ballot title.
- 2) Allocate \$10,000 from the Unallocated Year-End Surplus Fund to cover unanticipated costs for services provided by the Orange County Registrar of Voters related to the translating and publishing of the ballot measure, impartial analysis and related arguments in the sample voter pamphlet.

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

Authorize Mayor Krom to author and sign the direct argument in favor of the measure.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang and Krom

NOES: 2 COUNCILMEMBERS: Choi and Shea

4.3 IMPLEMENTATION RESOLUTION FOR THE PURPOSE OF PLACING A MEASURE ON THE NOVEMBER 4, 2008 BALLOT REGARDING RATIFICATION AND IMPLEMENTATION OF ORANGE COUNTY GREAT PARK POLICIES

Councilmember Agran briefly introduced the item.

City Council discussion included: clarification and reassertion of Great Park policies; possible outcomes of approval and disapproval of ballot

measure; relationship of park development and general fund money; clarification of policies placed on ballot measure; history of the progression of the Great Park Corporation; construction costs and maintenance of public roads and rights-of-way in and around the Great Park; clarification of the expiration of ballot measure; ballot measure would supersede any contradictions of previous resolutions; the funding of public safety and road maintenance within the Great Park; and use of new revenues for operation of the Great Park.

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

- 1) Adopt RESOLUTION NO. 08-86 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SUBMITTING TO THE QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2008 A PROPOSAL TO ADOPT AN ORDINANCE RATIFYING AND IMPLEMENTING POLICIES RELATING TO THE ORANGE COUNTY GREAT PARK PROJECT; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND AUTHORIZING AND SETTING DEADLINES FOR THE FILING OF ARGUMENTS FOR OR AGAINST THE BALLOT MEASURE
- 2) Allocate \$10,000 from the Unallocated Year-End Surplus Fund to cover unanticipated costs for services provided by the Orange County Registrar of Voters related to the translating and publishing of the ballot measure, impartial analysis and related arguments in the sample voter pamphlet.

ACTION: Moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, to:

Authorize Councilmember Agran to author and sign the direct argument in favor of the measure.

The motion carried as follows:

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

4.4 ORDINANCES RELATING TO (1) CITY DETERMINATIONS OF CONTRACTOR NON-RESPONSIBILITY AND CONTRACTOR DEBARMENT; AND (2) PREVAILING WAGES AND BENEFITS

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

The following individuals spoke in opposition of prevailing wages:

John Jaeger, Project Manager
Ray Grangoff, Apartment Association of Orange County
Steve Churm, Irvine Chamber of Commerce
Wayne Lindholm, Irvine Chamber of Commerce
Jackie Nutting, Associated Builders and Contractors

The following individuals spoke in support of prevailing wages:

James Charrette, Allan Automatic Sprinklers Corporation
Jim Adams, LA and OC Building Trades council
Steven Rader, resident
William E. Davis, Southern California Contractors Association
Glen Nolte, Plumbers and Steamfitters Local 582
Steve Brown, National Electrical Contractors Association
David Kersh, Carpenters/Contractors Cooperation Committee
Jack McMackin, Pam Pacific Corporation
Bob Kass, Surf City Steel
Eddie Barnes, State Building and Construction Trade Council

City Council discussion included: clarification of the fiscal position of the City; building with highly qualified contractors and competitive bidding processes; prevailing wage laws application to redevelopment, state and federal funds; high standards and best practices principle for construction and development; the City's history with prevailing wage requirements; criteria for invoking prevailing wage on City projects; and clarification of Great Park fund balance.

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

- 1) Introduce for first reading and read by title only ORDINANCE NO. 08-10 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING DIVISION 12 TO TITLE 2 OF THE IRVINE MUNICIPAL CODE RELATING TO CITY DETERMINATIONS OF CONTRACTOR NON-RESPONSIBILITY AND CONTRACTOR DEBARMENT, AND AMENDING SECTION 6-10-214 OF THE IRVINE MUNICIPAL CODE RELATING TO PREQUALIFICATION OF BIDDERS

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

- 2) Introduce for first reading and read by title only ORDINANCE NO.08-11 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING SECTION 6-10-216 OF THE IRVINE MUNICIPAL CODE RELATING TO PREVAILING WAGES AND BENEFITS

The motion carried as follows:

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

END COUNCIL BUSINESS

PUBLIC COMMENTS

Donald Kannenberg spoke on the lack of cell towers in Woodbury and Westpark.

ADJOURNMENT

Moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and unanimously carried to adjourn at 10:50 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

August 12, 2008