

**MINUTES
CITY COUNCIL
SPECIAL MEETING
April 28, 2009
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

A special meeting of the Irvine City Council was called to order at 3:32 p.m., on April 28, 2009, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

Present:	5	Councilmember:	Steven Choi
		Councilmember:	Beth Krom
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Larry Agran
		Mayor:	Sukhee Kang

1. CLOSED SESSION

- 1.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code section 54956.8). Property: 3150 Barranca Parkway (Irvine Roller Hockey Facility). Agency Negotiators: Sean Joyce, City Manager; Sharon Landers, Assistant City Manager and Wally Kreutzen, Assistant City Manager. Under Negotiation: Price and terms**
- 1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code § 54956.9(b); significant exposure to litigation (one potential case)**

**1.3 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION
(Pursuant to subdivision (a) of Government Code Section 54956.9);
One case: Kerry Hwang v. City of Irvine, Orange County Superior
Court Case No. 30-2008-00104480**

City Attorney Phil Kohn announced the Closed Session items, following which Mayor Kang convened to Closed Session at 3:34 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Kang reconvened the City Council meeting at 5:05 p.m.

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

PLEDGE OF ALLEGIANCE / IRVINE POLICE COLOR GUARD

Chief David Maggard introduced the Irvine Police Color Guard. Commander Bob Richardson lead the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence.

MUSICAL PRESENTATION

Mayor Kang introduced Lindsey Morrison, Administrative Secretary from Public Works, who performed the National Anthem.

2. PRESENTATIONS

The following presentations were made:

2.1 Proclaim May 10-16, 2009 as "National Police Week"

Mayor Kang introduced Officer Ray Velarde and presented a proclamation recognizing the week of May 10-16, 2009 as "National Police Week."

2.2 2009 Young Masters Art Show Cover Artist

Mayor Kang introduced Janet Lisle, President of the Assistance League of Irvine; Mary Ann Gankema, Co-Chair of the Young Masters Art Show; and Soo Bin Cho, third grade student at Westpark Elementary School, who is this year's 2009 Young Masters Art Show "Cover Artist."

2.3 2010 Census Partner Proclamation

Mayor Kang introduced Martin Kim, Partnership Specialist with the U.S. Census Bureau, and presented him with a proclamation recognizing the partnership between the City of Irvine and the U.S. Census Bureau to promote the upcoming 2010 Census.

INTRODUCTIONS

There were none.

CITY MANAGER'S REPORT

City Manager Joyce invited the community to attend next week's "Talk Around Town" community meeting on Wednesday, May 6 from 6:30 – 8:00 p.m. at the Lakeview Senior Center. The meeting will focus on topics engaging Irvine's youth through volunteer opportunities, as well as provide an update on the economy and its impact here in Irvine.

City Manager Joyce also congratulated Mayor Kang and his wife Joanne on their 32nd wedding anniversary.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

The City Council made the following announcements:

Councilmember Shea recognized Mike Ward, who served as her appointee to the Finance Commission from November 2006 to April 2009; and thanked him for his service to the community. She also introduced Jeffrey Lalloway, her new appointee to the Finance Commission.

Mayor Kang made the following announcements:

- The City of Irvine is carefully monitoring the current situation regarding swine flu. Important links to the Centers for Disease Control and other government and health agencies can be found on the City's website at www.cityofirvine.org. Information is updated daily.
- A free business workshop for professionals, hosted by the City of Irvine, the Irvine Chamber of Commerce, and the Orange County One-Stop Center, will be held on Wednesday, April 29th from 3:30 – 8:00 p.m. at the Lakeview Senior Center.
- The community is asked to participate in the *Stamp Out Hunger Food Drive* sponsored by the United States Postal Service and Second Harvest Food Bank of Orange County. Mail carriers will be collecting food for hungry children, seniors and families on Saturday, May 9th throughout Orange County.

- Mayor Kang recently participated in a meeting with the Irvine Chamber of Commerce and local hotel managers to discuss how opportunities can be created to generate more business for Irvine hotels. The Mayor will be hosting a follow-up meeting in early June to explore some proposals in more detail.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

Consent Calendar Items consist of Item Nos. 3.1 through 3.22.

Moved by Councilmember Choi, seconded by Councilmember Shea, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.20. Item Nos. 3.21 and 3.22 were removed for separate discussion.

3.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the Irvine City Council held on April 14, 2009.

3.2 PROCLAMATIONS

ACTION:

- 1) Proclaimed May 3 - 9, 2009 as "Municipal Clerks Week"
- 2) Proclaimed May 2009 as "Cure Children's Cancer Month"
- 3) Proclaimed May 3 - 9, 2009 as "Arson Awareness Week"

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 09-31 - 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. 09-32 - 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

Councilmember Krom abstained.

3.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 09-33 - 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

Mayor Pro Tempore Agran abstained.

3.6 IRVINE BUSINESS COMPLEX SIDEWALK ENHANCEMENTS, PHASE 3 - CIP 319120

ACTION: Approved the plans, specifications, and contract documents for the Irvine Business Complex (IBC) Sidewalk Enhancements, Phase 3, Capital Improvement Project (CIP) 319120, on file with the Public Works Department.

3.7 PORTOLA LANDSCAPE REHABILITATION - CIP 387040

ACTION: Approved the plans, specifications, and contract documents for Portola Landscape Rehabilitation from Culver to State Route (SR) 261, Capital Improvement Project (CIP) 387040, on file with the Public Works Department.

3.8 AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF IRVINE FOR IMPROVEMENTS ALONG IRVINE BOULEVARD, LOWER PETERS CANYON (PLANNING AREA 4)

ACTION: Authorized the Mayor to execute an Agreement with the County of Orange to improve pedestrian access along Irvine Boulevard at the Irvine Ranch Historic Park.

3.9 MICHELSON TRAFFIC SIGNAL SYSTEMS UPGRADE - CIP 335070

ACTION: Approved the plans, specifications, and contract documents for Michelson Traffic Signal Systems Upgrade, Capital Improvement Project (CIP) 335070, on file with the Public Works Department.

3.10 JEFFREY/ I-405 BICYCLE BRIDGE LANDSCAPING ENHANCEMENT - CIP 388030

ACTION: Approved the plans, specifications, and contract documents for Jeffrey/ I-405 Bicycle Bridge Landscaping

Enhancement, Capital Improvement Project (CIP) 388030, on file with the Public Works Department.

3.11 I-5 / JAMBOREE COOPERATIVE AGREEMENT

ACTION:

- 1) Authorized the Mayor to execute Cooperative Agreement No. 12-592 between the State of California Department of Transportation (Caltrans) and the City of Irvine.
- 2) Adopted RESOLUTION NO. 09-34 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE COOPERATIVE AGREEMENT BETWEEN CALTRANS AND THE CITY OF IRVINE FOR THE I-5 / JAMBOREE INTERCHANGE IMPROVEMENT PROJECT

3.12 AGREEMENT TO TRANSFER EQUIPMENT AND TRAINING FUNDS FOR 2008 HOMELAND SECURITY GRANT PROGRAM

ACTION:

- 1) Authorized the Director of Public Safety to accept the Agreement to Transfer Property or Funds for 2008 Homeland Security Grant Program Purposes.
- 2) Authorized the Director of Public Safety to accept any equipment, technology or services purchased by the County of Orange and transferred to the City of Irvine to enhance county-wide emergency preparedness.
- 3) Approved a budget adjustment request in the amount of \$175,000 in grant revenues and appropriations for any training costs, any necessary overtime for backfill, and equipment/services.
- 4) Authorized the Director of Public Safety to submit for reimbursement up to \$25,000 in training and overtime costs and \$150,000 in approved equipment/services through the FY08 Homeland Security Grant Program.

3.13 MASON REGIONAL PARK HABITAT RESTORATION

ACTION: Approved the plans and special provisions for the construction of Mason Regional Park Habitat Restoration as submitted by the Orange County Flood Control District (OCFCD), on file with the Public Works Department.

3.14 COUNTY OF ORANGE PROPOSITION 42 CITY AID PROGRAM FUNDING AGREEMENT

ACTION: Authorized the Mayor to execute the City Aid Program Agreement with the County of Orange for participation in the Proposition 42 Funding Program for Fiscal Year 2009-10.

3.15 CALIFORNIA HIGHWAY PATROL GRANT FOR THE EVERY 15 MINUTES PROGRAM

ACTION:

- 1) Accepted a California Highway Patrol grant award in the amount of \$9,999.99.
- 2) Approved a budget adjustment request in the amount of \$9,999.99, reflecting \$9,999.99 in revenues and appropriations.

3.16 REHABILITATION OF PLAYGROUND EQUIPMENT AT MEADOWOOD NEIGHBORHOOD PARK - CIP 379040

ACTION: Approved the plans, specifications, and contract documents for rehabilitation of playground equipment at Meadowood Neighborhood Park.

3.17 WILLIAM WOOLLETT JR. AQUATICS CENTER SHADE STRUCTURE; APPROVAL OF PLANS, SPECIFICATIONS, AND CONTRACT DOCUMENTS - CIP #397200

ACTION:

- 1) Approved the plans, specifications, and contract documents for the shade structure at the William Woollett Jr. Aquatics Center, CIP 397200, on file with the Community Services Department.
- 2) Directed staff to proceed with construction of the base bid comprised of shade structure with metal roofing.

3.18 ORDINANCE NO. 09-03, ORDINANCE ADOPTING A NEGATIVE DECLARATION AND AMENDING DIVISION 5 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE RELATING TO SUBDIVISIONS

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING A NEGATIVE DECLARATION AND AMENDING DIVISION 5 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE RELATING TO SUBDIVISIONS

3.19 ORDINANCE NO. 09-04, ORDINANCE AMENDING CHAPTER 3 OF THE IRVINE MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CHAPTER 3 OF THE IRVINE MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS

3.20 FEASIBILITY STUDY FOR CENTER FOR COMMUNITY ORGANIZATIONS

ACTION:

- 1) Approved, in substantial final form, the Professional Services Memorandum of Understanding (MOU) between the Children and Families Commission of Orange County and the City of Irvine.
- 2) Authorized the Chief Executive Officer of the Orange County Great Park to execute the MOU.
- 3) Approved of a budget adjustment increasing FY 2008-2009 revenues in the amount of \$317,000 and increasing FY 2008-2009 expenses in the amount of \$317,000.

3.21 AEROMOBILE CONTRACT AMENDMENT

This item was removed for separate discussion at the request of Councilmember Shea, who spoke in opposition of the installation of banners around the Orange County Great Park balloon.

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

Approve an amendment to the Aeromobile contract in the amount not-to-exceed \$72,000 for the purchase of decorative banners and the expansion of services for the Great Park tethered balloon.

The motion carried as follows:

AYES:	3	COUNCILMEMBERS:	Agran, Krom, and Kang
NOES:	2	COUNCILMEMBERS:	Choi and Shea
ABSTAIN:	0	COUNCILMEMBERS:	None

3.22 AGREEMENT FOR EMPLOYMENT OF THE CHIEF EXECUTIVE OFFICER OF THE ORANGE COUNTY GREAT PARK CORPORATION

This item was removed for separate discussion at the request of Councilmember Shea, who confirmed with staff that the Agreement being voted on was as amended and approved at the Orange County Great Park Board of Directors Meeting on April 23, 2009.

ACTION: Moved by Councilmember Choi, seconded by Councilmember Shea, and unanimously carried to ratify the Chief Executive Officer Agreement as approved by the Orange County Great Park Board of Directors.

END CONSENT CALENDAR

4. PUBLIC HEARINGS

4.1 RESCISSION OF TEMPORARY MORATORIUM (ORDINANCE NO. 08-13) PERTAINING TO APPROVALS OF THE INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

Tim Gehrich, Manager of Planning and Development; and Jeff Melching, Assistant City Attorney, presented the staff report.

Mayor Kang opened the public hearing at 5:43 p.m.

The following individuals spoke in favor of rescinding the moratorium:

Ken Kadlec, Irvine resident
Dr. Kenneth Moe, Irvine resident
Mildred Moe, Irvine resident
Donald Kannenberg, Irvine resident
Dean Brown, Planning Consortium
Kathi Weiner, Irvine resident
Chris Moore, Irvine resident

The following individuals spoke in opposition to rescinding the moratorium:

Marilee Terrell, Irvine resident
Lorraine Lavin, Irvine resident
Donna Linzey, Irvine resident
Tanya Zaverl, Irvine resident
Mark Zaverl, Irvine resident

ACTION: Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to close the public hearing at 6:14 p.m.

City Council discussion included: Whether or not rescission of the moratorium is required by law based on the District Court’s decision; assurance that the motion to be approved is merely rescinding a moratorium and each application will continue to be evaluated on a case-by-case basis; the type of authority that the City has over the placement of cell towers on school sites and private property; and additional steps necessary once the moratorium is rescinded.

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

**ACTION: Introduce for first reading and read by title only
ORDINANCE NO. 09-05 - AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF IRVINE, CALIFORNIA RESCINDING
TEMPORARY MORATORIUM (ORDINANCE NO. 08-13)
PERTAINING TO APPROVALS OF THE INSTALLATION OF
WIRELESS COMMUNICATIONS FACILITIES**

4.2 PREFERENTIAL PARKING DISTRICTS

City Manager Joyce introduced Manuel Gomez, Director of Public Works; and Dave Maggard, Chief of Police/Director of Public Safety, who presented the staff report.

Mayor Kang opened the public hearing at 6:40 p.m.

The following Irvine residents spoke in favor of preferential parking districts:

- Mark Sarabyn
- John Kao
- Richard Martel
- David Osachoff
- John Rosendahl
- Susanna Wilkinson
- Jeff English
- Donald McCrea
- Donna Krebbs
- Nat Adams
- Dale Karjala
- Christopher Karjala
- Manette Quinn
- Jon Swallow
- James Quiruga

Mayor Kang read into the record a letter received by the Apartment Association of Orange County (AAOC), expressing opposition to preferential parking districts.

ACTION: Moved by Mayor Pro Tempore Agran, seconded by Councilmember Krom, and unanimously carried to close the public hearing at 7:59 p.m.

City Council discussion included: How the permit parking districts would be determined (proximity to schools, HOA-based) under the proposed ordinance; whether or not the City will recognize full or partial financial recovery by implementing the program based on the proposed fees in the ordinance; comparison of other cities that have preferential parking districts; identifying specific boundaries and the impacts to areas outside those boundaries; outreach to the community; utilization of community volunteers to enforce violations; effects on property value; impacts on public safety resources; impacts to street-sweeping; formation of a task force to include the Irvine Unified School District (IUSD), the University of California, Irvine (UCI), the Irvine Company, and affected residents to work together and devise a plan; whether or not a parking management strategy/study would be a better alternative before adopting an ordinance; utilization of alternative transportation and other methods to avoid the accumulation of cars in certain neighborhoods; whether warnings and/or formal citations will be given to those who do not have parking permits; citywide impacts when only localized issues exist in certain neighborhoods; limits on permits per household; limiting parking restrictions only on certain days and times; implementation of a trail period; and working with homeowners' associations to ensure that residents are utilizing their garages for parking rather than storage to help alleviate the absence of available parking on streets.

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

- 1) Continue the adoption of an ordinance establishing a policy for the creation of preferential parking districts to a date uncertain.
- 2) Mayor to work with the City Manager to establish a committee consisting of representatives from the City of Irvine, Irvine Company, UCI, IUSD, and affected residents to meet at the earliest opportunity to discuss this pending ordinance and additional measures that can be taken to alleviate the adverse impacts of automobile parking in the designated residential areas.
- 3) Appoint Mayor Kang and Mayor Pro Tempore Agran to a committee to begin engaging in discussions with all interested parties and report back to the City Council by the June 9, 2009 meeting.

4.3 APPROVAL OF THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2009-10 AS THE APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND STATEMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), AND AMERICAN DREAM DOWN PAYMENT INITIATIVE (ADDI) FUNDS; APPROVAL OF A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2008-09 ACTION PLAN FOR THE REPROGRAMMING OF \$360,000 OF UNSPENT HOME FUNDS; AND, A SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2004-05 ACTION PLAN FOR THE REPROGRAMMING OF \$209,141 OF UNSPENT HOME FUNDS

Mayor Kang opened the public hearing at 8:23 p.m.

ACTION: Moved by Councilmember Choi, seconded by Councilmember Shea, and unanimously carried to continue the public hearing to May 12, 2009 at 4:00 p.m.

5. COUNCIL BUSINESS

5.1 TRANSIT PROGRAMS UPDATE

City Manager Joyce introduced Shohreh Dupuis, Manager of Transit and Transportation; and John Boslet, Irvine Company representative, who presented the staff report.

Gary E. Smith, Teamsters Local Union 952, commended the City Council for its vision and effort to expand The "i" Shuttle program.

The following individuals expressed opposition to the costs associated with implementing The "i" Shuttle program:

- Eric Johnson, Irvine resident
- Francine Verbarq, Irvine resident

City Council discussion included: Discontinuation of the daytime and weekend routes; shifting costs to businesses and employees that utilize the shuttle for commuter service; costs to implement the program and utilizing reserves to balance the budget; implementation of the program in the Spectrum; future modifications to improve the program; benefits to Irvine residents by those who come to work in the City; environmental benefits; future growth of The "i" Shuttle program as Metrolink service increases over time; and seeking outside funds to fund the program.

City Attorney Kohn and Assistant City Attorney Melching noted that letters were received late in the day from the Law Firms of Sheppard Mullin

Richter and Hampton, LLP and Remy, Thomas, Moose and Manley, LLP that will be entered into the official record.

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

ACTION:

- 1) Replace prior "i" Shuttle approval with revised service plan for The "i" Shuttle, and authorize the City Manager to execute an amendment to the contract with MV Transportation, Inc. for the operation and maintenance of the revised service plan.
- 2) Authorize the City Manager to execute a Cooperative Agreement with the Orange County Transportation Authority (OCTA) for accepting up to 16 clean, natural gas fuel vehicles for The "i" Shuttle operation.
- 3) Determine that The "i" Shuttle program is exempt from environmental analysis under the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption (NOE) with respect to all "i" Shuttle approvals to date.
- 4) Approve the Citywide Transit Vision recommendations and incorporated the recommendations into the City's Go Local, Step 1, Report.
- 5) Approve the submittal of the City's Revised Go Local, Step 1, Report to the Orange County Transportation Authority.
- 6) Direct staff to initiate the public hearing notification process needed for revisions to Resolution No. 90-84 which established the Bake/I-5 fee program to change the description of the work and make the fund balance available for the Spectrum shuttle and modify Resolution No. 431 which establishes City policy regarding developer contributions for capital improvements.
- 7) That the City Council finds and determines that The "i" Shuttle is a project with utility independent of the Vision Plan project and that The "i" Shuttle approval is based on the current needs of the IBC.
- 8) That the City Council finds and determines that The "i" Shuttle program, as originally adopted in 2007, was a CEQA exempt project under the CEQA exemptions listed in tonight's staff report.
- 9) That the City Council direct staff to file an additional Notice of Exemption for The "i" Shuttle program as it was adopted in 2007.

The motion carried as follows:

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

END COUNCIL BUSINESS

PUBLIC COMMENTS

Neil Morohower, Irvine resident, spoke against a proposed stadium at University High School.

Marilyn Smith, Executive Director of Leadership Tomorrow, expressed her appreciation to the City Council for its participation with their organization.

ADJOURNMENT

Moved by Councilmember Krom, seconded by Mayor Pro Tempore Agran, and unanimously carried to adjourn at 9:44 p.m.



CITY CLERK OF THE CITY OF IRVINE



MAYOR OF THE CITY OF IRVINE

May 12, 2009