

**MINUTES
CITY COUNCIL
ADJOURNED REGULAR
MEETING**

November 27, 2007
City Council Chamber
One Civic Center Plaza

CALL TO ORDER

An adjourned regular meeting of the Irvine City Council was called to order at 5:08 p.m., on November 27, 2007, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Krom presiding.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor Krom led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence in memory of Carolyn 'Carrie' Motsch who passed away on November 17.

MUSICAL PRESENTATION

Mayor Krom introduced Jayne Gustafson, University High School student, who performed "God Bless the U.S.A." and "Orange Colored Sky."

INTRODUCTIONS

City Manager Sean Joyce introduced Orange County Fire Authority Fire Chief, Chip Prather and Orange County Fire Authority Division Chief, Matt Vadala who gave a report on the Santiago Canyon fire.

Councilmember Shea, as the City's Orange County Fire Authority representative, acknowledged the Fire Authority and the Public Safety Department for all their efforts during the Santiago fire. She presented OCFA Fire Chief, Chip Prather and Division Chief Matt Vadala with a Certificate of Recognition.

CITY MANAGERS REPORT

There was no report.

ANNOUNCEMENTS/REPORTS

Councilmember Kang gave an update on his recent trip to San Francisco to discuss the Community Energy Partnership II Program.

The following announcements were made:

- The Irvine 2/11 Adoption Committee is inviting the Irvine community to support the 2nd Battalion, 11th Marine Regiment, 1st Marine Division (2/11) from Camp Pendleton, by sending care packages to the Battalion during the holidays;
- Home for the Holidays! Pet Adoption Event will be held on Sunday, December 16 from 10:00 a.m. – 4:00 p.m. at the Irvine Animal Care Center;
- Joyful Jingles will be held on Saturday, December 1, at 3:00 p.m. at Irvine Civic Center, One Civic Center Plaza;
- The Orange County Marathon will take place on Sunday, January 6, 2008; and
- The Irvine Toy Express will be coming to the Irvine Metrolink Station on Sunday, December 16, at 6:30 p.m.

ADDITIONS AND DELETIONS

There were no additions or deletions.

1. CONSENT CALENDAR

ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 1.1 through 1.13.

1.1 MINUTES

ACTION: Approved the minutes of a regular City Council meeting held on November 13, 2007.

1.2 PROCLAMATIONS

ACTION: Proclaimed December 2007 as "Be a Santa to a Senior" month in Irvine.

1.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION: Adopted RESOLUTION NO. 07-141 - 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.

1.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 07-142 - 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.

1.5 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 07-143 - 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

1.6 GRANT OF EASEMENT TO IRVINE RANCH WATER DISTRICT, IRVINE TECHNOLOGY CENTER (PLANNING AREA 32)

ACTION: Authorized the Mayor to execute a Grant of Easement to Irvine Ranch Water District. **(Deed No. 1133)**

1.7 CONVEYANCE OF REAL PROPERTY INTERESTS ASSOCIATED WITH WIDENING JEFFREY ROAD OVER THE SAN DIEGO FREEWAY

ACTION: Authorized the Mayor to execute and the City Clerk to attest various deeds conveying real property interests associated with the widening of Jeffrey Road over the San Diego Freeway. **(Deed Nos. 1134, 1135, 1136 & 1137)**

1.8 RESOLUTION OF SUPPORT FOR THE ORANGE COUNTY MARATHON

ACTION: Adopted RESOLUTION NO. 07-144 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA RECOMMENDING APPROVAL OF RE-ROUTING OF TRAFFIC ONTO AND OVER CITY STREETS FOR THE ORANGE COUNTY MARATHON

1.9 GRANT APPLICATIONS FOR THE FISCAL YEAR 2008-09 BICYCLE TRANSPORTATION ACCOUNT PROGRAM

ACTION:

- 1) Adopted RESOLUTION NO. 07-145 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE GRANT APPLICATIONS FOR THE FISCAL YEAR 2008-09 BICYCLE TRANSPORTATION ACCOUNT PROGRAM
- 2) Approved a Budget Adjustment to transfer \$199,547 of Bicycle Transportation Account funds from San Diego Creek and Culverdale Lighting Project (CIP 346000) to Woodbridge Off-Street Bike Trail Rehabilitation Project (CIP 348020).

1.10 TERMINATION OF LOCAL EMERGENCY

ACTION: Adopted RESOLUTION NO. 07-146 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE TERMINATING THE LOCAL EMERGENCY RESULTING FROM THE SANTIAGO CANYON WILDFIRE

1.11 FINAL TRACT MAP - NOTICE OF REVIEW OF TRACT MAP NO. 17220

ACTION: Received and filed.

1.12 ORDINANCE NO. 07-18, CONSTRUCTION AND DEMOLITION RECYCLING ORDINANCE

ACTION: Approved second reading, read by title only, and adopt ORDINANCE NO. 07-18 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADDING TITLE 6, DIVISION 7, CHAPTER 9

RELATING TO THE DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE TO THE MUNICIPAL CODE, AND AMENDING TITLE 6, DIVISION 7, CHAPTER 2 OF THE MUNICIPAL CODE BY ADDING SECTION 6-7-204 RELATING TO UNAUTHORIZED BINS

1.13 ORDINANCE 07-19, SECOND AMENDMENT OF NONEXCLUSIVE FRANCHISE AGREEMENT FOR COMMERCIAL SOLID WASTE COLLECTION

ACTION: Approved second reading, read by title only, and adopt ORDINANCE NO. 07-19- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE NONEXCLUSIVE FRANCHISE AGREEMENT FOR COMMERCIAL SOLID WASTE COLLECTION

2. PUBLIC HEARINGS

2.1 APPEAL OF PLANNING COMMISSION ACTION TO DENY CONDITIONAL USE PERMITS FOR TEN WIRELESS COMMUNICATIONS FACILITIES FILED BY SPRINT LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN TURTLE ROCK (PLANNING AREA 21)

Mayor Krom declared the public hearing open at 6:21 p.m.

Dr. Kenneth Moe, Irvine resident noted concern with wireless communications facilities in Turtle Rock.

ACTION: At 6:22 p.m., moved by Councilmember Kang, seconded by Councilmember Shea, and unanimously carried to:

Continue the public hearing to a date uncertain.

2.2 CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITIES NETWORK FILED BY NEWPATH NETWORKS LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN TURTLE ROCK (PLANNING AREA 21)

Mayor Krom declared the public hearing open at 6:22 p.m.

Dr. Kenneth Moe, Irvine resident noted concern with wireless communications facilities in Turtle Rock.

ACTION: At 6:28 p.m., moved by Councilmember Shea, seconded by Councilmember Kang, and unanimously carried to:

Continue the public hearing to a date uncertain.

2.3 MUNICIPAL CODE AMENDMENT FOR INCLUSION OF OPEN SPACE AREAS

Mayor Krom declared the public hearing open at 6:28 p.m.

Pamela Chana, Manager of Community Services and Commander Jeff Noble presented the staff report.

City Council discussion included: Clarification of designations by the Director of Community Services related to recreational uses in the open space; clarification of violations punishable as an infraction; educating the public on what constitutes a violation; enforcement of ordinance; attendance of docents; and clarification of alcohol use and smoking in open space areas and City parks.

ACTION: At 7:00 p.m., moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to close the public hearing.

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

Introduce for first reading and read by title only ORDINANCE NO. 07-20 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE TO AMEND TITLE 3, DIVISION 4 PARKS, CHAPTER 1 ET AL., OF THE IRVINE MUNICIPAL CODE TO INCLUDE PROVISIONS FOR REGULATIONS GOVERNING ACTIVITIES WITHIN CITY-OWNED OPEN SPACE AREAS

3. COUNCIL BUSINESS

3.1 IRVINE BUSINESS COMPLEX SHUTTLE IMPLEMENTATION PLAN

Cindy Krebs, Manager of Transit and Transportation and Gary Hewitt, Senior Transportation Analyst presented the staff report.

City Council discussion included: Clarification of requirement to lease vehicles for 12-18 months; clarification of funding; cost of operating and maintaining vehicles; clarification of OCTA's commitment to assist with funding in the operation and maintenance; availability of bus services during peak hours in the IBC; cost per ride; benefits to Tustin businesses as a result of the shuttle system at the Tustin station; flexibility to adjust routes as needed; concern with stop at Tustin District due to potential tax dollars; clarification of Transportation Management Program (TMP) as a funding element to transportation infrastructure; clarification of inter-

agency agreement with Metrolink and cooperation efforts with Southern California Regional Rail Authority; clarification that MV Transportation, Inc. will comply with the City's Living Wage Ordinance if proposed contract is approved; clarification of existing businesses that currently fall under Air Quality Management District ride share program; employer provided or subsidized pass purchase opportunities in the IBC for employees to encourage riding the train and shuttle; clarification that compressed natural gas vehicles will be used; whether funding availability exists to maintain road systems and other infrastructures; available funding options include gas tax revenue, Measure M turn-back money, and the General Fund; fare structure and possible adjustments in the future; clarification of conditions placed for receipt of a grant from the California Transportation Commission to purchase vehicles; clarification of the current unallocated balance of the TMP fund; whether there is an opportunity to look at a trial period rather than implementing the program completely; clarification that a clause exists in the proposed contract which would allow the City to terminate the contract with a 30-day notice with no legal recourse; marketing and advertising the service and pursuing sponsors to recoup costs; necessity to conduct outreach to promote program to make it a success; and Measure M and Go-Local funding as it relates to the proposed project plan.

Ray Lawler spoke in support of the proposed IBC Shuttle Implementation Plan.

Edward Benoe, Chair - Irvine Chamber of Commerce, spoke in support of the proposed shuttle service in the IBC

Richard Demerjian, Planning Director - UC Irvine, spoke in support of the proposed shuttle plan and the coordination of efforts between the agencies.

David Hunt, Attorney - Bingham McCutcheon representing Allergan, was in support of the shuttle system however, noted concerns with the delay of fiscal commitment from OCTA and how that will affect operation of the shuttle service.

ACTION: Original motion moved by Mayor Pro Tempore Agran, seconded by Mayor Krom, to:

- 1) Approve route alignments and service plan for the Irvine Business Complex (IBC) Shuttle.
- 2) Approve a seven-year Operating and Capital Plan for the IBC Shuttle.

- 3) Approve a Budget Adjustment to transfer \$1,000,000 of IBC Transportation Management Program (TMP) funds (Fund 138) to a newly established IBC Shuttle Fund.
- 4) Approve recommended fare structure and authorize the City Manager to execute the Interagency Service Transfer Agreement with the Southern California Regional Rail Authority.
- 5) Authorize the Mayor to execute a five-year contract with MV Transportation, Inc. for fixed-route maintenance and operations services. **(Contract no. 5811)**

A substitute motion was moved by Councilmember Choi and seconded by Councilmember Shea to:

- 1) Approve route alignments and service plan for the Irvine Business Complex (IBC) Shuttle.
- 2) Approve a three-year Operating and Capital Plan for the IBC Shuttle modifying the structure to include leasing vehicles.
- 3) Approve a Budget Adjustment to transfer \$1,000,000 of IBC Transportation Management Program (TMP) funds (Fund 138) to a newly established IBC Shuttle Fund.
- 4) Approve a modified fare structure which includes \$2 fare during rush hour and \$1 fare during non-rush hours and authorize the City Manager to execute the Interagency Service Transfer Agreement with the Southern California Regional Rail Authority.
- 5) Authorize the Mayor to execute a three-year contract with MV Transportation, Inc. for fixed-route maintenance and operations services.

The motion failed as follows:

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

The original motion carried as follows:

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

END COUNCIL BUSINESS

PUBLIC COMMENTS

Andy Zelinko, Irvine resident spoke in support of a community Christmas tree.

An anonymous speaker (dressed as Santa Claus) spoke in support of a community Christmas tree.

IN MEMORIAM

Mayor Krom adjourned the meeting in memory of Carolyn 'Carrie' Motsch who passed away on November 17.

ADJOURNMENT

Moved by Councilmember Kang, seconded by Councilmember Shea, and unanimously carried to adjourn at 8:55 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

December 11, 2007