



CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:04 p.m. on July 28, 2009, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

Present:	4	Councilmember:	Steven Choi
		Councilmember:	Beth Krom
		Mayor Pro Tempore:	Larry Agran
		Mayor:	Sukhee Kang

Absent:	1	Councilmember:	Christina Shea (excused)
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The City Council proceeded to consider the Consent Calendar and Item 4.1. (See pages 3 and 7, respectively.)

RECESS – 4:38 p.m.

RECONVENE – 5:05 p.m.

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence.

MUSICAL PRESENTATION

Mayor Kang introduced harpist Barbara Ellen Schilling, who played "America the Beautiful," "Red Hill Lady," and "This Land is Your Land."

1. PRESENTATIONS

1.1 HomeAid Orange County Project Playhouse Event

Mayor Kang introduced Scott Larson, Executive Director of HomeAid Orange County, who presented information on the upcoming 18th annual "Project Playhouse" event at the Irvine Spectrum.

1.2 Orange County Great Park Anniversary Event Recap

Mayor Kang introduced Rod Cooper, Manager of Operations and Karena Lee, Program Specialist, who provided a report on the Great Park Anniversary event.

INTRODUCTIONS

There were no introductions.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Krom made the following announcement:

- The Flights and Sounds of Summer 2009 concert and dance series starting this weekend at the Orange County Great Park Balloon.

Mayor Kang made the following announcements:

- Last week Mayor Kang attended the Mayor's Institute on City Design in Denver, Colorado where he made a presentation on the Orange County Great Park project.
- The Pacific Symphony's annual "Symphony in the Cities" concert will take place at Heritage Park on Sunday, August 2 at 7:00 p.m.
- Irvine's annual Sizzlin' Summer Sunday concert tradition returns this year with a tribute to U2. The tribute will be performed by "Hollywood U2." The concert will be held Sunday, August 9 at 6:00 p.m. Admission is free.

- The Community Services Department is hosting a free workshop on “Starting a Home Child Care Business” at Irvine City Hall on Wednesday, August 12th from 2 to 4 p.m. Presented in partnership with the Children’s Home Society of California, the two-hour workshop will provide insight and information needed to start a home child care business.
- The City of Irvine Environmental programs is hosting a preschool story time on Tuesday, August 18 from 10:30 a.m. to noon at Irvine City Hall. The free story time is an opportunity for Irvine residents to learn how to help keep our planet clean and green! Reserve seats for you and your children by August 6.

ADDITIONS AND DELETIONS

There were none.

2. CONSENT CALENDAR

Consent Calendar Items consist of Item Nos. 2.1 through 2.10.

ACTION: Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried by those Councilmembers present to approve Consent Calendar Item Nos. 2.1 through 2.10, with the exception of Item No. 2.8, which was removed for separate discussion.

2.1 MINUTES

ACTION:

- 1) Approved the minutes of an adjourned regular meeting of the Irvine City Council held on July 9, 2009.
- 2) Approved the minutes of an adjourned regular meeting of the Irvine City Council held on July 14, 2009.
- 3) Approved the minutes of a special meeting of the Irvine City Council held on July 21, 2009.

2.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 09-78 - 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. 09-79 - 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

Councilmember Krom abstained.

2.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 09-80 - 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

Mayor Pro Tem Agran abstained.

2.5 2009-2010 IMPLEMENTATION MATRIX FOR THE STRATEGIC PLAN FOR CHILDREN, YOUTH, AND FAMILIES

ACTION: Approved the Year 2 Strategic Plan for Children, Youth, and Families Implementation Matrix.

2.6 IRVINE STATION COOPERATIVE AGREEMENT AMENDMENT NO. 6

ACTION: Authorized the Mayor to execute Amendment No. 6 to Cooperative Agreement No. C-3-0628 between the City of Irvine and the Orange County Transportation Authority (OCTA).

2.7 ORANGE COUNTY COUNCIL OF GOVERNMENTS AMENDED JOINT POWERS AGREEMENT

ACTION:

- 1) Adopted RESOLUTION NO.09-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE EXECUTING AN AMENDED AND RESTATED ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT
- 2) Authorized the Mayor to execute the amended and restated Joint Powers Agreement.
- 3) Approved the Budget Adjustment transferring \$5,000 from the Non-Departmental Budget to the City Council - Business Expense budget for payment to the Orange County Council of Governments for annual membership dues.

2.8 BUDGET ADJUSTMENT FOR THE IRVINE BUSINESS COMPLEX (IBC) ENVIRONMENTAL IMPACT REPORT

This item was removed for separate discussion by Councilmember Choi, who requested clarification on the fiscal year budget adjustment allocation and the recirculation of the environmental impact report.

City Council discussion included: clarification on the need of additional traffic analysis and studies, request of adjacent cities for additional recirculation of the EIR, the need to revise and reassess the IBC environmental impact report, and the impact of the proposed budget adjustment on the IBC Fund.

ACTION: Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried by those Councilmembers present to:

ACTION:

- 1) Approve an amendment to the approved scope of work for the Consultant, The Planning Center, to complete the Environmental Impact Report for the Irvine Business Complex (IBC).
- 2) Approve a Budget Adjustment to increase the Fiscal Year 2009-10 budget in the amount of \$311,730, by transferring funds from the IBC Fund (Acct. No. 25000000882001), to be reimbursed from future payment of IBC development fees.

2.9 ORDINANCE NO. 09-06, ORDINANCE EXTENDING ECONOMIC STIMULUS PROGRAM FOR NEW RESIDENTIAL DEVELOPMENT

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-06 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE EXTENDING THE 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

2.10 UPDATE ON IRVINE COMMUNITY LAND TRUST

ACTION: Received and filed.

END CONSENT CALENDAR

3. PUBLIC HEARINGS

3.1 APPEAL OF THE PLANNING COMMISSION ACTION DENYING A CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS NETWORK LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN THE VILLAGE OF TURTLE ROCK (PLANNING AREA 21)

Jeff Melching, Assistant City Attorney; Bill Rodriguez, Senior Planner; and Tim Gerhrich, Manager of Development Services presented the staff report.

Mayor Kang opened the public hearing at 6:54 p.m.

The following speakers spoke in opposition to wireless facilities in the Village of Turtle Rock:

- | | |
|-------------------|-----------------------|
| Simona Humphries | Dinh Ton That |
| Tanya Zaveri | Alexander Hillenbrand |
| Kathleen Rogers | Rhonda Covelman |
| Cindy Lieback | Bill Chadwick |
| Donald Kannenburg | Hooshang Meshkinpour |
| Pam Pham | Barbara Wiener |
| Rick Haugen | Patti Gray |
| Renee Nichols | Lisa Bukaty |
| Kerry Ann Caswell | Tom Merritt |
| Kathleen Litvak | Tom Gray |
| Merilee Terrell | Katherine Ware |
| Emmett Litvak | Esat Kadaster |

The following speakers spoke in favor of the wireless facilities in the Village of Turtle Rock:

- | | |
|------------|--|
| Dean Brown | Mike Cavanaugh-applicant, NewPath Networks |
|------------|--|

RECESS – 9:00 p.m.

RECONVENE – 9:12 p.m.

ACTION: Moved by Mayor Pro Tem Agran, seconded by Councilmember Choi, and unanimously carried by those Councilmembers present to close the public hearing at 9:12 p.m.

City Council discussion included: clarification of the application process of mitigating resident concerns, exploration of alternative locations and technologies for wireless telecommunication facilities, clarification on the cell service and coverage within the Village of Turtle Rock, review of Federal Communications Commission (FCC) requirements versus the City’s wireless ordinance and the applicant’s compliance with the regulations, clarification of the City’s obligation to approve current and future proposals by the Federal Telecommunications Act, the proposed project coverage in relation to existing and future needs, entitlement of cellular companies to ensure no significant coverage gap for its consumers, Southern California Edison franchise agreement authority delegated

to the Director of Community Development to mitigate pragmatic issues concerning light poles and their use, clarification of a negative declaration and the lack of an environmental impact report, the CEQA regulations involving a negative declaration does not require alternative project proposals, clarification of cell phone coverage maps of Turtle Rock and the need of an independent survey of the area, proposal changes over the 2 year process compared to the changes in wireless technologies, clarification of a macro cell site versus DAS cell site systems, regulations regarding co-location in open spaces and need of access roads, noise ordinance standards and application to the proposed project, implication of disclosing wireless facilities in relation to property values, the use of surety bonds to minimize the risk of abandoned wireless facilities, description of the proposed technologies, clarification of the ordinance provision of reviewing wireless technology within 180 days and every 10 years after project approval and application to the current needs and services.

ACTION: Moved by Mayor Pro Tem Agran, seconded by Councilmember Krom, and unanimously carried by those Councilmembers present to:

ACTION: Continue the matter to August 11, 2009 at 4:00 p.m.

4. COUNCIL BUSINESS

4.1 FRIENDSHIP AND TRADE MISSION TO TSUKUBA, JAPAN AND SEOUL, REPUBLIC OF KOREA

Michelle Grettenberg, Council Services Manager and Emma Green, Multicultural Affairs Coordinator presented the report.

Council comments included: importance of supporting and commemorating the Sister City relationships the City has established, Councilmembers Krom and Choi indicating an interest in serving as part of the delegation, potential Brown Act issues of having a three councilmember delegation, clarification by City Attorney of the council majority attending sister city events, potential of a public inquiry of councilmembers participating in the trade mission, interest of economic and diplomatic partnerships, and clarification of previous councilmember delegations to Sister and Friendship Cities.

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

ACTION: Authorize the Mayor and designate City Councilmember Krom to participate in the City of Irvine's Friendship and Trade Mission to Tsukuba, Japan and Seoul, Republic of Korea November 14-21, 2009.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Krom and Kang
 NOES: 1 COUNCILMEMBERS: Choi
 ABSENT: 1 COUNCILMEMBERS: Shea

RECESS – 4:38 p.m.

4.2 DISCUSSION REGARDING ABANDONED SHOPPING CARTS

This item was agendized by Mayor Kang for the review of City protocols regarding abandoned shopping carts and shopping center retrieval.

Council discussion included: exploration of processes of retail and shopping centers for shopping cart retrieval, retrieval of 125 abandoned carts last month by City staff, review of other local agency’s policies, and Planning Commission assessment of an abandoned shopping cart ordinance and regulations.

Public comments included Michael Cribbin III, who spoke in support of an abandoned shopping cart ordinance.

ACTION: Moved by Mayor Kang, seconded by Mayor Pro Tempore Agran, and unanimously carried by those Councilmembers present to:

ACTION:

- 1) Direct staff to develop a draft ordinance for City Council consideration to address abandoned shopping carts in the city.
- 2) Direct staff to work with community stakeholders to bring forth options, including an ordinance that is effective in a manner that is not overly burdensome to owners of retail stores with shopping carts or shopping center owners.
- 3) Direct staff to review approaches adopted by other cities as well as to meet with stakeholders including store managers, shopping center owners and retail business associations to identify why the problem exists and provide practical solutions.
- 4) Direct the Planning Commission to review the draft ordinance within 60 days and return to the City Council for consideration within 90 days.

END COUNCIL BUSINESS

PUBLIC COMMENTS

The following individuals spoke with respect to the pending contract negotiations between the City and the Irvine Police Association (IPA):

Shane Barrows, IPA President
Matt August
Garret Veach
Rick Gramer
Justin Russell
Frank Caruso, IPA Vice President
Jason Scheafer
Scott Vales
Britt Vickner
Mike Bergstrom

Matt Campbell
Alex Mendoza
Pat Ryan
Matt Ricci
Christopher Bees
Robert Wexler-IPA Attorney
Chris Ostrowski
Retanya Collins
Garrett Gales
Francine Verbarg

ADJOURNMENT

Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried to adjourn at 11:00 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

August 11, 2009