



CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:03 p.m. on November 12, 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

CONVENE – The City Council convened to the Irvine Redevelopment Agency meeting at 4:04 p.m.

RECONVENE – The City Council reconvened to its Regular Meeting at 4:20 p.m. The Consent Calendar was considered at this time (See No. 2 below).

RECESS – The City Council recessed at 4:24 p.m.

RECONVENED – The City Council reconvened at 5:08 p.m.

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 Claire Yee and Stephanie Chen representing the Young Musicians Ensemble who performed "America the Beautiful" and "Passacaglia."

1. PRESENTATIONS

The following presentations were made:

1.1 *Earned Income Tax Credit Program*

Mayor Krom introduced Community Services Superintendent Darin Loughrey and Community Services Supervisor Michelle Khzouz, who provided an updated on the Earned Income Tax Program, as a component of the City's Strategic Plan for Children, Youth and Families. Janette Valencia from Legal Aid Society of Orange County responded to questions about the results of the program.

1.2 *Orange County Human Relations Commission Annual Report*

Mayor Krom introduced Felix Schwarz from the Orange County Human Relations Commission, who presented the Human Relations Annual Report illustrating the human relations activities in the City of Irvine this past year. Mr. Schwarz presented the City with a certificate of appreciation on behalf of the Commission.

INTRODUCTIONS

There were none.

CITY MANAGER'S REPORT

City Manager Sean Joyce provided an update on the Superior Court ruling in favor of the City on the legality of meetings held in closed session and the reimbursement of legal fees relative to Greg Smith, Pat Rodgers v. City of Irvine, Maguire Properties.

City Manager Joyce also gave an update on the November 7th, Orange County Point of Dispensing (POD) Exercise at Irvine Valley College, a disaster preparedness drill that provided free flu shots to more than 1000 members of the community. The exercise simulated the response the City would provide if a mass inoculation was ever needed during a health crisis such as a bioterrorism attack or disease outbreak.

City Manager Joyce reported on the activities associated with the Irvine Democracy Project. He reported a 14% increase in voter registration; and, an anticipated voter turnout of 75% for the November 4 general municipal election. City Clerk Sharie Apodaca provided an update on the unofficial results of the November 4, 2008 election.

City Manager Joyce noted that Councilwoman Shea will be leaving the meeting at 4:30 p.m. to attend another board meeting, but will return later to the City Council meeting.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Krom made the following announcements:

- The City will participate in the nation's largest state-sponsored emergency exercise, "The Great Southern California Shakeout and the Golden Guardian Exercise 2008" on Thursday, November 13 from 10:00 a.m. – 2:00 p.m. Irvine's participation will include a full-scale emergency response and activation of the Emergency Operations Center, a core group of employees trained in emergency response and incident management.
- The City of Irvine 2/11 Marine Adoption Committee is holding a special toy drive to benefit the children and families of our adopted Marine battalion through December 5 with donations containers in the lobbies of the Civic Center and Irvine Police Department.
- The City will sponsor a "Senior Services Healthy Living Expo" on Friday, November 14 from 9:00 a.m. to 12:30 p.m. at the Lakeview Senior Center.
- The City will be hosting the 7th annual Joyful Jingles family holiday concert on Saturday, December 13 from 10 – 11:30 a.m. at the Irvine Valley College Performing Arts Center.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

2. CONSENT CALENDAR

The Consent Calendar was heard at 4:20 p.m. prior to the pledge of allegiance.

Consent Calendar Items consist of Item Nos. 2.1 through 2.8.

Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 2.1 through 2.8, with the exception of Item No. 2.5, which was removed for separate discussion.

2.1 MINUTES

ACTION: Approved the minutes of an adjourned regular meeting of the City Council held on October 28, 2008.

2.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-107 - 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. 08-108 - 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 IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008

ACTION: Adopted RESOLUTION NO. 08-109 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECEIVING, ACCEPTING, AND FILING THE IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR 2007-08 FOR THE ORANGE COUNTY GREAT PARK REDEVELOPMENT PROJECT AREA

2.5 HIGHWAY-RAILROAD CROSSING SAFETY ACCOUNT PROJECT BASELINE FUNDING AGREEMENT FOR SAND CANYON GRADE SEPARATION PROJECT (CIP 321180)

This item was removed from the Consent Calendar at the request of Councilmember Shea who requested clarification on any anticipated shortfalls of grant funding because of the state budget deficit, process of securing state grant funding for the regional project in the amount of \$8 million, clarification of the project budget and the allocation of funds, timeline for the project and receipt of project grant funds, to which Katie Berg-Curtis, Project Development Administrator responded.

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

Adopted RESOLUTION NO. 08-110 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY MANAGER TO EXECUTE THE HIGHWAY RAILROAD CROSSING SAFETY ACCOUNT PROJECT BASELINE FUNDING AGREEMENT FOR THE SAND CANYON GRADE SEPARATION PROJECT

2.6 FISCAL YEAR 2009-10 BICYCLE TRANSPORTATION ACCOUNT PROGRAM

ACTION: Adopted RESOLUTION NO. 08-111- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE GRANT APPLICATIONS FOR THE FISCAL YEAR 2009-10 BICYCLE TRANSPORTATION ACCOUNT PROGRAM

2.7 SET PUBLIC HEARING FOR CHANGES AND MODIFICATIONS IN THE IMPROVEMENTS FOR VARIOUS ASSESSMENT DISTRICTS

ACTION: Adopted RESOLUTION NO. 08-112 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE PRELIMINARILY ADOPTING, CONFIRMING, AND APPROVING THE AMENDED ENGINEER'S REPORTS, AND SETTING A PUBLIC HEARING FOR CHANGES AND MODIFICATIONS IN THE IMPROVEMENTS ORDERED FOR ASSESSMENT DISTRICT NO. 87-8 (SPECTRUM 5), ASSESSMENT DISTRICT NO. 03-19 (NORTHERN SPHERE), ASSESSMENT DISTRICT NO. 05-21 (ORCHARD HILLS), ASSESSMENT DISTRICT NO. 07-22 (STONEGATE AND STONEGATE EAST) AND OTHER MATTERS RELATED THERETO

2.8 AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE

ACTION: Adopted RESOLUTION NO. 08-113 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING APPENDIX A OF IRVINE CITY COUNCIL RESOLUTION NO. 06-123 PERTAINING TO THE CITY OF IRVINE'S CONFLICT OF INTEREST CODE AND LIST OF DESIGNATED FILERS

END CONSENT CALENDAR

Councilmember Shea left the meeting at 4:24 p.m. due to a conflicting board meeting.

3. PUBLIC HEARINGS

3.1 ***ZONE CHANGE AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF HINES OFFICE PROJECT WITH 785,000 SQUARE FEET OF OFFICE AND 15,500 SQUARE FEET OF RETAIL/RESTAURANT AT 18582 TELLER AVENUE AND 2722 MICHELSON DRIVE IN PLANNING AREA 36***

Mayor Krom reopened the public hearing at 6:01 p.m.

Doug Williford, Director of Community Development; Steven Higa, Principal Planner; and Pam Davis, Senior Planner; presented the staff report.

Doug Holte, applicant, spoke in favor of the proposed Hines California Green (HCG) development and staff's recommendations. Mr. Holte requested that a cap be imposed on two required fees: 1) that the system development charge be limited to a 4% increase per year; and 2) that transfer fees be deferred until building permits are pulled, or until 5 years from now subject to 4% inflation.

City Council discussion included negotiations with the applicant with respect to Transferable Development Rights (TDR) and Systems Development Charge (SDC) fees, requirement of a Zoning Code amendment to reassess development fees on a case-by-case basis, clarification of the proposed setbacks with relation to the new 5.1A zone, innovative design of buildings to increase sustainability and pedestrian movement around the area, building designs in accordance with the Draft IBC vision plan, grounding of power lines to be completed by Southern California Edison, LEED certified building project with the use of sustainable building standards and materials, available use of 2.2 acres of privately owned and operated green area during business hours, and possible exceeding of NOx air quality threshold in 2011.

ACTION: Moved by Councilmember Agran, seconded by Councilmember Choi, and carried by those members present, to close the public hearing at 7:20 p.m.

ACTION: Moved by Councilmember Agran, seconded by Councilmember Choi, and carried by those members present, to:

- 1) Adopt RESOLUTION NO. 08-114 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH #2007071040) FOR HINES OFFICE PROJECT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES
- 2) Introduce for first reading and read by title only ORDINANCE NO. 08-14 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE 00452724-PZC TO CREATE THE 5.1A IBC MULTI-USE ZONE AND REZONE THE HINES OFFICE PROJECT SITE AT 18582 TELLER AVENUE AND 2722 MICHELSON DRIVE AS 5.1A IBC MULTI-USE IN PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF HINES
- 3) Introduce for first reading and read by title only ORDINANCE NO. 08-15 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT 00452727-PDA FOR THE HINES OFFICE PROJECT A DEVELOPMENT OF 785,000 SQUARE FEET OF OFFICE AND 15,500 SQUARE FEET OF RETAIL/RESTAURANT AT 18582 TELLER AVENUE AND 2722 MICHELSON DRIVE IN PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF HINES
- 4) Direct staff to initiate the process for a code amendment relative to discretionary approval program for transfer of development rights.

The motion carried as follows:

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

Councilwoman Shea returned to the dais at 7:26 p.m.

3.2 GENERAL PLAN AMENDMENT, ZONING CODE, 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 7:33 p.m.

ACTION: At 7:33 p.m., moved by Mayor Krom, seconded by Councilwoman Shea, and unanimously carried to continue the public hearing to November 25, 2008 at 4:00 p.m.

4. COUNCIL BUSINESS

4.1 RESPONSES TO PUBLIC CONCERN OF INTERIM EMERGENCY SERVICES DURING HOAG HOSPITAL'S RENOVATION PERIOD

Councilmember Agran stated that because of financial holdings in HCP, he has been advised to abstain from this discussion and any future discussions or actions relating to this item.

Councilmember Agran left the meeting at 7:33 p.m.

Wally Kreutzen, Assistant City Manager; and, Gina Park, Assistant to the City Manager, presented the staff report.

The following agency representatives were present to answer questions regarding the pending closure of Irvine Regional Hospital:

Dr. Richard Afable, Hoag Hospital, President and Chief Executive Officer
John Stratman, Public Affairs Director, Orange County Kaiser Permanente
Dr. Nancy Gin, Assistant Medical Director, Kaiser Permanente
Jim Bailey, Battalion Chief, Emergency Medical Services, Orange County Fire Authority

The following individuals addressed the pending closure of Irvine Regional Hospital:

Norman Ewers, resident
Marie Davis, resident
Dr. Robert Freed
Joy Harvey, UNAC/UHAP
Gloria Jewski, UNAC
Gail Pennington, resident

City Council discussion included the lack of jurisdiction by the City with matters relating to the public health system; providing a medium for the collection and dissemination of information for the benefit of the public; clarification of Cardiac Receiving Centers (CRC); clarification of insurance coverage, services, and payments using out-of-network services; transport time between point of contact and hospital intervention as it relates to the successful treatment of patients; development of CRC programs at the future Hoag Irvine and Kaiser Irvine hospitals; clarification of the county

emergency medical service system; designation of Hoag Irvine as a paramedic receiving center; national standards needed to develop a CRC facility; process and timeline of refurbishing the current facility; the effects of an extended closure of hospital emergency services; and concerns of hospital staff employment due to the closure of Irvine Regional hospital.

ACTION: Received responses from Hoag Hospital and Kaiser Permanente Hospital to questions from public speakers at the October 14, 2008 City Council meeting.

END COUNCIL BUSINESS

PUBLIC COMMENTS

Jill Workman, Building Industry Association of Orange County, spoke in support of the City's commitment to the building industry.

Debbie Rugani, Irvine Public Schools Foundation, spoke in support of the City's cooperation and contribution to the success of "Walk to School Day".

ADJOURNMENT

Moved by Mayor Pro Tempore Kang, seconded by Councilmember Choi, and unanimously carried by those members present to adjourn at 9:17 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

November 25, 2008