



**MINUTES
CITY COUNCIL
REGULAR MEETING
August 12, 2008
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:01 p.m. on August 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

1. CLOSED SESSION

Phil Kohn, City Attorney, announced the City Council will recess to Closed Session to discuss the following:

- 1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9(a)): City of Irvine v.
County of Orange, Orange County Superior Court Case No. 30-2008-
00062617 (James A. Musick Jail)**

Mayor Krom convened to Closed Session at 4:03 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the City Council meeting at 5:03 p.m.

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

PLEDGE OF ALLEGIANCE

Mayor Krom led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence in memory of C. Thomas Wilck, a resident of Irvine and longtime public affairs consultant, who passed away on Thursday, July 24th; and John Phillips of Laguna Niguel, founder of the Energy Coalition and Aspen Accord, who passed away on Sunday, August 3rd.

MUSICAL PRESENTATION

Mayor Krom introduced Circle of Fifths, an a cappella group from UCI who performed the "Star Spangled Banner," and "Change in My Life," by Billy Straus.

2. PRESENTATIONS

2.1 *Orange County Film Commission*

Mayor Krom introduced Janice Arrington, Film Commissioner with the Orange County Film Commission, who provided information on the status of filming within the County as well as within the City of Irvine and expressed appreciation to the City Council for their support.

INTRODUCTIONS

City Manager Sean Joyce introduced Eric Tolles, Deputy Director/Chief Building Official who attended the meeting in Director of Community Development Douglas Williford's absence.

CITY MANAGER'S REPORT

City Manager Sean Joyce noted that the newly designed Community Services Guide, distributed by the Community Services Department, will be delivered to Irvine households; he noted the guide contains many activities and classes available to Irvine residents, and is mailed out to all residents quarterly.

He also noted that Orange Coast Magazine named the Irvine Fine Arts Center as one of the best places to "Discover Your Inner Artist."

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

The following announcements/introductions were made by the City Council:

Councilmember Choi introduced Patrick A. Rodgers as his appointee to the Community Services Commission.

Mayor Krom made the following announcements:

- On Saturday, August 16th, the Youth Skate Jam will be held at Harvard Skate Park from 11:00 a.m. – 1:30 p.m.
- On Saturday, August 16th, the Pacific Symphony, sponsored by Target, will present “Symphony in the Cities” at Heritage Community Park at 7:00 p.m.
- On Sunday, August 24th, Sizzlin’ Summer Sundays will present “Springsteen,” a musical performance by Josh Tanner’s “Bruce Springsteen Tribute” band at Woodbridge Community Park at 6:00 p.m.
- During the months of August and September, the Great Park and the Irvine Barclay Theatre will host music and performances of “Night Flights,” on Friday nights in front of Hangar 244.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

3. CONSENT CALENDAR

Consent Calendar Items consist of Item Nos. 3.1 thru 3.18.

Moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.18, with the exception of Item Nos. 3.5 and 3.12 which were removed for separate discussion.

3.1 MINUTES

ACTION:

- 1) Approved the minutes of a regular meeting of the Irvine City Council held on July 22, 2008.
- 2) Approved the minutes of a special joint meeting of the Irvine City Council and the Orange County Great Park Board of Directors held on July 22, 2008.

3.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-87 - 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

3.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION: Adopted RESOLUTION NO. 08-88 - 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.

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 08-89 - 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.

3.5 GREAT PARK DESIGN STUDIO 70% MAJOR MILESTONE REVIEW

This item was removed from the Consent Calendar at the request of Councilmember Choi who noted concern with information contained in the 70% Major Milestone Review.

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

Continue the item to a future date until a complete report is prepared by Bovis Land Lease.

ACTION: A substitute motion was moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, to:

1) Approve the 70% Major Milestone Review submittal and issue a Notice of Approval and Authorization to Proceed, subject to the following conditions:

a. The Design Studio shall confer with the appropriate City departments to confirm that any changes or refinements shown on the 70% Major Milestone Review submittal are consistent with the regulatory restrictions that apply to the Great Park, including conditions of approval of Vesting Tentative Tract Map 17008 and the Great Park Master Plan. Any changes required to be consistent with regulatory requirements shall be made by the Design Studio at no additional cost.

- b. The Program Manager shall initiate extended oversight during invoice review, to include "page turning" workshops as necessary, in order to achieve the world class schematic design envisioned by the Board. Particular attention shall be paid to coordination of design elements and disciplines with a special emphasis on achieving sustainability goals.
 - c. The Corporation shall coordinate a budget review with the Program Manager and the Design Studio that will reconcile the Project Budget prior to the approval of an Earned Value invoice in excess of 80% of the Schematic Design budget.
 - d. Schematic Design of the Sports Park, Botanical Garden, and Cultural Terrace shall not move beyond the 70% Major Milestone level of completion until the next level feasibility studies for these three geographies are sufficiently completed to inform the design.
 - e. Feasibility analyses of the Art and Culture Exhibition Space, Amphitheatre, Library, Multi-Cultural Center, and National Archives shall not be completed until the Cultural Terrace feasibility study is presented to the Board for review and approval.
 - f. Feasibility analyses of the Center for Community Organizations shall not be completed until the Sports Park and Cultural Terrace feasibility studies are sufficiently completed to determine an appropriate location for the facility.
 - g. Schematic Design of the Agua Chinon and the Wildlife Corridor shall not proceed beyond the 70% Major Milestone level of completion until directed by the Corporation.
 - h. Schematic Design of the Bowling Green and Timeline shall not move beyond the 70% Major Milestone level of completion until the Aviation Museum feasibility study has determined the appropriate usage for the preserve runway and taxiways.
- 2) Authorize the remaining Major Milestone reviews of Construction Documents for mass grading, the Agua Chinon, and the Upper Wildlife Corridor be conducted at staff level with a summary report provided to the Board and City Council.

The substitute motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang, and Krom

NOES: 2 COUNCILMEMBERS: Choi and Shea

3.6 AGREEMENT FOR SECURITY SERVICES BETWEEN THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO, LLC, A DELAWARE LIMITED LIABILITY COMPANY

ACTION: Authorized the City Manager to approve and execute and the City Clerk to attest to an extension of Agreement No. 5115 between the City of Irvine and Heritage Fields El Toro, LLC, a Delaware Limited Liability Company, the successor-in-interest to Heritage Fields, LLC, for security services at the former El Toro Marine Corps Air Station commencing July 1, 2008. **(Contract No. 5115C)**

3.7 TARGET GRANT DONATION

ACTION:

- 1) Accepted a \$1,500 grant donation from Target.
- 2) Approved a budget adjustment request form in the amount of \$1,500, reflecting an increase in revenues and appropriations.

3.8 FINAL TRACT MAP NO. 16523, IRVINE BUSINESS COMPLEX (PLANNING AREA 36) -- NOTICE OF PENDING APPROVAL

ACTION: Received and filed.

3.9 GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY, BOMMER CANYON (PLANNING AREA 28)

ACTION: Authorized the Mayor to execute the Grant of Easement to Southern California Edison Company (SCE). **(Deed No. 1169)**

3.10 AGREEMENT BETWEEN THE CITY OF IRVINE AND IRVINE PHARMACEUTICALS, INC. TO INSTALL INFRASTRUCTURE IMPROVEMENTS, IRVINE TECHNOLOGY CENTER (PLANNING AREA 32)

ACTION: Authorized the Mayor to execute an encroachment agreement between the City of Irvine and Irvine Pharmaceuticals, Inc. **(Contract No. 5974)**

3.11 IRVINE RANCH WATER DISTRICT BOND AUTHORIZATION VOTE FOR GREAT PARK AND HERITAGE FIELDS BACKBONE WATER AND SEWER IMPROVEMENTS

ACTION: Directed the City Manager to cast affirmative votes in the August 26, 2008 Irvine Ranch Water District Special Bond Elections,

allowing the Irvine Ranch Water District to issue bonds for Improvement Districts 112 and 212.

3.12 ORDINANCE NO. 08-08, 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)

At 5:55 p.m. 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; the City Attorney deemed this to be a true abstention.

This item was removed from the Consent Calendar to receive public comment. Desiree Miller-Kessel, Irvine resident spoke in opposition to the proposed ordinance; she requested that a park be included in the plan for the hospital.

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

Read by title only, second reading and adoption of 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 at 6:05 p.m.

3.13 ORDINANCE NO. 08-09, 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

ACTION: Read by title only, second reading and adoption of 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

3.14 ORDINANCE NO. 08-10 AND ORDINANCE NO. 08-11, RELATING TO (1) CITY DETERMINATIONS OF CONTRACTOR NON-RESPONSIBILITY AND CONTRACTOR DEBARMENT; AND (2) PREVAILING WAGES AND BENEFITS

ACTION:

- 1) Read by title only, second reading and adoption of 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
- 2) Read by title only, second reading and adoption of 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

3.15 BUDGET ADJUSTMENT FOR FISCAL YEAR 2008-09 COMBINED TRANSPORTATION FUNDING PROGRAMS FUNDING ALLOCATIONS

ACTION:

- 1) Approved a budget adjustment to accept \$392,757 from the Orange County Transportation Authority (OCTA) for Fiscal Year 2008-09 under the Combined Transportation Funding Program (CTFP).
- 2) Approved a budget adjustment to transfer \$80,000 from the Michelson Signal Coordination Project (CIP 335070) to the Campus/Cornell Traffic Signal Improvement Project (CIP 335100).

3.16 AMENDMENT OF THE BYLAWS OF THE COMMUNITY SERVICES COMMISSION

ACTION: Adopted RESOLUTION NO. 08-90 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE BYLAWS OF THE COMMUNITY SERVICES COMMISSION

3.17 CONSIDERATION OF ADOPTION OF A RESOLUTION OPPOSING ANY AND ALL STATE GOVERNMENT EFFORTS TO "BORROW" OR SEIZE LOCAL TAX FUNDS, REDEVELOPMENT TAX INCREMENT AND TRANSPORTATION SALES TAX FUNDS RELATED TO THE 2008-2009 STATE BUDGET

ACTION: Adopted RESOLUTION NO. 08-91 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE OPPOSING ANY AND ALL STATE GOVERNMENT EFFORTS TO "BORROW" OR SEIZE LOCAL TAX FUNDS, REDEVELOPMENT TAX INCREMENT AND TRANSPORTATION SALES TAX FUNDS RELATED TO THE 2008-2009 STATE BUDGET

3.18 REQUEST FOR CITY SUPPORT OF THE HEALTH KICK 2008 FUNDRAISER EVENT ON SEPTEMBER 27, 2008

ACTION: Approved City support in the form of facility sponsorship for the Health Kick 2008 Fundraiser Event on September 27, 2008.

END CONSENT CALENDAR

4. PUBLIC HEARINGS

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

Mayor Krom reopened the public hearing at 6:14 p.m.

Tim Gehrich, Manager of Planning and Development Services, and Steve Weiss, Principal Planner presented the staff report.

Mike LeBlanc and Roger McErlane and on behalf of the applicant, The Irvine Company spoke in support of the proposed project and noted key points of development.

Ed Benoe, Irvine Chamber of Commerce, read a letter into the Record from Jacquie Ellis, President of the Irvine Chamber of Commerce, regarding achieving and maintaining a vital jobs to housing ratio and noted support of the proposed project.

Nancy Stegehuis, Irvine resident, spoke in support of the proposed project and noted the many amenities offered in the rezoning project.

Kristine Thelman, representing Building Industry Association, urged City Council support for the proposed project.

City Council discussion included noise attenuation; clarification of height of noise berm; continuation of Jeffrey Open Space Trail; the need to include sky views when designing apartments; funding responsibility of a transit system as recommended by the Planning Commission; possibility of OCTA expanding their program to incorporate transit opportunities in Planning Area 40; architectural design of the proposed planning areas; proximity of Planning Area 40 to the Great Park and the need for a collaborative effort between The Irvine Company and Lennar when moving forward with design; balance of land use and traffic; 15 percent affordable housing requirement in relation to the moderate affordable housing requirement; estimation of availability of housing; clarification whether plans for PA 12/40 have been reviewed by the Design Studio; creation of an entryway to complement the Great Park and planning areas; influence of proposed project on the Marine Way entrance to the Great Park; inclusion of energy standards in the proposed project; application of green building standards; types of features that will be found in the development based upon industry standards; necessity for cell tower infrastructure; reduction of housing units to reduce impact on the community; importance of inclusion of community park amenities; securing necessary funding to achieve a citywide transit system; and reporting back to City Council on requested study focused on how the City can reduce air quality emissions.

ACTION: Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang, and unanimously carried to close the public hearing at 8:53 p.m.

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

- 1) Adopt RESOLUTION NO. 08-92 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING THE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2000071014) FOR GENERAL PLAN AMENDMENT 00434714-PGA AND ZONE CHANGE 00434717-PZC FOR PLANNING AREAS 12 AND 40
- 2) Adopt RESOLUTION NO. 08-93 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00434714 -PGA TO CHANGE THE LAND

USE DESIGNATIONS IN PLANNING AREAS 12 AND 40 TO ALLOW FOR MEDICAL AND SCIENCE DEVELOPMENT IN PLANNING AREA 12 AND TO ALLOW FOR A MIX OF RESIDENTIAL, MULTI-USE, INSTITUTIONAL, AND COMMERCIAL USES IN PLANNING AREA 40; AMEND LAND USE ELEMENT TABLES A-1 AND A-2, MAXIMUM INTENSITY STANDARDS, TO REFLECT REMOVAL OF 6.705 MILLION SQUARE FEET OF RESEARCH AND INDUSTRIAL INTENSITY FROM PLANNING AREA 40 AND 12,000 SQUARE FEET OF COMMUNITY COMMERCIAL INTENSITY FROM PLANNING AREA 12; AND TRANSFERRING 222 RESIDENTIAL UNITS FROM PLANNING AREA 1 AND 1,311 RESIDENTIAL UNITS FROM PLANNING AREA 9 TO PLANNING AREA 40; FILED BY THE IRVINE COMMUNITY DEVELOPMENT COMPANY

- 3) Introduce for first reading and read by title only ORDINANCE NO. 08-12 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00434717-PZC TO MODIFY ZONING DESIGNATIONS TO ALLOW FOR MEDICAL AND SCIENCE DEVELOPMENT IN PLANNING AREA 12 AND A MIX OF RESIDENTIAL, MULTI-USE, COMMERCIAL, AND INSTITUTIONAL USES IN PLANNING AREA 40 AND SHIFTING RESIDENTIAL INTENSITY FROM PLANNING AREAS 1 AND 9 TO PLANNING AREA 40; FILED BY THE IRVINE COMMUNITY DEVELOPMENT COMPANY

4.2 GENERAL PLAN AMENDMENT, ZONE CHANGE, 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 8:55 p.m.

ACTION: At 8:56 p.m., moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, and unanimously carried to continue the public hearing to September 9, 2008 at 4:00 p.m.

5. COUNCIL BUSINESS

5.1 CONSIDERATION OF EXTENDING THE "I" SHUTTLE FREE RIDE SERVICE

Mayor Krom introduced the item.

Gary Hewitt, Senior Transportation Analyst, provided statistics on the "I" Shuttle ridership to date.

City Council discussion included means of tracking ridership; requirements used in calculating fees for community facilities usage; need to expose the shuttle to more people to increase ridership; concern with free services during an economic downturn; and a request for ridership analysis report in three months.

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

Extend the "I" Shuttle free ride service to all passengers through December 31, 2008.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Kang, and Krom

NOES: 2 COUNCILMEMBERS: Choi and Shea

END COUNCIL BUSINESS

PUBLIC COMMENTS

W. Desmond, Irvine businessman, spoke on the impacts of earthquakes on residential zoning in the Irvine Business Complex.

Garry James, owner of Camp James located in Irvine, gave an update on the status of Camp James and upcoming events.

IN MEMORIAM

Mayor Krom adjourned the meeting in memory of C. Thomas Wilck, a resident of Irvine and longtime public affairs consultant, who passed away on Thursday, July 24th; and John Phillips of Laguna Niguel, founder of the Energy Coalition and Aspen Accord, who passed away on Sunday, August 3rd.

ADJOURNMENT

**Moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and
unanimously carried to adjourn at 9:40 p.m.**



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

September 9, 2008