

The seal of the City of Irvine, featuring a shield with a building and a tree, surrounded by the text "CITY OF IRVINE" and the year "1971".

**MINUTES
CITY COUNCIL
ADJOURNED REGULAR MEETING
September 23, 2008
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

An adjourned regular meeting of the Irvine City Council was called to order at 5:09 p.m. on September 23, 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

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 Francesca Juarez who performed "Love Will Come to You" and "A Mother's Love."

1. PRESENTATIONS

1.1 *Proclaim September 20-27, 2008 as "Dollar Wi\$e Week"*

In recognition of "Dollar Wi\$e Week," Mayor Krom recognized community partners that have worked to enhance the financial literacy of Irvine youth and families including Lois Wilkerson and Isabelle Krasney, OC One Stop Center; Jeanette Valencia, Legal Aide Society of Orange County; Sahara Navarro, United Way of Orange County; Rossina Gallegos, Union Bank of California; Leticia Mata and Shruti Miyashiro, Orange County's Credit Union; Jacquie Ellis, Irvine Chamber of Commerce; and Nicole Conniff and Kathy Fay, Irvine Apartment Communities.

1.2 *Proclaim October 5-11, 2008 as "Fire Prevention Week"*

Mayor Krom introduced Orange County Fire Authority (OCFA) Division Chief Brian Stephens and recognized the fire prevention and education services implemented by the Fire Authority. She noted the OCFA will commemorate the week by conducting open houses at fire stations throughout the county.

INTRODUCTIONS

None

CITY MANAGER'S REPORT

City Manager Joyce announced Public Safety's Mobile Command Center, MobileComm, won the "Best of the West" specialty vehicle award by the California Peace Officers Association. The City of Irvine was named "Playful City USA" by Kaboom, a national non-profit agency for the benefit of children, youth and families.

He also announced that with the signing of the State Budget by Governor Schwarzenegger, budgetary implications will be felt at the City level, including impacts to the Redevelopment Agency Budget.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

- Musical and dance performances of "Night Flights" at the Orange County Great Park will continue on Friday and Saturday nights through September. Also, the Great Park Balloon has resumed flying with the addition of evening flights on Thursday through Sunday from 7:00 – 10:00 p.m.
- The Irvine Animal Care Center is set to host "Pet Trek," its seventh annual walkathon on Saturday, September 27 from 8:00 a.m. – Noon at Woodbridge Park.
- The Parking Structure Dedication will take place on Thursday, October 2 from 4:30 – 6:30 p.m. at the Irvine Station.
- The Cans for Cash Recycling Challenge begins October 1 through October 31.

- The El Toro Homecoming will be held Thursday, October 2, 2008 from 5:00-8:00 p.m. at the Great Park Balloon.
- The Irvine Global Village Festival will take place on Saturday, October 4, 2008 from 10:00 a.m. – 6:00 p.m. at Bill Barber Park. Admission is free.
- The “Discover Irvine Tour” will take place on Saturday, October 11 from 10:00 a.m. to 3:00 p.m. The tour departs from the Irvine Civic Center. Admission is \$15, which includes lunch.
- The Irvine Police Department is hosting a few “Alarm User Awareness” class on Tuesday, October 21 from 9:00 – 10:00 a.m. at the Irvine Civic Center.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

2. CONSENT CALENDAR

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

Moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar Item Nos. 2.1 through 2.10, with the exception of Item No. 2.6, which was removed for separate discussion.

2.1 MINUTES

ACTION:

- 1) Approved the minutes of a regular meeting of the City Council held on September 9, 2008.
- 2) Approved the minutes of a special meeting of the City Council held on September 15, 2008.

2.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 08-98- 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.08-99 - 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 PROCLAMATION

ACTION: Proclaimed October 4, 2008 as "Multicultural Day."

2.5 CONFLICT OF INTEREST CODE – 2008 BIENNIAL NOTICE OF REQUIRED AMENDMENTS

ACTION: Received and filed the Fair Political Practices Commission (FPPC) 2008 Biennial Notice to amend the City of Irvine Conflict of Interest Code in accordance with the Political Reform Act.

2.6 ASSIGNMENT OF EASEMENT TO THE COUNTY OF ORANGE, SHADY CANYON (PLANNING AREA 22)

Councilwoman Shea removed this item to question the City Attorney on whether the location of her residence posed a potential conflict of interest and would preclude her from voting on the matter. The City Attorney confirmed to Councilwoman Shea that the proposed agreement did not pose a conflict of interest and that she could vote on the item.

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

Authorized the Mayor to execute the Assignment and Assumption Agreement (Assignment) with the County of Orange for the operation and maintenance of the Shady Canyon Riding and Hiking Trail.

2.7 TREASURER'S ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2008

ACTION: Received and filed.

2.8 RETIREMENT PLANS - PRE-TAX PAYROLL DEDUCTIONS

ACTION: Adopted RESOLUTION NO.08-100 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING PRE-TAX PAYROLL DEDUCTIONS FOR EMPLOYEE CONTRIBUTIONS TO RETIREMENT PLANS AND AUTHORIZING THE CITY OF IRVINE TO "PICK-UP" THESE CONTRIBUTIONS FOR TAX PURPOSES IN ACCORDANCE WITH SECTION 414(h)(2) OF THE INTERNAL REVENUE CODE

2.9 RENEWAL OF TOW SERVICE AGREEMENT

ACTION:

- 1) Authorize the Director of Public Safety to renew the 2005-2008 Tow Service Agreement for one additional three-year period.
- 2) Authorize the Director of Public Safety to execute Amendment Number 1 to the Tow Service Agreement with A&P/MetroPro Road Services, Inc. (**Contract No. 5157A**)

2.10 "AVOID THE 28 - DRIVING UNDER THE INFLUENCE CAMPAIGN PROJECT FOR ORANGE COUNTY" AND THE ABANDONED VEHICLE ABATEMENT PROGRAM

ACTION:

- 1) Accept a \$25,000 grant award from "Avoid the 28 - Driving Under the Influence Campaign Project for Orange County," and approve the budget adjustment request in the amount of \$25,000 to increase revenues and expenditures for the grant award in Special Fund 143.
- 2) Approve participation in and revenue from the Abandoned Vehicle Abatement Program in the amount of \$92,000, and approve the budget adjustment request in the amount of \$92,000 to increase revenues and expenditures for the program in Special Fund 144.

END CONSENT CALENDAR

3. PUBLIC HEARINGS

3.1 DRAFT CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM, AND AMERICAN DREAM DOWNPAYMENT INITIATIVE FUNDS FOR FISCAL YEAR 2007-08

Mayor Krom reopened the public hearing at 5:57 p.m.

Mark Asturias, Manager of Housing; Steve Holtz, Principal Planner; and Tamara Campbell, Senior Planner; presented the staff report.

City Council discussion included acknowledging the community partners that proved valuable in obtaining and disbursing the grant funds; monitoring controls and mechanisms of consolidated annual performance evaluation report; and the level and amount of allocations available for the different grant programs.

ACTION: Moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to close the public hearing at 6:05 p.m.

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

Authorize the City Manager to submit the Consolidated Annual Performance Evaluation Report (CAPER), including public comments received for the Community Development Block Grant (CDBG) and Home Investment Partnership Programs (HOME) to the U.S. Department of Housing and Urban Development.

3.2 GENERAL PLAN, ZONING CODE, AND DEVELOPMENT AGREEMENT AMENDMENT FOR THE HERITAGE FIELDS EL TORO LLC DEVELOPMENT AGREEMENT IN PLANNING AREAS 30 AND 51

Mayor Krom reopened the public hearing at 6:06 p.m.

ACTION: Moved by Mayor Krom, seconded by Councilmember Agran, and unanimously carried to continue the public hearing to October 28, 2008 at 4:00 p.m.

3.3 ORDINANCE EXTENDING THE MORATORIUM ESTABLISHED PURSUANT TO IRVINE ORDINANCE NO. 08-05

Mayor Krom opened the public hearing at 6:07 p.m.

Doug Williford, Director of Community Development and Jeff Melching, Deputy City Attorney, presented the staff report.

The following individuals spoke on wireless services in the City:

Robert Jystad, New Path Networks representative
Donald Kannenberg, resident of West Park
Erdal Atrek, resident of Turtle Rock
Richard Oja, resident of Woodbridge
Joe Thompson, T-Mobile representative
Dean Brown, the Planning Consortium
Bruce Tierney, Turtle Rock resident
M.E. Kadaster, Irvine resident
Lisa Bukaty, Irvine resident

City Council discussion included the twelve month extension of the moratorium ordinance; comprehensiveness of the existing ordinance and flexibility to include future technologies; the City's understanding of current

cell phone coverage and deficiencies; the process of case by case review of wireless applications; the judicial and municipal procedures required to reinstate the invalidated wireless ordinance; the communication between City officials and New Path concerning the ordinance injunction; wireless design standards of the City including alternate sites; and the restraints of the moratorium with the processing of current applications.

ACTION: Moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to close the public hearing at 7:52 p.m.

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

- 1) Adopt, as an urgency measure, ORDINANCE NO. 08-13 - AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, EXTENDING AN INTERIM ZONING ORDINANCE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858(a) ESTABLISHING A TEMPORARY MORATORIUM ON INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES

PUBLIC COMMENTS

The following individuals spoke on comments made at the Irvine Chamber of Commerce Meet the Candidates forum:

Sharaf Mawjood, Council on American-Islamic Relations (CAIR)
Issa Edah-Tally, Council on American-Islamic Relations (CAIR)
Sandeep Baweja
Kamran Malik
Cleveland Alexander
Steve Spanier

ADJOURNMENT

Moved by Mayor Pro Tempore Kang, seconded by Mayor Krom, and unanimously carried to adjourn at 7:52 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

September 23, 2008