

**MINUTES OF A
REGULAR MEETING
OF THE IRVINE CITY COUNCIL HELD**

JUNE 28, 2005

CALL TO ORDER

Mayor Krom, presiding officer, called a regular meeting of the Irvine City Council to order on June 28 2005 at 4:03 p.m., in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California.

ROLL CALL

PRESENT:	5	COUNCILMEMBER:	Larry Agran
		COUNCILMEMBER:	Steven Choi
		COUNCILMEMBER:	Christina Shea
		MAYOR PRO TEM:	Sukhee Kang
		MAYOR:	Beth Krom

ABSENT:	0	COUNCILMEMBER:	None
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Also present were Acting City Manager, Sean Joyce; Assistant City Manager, Wally Kreutzen; City Attorney, Joel Kuperberg; Director of Public Safety, David L. Maggard, Director of Administrative Services, Rick Paikoff; Director of Public Works, Marty Bryant; Director of Community Services, John A. McAllister; Director of Community Development, Tina Christiansen; Deputy City Clerk, Teri Beach; City Clerk Specialist, Gail Frueh; and Sgt. At Arms, Kevin Von Luft.

**RECESS TO THE IRVINE PUBLIC FACILITIES AND INFRASTRUCTURE
AUTHORITY**

Mayor Krom convened the Irvine Public Facilities and Infrastructure Authority meeting at 4:03 p.m.

Please see the Irvine Public Facilities and Infrastructure Authority minutes.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened to regular session at 4:09 p.m.

RECESS TO CLOSED SESSION

Mayor Krom recessed the meeting to Closed Session at 4:10 p.m.

CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6)

- 1.1 Agency Negotiators: Rick Paikoff, Director of Administrative Services; Jan Walden, Manager of Human Resources; Dave Larsen, Rutan & Tucker Employee Organizations; Irvine Police Association (IPA); Irvine Police Management Association (IPMA)**

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Krom reconvened the meeting to regular session at 5:04 p.m.

PLEDGE OF ALLEGIANCE

Councilmember Shea led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence.

MUSICAL PRESENTATION

Mayor Krom introduced Jason Chen who performed "Night of the Tong Village."

PRESENTATIONS

- 1) Mayor Krom introduced Claire Braeburn, Executive Director of Orange County On Track, who introduced the following individuals who were commended for their mentoring efforts.
 - Sanaa Beguwala,
 - Eric Chen
 - Jeff Kim
 - Cecilia Ong
 - Revati Nafday (Not present)

- 2) Mayor Krom introduced Dr. Jim Dunning, President of the Irvine Sister Cities Foundation, and Sergeant Barry Aninag of the Irvine Police Department who gave a presentation about the recent exchange program between the Irvine Police Department and our Sister City in Taiwan, Taoyuan. Also present were Police Officers Carrie Egan; Michael Fender, Mike Hallinan; and Arthur Guo

- 3) Mayor Krom introduced the following winners of the second annual "Only in Irvine" photo contest and presented them with an award.

Residents Under 18

- 1st Place – Erin Ota, "A Timeless Town (Not present.)"
- 2nd Place – Jeremy Nester, "Bridge in the Valley"

Residents 18 and Over

- 1st Place – Nick Carver, "Irvine Wildflower Fields"
- 2nd Place – Amber Harris, "Irvine: A Quality Place for Families"

Non-Resident

- 1st Place – Naila Currie, "Summer Fun"
- 2nd Place – Gity Arasteh Qajar, "Tranquility"

City of Irvine Employees

- 1st Place – Diane Jeffers, "Lunchtime at the City"
- 2nd Place – Barry Curtis, "Urban Style"

The judges for the contest were Mark Jordan, Owner of Mark Jordan Photography; Mike Schwartz, Staff Photographer for The OC Register; Russ Lahodny, Vice President of Communications for the Irvine Chamber of Commerce; and Laurie Schalow, Director of Public Relations for Taco Bell Corporation.

In addition, Mayor Krom thanked Mitch Goldstone for his participation and support.

INTRODUCTIONS

There were no introductions.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Kang recognized Doug Walker from the Public Works Department for his timely and courteous help removing dead vines from Mr. Manley's (Irvine resident) concrete block wall.

Councilmember Shea congratulated the following:

- Irvine Chamber of Commerce's annual award recipients:
 - Baxter Healthcare Corporation - 2004 Business of the Year Award from the Chamber of Commerce and City of Irvine.
 - Roland Boucher - 2004 Business Leadership Award from the Chamber of Commerce and City of Irvine.
 - Vicki Harris - 2004 Irvine Citizen of the Year Award from the Chamber of Commerce and City of Irvine.
 - William J. Kelley, III - 2005 Jamie Trevor Award from the Chamber of Commerce and City of Irvine.
 - Carol Kurimsky - 2004 Member of the Year Award from the Chamber of Commerce and City of Irvine.
- Congratulated Dr. Michael Spitzer, Optometrist, on his election to president of the California-Hawaii-Nevada District Exchange Clubs.
- Congratulated Franco Vessia, owner of Irvine's Vessia Ristorante, as honoree of State Senator John Campbell's 2005 California Small Business Owner of the Year for the 35th Senate District.

Mayor Krom made the following announcements:

- The Irvine Police Association will present the 21st Annual 4th of July Fireworks Celebration and Concert on the Green at Irvine High School Stadium with gates opening at 3:00 p.m., music beginning at 5:00 p.m., and the Derek Bordeaux Jazz Band playing at 7:30 p.m. Tickets will be available at the Community Services front counter at City Hall.
- The Irvine Transportation Center will be celebrating their 15-year anniversary on July 21 at 4:00 p.m. at the Irvine Transportation Center. There will be a documentary photo exhibit, information booths, giveaways, and refreshments.
- The Sixth Annual Jack Williams Memorial Golf Tournament will take place on July 25 at 12:30 p.m. at Strawberry Farms Golf Club. The fee will be \$120 per golfer or \$300 for a corporate threesome. Proceeds will be used to expand services provided through the City's Disabilities Services Program. Registration deadline will be July 11.
- "The Edge of Air: An Exhibition of Photography of the Final Days of the Marine Corps Air Station at El Toro," will be on display at the Irvine Fine Arts Center through July 16 with free admission and parking.

ADDITIONS AND DELETIONS

Acting City Manager Sean Joyce requested that Item No. 7.3 be removed from the Consent Calendar for clarification.

CITY MANAGER REPORT

Acting City Manager Sean Joyce reported that the residents of Quail Hill requested that the Public Hearing for the Appeal of Conditional Use Permit for an Arco Service Station with a Car Wash and Convenience Store with a Type 20 Off-Site Beer and Wine Seller's Permit in Quail Hill scheduled to be conducted on July 12, be continued to the City Council meeting of July 26.

CONSENT CALENDAR

Hearing no objections from other Councilmember's, Mayor Krom removed the following items from the Consent Calendar:

4.4 ENVIRONMENTAL INSURANCE – ORANGE COUNTY GREAT PARK

7.3 RESOLUTION GRANTING AUTHORITY TO THE CITY MANAGER TO ACCEPT PROPERTY CONVEYANCES, ENTER INTO ROLLOVER LEASES AND ROUTINE LICENSES WITHIN GREAT PARK LANDS TO BE CONVEYED TO THE CITY

7.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: It was moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar Item Nos. 2 through 7.4, with exceptions as noted above.

PUBLIC COMMENTS

There were no public comments on Consent Calendar items.

2. CITY COUNCIL MINUTES

2.1 APPROVAL OF CITY COUNCIL MINUTES (Submitted by City Clerk)

ACTION: Approved the minutes of a regular meeting of the City Council held on June 14, 2005.

3. PROCLAMATIONS/COMMENDATIONS/RATIFICATIONS

3.1 COMMENDED THE FOLLOWING:

- 1) Sanaa Beguwala - Orange County On Track
- 2) Eric Chen - Orange County On Track
- 3) Jeff Kim - Orange County On Track
- 4) Revati Nafday - Orange County On Track
- 5) Cecilia Ong - Orange County On Track

3.2 RATIFIED THE FOLLOWING:

- 1) Commending Baxter Healthcare Corporation - 2004 Business of the Year Award from the Chamber of Commerce and City of Irvine.
- 2) Commending Roland Boucher - 2004 Business Leadership Award from the Chamber of Commerce and City of Irvine.
- 3) Commending Vicki Harris - 2004 Irvine Citizen of the Year Award from the Chamber of Commerce and City of Irvine.
- 4) Commending William J. Kelley, III - 2005 Jamie Trevor Award from the Chamber of Commerce and City of Irvine.
- 5) Commending Carol Kurimsky - 2004 Member of the Year Award from the Chamber of Commerce and City of Irvine.

4. AGREEMENTS

4.1 FISCAL YEAR 2005/2006 MEASURE M ELIGIBILITY (Submitted by Public Works/Transportation Development)

ACTION: Approved the Measure M Seven-Year Capital Improvement Program Fiscal Years 2005-2006 through 2001-2012

4.2 RENEW LICENSE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR LANDSCAPING PURPOSES ALONG VALLEY OAK BETWEEN BARRANCA PARKWAY AND OAKCREEK COMMUNITY PARK (PLANNING AREA 12, OAKCREEK) Submitted by Public Works/Development Engineering

ACTION: Contract No. 4020A - Approved License Agreement Account No. 3080 between the City of Irvine and Southern California Edison, and authorize the Mayor to execute and the City Clerk to attest said agreement, subject to the City Attorney approval as to form.

4.3 APPROVAL OF PLANS AND SPECIAL PROVISIONS FOR THE CONSTRUCTION OF PETERS CANYON CHANNEL BICYCLE AND TRAIL UNDERCROSSINGS PROJECT AT BARRANCA PARKWAY BRIDGE (Submitted by Public Works/Development Engineering)

ACTION: Approved Plans and Special Provisions for the construction of Peters Canyon Channel Bicycle and Trail Undercrossings Project at Barranca Parkway.

4.4 ENVIRONMENTAL INSURANCE - ORANGE COUNTY GREAT PARK (Submitted by Administrative Services/Human Resources)

Councilmember Agran announced that due to ownership of stock in AIG, he would not be participating in discussion and action on this item. This was deemed to be a true abstention by the City Attorney.

Councilmember Agran left the dais at 6:08 p.m.

This item was removed from the Consent Calendar at the request of Councilmember Choi who requested clarification on cost of insurance;

Steve Smith, Driver Alliant Insurance, noted the three components to the insurance coverage: Remediation of known conditions at site; remediation of unknown conditions at site; and any type of third party injury claims.

Council discussion included clarification that the City will be bearing the full cost of insurance for environmental issues at Great Park; clarification that the City's portion of insurance will be paid for by the developer as development fees are incurred; and clarification that this is a joint policy with Lennar.

ACTION: It was moved by Councilmember Choi, seconded by Councilmember Shea, and unanimously carried by those members present, to:

Authorize the Acting City Manager to execute an agreement with AIG to purchase environmental insurance coverage for the Great Park at a cost to the City not to exceed \$2,400,000, plus applicable taxes and assessments.

Councilmember Agran returned to the dais at 6:13 p.m.

5. PROJECTS - BIDS AND SPECIFICATIONS

**5.1 AWARD OF CONTRACT FOR LEGAL ADVERTISING - FY 2005-06
(Submitted by City Clerk)**

ACTION:

- 1) Awarded the contract for publication of legal notices for the City of Irvine for fiscal year 2005-06 to the Irvine World News and Orange County Register.
- 2) Authorized the Mayor to sign and the City Clerk to attest to the agreements for this service, subject to approval by the City Attorney.

**5.2 SAN DIEGO CREEK AND CULVERDALE BIKE TRAIL LIGHTING -
APPROVAL OF DESIGN CONTRACT WITH D. W. CONSULTANTS, INC.
- CIP 345000 (Submitted by Public Works/Project Management)**

ACTION: Approved the design contract with DW Consultants, Inc. for the San Diego Creek and Culverdale Bike Trail Lighting project, CIP 345000.

6. REPORTS

**6.1 TREASURER'S REPORT FOR THE QUARTER ENDED MARCH 31,
2005. (Submitted by Administrative Services/Fiscal Services)**

ACTION: Received and filed the Treasurer's Report for the Quarter Ended March 31, 2005.

7. RESOLUTIONS

7.1 WARRANT AND WIRE TRANSFER RESOLUTION (Submitted by Administrative Services/Fiscal Services)

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 05-71 - 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**

7.2 WAIVER OF 60-DAY NOTICE REQUIREMENT FOR COUNTY OF ORANGE DONATED SPACE AGREEMENT IN IRVINE (Submitted by Community Development/Planning Services)

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 05-72 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE WAIVING THE REQUIREMENT FOR A 60-DAY NOTIFICATION PERIOD FOR A DONATED SPACE AGREEMENT FOR OFFICE USE PURSUANT TO SECTION 25351(d) OF THE CALIFORNIA GOVERNMENT CODE**

7.3 RESOLUTION GRANTING AUTHORITY TO THE CITY MANAGER TO ACCEPT PROPERTY CONVEYANCES, ENTER INTO ROLLOVER LEASES AND ROUTINE LICENSES WITHIN GREAT PARK LANDS TO BE CONVEYED TO THE CITY (Submitted by City Manager)

This item was removed from the Consent Calendar at the request of Acting City Manager Sean Joyce, for clarification to which City Attorney Joel Kuperberg responded.

City Council discussion included clarification of City's ownership of liability and fire insurance; clarification that City is in process of developing an agreement with Lennar Homes of California and the Great Park Corporation to determine responsibility; clarification that City is not currently planning to insure for casualty loss; clarification that the military buildings will be removed in order to build Great Park facilities; clarification that tenants will be responsible for insuring their buildings; and clarification that property coverage is automatically added to existing insurance program.

ACTION: It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Adopt a resolution entitled:

RESOLUTION NO. 05-73 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASES FOR EXISTING USES, ISSUE ROUTINE LICENSES, AND ACCEPT PROPERTY CONVEYANCES TO FACILITATE THE IMPLEMENTATION OF THE GREAT PARK DEVELOPMENT AGREEMENT AND THE TRANSFER OF THE GREAT PARK LANDS TO THE CITY

7.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA (Submitted by Administrative Services/Fiscal Services)

Councilmember Agran requested his vote on this item be recorded as an abstention due to a potential conflict of interest as a stockholder in the bank. This has been deemed true by the City Attorney.

Councilmember Agran left the dais at 6:23 p.m.

Councilmember Shea removed this item from the Consent Calendar to discuss the bifurcation of the Warrant Resolution, which allows Councilmember Agran to exclude himself from action on this item.

ACTION: It was moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried by those members present, to:

Adopt a resolution entitled: **RESOLUTION NO. 05-74** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ALLOWING CERTAIN CLAIMS AND DEMANDS TO BANK OF AMERICA AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID.

Councilmember Agran returned to the dais at 6:28 p.m.

END OF CONSENT CALENDAR

PUBLIC COMMENTS

Debbie Coven, Irvine resident, spoke on funding for the Irvine Unified School District.

ORDINANCES

8. SECOND READING OF ORDINANCES

8.1 SECOND READING OF ORDINANCE: ORDINANCE AMENDING SECTION 1-2-108 OF THE IRVINE MUNICIPAL CODE RELATING TO THE CITY COUNCIL COMPENSATION SCHEDULE (Submitted by City Clerk)

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to:

Adopt and read by title only, an ordinance entitled: **ORDINANCE NO. 05-11** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING SECTION 1-2-108 OF THE IRVINE MUNICIPAL CODE RELATING TO THE CITY COUNCIL COMPENSATION SCHEDULE IN ACCORDANCE WITH SECTION 36516 OF THE CALIFORNIA GOVERNMENT CODE.

8.2 SECOND READING OF ORDINANCE: ZONE CHANGE (00356051-PZC) FOR PLANNING AREAS 1 AND 2 AND A PORTION OF PLANNING AREA 9 (AREA 9B) (Submitted by City Clerk)

Dave Melvold, Irvine resident, spoke on the public viewing access of Rattlesnake Reservoir.

ACTION: It was moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to:

Adopt and read by title only an ordinance entitled: **ORDINANCE NO. 05-12** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00356051-PZC TO ALLOW FOR RESIDENTIAL DEVELOPMENT ON APPROXIMATELY 4,576 ACRES LOCATED IN PLANNING AREAS 1 AND 2 AND A PORTION OF PLANNING AREA 9 (AREA 9B); FILED BY THE IRVINE COMMUNITY DEVELOPMENT COMPANY

PUBLIC HEARINGS

9. PUBLIC HEARING: WIRELESS COMMUNICATION ORDINANCE (Submitted by Community Development/Development Services) (Continued from June 14, 2005)

Mayor Krom opened the public hearing at 6:42 p.m.

Michael Haack, Manager of Development Services, presented the staff report. Also present was Michael Philbrick, Senior Planner; Jonathan Kramer, Kramer.Firm Inc.; and Jeff Melching, Assistant City Attorney.

City Council discussion included clarification of design features and functions of mono poles; clarification that existing mono poles are grandfathered in, and in the event they wish to bring the existing mono poles up to code, they will have to request a modification permit through the City process; clarification of distribution of antenna systems; clarification of power source; clarification of inclusion of insulation to reduce noise levels associated with cell sites; specifications of measurements of equipment at specific locations; reduction of 180 days to 90 days for temporary cell on wheels wireless facilities; clarification that the proposed City ordinance is more restrictive than Federal law requires; clarification that delay in adopting proposed ordinance creates an opportunity for applicants to meet the requirements of Federal law which are less restrictive; clarification that the developer must provide an alternative site analysis if one or multiple sites requested are located outside the first site; aesthetic clarification whether the City can require developers to replace sites lacking visual appeal with more appealing facilities; clarification that existing sites may continue to operate under original modification permit providing site is not altered by applicant; clarification of procedure upon submission of an application by an applicant for a wireless facility in the City; clarification that residents within 500 feet of a site are notified by public notice when requests for wireless facilities are submitted within a residential district; clarification of line of site frequency; clarification of first amendment rights by carriers under the Federal Telecommunications Act; clarification that the proposed ordinance requires applicants to fulfill exhaustive application requirements; clarification that all requests for wireless communication facilities in residential districts must be approved by the Planning Commission; clarification that the City reviewed other agencies' ordinances on wireless communication facilities; clarification of how threshold of distance from facility for various classes is determined; whether wireless communications facilities are compatible in the open space areas; clarification that HOA's are notified within the public noticing process; expanding notification requirement from 500' to 1000'; and clarification that expanding notification requirement to 1000' opens public input to a greater possibility of being challenged.

The following individuals spoke in support of the proposed ordinance:

Alan Jahr, representing Sprint PCS, submitted a petition of supportive Irvine residents;
Robert Brower, Irvine resident, suggested the ordinance address the cell phone user who replaces their land phone with a personal cell phone;
Dean Brown, Irvine resident;
Bill Mavity, member of Telecom Task Force, Irvine Planning Commission, and Irvine resident,

The following individuals, spoke in opposition to the proposed ordinance:

Orhan Nalcioglu, representing United Irvine Residents;
Dr. Kenneth Moe, representing United Irvine Residents,
Fred Mohamad, representing United Irvine Residents,
Sonia Powell, representing United Irvine Residents,
Chriss Erickson, representing United Irvine Residents,
M. Esat Kadaster, representing United Irvine Residents, submitted written remarks for the record.
Haya Sakadjian, Mission Viejo resident;
Marilee Terrell, Irvine resident;

ACTION: At 9:27 p.m., it was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to close the public hearing.

ACTION: It was moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to:

Introduce for first reading and read by title only an ordinance entitled:
ORDINANCE NO. 05-13 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING A NEGATIVE DECLARATION FOR AND APPROVING ZONE CHANGE 38413-ZC TO ESTABLISH CITYWIDE REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES

With the understanding that staff return to the City Council with an update on the effectiveness of the ordinance in the community within six months but no later than one year.

10. PUBLIC HEARING: AFFORDABLE HOUSING IN-LIEU FEE INCREASE - ADJUSTMENT FOR CURRENT APPLICATIONS (Submitted by Community Development/Planning Services)

Mayor Krom opened the public hearing at 9:59 p.m.

Barry Curtis, Principal Planner, presented the staff report. Also present was Brian Fisk, Manager of Planning Services.

Matt Montgomery, Opus West, requested total reduction of fees in the amount of 25% for pending projects.

City Council discussion included clarification of why projects in process prior to approval of the increase in fees are subject to the proposed graduated fee approach; clarification of Opus West's request for reduction of fees in the amount of 25%; quantity of projects effected by staff's recommended threshold; clarification of what threshold each project is categorized; importance of treating each existing project effected equitably; expanding the date of when money is received to reflect "upon receipt of entitlement"; time frame of existing projects being considered for adjustment; providing for a flat percentage fee vs. equal reduction for these projects; concern with staff directing in-lieu fees to developers; and annual evaluation of fees vs. quarterly evaluation.

ACTION: At 10:38 p.m., it was moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to close the public hearing.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to:

Adopt a resolution entitled:

RESOLUTION NO. 05-75 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING A REDUCTION IN THE AFFORDABLE HOUSING IN-LIEU FEE AMOUNT FROM QUALIFYING CURRENT PROJECTS

Amending Section 2 to read as follows:

Projects deemed to be complete as of August 1, 2005, shall be entitled to a 25-percent reduction of the in-lieu fee in place at the time of building permit issuance.

11. PUBLIC HEARING: ELECTRICAL CODE ADOPTION (Submitted by Community Development/Building and Safety)

Mayor Krom opened the public hearing at 10:49 p.m.

Eric Tolles, Deputy Director/Chief Building Official, and Joe Kirkpatrick, Deputy Chief Building Official, were available to respond to questions.

ACTION: At 10:50 p.m., it was moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to close the public hearing at 10:16 p.m.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to:

- 1) Adopt a resolution entitled:

RESOLUTION NO. 05-76 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WHICH REQUIRE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA ELECTRICAL CODE REASONABLY NECESSARY FOR BUILDING OCCUPANCIES IN THE CITY OF IRVINE

- 2) Introduce for first reading and read by title only, an ordinance entitled:

ORDINANCE NO.05-14 -AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CHAPTERS 1 AND 3 OF DIVISION 9 OF TITLE 5 OF THE IRVINE MUNICIPAL CODE PERTAINING TO ELECTRICAL CODE REGULATIONS

12. PUBLIC HEARING: GENERAL PLAN AMENDMENT AND ZONE CHANGE, IN PLANNING AREA 36, 2801 ALTON; FILED BY STARPOINTE VENTURES (Submitted by Community Development/Development Services)

Mayor Krom opened the public hearing at 10:52 p.m.

Pam Davis, Senior Planner, presented the staff report. Also present was Kelly Koldus, Assistant Planner.

Tim Strader, Starpointe Ventures, spoke in support of the proposed project.

City Council discussion included condition of queuing traffic once project is complete; total number of parking spaces allotted for proposed project; and clarification of whether traffic improvements were deemed to be necessary.

ACTION: At 10:59, it was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to close the public hearing.

ACTION: It was moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to:

- 1) Adopt a resolution entitled:

RESOLUTION NO. 05-77 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE THE CERTIFYING SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH # 1991011023) FOR 2801 ALTON AND ADOPTING A MITIGATION MONITORING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES

As amended to reflect changes on page 25 of the traffic study, included as Appendix H.

Page 25, paragraph 2, the sentence that begins as follows:

“For about 10 minutes of the morning peak hour, the queue ~~would approach, but not pass,~~ could block the project drive way; ~~the~~. The proposed widening of Alton Parkway to provide a de facto right turn lane will decrease the queues at this intersection by removing the right turns from the through lane.”

- 2) Adopt a resolution entitled:

RESOLUTION NO. 05-78 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00365093-PGA TO AMEND LAND USE TABLE A-1 OF THE GENERAL PLAN FOR THE 2801 ALTON RESIDENTIAL PROJECT; LOCATED AT THE NORTHEAST CORNER OF JAMBOREE ROAD AND ALTON PARKWAY; PLANNING AREA 36; FILED BY STARPOINTE VENTURES

- 3) Introduce for first reading and read by title only an ordinance entitled:

ORDINANCE NO.05-15 -AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00365094-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING ON PARCEL 1 OF TRACT 7905 FROM 5.1 IBC MULTI-USE TO 5.3C IBC RESIDENTIAL; LOCATED AT THE NORTHEAST CORNER OF JAMBOREE ROAD AND ALTON PARKWAY; PLANNING AREA 36; FILED BY STARPOINTE VENTURES

13. PUBLIC HEARING: CITYWIDE ZONING ORDINANCE AND MUNICIPAL CODE UPDATE (Submitted by Community Development/Development Services)

Mayor Krom opened the public hearing at 11:01 p.m.

Michael Haack, Manager of Development Services, presented the staff report.

Warren Nogaki, Irvine resident, spoke on the proposed public noticing procedures effected by the proposed ordinance.

Bill Mavity, Planning Commissioner, spoke in opposition to tandem parking spaces in a two-car garage configuration and increasing the single car garage dimension to 11 feet.

Mike Balsamo, BIA Orange County, spoke on code changes related to tandem parking as an option, and increasing the single-car garage dimension 10 feet.

Mike LeBlanc, The Irvine Company, spoke in support of tandem parking, and increasing single-car garage dimensions.

Bob Garrison, Lennar Homes of California, spoke on tandem parking and single car garage dimensions.

City Council discussion included the impact on the completed project in terms of changing garage configurations;

ACTION: At 11:45 p.m., it was moved by Councilmember Agran, seconded by Mayor Krom, and unanimously carried to close the public hearing.

ACTION: It was moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang, to:

- 1) Adopt a resolution entitled:

RESOLUTION NO. 05-79 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS TO UPDATE AND CLARIFY THE ZONING CODE AND THE MUNICIPAL CODE AS WELL AS ADDING REGULATIONS FOR RESTAURANTS, "TYPE 47" ALCOHOL BEVERAGE CONTROL LICENSE

- 2) Introduce for first reading and read by title only an ordinance entitled:

ORDINANCE NO.05-16 -AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00357863-PZC TO UPDATE AND CLARIFY THE ZONING CODE AND THE MUNICIPAL CODE AS WELL AS ADDING REGULATIONS FOR RESTAURANTS, "TYPE 47" ALCOHOL BEVERAGE CONTROL LICENSE

Amending Section 2-22-6A. Hearing and Notice as follows:

A. Public Notice shall be required for both public meetings and hearings in accordance with chapter 2-23.

The motion carried as follows:

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

COUNCIL BUSINESS

14. REPORTS

14.1 YOUTH HEALTH AND FITNESS PROGRAM REVIEW (Submitted by Family Services/Community Services)

John A. McAllister, Director of Community Services presented the staff report. Also present were Sheila Driscoll, Community Services Superintendent, and Dr. Sidney L. Gardner, President, Children and Family Futures.

City Council discussion included clarification of percentage of students receiving lunch on the Summer School Nutrition Low-Income Students program vs. regular school year; importance of establishing partnerships in the community to utilize all available resources; continued assistance from Dr. Gardner on the youth health and fitness pilot programs; and extension of pilot program for nutrition for low income students to the regular school cycle if summer school program already funded through other sources by the school district.

ACTION: It was moved by Mayor Krom, seconded by Councilmember Agran, and unanimously carried to:

Direct staff to continue to work with Irvine and Tustin Unified School Districts and other stakeholders utilizing all resources available to:

- create a partnership in the community to formulate a plan to implement youth health and fitness programs including the Summer School Nutrition Low Income Students program or regular school cycle nutrition program; and
- return to the City Council by July 26, 2005, with a status report to identify priority projects.

15. RESOLUTIONS

**15.1 LETTER OF CREDIT REPLACEMENT FOR LEASE REVENUE BONDS
(Submitted by Administrative Services/Fiscal Services)**

Councilmember Agran announced that due to ownership of stock in State Street Bank, he would not be participating in discussion and action on this item. This was deemed to be a true abstention by the City Attorney.

Councilmember Agran left the dais at 11:50 p.m.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried by those members present, to:

Adopt a resolution entitled: **RESOLUTION NO. 05-80 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE SUBSTITUTION OF AN ALTERNATE LETTER OF CREDIT FOR AN EXISTING LETTER OF CREDIT, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REIMBURSEMENT AGREEMENT AUTHORIZING THE EXECUTION AND DELIVERY OF NECESSARY DOCUMENTS, CERTIFICATES AND RELATED ACTIONS IN CONNECTION THEREWITH.**

Councilmember Agran returned to the dais at 11:51 p.m.

ADJOURNMENT

It was moved by Mayor Pro Tempore Kang, seconded by Mayor Krom, and unanimously carried to adjourn the meeting at 12:16 a.m., to a regular meeting to be held on July 12, 2005, 4:00 p.m., at the City of Irvine, City Council Chambers, One Civic Center Plaza, Irvine, California.


MAYOR OF THE CITY OF IRVINE

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

July 12, 2005
DATE APPROVED

