

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

**September 27, 2005**

**CALL TO ORDER**

A regular meeting of the Irvine City Council was called to order on September 27, 2005 at 4:08 p.m., in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California, by Mayor Krom, presiding officer.

**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; Chief Executive Officer Great Park Corporation, Wally Kreutzen; City Attorney, Phil Kohn; Deputy Chief of Police, Dave Mihalik; 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, Susan Dahlgren, City Clerk Specialist, Gail Frueh; and Tom Goodbrand, Sgt. At Arms.

**STUDY SESSION/WORKSHOPS/SCOPING SESSIONS**

**City Contracts Procurement and Management**

Director of Administrative Services, Rick Paikoff, and Tracy Hamilton, Purchasing Agent, presented the staff report and PowerPoint presentation on the City's contract policy.

Council discussion included clarification of fixed price contracts; liquidated damages on construction contracts; changes in policy; the desire to include status of bidding process

in Council reports; concern with accountability; training in administering contracts, and sole source contracts.

**No action taken.**

**RECESS**

Mayor Krom recessed the meeting to Closed Session at 4:51 p.m.

**CLOSED SESSION**

**1. LIABILITY CLAIMS (Pursuant to Government Code Section 54956.95)**

**1.1 Workers' Compensation: Case POM 0284024, Jeremy Birket**

**2. PUBLIC EMPLOYMENT**

**2.1 City Manager and Assistant City Manager Recruitment**

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Krom reconvened the meeting to regular session at 5:18 p.m.

City Attorney Kohn reported that in Closed Session the Council unanimously authorized a settlement proposal on Item No. 1; and no action had been taken on Item No. 2.

**RECESS TO THE IRVINE REDEVELOPMENT AGENCY**

Mayor Krom recessed the meeting to the Redevelopment Agency Meeting at 6:24 p.m.

Please refer to the Irvine Redevelopment Agency Minutes

**RECONVENE TO THE CITY COUNCIL MEETING**

Mayor Krom reconvened the meeting to regular session at 6:36 p.m.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Krom.

## **MOMENT OF SILENCE**

Mayor Krom asked for a moment of silence and reflection on the victims of Hurricanes Katrina and Rita.

## **MUSICAL PRESENTATION**

Mayor Krom introduced students from New Horizon School who preformed "This Land is Your Land."

## **PRESENTATIONS**

- 1) Mayor Krom introduced Patricia Wenskunas, Founder of Crime Survivors, Inc., who presented information on the Second Annual Crime Survivors 5K Walk/Fun Run on October 8, 2005.
- 2) Mayor Krom introduced Community Services Director, John A. McAllister, who introduced Sharon Heider, Open Space Administrator; and Michael O'Connell, Executive Director of the Irvine Ranch Land Reserve Trust, who gave a presentation on the opening of the Northern Sphere Hiking Trail.

Marlan Globerson, Irvine resident, spoke in support of developing hiking trails in the City of Irvine.

## **INTRODUCTIONS**

Acting City Manager Sean Joyce introduced Phil Kohn who will be transitioning to the City Attorney for the City of Irvine.

## **ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

Councilmember Choi gave an update on the appeal to citizens of Irvine in partnership with the Chamber of Commerce to adopt the town of Slidell, Louisiana and help by donating gift cards to the citizens of Slidell as they rebuild. Gift cards will be collected at Irvine City Hall, the Irvine Police Department, all fire stations and the Senior Centers, and sent weekly to Slidell.

## **CITY MANAGERS REPORT**

Acting City Manager Sean Joyce announced that the City of Irvine was named as one of the top 100 Cities in the United States for children and youths by the America Promise Alliance for Youth; and he recognized the Youth Action Team and Community Services staff for their work to help make Irvine so special for children and youths.

## **ADDITIONS AND DELETIONS**

There were none.

## **CONSENT CALENDAR**

**Hearing no objections from other Councilmembers, Mayor Krom removed the following items from the Consent Calendar for separate discussion and action:**

### **8.1 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA**

Councilmember Agran requested his vote on this item be recorded as an abstention due to a potential conflict of interest.

**It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar items 3 through 8.2, with the exception of item as noted above**

## **PUBLIC COMMENTS**

There were none.

## **3. CITY COUNCIL MINUTES**

### **3.1 APPROVAL OF CITY COUNCIL MINUTES**

**ACTION:** Approved the minutes of a special meeting of the Irvine City Council held on September 13, 2005.

## **4. PROCLAMATIONS/COMMENDATIONS/RATIFICATIONS**

### **4.1 PROCLAIMED THE FOLLOWING:**

**ACTION:** Southern California Association of Governments (SCAG) 40th Anniversary, October 28, 2005.

**5. AGREEMENTS**

**5.1 APPROVAL OF QUITCLAIM OF AN UNDERGROUND STORM WATER FACILITY EASEMENT ADJACENT TO TRABUCO ROAD, EAST OF JEFFREY ROAD (PLANNING AREA 9A, WOODBURY)**

**ACTION: DEED NO. 1008** - Approved the Easement Quitclaim Deed and authorized the Mayor to execute and the City Clerk to attest the Easement Quitclaim Deed to the Irvine Community Development Company LLC, subject to the City Attorney approval as to form.

**5.2 APPROVAL OF LICENSE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR PARKS AND PUBLIC RECREATION PURPOSES ON THE NORTH SIDE OF BARRANCA PARKWAY BETWEEN VALLEY OAK AND SAND CANYON AVENUE (PLANNING AREA 12, OAKCREEK)**

**ACTION: CONTRACT NO. 5144** - Approved License Agreement Account Number 3309 between the City of Irvine and Southern California Edison, and authorized the Mayor to execute and the City Clerk to attest said agreement, subject to the City Attorney approval as to form.

**5.3 EXECUTIVE MANAGEMENT CONSULTING SERVICES CONTRACT**

**ACTION: CONTRACT NO. 5126** - Authorized the Acting City Manager to execute an agreement with the Rosenow Spevacek Group, Inc. for executive management consulting services.

**6. ALLOCATION OF FUNDS**

**6.1 USE OF CITY FUNDS FOR AN AFFORDABLE HOUSING PROJECT WITHIN THE IRVINE BUSINESS COMPLEX**

**ACTION:** Adopted a Resolution entitled: **RESOLUTION NO. 05-113** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE REPEALING RESOLUTION 05-37 AND AUTHORIZING AN AFFORDABLE HOUSING DEVELOPMENT LOAN NOT TO EXCEED \$6,040,000 IN CITY FUNDS TO JAMBOREE HOUSING CORPORATION FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHWEST CORNER OF KELVIN AND MURPHY WITHIN THE IRVINE BUSINESS COMPLEX (PA 36)

**7. REPORTS**

**7.1 AFFORDABLE HOUSING STATUS REPORT**

**ACTION:** Received and filed.

**8. RESOLUTIONS**

**8.2 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA**

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 a true abstention by the City Attorney.

**ACTION:** Adopted a Resolution entitled: **RESOLUTION NO. 05-114 - 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.**

**8.3 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopted a Resolution entitled: **RESOLUTION NO. 05-115 - 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.**

**END OF CONSENT CALENDAR**

**COUNCIL BUSINESS**

**ORDINANCES**

**9. SECOND READING OF ORDINANCES**

**9.1 SECOND READING OF ORDINANCE: ZONE CHANGE 00356837-PZC AT 2801 KELVIN IN PLANNING AREA 36**

Councilmember Shea left the dais at 6:50 p.m. due to a potential conflict of interest as a result of business dealings with John Laing Homes.

Councilmember Choi explained that he had been advised that he no longer had a potential conflict of interest on this item, and remained at the dais.

**ACTION: It was moved by Mayor Pro Tempore Kang, seconded by Councilmember Agran, and unanimously carried by those members present to:** Adopt and read by title only an ordinance entitled: **ORDINANCE NO. 05-18 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00356837-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING ON PARCEL 2, AS SHOWN ON A PARCEL MAP FILED IN BOOK 78, PAGES 12 AND 13, FROM 5.1 IBC MULTI-USE TO 5.3C IBC RESIDENTIAL; LOCATED AT THE NORTHEAST CORNER OF JAMBOREE ROAD AND KELVIN AVENUE; PLANNING AREA 36; FILED BY STARPOINTE VENTURES**

Councilmember Shea returned to the dais at 6:53 p.m.

**9.2 SECOND READING OF ORDINANCE: ZONE CHANGE 00350802-PZC APPLICATION TO TRANSFER SQUARE FOOTAGE FROM PLANNING AREAS 13 (SPECTRUM 4) TO 31 (SPECTRUM 6)**

**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. 05-19 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING A NEGATIVE DECLARATION AND APPROVING ZONE CHANGE 00350802-PZC, FOR THE TRANSFER OF 1,713,862 GROSS SQUARE FEET OF DEVELOPMENT INTENSITY FROM PLANNING AREA 13 (SPECTRUM 4) TO PLANNING AREA 31 (SPECTRUM 6)**

**9.3 SECOND READING OF ORDINANCE: ZONE CHANGE 00376674-PZC TO RECONCILE INTENSITY CAPS WITH EXISTING BUILDING DEVELOPMENT, PLANNING AREA 35 (SPECTRUM)**

**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. 05-20 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00376674-PZC TO AMEND ZONING CODE SECTION 9-35-3 TO RECONCILE ZONING CODE INTENSITY CAPS WITH EXISTING BUILDING DEVELOPMENT IN THE COMMUNITY COMMERCIAL, VEHICLE-RELATED COMMERCIAL, AND PUBLIC INSTITUTIONAL ZONES; AND, TO AMEND ZONING CODE SECTION 9-35-5 TO MODIFY THE PLANNING AREA 35 ZONING MAP; AND, TO AMEND ZONING CODE SECTION 1-2-1 TO CLARIFY LAND USE DEFINITIONS RELATED TO VEHICLE LEASING; FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT**

## 10. REPORTS

### 10.1 CITYWIDE RESTRICTIONS ON COMMERCIAL GAMBLING

City Manager Sean Joyce introduced Michael Haack, Manager of Development Services, and Bill Jacobs, Principal Planner, who presented the staff report and answered Council questions.

Council discussion included concern with internet gambling; need to update the City code very specifically; vulnerability of the City in light of future proposals like Proposition 68 and 70; and concern with commercial gambling in the City of Irvine.

**ACTION: By consensus**, the Council directed staff to review language in the existing codes and return within 45 days with an update and clarification on changes needed.

### 10.2 ESTABLISHMENT OF AN AD HOC LIBRARY TASK FORCE

City Manager Sean Joyce introduced Dan Jung, Executive Assistant to the City Manager, who presented the staff report and answered Council questions.

Council discussion included concern with funding source; need for more information before a consultant is hired; clarification of current agreement with the County for the library system; and timeline for completion of the Wheeler Library in north Irvine.

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

- 1) Appoint Councilmember Choi and Councilmember Shea as two members of the City Council to participate on the Ad Hoc Library Task Force.
- 2) Appoint Councilmember Choi as Chairperson to the Ad Hoc Library Task Force.
- 3) Authorize the City Council to each select a member at-large to participate on the Ad Hoc Library Task Force.
- 4) Direct staff to develop a position paper and return after six meetings of the task force with an update on their findings.

**10.3 DELEGATION TO XUHUI DISTRICT, SHANGHAI, CHINA FOR THE PURPOSE OF ESTABLISHING A SISTER CITY RELATIONSHIP**

Acting City Manager Sean Joyce introduced Dan Jung, Executive Assistant to the City Manager, and Valerie Larenne, Community Partnerships Administrator, who presented the staff report and answered Council questions.

Council discussion included criteria used to select a Sister City and the rapport established with Xuhui and its leaders.

Tim Cheng, Irvine resident and member of the Community Services Commission, spoke in support of Xuhui becoming an Irvine Sister City.

Jim Dunning, President of the Irvine Sister Cities Foundation, spoke in support of this project.

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

- 1) Designate Mayor Pro Tempore Kang and Councilmember Agran as members of the Irvine City Council to participate as delegates in a fact-finding mission to the Xuhui District of the City of Shanghai, China for the purpose of establishing a Sister City relationship.
- 2) Approved a budget adjustment to allocate \$8,000 to the City Manager's operating budget from the City's Fiscal Year 2005-2006 Strategic Surplus Fund to cover costs associated with this effort.

**11. PUBLIC HEARINGS**

**11.1 PUBLIC HEARING: ZONE CHANGE APPLICATION TO AMEND PORTIONS OF THE CITY'S ZONING ORDINANCE TO ALLOW AUTOMATIC UPDATES OF THE IRVINE BUSINESS COMPLEX DEVELOPER FEES TO OCCUR ANNUALLY**

Mayor Krom declared the public hearing open at 9:17 p.m.

City Manager Sean Joyce introduced Director of Public Works and Jon Toolson, Project Development Administrator, who presented the staff report and answered Council questions.

Council discussion included difference between the current and proposed fee schedule and clarification on the California Construction Cost Index.

**ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to close the public hearing at 9:21 p.m.**

**ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to:** Introduce for the first reading and read by title only and ordinance entitled: **ORDINANCE NO. 05-21 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00391805-PZC TO ALLOW AUTOMATIC ANNUAL UPDATES OF THE IRVINE BUSINESS COMPLEX (IBC) DEVELOPMENT FEES**

**11.2 PUBLIC HEARING: GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR CAMPUS CENTER APARTMENTS EXPANSION IN PLANNING AREA 36 (Continued from the meeting of September 13, 2005.)**

Mayor Krom declared the public hearing reopened at 9:23 p.m.

City Manager Sean Joyce introduced Michael Haack, Manager of Development Services; Tim Gehrich, Principal Planner; and Pam Davis, Senior Planner; who presented the staff report and answered Council questions.

Council discussion included response from Newport Beach; approval by the Airport Land Use Commission; and clarification on using the original E.I.R. on this project.

Tim Strader, Jr., Starpoint Ventures, spoke in support of the project.

**ACTION: It was moved by Councilmember Shea, seconded by Mayor Krom, and unanimously carried to close the public hearing at 9:56 p.m.**

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

- 1) Adopt a resolution entitled: **RESOLUTION NO. 05-116 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE ENVIRONMENTAL ADDENDUM AND APPROVING GENERAL PLAN AMENDMENT 00367059-PGA FOR CAMPUS CENTER APARTMENTS EXPANSION LOCATED AT THE SOUTHEAST CORNER OF SCHOLARSHIP ROAD AND DIPLOMA; PLANNING AREA 36; FILED BY STARPOINTE VENTURES**

- 2) Introduce for first reading and read by title only an ordinance entitled: **ORDINANCE NO. 05-22 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00367058-PZC TO CHANGE THE ZONING ON LOT 4 OF TRACT 16843 FROM 5.1 IBC MULTI-USE TO 5.3C IBC RESIDENTIAL; AND REVISE THE PLANNING AREA INTENSITY LIMITS LOCATED AT THE SOUTHEAST CORNER OF SCHOLARSHIP AND DIPLOMA; PLANNING AREA 36; FILED BY STARPOINTE VENTURES**

**11.3 PUBLIC HEARING: GENERAL PLAN AMENDMENT AND ZONE CHANGE IN PLANNING AREA 36, 2201 MARTIN; FILED BY KB HOME COASTAL (Continued from the meeting of September 13, 2005)**

Mayor Krom opened the public hearing at 9:58 p.m.

Acting City Manager Sean Joyce introduced Michael Haack, Manager of Development Services; Tim Gehrich, Principal Planner; Mike Weiss, Senior Management Analyst; and Pat Fierro, Community Services Superintendent; who presented the staff report and answered Council questions.

Council discussion included clarification on strategy for developing park lands and funding strategies.

Eric Rubery, Sapetto Group, Inc., spoke in support of the project.

**ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried to close the public hearing at 10:11 p.m.**

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

- 1) Adopt a resolution entitled: **RESOLUTION NO. 05-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING AN ADDENDUM TO THE IBC ENVIRONMENTAL IMPACT REPORT AND APPROVING GENERAL PLAN AMENDMENT 00377768-PGA TO AMEND LAND USE TABLE A-1 OF THE GENERAL PLAN FOR THE 2201 MARTIN RESIDENTIAL PROJECT; LOCATED AT THE NORTHWEST CORNER OF MARTIN AND DOUGLAS; PLANNING AREA 36; FILED BY KB HOME COASTAL**
- 2) Introduce for first reading and read by title only an ordinance entitled: **ORDINANCE NO. 05-23 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00377769-PZC TO**

REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING ON LOT 2 OF TRACT 8299, AS SHOWN ON MAP FILED IN BOOK 340, PAGES 44 TO 47, FROM 5.1 IBC MULTI-USE TO 5.3A IBC RESIDENTIAL; LOCATED AT THE NORTHWEST CORNER OF MARTIN AND DOUGLAS; PLANNING AREA 36; FILED BY KB HOME COASTAL

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS**

Holly Fischer, Matt Joanou, and Kaitlin Merkt, Drum Majors from Irvine and Woodbridge High Schools, spoke on the Irvine Invitational Field Show Tournament to be held on Saturday, October 22 at Irvine High School Stadium; and invited the public and Councilmembers to attend.

Dave Melvold, Irvine resident, spoke on the Senior Council election and the need for a Senior Center in north Irvine.

Ann Watt, Newport Beach resident, spoke on the importance of national relief planning and retaining access to El Toro runways to be used in an emergency.

**ADJOURNMENT**

**It was moved by Mayor Pro Tempore Kang, seconded by Mayor Krom, and unanimously carried to adjourn the meeting at 10:13 p.m. to a CITY COUNCIL REGULAR meeting, October 11, 2005, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.**

  
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MAYOR OF THE CITY OF IRVINE

ATTEST:

  
\_\_\_\_\_  
CITY CLERK OF THE CITY OF IRVINE

October 11, 2005  
\_\_\_\_\_  
DATE APPROVED