

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

December 13, 2005

CALL TO ORDER

Mayor Krom, presiding officer, called a regular meeting of the Irvine City Council to order on December 13, 2005 at 4:07 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

Also present were Acting City Manager, Sean Joyce; City Attorney, Joel Kuperberg; City Attorney, Phil Kohn; Director of Public Safety/Chief of Police, 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 Michael Tu, Sgt. At Arms.

RECESS TO THE IRVINE REDEVELOPMENT AGENCY

Mayor Krom recessed the meeting to the Irvine Redevelopment Agency at 4:08 p.m.

Please see Irvine Redevelopment Agency Minutes.

RECONVENE TO THE CITY COUNCIL MEETING

*Mayor Krom reconvened the meeting to regular session at 4:12 p.m. (Please see Consent Calendar for action taken prior to the 5:00 p.m. session)

RECESS

Mayor Krom recessed the meeting 4:32 p.m.

RECONVENE

Mayor Krom reconvened the meeting to regular session at 5:06 p.m.

CITY COUNCIL REORGANIZATION

Selection of Mayor Pro Tempore – This item was continued to the meeting of January 10, 2006.

PLEDGE OF ALLEGIANCE

Councilmember Choi led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence.

MUSICAL PRESENTATION

Mayor Krom introduced the Irvine Chinese Chorus, led by Conductor and Director Ming-I Chen, who performed "A Night-Mooring Near Maple Bridge," a Chinese song based on a poem from Tang Dynasty, and "White Christmas."

PRESENTATIONS

- 1) Mayor Krom recognized out-going City Attorney Joel Kuperberg.
- 2) Bob Ring, Treasurer of the Laguna Canyon Foundation recognized out-going Board Member Larry Agran and in-coming Board Member Beth Krom.

- 3) Mayor Krom introduced Jamoa Moberly, Judge from the Orange County Superior Court, Harbor Justice Center, who made an announcement regarding the Orange County Grand Jury Recruitment Drive.

INTRODUCTIONS

Mayor Krom introduced newly appointed City Attorney Phil Kohn who made brief remarks regarding his appointment.

CITY MANAGERS REPORT

There was no City Manager's report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Shea reported that a decision would be made soon on three final design teams for the Orange County Great Park. She also encouraged citizens to visit the Orange County Great Park web site to view videos of the meetings and recent trips.

Mayor Krom announced various programs available for citizens to contribute to those less fortunate during the holiday season.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

***CONSENT CALENDAR**

Hearing no objections from other Councilmember's, Mayor Krom removed the following item from the Consent Calendar for separate discussion and action:

4.3 ADOPTION OF RESOLUTION APPOINTING LEGAL REPRESENTATIVES FOR THE CITY OF IRVINE

ACTION: It was moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea, and unanimously carried to approve Consent Calendar items 1 through 4.5, with the exception of Item No. 4.3, as noted above.

PUBLIC COMMENTS

There was no public comment on Consent Calendar items.

1. CITY COUNCIL MINUTES

1.1 APPROVAL OF CITY COUNCIL MINUTES

ACTION:

- 1) Approved the minutes of an adjourned regular meeting of the City Council held on November 22, 2005.
- 2) Approved the minutes of an adjourned regular meeting of the City Council held on November 29, 2005.

2. AGREEMENTS

2.1 EXTENSION OF TIME: CONCRETE RECYCLING AGREEMENT

ACTION: CONTRACT NO. 5186 - Approved second letter agreement between the City of Irvine and Heritage Fields, LLC, extending the date for completion of a concrete recycling agreement until April 30, 2006.

2.2 APPROVAL OF MAP, BOND, AND AGREEMENT, FOR TRACT MAP NO. 16854 (PLANNING AREA 6, PORTOLA SPRINGS)

ACTION:

- 1) Approved Tract Map No. 16854.
- 2) Approved the agreement and accepted the security from KB Homes Coastal Inc., guaranteeing survey monumentation for Tract Map No. 16854 and authorized the Mayor to execute the agreement and the City Clerk to attest to the agreement subject to City Attorney approval as to form.
- 3) Accepted the dedication of easements for emergency access and public service vehicle ingress and egress purposes as shown on the map.

2.3 APPROVAL OF MAP, BOND, AND AGREEMENT, FOR TRACT MAP NO. 16898 (PLANNING AREA 6, PORTOLA SPRINGS)

ACTION:

- 1) Approved Tract Map No. 16898.
- 2) Approved the agreement and accepted the security from William Lyon Homes, Inc., a California corporation, guaranteeing survey monumentation for Tract Map No. 16898 and authorized the Mayor to execute the agreement and the City Clerk to attest to the agreement subject to City Attorney approval as to form.
- 3) Accepted the dedication of easement for emergency access and public service vehicle ingress and egress purposes as shown on the map.

2.4 APPROVAL OF MAP, BOND, AND AGREEMENT, FOR TRACT MAP NO. 16899 (PLANNING AREA 6, PORTOLA SPRINGS)

ACTION:

- 1) Approved Tract Map No. 16899.
- 2) Approved the agreement and accepted the security from William Lyon Homes, Inc., guaranteeing survey monumentation for Tract Map No. 16899 and authorized the Mayor to execute the agreement and the City Clerk to attest to the agreement subject to City Attorney approval as to form.
- 3) Accepted the dedication of easements for emergency access and public service vehicle ingress and egress purposes as shown on the map.

2.5 APPROVAL OF MAP, BONDS, AND AGREEMENTS, FOR TRACT MAP NO. 16928 (PLANNING AREA 9A, WOODBURY)

ACTION:

- 1) Approved Tract Map No. 16928.
- 2) Approved the agreements and accepted the security from Irvine Community Development Company LLC, guaranteeing street improvements and survey monuments for Tract Map No. 16928 and authorized the Mayor to sign the agreements and the City Clerk to attest to the agreements subject to City Attorney approval as to form.

- 3) Accepted the dedication of an easement for public street and public utility purposes within Tract Map No. 16928 for the following street right-of-way: Great Lawn, Long Fellow, Twin Gables, and Mapleton.
- 4) Accepted the dedication of an easement for emergency access and public service vehicle ingress and egress purposes as shown on the map.
- 5) Accepted the dedication of an easements sidewalk, access and public utility purposes as shown on the map.
- 6) Accepted the dedication of easements for sidewalk, access and public utility purposes as shown on the map.
- 7) Adopted a resolution entitled: **RESOLUTION NO. 05-142 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACCEPTING THE STREETS NAMED: GREAT LAWN, LONG FELLOW, TWIN GABLES, AND MAPLETON, WITHIN TRACT MAP NO. 16928 INTO THE SYSTEM OF CITY STREETS**

2.6 APPROVAL OF MAP, BOND, AND AGREEMENT, FOR TRACT MAP NO. 16948 (PLANNING AREA 36, IRVINE BUSINESS COMPLEX)

ACTION:

- 1) Approved Tract Map No. 16948.
- 2) Approved the agreement and accepted the security from OT Campus, LLC, and guaranteeing installation of survey monuments for Tract Map No. 16948 and authorized the Mayor to sign the agreement and the City Clerk to attest to the agreement subject to City Attorney approval as to form.

2.7 APPROVAL OF MAP, BONDS, AND AGREEMENTS, FOR TRACT MAP NO. 16653 (PLANNING AREA 9A, WOODBURY)

ACTION:

- 1) Approved Tract Map No. 16653.
- 2) Approved the agreements and accepted the security from Irvine Community Development Company LLC, guaranteeing street improvements and survey monuments for Tract Map No. 16653 and authorize the Mayor to sign and the City Clerk to attest to the agreements subject to City Attorney approval as to form.

- 3) Accepted the dedication of an easement for public street and public utility purposes within Tract Map No. 16653 for the following street right-of-way: Clocktower, Constantine, Honeyrose, Mapleton, Navigator, Rolling Green, Royal Grove, Skyward, Statuary, and Tall Cedars.
- 4) Accepted the dedication of an easement for storm drain, sidewalk access and public utility purposes as shown on the map.
- 5) Adopted a resolution entitled: **RESOLUTION NO. 05-143** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACCEPTING THE STREETS NAMED: CLOCKTOWER, CONSTANTINE, HONEYROSE, MAPLETON, NAVIGATOR, ROLLING GREEN, ROYAL GROVE, SKYWARD, STATUARY, AND TALL CEDARS, WITHIN TRACT MAP NO. 16653 INTO THE SYSTEM OF CITY STREETS.

2.8 AMENDMENT NO. 11 TO MASTER FUNDING AGREEMENT NO. C-95-976 FOR THE COMBINED TRANSPORTATION FUNDING PROGRAM

ACTION: **CONTRACT NO. 3130K** - Approved Amendment No. 11 to Master Funding Agreement No. C-95-976 and authorized the Mayor to sign and the City Clerk to attest the amendment subject to City Attorney approval as to form.

3. REPORTS

3.1 TREASURER'S REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2005

ACTION: Received and filed the Treasurer's Report for the Quarter Ended September 30, 2005.

3.2 FISCAL YEAR 2005/06 THROUGH 2009/10 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 05-144** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING THAT THE CITY OF IRVINE HAS THE RESOURCES TO FUND THE PROJECTS SUBMITTED FOR INCLUSION IN THE FY 2005/06 THROUGH 2009/10 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMING ITS COMMITMENT TO IMPLEMENT ALL OF THE PROJECTS SUBMITTED IN THE PROGRAM

3.3 LAGUNA CANYON ROAD/I-405 OVERCROSSING WIDENING PROJECT

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 05-145 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE PROJECT REPORT/PROJECT STUDY REPORT FOR THE LAGUNA CANYON ROAD/I-405 OVERCROSSING WIDENING PROJECT**

4. RESOLUTIONS

4.1 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 05-146 - 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.**

4.2 TEMPORARY SUPPLEMENTAL MILITARY LEAVE BENEFITS FOR CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY AS A RESULT OF THE WAR ON TERRORISM

ACTION: Adopted a Resolution entitled: **RESOLUTION NO. 05-147 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CONTINUING AND AMENDING TEMPORARY SUPPLEMENTAL MILITARY BENEFITS, EFFECTIVE JANUARY 1, 2006, FOR FULL-TIME CITY EMPLOYEES CALLED INTO ACTIVE MILITARY DUTY AS A RESULT OF THE WAR ON TERRORISM**

4.3 ADOPTION OF RESOLUTION APPOINTING LEGAL REPRESENTATIVES FOR THE CITY OF IRVINE

This item was removed from the Consent Calendar at the request of Councilmember Shea who requested this item be continued to a later date

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

Adopt a resolution entitled: **RESOLUTION NO. 05-148 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPOINTING THE LEGAL REPRESENTATIVES OF THE CITY (REPEALING CITY COUNCIL RESOLUTION NO. 92-51)**

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Kang, and Krom

NOES: 1 COUNCILMEMBERS: Shea

ABSENT: 0 COUNCILMEMBERS: None

4.4 IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2005

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 05-149 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE RECEIVING, ACCEPTING, AND FILING THE IRVINE REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR 2004-05 FOR THE ORANGE COUNTY GREAT PARK REDEVELOPMENT PROJECT AREA**

4.5 REIMBURSEMENT OF CAPITAL IMPROVEMENT ACQUISITION AND CONSTRUCTION EXPENDITURES

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 05-150 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS**

END OF CONSENT CALENDAR

COUNCIL BUSINESS

ORDINANCES

5. SECOND READING OF ORDINANCES

5.1 SECOND READING OF ORDINANCE: REVISION TO POSTED SPEED LIMITS ON IRVINE STREETS

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. 05-26 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE TO: 1) DETERMINE AND DECLARE PRIMA FACIE SPEED LIMITS ON VARIOUS STREETS WITHIN THE CITY OF IRVINE, AND 2) OFFICIALLY ESTABLISH THESE DECLARATIONS THROUGH AN AMENDMENT TO THE "CITY OF IRVINE ENGINEERING AND TRAFFIC SURVEYS FOR SPEED LIMITS," AS MAINTAINED BY THE CITY TRAFFIC ENGINEER AS THE OFFICIAL DOCUMENTATION OF DECLARED PRIMA FACIE SPEED LIMITS**

6. PUBLIC HEARINGS

6.1 PUBLIC HEARING: GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PLAZA-IRVINE, PHASES III AND IV PLANNING AREA 36

Mayor Krom opened the public hearing at 5:39 p.m.

Pam Davis, Senior Planner presented the staff report.

City Council discussion included clarification of ramifications of overriding the Airport Land Use Commission's finding of inconsistency with the Airport Environs Land Use Plan of the project; and clarification that the concerns noted by the City of Newport Beach have been addressed.

ACTION: At 5:50 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:

- 1) Adopt a resolution entitled: **RESOLUTION NO. 05-151** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING ADDENDUM TO ENVIRONMENTAL IMPACT REPORT 88-ER-0087, APPROVING GENERAL PLAN AMENDMENT 0037059-PGA (FORMERLY 0037848-PGA) AND ADOPTING FINDINGS TO OVERRIDE THE AIRPORT LAND USE COMMISSION DETERMINATION OF INCONSISTENCY FOR PLAZA- IRVINE PHASES II-IV; LOCATED AT THE SOUTHEAST CORNER OF JAMBOREE 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. 05-27** - ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING ADDENDUM TO ENVIRONMENTAL IMPACT REPORT 88-ER-0087 AND APPROVING ZONE CHANGE 00367058-PZC (FORMERLY 00372849-PZC) TO CHANGE THE ZONING ON LOT 1 OF TRACT 16843 FROM 5.1 IBC MULTI-USE TO 5.0 IBC RESIDENTIAL; AND REVISE THE PLANNING AREA INTENSITY LIMITS FOR PLAZA - IRVINE PHASES III-IV LOCATED AT THE SOUTHEAST CORNER OF JAMBOREE ROAD AND DIPLOMA; PLANNING AREA 36; FILED BY STARPOINTE VENTURES

6.2 PUBLIC HEARING: GENERAL PLAN AMENDMENT AND ZONE CHANGE, PLANNING AREA 10; FILED BY PIRZADEH AND ASSOCIATES

Mayor Krom opened the public hearing at 5:52 p.m.

Tim Gehrich, Principal Planner, and Hernan DeSantos, Associate Planner, presented the staff report.

Aric Gless, Irvine resident, noted concern with the traffic study and the impact traffic will have in the proposed project area.

Nancy LaPorte, Irvine resident, noted concern with the traffic study used to determine traffic impacts in the proposed project area.

Michael LeBlanc, The Irvine Company, spoke to the proposed project.

City Council discussion included clarification of traffic mitigation; clarification that the traffic use has been reduced for the proposed project; increase in building intensity standard and future ability to modify intensity if necessity to mitigate is determined; need to facilitate a meeting to solicit residents input relative to traffic circulation in the proposed project area; clarification of measures to be taken to improve the traffic circulation at build out; clarification of adjustments to signalized intersections; necessity to establish a short term plan to mitigate the traffic in the interim of the completion of the project; and direction to staff to assemble a planning and transportation management team to explore ways to improve the traffic circulation in the proposed project area.

ACTION: At 6:46 p.m., it was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried, to close the public hearing.

It was moved by Councilmember Choi to:

Deny the project as presented.

The motion failed due to lack of a second.

ACTION: It was moved by Councilmember Agran, seconded by Councilmember Shea, to:

- 1) Adopt a resolution entitled: **RESOLUTION NO. 05-152 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00387622-PGA TO UPDATE FIGURE A-3, LAND USE EXHIBIT, AND REVISE TABLE A-2, NON-REGULATORY MAXIMUM INTENSITY STANDARDS; LAND USE ACREAGE BY PLANNING AREA, OF THE GENERAL PLAN; ; PLANNING AREA 10; FILED BY PIRZADEH AND ASSOCIATES ON BEHALF OF THE IRVINE COMPANY**
- 2) Introduce for first reading and read by title only an ordinance entitled: **ORDINANCE NO. 05-28 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING A ZONE CHANGE 00387627-PZC TO CHANGE THE 4.2E COMMUNITY COMMERCIAL ZONING DISTRICT LOCATED EAST OF JAMBOREE ROAD TO 5.5B MEDICAL AND SCIENCE AND TO INCREASE THE BUILDING INTENSITY STANDARD FOR THE 5.5B MEDICAL AND SCIENCE ZONING DISTRICT FROM 632,949 SQUARE FEET TO 782,000 SQUARE FEET; LOCATED EAST OF JAMBOREE ROAD (FORMER HOMEFINDING CENTER SITE), PLANNING AREA 10; FILED BY PIRZADEH AND ASSOCIATES ON BEHALF OF THE IRVINE COMPANY**

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Kang, Shea and Krom

NOES: 1 COUNCILMEMBERS: Choi

ABSENT: 0 COUNCILMEMBERS: None

6.3 PUBLIC HEARING: ZONE CHANGE TO ALLOW WINDOWS/ OPENINGS ON ZERO LOT LINE PROPERTIES WITH AND WITHOUT EASEMENTS, AND ON NON-ZERO LOT LINE PROPERTIES WITH EASEMENTS

Mayor Krom opened the public hearing at 6:53 p.m.

John Ernst, Principal Planner, presented the staff report.

The following individuals spoke in support of staff recommendation to eliminate restrictions on the placement of openings/windows on residential zero lot line properties with and without easements:

Brian Sher, Irvine resident;

Hossein Nabaii, Irvine resident;

Tom Van Luchene, Irvine resident; and

Shirley Reece, Irvine resident.

City Council discussion included clarification of current language as it relates to zero lot line properties; clarification of restrictions that exist relative to fire and safety codes and building on zero lot lines; and whether restrictions exist limiting building on zero lot lines.

ACTION: At 7:17 p.m., it was moved by Mayor Pro Tempore Kang, seconded by Mayor Krom, and unanimously carried, to close the public hearing.

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

Introduce for first reading and read by title only an ordinance entitled: **ORDINANCE NO. 05-29 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00401999-PZC REPEALING SECTION 3-27-2.A.4 OF THE ZONING CODE ELIMINATING RESTRICTIONS ON THE PLACEMENT OF OPENINGS/WINDOWS ON RESIDENTIAL ZERO LOT LINE PROPERTIES WITH AND WITHOUT EASEMENTS AND ON NON-ZERO LOT LINE PROPERTIES WITH EASEMENTS FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT**

7. REPORTS

7.1 ADOPTION OF RULES OF ETHICAL AND OPEN GOVERNANCE AND CODE OF ETHICS/LOBBYING REGULATIONS

Dan Jung, Executive Assistant to the City Manager, presented the staff report.

City Council discussion included clarification on the content of memorandum prepared by the City Attorney regarding the proposed Code of Ethics/Lobbying regulations.

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

Direct that the confidentiality of the memorandum prepared by City Attorney, dated December 8, 2005, regarding Proposed Code of Ethics be waived and made available to the public.

RECESS

Mayor Krom recessed the meeting at 8:21 p.m.

RECONVENE

Mayor Krom reconvened the meeting at 8:45 p.m.

It was moved by Mayor Krom, seconded by Councilmember Agran, to:

Adopt a resolution entitled: RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE RULES OF ETHICAL AND OPEN GOVERNANCE

Introduce for first reading and read by title only an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE IRVINE MUNICIPAL CODE BY ADDING NEW DIVISION 6 TO TITLE 1 RELATING TO THE ADOPTION OF A CODE OF ETHICS, AND AMENDING CERTAIN PORTIONS OF TITLE 1 OF THE IRVINE MUNICIPAL CODE RELATING TO OPEN GOVERNANCE PROVISIONS (COMMITTEE ASSIGNMENTS, AUDIT OF THE CITY CONTRACTS, AND DIVISION OF COUNCIL VOTES)

And

Introduce for first reading and read by title only and ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE IRVINE MUNICIPAL CODE BY ADDING NEW DIVISION 7 TO TITLE 1 RELATING TO THE REGULATION OF LOBBYING ACTIVITIES

Gary Sheridan, Irvine resident, spoke in support of the proposed Ethics ordinance.

The following individuals spoke in opposition to the provision relative to outside employment of elected officials as it relates to lobbying:

Adam Probolsky, Planning Commissioner;

Greg Smith, Irvine resident;

Mitch Goldstone, Irvine resident; and

Ray Quigley, Irvine resident.

David Harvey, Irvine resident, spoke to section 1-6-103 of the proposed ethics ordinance

Additional City Council discussion included outside employment by City Councilmembers and Council Executive Assistants; constitutionality of the proposed ordinance and in particular Section 1-6-104; clarification of enforcement provisions as they relate to complaints against officials; exemption of newspapers from the Lobbying Regulations Ordinances; and direction to staff to revise the "Incompatible employment or service" Section 1-6-104 to include modifications relative to limiting lobbying before a local agency or special district located in the County of Orange,

exempting in-house lobbying on behalf of an employer, clarifying the definition of "lobbying," and establishing an effective date of January 1, 2007 for this provision.

An amended motion was moved by Mayor Pro Tempore Kang to:

Establish the effective date of Section 1-6-104 of the proposed Code of Ethics Ordinance as January 1, 2007.

Discussion to establish an effective date of January 1, 2007, for Section 1-6-104 of the proposed Code of Ethics Ordinance was continued to the January 10, 2006, City Council Meeting.

An amended motion was moved by Councilmember Choi, seconded by Councilmember Shea, to:

Delete section 1-6-104 in its entirety from the proposed Code of Ethics Ordinance.

Councilmember Choi withdrew the amended motion, the second to the motion consented to the withdrawal.

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

- 2) Continue "Adoption of Rules of Ethical and Open Governance and Code of Ethics/Lobbying Regulations" to the meeting of January 10, 2006.

7.2 CITY COUNCIL POLICY AND PROCEDURES MANUAL (Continued from the meeting of November 29, 2005)

ACTION: By consensus, the City Council:

Continued this item to the meeting of January 10, 2006.

8. LEGISLATIVE ISSUES

8.1 DISCUSSION OF ASSEMBLY BILL 770 AND SENATE BILL 551

ACTION: By consensus, the City Council:

Continued this item to the meeting of January 10, 2006.

9. RESOLUTIONS

9.1 CITY OF IRVINE GREEN BUILDING PROGRAM

Marty Bryant, Director of Public Works, and Marcia Beckett-Klosterman, Assistant to the City Manager and Walker Wells, Consultant – Global Green, presented the staff report.

Tom Grable, Building Industry Association, 2006 President of the Orange County Chapter, spoke in support of the Green Building Program.

Michael LeBlanc, The Irvine Company, spoke in support of the Green Building Program.

Chandra Krout, Mission Viejo Planning Commissioner, spoke in support of the Green Building Program.

Robert Tumalo, Lennar Homes, spoke in support of the Green Building Program.

City Council discussion included clarification of guidelines used to establish a foundation for the City's Green Building Program; working with utility companies to provide incentive programs; types of energy saving windows; whether provisions exist for solar energy in the Green Building Program; inclusion of recycling bins at local shopping centers; incorporating termite shields around framing; costs to implement program locally; and need to present an annual review on the progress on the program.

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

- 1) Adopt a resolution entitled: **RESOLUTION NO. 05-153- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ADOPTION OF A CITY OF IRVINE MUNICIPAL FACILITIES GREEN BUILDING PROGRAM**
- 2) Adopt a resolution entitled: **RESOLUTION NO. 05-154 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY TO ADOPT A CITY OF IRVINE GREEN HOMES PROGRAM**
- 3) Direct staff to continue with program development including incentive packages and marketing/educational materials.

END COUNCIL BUSINESS

PUBLIC COMMENTS

There were none.

ADJOURNMENT

It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to adjourn the meeting at 11:22 p.m. to a City Council regular meeting, January 10, 2006, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.



MAYOR OF THE CITY OF IRVINE

ATTEST:



DEPUTY CITY CLERK OF THE CITY OF IRVINE

January 10, 2006

DATE APPROVED