

MINUTES
CITY COUNCIL
REGULAR MEETING
September 26, 2006
City Council Chamber
One Civic Center Plaza

ROLL CALL – 4:04 p.m.

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Christina Shea
		Mayor Pro Tem:	Sukhee Kang
		Mayor:	Beth Krom

ROLL CALL

1. STUDY SESSION

1.1 ASSEMBLY BILL 2987 (NUNEZ) DIGITAL INFRASTRUCTURE AND COMPETITION ACT OF 2006

Bill Marticorena, Deputy City Attorney, gave a PowerPoint presentation and answered Council questions.

No action was taken.

RECESS

Mayor Krom recessed the meeting at 4:52 p.m., and reconvened at 5:58 p.m.

2. CLOSED SESSION

- 2.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION;
Government Code Section 54956.9 (a)**
- (1) Cox Com, Inc. v. City of Irvine (Case No. SACV 05-1240-JVS)**
 - (2) ADDED – Allergan, Inc. v. City of Irvine (Case No. 06 CC00172)**
 - (3) ADDED – Deft, Inc, v. City of Irvine (Case No. 06 CC00171)**

City Attorney, Phil Kohn, announced that no action was taken during the Closed Session.

3. CONSENT CALENDAR

The following item was removed from the Consent Calendar for separate discussion:

3.14 AMENDMENT TO THE METROPOLITIAN CONDOMINIUMS AFFORDABILITY COVENANT GRANT DEED

ACTION: Moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.16, with the exception of item as noted above.

3.1 MINUTES

ACTION:

- 1) Approved the minutes of a special meeting of the City Council held on September 12, 2006.
- 2) Approved the minutes of a regular meeting of the City Council held on September 12, 2006.

3.2 COMMENDATIONS

ACTION: Commended Christ Our Redeemer AME Church for their service to the City of Irvine.

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted **RESOLUTION NO. 06-120 - 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**

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopt **RESOLUTION NO. 06-121- 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 MASTER AGREEMENT FOR STATE FUNDED TRANSIT PROJECTS

ACTION:

- 1) Adopt **RESOLUTION NO. 06-122** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE EXECUTION OF A MASTER AGREEMENT AND PROGRAM SUPPLEMENTS FOR STATE-FUNDED TRANSIT PROJECTS
- 2) Authorized staff to receive and deposit State funds covered by the Master Agreement into adopted Capital Improvement Project budgets.

3.6 AMENDMENT OF APPENDIX A OF THE CITY'S CONFLICT OF INTEREST CODE

ACTION: Adopted **RESOLUTION NO. 06-123** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING APPENDIX A OF IRVINE CITY COUNCIL RESOLUTION NO. 05-139 PERTAINING TO IRVINE'S CONFLICT OF INTEREST CODE

3.7 COOPERATIVE AGREEMENT WITH CALTRANS FOR THE LAGUNA CANYON ROAD (SR-133) IMPROVEMENT PROJECT

ACTION:

- 1) Adopted **RESOLUTION NO. 06-124** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE COOPERATIVE AGREEMENT BETWEEN CALTRANS AND THE CITY OF IRVINE FOR THE LAGUNA CANYON ROAD (SR-133) IMPROVEMENT PROJECT
- 2) Authorized the Mayor to execute District Agreement No. 12-557 with Caltrans for the Laguna Canyon Road (SR-133) Improvement Project. (**Contract No. 5368**)

3.8 TREASURER'S ANNUAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2006

ACTION: Received and filed the Treasurer's Annual Report for the Fiscal Year Ended June 30, 2006.

3.9 AMENDMENT TO APPLICATION FOR STATE FUNDS FOR THE WORKFORCE HOUSING REWARD PROGRAM

ACTION: Adopted **RESOLUTION NO. 06-125** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE

AUTHORIZING THE CITY TO SUBMIT AN AMENDED RESOLUTION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IDENTIFYING AN INCREASE IN ITS WORKFORCE HOUSING REWARD

3.10 OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT

ACTION:

- 1) Accepted an Office of Traffic Safety Selective Traffic Enforcement Program grant award in the amount of \$257,692.
- 2) Approved a budget adjustment request form in the amount of \$257,692, reflecting \$257,692 in revenues and appropriations.

3.11 NOMINATION OF THE POLICE CHIEF FOR REAPPOINTMENT TO THE ORANGE COUNTY HUMAN RELATIONS COMMISSION

ACTION: Nominated Police Chief David L. Maggard, Jr., for reappointment to the Orange County Human Relations Commission as 3rd District Commissioner.

3.12 JEFFREY/WALNUT INTERSECTION IMPROVEMENT PROJECT (CIP 314240)

ACTION: Adopted **RESOLUTION NO. 06-126 - A** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE PROJECT REPORT AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION FOR THE JEFFREY/WALNUT INTERSECTION IMPROVEMENT PROJECT

3.13 ACCESS AGREEMENT WITH THE COUNTY OF ORANGE FOR WATER QUALITY TESTING WITHIN THE WARNER CHANNEL

ACTION: Authorized the Mayor to execute Access Agreement D06-073 with the County of Orange for water quality testing within the Warner Channel in the City of Irvine. **(Contract No. 5369)**

3.14 AMENDMENT TO THE METROPOLITAN CONDOMINIUMS AFFORDABILITY COVENANT GRANT DEED

This item was removed from the Consent Calendar for the public to speak. The following individuals spoke on this item: Pam O'Neill, Chrystal Sims, and Sue Lau.

Council discussion included clarification on presentation provided by Jamboree Housing on July 25, concern with delay in continuing this item,

and direction to the City Manager to brief the Council on the latest information before item returns to Council.

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

Continue public hearing to October 24, 2006.

3.15 ORDINANCE NO. 06-16, AMENDING SECTION 2-9-704 OF THE IRVINE MUNICIPAL CODE RELATING TO THE CITY'S UTILITY USER'S TAX

ACTION: Read by title only and adopted **ORDINANCE NO. 06-16 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING SECTION 2-9-704 OF THE IRVINE MUNICIPAL CODE RELATING TO THE CITY'S UTILITY USER'S TAX**

3.16 ORDINANCE NO. 06-17, ZONE CHANGE 00387433-PZC FOR THE LAMBERT RANCH LOCATED IN PLANNING AREA 6

ACTION: Read by title only and adopted **ORDINANCE NO. 06-17 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00387433-PZC TO ADD TEXT TO CHAPTER 9-6 OF THE ZONING CODE AND CHANGE THE ZONING FROM 1.3 CONSERVATION PEN SPACE TO 2.3M MEDIUM DENSITY RESIDENTIAL FOR THE LAMBERT RANCH PROPERTY; LOCATED NORTHEAST OF PORTOLA PARKWAY AND RIDGE VALLEY IN PLANNING AREA 6; FILED BY THE SAPETTO GROUP, INC. ON BEHALF OF 11851 LAMBERT, LLC AND FOR BARBARA TUCKER AND LUCILLE LAMBERT**

END OF CONSENT CALENDAR

4. PRESENTATIONS

4.1 Mayor Krom accepted the United States Conference of Mayors City Livability Award for the Edible Park on behalf of the City.

4.2 Mayor Krom presented a proclamation Supporting California State University, Fullerton, Irvine Campus.

5. PUBLIC HEARINGS

5.1 DRAFT CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR FISCAL YEAR 2005-06 AND AMENDMENT TO FISCAL YEAR 2006-07 ACTION PLAN

Mayor Krom opened the public hearing.

Tamara Campbell, Senior Planner; Barry Curtis, Principal Planner; and Mark Asturias, Housing Manager, presented the staff report and answered Council questions.

ACTION: Moved by Councilmember Choi, seconded by Councilmember Shea and unanimously carried to close the public hearing.

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

- 1) Approve the Consolidated Annual Performance Evaluation Report, including public comments received for the Community Development Block Grant and Home Investment Partnership Programs to the United States Department of Housing and Urban Development and authorize the City Manager to submit the Consolidated Annual Performance Evaluation Report.
- 2) Authorize the City Manager to submit a revised Fiscal Year 2006–07 Annual Action Plan to the United States Department of Housing and Urban Development.
- 3) Adopt **RESOLUTION NO. 06-127** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING A SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN, WHICH IS PART OF THE CONSOLIDATED PLAN AND THE PROJECTED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP PROGRAM , AND AMERICAN DREAM DOWN PAYMENT INITIATIVE FUNDS FOR FISCAL YEAR 2006-07

6. COUNCIL BUSINESS

6.1 CITY OF IRVINE GREEN BUILDING PROGRAM

Marcia Beckett, Fiscal & Environmental Program Administrator; and Walker Wells, Consultant from Global Green gave a PowerPoint presentation and answered Council questions.

The following individuals spoke on the item:
Lloyd Luthringer, BAC Products; Anthony Manzano; Bob Bunyan; and Jeff Davis.

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

- 1) Adopt **RESOLUTION NO. 06-128** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING A CITY OF IRVINE COMMERCIAL GREEN BUILDING PROGRAM
- 2) Direct staff to continue with program implementation including incentive packages and marketing/educational materials.

6.2 IRVINE EDUCATIONAL PARTNERSHIP FUND ADVISORY COMMITTEE

John A. McAllister, Director of Community Services; Sheila Driscoll, Community Services Superintendent; and Michelle Grettenberg, Management Analyst, presented the staff report and answered Council questions.

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

- 1) Appoint Mayor Krom and Mayor Pro Tempore Kang to participate on the Educational Partnership Fund Advisory Committee.
- 2) Direct that the City Council select a member-at-large following proper public notice and application process.
- 3) Direct the Educational Partnership Fund Advisory Committee to:
 - a) Monitor FY 2006/07 grant allocations and deliverables.
 - b) Review the application process and make recommendations for the FY 2007/08 program to the City Council by January 30, 2007.

END OF COUNCIL BUSINESS

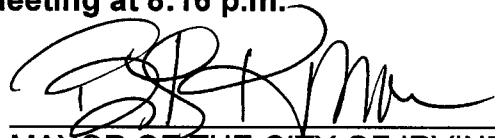
PUBLIC COMMENTS.

Susan Monroe spoke against smoking in public.

Bill Mavity, spoke of concern with providing schools in the Irvine Business Complex.

ADJOURNMENT

Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang and unanimously carried to adjourn the meeting at 8:16 p.m.


MAYOR OF THE CITY OF IRVINE


CITY CLERK OF THE CITY OF IRVINE

October 10, 2006