

BETH KROM
Mayor

LARRY AGRAN
Mayor Pro Tempore

STEVEN CHOI
Councilmember

SUKHEE KANG
Councilmember

CHRISTINA SHEA
Councilmember



AGENDA
CITY COUNCIL
REGULAR MEETING
November 13, 2007
4:00 P.M.
City Council Chamber
One Civic Center Plaza

Speaker's Card/Request to Speak: If you would like to address the City Council on a scheduled agenda item, please complete the [Request to Speak Form](#). The card is at the table at the entrance to the Council Chamber. Please identify on the card your name, address, and the item on which you would like to speak and return to the City Clerk. The [Request to Speak Form](#) assists the Mayor in ensuring that all persons wishing to address the Council are recognized. Your name will be called at the time the matter is heard by the Council.

[CALL TO ORDER](#)

[ROLL CALL](#)

1. [CLOSED SESSION](#)

- 1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code § 54956.9(b); significant exposure to litigation (one potential case)**
- 1.2 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(a))
*Newpath Networks, LLC v. City of Irvine, U.S. District Court Case No. SACV06-550-JVS.***

RECESS

[RECONVENE TO THE CITY COUNCIL MEETING](#)

[PLEDGE OF ALLEGIANCE](#)

MOMENT OF SILENCE

MUSICAL PRESENTATION

2. PRESENTATIONS

2.1 Recognition of Irvine Global Village Festival Sponsors

INTRODUCTIONS

CITY MANAGER'S REPORT

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Announcements, Committee Reports and Council Comments are for the purpose of presenting brief comments or reports, are subject to California Government Code Section 54954.2 of the Brown Act and are limited to 15 minutes per meeting

ADDITIONS AND DELETIONS

Additions to the agenda are limited by California Government Code Section 54954.2 of the Brown Act and for those items that arise after the posting of the Agenda and must be acted upon prior to the next City Council meeting

3. CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and enacted by one roll call vote. There will be no discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion. Any member of the public may address the Council on items on the Consent Calendar. Public comments on any item or items on the consent calendar are limited to three minutes per speaker. If you wish to speak to a particular item or items, please complete a Speakers Form and give it to the City Clerk

3.1 MINUTES

ACTION:

- 1) Approve the minutes of a regular City Council meeting held on October 23, 2007.
- 2) Approve the minutes of an adjourned regular City Council meeting held on October 23, 2007.

3.2 PROCLAMATION

ACTION: Proclaim November 14, 2007 as "World Diabetes Day."

3.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION: Adopt RESOLUTION NO. - 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

3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopt RESOLUTION NO. - 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

3.5 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopt RESOLUTION NO. - 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

3.6 LAND SWAP BETWEEN THE CITY OF IRVINE AND THE IRVINE COMPANY; STONEGATE AND OAKCREEK (PLANNING AREAS 9B AND 12)

ACTION:

- 1) Authorize the Mayor to execute an Agreement between the City of Irvine and The Irvine Company for the exchange of property.
- 2) Authorize the Mayor to execute a Quitclaim Deed for a portion of former Bee Canyon Landfill Access Road to be transferred to The Irvine Company.

3.7 FINAL TRACT MAPS -- NOTICE OF REVIEW OF TRACT MAP NOS. 17217 AND 17179

ACTION: Receive and file.

3.8 AVALON JAMBOREE VILLAGE DENSITY BONUS HOUSING AGREEMENT

ACTION: Approve a Density Bonus Housing Agreement with AvalonBay Communities, Inc., a Maryland corporation.

3.9 JOINT POWERS AGREEMENT – CALIFORNIA INSURANCE POOL AUTHORITY

ACTION: Adopt RESOLUTION NO. – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE AMENDED CALIFORNIA INSURANCE POOL AUTHORITY (CIPA) JOINT POWERS AGREEMENT

3.10 PARTICIPATION IN THE COUNTY OF SUPERVISORS ASSOCIATION OF CALIFORNIA EXCESS INSURANCE AUTHORITY HEALTH PROGRAM

ACTION:

- 1) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING PARTICIPATION IN THE COUNTY OF SUPERVISORS ASSOCIATION OF CALIFORNIA (CSAC) EXCESS INSURANCE AUTHORITY HEALTH PROGRAM (EIAHEALTH)
- 2) Authorize the City Manager or his designee to sign the CSAC Joint Powers Agreement and EIAHEALTH Memorandum of Understanding.

3.11 CONTINUATION OF EXISTENCE OF LOCAL EMERGENCY

ACTION: Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE PROCLAIMING THE CONTINUATION OF THE LOCAL EMERGENCY RESULTING FROM THE SANTIAGO CANYON WILDFIRE

END OF CONSENT CALENDAR

4. PUBLIC HEARINGS

Public Hearings are scheduled for a time certain of 4:00 p.m., unless noticed otherwise, or as soon thereafter as possible. Those wishing to address the City Council during the Public Hearing must complete a form and provide it to the City Clerk prior to the hearing.

Notice: Public Hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuance. Any matter not noted for continuance, will be posted separately

4.1 BUILDING AND FIRE CODE ADOPTION

ACTION:

- 1) Open the public hearing; receive public input; City Council comments and questions.
- 2) Close the public hearing.

- 3) Approve second reading, read by title only, and adopt ORDINANCE NO. 07-17 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, AND 4 OF DIVISION 9 OF SECTION 5 OF THE IRVINE MUNICIPAL CODE PERTAINING TO BUILDING AND FIRE CODE REGULATIONS

4.2 CONSTRUCTION AND DEMOLITION RECYCLING ORDINANCE

ACTION:

- 1) Open the public hearing; receive public input; City Council comments and questions.
- 2) Close public hearing.
- 3) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADDING TITLE 6, DIVISION 7, CHAPTER 9 RELATING TO THE DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE TO THE MUNICIPAL CODE, AND AMENDING TITLE 6, DIVISION 7, CHAPTER 2 OF THE MUNICIPAL CODE BY ADDING SECTION 6-7-204 RELATING TO UNAUTHORIZED BINS

5. COUNCIL BUSINESS

5.1 RECOMMENDATIONS OF THE ENVIRONMENTAL TASK FORCE

ACTION:

- 1) Direct staff to include a Sustainability Element in the next update of the City's General Plan, projected for 2010.
- 2) Direct staff to ensure that all efforts are being made to support the integration of effort on environmental stewardship and sustainability initiatives throughout the municipal organization.
- 3) Direct staff to develop written policies on best management practices for sustainable community activities as part of the City's municipal operations (i.e. pest management program, use of water-based paints, and sustainable landscape guidelines).
- 4) Direct staff to develop print and electronic material for the promotion of the City's environmental management activities to help educate and inform the community and engage active participation in environmental conservation efforts.

5.2 SECOND AMENDMENT OF NONEXCLUSIVE FRANCHISE AGREEMENT FOR COMMERCIAL SOLID WASTE COLLECTION

ACTION:

- 1) Approve Amended Nonexclusive Franchise Agreement for Commercial Solid Waste Collection.
- 2) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE NONEXCLUSIVE FRANCHISE AGREEMENT FOR COMMERCIAL SOLID WASTE COLLECTION

END OF COUNCIL BUSINESS

PUBLIC COMMENTS (Limited to 3 minutes per speaker) - 6:00 P.M.

ADJOURNMENT

Next Meeting: CITY COUNCIL REGULAR meeting, November 27, 2007, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.

NOTICE TO THE PUBLIC

LIVE BROADCASTING

City Council meetings are broadcasted live every 2nd and 4th Tuesday of the month at 4:00 p.m. and are replayed on Sundays at 11:00 a.m., and Thursdays at 7:00 p.m. All broadcasts can be viewed on Cox Communications Local Access Channel 30. City Council meetings are also available via live webcast through the City's website at www.cityofirvine.org. For more information, please contact the City Clerk's office at (949)724-6205.

ADJOURNMENT

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon prior to 12:00 midnight and will continue all other items on which additional time is required until a future City Council meeting. All meetings are scheduled to terminate at 12:00 midnight.

STAFF REPORTS

As a general rule, staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials are on file with the City Clerk and are available for public inspection and copying. Staff reports can also be downloaded from the City's website at http://www.ci.irvine.ca.us/council/agenda/agenda_archive.asp beginning the Friday prior to the scheduled City Council meeting on Tuesday.

In addition, meetings can be viewed live at the time posted on the agenda and related staff reports can be opened and viewed simultaneously along with the streaming of the meeting. To view the meeting, go to http://irvine.granicus.com/ViewPublisher.php?view_id=6.

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS

It is the intention of the City of Irvine to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (949)724-6205.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

CHALLENGING CITY DECISIONS

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

If a person wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Irvine, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

COMMUNICATION DEVICES

To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 4:00 p.m. Study Sessions and/or Closed Sessions are periodically held prior to the start of the regular meeting. Agendas are available as follows:

- Police Department
- Local library
- FAX Library System (Dial (949) 724-6210 and request document number 100 anytime after 5:00 p.m. on the Friday prior to a City Council meeting)
- City's web page at www.ci.irvine.ca.us

I hereby certify that the agenda for the Regular City Council meeting was posted in the posting book located in the Public Safety Lobby of City Hall, One Civic Center Plaza, Irvine, California on _____ by _____ p.m. as well as on the City's web page.

Sharie Apodaca, CMC
City Clerk