

BETH KROM
Mayor

SUKHEE KANG
Mayor Pro Tempore

LARRY AGRAN
Councilmember

STEVEN CHOI
Councilmember

CHRISTINA SHEA
Councilmember



AGENDA

CITY COUNCIL REGULAR MEETING

September 26, 2006

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.

ROLL CALL

1. STUDY SESSION

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

ACTION: Receive and file a presentation on the potential implications of AB 2987 (Nunez) - Digital Infrastructure and Competition Act of 2006

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) *Allergen, Inc., v. City of Irvine (Case No. 06 CC00172)*
- (3) *Deft, Inc., v. City of Irvine (Case No. 06 CC00171)*

3. CONSENT CALENDAR - ITEMS 3.1 THRU 3.16

All matters listed under Consent Calendar are considered to be routine and all will be 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. Please see information in Request to Speak section.

3.1 MINUTES

ACTION:

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

3.2 COMMENDATIONS

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

3.3 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

3.4 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 MASTER AGREEMENT FOR STATE FUNDED TRANSIT PROJECTS

ACTION:

- 1) Adopt RESOLUTION NO. – 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) Authorize 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: Adopt RESOLUTION NO. - 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) Adopt RESOLUTION NO. - 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) Authorize the Mayor to execute District Agreement No. 12-557 with Caltrans for the Laguna Canyon Road (SR-133) Improvement Project.

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

ACTION: Receive and file 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: Adopt RESOLUTION NO. - 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) Accept an Office of Traffic Safety Selective Traffic Enforcement Program grant award in the amount of \$257,692.
- 2) Approve 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: Nominate 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: Adopt RESOLUTION NO. - 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: Authorize 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.

3.14 AMENDMENT TO THE METROPOLITAN CONDOMINIUMS AFFORDABILITY COVENANT GRANT DEED

ACTION: Continue public hearing to November 28, 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 adopt 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 adopt 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

RECESS

RECONVENE - 5:00 P.M.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MUSICAL PRESENTATIONS

4. PRESENTATIONS

4.1 *Acceptance of the United States Conference of Mayors City Livability Award for the Edible Park*

4.2 *Proclamation Supporting California State University, Fullerton, Irvine Campus*

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.

END OF CONSENT CALENDAR**5. 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 Request to Speak form and provide it to the City Clerk prior to the hearing. If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you, or someone else raised orally at the public hearing or in written correspondence received by the City at or before the hearing. Any person seeking to challenge a City Council decision made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to Code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes final.

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

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

- 1) Open the public hearing; receive public input; City Council comments and questions.
- 2) Close the public hearing.
- 3) 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.
- 4) 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.
- 5) Adopt RESOLUTION NO. - 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**

ACTION:

- 1) Adopt RESOLUTION NO. - 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

ACTION:

- 1) Appoint two members of the City Council to participate on the Educational Partnership Fund Advisory Committee.
- 2) Direct the Educational Partnership Fund Advisory Committee to:
 - a) Select a member-at-large following proper public notice and application process.
 - b) Monitor FY 2006/07 grant allocations and deliverables.
 - c) 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 (Limited to 3 minutes per speaker) - 6:00 P.M.

ADJOURNMENT

Next Meeting: CITY COUNCIL REGULAR meeting, October 10, 2006, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.

NOTICE TO THE PUBLIC

LIVE MEDIA BROADCASTING ADVISEMENT

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 now 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.

Pamyla Means, MMC
City Clerk