

MINUTES
CITY COUNCIL
REGULAR MEETING
July 25, 2006
City Council Chamber
One Civic Center Plaza

ROLL CALL – 10:02 a.m.

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

Also present were City Manager, Sean Joyce; Assistant City Manager, Sharon Landers; City Attorney, Philip 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, Douglas Williford; Director of Redevelopment, Tina Christiansen; City Clerk, Pamyla Means; Deputy City Clerk, Susan Dahlgren; and Irvine Police Officer David Tran, Sergeant At Arms.

1. CLOSED SESSION

1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Significant exposure to litigation pursuant to Government Code
Section 54956.9(b): two (2) cases

Mayor Krom announced continuation of the Closed Session at the end of the meeting.

2. CONSENT CALENDAR

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

2.10 COOPERATIVE AGREEMENT WITH COUNTY OF ORANGE REGARDING FRANK R. BOWERMAN LANDFILL

ACTION: Moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to approve Consent Calendar Item Nos. 2.1 through 2.11, with the exception of item as noted above.

2.1 CITY COUNCIL MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on July 11, 2006.

2.2 AMENDING RESOLUTION AND ESTABLISHING ANNUAL ANTICIPATED DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION LEVEL AND APPROVAL OF DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

ACTION: Adopted **RESOLUTION NO. 06-91** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CITY COUNCIL RESOLUTION NO. 05-92, ADOPTING AN ANNUAL ANTICIPATED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION LEVEL (AADPL) FOR FEDERAL FISCAL YEAR (FFY) 2006/07 (EXHIBIT 9-B); AND APPROVING "DISADVANTAGED BUSINESS ENTERPRISE RACE-NEUTRAL IMPLEMENTATION AGREEMENT FOR LOCAL AGENCIES" (EXHIBIT 9-A); PURSUANT TO THE REGULATIONS SET FORTH UNDER TITLE 49 CFR PART 26 OF THE FEDERAL REGULATIONS.

2.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted **RESOLUTION NO. 06-92** - 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

2.4 ASSIGNMENT OF LENNAR CENTRAL PARK LLC TO BE A PARTY TO THE APPROVED CENTRAL PARK DEVELOPMENT AGREEMENT (00330616-DA)

ACTION: Adopted **RESOLUTION NO. 06-93** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE ASSIGNMENT OF THE EXISTING DEVELOPMENT AGREEMENT (00330616-DA) BY AND BETWEEN THE CITY OF IRVINE AND KFPLB MICHELSON JAMBOREE LLC TO LENNAR CENTRAL PARK LLC FOR THE CENTRAL PARK

DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF
JAMBOREE ROAD AND MICHELSON DRIVE
(Agreement No. 4481A)

2.5 HYDROGEN VEHICLE LEASE AGREEMENT AMENDMENT

ACTION:

- 1) Authorized the Mayor to sign and the City Clerk to attest the Vehicle Lease Agreement No. 5033, Amendment 3, for the Hydrogen Fuel Cell Hybrid Electric Vehicle Research Program, subject to City Attorney approval as to form.
- 2) Authorized the City Manager to execute future lease agreements.

2.6 GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY FOR AN UNDERGROUND ELECTRICAL SUPPLY SYSTEM WITHIN HERITAGE PARK , EL CAMINO REAL (PLANNING AREA 11)

ACTION: Authorized the Mayor to execute and the City Clerk to attest the Grant of Easement to Southern California Edison Company for an electrical supply system within Heritage Park, subject to City Attorney approval as to form. **(Deed No. 1071)**

2.7 EASEMENT FOR JEFFREY BICYCLE BRIDGE OVER INTERSTATE 405, OAKCREEK (PLANNING AREA 12)

ACTION: Approved the Partial Assignment and Assumption of Bridge Abutment Easement to the California Department of Transportation (Caltrans), and authorized the Mayor to execute and the City Clerk to attest the Easement subject to the City Attorney approval as to form. **(Deed No. 1070)**

2.8 MAP, BONDS, AND AGREEMENTS, FOR TRACT MAP NO. 16737, IRVINE BUSINESS COMPLEX (PLANNING AREA 36)

ACTION:

- 1) Approved Tract Map No. 16737.
- 2) Approved the agreements and accepted the security from KB Home Coastal, Inc., guaranteeing improvements and survey monumentality for Tract Map No. 16737, and authorized the Mayor to sign and the City Clerk to attest to the agreements subject to the City Attorney approval as to form.
- 3) Accepted the dedication of easements for emergency access, public service vehicle ingress and egress, and sidewalk purposes as shown on the map.

2.9 AGREEMENT TO TRANSFER PROPERTY OR FUNDS FOR 2005 STATE HOMELAND SECURITY GRANT

ACTION:

- 1) Accepted the Agreement to Transfer Property or Funds for 2005 Homeland Security Grant Purposes.
- 2) Authorized the Director of Public Safety to execute, and the City Clerk to attest to, the Agreement to Transfer Property or Funds for 2005 Homeland Security Grant Purposes.

2.10 COOPERATIVE AGREEMENT WITH COUNTY OF ORANGE REGARDING FRANK R. BOWERMAN LANDFILL

This item was removed from the Consent Calendar at the request of David Melvold to speak, to which Marcia Beckett, Fiscal & Environmental Programs Administrator and Barry Curtis, Principal Planner responded.

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

- 1) Approve the Cooperative Agreement between the City of Irvine and the County of Orange for the Frank R. Bowerman Landfill and authorize the Mayor to execute and the City Clerk to attest the agreement subject to City Attorney approval as to form. **(Contract No. 5334)**
- 2) Direct staff to establish a Special Fund for deposit of new host-fee revenue, identify potential projects that could be funded with such revenue, and evaluate the proposed projects during the City's Strategic Business Plan review process.

2.11 ADDENDUM - GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE LAMBERT RANCH LOCATED NORTHEAST OF PORTOLA PARKWAY AND RIDGE VALLEY (PLANNING AREA 6)

ACTION: Continued public hearing to September 12, 2006.

3. COUNCIL BUSINESS

3.1 TRIPS PROGRAM

John McAllister, Director of Community Services; Sandy Litzie, Senior Management Analyst, presented staff report.

The following individuals spoke on this item: Ken Granger; Debbie Molina; and Kimberly Beeson.

Council discussion included clarification on the number of vehicles operating daily; age of participants; the need to serve more community members; monitor changes in the program and come back with status reports.

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

- 1) Receive and file the Program and Financial Analysis of TRIPS Operating Option B1.
- 2) Approve operating policies for the TRIPS program to sustain a wait-time standard of 90 days or fewer.
- 3) Direct staff to negotiate with Irvine Adult Day Health Services, Inc. for reimbursement of transportation services and return to City Council with a new proposed contract.
- 4) Direct staff to return to City Council with status reports that monitor changes in the program in six months.

3.2 FAMILIES FORWARD REQUEST FOR FUNDING

Barry Curtis, Principal Planner, presented staff report and answered Council questions.

Margie Wakeham spoke in support of this item.

ACTION: Moved by Councilmember Shea, seconded by Mayor Krom and unanimously carried, to: Approve Families Forward's request for \$25,000 to match a Supportive Housing Program Grant and allocated funding from the anticipated FY 2005-06 to FY 2006-07 carryover, and direct Families Forward to submit future funding requests through the annual Community Development Block Grant (CDBG) Public Services Program.

3.3 ISSUANCE OF FIXED RATE CONVERSION BONDS FOR ASSESSMENT DISTRICT NO. 87-8 (GROUP EIGHT), ASSESSMENT DISTRICT 93-14 (GROUP FOUR), AND ASSESSMENT DISTRICT NO. 03-19 (GROUP FOUR)

Donna Mullally, Finance Administrator presented the staff report.

Councilmember Choi left the dais at 12:38 p.m. and abstained on this item.

ACTION: Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang and unanimously carried by those members present, to:

- 1) Adopt **RESOLUTION NO. 06-94** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$11,015,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE ASSESSMENT DISTRICT NO. 87-8 LIMITED OBLIGATION IMPROVEMENT BONDS, GROUP EIGHT, APPROVING THE EXECUTION AND DELIVERY OF AN EIGHTH SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT AND A GROUP EIGHT CONTINUING DISCLOSURE AGREEMENT AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO
- 2) Adopt **RESOLUTION NO. 06-95** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,120,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE ASSESSMENT DISTRICT NO. 93-14 LIMITED OBLIGATION IMPROVEMENT BONDS, GROUP FOUR, APPROVING THE EXECUTION AND DELIVERY OF A FOURTH SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT AND A GROUP FOUR CONTINUING DISCLOSURE AGREEMENT AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO
- 3) Adopt **RESOLUTION NO. 06-96** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$41,510,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE ASSESSMENT DISTRICT NO. 03-19 LIMITED OBLIGATION IMPROVEMENT BONDS, GROUP FOUR, APPROVING THE EXECUTION AND DELIVERY OF A FOURTH SUPPLEMENTAL INDENTURE, A BOND PURCHASE AGREEMENT AND A GROUP FOUR CONTINUING DISCLOSURE AGREEMENT AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO

Councilmember Choi returned to the dais at 12:40 p.m.

3.4 ISSUANCE OF VARIABLE RATE BONDS (SERIES B) FOR ASSESSMENT DISTRICT NO. 04-20, PORTOLA SPRINGS (PLANNING AREA 6)

Donna Mullally, Finance Administrator presented the staff report.

ACTION: Moved by Councilmember Agran, seconded by Councilmember Choi and unanimously carried, to: Adopt RESOLUTION NO.06-97 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE

ISSUANCE AND SALE OF NOT TO EXCEED \$70,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF IRVINE ASSESSMENT DISTRICT NO. 04-20 LIMITED OBLIGATION IMPROVEMENT BONDS, ADJUSTABLE RATE SERIES B, APPROVING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE, A FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT, A BOND PURCHASE AGREEMENT AND A REMARKETING AGREEMENT AND THE PREPARATION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATED THERETO

RECESS

Mayor Krom recessed the meeting at 12:44 p.m.

RECONVENE

Mayor Krom reconvened the meeting at 1:13 p. m.

3.5 AMENDMENT OF EXCLUSIVE SOLID WASTE FRANCHISE AGREEMENT WITH WASTE MANAGEMENT OF ORANGE COUNTY

Manuel Gomez, Deputy Director of Public Works; and Mike Byrne, Senior Management Analyst, presented the staff report and answered Council questions.

Judy Ware spoke on this item.

Council discussion included clarification on the amendments and extension on the length of the contract.

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

- 1) Approve the Third Amendment of the exclusive solid waste franchise agreement with Waste Management of Orange County and authorize the Mayor to execute and the City Clerk to attest the amendment subject to City Attorney approval as to form. **(Contract No. 3521C)**
- 2) Introduce for first reading **ORDINANCE NO. 06-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE EXCLUSIVE AGREEMENT WITH WASTE MANAGEMENT OF ORANGE COUNTY FOR THE COLLECTION, TRANSPORTATION, RECYCLING AND DISPOSAL OF SOLID WASTE**

4. PUBLIC HEARINGS

4.1 AMENDMENT TO THE METROPOLITAN CONDOMINIUMS AFFORDABILITY COVENANT GRANT DEED

Mayor Krom opened the public hearing.

Barry Curtis, Principal Planner, presented the staff report.

The following individuals spoke on this item: Pam O'Neill; Sue Lau; Crystal Sims; and Laura Archuleta.

Council discussion included clarification on relocation of residents during repair of affordable units; notice to tenants to vacate the property; and the need to get more information on this before making a decision.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi and unanimously carried, to continue public hearing to September 26, 2006.

5. COUNCIL BUSINESS

5.1 CONDITIONAL ACCEPTANCE OF ORANGE COUNTY GREAT PARK BALLOON FROM HERITAGE FIELDS TO THE CITY OF IRVINE

Coleen Clark, Deputy Chief Executive Officer, Orange County Great Park, presented the staff report.

Council discussion included concern with the overall costs and liabilities of this project; revenue opportunities; and authorization to execute the agreement by the City Manager.

The following individual spoke on this item: David Harvey.

ACTION: Moved by Councilman Agran, seconded by Mayor Pro Tempore Kang to:

- 1) Conditionally accept the balloon donation subject to resolution of installation parameters, delivery schedule, operational costs and issues, liability insurance, safety requirements, and other related matters, and subject to approval of appropriate documentation.
- 2) Authorize the City Manager to provide comments to Lennar in connection with its negotiations with the balloon provider to develop a contract regarding delivery and operation of the balloon that eventually would be assigned to the City, and authorize the City Manager to execute agreement for acceptance of the donation, providing status reports to the City Council as warranted.

Councilmember Shea made an amendment to the original motion to adopt staff recommendation No. 2 to “return to the City Council for consideration and possible approval of an agreement for acceptance of the donation,” which died for lack of a second.

The original motion unanimously carried.

RECESS

Mayor Krom recessed the meeting at 3:24 p.m.

RECONVENE

Mayor Krom reconvened the meeting at 3:55 p. m.

5.2 CONSIDERATION OF AN ORDINANCE TO ESTABLISH CITY PROCEDURES RELATING TO LEASES OF CITY PROPERTY

ACTION: By Consensus the Council continued to August 22, 2006.

5.3 2006 VOTER REGISTRATION AND PARTICIPATION CAMPAIGN

ACTION: By Consensus the Council continued to August 22, 2006.

6. COUNCIL BUSINESS

6.1 SISTER CITIES PROGRAM

City Manager, Sean Joyce, presented the staff report.

Councilmember Choi presented his concerns with agendizing this item.

The following individuals spoke on this item: James Dunning; George Wu; Stan Yang; Lihan Chen; Ming Wang; Olivia Yu; Sam Castelo; Bill Shih-How Chang; Don Lin; Lee Chen; Jim Yu; Henry King; Sarah Mar; Darryl Brock; Beatrice Wang; and Ching Fen Tsai.

Council discussion included concern with the relationship with the Taiwanese community, suggestion to include a time frame of 60 to 90 days for a response from Xuhui; and Council approval of the official communication.

It was moved by Councilmember Choi, seconded by Councilmember Shea to direct that a letter be sent asking for a formal response within 60 days.

Councilmember Choi amended his original motion, which was seconded by Councilmember Shea, to give Xuhui 60 days from the date the new Mayor takes office for a response to the City of Irvine’s letter.

ACTION: An amended motion was moved by Councilmember Shea, seconded by Councilmember Choi to: Direct staff to bring back a draft letter on August 22 for City Council review and approval.

The amended motion carried as follow:

AYES:	4	COUNCILMEMBERS:	Agran, Choi, Kang and Shea
NOES:	1	COUNCILMEMBERS:	Krom

RECESS

Mayor Krom recessed the meeting at 6:22 p.m.

RECONVENE

Mayor Krom reconvened the meeting at 6:55 p. m.

7. SCOPING SESSION

7.1 GENERAL PLAN AMENDMENT FOR THE WERDIN-SANDERS MEDICAL OFFICE DEVELOPMENT IN PLANNING AREA 11

This item was removed from the agenda by City Manager, Sean Joyce. No action was taken.

8. COUNCIL BUSINESS

8.1 PROPOSED AMENDMENT TO ORANGE COUNTY GREAT PARK PLAN DEVELOPMENT AGREEMENT

Mayor Krom gave a PowerPoint presentation on this item.

ACTION: Moved by Mayor Krom, seconded by Councilmember Agran, and unanimously carried, to direct staff to agendize this item for consideration at the September 12 City Council meeting.

8.2 IRVINE BUSINESS COMPLEX (IBC) RESIDENTIAL MIXED-USE VISION PLAN AND OVERLAY ZONE STRATEGY

Michael Haack, Manager of Planning and Development Services; Bill Jacobs, Principal Planner; and Jeff Melching, Deputy City Attorney, presented the staff report and answered Council questions.

The following individuals spoke on this item: John Toner, William Conners; Roger Taylor; Carol Yocum; John Hayden; Bob Fore; Patti Miyake; Yioula Peraticou; Ray Diradoonan; Rich Salter; Paul Queyrel; Mike Derderian; David Marzullo; Tom Boylan; Mahir Berkho; Mary Ann Desmond; William Desmond; Robert C. Hawkins; Patti Krebs; Bill Acuna; Wendy Peterson; Timothy L. Strader, Sr.; Pamela Sapetto; Ron Groeneveld; Zak Montgomery; Tim Strader, Jr.; Brad Perozzi; Michael Newman

Council discussion included concern with the distance of buffer zones between the residential and industrial properties; buffers required around school zones; the ability of existing businesses to expand; hazardous incidents and their clean-up in the IBC; clarification of existing CC&R's in the IBC; and the proposed motion.

ACTION: Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang, to:

- 1) Direct staff to:
 - a) Change the Draft Overlay Zoning Code and Draft IBC Vision Plan in two material respects (in addition to other "clean-up" and clarification items that may arise):
 - 1) In the introductory language for both documents, reflect the history and evolving character of the IBC, specifically as it relates to the planning for residential development in that area.
 - 2) Change the "industrial adjacency analysis," "key business designations," and "industrial buffer" provisions as follows.
 - Require an industrial adjacency analysis for every residential development application which shall evaluate land use compatibility of the proposed project with all industrial businesses and uses within 1000 feet of the proposed residential use.
(For purposes of this motion an "industrial business" is a business that has (i) requested that the City classify it an industrial business, and (ii) involve operations that include significant trucking, use of toxic and/or hazardous materials of a kind and/or quality that require registration with any government agency, or other operations that involve significant lighting, noise, and/or odor.)

- Allow the project-specific fact-based analysis in the industrial adjacency analysis to guide the Council's ultimate determination of the appropriate size of a protective buffer (if any)
- b) Prepare a scope of work on the Environmental Impact Report for the Draft Overlay Zoning Code, Draft IBC Vision Plan, Town Center concept, anticipated infrastructure improvements, and related matters for presentation to the City Council within six months.
- c) Upon approval of the scope of work, prepare an Environmental Impact Report on the Draft Overlay Zoning Code and Draft IBC Vision Plan, which (with the two revisions suggested above) embody and represent the Council's expectations for current and future residential development in the IBC. The Environmental Impact Report shall also analyze a Town Center concept and anticipated infrastructure improvements, and any other matters that may be necessary to facilitate those concepts/improvements.
- d) Continue processing and reviewing residential development applications and their related project-specific environmental analyses.
- e) Explore development agreement opportunities for all residential General Plan amendments and zone changes to allow for funding of potential improvements in the IBC area. Development agreement discussions should address the following issues:
 - 1) To obtain the funding necessary to implement the infrastructure improvements proposed by the IBC subcommittee, the City would need approximately \$64,530,000 to fund capital improvements. That funding level can be achieved by obtaining public benefits under development agreements according to the following schedule:
 - \$13,000 for each "for sale" market rate unit in projects that pay the affordable housing in-lieu fee.
 - \$11,500 for each "for sale" unit in projects that satisfy their affordable housing requirement by a means other than payment of an affordable housing in-lieu fee.
 - \$6,500 for each apartment unit for projects that pay the affordable housing in-lieu fee.
 - \$5,000 for each apartment unit in projects that satisfy their affordable housing requirement by a means other than payment of an affordable housing in-lieu fee.

- 2) Provide residential development applicants with the opportunity to use a Community Facilities District device as a vehicle to fund the public benefit amounts specified above.
- 3) Include a requirement that each market rate unit (for sale or for rent) in a project pay as an additional public benefit \$120 per year (\$10 per month) toward funding of a shuttle.
 - Payment of that amount should be secured through the previously mentioned Community Facilities District.
 - Projects that are within the route of the shuttle that contribute at this \$120 per year rate should be entitled to a shuttle stop at the residential development.
- 4) Include in the development agreement a provision that public benefit amounts received under development agreements will be paid prior to the issuance of building permits. The development agreement should provide, for those projects that file General Plan amendment applications prior to January 1, 2007, that those amounts will not be adjusted for inflation prior to January 1, 2010. For all other projects (i.e. projects with applications filed after January 1, 2007, and projects that do not obtain building permits prior to January 1, 2010, the public benefit amounts should be adjusted annually pursuant to the Engineering News Record, Construction Cost Index).
 - The development agreement should provide that residential applicants can pre-pay the public benefit amount at any time, in which case the amount paid would be the amount of the public benefit charge in existence at the time of pre-payment.
- 5) Provide in the development agreement that the affordable housing in-lieu fee for project applications that file a General Plan amendment application prior to January 1, 2007 will be \$17,000 per unit, so long as the in-lieu fees are paid by December 31, 2009.
 - The affordable housing in-lieu fee may be pre-paid in which case the amount paid would be the amount of the affordable housing in-lieu fee in existence at the time of pre-payment.
- f) Consider changing the name of the "Irvine Business Complex" to reflect its evolving character and the growth of residential development in that area.

- g) Consider establishing a task force for the purpose of evaluating the allocation of funds for public benefits; include current residents, and other interested parties.
- 2) Introduced for first reading **ORDINANCE NO. 06-10 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING CHAPTER 8 TO DIVISION 7 OF TITLE 2 OF THE IRVINE MUNICIPAL CODE DESIGNATING CERTAIN POWERS OF COMMUNITY FACILITIES DISTRICTS FORMED PURSUANT TO THE MELLO-ROOS ACT**

The motion carried as follow:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Kang and Krom
 NOES: 1 COUNCILMEMBERS: Shea

9. PUBLIC HEARINGS

9.1 AFFORDABLE HOUSING IN-LIEU FEE INCREASE/ANNUAL ADJUSTMENT

Mayor Krom opened the public hearing.

Barry Curtis, Principal Planner, presented the staff report.

The following individuals spoke on this item: Pamela Sapetto; Roger Grable.

Council discussion included clarification of returning to Council for consideration of the lower in-lieu fees for the project that has not yet pulled the building permit; and concern with the raising of the fees.

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

ACTION: Moved by Councilmember Agran, seconded by Councilmember Choi, to:

- 1) Adopt **RESOLUTION NO. 06-98 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING AN INCREASE TO THE AFFORDABLE HOUSING IN-LIEU FEE**

The motion carried as follow:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Kang and Krom
 NOES: 1 COUNCILMEMBERS: Shea

9.2 GENERAL PLAN AMENDMENT, ZONE CHANGE, IN PLANNING AREA 36, 2701 ALTON, AVALON JAMBOREE VILLAGE; FILED BY SAPETTO GROUP, INC ON BEHALF OF AVALON BAY COMMUNITIES INC.

Mayor Krom opened the public hearing.

Diane Blaisure, Associate Planner; and Michael Haack, Manager of Planning and Development Services presented the staff report.

The following individuals spoke on this item: William Conners; William Desmond; Pamela Sapetto; Chris Payne; Robert C. Hawkins; Mahir Barkho.

Council discussion included clarification of parking issues.

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

ACTION: Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang and unanimously carried, to:

- 1) Adopt **RESOLUTION NO. 06-99** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH # 1991011023) FOR 2701 ALTON, AVALON JAMBOREE VILLAGE, AND ADOPTING FINDINGS OF FACT AND A MITIGATION MONITORING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES
- 2) Adopt **RESOLUTION NO. 06-100** - A RESOLUTION OF THE CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT 00369462-PGA TO AMEND LAND USE TABLE A-1 OF THE GENERAL PLAN FOR THE 2701 ALTON, AVALON JAMBOREE VILLAGE, RESIDENTIAL PROJECT; LOCATED AT THE NORTHWEST CORNER OF JAMBOREE ROAD AND ALTON PARKWAY; PLANNING AREA 36; FILED BY THE SAPETTO GROUP, INC. ON BEHALF OF AVALON BAY COMMUNITIES, INC.

- 3) Introduce for first reading **ORDINANCE NO. 06-11** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00369467-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING ON A PORTION OF LOT 9 OF TRACT 7815 FROM 5.1 IBC MULTI-USE TO 5.3C IBC RESIDENTIAL; LOCATED AT THE NORTHWEST CORNER OF JAMBOREE ROAD AND ALTON PARKWAY; PLANNING AREA 36; FILED BY SAPETTO GROUP, INC. ON BEHALF OF AVALON BAY, COMMUNITIES, INC..
- 4) Introduce for first reading **ORDINANCE NO. 06-12** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING AN AREA WIDE DEVELOPMENT AGREEMENT (00422941-PDA) FOR THE AVALON JAMBOREE VILLAGE RESIDENTIAL CONDOMINIUM PROJECT; LOCATED AT 2701 ALTON PARKWAY, AT THE NORTHWEST CORNER OF ALTON PARKWAY AND JAMBOREE ROAD IN PLANNING AREA 36; FILED BY SAPETTO GROUP, INC. ON BEHALF OF AVALON BAY COMMUNITIES
- 5) Adopt **RESOLUTION NO. 06-101** - A RESOLUTION OF THE CITY COUNCIL APPROVING THE AVALON JAMBOREE VILLAGE AFFORDABLE HOUSING PLAN IN CONCEPT ONLY IN CONJUNCTION WITH GENERAL PLAN AMENDMENT 00369462-PGA, FOR THE PROJECT LOCATED AT THE NORTHWEST CORNER OF JAMBOREE ROAD AND ALTON PARKWAY; PLANNING AREA 36; FILED BY THE SAPETTO GROUP, INC. ON BEHALF OF AVALON BAY COMMUNITIES, INC

9.3 GENERAL PLAN AMENDMENT AND ZONE CHANGE, IN PLANNING AREA 36, 2323 MAIN; FILED BY STARPOINTE VENTURES ON BEHALF OF STANDARD PACIFIC

Mayor Krom opened the public hearing.

Diane Blaisure, Associate Planner; Sherman Jones, Associate Planner; Tim Gehrich, Principal Planner; Michael Haack, Manager of Planning and Development Services presented the staff report.

The following individuals spoke on this item: William Desmond; William Conners; Tom Boylan; Bill Mavity; Mahir Barkho; Mary Ann Desmond; Robert C. Hawkins; Tim Strader, Jr.; Susan Hori; Donn Kemble; Todd Palmaer; Scott Jackson; Tony Arnest; Eric Morris; Rich Salter. Council discussion included concern with the size of the buffer zone between residential and industrial properties; communication between the applicant and adjacent businesses to provide information for the industrial adjacency analysis; clarification that the industrial adjacency analysis would not apply to this project; and clarification from the applicant to

include the additional condition requiring the home purchasers, as well as subsequent purchasers, through the covenant that we would record against the property to indemnify the City and the property owner (the industrial user, Deft) from any claims arising out of the lawful use of their property in a form satisfactory to the City Attorney's office.

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

ACTION: Moved by Councilmember Agran, seconded by Mayor Pro Tempore Kang, to:

- 1) Adopt **RESOLUTION NO. 06-102**- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SCH # 1991011023) FOR 2323 MAIN AND ADOPTING A MITIGATION MONITORING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES
- 2) Adopt **RESOLUTION NO. 06-103** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00384482-PGA TO AMEND LAND USE TABLE A-1 OF THE GENERAL PLAN FOR THE 2323 MAIN RESIDENTIAL PROJECT; LOCATED AT THE NORTHEAST CORNER OF MAIN STREET AND VON KARMAN AVENUE; PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF STANDARD PACIFIC
- 3) Introduce for first reading **ORDINANCE NO. 06-13** - AN ORDINANCE OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00384487-PZC TO REVISE TEXT IN THE ZONING CODE AND CHANGE THE ZONING ON PARCEL 1-BOOK 107, PAGES 34 AND 35, FROM 5.1 IBC MULTI-USE TO 5.0 IBC MIXED USE; LOCATED AT THE NORTHEAST CORNER OF MAIN STREET AND VON KARMAN AVENUE; PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF STANDARD PACIFIC
- 4) Introduce for first reading **ORDINANCE NO. 06-14** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING AN AREA-WIDE DEVELOPMENT AGREEMENT (00422936-PDA) FOR THE 2323 MAIN STREET RESIDENTIAL CONDOMINIUM PROJECT; LOCATED AT 2323 MAIN STREET, AT THE NORTHEAST CORNER OF MAIN STREET AND VON KARMAN AVENUE IN PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF STANDARD PACIFIC
- 5) Adopt **RESOLUTION NO. 06-104**- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE GRANTING AN APPEAL,

- THEREBY REVERSING THE PLANNING COMMISSION'S DECISION TO DENY THE CONDITIONAL USE PERMIT 00391008-PCPU FOR THE 2323 MAIN RESIDENTIAL PROJECT; LOCATED AT THE NORTHEAST CORNER OF MAIN STREET AND VON KARMAN AVENUE; PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF STANDARD PACIFIC
- 6) Adopt **RESOLUTION NO.06-105** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE GRANTING AN APPEAL, THEREBY REVERSING THE PLANNING COMMISSION DECISION TO DENY TENTATIVE TRACT MAP 16947 (00394798-PTT) FOR CONDOMINIUM PURPOSES AND PARK PLAN (00391009-PPP); LOCATED AT 2323 MAIN STREET (NORTHEAST CORNER OF MAIN STREET AND VON KARMAN AVENUE); PLANNING AREA 36; FILED BY STARPOINTE VENTURES ON BEHALF OF STANDARD PACIFIC
 - 7) Return to the City Council meeting on August 22 (or later) with a completed industrial adjacency analysis on this project before the second reading of the ordinances will be considered.

The motion carried as follow:

AYES: 3 COUNCILMEMBERS: Agran, Kang and Krom
 NOES: 2 COUNCILMEMBERS: Choi and Shea

9.4 DEVELOPMENT AGREEMENT FOR PLANNING AREA 39 WITH THE IRVINE COMPANY LLC AND IRVINE COMMUNITY DEVELOPMENT COMPANY LLC

ACTION: By Consensus the Council continued to August 22, 2006.

END OF COUNCIL BUSINESS

PUBLIC COMMENTS

None.

ADJOURNMENT

By Consensus the Council adjourned the meeting at 3:14 a.m., Wednesday, July 28, 2006.



 MAYOR OF THE CITY OF IRVINE



 CITY CLERK OF THE CITY OF IRVINE

August 22, 2006

 DATE