



MINUTES
CITY COUNCIL
REGULAR MEETING
September 12, 2006
City Council Chamber
One Civic Center Plaza

ROLL CALL – 4:21 p.m.

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

1. CONSENT CALENDAR

The following items were removed from the Consent Calendar for separate discussion:

1.2.1 PROCLAMATIONS – “DOLLAR WISE WEEK”

1.11 STATUS REPORT ON CONDITIONAL USE PERMITS FOR TEN WIRELESS COMMUNICATIONS FACILITIES LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN TURTLE ROCK (PLANNING AREA 21)

1.15 AMENDMENT TO THE CITY OF IRVINE PERSONNEL RULES AND PROCEDURES RELATED TO CATASTROPHIC LEAVE

1.16 IRVINE VOTE 2006

ACTION: Moved by Mayor Pro Tempore Kang, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 1.1 through 1.16, with the exception of items as noted above.

1.1 MINUTES

ACTION:

- 1) Approved the minutes of a special meeting of the City Council held on August 22, 2006.
- 2) Approved the minutes of a regular meeting of the City Council held on August 22, 2006

1.2 PROCLAMATIONS

- 1) Proclaim SEPTEMBER 25-30, 2006 AS "DOLLAR WISE WEEK"

This item was removed from the Consent Calendar at the request of Mayor Krom who requested that the City Manager agendize a discussion regarding financial literacy.

ACTION: Moved by Mayor Krom, seconded by Councilmember Shea, and unanimously carried.

- 2) Proclaim SEPTEMBER 17-23, 2006 AS "CONSTITUTION WEEK"
- 3) Proclaim SEPTEMBER 25, 2006 AS "FAMILY DAY-A DAY TO EAT DINNER WITH YOUR CHILDREN"
- 4) Proclaim SUPPORT OF THE ORANGE COUNTY HOUSING TRUST
- 5) Proclaim SEPTEMBER 18-24, 2006 AS "POLLUTION PREVENTION WEEK"

1.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted **RESOLUTION NO. 06-112** – 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

1.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted **RESOLUTION NO. 06-113** – 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.

1.5 ASSESSMENT DISTRICT NO. 04-20, PORTOLA SPRINGS (PLANNING AREA 6)

ACTION:

- 1) Adopted **RESOLUTION NO. 06-114** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE DECLARING ITS INTENTION TO ORDER THE LEVY OF SUPPLEMENTAL ASSESSMENT IN ASSESSMENT DISTRICT NO. 04-20
- 2) Adopted **RESOLUTION NO. 06-115** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE PRELIMINARILY ADOPTING, CONFIRMING, AND APPROVING THE ENGINEER'S REPORT FOR PROPOSED SUPPLEMENTAL SPECIAL ASSESSMENT FOR ASSESSMENT DISTRICT NO. 04-20 AND APPOINTING TIME AND PLACE FOR HEARING PROTESTS THERETO

1.6 QUITCLAIM OF IRREVOCABLE OFFER OF DEDICATION FOR FLOOD CONTROL, ACCESS, AND WATER CONSERVATION, SPECTRUM (PLANNING AREA 35)

ACTION: Authorized the Mayor to execute a Quitclaim of Irrevocable Offer of Dedication to the Irvine Community Development Company. **(Deed No. 1074)**

1.7 BILLS OF SALE FOR SEWER AND WATER FACILITIES WITHIN BILL BARBER PARK, WESTPARK (PLANNING AREA 14)

ACTION: Authorized the Mayor to execute the Bills of Sale for sewer and water facilities located within Bill Barber Park. **(Contract Nos. 5357, 5358)**

1.8 CALIFORNIA ENERGY COALITION MOU

ACTION:

- 1) Adopted **RESOLUTION NO. 06-116** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY TO RENEW A MEMORANDUM OF UNDERSTANDING WITH THE ENERGY COALITION, A CALIFORNIA NON-PROFIT ORGANIZATION, SOUTHERN CALIFORNIA EDISON COMPANY AND SOUTHERN CALIFORNIA GAS COMPANY, TO PARTICIPATE IN AN ENERGY EFFICIENCY PROGRAM KNOWN AS THE "COMMUNITY ENERGY PARTNERSHIP"
- 2) Approved the Memorandum of Understanding with The Energy Coalition, Southern California Edison Company and Southern California Gas Company to enter into the Community Energy Partnership program. **(Contract No. 5359)**
- 3) Authorized the City Manager to execute the Memorandum of Understanding on behalf of the City.

1.9 GRANT OF EASEMENT TO THE COUNTY OF ORANGE FOR RIDING AND HIKING TRAIL PURPOSES WITHIN HICKS CANYON COMMUNITY PARK, LOWER PETERS CANYON (PLANNING AREA 4)

ACTION: Authorized the Mayor to execute an Easement Deed and Maintenance Agreement with the County of Orange for riding and hiking trail at Hicks Canyon Community Park. **(Deed No. 1075)**

1.10 RENEW LICENSE AGREEMENTS WITH SOUTHERN CALIFORNIA EDISON FOR PARK, PUBLIC RECREATION, AND LANDSCAPE PURPOSES, WOODBRIDGE AND WESTPARK (PLANNING AREAS 15 AND 38)

ACTION: Authorized the Mayor to execute License Agreement Number 2202 and 2507, between the City of Irvine and Southern California Edison. **(Contract Nos. 5360, 5361)**

1.11 STATUS REPORT ON CONDITIONAL USE PERMITS FOR TEN WIRELESS COMMUNICATIONS FACILITIES LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN TURTLE ROCK (PLANNING AREA 21)

This item was removed from the Consent Calendar by Councilmember Choi who requested an update on the legal issues.

Assistant City Attorney, Jeff Melching, reported on the outcome of recent state and federal court cases.

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

Receive staff report.

1.12 MAP, BONDS, AND AGREEMENTS, FOR TRACT MAP NO. 16965, WOODBURY EAST (PLANNING AREA 9C)

ACTION:

- 1) Approved Tract Map No. 16965.
- 2) Authorized the Mayor to execute the agreements and accept the security from WL Homes, a Delaware limited liability company, dba John Laing Homes, guaranteeing improvements and survey monumentation for Tract Map No. 16965.
- 3) Accepted the dedication of easement for emergency access, public service vehicle ingress and egress, and sidewalk purposes as shown on the map.

1.13 BUDGET ADJUSTMENT - BARRANCA PARKWAY REHABILITATION FROM CULVER TO JEFFREY - CIP 314050

ACTION: Approved a budget adjustment to appropriate \$570,284 to the Barranca Parkway Rehabilitation Project, CIP 314050.

1.14 ORDINANCE NO. 06-15, DEVELOPMENT AGREEMENT FOR PLANNING AREA 39 WITH THE IRVINE COMPANY, LLC AND IRVINE COMMUNITY DEVELOPMENT COMPANY, LLC

ACTION: Read by title only and adopted **ORDINANCE NO. 06-15** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING DEVELOPMENT AGREEMENT 00424384-PDA FOR THE PLANNING AREA 39 DEVELOPMENT WITH THE IRVINE COMPANY, LLC AND THE IRVINE COMMUNITY DEVELOPMENT COMPANY, LLC (**Contract No. 5362**)

1.15 AMENDMENT TO THE CITY OF IRVINE PERSONNEL RULES AND PROCEDURES RELATED TO CATASTROPHIC LEAVE

This item was removed from the Consent Calendar by Sean Joyce, City Manager, who presented an amendment extending the payment of employees' health insurance, while on Catastrophic Leave, from six months to twelve months.

Council discussion included explanation of the time donation process and the economic impact of the six-month extension.

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

Adopt **RESOLUTION NO. 06-117** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING THE CITY OF IRVINE PERSONNEL RULES AND PROCEDURES (as amended)

1.16 IRVINE VOTE 2006

This item was removed from the Consent Calendar by Councilmember Shea, who noted her concern about the expense to the City when political organizations are making similar efforts.

ACTION: Moved by Councilmember Agran, seconded by Mayor Krom:

- 1) Approved Option 1 for implementing Irvine's 2006 "Get out the Vote" Program at a cost not to exceed \$50,000; and

- 2) Appropriated \$50,000 from the City's Strategic Surplus Fund for program implementation.

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

END OF CONSENT CALENDAR

2. COUNCIL BUSINESS

2.1 AN ORDINANCE AMENDING SECTION 2-9-704 OF THE IRVINE MUNICIPAL CODE RELATING TO THE CITY'S UTILITY USER'S TAX

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

Introduce for first reading and read by title only **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. PRESENTATIONS

Mayor Krom made the following presentations:

- 3.1 *Families Forward-Recognition of Supporters to Hurricane Katrina families.*
- 3.2 *Commendation to David Sparks for his service on the Finance Commission.*
- 3.3 *Tapestry of Cultures - Presentation by Harish Murthy.*

4. PUBLIC HEARINGS

4.1 GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE LAMBERT RANCH LOCATED IN PLANNING AREA 6

Mayor Krom reopened the public hearing. City Manger, Sean Joyce, introduced Kelly Koldus, Diane Nguyen, Associate Planners, and Bill Jacobs, Senior Planner, who presented the staff report.

Council discussion included neighborhood park size; intensity increase; Community parkland dedication; library possibility; school district sites and fees; topography and trail connectivity.

ACTION: Moved by Mayor Krom, seconded by Councilmember Agran and unanimously carried by those members present to close the public hearing.

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

- 1) Adopt **RESOLUTION NO. 06-118** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2005091175) AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR A GENERAL PLAN AMENDMENT 00387430-PGA AND ZONE CHANGE 00387433-PZC FOR THE LAMBERT RANCH RESIDENTIAL PROJECT; 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
- 2) Adopt **RESOLUTION NO. 06-119** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING GENERAL PLAN AMENDMENT 00387430-PGA TO AMEND GENERAL PLAN TABLE A-1, TABLE A-2, FIGURE A-3, AND FIGURE L-2 FOR THE LAMBERT RANCH RESIDENTIAL PROJECT; 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
- 3) Introduce for first reading and read by title only **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 OPEN 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

5. COUNCIL BUSINESS (Continued)

5.1 RESPONSE TO ORANGE COUNTY GRAND JURY REPORT

ACTION: Moved by Mayor Krom, seconded by Councilmember Agran to:

- 1) Draft reply to the Orange County Grand Jury with amendments requested by Mayor Krom and Councilmember Agran regarding composition of the Orange County Great Park Board of Directors as amended to include the following:

“This suggestion will not be implemented because such a move would effectively surrender governance of the Corporation to people outside of the City of Irvine.

Indeed, it would be possible – some believe even likely – that were this suggestion implemented, the reconstruction and reconfiguration of the Orange County Great Park Corporation Board of Directors would consist of just two members of the Irvine City Council and all five members of the County Board of Supervisors.”

- 2) Authorize the Mayor's signature for submittal to the Presiding Judge of the Superior Court of California by the statutory deadline of September 18, 2006.

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

5.2 PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE ORANGE COUNTY GREAT PARK BY AND AMONG THE CITY OF IRVINE AND HERITAGE FIELDS, LLC

Mayor Krom gave a presentation of the staff report, then introduced Bob Santos, Lennar Division President, and Amei Haddad, Lennar Chief Investment Officer, who gave a presentation for Heritage Fields.

The Mayor introduced members of the Great Park Design Studio: Richard Ramsey, Chief of Staff to Ken Smith, Mia Lehrer, Landscape Designer, Yehudi Gaffen, Project Manager; and Tom Maxwell, Sr. Project Manager, spoke on the possibilities of the amended development agreement.

The following individuals spoke on this item:

- Richard Chavez, Anaheim City Council
- Lorri Galloway, Anaheim City Council
- Brenda Ross, Laguna Woods City Council
- Tom Daly, Orange County Clerk Recorder
- Margie Wakeham, Families Forward
- Nora Mendez, Orange County Community Housing Corp.
- Mary Hunt, Woman Sage
- Allen Baldwin, ETHIC

Claudia Sawaya, Irvine resident
Ardishir Rashidi, United Nations Association of the USA
Stephanie Pacheco, Environmental Coalition for the Great Park
Gus Ayer, Mayor Pro Tempore, Fountain Valley City Council
Cynthia Ricks-Mocotan, Irvine Housing Opportunities
Lucy Dunn, Orange County Business Council
Farhad Ghahremani, Khayam Persian School Foundation
Laura Archuleta, Jamboree Housing Corporation
Bart Hess, OCAHOA
David Ward, Irvine resident
Scott Darrell, Kennedy Commission
Kristine Thalman, Building Industry Association
Jacques Garnier, Legacy Project
Andreas Gol, UCI Graduate Student Representative
Sarah Mar, Irvine Multicultural Association
Roger Grable, Families Forward
Cameron Moryedi, Member of Irvine Iranian Community
Gene Howard, Orangewood Children's Foundation
Edward Benoe, Irvine Chamber of Commerce
Roger Taylor, Bicycle Association of South Orange County
Bill Roley, Great Park Conservancy
Ken Nicolas, YMCA of Orange County

Mayor Krom read two letters into the record from Robert Ridland, President Belstarr Management Company and Affad Shaik, Council on American-Islamic Relations.

Councilmember comments included traffic issues; thanking committee members; importance of the public-private partnership; potential opportunities of amended agreement; addressing housing needs; education related issues; job ratio; and no use of tax dollars.

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

- 1) Approve the Principles of Agreement in concept.
- 2) Direct the City Manager to initiate a General Plan Amendment and zone change.
- 3) Direct the City Manager to prepare the corresponding amendments to the Development Agreement.

END OF COUNCIL BUSINESS

PUBLIC COMMENTS

Senator Tom Harman introduced himself to the Irvine Community.

Laura Baden, Michael Cupps, and Dr. Peter Weinstien spoke on Team Kids.

Rudolph Fernandez spoke on Michelson being unsafe.

Sam Castelo spoke on the response to The Orange County Grand Jury.

ADJOURNMENT

By Consensus, the City Council adjourned the meeting at 10:31 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

September 26, 2006
DATE