

**MINUTES OF A
SPECIAL MEETING
OF THE
IRVINE CITY COUNCIL HELD**

January 10, 2006

CALL TO ORDER

A special meeting of the Irvine City Council was called to order on January 10, 2006 at 3:03 p.m., in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California, by Mayor Krom, presiding officer.

ROLL CALL

| | | |
|------------|----------------|----------------|
| PRESENT: 5 | COUNCILMEMBER: | Larry Agran |
| | COUNCILMEMBER: | Steven Choi |
| | COUNCILMEMBER: | Christina Shea |
| | MAYOR PRO TEM: | Sukhee Kang |
| | MAYOR: | Beth Krom |

| | | |
|-----------|----------------|------|
| ABSENT: 0 | COUNCILMEMBER: | None |
|-----------|----------------|------|

Also present were Acting City Manager, Sean Joyce; City Attorney, Philip Kohn; CEO-Great Park, Wally Kreutzen; 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, Tina Christiansen; Deputy City Clerk, Teri Beach, City Clerk Specialist, Gail Frueh; and Michael Tu, Sgt. At Arms.

RECESS

Mayor Krom recessed the meeting to Closed Session at 3:05 p.m.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Subdivision (a) of Government Code Section 54956.9)

1.1 Cox Com, Inc. a Delaware Corporation v. City of Irvine, a Municipal Corporation of the State of California, United States District Court, Central District of California

2. PUBLIC EMPLOYMENT (Pursuant to Government Code Section 54957)

2.1 Position Title: City Manager

RECONVENE TO THE CITY

Mayor Krom reconvened the meeting to regular session at 5:00 p.m.

City Attorney, Philip Kohn, announced that no reportable action had been taken during the Closed Session.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Kang led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Krom requested a moment of silence.

MUSICAL PRESENTATION

Mayor Krom introduced the Christ our Redeemer A.M.E. Church Choir, led by Musical Director, Mia Whitlock, who performed "Healed," and " We Shall Overcome."

PRESENTATIONS

- 1) Mayor Krom introduced Anna Gonzales, Director of the Cross Cultural Center, and presented a proclamation entitled, "University California Irvine Symposium - Martin Luther King, Jr., January 16, 2006."
- 2) Mayor Krom read a proclamation entitled, "100 Black Men of Orange County and Passport to the Future Day, February 4, 2006."

- 3) Mayor Krom introduced the following individuals and presented a proclamation entitled, "National Charity League, Irvine Chapter - 25 Years Anniversary Celebration, January 23, 2006."
- Kelly Campbell, President, and her daughter Carolyn;
 - Melissa Cory, President of the Visa Chapter;
 - Kelly Gilroy, President of the Rancho Irvine Chapter;
 - Shelley Shatzen, President-Elect of the Rancho Irvine Chapter;
 - Nancy Means and her daughters Andi Sue and Aunalee;
 - Cyndi Runstrom;
 - Martha Biemann and her daughter Julia;
 - Karen Blakeley, Treasurer;
 - Kathy Colao, Chairman – Meals on Wheels and her daughter Kathleen; and
 - Meg English and her daughter Erin;
- 4) Mayor Krom introduced Elisa Trimmer, Volunteer Chairperson and Christian French, representing the 2006 Relay For Life Event who presented a plaque from the American Cancer Society for the City's support of the Orange County Relay for Life 2005 Event.

INTRODUCTIONS

There were no introductions.

CITY MANAGERS REPORT

There was no City Manager's Report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Councilmember Choi made comments on the following:

- Gave a brief update on the Library Task Force meeting held on January 3, 2006;
- Noted his participation in the 2nd Annual Orange County Marathon on Sunday, January 8, 2006; and
- Announced that the United States Senate passed a resolution declaring January 13, as "Korean American Day."

Mayor Pro Tempore Kang announced that he would be attending an event on January 13, 2006, in Los Angeles, celebrating "Korean American Day." He also noted that he would be presenting a proclamation to participants at the event.

Mayor Beth Krom announced that the 3rd Annual Great American Bake Sale, sponsored by Team Kids, will be taking place over the Dr. Martin Luther King, Jr. weekend, January 14 -16, and encouraged resident participation.

ADDITIONS AND DELETIONS

There were no additions or deletions to the agenda.

CITY COUNCIL REORGANIZATION

Selection of Mayor Pro Tempore

Mayor Krom nominated Mayor Pro Tempore Kang to continue to serve in the capacity as Mayor Pro Tempore. The nomination was seconded by Councilmember Agran.

Councilmember Shea nominated Councilmember Choi to serve as Mayor Pro Tempore. The nomination was seconded by Councilmember Choi.

Mayor Krom requested a voice vote.

The voice vote was recorded as follows:

| <u>Councilmembers</u> | <u>Selection of Nominee</u> |
|-----------------------|-----------------------------|
| Agran | Kang |
| Choi | Choi |
| Kang | Kang |
| Shea | Choi |
| Krom | Kang |

The Deputy City Clerk announced the selection of Councilmember Kang as Mayor Pro Tempore by voice vote.

CONSENT CALENDAR

Hearing no objections from other Councilmembers, Mayor Krom removed the following item from the Consent Calendar for separate discussion and action:

7.1 WARRANT AND WIRE TRANSFER RESOLUTION – BANK OF AMERICA

Councilmember Agran requested his vote on this item be recorded as an abstention. Please see page 7 for action on this item.

ACTION: It was moved by Councilmember Choi, seconded by Councilmember Shea, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 7.4, with the exception of Item No. 7.1, as noted above.

PUBLIC COMMENTS

There was no public comment on the Consent Calendar.

3. CITY COUNCIL MINUTES

3.1 APPROVAL OF CITY COUNCIL MINUTES

ACTION: Approved the minutes of a regular meeting of the City Council held on December 13, 2005.

4. PROCLAMATIONS/COMMENDATIONS/RATIFICATIONS

4.1 PROCLAIMED THE FOLLOWING:

ACTION:

- 1) "National Charity League, Irvine Chapter - 25 Years Anniversary Celebration - January 23, 2006."
- 2) "Martin Luther King, Jr. Day - January 16, 2006."
- 3) "100 Black Men of Orange County and Passport to the Future Day - February 4, 2006."

5. AGREEMENTS

5.1 APPROVE USE AND MAINTENANCE AGREEMENTS FOR SLOPE LANDSCAPING ALONG CULVER DRIVE WITHIN THE UNIVERSITY OF CALIFORNIA, IRVINE CAMPUS (PLANNING AREA 50)

ACTION: **CONTRACT NO. 5193** - Approved Use and Maintenance Agreements between the City of Irvine and the Regents of the University of California across the University of California, Irvine Campus, and authorized the Mayor to execute and the City Clerk to attest said agreements, subject to City Attorney approval as to form.

5.2 APPROVE THE CONVEYANCE OF AN EASEMENT TO THE SOUTHERN CALIFORNIA EDISON COMPANY AT 27 LAKE (PLANNING AREA 15, WOODBRIDGE)

ACTION: DEED NO. 1032 - Approved a Grant of Easement to Southern California Edison Company and authorized the Mayor to sign and the City Clerk to attest to the Grant of Easement subject to the City Attorney as to form.

5.3 APPROVAL OF MAP, BONDS, AND AGREEMENTS, FOR TRACT MAP NO. 16893 (PLANNING AREA 6, PORTOLA SPRINGS)

ACTION:

- 1) Approved Tract Map No. 16893.
- 2) Approved the agreements and accepted the security from California Pacific Homes, guaranteeing street improvements and survey monuments for Tract Map No. 16893 and authorized the Mayor to sign and the City Clerk to attest to the agreements subject to City Attorney approval as to form.
- 3) Accepted the dedication of an easement for emergency access and public service vehicle ingress and egress, sidewalk and access purposes as shown on the map.

6. ALLOCATION OF FUNDS

6.1 ORANGE COUNTY GREAT PARK BUDGET ADJUSTMENT

ACTION: Approved Budget Adjustment that completes the Orange County Great Park Corporation (OCGPC) Board action of December 12, 2005, increasing lease revenues by \$600,000 and allocations by \$492,784, and making other adjustments between accounts within the OCGPC Fund.

6.2 BUDGET ADJUSTMENT REQUEST TO ESTABLISH A NEW CIP IN THE IRVINE BUSINESS COMPLEX TRANSPORTATION MANAGEMENT PROGRAM FUND FOR THE IBC SIDEWALK CONNECTIONS AND GAP CLOSURES PROJECT

ACTION: Approved a Budget Adjustment to appropriate \$95,958 in available Irvine Business Complex (IBC) Transportation Management Plan (TMP) fund balance and establish a new Capital Improvement Project (CIP) account to complete the final design engineering phase of the IBC Sidewalk Connections and Gap Closures project.

7. RESOLUTIONS

7.1 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

Councilmember Agran requested his vote on this item be recorded as an abstention due to a potential conflict of interest as a stockholder in the bank. This has been deemed a true abstention by the City Attorney.

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 06-01** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ALLOWING CERTAIN CLAIMS AND DEMANDS TO BANK OF AMERICA AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID.

7.2 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 06-02** - 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.

7.3 AMENDMENTS TO THE POSITION CONTROL RESOLUTION

ACTION: Adopted a resolution entitled: **RESOLUTION NO. 06-03** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING FULL-TIME POSITIONS IN ACCORDANCE WITH THE PROVISIONS OF COMPENSATION RESOLUTIONS AND THE OPERATING BUDGET FOR THE 2005-2006 FISCAL YEAR, AND REPEALING ALL PREVIOUS RESOLUTIONS AUTHORIZING FULL-TIME POSITIONS

7.4 ACCEPT PETITION FOR FORMING ASSESSMENT DISTRICT NO. 05-21 (PLANNING AREA 1, ORCHARD HILLS)

ACTION:

- 1) Accepted and filed the petition for forming Assessment District No. 05-21.
- 2) Adopted a resolution entitled: **RESOLUTION NO. 06-04** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, ACCEPTING PETITION FOR FORMATION OF ASSESSMENT DISTRICT NO. 05-21 (ORCHARD HILLS) AND DIRECTING THAT CERTAIN ACTS BE TAKEN IN FURTHERANCE OF THE DISTRICT'S FORMATION

END OF CONSENT CALENDAR

COUNCIL BUSINESS

8. RESOLUTIONS

8.1 PLUG-IN PARTNER NATIONAL PLUG-IN HYBRID ELECTRIC VEHICLES INITIATIVE – RESOLUTION OF SUPPORT

City Council discussion included clarification of “mass production” as defined in the resolution; modification to language in resolution relative to support and commitment of this proposed program; and requested staff return on a quarterly basis with updates to the proposed program;

ACTION: It was moved by Mayor Krom, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Adopt a resolution entitled: **RESOLUTION NO. 06-05** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY TO SUPPORT A LOCAL “PLUG-IN CITY OF IRVINE” CAMPAIGN

As amended.

9. SECOND READING OF ORDINANCES

9.1 SECOND READING OF ORDINANCE: ZONE CHANGE FOR PLAZA-IRVINE, PHASES III AND IV PLANNING AREA 36

ACTION: It was moved by Mayor Pro Tempore Kang, seconded by Councilmember Shea, and unanimously carried, to:

Adopt and read by title only, an ordinance entitled: **ORDINANCE NO. 05-27 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING ADDENDUM TO ENVIRONMENTAL IMPACT REPORT 88-ER-0087 AND APPROVING ZONE CHANGE 00367058-PZC (FORMERLY 00372849-PZC) TO CHANGE THE ZONING ON LOT 1 OF TRACT 16843 FROM 5.1 IBC MULTI-USE TO 5.0 IBC RESIDENTIAL; AND REVISE THE PLANNING AREA INTENSITY LIMITS FOR PLAZA – IRVINE PHASES III-IV LOCATED AT THE SOUTHEAST CORNER OF JAMBOREE ROAD AND DIPLOMA; PLANNING AREA 36; FILED BY STARPOINTE VENTURES**

9.2 SECOND READING OF ORDINANCE: ZONE CHANGE, PLANNING AREA 10; FILED BY PIRZADEH AND ASSOCIATES

Marty Bryant, Director of Public Works, noted that a report would be forthcoming to the City Council regarding traffic impacts related to this project.

ACTION: It was moved by Councilmember Shea, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Adopt and read by title only, an ordinance entitled: **ORDINANCE NO. 05-28 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00387627-PZC TO CHANGE THE 4.2E COMMUNITY COMMERCIAL ZONING DISTRICT FOR THE PARCEL LOCATED EAST OF JAMBOREE ROAD TO 5.5B MEDICAL AND SCIENCE, AND TO INCREASE THE BUILDING INTENSITY STANDARD FOR THE 5.5B MEDICAL AND SCIENCE ZONING DISTRICT FROM 632,940 SQUARE FEET TO 782,000 SQUARE FEET; LOCATED EAST OF JAMBOREE ROAD (FORMER HOMEFINDING CENTER SITE), PLANNING AREA 10; FILED BY PIRZADEH & ASSOCIATES, ON BEHALF OF THE IRVINE COMPANY**

9.3 SECOND READING OF ORDINANCE: ZONE CHANGE TO ALLOW WINDOWS/OPENINGS ON ZERO LOT LINE PROPERTIES WITH AND WITHOUT EASEMENTS, AND ON NON-ZERO LOT LINE PROPERTIES WITH EASEMENTS

John Ernst, Principal Planner, responded to City Council questions.

City Council discussion included clarification that upon the request for a permit, the homeowners association has reviewed the request prior to submission of the permit by the City; and policy in place that would require the City to obtain authorization from the Homeowners Association prior to issuance of the permit by the City.

ACTION: It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried, to:

Adopt and read by title only, an ordinance entitled: **ORDINANCE NO. 05-29 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00401999-PZC REPEALING SECTION 3-27-2.A.4 OF THE ZONING CODE ELIMINATING RESTRICTIONS ON THE PLACEMENT OF OPENINGS/WINDOWS ON RESIDENTIAL ZERO LOT LINE PROPERTIES WITH AND WITHOUT EASEMENTS AND ON NON-ZERO LOT LINE PROPERTIES WITH EASEMENTS FILED BY THE CITY OF IRVINE COMMUNITY DEVELOPMENT DEPARTMENT**

10. REPORTS

10.1 APPROVAL OF APPOINTMENTS OF DELEGATES AND ALTERNATES TO AGENCIES ON WHICH THE CITY HAS REPRESENTATION

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

Appoint delegates and alternates to agencies on which the City has representation, as follows:

| AGENCY | DELEGATE | ALTERNATE |
|---|--|--------------------------------|
| Borders Committee with City of Newport Beach | Mayor Krom | Mayor Pro Tempore Kang |
| Coastal Greenbelt Authority | Sharon Heider (Ex-Officio Member; Non-Voting Member) | Director of Community Services |

| AGENCY | DELEGATE | ALTERNATE |
|---|---|--------------------------------|
| County-Wide Library Task Force | Steven Choi | |
| El Toro Reuse Planning Authority (ETRPA) | Larry Agran | Beth Krom |
| Foothill/Eastern Transportation Corridor Agency | Larry Agran | Beth Krom |
| Growth Management Area #4 & #9 | Steven Choi | Beth Krom |
| Growth Management Area #7 & #8 | Sukhee Kang | Christina Shea |
| Irvine Barclay Theatre Operating Company (Board of Directors and Committees) | Rick Paikoff Sean Joyce Mary Ann Gaido (Council action on 3/22/05) | |
| Irvine Child Care Project (Non-Profit JPA between City and IUSD) | Christina Shea Sandy Litzie | Steven Choi John McAllister |
| Irvine Liaison and Coordinating Committee (IUSD) | Beth Krom | Steven Choi |
| Irvine Liaison and Coordinating Committee (Tustin Unified School District) | Beth Krom | Sukhee Kang |
| Irvine Public Schools Foundation (Education Leadership Forum) | Beth Krom Christina Shea City Manager | |
| Irvine Public Schools Foundation (Forum Action Team) | Sukhee Kang | |
| Irvine Ranch Water District/City of Irvine Coordinating Committee | Beth Krom | Sukhee Kang |

| AGENCY | DELEGATE | ALTERNATE |
|--|--|-------------------|
| Laguna Canyon Foundation | Beth Krom | Sharon Heider |
| League of California Cities | Mayor (Voting Delegate) | Mayor Pro Tempore |
| National League of Cities | Mayor (Voting Delegate) | Mayor Pro Tempore |
| Newport Bay Watershed Executive Committee | Steven Choi | Mike Loving |
| Non-Profit Corporation for Central and Coastal NCCP/HCP | Sharon Heider | John McAllister |
| Orange County Council of Government (COG) | Mayor | Mayor Pro Tempore |
| Orange County Fire Authority | Beth Krom | Christina Shea |
| Orange County Housing Authority Advisory Committee | Beth Krom | |
| Orange County Sanitation Districts #7 & #14 | Sukhee Kang | Steven Choi |
| Orange County Vector Control District | Rosemary Dugard (2 year term, expires 12-31-07) | |
| San Joaquin Marsh Wildlife Sanctuary | Beth Krom | |
| Santa Ana River Flood Protection Agency Commission | Christina Shea | |
| Southern California Association of Governments | Mayor | Mayor Pro Tempore |

| AGENCY | DELEGATE | ALTERNATE |
|--|-------------|----------------|
| San Joaquin Hills Transportation Corridor Agency | Larry Agran | Christina Shea |

10.2 ADOPTION OF RULES OF ETHICAL AND OPEN GOVERNANCE AND CODE OF ETHICS/LOBBYING REGULATIONS (Continued from the meeting of December 13, 2005)

This item was continued from the meeting of December 13, 2005, with the main motion on the table as follows:

It was moved by Mayor Krom, seconded by Councilmember Agran, to:

Adopt a resolution entitled: RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE RULES OF ETHICAL AND OPEN GOVERNANCE

Introduce for first reading and read by title only an ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE IRVINE MUNICIPAL CODE BY ADDING NEW DIVISION 6 TO TITLE 1 RELATING TO THE ADOPTION OF A CODE OF ETHICS, AND AMENDING CERTAIN PORTIONS OF TITLE 1 OF THE IRVINE MUNICIPAL CODE RELATING TO OPEN GOVERNANCE PROVISIONS (COMMITTEE ASSIGNMENTS, AUDIT OF THE CITY CONTRACTS, AND DIVISION OF COUNCIL VOTES)

And

Introduce for first reading and read by title only and ordinance entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE IRVINE MUNICIPAL CODE BY ADDING NEW DIVISION 7 TO TITLE 1 RELATING TO THE REGULATION OF LOBBYING ACTIVITIES

Dan Jung, Executive Assistant to the City Manager, presented the staff report.

City Council discussion included clarification that lobbying does not apply to those persons working as in-house employees for charitable organizations and for-profit companies who are lobbying on behalf of their employers; clarification that the proposed ordinance does not preclude those employed by non-profit agencies from continuing in their role of

elective office; clarification that the definition of nepotism does not preclude relatives from working for the City, rather prohibits employees from having an influence in the hiring of relatives; clarification of dividing motions as outlined in Roberts Rules of Order; responsibility of enforcement of violations to the proposed ordinance; and provision prohibiting contracts with elected officials in Orange County for the purpose of conducting lobbying activities in the City of Irvine.

The following individuals spoke in opposition to the proposed ordinance:

Mark Petracca, Irvine resident;
Greg Smith, Irvine resident;
Mike Ward, Irvine resident;
Mike Thomas, Irvine resident;

The following individuals spoke in support of the proposed ordinance.

Elaine Booth, Irvine resident; and
Sam Castelo, Irvine resident

It was moved by Councilmember Choi, seconded by Councilmember Shea, to:

Divide Section 1-6-104 from the proposed Ethics ordinance for separate vote.

Councilmember Choi withdrew the motion, the second to the motion consented to the withdrawal.

A substitute motion was moved by Councilmember Choi, seconded by Councilmember Shea, to:

Delete section 1-6-104 in its entirety from the proposed Code of Ethics Ordinance.

Councilmember Choi withdrew the motion, the second to the motion consented to the withdrawal.

By consensus, the City Council modified Section 1-6-101(C4 & C5 as follows:

4. *Democracy.* City officials and employees shall demonstrate honor and respect for democratic principles, and observe the letter and spirit of laws.

5. *Public trust.* City officials and employees shall safeguard

public confidence in the integrity of government by upholding the highest standards of personal and professional conduct. ~~and by demonstrating conduct befitting a public official.~~

By consensus, the City Council modified Section 1-6-108(B) as follows:

B. City officials and employees shall not influence or attempt to influence the awarding of a City contract to or execution of a City agreement with an ~~immediate family member~~ a relative as defined in Section 2 of the City's Personnel Rules and Procedures.

By consensus, the City Council modified Section 1-2-110 as follows:

~~To ensure meaningful participation and experience by all members of the City Council, equal consideration shall be given to rotating appointments to regional boards, authorities, and committees. The rotation of appointments should take place in even-numbered years consistent with the seating of the newly-elected Mayor. It is encouraged that appointments to regional boards be given consideration on an annual basis to allow all members of the City Council to have an opportunity to represent the City in such a capacity. Appointments will be voted upon each January.~~

By consensus, the City Council modified Section 1-2-111 as follows:

~~To maintain the highest level of integrity and accountability concerning contract services, The City Manager shall have the authority to initiate an audit of any City contract when he or she has a reasonable belief that established City policies or terms of the contract have been breached. of work performance or irregularity in the contractor's invoices is suspected, including but not limited to falsification of information or the deliberate omission of information necessary to substantiate requests for payment.~~

By consensus, the City Council deleted the following section in its entirety:

~~SECTION 4. Paragraph J, entitled "Rules of order," of Section 1-2-311 ("Rules of debate") in Title 1 ("General Services") of the Irvine Municipal Code is hereby re-lettered as Paragraph K, and a new Paragraph J, entitled "Division of voting," is hereby added to read in its entirety as follows:~~

~~J. *Division of voting.* Upon the request of any member of the Council, when any motion relating to a single subject contains more than one part, each of which is capable of standing as a separate~~

~~proposition if the others are removed, the motion shall be divided into such separate propositions for consideration and voting purposes.~~

By consensus, the City Council added subsection 3 to Section 1-6-110, paragraph E as follows:

3. In the event that the City Attorney or City Manager (or his or her designee) determines that a violation of this division has occurred, appropriate documentation should be prepared to memorialize the determination.

RECESS

Mayor Krom recessed the meeting to Closed Session at 9:36 p.m.

RECONVENE

Mayor Krom reconvened the meeting at 9:44 p.m.

Mayor Krom retracted her main motion made previously and still on the table from the meeting of December 13, 2005.

It was moved by Mayor Krom, seconded by Councilmember Agran, to:

Introduce for first reading and read by title only an ordinance entitled: ORDINANCE NO. 06-01 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE IRVINE MUNICIPAL CODE BY ADDING NEW DIVISION 6 TO TITLE 1 RELATING TO THE ADOPTION OF A CODE OF ETHICS, AND AMENDING CERTAIN PORTIONS OF TITLE 1 OF THE IRVINE MUNICIPAL CODE RELATING TO OPEN GOVERNANCE PROVISIONS (COMMITTEE ASSIGNMENTS AND AUDIT OF THE CITY CONTRACTS)

As amended to include modifications.

A substitute motion was moved by Councilmember Choi, seconded by Councilmember Shea, to:

Divide Section 1-6-104 from the proposed Ethics ordinance for separate vote and adopt the proposed ethics ordinance with the modifications agreed to by consensus of the City Council.

The motion failed as follows:

AYES: 2 COUNCILMEMBERS: Choi and Shea
 NOES: 3 COUNCILMEMBERS: Agran, Kang, and Krom
 ABSENT: 0 COUNCILMEMBERS: None

ACTION: The original motion moved by Mayor Krom, seconded by Councilmember Agran, to:

- 1) Introduce for first reading and read by title only an ordinance entitled: **ORDINANCE NO. 06-01 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE IRVINE MUNICIPAL CODE BY ADDING NEW DIVISION 6 TO TITLE 1 RELATING TO THE ADOPTION OF A CODE OF ETHICS, AND AMENDING CERTAIN PORTIONS OF TITLE 1 OF THE IRVINE MUNICIPAL CODE RELATING TO OPEN GOVERNANCE PROVISIONS (COMMITTEE ASSIGNMENTS AND AUDIT OF THE CITY CONTRACTS)**

As Amended to include the following modifications:

Section 1-6-101(C4 & C5)

4. *Democracy.* City officials and employees shall demonstrate honor and respect for democratic principles, and observe the letter and spirit of laws.

5. *Public trust.* City officials and employees shall safeguard public confidence in the integrity of government by upholding the highest standards of personal and professional conduct.

Section 1-6-108(B):

B. City officials and employees shall not influence or attempt to influence the awarding of a City contract to or execution of a City agreement with a relative as defined in Section 2 of the City's Personnel Rules and Procedures.

Section 1-2-110:

It is encouraged that appointments to regional boards be given consideration on an annual basis to allow all members of the City Council to have an opportunity to represent the City in such a capacity. Appointments will be voted upon each January.

Section 1-2-111:

The City Manager shall have the authority to initiate an audit of any City contract when he or she has a reasonable belief that established City policies or terms of the contract have been breached.

Delete Paragraph J from Section 4, Division of Voting in its entirety.

Add subsection 3 to Section 1-6-110, paragraph E:

3. In the event that the City Attorney or City Manager (or his or her designee) determines that a violation of this division has occurred, appropriate documentation should be prepared to memorialize the determination.

Carried as follows:

| | | | |
|---------|---|-----------------|-----------------------|
| AYES: | 3 | COUNCILMEMBERS: | Agran, Kang, and Krom |
| NOES: | 2 | COUNCILMEMBERS: | Shea, Choi |
| ABSENT: | 0 | COUNCILMEMBERS: | None |

ACTION: By consensus, the City Council:

- 2) Continued the following actions to the meeting of January 24, 2006:
 - A) First reading of ordinance: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING THE IRVINE MUNICIPAL CODE BY ADDING NEW DIVISION 7 TO TITLE 1 RELATING TO THE REGULATION OF LOBBYING ACTIVITIES
 - B) Adoption of a resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE RULES OF ETHICAL AND OPEN GOVERNANCE

**10.3 CITY COUNCIL POLICY AND PROCEDURES MANUAL (Continued
from the meeting of December 13, 2005)**

ACTION: By consensus, the City Council continued this item to the meeting of January 24, 2006.

END COUNCIL BUSINESS

PUBLIC COMMENTS

There were none.

ADJOURNMENT

It was moved by Councilmember Choi, seconded by Mayor Pro Tempore Kang, and unanimously carried to adjourn the meeting at 11:39 p.m. to a City Council Regular meeting, January 24, 2006, 4:00 p.m., City of Irvine, City Council Chamber, One Civic Center Plaza, Irvine, California.



MAYOR OF THE CITY OF IRVINE

ATTEST:



CITY CLERK OF THE CITY OF IRVINE

January 24, 2006
DATE APPROVED