

SUKHEE KANG
Mayor

LARRY AGRAN
Mayor Pro Tempore

STEVEN CHOI
Councilmember

BETH KROM
Councilmember

CHRISTINA SHEA
Councilmember



AGENDA
CITY COUNCIL
REGULAR MEETING
September 8, 2009
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 City 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 City Council are recognized. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

[CALL TO ORDER](#)

[ROLL CALL](#)

1. [CLOSED SESSION](#)

- 1.1 *EXISTING LITIGATION pursuant to Government Code section 54956.9, subdivision (a): 1 item: City of Irvine v. Irvine Unified School District, Orange County Superior Court Case No. 30-2009-00293517***

RECESS

[RECONVENE TO THE CITY COUNCIL MEETING](#)

[PLEDGE OF ALLEGIANCE](#)

[MOMENT OF SILENCE](#)

MUSICAL PRESENTATION

2. PRESENTATIONS

- 2.1 *National Assistance League's "Operation School Bell" Award to Kohl's Department Store***

INTRODUCTIONS

Will Kempton, Orange County Transportation Authority

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: Approve the minutes of a special meeting of the Irvine City Council held on August 11, 2009.

3.2 PROCLAMATIONS

ACTION:

- 1) Proclaim September 6, 2009 as "MDA Day."
- 2) Proclaim September 26, 2009 as "Families Forward Day."
- 3) Proclaim September 28, 2009 as "Family Day – A Day to Eat Dinner with Your Children."

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 - 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

3.5 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

3.6 FINAL TRACT MAP NOS. 16959 AND 17330, NOTICE OF REVIEW FOR RESIDENTIAL CONDOMINIUMS IN WOODBURY EAST

ACTION: Receive and file.

3.7 FINAL TRACT MAP NOS. 16852 AND 17246, NOTICE OF PENDING APPROVALS IN IRVINE BUSINESS COMPLEX AND WOODBURY

ACTION: Receive and file.

3.8 DEFINED BENEFIT PENSION PLAN AND DEFINED CONTRIBUTION PENSION PLAN AUDITS FOR THE YEAR ENDED DECEMBER 31, 2008

ACTION: Receive and file the Defined Benefit and the Defined Contribution Pension Plan audits for the year ended December 31, 2008.

3.9 ORANGE COUNTY GREAT PARK 2009 CAPITAL IMPROVEMENTS PROJECTS (DEMOLITION AND SITE PREPARATION) APPROVAL OF PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS – CIP 378010

ACTION: Approve the plans, specifications and contract documents for the Orange County Great Park 2009 Capital Improvement Projects (Demolition and Site Preparation) on file with the Orange County Great Park Corporation.

3.10 2008-2009 ORANGE COUNTY GRAND JURY REPORT "PAPER WATER" – DOES ORANGE COUNTY HAVE A RELIABLE FUTURE?

ACTION: Authorize the Mayor to sign the response letter, on behalf of the City Council, to the Orange County Grand Jury report on "Paper Water" - Does Orange County Have A Reliable Future? for submittal to the Presiding Judge of the Superior Court of Orange County by the statutory deadline of September 17, 2009.

3.11 ORDINANCE NO. 09-07, ORDINANCE ADDING A CHAPTER TO THE IRVINE MUNICIPAL CODE ESTABLISHING A POLICY FOR THE CREATION OF PREFERENTIAL PARKING DISTRICTS

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-07- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING A CHAPTER TO THE IRVINE MUNICIPAL CODE ESTABLISHING A POLICY FOR THE CREATION OF PREFERENTIAL PARKING DISTRICTS

3.12 ORDINANCE 09-08 APPROVING CITY-INITIATED ZONE CHANGE, AND ORDINANCE 09-09 APPROVING ORANGE COUNTY GREAT PARK DEVELOPMENT AGREEMENT AMENDMENT FOR THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC, LOCATED IN PLANNING AREAS 30 AND 51

ACTION:

- 1) Read by title only, second reading and adoption of ORDINANCE NO. 09-08- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING CITY-INITIATED ZONE CHANGE 00470039-PZC TO MODIFY DEVELOPMENT STANDARDS IN SECTION 3-37-39 AND TEXT AND THE STATISTICAL ANALYSIS IN CHAPTERS 2-9, 9-30, AND 9-51 OF THE ZONING ORDINANCE FOR PLANNING AREAS 30 AND 51
- 2) Read by title only, second reading and adoption of ORDINANCE NO. 09-09 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING A CITY-INITIATED AMENDMENT TO ORANGE COUNTY GREAT PARK DEVELOPMENT AGREEMENT 00470035-PDA BETWEEN THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC; PERTAINING TO PROPERTY IN PLANNING AREAS 30 AND 51

3.13 2009 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

ACTION:

- 1) Accept a 2009 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$66,563 as a subgrantee of the County of Orange.
- 2) Authorize the City Manager to approve and execute, and the City Clerk to attest to an Agreement to Transfer Funds associated with the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program between the County of Orange and the City of Irvine.
- 3) Authorize \$12,647 of the Edward Byrne Memorial Justice Assistance Grant to be utilized by the County of Orange to provide partial funding of the Pro-Active Methamphetamine Laboratory Investigative Team and to administer the grant.
- 4) Approve a budget adjustment request in the amount of \$53,916 for revenues and appropriations.

3.14 REAFFIRMATION OF SISTER CITY AGREEMENT BETWEEN THE CITY OF IRVINE AND CITY OF TSUKUBA, JAPAN

ACTION: Approve and authorize the Mayor to sign the Reaffirmation of Sister City Agreement between City of Irvine, California, United States of America and City of Tsukuba, Ibaraki, Japan.

3.15 LOS ANGELES WORLD AIRPORT FLYAWAY SERVICE AT IRVINE STATION

ACTION:

- 1) Authorize the Mayor to execute the License Agreement between the Los Angeles World Airport (LAWA) and the City of Irvine for operation of FlyAway service from Irvine Station to Los Angeles International Airport (LAX).
- 2) Approve a Budget Adjustment to accept \$6,800 from LAWA for sidewalk repairs and wayfinding signage at Irvine Station.

3.16 ORANGE COUNTY GREAT PARK PURCHASE OF SEATS FOR THE SEPTEMBER 23, 2009 ORANGE COUNTY ARTS AWARDS EVENT

ACTION: Approve the purchase of four seats at a table for eight for the September 23, 2009 Orange County Arts Awards event at a total cost of \$5,000.

END 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 continuation. Any matter not noted for continuance, will be posted separately.

4.1 GREEN BUILDING PROGRAM AND BUILDING CODE REVISIONS**ACTION:**

- 1) Open the public hearing.
- 2) Continue the public hearing to September 22, 2009 at 4:00 p.m.

4.2 REVISION OF DIVISION 5 OF TITLE 4 RELATING TO REGULATIONS GOVERNING ANIMALS AND AMENDING THE IRVINE MUNICIPAL CODE**ACTION:**

- 1) Receive staff report.
- 2) Open the public hearing, receive public input.
- 3) Close the public hearing.
- 4) City Council comments and questions.
- 5) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING DIVISION 5 OF TITLE 4 RELATING TO REGULATIONS GOVERNING ANIMALS AND AMENDING THE IRVINE MUNICIPAL CODE

5. COUNCIL BUSINESS**5.1 AMEND MUNICIPAL CODE CONCERNING PROCEDURE FOR SELECTING MAYOR PRO TEMPORE**

ACTION: Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, AMENDING SECTION 1-2-104 OF THE IRVINE MUNICIPAL CODE RELATING TO REORGANIZATIONS

5.2 PARTIAL LIVING WAGE ORDINANCE EXCEPTION FOR WACKENHUT CORPORATION

ACTION: Approve partial exception from Living Wage Ordinance for Wackenhut Corporation to provide professional custody services.

END COUNCIL BUSINESS

PUBLIC COMMENTS (Limited to 3 minutes per speaker)

Public comments will be heard at approximately 6:30 p.m. or prior to adjournment, which ever occurs earlier.

ADJOURNMENT

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 once the agenda is publicly posted, (at least 72 hours prior to a regular City Council meeting). 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.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda after the posting of the agenda will be available for public review in the City Clerk's Office, One Civic Center Plaza, Irvine, California, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

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.

**SUBMITTAL OF INFORMATION BY MEMBERS OF THE PUBLIC FOR
DISSEMINATION OR PRESENTATION AT PUBLIC MEETINGS**

Media Types and Guidelines

1. Written Materials/handouts:

Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the City Council. Please provide 15 copies of the information to be submitted and file with the City Clerk at the time of arrival to the meeting. This information will be disseminated to the City Council at the time testimony is given.

2. Large Displays/Maps/Renderings:

Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the City Clerk's Office at (949)724-6205 no later than 12:00 noon on the day of the scheduled meeting so that an easel can be made available, if necessary.

3. Electronic Documents/Audio-visuals:

Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Public Information Office (PIO) no later than 12:00 noon on the day of the scheduled meeting. To facilitate your request contact the PIO Office at (949)724-6248 or the City Clerk's Office at (949)724-6205.

Information must be provided on CD, DVD, or VHS; or, emailed by 12:00 noon on the day of the scheduled meeting to pio@ci.irvine.ca.us. Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a day time phone number.

The PIO office will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed or if the version provided is incompatible with the City's system. Every effort will be made by City staff to facilitate the presentation.

PUBLIC COMMENT

Any member of the public may address the City Council on items within the City Council's subject matter jurisdiction but which are not listed on this agenda during Public Comment; however, no action may be taken on matters that are not part of the posted agenda. If you would like to address the City Council during the Public Comment portion of the Agenda, please complete the Request to Speak Form. The card is at the table at the entrance to the City Council Chamber. Please complete the card with your name, *address, and *phone number (*optional), and return to the City Clerk. The Request to Speak Form assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. Your name will be called at the time Public Comment is taken by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

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, MMC
City Clerk