



Sukhee Kang
Mayor

Beth Krom
Mayor Pro Tempore

Larry Agran
Councilmember

Steven Choi
Councilmember

Jeffrey Lalloway
Councilmember

AGENDA

CITY COUNCIL REGULAR MEETING August 23, 2011 4:00 PM

City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

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 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](#)

[CLOSED SESSION:](#)

[CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Government Code § 54956.9\(c\) \(one case\): Consideration of whether to initiate litigation concerning State of California rejection of City claim for computer-software supplier sales tax revenues.](#)

[PLEDGE OF ALLEGIANCE - IRVINE BOY SCOUT TROOP 691](#)

[MOMENT OF SILENCE](#)

MUSICAL PRESENTATION

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.

1. CONSENT CALENDAR

All matters listed under Consent Calendar are considered by the City Manager 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.

1.1 MINUTES

ACTION:

- 1) Approve the minutes of a regular meeting of the Irvine City Council and regular joint meeting with the Irvine Redevelopment Agency held on July 26, 2011.
- 2) Approve the minutes of a special joint meeting with the Irvine Redevelopment Agency held on August 9, 2011.
- 3) Approve the minutes of a regular meeting of the Irvine City Council held on August 9, 2011.

1.2 PROCLAMATION

ACTION:

Proclaim September 17-23, 2011 as "Constitution Week."

1.3 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

1.4 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

1.5 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

1.6 ACCEPTANCE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SPECIFIC TRAFFIC ENFORCEMENT PROGRAM GRANT

ACTION:

Authorize the Director of Public Safety to accept a Specific Traffic Enforcement Program grant award from the State of California, Office of Traffic Safety, and to allocate the grant expenditures.

1.7 DESIGNATION OF VOTING DELEGATES FOR LEAGUE OF CALIFORNIA CITIES 2011 ANNUAL CONFERENCE

ACTION:

Appoint Mayor Pro Tempore Krom to serve as the voting delegate and Councilmember Choi to serve as the voting alternate for the Annual Business Meeting at the League of California Cities 2011 Annual Conference.

1.8 CELL TOWER LEASE AGREEMENT WITH VERIZON WIRELESS

ACTION:

Authorize the Mayor to execute a Land Lease Agreement for wireless communication facilities with Los Angeles SMSA Limited Partnership/Verizon Wireless.

1.9 AUTHORIZATION FOR THE IRVINE COMMUNITY ALLIANCE FUND TO COLLECT AND RETAIN FUNDS FOR NEW ANIMAL CARE FACILITY

ACTION:

- 1) Adopt RESOLUTION NO. – A RESOLUTION OF THE CITY

COUNCIL OF THE CITY OF IRVINE TO AUTHORIZE THE IRVINE COMMUNITY ALLIANCE FUND TO ACCEPT AND RETAIN CONTRIBUTIONS FOR BUILDING OF A FUTURE ANIMAL CARE FACILITY FOR A FIVE-YEAR TERM

- 2) Require a fundraising report to be submitted annually on or before August 30 from the Secretary of the Irvine Community Alliance Fund.

1.10 AMENDMENT TO FARMING LEASE AGREEMENT BETWEEN CITY OF IRVINE AND EL TORO FARMS, LLC

ACTION:

Approve a one-year extension of the Farming Lease with El Toro Farms, LLC commencing July 1, 2011, including three separate options to renew the lease for one additional year each.

1.11 ESTABLISH CAPITAL IMPROVEMENT PROJECT FOR BACKSTOPS AT HARVARD COMMUNITY PARK

ACTION:

- 1) Establish a Capital Improvement Project to remove and replace six backstops at Harvard Community Park.
- 2) Accept a \$130,000 donation from Irvine Pony Baseball and approve a transfer of \$70,000 from Community Services Fund account 11-321-323-36-2001 to the newly established Capital Improvement Project.

1.12 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND

ACTION:

Authorize the Director of Public Safety to apply for and accept a Supplemental Law Enforcement Services Fund award from the State of California, County of Orange, and Orange County Supplemental Law Enforcement Oversight Committee, and to allocate the expenditures listed in the application's Expenditure Intent Form.

1.13 MUNICIPAL CODE AMENDMENT AND ZONING ORDINANCE TECHNICAL UPDATE

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 11-07 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CHAPTER 10, DEDICATIONS; RESERVATIONS, OF DIVISION 5, SUBDIVISIONS, OF TITLE 5, PLANNING, OF THE CITY'S MUNICIPAL CODE, TO ALLOW DEVELOPERS OF NEW UNITS AFFORDABLE TO INCOME LEVEL 1 HOUSEHOLDS (LESS THAN 30 PERCENT OF AREA

MEDIAN INCOME) TO HAVE THE OPTION OF REDUCING THE PARK DEDICATION REQUIREMENT, AS ALLOWED BY THE QUIMBY ACT

Read by title only, second reading and adoption of ORDINANCE NO. 11-08 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00522439-PZC TO AMEND THE ZONING ORDINANCE TO INCORPORATE NEW GREEN BUILDING REGULATIONS, PROVIDE CLARIFICATIONS TO ALTERNATIVE HEALTH CARE PROVIDER AND COMMERCIAL AND PRIVATE SCHOOL PROVISIONS, REMOVE THE REQUIREMENT FOR POSTING A BOND FOR AGRICULTURE SALES PERMITS AND MANUFACTURED STRUCTURE PERMITS, AND ADD A CLARIFYING REFERENCE TO BUILDING HEIGHT REGULATIONS

(Unless otherwise directed by a member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.)

1.14 ZONING CODE AMENDMENT REGARDING SIGN TYPE #45 "COMMUNITY BANNERS FOR NONPROFIT ORGANIZATIONS", INCLUDING RE-TITLING OF SAME

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 11-09 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING ZONE CHANGE 00518738-PZC TO REVISE ZONING CODE 7-3-2 – SIGN TYPE #45 “COMMUNITY BANNERS FOR NONPROFIT ORGANIZATIONS” AND RE-TITLE AS SIGN TYPE #45 “TEMPORARY STREETLIGHT BANNER SIGNS”

(Unless otherwise directed by a member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.)

1.15 ORDINANCE COMPLYING WITH PROVISIONS OF ASSEMBLY BILL X1 27, ELECTING TO IMPLEMENT PARTICIPATION BY THE CITY OF IRVINE AND IRVINE REDEVELOPMENT AGENCY IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 11-11 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

IRVINE, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE IRVINE REDEVELOPMENT AGENCY

(Unless otherwise directed by a member of the City Council, the vote at second reading will reflect the same vote as at first reading. However, if a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.)

1.16 ESTABLISHMENT OF WILDLIFE CORRIDOR TECHNICAL AD HOC WORKING GROUP

ACTION:

Approve the establishment of a consultative technical working group consisting of eight individuals, led by the Mayor and City Manager, to work with federal agencies to ensure wildlife corridor linkage between the Coastal Reserve and the Cleveland National Forest before returning with associated recommendations to the City Council.

1.17 AMENDMENT TO THE SALARY GRADE ORDER RESOLUTION

ACTION:

Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING THE SALARY GRADE ORDER STRUCTURE AND SALARY RANGES FOR EMPLOYEES OF THE CITY OF IRVINE, AND SUPERSEDING RESOLUTION NO. 11-87 WHICH IS INCONSISTENT THEREWITH

1.18 CONSIDERATION AND ADOPTION OF THE IRVINE REDEVELOPMENT AGENCY'S ENFORCEABLE OBLIGATION PAYMENT SCHEDULE TO CONFORM WITH HEALTH & SAFETY CODE SECTIONS 34167(h) AND 34169(g) AND AUTHORIZATION TO FILE AMICUS CURIAE

ACTION:

- 1) Adopt the Irvine Redevelopment Agency's Enforceable Obligation Payment Schedule to conform with Health and Safety Code Sections 34167(h) and 34169(g).
- 2) Authorize the City Attorney's office to file an application to participate as amicus curiae, and to file an amicus curiae brief, in the case *California Redevelopment Association et al. v. Matosantos*, Cal. Supreme Court Case No. S194861.

END CONSENT CALENDAR

2. 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.

2.1 ASSESSMENT DISTRICT NO. 11-24 (PLANNING AREA 40)

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) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA CONFIRMING THE ASSESSMENTS IN ASSESSMENT DISTRICT NO. 11-24 (PLANNING AREA 40), ORDERING THE IMPROVEMENTS AND ACQUISITIONS TO BE MADE, AUTHORIZING ENTRY INTO CERTAIN AGREEMENTS, AND DESIGNATING THE CITY TREASURER TO COLLECT AND RECEIVE MONEY
- 6) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, DETERMINING UNPAID ASSESSMENTS IN ASSESSMENT DISTRICT NO. 11-24 (PLANNING AREA 40) AND THE MANNER OF PAYMENT THEREOF AND LISTING BONDS ISSUED ON THE SECURITY THEREOF

2.2 PUBLIC FACILITIES RESERVATION POLICY AND FEE REVIEW - RESERVATION YEAR 2012

ACTION:

- 1) Receive staff report.
- 2) Open the public hearing; receive public input.
- 3) Close the public hearing.
- 4) Recommend City Council approve revisions to the Public Facilities Reservation and Fee Policy.
- 5) Recommend City Council adopt Resolution No. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADJUSTING FEES CHARGED FOR FACILITY USE

2.3 GENERAL PLAN AMENDMENT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT IN PLANNING AREAS 30 & 51 (GREAT PARK NEIGHBORHOODS)

ACTION:

- 1) Open the public hearing.
- 2) Continue the public hearing to August 30, 2011 at 4:00 P.M.

PUBLIC COMMENTS (Limited to 3 minutes per speaker)

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

ADJOURNMENT - TO AUGUST 30, 2011 AT 4:00 P.M. IN THE CITY COUNCIL CHAMBER

NOTICE TO THE PUBLIC

LIVE BROADCASTING

Regular 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)724-6253 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 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