

MINUTES

CITY COUNCIL REGULAR MEETING October 25, 2011

City Council Chamber
One Civic Center Plaza
Irvine, CA 92606

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:05 p.m. on October 25, 2011 in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

Present:	5	Councilmember:	Larry Agran
		Councilmember:	Steven Choi
		Councilmember:	Jeffrey Lalloway
		Mayor Pro Tempore:	Beth Krom
		Mayor:	Sukhee Kang

1. SCOPING SESSION

1.1 SCOPING SESSION FOR A GENERAL PLAN AMENDMENT FOR NEW RESIDENTIAL IN IRVINE SPECTRUM PLANNING AREA 33

ACTION:

By request of the applicant this item was continued to the meeting of November 8, 2011. (No discussion transpired.)

2. CLOSED SESSION

2.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Government Code § 54956.9(c) (two items): Consideration of whether to initiate litigation concerning (1) expansion and operations plans of County of Orange for Musick Jail, and (2) California Department of

Finance denial of City appeal relating to Redevelopment Agency opt-in payment.

City Clerk Apodaca announced the Closed Session items to be discussed, following which Mayor Kang convened to Closed Session at 4:06 p.m.

RECONVENE – 5:07 p.m.

City Attorney Kohn, on behalf of the City Council, announced that no reportable action was taken on the Closed Session Items.

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MUSICAL PRESENTATION

Mayor Kang introduced the All American Boys Chorus under the direction of Wesley Martin. The Chorus performed the National Anthem and America the Beautiful.

3. PRESENTATIONS

3.1 Proclaim October 22-30, 2011 as "Red Ribbon Week."

Mayor Kang introduced Debbie Bianchi and the partners of the Irvine Prevention Coalition and presented them with a proclamation recognizing "Red Ribbon Week."

3.2 Employee Recognition - 25 Years of Service

City Manager Joyce recognized Claudia Maldonado and Joel Davis for their 25 years of service and presented each with a Commendation.

CITY MANAGER'S REPORT

There was none.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Kang made the following announcements:

- Councilmember Agran, Chief Maggard and Mayor Kang toured the San Onofre Nuclear Generating Station. After the recent earthquake and tsunami in Japan, city officials felt the need to understand more about the potential hazards of Irvine's proximity to the nuclear generating station.

- On October 13, 2011, Mayor Kang attended a State Dinner at the White House for the Honorable Lee Myung-bak, President of the Republic of Korea and Mrs. Kim Yoon-ok. The meeting provided an opportunity to further strengthen the U.S and Korean Free Trade Agreement alliance.
- While in Washington, DC, the Mayor had an opportunity to meet with the City's Legislative advocates, Townsend Public Affairs, to receive an update on legislative efforts on behalf of the City and Great Park.
- The Irvine Fine Arts Center is hosting the 29th annual Holiday Faire on November 4, from 5-9 p.m. and November 5, from 9 a.m.-4 p.m. More than 150 talented artisans will showcase a variety of unique holiday arts, live music and a selection of delicious foods. Admission is \$2; children 12 and under are free. For more information, visit irvinefinearts.org or call 949-724-6880.
- The City of Irvine, in partnership with the Irvine 2/11 Marine Adoption Committee, is hosting a special toy drive from November 7 through December 4, to benefit children and families of Irvine's adopted Marine battalion from Camp Pendleton. For additional toy drive information, call 949-230-4406.
- I would like to invite the public to join the City of Irvine for a Veterans Day Ceremony on Friday, November 11, from 11 a.m.-12:30 p.m. at Colonel Bill Barber Marine Corps Memorial Park. For more information, call 949-724-6606 or visit the City's website at cityofirvine.org.

ADDITIONS AND DELETIONS

City Manager Joyce requested that item 4.8 be removed from the agenda and deferred to a future meeting date. An item was added to the agenda concerning the occupation of the lawn area at Harvard Avenue and Alton Parkway by the Occupy Orange County movement. (See minutes following Public Comments section.)

4. CONSENT CALENDAR

ACTION: Moved by Mayor Pro Tem Krom, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Items 4.1 through 4.13 with the exception of item 4.8, which was removed from the agenda.

4.1 MINUTES

ACTION:

Approved the minutes of a regular meeting of the Irvine City Council held on October 11, 2011.

4.2 PROCLAMATIONS/COMMENDATIONS

ACTION:

- 1) Proclaimed November, 2011 as "National American Indian Heritage Month."
- 2) Commended William R. Watt, President of the Orange County Chapter of the Building Industry Association of Southern California.
- 3) Commended Change a Life Foundation for 10 years of Philanthropy.
- 4) Proclaimed November 9, 2011 "Claire Trevor School of the Arts Day."

4.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION:

Adopted RESOLUTION NO. 11-121 - 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

4.4 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T

ACTION:

Adopted RESOLUTION NO. 11-122 - 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

Mayor Pro Tempore Krom abstained.

4.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION:

Adopted RESOLUTION NO. 11-123 - 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.

4.6 REVISED PROCEDURES FOR WALL OF RECOGNITION PROGRAM

ACTION:

Approved revised procedures for Wall of Recognition Program.

4.7 LEASE WITH SOUTHERN CALIFORNIA EDISON FOR CONSTRUCTION OF A ZERO NET ENERGY HOME

ACTION:

Approved a lease, in substantial conformity to the form attached to the staff report, with Southern California Edison for the construction of a Zero Net Energy Home at the Orange County Great Park.

Unless otherwise directed by a member of the City Council, the vote on this matter will reflect the prior action of each Councilmember when he or she sat and voted as a member of the Board of Directors of the Orange County Great Park Corporation. However, if a Councilmember is not present at the City Council meeting, his or her vote will be reflected as absent. (Approved 5-0)

4.8 AMENDMENT TO GREEN RIBBON ENVIRONMENTAL COMMITTEE BYLAWS

ACTION:

Removed from agenda and deferred to a future meeting date.

4.9 ACCEPTANCE OF 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

ACTION:

- 1) Accepted a 2011 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$12,855 as a subgrantee of the County of Orange.
- 2) Authorized the City Manager to approve and execute, and the City Clerk to attest to, an Agreement to Transfer Funds associated with the 2011 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program between the County of Orange and the City of Irvine.
- 3) Authorized \$2,442 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) Approved a budget adjustment request in the amount of \$12,855, reflecting an increase in revenues and appropriations.

**4.10 ORDINANCE NO. 11-14 , APPROVAL OF ANIMAL WELFARE
ORDINANCE TO PROHIBIT RETAIL SALES OF DOGS AND CATS,
CIRCUSES FEATURING WILD OR EXOTIC ANIMAL ACTS, AND
RODEOS IN THE CITY OF IRVINE**

ACTION:

Read by title only, second reading and adoption of ORDINANCE NO. 11-14 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING SECTION 4-5-506, 4-5-1111, AND 4-5-1112 TO THE IRVINE MUNICIPAL CODE, AND AMENDING SECTIONS 4-5-101, 4-5-501 AND 4-5-515 OF THE IRVINE MUNICIPAL CODE RELATING TO THE PROHIBITION OF RETAIL SALE OF DOGS AND CATS IN COMMERCIAL ESTABLISHMENTS, AND THE PROHIBITION OF CIRCUSES DISPLAYING OR EXHIBITING WILD OR EXOTIC ANIMAL ACTS AND RODEOS

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. (Approved 4-1; Lalloway voted no.)

**4.11 APPOINTMENT TO THE BOARD OF DIRECTORS OF THE IRVINE
BARCLAY THEATRE OPERATING COMPANY**

ACTION:

Appointed Michelle Grettenberg, Assistant to the City Manager, to the Irvine Barclay Theatre Operating Company Board of Directors.

4.12 HARVARD AVENUE RAILROAD CROSSING QUIET ZONE

ACTION:

- 1) Directed Staff to File Notice of Intent to Create New Quiet Zone at Harvard Avenue Railroad Crossing.
- 2) Directed Staff to File Notice of Establishment to Create New Quiet Zone at Harvard Avenue Railroad Crossing.

Councilmember Choi abstained.

**4.13 COMMUNITY PARTNERSHIP FUND GRANT NOMINATION - IRVINE
GIRLS SOFTBALL ASSOCIATION (IGSA)**

ACTION:

- 1) Approved community partnership grant award to the Irvine Girls Softball Association (IGSA).

- 2) Authorized the City Manager to prepare and sign Funding Agreements.

END CONSENT CALENDAR

5. COUNCIL BUSINESS

5.1 REVIEW OF ADDRESSES FOR EXISTING NON-RESIDENTIAL BUILDINGS

City Manager Joyce introduced Eric Tolles, Director of Community Development and Joe Kirkpatrick, Acting Chief Building Official; who presented the staff report and responded to questions.

City Council discussion included the importance of visible building numbers and wayfinding signs.

ACTION: Moved by Councilmember Choi, seconded by Mayor Pro Tem Krom, and unanimously carried to approve the following recommendations:

ACTION:

- 1) Existing buildings where address numerals are missing:
As part of enforcing current Security Code requirements for address numerals on buildings, work with the property owner to provide visibility for the replaced address numerals through landscape management and monument signs at site entries where warranted.
- 2) Existing sites being renovated or reimaged:
Review and improve the visibility of street address numerals through landscape management, providing monument signs at site entries and providing on-site wayfinding signage as warranted.
- 3) Existing sites where a building is accessed from a street other than the one from which it is addressed:
Work with the property owner to provide a combination of directional and monument signage on a voluntary basis if it does not currently exist.
- 4) Location of address numerals on buildings:
Recommend that address numerals be placed near the top of the 30 foot maximum height range prescribed by the Security Code where feasible. Additional address numerals may be voluntarily placed above 30 feet at the top of buildings to provide additional visibility and will not reduce the sign area allowed by the Zoning Code.

5.2 HEALTHY CITY HEALTHY PLANET INITIATIVE

This item was agendized at the request of Mayor Pro Tem Krom, who requested a comprehensive effort to integrate sustainable practices in all aspects of our City planning and municipal services to support the health of the City, the citizens and the planet.

City Manager Joyce introduced Corrine Schneider-Jones, Manager of Community Health and Human Services and Meredith Reynolds, Environmental Programs Administrator; who presented the staff report and responded to questions.

The following individuals spoke in support of the proposed initiative:

Ellen Olshansky, University of California Irvine-Nursing Science
Diane Bucka
Julie Hudash, Team Kids
Mike Mahoney
Karle Montgomery, resident
Aggie Kobrin, resident

City Council discussion included: the clarification of the proposed initiative, collaboration between the wide variety of City resources and programs, clarification of the health issues facing the community, and leveraging community partnerships and engagement opportunities.

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

ACTION:
Approve the Healthy City Healthy Planet Initiative.

The motion carried as follows:

AYES: 3 COUNCILMEMBERS: Agran, Krom and Kang

NOES: 2 COUNCILMEMBERS: Choi and Lalloway

PUBLIC COMMENTS

The following individuals spoke in opposition to the installation of Smart Meters:

Melissa Levine	Gail Pennington, resident
Elizabeth Plourde	Dawn Martin
Michael Hastert	Maureen Homan, Stop Orange County Smart Meters
Dr. Kenneth Moe	Cindy Hoffman

Dinh Ton That

Christopher Paplham

The following individuals spoke:

Frances Lam, Surfrider Foundation, spoke in opposition of single use plastics.

Andy Zelinko, spoke in support of a community Christmas tree program

Santa Claus spoke in support of a community Christmas Tree program.

The following individuals spoke in support of the Occupy Orange County movement and requested City approval to camp overnight on the lawn area at Alton Parkway and Harvard Avenue:

Daniel Wolf, student at UCI

Kate Nikolenko, resident

Keith David Dillon

Marc Levine, resident

Ryan Johnson

Tom Dupont, UCI Professor

Sia Abderezdi

Melinda Wendrick

Scott Wendrick

Chay Petersen

Phillip Edwards

Emahn Novid

Carina Lundstrom, Irvine student

Carl Mariz, resident

Bill Lewis

Leti Stiles, resident

Joey Cadavid

Joanie Malarkey

Donna Haney

D'Marie Mulattieri

Linda Schwartz

Carter Higgs

Ken McMillen

Abdull-Razzaq Outlaw (Submitted a petition in support of overnite camping by Occupy Orange County adjacent to the Civic Center.)

Carl Mead

Andrew Webber

Peter Bunge

Cynthia Sharpe

Felicity Figueroa, Democrats of Greater Irvine

(Submitted a resolution regarding Occupy Orange County's occupation of the lawn area adjacent to the Civic Center.)

Allan Hernandez

Phil Osborn

Greg Diamond

Maryland Vassos

Sharon Toji, Democrats of Greater Irvine

Karl Greenblatt

Anthony Underwood

Dr. Bill Honigman

Leif Larsen

Vern Nelson

Justin Heap

Kyle Mackey

Reverend Elizabeth Griswold

ADDITION TO AGENDA

Following public comments under the provisions of Government Code Section 54954.2 (b)(2) the City Council took the following action.

ACTION: Moved by Mayor Pro Tem Krom, seconded by Councilmember Lalloway and carried unanimously 5-0 to add to the agenda the matter of Occupy Orange County's occupation of the lawn area at Harvard Avenue and Alton Parkway.

City Council discussion included: the clarification of the use of City property and clarification of the time, place and manner of free speech rights.

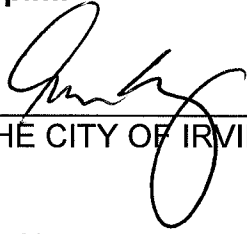
ACTION: Moved by Councilmember Agran, seconded by Mayor Pro Tem Krom and carried unanimously 5-0 to:

ACTION: Direct the City Manager, Chief of Police, and two councilmembers (Councilmember Agran and Mayor Kang) to meet tonight with designated representatives of the Occupy Orange County movement, to fashion a conditional permit for the continuing exercise of free speech rights on Civic Center grounds, specifically the grassy area at the corner of Harvard Avenue and Alton Parkway.

ADJOURNMENT

Moved by Mayor Pro Tem Krom, seconded by Councilmember Lalloway, and unanimously carried to adjourn the meeting at 9:30 p.m.


CITY CLERK OF THE CITY OF IRVINE


MAYOR OF THE CITY OF IRVINE

November 8, 2011