

SUKHEE KANG
Mayor

LARRY AGRAN
Mayor Pro Tempore

STEVEN CHOI
Councilmember

BETH KROM
Councilmember

CHRISTINA SHEA
Councilmember



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 CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION pursuant to Government Code Section 54956.9, subdivision (a) (1 case): Supporters Aligned for Preservation of Heritage Fields and Forest Lawn Memorial-Park Association, Orange County Superior Court Case No. 30-2009-00300595**

RECONVENE TO THE CITY COUNCIL MEETING

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MUSICAL PRESENTATION

INTRODUCTIONS

Keith Richter, Orange County Fire Authority

2. PRESENTATIONS

2.1 Proclaim October 2009 as "Toastmasters' Month."

2.2 Proclaim September 26 - October 3, 2009 as "Dollar Wi\$e Week."

2.3 City of Irvine's Preparations for the Upcoming Flu Season

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 regular meeting of the Irvine City Council held on September 8, 2009.

3.2 PROCLAMATIONS

ACTION:

- 1) Proclaim September 17-23, 2009 as "Constitution Week."
- 2) Proclaim October 2009 as "Lupus Awareness Month."
- 3) Proclaim October 2009 as "Dyslexia Awareness Month."

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 LICENSE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON COMPANY FOR BIKE TRAIL AND LANDSCAPE PURPOSES

ACTION: Authorize the Mayor to execute License Agreement Nos. 2248 and 2249, between the City of Irvine and Southern California Edison Company.

3.7 COMMUNITY PARK LANDSCAPE AND IRRIGATION REHABILITATION - CIP 389010

ACTION: Approve the plans, specifications, and contract documents for Community Park Landscape and Irrigation Rehabilitation, Capital Improvement Project (CIP) 389010, on file with the Public Works Department.

3.8 FINAL TRACT MAP NOS. 17319 AND 17320, NOTICE OF PENDING APPROVAL FOR RESIDENTIAL CONDOMINIUMS IN WOODBURY EAST

ACTION: Receive and file.

3.9 I-5/JAMBOREE IMPROVEMENT PROJECT

ACTION: Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE PROJECT STUDY REPORT/PROJECT REPORT FOR THE I-5/JAMBOREE PROJECT

3.10 [REHABILITATION OF PLAYGROUND EQUIPMENT AT PEPPERWOOD NEIGHBORHOOD PARK - CIP 379020](#)

ACTION: Approve plans, specifications, and contract documents for rehabilitation of playground equipment at Pepperwood Neighborhood Park.

3.11 [ORDINANCE NO. 09-10, ORDINANCE AMENDING DIVISION 5 OF TITLE 4 RELATING TO REGULATIONS GOVERNING ANIMALS AND AMENDING THE IRVINE MUNICIPAL CODE](#)

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-10 - 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

3.12 [ORDINANCE NO. 09-11 - ORDINANCE REVISING MUNICIPAL CODE SECTION 1-2-104 OF CHAPTER 1, DIVISION 2, TITLE I OF THE IRVINE CITY CODE REGARDING SELECTION OF MAYOR PRO TEMPORE](#)

ACTION: Read by title only, second reading and adoption of ORDINANCE NO. 09-11 - 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

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 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP, AND AMERICAN DREAM DOWNPAYMENT INITIATIVE PROGRAMS FOR FISCAL YEAR 2008 – 09

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) Approve the Consolidated Annual Performance Evaluation Report for the Community Development Block Grant, Home Investment Partnership, and American Dream Downpayment Initiative Programs and authorize the City Manager to submit the report and all related documents to the U.S. Department of Housing and Urban Development.

4.2 GREEN BUILDING PROGRAM AND BUILDING CODE REVISIONS

ACTION:

- 1) Receive staff report.
- 2) Reopen 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 SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WHICH REQUIRE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA GREEN BUILDING STANDARDS CODE REASONABLY NECESSARY FOR BUILDING OCCUPANCIES IN THE CITY OF IRVINE
- 6) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CHAPTERS 1 AND 4 OF DIVISION 9 OF SECTION 5 OF THE IRVINE MUNICIPAL CODE TO ESTABLISH GREEN BUILDING CODE REGULATIONS
- 7) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY TO DISCONTINUE THE APPLICATION OF THE IRVINE BUILD GREEN PROGRAM AND ENDORSE THE VOLUNTARY PARTICIPATION IN THIRD-PARTY CERTIFIED GREEN BUILDING PROGRAMS IN ITS PLACE

5. COUNCIL BUSINESS

5.1 PARTIAL LIVING WAGE ORDINANCE EXCEPTION FOR WACKENHUT CORPORATION

ACTION:

- 1) Approve partial exception from Living Wage Ordinance for Wackenhut Corporation to provide professional custody services; or
- 2) Approve a partial exception for Wackenhut with the stipulation that Wackenhut must meet the Living Wage Ordinance requirements for all employees within Orange County performing custody services; or
- 3) Direct staff to release a Request for Proposal for Custody Services to allow qualified vendors an opportunity to respond and direct staff to return to City Council for approval for partial exception when the most qualified vendor is identified; or
- 4) Increase full-time employee equivalencies by eight positions to allow Public Safety to staff custody services with City employees and approve appropriations of \$271,973 from the General Fund Reserve to the General Fund budget.

5.2 DISCUSSION REGARDING SMOKING PROHIBITIONS IN SHOPPING CENTERS

ACTION: City Council discussion and direction.

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