

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:05 p.m. on September 22, 2009, in the City Council Chamber, Irvine Civic Center, One Civic Center Plaza, Irvine, California; Mayor Kang presiding.

ROLL CALL

Present:	5	Councilmember:	Steven Choi
		Councilmember:	Beth Krom
		Councilmember:	Christina Shea
		Mayor Pro Tempore:	Larry Agran
		Mayor:	Sukhee Kang

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

City Attorney Phil Kohn announced the Closed Session item to be discussed, following which Mayor Kang convened to Closed Session at 4:06 p.m.

RECONVENED TO CITY COUNCIL MEETING – 5:07 p.m.

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

PLEDGE OF ALLEGIANCE

Mayor Kang led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Kang requested a moment of silence in memory of Jerry Burchfield, one of the founding members of the Legacy Project of the Orange County Great Park.

MUSICAL PRESENTATION

Mayor Kang introduced Barry Miller, Arson Abatement Officer with the Irvine Police Department, who performed the National Anthem.

INTRODUCTIONS

Councilmember Choi introduced Keith Richter, newly appointed Fire Chief of the Orange County Fire Authority, who has more than 30 years of experience in the fire service. Councilmember Choi recognized the Orange County Fire Authority's commitment to public safety in the City of Irvine and the October 3-10, 2009, Fire Prevention Week events in Irvine.

Chief Keith Richter expressed gratitude for the opportunity to serve the Irvine community and invited the residents of Irvine to participate in the Fire Prevention Week festivities.

2. PRESENTATIONS

2.1 Proclaim October 2009 as "Toastmasters' Month."

Mayor Kang introduced Michael Varma, Founder's District Public Relations Officer; Ryan Durkin, Division F Governor; Jeanne Cassidy, Division G Governor; and presented a proclamation recognizing their efforts and leadership.

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

Mayor Kang introduced Michelle Khzouz, Community Services Supervisor; Leif Lovegren, Community Services Senior Leader; Leticia Mata and Isabelle Kransey, representing the Orange County Credit Union; and Jeanette Valencia and Robert Cohen, Legal Aid Society of Orange County; and congratulated them on their many contributions to the community.

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

Sean Joyce, City Manager introduced Matt Mahoney, Lieutenant, Irvine Police Department; Dr. Michele Cheung, Orange County Health Care Agency; and Dr.

Kenneth Miller, Orange County Fire Authority Emergency Management Services; who provided an update on the H1N1 influenza and its implications on the upcoming flu season.

City Council discussion included: clarification of the H1N1 and the seasonal influenza vaccinations, establishment of procedures of the Emergency Management Services for a pandemic event, government and business continuity plans and prevention efforts of a pandemic event, response strategies and protocols of a pandemic event in the city, school district safety measures to ensure the health of students, health care and emergency services public outreach plan of the seasonal influenza and H1N1 information, personal health preventative measures, public outreach to the different cultural and religious groups including having a booth at the Irvine Global Village Festival, coordination of efforts between public and private organizations, and the protocol of the school district to send sick children home.

CITY MANAGER'S REPORT

There was no report.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

Mayor Kang made the following announcements:

- The Irvine community is invited to the 8th annual Irvine Global Village Festival, celebrating Irvine's cultural diversity. This event is a collaborative effort involving the Festival Steering Committee, the Irvine Multicultural Association, local cultural groups, interested community members and City staff. The City of Irvine is grateful for generous sponsorship support. The festival will be held at Bill Barber Park on Saturday, October 3 from 10:00 a.m. to 6:00 p.m. and is free to the public.
- This fall, community members are invited to the Orange County Great Park for a series of workshops on home gardening taught by certified Master Gardeners of the University of California Cooperative Extension program. The garden workshops are a pilot program designed to introduce community members to the Farm and Food Lab where they can learn about sustainable home gardening practices for a healthy lifestyle. The workshops will be held on Saturday mornings from 10:00 a.m. to noon at the Great Park Farm and Food Lab. The programs are free to the public.
- For the past two years, the City of Irvine has participated in a nationwide aluminum can recycling challenge called Cans for Cash. Residents and businesses are encouraged to donate their aluminum cans by taking them to a designated drop-off site or to the buyback center located at 16122 Construction Circle East in Irvine. If the City wins an award this year, the award proceeds will be donated to the Irvine 2/11 Marine Adoption Committee to help raise funds to support our military troops and their families.

- The Orange County Great Park will be holding a series of lectures on Ecology and Natural History. The first presentation will be held on Thursday, October 8. Dr. Gordon Frankie, professor from University of California, Berkeley, will present a lecture on "Native California Bees Looking for New Real Estate." The role of bees as pollinators and their changing habitats is a fascinating subject. The second lecture will be held on Thursday, October 22. Dr. Jon E. Keeley, U.S. Geological Survey, will present a lecture on "21st Century Mega Fires in Southern California." Large, fast-moving, high-intensity wildfires are frequent on Southern California landscapes. The lectures will be held in the Executive Conference Room of the Second Harvest Food Bank of Orange County, adjacent to the Orange County Great Park.

ADDITIONS AND DELETIONS

There were none.

3. CONSENT CALENDAR

Consent Calendar Items consist of Item Nos. 3.1 through 3.12.

ACTION: Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.12.

3.1 MINUTES

ACTION: Approved the minutes of a regular meeting of the Irvine City Council held on September 8, 2009.

3.2 PROCLAMATIONS

ACTION:

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

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 09-95 - 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: Adopted RESOLUTION NO. 09-96 - 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

Councilmember Krom abstained.

3.5 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA

ACTION: Adopted RESOLUTION NO. 09-97 - 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

Mayor Pro Tem Agran abstained.

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

ACTION: Authorized 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: Approved 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: Received and filed.

3.9 I-5/JAMBOREE IMPROVEMENT PROJECT

ACTION: Adopted RESOLUTION NO. 09-98- 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: Approved 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

**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**

City Manager Joyce introduced Mark Asturias, Housing Manager; Tamara Campbell, Senior Planner and Grants Coordinator; and Steve Holtz, Housing Administrator; who presented the staff report.

Mayor Kang opened the public hearing at 7:01 p.m. There were no public comments.

ACTION: Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to close the public hearing at 7:02 p.m.

There were no City Council questions or comments.

ACTION: Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to:

ACTION: 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

City Manager Joyce introduced Eric Tolles, Chief Building Official; Brian Fisk, Manager of Planning and Redevelopment; and Chondra Krout, Environmental Programs Administrator; who presented the staff report.

Mayor Kang opened the public hearing at 7:13 p.m.

Public comments included:

Mike LeBlanc, The Irvine Company, spoke in support of the green building program and building code revisions.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to close the public hearing at 7:15 p.m.

City Council discussion included: clarification of the existing city voluntary green building program and the mandatory State of California green building code revisions, implications of the city voluntary programs and the endorsement of voluntary participation of third party certification programs, clarification of city facilities to be built to green build standards, definition of the LEED and Green Point Rated programs, application of windows with respect to green building construction, the application of the new green building code revisions to residential remodeling projects, clarification of the promotion of green building programs within the city,

local developers' efforts to participate in green building practices and the importance of a third party validation and certification of green buildings.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, and unanimously carried to:

ACTION:

- 1) Adopt RESOLUTION NO. 09-99 - 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
- 2) Introduce for first reading and read by title only ORDINANCE NO. 09-12- 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
- 3) Adopt RESOLUTION NO.09-100 - 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

City Manager Joyce introduced Vivienne Hedgepath, Business Services Manager, who presented the staff report and responded to questions.

City Council discussion included: clarification of the votes required for approval of the proposed recommendations, current contract status with Wackenhut Corporation, implications of enforcing the living wage ordinance for every contractor employee working in the county, implications to the living wage ordinance with an exception for custody services, clarification of the bidding process with respect to full and partial compliance with the Living Wage Ordinance and public safety qualifications and standards for custody services contracts.

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

ACTION*: Following discussion on the first motion, a substitute motion was made by Mayor Pro Tempore Agran, seconded by Councilmember Shea, and unanimously carried to:

ACTION: Direct staff to release a Request for Proposal for Custody Services to allow qualified vendors an opportunity to respond and direct staff, in accordance to the City Attorney opinion memo dated September 16, 2009, to return to City Council for approval for partial exception when the most qualified vendor is identified in the event such an exception is required.

* The substitute motion carried and takes precedence over the main motion; therefore, a vote was not taken on the main motion.

5.2 DISCUSSION REGARDING SMOKING PROHIBITIONS IN SHOPPING CENTERS

This item was agendized by Mayor Pro Tempore Agran for the purpose of initiating discussion regarding smoking prohibitions in commercial shopping centers.

City Council discussion included: clarification of the implications of smoking prohibitions, collaboration with local business owners to seek voluntary participation, current regulations of smoking in proximity to children play areas and parks, enforcement of a non-smoking regulation, public health implications of smoking, implications of a smoking prohibition on retail sales and economic development, clarification of the cooperative effort of private property owners to enforce smoking prohibitions in shopping centers, and parameters of designating smoking permitted areas.

ACTION: Moved by Mayor Pro Tem Agran, seconded by Councilmember Choi, and carried to:

ACTION: Direct staff to initiate conversations with property owners of shopping centers to seek their cooperation in voluntarily implementing a ban on smoking for 50 to 100 feet around shopping centers and explore how this can be achieved cooperatively, including the possible designation of specific areas within parking lots, but beyond 100 feet from any building as "smoking permitted" areas.

The motion carried as follows:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Krom and Kang
NOES: 1 COUNCILMEMBERS: Shea
ABSENT: 0 COUNCILMEMBERS: None

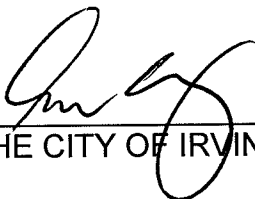
END COUNCIL BUSINESS

PUBLIC COMMENTS

Marianne Codiz, Community Services Programs Project Path, spoke about their collaborative efforts on DUI prevention and awareness efforts within the Irvine community.

ADJOURNMENT

Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to adjourn at 8:52 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

October 13, 2009