

**MINUTES
CITY COUNCIL
REGULAR MEETING
September 8, 2009
City Council Chamber
One Civic Center Plaza**

CALL TO ORDER

A regular meeting of the Irvine City Council was called to order at 4:04 p.m. on September 8, 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

CONVENED TO IRVINE REDEVELOPMENT AGENCY MEETING - 4:05 p.m.

RECONVENED TO CITY COUNCIL MEETING – 4:08 p.m.

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***

City Attorney Phil Kohn announced the Closed Session items to be discussed, following which Mayor Kang convened to Closed Session at 4:09 p.m.

RECONVENE TO THE CITY COUNCIL MEETING

Mayor Kang reconvened the City Council meeting at 5:11 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 honor of the 2,800 people, including 60 police officers and 343 firefighters, who lost their lives on September 11, 2001.

MUSICAL PRESENTATION

Mayor Kang introduced the Suzuki Violinists from the Talent Education Center in Irvine and Orange County Children's Therapeutic Arts Center in Santa Ana, who performed "America the Beautiful," "Humoresque," and a variation of "Twinkle."

2. PRESENTATIONS

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

Mayor Kang introduced Janet Lisle, Mimi Zinchefsky, MaryAnn Gankema, and Mary Earl Spencer from Assistance League of Irvine, who presented the Assistance League's "Operation School Bell" award to Kohl's Department Store in Irvine, recognizing its outstanding commitment to providing school clothing to low-income children.

INTRODUCTIONS

Orange County Supervisor and Orange County Transportation Authority (OCTA) Boardmember Bill Campbell introduced Will Kempton, the newly hired Chief Executive Officer for OCTA.

CITY MANAGER'S REPORT

City Manager Joyce announced that, with the typical fall flu season approaching, the City has posted information and links to the Centers for Disease Control and other government and health agencies on the City's website at www.cityofirvine.org. The City is also working closely with both the Irvine Unified School District and Tustin Unified School District to make certain that all information is passed along to the community.

ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS

The City Council made the following announcements:

- Councilmember Shea and Brian Fisk, Manager of Planning and Redevelopment, provided an update on the Aspen Accord Energy Conference in Stockholm and Copenhagen held from August 2-6, 2009.

Mayor Kang made the following announcements:

- The City of Irvine Senior Services, in partnership with the Orange County One-Stop Center, is hosting a Senior Job Fair on Saturday, September 12 from 9:00 a.m. to 12:30 p.m. at the Lakeview Senior Center. For more information, call (949) 7246908 or visit www.IrvineSeniors.org.
- The City of Irvine is currently accepting applications to fill two Member-At-Large positions on the Irvine Senior Citizens Council. Applications are available at the Rancho and Lakeview Senior Centers and online at www.IrvineSeniors.org. Completed applications must be received by 4:00 p.m. on September 25. For more information, call (949) 724-6670.
- The Irvine Animal Care Center's Eighth Annual Irvine Pet Trek event will take place on Saturday, September 26 from 8:00 a.m. to noon at Woodbridge Park. The registration fee is \$25 per individual, \$40 per family or \$50 per team, which includes an event t-shirt. For more information or to register, call (949) 724-7740 or visit www.IrvineShelter.org.
- The Mayor announced the debut of the City's comprehensive Business Resource Guide, which provides helpful information and contacts in the areas of permitting and licensing, financial assistance, support services for employees, workforce development, transportation services and more. The Irvine Business Resource Guide is available at City Hall or can be viewed on the City's website under "Doing Business."

ADDITIONS AND DELETIONS

There were none.

3. CONSENT CALENDAR

Consent Calendar Items consist of Item Nos. 3.1 through 3.16.

ACTION: Moved by Councilmember Choi, seconded by Councilmember Krom, and unanimously carried to approve Consent Calendar Item Nos. 3.1 through 3.16, with the exception of Item No. 3.15, which was removed for separate discussion.

3.1 MINUTES

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

3.2 PROCLAMATIONS

ACTION:

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

3.3 WARRANT AND WIRE TRANSFER RESOLUTION

ACTION: Adopted RESOLUTION NO. 09-92 - 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 -93 - 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. 09-94 - 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 Tempore Agran abstained.

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

ACTION: Received and filed.

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

ACTION: Received and filed.

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

ACTION: Received and filed 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: Approved 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: Authorized 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) Accepted a 2009 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$66,563 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 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program between the County of Orange and the City of Irvine.
- 3) Authorized \$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) Approved 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: Approved and authorized 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

This item was removed for separate discussion by Councilmember Choi, who requested additional information on the implementation of the service, as well as the amount of scheduled trips per day between the Irvine Station and Los Angeles International Airport (LAX).

City Manager Joyce introduced Shohreh Dupuis, Manager of Transit and Transportation, who responded to Council questions. Bob Burlingham from the Facilities Division of LAX also responded to questions.

City Council discussion included: shuttle capacity; why advanced reservations are not required to reduce risk of missed flights; alternatives for customers if shuttles are at capacity; advanced reservations for large groups; advanced baggage check-in at Irvine Station; location of waiting area (indoor/outdoor); whether or not the shuttle will stop at additional locations on the way or if the shuttle service is exclusive to Irvine Station; and extending the last departure time from Irvine Station beyond 4:30 p.m.

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

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: Approved 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

4.1 GREEN BUILDING PROGRAM AND BUILDING CODE REVISIONS

Mayor Kang declared the public hearing open at 6:39 p.m.

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

City Manager Joyce introduced Vivienne Hedgpeth, Manager of Business Services; and Carl Pagano, Business Services Administrator, who presented the staff report and responded to questions.

Mayor Kang reopened the public hearing at 6:44 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 6:45 p.m.

City Council discussion included: definition of "chronic" barking; proposed fines and circumstances when applied; verifying animal nuisance prior to issuing fines; amount of complaint calls per year; working with pet owners to avoid future complaints; providing outreach and education to pet owners on City regulations through the city's website, homeowner associations, Animal Services, "Pet Trek" signage and pet licensing process; controlling/restraining vicious dogs and whether or not there is a muzzle requirement; addressing dog waste issues; and issuing certificates of completion to those pet owners who complete a dog training program.

ACTION: Moved by Mayor Pro Tempore Agran, seconded by Mayor Kang, and unanimously carried to:

ACTION: Introduce for first reading and read by title only 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

5. COUNCIL BUSINESS

**5.1 AMEND MUNICIPAL CODE CONCERNING PROCEDURE FOR
SELECTING MAYOR PRO TEMPORE**

City Manager Joyce introduced Sharie Apodaca, City Clerk, who presented the staff report and responded to questions.

City Council discussion included: concurrence with technical clean-up to the municipal code; and when the change will become effective.

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

ACTION: Introduce for first reading and read by title only
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

**5.2 PARTIAL LIVING WAGE ORDINANCE EXCEPTION FOR WACKENHUT
CORPORATION**

City Manager Joyce introduced Vivienne Hedgpeth, Manager of Business Services; and Carl Pagano, Business Services Administrator, who presented the staff report and responded to Council questions.

City Council discussion included: whether contracted officers are security guards or actual police officers; qualifications and training of custody officers; Wackenhut's current month-to-month contract; affect on other contracts if living wage requirement was removed; reissuing a Request for Proposal (RFP) to provide a partial exemption to the living wage requirement to allow other firms that didn't previously respond to submit a proposal; cost savings of hiring a contractor as opposed to funding full-time employees; whether or not Wackenhut is onsite or on-call 24 hours a day; current wage of Wackenhut staff working in Irvine; difference in pay between other cities; amount of Wackenhut staff working in Orange County; whether or not the living wage requirement should apply to all cities in Orange County or limiting it to the City of Irvine; requirement of a 4/5 vote to grant the exception; and application of the living wage requirement to only the 15 custody officers employed county-wide.

ACTION: Moved by Councilmember Shea, seconded by Councilmember Choi, to reissue a Request for Proposal (RFP) that includes a partial exemption from the living wage ordinance for professional custody services and report back to the City Council within 45-60 days; and Wackenhut to continue on a month-to-month basis pending the RFP process.

ACTION*: Following discussion on the first motion, a substitute motion was made by Mayor Pro Tempore Agran, seconded by Mayor Kang, and unanimously carried to continue the agenda item to September 22, 2009.

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

END COUNCIL BUSINESS

PUBLIC COMMENTS

Andy Zelinko, Irvine resident, spoke about the Northwood Memorial and remembering 9/11.

The following individuals spoke in support of establishing residential parking districts and opposition to Irvine Unified School District's proposed stadium at University High School:

- Susanna Wilkinson, Irvine resident
- David Sprang, Irvine resident / Campus View Homeowners' Association
- Toni Dwyer, Irvine resident

ADJOURNMENT

Moved by Councilmember Krom, seconded by Councilmember Choi, and unanimously carried to adjourn at 8:28 p.m.



MAYOR OF THE CITY OF IRVINE



CITY CLERK OF THE CITY OF IRVINE

September 22, 2009