



CITY OF FOUNTAIN VALLEY  
REGULAR COUNCIL MEETING

August 21, 2007



AGENDA

CALL TO ORDER – 7:00 p.m.

INVOCATION -Doctor Reverend John McFarland, Fountain Valley Methodist Church

SALUTE TO THE FLAG – Mayor Gus Ayer

ROLL CALL

APPROVAL OF MINUTES

Consideration of approval of the minutes of the regular City Council meeting held on July 17, 2007 and Special City Council meeting minutes of August 6, 2007, as distributed.

PRESENTATIONS

Presentation of a Retirement Proclamation to Don Heinbuch, Administrative Services Manager.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in City Council/Agency for Community Development meetings, please contact the City Clerk's Office at (714) 593-4445. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS -- (Scheduled Matters Only)

Persons wishing to address the Council on Items No.1 through 24 should identify themselves and the items they wish to speak on at this time by providing a completed blue speaker card to the City Clerk. Speakers must limit remarks to five minutes on all items and will be summoned to speak at the appropriate time. Comments must be related to items that are within the subject matter of the City Council's jurisdiction. When addressing the Council, please address the Council as a body through the Mayor. Comments to individuals or staff are not permitted.

### READING OF ORDINANCES:

ACTION: If desired, motion to waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

### PUBLIC HEARINGS

1. Public Hearing To Consider Code Amendment No. 07-01 – A Request To Amend The Southpark Specific Plan Pertaining To Parking Requirements For Manufacturing, Research And Development, And Assembly Uses

Staff is recommending that the City Council conduct the public hearing and adopt the attached resolution amending the Southpark Plan pertaining to parking requirements for manufacturing, research and development, and assembly uses.

Resolution No. 9130 A Resolution Of The City Council Of The City Of Fountain Valley Approving Code Amendment No. 07-01 – A Request By Snyder Langston To Amend The Southpark Specific Plan Pertaining To Parking Requirements For Manufacturing, Research and Development, And Assembly Uses.

Report by Planning Director, Andy Perea

2. A Public Hearing To Repeal And Replace Resolution Number 9123; And Adopt The City Of Fountain Valley's 2007-08 Fee Resolution

Staff is recommending that the City Council conduct a Public Hearing to repeal and replace Resolution No. 9123, and adopt the City of Fountain Valley's 2007-08 Fee Resolution

Resolution No. 9133 A Resolution of the City Council for the City of Fountain Valley repealing and replacing Resolution No. 9123; and adoption of the City of Fountain Valley's 2007-08 Fee Resolution.

Report by Finance Director/Treasurer, Elizabeth Fox

## ORDINANCES FOR INTRODUCTION

3. Adopt An Ordinance To Modify The City's Animal Control Regulations And Adopt The County Barking Dog Civil Enforcement Scheme

Staff is recommending that the City Council approve for introduction an ordinance to modify the Fountain Valley Municipal Code Chapter 7.04 adopting the County's animal control ordinance including the civil dog barking enforcement scheme; passage to a second reading for adoption; and to set a public hearing for September 18, 2007, pursuant to Government Code Section 50022.3.

Report by City Attorney Alan Burns

Ordinance No. 1404 An Ordinance Of The City Of Fountain Valley Pertaining To Animal Control And Barking Dogs Adopting By Reference Articles 1,2,3,4,5,6,7,8,9, And 10 Of Division 1 Of Title 4 Of The Codified Ordinances Of The County Of Orange.

4. Adopt An Ordinance Of The City Council Amending The City Clerk's Duties With Respect To Handling Subpoenas And Public Records Act Requests Pertaining To The Police Department.

Staff is recommending that the City Council approve the introduction of an ordinance amending the City Clerk's duties with respect to handling subpoenas and public records act requests pertaining to the Police Department and passage to a second reading for adoption.

Report by City Attorney Alan Burns

Ordinance No. 1405 An Ordinance Of The City Council Of The City Of Fountain Valley Amending The City Clerk's Duties With Respect To Handling Subpoenas And Public Records Act Requests Pertaining To The Police Department

5. Adopt An Ordinance Repealing Chapter 4.35 Of The Fountain Valley Municipal Code Which Regulates Drug Paraphernalia

Staff is recommending that the City Council approve the introduction of an ordinance repealing Chapter 4.35 of the Fountain Valley Municipal Code which regulates drug paraphernalia and passage to a second reading for adoption.

Ordinance No. 1406 An Ordinance Of The City Of Fountain Valley Repealing Chapter 4.35 Of The Fountain Valley Municipal Code Pertaining To Drug Paraphernalia

Report by City Attorney Alan Burns

## ORDINANCES FOR ADOPTION

6. Ordinance No. 1401 An Ordinance Of The Fountain Valley City Council Approving Zone Change No. 409 Rezoning The Former Nieblas School Site, A 13.9 Acre Parcel Located At 9300 Gardenia Avenue From A-1 – General Agricultural To R-1 Single Family Residential And P/OS – Parks And Open Space

Staff is recommending that the City Council adopt Ordinance 1401 approving Zone Change No. 409 rezoning the former Nieblas School Site, a 13.9 acre parcel located at 9300 Gardenia Avenue, from A-1 General Agricultural to R-1 Single Family Residential and P/OS Parks and Open Space.

7. Ordinance No. 1402 An Ordinance Of The City Council Of The City Of Fountain Valley Approving A Development Agreement Between The City And Far West Industries Pertaining To Tentative Tract No. 16929 and Precise Plan No. 492

Staff is recommending that the City Council adopt Ordinance 1402 approving the Development Agreement between the City and Far West Industries pertaining to Tentative Tract No. 16929 and Precise Plan No. 492.

8. Ordinance No. 1403 An Ordinance Of The City Council Of The City Of Fountain Valley Clarifying And Ratifying The Chief Of Police's Authority To Adopt Operational Orders For The Police Department

Staff is recommending that the City Council adopt Ordinance 1403 clarifying and ratifying the Chief of Police's authority to adopt operational orders for the Police Department.

## CONSENT CALENDAR

All matters listed under the CONSENT CALENDAR are considered by the Council to be routine and will be enacted by one motion by the form listed below. There will be no separate discussion of the items prior to the time the Council votes on the motion unless members of the Council, Staff, or the Public request specific items to be discussed and/or removed from the CONSENT CALENDAR for separate action.

ACTION: If desired, motion to approve Items 9 through 24

9. Approve The Transfer Of Seized And Confiscated Ammunition From The Fountain Valley Police Department To Transwestern Sales And Authorize Successive Transfers Utilizing The Same Release And Indemnification Agreement

Staff is recommending that the City Council approve the transfer of seized and confiscated ammunition from the Fountain Valley Police Department to Transwestern Sales and authorize successive transfers utilizing the same release and indemnification agreement.

10. Set A Public Hearing To Consider FY 2006-07 Consolidated Annual Performance And Evaluation Report (CAPER)

Staff is recommending that the City Council set the public hearing to consider the City of Fountain Valley's FY 2006-07 Consolidated Annual Performance and Evaluation Report (CAPER) for the September 18, 2007 City Council meeting.

11. Renewal Of Data Processing Equipment And Services Agreement With The City Of West Covina For Police Records Management, Computer Aided Dispatch And Mobile Data Terminals In The Amount Of \$75,000

Staff is recommending that the City Council approve the data processing equipment and services agreement between the City of Fountain Valley and the City of West Covina for Fiscal Year 2007-08 in the amount of \$75,000.

12. Approval To Enter Into A One-Year Service Agreement With DataNET Solutions, Inc. For Maintenance Support And Upgrades Of The Laserfiche Document Imaging Program In The Amount Of \$35,423.25

Staff is recommending that the City Council approve the Fiscal Year 2006-07 system support agreement with DataNET Solutions, Inc. for digital imaging program Laserfiche in the amount of \$35,423.25.

13. Acceptance Of Proposal And Award Of A Contract For City-Wide Traffic Signal, Coordination Timing, On-Call And Maintenance Services To Albert Grover And Associates In An Amount Not To Exceed \$25,000

Staff is recommending that the City Council accept the proposal and award the contract for city-wide traffic signal and coordination timing, on-call and maintenance services to Albert Grover and Associates in an amount not to exceed \$25,000.

14. Acceptance Of Parcel Map No. 2003-342 For The Properties And Newhope Street Located Within The Newhope Design Corridor And Acceptance Of The Dedication Of Newhope Street And Access Thereto From The Agency

Staff is recommending that the City Council accept Parcel Map No. 2003-342 for the properties and Newhope Street located within the Newhope Design Corridor and acceptance of the dedication of Newhope Street and access thereto from the Fountain Valley Agency for Community Development.

15. Acceptance Of Parcel Map No. 2006-294 And Fees For The Property Located At 10312 Circulo De Juarez

Staff is recommending that the City Council accept Parcel Map No. 2006-294 and fees for the property located at 10312 Circulo De Juarez.

16. 1) Acceptance of Waterline Easements, Waterline and Appurtenances, Roadway Easement Dedicated to the City of Fountain Valley and 2) Adoption of a Resolution Vacating Waterline Easements located at 17099 Brookhurst Street, Sam's Club, Precise Plan No. 457

Staff is recommending that the City Council: 1) accepts the waterline easements, waterline and appurtenances, roadway easement dedication to the City of Fountain Valley; and adopts Resolution No. 9134.

Resolution No. 9134 A Resolution Of The City Council Of The City Of Fountain Valley Vacating A Waterline Easement For The Sam's Club Parcel

17. Request For Ratification Of An Amendment To The West County SWAT Protocol To Add The West Cities Communications Center Joint Powers Authority As A Party

Staff is recommending that the City Council approve the request for ratification of an amendment to the West County SWAT Protocol to add the West Cities Communications Center Joint Powers Authority as a party and approve Resolution # 9131.

Resolution No. 9131 Request For Ratification Of An Amendment To The West County SWAT Protocol To Add The West Cities Communications Center Joint Powers Authority As A Party

18. Approval Of The Final Closeout Agreement And Release Of All Claims For Project No. 62.9.92721.4.4822, Exterior Painting Of City Hall

Staff is recommending that the City Council approve the final closeout agreement and release all claims for project No. 62.9.92721.4.4822 the exterior painting of City Hall.

19. Approval Of Plans And Specifications And Authorization To Advertise For Bids For The Rehabilitation Of Well No. 6, Project No. WU703.

Staff is recommending that the City Council approve the plans and specifications and authorize staff to advertise for bids for the rehabilitation of Well No. 6, Project WU703.

20. Authorization To Accept Office Of Traffic Safety Selective Traffic Enforcement Program Grant Money To Reimburse For (1) Radar Trailer, (6) Laser Speed Measuring Devices And Overtime Costs To Staff Selective Traffic Enforcement From October 1, 2007 Through September 30, 2008 In The Amount Of \$80,041

Staff is recommending that the City Council grant authorization to accept Office of Traffic Safety Selective Traffic Enforcement Program Grant Money to reimburse for (1) one radar trailer, (6) six laser speed measuring devices and overtime costs to staff selective traffic enforcement, from October 1, 2007 through September 30, 2008 in the amount of \$80,041.

21. Acceptance Of Proposal And Award Of A Contract For The Design Of Year One Sewer Capital Improvement Projects To AKM Consulting Engineers In An Amount Not To Exceed \$171,952, Project No. SF618

Staff is recommending that the City Council accept the proposal and award a contract for the design of year one Sewer Capital Improvement Projects to AKM Consulting Engineers in an amount not to exceed \$171,952, Project No. SF618.

22. Approval Of Contract Change Order No. 1 For Project No. 62-9-82633-4-4822 Recreation Center Interior Rehabilitation

Staff is recommending that the City Council approve the Contract Change Order No. 1 for Project No. 62-9-82633-4-4822, Recreation Center Interior Rehabilitation.

23. Authorization Of The Mayor's Signature For A Letter Responding To The Orange County Grand Jury Report – "Assembly Bill 939 Waste Diversion: Are We Finally Making Progress"

Staff is recommending that the City Council authorize the Mayor's signature on the letter responding to the Grand Jury's report.

24. A Resolution Of The City Council Of The City Of Fountain Valley Relating To The Classification, Compensation And Terms And Conditions Of Employment Of Sworn, Non-Management Police Personnel Represented By The Fountain Valley Police Officer's Association And Superseding All Provisions Contained In Resolution No. 8635

Staff is recommending that the City Council approve the resolution of the City Council of the City of Fountain Valley relating to the classification, compensation and terms and conditions of employment of Sworn Non-Management Police Personnel represented by the Fountain Valley Police Officer's Association and superseding all provisions contained in Resolution No. 8635

Resolution No. 9132 A Resolution Of The City Council Of The City Of Fountain Valley Relating To The Classification, Compensation And Terms And Conditions Of Employment Of Sworn, Non-Management Police Personnel Represented By The Fountain Valley Police Officer's Association And Superseding All Provisions Contained In Resolution No. 8635.

ADMINISTRATIVE ITEMS

None

PRESENTATION OF DEMANDS

- (1) Ratification of Payroll: 258658 – 259660; 263834 (void); 263899 - 263907; 263908 – 263914; 263915 – 263919 and Direct Deposit Vouchers as listed in reports
- (2) Consideration of Register of Demands: 161041 – 161616; ACH Vendor Payments; and electronic transfers as listed in the report

RECESS TO A MEETING OF THE FOUNTAIN VALLEY AGENCY FOR COMMUNITY DEVELOPMENT

RECONVENE MEETING OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY

WRITTEN COMMUNICATIONS

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)

(Speakers Must Limit Remarks to Five Minutes)

APPOINTMENTS

COUNCIL COMMENTS

A. Outside Committee Activities

B. General Comments

ADJOURNMENT In Memoriam of Dr. James Edward Neal

Mayor Ayer to adjourn the City of Fountain Valley City Council meeting to the next regularly scheduled meeting on September 4, 2007.

I, Robin Roberts, City Clerk of the City of Fountain Valley, California, do hereby certify under penalty of perjury under the laws of the State of California, that I caused the foregoing Agenda for the Regular Council Meeting to be posted on the Bulletin Board in front of City Hall at 10200 Slater Avenue, Fountain Valley, California on August 17, 2007.

Robin Roberts, CMC  
City Clerk