

CITY OF FOUNTAIN VALLEY

MINUTES

October 19, 2010

City of Fountain Valley City Council
And
Agency for Community Development
Special/Regular Meeting

CLOSED SESSION **5:30 P.M.**

Pursuant to Government Code Section 54957.6 to provide direction to the City's negotiating team of Ray Kromer, and Jean Hirai, regarding labor relations with the Fountain Valley Firefighters' Association IAFF Local 4530 and the Individually Represented Battalion Chiefs.

CALL TO ORDER

Mayor Crandall called the special/regular City Council/Agency for Community Development meeting to order at 6:00 p.m. and announced there was no action taken by City Council during Closed Session.

INVOCATION

Bishop Glen Farnsworth gave the invocation.

SALUTE TO THE FLAG

Mayor Pro Tem/Agency Vice Chair Brothers gave the salute to the flag of the United States.

ROLL CALL

PRESENT: Council/Agency Member Nagel, Mayor Pro Tem/Agency Vice-Chair Brothers, Mayor/Agency Chair Crandall, Council/Agency Member Carrozzo, Council/Agency Member Collins - **ALL PRESENT**

STAFF PRESENT

Planning/Building Director Andy Perea, Public Works Director/City Engineer Mark Lewis, Personnel Manager Jean Hirai, Chief of Police Paul Sorrell, Fire Chief Bill Walker, Community Services Manager Mark Nix, Assistant Planner Matt Jenkins, Finance Director Sherri Holman, Deputy Fire Marshall Adria Paesani; Community Services Supervisor Nora Webb, Contract Building Official Bob Elkins, City Attorney Alan R. Burns, City Manager Ray Kromer, Deputy City Clerk Kathy Heard

ANNOUNCEMENT OF LATE COMMUNICATIONS

Deputy City Clerk Kathy Heard announced the City Clerk's office received the following late communications:

- Page 4 of the Agenda, correction to the description of Ordinance No. 1453

- Changes to Page 11, 12, and 13 of Ordinance No. 1452

APPROVAL OF MINUTES

Motion by Agency Vice-Chair/Mayor Pro Tem Brothers, second by Council/Agency Member Collins to approve the minutes of the City Council/Agency for Community Development meeting held on September 19, 2010 as distributed.

AYES: Nagel, Brothers, Crandall, Collins
ABSTAIN: Carrozzo
NOES: None
Motion adopted

PRESENTATIONS

- Doug Wooley of the Orange County Human Relations Commission presented a brief report on the Commission's Annual Report.
- Second Harvest Ambassador Amy Castro announced the upcoming food drive "Scouting for Food, November 6, 2010" by the Second Harvest Food Bank and the Boy and Girl Scouts of America
- City Council members presented a Proclamation to the Fountain Valley VFW Post No. 9557 in support of Buddy Poppy Month, November 2010
 - Presentation by Mayor Crandall of the 2010 Disability Friendly Business Award to the following recipients: Mr. Cletus Halbur and Mr. Michael Antonowitsch

READING OF ORDINANCES

Motion by Council/Agency Member Carrozzo, second by Agency Member Collins, to waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None

PUBLIC HEARINGS

1. **(Council)** Public Hearing to introduce an ordinance of the Fountain Valley City Council adopting the 2009 International Fire Code and the 2010 Edition of the California Fire Code including Appendix Chapter 4 and Appendices B, C, E, F, G, J and the provisions set forth in the Fountain Valley Municipal Code Title 17.

Deputy City Fire Marshall Adria Paesani provided a brief report summarizing the information in the staff report submitted to Council in the agenda packet.

Mayor Crandall opened the Public Hearing.

Tony Romano, a resident of Fountain Valley inquired about the reasoning behind the need to vote on the new codes since they are mandated by the state.

Having no other speakers on the matter, Mayor Crandall closed the Public Hearing.

Mayor/Agency Chair Crandall read the title of Resolution No. 9274.

RESOLUTION NO. 9274 A Resolution Of The Fountain Valley City Council Setting Forth Findings With Respect To Local Conditions Within The City Of Fountain Valley Which Make Certain Modifications And Changes To The California Fire Code As Amended By The State Of California Reasonably Necessary For Preserving Fire And Life Safety In The City Of Fountain Valley

Motion by Council/Agency Member Collins, second by Council/Agency Member Nagel to adopt Resolution No. 9274.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins

NOES: None

Motion adopted

Mayor/Agency Chair Crandall read the title of Ordinance No. 1452

ORDINANCE NO. 1452 An Ordinance Of The Fountain Valley City Council Repealing And Reenacting Title 17 Of The Fountain Valley Municipal Code And Adopting The 2009 International Fire Code And The 2010 Edition Of The California Fire Code Including Appendix Chapter 4 And Appendices B, C, E, F, G, J And The Provisions Set Forth In Fountain Valley Municipal Code Title 17

Motion by Council/Agency Member Carrozzo, second by Council/Agency Member Nagel to pass Ordinance No. 1452 to a second reading for adoption.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins

NOES: None

Motion adopted

2. **(Council)** Public Hearing to introduce an ordinance amending Chapter 18 of the Fountain Valley Municipal Code adopting the California Building Code, 2010 Edition; the California Residential Code, 2010 Edition; California Green Building Standards Code, 2010 Edition; the California Plumbing Code, 2010 Edition; the California Mechanical Code, 2010 Edition; the California Electrical Code, 2010 Edition; the International Property Maintenance Code, 2006 Edition; California Administrative Code;

Uniform Solar Energy Code; and Uniform Swimming Pool and Spa Code; as amended; and a Resolution setting forth findings for required amendments to the 2010 California Codes relative to local climatic, topographic and geologic conditions.

Building/Planning Director Andy Perea presented a brief report summarizing the information in the staff report submitted to Council in the agenda packet.

Mayor/Agency Chair Crandall opened the Public Hearing.

Tony Romano, a resident of Fountain Valley approached the podium and started to speak in reference to Agenda Item # 3. Mayor/Agency Chair Crandall advised Mr. Romano that the Council was considering only Item #2 at this time ; hearing no other speakers who wished to address the issue, Mayor/Agency Chair Crandall closed the public hearing.

Mayor/Agency Chair Crandall read the title of Resolution No. 9275.

RESOLUTION NO. 9275 A Resolution of the Fountain Valley City Council Setting Forth Findings for Required Amendments to the 2010 California Codes Relative to Local Climatic, Topographic and Geologic Conditions

Motion by Council/Agency Member Collins, second by Mayor Pro Tem/Agency Vice Chair Brothers to adopt Resolution No. 9275.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

Mayor/Agency Chair Crandall read the title of Ordinance No. 1453.

ORDINANCE NO. 1453 An Ordinance of the City Council of the City Of Fountain Valley, California Repealing and Reenacting Chapter 18 of the Fountain Valley Municipal Code and Adopting the State Building Standards Codes As Modified

Motion by Council/Agency Member Collins, second by Council/Agency Member Carrozzo to pass Ordinance No. 1453 to a second reading for adoption.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

3. **(Council)** Continuance of the October 19, 2010 noticed public hearing regarding Government Code Section 4217.12 to consider a sole source energy service contract with Climatec, to the next scheduled City Council meeting of November 16, 2010.

INTRODUCTION OF AN ORDINANCE

4. **(Council)** Introduction of an ordinance of the City Council of the City of Fountain Valley Amending the Fountain Valley Municipal Code to reflect a change in the starting time for the City Council meetings.

City Attorney Alan R. Burns gave a brief summation of the staff report submitted to Council Members in the Agenda Packet.

Mayor/Agency Chair Crandall read the title of Ordinance No. 1454.

ORDINANCE NO. 1454 An Ordinance of the Fountain Valley City Council Amending the Fountain Valley Municipal Code Changing the Starting Time for City Council Meetings

Motion by Council/Agency Member Carrozzo, second by Council Agency Member Collins to pass Ordinance No. 1454 to a second reading for adoption.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

ADOPTION OF AN ORDINANCE

Mayor/Agency Chair Crandall read the title of Ordinance No. 1449.

5. **ORDINANCE NO. 1449** An Ordinance Of The Fountain Valley City Council Establishing Speed Limits On Certain Streets

Motion by Council/Agency Member Collins, second by Council/Agency Member Nagel to adopt Ordinance No. 1449.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

Mayor/Agency Chair Crandall read the title of Ordinance No. 1450.

6. **ORDINANCE NO. 1450** An Ordinance Of The Fountain Valley City Council Approving Zone Change No. 423 Rezoning An Approximate 2.02 Acre Parcel Located At 18110 Magnolia Street From R-1 "Single Family Residence" To GH - "Garden Homes"

Motion by Council/Agency Member Collins, second by Council/Agency Member Nagel to adopt Ordinance No. 1450.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

Mayor/Agency Chair Crandall read the title of Ordinance No. 1451.

7. **ORDINANCE NO. 1451** An Ordinance Of The Fountain Valley City Council Approving Zone Change No. 424 Rezoning A 0.77 Acre Property Located At 16040 Newhope Street And 11520 Edinger Avenue From C-1 “Local Business” To R-4 - “High Density Multiple Dwelling”

Motion by Council/Agency Member Nagel, second by Council/Agency Member Collins to adopt Ordinance No. 1451.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

CONSENT CALENDAR

Action: *If desired, motion to approve Items 8 through 16.*

8. **(Council)** Adoption of a resolution of the Fountain Valley City Council designating signature authority for the appropriation of grant funds from the 2010 Emergency Management Performance Grant (EMPG) Program.

RESOLUTION NO. 9273 Governing Body Resolution Designating Signature Authority For The Appropriation Of Grant Funds From The 2010 Emergency Management Performance Grant Program (EMPG)

9. **(Council)** Adoption of a resolution entering into a Memorandum of Understanding with the City of Anaheim authorizing participation in the “Avoid the 26” Driving Under the Influence Campaign.

RESOLUTION NO. 9276 A Resolution of the Fountain Valley City Council Entering into a Memorandum of Understanding with the City of Anaheim Authorizing Participation in the “Avoid the 26” Driving Under the Influence Campaign

10. **(Council)** Approval to enter into a one-year service agreement with Complete Paperless Solutions for maintenance, support and upgrades of the Laserfiche Document Imaging Program in the amount of \$40,616.
12. **(Council)** Acceptance and appropriation of grant monies provided by the Federal Emergency Management Agency through the Hazard Mitigation Grant Program administered by the California Emergency Management Agency.

13. **(Council/Agency)** 1) Amendment of the Fiscal Year 2010-11 Gas Tax Fund (FUND 23) in the amount of \$370,000 for Brookhurst Gateway Project; and 2) Amendment of the Fiscal Year 2010-11 FVACD Budget in the amount of \$385,000 for Industrial Sidewalk Improvement Project on Euclid Street and Slater Avenue.
14. **(Council)** Approval of the annual software maintenance support agreement with Tyler Technologies for the Incode software in the amount of \$15,204.
15. **(Council)** Adoption of a resolution regarding permit parking for Halloween display on Santa Mariana, Tern and Santa Marta Streets.

RESOLUTION NO. 9277 A Resolution of the Fountain Valley City Council Implementing the City's Designated Permit Parking System, Designating the Area Subject to Those Restrictions and Specifying the Date and Time it will be in Effect

Council/Agency Member Nagel pulled Consent Calendar Items 11 and 16 for further discussion.

Motion by Council/Agency Member Carrozzo, second by Mayor/Agency Chair Crandall to approve Consent Calendar Items 8-10 and 12-15.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
 NOES: None
 Motion adopted

Council/Agency Member Nagel pulled Consent Calendar Items # 11 and #16 to acknowledge his approval of the cooperative agreement concerning the installation of the fire hydrant and water line across Edinger Avenue, and his approval of the Charles Abbott Contract renewal.

11. **(Council)** Approval of a cooperative agreement between the County of Orange, the Orange County Development Agency, and the City of Fountain Valley for the installation of a fire hydrant and water line across Edinger Avenue, and amendment of the Water Enterprise Fund in the amount of \$40,000 to be reimbursed by the County.

Motion by Council/Agency Member Nagel, second by Mayor Pro Tem/Agency Vice Chair Brothers to approve Consent Calendar Item #11.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
 NOES: None
 Motion adopted

16. **(Council)** Acceptance of the Proposal and Award of a Contract to Charles Abbott Associates, Inc. for Comprehensive Building Services.

Motion by Council/Agency Member Nagel, second by Mayor Pro Tem/Agency Vice Chair Brothers to approve Consent Calendar Item #16.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

ADMINISTRATIVE ITEM

17. **(Council)** Request for City Council to consider approval of a holiday "Sell-A-Bration" business promotion to waive temporary use permit, tent permit and permit fees.

Assistant Planner Matt Jenkins presented a brief summary of the staff report submitted to Council Member in the Agenda Packet.

Motion by Mayor Pro Tem/Agency Vice Chair Brothers, second by Council/Agency Member Carrozzo to approve Administrative Item #17.

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

PRESENTATION OF DEMANDS

(Council) Ratification of Payroll: Payroll Checks and Direct Deposit Vouchers as listed in the report.

Motion by Council/Agency Member Collins, second by Mayor/Agency Chair Crandall to ratify the payroll, payroll checks and direct deposit vouchers as listed in the report by the following roll call vote:

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins
NOES: None
Motion adopted

(Council) Register of Demands: Checks, ACH Vendor Payment, and Electronic Transfers as listed in the report.

Motion by Council/Agency Member Nagel, second by Council/Agency Member Carrozzo to approve the Register of Demands, checks, ACH vendor payment and electronic transfers as listed in the report by the following roll call vote:

AYES: Nagel, Brothers, Crandall, Carrozzo, Collins

NOES: None

Motion adopted

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)
Speakers Must Limit Remarks to Five Minutes. Comments must be related to items that are within the subject matter of the City Council/Agency jurisdiction.

City of Fountain Valley resident Douglas Hughes presented ideas on ways to resolve the City's financial situation.

COUNCIL/AGENCY COMMENTS (AB1234 Reporting and General Comments)

Mayor Pro Tem/Agency Vice Chair Brothers suggested that anytime there is a need to open a street for repair etc., the City should drop empty conduit for future fiber use. Ms. Brothers also announced her election to the CALAFCO Board of Directors, and as a reminder, as Division President she will be attending the State Annual Strategic Planning Conference in San Diego in November of this year. Ms. Brothers also mentioned that at the Division meeting on November 11, it would be City selection and there is a the potential for a newly formed organization, Association of Cities, in Orange County that she will ask to be agendized at the City's November meeting for possible membership.

Mayor/Agency Chair Crandall addressed Mr. Hughes' allegations regarding water rates, sewer rates, trash collection rates and City taxes. He also mentioned his intention to attend a Sanitation District meeting later in the week.

Council/Agency Member Nagel declared his intention of attending the O.C. Sanitation District meeting the next day and his attendance at the O.C. League of Cities meeting the previous Thursday.

Council/Agency Member Carrozzo mentioned the fact that a student grant writer worked with Dryers Ice Cream to provide ice cream to the attendees at the Disabled Dance.

Council/Agency Member Collins announced his attendance at the Santa Ana River Flood Protection Agency on September 23; his attendance at the Water Advisory Committee meeting, and his attendance at the Disabled Dance on October 10, 2010.

ADJOURNMENT

Mayor/Agency Chair Crandall adjourned the City of Fountain Valley City Council/Agency for Community Development meeting at 6:53 p.m. in memory of George Kanno, Jim Drake and George Sandors to the next scheduled special meeting of November 16, 2010 at 6:00 p.m.

Mayor Larry R. Crandall

Deputy City Clerk Kathleen Heard