

**City of Fountain Valley City Council  
And  
Agency for Community Development  
Special/Regular Meeting  
Minutes  
July 20, 2010**

**CLOSED SESSION - 5:00 p.m.**

Conference with Labor Negotiators pursuant to Government Code §54957.6

**Agency Negotiators:**

- Ray Kromer, City Manager
- Jean Hirai, Personnel Manager

**Employee Organization:**

- Fountain Valley Police Officers Association
- Professional/Technical Unit
- Fountain Valley General Employees' Association
- Fountain Valley Municipal Employees' Association
- Fountain Valley Firefighters IAFF Local 4530

**Non-Represented Groups:**

- Administrative Officers

Council/Agency Chair Crandall called the regular City Council/Agency for Community Development meeting to order at 6:00 p.m.

Council/Agency Chair Crandall reported there was no action taken by Council during Closed Session.

**INVOCATION**

Reverend Doctor John McFarland 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

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**

## ANNOUNCEMENT OF LATE COMMUNICATIONS

Deputy City Clerk Kathy Heard announced that the City Clerk's office received one Red Folder item from the City Attorney updating the fourth amendment to the Orange County Fire Authority Contract under Consent Calendar Item #16, pages 277, 278, 279, and 280. This concluded the late communications report.

## APPROVAL OF MINUTES

**(Council/Agency)** Consideration of approval of the minutes of the City Council/Agency Community for Development meeting held on June 15, 2010, as distributed.

***Motion by Council/Agency Member Collins, second by Council/Agency Member Nagel to approve the minutes of the City Council/Agency Community for Development meeting held on June 15, 2010 as distributed.***

***Ayes: Nagel, Brothers, Collins, Carrozzo, Crandall***

***Noes: None***

***Motion Adopted 5-0***

## PRESENTATIONS

- Mayor/Agency Chair Crandall presented a proclamation to Community Services Manager Mark Nix recognizing July 2010 as Parks and Recreation Month.
- The City Council Members presented proclamations to the Summerfest Committee members and the volunteers in recognition of their efforts and the success of Summerfest.
- Police Chief Paul Sorrell presented a proclamation to the City of Fountain Valley for "National Night Out 2010".
- Steve Lemler of 2-1-1 of Orange County gave a PowerPoint presentation on 2-1-1 Awareness for the City of Fountain Valley.

## PUBLIC HEARINGS

1. ***(Council/Agency)*** Joint public hearing for the adoption of a resolution authorizing the sale of a Fountain Valley Agency for Community Development owned residential unit located at 11913 Heil Avenue to the City of Fountain Valley for the purposes of providing affordable housing and amend the General Fund Budget in an amount sufficient to cover all Agency expenditures.

**Resolution No. 9262 and Agency Resolution No. 111** A Joint Resolution of the Fountain Valley Agency for Community Development and the City of Fountain Valley Regarding the Sale of the Property Located at 11913 Heil Avenue, Fountain Valley to the City of Fountain Valley for the purpose of Providing Affordable Housing

*Housing Coordinator Brent Hoff gave a brief summary of the staff report submitted to Council Members in their Agenda packets. Mr. Hoff stated the city received notification of the foreclosure and pending sale of 11913 Heil Avenue, an affordable housing unit developed by the city in 1993. The 123 units are under affordability covenants. The Agency purchased the default property and will sell as an affordable housing unit at a cost equal to the amount of redevelopment funds invested in the project and allow the city to be the entity to control the affordability.*

*Questions ensued from Council Members regarding the affordability agreement, fair market value independent of the trustee sale, and due to the fact that the property was stripped by the people who were living there, whether there is any recourse to recover the costs to fix the property by way of a lien on future earnings from the defaulting homeowner.*

*Mayor/Agency Chair Crandall opened the public hearing. Having no public speakers on the issue, Mayor/Agency Chair Crandall closed the public hearing.*

***Motion by Council/Agency Member Collins, second by Council/Agency Member Carrozzo to approve Joint Resolution No.9262 and Agency Resolution No. 111 authorizing the sale of a Fountain Valley Agency for Community Development owned residential unit located at 11913 Heil Avenue to the City of Fountain Valley for the purposes of providing affordable housing and amend the General Fund Budget in an amount sufficient to cover all Agency expenditures.***

***Ayes: Nagel, Brothers, Collins, Carrozzo, Crandall***

***Noes: None***

***Motion Adopted 5-0***

**2. (Council)** Public hearing regarding removal of the crosswalk and associated markings at Newhope Street and Sandstone Avenue.

*City Public Works Director Mark Lewis gave a brief summary of the materials submitted to City Council in their Agenda packets. Mr. Lewis stated that the City Council had approved the removal of adult crossing guards at Newhope Street and Sandstone Avenue on June 1, 2010 and are now seeking approval to remove the crosswalk markings at the same locations. He stated this would require pedestrians to cross at the signalized intersection of Warner and Newhope St.*

Questions were asked by Council Members regarding the distance from the crosswalk to the signals; the possibility that people would be crossing in the middle of the street and if the crosswalk was left for public use, it could be a possible safety issue that the City would be responsible for.

Mayor/Agency Chair opened the Public Hearing.

A resident asked whether there is a school associated with the crosswalk. Mayor/Agency Chair Crandall said “No”, there was no school associated with the crosswalk.

Having no further public speakers on the subject, Mayor/Agency Chair Crandall closed the Public Hearing.

***Motion by Council/Agency Member Collins, second by Mayor Pro Tem/Agency Vice Chair Brothers to approve the removal of the crosswalk and associated markings at Newhope Street and Sandstone Avenue.***

***Ayes: Brothers, Collins, Crandall  
Noes: Nagel, Carrozzo  
Motion Adopted 3-2***

### **INTRODUCTION OF AN ORDINANCE**

**3. (Council)** Introduction of an ordinance of the Fountain Valley City Council amending the Fountain Valley Municipal Code to reflect the transfer of Building Services from the Fire Department to the Planning Department.

**Ordinance No. 1447** An Ordinance of the Fountain Valley City Council Amending the Fountain Valley Municipal Code to Reflect the Transfer of the Building Services Division from the Fire Department to the Planning and Building Department

***Planning and Building Director Andy Perea gave a brief review of the materials that were submitted to the Council Members in their Agenda Packet. Mr. Perea stated in 1993 Building Services was transferred from the Planning Division to the Fire Department. In November of 2009 Building Services was administratively transferred back to the Planning Department and the ordinance would incorporate the change into the Fountain Valley Municipal Code.***

***Motion by Council/Agency Member Collins, second by Council/Agency Member Nagel to approve the introduction of Ordinance No. 1447 an ordinance of the Fountain Valley City Council amending the Fountain Valley Municipal Code to reflect the transfer of the Building Services Division from the Fire Department to the Planning and Building Department and pass to a second reading for adoption.***

**Ayes: Nagel, Brothers, Collins, Carrozzo, Crandall**

**Noes: None**

**Motion Adopted 5-0**

**CONSENT CALENDAR**

4. **(Agency)** Authorization to amend the Fiscal Year 2010-2011 Agency Housing Set-Aside (FUND 90) Budget and appropriate \$4,000,000 for costs related to the Agency owned property located on Mt. Hope Street (APN#169-211-50).
5. **(Council)** Amendment No. 5 to the Charles Abbott Associates Contract No. 04-47 for Building Consultant Services.
6. **(Council)** Approval to enter into a Professional Services Agreement with Bartel Associates, LLC in an amount not to exceed \$22,500 for completion of an actuarial report to update the City of Fountain Valley's other post employment benefit obligation and amend the Employee Benefits Fund 2010-2011 Budget in the amount of \$22,500.
7. **(Agency)** Approval of an agreement for consultant services to Stradling, Yocca, Carlson and Rauth for legal counsel pertaining to the negotiations with Jamboree Housing for the development of workforce housing and the sale of a parcel owned by the Fountain Valley Agency for Community Development.
8. **(Council)** Amendment of the Fiscal Year 2010-2011 General Fund Budget in the amount of \$7,189 to account for funding for the City's Beverage Container Recycling Program from the California Department of Conservation Fiscal Year 2010-2011 Allocation of \$7,189.
9. **(Council)** Approval of the fiber optic multi-year lease agreement between the City of Fountain Valley and Time Warner LLC, Los Angeles Division for SCADA Communications in the amount of \$31,200 per year for (5) five years.
10. **(Council)** Approval to accept Recovery Act Justice Assistance Grant 2010 Funds for the purchase of covert audio recording and transmitting hardware and to fund staffing of directed traffic and parking control officers during special events and holidays.
11. **(Council)** Acceptance of a proposal and award of a contract to Tischler-Bise in the amount of \$33,850 for preparation of a water Budget Allocation Structure and amendment of the Water Enterprise Fund for Fiscal Year 2010-2011 in the amount of \$40,000.

**12.(Agency)** Approval of a contract with the Concord Group for a strategic marketing analysis of retail, office and residential re-development opportunities for the southern portion of the Industrial Area Redevelopment Project Area.

**15.(Council)** Approval of the renewal of an agreement with Curbside, Inc. for administration of the City's Residential Used Oil Recycling Program.

**16.(Council)** Approval of a fourth amendment to the agreement between the Orange County Fire Authority and the City of Fountain Valley for fire protection services for the unincorporated County Island.

***Motion by Council/Agency Member Carrozzo, second by Council/Agency Member Collins to approve Consent Calendar Item Nos. 4-12, 15, and 16.***

***Ayes: Nagel, Brothers, Collins, Carrozzo, Crandall***

***Noes: None***

***Motion Adopted 5-0***

***Mayor/Agency Chair Crandall pulled Consent Calendar Item Nos. 13 and 14 for further discussion.***

**13.(Council)** In reference to the rehabilitation and resurfacing of Bushard Street from Ellis Avenue to Talbert Avenue and Warner Avenue from Magnolia Street to Bushard Street, Project No. TI 556, Contract No. 09-54 approval of:

- 1) The Final Closeout Agreement and Release of All Claims;
- 2) Contract Change Order Nos. 1, 2, and 3 in the decreased amount of \$7,888.80;
- 3) Amendment No. 1 to Contract No. 09-57, Group Delta Material Testing Services in the amount of \$4,249.50;
- 4) Amendment No. 1 to Contract No. 09-55, CALTROP Inspection Services in the amount of \$513.00, and
- 5) Amendment of the Traffic Improvement Fund (FUND 24) Fiscal Year 2009/2010 Budget in the amount of \$20,000.

***Mayor/Agency Chair Crandall is concerned that the contractor will do an inadequate replacement of the pavement with the continuous resurfacing of these streets. He feels Fountain Valley streets are well known for their quality of surfacing and would like assurance that the streets affected will be appropriately fixed to the City's standards. City Manager stated that he and the Public Works Director Mark Lewis have had discussions with the contractor about this issue and were assured by the contractor that the paving to be done will be to the City's standards.***

***Motion by Mayor/Agency Chair Crandall, second by Council/Agency Member Nagel to approve Consent Calendar Item No. 13 and approve:***

- 1) *The Final Closeout Agreement and Release of All Claims,*
- 2) *Contract Change Order Nos. 1, 2, and 3 in the decreased amount of \$7,888.80,*
- 3) *Amendment No. 1 to Contract No. 09-57, Group Delta Material Testing Services in the amount of \$4,249.50,*
- 4) *Amendment No. 1 to Contract No. 09-55, CALTROP Inspection Services in the amount of \$513.00, and*
- 5) *Amendment of the Traffic Improvement Fund (FUND 24) Fiscal Year 2009/2010 Budget in the amount of \$20,000.*

**Ayes:** Nagel, Brothers, Collins, Carrozzo, Crandall

**Noes:** None

**Motion Adopted** 5-0

**14.(Council/Agency)** In reference to Project No. TI 259, the rehabilitation and resurfacing of Slater Avenue from Euclid Street to Santa Ana River; Project No. TI 260, the rehabilitation and resurfacing of Talbert Avenue from Ward Street to the Santa Ana River; Project No. TI 261, the rehabilitation and resurfacing of Slater Avenue from Magnolia Street to I-405; and Project No. TI 860, the rehabilitation and resurfacing of Newhope Street from Warner Avenue to Edinger Avenue.

- 1) Acceptance of bids and award of a contract in the amount of \$2,274,772.85 to R.J. Noble Company for project construction; and
- 2) Acceptance of proposals and award of contracts in the amount of \$70,000 to Willdan Engineering for construction inspection and \$29,012 to Sequoia Consultants for material testing.

**Motion by Mayor/Agency Chair Crandall, second by Council/Agency Member Collins to approve Consent Calendar Item No. 14 and award R.J. Noble a contract in the amount of \$2,274,772.85 for project construction and award contracts in the amount of \$70,000 to Willdan Engineering for construction inspection and \$29,012 to Sequoia Consultants for material testing.**

**Ayes:** Nagel, Brothers, Collins, Carrozzo, Crandall

**Noes:** None

**Motion Adopted** 5-0

#### **ADMINISTRATIVE ITEM**

**17.(Council)** City Council resolution in support of Proposition 23 on the Statewide November Ballot

**Resolution No. 9263** A Resolution of the Fountain Valley City Council Supporting the California Jobs Initiative

Assistant to the City Manager Matt Mogensen gave a brief explanation of the staff report submitted to Council in the agenda packets stating Proposition 23 also known as the California Jobs Initiative would suspend Assembly Bill 32

Global Warming Solutions Act of 2006 until such time that unemployment in California drops below 5.5% for a one-year period.

***Motion by Mayor Pro Tem/Vice Chair Brothers, second by Council/Agency Member Collins to approve Resolution No. 9263 of the Fountain Valley City Council supporting the California Jobs Initiative (Proposition 23).***

***Ayes: Nagel, Brothers, Collins, Carrozzo, Crandall***

***Noes: None***

***Motion Adopted 5-0***

#### **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 Council/Agency Member Nagel to approve the ratification of the payroll, direct deposit vouchers as listed in the report by the following roll call vote:***

***Ayes: Nagel, Brothers, Carrozzo, Collins, Crandall***

***Noes: None***

***Motion Adopted 5-0***

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

***Motion by Council/Agency Member Carrozzo, second by Council/Agency Member Collins to approve the register of demands, checks, ACH Vendor payments and Electronic Transfers as listed in the report by the following roll call vote:***

***Ayes: Nagel, Brothers, Carrozzo, Collins, Crandall***

***Noes: None***

***Motion Adopted 5-0***

**(Agency) Register of Demands:** Electronic Bank Transfers as listed in the report

***Motion by Council/Agency Member Nagel, second by Council/Agency Member Collins to approve the Register of Demands and the Electronic Bank Transfers as listed in the report by the following roll call vote:***

***Ayes: Nagel, Brothers, Carrozzo, Collins, Crandall***

***Noes: None***

***Motion Adopted 5-0***

**PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)**

A Fountain Valley resident made comment on several different issues related to the City's business practices.

**COUNCIL/AGENCY COMMENTS (AB1234 Reporting and General Comments)**

Mayor/Agency Chair Crandall announced that Mayor Pro Tem/Agency Vice Chair Brothers was recently elected as President of the Orange County League of California Cities.

Council/Agency Member Collins announced his attendance at the Santa Ana Flood Protection Agency meeting, the Orange County League of California Cities meeting, and the WACO meeting on July 9, 2010.

Mayor/Agency Chair Crandall announced his attendance at the Orange County Corridor meeting stating that the OCTA 57 Freeway Extension is almost "dead". Mayor Crandall also mentioned that the Emergency Radio Control Armatures held a Field Day in Mile Square Park, and that he was elected Chair of the Orange County Sanitation District.

**ADJOURNMENT**

Mayor/Agency Chair Crandall closed the regular City Council/Agency for Community Development meeting at 7:05 p.m. in memory of Jeff Sinn, Carl Richardson, Doris Sue Carbaugh, Larry Lammers, and Eric Norris to the next scheduled meeting of August 17, 2010 at 6:00 p.m.

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Larry R. Crandall  
Mayor/Agency Chair

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Kathy Heard  
Deputy City Clerk/Agency Secretary