

**CITY OF FOUNTAIN VALLEY
CITY COUNCIL
AGENCY FOR COMMUNITY DEVELOPMENT**

**MINUTES
May 19, 2009**

CLOSED SESSION REPORT

City Attorney Alan R. Burns reported that the City Council met in closed session at 6:00 p.m., pursuant to Government Code Section 54957.6 to provide direction to the cities negotiating team of Raymond Kromer, Jean Hirai and Matt Mogensen regarding labor negotiations with Police Officer's Association represented by David Swim, Rob Sweaza and Eric Orahod; Police Officer's Management Unit represented by Dan Llorens, Kevin Childe and Jim McNeff; Firefighters Association Local 4530 represented by Steve Silver, Erin Wright and Chris Grogan; Individually Represented Battalion Chiefs represented by Randy Anno, Joe Vasile and Rory Calhoon; Fountain Valley Municipal Employees Association represented by Larry Lykins, Tony Vega and Jason Shim; Fountain Valley General Employees Association represented by John Adams, Stacy DeLong and Deborah Beckley. He then stated the Council gave the negotiating team further direction, however no final action was taken.

CALL TO ORDER

Mayor Carrozzo called the Fountain Valley Council meeting to order at 7:00 p.m.

INVOCATION

Mayor Guy Carrozzo gave the invocation.

SALUTE TO THE FLAG

Mayor Pro Tem Crandall gave the salute to the flag of the United States.

ROLL CALL

Council Members Present: Nagel, Crandall, Carrozzo, Collins, Brothers
Council Members Absent: None

Also Present: City Manager Ray Kromer, City Attorney Alan Burns, Finance Director/City Treasurer Elizabeth Fox, Environment Services Manager Steven Hauerwaas, Deputy Fire Marshal Adria Paesani, Management Analyst Matt Mogensen, Fire Chief Bill Walker, Personnel Director Jean Hirai, Planning Director Andy Perea, Police Captain Kevin Childe, Public Works Director/City Engineer Mark Lewis and City Clerk Robin Roberts.

ANNOUNCEMENT OF LATE COMMUNICATIONS

City Clerk Robin Roberts stated that late communications were received and distributed to Council and staff and also made available to the public as follows:

Consent Calendar Item 7 – Corrections as listed on pages 41 and 42 (received separately).

APPROVAL OF MINUTES

(Council/Agency) Consideration of the approval of the minutes of the regular City Council/Agency for Community Development meeting held on May 5, 2009 as distributed.

- **Motion by Council Member Collins, second by Council Member Nagel to approve the minutes of the City Council/Agency for Community Development meeting held on May 5, 2009 as distributed.**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo
Absent: None

Motion Carried

READING OF ORDINANCES

- **Motion by Mayor Pro Tem Crandall, second by Council Member Collins to waive the reading in full of all ordinances under consideration and direct the Mayor to read by titles only.**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo
Absent: None

Motion Carried

ORDINANCES FOR INTRODUCTION

1. (Council) Introduction of an ordinance to repeal the City's Food Handling Business Ordinance and passage to a second reading for adoption.

ORDINANCE NO.: _____ An Ordinance Of The City Council Of Fountain Valley Repealing Provisions Pertaining To Food Service Establishments Which Have Become Superseded By State Law

City Attorney Alan Burns summarized information provided in the staff report included in the agenda packet, stating the matter is a house keeping measure and preempted by the State's enactment of the "California Retail Food Code" which is set forth in Health and Safety Code Section 113700 *et seq.*

- **Motion by Council Member Collins, second by Mayor Pro Tem Crandall to approve the introduction of an ordinance of the City Council Of Fountain Valley repealing provisions pertaining to Food Service Establishments which have become superseded by State law, and passage to second reading for adoption.**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo
Absent: None

Motion Carried

ORDINANCES FOR ADOPTION

2. (Council) **ORDINANCE NO. 1428** An Ordinance Of The City Council Of The City Of Fountain Valley Approving Code Amendment No. 09-01 Amending Fountain Valley Municipal Code, Title 21, Pertaining To The Commercial And Manufacturing Permitted Use List, Definitions, And Parking Requirements For Specialty Sporting Goods Stores.

- **Motion by Council Member Collins, second by Council Member Nagel to approve the adoption of Ordinance No. 1428 related to Code Amendment No. 09-01.**

Ayes: Nagel, Crandall, Collins, Brothers, Carozzo

Absent: None

Motion Carried

CONSENT CALENDAR

3. (Council) A Resolution of the Fountain Valley City Council: (1) adopting the revised Emergency Operations Plan as required by State law and the Fountain Valley Municipal Code; and (2) Promulgate the Revised Emergency Operations Plan.

Resolution No. 9202 A Resolution Of The City Council Of The City Of Fountain Valley Adopting The Revised Emergency Operations Plan As Required By State Law And The Fountain Valley Municipal Code.

4. (Council) Approval of a resolution of the City Council of the City Of Fountain Valley to establish a Disadvantaged Business Enterprise (DBE) Program for city projects receiving Federal Economic Stimulus (ES) Funding for the Federal Fiscal Year ending September 30, 2010.

Resolution No. 9203 A Resolution of the City Council of the City of Fountain Valley to Establish a Disadvantaged Business Enterprise (DBE) Program for City Projects Receiving United State Economic Stimulus Funding for the Federal Fiscal Year Ending September 30, 2010.

5. (Council) Acceptance of waterline easements, waterline and appurtenances dedicated to the City of Fountain Valley as separate instrument to Tract Map No. 16956, Brighton River Villas, Precise Plan No. 486.

6. (Council) Acceptance of waterline easements, waterline and appurtenances dedicated to the City of Fountain Valley as separate instrument to Parcel Map No. 99-209, Valley Gardens Center, Precise Plan No. 489.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Collins, to approve Consent Calendar Items 3 through 6.**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo

Absent: None

Motion Carried

7. (Council) Set a Public Hearing for the June 2, 2009 City Council Meeting to consider Code Amendment No. 08-02 to allow synthetic turf as an acceptable landscape treatment as specified.

There was general discussion regarding consumer safety of the synthetic turf product including notation that the newer products have less health issues relating such as not testing positive (or is within regulated) or lead. Further clarification was provided that current code does not restrict synthetic turf from the backyard area.

- **Motion by Council Member Collins, second by Mayor Pro Tem Crandall, to approve Consent Calendar Items 7 with noted changes as provided by late communications, setting a public hearing for June 2, 2009 regarding Code Amendment No. 08-02.**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo

Absent: None

Motion Carried

8. (Council) Set a Public Hearing for the June 2, 2009 City Council Meeting to consider the introduction of an ordinance repealing and reenacting Ordinance 1153, Chapter 14.18 of The Fountain Valley Municipal Code pertaining to water conservation, to establish year round water conservation and permanent water conservation requirements.

There was general discussion regarding the definition of the word "excessive" as used on page 47 of the agenda Council packet (page 5 of 8 of the Council Action Request). Council offered potential clarifications such as use of the word "sheeting" or use of parameters such as "gutter run-off which passes the property line." Council then had general discussion regarding the severity of the drought conditions and measures taken by the Metropolitan Water District. Mayor Carrozzo noted his concerns regarding the extreme regulations and potential penalties that may be applied.

Director of Public Works/City Engineer Mark Lewis commented that the report provided was to set the public hearing for June 2, 2009, and a PowerPoint presentation with greater clarifications will be provided at the next Council meeting and might answer questions or concerns stated this evening.

- **Motion by Council Member Collins, second by Mayor Pro Tem Crandall, to approve Consent Calendar Items 8, setting a public hearing for June 2, 2009.**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo

Absent: None

Motion Carried

ADMINISTRATIVE ITEMS

There were no administrative items scheduled for this meeting.

PRESENTATION OF DEMANDS

(1) Council Ratification of Payroll:

264805-264810 Direct Deposit
Vouchers as listed in the report.

- **Motion by Mayor Pro Tem Crandall, second by Council Member Collins to ratify the payroll listed in the report provided by the Finance Director/City Treasurer by the following roll call vote:**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo

Absent: None

Motion Carried

(2) Council Consideration of Register of Demands:

170707-170938, ACH Vendor Payments;
and Electronic Transfers as listed in the
report.

- **Motion by Mayor Pro Tem Crandall second by Council Member Nagel to approve the register of demands listed in the report provided by the Finance Director/City Treasurer by the following roll call vote:**

Ayes: Nagel, Crandall, Collins, Brothers, Carrozzo

Absent: None

Motion Carried

PUBLIC APPEARANCES -- ORAL COMMUNICATIONS (Unscheduled Matters Only)

Randy Ferguson a Tiburon resident commented on his concerns of both the lack of parking in the Tiburon complex and a person referenced as "Art the Junkman," citing potential illegal activity at his residence.

COUNCIL COMMENTS (Outside Committee Activities, AB 1234 Reporting and General Comments)

Mayor Pro Tem Crandall spoke of the Ground Water Replenishment system and that in the interest of security fencing matters would be addressed. He also noted his upcoming meeting at the Orange County Sanitation District scheduled for tomorrow night and noted budget concerns.

Council Member Nagel reported on his attendance of the Legislative Committee meeting, Orange County Division of League of California Cities meeting and that tomorrow he will be attending the Fountain Valley High School Coronet Award ceremony.

Council Member Collins noted his participation on the League of California Cities Water Task Force, serving on the subcommittee and thanked Public Works Director/City Engineer Mark Lewis and Environmental Services Manager Steve Hauerwaas for their assistance in developing a position to present to the task force.

Mayor Carrozzo noted that the Month of May is very busy and that he attended two National Prayer Day ceremonies, a Girl Scouts Silver Awards ceremony, the Women's Club meeting honoring out-going officers, a Grand Re-Opening of Mimi's Café, a Grand Opening for Beyond Imaging, and participated in a march on Sunday to stop the genocide in Darfur Sudan, and this afternoon attendance at the Chamber of Commerce Luncheon.

ADJOURNMENT

Mayor Carrozzo adjourned the City of Fountain Valley City Council and Agency for Community Development meeting at 7:25 p.m. to the next scheduled meeting of June 2, 2009.



Guy Carrozzo, Mayor/Agency Chair



Robin Roberts, City Clerk/Agency Secretary