

**MINUTES**  
**September 21, 2010**  
**City of Fountain Valley City Council**  
**And**  
**Agency for Community Development**  
**Special/Regular Meeting**

**CLOSED SESSION: 5:15 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 negotiations with Police Officers Management Unit (POMU), FVGEA, and P&T Unit.
  
- ▶ Pursuant to Government Code Sections 54957 and 54957.6 to provide review and discussion of the City Manager's performance evaluation.

**CALL TO ORDER 6:00 P.M.**

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

**INVOCATION**

Pastor Bill Staffieri of Beachpoint Church gave the invocation.

**SALUTE TO THE FLAG**

Council/Agency Member Nagel 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 Collins

**EXCUSED ABSENCE -** Council/Agency Member Carrozzo

**STAFF PRESENT**

City Planner Steven Ayers, Planning/Building Director Andy Perea, Housing Coordinator Brent Hoff, Public Works/City Engineer Mark Lewis, Personnel Manager Jean Hirai, Chief of Police Paul Sorrell, Fire Chief Bill Walker, Community Services Manager Mark Nix, Senior Civil Engineer Temo Galvez, City Manager Ray Kromer, City Attorney Alan R. Burns, and 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

- Public Hearing Item #1 , Page 3
- Public Hearing Item #1, Letter received
- Public Hearing Item #2, Page 59
- Consent Calendar Item #10, Page 313
- Consent Calendar Item #12, Page 327 and Page 330
- Consent Calendar Item #17 - Quadrant Map

**APPROVAL OF MINUTES**

Motion by Council/Agency Member Collins, second by Council/Agency Member Nagel to approve the minutes of the City Council/Agency for Community Development meeting held on August 17, 2010 as distributed.

**AYES**        *Nagel, Brothers, Crandall, Collins*  
**ABSENT**     *Carrozzo*  
**NOES**        *None*  
Motion Adopted

**PRESENTATIONS**

- Holly Merrihew from Southern California Edison presented the City with an incentive rebate check
- City Council presented the Knights of Columbus with a proclamation declaring October 15, 16, and 17, 2010 "People with Intellectual Disabilities Days"

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

**AYES**        *Nagel, Brothers, Crandall, Collins*  
**ABSENT**     *Carrozzo*  
**NOES**        *None*  
Motion Adopted

**PUBLIC HEARINGS**

1. *(Council)* Conduct a public hearing regarding General Plan Amendment No. 10-01 to amend the General Plan from Low Density Residential to Low-Medium Density Residential and Zone Change No. 423 to change the zoning from R-1 "Single Family Residence" to GH "Garden Homes" for a 2.02-acre portion of the property located at 18110 Magnolia Street.

**RESOLUTION NO. 9272** A Resolution of the Fountain Valley City Council Amending the Land Use Element of the General Plan (Amendment No. 10-01) to Change the Land Use Designation from Low Density Residential to Low-Medium Density Residential for an approximate 2.02-Acre Portion of the 2.95-Acre Parcel Located at 18110 Magnolia Street.

**ORDINANCE NO. 1450** Introduction of an Ordinance of the Fountain Valley City Council Approving Zone Change No. 423 Rezoning an Approximate 2.95-Acre Parcel Located at 18110 Magnolia Street From R-1 "Single Family Residence" to GH - "Garden Homes" and passage to a second reading for adoption.

*City Planner Steven Ayers provided a brief report summarizing the information in the staff report submitted to Council in the agenda packet regarding the amendment to the City's General Plan and the zone change in reference to the property located at 18110 Magnolia Street.*

Mayor/Agency Chair Crandall opened the Public Hearing.

Fountain Valley Resident Leslie Jee voiced her objection to the size of the homes proposed in Public Hearing Item #1.

Steve Jones of Brandywine Homes addressed the Council stating he was present to answer questions regarding the proposed development.

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

Discussion and comments ensued by Council Members regarding their belief that the developer is building to today's trends, that the property is appropriate for the type of construction to ensue, and the fact that the City needs some diversity regarding the size and appearance of the homes.

**Motion by Council/Agency Member Collins, second by Council/Agency Member Nagel to approve Resolution No. 9272 a resolution of the Fountain Valley City Council amending the Land Use Element of the General Plan (Amendment No. 10-01) to change the Land Use Designation from Low Density Residential to Low-Medium Density Residential for an approximate 2.02-acre portion of the 2.95-acre parcel located at 18110 Magnolia Street.**

**AYES** Nagel, Brothers, Crandall, Collins

**ABSENT** Carrozzo,

**NOES** None

**Motion Adopted**

Motion by Mayor Pro Tem/Agency Vice-Chair Brothers, second by Council/Agency Collins to approve the introduction of Ordinance 1450 an ordinance of the Fountain Valley City Council approving Zone Change No. 423 rezoning an approximate 2.95-acre parcel located at 18110 Magnolia Street from R-1 "Single Family Residence" to GH - "Garden Homes" and passage to a second reading for adoption.

**AYES** Nagel, Brothers, Crandall, Collins

**ABSENT** Carrozzo

**NOES** None

**Motion Adopted**

2. **(Council)** Conduct a public hearing regarding Zone Change No. 424 to change the zoning of 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".

**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"

*City Planner Steven Ayers provided a brief report summarizing the information in the staff report submitted to Council in the agenda packet with regard to the zone change located at 16040 Newhope Street and 11520 Edinger Avenue.*

Mayor/Agency Chair Crandall opened the Public Hearing.

Mahendra Desai from Desai Construction, developer of the proposed Summerstone Villas Development gave a brief summary on the background of his company, and requested to answer any questions that Council might have on the proposed development.

A resident from Santa Ana spoke her concerns regarding the additional traffic the development may generate.

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

Comments from Council Members addressed the speakers concerns regarding the issue of additional traffic, stating not only would the development be a positive improvement for the neighborhood, the traffic concerns should be unwarranted since the zone change from commercial to residential would actually produce less traffic.

Motion by Mayor Pro Tem/Agency Vice Chair Brothers, second by Council/Agency Member Collins, to approve the introduction of Ordinance 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 and passage to a second reading for adoption.

**AYES**                *Nagel, Brothers, Crandall, Collins*  
**ABSENT**            *Carrozzo*  
**NOES**                *None*  
**Motion Adopted**

3. **(Council)** Conduct a public hearing to approve a resolution of the Fountain Valley City Council implementing an Administrative Tow Hearing Fee of \$53.00.

**RESOLUTION NO. 9269**        A Resolution of the Fountain Valley City Council Approving a Fee for Vehicle Impound Hearings.

*Police Chief Paul Sorrell presented a report summarizing the information in the staff report submitted to Council in the agenda packet to implement an administrative tow hearing fee to recover costs associated with the impound of vehicles.*

Mayor/Agency Chair Crandall opened the Public Hearing. Having nobody to speak on the matter, Mayor/Agency Chair Crandall closed the Public Hearing.

Motion by Council/Agency Member Nagel, second by Council/Agency Member Collins to approve Resolution No. 9269 a resolution of the Fountain Valley City Council approving a fee for vehicle impound hearings.

**AYES**                *Nagel, Brothers, Crandall, Collins*  
**ABSENT**            *Carrozzo*  
**NOES**                *None*  
**Motion Adopted**

4. **(Council)** Public hearing regarding the Fiscal Year 2009-2010 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER)

*Housing Coordinator Brent Hoff summarized the material presented to Council in the agenda packet requesting the consideration of the City of Fountain Valley Fiscal Year 2009-10 CAPER and authorize staff to submit the final report to HUD for approval.*

Motion by Mayor Pro Tem/Agency Vice Chair Brothers, second by Council/Agency Member Nagel to approve the Fiscal Year 2009-2010 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and authorize staff to submit the final report to HUD for approval.

**AYES**                    *Nagel, Brothers, Crandall, Collins*  
**ABSENT**                *Carrozzo*  
**NOES**                    *None*  
**Motion Adopted**

5. **(Council)**            Continuance of the September 21, 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 October 19, 2010.

*Mayor/Agency Chair Crandall stated the noticed public hearing regarding Government Code Section 4217.12 would be presented on the next scheduled City Council meeting of October 19, 2010.*

#### **ADOPTION OF AN ORDINANCE**

6. **ORDINANCE NO.1448** An Ordinance Of The City Council Of The City Of Fountain Valley Approving An Amendment To The Contract Between The Board Of Administration For The California Public Employees' Retirement System To Include 1) Government Code Section 21363.1, 3% At 55 Formula For Newly-Hired Sworn Police Employees; 2) Government Code Section 20475 To Establish Different Levels Of Benefits; And 3) Government Code Section 21354.4 Voluntary Pooling Of The City's 2.5% At 55 Plan For Miscellaneous Employees

Motion by Council/Agency Member Collins, second by Mayor Pro Tem/Agency Vice Chair Brothers to adopt Ordinance 1448 an ordinance of the Fountain Valley City Council approving an amendment to the contract between the Board of Administration for the California Public Employees' Retirement System to include 1) Government Code Section 21363.1, 3% at 55 formula for newly hired sworn police employees, 2) Government Code Section 20475 to establish different levels of benefits; and 3) Government Code Section 21354.4 voluntary pooling of the City's 2.5% at 55 plan for miscellaneous employees.

**AYES**                    *Nagel, Brothers, Carrozzo, Collins*  
**ABSENT**                *Carrozzo*  
**NOES**                    *None*  
**Motion Adopted**

## INTRODUCTION OF AN ORDINANCE

7. *(Council)* Introduction of an ordinance amending Section 10.24.010 of the Fountain Valley Municipal Code, which establishes speed limits in the City of Fountain Valley, and passage to a second reading for adoption.

**Ordinance No. 1449** An Ordinance of the Fountain Valley City Council Establishing Speed Limits on Certain Streets

*Senior Civil Engineer Temo Galvez provided Council with a brief summary of the materials submitted in the agenda packet stating although the City is not due to provide an updated engineering and traffic study until 2012, utilizing current traffic counts acquired through a citywide traffic signal coordination project would save the City revenue and compliance with the California Manual on Uniform Traffic Control Devices prior to the 2012 deadline.*

Motion by Council/Agency Member Nagel, second by Council/Agency Member Collins to approve the introduction of Ordinance 1449 an ordinance of the Fountain Valley City Council establishing speed limits on certain streets and passage to a second reading for adoption.

**AYES** Nagel, Brothers, Crandall, Collins

**ABSENT** Carrozzo

**NOES** None

***Motion Adopted***

## CONSENT CALENDAR

8. *(Council)* Approval of a resolution of the Fountain Valley City Council regarding Fountain Valley Municipal Code Chapter 2.86, Conflict of Interest, which repeals and replaces the appendix to Resolution 9178 and re-establishes designated employees.

**Resolution No. 9270** A Resolution of the Fountain Valley City Council Regarding the Fountain Valley Municipal Code Chapter 2.86, Conflict Of Interest, Which Repeals and Replaces the Appendix to Resolution 9178 and Re-establishes Designated Employees

9. *(Council)* Approval of the annual report of the Fountain Valley Planning Commission and the Planning Department activities for Fiscal Year 2009-2010.

10. **(Council)** Approval of: 1.) The Final Closeout Agreement and Release of All Claims on Christopher R. Morales, Inc. (Contract No. 9-43); and 2.) Contract Change Order No. 2 in the decreased amount of \$9,136 for the Intelligent Transportation System (ITS) Elements and Video Detection System (VDS) upgrade, Project No. TI 963 - Contract No. 9-43.
11. **(Council)** Acceptance of improvements and authorization to exonerate Subdivision Improvement Bond Nos. 929388554, 929388555 and 5034216 for Tract No. 16902.
12. **(Council)** Approval to waive the bidding requirements and issue a purchase order in the amount of \$96,344 for four (4) 2011 Ford Crown Victoria's through the existing contract with Los Angeles County held by Wondries Fleet Group and authorization to dispose of existing vehicles by means that best meet the City's needs.
13. **(Council)** Approval of the 2010-2011 school year contract with All City Management Services to provide crossing guard services in the amount of \$118,950.
14. **(Council)** 1) Approval of Resolution No. 9271 of the Fountain Valley City Council adopting the ICMA-RC Vantage Care Retirement Health Savings Plan to: A) Establish a trust to create a health reimbursement arrangement for retirees (Plan Number 803210) and; B) Establish a retiree health savings trust for sworn police personnel hired beginning August 1, 2010 and later, allowing employee-paid contributions towards retiree health insurance and expenses (Plan Number 803126) and 2) Approval of the Cafeteria Plan Document.  
  
**Resolution No. 9217** A Resolution of the City Council of the City of Fountain Valley Adopting the ICMA-RC Vantage Care Retirement Health Savings Plan To: 1.) Establish a Trust to Create a Health Reimbursement Arrangement for Retirees (Plan Number 803210); and 2.) Establish a Retiree Health Savings Trust for Sworn Police Personnel Hired Beginning August 1, 2010 and Later, Allowing Employee-Paid Contributions Towards Retiree Health Insurance and Expenses (Plan Number 803126).
15. **(Council)** Approve the purchase of a complete paperless Laserfiche Digital Photo Storage System utilizing Recovery Act Justice Assistance Grant Funds.
16. **(Council)** Amendment #1 to the lease agreement between the City of Fountain Valley and the Fountain Valley Historical Society for the use of Heritage Park.
17. **(Council)** Approval of: 1.) The Final Closeout Agreement and Release of All Claims on Palp Inc., DBA Excel Paving (Contract No. 10-10); and 2.) Contract Change Order No. 1 in the decreased amount of \$29,088.05 for the Residential Roadway Rehabilitation Project, Project No. GT 229B (City Quadrants C5, D4 & D5) Contract No. 10-10

Motion by Council/Agency Member Collins, second by Mayor Pro Tem/Agency Vice Chair Brothers to approve Consent Calendar Items 8 through 17.

AYES Nagel, Brothers, Crandall, Collins  
ABSENT Carrozzo  
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 Nagel, second by Council/Agency Member Collins to approve the ratification of payroll, payroll checks and direct deposit vouchers as listed in the report by the following roll call vote:

AYES Nagel, Brothers, Crandall, Collins  
ABSENT Carrozzo  
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 Mayor/Agency Chair Crandall to approve the register of demands, ACH vendor payments and electronic transfers as listed in the report by the following roll call vote:

AYES Nagel, Brothers, Crandall, Collins  
ABSENT Carrozzo  
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.**

Elveasta Lampley spoke regarding her disappointment with the cancellation of the Open Air Market located near the Recreation Center.

COUNCIL/AGENCY COMMENTS (AB1234 Reporting and General Comments)

Mayor Pro Tem/Agency Vice Chair Brothers announced her attendance at the State League of California Cities Conference in San Diego, CA;

Council/Agency Member Nagel announced his attendance at the State League of California Cities Conference in San Diego, CA and his attendance at the Orange County Water District Conference on pension reform.

Council/Agency Member Collins announced his attendance at the meeting of the Advisory Committee for the Disabled; the Police Special Awards Ceremony; League Installation for new President, Cheryl Brothers; the Water Advisory Committee; the Senior/Community Center 5<sup>th</sup> Anniversary; and the League of California Cities Conference in San Diego, CA;

Mayor/Agency Chair Crandall announced his attendance at the League of California Cities Conference in San Diego, CA, and his intention to attend the O.C. Sanitation District on pension reform.

ADJOURNMENT

Mayor/Agency Chair Crandall adjourned the City of Fountain Valley City Council/Agency for Community Development meeting at 7:05 p.m. to the next scheduled special meeting of October 19, 2010 at 6:00 p.m.

  
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Mayor Larry R. Crandall

  
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Deputy City Clerk Kathleen Heard